FOI 23-137 & 138

PROTECTED | CABINET

MS22-002079



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

To: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government (for decision)

Subject: Investing in Our Communities Program, Priority Community Infrastructure Program and s22(1)(a)(ii)

- Schedule 1AB Amendments - Letters to Finance Minister

Critical Date: 7 November 2022 – The letters must be provided to the Minister for Finance by 7 November 2022 to meet the Federal Executive Council meeting s47E(d)

Recommendation: 1. That you sign the letters to Senator the Hon Katy Gallagher, Minister for Finance, at Attachment A, Attachment C and Attachment E to seek agreement to insert new items in Schedule 1AB to the Financial Framework (Supplementary Powers) Regulations 1997 (the FFSP Regulations) to establish legislative authority for government spending on the Investing in Our Communities Program, Priority Community Infrastructure Program and regional Precincts and Partnerships Program. Signed Not Signed 2. S22(1)(a)(ii) Date: 7 Now 2.2 Comments:

Key Points:

1. The Investing in Our Communities Program and the Priority Community Infrastructure Program, announced in the October 2022-23 Budget, will deliver the Australian Government's 2022 election commitments for community and sporting infrastructure, open space improvements and other community priority projects in one-off, closed, non-competitive rounds for each program. The programs will also deliver Pre-election Economic and Fiscal Outlook (PEFO) commitments under the previous government's Community Development Grants (CDG) Programme.

s22(1)(a)(ii)

- 3. New Schedule 1AB items must be registered to authorise spending for these programs under the FFSP Regulations. These amendments are proposed for consideration by the Governor-General at the Federal Executive Council meeting scheduled for \$47E(d)
- 4. The letters at Attachment A, Attachment C and Attachment E seek agreement from the Minister for Finance to the corresponding amendments specific to each program (addressed in Attachment B, Attachment D and Attachment F). Each letter must be signed by yourself and sent to the Minister for Finance to progress for the consideration of the Schedule 1AB items at the Federal Executive Council meeting.
- 5. If the letters are not provided to the Finance Minister by 7 November 2022, the Schedule 1AB items will need to be considered at a later Federal Executive Council meeting. Any delays may negatively impact the delivery timeframes of these programs.

Financial impacts: The October 2022-23 Budget included total funding of \$357.7 million for the Investing in Our Communities Program and \$1 billion for the Priority Community Infrastructure Program over five years from 2022-23, which will each cease on 30 June 2027. Final funding details will be settled after Budget once all eligible election commitment and PEFO projects are finalised.

The October 2022-23 Budget included \$1 billion over three years from 2023-24 for the regional Precincts and Partnerships Program and the Growing Regions Program. Final funding details will be settled after Budget.

Legal/Legislative impacts: The proposed Schedule 1AB's for each program would insert new items into the *Financial Framework (Supplementary Powers) Regulations 1997.*

Stakeholder Implications: Announcements of the Investing in Our Communities Program and Priority Community Infrastructure Program may have implications for some stakeholders of the previous government's CDG programme which will close with no new projects to be funded from it. These programs will provide funding pathways for eligible and properly accounted for PEFO CDG commitments.

s22(1)(a)(ii)			

FOI 23-137 & 138

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MS22-002079

Consultation: The department's Legal Services Division, Department of Finance, and the Australian Government Solicitor and the Office of Constitutional Law within the Attorney-General's Department.

Media Opportunities: N/A

Attachments:

Attachment A: Investing in Our Communities Program - Letter to Finance Minister requesting a new Schedule 1AB item.

Attachment B: Investing in Our Communities Program – Schedule 1AB Amendments and additional program information

Attachment C: Priority Community Infrastructure Program - Letter to Finance Minister requesting a new Schedule 1AB item

Attachment D: Priority Community Infrastructure Program - Schedule 1AB Amendments and additional program information

s22(1)(a)(ii)

Cleared By: Meghan Hibbert Position: Assistant Secretary

Division: Regional Programs Branch, Regional Development, Local Government and Regional

Recovery.

Ph: 02 6393 4030 Mob: s22(1)(a)(ii)

Cleared Date: 4 November 2022

Contact Officers:

s22(1)(

Section: Grants Hub Engagement,

Regional Programs Branch

Mob: s22(1)(a)(ii)

s22(1)(a)(ii)

Section: Deals (Tas, NT, WA, & Melbourne) & Cities Policy

Ph: s22(1)(a)(ii)

Instructions for MPS: Nil

Responsible Adviser: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Janet Quigley, Matt Roper

The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat

Ref: MS22-002079

Senator the Hon Katy Gallagher Minister for Finance Parliament House CANBERRA ACT 2600

Dear Minister Katy,

I am writing to seek your agreement to insert a new item in Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997* (the FFSP Regulations) to establish legislative authority for Australian Government spending on the **Investing in Our Communities Program** (program). This Schedule 1AB amendment is proposed for consideration by the Governor-General at the Federal Executive Council meeting scheduled for \$47E(d)

Summary of the proposed Commonwealth expenditure

The program will deliver the Government's 2022 election commitments for investments of \$5 million or less for community and sporting infrastructure, open space improvements and other community priority projects. The program contributes to the Government's priorities to drive economic opportunities and/or improve amenity and liveability outcomes. The program will operate over five years until 2026-27.

The program includes commitments which contributed to costings under the Local Community, Sport and Infrastructure item in Labor's Plan for a Better Future – Better Budget, Better Economy. It will also deliver projects subsequently nominated by the Department of Finance and the Department of Prime Minister and Cabinet, as well as Pre-election Economic and Fiscal Outlook (PEFO) commitments of \$5 million or less under the previous Government's Community Development Grants (CDG) Programme. The program will fund Government commitments and will be time-limited, with a one-off, closed, non-competitive round. Identified organisations will be invited to apply for the program and the closing date for applications will be specified in the program guidelines. Assessment and delivery of the program will be undertaken by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The program delegate will be a departmental representative. It is anticipated that the program guidelines will be released before the end of the 2022 calendar year. The program will close on 30 June 2027.

Policy Authority

The measure has been agreed by the Expenditure Review Committee of Cabinet s47E(d) as part of my department's 2022-23 October Portfolio Budget Submission. I request that the proposed amendment to Schedule 1AB to the FFSP Regulations be put forward for the Governor-General's consideration at the Federal Executive Council meeting as nominated above.

Funding Information

Total funding for the program is included in the 2022-23 Budget and the Portfolio Budget Statement for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The program will operate for five years and cease on 30 June 2027. Funding will come from Program 3.1: Investing in Our Communities, which is part of Outcome 3.

s42,s47E(d)		

The Expenditure Review Committee of Cabinet has been informed of the associated risk levels through my Portfolio Budget Submission. Risk mitigations will be carefully implemented in delivering the program, which will fund Government commitments with enhanced integrity and transparency measures through program design that includes revamped program guidelines and robust eligibility and assessment criteria for all projects. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is also highly experienced in managing previous election commitment programs and implementing appropriate risk mitigation measures.

To assist your department with drafting the proposed Schedule 1AB amendment and preparing explanatory materials, I have enclosed additional information about the program at **Attachment A**.

Thank you for taking the time to write to me on this matter.

Yours sincerely

Catherine King MP

7 /11 /2022

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ATTACHMENT A - INVESTING IN OUR COMMUNITIES

A. Detailed description of the proposed Commonwealth expenditure

The Investing in Our Communities Program (program) will provide a mechanism for the Government to deliver community and sporting infrastructure, open space improvements and other community priority projects. The program will deliver projects where the commitment of Australian Government funding is \$5 million or less. The program will operate over five years finishing on 30 June 2027.

The program objective is to fund community and sporting infrastructure, open space improvements and other community priority projects that drive economic opportunity and/or provide improved amenity and liveability. The program will benefit communities across Australia by creating jobs, driving economic growth, enhancing community facilities and encouraging community confidence and a sense of identity. The program has been designed to provide enhanced integrity and transparency through measures including published program guidelines and robust merit-based assessment criteria for all projects.

Funding allocations for projects identified in the program will range from a minimum \$5,000 to the maximum \$5 million. Examples of projects to be funded under the program include:

- \$250,000 for the Albury Thunder Rugby League Club to redevelop the women's change rooms.
- \$2.5 million to the Town of Victoria Park in WA to develop McCallum Park including hype-court basketball courts, competition standard BMX track, skate and scooter parks and community space.
- \$5 million for Eurobodalla Shire Council for the Eurobodalla Regional Integrated Emergency Services Precinct.

Limited project information is available on the projects at this stage. More comprehensive project details, including scope and duration, will be obtained in the application process.

