

## COVID-19 Local Roads and Community Infrastructure Program Guidelines – Phase 2

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<b>Administering entity</b>	<b>Department of Infrastructure, Transport, Regional Development and Communications</b>
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## 1. Local Roads and Community Infrastructure Program Process

### **The Local Roads and Community Infrastructure (LRCI) Program is designed to achieve Australian Government objectives**

This grant opportunity is part of the LRCI Program, which contributes to the Department of Infrastructure, Transport, Regional Development and Communication's (The Department) Outcome 3.2. The Department works with stakeholders to plan and design the grant program according to the *Commonwealth Grants Rules and Guidelines 2017*.



### **The grant opportunity opens**

The Department will provide Eligible Funding Recipients with the Grant Guidelines for this grant opportunity (Phase 2) and publish them on [GrantConnect](#).



### **Grant decisions are made**

The Eligible Funding Recipients for the LRCI Program have been pre-identified. The Deputy Prime Minister approves the allocation of funding under the Program, based on a formula. The Assistant Secretary, COVID Recovery Infrastructure Investment Stimulus, will approve the award of the grant.



### **Eligible Funding Recipients are notified of the outcome**

Eligible Funding Recipients are sent a letter of offer and Grant Agreement signed by the Department.



### **Eligible Funding Recipients sign the Grant Agreement**

Eligible Funding Recipients must sign the Grant Agreement and return it to the Department.



### **Nomination of projects to be undertaken**

Eligible Funding Recipients will submit a draft Work Schedule nominating projects to be funded through the LRCI Program.



### **The Department assesses nominated projects to ensure project eligibility requirements are met**

The Department will notify Eligible Funding Recipients if nominated projects are approved by providing an Approved Work Schedule. If projects are ineligible, Eligible Funding Recipients can nominate alternative projects for assessment.



### **Delivery of grant**

Eligible Funding Recipients undertake Eligible Projects set out in their Approved Work Schedules. The Department manages the grant by working with Eligible Funding Recipients, monitoring progress and making payments.



### **Evaluation of the Local Roads and Community Infrastructure Program**

The Department will evaluate the LRCI Program as a whole. The Department will base this on information Eligible Funding Recipients provide, as well as from other sources.

## 1.1 Introduction

These Guidelines contain information for the Extension (Phase 2) of the LRCI Program grants.

The LRCI Program was announced on 22 May 2020. On 6 October 2020, as part of the 2020-2021 Budget, the Government announced a further \$1 billion to extend the LRCI Program. The grant opportunity set out in these Guidelines is for Phase 2 of the LRCI Program only.

The LRCI Program supports local councils to create jobs by delivering priority local road and community infrastructure projects across Australia.

This document sets out:

- the purpose of the grant opportunity;
- the eligibility criteria;
- how Eligible Funding Recipients will be monitored and evaluated; and
- responsibilities and expectations in relation to the grant opportunity.

The LRCI Program is administered by the Department.

## 2. About the LRCI Program – Phase 2

Phase 2 of the LRCI Program will run from 14 December 2020 to 30 June 2022. Project construction can commence once Work Schedules are approved by the Department with projects required to be physically completed by 31 December 2021.

The extension of the LRCI Program is a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

As with the first funding round for the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

The LRCI Program is a demand driven (eligibility based) grant program.

The LRCI Program will be delivered under Outcome 3.2 of the Department's Portfolio Budget Statement 2020-2021:

- the local government program supports regional development and local communities through delivery of policy advice to the Australian Government and financial assistance to local governments to strengthen local government capacity and better support local communities.

The objective of the LRCI Program is to protect and create jobs by stimulating additional infrastructure construction activity in communities across Australia.

The intended outcomes of the LRCI Program are to:

- provide stimulus to protect and create local short-term employment opportunities through funding construction projects following the impacts of COVID-19; and

- deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The Department will administer the LRCI Program according to the [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#).

### 3. Grant amount and grant period

The Australian Government has announced total funding of \$1 billion over two years, providing \$500 million in 2020-21 and \$500 million in 2021-22 for Phase 2 of the LRCI Program.

Each Eligible Funding Recipient will be allocated a grant amount calculated using a formula (this grant amount is the 'Phase 2 Allocation').

The formula used to determine the Phase 2 Allocations will comprise of two parts with the following weighting, added together:

- one third of the allocation calculated using the existing LRCI formula (based on the Roads to Recovery Program (R2R)); and
- two thirds of the allocation based on council population size.

Population was calculated using the Estimated Regional Population by Local Government Area data provided by the Australian Bureau of Statistics (28 August 2020). Where there was an insufficient breakdown to the level of Eligible Funding Recipients under this program (for example in relation to Christmas, Cocos and Norfolk Islands) the 2019 population was attributed to the component areas using percentages derived from 2016 Census data.

The formula has been consistently applied to determine the Phase 2 Allocation of each Eligible Funding Recipient under the LRCI Program.

This grant opportunity will open on 14 December 2020 and close on 31 July 2021. The First Instalment of the Phase 2 Allocation will be paid after the Eligible Funding Recipient's Work Schedule has been approved, and not before 1 January 2021.

