



# **Made in Queensland Program - Round 2**

## **Guidelines for applicants**

**April 2018**



## The Department of State Development, Manufacturing, Infrastructure and Planning

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# 1. Introduction

The Made In Queensland (MIQ) Program complements the Queensland Government's [Advanced Manufacturing 10-Year Roadmap and Action Plan](#) (the Roadmap) released on 14 December 2016.

In November 2017, the Queensland Government announced the doubling of funding for the MIQ Program, taking the allocation to a total of \$40 million for the state-wide program, administered by the Department of State Development, Manufacturing, Infrastructure and Planning (the Department).

The MIQ Program provides grant funding to support Queensland's small to medium enterprises (SME) in the traditional manufacturing sector to become more internationally competitive and adopt innovative processes and technologies. The MIQ Program is ultimately aimed at supporting existing jobs and creating new jobs in Queensland manufacturing businesses and in the state's supply chains, and growing Queensland's economy.

This document sets out the guidelines for applicants for Round 2 of the MIQ Program (**Guidelines**). The competitive, two-stage process for Round 2 applicants will commence from end April 2018.

## 2. Made in Queensland Program

### 2.1. Overview

An MIQ grant will support eligible Queensland-based manufacturing SMEs by reimbursing up to 50 per cent of the cost of an Eligible Project proposed to be conducted by the SME.

Grants of between \$50,000 to \$2.5 million (excluding GST) will be:

- available as matched funding on a dollar-for-dollar cash basis; and
- available for projects that align with the strategic direction of the applicant and the Program Objectives, and that fall into one of the following three project types:
  - innovative non-equipment (processes and technologies) projects;
  - Leading-Edge, Advanced Manufacturing equipment projects;
  - a combination of essential inter-related innovative non-equipment and Leading-Edge, Advanced Manufacturing equipment projects; and
- allocated following the conduct of a two-stage competitive selection process.

The total value of all MIQ grants received by any one entity (including the entity's Associated Entities) across all rounds of the MIQ Program must not exceed \$2.5 million.

Grants under Round 2 of the MIQ Program will be allocated through a two-stage, competitive process. The first stage involves an applicant submitting an Expression of Interest (**EOI**). If the EOI demonstrates that the applicant meets the Eligibility Criteria, the EOIs will be evaluated against the EOI assessment criteria set out in section 2.12. Applicants with the highest ranked EOIs (**Shortlisted Applicants**) will then be invited to progress to Stage 2 (**Detailed Application**).

Detailed applications submitted by Shortlisted Applicants as part of Stage 2 will be assessed against the Detailed Application assessment criteria set out in section 2.12. Applications will then be ranked and, subject to the Minister's discretion (as described in section 2.13) grants will be awarded to those Shortlisted Applicants with the highest ranked applications.

The Minister reserves the right to award grants to the highest ranked applications overall or to the highest ranked applications within each of the three project types (as described in section 2.4).

### 2.2. Program Objectives

The objectives of MIQ (**Program Objectives**) are to:

- increase the productivity and international competitiveness of Queensland-based manufacturing SMEs;
- encourage Queensland-based manufacturing SMEs to adopt innovative processes and technologies;
- encourage more Queensland-based manufacturing SMEs to become Advanced Manufacturers; and
- support traditional manufacturing jobs and create the new high-skilled manufacturing jobs of the future.

### 2.3. Eligibility Criteria

To be eligible for an MIQ grant, an applicant must:

- be a Queensland-based business whose principal activity and majority annual turnover is derived from manufacturing, as defined under Division C of the Australian Bureau of Statistics' [Australian and New Zealand Standard Industrial Classification \(ANZSIC\), 2006](#);
- be registered for GST and hold an active Australian Business Number (ABN);

- be an SME with between five and 200 full-time equivalent employees located in Queensland; or demonstrate that, the business should be considered an SME, to the Department's satisfaction;
- have a proposed Eligible Project (that meets the requirements set out in section 2.4) and be able to demonstrate that the applicant is in a position to verify/validate the expected effectiveness and outcomes of the proposed Eligible Project if the applicant progresses to Stage 2 (Detailed Application);
- have the financial capacity and standing necessary to conduct the proposed Eligible Project (including by contributing at least 50% of the project costs);
- not have, and must not have an Associated Entity that has, received (or be about to receive) funding under the MIQ Program that in aggregate exceeds, or will exceed \$2.5 million;
- not have made, and must not have an Associated Entity that has made, an application under Round 2 of the MIQ Program;
- not be insolvent or have owners or directors that are an undischarged bankrupt; and
- not be a federal, state or local government entity, statutory authority or special purpose vehicle or not-for-profit organisation.