Australian Government investment in these types of projects will provide community and transformational infrastructure contributing towards the development of healthy, inclusive communities. It will help ensure that community infrastructure projects are well considered and align with the government's wider strategy toward future sustainability in the transition to net zero. Many Australian communities are particularly vulnerable to increased pressure on existing infrastructure and services. The program will leverage community strengths so that regional communities have access to the infrastructure they need to sustain themselves, can encourage further growth and thrive economically and socially. Australian Government funding in this space also seeks to alleviate the financial pressures that state, territory and local governments face in delivering regional development support.

The program will operate as a one-off closed non-competitive round. Only those projects nominated by the Australian Government are eligible for the program. Applicants will be invited to submit an application which will then undergo a rigorous merit-based assessment by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department).

OFFICIAL: Sensitive

The department will make recommendations regarding approval to a departmental delegate and, upon approval, negotiate and execute a funding agreement with the applicant. The application closing date will be specified in the program guidelines.

Applicants must be the organisation with overall responsibility for the project and have both an Australian Business Number (ABN) and be registered for the GST. Applicants must meet the eligibility criteria in the program guidelines including, but not limited to, local government bodies, state or territory bodies or incorporated associations. For profit organisations are not eligible for the program.

Projects approved for funding must be consistent with the announced commitment and be aimed at the construction, upgrade or extension of infrastructure that provides economic and social benefits to the community. Applicants will be required to confirm broader community benefit and projects must not have commenced construction at the time of approval.

The funding agreement between the applicants and the Commonwealth will include agreed milestones of project delivery across the life of the project. Any risks identified during the project's assessment will be addressed in the agreement. Grant payments made will be proportionate to the extent of project completion and will be linked to the achievement of milestones. Payments will be made in arrears. All projects must be complete by 30 December 2026.

The program will be included in the department's Portfolio Budget Statement following the October 2022-2023 Budget.

B. Suggested text for new Schedule 1AB item

Item	Program	Objective(s)				
		To build resilient communities and increase community liveability by providing grants for infrastructure projects.				
		This objective has the effect it would have if it were limited to providing grants:				
	Itii O	 in connection with trade and commerce with other countries, or among the States and Territories; or 				
[insert] Investing in Our Communities Program		(b) in connection with electronic communications; or				
	 (c) to or in relation to Indigenous Australians or particular groups of Indigenous Australians; or 					
		(d) in connection with assisting Australia to meet its obligations under international agreements; or				
		(e) as financial assistance to a State or Territory; or				
		(f) in, or in relation to, a Territory.				

C. Statement specifying constitutional head(s) of power

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers in the Constitution:

- the trade and commerce power (section 51(i) of the Constitution)
- the communications power (section 51(v) of the Constitution)
- the race power (section 51(xxvi) of the Constitution)
- the external affairs power (section 51(xxix) of the Constitution)
- the power to grant financial assistance to States (section 96 of the Constitution)
- the territories power (section 122 of the Constitution).

D. Statement of the relevance and operation of constitutional head(s) of power Trade and commerce power (s 51(i))

Section 51(i) of the Constitution empowers the Parliament to make laws with respect to 'trade and commerce with other countries, and among the states'.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may relate to trade and commerce with other countries, or among the States and Territories.

Communications power (s 51(v))

Section 51(v) of the Constitution empowers the Parliament to make laws with respect to 'postal, telegraphic, telephonic and other like services'.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may relate to electronic communications.

Race power (s 51(xxvi))

Section 51(xxvi) of the Constitution empowers the Parliament to make laws with respect to 'the people of any race for whom it is deemed necessary to make special laws'.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may be to or in relation to Indigenous Australians or particular groups of Indigenous Australians.

External affairs power (s 51(xxix))

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to 'external affairs'.

Treaty implementation aspect of the external affairs power

The external affairs power supports legislation implementing Australia's international obligations under treaties to which it is a party.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may relate to assisting Australia meet its obligations under international agreements.

Power to grant financial assistance to States (s 96)

Section 96 of the Constitution empowers the Parliament to 'grant financial assistance to any State on such terms and conditions as the Parliament thinks fit'.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may be for financial assistance to a State or Territory.

OFFICIAL: Sensitive

Territories power (s 122)

Section 122 of the Constitution empowers the Parliament to 'make laws for the government of any territory'.

The program involves providing funding to fund small community and social infrastructure capital works projects that drive economic opportunity and/or provide improved amenity and liveability. Some of these grants may be in, or in relation to, a Territory.

E. Decisions about Commonwealth expenditure

Funding will be provided by means of a non-competitive closed round with applications invited from organisations nominated by the Government. The program will be managed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The Secretary of the department will delegate responsibility for approving funding under the program to a departmental official. Applications will be assessed against publicly notified assessment criteria to determine if they are value with relevant money. Projects will not be ranked against each other.

All grants will be administered in accordance with applicable legislative requirements including the *Public Governance and Accountability Act 2013* (PGPA Act), the *Commonwealth Grants Rules and Guidelines 2017* and the department's Accountable Authority Instructions.

Information about the program, grant recipients and funded projects will be published on the GrantConnect website (www.grants.gov.au) as well as at infrastructure.gov.au.

Merits review of decisions made in connection with the program would not be considered appropriate as they are decisions to deliver commitments made by the Government. The breadth and diversity of project types and projected benefits in communities will vary. Although merits review is not considered appropriate, the program guidelines will ensure that the decision-making process is objective and transparent and that eligibility and merit criteria are clear. Persons and organisations affected by decisions would have recourse to the Commonwealth Ombudsman where appropriate.

F. Consultation

Consultation has been undertaken within the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, the AGS, the Department of Finance and the Department of the Prime Minister and Cabinet. My department will consult with other organisations and program stakeholders, including peak bodies and organisations invited to apply, following the announcement and launch of the program.

G. Input to the statement of compatibility with human rights Human Rights Implications

The Regulation does not engage any of the applicable rights or freedoms.

Conclusion

This Regulation is compatible with human rights as it does not raise any human rights issues.

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The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat

Ref No: MS22-002079

Senator the Hon Katy Gallagher Minister for Finance Parliament House CANBERRA ACT 2600

Dear Minister Katy

I am writing to seek your agreement to insert a new item in Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997* (the FFSP Regulations) to establish legislative authority for government spending on the **Priority Community Infrastructure Program** (program). This Schedule 1AB amendment is proposed for consideration by the Governor-General at the Federal Executive Council meeting scheduled for s47E(d)

Summary of the proposed Commonwealth expenditure

The program will deliver the Government's 2022 election commitments for investments over \$5 million, including Pre-election Economic and Fiscal Outlook (PEFO) commitments over \$5 million under the previous government's Community Development Grants (CDG), for community and sporting infrastructure, open space improvements and other community priority projects. It will also deliver select smaller value commitments under \$5 million nominated by government. The new program contributes to the Government's priorities to drive economic opportunities and/or improve amenity and liveability outcomes in regional and suburban communities. The program will operate over five years until 2026-27.

Election commitments will be funded under the program with enhanced integrity and transparency through a design that includes published program guidelines and robust merit-based assessment criteria for all projects. The program will be temporary, with a one-off, closed, non-competitive round with applications invited from the list of 2022 election commitments and eligible PEFO commitments. Assessment and delivery of the program will be undertaken by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The program delegate will be the responsible Minister. It is anticipated that the program guidelines will be released before the end of the 2022 calendar year. The program will close on 30 June 2027.

Policy Authority

The measure has been agreed by the Expenditure Review Committee of Cabinet s47E(d)

I request that the proposed amendment to

FOI 23-137 & 138 PROTECTED | CABINET

Schedule 1AB to the FFSP Regulations be put forward for the Governor-General's consideration at the Federal Executive Council meeting as nominated above.

Funding Information

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Total funding for the program is included in the October 2022-23 Budget and the Portfolio Budget Statement for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The program will operate for five years and cease on 30 June 2027. Funding will come from Program 3.1: Investing in Our Communities, which is part of Outcome 3.

\$42,\$47E(0)		

The Expenditure Review Committee of Cabinet has been informed of the associated risk levels through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' relevant Budget submissions. Risk mitigations will be carefully implemented in delivering the program, which will fund election commitments with enhanced integrity and transparency measures through a program design that includes revamped program guidelines and robust eligibility and assessment criteria for all projects. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is also highly experienced in managing previous election commitment programs and implementing appropriate risk mitigation measures.

To assist your department with drafting the proposed Schedule 1AB amendment and preparing explanatory materials, I have enclosed additional information about the program at **Attachment A**.

Thank you for taking the time to write to me on this matter.

Yours sincerely

Catherine King MP

7/11/2022

Enc.

