

Venues Unlocked



Live Performance Venue Grant Program Grant Guidelines

February 2024

nsw.gov.au/VenuesUnlocked



Image: National Art School

Live Performance Venue Program

The Program is designed to support and increase the number of existing hospitality venues staging live performance.

About the Program

This Program has been developed by the Office of the 24-Hour Economy Commissioner, in collaboration with Sound NSW, under the Venues Unlocked initiative, and is administered in partnership with Create NSW.

The 24-Hour Economy Commissioner, Sound NSW and Create NSW all form part of the Department of Enterprise, Investment & Trade (the Department).

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Overview

The Program provides grants of \$20,000 to \$80,000 (ex-GST) for the purchase and installation of essential equipment and start-up programming and marketing costs to enable hospitality venues to stage live performance.

The Program is designed to assist hospitality venues to offer live performance as an additional service, complementary, and secondary to their primary purpose.

The Program is not suitable for venues that need to undergo a change of use to stage live performance.

Funding amounts requested outside of this range may be considered in exceptional circumstances if the applicant is able to provide sound explanation and supporting evidence why this level of funding is required. This will be determined at the discretion of the Assessment Panel, and subject to the availability of funds. It is recommended that applicants applying for costs outside the range contact the Department to discuss their project prior to applying for funding.

Key information

- **Status:** Opens on 29 February 2024
- **Grant amount:** From \$20,000 up to a maximum of \$80,000 per hospitality venue. Applicants will be required to co-contribute at least 30% of the requested funding amount, e.g. a funding request of \$80,000 requires a minimum co-contribution of \$24,000.
- **Applications open:** 29 February 2024
- **Applications close:** 3 April 2024, 2:00 pm

Objective

The purpose of the Program is to:

- increase the number of hospitality venues staging live performance in the NSW Six Cities Region
- increase the number and diversity of live performances in the night-time economy
- create employment opportunities for those working in the live performance sector e.g. artists, audio-visual professionals, hospitality and venue staff.

Key dates and timelines

Milestone	Details	Date
Applications open	We will deliver an online information session for attendees to learn more about the grant process and program	Thursday 29 February 2024
Applications close	Application form must be completed and submitted through SmartyGrants	Wednesday 3 April 2024, 2:00pm
Successful applicants notified	Unsuccessful applicants may not be notified until all successful applicants have formally accepted	May 2024
Project delivery period <small>*Recipient grant funds must be expended by June 2025.</small>	Milestone 1 payment by June 2024 (estimated 70% of funding amount) Milestone 2 forecast payment by December 2024 (estimated 20% of funding amount) Milestone 3 forecast payment by June 2025 (estimated 10% of funding amount)	June 2024 to June 2025
Program concludes <small>*Regular programming must be in place and project acquitted</small>		30 June 2025
Evaluation of projects	6 and 12 month reports required to measure success of projects	After 30 June 2025

Eligibility criteria

Who is eligible?

Applicants must meet all eligibility criteria, and provide evidence as outlined in the application form.

To be eligible, Applicant venues must

- hold an Australian Business Number (ABN), Australian Company Number (ACN) or be registered as an incorporated association with NSW Fair Trading under the *Associations Incorporation Act 2009*
- be an existing:
 - restaurant;
 - bar;
 - café;
 - brewery or distillery;
 - registered club; and/or
 - hotel

The above venues are required to:

- hold a relevant development consent, including occupation certificate in force as its primary purpose; and
- provide a commercial on-premise food and/or beverage offering

Eligible venues must also

- be located within an eligible LGA (please see [Appendix A](#))
- have a maximum total venue capacity of 300 patrons (total venue capacity refers to the venue in its entirety (combined indoor and outdoor), not smaller spaces/venues within a larger venue)
- not be owned and managed within a larger complex that exceeds 300 patrons
- possess relevant approvals to operate at least twice per week after 5pm
- if not owned by the applicant, hold a lease of the hospitality venue with a minimum period of 12 months remaining of the lease term (excluding any option to renew) from 3 April 2024
- have both business owner and venue building owner support for the project

Who is not eligible?

Ineligible applicants include

- any hospitality venue that does not satisfy the eligibility criteria
- any hospitality venue operated by federal, state or local government
- educational institutions
- venues that are prohibited from staging live performance or entertainment in their venue, as a condition on their development consent, liquor licence, or any other regulatory documentation or legal requirement
- religious institutions
- entertainment facilities

Applicants must

- provide the documentation listed under the heading “what your grant application needs to include”, to evidence that their application meets the eligibility criteria

Applications that do not supply the required information and evidence may be deemed ineligible at the discretion of the Department. The Department reserves the right to request applicants provide further information that is required during the application assessment process.

