

# Economic Development Queensland



## Catalyst Infrastructure Fund 2022 Program Guidelines

August 2022



Queensland  
Government

## Copyright

This publication is protected by the Copyright Act 1968.

## Licence



This work, except as identified below, is licensed by the Department of State Development under a Creative Commons Attribution-No Derivative Works (CC BY-ND) 4.0 Australia licence. To view a copy of this licence, visit: <http://creativecommons.org.au/>

You are free to copy and communicate this publication, as long as you attribute it as follows:

© State of Queensland, Department of State Development, Infrastructure, Local Government and Planning, August 2022.

Third party material that is not licensed under a Creative Commons licence is referenced within this document. All content not licensed under a Creative Commons licence is all rights reserved. Please contact the Department of State Development, Infrastructure, Local Government and Planning, the copyright owner, if you wish to use this material.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 13 14 50 and ask them to contact the Department of State Development, Infrastructure, Local Government and Planning on 07 3452 7100.

## Disclaimer

While every care has been taken in preparing this publication, to the extent permitted by law, the State of Queensland accepts no responsibility and disclaims all liability (including without limitation, liability in negligence) for all expenses, losses (including direct and indirect loss), damages and costs incurred as a result of 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.

Copies of this publication are available on our website at [www.edq.qld.gov.au](http://www.edq.qld.gov.au) and further copies are available upon request to:

### Economic Development Queensland

Department of State Development,  
Infrastructure, Local Government and Planning

GPO Box 2202, Brisbane, Queensland 4001.  
1 William Street Brisbane Qld 4001 (Australia)

Phone: 13 QGOV (13 7468)  
Email: [edq@dsdilgp.qld.gov.au](mailto:edq@dsdilgp.qld.gov.au)  
Web: [www.edq.qld.gov.au](http://www.edq.qld.gov.au)

## Contents

<b>1.</b>	Program summary .....	1
<b>2.</b>	Program outline .....	2
	2.1 Background .....	2
	2.2 Objectives.....	3
	2.3 Funding .....	3
<b>3.</b>	Eligibility .....	3
	3.1 Eligible proponents .....	3
	3.2 Eligible projects.....	3
	3.3 Application .....	4
	3.4 Eligibility criteria .....	4
<b>4.</b>	Project identification .....	4
	4.1 Project identification and local prioritisation.....	4
	4.2 Proposals.....	5
<b>5.</b>	Assessment criteria .....	6
	5.1 Assessment criteria .....	6
	5.2 Repayment of co-investment and security .....	7
<b>6.</b>	Assessment Process .....	7
<b>7.</b>	Merit Criteria.....	7
<b>8.</b>	Successful applications .....	12
<b>9.</b>	Terms and Conditions .....	13
	9.1 Reservation of Rights.....	13
	9.2 Relationship.....	14
	9.3 Participation at proponent’s cost .....	14
	9.4 Applicant to make own enquiries .....	15
	9.5 Intellectual property .....	15
	9.6 Confidentiality .....	15
	9.7 Privacy Statement.....	15
	9.8 Law.....	16
	9.9 Acceptance.....	16
<b>10.</b>	More information .....	16

# 1. Program summary

---

The Catalyst Infrastructure Fund (CIF) 2022 is a Queensland Government initiative to invest in urban infrastructure that unlocks development, generates construction activity and creates long-term employment. The program is administered by Economic Development Queensland (EDQ).

## The Catalyst Infrastructure Fund

- Total fund value up to \$150 million.
- The CIF provides funding for trunk infrastructure in priority development areas such as Ripley Valley and Greater Flagstone to assist in delivering affordable housing.
- Applications will be instigated by the development industry, utility providers or local government.
- Projects will involve a co-investment between the applicant and EDQ. Co-investment is expected to be a minimum of 20%, though preferably more of total project costs.
- Funding is in the form of a low interest loan, generally repaid through the payment of quarantined catalyst infrastructure charges, secured through legal agreement and other securities.
- Available for “Catalyst” Infrastructure which will unlock development, generate construction activity and create long-term employment.
- Catalyst infrastructure includes new transport, water and wastewater (but other categories may be considered).

