



**Australian Government**  
**Department of Finance**



# Commonwealth Grants Rules and Guidelines 2017



Department of Finance  
(Governance and Public Management)

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ISBN: 978-1-925537-09-3 (online)

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# Foreword

Grants are widely used to achieve government policy outcomes which support our Nation's jobs, growth and innovation. The Australian Government provides grants to a wide number of stakeholders for the benefit of all Australians. Each year billions of dollars' worth of grants benefit the public including through:

- increased social services;
- expanded opportunities for businesses;
- emergency relief; and
- research and innovation.

To assist with delivering outcomes for the Australian public, the Government remains committed to simplifying and improving the transparency of grants administration. The updated *Commonwealth Grants Rules and Guidelines 2017* is supported by a number of initiatives, including:

- GrantConnect, the Commonwealth whole-of-government web-based facility which will improve publication of grant opportunities and reporting on grants awarded;
- the development of whole-of-government tools and templates to standardise grants administration processes; and
- the business and community grants administration hubs, that are streamlining grants administration across the Australian Government.

I am pleased to make the *Commonwealth Grants Rules and Guidelines 2017* under subsection 105C(1) of the *Public Governance, Performance and Accountability Act 2013*. The *Commonwealth Grants Rules and Guidelines* (F2014L00908) are repealed. This instrument commences on the day after it is registered.

I commend the *Commonwealth Grants Rules and Guidelines 2017* to all those in the Australian Government involved in grants administration.

Mathias Cormann

Minister for Finance

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# Part 1 Mandatory Requirements

## 1. Purpose

- 1.1. The *Commonwealth Grants Rules and Guidelines 2017* (CGRGs) are issued by the Finance Minister under section 105C of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).
- 1.2. The CGRGs establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities<sup>1</sup> in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration in the CGRGs.<sup>2</sup>
- 1.3. The CGRGs contain a small number of requirements that apply to Ministers.<sup>3</sup> These include grants related decision-making and reporting requirements, in addition to the legislative requirements that apply where a Minister approves proposed expenditure.
- 1.4. The CGRGs are divided into two parts. Part 1 contains mandatory requirements. Part 2 further explains how entities should apply the seven key principles of grants administration.
- 1.5. Requirements that must be complied with are denoted by the use of the term *must* in the CGRGs. The use of the term 'should' in the CGRGs, denotes better practice.
- 1.6. The combination of mandatory requirements and better practice guidance in the CGRGs provides accountable authorities<sup>4</sup> and officials with the flexibility to administer grants that contribute to a range of government outcomes and to work together with non-government stakeholders, such as industry, small business and the not-for-profit sector.

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1 Corporate Commonwealth entities are generally not subject to the CGRGs. However, the CGRGs apply to third parties, including members of external committees, non-government organisations and corporate Commonwealth entities, where they undertake grants administration on behalf of the Commonwealth.

2 Government may make further decisions which affect the administration of grants.

3 Ministers include Parliamentary Secretaries, consistent with the *Ministers of State Act 1952*.

4 Every Commonwealth entity has an accountable authority. See PGPA Act subsection 12(2), Accountable authorities.

## 2. Objectives and Scope

### Objectives of grants administration

- 2.1. The objective of grants administration is to promote proper<sup>5</sup> use and management of public resources through collaboration with government and non-government stakeholders to achieve government policy outcomes.
- 2.2. This objective is achieved through:
  - a. the legislative, policy and reporting framework for grants administration set out in Part 1 of the CGRGs;
  - b. the seven key principles for better practice grants administration, discussed in Part 2 of the CGRGs:
    - i. robust planning and design;
    - ii. collaboration and partnership;
    - iii. proportionality;
    - iv. an outcomes orientation;
    - v. achieving value with relevant money;
    - vi. governance and accountability; and
    - vii. probity and transparency;
  - c. whole-of-government and individual entity grants administration practices.<sup>6</sup>

### Scope of the CGRGs

- 2.3. For the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:
  - a. under which relevant money<sup>7</sup> or other CRF money<sup>8</sup> is to be paid to a grantee other than the Commonwealth; and
  - b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
- 2.4. The CGRGs apply to all forms and types of grants. Grants may take a variety of forms, including payments made:
  - a. as a result of competitive or non-competitive selection processes;
  - b. where particular criteria are satisfied; or
  - c. on a one-off or ad hoc basis.<sup>9</sup>

Types of grants may include, but are not limited to: research grants; grants that provide for the delivery of services; grants that help fund infrastructure; or grants that help build capacity.

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<sup>5</sup> Proper is defined in the PGPA Act. See section 8, Dictionary.

<sup>6</sup> This includes centralised grants administration systems and processes.

<sup>7</sup> Relevant money is defined in the PGPA Act. See section 8, Dictionary.

<sup>8</sup> Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

<sup>9</sup> A one-off or ad hoc grant generally does not involve planned selection processes, but is instead designed to meet a specific need, often due to urgency or other circumstances. These grants are generally not available to a range of potential grantees or on an ongoing basis.

- 2.5. Payments from one non-corporate Commonwealth entity to another non-corporate Commonwealth entity are notional<sup>10</sup> and are not grants. In addition, a non-corporate Commonwealth entity cannot provide a grant to itself.
- 2.6. For the purposes of the CGRGs, the following financial arrangements are taken not to be grants:<sup>11</sup>
- a. the acquisition of goods and services by a relevant entity, for its own use, including the acquisition of goods and services on behalf of another relevant entity or a third party. These arrangements are covered by the *Commonwealth Procurement Rules (CPRs)*;<sup>12</sup>
  - b. an act of grace payment approved under section 65 of the PGPA Act;
  - c. a payment of compensation made under:
    - i. an arrangement relating to defective administration; or
    - ii. an arrangement relating to employment conditions; or
    - iii. an arrangement established by legislation;<sup>13</sup>
  - d. a payment to a person of a benefit or an entitlement established by legislation;
  - e. a tax concession or offset;
  - f. an investment or loan;<sup>14</sup>
  - g. financial assistance provided to a State in accordance with section 96 of the Australian Constitution;
  - h. a payment to a State or a Territory that is made for the purposes of the *Federal Financial Relations Act 2009*;<sup>15</sup>
  - i. a payment that is made for the purposes of the *Local Government (Financial Assistance) Act 1995*;<sup>16</sup>
  - j. a payment that is made for the purposes of the *Australian Education Act 2013*;<sup>17</sup>
  - k. a payment that is made for the purposes of the *Higher Education Support Act 2003*;<sup>18</sup>
  - l. a payment of assistance for the purposes of Australia's international development assistance programme, which is treated by the Commonwealth as official development assistance;<sup>19</sup>
  - m. a payment of a charitable donation by a non-corporate entity from monies received from individuals for that purpose;
  - n. a membership payment for the purposes of complying with Australia's obligations under international treaties; and
  - o. payments made through non-corporate Commonwealth entities for the operation of corporate Commonwealth entities.

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10 Notional payments are defined in the PGPA Act. See section 76, Notional payments and receipts by non-corporate Commonwealth entities.

11 A gift of public property is not a grant as described in the CGRGs. See section 66 of the PGPA Act, Gifts of relevant property.

12 The CPRs provides that, in addition to the acquisition of property or services by a relevant entity for its own use, procurement also encompasses a situation where a relevant entity is responsible for acquiring goods or services for other entities, or for third parties.

13 A payment of compensation includes, but is not limited to: payments under the *Scheme for Compensation for Detriment caused by Defective Administration*; payments under section 73 (Payments in special circumstances) of the *Public Service Act 1999*; payments under the *Remuneration Tribunal Act 1973*; and settlements made in accordance with the *Legal Services Directions 2017*.

14 Some forms of financial assistance provided by way of concessional loans may be subject to the CGRGs.

15 These payments include General Revenue Assistance, Other General Revenue Assistance, National Specific Purpose Payments, and National Partnership Payments. Other forms of financial assistance made to States and Territories may be subject to the CGRGs. For further information on the Federal Financial Relations Framework see [www.federalfinancialrelations.gov.au](http://www.federalfinancialrelations.gov.au).

16 Other forms of financial assistance made to local government may be subject to the CGRGs.

17 Other forms of financial assistance made to educational institutions may be subject to the CGRGs.

18 Other forms of financial assistance made to educational institutions may be subject to the CGRGs.

19 The Commonwealth has regard to the definition of official development assistance that the OECD has set out, available on the OECD's website see <http://www.oecd.org>.

- 2.7. Additional guidance on the range of financial arrangements referred to in paragraph 2.6 is available on the Finance website.
- 2.8. Grants administration encompasses all processes involved in the grants lifecycle, including:
- a. design of grant opportunities and activities;
  - b. assessment and selection of grantees;
  - c. establishment of grants;
  - d. ongoing management of grantees and grant activities; and
  - e. evaluation of grant opportunities and activities.
- 2.9. The CGRGs apply to grants administration performed by:
- a. Ministers;
  - b. accountable authorities;
  - c. officials; and
  - d. third parties who undertake grants administration on behalf of the Commonwealth.<sup>20</sup>

## Entity guidance

- 2.10. Officials *must* comply with the CGRGs. There is a range of supporting documentation to assist entities to implement the CGRGs, including:
- a. finance guidance, which provide more detailed better practice information on how to apply the resource management framework, including the grants policy framework;
  - b. whole-of-government tools and templates issued by Finance to assist entities to implement the grants policy framework<sup>21</sup>; and
  - c. overarching whole-of-government documents that are relevant to grants administration.

