



Australian Government

Department of Industry, Science, Energy and Resources

Department of the Prime Minister and Cabinet

Grant Opportunity Guidelines

Black Summer Bushfire Recovery Grants Program

| | |
|------------------------------------|---|
| Opening date: | 22 July 2021 |
| Closing date and time: | 5.00pm Australian Eastern Standard Time on 2 September 2021 Please take account of time zone differences when submitting your application. |
| Commonwealth policy entity: | National Recovery and Resilience Agency |
| Administering entity: | Department of Industry, Science, Energy and Resources |
| Enquiries: | If you have any questions, contact us on BSBR@industry.gov.au or 13 28 46. |
| Date guidelines released: | 1 July 2021 |
| Type of grant opportunity: | Open competitive |

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1. Black Summer Bushfire Recovery Grants processes

The Black Summer Bushfire Recovery Grants program is designed to achieve Australian Government objectives

This grant opportunity is part of the above grant program which contributes to the National Recovery and Resilience Agency's Outcome 1. The National Recovery and Resilience Agency 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 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 Black Summer Bushfires Recovery Grants Program

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

2. About the National Bushfire Recovery Fund

The Australian Government has committed over \$2 billion to the National Bushfire Recovery Fund to support communities impacted by the 2019-20 bushfires. As part of this support, the \$276 million Black Summer Bushfire Recovery Grants program will address community priorities for recovery.

2.1. About the Black Summer Bushfire Recovery grant opportunity

These guidelines contain information about the Black Summer Bushfire Recovery Grants program grant opportunity that will run from 2021-22 to 2023-24.

The objective of this grant opportunity is to support the recovery efforts of communities in eligible Local Government Areas (LGAs) affected by the 2019-20 bushfires and enables them to apply for projects that address community recovery needs within their own timeframes.

The Australian Government will directly fund successful applicants to conduct a range of projects designed to support the social and economic recovery, and restoration of the built environment in those communities.

The objectives of the grant opportunity are to:

- support recovery and resilience of communities impacted by the 2019-20 bushfires, and
- build stronger communities by supporting social, economic and built environment recovery.

The intended outcomes of the grant opportunity are to:

- empower local communities to address bushfire recovery priorities, including through creation of jobs, sustainable infrastructure and community investment targeted at the specific needs of the community, and
- rebuild and grow the economy of the local communities impacted by the bushfires.

The Black Summer Bushfire Recovery Grants program will complement and build on bushfire recovery activities implemented by communities since the 2019-20 bushfires, including projects supported through Local Economic Recovery funding.

Projects previously submitted for funding under other programs, but have not been successful in receiving funding, may apply for support under this grant opportunity.

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, Energy and Resources (the department) is responsible for administering this grant opportunity on behalf of the National Recovery and Resilience Agency.

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.

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

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

3. Grant amount and grant period

For this grant opportunity approximately \$276 million is available over three years from 2021-22 to 2023-24.

3.1. Grants available

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

- The minimum grant amount is \$20,000.
- The maximum grant amount is \$10 million.

You may seek additional contributions from third parties for your project. These do not count toward the minimum or maximum grant amount.

We cannot fund your project if it has already received funding from another Commonwealth, state, territory or local government grant for the same activities. You can apply for funding under other programs but if you are successful, you need to decide under which program you wish to be funded.

3.2. Project Period

You must complete your project by 31 March 2024.

4. Eligible locations

4.1. Eligible Local Government Areas

You can only undertake eligible activities in the Local Government Areas (LGAs) listed at Appendix A. These LGAs have been declared as eligible for assistance under the Disaster Recovery Funding Arrangements for the 2019-20 bushfires.

Each eligible LGA has the opportunity to receive a share of the funding based on the relative impact of, and economic exposure associated with, the 2019-20 bushfires.

While many LGAs that have been impacted by the 2019-20 bushfires have also been impacted by other disasters including COVID-19 and floods, the Black Summer Bushfire Recovery Grants are intended to address community bushfire recovery priorities. Other programs may be available to support recovery from COVID-19 and other natural disasters.

