

# Grants Policy

Effective Date: 10 November 2021  
Version: 1.0

## Introduction

The Public Advocate is an independent statutory position whose role is to undertake systemic advocacy on behalf of adults with impaired decision-making ability. More specifically, the functions of the Public Advocate are to:

- Promote and protect the rights of adults with impaired capacity (the adults) for a matter;
- Promote the protection of the adults from neglect, exploitation or abuse;
- Encourage the development of programs to help the adults to reach the greatest practicable degree of autonomy;
- Promote the provision of services and facilities for the adults; and
- Monitor and review the delivery of services and facilities to the adults.

## 1. Policy purpose

The Office of the Public Advocate (OPA) acknowledges that community and academic projects can complement and advance the work it performs. To encourage and support these efforts, the Public Advocate may award grants for projects and/or activities that assist the office in fulfilling its functions set out in the [Guardianship and Administration Act 2000](#) (GAA Act).

This policy outlines the overall objective of Public Advocate grant funding and provides clear guidance regarding decision making for such grants, so that the effective discharge of accountability obligations under the regulatory framework is demonstrated and implemented.

This policy complies with the Department of Justice and Attorney-General FMPM Policy Statement 8.4 Grants and Subsidies (Version 2: June 2015) - unpublished internal DJAG document.

## 2. Policy statement

Grants complement the work of the Public Advocate when aligned with the objectives of the GAA Act and the functions of the Public Advocate.

The Public Advocate and staff who support the Public Advocate are committed to ensuring that there is a transparent and merit-based process for distributing public monies in the form of grants.

## 3. Policy scope

This Grants Policy applies to:

- The Public Advocate, including a person appointed to act as the Public Advocate;
- Staff supporting the Public Advocate, whether full-time, part-time, casual, temporary, permanent, or volunteer; and
- The grant recipient, and any others engaged by it for the purposes of completing the scope of work detailed in an approved grant application.

This policy places a budgetary limit on all individual grants awarded of \$10,000 (excluding GST). It is therefore not subject to the Queensland Government Chief Information Office [Grants management systems and services panel policy](#).

## 4. Legislation and regulation

The OPA has access to consolidated funds appropriated to the Department of Justice and Attorney-General (DJAG). As such, the Public Advocate has responsibilities under the *Financial and Performance Management Standard 2009* to implement governance arrangements related to openness, integrity and accountability, due care and public defensibility for financial decisions.

Key legislation and other guidance relevant to this policy include:

- [Financial and Performance Management Standard 2009](#)
- [Volume 6 of the Financial Accountability Handbook](#) Grant management
- [2017-18 Financial Reporting Requirements for Queensland Government Agencies \(Queensland Treasury\): FRR 3E Distinction Between Grants and Procurement \(Revenue And Expense\)](#) (May 2018)
- Department of Justice and Attorney-General FPM Policy Statement 8.4 Grants and Subsidies (Version 2: June 2015) – unpublished internal DJAG document
- [Guardianship and Administration Act 2000](#)
- [Public Records Act 2002](#)
- [Information Privacy Act 2009](#)
- [Human Rights Act 2019](#)
- [The Code of Conduct for the Queensland Public Service](#)
- [Queensland Public Sector Intellectual Property Principles](#) (Version 2: January 2013)

All potential grant applicants will be informed that their receipt of grant monies for a particular project may mean that, when undertaking the project, they are a public entity described in Section 9 of the *Human Rights Act 2019* and consequently bound by its provisions.

## 5. Implementation

Grant fund spending generally occurs within the government business cycle. However, issues affecting the functions of the Public Advocate can be dynamic, requiring a systemic advocacy response that may not discretely fall within the planning cycle of a financial year/s.

Accordingly, this grant funding program is intended to be delivered flexibly, meaning that funds may be allocated to recipients for projects that span more than one financial year.

Any grant funding awarded will, however:

- be subject to planning as part of the business cycle where possible;
- align with the activities of OPA; and,
- be subject to a merit-based assessment process.

