Natural Hazards Detection System – Phase 1 Proof of Concept



Program Guidelines

October 2024

https://www.chiefscientist.nsw.gov.au/nhds



Grant Program Details		
Opening date and time	Wednesday 23 October 2024 10:00 AEDT	
Closing date and time	Thursday 12 December 2024 10:00 AEDT	
Application outcome date estimate	28/02/2025	
Decision-maker	The Office of the NSW Chief Scientist & Engineer (OCSE) will consider recommendations from the Assessment Panel with NSW Chief Scientist & Engineer making final decisions for Phase 1 applications.	
NSW Government Agency	OCSE	
Type of grant opportunity	Open, competitive	
Grant value (total available funding for the grant and the available individual grant amounts, excluding GST)	In Phase 1, successful applicants will be awarded up to \$50,000 per challenge in funding from an available pool of \$500,000 (excluding GST). Recommended funding levels will be at the discretion of the Assessment Panel.	
Grant phases and milestones	Phase 1 – Delivery of Proof of Concept. Successful applicants will be awarded funding to deliver their Proof-of-Concept solution. Phase 1 grant recipients will have up to six months to develop their solution. Phase 1 grant recipients will be invited to apply for Phase 2.	
	Successful Phase 2 applicants will be awarded funding to undertake a 12-month pilot and trial of their solution within an identified physical location.	
Enquiries	grants@chiefscientist.nsw.gov.au	

Contents

1	Overview	5
1.1	Objectives	6
1.2	Your responsibilities when applying for the grant	6
1.3	Program funding	7
2	Selection Criteria	8
2.1	Eligibility Criteria	8
2.1.1	Eligible applicants	8
2.1.2	Eligible grant activities	9
2.1.3	Eligible activity locations	9
2.1.4	Eligible costs	9
2.1.5	Ineligible costs	9
2.2	Assessment Criteria	10
3	Application process	11
3.1	How to apply	11
3.2	Selecting a 'primary' challenge	12
3.3	Attachments to the application	12
3.4	Key dates	12
3.5	Queries during the application process	13
4	Assessment process	14
4.1	Who will assess applications?	14
4.2	Who will approve the grant	14
4.3	Notification of application outcome	14
5	Successful grant applications	15
5.1	Notification	15
5.2	Grant agreement	15
5.3	Specific legislation, policies and industry standards	15
5.4	Grant payment	15
5.5	Keeping us informed	15
5.6	How we monitor your grant activity	16
5.7	Evaluation	16
5.8	Acknowledgement	16
6	Additional information and resources	17
6.1	Enquiries and complaints	17

6.2	Probity	17
6.3	Access to information	17
6.4	Ethical conduct	18
6.4.1	Conflict of interest management	18
6.4.2	Confidentiality	18
6.5	Disclaimer	19

1 Overview

The NSW Government is committed to advancing innovative technologies to enhance natural hazard detection, aligning with Recommendation 5 of the <u>NSW Bushfire Inquiry (2020)</u> and Recommendation 2 of the <u>NSW Flood Inquiry (2022)</u>. Both inquiries highlight the importance of using new detection technologies to mitigate the impact of natural hazards by delivering timely warnings. As a result, the NSW Government made addressing technology development for early warning and detection of fire and floods an election commitment, leading to the development of the Natural Hazards Detection System (NHDS) program.

Before purchasing new technologies, it is crucial to evaluate whether they meet the specific needs of end users. The NHDS Program will test and trial technologies in high-risk or frequently impacted areas, assessing their ability to support informed decision-making for stakeholders.

The NHDS Program is a \$3.3 million multi-phased competitive challenge grant aimed at testing innovative detection technologies. The goal is to improve early identification and warning systems for natural hazards such as floods and bushfires, providing residents with more time to evacuate and enabling emergency services to prioritise areas of highest risk.

The Program allows suppliers to demonstrate that their technologies are both fit for purpose and offer value for money, while also enabling emergency management agencies to evaluate their suitability and operational requirements. Challenges are developed by NSW Government agencies, with a focus on fire and flood detection, as outlined in NHDS Challenge Statement document. Companies are invited to submit proposals addressing these challenges, with successful applicants progressing to further phases, including a pilot of their technologies at scale.

Importantly, any data generated through any NHDS grants will be owned by the NSW Government, which will have the discretion to utilise the data in future related or unrelated projects. As this program is expected to generate significant data, all eligible solutions will need to be compatible with the data storage technology established for the project. This will be a modern web-based application programming interface (API) capable of receiving data from different technology platforms.

