

Program Guidelines

Flying-Fox Roost Management in Queensland

Stream 1 - Immediate/high-priority actions

The following dates are for Round 5 of the grant program. Further rounds will follow on a 6-monthly basis.

Opening date:	09:00 on 1 February 2023
Closing date and time:	17:00 on 28 February 2023
Date guidelines released:	09:00 on 22 December 2022
Funding period:	1 July 2023 to 31 December 2023 All approved projects must be capable of completion by 31 December 2023.
Policy Agency:	Department of Environment and Science
Administering Agency:	Department of State Development, Infrastructure, Local Government and Planning
Enquiries:	If you have any questions, contact Governance and Operational Policy, Wildlife and Threatened Species Operations, DES on 0403 745 933 or wildlife.management@des.qld.gov.au . Questions should be sent no later than 22 February 2023.
Type of grant:	Open competitive

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Program Guidelines

1. Introduction

The Department of State Development, Infrastructure, Local Government and Planning (the Department) is responsible for administering the Flying-Fox Roost Management in Queensland Grant Program (the Grant Program), which is available to all Queensland local governments.

In November 2020 the Queensland Government made an Election Commitment to allocate \$2 million over four years to deliver a grants program to assist all Queensland local governments to develop and implement effective long-term flying-fox roost management plans and actions to support local communities to co-exist with flying-foxes, particularly in highly-populated urban areas.

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

2. The Grant Program

2.1 Program aim

The aim of the Grant Program is to support Queensland communities affected by flying-fox roosts to co-exist with these important protected species, by giving local governments the financial assistance required to develop effective, long-term roost management plans and implement actions identified within those plans.

Assistance is also available for local governments to respond to immediate/high-priority roost management issues while these long-term arrangements are developed.

2.2 Program objectives

Flying-foxes at roost, particularly in urban areas, present specific challenges in relation to conservation, public safety and the protection of public amenity. Flying-foxes can create impacts in public areas that affect the broader community (not just a single landholder or business), require specialist management skills, and can create public amenity, safety and health concerns.

Since 2013, local governments in Queensland have had an 'as-of-right' authority that enables them to actively manage flying-fox roosts in specified urban areas within their Local Government Area (LGA), provided they comply with a Code of Practice under the *Nature Conservation Act 1992* (NC Act). This has allowed local governments to make roost management decisions that best meet the needs and expectations of their communities, in a timely manner, without needing a permit from the Department of Environment and Science.

As knowledge of flying-fox behaviour and movement patterns improves, it is becoming increasingly apparent that effective long-term management requires specialist technical advice, planning and long-term investment to be effective. Some councils (particularly smaller rural councils) have found it challenging to find affordable long-term solutions to meet the needs of their communities.

The objectives of the Grant Program are:

- Develop long-term, effective roost management plans, particularly for high-conflict urban roosts, that reflect a whole-of-LGA approach to flying-fox roost management;
- Implement actions identified within those plans that provide strategic solutions to key roost management issues and encourage the community to co-exist with flying-foxes; and

- Allow local governments to maintain responsiveness to emergent roost management issues as they arise.

2.3 Eligibility criteria

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

- (a) Be a Local Government body constituted under the *Local Government Act 2009* or the *City of Brisbane Act 2010*.

Regional collaboration is encouraged. If a group of councils wishes to apply for funding that will benefit multiple LGAs, then:

- (b) all councils must be identified in the application for funding; but
- (c) a single council must be nominated as the lead contact, who will be the contracting party and will be responsible for contract management and delivery.

2.4 Eligible projects – Stream 1: Immediate/high-priority actions

Stream 1 of the Grant Program is for councils to carry out immediate, high-priority roost management actions (which do not necessarily form part of a comprehensive roost management plan) while longer-term arrangements are developed.

It should be noted that immediate/high-priority actions can include responses to roost management issues experienced on an annual/regular basis that a local government needs to be prepared for. For example, under this stream, a local government could apply to purchase equipment that is used to manage influxes of little red flying-foxes that typically occur during the summer months. Evidence of the issue being an annual/recurring event should be provided with the application, for example, by providing flying-fox surveys showing consistently high numbers of animals at certain times of the year.

To be eligible for project funding under the Grant Program – Stream 1, a project must:

- (a) be consistent with the objectives of the Grant Program.
- (b) be designed so that it is aimed at achieving the following outcomes:
 - (i) provides an immediate, effective short-term solution to an emergent flying-fox roost management issue (for e.g. the sudden arrival of large numbers of little red flying-foxes at a roost site);
 - (ii) provides for community expectations regarding public safety and amenity to be met;
 - (iii) provides for an effective temporary solution to a roost management issue whilst longer-term arrangements (for e.g. a flying-fox roost management plan) are developed.
- (c) be one of the following types of projects:
 - (i) be a one-off, stand-alone response to an emergent roost management issue;
 - (ii) provides for the maintenance of public safety, amenity and critical infrastructure during a flying-fox influx event (but does not necessarily have to be physically undertaken at the roost site - for e.g. it may involve moving infrastructure or creating temporary infrastructure in a different location)

- (iii) prevents a potential long-term roost management issue from developing in the future.
- (d) be capable of being completed within the project completion dates of the Project Funding Schedule (PFS) for the Project.
- (e) be undertaken within a Queensland Local Government Area.

