



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**
Office for the Arts

COVID-19 Arts Sustainability Fund

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|------------------------------------|---|
| Opening date: | 09.00am AEST (Canberra time) on 31 August 2020 |
| Closing date and time: | 11.30pm AEST (Canberra time) 31 May 2021 at the latest, subject to allocation of funds |
| Commonwealth policy entity: | Department of Infrastructure, Transport, Regional Development and Communications |
| [Administering entity] | Department of Infrastructure, Transport, Regional Development and Communications |
| Enquiries: | If you have any questions, please contact the Sustainability Fund team at: SustainabilityFund@arts.gov.au |
| Date guidelines released: | 11 August 2020 |
| Type of grant opportunity: | Targeted competitive |

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1. Sustainability Fund processes

The COVID-19 Arts Sustainability Fund is designed to achieve Australian Government objectives

This grant opportunity is part of the above grant program, which contributes to the Department of Infrastructure, Transport, Regional Development and Communications' (Department) Outcome 6.1. The Department works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#).



The grant opportunity opens

We publish the grant guidelines on [GrantConnect](#)



You complete and submit a grant application

You complete the application form and address all of the eligibility and assessment criteria to be considered for a grant.



We assess all grant applications

We assess the applications against eligibility criteria. We assess your eligible application against the assessment criteria including an overall consideration of value for money and compare it to other applications.



We make grant recommendations

We provide advice to the decision maker on the merits of each application.



Grant decisions are made

The decision maker decides which applications are successful.



We notify you of the outcome

We advise you of the outcome of your application. We may not notify unsuccessful applicants until grant agreements have been executed with successful applicants.



We enter into a grant agreement

We will enter into a grant agreement with you if successful. The type of grant agreement is based on the nature of the grant and will be proportional to the risks involved.



Delivery of grant

You undertake the grant activity as set out in your grant agreement. The Office for the Arts manages the grant by working with you, monitoring your progress and making payments.



Evaluation of the Sustainability Fund

We evaluate your specific grant activity and the program as a whole. We base this on information you provide to us and that we collect from various sources.

1.1 Introduction

These guidelines contain information for grants under the COVID-19 Arts Sustainability Fund (the Sustainability Fund).

This Grant Opportunity was announced as part of the Australian Government's COVID-19 Creative Economy Support Package to help restart the creative economy as it rebuilds from the impacts of COVID-19.

The Australian Government, through the Department and the Australia Council, provides multi-year operational funding to a range of organisations that are the key employers of Australian artists and art workers, the leading presenters of high-quality work to audiences across Australia and the training ground of Australia's upcoming performing artists. The operations and financial stability of these organisations have been significantly affected by COVID-19, resulting in some organisations being at risk of insolvency.

To support the arts and entertainment sector to continue its activities, this program targets funding towards significant Australian Government-funded arts organisations seeking funding to remain solvent. The program is intended to assist by providing the necessary finance to plan a pathway for recovery from the effects of COVID-19. This will support employment of workers (including in interdependent industries such as hospitality, retail, accommodation, transport and freight) and contribute to rebuilding Australia's economy, as well as enhancing community wellbeing and access to cultural experiences across Australia.

This document sets out:

- the purpose of the grant program/grant opportunity;
- the eligibility and assessment criteria;
- how grant applications are considered and selected;
- how grantees are notified and receive grant payments;
- how grantees will be monitored and evaluated; and
- responsibilities and expectations in relation to the opportunity.

This grant opportunity and process will be administered by the Office for the Arts in the Department of Infrastructure, Transport, Regional Development and Communications through the online grants management system, SmartyGrants: <https://arts.smartygrants.com.au>.

Applicants are encouraged to read these guidelines in their entirety before filling out an application.

The Australian Securities and Investment Commission has information for companies in financial difficulty at www.asic.gov.au.

2. About the grant program

The Sustainability Fund will run over one financial year in 2020-21.

The objective of this Grant Opportunity is to provide 'last resort' funding assistance to significant Australian Government-funded arts organisations that are assessed to be at imminent risk of insolvency as a direct result of COVID-19, having taken all reasonable action to maintain their financial position.

