

# Queensland Biomedical Business Attraction Program – Round 4

Applicant Guidelines

The Department of State Development and Infrastructure

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

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# 1. Introduction

## 1.1. Overview

The Queensland Biomedical Business Attraction Program (QBBAP) is a key initiative of the current Queensland Biomedical 10-Year Roadmap and Action Plan designed to attract interstate and international biomedical industry to access Queensland's biomedical capability.

It aligns with the Queensland New-Industry Development Strategy which sets out the Queensland Government's approach to industry development including biomedical.

These Applicant Guidelines set out information for Applicants about Round 4 of the QBBAP. A total of \$1.5 million funding is available under the Program.

## 1.2. Objectives

The objectives of the Program are to support the Queensland Biomedical 10-Year Roadmap and Action Plan by attracting interstate and international biomedical entities (with a preference for new clients) to access Queensland's biomedical sector by:

- raising awareness of Queensland capabilities with a view to attracting biomedical industry to Queensland
- encouraging non-Queensland-based businesses to collaborate with Queensland-based businesses and use Queensland-based biomedical capability to develop Biomedical Products
- sustaining specialised jobs and providing training opportunities in the Queensland biomedical sector
- enabling Queensland-based businesses to enter/embed themselves into the national and international value chain to develop Biomedical Products.

Through the Program, the State will support eligible Queensland-based businesses for up to one third ( $\frac{1}{3}$ ) of the fees they would charge to interstate/international clients for obtaining Biomedical Services to develop a Biomedical Product, up to a cap of \$250,000 (excluding GST). The interstate/international client will pay at least two thirds ( $\frac{2}{3}$ ) of the fees for the proposed Biomedical Services.

Program support of up to \$250,000 (excluding GST) will be:

- available as a grant, paid on a reimbursement basis, of up to one third of the total fees charged to the client, with the client to contribute at least two thirds of the fees
- available for services which support the development of Biomedical Products
- allocated based on an open and merit-based competitive selection process.

# 2. Application requirements

## 2.1. Who can apply?

### 2.1.1. Eligible Organisations

To be eligible to apply for funding support from the Program, an Applicant must:

- be a company or business that has a physical, staffed and functioning office in Queensland providing Biomedical Services from a physical location in Queensland or capable of delivering Biomedical Services in Queensland
- have been operating for at least 12 months prior to the Application closing date
- have a valid Australian Business Number (ABN)
- be GST registered.

## 2.1.2. Ineligible Organisations

Individuals and sole traders are Ineligible Organisations under these Applicant Guidelines.

## 2.2. Eligible Biomedical Services

Program funding will be available for Eligible Biomedical Services provided in Queensland, including:

- services that meet the Biomedical Service requirements set out in section 2.2.2
- design development and validation services
- building or testing a prototype
- contract development and/or manufacturing services
- contract research services related to development of a Biomedical Product
- specialist advice or professional services including:
  - corporate structuring services, Australian incorporation costs and tax advice including R&D tax incentive advice
  - regulatory and/or reimbursement advice
- commercialisation advice and services
- cost of small items of plant and equipment (**capital items**) necessary to provide quoted Biomedical Services to the proposed interstate/international client as detailed in the Application.
- only Biomedical Services provided within 24 months of a signed funding agreement.
- only where the interstate/international client which has paid its part of the fee for the Biomedical Services.

Biomedical Services performed prior to the date of an approved Application are ineligible for consideration.

Where capital items are required to be purchased by the Applicant to enable it to provide the proposed Biomedical Services these can be included in a proposal provided:

- the cost of the capital items is itemised in the quote to the interstate/international client attached to the Application; and
- the capital items are necessary to enable the Applicant to provide the proposed Biomedical Services to the interstate/international client.

The purchase of capital items, to the extent that it is approved as part of an Applicant's proposal, will be specified as being part of the services in the funding agreement.

### 2.2.1. Ineligible Biomedical Services

Ineligible Biomedical Services include:

- Provision of Biomedical Services to a related or associated entity of the Applicant.
- Provision of Biomedical Services involving a University or research organisation to another University or research organisation (including their related or associated entities)
- Biomedical Services under a service contract entered into between the Applicant and the interstate/international client prior to the Application approval date.