If an application does not meet the Eligibility Criteria, the Department may reject the application and not consider it for any further assessment.

Applicants should note that a detailed due diligence review may be undertaken on the applicant including, but not limited to, the checks and searches below:

- applicant bona fide checks (status, corporate structure, ownership, directors review etc.);
- background and probity searches (ACCC, Banned & Disqualified, Bankruptcy, Adverse Media, Courts);
- financial capability (historical financials) and viability (funding capacity and sources); and
- business and project risks, and planned mitigations.

The outcome of the Department's due diligence review may impact on the Department's application of the assessment criteria.

## 2.4. Eligible Projects

To be an Eligible Project, the project must:

- directly align with the strategic direction of the applicant's business;
- be consistent with the Program Objectives;
- be designed so that it is aimed at achieving one or more of the following outcomes (**Outcomes**):
  - implementing business capability improvements to boost productivity and international competitiveness;
  - assisting with introducing innovation in manufacturing processes;
  - adopting international best practice;
  - improving commercial outcomes of the applicant;
  - contributing to maintaining current jobs at the applicant's business; and/or
  - creating new high-skilled jobs at the applicant's business.
- be one of the following types of projects:
  - an innovative non-equipment (processes or technologies) project, as described in section 2.5); or
  - a Leading-Edge, Advanced Manufacturing equipment project, as described in section 2.6); or

- a combination project incorporating both Leading-Edge, Advanced Manufacturing equipment and innovative non-equipment aspects (**Combined Project**), as described in section 2.7);
- be able to be completed within 12 months of execution of a funding agreement;
- not have commenced or be scheduled to commence until after the Funding Agreement has been executed; and
- not be the same as a project approved under the first round of MIQ where the funding agreement has already been entered into between the Department and the applicant.

## 2.5. Innovative non-equipment

An innovative non-equipment (processes and technologies) project means a project that:

- is the implementation of a process or use of a technology not currently used by the applicant at the business; and
- does not involve the use or purchase of new equipment by the applicant.

Examples of innovative non-equipment (processes and technologies) projects include:

Project focus	Examples of innovative non-equipment project
Productivity - processes	Lean manufacturing
	Enterprise Resource Planning (ERP) implementation/integration
	Process capability improvements (e.g. error and downtime reductions)
Productivity - operations	Inventory management systems implementation/integration
	Lean auditing
	Supply/value chain integration management
Resources management	Professional advice on differentiation/diversification of existing products/services
	Professional advice on optimising current resources/equipment or new equipment/technology investment
	Professional advice on developing a resource management program and/or maximising integration of advanced technologies
Digitisation	Internal systems data capture and analysis program development
	Advanced digital supply chain management program development/implementation
	Supply/value chain digital data capture and analysis
Sustainability - environmental	Progressive energy and carbon footprint management program development/implementation
	Innovative water use management program development/implementation
	Sophisticated material waste, reuse and recycling management program development/implementation
Sustainability - business	Social media market program development
	Digital market/export strategic program development
	Advanced digital media program development

## 2.6. Leading Edge, Advanced Manufacturing equipment

A Leading Edge Advanced Manufacturing equipment project means a project that:

- is the purchase of Advanced Manufacturing equipment that:
  - is Leading Edge; and
  - is recognised as Industry-Leading in Australia; and
- does not involve:
  - the replacement, duplication or upgrades of existing tools (e.g. drills, grinders, screwdrivers, hacksaws and hammers) or machinery (e.g. drill presses, lathes and other workshop machines); or
  - the purchase of equipment to bring a process in line with existing industry practice in Australia.

