

# **Local Digital Priority Projects**

## **Applicant Guidelines**

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## Glossary

Term	Definition
<b>ABN (Australian Business Number)</b>	A unique 11-digit identifier issued by the Australian Government to businesses and organisations. It is used for tax and business purposes, enabling businesses to be easily identified and ensuring compliance with various regulations. An active ABN is required to apply for funding.
<b>Applicant</b>	An entity applying for funding under LDPP.
<b>Applicant Guidelines</b>	These LDPP Guidelines, as updated periodically.
<b>Application</b>	An application for funding under LDPP.
<b>Approved Project</b>	A project approved for funding under LDPP, as defined in the Project Funding Agreement.
<b>Assessment Criteria</b>	The criteria set out in <a href="#">Section 4.1</a> of these Applicant Guidelines.
<b>Assessors</b>	Government officials involved in the assessment of projects under LDPP.
<b>CDSB</b>	The Queensland Government Department of Customer Services, Open Data and Small and Family Business, who is the program owner for LDPP.
<b>Dark fibre</b>	Unused fibre optic cable that has been laid out but not yet activated.
<b>Digital infrastructure</b>	The physical and software-based infrastructure necessary to deliver digital goods, products and services. For LDPP this includes hardware (servers, data centres, storage devices and networking equipment); software (operating systems, middleware and other software components); and communications technologies (broadband internet, fibre optic cables, wireless networks and satellite systems). It also includes construction of facilities/ buildings to house any of the above.
<b>DITRDCA</b>	The Australian Government Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, who is a funding partner and is involved in the assessment and approval process for LDPP.
<b>DSDIP</b>	The Queensland Government Department of State Development, Infrastructure and Planning, who will provide support to CDSB to administer funding under LDPP.
<b>Eligible Applicant</b>	An entity that meets the eligibility requirements outlined in <a href="#">Section 2.1</a> of these Applicant Guidelines.
<b>Eligible Local Government</b>	A Local Government that was a member of the Council of Mayors South East Queensland as at 21 March 2022, as outlined in <a href="#">Diagram 1</a> of these Applicant Guidelines. This includes Brisbane, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast, and Toowoomba.
<b>Eligible Location</b>	These include Brisbane, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast, Gold Coast and Toowoomba.

<b>Eligible Projects</b>	Those set out in <a href="#">Section 2.3</a> of these Applicant Guidelines.
<b>Eligible Project Costs</b>	Expenses directly related to the successful completion of the Approved Project. See <a href="#">Section 2.4</a> of these Applicant Guidelines for more information.
<b>Estimated Total Project Cost</b>	The complete projected expenditure required for the project's completion, including all Eligible Project Costs.
<b>FTTP</b>	Fibre to the premises (FTTP) is a type of internet connectivity that uses fibre optic cables to bring high-speed internet directly to a premises.
<b>Project Funding Agreement</b>	An agreement between the State and the Successful Applicant to deliver the Approved Project. Outlines terms and conditions of payment.
<b>Project Start Date</b>	The anticipated date when project works are expected to commence, from which Eligible Project Costs may be reimbursed. A Project Start Date cannot be before the release of Applicant Guidelines and any commencement of project work prior to execution of a Project Funding Agreement is at the Applicant's own risk.
<b>Indigenous Business</b>	A business registered under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act).
<b>Ineligible Applicant</b>	An entity that does not meet the requirements outlined in <a href="#">Section 2.1</a> of these Applicant Guidelines.
<b>Ineligible Projects</b>	Those set out in <a href="#">Section 2.3</a> of these Applicant Guidelines.
<b>Ineligible Project Costs</b>	Expenses that are not eligible for funding under LDPP and will not be reimbursed. See <a href="#">Section 2.4</a> of these Applicant Guidelines for more information.
<b>LEOs</b>	Low Earth Orbit satellites.
<b>Local Government</b>	A Local Government body constituted under the <i>Local Government Act 2009</i> or the <i>City of Brisbane Act 2010</i> .
<b>LDPP</b>	The Local Digital Priority Projects funding program, which supports digital uplift across South East Queensland.
<b>State</b>	The State of Queensland.
<b>Successful Applicant</b>	An Applicant with an Approved Project.
<b>Unsuccessful Applicant</b>	An Applicant who is not approved for funding under LDPP.

# 1. Introduction

## 1.1 Overview

The Local Digital Priority Projects (LDPP) funding program supports digital uplift across South East Queensland (SEQ) through investment in projects that:

- improve connectivity and productivity
- build digital capability and inclusion
- support the growth of high skilled industries and jobs.

LDPP is a key commitment under the \$1.8 billion SEQ City Deal, signed between the Australian Government, Queensland Government and the Council of Mayors SEQ (CoMSEQ) on 21 March 2022.