ATTACHMENT A – PRIORITY COMMUNITY INFRASTRUCTURE PROGRAM

A. Detailed description of the proposed Commonwealth expenditure

The Priority Community Infrastructure Program (the program) will provide grant funding over five years to deliver community and sporting infrastructure, open space improvements and other community priority projects where a commitment was made during the 2022 election campaign. The program will deliver government election commitments, as well as Pre-election Economic and Fiscal Outlook (PEFO) commitments under the previous government's Community Development Grants (CDG), where the commitment of Australian Government funding is over \$5 million. It will also deliver select smaller value election commitments under \$5 million nominated by government. The Program will provide funding for investment in communities to enhance amenity and liveability and will operate over five years finishing on 30 June 2027. The program will operate as a one-off closed non-competitive round.

The program objective is to fund community and sporting infrastructure, open space improvements and other community priority projects that drive economic opportunity and/or provide improved amenity and liveability. The program will benefit communities across Australia by creating jobs, driving economic growth, enhancing community facilities and encouraging community confidence and a sense of identity. The program has been designed to provide enhanced integrity and transparency through measures including published program guidelines and robust merit-based assessment criteria for all projects.

The majority of funding allocations under the program, with the exception of select smaller value commitments, will range from \$5 million to up to \$80 million for the largest grant amount. Examples of projects to be funded under the program include:

- \$5.5 million for the Gerringong Surf Life Saving Club in NSW for construction of a new clubhouse.
- \$15 million for the George Town Council in Tasmania to rebuild and rehouse the Royal Flying Doctor Service in Launceston Airport.
- \$40 million to the Torres Straight Island Regional Council to plan and deliver marine and access infrastructure across the Torres Strait including dredging, construction and repair works.
- \$16.7 million to Western Sydney University Western to help build Western Sydney University Agri Tech Hub.

Australian Government investment in these types of projects will provide community and transformational infrastructure contributing towards the development of healthy, inclusive communities. It will help ensure that community infrastructure projects are well considered and align with the government's wider strategy toward future sustainability in the transition to net zero. Many Australian communities are experiencing the challenges associated with rapid growth and are particularly vulnerable to increased pressure on existing infrastructure and services. The program will leverage community strengths so that regional communities have access to the infrastructure they need to sustain themselves, can encourage further growth and thrive economically and socially. Australian Government funding in this space also seeks to alleviate the financial pressures that state, territory and local governments face in delivering regional development support.

The program will be delivered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) to meet the timing expectations for election commitments. Only those projects nominated by the Australian Government are eligible for the program. Applicants will be invited to submit an application which will then undergo a rigorous merit-based assessment by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department). The department will make funding recommendations for decision by the responsible Minister and, if approved, negotiate and execute a funding agreement with applicants. The application closing date will be specified in the program guidelines.

Applicants invited to apply will be required to provide well-evidenced applications for their projects and guidelines will include robust assessment criteria to ensure projects are ready and able to be delivered on the ground, so that funding realises outcomes. Projects have been identified through the tracking of election commitments in the lead up to the May 2022 Federal Election. The delivery of commitments through separate, closed non-competitive rounds will enable my department to conduct value for money assessments while maintaining integrity and transparency in the delivery of election commitments.

Applicants must be the organisation with overall responsibility for the project and have both an Australian Business Number (ABN) and be registered for the GST. Applicants must be one of a specified type of eligible entities including, but not limited to, local government bodies, state or territory bodies and incorporated associations. For - profit organisations are not eligible for the program.

Projects approved for funding must be consistent with the announced commitment and contributing to the construction, upgrade or extension of infrastructure that provides economic and social benefits to the community. Applicants will be required to confirm broader community benefit and projects must not have commenced construction at the time of approval.

The funding agreement between the applicants and the Commonwealth will include agreed milestones for project delivery across the life of the project. Any risks identified during the project's assessment will be addressed in the agreement. Payments proportionate to the extent of project completion will be linked to the achievement of milestones. Payments will be made in arrears. All projects must be complete by 30 December 2026.

B. Suggested text for new Schedule 1AB item

Item	Program	Objective(s)
[in sout]	Priority Community	To provide grants for the construction and upgrading of infrastructure, including community infrastructure.
[insert]	Infrastructure Program	This objective has the effect it would have if it were limited to providing grants:

- (a) in connection with trade and commerce with other countries, or among the States and Territories; or
- (b) in connection with electronic communications; or
- (c) to or in relation to Indigenous Australians or particular groups of Indigenous Australians; or
- (d) in connection with assisting Australia to meet its obligations under international agreements; or
- (e) for measures that are peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation;
- (f) as financial assistance to a State or Territory; or
- (g) in, or in relation to, a Territory.

C. Statement specifying constitutional head(s) of power

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers in the Constitution:

- the trade and commerce power (section 51(i) of the Constitution)
- the communications power (section 51(v) of the Constitution)
- the race power (section 51(xxvi) of the Constitution)
- the external affairs power (section 51(xxix) of the Constitution)
- the executive power and express incidental power (sections 61 and 51(xxxix))
- the power to grant financial assistance to States (section 96 of the Constitution)
- the territories power (section 122 of the Constitution).

D. Statement of the relevance and operation of constitutional head(s) of power Trade and commerce power (s 51(i))

Section 51(i) of the Constitution empowers the Parliament to make laws with respect to 'trade and commerce with other countries, and among the states'.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may relate to trade and commerce with other countries, or among the States and Territories.

Communications power (s 51(v))

Section 51(v) of the Constitution empowers the Parliament to make laws with respect to 'postal, telegraphic, telephonic and other like services'.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may relate to electronic communications.

Race power (s 51(xxvi))

Section 51(xxvi) of the Constitution empowers the Parliament to make laws with respect to 'the people of any race for whom it is deemed necessary to make special laws'.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may be to or in relation to Indigenous Australians or particular groups of Indigenous Australians.

External affairs power (s 51(xxix))

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to 'external affairs'.

Treaty implementation aspect of the external affairs power

The external affairs power supports legislation implementing Australia's international obligations under treaties to which it is a party.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may be in connection with assisting Australia to meet its obligations under international agreements.

Express power and incidental power, including the nationhood aspect (s 61 and s 51(xxxix)) The express incidental power in section 51(xxxix) of the Constitution empowers the Parliament to make laws with respect to matters incidental to the execution of ay power vested in the Parliament, the executive or the courts by the Constitution. Section 61 of the Constitution supports activities that are peculiarly adapted to the government of a nation and cannot be carried out for the benefit of the nation otherwise than by the Commonwealth. The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may be for measures that are peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation

Power to grant financial assistance to States (s 96)

Section 96 of the Constitution empowers the Parliament to 'grant financial assistance to any State on such terms and conditions as the Parliament thinks fit'.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may be for financial assistance to a State or Territory.

Territories power (s 122)

Section 122 of the Constitution empowers the Parliament to 'make laws for the government of any territory'.

The program involves providing grants for the construction and upgrading of infrastructure, including community infrastructure to support communities to address immediate

infrastructure needs as well as the challenges associated with rapid growth and pressure on existing infrastructure and services. Some of the grants may be in, or in relation to, a Territory.

E. Decisions about Commonwealth expenditure

Funding will be provided by means of a one-off, closed non-competitive round with applications invited from organisations nominated by the Government. The program will be managed by the department. Funding approvals will be delegated to the Minister responsible for the program. Applications will be assessed by the department against publicly notified assessment criteria to confirm value with relevant money and to ensure that they meet benchmarks against the assessment criteria. Projects will not be ranked against each other. Information on the program will be published on the department website (www.infrastructure.gov.au) with further information, including grant recipients and funded projects, published on the GrantConnect website (www.grants.gov.au).

All grants will be administered in accordance with applicable legislative requirements including the *Public Governance and Accountability Act 2013* (PGPA Act), the *Commonwealth Grants Rules and Guidelines 2017* and the department's Accountable Authority Instructions.

F. Availability of independent merits review

Merits review of decisions made in connection with the program would not be considered appropriate as they are decisions to deliver election commitments made by the Government. The program will consider the merits or otherwise of nominated projects and will then close for applications. The breadth and diversity of project types and projected benefits in communities will vary greatly. The grant guidelines will ensure that the decision-making process is objective and transparent and that eligibility criteria are clear. Persons and organisations affected by decisions would have recourse to the Commonwealth Ombudsman where appropriate.

G. Consultation

Consultation has been undertaken within the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, the AGS, the Department of Finance and the Department of the Prime Minister and Cabinet. Broader engagement with other organisations and program stakeholders, including state, territory and local governments, peak bodies and invited eligible entities, will occur closer to the implementation and launch of the program to promote the initiative and inform stakeholders.

Input to the statement of compatibility with human rights

The Regulation does not engage any of the applicable rights or freedoms.

Conclusion

This Regulation is compatible with human rights as it does not raise any human rights issues.

MS22-002221



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts Dispatched to MO

1 9 DEC 2022

To: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government (for decision)

Subject: Investing in Our Communities Program - Grant Opportunity Guidelines Approval

Critical Date: As soon as practical to allow time for Minister of Finance approval and the publication of program guidelines prior to the anticipated program opening in early January 2023.

