

Participant Declaration Information

February 2019

Future Energy Exports CRC

The Participant Declaration Information

The participant declaration

All CRC participants must sign a Participant Declaration (Appendix 1). This signed document stipulates the contributions that the participant intends to commit to the CRC, should it eventuate.

The signed Participant Declaration is submitted with the Stage 1 and the Stage 2 CRC application - it does not need to be resigned for the Stage 2 application unless items have changed. The Participant Declaration is the only signed document required from participants during the bid application process. The Commonwealth's Participant Declaration FAQ (Appendix 2) describes the document. Notably, it states:

- The document is a declaration of intent.
- The document is not a contract and does not create a binding legal relationship between any parties.
- Should a participant withdraw from the CRC application between stage one and stage two, or between stage two and the finalisation of the necessary legal agreements, no obligations exist for the participant organisation.
- That, by signing a declaration, the participant's contributions will be considered with respect to the requirement for matching contributions.

Contributions

Contributions, cash and / or in-kind, are required from all CRC participants.

Participant cash contributions are cash monies paid to the CRC entity by a participant for undertaking agreed CRC activities.

Participant in-kind contributions consist of non-monetary inputs. These include personnel (referred to as 'staff in-kind') and facilities, equipment and services (referred to as 'non-staff-in-kind') provided by a participant to the CRC for agreed CRC activities.

Following is general guidance on how to determine in-kind contributions.

- Staff in-kind contributions are personnel provided by a participant to the CRC. For the purposes of the CRC, all staff in-kind are valued at a nominal value of \$250,000 per full time equivalent (FTE), covering salary, direct salary on-costs, direct and in-direct support costs of staff. There is no differentiation between different levels of staff. Applicants are only required to enter the FTE time commitment (e.g. 1.2 FTE).
- Non-staff in-kind contributions are facilities, equipment, services and employee overhead for cash funded staff. Apart from employee overhead for cash funded staff, the value of non-staff in-kind contributions is to be determined by the participant and must be realistic, reasonable and justifiable.

Capital item valuations must be valued proportionally to the usage by the CRC and based on the running costs and depreciation of the capital item. Facility / service valuations could include fees for access (e.g. access to IP, laboratory facilities) only where it would be appropriate for a fee for access to be applied in a commercial environment. Examples include:

- If a resource has an annual depreciation value of \$100,000 and the CRC was using 10% of the resource's capacity, then the resource could be valued at \$10,000 per year.
 - If the fee for usage was \$500 per use and the CRC was receiving 100 usages per year at no cost, the value of the resource could be valued at \$50,000 per year.
 - If a CRC is receiving office space as an in-kind contribution, the contribution could be valued at the amount it would otherwise cost to rent equivalent office space.
- In circumstances where staff salaries are being paid by CRC cash, the participant can claim an in-kind contribution for the overhead associated with the employee. The value of the employee overhead must be calculated using the nominal \$250,000 less the salary and direct salary on-costs paid by the CRC. For example: Sam spends 100% of her time on CRC activities. CRC cash pays her salary and direct salary on-costs of \$80,000. The overhead can be claimed as non-staff in-kind and calculated as follows: $\$250,000 - \$80,000 = \$170,000$.

Appendix 1: CRC – Participant Declaration (DRAFT)

Cooperative Research Centres (CRC) – Participant Declaration

This declaration is to be completed by each participant in the collaboration. All declarations must be uploaded as attachments to the CRC application form.

- I declare that the participant is aware of its obligations under the CRC Program Guidelines.
- I declare that (subject to this application being successful) the participant will support and actively participate in the proposed CRC.
- I declare that the participant will contribute (subject to this application being successful) the staff, funds and other resources indicated in the application and that the participant has obtained, or will obtain, the necessary authorisations to do so.

Total participant contributions for the full CRC funding term are listed below and are consistent with the total contributions listed in the application form:

Total cash for full funding term	(Total in \$AUD, for example \$100,000):	\$
Total non-staff in-kind for full funding term	(Total in \$AUD, for example \$50,000):	\$
Total FTE for full funding term	(Total in FTE, for example 3.0 FTE):	

- I declare that the participant will comply with, and require that its subcontractors and independent contractors comply with all applicable laws.
- I declare that the information contained in this application that relates to the participant together with any statement provided, is to the best of my knowledge, true, accurate and complete. I also understand that the giving of false or misleading information is a serious offence.
- I acknowledge that if the Department is satisfied that any statement made in an application is incorrect, incomplete, false or misleading, the Department may, at its absolute discretion, take appropriate action.
- I understand that I may be requested to provide further clarification or documentation to verify the information supplied in this form and that the Department may, during the application process, consult with other government agencies, including State and Territory government agencies, about the applicant's claims and may also engage external technical or financial advisers to advise on information provided in the application.
- I give my consent to be contacted by the Department to discuss the particulars of the participant's commitment to the proposed CRC.
- I approve of the information in this application being communicated to the Department in electronic form.
- I declare that I am authorised to sign and submit this declaration on behalf of the participant.

By signing below, I agree to the above declaration and confirm all of the above statements to be true.

Participant (organisation name):	
Participant ABN/ACN:	
Authorised representative (name):	
Position/role:	
Phone:	
Email:	
Signature:	Date:

Appendix 2: CRC – Participant Declaration



FACT SHEET

PARTICIPANT DECLARATION – CRC GRANT APPLICATION

Participant Declaration

The Participant Declaration is a declaration of intent made by a participant organisation to the Commonwealth to confirm its intention to participate in the proposed CRC should the application be successful. It is critical for participant organisations to confirm they are committed to being a part of the collaboration and are committed to providing the stated resources to support the collaboration. The Participant Declaration provides surety of this commitment.