It is jointly funded by the Australian Government (\$40 million) and the Queensland Government (\$10 million), with \$50 million available in total to support delivery of Eligible Projects. This funding will be distributed to Eligible Applicants through a competitive application and assessment process.

Applicants will be able to seek grants of between \$100,000 (GST Exclusive) and \$5 million (GST Exclusive) per Eligible Project, with funding caps applying for digital infrastructure projects (\$1 million to \$5 million) and non-infrastructure projects (\$100,000 to \$1 million). Larger grants may be considered for projects which deliver broader regional benefits (see **Section 1.3.2** below for further information). Co-contributions will be viewed favourably in applications but are not mandatory.

These Applicant Guidelines (Guidelines) relate only to LDPP. LDPP is delivered by the Department of Customer Services, Open Data and Small and Family Business (CDSB) on behalf of SEQ City Deal Partners, with support provided by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (DITRDCA) to assess and approve applications and the Department of State Development, Infrastructure and Planning (DSDIP) to administer funding.

## 1.2 Program Objective

The core objective of LDPP is to support digital uplift across the SEQ region, through investment in projects that:

- improve connectivity and productivity
- build digital capability and inclusion
- support the growth of high skilled industries and jobs.

LDPP will support the Australian Government and Queensland Government to deliver place-based digital infrastructure, address localised connectivity gaps, and provide greater and more reliable service across the region.

## 1.3 Funding

### 1.3.1 Program Funding

- Program funding will be split across three funding streams (see Table 1 below). As part of the application process, Applicants will be required to nominate a single funding stream, under which they are applying for funding, for each project being submitted.
- Please note funding allocations are indicative only, with the final allocations to be determined by CDSB and DITRDCSA. Example projects have been included for reference only and are not intended to be an exhaustive list.
- Should any remaining funds be available from any funding stream (see Table 1); the LDPP Project Board may reallocate these funds to any funding stream, at their discretion subject to eligibility criteria.
- We welcome any project proposals from Eligible Applicants.

Table 1: Funding streams and example projects

Funding stream	Indicative funding	Eligible Applicants	Example projects
<b>Stream 1: Improving connectivity and productivity</b>	\$40 million	<ul style="list-style-type: none"> <li>• Eligible Local Governments</li> <li>• Private sector entities (industry)</li> </ul> <p>Note: Where private sector entities (industry) are the primary applicant, they must demonstrate support from an Eligible Local Government. See Section 2.2 for further information.</p>	<ul style="list-style-type: none"> <li>• Public Wi-Fi solutions (including in social housing).</li> <li>• Connectivity upgrades for Local Governments and businesses (e.g. FTTP, dark fibre or LEOs).</li> <li>• Carrier neutral digital infrastructure.</li> <li>• Construction of facilities/ buildings to house digital infrastructure.</li> <li>• Development of feasibility studies/ business cases to support investment in common digital solutions across SEQ (e.g. digital identity).</li> </ul>
<b>Stream 2: Building digital capability and inclusion</b>	\$5 million	<ul style="list-style-type: none"> <li>• Eligible Local Governments</li> <li>• Private sector entities</li> <li>• Public sector entities</li> <li>• Not-for-profits</li> <li>• Community service organisations</li> <li>• Regional economic development organisations</li> <li>• Chambers of commerce</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term training to address key digital skills shortages (e.g. AI, data analytics and cybersecurity).</li> <li>• Targeted programs/ initiatives to support vulnerable Queenslanders to get online and learn new digital skills.</li> <li>• Training/ mentoring/ support for small-to-medium enterprises looking to upskill in digital.</li> <li>• Red tape reduction initiatives.</li> </ul>
<b>Stream 3: Supporting the growth of high-skilled industries and jobs</b>	\$5 million	<ul style="list-style-type: none"> <li>• Eligible Local Governments</li> <li>• Private sector entities</li> <li>• Public sector entities</li> <li>• Not-for-profits</li> </ul>	<ul style="list-style-type: none"> <li>• Digital innovation/ technology hubs.</li> <li>• Development of Local Government digital strategies (e.g. a data centre strategy).</li> <li>• Support (financial or otherwise) for tech startups looking to establish a base in SEQ.</li> <li>• Partnerships between Local Governments, industry and the</li> </ul>

		<ul style="list-style-type: none"> <li>Community service organisations</li> <li>Regional economic development organisations</li> <li>Chambers of commerce;</li> </ul>	<ul style="list-style-type: none"> <li>tertiary education sector to grow the pipeline of tech talent.</li> <li>Mentoring schemes focused on supporting people looking to start a career in tech.</li> <li>Digital automation and integration to streamline processes i.e. OpenPlan – accelerated housing initiative.</li> </ul>
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**Note:** see [Section 2](#) (below) for more detailed eligibility requirements.

