Entrepreneurs’ Infrastructure Programme

Business Management Elements

Transitional Programme Guidelines

Note: This is not the latest version of these Guidelines. These guidelines apply to applications received between 1 July 2014 and 31 August 2014.

1 July 2014 – 31 August 2014

Version 1
ENTREPRENEURS’ INFRASTRUCTURE PROGRAMME

Purpose
1. The purpose of these Programme Guidelines is to provide the framework for the transitional operation and administration for the Business Management elements of the Entrepreneurs’ Infrastructure Programme (the Programme).

Commencement
2. These Programme Guidelines commence on 1 July 2014.
3. The Programme Guidelines are not an exclusive statement of the requirements for the Programme, and should be read in conjunction with the Customer Information Guides.

Authority for Programme Guidelines
4. These Programme Guidelines:
   a. are made by the Minister; and
   b. may be amended by the Minister from time to time.

Interpretation
5. The definitions outlined at Appendix 1 apply for the purpose of interpreting these Programme Guidelines. These definitions are not intended to be a substitution for the defined terms in any Funding Agreement.

Transition Arrangements
6. These Programme Guidelines apply for the purposes of the Business Management elements of the Programme from 1 July 2014 and are not a replacement of existing services or offerings provided by the Department before then.
7. In the event of any inconsistency between these Programme Guidelines and the Customer Information Guides the Programme Guidelines prevail.

Part 1 - Programme Overview

Introduction
8. The *Entrepreneurs’ Infrastructure Programme* is a $484.2 million programme that was announced as part of the 2014 Budget. The funding allocation includes $92.4 million for the single business service delivery initiative. The Government provided a vision and strategic framework to build a strong, prosperous economy. It set out a new policy direction to provide strategic support to business, bring research and business together to develop and commercialise ideas and equip small and medium businesses with the management and business skills needed to lead change and expansion.

9. The *Department* is responsible for administering the *Programme*. The *Programme* will commence on 1 July 2014 and will be ongoing, with a current budget allocation over four years from 2014-15 to 2017-18.

10. The *Programme* provides a framework through which the Government will support small and medium businesses to improve business capability and competitiveness, promote economic growth and support the commercialisation of new ideas.

11. The *Business Management* elements of the *Programme* are delivered through a national network of experienced *Advisers and Facilitators* and supported by *Partner Organisations*.

12. *Applicants* who meet the relevant eligibility criteria will be eligible to receive the relevant *Services* subject to available resources and funding.

**Programme Objective**

13. The objective of the *Programme* is to drive business competitiveness through support for business improvement and promoting economic growth through commercialisation of new ideas.

14. The objective of the *Business Management* elements outlined in these *Programme Guidelines* is to address the challenges facing small and medium businesses through the provision of advice and facilitation to build management and business capability, ensuring competitive businesses for the future.

**Programme Outcomes**

15. In meeting the *Programme* objectives, the *Programme* is expected to:
   
   a. increase sales, revenue and profit of small and medium businesses;
   
   b. improve products, services and processes of small and medium businesses;
   
   c. assist small and medium businesses to increase market participation and export participation;
   
   d. deliver high quality advice and facilitation services.
**Programme Elements**

16. The Programme delivers the following Business Management elements:

   a. Business Evaluation – a holistic analysis of the eligible business carried out on-site by skilled and experienced Advisers. At the conclusion of a Business Evaluation, the business will be provided with an evaluation report accompanied by a range of recommendations for improvement.

   b. Business Growth Grant - reimburses Applicants for up to half of the cost of engaging a consultant (up to a maximum of $20,000) to make business improvements that were recommended in the Business Evaluation.

**Part 2 – Eligibility**

**Business Evaluations**

17. To be eligible to receive an Entrepreneurs’ Infrastructure Programme Business Evaluation, Applicants must meet the following eligibility criteria:

   a. possess an Australian Company Number (ACN) or, in the case of Applicants located in Remote Australia, possess either an Australian Business Number (ABN) or ACN; and

   b. operate in one of the specified industry sectors outlined in clause 18; and

   c. meet the relevant turnover thresholds of the industry sector outlined at clause 19; and

   d. have not previously received an Entrepreneurs’ Infrastructure Programme Business Management Service or Grant, or Business Review or Tailored Advisory Service Grant under the Enterprise Connect Programme; and

   e. be Solvent; and

   f. have operated in Australia and filed business activity statements showing ongoing trading in at least three consecutive years; and

   g. not be named by the Affirmative Action Agency as an organisation that has not complied with the Workplace Gender Equality Act 2012 (Cth).