2.5 Eligible project costs

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

- (a) include only:
 - (i) costs which are directly related to the project
- (b) do not include:
 - (i) costs which are related to the ongoing maintenance of an action, system or status of a roost (i.e. occupied/unoccupied etc.);

Successful applicants must use project funding solely for eligible project costs specified in the PFS for the project.

Generally, provision of grant funding to local governments is not considered a taxable supply and so GST is not applicable.

2.6 Other requirements

Local governments may only use project funding for actions which:

- a) If directed at the management of the roost
 - (i) Comply with the Code of Practice – Ecologically sustainable management of flying-fox roosts, or Code of Practice – low impact activities affecting flying-fox roosts under the NC Act, or
 - (ii) Could be reasonably authorised under a Flying-Fox Roost Management Permit (FFRMP);
- b) If the LGA has a population of 50,000 people or below, then approximately 70% will be funded via the Grant Program, with the remaining 30% being funded by the local government (including in-kind contributions).
- c) It should be noted that:
 - i. exact contributions may vary in some cases, depending on the financial capability of the local government;
 - ii. if the contribution is in-kind, this must be clearly identified, and the value costed/broken down in the application.
- d) If the LGA has a population of more than 50,000 people, then approximately 50% will be funded via the Grant Program, with the remaining 50% being funded by the local government (including in-kind contributions).
- e) It should be noted that:
 - i. exact contributions may vary in some cases, depending on the financial capability of the local government;

- ii. if the contribution is in-kind, this must be clearly identified, and the value costed/broken down in the application.

2.7 Funding arrangements

Local governments will be required to execute a PFS under their Head Funding Agreement with the State.

Once executed, the PFS and certain parts of the Head Funding Agreement will constitute the Project Funding Agreement with the local government.

Payment of program funding to local governments will be made in accordance with the provisions of the Project Funding Agreement and in accordance with the Milestone Schedule set out in the PFS.

The State has no obligation to provide program funding to a local government until the PFS is fully executed. Local governments should not make any financial commitments until all necessary documents have been finalised and executed.

2.8 Application process

The following dates are for Round 5 of the Grant Program:

Key Dates	Key Activities/Actions
22 December 2022	Release of program guidelines
1 February 2023	Applications open date
28 February 2023	Applications close date
March 2023	Assessment of applications
June 2023	Expected announcement date
1 July 2023	Earliest date projects can commence
31 December 2023	Dates projects must be completed by
31 March 2024	Final acquittal of projects

2.9 How to apply

Funding under the Grant Program is awarded through a competitive application assessment process.

To apply you must:

- (a) complete and submit your application on the Department's [eGrant portal](#);
- (b) provide all the information requested
- (c) address all eligibility criteria and assessment criteria
- (d) include all necessary attachments.

Important - Tips for using eGrant:

- a) applications can only be submitted by an approved eGrant user/approver – speak to your nominated eGrant representative or contact the Department FLYINGFOX@dSDLGP.qld.gov.au if you need to create a user account;
- b) if the project does not include a construction component, 'Estimated Project Construction Start Date' should be the same as 'Estimated Project Commence Date';
- c) if the project does not have a specific location, enter your council's street address into the 'Project Location' tab;
- d) if the 'Estimated Number of Jobs Supported' and 'Estimated Number of Jobs Created' fields are not applicable, enter '0' into the relevant field;
- e) all Project Milestones must equal Total Project Cost – if milestones are not applicable enter one milestone only as final project delivery.

2.10 Assessment criteria

Criterion	Weighting (%)	Other relevant factors
1. Provides an immediate, effective short-term reduction to impacts on the community caused by an emergent/high-priority roost management issue	50	The issue must be considered emergent (not ongoing) and high-priority (i.e. to be effectively addressed within a maximum of 6 months)
2. Provides an effective temporary solution whilst longer-term arrangements are developed	30	The long-term solution should be identified if possible
3. Provides for community expectations regarding public safety and amenity to be met	20	A degree of proactivity will be allowed for (i.e. addressing issues before they become community concerns)

2.11 Assessment process

Eligible applications will be assessed through an open competitive grant process.

If eligible, we will then assess your application against the assessment criteria (see Section 2.10) and against other applications. We consider your application on its merits, based on:

- (a) how well it meets the assessment criteria
- (b) how it ranks based on relative merit
- (c) whether it provides value with relevant money.

Applications will be assessed by a Department of Environment and Science Assessment Panel, and all Assessment Panel decisions will be considered for approval by the Grant Program Steering Committee.

Applicants may be contacted by the Department of Environment and Science at any time during the assessment process for further information regarding an application.

2.12 Payment Claim Requirements

Payments will be made according to the following schedule:

Payment schedule	Milestone
First payment (80% of Project Funding)	The PFS has been executed by both parties, and any Special Conditions specified in the Schedule have been met.
Final payment (20% of Project Funding)	The project has been completed, and a Project Completion Report, certified by the local government Chief Executive Officer or authorised delegate, has been lodged with and approved by the Department of Environment and Science via the eGrant portal.