## How to Apply

- Submit a project proposal including detailed business case to EDQ.
- Ensure applications are complete and address the assessment criteria.

## Assessment

- Projects will be assessed and prioritised per the assessment criteria.
- Projects will be assessed on detailed economic benefits, lot generation, value for money and the co-investment funding risk to EDQ.
- Based on this assessment, EDQ will submit CIF funding recommendations to the Minister for Economic Development Queensland (MEDQ) for consideration and approval.
- EDQ will develop a Term Sheet as the basis of a CIF Funding Agreement between the MEDQ and the proponent(s).

### Critical Timeframes

- Applications will be accepted until the application period closes at 5pm Friday 30 September 2022, though evaluation will commence on applications as they are received to fast-track the award process
- Subsequent application rounds may be released based on the extent and success of initial uptake.
- The process of assessment of applications and recommendation to the Economic Development Board for funding offer is anticipated to take approximately 3 months.
- Formal Funding Agreements are anticipated to be in place four (4) months from funding offers unless there are agreed extenuating circumstances.
- Construction commencement is expected within six (6) months of the execution of Funding Agreements.
- Construction completion is to occur within twenty-four months from the execution of the Funding Agreements unless there are extenuating circumstances.

## 2. Program outline

---

### 2.1 Background

On 9 June 2022, the Deputy Premier and Minister for Economic Development Queensland (MEDQ) announced the Catalyst Infrastructure Fund (CIF 2022) as a new Queensland Government initiative to assist in the facilitation of catalyst infrastructure to drive economic benefit for Queensland.

The CIF 2022 is a loan facility to bring forward of delivery of major infrastructure targeting housing supply and affordability in EDQ PDAs, with a particular focus on development in the Ripley Valley and Greater Flagstone (PDAs). Other PDAs will be monitored over time for similar opportunities. This will boost housing supply and jobs through driving economic activity, consistent with the Queensland Government's economic recovery strategy, Unite and Recover for Queensland Jobs. The impact of the program in the above PDAs alone will support up to 15 developers delivering 86,400 lots.

The Queensland Government is looking to partner with local governments, utility providers and developers to co-invest in urban infrastructure that unlocks development and generates construction and long-term employment.

'Catalyst Infrastructure' is defined as the construction of physical networks, or 'hard' infrastructure, which is necessary to unlock development, generate construction activity and create long-term employment. The CIF 2022 will provide co-investment funds to facilitate, accelerate projects and infrastructure which would not otherwise proceed or be delayed. Projects include new transport, water and wastewater. However other categories of infrastructure will be considered, provided they meet the program criteria.

Economic Development Queensland's (EDQ) Infrastructure Planning team manages the program as the *Economic Development Act 2012* provides that the MEDQ's role includes 'providing or contributing to the provision of infrastructure'.

## 2.2 Objectives

This program is an opportunity for EDQ, local governments, utility providers and the development sector to work together to identify and facilitate delivery of significant urban infrastructure that unlocks development and generates construction and long-term employment.

The key objectives of this program are to:

1. deliver infrastructure that facilitates economic development, lot generation, construction development and job creation in priority development areas (PDAs) and catalyses or accelerates private sector investment
2. partner with local governments, private utility providers and developers to provide leveraged investment (through co-investment) that is repaid through the quarantining of infrastructure charges as development occurs
3. facilitate the timely delivery of significant infrastructure to catalyse development and investment in PDAs resulting in an economic benefit to Queensland.

## 2.3 Funding

Under the program, EDQ offers co-investment funding towards successful projects in the form of a low interest loan which is to be repaid through the quarantining of infrastructure charges as development occurs.

