

Transport
for NSW

Aboriginal Cultural Landscapes Management Pilots

Grant Program

Prepared by: TFNSW, Regional
and Outer Metropolitan Division

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transport.nsw.gov.au



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Acknowledgement

Transport for NSW acknowledges Aboriginal people are the traditional custodians of the lands and waterways on which we build infrastructure, deliver projects, and serve our customers.

We are grateful to Elders past and present for their continual leadership and care of Country.

Our respect for Aboriginal peoples, cultures and traditions are an acknowledgement of the past, and a celebration of the world's oldest living culture.

We are committed to caring for the landscapes that underpin transport corridors, our transport services and collaborating with Aboriginal people to care and support the traditions and cultural practice of land management on Country.

Definitions

| Term | Definition |
|--|---|
| Assessment team | The person or persons responsible for assessing individual grants against the grant guidelines |
| Community (low risk) cultural burning ¹ | Means the activity has the objective to enable Aboriginal community participation in culturally informed burning activities with Transport for NSW (TFNSW) |
| Cultural Burning | Means a custodial fire management and practice undertaken by Aboriginal people to produce a known cultural landscape management objective |
| Cultural fire management ² | Means the involvement of Aboriginal people in fire management. The term cultural fire management is a broad term, it can cover the full spectrum of Aboriginal community involvement in fire management from engagement and consultation with communities about their needs and values in fire management activities, to community presence on the fire ground for a low-risk cultural burn |
| Culturally informed burning ³ | Means is any burn with cultural burning objectives and Aboriginal community partnership in planning and approved. Culturally informed burning may not always have Aboriginal people involved on the fire ground |
| Cultural Land Management | Means a custodial management practice or activities that are carried out by Aboriginal people, Aboriginal community-based or community-controlled organisation or group. Land and sea management means the use and development of land resources, it involves the caring of natural assets, and the management of threats such as weeds, pests, vegetation, and erosion |
| Customers | Means any user of the regional transport network |
| Disruption | Means that vulnerability is identified on the transport network. In the scope of this work, disruptions are limited to natural hazards and natural disasters |
| Eligibility criteria | Means the conditions or criteria which must be met by an applicant to qualify for funding under the Aboriginal Cultural Landscapes Management grant |
| Grants administration | Refers to the processes that TfNSW has put in to deliver the Aboriginal Cultural Landscapes Management grant. It may include planning and design; promotion; assessment and decision-making; the making of a grant; the management of grant agreements; the ongoing relationship with grantees; reporting; review and evaluation |

¹ Adapted from the NSW National Parks and Wildlife Service (NPWS) Definition

² Adapted from the NSW National Parks and Wildlife Service (NPWS) Definition

³ Adapted from the NSW National Parks and Wildlife Service (NPWS) Definition

| Term | Definition |
|-----------------------|--|
| Grant guidelines | Refers to a document 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 | <p>A 'grant' is an arrangement for the provision of financial assistance by TFNSW, whereby money:</p> <ul style="list-style-type: none"> ▪ is paid to a grantee other than the NSW Government ▪ is intended to help address one or more of policy outcomes ▪ is intended to assist the grantee to achieve its objectives ▪ does not result in the return of goods or services by the grantee of an equivalent value to the NSW Government (i.e. it is a non-reciprocal exchange). <p>A 'grant' does not include:</p> <ul style="list-style-type: none"> ▪ the purchase of goods and services for the direct use or benefit of TFNSW (i.e. the purchase of goods and services is to be conducted by procurement or tender) ▪ engaging another party to carry out work on behalf of TFNSW (i.e. commissioning) ▪ a gift of public property ▪ ex gratia and act of grace payments made to persons who have suffered a financial or other detriment as a result of the workings of government ▪ a payment to a person of a benefit or an entitlement established by legislation ▪ an arrangement that is explicitly for the purpose of the transfer of funds and/or assets between NSW Government entities or SOCs ▪ a tax concession or offset ▪ a loan provided on commercial terms ▪ a payment of remuneration, compensation or damages ▪ a payment from the Commonwealth where the NSW Government is used as an intermediary to distribute funds to other parts of government or to non-government entities ▪ a scholarship ▪ a sponsorship arrangement in which the NSW Government provides money to an organisation or individuals to carry out a particular event or activity in return for sponsorship rights. |
| Grantee | Means the individual or organisation selected to receive a grant |
| High risk communities | Means communities identified by TFNSW across regional NSW, with one access and egress road and is deemed vulnerable in a Customer Journey Resilience Plan |
| One network approach | Means the collection of transport assets, services or infrastructure that facilitates the desire, intent, or need of customers to travel and how they undertake that journey |

| Term | Definition |
|--------------------------------------|---|
| Resilience | Means the ability of assets, infrastructure systems and services, (or as we term it the 'transport network'), to adapt and respond to the disruption |
| Incorporating or building resilience | Means (1) identifying the locations of vulnerability, (2) assessing risk, and (3) applying mitigations (such as vegetation management, improved signage, and or Aboriginal cultural practice) |
| Vulnerability | Means an identified section, quality, standard or state of the transport network that if exposed to a natural disaster could cause disruption |

Introduction

Grants are a way of allocating public money to achieve TfNSW's strategy, policy, objectives and or outcomes. Grants are usually intended to benefit the community. This document is to provide the information about the Grant Program behind the Aboriginal Cultural Landscapes Management Project.

The Guidelines are an additional document to this Grant Program outline and are intended to present the eligibility criteria, program administration and compliance for communities and applicants.

