

# Mount Isa Transition Fund – Round 1

## Applicant Guidelines

Version 3

The Department of State Development and Infrastructure 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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# 1 Introduction

The Queensland Government will invest up to \$50 million to support workers affected by the closure of Glencore's Mount Isa copper mine, copper concentrator and the Lady Loretta Zinc Mine. Glencore's other assets in the region remain operational. The \$50 million package includes up to:

- \$20 million for an economic structural adjustment package, the Mount Isa Transition Fund (MITF), administered by the Department of State Development and Infrastructure (DSDI); and
- \$30 million to support resource project acceleration, administered by Queensland Treasury in conjunction with the Department of Resources.

These guidelines are for the \$20m MITF. DSDI has established the Mount Isa and Region Futures Advisory Committee (MIRFAC) to support the delivery of the MITF through place-based advice to government and comprises members of the Mount Isa community and stakeholders pertinent to the Glencore mine closures.

## 2 Objectives of the fund

The objectives of the MITF are:

- supporting job creation in Mount Isa for the local workforce directly impacted by Glencore's mining and processing closures.
- strengthening the Mount Isa economy, including the Mount Isa small business sector.
- strengthening the liveability and community resilience of Mount Isa.

# 3 Application requirements

## 3.1 Eligible and Ineligible Projects

Eligible Applicants	Ineligible Applicants
<p>To be eligible, Applicants must:</p> <ul style="list-style-type: none"> <li>• have an active Australian Business Number (ABN), Australian Company Number (ACN), Indigenous Corporation Number (ICN) or Australian Registered Body Number (ARBN).</li> <li>• be a legal entity.</li> <li>• have a bank account in the name of the legal entity.</li> <li>• be registered for the Goods and Services Tax (GST).</li> <li>• demonstrate internal approval to apply for the MITF (such as a general meeting resolution).</li> </ul>	<ul style="list-style-type: none"> <li>• unincorporated associations.</li> <li>• individuals, sole traders and partnerships.</li> <li>• applicants that are subject to any insolvency or any other form of external administration or whose director/s are taking or seeking to take advantage of the safe harbour provisions available under the <i>Corporations Act 2001</i>.</li> <li>• Glencore.</li> <li>• local government bodies constituted under the <i>Local Government Act 2009</i>, other than <b>Mount Isa City Council</b>.</li> </ul>

### 3.1.1 Consortium arrangements

- Eligible Applicants may collaborate with Project Partners to deliver Eligible Projects. In these circumstances:
  - An Eligible Applicant must be nominated as the Project Lead, and if successful, be responsible for:
    - entering into a Project Funding Agreement with the State;
    - managing delivery of the Project; and
    - responding to enquiries from the State regarding the Detailed Application ('the Application').
  - The Project Lead is authorised to act on behalf of the other parties.
- The Eligible Applicant will need to provide written evidence of the arrangements between the Eligible Applicant and Project Partners for the Project, including that arrangements for managing project risks have been considered and documented.

## 3.2 Eligible and Ineligible Projects

- Eligible Applicants may seek funding for more than one Project.
- Each Project requires a separate Application.

Eligible Projects	Ineligible Projects <sup>1</sup>
<p>Eligible Projects are those that:</p> <ul style="list-style-type: none"> <li>• align with at least one of the fund objectives.</li> <li>• demonstrate a need for State assistance to realise project outcomes.</li> <li>• seek funding of at least \$100,000 (excluding GST) to a maximum of \$2 million (excluding GST). (Applicants can seek up to 100% of Total Eligible Project Costs.)</li> <li>• demonstrate that the Eligible Applicant has or has access to sufficient funding to meet all project costs over and above the funding sought through this grant program.</li> <li>• are a Type of Eligible Project, as identified in <a href="#">3.4 Types of Eligible Projects</a>.</li> <li>• are not an Ineligible Project.</li> <li>• have the relevant Minister’s written approval to submit the Application (if the Applicant is either a Queensland Government Agency or Entity).</li> </ul>	<p>Projects that:</p> <ul style="list-style-type: none"> <li>• could be funded in a suitable timeframe through other programs of the Queensland Government.</li> <li>• require ongoing funding from the Queensland Government.</li> <li>• have not secured sufficient funding from other sources to cover any costs over and above the funding sought through the MITF.</li> <li>• combine multiple, discrete projects that are not interdependent and could reasonably be delivered separately.</li> <li>• have already received Queensland Government funding for the same outputs and outcomes.</li> <li>• have already commenced prior to a Project Funding Agreement being executed with the State (exceptions may be made for staged projects where funding is sought for discrete stages).</li> <li>• would otherwise be covered by Glencore’s obligations under their enterprise agreement.</li> </ul>

<sup>1</sup> The above list is not a definitive list of Ineligible Projects and consideration against the MITF objectives should be made in the first instance. If there are questions about a Project’s eligibility, please contact DSDI.