### 1.3.2 Project Funding

- Table 2 (below) outlines the minimum and maximum grants available under LDPP.
- Larger grants may be considered for projects which deliver broader regional benefits. Applicants seeking project funding above the upper funding limits must seek approval from CDSB via email ([LDPP@chde.qld.gov.au](mailto:LDPP@chde.qld.gov.au)) to lodge the Application. A copy of this approval must be attached to the Application.

Table 2: Funding caps

Project Type	Minimum funding available (GST exclusive)	Maximum funding available (GST exclusive)
<b>Digital Infrastructure projects</b> <b>Funding stream 1:</b> <ul style="list-style-type: none"> <li>Improving connectivity and productivity</li> </ul>	\$1 million	\$5 million
<b>Non-infrastructure projects</b> <b>Funding streams 2 and 3:</b> <ul style="list-style-type: none"> <li>Building digital capability and inclusion</li> <li>Supporting the growth of high-skilled industries and jobs</li> </ul>	\$100,000	\$1 million

## 2. Application requirements

### 2.1 Eligible Applicants and Ineligible Applicants

Table 3: Eligible Applicants and Ineligible Applicants

Eligible Applicants	Ineligible Applicants
<p>To be eligible to apply for this program, the Applicant must at the time of application be either:</p> <p><b>Funding Streams 1, 2 and 3</b></p> <ul style="list-style-type: none"> <li>a Local Government who was a member of CoMSEQ as at 21 March 2022</li> </ul>	<p>Ineligible Applicants include:</p> <ul style="list-style-type: none"> <li>a Local Government who was not a member of CoMSEQ as at 21 March 2022</li> <li>individuals and sole traders</li> <li>unincorporated associations</li> </ul>

<ul style="list-style-type: none"> <li>• a private sector entity including for-profit businesses</li> </ul> <p><b>Funding Streams 2 and 3</b></p> <ul style="list-style-type: none"> <li>• a public sector entity, defined as: <ul style="list-style-type: none"> <li>○ Queensland Government statutory bodies</li> <li>○ Queensland Government owned corporations</li> <li>○ Queensland based Universities</li> <li>○ Queensland based research institutes</li> </ul> </li> <li>• a not-for-profit entity</li> <li>• regional economic development organisations</li> <li>• chambers of commerce; OR</li> <li>• a community service organisation.</li> </ul> <p>Applicants must also meet the following criteria:</p> <ul style="list-style-type: none"> <li>• be a legal entity</li> <li>• have an active Australian Business Number (ABN)</li> <li>• be registered for the Goods and Services Tax (GST)</li> <li>• have a registered place of business in an eligible location.</li> <li>• demonstrate they own or have sufficient rights to exercise the intellectual property to undertake the project.</li> </ul>	<ul style="list-style-type: none"> <li>• entities that are insolvent or subject to any kind of external administration, or whose directors are seeking safe harbour against insolvent trading under the Corporations Act 2001</li> <li>• remote area boards</li> <li>• Queensland Government departments and agencies</li> <li>• Australian Government departments and agencies</li> <li>• Australian Government statutory bodies that conduct research and development as part of their core activities.</li> </ul>
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## 2.2 Partnering arrangements

- Eligible Applicants may partner with other entities to deliver an Eligible Project. While there are no eligibility requirements for project partners, they will be subject to probity and due diligence checks. Project partners that have a Queensland presence or Indigenous Businesses will be viewed favourably.
- One Eligible Applicant must submit the Application and will be the project lead. If the project is approved for funding, the Eligible Applicant will be responsible for entering into a Project Funding Agreement with the State and managing the delivery of the project.
- If an Eligible Applicant has project partners for a project, a formal written arrangement must be in place between all parties before the Application is submitted and be attached to the Application. A project partner must accept and be bound by the terms of these Guidelines and all of the obligations of an Applicant, where relevant, as if it were the Applicant.
- For funding stream 1, where an eligible industry applicant (private sector entity) is the primary applicant, they must demonstrate support from an eligible local government, as a project partner. This should be demonstrated through a letter of support or a formal written agreement, such as Memorandum of Understanding (MoU) which should be provided as part of the application process.

