

Queensland Biomedical Voucher Program – Round 2

Guidelines for Applicants

April 2019



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D19/13175

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1.0 Introduction

The Queensland Biomedical 10-year Roadmap and Action Plan (the Roadmap) is part of the Queensland Government's \$650 million Advance Queensland initiative to support innovation, diversify the economy and create the knowledge-based jobs of the future for Queenslanders.

Queensland's biomedical industry (the Industry) currently contributes \$1.44 billion to Queensland's economy and employs more than 9000 people, with the potential to grow by almost 40 per cent and deliver up to 3000 new jobs by 2027.

The Industry is one of the Department of State Development, Manufacturing, Infrastructure and Planning's (Department) priority industry sectors as the growth of the Industry will assist in diversifying the Queensland economy and create knowledge-based jobs for the future.

The Roadmap responds to the Industry's request for assistance accessing the capital, skills and resources it needs to commercialise new products and compete in global markets.

Strategy 2 of the Roadmap looks at actions to support existing biomedical businesses to grow and attract new business to Queensland. The strategy will support Queensland's existing biomedical companies through establishment of new projects and partnerships between Queensland business and national and international biomedical businesses. As part of this strategy, the Queensland Government is committed to establishing a program, where funds are provided to eligible service providers.

The Queensland Biomedical Voucher Program is a key initiative of the Roadmap.

The Queensland Biomedical Voucher Program aims to support engagement between Queensland's biomedical capability and national and international companies by supporting opportunities for new networks and partnerships, and securing additional private investment in our Queensland industry.

This document sets out the guidelines for applicants for Round 2 of the Queensland Biomedical Voucher Program. A total of \$1 million funding is available for Round 2.

2.0 Scope of the Program

2.1 Overview

The Queensland Biomedical Voucher Program (the Program) is a key initiative of the Roadmap designed to attract national and international biomedical industry to access Queensland's biomedical capability.

Through the Program, the State of Queensland (State) will support eligible Queensland-based businesses for up to 50 per cent of the fees they would charge to national/international clients for obtaining biomedical services to develop a biomedical product, up to a cap of \$250,000 (excluding GST). The national/international client will pay at least 50 per cent of the fees for the proposed biomedical services.

Program support of up to \$250,000 (excluding GST) will be:

- available as matched funding on a dollar-for-dollar cash basis
- available for services which support the development of biomedical products
- allocated based on an open and merit-based competitive selection process.

Funding will be allocated over competitive rounds based on published assessment criteria for proposals which must be completed within 18 months of date of execution of a funding agreement with the State.

2.2 Objectives

The objectives of the Program are to:

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

- attracting biomedical industry to Queensland
- increasing the productivity and profile of the Queensland biomedical industry
- encouraging non-Queensland-based businesses to collaborate with Queensland-based businesses and use Queensland-based biomedical capability to develop biomedical products
- supporting the creation of new jobs, skills and training opportunities in the biomedical sector
- enabling Queensland-based businesses to enter/embed themselves into the national and international value chain to develop biomedical products.

Information on the Advancing Queensland Priorities can be found at **www.ourfuture.qld.gov.au**

2.3 Eligibility criteria

To be eligible to apply for funding support from the Program, an applicant must:

- be a Queensland-based company or business providing biomedical services
- provide biomedical services at a physical location in Queensland
- have a valid Australian Business Number (ABN) and be GST registered, or have evidence of a valid exemption
- provide a written quote for the biomedical services, to the national/international client and submitted to the State as part of its application for the Program, that clearly identifies the part of the fee that is to be paid by the client and the part to be supported by the State
- read and accept these Guidelines, including the general terms and conditions, and the template funding agreement

- provide the applicant's financial statements, prepared by a CPA/CA qualified accountant, for three full financial years, including the preceding year, to reflect the current financial position of the applicant. If less than three years financial statements are available, provide financial statements for the duration of the applicant's operating history
- provide a written letter of commitment signed by the proposed national/international client's Chief Financial Officer, Chief Executive Officer or another duly authorised person confirming that the client:
 - has a clearly defined biomedical product that has potential for development through use of the applicant's Queensland-based biomedical services
 - is a company or business with its principal place of business outside of Queensland
 - has received a written quote for the biomedical services from the applicant; and
 - if the application to the Program is successful:
 - will engage the applicant to provide the biomedical services on the basis of the written quote by entering into a services contract
 - will pay at least 50 per cent of the fee stated on the written quote on the basis that the State will pay the balance of the fee up to \$250,000 (excluding GST)
 - understands that the monetary support from the State will be paid directly to the applicant and not to the national/international client
 - will obtain the services contemplated within the application from the applicant within 18 months of the applicant entering into a funding agreement with the State.

