

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program**

**27 August 2020**

**PDR Number: IQ20-000595**

**Community sports initiative**

**Spoken**

**Hansard Page number: 5**

**Senator: Janet Rice**

**Question:**

Senator RICE: In the spirit of being helpful, do you have any information about what date minister McKenzie wrote to the Prime Minister seeking extra funding for the community sports initiative?

Ms Musgrave: We'd have to take that on notice. I couldn't even confirm that we have that correspondence. I'm not sure whether that was done through a budget process, as opposed to outside of a budget process.

Ms Edwards: So we're not aware and we'll take it on notice. It's possible it might be a document which we couldn't provide because it was budget in confidence, but we'll come back with clarification.

Senator RICE: If you take it on notice, that would be good

**Answer:**

Health does not hold a record of this information except as a result of evidence given by the ANAO to this Committee on 2 September 2020.

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program**

**27 August 2020**

**PDR Number: IQ20-000599**

**Email correspondence - 28 June 2018, PGPA Act requirements, Sports Commission**

**Spoken**

**Hansard Page number: 10**

**Senator: Anthony Chisholm**

**Question:**

CHAIR: What else could it have possibly been discussing?

Ms Edwards: We deal with the Sports Commission and all the other portfolio bodies frequently in relation to a lot of their operations.

CHAIR: Grants programs.

Ms Edwards: Grants programs and other activities.

CHAIR: Are you able to table a copy of that email?

Ms Edwards: I'll take it on notice and provide it on notice, just to ensure we've redacted anything that may be inappropriate, but yes.

**Answer:**

The Department of Health internal email dated 28 June 2018 is at Attachment A.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, 28 June 2018 3:24 PM  
**To:** [REDACTED]  
**Cc:** SMITH, Narelle  
**Subject:** delegations [DLM=For-Official-Use-Only]

Hi [REDACTED]

As discussed, I have had a look into the general provisions of the *Public Governance, Performance and Accountability Act 2013*, particularly as they relate to dealings with corporate entities (such as the Australian Sports Commission), and the role of the Minister in expenditure of relevant money.

Fundamentally, the PGPA Act is about collaboration. The PGPA Act (Section 17) requires Accountable Authorities of a Commonwealth entity to encourage officials of the entity to cooperate with others to achieve common objectives, where practical. Ministers are not officials, so they are not subject to the general duties in the PGPA Act. Nor can they exercise the powers of officials under the PGPA Act, and a power in the PGPA Act cannot be delegated to a Minister. However Section 71 of the PGPA Act indicates that a Minister can approve a proposed expenditure of relevant money, provided the Minister is satisfied, after making reasonable enquiries, that the expenditure would be a proper use of the relevant money.

The *Australian Sports Commission Act 1989* requires Ministerial approval for expenditure in excess of \$500,000: *s.47 Contracts - The Commission shall not, except with the written approval of the Minister:*

*(a) Enter into a contract involving the payment or receipt by the Commission of an amount exceeding \$500,000).*

For individual amounts not exceeding \$500,000, the ASC has internal delegation. The Act is silent on whether this need for approval only for amounts of \$500,000 or more precludes the Minister from approving amounts *less than* \$500,000.

Section 11 of the ASC Act states that:

The Minister may give directions:

- (1) Subject to subsection (2), the Minister may give written directions to the commission with respect to the policies and practices to be followed by the Commission in the performance of its functions, and the exercise of its powers, and the Commission shall comply with the directions.
- (2) the Minister shall not give direction to the Commission under subsection (1) unless the Minister:
  - (a) has informed the Commission, in writing, that the Minister is considering giving the directions; and
  - (b) has given the Chairperson an opportunity to discuss the need for the proposed direction with the Minister.
- (3) The Minister shall cause a copy of each direction given under subsection (1):
  - (a) to be published in the Gazette as soon as practicable after giving the direction; and
  - (b) to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

In summary, it is my opinion that whilst the Minister can approve any amount of expenditure, there is no provision in either the PGPA Act or the ASC Act that gives the Minister authority to approve expenditure where the amount is less than \$500,000. However, the ASC Act does provide for the Minister to give a written direction to the ASC, which could include her indicating her preference to be the expenditure delegate for a particular program. Note that there are a number of required steps if the Minister did choose this path. It may be worth seeking further advice from Legal services if the Minister intends to pursue this option.

Cheers

[Redacted]

[Redacted]

Office for Sport | Department of Health

[Redacted]

MDP 705, GPO Box 9848, Canberra ACT 2601



**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program**

**27 August 2020**

**PDR Number: IQ20-000601**

**Draft guidelines prepared - 11 May**

**Spoken**

**Hansard Page number: 11**

**Senator: Janet Rice**

**Question:**

Senator RICE: I want to go back to your response at the end of my questioning that there were draft guidelines that you did prepare on 11 May. Could you provide us with a copy of that initial draft and any subsequent drafts?

Ms Musgrave: We'd be able to provide that draft. Sport Australia would have the subsequent drafts. We can provide the one that was offered as a starting point.

Senator RICE: Okay, and any others, if there are any, as well. You identified that there was the 11 May one. If there are others, will you provide them as well?

Ms Edwards: Yes, certainly.

**Answer:**

The first draft of Community Sport Infrastructure Grant Program Guidelines, provided by the Department of Health to Sport Australia on 11 May 2018, is at Attachment A. They provided the starting point for a collaborative and iterative process resulting in the final version held and used Sport Australia.