Examples of Leading Edge Advanced Manufacturing equipment purchases are outlined in the following table:

Project focus	Examples of Leading Edge equipment improvements
Production	State-of-the-art technology and Industry Leading potential for Queensland manufacturers
	Demonstrated advancement to increased manufacturing capability and capacity
	Significant enhancement to productivity, profitability and competitiveness potential
Operations	Advanced Manufacturing operations component(s) to integrate equipment to advanced capacity/capability/production
	Demonstrated potential to minimise production costs and enhance international competitiveness
	Demonstrated potential to boost commercial outcomes and create high-skilled jobs

## 2.7. Combined Leading Edge equipment and innovative non-equipment

A Combined Project means a project that includes both:

- innovative non-equipment (processes and technologies) project (as described in section 2.5) that is essential and integral to support the purchase of the Leading-Edge Manufacturing equipment project; and
- a Leading-Edge, Advanced Manufacturing equipment project (as described in section 2.6).

Examples of Combined Projects include:

Project focus	Examples of combined leading-edge equipment purchases and innovative non-equipment systems
Production	Where the implementation of advanced equipment is critically dependent upon the co-implementation of a specialised software application for its advanced functionality (e.g. Human-Machine Interface [HMI], sophisticated key performance indicator [KPI] data capture and analysis etc.)
Operations	Where the implementation of an advanced software application is critically dependent upon the co-implementation of a specialised equipment item for its advanced functionality (e.g. a specific server, router etc.)

## 2.8. Project costs

Applicants must identify their expected total project costs (including eligible project costs and ineligible project costs), and the grant amount requested. The grant amount must not exceed 50% of the total eligible project costs.

Applicants will be entitled to claim funding only for eligible project costs. Eligible project costs means those costs and expenses reasonably incurred by the applicant in connection with the Eligible Project, but excluding any ineligible project costs.

Applicants will not be entitled to receive funding in respect of ineligible project costs. Ineligible project costs means costs and expenses:

- in relation to preparing an application for the MIQ Program, including any third party consultant costs involved in the preparation of materials in support of a detailed application or any benchmarking reports used as the basis for an application;
- of salaries for staff or the costs associated with recruitment activities;
- of normal operations (e.g. utilities charges, telecommunications charges, standard tool or machinery hire/purchases, licensing fees);
- of repair, maintenance or replacement of existing equipment;
- of duplication of existing equipment or upgrades to existing equipment;
- of equipment not considered to be Industry-Leading, Leading Edge, Advanced Manufacturing equipment (e.g. equipment designed merely to bring a business into line with existing industry practice in Australia);
- of equipment and processes which are standard, mundane, “everyday”, not advanced or not international best practice;
- of second-hand equipment;
- of freight or carriage services;
- of modifications or extensions to existing infrastructure or construction of new infrastructure (including wiring and plumbing installation, renovations of buildings, building extensions etc);
- of design and printing of promotional materials, website design and development, advertising and animation;
- associated with exhibiting at trade shows, visiting overseas trade events, study tours or conventions;
- of travel and accommodation;
- of general on-the-job training and supervision (e.g. Certificates III & IV);
- of vehicle repair, maintenance, purchasing or leasing;
- of ISO certification or fees and charges associated with registering domestic or international patents or other intellectual property;
- of legal advice and intellectual property rights advice of any kind;
- for consultants or contractors that are Associated Entities;
- of research and development and commercialisation of new products;
- of funding for project contingencies or cost overruns;
- associated with installation and training unless these are demonstrated to be critical to the correct functioning of equipment which is part of an Eligible Project; and
- other project costs that the Department considers, acting reasonably, are not reasonably incurred by the Recipient primarily for or in connection with the Eligible Project.

## 2.9. Funding arrangements

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

This funding agreement will outline the terms of the proposed grant and detail the milestones to be achieved by the applicant.

A 20% up-front payment will be made promptly following execution of the funding agreement (subject to the requirements of any special conditions) with the remainder to be paid, as detailed in the funding agreement upon the achievement of specified milestones, and on completion of the project to the satisfaction of the Department.