2.3.1 Definitions for eligibility criteria

Biomedical products include the following:

- Medical devices and diagnostics
- Pharmaceuticals
 - Traditional and bio-pharmaceuticals
 - Vaccines/drug discovery
- Complementary medicines
- Supporting digital technologies – including eHealth.

Biomedical services are defined as services provided to support the development of a biomedical product. The services must:

- be capable of being completed by the applicant within 18 months of execution of a funding agreement with the State; and
- be wholly carried out in Queensland.

Queensland-based company or business providing biomedical services means:

- a company or business that has Queensland as its principal place of business on the Australian Business Register; or
- a business that is not registered in Queensland but has a physical, staffed and functioning office in Queensland capable of providing biomedical services.

2.4 Eligible services

Program funding will be available in respect of eligible biomedical services provided in Queensland, including:

- design development and validation services
- building or testing a prototype
- contract development and/or manufacturing services
- contract research services related to development of a biomedical product
- specialist advice or professional services including
 - corporate structuring services, Australian incorporation costs and tax advice including R&D tax incentive advice
 - intellectual property advice and intellectual property registration costs
 - capital raising advice
 - regulatory advice
- commercialisation advice and services
- cost of small items of plant and equipment (**capital items**) necessary to provide quoted biomedical services to the proposed national/international client as detailed in the application.

Funding support is only available for services that have been provided and where the national/international client has paid its part of the fee for the services as required under the terms of the funding agreement. Funding support is not available in respect of any services provided by an applicant before funding approval is given, before a service contract is entered into or before the State and the applicant execute the funding agreement.

Where capital items are required to be purchased by the applicant to enable it to provide the proposed biomedical services these can be included in a proposal provided:

- the cost of the capital items is itemised in the quote to the national/international client attached to the application;
- the capital items are necessary to enable the applicant to provide the proposed biomedical services to the national/international client.

The purchase of capital items, to the extent that it is approved as part of an applicant's proposal, will be specified as being part of the services in the funding agreement.

2.5 How to apply

Applications must be completed and submitted electronically. Round 2 will open on Thursday 4 April 2019 and close at 12.00 midday on Thursday 27 June 2019, Australian Eastern Standard Time (AEST).

Applications must be received before 12.00 midday (AEST) on the closing date of Round 2, and consist of:

- a completed application form including a scanned signed Declaration confirming the applicant's acceptance of these Guidelines, including the terms and conditions, and the template funding agreement
- a written, itemised quote from the applicant for provision of the proposed biomedical services to the national/international client, that clearly identifies the part of the fee to be paid by the client and the part to be paid by the State
- a letter of commitment from the Chief Financial Officer or Chief Executive Officer of the national/international client (or another duly authorised person to commit the national/international client) as set out in section 2.3 above
- applicant's financial statements, prepared by a CPA/CA qualified accountant, for three full financial years, including the preceding year, to reflect the current financial position of the applicant. If less than three years financial statements are available, provide financial statements for the duration of the applicant's operating history.
- any other relevant documents in support of the application.

Key dates for the conduct of the process are as follows. Other than the opening and closing dates, all dates are indicative only.

| Key Dates | Activity |
|--------------------------------|---|
| 4 April 2019 | Round 2 opens for receipt of applications |
| 27 June 2019 (12 noon AEST) | Closing date for receipt of applications |
| 5 weeks after closing date | Applications assessed |
| 2 months after closing date | Applicants notified of outcome |

2.5.1 Questions

A list of Frequently Asked Questions (FAQ) will be available once the round opens to assist with preparation of applications.

