



National Flood Mitigation Infrastructure Program 2021–22 Program Guidelines

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Commonwealth policy entity:	National Recovery and Resilience Agency
Administering entity	National Recovery and Resilience Agency
Enquiries:	If states and territories have any questions, contact National.Flood.Mitigation@recovery.gov.au
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Contents

1. National Flood Mitigation Infrastructure Program 2021–22 Processes	4
2. About the Program	5
2.1 About the National Flood Mitigation Infrastructure Program 2021–22	6
3. Available funding under the Program	7
3.1 Funding available	7
4. Eligibility criteria	7
4.1 Who is eligible to apply for the Program?	7
5. What the funding can be used for	8
5.1 Eligible Program Activities	8
5.2 Eligible locations	9
5.3 Eligible expenditure	9
5.4 What the funding cannot be used for	9
6. Assessment Criteria	11
7. How to apply	13
7.1 Attachments to the application	13
7.2 Timing of program processes	15
7.3 Questions during the application process	15
8. The Program Review and Assessment Process	16
8.1 Assessment of applications	16
8.2 Who will assess applications?	16
8.3 Who will approve the funding under the Program?	17
9. Notification of application outcomes	18
9.1 Feedback on applications	18
10. Successful grant applications	18
10.1 The Funding Agreement	18
10.2 How we pay the funding	18
11. Announcement of grants	19
12. How we monitor projects	19
12.1 Keeping us informed	19
12.2 Reporting	19
12.3 Financial declaration	20
12.4 Project visits	20
12.5 Evaluation	20
12.6 Acknowledgement	20
13. Probity	21
13.1 Enquiries and feedback	21
13.2 Conflicts of interest	21
13.3 Privacy	22

13.4	Confidential Information	22
13.5	Freedom of information.....	23
14.	Glossary.....	24

1. National Flood Mitigation Infrastructure Program 2021–22 Processes

The National Flood Mitigation Infrastructure Program 2021–22 is designed to achieve Australian Government objectives. This Program is funded from the \$50 million pre-disaster resilience component available from the Emergency Response Fund in the 2021-22 financial year. The Program is designed in accordance with the relevant legislation and subsidiary guidelines.



The Program opens

The NRRRA publishes Program guidelines on the National Recovery and Resilience Agency website.



States and territory governments complete and submit an application

State and territory governments complete the application, in consultation with local governments and communities and address all of the eligibility and assessment criteria.



A Program Review Panel assess all applications

The NRRRA assesses each application against eligibility criteria and notifies each state and territory of those projects not eligible, if applicable. An intergovernmental Program Review Panel assesses each eligible application against Program assessment criteria including an overall consideration of value with relevant money and comparison with other applications.



Advice to the Coordinator-General of the National Recovery and Resilience Agency

We provide advice to the Coordinator-General of the NRRRA on the merits of each application based on the Program Review Panel's deliberations and assessments.



Funding decisions are made

The Coordinator General makes recommendations to the Minister regarding the applications. The Minister, as the decision maker, decides which applications will be funded under the Program.



We notify states and territories of the funding outcome

We advise state and territories of the outcome of their applications.



Announcement of projects to be funded

The Minister will announce the projects to receive funding under the Program. Announcements relating to individual projects must be managed jointly with the Commonwealth.



Establishing a Funding Agreement with each state and territory that is to receive funding

We will negotiate a Schedule under the Head Agreement with the state or territory government. The relevant jurisdictional Minister responsible for emergency management will co-sign the Schedule.



Delivery of Funding

The Treasury will transfer the funding to the states and territories as a single, upfront payment in accordance with the requirements of the *Emergency Response Fund Act 2019 (Cth)*.



Evaluation of the National Flood Mitigation Infrastructure Program 2021–22

We evaluate project/s and the National Flood Mitigation Infrastructure Program 2021–22 as a whole.
We base this on information provided to us and that we collect from various sources.

1.1 Introduction

These guidelines contain information for the National Flood Mitigation Infrastructure Program 2021–22.

States and territories must read these guidelines before filling out an application.

This document sets out:

- the purpose of the Program
- the eligibility and assessment criteria
- how applications are considered and selected
- how funded projects are notified and how funding is received
- how projects will be monitored and evaluated
- responsibilities and expectations in relation to the Program.

2. About the Program

About the National Recovery and Resilience Agency

The National Recovery and Resilience Agency (the Agency) was established on 5 May 2021 by the Prime Minister, the Hon Scott Morrison MP, to coordinate and align, across Australia, community resilience and preparedness to withstand the often devastating impacts of natural disasters. Importantly, the Agency is also focused on developing Australia's capacity to bounce back and recover as seamlessly as possible, after a natural disaster has occurred.

Flood Mitigation: an Australian Government Priority

Australian communities have increasingly been exposed to the devastating adverse impacts of major or catastrophic flooding events. As reported in the State of the Climate 2020, heavy rainfall events in Australia are becoming more extreme and short-duration extreme rainfalls more intense.

Extreme rainfall events are associated with flash flooding and a consequent increased risk to communities. Deloitte Access Economics¹ has indicated that flooding is currently the most costly natural hazard-related cause of disaster when both tangible and intangible losses are considered and when forecasting for 2060. However, for many households and communities the ability to reduce flood risk is beyond their control.

Since floods are the most costly natural disaster, flood mitigation therefore has the potential to be a high impact investment, that aligns with the recommendations of both the Royal Commission into National Natural Disaster Arrangements and previous findings in the Productivity Commission's Report on Disaster Recovery Funding Arrangements. As such, the construction or improvement of flood mitigation infrastructure (including green infrastructure) is a valuable and long-term investment in Australia's capability to reduce the risks of natural disasters to communities and economies, into the future.

