



## Grant Opportunity Guidelines

# Threatened and Migratory Species Fisheries Bycatch Mitigation Program

<b>Opening date:</b>	Thursday, 24 November 2022
<b>Closing date and time:</b>	5.00pm Australian Eastern Daylight Time on Monday, 23 January 2023  Please take account of time zone differences when submitting your application.
<b>Commonwealth policy entity:</b>	Department of Climate Change, Energy, the Environment and Water
<b>Administering entity:</b>	Department of Industry, Science and Resources
<b>Enquiries:</b>	If you have any questions, contact us on 13 28 46.
<b>Date guidelines released:</b>	Thursday, 24 November 2022
<b>Type of grant opportunity:</b>	Open competitive

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# 1. Threatened and Migratory Species Fisheries Bycatch Mitigation Program processes

**The Threatened and Migratory Species Fisheries Bycatch Mitigation Program is designed to achieve Australian Government objectives**

This grant opportunity is part of the above grant program which contributes to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Outcome 2: Conserve, protect and sustainably manage Australia's biodiversity, ecosystems, environment and heritage through research, information management, supporting natural resource management, establishing and managing Commonwealth protected areas, and reducing and regulating the use of pollutants and hazardous substances. DCCEEW works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines](#).



**The grant opportunity opens**

We publish the grant guidelines on [business.gov.au](http://business.gov.au) and [GrantConnect](#).



**You complete and submit a grant application**

You complete the application form, addressing all the eligibility and assessment criteria in order for your application to be considered.



**We assess all grant applications**

We review the applications against eligibility criteria and notify you if you are not eligible. We assess eligible applications against the assessment criteria including an overall consideration of value with relevant money and compare it to other eligible applications.



**We make grant recommendations**

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



**Grant decisions are made**

The decision maker decides which applications are successful.



**We notify you of the outcome**

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



**We enter into a grant agreement**

We will enter into a grant agreement with successful applicants. The type of grant agreement is 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 Threatened and Migratory Species Fisheries Bycatch Mitigation Program**

DCCEEW will evaluate the specific grant activity and the Threatened and Migratory Species Fisheries Bycatch Mitigation Program as a whole. We base this on information you provide to us and that we collect from various sources.

## 2. About the grant program

The Threatened and Migratory Species Fisheries Bycatch Mitigation Program (the program) will run over three years from 2022-23 to 2024-25. Commercial fishing bycatch is a key threat to over 100 threatened and/or migratory species protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Australian Government is supporting the development and implementation of practical measures to support the marine environment and sustainable fisheries by avoiding and mitigating the bycatch of threatened and migratory species.

The objective of the program is to:

- support Australian commercial wild-catch fisheries become more sustainable by investing in practical solutions that aim to mitigate the bycatch of species listed as threatened and/or migratory under the EPBC Act.

The intended outcomes of the program are:

- improved conservation outcomes for threatened and/or migratory EPBC Act list species that interact with commercial wild-catch fisheries
- increased uptake of bycatch mitigation measures in Australian commercial wild-catch fisheries
- increased industry capacity and capability to reduce the bycatch of threatened and/or migratory EPBC Act listed species.

We administer the program according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs)<sup>1</sup>.

This document sets out:

- the eligibility and assessment criteria
- how we consider and assess grant applications
- how we notify applicants and enter into grant agreements with grantees
- how we monitor and evaluate grantees' performance
- responsibilities and expectations in relation to the opportunity.

The Department of Industry, Science and Resources (the department/DISR) is responsible for administering this grant opportunity on behalf the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

We have defined key terms used in these guidelines in the glossary at section 15.

You should read this document carefully before you fill out an application.

## 3. Grant amount and grant period

The Australian Government has announced a total of \$3.9 million over three years for the program.

## 4. Grants available

The grant amount will be up to 100 per cent of eligible project expenditure (grant percentage).

- The minimum grant amount is \$50,000.
- The maximum grant amount is \$500,000.

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<sup>1</sup> <https://www.finance.gov.au/government/commonwealth-grants/commonwealth-grants-rules-guidelines>

You are responsible for the remaining eligible and ineligible project costs.

Contributions to your project may be cash or in-kind contributions.

#### 4.1. Project period

You must complete your project by 31 March 2025.

## 5. Eligibility criteria

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

### 5.1. Who is eligible?

To be eligible you must:

- have an Australian Business Number (ABN)

and be one of the following entities:

- an entity incorporated in Australia (this includes Indigenous organisations registered with the Office of the Registrar of Indigenous Corporations)
- a registered Aboriginal and Torres Strait Islander land council
- an Australian local government agency or body (as defined in section 15)
- partnership
- cooperative
- publicly funded research organisation (PFRO).

