



Australian Government



TORRES STRAIT REGIONAL AUTHORITY

NATIVE TITLE PROGRAMME

Prescribed Bodies Corporate (PBC) Capacity Building Initiatives

Special Funding Grants Round Guidelines

Seeking applications for activities to be undertaken between 1 July 2021 and 30 June 2022 for the following TSRA programme:

1. Native Title – Prescribed Bodies Corporate (PBC) Capacity Building Initiatives

THE TORRES STRAIT REGIONAL AUTHORITY

The Torres Strait Regional Authority (TSRA) is the leading Commonwealth representative body for Torres Strait Islander and Aboriginal people living in the Torres Strait and is committed to achieving improved outcomes for Indigenous Australians in the Torres Strait Region, including the communities of Bamaga and Seisia in the Northern Peninsula Area of Cape York.

Through its programmes the TSRA contributes to provision of essential environmental, cultural and social services and infrastructure outlined in the [Torres Strait and Northern Peninsula Regional Plan 2009-2029](#) and the [Torres Strait Development Plan 2019-2022](#).

The TSRA provides an opportunity for individuals and organisations located within the Torres Strait Region to apply for funding to deliver projects for the benefit of the community, in line with the objectives of TSRA's programmes.

The TSRA has other opportunities for economic activities through the [Economic Development Programme](#).

Contents

PART A – ELIGIBILITY AND ASSESSMENT CRITERIA	4
A1 - ELIGIBILITY CRITERIA.....	4
A2 - GENERAL ASSESSMENT CRITERIA	5
A3 - PERFORMANCE MEASURES AND EVALUATION.....	6
PART B - TSRA PROGRAMME SPECIFIC GUIDELINES.....	7
B1 - NATIVE TITLE - PRESCRIBED BODIES CORPORATE (PBC) CAPACITY BUILDING INITIATIVES.....	7
PART C – ADMINISTRATION.....	12

PART A – ELIGIBILITY AND ASSESSMENT CRITERIA

A1 - ELIGIBILITY CRITERIA

Organisations and individual located in the Torres Strait and Northern Peninsula Area communities of Bamaga and Seisia can apply for grants through TSRA Common Funding Rounds and the Special Grants Funding Round, provided they meet the eligibility criteria outlined below:

1. Applicants must be residents of, or based in the Torres Strait Region, which includes the Northern Peninsula Area Communities of Bamaga and Seisia.
2. The activity or project for which funding is sought must be delivered in the Torres Strait Region and it must directly benefit Torres Strait Islander or Aboriginal people living in the region.
3. TSRA Board members or employees and, or their immediate families (spouse and dependent children) are not eligible to apply for TSRA grant funding through the Common Funding Round and the Special Grants Funding Round, individually or on behalf of another person or organisation.

Where TSRA Board Members or staff hold positions within an organisation applying *to the CFR, other office bearers must be used to sign grant application forms.*

4. The applicant does not have any grants in breach with the TSRA or any other State or Commonwealth Government Agency.
5. Unincorporated organisations and individuals will need to engage an incorporated organisation to auspice grant funding. The auspicating organisation must have the capacity to receive the grant funding, acquit expenditure, and prepare financial reports on behalf of the applicant. Written evidence that the auspicating organisation accepts this responsibility will need to be provided with the application.
6. If the applicant is an individual or an organisation that requires a financial auspicating partner, that they have completed any previous TSRA grants and those grants have been acquitted by the TSRA.
7. Applications to support income generation activities (for-profit) are not eligible for support through the Common Funding Round and the Special Grants Funding Round. The TSRA's Economic Development programme offers support for the development of businesses within the Torres Strait Region (<http://www.tsra.gov.au/the-tsra/programmes/economic-development>).
8. Activities or assets for religious organisations are not eligible for funding, except where linked to creative arts and cultural maintenance activities for the broader community.
9. Prescribed bodies corporate that have entered into a memorandum of understanding with the TSRA as a Tier 1 PBC are not eligible to apply for funding through the Common Funding Round.
10. Catering costs for events that exceed more than 10% of the total project budget are not eligible.
11. Activities that start or finish outside the period defined in the activity period defined in section C of these guidelines are not eligible.
12. Where applicants are seeking funding for activities involving vulnerable people or children, funding may not be provided until a successful applicant has provided evidence that project staff hold appropriate accreditation (e.g. Blue Card) for working with vulnerable people or children.

