

Queensland Waste to Biofutures Fund (W2B Fund)

Guidelines

March 2019

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

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Contents

1.0	Introduction.....	3
2.0	Queensland Waste to Biofutures Fund	3
2.1	Overview.....	3
2.2	Objectives	4
2.3	Eligibility.....	4
2.3.1	Applicant eligibility	4
2.3.2	Project Eligibility – Plant and Equipment.....	5
2.3.3	Project Eligibility - Research Collaboration	6
2.4	Eligible project costs	7
2.5	Ineligible project costs	7
3.0	Administration and assessment.....	8
3.1	How to apply	8
3.2	EOI stage	8
3.3	Detailed Application stage	8
3.4	Assessment	9
3.4.1	Funding Pathway One - Plant and Equipment.....	9
3.4.2	Funding Pathway Two - Research Collaboration.....	9
3.5	Advice and support.....	10
3.6	Funding arrangements	10
3.7	Tax obligations	10
3.8	Program evaluation.....	11
4.0	Communications.....	11
4.1	Media	11
4.2	Confidentiality	11
4.3	Contact details.....	11
5.0	Glossary	12
6.0	Terms and Conditions	13
6.1	Reservation of Rights	13
6.2	Relationship	14
6.3	Participation at applicant’s cost	14
6.4	Applicant to make own enquiries	14
6.5	Intellectual Property.....	14
6.6	Privacy.....	15
6.7	Acceptance	15

1.0 Introduction

The Queensland Government's Advance Queensland initiative focuses on diversifying the economy by developing new industries that have global growth potential, and in turn create knowledge-based jobs of the future.

The Advance [Queensland Biofutures 10-year Roadmap and Action Plan](#) (Biofutures Roadmap) articulates the government's vision for growing the state's biofutures sector by 2026 – a one billion dollar sustainable and export-orientated industrial biotechnology sector, attracting significant international investment and creating regional, high value and knowledge-intensive jobs.

The Biofutures Roadmap outlines the strategic direction for the development of a new Queensland industry producing Bioenergy, Biofuels and Bioproducts rather than traditional fossil fuel-based products.

The Biofutures Roadmap aims to unlock Queensland's potential to commercially produce sustainable fuels, energy and products. The production pathway includes the recovery of energy or fuels or the manufacture of products from carbon-rich waste from agriculture, food processing, construction and industrial processes.

Waste to energy processes can support Queensland's transition to a low carbon and Circular economy through the recovery of waste to improve energy efficiency, enhance fuel security and to reduce emissions.

In line with the Biofutures Roadmap and to support industry development initiatives, the Queensland Government has established the Queensland Waste to Biofutures Fund (W2B Fund). This financial assistance program complements the Queensland Government's Resource Recovery Industry Development Program (RRIDP), which only targets projects that divert waste from landfill or stockpiling.

These guidelines relate to the W2B Fund (Guidelines). Applicants are encouraged to review these Guidelines along with the RRIDP Guidelines for Streams 1 – 3, to determine which funding program best suits their proposed project.

Capitalised terms used in these Guidelines are defined in the [Glossary](#).

2.0 Queensland Waste to Biofutures Fund

2.1 Overview

The Biofutures Roadmap identified that a key role for government is to assist companies to scale-up and test new or improved bioindustrial technologies at the pilot or demonstration scale in Queensland.

A key objective of the W2B Fund is to enhance the commercialisation of Queensland's biofutures industry and increase the state's capacity to produce Bioenergy, Biofuels and Bioproducts.

The W2B Fund provides grants of between \$50,000 and \$1 million towards eligible project costs for an eligible project, under the following two funding pathways:

1. **Funding Pathway One – Plant and Equipment.** Provides up to 50 per cent co-funding for the purchase and installation of plant and equipment for an existing or greenfield facility to produce Bioenergy, Biofuels and Bioproducts.
2. **Funding Pathway Two - Research Collaboration.** Provides up to 50 per cent co-funding for Research Collaboration Projects that have the potential to contribute to the commercial development and growth of Queensland's biofutures industry.

