



## 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](https://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.

Updated: 01/05/18