



ABORIGINAL RANGER PROGRAM

PROBITY GUIDELINES

ROUND 4 EXPRESSIONS OF INTEREST

The assessment process for expressions of interest (EOI) under Round 4 of the Aboriginal Ranger Program will be guided by the following principles:

PRINCIPLE 1 - CONFIDENTIALITY & CONFLICT OF INTEREST

The community and applicants have a right to expect public sector staff and elected officials will perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest or personal gain. Conflicts of interest arise when public officials are influenced, or appear to be influenced, by personal interests when doing their job (ICAC Dec 1995).

SECURITY

General

Security of all information that becomes available and pertaining to this application process is the responsibility of all members of the Assessment Panel.

All persons must take reasonable precautions to prevent the unauthorised disclosure of confidential information.

It is the responsibility of the Aboriginal Ranger Program Coordinator to ensure that reasonable precautions are taken to prevent the unauthorised disclosure of information by Government agencies and regional managers of the Department of Biodiversity, Conservation and Attractions (DBCA) to which applications are referred.

In referring applications to Government agency staff and DBCA regional managers, confidential information will be redacted. This includes financial information that is provided.

All office files will be established in accordance with the DBCA's overall policies and stored in secured cabinets. All files must be returned to the central cabinets each night where they will be locked when the office is unattended.

Physical Security

It is the personal responsibility of all persons privileged to confidential documents to ensure that they are securely stored and unobtainable to others not authorised by the Aboriginal Ranger Program Coordinator.

Any documents, files or copies of submissions that are given to Panel members should be identified by number and signed out by the Aboriginal Ranger Program Coordinator or Executive Officer.

Computer Security

The computer environments containing confidential Aboriginal Ranger Program information at DBCA shall be secured and accessed only by authorised individuals with their own passwords. The system administrator shall ensure individuals only have access to areas of information that are appropriate to the roles assigned to them by the Aboriginal Ranger Program Coordinator. The Probity Auditor shall test the environments from time to time to confirm that the systems remain secure.

Confidentiality and Conflict of Interest Agreements

Each person having access to confidential assessment information shall sign a confidentiality agreement before being granted access to the information.

All members of the assessment panel, and any other persons having authorised access to confidential information, are to provide the Aboriginal Ranger Coordinator with a signed confidentiality statement and a declaration that they do not have any conflict of interest which may, or may be seen to, affect the impartiality of the selection process. The signed statement also carries the obligation to report any subsequent changes to that person's circumstances to the Aboriginal Ranger Coordinator throughout the EOI process.

Process for dealing with conflict issues

Upon becoming aware of conflictual matters whether declared or otherwise, the Aboriginal Ranger Program Coordinator may consult with the Assessment Panel Chair (and Probity Auditor, if required) and will record the circumstances in the project risk register, together with the mitigation measures and status of action taken to address the circumstances.

Any conflict that appears to directly threaten the integrity and probity of the EOI process must be immediately referred to the Director of Parks and Visitor Services and the Probity Auditor for guidance on resolution.

PRINCIPLE 2 - IMPARTIALITY

Individuals and organisations involved in preparing and submitting applications for public sector funding often invest considerable time, effort and resources and in return, they are entitled to expect impartial treatment at every step of the selection process.

In probity terms, procedural fairness implies a duty to act fairly and adopt fair procedures that are appropriate to the circumstances of a particular procurement/ selection process. Good administration and proper process are to be followed.

Failing to follow an open and fair selection process may lead to a loss of public confidence and the EOI being subject to judicial review – this is inevitably costly in terms of image, time and resources.

The Public Sector Management Act 1994 requires that all employees act impartially and with integrity including avoiding real or perceived conflicts of interest.

PROCEDURAL FAIRNESS

The following principles of procedural fairness must be adhered to in the selection process.

Knowledge

Before commencing the selection process, the Panel Chair must be satisfied that all nominated assessment panel members (including advisors) have been provided with adequate material and/or instructions before participating in the evaluation to ensure that they have an understanding of:

- the contents of each application;
- the selection criteria against which applications will be rated; and
- the process by which each application will be rated.

Relevant circumstances

Assessment panel members must consider all relevant considerations related to each application. This includes applicants responses to the selection criteria, and all other information they were required to supply (see also section 'Taking other information into account').