¹ Chart 3.1, 3.2, [Special report Update to the economic costs of natural disasters in Australia.pdf](#) (australianbusinessroundtable.com.au)

The Emergency Response Fund (ERF)

The Emergency Response Fund (ERF) was established upon commencement of the *Emergency Response Fund Act 2019* (the ERF Act) on 12 December 2019. Policy support for the operation of the ERF is outlined in the Emergency Response Fund Program guidelines.

The Disaster Recovery Funding Arrangements (DRFA) are the primary mechanism for the Commonwealth to provide natural disaster related financial assistance to state and territory governments. The ERF is as an investment fund that was established to provide assistance beyond what is already available to fund emergency response and natural disaster recovery and preparedness, where the Australian Government determines the existing recovery and resilience-building programs are insufficient to provide an appropriate response to natural disasters. It is an investment in the long-term sustainability of communities at risk of being affected by future disasters.

Under the ERF Act, the Australian Government may draw up to:

- \$50 million each financial year to build resilience to, and prepare for or reduce the risk of future natural disasters.
- \$150 million each financial year to fund emergency response and recovery following natural disasters in Australia that have a significant or catastrophic impact, when the Australian Government determines that existing recovery programs are insufficient to meet the scale of the response required.

The National Flood Mitigation Infrastructure Program 2021-22 is funded under the \$50 million building resilience component of the ERF as outlined above.

2.1 About the National Flood Mitigation Infrastructure Program 2021–22

National Flood Mitigation Infrastructure Program 2021–22

The National Flood Mitigation Infrastructure Program 2021–22 (the Program) is funded from the \$50 million building resilience component of the ERF available in the 2021-22 financial year. These guidelines serve as a resource for the Agency (as the Program administrator) and state and territory governments (as Program applicants).

The Program demonstrates the Australian Government's commitment to provide additional support to communities across Australia to grow their resilience and preparedness to withstand the devastating impacts of flooding on communities and economies.

In 2020-21, the Australian Government initiated the first round of the Program, drawing on the \$50 million building resilience funding available in the 2020-21 financial year under the ERF. The 2021–22 Program builds on the success of the first round, providing an additional \$50 million to bring the total to \$100 million from the ERF over the two years to support communities across Australia to invest in flood mitigation preparedness.

The Program supports state, territory and local governments to build long-term, national flood resilience and preparedness and reduce the often-devastating impacts of flooding events on communities.

The Program gives effect to *National Priority 3: Enhanced Investment*, as detailed in the National Disaster Risk Reduction Framework, whereby the Australian Government will increase investment literacy across sectors, to ensure investment opportunities are leveraged to reduce disaster risk. The Program gives effect to this objective by targeting priority flood mitigation infrastructure, on a national

scale, with a view to maximising broader social and economic outcomes, including through limiting future disaster recovery needs and costs. The Program also helps to implement the National Climate Resilience and Adaptation Strategy and enhance community resilience to climate change impacts. The Program will open to state and territory government applications in November 2021.

The Program seeks to deliver on the following Program objectives:

- reducing the expected future eligible expenditure under the Disaster Recovery Funding Arrangements 2018
- reducing the exposure to flood hazards that influence insurance affordability for relevant households or local governments, through the improvement or construction of flood mitigation infrastructure
- mitigating against risk that influences insurance affordability for relevant household or local government by the improvement or construction of flood mitigation infrastructure
- ancillary to the above, local job creation.

3. Available funding under the Program

3.1 Funding available

The Australian Government has announced a total of \$50 million over one financial year (2021–22) for the National Flood Mitigation Infrastructure Program 2021–22.

- The maximum amount per project is \$10 million.

State and territory governments (as the applicants) are required to contribute towards the project through either a financial or in-kind, mandatory co-contribution to a minimum of 25 per cent of eligible expenditure.

Administration costs may be included in the funding application. Administration costs must not exceed 5 per cent of the estimated project costs and must be included in the total funding amount outlined in the application.

Funds may be distributed equitably across all state and territory jurisdictions, where possible and reasonable and in line with the project funding caps. 'Equitable distribution' does not necessarily mean an equal distribution of program funds

4. Eligibility criteria

We cannot consider an application if it does not satisfy all the eligibility criteria.

4.1 Who is eligible to apply for the Program?

Only Australian state or territory governments are eligible under the Program to apply for funding.

We can only accept applications:

from an Australian state or territory Australian Government where there is only one overarching application per state or territory government. In developing the overarching application, states and territories:

- may include an unlimited number of projects or applications, however states and territories should identify the top ten priority applications or projects within their jurisdictions for consideration.
- may engage third parties to deliver services on their behalf for any projects awarded funding under this Program.
- must consult with local governments and communities on project applications.

5. What the funding can be used for

5.1 Eligible Program Activities

Projects that are already fully funded are ineligible for the Program.

Projects that have already received full funding or a commitment of full funding are ineligible for Program funding for the same project. 'Full funding' is funding that equals the full estimated cost of the applicant project as verified by an independent relevant, suitably qualified and accredited industry professional.

Full funding is committed when the applicant jurisdiction has received written and reliable confirmation that full funding is available and will be allocated to the applicant project within a reasonable timeframe.

Only eligible Flood Mitigation Infrastructure can be funded under the Program.

