



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2023-359
Date of Application	17 October 2023
Date of Decision	19 December 2023
Processing time (in working days)	45
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	Costs of public art works, from January 2023 to 17 October 2023, and related documents such as ministerial briefings on costings, excluding public art works in schools.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 17 October 2023 3:47:25 PM

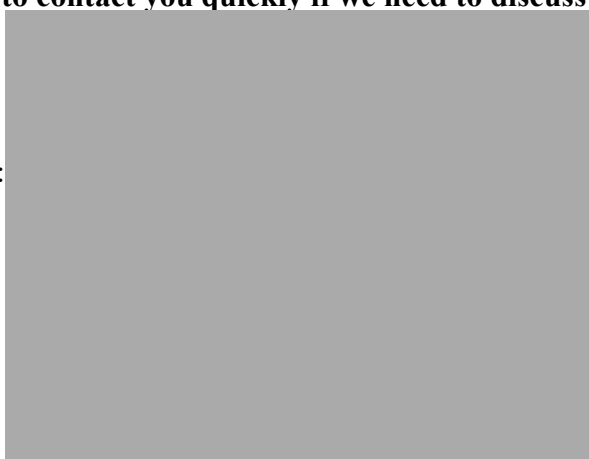
Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation:
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:

A large grey rectangular area redacting the user's personal details in the form fields.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Price/cost of public art works (fee paid to artist and installation costs, and any ongoing maintenance costs required) in Canberra, from January 2023 to present (October 2023). Including, but not limited to sculptures, paintings, murals, memorials; any co-investments or contributions with the federal government and private enterprise; and including the National Arboretum's new 'Drawing Breath' by Hannah Quinlivan. Any relevant studies, surveys, reports, audits, and ministerial briefs related to public art funding, including for individual works.

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2023-359

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 17 October 2023, in which you sought access to art information.

Specifically, you are seeking:

- *“Price/cost of public art works (fee paid to artist and installation costs, and any ongoing maintenance costs required) in Canberra, from January 2023 to present [17](October 2023). Including, but not limited to sculptures, paintings, murals, memorials; any co-investments or contributions with the federal government and private enterprise; and including the National Arboretum's new 'Drawing Breath' by Hannah Quinlivan. Any relevant studies, surveys, reports, audits, and ministerial briefs related to public art funding, including for individual works.”*

On 25 October 2023 you confirmed your request excludes public art works in schools. As records may be held by other directorates, part of your request was transferred to Transport Canberra and City Services (TCCS).

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 28 November 2023. On 22 November 2023 you were advised that third party consultation was required in this matter and a decision is now due on your access application by 19 December 2023.

Decision on access

Searches were completed for relevant documents and 19 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 5 documents relevant to your request. I have decided to refuse access to one document, and have granted partial access to 13 documents as I consider them to be:

- contrary to the public interest information under schedule 1; or
- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- *Human Rights Act 2004*
- *Taxation Administration Act 1953 (Cth)*
- the content of the documents that fall within the scope of your request
- information publicly available on the ACT Contracts Register
- third party consultation as required under section 38 of the Act.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

Document 1 includes information referencing information pertaining to legal professional privilege and is considered contrary to the public interest under schedule 1 of the Act.

- Section 1.2 – ‘Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.’

The information relates to legal advice received and sought by the ACT Government in relation to this matter. This information can only be released if the parties involved agree to waive that privilege. The parties have not waived privilege.

Document 2 of the identified documents contained information that is considered to be contrary to the public interest under schedule 1 of the Act.

- Section 1.3(6) – ‘Any other information the disclosure of which is prohibited by a secrecy provision of a law.’

This document contains confidential information of a third party. In response to third party consultation, one party objected to information being released due to the document containing sensitive information, which is subject to the secrecy provisions in Division 355 in Schedule 1 to the *Taxation Administration Act 1953 (Cth)*.

I have decided to apply a redaction the document in part where the document contains sensitive information in part, which I believe is reasonable to assume that if disclosed could possibly be used to attempt to use that number as proof of authorisation to try to fraudulently gain access to a third party's Australian Tax Office Account were it to be revealed.

Documents 3 and 6 have been identified as containing information that is considered contrary to the public interest under schedule 1.6 of Schedule 1 of the Act as it is Cabinet information.

- Section 1.6 (1)(a) – ‘Information (a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose.’

Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

Documents 3 and 6 contain small amounts of information that could reveal a Cabinet deliberation of disclosed and have been redacted accordingly.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

- (i) promote open discussion of public affairs and enhance the government's accountability;*
- (ii) contribute to positive and informed debate on important issues or matters of public interest;*
- (iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;*
- (iv) ensure effective oversight of expenditure of public funds.*

I have given significant weight to the above factors, noting the information requested relates to public spending by the ACT Government, including decisions made relating to grants/tender processes and the outcomes of contracts awarded.

Factors favouring nondisclosure in the public interest:

- (a) disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) prejudice the protection of an individual's right to privacy or any other right under the [Human Rights Act 2004](#);*
 - (x) prejudice intergovernmental relations;*
 - (xi) prejudice trade secrets, business affairs or research of an agency or person;*
 - (xiii) prejudice the competitive commercial activities of an agency.*

I have considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Information captured within scope of your request includes business activities relating to procurement and tender activities. Those who do business with government recognise that governments have to balance the commercial interests of businesses with the principles of openness and transparency, and that the weight of the public interest in protecting business information will depend on a variety of factors, including how commercially sensitive the information is, its age, its current relevance and the extent to which it has entered the public domain. Please see below for additional information where actual costings information is publicly available on the ACT Contracts Register.

I have decided to not release information that was part of in-confidence contractual negotiations. Document 10 has not been released as it contains an unfinalised unsigned contract. In order to protect the business interests of a third party as well as that of the Territory, in being able to negotiate and obtain value for money outcomes, I am of the view that this is not in the public interest to release and that releasing this type of information could hamper future negotiations of this type.

As some contractual arrangements are ongoing, I have decided to redact information, which may impact on territory and state relations, such as details concerning ongoing arrangements concerning the location of art works, as well as ongoing consultation.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Documents that have not been released in full, as identified in the schedule contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act or they contain information which is out of scope.

Additional Information – Publicly available

I have refused to deal with part of your request where information is publicly available under section 43(1)(d) of the Act and section 45 of the Act. For example, contracts are published on the Contracts Register. This includes the following information (with the website link):

- Public Art Commission - Woman of Significance, Hon Susan Ryan AO (56727.RFT.110)
<https://www.tenders.act.gov.au/contract/view?id=206480>
- Public Art Agreement - Hannah Quinlivan January 2023
<https://www.tenders.act.gov.au/contract/view?id=205435>
- Request for Expression of Interest Template – Public Art Commission – NAC Front Dam
https://www.forestsculpturegallery.act.gov.au/_data/assets/pdf_file/0005/2217227/57164.REOI.110-Public-Artwork-Commission-NAC-Front-Dam.pdf

Additional Information - statement

The information being released may contain a factual error. Please note that there is no need to seek 'endorsement' from Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Rather, once *DGR-4* is granted (Donor Gift Register), a donor approaches a DGR-4 institution to propose a donation. If the donated item/s comply with DGR-4 organisation's collection policy and is accepted, the recipient institution would lodge an application via SmartyGrants for consideration.

Charges

I have waived fees associated with your access application under section 107(2)(b) of the Act because information that is the subject of the request is of special benefit to the public.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

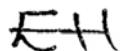
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the Information Access team by telephone on (02) 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

19 December 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

- Costings of public artworks from [01] January 2023 to [17] October 2023, including the National Arboretum's new 'Drawing Breath' by Hannah Quinlivan.
- Any studies/surveys/reports/audits/ministerial briefs for public art funding, including individual works.

CMTEDDFOI 2023-359

[This request excludes information related to artworks in public schools]"

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	CM2053932 - CMTEDD2020/3503 - Ministerial Brief – Subject: National Arboretum Canberra – Forest Sculpture Gallery Update – Dated 28/07/2020	30/07/2020	Partial release	Sch 1, s 1.2	Yes
2	5-8	Australian Tax Office letter to Forest Sculpture Gallery	08/09/2020	Partial release	Sch 1, s 1.3(6)	Yes
3	9-11	Email chain – Subject" FW: 2023-24 Budget - CMTEDD business case process - Economic Development Business Cases - FOR ACTION Attachments: Budget Memo 2022-32 - Attachment A - 2023-24 Budget Process Rules and Timetable.DOCK; Budget Memo 2022	22/12/2022-19/01/2023	Partial release	Sch 1, s1.6	Yes
4	12-14	QTB CM23-3511 6. Public Art	31/01/2023	Full release		Yes
5	15-19	Draft - QTB CM23-14177 6. Public Art - UPDATED	undated	Partial release	Sch 2, s 2.2(a)(x)	Yes
6	20-22	Email chain – Subject: "CMTEDD2023_196 - Public Art BC - for amendment due COB Thursday 16_2"	08/02/2023-16/02/2023	Partial release	Sch 1, s1.6	Yes
7	23-25	Ministerial Brief – 20/02/2023 – CMTEDD2023/196 – Subject: 2023-24 Budget - Business Case – Public Art Celebrating Significant Women	21/02/2023	Full release		Yes
8	26-36	Request for Infrastructure Project Services – Major Projects Canberra form	08/03/2023	Partial release	Sch 2, s 2.2(a)(ii)	Yes
9	37-62	RFT.57164.110 Public Art Commission - NAC Front Dam - Request for Tender Revision 1 -PUBLIC ART COMMISSION – NAC FRONT DAM – Issued 24/07/2023	30/04/2022	Full release		Yes
10	63-107	5677 – NCT-110 – Draft Public Art Agreement - Unsigned	05/05/2023	Refused	Sch 2, s 2.2(a)(xi) Sch 2, s 2.2(a)(ii)	No
11	108-111	QTB CM23-47828 7. Public Art - Minor Updates	23/05/2023	Partial release	Sch 2, s 2.2(a)(x)	Yes
12	112-115	QTB CM23-64404 8. Public Art - Minor Updates 2	20/06/2023	Partial release	Sch 2, s 2.2(a)(x)	Yes

13	116-118	Forest Sculpture Gallery Meeting Minutes of meeting held 21/06/2023	undated	Partial release	Sch 2 s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
14	117-120	Forest Sculpture Gallery Meeting Minutes of meeting held 22/06/2023	undated	Partial release	Sch 2 s 2.2(a)(ii)	Yes
15	121-124	QTB July CM23-69459 8. Public Art - Minor Updates	04/07/2023	Partial release	Sch 2, s 2.2(a)(x)	Yes
16	125-131	Form – Request to advertise approach to market – ATM No 57164.110	26/07/2023	Partial release	Sch 2 s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
17	132-141	Major Projects Canberra Form - Request for Infrastructure Project Services - Public Art Celebrating Significant Women - Second Commission - Request for Infrastructure Procurement	14/08/2023	Partial release	Sch 2 s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
18	142	Email – Subject: “URGENT - RFT.57164.110 Public Art Commission - NAC Front Dam - Addendum 2”	25/08/2023	Full Release		Yes
19	143	RFT.57164.110 Public Art Commission - NAC Front Dam - Addendum 2	25/08/2023	Full release		Yes
Total No of Docs						
19						



MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

UNCLASSIFIED

To: Treasurer Tracking No.: CMTEDD2020/3503

Date: 28/07/2020

From: A/g Executive Branch Manager, National Arboretum and Stromlo Forest Park

Subject: National Arboretum Canberra – Forest Sculpture Gallery Update

Critical Date: 31/07/2020

Critical Reason: To provide you an update regarding the Forest Sculpture Gallery (FSG) planning at National Arboretum Canberra, and to seek approval to formalise the Forest Sculpture Gallery.

- UT .../.../...
- DUT, CSI .../.../...
- EGM, PV .../.../...

Recommendations

That you:

1. Note the information contained in this brief; and

Noted / Please Discuss

2. Agree to formalise The Forest Sculpture Gallery initiative at the National Arboretum Canberra.

Agreed / Not Agreed / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

Background

1. In 2013 the National Arboretum Canberra (NAC) began planning for a Forest Sculpture Gallery (FSG) located amongst the gardens and forests. To date, a collection comprising of five (5) major sculptures have been established and is experienced through self-guided tours, or with NAC volunteer guides.
2. Research and discussions commenced at the NAC and with its key stakeholders over four years ago to inform the process to formalise the FSG initiative, as it would enable leading and emerging artists to showcase their work through a mix of permanent and temporary sculptures. Additionally, NAC visitor research has identified the need for more engaging activities within the forests and gardens.
3. In October 2019, a total of 20 kilometres of tracks and trails in the NAC were opened to the public creating potential spaces for new sculptures to be showcased as a Forest Sculpture Gallery (Public Art Trail).
4. As noted in the NAC Master Plan, the Trail would link a range of art and sculpture's across the Arboretum, forming an 8km journey through the Arboretum connecting up to 20 artworks installed over the future.

Issues

5. In order to expand the NAC as a premier tourist attraction, an application has been submitted with the Australian Taxation Office (ATO) to endorse the FSG with deductible gift recipient (DGR) status.
6. DGR status will provide tax incentives for monetary donations to support the future development of the FSG as a public art collection. This status will complement what is currently in place for both general donations to the NAC, and for donations to the National Bonsai and Penjing Collection towards wider beautification projects.
7. Application for DGR status has been submitted to the ATO for endorsement, with approval expected by 28 August 2020.
8. Following endorsement of DGR status, submission will be made to the Secretariat at the Department of Infrastructure, Transport, Regional Development and Communications – Office for the Arts for participation in the Cultural Gifts Program.
9. The Cultural Gifts Program is a Commonwealth administered scheme that offers tax incentives to encourage people to donate cultural items to public art galleries, museums, libraries in Australia. This scheme differs from the ATO endorsed DGR scheme as it can facilitate donations of 'objects' as opposed to just cash. This enables artists and collectors to receive tax incentives for donating art works to public institutions. The Cultural Gifts Program has a number of checks and balances to protect the Program and its reputation including requiring considered acquisitions proposals endorsed by an advisory committee and two independent and approved

valuations to ascertain the market value of the works. Acceptance into the Program would allow the FSG to grow its collection without requiring significant funds for the acquisition of art works. Other ACT Government entities that are members of the program include the Canberra Museum and Gallery and the Legislative Assembly's Art Collection.

10. In anticipation of these approvals, the NAC has prepared a FSG Business Plan, Vision and Collection Policy, and a draft terms of reference for an Advisory Committee. These documents can be provided upon request. An internal minute will be provided to the Under Treasurer to approve the Advisory Committee before establishment.
11. This Advisory Committee would provide consultation and expert advice to support the FSG acquisition, display, and maintenance of art work, with proposed members including the Executive Branch Manager of the NAC, Arts ACT representative, and prominent members of the arts community.

Financial Implications

12. No financial implications during this application/endorsement stage.

Consultation

Internal

13. NAC Management Group - The FSG public art trail is identified in the current NAC Masterplan as a project that can realise, reveal, frame, and enrich the Arboretum's key forest, cultural and play experiences.

Cross Directorate

14. Sch 1 1.2
15. The Public Trustee and Guardians for the ACT have signed an MOU with the NAC for the naming of the 'Forest Sculpture Gallery Fund' and establishment of a fund bank account.
16. artsACT (CMTEDD) have provided advice on future management of the FSG Collection.
17. Strategic Finance have been involved in ensuring the governance and financial arrangements for the FSG protect the Territory.
18. Canberra Museum and Gallery have provided collections management and policy advice and expertise.

External

19. Friends of the National Arboretum Canberra; Trish Keller OAM – is supportive of the proposal.

20. John Mackay AM, Ambassador and patron on the National Arboretum Canberra – is supportive of the proposal.
21. Australian Taxation Office (ATO).
22. Department of Infrastructure, Transport, Regional Development and Communications – Office for the Arts.

Work Health and Safety

23. Nil Response.

Benefits/Sensitivities

24. The FSG will further diversify the visitor experience at the NAC, in addition to enhancing its status as a premier tourist destination, increase visitor numbers, and provide for increase commercial opportunities and initiatives.

Communications, media and engagement implications

25. Information regarding the FSG can currently be sourced through the NAC webpage, with dedicated information regarding current sculptures on display.
26. A custom domain name has been created, but currently not active. This will be populated following the relevant approval process.

Signatory Name: Scott Saddler Phone: (02) 6205 4056

Action Officer: Adamis Aspropotamitis Phone: (02) 6207 0749



FOREST SCULPTURE GALLERY
GPO BOX 158
CANBERRA ACT 2601

Our reference: Sch 1 1.3
Phone: 1300 130 248
ABN: 14 689 820 810

8 September 2020

Your organisation is endorsed as a deductible gift recipient

Dear Sir/Madam

We have endorsed your organisation as a deductible gift recipient and enclose your *Notice of endorsement as a deductible gift recipient*.

This endorsement enables your organisation to receive gifts which are tax deductible to donors.

The following details will appear on the Australian Business Register:

- your organisation's endorsement as a deductible gift recipient
- the date or period of effect.

You can view the details at www.abr.business.gov.au

If your organisation has also applied for other endorsements, you will receive separate notification.

What you need to do

Your endorsement was based on the information you gave us. Your organisation should regularly review its endorsement as a deductible gift recipient. We recommend a yearly review. If there are any changes (for example, to governing rules, structure or operations) and you are no longer entitled to endorsement, you must notify us before or as soon as possible after the event.