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<sup>20</sup> Third parties, including external committees, non-government organisations and corporate Commonwealth entities, are required to adhere to applicable requirements of the CGRGs, where they undertake grants administration on behalf of the Commonwealth. Where a committee assesses applications against particular criteria, or recommends supporting particular grant activities or distributing relevant money to grantees, committee or panel members should be treated as officials for the purposes of the CGRGs.

<sup>21</sup> See the finance website for guidance and templates relating to grants administration at [www.finance.gov.au](http://www.finance.gov.au).

### 3. Resource Management Framework

- 3.1. Ministers, accountable authorities and officials operate within an environment of legislation and government policy. Within this broad context, the resource management framework consists of the legislation, policy and guidance governing the management of public resources.
- 3.2. The resource management framework contains an overarching requirement that accountable authorities *must* govern entities in a way that promotes proper use and management of public resources. In managing the affairs of the entity, accountable authorities *must* comply with the Constitution, the PGPA Act, the PGPA Rule and any other relevant law. In addition, accountable authorities of non-corporate Commonwealth entities *must* govern the entity in a way that is not inconsistent with the policies of the Australian Government.<sup>22</sup>
- 3.3. Ministers *must* also comply with the relevant legislative requirements in the PGPA Act and Rule and the CGRGs. Officials *must* advise their Ministers on these requirements.<sup>23</sup>

#### Key resource management legislative requirements

- 3.4. The PGPA Act and Rule provides the overarching accountability framework for grants administration. Accountable authorities and officials *must* consider their obligations under the PGPA Act and Rule when undertaking grants administration.<sup>24</sup> Internal guidelines, operational guidance and grant opportunity guidelines *must* be consistent with these requirements, while including any additional specific processes.<sup>25</sup>
- 3.5. Section 15 of the PGPA Act provides that an accountable authority *must* govern the affairs of the entity in a way that promotes proper use and management of public resources for which the accountable authority is responsible. When used in relation to the use or management of public resources ‘proper’ means efficient, effective, economical and ethical.
  - a. Section 15 is an overarching requirement applying to all aspects of an entity’s resource management, including grants administration.
  - b. Accountable authorities mainly discharge their responsibility under section 15 by ensuring that their entity has appropriate policies, procedures, guidelines and internal controls in place. Entities then undertake grants administration, proportionate to the risks identified and outcomes sought, ensuring that they are consistent with the resource management framework and CGRGs.
  - c. Accountable authorities of non-corporate Commonwealth entities are required to manage within the context of the Australian Government’s policy framework. The CGRGs are the core policy of the Australian Government relating to grants administration. Other policies which may be relevant for grants administration are discussed later in the CGRGs.<sup>26</sup>

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<sup>22</sup> See section 21 of the PGPA Act, Non-corporate Commonwealth entities.

<sup>23</sup> In addition to the requirements of the CGRGs, accountable authorities have a duty to keep their responsible Minister informed under section 19 of the PGPA Act, Duty to keep responsible Minister and Finance Minister informed.

<sup>24</sup> The PGPA Act requires that the accountable authority of a Commonwealth entity must establish and maintain an appropriate system of risk oversight and management and an appropriate system of internal control for the entity. This includes by implementing measures directed at ensuring officials of the entity comply with finance law. See section 16, Duty to establish and maintain systems relating to risk and control.

<sup>25</sup> See [www.finance.gov.au](http://www.finance.gov.au) for the most recent guidance.

<sup>26</sup> Either individually or through centralised grants administration.

- 3.6. Before entering into an arrangement<sup>27</sup> for the proposed commitment of relevant money there *must* be legal authority to support the arrangement.
- 3.7. The authority to enter into, vary or administer an arrangement can come from either:
  - a. section 23 of the PGPA Act. Section 23 of the PGPA Act provides the Commonwealth with the power to enter into, vary or administer an arrangement of relevant money that relates to the ordinary services and functions of government<sup>28</sup>;
  - b. section 32B of the *Financial Framework (Supplementary Powers) Act 1997* (FFSP Act). Section 32B of the FFSP Act provides the Commonwealth with the power to enter into, vary or administer an arrangement or a grant of financial assistance if it is specified in Schedule 1AA or Schedule 1AB to the FFSP Regulations; or
  - c. specific legislation. New or existing primary legislation administered by the relevant portfolio that provides the Commonwealth with the power to enter into, vary or administer an arrangement. This authority may be delegated to officials to enable them to enter into, vary or administer an arrangement.
- 3.8. In addition to the requirement for legal authority, accountable authorities and officials *must* also act in accordance with the PGPA Act and Rule, and the CGRGs, in relation to the proposed expenditure of relevant money.
- 3.9. The PGPA Rule requires that where accountable authorities or officials approve a proposed commitment of relevant money, the approval *must* be recorded in writing as soon as practicable after the approval is given.<sup>29</sup>
- 3.10. The PGPA Act and Rule, and the CGRGs, include requirements that apply to Ministers. Officials *must* advise the relevant Minister on these requirements.
- 3.11. The PGPA Act requires that a Minister *must* not approve proposed expenditure of relevant money unless satisfied, after reasonable inquiries, that the expenditure would be a 'proper' use of relevant money.<sup>30</sup> The terms of the approval *must* be recorded in writing as soon as practicable after the approval is given. 'Proper' when used in relation to the use or management of public resources means efficient, effective, economical and ethical.

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<sup>27</sup> The PGPA Act defines an 'arrangement' and includes a contract, agreement, deed, treaty or understanding. See section 23(2) of the PGPA Act, Power in relation to arrangements and commitments.

<sup>28</sup> Ordinary services and functions of government' means spending relating to the running costs of an entity, such as the payment of staff salaries or building rental. Generally, payments relating to the ordinary services and functions of government will come from departmental appropriations, however there can be situations where they are paid from administered appropriations. If you are unsure about whether an activity relates to the ordinary services or functions of government you should seek legal advice.

<sup>29</sup> See PGPA Rule 18, Approving commitments of relevant money.

<sup>30</sup> See section 71 of the PGPA Act, Approval of Proposed Expenditure by a Minister.

## 4. Grants-specific Processes and Requirements

- 4.1. The grants policy framework is an important part of the resource management framework. This framework provides for non-corporate Commonwealth entities to work together with non-government stakeholders to achieve government policy outcomes. In addition to the requirements in the PGPA Act and Rule, other grants-specific requirements apply to Ministers, accountable authorities and officials.

### Requirements for Accountable Authorities and Officials

- 4.2. Officials *must* establish and document whether a proposed activity is a grant prior to applying the CGRGs.<sup>31</sup>
- 4.3. Accountable authorities and officials involved in grants administration *must* comply with government policies and legislation relevant to grants administration.<sup>32</sup>
- 4.4. Officials *must*:
- develop grant opportunity guidelines for all new grant opportunities<sup>33</sup>, and revised guidelines where significant changes have been made to a grant opportunity;<sup>34</sup>
  - have regard to the seven key principles for grants administration;
  - ensure that grant opportunity guidelines and related internal guidance are consistent with the CGRGs; and
  - advise the relevant Minister on the relevant requirements of the PGPA Act and Rule and the CGRGs, where a Minister is considering a proposed expenditure of relevant money for a grant.
- 4.5. Where an accountable authority or an official approves the proposed commitment of relevant money in relation to a grant, the accountable authority or official who approves it *must* record, in writing, the basis for the approval relative to the grant opportunity guidelines and the key principle of achieving value with relevant money.
- 4.6. Officials *must* provide written advice to Ministers, where Ministers exercise the role of an approver. This advice *must*, at a minimum:
- explicitly state that the spending proposal being considered for approval is a 'grant';
  - provide information on the applicable requirements of the PGPA Act and Rule and the CGRGs (particularly any ministerial reporting obligations), including the legal authority for the grant;
  - outline the application and selection process followed<sup>35</sup>, including the selection criteria, that were used to select potential grantees; and
  - include the merits of the proposed grant or grants relative to the grant opportunity guidelines<sup>36</sup> and the key principle of achieving value with relevant money.<sup>37</sup>

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31 Officials should consider the substantive purposes and characteristics of a financial arrangement to determine the nature of the financial arrangement.

32 See paragraph 2.2 of Part 1 of the CGRGs.

33 This includes one-off and ad hoc grants.

34 A risk-based approach is in place for consideration of new or revised grant opportunity guidelines. Officials involved in the development of grant opportunity guidelines are required to complete a risk assessment of the grants and associated guidelines, in consultation with the Department of Finance and the Department of the Prime Minister and Cabinet.

35 For demand-driven grant opportunities, this advice should include: how the allocation method was developed; how implementation issues were considered; and an outline of risk mitigation strategies.