The NHDS Program has three phases:

- Phase 1: Proof of Concept Organisations submit proposals to address specific challenges and funding will be allocated through a competitive process. This phase involves:
 - Collaborating with stakeholders to understand the problem
 - Developing detailed technical responses
 - Adapting the technology to best address the challenge
 - Testing the technology in a small-scale pilot to demonstrate its potential and feasibility.

Grant recipients of Phase 1 will be eligible to apply for Phase 2, through a competitive process. These guidelines are for Phase 1 – Proof-of-Concept. Separate guidelines will be released for Phase 2 and its terms, eligibility and criteria are at the discretion of OCSE.

- Phase 2: Pilot (by invitation) This phase involves:
 - Deploying the technology in real-world scenarios at a pilot scale at a minimum of two sites (sites to be announced in the Phase 2 guidelines)
 - Working with relevant NSW stakeholders across government and industry
 - Establishing supplier networks and costings for potential full-scale deployment
 - Verifying the quality, accuracy and value of the technology in practice
 - Delivering new insights to agencies and stakeholders.
- Phase 3: Post NHDS grant NSW Government will assess the solutions and may consider

them for procurement. Note: participation in the program does not guarantee procurement.

The NHDS Program is administered by OCSE within the Premier's Department (the Department), in collaboration with the NSW Reconstruction Authority (RA).

1.1 Objectives

The NHDS Program aims to improve natural hazard detection and strengthen the state's preparedness and response capabilities by:

- **Testing and trialling innovative detection technologies**: The program aims to evaluate new technologies in high-risk or frequently impacted areas, ensuring they meet the specific needs of stakeholders before potential procurement.
- Enhancing early identification and warning of natural hazards: By improving flood and bushfire detection, the program seeks to provide residents with more time to evacuate and enable emergency services to prioritise high-risk areas.
- Evaluating whether technology is fit for purpose and offers value for money: The program allows suppliers to demonstrate the suitability and cost-effectiveness of their solutions for emergency management agencies.
- Collaborating to develop solutions: The program encourages innovative proposals for solving specific fire and flood detection challenges, fostering innovation and adaptation of technology to meet real-world needs.
- Facilitating procurement considerations: While participation in the program does not guarantee procurement, the ultimate goal is to help NSW Government agencies evaluate and potentially acquire effective solutions for large-scale deployment.

Phase 1 of the NHDS Program aims to support:

- Collaboration between stakeholders to refine problem understanding: Engage with key government stakeholders to ensure a comprehensive understanding of the natural hazard detection challenges.
- **Development of detailed technical solutions:** Create robust, technically sound responses tailored to the specific needs identified.
- Adaption of technology to address identified challenges: Modify and enhance proposed technologies to ensure they effectively target the challenges posed by floods and bushfires.
- Pilots and demonstrations of technology potential: Test the adapted technology in a controlled, small-scale environment to validate its effectiveness and feasibility for broader deployment.

The Program will be administered in accordance with the <u>NSW Grants Administration Guide</u> and the <u>Commonwealth Grants Rules and Guidelines</u> (CGRGs).

1.2 Your responsibilities when applying for the grant

The Program Guidelines (the Guidelines) contain information about the NHDS Program, whether you are eligible to apply and how you can make an application.

You must read these Guidelines and the Challenge Statement document published on https://www.chiefscientist.nsw.gov.au/nhds before applying for the grant.

This Guidelines set out:

The purpose of the grant opportunity

- The eligibility criteria
- The assessment criteria
- How applications are assessed
- How recipients will be monitored and evaluated
- Responsibilities and expectations in relation to the Program.

The Guidelines and the Challenge Statements may be updated by OCSE at any time. If this occurs, the revised documents will be published on https://www.chiefscientist.nsw.gov.au/nhds.

1.3 Program funding

Up to \$500,000 of funding is available for grants in Phase 1 with a maximum grant amount of \$50,000 (excluding GST) per challenge. Phase 1 grants cover eligible expenses over a six-month Proof-of-Concept testing period.

Up to \$1,750,000 of funding is available for grants in Phase 2 with a maximum grant amount of \$350,000 per challenge. Final funding details, requirements and processes for Phase 2 will be outlined in a separate Phase 2 Program Guidelines, to be released at the end of Phase 1.