Eligible infrastructure must directly demonstrate a positive effect on a community's resilience and preparedness to reduce flood risk and withstand the devastating impacts of flooding.

Under the Program, eligible Flood Mitigation Infrastructure may include, but is not limited to the following:

- Levees and levee systems (for example, structures built to contain, control or divert the flow of water)
- Infrastructure to aid flood plain restoration (for example, structures to raise riverbeds or excavate riverbanks)
- Green infrastructure that reduces the risk of flooding by protecting coastline or managing stormwater velocity or flow (for example, mangrove reforestation, greenways along floodplains, or bioswales).
 - For the purposes of the Program, 'Green Infrastructure' encompasses only those strategically planned natural and built landscape assets which incorporate environmental features, including but not limited to natural vegetation, which directly and demonstrably contribute to mitigating flood risk for the community in question.

Flood Mitigation Infrastructure may also include non-physical components, such as specific information technologies, that in their absence would render the flood mitigation infrastructure wholly inoperable.

Note: For the purposes of the Program, road infrastructure and improvements are excluded from this definition and are ineligible infrastructure.

Further guidance on these terms is provided in the **Glossary**.

Funding under the Program may be applied to the construction of new infrastructure that meets the definition above. Funding may be applied to the improvement of existing infrastructure but only where improvement is not simply routine maintenance necessary to maintain infrastructure functionality.

Each project must demonstrate that it will deliver one of the following outcomes:

- an improvement to existing Flood Mitigation Infrastructure, where the improvement is not better described as a regular or routine improvement required to address "wear and tear" or
- construction of new Flood Mitigation Infrastructure, for example, to mitigate a new or heightened priority flood risk that has arisen due to an increase in the intensity and/or frequency of flooding experienced in a particular community.

Applicants must also demonstrate how each project will directly contribute to a reduction in flood risk to, and the impact of flood on, a specific community or communities, and at least one of the following outcomes:

- reduction in expected future eligible expenditure under the Disaster Recovery Funding Arrangements 2018, and/or
- Reducing the exposure to flood hazards that influence insurance affordability for relevant households or local governments, through the improvement or construction of flood mitigation infrastructure.

5.2 Eligible locations

Project must be delivered within the applicant's respective Australian state or territory.

5.3 Eligible expenditure

States and territories can only spend the funding on eligible expenditure incurred on eligible Program activities or agreed project activities.

Applicants must provide documentary evidence of whether and how a project will be funded if the full funding amount requested for a project is not awarded under this Program.

Applicants must disclose the amount of all funding, whether in cash or in-kind, already provided or committed to any aspect of a project submitted for funding under this Program, and the relationship of this amount to the total estimated project cost.

- If an application is successful, we may ask the jurisdiction to verify project costs provided in their application. This may include evidence such as quotes for major costs.
- Not all expenditure on the jurisdiction's project may be eligible for Program funding. The Program Delegate makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

States and territories must incur the expenditure on their projects between the start date and end or completion date for their funding agreement for it to be eligible.

5.4 What the funding cannot be used for

States and territories cannot use the funding for the following activities:

- purchase of land
- wages
- major assets expenditure
- road infrastructure or improvements
- the covering of retrospective costs
- costs incurred in the preparation of a grant application or related documentation
- activities conducted outside of Australia
- subsidy of general ongoing administration of an organisation such as electricity, phone and rent
- overseas travel, and
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.

Estimated and actual project costs for a project must not include:

- costs already incurred or expected to be incurred by the applicant or any third party in the development of an application or project related to this Program

- costs already incurred or expected to be incurred by any party in relation to the maintenance, improvement or construction of a project related to this Program
- costs relating to the acquisition or management of land or property.

6. Assessment Criteria

States and territories must address all of the following assessment criteria in the application.

The amount of detail and supporting evidence states and territories provide in their application should be relative to the size, complexity and grant amount requested.

The application form includes size limits and must be submitted in PDF format, with maximum file size of **10MB**.

In assessing applications, the Panel will consider the following criterion:

Criterion 1

The prioritisation of projects submitted by the state and territory government.

States and territories must demonstrate this by identifying:

- Prioritisation of the top 10 projects, not ranked, in addition to any other applications or projects submitted, in the one overarching application.
- Justification of the prioritisation.
- Prioritisation should align with the National Disaster Risk Reduction Framework, which will allow a national-level assessment of relative priority across states and territories.

Criterion 2

The relative flood risk and flood mitigation impact of the project

States and territories must demonstrate this by identifying:

- an indication of the risk before and after the proposed project.
- the risk assessment methodology used to determine the project risk rating.
- A description of the mitigation impact of the proposed project.

Criterion 3

The impact of the project on reducing exposure to flood risks that influence insurability of existing flood mitigation infrastructure.

States and territories must demonstrate this by identifying:

- How the project will reduce the risk
- In the case of new infrastructure, how this will reduce flood risks that would influence insurability.

Criterion 4

Availability of other Australian Government funding sources for the project.

The ERF Act and guidelines outline that the Australian Government may access up to \$50 million building resilience funding in each financial year from 2019-20. The ERF was setup to allow the Australian Government to draw on funds where it determines the existing recovery and resilience-building programs are insufficient to provide an appropriate response to natural Disasters. Therefore, states and territories must demonstrate this by providing:

- Where applicable, confirmation is requested as to why this project **cannot** be funded through more appropriate funding sources i.e. applications submitted for other funding sources including

government, non-government and philanthropic. A statement to this effect should be included in the application.

Criterion 5

Evidence of consultation with the community, local government and any other relevant stakeholders.

