

Queensland METS Collaborative Project Fund

Applicant Guidelines - Grant
Assistance

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.

Copyright

This publication is protected by the Copyright Act 1968.

Creative Commons licence



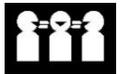
This work, except as identified below, is licensed by the Department of State Development, Infrastructure, Local Government and Planning under a Creative Commons Attribution-Non-Commercial-Share Alike (CC BY-NC-SA) 4.0 Australia licence. To view a copy of this licence, visit creativecommons.org.au

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

© State of Queensland, the Department of State Development and Infrastructure, February 2024.

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

Translating and interpreting service



If you have difficulty understanding a document and need an interpreter, we provide access to a translating and interpreting service. You will not be charged for this service. To contact the Translating and Interpreting Service, telephone 131 450 and ask them to telephone the Department of State Development and Infrastructure on +61 7 3328 4811.

Disclaimer

While every care has been taken in preparing this publication, to the extent permitted by law, the State of Queensland accepts no responsibility and disclaims all liability (including without limitation, liability in negligence) for all expenses, losses (including direct and indirect loss), damages and costs incurred as a result of decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

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@dakilp.qld.gov.au

🌐 www.statedevelopment.qld.gov.au

✉ PO Box 15009, City East, Queensland 4002

🏠 1 William Street, Brisbane 4000

Contents

1	Introduction.....	5
2	Collaborative Fund objectives.....	5
3	Grant application requirements.....	6
3.1	Eligible and Ineligible Applicants	6
3.2	Consortium arrangements.....	7
3.3	Eligible Projects and Ineligible Projects	8
3.4	Types of Eligible Projects	9
3.5	Eligible Project Costs and Ineligible Project Costs	10
3.6	Project funding	11
4	How to apply.....	11
4.1	Key dates.....	11
4.2	Completing the Application.....	11
4.3	Evidence and supporting information	12
4.4	Questions	12
5	How will Applications be assessed?	13
5.1	Assessment and approval process	13
5.2	Assessment Criteria	14
6	Conditions of funding.....	14
6.1	Funding arrangements	14
6.2	Payment of funding	15
6.3	Project evaluation.....	15
6.3.1	Progress and completion reporting	15
6.3.2	Project Benefits reporting	15
6.4	Funding acknowledgement	15
6.5	Tax.....	16
6.6	Collaborative Fund monitoring and evaluation.....	16
7.	Communications.....	16
7.1.	Communication with the media	16
7.2.	Confidentiality.....	16
8.	Terms and conditions	17

8.1.	Reservation of rights	17
8.2.	Relationship.....	18
8.3.	Participation at Applicant’s cost	18
8.4.	Applicant to make own enquiries	18
8.5.	Intellectual property	19
8.6.	Privacy.....	19
8.7.	Acceptance.....	19
9.	Enquiries	20
10.	Feedback	20
	Glossary.....	21



1 Introduction

- Queensland's mining equipment, technology and services (METS) sector is focused on developing cost-effective technologies and services to meet the diverse needs of mining, oil and gas companies both in Australia and overseas.
- To assist METS companies capitalise on emerging opportunities from the transformation of the resources sector, the Queensland Government is positioning our METS companies to take advantage of future opportunities by assisting them to improve their environment, social and governance performance and upskilling of their workforce.
- The Queensland Government will invest \$2.67 million in the Queensland METS Collaborative Project Fund (Collaborative Fund) through Action 17 of the Queensland Resource Industry Development Plan.
- Financial assistance through the Collaborative Fund encourages industry partners to collaborate by reducing some of their investment risk.
- The Department of State Development and Infrastructure (the department) is delivering the Collaborative Fund through a grant assistance program.
- Grant assistance provided to successful Applicants will be between \$50,000 (ex GST) up to a maximum of \$300,000 (ex GST) and be no more than 50 per cent of the total Eligible Project Costs.

2 Collaborative Fund objectives

- The objective of the Collaborative Fund is to support METS resource companies and industry bodies, subject matter experts, researchers and government agencies, to innovate and collaborate to develop projects to address environmental and safety challenges facing the resources sector.

