

Queensland Critical Minerals and Battery Technology Fund Guidelines – Grant Assistance

Version 1.3 13 July 2023

© The State of Queensland (Queensland Treasury) 2023

Licence:

This document is licensed under a Creative Commons Attribution (CC BY 4.0) International licence.



To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

Attribution:

Content from the Queensland Critical Minerals and Battery Technology Fund Guidelines should be attributed to:

The State of Queensland (Queensland Treasury).

ISSN 1837–2848



Translating and interpreting assistance

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.

Contents

1.0	Introduction.....	3
1.1	Objective of grant assistance.....	3
1.2	Eligible grant amounts	3
2.0	Grant assistance eligibility	4
2.1	Eligible applicants.....	4
2.2	Ineligible applicants	4
2.3	Project eligibility	4
2.4	Ineligible projects	5
2.5	Eligible projects.....	5
3.0	Project expenditure	5
3.1	Eligible expenditure	5
3.2	Ineligible expenditure	6
4.0	Application process.....	6
4.1	Step 1 - Make an enquiry	6
4.2	Step 2 – Detailed application	7
4.3	Application information	7
4.4	Joint applications	8
5.0	Assessment criteria.....	8
5.1	Assessment	9
5.2	Successful award of assistance	10
6.0	Privacy.....	11
7.0	Communications and confidentiality.....	11
8.0	Monitoring, evaluation, and reporting.....	12
9.0	Review process and complaints	12
10.0	Reservation of rights.....	12
11.0	Relationship.....	13
12.0	Participation at applicant’s cost.....	13
13.0	Applicant to make own enquiries	14

1.0 Introduction

The \$100 million Queensland Critical Minerals and Battery Technology Fund (the Fund) has been established to support Australian businesses to compete globally by enhancing the extraction and processing of critical minerals in Queensland, accelerating the development of battery technologies and production of precursor or advanced materials in Queensland, and supporting Queensland jobs and economic growth.

The Fund will be delivered in two streams:

- Stream A: Grant assistance
- Stream B: Venture and growth capital.

Stream A of the Fund will be delivered and administered by Queensland Treasury while Stream B will be delivered by Queensland Investment Corporation (QIC). These guidelines pertain to grant assistance under Stream A.

More details regarding the Fund can be found at www.qic.com.au.

1.1 Objective of grant assistance

The grant assistance stream aims to support businesses involved in extraction and processing of critical minerals, upstream segments of the battery technologies supply chain and production of precursor or advanced materials where there are demonstrated benefits to Queensland.

Grant assistance will focus on the following objectives:

- build industry capability in Queensland to access national and global supply chains in metal refining, mineral processing and battery manufacturing.
- support the development of private sector infrastructure to facilitate the growth of the critical minerals, battery technologies and precursor or advanced materials supply chain within Queensland.
- support and accelerate private sector investment into Queensland based extraction and processing of critical minerals or the manufacturing of precursor or advanced materials using critical minerals and battery technologies.
- create sustainable employment, upskilling, and training opportunities in Queensland.

Stream A grant assistance is open to applications until funds are considered fully allocated.

1.2 Eligible grant amounts

Funding of up to \$2,000,000 for each eligible project is available.

Funding of more than this amount may be considered in exceptional circumstances and will be informed by the assessment of the economic benefits to the State of a proposed project.

Financial assistance will be determined on a case-by-case basis and provided for a defined term and cannot exceed 50 per cent of total project **eligible expenditure**.

All grants are GST exclusive. GST will be applied on top of the agreed grant value when payment is made.

At any one point in time, only one application by an entity/consortium will be assessed for grant assistance, unless exceptional circumstances exist that merit otherwise.

Co-contributions

All applicants must provide a co-contribution. Co-contributions will be cash and of an amount at least 50 per cent of the total project cost (unless otherwise defined in these guidelines).

Co-contributions may be obtained from internal funds, third party financiers, Commonwealth and/or local government grants. Where projects are funded through Commonwealth and/or local government grants, the total of contributions from all government sources (including the Fund) is not to exceed two-thirds of total project funding.