The Public Advocate may choose one of three possible methods to signal the availability of grant funding:

1. Closed processes – involving direct approaches to individual institutions, groups or individuals.
2. Limited – advertising/ notification of grant availability through selected channels, for example writing to all Queensland-based universities or non-government organisations providing services to Queensland adults with impaired decision-making ability.
3. Open – advertising/ notification of grant availability through the media (for example, on-line or via social media).

Given the limited availability of grant funding available to the Public Advocate and potential applicants (up to \$10,000 per project – GST exclusive) it is anticipated that a closed or limited process will be the process employed most often.

The full process to be employed to assess and award grants under a closed process is described below.

### Closed Grant Process

1.	<ul style="list-style-type: none"> <li>• The Public Advocate identifies a critical or emerging systemic issue for adults with impaired decision-making ability, as part of the business planning process or via meetings with interested stakeholders, attendance at workshops, or contact with people with lived experience.</li> <li>• The Public Advocate is approached or initiates discussions with a recognised academic or industry/sector leader in a given field, or an organisation/agency with significant experience and expertise in the area.</li> <li>• The Public Advocate issues an invitation to apply for grant funding to a specific organisation/agency/individual.</li> <li>• A formal grant application is received and assessed against general and specific criteria detailed in the grant invitation.</li> <li>• Additional discussions are undertaken if required.</li> </ul>
2.	<ul style="list-style-type: none"> <li>• A grant application is officially assessed by a panel consisting of at least two OPA staff members. The OPA Manager will be the designated chairperson of the panel unless this position is vacant, or the person is absent for the process – if this occurs the Public Advocate will nominate a person to act as chairperson.</li> <li>• An evaluation report is prepared by the panel and approved by the Public Advocate.</li> <li>• A letter of offer is prepared and signed by both parties. <ul style="list-style-type: none"> <li>◦ A letter of offer will include the grant invitation as the terms and conditions associated with awarding the grant, as well as any other conditions recommended and approved in the evaluation report.</li> </ul> </li> </ul>
3.	<ul style="list-style-type: none"> <li>• A grant is officially awarded and the project proceeds.</li> <li>• The grant recipient reports to OPA regarding project progress and completion, in line with the schedule detailed in the letter of offer.</li> <li>• A project outcomes briefing/report and financial acquittal is to be provided within 12 weeks of full expenditure of the grant.</li> </ul>

It is anticipated that a **limited invitation for grant applications** will follow a similar process to that outlined above, with the exception of grant invitations being sent to a number of organisations/agencies/ individuals, identified by the Public Advocate as having the relevant skills and experience to apply for the grant.

The evaluation process for a limited invitation grant will consider and score applicants against the applicable criteria individually and comparatively.

Should the Public Advocate decide to conduct an **open grant process** in any given financial year the justification, budget and full details of this process will be detailed in the Public Advocate's Business Plan for that financial year.

### Assessment criteria

For closed and limited grant processes, all applicants will be required to address the following general assessment criteria:

- The grant funding must be principally concerned with and focus on outcomes for adults with impaired decision-making ability.
- The application organisation/agency/individual has a demonstrated capacity to manage grant funding and deliver anticipated outcomes within the desired timeframe.

- The objectives associated with the use of the grant funding are feasible and reasonable and demonstrate a clear social return or outcome.
- The project demonstrates comprehensive and sound planning for outcomes for or on behalf of adults with impaired decision-making ability or those working on their behalf.
- Applications must demonstrate consideration of their obligations under the Human Rights Act 2019 as a public entity, which include acting and making decisions in a way that is compatible with human rights and considering human rights when making decisions throughout the course of the project to which the grant funding applies.
- Applicants must demonstrate compliance with all legislative, licencing, ethical and practice standards associated with the intended use of the grant.
- Where a grant involves research with people or animals the applicant is wholly responsible for obtaining any requisite ethical clearances and must supply a copy of those clearances to OPA prior to the receipt of grant funding.

Other project specific criteria will also form part of the application process, which will be individually designed to obtain relevant details from the applicant and included in the grant invitation.

Both general and project specific criteria will be assessed on a non-numerical scale developed by panel members as part of the evaluation process.

## 6. Conflict of interest and confidentiality obligations

### **Conflict of interest**

Officers<sup>1</sup> involved in the evaluation panel must ensure they have no past, current or anticipated interests that could cause an actual or perceived conflict with the performance of their duties.

