

Resources Community Infrastructure Fund Round 3

Applicant Guidelines

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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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.

Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

Acknowledgement of Country

The department acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past, present and emerging. We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being. We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.

Contact us

☎ +61 7 3328 4811 or 13 QGOV (13 74 68)

@ info@dsdilgp.qld.gov.au

🌐 www.statedevelopment.qld.gov.au

✉ PO Box 15009, City East, Queensland 4002

🏠 1 William Street, Brisbane 4000

Source number D23/11536

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Glossary

| Term | Definition |
|--|--|
| Applicant | An Eligible Organisation submitting an application for funding under Round 3 of the Resources Community Infrastructure Fund. |
| Applicant Guidelines | These Resources Community Infrastructure Fund Round 3 Applicant Guidelines, as updated from time to time. |
| Application | An Application (or relevant part of an Application) made to the State for funding from the Fund and includes an application form and any other supporting or additional information in whatever form provided by the Applicant in connection with its enquiry or Application to the Fund (including but not limited to its detailed project plan). |
| Approved Project | The Project scope of works approved for funding and as defined in a Project Funding Agreement. |
| Assessment Criteria | The criteria set out in section 4.3.1 of these Applicant Guidelines. |
| Benefits | The measurable improvement resulting from the delivery of the Approved Project |
| Community Infrastructure | Physical economic and social infrastructure which allows a Resource Community to access services to meet that community's needs, maximises its potential or enhances community wellbeing. |
| Construction Commencement or Commence Construction | Construction is considered to commence when physical changes are made to the Project Site, or when works commence on another site (e.g. manufacture/fabrication of major Project components in a factory) as agreed with the Department. |
| Construction Commencement Date | The date by which the Applicant intends to Commence Construction, or once a Project Funding Agreement is entered into, the date by which Construction Commencement must occur. |
| DSDILGP / the Department | The Queensland Department of State Development, Infrastructure, Local Government and Planning. |
| Eligible Organisations | An entity that meets the requirements set out in section 3.1.1 of these Applicant Guidelines. |
| Eligible Project Costs | Those set out in section 3.3 of these Applicant Guidelines. |
| Estimated Total Project Cost | The estimated total Project expenditure plus a contingency allowance. A contingency of up to 30% of total Project expenditure may be included in the Estimated Total Project Cost. |
| Ineligible Organisation | An entity set out in section 3.1.2 of these Applicant Guidelines. |
| Ineligible Project Costs | Those set out in section 3.3.1 of these Applicant Guidelines. |
| The Fund | Resources Community Infrastructure Fund |
| Project Partner | Applicant's Project Partner/s required to deliver the Project and its outcomes. |
| Project | A Project includes the entire scope of works identified in the Application commencing from the Project Start Date through to Project completion, e.g. for a construction Project this may include relevant identified pre-construction activities (e.g. final design, tendering), all construction related activities and commissioning. |
| Project Funding Agreement | The agreement formed between a successful Applicant and the State that details the terms and conditions for payment of grant funding. |
| Project Infrastructure | The completed infrastructure that results from the delivery of an Approved Project. |

| Term | Definition |
|----------------------|--|
| Project Site | The land on which the Project Infrastructure is located. |
| Project Start Date | The anticipated date works forming part of the Project are expected to commence and from which Eligible Project Costs may be reimbursed. For Round 3, applicants should not schedule the commencement of any Project works prior to 1 December 2023. In any event, Project works should not commence prior to official notification of funding approval. |
| Resource Communities | A community in Queensland that is located within the following coal-producing local government areas: Banana, Central Highlands, Isaac, Western Downs and Whitsunday. |
| State | The State of Queensland |

1. About the Fund

Round 3 of the Resources Community Infrastructure Fund (the Fund) seeks to supplement existing State investment in Community Infrastructure for Resource Communities.

For this round, the Queensland Government is contributing \$120 million, with a special focus on the state's coal-producing regions. This builds on the Fund's previous two rounds, which were a voluntary partnership between coal and mineral resource companies and the Queensland Government.

Round 3 is comprised of:

- \$118.2 million for a competitive application and assessment process administered by the Department, including up to \$40 million to stage delivery of the Isaac Resources Centre of Excellence, subject to final project assessment, and
- \$1.8 million for the Phillips Creek Bridge replacement project administered by the Department of Transport and Main Roads.

These Applicant Guidelines only relate to the Round 3 competitive Application and assessment process.

