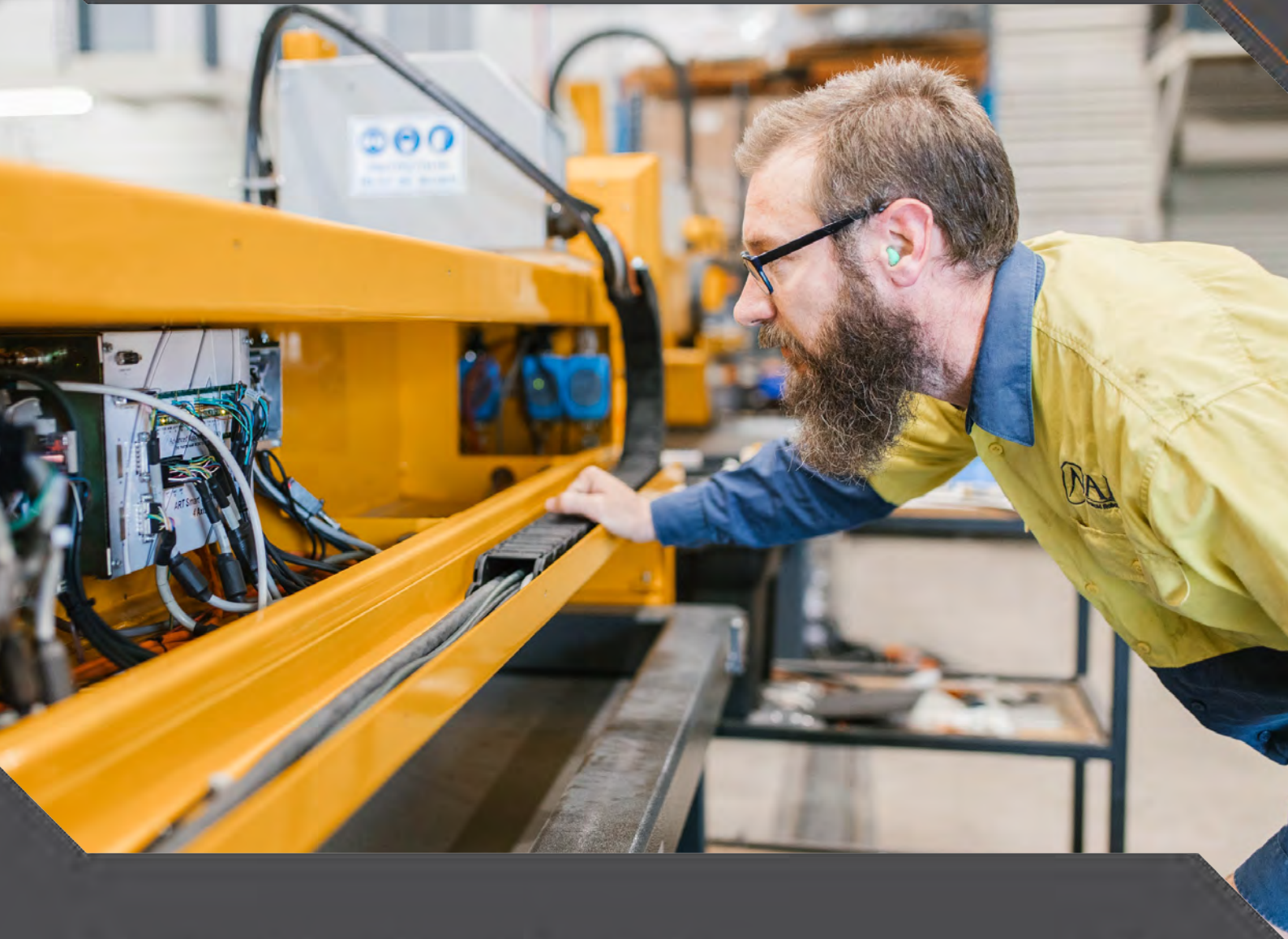


Manufacturing Hubs Grant Program

Program Guidelines January 2020



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The Department of State Development, Manufacturing, Infrastructure and Planning

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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 consider individual circumstances or situations. Where appropriate, independent legal advice should be sought.

