

QUEENSLAND JOBS FUND

Industry Partnership Program
Guidelines

© State of Queensland, Department of State Development, Infrastructure, Local Government and Planning June 2021.

While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

Contents

1.	Introduction.....	1
2.	Industry Partnership Program.....	2
2.1	Overview.....	2
2.2	Priority industry sectors.....	2
2.3	Program objectives.....	2
3.	Assistance available.....	3
4.	Eligibility.....	3
4.1	Organisation eligibility.....	3
4.2	Project eligibility.....	4
5.	Assistance arrangements.....	4
6.	Application and assessment process.....	5
6.1	How to apply.....	5
6.2	Assessment process.....	6
6.3	Stage one – registration of interest.....	7
6.4	Stage two – detailed application.....	7
6.5	Stage three – negotiation and execution of an assistance agreement.....	7
7.	Assessment criteria.....	8
8.	Communications.....	8
8.1	Media.....	8
8.2	Confidentiality.....	9
9.	Advice and support.....	9
10.	Terms and conditions.....	9
10.1	Reservation of rights.....	10
10.2	Relationship.....	10
10.3	Participation at applicant’s cost.....	10
10.4	Applicant to make own enquiries.....	11
10.5	Intellectual property.....	11
10.6	Privacy.....	12
10.7	Acceptance.....	12

1. Introduction

Since 2015, the Queensland Government has sought to create ongoing employment and improve the prosperity of all Queenslanders by:

- » supporting traditional industries like manufacturing and mining equipment, technology and services (METS) to adopt new technologies and business practices to leverage their natural and competitive advantages
- » assisting rapidly growing industries like defence and aerospace in response to increased demand for supplies and services
- » accelerating emerging industries like biomedical and hydrogen, which have the potential for significant growth in the future.

Long-term sustainable economic growth and resilience requires diverse stable industries, sovereign capability, and demand from both domestic and export markets. It is essential to maintain our industry footprint in areas of traditional strength while supporting current and future growth in emerging industries. Under its industry development approach, the Queensland Government has supported priority industry sectors through strong industry collaboration and well researched industry development strategies that set out both the economic potential and the actions that will drive economic and employment growth.

As we come out of the COVID-19 pandemic, increasing private sector investment and lifting productivity growth will be critical for Queensland's prosperity. In particular, these will require targeted policy responses and reforms that unlock growth in multiple industries and have a broad impact on the economy.

The \$3.34 billion Queensland Jobs Fund captures the wide range of financial support programs provided by the Queensland Government to attract investment and boost the state's industry footprint, create jobs and strengthen Queensland's economy. Companies with catalytic projects which could deliver ongoing benefits to the economy will receive whole-of-government support through the Department of State Development, Infrastructure, Local Government and Planning to overcome barriers and realise opportunities.

The Queensland Jobs Fund includes an immediate injection of new funding through the \$350 million Industry Partnership Program. The Industry Partnership Program will allow the Department of State Development, Infrastructure, Local Government and Planning to provide tailored assistance packages to develop projects that will strengthen local supply chains and grow the footprint of Queensland's industries, while creating jobs. The Department will work together with business, industry and research institutions to create assistance packages that fit each project. For example, packages could include case management, facilitation of development or environmental approvals, use of government land and leveraging government procurement, as well as financial support. It will also leverage available co-funding opportunities through the Australian Government and other funding bodies. This Industry Partnership Program is designed to be flexible and responsive to achieve the Queensland Government's objectives.

The Queensland Government continues its commitment to regional prosperity. We remain the most decentralised mainland state in Australia and Queenslanders living outside South East Queensland must share in our prosperity. Proposals which create growth and jobs in regions will be a priority. The Queensland Government also values collaboration, both between the government and the private sector, and between private sector organisations. As such, proposals which demonstrate benefit to multiple industries or multiple companies along a supply chain will also be given a higher priority.

2. Industry Partnership Program

2.1 Overview

The Industry Partnership Program has been designed to increase private sector investment and support productivity growth and increased resilience in our economy by strengthening Queensland's industries and enabling future growth. The program will deliver the long-term actions and support essential for Queensland's priority industry sectors to continue to strengthen, grow and create jobs in the post COVID-19 environment.