A2 - GENERAL ASSESSMENT CRITERIA

Grant funding is limited for each round and applications are assessed competitively and are ranked against assessment criteria. Section A2 outlines general criteria against which common funding round grants and the Special Grants Funding Round are assessed, however, some TSRA programmes may have programme specific criteria (see Section B of these guidelines).

1. The project has a clear description and tangible outcomes for the community.

The outcomes of the project/activity are clearly described, will benefit the broader community and fit with aims of the relevant TSRA programme.

There is evidence of community support for the proposal or activity. *E.g. letters of support from community organisations, PBC's etc.*

Applications should demonstrate a direct contribution to the outcomes of the relevant TSRA funding programme. The TSRA may conduct an evaluation of the project after its completion to measure its contribution to the targeted benefits of the programme that provided the funding.

2. That the applicant has the demonstrated ability to deliver the proposed project.

The application demonstrates that the organisation or individual has capacity to successfully deliver the project. The TSRA may seek advice from other agencies that provide funding to your organisation.

That appropriate professional skills are applied to the delivery of the project – for example where professional services are being provided, that services are delivered by appropriately trained and accredited staff.

Applicants should outline the skills required for any positions that will be recruited with grant funds. The role of any existing personnel that will contribute to the management or administration management of the project should be provided with the submission, along with a copy of their resumes.

3. The application demonstrates value for public funds, including:

A demonstrated need for Commonwealth Government funding via the TSRA, i.e., evidence the activity could not occur without TSRA funding and is not the responsibility of another government agency or programme. i.e. other Queensland Government or Commonwealth Government programmes.

Evidence that the proposed project does not overlap the activities of another community organisation in the same region. For example, a description of how your proposal complements, rather than duplicates the activities of similar organisations in your region.

Where staff are to be recruited to deliver a TSRA funded project activity, a publicly advertised, merit-based recruitment process must be utilised and salaries and qualifications for staff must be consistent with relevant industry or government awards. ***Note that the TSRA may specify the number of personnel, working hours, skills, qualifications, salaries and recruitment process in a funding agreement.***

While not essential, evidence of any financial or in-kind contributions from individuals or partner organisations that reduce reliance on TSRA grant funding, may improve the competitiveness of your application.

3.1 Budget:

The budget proposal should demonstrate the applicant understands the costs of the project.

The applicant will need to complete a budget proposal in the application form and provide a clear indication of the amount being requested from the TSRA and what it will be used for.

Where funding is sought for the purchase goods or equipment to deliver an activity, quotes must be provided.

The budget will also identify any other funds that have been requested from other sources and if these funds are confirmed or not.

An in-kind contribution is considered a valid contribution, for example where labour or use of venue or facilities is valued but no money is used in the exchange. Please indicate the proper commercial values for these 'in-kind' amounts.

A3 - PERFORMANCE MEASURES AND EVALUATION

If your application is successful, in addition to financial reporting the TSRA will ask you to evaluate and report on the success of your project. Reporting requirements will be outlined in a funding agreement and specific reporting templates may be provided.

Grant applicants may be asked to provide both qualitative and quantitative evidence to measure the success of their project

Example: Qualitative information – descriptions of what occurred from community members or participants who were involved in the project outcomes, including photographs.

Example: Quantitative information – detailing the number of people or specific events that occurred (e.g., dates and locations of meetings or events, numbers and names of participants).

PART B - TSRA PROGRAMME SPECIFIC GUIDELINES

The TSRA delivers programmes that contribute to the targets outlined in the Torres Strait and Northern Peninsula Area Regional Plan (2009-2029) for which the TSRA has a regional policy or service delivery role.

