

Freedom of Information Request – [REDACTED]

Arts ACT – File 2013/9360

Folio no	Date	Document	Status	Reason for Exemption	Online release status
1-2	June 2013	'In the City' article	Not released	Outside scope of request	Not released
3-6	05/06/2013-07/06/2013	Email chain	Partial release	Some information outside scope of request	Partial release
7	14/06/2013	Email chain	Full release		Full release
8	16/06/2013	Email	Partial release	FOI Act 1989, s41	Partial release
9	17/06/2013	Email	Partial release	FOI Act 1989, s41	Partial release
10-27	Various	Briefs from previous Fringe Festivals	Not released	Outside scope of request	Not released
28	17/06/2013	Email chain and post-it note	Partial release	FOI Act 1989, s41	Partial release
29-30	20/06/2013-21/06/2013	Email chain	Partial release	Some information outside scope of request	Partial release
31	21/06/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
32	21/06/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
33-38a	26/06/2013-28/06/2013	Ministerial brief, coversheets and media release (M-13/1058)	Full release		Full release
39-40	25/06/2013-27/06/2013	Email chain	Full release		Full release
41	27/06/2013	Email chain	Partial release	Some information outside scope of request	Partial release
42	27/06/2013	Email	Full release		Full release

Folio no	Date	Document	Status	Reason for Exemption	Online release status
43	28/06/2013	Newspaper article	Full release		Full release
44-63	Undated	Unsigned Deed of Grant	Partial release	FOI Act 1989, s41	Partial release
64-65	28/06/2013	Letter to Jorian Gardner	Partial release	FOI Act 1989, s41	Partial release
66	01/07/2013	File note from Director, artsACT	Full release		Full release
67-68	28/06/2013	News summary	Partial release	Some information outside scope of request	Partial release
69-70	21/06/2013-28/06/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
71	28/06/2013	Complaint	Partial release	FOI Act 1989, s41	Partial release
72-77	01/07/2013	City News article	Full release		Full release
78-79	01/07/2013	The RiotACT article	Full release		Full release
80a-80	01/07/2013	Email and attachment	Partial release	FOI Act 1989, s41	Partial release
81	01/07/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
82	01/07/2013	Email chain	Not released	Copy, refer folio 81	Not released
83	01/07/2013	Email	Partial release	FOI Act 1989, s41. Some information outside the scope of request	Partial release
84	01/07/2013	Email	Full release		Full release
85	02/07/2013	The Chronicle article	Full release		Full release
86	02/07/2013	Canberra Times article	Full release		Full release
87	01/07/2013-02/07/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
88	01/07/2013-02/07/2013	Email chain	Not released	Copy, refer folio 87	Not released

Folio no	Date	Document	Status	Reason for Exemption	Online release status
89-90	02/07/2013	Canberra Times article	Full release		Full release
91	03/07/2013	Canberra Times article	Full release		Full release
92	03/07/2013	Email	Full release		Full release
93-94	01/07/2013	The RiotACT article	Full release		Full release
95-97	02/07/2013	The RiotACT article	Full release		Full release
98	02/07/2013	Article on Canberra Liberals website	Full release		Full release
99	03/07/2013	Email	Partial release	FOI Act 1989, s41 Some information outside the scope of request	Partial release
100-119	08/07/2013	Signed Deed of Grant	Partial release	FOI Act 1989, s41	Partial release
120	08/07/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
121	03/07/2013	Action sheet for ministerial correspondence	Full release		Partial release
122-127	02/07/2013	Curriculum Vitae	Not released	Outside the scope of request	Not released
128-129	Undated	Letter to Minister for the Arts	Partial release	FOI Act 1989, s41. Some information outside the scope of request	Partial release
130	02/07/2013	Email chain	Partial release	Some information outside the scope of request	Partial release
131-132	03/07/2013	Email chain	Not released	Outside the scope of request	Not released
133-138	02/07/2013	Curriculum Vitae	Not released	Outside the scope of request	Not released