2. Fund overview

2.1. Fund objectives

The Fund objectives are to:

- (1) Increase a Resource Community's access to services to meet that community's needs, maximise its potential or enhance community wellbeing; and
- (2) Enhance community safety, reduce social inequality or benefit disadvantaged communities; and
- (3) Supplement planned Community Infrastructure investment by the State in delivering new projects that provide additional benefits to Queensland's Resource Communities.

2.2. Funding Allocation

Funding of up to \$118.2 million will be available under Round 3's competitive Application and assessment process, noting this includes up to \$40 million for the staged delivery of Isaac Resources Centre of Excellence.

Funding will be allocated to eligible projects in the coal producing regions weighted towards the level of coal produced in these Local Government Areas:

- » Banana Shire Council – \$10 million
- » Central Highlands Regional Council – \$30 million
- » Isaac Regional Council – \$43.2 million*
- » Western Downs Regional Council – \$15 million
- » Whitsunday Regional Council – \$20 million

* The available funding will be less the allocation toward the Phillips Creek Bridge Upgrade (\$1.8M) and the outcome of the assessment of the Isaac Resources Centre of Excellence Project (up to \$40M).

Where there are not sufficient projects meeting the eligibility within a Local Government Area the funding may be reallocated to other eligible projects in another eligible Local Government Area.

Funding will be allocated to Projects through two funding streams:

- » Minor Infrastructure Projects – Projects seeking funding of at least \$100,000 (excluding GST) to a maximum of \$1 million (excluding GST)
- » Major Infrastructure Projects – Projects seeking funding of over \$1 million (excluding GST) to a maximum of \$15 million (excluding GST).

Approximately 80% of the available funding under Round 3 has been provisionally allocated for Major Infrastructure Projects, with the remaining funds allocated for Minor Infrastructure Projects.

Applicants may apply for funding to reimburse 100% of their Eligible Project Costs up to the maximum funding threshold of \$15 million (excluding GST). All Ineligible Project Costs must be met by the Applicant or a third-party contributor to the Project. Applications with Project costs that exceed the funding sought from the Fund must provide the State with evidence confirming it has sufficient funding (or has secured funding from a third party) to meet the Estimated Total Project Cost.

3. Application requirements

3.1. Who can apply?

3.1.1. Eligible Organisations

To be eligible to apply for funding from the Fund an organisation must:

- » be a not-for-profit organisation that is a legal entity and:
 - is incorporated
 - has an active Australian Business Number (ABN)
 - is registered for the Goods and Services Tax (GST)
 - has not-for-profit objectives
 - has a bank account in the name of the legal entity
 - has been operating in Queensland for at least 12 months prior to the application closing date
 - for Major Infrastructure Projects, is registered with the Australian Charities and Not-for-profits Commission (ACNC).

OR

- » be one of the following local government bodies constituted under the *Local Government Act 2009*:
 - » Banana Shire Council
 - » Central Highlands Regional Council
 - » Isaac Regional Council
 - » Western Downs Regional Council or
 - » Whitsunday Regional Council.

OR

- » be a Queensland Government agency or entity (subject to approval from the relevant Minister to apply for RCIF funding).

AND

- » own and operate the Project Infrastructure that is the subject of the Eligible Project or
- » have a Project Partner that will own and/or operate the Project Infrastructure that is the subject of the Eligible Project and
- » control the Project Site or
- » provide evidence of an in-principle agreement with the entity that owns the Project Site showing the Applicant has the right to access the Project Site in order to construct, maintain and operate the site for a period of up to 10 years¹ following Project Completion.

¹ Periods of less than 10 years may be considered at the Department's discretion. Affected potential Applicants must seek the Department's written approval for a lesser period before submitting an application.

3.1.2. Ineligible Organisations

The following entities are considered Ineligible Organisations under these Applicant Guidelines:

- » Federal Government agencies or entities
- » chambers of commerce, regional economic development organisations, remote area boards
- » proprietary limited or public companies limited by shares where the shareholders are individuals, trusts or companies or any other entities that trade for profit
- » individuals and sole traders
- » organisations or other entities trading for profit.

3.1.3. Partnership arrangements

Eligible Organisations may collaborate with other parties, including Ineligible Organisations, to deliver eligible Community Infrastructure Projects in Resource Communities. In such circumstances, the Eligible Organisation must submit the Application and will be the Project lead, and if successful, be responsible for entering into a Project Funding Agreement with the State and managing delivery of the Project.