Grants are to be matched or exceeded by co-funding from the applicant. In-kind contributions are welcome but will not be counted toward the minimum applicant co-contribution.

Funding is considered for both proven and emerging waste processing technologies that are scalable and can be deployed statewide, particularly in regional areas of Queensland.

Production processes may vary according to project needs and may involve biological, thermochemical or hydrothermal conversion processes. Technologies may include but are not limited to combustion, pyrolysis, gasification, anaerobic digestion/biogas, fermentation, esterification (oil extraction), hydrotreating and the use of catalysts and enzymatic methods of production.

Project proposals may consider a range of Feedstocks that have the potential to produce Bioenergy, Biofuels and Bioproducts. A list of example Feedstocks is provided in the Glossary.

2.2 Objectives

The key objectives of the W2B Fund are to:

Support the **Advancing Queensland Priorities** and the Department of State Development, Manufacturing, Infrastructure and Planning's (the department) **Strategic Direction by:**

- growing Queensland's biofutures industry
- enhancing the commercial development of Queensland's biofutures industry
- increasing Queensland's capacity to produce Bioenergy, Biofuels and Bioproducts
- creating new jobs, skills and training opportunities in biofutures and resource recovery, particularly in regional areas of Queensland
- moving Queensland towards a circular economy, adding value to waste resources and developing local economies.

2.3 Eligibility

2.3.1 Applicant eligibility

To be eligible under the W2B Fund, an applicant must:

- be a legal entity* with an active Australian Business Number (ABN) or Australian Registered Business Number (ARBN);
- propose a project located, or to be located, in Queensland (or, in the case of a Research Collaboration Project, propose a project that relates to a proposed or existing Queensland biofutures facility);
- have obtained internal approval** to make the Application, including approval to co-fund the project to at least 50 per cent*** of the eligible project costs, before applying for a grant; and
- have the financial and technical capacity to deliver the project.

*The applicant may be an existing business, local government (including local government owned / controlled organisations) or a not-for-profit or non-government organisation. The applicant may also be in the process of establishing a business for the purpose of launching a waste to biofutures project.

Consortia (for instance, of local governments, or industry and local governments) are also encouraged to apply, but one organisation must be identified as the lead applicant and administrator of the project.

Individuals and sole traders are not eligible.

** For local government applicants, this will be an endorsement of the project from elected members. For other organisations, this may require sign-off from executive management or the board.

*** The W2B Fund will fund up to 50 per cent of eligible project costs for an eligible project within the grant limits available under the fund. This requires a minimum confirmed financial co-contribution of at least 50 per cent from the applicant and other contributors, which may include funding from other sources outside of the department. This could be from other Queensland Government agencies, the Australian Government or local government, as well as contributions from non-government sources. Where there are other financial contributors, the applicant is required to contribute a minimum 25 per cent towards the eligible project costs.

While applicants are not precluded from applying to more than one funding program, applicants will not be eligible to receive funding under the W2B Fund for project costs which have already been funded, or are proposed to be funded, under another government funding program.

2.3.2 Project Eligibility – Plant and Equipment

Funding Pathway One

The project will be assessed against the following project eligibility criteria:

Project Eligibility Criteria – Funding Pathway One	
Eligibility criteria	Key requirements
1. Strategic alignment, technology and commercial readiness	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project aligns with the key objectives of the W2B Fund and the government’s broader waste and biofutures policy objectives; the project is at a technology readiness level suitable for deployment at pilot, demonstration or a commercial scale in Queensland; and the project is capable of producing either Bioenergy, Biofuels and Bioproducts or a combination of these products from Feedstock.
2. Project type / funding requirement	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project involves a new greenfield waste processing plant or the expansion of an existing plant capable of producing Bioenergy, Biofuels and Bioproducts from Feedstock; the project involves a pilot, demonstration or commercial stage project; and a capacity to fund at least 50 per cent of the eligible project costs (or 25 per cent where there are other financial contributors towards the project).
3. Project site and regulatory approvals	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project is, or will be, located at a nominated site in the State of Queensland; the project has an appropriately zoned site or the applicant is able to secure a suitably zoned site; and the project has necessary development approvals (e.g. planning and environmental) or the applicant has a clear plan to obtain such approvals, with a reasonable chance of success.
4. Commercial viability and value for money	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project will deliver economic benefits for Queensland; evidence of secure access to Feedstocks and Offtake markets for the project; and for commercially available technology, evidence the project is commercially viable and will process Feedstocks that support its ongoing financial viability.
5. Environmental sustainability	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project aligns with the principles of a Circular economy; and provide evidence the environmental impacts of the project are well understood, measurable and can be appropriately managed.
6. Project delivery	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the project can be delivered within two years and will commence within six months of entry into a funding agreement (which will include agreed milestones) with the State; the experience or capability in delivering similar projects and the appropriate resources to successfully manage and complete the project; and provide a realistic project plan including project risks that are well understood and appropriately mitigated.

Examples of projects that would be regarded as eligible under Funding Pathway One are provided in the Frequently Asked Questions (FAQs) on the W2B Fund website.

2.3.3 Project Eligibility - Research Collaboration

Funding Pathway Two

The department will consider co-funding trials, evaluations, technical and engineering assessments that have the potential to contribute to the commercial development and growth of Queensland’s biofutures industry (Research Collaboration Project).

The Research Collaboration Project will be assessed against the following project eligibility criteria:

Project Eligibility Criteria – Funding Pathway Two	
Eligibility criteria	Key requirements
1. Biofutures strategic alignment	<p>The applicant must demonstrate that the Research Collaboration Project:</p> <ul style="list-style-type: none"> aligns with the key objectives of the W2B Fund and the government’s broader waste and biofutures policy objectives; and will directly benefit the biofutures sector in Queensland.
2. Biofutures project commercialisation	<p>The applicant must demonstrate that the Research Collaboration Project:</p> <ul style="list-style-type: none"> directly relates to an existing or proposed Queensland biofutures facility; and has the potential to accelerate the commercial readiness of an existing or proposed Queensland biofutures facility.
3. Biofutures project collaboration	<p>The applicant must demonstrate that the Research Collaboration Project:</p> <ul style="list-style-type: none"> will be undertaken by a recognised research institute or suitability qualified consultant (collaboration partner); and involves collaboration between the applicant and a collaboration partner in relation to an existing or proposed Queensland biofutures facility.
4. Project delivery	<p>The applicant must demonstrate:</p> <ul style="list-style-type: none"> the experience and capability to deliver the Research Collaboration project; and the project can be delivered within two years and will commence within six months of entry into a funding agreement (which will include agreed milestones) with the State.

The following are examples of a Research Collaboration Project that would be regarded as eligible under Funding Pathway Two.

1. An applicant (Queensland research institute) may enter into an agreement with a company and seek co-funding to undertake field trials of a Feedstock to diversify production at the company’s proposed Queensland biofutures facility.
2. An applicant may commission and co-fund a Queensland university to undertake a technical assessment to obtain a process guarantee for a proposed Queensland biofutures facility.
3. An applicant may co-fund an accredited laboratory to undertake Biofuel/Bioproduct testing to meet international export compliance standards for a proposed Queensland biofutures facility.
4. An applicant may commission and co-fund a qualified engineer to undertake a ‘pre-Final Investment Decision’ (FID) engineering assessment to attract investment for the commercial scale up of an existing Queensland biofutures facility.

2.4 Eligible project costs

The department will fund up to 50 per cent of the following project costs* under the respective funding pathways:

Funding Pathway One:

1. Capital expenditure for plant, equipment and technology and associated software for the proposed project (Plant and Equipment);
2. Installations costs for Plant and Equipment; and
3. Travel within Queensland, necessary to undertake project activity (maximum value of \$5,000 per annum).