A total of up to \$150 million has been allocated to the program commencing in the 2022–23 financial year.

## 3. Eligibility

---

### 3.1 Eligible proponents

The following entities will be eligible for CIF 2022 funding:

- developers
- local governments
- utility providers.

EDQ will accept joint submissions from eligible proponents and will preference proponents in the Ripley Valley and Greater Flagstone PDAs.

**Note:** The proponent must have the capability to deliver the proposed infrastructure project, including appropriate staff, expertise and financial capacity. EDQ may undertake independent financial checks. For local government applications, Queensland Treasury Corporation (QTC) will undertake a financial assessment.

### 3.2 Eligible projects

Projects include the construction of new transport, water and wastewater. However other categories of infrastructure will be considered, provided they meet the program criteria.

The CIF 2022 funding is not available for co-funding or replacing any existing infrastructure grant funding or for local government projects which already have approved budget.

Projects are ineligible if they are completed or have commenced (i.e., equipment purchased, contracts entered into, or construction has begun) prior to executing a Funding Agreement.

### 3.3 Application

Eligible proponents are invited to apply for funding under the CIF 2022 by providing a completed Catalyst Infrastructure Fund Application Form and providing other supporting information required to describe the project and demonstrate how the project meets the eligibility requirements and merit criteria.

Applications must be provided electronically to [cif@dcdilgp.qld.gov.au](mailto:cif@dcdilgp.qld.gov.au) by the closing date. Application evaluation will commence on applications as they are received to facilitate the award process.

During the application period, proponents may submit questions, requests for clarification and requests for further information via the following email address: [cif@dcdilgp.qld.gov.au](mailto:cif@dcdilgp.qld.gov.au). If a proponent believes that any question is confidential or commercial in confidence, they should specify this in their email and they will be given the opportunity to withdraw the question if the department disagrees.

### 3.4 Eligibility criteria

To be eligible for CIF 2022 co-investment funding, the proposed infrastructure project and the proponent(s) must meet all the following mandatory criteria:

1. the project must generate, facilitate, or accelerate economic benefit, lot generation and job creation
2. the proponent(s) must co-invest a minimum of 20 per cent and preferably more of the total cost of the infrastructure project
3. the proponent(s) must have the capability to deliver the proposed infrastructure project, including appropriate staff, expertise and financial capacity.
4. if the project is successful in being approved for CIF co-investment funding, the proponent(s) must comply with the timeframes set out below:
  - a) the proponent(s) must execute a CIF 2022 Funding Agreement within four months of the date the project was approved for CIF 2022 co-investment funding unless where there is extenuating circumstances
  - b) the proposed infrastructure project must commence construction within six months of the date the CIF 2022 co-investment Funding Agreement was executed
  - c) the proposed infrastructure must be constructed within twenty-four months of execution of the CIF 2022 Funding Agreement unless where there is extenuating circumstances

## 4. Project identification

---

### 4.1 Project identification and local prioritisation

Potential CIF 2022 projects will be identified:

- by EDQ's Infrastructure Planning team in conjunction with local governments and/or proponent(s);
- via direct contact by the proponent(s) with EDQ; or
- through the submission of a proposal providing a detailed business case.

Further information may be requested during the assessment process.

## 4.2 Proposals

Proposals must be provided in writing, demonstrate how the project meets the assessment criteria and include:

- detailed information regarding the type of infrastructure and works to be constructed.
- detailed information regarding the extent, location and sizing of the infrastructure.
- cost estimate for the design and construction of the infrastructure.
- status of the project.
- confirmation of all required approvals, including a summary of approvals that have been granted and approvals that are yet to be gained to commence the project.
- programme detailing timeframes for design, approvals and construction.
- legal name of the entity who will be party to the co-investment Funding Agreement.
- Lot on Plan description of the land on which the infrastructure will be constructed.
- legal name of the entity who owns the land on which the infrastructure will be constructed.
- details of the proposed delivery method, and the entity responsible for the delivery.
- legal name of the entity who will ultimately own, operate, maintain the infrastructure (after construction is complete), and take responsibility for ongoing operation, maintenance and replacement costs associated with the infrastructure. Evidence to be provided that the ultimate asset owner will accept the completed asset.
- demonstrate that the project will generate, facilitate or accelerate economic benefit, lot generation and job creation.
- demonstrate that the CIF 2022 co-investment will catalyse the project and the associated outcomes (economic benefit, lot generation and job creation).
- demonstrate commitment to co-invest a minimum of 20 per cent and preferably more of the total project cost.
- demonstrate capability to deliver the proposed infrastructure project.
- demonstrate the financial capacity to fund the CIF co-investment via quarantined catalyst charges for the development.
- demonstrate commitment to the timeframes to:
  - a) execute a CIF 2022 Funding Agreement within four months of the date the project was approved for CIF 2022 co-investment funding
  - b) commence construction within six months of the date the CIF 2022 co-investment Funding Agreement was executed.

Proposals should also include relevant locality and layout plans.

Eligible project costs may include:

- the purchase of land
- works contributions
- contingencies
- project owners' costs including expenses incurred for technical, professional and/or administrative staff for time directly related to managing the project (up to 15 per cent), as a reasonable proportion of overall project costs.

If there is any doubt about eligible projects or costs, please contact EDQ's Infrastructure Planning team on 3214 9576 or alternatively, or by email [cif@dcdilgp.qld.gov.au](mailto:cif@dcdilgp.qld.gov.au)



Ineligible costs are those related to:

- business plans, cost benefit analyses and economic impact studies.
- feasibility and planning studies.
- conceptual design and detailed design (i.e., production of final 'for construction' designs or equivalent).
- statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals.
- legal expenses.
- remuneration of employees for work not directly related to the project.

MEDQ's CIF 2022 co-investment is a capped maximum. As a result, variations in excess of the project budget are the responsibility of the proponent(s). In addition, proponents' co-investment contributions, in general, are to be expended prior to any drawdown on CIF 2022 funding.

## 5. Assessment criteria

---

### 5.1 Assessment criteria

Proposals will only be deemed eligible if all eligibility criteria are met.

Further to the eligibility criteria, proposed infrastructure projects will be assessed and prioritised according to the extent to which they meet a range of program benchmarks, as follows:

1. The project involves the construction of new transport, water and wastewater, infrastructure. However, other categories of infrastructure will be considered, provided they meet the program criteria.
2. There is demonstrated need for the infrastructure to catalyse/facilitate development as identified through market analysis.
3. The project maximises economic benefit, lot generation and job creation for the community or region.
4. The project is financially sound, including demonstrated value-for-money and long-term viability.
5. The CIF 2022 co-investment is strictly capped and variations in excess of the project budget are the responsibility of the proponent(s).
6. The proponent(s) commits to expending their contribution prior to any drawdown on CIF funding.
7. The proponent(s) commit to assuming the responsibility of variations in excess of the project budget.
8. The project will be constructed within twenty-four months of the Funding Agreement being executed unless there are exceptional circumstances.
9. Repayments through quarantined catalyst charges from lot created or equivalent ½ yearly Nominated Development Rate must commence within twelve months of the Funding Agreement execution.
10. The proponent(s) must provide construction and post construction / maintenance security for the Funding Agreement in the form of a bank guarantee, the value of which will be determined in proportion to the level of risk the project represents to EDQ,
11. The proponent(s) demonstrates that the ultimate asset owner will accept, maintain and upkeep use of the infrastructure asset.

This assessment process will determine project prioritisation and which projects are successful in attaining CIF 2022 co-investment funding. Though these assessment criteria are not mandatory criteria, a successful project would meet all or several key assessment criteria.