DRAFT ONLY – working document

## Community Sport Infrastructure Grants June 2018

# A message from the Minister

Accessible, safe, inclusive and sustainable sporting and physical activity infrastructure is essential to getting Australians to be more physically active. In many locations, particularly in regional areas, sports venues are under-utilised due to poor lighting, disrepair or inadequate facilities such as female change rooms and toilets.

The community sport infrastructure grants program will fund small to medium scale projects, particularly improvements to existing sport facilities. The program aims to ensure more Australians have access to quality sporting facilities, encouraging greater community participation in sport and physical activity.

I look forward to considering your project proposals to help make a difference in your community.

**Senator the Hon. Bridget McKenzie**

**Minister for Sport**

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## 1. Community Sport Infrastructure Grants

**The Community Sport Infrastructure grants program is designed to achieve Australian Government objectives.**

The Community Sport Infrastructure grants program is a \$29.7 million investment by the Australian Government to ensure more Australians have access to quality sporting facilities, encouraging greater community participation in sport and physical activity.



**The grant opportunity opens**

We publish the grant guidelines and advertise by 1 July 2018.



**You complete and submit a grant application**



**We assess all grant applications**

We assess the applications against eligibility criteria. We then assess your application against the merit criteria including an overall consideration of value for money and compare it to other applications. We will group all eligible applications in categories according to the total eligible project cost to ensure projects of similar size are ranked against each other.



**We make grant recommendations**

We provide advice to the Minister for Sport on the merits of each application.



**Grant Decisions are made**

The Minister, in consultation with XXXX decides which applications are successful.



**We notify you of the outcome**

We advise you of the outcome of your application.



**We enter into a grant agreement**

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



**Delivery of grant**

You undertake the grant activity as set out in your grant agreement. We manage the grant by working with you, monitoring your progress and making payments.



**Evaluation of the Community Sport Infrastructure Grants Program**

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

## 2. Introduction

These guidelines set out the funding rules for the Community Sport Infrastructure Grants program.

The Australian Sports Commission (ASC) is responsible for administering the program.

The program is competitive and we will assess applications against eligibility and merit criteria and compare them to other applications in a funding round. We will group all eligible applications in streams according to the total eligible project cost to ensure projects of similar size are ranked against each other. Decisions on projects to be funded are taken by the Minister for Health, in consultation with XXXX.

We have defined key terms used in these guidelines in Appendix A.

You should read this document carefully before you fill out an application. Further information is available at XXXX to help you determine if your project is eligible and prepare your application.

In order to commence your project following execution of a grant agreement, you should have any co-funding confirmed, identified any required regulatory approvals and demonstrated robust planning.

If your project is still in the planning or concept stage, your application may be eligible for funding, but may not be as competitive as projects that are further progressed in their planning.

## 3. Program overview

In the 2018 Budget, the Australian Government announced it would invest \$230 million in sport and physical activity initiatives over five years. This included establishing a competitive community sport infrastructure grants program to fund small to medium scale projects, particularly improvements to existing sport facilities to support grassroots sport. The program aims to ensure more Australians have access to quality sporting facilities, encouraging greater community participation in sport and physical activity.

Community-based sporting organisations at a local club or regional association level and local government will be able to apply for grants. The program will provide grants up to \$500,000 to commence in 2018-19.

At a time of growth in the demand across the community to participate in sport, ensuring accessible, safe, inclusive and sustainable sporting and physical activity infrastructure is essential to getting Australians to be more physically active. In many locations, particularly in regional areas, sports venues are under-utilised due to poor lighting, disrepair or inadequate facilities such as female change rooms and toilets.

Relatively simple improvements to community infrastructure – such as lighting towers and expanded change room and toilet facilities, particularly for girls and women – will greatly increase participation opportunities. In many communities, sport plays an important connectedness role and is integral to the social wellbeing of individuals. The success of AFLW, the Matildas, the Diamonds Netball team, Australian Women's Cricket and Rugby Sevens teams has led to an upsurge in women's participation in sport. This will provide an opportunity for community clubs to ensure they are able to meet increasing demand by ensuring they have appropriate facilities.

Individuals will benefit from increased physical activity and participation in sport by having better access to quality sport facilities.

Communities will be able to better utilise existing sporting infrastructure to live more active and healthy lifestyles. Girls and women will particularly benefit from expanded change room and toilet facilities.

This will cost \$29.7 million in 2018–19.

## 4. Grant amount and project duration

The minimum grant amount is \$10,000 and the maximum grant amount is \$500,000, however to maximise the funding distribution, 50% of the funding will be for grants of \$75,000 or less, and 50% of the funding will be for grants valued between \$75,001 and \$500,000.

You must complete your project within 12 months of executing the grant agreement with the Australian Sports Commission and by 31 December 2019.

## 5. Project location

The location of your project has bearing on different elements of the program. We consider the location of your project when determining eligibility.

Your project must be located in Australia and the applicant must be an eligible organisation. The project location will be taken to be the location of the applicant organisation.