The Special Grants Funding Round for 2021 invites grant applications against the following TSRA programme:

1. Native Title – Prescribed Bodies Corporate (PBCs) Capacity Building Initiatives

B1 - NATIVE TITLE - PRESCRIBED BODIES CORPORATE (PBC) CAPACITY BUILDING INITIATIVES

The TSRA has been recognised as the regional Native Title Representative Body since 1996. The TSRA's Native Title Office is responsible for the Native Title Programme and the performance of the TSRA's functions under the *Native Title Act 1993*. With the majority of the Torres Strait region in a post-determination environment, it is important that Traditional Owners and Prescribed Bodies Corporate (PBCs) understand and meet their responsibilities under the Native Title Act as well as the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), to ensure that appropriate compensation and Native Title rights are managed, respected and protected.

The Native Title Programme will continue to facilitate the securing of legal recognition of Native Title to land and waters in the Torres Strait, and the proper regard for Native Title rights in relation to all projects affecting Torres Strait land and waters.

The Native Title Programme are to:

- Assist Traditional Owners to obtain legal recognition of Native Title over land and sea in the Torres Strait region
- Manage and legally protect Native Title rights
- Build capacity of Native Title PBCs
- Protect, maintain and progress Native Title rights and recognition over the region's land and sea country.

The TSRA recognises the importance of PBCs for the realisation of programme outcomes and regional objectives under the Torres Strait Development Plan and the Torres Strait and Northern Peninsula Area Regional Plan. The PBC capacity building grants have been established to assist PBCs to manage essential day to day administrative activities in order to discharge their duties under relevant legislation.

These guidelines provide information about basic funding to support the essential day-to-day operations of PBCs within the TSRA's native title representative body area. Funding available through this grant scheme is limited and all applications will be considered equitably on the basis of meeting those functions which are essential for meeting PBCs responsibilities under both the Native Title Act and the CATSI Act 2006, and which increase the capacity of PBCs to become autonomous and self-sustaining.

PBCs have functions and obligations under:

- the *Native Title Act 1993*;
- the *Native Title (Prescribed Bodies Corporate) Regulations 1999*;

- the *Corporations (Aboriginal and Torres Islanders) Act 2006*;
- other Commonwealth and/or State legislation.

The primary roles of PBCs are to:

- protect and manage determined native title in accordance with native title holder's wishes; and
- ensure certainty for governments and other parties with an interest in accessing or regulating native title lands and waters by providing a legal entity through which to conduct business with the native title holders.

What will be considered for funding?

The prime consideration in determining priorities for the allocation of PBC basic support funding will be the extent to which the need identified is essential for the PBC to meet its legislative requirements, this includes effective engagement within the community in order to represent the community in Native Title matters.

For guidance, 'essential' need is considered to be the maintenance of a part-time office for each registered PBC. Some items that may be considered for grant funding are shown below. This list is non-exhaustive and a grant application may be submitted for additional items where they can be demonstrated to be reasonable and essential to the legislated role of the PBC. Each item includes some explanatory notes showing the type and level of information that should be provided. This will enable the Grant Assessment Panel to better determine the level of assistance that can be provided.

- Lease of office premises – Applicants must provide a copy or extract of the lease which shows as a minimum; details of the location and ownership of the property, the name of recipient of the lease payment, the tenure of the lease, monthly payments and conditions regarding the lessee's (your) responsibility for utilities (electricity, telephone), building repairs and maintenance, insurance and any other property related cost.
- Cost of insurance (including public liability for owned property). Note that for shared facilities only the insurance component relating to the PBC's core Native Title functions should be included.
- Costs to meet regulatory compliance obligations, for example, annual general meetings, special general meetings, Rule Book changes, Directors' meetings and preparation of regulatory reports.
- Cost of communications facilities, for example, internet, telephone, fax. PBCs are encouraged to examine 'bundled' communications packages from a single supplier e.g. (Telstra/Optus) to reduce their overall communications costs.
- Utility costs, for example, power, water, rates (copies of the past 12 months accounts or records such as power cards may be requested to justify the amount requested). Note that for shared facilities only the utility component relating to the PBC's core Native Title functions should be included.
- Office set-up costs which may include one desk-top or lap-top computer, a printer/copier, office and accounting software, office furniture.
- Consumable supplies (stationery, cleaning, catering).
- Travel expenses to and from training or related conferences – the application should indicate whether specific training or conferences have been identified.