If multiple Eligible Organisations are involved, one of the Eligible Organisations will be responsible for submitting the Application as the Project lead, and if successful, entering into a Project Funding Agreement with the State and managing delivery of the Project.

If an Eligible Organisation is working with a Project Partner that will own and/or operate the Project Infrastructure that is the subject of the Eligible Project, the Eligible Organisation will be responsible for submitting the Application as the Project lead, and if successful, entering into a Project Funding Agreement with the State and managing delivery of the Project.

3.2. What will be funded?

Applications must be for the construction of Community Infrastructure in a Resource Community, as defined in these Applicant Guidelines.

Eligible Organisations may seek funding for more than one Project. Each Project requires submission of a separate Application.

If submitting more than one Application, Applicants should consider their capability to deliver multiple Projects at the same time. Applicants should also consider the priority of each Project against the Assessment Criteria, noting the potential oversubscription of Round 3. Oversubscription and consideration of the geographic distribution of projects may result in only one Application per Applicant being approved under Round 3.

It is expected that Approved Projects should be able to Commence Construction within twelve months of a Project Funding Agreement being executed.

3.2.1. Eligible Projects

Eligible Projects must:

- » be for the construction of Community Infrastructure which may include construction of new infrastructure as well as the upgrade, extension or replacement of existing infrastructure
- » be located in a Queensland Resource Community in the local government areas of:
 - Banana Shire Council
 - Central Highlands Regional Council
 - Isaac Regional Council
 - Western Downs Regional Council or
 - Whitsunday Regional Council
- » be seeking funding within the following ranges:
 - for a Minor Infrastructure Project - \$100,000 up to and including \$1 million
 - for a Major Infrastructure Project – over \$1 million up to and including \$15 million

- » have secured sufficient funding from other sources to cover the Estimated Total Project Cost if it exceeds the funding sought from the Fund.

3.2.2. Ineligible Projects

Projects that are not eligible for funding under the Fund include:

- » Projects (including pre-construction activities) that have already Commenced Construction or been completed at the time of submission of the Application
- » Projects where Construction Commencement is planned to occur prior to 01 December 2023
- » Projects that will only involve the repair, or routine or ongoing maintenance of existing infrastructure
- » infrastructure of the following types:
 - sewerage and water treatment or distribution and waste management
 - roads and stormwater/drainage
 - footpaths and cycleways
 - walking tracks (except where such a project will provide tourist facilities)
 - town centre works including beautification, car parks, public ablution facilities
 - parks and gardens
- » state infrastructure projects that would usually be funded through the normal business of Queensland Government agencies
- » Projects that will contribute to any pre-existing commitment or contribution, made by the Queensland Government, to a Resource Community or a local government of a Resource Community
- » non-construction projects, including but not limited to feasibility studies, business cases, mapping, and research activities, or projects that include or require feasibility studies, planning studies, conceptual design and business case development
- » multiple projects that are not interdependent but have been submitted in a single Application.

3.3. Eligible Project Costs

Eligible Organisations whose Applications are approved for funding will be responsible for all Ineligible Project Costs and any Eligible Project Costs over and above the approved funding amount. Eligible Organisations approved for funding will also be responsible for meeting any Project cost increases that occur over the course of delivering an Approved Project.

Approved funding may only be applied towards 'Eligible Project Costs'.

Note: It is expected costs directly associated with the Project's actual construction will represent the majority of the Estimated Total Project Cost.

Eligible Project Costs that relate to an Approved Project include the following:

- » construction costs including:
 - all site works required as part of the construction
 - the costs of construction-related labour, materials, equipment hire
 - comprehensive contract works insurance
- » detailed design, i.e. production of final 'For Construction' designs or equivalent
- » costs of conducting a tender for the approved works
- » project management costs including remuneration of the Eligible Organisation's technical, professional and/or administrative staff for time directly related to managing the construction of approved works (for example the salary of a project manager for the Approved Project), but excluding executive duties and overhead charges
- » purchase and installation of fixed plant and equipment required to fully commission the infrastructure.
- » contribution toward the purchase of the Project Site, noting this should not represent the majority of the Estimated Total Project Cost.