## 6. Eligibility criteria

We cannot consider your application if you do not satisfy **all eligibility criteria**. We will not fund projects that you have already started or where contracts are already in place at the time of application. Applicants can submit up to two applications in the same funding round,

To be eligible you must be a legal entity, have an Australian Business Number (ABN) and be one of the following entities:

- a sporting organisation, including community sporting clubs, registered sports associations.
- a not for profit organisation. As a not for profit organisation you must demonstrate your not for profit status through one of the following:
  - Current Australian Charities and Not for-profits Commission's (ACNC) Registration
  - State or territory incorporated association status
  - Constitutional documents and/or Articles of Association that demonstrate the not for profit character of the organisation.

### 6.1 Who is not eligible?

You are not eligible to apply if you are:

- a for profit organisation
- a National Sporting Organisation (list of NSOs available at [www.....](#))
  - State and national representative sporting organisations and associations are not eligible to apply.

- an individual, partnership or trust (however, an incorporated trustee may apply on behalf of a not for profit trust organisation)
- a Commonwealth, state or territory government agency or body (including government business enterprises)
- a university, technical college, school or hospital
- 

## 6.2 Co-funding and your contributions

Co-funding is a cash contribution (excluding in-kind contributions) from you or sources other than the Commonwealth. Co-funding demonstrates your commitment to the project and shows evidence of community support. We consider co-funding contributions when assessing applications at the eligibility and merit assessment stage.

There is no mandatory co-funding requirement. However, any level of contribution is encouraged and applications without co-funding may receive a lower score against the ‘value for money’ criterion (merit criterion 3).

Your contributions can come from:

- you as the applicant
- an individual
- local government
- state or territory governments
- not for profit organisations
- private sector companies
- Australian Sports Foundation
- Aboriginal Benefits Accounts (not considered Commonwealth funding).

Where you receive other Commonwealth funding for your project the total Commonwealth funding cannot exceed 75% of the total project cost.

We do not consider financial assistance grants to local government as Commonwealth funding.

### 6.2.1 Project remoteness classification

Your project location (latitude and longitude) determines your remoteness classification. The criteria for the remoteness classification is based on the Australian Bureau of Statistics’ under the Australian Statistical Geography Standard. A mapping tool is available to assist you in determining the location of your project.

### 6.2.2 Co-funding requirements

The co-funding requirements are summarised in the following table.

Project remoteness classification	Co-funding requirement (cash)	Total Commonwealth Government funding (including this grant)
Projects classified as remote or very remote	3:1 ratio (for every \$3 of grant funding requested you must contribute at least \$1)	Up to 75 per cent of total eligible project cost
All other classifications	1:1 ratio (for every \$1 of grant funding requested you must contribute at least \$1)	Up to 50 per cent of total eligible project cost
Projects with a total eligible project cost of up to \$20,000	Exempt from co-funding requirement (although any level of contribution is encouraged)	Up to 100 per cent of total eligible project cost
Projects granted an exceptional circumstances co-funding exemption (See section <b>Error! Reference source not found.</b> ).	Exempt from co-funding requirement (although any level of contribution is encouraged)	Up to 100 per cent of total eligible project cost

#### Table

Total eligible project costs include the grant amount and co-funding.

### 6.3 Eligible projects

To be eligible your project must fall into one of the following categories:

- Minor capital works; extensions, alterations or improvements to a building
- 

**We will not fund projects that you have already started or where contracts are already in place at the time of application.**

As part of your End of project report, you will need to provide an evaluation of the project including the outcomes achieved.

### 6.4 Eligible activities

You can only spend the grant and co-funding on eligible activities directly related to the project. If your application is successful, these activities will be defined in your grant agreement.

Eligible activities may include:

- purchase of materials; this can include window dressings, fixed furniture
- external labour hire
- plant and equipment hire

The Program Delegate makes the final decision on eligible activities. We cannot fund activities carried out prior to executing a grant agreement. All project activity must occur during the project period for it to be eligible.

The Program Delegate makes the final decision on what are eligible activities. We cannot fund activities carried out prior to executing a grant agreement. All project activity must occur during the project period for it to be eligible.

## 6.5 Ineligible activities

Examples of ineligible activities include:

### **Construction of new buildings**

**IT related improvements, eg IT cabling, computer software or hardware upgrade.**

### **Local Events and Activities**

- fundraising events
- events for political/lobby groups
- private events
- possible or future unidentified events
- purchase, refurbishment or extension of permanent infrastructure or assets that have benefits wider than the specified event or activity, where the infrastructure or asset is the majority expenditure of the event or activity.

### **Strategic planning**

- land use planning
- service delivery planning
- capital funding for research centres
- feasibility studies or benefit-cost analysis for specific projects, including infrastructure development
- activities that the organisation undertakes as part of its usual business practices and responsibilities.

## 7. The merit criteria you need to address

To be competitive, you will need to address each of the three merit criteria in your application. **You should define, quantify and provide evidence to support your answers.**

1. Social benefit
2. Value for money
3. Project delivery

We will assess your application against each merit criterion using the scoring indicated. The application form asks questions that relate to the merit criteria below.

The amount of detail and supporting evidence you provide should be relative to the project size, complexity and grant amount requested. The application form displays word limits.

We will only recommend funding applications that score highly against each of the merit criteria. This ensures Commonwealth funding represents value with relevant money.