4.2. Funding per eligible Local Government Area

A funding envelope has been allocated to each eligible LGA to ensure all LGAs have the opportunity to receive funding. Each eligible LGA has been assigned to one of two categories based on the impact of the bushfires on the LGA (also at Appendix A):

- Category 1: a funding envelope of up to \$4.5 million per LGA.
- Category 2: a funding envelope of up to \$1.6 million per LGA.

This allocation will ensure equity between applicants and eligible LGAs as well as geographical spread from the order of ranking.

The highest ranked project(s) in each LGA will be recommended for funding until the funding envelope is reached. Projects may not receive the full grant amount requested.

If an LGA does not have sufficient meritorious applications within the funding envelope, unallocated funding will be pooled. Remaining meritorious projects will be recommended for funding from the pool in order of ranking until grant funds are exhausted, this could include providing additional

funding for projects already approved for another LGA where the maximum funding has not been reached.

If the project is located in multiple LGAs the amount of funding assigned to the LGA would be commensurate with the cost of activities being undertaken within the LGA.

5. Eligibility criteria

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

5.1. Who is eligible to apply for a grant?

To be eligible you must:

- have an Australian Business Number (ABN)

and be one of the following entities:

- an entity incorporated in Australia
- a company limited by guarantee
- an incorporated association
- an incorporated not for profit organisation
- a non-distributive co-operative
- an incorporated trustee on behalf of a trust
- an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006](#)
- an Australian local governing agency or body as defined in Section 15 (for example, a Council)
- an Australian Capital Territory government agency or body.

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 8.2.

5.2. Additional eligibility requirements

Project activities must be undertaken in an LGA that has been declared as eligible for assistance under the Disaster Recovery Funding Arrangements (DRFA) for the 2019-20 bushfires. Individual projects may include activities that are undertaken in multiple eligible LGAs. Eligible LGAs are listed in Appendix A.

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 entity not included in Section 5.1
- an individual
- a partnership
- a trust (however, an incorporated trustee may apply on behalf of a trust)
- a Commonwealth or state government agency or body (including government business enterprises) with the exception of those entities referred to in Section 5.1
- a Regional Development Australia Committee

- 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)
- an organisation that has been named by the Workplace Gender Equality Agency as an organisation that has not complied with [Workplace Gender Equality Act 2012](#).

5.4. What qualifications or skills are required?

If you are successful, relevant personnel working on the project must maintain relevant registration/checks appropriate to the project, such as the following:

- Working with Children check
- Working with Vulnerable People registration.

6. What the grant money can be used for

6.1. Eligible activities

To be eligible for a grant your project must:

- be aimed at supporting community recovery or resilience from the 2019-20 bushfires
- be delivered in one or more eligible LGAs listed in Appendix A
- include eligible activities consistent with project activities listed below
- have at least \$20,000 in eligible expenditure.

Your project must address one or more of the following kinds of recovery or resilience needs:

- **social recovery and resilience** - for example, community development programs and activities to help affected individuals and communities to reconnect and support mental and physical wellbeing and recovery from the immediate effects of the bushfires
- **economic recovery and resilience** - for example, projects that help the community (and not just an individual business) to recover from the immediate economic impact of the bushfires by boosting employment and industries in eligible LGAs impacted by the fires
- **recovery and resilience of the built environment** - for example, projects to rebuild infrastructure damaged by the bushfires.

Your project must satisfy one or more of the following criteria in order to receive funding:

- address an urgent and unmet need resulting directly from the 2019-20 bushfires
- enhance the cultural life of the community
- preserve or increase employment
- help to mitigate climate-related risk and damage
- address the health impacts of the bushfires
- benefit of Indigenous people or communities
- protect or promote interstate and overseas trade and commerce, such as tourism related activities or rebuilding infrastructure between states and territories to facilitate commercial activities.
- be delivered through a relevant communications service such as the delivery of an online counselling service or business advisory service to local businesses affected by the bushfires

- involve meteorological observations or statistical collection and analysis, this can include the design of early warning or risk-monitoring systems or research into bushfire recovery.
- relate to insurance, such as projects involving mitigating or resilience activities to reduce the risk of bush fire damage in the community or an activity with a clear commitment from your insurer that the project may improve insurance affordability
- run by a local council
- undertaken in the Australian Capital Territory.

