

Resources Community Infrastructure Fund Round 1

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.

Contact us

☎ +61 7 3328 4811 or 13 QGOV (13 74 68)
✉ info@dsgmip.qld.gov.au
🌐 www.statedevelopment.qld.gov.au
✉ PO Box 15009, City East, Queensland 4002
🏠 1 William Street, Brisbane 4000

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Glossary

| Term | Definition |
|---|--|
| Applicant | An Eligible Organisation submitting an application for funding under Round 1 of the Resources Community Infrastructure Fund. |
| Applicant Guidelines | These Resources Community Infrastructure Fund Round 1 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 criterion set out in section 4.4.1 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 Commenced 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. |
| 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. |
| Estimated Total Project Cost | The estimated total Project expenditure plus the contingency. A contingency of up to 15% 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. |
| 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 the 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 date from which Eligible Project Costs may be reimbursed for an Approved Project. The Project Start Date may not be prior to the expected earliest date for official notification of Round 1 funding approval as set out on the Fund website. |
| QRC | Queensland Resources Council Ltd ACN 050 486 952. |
| Resource Communities | Communities in Queensland which host significant coal and minerals production, or which have significant coal and mineral operations in close proximity. |
| Coal and mineral resources | Has the same meaning as “minerals” as defined in section 6 of the Mineral Resources Act 1989 excluding “coal seam gas” as defined in section 318AC of the Mineral Resources Act 1989. |
| State | The State of Queensland |

1. About the Fund

The Resources Community Infrastructure Fund (the Fund) is a partnership between the government and the resources industry that seeks to supplement existing resources industry investment in Community Infrastructure.

The \$100 million Fund represents a voluntary partnership between coal and mineral resource companies through the QRC and the Queensland Government. Coal and mineral resource companies will be contributing \$70 million and the State contributing \$30 million over the life of the Fund.

The Fund is managed by the Department and funding will be distributed through a competitive application and assessment process across two funding rounds. These Applicant Guidelines relate to Round 1.

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 enhances community wellbeing and
- (2) Enhance community safety, reduce social inequality or benefit disadvantaged communities and
- (3) Supplement planned Community Infrastructure investment by the State and resources sector by delivering new projects as soon as possible that provide additional benefits to Queensland's Resource Communities.

2.2. Funding Allocation

The Fund will distribute at least \$100 million to approved Community Infrastructure Projects.

Funding of up to \$50 million will be available under Round 1.

Funding will be allocated to Projects through two funding streams:

- » Minor infrastructure – Projects seeking funding of at least \$100,000 (excluding GST) to a maximum of \$1 million (excluding GST)
- » Major infrastructure – Projects seeking funding of over \$1 million (excluding GST) to a maximum of \$8 million (excluding GST).

Applicants may apply for funding to reimburse 100 percent of their Eligible Project Costs up to the maximum funding threshold of \$8 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 non-government 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

- » a local government body constituted under the Local Government Act 2009 or
- » Weipa Town Authority

AND

- » will 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.

Eligible Organisations may collaborate with local parties such as chambers of commerce, regional economic development organisations, industry groups and local businesses to progress infrastructure projects that will provide eligible Community Infrastructure Projects in Resource Communities. In such circumstances, the Eligible Organisation must submit the Application and will be the Project lead and responsible for 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 managing delivery of the Project.

3.1.2. Ineligible Organisations

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

- » State and Federal Government agencies
- » 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 that trade for profit
- » individuals and sole traders
- » organisations trading for profit.

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.

It is expected that Approved Projects will Commence Construction within six 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 Queensland
- » be a new Project that is:
 - not already fully funded through an approved Applicant budget or similar approved funding commitment, e.g. an approved local government budget.
 - not already have full project funding approved through another funding program in Queensland, or by the Commonwealth
 - not already Commenced Construction or where Construction Commencement is planned to occur prior to the expected official notification of Round 1 funding approval
- » be seeking funding within the following ranges:
 - for a Major infrastructure Project – over \$1 million up to and including \$8 million
 - for a Minor Infrastructure Project - \$100,000 up to and including \$1 million

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, or where Construction Commencement is planned to occur prior to expected earliest date for official notification of Round 1 funding approval
- » Projects that will only involve the repair, or routine or ongoing maintenance of existing infrastructure
- » state infrastructure projects that would usually be funded through the normal business of Queensland Government agencies
- » Projects or assets that are owned in anyway by resource companies participating in the Fund
- » 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.

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'.

Eligible Project Costs include the following:

- » construction costs including:
 - all site works required as part of the construction
 - the costs of construction-related labour, materials, equipment hire
- » 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; that relate to an Approved Project.

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 or engineering
- » 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
- » 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. Advisory Committee

An Advisory Committee has been established to ensure the needs of Resources Communities across the state will be properly considered when making funding recommendations.

Committee members have a broad mix of skills and experience in mining logistics, regional, remote and indigenous communities, regional and remote health and public administration.

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 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. Applications and assessments will be provided to the Advisory Committee for their consideration.

- (c) Selection and recommendation – once the Advisory Committee has determined the potential successful Applications, recommendations will be compiled for consideration and approval of the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning.

In conjunction with Applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by the Department. The level of due diligence, and Benefits, and economic and value for money assessments to be 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.