The Industry Partnership Program is a flexible industry support program which will provide tailored assistance for projects that achieve the Queensland Government's objectives. Note the Queensland Government may use the program to proactively target supply chain growth opportunities or support delivery of specific industry development strategies.

These guidelines are intended to assist organisations that are interested in applying for assistance under the Industry Partnership Program. The guidelines set out:

- » the types of assistance available
- » the eligibility and assessment criteria used
- » how we will consider and assess applications for assistance
- » how we notify applicants and enter into assistance agreements
- » how we will monitor and evaluate performance
- » responsibilities and expectations in relation to the assistance provided.

Applications can be submitted at any time. Projects that are eligible and meet the assessment criteria will progress through an assessment process. The program will be continuously monitored and reviewed to ensure that it effectively achieves its objectives. These guidelines may be updated in future should it be required.

2.2 Priority industry sectors

Queensland's industry development policy seeks to capitalise on our strengths through identified priority industry sectors. This includes mature industries like manufacturing and METS as they transition to new technologies and business practices to leverage their natural and competitive advantages. Our priority industries also include rapidly growing sectors like defence and aerospace in response to increased demand for supplies and services. There are also priority industries emerging as areas for significant future growth, like biomedical and hydrogen.

A list of the Queensland Government's priority industry sectors is available at <https://www.statedevelopment.qld.gov.au/industry/priority-industries>. This list may change over time.

2.3 Program objectives

The objectives of the program are to:

- » maintain, enhance and grow industry, including employment, within priority industry sectors by:
 - maintaining the existing industry footprint in industries or locations of strategic importance
 - expanding the existing industry footprint
- » develop and strengthen supply chain capability
- » increase the number and/or value of new and existing employment opportunities in Queensland
- » increase private sector investment
- » encourage partnership and collaboration between industries and companies along the supply chain.

This is a competitive program, therefore, a key factor determining the success of a project under this fund will be value for money for the Queensland Government. While not limited to a financial or commercial return, there must be tangible, measurable outcomes delivered by the applicant organisation as a condition of any assistance package the Queensland Government agrees to provide.

3. Assistance available

The Industry Partnership Program has been developed to respond flexibly to projects that are assessed as meeting the program's objectives. For this reason, the program can provide both financial and non-financial assistance in a support package that is most suited to the project, company and/or industry sector.

The types of assistance that may be available include:

- » financial incentives such as cash reimbursement grants, interest-free or concessional loans
- » fiscal incentives such as payroll tax reimbursements and relief from other State fees and charges
- » case management for individual high-value and complex projects to assist with facilitating approval processes, whole-of-government liaison and coordination of infrastructure requirements
- » leveraging government assets such as infrastructure and land, and considering rental assistance (e.g. peppercorn lease)
- » leveraging government procurement where appropriate by entering into product supply and offtake arrangements
- » supply chain coordination and assistance, such as business capability development, business and supplier matching
- » leveraging external co-funding programs to maximise support available to projects
- » advocacy such as policy and strategy development, major project development, government liaison, marketing and promotion, and research.

We will work with you to determine the most effective mix of financial and non-financial support for the project in order to develop an effective package of assistance. Any assistance agreed to by the Department will be provided in the most appropriate form for the project and the type and level of assistance will be determined on a case-by-case basis.

4. Eligibility

Under the Industry Partnership Program, your organisation and project must meet eligibility criteria to be considered for assistance.

4.1 Organisation eligibility

To be eligible for assistance, your organisation must:

- » be a legal entity and hold an active Australian Business Number or Australian Registered Body Number
- » have obtained internal approval to make the application, including approval to co-fund all project costs not covered by financial assistance provided through the program
- » have the financial ability to deliver the project
- » have a history of regulatory compliance, including development and environmental approvals, *Corporations Act 2001*, competition and consumer legislation and industrial relations legislation.

Local governments, sole traders, family partnerships and start-ups are not eligible to apply under the Industry Partnership Program.

