



2020-21 COVID Works for Queensland Program Guidelines

June 2020



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlgrma.qld.gov.au.



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COVID Works for Queensland

Opening date:	1 June 2020
Closing date and time:	5.00 pm on 12 June 2020
Funding period:	All approved projects must be completed by 30 June 2021.
Policy Agency:	Department of Local Government, Racing and Multicultural Affairs
Administering Agency:	Department of Local Government, Racing and Multicultural Affairs
Enquiries:	<p>If you have any questions, contact:</p> <p>NORTHERN REGION</p> <p>Cairns Office (07) 4037 3407 or 4037 3411 Townsville Office (07) 4758 3472</p> <p>SOUTHERN REGION</p> <p>Brisbane Office (07) 3452 6762 Toowoomba Office (07) 4616 7315 Maryborough Office (07) 4122 0410</p> <p>Brisbane Program Office (07) 3452 6758</p>
Type of grant:	Targeted, non-competitive (Allocation based)



Program Guidelines

1. Introduction

The COVID Works for Queensland Program (COVID W4Q - Grant Program) forms part of the Queensland Government's economic recovery strategy - to support local jobs and Local Governments with funding for building productive infrastructure.

The Department of Local Government, Racing and Multicultural Affairs (DLGRMA – the Department) is responsible for administering the COVID W4Q - Grant Program, which is a grant program available to all Queensland local governments.

The Grant Program provides \$200 million on an allocation basis to each Council. No co-contribution is required by Councils however, Councils may contribute directly to projects at their discretion.

This document sets out the guidelines for Councils for the Grant Program.

2. The Grant Program

2.1 Program aim

The aim of the Grant Program is to support the economic recovery across all of Queensland's communities from the Novel Coronavirus (COVID-19) pandemic.

2.2 Program objective

The objective of the Grant Program is to support all Queensland local governments to undertake job-creating and/or productive infrastructure and maintenance projects relating to assets owned or controlled by local governments which support the economic recovery of Queensland communities.

2.3 Eligibility criteria

All Local Governments constituted under the *Local Government Act 2009* or the *City of Brisbane Act 2010* will receive funding under this program.

2.4 Eligible projects

To be eligible for Project Funding under the Grant Program, a Project must:

- (a) be consistent with the objectives of the Grant Program; and
- (b) achieve the following outcomes:
 - i. support economic recovery/stimulus for local communities;



- ii. create new or sustain existing jobs in a local government area
- (c) be a new infrastructure, maintenance or minor works project, including the bring-forward of planned/budgeted maintenance or capital works, in one of the following categories:
 - i. an **Essential Services Project**, including a water supply, sewerage, waste infrastructure, waste management, stormwater drainage (not associated with a road), energy or communications project;
 - ii. an **Economic Development Project**, including economic development infrastructure or tourism infrastructure project;
 - iii. a **Community Well-Being Project**, including an arts and culture; sport and recreation; library/knowledge center; or community safety, health or education infrastructure project; and
- (d) be undertaken in the recipient local government's geographic area.

Projects can include a stage of a larger project, where delivery of the identified project stage can be achieved within program period and meets the Project Eligibility requirements.

Ineligible Projects include:

- (a) projects not able to be completed by the program end date of 30 June 2021;
- (b) projects already commenced or completed works;
- (c) purchase of an asset or works to an asset that is not or will not be owned and/or controlled by the recipient local government;
- (d) land purchases and/or costs associated with land purchases;
- (e) land buy-back schemes;
- (f) works constructed on land not owned or controlled by the recipient local government, except where it has permission to construct on Queensland Government-owned land. Should Local governments wish to undertake works of this nature, evidence of land tenure and or permissions must accompany the application;
- (g) projects where land ownership and/or Native Title has not been resolved at the time of submitting the projects;
- (h) projects involving planning and design only;
- (i) temporary works;
- (j) planning studies;
- (k) purchase, lease or hire of core business equipment such as plant, motor vehicles and office equipment including information and communication technology;



- (l) road works or maintenance projects, including kerb and channel works and stormwater drainage works associated with a road.