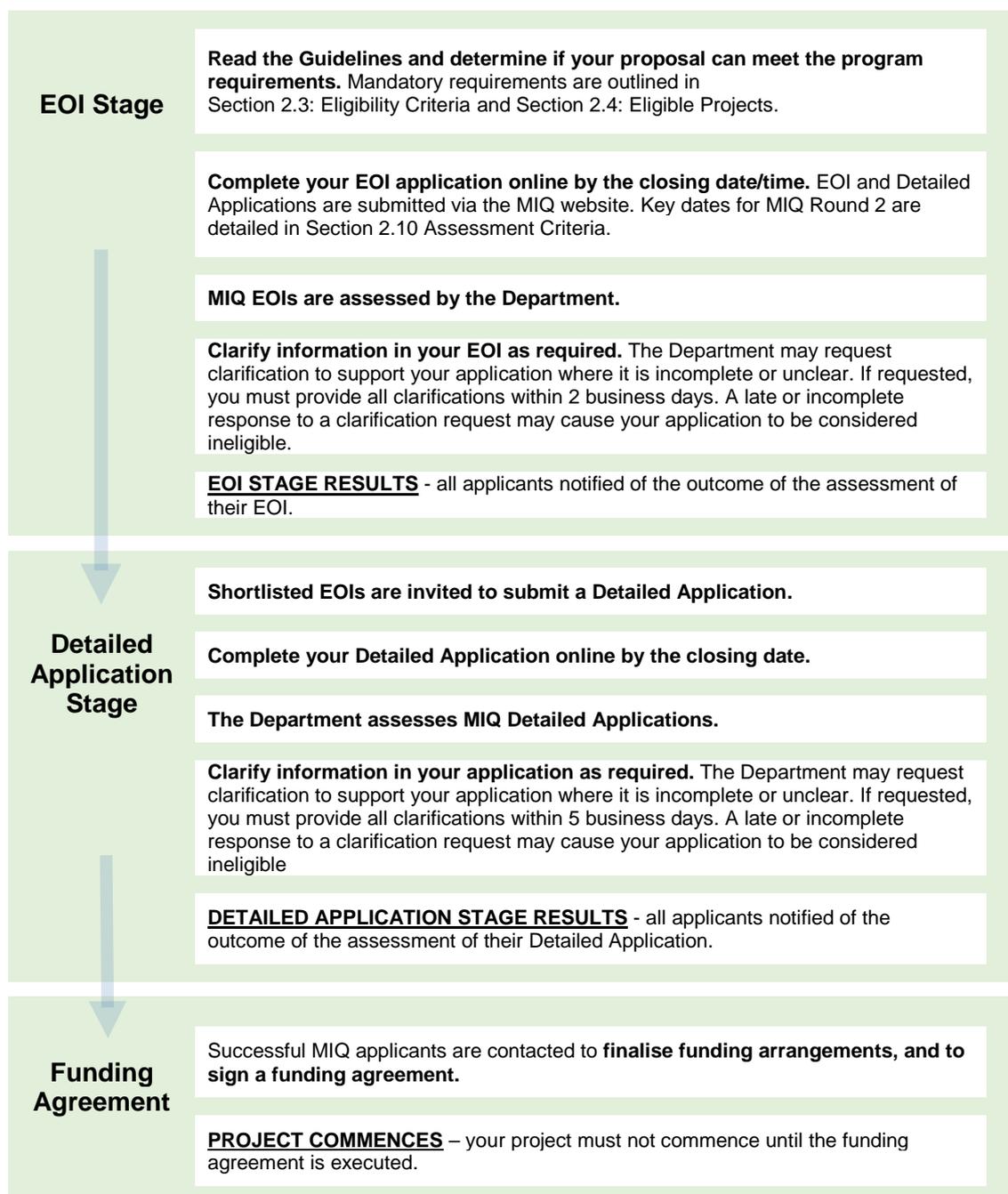
All elements of the proposed project (the subject of the grant funding) must not have commenced or have been paid for until after the funding agreement has been executed. Without limiting the terms and conditions set out in section 6 of these Guidelines, the Department will not be liable to an applicant for any commitments made by an applicant before execution of the funding agreement.