## 2.3 Eligible Projects and Ineligible Projects

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

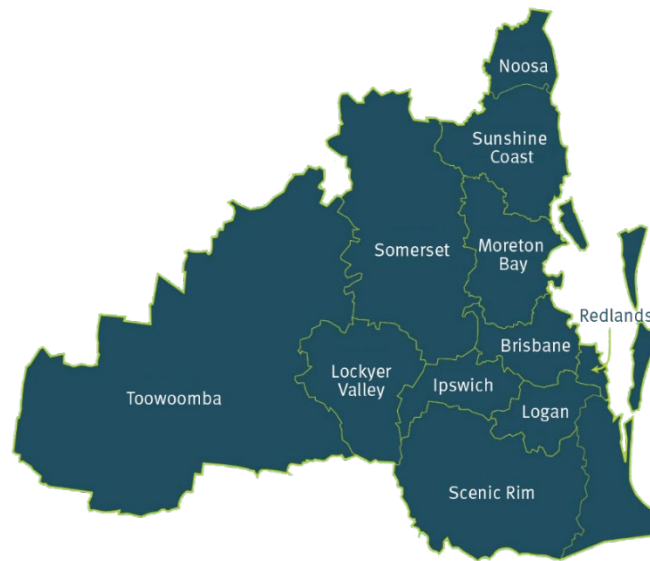
- If submitting more than one Application, Applicants should consider their capability to deliver multiple projects at the same time.
- Each Application should specify the Applicant’s preferred level of priority to be assigned to that Application.
- CDSB reserves the right to assign a different level of priority to each Application at its absolute discretion.
- Eligible Projects should demonstrate alignment to the [Queensland Government’s objectives for the community](#), digital priorities and customer services priorities.
- Eligible Projects should not compete with existing Australian Government Funded projects.

Table 4: Eligible Projects and Ineligible Projects

Eligible Projects	Ineligible Projects
<p>Eligible Projects must:</p> <ul style="list-style-type: none"> <li>• be consistent with program objectives</li> <li>• demonstrate total project funding sought falls within the funding caps outlined in <a href="#">Section 1.3.2</a> of these Guidelines or another amount approved by CDSB in writing.</li> <li>• have secured sufficient funding from other sources at time of the Application to cover project costs outside the funding sought through LDPP, relevant to the eligible project (i.e. co-contributions, ineligible projects costs).</li> <li>• be undertaken in an Eligible Location:                             <ul style="list-style-type: none"> <li>○ Brisbane</li> <li>○ Ipswich</li> <li>○ Lockyer Valley</li> <li>○ Logan</li> <li>○ Moreton Bay</li> <li>○ Noosa</li> <li>○ Redland</li> <li>○ Scenic Rim</li> <li>○ Somerset</li> <li>○ Sunshine Coast</li> <li>○ Gold Coast</li> <li>○ Toowoomba.</li> </ul> </li> <li>• be capable of project completion by 31 December 2028.</li> </ul> <p>For digital infrastructure projects, Applicants must either:</p> <ul style="list-style-type: none"> <li>• own and operate the site the project infrastructure will be built on; OR</li> <li>• have approval from the site owner to access the site to construct, maintain and operate the project infrastructure.</li> </ul>	<p>Ineligible Projects include those that:</p> <ul style="list-style-type: none"> <li>• have already commenced or been completed before the release of the applicant guidelines.</li> <li>• have not secured sufficient funding from other sources to cover any Ineligible Project Costs and Eligible Project Costs above any funding provided by LDPP.</li> <li>• combine multiple, discrete projects that are not interdependent and could reasonably be delivered separately (e.g. projects stemming from a digital strategy – these should be submitted as individual projects).</li> <li>• have a majority of project funding (above 50%) approved through another Australian Government or Queensland Government funding program.</li> <li>• that would require ongoing funding from the Australian Government or Queensland Government.</li> <li>• have works or costs that are covered by insurance claims (e.g., repairs following a weather event).</li> <li>• fund the day-to-day operations of a business or focus primarily on marketing and promotion.</li> <li>• seek direct funding for university programs and/or research centres.</li> <li>• only involve the repair, or routine or ongoing maintenance of existing infrastructure.</li> <li>• involve the development of private or commercial ‘for-profit’ ventures, except where any private benefit is less than 10% above the operating costs of the venture (project). (e.g., sale of refurbished devices at an accessible price, where gross profit is less than 10% of operating expenses).</li> <li>• the Applicant does not have or cannot reasonably expect to get the necessary approvals or permissions prior to the expected Project Start Date.</li> </ul>

**Note:** Applicants may be required to maintain and operate digital infrastructure for its intended purpose for a defined period (as outlined in Project Funding Agreements).

Diagram 1: Map of Eligible Local Governments



## 2.4 Eligible Project Costs and Ineligible Project Costs

- Eligible Project Costs and Ineligible Project Costs are outlined in Table 5 below. This list is not exhaustive, and other project costs will be assessed by CDSB on a case-by-case basis.
- Successful Applicants will be responsible for all Ineligible Project Costs and any Eligible Project Costs above the approved funding amount. They will also be responsible for meeting any project cost increases that occur over the life of the project.