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1. Introduction

The Manufacturing Hubs Grant Program (MHGP) is a funding program that supports the **Manufacturing Hub Delivery Model**, the **Queensland Advanced Manufacturing 10-year Roadmap and Action Plan** and the Advanced Robotics for Manufacturing Hub (ARM Hub). It is administered by the State of Queensland through the Department of State Development, Manufacturing, Infrastructure and Planning (the Department).

The Manufacturing Hubs in Cairns, Townsville and Rockhampton provide a catalyst to promote and deliver world-leading technologies, processes and practices to regional manufacturing small to medium enterprises (SMEs) and attract increased private sector investment and jobs to the regions.

Each hub focuses on strengthening key manufacturing sectors in each region, including:

- Cairns – marine, aviation and food processing
- Townsville – advanced metal production and food transformation
- Rockhampton – rail manufacturing and technology, advanced metal production and food product innovation.

Participation in the regional Manufacturing Hubs provides regional manufacturers access to the ARM Hub. The ARM Hub, based in Brisbane provides access to cutting-edge robotics and associated technologies, robotics expertise, skills development and industry knowledge. The ARM Hub services will be provided in the regions to regional manufacturing businesses.

This document sets out the Guidelines for applicants for the MHGP. The MHGP will commence on the opening date and will continue until June 2022, or when funding for the MHGP is extinguished.

2.1 Objectives

The key objectives of the MHGP are to:

Support the **Advancing Queensland's Priorities** and the Department's **Strategic Direction** by:

- supporting the growth of Queensland's regional manufacturing industry by assisting local manufacturing SMEs to improve productivity, build international competitiveness, stimulate job generation and private sector investment, and support regional growth; and
- assisting regional manufacturing SMEs to adopt new technologies and implement skills and training that results in:
 - integrated technology-led advances in equipment, robotics, processes, systems, software, data use and analytics
 - high performing workplaces including increased management capability, leadership, technical skills, the attraction, retention and development of skilled employees, apprenticeships and traineeships that reflect an advanced manufacturing workplace.

The MHGP will address identified industry challenges and opportunities associated with manufacturing firms transitioning to advanced manufacturing.

2.2 Industry Coverage

The MHGP has been established to assist small-to-medium size manufacturing firms located in each of the Cairns, Townsville and Central Queensland SA4 Regions to increase their advanced manufacturing capabilities both directly and through supply chain opportunities.

It will support successful applicants to improve their productivity and competitive position locally, nationally and internationally.

2.3 Eligible Business Criteria

To be eligible to receive funding under the MHGP, applicants must:

- be a Queensland-based, SME, or demonstrate that the business should be considered an SME, to DSDMIP’s satisfaction, whose principal activity and majority of annual turnover is derived from Manufacturing;
- have its main operations located in the SA4 Region for the relevant Manufacturing Hub in Queensland, and have operated within Queensland for a minimum of three (3) consecutive years prior to the applicant submitting its application;
- be registered for GST and hold an active Australian Business Number (ABN);
- have a proposed Eligible Activity that targets Queensland’s manufacturing industry and be relevant to the national and international market, products and services of the applicant;
- be able to demonstrate that the applicant can verify or validate the expected effectiveness and outcomes of the proposed Eligible Activity;
- meet any professional pre-requisites for Eligible Activities;
- have the financial capacity and standing necessary to conduct the proposed Eligible Activity, including the amount to be contributed to the project;
- be willing to enter into a binding funding agreement with the State, stipulating that the financial assistance will be used to fund Eligible Activities;
- not be insolvent or have owners or directors that are an undischarged bankrupts; and
- not be a federal, state or local government entity, statutory authority or not-for-profit organisation.

2.4 Eligible Activities

Financial assistance will be available to successful applicants to assist the building of their advanced manufacturing capabilities through:

- Technology adoption
- Skills and training
- Business development
- ARM Hub services.