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

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

2.6 Assessment criteria

Applications for funding that meet the eligibility criteria will be assessed against the following assessment criteria:

| Assessment criteria | |
|---------------------|--|
| 1. | <p>Alignment with Program objectives</p> <p>Application demonstrates the proposal to provide biomedical services aligns with the objectives of the Program to:</p> <ul style="list-style-type: none"> attract biomedical industry to Queensland; increase the productivity and profile of the Queensland biomedical industry; encourage non-Queensland-based businesses to collaborate with Queensland-based businesses and use Queensland-based biomedical capability to develop biomedical products; support the creation of new jobs, skills and training opportunities in the biomedical sector; and enable Queensland-based businesses to enter or embed themselves into the national and international value chain to develop biomedical products. |
| 2. | <p>Proposal merits</p> <p>Application demonstrates that the proposal to provide biomedical services:</p> |

| | |
|-----------|---|
| | <ul style="list-style-type: none"> • supports a plan to advance the development of a biomedical product through obtaining the proposed biomedical services; and • focuses on the application of funding for the provision of biomedical services in Queensland (in preference to the purchase of capital items). |
| 3. | <p>Applicant financial capacity and viability</p> <p>Application demonstrates the applicant:</p> <ul style="list-style-type: none"> • has provided a quote which reflects: <ul style="list-style-type: none"> ○ market rates and a reasonable fee for the services sought; and ○ pricing which is financially feasible to enable completion of the proposed biomedical services within 18 months of the execution of the funding agreement; and • has provided financial statements for the requested period which show that the applicant is: <ul style="list-style-type: none"> ○ financially capable of delivering the services; and ○ capable of complying with the terms of the template funding agreement. |
| 4. | <p>Increase opportunities for Queensland-based biomedical service providers</p> <p>Application demonstrates the proposal to provide biomedical services:</p> <ul style="list-style-type: none"> • has the potential to: <ul style="list-style-type: none"> ○ build a relationship between the applicant and a new national/international client; or ○ expand a relationship between the applicant and an existing client; and • has the potential to increase opportunity for future collaboration with Queensland-based biomedical service providers through future collaborations or flow on to other Queensland providers in the product development pipeline. |

2.7 Assessment process

Applications will be assessed against all eligibility requirements.

All eligible applications will be assessed against the assessment criteria set out in section 2.6 in a competitive, merit-based approach including assessment by a panel of independent assessors.

Following assessment, the assessors will make a recommendation to the State regarding the merits of the applications against the assessment criteria. The State will consider the recommendations, and other factors that are relevant (if any) in making a decision regarding the application.

Applications involving a proposal for an applicant to provide biomedical services to a new national/international client will be considered favourably. Applications where all or the majority of the funding will be provided to support the provision of biomedical services, rather than the purchase of capital items, will also be considered favourably.

All eligible applications will undergo a comprehensive due diligence and probity assessment.

The State may contact applicants 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.

The State will approve successful applications for funding based on the recommendation of the assessors from their independent assessment and taking into account the funding available and State objectives.

The State will notify applicants, in writing, of the outcome of their application. The State will then enter into a funding agreement with each successful applicant.

The State's decision in relation to the allocation of Program funding is final. If, however, an applicant believes the assessment process outlined in this document has not been adhered to, a formal complaint may be submitted to the State via the State's website (<https://www.complaints.services.qld.gov.au/>).

2.8 Funding arrangements

Successful applicants will be required to enter into a funding agreement with the State. The template funding agreement is available at <http://statedevelopment.qld.gov.au>.

Successful applicants and the proposed national/international client will be required to enter into a service contract.

The template funding agreement contains the terms and conditions of the funding support. Payment of funding will be on achievement of milestones. Milestone payments will generally be:

- in accordance with the payment schedule contained in the service contract between the successful applicant and the national/international client; and
- contingent on the services having been provided by the applicant; and
- paid once the national/international client has paid its services fee for the relevant milestone as evidenced by a receipt for payment of an invoice.

No funding will be payable unless and until a service contract is entered into between the applicant and the national/international client in respect of the relevant services.

Services supported by the Program must be completed within 18 months of execution of the funding agreement with the State.

2.9 Payment of funding

Subject to the terms of the funding agreement, funding support will be paid directly to the successful applicant (Queensland-based biomedical service provider) on provision of:

- a copy of a written receipt showing payment by the national/international client of its fee for the relevant services the subject of the milestone in the service contract;
- details and evidence of the biomedical services provided to the national/international client in the relevant milestone in the service contract; and
- a valid tax invoice from the successful applicant to the State for payment of up to 50 per cent of the cost of biomedical services provided in the relevant milestone.