18. Business Management elements will be available to small and medium businesses in the following Sectors and region:

   a. Defence Industry;

   b. Energy, Water and Waste Management;
c. Freight and Logistics;
d. Infrastructure related Construction;
e. Information and Communications Technology (ICT);
f. Manufacturing or Manufacturing-Related Services;
g. Medical and Pharmaceutical;
h. Professional Services;
i. Resources Technology;
j. Creative Industries;
k. Tourism; or
l. Remote Australia.

19. The turnover thresholds for the Business Management elements are:
   a. Between $1.5 million and $100 million – for Applicants from Defence Industry, Energy, Water and Waste Management, Freight and Logistics, Information and Communications Technology, Infrastructure related Construction, Manufacturing and Manufacturing Related Services, Medical and Pharmaceutical, and Professional Services and Resources Technology;
   b. Between $1 million and $100 million – for Applicants from Creative Industries and Tourism;
   c. Between $750,000 and $100 million – for Applicants from Remote Australia.

**Business Growth Grants**

20. To be eligible to apply for a Business Growth Grant, Applicants must:
   a. have received a Business Evaluation under the Programme; and
   b. be implementing a recommendation(s) identified in the Business Evaluation Report; and
   c. be Solvent; and
   d. be able to fund at least 50 per cent of the costs of engaging a consultant to implement the recommendation(s).

21. An eligible application for a Business Growth Grant must:
   a. provide a separate project proposal/quote from the Applicant’s preferred consultant;
   b. demonstrate the preferred consultant is bringing new areas of expertise to the business;
c. demonstrate the work involved is not part of the ordinary operations of the business; and

d. demonstrate how the project will build identified capabilities.

22. Applicants must apply for a Business Growth Grant within 6 months of completion of the Business Evaluation Report unless otherwise agreed by the Programme Delegate.

23. A Business Growth Grant can only fund activities directly related to the implementation of recommendations identified in the Business Evaluation Report.

Applications

24. Applications for the Programme, unless advised otherwise must be completed and submitted electronically through www.business.gov.au (Applicants are encouraged to review the Customer Information Guide prior to completing the Application Form.)

25. An application for the Programme must:

a. be completed by an authorised representative of the Applicant; and

b. provide all the information required by, and specified in, the Application Form.

26. Applications for Business Evaluations may be lodged at any time during the life of the Programme.

27. Applications for Business Growth Grants must be made within the time period set out in clause 22 and are subject to available funding. If funding is no longer available, information will be published on www.business.gov.au to advise that the Programme is closed to new applications.

Part 3 - Assessment and Approval of Applications

Application Assessment

28. The Programme Delegate will determine whether an application is eligible under clauses 17-25.

29. Subject to available funding, the Programme Delegate will approve eligible applications.

Application Approval

30. Applicants are advised formally of the outcome of their application via email.
Part 4 – Funding Agreement

Funding Agreement

31. The Programme Delegate, on behalf of the Commonwealth, and the successful Applicant must enter into a Funding Agreement before Grant Funds are provided to the Recipient.

32. Among other things, a Funding Agreement will:
   a. ensure that the Commonwealth is empowered to recover Grant Funds in circumstances where the Recipient has not complied with the terms and conditions set out in the Funding Agreement;
   b. specify the maximum amount of Grant Funding for the project and the timing and method of delivery of the Grant;
   c. require that the Recipient conduct the project to which the application relates, including evidence of expenditure claimed; and
   d. provide for variation and termination of the Funding Agreement and set out dispute resolution procedures.

Variations

33. The Programme Delegate may, at his/her discretion, agree with a Recipient to vary the Funding Agreement from time to time.