Irrelevant considerations

Generally, the selection process must not be based on irrelevant considerations, that is, anything outside the selection criteria or information requested and subsequently provided through the EOI process (see also section 'Taking other information into account'). Changes to the selection process should be communicated in writing before the close of EOI to all applicants.

Bias

The selection process must be free of bias or conflict of interest, and any perception of bias or interest. Any connections between an assessment panel member or adviser and an applicant must be disclosed to the Panel Chair. Only in exceptional circumstances and approved by the Panel Chair, will an assessment panel member continue to be included in the selection process if there is a perceived association.

Assessment panel members must not have contact with applicants during the selection process, other than seeking clarifications according to the stated rules. It is noted that in the normal course of business, it may be necessary for some of the Assessment Panel members to have contact with applicants through ARP Reference Group and Business as Usual management meetings. In these instances the representatives will comply with probity guidelines. Any possible issue of bias should be discussed with the Panel Chair as soon as it arises.

Probative evidence

Ratings and selections must be made on the basis of the material being presented and included in applications rather than mere speculation or suspicion.

Confidentiality

The contents of applications should not be disclosed to any outside party. Each application should be viewed as commercially confidential information.

PRINCIPLE 3 - TRANSPARENCY

By having transparent, open processes, organisations can help to minimise opportunities for fraud and corruption. This also gives applicants and the public confidence in the outcome. Organisations often invest considerable time, effort and resources when preparing and submitting applications. In return, they are entitled to expect impartial treatment at every stage of the process (ICAC Dec 1996).

Assessment Process and Methodology

An assessment process and methodology document shall be prepared and signed off by the Assessment Panel Chair prior to the closing date for applications. This shall incorporate:

- overview of the program
- internal administrative procedures
- applicant enquiries protocol
- office security
- confidentiality
- probity
- establishment and role of Assessment Panel
- procedure for assessment
- assessment methodology

The assessment process and methodology document shall be made freely available to all applicants after the EOI is opened.

Invitation Documents

A Guidelines for Expressions of Interest document shall provide sufficient information to applicants to enable the preparation of relevant and considered applications. As a minimum it will contain:

- objectives of the Aboriginal Ranger Program and the specific funding stream;
- eligibility for funding;
- assessment criteria;
- time and closing date for applications;
- conditions of funding;
- approvals required;
- Goods and Services Tax;
- Insurance;
- where to lodge applications; and
- a contact person for the Program.

Records of Meetings

All agreed items discussed and actions will be recorded including:

- meeting details;
- attendance;
- decisions and recommendations made;
- actions agreed; and
- responsibility and time frame.

Media – Public Relations

Media releases, public presentations, and attendance at functions sponsored by applicants and similar, are occasions that have the potential to jeopardise the probity of the assessment process for the Aboriginal Ranger Program. Members of the Assessment Panel, DBCA Regional Managers, and Government agencies associated with the assessment process must be mindful of this issue and to reduce risks, the Director of Parks and Visitor Services or Aboriginal Ranger Program Coordinator is to be the only spokesperson, unless approved by the Director of Parks and Visitor Services, DBCA.

Taking other information into account

As a general rule, the assessment panel should only consider information presented by the applicants in accordance with the approved selection/evaluation approach.

Should the assessment panel become aware of other information about an applicant's capability that may be relevant to the assessment or the outcome being sought, the Aboriginal Ranger Coordinator must bring this to the attention of the Probity Auditor. The information must be documented and referenced to the source. The assessment panel must do all that is necessary to confirm the accuracy of information with the applicant, although the source may remain anonymous if deemed necessary. Such communication may be in written form or by a meeting. The applicant must be given reasonable time to prepare a response and the Probity Auditor is to be involved in all communication with the applicant.

The assessment panel must not take that information into account until the Panel Chair is satisfied that the facts have been fully understood and the applicant has been extended procedural fairness. On that basis, the Chairperson may then provide the assessment panel with a written summary of the information that can be taken into account for the purpose of assessment.

MEETINGS WITH APPLICANTS AND THEIR ADVISORS

Meetings with applicants

All meetings with applicants that seek to discuss or clarify matters regarding the EOI process, assessment or methodology are to have in attendance the Aboriginal Ranger Program Coordinator or Director of Parks and Visitor Services and at least one other person. The meetings are to be based on the principle that they are for discussion purposes only and any request for information or clarification from proponents is to be addressed through written form with only written responses being binding.