Examples of Eligible Activities include -

Eligible Activity	Example of Eligible Activities
Technology Adoption	Purchase or upgrade of an Enterprise Resource Program (ERP) that integrates existing software and/or utilises data analytics for increased efficiencies, automation or production
	Purchase or upgrade of automated and robotic equipment for digital advancement, such as creation of a ‘digital twin’ ¹ .

¹ Digital Twins (DTs) can be defined as (physical and/or virtual) machines or computer-based models that are simulating, emulating, mirroring, or “twinning” the life of a physical entity, which may be an object, a process, a human, or a human-related feature. Each DT is linked to its physical twin through a unique key, identifying the physical twin, and therefore allowing to establish a bijective relationship between the DT and its twin. A DT is more than a simple model or

	<p>Purchase of a software program or system that allows integration, connection or automation of equipment/robotics that integrate Industry 4.0 technology into the business</p>
	<p>Purchase of capital equipment including machinery, cyber security systems, augmented or virtual reality equipment, software or upgrade to IOT capabilities</p>
Business Development	<p>Engaging a technical expert for any of the following -</p> <ul style="list-style-type: none"> • provide a quantifiable plan in the transition from standard manufacturing practices to advanced manufacturing or expansion into an emerging market; • undertake an analysis into a manufacturing sector for the business to expand or develop, inclusive of the purchase, adoption and integration or use of advanced manufacturing equipment, machinery, software, techniques or principles. • provide an in-depth analytical report for business transformation in the development of Industry 4.0 principles.
	<p>Support for promotional activities relating to business development at trade shows, exhibitions and industry events.</p> <ul style="list-style-type: none"> • Promotional literature and advertising expenses related to the event. • Marketing and communication expenses related to the event.
Skills and Training	<p>Engaging a suitably qualified trainer, certifier or professional to undertake a skills development analysis and training plan for upskilling of the existing workforce, inclusive of current and future equipment, programs, software and technologies</p>
	<p>Business Benchmarking</p>
	<p>Professional development courses, such as transitioning to supervision and management; frontline management; LEAN Manufacturing; Sigma Six; Cert IV in Competitive Systems and Practices, or TAFE SkillsTech and other industry peak body, recognised and accredited training.</p>
	<p>Short courses or micro-credentials related to technology use, advanced systems or automated/robotic operation</p>
ARM Hub Services	<p>Commercial solutions projects for the Advanced Robotics for Manufacturing Hub (ARM) Hub including:</p> <ul style="list-style-type: none"> • Adoption Sprints – support provided through the Advanced Robotics for Manufacturing Hub (ARM Hub) to assist businesses to identify what technology to purchase and implement. • Demonstration Projects – support provided by the ARM Hub to support a business to trial the adoption of advanced manufacturing technology or process that allows it to prove concepts and overcome

simulation. A DT is a living, intelligent and evolving model, being the virtual counterpart of a physical entity or process. It follows the lifecycle of its physical twin to monitor, control, and optimize its processes and functions. It continuously predicts future statuses (e.g., defects, damages, failures), and allows simulating and testing novel configurations, in order to preventively apply maintenance operations (Barricelli, B. R., Casiraghi, E. & Fogli, D., 2019. A Survey on Digital Twin: Definitions, Characteristics, Applications, and Design Implications. *IEEE Access*, Volume 7, pp. 167653-167671.)

	<p>commercial challenges before making full investment in capital equipment.</p> <ul style="list-style-type: none"> Expert Services – support for businesses seeking to trial new technologies, build capability or deliver solutions such as robotic vision, augmented reality or virtual reality designs and software user interface. <p>Scale partnerships – support for businesses in partnering with larger companies to increase their capacity to scale, in order to competitively bid on large commercial projects.</p>
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2.5 Levels for Financial Assistance

The MHGP will be delivered as follows -

Assessment	Grant Value	Contribution by MHGP	Contribution by SME	Payment
Level 1	\$5,000 - \$25,000	75%	25%	Reimbursement of Eligible Activity Costs paid upon confirmation of delivery of the project and submission of relevant supporting documentation under a properly executed funding agreement
Level 2	\$25,001 – \$500,000	75%	25%	20% of financial assistance paid up-front upon proper execution of funding agreement by both parties, balance paid on completion of project and delivery of relevant supporting documentation
Level 3	\$501,000 - \$1 million	50% ²	50%	Reimbursement of Eligible Activity Costs in arrears on satisfactory delivery of Milestones (determined on a case by case basis) and submission of relevant supporting documentation

² 75% contribution of \$500,000 and 50% of the balance of the Eligible Activity Costs by the MHGP.