For each milestone, the applicant must submit a payment claim with supporting documentation to evidence the expenditure on the Eligible Project activities, including invoices from suppliers and bank statements/remittance advices showing project expenditure. Subject to acceptance of a valid payment claim, the funding will be paid in accordance with the terms set out in the Funding Agreement.

## 2.10. Application process

MIQ applicants will proceed through a competitive, two-stage process as outlined in the following diagram:

### MADE IN QUEENSLAND APPLICATION PROCESS



The key timeframes for the conduct of the process are as follows. Other than the opening and closing dates for the Stage 1 (EOI) applications, all dates are indicative only:

Key Date	Key Activities/Actions
26 April 2018	Opening date for receipt of Stage 1 (EOI) applications.
24 May 2018 5.00pm(AEST)	Closing date for receipt of Stage 1 (EOI) applications.
June 2018	Department to conduct EOI Assessment.
July 2018	Department to notify unsuccessful applicants in the EOI Stage and invite successful applicants in the EOI Stage ( <b>Shortlisted Applicants</b> ) to progress to Stage 2 (Detailed Application).
August 2018	Shortlisted Applicants to submit a Detailed Application.
September - November 2018	Department to conduct Detailed Application Assessment of shortlisted applications.
Late 2018	Successful applicants advised of grant outcomes.

## 2.11. How to apply

Applicants should refer to the separate Made in Queensland Round 2 - Guide to completing an EOI application which contains tips about what to include in your application.

Applications must be submitted electronically and by the closing date for both Stage 1 (EOI) (24 May 2018) and (for shortlisted applicants) Stage 2 (Detailed Application) (date to be notified in August 2018). The Department may, at its discretion, accept or reject any late applications. As each assessment stage opens, application forms will be available on the [MIQ website](#).

Applicants will be responsible for their own costs in relation to applications for both stages. This includes the cost of providing an independent evaluation report for Stage 2 (Detailed Application).

### Stage 1 (Expression of Interest)

The first stage of the application process involves submitting an Expression of Interest (EOI) which will include:

- a completed EOI application form which must include:
  - information on the business

- a description of the proposed project scope, including a description of how it will involve innovative non-equipment or Leading Edge equipment or a combination of both;
  - identification of how the proposed project will achieve one or more of the Outcomes (specified in section 2.4);
  - the expected project benefits, including maintaining current jobs and/or creating new jobs; and
  - applicant's declaration.
- reference to supporting evidence conducted within the last 12 months to show that the proposed project directly aligns with the strategic direction of the business. Alternatively, the applicant can identify the steps proposed to obtain independent evidence that validates the project, if the applicant is invited to participate in Stage 2 (Detailed Application);
  - initial total project costings over a maximum of 12 months;
  - a simple project timeline or GANTT chart.

EOIs that meet the Eligibility Criteria (as set out in section 2.3) will be evaluated against the assessment criteria set out in section 2.12.

The highest-ranking applicants (either overall, or by project type, depending on the applications received) from the EOI assessment will be invited to progress to Stage 2 (Detailed Application).

#### Stage 2 (Detailed Application)

Stage 2 of the application process involves submitting a detailed application which must align with the project scope and costings submitted as part of the EOI (although minor variations of up to 30% may be considered, in the Department's absolute discretion).

Detailed applications must include:

- an independent evaluation report to validate that the proposed project aligns with the strategic direction of the business;
- confirmation of the number of employees in the business;
- information on the business structure;
- additional information about the proposed project scope;
- detailed project cost breakdowns, including eligible project cost and ineligible project cost estimates;
- evidence that the business can fund the project costs not funded by the MIQ grant. 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 value for money to the business, the local region or supply chain and the Department;
- copies of three quotations (unless not possible due to exceptional circumstances which must be clearly explained) for all purchases to show reasonable price and value for money; for the exceptional circumstances, a satisfactory procurement approach and evidence must be provided to show reasonable price and value for money;
- a detailed project timeline or GANTT chart;
- copies of valid insurances cover;
- evidence of the governance structure or processes of the business for decision-making; and
- if the applicant's business has been in operation:

- for 3 years or more, three years of financial statements including profit and loss, balance sheet and statement of cash flows (where available) including notes to the accounts that are either accountant prepared, audited and certified (preferred) or accountant prepared and signed financial statements; or
- for less than 3 years, a statement of viability and a 'management accounts' report prepared by a chartered accountant.