Collaborative projects are encouraged and may include the participation of local governments, industry partnerships or regional and industry groups. However, applications must be submitted by a single organisation that complies with the eligibility criteria.

4.2 Project eligibility

To be eligible, a project must meet all these criteria:

- » be located in Queensland or have tangible benefits for Queensland
- » have a minimum total project cost of \$200,000 which can be either operational or capital costs
- » be unlikely to proceed at this time without assistance, or demonstrate that stages will be brought forward
- » not have already commenced.

Large-scale investment projects that are seeking incentives to establish in Queensland over other jurisdictions will not be considered under this program.

Projects that can be considered under the program can be wide ranging – the Queensland Government will consider all projects that meet the program’s objectives. Examples of projects include:

- » assistance associated with capital expenditure — in most circumstances defined as the cost of acquiring certain fixed assets such as plant and equipment — and would normally cover costs such as site preparation, materials used in construction and external labour costs such as design and project management
- » technical studies undertaken by third-party consultants to support product development with a demonstrated commercialisation pathway
- » diversification, scale up and the introduction of systems to meet regulatory and quality requirements for new markets, products and applications of products
- » investment in research, development and commercialisation including product design and engineering, market testing, prototyping, testing of components or products, regulatory certification costs
- » training of staff where it relates to upskilling employees to support implementation of new equipment or maintenance of required regulatory standards directly associated with the project.

To maintain flexibility within the fund, a proposal may still be considered if it is outside the scope of these guidelines but is deemed to be consistent with the intent of the fund and will enhance the Queensland Government’s industry development objectives. This will be at the sole discretion of the Queensland Government.

5. Assistance arrangements

The Industry Partnership Program has been designed to provide tailored support packages to meet the needs of successful applicants as flexibly as possible. Where financial incentives are sought, the project costs that are eligible under the program will be determined on a case-by-case basis. Financial incentives will only be provided for project costs deemed eligible by the Department.

You are encouraged to demonstrate that local suppliers and contractors will be engaged wherever reasonably practicable. Where significant expenditure outside of Queensland is required and unavoidable (e.g. purchase of specialised equipment not available in Queensland) this should be identified and explained in the application. The Queensland Charter for Local Content will apply to financial incentives above \$2.5 million.

If you are successful, you will be required to execute an assistance agreement with the Department which will detail the amount and nature of the financial and other assistance that will be provided to the project. The Department is under no obligation to provide any part of the assistance package until the agreement has been signed by all parties and conditions precedent satisfied.

All project deliverables will be linked to expenditure for that deliverable and the corresponding incentive. All financial incentives will be provided in instalments and paid in arrears upon verified, successful completion of agreed project deliverables and evidence of expenditure. Subject to agreement from the Department, a 10 per cent payment of any financial incentives may be made on execution of the assistance agreement.

You will be required to provide progress reports to the Department to demonstrate that the project is being delivered on schedule based on an agreed timetable prior to agreement execution. A completion report will be required once the project is finalised. Templates for these reports will be provided.

The Department reserves the right to undertake an audit of the project to monitor progress and/or appoint an independent advisor to undertake an assessment of projects.

You must be able to provide the balance of projects costs not funded by the program and demonstrate committed funds to complete the approved project in its entirety.

At a minimum, you must match the investment of the Queensland Government, particularly in relation to financial incentives provided (i.e. grants or payroll tax exemptions). However, a higher applicant contribution to the project may be required to achieve an acceptable rating of value for money for the project.

Your co-contribution to project costs may be obtained from:

- » internal funds, including new financing and equity
- » external sources, including through other participants in the project, other state governments, the Australian Government and/or local government sources.

Financial incentives may be treated as assessable income for taxation purposes and GST may also be applied. The State does not provide advice to applicants and recommends applicants seek independent professional advice on their tax obligations.

6. Application and assessment process

6.1 How to apply

The Industry Partnership Program is a non-competitive open industry assistance program where applications can be submitted at any time. The program will remain open until funds are exhausted.