Queensland Treasury may, in its sole discretion, consider and approve alternative co-contributions.

Applicants will be required to provide evidence that the co-contribution is secured and confirmed.

2.0 Grant assistance eligibility

The purpose of this section is to provide information on the eligibility requirements for grant assistance under the Fund.

2.1 Eligible applicants

To apply, your business must:

- be a legal entity.
- have or be eligible to register for GST and an Australian Business Number (ABN).
- have a registered place of business in Queensland or be developing a critical mineral project in Queensland.
- have been operating for at least three years*.

** Entities with less than three years trading may only apply if there are project partners which can provide evidence that supports management, technical and financial capability to undertake the proposed project.*

Applications from consortia are encouraged. An organisation must be appointed as the lead applicant and satisfy the eligibility criteria. The lead applicant is authorised to act on behalf of and bind each member of the consortium and, if the application is successful, enter into the funding agreement and be ultimately responsible for delivering the project. The application must include a letter of support from each organisation involved in the application. Consortium partners are not required to have an ABN.

2.2 Ineligible applicants

Ineligible applicants include:

- local government authorities (including companies owned by local governments)
- sole traders or individuals
- Regional Organisation of Councils
- Commonwealth or Queensland Government agencies (including companies owned by the Commonwealth or the Queensland Government)
- unincorporated associations
- Government Owned Corporations
- businesses that are subject to any insolvency or seeking to take advantage of the safe harbour against insolvent trading available under the Corporations Act.

Ineligible applicants (except for those subject to any insolvency) can form part of a consortium but are not able to be the lead applicant.

Universities and other research or testing organisations are welcome to apply as part of a consortium being led by an eligible applicant.

2.3 Project eligibility

To be eligible for funding, the proposed project must:

- to be eligible for funding, the proposed project must relate to at least one of the critical minerals listed in Schedule [4A of the Mineral Resources Regulation 2013](#) unless otherwise agreed with the Department of Resources or
- deliver, or have the potential to deliver significant benefits to the critical mineral, battery technology or precursor or advanced materials sectors in Queensland,

- if pertaining to a specific mineral resource, the mineral resource must be located in Queensland and have, at minimum, an indicated resource as defined by the current Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves (the JORC code) established by the Australasian Joint Ore Reserves Committee, and
- either have plans to obtain or have obtained necessary consents for mining or show it has reasonable prospects to obtain all approvals required for the proposed project to achieve the delivery timeframe.

2.4 Ineligible projects

Projects not considered eligible for grant assistance under the Fund include:

- projects that have already commenced or have secured all required financial support to commence within the next six months.
- projects that have already received Queensland Government funding for the same outputs and outcomes.
- activities which fund the day-to-day operations of a business or focusing primarily on marketing and promotion.
- projects that relate to exploration programs, scoping level studies or initial maiden resource estimates.
- direct funding for university programs and/or research centres.

2.5 Eligible projects

Eligible projects may include:

- project activation studies or projects with a focus on later stage support to assist companies 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, materials qualification/ characterisation.
- commercialisation of research and development, technology and intellectual property that benefits the sector in terms of developing supply chain capability, new critical mineral applications, enhanced ESG credentials and delivering circular economy principles which align with key markets requirements.
- testing and/or integrating critical mineral processing and battery technologies and/or processes.
- purchase and/or design and manufacture and/or integration of equipment needed to further a project's development or commercialisation.
- the establishment of trial operations and small-scale pilot or demonstration facilities.
- construction of infrastructure required for the project including common user infrastructure.
- proof-of-concept validation or development of downstream manufacturing capability.
- projects which contribute to value-adding to critical minerals to support downstream battery manufacturing investment in, for example, production of cathode active materials, anodes and battery electrolyte, cell manufacturing and recycling.

3.0 Project expenditure

3.1 Eligible expenditure

You can only spend grant funds on eligible expenditure you have incurred on an agreed project as defined in your funding agreement. Not all expenditure on your project may be eligible expenditure.