Applicants will need to complete an application in SmartyGrants, providing a brief description of current offering and a vision for staging eligible live performances, with accompanying project and budget plans.



Image: Destination NSW

Who can apply?

Existing small to medium hospitality venues (being those with a maximum venue capacity of 300 patrons), who meet the eligibility criteria and that do not currently stage a regular and recurring program of live performance, but have a desire to diversify their business to do so.

The Program would suit a venue that has an existing space that could be dedicated to live performance, without needing to undergo significant structural alterations to the venue.

A maximum of one grant application will be accepted per venue. If an applicant owns more than one venue, they can submit an application for each eligible venue. Each application will be considered separately on its own merits.



Image: Destination NSW

Funded activities

Eligible costs include

Equipment

The purchase and installation of equipment to facilitate the staging of live performance, including (but not limited to):

- speakers
- PA systems
- microphones
- mixing desk
- lighting
- soundproofing equipment
- audio-visual equipment training for venue staff
- acoustic venue review by an acoustic consultant

Venue

Minor venue improvements for the purpose of staging live performance, that do not require development consent, such as staging, and soundproofing treatments.

Programming after 5pm

The payment of live performance artists scheduled as part of a regular, recurring and ongoing program of live performance at the venue.

Venues currently staging live performance must only spend grant funding on programming that is in addition to their normal live performance offering. Programming payments made between June 2024 to June 2025 will be considered as eligible costs.

Live performances staged as a result of grant funding must be held in an enclosed indoors venue, unless the venue possesses the relevant approvals to stage outdoor performances.

Marketing of live performances after 5pm

Paid marketing and social media campaigns directly relating to live performance at the venue, up to June 2025, including:

- advertising and/or marketing campaigns (including design and production costs)
- brand and asset development
- public relation activity

Note that all grant funding is subject to the applicant co-contribution requirement as outlined below under the heading “What your grant application needs to include”.

Ineligible costs and activities for funding

Costs and activities ineligible for funding include:

- Capital works, structural changes/upgrades or internal refurbishment or fit-out works which require development consent
- Rent, outgoings and utilities
- General maintenance and repairs
- Equipment purchases not directly related to staging live performance
- Leasing of equipment
- The payment of a third party to program live performances in the venue
- More than 30% of the total funding request to be used for marketing costs
- Funding for one-off special events, such as fundraisers or single headline acts
- Costs for live performances, activities and any expenditure of the grant funding that takes place prior to June 2024 or after June 2025
- Any activities, goods or services that take place, or are utilised, outside of the nominated venue
- Live performances and activities that take place prior to 5pm
- Costs incurred after June 2025.

Note that the inclusion of ineligible costs and activities in your application may result in the grant funding amount being reduced, or your application removed from consideration altogether, at the discretion of the Department.



Image: Destination NSW

Application

What your Grant application needs to include

Item	Detail
Eligibility evidence	
Total venue capacity of 300 patrons or less	<ul style="list-style-type: none">• Such as a development consent, liquor license or fire safety certificate stating maximum venue capacity.• If the capacity is not stated on the above documentation, the venue must provide a letter from a building surveyor (unrestricted) accredited by NSW Department of Customer Service.• Total venue capacity refers to the venue in its entirety (indoor and outdoor), not smaller spaces/venues within a larger venue.
Evidence of permission to operate after 5pm at least twice a week	<ul style="list-style-type: none">• A copy of your development consent, or liquor licence stating approved trading hours. If differing trading hours appear in multiple documents, the most restrictive trading hours apply.
Proof of venue licence agreement for the presentation of live music or performance	<ul style="list-style-type: none">• Copy of a relevant OneMusic licence or commitment to obtain one prior to execution of funding agreement, if successful
Supporting information	<ul style="list-style-type: none">• Such as letters of support from stakeholders/the local community
A project budget that includes	
A breakdown of costs associated with the delivery of the project	<p>Including itemised spend for any of the below items:</p> <ul style="list-style-type: none">• equipment• programming• marketing
Market value for any labour or goods purchases	<ul style="list-style-type: none">• At least one quote for any purchase should be provided to demonstrate value for money
Applicant co-contribution	<ul style="list-style-type: none">• A minimum co-contribution of 30% of the requested funding amount.• For example, a funding request of \$80,000 requires a minimum co-contribution of \$24,000. Based on this request, the total project budget will be a minimum of \$104,000.• A maximum of 50% of the co-contribution can be in-kind.
Viability	<ul style="list-style-type: none">• 12-month operational forecasts