### 7.1 Merit criterion 1 – Social benefit

#### **The social benefit your project will deliver to the region during and beyond the project period (10 points)**

**Social benefits** may cover increases in amenity, improving community connections, increased participation in sporting activities, increased use of facilities, and inclusion and providing opportunities for learning and knowledge creation. Examples of how your project could demonstrate these social benefits include:

- a. increased use of a sporting facility or clubhouse
- b. improving community connections and social inclusion
- c. strengthening community institutions, governance and leadership capacity
- d. increasing community participation in local decision making
- e. increasing community volunteering
- f. the degree to which the project delivers benefits beyond the project period
- g. addresses disadvantage within the community.

### 7.2 Merit criterion 2 – Value for money

#### **The value for money offered by your project (5 points).**

You may demonstrate the value for money through identifying:

- a. the extent to which the project leverages additional funding (this includes cash contributions above the co-funding requirement and in-kind contributions)
- b. the extent to which the project leverages additional partnerships
- c. the likelihood of the project going ahead without the grant funding. Explain how the grant will impact the project in terms of size, timing and reach.

### 7.3 Merit criterion 3 – Project delivery

#### **Your capacity, capability and resources to carry out the project (5 points).**

You may demonstrate this through:

- your readiness to commence the project with appropriate approvals planned for or in place
- your track record with similar projects including managing similar grant funding
- your access to people with the right skills and experience
- your access to infrastructure, capital equipment, technology, intellectual property.

## 8. How we assess your application (selection process)

We first assess your application against the eligibility criteria and then against the merit criteria. Only eligible applications will proceed to the merit assessment stage.

To recommend it for funding your application must score highly against each merit criterion. While we assess all applications against the same merit criteria, we will score your application relative to



the project size, complexity and grant amount requested. Larger and more complex projects should include evidence that is more detailed.

We may seek advice from state or territory government agencies, other Australian Government agencies, independent experts and other external parties.

We then provide advice to the Minister for Sport on eligible applications and recommendations on which projects to fund.

If the selection process identifies unintentional errors in your application, we may contact you to correct or clarify the errors, but you cannot make any material alteration or addition.

## 8.1 Project size

We will group all eligible applications in categories according to the total eligible project cost (not the amount of funding requested) to ensure projects of similar size are ranked against each other. We will consider applications according to the following categories:

- total eligible project cost between \$10,000 and \$75,000 (Stream 1 - 50% of funding pool)
- total eligible project cost between \$75,001 and \$500,000 (Stream 2 – 50% of funding pool)

## 8.2 Assessment score loading

To account for the challenges faced in outer regional and remote areas, we may apply a loading to your total assessment score. Very remote projects will receive the highest loading and inner regional projects the lowest loading.

## 8.3 Final decision

The Minister for Sport, in consultation with XXXX decides which grants to approve taking into account our recommendations and the availability of grant funds. In addition to the application and supporting material, the Minister may consider other factors when deciding which projects to fund, including, but not limited to:

- the spread of projects and funding across regions
- the relative impact of each project,
- other similar existing or planned projects in the region to ensure that there is genuine demand and/or no duplication of facilities or services
- other projects or planned projects in the region, and the extent to which the proposed project supports or builds on those projects and the services that they offer
- the level of funding allocated to an applicant in previous programs
- reputational risk to the Australian Government
- the Australian Government's priorities.

The Minister may require additional conditions be attached to the grant funding. You may be offered a different amount of grant funding to what you requested.

If you are successful, you will receive a written offer.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with us and receive feedback on your application.

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

- approval of applications for funding
- grant funding amount to be awarded; and
- terms and conditions of funding.

There is no review process.

## 9. How to apply

Before you apply, you should read and understand these guidelines, the online application form and the sample grant agreements that will apply to your project. View the sample grant agreements [www.....](#)

You can only submit an application during a funding round. We will publish the opening and closing date for each round on [www.....](#)

To apply, you must:

- complete the online application form on [XXXX](#)
- provide all the information that we need to assess your application
- address all eligibility and merit criteria, ensuring you have considered each requirement
- include all mandatory attachments

When you submit your online application, we will provide you with an automated receipt number and a link. The link goes to a page where you can enter your email address to receive acknowledgment and a copy of your complete application.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). We will investigate false or misleading information and may not consider your application for the grant. If you find an error in your application after submitting it, you should phone us immediately on 13 28 46.

We cannot accept additional information or requests from you to change your submission after the closing date of a funding round.

If you need further guidance around the application process or if you are unable to submit an application online, or wish to withdraw an application you have already submitted contact us at [www.....](#) or call us on [XXXXXXXXXX](#).

### 9.1 Attachments to the application

We require the following documents with your application. The amount of detail you provide should be relative to the project size, complexity and grant amount requested.

Applicant type	Document	For grant requests \$10,000 to \$75,000	For grant requests \$75,001 to \$500,000
All applicants	<p>Letters evidencing the cash or in-kind contribution from each contributing organisation or individual. They must be:</p> <ul style="list-style-type: none"> <li>▪ on the organisation’s letterhead (not applicable for individuals)</li> <li>▪ signed and dated by an authorised person or the individual providing the contribution</li> <li>▪ set out the value and timing of contributions and any conditions attached.</li> </ul> <p>An authorised person completing the applicant declaration in the application form is sufficient confirmation of the applicant’s contribution.</p> <p>Template provided on <a href="http://business.gov.au">business.gov.au</a></p>	Optional	Optional
All applicants	Cost Benefit Analysis	Optional	Optional
Not for profit organisations	<ul style="list-style-type: none"> <li>• If you do not have an active ACNC registration or state or territory incorporated association registration at the time of application, you must provide Constitutional documents and/or Articles of Association that demonstrate the not for profit character of the organisation.</li> </ul>	Mandatory	Mandatory

Applicant type	Document	For grant requests \$10,000 to \$75,000	For grant requests \$75,001 to \$500,000
Not for profit organisations	Accountant's declaration using the template at <a href="http://business.gov.au">business.gov.au</a>	Mandatory	Mandatory
Not for profit organisations that are incorporated trustees applying on behalf of a trust	Trust documents showing the relationship of the incorporated trustee to the trust.	Mandatory	Mandatory

### Table Attachments to your application

You must attach supporting documentation to the application form in line with the instructions provided within the form. The total size of attachments must be 20MB or less.