Eligible expenditure for later stage project activation studies may include:

- study costs where the costs relate to engagement of third parties to deliver the studies.
- administration and contingency costs to a maximum of 15 per cent of the requested funding amount.
- internal costs of the applicant or project partners up to a maximum of 20 per cent of eligible expenditure.

Eligible expenditure for larger, more complex projects may include:

- infrastructure capital costs and civil construction costs.
- development, upgrade, or expansion of enabling project infrastructure, and associated utilities or civil works on the project site.
- design, manufacture, purchase and installation costs of fixed plant required to commission infrastructure (new or upgraded).
- contractor costs to deliver enabling infrastructure by a third party outside of the applicant's organisation.
- contingency, to a maximum of 25 per cent of the total project cost.

Eligible expenditure may only be incurred after both parties have executed the funding agreement and before the project completion date unless agreed otherwise.

3.2 Ineligible expenditure

Financial assistance will only be provided for project costs determined to be eligible by the State.

The following will generally be considered to be ineligible costs and should be excluded from the proposed project costs:

- any expenditure incurred prior to the commencement of a funding agreement.
- repayment of existing debts and/or budget deficits.
- capital and operational costs of existing equipment which may be utilised in the studies projects.
- statutory fees and charges, including overhead charges such as insurance and leases.
- ongoing costs for business administration, operation or maintenance, including staff salaries except where recognised as a co-contribution (as defined in these guidelines).
- costs associated with grant applications, monitoring, and administration costs, including any funding provided to professional services to support application submission.
- costs relating solely to marketing, advertising, or product promotion, including education and information campaigns.
- costs which require ongoing funding from the Queensland Government, beyond the delivery timeframe for the fund.
- financing and legal costs.
- exploration and resource definition drilling.
- any costs for items which have already been funded from other State, Territory or Commonwealth or local government.

4.0 Application process

The application process is as follows:

4.1 Step 1 - Make an enquiry

Applicants can fill out an initial enquiry form located at: <https://www.qic.com/qcmbtf>

Your enquiry will be assessed against the following principles:

- compliance with the eligibility requirements as set out in these guidelines.
- preliminary assessment of the proposed project against the assessment criteria and objectives as set out in these guidelines.

In undertaking its assessment, the State may consider information from its own and other sources including undertaking due diligence on the entity structure and its past operations.

You may be contacted by a Queensland Government officer to clarify any information provided and/or to request further information.

Following the initial assessment of the enquiry, the applicant will be informed whether it will be invited to complete a detailed application.

4.2 Step 2 – Detailed application

A detailed application is made via completion of a government issued application form. You have 45 business days to complete and submit the detailed application or the invitation will be considered lapsed.

The detailed application must include a signed declaration from an authorised representative of the applicant.

Applications will be assessed once a completed application has been received. If an application is missing information or is incomplete, Queensland Treasury may, in its sole discretion, work with applicants to clarify any missing or incomplete information. However, Queensland Treasury will not start assessing the application until, in Queensland Treasury's sole opinion, the application is complete.

If you need further guidance around the application process, or if you have any issues, [contact us](mailto:QCMBTF@treasury.qld.gov.au) at QCMBTF@treasury.qld.gov.au.

At any stage throughout the process, you need to be aware of the following:

- these guidelines and any discussions with a Queensland Government authorised representative are for information only, and do not constitute advice.
- you should seek independent advice before making an enquiry regarding grant assistance under the Fund or proceeding with an application or any formal offer of assistance.
- the State is not obliged to award assistance to an applicant, even if the applicant has been invited to make a detailed application.

4.3 Application information

Applicants will be required to supply the following information as part of a two-staged application process:

- organisation details including ABN, and an explanation of primary activities.
- demonstration of the experience and capability of the organisation or its consultants to deliver the proposed studies, such as previous experience in delivering similar works.
- evidence of the organisation's financial viability and ability to fund the project.
- a description of the proposed project and how it will address current gaps or failures in the critical minerals, battery technology or advanced materials sectors supply chains.
- study background, including current status, copies of previous studies and what activities the proposed study will address.
- description of the activities to be undertaken, including site details, mineral resource locations, technologies proposed and/or studies proposed.
- identification of risks, potential consequences and mitigation measures that will be put into place to manage risks.
- the benefit and expected outcomes of the project
- evidence of project readiness, such as approved licences or applications, and ability to meet the required timeframes.