2.6 Eligible Activity Costs

Applicants must identify their expected total activity costs, including both Eligible Activity Costs and Ineligible Activity Costs, and the grant amount requested.

Applicants will only be entitled to claim funding for Eligible Activity Costs and only to the amount agreed to in the funding agreement.

Applicants will not be entitled to receive funding in respect of Ineligible Activity Costs.

Applicants can submit multiple applications for funding under each funding level. An application may include multiple Eligible Activities for the same project.

Applicants are expected to include whole-of-project requirements and costs in each application. For example, an application for the purchase and integration of a robotic welder accompanied by a project implementation plan which includes at a minimum, purchase, business integration, training, installation, commissioning, servicing schedule, service support and upgrade capabilities.

Your project may include one or more of the below project examples and associated critical costs:

Project focus	Examples of eligible projects
Process improvement	Lean manufacturing, lean audit, value stream mapping, error and down time reduction etc.
	Implementation of digital connectivity enabling measurement, big data analytics, machine integration (sensors, data loggers, software etc.)
	Site visualisation deployment for improved structure and factory layout
Advanced robotics	New and advanced robotics and automation, demonstrating integration with existing or new systems, processes or workflow
New technologies	New, advanced manufacturing technologies including equipment. Equipment must be leading-edge and innovative or integral to support the introduction of innovative systems and processes. The equipment must be demonstrated to integrate with existing or new systems (connectivity), processes or workflow
Advanced systems	Enterprise Resource Planning (ERP) installation, implementation and integration
	Inventory management systems installation, implementation and integration
	Supply/value chain integration management system, installation, implementation and integration
Professional advice	Professional advice on optimising/augmenting current resources/equipment or new equipment/technology investment (Planning), including an integration of advanced technologies plan

Project focus	Examples of eligible projects
	Professional advice on developing a human resource management plan to support integration to boost commercial outcomes creating sustainable jobs
Improvement planning	Networking and digital connectivity implementation plan
	Supply/value chain digital data capture and analysis plan
	Progressive energy and carbon footprint management, development and implementation plan
Waste reduction planning	Innovative water use management, development and implementation plan
	Sophisticated material waste, reuse and recycling management, development and implementation plan
Market expansion planning	Business model innovation
	Market research
	Differentiation/diversification of existing products/services strategy
	Social media, digital media/market/export strategy
Associated project costs critical to the success of the proposed project	Servers to accommodate advanced systems and process connectivity (refer to ineligible costs associated with servers)
	Installation of, commissioning of and training on new equipment, robotics and automation systems
	Training to support implementation of a new software system or integrated technology
	Freight

2.7 Ineligible Activity Costs

Ineligible Activity Costs are:

- any third-party consultant costs involved in the preparation of an application or materials in support of the application or any benchmarking reports used to support the application
- flights and all other transport related costs, all personal expenses, including meals, beverages, accommodation and entertainment expenses
- costs associated with attendance at domestic and international trade show(s) and other related events where the Queensland Government or the Australian Government is already providing subsidised support for the applicant
- fees and charges associated with registering domestic or international patents or other intellectual property
- costs associated with trade skills and training courses below a Certificate III level

- training for apprentices and courses that already attract an Australian or Queensland Government subsidy
- costs for professional development, skills acquisition and accreditation that do not support or enhance the development of advanced manufacturing industry capabilities
- costs for general on-the-job training and supervision
- costs of purchasing second-hand equipment or replacement or upgrades of existing tools (e.g. drills, grinders, screwdrivers, hacksaws and hammers) or machinery (e.g. drill presses, lathes and other workshop machines)
- costs associated with lease to purchase, equipment funding or other arrangements where a financial institution holds security over equipment or other personal property
- internal costs associated with implementing certification systems within the business
- legal or other professional advice (such as financial services provided by an accountant)
- normal operating costs (i.e. utility and telecommunication charges, charges, building lease costs)
- costs for consultants/contractors that are associated entities with the applicant
- employee salaries or costs associated with recruitment activities
- Eligible Activity Costs incurred or paid for by the applicant prior to entering into a binding funding agreement with the State.
- any other costs deemed ineligible by DSDMIP.