The funding is subject to eligibility and independent analysis of the organisation's financial situation by an external financial assessor. Assessment of the level of support will also take into account alternative support mechanisms being provided or available to the organisation, including through other Commonwealth or other government programs.

The intended outcomes of the program are:

- significant Commonwealth-funded performing arts and culture organisations remain solvent; and
- Australian communities continue to benefit from the work of significant Commonwealth-funded organisations as the key employers of Australian artists and art workers, leading presenters of high-quality work and as the trainers of Australia's upcoming performing artists.

Applying for a grant under this program does not affect an organisation's eligibility for a [show starter loan](#) through the Australian Government's Coronavirus Small and Medium Enterprises Guarantee Scheme, which provides loans to Australian businesses affected by COVID-19.

Eligible organisations can apply to be considered for financial assistance during the period of the program. Details on the application process are at Section 4 (Eligibility criteria) and Section 7 (How to apply).

If approved, a legally binding grant agreement is entered into with the Department for the period to 30 June 2021.

The grant agreement will state the maximum grant amount that may be paid, subject to the assessment of claims made during the period of the agreement. It is anticipated that the organisation would submit claims no more frequently than every two months, with flexibility given the changing environment, and would not occur every month.

Details on the range of information to be provided with a claim is at Section 10.

We administer the program according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#)¹.

3. Grant amount and grant period

The Australian Government will provide a total of \$35 million in 2020-21 for the program.

This grant opportunity will remain open until all funds are allocated or until 31 May 2021, whichever is sooner.

3.1 Grants available

The maximum value of the grant will be the subject of negotiation with the organisation based on financial information provided with the application. It is anticipated that most grants will be between \$100,000 and \$5,000,000, depending on the complexity of the organisation's operations and financial and cashflow position.

3.2 Grant period

The grant agreement is for the period of execution of a grant agreement under the program through to 30 June 2021.

Following the grant/project period, we may conduct an evaluation of the program.

¹ <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>

4. Eligibility criteria

We cannot consider your application if you do not satisfy all the eligibility criteria.

4.1 Who is eligible to apply for a grant?

To be eligible you must be an arts organisation that is:

- currently party to, or due to enter into, a multi-year funding agreement with the Australian Government, either through the Australia Council or the Office for the Arts in the Department under one or more of the following programs:
 - National Performing Arts Partnership Framework
 - Four Year Funding Program 2021-24
 - Four Year Funding Program 2017-20
 - Visual Arts and Craft Strategy 2016-21
 - Cultural Development Program for the National Performing Arts Training Organisations

4.2 Who is not eligible to apply for a grant?

You are not eligible to apply if you are:

- a statutory body under Commonwealth, state or territory legislation, including but not limited to national cultural institutions and performing arts companies;
- an arts organisation with a one-off, project, annual or multi-year funding agreement with the Australian Government, either through the Australia Council or the Department of Infrastructure, Transport, Regional Development and Communications, under any program or initiative not listed in Section 4.1.

5. What the grant money can be used for

5.1 Eligible grant activities

The grant funds must be used to support the continuing operation of your arts organisation in accordance with the grant agreement at the time of each claim.

5.2 Eligible expenditure

You can only spend the grant on eligible expenditure you have agreed with the Department under the grant agreement at the time of each claim.

5.3 What the grant money cannot be used for

You cannot use the grant for any activity outside the scope agreed with the Department, as set out in the grant agreement and in each successful claim.

Grant money cannot be used to meet expenses that can be recovered from alternative Commonwealth or State Government programs, for example meeting staffing costs that can be supported under the Commonwealth JobKeeper Payment.

6. The assessment criteria

You must address all of the following assessment criteria in the application. We will assess your application based on each criterion with equal weight.

The amount of detail and supporting evidence you provide in your application should be relative to the size, complexity and grant amount requested.

Criterion 1

Risk of insolvency as a result of COVID-19

You should demonstrate this through identifying:

- the risk of insolvency to your organisation within 12 months of the date of application lodgement;
- the link between the COVID-19 public health restrictions and that risk of insolvency; and
- all action taken to manage your organisation's financial position, including, where relevant:
 - implementation of cost reduction measures;
 - reasonable use of company reserves;
 - utilisation of commercial bank loans or lines of credit;
 - utilisation of Australian Government whole-of-economy COVID-19 support measures; and
 - your organisation's sound record of artistic and financial management and governance processes.

