



# Safer Communities Fund Round 5: Infrastructure Grants

## Legal entity guidance and evidence requirements

The Safer Communities Fund Round 5: Infrastructure [Grant Opportunity Guidelines](#) set out the grant opportunity eligibility criteria in section 4.

This factsheet provides additional guidance on legal entities and the evidence you need to provide with your application to establish that your organisation has the legal capacity to enter into an agreement with the Commonwealth. We can only accept applications where evidence of your incorporation is provided.

A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and be held responsible for its actions. An ABN alone does not mean an organisation has the capacity to enter into an agreement with the Commonwealth.

### Ineligible organisations

You are not eligible to apply for the Safer Communities Fund Round 5: Infrastructure Grants if your organisation type is listed in section 4.3 of the [Grant Opportunity Guidelines](#). However, where you have an incorporated parent organisation or an incorporated trustee, they could apply on your behalf, provided that they also meet the grant opportunity's eligibility criteria.

### Organisations including community, religious and other not for profit

Only organisations who are legal entities listed in section 4.1 of the Grant Opportunity Guidelines can apply for a grant themselves.

If your organisation is not a legal entity, and you have a parent organisation who is a legal entity, your parent legal entity can apply for a grant on your behalf. For example, if you are a parish church, you may be an unincorporated entity and therefore ineligible to apply for a grant yourself. However, your corporate body could apply on your behalf.

An incorporated trustee, that meets the eligibility criteria in 4.1 of the Grant Opportunity Guidelines, can apply on behalf of a trust.

## Schools

Only registered schools who are legal entities can apply for a grant themselves. You should check your school's legal entity status before you apply for a grant. If your school is registered but is not a legal entity, you will need to have your legal entity, such as a state education department, Catholic diocese or education authority, apply for a grant on your behalf.

School/location	Legal entity status
All registered government schools in New South Wales, South Australia, Tasmania or Western Australia	Your school is <u>not a legal entity</u> . You are not able to apply for a grant yourself. Your department of education will need to submit an application on your behalf.
All registered government schools in Victoria, Queensland, Northern Territory and the ACT	Your school <u>is a legal entity</u> . You can apply for a grant yourself.
Registered Catholic schools	Your school may not be a legal entity in its own right and may need your legal entity such as the archdiocese, diocese or your education authority in your state or territory to submit an application on your behalf. You should check your legal status before applying for a grant.
Registered Independent Schools	Your school may not be a legal entity in its own right and may need your parent organisation to submit an application on your behalf. You should check your legal entity status before applying for a grant.

## Evidence that may be used to verify your legal entity status

Entity	Evidence that may be used to verify your legal entity status
Incorporated not for profit organisations	Evidence may include: <ul style="list-style-type: none"> <li>State or Territory incorporated association registration number</li> <li>Certificate of incorporation or equivalent documentation.</li> </ul>
Organisations established through specific Commonwealth or state/territory legislation (including public benevolent institutions, churches)	Evidence may include the relevant Act or legislation under which the body was formed.
Trustees on behalf of a trust	Evidence may include: <ul style="list-style-type: none"> <li>Trust deeds confirming the legal relationship between the trust and trustee. We will review these documents</li> </ul>

Entity	Evidence that may be used to verify your legal entity status
	to determine capacity to enter into a legal agreement. Proof of legal entity status of the trustee will also be required.
Commonwealth, local, state or territory government bodies	Evidence may include: <ul style="list-style-type: none"> <li>• Confirmation of official government and/or council webpages</li> <li>• Possession of a '.gov.au' domain.</li> </ul>

### Contact us

If you have any questions, contact us on 13 28 46.

This factsheet provides general advice. You are responsible for determining your legal entity status.