#### 3.1 Phase 2 – 'use it or lose it' principle

If:

- an Eligible Funding Recipient has not applied for the full amount of their Phase 2 Allocation in a draft Work Schedule by 31 July 2021; or
- savings related to Eligible Projects have not been reallocated under an Eligible Funding Recipient's Phase 2 Allocation before 31 December 2021,

the Commonwealth has the right to not pay the amount of the Phase 2 Allocation not applied for or reallocated by the Eligible Funding Recipient.

Eligible Funding Recipients are to have in place an executed Grant Agreement in relation to their 'Nominal Funding Allocation' under Phase 1 of the LRCI Program before receiving their letter of offer and Grant Agreement for Phase 2 (see 4.3 below).

## 4. Eligibility criteria

Only Eligible Funding Recipients are able to participate in Phase 2 of the LRCI Program. Eligible Funding Recipients will receive a letter of offer to participate in Phase 2 of the LRCI Program.

### 4.1 Who is eligible for a grant?

The Eligible Funding Recipients for this grant program have been identified. They are:

- all local councils in Australia;
- the ACT Government in lieu of a system of local government;
- relevant state government, the shires of Christmas Island, Cocos (Keeling) Islands and Norfolk Island and the Lord Howe Island Board that provide local council services to 'unincorporated areas' in Australia;
- the NT Government for areas that were unincorporated until 2008 but are not yet transferred to the new councils; and
- the Victorian Department of Environment, Land, Water and Planning for the French Island.

The Eligible Funding Recipients have been selected for this grant opportunity as the intention is to fund local communities directly. By providing funding to the level of government closest to communities, the Australian Government can ensure that the economic boost is felt throughout every community across Australia.

### 4.2 Who is not eligible for the Grant Program?

Organisations are not eligible for the LRCI Program unless they have been identified by the Australian Government as an Eligible Funding Recipient (see: Section 4.1).

General applications by other organisations will not be accepted.

### 4.3 Eligibility linked to Phase 1

Eligible Funding Recipients will need to have in place an executed Grant Agreement in relation to their 'Nominal Funding Allocation' under Phase 1 of the LRCI Program before receiving their letter of offer and Grant Agreement for Phase 2.

If the Eligible Funding Recipient does not have in place an executed Grant Agreement under Phase 1, the Eligible Grant Recipient will not be eligible to receive any amount of the Phase 2 Allocation.

## 5. What the grant money can be used for

Grant money can only be used on Eligible Projects, which are projects that are a Local Road Project or Community Infrastructure Project (as set out below), and that meet the Eligible Project Requirements set out in subsections 5.2 to 5.6, and deliver benefits to the community.

## 5.1 Eligible grant activity

### Local Roads Projects

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes. This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and sidewalk maintenance, where additional to normal capital works schedules.

### Community Infrastructure Projects

Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

‘Generally accessible to the public’ means that the project, or the amenity provided by the project, is generally accessible to the public at large. Some areas are clearly publicly accessible as they are areas that are open to all members of the public such as parks, playgrounds, footpaths and roads.

Projects will also be considered generally publically accessible if they are in a location that is:

- generally publically accessible to the wider public undertaking a specific activity (for example council operated sporting fields); or
- generally publically accessible for a limited age group of the Community as a whole i.e. a kindergarten building; or
- used for the provision of an essential service or community service, as determined by the Department, and the amenity of the asset is publicly accessible and benefits the community.

All projects whether carried out on council owned land, or another type of public land, must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;



- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project ( Eligible Funding Recipients will need to provide a clear description of the conceptual basis of the artwork);
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

#### Other Public Land

Projects that involve the construction, maintenance and/or improvements to state/territory and crown owned land/assets and Commonwealth owned land/assets, can also be eligible projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the sites are accessible to the public (including natural assets).

### 5.2 Maintaining overall capital expenditure

The purpose of the LRCI Program funding is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. As an economic stimulus measure, the intent is that Eligible Funding Recipients undertake infrastructure projects which are additional to projects that they had planned to undertake using their own funds.

Given the timing of funding under Phase 2 and taking into account that Eligible Funding Recipients may not yet have confirmed future infrastructure spending, the additionality principle, that applied to Phase 1, has been modified for Phase 2 only.

Under Phase 1, LRCI funds could not be used on existing projects. Under Phase 2, Eligible Funding Recipients are required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2020-21 capital spending level. The focus on overall capital spending (in Phase 2) provides Eligible Funding Recipients with greater flexibility to set and deliver the infrastructure priorities in their communities.

Proof of maintaining capital expenditure will be a requirement for an Eligible Funding Recipient to receive their full Phase 2 Allocation. The Department will consider, in exceptional circumstances, exemptions to this requirement.

### 5.3 Co-contributions

Co-contributions are not required under the LRCI Program, but are allowed to be used for projects. A project can be funded by a combination of LRCI Program funds, the Eligible Funding Recipient's funds, and other government programs (including state government programs), as long as the combined funding for the project does not exceed the estimated cost of a project.

An Eligible Funding Recipient using co-contributions for a project also needs to meet the conditions of other funding programs from which funds are sourced (i.e. a state program). Eligible Funding Recipients are responsible for determining if the funding conditions of another program would not permit the use of LRCI Program funding towards that project.

## 5.4 Eligible construction time period

Construction activity on Eligible Projects must be undertaken before 31 December 2021, unless agreed by the Department due to exceptional circumstances. Planning issues and general delays associated with building projects are not considered exceptional circumstances.