## 2.2.2. Biomedical Service Requirements

The proposed Biomedical Services will require the following:

- a proposal to provide eligible Biomedical Services to an interstate or international client
- a written quote which meets the mandatory information specified in the Application for the Biomedical Services, to the interstate/international client
- biomedical fees which clearly identify the part of the fee that is to be paid by the client and the part to be supported by the State
- a written letter of intent signed by the proposed interstate/international client's Chief Financial Officer, Chief Executive Officer or another duly authorised person confirming that the client:
  - has a clearly defined Biomedical Product that has potential for development through use of the Applicant's Queensland-based Biomedical Services
  - is a company or business with its principal place of business outside of Queensland
  - has received a written quote (which meets the mandatory information) for the Biomedical Services from the Applicant; and
  - if the Application to the Program is successful:
    - will engage the Applicant to provide the Biomedical Services on the basis of the written quote by entering into a services contract
    - will pay at least two thirds ( $\frac{2}{3}$ ) of the fee stated on the written quote on the basis that the State will pay the balance of the fee up to \$250,000 (excluding GST)
    - understands that the monetary support from the State will be paid directly to the Applicant and not to the interstate/international client
    - will finalise obtaining services contemplated within the Application from the Applicant within 24 months of the Applicant entering into a funding agreement with the State.

## 2.2.3. Definitions for Biomedical Services and Products

**Biomedical Services** are defined as services provided to support the development of a Biomedical Product. The services must:

- be capable of being completed by the Applicant within 24 months of execution of a funding agreement with the State; and
- be wholly carried out in Queensland.

**Biomedical Products** include the following:

- Medical devices and diagnostics
- Pharmaceuticals
  - Traditional, bio-pharmaceuticals and cell therapies
  - Vaccines/drug discovery
- Complementary medicines
- Supporting digital technologies – including eHealth.

## 3. How to Apply

### 3.1. Key dates

Key dates will be published on the Department's Biomedical website (<https://www.statedevelopment.qld.gov.au/industry/critical-industry-support/biomedical>). 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.

### 3.2. How to apply

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

The Department is under no obligation to allow an Applicant to change its Application or provide any additional information. However, if an Applicant discovers an error after submitting its Application, please contact the Department immediately via email on [biomedical@dsdilqp.qld.gov.au](mailto:biomedical@dsdilqp.qld.gov.au).

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

#### 3.2.1. 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 that supports statements made in the Application including:
  - provision of the Applicant's financial statements including balance sheet, cashflows and all notes of account prepared by a CPA/CA qualified accountant, for three full financial years, including the preceding year (or where the Applicant has been operating for less than three full financial years, for the period of operation)
- read and accepted the Applicant acknowledgement prior to submitting the Application (refer to section 7.7 of the Terms and Conditions in these Applicant Guidelines).

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

#### 3.2.2. Questions

A list of Frequently Asked Questions (FAQ) will be available once the round opens to assist with preparation of Applications.

Questions and responses to questions asked after the round opens will be added to the FAQ. The State may in its discretion determine not to publish questions and responses where they are Application specific or do not have general Application. Applicants should check the FAQ for updates prior to submitting their Application.

The State is not able to directly assist in the preparation of Applications.



## 4. How will Applications be assessed?

### 4.1. Assessment criteria

Applications for funding that meet the eligibility criteria will be assessed against the following assessment criteria:

Assessment criteria	Weighting
<p><b>1. Alignment with Program objectives</b></p> <p>Application demonstrates the proposal to provide Biomedical Services aligns with the objectives of the Program to:</p> <ul style="list-style-type: none"> <li>• raise awareness of Queensland capabilities with a view to attracting biomedical industry to Queensland</li> <li>• provide Biomedical Services to an interstate/international client, with a preference for a new client</li> <li>• support the retention of specialised jobs and provide training opportunities in the Queensland biomedical sector</li> </ul>	<b>25%</b>
<p><b>2. Proposal merits</b></p> <p>Application demonstrates that the proposal to provide Biomedical Services supports a plan to advance the development of a Biomedical Product through obtaining the proposed Biomedical Services.</p>	<b>25%</b>
<p><b>3. Applicant financial capacity and viability</b></p> <p>Application demonstrates the Applicant:</p> <ul style="list-style-type: none"> <li>• has provided a quote which reflects: <ul style="list-style-type: none"> <li>○ market rates and a reasonable fee for the services sought</li> <li>○ pricing which is financially feasible to enable completion of the proposed Biomedical Services within 24 months of the execution of the funding agreement.</li> </ul> </li> <li>• has provided financial statements for the requested period which show that the Applicant is: <ul style="list-style-type: none"> <li>○ financially capable of delivering the services</li> <li>○ capable of complying with the terms of the template funding agreement.</li> </ul> </li> </ul>	<b>25%</b>
<p><b>4. Increase opportunities for Queensland-based Biomedical Service providers</b></p> <ul style="list-style-type: none"> <li>• Application demonstrates the proposal to provide Biomedical Services has the potential to: <ul style="list-style-type: none"> <li>○ build a relationship between the Applicant and an interstate/international client, with a preference for a new client</li> <li>○ increase opportunity for future collaboration with Queensland-based Biomedical Service providers through future collaborations or flow on to other Queensland providers in the product development pipeline.</li> </ul> </li> </ul>	<b>25%</b>