Criterion 2

Likelihood of ongoing viability, if grant is provided

You must demonstrate this through identifying:

- The amount of grant funding required to reduce the risk outlined under Criterion 1;
- A budget for the requested grant;
- Plans that you have put in place to improve the ongoing viability of your organisation as the economy, health guidelines and public behaviour change during and resulting from the COVID-19 pandemic.

Criterion 3

Significance and contribution to the Australian arts ecology

Collectively, the organisations funded under programs listed in Section 4.1 are important to the Australian arts ecology as the key employers of Australian artists and art workers, leading presenters of high-quality work and/or as the trainers of Australia's upcoming performing artists.

You should address the specific significance and contribution of your organisation to the Australian arts ecology through identifying:

- the number of artists, art workers and other workers directly employed by your organisation;
- the benefits of your organisation to your community (i.e. community participation, health, wellbeing, and engagement and support; social cohesion; and economic benefits in interdependent industries); and
- the significance of your arts organisation to its artform.

7. How to apply

Before applying, you must read and understand these guidelines.

These documents may be found at [GrantConnect](#). Any alterations and addenda² will be published on GrantConnect and, by registering on this website, you will be automatically notified on any changes. GrantConnect is the authoritative source for grants information.

To apply you must:

- complete the online Sustainability Fund application form on SmartyGrants at <https://arts.smartygrants.com.au>
- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments
- submit your application during the period of the program.

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under the [Criminal Code 1995](#) and we will investigate any false or misleading information and may exclude your application from further consideration.

Applications cannot be accepted outside the period of the program.

If you find an error in your application after submitting it, you should contact us immediately at SustainabilityFund@arts.gov.au. If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

You should keep a copy of your application and any supporting documents. Receipt of your application will be acknowledged via a SmartyGrants confirmation email along with an application reference number.

If you need further guidance around the application process or if you are unable to submit an application online, contact us at SustainabilityFund@arts.gov.au.

7.1 Attachments to the application

You will be required to submit the following supporting documentation with your application:

- Latest Balance Sheet position at the time of application;
- Latest Profit & Loss Forecast for Year Ending December 2020 (or Year Ending June 2021);
- Latest Profit & Loss Forecast for Year Ending December 2021 (or Year Ending June 2022);
and
- Monthly Cashflow Forecast from the month of the application to 30 June 2021, excluding any funding claim sought.

The online SmartyGrants application form will enable you to attach these documents to your application.

Links to cloud storage sites such as Dropbox, Google Drive or OneDrive cannot be accepted.

² Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents

7.2 Timing of grant opportunity processes

You must submit an application during the period of the program. Claims can be lodged once a grant agreement has been executed. You should not rely on any funding being approved until:

- A grant agreement is in place; and
- You are advised of the success of a subsequent claim you lodge under the grant agreement.

The opening and closing dates will be advertised on GrantConnect at www.grants.gov.au and the Office for the Arts website at www.arts.gov.au.

While there are no rounds and applications will be accepted at any time between the opening and closing dates for the program, the Minister for Communications, Cyber Safety and the Arts will be provided with funding assessment recommendations every two to three months. The first batch of applications is expected to be assessed in October for applications received by 30 September 2020. Additional assessment recommendations may be made outside of these timeframes. There is no allocated funding amount for each assessment period.

Table 1: Expected timing for this grant opportunity

| Activity | Approximate timeframe |
|--|---|
| Assessment of applications | 4-6 weeks from lodgement of application |
| Approval of outcomes of selection process | 2-4 weeks from assessment of applications |
| Negotiations and award of grant agreements | 2 weeks from approval of outcomes |
| Notification to unsuccessful applicants | 2 weeks from approval of outcomes |

7.3 Questions during the application process

If you have any questions during the application period, contact the Sustainability Fund team at SustainabilityFund@arts.gov.au.