If construction activity cannot be completed or savings related to Eligible Projects have not been reallocated to other Eligible Projects under their Phase 2 Allocation (through approval of an updated Work Schedule with amended funding and/or new project nominations) before 31 December 2021, an Eligible Funding Recipient may not receive their full Phase 2 Allocation.

## 5.5 Combined Projects - LRCI Phase 1 and Phase 2 projects

Eligible Funding Recipients can nominate projects that utilise LRCI funding from both Phase 1 and Phase 2, but will need to demonstrate that the project is eligible under the respective program guidelines for each phase.

Eligible Funding Recipients can nominate later stages of projects that are already receiving funding under the LRCI Program, provided that the component funded under Phase 1 is not amended without approval by the Department and maintains its eligibility under the relevant program guidelines.

Eligible Funding Recipients are also able to submit projects previously nominated under Phase 1 that were not approved as meeting the eligibility requirements under the relevant program guidelines, but may be eligible under these Guidelines for Phase 2.

## 5.6 What the grant money cannot be used for

Eligible Funding Recipients cannot use grant money to pay for business as usual activities and costs, or any other activities and costs not associated with Eligible Projects. These activities are Ineligible Projects or Ineligible Expenditures.

The following are examples of Ineligible Projects and Ineligible Expenditures:

- costs incurred in the preparation of a Work Schedule or related documentation;
- general administrative overheads and staff salaries not connected with Eligible Projects funded under the Program;
- subsidy of general ongoing administration of an organisation such as electricity, phone, rent, or costs incurred by the Council as a Landlord in the general course of a lease;
- commencement ceremonies, opening ceremonies or any other event associated with Eligible Projects;
- transport planning studies;
- road rehabilitation studies (if not part of an Eligible Project);
- road building plant or other capital equipment especially moveable equipment (e.g. graders or trailers);
- land;
- training (if not part of an Eligible Project);
- public liability insurance;

- fringe benefits tax;
- GST payable component of a supply;
- finance leases on equipment;
- depreciation, except for depreciation of plant and equipment directly attributable to a grant funded Eligible Project;
- stand-alone design and preliminary works;
- operating lease charges where the rental expense cannot be directly linked to the grant project (e.g. a grader may be hired for a period for a variety of tasks, only charges that specifically relate to the funded Eligible Project can be charged against the grant funds);
- overseas travel; and
- the covering of retrospective costs.

## 6. The grant selection process

### 6.1 Who will approve grants?

The Assistant Secretary, COVID Recovery Infrastructure Investment Stimulus (the Delegate) approves grants on the basis that the organisation is an Eligible Funding Recipient as identified in section 4.1.

The amount of grant money awarded to an Eligible Funding Recipient will be determined by the Department in accordance with the formula outlined at section 3.

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

- the approval of the grant; and
- the grant amount.

There is no appeal mechanism for the decision to approve or not approve a grant.

## 7. Letter of offer process

All Eligible Funding Recipients will receive a letter of offer to participate in Phase 2 of the LRCI Program. This letter will:

- a) specify the Phase 2 Allocation;
- b) include a Grant Agreement that sets out the terms and conditions of Phase 2 of the LRCI Program executed by the Commonwealth;
- c) provide information on the submission of Work Schedules.

Before accepting the offer, Eligible Funding Recipients must read and understand these Guidelines and the Grant Agreement. The Guidelines can be found on the Department's website and on [GrantConnect](#). Any alterations and addenda<sup>1</sup> will be published on GrantConnect and the Department's website. By registering on GrantConnect, organisations will be automatically notified of any changes to the Guidelines.

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<sup>1</sup> Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, and Questions and Answers (Q&A) documents

Eligible Funding Recipients can return signed Grant Agreements and submit Work Schedules for their first projects between 14 December 2020 and 31 July 2021. As construction needs to be completed by 31 December 2021, after 31 July 2021 the Department expects to only be managing variations or additional project nominations to ensure that an Eligible Funding Recipient is able to fully utilise their Phase 2 Allocation.

## 8. Notification of outcomes

All Eligible Funding Recipients will receive a letter of offer to participate in Phase 2 of the LRCI Program and a Grant Agreement.

## 9. Successful grantees

### 9.1 The Grant Agreement

An Eligible Funding Recipient must enter into a legally binding grant agreement with the Commonwealth by signing the Grant Agreement. The Grant Agreement used for Phase 2 of the LRCI Program will be supplied to Eligible Funding Recipients. The Grant Agreement has standard terms and conditions that cannot be changed.

The Grant Agreement may also contain conditions specific to an Eligible Funding Recipient in a Schedule.

To accept the offer, the Eligible Funding Recipient must sign the Grant Agreement:

- provide all the information requested; and
- return the Grant Agreement to the LRCI Program - Program Manager.

A Grant Agreement must be executed with the Commonwealth before any payments can be made. The Department is not responsible for any of an Eligible Funding Recipient's expenditure until a Grant Agreement is executed and a Work Schedule is approved for the Eligible Funding Recipient.

Eligible Funding Recipients should keep a copy of the Grant Agreement and any supporting documents.

The Commonwealth may recover grant funds from an Eligible Funding Recipient if the Grant Agreement has been breached. If an Eligible Funding Recipient fails to meet the obligations of the Grant Agreement, the Grant Agreement may be terminated.