34. A variation to a Funding Agreement will only be considered by the Programme Delegate if it:
   a. is consistent with the Programme’s objectives; and
   b. is appropriate in all circumstances.

35. Approved variations to the Funding Agreement must be made in writing prior to the Funding Agreement End Date.

Payment of grant funds

36. Grant funds will be paid in arrears following the completion of the Business Growth project and acquittal of associated costs.

Part 5 – Programme Governance

Roles and Responsibilities

Minister

37. The Minister will appoint a Programme Delegate for the Programme.
**Programme Delegate**

38. The *Programme Delegate* will be an authorised representative of the *Department* that occupies the position of General Manager, AusIndustry.

39. The *Programme Delegate* is authorised to make decisions in relation to the administration of the *Programme* and to give directions to the *Department* as to the interpretation of these *Programme Guidelines* and other documents used in, or in relation to, the *Programme*.

40. The *Programme Delegate* must have regard to the policy objectives of the *Programme* when performing any function or making any decision in relation to the *Programme*.

41. The *Programme Delegate* is responsible for:
   a. determining the eligibility of applications;
   b. ensuring overall efficient and effective administration of the *Programme*;
   c. approving applications for Business Evaluations and Business Growth *Grants*;
   d. entering into *Funding Agreements* on behalf of the Commonwealth;
   e. authorising payments of *Grant Funds* by the Commonwealth to *Recipients*; and
   f. approval of all customer documentation.

42. The *Programme Delegate* will carry out other functions as authorised by the *Minister*.

**Commonwealth’s Rights**

43. Nothing in these *Programme Guidelines* should be construed to give rise to any contractual obligations or rights, expressed or implied, by the issue of these *Programme Guidelines* or the submission of an application for a *Grant* under the *Programme*.

44. No agreement will be created until a formal execution between a successful *Applicant* and the Commonwealth, represented by the *Department*.

45. Notwithstanding the approval of any Application for a *Grant*, the provision of a *Grant* by the Commonwealth, and the amount of any *Grant*, is subject to available Australian Government funding and changes in Australian Government policy.

**Announcements**
46. The Minister or the Department may publicly announce successful projects, including details of successful Applicants and the quantum of Grant Funds.

47. Such public announcements may also include information provided by successful Applicants or compiled or obtained during the assessment of applications and negotiation of Funding Agreements that the Commonwealth determines is not confidential, following consultation with Applicants as required.

48. The Department will report on its website, as required under Finance Circular 2013/02 - Australian Government Grants: Briefing and Reporting. This will include the details of approved Business Evaluations and Business Growth Grants.

**Conflict of Interest and Bias**

49. Persons involved in the delivery, assessment and decision process are required to disclose any conflicts of interest and comply with the Commonwealth Grant Guidelines. In addition:

   a. the Department’s procedures for managing disclosure of interest are in accordance with the requirements of the APS Code of Conduct (section 13 (7) of the Public Service Act 1999) and are published on the Departmental website;

   b. The Department will manage potential and actual Adviser, Facilitator and Partner Organisation Contractor conflicts of interest through a disclosure of interest process that requires declaration of any Conflict of Interest and exclusion of that Adviser, Facilitator and Partner Organisation Contractor from engaging with the Applicant if the Programme Delegate determines that the Conflict of Interest is material. The conflict of interest procedures are published on www.business.gov.au

**Feedback and Complaints**

50. Information about feedback and complaints handling concerning the Programme will be included in the Customer Information Guide and Customer Service Charter. Complaints concerning decisions will be directed to the Programme Delegate.

51. The Applicant is also entitled to lodge a complaint with the Commonwealth Ombudsman. Details of how Applicants may lodge a complaint are published on www.business.gov.au

**Programme Contact Details**

52. Any queries regarding these Programme Guidelines should be directed to www.business.gov.au
Confidentiality

53. Advisers and Facilitators may, upon request, provide a statement of confidentiality to a business that they work with. However, any undertaking as to confidentiality will be subject to clauses 54 to 55.