Table 5: Eligible Project Costs and Ineligible Project Costs

Eligible Project Costs	Ineligible Project Costs
<p>Eligible Project Costs include:</p> <ul style="list-style-type: none"> <li>• detailed design, such as the production of final designs or equivalent for the approved project.</li> <li>• costs of conducting a tender for the approved project.</li> <li>• project management costs including remuneration of technical or professional staff engaged or employed by the eligible applicant to manage the construction/ delivery of the approved project (excluding executive duties and overhead charges, which must not exceed 10% of total project costs).</li> <li>• cost of professional services required to deliver the approved project (e.g. cost of engaging a consultant to develop a feasibility study or Business Case or deliver training).</li> <li>• stakeholder engagement and community workshops related to the development and delivery</li> </ul>	<p>Ineligible Project Costs include:</p> <ul style="list-style-type: none"> <li>• costs incurred prior to the approved project start date identified in the signed Project Funding Agreement, including any otherwise Eligible Project Costs.</li> <li>• financing or legal expenses.</li> <li>• core business costs (business as usual) including:                             <ul style="list-style-type: none"> <li>○ existing staff salaries or remuneration of employees for work not directly related to the approved project.</li> <li>○ corporate overheads and on-costs.</li> <li>○ purchase, lease or hire of plant and equipment relating to the Applicant’s core business.</li> <li>○ ongoing costs for administration, operation, maintenance and engineering.</li> </ul> </li> </ul>

<p>of the approved project (excluding any pre-commencement consultation prior to submitting the Application).</p> <ul style="list-style-type: none"> <li>• purchase and installation of fixed plant or equipment required to fully commission the approved project.</li> <li>• construction costs including all site works required as part of the construction and the costs of construction-related labour, materials, equipment hire.</li> <li>• contingency costs of: <ul style="list-style-type: none"> <li>○ up to 20% of the total project cost (before contingencies) for non-digital infrastructure projects; and</li> <li>○ up to 30% of the total project cost (before contingencies) for digital infrastructure projects.</li> </ul> </li> <li>• all costs associated with acknowledging the Australian Government and Queensland Government funding contributions as set out in <a href="#">Section 5.6</a> of these Guidelines.</li> <li>• any other costs determined by CDSB to be eligible (note: this should be confirmed in writing before submitting an application).</li> </ul>	<ul style="list-style-type: none"> <li>• expenditure on project activities that have already received more than 50% of funding from the Australian Government or the Queensland Government.</li> <li>• costs primarily related to marketing, advertising or promotion.</li> <li>• official opening expenses.</li> <li>• vehicles.</li> <li>• any other costs determined by CDSB to be Ineligible Project Costs.</li> </ul>
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**Note:** provision of grants funding to Local Governments is not considered a taxable supply. For consistency purposes all costs outlined in applications should be reported as excluding GST.

## 3. How to apply

- Applicant Guidelines and supporting information will be published on the [LDPP web page](#) .

### 3.1 Key dates

- Key dates will be published on the LDPP web page [[www.qld.gov.au/local-digital-priority-projects](http://www.qld.gov.au/local-digital-priority-projects)]. All dates are indicative only and are subject to change. Applicants should check the website regularly for updates.

### 3.2 Application process

- Applicants will be required to complete an application form and submit it to CDSB using the online grants system, SmartyGrants prior to the closing date identified on the [LDPP web page](#). Extension requests will be considered by CDSB on a case-by-case basis.
- Applicants must ensure they have:
  - uploaded all required documentation (as outlined in [Section 3.3](#) of these Guidelines)
  - read and accepted these Guidelines, including the terms and conditions outlined in [Section 7](#), prior to submitting the Application.
- Applicants will be notified in writing of the outcome of the Application process.

- CDSB is under no obligation to allow an Applicant to change its application or provide any additional information. However, if an Applicant discovers an error after submitting its application, please contact CDSB immediately (see [Section 8](#) of these Guidelines for contact details).
- A separate Application form should be lodged for each project.

### 3.3 Required documentation

As part of the Application, projects must provide the following supporting documentation:

- project plan using the template provided on the [LDPP web page](#)
- cashflow forecast using the template provided on the [LDPP web page](#)
- project partnership agreements (if applicable)
- other documentation and information which may be reasonably required at the Application (e.g. evidence of successfully delivering similar projects, letter of support or formal agreement from Eligible Local Government).

## 4. How will Applications be assessed?

### 4.1 Eligibility Check

Prior to applications being assessed, as outlined in the below sections 4.2 and 4.3, both the applicant and the project will be assessed for eligibility. Only eligible applicants and projects will progress for assessment.

### 4.2 Assessment Criteria

#### 4.2.1 Application assessment

Applications will be assessed against the criteria & weighting outlined in Table 6 below. Projects that include co-contributions will be viewed favourably. The application form contains questions to guide the applicant to address the assessment criteria.