Funding Pathway Two:

1. For Research Collaboration Projects, the costs of trials, evaluations, technical and engineering assessments (except for those costs identified as ineligible as set out in section 2.5); and
2. Travel within Queensland, necessary to undertake project activity (maximum value of \$5,000 per annum).

Applicants are to provide indicative costs at the Expression of Interest (EOI) stage. Supporting evidence such as supplier quotations will be required to verify and confirm final project costs at the Detailed Application stage.

*Project costs to be eligible for consideration must be auditable.

The following ineligible costs apply to both Funding Pathway One and Two.

2.5 Ineligible project costs

The following items will **not be funded** and should be excluded from the estimate of eligible project costs:

- operations and maintenance costs of existing assets, including working capital
- buildings or storage facilities
- project activities already funded by grants from other government agencies for the same project costs
- project development costs such as options analysis, business case development and early stage feasibility studies
- travel costs (outside of Queensland)
- legal costs
- salaries and wages
- any expenditure incurred prior to the project commencement date
- planning approvals and environmental licence application costs, including any impact assessment studies that may be required
- site acquisition costs such as purchase or lease costs and any site rehabilitation costs land survey / site engineering / civil works
- leased equipment
- financing costs
- grant application, monitoring and administration costs (including any consultant support engaged by the applicant)
- promotion and advertising costs
- education and information campaigns
- compliance costs associated with environmental regulation and licence conditions
- contingency allowances are not eligible for co-funding, but it is considered prudent for these to be included in the total project budget.

In-kind contributions are welcomed but will not be counted toward the applicant's minimum co-contribution.

Local content

The applicant is encouraged to demonstrate that local suppliers and contractors will be engaged wherever reasonably practicable. Where significant expenditure outside of Queensland is required and unavoidable (e.g. purchase of specialised equipment not available in Queensland), this should be identified and explained in the Application.

3.0 Administration and assessment

The department has operational responsibility for the administration of the W2B Fund.

3.1 How to apply

Notification of the fund opening will be provided via multiple channels including email, social media and advertising. The W2B Fund is a two-stage process where applicants will be able to submit an EOI. Shortlisted applicants will then be invited to submit a Detailed Application.

Three weeks will be allowed for applicants to submit an EOI, followed by an assessment period. A further three weeks will be allowed for applicants who were shortlisted under the EOI stage to submit a Detailed Application, followed by an assessment period.

3.2 EOI stage

Interested applicants should visit the departmental website to submit an EOI for their proposed project using the EOI form for the relevant funding pathway provided online.

Applicants at the EOI stage are encouraged to discuss their application with their nearest regional office. The full list of regional offices can be found at <http://www.dsdmip.qld.gov.au/regional-development/queenslands-regions.html>

EOIs must be complete, demonstrate how the relevant eligibility criteria are satisfied and contain all information required at the time of lodgement. Applicants will receive an acknowledgement of receipt of their EOI application by email. The department may decide not to consider EOIs that do not include all required information.

Each EOI will be assessed for eligibility against the relevant criteria set out in sections 2.3 and 2.4. EOIs will be assessed against other EOIs in the same funding pathway. For example, projects for Funding Pathway One will be assessed against the project eligibility criteria set out in section 2.3.2. While projects for Funding Pathway Two will be assessed against the project eligibility criteria set out in section 2.3.3.

EOIs will be shortlisted and applicants with EOIs assessed as best satisfying the relevant eligibility criteria will be invited to submit a Detailed Application.

Unsuccessful applicants will be notified in writing and feedback provided upon request.

3.3 Detailed Application stage

A Detailed Application form for the relevant funding pathway will be provided to those applicants proceeding to Detailed Application stage.

Detailed Applications received under Funding Pathway One will be assessed against the assessment criteria set out in section 3.4.1. Detailed Applications received under Funding Pathway Two will be assessed against the assessment criteria set out in section 3.4.2.