Specifically, the grant assistance is to:

- encourage innovation and collaboration to address emerging priorities for Queensland's METS and resources sectors being:
 - improving environmental outcomes, performance and legacy in the resources sector
 - initiating and increasing the circularity of the resources sector operations and supply chains including reprocessing of waste streams / tailings for critical minerals
 - improving emissions management and reducing emissions
 - supporting Queensland's transition to renewable energy
 - improving mine site safety
- help Queensland's METS businesses access commercial opportunities
- improve the competitiveness of Queensland's METS and resources sectors.

3 Grant application requirements

3.1 Eligible and Ineligible Applicants

- Table 1 lists eligible and ineligible Applicants.

Table 1

Eligible Applicants	Ineligible Applicants
<p>To apply, Eligible Applicants must:</p> <ul style="list-style-type: none"> ○ be a legal entity ○ have an active Australian Business Number (ABN) ○ be registered for the Goods and Services Tax (GST) ○ have a registered place of business in Queensland ○ demonstrate key business operations in Queensland ○ be the Project lead for a Consortium (refer section 3.2) and be participating in the Queensland METS sector and is either of the following: <ul style="list-style-type: none"> – a mining company that owns and operates a mine in Queensland – a METS company that supplies directly to a planned or existing mining operation located in Queensland. 	<p>Ineligible Applicants include:</p> <ul style="list-style-type: none"> ○ local governments, any local government controlled entity, and the Weipa Town Authority ○ individuals, sole traders or partnerships ○ unincorporated associations ○ Applicants that are insolvent or subject to any kind of external administration, or whose directors are seeking to take advantage of the safe harbour against insolvent trading available under the <i>Corporations Act 2001</i>.

3.2 Consortium arrangements

The intent of the Collaborative Fund is to encourage collaboration to resolve industry challenges. Applicants are to develop a Consortium as a model for documenting and detailing project member contributions to achieve Project outcomes.

Key features of a Consortium include, but are not limited to, the following:

- The Consortium member submitting the Application must be an Eligible Applicant and will be the Project lead for Consortium members whose participation is required to deliver the Project.
- A separate legal entity is not required for the Consortium, but the Eligible Applicant must be able to demonstrate the roles and responsibilities of the relevant Consortium members.
- The Consortium may include members from across the METS value chain, including:
 - a mining company that owns and operates a mine in Queensland, as Project lead
 - a METS company that supplies directly to a planned or existing mining operation located in Queensland, as Project lead
 - research organisations
 - industry associations
 - government agencies.
- The Eligible Applicant must have received written approval from the department before submitting an Application, if using a private research organisation that is not already registered as a research provider.
- The Eligible Applicant must be able to demonstrate that the relevant Consortium members own or have sufficient rights to exercise, the intellectual property rights necessary to undertake the Project.
- If a Consortium has a successful Application:
 - the Eligible Applicant will enter into a Project Funding Agreement with the State and be responsible for managing the Project's delivery
 - a satisfactory Consortium agreement or memorandum of understanding will be required which includes arrangements for managing risks such as price inflation when dealing with consortium members.

3.3 Eligible Projects and Ineligible Projects

- Projects may include but are not limited to those detailed in Section 3.4.
- Eligible Applicants may seek funding for more than one Project, with each Project requiring a separate Application.
- If submitting more than one Application, Applicants should consider their capability to deliver multiple Projects at the same time.
- Table 2 lists Eligible Projects and Ineligible Projects:

Table 2

Eligible Projects	Ineligible Projects
<p>To be eligible for funding, the Project must:</p> <ul style="list-style-type: none"> ○ demonstrate commercial or operational benefit for the resources industry ○ provide Benefits to the customer, other Consortium members and the local community ○ align with the Collaborative Fund’s objectives ○ demonstrate a need for State assistance to realise Project outcomes ○ be capable of Project completion within 18 months of a Project Funding Agreement being executed with the State (unless otherwise approved in writing by DSDI before the Application is submitted) ○ seek funding of between \$50,000 (ex GST) and \$300,000 (ex GST) and be no more than 50 per cent of the total Eligible Project Costs ○ demonstrate the Eligible Applicant has or has access to sufficient funding to fund all Project costs over and above the funding sought through the Collaborative Fund ○ not be an Ineligible Project. 	<p>Ineligible Projects include projects that¹:</p> <ul style="list-style-type: none"> ○ have already commenced or been completed at the time of submission of the Application ○ are planned to commence prior to a Project Funding Agreement being executed with the State ○ have not secured sufficient funding from other sources to cover any Ineligible Project Costs and Eligible Project Costs over and above any funding provided through the Collaborative Fund, see section 3.6 ○ combine multiple, discrete projects that are not interdependent and could reasonably be delivered separately, e.g. a project to undertake two feasibility studies for different purposes ○ have contributions from all government sources (including the Collaborative Fund if successful) exceeding two-thirds of total Project funding ○ have already received Queensland Government funding for the same outputs and outcomes ○ fund the day-to-day operations of a business or focus primarily on marketing and promotion ○ seek direct funding for university programs and/or research centres ○ only involve the repair, or routine or ongoing maintenance of existing infrastructure.