Joint applications are acceptable, provided you have a lead organisation who is the main driver of the project and is eligible to apply. For further information on joint applications, refer to section 8.3.

### 5.2. Additional eligibility requirements

We can only accept applications:

- where you can declare that your project does not duplicate other government-funded management actions that are already underway in the project location
- where you agree that you will deliver your project in accordance with relevant legislation, policies, management arrangements and industry standards
- any required approvals are in place or will be in place to allow completion of your project
- where you provide all mandatory attachments as outlined in section 8.2.

We cannot waive the eligibility criteria under any circumstances.

### 5.3. Who is not eligible?

You are not eligible to apply if you are:

- an organisation, or your project partner is an organisation, included on the National Redress Scheme's website on the list of 'Institutions that have not joined or signified their intent to join the Scheme' ([www.nationalredress.gov.au](http://www.nationalredress.gov.au))
- an employer of 100 or more employees that has [not complied](#) with the *Workplace Gender Equality Act (2012)*
- an individual
- an Australian State or Territory Government agency or body

- a Rural Research and Development Corporation (RDC)
- a Regional Development Australia Committee
- an unincorporated association
- a trust (however, an incorporated trustee may apply on behalf of a trust)
- a member of the program's Steering Committee.

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

### 6.1. Eligible activities

To be eligible your project must:

- support on-ground activities and actions to help mitigate the bycatch of species listed as threatened and/or migratory species under the EPBC Act which have interactions with Australian commercial wild-catch fisheries
- have at least \$50,000 in eligible expenditure.

Eligible activities must be directly related to the project and can include:

- generating technologies, products, or processes that help to mitigate the bycatch of threatened and/or migratory EPBC Act listed species
- trialling mitigation measures that reduce the bycatch of threatened and/or migratory EPBC Act listed species
- implementing mitigation measures that reduce the bycatch of threatened and/or migratory EPBC Act listed species
- addressing significant barriers to the implementation and uptake of threatened and migratory species bycatch mitigation actions, methods, and technologies
- collecting and reporting data on trials and/or implementation of management and mitigation measures and compliance
- study/field trips to collaborate with industry or other fisheries
- engagement and partnership with the commercial fishing sector
- engagement and partnership with Traditional Owners.

We may also approve other activities.

Activities designed to complement, extend or expand existing projects are eligible. Activities complementary to work already underway must demonstrate they are:

- filling a critical gap
- expanding or supplementing an existing activity
- extending the timeframe of an existing activity.

### 6.2. Eligible expenditure

You can only spend grant funds on eligible expenditure you have incurred on an agreed project as defined in your grant agreement.

Eligible expenditure items include the following items where directly related to the project:

- salaries and on-costs (maximum of 30 per cent) for personnel directly employed in delivering the project activities (on a pro-rata basis relative to their time commitment)
- contractor costs or expert advice



- costs for research and development activities
- costs for legal and financial advice
- costs for communication and engagement activities including promotional activities
- costs associated with managing collaborations and partnerships with Traditional Owners, ranger groups, industry and/or the local community
- costs associated with developing software, education and training
- costs associated to obtain planning, environmental or other regulatory approvals during the project period. However, associated fees paid to the Commonwealth, state, territory and local governments are not eligible
- purchase or hire of equipment, materials and supplies (including bycatch reduction technologies or devices)
- domestic travel (eligible air transportation is limited to the economy class fare for each sector travelled; where non-economy class air transport is used only the equivalent of an economy fare for that sector is eligible expenditure. Where non-economy class air transport is used, the grantee will require evidence showing what an economy air fare costs at the time of travel)
- contingency costs of up to a maximum of 10 per cent of the eligible project costs
- administrative costs
- the cost of an independent audit of project expenditure (where we request one) up to a maximum of 1 per cent of total eligible project expenditure.

We may update the guidance on eligible and ineligible expenditure from time to time. If your application is successful, the version in place when you submitted your application applies to your project.

If your application is successful, we may ask you to verify project costs that you provided in your application. You may need to provide evidence such as quotes for major costs.

Not all expenditure on your project may be eligible for grant funding. The Program Delegate (who is a manager within the department with responsibility for administering the program) makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be a direct cost of the project
- be incurred by you for required project audit activities.