3.3.1. Ineligible Project Costs

Ineligible Project Costs include:

- » costs incurred prior to the Project Start Date identified in the signed Project Funding Agreement, including any otherwise Eligible Project Costs
- » feasibility studies, planning studies, business cases
- » conceptual design
- » legal expenses
- » temporary works, other than those required to enable completion of the Approved Project
- » official opening expenses (including permanent signage)
- » ongoing costs for administration, operation, maintenance, engineering, or leasing
- » remuneration of employees for work not directly related to the Approved Project
- » overhead charges for internal costs of the Eligible Organisation, e.g. stores, plant and equipment
- » vehicle purchasing
- » Vehicle leasing, unless directly required for construction (and only to that extent), e.g. water trucks, excavators
- » portable assets e.g. computers, furniture, desks, whitegoods.

The above list identifies the most common examples of ineligible costs and is not intended to be comprehensive and other expenses not included in the above list will be considered by the State on a case-by-case basis.

For the avoidance of doubt, all Ineligible Project Costs, and any costs over and above the funding sought must be met by an Applicant or third-party contribution. Applicants are required to demonstrate sufficient funding contributions to meet the Estimated Total Project Cost as identified in the Application.

4. How will applications be assessed?

4.1. Assessment process

Applications will be assessed on a competitive basis relative to the merit of other Applications eligible for funding.

The process will be undertaken as follows:

- (a) Eligibility check – once Applications have been received, they will be checked for eligibility and only Applications that have been made by Eligible Organisations that are for Eligible Projects will proceed to further assessment.
- (b) Application assessment – assessment of the Application against the Assessment Criteria and moderation of Applications will be undertaken by the Department. The assessment process may include consultation with other relevant Queensland government agencies.

In conjunction with Applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by the Department. Assessment and the level of due diligence undertaken will be commensurate with the quantum of assistance sought, the assessed risk for the Project to meet the Fund's objectives and the potential Benefits of the proposed Project.

- (c) Selection and recommendation – recommendations for the approval of Applications will be made to the Director-General, Department of State Development, Infrastructure, Local Government and Planning.

4.2. Approval process

On receipt of the recommendations, the Director-General, Department of State Development, Infrastructure, Local Government and Planning will consider and approve the Projects that will receive allocations from the Fund.

4.3. Assessment Criteria

Applications from Eligible Organisations for Eligible Projects will be assessed against the following criteria to determine the relative merit of each Project.

4.3.1. Criterion

| Funding Objective | Assessment Criteria | Weighting |
|-------------------|---|-----------|
| 1 and 2 | Project Demand How well the Application demonstrates demand for: <ul style="list-style-type: none"> increased access to services that meet the Resource Community's needs economic development and improved liveability enhanced community wellbeing, including through <ul style="list-style-type: none"> enhancing community safety or reducing social inequality or benefiting disadvantaged communities. | 40% |
| 3 | Project delivery How well the Application demonstrates: <ul style="list-style-type: none"> The Project will assist in addressing the identified demand. The Project Infrastructure is the most appropriate option to address the identified demand. The readiness of the Project to commence construction and how quickly the Project will be delivered. The Applicant, its Project Partners (if relevant), and preferred contractors, have the capacity, capability and track record to deliver the Community Infrastructure Project within the identified budget and timeframes. The extent to which the Project has stakeholder and community support. There are adequate financing arrangements in place to complete and deliver the Project. | 30% |
| | Project benefits and value for money How well the Application demonstrates: <ul style="list-style-type: none"> The Project will provide new or additional benefits to the Resource Community. The Project's benefits and number of expected beneficiaries are commensurate to the amount of funding sought and Estimated Total Project Cost. The Project will support employment, including consideration of employment for First Nations peoples, during construction and after Project completion. The Applicant's or third-party financial or in-kind contributions to the Project. The Applicant has the capacity to fund the ongoing operational and maintenance costs of over the life of the Project Infrastructure and costs of relevant service delivery. | 30% |

5. Application process

5.1. Key dates

Key dates will be published on the Fund website. All dates are indicative and any changes to dates will be noted on the Fund website. Eligible Organisations should check the Fund website for updates.

Applications and all supporting documentation must be received by the Application closing date and time, however the Department, may, at its discretion, accept or reject late Applications as set out in the Terms and Conditions.

5.2. How to apply

Applications and all required supporting documentation, must be received by the identified closing date.

Applicant requests to change its Application after the closing date will not be accepted and the Department is under no obligation to allow an Applicant to provide any additional information. However, if an Applicant discovers an error after submitting its Application, please contact the Department immediately via email on rcif@dsdilgp.qld.gov.au.

