

From: [Gleeson, Mary](#)
To: [Ali Wass](#)
Subject: Question on Notice re the Ngunnawal Trail heritage grant [SEC=UNCLASSIFIED]
Date: Tuesday, 25 September 2018 8:08:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear Ali

As mentioned yesterday, [REDACTED] has raised concerns about the proposed trail which we are required to answer. One of the questions was regarding consultation undertaken. Penny Spoelder has provided the following responses and suggested that we check with you as to whether you have undertaken any consultation that she is not aware of, to add to this information. Your early attention to this would be appreciated as there is a quick turnaround requested.

Thank you,

- (1) *What consultation took place regarding this walking track – with who, what organisations, what form did the consultation take, what were the relevant dates of any letters, meetings, briefings, etc. and who was present at each.*

The concept of the trail was discussed as part of the grant application process as follows

Organisation	Date
ACT Parks and Conservation Service	28 February 2018
ACT Historic Places, Director	28 February 2018
Rural leaseholder (with Director ACT Historic Places)	1 March 2018
Office of Aboriginal and Torres Strait Islander Affairs (ATSIA)	March 2018
Buru Ngunnawal Traditional Custodian Group	February 2018
United Ngunnawal Elders Council	March 2018
Little Gudgenby River Tribal Council	February 2018
Ngarigu Currawong Clan	February 2018
King Browns Tribal Group	February 2018
Tharwa Community Council	March 2018

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: [Ali Wass](#)
To: [Spoelder, Penny](#)
Cc: [Gleeson, Mary](#)
Subject: Re: ACT Heritage Grant application "The Ngunnawal Trail" [SEC=UNCLASSIFIED]
Date: Thursday, 7 June 2018 5:09:51 PM
Attachments: [image002.png](#)
[image001.png](#)
[image002.jpg](#)
[image004.jpg](#)
[image003.jpg](#)
[image001.jpg](#)

Thanks Penny

To follow up - I wrote to the Elders back in late March and due [REDACTED]
[REDACTED]

I had a conversation with Caroline Hughes about the idea and the letter to the Elders. She has highly supportive and gave verbal consent for it to happen. I also resent the email directly to her.

I can forward you the email Mary if that is required

Ali

On Thu, 7 Jun 2018 at 4:41 pm, Spoelder, Penny <Penny.Spoelder@act.gov.au> wrote:

Hi Mary

Thanks for the chat earlier.

As discussed I have tried to contact Matilda via phone last week, text this week on Tuesday 6th and then again today with some details about the project and a message to call me. I will try another way if you are able to recommend one.

Our Artist in Residence Anne Marie Jean did talk to all the RAOs about the walk and sculptural elements earlier in the year. A summary of these consultations is attached.

I have attached some imagery for you as well. More to follow

Regards

Penny Spoelder | Director ACT Historic Places

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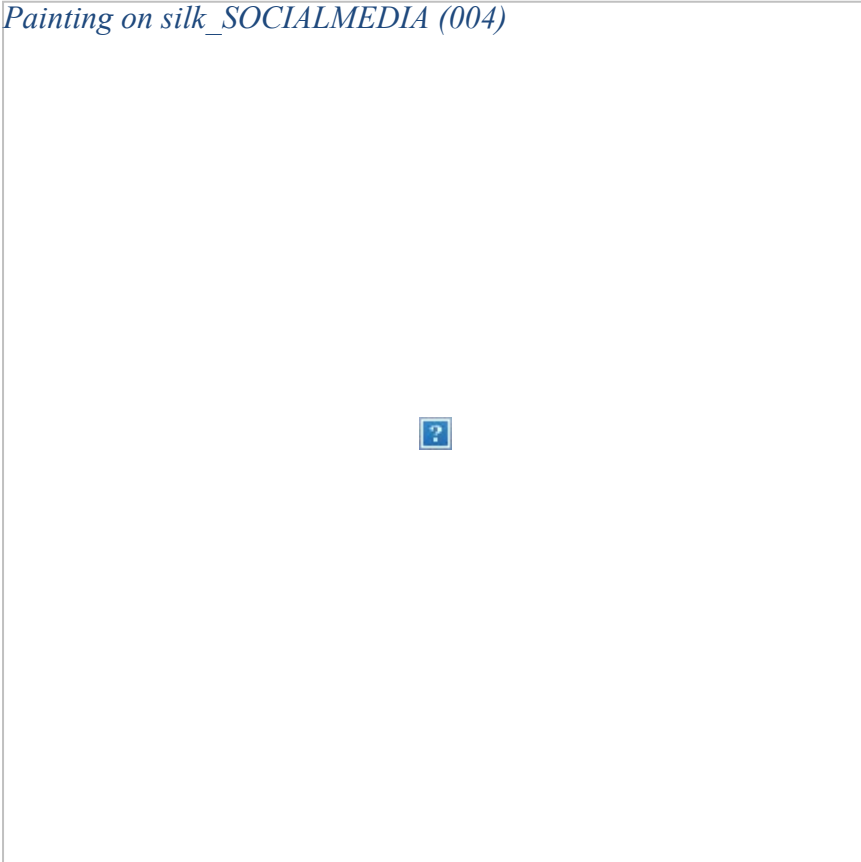
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T 62376504 | M [REDACTED] | e penny.spoelder@act.gov.au

Painting on silk_SOCIALMEDIA (004)



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From: Gleeson, Mary
Sent: Friday, 1 June 2018 2:30 PM
To: Ali Wass <ali@cuppacumbalong.com.au>; Spoelder, Penny
<Penny.Spoelder@act.gov.au>
Subject: ACT Heritage Grant application "The Ngunnawal Trail"
[SEC=UNCLASSIFIED]

Dear Ali and Penny

I am chasing further information to support your application.

It is imperative that you consult with Matilda House or her representative about this project as her family has the direct connection to this area. The outcome of this will need to be documented and provided to me by 15/6/18 in order to proceed with assessment of the application.

You also refer to developing audio in the Ngunawal language. You may find further information from AIATSIS at the link below.

<http://aiatsis.gov.au/research/research-themes/ngunawal-language-revival-project>

I also don't appear to have received the 'images of style of interpretation and the sculptural elements' that you propose to include in the walk.

Would you also please provide more details about the 'resting point' installations.

Best regards

Mary Gleeson||Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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----- Forwarded message -----

From: Anne-Marie Jean <annemariejean@me.com>
To: "Spoelder, Penny" <Penny.Spoelder@act.gov.au>, Ali Wass <ali@cuppacumbalong.com.au>
Cc:
Bcc:
Date: Thu, 10 May 2018 02:24:18 +0000
Subject: Fwd: Progress on the sculpture project
Hi Penny and Ali,

Ali just left a message asking for information on the contact I have made with the ACT Aboriginal Representative Organisations (Heritage Consultants) re the sculpture project with Tina Brown.

There are four listed:

Buru Ngunnawal Aboriginal Corporation - Wally Bell. Penny you have been in touch there. I left a message for Wally around mid Feb but had no response myself.

King Browns Tribal Group - Carl Brown. In mid Feb I called and spoke to Carl Brown who is very keen on the project and wanted to meet in March. We have not been able to set a date as [REDACTED]

Little Gudgenby River Tribal Council - Matilda House. I spoke to Matilda House mid Feb and she said would like to go through Tina Brown, so Tina was going to talk to her but I've not heard back from Tina on this.

Ngarigu Currawong Clan - Mr James Mundy. On Feb 16 I spoke to James Mundy, Ngarigu Currawong Clan on the phone. He said that he is totally fine with the sculpture project. I invited him to come out to the homestead [REDACTED] [REDACTED] e is fine for the project to go ahead. I will make sure he has my contact details.

I'll try and give Tina a call now.

Best

Anne-Marie

Anne-Marie Jean
Artist/Art Consultant

www.annemariejean.com

Begin forwarded message:

From: "Spoelder, Penny" <Penny.Spoelder@act.gov.au>
Subject: RE: Progress on the sculpture project
Date: 16 February 2018 at 5:19:04 PM AEDT
To: Anne-Marie Jean <annemariejean@me.com>

Hi Anne Marie

That all sounds fantastic – well done.

Thanks for the update on the exhibition. I'd be more than happy to go through the [REDACTED] with you when you are ready.

I will be 'in the house' on Tuesday if you want to swing by.