For further details regarding eligible projects, refer to Appendix B.

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.

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.

Eligible expenditure items may include:

- purchase (or hire or lease) of equipment and materials to support eligible project activities for example, building materials, ICT cabling, fit out of the infrastructure, fixed furniture, landscaping
- salaries and on-costs for personnel directly employed in delivering the project activities (this should be calculated on a pro-rata basis relative to their time commitment). This excludes project management or project co-ordination costs which are covered under administrative support below
- staff training that directly supports the achievement of project outcomes (maximum 5 per cent of the grant)
- contract expenditure, the cost of any agreed project activities that you contract to others directly relating to the program objectives
- external labour and external consulting expenditure to cover the cost of contracting others to undertake core elements of the project related to construction and may include architect services, design services, project management, quantity surveying and building services
- workshops and conferences, including venue hire, catering and networking costs
- community events, including exhibitions and cultural heritage events
- building modifications where you own the modified asset and the modification is required to undertake the project
- contingency costs up to a maximum of 10 per cent of the eligible project costs. Note that we make payments based on actual costs incurred
- domestic travel to and from the on-ground location limited to the reasonable cost of accommodation and transportation required to conduct the agreed project activities
- administrative support and overheads additional to the normal day to day running costs of the organisation, including project management or project co-ordination (maximum 10 per cent of the grant)

- costs you incur in order 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
- financial auditing of project expenditure
- reporting on project outcomes (maximum 5 per cent of the grant).

You are encouraged to use local materials, suppliers and labourers, where possible.

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 the program) makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

You may elect to commence your project from the date we notify you that your application is successful. We are not responsible for any expenditure you incur until such time as 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 include:

- projects that replace, restore, or improve the natural environment including wildlife and habitat
- purchase of land or existing infrastructure, including the costs associated with sub-division of land
- repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit to the community
- purchase and installation of manufacturing equipment
- ongoing operating costs, including utilities
- ICT equipment, including software or hardware that is not an integral part of the funded infrastructure project
- payment of salaries for the applicant's employees where the activity is not directly related to the project
- project overhead items including office equipment, vehicles or mobile capital equipment. Examples include trucks and earthmoving equipment and the applicant's internal plant operating costs
- business case development and feasibility studies
- costs related to registered training organisation training activities
- business as usual operational expenses, including communications, accommodation, office computing facilities, printing and stationery, postage, legal and accounting fees and bank charges
- writing the application and reporting for the grant
- making donations, gifts and sponsorships

- pre-construction activities, including architect services, design, surveying, planning, environmental or other regulatory approvals, that exceed 20 per cent of the total eligible project expenditure
- fees paid to the Commonwealth, state, territory and local governments to obtain planning, environmental or other regulatory approvals.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible where the Program Delegate determines they do not directly support the achievement of the planned outcomes for the project or, they are contrary to the objective of the program.

You must ensure you have adequate funds to meet the costs of any ineligible expenditure associated with the project.

7. The assessment criteria

You must address all assessment criteria in your application. We will then assess your application based on the assessment criteria below.

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 word and size (of file) limits for answers.

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

How your project will assist in community recovery from the 2019-20 bushfires (50 points)

You must demonstrate this by describing:

- a. how your project addresses the recovery or resilience needs of the community directly related to impacts of the 2019-20 bushfires through the adoption of/or investment in one or more of the following:
 - **social recovery and resilience needs** of the local community may include supporting mental and physical wellbeing and recovery, improving community connections and social inclusion through community development activities, cultural events and workshops, protecting local heritage and addressing disadvantage within the community, preserving Aboriginal cultural heritage and supporting Indigenous communities through activities, workshops and events.
 - **economic recovery and resilience needs** of the region may include job creation, new businesses, tourism and supporting local producers and suppliers. Projects must support communities, not just individual businesses or organisations.
 - **recovery and resilience of the built environment needs** may include the improvement or extension of existing infrastructure in a manner that drives economic growth, creates jobs and makes the affected LGA or broader region a more attractive place to live or visit.
- b. how your project complements, builds on and does not duplicate existing or planned 2019-20 bushfire recovery efforts in the community.
- c. the broader benefits that your project will deliver for the region and the community.