Applicants under each funding pathway will also be required to demonstrate that the eligibility criteria continue to be met.

Detailed Applications must be completed and demonstrate how a project satisfies the assessment criteria for the relevant funding pathway. All mandatory information must be included in the final lodgement. Applicants will receive an acknowledgement of receipt of the Detailed Application by email.

There is no guarantee of approval at any stage in the process, and applicants will be notified in writing of the outcome of their Detailed Application. In the event of oversubscription to the W2B Fund, only the most meritorious Detailed Applications from each funding pathway will be considered relative to the total funding available.

The State reserves the right to award grant funding in a different amount or with alternative conditions to that requested by the applicant. The State may make public announcements regarding successful Applications.

3.4 Assessment

3.4.1 Funding Pathway One - Plant and Equipment

The following assessment criteria apply to Detailed Applications received under Funding Pathway One. Detailed Applications will be assessed against the following **five (5) weighted** criteria.

Assessment Criteria – Funding Pathway One		Weighting
1.	Strategic business case: The project demonstrates a credible business case and has clear potential to increase the state’s capacity to utilise waste to produce Bioenergy, Biofuels and Bioproducts.	20%
2.	Project Viability: The project demonstrates commercial viability and processes Feedstocks that support its ongoing financial viability.	20%
3.	Project risk management: The project is compatible with the relevant planning and regulatory requirements and any identified project risks are appropriately mitigated.	20%
4.	Project delivery: The applicant has the demonstrated experience and capacity to deliver the project to a high standard and within two years of commencement of entry into a funding agreement (which will include agreed milestones) with the State.	20%
5.	Value for money: The project and funding requirement demonstrates value for money and will provide an economic and environmental benefit to Queensland.	20%

3.4.2 Funding Pathway Two - Research Collaboration

The following assessment criteria apply to Detailed Applications received under Funding Pathway Two. Detailed Applications will be assessed against the following **five (5) weighted** criteria.

Assessment Criteria – Funding Pathway One		Weighting
1.	Strategic business case: The project demonstrates that it will directly benefit the biofutures sector in Queensland and the Queensland biofutures facility that is the subject of the Research Collaboration project.	20%
2.	Project Viability: The project must demonstrate it has the potential to increase the commercial viability of the Queensland biofutures facility that is the subject of the Research Collaboration project.	20%
3.	Project risk management: The project is compatible with the relevant planning and regulatory requirements and any identified project risks are appropriately mitigated	20%
4.	Project delivery: The applicant has the demonstrated experience and capacity to deliver the project to a high standard and within two years of commencement of entry into a funding agreement (which will include agreed milestones) with the State.	20%
5.	Value for money: The project and funding requirement demonstrates value for money and will provide an economic and environmental benefit to Queensland.	20%

The department may engage consultants or specialist advisors to assist with the assessment of proposals against the assessment criteria including probity checks and technical assessments.

Detailed Applications for both funding pathways will be reviewed by a panel who will then make recommendations about funding to the delegate.

Applicants may be contacted by the department during the assessment process to clarify information provided in the Detailed Application. The department may also request further information from the applicant to enable a due diligence and probity assessment.

3.5 Advice and support

A list of Frequently Asked Questions (FAQ) is available on the department's website to assist with the preparation of Applications.

Questions and responses to questions asked after the W2B Fund opens will be added to the FAQ. The department may at its discretion determine not to publish questions and responses where they are project or Application specific or do not have general application. Applicants should check the FAQ for updates prior to submitting their EOI and Detailed Application.

The department is not able to directly assist in the preparation of Applications.

The decision in relation to an Application is final and may not be appealed. If, however, an applicant has any concerns in relation to the application or assessment process, an applicant may raise their concern at biofutures@dsdmip.qld.gov.au and this will be considered.