Table 6: Assessment Criteria – Applications

Assessment Criteria	Weighting
<p><b>1. Alignment with program objective</b></p> <ul style="list-style-type: none"> <li>• The application demonstrates how the project will support digital uplift across SEQ, demonstrating alignment against program objectives.</li> <li>• The application demonstrates alignment to the <a href="#">Queensland Government's objectives for the community</a>, digital priorities and customer services priorities.</li> </ul>	20%
<p><b>2. Delivery approach</b></p> <p>The Application demonstrates:</p> <ul style="list-style-type: none"> <li>• the project's ability to be delivered within the identified budget and timeframes</li> <li>• the extent to which the project has stakeholder and community support</li> <li>• the Applicant and its partner/s (if relevant) have the capacity, capability and track record to deliver the project within the identified budget and timeframes</li> </ul>	40%

<ul style="list-style-type: none"> <li>there are adequate financing arrangements in place to complete and deliver the project and support the ongoing operation of project infrastructure (if applicable).</li> </ul>	
<p><b>3. Benefits and value for money</b></p> <p>The application demonstrates the project will:</p> <ul style="list-style-type: none"> <li>provide direct and indirect benefits for the SEQ region</li> <li>support local business and create employment and economic development opportunities specifically for First Nations peoples</li> <li>provide value for money including the efficient use of resources.</li> </ul>	40%

## 4.3 Assessment and approval process

### 4.3.1 Application

The assessment of Applications will be undertaken as follows:

- Eligibility confirmation** – once the Application period has closed, Applications will be checked by CDSB to ensure Applicants and projects are eligible and all documents have been uploaded.
- Assessment** – Applications will then be assessed against the Assessment Criteria outlined in [Section 4.2.1](#) of these Guidelines, with scoring applied.
- Selection and recommendations** – based on this assessment, the LDPP Evaluation Panel will recommend projects that should receive funding under LDPP for consideration/ endorsement by the LDPP Project Board ahead of Australian Government and Queensland Government delegate approvals. Probity/ due diligence checks will also be undertaken as part of this step.
- Approvals** – the relevant delegates from CDSB and DITRDCSA will then consider projects to be approved for funding under LDPP.
- Notification** – Successful Applicants will be advised by email and a letter of offer will be provided subsequently, along with detailed instructions on signing a Project Funding Agreement. Unsuccessful Applicants will also be advised via email, with feedback on unsuccessful applications available upon request.

## 5. Conditions of funding

### 5.1 Funding arrangements

- Successful Applicants are required to execute a Project Funding Agreement with the State to access project funding.
- The State has no obligation to provide project funding to a Successful Applicant until a Project Funding Agreement has been properly executed by the Successful Applicant and the State and the relevant conditions have been satisfied.
- A Successful Applicant undertakes a project(s) at its own risk.
- Any financial or other commitments in relation to a project made by a Successful Applicant prior to a Project Funding Agreement being properly entered into by the parties, is at the sole risk of the Successful Applicant.
- The Project Funding Agreement sets out the arrangements for payment of funding to a Successful Applicant in accordance with payment milestones.
- Successful Applicants are required to effect and maintain public liability, professional indemnity and other relevant insurances with a reputable insurer, that is authorised to operate in Australia and is acceptable to the State.

## 5.2 Payment of funding

Subject to the terms of the Project Funding Agreement, funding will be paid directly to the Successful Applicant in arrears on satisfaction of relevant conditions, including any milestones, and provision of:

- a valid invoice from the Successful Applicant to the State for payment of the relevant milestone amount
- a payment claim form and any relevant documentation that may be requested as evidence of expenditure on Eligible Project Costs
- any documentation required to satisfy milestone requirements in the Project Funding Agreement.

## 5.3 Project savings

- Successful Applicants will be reimbursed for actual Eligible Project Costs incurred for the Approved Project.
- If total costs are less than the estimated amount outlined in the Project Funding Agreement, the difference between the two amounts will be considered project savings.
- Savings will be returned to LDPP and may be reallocated to other Eligible Projects.

## 5.4 Project overrun

In an Approved project, any costs in addition to the estimated total project cost in the project budget, needed to complete the project, must be secured by the successful applicant. The Australian and Queensland Governments have no obligation to provide further funding or assistance in excess of the approved LDPP grant funding.

## 5.5 Project evaluation

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

### 5.5.1 Progress and completion reporting

- Project Funding Agreements will outline reporting requirements for projects, including development of progress reports and project completion reports.
- Templates for these reports will be provided by CDSB.

### 5.5.2 Project benefits reporting

- To fully capture how LDPP is supporting digital uplift across SEQ, Successful Applicants will be required to report on project benefits, which may include economic and employment, social and environmental benefits.
- Ongoing benefits monitoring requirements following project completion may also be required.