## 4.2. 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 Biomedical Services 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 of the Services to meet the Program's objectives and the potential Benefits of the proposed Services.

The State may contact Applicants during the assessment process to clarify information provided in the Application and/or request further information to enable an appropriate level of due diligence and probity assessment to be undertaken.

A panel of independent assessors will be engaged to provide specialised confidential advice to the State.

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

## 4.3. Approval process

On receipt of the recommendations, the Director-General, Department of State Development and Infrastructure will consider and approve the Applications that will receive allocations from the Program.

# 5. Conditions of funding

## 5.1. Funding arrangements

Successful Applicants will be required to enter into a funding agreement with the State. The template funding agreement terms and conditions are available at <http://statedevelopment.qld.gov.au>. Successful Applicants are advised that the State may require substitute or additional terms and conditions to address specific requirements.

The template funding agreement contains the terms and conditions of the funding support. Payment of funding will be on achievement of milestones. Milestone payments will generally be:

- in accordance with the payment schedule contained in the service contract between the successful Applicant and the interstate/international client; and
- contingent on the services having been provided by the Applicant; and
- paid once the interstate/international client has paid its services fee for the relevant milestone as evidenced by a receipt for payment of an invoice.

No funding will be payable unless and until a service contract is entered into between the Applicant and the interstate/international client in respect of the relevant services and any other relevant conditions have been satisfied.

Services supported by the Program must be completed within 24 months of execution of the funding agreement with the State.

Successful Applicants will also be required to effect and maintain public liability, professional indemnity and other relevant insurances as required by the State. Such insurances must be affected with a reputable insurer that is authorised to operate in Australia and is acceptable to the State.

### 5.1.1. Payment of funding

Subject to the terms of the funding agreement, funding support will be paid directly to the successful Applicant (Queensland-based Biomedical Service provider) on provision of:

- a copy of a written receipt showing payment by the interstate/international client of its fee for the relevant services the subject of the milestone in the service contract;
- details and evidence of the Biomedical Services provided to the interstate/international client in the relevant milestone in the service contract; and
- a valid tax invoice from the successful Applicant to the State for payment of up to one third of the cost of Biomedical Services provided in the relevant milestone.

## 5.2. Reporting and monitoring

Successful Applicants will be required to submit a completion report and a financial acquittal report to the State at the conclusion of the service contract with the interstate/international client and a post-completion monitoring report, 6 months after the conclusion of the service contract including:

- details and evidence of the activities/services carried out;
- any changes to the services as described in the Application and the reasons for the variation;
- results achieved as a result of the services provided;
- details of additional work performed for the interstate/international client;
- details of opportunities for further product development in Queensland with the interstate/international client; and
- benefits of receiving funding support from the Program.

## 5.3. Tax

The State does not provide advice to Applicants and recommends Applicants seek independent professional advice on their tax obligations.

## 5.4. Interaction with other funds

Successful Applicants to the Program are not precluded from applying to other Queensland Government funding programs for anything other than the Biomedical Services that are the subject of their Application for this Program.

## 5.5. Program monitoring and evaluation

The Program will be continuously monitored and reviewed to ensure that the Program effectively achieves its objectives. These Applicant Guidelines may be updated to reflect future changes to the Program.

These Applicant Guidelines apply to Applications for this round of the Program only.

## 6. Communications

### 6.1. Communication with the media

All media enquiries or public announcements relating to the Program will be coordinated and managed by the Department's media team. Where possible, all media and communications about Applications will be undertaken jointly with successful Applicants. Applicants are 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 Program;
- provide the Department with at least 25 business days' notice of any proposed media event; 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.