2.8 Application process

The key timeframes for the conduct of the process are as follows. Other than the opening and closing dates for applications, all dates and times are indicative only.

Indicative Dates	Key Activities
1 February 2020 (8.00 am AEST)	Opening date for receipt of applications.
20 June 2022 (5:00 pm AEST)	Closing date for receipt of applications.
Continual Assessment process	Receipt of applications; assessment of applications for eligibility; due diligence and probity checks, review by independent panel; recommendation and final approval.
Approximately eight (8) calendar weeks from date of assessment or as soon as practical following assessment	Applicants advised of assessment outcome.

2.9 How to apply

Applications will only be accepted when submitted electronically to the Cairns, Townsville or Rockhampton Manufacturing Hub.

DSDMIP may, at its discretion, accept or reject late applications.

Applicants will be responsible for their own costs in relation to an application.

Applications must include the following information:

- evidence that the proposed project aligns with the strategic direction of the applicant
- confirmation of the number of employees employed by the SME (contractors are not to be included as employees)
- information on the structure of the SME
- any additional information about the proposed scope of the project
- detailed project cost breakdowns, including Eligible Activity Costs and Ineligible Activity Cost estimates
- evidence that the applicant can fund Eligible Activity Costs not funded by the MHGP. This must include details of the extent to which this will be financed internally or externally and any associated security
- evidence to support claims, or the rationale behind claims, about the project's expected benefits, including number of FTEs, value for money to the SME, the local region or supply chain and DSDMIP
- a detailed project timeline
- copies of valid insurance cover
- evidence of the governance structure or processes of the applicant for decision-making
- for Level 1: evidence demonstrating that the applicant has been in operation for at least one (1) or more years, financial statements for at least the 1 year prior to the year of application, including profit and loss, balance sheet and statement of cash flows (where available) including notes to the accounts that are either accountant (CPA/CA qualified) prepared, audited and certified (preferred) or accountant (CPA/CA qualified) prepared and signed financial statements
- for Levels 2 and 3: evidence demonstrating that the applicant has been in operation for three (3) or more years, financial statements for at least the 3 years prior to the year of application, including profit and loss, balance sheet and statement of cash flows (where available) including notes to the accounts that are either accountant (CPA/CA qualified) prepared, audited and certified (preferred) or accountant (CPA/CA qualified) prepared and signed financial statements. For example, if the application is made in December 2019, documentation for the 2018/2019 financial year; 2017/2018 financial year; and documentation for the 2016/2017 financial year. If the applicant has been in operation for less than three (3) years, a statement of viability and 'management of accounts' report prepared by an accountant (CPA/CA qualified).

In conjunction with applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by DSDMIP.

2.10 Assessment

An applicant must meet the Eligible Business Criteria, and all applications will be reviewed for eligibility by the receiving Manufacturing Hub prior to formal submission to an independent panel of three (3) Senior Officers within the Department.

Each application will then be reviewed and assessed by the independent panel against the Assessment Criteria, and recommended for approval or rejection by the Deputy Director-General, Manufacturing, Industry and Regions, DSDMIP.

Feedback will be available to all unsuccessful applicants.