For more information

You can find out more about your non-profit entitlements, obligations and how to subscribe to regular updates on our website, www.ato.gov.au/non-profit. If you have any questions about matters specific to non-profit organisations, please phone us on **1300 130 248** between 8.00am and 6.00pm, Monday to Friday.

What you need if you phone us

We need to know we are talking to the right person before we can discuss your tax affairs. We will ask for details only you or someone you have authorised would know. An authorised contact is someone who you have previously told us can act on your behalf. It will help if you quote 'Our reference' which you will find at the top of the letter. If you can, please have your Australian business number with you.

Yours faithfully

William Day
Deputy Commissioner of Taxation



8 September 2020

Notice of endorsement as a deductible gift recipient

Endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	THE TRUSTEE FOR FOREST SCULPTURE GALLERY
Australian business number	14 689 820 810
Endorsement date of effect	4 September 2020
Provision for gift deductibility	Item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i> Item 4 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i>
Item(s) in Subdivision 30-B of the Income Tax Assessment Act 1997	12.1.4 public art gallery

Your organisation's endorsement as a deductible gift recipient together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at **www.abr.business.gov.au**

Your organisation must notify us in writing if it ceases to be entitled to endorsement.

Chris Jordan
Commissioner of Taxation and
Registrar of the Australian Business Register

Kramarzewski, Lisa

From: Fulton, CarolineM
Sent: Thursday, 19 January 2023 9:58 AM
To: Hobbs, Georgia; Gordon, Libby
Cc: Nangle, Elizabeth
Subject: FW: 2023-24 Budget - CMTEDD business case process - Economic Development Business Cases - FOR ACTION
Attachments: Budget Memo 2022-32 - Attachment A - 2023-24 Budget Process Rules and Timetable.DOCX; Budget Memo 2022-32 - (SP) Attachment D1 - Wellbeing Impact Assessment Drafting Guide.docx; Budget Memo 2022-32 - (SP) Capitalisation Guide.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi Libby and Georgia

As briefly discussed, Georgia will take carriage of the Arts Facility Strategy Business Case and Libby will have the Public Art one.

Below are the proposal's that the business cases are to be based on. Note that the facilities one includes additional staffing. I would propose it be at the SOGC level unless either of you disagree.

Georgia let me know if you would like to see some of our earlier business cases to give you an idea what the templates look like completed. Libby and I are here to assist if needed. And if you think it useful I can make a time for the three of us to discuss.

Can I get the completed business cases by COB Wednesday 1 February to allow for edits/discussions before being due on the Friday. Alternatively let me know if there are any difficulties with meeting the timeframe.

Sch 1 1.6

Sch 1 1.6

C

From: Kelly, Shauna <Shauna.Kelly@act.gov.au> **On Behalf Of** CMTEDD, Economic Development

Sent: Tuesday, 17 January 2023 9:04 PM

To: #CMTEDD Economic Development Exec <#CMTEDEconomicDevelopmentExec@act.gov.au>

Cc: Wu, Qianyi <Qianyi.Wu@act.gov.au>; Abramovic, Joanne <Joanne.Abramovic@act.gov.au>; Nangle, Elizabeth <Elizabeth.Nangle@act.gov.au>; CMTEDD, artsACTsupport <artsACTsupport@act.gov.au>; Kovacevic, Anita <Anita.Kovacevic@act.gov.au>; Norton, Sheri <Sheri.Norton@act.gov.au>; Gallace, Steven <Steven.Gallace@act.gov.au>; Economic Development Finance <EconomicDevelopmentFinance@act.gov.au>; CMTEDD, Economic Development <ecodev@act.gov.au>

Subject: 2023-24 Budget - CMTEDD business case process - Economic Development Business Cases - FOR ACTION

Importance: High

OFFICIAL

Hi all

Last week we sent out the below email to all exec support staff, for your reference I've attached the business process rules and some guidance documents from that email, but I haven't attached all the various templates as we'll add these to the containers when we assign them out.

CM2023/289

Portfolio/s: Arts

Public Art

Talking points:

Artwork commissions

- There are currently 117 public artworks in the ACT Government Public Art Collection managed by artsACT. Women are poorly represented, not only as artists but also as subjects in the collection.
- The Statement of Ambition for the Arts and the new Arts, Culture and Creative Policy commits to public art that contributes to Canberra's identity and belonging, and reflects the diversity of the community.
- \$200,000 was allocated in the ACT Government's 2021-22 Budget to commission a figurative artwork that realistically depicts a known woman. The Hon. Susan Ryan AO was announced as the subject on 28 August 2022.
- Susan Ryan dedicated her life to public service through many different roles, both in public office as a senator for the ACT and minister in the Hawke government, as well as in senior roles across in the private and public sector.
- Susan's distinguished career included many firsts. She was the first Senator for the Australian Capital Territory. The first woman appointed to a Labor frontbench position and the first Age Discrimination Commissioner.
- Susan made a significant contribution to the advancement of women through her ministerial office roles and her role in the creation of the Sex Discrimination Act – a significant and enduring reform that changed Australia.
- The artwork will be in bronze or other suitable material capable of achieving the required realistic depiction.
- A national Request for Expression of Interest (REOI) was undertaken to find a female or non-binary artist who demonstrates excellence in contemporary arts practice to do this commission.
- The REOI opened on 13 October and closed on 3 November 2022. A Request for Tender **for artist engagement is open and scheduled to close 23 February 2023.**
- Consultation with the family of Susan Ryan is currently underway to determine a suitable location for the artwork. Susan's daughter visited Canberra on 2 September **2022** to review possible sites.
- Growing Canberra's impressive public art collection to capture the diversity of human identity and experience has been identified as a priority when commissioning new works.

Cleared as complete and accurate: 31/01/2023
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and Economic Development

TRIM Ref: CM2023/289

Damaged artwork

- The bronze pipe was stolen from the Curtin and Chifley artwork (*Prime Minister John Curtin and Treasurer Ben Chifley*, ca 1945 by artist Peter Corlett, 2011) located in Barton in early January 2023. The pipe had been replaced in June 2022 following its theft in April 2022.
- artsACT is working with the National Capital Authority on options to improve security and protect the artwork including additional lighting. The pipe will be replaced following a review of security in the area.
- The cost to replace the pipe in June 2022 was \$4,100 ex GST. The work was completed by Meridian Foundry in consultation with the artist, who is retired.

Graffiti on artworks

- Public artworks in the collection managed by artsACT are subject to graffiti from time to time. Once reported by cleaning contractors or members of the community, graffiti is removed urgently to conserve the artwork and to reduce the likelihood of repeat incidents.
- High-profile graffiti incidents include those on the *Owl* (Bruce Armstrong, 2011) in Belconnen. CCTV is now used to monitor activity at this artwork – no incidents were reported in 2021-22 at this location.
- There are more graffiti incidents reported in city and town centres than suburban centres. Recently tagging was reported on *Tumbling Cubes* (Bert Flugelman, 1979) in Margaret Timpson Park, Belconnen, and the artwork *Sculptured Form* (Margel Hinder, 1970) located in Woden Town Centre is routinely targeted.
- Overall rates of graffiti on artworks in the collection managed by artsACT are very low. Three incidents of graffiti were reported in 2021-22 (two in the city and one in Woden Town Centre) and total cost of removal was \$750 ex GST. The cost of the camera operation and monitoring of the *Owl* was \$637.65 ex GST in 2021-22.

Background Information

- The indicative timeline for the Susan Ryan artwork is as follows:
 - Public art subject announced in August 2022 (complete).
 - REOI issued 13 October 2022 (complete).
 - Request for Tender issued to shortlisted artists in late November 2022.
 - Request for Tender closes 23 February 2023.
 - Artist engaged March 2023.
 - Model of the artwork approved in May 2023.

Cleared as complete and accurate: 31/01/2023
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and Economic Development

- Bronze casting completed by **September** 2023 and artwork installed by **December** 2023.
- The ACT Government Public Art Collection does not currently fully reflect the diversity of our community, of the 117 artworks:
 - men are subjects in 17 and women in eight. Of the six figurative artworks commemorating individuals, one is of a woman (a bust of the poet Judith Wright) and the others are male subjects – three former Prime Ministers and two local poets.
 - 83 artworks are by men, 24 works by women and 11 by men and women artists working together.

Damaged artworks

- The Canberra Times reported the 2022 and 2023 damage to the Curtin and Chifley artwork:

<https://www.canberratimes.com.au/story/7781721/the-chifley-and-curtin-statue-was-vandalised-whats-significant-about-this/>

<https://www.canberratimes.com.au/story/8037259/>

Cleared as complete and accurate: 31/01/2023
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref: CM2023/289



QUESTION TIME BRIEF

CM2023/739

Portfolio/s: Arts

Public Art

Talking points:

Artwork commissions

- There are currently 117 public artworks in the ACT Government Public Art Collection, managed by artsACT. Women are poorly represented, not only as artists but also as subjects in the Collection.
- The Statement of Ambition for the Arts and the new Arts, Culture and Creative Policy commits to public art that contributes to Canberra's identity and belonging, and reflects the diversity of the community.
- The ACT Government 2021-22 Budget allocated \$200,000 ~~was allocated in the ACT Government's 2021-22 Budget~~ to commission a figurative artwork that realistically depicts a known woman. The Hon. Susan Ryan AO was announced as the subject on 28 August 2022.
- Susan Ryan dedicated her life to public service through many different roles, both in public office as a Senator ~~senator~~ for the ACT and a Minister ~~minister~~ in the Hawke government, as well as in senior roles across in the private and public sector.
- Susan's distinguished career included many firsts. She was the first Senator for the Australian Capital Territory. The first woman appointed to a Labor frontbench position and the first Age Discrimination Commissioner.
- Susan made a significant contribution to the advancement of women through her ministerial office roles and her role in the creation of the Sex Discrimination Act, a ~~a~~ significant and enduring reform that changed Australia.
- The artwork will be in bronze ~~or other suitable material capable of~~ to ~~achieving~~ the required realistic depiction.
- A national Request for Expression of Interest (REOI) was undertaken to find a female woman or non-binary artist who demonstrates excellence in contemporary arts practice to do this commission. The REOI opened on 13 October 2022 and closed on 3 November 2022.
- A ~~An~~ number of impressive responses were received with three outstanding artists shortlisted to proceed to the Request for Tender stage.
- ~~The REOI opened on 13 October and closed on 3 November 2022.~~ A Request for Tender for artist engagement is opened on 14 December 2022 and closed ~~and scheduled to close on~~ 23 February 2023. All three artists submitted a tender. Tender.
- During ~~C~~onsultation with the family of Susan Ryan's family ~~is being consulted to determine a suitable location for the artwork. Susan's daughter has visited Canberra~~

Cleared as complete and accurate: 31/01/2023
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Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and Economic Development

TRIM Ref: CM2023/739

on 2 September 2022 and 3 March 2023 to review possible sites. The family is currently considering its preferred option; they is currently underway to determine a suitable location for the artwork identified the Senate Rose Gardens or surrounds as their preferred location for the artwork to be sited.

- artsACT has been working with the National Capital Authority (NCA) to determine an appropriate site. Susan's daughter visited Canberra on 2 September 2022 to review possible sites, on Friday 3 March 2023 and t. The NCA the NCA led conducted a walk around of three possible locations. The family is currently considering its preferred option

Sch 2.2(a)(x)

- Growing Canberra's impressive public art collection to capture the diversity of human identity and experience, has been identified as a priority when commissioning new works.

Damaged artwork

- The bronze pipe was stolen from the Curtin and Chifley artwork, (*Prime Minister John Curtin and Treasurer Ben Chifley*, ca-1945 by artist Peter Corlett, 2011) located in Barton in early January 2023.
- A new pipe has been fabricated and is due to be installed in the coming weeks.
- The pipe had been replaced in June 2022 following its theft in April 2022.
- The cost to replace the pipe in June 2022 was \$4,100 ex GST. The work was completed by Meridian Foundry in consultation with the artist, who is retired.
- artsACT has met is working with the National Capital Authority NCA to discuss on options to improve security and protect the artwork.
- The artwork is sited in an open area with good natural surveillance and lighting directed at the work.
- The only improvements that could be made would be the installation of CCTV cameras. Unfortunately, there is no existing CCTV network in the Parliamentary Triangle to link into, making this, so that would be a very costly option. including additional lighting. The pipe will be replaced following a review of security in the area.

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- ~~The cost to replace the pipe in June 2022 was \$4,100 ex GST. The work was completed by Meridian Foundry in consultation with the artist, who is retired.~~

Graffiti on artworks

- Public artworks in the collection managed by artsACT are subject to graffiti from time to time. Once reported by cleaning contractors or members of the community, graffiti is removed urgently to conserve the artwork and to reduce the likelihood of repeat incidents.
- High-profile graffiti incidents include those on the *Owl* (Bruce Armstrong, 2011) in Belconnen. CCTV is ~~now~~ used to monitor activity at this artwork. ~~Only one — no incident of graffiti on this work has been reported this financial year. s were reported in 2021-22 at this location.~~
- ~~There are more graffiti incidents reported in city and town centres than suburban centres.~~
- Recently tagging was reported on *Tumbling Cubes* (Bert Flugelman, 1979) in Margaret Timpson Park, Belconnen, and the artwork *Sculptured Form* (Margel Hinder, 1970) located in Woden Town Centre is routinely targeted.
- ~~Overall rates of graffiti on artworks in the collection managed by artsACT are very low.~~
- ~~Seven Three incidents of graffiti have been reported and removed this current financial year. This is an increase from ~~to~~ previous years and follows a similar trend of increased graffiti seen in other areas of public infrastructure in the ACT.~~
- ~~were reported in 2021-22 (two in the city and one in Woden Town Centre) and total cost of removal was On average, the cost for a call out to remove graffiti from a public artwork is \$275.~~
- ~~An exception was graffiti removal from the artwork, *Circuitry*, located in the Civic bus interchange. Tagging was at the highest point of the artwork, approximately eight metres above ground level. Specialist contractors and equipment was required to remove the graffiti. artsACT used the opportunity to bring forward routine cleaning of this work and have it completed at the same time.~~
- ~~The cost to remove the graffiti on public artworks to date is \$2,404 (ex GST). \$750 ex GST. ~~The cTohe~~ The annual cost of the camera operation and monitoring of the *Owl* is was \$600 ~~37.6500~~ (ex GST). ~~Fin~~ 2012-22.~~

Sch 2.2(a)(x)

Sch 2.2(a)(x)

- The indicative timeline for the Susan Ryan artwork is as follows:
 - Public art subject announced in August 2022 (completed).
 - REOI issued 13 October 2022 (completed).
 - Request for Tender issued to shortlisted artists in late November 2022 (completed).
 - Request for Tender closed 23 February 2023 (completed).
 - Artist engaged March -2023 (on track).

Sch 2.2(a)(x)

- Model of the artwork approved in ~~May 2023~~ ~~XXX~~ June 2023
- Bronze casting completed by ~~September 2023~~ ~~22~~ late 2023

Sch 2.2(a)(x)

- The ACT Government Public Art Collection does not currently fully reflect the diversity of our community, of the 117 artworks:
 - men are subjects in 17 and women in eight. Of the six figurative artworks commemorating individuals, one is of a woman (a bust of the poet Judith Wright) and the others are male subjects – three former Prime Ministers and two local poets.
 - 83 artworks are by men, 24 works by women and 11 by men and women artists working together.

Damaged artworks

- The Canberra Times reported the 2022 and 2023 damage to the Curtin and Chifley artwork:

<https://www.canberratimes.com.au/story/7781721/the-chifley-and-curtin-statue-was-vandalised-whats-significant-about-this/>

<https://www.canberratimes.com.au/story/8037259/>

From: [Gordon, Libby](#)
To: [Fulton, CarolineM](#)
Cc: [CMTEDD, artsACTsupport](#); [Nangle, Elizabeth](#); [Hobbs, Georgia](#)
Subject: FW: CMTEDD2023/196 - Public Art BC - for amendment due COB Thursday 16/2
Date: Thursday, 16 February 2023 12:23:00 PM
Attachments: [image001.jpg](#)

Hi Caroline – the edits in response to Zac’s comments have been made to the *Public Art – Celebrating Significant Women* business case

[WIRE: CMTEDD2023/196 - GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Brief - Cheyne - 2023-24 Business Case - Public Art -Celebrating Significant Women \(SENT to SF\)](#)

Some notes below also:

- Regarding the MPC fee and associated calculation/presentation, please refer to my earlier email on the *Arts Facilities Strategy* business case.
- The business case is missing depreciation and R&M. Again, please refer to my earlier email for guidance on these elements. **Added in R&M and depreciation figures**
 - On this point, can we confirm that CMTEDD will be the eventual asset owner (i.e. not CRA?). **Yes, artsACT will own, have added a note on this**

It would be useful to provide the basis for selecting \$300k as the appropriate level of funding for this project. The 2021-22 Budget provided \$200,000 for a similar purpose, so it would be good to justify the increased cost estimate. **There has been significant cost escalation in the last twelve months related to material and fabrication costs as well as project management fees. There is also the need to attract leading artists for a high-profile commission of this type.**

- We are unsure what the following sentence means: *“The artwork media will determine which artists will be suitable to submit a tender for this project. For example, if the work is to be in bronze, artists that work in this medium will be invited to make submissions”*. Who/what is the artwork media and how will their process work (to decide the work should be done in bronze, for example)? **Have edited for clarity**

Sch 1 1.6

Thanks,

Regards

Libby

From: Kelly, Shauna <Shauna.Kelly@act.gov.au> **On Behalf Of** CMTEDD, Economic Development
Sent: Wednesday, 15 February 2023 10:53 AM
To: Fulton, CarolineM <CarolineM.Fulton@act.gov.au>; Gordon, Libby <Libby.Gordon@act.gov.au>
Cc: Economic Development Finance <EconomicDevelopmentFinance@act.gov.au>; Gallace, Steven <Steven.Gallace@act.gov.au>; CMTEDD, artsACTsupport <artsACTsupport@act.gov.au>; CMTEDD, Economic Development <ecodev@act.gov.au>

Subject: CMTEDD2023/196 - Public Art BC - for amendment due COB Thursday 16/2

OFFICIAL

Good morning

[WIRE: CMTEDD2023/196 - GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Brief - Cheyne - 2023-24 Business Case - Public Art -Celebrating Significant Women \(SENT to SF\)](#)

Here is your 2nd business case back from Strategic Finance.