- a detailed project budget (in Australian dollars and exclusive of GST), including details of the co-contribution and how this will be sourced and the status of the co-contribution.
- the grant amount requested and the timing of the grant payment.
- where contractors or third parties are involved in delivering the project, an agreed Terms of Reference (ToR) and a letter confirming availability in the proposed timeframe to undertake the proposed ToR.

4.4 Joint applications

We recognise that some organisations may want to join as a group to deliver a project. In these circumstances, you must appoint a lead organisation. Only the lead organisation can submit the application form and enter into the funding agreement with the State. The application should identify all members of the proposed group and include a letter of support from each of the project partners. Each letter of support should include:

- details of the project partner including ABN.
- an outline of the relevant experience and/or expertise the project partner will bring to the group.
- the roles/responsibilities the project partner will undertake, and the resources it will contribute (if any).

You must have a formal arrangement in place with all parties that clearly identify the partners contributions to the project (cash and/or in-kind) and deliverables prior to execution of the funding agreement.

5.0 Assessment criteria

A project must demonstrate compliance with each assessment criterion below. You must address all assessment criteria in your application and provide supporting evidence to demonstrate how your project meets each assessment criteria.

As demand is likely to be high, applications that strongly align with all of the assessment criteria are more likely to be successful.

Criteria
<p>SC1 – Strategic alignment</p> <p>Applicants need to demonstrate how the proposed project meets the objectives of the Fund, grant assistance and other Queensland government policies and strategies such as the Queensland Critical Mineral Strategy¹, Queensland Resource Industry Development Plan², Queensland Sustainability Report³, Queensland Battery Industry Strategy⁴ and Queensland Energy and Jobs Plan⁵ and the Queensland New-Industry Development Strategy⁶.</p>
<p>SC2 - Capacity, capability and resourcing to deliver the project</p> <p>Applicants need to demonstrate management, technical and financial capability to undertake the proposed project by providing:</p> <ul style="list-style-type: none"> - supporting information to demonstrate previous experience in delivering similar projects - evidence of the experience, capability and availability of expertise to deliver the project including strong governance and management arrangements - evidence of project readiness, including status of any required data or approvals (where applicable) and ability to deliver the funded activities within 18 months of agreement execution - a project plan, including the scope, project timeline, key milestones, implementation methodology, asset management, access agreements, risks and consequences with mitigation measures.
<p>SC3 – Project impact</p> <ul style="list-style-type: none"> - how the proposed project will address current gaps or emerging opportunities in the critical minerals, battery technology and advanced materials sectors and supply chains in Queensland - the quantifiable economic benefits associated with the project such as increased supply capability to national and global metal refining, mineral processing and battery manufacturing projects, employment growth, expenditure with Queensland businesses and acceleration or bring forward of private sector investment in Queensland - the expected qualitative impacts on the critical minerals, battery technology and advanced materials sector and supply chains in Queensland including skills and workforce development impacts - how the proposed project will contribute to decarbonisation and/or clean energy transition
<p>SC4 – Value for money</p> <p>Applicants need to demonstrate that the project is affordable and demonstrates value by providing:</p> <ul style="list-style-type: none"> - a detailed budget and cost estimates supported by quotes, including overheads, project management costs and contingency for the project, which represents value for money - the value of co-contributions relative to the activities total cost - clear identification of the activities which will be funded from the grant and the relative co-contribution - impact of grant funding on the project (i.e. leverage of private sector capital investment and other economic benefits).

5.1 Assessment

All applications will be assessed using a merit-based process against the eligibility and assessment criteria. Queensland Treasury may engage consultants or specialist advisors to assist with the assessment of proposals against the eligibility and assessment criteria including probity checks and technical assessments.

Assessment will be completed in three steps:

- **Eligibility Assessment** (Enquiry Form) – Queensland Treasury will assess compliance of the application against the eligibility criteria set out in these guidelines. The eligibility assessment process will include preliminary due diligence investigations on the applicant, its current and previous operations.