8. The grant selection process

8.1 Assessment of grant applications

We review your application against the eligibility criteria. Only eligible applications will move to the next stage.

We consider eligible applications through a targeted competitive grant process.

If eligible, we 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; and
- whether it provides value with relevant money.³

³ See glossary for an explanation of 'value with money'.

When assessing the extent to which the application represents value with relevant money, we will have regard to:

- the overall objective/s to be achieved in providing the grant;
- the relative value of the grant sought;
- extent of the impact the grant will have on the organisation's financial position;
- the extent of other measures undertaken or underway to improve the organisation's position; and
- extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives.

8.2 Who will assess applications?

We will assess each application on its merit before recommending which grant applications be awarded a grant. Assessors will be officials from the Department of Infrastructure, Transport, Regional Development and Communications.

Assessors may seek additional information about you or your application. They may do this from within the Commonwealth, even if the sources are not nominated by you as referees. Assessors may also consider information about you or your application that is available through the normal course of business.

The Department will seek input and advice from:

- an independent external financial assessor to advise on the risk of insolvency and ongoing sustainability if funds are provided; and
- the Australia Council, the Government's principal arts funding body.

Anyone involved in the assessment process will be required to perform their duties in accordance with the CGRGs and declare any conflict of interest (as per Section 13.2).

The Department will provide the Minister for Communications, Cyber Safety and the Arts with recommendations on applications to approve for a grant. In making recommendations, the Department will consider the geographic distribution of organisations and activities recommended for funding, the range of art forms represented and the employment opportunities provided by activities.

8.3 Who will approve grants?

The Minister for Communications, Cyber Safety and the Arts is the decision maker, taking into account the recommendations of the Department and advice from the Australia Council and an independent external assessor, and the availability of grant funds for the purposes of the grant program.

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

- the approval of the grant;
- the maximum grant funding amount to be awarded; and
- the terms and conditions of the grant.

There is no appeal mechanism for decisions to approve or not approve a grant (see Section 13.1 for enquiries or complaints processes).

9. 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.

9.1 Feedback on your application

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome. You may ask for feedback within one month of being advised of the outcome.

10. Successful grant applications

10.1 The grant agreement

You must enter into a legally binding grant agreement with the Commonwealth.

We generally use two types of grant agreements in this program, the Simple Grant Agreement or the Standard Grant Agreement. In some cases, we may use a Letter of Agreement. Our selection of type of grant agreement will depend on the size and complexity of your grant activities (see descriptions below).

Each agreement has general terms and conditions that cannot be changed. Sample grant agreements are available from the Department of Finance.⁴ We will use a schedule to outline the specific grant requirements. Any additional conditions attached to the grant will be identified in the grant offer or during the grant agreement negotiations.

We aim to negotiate agreements with you within 30 days of the grant approval. If there are unreasonable delays by you in finalising a grant agreement, the grant offer may be withdrawn and the grant may be awarded to a different applicant.

We must execute a grant agreement with you before we can make any payments. You must not make financial commitments until a grant agreement has been executed by the Commonwealth. If you rely on grant funding before you have an executed grant agreement, and before any individual claim under the grant agreement has been assessed, you do so at your own risk.

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

Letter of Agreement

If we send you a Letter of Agreement, you will be advised that your application has been successful and we are providing you with an offer. You accept the offer by signing and returning the Letter of Agreement to us. We consider the agreement to be executed (take effect) from the date you sign the letter.

Simple Grant Agreement and/or Standard Grant Agreement

If we use a Simple or Standard Grant Agreement, there will be 30 days from the date of a written offer to execute this grant agreement with the Commonwealth ('execute' means both you and the Commonwealth have signed the agreement). During this time, we will work with you to finalise details. The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period.

⁴ www.finance.gov.au/government/commonwealth-grants/tools-templates.

We base the approval of your grant and grant agreement on the information you provide in your application. You may request changes to the grant agreement. However, we will review any required changes to these details to ensure they do not affect the grant as approved by the Minister for Communications, Cyber Safety and the Arts.

10.2 How we pay the grant

The grant agreement will state the:

- maximum grant amount that may be paid, subject to assessment of subsequent claims, and
- any other terms that apply specifically to your grant.