Please note:

- The NSW Government reserves the right to increase or decrease the available funding pools and grant amounts.
- Applications may be partially funded at the absolute discretion of the NSW Government, for example if there is insufficient funding available for the whole application or where only a component of the application is considered suitable and/or eligible.

2 Selection Criteria

2.1 Eligibility Criteria

Your application must satisfy all of the Eligibility Criteria.

The Eligibility Criteria describe eligible applicants, activities, project locations, and expenses.

2.1.1 Eligible applicants

To be eligible applicants must:

- Have an Australian Business Number (ABN).
- Be non-tax exempt.
- Have an account with an Australian financial institution.
- Hold the intellectual property (IP) rights or possess the rights to commercialise the technology.
- Demonstrate that the technology can be trialled in NSW during the testing periods, and
- Demonstrate that any funding received from the NSW Physical Sciences Fund (PSF), Small Business Innovation and Research (SBIR) Program, or other NSW, state, or federal government grant programs does not duplicate activities proposed under this Program.

And be one of the following entity types:

- A company incorporated under the Corporations Act (including a company limited by guarantee),
- An Aboriginal and Torres Strait Islander Corporation registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006

Ineligible applicants are permitted to be a partner to an application provided the lead applicant satisfies the above eligibility criteria.

Data management

Eligible applicants must agree to the following:

- All data generated throughout the Program will be owned by the NSW Government and may be used for future projects or data analysis, and
- Data must be provided in the format specified in the Challenge Statement document.

For the avoidance of doubt, you are not eligible if you are:

- Insolvent.
- An individual,
- An unincorporated association, or
- A Commonwealth, state, territory or local government agency or body excluding government corporate entities.

The OCSE, at its absolute discretion, may decide that an applicant is ineligible for funding. For example, where an applicant could cause reputational and/or other risks to the NSW Government.

2.1.2 Eligible grant activities

For an activity to be eligible it **must** directly relate to the project. Eligible activities can include:

- Building and testing proof-of-concept units of the technology,
- Deployment and operation of the technology to agreed locations within NSW,
- Facilitating NSW Government requirements and input into the technology,
- Specific professional expertise (for example, a drone pilot, technical specialists),
- Training of NSW Government personnel as part of the trial/pilot,
- Costs to integrate technology with NSW Government ICT platforms, or
- Data analysis and/or management costs.

Activities that have already been funded by another government grant are not eligible grant activities.

2.1.3 Eligible activity locations

All grant activities must be undertaken in NSW.

2.1.4 Eligible costs

Program funding can only be incurred on eligible activities or agreed Program activities.

To be eligible, costs must:

- Be directly related to the eligible grant activities
- Be incurred within the project period
- Reflect competitive market rates
- Be a true and accurate reflection of costs required to deliver the activity.

Eligible costs include, but not be limited to:

- Capital costs
- Labour expenditure for temporary employment for the project
- Licence fees incurred as part of the project
- Data analysis and/or management costs.

If your application is successful, we may ask you to verify the project cost and request evidence of actual costs incurred such as supplier contracts, quotes, and invoices.

You must demonstrate value for money by ensuring project costs are reasonable and reflective of market rates. We may use industry cost benchmarks to assess whether costs are reasonable.

OCSE may, at its absolute discretion, determine a cost that falls within the category of eligible expenditure is in fact ineligible where it is unreasonable or excessive.

2.1.5 Ineligible costs

The grant cannot be used for the following activities:

- The purchase of land or property,
- Costs incurred in the preparation of a grant application or related documentation,
- Overseas travel.
- The covering of retrospective costs,
- Wage costs incurred prior to the activity period of the project or outside of approved project activities,
- Projects requiring ongoing funding from the NSW Government,
- Projects that are ongoing or constitute the normal course of business,
- Activities that have commenced or been completed prior to an offer of funding made to successful applicants,
- Activities that will not be delivered prior to the end of the grant funding period.

2.2 Assessment Criteria

Eligible applications will be assessed against the below Assessment Criteria (Table 1). The Assessment Criteria apply to eligible applications for "Phase 1 - Proof of Concept." As noted in the Guidelines, different criteria may be introduced for Phase 2 at the discretion of the OCSE.