## 3.3 Infrastructure Projects

Successful Applicants must:

- own and operate any Project Infrastructure that is the subject of the Eligible Project; or
- have a Project Partner that will own and/or operate Project Infrastructure that is the subject of the Eligible Project and control the Project Site; and
- own the Project Site or provide evidence of an in-principle agreement with the entity that owns the Project Site showing the Applicant has the right to access the Project Site in order to construct, maintain and operate the site for a period of up to 3 years following Project completion.

Eligible Applicants that are approved for funding may 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 3 years after Project completion, unless otherwise approved in writing by the Department.

## 3.4 Types of Eligible Projects

Projects will be considered for funding under two streams:

**Economic** – Projects are sought to strengthen Mount Isa’s economy through immediate job creation and/or worker transition pathways and may include, but not limited to:

- education and training initiatives for the Mount Isa workforce;
- increasing business capability in Mount Isa;
- strengthening regional supply chains to support Mount Isa small businesses;
- supporting investment ready business and industry projects; and
- small scale infrastructure in industries of emerging strength such as tourism.

**Liveability and Community Resilience** – Projects are sought that will enhance Mount Isa’s attractiveness as a place for people to live and work. Liveability projects may include, but not limited to:

- access to, and development of social and community infrastructure and services (such as arts and culture, community and sports, health, walkability, access to public space and other community and environmental amenities).

**Funding for both streams will be prioritised towards projects that:**

- focus on delivering benefits in the short to medium term;
- align to one or more of the objectives and an identified stream (Economic and/or Liveability and Community Resilience);
- maximise benefits to Mount Isa businesses, community or workforce; and
- best address the Assessment Criteria.

## 3.5 Eligible and Ineligible Project Costs

- The below table provides an example of expenditures the State will consider as Eligible and Ineligible Project costs.
- The Project Funding Agreement issued to a successful Applicant will detail the Eligible Project Costs.
- Eligible Project Costs are those incurred by Eligible Applicants.

Eligible Project Costs	Ineligible Project Costs <sup>1</sup>
<ul style="list-style-type: none"> <li>• costs directly relating to delivering the project (excluding Ineligible Project Costs).</li> <li>• required assessments such as traffic and soil assessments are eligible as long as they are in the scope of the project submitted in the Application.</li> <li>• statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals that are not otherwise noted as Ineligible Project Costs.</li> <li>• detailed design, i.e. production of final ‘For Construction’ designs or equivalent.</li> <li>• fixture and fittings (e.g. lighting and air-conditioners).</li> </ul>	<ul style="list-style-type: none"> <li>• costs focusing primarily on marketing and promotion of an organisation.</li> <li>• legal expenses.</li> <li>• costs incurred prior to the Project Start Date identified in the signed Project Funding Agreement, including any otherwise Eligible Project Costs.</li> <li>• purchasing an existing organisation or purchasing a share in another organisation.</li> <li>• holding fundraising activities, awards and competitions.</li> <li>• alcohol.</li> <li>• professional development for staff that is not specifically related to the Project.</li> </ul>