Can you please review the comments below and address them in the business case at Attachment A in the container above by COB Thursday? **Please make all changes in track.**

We will then push it through Kate and Kareena as needed to re-clear.

Sch 1 1.6

Let me know how you wish to proceed.

Many thanks

Shauna

From: Thomas, Zachary <Zachary.Thomas@act.gov.au>

Sent: Tuesday, 14 February 2023 7:25 PM

To: CMTEDD, Economic Development <ecodev@act.gov.au>; Gallace, Steven <Steven.Gallace@act.gov.au>

Cc: Economic Development Finance <EconomicDevelopmentFinance@act.gov.au>; Druhan, Sally <Sally.Druhan@act.gov.au>; Hazara, Arif <Arif.Hazara@act.gov.au>

Subject: RE: Economic Development Business Cases for Finance review - 3 of 12

Hi all,

Here is some feedback on the *Public Art – Celebrating Significant Women* business case.

- Regarding the MPC fee and associated calculation/presentation, please refer to my earlier email on the *Arts Facilities Strategy* business case.
- The business case is missing depreciation and R&M. Again, please refer to my earlier email for guidance on these elements.
 - On this point, can we confirm that CMTEDD will be the eventual asset owner (i.e. not CRA?).
- It would be useful to provide the basis for selecting \$300k as the appropriate level of funding for this project. The 2021-22 Budget provided \$200,000 for a similar purpose, so it would be good to justify the increased cost estimate.
- We are unsure what the following sentence means: “*The artwork media will determine which artists will be suitable to submit a tender for this project. For example, if the work is to be in bronze, artists that work in this medium will be invited to make submissions*”. Who/what is the artwork media and how will their process work (to decide the work should be done in bronze, for example)?

Sch 1 1.6

Regards,

Zac

Zac Thomas CA

I may send and respond to emails outside of regular hours. There is no expectation on you to do the same.

From: Aksenov, Stacey <Stacey.Aksenov@act.gov.au> **On Behalf Of** CMTEDD, Economic Development
Sent: Friday, 10 February 2023 11:45 AM
To: Thomas, Zachary <Zachary.Thomas@act.gov.au>; Hazara, Arif <Arif.Hazara@act.gov.au>; Gallace, Steven <Steven.Gallace@act.gov.au>
Cc: CMTEDD, Economic Development <ecodev@act.gov.au>; Economic Development Finance <EconomicDevelopmentFinance@act.gov.au>
Subject: RE: Economic Development Business Cases for Finance review - 3 of 12

OFFICIAL

Good morning all

#3 of 12 BC for your review:

[GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Brief - Cheyne - 2023-24 Business Case - Public Art -Celebrating Significant Women](#)

Kind regards,
Stacey

From: Aksenov, Stacey on behalf of CMTEDD, Economic Development <ecodev@act.gov.au>
Sent: Thursday, 9 February 2023 17:07
To: Thomas, Zachary <Zachary.Thomas@act.gov.au>; Hazara, Arif <Arif.Hazara@act.gov.au>; Gallace, Steven <Steven.Gallace@act.gov.au>
Cc: Economic Development Finance <EconomicDevelopmentFinance@act.gov.au>
Subject: Re: Economic Development Business Cases for Finance review - 2 of 12

Hi all,

Second business case for review please:

[WIRE: CMTEDD2023/197 - GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Brief - Cheyne - 2023-24 Business Case - Delivery of the Arts Facilities Strategy](#)

thank you

Kind regards
Stacey

Chief Minister, Treasury and Economic Development Directorate

To: Minister for the Arts

Tracking No.: CMTEDD2023/196

Date received in 20/02/2023

MO:

From: Executive Branch Manager, artsACT

Subject: 2023-24 Budget - Business Case – Public Art Celebrating Significant Women

Critical Date: 27/02/2023

Critical Reason: To meet Treasury timeframes for consideration of business cases for 2023-24 Budget Process.

- EGM 18/02/23
- DDG 10/02/23

Recommendations

That you:

1. Agree to the budget business case (Attachment A) for *Public Art - Celebrating Significant Women* progressing for consideration through the Expenditure Review Committee for the 2023-24 Budget.

Agreed / Not Agreed / Please Discuss

Tara Cheyne MLA



21/2/23

Minister's Office Feedback

with edits in word doc please.

Background

1. At the request of your office, Economic Development has developed a business case for Public Art Celebrating Significant Women to be considered as part of the 2023-24 Budget process. This brief seeks your endorsement of the budget business case, which is provided at Attachment A.
2. The business case (Attachment A) and wellbeing impact assessment (Attachment B) will be provided to Treasury on your approval for consideration by the Expenditure Review Committee.
3. Public artwork commissioned by the ACT Government does not fully reflect the diversity of our community as there are more works by men than women artists and more works with men as subjects than women.

Issues

4. An artwork commission is proposed to celebrate a significant woman as a means to begin to address the imbalance in gender representation in public art owned by the ACT Government. A new artwork commission celebrating a significant woman will demonstrate that women are valued by our community and are worthy of representation in sculptural form.

Financial Implications

5. The business case seeks \$300,000 in total (\$123,000 in 2023-24 and \$177,000 in 2024-25), refer Attachment A. This allows sufficient time for consultation and procurement processes for identifying the subject and artist/s.

Consultation

Internal

6. The business case has been provided to Strategic Finance, CMTEDD and their comments have been considered in the attachments.

Cross Directorate

7. The Office for Women (Community Services Directorate) has been consulted on the business case and is supportive.

External

8. The community was not consulted about this proposal. The next opportunity for major community engagement related to public art will be in the development of the Public Art Strategy (scheduled for development 2023-24).

Work Health and Safety

9. Nil in relation to the preparation this business case.

Benefits/Sensitivities

10. There has been negative media coverage about government funding of public art however, given the strong community support for artworks by and of women, the proposal is expected to be received positively.

Communications, media and engagement implications

11. A project specific communications plan will be developed for this project at the appropriate time.

Signatory Name: Caroline Fulton Phone: 6207 6809

Action Officer: Libby Gordon Phone: 6205 5468

Attachments

Attachment	Title
Attachment A	2023-24 Budget - Business Case – Public Art Celebrating Significant Women
Attachment B	Wellbeing Impact Assessment - Public Art Celebrating Significant Women

Request for Infrastructure Project Services

The Request for Infrastructure Project Services (RFIPS) is to be completed by the Territory agency or directorate (referred to generically as 'partner directorate' or 'directorate') representative seeking to engage Major Projects Canberra (MPC) to undertake procurement services on their behalf and/or to undertake services related to project delivery.¹

Directorates may add rows to tables to provide additional information. However, rows should not be deleted. Documents can be attached to supplement the information in the form.

Once completed, submit to RequestForInfrastructureProcurement.IDP@act.gov.au

1.0 Project Information

Project funding name ²	Public Art Commission – NAC Front Dam
GBMS Number ³	
Project name ⁴	Public Art Commission – NAC Front Dam
Parent Project Number ⁵ If applicable.	
EBS Project Number(s) ⁶ Directorate Project Number/Child project Number.	57165
Directorate Cost Centre Number ⁷	14102

1.1 Partner Directorate Details

Directorate	CMTEDD
Group, branch and section	Economic Development National Arboretum Canberra & Stromlo Forest Park
Primary project officer/manager ⁸	Alison Stewart
Position	Project Officer
Email	Alison.stewart@act.gov.au
Contact number	6207 3906
Project manager/director ⁹	Ahmed Khan
Position	Business Manager
Email	Ahmed.khan@act.gov.au
Contact number	6205 4265

If you identify any opportunities for improvement while following this process, please email your suggestions to MPCPMO@act.gov.au for consideration when the document is next reviewed.

2.0 Services Requested

2.1 Procurement and contract management services¹⁰

Provide information in this table to reflect the current understanding of the construction related services to be provided by MPC on behalf of the directorate.¹¹

Procurement	Primary Procurement Value ¹²	MPC Service requested
Project Management Agreement (PMA)	Choose an item.	Procurement and Contract Management

2.2 Other services

Provide information in this table to describe the other services to be provided by MPC to the directorate.

Service	Description of requirement / contract to which the service applies

2.3 Exemptions/waivers

Indicate if any exemptions and/or waivers¹³ apply to this project.

Exemption / Waiver	Procurement (from above table)	Applicable?	Approval ¹⁴ attached?
Exemption ¹⁵ from the tenders and quotations threshold under the Government Procurement Regulation 2007		Not applicable	No
Exemption ¹⁶ from the Secure Local Jobs Code under the Government Procurement Act 2001		Unsure - assistance required	No
Waiver of the requirement for Prequalification Scheme ¹⁷ compliance		Not applicable	No

3.0 Financial Management

3.1 PMARS

Describe the current status of the PMARS setup for the project.¹⁸

PMARS Project Establishment	Yes / No	Comment (if applicable.)
The project has been created in PMARS.	No	
The directorate has allocated funding across Budget Categories in PMARS.	No	

MPC – Request for Infrastructure Project Services

The directorate has allocated forecast expenditure in PMARS. ¹⁹	No
The directorate has completed the process: Project Initiation to Delivery Agency.	No
The PMARS Report: 5.05 Project Stages is attached.	Choose an item.

3.2 Funding

Provide a breakdown of all funding sources and allocations known at this time.

Funding allocations		\$ GST excl.	\$ GST incl.	Evidence attached ²⁰
Funding Sources	ACT Budget Appropriation			N/A
	Australian Government funding allocation			Choose an item.
	Grants and/or community funding			No
	NAC Deductible Gift Recipient (DGR) fund		Up to \$200,000	N/A
	TOTAL		Up to \$200,000	
Project budget allocation	Directorate managed project funds			Choose an item.
	MPC managed project funds			Choose an item.
	TOTAL ²¹		Up to \$200,000	

3.3 Australian Government funding

If Australian Government funding applies to a building work²² project, the level of funding may trigger a requirement to comply with the *Building Code 2016*²³. Indicate the level of funding, noting that if either funding level A or B applies, there may be specific requirements that apply to the project and affect the procurement²⁴.

If any other Australian Government funding applies which may result in requirements that apply to the project, contract, or reporting requirements that may affect the procurement, provide details.

Australian Government funding	Funding level category / funding agreement requirements
Building work	Choose an item.
[Other]	

3.4 Free Trade Agreements

Indicate if any Free Trade Agreement (FTA)²⁵ considerations have been identified for this project. Procurement ACT provides a factsheet²⁶ of FTAs to which the Territory is a party and the procurement thresholds.

FTA applicable to this project
Nil

4.0 Delegates

List the delegates and their financial delegation limit for procurement and contract variation approvals. List non-financial delegations such as agreement to confidential text.

Name	Position	Delegation: Financial (GST incl.)	Delegation: Non-financial
Ahmed Khan	Business Manager	\$100,000	
Scott Saddler	Executive Branch Manager	Unlimited	

5.0 Key stakeholders

List key stakeholders²⁷ for the project, including lead/supporting Ministers and Australian Government agencies, as applicable. Describe any commitments made by Ministers or constraints placed on funding.

Name of individual / organisation / group	Project role / relationship	Project interest / constraints
ArtsACT	Expert advice	

6.0 Project Planning

6.1 Project timeline

Indicate the key milestone dates for this project including any ministerial commitments.

Milestone	Target Date
Issue of REOI	Late March 2023
Closure of REOI	Late April 2023
Complete evaluation of REOIs	Early May 2023
Shortlist Respondents	Early May 2023
Issue Request for Tender (RFT)	Early May 2023
Complete evaluation of RFT and notify tenderers	Early June 2023
Finalise terms of contract	Mid June 2023

6.2 Project plans

Describe the current status of project planning including communications and governance. Provide completed or in-progress plans when submitting this request.

Project Plan	Status	Comment (If applicable.)
Project Plan	Completed	Attached is the draft EOI documentation.

Communications Plan	In progress	To be managed internally by NAC community and media engagement staff.
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6.3 Project risks

Describe the current status of project risk management:

The key risks for this project are in the identification of an artist with suitable experience and the potential complexity of creating and installing a work within a water feature.

7.0 Project Description

Provide all background information available on the project relevant to the requested services.²⁸

Functional Brief/Requirements²⁹ Describe/list/attach the project functional requirements documents.

The National Arboretum Canberra (NAC) is a research, conservation, educational and recreational hub for rare and endangered trees from around the world, located on the traditional country of the Ngunnawal people.

The NAC opened to the public in 2013; this year marks its 10th anniversary. Established in the wake of the devastating 2003 Canberra fires to celebrate and nourish community resilience, healing and recovery, the NAC honours Walter Burley Griffin and Marion Mahoney Griffin's original plans for a Canberra arboretum on the west side of the lake. Located 6 kilometres from the civic and commercial centre of Canberra, its forests and gardens are spread across 250 hectares and include 44,000 rare, endangered and symbolic trees. In the decade since it opened, the NAC has attracted more than 4 million visitors.

The Forest Sculpture Gallery, launched at the NAC in 2022, is a burgeoning collection of contemporary and twentieth-century sculpture within the setting of the Arboretum, offering visitors the experience of sculptures in forests, along walking trails, and on hillsides under open skies. Thus far 7 works of art have been installed across the NAC.* This will be the first work of art specifically commissioned for the FSG.

It is anticipated that this commission will be a work of art of exceptional quality and a signature work for the National Arboretum Canberra [+ FSG]. The commissioned work of art should vitalise the connection between the front dam and its landscape setting.

The dam sits between the significant Canberra landmarks of Black Mountain and the watercourse of the Molonglo River at the western end of Lake Burley Griffin, against a sweeping panoramic backdrop of Canberra and the limestone plains. Indigenous people have lived in the region for at least 20,000 years, practising a hunter-gatherer lifestyle until the arrival of Europeans in the early nineteenth century.

The work could refer to the lived history of the region – to First Nations occupation and/or European settlement prior to the establishment of the national capital. Traces of the region's pastoral history remain in the surrounding landscape in the form of scattered farm buildings, and are echoed in the dam itself, a nearly square body of water (78 x 82 metres) that is pumped from the lake and always full.

In addition to the cultural significance of this landscape for First Nations people for thousands of years and non-Indigenous settlers over the last 2 centuries, the Arboretum is home to hundreds of species of trees, shrubs and grasses and many animal species, including water birds and frogs in and around the dams. The north-western side of the front dam is planted with a forest of *Ginkgo biloba*, the maidenhair tree, a species native to China whose fossilised traces date back several hundred million years.

The audience for the work of art at this site will include all visitors entering the NAC – driving, cycling, running or walking – and those using the Arboretum paths and trails, and motorists on the Tuggeranong Parkway. There are views of the dam throughout the Arboretum, including the dress circle from the Village Centre to the Margaret Whitlam Pavilion, and Dairy Farmers Hill.

NCA Works Approval will be required prior to construction and installation and this will be managed by the NAC.

Attached are:

- Draft artist's brief/requirements
- Map showing the location of the front dam
- Indicative imagery

Existing documentation³⁰ Describe/list/attach existing project design related documentation.

The NAC proposed to duplicate the procurement and commissioning process utilised by The Territory for the recent public art commission – Woman of Significance run through artsACT.

Attached for reference are:

- REOI for 56727.REOI.110
- RFT for 56727.RFT.110

Existing information³¹ Describe/list/attach additional information that may impact procurement and/or project delivery.

8.0 Request Approval

Partner directorate Delegate approval

I, Scott Saddler, have the authority to request Major Projects Canberra to provide the services described above. I understand that delegate authority will be sought separately for specific procurements, entering into contracts, and to expend public money.

MPC -- Request for Infrastructure Project Savings

Sch 2.2(a)(ii)

Signed:
Scott S
Executive
SAC and

Date

8/3/23

MPC Acceptance of Request

MPC acceptance

As the MPC Officer with Authority to accept a request for infrastructure project services to support a Partner Directorate Project, this RFIP is:

ACCEPTED WITHOUT QUALIFICATION

MPC accepts this infrastructure project services request. MPC will allocate a project officer to liaise with the directorate nominated project officer/manager and commence development of required documentation for approval by the requesting directorate.

ACCEPTED WITH QUALIFICATION

With the following qualifications, MPC accepts this infrastructure project services request. MPC will allocate a project officer to liaise with the directorate nominated project officer/manager and commence development of required documentation for approval by the requesting directorate.