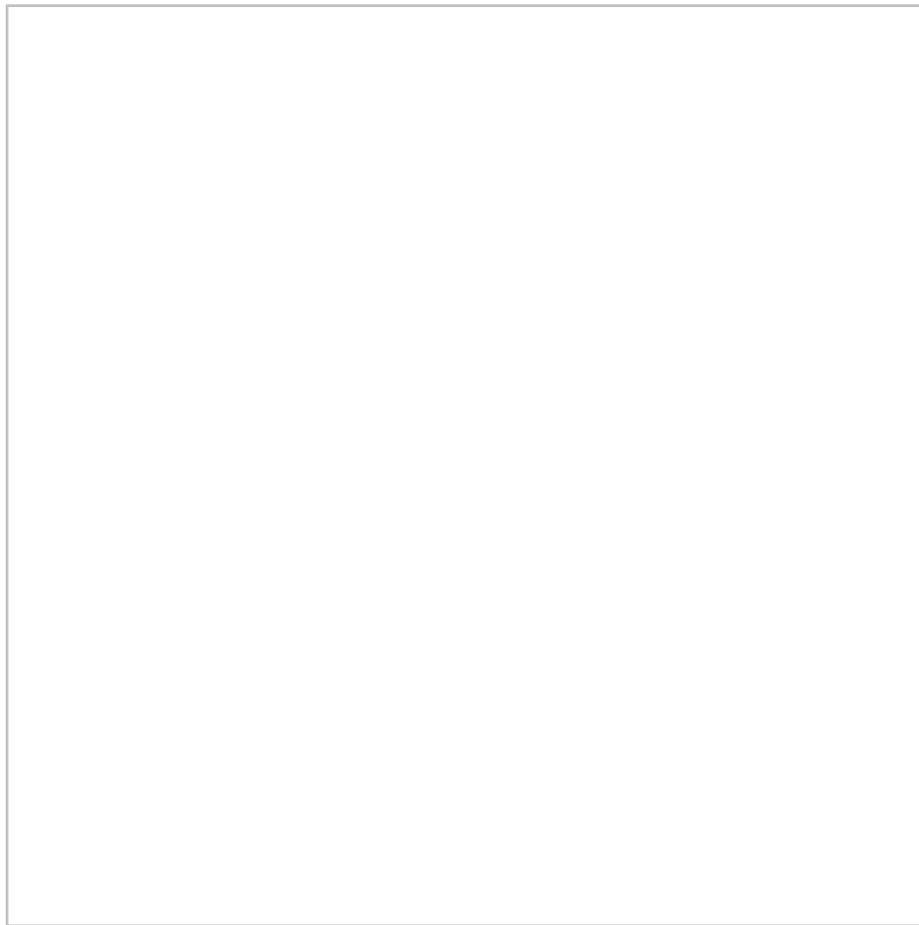
Have a great weekend

Regards

Penny Spoelder | Director ACT Historic Places
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T 62376504 | M [REDACTED] | e penny.spoelder@act.gov.au



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From: Anne-Marie Jean [<mailto:annemariejean@me.com>]

Sent: Thursday, 15 February 2018 2:52 PM

To: Spoelder, Penny <Penny.Spoelder@act.gov.au>

Subject: Progress on the sculpture project

Hi Penny,

just wanted to give you an update on the sculpture project and contacting the RAO's.

I've emailed and left a phone message for Wally Bell but no response as yet.

I called and spoke to Carl Brown who is very keen on the project and will meet me at Lanyon on March 9th at a time TBC.

I spoke to Matilda House and she would like to go through Tina Brown, so Tina was going to talk to her this week and we hope to get her out with Carl.

I just spoke to James Mundy, Ngarigu Currawong Clan on the phone. He said that he is totally fine with the sculpture project. I invited him to come out to the homestead [REDACTED]

[REDACTED] he is fine for the project to go ahead. I will make sure he has my contact details.

So things are moving along.

Also I had a meeting with Narelle and Rauny on Tuesday. My exhibition has been confirmed for October which is great and also funding for making the work, so I hope to be able to have about a month at Lanyon mid year just focused on making work.



Camille and I had a lovely visit this morning. I hope to have a full day next Tuesday too.

All the best,

Anne-Marie

Anne-Marie Jean
Artist/Art Consultant



www.annemariejean.com

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--
Ali Wass

From: [Spoelder, Penny](#)
To: [Gleeson, Mary](#)
Subject: RE: ACT Heritage Grant application [SEC=UNCLASSIFIED]
Date: Friday, 11 May 2018 3:03:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Hi Mary

The RAOs have been consulted on the concept. The groups and dates of consultation are included in the supporting letter. Matilda house is the only one who has not given verbal support as she deferred to Tina Brown: [REDACTED]. Ali Wass has also made contact with the United Ngunnawal Elders Council. I will forward her correspondence to the United Ngunnawal Elders Council.

Regards

Penny Spoelder | Director ACT Historic Places
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From: Gleeson, Mary
Sent: Friday, 11 May 2018 2:10 PM
To: Spoelder, Penny <Penny.Spoelder@act.gov.au>
Subject: ACT Heritage Grant application [SEC=UNCLASSIFIED]

Hi Penny

Thanks for all this but the RAOs need to be consulted with regard to the concept only, prior to submitting the application. You mentioned Ali had done this so we just need to see evidence of

their responses or her attempts to contact, even if they haven't responded. If it hasn't been done you should do it now before we can assess the application. Further consultation will need to occur later if funded but at this stage it is only with regard to the concept.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: Spoelder, Penny

Sent: Friday, 11 May 2018 1:59 PM

To: Gleeson, Mary <Mary.Gleeson@act.gov.au>

Cc: Roberts, Linda <Linda.Roberts@act.gov.au>; ali@cuppacumbalong.com.au

Subject: RE: ACT Heritage Grant application [SEC=UNCLASSIFIED]

Dear Mary

Thank you for the feedback on the application. Apologies for the confusion.

I have now attached ACT Historic Places letter of support for the application from Cuppacumbalong Homestead. I have also attached a map, together with a breakdown of costs/quotes associated with the project that Cuppacumbalong and Lanyon Homestead have obtained.

As mentioned, Lanyon Homestead will be proceeding with the part of the walk that is located within the historic precinct, with a view that at some stage it will be extended along the Murrumbidgee River Corridor. Consultation with the RAO's has commenced and will continue over coming months. Details are provided in the attached letter.

Our partnership component of the grant application is \$20,000, noting that this is for infrastructure only as consistency in design is essential. Our costs are likely to be greater as they will address consultation and weed removal, trail design, etc.

I have attached some images of the style of interpretation and the sculptural elements that we would like to see included in the walk. While the cost of the sculptural elements are likely to

accurate the design may change subject to further consultation with Ngunnawal and other groups. For example, a 'postcard' sculpture may be replaced with a reflection bench or dreamtime sculpture. We have already commenced consultation on this issue and this will continue throughout the program.

Please let me know if you require further information.

Regards

Penny Spoelder | Director ACT Historic Places
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From: Gleeson, Mary
Sent: Thursday, 10 May 2018 11:23 AM
To: ali@cuppacumbalong.com.au; Spoelder, Penny <Penny.Spoelder@act.gov.au>
Cc: Roberts, Linda <Linda.Roberts@act.gov.au>
Subject: ACT Heritage Grant application [SEC=UNCLASSIFIED]

Dear Ali and Penny

Thank you for your grant application. As stated in the grant application, all significant items must be substantiated with quotes. Therefore, before assessment can be done would you please provide the following information:

- A detailed breakdown including quotes for the Government partnership amount, materials, design and ICT, for the total expenditure of \$41,000;
- Details of 'other installations' and existing 'interpretation at Lanyon (trail head)' mentioned in "Expenditure notes" and whether the intention is for them to be included on the Canberra Tracks network?; and

- Evidence of consultation with the Representative Aboriginal Organisations (RAOs) with regard to the concept of the project (as detailed in the guidelines);

Please also note that in any printed matter including interpretation funded under the ACT Heritage Grants Program, the word 'Ngunnawal' is spelt with a double 'n', the officially recognised spelling of the ACT Government. This should be confirmed with Wally Bell.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: [Ali Wass](#)
To: [Gleeson, Mary](#)
Cc: [Spoelder, Penny](#)
Subject: Re: ACT Heritage Grant application [SEC=UNCLASSIFIED]
Date: Tuesday, 29 May 2018 4:20:08 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Mary

I have left a message with Penny about the map. I will also contact Bernie Brown if she has one available.

In regards to other property owners, the new proposed walk is only on the Lanyon Homestead side of the river. On the opposite side (Tharwa Village) is river corridor for the majority of the walk.

I will endeavour to get a map to you before the end of the week.

Thanks
Ali

On Tue, 29 May 2018 at 3:42 pm, Gleeson, Mary <Mary.Gleeson@act.gov.au> wrote:

Dear Ali

With regard to your grant application, you stated your neighbour [REDACTED] 'is not supportive at this stage'.

To assist with the assessment of your application, would you please provide a map of the proposed trails, indicating any properties that may be affected by the trail and also whether they are in agreement.

Best regards

Mary Gleeson|Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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--
Ali Wass

From: [Ali Wass](#)
To: [Gleeson, Mary](#)
Subject: Re: Certificate of Currency [SEC=UNCLASSIFIED]
Date: Wednesday, 22 August 2018 4:54:49 PM
Attachments: [image001.png](#)
[image002.png](#)

Hey

Tharwa Forge leases Cuppacumbalong and runs programs from Cuppa.
The insurance cover we have for the forge enables us to operate at sites across the country in varying operations - shows, demonstrations etc, including both forge sites in the ACT

As I have mentioned, the insurance for Cuppacumbalong is up for renewal in the coming weeks, and we are in discussion with them for the next 12 months. This is on the agenda.

If anything more is needed it may have to wait until we have renewed insurances at the end of the month

Ali



Ali Wass
0417 470 020
ali@cuppacumbalong.com.au

On Wed, Aug 22, 2018 at 4:45 PM Gleeson, Mary <Mary.Gleeson@act.gov.au> wrote:

Hi Ali

Yes I do have one for Tharwa Forge but Cuppacumbalong isn't named in the Certificate of Currency that you sent.