¹ The above list is not a definitive list of Ineligible Projects and consideration against the Collaborative Fund’s objectives should be made in the first instance. If there is any doubt about Projects which may be considered Ineligible, please contact DSDI.

3.4 Types of Eligible Projects

- The Queensland Government is seeking to fund Eligible Projects that involve innovation and collaboration to address environmental and safety challenges facing the METS sector in Queensland as outlined in Section 2.
- Types of Eligible Projects include²:
 - the development of a product, process, system or technology which can be used in the METS sector
 - Project activation studies or Projects with a focus on later stage support to assist companies to move to the next stage of Project certainty including:
 - definitive or bankable feasibility studies
 - front end engineering design (FEED) studies
 - prototype design, assessment, manufacture, product /process optimisation
 - commercialisation of research and development and technology and intellectual property that benefits the sector
 - purchase and/or design and manufacture and/or integration of equipment to further a Project's development or commercialisation
 - trial operations
 - proof of concept validation
 - construction of infrastructure required for the Project, including common user infrastructure.
- The Projects may also:
 - enable new skills and capabilities, reduce expenditure, increase revenue, or develop a new revenue stream by introducing new or upgrading existing technology, or adopting business innovation and automation
 - expand, onshore or replace imported manufacturing products and services used in the METS industries
 - differentiate or diversify existing products and services
 - expand capabilities and productivity by the installation, implementation, and integration of any of the following:
 - inventory management systems
 - supply or value chain integration management system
 - optimising or augmenting current resources or equipment or new equipment/ technology investment
 - networking and digital connectivity
 - business model innovation.

² Other project types may be considered but must be approved in writing by DSDI before the Application is submitted

3.5 Eligible Project Costs and Ineligible Project Costs

- Table 3 below lists expenditures the State considers as Eligible Project Costs and Ineligible Project costs. As these are not comprehensive lists, other Project costs will be considered by the State on a case-by-case basis to determine eligibility.
- The funding agreement issued to a successful Applicant will detail the Eligible Project Costs.

Table 3

Eligible Project Costs	Ineligible Projects Costs
<p>Eligible Project Costs means:</p> <ul style="list-style-type: none"> ○ detailed design, i.e. production of final designs or equivalent for Approved Project ○ costs of conducting a tender for the Approved Project ○ Project management costs including remuneration of the Eligible Applicant’s technical, professional and/or administrative staff for time directly related to managing Approved Project works (for example project manager’s salary for Project) but excluding executive duties and overhead charges ○ purchase and installation of fixed plant and equipment required to fully commission the Approved Project ○ reasonable construction costs that are an integral part of the Approved Project. 	<p>Ineligible Project Costs include:</p> <ul style="list-style-type: none"> ○ costs incurred prior to the Project Start Date identified in the signed Project Funding Agreement, including any otherwise Eligible Project Costs ○ financing and 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, leasing ○ remuneration of employees for work not directly related to the Approved Project ○ overhead charges for internal costs of the Eligible Applicant, e.g. stores, plant and equipment ○ vehicles ○ portable assets e.g. computers, furniture, desks, whitegoods ○ repayment of existing debts and/or budget deficits ○ costs associated with grant Applications, monitoring and administration costs, including any funding provided to professional services to support Application submission ○ capital and operational costs of existing equipment which may be used as part of the Approved Project.