## 10. If your application is successful

### 10.1 Grant agreement

You must enter into a grant agreement with the Australian Sports Commission, acting on behalf of the Commonwealth. The type of grant agreement will depend on the size and complexity of your project. Sample grant agreements are available on [www.ascsport.gov.au](http://www.ascsport.gov.au).

You will have 60 days from the date of a written offer to execute a grant agreement with the Commonwealth ('execute' means both you and the ASC have signed the agreement). During this time, we will work with you to finalise details. The offer may lapse if both parties do not execute the grant agreement within this time. Under certain circumstances, we may extend this period.

We will base the approval of your grant on the information you provided in your application. We will review any changes to details to ensure they do not impact the project as approved by the Minister.

We will not make any grant payments until there is an executed grant agreement in place. We are not responsible for any of your project expenditure until a grant agreement is in place.

The funding approval may have specific conditions determined by the assessment process or other considerations made by the Ministerial Panel. We will identify these in the offer of funding.

If you commence project activities before we execute a grant agreement they will not be eligible for funding.

You will have up to 12 months to complete your project as defined in your grant agreement.

### 10.2 How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay

- the contributions you must make to the project, if applicable.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you are responsible for meeting these costs yourself.

We will pay grant funding electronically into a nominated Australian bank account. The specific requirements for the bank account are set out in the grant agreement. We pay grant funding in arrears, or as you achieve agreed milestones. We base the amount of each payment on:

- progress against milestones and
- our acceptance of satisfactory progress reports.

We set aside up to ten per cent of the total grant funding to a maximum of \$250,000, for the final payment. We will pay this when you submit a satisfactory end of project report. We may need to adjust your progress payments to ensure we retain a minimum ten per cent of grant funding for final payment. The Program Delegate may approve alternative payment arrangements on a discretionary basis.

### 10.3 How we monitor your project

You must submit progress and financial reports in line with the funding agreement. We will provide sample templates for these reports as appendices in the grant agreement. You will also be able to download them at [www...](#) We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed project milestones
- contributions of participants directly related to the project
- expenditure of grant funds.

The number of milestones and the amount of detail you provide in your reports should be proportionate to the project size, complexity and grant amount.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

#### 10.3.1 Progress report

Progress reports must:

- include the evidence showing you have completed the agreed project activities
- show the total expenditure incurred to achieve the milestone
- be submitted within four weeks of the milestone due date or completing a milestone (you can submit reports ahead of time if you have completed the milestone)
- be in the format provided in the grant agreement.

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

You must discuss any project or milestone reporting delays with your Customer Service Manager as soon as you become aware of them.

When you complete the project, you must submit an end of project report.

### 10.3.2 End of project report

End of project reports must:

- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred for the project
- include an evaluation of the project, including the outcomes achieved
- be submitted within four weeks of completing the project
- be in the format provided in the grant agreement.

### 10.3.3 Ad hoc report

We may ask you for ad-hoc reports on your project. This may include reports to confirm progress, or to explain any significant delays or difficulties in completing the project.

### 10.3.4 Financial and audit report

Where your total eligible project cost is greater than \$1 million or we consider your project is higher risk you will need to provide an independently audited financial and audit report. A financial and audit report will verify that you spent the grant as identified in the grant agreement. The financial and audit report is attached to the sample grant agreements. We will assess your report and may re-examine your claims or conduct site visits if necessary.

## 10.4 Compliance visits

We may visit you during the project period to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

## 10.5 Project variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a project variation, including:

- changing project milestones
- extending the timeframe for completing the project but not beyond 31 December 2019
- changing project activities.

The program does not allow for an increase to the agreed amount of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date. We will not consider changes after the grant agreement end date.

If a delay in the project causes milestone achievement and payment dates to move to a different financial year, you will need a variation to the grant agreement. We can only move funds between financial years if there is enough funding in the relevant year to allow for the revised payment schedule. If we cannot move the funds, you may lose some grant funding.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the project outcome
- consistency with the program policy objective

- changes to the timing of grant payments.

## 10.6 Keeping us informed

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

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

You must also inform us of any changes to your:

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

If you become aware of a breach of terms and conditions under the grant agreement you must contact us immediately.

## 10.7 Events

We will require you to notify us of events relating to your project and provide opportunity for the Minister or their representative to attend. We outline the requirements in your grant agreement.

## 10.8 Evaluation

We may conduct an evaluation of the program to determine the extent to which the funded activity is contributing to the objectives and outcomes of the program. We may use information from your application and project reports. 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 after you finish your project for more information to assist with this evaluation.

## 10.9 Tax obligations

Grants are subject to the Goods and Services Tax (GST). We will increase your grant payments to pay for GST if you are registered.

