

# TSRA General Information About Grant Opportunities

*For Grant Opportunities from 29 November 2023*

Please note: In the event of any inconsistency between this document and the Grant Opportunity Guidelines for a specific Grant Opportunity, this document prevails.

<b>1</b>	<b>TSRA General Eligibility for a Grant</b>	<b>2</b>
1.1	Applicant Type	2
1.2	Who is not eligible?	2
<b>2</b>	<b>The grant selection process</b>	<b>3</b>
2.1	Essential requirements assessment	3
2.2	Risk assessment	3
2.3	Benefits and Comparative assessment	3
2.4	Who will approve grants?	3
<b>3</b>	<b>Notification of application outcomes</b>	<b>4</b>
<b>4</b>	<b>Successful grant applications</b>	<b>4</b>
4.1	The grant agreement	4
4.2	How we pay the grant	4
4.3	Payment methods	4
4.4	Grants Payments and GST	5
<b>5</b>	<b>How we monitor your grant activity</b>	<b>5</b>
5.1	Keeping us informed	5
5.2	Reporting	5
5.3	Grant agreement variations	5
5.4	Compliance visits	6
<b>6</b>	<b>Enquiries and feedback</b>	<b>6</b>

# 1 TSRA General Eligibility for a Grant

## 1.1 Applicant type

To be eligible for funding from TSRA, you must:

- have an Australian Business Number (ABN) with an ABN Status of "Active" on [ABN Lookup](#), except if you are an individual and your application is not for business funding, and
- have a bank account with an Australian financial institution

and be one of the following entity types:

- a company incorporated in Australia
  - includes companies incorporated by guarantee, corporate trustees, incorporated partnerships and associations, state and Commonwealth corporations, and other incorporated entities registered under the [Corporations Act 2001](#).
- a registered charity or not-for-profit organisation
- an unincorporated association
- a Queensland local government body
- a Queensland state government body
- an entity of the Commonwealth of Australia
- an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and /or Torres Strait Islander\) Act 2006](#)
- an individual

Applicants who are not represented in this list, including unincorporated organisations and community groups without an ABN, may be able to receive a grant through an auspicing organisation. The auspice must be an eligible organisation as described above. TSRA also has requirements to ensure the proposed auspice can effectively manage the grant. Acceptance of an auspicing arrangement is at TSRA's discretion. For further guidance about auspicing, please seek information from the contact officer for the grant opportunity.

Grant opportunities may specify further eligibility requirements, in addition to the requirements above, for that specific opportunity only.

Applications are accepted from organisations outside the Torres Strait region (subject to any grant-specific criteria); however, preference may be given to organisations located in the region or partnering with organisations in the region.

## 1.2 Who is not eligible?

You are not eligible to apply if any of the following apply to you, your organisation, or your proposal:

- You are a state, territory or local government agency or body (including government business enterprises), other than (1) a Queensland state or local government agency or body, (2) an entity incorporated under the *Corporations Act 2001*, or (3) an entity of the Commonwealth of Australia.
- You have a current grant-related debt or grant in breach with TSRA. However, if you have a breach that you are actively working with TSRA to remedy, you can discuss the matter with the contact officers for both your current grant in breach and the grant for which you wish to apply. TSRA may, at its absolute discretion, agree to consider your application.

- You are an employee or Board Member of the Torres Strait Regional Authority, or a member of their immediate families, or an entity substantially owned by any of these.
- You are a related body corporate. A related body corporate is an incorporated body where a director or person in a position to exercise control over the body is also a TSRA Chairperson, TSRA Chief Executive Officer, or TSRA employee with a financial delegation. However, this does not apply if the person's directorship or position of influence is (a) part of their official duties for TSRA, or (b) by Ministerial appointment.
- You receive funding from another government source for the same expenditure.
- Your application is for activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.
- Your proposal is for religious activities or assets for religious organisations, except where linked to creative arts and cultural maintenance activities for the broader community.

## 2 The grant selection process

The TSRA will assess grant applications in the following way:

### 2.1 Essential requirements assessment

This assessment checks that your application meets the essential requirements of the Grant Opportunity Guidelines and the General Eligibility outlined in this document. This includes checking your eligibility and that all relevant information has been provided.

If you applied for a grant outside of a grant opportunity (such as requesting funding directly from the TSRA without any accompanying Grant Opportunity Guidelines), your application will be checked against the General Eligibility outlined in this document. You may also be asked to provide additional information before your application can be progressed.

If your application does not meet the essential requirements assessment, it will not proceed further in the grant assessment process. You will be notified if this is the case.