Item	Detail
Project plan that includes	
Frequency of current live performance activities	<ul style="list-style-type: none"> • How often your venue stages live performance
Current venue staffing levels	<ul style="list-style-type: none"> • Number of employees e.g. venue staff, AV operators, talent/performers
A vision for the venue (the project)	<ul style="list-style-type: none"> • Outline of proposed live performance offering
A timeline for delivery of the project by June 2025	<ul style="list-style-type: none"> • All grant funding to be expended and regular live performance programming to have commenced by 30 June 2025
How the project will be implemented	<ul style="list-style-type: none"> • Evidence of how the project will be managed, including personnel and monetary resourcing, best-practice artist engagement, and how project progress will be monitored
A draft minimum 3-month live performance programming schedule	<ul style="list-style-type: none"> • Frequency of programming should be proportionate to the community need and capability of the venue
A forward plan of marketing activities	<ul style="list-style-type: none"> • An outline of frequency and proposed marketing activity type, appropriate to the frequency of live performance schedule and target audience

Assessment criteria

Applications will be assessed against the following criteria

Weighting	Criteria	Description
30	Viability	<p>Evidence that the applicant has a clear and viable plan to deliver the Project within the delivery dates of June 2024 to June 2025, including:</p> <ul style="list-style-type: none">• a thorough project plan and timeline• a detailed budget showing:<ul style="list-style-type: none">– projected costs– how grant funding will be spent– applicant’s co-contribution breakdown– 12-month operational forecast• evidence of value for money• evidence the venue has sought expert advice in relation to appropriate equipment for their performance space• a draft programming plan• a draft marketing plan
25	Contribution to the live performance sector	<p>Evidence that grant funding has the potential to significantly increase the volume and frequency of live performance in the venue. Considerations include:</p> <ul style="list-style-type: none">• the venue’s current ability to stage live performance• the venue’s current frequency/volume of live performance• the expected increase in live performance as a result of grant funding; and• alignment to Program objectives

Weighting	Criteria	Description
10	Need	<p>Consideration of the venue's current resources, ownership structure and access to support, including:</p> <ul style="list-style-type: none"> • whether the venue is independently owned or part of a larger hospitality group • whether the venue already has infrastructure and processes in place to stage live performance
15	Community benefit	<p>Evidence that the venue's project has the potential to significantly increase the vibrancy and diversity of the local night-time economy, for example:</p> <ul style="list-style-type: none"> • the proposed project addresses a community need • the project fills a gap in the local night-time economy • the project plan significantly contributes to the variety and offering of night-time live performance in the local area • the application provides evidence of support from relevant local stakeholders/ community members
20	Risk	<p>Relevant factors and risks as determined by the Department, including, but not limited to:</p> <ul style="list-style-type: none"> • compliance with NSW liquor laws, and any previous breaches • compliance with the conditions of development consent, and any previous breaches • consideration of the business or company's management, its directors and officers or any other individuals that exercise control over an applicant • assessment of other factors that may cause applicants to be unsuitable for support, such as any personnel or business activities that could cause reputational or other risk to the NSW Government • previous breaches of any NSW Government funding agreements previously entered into by the applicant, its management, directors, officers, or individuals that exercise control over an applicant



Image: Destination NSW

Start the application

To apply for grant funding, you will need to complete and submit the relevant application form through our secure online system, SmartyGrants.

Pre-application information sessions

These sessions will cover an overview of the program, how to apply, and eligibility requirements, followed by a Q&A.

While not mandatory, the Office of the 24-Hour Economy Commissioner strongly recommends all potential applicants attend one information session.

The information sessions will be held on

- Thursday 7 March 2024, 11:00am
[Register here](#)
- Wednesday 13 March 2024, 1:00pm
[Register here](#)
- Tuesday 19 March 2024, 12:00 midday
[Register here](#)

Lodgement

Lodgement requirements

Applicants will need to complete an application in [SmartyGrants](#).

The deadline for submissions is 3 April 2024, 2:00pm.

Requests for late submissions must be received no later than 5.30pm on 3 April 2024. Requests for late submissions will be considered and approved at the sole discretion of the Department, having regard to the material fairness of allowing the application to be assessed.

Applicants requesting late submissions are encouraged to provide explanation and evidence of unforeseeable circumstance or major disruption that has prevented the application from being submitted in time.