Recommendations:

1. That you **approve** the grant opportunity guidelines for the Investing in Our Communities Program at **Attachment A**.

Approved / Not Approved

2. That you sign the letter to the Minister for Finance. Senator the Hon Katy Gallagher, at Attachment B seeking her agreement to approve the program guidelines for public release in accordance with the Estimates Memorandum 2018/39.

Signed / Not Signed

Agreed/Not Agreed

Agreed / Not Agreed

- 3. That you agree to delegate approval of grant funding decisions for the Investing in Our Communities Program to a nominated departmental official, subject to Accountable Authority Delegations (No.1) 2022, at the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.
- 4. That you **agree** to the updates to the current list of commitments to be invited to submit an application for the Investing in Our Communities Program and those identified for allocation to other portfolios at **Attachment E**.
- 5. That you sign letters to relevant Ministers for commitments identified for allocation to other portfolios at Attachment F.

Signed Not Signed

The Hon Catherine King MP

Date: 29.1.23.

Comments:

MS22-002221

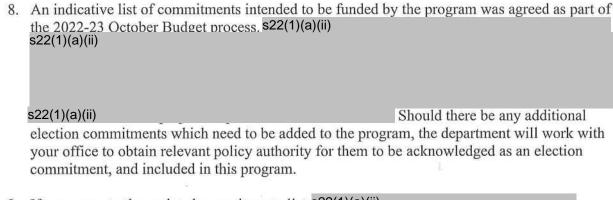
Key Points:

- 1. In the 2022-23 October Budget, the Australian Government committed administered funding of up to \$349.9 million for the Investing in Our Communities Program (the program) over five financial years from 2022-23 to 2026-27. The one-off, closed, non-competitive program will deliver the Australian Government's 2022 election commitments and Community Development Grants Programme commitments identified through the 2022 Pre-election Fiscal Outlook (PEFO) of up to \$5 million.
- 2. The key objective of the program is to build resilient communities and increase community liveability by providing grants for infrastructure projects. The program will deliver on this objective by funding community and sporting infrastructure, open space improvements and other community priority projects that will drive economic opportunity and/or provide improved amenity, accessibility and liveability outcomes.
- 3. As the responsible Minister, your approval of the program guidelines at **Attachment A** is required to open the program to applications. We recommend that approval of grant funding decisions be delegated to a department official, subject to Accountable Authority Delegations (No.1) 2022. It is anticipated this delegation will rest with a nominated Assistant Secretary (Senior Executive Service Level 1) in the department.
- 4. End to end grant management including application assessment, contracting and delivery of the program will be undertaken by the department. An invitation to apply for these grants will be issued to proponents once you approve the grant opportunity guidelines and the Minister for Finance agrees to its release. All applications will undergo a robust eligibility and value for money assessment in accordance with enhanced transparency and integrity measures to ensure proper administration of public funding is maintained.
- 5. Only eligible projects which achieve a value for relevant money assessment (scoring at least sixty per cent) against each assessment criterion outlined in the grant opportunity guidelines will be recommended for funding for final decision by the delegate. The department is well versed in working with grantees to ensure they can provide the information required to help them demonstrate evidence against the criteria for their particular circumstances.

6. s42,s47E(d) A letter seeking agreement from the Minister for Finance, Senator the Hon Katy Gallagher, is provided at Attachment B for your signature. The program guidelines self-risk assessment provided to the Department of Finance is at Attachment C.

7. The department has been working with your office to prepare for anticipated program opening from mid-December 2022. An implementation plan for the program is outlined in **Attachment D**. The program can only open after approval from the Minister for Finance due to the risk rating of the program.

MS22-002221



Financial impacts: N/A

Legal/Legislative impacts:

10. You wrote to the Minister for Finance on 7 November 2022 on a Schedule 1AB legislative instrument for the program (MS22-002079 refers) under the *Financial Framework* (Supplementary Powers) Regulations 1997. Following formal agreement from the Minister for Finance on 22 November 2022, the amendments for the program were considered at the Federal Executive Council (ExCo) meeting s47E(d) and are now legislated.

Stakeholder Implications:

11. Your approval of the program guidelines with agreement in writing from the Minister for Finance will allow the department to publish program guidelines on GrantConnect and the department's website. Following the publication of program guidelines, the program delegate will invite applications from identified eligible organisations. Please note that the program cannot open until the program guidelines are published on GrantConnect which requires a minimum timeframe of five days to publish.

Consultation:

12. The Department of Prime Minister and Cabinet and the Department of Finance were consulted by the department on the development of draft guidelines and the self-risk assessment process. Their feedback has been incorporated where relevant.

Media Opportunities:

13. A media release will be prepared for your announcement of published program guidelines and the opening of the program to applications.

MS22-002221

Attachments:

Attachment A: Investing in Our Communities grant opportunity guidelines

Attachment B: Letter to the Minister for Finance

Attachment C: Self Risk Assessment – Investing in Our Communities Program

Attachment D: Investing in Our Communities Implementation Plan

s22(1)(a)(ii)

Cleared By: Meghan Hibbert Position: Assistant Secretary

Division: Regional Programs Branch, Regional

Development, Local Government and Regional

Recovery

Ph: 02 6393 4030 Mob:s22(1)(a)(ii)

Cleared Date: 15 December 2022

Instructions for MPS: Nil

Responsible Adviser: s22(1)(a)(ii)

Contact Officers: s22(1)(a)(ii)

Sections: Program Development / Program

Assessment

Mob: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Janet Quigley, Meghan Hibbert, \$22(1)(\$22(1)(a)(ii)



The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat

Ref: MS22-002221

Senator the Hon Katy Gallagher Minister for Finance Parliament House CANBERRA ACT 2600

Dear Minister Katy,

I am writing to seek your approval for the public release of the Investing in Our Communities Program grant opportunity guidelines. This will be a one-off, closed, non-competitive program which will deliver 2022 Australian Government election commitments and Community Development Grants Programme commitments identified by the previous Government through the 2022 Pre-election Fiscal Outlook, for grants of up to \$5 million.

Delivery of election commitments is a key priority for the Government as part of the 2022-23 October Budget process. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has consulted with the Department of Finance and the Department of the Prime Minister and Cabinet on a self-risk assessment of the program, and on the development of the program guidelines. s42,s47E(d) s42,s47E(d)

s42,s47E(d) all applications will undergo a robust eligibility and value for money assessment to ensure the effective and efficient administration of public funding.

A copy of the program guidelines is attached to this letter. Thank you for your consideration of this matter and I look forward to your response.

Yours sincerely

Catherine King

29 / 1/2023

Enc

Cc: Prime Minister, the Hon Anthony Albanese MP The Treasurer, the Hon Dr Jim Chalmers MP Estimates Memorandum 2018/39

PROGRAM/GRANT OPPORTUNITY GUIDELINES SELF ASSESSMENT RISK

ANALYSIS TEMPLATE

Program/grant opportunity details

Entity: Department of Infrastructure, Regional Development, Communications and the Arts

Program/grant opportunity: Investing in Our Communities Program

Grants administration hub (if applicable): N/A

Summary of program/grant opportunity, including program objectives and the relevant entity outcome it contributes to:

The Investing in Our Communities Program will deliver the Australian Government's 2022 election commitments and grants up to \$5 million committed by the previous Government through the 2022 Pre-Election Fiscal and Economic Outlook. The objective of the Investing in Our Communities Program is to improve community liveability and build resilient communities, through the provision of social and community facilities. Projects to be funded under this Program will have a maximum Australian Government contribution of up to five million dollars.

The program will be delivered under budget Outcome 3 of the Department's Portfolio Budget Statement (PBS): Strengthening the sustainability, capacity and diversity of Australia's cities and regions including through facilitating local partnerships between all levels of government and local communities; through investing in water infrastructure and measures that stimulate economic growth; and providing grants and financial assistance.

Total cost of program and cost over the Budget and forward estimates:

The total cost of the program, including Departmental costs, is \$357.7 million over 5 years from 2022-23. This consists of \$326.5 million over the Budget and forward estimates, and \$31.2 million in 2026-27.

Summary of activity, including operational objectives, and the relevant program objective it contributes to:

The program objective is to "improve community liveability and build resilient communities, through the provision of social and community facilities."

The outcomes of the Investing in Our Communities Program are to enhance community facilities, encourage community cohesion, and have a positive impact on economic activity within the communities.

The program will fund projects from \$5,000 to \$5 million dollars with the majority of projects receiving grant funding of less than \$2 million. The projects range in scope from

minor upgrades to local sports and community facilities to complete redevelopment of facilities.

Policy authority for program/grant opportunity:

On 11 October 2022, the Expenditure Review Committee (ERC) agreed to provide \$357.7 million over five years from 2022-23, to establishing the Investing in Our Communities Program.