To apply, complete and submit a registration of interest form with details of your proposed project. Registration of interest forms are available on the Industry Partnership Program website at www.statedevelopment.qld.gov.au/ipp.

The registration of interest provides an opportunity to demonstrate that your project meets the eligibility criteria and how closely it aligns with the program objectives. Key information required for the registration of interest includes a project outline and high-level budget.

All registrations of interest must include three years of audited financial statements including an income statement, balance sheet, statement of cash flow (if available) and notes to the accounts. If your organisation is a new entity and financial statements are not available, the following may be considered:

- » financial statements of related companies e.g. another company with common shareholding/directors
- » financial statements of the parent company (if a subsidiary)
- » financial statements of partner entities if a joint venture or other special purpose vehicle is proposed
- » an account prepared by a CPA or CA qualified accountant for the duration of the operation.

Registrations of interest that do not include appropriate financial statements will not be considered for financial incentives as due diligence assessment cannot be undertaken. The project may still be eligible for non-financial incentives.

The registration of interest form must be completed in full and provide all information requested at the time of submission.

The registration of interest form and attachments (including financial statements) are to be submitted by email to ipp@dsdilgp.qld.gov.au.

You will receive an acknowledgement of receipt of your registration of interest by email within three business days of submission and you will be provided with a client manager to support you during the assessment process. The Department may seek further information from you in relation to any matter arising from the assessment of applications. The Department may also request further information from you to enable a probity check, due diligence and risk assessment and an economic assessment.

The Department may engage consultants or specialist advisors to assist with the assessment of applications against the eligibility and assessment criteria including for probity checks and technical assessments. The Department may also seek advice from other government agencies during the assessment process.

You will be notified in writing of the outcome of your application once the Department has completed all assessment processes. Feedback on the assessment process will be provided on unsuccessful applications upon request.

6.2 Assessment process

The Industry Partnership Program involves a three-stage assessment process:

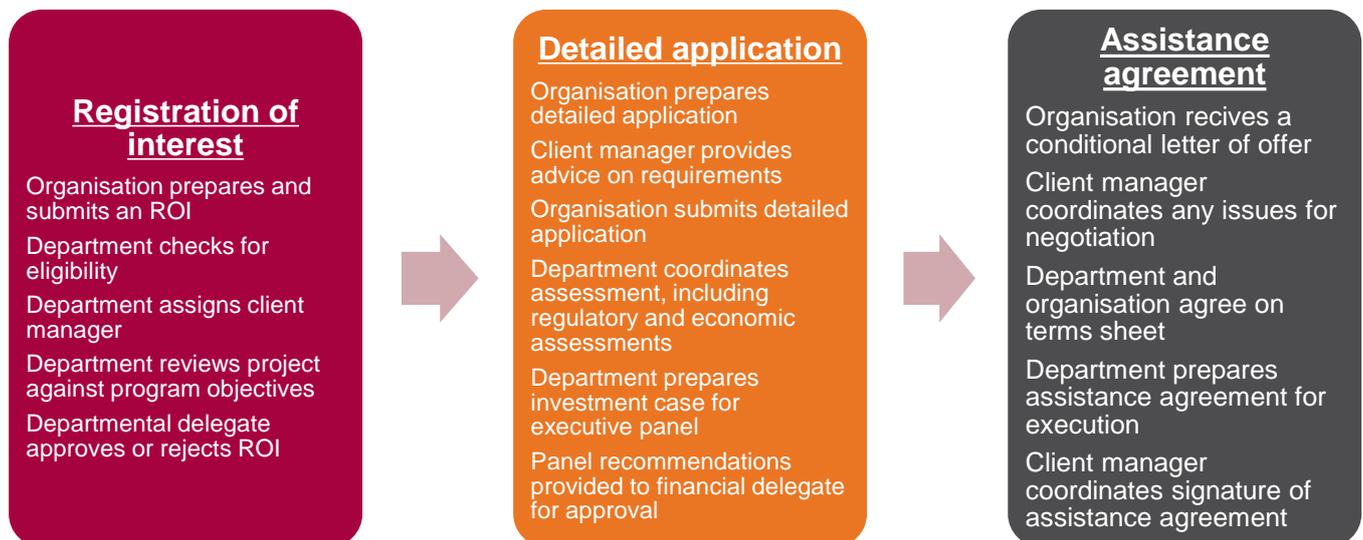
- » **Stage one – registration of interest:** you submit a registration of interest form which is assessed according to eligibility and assessment criteria. The Department talks to you at this stage about the most appropriate package of assistance. Basic probity and financial checks are also undertaken.
- » **Stage two – detailed application:** if your registration of interest is considered suitable for progression at stage one, you will be requested to provide a detailed application to inform the development of an investment case. The investment case and associated recommendations will be considered by an inter-departmental panel and recommendations made to the approving delegate.
- » **Stage three – negotiation and execution of assistance agreement:** if approved, a letter of offer will be issued including high-level conditions of the assistance agreement and a term sheet will be negotiated. Once a term sheet has been agreed, an assistance agreement will be prepared and executed.