This information is available online to the community and should be read in conjunction with the Aboriginal Cultural Landscapes Management Funding Guidelines.

NSW Grants Administration Guide

The [NSW Grants Administration Guide](#) was issued under by Premier's Memorandum (September 2022), and the expectation is that all NSW Government agencies and officers will comply with the Guide for the planning, development, coordination and administration of grants.

This document is also guided by TfNSW Policy [RTA Guidelines: PN 62G for Policy Number PN 062 \(Finance Policy – Guidelines\) Guidelines for the Administration of Grants](#).

Aboriginal Cultural Landscapes Management Pilot Grant Program

Aboriginal Cultural Landscapes Management Project

TfNSW has allocated \$28 million over three years to deliver the ROM Network Resilience Program. There are currently three projects identified within the program strategy.

Project 1: Bushfire Corridor Resilience (BCR) Project

The BCR project is intended to build resilience and address future risk to the network of transport assets and services from bushfire. The background to this project stems Recommendation 31 in the NSW Bushfire Inquiry Final Report suggesting TfNSW:

- Develop a formal bushfire risk assessment and process for State roads
- Identify 'high-risk' communities
- Identify key sections of the transport network for future resilience treatment

Incorporating resilience will mean identifying locations of vulnerability to disruption from natural hazards and disasters, identifying the risk of network disruption for customers and communities, and preparing plans to mitigate the risk.

The BCR project is also seeking to consider a strategic approach to roadside vegetation management and applying it as a risk mitigation tool. This provides part of the opportunity to collaborate with Aboriginal people and communities and support for Aboriginal cultural landscape management in practice.

Project 2: Customer Journey Resilience (CJR) Plans

There are nine CJR plans to be developed across regional NSW. The aim of these plans is to build a thorough understanding of customer journeys, including who, where why and how customers travel on the transport network. Consultation with internal and external stakeholders is expected to:

- Build a greater understanding of the transport network, its customers, and their journeys
- Identify and prioritise risk
- Identify opportunities for investment to address the vulnerability and risk, minimising the impact and duration of a disruption
- Consider and address the impact of vulnerability and disruption to customers including freight and heavy vehicles

TfNSW wants to assist customers to plan for disruptions to their journeys in the event of a natural disaster and enable the transport network to return to 'normal' operating conditions as soon as practicable.

TfNSW believes that identifying and analysing these journeys and historic disruptions or vulnerability on the transport network to natural disasters - information, alternatives, and opportunities for investment can be identified.

These CJR Plans relate to the Aboriginal Cultural Landscapes Management Project as these plans are expected to identify locations and future opportunities for Aboriginal people and communities to undertake cultural land management activities to address the vulnerability identified on the transport network.

Project 3: Aboriginal Cultural Landscape Management Project

It is the intent of this project to engage with Aboriginal people and communities, to respect and value traditional and cultural land management, and practice. Working beside Aboriginal people and communities, TfNSW will support the development of expertise, skills, and aspirations of communities across regional NSW to practice and revive cultural landscape management and apply it to building resilience on Country and around the transport network.

Cultural burning is one component of a broader practice of traditional Aboriginal land and sea management and is an important cultural practice, not simply a technique for hazard reduction burning.

TfNSW wants to work closely with Aboriginal people and communities as the traditional custodians of Country, who have the authority, knowledge, skills, experience and or the aspirations, to evolve and revive traditional land and sea management and practices.

TfNSW also wants to identify opportunities across regional NSW where traditional land and sea management can contribute to addressing the maintenance and vulnerability of the transport network to natural hazards.

About this Grant Program

This grant program is aligned to the Aboriginal Cultural Landscapes Management Project. It is a 'pilot' Grant program, which means this is an experiment, or a trial, a short-term response that may help inform the development of a longer-term initiative for TfNSW.

If the outcomes and outputs of this program are positive for Aboriginal people and communities and TfNSW, TfNSW may use this short-term or trial experience to develop a longer-term framework and Grant opportunity.

The monitoring and evaluation of this trial experience will include the expenditure of any funds under this Grant and will also include considerations of appropriate future structures, collaboration, and a framework that will support Aboriginal people, communities and Aboriginal cultural land and sea management activities to thrive.

This document should be read alongside the Grant Program Guidelines 2023.

The Identified Need

Aboriginal people have the history, traditions and practice that may solve some of our environmental challenges, build resilience into transport systems and help manage land by applying cultural practice to manage and care for Country. Jurisdictions recognise and endorse the importance of distinguishing between priorities of broad-scale fuel management for hazard reduction purposes and Indigenous cultural burning practices.⁴

The [NSW Bushfire Inquiry](#) and the [Royal Commission into National Natural Disaster Arrangements](#) recommended the investigation and adoption of processes and activities that incorporate traditional land and sea management methods as a mitigation tool for natural disasters. The NSW Bushfire Inquiry Final Report said that the experience of the 2019–20 summer bushfires revealed that - in NSW, Aboriginal people have not been adequately supported to pursue cultural land and sea management opportunities, including cultural burning.

This program is intended to support and empower Aboriginal people and Aboriginal community groups to collaborate with TfNSW. Empowerment⁵ in this work means Aboriginal people and Aboriginal community groups are willing and able to take on appropriate and necessary powers, tasks, and responsibility for their community aspirations to practice land and sea management on Country.