36 The basis for recommending or rejecting each proposed grant should be set out in the assessment material and should reflect the particular merits of each grant activity in terms of the grant opportunity guidelines (including assessment against the selection criteria).

37 It is better practice to include this information for any delegate exercising the role of an approver.

- 4.7. While officials do not have to rank all grants when briefing ministers on the merits of a specific grant or group of grants, officials should, at a minimum, indicate:
- a. which grant applications fully meet the selection criteria;
  - b. which applications partially meet the selection criteria; and
  - c. which applications do not meet any of the selection criteria.

Any specific recommendations regarding grant applications for approval can be in addition to this information.

- 4.8. Where a third party administers grants on behalf of the Commonwealth, the relevant accountable authority *must* ensure the arrangement is in writing and promotes the proper use and management of other CRF money.<sup>38</sup> In addition, the accountable authority *must* ensure the arrangement requires the third party to apply the CGRGs.
- 4.9. An overarching principle of the CGRGs is that accountable authorities and officials work together across government and with non-government stakeholders when undertaking grants administration. When determining what the acquittal or reporting requirements are, officials *must* have regard to information collected by Australian Government regulators and available to officials.<sup>39</sup>

## Requirements for Ministers

- 4.10. In addition to the requirements under the PGPA Act<sup>40</sup>, where the proposed expenditure relates to a grant or group of grants, the Minister:
- a. *must* not approve the grant without first receiving written advice from officials on the merits of the proposed grant or group of grants. That advice must meet the requirements of the CGRGs (see paragraph 4.6); and
  - b. *must* record, in writing, the basis for the approval relative to the grant opportunity guidelines and the key principle of achieving value with relevant money.
- 4.11. Ministers may approve grants within their own electorate.
- a. Where a Minister<sup>41</sup> (including a Parliamentary Secretary) approves a proposed grant in his/her own electorate, the Minister *must* write to the Finance Minister advising of the details.
  - b. Where there is correspondence to the relevant grantee, a copy of this letter is sufficient, except in the circumstances outlined in paragraph 4.12(b). If there is no correspondence, Ministers *must* write to the Finance Minister advising of the decision as soon as practicable after it is made.

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<sup>38</sup> See PGPA Rule 29, Other CRF money.

<sup>39</sup> Including the Australian Charities and Not-for-profits Commission (ACNC). Officials should discuss the availability of relevant information with the ACNC. See [www.acnc.gov.au](http://www.acnc.gov.au).

<sup>40</sup> See section 71 of the PGPA Act, Approval of proposed expenditure by a Minister.

<sup>41</sup> Presiding officers of the Departments of the Parliament are not required to report to the Finance Minister.

- c. There are two circumstances where grants awarded in a Minister's own electorate do not need to be reported.
  - i. Senators do not need to report on grants they decide to award in their own state or territory; or
  - ii. Where grants are awarded Australia-wide, state-wide, or across a region on the basis of a formula<sup>42</sup> by a Minister, and any of these grants falls in the relevant Minister's electorate, the Minister does not need to report to the Finance Minister.

4.12. Ministers may approve grants that are not recommended by the relevant officials.

- a. Ministers<sup>43</sup> (including Senators) *must* report annually to the Finance Minister on all instances where they have decided to approve a particular grant which the relevant official has recommended be rejected. The report *must* include a brief statement of reasons (i.e. the basis of the approval for each grant). The report *must* be provided to the Finance Minister by 31 March each year for the preceding calendar year.<sup>44</sup>
- b. If a decision relates to a Minister's own electorate (House of Representatives members only), the Minister *must* also include this information when writing to the Finance Minister in the context of the process outlined in paragraph 4.11.

## Grant-connected policies

4.13. Grant-connected policies are whole-of-government policies of the Commonwealth for which grants have been identified as a means of assisting delivery. These policies have been explicitly approved by the Cabinet as applying to Commonwealth grants. Additional guidance on the process to obtain approval to introduce a grants-connected policy is available on the Finance website.<sup>45</sup>

4.14. Generally a grant-connected policy will be the responsibility of an entity other than Finance. The relevant policy entity is responsible for actively administering and reviewing the policy, including providing advice on the application of the policy.

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<sup>42</sup> For example, demand-driven grants could provide that, subject to specific eligibility criteria being met, particular organisations across a region will be awarded a grant.

<sup>43</sup> Presiding officers of the Departments of the Parliament are not required to report to the Finance Minister.

<sup>44</sup> Additional guidance on the form of the report is available from the Finance website at [www.finance.gov.au](http://www.finance.gov.au).

<sup>45</sup> See [www.finance.gov.au](http://www.finance.gov.au).

## 5. Public Reporting

- 5.1. Effective disclosure and reporting arrangements for grants administration is essential for reasons of transparency and public accountability. Reliable and timely information on grants awarded is a precondition for public and parliamentary confidence in the quality and integrity of grants administration.

### Web-based reporting requirements

- 5.2. Grant opportunity guidelines<sup>46</sup> *must* be made publicly available on GrantConnect<sup>47</sup>, except where there is a specific policy reason to not publicise the grant opportunity guidelines or grants are provided on a one-off or ad hoc basis.
- 5.3. From 31 December 2017 an entity *must* report, on GrantConnect<sup>48</sup>, information on individual grants (as defined in paragraph 2.3) no later than twenty-one calendar days after the grant agreement for the grant takes effect.<sup>49</sup>
- 5.4. Until it complies with paragraph 5.3 an entity *must* report, on its website, information on individual grants (as defined in paragraph 2.3) no later than twenty-one calendar days after the grant agreement for the grant takes effect.<sup>50</sup>
- 5.5. Officials *must* identify whether a grant agreement contains confidentiality provisions.
- 5.6. There may be circumstances where officials determine that public reporting of grants in accordance with the CGRGs is contrary to the *Privacy Act 1988* (Privacy Act), other statutory requirements, or the specific terms of a grant agreement.
  - a. In these circumstances, the relevant officials *must* publish as much information as legally possible. For example, it may be possible to omit the name of the grantee and other personal information that may contravene the Privacy Act, but report other grant details.
  - b. The reasons for not reporting fully *must* be documented by officials.
  - c. Officials should also take all reasonable steps to ensure that future grant agreements contain provisions that do not prevent the disclosure of information.
- 5.7. Where officials assess that publishing grant information in accordance with the CGRGs could adversely affect the achievement of government policy outcomes, the responsible Minister may seek an exemption from the Finance Minister. The responsible Minister *must* write to the Finance Minister detailing the rationale for exemption. Officials should consult with Finance before commencing this process.

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46 Entities may also choose to publish information on GrantConnect relating to forecast opportunities, see guidance available at [www.finance.gov.au](http://www.finance.gov.au).

47 Entities may choose to make information publicly available by other mechanisms. This information must be the same as, or a subset of the information on GrantConnect.

48 See the Finance website for further guidance on grants reporting at [www.finance.gov.au](http://www.finance.gov.au).

49 The date of effect will depend on the particular arrangement. It can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement entities must publish information on individual grants as soon as practicable.

50 The date of effect will depend on the particular arrangement. It can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement entities must publish information on individual grants as soon as practicable.

- 5.8. Information on individual grants *must* be retained on an entity's website for at least two financial years. Where it is not practicable to do so (for example, due to the exceptional volume of grants needing to be maintained on the website) entities *must* retain appropriate records, consistent with their accountability obligations, and ensure the records are available on request.
  - a. Where an entity reports information on individual grants on GrantConnect it is not required to retain that information on its website.

## Part 2 Guidance on Key Principles

### 6. Key Principles for Grants Administration

- 6.1. This part of the CGRGs sets out how to apply the key principles of grants administration. While the CGRGs contain a number of mandatory requirements, they provide flexibility in how accountable authorities and officials can work together with stakeholders to administer grants and achieve government policy outcomes.
- 6.2. The seven key principles for grants administration that apply to the grants lifecycle and all grant opportunities<sup>51</sup> are:
- robust planning and design;
  - collaboration and partnership;
  - proportionality;
  - an outcomes orientation;
  - achieving value with relevant money;
  - governance and accountability; and
  - probity and transparency.
- 6.3. Accountable authorities and officials *must* put in place practices and procedures to ensure that grants administration is conducted in a manner that is consistent with these seven key principles.<sup>52</sup> Ensuring that the requirements of the CGRGs are well understood and effectively incorporated into the administration of grant opportunities is important, to ensure that potential grantees best suited to undertake grant activities apply for and receive a grant.
- 6.4. The CGRGs provide the framework within which accountable authorities put in place internal controls and associated operational guidance related to grants administration within each entity<sup>53</sup>. Accountable authorities are encouraged to use any whole-of-government guidance<sup>54</sup> as the basis for their own internal controls, as this will reduce the risk of misinterpreting the requirements of the resource management framework and promote consistency for stakeholders.
- 6.5. Officials should work together with government and non-government stakeholders, through all phases of the grants lifecycle, Officials should build productive relationships with potential grantees and grantees to collaboratively achieve government policy outcomes.<sup>55</sup>

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51 Examples include one-off or ad hoc grants, grants awarded through competitive, non-competitive and/or demand-driven processes.