7.2. Assessment criterion 2

Capacity, capability and resources to deliver the project (50 points)

You should demonstrate this by identifying:

- a. your track record managing similar projects and access to personnel and/or partners with the right skills and experience
- b. sound project planning to manage and monitor the project, including scope, implementation methodology, timeframes, budget and risk management planning (including mitigation of health risks associated with the current COVID-19 pandemic).

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](#) and GrantConnect.

The National Recovery and Resilience Agency will arrange support for potential applicants. This could include local workshops and webinars delivered across bushfire-affected regions. We will publish further information on this support on [business.gov.au](#) and the National Recovery and Resilience Agency website.

To apply, you must:

- complete the online [application form](#) via [business.gov.au](#)
- provide all the information requested
- address all eligibility and assessment criteria (including by explaining why your proposed project is an eligible activity)
- 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.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

If you need further guidance around the application process, or if you are unable to submit an application online, [contact us](#) at [business.gov.au](#) or by calling 13 28 46.

8.1. Attachments to the application

You must provide the following documents with your application:

- a project plan, including risk assessment
- project budget, including any third party contributions
- evidence of community support (such as letters of support or testimonials)
- evidence of land ownership, where the proposed project site/s are not owned or managed by you, written consent is required from the property owner and/or property manager that allows for the implementation of the proposed project on each project site (where applicable)
- trust deed (where applicable).

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 level of information provided should be commensurate with the grant amount requested. For example, we expect a short project plan for a grant amount of \$300,000 or less, but for a larger grant amount, we expect a more comprehensive project plan.

We will not consider information in attachments that we do not request.

8.2. Joint applications

We recognise that some organisations may want to join as a group to collectively 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 other 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), and
- details of a nominated management level contact officer.

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

8.3. Timing of grant opportunity

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

We expect that projects can start anytime from January 2022 onwards and must end by 31 March 2024.

Table 1: Expected timing for this grant opportunity

| Activity | Timeframe |
|--|---|
| Assessment of applications | September 2021 |
| Approval of outcomes of selection process | October 2021 |
| Negotiations and award of grant agreements | November 2021 |
| Notification to unsuccessful applicants | December 2021 |
| Earliest start date of project | From notification that you are successful, or as agreed (if a later date is proposed) |
| Project completion date | 31 March 2024 |
| End date of grant commitment | 30 June 2024 |

9. The grant selection process

We first review your application against the eligibility criteria, and determine whether it involves an eligible activity. If your application passes this stage, 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.

9.1. Who will assess applications?

We will assess your application against the assessment criteria and compare it to other eligible applications before providing the outcomes of this assessment to a Committee.

The Committee, chaired by the Coordinator-General of the National Recovery and Resilience Agency, will include representatives from relevant Commonwealth departments and agencies. The Committee will assess the merits of each application and have regard to the geographical spread of proposed projects in the eligible LGAs. The Committee may also seek additional advice from independent technical experts as well as local knowledge through the engagement network of the National Recovery and Resilience Agency.

The Committee will recommend which projects to fund, ensuring that projects are clearly and directly related to community recovery or resilience from the 2019-20 bushfires and align with Commonwealth responsibilities.

We may ask external experts/advisors to inform the assessment process. Any expert/advisor, who is not a Commonwealth Official, will be required/expected to perform their duties in accordance with the CGRGs.

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

9.2. Who will approve grants?

The Minister for Emergency Management decides which grants to approve taking into account the recommendations of the Committee and the availability of grant funds.

The Minister'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 Minister 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 will 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. We cannot however, review decisions about your application.

11. Successful grant applications

11.1. Grant agreement

If you are successful, you will be required to enter into a legally binding grant agreement with the Commonwealth. We use two types of grant agreements in this program. Our selection will depend on the size and complexity of your project. Each grant agreement has general terms and conditions that cannot be changed. Sample [grant agreements](#) are available on [business.gov.au](#) and GrantConnect.

We must execute a grant agreement with you before we can make any payments. Execute means both you and the Commonwealth have signed the agreement. You may elect to commence your project from the date we notify you that your application is successful. 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.