## 9.2 How we pay the Grant

**Table 1 Grant Payment Overview**

Payment milestone	Grant payment date	Amount
<p>First Instalment:</p> <p>Work Schedule approval payment</p>	<p>The First Instalment of the Phase 2 Allocation will be paid after 1 January 2021 and after the Eligible Funding Recipient's Work Schedule has been approved.</p>	<p>The first payment will be equal to 50 per cent of an Eligible Funding Recipient's Phase 2 Allocation, unless the Eligible Funding Recipient is the recipient of a Low Value Grant.</p> <p>For Low Value Grants, Eligible Funding Recipients will receive 70 per cent of their Phase 2 Allocation in their first instalment.</p>
<p>Progress Instalments:</p> <p>Eligible Funding Recipients can receive multiple progress payments.</p>	<p>Within four weeks of the Department's acceptance of a Quarterly Report</p>	<p>A Progress Instalment will be equal to the Eligible Funding Recipient's:</p> <ul style="list-style-type: none"> <li>• actual expenditure until the end of the period covered by the relevant Quarterly Report; and</li> <li>• projected expenditure on Eligible Projects in an Approved Work Schedule to the end of the subsequent quarter;</li> </ul> <p><b><u>less:</u></b></p> <ul style="list-style-type: none"> <li>• received instalments; and</li> <li>• 10 per cent of the Phase 2 Allocation.</li> </ul> <p>For Low Value Grants, Eligible Funding Recipients can apply to receive the residual of grant funds at the time of a Quarterly Report being submitted provided they also submit completed acquittal documentation.</p>
<p>Final Instalment:</p> <p>Final payment</p>	<p>Within four weeks of the Department's acceptance of the Annual Report and decision to release the Final Instalment</p>	<p>The Final Instalment will equal the smaller of:</p> <ul style="list-style-type: none"> <li>• the residual amount of an Eligible Funding Recipient's Phase 2 Allocation; or</li> <li>• the total eligible expenditure and projected expenditure to the end of the Eligible Projects;</li> </ul> <p><b><u>less</u></b> instalments paid to date.</p>

## Submission of a Work Schedule

Eligible Funding Recipients will nominate projects they intend to spend LRCI grant money on in their draft Work Schedule.

Eligible Funding Recipients will need to have an approved Work Schedule for the first funding round under the LRCI Program before they can receive an approved Work Schedule for the LRCI Program Extension (Phase 2).

- Eligible Funding Recipients can submit a draft Work Schedule for Phase 2 while they wait for a decision on approval of their Work Schedule for the first funding round.
- Eligible Funding Recipients can submit a draft Work Schedule for Phase 2 that includes funding from Phase 1 of the LRCI Program.

Eligible Funding Recipients are required to submit a draft Work Schedule in the manner and form stipulated by the Department. The manner and form for submitting a draft Work Schedule will be provided to Eligible Funding Recipients and made available on the Department's website.

- Eligible Funding Recipients should submit their draft Work Schedule when they return their signed Grant Agreement. Work Schedules can be submitted between 1 December 2020 and 31 July 2021, but failure to promptly return a Work Schedule will result in release of grant funds being delayed.
- In order for Eligible Funding Recipients to receive their full Phase 2 Allocation, they must have submitted a draft Work Schedule for the total amount of their Phase 2 Allocation by 31 July 2021.
  - If an Eligible Funding Recipient has not applied for their full Phase 2 Allocation in a draft Work Schedule by 31 July 2021, or savings related to Eligible Projects have not been reallocated under their Phase 2 Allocation before 31 December 2021, the Commonwealth has the right to not pay the amount of the Phase 2 Allocation not yet applied for or reallocated by the Eligible Funding Recipient.

The draft Work Schedule must contain the following information in relation to each of the nominated projects the Eligible Funding Recipient proposes to undertake using the grant:

- project description, including details of how the project meets the Project Eligibility Requirements detailed in Section 5;
- proposed timeframes for the project, including construction commencement date and estimated construction completion date;
- detail of any conflicts of interest and management actions to manage these conflicts;
- the amount of grant funding required and details of any other contributions to the total costs of the project, along with details of all proposed expenditure including confirmation that none of the proposed expenditure is Ineligible Expenditure; and
- expected number of full-time equivalent jobs supported by the project over the construction period.

If some of the jobs supported by a project are new jobs/redistribution of personnel in the Eligible Funding Recipient's own workforces, labour costs for work undertaken must be derived from timesheets or via an equally acceptable method. Project management time included in the expected number of jobs supported by a project must not include Ineligible Expenditure or costs associated with Ineligible Projects, and a clear and definable model needs to be in place to apportion these costs.

The total amount of grant funding sought under a draft Work Schedule cannot exceed the amount of the grant specified in the Grant Agreement.

### Approval of a Work Schedule

The Department will assess whether projects included in an Eligible Funding Recipient's Work Schedule meet the Eligible Project Requirements set out in these Guidelines and that all requested information has been provided.

If the Work Schedule or projects do not meet requirements, an Eligible Funding Recipient may submit an updated Work Schedule that includes additional nominated projects for approval. The Department may contact an Eligible Funding Recipient to request further information.

The Department will make a recommendation to the Delegate to approve/not approve the Work Schedule.