You must incur the project expenditure between the project start and end date for it to be eligible unless stated otherwise.

You may elect to commence your project from the date we notify you that your application is eligible and complete. We are not responsible for any expenditure you incur until a grant agreement is executed. The Commonwealth will not be liable, and should not be held out as being liable, for any activities undertaken before the grant agreement is executed.

### 6.3. What you cannot use the grant for

Expenditure items that are not eligible are:

- the provision of goods, services or support for activities that are not directly related to eligible grant activities

- opportunity costs related to any losses due to allocating resources to, or implementing, the agreed grant project or technology
- research not directly supporting eligible activities
- costs to support monitoring of EPBC Act listed threatened and/or migratory species (unless directly related to the evaluation of bycatch mitigation measures)
- routine operation, business as usual or running costs including but not limited to additional fishing equipment not required for mitigation activities (e.g., standard boating equipment such as life preservers or vessels), accommodation, office facilities, printing and stationery, postage, legal and accounting fees and bank charges
- costs for activities that are required to be carried out by law or by a private contractual obligation (e.g. implementation of bycatch mitigation measures required by state or federal law)
- purchase of land
- retrospective funding or works underway
- financing costs, including interest
- activities likely to have a significant adverse impact on any matter of national environmental significance under the *EPBC Act 1999*
- activities likely to have a significant adverse impact on Indigenous cultural heritage
- costs incurred in the preparation of a grant application or related documentation
- fees paid to the Commonwealth, state, territory and local governments associated with obtaining environmental or other regulatory approvals
- overseas travel
- lobbying activities and media campaigns that could be considered political in nature (whole or in part)
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.

## 7. The assessment criteria

You must address all assessment criteria in your application. We will assess your application based on the weighting given to each criterion.

The application form asks questions that relate to the assessment criteria below. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You should provide evidence to support your answers. The application form displays character limits for each response.

We will only consider funding applications that score at least 50 per cent against each assessment criterion, as these represent best value for money.

### 7.1. Assessment criterion 1

#### **Project scope and alignment with the program objectives and outcomes (40 points)**

You must describe the activity and provide information that describes:

- a. how your project will mitigate the bycatch of threatened and/or migratory EPBC Act listed species in Australian commercial wild-catch fisheries
- b. how the species of focus has an interaction with Australian commercial wild-catch fisheries

- c. how your project meets Australian Government priorities for EPBC Act listed threatened and migratory species (including recovery plan actions prioritisation under the Threatened Species Strategy Action Plan).

## 7.2. Assessment criterion 2

### **Capacity, capability, and resources to deliver the project (30 points)**

You must demonstrate this by describing:

- a. your track record of successfully managing similar projects
- b. your access to personnel with the right skills and experience in delivering your project activities
- c. how you will manage the project including methodology, budget, risk management and governance arrangements (a project plan must be submitted with your application)
- d. how you will monitor and measure the success of your project.

## 7.3. Assessment criterion 3

### **Collaboration and public benefits (30 points)**

You must demonstrate this by describing:

- a. the level of support of the commercial fishing industry in designing and delivering this project and how this collaboration will enhance the outcomes of the project (letters of support from the commercial fishing industry may be submitted with your application)
- b. your strategy to maintain project outcomes beyond the term of grant funding
- c. the extent to which your project involves and benefits local communities including Traditional Owners.

## 8. How to apply

Before applying you should read and understand these guidelines, the sample [application form](#) and the sample [grant agreement](#) published on [business.gov.au](http://business.gov.au) and GrantConnect. Applicants should read all eligibility and assessment criteria closely and attach detailed evidence that supports the assessment criteria.

You will need to set up an account to access our online [portal](#).

To apply, you must:

- complete and submit your application through the online portal
- provide all the information requested
- address all eligibility and assessment criteria
- include all necessary attachments.

You can view and print a copy of your submitted application on the portal for your own records.

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 Act 1995* (Cth). If we consider that you have provided false or misleading information we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 13 28 46.

After submitting your application, we can contact you for clarification if we find an error or any missing information, including evidence that supports your eligibility and merit. The acceptance of any additional information provided after the submission of your application is at the discretion of

the Program Delegate. Additional information should not materially change your application at the time it was submitted and therefore may be refused if deemed purely supplementary.

If you need further guidance around the application process, or if you have any issues with the portal, [contact us](#) at business.gov.au or by calling 13 28 46.

## 8.1. Project plan

A project plan is a mandatory attachment to support your response to Assessment Criterion 2.