- Interpreter services may be considered on a case by case basis.
- Accounting and auditing.
- Fee for service activity planning.
- Preparing external grant funding applications.
- Employment of a part-time administration officer or bookkeeper (max 20 hours per week). The following supporting documents must be provided to qualify for employee assistance:
 - Evidence the employee is engaged in the community.
 - Evidence of an office working environment which meets the standard of the *Work Health and Safety Act 2011*.
 - A duty statement or job description which identifies the position is required to meet those functions which are essential for the PBC to perform its role.
 - An employment contract, including pay rates, conditions and superannuation provisions.
 - Evidence of the qualifications and experience of the person identified for the position.
 - An insurance certificate for workers compensation.

The salary for the part-time administration officer or bookkeeper must be within the range determined by the Fair Work Ombudsman under the Clerks Private Sector Award MA000002, which can be accessed from the web site <https://www.fairwork.gov.au/>.

The TSRA recognises that in some cases it may not be possible to identify qualified and experienced office staff before grant funding has been secured. In such cases, funding may be agreed in principle, provided the remaining criteria above can be met. Funds can only be acquitted when recruitment action has been completed.

If an administrative officer/bookkeeper is required for more than 20 hours per week then the additional costs should be met from other PBC revenue (i.e. fees for service, external grants or leasing fees).

The TSRA will also consider one-off projects that support PBCs to protect, maintain and progress Native Title rights and recognition over the region's land and sea country. These projects must be time limited and completed before the end of the grant period. 'Essential' activities such as those listed above will be given higher priority than one-off projects.

What is not funded?

The following activities are not eligible for PBC grant funding:

- Full-time administrative positions.
- Consultants or contractors.
- Activities not related to PBC Capacity Building that are the responsibility of other TSRA programme areas, local government, the Queensland Government or other Australian Government agencies. This includes land management functions following the divestment of Reserve or Deed of Grant in Title (DOGIT) lands to PBCs.

- Governance training and capacity building costs which are the responsibility of the Office of the Registrar of Indigenous Corporations (ORIC), or where other organisations have programmes that can assist with these requirements.
- Purchase of capital items such as buildings, motor vehicles, watercraft or other infrastructure related plant and equipment.
- Native title Land and or sea related legal advice which can be are met by the TSRA Native Title Office or funded by other government agencies (including National Indigenous Australians Agency).
- Legal Services which can be provided on a pro-bono basis through ORIC's LawHelp programme.
- Any costs relating to any commercial or social enterprise or other non-Native Title ventures undertaken by the PBC as an Indigenous corporation.
- Reimbursement for any items purchased or expenditure incurred prior to the application for funding.
- Repayment of existing debt; or
- Other services which are provided to a PBC by the Native Title Office as the Native Title Representative Body under the *Native Title Act 1993*.

Native Title (PBC Support) Programme Specific Assessment Criteria

Grant application is a competitive process. The total funding available is always less than the total funding requested by grant applicants. Applications for funding will be considered on their merit against the assessment criteria shown below.

- Is the organisation seeking assistance eligible for PBC support funding?
- Is the funding required to meet critical needs relating to the functioning of the PBC?

Guidance on Meeting the Assessment Criteria

1. If it has not already lodged the following documents with the TSRA, the PBC should provide proof of its eligibility. This should include:

- Certificate of Incorporation.
- Proof of Native Title determination.

2. The PBC should explain whether funding has been sought under alternative Commonwealth or State funding schemes. Note this will not exclude the PBC from consideration for TSRA funding. The TSRA when assessing the application will consider whether:

- there are alternative sources of funding available for the activity proposed;
- the PBC has attempted to obtain or has obtained such funding, and the amount involved; and
- there is a further need for funding through the TSRA PBC grant facility.

3. If a funding application has been made to:

- State government departments or agencies.

- Local government authorities.
- Australian Government departments or agencies.
- Private sector entities (e.g. companies proposing to carry out future acts on native title lands).