Can you provide paperwork to show that.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: Ali Wass [mailto:ali@cuppacumbalong.com.au]
Sent: Wednesday, 22 August 2018 4:17 PM
To: Gleeson, Mary <Mary.Gleeson@act.gov.au>
Subject: Re: Certificate of Currency [SEC=UNCLASSIFIED]

Hi Mary

Our public liability for Cuppa falls in under Tharwa Valley Forge's cover.

I think I sent you in the submission?

If not I can send tomorrow

Thanks
Ali



Ali Wass

0417 470 020

ali@cuppacumbalong.com.au

On Wed, Aug 22, 2018 at 1:49 PM Gleeson, Mary <Mary.Gleeson@act.gov.au> wrote:

Hi Ali

You did send me those but they are the building insurance documents.

The one I need is the public liability.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: Ali Wass [mailto:ali@cuppacumbalong.com.au]
Sent: Wednesday, 22 August 2018 1:46 PM
To: Gleeson, Mary <Mary.Gleeson@act.gov.au>
Subject: Re: Certificate of Currency [SEC=UNCLASSIFIED]

Apologies Mary

I obviously didn't attach it to my last email

Sorry

It is up for renewal at the the end of this month which will we do

Cheers

Ali



Ali Wass

0417 470 020

ali@cuppacumbalong.com.au

On Wed, Aug 22, 2018 at 12:59 PM Gleeson, Mary <Mary.Gleeson@act.gov.au> wrote:

Hi Ali

Just chasing up the public liability Certificate of Currency.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: Ali Wass [<mailto:ali@cuppacumbalong.com.au>]

Sent: Monday, 6 August 2018 11:34 AM

To: Gleeson, Mary <Mary.Gleeson@act.gov.au>

Subject: Certificate of Currency

Hi Mary

Hope you are well and had a lovely weekend.

Apologies for my slow reply. I needed to speak with our insurance broker and she was way, and then I was away in with limited access.

Attached is the Cuppacumbalong insurance for the grant application.

Regards

ALI



Ali Wass

0417 470 020

ali@cuppacumbalong.com.au

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From: [Gleeson, Mary](#)
To: [Moore, FionaF](#)
Subject: RE: Cuppa - Ngunnawal Trail [SEC=UNCLASSIFIED]
Date: Thursday, 15 November 2018 3:34:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.gif](#)
[image005.gif](#)

Roger that!

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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cid:image001.png@01D4615B.1E81D390



From: Moore, FionaF
Sent: Thursday, 15 November 2018 3:33 PM
To: Gleeson, Mary <Mary.Gleeson@act.gov.au>
Subject: RE: Cuppa - Ngunnawal Trail [SEC=UNCLASSIFIED]

Wait for the weekly brief to go through executive/Minister, which notifies our intent to progress the grant. We need to allow time for them to respond if they wish – it would not yet have made it to the MO. I would wait until the end of next week to be safe.

Fiona Moore | Senior Manager, ACT Heritage & Secretary, ACT Heritage Council (Mon – Thurs)

Phone: +61 2 6205 9974 | Email: fionaf.moore@act.gov.au

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From: Gleeson, Mary
Sent: Thursday, 15 November 2018 3:32 PM
To: Moore, FionaF <FionaF.Moore@act.gov.au>
Subject: Cuppa - Ngunnawal Trail [SEC=UNCLASSIFIED]

Fe

What next for the above?

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: [Gleeson, Mary](#)
To: [Spoelder, Penny](#)
Cc: [Roberts, Linda](#)
Subject: RE: Cuppacumbalong "Ngunnawal Trail" Heritage Grant Special Conditions for Deed of Grant [SEC=UNCLASSIFIED]
Date: Friday, 5 October 2018 1:08:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image005.jpg](#)
[image006.jpg](#)

Hi Penny

Yes, the guidelines state that interpretive signage “must be on the Canberra Tracks signage template”. The Canberra Tracks and ACT Govt logos must be included as well as the acknowledgement of grant funding wording. This can be worked out in detail with Linda Roberts.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: Spoelder, Penny
Sent: Friday, 5 October 2018 12:26 PM
To: Gleeson, Mary <Mary.Gleeson@act.gov.au>
Subject: RE: Cuppacumbalong "Ngunnawal Trail" Heritage Grant Special Conditions for Deed of Grant [SEC=UNCLASSIFIED]

Hi Mary

Thank you for the opportunity to comment. It looks fine from my perspective. I have a question regarding Clause 2 and the Canberra Tracks template – does clause 2 mean that the design of the signage/information presented as part of the interpretation has to follow the same format at the Canberra Tracks signage?

Kind regards

Penny Spoelder | Director ACT Historic Places
CULTURAL FACILITIES CORPORATION

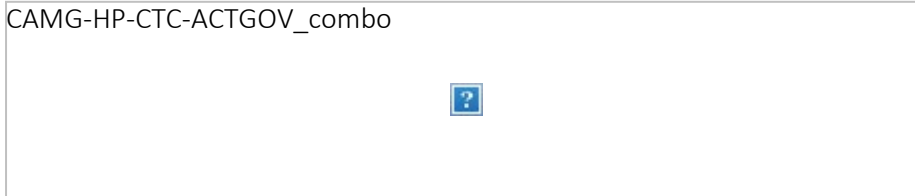
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Civic Square Canberra City | PO Box 939 Civic Square ACT 2608
T 62376504 | M [REDACTED] | e penny.spoelder@act.gov.au

cid:image001.jpg@01D445E0.9AE6B9F0



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From: Gleeson, Mary

Sent: Wednesday, 3 October 2018 2:37 PM

To: Gilbert, Euroka <Euroka.Gilbert@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>; Spoelder, Penny <Penny.Spoelder@act.gov.au>; Ali Wass <ali@cuppacumbalong.com.au>; Roberts, Linda <Linda.Roberts@act.gov.au>; Sweaney, Mark <Mark.Sweaney@act.gov.au>

Subject: Cuppacumbalong "Ngunnawal Trail" Heritage Grant Special Conditions for Deed of Grant [SEC=UNCLASSIFIED]

Hi everyone

Attached are the draft Special Conditions for the above deed which I am preparing in the hope that the issues regarding Mr Gieke are soon resolved.

Would you please review and amend in track changes, any points that are relevant to your area, and return to me.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

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From: [Ali Wass](#)
To: [Gleeson, Mary](#)
Subject: Re: Trail grant [SEC=UNCLASSIFIED]
Date: Wednesday, 7 November 2018 3:29:19 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Mary

I am happy to catch up with Penny

Ali

On Wed, 7 Nov 2018 at 2:09 pm, Gleeson, Mary <Mary.Gleeson@act.gov.au> wrote:

Hi Ali

We haven't heard anything as it was dependent upon the outcome of Penny's meetings with



We've been waiting until we heard from her. Do you want to wait until you meet with her or would you be happy for me to call her so we can progress this.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

ACT Heritage | Environment Planning & Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 www.environment.act.gov.au



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From: Ali Wass [mailto:ali@cuppacumbalong.com.au]

Sent: Wednesday, 7 November 2018 1:56 PM

To: Gleeson, Mary <Mary.Gleeson@act.gov.au>

Cc: Spoelder, Penny <Penny.Spoelder@act.gov.au>

Subject: Trail grant

Hi Mary

Penny and I are planning to catch up next week about the trail. I am wondering if there is any update from Heritage as to how things have progressed in regards to [REDACTED] concerns?

If it is going to progress, when am I likely to have the grant paperwork and funds to commence commissioning works?

Thanks

Ali

--

Ali Wass

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

--

Ali Wass

From: [Spoelder, Penny](#)
To: [Gleeson, Mary](#)
Cc: [Roberts, Linda](#); ali@cuppacumbalong.com.au
Subject: RE: ACT Heritage Grant application [SEC=UNCLASSIFIED]
Date: Friday, 11 May 2018 1:59:13 PM
Attachments: [Signed letter of support for Ngunnawal Walk.pdf](#)
[Ooutes and Attachments ACT Heritage Application Ngunnawal Walk 2018.pdf](#)
[In kind support Tharwa Forge.pdf](#)
[quote for plinths for River walk.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear Mary

Thank you for the feedback on the application. Apologies for the confusion.

I have now attached ACT Historic Places letter of support for the application from Cuppacumbalong Homestead. I have also attached a map, together with a breakdown of costs/quotes associated with the project that Cuppacumbalong and Lanyon Homestead have obtained.

As mentioned, Lanyon Homestead will be proceeding with the part of the walk that is located within the historic precinct, with a view that at some stage it will be extended along the Murrumbidgee River Corridor. Consultation with the RAO's has commenced and will continue over coming months. Details are provided in the attached letter.

Our partnership component of the grant application is \$20,000, noting that this is for infrastructure only as consistency in design is essential. Our costs are likely to be greater as they will address consultation and weed removal, trail design, etc.

I have attached some images of the style of interpretation and the sculptural elements that we would like to see included in the walk. While the cost of the sculptural elements are likely to accurate the design may change subject to further consultation with Ngunnawal and other groups. For example, a 'postcard' sculpture may be replaced with a reflection bench or dreamtime sculpture. We have already commenced consultation on this issue and this will continue throughout the program.

Please let me know if you require further information.