Applicants seeking large value grants (above \$250,000) will also be required to provide financial and employment forecasts (five years post completion of the project) to support value for money analysis of the project.

Detailed applications will be assessed against the assessment criteria set out in section 2.12, and due diligence and financial probity checks may also be undertaken by the Department.

Where necessary, a full technical assessment by industry experts, selected by the Department in its absolute discretion, may be undertaken to verify claims by the applicant about the purchase of Leading Edge equipment and innovative non-equipment.

## 2.12. Assessment criteria

If an MIQ grant application:

- meets the Eligibility Criteria; and
- contains all information (including supporting evidence) identified in these Guidelines and the application form.

The grant application will be assessed against the following criteria:

Criteria	Weightings	
	EOI	Detailed App
1. The project demonstrates that it will build the capacity of the business to increase its productivity and international competitiveness	25%	Nil
2. The project will involve the adoption of Leading Edge equipment or innovative processes and technologies	25%	20%
3. The project will support current manufacturing jobs and/or will create new high-skilled manufacturing jobs	10%	10%
4. The project aligns with the strategic direction of the business and will increase profitability	20%	20%
5. The project demonstrates value for money to the business, the local market and the state	Nil	30%
6. The project is achievable within the stated budget and timeframes	10%	10%
7. **Regional weighting of 10% will be applied to the scores of applicants experiencing higher-than-state-average unemployment (based on ABS data) or which are drought-declared areas (based on State data) as applicable at the time of assessing the EOI and the Detailed Application.	10%	10%

### ADDITIONAL ELIGIBILITY ASSESSED AT DETAILED APPLICATION STAGE

#### Examined separately but not scored in the overall total:

- Ability to fund the project costs not funded by the MIQ grant
- Satisfactory Due Diligence and Probity Checks

Detailed applications that do not pass either of these additional eligibility requirements may be ineligible for a MIQ grant, and the Department may elect not to apply the Detailed Application assessment criteria.

Applications from manufacturers in the Department's [priority industry sectors](#) are encouraged.

Applicants should note that detailed financial and other company and project information will be required to enable due diligence and probity checks to be conducted.

\*\*A regional weighting system – providing 10% to scores – is designed to provide assistance to manufacturing businesses in regional areas which are experiencing higher-than-state-average unemployment or which are drought-declared areas. The list of eligible regions will be based on latest statistical data available at the time of assessing EOIs.

## 2.13. Assessment process

Applications must contain all information required to be submitted at the time of lodgement for both the EOI and detailed application stages. The Department may decide not to consider applications that do not include all required information.

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

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

Despite anything else contained in these Guidelines and without limitation, the Minister for State Development, Manufacturing, Infrastructure and Planning may decide to grant an application, or part of an application, in the Minister's absolute discretion, including where the Minister considers the grant of the application, or part of an application, supports the achievement of the priorities and objectives of the Government or is otherwise in the public interest.

The Department will notify an applicant about the outcome of their application within 28 days of the decision being made.

The Minister's decision in relation to an application is final and may not be appealed. If, however, an applicant has any dispute in relation to the application or assessment process, a formal complaint may be submitted to the Department via the [Department's website](#).

## 2.14. Program evaluation

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

These Guidelines only apply to applications for Round 2 of the MIQ Program.

## 2.15. Tax Obligations

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

## 3. Communications

### 3.1. Communication with the media

All communications between the Department and applicants to the MIQ Program, including funding agreements, are commercial-in-confidence.

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

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

Applicants must seek and obtain the Department's approval before contacting the media to discuss any information regarding successful or unsuccessful applications for funding support under or in connection with the MIQ Program.

Applicants must provide the Department with at least 5 business days' notice of any proposed public media statement for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the Department.