2.10 Reporting and monitoring

Successful applicants will be required to submit a completion report and a financial acquittal report to the State at the conclusion of the service contract with the national/international client and a post-completion monitoring report, 6 months after the conclusion of the service contract including:

- details and evidence of the activities/services carried out;
- any changes to the services as described in the application and the reasons for the variation;
- results achieved as a result of the services provided;
- details of additional work performed for the national/international client;
- details of opportunities for further product development in Queensland with the national/international client; and
- benefits of receiving funding support from the Program.

2.11 GST

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.

2.12 Interaction with other funds

Successful applicants to the Program are not precluded from applying to other Queensland Government funding programs for anything other than the biomedical services that are the subject of their application for this Program.

2.13 Program monitoring and evaluation

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

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

3.0 Communications

3.1 Communication with the media

All media enquiries or public announcements relating to the Program will be coordinated and managed by the Department's media team. Where possible, relevant media and communication activities in connection with funding will be undertaken jointly with successful applicants. Applicants will be required to:

- seek and obtain the State's approval before making public statements, or contacting or responding to the media, regarding successful or unsuccessful applications through the Program;
- provide the State with at least 25 business days' notice of any proposed media event; and
- provide any proposed media or public statement to the State for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the State.

3.2 Confidentiality

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

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. An applicant may also disclose information about their application to the proposed national/international client provided that the client is under an obligation of confidentiality in respect of that information and the disclosure by the applicant is only to the extent necessary in the circumstances.

The State reserves the right to publicly disclose the names of applicants and their national/international clients, information about the amount and timing of funding granted to applicants, a brief description of the services funded and details about the anticipated economic outcomes and benefits to the State.

The State may also disclose any confidential information of, or provided by, the applicant:

- if required to be disclosed by law;
- to its advisors and assessors, in connection with the Program, including assessment of the application;
- to comply with or meet applicable standards for accountability of public money or in accordance with established governmental policies, procedures or protocols; or
- to a government agency,

4.0 Terms and conditions

4.1 Reservation of rights

The State reserves the right to administer the Program and conduct the process for the assessment and approval of applications in connection with the Program 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 Program (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; or
 - 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 Program;
- (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 one or more 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 Program for any reason, including as a result of a material change to information presented in an application;
- (k) terminate or reinstate the Program or any process in the Program;
- (l) not proceed with the Program in the manner outlined in these Guidelines, or at all;
- (m) allow the withdrawal or addition of any applicant after the closing date; and
- (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.

4.2 Relationship

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

Subject to section 4.7, no contractual or legal relationship exists between the State and an applicant or its clients in connection with the Program, these Guidelines or the application process or any stage of the Program.

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; and
- must not represent to any person that the State is a party to the proposed biomedical services other than as a potential funder, subject to the competitive application process detailed in these Guidelines.

4.3 Participation at applicant's cost

Each applicant participates in the Program 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 Program;
- (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 Program; or
- (c) any of the matters or things relevant to its application or the Program in respect of which the applicant must satisfy itself under these Guidelines.

Without limiting the foregoing, if the State cancels or varies the 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 4.1 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) the Program.

4.4 Applicant to make own enquiries

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

4.5 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 in an application for the purpose of administering the application in relation to the Program.

4.6 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 and for the purposes of assessment of the application, be disclosed to the State's associates, including its advisors, and relevant stakeholders.

If any applicant collects or has access to any Personal Information in connection with its application or the Program, 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.

4.7 Acceptance

By submitting an application, each applicant:

- (a) warrants to the State that the information supplied in the application, including its attachments and any information provided in connection with the application, is true, complete, accurate and not misleading at the time of submission;
- (b) undertakes to promptly notify the State if a change in circumstances causes any information provided in connection with the application to be inaccurate or incomplete in a material respect;
- (c) authorises the State to undertake all necessary checks in connection with the application and disclose the application to its advisors, assessors and other government agencies; and
- (d) is taken to have accepted these Guidelines, including the 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.

5.0 Contact details

For enquiries or assistance please contact the Biomedical Sector team:

- Tel: 13 QGOV (13 74 68)
- Email: biomedical@dss.qld.gov.au

Or visit the website:

<http://www.statedevelopment.qld.gov.au/industry-development/biomedical-and-life-sciences.html>



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