Legislative authority for program/grant opportunity:

A Schedule 1AB instrument is being progressed under the *Financial Framework*(Supplementary Powers) Regulations 1997. s42,s47E(d)
s42,s47E(d)

Constitutional authority for the program/grant opportunity:

s42,s47E(d)			

Discussion of key issues and implementation risks

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts, as the agency responsible the Investing in Our Communities Program, has successfully managed programs of this size, nature and complexity over many years. Departmental staff have considerable experience preparing, assessing and managing funding commitments for non-competitive grant programs.

In developing the guidelines for the Investing in Our Communities Program, the Department has clearly stated the scope of the program, eligibility requirements, assessment criteria and contracting and reporting requirements that must be met. Key information will be provided to funding recipients through written communication and the Department's website.

The Department will provide regular status updates and reporting on the program to departmental Executive, the Minister and other key stakeholders.

Program Underspends and Payment Delays Caused by Delays to Project Delivery

A key implementation risk is delays in project delivery, resulting in program underspends, as payment is made on achievement of project milestones. The Department has processes in place to manage this such as regular progress reporting with evidence-based financial and project delivery status.

Funding proponents fail to provide project information and/or deliver projects as agreed and specified

It is anticipated that some small, not-for-profit organisations may have limited experience in providing required information and limited capacity to manage projects as agreed and within expected timeframes.

This risk will be mitigated by the Department: providing clear advice on the requirements in the program guidelines; providing programe information on the Department's website; holding regular phone conversations and by providing written communication with grantees.

The Department will also monitor project progress through milestones and compliance with contract requirements, including regular reporting requirements, contact with grantees and conducting site visits and/or meetings with grantees as necessary.

Inflation has increased costs for all capital works projects making many election commitment projects potentially more expensive, particularly with regard to the construction industry. The Minister for Infrastructure, Transport, Regional Development and Local Government will come back in the 2023-24 Budget to resolve the treatment of funding where any projects are unable to be delivered with approved funding envelope.

Risk assessment

s47E(d),s42		

Risk management

The projects to be funded are infrastructure projects, up to \$5 million, committed during the 2022 Federal Election Campaign and grants up to \$5 million committed by the previous Government through the 2022 Pre-Election Fiscal and Economic Outlook. The Department has extensive experience in managing administration arrangement for programs of this nature including under the Community Development Grants Programme, and will rely on existing administrative structures already in place within the Department.

Delivery of this program requires bespoke case management arrangements with significant support provided to grantees, which does not suit the streamlined Grants Hub delivery model. The projects to be funded are infrastructure projects and the administration of the program will be the sole responsibility of the Department without involvement from other agencies or third parties. The Department has received approval for an exemption from implementing grants via a Grants Hub.

Funding under this program will be delivered in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013* and the CGRGs.

Attachment D

Official

Investing in Our Communities Program - Implementation plan					
Activity	Indicative Timeframe	Indicative dates			
Program open	Following approval of guidelines from Minister for Finance and Minister for Infrastructure, Transport, Regional Development and Local Government.	Anticipated program opening during December 2022 (early January 2023 at latest).			
Application submitted	Within six (6) months of the invitation to apply being sent. Program delegate can extend time for application for submission up until 30 June 2023 for mitigating circumstances such as natural disaster.	Applications are expected to be submitted by 30 June 2023.			
Assessment of applications	Four (4) weeks from all necessary information being provided	Projects ready to contract by mid-September 2023			
Approval of outcomes of selection process	Four (4) weeks				
Notification to unsuccessful applicants	Within three (3) weeks of Program Delegate's decision.				
Notification to successful applicants	Within three (3) weeks of Program Delegate's decision.				
Negotiations and award of grant agreements	Ten (10) weeks from notification of approval of funding. If the Grant Agreement is unable to be finalised by 31 December 2023, the approval may be withdrawn.	Contract agreements finalised by 31 December 2023			
Earliest start date of project	To be negotiated through the grant agreement. Must be on or after the agreement is executed by both parties.				
End date of grant activity or agreement	To be negotiated through the grant agreement. All projects must be complete by 31 December 2026 with grant acquittal by 30 June 2027.	Project delivery between 2023 to 30 June 2027			

MS22-002284



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts Dispatched to MO 16 DEC 2022

To: The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government (for decision)

Subject: Priority Community Infrastructure Program - Grant Opportunity Guidelines Approval

Critical Date: 19 December 2022 to enable program opening as soon as possible

Recommendations:

1. That you approve the program guidelines for the Priority Community Infrastructure Program at Attachment A. & water a rue of

Approved) Not Approved 2. That you sign the letter to Senator the Hon Katy Gallagher, Minister for Finance, at

Attachment B seeking her agreement to approve the program guidelines for public release in accordance with Estimates Memorandum 2018/39.

Signed Not Signed

3. That you agree to be the decision maker for grant funding decisions for the Priority Community Infrastructure Program.

Agreed Not Agreed

4. That you agree to delegate responsibility for the administration of the Priority Community Infrastructure Program to the Assistant Secretary, Regional Programs Branch of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Agreed Not Agreed

5. That you note we will be brief you separately on proposed management and delivery strategies for selected projects where grant administration requires sensitive and significant cultural and community management.

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The Hon Catherine King MP

Date: 20.12.22

1

Comments:

apply for the a mont offered. If they can rolonge undertake

PROTECTED CABINET

MS22-002284

Key Points:

s47E(d)

- In the October 2022-23 Budget, the Australian Government committed administered funding of \$1 billion for the Priority Community Infrastructure Program (the program) over five financial years from 2022-23 to 2026-27. The one-off, closed, non-competitive program will deliver the Australian Government's 2022 election commitments, as well as 2022 Pre-election Fiscal Outlook (PEFO) commitments under the previous government's Community Development Grants (CDG), where the commitment of Australian Government funding is over \$5 million. It will also deliver select smaller value commitments under \$5 million where advised.
- As the responsible Minister, your approval of the program guidelines at Attachment A is required to open the program to applications. Considering that grants will exceed \$5 million for all commitments funded under the program, we recommend that approval of grant funding decisions sits with you as the decision maker. We recommend that the Assistant Secretary, Regional Programs Branch of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) be delegated with responsibility for the administration of the program.

	s47E(d)	
	self-risk assessment provided to the Department of Finance is at Att	The program guidelines
s2	22(1)(a)(ii)	

A written invitation to proponents to apply for the program will be issued by the department on behalf of your office following approval of these guidelines. All applications will undergo a robust eligibility and value for money assessment in accordance with enhanced transparency and integrity measures to ensure proper administration of public funding is maintained. Only projects which achieve a minimum satisfactory assessment rating (scoring at least

Assessment, contracting and delivery of the program will be undertaken by the department.

sixty per cent) against each distinct criterion will be recommended for funding for final decision by you as the program delegate. The department will apply a thorough and considered approach in its assessment process, assisting applicants where necessary to develop well-evidenced applications to the required standards to help ensure projects are ready to be delivered and best positioned to deliver the intended outcomes for their communities. Following assessment, the department will brief you on funding recommendations for your decision subject to your agreement to be the decision maker.

MS22-002284

8. Timely release of the guidelines is required to open the program for applications anticipated to be in early January 2023 in accordance with your program opening requirements and to meet assessment, contracting and appropriation timeframes for the program. The implementation plan for the program is at **Attachment D**.

Financial impacts: N/A

Legal/Legislative impacts:

You wrote to the Minister for Finance on 7 November 2022 on a Schedule 1AB legislative instrument for the program (MS22-002079 refers) under the *Financial Framework* (Supplementary Powers) Regulations 1997. Following formal agreement from the Minister for Finance on 22 November 2022, the amendments for the program were considered at the Federal Executive Council (ExCo) meeting on s47E(d),s42 and are now legislated.

Stakeholder Implications:

Your approval of the program guidelines with agreement in writing from the Minister for Finance will allow the department to publish program guidelines on GrantConnect and the department's website. Following the publication of program guidelines, the program delegate will invite applications from identified eligible organisations. Please note that the program cannot open until the program guidelines are published on GrantConnect which requires a minimum timeframe of five-days to publish.

Applications will open immediately following the publication of program guidelines when the program delegate will invite applications from identified eligible organisations. Applications will close six months after invitations are sent out.

Consultation:

The Department of Prime Minister and Cabinet and the Department of Finance were consulted on the development of draft guidelines and the self-risk assessment process. Their feedback has been incorporated where relevant.

Media Opportunities:

A media release will be prepared for your announcement of the published program guidelines and opening of applications.