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

If you enter an agreement under the Black Summer Bushfire Recovery Grants, you cannot receive other grants from other Commonwealth, state or territory grant programs for the specific activities of this grant agreement.

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

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

You must comply with all relevant laws and regulations 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.

11.2.1. Child Safety Requirements

You must comply with all relevant legislation relating to the employment or engagement of anyone working on the project that may interact with children, including all necessary working with children checks.

You must implement the [National Principles for Child Safe Organisations](#)² endorsed by the Commonwealth.

You will need to complete a risk assessment to identify the level of responsibility for children and the level of risk of harm or abuse, and put appropriate strategies in place to manage those risks. You must update this risk assessment at least annually.

You will also need to establish a training and compliance regime to ensure personnel are aware of, and comply with, the risk assessment requirements, relevant legislation including mandatory reporting requirements and the National Principles for Child Safe Organisations.

You will be required to provide an annual statement of compliance with these requirements in relation to working with children.

11.2.2. Building and construction requirements

Wherever the government funds building and construction activities, the following special regulatory requirements apply.

- *Code for the Tendering and Performance of Building Work 2016* ([Building Code 2016](#))³
- Australian Government Building and Construction WHS Accreditation Scheme ([WHS Scheme](#))⁴

These regulations are subject to the level of funding you receive as outlined below.

11.2.2.1. Building Code

The Building Code is administered by relevant State and Territory administrations under relevant State or Territory legislation on behalf of the [Australian Building and Construction Commission](#).⁵

The Building Code applies to all construction projects funded by the Australian Government through grants and other programs where:

- the value of Australian Government contribution to a project is at least \$5 million and represents at least 50 per cent of the total construction project value; or

² <https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations>

³ <https://www.abcc.gov.au/building-code/building-code-2016>

⁴ <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>

⁵ <https://www.abcc.gov.au/>

- regardless of the proportion of Australian Government funding, where the Australian Government contribution to a project is \$10 million or more.

11.2.2.2. WHS Scheme

The WHS Scheme is administered by the [Office of the Federal Safety Commissioner](#)⁶.

The Scheme applies to projects that are directly or indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is at least \$6 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government contribution to a project is \$10 million (GST inclusive) or more, irrespective of the proportion of Australian Government funding; and
- a head contract under the project includes building work of \$4 million or more (GST inclusive).

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 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 payments according to an agreed schedule set out in the grant agreement.

Payments are subject to satisfactory progress on the project.

For grants over \$50,000 or more, we set aside 10 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 10 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 entities⁷.

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 within 21 calendar days after the date of effect. We are required to do this by the [Commonwealth Grants Rules and](#)

⁶ <http://www.fsc.gov.au/sites/FSC>

⁷ See Australian Taxation Office ruling GSTR 2012/2 available at ato.gov.au

[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.

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 financial acquittal report template is attached to the sample grant agreement available on business.gov.au and GrantConnect.

13.4. Compliance visits

We may visit you during the project period, or at the completion of your project to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. For large or complex projects, we may visit you after you finish your project. 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 until 31 March 2024.
- 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 grant agreement end date. We can provide you with a variation request template.

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 National Recovery and Resilience Agency may use information from your application and project reports to evaluate the grant opportunity and to measure how well the outcomes and objectives have been achieved. They may also interview you, or ask you for more information to better understand how the grant assisted you and to evaluate how effective the program was in achieving its outcomes.

They 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.

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 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 member of an external panel
- 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\(7\)\)](#)⁸ 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](#)⁹ 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:

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

- to the committee and other Commonwealth employees and contractors, to help us manage the program effectively
- employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
- other Commonwealth, state, territory or local government agencies in program reports and consultations
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister

⁸ <https://www.legislation.gov.au/Details/C2019C00057>

⁹ https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf_files_redirect

- 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.

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

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 committee, 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 National Recovery and Resilience Agency's websites.

You may read our [Privacy Policy](#)¹⁰ 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.