Action 5 in the TfNSW '[Stretch RAP – 2022/2025](#)' is to increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and rights through cultural learning. TfNSW recognises that in some communities across regional NSW some of this knowledge and practice has been severed by trauma, and connections may take time to develop.

Action 10 within the TfNSW Stretch RAP is designed increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.

PwC's Indigenous Consulting (PIC) says⁶ that "*Indigenous businesses are more likely than non-Indigenous businesses to employ Indigenous workers. It has also shown that successful Indigenous businesses can create a 'multiplier effect' that, can foster further economic development and wealth creation*".

⁴ [Royal Commission into National Natural Disaster Arrangements Report](#)

⁵ [Empowered Communities: Empowered Peoples - DESIGN REPORT](#)

⁶ [Realising the potential of the IPP \(pwc.com.au\)](#)

Planning and designing this grant program⁷

Delivers value for money

Determining value for money in grants administration requires an assessment of the lifetime benefits of a grant opportunity against its lifetime costs⁸.

Experience across Australia says cultural land and sea management programs⁹ expanded exponentially in Queensland (QLD) and the Northern Territory (NT) in the 1980s and 1990s, and some examples of the benefits of these types of programs in QLD and the NT are:

- In 2018, there were more than 118 Aboriginal and Torres Strait Islander ranger groups operating across the country, supporting more than 831 full-time equivalent ranger positions (Country Needs People, 2021).
- These ranger programs, through the maintenance of ecosystem services, serve the national interests (Kerins, 2019).
- Many of the programs are increasingly key pillars in local economies, playing a significant role in reducing Australia's carbon emissions and conserving and managing vast parts of Australia's native landscapes and ecosystems and offer a range of health, social, political, and economic benefits to local communities (Altman & Kerins, 2012; Garnett et al., 2009).

Initial planning around Value for Money against this program suggests value can be achieved by:

- efficient and effective grants design and delivery with Aboriginal people
- working with Aboriginal people and other NSW Government stakeholders to develop or modify grant opportunities
- developing processes and procedures proportional to the grant's value and risk
- promoting the ethical and culturally appropriate use of public resources
- maintaining flexibility to respond to changing circumstances
- supporting grantees to achieve value for money in their grant activities

The scale of vegetation management across regional NSW is significant. Undertaking maintenance activity for TfNSW is described in the M3 Standard. The application of traditional or cultural land and sea management is to be developed as part of the Network Resilience Program. The research agenda for this program of works will review TfNSW Standards and Policy and identify areas where traditional/cultural practice may be appropriate and applicable.

A research partner to the broader Aboriginal Cultural Landscapes Management Project will identify the economic, social, cultural, and environmental costs and benefits to build a future framework with identified 'Value for Money' considerations. Considerations for the researchers will be provided for in a community-based outcomes plan assigned to each pilot location, attached to a Funding Agreement. Broader Value for Money may be achieved by evaluating the employment, environmental and social outcomes from this trial.

Program barriers and challenges

This pilot program is intended to be a trial or a test, to inform the development of a future framework, several barriers and challenges to these types of programs have been identified.

In an ANU¹⁰ paper identified three distinct but interrelated funding challenges:

- the lack of funding available to Aboriginal people given their vast land ownership and management responsibilities of an ever-increasing estate
- the short-term nature of the funding, and the separate and siloed funding packages

⁷ [Section 6 NSW Grants Administration Guide provides a high-level overview of that process, outlines best-practice considerations and specifies key requirements.](#)

⁸ [Value for money and grants administration | NSW Government](#)

⁹ [Cultural burning in New South Wales: Challenges and opportunities for policy makers and Aboriginal peoples \(anu.edu.au\)](#)

¹⁰ ['Cultural burning in New South Wales: Challenges and opportunities for policy makers and Aboriginal peoples'](#) Kerins, 2012 page 9

- overwhelming administrative and reporting requirements¹¹.

These funding challenges impact the ability of Aboriginal groups and organisations to recruit, train and retain staff, and deliver projects.

The ANU paper also highlights several other relevant barriers that need to be addressed:

- Generations of Aboriginal people have been separated from their lands and waters over time, and this has also severed the transfer of knowledge. Violence has also severed Aboriginal knowledge from Country.
- It cannot be assumed that Indigenous people have the traditional knowledge ready, or at hand, or that they are willing or able to share it.
- Governing arrangements of Aboriginal communities and lands in NSW is diverse, remains contested and thus, unresolved. The NSW Government has invested significant energy and resources into negotiating Accords (or agreements) with Aboriginal Regional Alliances (RAs) under the OCHRE2 policy framework (NSW Aboriginal Affairs, 2021a).

The planning and legislative framework around this work is complex, TfNSW is seeking to collaborate with other NSW Government agencies working with Aboriginal people and in communities develop new policy around the application of traditional land and sea management practice.

Grant administration and management

Application for a pilot site

Project Officers working with the Aboriginal Cultural Landscapes Management project with TfNSW will work closely with Aboriginal people and the community to identify locations for these pilots that satisfy the selection criteria.

The selection criteria was approved by a Non-Traditional Procurement method and are based on successful attributes of similar programs developed throughout Australia.

Project Officers will work with Aboriginal people and organisations and complete the Pilot Location Template. This template will form a report disclosing how the pilot site reflects the intent and factors of the project and this Grant, it will also record appropriate information for decision making by the appropriate authority.

This document will be provided to a Project Control Group for commentary.

The Director Aboriginal Engagement and Senior Manager Network Resilience will review the documents provided, and the commentary from the Project Control Group, and authorise a pilot location.