Attachments:

s22(1)(a)(ii)

Attachment B: Letter to the Minister for Finance

Attachment C: Self Risk Assessment - Priority Community Infrastructure Program

Attachment D: Implementation Plan

Cleared By: Meghan Hibbert Position: Assistant Secretary

Division: Regional Programs Branch, Regional

Development, Local Government and Regional

Recovery

Ph: 02 6393 4030 Mob: s22(1)(a)(ii)

Cleared Date: 15 December 2022

Contact Officer: s22(1)(

Section: Director, Regional Programs

Branch

Mob: s22(1)(a)(ii)

MS22-002284

Instructions for MPS: Nil

Responsible Adviser:s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Sarah Nattey, Meghan Hibbert, \$22(1)(a) (ii)



The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat

Ref: MS22-002284

Senator the Hon Katy Gallagher Minister for Finance Parliament House CANBERRA ACT 2600

Dear Minister Katy

I am writing to seek your urgent consideration and approval of the attached program guidelines for the Priority Community Infrastruture Program, a one-off, closed, non-competitive program which will deliver on 2022 election commitments for grants of over \$5 million and selected commitments under \$5 million.

The key objective of the program is to build resilient communities through the provision of social and community infrastructure. The program will fund community and sporting infrastructure, open space improvements and other community priority projects.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has consulted with the Department of Finance on a self-risk assessment of the program, and on the development of the program guidelines. s47E(d)

s47E(d)

s47E(d)

This cannot be mitigated fully as grant funds are being provided to local government and incorporated organisations directly rather than through States and Territories.

In accordance with Estimates Memorandum 2018/39, I am writing to seek your agreement to approve the Priority Community Infrastructure Program grant opportunity guidelines for their planned public release in the coming weeks. Thank you for your consideration of this matter.

Yours sincerely

Catherine King MP

20 /12/2022

Enc

Estimates Memorandum 2018/39

PROGRAM/GRANT OPPORTUNITY GUIDELINES SELF ASSESSMENT RISK

ANALYSIS TEMPLATE

Program/grant opportunity details

Entity: Department of Infrastructure, Regional Development, Communications and the Arts

Program/grant opportunity: Priority Community Infrastructure Program

Grants administration hub (if applicable): N/A

Summary of program/grant opportunity, including program objectives and the relevant entity outcome it contributes to:

The Priority Community Infrastructure Program will deliver the Australian Government's 2022 election commitments for projects with grant funding of \$5 million and over, as well as a number of projects identified by the Australian Government for more rigorous scrutiny. The objective of the Priority Community Infrastructure Program is to build resilient communities, increase community liveability and support economic activity.

The program will be delivered under Outcome 3 of the Department's Portfolio Budget Statement (PBS):- Strengthening the sustainability, capacity and diversity of Australia's cities and regions including through facilitating local partnerships between all levels of government and local communities; through investing in water infrastructure and measures that stimulate economic growth; and providing grants and financial assistance.

Total cost of program and cost over the Budget and forward estimates:

The total cost of the program, including Departmental costs, is \$1.02 billion over 5 years from 2022-23. This consists of \$865.6 million over the Budget and forward estimates, and \$158.9 million in 2026-27.

Summary of activity, including operational objectives, and the relevant program objective it contributes to:

The program objectives are to 'build resilient communities through the provision of social and community infrastructure, and improve community amenity, accessibility and liveability'

The intended outcomes of the Priority Community Infrastructure Program are to enhance community facilities, encourage community cohesion and have a positive impact on economic activity within communities.

The program will fund projects from \$250,000 to \$40 million with the majority of projects receiving grant funding of between \$5 million and \$10 million. The projects range in scope from significant upgrades of community infrastructure to the new infrastructure developments.

Policy authority for program/grant opportunity:

On 11 October 2022, the Expenditure Review Committee (ERC) agreed to provide \$1.0 billion over five years from 2022-23 to the establishment of the Priority Community Infrastructure Program. The authority for the Program was provided on 25 October 2022 via the Infrastructure, Transport and Regional Development Portfolio consolidated budget minute.

Legislative authority for program/grant opportunity:

The instrument Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) Regulations 2022 was registered on the Federal Register of Legislation on Friday 9 December 2022 and commenced on 10 December 2022.

Constitutional authority for the program/grant opportunity:

s42,s47E(d)			

Discussion of key issues and implementation risks

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts, as the agency responsible for the Priority Community Infrastructure Program, has successfully managed programs of this size, nature and complexity over many years. Departmental staff have considerable experience preparing, assessing and managing funding commitments for non-competitive grant programs.

In developing the guidelines for the Priority Community Infrastructure Program, the Department has clearly stated the scope of the program, eligibility requirements, assessment criteria and contracting and reporting requirements that must be met. The guidelines will be published on GrantConnect and the Department website, along with other key information. Applicants will be able to directly contact the Department through dedicated phone lines and email addresses if further information or support is required for the program.

Once the list of nominated projects is finalised, the project, identified applicant and funding amount will be published on GrantConnect, ensuring transparency in relation to program eligibility.

The Department will provide regular status updates and reporting on the program to departmental Executive, the Minister and other key stakeholders, including Prime Minister and Cabinet.

Program Underspends and Payment Delays Caused by Delays to Project Delivery

A key implementation risk is delays in project delivery, resulting in program underspends, as payment is made on achievement of project milestones. The Department has processes in

place to manage this such as, regular progress reporting with evidence based financial and project delivery status.

Increases to project costs

The department recognises current inflationary pressures, particularly with regard to the construction industry. As no additional Australian Government funding will be available for these projects, the risk will be partially mitigated by the inclusion in the guidelines of assessment criterion that assess the financial capacity of the applicant to progress the project. Monitoring of project progress as outlined below will also allow the Department to be identify and work with funding recipients to find solutions where cost overruns occur.

Funding proponents fail to provide project information and/or deliver projects as agreed and specified

It is anticipated that some smaller not-for-profit organisations may have limited experience in providing required information and limited capacity to manage projects as agreed and within expected timeframes.

This risk will be mitigated by the Department providing clear advice on the requirements in the program guidelines; providing program information on the Department's website; holding regular phone conversations and by providing written communication with grantees.

The Department will also monitor project progress through milestones and compliance with contract requirements, including regular reporting requirements, contact with grantees and conducting site visits and/or meetings with grantees as necessary.

Risk assessment



Risk management

The projects to be funded are infrastructure projects committed during the 2022 Federal Election Campaign. The Department has extensive experience in managing administration arrangement for programs of this nature including under the Community Development Grants Programme, and will rely on existing administrative structures already in place within the Department.

Delivery of this program requires bespoke case management arrangements with significant support provided to grantees, which does not suit the streamlined Grants Hub delivery model. The projects to be funded are infrastructure projects and the administration of the program will be the sole responsibility of the Department without involvement from other agencies or

third parties. The Department has received an approval for an exemption from implementing grants via a Grants Hub.

Funding under this program will be delivered in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013* and the CGRGs.

Attachment C

Official

Priority Community Infrastructure Program - Implementation plan				
Activity	Timeframe	Indicative dates		
Program open	Following approval of guidelines from Finance Minister and Minister for Infrastructure, Transport, Regional Development and Local Government	January 2023		
Application submitted	Within six (6) months of the invitation to apply being sent. Delegate can extend time for application for submission up until 30 June 2023 for mitigating circumstances such as natural disaster.	Latest date for applications is 30 June 2023. The program will close to applications on 1 July 2023.		
Assessment of applications	Four (4) weeks from all necessary information being provided	Projects ready to contract by 31 October 2023		
Approval of outcomes of selection process	Four (4) weeks			
Notification to unsuccessful applicants	Within three (3) weeks of Program Delegate's decision.			
Notification to successful applicants	Within three (3) weeks of Program Delegate's decision.			
Negotiations and award of grant agreements	Ten (10) weeks from notification of approval of funding. If the Grant Agreement is unable to be finalised by 31 December 2023, the approval may be withdrawn.	Contract agreements finalised by 31 December 2023		
Earliest start date of project	To be negotiated through the grant agreement. Must be on or after the agreement is executed by both parties.			
End date of grant activity or agreement	To be negotiated through the grant agreement. All projects must be complete by 31 December 2026 with grant acquittal by 30 June 2027.	As contracted in 2023 to 30 June 2027		

MS23-000047



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts Dispatched to MO 1 3 JAN 2023

To: Catherine King (for decision)

Subject: Priority Community Infrastructure Program - Updated Guidelines

Critical Date: Please action by 20 January 2023 to allow for anticipated program opening in February 2023.

Recommendation/s:

1. That you agree to the updated grant opportunity guidelines for the Priority Community Infrastructure Program at Attachment A.