2.5 Eligible project costs

Project Funding may only be applied towards "Eligible project costs". Eligible Project costs:

(a) include only

- i. direct costs excluding contingencies;

(b) do not include:

- ii. statutory fees and charges and/or any costs associated with obtaining regulatory and/or development approvals;
- iii. legal expenses;
- iv. official opening expenses;
- v. ongoing costs for administration, operation and maintenance or engineering;
- vi. corporate overheads and on-costs, including technical, professional and clerical salaries of local government employees. The remuneration of executive officers, such as the Chief Executive Officer (CEO), Deputy CEO and Chief Engineer should not be included in the project estimated costs;
- vii. movable/portable furnishings, supplies and items (eg computers);
- viii. costs associated with preparing the project submissions and/or associated supporting material;
- ix. costs associated with COVID-19 pandemic preparedness and/or response (e.g. costs associated with road closures, purchasing face masks or other personal protective equipment);
- x. any other costs as determined by the Department.

Applicants must use project funding solely for eligible project costs specified in the Project Funding Schedule for the project.

Provision of grant funding to local governments is not considered a taxable supply and so Goods and Services Tax (GST) is not applicable. All costs associated with the project must be excluding GST.

2.6 Other requirements

COVID W4Q funds are not to be used by the recipient local government as their contributions towards other State or Commonwealth Government funding programs.



The Minister for Local Government has discretion in funding decisions and is under no obligation to consider submissions made after submissions have closed.

2.7 Funding arrangements

Councils will be required to execute a Project Funding Schedule under their Head Funding Agreement with the State. If a Council has not entered a Head Funding Agreement with the State, it will be required to do so.

The State has no obligation to provide Project Funding to a Council until a Head Funding Agreement and Project Funding Schedule have been executed by the Council and the State. Councils should not make financial commitments until all necessary documents have been finalised and executed.

Once executed, the Project Funding Schedule and certain parts of the Head Funding Agreement will constitute the "Project Funding Agreement" with a Council for a Project.

The Project Funding Agreement will set out the arrangements for payment of Project Funding to a Council in accordance with a Milestone Schedule set out in the Project Funding Agreement.

2.8 Project submission process

Key Dates	Key Activities/Actions
1 June 2020	Open date for submission of List of Projects
12 June 2020	Close date for submission of List of Projects
15 June 2020 to 3 July 2020	Assessment and review of List of Projects
6 July 2020	Expected announcement date
Projects to commence as soon as practical upon receipt of project endorsement and to ensure completion by 30 June 2021	Date projects can commence
31 July 2021	Final acquittal of projects

NOTE: Brisbane City Council's projects will be determined through direct engagement with the Council.

2.9 How to access funding

Funding the COVID W4Q is a non-competitive, allocation-based funding program.

The approved funding allocations have been determined using a base allocation of \$1 million plus



an amount reflecting population and unemployment levels in the Local Government area. Councils will receive formal written advice of their funding allocation.

To access this funding allocation, Councils must:

- (a) complete the COVID W4Q List of Projects template providing all information requested.
- (b) ensure your List of Projects contains sufficient information in the project description and is supported by any additional information that may assist the Department assess the project submission.
- (c) submit the completed List of Projects to the Department by closing date and time.

2.10 Assessment criteria

Projects will be assessed as either being 'eligible' or 'ineligible'.

In order to be assessed as 'eligible', the project must demonstrate it meets the requirements of an eligible project defined in Section 2.4 of these Guidelines.

2.11 Assessment and approval process

Lists of Projects submitted by Councils will be assessed by the Department against the assessment criteria (see Section 2.10).

Final evaluation will be undertaken by a moderation panel who will make recommendations to the Minister for Local Government for endorsement.

Councils will be notified in writing following endorsement of projects by the Minister.

Nothing in this section 2.11 limits the State's discretions under section 6.1 of these Guidelines.

2.12 Payment Claim Requirements

The Department will make payments according to the following schedule:

Payment schedule	Milestone
First payment (50% of Project Funding)	The Department will make the First Payment immediately following execution by both parties of the Project Funding Schedule.
Second payment (40% of Project Funding)	Second payment will be made after the local government has expended 50 per cent of the Approved Funding and the prescribed Acquittal Form is received.



Payment schedule	Milestone
Final payment (10% of Project Funding)	The Department will pay the local government upon receipt of a completed Final Acquittal Report. The final payment will be made after finalisation and acquittal of all Approved Projects, as per the Head Funding Agreement.

Final claim for payment must be made on the prescribed payment claim form.

Certification must be made by the Council's Chief Executive Officer, or authorised delegated officer, that the relevant milestone has been satisfactorily completed.

2.13 Program monitoring, acquittal and evaluation

All Projects will be monitored by Department of Local Government, Racing and Multicultural Affairs to ensure that the Grant Program is achieving the program aim and objectives.