States and territories must demonstrate this by identifying:

- documentary evidence of consultations with relevant local governments and/or communities in reference to each project submitted
- outcomes of those consultations

Note: State and territory governments may provide documentary evidence of prior consultations (**but not consultations finalised more than five years prior to date of application submission**) if outcomes arising from prior consultations are directly related to the Program project and of their continued relevance.

Criterion 6

The likelihood of project success, including evidence of capacity to complete the project to meet industry standards, to deadline and within estimated budget.

States and territories must demonstrate this by identifying:

- A project plan, including a justification for the level of funding requested.
- Evidence of capacity and capability and previous experience in undertaking similar scale projects, this could include capital works, references.
- A budget plan, include the mandatory 25 per cent co-contribution.

7. How to apply

Before applying, states and territories must read and understand these guidelines and the sample application form.

These documents are published on the National Recovery and Resilience Agency website at www.recovery.gov.au.

Any amendments and addenda² will be published on the Agency's website and by registering on this website will be automatically notified on any changes. The Agency's website is the authoritative source for information for this Program.

To apply states and territories must:

- complete the online application form available through the Agency's website
- provide all the information requested
- address all eligibility and assessment criteria
- include all necessary attachments
- submit the application by **17.00 ACT local time on 04 February 2022**

States and territories are responsible for ensuring that their applications are complete and accurate. Giving false or misleading information is a serious offence under the [Criminal Code 1995 \(Cth\)](#) and we will investigate any false or misleading information and may exclude the application from further consideration.

If states and territories find an error in their application after submitting it, they should contact us immediately on national.flood.mitigation@recovery.gov.au. We are not obligated to accept any additional information, nor requests from jurisdictions to correct their application after the closing time.

If we find an error, inconsistency or omission, we may ask for clarification or additional information from states and territories that will not materially change the nature of their application in fairness to other applicants.

States and territories should keep a copy of their application and any supporting documents.

We will acknowledge that we have received applications within three working days.

If states and territories need further guidance around the application process or if they are unable to submit an application online they must contact us at national.flood.mitigation@recovery.gov.au.

7.1 Attachments to the application

We require states and territories in their application to address each of the following **key principles** for all projects submitted to the Program:

- The project directly demonstrates a positive effect on a community's resilience and preparedness to reduce flood risk and withstand the devastating impacts of flooding.
- The project maximises economic and social outcomes for the community.
- The project reduces the exposure to flood hazards that influence insurance affordability for relevant households or local governments, through the improvement or construction of flood mitigation infrastructure.

² Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents

- The project supports a reduction in the expected future eligible expenditure under the Disaster Recovery Funding Arrangements 2018.

In addition, provide the following documents for each of the projects submitted under the application:

- a business case
- an indicative budget
- a project management plan including risk management
- evidence of consultation with the community, local government and any other relevant stakeholders
 - State and territory applicants must provide documentary evidence of consultations with relevant local governments and or communities in reference to **each project submitted. The outcomes of those consultations must be provided.**
 - State and territory governments may provide documentary evidence of prior consultations **(but not consultations finalised more than five years prior to date of application submission)** if outcomes arising from prior consultations are directly related to the Program and the projects in the application and of continued relevance.
 - State and territory governments must provide documentary evidence that they have consulted with the Australian Local Government Association about the availability of the Program in their jurisdiction.
- States and territories must provide documentary evidence as part of their overarching application of the relevant Emergency Management Minister's endorsement of both the overarching application and the ten projects or applications identified as priority projects, contained as part of the overarching application
- the priority ranking of projects
 - prioritisation should align with those in the [National Disaster Risk Reduction Framework](#), which will allow a national-level assessment of relative priority across states and territories.
- support for the co-contribution on the terms offered.

The ERF Act and guidelines outline that the Australian Government may access up to \$50 million in building resilience funding each year from 2019-20.

Applicants must therefore provide documentary evidence for each project of:

- efforts to secure/applications submitted for relevant funding
- notifications of unsuccessful funding applications
- other relevant supporting documentation.

For each project, applicants must provide evidence of all relevant government, non-government and philanthropic funding:

- that the project may be/have been eligible for,
- that has been applied for, including the amount applied for, the outcome of the application, and:
 - where unsuccessful, the reasons provided
 - where successful, details of any funding already received or expected
 - if pending, the outcome notification date.

States and territories must attach supporting documentation to the application form in line with the instructions provided within the form. States and territories should only attach requested documents. We may not consider information in attachments that we do not request.

In addition to the above, jurisdictions should provide a covering summary (for example, in table format) of the assessment process that the state or territory has undertaken to determine the projects submitted to the Program, including the process for prioritising the top 10 projects. This summary should include, at a minimum, the following detail:

- The number of applications received
- Funding requested for each application
- The LGA(s) for each application
- Summary project detail for each application
- Summary detail on why the application was not successful
- The basis on which the top 10 projects were prioritised.

7.2 Timing of program processes

States and territories must submit an application between the published opening and closing dates specified on the cover page of these guidelines.

We will only accept a late application where an applicant can demonstrate exceptional circumstances prevented it from submitting the application by the closing date and time.

The Agency will decide, at its absolute discretion, if exceptional circumstances apply to a late application. The Agency will notify applicants as soon as practicable if the late application is deemed eligible for further assessment.

7.3 Questions during the application process

If states and territories have any questions during the application open period, contact national.flood.mitigation@recovery.gov.au.

If applicable, answers to questions will be posted on the Agency's website: www.recovery.gov.au.