The department welcomes feedback on the W2B Fund. Further information about providing feedback, compliments or complaints to the department can be found at <https://www.dsdmip.qld.gov.au/contact-us/feedback-compliments-and-complaints.html>

3.6 Funding arrangements

Successful applicants will be required to execute a funding agreement with the State. This funding agreement will outline the terms of the proposed funding and detail the milestones to be achieved by the applicant.

Funding will be provided in instalments and paid in arrears upon verified, successful completion of agreed milestones.

Applicants must propose up to four payment milestones and grant amounts within their Detailed Application form.

Funding recipients will be required to provide milestone completion reports (and progress reports as requested) to the department to demonstrate that the project is being delivered on schedule as agreed. A completion report will be required once the project is finalised. Templates and requirements for these will be provided to successful applicants.

The department reserves the right to undertake an audit of projects to monitor progress and / or appoint an independent advisor to undertake an assessment of projects.

3.7 Tax obligations

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

3.8 Program evaluation

As a new initiative of the Queensland Government, the W2B Fund will be continuously monitored and reviewed to ensure that the program effectively achieves its objectives. As such, these Guidelines may be updated in future after funding rounds have been closed.

4.0 Communications

4.1 Media

All media enquiries or public announcements relating to the W2B Fund will be coordinated and managed by the department's media team. Where possible, all media and communications about projects will be undertaken jointly with successful applicants.

Applicants will be required to:

- seek and obtain the department's approval before making public statements, or contacting the media, regarding successful or unsuccessful Applications through the W2B Fund
- provide the department with at least 25 business days' notice of any proposed media event
- provide any proposed media or public statement to the department 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.

4.2 Confidentiality

The department 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 W2B Fund.

Applicants must keep confidential any dealings with the department 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, information about projects and funding granted and details about 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
- to comply with or meet applicable standards for accountability of public money or established governmental policies, procedures and protocols
- to a government agency.

4.3 Contact details

For enquiries or assistance about these Guidelines, please contact the Department of State Development, Manufacturing, Infrastructure and Planning:

Email: W2Bfund@dsmip.qld.gov.au

Phone: 13 QGOV (13 74 68)

5.0 Glossary

Application – means an application (or relevant part of an application) made to the State for funding under the W2B Fund, and includes an EOI, a Detailed Application and any other supporting or additional information in whatever form provided by the applicant in connection with its EOI or Detailed Application.

Bioenergy – within the context of the W2B Fund, means energy generated from the conversion of Biomass.

Biofuels – within the context of this Fund, means fuels that are essentially substitutes, composites or complementary to fossil-based fuel products. These include, but are not limited to biofuels (e.g. ethanol, biodiesel), advanced biofuels, renewable diesel and fuels such as biosynthetic gas (syngas), biojet fuel and other fuels derived from biochemical, thermochemical or similar conversion processes, refuse-derived fuel or biocrudes processed from waste materials.

Biomass – includes Feedstock which can be converted to Bioenergy, Biofuels and Bioproducts.

Bioproducts – within the context of the W2B Fund, means products that are substitutes or complementary to products made from petroleum. Bioproducts include but are not limited to, biochemicals, bioplastics and other high-value bioproducts. They include biomaterials or products manufactured from Biomass or conventional waste streams.

W2B Fund or Fund – means the Queensland Waste to Biofutures Fund.

Circular economy – a circular economy is an alternative to a traditional linear economy (make, use, dispose) in which resources are kept in use for as long as possible, the maximum value is extracted from them whilst in use, then products and materials are recovered and regenerated at the end of each service life.

Commercial and Industrial Waste – means waste that is produced by institutions and businesses, including industries, restaurants and offices.

Construction and Demolition Waste – means waste that is produced by demolition and building activities, including road and rail construction.

Department – means the Queensland Department of State Development, Manufacturing, Infrastructure and Planning.

Detailed Application – means a detailed application for funding under the W2B Fund as set out in section 3.3.

EOI – means an expression of interest for funding under the W2B Fund as set out in section 3.2.