The Participant Declaration is not a contract between the Commonwealth and the participant organisation. The Declaration does not create any binding legal obligation on the participant, nor does it create a binding legal relationship between the signatory and the other participants or the Commonwealth. Should the application not be successful, no obligations exist for the participant organisation.

In signing the Participant Declaration the participant organisation affirms the truth and accuracy of the information provided and acknowledges the obligations on participants in the proposed CRC.

A signed Participant Declaration for each participant organisation in the collaboration must be attached to the CRC grant application. Failure by the applicant to do so will mean that the application is incomplete and may not be considered for assessment.

Purpose of the Participant Declaration

The Participant Declaration confirms the support of each participant organisation that is party to the proposed CRC and that if the CRC is successful and receives an offer of funding, the participant organisation will actively participate and cooperate in the CRC, become a party to all necessary agreements, and contribute the staff, funds and other resources indicated in the application.

The Participant Declaration:

- confirms that participant organisations have made a firm commitment to the proposed CRC and are aware of their obligations;
- provides sufficient certainty as to participant contributions to allow the Department and CRC Advisory Committee to conduct a meaningful assessment process;
- demonstrates committed contributions to support the case for investment; and
- shows that the contributions attributed to participant organisations are properly authorised.

In accordance with clause 75 of the CRC Program Guidelines, an application is deemed compliant if it meets all stated requirements, including being endorsed by the head of each organisation (or an authorised representative) that is a party to the application who has authority to commit funds and/or resources to the proposed CRC on behalf of the participant organisation.

The endorsement of the application by the participant organisation is made through the Participant Declaration.

Commitments made in the Participant Declaration

The Participant Declaration (and application form) should only include the resources that are intended as a firm commitment to the proposed CRC.

It is also expected that the level of contributions attributed to the participant organisation in the legal agreements including the Funding Agreement and Participants Agreement will reflect those stated in the Participant Declaration and application as required by the CRC Program Guidelines.

Should the application not be successful, no obligations exist for the participant organisation.

Similarly, should a participant organisation withdraw from the application between stage one and stage two, or between stage two and the finalisation of the necessary legal agreements, no obligations exist for the participant organisation.

However, the withdrawal of participant organisations or reduction in contributions between stages may result in the application being deemed less meritorious and less competitive. Similarly, the withdrawal of participant organisations or reduction in contributions between the stage two full business case and the finalisation of the necessary legal agreements may result in any offer of funding being reduced or withdrawn.

Participant organisations are not required to commit resources for the full funding period.

When is a Participant Declaration required?

A Participant Declaration is required for all applicants listed in the application at both stage one and stage two of the assessment process, unless otherwise determined by the Department.

Changes to participant organisations and contributions are permitted from stage one to stage two.

What happens if a Participant organisation is unable to sign a Participant Declaration?

If a participant organisation cannot sign a Participants Declaration, it cannot be listed as a participant and its contributions will not be considered with respect to the requirement for matching contributions, committed participant contributions or broader contributions.

The applicant may still include reference to the participant organisation's involvement and intended contributions when addressing the selection criteria and include an explanation of the circumstances preventing the organisation from signing the Participant Declaration (within the stated character limits permitted in the application form and not as additional information).

Format of the Participant Declaration

The Participant Declaration must be submitted in the format provided using the specified template available at business.gov.au. The Participant Declaration must not be changed or amended in any way and no additional words, annotations, conditions and/or attachments are permitted.

Participant contributions specified in the application must match the participant contributions specified in the signed Participant Declaration. Any discrepancy may result in the application being deemed non-compliant, particularly in instances where participant contributions in the Participant Declaration are less than those indicated in the application.

The Department, at its sole discretion, will determine the content and format of the Participant Declaration and may make amendments from time to time.

Participant Declaration vs Participants Agreement

The Participant Declaration primarily informs the application and selection process.

Should the application be successful, it is expected that the participant organisation will enter in to negotiations in good faith and execute (subject to the terms and conditions being acceptable to the participant organisation) all necessary documentation and agreements, including the Participants Agreement, to formalise its obligations and contributions to the CRC.

The Participants Agreement is one of two formal agreements (along with the Funding Agreement) that supports the CRC collaboration. It is an agreement between the participants and the CRC Entity. All participants are required to enter into a Participants Agreement.

The Participants Agreement may cover matters such as the establishment of the CRC Entity; the governance and management of the CRC; payment of participant contributions; ownership of IP; commercialisation of research results including licensing arrangements; appointments of key staff; obligations of participants (including rights to withdraw); and any other relevant matters. The Participants Agreement must not be inconsistent with the Funding Agreement, the laws of the Commonwealth, a State or Territory or the CRC Program Guidelines.

The Commonwealth expects that conversations on key matters such as governance and IP should begin between parties to the CRC and in principle agreement be reached before submission of an application. The Commonwealth expects that if successful, participant organisations and the CRC should be negotiating final details of the Participants Agreement in parallel or prior to the finalisation of the Funding Agreement.

The commencement of negotiations to settle the details of the Participants Agreement after a funding offer has been made may result in the delayed finalisation of the Participants Agreement and the potential withdrawal of the offer. Similarly, details of the Participants Agreement that are inconsistent with the application may result in the offer of funding being withdrawn.

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