Qualification(s):

NOT ACCEPTED *for the following reasons:*

REQUIRES CLARIFICATION *as described below:*

Signed *Date*

[Name]

[Position]

[Branch]

Major Projects Canberra

MPC will return the form to the primary project officer/manager nominated on the form.

9.0 Procurement Documents

In order to commence the procurement process, MPC request the following information be provided.

Document	Status	Comment
Exemption Approval – procurement thresholds	NA	
Exemption Approval – Secure Local Jobs Code compliance	NA	Awaiting MPC clarification as it is important that this commission is open to national and international artists.
Waiver – Prequalification Scheme compliance	NA	
PMARS Report: <i>5.05 Project Stages</i>	Not Provided	
Evidence of funding source including full business case where applicable	Provided	Balance of NAC DGR fund
Funding breakdown	Provided	
Project plan	Provided	
Communications plan	In Progress	
Governance plan/structure	In Progress	
Risk register	Not Provided	
Functional requirements	Provided	
Existing documentation	Provided	
Additional Information	Provided	
[Other]	Choose an item.	
[Other]	Choose an item.	

Template Revision History

Version	Issue Date	Position	Details
0	Sept 2022	CPO	Approved for use

End notes

- ¹ For a full list of services refer to the Major Projects Canberra Definition of Services.
- ² As per the ACT Budget Papers / funding decision for the project or program of projects.
- ³ ACT Government Budget Management System funding unique identifier. Consult the directorate strategic finance team, if unsure.
- ⁴ As commonly used, may be a sub project of a larger budget funded project or program of projects.
- ⁵ Where a parent / child project structure exists, provide parent code. The directorate strategic finance team or PMARS team can assist, if unsure.
- ⁶ EBS / Oracle number (e.g. 12345). List each EBS project number (child number) associated with this procurement.
- ⁷ Cost centre to which the project will be billed. Add rows below if you would like to provide additional information.
- ⁸ The primary contact for the project.
- ⁹ The manager of the primary contact for the project.
- ¹⁰ The business case should contain information needed to complete this section including the types of contracted services and the form of contract to be used.
- ¹¹ If the business case has identified multiple procurements identify each one. This information may be amended during the development of the Procurement Plan Minute (PPM).
- ¹² The *Government Procurement (Charter of Procurement Values) Direction 2020* prescribes active consideration to be given to a range of ethical, environmental, economic and social factors to ensure that procurement processes and outcomes reflect the values of the ACT Government and the community. The detail of the procurements values applicable to a procurement will be given in the Procurement Plan Minute (PPM).
- ¹³ Refer to the business case or funding decision as the need for an exemption or waiver is normally considered prior to funding approval. Exemptions and waivers are not often required/approved. However, under certain circumstances it may become justifiable to seek an exemption/waiver post funding approval.
- ¹⁴ Refer to PACT website for required approval templates i.e., Simple and Complex Procurement Exemption Brief or Free Trade and International Agreements Procurement Exemption Brief.
- ¹⁵ Refer to Procurement ACT advice on exemptions to procurement thresholds.
- ¹⁶ Refer to ACT Government Secure Local Jobs Exemption Guidelines.
- ¹⁷ The ACT Government operates Prequalification schemes for contractors and consultants in the construction industry. Refer to MPC website > Supplying to Government.
- ¹⁸ Funding allocations may be adjusted during the procurement process and during project delivery, in consultation with MPC.
- ¹⁹ Yearly forecast as per the business case, ACT budget document or funding agreement.
- ²⁰ Attach the ACT Budget document or funding agreement confirming the funding allocation and provide the budget breakdown from the budget decision/business case/funding application, as applicable.
- ²¹ This total should equal the funding source total.

-
- ²² For a definition of building work, refer to <https://www.abcc.gov.au/building-code/government/funding-entities/overview/does-code-apply>.
- ²³ Code for the Tendering and Performance of Building Work 2016 as amended in July 2022.
- ²⁴ For example, the Code for the Tendering and Performance of Building Work 2016 as amended in July 2022 applies to infrastructure projects that are receiving funding above certain thresholds. All projects with Australian Government funding will be referred to the MPC Senior Director, Contracts prior to preparing a PPM. ACTGS advice is generally required for these procurements to ensure compliance with funding agreements.
- ²⁵ The Territory is a signatory to multiple FTAs. Adjustment to FTA financial thresholds occurs annually from 1 January. Current thresholds are available on the Procurement ACT website.
- ²⁶ <https://www.procurement.act.gov.au/policy-and-resources/factsheets-and-policies>
- ²⁷ Includes key government and key non-government stakeholders.
- ²⁸ Documents which contain this information may be attached rather than completing the table.
- ²⁹ Includes: scope, specifications, functional requirements, program.
- ³⁰ Includes: existing drawings, early design, safety in design, due diligence reports, planning advice, environment protection agreements/advice, design risks/risk register.
- ³¹ Includes: hazardous material impacts, utility services impacts, statutory planning constraints, environment protection risks, stakeholder risks, project risks/risk register, project interdependencies.

REQUEST FOR TENDER NO. 57164.RFT.110



PUBLIC ART COMMISSION – NAC FRONT DAM

**ON BEHALF OF CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT
DIRECTORATE**

CONTACT: TENDERACT@ACT.GOV.AU

ISSUE DATE: 24 JULY 2023

CLOSING DATE: 14 September 2023

CLOSING TIME: 2:00PM CANBERRA TIME

IMPORTANT NOTICE:

TENDERS MUST BE LODGED ELECTRONICALLY THROUGH THE TENDERS ACT WEBSITE

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1.0 INFORMATION FOR TENDERERS

1.1 Standard Conditions of Tender

Tenderers must read this Request for Tender (RFT) in conjunction with the Standard Conditions of Tender Construction which Tenderers can download from the website *Major Projects Canberra > Supplying to Government > Construction related documents and supporting information*.

To the extent of inconsistency between this RFT and the Standard Conditions of Tender, this RFT prevails.

This RFT is stage 2 of a 2-stage process. Only respondents shortlisted in accordance with Request for Expression of Interest no. 57164.REOI.110-NAC FRONT DAM are invited to tender in response to this RFT.

1.2 Interpretation

In addition to any definitions in the Standard Conditions of Tender, the following definitions apply in this RFT, unless the context otherwise requires:

Returnable schedules and attachments to this RFT form part of the RFT.

2.0 PROJECT

2.1 Background

The National Arboretum Canberra (NAC) is a research, conservation, educational and recreational hub for rare and endangered trees from around the world, located on the traditional country of the Ngunnawal people.

The NAC opened to the public in 2013; this year marks its 10th anniversary. Established in the wake of the devastating 2003 Canberra fires to celebrate and nourish community resilience, healing and recovery, the NAC honours Walter Burley Griffin and Marion Mahoney Griffin's original plans for a Canberra arboretum on the west side of the lake. Located 6 kilometres from the civic and commercial centre of Canberra, its forests and gardens are spread across 250 hectares and include 44,000 rare, endangered and symbolic trees. In the decade since it opened, the NAC has attracted more than 4 million visitors.

The Forest Sculpture Gallery, launched at the NAC in 2022, is a burgeoning collection of contemporary and twentieth-century sculpture within the setting of the Arboretum, offering visitors the experience of sculptures in forests, along walking trails, and on hillsides under open skies. Thus far 7 works of art have been installed across the NAC. This will be the first work of art specifically commissioned for the FSG and will celebrate the NAC's 10th anniversary.

It is anticipated that this commission will be a work of art of exceptional quality and a signature work for the National Arboretum Canberra Forest Sculpture Gallery. The commissioned work of art should vitalise the connection between the front dam and its landscape setting.

The dam sits between the significant Canberra landmarks of Black Mountain and the watercourse of the Molonglo River at the western end of Lake Burley Griffin, against a sweeping panoramic backdrop of Canberra and the limestone plains.

The Ngunnawal are the Traditional Custodians of the Australian Capital Territory and region. For time immemorial Ngunnawal people have maintained a tangible and intangible cultural, social, environmental, spiritual, and economic connection to these lands and waters.

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Traces of the region’s pastoral history remain in the surrounding landscape in the form of scattered farm buildings, and are echoed in the dam itself, a nearly square body of water (78 x 82 metres) that is pumped from the lake and always full.

In addition to the cultural significance of this landscape for First Nations people for thousands of years and non-Indigenous settlers over the last two centuries, the Arboretum is home to hundreds of species of trees, shrubs and grasses and many animal species, including water birds and frogs in and around the dams. The north-western side of the front dam is planted with a forest of *Ginkgo biloba*, the maidenhair tree, a species native to China whose fossilised traces date back several hundred million years.

The audience for the work of art at this site will include all visitors entering the NAC – driving, cycling, running or walking – and those using the Arboretum paths and trails, and motorists on the Tuggeranong Parkway. There are views of the dam throughout the Arboretum, including the dress circle from the Village Centre to the Margaret Whitlam Pavilion, and Dairy Farmers Hill.





From: Arboretum Forest Stories – forest layout

2.2 Statement of Requirements

The Territory wishes to engage a suitably experienced and qualified artist to undertake the design and fabrication of a public artwork as detailed above.

The work could be sited in, on, or around the dam. It could be representational or abstract, static or kinetic, floating or anchored; it could move across the surface of the dam, potentially using wind or water, or with an engineering component including hydraulics / moving water. Light may be a feature. Please note the dam wall cannot be punctured or disturbed in any way due to its fragile nature. Please refer to documents distributed during site visit held on Wednesday 26 July 2023 for more details.

The artwork will reflect excellence in contemporary arts practice. The work's size and material must be considered in the context of the chosen location. It must be able to withstand weathering and normal wear in a public place.

2.3 Deliverables

The successful artist is required to undertake the following:

- Develop preliminary design concepts for the artwork in response to this Brief, and produce a maquette and/or other design documentation required to fully convey the design intent for approval by the NAC.
- Complete design documentation for fabrication and installation including specifications, plans, elevations, construction details and fabrication/installation notes as required;
- Provide the required engineering certifications for the artwork including structural or civil certifications as required;
- Attend site meetings. Allowance should be made for at least five trips to Canberra including for project start up, stakeholder consultation, design presentations and installation. Additional visits will be on an hourly rates basis, with travel and accommodation costs reimbursed.
- Liaise with other consultants such as a landscape architect or others (engaged by others) to design the artwork surrounds if appropriate.
- Produce all required documentation to assist NAC to gain National Capital Authority works approval for the artwork and artwork surrounds. The NAC will lead this approval process.
- Following all approvals, fabricate the work as specified through the approved design process, taking into consideration all technical and certification requirements.
- Project manage the delivery and installation of the artwork in addition to landscape design as may be required for artwork surrounds.
- Produce a final report including an artist's statement describing the work, an itemised budget, a description and photographic documentation of the fabrication and installation process including materials used, and any other project information.
- At practical completion provide a Maintenance Manual for the work including task frequency, identified costs and preferred suppliers for maintenance tasks.

2.4 Technical Issues

The following technical requirements should be taken into consideration during design development:

- the artwork should reflect excellence in contemporary arts practice.

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- the artwork must be made of robust materials that will withstand weathering and normal wear in a public place as well as vandal attack.
- the size and theme of the artwork must be considered and be in harmony with the location and notably the scale of the surrounding landscape
- the artwork must comply with public safety requirements;
- the artwork must not raise security issues in accordance with crime prevention objectives. The design should consider the principles of Crime Prevention Through Environmental Design [ACT Crime Prevention manual](#);
- the artwork must not contain content that may offend and must meet any relevant Australian Government legislative requirements;
- the artwork must be installed and subsequently maintained for the duration of its lifespan within available resources; and
- if the artwork relates to Indigenous cultures or sites, the proposed work must be assessed by relevant Indigenous communities (or their nominated representatives) as to its appropriateness for ownership by the ACT Government.

In addition:

- the artwork must take into consideration planning and site requirements, in particular relevant land and pedestrian traffic management issues and controls;
- as required, meet requirements for environmental protection and landscape management measures during installation: [Environment Protection Guidelines for Construction and Land Development in the ACT](#)
- electrical work and lighting, including a mini pillar if necessary, must be part of the design and the budget;
- electrical work and all other trades input must be carried out by a qualified trades person and meet relevant Australian Standards; and
- installation should cause minimum disruption to the public space and not compromise public safety.

2.5 Planning and Approval Requirements

Design approval from the National Arboretum Canberra will be required in addition to Works Approval from the National Capital Authority before the artwork can proceed to fabrication. The artist will be required to assist the NAC to gain Works Approval, and the artist will be required to prepare drawings, technical reports, and other documentation as required to gain Works Approval.

2.6 Approval Milestones

Milestones requiring Arboretum approval before the artist is permitted to proceed to the next stage are as follows:

1. Preliminary design concepts for the artwork in response to this Brief. This should include a maquette and/or all other documentation required to fully convey the design intent.
2. Final design including a maquette and all other documentation required to fully convey the design intent and compliance with technical requirements referred to above.
3. Works Approval finalisation.
4. Engineering certification of the artwork's structural integrity as necessary for a public artwork.

2.7 Project Timeline

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The anticipated program for completion of the artwork is September 2024. Respondents are required to provide a program detailing how this completion time will be met, considering artist engagement is expected to be finalised by the end of October 2023

2.8 Commission Fee

The project commission fee is to include but is not limited to the following items:

- artist fees;
- all costs to fabricate and install the artwork
- all travel costs, accommodation and disbursements for the attendance of meetings and site visit in Canberra. Allow up to five visits.
- all design costs for engineering input as required;
- transportation of artwork to site and associated insurance to cover work during transit if fabrication completed off-site;
- all project incidental costs such as travel/administration, meeting costs, subcontracting and consultation fees and associated design drawings and Temporary Traffic Management plans (TTM) which must be completed within the budget and to required standards by outsourced contractors if necessary;
- installation costs including footings and if necessary, lighting, including a mini pillar if required;
- photographic documentation of project fabrication and installation; and
- required insurance costs including Public Liability insurance and Workers Compensation.

Exclusions:

- Works Approval fees;

For the avoidance of doubt, the engagement will be on the basis of a lump sum Fee.

It is anticipated that progress payments will be as follows or as agreed with Major Projects Canberra. Changes to progress payments will be considered on negotiation::

Progress payment 1	10%	On final design approval following stakeholder engagement
Progress payment 2	40%	At 50% fabrication
Progress payment 3	45%	At acceptance of completed artwork including engineers Certificate of Structural Sufficiency
Progress payment 4	5%	On expiry of 12 month defects period

3.0 ASSESSMENT CRITERIA

3.1 Evaluation Methodology

In evaluating submissions for this RFT, the Territory has as its objective the attainment of artistic excellence and value for money.

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Apart from the conformity with the requirements of this RFT, the Territory will evaluate Tenders in accordance with the criteria outlined below.

3.2 Threshold Assessment Criteria

Tenderers that do not meet the following Threshold Assessment Criteria may be regarded as non-conforming and may not be considered for further assessment against remaining Assessment Criteria.

	THRESHOLD ASSESSMENT CRITERIA	YES/NO
TC1	<p>Part C. Ethical Suppliers Declaration - Tender</p> <p>Tenderers are to complete and submit an Ethical Suppliers Declaration – Tender in the form of ATTACHMENT 6</p>	Yes/No

3.3 Weighted Assessment Criteria

The Territory will assess Tenders against the following Weighted Assessment Criteria.

At the conclusion of the assessment of the Weighted Assessment Criteria Tenders will be assigned a numerical score for each Weighted Assessment Criteria.

	WEIGHTED ASSESSMENT CRITERIA	WEIGHTING
WC1	<p>Creative Response / Design Idea</p> <p>The proposed artwork should respond to the project location and the project objectives. A written rationale is required and the artist must clearly convey the nature and scale of the proposed artwork by providing visual material such as drawings, plans, computer generated imagery, other documentation, or a maquette.</p>	60%
WC2	<p>Project Management, Materials and Fabrication</p> <p>The artist should demonstrate planning and project management experience and skills relating to the project by detailing the completion of public art commissions of a similar scale. The artist should provide evidence of a sound knowledge of the proposed materials and fabrication processes, the resolution of design and structural issues, an understanding of installation requirements, and of the technical requirements for project completion in the ACT.</p> <p>Project Timeline</p> <p>The artist is to provide a statement confirming their capacity, and that of their subcontractors, to meet the project timeline as stated in <u>Project Timeline</u>.</p>	20%
WC3	<p>Budget</p> <p>The artist should provide a price that includes all elements of project completion. The following must be provided:</p>	

	<ul style="list-style-type: none"> a. The completed Tender Pricing Schedule found as Attachment 2. b. A fixed lump sum fee proposal, itemised to include all costs associated with the commission as outlined in section 2.8. c. Fixed time, provisional sums and allowances are not permitted. d. The fee proposal is to be inclusive of GST. 	10%
WC4	<p>Work Health and Safety</p> <p>The artist is to provide evidence of how they and others involved in the design, fabrication and installation of the artwork will establish and maintain a safe working environment.</p>	10%

3.4 Non-Weighted Assessment Criteria

Not Used

3.5 Overall Assessment of Value for Money

Following the evaluation of Tenders against the Assessment Criteria and prior to selecting a preferred Tenderer the Territory may undertake an overall value for money assessment of all Tenders, including taking into account:

- the results of the evaluation against the Assessment Criteria;
- risk (which may include, without limitation, financial risk and risk arising as a result of the Tender being assessed as an unacceptably high risk against any Assessment Criteria);
- whole of life (WOL) costs; and
- any other matter set out in, or relevant to, the Government Procurement Act 2001 (ACT).