Claims

Any time from the date of execution of the agreement to 31 May 2021, you may submit a claim for payment under the terms of the grant agreement.

Claims should be submitted via SmartyGrants no more frequently than every two months unless otherwise specified in the grant agreement.

The online SmartyGrants form will outline the required supporting documentation for each claim and how it should be provided. There are instructions in the form to help you.

The claim will be approved on the basis that it:

- qualifies as an eligible grant activity under Section 5;
- is consistent with the grant agreement, the agreed budget, and within the maximum grant amount; and
- will reduce the risk of insolvency identified in your initial application under Criterion 1, Section 6.

Claims will be assessed in order of receipt up to the maximum value of the grant.

10.3 Grants Payments and GST

Payments will be made as set out in the grant agreement. If you are registered for the Goods and Services Tax (GST),⁵ where applicable, we will add GST to your grant payment and issue you with a Recipient Created Tax Invoice.⁶

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](#).⁷ We do not provide advice on your particular taxation circumstances.

11. Announcement of grants

If successful, your grant will be listed on the GrantConnect website 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](#).

The Government, the Minister for Communications, Cyber Safety and the Arts and/or your local Member of Parliament, may also announce your grant.

⁵ www.ato.gov.au/Business/GST/Registering-for-GST

⁶ www.ato.gov.au/Forms/Recipient-created-tax-invoices

⁷ <https://www.ato.gov.au/>

12. How we monitor your grant activity

12.1 Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to address the terms of your grant, carry on business and pay debts due.

You must also inform us of any changes to your:

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

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately. You must also advise us in advance of an inability to meet timeframes for your grant activity, project or reporting, as agreed in your grant agreement.

You must notify us of events relating to your grant and provide an opportunity for the Minister for Communications, Cyber Safety and the Arts or their representative to attend.

12.2 Reporting

You must submit reports in line with the grant agreement. We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress made towards reducing your organisation's risk of insolvency;
- progress against the plans that you put in place to improve the ongoing viability of your organisation; and
- expenditure of the grant.

The amount of detail you provide in your reports should be relative to the size, complexity and grant amount. The grant agreement will specify when progress (if applicable) and final reports are required.

Progress reports [If applicable]

Progress reports must:

- include evidence of your progress towards completion of agreed activities and outcomes
- show the total eligible expenditure incurred to date
- include evidence of expenditure
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant activities).

We will only make grant payments when we receive satisfactory progress reports.

You must discuss any reporting delays with us as soon as you become aware of them.

Ad-hoc reports

We may ask you for ad-hoc reports on your grant. This may be to provide an update on progress, or any significant delays or difficulties in completing the grant activity.

12.3 Audited financial acquittal report

We may ask you to provide a declaration that the grant money was spent in accordance with the grant agreement and to report on any underspends of the grant money.

We may ask you to provide an independently audited financial acquittal report. A financial acquittal report will verify that you spent the grant in accordance with the grant agreement.

The type of document requested for acquittal will be proportional to the size of the organisation and the grant awarded.

12.4 Grant agreement variations

We recognise that the COVID-19 situation is rapidly evolving and that unexpected events may affect your ability to address the terms of your grant. In these circumstances, you can request a variation to your grant agreement. You can request a variation by contacting the Sustainability Fund team at SustainabilityFund@arts.gov.au before the grant agreement end date.

You should not assume that a variation request will be successful. We will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes. The Department will confirm decisions on grant variations in writing.

12.5 Record keeping

We may also inspect the records you are required to keep under the grant agreement.

12.6 Evaluation

We will evaluate the grant program to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes.

We may contact you up to one year after you finish your grant for more information to assist with this evaluation.

12.7 Acknowledgement

An Australian Government logo, as specified in the grant agreement, should be used on materials related to grants under the program. Whenever the logo is used, the publication must also acknowledge the Commonwealth as agreed with the Department

If you make a public statement about funding provided under the program, we require you to acknowledge the grant.

13. Probity

The Australian Government will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

We may change these guidelines from time-to-time. When this happens, the revised guidelines will be published on GrantConnect.