You will be assigned a client manager who will provide a point of liaison with the Department and assistance through the remaining stages of the process.

There is no guarantee of approval at any stage in the process. The State reserves the right to provide assistance in a different form or value and/or with alternative conditions to that requested.

Note: You can apply for more than one project, however the Department will only consider one application at a time. If you want to apply for more than one project, consider which project better meets the program’s objectives and criteria, and submit that project first.

Figure 1 Overview of the assessment process for the Industry Partnership Program



6.3 Stage one – registration of interest

Each registration of interest will be checked against the organisation and project eligibility criteria set out in Section 4 of these guidelines. If the application does not satisfy these criteria, it will not be assessed further and you will be notified of the outcome.

Eligible registrations of interest will be assigned to a client manager who will liaise with you throughout the assessment process. If further information is required to undertake the assessment, the client manager will contact you to assist with identifying and submitting the information required. During this stage, your client manager will discuss the assistance package being sought and whether it is the best fit for your project. The client manager will collaborate with you to come up with a mutually agreed package that achieves outcomes for your business and the Department. The overall value of the package will be influenced by how well your project meets the objectives of the program.

Once all information required has been submitted, eligible registrations of Interest will be reviewed against the program objectives. A probity check will be undertaken on your organisation and your financial capacity to deliver the project assessed.

You will be notified via email of the outcome of the assessment.

6.4 Stage two – detailed application

If your registration of interest is approved to progress to detailed application stage, you will be requested to submit a full detailed application for assistance. The detailed application form will be provided by your client manager, who will guide you where possible as you prepare your detailed application.

While your client manager will provide feedback and assistance, you will be responsible for preparing and submitting the detailed application and all supporting information yourself.

The application will be evaluated against the assessment criteria in Section 7 of these guidelines and the Department will prepare an investment case for consideration by a panel of senior executives. The panel will consider the project against the assessment criteria and the amount and type of assistance sought and will make a recommendation to the approving delegate whether the project should be supported. The panel may amend the type and amount of assistance sought in making a recommendation to the delegate.

If the project is successful, approval will be sought from the financial delegate to issue a conditional letter of offer.

6.5 Stage three – negotiation and execution of an assistance agreement

Should your application be successful, you will be provided with a conditional letter of offer for assistance. The letter will detail the specific financial and other assistance the government is offering to assist your project.

Negotiations on a term sheet will then commence with a timeframe set by the Department. Once a term sheet has been agreed, an assistance agreement will be prepared for execution. Your client manager will assist you throughout this process.

7. Assessment criteria

The following criteria will be used to assess applications.