Regards

Penny Spoelder | Director ACT Historic Places
CULTURAL FACILITIES CORPORATION
CANBERRA THEATRE CENTRE Ž CANBERRA MUSEUM + GALLERY Ž NOLAN COLLECTION
LANYON HOMESTEAD Ž CALTHORPES' HOUSE Ž MUGGA-MUGGA COTTAGE
Civic Square Canberra City | PO Box 939 Civic Square ACT 2608
T 62376504 | **M** [REDACTED] | **e** penny.spoelder@act.gov.au

To find out more about our upcoming events, head to: <http://www.historicplaces.com.au/whats-on>

CAMG-HP-CTC-ACTGOV_combo



From: Gleeson, Mary

Sent: Thursday, 10 May 2018 11:23 AM

To: ali@cuppacumbalong.com.au; Spoelder, Penny <Penny.Spoelder@act.gov.au>

Cc: Roberts, Linda <Linda.Roberts@act.gov.au>

Subject: ACT Heritage Grant application [SEC=UNCLASSIFIED]

Dear Ali and Penny

Thank you for your grant application. As stated in the grant application, all significant items must be substantiated with quotes. Therefore, before assessment can be done would you please provide the following information:

- A detailed breakdown including quotes for the Government partnership amount, materials, design and ICT, for the total expenditure of \$41,000;
- Details of 'other installations' and existing 'interpretation at Lanyon (trail head)' mentioned in "Expenditure notes" and whether the intention is for them to be included on the Canberra Tracks network?; and
- Evidence of consultation with the Representative Aboriginal Organisations (RAOs) with regard to the concept of the project (as detailed in the guidelines);

Please also note that in any printed matter including interpretation funded under the ACT Heritage Grants Program, the word 'Ngunnawal' is spelt with a double 'n', the officially recognised spelling of the ACT Government. This should be confirmed with Wally Bell.

Best regards

Mary Gleeson | Grants Officer

Phone: 02 6207 2160 | mary.gleeson@act.gov.au

ACT Heritage | Environment Planning & Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 www.environment.act.gov.au



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ACT
Government

Environment, Planning and
Sustainable Development

Date: 27 September 2018

Invoice Number: HG18/01 1st

RECIPIENT CREATED TAX INVOICE

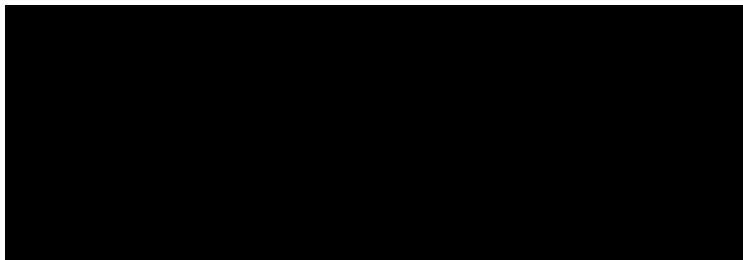
Supplier: Cuppacumbalong

ABN: 77 099 978 962

GST Registered: Yes

To: ACT Heritage – MARY GLEESON
Environment Planning & Sustainable
Development Directorate
GPO Box 158
CANBERRA ACT 2601

Quantity	Description of Supply	Total
1	HG18/01 CUPPA TRAIL 1st	\$10,500.00
1	GST	\$ 1,050.00
TOTAL AMOUNT PAYABLE (including GST)		\$11,550.00



EPSDD ABN 66 893 463 785

CUPPACUMBALONG HOMESTEAD

1

\$21,000

The Ngunnawal Trail – a 2km walking trail along the Murrumbidgee River Corridor from Lanyon Homestead to Cuppacumbalong and De Salis Cemetery, in partnership with the Ngunnawal community, Cuppacumbalong Homestead, ACT Historic Places and ACT Parks and Conservation Service.

The Ngunnawal Trail will start/finish at Lanyon Homestead and Cuppacumbalong/De Salis Cemetery and follow a fire break currently maintained by ACT Parks & Conservation Service along the Murrumbidgee River. At each of the track there will be an audio installation to welcome visitors to Country in Ngunnawal language. There will also be a small number of resting points along the trail. Funding is sought for (i) planning, consultation and approval of the trail route (ii) design and installation of interpretation at the start and finish of the Cuppacumbalong/De Salis Cemetery, and (iii) design and installation of two resting points along the river and trail markers for orientation.

BENEFIT TO THE HERITAGE OF THE ACT

MeaghanR	High	The Lanyon/Cuppacumbalong area is of high cultural significance to Traditional Custodians, which is reflected in early historic records and the continuing Aboriginal connection to the place. Interpretive installations on the Aboriginal culture and history of the area would enhance existing heritage interpretation and provide a more balanced understanding of the history of the area to visitors. The proposed use of Ngunnawal language in audio installations is exciting. Question – the application refers to audio installations at the start and end of the trail, two resting points and interpretative signage and associated infrastructure. Can we seek clarification on the scope, as the budget is relatively high (\$21,000) and I am unclear on the number and expected form of interpretive installations. MG This has been provided
LindaR	High	Agree with MR. I recall seeing examples of audio posts and believe the Materials, design and ICT component of 16K would be more than sufficient for signage and audio installations.
JenO	High	Agree. Although application unclear and further detail is required eg - how many signs etc to be installed? Map of trail? What properties will be impacted/affected - Email of 3 May notes ' <i>mentioned the concept to our neighbour [REDACTED] and he is not supportive at this stage</i> '
MaryG		*See Other Comments in response to JO's comments

THE NEED FOR THE PROJECT INCLUDING URGENCY

MeaghanR LindaR, JenO RichardH	Med- High	While not relating to urgent conservation works, the opportunity to better interpret the Aboriginal culture and history of the Lanyon/Cuppacumbalong area is an important one and is supported.
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DEMONSTRATED/WRITTEN SUPPORT/PERMISSION FROM STAKEHOLDERS/ASSET OWNERS

MeaghanR, LindaR	High	Support from PCS, and will also deliver the project in collaboration with ACT Historic Places. The application states that all RAOs and UNEC have been contacted about the project, and that all parties except Matilda House have provided verbal support – with the latter deferring to Tina Brown, [REDACTED].
---------------------	------	---

SKILLS, QUALIFICATIONS, EXPERIENCE AND PAST PERFORMANCE

LindaR, JenO, RickJensen	High	Penny Spoelder brings much experience and skill to her position as head of ACT Historic Places. The four personnel appear passionate and skilled.
--------------------------------	------	---

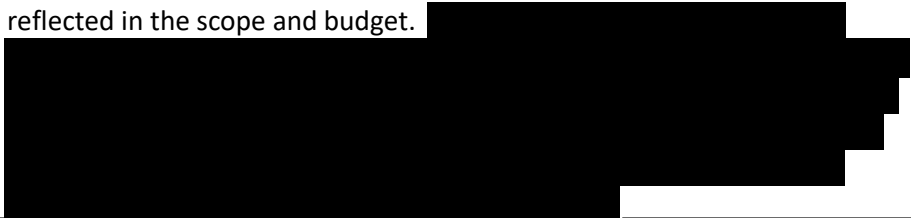
COMPLIANCE WITH BEST PRACTICE IN HERITAGE CONSERVATION

MeaghanR, LindaR, JenO RickJ	Medium -High	The application refers to RAO engagement to develop interpretive content and also seeking RAO endorsement of materials once developed. Noted that the application refers to using Ngunnawal language in audio installations – and recommend that the project also includes contact with AIATSIS – who have been undertaking an ongoing Ngunnawal language project in partnership with local families. (MG referred applicant to AIATSIS)
---------------------------------------	-----------------	--

PROMOTION & PUBLICITY OPPORTUNITIES,

LindaR, JenO	High	Tapping into various websites, especially our Directorate, with accompanying social media capacity will see good promotion. With the resurgence of Cuppacumbalong opening its doors, it is timely to engage with the public about this new walk. It would be an exciting addition to the Festival program to launch this track during proceedings.
RickJ	High	Agree with LR. Could also possibly promote through ACT Tourist Centres and also any local shops/cafes located within the areas.

PROJECT DESIGN and BUDGET

MeaghanR	Medium	See prior notes – it would be good to clarify at this stage the precise outcomes, in relation to the number and form of heritage installations. In relation to Aboriginal engagement, the application identifies BNAC (Wally Bell) as a project staffer, and allows 20 hours (\$2000) for his participation. While the application refers to consultation with all RAOs, this is not reflected in the scope and budget. 
MaryG		<i>Email sent to applicant re Meaghan's comments above: 1June2018:</i> Dear Ali and Penny, I am chasing further information to support your application. It is imperative that you consult with Matilda House or her representative about this project as her family has the direct connection to this area. The outcome of this will need to be documented and provided to me by 15/6/18 in order to proceed with assessment of the application. You also refer to developing audio in the Ngunnawal language. You may find further information from AIATSIS at the link below. http://aiatsis.gov.au/research/research-themes/ngunawal-language-revival-project
LindaR	Medium	Agree with MR. Timelines are fairly tight for delivery at the 2019 Heritage Festival which will stretch into May.
JenO	Medium	On limited information provided, project appears achievable and value for money. However, project design unclear and the application requires further information as noted above. Further details on interps, what and

		how many? Map of trail? What properties will be impacted/affected.
Rick	Medium	Agree with MR comments. Also there could be potential financial incentive to some of the applicants given the relationship noted on the Quote for design and Construction which says "Ali Wass is the partner with Karim Haddad, owners of both Cuppacumbalong and Tharwa Valley Forge" and in addition given the purchase of the property recently in 2017 which has reopened the house for visitors is there a fee for visiting and if so should this be declared as potential revenue under the potential income earned from the grant or conflict of interest.