Folio no	Date	Document	Status	Reason for Exemption	Online release status
139-140	Undated	Letter to Minister for the Arts	Partial release	FOI Act 1989, s41. Some information outside the scope of request	Partial release
141-142	02/07/2013-04/07/2013	Email chain	Partial release	Some information outside the scope of request	Partial release
143-144	02/07/2013-04/07/2013	Ministerial brief tracking sheets	Not released	Outside the scope of request	Not released
145-146	11/07/2013	Letter to constituent	Full release		Partial release
147-147a	Undated	Ministerial correspondence tracker	Not released	Outside the scope of request	Not released
148-149	27/07/2013	Canberra Times article	Full release		Full release
150	27/07/2013	Canberra Times article	Full release		Full release
151	30/07/2013	Canberra Times letters	Full release		Full release
152	09/07/2013	Action sheet for ministerial correspondence	Partial release	FOI Act 1989, s41	Partial release
153-154	05/08/2013	Ministerial brief tracking sheets	Not released	Outside the scope of request	Not released
155	05/07/2013	Ministerial brief tracking sheet	Not released	Outside the scope of request	Not released
156-157	01/07/2013	Email	Partial release	FOI Act 1989, s41	Partial release
158-159	30/07/2013	Letter to constituent	Partial release	FOI Act 1989, s41	Partial release
160	Undated	Ministerial correspondence tracker	Not released	Outside the scope of request	Not released
161	20/08/2013	Email chain	Full release		Full release

Folio no	Date	Document	Status	Reason for Exemption	Online release status
162-163	20/08/2013-21/08/2013	Email chain	Full release		Full release
164	08/07/2013	Correspondence tracker	Not released	Outside the scope of request	Not released
165-166	12/07/2013	Brief	Full release		Full release
167	Undated	Correspondence tracker	Not released	Outside the scope of request	Not released
168	28/06/2013	Media release	Full release		Full release
169	31/07/2013	Correspondence tracker	Not released	Outside the scope of request	Not released
170-170a	05/08/2013	Record tracker and post-it note	Not released	Outside the scope of request	Not released
171-172	12/07/2013	Brief with notes	Full release		Full release
173-175	05/08/2013	ArtsHub article	Not released	Outside the scope of request	Not released
176-184	August/September	Draft Fringe program and budget	Not released	Outside the scope of request	Not released
185	17/09/2013	Email chain	Not released	Outside the scope of request	Not released
186	18/09/2013	Email chain	Partial release	FOI Act 1989, s41	Partial release
187	21/08/2013	Email with file note	Full release		Partial release
188	21/08/2013-03/09/2013	Email chain	Full release		Full release
189	21/08/2013-03/09/2013	Email chain	Full release		Full release
190	03/09/2013-04/09/2013	Email chain	Full release		Partial release

Folio no	Date	Document	Status	Reason for Exemption	Online release status
191	Undated	Draft response to constituent	Full release		Partial release
192-193	11/07/2013	Letter to constituent	Not released	Copy, refer folios 145-146	Not released
194-195	Undated	Letter to Chief Minister	Partial release	FOI Act 1989, s41. Some information outside the scope of request	Partial release
196-197	22/07/2013-23/07/2013	Email chain	Full release		Partial release
198	23/07/2013	Correspondence tracker	Not released	Outside the scope of request	Not released
199	30/07/2013	Action sheet	Full release		Partial release
200-201	12/09/2013	Tracking sheet	Not released	Outside the scope of request	Not released
202-203	02/10/2013	Letter to constituent	Partial release	Some information outside the scope of request	Partial release
204-205	Undated	Ministerial tracker	Not released	Outside the scope of request	Not released
206-209	09/10/2013	Canberra Confidential article and email	Not released	Outside the scope of request	Not released
210-211	25/10/2013	Canberra Times article	Not released	Outside the scope of request	Not released
212	26/10/2013	Canberra Times article	Not released	Outside the scope of request	Not released
213-217	04/11/2013	Accounts payable invoice cover sheet and supporting documents	Not released	Outside the scope of request	Not released
218	11/11/2013	Email	Not released	Outside the scope of request	Not released