Any meetings with applicants that the seeks to gather regional operational or logistical information for developing an application must have at least two staff in attendance. Staff involved in developing proposals with applicants will not be involved in the assessing the application.

A file note is to be maintained of all meetings held.

Dealing with applicants – Enquiries

All enquiries from applicants will be required to be submitted in writing. All written enquiries will comply with the procedure regarding 'Correspondence (General)' below.

The Enquiries Protocol requires that all enquiries by applicants be submitted in writing to the Aboriginal Ranger Program Coordinator. The Aboriginal Ranger Program Coordinator will accept verbal enquiries but may require an enquiry to be made in writing at his/her discretion.

The original of the applicant's enquiry will be placed in the relevant file by the Executive Officer after updating the Enquiries Register. The Executive Officer will, thereafter, prepare an initial draft response and will arrange for it to be reviewed by the Aboriginal Ranger Program Coordinator.

All responses to the registered applicants will be in writing, signed by the Aboriginal Ranger Program Coordinator or Executive Officer.

The Executive Officer will update the Enquirer Register with the response action.

The Executive Officer will produce a written report as appropriate to the Aboriginal Ranger Program Coordinator, detailing the enquiries received and action taken. Where the enquiry is deemed by the Executive Officer to be confidential in nature, this enquiry shall be immediately referred to the Aboriginal Ranger Program Coordinator for action.

Dealing with applicants - General advice

In accordance with the Enquiry Protocol above, each enquiry received from applicants will be reviewed by the Executive Officer to determine whether the enquiry is of a confidential or general nature. Where there is any ambiguity, this determination is to be made in consultation with the Aboriginal Ranger Program Coordinator and Probity Auditor.

Where the enquiry is agreed to be of a general nature, a 'General Advice to all Registered Applicants' will be released to all applicants as soon as possible.

Where the enquiry is determined as 'General', the applicant raising the enquiry will be advised accordingly and given the opportunity to either confirm or refute the determination made by the Executive Officer.

All 'General Advice to Registered Applicants' will be issued in numeric sequence and signed by the Aboriginal Ranger Program Coordinator. All advice will go to the Probity Auditor prior to issue to registered applicants. A Register, summarising the details of material issued, will be maintained.

Attendance at functions sponsored by applicants

As a general rule, DBCA staff or assessment panel members should not attend functions sponsored by applicants during the EOI process

Only the Director of Parks and Visitor Services Division, DBCA or the Aboriginal Ranger Program Coordinator can approve attendance (details to be recorded on the project file).

PRINCIPLE 4 - ACCOUNTABILITY

Public sector agencies should have appropriate mechanisms in place to show that they are accountable for their practices and the decisions that are made. Accountability requirements can reduce opportunities for corruption and save time, money, resources and problems in the long term. Mechanisms can include the agency keeping detailed records throughout the process such as minutes of meetings, the reasoning behind any decisions made, who made those decisions and any departure from established procedures being approved by senior staff not directly involved in the process. Maintaining detailed records can be a way of proving that the process followed was legitimate if any questions or complaints are raised later (ICAC Dec 1996).

RECORDS MAINTENANCE

Dealing With applicants - Correspondence (General)

Copies of all incoming and outgoing material will be held on Objective and/or in the nominated file.

Incoming Material

- Original will be stamped with date and time of receipt and record of file number.
- Original of material will be placed on file.

Outgoing Material

- Copy will be retained on file.
- The copy on file will indicate the method of dispatch (i.e. post, courier, etc.)
- All outgoing material will contain the file reference number.

ROLES & RESPONSIBILITIES

The Department of Biodiversity, Conservation and Attractions (DBCA) has the overall responsibility for coordinating the Aboriginal Ranger Program and the achievement of the Program objectives and outcomes. The EOI process seeks applications from eligible Aboriginal organisations to undertake land and sea management activities across the State. The program will also assist Aboriginal communities to identify management priorities and opportunities, build community and organisations capacity and invest in direct training opportunities.