## 5.2 Repayment of co-investment and security

EDQ's CIF 2022 co-investment is a low interest loan, generally repaid through the payment of quarantined catalyst infrastructure charges and/or secured through legal agreement and other securities.

EDQ requires security over the repayments, in the form of a bank guarantee. The value of this security will be determined during the assessment process with consideration of risks the project represents to EDQ.

## 6. Assessment Process

---

Only eligible proposals will proceed to assessment.

Eligible projects will be assessed and prioritised according to the assessment criteria. These reviews will also include assessment of strategic fit against the PDA infrastructure timing and priorities, economic benefit, lot generation, job creation and the likelihood of any one developer funding the infrastructure delivery.

EDQ will work with the proponent(s) to undertake the detailed assessment of proposals. The risks the project represents to EDQ will be assessed to determine the terms of a potential CIF 2022 funding arrangement.

EDQ will provide recommendations to the MEDQ for consideration and approval. Responsibility for approving project proposals for CIF 2022 funding will rest with the MEDQ, currently the Minister for State Development, Infrastructure, Local Government and Planning.

## 7. Merit Criteria

---

The merit criteria to be used in the assessment process are:

1. Benefits realisation – the project has demonstrated need, delivers economic benefits, construction, job and lot generation, has a catalysing effect to unlock further investment and development.
2. Project confidence – the project is achievable under a range of scenarios, the risks are adequately managed, the planning for the project is mature, the project can start within the agreed timeframes, the project is financially sound including demonstrated value for money, the proponent has the capability and capacity to deliver the infrastructure and repay the nominated development rate where required.

Additional criteria for applications to be assessed against are illustrated in Table 1.

Table 1 : Merit Criteria

Criteria 1 – Benefits realisation		
Sub criteria	Description	Evidence required
Project Need	The application demonstrates the need for the infrastructure.	Demonstration of need through market analysis, industry testimonials or other relevant information.  Assessment of strategic fit and alignment against the relevant Priority Development Area infrastructure planning and priorities.
Economic benefits, lot and job creation	The application demonstrates that the project will generate, facilitate or accelerate economic benefit, lot generation and job creation. Higher priority is to be given to projects that achieve higher benefits, lot generation and long-term jobs creation.	Estimated economic benefits created with supporting rationale.  Identification of lot generation.  Estimated construction and new operational jobs (FTE) created with supporting rationale.  Description of any indirect benefits.  Identification of timing of delivery of all benefits (lots generated, jobs created etc)
Catalysing opportunity	The application demonstrates that the project will catalyse further opportunity and the associated benefits (economic benefits and job creation).	Description of how the project is catalytic and details of the further development opportunities unlocked by the project e.g., number of lots / dwellings, gross floor area (GFA) for industrial, retail / commercial or other development outcomes, timing of delivery for the unlocked development.

Criteria 2 – Project confidence		
Sub criteria	Description	Evidence required
Proponent capability	The proponent must have the capability to deliver the proposed infrastructure project, including appropriate staff, expertise and financial capacity.	<p>Legal name of the entity who will be party to the Funding Agreement and details of any other entities involved such as joint venture or other partnerships.</p> <p>Demonstrate previous experience of projects of similar complexity and the skills, capacity and experience of team members.</p> <p>Details of the entity responsible for the delivery.</p>
Financially sound	The project is financially sound.	Demonstrate commercial, economic and financial viability and a plan for achieving financial outcomes.
Delivery Methodology	The application demonstrates a sound delivery methodology that is capable of being delivered within available technology.	<p>Detailed information regarding the type of infrastructure and works to be constructed including any technical studies completed to inform the scope of works (e.g., site investigations, feasibility studies, engineering studies etc.).</p> <p>Detailed information regarding the extent, location and sizing of the infrastructure.</p> <p>Details of the proposed delivery method and project management.</p> <p>Identification of any new technology or innovation being implemented.</p>
Delivery program	<p>The project can commence construction within 6 months of a Funding Agreement being executed, with higher priority given to projects that can start sooner.</p> <p>The project can be constructed within 24 months of execution of a Funding Agreement.</p>	<p>Current status of the project.</p> <p>Program (Gantt chart or similar) detailing timeframes for the major milestones for design, approvals and construction.</p> <p>Provide the construction start, construction finish and operation start dates from the program.</p>