<ul style="list-style-type: none"> <li>• costs charged by Project Partners (excluding Ineligible Project Costs and costs outside of the Project Funding Agreement).</li> <li>• workshops and events (including costs for equipment and venue hire).</li> <li>• transformative assets (e.g. landscaping, solar, decking and external lighting).</li> <li>• conducting a tender for the approved works.</li> <li>• remuneration of employees for work directly related to the Project.</li> <li>• assets (including portable) are eligible if they are essential to achieving the project outcomes. This may include for example vehicles and machinery or ICT equipment etc.</li> <li>• contingency costs up to a maximum of 25 per cent, on top of the total Estimate Total Project Cost.</li> <li>• project management costs including remuneration of the Eligible Applicant's technical, professional and/or administrative staff for time directly related to managing the construction of approved works (for example project manager's salary for project) but excluding executive duties and overhead charges.</li> <li>• purchase and installation of fixed plant and equipment required to fully commission the infrastructure.</li> <li>• construction costs including:             <ul style="list-style-type: none"> <li>○ all site works required as part of the construction;</li> <li>○ the costs of construction-related labour, materials and equipment hire; and</li> <li>○ comprehensive contract works insurance.</li> </ul> </li> <li>• purchase of the Project Site, noting this should not represent the majority of the Estimated Total Project Cost.</li> </ul>	<ul style="list-style-type: none"> <li>• financing expenses.</li> <li>• temporary works, other than those required to enable completion of the Project.</li> <li>• official opening expenses (including permanent signage).</li> <li>• ongoing leasing costs of real property.</li> <li>• ongoing costs for administration, insurance, operation, maintenance or engineering.</li> <li>• remuneration of employees for work not directly related to the Project.</li> <li>• overhead charges for internal costs of the Eligible Applicant and/or the owner/occupant of the Project, e.g. stores, plant and equipment.</li> <li>• repayment of existing debts, commitments and/or budget deficits.</li> <li>• costs associated with grant applications, monitoring and administration costs, including any funding provided to professional services to support Application submission.</li> <li>• only involve the repair, or routine or ongoing maintenance of existing infrastructure.</li> <li>• capital and operational costs of existing equipment which may be used as part of the Approved Project.</li> <li>• certain land development costs such as resolving:             <ul style="list-style-type: none"> <li>○ land tenure issues</li> <li>○ 'material change of use' issues</li> <li>○ land title transfers; and</li> <li>○ body corporate issues</li> </ul> </li> </ul>
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<sup>1</sup> The above list identifies common examples of Ineligible Project Costs and is not intended to be a comprehensive list. Other expenses not included in the above list may be considered by the State on a case-by-case basis.

## 3.6 Project funding

- Approved funding may only be applied towards Eligible Project Costs for the approved Project.
- All Ineligible Project Costs must be met by the Applicant or a third-party contributor to the Project.

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- Eligible Applicants are responsible for:
  - all project costs over the approved funding amount
  - all cost increases during delivery of an Approved Project.



## 4 How to apply

### 4.1 Key dates

- Key dates will be published on the DSDI website.
- Applications will only be assessed after the closing date.
- Applicants should check the DSDI website for updates.

### 4.2 Applying

Applicants should:

- submit an Expression of Interest (EOI) by the advertised closing date for their Project prior to submitting an Application. While the pre-lodgement EOI is not mandatory, it is strongly encouraged and recommended as the Department will be able to assist the Applicant with advice and direction on a proposed Application.
- submit an Application for their Project by the advertised closing date to be considered for assessment by the Department; and

In submitting multiple Projects:

- submit a separate EOI and Application where there are multiple, discrete projects that are not interdependent and could reasonably be delivered separately.
- each Application should specify the Applicant's preferred level of priority to be assigned to that Application. Please note that the Department reserves the right to assign a different level of priority to each Application at its absolute discretion.
- Applicants should consider their capability to deliver multiple Projects at the same time.

For more information on the Application process, see [5.1 Assessment and approval process](#).

### 4.3 Evidence and supporting information for Detailed Applications

- Eligible Applicants 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 Application responses; and
  - include the document name or attachment number, and the section or page numbers.
- Applicants may be asked to provide additional information to clarify or substantiate information.

### 4.4 Questions

- If you have any questions after reading these resources, email [mountisaresponse@dasilgp.qld.gov.au](mailto:mountisaresponse@dasilgp.qld.gov.au).