8. The Program Review and Assessment Process

8.1 Assessment of applications

The inter-government Program Review Panel will assess each eligible application on its merit against the assessment criteria as follows:

- how well it meets the criteria
- how it compares to other applications
- how projects have been prioritised by the state or territory applying
- whether it provides value with relevant money.³ When assessing the extent to which an application represents value with relevant money, the Program Review Panel will have regard to:
 - the overall objective/s to be achieved in providing the funding
 - the relative value of the funding sought
 - extent to which the geographic location of the application matches identified priorities
 - the extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives.
- any national interest, financial, legal, regulatory, governance or other issue or risk that is identified during any due diligence processes conducted in respect of the
- states and territories applications.

8.2 Who will assess applications?

The inter-government Program Review Panel will assess each eligible application on its merit against the assessment criteria.

The Program Review Panel (the Panel) will comprise members agreed by the Agency's Coordinator-General.

Panel members will be drawn from relevant Commonwealth Portfolios such as:

- National Recovery and Resilience Agency
- Department of the Prime Minister and Cabinet
- The Treasury
- Department of Finance
- Department of Home Affairs
- Department of Infrastructure, Transport, Regional Development and Communications
- Department of Agriculture, Water and the Environment
- Bureau of Meteorology
- Australian Climate Service.

Panel members will have suitable subject matter expertise, qualifications and experience to conduct the Program's assessment process that complies with the prescriptions in the *ERF Act* and the ERF guidelines.

³ See glossary for an explanation of 'value with money'.

The Panel will ensure that recommended projects under the Program are not more appropriately funded from another funding source and are highly likely, based on relevant evidence, to contribute to the delivery of the Program's strategic objectives.

Where necessary, the Panel may request applicants further substantiate any claims associated with flood risk, disaster recovery funding, insurance, and community impact or other criteria where the evidence provided by an applicant is considered insufficient or non-compelling.

The Panel, in its deliberations under this Program, may engage the services of a subject matter expert or representative from a non-government organisation, and may consider the advice of, and data provided by, Commonwealth agencies, including but not limited to the Bureau of Meteorology and the CSIRO.

The Panel will apply the eligibility outlined in section five and assessment criteria outlined in section six. Assessment will result in applications receiving a score, which will be used to inform funding allocations and recommendations.

The Panel will provide advice to the Coordinator-General of the Agency regarding the applications.

The Coordinator-General will recommend projects to the Minister for Emergency Management and National Recovery and Resilience for funding approval. The Coordinator-General may delegate to a Commonwealth Official the responsibility to make recommendations to the Minister for Emergency Management and Agency regarding any funding allocations to projects under the program, in accordance with the requirements of the *ERF Act*.

The Minister may take into account other advice or considerations in making a final determination on successful program projects. This includes a geographical and project type balance, with an equitable distribution across state and territory jurisdictions where possible and reasonable and in line with the project funding caps. 'Equitable distribution' does not necessarily mean an equal distribution of program funds.

8.3 Who will approve the funding under the Program?

In accordance with the *ERF Act*, the Minister for Emergency Management is responsible for deciding which projects to fund. In making these decisions, the Minister may take into account the findings of the Program Review Panel, the advice and recommendations of the Coordinator-General, the availability of funds for the purposes of the Program, and other considerations relevant to the applicable legislation and Program.

The Minister's decision is final in all matters, including:

- the approval of the funding
- the funding amount to be awarded
- the terms and conditions of the funding agreement.

Projects may be approved for full or part funding from this Program. Any funding shortfall either due to the funding approved or by the budget being exceeded during the life of the project is the responsibility of that state or territory.

If efficiencies are realised on completion of the project jurisdictions may be put to **other projects under this program** in that jurisdiction. Should jurisdiction use the funding toward other flood mitigation measures that state and territory must report that expenditure to the state and commonwealth.

9. Notification of application outcomes

We will advise states and territories of the outcome of their applications in writing and will be advised of any specific conditions attached to the funding.

9.1 Feedback on the application

Unsuccessful applications can receive feedback regarding the outcome. Written feedback will be provided on request.

10. Successful grant applications

10.1 The Funding Agreement

Applicants must enter into a funding agreement with the Commonwealth.

Following the Minister's decision, and after applicants have been notified of the Minister's decision on projects to be funded and the quantum of funding allocated, Schedules will be developed under the [Federation Funding Agreement](#) - Environment between the Commonwealth and each relevant state or territory government (the funding agreement or Schedule). The Schedule will detail the project delivery, program reporting and milestone requirements, and other relevant considerations.

This Schedule must be finalised before we can make any payments. We are not responsible for any expenditure incurred until the funding agreement is finalised and executed. If jurisdictions choose to start their projects before they have an executed funding agreement, they do so at their own risk.

10.2 How we pay the funding

The Schedule will state the:

- total funding amount to be paid, including GST
- any financial contributions must make
- any in-kind contributions will make
- any financial contribution provided by a third party

The Commonwealth Treasury will transfer funding allocation as a single, payment once the funding agreement has been finalised through the normal monthly payment mechanism to states and territories. States and territories will be required to report how the funding has been spent in accordance with the reporting milestones outlined in the Schedule.

11. Announcement of grants

If successful, the project and approved funding amount will be listed on the Agency website (www.recovery.gov.au). The Minister for Emergency Management and National Recovery and Resilience will make the first announcement about successful projects. A state and territory can request to have this announcement managed jointly with the Commonwealth.

12. How we monitor projects

12.1 Keeping us informed

States and territories should let us know if anything is likely to affect their funded projects or organisation.