Criteria 2 – Project confidence		
Sub criteria	Description	Evidence required
Approvals	The application demonstrates that all required approvals are achievable within the timeframes and that any outstanding planning issues can be resolved.	<p>A summary of approvals including licences, permits and development approvals that have been granted and approvals that are yet to be gained to commence the project.</p> <p>Details of outstanding approvals, their expected timeframes and any risks.</p> <p>Demonstrate native title rights and environmental approvals are managed.</p>
Risk	<p>The application demonstrates that the ultimate asset owner will accept and maintain the infrastructure asset.</p> <p>The proponent has access or tenure to the land on which the infrastructure will be constructed.</p> <p>The application demonstrates that risks can be adequately managed with no fatal flaws.</p>	<p>Legal name of the entity who will ultimately own, operate, maintain the infrastructure (after construction is complete), and take responsibility for ongoing operation, maintenance and replacement costs associated with the infrastructure. If the proponent is not the ultimate asset owner, the application must evidence that the ultimate asset owner will accept the completed asset.</p> <p>Lot(s) on plan description of the land on which the infrastructure will be constructed.</p> <p>Legal name of the entity which owns the land on which the infrastructure will be constructed.</p> <p>Provide a risk register with key risks identified for project delivery and operation, identifying appropriate mitigation strategies.</p> <p>For projects located in a Priority Development Area, in cases where infrastructure is identified in EDQ's Infrastructure Funding Framework, the Infrastructure Funding Framework Crediting and Offset Arrangements, an Infrastructure Charges Offset Plan, or a Development Charges and Offset Plan, the proponent must consider offset, credit, and refund implications for their specific development and address that in their application.</p> <p>Note that the State will complete its own risk assessment for the application. The project risk assessment submitted with the application will be used to better understand how the proponent is viewing and intending to mitigate or manage the key risks to the success of the proposed project.</p>

Criteria 2 – Project confidence		
Sub criteria	Description	Evidence required
Project Funding	The proponent agrees to co-invest at least 20 per cent and preferably more of the total project cost. Higher co-investments will be given priority.	<p>Provide a cost estimate for the design and construction of the infrastructure.</p> <p>Detail the amount of funding requested and what percentage of the total project cost this represents.</p> <p>Provide details of any co-investment partners or other funding sources, the amount of funding contributed by each, and what percentage of the total project cost this represents (note that projects with existing grant funding are ineligible).</p> <p>Confirm the proponent’s co-investment funding will be available and expended towards the project prior to the CIF funding being drawn down.</p>

## 8. Successful applications

---

Proponents with successful projects will receive an offer of financial assistance. If the proponent(s) choose to accept the offer, they will be required to enter into a formal Funding Agreement with the MEDQ on behalf of the State of Queensland within four months of funding approval of the project. If the proponent(s) have not executed the formal Funding Agreement within four months of the offer unless where there is extenuating circumstances, the offer will be lapsed.

EDQ will provide the formal Funding Agreement, which provides details on general and specific conditions of funding associated with delivery of the CIF 2022 project. These conditions will correspond to the terms agreed between EDQ and the proponent(s).

An agreement is valid and once signed by both parties forms a legally binding agreement for the duration of the approved CIF 2022 project.