54. A Facilitator or Adviser, may give an undertaking as to confidence only in relation to information which satisfies the four criteria listed below:

   a. the information to be protected has been clearly identified by the Applicant;
   b. the information is commercially sensitive;
   c. the disclosure of the information would cause unreasonable detriment to the Applicant or another party; and
   d. the information was provided by the Applicant under an understanding that it would remain confidential.

55. However, the Facilitator or Adviser (if not an employee of the Commonwealth) must be authorised to provide that information to the Commonwealth, and the Commonwealth, must, if not otherwise permitted or authorised by law, be authorised to use or disclose that information as set out below.

Protection of Information

56. The use and disclosure of information provided to the Department, Advisers, Facilitators, Partner Organisation Contractors and the Programme Delegate (relevant parties) by Applicants (including information provided as part of any application) is regulated by the relevant provisions and penalties of the Public Service Act 1999 (Cth), the Public Service Regulations, the Privacy Act 1988 (Cth), the Crimes Act 1914 (Cth), the Criminal Code Act 1995 (Cth) and general law.

57. The relevant parties will use and disclose the information provided by Applicants for the purposes of discharging their respective functions under these Programme Guidelines and otherwise for the purposes of the Programme and related uses. The Department may also:

   a. use information received in applications in any other Departmental business;
   b. use information received in applications and during the performance of the project for reporting and consultation with other Commonwealth, State or Territory government agencies; and
   c. during the assessment of applications, and in the course of administering the Programme, consult with other Commonwealth, State and Territory Departments and Agencies about an Applicant’s claims and disclose information about Applicants as
needed. The Department may also engage third parties (including auditors) to review applications to provide technical or financial advice on a contract basis.

58. This information may be disclosed to Departmental staff, the Minister and staff members of the Minister’s Office for the purposes of administering and informing the development of the Programme.

59. Any information obtained will be stored and held in accordance with the Department’s obligations under the Archives Act 1983 (Cth).

60. In addition to the above, the Department may disclose information (whether it be personal information or other information) to:
   a. the Auditor-General, Ombudsman or Privacy Commissioner;
   b. a House or a Committee of the Parliament of the Commonwealth of Australia;
   c. a third party contractor engaged by the Commonwealth for audit-related purposes;
   d. other Commonwealth agencies for law enforcement purposes, where the disclosure will serve the Commonwealth’s legitimate interests and, if necessary, to substantiate an applicant’s claims; or
   e. a technical, financial, economic and/or industry expert (including auditors) from whom the Department wishes to seek advice in relation to the administration of the Programme.

61. Information obtained will only be used and disclosed for the purposes outlined above, or as otherwise authorised or required by law.

62. For further information as to how the Department handles personal information, please refer to the Department’s Privacy Policy.

63. The treatment of Applicants’ information is detailed on all Entrepreneurs’ Infrastructure Programme application forms in addition to relevant sections in the Customer Information Guides.

**Freedom of information**

64. All documents created or held by the Department with regard to the Programme are subject to the Freedom of Information Act 1982. Unless a document falls under an exemption provision, it will be made available to the general public if requested under the Freedom of Information Act 1982.

65. All Freedom of Information (FOI) requests are to be referred to the FOI Coordinator, in the Department. Decisions regarding requests for access will be made by an authorised officer in accordance with the requirements of the Freedom of Information Act 1982.

**Programme Evaluation**

Entrepreneurs’ Infrastructure Programme Guidelines: Version 1 July 2014
66. The Department will monitor and evaluate the performance of the Programme through a range of capture points. This includes successful Applicants being asked to provide standard data to the Department for the purposes of preparing periodic performance reports which are analysed and compared to industry standards.

67. Performance and evaluation data includes a number of capture points to evaluate changes to a business following the commencement of the Service or Grant.

68. The Programme Delegate must:

   a. ensure that data from applications and service delivery is maintained in a form that is available for Programme monitoring and evaluation; and

   b. in collaboration with relevant policy partners, facilitate and cooperate with an independent evaluation of the Programme.

**Tax Obligations**

69. Grants under the Programme may attract the Goods and Services Tax (GST). Grant payments are increased to compensate for any GST that you may be liable to pay.