The Code of Conduct for the Queensland Public Service requires that if any officer finds themselves in a conflict-of-interest situation (actual, perceived or potential) they must declare that interest to their manager so that the conflict can be independently assessed and if required, transparently managed.

For the grants program this assessment is to be completed if required. If a panel member discovers any connection with an applicant, a declaration is to be completed in accordance with the DJAG Policy – Conflicts of Interest and provided to the evaluation panel chairperson.

On receipt of the declaration, the manager is to review the conflict-of-interest declaration and agree on a plan (a conflict-of-interest management plan) with the employee that will nullify the conflict. This management plan is to be submitted to the Public Advocate (the Decision-maker) for review, feedback or endorsement. If the conflict of interest cannot be nullified, then the evaluation team member is to be replaced on the evaluation team.

Additionally, officers must ensure they maintain confidentiality over all information that comes to them whilst performing those duties.

### **Confidentiality obligations**

Confidential information includes information of a sensitive, personal, commercial or political nature. This type of information is routinely made available to employees in connection with their role and will be made available during the grants program application evaluation process.

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<sup>1</sup> References to "Officers" in this policy means any person involved in the process including, technical experts, scribes, and personnel both internal and external to OPA.

Improper use or disclosure of that information could jeopardise or invalidate the grants process, may damage OPA's ability to perform its governmental/statutory functions, or may cause reputational harm to OPA or the grant applicant/s.

Unauthorised use or release of information may be a breach of the Code of Conduct which may result in disciplinary action being taken under the *Public Service Act 2008*, or more serious action under the *Crime and Corruption Act 2001*.

## 7. Ownership of material

Ownership of material provided by the grant funding recipient to OPA is to be discussed between the recipient and the Public Advocate on a grant-by-grant basis.

Copyright protection of the grant recipient's original product is an automatic right, whether it has been marked by the '@' identifier or not. It protects the original way ideas or information are expressed, not the ideas or the information themselves. Additionally, the author's [moral rights](#)<sup>2</sup> to the material will be acknowledged whenever OPA uses the material.

The [Australian Governments Open Access and Licensing Framework \(AusGOAL\)](#) Creative Commons licences protect the rights of the creators of copyright material whilst also encouraging the sharing and re-use of that material. Its use supports Open Data and the least restrictive licence will be used by OPA, where possible.

## Contact

Manager, Office of the Public Advocate

## Approval

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Name	Date
John Chesterman, Public Advocate	November 2021

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## Review

A review of this procedure is to be conducted at the discretion of the OPA Manager and/or the Public Advocate.

A mandatory review will coincide with the appointment of a new Public Advocate or any changes in legislation related to this procedure.

## Definitions

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### Disability

As defined in section 11 of the *Disability Services Act 2006*, for the purposes of this procedure:

(1) A disability is a person's condition that—

(a) is attributable to—

- (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or
- (ii) a combination of impairments mentioned in subparagraph (i); and

(b) results in—

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<sup>2</sup> Moral rights are conferred only on individuals in accordance with the *Cth Copyright Amendment (Moral Rights) Act 2000*

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- (i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and
  - (ii) the person needing support.

(2) For subsection (1), the impairment may result from an acquired brain injury.

(3) The disability must be permanent or likely to be permanent.

(4) The disability may be, but need not be, of a chronic episodic nature.

## DJAG

Department of Justice and Attorney General

### Impaired decision-making capacity

Under the *Guardianship and Administration Act 2000*, **impaired capacity** for a person for a matter means the person is not capable of -

- (a) understanding the nature and effect of decisions about the matter; and
- (b) freely and voluntarily making decisions about the matter; and
- (c) communicating the decisions in some way.

The person must be an adult (18 years old and over).

## OPA

Office of the Public Advocate

### Public service employee / officer

Under section 9 of the *Public Service Act 2008*, "a person is a **public service employee** if the person is employed under the Act as:

- a) a public service officer; or
- b) a general employed; or
- c) a temporary employee"

A public service officer includes Chief Executives, Senior Executives or an officer of another type (s. 8).

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