These documents will be used to form the Funding Agreement and schedules with the Aboriginal organisation and pilot locations selected.

Records will be maintained on the TfNSW systems and if requested are accessible to the public.

Pilot site selection

As this is a pilot program to build a future framework, an approved Non-Traditional Procurement Method has been approved to select locations and pilots where appropriate structures, collaboration, and traditional land and sea management practice occurs.

Pilot locations will be selected based on satisfying a site selection criteria. The criteria for site selection is:

1. A partnership between TfNSW and an Aboriginal, community owned and controlled organisation.

¹¹ [Cultural burning in New South Wales: Challenges and opportunities for policy makers and Aboriginal peoples, BWilliamson, Working Paper No. 139/2021](#)

2. On land where the Aboriginal community owned or controlled organisations has land interests, or land ownership.
3. Locations that are aligned to TfNSW interests, and the activities of other NSW Government agencies.
4. Locations where the community can demonstrate their aspirations and authority to practice land and sea management, and culture on Country.
5. An acceptance and willingness to participate in monitoring and evaluation to design and develop a future framework, and recognise and realise non-traditional types of community development, including social, economic, environmental, and cultural outcomes.

Secondary factors to be considered in selecting pilot locations are:

1. Locations that are accessible to project management and administration staff within the Aboriginal Engagement team so they can directly support the community and the pilots to evolve and develop.
2. Locations where there is support, or focus, and or resources for recognising trauma and strengthen relationships with Aboriginal people.
3. Assistance is available for functions like finance, funding, risk management, and administration.
4. Motivation to work with strategic partners, build capability and participate in nationally recognised training.
5. A focus on young people and women.

Outcomes based agreement

Organisations approved as part of the Aboriginal Cultural Landscapes Management project and a pilot location will be required to sign a Funding Agreement with TfNSW.

The funding agreement will have an outcomes-based plan and articulate the support to be provided to the community. It will describe the directions and associations of the pilots and the outcomes agreed with TfNSW around land and sea management, economic development, and governance activities.

The funding agreement template is the [Document Preview - funding-agreement-template \(nsw.gov.au\)](https://www.nsw.gov.au).

Monitoring and evaluation

The pilots will be evaluated, and the experience may guide the development and implementation of a future framework for TfNSW. The performance measures to be used to evaluate the pilots will be:

- Identify the opportunities and collaboration for Aboriginal cultural landscape management within TfNSW, and other NSW Government agencies working or seeking to benefit from the introduction of Aboriginal cultural land management.
- The alignment with Customer Journey Resilience Plans and the Bushfire Corridor Resilience project and how these projects may align the aspirations of Aboriginal people and organisations, and functions that will build resilience on the transport network.
- Create a future plan to work beside Aboriginal people on Country to support traditional land management practices.
- Development of a framework for the application of Aboriginal land and sea management practice to the roles and functions of TfNSW.

Collaboration and partnerships

As this is a pilot program, the relationships and collaboration between other recognised NSW Government agencies and their programs is important. The ANU report¹² references several NSW programs that would be beneficial to partner with, these are:

- In terms of cultural burning specifically, the [NSW National Parks and Wildlife Service \(NPWS\) Cultural Fire Policy](#) is intended to invest in and support cultural land management activities by NSW Office of Environment and Heritage.
- The development of the [‘Our Place on Country’ strategy](#) by the Department of Planning, Industry and Environment (DPIE, 2020) represents an important step in increasing the presence of Aboriginal people within government agencies.
- The NSW Rural Fire Service has also established their own [NSW Rural Fire Service Aboriginal Communities Engagement Strategy](#) and adopted an Aboriginal Participation Strategy.

The intent and benefit to developing partnerships and pilots with other stakeholders:

- Improve the design and delivery of pilots and the grant funding
- Identify and reduce fragmentation and unnecessary duplication
- Improve the responsiveness, flexibility and relevance of this grant post the initial pilots
- Reduce administration costs for Aboriginal organisations involved in the pilots, government, and non-government stakeholders
- Support the appropriate sharing of roles and responsibility, costs, and risks among stakeholders
- Support the development of appropriate outputs, accountability requirements, governance structures and documentation for a future framework and grant
- Assist potential grantees and pilots to understand and build their capability in any grants administration process.

Proportionality

This initiative is built from the Future Transport Strategy 2056 and the acknowledgment that our future climate will be variable, and that customers will continue to be impacted by natural hazards and disasters into the future.

TfNSW in its Stretch RAP recognises and values the importance of connecting to Country and TfNSW commits to incorporating local Aboriginal and Torres Strait Islander knowledge, cultures, art, and heritage into the places and activities TfNSW creates.

Aboriginal people have the history, traditions and practice that may solve some of our environmental challenges particularly in applying cultural practice to manage and care for country. However, in some communities some of this knowledge and practice has been severed by trauma, and connections may take time to develop.

The Network Resilience Program within TfNSW Regional and Outer Metropolitan Division is to be measured on its ability to develop and commence implementation of framework that identifies opportunities, structures, and collaboration to support the introduction of traditional Aboriginal land and sea management practices and aspirations, that will improve transport network resilience, and support and strengthen Aboriginal people, country, and culture by June 2024.

Outcome’s orientation

In the TfNSW in the Future Transport 2056 Strategy resilience has emerged as an important focus for customers and communities. A resilient and reliable transport system will support freight and passenger journeys and successful places.