We need to know of any key changes to organisations or business activities, particularly if they affect states and territories ability to complete the grant, carry on business, and pay debts due.

If states and territories become aware of a breach of terms and conditions under the funding agreement, they must contact us immediately.

States and territories must notify us of events relating to their projects and provide an opportunity for the Minister or their representative to attend.

12.2 Reporting

States and territories must submit **quarterly** reports in line with the funding agreement. Grantees must have systems in place to meet their data collection and reporting obligations outlined in their bilateral agreement. We will expect states and territories to report on:

- progress against agreed project milestones and outcomes, as per table below:

Milestone/Objective	Location (LGA)	Agreed End Date	Actual/ Anticipated End Date	Status	Current % Complete	Total funding (\$)	Funding Spent \$

- contributions of participants directly related to the project, as per table below:

Name of Partner	Type of Contribution	Value of Contribution	Comments

- Expenditure of the funding.
- Reporting on the projects will be managed in accordance with the Schedule to the Federation Funding Agreement – Environment. Reporting will provide a snapshot of the progress of the delivery of the project at the point in time when it is received by the Commonwealth.
- States and territories will be required to provide:
 - an Interim Update required three months after the Schedule commences and completed on a biannual basis;
 - a Performance Report required six months after the Schedule commences and completed on a biannual basis; and
 - a Final Report, no later than three months from the date that the project was completed.

- Further specific reporting details to meet agency reporting requirement will be discussed with states and territories and agreed for implementation through the development of the Schedules.

Ad-hoc reports

We may ask states and territories for ad-hoc reports on their funded projects. This may be to provide an update on progress, or any significant delays or difficulties in completing the project.

Final report

When states and territories complete their project, they must submit a final report as outlined in the funding agreement.

Final reports must:

- identify if and how outcomes have been achieved
- include the agreed evidence as specified in the funding agreement
- identify the total eligible expenditure incurred
- be submitted in format provided and in line with the timing outlined in the funding agreement.

12.3 Financial declaration

We may ask states and territories to provide a declaration that the funding was spent in accordance with the funding agreement and to report on any underspends of the funding.

12.4 Project visits

We may visit jurisdictions during or at the completion of their project agreement. We will provide states and territories with reasonable notice of any visit.

12.5 Evaluation

We will evaluate the Program to measure how well the outcomes and objectives have been achieved. We may use information from the application and reports for this purpose. We may also interview states and territories, or ask for more information to help us understand the Program's impact and to evaluate how effective the Program was in achieving its outcomes.

12.6 Acknowledgement

The Agency logo should be used on all materials related to projects under the Program. Whenever the logo is used, the publication must also acknowledge the Commonwealth as follows:

National Flood Mitigation Infrastructure Program 2021–22 – an Australian Government initiative.

If states and territories make a public statement about a project funded under the Program, we require them to acknowledge the funding by using the following:

'This [name of project] received funding from the Australian Government.'

States and territories should nominate a point of contact to liaise with the Commonwealth on any media or announcements relating to the program. States and territories should notify the Agency and the Minister's office regarding any planned announcements relating to this program and each project.

First announcements relating to individual projects must be managed jointly with the Commonwealth.

13. Probity

The Australian Government is committed to ensuring that grant assessment and selection processes under the Program are fair, performed according to the published guidelines, incorporate appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and are otherwise consistent with relevant legislation.

These guidelines may be updated from time-to-time by the National Recovery and Resilience Agency. When this happens, the revised guidelines will be published on the Agency's website at www.recovery.gov.au.

13.1 Enquiries and feedback

The Department of the Prime Minister and Cabinet (PM&C) complaints procedures are published on the PM&C website: www.pmc.gov.au/pmc/complaints. These procedures apply to complaints about this Program. All complaints about a grant process must be provided in writing.

Any questions states and territories have about decisions under this Program should be sent to national.flood.mitigation@recovery.gov.au.

If jurisdictions do not agree with the way their complaint is handled, they may complain to the [Commonwealth Ombudsman](#). The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the National Recovery and Resilience Agency.

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072
Email: ombudsman@ombudsman.gov.au
Website: www.ombudsman.gov.au

13.2 Conflicts of interest

Any conflicts of interest could affect the performance or integrity of the Program. There may be an actual, potential or perceived conflict of interest if Agency staff, any member of a committee (including the Program Review Panel) or advisor thereof and/or states and territories or any of their personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government official or member of an external committee (including the Program Review Panel)
- has a relationship with, or interest in, an organisation which is likely to interfere with or restrict an applicant from carrying out the proposed activities fairly and independently, or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives some form of benefit (for example, funding) under the Program.

States and territories' will be asked to declare, as part of their application, any perceived or existing conflicts of interests or that, to the best of their knowledge, there is no conflict of interest.

If states and territories later identify an actual, potential or perceived conflict of interest, they must inform the National Recovery and Resilience Agency in writing immediately at national.flood.mitigation@recovery.gov.au.

Conflicts of interest for Australian Government officials will be handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#) of the [Public Service Act 1999 \(Cth\)](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

13.3 Privacy

We treat personal information according to the [Privacy Act 1988 \(Cth\)](#) and the [Australian Privacy Principles](#). This includes letting states and territories know:

- what personal information we collect
- why we collect personal information
- how we use personal information
- who we give personal information to.