If an Eligible Funding Recipient nominates projects with a total value of more than 50 per cent of their Phase 2 Allocation and the Work Schedule is approved, the Delegate will approve release of the First Instalment of grant funds. The decision to release funds will be made on the basis of their assessment of the information provided by an Eligible Funding Recipient and any other information in the Program Guidelines. Approval may be subject to conditions detailed in the Grant Agreement. Only approved Eligible Projects will be included in the Approved Work Schedule.

Eligible Funding Recipients will be advised in writing if their Work Schedule and release of the First Instalment has been approved.

### First Instalment

The First Instalment will be paid to an Eligible Funding Recipient within four weeks of the Work Schedule and release of the First Instalment being approved by the Delegate, provided this date is after 1 January 2021.

The value of the First Instalment will be 50 per cent of an Eligible Funding Recipient's Phase 2 Allocation.

### Low Value Grants

A Low Value Grant is a Phase 2 Allocation under \$500,000. In application of the proportionality principle, different requirements relating to Instalments and Reporting apply to these grants.

For a Low Value Grant, the process for Work Schedule approval is the same as detailed above. However, Low Value Grant recipients can receive 70 per cent of their Phase 2 Allocation as their First Instalment provided they have nominated projects totaling 70 per cent or more of their Phase 2 Allocation.



## Progress Instalments

Progress Instalments will be made following submission of a Quarterly Report.

The Delegate will approve release of a Progress Instalment on the basis of:

- the Department's assessment of, and the information provided in, relevant Quarterly Report/s;
- whether or not a Eligible Funding Recipient is in breach, or suspected of being in breach, of the Grant Agreement; and
- consideration of other relevant information.

Further information may be requested by the Department at this stage and considered by the Delegate.

If the Delegate approves release of a Progress Instalment, payment will be made within four weeks of the Delegate making this decision. Eligible Funding Recipients will be advised in writing of the decision to release a Progress Instalment.

The payment value for a Progress Instalment will equal:

- actual expenditure up until the end of the relevant quarter; plus
- projected expenditure to the end of the next quarter.

### **less:**

- the first instalment; and
- 10 per cent of the Phase 2 Allocation.

For Low Value Grants, Eligible Funding Recipients can apply to receive the residual of grant funds at the time of a Quarterly Report being submitted, provided they also submit completed acquittal documentation See Acquittal at 11.4.

## Final Instalment

The Delegate will decide whether to approve release of the Final Instalment on the basis of:

- an assessment of compliance with the Grant Agreement, including any investigations or audit reports;
- the information provided in the Annual Report;
- information in the Work Schedule and relevant Quarterly Reports; and
- any other relevant information.

The Final Instalment will be the lesser of the residual amount of an Eligible Funding Recipient's Phase 2 Allocation and the total actual expenditure and projected expenditure to the end of the Eligible Projects, less instalments paid to date. Projected expenditure should be limited to expenses expected to be incurred post 31 December 2021, which are not construction costs. These costs should be things such as noise monitoring contracts and outstanding bills unless otherwise agreed by the Department.



Further information may be requested by the Department at this stage and considered by the Delegate. The Final Instalment will be paid within four weeks of the Delegate's decision to release the grant payment.

### 9.3 Grant Payments and GST

In accordance with the Terms of the Australian Taxation Office ruling GSTR 2012/2, payments made under the LRCI Program, which are payments made by a government related entity to another government related entity, and for which the amount of the grant does not exceed the cost of providing the goods or services, do not attract GST. Consequently, the actual and projected expenditure Eligible Funding Recipients report to the Department must exclude the GST component on goods and services, and the payments the Department makes to Eligible Funding Recipients to cover the costs of the program will not include GST.

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. We do not provide advice on your particular taxation circumstances.

## 10. Announcement of grants

The Department will publish details of the grants awarded on GrantConnect within 21 days after the date of effect of the Grant Agreement as required by section 5.3 of the [CGRGs](#).

The Department may also publish details of grants on its website or other government websites, including individual projects funded. This information may include, but is not limited to:

- title of the project;
- description of the project and its aims;
- amount of funding received and funding allocation; and
- project outcomes including estimates of jobs supported.

## 11. Reporting requirements

Eligible Funding Recipients must submit reports in line with the Grant Agreement and these Guidelines. The Department will remind Eligible Funding Recipients of their reporting obligations before reports are due.

Eligible Funding Recipients must also update their Work Schedules as required and in accordance with any other requirements notified by the Department.

The Department will monitor progress by assessing submitted reports and may conduct site visits to confirm details in Quarterly Reports and Work Schedules if necessary. Occasionally, the Department may need to re-examine claims, seek further information, or request an independent audit of claims and payments on a risk based or sampling basis.

### 11.1 Quarterly Reports

Eligible Funding Recipients must submit Quarterly Reports throughout the Grant Period.

Quarterly Reports must be submitted per the timeframes in **Table 2 –Quarterly Reports** and in accordance with the Grant Agreement.

Quarterly Reports are used to provide the Department with information on the progress of Eligible Projects and are a requirement for the receipt of funds for payment of Progress and Final Instalments of grant payments. Quarterly Reports must be submitted in the manner and form specified by the Department and include required details.

Eligible Funding Recipients must provide the following information in a Quarterly Report:

- the amount of grant funding spent (actual expenditure) for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates;
- the amount of grant funding (proposed expenditure) which the Eligible Funding Recipient intends to spend on Eligible Projects in the quarter following the report;
- details of progress towards completion of Eligible Projects; including any evidence required per the Grant Agreement; and
- estimated and/or confirmed jobs supported by the grant funding.