# 5 How will Applications be assessed?

## 5.1 Assessment and approval process

The process entails:

- **EOIs** – The Department will seek funding proposals through a voluntary EOI process from potential Applicants.
- **EOI Review** – The Department will review the received EOIs and may provide advice to Applicants, including on considerations in submitting an Application. This advice may also include alternative opportunities for the Applicant to pursue project support.
- **Detailed Application** – Submission of an Application is mandatory to apply for funding.
- **Eligibility confirmation (Detailed Application)** – Applications will only proceed to assessment if both the Applicant and Project are confirmed to be eligible by the Department.
- **Assessment of Detailed Application** – The Department will, over a nominated Assessment Period:
  - assess the Application against the Assessment Criteria;
  - undertake due diligence, program benefit and probity checks; and
  - consult with other relevant Queensland Government agencies or external specialists, as required. The Department may provide details of each project to MIRFAC members for consideration and advice. MIRFAC members are required to declare any conflicts of interests and procedures will be implemented by the Chair of the MIRFAC to manage any conflicts of interest identified.
- **Moderation** – The DSDI Moderation Team will review assessments to ensure that the process is consistently applied across all Applications and to make recommendations to the Interdepartmental Assessment Panel.
- **Selection and recommendation** – An Interdepartmental Assessment Panel, chaired by the Department of State Development and Infrastructure including members from Queensland Treasury and the Department of Premier and Cabinet, will make the final recommendations.
- **Approval** - On receipt of the recommendations, the Minister or Ministers, will approve the funding allocations.
- **Notification** - Successful applicants will be notified by email and a conditional letter of offer provided, subject to the Applicant entering into a Funding Agreement with the State.
- If appropriate, the Department may undertake further rounds of funding until the Fund is closed.

## 5.2 Considerations in Application assessment

- In addition to meeting the Assessment Criteria, Projects will be given greater prioritisation if they:
  - best address the criteria outlined in '[5.3 Assessment Criteria for Detailed Applications](#)';
  - are able to deliver immediate jobs and benefits, rather than feasibility studies, business cases and other investigations;
  - provide a greater scale of benefits to Mount Isa in responding to funding objectives (such as the potential amount of jobs created, investment attracted and supply chain optimised);
  - provide value for money including the amount of financial co-contribution from funding partners;
  - would not be reasonably expected to be funded through other programs of government;
  - are supported by in-kind contributions and third-party financial contributions; and
  - meet key deliverability metrics, including consideration of key risks, stakeholder views, the capability and reputation of the entity delivering the proposal and having a realistic scope, budget and expected outcomes.

## 5.3 Assessment Criteria for Detailed Applications

- Once Eligibility is confirmed, Applications will be assessed against the Assessment Criteria set out in these Application Guidelines, noting that not all Applications will necessarily be funded.
- This is a competitive application and assessment process. Applications from Eligible Applicants for Eligible Projects will be assessed against the Assessment Criteria to determine the relative merit of each Project.

### Assessment Criteria

#### 1. Project demand

The Application should show that the Project addresses at least one of the following objectives:

- supporting job creation in Mount Isa for the local workforce directly impacted by Glencore's mining and processing closures.
- strengthening the Mount Isa economy including the Mount Isa small business sector.
- strengthening the liveability and community resilience of Mount Isa.

#### 2. Project benefits

The Application should provide information about how the Project will:

##### Economic Stream

- support job creation and retention in Mount Isa, through business expansion, investment attraction or skills development.
- diversify the Mount Isa economy and the support the establishment of new businesses.
- be an economic multiplier.
- strengthen regional supply chains.
- support Aboriginal and Torres Strait Islander employment, skills development, business growth or investment.
- align with the industry priorities identified in the [North West Minerals Province Economic Diversification Strategy](#) or other regional strategies.

Liveability & Community Resilience Stream

- enhance access to, builds upon, improves or develops social and community infrastructure and services.
- bolster the liveability of Mount Isa by enhancing community amenities and services.
- contribute to population retention and attraction in Mount Isa.
- embed community resilience to withstand economic and social changes in Mount Isa.

**3. Project delivery**

The Application should provide information on:

- the Applicant's capacity, capability and track record to deliver the Project within the identified budget and timeframes.
- governance measures for the Applicant to deliver the Project (such as roles and responsibilities and decision-making processes).
- how the project can deliver benefits from 2025 or earlier.
- adequate financing arrangements in place to complete and deliver the Project.
- the level of support for the Project from stakeholders.
- whether the Applicant has an appropriate site available for the Project or is able to secure an appropriate site.
- whether the Project is compatible with relevant planning and regulatory requirements.
- the Project demonstrates value for money. This includes considering the:
  - proportion of financial contributions to the Project from the Applicant and third-party contributions;
  - minimisation of ongoing operational and maintenance costs of the Project;
  - minimisation of travel costs;
  - scale of benefit to Mount Isa in responding to funding objectives (such as the potential amount of jobs created, and investment attracted); and
  - value of in-kind contributions.