3.6 Assessment Timetable

The proposed timetable for the procurement process relating to this RFT is:

Activity	Proposed Date
RFT advertised	24/07/2023
RFT closes	14/09/2023
Contract awarded	October 2023
Debrief unsuccessful Tenderers	October 2023

4.0 CONTRACT REQUIREMENTS

4.1 Form of Contract

The form of contract expected to be used for the Services required by this RFT is the Territory's *Public Art Agreement* which is included with this RFT. The Territory reserves the right in its total discretion to alter provisions of the contract and the form of contract if an alternative is determined to be more appropriate.

The contract is expected to be for an initial period of 18 months.

4.2 Insurances

Without limiting the insurance that is required to be held by the successful Tenderer by law (e.g., workers' compensation) or under contract with the Territory, the successful Tenderer will be required to take out and maintain:

- product liability insurance to a value of \$20,000,000.00 in the annual aggregate. Policies should note the interests of the Territory.

5.0 ADDITIONAL CONDITIONS OF TENDER

Not Used.

5.1 Pricing

- Tenderers must complete Attachment 2 – Pricing Schedule.

5.2 Not Used

5.3 Not Used

5.4 Qualifications, Training and Knowledge

The preferred Tenderer will be required to ensure that all employees are adequately trained and qualified to ensure that all Services are delivered in accordance with the requirements of the contract, and any relevant legislation and Australian Standard.

5.5 Work Health and Safety Act 2011

The preferred Tenderer will be required to ensure that its business and all employees operate, in the provision of the Services, in accordance with the *Work Health and Safety Act 2011*.

5.6 Local Industry Participation

Not Used

5.7 Secure Local Jobs Code

Not Used

5.8 Secure Local Jobs Code Certification

Not Used

5.9 Project Management and Reporting System

The successful Tenderer(s) will be required to utilise the Government's Project Management and Reporting System (PMARS). PMARS will facilitate the transmission of technical and commercial information through an internet interface, including management of documentation and invoicing. The interface does not require the installation of software or electronic integration. The Tenderer(s) will be fully supported in transitioning to PMARS and will also have access to a helpline and user support through the life of the Contract(s). For further information, visit the website *Major Projects Canberra > Supplying to Government > PMARS*.

5.10 Subcontractors not approved

Acceptance of a Tender by the Territory does not constitute an approval of a proposed subcontractor or subcontracted work.

5.11 Financial information

The Territory may at its discretion require the preferred Tenderer (or any subsequent preferred Tenderer) to submit additional information for the purpose of the Territory (or the Territory's engaged consultant) assessing the preferred Tenderer's financial capacity and viability to provide the Services.

5.12 Security of documents

Not Used

5.13 Prequalification

Not Used

5.14 Principal's Authorised Person

Not Used

5.15 Amendments to the Standard Conditions

No legal obligations arise until the Territory has executed a contract with the preferred Tenderer.

The Territory will receive questions from Tenderers up to 72 hours prior to the close of Tenders.

6.0 TENDERER DECLARATION

Tenderers must complete and submit with their Tenders **Attachment 3 - Tenderer Declaration**.

The Tenderer must be a legal entity and:

- if the Tenderer is a company, provide the registered name of the corporation, address of its registered office, address of its principal place of business and its ACN
- if the Tenderer is a person, provide the name in full and address of the person and his or her ABN
- if the Tenderer is a partnership, provide the name in full and the address of each member of the partnership, the trading name of the partnership and its ABN

The ACN or ABN must accurately correlate with the legal entity as it is registered with the Australian Securities and Investments Commission and as registered on Tenders ACT.

Failure to submit the completed Tenderer Declaration or to supply required information (unless information is specified by a Tenderer to be 'Not Applicable') may render a Tender non-conforming.

7.0 CONFIDENTIAL TEXT

Tenderers are requested to submit with their Tender a form substantially in the form of **Attachment 4 – Confidential Text** if it wishes to specify any information it believes is confidential in accordance with and for the purposes specified in the Standard Conditions.

The Territory will be entitled to assume the Tenderer does not believe any information is confidential for the purposes of the Standard Conditions if the Tenderer does not submit a form substantially in the form of **Attachment 4– Confidential Text**.

8.0 LODGEMENT OF TENDERS

8.1 Method of Lodgement

Unless otherwise stated in the RFT Tenders must be lodged electronically via Tenders ACT. A Tender lodged by any other means including by hand, facsimile or email will be considered non-conforming.

Tenderers must register on Tenders ACT in order to lodge a Tender.

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Tenders must be lodged by the closing time and date identified on the front cover of this RFT.

Tendered files must be lodged, as applicable or as otherwise instructed, using only the following formats:

- PDF
- Microsoft Word
- Microsoft Excel
- AutoCAD (dwg)

Tenders ACT will accept up to a maximum of 15 files in any one upload. Each upload must not exceed the size limit of 100 MB per upload.

Tenders must be completely self-contained. No hyperlinked or other material may be incorporated by reference.

All enquiries and requests for technical or operational support should be directed to:

Tenders ACT Team

Telephone: 02 6207 7377

International: +61 2 6207 7377

Email: tendersACT@act.gov.au

The Tenders ACT Team is available between 9 am and 5 pm ACT local time, Monday to Friday (excluding ACT and national public holidays).

8.2 Lodgement Checklist

Below is a list of actions and/or information that Tenderers should review prior to submitting their Tender. This list may not be complete, and Tenderers should rely on their own inspection of the Standard Conditions and this RFT.

	Action/Information
<input type="checkbox"/>	Tender submitted on time
<input type="checkbox"/>	Tender files clearly titled with the RFT number, Tenderer's name, and file description
<input type="checkbox"/>	Tenderer has read and understood the <i>Standard Conditions of Tender – Construction</i>
<input type="checkbox"/>	Tenderer has read and understood the Additional Conditions of Tender (Refer Section 5)
<input type="checkbox"/>	All Assessment Criteria addressed
<input type="checkbox"/>	Completed (if required) Attachment 2 - Pricing Schedule
<input type="checkbox"/>	Completed and signed Attachment 3 - Tenderer Declaration
<input type="checkbox"/>	Completed Schedule Attachment 4 - Confidential Text (if the Tenderer wishes to specify any confidential text)
<input type="checkbox"/>	Attachment 6 - Ethical Suppliers Declaration – Tender
<input type="checkbox"/>	Required insurances

ATTACHMENT 1 – STATEMENT OF REQUIREMENTS

Not Used

ATTACHMENT 2 – PRICING SCHEDULE

Form of Tender

Tenderer to complete

<input type="checkbox"/> I/ <input type="checkbox"/> We Tender to perform the Services for the lump sum Contract Price:
[\$ including GST]

The lump sum Contract Price should include an adequate allowance for subconsultant services, for all profit, insurance costs, overheads, and disbursements (including all transport costs, travel costs, accommodation expenses and meal allowances) in relation to the project. For the avoidance of doubt, the engagement will be on the basis of a lump sum Fee and the Artist will not have any entitlement to any additional payment for such amounts.

Breakdown of Lump Sum Contract Price

The Tenderer should provide a breakdown of the Contract Price as follows. This breakdown is for tender evaluation purposes and will not limit or affect the scope of the Services or the Contract.

Role/item	Total amount
Artists fees	\$ [Insert] GST inclusive
Materials costs	\$ [Insert] GST inclusive
Subcontractors fees	\$ [Insert] GST inclusive
Insurance costs	\$ [Insert] GST inclusive
Structural Engineering certification fees	\$ [Insert] GST inclusive

Payment of the Contract Price

It is anticipated that progress payments will be as follows or as agreed with Major Projects Canberra:

Progress payment 1	10%	On final design approval following stakeholder engagement
Progress payment 2	40%	At 50% fabrication
Progress payment 3	45%	At acceptance of completed artwork including engineers Certificate of Structural Sufficiency
Progress payment 4	5%	On expiry of 12 month defects period

Changes to progress payments will be considered on negotiation.

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The Tenderer should clearly identify any additional proposed milestones for payment and the proposed amount of each instalment of the Contract Price payable following completion for each additional proposed milestone. The Tenderer should note that any additional proposed milestones for payment should be significant milestones which represent the completion of discrete activities and should not comprise monthly milestones.

ATTACHMENT 3 – TENDERER DECLARATION

1. I, the undersigned, am authorised on behalf of the Tenderer to provide the information and make the declarations set out in this Tenderer Declaration.
2. I/We tender to the Territory for the *Public Art Commission – Women of Significance* on behalf of ArtsACT, CMTEDD at the GST-inclusive prices specified in the Pricing Schedule.
3. I/We have provided details of any information I/we wish to be treated as confidential in any resulting contract in accordance with the Standard Conditions of Tender.
4. I/We undertake to provide evidence of insurance policies if requested by the Territory.
5. I/We undertake to provide financial information if requested by the Territory.
6. I/We authorise the Territory, in accordance with the Standard Conditions of Tender, to:
 7. obtain from any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, including without limitation WorkSafe ACT) and take into account in the evaluation, information including information about the Tenderer’s performance and/or compliance during any previous or current contracts for similar services as those sought in the RFT
 8. provide this Tenderer Declaration to any Commonwealth, State or Territory government agency (including any regulatory or law enforcement body) as evidence of the Tenderer’s consent to allow that agency to release the relevant information, if consent is required.
9. I/We have sighted all addenda to this RFT and have taken them into account in the preparation of my/our Tender.
10. I/We confirm that I/We have complied with the Building Code 2016 in preparing this Tender (if required under this RFT).
11. I/We agree that the Tender is open for acceptance by the Territory for a period of 120 days or such other period as specified in this RFT.
12. I/We warrant that in preparing the Tender I/we did not communicate or have any arrangement or arrive at any understanding with any of the other Tenderers to assist me/us or another tenderer prepare a tender, including that we did not engage in any discussion or correspondence concerning the prices included in our Tender, or engage in any collusive tendering with any of the other Tenderers, or any other conduct which in any way reduced or could have the effect of reducing the competitiveness of the tender process for the Services.
13. I/We warrant that as at the closing date of Tenders, the Tenderer, its officers, employees, agents, subcontractors, consultants and advisers do not have any actual, potential or perceived conflicts of interest between the interests of the Territory and the Tenderer other than as specifically disclosed in the Tender and I/We undertake to immediately notify the Territory’s Contact Officer of any actual, potential or perceived conflicts of interest that arise before the completion of this procurement process.

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_____		AND	_____	
Full Name and / or Name of Company			Trading Name (Business Name)	
_____		OR	_____	
ACN (Australian Companies Number)			ABN (Australian Business Number)	
_____			_____	
Business Address			Postal Address	
_____			_____	
State	P/Code		State	P/Code
_____			_____	
Telephone No	Mobile No		Facsimile No	Email Address
_____			_____	
Name of ACT Professional Standards Scheme			Upper Limit of capped Professional Indemnity Liability Insurance	
_____			_____	
Tenderer's Representative			(include telephone number)	
_____			_____	
Position Held by Tenderer's Representative			_____	
_____			_____	
Signature of Director if corporation else Tenderer			Printed Name	
_____			_____	
Date			_____	
_____			_____	
Signature of 2nd Director if corporation else Witness			Printed Name	

For statistical purposes only is your organisation a Small to Medium Enterprise? Yes / No

The definition of an SME is *a business with less than 200 employees by headcount, not full-time equivalent persons. The head count encompasses closely linked entities such as parent and subsidiary companies.*

ATTACHMENT 4 – CONFIDENTIAL TEXT

The Tenderer is requested to identify in the following format any information provided in the Tender in relation to which the Tenderer would, if that information were included in the Contract, request be confidential text for the purposes of the *Government Procurement Act 2001 (ACT)*.

Tender Reference	Description of Text	Basis for Tenderer's Claim (per <i>Government Procurement Act 2001, Section 35</i>)							Reasoning
		35(1)(a)(i)	35(1)(a)(ii)	35(1)(a)(iii)	35(1)(a)(iv)	35(1)(a)(v)	35(1)(a)(vi)	35(1)(b)	

[Guidance note: use the below examples.]

(a) (ii) intellectual property including software source codes

(a) (iii) information on the design and operation of goods

(a) (iv) hourly rates, on-costs, and management fees; individual components of the total contract price

(a) (v) construction plans for a correctional facility or law enforcement facility; information about design, construction or operation of major infrastructure or public works

(b) a failure to comply with the requirement would create an action for breach of confidence]

ATTACHMENT 5 – CONFIDENTIALITY DEED

Not Used.

ATTACHMENT 6 – ETHICAL SUPPLIERS DECLARATION - TENDER STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

I, [Name, address and occupation of person making declaration] make the following declaration under the Statutory Declarations Act 1959 (Cth),

1. In this declaration a reference to:

- a) **Adverse Ruling** means a ruling, order, notice (including without limitation any improvement notice or prohibition notice), conviction or finding made or issued by any Authorised Entity.
- b) **Authorised Entity** means any court, tribunal, board, commission, regulatory agency (including without limitation the director-general, commissioner, regulator, or any inspector referred to in the Prescribed Legislation) or other entity with jurisdiction to determine employee and industrial relations matters or work health and safety matters to the effect that the Tenderer has contravened the Prescribed Legislation.
- c) **Employee** means a natural person who is employed under a contract of service (excluding professional or information technology services) to provide the Tenderer with his or her labour.
- d) **Full Details** means the details of:
 - i) the nature of the Adverse Ruling, breach or offence;
 - ii) the name of the relevant Authorised Entity;
 - iii) the State or Territory in which the proceeding or prosecution was brought;
 - iv) the date of the Adverse Ruling was made, or the proceeding or prosecution was commenced, and the number or description assigned to the proceeding or prosecution;
 - v) the entity against which the Adverse Ruling, breach or offence was made or issued;
 - vi) any document setting out the Adverse Ruling, breach, or offence (including provision of a copy of the same);
 - vii) any conviction recorded or adverse finding made in respect of the Adverse Ruling, breach, or offence;
 - viii) any penalty, fine or order imposed by an Authorised Entity in respect of the Adverse Ruling, breach or offence and the maximum penalty, fine or order that could have been imposed under the Prescribed Legislation;
 - ix) any remedial measures or other actions proposed or recommended by the Authorised Entity and details of steps taken by the Tenderer to comply with those remedial measures or other actions; and
 - x) the status of the Adverse Ruling, breach, or offence as at the date of the declaration.
- e) **Industrial Instruments** means an award or agreement, however designated, that is made under or recognised by the Prescribed Legislation.

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- f) **Prescribed Legislation** means all applicable Acts and subordinate instruments of the Commonwealth and the Territory, which deal with matters relating to industrial relations, employment and/or workplace safety obligations that apply to an entity including (as amended or replaced from time to time) but not limited to:
- i) *Fair Work Act 2009 (Cth);*
 - ii) *Fair Work (Building Industry) Act 2012 (Cth);*
 - iii) *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth);*
 - iv) *Income Tax Assessment Act 1997 (Cth);*
 - v) *Independent Contractors Act 2006 (Cth);*
 - vi) *Industry Research and Development Act 1986 (Cth);*
 - vii) *Long Service Leave Act 1976 (ACT);*
 - viii) *Long Service Leave (Portable Schemes) Act 2009 (ACT);*
 - ix) *Migration Act 1958 (Cth);*
 - x) *Paid Parental Leave Act 2010 (Cth);*
 - xi) *Payroll Tax Act 2011 (ACT);*
 - xii) *Safety, Rehabilitation and Compensation Act 1988 (Cth);*
 - xiii) *Superannuation Guarantee (Administration) Act 1992 (Cth);*
 - xiv) *Superannuation Guarantee Charge Act 1992 (Cth);*
 - xv) *Work Health and Safety Act 2011 (ACT);*
 - xvi) *Workers' Compensation Act 1951 (ACT);*
 - xvii) *Workplace Gender Equality Act 2012 (Cth).*
- g) **Prescribed Works or Services** means works or services that require the exertion of labour by Employees.
- h) **Secure Local Jobs Code Certificate** has the meaning given by the Government Procurement Act 2001.
- i) **Secure Local Jobs Code** has the meaning given by the Government Procurement Act 2001.
- j) **Tenderer** means [\[Insert full legal name of tenderer including the ACN/ABN as per that identified in the Tender\]](#).
- k) **Territory-Funded Work** has the meaning given by the Government Procurement Act 2001.
2. I am authorised on behalf of the Tenderer to make this declaration.
3. The information supplied by the Tenderer with and in its Tender is true and correct. Any further information to be supplied by the Tenderer to enable assessment of its Tender will be true and correct.
4. The Tenderer is aware that tenderers for Territory-Funded Work must hold a Secure Local Jobs Code Certificate and that once certified tenderers must comply with the Secure Local Jobs Code.
5. The Tenderer agrees to comply with all applicable Territory policies and legislation referable to Territory-Funded Work and, if the Tenderer is prequalified under a prequalification scheme in the Territory, the WHS Active Certification Policy, if it is the preferred Tenderer.
6. By submitting a Tender, the Tenderer authorises the Territory to:
- a) obtain from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body) and take into account in its evaluation, information, including information about the Tenderer's performance under contracts (whether or not those contracts were with the Territory, State or Commonwealth or another entity and whether or not those contracts were identified by the Tenderer in its Tender);

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- b) obtain and take into account in its evaluation, information from referees or other reputable sources on the performance of the Tenderer on projects (whether or not they are identified by the Tenderer in their Tender);
- c) use any information obtained from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body), referee or other reputable source for any government purposes including, without limitation, assessment of suitability for award of contract;
- d) provide information about the Tenderer to any Territory, State or Commonwealth government agency, including information provided by the Tenderer and information related to the Tenderer's performance at any time and for any reason;
- e) provide the name of the Tenderer and this declaration to Unions ACT; and
- f) provide this declaration to any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, which includes, without limitation WorkSafe ACT) as evidence of the Tenderer's consent to allow that agency to release information as requested by the Territory to the Territory.
7. The following Industrial Instruments made pursuant to any Prescribed Legislation specifically applies to the Employees of the Tenderer and are binding on it or them.
[\[Insert details of Industrial Instruments \(this is the award you pay your employees under\). If no Employees write N/A\]](#)
8. The Tenderer has in the preceding 36 months of the date of this declaration complied with all applicable Industrial Instruments.
 True (delete 8A and initial) Not true (answer 8A) N/A No Employees (delete 8A)
- 8A. The Tenderer has not complied with the following Industrial Instruments in the following respects.
[\[Insert full details\]](#)
9. The Tenderer has in the preceding 36 months of the date of this declaration complied with all Prescribed Legislation
 True (delete 9A and initial) Not true (answer 9A)
- 9A. The Tenderer has not complied with the following Prescribed Legislation.
[\[Insert Full Details of the failure to comply with Prescribed Legislation\]](#)
10. The Tenderer has in the preceding 36 months of the date of this declaration recognised the rights of its Employees to union membership and representation.
 True (delete 10A and initial) Not true (answer 10A) N/A No Employees (delete 10A)
- 10A. The Tenderer has not recognised the rights of Employees to union membership and representation in the following respects.
[\[Insert Full Details of how the Tenderer has not recognised the rights of Employees to union membership and representation\]](#)
11. The Tenderer has in the preceding 36 months of the date of this declaration complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency.

