

Program Guidelines

Rail Trail Local Government Grants program

Opening date:	1 October 2019
Closing date and time:	17:00 on 20 December 2019
Date guidelines released:	1 October 2019
Funding period:	1 July 2020 to 30 June 2022 Projects must be completed by 30 June 2022.
Policy entity:	Queensland State Government
Administering entity:	Department of Transport and Main Roads
Enquiries:	If you have any questions, contact Transport and Main Roads Rail Trail Grants team on email TMR.RailTrail.Grants@tmr.qld.gov.au .
Type of grant:	Targeted competitive

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Program Guidelines

1. Introduction

The Department of Transport and Main Roads (**TMR**) is responsible for administering the Rail Trail Local Government Grants Program (**Grant Program**), which is a grant program available to Queensland Local Governments.

The Queensland Government is investing up to \$14 million over four years from 2017—2018 to support local governments to plan, design and construct rail trails on disused state and local government rail corridors.

Two grants categories are administered under the Grant Program.

- Type one – '**Planning**' covers planning and feasibility studies activities.
- Type two – '**Delivery**' covers design and construction activities.

These two categories have different application and administration requirements. For this reason, subheadings are used to differentiate any different requirements, where applicable.

This document sets out the guidelines for applicants for the Grant Program.

2. The Grant Program

2.1 Program aim

The aim of the Grant Program is to support local governments to plan for and deliver rail trails on disused railway corridors.

Developing rail trails on disused railway corridors allows local communities and visitors to use them for walking, bike riding and horse riding.

Rail trails support active, healthy lifestyles and contribute to environmental preservation and management. They also create diversity in local economies and encourage the growth and creation of small businesses in hospitality and tourism sectors.

2.2 Program objectives

The objectives of the Grant Program are to support local governments in the planning and delivery of recreational cycling, walking and horse trails on disused state owned and local government managed rail corridors. The program supports:

- health and wellbeing
- liveable communities
- regional economic development, including tourism
- environmental protection and management.

2.3 Eligibility criteria

To be eligible for Project Funding under the Grant Program, an applicant must be a Queensland local government authority, or any entity governing or managing a local government area in accordance with legislation.

Regional collaboration is encouraged. Where a group of councils seeks to apply, a single council should be nominated as the lead contact responsible for contract management and delivery.

2.4 Eligible projects

To be eligible for Project Funding under the Grant Program, a Project must:

- a) be located on a disused state or local-government rail corridor.
- b) be consistent with the objectives of the Grant Program;
- c) be planned and/or delivered so that it is aimed at achieving one or more of the following outcomes:
 - i. provide a rewarding recreational experience
 - ii. strengthen the tourism potential of the region
 - iii. improve access to local attractions
 - iv. located within easy access to towns and cities
 - v. provide opportunities for different length journeys
 - vi. contribute to the connectivity of the rail trail network
 - vii. provide infrastructure that is fit for purpose
 - viii. contribute to the broader trail offering for transport, recreation and tourism by connecting to pathways, recreation trails and bicycle infrastructure;

For **Planning** projects, the Project must be one of the following types and able to be completed within 12 months of execution of a Project Funding Schedule:

- a) feasibility study
- b) business case
- c) other, contributing to the planning of a recreational rail trail

For **Delivery** projects, the Project must be one of the following types and scheduled to be completed before 30 June 2022:

- d) Detailed Design
- e) Construction.

2.5 Eligible project costs

Project Funding may only be applied towards "Eligible project costs". Eligible Project costs include only expenditure on direct costs incurred by council in the planning, design or delivery of the approved project scope detailed in Project Funding Schedule for the Project

Eligible Project costs do not include:

- costs associated with owning any completed facilities
- on-going maintenance costs of any completed facility.

Successful applicants must use Project Funding solely for Eligible project costs specified in the Project Funding Schedule for the Project.

Generally, provision of grant funding to local governments is not considered a taxable supply and so GST is not applicable.

2.6 Other requirements

This Grant Program also has the following requirements for project submissions:

Planning projects:

- requires the project to have evidence of community support.

Delivery projects:

- (a) are to be funded through a combination of State Government and local government funding, with the State proportion to be a maximum of 50%.
 - Council's funding contribution can be sought from private industry, other state government programs or federal government programs
- (b) must be supported by a completed feasibility study or trail development plan that supports the viability of the project
- (c) must have evidence of community support

2.7 Funding arrangements

Successful applicants will be required to execute a Project Funding Schedule under the applicant's Head Funding Agreement with the State. If a successful applicant has not entered a Head Funding Agreement with the State, it will be required to do so.

The State has no obligation to provide Project Funding to an applicant until a Head Funding Agreement and Project Funding Schedule have been executed by the applicant and the State. Successful applicants should not make financial commitments until all necessary documents have been finalised and executed.