The figures in the Quarterly Reports should be prepared on an accrual basis. Quarterly Reports must be submitted within the period specified in the Grant Agreement.

If an Eligible Funding Recipient has expended their Phase 2 Allocation or returned any unspent grant funding, after providing the Quarterly Report for the quarter in which this occurs, an Eligible Funding Recipient will not be required to provide further Quarterly reports but will still be required to provide the Annual Report.

For a Low Value Grant, if the Eligible Funding Recipient has expended their Phase 2 Allocation or returned any unspent grant funds, after providing the Quarterly Report for the quarter in which this occurs, an Eligible Funding Recipient will not be required to provide further Quarterly reports. An Eligible Funding Recipient with a Low Value Grant can file acquittal documentation at this time.

**Table 2 –Quarterly Reports**

<b>Lodgement period for Quarterly Reports</b>	<b>Quarter: Actual expenditure period</b>	<b>Quarterly Report</b>
1–30 April 2021	1 January – 31 March 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 July 2021	1 April – 30 June 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 October 2021	1 July – 30 September 2021	Actual expenditure and eligible project updates for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates. Projected Expenditure for the next quarter.
1–31 January 2022	1 October – 31 December 2021	<b>Annual Report</b> Actual expenditure and eligible project updates from 1 January 2021 to 31 December 2021.
1–30 April 2022	1 January – 31 March 2022 (If required)	Actual expenditure for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates.
1–31 July 2022	1 April – 30 June 2022 (if required)	Actual expenditure for the period commencing on 1 January 2021 and ending on the last day of the quarter to which the Quarterly Report relates.

The Department must be informed of any reporting delays or significant delays affecting Eligible Projects on an Approved Work Schedule as soon as Eligible Funding Recipients become aware of them.

## 11.2 Annual Report

Eligible Funding Recipients must provide the Department with an Annual Report no later than 14 February 2022, unless otherwise agreed by the Department. The Annual Report will need to be in the manner and form specified by the Department. The Annual Report will need to include the following information:

1. Total amount of grant funding made available and subsequently received over the calendar year;
2. Total amount of grant funding spent on Eligible Projects;

3. Total amount (if any) of grant money unspent and either returned or will be returned to the Department:

- a) a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
  - i. the amount of grant payments which remained unspent from the calendar year;
  - ii. the amount of grant payments received by the Eligible Funding Recipient in the calendar year;
  - iii. the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule in that year;
  - iv. the amount spent by the Eligible Funding Recipient during that year out of the grant payments available for expenditure by the Eligible Funding Recipient during that year;
  - v. the amount (if any) retained at the end of that year by the Eligible Funding Recipient out of grant payments available for expenditures by the Eligible Funding Recipient during that year and which remained unspent at the end of that year.

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.
- b) The Department may ask Eligible Funding Recipients to make a declaration that the grant funding was spent in accordance with the Grant Agreement and to report on any underspends of the grant money.

### 11.3 Audited financial statements

Under the Program Guidelines for Phase 1 of the LRCI Program, Eligible Funding Recipients are required to submit a report in writing and signed by an appropriate auditor providing the auditor's opinion on the use by Eligible Funding Recipients of proper accounts and records and preparation of financial statements.

In meeting this audit requirement for Phase 1, the Department requires that Eligible Funding Recipients also engage the auditor to consider the appropriateness of accounts and keeping of records that relates to any Phase 2 funding received during the financial period or periods considered for the Phase 1 audit report.

As part of the Annual Report process outlined in section 11.3 above, the Department requires that Eligible Funding Recipients submit a report in writing and signed by an appropriate auditor stating whether, in the auditor's opinion:

- i. the Chief Executive Officer's financial statement included with the Annual Report (refer section 11.3) is based on proper accounts and records;
- ii. the Chief Executive Officer's financial statement is in agreement with the accounts and records;
- iii. the expenditure has been on Eligible Projects under the LRCI Program;
- iv. the amount certified by the Chief Executive Officer in the Chief Executive Officer's financial statement as the Eligible Funding Recipient's own source expenditure is based on, and in agreement with, proper accounts and records.

The Department does not expect Eligible Funding Recipients to engage an auditor specifically to meet this reporting requirement, particularly where the engagement would be a significant additional cost and out of cycle to the normal course of audit activities. The Department requires the report be submitted as soon as practicable, if necessary as part of an auditor's consideration of annual financial statements.

#### 11.4 Acquittal process for Low Value Grants

For a Low Value Grant, the Eligible Funding Recipient can complete an Acquittal Report as soon as they have expended all funds. An Acquittal Report must include:

- (1) Total amount of grant funding made available and subsequently received over the calendar year;
- (2) Total amount of grant funding spent on Eligible Projects;
- (3) Total amount (if any) of grant money unspent and either returned or will be returned to the Department:
  - (a) a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
    - (i) the amount of grant payments which remained unspent from the grant period;
    - (ii) the amount of grant payments received by the Eligible Funding Recipient over the duration of the grant period;
    - (iii) the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule over the duration of the grant period;
    - (iv) the amount spent by the Eligible Funding Recipient over the duration of the grant period;

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.

- (4) photographs of projects completed using grant payments.