Applicants acknowledge and agree that the Department may publicly disclose:

- the applicant's name and address;
- details of the funding;
- general details of the Eligible Project; and
- any information required to be disclosed:
  - to comply with or meet applicable standards for accountability of public money;
  - to the State Government; or
  - in accordance with established governmental policies, procedures or protocols.

### 3.2. Confidentiality

The Department will maintain strict controls in relation to the management of commercial information provided by applicants and all internal documentation produced in relation to the administration of the MIQ Program.

However, the overall quantum and timing of funding provided under the MIQ Program, as well as the proponent's name and a brief description of the funded project, will be made public.

Non-public details of the grant will be treated as commercial-in-confidence and must not be released to third parties by successful applicants or the Department as a condition of the offer of funds.

Any personal information submitted as part of an application will not be used or disclosed to any third party for a purpose other than in connection with the assessment of the application without your consent, unless required by law or in accordance with the *Information Privacy Act 2009*.

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

The provisions of the *Right to Information Act 2009* apply to documents in the possession of the Department.

## 4. Glossary of key terms

This section provides a glossary of key terms for the MIQ Program.

See also full explanatory notes provided in the separate document: Made in Queensland Round 2 - Guide to completing an EOI application.

Concept/Term	Meaning
Advanced Manufacturer/ Advanced Manufacturing	<p>Advanced Manufacturing involves a holistic approach to the way a manufacturing business operates, with a high level of technology and expertise applied throughout every step of the value chain.</p> <p>Advanced Manufacturing is a family of activities that:</p> <ul style="list-style-type: none"> <li>a) depend on the use and coordination of information, automation, computation, software, sensing, and networking, and/or</li> <li>b) make use of cutting edge materials and emerging capabilities enabled by the physical and biological sciences, for example nanotechnology, chemistry, and biology. This involves innovative ways to manufacture existing products, and also the manufacture of new products emerging from new advanced technologies.</li> </ul>
Associated Entity	Associated Entity has the same meaning as under s50AAA of the <i>Corporations Act 2001</i> .
Expression of Interest (EOI)	The Expression of Interest (EOI) is the first phase of the MIQ application process. EOI applications assessed suitable will be invited to proceed to the Detailed Application phase.
Eligibility Criteria	The Eligibility Criteria is set out in section 2.3 of these Guidelines.
Eligible Project	The requirements of an Eligible Project are set out in section 2.4 of these Guidelines.
Detailed application	The detailed application phase is the second phase of the assessment for applicants for the MIQ Program. Applicants proceed to this phase at the invitation of the Department.
Industry Leading	Industry Leading in terms of a product or technology means superior to or more advanced than rival products and technologies.
Leading Edge	<p>Leading Edge refers to the highest level of general development of a device, technique or specific field at a particular time. It also refers to the latest and most sophisticated or advanced stage of a technology.</p> <p>NB: It does not refer to bringing a business up to the same general standard as its industry peers.</p>
Program Objectives	The Program Objectives are the objectives of the MIQ Program set out in section 2.2 of these Guidelines.

## 5. Contact details

For inquiries or assistance, please contact your local Regional Office of the Department:

Region	Office Address	Telephone number
Far North Queensland	Ground Floor, Cairns Port Authority Building, Cnr Grafton and Hartley Streets, Cairns Qld 4870	07 4037 3209
North Queensland	Level 4, 445 Flinders Street, Townsville Qld 4810	07 4758 3400
North West Queensland	1/75 Camooweal Street, Mount Isa Qld 4825	07 4747 3900
Mackay Isaac Whitsunday	Level 4, 44 Nelson Street, Mackay Qld 4740	07 4898 6800
Central Queensland	Level 2, 209 Bolsover Street, Rockhampton Qld 4700	07 4924 2914
Gladstone	Level 1, 20-22 Herbert Street, Gladstone Qld 4680	07 4977 7401
Wide Bay Burnett	Level 1, 7 Takalvan Street, Bundaberg Qld 4670	07 4331 5616
Darling Downs South West	128 Margaret Street, Toowoomba Qld 4350	07 4616 7306
South East Queensland (North)	Level 8, Mike Ahern Building, 12 First Avenue, Maroochydore Qld 4558	07 5352 9706
	6 Endeavour Boulevard, North Lakes Qld 4509	07 3882 8408
South East Queensland (West)	Level 4, 117 Brisbane Street, Ipswich Qld 4305	07 3432 2400
South East Queensland (South)	Level 1, 7 Short Street, Southport Qld 4215	07 5644 3202