## 6 Conditions of funding

### 6.1 Funding arrangements

- Successful Applicants will be required to execute a Project Funding Agreement with the State.
- The State has no obligation to provide Project funding to a successful Applicant unless and until a Project Funding Agreement has been properly executed by the Applicant and the State and the relevant conditions have been satisfied.
- An Applicant undertakes a Project(s) at its own risk.
- Any financial or other commitments in relation to a Project made by an Applicant prior to a Project Funding Agreement being properly entered into by the parties, is at the sole risk of the Applicant.
- The Project Funding Agreement sets out the arrangements for payment of funding to a successful Applicant in accordance with a Milestone Schedule.
- Successful Applicants are required to effect and maintain public liability, professional indemnity and other relevant insurances with a reputable insurer, that is authorised to operate in Australia and is acceptable to the State.
- Note that if Projects are led by a Queensland Government agency or entity, alternative funding arrangements will be made.

### 6.2 Payment of funding

- Subject to the terms of the Project Funding Agreement, funding will be paid directly to the successful Applicant in arrears on satisfaction of relevant conditions (including any milestones) and provision of:
  - a valid invoice from the successful Applicant to the State for payment of the relevant milestone amount;
  - a Payment Claim Form and any relevant documentation that may be requested as evidence of expenditure on Eligible Project Costs; and
  - any documentation required to satisfy milestone requirements in the Project Funding Agreement.

### 6.3 Project evaluation

- All Approved Projects will be monitored and evaluated by the Department to ensure that the MITF is achieving its objectives.
- Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant Guidelines and the Project Funding Agreement.

#### 6.3.1 Progress and completion reporting

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

#### 6.3.2 Project Benefits reporting

- To fully capture how the MITF is contributing to the funding program objectives, successful Applicants may be required to report on Project Benefits.
- Ongoing Benefits monitoring requirements following Project completion may also be required.

## 6.4 Funding acknowledgement

- Applicants that are successful through the MITF will be required to appropriately acknowledge the contribution as advised by the Department.
- This includes acknowledgement of funding in all publicly made statements, websites, other appropriate promotional materials and documentation.

## 6.5 Interaction with other funds

- Successful Applicants to the MITF are not precluded from applying further to other Queensland Government funding programs. Applicants need to provide transparency on any other Queensland Government funding received for the Project.

## 6.6 Monitoring and evaluation

- The MITF will be monitored and reviewed to ensure that the Program effectively achieves its objectives.
- These Applicant Guidelines only apply to the current round of the MITF and may be updated, from time to time, to reflect necessary requirements.



# 7 Communications

## 7.1 Communication with the media

- All media enquiries or public announcements relating to the MITF will be coordinated and managed by the Department's media team.
- Where possible, all media and communications about Projects will be undertaken jointly with successful Applicants. 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 MITF; and
  - provide any proposed media or public statement to the Department for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the Department.

## 7.2 Confidentiality

- Applicants must keep confidential any dealings with the State about their EOI or Application, including any funding offered, but may make disclosures to advisors who are under an obligation of confidentiality or if required by law.
- The Department will maintain control in relation to the management of confidential information provided by Applicants and all internal documentation produced in relation to the administration of the grant program.
- 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 information, including confidential information of, or provided by or on behalf of, the Applicant:
  - to undertake assessment and consideration of Applications in accordance with these Applicant Guidelines;
  - if required to be disclosed by law;
  - to its advisors, consultants and contractors; and
  - to any government agency or entity.

# 8 Terms and conditions

## 8.1 Reservation of rights

In these Terms and Conditions, '**Application**' means an Application (or relevant part of an Application) made to the State for funding from the MITF and includes an EOI, an Application/Detailed Application and any supporting or additional information in whatever form provided by or on behalf of the Applicant in connection with its EOI or Application/Detailed Application to the MITF.

The State reserves the right to administer the grant program and conduct the process for the assessment and approval of Applications in connection with the MITF 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 MITF (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 from 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 grant 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 MITF for any reason;
- (k) terminate, suspend or reinstate the MITF or any process in the MITF;
- (l) not proceed with the MITF 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.