Agreed Not Agreed

2. That you sign the letter to the Minister for Finance, Senator the Hon Katy Gallagher, at Attachment B with updated program guidelines.

igned Not Signed

The Hon Catherine King MP

Date: 29.1.23

Comments:

Key Points:

- 1. The department has updated the grant opportunity guidelines for the Priority Community Infrastructure Program (program) following your edits and comments to include consideration of business cases and feasibility studies in the program (MS22-002284 refers).
- a. Your comment on ensuring applicants are aware that funding amounts cannot be changed is highlighted in the program guidelines and will be incorporated in the program communication material being developed.
- b. In line with your advice, we also propose and have included master plans as part of eligible expenditure in the updated draft guidelines.
- 2. Amendments have been made to the guidelines (in highlight at **Attachment A**) including assessment criteria and eligible/ineligible expenditure to allow for assessment of pre-construction activities. This approach was taken based on analysis of comparable programs and is focused on the assessment of the project meeting program objectives and approach undertaken by applicants.
- a. We have analysed the design of programs which are either solely focused on feasibility studies or incorporate both pre-construction activities and capital projects. Common themes include a

OFFICIAL

MS23-000047

demonstrated need to undertake the identified pre-construction activity and a robust plan to scope, approach the market and undertake the activity. The majority of programs have used similar assessment criteria in relation to applicant capacity and capability.

- b. A proportional approach has been applied to the amendment of the assessment criteria noting that only three commitments have been identified which are solely focused on pre-construction activities.
- 3. An updated letter to the Minister for Finance at **Attachment B** is attached to this brief for your signature with the proposed changes to the program guidelines.

Financial impacts: Updates to program guidelines have no impact for program funding.

s42,s47E(d)

Media Opportunities: Communication products have been prepared for the opening of the program in consultation with the department's media team and your office.

Attachments:

Attachment A: Priority Community Infrastructure Program - updated guidelines

Attachment B: Letter to the Minister for Finance

Cleared By: Meghan Hibbert

Position: Assistant Secretary

Division: Regional Development and Local

Government

Ph: 02 6393 4030 Mob: s22(1)(a)(ii)

Cleared Date: 11 January 2023

Instructions for MPS: Nil

Responsible Adviser: s22(1)(a)(ii)

Contact Officer: s22(1)(

Section: Director, Regional Programs

Branch

Mob: s22(1)(a)(ii)

PDMS Distribution List: Jim Betts, David Mackay, Janet Quigley, Meghan Hibbert, \$22(1)(s22(1)(a)(ii)

¹ Programs that were analysed included the Integrated Water Management Grants Program (Victoria) and National Soil Carbon Innovation Challenge – Feasibility Study Grants.



The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government Member for Ballarat

Ref: MS22-000047

Senator the Hon Katy Gallagher Minister for Finance Parliament House CANBERRA ACT 2600

Dear Minister 1497

I am writing to seek your approval for the public release of the Priority Community Infrastructure Program grant opportunity guidelines. This program will deliver Australian Government's 2022 election commitments for community infrastructure and eligible Community Development Grants Programme commitments announced by the former Government through the 2022 Pre-Election Fiscal and Economic Outlook with funding of over \$5 million, and selected commitments under \$5 million.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has consulted with the Department of Finance and the Department of the Prime Minister and Cabinet on a self-risk assessment of the program, and on the development of the program guidelines. s42,s47E(d)

s42,s47E(d)

A copy of the program guidelines is attached to this letter. Thank you for your consideration of this matter and I look forward to your response.

Yours sincerely

Catherine King

29/ 1/2023

Enc

Cc: Prime Minister, the Hon Anthony Albanese MP The Treasurer, the Hon Dr Jim Chalmers MP

From: French Angela

Sent: Monday, 12 December 2022 6:54 PM **To:** Solomon, Joseph; s22(1)(a)(ii)

Cc: Betts, Jim; MACKAY David; HALLINAN David; PURVIS-SMITH Marisa; BUCKLEY Brendon;

s22(1)(a)(ii)

Subject: Minister Priorities Tracker - Submissions for decision by 16 December

[SEC=OFFICIAL:Sensitive]

Attachments: Priority Submissions for December 2022.pdf

OFFICIAL:Sensitive

Hi Joseph & s22(1)(

Noting this is the critical week for matters requiring Minister King's attention prior to year's end, please find attached the list of prioritised submissions identified by the department.

While the majority of submissions listed are with your office, the timing of items with due dates in red were still to be confirmed as at COB today.

We can discuss tomorrow, but feel free to give me a call this evening should you have any urgent questions.

Thanks

Ange

Angela French

Chief of Staff • Office of the Secretary angela.french@infrastructure.gov.au
M +61 \$22(1)(a)(
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

infrastructure.gov.au



I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

OFFICIAL:Sensitive

FOI 23-137 & 138 PROTECTED Cabinet

Group	Priority	Matter	With MO?	Critical date
s22(1)(a)(ii)				
Regional, Cities & Territories	Priority Community Infrastructure	Program Guidelines	Yes	16-Dec
Regional, Cities & Territories	Investing in our Communities	Program Guidelines	Yes	16-Dec
s22(1)(a)(ii)				

From: s22(1)(a)(ii)

Sent: Tuesday, 20 December 2022 11:49 AM **To:** HIBBERT Meghan; s22(1)(a)(ii)

Cc: s22(1)(a)(ii) QUIGLEY Janet

Subject: Standard words - IIOC and PCIP [SEC=OFFICIAL]

OFFICIAL

Hi Meghan and s22,

I was hoping you could assist with setting out a standard set of words to help us advise proponents under both PCIP and IIOC of timeframes/process for finalising agreements.

This would just assist in the lead up to getting Guidelines finalised in the early new year. It would be great if I could have these ready to go from 3 Jan?

Thanks very much,

s22(1)(a)(ii)

Adviser • Office of the Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government
s22(1)(a)(@mo.infrastructure.gov.au
M s22(1)(a)(

OFFICIAL

From: HIBBERT Meghan

Sent: Tuesday, 20 December 2022 5:13 PM

To: s22(1)(a)(ii)

Cc: s22(1)(a)(ii) s22(1)(a)(ii) DLO CKing; s22(1)(a)(ii) QUIGLEY Janet

Subject: Text for election commitments [SEC=OFFICIAL:Sensitive]

Importance: High

OFFICIAL:Sensitive

Hi s22(1)(

Re queries for election commitments, please find some text below for MPs:

The Australian Government's community infrastructure election commitments will be delivered through the Investing in Our Communities program and the Priority Community Infrastructure Program. These programs will open in early 2023 and identified applicants will be contacted by the department to provide information about their projects at that time.

Further information can be found on the department's website at <u>Community infrastructure grant programs |</u>
<u>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</u>. When the programs open, details will also be available on https://www.grants.gov.au/.

For your information, our website will be updated tonight with (only the bolded section is new, rest is existing):

All grantees will be contacted for information about their projects once Program Guidelines have been approved (early 2023).

The Australian Government will deliver on election commitments through a one-off funding round of the new Priority Community Infrastructure Program and the Investing in Our Communities Program.

These programs are expected to open in early 2023.

Election commitments up to \$5 million will be delivered through the Investing in Our Communities Program and commitments over \$5 million will be delivered through the Priority Community Infrastructure Program. Community Development Grants Programme commitments announced by the previous Government through the 2022-23 Pre-election Economic and Fiscal Outlook will also be delivered by both programs. The programs are funded from 2022-23 to 2026-27.

The programs will be closed and non-competitive. Applicants invited to apply will be required to provide a well-evidenced plan for the viable delivery of their projects, and guidelines will include robust assessment criteria to ensure projects are ready and able to be delivered on the ground.

Projects committed by the former Government during the 2022 Pre-election Economic and Fiscal Outlook in April 2022 will be delivered via the Priority Community Infrastructure Program and the Investing in Our Communities Program. Information on program guidelines, eligibility criteria and the application process will be provided by the department shortly.

Meghan Hibbert

Assistant Secretary • Regional Programs Branch • Regional Development and Local Government Division 8/179 Byng Street, Orange NSW

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From: HIBBERT Meghan

Sent: Tuesday, 20 December 2022 12:57 PM

To: s22(1)(a)(ii) @MO.infrastructure.gov.au>

Cc: QUIGLEY Janet < Janet. Quigley@infrastructure.gov.au >; Abromeit Patrick

s22(1)(a)(ii) @MO.infrastructure.gov.au>; s22(1)(a)(ii) @MO.infrastructure.gov.au>; s22(1)(a)(

s22(1)(a)(ii) @infrastructure.gov.au>

Subject: RE: Another commitment [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

H s22(1)(– we will do these of course.

Just FYI for you and \$22(1)(DLO, I am updating the website today with some bold content at the top which will say:

All grantees will be contacted for information about their projects once Guidelines have been approved (early 2023).

This is because we have advise that we cannot do any 'program administration' until Guidelines are approved. Once we have this up and live (today) we will send a note to you/DLO/s22(1) so that you can forward to electorate offices if that's helpful.