Quarterly progress reports are to be provided for endorsed projects. Progress reports are to be submitted via the Department of Local Government, Racing and Multicultural Affairs' online portal. The Department's Regional staff will conduct monthly follow up of project progress.

Councils must comply with the reporting, records and audit obligations in the Project Funding Agreement.

Councils will be required to acquit funds. Acquittal involves verifying funds were expended in accordance with the COVID Response W4Q program guidelines and Project Funding Agreement.

The Final Acquittal Form and Project Completion Report and any supporting documents must be provided to the Department of Local Government, Racing and Multicultural Affairs before the date specified in section 0.

All Projects will be evaluated by the Department of Local Government, Racing and Multicultural Affairs to ensure that the Grant Program is achieving the program aim and objectives.

3. Communications

3.1 Communications with Media

All media enquiries or public announcements relating to the Grant Program will be coordinated and handled by the Department of Local Government, Racing and Multicultural Affairs media team.

As far as practicable, all media and communications will be undertaken jointly with successful



applicants.

Councils must seek and obtain the State's approval before contacting the media to discuss any information regarding successful or unsuccessful applications for funding support under or in connection with the Grant Program.

3.2 Confidentiality, privacy and use of information

The State will maintain controls in relation to the management of confidential information provided by Councils. Councils should specifically mark any information the applicant considers to be confidential.

During the application, assessment and approval process, Councils must keep confidential its application/s and its dealings with the State about its application/s but may make disclosures if required by law or to its representatives or advisors who are under an obligation of confidentiality.

Councils must also keep confidential any information designated by the State as confidential.

The State may disclose information, including confidential information, of or provided by Councils:

- (a) to its representatives and advisors for any purpose
- (b) to any government agency or authority and its representatives and advisors, including for the purpose of assessing and verifying such information
- (c) to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols or
- (d) if required to be disclosed by law.

The State intends to publicly disclose the names of Councils, information about projects, the amount of funding granted to each Council and details about the anticipated economic outcomes and benefits of successful projects.

Any personal information submitted as part of an application will not be used by the State or disclosed to any third party for a purpose other than in connection with the assessment of the application without a Council's consent, unless required by law or in accordance with the Information Privacy Act 2009.

For audit purposes, the State is required to retain applications and other supplied supporting material. Successful applications will be retained for seven years and unsuccessful applications retained for two years.

The provisions of the Right to Information Act 2009 apply to documents in the possession of the State.

3.3 Complaints

The decision in relation to a Council's List of Projects submission is final and may not be appealed.



If, however, a Council has any concerns in relation to the application or assessment process, a Council may raise their concerns in writing by contacting: worksforqueensland@dlgrma.qld.gov.au

All questions about decisions on applications for the Grant Program must be lodged in writing to: worksforqueensland@dlgrma.qld.gov.au

4. Enquiries and Contact details

Councils may contact the Contact Officer in relation to general questions, requests for clarification and requests for further information.

The Contact Officers for the Program are:

NORTHERN REGION

Cairns Office (07) 4037 3407 or 4037 3411
Townsville Office (07) 4758 3472

SOUTHERN REGION

Brisbane Office (07) 3452 6762
Toowoomba Office (07) 4616 7315
Maryborough Office (07) 4122 0410

Brisbane Program Office (07) 3452 6758

Questions and responses to questions asked by Councils after the Program opens will be added to the Department's web site (www.dlgrma.qld.gov.au). The Department may at its discretion determine not to publish questions and responses where they are project or Application specific or do not have general application. Councils should check the Questions and Answers section for updates prior to submitting their Application.

The Department is not able to assist in the preparation of Applications.

5. Acknowledgement of the funding

For South East Queensland Councils (Brisbane City, Gold Coast City, Ipswich City, Lockyer Valley Regional, Logan City, Moreton Bay Regional, Noosa Shire, Redland City, Scenic Rim, Somerset Regional, Sunshine Coast Regional, Toowoomba Regional Councils) - In accordance with Section 10 of the Head Funding Agreement, recipient Councils must adhere to the Department's Funding Acknowledgement Guidelines recognising Queensland Government funding and the W4Q program in all media and other communications. This includes:

- (a) erection of signage at construction sites at the commencement of the project (evidence to be provided at second payment);
- (b) acknowledgement in publicly made statements or appropriate documentation.

For all other Councils:

- (a) the same provisions apply except that Councils are to ensure that signage at construction sites, as per the published Acknowledgement Guidelines, is erected as soon as practicable after the commencement of the project



- (b) must provide evidence of signage with the final acquittal claim

Further information on acknowledgement requirements, including the use of the Queensland Government logo, is available on the Department's website at www.dlgrma.qld.gov.au.