52 See paragraph 4.3 and 4.4 of Part 1 of the CGRGs.

53 Entities may be required to use centralised or whole-of-government grants administration processes.

54 See the Finance website for guidance material at [www.finance.gov.au](http://www.finance.gov.au).

55 Officials should balance this requirement for consultation against any issues that may arise in respect to probity, conflict of interest and the potential for competitive advantage.

## 7. Robust Planning and Design

- 7.1. High quality planning underpins efficient, effective, economical and ethical grants administration.
- 7.2. Officials should work together with government and non-government stakeholders to plan, design and undertake grants administration.
  - Potential grantees, grantees and beneficiaries will likely have valuable insights into how best to design and implement grant opportunities and will assist to ensure outcomes are appropriately aligned to public needs.
- 7.3. Grants administration processes should be proportional to the scale and risk profile of the grant opportunity. Officials should consider that grant opportunities affect not only the Commonwealth and grantees, but may also impact on other beneficiaries of a grant as well.
- 7.4. Officials should address all relevant planning and implementation issues before commencing grant opportunities. These issues should be built into the design of any grant opportunity.
  - The specific issues to be addressed will depend on the nature of the grant opportunity. A complex grant opportunity may, for example, require a different approach to a grant made on a one-off or ad hoc basis.
- 7.5. Officials should have regard to all relevant planning issues, including the need to:<sup>56</sup>
  - establish a rationale for grant opportunities, particularly what outcomes are expected and how these will be measured;
  - define the operational objectives;
  - communicate effectively with potential grantees and key stakeholders;
  - undertake risk identification and engagement;
  - design grant opportunities to achieve value with relevant money;
  - ensure that eligibility criteria reflect the operational objectives and policy intent;
  - clearly identify decision makers and their roles;
  - design grant opportunities for accountability, probity and transparency;
  - carefully consider the application and selection process to be used;
  - establish performance and evaluation measures;
  - select an appropriate funding strategy and grant agreement;
  - consider taxation matters and seek advice where appropriate;
  - consider the Australian Government's accounting treatment;
  - develop appropriate documentation, such as grant opportunity guidelines and application information;
  - consider legal and policy matters; and
  - implement robust governance arrangements.

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<sup>56</sup> Entities may identify other matters requiring consideration at the planning phase, depending on their specific circumstances.

- 7.6. Risk is part of the environment in which government operates. Understanding, accepting and managing risk is part of everyday decision making within government. Accountable authorities have a duty to establish and maintain systems relating to risk and control.<sup>57</sup> They should develop a positive risk culture within their entities, supported by appropriate frameworks and processes. A key element of grants administration is to identify and engage with risk. Officials should be conscious of the risks of a grant opportunity, make informed decisions in managing these risks and identify and harness potential benefits.
- 7.7. Risk identification and engagement should be built into an entity's grants administration processes. Risk identification and engagement activities will vary depending on the entity, grant opportunity, grant, and grantee. Some risks can appropriately be mitigated or managed through the grant agreement, while other risks are better managed across the grants lifecycle, such as planning and design, the application and selection process or the ongoing relationship between officials and grantees.
- 7.8. Risk can be categorised a number of ways. The CGRGs use three broad categories: grant program or grant opportunity risk; grantee risk; and grant activity risk.
- 7.9. Risks involving the *grant program or grant opportunity* relate to the planning, development and implementation of the grants by the relevant entity, such as:
- the nature of the grant opportunities (i.e. scope, complexity, uniqueness, quantum of funds, etc);
  - design of the grant opportunities (i.e. a new or novel approach, having clearly defined outcomes, a unique allocation mechanism, timeframes, cost shifting, etc);
  - entity capacity to administer the grant opportunities (i.e. resourcing, infrastructure requirements, staff experience and skills, etc); and
  - implementation issues (i.e. communications with grantees and other stakeholders, clear accountabilities, ongoing grant administration, etc).
- 7.10. Risks involving the *grantee* relate to the grantee's industry or sector, the grantee and the entity's relationship with the grantee, such as:
- the nature of a particular industry (i.e. emerging industries, highly volatile sectors, controversial providers, industry capacity and regulation, etc);
  - the relationship between the parties to the grant agreement (i.e. contractual relationships, collaboration, stakeholder expectations, multiple funding bodies, etc);
  - experience, capacity and past history of grantees; and
  - accountability procedures (i.e. performance management, fraud, conflict of interest, 'double dipping', etc).
- 7.11. Risks involving the *grant activities* relate to the specific activities that are funded by the grant, such as:
- the nature of grant activities (i.e. scope and range of activities, number of activities, geographic coverage, location, beneficiaries involved, etc);
  - stakeholder capabilities (i.e. governance and experience, co-funding arrangements, clear roles and responsibilities, competing outcomes, etc);

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<sup>57</sup> See section 16 of the PGPA Act, Duty to establish and maintain systems relating to risk and control.

- grant activity design (i.e. value and duration of specific activities, objectives, timeframe for projects, etc); and
- grant activity standards (i.e. service standards, specific accountabilities, etc).

7.12. Officials should ensure that risk identification and engagement is supported by performance information, procedures and systems that continuously identify and treat emerging risks throughout the grants lifecycle.

## 8. Collaboration and Partnership

- 8.1. Accountable authorities have a duty to encourage officials to co-operate with others to achieve common objectives.<sup>58</sup> Officials should work collaboratively with government and non-government stakeholders. It is important to consider the needs and interests of potential grantees, grantees and beneficiaries. It should not be assumed that the same approach will suit all grant opportunities and circumstances. Through effective collaboration, shared understanding of expectations and positive working relationships, government policy outcomes can be achieved.
- 8.2. Officials are encouraged to seek input from non-government stakeholders when undertaking grants administration. Officials, working together with stakeholders, will:
- improve the design and delivery of grant opportunities;
  - help identify and reduce fragmentation and unnecessary overlaps in grant opportunities;
  - improve the responsiveness, flexibility and relevance of grant opportunities;
  - reduce administration and compliance costs for potential grantees, grantees and government;
  - aid in the development of appropriate outputs, outcomes, impact measures, accountability requirements, governance structures and grants documentation; and
  - encourage potential grantees to understand their legal rights and obligations.
- 8.3. Consultation and co-operation with government and non-government stakeholders can help reduce fragmentation and unnecessary overlaps, improving outcomes for grantees, beneficiaries, the Commonwealth and other funding organisations. Officials should consider what interaction a particular grant opportunity may have on other government or non-government funded activities, particularly where there are similar policy outcomes.
- Grants could be funded by Commonwealth, state or territory and local government bodies, private trusts and foundations or national or state coordinating organisations.
  - Officials should develop effective liaison with other funding organisations, particularly where policy responsibility or grants administration is shared between different entities or levels of government, or where an entity or third party is responsible for the grants administration of another entity.
- 8.4. Officials should seek to minimise red-tape and duplication. In particular, they should not seek information from potential grantees and/or grantees that is collected by other parts of the entity or other Commonwealth entities<sup>59</sup> and is available to them.
- 8.5. Officials should choose methods that will promote open, transparent and equitable access to grants.
- Officials should ensure that publicly available grant opportunities are notified in ways that provide all potential grantees with a reasonable opportunity to apply.<sup>60</sup>

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<sup>58</sup> See section 17 of the PGPA Act, Duty to encourage cooperation with others.

<sup>59</sup> Including the Australian Charities and Not-for-profits Commission. Officials should discuss the availability of relevant information with the ACNC. See [www.acnc.gov.au](http://www.acnc.gov.au).

<sup>60</sup> See paragraph 5.3 of Part 1 of the CGRGs.

- Careful consideration should be given to the use of appropriate and effective promotion, to increase awareness of grant opportunities in key target groups. Appropriate and effective promotion of grant opportunities can include print and broadcast media, news features and editorials, newsletters and direct mail, workshops or other special events, public launches or announcements, the internet, social media and the use of outposted officers.
- 8.6. It is important that officials develop clear, consistent and well-documented grant opportunity guidelines and other related documentation. Officials should consider that a single reference source for policy guidance and other documentation (for example, administrative procedures, eligibility and assessment criteria appraisal processes, monitoring requirements, evaluation strategies and standard forms) helps to ensure consistent and efficient grants administration.<sup>61</sup>
- Grant opportunity guidelines should include (as relevant):
    - grant objectives and purpose;
    - eligibility criteria;
    - clear assessment criteria (if applicable);
    - weighting of assessment criteria;
    - the approval process (as relevant) including the:
      - closing date for applications;
      - likely decision date;
      - outline of selection process;
      - final recommendations;
      - decision-maker;
    - expected terms and conditions of the grant agreement;
    - indicative reporting and acquittal requirements; and
    - a description of complaint handling, review and/or FOI mechanisms.
- 8.7. Officials *must* ensure that any suite of documents that form the grant opportunity guidelines are consistent with the CGRGs.<sup>62</sup>
- Officials should ensure that the rules of grant opportunities are simply expressed, are clear in their intent and are effectively communicated to stakeholders.
  - Officials should consider testing the clarity of grant opportunity guidelines with stakeholders prior to their release.