## 5.6 Funding acknowledgement

- Successful Applicants will be required to appropriately acknowledge the Australian Government and Queensland Government funding contributions in the manner advised by CDSB including on signage.
- This includes acknowledgement of funding in all publicly made statements, websites, other appropriate promotional materials and documentation.

## 5.7 Project withdrawal

- Successful Applicants may withdraw their participation in LDPP following the execution of a Funding Agreement for cause, on written notice, as detailed in individual Project Funding Agreements.
- Reimbursement for Approved Project Costs incurred will be subject to agreement by CDSB and DITRDCA and individual Project Funding Agreements.

## 6. Communications

### 6.1 Communication with the media

- All media enquiries or public announcements relating to LDPP will be coordinated and managed between SEQ City Deal partners in line with the SEQ City Deal Communications Protocol.

### 6.2 Confidentiality

- CDSB and DSDIP will maintain controls in relation to the management of confidential information provided by or on behalf of Applicants and all internal documentation produced in relation to the administration of LDPP.
- Applicants must keep confidential any dealings with the State about their Application, including any funding offered, but may make disclosures to advisors who are under an obligation of confidentiality or if required by law.
- The State reserves the right to publicly disclose the names of Applicants, general information about projects, and the funding provided and details about the anticipated economic and other benefits of the Approved Project.
- The State may also disclose information, including confidential information of, or provided by, the Applicant:
  - to the extent required to undertake assessment and consideration of Applications in accordance with these Guidelines
  - if required to be disclosed by law
  - to its advisors, consultants and contractors
  - to any government agency.

## 7. Terms and Conditions

### 7.1 Reservation of rights

The State reserves the right, by agreement with Australian Government, to administer LDPP and conduct the process for assessment and approval of Applications in such a manner that it thinks fit, including to:

- a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the LDPP process
- b) accept or refuse to consider any Application which is not lodged in accordance with these Guidelines
- c) vary or amend eligibility or Assessment Criteria as outlined in these Guidelines
- d) take into account any information from its own and other sources (including other government agencies or advisors)
- e) accept or reject any Application, having regard to these Guidelines
- f) give preference by allocating weighting to any one or more Assessment Criteria over the other

- g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any Applicant without doing or requiring the same from all or any of the other Applicants
- h) conduct due diligence investigations of Applicants or Applications
- i) require an Applicant to clarify or substantiate any claims, assumptions or commitments contained in an Application or provide additional information
- j) terminate further participation of any Applicant in the LDPP Application process for any reason
- k) terminate, suspend or reinstate the LDPP or any process associated with LDPP
- l) not proceed with LDPP in a manner outlined in these Guidelines, or at all
- m) allow the withdrawal or addition of any Applicant after the closing date
- n) conduct negotiations with any one or more Applicants after Applications have been lodged.

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.

## 7.2 Relationship

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

Subject to [Section 7.7](#) of these Guidelines, no contractual or legal relationship exists between the State and an Applicant in connection with LDPP or 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, partner or joint venturer with the State
- must not represent to any person that the State or Australian Government has a role in relation to the project other than as a potential funder, subject to the Application process and confidentiality obligations outlined in these Guidelines.

## 7.3 Participation at Applicant's cost

Each Applicant participates in LDPP at its own cost and risk.

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

- a) any costs, expenses, losses or liabilities suffered or incurred by the Applicant in preparing and submitting its application or otherwise in connection with LDPP
- b) the State at any time exercising or failing to exercise any rights it has under or in connection with LDPP
- c) any of the matters or things relevant to its application or LDPP in respect of which the Applicant must satisfy itself under these Guidelines.

Without limiting the foregoing, if the State cancels or varies the LDPP at any time or does not approve any Application following its assessment of the Applications, or does (or fails to do) any other thing referred to under [Section 7.1](#) of 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 to (whether directly or indirectly) LDPP.

## 7.4 Applicant to make own enquiries

These Guidelines have been prepared to give potential Applicants background information in relation to LDPP. These Guidelines do not contain all the information that Applicants may require in reaching decisions around whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions including obtaining their own independent legal, financial, tax and other advice.

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 in connection with LDPP or interpretations placed on the information by Applicants.

## 7.5 Intellectual property

Any intellectual property rights that may exist in an application will remain the property of the Applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain any intellectual property rights should be clearly identified by the Applicant.

The Applicant grants to the State (and will ensure that relevant third parties grant) a non-exclusive, irrevocable, royalty free, perpetual, sub-licensable licence to exercise the intellectual property rights in the Application for the purpose of assessing and making decisions about the Application and in administering LDPP.