4.3. Approval process

On receipt of recommendations from the Advisory Committee, the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning will determine and approve the Projects which will receive allocations from the Fund.

4.4. Assessment Criteria

Applications from Eligible Organisations for Eligible Projects will be assessed based on how well the Project addresses the Fund’s objectives and how strongly each objective is supported.

The Advisory Committee will assess these Applications against the following criteria to determine the relative merit of each Project.

Priority may be given to Projects in communities that are impacted by significant coal and mineral operations in close proximity.

4.4.1. Criterion

| Funding Objective | Assessment Criteria | Weighting |
|-------------------|---|-----------|
| One | (a) How well the Project demonstrates it will increase access to services that meet the Resource Community’s need, maximise its potential or enhance the community’s wellbeing. | 30% |
| Two | (a) How well the Application clearly demonstrates the Project will: <ul style="list-style-type: none"> i. Enhance community safety; or ii. Reduce social inequality; or iii. Benefit disadvantaged communities | 30% |
| Three | (a) The Applicant, its Project Partners (if relevant), and preferred contractors, have the capacity, capability and track record to deliver the Community Infrastructure Project. | 20% |
| | (b) The readiness of the Project to commence construction and how quickly the infrastructure will be delivered. | |
| | (c) The extent the Project has stakeholder and community support. | |
| | (d) The Applicant’s commitment and financial and/or in-kind contribution to the Project. | |
| | (e) The extent that the required detailed project plan details the scope, need, Benefits, outcomes, adequate financing arrangements, and value for money of the Project | 20% |

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 on (07) 3452 7377 or via email on rcif@dasilgp.qld.gov.au.

The Applicant's accountable officer 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 to the Department.

- » Include any identified supporting documentation (evidence) that supports statements made in the Application (unless web addresses are provided in your responses)
- » read and accept the Applicant acknowledgement prior to submitting the Application (refer to section 8.8 of the Terms and Conditions in these Applicant Guidelines) and
- » assign 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 may be directed to the department via email at rcif@dasilgp.qld.gov.au.

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

- » Applicant checklist and guidance
- » Application form
- » Frequently Asked Questions (FAQs)

If you have any questions after reading the resources, email rcif@dasilgp.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 does not guarantee that an Application will be successful. 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 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.

In most cases it is expected that the Applicant will own the land on which the funded infrastructure is to be constructed. If the Applicant does not own or have control over the land for the purpose of constructing, operating and maintaining the infrastructure, the Applicant will be required to enter into a formal arrangement with the land owner to guarantee access for these purposes, prior to entering a Project Funding Agreement.

It is also expected that the Applicant will own and operate the Project Infrastructure. If this is not the case, the Applicant will be required to enter into a formal arrangement (such as an enterprise works agreement) with the intended owner/operator to guarantee the continued operation of the infrastructure, to the satisfaction of the department, prior to entering a Project Funding Agreement.

6.1. Project savings

Funding will be provided to reimburse the actual Eligible Project Costs of the Approved Project. 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 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 Department 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 within sixty days of the Project completion date.

6.2. 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.

7. Communications

7.1. Communications with the media

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

Where possible, all media and communications about Projects will be undertaken jointly with successful Applicants. You will be required to:

- » seek and obtain the Department's approval before making public statements, or contacting or responding to the media, regarding successful or unsuccessful Applications through the Fund;
- » 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.

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.

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, you 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@dsdmip.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@dssdilgp.qld.gov.au.

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

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 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 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. Successful Applicants should not make financial commitments until the Project Funding Agreement has been properly executed by both parties.

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. Project Reporting

9.2.1. 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.

Progress reports will require the successful Applicant to provide information about progress in delivering the Approved Project including details of any delays or risks, Project expenditure and financial contributions received, regulatory approvals, implementation of signage requirements, evidence of funding acknowledgement and Project-related media, and other requirements as determined by the Department.

The Project completion report will require the successful Applicant to provide an overview of the Approved Project's delivery including actual Project dates, budget and costs, regulatory approvals, photographs of completed works and signage, evidence of funding acknowledgement and Project-related media, and other requirements as determined by the Department.

9.2.2. 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.

Departmental officers will provide guidance to successful Applicants in developing these reports.

9.3. Delivery of the Project

9.3.1. Confirmation of ownership of the Project Site

In certain circumstances, a Project may be approved for funding where the Applicant will not:

- » own the Project Site upon which the Project Infrastructure will be built
- » operate the resulting Project Infrastructure.

In these cases, the Applicant must obtain and must maintain all relevant permissions or agreements in order to ensure that:

- » the Applicant has the right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure
 - Evidence that right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure has been agreed in-principle must first be provided with submission of an Application. A formal agreement for the right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure is required prior to entering a Project Funding Agreement, or as a condition of obtaining funding under a Project Funding Agreement.
- » the Project Infrastructure will be operated in accordance with its intended purpose at the time of Application for a period of up to 10 years following Project completion.
 - Evidence that ongoing operation of the Project Infrastructure following Project completion has been agreed in-principle must first be provided with submission of an Application. A formal agreement for the operation of the Project Infrastructure for a period of time following Project completion (to be negotiated with the Department) is required prior to entering a Project Funding Agreement, or as a condition of obtaining funding under a Project Funding Agreement.

9.3.2. 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>

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