OTHER FUNDING AVAILABLE/SOUGHT/IN-KIND

Linda, Jen O and Rick	Med-High	There is Government partnership of \$20K delivered through wages and materials. I would surmise that the new workshop and expertise at Cuppacumbalong is providing materials of \$10K. More detail would help.
-----------------------	----------	--

ADDITIONAL COMMENTS:

Mary		<p>Additional information provided by Ali Wass applicant 30May2018</p> <p><i>Currently the southern end, from De Salis Cemetery to Tharwa Bridge is signed and formalised. The northern stretch, on the Lanyon side of the river is a path slashed by MRC and is already informally utilised by walkers that know it exists. The path starts at the car pull in point on the northern side of the bridge. The blue path on this map is slightly out. Penny did speak with Andrew, (in blue from Penny Spoelder) [REDACTED] was not supportive due to the perceived risks of visitors using the public reserve. His concerns relate to potential impacts of shooting, fire, and vandalism on his adjoining paddock which backs on to the Murrumbidgee River Corridor. The adjacent paddock is managed under a rural lease to [REDACTED] and is used for pasture as per the map. Interestingly this part of the MRC is slashed to reduce fire hazard and is part of PCS's HR strategy. The proposed walking route will follow the slashed fire trail. It is important to note that visitors currently use this part of the Murrumbidgee River Corridor (MRC) to access the river and Lanyon Homestead, albeit informally with no clear track. There have been no reported issues to date.</i></p> <p>Attempts to consult with RAOs is documented. Ali Wass and Penny Spoelder have been advised in writing that it is imperative they consult with Matilda House due to her family's connection to the area, and also referred them to the AIATSIS Ngunnawal language project. Penny agreed it was a good opportunity for Matilda to be involved and possibly tell a family story, and that she intended a female be included in the audio.</p>
EurokaG	High	<p>Great concept. [REDACTED]. It looks like a well-considered plan. Geikie's concerns regarding access to the Murrumbidgee River Corridor are irrelevant to access conditions for the proposed walk. Applicant should be made aware of the ACT Government policy regarding the use of Ngunnawal for the Traditional Custodians. The [REDACTED]</p> <p>The input of Matilda or her chosen representative should be given the highest priority. Name should be changed to not conflict with the Canberra Tracks "Ngunnawal Trail".</p>

Portfolio: Environment and Heritage

**ISSUE: RURAL LEASEHOLDER CONCERNS WITH PROPOSED
CUPPACUMBALONG TO LANYON HOMESTEAD WALK**

██████████, a rural leaseholder in Tharwa, has raised concerns regarding the impacts to his property of an interpretive trail between Cuppacumbalong Homestead and Lanyon, funded with a 2018 ACT Heritage Grant.

Talking points:

- On Wednesday, 12 September 2018 I announced that the owners of Cuppacumbalong Homestead (Cuppacumbalong) had been awarded a 2018-19 ACT Heritage Grant to develop an interpretative walk along the Murrumbidgee River Corridor linking Cuppacumbalong with Lanyon Homestead.
- The grant amount was \$21,000 (ex gst).
- A section of the proposed walk located in the Murrumbidgee River Corridor runs adjacent to a private rural lease which adjoins the Lanyon Heritage Precinct and is held by ██████████.
- It should be noted that ██████████ rural lease is fenced along the boundary of the Murrumbidgee River Corridor and that the proposed walk is a significant distance from any infrastructure ██████████ owns.

Key Information

- ██████████ contacted the owners of Cuppacumbalong over the past weekend, following the announcement of funding for the walk, to restate his concerns. He advised then that he would contact 'the Minister' on Monday morning.
- The owners of Cuppacumbalong, ACT Parks and Conservation Services (PCS) and ACT Historic Places (ACTHP) will seek to meet with Mr Geikie to discuss the proposal and his concerns in the near future.
- The Heritage Grant Deed of Agreement will not be signed until the matter is resolved.

Background Information

- A range of stakeholders were consulted in the development of the grant application including Aboriginal representatives, representatives of the Tharwa community, ACTHP which manages Lanyon Homestead, rural leaseholders and relevant government agencies.

Cleared as complete and accurate: 19/09/2018
Cleared by: Executive Director Ext: 59027
Information Officer name: Ian Walker
Contact Officer name: Mary Gleeson Ext: 72160

- The proposal for the interpretive walk was discussed with [REDACTED] and Director ACTHP, Ms Penny Spoelder, at the time the grant application was developed. [REDACTED] did not support the proposal because of his concern that the development of the walk could create issues such as more dogs coming into the area, waste, illegal activity (hunting and camping) and theft. [REDACTED] concerns were referenced in the grant application as part of the summary of consultation.
- The majority of the walk is located within the boundaries of the Murrumbidgee River Corridor which is managed by PCS. The proposed walk is supported by PCS and is consistent with the Murrumbidgee River Corridor Plan of Management.
- The remaining sections of the walk are located within the Lanyon Historic Precinct managed by ACTHP and within Cuppacumbalong which is under private ownership. ACTHP supported the application and will provide interpretative signage at Lanyon Homestead and links to the walk within the boundaries of the area it manages.
- The proposed walk is consistent with, and is identified in, the Tharwa Village Plan which was developed in consultation with the Tharwa community and released by the Minister for Planning on 9 September 2018. Visitors to the area have been undertaking the walk for some time.
- Community engagement on the Tharwa Draft Village Plan found strong support for the upgrade of the Tharwa Explorer Track and the development of wider regional path connections (such as with the Namadgi Visitor's Centre, the Gigerline Nature Reserve and Lanyon Homestead) including improved equestrian connections through Tharwa incorporating the Bicentennial National Trail.
- The final Tharwa Village Plan recommends the upgrade of the Tharwa Explorer Track, including the consideration of improved regional path connections and equestrian routes incorporating the Bicentennial National Trail.



AUSTRALIAN CAPITAL TERRITORY

DEED OF GRANT

Dated _____ 2018

Parties **AUSTRALIAN CAPITAL TERRITORY**

CUPPACUMBALONG
ABN 77 099 978 962

The Ngunnawal Trail

ACT HERITAGE GRANTS
PROGRAM 2018–2019

Prepared by ACT Heritage
Environment Planning & Sustainable Development
Directorate
GPO Box 158
Canberra ACT 2601
Ph: (02) 6207 2160

Version **October 2018**

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PARTIES: **AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) (**Territory**) represented by ACT Heritage within the Environment Planning & Sustainable Development Directorate.

CUPPACUMBALONG ABN 77 099 978 962 of 21 Naas Road,
Tharwa ACT 2620 (**Recipient**)

BACKGROUND

- A. Through a program called the “ACT Heritage Grants Program”, the Territory provides financial assistance to assist the community in conserving and promoting the Australian Capital Territory’s heritage.
- B. The Recipient made an application for an “ACT Heritage Grant” (**Application**). The Territory has agreed to make and the Recipient has agreed to accept the Grant for the purpose of the Funded Activity on the terms and conditions of this Deed.
-

IT IS AGREED by the parties as follows.

1. Interpretation

1.1 Definitions

The following definitions apply in this Deed, unless the context otherwise requires.

ABN has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999* (Cwlth).

Auditable Amount means Grant above \$10,000.00.

Contract Officer means, in relation to each party, the representatives whose names and contact details are specified in **Item 5 Schedule 1**, or as notified in writing from time to time by one party to the other.

Funded Activity means the activity described in **Schedule 2**.

Grant means the amount specified in **Item 2 Schedule 1** and any interest accruing on that amount after it has been paid to the Recipient.

Grant Material means all material created, written or otherwise brought into existence as part of, or for the purpose of carrying out the Funded Activity including all reports (whether in draft or final form), documents, equipment, information and data stored by any means.

Grant Period	means the period specified in Item 1 Schedule 1 .
GST	has the same meaning as it has in the GST Act.
GST Act	means the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cwlth).
Invoice	means an invoice that: <ul style="list-style-type: none"> (1) is a valid tax invoice (if GST is payable in respect of any taxable supply made under this Deed); (2) clearly sets out the amount that is due for payment, is correctly calculated and is in respect of the Funded Activity; (3) sets out details of the Funded Activity undertaken or to be undertaken, and sets out or is accompanied by any other details or reports required under this Deed; and (4) is rendered at the times specified in Item 2 Schedule 1 (if any) and addressed to the Territory's Contract Officer.
Special Condition	means any provision set out in Schedule 3 .
Territory	means: <ul style="list-style-type: none"> (1) when used in a geographical sense, the Australian Capital Territory; and (2) when used in any other sense, the body politic established by section 7 of the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth).

1.2 General

In this Deed, unless a contrary intention is expressed:

- (1) references to "Recipient" includes any employees, agents or subcontractors of the Recipient;
- (2) references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation;
- (3) words importing a gender include the others; words in the singular number

include the plural and vice versa; and where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;

- (4) “business days” means a weekday on which banks are open for business in the Territory; and “include” is not to be construed as a word of limitation;
- (5) headings have no effect on the interpretation of the provisions; and
- (6) an obligation imposed by this Deed on more than one person binds them jointly and severally.

