

# POLICY

## 4.12 DEVOLVED GRANTS PROGRAMS



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| Supporting Procedure:      | 4.12 Devolved Grants Program  |            |
| Other Related Documents:   | Policy 2.3 Workplace Health and Safety<br>Policy 4.2 Conflict of Interest<br>Policy 4.3 Risk Management<br>Policy 4.6 Insurance<br>Delegations of Authority<br>Agreement Variation<br>Application Checklist (internal tracking sheet for each application)<br>Application Guidelines<br>Application Form<br>Final Report and Financial acquittal Form<br>Funding Agreement<br>Job Safety and Environmental Assessments (JSEA) |            |
| Category:                  | Organisation  |            |
| Type:                      | Strategic   | Dates:     |
| 1 <sup>st</sup> Review By: | Andrew Del Marco  | 21/11/2018 |
| 2 <sup>nd</sup> Review By: | Andrew Del Marco  | 15/4/2019  |
| Issued By:                 | Chief Executive Officer   | 01/07/2019 |
| Approved By:               | Board of Management   | 20/06/2019 |

### Introduction

Policy to inform the delivery and administration of devolved grants programs to the community, such as the Community Environment Grants program.

The contracting of third parties to deliver services to the PHCC outside of devolved grants processes are not covered under this policy.

### Definitions

For the purposes of this Policy:

**'Activities'** are the items that are funded through a devolved grants program

**'Applicant'** means the individual landholder or group applying for the devolved grant from the PHCC

**'Application'** is the application prepared by the individual landholder or group requesting grant funding. Applications are lodged on an application form provided by the PHCC

**'Board Member'** means a member of the PHCC Board of Management

**'Board of Management'** or **'Board'** means the Association Members of PHCC and has the same meaning as the word 'Council' in the Constitution

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**'Guidelines'** are the document prepared by the PHCC and released to potential applicants at the commencement of the grants program. Provides details that assist the applicant to fill out the application form

**'Independent assessment panel'** is the group of Project Steering Committee members convened to assess applications for funding and recommend successful applicants to the PHCC; informed by the project officer responsible for delivery the grants

**'NRM'** is Natural Resource Management

**'Procedures'** are the documented practices that ensure alignment and compliance to policies

**'Program'** is the devolved grants program

**'Project'** is the PHCC project which is using a devolved grants program to achieve the project's objectives or outcomes

**'Public liability'** is a landowner/managers liability if a third party is injured or suffers damages due to landowner/manager's negligence or failure to provide a duty of care. Specific insurance policies can be obtained to protect landowners against public liability claims

**'Staff'** means all paid employed persons in PHCC

**'Volunteer'** is considered to be a person providing unpaid services to PHCC.

### Policy Statement

#### 1 Establishment and Delivery of Devolved Grants Programs

- 1.1 Devolved grants programs (programs) are used by the PHCC to achieve clearly stated project outcomes, implement the Peel-Harvey Regional NRM Strategy, and encourage and maintain community-based natural resource management and landcare in the Catchment
  - 1.1.1 Programs shall be implemented following the devolved grants Procedure 4.12 and based on use of templates documents for:
    - 1.1.1.1. Application Checklist (internal tracking sheet for each application)
    - 1.1.1.2. Application Guidelines
    - 1.1.1.3. Application Form
    - 1.1.1.4. Funding Agreement
    - 1.1.1.5. Agreement Variation
    - 1.1.1.6. Final Report and Financial acquittal Form.
- 1.2 Each program shall have specific eligibility criteria and be required to comply with all requirements published in Application Guidelines (Guidelines)
- 1.3 All applications shall be assessed by an Independent Assessment Panel (Panel) using a common set of criteria based on eligibility criteria, assessment criteria published in the Guidelines and any other relevant criteria agreed to by the Panel
- 1.4 The Panel shall rank all applications and recommend those applications that are to be funded (in full or part) and those that are not to be funded. Applicants shall be provided feedback by the Panel, as appropriate, to guide project delivery (successful applicants) or provide an explanation of the Panel's decision (unsuccessful applications)

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- 1.5 There is an expectation that all applicants will contribute at least 50% of the total project value
- 1.6 Final decisions on all applications shall be made under Delegated Authority by the responsible officer
- 1.7 All applicants shall be informed of the PHCC's decision related to their application
- 1.8 Grant payments to applicants shall be structured so as to reduce risks to PHCC.

### 2 WHS, Risk Management and Insurances

#### 2.1 PHCC Staff and Volunteers

- 2.1.1 PHCC Staff carrying out their normal work duties on a site related to the delivery of a devolved grants program are covered under the PHCC Worker's Compensation Insurance Policy
- 2.1.2 PHCC Volunteers carrying out their Volunteer duties related to the delivery of a devolved grants program are covered under the PHCC Voluntary Worker's Policy
- 2.1.3 Staff and/or Volunteers shall not assist with the implementation of a grant funded project unless specifically approved by their supervisor
- 2.1.4 In addition to an assessment of applicant's insurance cover, PHCC Staff shall use WHS policies and procedures, such as Job Safety and Environmental Assessments (JSEA) to assess and manage risks associated with all aspects of devolved grants program delivery. This includes real-time risk assessments associated with devolved grant program delivery (e.g. site visits and entering private properties).