¹ <https://www.resources.qld.gov.au/mining-exploration/initiatives/critical-minerals>

² <https://www.resources.qld.gov.au/qridp>

³ <https://www.treasury.qld.gov.au/programs-and-policies/esg/>

⁴ <https://www.statedevelopment.qld.gov.au/industry/powering-queenslands-battery-industry>

⁵ <https://www.epw.qld.gov.au/energyandjobsplan/about>

⁶ <https://www.statedevelopment.qld.gov.au/industry/queensland-new-industry-development-strategy>

- **Criteria Assessment** (Detailed Application) – if deemed eligible, Queensland Treasury will assess detailed applications against the assessment criteria set out in these guidelines and make a recommendation to the assessment panel. The criteria assessment will include further due diligence on the applicant, its current and previous operations.

During the assessment, Queensland Treasury may ask applicants to provide additional information to assist the assessment process. Advice may be sought from other government agencies or subject matter experts to assist in the assessment of applications. Confidentiality will be maintained throughout the process.

- **Assessment panel review and recommendation:** An assessment panel will review the outcomes of the criteria assessment and consider the merits of the application to determine if the project should be recommended for funding. This assessment will include consideration of:
 - outcomes of the criteria assessment, including advice and recommendation from Queensland Treasury
 - financial strength of the applicant and viability of the project
 - any personal, business and/or probity risks that could potentially cause reputational or other risk to the State of Queensland.

The assessment panel may also consider the following factors when assessing the suitability of an application for funding:

- geographical and industry spread of projects across regional Queensland.
- diversity of funded activities, commodities, and technologies.
- for multi-commodity programs, the quantity of critical minerals or high-tech metal commodities to be produced.

The assessment panel may recommend part-funding of an application if there is insufficient funding available for the whole scope proposed or where only a component of the application is considered suitable or eligible. The assessment panel may recommend an application as suitable and recommend subject to specific conditions being met.

To maintain flexibility, a project proposal may be considered if it is outside the scope of these guidelines, if the State determines the project to be consistent with the intent and objectives of the grant assistance described in these guidelines. This will be at the sole discretion of the State.

5.2 Successful award of assistance

All successful applicants will be required to enter into a funding agreement with the State, which sets out the terms upon which assistance will be provided including a schedule of agreed performance criteria and reporting requirements.

The State is not obligated to provide any assistance, unless and until a funding agreement is signed by all parties.

The funding agreement will require the successful applicant to provide a copy of all relevant insurances, approval and other supporting documentation as requested by the State.

Grants will be paid as set out in a funding agreement.

The claim submission period for eligible costs commences from when both parties have signed a funding agreement. Claim submissions will be assessed by the State and approved based on the conditions outlined within a funding agreement.

Parties must be registered for GST and where GST is payable, successful applicants will be paid the approved grant amount plus 10 per cent.

A copy of the standard terms and conditions of a funding agreement may be provided upon request.

6.0 Privacy

Your application may contain confidential information (information which is not publicly available) and personal information (information or an opinion which may identify a person). Queensland Treasury collects personal information from you, which may include information about you:

- Name
- Email address
- Telephone number
- Commentary or opinion about you

We collect this information to assess applications for grant funding from the Fund and administer the Fund, including reporting within the State in relation to the Fund.

We will only use this information for this purpose. It will otherwise not be used or disclosed unless authorised or required by law. Your personal information will be handled in accordance with the *Information Privacy Act 2009*.

Public servants or contractors employed or engaged by the Queensland Government are to comply with *Public Sector Ethics Act 1994*, the *Public Sector Act 2022*, the Code of Conduct for the Queensland Public Service and the *Information Privacy Act 2009* in dealing with confidential information and personal information that is provided through enquiry or application for funding under the Queensland Critical Minerals and Battery Technology Fund.

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, contractors, and project stakeholders. Personal information may also be disclosed where required for purposes associated with undertaking assessment of the application, including due diligence and probity enquiries.