Any business case for a future program will be developed as per the [TPP18-06 NSW Government Business Case Guidelines](#) and [TPP 17-03 NSW Government Guide to Cost-Benefit Analysis](#).

¹² Cultural burning in New South Wales: Challenges and opportunities for policy makers and Aboriginal peoples, BWilliamson, Working Paper No. 139/2021

Practices and procedures in place to ensure this grant will be administered consistently¹³

This program will be conducted by TfNSW under its policy and guidelines for governance and accountability. Policies, procedures and documentation for the effective and efficient governance and accountability of grants are provided by TfNSW in [RTA Guidelines: PN 62G for Policy Number PN 062 \(Finance Policy – Guidelines\) Guidelines for the Administration of Grants](#).

The Network Resilience Program Strategy describes the information behind the three projects included in the strategy.

The Aboriginal Cultural Landscapes Management Project – Project Management Plan outlines the governance, quality management and procurement risk.

Governance structures and accountabilities

Overall responsibility for this program rests with the Regional and Outer Metropolitan Division of TfNSW.

The responsibility for governance, structures and accountabilities rests with the Senior Manager, Network Resilience.

Responsibility and accountability for engagement and operations with Aboriginal people and communities' rests with the Director, Aboriginal Engagement, and the Project Manager for the Aboriginal Cultural Landscapes Management project.

The application of the Project Management Plan rests with the Senior Manager Network Resilience and the Project Manager of the Aboriginal Cultural Landscapes Management Project.

Specific accountabilities to Aboriginal people and communities in the North, South and West regions of Regional and Outer Metropolitan Division rest with location specific Project Officers.

The program is specifically designed to work through a governance or structure of an Aboriginal owned/operated community group in a specific location.

Decisions on the pilot locations for these grants rest on consultation with a Project Control Group established around the strategy and projects, endorsement by the Senior Manager Network Resilience and Director Aboriginal Engagement, and then authorisation by the decision maker the Regional Director Assets for Regional and Outer Metropolitan Division.

Documentation on the awarding or not awarding grants for pilots will be recorded, and available on request to the public.

Probity and transparency

TfNSW policy describes the requirements for accountability, probity, and transparency in administering grants. Probity principles for decisions about the direct negotiations between TfNSW and pilot Aboriginal communities and locations for the Aboriginal Cultural Landscapes Management Project pilots are:

- **Fairness** - All reasonable efforts will be made by the Project Officers team to identify all, and potential parties interested in the scope of the project, the pilot communities and locations, the development of a new framework, and potentially a new program. Capturing the interest in this project and the pilots' augers well for future partnerships and a potential grant program or procurement for this approach.
- **Impartiality** - Impartiality requires that the any processes are free of, or at least not adversely affected by, a conflict of interest. Any conflict of interest (perceived or actual) will be declared to TfNSW¹⁴. Decision-makers will also comply with this requirement.

¹³ Section 5 – NSW Grants Administration Guide

¹⁴ [Conduct and behaviour - Conflicts of interest \(nsw.gov.au\)](#)

- **Accountability** - Accountability is demonstrating and documenting where discretion and resources are used.
- **Transparency and the Role of Decision Makers** - A report on each pilot location is to be presented to the ROM Network Resilience Project Control Group (PCG). Deliberations about pilot locations will be conducted with the Project Control Group.

Identify and manage risks for grants, in accordance with agencies' responsibilities under the GSF Act¹⁵

The Project Management Plan for the Aboriginal Cultural Landscapes Management project provides a risk assessment and mitigations.

| Risk | Description/Event | Impact | Mitigation |
|--|--|--|---|
| Cultural, community | Community engagement is interrupted, community momentum or aspirations do not materialise, offers of support or engagement are not responded to | Project timelines are unachievable Program delivery is impacted | Awareness of project barriers and enablers AES will coordinate engagement and contribute to project outcomes Monitor Adapt program of works Collaborate across regions on project works |
| Cost | Skills and labour are unavailable Ongoing impact of disasters Escalating program costs Program budget doesn't extend to communities interested in the program TfNSW project resources are insufficient to support community aspirations Procurement structures are insufficient to respond to the success factors for the community | Project is not deliverable Timelines are unachievable Program delivery is impacted Budget underspend | Awareness of project barriers and enablers AES will coordinate engagement and contribute to project outcomes Monitor Adapt program of works Collaborate across regions on project works |
| External hazards, force majeure, weather | Ongoing natural disasters Urgency and visibility over different types of disasters fade | Project timelines are unachievable Program delivery is impacted Communities reluctant to contribute Community attitudes towards TfNSW changes | Awareness of project barriers and enablers AES will coordinate engagement and contribute to project outcomes Monitor PCG Pre-Region Access agenda item and reports. |