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

Your project plan should contain the following to be competitive:

- a summary of your project including key objectives and outcomes
- a background of your organisation and your key management staff
- scope of the project and overview of project activities, including milestones
- details of the project budget
- governance arrangements for the project
- project timeline
- a breakdown of roles and responsibilities
- a communication plan identifying how you will engage key stakeholders in the project
- a risk management framework identifying risks, impacts and mitigation strategies.

## 8.2. Attachments to the application

You must provide the following documents with your application:

- project plan
- for joint applications, a letter of support from each of the project partners
- if applying as an incorporated association or incorporated not for profit organisation and you do not have an active state or territory incorporated association registration or ACNC registration at the time of application, you must provide Constitutional documents and/or Articles of Association that demonstrate the character of the organisation (where applicable)
- if you are applying as a partnership, a copy of your partnership agreement
- trust deed (where applicable).

You may also attach:

- letters of support from the commercial fishing industry to support your claims against assessment criterion 3.

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. The total of all attachments cannot exceed 20MB. We will not consider information in attachments that we do not request.

## 8.3. Joint applications

We recognise that some organisations may want to join as a group to deliver a project. In these circumstances, you must appoint a lead organisation. Only the lead organisation can submit the application form and enter into the grant agreement with the Commonwealth. The application

should identify all members of the proposed group and include a letter of support from each of the project partners. Each letter of support should include:

- details of the project partner
- an overview of how the project partner will work with the lead organisation and any other project partners in the group to successfully complete the project
- an outline of the relevant experience and/or expertise the project partner will bring to the group
- the roles/responsibilities the project partner will undertake, and the resources it will contribute (if any)

You must have a formal arrangement in place with all parties prior to execution of the grant agreement.

#### 8.4. Timing of grant opportunity

You can only submit an application between the published opening and closing dates. We cannot accept late applications.

If you are successful, you will be able to commence your project from May 2023

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	4 weeks
Approval and announcement of successful applicants	5 weeks
Negotiations of grant agreements	6 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of project	May 2023
Latest project completion date	31 March 2025
End date of grant commitment	30 June 2025

## 9. The grant selection process

We first review your application against the eligibility criteria. If eligible, we will then assess it against the assessment criteria. Only eligible applications will proceed to the assessment stage.

We consider your application on its merits, based on:

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

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

- the overall objectives of the grant opportunity
- the evidence provided to demonstrate how your project contributes to meeting those objectives
- the relative value of the grant sought.

We will establish an assessment panel comprising of officers from the DCCEEW and the Department of Agriculture, Fisheries and Forestry and members of the program's Steering Committee to assess applications.

The assessment panel will assess your application against the assessment criteria, geographic distribution, alignment to published Conservation Advices and Recovery Plans (where relevant for the species), the feasibility of the project and compare it to other eligible applications before recommending which projects to fund. The assessment panel will be required to perform their duties in accordance with the CGRGs.

If applications score the same, the assessment panel will consider value for money and alignment to the program objectives, to recommend applications for funding.

## 9.1. Who will approve grants?

A decision maker who is a manager in the DCCEEW decides which grants to approve taking into account the application assessment and the availability of grant funds.

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

- the grant approval
- the grant funding to be awarded
- any conditions attached to the offer of grant funding.

We cannot review decisions about the merits of your application.

The decision maker will not approve funding if there are insufficient program funds available across relevant financial years for the program.

## 10. Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we advise you of any specific conditions attached to the grant.

If you are unsuccessful, we will give you an opportunity to discuss the outcome with us.

## 11. Successful grant applications

### 11.1. Grant agreement

You must enter into a legally binding grant agreement with the Commonwealth. The grant agreement has general terms and conditions that cannot be changed. A sample [grant agreement](#) is available on [business.gov.au](http://business.gov.au) and GrantConnect.

We will manage the grant agreement through the online portal. This includes issuing and executing the grant agreement.

Execute means both you and the Commonwealth have accepted the agreement. We are not responsible for any expenditure you incur and cannot make any payments until a grant agreement is executed.

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

If you enter an agreement under the Threatened and Migratory Species Fisheries Bycatch Mitigation Program, you cannot receive other grants for the same activities from other Commonwealth, state or territory granting programs.

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

We will use a simple grant agreement.

You will have 30 days from the date of a written offer to execute this grant agreement with the Commonwealth. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application. We will review any required changes to these details to ensure they do not impact the project as approved by the decision maker.