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<sup>61</sup> Officials should use whole-of-government templates to promote consistency for stakeholders.

<sup>62</sup> See paragraph 4.4 of Part 1 of the CGRGs.

- Potential grantees need access to adequate information to enable them to submit a grant application. Application documentation should contain clear eligibility and assessment criteria to enable the selection of applications in a consistent, transparent and accountable manner. The design of the application form should assist potential grantees to provide information in respect of all selection criteria.
  - Application forms and associated information should be easy to understand and provide all necessary information. Guidance should include contact points and details for further information, application forms and other information.
  - Eligibility criteria should be straightforward, easily understood and effectively communicated to potential grantees. This helps avoid frustration and potential costs to applicants associated with developing and submitting applications that are not eligible or that have little chance of success.
  - Officials should ensure that grant opportunity guidelines clearly inform potential grantees of terms and conditions they will need to meet during the life of the grant, such as financial and performance reporting. The proposed grant agreement should be included with the grant opportunity guidelines so that potential grantees can consider this at the time that they are considering applying for a grant.
  - Timely appraisal avoids possible inequities and waste that may arise through unnecessary delay.
- 8.8. Officials should ensure that the party best placed to manage a specific risk is identified, the risks are assigned to that party, and that they manage those risks. Identifying the party best able to manage a risk and assigning that risk is an active process that should occur throughout the grants lifecycle.
- 8.9. A well-designed grant agreement will help establish the basis for effective working relationships based on collaboration and respect between the grantee and the entity, and a shared understanding of objectives and expectations.
- Longer term grant agreements are conducive to improved partnerships between grantees and officials. Where appropriate, officials should consider longer term grant agreements.

## 9. Proportionality

- 9.1. Proportionality in grants administration involves striking an appropriate balance between the complexity, risks, outcomes, and transparency. Accountable authorities have a duty in relation to requirements imposed on others and when imposing requirements on others *must* take into account the risks associated with the use or management of public resources and the effect of requirements imposed.<sup>63</sup> Officials should ensure that grants administration appropriately reflect the capabilities of potential grantees, grantees and accommodate the Australian Government's need for robust and accountable processes, consistent with the risks involved. Officials should apply the proportionality principle to suit the specific circumstances of their particular grants.
- 9.2. Grants vary widely in nature, scale and degree of complexity.
- Some grants may involve grantees, such as individuals, small business or the not-for-profit sector, while others involve large corporations, primary producers or whole industry sectors. Some potential grantees may have prior experience in applying for and undertaking grant activities, while others may not.
  - Some grants support ongoing activities, with grants provided to the same or similar organisations over a period of years. Other grants may support new policy, with the associated risks of doing something for the first time, due to social, business or strategic changes.
  - Some grants provide short-term, one-off assistance to grantees, while others may be for a longer duration with multiple application rounds.
  - Some grants require only a broad purpose and relatively simple accountability requirements, while others may require tight specifications and complex accountability.
- 9.3. Officials should use the proportionality principle to inform the choice of the application and selection process, the grant agreement to be used and the reporting and acquittal requirements. Officials should tailor grant opportunity guidelines, application processes, grant agreements, accountability, and reporting requirements based on the potential risks and specific circumstances. In doing this, officials should consider: an assessment of the capability of potential grantees and grantees; the policy outcomes being sought; the purpose, value and duration of a grant; the nature and type of deliverables; governance; accountability requirements; and the nature and level of the risks involved.
- Grant opportunity guidelines are required for all grants, including one-off or ad hoc grants. The format and complexity may vary, depending on the activity. At a minimum, guidelines for one-off or ad hoc grant opportunities should include the purpose or description of the grant, the objectives, the selection process, any reporting and acquittal requirements and the proposed evaluation mechanisms.
  - Grant agreements for a small-scale one-off grant should take the form of a simple letter of agreement or exchange of letters.
  - For low-risk grant activities where the likelihood of identified risks occurring is remote or the impact of the identified risk is minimal, the grant agreement should

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63 See section 18 of the PGPA Act. Duty in relation to requirements imposed on others.

cover those risks that can be appropriately managed through the agreement and ensure that the grantee is not overburdened.<sup>64</sup>

- More complex grant activities may require tailored grant agreements. For complex grants, involving high levels of conditionality, grant agreements may need to be individually structured to reflect the role, responsibilities and level of control which each of the parties is expected to assume.

9.4. Officials should apply the proportionality principle when determining the reporting and acquittal requirements for grants. There are no mandatory acquittal or reporting requirements for grantees in the CGRGs. Officials should determine the volume, detail and frequency of reporting requirements, proportional to the risks involved and policy outcomes being sought.

- Where a grant is used to support the ongoing delivery of services from the same organisations over a period of years, officials should consider reducing the detail of their accountability and reporting requirements, given a grantee's established record of compliance and performance.
- Subject to transparency considerations and risk assessment, it may be appropriate for officials to provide grantees that have a consistent record of high performance and reliability, more streamlined reporting requirements and evaluation measures, for example, allowing for aggregation of reports and less frequent reporting milestones.
- When determining what acquittal or reporting requirements are required, officials should have regard to information collected by Australian Government regulators<sup>65</sup> and available to officials.
- Where possible and appropriate, officials should consider aligning grant reporting requirements with a grantee's internal reporting, such as the annual reporting cycle and/or other substantive reporting requirements.
- Officials should not impose obligations on grantees to provide information, which is available from other sources, such as Australian Government regulators<sup>66</sup>, the Australian Bureau of Statistics, peak bodies or publicly available material.

9.5. A further consideration is the entity's reporting requirements. Inappropriately or inflexibly applied entity standards and accountability frameworks could deter potential grantees. For example, requiring small businesses or not-for-profit entities to report in the same manner as large corporate organisations may not be appropriate. Similarly, poorly formulated reporting requirements, which focus on outputs rather than outcomes, can be overly burdensome, while stifling innovation by grantees.

- Officials should use better practice tools<sup>67</sup> and templates<sup>68</sup>.
- Officials should balance the stringency of acquittal procedures against the level of risk, based on consideration of the risks involved with the grant activity, the grantee and the costs of compliance. Officials should consider that independently

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64 See the finance website for the low-risk grant agreement template at [www.finance.gov.au](http://www.finance.gov.au).

65 Such as the ACNC, see [www.acnc.gov.au](http://www.acnc.gov.au).

66 See paragraph 4.9 of Part 1 of the CGRGs.

67 The Standard Business Reporting (SBR) initiative may also be relevant for financial reporting, see [www.sbr.gov.au](http://www.sbr.gov.au). For financial reporting by not-for-profit organisations, entities must accept information according to the National Standard Chart of Accounts (NSCOA) accounting categories where a not-for-profit organisation chooses to use them.

68 See the finance website at [www.finance.gov.au](http://www.finance.gov.au).

audited financial statements, may be expensive and difficult to source in rural and remote areas, or may comprise a large proportion of a low value grant.

- 9.6. Officials should explain in grant opportunity guidelines and operational procedures, how the proportionality principle is to be applied.
- 9.7. Proportionality decisions should also be recorded. Officials should periodically review these decisions, so that accountability and reporting requirements remain aligned to considerations of performance and risk through all phases of the grants lifecycle.

## 10. An Outcomes Orientation

- 10.1. Grants administration should be designed and implemented so that grantees focus on outcomes and outputs for beneficiaries, while seeking the most efficient and effective use of inputs. Accountable authorities and officials should focus on achieving government policy outcomes.<sup>69</sup>
- 10.2. Grants administration should have a performance framework that is linked to an entity's strategic direction and key performance indicators. Officials should determine the operational objectives that can be used to evaluate a grant. Specifically, officials should determine what change is expected as a result of a grant (the intended outcomes) and then measure the actual outcome.
- An entity's strategic direction outlines at a high level what it seeks to achieve. It is recorded in an entity's Portfolio Budget Statements.
  - The operational objective is a statement of what the grant is intended to achieve. Grant opportunities should be based on clearly defined and documented objectives. The objectives should be a concise, unambiguous, realistic statement of what a grant opportunity is intended to achieve.
- 10.3. Officials should ensure that the objectives of particular grant opportunities are clear and specific. This will make it easier to develop supporting documentation, such as selection criteria, limit wasted applications and aid in the development of an appropriate performance framework, based on proportionality considerations. Officials should develop operational objectives which:
- are clearly linked to the outcomes set by government;
  - are linked to an entity's strategic goals and/or directions and stated in such a way that clearly communicates what is to be achieved, measured, evaluated, and/or assessed;
  - include quantitative, qualitative and milestone information which are phrased in such a way that it is clear how and when these objectives have been achieved;
  - are authorised or endorsed by Ministers, the entity's accountable authority or senior officials, whichever is appropriate;
  - are shared with potential grantees, grantees and where appropriate beneficiaries; and
  - are reviewed regularly, and changed as appropriate.
- 10.4. In adopting an outcomes orientation, officials should ensure that outcome, output and input measures are clearly specified, as this will facilitate effective and efficient evaluation of grants administration and associated grant activities.
- Outcome measures assess the extent to which the grant is meeting both the strategic directions and operational objectives of the entity. Outcome measures relate to changes effected in the community and may include: the level of usage of facilities built with the grant; the level of community involvement resulting from projects; and levels of service delivery.