If any applicant collects or has access to any personal information in connection with its application or the receipt of assistance under the Fund, the applicant must comply, in relation to that personal information:

- (as if it were the State) with the Information Privacy Principles in the *Information Privacy Act 2009 (Qld)*; and
- with all reasonable directions of the State.

7.0 Communications and confidentiality

The State will maintain controls in relation to the management of confidential information provided by applicants and all internal documentation produced in relation to the administration of the Fund.

An applicant must keep confidential any dealings with the State about its application (including any enquiry or detailed application), including any financial assistance 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 details on the anticipated economic outcomes and benefits to the State. The State may also disclose confidential information of, or provided by, the applicant:

- if required to be disclosed by law.
- to its advisors, consultants and contractors.
- to any government agency.

The State reserves the right to be the first to announce successful outcomes. In some instances, successful recipients will be required to be involved in media events and erect signage acknowledging the government's contribution. Media enquiries or public announcements will be managed by Queensland Treasury's media team in consultation with successful recipients, and recipients must:

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

- provide any proposed media or public statement to the State for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the State.

8.0 Monitoring, evaluation, and reporting

You must submit reports in line with the funding agreement. We will provide the requirements for these reports in the funding agreement. We will expect you to report on:

- progress against agreed project milestones.
- project expenditure, including expenditure of grant funds.
- contributions of project partners related to the project.

The amount of detail you provide in your reports should be relative to the project size, complexity, and grant amount.

Successful applicants may be required to contribute information on project outcomes, including longer-term impacts beyond project completion, for use in program evaluation reviews and marketing or media materials. It is the responsibility of successful applicants to put in place adequate collection arrangements to capture the appropriate data in relation to outputs and outcomes.

9.0 Review process and complaints

If you consider that your application has been unsuccessful due to relevant information not having been made available to or considered by Queensland Treasury, a review of the application process is available, you may request further information regarding the review process via the email address QCMETF@treasury.qld.gov.au.

Complaints regarding the awarding of grant assistance under the Fund, which are outside the scope of the review process, will be dealt with in accordance with Queensland Treasury's Complaints Management Framework. You can find further information at [Complaints - Queensland Treasury](#).

10.0 Reservation of rights

The State reserves the right to administer assistance under the Fund and conduct the process for the assessment and approval of applications in connection with assistance under the Fund 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 the Fund (including timeframes and submission and compliance of applications)
- consider or accept or refuse to consider or accept any application which:
 - is lodged other than in accordance with these guidelines.
 - is lodged after the relevant closing date for lodgement.
 - does not contain all the information required by these guidelines; or
 - is otherwise non-conforming in any respect.
- vary or amend the eligibility criteria or assessment criteria set out in these guidelines.
- take into account, any information from its own and other sources (including other government agencies or advisors).
- accept or reject any application, having regard to these 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 under the Fund.
- give preference by allocating weighting to any one or more eligibility criteria or assessment criteria over the other.

- 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.
- conduct due diligence investigations in respect of any applicant and subject applications to due diligence, probity, 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.
- terminate, suspend, or reinstate the grant of assistance under the Fund or any process for grant assistance under the Fund.
- not proceed with the delivery of grant assistance under the Fund in the manner outlined in these guidelines, or at all.
- allow the withdrawal or addition of any applicant after the closing date.

Where, under these 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 guidelines, the State may inform any or all applicants. The State will not, however, be under any obligation to do so.

11.0 Relationship

The State's obligations regarding the application process are limited to those expressly stated in these guidelines. 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 or partner with the State.
- 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 guidelines).

12.0 Participation at applicant's cost

Each applicant applies for grant assistance under the 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:

- 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 operation of the Fund.
- the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Fund.
- any of the matters or things relevant to its application or the operation of the Fund in respect of which the applicant must satisfy itself, including under these guidelines.

Without limiting the foregoing, if the State cancels or varies the operation of the Fund at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under these 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 (whether directly or indirectly) to the grant of assistance under the Fund.

13.0 Applicant to make own enquiries

These guidelines have been prepared to give potential applicants background information in relation to the provision of grant assistance under the Fund.

These 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 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 delivery of grant assistance under the Fund or interpretations placed on the information by applicants.