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True (delete 11A and initial) Not true (answer 11A) N/A No Employees (delete 11A)

- 11A. The Tenderer has not complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency in the following respects:

[Insert Full Details of how the Tenderer has failed to comply with all amendments to wages and conditions of employment]

12. In the preceding 36 months of the date of this declaration there have been no findings against the Tenderer by an Authorised Entity, including a finding of a breach in a non-confidential consent order.

True (delete 12A and initial) Not true (answer 12A)

- 12A. There have been the following findings (Full Details of which are provided) against the Tenderer by an Authorised Entity:

[Set out Full Details of findings]

13. In the preceding 36 months of the date of this declaration there have been no Adverse Rulings under the Prescribed Legislation against the Tenderer.

True (delete 13A and initial) Not true (answer 13A)

- 13A. There have been the following Adverse Rulings under the Prescribed Legislation against the Tenderer:

[Set out Full Details of Adverse Rulings]

14. There are currently no proceedings or prosecutions against the Tenderer in respect of a breach of any Prescribed Legislation.

True (delete 14A and initial) Not true (answer 14A)

- 14A. There are currently the following proceedings or prosecutions against the Tenderer in respect of a breach of Prescribed Legislation.

[Set out Full Details of proceedings or prosecutions]

15. The Tenderer has not been required to implement any remedial measures to ensure future compliance with the Prescribed Legislation.

True (delete 15A and initial) Not true (answer 15A)

- 15A. The Tenderer has been required to implement the following remedial measures to ensure future compliance with the Prescribed Legislation:

[Set out Full Details of the remedial measures implemented]

16. Below is a complete list of all projects (both completed and current) in the Australian Capital Territory where the Tenderer has had management or control of a project site and on which an audit into any aspect of work health and safety performance or compliance has been conducted in the 36 months prior to the date of this declaration.

[Set out list of projects, or if none N/A]

17. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

Signature of person making the declaration

Print name of person making the declaration

Declared at [place] on [day] of [month] [year]

Before me:

Signature of person before whom the declaration is made

Full name, qualification, and address of person before whom the declaration is made (in printed letters)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before–

- (1) A person who is currently licensed or registered under a law to practise in one of the following occupations:
- | | | |
|----------------------|----------------------|--------------------|
| Chiropractor | Dentist | Legal practitioner |
| Medical practitioner | Nurse | Optometrist |
| Patent attorney | Pharmacist | Physiotherapist |
| Psychologist | Trade marks attorney | Veterinary surgeon |
- (2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) A person who is in the following list:
- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
 - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
 - Bailiff
 - Bank officer with 5 or more continuous years of service
 - Building society officer with 5 or more years of continuous service
 - Chief executive officer of a Commonwealth court
 - Clerk of a court
 - Commissioner for Affidavits
 - Commissioner for Declarations
 - Credit union officer with 5 or more years of continuous service
 - Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Fellow of the National Tax Accountants' Association
 - Finance company officer with 5 or more years of continuous service
 - Holder of a statutory office not specified in another item in this list
 - Judge of a court
 - Justice of the Peace
 - Magistrate
 - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
 - Master of a court
 - Member of Chartered Secretaries Australia

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Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution.

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ATTACHMENT 7 – SCHEDULE OF CONTRACTUAL AUTHORITIES

Not Used

ATTACHMENT 8 – SPECIAL CONDITIONS

Not Used

The following document has been redacted in full under Schedule 2, 2.2 (a)(ii) and Schedule 2, s2.2 (a)(xi), Schedule 2, s2.2(a)(xiii):

- 10 (pages 63-107)



QUESTION TIME BRIEF

CM2023/~~23561607~~

Portfolio/s: Arts

Public Art

Media

- [On 7 May 2023, the Canberra Times reported that Sculptor Lis Johnson was selected to create Susan Ryan statue for Canberra.](#)

Talking points:

Artwork commissions

- There are currently 117 public artworks in the ACT Government Public Art Collection, managed by artsACT. Women are poorly represented, not only as artists but also as subjects in the Collection.
- The Statement of Ambition for the Arts and the new Arts, Culture and Creative Policy commits to public art that contributes to Canberra's identity and ~~belonging,~~ ~~and belonging and~~ reflects the diversity of the community.
- The 2021-22 Budget allocated \$200,000 to commission a figurative artwork that realistically depicts a known woman. The Hon. Susan Ryan AO was announced as the subject on 28 August 2022.
- Susan Ryan dedicated her life to public service through many different roles, both in public office as a Senator for the ACT and a Minister in the Hawke government, as well as in senior roles across in the private and public sector.
- Susan's distinguished career included many firsts. She was the first Senator for the Australian Capital Territory, the first woman appointed to a Labor frontbench position and the first Age Discrimination Commissioner.
- Susan made a significant contribution to the advancement of women through her ministerial office roles and her role in the creation of the Sex Discrimination Act, a significant and enduring reform that changed Australia.
- The artwork will be in bronze to achieve the required realistic depiction.
- A national Request for Expression of Interest (REOI) was undertaken in late 2022 to find a woman or non-binary artist who demonstrates excellence in contemporary arts practice to do this commission.
- A Request for Tender followed, and a successful artist was chosen in April 2023. The artist selected is Lis Johnson and her contract was executed on 8 May 2023.
- [Lis Johnson will meet with members of Susan Ryan's family on 29/30 May 2023 in Canberra. Lis will ~~The artist~~ work with the family to depict Susan in a way that captures her personality and leadership qualities. Lis will use photographs, archival footage as well as clothes and accessories worn by Susan to create the representation.](#)

Cleared as complete and accurate: [04/05/2023](#) [23/05/2023](#)
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and Economic Development

TRIM Ref: CM2023/~~23561607~~

- Susan Ryan's family is being consulted to determine a suitable location for the artwork. Susan's daughter has visited Canberra on 2 September 2022 and 3 March 2023 to review possible sites. The family's preferred option is in the Parliamentary Zone.
- artsACT has been working with the National Capital Authority (NCA) to determine an appropriate site.
- Sch 2.2(a)(x)
- Growing Canberra's impressive public art collection to capture the diversity of human identity and experience, has been identified as a priority when commissioning new works.

Damaged artwork

- The bronze pipe was stolen from the Curtin and Chifley artwork, (*Prime Minister John Curtin and Treasurer Ben Chifley*, 1945 by artist Peter Corlett, 2011) located in Barton in early January 2023.
 - A new pipe has been fabricated and has been installed.
 - The pipe had been replaced in June 2022, following its theft in April 2022.
 - The cost to replace the pipe in June 2022 was \$4,100 (ex GST). The work was completed by Meridian Foundry in consultation with the artist, who is retired.
 - artsACT has met with the NCA to discuss options to improve security and protect the artwork.
-
- The artwork is sited in an open area with good natural surveillance and lighting directed at the work.
- The only improvements that could be made would be the installation of CCTV cameras. Unfortunately, there is no existing CCTV network in the Parliamentary Triangle to link into, making this a very costly option.
 - artsACT is working with the developer of 9 Moore Street, City, to rectify damage to the artwork *Folding Ground Across the In Between*, by artist John Tarry. The artwork was stored off-site during construction for protection, however, has been damaged on re-installation. [Transport Canberra and City Services has been providing advice and support to artsACT on this matter.](#)
 - Vandals placed trolleys onto the reed-like stems of the artwork, *Dancers on the Lakefront* by artist Konstantin Dimopoulos, located outside Belconnen Arts Centre. The items were removed within 24 hours of being reported and there was no damage to the artwork.

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- The sculpture, *Moai*, located in the Legislative Assembly courtyard will be decommissioned and destroyed. artsACT consulted with the Chilean Embassy about removing the sculpture and relocating it to the Embassy gardens, but the condition of the work is too poor to be safely removed and reinstalled. The Embassy has declined to receive the work and the deteriorated timber is not suitable to recycle. ~~Options for recycling the timber are being investigated.~~
- Conservation treatment was carried out in late April 2023, on the bronze sculptures of Mal Meninga and Laurie Daley located at the entrance to GIO Stadium. The cost of this work was \$4,124 (ex GST).

Graffiti on artworks

- Public artworks in the collection managed by artsACT are subject to graffiti from time to time. Once reported by cleaning contractors or members of the community, graffiti is removed urgently to conserve the artwork and to reduce the likelihood of repeat incidents.
- High-profile graffiti incidents include those on the *Owl* (Bruce Armstrong, 2011) in Belconnen. CCTV is used to monitor activity at this artwork. One incident of graffiti on this work has been reported this financial year.
- There are more graffiti incidents reported in city and town centres than suburban centres.
- Recently, tagging was reported on *Tumbling Cubes* (Bert Flugelman, 1979) in Margaret Timpson Park, Belconnen, and the artwork *Sculptured Form* (Margel Hinder, 1970) located in Woden Town Centre is routinely targeted.
- Overall rates of graffiti on artworks in the collection managed by artsACT are low.
- Seven incidents of graffiti have been reported and removed this current financial year. This is an increase from previous years and follows a similar trend of increased graffiti seen in other areas of public infrastructure in the ACT.
- On average, the cost for a call out to remove graffiti from a public artwork is \$275.
- An exception was graffiti removal from the artwork, *Circuitry*, located in the Civic bus interchange. Tagging was at the highest point of the artwork, approximately eight metres above ground level. Specialist contractors and equipment was required to remove the graffiti. artsACT used the opportunity to bring forward routine cleaning of this work and have it completed at the same time.
- The cost to remove the graffiti on public artworks to date is \$3,228,404 (ex GST). The annual cost of camera operation and monitoring of the *Owl* is \$600 (ex GST).

Background Information

- The indicative timeline for the Susan Ryan artwork is as follows:
 - Public art subject announced in August 2022 (completed).
 - REOI issued 13 October 2022 (completed).
 - Request for Tender issued to shortlisted artists in late November 2022 (completed).
 - Request for Tender closed 23 February 2023 (completed).
 - Artist engaged 8 May 2023 (completed), ~~(pending)~~.
 - Model of the artwork approved in September-June 2023.
 - Bronze casting completed by ~~late 2023~~ early 2024.

Sch 2.2(a)(x)

- The ACT Government Public Art Collection does not currently fully reflect the diversity of our community, of the 117 artworks:
 - men are subjects in 17 and women in eight. Of the six figurative artworks commemorating individuals, one is of a woman (a bust of the poet Judith Wright) and the others are male subjects – three former Prime Ministers and two local poets.
 - 83 artworks are by men, 24 works by women and 11 by men and women artists working together.

Damaged artworks

- The Canberra Times reported the 2022 and 2023 damage to the Curtin and Chifley artwork:

<https://www.canberratimes.com.au/story/7781721/the-chifley-and-curtin-statue-was-vandalised-whats-significant-about-this/>

Field Code Changed

<https://www.canberratimes.com.au/story/8037259/>

Field Code Changed

CM2023/2982

Portfolio/s: Arts

Public Art

Media

- On 7 May 2023, the [Canberra Times](#) reported that Sculptor Lis Johnson was selected to create Susan Ryan statue for Canberra.

Talking points:

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- There are currently 117 public artworks in the ACT Government Public Art Collection, managed by artsACT. Women are poorly represented, not only as artists but also as subjects in the Collection.
- The *Statement of Ambition for the Arts and the new Arts, Culture and Creative Policy* commits to public art that contributes to Canberra's identity and belonging and reflects the diversity of the community.
- The 2021-22 Budget allocated \$200,000 to commission a figurative artwork that realistically depicts a known woman. The Hon. Susan Ryan AO was announced as the subject on 28 August 2022.
- Susan Ryan dedicated her life to public service through many different roles, both in public office as a Senator for the ACT and a Minister in the Hawke government, as well as in senior roles across in the private and public sector.
- Susan's distinguished career included many firsts. She was the first Senator for the Australian Capital Territory, the first woman appointed to a Labor frontbench position and the first Age Discrimination Commissioner.
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- Lis Johnson met with members of Susan Ryan's family on 30 May 2023 in Canberra. Lis is working with the family to depict Susan in a way that captures her personality and leadership qualities. Lis will use photographs, archival footage as well as clothes and accessories worn by Susan to create the representation.

Cleared as complete and accurate: 20/06/2023
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and Economic Development

TRIM Ref: CM2023/2982

- Susan Ryan’s family is being consulted to determine a suitable location for the artwork. Susan’s daughter visited Canberra on 2 September 2022 and 3 March 2023 to review possible sites. The family’s preferred option is in the Parliamentary Zone.
- artsACT has been working with the National Capital Authority (NCA) to determine an appropriate site.
- Sch 2.2(a)(x)
- Growing Canberra’s impressive public art collection to capture the diversity of human identity and experience, has been identified as a priority when commissioning new works.

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- A new pipe has been fabricated and has been installed.
- The pipe had been replaced in June 2022, following its theft in April 2022.
- The cost to replace the pipe in June 2022 was \$4,100 (ex GST). The work was completed by Meridian Foundry in consultation with the artist, who is retired.
- artsACT has met with the NCA to discuss options to improve security and protect the artwork.
- The artwork is sited in an open area with good natural surveillance and lighting directed at the work. The only improvements that could be made would be the installation of CCTV cameras. Unfortunately, there is no existing CCTV network in the Parliamentary Triangle to link into, making this a very costly option.
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- The sculpture, *Moai*, located in the Legislative Assembly courtyard **was removed on 15 June 2023**. artsACT consulted with the Chilean Embassy about removing the sculpture and relocating it to the Embassy gardens, but the condition of the work is too poor to be safely removed and reinstalled. The Embassy has declined

to receive the work and the deteriorated timber is not suitable to recycle. As a result, the work will be destroyed and disposed

- Conservation treatment was carried out in late April 2023, on the bronze sculptures of Mal Meninga and Laurie Daley located at the entrance to GIO Stadium. The cost of this work was \$4,124 (ex GST).

Graffiti on artworks

- Public artworks in the collection managed by artsACT are subject to graffiti from time to time. Once reported by cleaning contractors or members of the community, graffiti is removed urgently to conserve the artwork and to reduce the likelihood of repeat incidents.
- High-profile graffiti incidents include those on the *Owl* (Bruce Armstrong, 2011) in Belconnen. CCTV is used to monitor activity at this artwork. One incident of graffiti on this work has been reported this financial year.
- There are more graffiti incidents reported in city and town centres than suburban centres.
- Recently, tagging was reported on *Tumbling Cubes* (Bert Flugelman, 1979) in Margaret Timpson Park, Belconnen, and the artwork *Sculptured Form* (Margel Hinder, 1970) located in Woden Town Centre is routinely targeted.
- Overall rates of graffiti on artworks in the collection managed by artsACT are low.
- Seven incidents of graffiti have been reported and removed this current financial year. This is an increase from previous years and follows a similar trend of increased graffiti seen in other areas of public infrastructure in the ACT.
- On average, the cost for a call out to remove graffiti from a public artwork is \$275.
- An exception was graffiti removal from the artwork, *Circuitry*, located in the Civic bus interchange. Tagging was at the highest point of the artwork, approximately eight metres above ground level. Specialist contractors and equipment was required to remove the graffiti. artsACT used the opportunity to bring forward routine cleaning of this work and have it completed at the same time.
- The cost to remove the graffiti on public artworks to date is \$3,228 (ex GST). The annual cost of camera operation and monitoring of the *Owl* is \$600 (ex GST).