70. Grants under the Programme are treated as assessable income for taxation purposes, unless specifically exempted. On this basis, Applicants are recommended to seek their own independent professional advice on their taxation obligations.
Appendix 1: Definitions of Key Terms

The following definitions apply for the purpose of interpreting these Programme Guidelines. It is not intended to be a substitution for the defined terms in any Funding Agreement.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>The business that submits an application for an Entrepreneurs’ Infrastructure Programme Business Management Service or Grant.</td>
</tr>
<tr>
<td>Adviser</td>
<td>Skilled adviser with private sector experience and access to an array of industry resources to provide Entrepreneurs’ Infrastructure Programme services.</td>
</tr>
<tr>
<td>Business Evaluation Report</td>
<td>A report provided to the business at the completion of a Business Evaluation that documents the findings and recommendations.</td>
</tr>
<tr>
<td>Business Management</td>
<td>The Business Evaluation and Business Growth Grant elements of the Programme.</td>
</tr>
</tbody>
</table>
| Customer Information Guide | A document that provides prospective Applicants with information on each Service and Grant element including:  
  - what is provided within a Service or Grant;  
  - eligibility;  
  - how to apply; and  
  - the obligations of successful applicants. |
<p>| Department | The Commonwealth Department of Industry. |
| Department Staff | The personnel employed by or contracted to deliver the Programme. |
| Entrepreneurs’ Infrastructure Programme | The Programme in which a framework of Business Management and additional elements are designed to support small and medium businesses improve capability and competitiveness. |
| Facilitator | Skilled facilitator who works with business, industry, community, higher education and local government organisations in delivering Entrepreneurs’ Infrastructure Programme services. |
| Funding Agreement | A legal binding document between the Commonwealth and a Recipient. |
| GST | Has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999. Unless otherwise stated, amounts are GST exclusive. |
| Grant (Funds) | The funds provided by the Commonwealth to the Recipients as determined by the Funding Agreement under the Programme. |
| Minister | The Minister with portfolio responsibility for the Programme. |
| Partner Organisation | Organisations that are funded by the Commonwealth to deliver Programme Services. |</p>
<table>
<thead>
<tr>
<th><strong>Partner Organisation Contractors</strong></th>
<th>Advisers and Facilitators engaged by Partner Organisations to deliver the Programme Services.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Programme</strong></td>
<td>The Entrepreneurs' Infrastructure Programme.</td>
</tr>
<tr>
<td><strong>Programme Delegate</strong></td>
<td>An employee of the Department, who has been empowered by the Minister or otherwise duly authorised person to administer the Programme and its Elements.</td>
</tr>
<tr>
<td><strong>Programme Elements</strong></td>
<td>The Services and Grants which make up the Programme.</td>
</tr>
<tr>
<td><strong>Programme Guidelines</strong></td>
<td>The Entrepreneurs’ Infrastructure Programme Guidelines issued by the Commonwealth, and as amended by the Commonwealth from time to time.</td>
</tr>
<tr>
<td><strong>Recipient</strong></td>
<td>The organisation which enters into the Funding Agreement and receives payment of the Grant.</td>
</tr>
<tr>
<td><strong>Remote Australia</strong></td>
<td>As defined by the Australian Bureau of Statistics Remoteness Classification 2006, see the ABS Remoteness Structure for more information.</td>
</tr>
<tr>
<td><strong>Sector</strong></td>
<td>A group of organisations undertaking economic activities similar with the Division level of the Australian and New Zealand Standard Industrial Classification 2006.</td>
</tr>
<tr>
<td><strong>Services</strong></td>
<td>Includes both the Business Evaluation and Business Growth services provided by the Programme.</td>
</tr>
<tr>
<td><strong>Solvent</strong></td>
<td>The business is able to pay all debts when they fall due for payment.</td>
</tr>
<tr>
<td><strong>Transition Period</strong></td>
<td>The period between 1 July 2014 when Business Management elements commence and the commencement of other elements of the Programme.</td>
</tr>
</tbody>
</table>

In these Guidelines:

- 'may' is permissive and not mandatory;
- a reference to the singular includes the plural and vice versa; and
- if a word or phrase is defined its other grammatical forms have corresponding meanings.