Alternatively, you can contact the Department via:

**Web:** [www.dsdmip.qld.gov.au/](http://www.dsdmip.qld.gov.au/)

**Email:** [MadeInQueensland@dsdmip.qld.gov.au](mailto:MadeInQueensland@dsdmip.qld.gov.au)

**Phone:** 13 QGOV (13 74 68)

# 6. Terms and Conditions

## 6.1. Reservation of rights

Notwithstanding any provision in these Guidelines to the contrary, the Department reserves the right to administer the MIQ Program and conduct the process for the assessment and approval of applications to the MIQ Program in such manner as it thinks fit, in its absolute discretion.

Without limiting the foregoing, the Department retains all rights and powers to make all decisions and actions in order to achieve the Program Objectives and the Department reserves the right, in its absolute discretion and at any time, to:

- change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall MIQ Program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants;
- vary or amend the eligibility 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 Eligibility 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 MIQ Program;
- give preference by allocating weighting to any one or more of the Eligibility Criteria or assessment criteria over other criteria;
- 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 the further participation of any applicant in the application process;
- terminate or reinstate the MIQ Program or any process in the MIQ Program;
- not proceed with the MIQ Program in the manner outlined in these Guidelines, or at all;
- amend the nature, scope or timing of the MIQ Program;
- allow the withdrawal of an applicant;
- conduct negotiations with any one or more applicants after the applications have been lodged;
- publish the names of successful applicants to the MIQ Program; and
- take such other action as it considers in its absolute discretion appropriate in relation to the MIQ Program 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).

## 6.2. No relationship

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

No contractual or legal relationship exists between the Department and an applicant or its clients in connection with the MIQ Program, these Guidelines or the application process.

An applicant, or its representatives:

- has 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 competitive application process detailed in these Guidelines.

### 6.3. No action

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the Department (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 Department, attendance at meetings or involvement in discussions) or otherwise in connection with the MIQ Program;
- the Department at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the MIQ Program; or
- any of the matters or things relevant to its application or the MIQ Program in respect of which the applicant must satisfy itself under these Guidelines.

Without limiting the foregoing, if the Department cancels or varies the MIQ Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under clause 6.1 of these Guidelines, no applicant will have any claim against the Department 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 MIQ Program.

For the avoidance of doubt, each applicant is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the MIQ Program.

### 6.4. Non-exhaustive

These Guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.

Applicants must make their own independent investigations of the information contained or referred to in these Guidelines. Applicants must 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.

### 6.5. Disclaimer

The Department makes no warranty or representation express or implied, and does not assume any duty of care to the applicants that the information in these Guidelines, or supplied in connection with the MIQ Program (**Information**) is accurate, adequate, current, suitable or complete, or that the Information has been independently verified.

The Department accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the Information or interpretations placed on the Information by applicants.

There may also be other information or documents in the knowledge or possession of the Department which are relevant to the MIQ Program but are not disclosed by the Department. The Department accepts no responsibility or liability whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any failure to provide the information or

documents nor does the Department have any obligation to notify an applicant (or provide further information to an applicant) if it becomes aware of any inaccuracy, incompleteness or change which may affect the Information.

To the extent the Department is not the author or source of any document provided to an applicant, they merely pass that document on to the applicant and do not adopt the content of it.

The intentions set out in the Information may change at any time without notice. The risk, responsibility and liability connected with an application is solely that of each applicant.

## 6.6. Acceptance

By submitting an application, each applicant:

- warrants to the Department that the information contained in its application is accurate and complete as at the date on which it is submitted and not by omission misleading, and may be relied on by the Department in determining whether or not to select the applicant for the MIQ program
- 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 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 warranty and undertaking
- is taken to have accepted the terms and conditions of these Guidelines.