Once executed, the Project Funding Schedule and certain parts of the Head Funding Agreement will constitute the "Project Funding Agreement" with a successful applicant for a Project.

The Project Funding Agreement will set out the arrangements for payment of Project Funding to a successful applicant in accordance with a Milestone Schedule set out in the Project Funding Agreement.

2.8 Application process

Key Dates	Key Activities/Actions
1 October 2019	Release of program guidelines
1 October 2019	Application open date
20 December 2019	Application close date
January – February 2020	Assessment of applications
April 2020	Expected announcement date
On execution of a Project Funding	Date projects can commence

Key Dates	Key Activities/Actions
Schedule between both parties	
Within 30 days of execution of a Project Funding Schedule	Date projects must commence within 30 days of execution of a Project Funding Schedule
Within 12 months of execution of a Project Funding Schedule	Final acquittal of projects

2.9 How to apply

Funding under this grant program is awarded through a competitive application assessment process.

To apply you must:

- (a) complete the attached application form (relevant to either the Planning or Delivery project phase)
- (b) provide all the information requested
- (c) address all eligibility criteria and assessment criteria
- (d) include all necessary attachments
- (e) submit your application/s to TMR.RailTrail.Grants@tmr.qld.gov.au by closing date and time.

For **Planning** projects, we require the following documents with your application (in addition to the application form):

- an official letter signed by a council representative stating the total sum being sought
- documentation detailing the scope of works such as a brief council has put out to tender, or a business case developed in-house by council.
- any relevant background information such as previous feasibility studies
- evidence of community support

For **Delivery** projects we require the following documents with your application (in addition to the application form):

- an official letter signed by a council representative stating the total sum being sought
- maps showing the project context and land uses to be served
- site photos or video footage along the length of the trail, or relevant sections, in each direction, clearly showing;
 - proposed alignment of the project
 - any site constraints for example, drainage, grades or vegetation
 - copy of the relevant feasibility study or trail development plan for delivery projects
- evidence of local community support

2.10 Assessment criteria

Eligible applications will be assessed on how well they meet the following criteria:

- have community support
- provide a rewarding recreational experience
- strengthen the tourism potential of the region
- improve access to local attractions
- located within easy access to towns and cities
- provide opportunities for different length journeys
- contribute to the connectivity of the rail trail network
- provide infrastructure that is fit for purpose
- contribute to the broader trail offering for transport, recreation and tourism by connecting to pathways, recreation trails and cycle infrastructure.

2.11 Assessment process

Eligible applications will be assessed through an open competitive grant process.

All documentation will be assessed by a panel of TMR officers in the Active Transport Investment Program and Rail Corridors teams and may also include representation from other technical teams and TMR district offices.

The panel will assess your application against the assessment criteria (see Section 6) and against other applications. We consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications
- whether it provides value for money.

2.12 Payment Claim Requirements

The Department will make payments according to the following schedules:

Planning projects	
Payment schedule	Milestone
First payment (50% of Project Funding)	The Department will pay the Council upon the execution of a Project Funding Schedule.
Final payment (up to 50% of Project Funding or remaining agreed sum)	The Department will pay the Council upon receipt of a completed Final Acquittal Report.

Delivery projects	
Payment schedule	Milestone
First payment (50% of Project Funding)	A first payment of 50% of the approved grant funding will be due within fourteen days (14) of execution of the Project Funding Schedule.
Second payment (25% of Project Funding)	A second payment of 25% of the approved grant funding will be payable for each project upon commencement of project works, following approval of project design plans. For projects not including construction, the second payment is payable upon commencement of design works.
Final payment (up to 25% of Project Funding or remaining agreed sum)	The Department will pay the Council upon receipt of a completed Final Acquittal Report. Final payment should exclude any project savings.

Each claim for payment must be made on the prescribed payment claim form, an example template is attached to these program guidelines.

Certification must be made by the Council's Chief Executive Officer, or authorised delegated officer, that the relevant milestone has been satisfactorily completed.

Invoices must meet the requirements of a valid tax invoice as shown on the Australian Tax Office (ATO) website. Councils are responsible for determining their requirement to remit GST to the ATO under this program's funding arrangement.

The approved funding amount through this program is GST exclusive. If GST applies in accordance with the A New Tax System (Goods and Services Tax) Act 1999, the department will pay an additional amount (being 10% of the funding amount) to cover the GST on receipt of a compliant tax invoice.

2.13 Program monitoring, acquittal and evaluation

All Projects will be monitored by TMR to ensure that the Grant Program is achieving the program aim and objectives.

Monthly reports are to be provided on request for planning projects.