3.6 Project funding

- The State will provide grant funding to successful Applicants of between \$50,000 (ex GST) and \$300,000 (ex GST), up to a cap of 50% of the actual Eligible Project Costs.
- Approved funding may only be applied towards Eligible Project Costs for the Approved Project.
- Eligible Applicants are responsible for:
 - all Project costs exceeding the State's contribution, notwithstanding funding pledged by Consortium members or third-party contributors to the Approved Project
 - all cost increases during delivery of an Approved Project.
- The Applicant may obtain funding from cash reserves, equity, debt or third party contributors, such as, local or federal Government Grants (but excluding other Queensland Government grants).
- In-kind expenditure is not considered as part of the total Project funding.
- Evidence must be provided in the Application, that the Applicant has sufficient funding or has secured funding to meet the Estimated Total Project Cost on an unconditional basis.

4 How to apply

- Once the Collaborative Fund opens for Applications, a link to the Application form will be available on the [Collaborative Fund website](#).

4.1 Key dates

- Key dates will be published on the [Collaborative Fund website](#).
- As all dates are indicative and may change, Applicants should check the [Collaborative Fund website](#) for updates.

4.2 Completing the Application

- Applicants must ensure they:
 - complete an Application Form and submit it to the department using the online grants system, SmartyGrants
 - include any identified supporting documentation (evidence) that supports statements made in the Application (unless web addresses are provided in responses)
 - provide a jointly signed Letter of Intent of collaboration by the Consortium members
 - include a detailed Project plan and cashflow forecast that uses the department's templates available at (<https://www.statedevelopment.qld.gov.au/industry/critical-industry-support/mets>)
 - read and accept these Applicant Guidelines, including the terms and conditions, prior to submitting the Application.
- Where there are multiple, discrete Projects that are not interdependent and could reasonably be delivered separately, e.g. a Project to undertake two feasibility studies for different purposes, a separate Application should be lodged in respect of each.
- 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.

- If submitting more than one Application, Applicants should consider their capability to deliver multiple Projects at the same time.
- The Applicant's Chief Executive or equivalent is responsible for ensuring that the Application is complete and accurate.
- Applicants will be notified in writing of the outcome of the assessment of their Application.

4.3 Evidence and supporting information

- Eligible Applicants will be expected to provide substantive documentary evidence to support statements made in their Applications and may be asked to provide additional information to clarify or substantiate any claims made, including information about or from Consortium members. 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 DSDI.

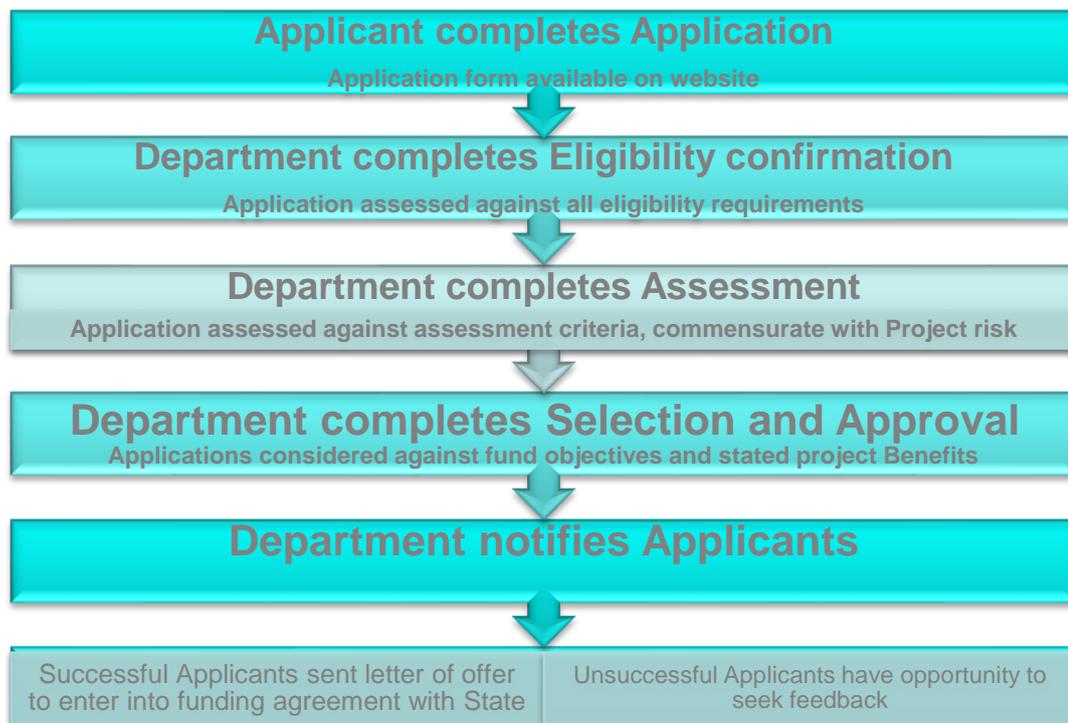
4.4 Questions

- If you have any questions after reading these resources, email METS@dasilgp.qld.gov.au.