The Applicant's Chief Executive or equivalent is responsible for ensuring that the Application is complete and accurate.

5.2.1. How to submit an Application

Eligible Organisations submitting an Application will be required to complete an application form and submit it to the Department using the online grants system, SmartyGrants. Applicants must ensure they have:

- » included any identified supporting documentation (evidence) that supports statements made in the Application (unless web addresses are provided in responses)
- » read and accepted the Applicant acknowledgement prior to submitting the Application (refer to section 8.8 of the Terms and Conditions in these Applicant Guidelines) and
- » assigned a priority to each Application submitted.

Applicants will be notified in writing of the outcome of the assessment of their Application.

5.2.2. Evidence and supporting information

Eligible Organisations will be expected to provide substantive documentary evidence to support statements made in their Applications. Evidence should be directly relevant to the Project.

For supporting evidence to be considered it should be properly referenced in responses provided with the Application. References to evidence should include the document name or attachment number, and the section or page numbers. Failure to properly reference supporting evidence may result in supporting evidence not being considered during assessment.

For more information on using evidence to support an Application, please refer to the relevant guidance material provided by the Department.

5.2.3. Application assistance

Enquiries are to be directed to the Department via email at rcif@dsdilgp.qld.gov.au.

Resources to assist you with your Application are available from www.statedevelopment.qld.gov.au/rcif and include:

- » Application form (including checklist and guidance)
- » Frequently Asked Questions (FAQs)
- » Fact Sheet: Evidence to support Application.

If you have any questions after reading the resources, email rcif@dsdilgp.qld.gov.au.

The Department's regional officers are also available to assist Eligible Organisations identify projects that may be eligible.

Regional officers will not be involved in the assessment of Applications from Applicants within their regions or in the selection of successful Projects, and provision of support by a regional officer is not an indication that an Application will be successful or that funding will be provided. Applicants acknowledge that they must form their own views as to the content and submission of their Application and cannot rely on any assistance provided by regional officers or the Department as being support of their Application by the Department.

Contact information for the office that services each region is available at <https://www.statedevelopment.qld.gov.au/about-us/contact-us>.

Please note that any question, request for clarification or request for further information from any Applicant that does not contain confidential or personal information and any relevant responses may be provided by the State to all or any other Applicants.

The State has absolute discretion in determining whether it will disclose the question, request for clarification or request for further information and any response.

Further details about Conditions of Funding are set out below and in section 9.

6. Approved construction Projects

Eligible Organisations that are approved for funding will be required to ensure that the resulting Project Infrastructure continues in operation or use, as per its intended purpose at the time of application, for a period of time that may be up to 10 years after Project completion, unless otherwise approved in writing by the Department.

6.1. Local industry content

The Queensland Government is committed to maximising local content through greater participation of capable local industry in major government procurements.

To the extent possible, procurement undertaken for all Approved Projects should meet the intent of the Queensland Procurement Policy.

In addition, Approved Projects that have total Queensland Government funding contributions greater than \$2.5 million (exclusive of GST) are subject to the Queensland Government's Charter for Local Content. To fulfil the Charter, successful Applicants whose Approved Projects meet the above criteria will be required to provide details about how they have applied the Charter's principles and submit a Project Outcome Report on completion of the Approved Project. This will be detailed further in the Project Funding Agreement.

More information is available at: <https://www.statedevelopment.qld.gov.au/industry/industry-support/qld-charter-for-local-content>.

In many regions, your local economic development body will have extensive experience in working to maximise local content opportunities in their community. For contact details and more information, please see <https://www.qldcln.com.au/>

6.2. Project savings

Funding will be provided to reimburse the successful Applicants for actual Eligible Project Costs of the Approved Project that have been incurred. If actual total Project costs at Project completion are less than the Estimated Total Project Cost (as identified in the Project Funding Agreement), the difference between these two amounts will be considered Project savings.

If an Approved Project has contributions from the Applicant or a third party, Project savings will be apportioned between the contributors and the State as per the ratio of the approved funds to the Estimated Total Project Cost. Approved funding for the Project may therefore be reduced by the State by the amount of Project savings apportioned to the Fund. Should the Applicant have received milestone payments that exceed the relevant share of

total Project costs after savings are apportioned, the Applicant will be required to refund the relevant amount to the Department.