¹⁵ Section 6.1 – NSW Grants Administration Guide

| Risk | Description/Event | Impact | Mitigation |
|---|--|---|---|
| | | <p>Consultation fatigue</p> | <p>Adapt program of works around community impact of disasters</p> <p>Collaborate with other agencies to obtain information</p> |
| <p>Financial</p> | <p>Budget is insufficient to complete the program and the works identified</p> <p>Works budgets unable to be expended due to cost and resourcing</p> <p>Funding model is unable to be developed or implemented</p> | <p>Project timelines are unachievable</p> <p>Program delivery is impacted</p> <p>Ongoing budget commitments for maintenance and delivery</p> <p>The events exasperate and increase the demand and tasks required</p> <p>BAU pathway not able to be identified</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project outcomes</p> <p>Monitor</p> <p>Adapt program of works</p> <p>Collaborate with other agencies</p> |
| <p>Governance, quality management, procurement</p> | <p>Program stewardship, management, policy, and procedures</p> <p>Lack of engagement and uptake of program outcomes</p> <p>Non-compliance</p> <p>Commitment to the PCG decreases program outcomes</p> <p>Structures and engagement in regions differ</p> | <p>Project timelines are unachievable</p> <p>Program delivery is impacted</p> <p>Non-compliance</p> <p>Commitment to the PCG decreases program outcomes</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project outcomes</p> <p>Monitor</p> <p>PCG Terms of Reference and commitment to meetings and guiding the program</p> <p>Detailed PMPs</p> <p>Program resources enhanced to support delivery</p> <p>Flexibility in the project tasks to deliver the outcomes</p> |
| <p>Information, Communications & Technology</p> | <p>Data is not available or accessible</p> | <p>Program approach cannot be validated</p> <p>Priorities cannot be substantiated</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project outcomes</p> <p>Monitor</p> <p>PCG to change project scope or</p> |

| Risk | Description/Event | Impact | Mitigation |
|--|--|---|---|
| | | | <p>directions</p> <p>Review the application and relevance of data</p> <p>Seek data from sources external to TfNSW</p> |
| <p>Legal, regulatory, compliance, contract risk</p> | <p>Disasters occur again for communities</p> <p>High risk communities impacted again</p> <p>Purchasing or contracting happens without regard for policy and procedure</p> | <p>Legal implications</p> <p>Reputation of ROM is impacted</p> <p>Non-compliance with policy, standards, or process</p> <p>Program of works is discredited</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project outcomes</p> <p>Monitor</p> <p>Engage and consult with SER and throughout TfNSW</p> <p>Maintain reporting and information</p> <p>PCG Terms of Reference and the group is in place to monitor and review</p> |
| <p>Operational, integration, seasonality</p> <p>Performance, program, and project schedule</p> <p>Project deferral</p> | <p>Adoption of strategies and project outcomes internally</p> <p>Resistance to change</p> <p>Ongoing disruptions of natural disasters</p> <p>Budget and resourcing are not available</p> <p>Scarcity of resources to apply to the project</p> <p>Seasonality is not reflected in strategy for regional areas</p> <p>Duplication of effort and resources</p> <p>Strategy and structures do not align</p> <p>Continual responses to disaster remove resources required to implement resilience</p> | <p>Program approach cannot be validated</p> <p>Priorities cannot be substantiated</p> <p>Change is not integrated and implemented</p> <p>Resilience is not built into planning and structures</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project outcomes</p> <p>Engagement and consultation throughout the program and projects</p> <p>PCG's role will be engagement, consultation, integration, and implementation</p> <p>Maintain reporting and information</p> |
| <p>Reputational, political</p> | <p>Natural disasters continue to impact communities and TfNSW assets, infrastructure, and services</p> <p>State government projects are unable to be delivered</p> | <p>Program approach cannot be validated</p> <p>Priorities cannot be substantiated</p> <p>Change is not</p> | <p>Awareness of project barriers and enablers</p> <p>AES will coordinate engagement and contribute to project</p> |

| Risk | Description/Event | Impact | Mitigation |
|----------------------|---|--|---|
| | because of accessibility Increased political pressure from the impact of disasters Increased complaints from customers and stakeholders | integrated and implemented Resilience is not built into planning and structures Political pressure on the delivery of program outcomes | outcomes Monitor Engage with TfNSW media units to receive information about vulnerability on the network, community, and political sentiment Maintain reporting and information |
| Work Health & Safety | Staff injury or accident while travelling around regional NSW | Program delayed due to staff resources Serious injury or impact on the individual | Awareness of project barriers and enablers AES will coordinate engagement and contribute to project outcomes WHS policy and procedure Rest breaks, daily check - in with Manager and Monitor |

Develop and implement fraud controls that are proportionate to the value and risk of the grant and consistent with NSW public sector risk management requirements¹⁶

Corruption

At TfNSW, it is important that there is a shared understanding of the standards of behaviour around fraud and corruption.

Corrupt conduct is defined in the Independent Commission Against Corruption Act 1988. While it can take many forms, it usually involves any of the following:

- Public resources, information or decision authority being misused for private benefit.
- A breach of trust by a public official.
- Public functions being performed in an intentionally biased or dishonest manner, and/or a member of the public attempting to influence a public official to act corruptly.

Examples of corruption include the following:

- A supplier pays for a staff member’s renovation in return for selecting that supplier in a tender.
- A staff member intentionally awards a contract to a friend or relative without declaring a conflict of interest.
- A staff member fails to enforce a financial penalty in a supplier contract in return for a bribe.

¹⁶ Section 5.7 – NSW Grants Administration Guide

Corruption is illegal and may have serious consequences such as dismissal and/or prosecution.

Fraud

The Australian Standard for Fraud and Corruption Control (AS 8001:2021) defines fraud as:

‘Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.’

When fraud adversely affects, or could adversely affect, the exercise of public official functions or public authorities, it is also corrupt conduct under the Independent Commission Against Corruption Act 1988.

Fraud is a criminal offence in NSW under the Crimes Act 1900 (NSW) and punishable by up to ten years in prison.