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 tax.

When we make your grant payments we will provide you with a recipient created tax invoice (RCTI).

# 11. Conflicts of interest

## 11.1 Your conflict of interest responsibilities

A conflict of interest will occur if your private interests conflict with your obligations under the grant. Conflicts of interest could affect the awarding or performance of your grant. A conflict of interest can be:

- real (or actual)
- apparent (or perceived)

- potential.

We will ask you 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 that there is an actual, apparent, or potential conflict of interest or that one might arise in relation to your grant, you must inform us in writing immediately.

## 11.2 Our conflict of interest responsibilities

We recognise that conflicts of interest may arise with our staff, technical experts, and others delivering the program between:

- their program duties, roles and responsibilities and
- their private interests.

We manage our conflicts of interest according to the *APS Code of Conduct (section 13 (7) of the Public Service Act 1999)*.

Program officials must declare any conflicts of interest. If we consider a conflict of interest is a cause for concern, that official will not take part in the assessment of applications under the program.

## 12. How we use your information

Unless the information you provide to us is

- confidential information as per [www...](#)or
- personal information as per [www.](#),

We may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

### 12.1 How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets one of the four 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.
3. Disclosing the information would cause unreasonable harm to you or someone else.
4. You provide the information with an understanding that it will stay confidential.

#### 12.1.1 When we may disclose confidential information

We may disclose confidential information:



- to the Ministerial Panel and our Commonwealth employees and contractors, to help us manage the program effectively
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Parliamentary Secretary
- to a House or a Committee of the Australian Parliament.

We may also disclose confidential information if:

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

## 12.2 How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988*. This includes letting you know:

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

We may give the personal information we collect from you to our employees and contractors, the Ministerial Panel, and other Commonwealth employees and contractors, so we can:

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.
- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

## 12.3 Public announcement

We will publish non-sensitive details of successful projects on [business.gov.au](https://business.gov.au) and [Grant Connect](#)<sup>1</sup>. We are required to do this by the *Commonwealth Grants Rules and Guidelines* and the [Australian Government Public Data Policy Statement](#)<sup>2</sup>, unless otherwise prohibited by law. This information may include:

- name of your organisation
  - title of the project
-

- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

We publish this information to ensure open access to non-sensitive data within Australian Government agencies to enable greater innovation and productivity across all sectors of the Australian economy.

A full list of applications including Applicants name, project title, location and funding amount may be published on [business.gov.au](http://business.gov.au).

#### **12.4 Freedom of information**

The *Freedom of Information Act 1982* (FOI Act) applies to all documents we create, receive or store about the program. If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

### **13. Grant Acknowledgement**

If you make a public statement about a project funded under the program, we require you to acknowledge the grant by using the following:

'This project received grant funding from the Australian Government.'

### **14. Enquiries and feedback**

For further information or clarification, you can contact us on XXXXX or or through our website [www....](http://www....)

We may publish answers to your questions on our website as Frequently Asked Questions.

If you have a complaint, call us on XXXXXX. We will refer your complaint to the appropriate manager.

You can also contact the Commonwealth Ombudsman with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

## Appendix A. Definitions of key terms

Term	Definition
Application form	The document issued by a <i>Program Delegate</i> that applicants use to apply for funding under the <i>program</i> .
Conflict of Interest	The exercise of a power or making of a decision by a person in a way that may be, or may be perceived to be, influenced by either a material personal interest (whether financial or non-financial) or a material personal association.
Eligible application	An application or proposal for <i>grant funding</i> under the <i>program</i> that has been determined meets the eligibility requirements in accordance with these <i>Program Guidelines</i> .
Eligible activities	The activities undertaken by a <i>grantee</i> in relation to a project that are eligible for funding support. This is decided by the <i>Program Delegate</i> in accordance with these <i>Program Guidelines</i> and the <i>grant agreement</i> .
Grant agreement	A legally binding contract between the Commonwealth and a <i>grantee</i> for <i>grant funding</i> .
Grant funding or grant funds	The funding made available by the Commonwealth to successful applicants under the <i>program</i> .
Grantee	An entity that has been offered <i>grant funding</i> and has entered into a <i>grant agreement</i> with the Commonwealth in relation to the <i>program</i> .
In-kind contributions	In-kind contributions are non-cash contributions towards your total project cost. In-kind contributions must directly relate to delivering the <i>project</i> activities.
Minister	The Minister for Sport

Term	Definition
Not for profit (NFP)	<p>An organisation that does not operate for the purpose of profit, personal gain or other benefit of particular people, when it is in operation or when it is wound up.</p> <p>Whilst a NFP is allowed to generate profits, the profits must be used to carry out its purpose (e.g. charitable purpose) and cannot be distributed to owners, members or private people.</p>
Personal information	Has the same meaning as in the <i>Privacy Act 1988</i> (Cth).
Program	The Community Sport Infrastructure Grants program
Program Delegate	A Senior Executive Service employee of the <i>department</i> with responsibility for the <i>program</i> who will carry out the relevant functions in respect of the <i>program</i> (and all initiatives under the <i>program</i> ).
Program funding or Program funds	The funding made available by the ASC for the <i>program</i> in any given financial year. This is the funding specified in the Portfolio Budget Statement (as varied by any Portfolio Additional Estimates Statement or by the <i>Minister</i> ) for that year.
Program Guidelines	Means these guidelines to provide the framework for the administration of the <i>program</i> .
Project	A project described in an application for <i>Community Sport Infrastructure Grants</i>
Project location	Where the <i>project</i> is undertaken
Project period	The time between the <i>project</i> start date and <i>project</i> end date as detailed in the <i>grant agreement</i> .
Total eligible project cost	Total eligible project costs are the grant amount plus co-funding to be spent on eligible activities directly related to the project.