## 11.2. Project/ specific legislation, policies and industry standards

You must comply with all relevant laws, regulations and Australian Government sanctions in undertaking your project. You must also comply with the specific legislation/policies/industry standards that follow. It is a condition of the grant funding that you meet these requirements. We will include these requirements in your grant agreement.

In particular, you will be required to comply with:

- State/Territory legislation in relation to working with children
- State/Territory legislation in relation to Work Health and Safety
- State/Territory legislation in relation to protected species and places
- State/Territory legislation in relation to commercial wild-catch fisheries
- State/Territory legislation in relation to activities around waterways
- State/Territory legislation in relation to animal welfare and ethics
- State/Territory legislation in relation to biosecurity.

## 11.3. How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay
- proportion of eligible expenditure covered by the grant (grant percentage)
- any in-kind contributions you will make
- any financial contribution provided by you or a third party.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

We will make an initial payment on execution of the grant agreement. We will make subsequent payments six monthly in advance, based on your forecast eligible expenditure and adjusted for unspent amounts from previous payments. Payments are subject to satisfactory progress on the project.

We set aside 5 per cent of the total grant funding for the final payment. We will pay this when you submit a satisfactory end of project report demonstrating you have completed outstanding obligations for the project. We may need to adjust your progress payments to align with available program funds across financial years and/or to ensure we retain a minimum 5 per cent of grant funding for the final payment.

## 11.4. Tax obligations

If you are registered for the Goods and Services Tax (GST), where applicable we will add GST to your grant payment and provide you with a recipient created tax invoice. You are required to notify us if your GST registration status changes during the project period. GST does not apply to grant payments to government related entities<sup>2</sup>.

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.

## 12. Announcement of grants

We will publish non-sensitive details of successful projects on GrantConnect. We are required to do this by the [Commonwealth Grants Rules and Guidelines](#) unless otherwise prohibited by law. We may also publish this information on business.gov.au. 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.

## 13. How we monitor your grant activity

### 13.1. 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.

You must notify us of events relating to your project and provide an opportunity for the Minister or their representative to attend.

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<sup>2</sup> See Australian Taxation Office ruling GSTR 2012/2 available at ato.gov.au



## 13.2. Reporting

You must submit reports in line with the grant agreement. We will provide the requirements for these reports as appendices in the grant agreement. 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
- project expenditure, including expenditure of grant funds
- contributions of participants directly related to the project.

The amount of detail you provide in your reports should be relative 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.

### 13.2.1. Progress reports

Progress reports must:

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

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

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

### 13.2.2. End of project report

When you complete the project, you must submit an 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 a declaration that the grant money was spent in accordance with the grant agreement and to report on any underspends of the grant money
- be submitted by the report due date.

### 13.2.3. Ad-hoc reports

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

## 13.3. Independent audits

We may ask you to provide an independent audit report. An audit report will verify that you spent the grant in accordance with the grant agreement. The audit report requires you to prepare a statement of grant income and expenditure. The report template is available on [business.gov.au](http://business.gov.au) and GrantConnect.

### 13.4. 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.

### 13.5. Grant agreement variations

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

- changing project milestones
- extending the timeframe for completing the project up to 31 March 2025.
- changing project activities

The program does not allow for:

- an increase of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the project end date. You can submit a variation request via our online portal.

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 program 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, grant opportunity guidelines and any relevant policies of the department
- changes to the timing of grant payments
- availability of program funds.

### 13.6. Evaluation

The DCCEEW will evaluate the grant program to measure how well the outcomes and objectives have been achieved. We may use information from your application and project reports for this purpose. DCCEEW 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.

DCCEEW may contact you up to two years after you finish your project for more information to assist with this evaluation.

### 13.7. Grant acknowledgement

If you make a public statement about a project funded under the program, including in a brochure or publication, you must acknowledge the grant by using the following:

‘This project received grant funding from the Australian Government.’

If you erect signage in relation to the project, the signage must contain an acknowledgement of the grant.

If you promote your project on social media, where character limits allow, use the following handles and hashtags:

Twitter – @DCCEEW

Facebook and Instagram – @DCCEEW

## 14. Probity

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

### 14.1. Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if our staff, any member of a panel, committee or advisor and/or you or any of your personnel:

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

As part of your application, we will ask you to declare any perceived or existing conflicts of interests or confirm that, to the best of your knowledge, there is no conflict of interest.

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

Conflicts of interest for Australian Government staff are handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)<sup>3</sup>](#) of the *Public Service Act 1999* (Cth). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our [conflict of interest policy<sup>4</sup>](#) on the department's website. The Commonwealth policy entity also publishes a conflict of interest policy on its website.