#### 11.5 Reconciliation Process

If any amount of grant funding provided to the Eligible Funding Recipient is not spent on Eligible Projects on an Approved Work Schedule between 1 January 2021– 30 June 2022, they will be required to repay that amount to the Department within four weeks of 30 June 2022.

#### 11.6 Compliance visits and Record Keeping

Eligible Funding Recipients must create and keep accurate and comprehensive records relating to grant payments received and retain those records for a minimum of five years.

Eligible Funding Recipients must, when requested to do so by the Department, provide, in the manner and form requested by the Department:

- copies of any or all of the records referred to in this subsection; and
- photographs of projects completed using grant payments.

The Department may visit the Eligible Funding Recipient during or at the completion of the grant program to review compliance with the Grant Agreement. Eligible Funding Recipients will be provided with reasonable notice of any compliance visit.

The Department may also inspect the records Eligible Funding Recipients are required to keep under the Grant Agreement.

## 11.7 Fraud

Eligible Funding Recipients must comply with fraud provisions in the Grant Agreement.

## 11.8 Specific legislation, policies and industry standards.

Eligible Funding Recipients must comply with all relevant laws and regulations in undertaking Eligible Projects on an Approved Work Schedule. The Eligible Funding Recipient may also be requested to demonstrate compliance with relevant legislation/policies/industry standards detailed in the Grant Agreement, including Environment and Planning Laws detailed below.

### Environment and Planning laws

Projects on which grant payments are spent must adhere to Australian Government environment and heritage legislation including the *Environment Protection and Biodiversity Conservation Act 1999*. Construction cannot start unless the relevant obligations are met.

Eligible Funding Recipients must also meet other statutory requirements where relevant. These may include, but are not limited to: Native title legislation; State government legislation - for example, environment and heritage; and local government planning approvals.

## 12. How we monitor your grant activity

### 12.1 Keeping the Department informed

Eligible Funding Recipients must notify the Department of significant changes that are likely to affect an Eligible Project or their participation in the LRCI Program.

This includes any key changes to the Eligible Funding Recipient's organisation, particularly if it affects their ability to complete an Eligible Project, carry on their business and pay debts due.

Eligible Funding Recipients must also inform the Department of any changes to their:

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

An Eligible Funding Recipient's bank account details for Phase 2 of the LRCI Program is the bank account the Eligible Funding Recipient currently uses for the LRCI Program. Any changes to an Eligible Funding Recipient's name, addresses, nominated contact details and bank account details must follow the process stipulated by the Department.

If an Eligible Funding Recipient becomes aware of a breach of terms and conditions of the Grant Agreement, or they cannot meet their obligations, they must contact the Department immediately. For example, if a funded Eligible Project is at risk of not being physically completed by 31 December 2021.

## 12.2 Department Contact Details

Email the mailbox at: [IIP@infrastructure.gov.au](mailto:IIP@infrastructure.gov.au)

Mail to: Program Manager

Local Roads and Community Infrastructure Grant Program

Infrastructure Investment Division

Department of Infrastructure, Transport, Regional Development and Communications

GPO Box 594

CANBERRA ACT 2601

## 12.3 Evaluation

The Department will evaluate the LRCI Program Extension to measure how well the outcomes and objectives have been achieved. Information provided by Eligible Funding Recipients, including through Work Schedules, submitted Quarterly and Ad hoc reports, and interviews may be used for evaluation purposes.

The Department may contact Eligible Funding Recipients up to two years after completion of projects to assist with this evaluation.

## 12.4 Public information conditions

Formal public statements, media releases or statements, displays, publications and advertising made by Eligible Funding Recipients must acknowledge and give appropriate recognition to the contribution of the Australian Government to that project.

If Eligible Funding Recipients propose to issue any media release relating to an Eligible Project under Phase 2 of the LRCI Program, they must:

- at least two business days prior to its proposed release, unless otherwise agreed by the Commonwealth, provide a copy of the proposed media release to the Commonwealth and obtain the Commonwealth's agreement to the media release; and
- provide the relevant local Federal Member of Parliament with the opportunity to participate in the media release.

## 12.5 Signage

Eligible Funding Recipients must ensure that signs are erected for each funded Eligible Project, at the time work on the Eligible Project commences unless the Eligible Projects are less than \$10,000. Signs are not needed for projects under \$10,000 in an Approved Work Schedule.

Signage guidelines will be available on the Department's website.

Eligible Funding Recipients must ensure that all signs erected as required by these Guidelines remain in place for the duration of the project to which they relate and for a minimum period of six months, after the day on which the project is completed.

## 12.7 Project Events

If an Eligible Funding Recipient proposes to hold a works commencement ceremony, opening ceremony, or any other event in relation to an Eligible Project they must inform the Department and the relevant local Federal Member of Parliament of the proposed ceremony or event at least two weeks before the proposed ceremony or event is to be held. The Eligible Funding Recipient should provide details of the proposed ceremony or event, including proposed invitees and order of proceedings.

If requested by the Department or the relevant local Federal Member of Parliament, Eligible Funding Recipients must arrange a joint Australian Government/Eligible Funding Recipient works commencement ceremony, opening ceremony or any other event.

If requested by the Minister, a member of the Minister's staff, the relevant local Federal Member of Parliament, or the Department, Eligible Funding Recipients must invite and, if the invitation is accepted, arrange for an Australian Government representative (nominated by the Minister or a member of the Minister's staff) to participate in any works commencement ceremony, opening ceremony or any other event proposed to be held in relation to a funded project.