Term	Definition
Value with Relevant Money	The processes, actions and behaviours employed by the Australian Government and grant recipients which result in public resources being used in an efficient, effective, economical and ethical manner.

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Program**

**27 August 2020**

**PDR Number: IQ20-000603**

**Delegate approval - grants program**

**Spoken**

**Hansard Page number: 14**

**Senator: Janet Rice**

**Question:**

Senator RICE: They're officially the decision-maker when it comes to spending the money. You still have to go through to process of providing written advice to the decision-maker about the projects?

Mr Wann: There is commitment approval. There is information provided to the decision-maker in relation to that around: 'This is the objective of the grants program. This is the list of nominated grants recipients, with the dollar value attached to it'—all of which has been provided to us by government—'And this is the total value of the grants where an approval commitment has been entered into.' That's signed off. I have the name of the branch. It was the health grants and network branch at that time. I think it's changed names since then.

Ms Edwards: It has.

Senator RICE: Can you tell me when that was signed off? Was it signed off for different projects at different times or were they all done as a job lot?

Ms Edwards: Different projects at different times.

Mr Wann: I think it was done at different times. I'd have to take that on one on notice. Sorry, Senator.

**Answer:**

Community Development Grants Program approval dates.

- A commitment approval for one project totalling \$0.165m was signed on 19 September 2019.
- A commitment approval for one project totalling \$0.027m was signed on 26 September 2019.

- A commitment approval for one project totalling \$0.055m was signed on 15 October 2019.
- A commitment approval for one project totalling \$0.020m was signed on 16 October 2019.
- A commitment approval for one project totalling \$0.264m was signed on 24 October 2019.
- A commitment approval for one project totalling \$0.030m was signed on 7 November 2019.
- A commitment approval for one project totalling \$0.011m was signed on 14 November 2019.
- A commitment approval for one project totalling \$0.500m was signed on 25 November 2019.
- A commitment approval for one project totalling \$0.020m was signed on 29 November 2019.
- A commitment approval for 117 projects totalling \$47.143m was signed on 16 December 2019.

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Program**

**27 August 2020**

**PDR Number: IQ20-000605**

**Due diligence prior to execution**

**Spoken**

**Hansard Page number: 15**

**Senator: Janet Rice**

**Question:**

Mr Wann: Then there's a process of working through due diligence to make sure that, before execution, the project is consistent with what was identified by government. For example, if it was to build a pool but the grant recipient built a racecourse, that obviously wouldn't align. If that were funded, then we'd have to seek further policy approval for that to happen.

Senator RICE: So, presumably no project has failed to meet the criteria—they were all funded.

Mr Wann: I'd have to take it on notice in terms of specifics, but if there was a variation from what was, in concept, a grant recipient and a project that wasn't able to be delivered, we'd have to go through a process of identifying a new recipient who would be able to deliver it and then we'd have to seek approval from government before entering into that grant.

**Answer:**

The requested updated record "Projects transferred from the Department of Infrastructure (DITRDC) to the Department of Health" tabled at the committee hearing of 27 August 2020 documents the status of each originally identified project.



**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program**

**27 August 2020**

**PDR Number: IQ20-000607**

**Assessment process - transfer from FFWS to the community development grants**

**Spoken**

**Hansard Page number: 16**

**Senator: Nita Green**

**Question:**

Senator GREEN: Sorry; I was just trying to write this down as you went through. So the Barwon Heads Bowls Club—

Mr Godkin: The Barwon Heads Bowls Club new clubrooms; the Barwon Heads new scoreboard; the Golden Plains Soccer Club—

Senator GREEN: What was that grant for?

Mr Godkin: I don't know the details offhand, sorry. I will have someone to look that up.

Senator GREEN: And the other one?

Mr Godkin: The other one was the Ocean Grove Football Netball Club.

Senator GREEN: Do you have the amount of money that those grants were?

Ms Edwards: We do, but they're all contained in that table that we tabled today. So you'll be able to find them there. But we're happy to go through it.

Senator GREEN: They were all moved over. What do you mean by 'aligned better'? Can you take us through the examples that you've given there.

Mr Godkin: My understanding is, for example, under assessment, the development of a new scoreboard sat better under the Community Development Grants project than it did with the female and water safety projects.

Senator GREEN: Well, yes. What about the bowls club?

Mr Godkin: I don't know the detail there, but the same assessment process would've been applied—that it would've sat better under the Community Development Grants arrangements than the Female Facilities and Water Safety Stream.

Senator GREEN: Do you have any details about the Golden Plains Soccer Club?

Ms Edwards: We're still looking.

Senator GREEN: And do we know why Ocean Grove Football Netball Club didn't align?

Ms Edwards: No, we don't have the detail, but this is part of the nature of the cleaning up process we're talking about. We had lists come over from infrastructure and we sorted them

and amended them as appropriate.

Senator GREEN: I understand what you're saying. If you don't have the detail, if you could take it on notice, that would be great to know.