Regards

Meghan

Meghan Hibbert

Assistant Secretary • Regional Programs Branch • Regional Development and Local Government Division 8/179 Byng Street, Orange NSW

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OFFICIAL:Sensitive

From: s22(1)(a)(ii)

Sent: Friday, 23 December 2022 8:56 AM

To: s22(1)(a)(ii)

Cc: s22(1)(a)(ii) QUIGLEY Janet; HIBBERT Meghan

Subject: RE: Standard responses - PCIP and IIOC [SEC=OFFICIAL]

OFFICIAL

Thanks s22!

s22(1)(a)(ii) • Adviser M s22(1)(a)(

OFFICIAL

From: s22(1)(a)(ii)

Sent: Thursday, 22 December 2022 12:37 PM

To: s22(1)(a)(ii)

Cc: s22(1)(a)(ii) ; QUIGLEY Janet ; HIBBERT Meghan

Subject: RE: Standard responses - PCIP and IIOC [SEC=OFFICIAL]

OFFICIAL

Hi s22(1)(

I've added our additions in red text for ease of identification and then made the same colour as the other text.

s22

s22(1)(a)(ii)

DIRECTOR

Regional Programs Branch
Regional Development and Local Government Division
s22(1)(a) @infrastructure.gov.au

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OFFICIAL

From: HIBBERT Meghan

Sent: Thursday, 22 December 2022 12:20 PM

To: s22(1)(a)(ii) @infrastructure.gov.au>

Cc: s22(1)(a)(ii) @infrastructure.gov.au>; QUIGLEY Janet <Janet.Quigley@infrastructure.gov.au>

Subject: FW: Standard responses - PCIP and IIOC [SEC=OFFICIAL]

OFFICIAL

s22 – can you please fact check and respond to s22(1)(cc me and Janet?

Thanks Meghan

Meghan Hibbert

Assistant Secretary • Regional Programs Branch • Regional Development and Local Government Division 8/179 Byng Street, Orange NSW

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OFFICIAL

From: s22(1)(a)(ii)

Sent: Thursday, 22 December 2022 11:40 AM

To: QUIGLEY Janet < <u>Janet.Quigley@infrastructure.gov.au</u>>; HIBBERT Meghan < <u>Meghan.Hibbert@infrastructure.gov.au</u>>

Cc: s22(1)(a)(ii) @MO.infrastructure.gov.au>

Subject: Standard responses - PCIP and IIOC [SEC=OFFICIAL]

OFFICIAL

Hi Janet and Meghan,

As discussed, can I please get a factcheck on these responses? They will be the standard MO to MP response to queries.

Response to MPs for Investing in our Communities (under \$5m)

Thank you for passing on the queries of XXX in relation to the delivery of local infrastructure commitment funding under the Investing in our Communities program.

As you would be aware, the Australian Government was able to allocate funding in the October Budget to deliver this/these commitment/s. We are pleased that this early Budget process has allowed funding allocation for election commitments more quickly than would otherwise have been possible.

In order to meet required Commonwealth standards in grant allocation, a set of grant guidelines must be finalised in order to deliver funding to proponents. It is anticipated that these grant guidelines will be finalised in January 2023. Formal invitations will be sent out for proponents to apply. These applications will be assessed against the criteria in the approved published guidelines, and once assessed and approved a grant agreement will be negotiated with the proponent. Funding will be able to be issued as grant agreements are signed.

The Australian Government strongly recommends that proponents <u>do not</u> enter into any financial commitments until such time a Funding Agreement has been executed.

The Australian Government will contact proponents once the grant guidelines have been approved in order to finalised grant agreements.

If any project proponent requires additional detail, please pass on their contact details and a relevant Departmental representative will be in contact.

Further information can be found on the department's website at <u>Community infrastructure grant programs |</u>
<u>Department of Infrastructure, Transport, Regional Development, Communications and the Arts.</u> When the programs open, details will also be available on https://www.grants.gov.au/.

Response to MPs for Priority Community Infrastructure Program (generally over \$5m)

Thank you for passing on the queries of XXX in relation to the delivery of local infrastructure commitment funding under the Priority Community Infrastructure Program.

As you would be aware, the Australian Government was able to allocate funding in the October Budget to deliver this/these commitment/s. We are pleased that this early Budget process has allowed funding allocation for election commitments more quickly than would otherwise have been possible.

The Australian Government committed to undertake a value for money assessment of all local infrastructure projects valued at over \$5 million supported in the Federal Election. All proponents under the Priority Community Infrastructure Program have been contacted to provide information in support of this review.

In order to meet required Commonwealth standards in grant allocation, a set of grant guidelines must be finalised in order to deliver funding to proponents. It is anticipated that these grant guidelines will be finalised in January 2023. Formal invitations will be sent out for proponents to apply. These applications will be assessed against the criteria in the approved published guidelines, and once assessed and approved a grant agreement will be negotiated with the proponent. Funding will be able to be issued as grant agreements are signed.

The Australian Government strongly recommends that proponents <u>do not</u> enter into any financial commitments until such time a Funding Agreement has been executed.

Proponents of projects which passed the review process will be invited to sign a grant agreement once the grant guidelines have been approved.

If any project proponent requires additional detail, please pass on their contact details and a relevant Departmental representative will be in contact.

FOI 23-137 & 138

Further information can be found on the department's website at <u>Community infrastructure grant programs | Department of Infrastructure, Transport, Regional Development, Communications and the Arts.</u> When the programs open, details will also be available on https://www.grants.gov.au/.

s22(1)(a)(ii)

Adviser • Office of the Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government

s22(1)(a)(@mo.infrastructure.gov.au

M s22(1)(a)(

OFFICIAL

From: French Angela

Sent: Monday, 16 January 2023 5:38 PM

To: s22(1)(a)(ii)

Cc: Betts, Jim; MACKAY David; HALLINAN David; WOOD Richard; PURVIS-SMITH Marisa;

BURKE Chris; BRIDGER Maree; \$22(1)(a)(ii)

Subject: Ministerial Priorities Tracker as at 16 January 2023 [SEC=OFFICIAL:Sensitive]

Attachments: Minister King Priorities Tracker 16 January 2023.pdf

OFFICIAL:Sensitive

Hi s22(1)(

Please find attached the latest Ministerial Priorities Tracker, up to date as at 16 January 2023, ahead of the regular catch up between the Minister and the Secretary tomorrow at 1.30pm.

Any questions, please don't hesitate to give me a call.

Regards

Ange

Angela French

Chief of Staff • Office of the Secretary angela.french@infrastructure.gov.au
M +61 s22(1)(a)(
GPO Box 594 Canberra, ACT 2601

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OFFICIAL:Sensitive

FOI 23-137 & 138 PROTECTED Cabinet

Priority	Key actions	Key updates and dates	Key Contact
22(1)(a)(ii)			
Delivering Election Commitments	s22(1)(a)(ii)	 s22(1)(a)(ii) Guidelines for Priority Community Infrastructure Program (PCiP) approved and amended per Minister's feedback. Final submitted for sign off 12 January 2023. Investing in Our Communities program (IiOC) guidelines and list of projects for transfer to other portfolios with Minister for approval (Submitted 16 December 2022) 	Janet Quigley Meghan Hibbert (Regional) Ben Meagher (IID)

From: French Angela

Sent: Monday, 23 January 2023 7:11 PM

To: Solomon, Joseph

Cc: Betts, Jim; MACKAY David; HALLINAN David; PURVIS-SMITH Marisa; BURKE Chris;

BRIDGER Maree; s22(1)(a)(ii)

Subject: Ministerial Priorities Tracker as at 23 January 2023 [SEC=OFFICIAL]

Attachments: Minister King Priorities Tracker 23 January 2023.pdf

OFFICIAL

Hi Joseph

Please find attached the latest Ministerial Priorities Tracker, up to date as at 23 January 2023, ahead of the regular catch up between the Minister and the Secretary tomorrow at 4.00pm.

Any questions, please don't hesitate to give me a call.

Regards

Ange

Angela French

Chief of Staff • Office of the Secretary angela.french@infrastructure.gov.au M +61 s22(1)(a)(GPO Box 594 Canberra, ACT 2601

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OFFICIAL

FOI 23-137 & 138 PROTECTED Cabinet

Priority 2(1)(a)(ii)	Key actions	Key updates and dates	Key Contact
elivering	s22(1)(a)(ii)	• s22(1)(a)(ii)	Janet Quigley
lection ommitments			Meghan Hibbert
		 Guidelines for Priority Community Infrastructure Program (PCiP) approved and amended per Minister's 	(Regional) Ben Meagher
		feedback. Final submitted for sign off 12 January 2023.	(IID)
		 Investing in Our Communities program (IiOC) guidelines and list of projects for transfer to other 	
		portfolios with Minister for approval (Submitted 16 December 2022)	
2(1)(a)(ii)			