Table 1: Assessment Criteria

Criteria	Asses	sment Questions	Points
Solution	1.	Suitability (30 points): To what extent does your solution address the challenge statement, including any solution requirements?	60 points
	2.	Readiness (10 points): Is your proposed solution ready to undertake a Proof-of-Concept and Pilot Program within the allotted program timelines?	
	3.	Innovation (10 points): How is your solution innovative and/or superior to what is currently in use in NSW?	
	4.	Requirements and value (10 points) Is there consideration for end-user operational requirements and value for money?	
Delivery	5.	Skills, experience and capacity (10 points): Does your company and project team have the appropriate skills and experience to carry out the project in NSW?	40 points
	6.	Resourcing (10 points): Have you considered the equipment, technology, infrastructure (e.g. communications) needed to carry out the project? Have you considered the requirements to conduct the trial in NSW?	
	7.	Project plan and budget (20 points): Does the application provide a reasonable project plan, including a budget, risk management plan and performance measures to ensure value for money for NSW citizens?	

The Assessment Criteria will be considered in conjunction with the requirements set out in the Challenge Statement document for the specific challenge selected by the applicant. Each application will focus on a single 'primary' challenge for which it will be assessed. Where solutions could meet multiple challenges, applicants will have the opportunity to identify which other requirements and challenges their solution could meet. During assessment this information will be at the discretion of the Assessment Panel and could inform value for money or operational differences between applicants.

3 Application process

3.1 How to apply

Before applying, you must read these Guidelines.

These documents are found at https://www.chiefscientist.nsw.gov.au/nhds. Any alterations and addenda¹ will be published on https://www.chiefscientist.nsw.gov.au/nhds.

To apply you must:

- 1. Complete the SmartyGrants online application form for the NHDS Program at https://chiefscientist.smartygrants.com.au/NHDSPhase1
- 2. Provide all the information requested
- 3. Address all the eligibility criteria
- 4. Address all the relevant assessment criteria
- 5. Include all necessary attachments, and
- 6. Submit your application by the timelines outlined in Section 3.4 Key dates.

Please note:

- Incomplete applications will not be considered.
- Clearly indicate any information that should be treated confidentially.
- Eligible applicants will be assessed on merit against the Assessment Criteria. However, the NSW Government, at its absolute discretion, may choose not to award a grant to an applicant.

You are responsible for ensuring your application is complete and accurate. Giving false or misleading information is a serious offence under the *Crimes Act 1900 No 40 (NSW)*. We will investigate any false or misleading information and may exclude your application from further consideration.

Applicants must not lobby the NSW Government on an issue related or seen to be related to the NHDS Program that may or may be perceived to give an unfair advantage to the applicant. Applicants are required to comply with all applicable laws including the <u>NSW Lobbyists Code of Conduct</u>.

If you find an error in your application after submitting it, you should contact us immediately at grants@chiefscientist.nsw.gov.au. You cannot change your application after the closing date and time.

If we find an error or information that is missing, we may at our discretion ask for clarification or additional information from you that will not change the nature of your application.

You should keep a copy of your application and any supporting documents.

¹ Alterations and addenda include but are not limited to: corrections to currently published documents, changes to closing times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents.

3.3 Selecting a 'primary' challenge

Applicants must select a single 'primary' challenge for which their solution will be assessed. If a solution is applicable to multiple challenges, applicants will be able to select the requirements of other challenges that their solution could address.

Applicants may submit applications for multiple challenges.

The Assessment Panel may consider an applicant's ability to meet multiple challenges with a single solution against value for money and operational requirement considerations.

3.4 Attachments to the application

Applicants are required to submit a **video presentation** as part of their application. The video should be no longer than five minutes and must:

- a) Describe the solution, what it does and how it works
- b) Describe how your technology will help to solve one or more of the challenges considering any critical requirements
- c) Describe what elements of your solution will be innovative in addressing natural hazards detection
- d) Describe how it could be deployed in a Phase 2 pilot, and
- e) Describe your organisation's expertise and capacity to delivery this project.

You may attach the video file to your submission or include a link in the body of the submission.

3.5 Key dates

A ativity

You must apply between the published opening and closing dates. Applications in progress and open within the smarty grants platform must be completed and saved before the time indicated in the table below. We encourage applicants to allow ample time for any technical or connectivity issues to be resolved before the deadlines. The NSW Government, at its absolute discretion, may extend the application closing date. Where this occurs, it will be notified on the NHDS Program website: https://www.chiefscientist.nsw.gov.au/nhds.