Personnel information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about funding applicants and recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on the Agency website as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

We may share the information states and territories give us with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of the application, states and territories must declare their ability to comply with the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles, as if they were an agency for the purposes of that Act and impose the same privacy obligations on officers, employees, agents and subcontractors that they engage to assist with the activity, in respect of personal information collected, used, stored, or disclosed in connection with the activity. Accordingly, states and territories must not do anything, which if done by the Agency would breach an Australian Privacy Principle as defined in the Act.

13.4 Confidential Information

Other than any information available in the public domain, states and territories agree not to disclose to any person, other than us, any confidential information relating to the Program, without our prior written approval. The obligation will not be breached where states and territories are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

We may, at any time, require states and territories to arrange for applicants' employees, agents or subcontractors to give a written undertaking relating to non-disclosure of our confidential information in a form we consider acceptable.

We will keep any information in connection with the Funding Agreement confidential to the extent that we are satisfied it meets all of the three conditions below:

1. clearly identify the information as confidential in the application and explain why we should treat it as confidential
2. the information is commercially sensitive
3. revealing the information would cause unreasonable harm to the applicant or someone else.

We will not be in breach of any confidentiality obligation if the information is disclosed to:

- the Panel and other Commonwealth employees and contractors to help us administer or manage the Program effectively
- employees and contractors of the Agency so we can research, assess, monitor and analyse our programs and activities

- employees and contractors of other Commonwealth agencies for any purpose, including government administration, research or service delivery
- other Commonwealth, state, territory or local government agencies in Program reports and consultations
- the Auditor-General, Ombudsman or Privacy Commissioner
- the responsible Minister or Parliamentary Secretary, and
- a House or a Committee of the Australian Parliament.

13.5 Freedom of information

All documents in the possession of the Australian Government, including those about this Program, may be subject to the [Freedom of Information Act 1982](#) (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

By mail: Freedom of Information Coordinator
National Recovery and Resilience Agency
PO Box 6500
Canberra ACT 2602

By email: FOI@recovery.gov.au

14. Glossary

Term	Definition
accountable authority	See subsection 12(2) of the Public Governance, Performance and Accountability Act 2013
Administration costs	The administration costs associated with managing a successful project under the Program, will fall to the state and territory to manage. These costs may form part of the application for funding but cannot be more than five percent of the total project costs estimated in the application. Administration costs must be included in the application at the time of submitting and included in the total estimated project cost.
administering entity	When an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes.
Agency	The National Recovery and Resilience Agency.
Applicant	The state or territory government applying for funding under the Program.
Assessment criteria	The specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings.
Audit report	The audit report required to be undertaken against actual (not estimated) project costs.
Bilateral Agreement	A Schedule under the Federation Funding Agreement – Environment, to which ONLY the Commonwealth and the relevant state or territory government are parties for the purposes of the Program.
Bioswale	Bioswales are channels designed to concentrate and convey stormwater runoff while removing debris and pollution. Bioswales, which can be beneficial in recharging groundwater, are typically vegetated, mulched, or xeriscaped. They consist of a swaled drainage course with gently sloped sides designed to safely maximize the time water spends in the swale, which aids the collection and removal of pollutants, silt and debris.
Council of Australian Governments (COAG)	Primary Australian intergovernmental forum operating from 1992 to 2020.

Term	Definition
COAG Reform Fund	A Special Account for the purpose of making grants of financial assistance to states and territories; provides for the terms and conditions of grants to be detailed in written agreements between the Commonwealth and states and territories.
Commencement date	The expected start date for the project
Commonwealth entity	A Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the <i>Public Governance, Performance and Accountability Act 2013</i> (Cth).
<u>Commonwealth Grants Rules and Guidelines (CGRGs)</u>	The guidelines, which establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities (such as the Agency) in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.
Completion date	The expected date that the project must be completed.
Coordinator-General	The Head of the National Recovery and Resilience Agency.
Council on Federal Financial Relations (CFFR)	The Council on Federal Financial Relations, comprising the Commonwealth Treasurer as Chair and all state and territory treasurers, is responsible for overseeing the financial relationship between the Commonwealth and state and territory governments.
Date of effect	The date on which a Funding Agreement is signed or a specified starting date.
Decision maker	The person who makes a decision to award funding. The <i>Emergency Response Fund Act 2019</i> (Cth) mandates the decision maker for funding as the Commonwealth Minister responsible for emergency management.
Disaster	A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic or environmental losses and impacts (National Disaster Risk Reduction Framework).
Disaster Recovery Funding Arrangements 2018	The arrangements under which the Australian Government provides financial assistance to state and territory governments to assist relief and recovery activities following an eligible natural disaster.