Method other than a competitive merit-based selection process is to be used¹⁷

STEP 1: Identify groups and locations

Project Officers employed with the Aboriginal Engagement Service and working directly on the Aboriginal Cultural Landscapes Management Project will:

- Identify Aboriginal people and groups across regional NSW who can satisfy the selection criteria:
 - Are an Aboriginal community owned and controlled organisation
 - Are located on Country and with land where there are Aboriginal interests
 - Are located in regional NSW where Aboriginal owned country is located near or is aligned to TfNSW land interests, the transport network or roads and or rail, and or the land is aligned to the activities of other NSW Government agencies
 - The community can demonstrate their aspirations and authority to practice land and sea management, and culture on Country
 - The community understands, accepts and is willing to participate in monitoring and evaluation of the pilot and provide information which will design and develop a future framework for TfNSW
 - Assist TfNSW in identifying, recognising and realising traditional and non-traditional types of community development, including social, economic, environmental, and cultural outcomes.

STEP 2: Project Officers assist the community to complete the Pilot Selection template

¹⁷ Section 6.1 – NSW Grants Administration Guide

[INSERT NAME OF THE PILOT]

PILOT SUMMARY

| | |
|---|--|
| Pilot Name: | [insert text] |
| Pilot Community: | [insert text] |
| Type of Community Organization: | [insert text] |
| Registration #: | [insert text] |
| ABN: | [insert text] |
| Pilot Location: | [insert text] |
| Pilot community contact/coordinator: | [insert text] |
| Position: | [insert text] |
| Address of the contact: | [insert text] |
| Telephone: | [insert text] |
| Email: | [insert text] |
| Other Stakeholders involved in the pilot: | [insert name of the stakeholder and contact details] |

| | | | |
|---|------------------------|-----|----|
| Insurances: | Public Liability | Yes | No |
| (Copies and currency of these insurances will be required if the pilot enters into a Funding Agreement with Transport for NSW.) | Professional Indemnity | Yes | No |
| | Workers Compensation | Yes | No |

| | |
|-----------------------------------|---|
| Transport for NSW Representative: | [insert text] |
| Date: | |
| Date provided to the PCG: | [insert commentary from the PCG or members on the proposal] |

PRINCIPLES

Fairness

Definition: All reasonable efforts will be made by the Aboriginal Engagement team to identify all, and potential parties interested in the scope of the project, the pilot communities and locations, the development of a new framework, and potentially a new program.

Intent: Capturing the interest in this project and the pilots’ augers well for future partnerships and a potential grant program or procurement for this approach.

| | |
|------------------------|---------------|
| Pilot Response: | [INSERT TEXT] |
|------------------------|---------------|

Impartiality

Definition: Impartiality requires that the any processes are free of, or at least not adversely affected by, a conflict of interest.

Intent: Any conflict of interest (perceived or actual) will be declared to Transport for NSW. Decision-makers will also comply with this requirement.

| Transport for NSW Response: | Name of Employee | Role in the Project | Declaration of Interest |
|------------------------------------|-------------------------|------------------------------------|--------------------------------|
| | Rosemary Crowhurt | Director Regional Assets | [insert link or email] |
| | George Shearer | Director Aboriginal Engagement | [insert link or email] |
| | Rebel Thomson | Senior Manager, Network Resilience | [insert link or email] |
| | Joanna Schultz | Project Coordinator | [insert link or email] |
| | Damien Lett | Project Manager | |
| | Wayne Davies | Project Coordinator | [insert link or email] |
| | Mike Nolan | Project Coordinator | [insert link or email] |

| Pilot Response: | Name of Pilot Coordinator | Role in the Project | Declaration of Interest |
|------------------------|--------------------------------------|----------------------------|--------------------------------|
| | [insert name] | [insert role] | [insert link or email] |
| | [insert additional rows as required] | | |

| Record of any actions taken to manage declaration of interest: | Name of Employee/Pilot Coordinator: | Notes to be recorded: | |
|---|--|------------------------------|---------------|
| | [insert text] | [insert text] | [insert text] |

Accountability

Definition: Accountability is demonstrating and documenting where discretion and resources are used.

Intent: Detailed records are required and can be made available to the public (including this document) on the requirements, considerations and approval of pilots under the ACLM project.

List any documents or information considered to support this pilot application. [insert link or email]

Transparency

Definition: A report on each pilot location is to be presented to the ROM Network Resilience Project Control Group (PCG).

Intent: Deliberations about pilot locations will be conducted with the PCG. On the recommendation of the Project Control Group, the Director Aboriginal Engagement and Senior Manager Network Resilience will review the documents provided and authorise the pilot locations.

| Document Name: | Date: | |
|------------------------------|---------------|------------------------|
| Pilot Proposal Final | [insert date] | [insert link or email] |
| Presented to the PCG | [insert date] | [insert link or email] |
| Presented to AES | [insert date] | [insert link or email] |
| Presented to Approver | [insert date] | [insert link or email] |

Value for money

Definition: In the Transport for NSW Procurement Standard ‘value for money’ is achieved when the optimal procurement/solution is selected to meet our needs.

Intent: Decision makers and those considering the project and pilot outcomes, must aim to obtain the best possible outcome over the whole-of-life of the goods, services or works.

Pilot Response: [insert text – define what value for money looks like in this pilot, consider stakeholder involvement and provide comments from stakeholders, Aboriginal community sentiment and participation, TfNSW intervention to outline where Value for Money can be identified. Comment on budget, costs and outcomes proposed.]