2. Payment and Use of Grant

2.1 Payment of Grant

The Territory must pay the Recipient the Grant following its receipt of an Invoice and otherwise in accordance with **Item 2 Schedule 1**.

2.2 Use of Grant

The Recipient must:

- (1) use the Grant only for the Funded Activity;
- (2) undertake the Funded Activity diligently and otherwise in accordance with this Deed; and
- (3) complete the Funded Activity by the end of the Grant Period.

3. Grant Period

This Deed is for the Grant Period unless terminated under the provisions of this Deed.

4. Separate accounting for Grant

4.1 Separately account for Grant

The Recipient must:

- (1) within its accounting system, account for the Grant separately from any other funds of the Recipient; and
- (2) if required by the Territory, deposit and hold in a separate bank account the Grant on trust for the Territory.

4.2 Bank account

If the Recipient is required to maintain a separate bank account under **clause 4.1(2)**, the Recipient must:

- (1) not cause or allow any funds other than the Grant to be deposited into that account; and
- (2) promptly notify the Territory of:
 - (a) the details of that account, and
 - (b) any change to that account.

5. GST

5.1 ABN and GST registration

If the Recipient is registered under the GST Act (**GST registration**), the Territory will, on receipt of an Invoice, pay to the Recipient an amount equal to the GST under the GST Act lawfully payable by the Recipient in respect of supplies to the Territory that are taxable supplies under the GST Act.

5.2 ABN registration but not GST registration

If the Recipient has ABN registration but does not have GST registration, the Grant will not include an amount on account of GST and the Territory is not liable to pay any further amount in relation to the GST to the Recipient.

5.3 No ABN registration

If the Recipient has no ABN registration, and has:

- (1) not provided the Territory with a 'Statement by a Supplier' form by the date of this Deed:
 - (a) the Grant will not include any amount on account of GST,
 - (b) the Territory will withhold from the Grant such amounts as it is required by law to withhold, and
 - (c) the Territory is not liable to pay any amount on account of GST to the Recipient; or
- (2) provided the Territory with a 'Statement by a Supplier' form by the date of this Deed, the Grant will not include any amount on account of GST and the Territory is not liable to pay any further amount in relation to GST to the Recipient.

5.4 Recipient created tax invoice

If **clause 5.1** applies, each party:

- (1) acknowledges that it has GST registration on the date of this Deed;
- (2) unless otherwise agreed, agrees that:
 - (a) the Territory may issue recipient created tax invoices (where “recipient created tax invoice” has a meaning the same as it has in the GST Act), and
 - (b) the Recipient will not, if the Territory issues recipient created tax invoices, issue tax invoices to the Territory for the purposes of the GST Act; and
- (3) must notify the other if:
 - (a) its registration in respect of either or both the ABN or the GST changes, or
 - (b) it ceases to satisfy any of the requirements of rulings or determinations under section 29-70 of the GST Act, issued by the Australian Taxation Office, or the Commissioner for Taxation, in respect of recipient created tax invoices.

6. Records

6.1 Obligation to keep

The Recipient must:

- (1) keep all records necessary to substantiate expenditure of the Grant in compliance with applicable law; and
- (2) provide a complete and detailed record and explanation of:
 - (a) expenditure of the Grant,
 - (b) other income received and money spent on the Funded Activity,
 - (c) the progress of the Funded Activity, and
 - (d) any other records in respect of the Funded Activity that the Territory may reasonably require from time to time.

6.2 Retention of records

The records referred to in **clause 6.1** must be retained by the Recipient for at least 7 years following the completion or termination of the Funded Activity or the expiration or termination of this Deed, whichever occurs first.

6.3 Access

The Territory may, at reasonable times and on reasonable notice, enter the Recipient's premises and inspect the records kept by the Recipient and the progress of the Funded Activity, to audit the Recipient's compliance with this Deed.

6.4 Assistance

The Recipient must give the Territory access to those facilities and such assistance as may reasonably be necessary to enable the Territory to conduct the audit under **clause 6.3**.

6.5 Copies

In conducting an audit under this **clause 6**, the Territory may at its own cost take copies of any records which it reasonably considers relevant.

6.6 Territory's Auditor-General

Any of the Territory's rights under this **clause 6** may be exercised by the Territory's Auditor-General, his or her delegate or any relevantly qualified person engaged to perform any functions of the Auditor-General.

7. Reporting of progress and expenditure

7.1 Progress reports

The Recipient must provide written reports to the Territory relating to the progress of the Funded Activity and expenditure of the Grant in the manner and at the times required in **Item 3 Schedule 1**.

7.2 Other notifications

The Recipient must keep the Territory reasonably informed about all matters which are likely to materially and adversely affect the timing, scope or cost of the Funded Activity or the Recipient's ability to carry on or complete the Funded Activity in accordance with this Deed.

8. Acknowledgement of Funding

8.1 Acknowledgement of Territory support

The Recipient must in relation to the Funded Activity:

- (1) acknowledge the support of the Territory in any public event, media release or media coverage; and
- (2) include an acknowledgement in the form set out in **Item 6 Schedule 1** in all documents, brochures, books, articles, newsletters, other artistic works or literary works or advertising.

8.2 Other obligations

The Recipient must:

- (1) in relation to the material referred to in **clause 8.1(2)**, promptly provide to the Territory:
 - (a) a draft of that material for review:
 - (i) if 50 or more pages in length, at least 30 business days prior to publishing or printing; and
 - (ii) if less than 50 pages in length, at least 10 business days prior to publishing or printing;
 - (b) four copies of that material once material is published or printed; and
 - (c) in a format required by the Territory.
- (2) on reasonable notice, invite the Territory to participate in any public event, media release or media coverage related to the Funded Activity.

9. Intellectual Property Rights

9.1 Ownership of Grant Material

Ownership of all Grant Material, including any intellectual property rights, vests on its creation in the Recipient.

9.2 Licence to Territory

The Recipient grants to the Territory an irrevocable, non-exclusive, royalty-free licence to use the intellectual property in the Grant Material.

9.3 Meaning of “use”

For the purpose of **clause 9**, “use” includes supply, reproduce, publish, perform, communicate, broadcast, adapt and copy.

10. Insurance and Indemnity

10.1 Recipient’s insurance

The Recipient must effect and maintain for the Grant Period:

- (1) all insurance coverage required by it by law;
- (2) as specified in **Item 4(1) Schedule 1**, public liability insurance; and

- (3) any other insurance specified in **Item 4(2) Schedule 1**,

with an insurer having a Standard and Poor's or Best's Rating A- or better and must produce evidence of that insurance as required by the Territory.

10.2 Indemnity

The Recipient indemnifies the Territory, its employees and agents in respect of all claims, costs and expenses and for all loss, damage, injury or death to persons or property caused by the Recipient, its employees, agents or contractors in connection with the use of the Grant or the conduct of the Funded Activity except to the extent that the Territory caused the relevant loss, damage or injury.

11. Termination of Grant

11.1 Breach

The Territory may terminate this Deed at any time by written notice to the Recipient, if the Recipient:

- (1) is or becomes bankrupt or insolvent, enters into voluntary administration or makes any arrangement with its creditors or takes advantage of any statute for the relief of insolvent debtors;
- (2) fails to:
 - (a) commence the Funded Activity in a timely manner,
 - (b) undertake the Funded Activity diligently, or
 - (c) meet any timeframes specified in this Deed; or
- (3) commits any other breach of a provision of this Deed, where that breach:
 - (a) if capable of being remedied, is not remedied within the period specified in a written notice by the Territory, or
 - (b) is not capable of being remedied.

11.2 Termination or reduction of funding for any reason

The Territory may, at any time by written notice to the Recipient, terminate this Deed or reduce the funding for the Funded Activity for any reason, and in that event the Recipient must:

- (1) in the event of termination, comply with the notice and **clause 12**; or
- (2) in the event of a reduction in funding, continue to undertake the Funded Activity in accordance with the notice.

11.3 No prejudice

Nothing in this **clause 11** prejudices any other rights or remedies of the Territory in respect of any breach of this Deed.

12. Refund of Grant

12.1 Repayment of unacquitted funds

At the end of the Grant Period, or earlier termination of this Deed, the Recipient must:

- (1) unless otherwise required under this Deed, within 30 days, provide the Territory with a statement of expenditure of the whole of the Grant; and
- (2) promptly repay any or all of the Grant that remains unacquitted.

12.2 Meaning of unacquitted funds

For the purposes of **clause 12.1(2)**, the Grant remains unacquitted if it:

- (1) is not spent and is not contractually committed to be spent; or
- (2) has been spent in breach of this Deed.

13. Dispute Resolution

13.1 Negotiation of Dispute

If a difference or dispute (**Dispute**) arises in relation to this Deed, then either party may give written notice to the other that a Dispute exists, which specifies details of the Dispute. The parties agree that, following the issue of that notice, they will endeavour to resolve the Dispute by negotiations, including by referring the Dispute to persons who have authority to intervene and direct some form of resolution.

13.2 Mediation of Dispute

If the Dispute has not been resolved pursuant to **clause 13.1** within 28 days of the notice of the Dispute, then the parties agree that they will undertake a mediation process. The mediator will be an independent mediator agreed by the parties or, failing agreement, nominated by the chairperson of The Institute of Arbitrators and Mediators Australia, ACT Chapter. Unless otherwise agreed, the parties will share the costs of the engagement of the mediator.