13.1 Enquiries and feedback

The Department's Complaints Procedures apply to complaints about this grant opportunity. All complaints about a grant process must be provided in writing to:

Email: SustainabilityFund@arts.gov.au

Any questions you have about grant decisions for this grant opportunity should be sent to

Email: SustainabilityFund@arts.gov.au

If you do not agree with the way the Department 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 Department.

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if the Department of Infrastructure, Transport, Regional Development and Communications' staff, any member of a committee or advisor and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer;
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently; or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity.

You will be asked to declare, as part of your application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform the Department in writing immediately.

Conflicts of interest for Australian Government staff will be handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#) of the [Public Service Act 1999](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

13.3 Privacy

We treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

Your personal information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

We may share the information you give us with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of your application, you declare your ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the [relevant Commonwealth entity] would breach an Australian Privacy Principle as defined in the Act.

13.4 Confidential Information

Other than information available in the public domain, you agree not to disclose to any person, other than us, any confidential information relating to the grant application and/or agreement, without our prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

We may at any time, require you to arrange for you; or your employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form we consider acceptable.

We will keep any information in connection with the grant agreement confidential to the extent that it meets all of the three conditions below:

1. you clearly identify the information as confidential and explain why we should treat it as confidential;
2. the information is commercially sensitive; and
3. revealing the information would cause unreasonable harm to you or someone else.

We will not be in breach of any confidentiality agreement if the information is disclosed to:

- the Commonwealth employees and contractors to help us manage the program effectively
- employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
- other Commonwealth, State, Territory or local government agencies in program reports and consultations
- the Auditor-General, Ombudsman or Privacy Commissioner
- the responsible Minister or Parliamentary Secretary, and
- a House or a Committee of the Australian Parliament.

The grant agreement may also include any specific requirements about special categories of information collected, created or held under the grant agreement.

13.5 Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

By mail: Freedom of Information Coordinator
 Department of Infrastructure, Transport, Regional Development and
 Communications
 GPO Box 594
 CANBERRA ACT 2601

By email: foi@infrastructure.gov.au

Glossary

| Term | Definition |
|--|---|
| accountable authority | see subsection 12(2) of the Public Governance, Performance and Accountability Act 2013 |
| administering entity | when an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes |
| assessment criteria | are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings. |
| commencement date | the expected start date for the grant activity |
| completion date | the expected date that the grant activity must be completed and the grant spent by |
| co-sponsoring entity | when two or more entities are responsible for the policy and the appropriation for outcomes associated with it |
| date of effect | can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable. |
| decision maker | the person who makes a decision to award a grant |
| eligibility criteria | refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria. |
| Commonwealth entity | a Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act |
| Commonwealth Grants Rules and Guidelines (CGRGs) | establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration. |

| Term | Definition |
|------------------------------|---|
| grant | <p>for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <ul style="list-style-type: none"> a. under which relevant money⁸ or other Consolidated Revenue Fund (CRF) money⁹ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives. |
| grant activity/activities | refers to the project/tasks/services that the grantee is required to undertake |
| grant agreement | sets out the relationship between the parties to the agreement, and specifies the details of the grant |
| GrantConnect | is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs |
| grant opportunity | refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process. |
| grant program | a 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program. |
| grantee | the individual/organisation which has been selected to receive a grant |
| PBS Program | described within the entity's Portfolio Budget Statement , PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be Grant Programs. A PBS Program may have more than one Grant Program associated with it, and each of these may have one or more grant opportunities. |
| selection criteria | comprise eligibility criteria and assessment criteria. |

⁸ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

⁹ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

| Term | Definition |
|-------------------|---|
| selection process | the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria. |
| solvency | a person is solvent if, and only if, the person is able to pay all the person's debts, as and when they become due and payable. A person who is not solvent is insolvent. |
| value with money | <p>value with money in this document refers to 'value with relevant money' which is a judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.</p> <p>When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to:</p> <ul style="list-style-type: none"> • the quality of the project proposal and activities; • fitness for purpose of the proposal in contributing to government objectives; • that the absence of a grant is likely to prevent the grantee and government's outcomes being achieved; and • the potential grantee's relevant experience and performance history. |