Key features of the agreements include:

- information about the funding recipient
- details of the approved project
- conditions of funding such as timeframes for project completion
- how funds will be spent
- forecast claim dates
- accountability, governance and acquittal processes
- reporting requirements
- procurement policies

Once the agreements are executed, the proponent(s) and EDQ establish a Project Control Group (PCG) to:

- a) confirm and agree on the delivery program for the works
- b) review and agree to the designs for the works and the progress
- c) review and provide recommendations in relation to the quotes and tenders for the design of the works (including but not limited to reviewing and evaluating the tender evaluation report and recommendation)
- d) provide directions to the proponent(s) to rectify any breach of the procurement process as identified by the probity auditor (if relevant).

The proponent(s) and EDQ will each nominate two representatives for the PCG.

Once the agreements have been entered into the funds will be drawn down as the proponent(s) incurs expenses for the contractor(s) or to an agreed schedule of milestones.

All procurement will be required to comply with local government and State procurement policies.

## 9. Terms and Conditions

---

In these terms and conditions, a reference to:

**Application** means an application (or relevant part of an application) made to CIF 2022 and includes an application form and any other supporting or additional information in whatever form provided by the Proponent in connection with its application to CIF 2022;

**CIF 2022** means the Catalyst Infrastructure Fund 2022;

**Funding Agreement** means an Infrastructure Agreement as referred to in the *Economic Development Act 2012* and the *Planning Act 2016* (Qld)

**guidelines** means these Catalyst Infrastructure Fund 2022 Program guidelines, as updated from time to time;

**Proponent** means an applicant for funding under the Catalyst Infrastructure Fund 2020, and where the applicant is a consortium, each member of the consortium;

**State** means collectively, the State of Queensland and Minister for Economic Development Queensland.

### 9.1 Reservation of Rights

The State reserves the right to administer the CIF 2022 and conduct the process for the assessment and approval of Applications in connection with the CIF 2022 in such manner as it thinks fit and to:

- change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall CIF 2022 (including timeframes and submission and compliance of Applications);
- consider or accept or refuse to consider or accept any Application which:
  - a. is lodged other than in accordance with the guidelines and associated forms;
  - is lodged after the relevant closing date for lodgement;
  - does not contain the information required by the guidelines and associated forms; or
  - is otherwise non-conforming in any respect;
- vary or amend the eligibility criteria or merit criteria set out in the guidelines and associated forms;
- consider any information from its own and other sources (including other Government agencies or advisors);
- accept or reject any Application, having regard to the guidelines and associated forms, the eligibility criteria and the merit criteria or any other item, matter or thing which the State considers relevant, including the limitations on the Funds available for CIF 2022;
- give preference by allocating weighting to any one or more eligibility criteria or merit criteria over the other;
- seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any Proponent, without doing or requiring the same from all or any of the other Proponents;
- conduct due diligence investigations in respect of any Proponent and subject Applications to due diligence, technical, financial and economic appraisals;
- require a Proponent to clarify or substantiate any claims, assumptions or commitments contained in an Application or provide any additional information;
- terminate further participation of any Proponent in the application process for CIF 2022;
- terminate or reinstate CIF 2022 or any process in CIF 2022;



## Economic Development Queensland - Catalyst Infrastructure Fund

- where the State considers that there has been a lack of progress in the application process due to the Proponent's failure to respond to requests in a timely manner, consider the Application lapsed;
- not proceed with CIF 2022 in the manner outlined in the guidelines and associated forms, or at all.

Where, under the guidelines and associated forms, 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 the Proponents).

If the State does exercise any of its rights under the guidelines and associated forms, the State may inform any or all Proponents. The State will not, however, be under any obligation to do so.

### 9.2 Relationship

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

No contractual or legal relationship exists between the State and a Proponent in connection with CIF 2022, including the guidelines and associated forms or the application process.

A Proponent, or its representatives:

- 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;
- must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the Proponent is for any purpose an employee, agent, partner or joint venturer with the State; and
- 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 and associated forms).

### 9.3 Participation at proponent's cost

Each proponent participates in CIF 2022 at its own cost and risk.