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<sup>69</sup> Under section 15 of the PGPA Act, accountable authorities have a duty to govern Commonwealth entities in a way that, amongst other things, promotes the achievement of the purposes of the entity. See section 15, Duty to govern the Commonwealth entity.

- Output measures show the extent to which the grant's operational targets or milestones have been achieved. Output measures may include: the numbers of completed projects; the numbers of new applicants; and the numbers and/or value of grants awarded.
  - Input measures show the inputs, such as cash and resources, consumed by grants administration and may include: the costs of administering a grant; the number of staff employed and the costs of processing applications.
- 10.5. In adopting an outcomes orientation, officials should consider common traps identified by the ANAO. These can include:
- assuming that the award of a grant automatically secures the desired outcome;
  - assuming that the consumption of inputs results in the delivery of desired outputs and outcomes; and
  - framing performance indicators that are reliant upon data provided by the grantee, without validating the grantee's capacity to produce accurate, reliable and complete data.
- 10.6. In adopting an outcomes orientation, officials should consider the use of longer term grant agreements, where appropriate, in order to achieve outcomes. For example, where grant activities are likely to occur over a number of years, it may be more appropriate to provide grantees with longer term grant agreements rather than conducting multiple grant rounds and offering grants for one to two years duration.
- 10.7. Performance reporting requirements and other information sought from grantees are key inputs used by officials in evaluating whether outcomes have been achieved and whether a particular grant activity achieved value with relevant money. In developing the performance reporting and information requirements for particular grant opportunities and grantees, officials should balance the amount of information sought and the associated costs to grantees of collecting and collating such information, against the obligation to perform due diligence in relation to grant evaluation processes.
- Officials, in close consultation with government and non-government stakeholders, should design performance information to show the extent to which grant activities contribute to government outcomes, as well as producing outputs.
- 10.8. Officials should establish appropriate performance measures on which to evaluate grants. Officials should ensure that performance measures are flexible enough to take into account the risk profile of the grant opportunity, grantees, and the grant activities being funded. Officials should ensure that these measures are specified in: grant opportunity guidelines; agreements; other documentation; and each entity's broader performance management framework.
- Officials should undertake an evaluation of a grant opportunity before initiating further grant opportunities or extending existing grant agreements, in order to determine whether existing grants administration processes, practices and requirements remain applicable.
  - While conducting the evaluation, officials should consider the extent to which government outcomes and entity strategic directions remain appropriate as a result of the impact of the grant activities.

- 10.9. Requesting appropriate targeted performance information will assist grantees and officials to draw well-informed conclusions. It therefore contributes to timely and effective decision-making in managing grant activities. It can provide useful information on which to base future decisions for designing, continuing or concluding grant opportunities, and can contribute to the accountability of entities for their performance.
- Officials should apply the proportionality principle<sup>70</sup> to their grants administration. The proportionality principle along with risk identification and engagement, allows officials to consider their information needs and tailor or adjust the information requirements based on the grant program and opportunity risks, grantee risks, and grant activity risks.

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<sup>70</sup> See section 9 of Part 2 of the CGRGs.

## 11. Achieving Value with Relevant Money

11.1. Achieving value with relevant money should be a prime consideration in all phases of grants administration.<sup>71</sup> Grants administration should provide value, as should the grantees in delivering grant activities. This requires the careful comparison of the costs and benefits of feasible options in all phases of grants administration, particularly when planning and designing grant opportunities and when selecting grantees. It is also a means by which officials can assure the entity's accountable authority, Ministers and the Parliament that resources are deployed in an efficient, effective, economical and ethical manner, while not imposing overly burdensome requirements on grantees.

11.2. Officials achieve value with relevant money in grants administration by:

- considering and promoting proper use and management of public resources (proper means efficient, effective, economical and ethical);
- working with government and non-government stakeholders when appropriate to develop or modify grant opportunities. Stakeholder input can aid in improving the efficiency of the design and delivery of grant opportunities;
- using processes, procedures and requirements that are proportional to the risks and nature of grant opportunities. For intellectual property rights resulting from grant activities, entities should not generally assert ownership, but should consider a licence for Commonwealth purposes, such as reporting to Ministers;
- adopting an active risk identification and engagement approach focused on minimising potential adverse impacts and maximising benefits, through identifying and treating risks;
- responding to change. Officials should establish flexible processes so as to be able to respond quickly to changing government priorities;
- effective design and selection processes. The objective of the selection process is to select grant activities that best represent value with relevant money in the context of the objectives and outcomes of the grant opportunity. A fundamental appraisal criterion is that a grant should add value by achieving something worthwhile that would not occur without the grant; and
- ongoing monitoring and management. The establishment of ongoing monitoring and management arrangements throughout the grants lifecycle should assure entities that grant opportunities are proceeding as planned and that relevant money is being appropriately managed.<sup>72</sup>

11.3. Grantees contribute to achieving value with relevant money by:

- considering how best to deliver the grant activities to target groups or individuals. This may involve using existing processes and technologies or professional standards, or it may involve innovation and performance improvement by the grantee or officials;
- having in place an effective risk management approach that will minimise potential waste of relevant money;

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<sup>71</sup> Under section 15 of the PGPA Act, accountable authorities have a duty to govern Commonwealth entities in a way that, amongst other things, promotes the proper use and management of public resources and the financial stability of the entity. See section 15, Duty to govern the Commonwealth entity.

<sup>72</sup> Including through centralised grants administration arrangements.

- ongoing monitoring and management of the grant activities, as appropriate. This may involve the effective use of organisational processes, procedures and systems to produce the required reporting information;
- contributing to government policy outcomes through collaborative delivery of grant activities; and
- participating in evaluation processes.

11.4. The design phase of grants administration is important to address questions of how best to achieve value with relevant money. Whilst the list is not exhaustive, officials should consider the following points as they may reveal less costly or more effective means of achieving government policy outcomes.

- It is important that officials determine that a grant is the most appropriate mechanism. There may be alternative means to realise a desired outcome, such as the use of statutory powers or the procurement of goods or services.
- Where government makes a specific decision to establish a grant opportunity, officials should still consider whether a needs analysis in the selection process would assist in identifying the highest priority grant activities, consistent with the intended government policy outcomes.
- Officials should determine whether an existing grant opportunity may be expanded or modified to meet an identified need, rather than establishing an additional grant opportunity. Relevant considerations include: the possible duplication of grant opportunity guidelines; advertising budgets; application and selection processes; grant agreements and payment arrangements; systems and support; and monitoring and performance assessment procedures. Officials should consider that duplication will generally add to an entity's administrative costs and may increase compliance cost for potential grantees and grantees.
- Officials should consider other sources of funding that may be available. Consideration should be given to the possibility of 'double-dipping' by a grantee. Double-dipping occurs where a grantee is able to obtain funding for the same grant activity from more than one source.
- Officials should be alert to the possibility of 'cost shifting' to the Commonwealth by another level of government, or 'substitution of effort' by another level of government. Cost shifting occurs where, for example, the Commonwealth funds a grant activity that should be paid for by a state, territory or local government. Officials should put in place a range of procedures to minimise opportunities for cost shifting and substitution of effort. These include seeking assurances that the funding will not be used for grant activities that would normally be paid for by a state, territory or local government. A further measure is to specify the types of grant activities excluded from Commonwealth grants in any relevant grant documentation such as grant opportunity guidelines.

- Officials should consider the use of longer term grant agreements, where appropriate. When considering the length of term of grant agreements, officials should consider the administrative costs involved for the entity and grantees. Longer term grant agreements may better achieve value with relevant money and government policy outcomes, than conducting multiple grant opportunities with grant agreements of shorter term duration.

11.5. Competitive, merit-based selection processes can achieve better outcomes and value with relevant money. Competitive, merit-based selection processes should be used to allocate grants<sup>73</sup>, unless specifically agreed otherwise by a Minister, accountable authority or delegate.<sup>74</sup> Where a method, other than a competitive merit-based selection process is planned to be used, officials should document why a different approach will be used. In particular, where demand-driven or a 'first-in first-served' approach is planned to be used, officials should advise Ministers on how the grant allocation method was developed, explain how implementation issues were considered and outline the risk mitigation strategies.<sup>75</sup>

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73 It may be appropriate in some circumstances to use non-competitive or targeted processes, such as, when the number of service providers is very limited and these providers have a well-established record of delivering the grant activities.

74 This delegation comes from the PGPA Act. See section 23, Power in relation to arrangements and commitments.

75 The specific risks of creating demand-driven grant opportunities should be documented and provided to delegates. See paragraph 4.6 of Part 1 of the CGRGs.