In this instance of savings from an Approved Project these will be returned to the fund and may be reallocated to other eligible projects.

6.3. Project evaluation

All Approved Projects will be monitored and evaluated by the Department to ensure the Fund is achieving its objectives.

Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant Guidelines and the Project Funding Agreement.

6.4. Insurance

Successful Applicants will be required, where relevant, to ensure the entity owning the Project Site and Project Infrastructure obtains and maintains the following insurances:

- » Public liability insurance for the amount of \$20,000,000 in respect of any individual claim
- » Workers' compensation insurance for the Recipient's employees in accordance with the *Worker's Compensation and Rehabilitation Act 2003 (Qld)*
- » General insurance in respect of all property (in which the successful Applicant has an insurable interest) for the full reinstatement value, that is used in connection with the Project, including all buildings, fixtures and fittings and contents, against all loss and damage caused by or resulting from accident, fire, theft, malicious damage or storms and any other insurable risk which property of a similar nature is commonly insured against
- » Professional indemnity insurance for the amount of \$10,000,000 covering the successful Applicant and its employees in respect of any individual claim if the successful Applicant is required to provide professional advice and services during the course, or as part, of the Project
- » If the successful Applicant engages any third party to provide professional services for the Project, that third party supplier must have appropriate professional indemnity insurance cover of a minimum of \$10,000,000 in respect of any one claim
- » Comprehensive contract works insurance that covers all development and construction works in connection with the Project for their full replacement and reinstatement value
- » Transit insurance for any plant and equipment purchased using the Project Funding for is full replacement value.

In certain circumstances, the Department may, at its absolute discretion, agree to make minor amendments to the above insurance requirements.

7. Communications

7.1. Communications with the media

All media enquiries or public announcements relating to the Fund will be coordinated and handled by the Department's media team.

All media and communications about Projects will be undertaken jointly with successful Applicants. Successful Applicants 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 Fund
- » provide the Department with adequate notice of any proposed media event, as advised to successful Applicants and

- » 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.

7.2. Confidentiality

The State 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 the Fund. Applicants should specifically mark any information the Applicant considers to be confidential.

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

The State reserves the right to publicly disclose the names of Applicants, general information about Projects and the funding provided and details about the anticipated economic outcomes and Benefits of the Project 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;
- » to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols.

7.3. Compliments and complaints

If an Applicant has any feedback or concerns about the outcome of their Application, they are invited to provide your feedback in writing by contacting the Department as follows:

Phone, online or in person through the [Queensland Government portal](#)

Email: complaints@dsdilgp.qld.gov.au

Correspondence:

Director, Ethics

Department of State Development, Infrastructure, Local Government and Planning

PO Box 15009, City East Qld 4002

An overview of the Department's compliments and complaints process is available at [Compliments and complaints](#).

7.4. Contact details

Enquiries about the Fund can be directed to the Department of State Development, Infrastructure, Local Government and Planning via email at rcif@dsdilgp.qld.gov.au.

General information on the Fund is available at www.statedevelopment.qld.gov.au/rcif.

Except as expressly permitted in these Applicant Guidelines, Applicants must not contact the State, its associates, any Queensland Government agency or any of the State's advisers with a view to providing or obtaining information in respect of any part of the assessment process, or their Application for their proposed Project or attempting to support or enhance their prospect of their Application being successful.

8. Terms and conditions

8.1. Reservation of rights

Despite any provision of these Applicant Guidelines to the contrary, the State reserves the right to administer the Fund and conduct the process for the assessment and approval of Applications to the Fund in such manner as it thinks fit, in its absolute discretion.

Without limiting the above paragraph, the State retains all rights and powers to make all decisions and actions in order to achieve the Fund's objectives and the State reserves the right, in its absolute discretion and at any time, to:

- (i) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the application process or overall Fund (including submission and compliance of Applications), where in such circumstances notice will be provided to Applicants on the Fund website;
- (ii) consider or accept, or refuse to consider or accept, any Application which is lodged other than in accordance with these Applicant Guidelines, or is lodged after the relevant date for lodgement, or which does not contain the information required by these Applicant Guidelines or is otherwise non-conforming in any respect;
- (iii) vary or amend the eligibility or Assessment Criteria;
- (iv) take into account any information from its own and other sources (including other Government agencies and other advisors);
- (v) accept or reject any Application, having regard to these Application Guidelines, the eligibility criteria, the Assessment Criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Fund;
- (vi) give preference by allocating weighting to any one or more of the eligibility criteria or Assessment Criteria over other criteria;
- (vii) seek clarifications or additional information from or provide clarifications or additional information to any Applicant, or to negotiate or deal with or seek presentations or interviews from any Applicant;
- (viii) conduct due diligence investigations in respect of any Applicant and subject Applications to due diligence, technical, financial and economic appraisals;
- (ix) require an Applicant to clarify or substantiate any claims, assumptions or commitment contained in an Application or provide any additional information;
- (x) terminate the further participation of any Applicant in the application process;
- (xi) terminate or reinstate the Fund or any process in the Fund;
- (xii) not proceed with the Fund in the manner outlined in these Applicant Guidelines, or at all;
- (xiii) allow the withdrawal or addition of an Applicant after the closing date; and
- (xiv) take such other action as it considers in its absolute discretion appropriate in relation to the Fund processes.

Where, under these Applicant Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an Applicant).

If the State does exercise any of its rights under these Applicant Guidelines, the State may inform any or all of the Applicants. The State will not, however, be required under any obligation to do so.

8.2. Relationship

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

Subject to clause 8.7, no contractual or legal relationship exists between the State and an Applicant in connection with the Fund, these Applicant Guidelines or the application process or any stage of the Fund.

An Applicant, or its representatives:

- (i) 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;
- (ii) 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
- (iii) 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 competitive application process detailed in these Applicant Guidelines.

8.3. Participation at Applicant's cost

Each Applicant participates in the application process 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:

- (i) 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 Fund;
- (ii) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Fund; or
- (iii) any of the matters or things relevant to its Application or the Fund in respect of which the Applicant must satisfy itself under these Applicant Guidelines.

Without limiting the above paragraph, if the State cancels or varies the Fund 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 clause 8.1 of these Applicant 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 to (whether directly or indirectly) the Fund.

8.4. Applicant to make own enquires

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Fund, and do not 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.

Applicants must make their own independent investigations of the information contained or referred to in these Applicant Guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Applicant 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 provided by it in connection with the Fund or interpretations placed on that information by Applicants.

8.5. Intellectual property

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

The Applicant grants to the State (and will ensure relevant third parties grant) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Fund.

8.6. 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 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.

8.7. Law

These Applicant Guidelines are governed by the laws applicable in Queensland.

8.8. 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 not by omission misleading, and may be relied on by the State in assessing the Application and determining whether or not to provide funding to the Applicant under the Fund;
- (b) undertakes to promptly advise the State if the Applicant 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 Application at any stage as a result of material changes to the information presented in its 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 Applicant Guidelines, including these Terms and conditions.

9. Conditions of funding

9.1. Project Funding Agreement

Successful Applicants will be required to execute a Project Funding Agreement with the State.

The State has no obligation to provide Project funding to an Applicant until a Project Funding Agreement has been properly executed by the Applicant and the State. Any financial or other commitments in relation to a Project made by an Applicant (or project partner) prior to a Project Funding Agreement being properly entered into by the parties is at the sole risk of the Applicant (or project partner, as relevant).

The Project Funding Agreement will set out the arrangements for payment of funding to a successful Applicant in accordance with a Milestone Schedule.

9.1.1. Tax

Grants may be treated as assessable income for taxation purposes. The State does not provide advice to Applicants and recommends that Applicants seek independent professional advice on their tax obligations.

9.2. Funding acknowledgement

Applicants that are successful through the Fund are required to appropriately acknowledge the contribution as advised by the Department.

This includes acknowledgement of funding in all publicly made statements, website, other appropriate promotional materials and documentation.

Proposed media announcements or other publicly made statements are to be provided in draft form for approval prior to release.

9.3. Project Reporting

9.3.1. Progress and completion reporting

The Project Funding Agreement will specify requirements for the submission of progress reports and a Project completion report. Templates for these reports will be provided by the Department.

9.3.2. Project Benefits reporting

To fully capture how the Fund is contributing to Resource Communities, successful Applicants will be required to report on Project Benefits which may include economic, social and environmental Benefits. Ongoing Benefits monitoring requirements following Project completion may also be required.

Department of State Development,
Infrastructure, Local Government and Planning
PO Box 15009 City East Qld 4002 Australia
Tel 13 QGOV (13 74 68)
info@dsdilgp.qld.gov.au
www.statedevelopment.qld.gov.au
Connect with us @GrowingQld