Table 2: Expected timing for the Program

Activity	Timetrame	
Phase 1		
Applications open	10:00 AEDT 23 October 2024	
Applications close	10:00 AEDT 12 December 2024	
Notification of outcomes	February/March 2025 (estimated)	
Earliest start date of grant activity	February/March 2025 (estimated)	

Timoframa

Phase 2			
Applications open	Early September 2025 (estimated)		
Applications close	Late September 2025 (estimated)		
Notification of outcomes	Late October 2025 (estimated)		
Earliest start date of grant activity	Late November 2025 (estimated)		
End date of grant activity	Late November 2026 (estimated)		
Final reporting and advice to agencies	December 2026 (estimated)		

August 2025 (estimated)

3.6 Queries during the application process

End date of grant activity and reporting

If you have any questions during the application period, please contact us at grants@chiefscientist.nsw.gov.au.

Other resources will be made available to support applicants such as a recorded webinar and frequently asked questions (FAQ) page which can be found on the https://www.chiefscientist.nsw.gov.au/nhds.

4 Assessment process

OCSE will administer the assessment process. Your application will be considered based on a two-stage process.

Stage 1: Eligibility Assessment

OCSE will assess applications according to the Eligibility Criteria.

Applications which meet all Eligibility Criteria will proceed to Merit Assessment.

Stage 2: Merit Assessment

All applications will be assessed by the Assessment Panel members against the Assessment Criteria.

The Assessment Panel may request additional information from applicants. These requests will be managed by OCSE, which will communicate with the relevant applicants directly in writing to seek their response.

The Assessment Panel will meet to discuss the eligible applications and agree on consensus recommendations for applications to receive grant funding.

The Assessment Panel's recommendations will be provided to the Designated Decision Maker who will approve the grants.

4.1 Who will assess applications?

Members of the Assessment Panel will be appointed by OCSE in collaboration with the RA and may include representatives from NSW Government agencies (for example, Reconstruction Authority, RFS, SES, Fire & Rescue NSW, NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), and the Forestry Corporation) as well as independent experts with business, and technology innovation and commercialisation experience.

The Assessment Panel may seek advice from external experts through OCSE to inform the assessment process. Any expert and advisor will be required to perform their duties in accordance with the Code of Ethics and Conduct – Premier's Department including maintaining the confidentiality of the application and declaring any conflicts of interest.

4.2 Who will approve the grant

The Designated Decision Maker, the NSW Chief Scientist & Engineer, will approve the grants and funding amounts after considering the recommendations of the Assessment Panel

4.3 Notification of application outcome

Applicants will be notified of the outcome of their applications in writing before the contracting process and the announcement of successful grant recipients. Unsuccessful applicants will be offered a feedback session.

5 Successful grant applications

5.1 Notification

Successful applicants will be notified in writing. If you are successful, we will advise you of any specific conditions attached to the grant. You must keep the notice of grant confidential until you are advised by the NSW Government.

A summary of successful grant applicants will be published on the grant finder website, including a summary of the grant activity and the amount awarded to each recipient in line with the <u>NSW Grants</u> Administration Guide

5.2 Grant agreement

Successful applicants will be required to enter into a funding agreement with the NSW Government. The NSW Government makes no binding funding or other commitment to the applicant unless and until both parties have signed a funding agreement. The funding agreement will require the successful applicant to provide a copy of all relevant insurances and any other relevant supporting documentation as requested by OCSE. You should not make financial or legal commitments related to this grant until the funding agreement is signed and executed.

5.3 Specific legislation, policies and industry standards

You are required to be compliant with all relevant laws and regulations, including the NSW Work Health and Safety Act 2011.

5.4 Grant payment

The grant will be payable in full upon the successful execution of the funding agreement.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations. We do not provide advice on your particular taxation circumstances.

5.5 Keeping us informed

You should let us know if anything is likely to affect your grant activity. For example, we need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due.

You must also inform us of any changes to your:

- Name
- Addresses
- Nominated contact details
- Bank account details.

If you become aware of a breach of the funding agreement or these Guidelines, you must contact us

5.6 How we monitor your grant activity

You must submit reports in accordance with the reporting requirements in the funding agreement.

5.7 Evaluation

OCSE will evaluate the NHDS Program to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also interview you or ask you for more information to help us understand how the Program impacted you, and to evaluate how effective the Program was in achieving its outcomes.

We may contact you after your project is completed for more information to assist with this evaluation.

OCSE and the NSW Audit Office reserve the right to undertake an audit of Program funding and support within seven years. Tracking and reporting will be a requirement of the funding agreement.