¹⁰ <https://www.industry.gov.au/data-and-publications/privacy-policy>

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:

Chief Finance Officer
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman¹¹](#) with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

¹¹ <http://www.ombudsman.gov.au/>

15. Glossary

| Term | Definition |
|--------------------------|--|
| Administering entity | When an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes. |
| Affected or eligible LGA | Disaster-declared Local Government Areas activated by the Australian and relevant State or Territory Government for Disaster Recovery Funding Arrangements (DRFA) assistance as a result of the 2019-20 bushfires. For the avoidance of doubt, these are provided at Appendix A. |
| Assessment criteria | Are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings. |
| CGRGs | Commonwealth Grants Rules and Guidelines |
| Commencement date | The expected start date for the grant activity. |
| Completion date | The expected date that the grant activity must be completed and the grant spent by. |
| Committee | The body established by the Department to consider and assess eligible applications and make recommendations to the Minister for funding under the program. |
| Date of effect | Can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable. |
| Department | The Department of Industry, Science, Energy and Resources |
| DRFA | Disaster Recovery Funding Arrangements |
| Eligibility criteria | Refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria. |
| 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, 6.2 and 6.3. |
| Eligible application | An application for grant funding under the program that the Program Delegate has determined is eligible for assessment in accordance with these guidelines. |
| Eligible expenditure | The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 6.4.2. |

| Term | Definition |
|---|---|
| Grant agreement | A legally binding contract between the Commonwealth and a grantee for the grant funding. |
| grant activity/activities | Refers to the project/tasks/services that the grantee is required to undertake. |
| Grant funding or grant funds | The funding made available by the Commonwealth to grantees under the program. |
| GrantConnect | The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the Commonwealth Grants Rules and Guidelines. |
| 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 Area (LGA) | For the purposes of the program, eligible Local Government Areas are those listed in Appendix A of the grant opportunity guidelines. |
| Local government agency or body | A local governing body as defined in the <i>Local Government (Financial Assistance) Act 1995 (Cth)</i> , such as a Council. |
| Minister or Minister for Emergency Management | Minister for Agriculture, Drought and Emergency Management |
| National Recovery and Resilience Agency | Established in 2021 to provide strategic leadership and coordination for Commonwealth supported recovery and resilience of communities affected by natural disasters. |
| Personal information | <p>Has the same meaning as in the <i>Privacy Act 1988 (Cth)</i> 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"> a. whether the information or opinion is true or not; and b. whether the information or opinion is recorded in a material form or not. |
| Program Delegate | A manager within the department with responsibility for 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. |

Appendix A. Eligible Local Government Areas (LGAs)

Category 1

| State | LGA | Category |
|-------|----------------------------------|----------|
| ACT | ACT unincorporated ¹² | 1 |
| NSW | Armidale | 1 |
| NSW | Bega Valley | 1 |
| NSW | Blue Mountains | 1 |
| NSW | Clarence Valley | 1 |
| NSW | Eurobodalla | 1 |
| NSW | Glen Innes | 1 |
| NSW | Hawkesbury | 1 |
| NSW | Kempsey | 1 |
| NSW | Lithgow | 1 |
| NSW | Mid Coast | 1 |
| NSW | Nambucca | 1 |
| NSW | Port Macquarie-Hastings | 1 |
| NSW | Queanbeyan-Palerang | 1 |
| NSW | Richmond Valley | 1 |
| NSW | Shoalhaven | 1 |
| NSW | Snowy Monaro | 1 |
| NSW | Snowy Valleys | 1 |
| NSW | Tenterfield | 1 |
| NSW | Wollondilly | 1 |
| QLD | Livingstone | 1 |
| QLD | Lockyer Valley | 1 |
| QLD | Scenic Rim | 1 |
| QLD | Somerset | 1 |
| QLD | Southern Downs | 1 |
| SA | Kangaroo Island | 1 |

¹² ACT has been deemed Category 1 to recognise the different governance arrangements in place in the ACT, without distinct local councils, as well as the impact of the 2019-20 bushfires.

| State | LGA | Category |
|-------|----------------|----------|
| VIC | Alpine | 1 |
| VIC | East Gippsland | 1 |
| VIC | Indigo | 1 |
| VIC | Mansfield | 1 |
| VIC | Towong | 1 |
| VIC | Wangaratta | 1 |
| VIC | Wellington | 1 |
| VIC | Wodonga | 1 |