Background Information

- The indicative timeline for the Susan Ryan artwork is as follows:
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 - REOI issued 13 October 2022 (completed).

- Request for Tender issued to shortlisted artists in late November 2022 (completed).
- Request for Tender closed 23 February 2023 (completed).
- Artist engaged 8 May 2023 (completed).
- Model of the artwork approved in September 2023.
- Bronze casting completed by early 2024.

Sch 2.2(a)(x)

- The ACT Government Public Art Collection does not currently fully reflect the diversity of our community, of the 117 artworks:
 - men are subjects in 17 and women in eight. Of the six figurative artworks commemorating individuals, one is of a woman (a bust of the poet Judith Wright) and the others are male subjects – three former Prime Ministers and two local poets.
 - 83 artworks are by men, 24 works by women and 11 by men and women artists working together.

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<https://www.canberratimes.com.au/story/8037259/>



**FOREST SCULPTURE GALLERY COMMITTEE
NATIONAL ARBORETUM CANBERRA
Margaret Whitlam Pavilion**

**21 June 2023
3.30 - 4.30PM**

ATTENDANCE

PRESENT:

Scott Saddler AM (SS)	Alison Stewart (AS) Secretariat	Casey McDonnell (CM) Minute Taker
John Mackay AM (JM)	Ruth Oliphant (RO)	Deborah Clark (DC) Curatorial Advisor
Dr Neil Hobbs (NH)	Robyn Hendry (RH)	

APOLOGIES: Dorothy Barclay (DB)

Item	Topic and Discussion	Action/Comments
1	Welcome and apologies	
1.1	Acknowledgment of Country Scott Saddler conducted Acknowledgment of Country	
2	<p>Update on acquisition installations, maintenance, and Cultural Gift Program progressions</p> <p>Last meeting proposals were put forward to cultural gifts programs, 3 works - Ian Marr, Cloak in Him Cedars and Louis Pratt. Waiting on confirmation from Commonwealth that these have been approved.</p> <p>Need to think of how we communicate those works to the public. Idea of having the artists talk to people via QR codes, making the collection come alive. Could also have artist statements.</p> <p>NH – Oslo Pine Forest, they have a good model to use.</p> <p>Remedial work done by ARTSact on 2 of their works with slight adaptations done to works (there was trapped condensation inside which was causing fractures).</p>	

	Wide Brown Land – not entirely visible from VC. Will be slightly pivoted so the public can easily read it from VC.	
3	<p>Update on Commissioning a work for the front dam NAC now have a good working relationship with Arts ACT, they have been involved in the evaluation of dam sculpture.</p> <p>EOI went out in April 2023 – it went out through tenders ACT and targeted a high number of artists. Also advertised on Arts Hub. Asked for people to demonstrate their capacity to deliver their artwork of this scale in the dam.</p> <p>Received 48 submissions. Spent 15 hours as a group to narrow down to 5. Offering them \$1,500 each to develop site specific proposals. Nominate their engineers etc. All artists were supplied with dam specs/scale. Needs to have impact.</p> <p>2 x Sydney Artists: Sch 2.2(a)(ii), Sch 2.2(a)(xi)</p> <p>2 x local artists: Sch 2.2(a)(ii), Sch 2.2(a)(xi)</p> <p>1 x Melbourne Artist: Sch 2.2(a)(ii), Sch 2.2(a)(xi)</p> <p>Panel agreed we need to think of a better name than ‘front dam’.</p> <p>Hoping to have firm proposals by August. The 5 artists will visit NAC over the next 6 weeks.</p> <p>Will need works approval through NCA.</p>	AS to chat with frog watch group to ensure frogs are being considered.
4	<p>Discussion and suggestions for new Committee member Out of scope</p>	

Out of scope

5	<p>Discussion around identifying and acquiring additional works for the collection</p> <p>Beautiful works by Joel Spring - Work was in 'Ceremony' at National Gallery. Concrete block with steel frame around it. Work addressed a sense of loss in terms of the landscape and is also about traditional burning practices. Artist acquired concrete blocks when they were wet, then pressed in pieces of timber from Yuen country and also from Botanic Gardens. Broken bits of timber imbedded and then set and burnt out. Constructed to be free standing, on wheels. Being offered as a donation, we would cover costs of installation.</p> <p>SS – suggested they could go into Bush Tucker Garden. Need to be closely located to each other. Need to consider any weather damage being situated outdoors.</p>	Panel to come up with suitable locations.
6	<p>Update re. Canberra Art Biennial planning for 2024</p> <p>NH – funding rights to become an Arts Organisation. Employed a producer who works 1 day a week. Tegan who works at Glass Works. Early days in terms of artist lists etc. Looking to get 6 or 8 works this year/next year. Work in progress for now, updates to come.</p> <p>Canberra Art Biennial would come here and have small gallery spaces.</p>	
7	Other business	



**FOREST SCULPTURE GALLERY COMMITTEE
NATIONAL ARBORETUM CANBERRA
BUGANG ROOM**

**22 June 2022
3.30 - 4.00PM**

ATTENDANCE

PRESENT:

Scott Saddler AM (SS)	Alison Stewart (AS) Secretariat	
Dorothy Barclay (DB)	John Mackay AM (JM)	Deborah Clark (DC) Curatorial Advisor
Dr Neil Hobbs (NH)	Robyn Hendry (RH)	Ruth Oliphant (RO)

APOLOGIES: Angus Trumble

Item	Topic and Discussion	Action / Comments
1	Welcome and apologies	
1.1	Acknowledgment of Country	
1.2	Endorsement of previous minutes No previous outstanding actions. (NH) (comment on 6. Comment to change to RO) LocalJinni 6. DC – Marr piece – spelling	Endorsed
2	Update on acquisition installation and Cultural Gift Program proposals AS & DC updated we are in good stead to get those installed – AS updated regarding Cloak work will fit in Him Cedars. Backwards Attitude – will move across the road into the Mesa Oaks – will still have.	
2.1	Ian Marr – move in closer to central zone – will go into Pin Oak. AS hoping to submit the paperwork this financial year.	
	Updates on future acquisitions	

3	<p>Discussion around Forest Sculpture Gallery event: where to now; NAC proposal and discussion</p> <p>SS advised looking for a unique event (marquee, music, mulled wine) 9th September expecting 150-200 people. Bus will shuttle across the evening. NH updated LocalJinni to do a preview event (projections, labyrinth, crayon/billycan activity). SS thanked those who have donated into the DGR fund. AS updated that they will re-look at the guest list. AS explained they will have an identified work. Discussion regarding MC & speakers. SS advised that ideas will be circulated to the group.</p>	
4	<p>Discussion and suggestions regarding Commissioning of a work for the front dam</p> <p>SS explained the idea of an illuminated feature in the front dam. The ambassadorial evening (\$60k) will go towards commissioning an artist to create. AS will open up an EOI for artists and then choose 3 strongest ideas to be worked up to choose the strongest work.</p> <p>DC shared images of other works which play with water (Sch 2.2(a)(ii) [REDACTED]). SS suggest that aeration could also be a feature. NH suggested installation would be easier if the dam were drained.</p> <p>Discussion regarding Aus vs International. Discussion regarding whether – NH suggest a vid/still image of the situation for the dam for the potential artist to appreciate the different perspectives. AS & DC to start working on an EOI / scope, video of drive. Talk to the panel about who they would like to put the EOI out to. (ArtsHub, ArtsACT, Digital banners on Journals, Art Monthly, NSW Gallery, SeeCas,) Then ask for comments on EOI. A great idea to walk around the dam.</p>	
5	<p>Briefing re. Canberra Art Biennial proposed artists – see Attachment 1</p> <p>NH – Updated from Contour 656 (Bec Sellek – Manunja, Yellow poles – away from MWP, Paul Sellwood – Event Terrace, LocalJinnin during Oct, Him Cedar, Nathan N – ceramics in Bonsai garden 6-8, Composite panel work – South Terrace, Sarah Vincent – chalk, Phil Spellman – Xantharia Forest, Naomi TR – still to talk, Ian Hubbard – damaged signs) Installations will be in for a month OCTOBER– NH – talk regarding dates. SS explained need to be low enough to be stable. SS noted his appreciation. NH – painting by James Pow – map for the lake.</p>	
6	<p>Other business</p> <p>RH – suggested a donation for commitment \$20 to avoid no-show.</p> <p>RH, RO, Dot – excited by the dam and it will be a statement.</p> <p>DC- Ian Marr – deadline – could be good for the shop to stock some of the books.</p> <p>When the 3 pieces are in SS would like to invite the</p> <p>Dot – also excited about NRG.</p> <p>AS – shared the Sculpture @ Shaw catalogue.</p> <p>SS to contact Shaw to make contact with Matt Hill as the artist of the kangaroos.</p> <p>SS thanked the panel.</p>	

CM2023/3427

Portfolio/s: Arts

Public Art

Media

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Cleared as complete and accurate: 04/07/2023
Cleared for public release by: Executive Branch Manager Ext: 75564
Contact Officer name: Caroline Fulton Ext: 76809
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref: CM2023/2982

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- Sch 2.2(a)(x)
- Growing Canberra’s impressive public art collection to capture the diversity of human identity and experience, has been identified as a priority when commissioning new works.
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Request to Advertise Approach to Market

Note: Allow up to two working days for the release of Approach to Market (ATM) on Tenders ACT

It is the MPC Project Officer's responsibility to ensure all appropriate checks and authorisations have been obtained before advertising this ATM. This includes, but is not limited to, Government Procurement Board sign off, appropriate Delegate sign off and MPC Operational Protocols. Complete, approved documents ready for release must be provided at the time of submitting this form.

Please send this form and all documents, as listed in the Documents for Release table to TendersACT@act.gov.au.

1.0 General Details

ATM Number:	57164.110	Objective ID:	TBA
Procurement Unique Identifier ¹	2 nd Stage of a Previous Tender Process		
Project/Tender Title ² :	PUBLIC ART COMMISSION – NAC FRONT DAM		
Funding Directorate:	Chief Minister, Treasury and Economic Development Directorate		
Request Type:	Request for Tender (RFT)		
Description of Tender ³ :	The purpose of this Tender is to select a shortlisted artist to design and fabricate a public artwork to be installed in, on or around the dam near the main entrance of the National Arboretum Canberra (NAC).		
Branch:	Commercial Infrastructure		
Anticipated Value: (Will not be Published)	\$201c,500.00		
Preferred Release Date: (Allow for up to 48 hours processing time)	26/07/2023	Preferred Release Time:	4pm
Closing Date: ⁴	2:00 PM 29/08/2023		
Primary Prequalification Category: (If applicable)	N/A		
Secondary Prequalification Category: (If applicable)	N/A		
Invitation Process	Yes, this is a Select Process		
Confidential Information ⁵			
Invitation List ⁶ : (If applicable)	Sch 2.2(a)(xi)		

Sch 2.2(a)(ii), Sch 2.2(a)(xi)

Public Listing Type⁷

Public Listing - Alphabetical

1.1 UNSPS Codes

UNSPS codes are used for reporting by the Territory and by MPC.

UNSPS Codes⁸: Please select the UNSPS Codes most applicable to the process. You can add up to three codes and must assign a weighting to each.	Code 1: Building Construction/Maintenance Services (72000000)72000000)	Weighting: Enter weighting 100%
	Code 2: Select the appropriate UNSPSC code from list	Weighting: Enter weighting %
	Code 3: Select the appropriate UNSPSC code from list	Weighting: Enter weighting %

2.0 Secure Local Jobs

Does Secure Local Jobs apply to this ATM?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is this procurement for any of the following categories: <input type="checkbox"/> Construction <input type="checkbox"/> Security <input type="checkbox"/> Traffic Control <input type="checkbox"/> Cleaning If Yes, select the applicable category. Secure Local Jobs applies to the above categories.
Have you ensured this ATM complies with the Secure Local Jobs requirements?	<input type="checkbox"/> Secure Local Jobs Code Certificate <input type="checkbox"/> Labour Relations Training and Workplace Equity Planwebsite provided <input type="checkbox"/> Secure Local Jobs evaluation criteria inserted in ATM <input type="checkbox"/> Secure Local Jobs model contract clauses inserted in Draft Contract <input type="checkbox"/> Understand that quarterly contract reporting to the Secure Local Jobs Registrar will be required <input checked="" type="checkbox"/> Not applicable

3.0 Briefing Details

If additional briefing is required copy and paste the below box

3.1 Primary Briefing

Briefing / Site Visit:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Briefing / Site Visit Type:	<input checked="" type="checkbox"/> Briefing <input type="checkbox"/> Mandatory	<input type="checkbox"/> Site Visit <input type="checkbox"/> non-Mandatory
Briefing Title:	Notified already - On Site briefing	
Briefing Date:	26/07/2023	Briefing Time: 09:30am
Briefing Location ⁹ :	NAC Main Pavilion	
Briefing Description ¹⁰ :	Artist briefing on location and site issues.	

4.0 Contact Details

Please complete the below filling in the contact details for your project.

4.1 Contact Officer¹¹

Name:	Stephen Thomas	
Position:	Project Manager	
Email Address:	stephen.thomas@act.gov.au	
Phone Number:		
Mobile: (If applicable)	Sch 2.2(a)(ii)	

4.2 Alternative Officer¹²

Name:	Deborah Peereboom	
Position:	Senior Project Officer	
Email Address:	Deborah.peereboom@act.gov.au	
Phone Number:		
Mobile: (If applicable)	Sch 2.2(a)(ii)	

5.0 Evaluation Team

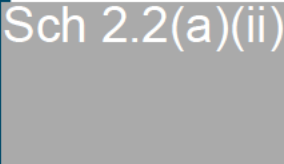
Please fill out the **full names** (as displayed in Outlook) of the evaluation team in the below section to allow the Tenders ACT Team to set up security access to the secure W Drive network folders for use during the evaluation process. Please note when setting up team members for either Education or Health these may take up to one week to process through ICT.

5.1 Evaluation Team¹³

Evaluation Team Chair:	Deborah Peereboom
Evaluation Team Members:	Angie McDuff Alison Stewart

	Deborah Clarke
Evaluation Team Members:	

6.0 Approvals

MPC Officer with Authority signature:	Sch 2.2(a)(ii) 
MPC Officer with Authority Name	Grant Johnston
Date	26/07/2023

7.0 Documents for Release

List all documents for release in the table below ensuring the title of each document is logical and helpful to potential tenderers. These documents must align with the documents listed in the RFT documentation. The title must also comply with the requirement to include the ATM number. (e.g., 30026-RFT-110, 30026-SOR-110).

Number of documents	Document Title
1.	RFT NAC ART COMMISSION FRONT DAM

Aug 2022	EBM PMO	Removal of references to Infrastructure Delivery Partners and changed to Major Projects Canberra. Addition of Designated Project options in Branch dropdown. Addition of 'no' or 'not applicable' to SLJC and Building Code questions.
Oct 2022	EBM PMO	Removal of technical enquiries table and changed project officer to communications officer under Contact Details. Added documents for release table. Moved form to new template.
Mar 2023	EBM PMO	Minor Update - Removal of Building Code 2016 references

¹ Use the proposed RFT numbers until Procurement ACT introduces a Whole of Government Procurement Unique Identifier

² Enter a brief but meaningful title for the ATM

³ Enter a brief but meaningful description for the ATM

⁴ All Procurement, Infrastructure ATMs must close on a Tuesday or Thursday. As per Australian Standard Code of tendering AS4120-1994, which states: Section 6.4 Closing of tenders NOT earlier than 2.00 pm. NOT on a Monday or day following a Public Holiday. At least one week after the recognised industry Christmas shut down.

⁵ Does the ATM include sensitive or confidential information that requires the use of a deed of confidentiality

⁶ Enter the details of the invited Tenderers including the contact name, business name, email address and phone number

⁷ If the MPC Project Officer wishes to have the list of tenderers displayed in any format other than Alphabetical, it is the Project Officers responsibility to provide the list and order to the Tenders ACT team for publishing, the Tenders ACT team is not responsible for this.

⁸ Codes starting with 72 include the construction and associated support services of assets comprised of commercial, transport, public, utility, education, hospital, and sports building. In general, this will cover all capital works delivered by MPC. See PACT fact sheet UNSPS Codes for Commonly Purchased Goods, Services and Works for additional details.

⁹ Enter the full street address for the briefing

¹⁰ Enter a brief but meaningful description of the briefing

¹¹ This could either be the communications officer or the evaluation team facilitator

¹² The alternative officer is provided in the circumstance where the contact officer cannot be reached.

¹³ Only list members of the evaluation team here

Request for Infrastructure Project Services

The Request for Infrastructure Project Services (RFIPS) is to be completed by the Territory agency or directorate (referred to generically as ‘partner directorate’ or ‘directorate’) representative seeking to engage Major Projects Canberra (MPC) to undertake procurement services on their behalf and/or to undertake services related to project delivery.¹

Directorates may add rows to tables to provide additional information. However, rows should not be deleted. Documents can be attached to supplement the information in the form.