Ms Edwards: We'll take it on notice.

**Answer:**

The projects transferred to the Community Development Grants Program as they better aligned with the priorities of that program are:

Ocean Grove Football Netball Club - \$500,000

- Installation of new lights
- Upgrade to change rooms
- Spectator seating
- Installation of netting

Barwon Heads Bowls Club - \$100,000

- Construction of new clubrooms, including a social area, kitchen and amenities

Golden Plains Soccer Club – \$832,000

- Construction of new female friendly/unisex change rooms
- Installation of sports pitch lighting and perimeter fencing

Barwon Heads New Scoreboard - \$100,000

- Installation of a club supplied scoreboard at Howard Harmer Reserve
- Supply and install of a netball scoreboard at Howard Harmer Reserve
- Supply and install of a scoreboard on the Timekeepers Hut at Howard Harmer Reserve
- Supply and install of a new football/cricket scoreboard on RT Fuller Oval

# PARLIAMENTARY INQUIRY QUESTION ON NOTICE

## Department of Health

### Community Affairs

#### Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program

27 August 2020

PDR Number: IQ20-000610

#### Grants project - type and assessment

#### Spoken

Hansard Page number: 16

Senator: Nita Green

#### Question:

Senator GREEN: The issue is that, in your cleaning up process, what you're actually doing is cleaning up what projects were announced to be supporting female sport. I don't know how many times we heard the Prime Minister say that what the government was doing was going to prevent girls getting changed in their cars or out the back of sheds. That was the purpose of a lot of these grants, so I'm trying to understand why they were announced through the female—

Ms Edwards: We couldn't tell you how they were announced. They came over to us as a list.

Senator GREEN: That's what I'm trying to understand. The nature of the projects were—

Ms Edwards: We'll take on notice what the nature of the projects were, but the fact that they came over to us on a list and they were better moved across does not pertain necessarily to the announcement or not. We weren't party to the announcements. We weren't party to the program at all at that point, so I'm not sure how they were announced or not. A large number of grants came over to us, and we administered them in the way that's most appropriate.

Senator GREEN: I understand your part of the process, but the information that I'm trying to get from you gives me an understanding of what the purpose of the project was to begin with or why it would've even been announced under this stream to begin with.

Ms Edwards: I understand the question. It's just that we have no knowledge what happened before late August, when the project came over to us.

Senator GREEN: I'm not asking you that; I'm asking what alignment happened when it came to you.

Ms Edwards: We'll take it on notice.

Senator GREEN: I'm not asking you for information you don't have; I'm asking you for information about decisions that you made which then, of course, reflect on decisions that were made before.

Ms Edwards: We've taken that on notice and we'll provide you the detail of each of these projects.

**Answer:**

Once transferred to the Department of Health, department officials verified the details of each project with the proponent. Information provided for four grants (listed in the response to IQ20-000607) indicated the projects were for broader improvements, not specific to the objectives of Female Facilities and Water Safety Stream. As these projects better aligned with the priorities of the Community Development Grants Program authorisation was provided to transfer the projects so that they were funded from the Community Development Grants Program.

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Department of Health**

**Select Committee on Administration of Sports Grants**

**Inquiry into the administration and award of funding under the Community Sports Infrastructure Grant Program**

**27 August 2020**

**PDR Number: IQ20-000613**

**Female facilities program reallocating to the Lakes College**

**Spoken**

**Hansard Page number: 17**

**Senator: Anthony Chisholm**

**Question:**

CHAIR: I had one question in relation to the females facilities program around the Mango Hill state high school swimming pool, saying that the funding was reallocated to the Lakes College. I was just wondering how that came about. It was \$2 million I think.

Ms Edwards: The Mango Hills State School swimming pool was allocated, but the Queensland Department of Education rejected the government's commitment. They wanted to retain capacity for the school to expand, I understand, so an alternative site for the pool was sought.

CHAIR: Who did the sorting on that, so to speak?

Ms Edwards: The approval was—the decision was made by the Prime Minister or government.

Mr Wann: Yes. The normal way that it would work was—through the due diligence process, we'd find this out, we'd bring that to the attention of government and we'd seek authority to alter the original decision and then reallocate the project to the new recipient.

CHAIR: Who identified the new recipient?

Ms Edwards: I'm not sure about the process. It's not an area I'm familiar with, so I don't know.

CHAIR: Sure, but this happened entirely after the election, is my understanding.

Ms Edwards: My notes are that the Queensland Department of Education said we can't put it there, so there was work done to provide the same facility for the community but at a different location.

CHAIR: But that all happened after the election, is my understanding. Is that—

Ms Edwards: As part of the process that we're talking about.

CHAIR: It happened after the election?

Ms Edwards: Yes. We would have contacted the recipient and said, 'This is how we are going to arrange for the grant.' We would have got notice back saying, 'You can't put it there.' We

would have worked with them and got approval from government to have a different location.

CHAIR: Who identified the different location?

Ms Edwards: I don't know; I'd have to take that on notice.

Mr Wann: I'm not aware, either.

CHAIR: You would have had to have found out somehow.

Ms Edwards: We'll take on notice what happened with the process, but I don't know.

**Answer:**

Following the Queensland Minister for Education advising *Mango Hill State Secondary College* had no capacity for the installation of a pool, the alternate location of *The Lakes College* was identified by the Hon Luke Howarth MP.