



EPA Grants Policy

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Published by:

Environment Protection Authority
59 Goulburn Street, Sydney NSW 2000
PO Box A290, Sydney South NSW 1232
Phone: +61 2 9995 5000 (switchboard)
Phone: 131 555 (NSW only) (environment information and publications requests)
Fax: +61 2 9995 5999
TTY users: phone 133 677, then ask for 131 555
Speak and listen users: phone 1300 555 727, then ask for 131 555
Email: info@environment.nsw.gov.au
Website: www.epa.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au
See also www.epa.nsw.gov.au

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Scope

This policy applies to all grant programs funded by the Environment Protection Authority (EPA). It applies to all staff of the EPA, including temporary and casual staff, private contractors and consultants engaged by the EPA.

Definitions

Grant

A grant refers to any allocation by a NSW public authority of government funds to another person or body that agrees to carry out a service to the community^{*} with the funds provided.

It includes money, goods or other benefits provided to the recipient for a specified purpose, but with no expectations of attaining rights and benefits in return other than the achievement of the specified purpose.

A transaction is not a grant if it is:

- the selling of advertising space alone
- a commercial contract
- contributions to research that has been defined
- one-off payments to other government agencies to undertake work on behalf of the EPA in some circumstances
- sponsorship[†]
- unconditional gifts, donations, bequests or endowments
- a fee for service without conditions.

Grant program

A grant program refers to the specific program for which grant monies are allocated. A program will outline the objectives, outcomes and funding periods and will cover all aspects of the program; application, approval, administration and evaluation. It is for services that government has decided are worthy of funding and will benefit the community as a whole.

A grant program must be first approved before a call for applications is made and grant funding provided to recipients.

Grant funding can be distributed to one or more grant recipients.

Grant recipient

The individual or group that has successfully applied for a grant and then receives grant funding.

^{*} The general public of NSW, including individuals, families, businesses and communities

[†] See EPA's Sponsorship Policy at www.epa.nsw.gov.au/legislation/prosguid.htm .

Grant agreements

All grant arrangements will be documented in the form of a Deed of Agreement.

A grant agreement is:

- a legal document which sets out the arrangements under which a grant is provided, received, managed and acquitted
- signed by both parties before any payments are made.

A grant agreement will:

- contain appropriate controls and accountability mechanisms that need to be in place to ensure that grants are spent appropriately and the project or the service is going to plan
- specify how the EPA is to be acknowledged
- contain a clear mechanism for managing issues that could lead to a change to the agreement
- contain a clear mechanism for dealing with unspent funds
- contain appropriate conditions of contract regarding insurance, intellectual property etc. as appropriate
- contain advice about what cannot be funded under the grant
- include a dispute resolution procedure.

Appropriate activities

Activities and priorities that will be funded are generally outlined in documentation for a particular grant program. Activities that are suitable to receive grants are not generally for the delivery of services or activities that the EPA or other government departments are required to undertake to fulfil their core statutory obligations.

Note that there may be exceptions where a grant is given to another government agency, which has particular expertise in delivering certain services which meet the terms and conditions/outcomes required by the EPA for a particular grant program. The making of such a grant may not be on a fully competitive basis as the particular government agency would be in a sole supplier situation having particular expertise for the work required by the EPA.

Activities must represent value for money.

Policy Statement

The EPA establishes and funds grant programs to promote and achieve its community, environment and conservation objectives. These programs form partnerships between the EPA and a grant recipient, which allows external participants to contribute and participate in environment and conservation initiatives with the NSW Government.

This policy outlines the EPA's considerations when establishing and funding a grant program. Requirements for each grant program are documented in a grant program guideline and subsequent grant funding arrangements are documented in a formal deed of agreement.

Grant program terms

The EPA will ensure that:

- all funding programs have aims and objectives that state clearly the purpose and desired outcomes of the program
- all grant programs have an approved business plan setting out the aims, objectives, outcomes that align with the NSW Government policy and EPA Corporate Plan, evaluation, tasks, timeframes, budget, communications plan and risk management strategy
- selection criteria are developed for approving grants based on the aims and objectives of the funding program
- programs provide a benefit to the community
- activities facilitate the achievement or promotion of the NSW Government's plan and are directly aligned or complementary to the EPA's objectives under the EPA's Strategic Plan.

Grants assessment, approvals and governance

The EPA will ensure that:

- potential applicants are treated fairly and equally, and given sufficient information about the grants funding program
- selection criteria are made publicly available, in a timely manner
- sufficient relevant information will be collected to assess each grant application adequately
- grant applications will be assessed and decisions made about funding allocations according to pre-determined and well-advertised criteria and a publicly known timetable
- the assessment process is as transparent as possible and the Assessment Panel is independent. Where possible an external stakeholder will be involved in the decision-making process
- funding recommendations and decisions are documented fully and include details of the procedures allowed and selection criteria used
- grants deliver the best possible outcomes to meet the community's needs within available funding and are good value for money
- there is Grant Deed of Agreement signed by the appropriate delegates. These agreements will form a contract between EPA and the grant recipient.

Suitable grant recipients

The EPA will only enter into grant arrangements:

- with organisations that have similar or complementary objectives and values to the EPA and the NSW Government
- when it will not conflict with the EPA's relationship with the government and community of NSW
- that will not impose or imply conditions that would limit, or appear to limit, the ability of the EPA to carry out its functions fully and impartially
- conflicts and potential conflicts of interest between organisations will be taken into account when awarding and continuing grant agreements, including regulatory action taken by the EPA. This will be taken into account in reviewing applications, whether or not they otherwise meet the assessment criteria. Awarding grants is at the discretion of the EPA or the Minister for the Environment.

Conflicts of interest

Recommendations and approvals for project funding will be on the basis of established criteria outlined in the grants program, applied consistently by persons with no personal interest in the outcome. All EPA staff and contractors must abide by the Code of Ethical Conduct (published by the then Department of Environment and Climate Change NSW) and where a conflict of interest or a perceived conflict of interest arises, this will be managed in accordance with the requirements set out in the Code.

Conflicts of interest between the EPA and the grant recipient will be managed during the negotiation of the agreement. There is a provision within the agreement to terminate the agreement should a conflict of interest arise and if it cannot be resolved during the term of the agreement.

A grant agreement is between the EPA and the grant recipient. Employees of either party must not benefit personally from grants.

Monitoring and evaluation

The EPA will establish a process for the continuing and final assessment of each grant project. Funds must be spent in accordance with all relevant NSW legislation and policies.

The grant program outcomes will also be assessed against identified performance indicators. Payments will be conditional on the project proceeding according to schedule and to a satisfactory standard.

Publicly available information

Government departments and public authorities are required to publish details in their annual reports and on their websites of the grants provided to non-government organisations.

The EPA will publish details of all grant programs and allocations provided to government and non-government organisations in its annual report, including recipient's name, project summary and dollar amount.

Relevant legislation, policies and procedures

Legislation

- *Crimes Act 1900*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 1994*
- *Public Finance and Audit Act 1983*
- *Public Sector Employment and Management Act 2002*

Corporate policies

- Code of Ethical Conduct (published by the then Department of Environment and Climate Change NSW, now Office of Environment and Heritage)

NSW Government policies and useful links

- [NSW Department of Premier and Cabinet Good Practice Grants Administration documents](#)
- The NSW Government provides a single point of electronic access to information about NSW Government community grants programs through www.communitybuilders.nsw.gov.au.