6. Terms and conditions

6.1 Reservation of rights

Despite any provision of these Guidelines to the contrary, the State reserves the right to administer the Grant Program and conduct the process for the assessment and approval of applications to the Grant Program in such manner as it thinks fit, in its absolute discretion.

Without limiting paragraph (a), the State retains all rights and powers to make all decisions and actions in order to achieve the program objectives and the State reserves the right, in its absolute discretion and at any time, to:

- (a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Grant Program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants;
- (b) consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these Guidelines or is lodged after the relevant date for lodgement, or which does not contain the information required by these Guidelines or is otherwise non-conforming in any respect;
- (c) vary or amend the eligibility or assessment criteria;
- (d) take into account any information from its own and other sources (including other Government agencies and other advisors);
- (e) accept or reject any application, having regard to these Guidelines, the eligibility criteria, the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Grant Program;
- (f) give preference by allocating weighting to any one or more of the eligibility criteria or assessment criteria over other criteria;
- (g) conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
- (h) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
- (i) terminate the further participation of any applicant in the application process;
- (j) terminate or reinstate the Grant Program or any process in the Grant Program;



- (k) not proceed with the Grant Program in the manner outlined in these Guidelines, or at all;
- (l) amend the nature, scope or timing of the Grant Program;
- (m) allow the withdrawal of an applicant;
- (n) seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged;
- (o) publish the names of applicants to the Grant Program; and
- (p) take such other action as it considers in its absolute discretion appropriate in relation to the Grant Program processes.

Where, under these Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an applicant).

No relationship

The State's obligations in connection with the application process are limited to those expressly stated in these Guidelines.

No contractual or legal relationship exists between the State and an applicant in connection with the Grant Program, these Guidelines or the application process or any stage of the Grant Program.

An applicant, or its representatives:

- (a) has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- (b) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
- (c) must not represent to any person that the State is a party to the proposed project other than as a potential funder, subject to the application process detailed in these Guidelines.

No action

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- (a) any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Grant Program;



- (b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Grant Program; or
- (c) any of the matters or things relevant to its application or the Grant Program in respect of which the applicant must satisfy itself under these Guidelines.

Without limiting paragraph (a), if the State cancels or varies the Grant Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under clause 0 of these Guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation to (whether directly or indirectly) the Grant Program.

For the avoidance of doubt, each applicant:

- (a) participates in the Grant Program at its own risk; and
- (b) is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the Grant Program.

Non-exhaustive

These Guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.

Applicants must make their own independent investigations of the information contained or referred to in these Guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Guidelines, or otherwise made available to them, during the application process.

Disclaimer

The State makes no warranty or representation express or implied, and does not assume any duty of care to the applicants that the information in these Guidelines, or supplied in connection with the Grant Program (Information) is accurate, adequate, current, suitable or complete, or that the Information has been independently verified.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the Information or interpretations placed on the Information by applicants.

Intellectual property

Any intellectual property rights that may exist in an application will remain the property of an applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain intellectual property rights should be clearly identified by an applicant.



The applicant grants to the State (and will ensure relevant third parties grant) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Grant Program.

Law

These guidelines are governed by the laws applicable in Queensland.



Attachment 1: Glossary

Eligible project costs	has the meaning given in section 0 of these Guidelines.
Grant Program	means the COVID Works for Queensland Funding Program, being the subject of these Guidelines.
Guidelines	means these guidelines for the Grant Program.
Head Funding Agreement	means the agreement entered into between the State and the applicant that sets out the terms and conditions under which the State will enter into project specific arrangements to provide funding for specific projects to local government applicants, if the applicant is successful in an application for funding under a grant program.
Milestone Schedule	means, for a Project, the schedule of dates for achievement of specified milestones, as set out in the relevant Project Funding Schedule.
Project	a project includes the entire scope of works identified in the application, e.g. for a construction project. This includes identified pre-construction activities (e.g. tendering), construction related activities and commissioning.
Project Funding	means the funds to be provided by the State to an applicant who is successful in an application for funding under the Grant Program.
Project Funding Schedule	means the schedule prepared by the State and executed by the parties in accordance with the Head Agreement, for the provision of Project Funding.

Department of Local Government, Racing and Multicultural Affairs
Level 12
1 William Street Brisbane
tel 13 QGOV (13 74 68)

www.dlgrma.qld.gov.au