To the extent permitted by law, no Proponent 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:

- any costs, expenses, losses or liabilities suffered or incurred by the proponent 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 CIF 2022;
- the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with CIF 2022; or
- any of the matters or things relevant to its Application or CIF 2022 in respect of which the Proponent must satisfy itself, including under the guidelines and associated forms.

Without limiting the foregoing, if the State cancels or varies CIF 2022 at any time or does not select any Proponent following its assessment of the Applications, or does (or fails to do) any other thing referred to under the guidelines and associated forms, no Proponent will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the Proponent in preparing and submitting its Application or otherwise in connection with or in relation to (whether directly or indirectly) CIF 2022.

## 9.4 Applicant to make own enquiries

These guidelines and associated forms have been prepared to give potential Proponent's background information in relation to CIF-2022. These documents do not, and do not purport to contain all the information that Proponents may require in reaching decisions in relation to whether to submit an Application. Proponents 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 the guidelines and associated forms 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 CIF 2022 or interpretations placed on the information by Proponents.

## 9.5 Intellectual property

Any intellectual property rights that may exist in an Application will remain the property of the Proponent 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 Proponent.

The Proponent 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 CIF 2022.

## 9.6 Confidentiality

Proponents are required to keep their Applications and dealings with the State confidential (but may disclose such information to the Proponent's employees or professional advisors to the extent those employees or advisors need the information to assist in the application process and are made aware of the confidentiality requirements).

By submitting an Application, a Proponent acknowledges and agrees that the State may disclose information (including confidential information) received from a Proponent to the State's employees, contractors, professional advisers, other government entities for purposes in connection with assessing Applications and administering the CIF 2022, and ensuring the emerging package of projects is consistent with the overall direction and development of the industry and communities.

The State may publicly disclose information to promote the program through the release of the names of successful Proponents, the amount of assistance provided and general details of the projects. The State may also disclose information (including confidential information) if it is required to do so by law.

Proponents should specifically mark any information the Proponent considers is confidential.

All media enquiries or public announcements will be managed by the Department of State Development, Infrastructure, Local Government and Planning media team. Proponents must not make public statements or respond to media enquiries without first speaking with the department.

## 9.7 Privacy Statement

Information collected is also subject to the Right to Information Act 2009 and the Information Privacy Act 2009. The information provided may be publicly released and or provided to third parties and other government agencies, but only for the purposes for which the information is being collected. The proponents' personal information will be stored on departmental files and may be disclosed for purposes relating to the CIF 2022 or as authorised or required by law.

## 9.8 Law

These guidelines are governed by the laws applicable in Queensland.

## 9.9 Acceptance

By submitting an Application, a Proponent:

- warrants to the State that the information contained in this 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 or whether or not to provide funding to the Proponent under the Catalyst Infrastructure Fund 2022;
- undertakes to promptly advise the State if the Proponent becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- acknowledges that the State may elect to remove a Proponent 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;
- acknowledges that the State may suffer loss or damage if the Proponent breaches the above warranty and undertaking;
- accepts the guidelines, including these terms and conditions, and warrants for the benefit of the State that the Proponent will not breach the guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by the guidelines.

## 10. More information

---

Further information can be obtained from EDQ via:

- website: [www.edq.qld.gov.au/CIF](http://www.edq.qld.gov.au/CIF)
- email: [cif@dcdilqp.qld.gov.au](mailto:cif@dcdilqp.qld.gov.au)
- phone: (07) 3214 9576

The contact person for this program is:

Mr Peter Gill  
Project Director Infrastructure Planning  
Infrastructure Services  
Economic Development Queensland

## Contact Us

Contact Economic Development Queensland by:

Email: [edq@dasilgp.qld.gov.au](mailto:edq@dasilgp.qld.gov.au)

Phone: (07) 3452 7880

Post: Economic Development Queensland  
Department of State Development,  
Infrastructure, Local Government and Planning  
GPO Box 2202  
Brisbane Queensland 4001 Australia