2.11 Assessment Criteria

Applications will be assessed against the following Assessment Criteria:

Criteria		Weightings
1	The project demonstrates that it will build the capacity of the business to increase its productivity and/or international competitiveness	20%
2	The project will involve the adoption of integrated, advanced technologies (equipment and/or systems and strategies) supporting business transformation embracing industry 4.0	20%
3	The project will support current manufacturing industry jobs and/or will create new manufacturing jobs including apprenticeships, traineeships and opportunities for youth, indigenous and people with a disability	20%
4	The project aligns with the strategic direction of the business and will increase profitability	10%
5	The project demonstrates value for money to the business, the local market and the state	20%
6	The project is achievable within the stated budget and timeframes	10%

2.12 Assessment process

Applications must contain all information required to be submitted at the time of lodgement for the application stage. DSDMIP may decide not to consider applications that do not include all required information (refer to section 2.9 How to apply).

Applicants may be contacted during the assessment process to clarify information provided in the application and/or request further information to enable comprehensive due diligence and probity checks to be undertaken.

If an applicant does not submit all clarification information in the required timeframe, DSDMIP may set aside the application.

The Department's decision in relation to an application is final and may not be appealed. Applicants are encouraged to seek feedback from the Department in the first instance. If, however, an applicant has any dispute in relation to the application or assessment process, a formal complaint may be submitted to DSDMIP on its [website](#).

2.13 Funding Agreements

Successful MHGP applicants will be required to execute a funding agreement with the Department. The Department has no obligation to provide any financial assistance until a funding agreement has been duly executed by both the successful applicant and the Department.

Level 1 reimbursement of Eligible Activity Costs paid in full on confirmation of completion of the project and submission of relevant supporting documentation under a properly executed funding agreement.

Level 2 projects assessed will receive a 20% up-front payment following proper execution of the funding agreement by both parties with the remainder to be paid, as detailed in the funding agreement, following completion of the project deliverables and submission of relevant supporting documentation to the satisfaction of the Department.

Level 3 reimbursement of Eligible Activity Costs on milestones, considered on a case by case basis, with payments made in arrears. For each milestone, the applicant must submit an invoice with a milestone/final report and financial acquittal report to provide evidence of the expenditure on the eligible project activities, including invoices from suppliers and bank statements showing project expenditure. After acceptance of the milestone/final report and the financial acquittal report, the invoice will be paid.

Requirements under all levels

For each deliverable, the applicant must submit a payment claim with supporting documentation to evidence the expenditure on the Eligible Activities as detailed in the funding agreement, including invoices from suppliers and bank statements/remittance advices showing project expenditure. The Department may retain 5% of the funding for 12 months following completion of the project, to ensure delivery of the outcomes and objectives of the project.

2.14 Advice and support

A list of frequently asked questions (FAQs) will be available on the DSDMIP website once the MHGP opens to assist with preparation of applications.

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

Applicants may also contact the relevant Manufacturing Hub for advice through email and the relevant departmental officer from the receiving Manufacturing Hub will respond. The return contact may be either through a return email, telephone call or face-to-face meeting. The relevant email contacts for the Manufacturing Hubs are:

- Cairns: cairnshub@dsdmip.qld.gov.au or (07) 4037 3241
- Townsville: townsvillehub@dsdmip.qld.gov.au or (07) 4758 3429
- Rockhampton: rockhamptonhub@dsdmip.qld.gov.au or (07) 4924 2920

The Department is not able to directly assist in the preparation of applications.

2.15 Program evaluation

As a new initiative of the Queensland Government, the MHGP will be continuously monitored and reviewed to ensure that the MHGP effectively achieves the Program Objectives. These Guidelines may therefore be updated to reflect future changes to the MHGP.

2.16 Tax

Grants may be treated as assessable income for taxation purposes. DSDMIP does not provide advice to applicants and recommends applicants seek independent professional advice on their tax obligations.

3. Communication

3.1 Communication with the media

All media enquiries or public announcements relating to the MHGP will be coordinated and handled by the Department's media team.

Applicants must seek and obtain the Department's approval before contacting or responding to the media in connection with successful or unsuccessful applications for funding support under or in connection with the MHGP, and comply with the Department's requirements about the form, content, timing and manner of any proposed media statement or event. Applicants are specifically required to provide at least 25 days' notice to the Department of any proposed media event in relation to a project or Eligible Activity under the MHGP.

Where possible, all media and communications will be undertaken jointly with successful applicants.