After the application is submitted

An eligibility check of all applications will be completed by the Department. The Department may contact and provide information from your application to other NSW Government departments, agencies and other sources such as a probity advisor to verify information provided, and to assist in the assessment process. Applications containing insufficient, incomplete or incorrect information may be deemed ineligible.

Eligible applications will be assessed by a panel consisting of relevant senior representatives from NSW Government departments, such as Hospitality and Racing, the Office of the 24-Hour Economy Commissioner and Create NSW. The panel may seek advice from external experts. The assessment process will be overseen by independent probity advisor, O'Connor Marsden.

Successful applications will be approved by the Secretary, Department of Enterprise, Investment and Trade based on written recommendations from the assessment panel.

All applicants will be notified of their application outcome, in writing, by end of May 2024.

If successful applicants are notified under embargo, they will not be permitted to publicise the outcome until the announcement has been made by the relevant Minister or by the Office of the 24-Hour Economy Commissioner.

Successful applicants

Successful applicants will be required to enter into a legally binding funding agreement with the Department that includes the agreed project outline, any project conditions - including a current, relevant OneMusic licence, and a schedule of three agreed instalments against project milestones. Along with the signed funding agreement, successful applicants will need to provide copies of relevant insurance certificates, as required. No instalment of the grant funding will be paid until the Applicant and the Department enter into the funding agreement.

If successful, your grant will be listed on the NSW Government grants finder website no more than 45 calendar days after the date the funding agreement comes into effect.

Project milestones will be based on project budget and estimated project timeframe.

Unsuccessful applicants

Applicants that are not successful will be notified by email of the outcome of their unsuccessful application. Unsuccessful applicants will have the opportunity to request feedback on their application. Unsuccessful applicants may not be notified until all successful applicants have an executed funding agreement in place.

Grant payments

- **Milestone 1** instalment is expected to be processed by the end of FY2023-24, following execution of the funding agreement by both parties and upon receipt of recipient invoice and other relevant documents specified in the funding agreement.
- **Milestone 2** instalment is expected to be processed by December 2024, once agreed milestone activities have been achieved and subject to your compliance with the terms of the funding agreement.
- **Milestone 3** instalment is expected to be processed by the end of June 2025, once agreed milestone activities have been achieved and required documentation is submitted to the Department in accordance with the terms of the funding agreement.

Failure to deliver agreed milestone activities may result in termination of the funding agreement.

If at any time prior to entering into the funding agreement or during the term of the funding agreement, the Applicant has received another grant from the Department, Create NSW or the Office of the 24-Hour Economy Commissioner which has not been satisfactorily acquitted, payment of any milestone instalment under this Program may be deferred until the outstanding acquittal has been submitted and approved.

If the applicant, its management, directors, officers, or individuals that exercise control over an applicant have previously breached a funding agreement entered into with the Department, Create NSW or the Office of the 24-Hour Economy Commissioner, the Department reserves the right to deem the application ineligible.



Image: Destination NSW

How we monitor the Applicant's grant activity

The successful Applicant must submit reports in-line with the timeframes in the funding agreement. The Department may provide sample templates for these reports in the funding agreement.

The Applicant must report on the

- progress against agreed project milestones and outcomes; and
- expenditure of the grant.

The scope of works and milestones submitted as part of your application will form the basis of project reporting requirements.

When you complete the project, you must provide a project acquittal report, prior to receiving the Milestone 3 instalment. This will include a signed statement of income and expenditure relating to the grant, and proof of purchases, as required.

Project acquittal reports must

- identify if and how outcomes have been achieved;
- include the agreed evidence as specified in the funding agreement;
- identify the total eligible expenditure incurred, and provide evidence of expenditure as required; and
- be submitted within the timeframe, and in the format outlined in the funding agreement.

Recipients must also provide a six-month and twelve-month post-acquittal report, relating to the long-term success of the project, to assist with Program evaluation. These reports will include data on, for example:

- number of live performances staged
- number of artists engaged
- number of staff employed

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 Program.

Non-personally identifiable information provided by applicants may be used by the Department or the NSW Government for media and communication purposes. Venue-specific information will not be included without the prior permission from the applicant.

Enquiries and feedback

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

If you do not agree with the way the Department 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 the Department.

NSW Ombudsman
Level 24
580 George Street
Sydney NSW 2000

The applicant must lodge a complaint with the Department in writing, and submit it to liveperformance@enterprise.nsw.gov.au.

