



Commonwealth of Australia

Industry Research and Development Act 1986

**Entrepreneurs' Programme - Accelerating Commercialisation
Direction No. 1 of 2015**

I, IAN ELGIN MACFARLANE, Minister for Industry and Science, acting under sections 18A, 19 and 20(1) of the *Industry Research and Development Act 1986*, give the following direction to Innovation Australia (**the Board**)

Dated 25 June 2015

IAN ELGIN MACFARLANE
Minister for Industry and Science

PART 1 - PRELIMINARY

Name of direction

1. This direction is the *Entrepreneurs' Programme - Accelerating Commercialisation* Direction No. 1 of 2015.

Commencement

2. This direction commences on 1 July 2015 and particulars of the direction will be published in the Gazette and registered in the Federal Register of Legislative Instruments as soon as practicable thereafter.

Object of this direction

3. The object of this instrument is to give direction to the Board in relation to:
 - (a) providing merit assessments to the *Programme Delegate* in relation to the *Entrepreneurs' Programme - Accelerating Commercialisation Grants*, including, but not limited to, the merit ranking of *eligible applications* under the programme; and
 - (b) the policies and practices to be followed by the Board in the performance of the functions.

Introduction

4. The Board has responsibility for the strategic oversight of the Entrepreneurs' Programme.

Entrepreneurs' Programme - Accelerating Commercialisation (Accelerating Commercialisation) provides expert guidance, connections and financial support to assist small and medium businesses, entrepreneurs and researchers to find the right commercialisation solutions for their novel product, process or service.

The Board will advise the *Programme Delegate* on merit assessments in relation to Accelerating Commercialisation Grants. Accelerating Commercialisation Grants will provide support for eligible commercialisation projects in accordance with the Entrepreneurs' *Programme Guidelines*.

All assistance will be provided with a *Commercialisation Adviser* who will help develop the *recipient's* skills and knowledge of the commercialisation process and facilitate access to experienced business mentors and specialist advice.

The application process will be competitive, based on merit criteria and other information as identified under these Directions. The Board will assess and prioritise applications against the merit criteria and provide merit assessments to the *Programme Delegate*.

The *Programme Delegate* will consider the advice of the Board and select applicants to receive an *Accelerating Commercialisation Grant* and access to specific types and levels of support.

Recipients will be monitored closely and on-going support under *Accelerating Commercialisation* will depend on meeting funding agreement obligations.

Board to have regard to policy objective

5. The Board must have regard to the following policy objective in giving effect to these Directions:

The policy objective of *Accelerating Commercialisation* is to encourage and assist small and medium businesses, entrepreneurs and researchers to commercialise novel products, processes and services.

Interpretation

6. In these Directions:

“**Act**” means the *Industry Research and Development Act 1986*.

“**Commercialisation Adviser**” means a skilled adviser with private sector experience and access to an array of industry resources engaged by the *Department* to assist in the delivery of *Accelerating Commercialisation* as described in the *Programme Guidelines*. *Commercialisation Advisers* includes Business Development Commercialisation Advisers.

“**Commercialisation office**” means an entity of a *Publicly Funded Research Organisation*, or an *Eligible Corporation* controlled by one or more *Publicly Funded Research Organisations*, that assists researchers in commercialising their intellectual property.

“**Commercialisation Project**” means a project which aims to commercialise novel intellectual property in the form of new products, processes and/or services in accordance with the *Programme Guidelines*.

“Department” means the Commonwealth of Australia as represented by the Department of Industry and Science.

“Eligible application” means an application for funding under *Accelerating Commercialisation*, that is an application that the *Programme Delegate* has determined is eligible for merit assessment and merit ranking by the Board in accordance with the *Programme Guidelines*.

“Eligible Expenditure” means expenditure incurred directly on the agreed *commercialisation project* or on agreed activities as detailed in the relevant *Funding Agreement*.

“Eligible partner entity” means an *Eligible Corporation* whose primary purpose is research but also looks to commercialise the resultant intellectual property, and whose application for registration as an *Eligible Partner Entity* has been approved by the *Programme Delegate*.