Applicants acknowledge that the Department intends to publicly disclose the names of successful applicants, general details about projects funded (including the amount of funding granted), and the anticipated and realised outcomes of funded projects (such as jobs creation benefits and business improvement metrics).

3.2 Confidentiality and use of information

The Department will maintain controls in relation to the management of confidential information provided by applicants. Applicants should specifically mark any information the applicant considers to be confidential.

An applicant must keep confidential its application and its dealings with the Department about its application but may make disclosures if required by law or to its representatives or advisors who are under an obligation of confidentiality. An applicant must also keep confidential any information designated by the State as confidential.

The Department may disclose information, including confidential information, of or provided by an applicant:

- to its representatives and advisors for any purpose

- to any government agency or authority and its representatives and advisors, including for the purpose of assessing and verifying such information
- to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols; or
- if required to be disclosed by law.

For audit purposes, the State is required to retain applications and other supplied supporting material. Successful applications will be retained for seven years and unsuccessful applications retained for two years.

3.3 Ongoing obligations under Funding Agreements

Any funding agreement between the State and a successful applicant will detail the applicant's ongoing obligations with respect to media communications, publicity and confidentiality.

3.4 Contact details

For inquiries or assistance, please contact your local manufacturing hub:

- Phone: 13 QGOV (13 74 68)
- Email Cairns:
cairnshub@dsmip.qld.gov.au
- Email Townsville:
townsvillehub@dsmip.qld.gov.au
- Email Rockhampton:
rockhamptonhub@dsmip.qld.gov.au

Alternatively, you can contact DSDMIP via:

<http://www.dsmip.qld.gov.au>

4. Definitions

In these Guidelines, unless the contrary intention appears, the following terms are defined as:

Assessment Criteria: the criteria contained in section 2.11 of these Guidelines.

Associated Entity: has the same meaning as under s50AAA of the *Corporations Act 2001*.

Department or **DSDMIP:** the State of Queensland (represented by the Department of State Development, Manufacturing, Infrastructure and Planning).

Eligible Activity: an activity which meets the requirements listed in section 2.4 of these Guidelines.

Eligible Activity Costs: costs and expenses reasonably incurred by the applicant in relation to the eligible activity which are not Ineligible Activity Costs.

Eligible Business Criteria: the criteria set out in section 2.3 of these Guidelines.

Guidelines: these Manufacturing Hubs Grant Program Guidelines.

Ineligible Activity Costs: the costs listed as such in section 2.7 of these Guidelines.

Key Focus Industries for each manufacturing hub are:

- **Cairns** – marine, aviation and food processing
- **Townsville** – advanced metal production manufacturing and food transformation
- **Rockhampton** – rail manufacturing and technology, advanced technologies for metal production and food product innovation.

Program Objectives: the objectives of the MHGP set out in section 2.1 of these Guidelines.

SA4 Regions for Cairns, Townsville and Rockhampton as detailed on the Queensland statistical areas maps, Level 4 (SA4) 2016 provided through Queensland Treasury at the following link. <https://www.qgso.qld.gov.au/geographies-maps/maps/queensland-statistical-areas-level-4-sa4-2016>

Small to Medium Enterprise (SME): any business employing between 5 – 200 people and is a company incorporated in Australia or an incorporated trustee on behalf of a trust.

State: State of Queensland.

5. Terms and conditions

5.1 Reservation of rights

The Department reserves the right to administer the MHGP and conduct the process for the assessment and approval of applications to the MHGP in such manner as it thinks fit, and to:

- change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall MHGP (including timeframes, submission and compliance of applications), where in such circumstances notice will be provided to applicants on the Department's website;
- consider or accept, or refuse to consider or accept, any application which:
 - is lodged other than in accordance with these Guidelines; or
 - is lodged after the relevant closing date; or
 - does not contain the information required by these Guidelines; or
 - is otherwise non-conforming in any respect;
- vary or amend the Eligible Business Criteria or Assessment Criteria;
- take into account any information from its own and other sources (including other Government agencies and other advisors);
- accept or reject any application, having regard to these Guidelines, the Eligible Business Criteria, the Assessment Criteria or any other item, matter or thing which the Department considers relevant, including the limitations on the funds available for the MHGP;
- give preference by allocating weighting to any one or more of the Eligible Business Criteria or Assessment Criteria over other criteria;