5 How will Applications be assessed?

5.1 Assessment and approval process

- The assessment process entails:
 - **Eligibility confirmation** – Applications will only proceed to assessment if both the Applicant and Project are assessed as eligible by the department.
 - **Assessment** – the department will:
 - o assess the Application against the Assessment Criteria to determine the relative merit of each Project
 - o undertake due diligence and probity checks
 - o consult with other relevant Queensland Government agencies or external specialists, as required.
 - **Selection and recommendation** – for eligible applications the Executive Regional Director, Regional Development – North will:
 - o consider whether the Applications adequately meet the Collaborative Fund's objectives and the assessment of the stated Project Benefits
 - o make the final recommendation to the Deputy Director-General, State Development, Department of State Development and Infrastructure (the delegated authority).
 - **Approval** - on receipt of the recommendations, the delegated authority will consider and approve the Projects to receive allocations from the Collaborative Fund.
 - **Notification** - Successful Applicants will be advised by email and a letter of offer will be provided along with detailed instructions on signing a Funding Agreement.
- The process flow is shown below:



5.2 Assessment Criteria

- Once Eligibility is confirmed, Applications will be assessed against the Assessment Criteria set out in these Applications Guidelines, noting that not all Applications will be funded.
- Applications from Eligible Applicants for Eligible Projects will be assessed against the following Assessment Criteria to determine the relative merit of each Project.

Assessment Criteria
<p>1. Addressing demand for emerging priorities</p> <p>Does the Application show the Project is needed to address at least one of the following priorities for the Applicant or Consortium members:</p> <ul style="list-style-type: none"> • improving environmental outcomes, performance and legacy in the resources sector • initiating and increasing the circularity of resources sector operations and supply chains, including reprocessing of waste streams / tailings for critical minerals • improving emissions management and reducing emissions • supporting Queensland’s transition to renewable energy • improving mine site safety.
<p>2. Financial/operational Benefits and commercial opportunities</p> <p>Does the Application show the Project will create financial or operational or commercial Benefits for the Applicant or Consortium members?</p> <p>Does the Application show how the implementation of the proposal will achieve quality outcomes for the Applicant or Consortium members in a cost-effective way?</p>
<p>3. Project delivery</p> <p>Does the Application show:</p> <ul style="list-style-type: none"> • the Project’s ability to be delivered within the identified budget and timeframes • whether the Applicant or Consortium members, and preferred contractors/consultants, have the capacity, capability and track record to deliver the Project within the identified budget and timeframes • there are adequate financing arrangements in place to complete and deliver the Project?
<p>4. Increasing collaboration</p> <p>Does the Application show collaboration to deliver the Project?</p>

6 Conditions of funding

6.1 Funding arrangements

- Successful Applicants are 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 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 or Consortium member 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.

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
 - 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 the Collaborative Fund is achieving its objectives.
- Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant Guidelines and the Project Funding Agreement.

6.3.1 Progress and completion reporting

- The Project Funding Agreement will specify requirements for the submission of:
 - progress reports
 - a Project completion report
 - a post-completion monitoring report, six months after the Project is completed.
- Templates for these reports will be provided by the department.

6.3.2 Project Benefits reporting

- To fully capture how the Collaborative Fund is contributing to the needs of Queensland's METS and resources sector, 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.

6.4 Funding acknowledgement

- Applicants that are successful through the Collaborative Fund 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 Tax

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

6.6 Collaborative Fund monitoring and evaluation

- The Collaborative Fund will be continuously monitored and reviewed to ensure that the Collaborative Fund effectively achieves its objectives.
- These Applicant Guidelines only apply to the current iteration of the Collaborative Fund and may be updated, from time to time, to reflect future changes to the Collaborative Fund.