### 2.2 Risk assessment

Risk assessment identifies and assess any risks associated with the grant application, as well as identifying ways to manage those risks.

### 2.3 Benefits and comparative assessment

The benefits assessment assesses your application against the assessment criteria, including alignment with TSRA objectives, as identified in the Grant Opportunity Guidelines. If you applied for a grant outside of a grant opportunity, your application will be assessed against the relevant TSRA Programme's objectives, your ability to deliver the proposed activity, and value for money.

If the application is part of a competitive round, it will also be compared against other applications.

### 2.4 Who will approve grants?

The Chief Executive Officer (CEO) is the Delegate for making grant decisions. The Delegate decides which grants to approve taking into account the outcomes of the risk assessment, benefits assessment and [if applicable] the comparative assessment.

The Delegate's decision is final in all matters, including:

- the approval of the grant
- the grant funding amount to be awarded

- the terms and conditions of the grant.

A grant applicant may request review of a decision declining a grant application by writing to TSRA outlining their reasons for review within 60 days of being notified of the decision. A review considers whether the grant opportunity and assessment process was correctly applied. If there were errors of process, the decision may be reconsidered.

If you applied for a grant outside of a grant opportunity, the Delegate's decision is final and there are no review processes.

### **3 Notification of application outcomes**

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant.

If you are unsuccessful, we will give you an opportunity to discuss the outcome.

## **4 Successful grant applications**

### **4.1 The grant agreement**

We must execute a grant agreement with you before we can make any payments.

The following agreement structures are used for grants at TSRA.

- TSRA Letter of Agreement (LOA)
- TSRA Standard Funding Agreement (SFA)

The TSRA will determine which agreement structure to use for your grant. Each agreement structure has general terms and conditions that are applied to all grants.

Your grant agreement may have additional specific conditions determined by the assessment process or other considerations made by the Delegate. We will identify these in the agreement.

The TSRA may recover grant funds if there is a breach of the grant agreement.

### **4.2 How we pay the grant**

The grant agreement will state the

- maximum grant amount to be paid
- the payment method(s) and
- any other relevant payment conditions.

### **4.3 Payment methods**

TSRA will determine which payment method to use to administer your grant. The payment method is decided by the TSRA and will be explained in your grant agreement.

Options include:

- **Milestone-based payments:** Your grant may be paid in instalments based on agreed milestones. This may include an initial payment on execution of the grant agreement. We will then make subsequent payments as you achieve agreed milestones. Payment milestones, and the amount of payment associated with meeting each milestone, will be described in your grant agreement. It is important that you manage these funds to ensure that any unspent funds can be returned.

- **Direct Procurement:** TSRA may pay for goods or services on your behalf, up to the value of the maximum grant amount.
- **Reimbursement Basis:** You purchase goods and services, or incur costs, and TSRA pays you afterwards based on evidence such as receipts, up to the value of the maximum grant amount.
- **Single Upfront Payment:** We may pay 100 per cent of the grant on execution of the grant agreement. You will be required to report how you spent the grant funds at the completion of the grant activity and you may be required to repay any amount not spent on agreed costs of the grant activity. It is important that you manage these funds to ensure that any unspent funds can be returned.

#### 4.4 Grants Payments and GST

If you are registered for the [Goods and Services Tax \(GST\)](#), where applicable, we will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](#).

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#).<sup>1</sup> We do not provide advice on your particular taxation circumstances.

## 5 How we monitor your grant activity

### 5.1 Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation. You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

### 5.2 Reporting

You must submit reports in line with the grant agreement. Reports must be submitted in the agreed format.

### 5.3 Grant agreement variations

We recognise that unexpected events may affect your progress. In these circumstances, you can request a variation to your grant agreement. Requests for variations must be made in writing and explain:

- Why the grant should be varied, and
- How the grant should be varied.

You should not assume that a variation request will be successful.

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<sup>1</sup> <https://www.ato.gov.au/>

## **5.4 Compliance visits**

We may visit you during or at the completion of your grant activity to review your compliance with the grant agreement. We will provide you with reasonable notice of any compliance visit.

## **6 Enquiries and feedback**

Any questions, feedback, or complaints you have about grant processes or grant decisions for should be sent initially to the contact officer for the grant.

If you do not agree with the way the TSRA has handled your complaint, you may complain to the [Commonwealth Ombudsman](#). The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the TSRA first. Details of how to contact the Commonwealth Ombudsman, and the support they can offer, can be found at their website, <http://www.ombudsman.gov.au/>.