MANDATORY SELECTION CRITERIA AND RESPONSES

The selection criteria identified by Network Resilience and Aboriginal Engagement required to produce the desired outcomes are:

A partnership with Aboriginal community owned and controlled organisations

Pilot response: [describe the partnership, confirm ownership and outline control structures]

On land where there are Aboriginal interests

Pilot Response:

Pilot response: [insert DP numbers, address and maps]

Locations that are aligned to TfNSW interests, and the activities of other NSW Government agencies

Pilot response: [identify TfNSW interests on the map and in this box, describe any other lands and ownership that will be incorporated into this pilot]

Locations where the community can demonstrate their aspirations and authority to practice land and sea management, and culture on Country

Pilot response: [describe community aspirations, define their authority or the authorizers within the community]

An acceptance and willingness to participate in monitoring and evaluation to design and develop a future framework, and recognise and realise non-traditional types of community development, including social, economic, environmental, and cultural outcomes.

Pilot response: [describe anything specific that you would like to have monitored or evaluated by researchers]

OPTIONAL SELECTION CRITERIA AND RESPONSES

Secondary factors to be considered in selecting pilot locations are:

Locations that are accessible to project management and administration staff within Aboriginal Engagement so they can directly support the community and the pilots to evolve and develop.

Pilot response: [name the project officer responsible for the pilot, list any specific support the TfNSW Project Officers are being asked to undertake]

Locations where there is support, or focus, and or resources for recognising trauma and strengthen relationships with Aboriginal people.

Pilot response: [insert considerations]

Assistance is available for functions like finance, funding, risk management, and administration

Pilot response: [insert any other assistance that the pilot is seeking from TfNSW]

Motivation to work with strategic partners, build capability and participate in nationally recognised training.

Pilot response: [insert text specifically, any work with strategic partners that is being developed as part of this pilot and why this will be of benefit to TfNSW. List all of the building capability requests such as; business goals of the community group, how will these business goals assist TfNSW, who is their target market, will this pilot support healing in the community and reconciliation, are there any other partners or finance to support the community involved with this pilot, any risks to the pilot’s success.]

A focus on young people and women

Pilot response: [insert text specifically, recruitment, attraction and retention of young people, training opportunities and employment links.]

PILOT LOCATION BUDGET

| | |
|--|---------------|
| PROPOSED TfNSW GRANT: | \$ |
| PROPOSED EXPENDITURE: | |
| Business support | \$ |
| Business development | \$ |
| Compliance activities | \$ |
| Computers and IT | \$ |
| Consultants | \$ |
| Contractors | \$ |
| Employment services | \$ |
| Mentoring | \$ |
| Promotion, collaboration, events and communications (community activities) | \$ |
| Staff and employment costs | \$ |
| Stakeholder relationships (pilot specific activities) | \$ |
| Supporting and revitalising culture | \$ |
| Training | \$ |
| Vehicles and equipment | \$ |
| On the job training/work experience | \$ |
| OTHER GRANT FUNDING: | \$ |
| NAME OF FUNDING BODY: | [insert text] |

STEP 3: Project Manager will finalise the Pilot Location Template document

The completed document will be provided to the Senior Manager Network Resilience and the Director Aboriginal Engagement.

The completed document will be provided to the Network Resilience Program Project Control Group for comment.

After considering the content of the Pilot Region document, the Senior Manager Network Resilience and the Director Aboriginal Engagement will endorse or reject the Pilot Region.

STEP 4: Approve the Pilot Location

The Director Regional Assets on the recommendations of the Senior Manager Network Resilience and the Director Aboriginal Engagement will approve a pilot location.

STEP 5: Communications with the Pilot Location

Communication with the Pilot region will be via the Project Officer with the Aboriginal Cultural Landscapes Management Program.

Project Officers will advise applicants if their pilot location is approved by TfNSW. Project Officers will also advise applicants if their pilot location is not successful.

STEP 6: Negotiations with the Pilot Location

The Project Manager and Project Officers from TfNSW will liaise with the pilot location to confirm the funding arrangements and form the outcomes-based work plan, reporting requirements and any other details to be attached to the funding agreement.

STEP 7: Pilot locations funded and operational

Role of stakeholders, the stakeholder engagement process, and input is documented¹⁸

The role of stakeholders in this program and the role of stakeholders in the pilots is incorporated into the Pilot Region document.

Whilst the presence and activity of stakeholders in pilot locations is encouraged and will be provided in the Pilot Region document, TFNSW will make its decision independent of other stakeholders on the pilot location.

Grant guidelines and publishing grant information¹⁹

TFNSW has produced in association with this pilot program:

- Grant Funding Guideline
- Grant Program Guidelines 2023

Any changes to these documents will be published on the NSW Government Grants and Funding Finder no later than 45 calendar days after the grant agreement takes effect, or, if there is no grant agreement, no later than 45 calendar days after the first payment is paid to the grantee.

Information about the pilots including the Pilot Region documents are available to the public, this ensures there is transparency over decision making and the selection of pilot locations.

The release of this information will be on request to the Senior Manager Network Resilience.

Terms and Conditions for a grant

Grantees will be required to sign a written agreement with TFNSW.

The terms of this written agreement will be published on the NSW Government Grants and Funding Finder no later than 45 calendar days after the grant agreement takes effect.

Additional Information

Any additional information about this program can be sought by contacting the Senior Manager Network Resilience in the Regional and Outer Metropolitan Division of TFNSW.

¹⁸ Section 6.3 – NSW Grants Administration Guide

¹⁹ Section 6.1 – NSW Grants Administration Guide

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