Criteria no.	Assessment criteria
1	<p>Contribution to achieving program objectives:</p> <ul style="list-style-type: none"> » maintain, enhance and grow industry within priority industry sectors by: <ul style="list-style-type: none"> – maintaining the existing industry footprint in industries or locations of strategic importance – expanding the existing industry footprint » develop and strengthen supply chain capability » increase the number and/or value of new/existing employment opportunities in Queensland » increase private sector investment and economic output of priority industry sectors » encourage partnership and collaboration between industries and companies along the supply chain.
2	<p>Project feasibility and risk management including:</p> <ul style="list-style-type: none"> » demonstrated experience and capability in delivering similar projects, or plan to ensure experience and capability prior to project commencement » comprehensive project plan » well considered risk identification and management plan » demonstrated financial capacity to deliver project » project risks identified through Departmental due diligence and economic assessment.
3	<p>Value for money, for example:</p> <ul style="list-style-type: none"> » amount of private sector investment, particularly in regional Queensland » amount/value of employment, particularly in regional Queensland » government investment required to leverage proposed private sector investment » potential to leverage assistance programs from other jurisdictions » broader benefits to other firms along the supply chain (e.g. local purchases, upskilling of workforce, common user infrastructure, etc)

8. Communications

8.1 Media

All media enquiries or public announcements relating to the Industry Partnership Program will be coordinated and managed by the Department's media team. Where possible, all media and communications about projects will be undertaken jointly with successful applicants. You will be required to:

- seek and obtain the Department's approval before making public statements, or contacting or responding to the media, regarding successful or unsuccessful applications through the Industry Partnership Program
- provide the Department with at least 25 business days' notice of any proposed media event
- provide any proposed media or public statement to the Department for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the Department.

8.2 Confidentiality

The Department will maintain controls in relation to the management of confidential information provided by applicants and all internal documentation produced in relation to the administration of this program.

Applicants must keep confidential any dealings with the Department about their application, including any financial incentives offered, but may make disclosures to advisors who are under an obligation of confidence or if required by law.

The State reserves the right to publicly disclose the names of applicants, general information about projects and the assistance provided and details about the anticipated economic outcomes and benefits to the State. The State may also disclose confidential information of, or provided by, the applicant:

- » if required to be disclosed by law;
- » to its advisors, consultants and contractors;
- » to any government agency.

9. Advice and support

A list of frequently asked questions (FAQs) is available on the Department's website to assist with the preparation of applications.

Questions and responses to questions asked after program opens will be added to the FAQs. The Department may at its discretion determine not to publish questions and responses where they are project or application specific or do not have general application. You should check the FAQs for updates prior to submitting your application.

The Department is not able to directly assist in the preparation of applications.

If you have any concerns in relation to the application or assessment process, you may raise this concern by email ipp@dasilgp.qld.gov.au and this will be considered.

The Department welcomes feedback on the Industry Partnership Program. Further information about providing feedback, compliments or complaints to the Department can be found at <https://www.statedevelopment.qld.gov.au/about-us/contact-us/feedback-compliments-and-complaints>.

For enquiries or assistance about these guidelines, please contact the Department of State Development, Infrastructure, Local Government and Planning:

Email: ipp@dasilgp.qld.gov.au

Phone: 13 QGOV (13 74 68)

10. Terms and conditions

In these terms and conditions:

- » **applicant** means an applicant for assistance under the Industry Partnership Program;
- » **application** means an application (or relevant part of an application) made to the Industry Partnership Program, and includes a registration of interest, a detailed application and any other supporting or additional information in whatever form provided by the applicant to the State in connection with its registration of interest or detailed application at any stage of the assessment process;
- » **Guidelines** means a reference to these Industry Partnership Program Guidelines, as amended from time to time;
- » **State** means the State of Queensland.

10.1 Reservation of rights

The State reserves the right to administer the Industry Partnership Program and conduct the process for the assessment and approval of applications in connection with the Program in such manner as it thinks fit and to:

- a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall Industry Partnership Program (including timeframes and submission and compliance of applications);
- b) consider or accept or refuse to consider or accept any application which:
 - i. is lodged other than in accordance with these Guidelines;
 - ii. is lodged after the relevant closing date for lodgement;
 - iii. does not contain the information required by these Guidelines; or
 - iv. is otherwise non-conforming in any respect;
- c) vary or amend the eligibility criteria or assessment criteria set out in these Guidelines;
- d) take into account any information from its own and other sources (including other Government agencies or advisors);
- e) accept or reject any application, having regard to these Guidelines, the eligibility criteria and the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Industry Partnership Program;
- f) give preference by allocating weighting to any one or more eligibility criteria or assessment criteria over the other;
- g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any applicant, without doing or requiring the same from all or any of the other applicants;
- h) conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
- i) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
- j) terminate further participation of any applicant in the application process for the Industry Partnership Program;
- k) terminate, suspend or reinstate the Industry Partnership Program or any process in the Program;
- l) not proceed with the Industry Partnership Program in the manner outlined in these Guidelines, or at all;
- m) allow the withdrawal or addition of any applicant after the closing date;
- n) conduct negotiations with any one or more applicants after applications have been lodged.

10.2 Relationship

The State's obligations regarding the application process are limited to those expressly stated in these Guidelines.

Subject to Section 10.7, no contractual or legal relationship exists between the State and an applicant in connection with the Industry Partnership Program, these Guidelines or the application process. An applicant, or its representatives:

- a) has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- b) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint-venturer with the State; and
- c) must not represent to any person that the State is a party to the proposed project (other than as a potential funder subject to the application process and confidentiality obligations detailed in these Guidelines).

10.3 Participation at applicant's cost

Each applicant participates in the Industry Partnership Program at its own cost and risk.

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise arising from or in connection with:

- a) any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Industry Partnership Program;
- b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Industry Partnership Program; or
- c) any of the matters or things relevant to its application or the Industry Partnership Program in respect of which the applicant must satisfy itself, including under these Guidelines.

Without limiting the foregoing, if the State cancels or varies the Industry Partnership Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under these Guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation (whether directly or indirectly) to the Industry Partnership Program.

10.4 Applicant to make own enquiries

These Guidelines have been prepared to give potential applicants background information in relation to the Industry Partnership Program. These Guidelines do not, and do not purport to, contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions and obtain their own independent legal, financial, tax and other advice in relation to information in these Guidelines or otherwise made available to them during the application process.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the information supplied by it in connection with the Industry Partnership Program or interpretations placed on the information by applicants.

10.5 Intellectual property

Any intellectual property rights that may exist in an application will remain the property of the applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain any intellectual property rights should be clearly identified by the applicant.

The applicant grants to the State (and will ensure that relevant third parties grant) a non-exclusive, irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Industry Partnership Program.

10.6 Privacy

In this section, Personal Information has the meaning given to that term in the *Information Privacy Act 2009 (Qld)*.

Personal Information provided by applicants may, in the course of and for the purposes of assessment of the application, be disclosed to the State's associates (including other government agencies), advisors, consultants and contractors, and project stakeholders. Personal Information may also be disclosed where required for purposes associated with undertaking assessment of the application, including due diligence enquiries.

If any applicant collects or has access to any Personal Information in connection with its application or the Industry Partnership Program, the applicant must comply, in relation to that Personal Information:

- a) (as if it were the State) with the Information Privacy Principles in the *Information Privacy Act 2009 (Qld)*; and
- b) with all reasonable directions of the State.

10.7 Acceptance

By submitting an application, each applicant:

- a) warrants to the State that the information contained in its application is accurate and complete as at the date on which it is submitted and is not by omission misleading, and may be relied on by the State in determining whether or not to provide assistance (including financial or fiscal assistance) to the applicant under the Industry Partnership Program;
- b) undertakes to promptly advise the State if it becomes aware of any change in circumstances which causes the information contained in its application to become inaccurate or incomplete in a material respect;
- c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the application;
- d) acknowledges that the State may elect to remove an applicant or elect not to further consider an application at any stage as a result of a material change to the information presented in an application;
- e) acknowledges that the State may suffer loss or damage if the applicant breaches the above warranty and undertaking; and
- f) is taken to have accepted these Guidelines, including the terms and conditions, and warrants for the benefit of the State that it will not breach these Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Guidelines.



Department of State Development,
Infrastructure, Local Government and Planning
PO Box 15009 City East Qld 4002 Australia
Tel 13 QGOV (13 74 68)
IPP@dasilgp.qld.gov.au
www.statedevelopment.qld.gov.au/ipp