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

2.13 Program monitoring, acquittal and evaluation

All approved Projects will be evaluated by the Department of Environment and Science to ensure that the Grant Program is achieving the program aim and objectives.

Councils must comply with the reporting, records and audit obligations in the Project Funding Agreement, which includes the provision of quarterly progress reports. Progress reports are to be submitted via the department's eGrants system. The Department of Environment and Science's staff will conduct regular follow up of project progress outside of specified reporting periods.

The Project Completion and Acquittal Report and any supporting documents must be provided to the department before the date specified in section 2.8.

The department reserves the right to require a council, through a condition in the PFS, to establish a dedicated bank account for the purposes of managing its funding allocation. This may also include the requirement to provide quarterly, or more regular, bank statements or other reports for the account including invoices or other proofs of expenditure.

Variations and withdrawn projects

Projects funded under the grant program must be delivered by 31 December 2023.

Extensions of time will only be considered under exceptional circumstances.

Councils are required to notify Department of Environment and Science by email of any variations to an approved project not less than 30 days prior to the project completion date. Councils are also required to submit variation requests via the eGrant portal not less than 30 days prior to the project completion date.

3. Communications

3.1 Communications with the media

All media enquiries or public announcements relating to the Grant Program will be coordinated and handled by the Department of Environment and Science media team.

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

Applicants 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 applicants. Applicants should specifically mark any information the applicant considers to be confidential.

During the application, assessment and approval process, an applicant 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.

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

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

- (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 applicants, information about projects, the amount of funding granted to each successful applicant 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 an applicant'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 an application is final and may not be appealed. If however, an applicant has any concerns in relation to the application or assessment process, an applicant may raise their concerns in writing by contacting: FLYINGFOX@dildilgp.qld.gov.au.

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

4. Enquiries and Contact details

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

The Contact Officer for the Program is:

Michael Messer
Manager, Wildlife and Threatened Species Operations, Department of Environment and Science
michael.messer@des.qld.gov.au
0403 745 933

Questions and responses to questions asked by applicants after the program opens may be added to a Questions and Answers section on the Department of Environment and Science website. The Department of Environment and Science may at its discretion determine not to publish questions and responses where they are project or application specific or do not have general application. Applicants 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

Funding recipients must acknowledge the contributions of the Queensland Government funding.

This may include, where applicable:

- placement of signage at project construction sites
- commemorative plaque for official openings
- acknowledgement in publicly made statements, on websites, in roost management plans or other appropriate documentation.

Exact arrangements for funding acknowledgements will be made on a case-by-case basis and should be initiated by contacting the Department of Environment and Science Contact Officer specified in section 4.

6. Terms and conditions

6.1 Reservation of rights

- (a) 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.

- (b) 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:
- (i) 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;
 - (ii) 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;
 - (iii) vary or amend the eligibility or assessment criteria;
 - (iv) take into account any information from its own and other sources (including other Government agencies and other advisors);
 - (v) 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;
 - (vi) give preference by allocating weighting to any one or more of the eligibility criteria or assessment criteria over other criteria;
 - (vii) conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
 - (viii) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
 - (ix) terminate the further participation of any applicant in the application process;
 - (x) terminate or reinstate the Grant Program or any process in the Grant Program;
 - (xi) not proceed with the Grant Program in the manner outlined in these Guidelines, or at all;
 - (xii) amend the nature, scope or timing of the Grant Program;
 - (xiii) allow the withdrawal of an applicant;
 - (xiv) seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged;
 - (xv) publish the names of applicants to the Grant Program; and
 - (xvi) take such other action as it considers in its absolute discretion appropriate in relation to the Grant Program processes.
- (c) 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).

6.2 No relationship

- (a) The State's obligations in connection with the application process are limited to those expressly stated in these Guidelines.
- (b) 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.
- (c) An applicant, or its representatives:
 - (i) 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;
 - (ii) 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
 - (iii) 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.

6.3 No action

- (a) 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:
 - (i) 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;
 - (ii) 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
 - (iii) 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.
- (b) 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 6.1 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.
- (c) For the avoidance of doubt, each applicant:
 - (i) participates in the Grant Program at its own risk; and

- (ii) is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the Grant Program.

6.4 Non-exhaustive

- (a) 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.
- (b) 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.

6.5 Disclaimer

- (a) 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.
- (b) 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.

6.6 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.

6.7 Law

These guidelines are governed by the laws applicable in Queensland.

Attachment 1: Glossary

The Department	The Department of State Development, Infrastructure, Local Government and Planning
Eligible project costs	has the meaning given in section 2.5 of these Guidelines.
Grant Program	means the Flying-Fox Roost Management in Queensland Grant 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	means the specific deliverable for which funding is being applied.
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.

Attachment 2: Application requirements checklist

		Yes	No
1.	Program Guidelines have been read		
2.	Application completed and submitted via eGrant		
3.	Supporting documentation attached (for e.g. project plan, flying-fox roost management plan, quotes/invoices – if applicable)		