If the applicant is unhappy with the response, they may escalate their complaint to the NSW Ombudsman.

Applicant's Declaration

By completing and submitting an application, an applicant:

certifies that

- all information supplied as part of this application is true and accurate to the best of their knowledge
- all activities proposed by this application will be conducted in accordance with all relevant legislation, regulations, and any required approvals or consents
- they have the authority to complete and submit this application on the venue's behalf

acknowledges and agrees that

- the Department has the right to investigate any information provided in this application and/or to request for additional information
- until such time that the Department advises that an application is successful, the Department makes no representation or guarantee regarding the outcome or status of an application
- in the event that any information supplied as part of this application is found to be false or misleading, the Department may in its absolute discretion reject the application or immediately disqualify any successful applicant from participating in the program
- it is solely an applicant's responsibility to ensure their application is correct and complete before submitting. Applications cannot be modified after being submitted.

Probity

The Department will make sure that the grant opportunity process is fair, according to the published guidelines and incorporates 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 the Department 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.

Privacy

The Department treats your personal information according to the Department Enterprise Investment and Trade Privacy Management Plan available at <https://www.nsw.gov.au/departments-and-agencies/enterprise-investment-and-trade/policies-plans-and-procedures-of-enterprise-investment-and-trade/privacy/privacy-management-plan> and the *Privacy and Personal Information Protection Act 1998 (NSW)*.

This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to

Your personal information can only be disclosed to someone for the primary purpose for which it was collected unless an exemption applies.

The Department may also use or disclose information about Applicants and recipients under this Program for reporting purposes.

By submitting an application to the Program, Applicants consent to the Department sharing the information provided by Applicants with other NSW Government entities for purposes including government administration, to verify information provided, to assist in the assessment process, and research or service delivery.

As part of your application, you declare your ability to comply with the *Privacy and Personal Information Protection Act 1998 (NSW)* and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything that would breach your obligations under the Act.

Confidential Information

Other than information available in the public domain, you agree not to disclose to any person, other than the Department, any confidential information relating to the Program, grant application and/or agreement, without the Department's 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).

The Department 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.

The Department will keep any information in connection with the 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

The Department will not be in breach of any confidentiality requirements 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
- employees and contractors of other NSW Government departments or agencies for any purposes, including government administration, to verify information provided, to assist in the assessment process, and

research or service delivery

- other Commonwealth, State, Territory or local government agencies in program reports and consultations
- 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.

Government Information (Public Access) Act 2009

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.



Image: Hayes Theatre Co *Gentlemen Prefer Blondes* Photo: Philip Erbacher.

Appendices

Appendix A

Eligible Local Government Areas

Lower Hunter & Greater Newcastle City

- Cessnock
- Lake Macquarie
- Maitland
- Newcastle
- Port Stephens

Central Coast City

- Central Coast

Illawarra-Shoalhaven City

- Kiama
- Shellharbour
- Shoalhaven
- Wollongong

Western Parkland City

- Blue Mountains
- Camden
- Campbelltown
- Fairfield
- Hawkesbury
- Liverpool
- Penrith
- Wollondilly

Central River City

- Blacktown
- Canterbury-Bankstown
- City of Parramatta
- Cumberland
- Georges River
- The Hills Shire

Eastern Harbour City

- Bayside
 - Burwood
 - Canada Bay
 - Hornsby
 - Hunters Hill
 - Inner West
 - Ku-ring-gai
 - Lane Cove
 - Mosman
 - North Sydney
 - Northern Beaches
 - Randwick
 - Ryde
 - Strathfield
 - Sutherland Shire
 - Sydney
 - Waverley
 - Willoughby
 - Woollahra
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Appendix B

Live performance definition

Eligible live performance includes, but is not limited to:

- Theatre and musical theatre
- Live music
- Cabaret
- Opera
- Dance performances
- Classical music and choral performances
- Poetry slams and readings
- Comedy
- Live immersive and interactive experiences
- Live DJs

Other eligible live performance activities may be included at the discretion of the assessment panel.



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Disclaimer

The Department 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 these guidelines. Information in these guidelines are provided as general information only and is not intended as a substitute for advice from a qualified professional.

The Department recommends that Applicants exercise care and use their own skill and judgment in using information from these guidelines and that applicants carefully evaluate the accuracy, currency, completeness, and relevance of such information. Applicants should take steps to independently verify the information in the guidelines and, where appropriate, seek professional advice.

The guidelines are subject to change at any time at the sole discretion of the Department.