

Process conditions:

The following Process Conditions apply to Council's consideration of expressions of interest as part of both Phase 1 and Phase 2 of the Application Process (this Process). To the extent these Process Conditions do not deal with a matter, Council has a discretion to decide how to deal with the matter at any stage during the Process.

1. Council is not required to accept any concept proposals provided (Proposals), and may discontinue this Process at any time.
2. Council may assess Proposals against the Assessment Criteria set out elsewhere in this Application Form (Assessment Criteria), as well as by reference to any other information that Council considers to be relevant. When assessing Proposals, Council is entitled to:
  - a) Apply and weight the Assessment Criteria and other information in whatever manner Council considers appropriate;
  - b) Make its own enquiries about a Proposal, including in relation to an applicant.
3. Without limiting Council's broad right in paragraph 1 of these Process Conditions, Council is entitled to exclude any Proposal from further consideration at any phase of this Process if Council considers (in its discretion) that a Proposal does not:
  - a) Satisfy one or more of the Assessment Criteria; or
  - b) Align with any aspect of the Design Brief, including any of the Noosa principles for collecting public art; or
  - c) Otherwise align with a principle or requirement of the Initiative generally.
4. Council may at any time modify or depart from the process and procedures set out in this Application Form (including these Process Conditions), including by extending or reducing any timeframes, suspending or altering the Process, or amending any part of this Application Form.
5. Council is not required to treat any aspect of a Proposal as confidential, and may disclose any information contained in a Proposal to third parties including the State of Queensland.
6. The Applicant grants to Council (and will ensure that relevant third parties grant) a non-exclusive, irrevocable, royalty free, perpetual, sub-licensable licence to exercise the intellectual property rights in the Proposal for the purpose of assessing and making decisions about the Proposal and in administering this Process.