## 8.2 Relationship

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

Subject to section 8.7 below, no contractual or legal relationship exists between the State and an Applicant in connection with the MITF, these Applicant Guidelines or the Application.

An Applicant, or its representatives:

- have 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 is a party to the proposed Project other than as a potential funder, subject to the Application process and confidentiality obligations detailed in these Applicant Guidelines.

## 8.3 Participation at Applicant's cost

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

Without limiting the foregoing, if the State cancels or varies the MITF at any time or does not approve any Application 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 MITF.

## 8.4 Applicant to make own enquiries

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the MITF. 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 MITF or interpretations placed on the information by Applicants.

## 8.5 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 MITF.

## 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 MITF, the Applicant must comply, in relation to that Personal Information:

- (a) (as if it were the State) with Chapter 2 of the *Information Privacy Act 2009* (Qld), including the Information Privacy Principles;
- (b) with all applicable laws applying to the Applicant; and
- (c) with all reasonable directions of the State.

## 8.7 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 MITF.
- (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; and
- (g) 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.

## 9 Enquiries

- Enquiries about the MITF can be directed to DSDI via email at [mountisaresponse@dsdilgp.qld.gov.au](mailto:mountisaresponse@dsdilgp.qld.gov.au).

## 10 Feedback

- Applicants are encouraged to provide feedback on the MITF or seek feedback on the outcome of their Application by contacting DSDI via email at [mountisaresponse@dsdilgp.qld.gov.au](mailto:mountisaresponse@dsdilgp.qld.gov.au).
- The decision about the merits of an Application is final and may not be appealed. If, however, an Applicant has any concerns in relation to the Application, an Applicant may raise their concerns in writing by:

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

Email: [complaints@dsdilgp.qld.gov.au](mailto:complaints@dsdilgp.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](#).

# Glossary

Term	Definition
Applicant	An Applicant for funding under the Mount Isa Transition Fund (MITF)
Applicant Guidelines / Guidelines	These MITF Applicant Guidelines, as updated from time to time.
Application / Detailed Application	An Application (or relevant part of an Application) made to the State for funding from the MITF 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 MITF (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 <u>criteria</u> set out in section 5.3 of these Applicant Guidelines.
Assessment Period	A period of assessment nominated by the Department and published on the Department website.
Benefits	The measurable improvement resulting from the delivery of the Approved Project.
DSDI / the Department	The Queensland Department of State Development and Infrastructure.
Eligible Applicant	An entity that meets the requirements set out in <u>section 3.1</u> of these Applicant Guidelines.
Eligible Project Costs	Those set out in <u>section 3.5</u> of these Applicant Guidelines.
Estimated Total Project Cost	The estimated total Project expenditure plus a contingency allowance.
Pre-Lodgement Expression of Interest / EOI	A form submitted by the Applicant to indicate their interest in applying for funding to the MITF.
Ineligible Applicant	An entity set out in <u>section 3.1</u> of these Applicant Guidelines.
Ineligible Project Costs	Those set out in <u>section 3.5</u> of these Applicant Guidelines.
Mount Isa and Region Futures Advisory Committee / MIRFAC / the Committee	A committee of stakeholders to the MITF who advise as needed on the Fund. The stakeholders include representatives from Glencore, Mount Isa City Council, Commerce North West, Australian Workers' Union, North West Queensland Indigenous Catholic Social Services, Mount Isa Water Board, Kalkadoon Native Title Aboriginal Corporation RNTBC, Department of Employment, Small Business and Training, Department of Resources and Department of State Development and Infrastructure.
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 / Funding Agreement	The agreement formed between a successful Applicant and the State that details the terms and conditions for payment of grant funding.
Project Infrastructure	The completed infrastructure that results from the delivery of an Approved Project.
Project Lead	An Eligible Applicant that is nominated to lead a consortium of partners.
Project Partner(s)	Applicant's Project Partner(s) required to deliver the Project and its outcomes.
Project Site	The land on which the Project is located.

Term	Definition
Project Start Date	The anticipated date works forming part of the Project are expected to commence and from which Eligible Project Costs may be reimbursed. In any event, Project works should not commence prior to official notification of funding approval.
State	The State of Queensland



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