Once completed, submit to RequestForInfrastructureProcurement.IDP@act.gov.au

1.0 Project Information

Project funding name ²	Public Art Celebrating Significant Women
GBMS Number ³	Public Art Celebrating Significant Women – Second Commission
Project name ⁴	
Parent Project Number ⁵ If applicable.	
EBS Project Number(s) ⁶ Directorate Project Number/Child project Number.	
Directorate Cost Centre Number ⁷	14409

1.1 Partner Directorate Details

Directorate	Chief Minister, Treasury & Economic Development Directorate
Group, branch and section	artsACT, Economic Development
Primary project officer/manager ⁸	Angie McDuff
Position	Public Art Project Officer
Email	Angie.mcduff@act.gov.au
Contact number	620 72380
Project manager/director ⁹	Libby Gordon
Position	Director, Arts Infrastructure and Public Art
Email	Libby.gordon@act.gov.au
Contact number	6205 5468

2.0 Services Requested

2.1 Procurement and contract management services¹⁰

Provide information in this table to reflect the current understanding of the construction related services to be provided by MPC on behalf of the directorate.¹¹

Procurement	Procurement Unique Identifier [PUI] ¹²	Primary Procurement Value ¹³	MPC Service requested
Design Services Consultant	Construction Related Consultancy Agreement	Diversity, Equality and Inclusion	Procurement and Contract Management
Construct Only Contractor	Project Management Agreement	Diversity, Equality and Inclusion	Procurement and Contract Management
Design & fabrication services (Artist)	Public Art Agreement	Diversity, Equality and Inclusion	Procurement and Contract Management

2.2 Other services

Provide information in this table to describe the other services to be provided by MPC to the directorate.

Service	Description of requirement / contract to which the service applies
Choose an item.	NIL

2.3 Exemptions/waivers

Indicate if any exemptions and/or waivers¹⁴ apply to this project.

Exemption / Waiver	Procurement (from above table)	Applicable?	Approval ¹⁵ attached?
Exemption ¹⁶ from the tenders and quotations threshold under the Government Procurement Regulation 2007	Nil	Not applicable	NA
Exemption ¹⁷ from the Secure Local Jobs Code under the Government Procurement Act 2001	Nil	Not applicable	NA
Waiver of the requirement for Prequalification Scheme ¹⁸ compliance	Nil	Not applicable	NA

3.0 Financial Management

3.1 PMARS

Describe the current status of the PMARS setup for the project.¹⁹

PMARS Project Establishment	Yes / No	Comment (if applicable.)
The project has been created in PMARS.	No	

The directorate has allocated funding across Budget Categories in PMARS.	Choose an item.
The directorate has allocated forecast expenditure in PMARS. ²⁰	No
The directorate has completed the process: Project Initiation to Delivery Agency.	No
The PMARS Report: 5.05 Project Stages is attached.	Choose an item.

3.2 Funding

Provide a breakdown of all funding sources and allocations known at this time.

Funding allocations		\$ GST excl.	\$ GST incl.	Evidence attached ²¹
Funding Sources	ACT Budget Appropriation	300,000	330,000	Yes
	Australian Government funding allocation	Nil		Choose an item.
	Grants and/or community funding	Nil		Choose an item.
	TOTAL	300,000	330,000	
Project budget allocation	Directorate managed project funds	5000	5500	Choose an item.
	MPC managed project funds	295,000	324,500	Choose an item.
	TOTAL ²²	300,000	330,000	

3.3 Australian Government funding

If Australian Government funding applies to a building work²³ project, the level of funding may trigger a requirement to comply with the *Building Code 2016*²⁴. Indicate the level of funding, noting that if either funding level A or B applies, there may be specific requirements that apply to the project and affect the procurement²⁵.

If any other Australian Government funding applies which may result in requirements that apply to the project, contract, or reporting requirements that may affect the procurement, provide details.

Australian Government funding	Funding level category / funding agreement requirements
Building work	No funding from the Australian Government

3.4 Free Trade Agreements

Indicate if any Free Trade Agreement (FTA)²⁶ considerations have been identified for this project. Procurement ACT provides a factsheet²⁷ of FTAs to which the Territory is a party and the procurement thresholds.

FTA applicable to this project

[Insert Nil if none apply]

4.0 Delegates

List the delegates and their financial delegation limit for procurement and contract variation approvals. List non-financial delegations such as agreement to confidential text.

Name	Position	Delegation: Financial (GST incl.)	Delegation: Non-financial
Libby Gordon	Director, Arts Infrastructure and Public Art	\$50,000	
Caroline Fulton	EBM, artsACT	Unlimited	

5.0 Key stakeholders

List key stakeholders²⁸ for the project, including lead/supporting Ministers and Australian Government agencies, as applicable. Describe any commitments made by Ministers or constraints placed on funding.

Name of individual / organisation / group	Project role / relationship	Project interest / constraints
Minister for the Arts	Funding agency. Keen interest in subject matter.	Budget commitment and a commitment under the Arts, Culture and Creative Policy and Action Plan.
Subject's family	Provide advice on how best to represent subject. Supply images and personal information and items of subject matter for artist to work with.	Family will have a close personal attachment to the project and how the subject is portrayed.
Federal Minister for Women	No role. Will be invited to the launch.	
Transport Canberra and City Services (TCCS)	Asset acceptance related to TCCS impacted assets. Asset will be owned and managed by artsACT.	Artwork may be situated on land managed and maintained by TCCS.
Offices for Women, Disability, Multicultural Affairs, LGBTIQ Affairs and ATSI Affairs, CSD ACT Place Names, EPSDD Protocol and Honors, and Sport and Recreation, CMTEDD	Consultation and advisory role around subject selection. Will be kept informed and part of the launch	Very supportive of the project and interested in its development.
Artist/s (women or gender diverse/non-binary)	Design and fabricate artwork	Under contract to deliver high profile project
Artist's subcontractors, eg foundry	Fabrication of artwork	Under contract to the artist to fabricate artwork

Design consultant – landscape architect	Design documentation for artwork siting, approval process	Under contract for design related to project delivery
Landscape contractor	Installation of landscape works, artwork plinth, lighting and surrounds. Transportation and installation of artwork	Under contract to deliver high profile project, work closely with the artist

6.0 Project Planning

6.1 Project timeline

Indicate the key milestone dates for this project including any ministerial commitments.

Milestone	Target Date
Consultation within Government to short list subjects.	September 2023
Confirm artwork subject (Minister's Office).	November 2023
Undertake consultation with subject's family and confirm options for artwork form and general location.	November 2023
Publicly announce subject matter.	December 2023
Issue Request for Tender Package to select artists.	January 2024
Complete Tender evaluation and engage preferred artist.	March 2024
Complete draft design, in consultation with subject's family.	May 2024
Approve artwork sketch design/maquette	June 2024
Commence artwork fabrication	July 2024
Review and approve artwork model	August 2024
Complete bronze casting	September 2024
Install artwork	October 2024
Launch and promote artwork	November 2024

6.2 Project plans

Describe the current status of project planning including communications and governance. Provide completed or in-progress plans when submitting this request.

Project Plan	Status	Comment (If applicable.)
Project Plan	Requires MPC assistance to develop	
Communications Plan	In progress	

6.3 Project risks

Describe the current status of project risk management

Project risk management Provide the current risk register when submitting this request.

Completed. Risk Management Plan attached.

7.0 Project Description

Provide all background information available on the project relevant to the requested services.²⁹

Functional Brief/Requirements³⁰ Describe/list/attach the project functional requirements documents.

Canberra has developed a rich collection of artworks in the public domain. There are currently 114 public artworks in the ACT Government Public Art Collection (the Collection) managed by artsACT.

The ACT Government is committed to public art that contributes to Canberra's identity and belonging, and reflects the diversity of the community. To further this, the Government is commissioning a second public artwork of a significant woman by an artist/s who are women or gender diverse/non-binary.

\$300,000 has been allocated to the project in the 2023-24 Budget. This funding will cover the cost of a sculpture including all fabrication, installation, consultant engineer costs and artist fees.

The location for the artwork is not yet known and will depend on whether there is a particular place that was special to the subject and her family. The exact location will depend on detailed site investigations including considerations such as locations of underground services, pedestrian movement and vehicle sightlines.

The indicative project program is that an artist would be engaged by March 2024, design of the artwork would be approved in May 2024, fabrication would be complete by September 2024 and the artwork installed by November 2024.

Existing documentation³¹ Describe/list/attach existing project design related documentation.

- Artwork subject and site not known – further information to be provided at a later stage

Existing information³² Describe/list/attach additional information that may impact procurement and/or project delivery.

- Nil as artwork subject and site not yet known

8.0 Request Approval

Partner directorate Delegate approval

I, Caroline Fulton, have the authority to request Major Projects Canberra to provide the services described above. I understand that delegate authority will be sought separately for specific procurements, entering into contracts, and to expend public money.

Signed

Sch 2.2(a)(ii)

Date 14 August 2023

Caroline Fulton
Executive Branch Manager
artsACT, CMTEDD

MPC Acceptance of Request

MPC acceptance

As the MPC Officer with Authority to accept a request for infrastructure project services to support a Partner Directorate Project, this RFIP is:

ACCEPTED WITHOUT QUALIFICATION

MPC accepts this infrastructure project services request. MPC will allocate a project officer to liaise with the directorate nominated project officer/manager and commence development of required documentation for approval by the requesting directorate.

ACCEPTED WITH QUALIFICATION

With the following qualifications, MPC accepts this infrastructure project services request. MPC will allocate a project officer to liaise with the directorate nominated project officer/manager and commence development of required documentation for approval by the requesting directorate.

Qualification(s):

NOT ACCEPTED *for the following reasons:*

REQUIRES CLARIFICATION *as described below:*

Signed

Date

[Name]

[Position]

[Branch]

Major Projects Canberra

MPC will return the form to the primary project officer/manager nominated on the form.

9.0 Procurement Documents

In order to commence the procurement process, MPC request the following information be provided.

Document	Status	Comment
Exemption Approval – procurement thresholds	NA	
Exemption Approval – Secure Local Jobs Code compliance	Choose an item.	
Waiver – Prequalification Scheme compliance	NA	
PMARS Report: <i>5.05 Project Stages</i>	Choose an item.	
Evidence of funding source including full business case where applicable	Provided	
Funding breakdown	Provided	
Project plan	Not Provided	
Communications plan	In Progress	
Governance plan/structure	Not Provided	
Risk register	Provided	
Functional requirements	Provided	
Existing documentation	Not Provided	
Additional Information	Not Provided	
[Other]	Choose an item.	
[Other]	Choose an item.	

Template Revision History

Version	Issue Date	Position	Details
0	Sept 2022	CPO	Approved for use
0.1	June 2023	Project Controls Lead	Minor Update - PUI implementation by PACT on 16 April 2023

End notes

- ¹ For a full list of services refer to the Major Projects Canberra Definition of Services.
- ² As per the ACT Budget Papers / funding decision for the project or program of projects.
- ³ ACT Government Budget Management System funding unique identifier. Consult the directorate strategic finance team, if unsure.
- ⁴ As commonly used, may be a sub project of a larger budget funded project or program of projects.
- ⁵ Where a parent / child project structure exists, provide parent code. The directorate strategic finance team or PMARS team can assist, if unsure.
- ⁶ EBS / Oracle number (e.g. 12345). List each EBS project number (child number) associated with this procurement.
- ⁷ Cost centre to which the project will be billed. Add rows below if you would like to provide additional information.
- ⁸ The primary contact for the project.
- ⁹ The manager of the primary contact for the project.
- ¹⁰ The business case should contain information needed to complete this section including the types of contracted services and the form of contract to be used.
- ¹¹ If the business case has identified multiple procurements identify each one. This information may be amended during the development of the Procurement Plan Minute (PPM).
- ¹² PUI helps in tracking and monitoring the procurement activities across the procurement lifecycle and is required to access procurement services and systems. A PUI should be created as early as possible in the planning stages of the procurement using the Procurement Unique Identifier Request Form, which can be found on the One Gov service Centre site > Procurement ACT > Goods and Services > PUI or on the Procurement Hub intranet site > Home > PUI.
- ¹³ The *Government Procurement (Charter of Procurement Values) Direction 2020* prescribes active consideration to be given to a range of ethical, environmental, economic and social factors to ensure that procurement processes and outcomes reflect the values of the ACT Government and the community. The detail of the procurements values applicable to a procurement will be given in the Procurement Plan Minute (PPM).
- ¹⁴ Refer to the business case or funding decision as the need for an exemption or waiver is normally considered prior to funding approval. Exemptions and waivers are not often required/approved. However, under certain circumstances it may become justifiable to seek an exemption/waiver post funding approval.
- ¹⁵ Refer to PACT website for required approval templates i.e., Simple and Complex Procurement Exemption Brief or Free Trade and International Agreements Procurement Exemption Brief.
- ¹⁶ Refer to Procurement ACT advice on exemptions to procurement thresholds.
- ¹⁷ Refer to ACT Government Secure Local Jobs Exemption Guidelines.
- ¹⁸ The ACT Government operates Prequalification schemes for contractors and consultants in the construction industry. Refer to MPC website > Supplying to Government.

- ¹⁹ Funding allocations may be adjusted during the procurement process and during project delivery, in consultation with MPC.
- ²⁰ Yearly forecast as per the business case, ACT budget document or funding agreement.
- ²¹ Attach the ACT Budget document or funding agreement confirming the funding allocation and provide the budget breakdown from the budget decision/business case/funding application, as applicable.
- ²² This total should equal the funding source total.
- ²³ For a definition of building work, refer to <https://www.abcc.gov.au/building-code/government/funding-entities/overview/does-code-apply>.
- ²⁴ Code for the Tendering and Performance of Building Work 2016 as amended in July 2022.
- ²⁵ For example, the Code for the Tendering and Performance of Building Work 2016 as amended in July 2022 applies to infrastructure projects that are receiving funding above certain thresholds. All projects with Australian Government funding will be referred to the MPC Senior Director, Contracts prior to preparing a PPM. ACTGS advice is generally required for these procurements to ensure compliance with funding agreements.
- ²⁶ The Territory is a signatory to multiple FTAs. Adjustment to FTA financial thresholds occurs annually from 1 January. Current thresholds are available on the Procurement ACT website.
- ²⁷ <https://www.procurement.act.gov.au/policy-and-resources/factsheets-and-policies>
- ²⁸ Includes key government and key non-government stakeholders.
- ²⁹ Documents which contain this information may be attached rather than completing the table.
- ³⁰ Includes: scope, specifications, functional requirements, program.
- ³¹ Includes: existing drawings, early design, safety in design, due diligence reports, planning advice, environment protection agreements/advice, design risks/risk register.
- ³² Includes: hazardous material impacts, utility services impacts, statutory planning constraints, environment protection risks, stakeholder risks, project risks/risk register, project interdependencies.

From: [Peereboom, Deborah](#)
To: [tendersACT](#)
Cc: [Stewart, Alison](#)
Subject: URGENT - RFT.57164.110 Public Art Commission - NAC Front Dam - Addendum 2
Date: Friday, 25 August 2023 10:58:46 AM
Attachments: [image001.png](#)
[RFT.57164.110 Public Art Commission - NAC Front Dam - Addendum 2.pdf](#)
[RFT.57164.110 Public Art Commission - NAC Front Dam - Request for Tender Revision 1.pdf](#)
[Form-Request to Advertise Approach to Market-NAC ARTWORK For DAM Stage 2.docx](#)

OFFICIAL

Re: URGENT - RFT.57164.110 Public Art Commission - NAC Front Dam - Addendum 2

Hi Michelle,

Thank you so much for your help!

Addendum 2 as discussed including the RFT attachment and the *Request to Advertise* to assist with project identification.

Please note in the Addendum the closing date has been extended from the 29 August 2023 until the **14 September 2023**.

Happy Friday!

Deborah Peereboom | Senior Project Manager (she/her)

Phone: 02 6205 4975

Infrastructure Delivery Partners Group | Commercial Project Management

Major Projects Canberra | ACT Government

Callam Offices, Level 3, 50 Easty Street, Woden ACT 2606 | www.act.gov.au





IMPORTANT NOTICE

ADDENDUM 2 TO REQUEST FOR TENDER NO 57164.110 PUBLIC ART COMMISSION – NAC FRONT DAM

Please note the following additional information for the above Request for Tender (RFT):

As a result of questions asked by tenderers, the RFT issued for this project has been revised to provide clarification. Please find the revised RFT attached. Please note the superseded RFT released on 24 July 2023 is no longer valid and all Respondents must submit their RFT responses based on the attached revised document.

Due to the release of a revised RFT, and to ensure Respondents have sufficient time to create a high quality response, the closing date for this tender has been extended from 29 August 2023 to **14 September 2023**.

Please also find responses to common questions as follows:

- Q1 Could you please confirm the Weighted Assessment Criteria and percentages for each criteria?
A2 Please refer to the revised RFT attached.
- Q2. Is there another version of the NAC dam area as constructed survey that could be issued? The one we received at the briefing session is really difficult to read. We need this to determine depths of the dam.
A2. As discussed in the briefing session, there are no WAEs available for the dam. The hand drawn outline indicates all knowledge of the dam depths when the dam has been low.
- Q.3 Is it allowable to put footings in the bottom of the dam – into the clay layer and can a soil analysis of the dam be provided?
A3. Please refer to the revised RFT attached. The dam wall cannot be punctured or disturbed in any way. For more details please also refer to documents distributed during the site visit held on Wednesday 26 July 2023.
- Q4. If footings are not allowed to be inserted into the dam, could a concrete weight block system that sits on the bottom of the dam be employed?
A.4 The preference is for a weight block system. Penetrating the dam wall clay layer holds a high level of risk for the integrity of the dam wall.

tendersACT@act.gov.au

25 August 2023