### 14.2. How we use your information

Unless the information you provide to us is:

- confidential information as per 14.2.1, or
- personal information as per 14.2.3,

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

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<sup>3</sup> <https://www.legislation.gov.au/Details/C2019C00057>

<sup>4</sup> [https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf\\_files\\_redirect](https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf_files_redirect)

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

#### 14.2.1. How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

#### 14.2.2. When we may disclose confidential information

We may disclose confidential information:

- to the committee 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 Assistant Minister
- 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.

#### 14.2.3. How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). 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 assessment 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 for the Environment and Water, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)<sup>5</sup> on the department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

#### 14.2.4. Freedom of information

All documents in the possession of the Australian Government, including those about the program, are subject to the *Freedom of Information Act 1982* (Cth) (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.

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.

#### 14.3. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46 or by [web chat](#) or through our [online enquiry form](#) on business.gov.au.

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

Our [Customer Service Charter](#) is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

General Manager  
Business Grants Hub  
Department of Industry, Science and Resources  
GPO Box 2013  
CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman](#)<sup>6</sup> with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

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<sup>5</sup> <https://www.industry.gov.au/data-and-publications/privacy-policy>

<sup>6</sup> <http://www.ombudsman.gov.au/>

## 15. Glossary

Term	Definition
Administering entity	The entity that is not responsible for the policy however is responsible for the administration of part or all of the grant administration processes.
Application form	The document issued by the Program Delegate that applicants use to apply for funding under the program.
Assessment criteria	The specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application ranking.
Bycatch	A species that is incidentally taken in a fishery and returned to the sea or killed or injured as a result of interacting with fishing equipment in the fishery, but not taken. The program prioritises bycatch of EPBC Act listed threatened and migratory species.
Commercial Fishery	Is the activity of catching fish and other seafood for commercial profit from wild fisheries.
Department	The Department of Industry, Science and Resources.
Decision maker	The person who makes a decision to award a grant.
Eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support as set out in 6.1.
Eligible application	An application or proposal for grant funding under the program that the Program Delegate has determined is eligible for assessment in accordance with these guidelines.
Eligibility criteria	The mandatory criteria, which must be met to qualify for a grant. Assessment criteria applies in addition to eligibility criteria.
Eligible expenditure	The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 6.2.
Entity incorporated in Australia	A legal entity created by legislation or registration for example a company or an incorporated association. Incorporation gives a group a separate legal entity distinct from its members. The incorporated group can enter into contracts, sue and be sued.
Grant agreement	A legally binding contract between the Commonwealth and a grantee for the grant funding.
Grant funding or grant funds	The funding made available by the Commonwealth to grantees under the program.

Term	Definition
<a href="#">GrantConnect</a>	The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
Grantee	The recipient of grant funding under a grant agreement.
Guidelines	Guidelines that the Minister gives to the department to provide the framework for the administration of the program, as in force from time to time.
Local government agency or body	A local governing body as defined in the <i>Local Government (Financial Assistance) Act 1995</i> (Cth).
Minister	Minister for the Environment and Water
Non-income-tax-exempt	Not exempt from income tax under Division 50 of the <i>Income Tax Assessment Act 1997</i> (Cth) or under Division 1AB of Part III of the <i>Income Tax Assessment Act 1936</i> (Cth).
Personal information	<p>Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is:</p> <p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ol style="list-style-type: none"> <li>a. whether the information or opinion is true or not; and</li> <li>b. whether the information or opinion is recorded in a material form or not.</li> </ol>
Program Delegate	A manager within the Department of Industry, Science and Resources with responsibility for administering the program.
Program funding or Program funds	The funding made available by the Commonwealth for the program.
Project	A project described in an application for grant funding under the program.
Publicly funded research organisation (PFRO)	All higher education providers listed at Table A and Table B of the <i>Higher Education Support Act 2003</i> (Cth) and corporate Commonwealth entities, and State and Territory business enterprises, which undertake publicly funded research.
Program Steering Committee	A committee that provides the Department of Climate Change, Energy, the Environment and Water with information, expert advice, and recommendations on key delivery matters for the Threatened and Migratory Species Fisheries Bycatch Mitigation Program.

Term	Definition
Threatened or migratory species	Species listed as such under the EPBC Act and protected as a <a href="#">‘matter of national environmental significance’</a> . This does not include species listed as Conservation Dependent under the EPBC Act.