Assessment Panel

An Assessment Panel has been established, comprising members with relevant knowledge, expertise and experience. The members of the Panel are as follows:

- Executive Director, Parks and Visitor Services Division (Panel Chair - Voting)
- Coordinator, Aboriginal Ranger Program (Voting)
- Coordinator, Aboriginal Engagement and Heritage Unit (Voting)
- Senior Project Officer, Native Title Unit (Voting)
- Other (x 2), DBCA or external, technical/regional/cultural/ policy advisors (Voting)
- Probity Auditor (Independent - Non-voting)
- Executive Officer (Non-voting)

Aboriginal Ranger Program Coordinator

An Aboriginal Ranger Program Coordinator will provide the team with leadership and be of sufficient standing to report on the Program to the Minister for Environment. Responsibilities include:

- oversee the development of an assessment process;
- ensure processes meet the Probity Guidelines;
- liaise with applicants prior to, and subsequent to, submission of applications to provide information and clarify application and assessment processes;
- manage the assessment panel;
- manage and contribute to the preparation of documentation;

- manage and contribute to the assessment of applications;
- ensure probity guidelines and principles are observed;
- provide advice on the resources required to complete the assessment process; and
- liaise with and manage the input of other Government agencies and DBCA regional managers as required.

Executive Officer

An Executive Officer from Parks and Visitor Services Division will provide the Aboriginal Ranger Program Coordinator with support during the EOI and the assessment process. Responsibilities include:

- provide regular reports to the Aboriginal Ranger Program Coordinator;
- liaise with applicants prior to, and subsequent to, submission of application/proposal to provide information and clarify applications under the direction of the Aboriginal Ranger Program Coordinator and Director of Parks and Visitor Services Division;
- manage the preparation of the summary report;
- ensure government rules and regulations are abided by;
- provide administrative support;
- maintain filing;
- handle/record queries;
- manage the desired level of security for all proceedings and documents;
- assist with negotiations and discussions with other government agencies;
- assist with shortlisting applications.

Probity Auditor

A Probity Auditor will be appointed prior to the closing date for applications. He/she will provide independent probity advisory services to the assessment process and undertake compliance audits to confirm that agreed processes are followed throughout the process. Essential tasks include, but are not limited to:

- providing reasonable assurance that the procedures adopted in the submission of applications and evaluation process are fair and equitable and that probity of the process is independently validated;
- monitoring and reporting to DBCA through the Aboriginal Ranger Program Coordinator that the evaluation process and procedures have been followed and that the outcome is capable of being independently validated;
- providing assurance to all interested proponents that appropriate processes were fully adhered;
- providing guidance to the Aboriginal Ranger Program Coordinator as to how unforeseen issues could be resolved;
- attending evaluation panel meetings where relevant;
- attending applicant meetings and presentations (if required);
- monitoring communication during the period between submission of applications and final decision;
- Identifying areas where efficiencies may be adopted in the process.

It is important to note that the Probity Auditor is not part of the assessment panel but is an external consultant acting as an independent observer of the process. The Probity Auditor will not be involved in the assessment or evaluation of any applications.

LATE SUBMISSIONS

The Aboriginal Ranger Program Coordinator, in consultation with the Probity Auditor, may at his or her discretion elect to accept a late submission where the Aboriginal Program Coordinator considers it appropriate in the circumstances and the Aboriginal Program Coordinator is satisfied that no applicant has not been materially advantaged or disadvantaged.

PRINCIPLE 5 – VALUE FOR MONEY

Obtaining value for money is enhanced when there is open competition and the market is tested regularly. Processes that are designed to attract responses from the market place (for example, Expressions of Interest, calls for proposals) may lead to poor outcomes for a project if not conducted appropriately. Impartial, open and competitive processes are an important stepping stone in achieving value for money (ICAC – Dec 1996).

Advertising

Advertising coverage should be considered appropriate when DBCA as coordinating agency is satisfied that the reach and penetration of advertising is sufficient to ensure there is minimal opportunity for potential applicants to be unaware of the program.

PROCEDURE FOR ASSESSMENT AND APPROVAL

Aboriginal Ranger Program guidelines for EOIs developed and released, applications open



Application Assessment Panel formed



Probity Auditor appointed



Probity guidelines, assessment process and methodology document developed



Closing date for EOIs



Eligibility of applicants checked



Shortlisting of applications



Disbursement of applications to the Assessment Panel, Government agencies and DBCA Regional Managers



Assessment Panel receives advice from Government agencies and DBCA Regional Managers



Panel convenes to review and discuss applications and assessment



Panel to seek clarification from applicants (if required)



Recommendation to the Minister for Environment



Subject to Minister for Environment's approval, successful and unsuccessful applicants notified



Successful applicants enter into a legally binding agreement with the Government within the timeframe specified in the letter of offer