## 12. Governance and Accountability

- 12.1. Grants administration should be underpinned by solid governance structures and clear accountability for all parties involved.
- 12.2. Accountability involves ensuring individuals and organisations are answerable for their plans, decisions, actions and results. Accountability arrangements in grants administration relate to both the process of grants administration, including the grants allocation processes and ongoing grants management, and the achievement of government outcomes. Ministers, accountable authorities, officials and grantees all have their respective roles to play in achieving the applicable government outcomes and should be held accountable for the ways in which they fulfill their roles.
- 12.3. Officials should clearly define the roles and responsibilities of all parties involved in grants administration. Officials are encouraged to develop a robust governance framework, which clearly defines the roles and responsibilities of the various parties, as this will facilitate accountability.
- Any grants governance framework must be underpinned by the mandatory requirements in Part 1 of the CGRGs, such as the need for accountable authorities and officials to ensure that grants administration, including decision-making is consistent with the requirements of the PGPA Act and Rule and that Ministers are advised of their requirements under the CGRGs.
  - Any grants governance framework should also clearly outline the role of grantees in the administration of a grant and the role of third parties, such as, external committees or entities that may manage grants on behalf of the Commonwealth.
- 12.4. Officials should develop policies, procedures and documentation necessary for the effective and efficient governance and accountability of grants administration. This should include the development of grant opportunity guidelines and associated operational guidance for administering grant activities on an ongoing basis. It is particularly important that such guidance clearly sets out who are the decision-makers for different grants administration processes. Officials *must* ensure the development of such guidance is consistent with the CGRGs.<sup>76</sup>
- 12.5. Officials involved in developing and/or managing grant opportunities should have the necessary grants management, stakeholder liaison and financial management skills. Officials involved in assessing applications should be appropriately skilled and have access to procedural instructions and/or training before processing grant applications.
- These safeguards are particularly important if grants administration is devolved to regional offices or across multiple entities, or involves different levels of government or individuals and organisations external to the Commonwealth.
  - Care should be exercised to ensure that the competing demands on staff time and scarcity of expertise do not lead to variations in the standards of appraisal and administration.

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<sup>76</sup> See paragraph 4.4 of Part 1 of the CGRGs.

12.6. Accountability is dependent on the proper maintenance, awareness and availability of appropriate grants administration documentation and processes. Record keeping is therefore a key component of good grants governance and accountability. Good record keeping by officials will assist in meeting accountability obligations, demonstrate compliance with the CGRGs and the resource management framework, and show that due process has been followed in actions and decisions.

- Officials should have regard to grants-specific record keeping requirements and the implications for record keeping of the grants-specific mandatory requirements in Part 1 of the CGRGs relating to requirements for Ministers and officials regarding web-based reporting.

12.7. Good record keeping assists entity performance by better informing decision-making. For example:

- where officials can identify previous and current grantees and their performance they will be better able to assess risks;
- decision-makers should document the reasons for decisions in awarding grants<sup>77</sup> (and where appropriate not awarding grants) as this will assist equitable application of the assessment criteria, in particular, when selection processes are conducted over an extended period of time. This helps to ensure that grants are awarded to those grant activities that best satisfy the objectives of the grant opportunity; and
- where it is proposed to use a method other than a competitive, merit-based selection process, officials should document why this approach has been used.<sup>78</sup>

12.8. Officials should ensure that grant agreements are well-drafted and are fit-for-purpose, as this will contribute to good governance and accountability. Grant agreements are an opportunity to clearly document the expectations of all parties in relation to the grant. Both officials and grantees should clearly understand conditions in the grant agreement. The use of plain English facilitates this. A well-drafted grant agreement is one that provides for:

- a clear understanding between the parties on required outcomes, prior to commencing payment of the grant;
- appropriate accountability for relevant money, which is informed by risk analysis;
- agreed terms and conditions in regards to the use of the grant, including any access requirements; and
- the performance information and other data that the grantee may be required to collect as well as the criteria that will be used to evaluate the grant, the grantee's compliance and performance.

12.9. There is no form of grant agreement that is right for all grants. However, unless legislation or policy mandates the form of an agreement, officials should choose the appropriate form of agreement, based on:

- an analysis of the risks;
- consideration of proportionality;

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<sup>77</sup> See paragraph 4.5 and 4.10 of Part 1 of the CGRGs.

<sup>78</sup> See paragraph 11.5 of Part 2 of the CGRGs.

- the context in which the grant is made (for example, the nature of the grantee, relevant applicable legislation, and relevant policy directions);
  - guidance material, templates and tools provided by Finance;<sup>79</sup>
  - government policy, such as those relating to risk;
  - officials and the grantee working collaboratively;
  - the best way to resolve issues that may arise; and
  - legal advice, where appropriate.
- 12.10. Officials should ensure that the chosen form of grant agreement supports proper use and management of relevant money. The grant agreement should, at a minimum, define grant activity deliverables, schedule payments (according to progress), specify reporting requirements and acquittal procedures (if required) which are proportional to the risks involved.
- A grantee's own policies and procedures should support the grant agreement and ensure the effective and efficient governance and accountability for the grant.
- 12.11. Where legislation, regulation, rules, government policy or Ministerial direction imposes specific requirements such as how, to whom and in what form a grant is made or specifies particular terms and conditions, officials should meet those requirements.
- An Australian Industry Participation (AIP) Plan may be required where a grant is \$20 million or more and use of relevant money may involve the acquisition of goods or services that can be purchased internationally.<sup>80</sup>
- 12.12. A well-drafted grant agreement alone is not sufficient to ensure the objectives of the grant activity are met. Officials should ensure that grant agreements are supported by ongoing communication, active grants management and performance monitoring requirements, which are proportional to the risks involved.
- Performance and financial monitoring provide useful information on which to assess the extent that objectives have been achieved.
  - The monitoring of payments and progress are integral to good governance and risk management and provides a measure of assurance that relevant money allocated to grantees has been spent for its intended purposes.
  - Adequate and well-documented arrangements to ensure financial accountability are the basis of effective grant acquittal. Reliable, timely and adequate evidence is required to demonstrate that the grant has been expended in accordance with the terms and conditions of the grant agreement. Officials should balance the stringency and complexity of acquittal against the level of risk and take into account the cost of compliance. Active risk engagement and management strategies will help achieve this balance.

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<sup>79</sup> See the Finance website [www.finance.gov.au](http://www.finance.gov.au)

<sup>80</sup> Officials are required to consult with the Department of Industry to confirm if an AIP plan is likely to be needed for a particular grant. See the Department of Industry's website [www.industry.gov.au](http://www.industry.gov.au).

## 13. Probity and Transparency

- 13.1. Probity relates to ethical behaviour. Establishing and maintaining probity involves applying and complying with public sector values and duties such as honesty, integrity, impartiality and accountability.<sup>81</sup>
- 13.2. Transparency refers to the preparedness of those involved in grants administration, including officials and grantees, to being open to scrutiny about grants administration and grant opportunity processes. This involves providing reasons for decisions and the provision of two-way information to government, the Parliament, potential grantees, grantees, beneficiaries and the community. Transparency provides assurance that grants administration is appropriate and that legislative obligations and policy commitments are being met.
- 13.3. Probity and transparency in grants administration is achieved by ensuring:
- that decisions relating to grant opportunities are impartial; appropriately documented and reported; publicly defensible; and lawful. The key relevant requirements are set out in Part 1 of the CGRGs (section 3, Resource Management Framework and section 4, Grants-specific Processes and Requirements);
  - compliance with the public reporting requirements set out in Part 1 of the CGRGs (section 5, Public Reporting); and
  - that grants administration by officials and grantees incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct.
- 13.4. Accountable authorities *must* ensure that entity fraud procedures and practices comply with the fraud risk management and controls for Commonwealth entities Rule<sup>82</sup>, including as it relates to grants administration. The Rule places obligations on accountable authorities in relation to: fraud risk assessments; control plans; awareness and training; and case handling and reporting.
- Under section 16 of the PGPA Act, an entity's accountable authority *must* implement a fraud control plan for the entity.
  - Under section 45 of the PGPA Act, accountable authorities *must* establish and maintain an audit committee.
- 13.5. Accountable authorities should:
- establish appropriate internal control mechanisms for grants administration. For example, the separation of duties can be a key internal control. Generally, no single officer should appraise an application for a grant, give financial approval for the expenditure and also make the offer to the potential grantee; and
  - guard against fraudulent use of relevant money. For example, reported information should be assessed not only against objectives but appropriate benchmarks to indicate appropriate use of relevant money. Officials should be aware of the procedures to follow when fraud or misappropriation is suspected.
- 13.6. Actual or perceived conflicts of interest can be damaging to government, granting entities and its officials, potential grantees and grantees. A conflict of interest arises

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<sup>81</sup> The PGPA Act contains a number of duties in relation to officials including duties of care and diligence, duties to act in good faith and for a proper purpose, duties in relation to use of position, duties in relation to the use of information and duties to disclose interests. See Division 3 of the PGPA Act, Officials.

<sup>82</sup> See PGPA Rule 10, Preventing, detecting and dealing with fraud.

where a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or non-financial) or material personal associations. A conflict of interest may arise:

- where decision-makers or officials involved in grants administration have a direct or indirect interest, which may influence the selection of a particular grant activity;
  - where members of external committees have a direct or indirect interest in informing a decision about expenditure or providing advice on grant opportunities; and
  - where a potential grantee has a direct or indirect interest, which may influence the selection of their proposed grant activity during the application process.
- Conflicts may also arise when undertaking the grant activity.