## 13. Probity

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

These Guidelines may be changed from time-to-time by the Department. In the event of a change to the Guidelines, the revised Guidelines will be published on GrantConnect and the Department's website.

### 13.1 Enquiries and feedback

For further information or clarification, the Department can be contacted at [IIP@infrastructure.gov.au](mailto:IIP@infrastructure.gov.au).

Frequently Asked Questions may be published at [https://investment.infrastructure.gov.au/infrastructure\\_investment/local-roads-community-infrastructure-program/index.aspx](https://investment.infrastructure.gov.au/infrastructure_investment/local-roads-community-infrastructure-program/index.aspx)

To make a complaint, the Department can be contacted on 13 28 46. Complaints will be referred to the appropriate manager.

Alternatively, complaints can be directed to:

General Manager  
COVID Recovery Infrastructure Investment Stimulus  
GPO Box 2013  
CANBERRA ACT 2601

If persons 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](mailto:ombudsman@ombudsman.gov.au)

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

### 13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program.

Eligible Funding Recipients must disclose if any of their personnel:

- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict them/the Eligible Funding Recipient from carrying out the proposed activities and/or implementing the Work Schedule fairly and independently; or
- has a relationship with, or interest in, an organisation from which may be awarded work in relation to a Eligible Project or is otherwise be involved on the implementation of the Work Schedule.

An Eligible Funding Recipient must include the following information in the Work Schedule:

- any details of any real, apparent, or potential conflicts of interests that may arise in relation to the Eligible Projects or the program;
- details of how they propose to manage these or any other conflicts of interest that may arise; or
- that to the best of their knowledge there are no conflicts of interest.

If an Eligible Funding Recipient later identifies an actual, apparent, or perceived conflict of interest, they must inform the Department in writing immediately.

### 13.3 How we manage conflicts of interest

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](#). Commonwealth officials including decision makers, must also declare any conflicts of interest.

Conflict of interest requirements form part of the Grant Agreement. Breach of conflict of interest requirements may result in termination of the Grant Agreement.

### 13.4 Privacy

The Department treats personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes advising:

- what personal information is collected;
- why personal information is collected; and
- who personal information is given to.

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

The Australian Government may also use and disclose information about Eligible Funding 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.

The Department may share information it is provided with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

Eligible Funding Recipients must declare their 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 Eligible Funding Recipients engage to assist with the activity, in respect of personal information collected, used, stored, or disclosed in connection with the activity. Accordingly, Eligible Funding Recipients must not do anything, which if done by the Department would breach an Australian Privacy Principle as defined in the Act.

### 13.5 Confidential Information

Other than information available in the public domain, Eligible Funding Recipients agree not to disclose to any person, other than to the Department, any confidential information unless in accordance with these Guidelines or the Grant Agreement. The obligation will not be breached where 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).

The Department may at any time, require Eligible Funding Recipients to arrange for their employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form the Department considers acceptable.

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

- information is clearly identified as confidential and it has been explained why it should be treated as confidential;
- the information is commercially sensitive; and
- revealing the information would cause unreasonable harm to the Eligible Funding Recipient or someone else.

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

- the Minister and other Commonwealth employees and contractors to help the Department manage the program effectively;
- employees and contractors of the Department so it 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.

### 13.6 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.

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

Tel: (02) 6274 6495  
Fax: (02) 6275 1347  
email: [foi@infrastructure.gov.au](mailto:foi@infrastructure.gov.au)

## 14. Consultation

The Australian Government sought assistance from local councils to identify potential projects that could be fast-tracked given the economic impacts being experienced from the COVID-19 pandemic. Projects nominated by councils have informed the scope of the LRCI Program. These Guidelines have also been influenced by engagement with local councils on projects during Phase 1.

## 15. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the <a href="#">Public Governance, Performance and Accountability Act 2013</a> (PGPA Act)
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
commencement date	the expected start date for the grant activity
Commonwealth Grants Rules and Guidelines	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
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant.
Eligible Funding Recipient	the organisation that is eligible to receive funding under the LRCI Program
Eligible Project	A project that meets the Eligible Project Requirements contained in section 5 of these Guidelines
Eligible Project Requirements	The Eligible Project Requirements are the requirements contained in section 5 of these Guidelines
grant	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: <ul style="list-style-type: none"> <li>a. under which relevant money<sup>2</sup> or other <a href="#">Consolidated Revenue Fund</a> (CRF) money<sup>3</sup> is to be paid to a grantee other than the Commonwealth; and</li> <li>b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives</li> </ul>
Grant Agreement	sets out the relationship between the parties to the agreement, and specifies the details of the grant

<sup>2</sup> Relevant money is defined in the PGPA Act. See section 8, Dictionary.

<sup>3</sup> Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
<u>GrantConnect</u>	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
Personal information	<p>has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is:</p> <ul style="list-style-type: none"> <li>• Information or an opinion about an identified individual, or an individual who is reasonably identifiable;</li> <li>• whether the information or opinion is true or not; and</li> <li>• whether the information or opinion is recorded in a material form or not</li> </ul>
Approved Work Schedule	the Work Schedule that outlines Eligible Projects that the Eligible Funding Recipient can use grant money to pay for.
Work Schedule	a list of projects that an Eligible Funding Recipient proposes to be funded under the LRCI Program