Term	Definition
Disaster Recovery Funding Arrangements Management System	The processes and controls implemented by a state or territory government agency and third-party organisations (where applicable) in relation to an estimated reconstruction cost, as defined by the Disaster Recovery Funding Arrangements 2018.
Eligibility criteria	The mandatory criteria which must be met to qualify for funding under the Program.
Emergency Management Minister	Minister for Natural Disaster and Emergency Management or, in the event of a revised Ministry list, the Minister whose title includes the words “Emergency Management”.
Emergency Response Fund (ERF)	<p>The Emergency Response Fund (ERF) is provided for under the <i>Emergency Response Fund Act 2019</i> (Cth), with operational guidance provided in the Emergency Response Fund Program guidelines (ERF Guidelines).</p> <p>The ERF makes available up to \$50 million annually to build resilience to, prepare for, or reduce the risk of future disasters, or build the long-term sustainability of communities that are at risk of being affected by a future disaster.</p>
<i>Emergency Response Fund Act 2019</i> (Cth) (the ERF Act)	The legislation that provides for the establishment of the Emergency Response Fund.
Federation Funding Agreements Framework (FFAF)	The Framework can be conceived as comprising five elements: the Intergovernmental Agreement on Federal Financial Relations (IGA FFR); CFFR and its role as gatekeeper; the FFA architecture; the FFA Principles; and the administrative arrangements.
Federation Funding Agreement – Environment	An agreement between the Commonwealth of Australia and the states and Territories.
Flood Mitigation Infrastructure	<p>An essential public asset with the primary purpose of reducing the risk of flood to, and/or impact of flooding on, a community or communities.</p> <p>For the Program eligible flood mitigation infrastructure may include, but is not limited to:</p> <ul style="list-style-type: none"> •Levees and levee systems (that is structures built to contain, control or divert the flow of water) •Infrastructure to assist Flood Plain Restoration (such as raising riverbeds or excavating riverbanks) •Particular Green Infrastructure that reduces the risk of flooding by protecting coastline or managing stormwater velocity or flow (such as mangrove reforestation, greenways along floodplains, or bioswales).

Term	Definition
Funding Agreement	The agreement that sets out the relationship between the parties to the agreement, and specifies the details of the funding.
Funding Drawdown	NFMIP Program funding drawn from the Emergency Response Fund and deposited to the COAG Reform Fund; must occur prior to 30 June; may occur prior to finalisation of Bilateral Agreements under this Program.
Funding Shortfall	Project funding required that exceeds the funding allocated to a project under the Program. A funding shortfall will not be met by the Commonwealth.
Grant	For the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth: <ul style="list-style-type: none"> a. under which relevant money⁴ or other Consolidated Revenue Fund (CRF) money⁵ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
Green Infrastructure	For the purposes of this Program, Green Infrastructure is infrastructure that demonstrably reduces a risk of flooding for a particular community or communities, by protecting coastline or managing stormwater velocity or flow. This includes, for example but not limited to, mangrove reforestation, greenways along floodplains, or bioswales.
Head Agreement	The Federation Funding Agreements Framework (FFAF) – Federation Funding Agreement – Environment.
Levee	Structures built to contain, control or divert the flow of water.
Minister	The Commonwealth Minister for Emergency Management and National Recovery and Resilience.
National Disaster Risk Reduction Framework	The framework developed by the Australian Government that outlines the strategic priorities, drivers for action and guiding principles for national disaster risk reduction activities.
NRRA	The National Recovery and Resilience Agency, (the Agency), which from 1 July 2021 carries has responsibility for administering the Program.

⁴ Relevant money is defined section 6 of the *Public Governance, Performance and Accountability Act 2013* (Cth).

⁵ Other CRF money is defined in section 105 of the *Public Governance, Performance and Accountability Act 2013* (Cth)

Term	Definition
Program	The National Flood Mitigation Infrastructure Program 2021-22 administered by the Agency.
Program Outcome Notification	The Commonwealth decision notification notice provided to an applicant jurisdiction; notifies the applicant of projects to be funded under the Program and the amount of Commonwealth funding allocated to each.
Program Start Date	Date on which an NFMIP Bilateral Agreement or Schedule under the FFAF has been signed by both the Commonwealth and a jurisdiction.
Program End Date	Date a Bilateral Agreement expires between the Commonwealth and a state or territory. This is taken to occur when all performance reporting and final milestone payments for all Projects funded within a jurisdiction have been satisfied.
Program Administrator	The staff member and/or section within the National Recovery and Resilience Agency (NRRRA) responsible for the day to day administration of the Program.
Program Review Panel	The expert panel established to ensure the success of the Program through impartial assessment of NFMIP Program applications against the assessment criteria and development of evidence-based recommendations for the Minister.
Program Scaling	Process to reconfigure a successful NFMIP project that can no longer be delivered to the outcomes agreed in the relevant Bilateral Agreement under the FFAF. This requires a business case submitted to NRRRA for review and agreement.
Project	A single project for which a state or territory applicant seeks funding under the NFMIP Program; submitted with other projects as part of a single comprehensive state or territory application.
Publicly funded research organisation	Publicly-funded research organisations such as universities or the Commonwealth Science and Industrial Research Organisation (CSIRO)
Recipient	A state or territory government allocated program funding for a project or projects under this Program.
Schedules	Agreements under the Environment FFAF.
Selection criteria	Includes eligibility criteria and assessment criteria.
Selection process	The method used to select projects to fund under the Program in accordance with these guidelines.
State Appointed Auditor	An auditor appointed and funded by a jurisdiction to conduct audit and assurance activities as prescribed in the relevant NFMIP Bilateral Agreement.

Term	Definition
State or Territory Application	The form and accompanying documentation that must be completed by an applicant seeking funding under the Program.
Unspent Funds	Funds remaining from the actual cost of a Program NFMIP project under the Program, which, at project completion as per the relevant Bilateral Agreement, have not been transferred to a third party account.
Value with money	<p>Value with money in this document refers to 'value with relevant money' which is a judgement based on the application representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.</p> <p>Assessing value with relevant money involves consideration of When administering the Program, an official should consider the relevant financial and non-financial costs and benefits of each project proposal including, but not limited to:</p> <ul style="list-style-type: none"> • the quality of the project proposal and activities; • fitness for purpose of the project proposal in contributing to and achieving Program government objectives; • that the absence of funding is likely to prevent the applicant's and government's outcomes being achieved; and • any relevant risks to the Agency, for example, arising from the applicant's relevant experience and performance history.