The applicant should attach the covering letter of the application sent to that body.

4. In determining priorities for the allocation of funding to a PBC will be the extent to which the need identified is critical to the operation for the PBC to meet its statutory functions under the Native Title Act and CATSI Act.

PART C – ADMINISTRATION

Activity Period

Eligible activities for the Special Grants Funding Round for 2021 must occur between 1 July 2021 and 30 June 2022.

Making an application

Applications for the Special Grants Funding Round 2021 must be received by **4pm on Monday 7 June 2021**.

Applications must be made online via SmartyGrants through the TSRA website and submitted before the due dates specified in the TSRA Special Grants Funding Round notices and at Section C of these guidelines. The application dates are also advertised on the TSRA website, Radio 4MW, Community Notice Boards, the TSRA Ranger Offices and other local media outlets.

Where individuals have difficulty accessing the internet, approval may be sought from the relevant TSRA programme area to submit a hardcopy grant application by contacting the TSRA office on (07) 4069 0700 or TOLL FREE on 1800 079 093.

Late applications

Applications received after the closing date will not be considered by the TSRA unless an extension to the submission date was granted. The approval for submission of a late application (maximum of 24 hours extension) must be sought through the TSRA Grants Officer before the close of applications **at 4pm on Monday 7 June 2021**, by phone on (07) 4069 0700 or via email to grantapplications@tsra.gov.au.

Funding Allocation

The TSRA may approve less funding than requested in an application or approve an application in part. If this occurs, the TSRA will work with you to revise your project's objectives, activities and budget.

Funding Agreements

Successful applicants will receive a letter of offer, outlining a funding agreement with the TSRA.

Payments

All funding will be subject to the terms and conditions set out in a TSRA funding agreement, particularly conditions relating to the deposit of funds, auditing and unspent programme monies.

All payments will be made in line with the schedule and milestones set out in the agreement.

Conflict of Interest

Successful applicants need to undertake their activities in a way that avoids conflicts of interest, whether pecuniary or perceived. This applies particularly to the selection of employees and providers of goods or services for the delivery of the project activities. Employees and suppliers must be selected and engaged in an open and competitive process and in a way that maximises value for money for public funds.

From time to time, conflicts of interests may arise in relation to the TSRA's assessment of funding applications. The TSRA has established a Grants Assessment Panel to manage the assessment process

in a transparent manner. The mechanism by which grant funding decisions can be appealed and reviewed is outlined below.

Legal Advice

Please note that the TSRA does not provide legal advice to applicants. You should seek your own independent professional advice on all financial and legal matters, including compliance with any statutory obligations.

Tax and Government funding

There may be taxation consequences of obtaining funding from the TSRA depending on individual circumstances. Applicants should make their own enquiries about the taxation consequences (including income tax and goods and services tax) of obtaining funding by consulting their financial adviser or the Australian Taxation Office Business Call Centre on 13 28 66.

Background Checks

The TSRA may at any time in the evaluation and selection process, examine the financial records of the applicant and undertake background checks, including criminal records, to determine the good character and business reputation of the applicant and/or funding recipient.

Where applicants are seeking funding for activities involving vulnerable people or children, funding may not be provided until the applicant has provided evidence that project staff hold appropriate accreditation for working with vulnerable people and children (e.g. a Queensland Government Blue Card).

Privacy

The TSRA is accountable to Parliament and to the public in respect of all aspects of its programmes. Treatment of submissions is subject to special obligations placed on Australian Public Service employees by the *Privacy Act 1988* and the *Public Service Act 1999*, which govern the TSRA's use of the information provided. In this context, the TSRA is generally unable to accept grant submissions on a confidential basis.

Decision

The TSRA will endeavour to consider applications for funding and advise the applicant of the decision within 40 business days from the closing date of the funding round or from the receipt of any additional information requested under these guidelines.

Review Procedure

Applicants have the right to the review and appeal of any decision made by the TSRA. For grant funding, a request for an appeal of decision together with any supporting evidence must be lodged in writing with the TSRA Grants Officer within 60 days of the date on which the applicant was notified of the decision.