13.3 No prejudice

Nothing in this **clause 13** will prejudice the rights of either party to institute proceedings to enforce the Deed or to seek injunctive or urgent declaratory relief in respect of any Dispute.

14. Variation

14.1 Variation to Funded Activity

The Recipient must obtain the Territory's prior written approval for any variation to the Funded Activity, including:

- (1) the Funded Activity or work programs;
- (2) the Funded Activity's objectives or outcomes;
- (3) variation of more than 10% in expenditure for a specified item of the approved budget that forms part of the Recipient's application for a grant for the Funded Activity; and
- (4) the Grant Period.

14.2 Variation to Deed

This Deed may only be varied by the written agreement of the parties prior to the expiration of the Grant Period.

15. General

15.1 No subcontracting or assignment

The Recipient must not subcontract the performance of the Funded Activity or assign the whole or any part of this Deed without the prior written consent of the Territory. In giving its consent, the Territory may impose any conditions it considers appropriate.

15.2 Conflict of interest

The Recipient:

- (1) warrants that, at the date of entering into this Deed, no conflict of interest exists or is likely to arise in the performance of the Funded Activity and of its other obligations under this Deed; and
- (2) must, if a conflict, or risk of conflict, of interest arises during the Grant Period:
 - (a) notify the Territory immediately in writing of that conflict or risk, and
 - (b) comply with any requirement of the Territory to eliminate or otherwise deal with that conflict or risk.

15.3 No employment, partnership or agency relationship

- (1) Nothing in this Deed constitutes the Recipient, or its employees, agents or subcontractors as employees, partners or agents of the Territory or creates any

employment, partnership or agency for any purpose.

- (2) The Recipient must not represent itself, and must ensure its employees, agents and subcontractors do not represent themselves, as being employees, partners or agents of the Territory.

15.4 Entire Agreement

This Deed comprises the entire agreement between the parties in relation to the Funded Activity and supersedes any prior representations, negotiations, writings, memoranda and agreements.

15.5 Severability

Any provision of this Deed that is illegal, void or unenforceable will not form part of this Deed to the extent of that illegality, voidness or unenforceability. The remaining provisions of this Deed will not be invalidated by an illegal, void or unenforceable provision.

15.6 No waiver

Failure or omission by the Territory at any time to enforce or require strict or timely compliance with any provision of this Deed will not affect or impair that provision in any way or the rights and remedies that the Territory may have in respect of that provision.

15.7 Governing law

This Deed is governed by and construed in accordance with the law for the time being in force in the Territory and the parties submit to the non-exclusive jurisdiction of the courts of the Territory.

15.8 Compliance with laws

The Recipient must comply with the laws from time to time in force in the Territory in performing the Funded Activity.

15.9 Notices

Any notice, including any other communication, required to be given or sent to either party under this Deed must be in writing and given to the relevant Contract Officer. A notice will be deemed to have been given:

- (1) if delivered by hand, on delivery;
- (2) if sent by prepaid mail, on the expiration of two days after the date on which it was sent;
- (3) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or

- (4) if sent by electronic mail, on the other party's acknowledgment of receipt by any means.

15.10 Forms and statements

The Territory may (but not unreasonably) require any form, record or statement required under this Deed to be in a particular form.

15.11 Special Conditions

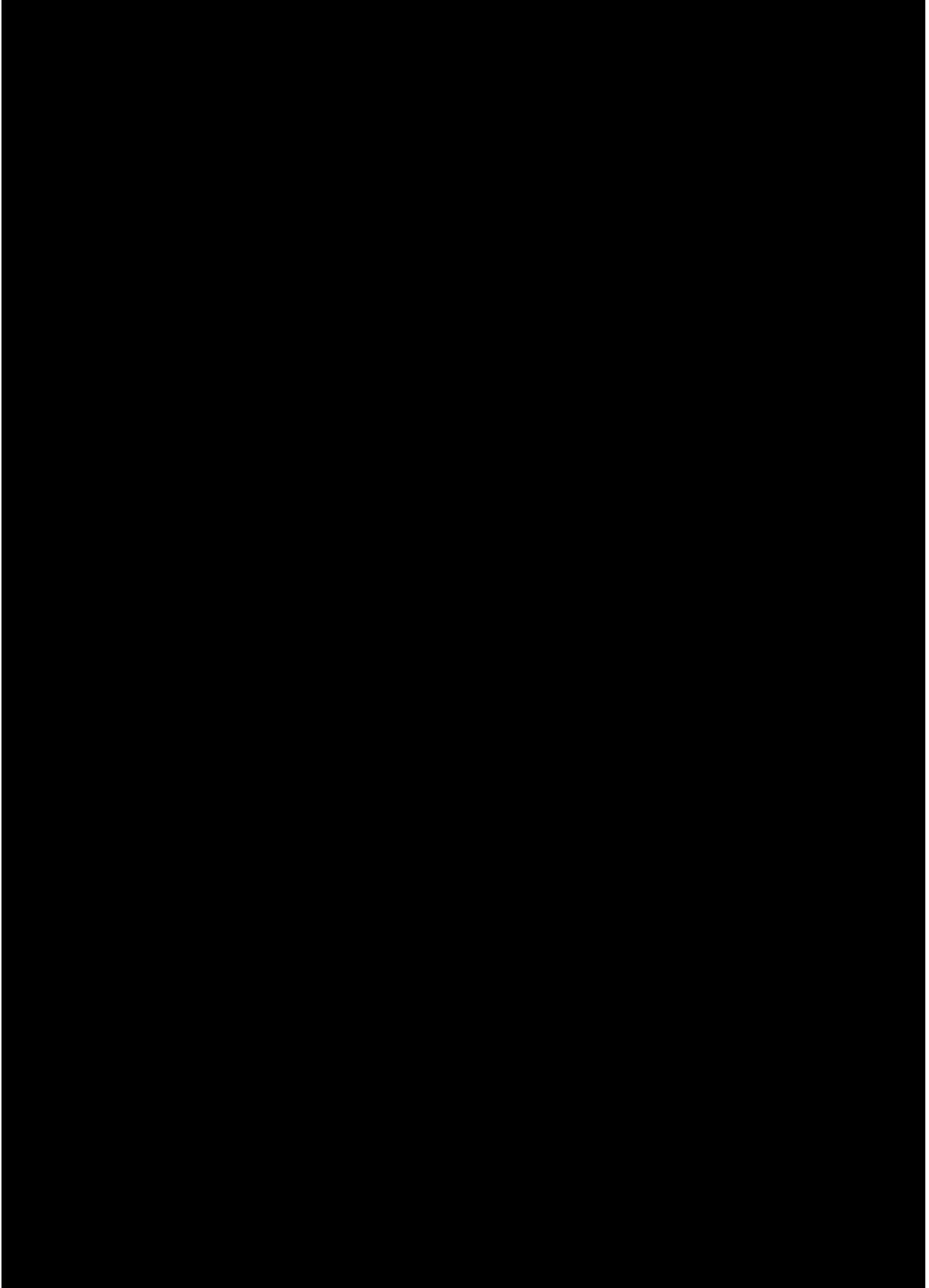
In the event of any inconsistency between any Special Condition and any other provision of this Deed then, to the extent of any inconsistency, the Special Condition will prevail.