Eligible Local Government Areas (LGAs)

Category 2

| State | LGA | Category |
|-------|----------------------|----------|
| NSW | Ballina | 2 |
| NSW | Bellingen | 2 |
| NSW | Byron | 2 |
| NSW | Central Coast | 2 |
| NSW | Cessnock | 2 |
| NSW | Coffs Harbour | 2 |
| NSW | Cootamundra-Gundagai | 2 |
| NSW | Dungog | 2 |
| NSW | Goulburn-Mulwaree | 2 |
| NSW | Greater Hume | 2 |
| NSW | Gwydir | 2 |
| NSW | Inverell | 2 |
| NSW | Ku-ring-gai | 2 |
| NSW | Kyogle | 2 |
| NSW | Lake Macquarie | 2 |
| NSW | Lismore | 2 |
| NSW | Mid Western | 2 |
| NSW | Muswellbrook | 2 |
| NSW | Narrabri | 2 |

| State | LGA | Category |
|-------|------------------|----------|
| NSW | Oberon | 2 |
| NSW | Penrith | 2 |
| NSW | Singleton | 2 |
| NSW | Sutherland Shire | 2 |
| NSW | Tamworth | 2 |
| NSW | Tweed | 2 |
| NSW | Upper Hunter | 2 |
| NSW | Upper Lachlan | 2 |
| NSW | Uralla | 2 |
| NSW | Wagga Wagga | 2 |
| NSW | Walcha | 2 |
| NSW | Wingecarribee | 2 |
| QLD | Brisbane | 2 |
| QLD | Bundaberg | 2 |
| QLD | Cook | 2 |
| QLD | Fraser Coast | 2 |
| QLD | Gladstone | 2 |
| QLD | Gold Coast | 2 |
| QLD | Gympie | 2 |
| QLD | Ipswich City | 2 |
| QLD | Mareeba Shire | 2 |
| QLD | Noosa Shire | 2 |
| QLD | North Burnett | 2 |
| QLD | Redland | 2 |
| QLD | Rockhampton | 2 |
| QLD | South Burnett | 2 |
| QLD | Sunshine Coast | 2 |
| QLD | Toowoomba | 2 |
| QLD | Townsville | 2 |
| QLD | Whitsunday | 2 |
| SA | Adelaide Hills | 2 |

| State | LGA | Category |
|-------|--|----------|
| SA | Lower Eyre Peninsula | 2 |
| SA | Mid Murray | 2 |
| SA | Mount Barker | 2 |
| SA | Murray Bridge | 2 |
| SA | Playford | 2 |
| SA | Southern Mallee | 2 |
| SA | The Coorong | 2 |
| SA | Yorke Peninsula | 2 |
| SA | Kingston | 2 |
| TAS | Break O'Day | 2 |
| TAS | Central Highlands | 2 |
| TAS | Flinders | 2 |
| TAS | Glamorgan/Spring Bay | 2 |
| TAS | Southern Midlands | 2 |
| VIC | Alpine Resorts (including the Falls Creek, Mount Hotham, Mount Buller and Mount Stirling alpine resort areas only) | 2 |
| VIC | Ararat | 2 |
| VIC | Ballarat | 2 |
| VIC | Campaspe | 2 |
| VIC | Glenelg | 2 |
| VIC | Golden Plains | 2 |
| VIC | Greater Bendigo | 2 |
| VIC | Moyne | 2 |
| VIC | Northern Grampians | 2 |
| VIC | Pyrenees | 2 |
| VIC | Southern Grampians | 2 |
| VIC | Strathbogie | 2 |

Appendix B. Eligible Projects

Your project must satisfy one or more of the following criteria in order to receive funding:

- **Urgent recovery projects** - your project may be eligible for funding if it addresses an immediate recovery need that:
 - remains unmet
 - needs to be addressed on an urgent basis
 - results directly from the 2019-20 bushfires.

For example, your project might involve:

- making urgent repairs to, or replacing, community utilities or infrastructure damaged or destroyed in the bushfires
- giving urgent assistance to members of the community who continue to suffer the effects of having been displaced by the bushfires.