“Funding Agreement” means a legally binding agreement between the *Department* and a *Recipient*, which may include a Letter of Agreement.

“Grant” means the funds provided by the *Department* to the *Recipient* as set out in a *Funding Agreement* under the *Programme*.

“Growth Sectors” means priority industry sectors: Advanced Manufacturing; Food and Agribusiness; Medical Technologies and Pharmaceuticals; Mining Equipment, Technology and Services; and Oil, Gas and Energy Resources.

“Minister” means the Minister administering the *Act*.

“Programme Delegate” means an employee of the *Department* who has been empowered by the *Minister*, or is otherwise duly authorised, to carry out the relevant function in accordance with the *Programme Guidelines*.

“Programme Guidelines” means the guidelines that are given by the *Minister* to the *Department*, as in force from time to time, to provide a framework for the operation and administration of the *Entrepreneurs’ Programme*.

“Publicly funded research organisation (PFRO)” has the meaning given to it in the *Programme Guidelines*.

“Recipient” means the entity which enters into a *Funding Agreement* with the *Department* and receives payment of a *Grant under the Programme*.

7. A reference to **Board may** or **Program Delegate may** is permissive and not mandatory.
8. A reference to **include, includes, including, in particular** and **for example** does not limit the generality of the words to which they refer.

9. PART 2 – ASSESSMENT AND MERIT RANKING OF APPLICATIONS

Procedure

10. Subject to clauses 13 and 16, the Board must assess each *eligible application* on its merit according to the extent to which the application meets the merit criteria.
11. The Board will provide a merit ranking of those applications to the *Programme Delegate*.
12. The Board must consider *eligible applications* as soon as practicable after those applications have been provided to the Board.
13. The Board may request additional information from an applicant after the lodgement of an application.
14. The Board will assess all applications first against the ‘Need for funding’ merit criterion. Only applications that demonstrate a ‘Need for funding’ against this criterion may receive a merit ranking.
15. *Commercialisation Offices* and *Eligible Partner Entities* are not required to satisfy the ‘Need for funding’ merit criterion in their applications for an *Accelerating Commercialisation Grant*, and will not be assessed against this merit criterion.
16. The Board will attribute a higher level of relative merit to applications that have *commercialisation projects* within the *Growth Sectors* through additional credit against the ‘National benefits’ merit criterion when assessing applications.
17. In providing the *Programme Delegate* with a merit assessment for an application the Board may include advice as to whether the overseas expenditure proposed is appropriate.

Merit Criteria

18. The merit of *eligible applications* must be assessed as described in the Entrepreneurs’ Programme – Programme Guidelines.

PART 3 – ASSESSMENT OF PROPOSALS FOR VARIATION TO THE AGREED COMMERCIALISATION PROJECT

19. If a *recipient* has submitted a proposal to the *Department* for approval of changes to an agreed *commercialisation project*, including the addition of new activities, the discontinuance of activities, the substitution of new activities in the place of discontinued activities, a variation to milestones, a variation to funding, or a variation to the *commercialisation project*’s timeframe, the *Programme Delegate* may request that the Board assess the proposal.
20. If the Board receives a request under clause 19, it must assess the proposal as soon as is practicable and provide the assessment to the *Programme Delegate*.
21. In undertaking an assessment of a proposal to change a *commercialisation project* the Board will determine:
 - (a) the extent to which the changed *commercialisation project* meets the merit criteria; and
 - (b) whether the change to the *commercialisation project* would:

- (i) significantly improve the outcomes of the *commercialisation project*
- (ii) be consistent with the policy objective set out in the *Programme Guidelines*
- (iii) otherwise be appropriate in all the circumstances.

PART 4 – BOARD TO PROVIDE ADVICE ON POLICIES AND OPERATIONS OF THE PROGRAMME

- 22. The *Minister* may request advice, on non-financial administration matters relating to *Accelerating Commercialisation*.
- 23. The *Minister* may request advice on the performance of *Accelerating Commercialisation*, and the Board will cooperate with any independent evaluation of the programme.