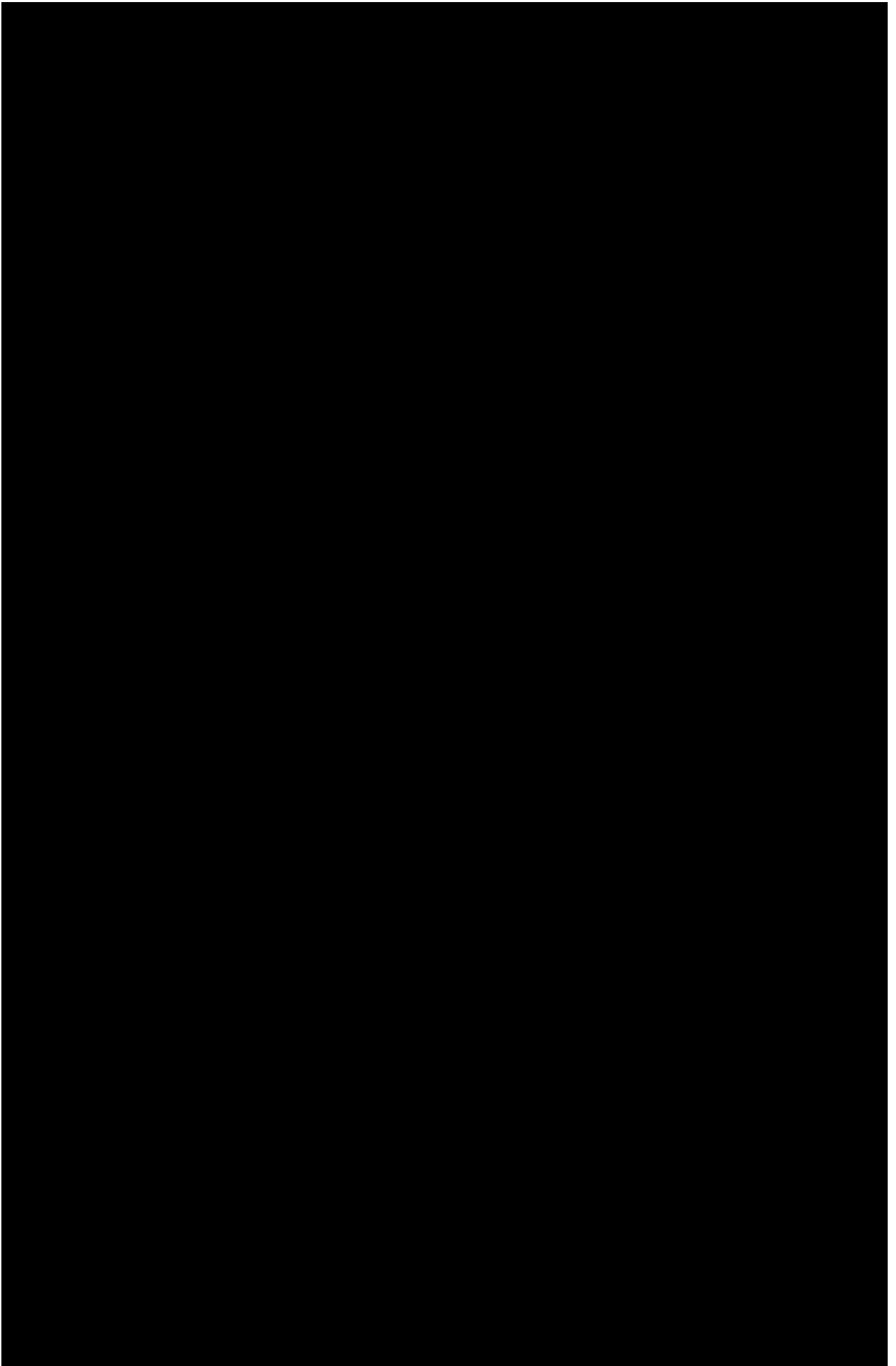
15.12 Survival of clauses

Clauses 6, 7.1, 9.2, 10.2 and 12 will survive the expiration or earlier termination of this Deed.

SCHEDULE 1

GRANT DETAILS





(2) Other Insurance: Not used

Item 5. Contract Officers

See clauses 1.1 and 15.9

For the Territory:

Grants Officer
ACT Heritage
Environment Planning & Sustainable
Development Directorate
GPO Box 158 Canberra ACT 2601
Phone: 6207 2160
Email: heritage@act.gov.au

For the Recipient:

Ms Alexander Wass
“Cuppacumbalong”
21 Naas Road, Tharwa, ACT 2620
ali@cuppacumbalong.com.au
0417 470 020

Item 6. Form of Acknowledgement

See clause 8.1

The acknowledgement must include the ACT Government logo (to be supplied by the Territory) and must state:

This project was supported with funding made available by the ACT Government under the ACT Heritage Grants Program.

SCHEDULE 2

THE FUNDED ACTIVITY

- Item 1. Funded Activity** To develop a 2km walking trail along the Murrumbidgee River Corridor from Lanyon Homestead to Cuppacumbalong and De Salis Cemetery. Funding is for:
- (i) Planning, consultation and approval of the trail route;
 - (ii) Design and installation of interpretation at the start and finish of the walk at Cuppacumbalong/De Salis Cemetery including an audio installation at each end of the track to welcome visitors to Country in Ngunnawal language;
 - (iii) Design and installation of two resting points along the river and trail markers for orientation.

- Item 2. Obligation of Recipient**
- (1)The product or activity specified in the Application will become a binding obligation under this Deed of Grant unless otherwise provided in this Deed, or agreed in writing by the parties.
- (2)To the extent of discrepancy between this Schedule 2, and the description in the Application, Schedule 2 will prevail, unless otherwise agreed in writing by the parties.

Item 3. Course of Action *Not used*

Item 4. Timetable *Funded activity Item 1 completed, and Final Report submitted by 31 October, 2019.*

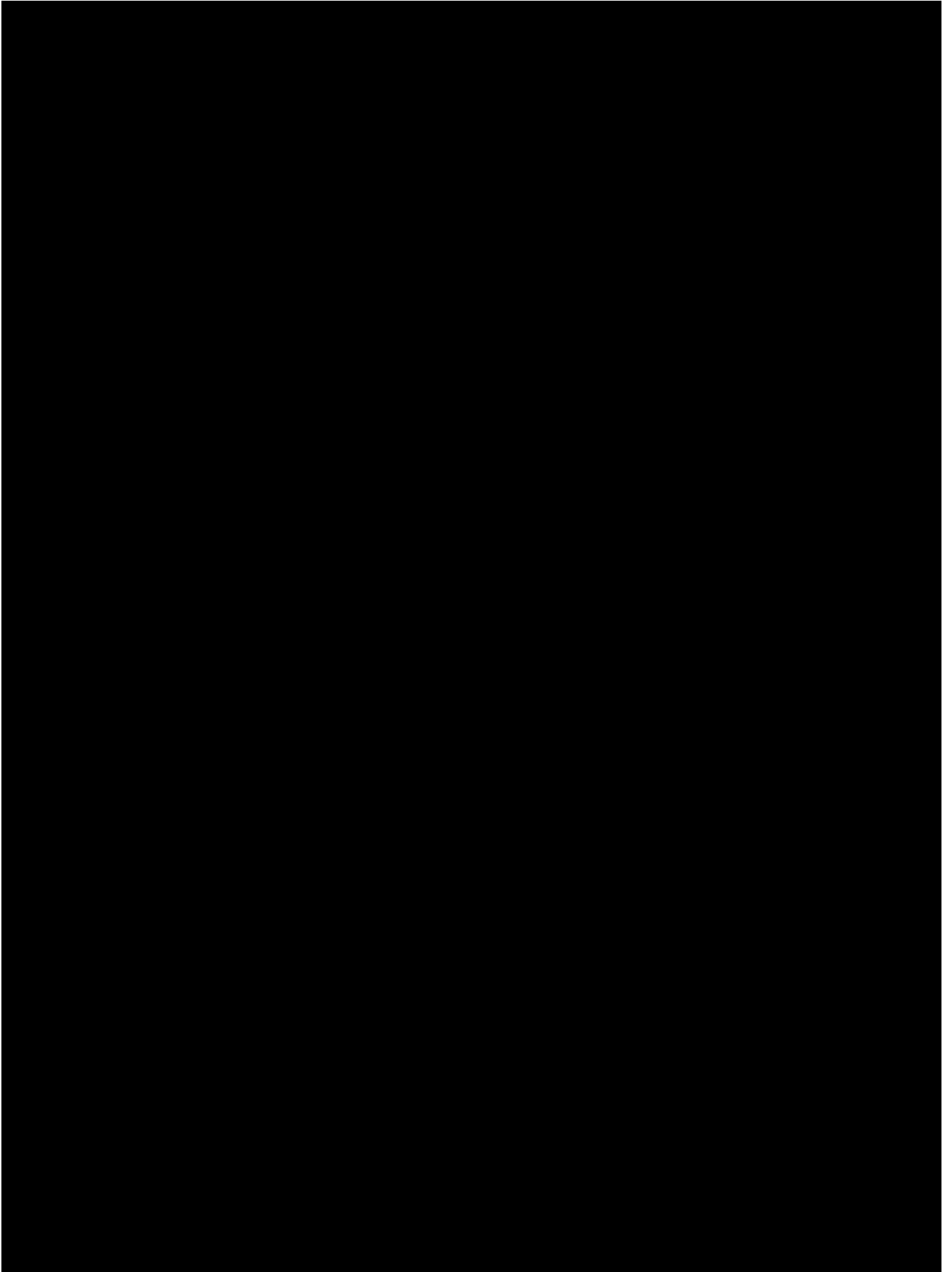
Other Possible Requirements to be considered by the Territory

Item 5. Communications Plan *Not used*

SCHEDULE 3

SPECIAL CONDITIONS

See clauses 1.1 and 15.11



1. ANNEXURE A

PROGRESS REPORT

[Insert prescribed form of the Progress Report, otherwise insert "Not Used"]

ANNEXURE B

FINAL REPORT

[Insert prescribed form of the Final Report, otherwise insert "Not Used"]

SIGNED AS A DEED ON 2018

SIGNED for and on behalf of the)
AUSTRALIAN CAPITAL TERRITORY)
in the presence of:)

.....
Signature of Territory delegate

.....
Signature of witness

SIGNED for and on behalf of)
CUPPACUMBALONG)
ABN 77 099 978 962 in the presence of:)

.....
Signature of Recipient or authorised officer*
*delete whichever is not applicable (see note below)

.....
Signature of witness

ALI WASS

.....
Signature of second authorised officer*
*see note below

.....
Print name and position



Note:

- Date: Must be dated on the date the last party signs the Deed or, if signed counterparts of the Deed are exchanged, the date of exchange. Also date the cover page.
- Individual: Must be signed by the individual Recipient and witnessed.
- Incorporated Association: Must be signed in accordance with the Recipient's constitution, which may or may not require the common seal to be affixed. As a minimum, 2 authorised officers must sign.
- Company: Must be signed in accordance with section 127 of the *Corporations Act 2001* (Cwlth), for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the Recipient's constitution.