### 6.2. 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 the Program.

Applicants must keep confidential any dealings with the State 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. An Applicant may also disclose information about their Application to the proposed interstate/international client provided that the client is under an obligation of confidentiality in respect of that information and the disclosure by the Applicant is only to the extent necessary in the circumstances.

The State reserves the right to publicly disclose the names of Applicants and their interstate/international clients, information about the amount and timing of funding granted to Applicants, a brief description of the services funded and details about the anticipated economic outcomes and benefits to the State.

The State may also disclose any 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.

### 6.3. Feedback

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@dSDLGP.qld.gov.au](mailto:complaints@dSDLGP.qld.gov.au)

Correspondence:

Director, Ethics

Department of State Development and Infrastructure

PO Box 15009, City East Qld 4002

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

## 7. Terms and conditions

In these terms and conditions:

**Applicant Guidelines** means the program guidelines prepared and released by the State, known as the 'Queensland Biomedical Business Attraction Program - Applicant Guidelines, as amended from time to time.

**Applicant** means an applicant for funding under the Program.

**Application** means an application (or relevant part of an application) made to the Program and includes the Application form and any other supporting or additional information in whatever form provided by the Applicant to the State in connection with its Application at any stage of the assessment process.

**Department** means The Queensland Department of State Development and Infrastructure.

**Program** means the Queensland Biomedical Business Attraction Program.

**State** means the State of Queensland.

## 7.1. Reservation of rights

The State reserves the right to administer the 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 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 Applicant Guidelines;
  - ii. is lodged after the relevant closing date for lodgement;
  - iii. does not contain the information required by these Applicant Guidelines; or
  - iv. is otherwise non-conforming in any respect;
- (c) vary or amend the eligibility criteria or assessment criteria set out in these Applicant 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 Applicant 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 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 Program for any reason;
- (k) terminate, suspend or reinstate the Program or any process in the Program;
- (l) not proceed with the Program in the manner outlined in these Applicant Guidelines, or at all;
- (m) allow the withdrawal or addition of any applicant after the closing date; and
- (n) conduct negotiations with any one or more Applicants after Applications have been lodged.

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 the Applicants).

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

## 7.2. Relationship

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

Subject to section 7.7 below, no contractual or legal relationship exists between the State and an Applicant or its clients in connection with the Program, these Applicant Guidelines or the Application process or any stage of the Program.

An Applicant, 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 Applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
- must not represent to any person that the State has a role in relation to the Biomedical Services/product other than as a potential funder, subject to the Application process and confidentiality obligations detailed in these Applicant Guidelines.

## 7.3. Participation at Applicant's cost

Each Applicant participates in the 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 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 Program; or
- (c) any of the matters or things relevant to its Application or the Program in respect of which the Applicant must satisfy itself under these Applicant Guidelines.

Without limiting the foregoing, if the State cancels or varies the 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 clause 7.1 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 Program.

## 7.4. Applicant to make own enquiries

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Program. These Applicant 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 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 supplied by it in connection with the Program or interpretations placed on the information by Applicants.



## 7.5. 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, royalty free, perpetual, sub-licensable licence to exercise the intellectual property rights in the Application for the purpose of assessing and making decisions about the Application and in administering the Program.

## 7.6. 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 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.

## 7.7. Acceptance

By submitting an Application, each Applicant:

- (a) warrants to the State that the information supplied in the Application, including its attachments and any information provided in connection with the Application, is true, complete, and accurate 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 funding to the Applicant under the Program;
- (b) undertakes to promptly notify 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;
- (f) acknowledges that the Applicant has not received any guarantees or assurances that its Application will be approved by the State or that the State will provide any funding to it;
- (g) acknowledges the terms and conditions on which any funding will be provided to a successful Applicant (subject to any substitute or additional terms and conditions required by the State, in its absolute discretion); and
- (h) is taken to have accepted these Applicant Guidelines, including these terms and conditions, and warrants that it will not breach these Applicant Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Applicant Guidelines.

## 8. Contact details

For enquiries or assistance please contact the Biomedical Sector team:

- Tel: 13 QGOV (13 74 68)
- Email: [biomedical@dsdilgp.qld.gov.au](mailto:biomedical@dsdilgp.qld.gov.au)

Or visit the website:

<https://www.statedevelopment.qld.gov.au/industry/critical-industry-support/biomedical>



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