Monthly progress reports must be provided each month for delivery projects.

Progress reports are to be submitted by email to TMR.RailTrail.Grants@tmr.qld.gov.au. An example progress report template is attached to these program guidelines to indicate the type of information that reports will need to include.

Successful applicants must comply with the reporting, records and audit obligations in the Project Funding Agreement.

Local Government recipients will be required to acquit funds. Acquittal involves verifying funds were expended in accordance with program guidelines, Project Funding Schedule and Project Funding Agreement.

An example Final Acquittal Report template is attached to these program guidelines.

The Final acquittal report and any supporting documents must be provided to TMR's Rail Trails team within 30 business days the completion of the project.

All Projects will be evaluated by TMR to ensure that the Grant Program is achieving the program aim and objectives.

3. Communications

3.1 Communications with the media

All media enquiries and public announcements relating to the Grant Program will be coordinated and handled by TMR's Rail Trail and media teams.

As far as practicable, all media and communications will be undertaken jointly with successful applicants.

Applicants must seek and obtain the State's approval before contacting the media to discuss any information regarding successful or unsuccessful applications for funding support under or in connection with the Grant Program.

3.2 Confidentiality, privacy and use of information

The State will maintain controls in relation to the management of confidential information provided by applicants. Applicants should specifically mark any information the applicant considers to be confidential.

During the application, assessment and approval process, an applicant must keep confidential its application/s and its dealings with the State about its application/s but may make disclosures if required by law or to its representatives or advisors who are under an obligation of confidentiality.

An applicant must also keep confidential any information designated by the State as confidential.

The State may disclose information, including confidential information, of or provided by an applicant:

- a) to its representatives and advisors for any purpose
- b) to any government agency or authority and its representatives and advisors, including for the purpose of assessing and verifying such information
- c) to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols or
- d) if required to be disclosed by law.

The State intends to publicly disclose the names of applicants, information about projects, the amount of funding granted to each successful applicant and details about the anticipated economic outcomes and benefits of successful projects.

Any personal information submitted as part of an application will not be used by the State or disclosed to any third party for a purpose other than in connection with the assessment of the application without an applicant's consent, unless required by law or in accordance with the Information Privacy Act 2009.

For audit purposes, the State is required to retain applications and other supplied supporting material. Successful applications will be retained for seven years and unsuccessful applications retained for two years.

The provisions of the Right to Information Act 2009 apply to documents in the possession of the State.

3.3 Complaints

The decision in relation to an application is final and may not be appealed. If, however, an applicant has any concerns in relation to the application or assessment process, an applicant may raise their concerns in writing by contacting: The State of Queensland (represented by the Department of Transport and Main Roads)

Address: GPO Box 213, Brisbane, Queensland 4001.

All questions about decisions on applications for the Grant Program must be lodged in writing to: TMR.RailTrail.Grants@tmr.qld.gov.au.

4. Contact details

Applicants may contact the Contact Officer in relation to general questions, requests for clarification and requests for further information. The Contact for the Program is: TMR.RailTrail.Grants@tmr.qld.gov.au

The department is not able to assist in the preparation of Applications.

Address for notices: TMR Rail Trail Grants, GPO Box 213, Brisbane, Queensland 4001

5. Acknowledgement of the funding

Funding recipients must acknowledge the contributions of the Queensland Government funding through:

- placement of signage at project construction sites
- acknowledgement in publicly made statements, on websites, or other appropriate documentation.

Council is not required to use a specific template or display the Queensland Government coat-of-arms, but all project signage MUST clearly and legibly state the following:

This initiative is supported by the Queensland Government's Local Government Rail Trail Grants Program.

6. Terms and conditions

6.1 Reservation of rights

- a) Despite any provision of these Guidelines to the contrary, the State reserves the right to administer the Grant Program and conduct the process for the assessment and approval of applications to the Grant Program in such manner as it thinks fit, in its absolute discretion.
- b) Without limiting paragraph (a), the State retains all rights and powers to make all decisions and actions in order to achieve the program objectives and the State reserves the right, in its absolute discretion and at any time, to:

- i. change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Grant Program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants;
 - ii. consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these Guidelines or is lodged after the relevant date for lodgement, or which does not contain the information required by these Guidelines or is otherwise non-conforming in any respect;
 - iii. vary or amend the eligibility or assessment criteria;
 - iv. take into account any information from its own and other sources (including other Government agencies and other advisors);
 - v. accept or reject any application, having regard to these Guidelines, the eligibility criteria, the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Grant Program;
 - vi. give preference by allocating weighting to any one or more of the eligibility criteria or assessment criteria over other criteria;
 - vii. conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
 - viii. require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
 - ix. terminate the further participation of any applicant in the application process;
 - x. terminate or reinstate the Grant Program or any process in the Grant Program;
 - xi. not proceed with the Grant Program in the manner outlined in these Guidelines, or at all;
 - xii. amend the nature, scope or timing of the Grant Program;
 - xiii. allow the withdrawal of an applicant;
 - xiv. seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged;
 - xv. publish the names of applicants to the Grant Program; and
 - xvi. take such other action as it considers in its absolute discretion appropriate in relation to the Grant Program processes.
- c) Where, under these Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an applicant).