Feedstock – means waste materials sourced which can be used as inputs for the production of Bioenergy, Biofuels or Bioproducts. This includes but is not limited to; Municipal Solid Waste, Commercial and Industrial Waste, Construction and Demolition Waste, organics (food, garden, wood waste and biosolids), biogas, plastics, end-of-life tyres, recovered fats/oils and agricultural/forestry biomass.

Funding Pathway One – means the funding pathway referred to as Funding Pathway One – Plant and Equipment in section 2.1.

Funding Pathway Two – means the funding pathway referred to as Funding Pathway Two – a Research Collaboration in section 2.1.

Guidelines – means the guidelines for the Queensland Waste to Biofutures Fund.

Municipal Solid Waste (MSW) – means waste that is collected by or on behalf of local government, including waste produced primarily by households (recyclable and non-recyclable material), collected from public bins and council operations.

Offtake market – means the market in which producers of a product sell.

Research Collaboration Project - has the meaning given in section 2.3.3.

State – means the State of Queensland.

6.0 Terms and Conditions

6.1 Reservation of Rights

The State reserves the right to administer the W2B Fund and conduct the process for the assessment and approval of Applications in connection with the W2B Fund in such manner as it thinks fit and to:

- a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall W2B Fund (including timeframes and submission and compliance of Applications)
- b) consider or accept or refuse to consider or accept any Application which:
 - i. is lodged other than in accordance with these Guidelines
 - ii. is lodged after the relevant closing date for lodgement
 - iii. does not contain the information required by these Guidelines
 - iv. is otherwise non-conforming in any respect
- c) vary or amend the eligibility criteria or assessment criteria set out 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, the eligibility criteria and the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the W2B Fund
- f) give preference by allocating weighting to any one or more eligibility criteria or assessment criteria over the other
- g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any applicant, without doing or requiring the same from all or any of the other applicants
- h) conduct due diligence investigations in respect of any applicant and subject Applications to due diligence, technical, financial and economic appraisals
- i) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an Application or provide any additional information
- j) terminate further participation of any applicant in the application process for the W2B Fund
- k) terminate or reinstate the W2B Fund or any process in the W2B Fund
- l) not proceed with the W2B Fund in the 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.

6.2 Relationship

The State's obligations regarding the application process are limited to those expressly stated in these Guidelines. Subject to section 6.7, no contractual or legal relationship exists between the State and an applicant in connection with the W2B Fund, these Guidelines or the application process.

An applicant, or its representatives:

- a) 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
- b) 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
- c) 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).

6.3 Participation at applicant's cost

Each Applicant participates in the W2B Fund at its own cost and risk.

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

- a) any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its Application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the W2B Fund
- b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the W2B Fund
- c) any of the matters or things relevant to its Application or the W2B 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 W2B 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 W2B Fund.

6.4 Applicant to make own enquiries

These Guidelines have been prepared to give potential applicants background information in relation to the W2B 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 W2B Fund or interpretations placed on the information by applicants.

6.5 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 licence to use and reproduce the intellectual property for the purpose of administering the W2B Fund.

6.6 Privacy

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

Personal Information provided by applicants may, in the course of and for the purposes of assessment of the Application, be disclosed to the State's associates, consultants or project stakeholders.

If any applicant collects or has access to any Personal Information in connection with its Application or the W2B Fund, the applicant must comply, in relation to that Personal Information:

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

6.7 Acceptance

By submitting an Application, each applicant:

- a) warrants to the State 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 State in determining whether or not to provide financial assistance to the applicant under the W2B Fund;
- b) undertakes to promptly advise the State if it becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- d) acknowledges that the State may elect to remove an applicant or elect not to further consider an Application at any stage as a result of a material change to the information presented in an Application;
- e) acknowledges that the State may suffer loss or damage if the applicant breaches the above warranty and undertaking; and
- f) is taken to have accepted these Guidelines, including the terms and conditions, and warrants for the benefit of the State 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.

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