- seek clarifications or additional information from or provide clarifications or additional information to any applicant;
- negotiate or deal with or seek presentations or interviews from any one or more applicants;
- conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
- require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
- terminate further participation of any applicant in the application process for the MHGP for any reason, which includes termination due to a material change to information presented in an application;
- terminate or reinstate the MHGP or any process in the MHGP;
- not proceed with the MHGP in the manner outlined in these Guidelines, or at all;
- allow the withdrawal of, or addition of any applicant after the closing date;
- conduct negotiations with any one or more applicants after the closing date or after applications have been lodged;
- take such other action as it considers in its absolute discretion appropriate in relation to the MHGP processes.

Where, under these Guidelines, it is stated that the Department may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the Department 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 Department does exercise any of its rights under these Guidelines, then the Department may inform any or all applicants, although will not be under any obligation to do so.

5.2 No Relationship

The Department's obligations regarding the application process are limited to these expressly stated in these Guidelines.

Subject to section 5.7, no contractual or legal relationship exists between the Department and an applicant in connection with the MHGP, these Guidelines or the application process.

An applicant, or its representatives:

- have no authority or power, and must not purport to have the authority or power to bind the Department, or make representations on behalf of the Department;
- 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 Department; and
- must not represent to any person that the Department is a party to the proposed project other than as a potential funder, subject to the application process detailed in these Guidelines.

5.3 Participation at applicant's cost

Each applicant participates in the MHGP at its own cost and risk.

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against DSDMIP, whether in contract, tort (including negligence), equity, under statute or otherwise, arising from or in connection-with:

- any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by DSDMIP, attendance at meetings or involvement in discussions) or otherwise in-connection-with the MHGP;
- DSDMIP at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the MHGP; and
- any of the matters or things relevant to its application or the MHGP in respect of which the applicant must satisfy itself under these Guidelines.

Without limiting the foregoing, if DSDMIP cancels or varies the MHGP 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 these Guidelines, no applicant will have any claim against DSDMIP 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, and whether directly or indirectly, the MHGP.

5.4 Applicants to make own enquiries

These Guidelines are prepared to give potential applicants background information in relation to the MHGP. These Guidelines do not, and do not purport to contain all the information that applicants may require in reaching decisions in relation to whether to apply for financial assistance under the MHGP. 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 Guidelines or otherwise made available to them during the application process.

DSDMIP 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 MHGP or interpretations placed on the information by applicants.

5.5 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 DSDMIP (and will ensure that relevant third parties grant) a non-exclusive, irrevocable licence to use and reproduce the intellectual property for the purpose of administering the MHGP.

5.6 Privacy

In this section, Personal Information has the meaning given to that term in the *Information Privacy Act 2009* (Qld).

Personal Information collected as part of the application and assessment process will be used by the Department and disclosed to third parties for purposes in connection with the assessment of applications (and if an application is successful, in connection with administration of any subsequent funding agreement). The Department will otherwise deal with personal information provided to it in accordance with the *Information Privacy Act 2009*.

5.7 Acceptance

By submitting an application under the MHGP, each applicant:

- warrants to the Department that the information contained in its application (including any attachments and any additional information provided in connection with its application) is true, accurate and complete as at the date on which it is submitted and not by omission misleading, and may be relied on by the Department in determining whether to select an applicant for the MHGP or to provide financial assistance to the applicant under the MHGP;
- undertakes to promptly advise the Department 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
- acknowledges that the Department will rely on the above warranty and undertaking when evaluating the application
- acknowledges that the Department may elect to remove an applicant or elect not to further consider an application at any stage as a result of material changes to the information presented in its application
- acknowledges that the Department may suffer loss or damage if the applicant breaches the above terms and conditions
- is taken to have accepted these Guidelines, including these terms and conditions.