5.8 Acknowledgement

All recipients of NSW Government funding should acknowledge this financial support in accordance with the Funding Acknowledgement Guidelines for Recipients of NSW Government Rebates available at nsw.gov.au/branding/sponsorship-and-funding-acknowledgment-guidelines.

You must seek our written consent prior to any significant public announcement, marketing, press announcements, or official launch in relation to the NHDS Program.

The NSW Government and/or OCSE logo should be used on all materials related to grants provided to the grant activity. Whenever the logo is used, the publication must also acknowledge the NSW Government/OCSE.

6 Additional information and resources

6.1 Enquiries and complaints

Any enquiry you have about the assessment process or the outcome of your application for this Program should be sent to grants@chiefscientist.nsw.gov.au.

Complaints will, in the first instance, be reviewed by the OCSE team. If we cannot resolve the complaint within 30 business days of receipt, we will provide details of a nominated complaints and review officer from the Complaints Team who will advise the next steps.

If you do not agree with the way OCSE has handled your enquiry or complaint, you may wish to contact the NSW Ombudsman. The NSW Ombudsman will not consider a complaint unless the matter has been first raised directly with OCSE.

NSW Ombudsman Level 24 580 George Street Sydney NSW 2000

The applicant must lodge a complaint with the OCSE in writing and submit it to grants@chiefscientist.nsw.gov.au.

6.2 Probity

OCSE will make sure that the grant process is fair, according to the published guidelines and incorporate appropriate safeguards against fraud, unlawful activities and other inappropriate conduct.

An independent probity advisor will be engaged as part of this Program to provide guidance to OCSE on any issues concerning integrity, fairness and accountability that may arise throughout the application, assessment, and decision-making process. This will ensure decisions are made with integrity, fairness, and accountability, while delivering value for money for NSW.

6.3 Access to information

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the Government Information (Public Access) Act 2009 (NSW). Information that is deemed to be commercially sensitive will be withheld.

The Government Information (Public Access) Act 2009 (NSW) makes government information accessible to the public by:

- Requiring government agencies to make certain sorts of information freely available
- Encouraging government agencies to release as much other information as possible
- Giving the public an enforceable right to make access applications for government information
- Restricting access to information only when there is an overriding public interest against disclosure.

6.4 Ethical conduct

OCSE will administer the grant in accordance with the published Guidelines and the principles and processes set out in the NSW Grants and Administration Guide.

OCSE will implement measures and controls to enable a fair and transparent process and incorporate appropriate safeguards against fraud, unlawful activities, and other inappropriate conduct

6.4.1 Conflict of interest management

OCSE will seek to identify any conflicts of interest early in any application, assessment and program management phases of the Program. Where a conflict of interest is identified, OCSE will be responsible for following the procedures set out in the Program probity, risk and assessment plan and implementing appropriate management actions with assistance from the independent probity advisor.

6.4.2 Confidentiality

Other than information available in the public domain, you agree not to disclose to any person, other than us, any confidential information relating to the grant application and/or agreement, without our prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

We may at any time, require you to arrange for you, your employees, agents or subcontractors to give a written undertaking relating to non-disclosure of our confidential information in a form we consider acceptable.

We will keep any information supplied in connection with the application and funding agreement confidential to the extent that it meets all of the three conditions below:

- 1. You clearly identify the information as confidential and explain why we should treat it as confidential
- 2. The information is commercially sensitive
- 3. Revealing the information would cause unreasonable harm to you or someone else

We will not be in breach of any confidentiality agreement if the information is disclosed to:

- The Assessment Panel and other NSW Government employees and contractors to help us manage the program effectively
- Employees and contractors of the Department so we can research, assess, monitor and analyse our programs and activities
- The Auditor-General, Ombudsman or Privacy Commissioner
- The responsible Minister or Secretary
- A House or a Committee of the NSW Parliament

The funding agreement may also include any specific requirements about special categories of information collected, created or held under the funding agreement.

6.5 Disclaimer

OCSE does not guarantee or warrant and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency, or completeness of any material contained in this publication. Information in this publication is provided as general information only and is not intended as a substitute for advice from a qualified professional.

OCSE recommends that users exercise care and use their own skill and judgment in using information from this publication and that users carefully evaluate the accuracy, currency, completeness, and relevance of such information. Users should take steps to independently verify the information in this publication and, where appropriate, seek professional advice.

The Guidelines are subject to change at any time at the sole discretion of the OCSE.