## 7.6 Privacy

### 7.6.1 Applicant's Privacy Obligations

In this section, personal information has the meaning given to that term in the [Information Privacy Act 2009](#) (Qld) (the IP Act).

Personal Information provided by Applicants may be disclosed, for the purpose of assessment and due diligence, including the assessment of Applications, to associates of the State including its agencies and departments and entities controlled by the State, all of which, for the purposes of this section 7.6 are deemed to represent the State.

If an Applicant collects or has access to Personal Information in connection with its Application or an Approved Project, the Applicant must, in its conduct of the Application or in performing its obligations for an Approved Project where the State is represented by an 'agency' for the IP Act, comply with:

- a) Chapter 2 and section 41 of the IP Act as if the Applicant were the agency of the State;
- b) all applicable laws applying to the Applicant; and
- c) all reasonable directions given on behalf of the State.

In addition, the Applicant must:

- d) ensure that Personal Information is protected against loss and against unauthorised access, use, modification, disclosure or other misuse;
- e) not use Personal Information collected or accessed in connection with the Application or an Approved Project other than for the purpose of performing its obligations under the Application or an Approved Project
- f) not disclose Personal Information without the prior written consent of the State unless required or authorised by law;
- g) not transfer any Personal Information collected or accessed in connection with the Application or an Approved Project outside of Australia, except with the prior written consent of the State;
- h) ensure that access to Personal Information is restricted to those of its Personnel, including officers, employees, contractors and agents, who require access in order to perform their duties in connection with the Application or an Approved Project.
- i) Ensure that its Personnel are aware of the Applicant's obligations under this section 7.6 and comply with the same obligations imposed on the Applicant under this section.
- j) Fully cooperate with the State to enable the State to respond to applications for access to, or amendment of, a document containing a person's Personal Information and to privacy complaints; and
- k) Comply with such other privacy measures as the State reasonably advises the Applicant from time to time.

Nothing in this section 7.6 is intended to limit any obligation of the Applicant under the IP Act or under any other applicable law or that the Applicant may have as an entity with respect to Personal Information.

### 7.6.2 Notification of Breach

The Applicant must immediately notify the State upon becoming aware of:

- a) any breach of this section 7.6;
- b) any unauthorised access, use, modification, disclosure or other misuse of any Personal Information collected or accessed in connection with the Application or an Approved Project;
- c) any loss of Personal Information collected or accessed in connection with the Application or an Approved Project in circumstances where unauthorised access, use, modification, disclosure or other misuse of the Personal Information is likely to occur; or
- d) anything that would constitute an Eligible Data Breach as that term is defined in the IP Act relating to Personal Information collected or accessed in connection with the Application or an Approved Project.

### 7.6.3 Consequences of Privacy Breach

If a privacy breach (meaning any of the occurrences referred to in section 7.6.2 occurs:

- a) the applicant must immediately notify the State with details of the privacy breach and must comply with the reasonable directions of the State in relation to the Privacy Breach; and
- b) if a Privacy Breach is required by law to be notified to any privacy or other relevant authority and any individuals impacted by the privacy breach, the Applicant and the State must:
  - i. consult and cooperate with one another in respect of the preparation and making of such notifications: and
  - ii. make the relevant notifications in accordance with all prescribed timeframes and requirements.

## 7.7 Acceptance

By submitting an application, each Applicant:

- a) warrants to the State the information supplied in the Application including attachments are true, complete and accurate as at the date it was submitted and is not by omission misleading and may be relied on by the State in determining whether or not to provide funding to the Applicant under LDPP
- b) undertakes to promptly notify the State if it becomes aware of any change of circumstances that may cause the information contained in the Application to become inaccurate or incomplete
- c) acknowledges the State will rely on the above warranty and undertaking when evaluating the Application
- d) acknowledges the State may elect to remove an Applicant or not further consider an application at any stage as a result of a material change to the information provided in the Application
- e) acknowledges that the State may suffer loss or damage if the Applicant breaches the above warranty and undertaking
- f) acknowledges they have not received any guarantees or assurances that its application will be approved by the State or that the State will provide any funding to it
- g) is taken to have accepted these Guidelines, including these terms and conditions, and warrants that it will not breach these Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Guidelines.

## 8. Enquiries

For enquiries or assistance please contact CDSB at: [LDPP@chde.qld.gov.au](mailto:LDPP@chde.qld.gov.au).

## 9. Feedback

If the Applicant has any concerns about the outcome of their application, they are invited to provide their feedback as follows:

- Online – using the Queensland Government online [feedback form](#)
- Over the phone – by contacting 13 QGOV (13 74 68)
- Via post – by mailing your feedback to:  
Department of Customer Services, Open Data and Small and Family Business  
ATTN: Data and Digital Government  
PO Box 15086 City East QLD 4002