If your project addresses a need that is not sufficiently urgent to qualify under this criterion, you might still be able to rely on another of the criteria listed below. These criteria can support projects with a lesser degree of urgency

- **Projects undertaken in the Australian Capital Territory** - your project may be eligible for funding if it involves bushfire recovery or resilience activities that will be carried out wholly in the Australian Capital Territory.
- **Projects run by local councils** - your project may be eligible for funding if you are local governing body established by or under a law of a State (other than a body whose sole or principal function is to provide a particular service, such as the supply of electricity or water).
- **Projects for the benefit of Indigenous people or communities** - your project may be eligible for funding if it is to be conducted for the benefit of Indigenous people or communities. For instance, your project might:
 - provide employment opportunities specifically to Indigenous Australians, or
 - restore Indigenous cultural sites that were damaged by the bushfires.

The project must be specifically and predominantly for the benefit of Indigenous people or communities. It is not enough that Indigenous people or communities might benefit from the project in common with others.

- **Projects that protect or promote interstate and overseas trade and commerce** - your project may be eligible for funding if it will protect, foster or encourage:
 - trade or commerce between Australia and places outside Australia
 - trade or commerce between the states, or
 - trade or commerce between a state or territory, or between two territories.

For example, this might involve:

- measures designed to revive tourism to affected areas - eg, by building an attraction, hosting an event or upgrading existing tourist facilities in affected areas, so as to attract tourism from other states, territories or countries
- projects to rebuild infrastructure that facilitates trade and commerce between the affected area and other states, territories or countries

- projects to assist businesses located in affected areas to preserve or expand their trading operations with other states, territories or countries with so as to bolster employment in the affected area.

This does not extend to projects that focus on trade and commerce within a single state. Your project could only be funded under this criterion if it is directed predominantly at a kind of trade or commerce outlined above.

- **Projects that are delivered through a relevant communications service** - your project may be eligible for funding if it will be delivered online or by telephone. For instance, this might involve delivering online financial counselling or business advisory services to local businesses affected by the bushfires.
- **Projects that enhance the cultural life of the community** - your project may be eligible for funding if it will help fire-affected individuals or communities to participate in cultural life. This could, for instance, include projects to facilitate community participation in sporting, musical or artistic workshops or events that will restore community morale and cohesion following the 2019-20 bushfires.
- **Projects that preserve or increase employment** - your project may be eligible for funding if it will help to preserve or boost employment in fire-affected communities. This might, for instance, involve:
 - providing training to people who have lost their jobs as a result of the fires to assist them to gain new employment
 - undertaking activities designed to generate employment in affected LGA communities, or that help existing businesses to generate employment.
- **Projects that help to mitigate climate-related risk and damage** - your project may be eligible for funding if it will help the community to adapt to bushfire risks induced by climate change - that is, to address issues or manage risks that the community faces as a result of any enhanced bushfire risk resulting from climate change. This might, for instance, include projects to increase the bushfire resilience of infrastructure, or to strengthen the capacity of the local economy to survive the disruptions caused by bushfires.
- **Projects that address the health impacts of the bushfires** - your project may be eligible for funding if is designed to treat, prevent or manage the mental or physical health impacts of the bushfires. This could, for instance, include projects to provide counselling to people who have, or are at risk of developing, mental health issues in the aftermath of the bushfires.
- **Projects that involve meteorological observations or statistical collection and analysis** - your project may be eligible for funding if it centres on:
 - the making of meteorological observations, or
 - statistical collection and analysis.
 This might, for instance, include:
 - the design of early warning or risk-monitoring systems for the community in respect of bushfire risks arising from extreme weather conditions
 - research into bushfire recovery that revolves around statistical collection and analysis.
- **Projects relating to insurance** - your project may be eligible for funding if it will assist with the insurance of bushfire-related risks. Specifically:

- your project would need to involve mitigation or resilience activities that will reduce the risk of bushfire damage in the community (eg, by increasing the bushfire resilience of community infrastructure)
- your application would need to be accompanied by a clear and verifiable commitment from the insurer that the project would improve insurance affordability (ie, that the insurer would lower a premium or otherwise reduce the cost of the insurance if the project were completed), and
- the relevant insurance must not be insurance provided by the state (including a business owned or controlled by the state).