6.2 No relationship

- a) The State's obligations in connection with the application process are limited to those expressly stated in these Guidelines.

- b) No contractual or legal relationship exists between the State and an applicant in connection with the Grant Program, these Guidelines or the application process or any stage of the Grant Program.
- c) An applicant, or its representatives:
 - i. has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
 - ii. must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
 - iii. must not represent to any person that the State is a party to the proposed project other than as a potential funder, subject to the competitive application process detailed in these Guidelines.

6.3 No action

- a) To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:
 - i. any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Grant Program;
 - ii. the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Grant Program; or
 - iii. any of the matters or things relevant to its application or the Grant Program in respect of which the applicant must satisfy itself under these Guidelines.
- b) Without limiting paragraph (a), if the State cancels or varies the Grant Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under clause 6.2 of these Guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation to (whether directly or indirectly) the Grant Program.
- c) For the avoidance of doubt, each applicant:
 - i. participates in the Grant Program at its own risk; and
 - ii. is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the Grant Program.

6.4 Non-exhaustive

- a) These Guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.
- b) Applicants must make their own independent investigations of the information contained or referred to in these Guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Guidelines, or otherwise made available to them, during the application process.

6.5 Disclaimer

- a) The State makes no warranty or representation express or implied and does not assume any duty of care to the applicants that the information in these Guidelines, or supplied in connection with the Grant Program (Information) is accurate, adequate, current, suitable or complete, or that the Information has been independently verified.
- b) The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the Information or interpretations placed on the Information by applicants.

6.6 Intellectual property

Any intellectual property rights that may exist in an application will remain the property of an applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain intellectual property rights should be clearly identified by an applicant.

The applicant grants to the State (and will ensure relevant third parties grant) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Grant Program.

6.7 Law

These guidelines are governed by the laws applicable in Queensland.

Attachment 1: Glossary

Eligible project costs	has the meaning given in section 2.5 of these Guidelines.
Grant Program	means the Department of Transport and Main Roads' Rail Trail Local Government Grants program, being the subject of these Guidelines.
Guidelines	means these guidelines for the Grant Program.
Head Funding Agreement	means the agreement entered into between the State and the applicant that sets out the terms and conditions under which the State will enter into project specific arrangements to provide funding for specific projects to local government applicants, if the applicant is successful in an application for funding under a grant program.
Milestone Schedule	means, for a Project, the schedule of dates for achievement of specified milestones, as set out in the relevant Project Funding Schedule.
Project Funding	means the funds to be provided by the State to an applicant who is successful in an application for funding under the Grant Program.
Project Funding Schedule	means the schedule prepared by the State and executed by the parties in accordance with the Head Agreement, for the provision of Project Funding.

Attachment 2: Eligibility checklist for Planning and Delivery projects

#	Criteria*	Yes	No
1	Is the funding request on behalf of a Queensland local government authority, or any entity governing or managing a local government area in accordance with legislation?		
2	Is the project located on a disused state or local-government managed rail corridor?		
3	Does the project have evidence of community support?		
4	Will the project provide a rewarding recreational experience?		
5	Will the project strengthen the tourism potential of the region?		
6	Will the project improve access to local attractions?		
7	Is the project located within easy access to towns and cities?		
8	Will the project provide opportunities for different length journeys?		
9	Will the project contribute to the connectivity of the rail trail network?		
10	Will the project provide infrastructure that is fit for purpose?		
11	Will the project contribute to the broader trail offering for transport, recreation and tourism by connecting to pathways, recreation trails and cycle infrastructure?		

*Criteria is not listed in any order of priority

Attachment 3: Application requirements checklist

Planning projects			
#	Application requirements	Yes	No
1	Official letter signed by a council representative stating the total sum being sought		
2	Documentation detailing the scope of works such as a brief council has put out to tender, or a business case developed in-house by council.		
3	Relevant background information such as previous feasibility studies		
4	Evidence of community support		
5	Map showing the alignment of all disused rail corridors in the relevant local government area		

Delivery projects			
#	Application requirements	Yes	No
1	Application form		
2	Location map		
3	Location photos / video		
4	Relevant feasibility study or rail plan		
5	Evidence of community support		