7. Communications

7.1 Communication with the media

- All media enquiries or public announcements relating to the Collaborative Fund 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 Collaborative Fund
 - provide the department with at least 28 business days prior to the proposed media event
 - provide any proposed media or public statement to the department for approval at least five business days prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the department.

7.2 Confidentiality

- The department will maintain controls in relation to the management of confidential information provided by or on behalf of Applicants and all internal documentation produced in relation to the administration of the Collaborative Fund.
- 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.
- 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, the Applicant:
 - to the extent required 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
 - to any government agency.

7. Terms and conditions

7.1. Reservation of rights

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

- (a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall Collaborative Fund (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 Collaborative Fund;
- (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 Collaborative Fund for any reason;
- (k) terminate, suspend or reinstate the Collaborative Fund or any process in the Collaborative Fund;
- (l) not proceed with the Collaborative Fund 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 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 Collaborative Fund, these Applicant Guidelines or the Application.

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 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.

7.3. Participation at Applicant's cost

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

Without limiting the foregoing, if the State cancels or varies the Collaborative Fund 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 Collaborative Fund.

7.4. Applicant to make own enquiries

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Collaborative Fund. 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 Collaborative Fund 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 Collaborative Fund.

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 during the 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 Collaborative Fund, 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.

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 Collaborative Fund;
- (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.

8. Enquiries

- Enquiries about the Collaborative Fund can be directed to the department by email at METS@dsdilgp.qld.gov.au.
- General information on the Collaborative Fund is available at <https://www.statedevelopment.qld.gov.au/industry/critical-industry-support/mets>
- 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.

9. Feedback

- Applicants are encouraged to provide feedback on the Collaborative Fund or seek feedback on the outcome of their Application by contacting the department by email at METS@dsdilgp.qld.gov.au.
- If an Applicant has any concerns about department's handling of their Application, they are invited to raise their concerns by contacting the department as follows:

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

Email: complaints@dsdilgp.qld.gov.au

Correspondence:

Director, Ethics

Department of State Development and Infrastructure

PO Box 15009, City East Qld 4002

- An overview of the department's [compliments and complaints](#) process is available for your information.

Glossary

Term	Definition
Applicant	An applicant for funding under the Collaborative Fund.
Applicant Guidelines	These Collaborative Fund 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 Collaborative 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 Collaborative Fund (including but not limited to its detailed project plan).
Approved Project	The Project scope of works approved for funding and as defined in a Project Funding Agreement.
Assessment Criteria	The criteria set out in section 5.2 of these Applicant Guidelines.
Benefits	The measurable improvement resulting from the delivery of the Approved Project.
Collaborative Fund	Queensland METS Collaborative Project Fund Program
Consortium	As set out in section 3.2 (Consortium Arrangement) of these Applicant Guidelines.
DSDI / the department	The Queensland Department of State Development and Infrastructure
Eligible Applicant	An entity that meets the requirements set out in section 3.1 (Eligible and Ineligible Applicants) of these Applicant Guidelines.
Eligible Project	Those set out in section 3.3 (Eligible and Ineligible Projects) & 3.4 (Eligible Projects) of these Applicant Guidelines.
Eligible Project Costs	Those set out in section 3.5 (Eligible and Ineligible Project Costs) of these Applicant Guidelines.
Estimated Total Project Cost	The estimated total Project expenditure plus a contingency allowance. A contingency of up to 30% of total Project expenditure may be included in the Estimated Total Project Cost.
Ineligible Applicant	An entity set out in section 3.1 (Eligible and Ineligible Applicants) of these Applicant Guidelines.
Ineligible Project	Those set out in section 3.3 (Eligible and Ineligible Projects) of these Applicant Guidelines.
Ineligible Project Costs	Those set out in section 3.5 (Eligible and Ineligible Project Costs) of these Applicant Guidelines.
Project	A Project includes the entire scope of works identified in the Application commencing from the Project Start Date through to Project completion, e.g. for a construction Project this may include relevant identified pre-construction activities (e.g. final design, tendering), all construction related activities and commissioning.
Project Funding Agreement	The agreement formed between a successful Applicant and the State that details the terms and conditions for payment of grant funding.
Project 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.

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