13.7. Officials should establish transparent processes which help manage misconceptions and the potential for personal or related party gain. Accountable authorities should ensure that entity policy and management processes for conflict of interest are published to support probity and transparency.

13.8. Accountable authorities should put in place appropriate mechanisms for identifying and managing potential conflicts of interest for grant opportunities. These mechanisms may include:

- establishing procedures for officials, potential grantees, and grantees to declare their interests;
- developing procedures to manage potential conflicts of interest in all phases of grants administration;<sup>83</sup>
- maintaining a register of staff and other party interests; and
- ensuring that grant opportunity guidelines clearly outline what constitutes a conflict of interest.

13.9. Officials should conduct grants administration in a manner that minimises concerns about equitable treatment.<sup>84</sup> This can provide assurance to the various stakeholders that relevant money has been spent for the approved purposes and is achieving the best possible outcomes.

- Officials should ensure that decisions in relation to the approval of applications for grants are transparent, well documented and consistent with the legislative and policy requirements set out in Part 1, sections 3 and 4 of the CGRGs.
- Officials should put in place a transparent and systematic application and selection process. Such processes assist in informing decisions and enhancing confidence in the grant opportunity outcomes and grants administration processes, for both stakeholders and the public.

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<sup>83</sup> It is not advisable to include potential grantees for a grant opportunity on bodies which directly input into the grant selection process.

<sup>84</sup> All parties involved in grants administration may be subject to complaints of inequitable treatment, political and other forms of patronage or bias.

- The ANAO has put an emphasis on the geographic distribution of grant activities as a measure of equitable distribution and as an indicator of party-political bias in the distribution of grants. The ANAO has emphasised that those involved in grants administration should therefore be aware that the geographic and political distribution of grants may be seen as indicators of the general equity of a grant opportunity.
  - A key consideration is whether decision-makers have equitably and transparently selected grant activities that best represent value with relevant money in the context of the outcomes of the grant opportunity, as set out in the grant opportunity guidelines.
- 13.10. Competitive, merit-based processes should be used to allocate grants based upon clearly defined criteria, unless specifically agreed otherwise by a Minister, accountable authority or delegate. Key factors to be considered by officials when deciding the most appropriate allocation process include:
- the outcomes of the grant opportunity;
  - the likely number and type of applications;
  - the nature of the grant activity;
  - the value of the grant; and
  - the need for timeliness and cost-effectiveness in the decision-making process while maintaining rigour, equity and accountability.
- 13.11. Officials should consider the options available for selection processes, including:
- open competitive funding rounds which have open and closed nominated dates, with eligible applications being assessed against the nominated selection criteria;
  - targeted or restricted competitive funding rounds which are open to a small number of potential grantees based on the specialised requirements of the grant activity under consideration;
  - a non-competitive, open process under which applications may be submitted at any time over the life of the grant opportunity and are assessed individually against the selection criteria, with funding decisions in relation to each application being determined without reference to the comparative merits of other applications;
  - a demand-driven or 'first-in first-served' process where applications that satisfy stated eligibility criteria receive funding, up to the limit of available appropriations and subject to revision, suspension or abolition of the grant opportunity;
  - a closed non-competitive process. For example, where applicants are invited by the entity to submit applications for a particular grant and the applications or proposals are not assessed against other applicants' submissions but assessed individually against other criteria; or
  - one-off grants to be determined on an ad hoc basis, usually by Ministerial decision.

- 13.12. In determining the most appropriate application and selection process for a grant opportunity, officials should consider and document a range of issues associated with the available options, such as the nature and needs of potential grantees, maximising access to grants and policy outcome concerns against the advantages and disadvantages, risk analysis, timeliness and cost-effectiveness of the proposed process.
- 13.13. In some circumstances, it may be appropriate to use a non-competitive and/or a non-application based process. For example, it may be important to strike a balance between the desire to maximise access to a grant and the need for a timely and cost-effective decision making process. It may also be appropriate to target particular individuals, organisations, regions, or industry sectors, depending upon the government policy outcomes to be achieved. Where it is proposed to use a method other than a competitive, merit-based selection process, officials should document why this approach has been used.<sup>85</sup>
- 13.14. There may be instances where it is considered necessary to waive or amend the selection criteria established for a grant opportunity, in whole or in part. Where eligibility and assessment criteria are waived, decisions to approve grants should still be consistent with the policy authority for the grant opportunity and/or the applicable published objectives. Officials should document these decisions.
- Officials should ensure that grant opportunity guidelines document the circumstances in which the eligibility or assessment criteria set out in grant opportunity guidelines may be waived or amended.
  - Officials should seek Ministerial or other appropriate authority before invoking provisions for waiving or amending eligibility and assessment criteria, and keep appropriate records.
  - The ANAO has observed that it is important that appraisal and selection processes be transparent and free from the risk of political or other bias. It is better practice for all like applications to be assessed using a common appraisal process, and where there is a departure from the approved selection process, the reasons should be documented. Similarly, grant assessors should document when referring to, or relying on, knowledge or documentation other than the application form.
- 13.15. Accountability and transparency are related concepts. Accountability involves grantees, officials and decision-makers being able to demonstrate and justify the use of public resources to government, the Parliament and the community. This necessarily involves all parties keeping appropriate and accessible records to evidence the above.

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<sup>85</sup> See paragraph 11.5 of Part 2 of the CGRGs.

## Acronyms

AAO	Administrative Arrangements Order
ANAO	Australian National Audit Office
CFO	Chief Financial Officer
CGRGs	<i>Commonwealth Grants Rules and Guidelines 2017</i>
CPRs	<i>Commonwealth Procurement Rules</i>
FFR Act	<i>Federal Financial Relations Act 2009</i>
Finance	Department of Finance
FFSP Act	<i>Financial Framework (Supplementary Powers) Act 1997</i>
FFSP Regulations	<i>Financial Framework (Supplementary Powers) Regulations 1997</i>
FOI	Freedom of Information
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>

# Glossary

For the purposes of the CGRGs, terms have the meanings defined below.

**accountable authority** see subsection 12(2) of the PGPA Act.

**application process** refers to the steps that must be followed by potential grantees to be considered for a grant. It includes the forms, and written documentation, which contain eligibility and any assessment criteria to be satisfied.

**assessment criteria** are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings.

**beneficiaries** include the individuals/organisations which directly or indirectly receive a gain or benefit from the grant activity.

**eligibility** criteria refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.

**entity** means a Commonwealth entity and includes a Department of State, a Parliamentary Department, a listed entity or a body corporate established by a law of the Commonwealth (see section 8 of the PGPA Act).

**external committee** means any body comprising external representation formed for the purposes of informing entities on the merits of applications in a grant opportunity. This may include advisory panels, expert committees, or technical advisers.

**finance law** means the PGPA Act and Rule, an instrument made under the PGPA Act, or an Appropriation Act (see section 8 of the PGPA Act).

**grant activity(ies)** refers to the project /tasks /services that the grantee is required to undertake.

**grants administration** is the processes that an entity undertakes to achieve Government policy outcomes through grants. It includes: planning and design; selection and decision-making; the making of a grant; the management of grant agreements; the ongoing relationship with grantees; reporting; and review and evaluation.

**grant agreement** sets out the relationship between the parties to the agreement, and specifies the details of the grant.

**grant opportunity** refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.

**grant opportunity guidelines** refers to a document(s) containing the relevant information required for potential grantees to understand: the purpose, outcomes and objectives of a grant; the application and assessment process; the governance arrangements (including roles and responsibilities); and the operation of the grant. Grant opportunity guidelines include related documents, such as the application guidelines and forms, invitations to apply, supporting documentation, frequently asked questions, draft grant agreements, and any templates for reporting or acquittals.

**GrantConnect** is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.

**grantee** means the individual/organisation which has been selected to receive a grant.

**grants lifecycle** includes the: design of grant opportunities and activities; assessment and selection of grantees; establishment of grants; ongoing management of grantees and grant activities; and evaluation of grant opportunities and activities.

**officials** means officials of a Commonwealth entity. An official of a Commonwealth entity is an individual who is in, or forms part of the entity (see section 8 of the PGPA Act).

**one-off or ad hoc grants** generally do not involve planned selection processes, but are instead designed to meet a specific need, often due to urgency or other circumstances. These grants are generally not available to a range of grantees or on an ongoing basis.

**other Consolidated Revenue Fund (CRF) money** is money that forms part of the CRF other than relevant money or any other money of a kind prescribed by the rules (see section 105 of the PGPA Act).

**relevant money** means money standing to the credit of any bank account of the Commonwealth or a corporate Commonwealth entity or money that is held by the Commonwealth or a corporate Commonwealth entity (see section 8 of the PGPA Act).

**Rule** means the Rule made under section 101 of the PGPA Act (see section 8 of the PGPA Act).

**selection criteria** comprise eligibility criteria and assessment criteria.

**selection process** is the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.