#### 2.2 Public Liability

- 2.2.1 The PHCC considers it best practice that funded recipients have public liability cover. The PHCC will generally not fund projects where the applicant does not have public liability cover. Public liability cover protects the interests of the group/individual, and by association, the PHCC throughout the delivery of the project where there may be cases of injury or damages attributed to negligence or failure to provide a duty of care.
- 2.2.2 The PHCC's expectation that applicants have public liability cover shall be made known to applicants at the earliest possible time, usually in the Application Guidelines
- 2.2.3 The lack of public liability cover shall not be a barrier to applicants receiving a site visit or other assistance from PHCC Staff prior to the lodgement of a grant application
- 2.2.4 Where an applicant does not have public liability cover, then the PHCC's Independent Assessment Panel shall consider the relative merits and risks of funding the proposed activities in the absence of public liability cover, and shall take into consideration the following:
  - 2.2.4.1. The extent to which PHCC Staff or Volunteers are assisting with the proposed activities. Staff should generally not be involved in delivery, and are covered for normal work duties.
  - 2.2.4.2. The involvement of third parties in proposed activities (e.g. fencing contractors). Third parties should hold worker's compensation and public liability cover.
  - 2.2.4.3. The presence of buildings on the site which may increase the likelihood of a public liability claim.

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- 2.2.4.4. Any pre-existing public liability claims against the landowner.
- 2.2.4.5. Where an application has significant merit, and the Panel considers public liability cover to be an important part of overall risk management, then consideration may be given to the provision of funding of public liability cover as part of grant funding.

### 2.3 Other insurances

The PHCC shall ensure during the application and grant assessment process that applicants have all other necessary insurances as appropriate to cover the delivery of their projects. This includes cover of Volunteers (where Volunteers are involved in delivery of the project) and worker's compensation (where the applicant employs Staff).

## 3 ABN, GST and Statement by a Supplier

- 3.1 The PHCC expects that applicants shall have an ABN and are registered for GST
- 3.2 In cases where an applicant has an ABN but is not registered for GST, the PHCC may consider their application on a case-by-case basis. Where the PHCC resolves to fund applicants with an ABN but not registered for GST because of the project's significant NRM outcome or other reason, the PHCC will fund the full value (dollar cost) of eligible activities within the project, not differentiating GST. In such cases, the PHCC will cover the cost of the 10% GST amount within the grant
- 3.3 In cases where an individual landholder has neither an ABN or is registered for GST, the PHCC may consider their application on a case-by-case basis. Where the PHCC resolves to fund individuals with no ABN and not-registered for GST, then the PHCC will make grant payments on receipt of a Statement by a Supplier form (available from the Australian Taxation Office) provided to the PHCC with the return of the Funding Agreement. In these circumstances the PHCC makes the grant payment to the individual landholder on the basis that the 'supply is made by an individual or partnership without a reasonable expectation of profit or gain'. In these cases the PHCC may fund the full value (dollar cost) of eligible activities within the project, not differentiating GST, and cover the cost of the 10% GST amount within the grant
- 3.4 Where a potential grant recipient does not provide a Statement by a Supplier form, no funding will be provided
- 3.5 Where a community group is a potential grant applicant and has neither an ABN nor is registered for GST, then they will require a sponsor organisation through which they can lodge an application. Community groups with neither an ABN or GST-registration are not eligible to directly receive devolved grants. The sponsor organisation must have an ABN and may/may not be registered for GST. Where the sponsor organisation is not registered for GST, the PHCC may fund the full value (dollar cost) of eligible activities within the project, not differentiating GST, and cover the cost of the 10% GST amount within the grant
- 3.6 It is the responsibility of the grant recipients to declare any grant funding received when completing annual tax returns.

## 4 Quotes, Financial Reporting and Variations

- 4.1 For all goods and services requested to be funded via the grant, the application must include at least one quote for each item

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- 4.2 Grant recipients shall be required to provide the following financial documentation as part of the Final Report and Acquittal Statement:
  - 4.2.1 for grants up to \$50,000 grant recipients must provide copies of all receipts.
  - 4.2.2 for grants \$50,000 and over, the grant recipient must provide an audit report as part of the Final Report and Acquittal Statement
- 4.3 Requirements to present receipts or conduct audits shall be made clear to grant recipients as a condition of the Funding Agreement
- 4.4 Where a grant recipient has successfully carried out the agreed project activities and has remaining unspent grant funds, then it is the PHCC's preference that an Agreement Variation be entered into between the PHCC and recipient as early as possible, to document how remaining funds will be spent to further project outputs or outcomes. Should an Agreement not be reached, then grant funds are to be returned to the PHCC.

### **5 Eligibility of Staff and Board Members**

- 5.1 Staff and Board Members of the PHCC are not generally eligible to apply for devolved grants funding. However, where an exceptional NRM outcome will be achieved via the provision of a grant for land owned in part or whole by a Staff or Board Member, a grant may be provided, by majority resolution of the Board, if recommended by the Independent Assessment Panel.

### **6 Standard of works**

- 6.1 Works standards shall be set for specific activities, such as fencing and weed control, and detailed in the Guidelines.

### **7 Standard subsidies**

- 7.1 The PHCC reserves the right to set standard funding amounts for specific activities or items, such as fencing materials and seedlings, to ensure minimum standards. These set funding amounts shall be publicised to applicants in the Guidelines.