Folio no	Date	Document	Status	Reason for Exemption	Online release status
219-220	12/11/2013	Email chain	Not released	Outside the scope of request	Not released
221-225	13/11/2013	Email chain and annual report hearings Q&A	Partial release	FOI Act 1989, s41	Partial release
226	13/11/2013	Canberra Times article	Not released	Outside the scope of request	Not released
227	08/11/2013	Canberra Times article	Not released	Outside the scope of request	Not released
228	13/11/2013	Canberra Times article	Not released	Outside the scope of request	Not released
229-230	25/11/2013	Email chain	Not released	Outside the scope of request	Not released
231-233	November 2013	Question Time Brief	Partial release	Some information outside the scope of request	Partial release
234-238	26/11/2013	Hansard	Partial release	Some information outside the scope of request	Partial release
239	27/11/2013	Email chain	Not released	Outside the scope of request	Not released
240-244	09/12/2013-10/12/2013	Email chain and poster	Not released	Outside the scope of request	Not released
245-246	13/12/2013	Email chain	Not released	Outside the scope of request	Not released
247-248	13/12/2013	Email chain	Not released	Copy, refer folios 245-246	Not released
249	14/12/2013	Canberra Times article	Not released	Outside the scope of request	Not released

<b>Folio no</b>	<b>Date</b>	<b>Document</b>	<b>Status</b>	<b>Reason for Exemption</b>	<b>Online release status</b>
250-254	16/12/2013	Accounts payable invoice cover sheet and supporting documents	Not released	Outside the scope of request	Not released
255-259	02/01/2013-06/01/2013	Email chain and attached media release	Partial release	FOI Act 1989, s41	Partial release
260	10/01/2014	Text message	Not released	Outside the scope of request	Not released
261-262	10/01/2014	Email chain	Not released	Outside the scope of request	Not released
263-265	10/01/2014	Email chain	Not released	Outside the scope of request	Not released
266-267	13/01/2014	Canberra Times article	Not released	Outside the scope of request	Not released
268-270	15/01/2014	Email chain	Not released	Outside the scope of request	Not released
271-272	15/01/2014	Email chain	Not released	Outside the scope of request	Not released
273-274	15/01/2014-16/01/2014	Email chain	Not released	Outside the scope of request	Not released
275-310	Various	Various documents	Not released	Created following receipt of FOI request	Not released

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**Robinson, AnneK**

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**From:** Whitney, David  
**Sent:** Monday, 6 January 2014 4:16 PM  
**To:** Emerson, Marc  
**Cc:** Chapman, Sue; Overton-Clarke, Bronwen; Dutt, Kanchan; Manikis, Nic; Piani, Robert; Robinson, AnneK; Beer, Kylie  
**Subject:** FW: New creative producer for the Fringe

Dear Marc,

Further to your request for advice concerning Jorian Gardiner as Creative Director of the Fringe, I advise ;

**Summary,**

Jorian Gardiner has been funded through a Deed of Grant to present a fringe festival in 2014 alongside the National Multi-Cultural Festival.  
Jorian Gardiner has engaged others to assist him to deliver the fringe festival 2014. This is consistent with the Deed of Grant.  
Jorian Gardiner has supplied details on his staffing structure and titles for those he has engaged to deliver the fringe festival 2014.

**Background.**

artsACT has a Deed of Grant with Jorian Gardiner to assist with the costs of presenting a fringe festival in conjunction with the National Multicultural Festival in 2014. Jorian Gardiner has to date satisfied the requirements of the Deed of Grant within agreed timelines including a first draft of his program and a revised program and budget.

Special conditions of funding in the Deed of Grant included:

- the fringe festival is to be presented in Civic Square during and as part of the 2014 National Multicultural Festival;
- the fringe festival feature young and emerging artists with programming that complements and extends the existing programming of the Multicultural Festival;
- Mr Gardiner to provide a detailed program and budget by 30 September 2013 to be approved by artsACT;
- Mr. Gardiner to provide a list of all sponsors for the fringe festival to be approved by the National Multicultural Festival and be in accordance with its sponsorship arrangements;
- the sale of alcohol in Civic Square will require a liquor licence; and
- the National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by artsACT and the National Multicultural Festival. Infrastructure may include staging (200 seat marquee), public liability insurance, security, promotion, sanitary and waste management.

artsACT has now made all payments to Jorian Gardiner in order for him to cash manage the fringe festival and to undertake delivery of the program.

Following the media interest and report on the RiotACT website, artsACT contacted Jorian Gardiner and he has provided the following advice for his fringe festival staffing and support structure. The appointment of others to assist in the delivery of the 2014 fringe festival is consistent with delivering a festival of this nature and is consistent with

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the artsACT Deed of Grant. The personnel involved and their titles/responsibilities are identified below.

Jorian Gardiner will continue to remain the recipient of the Deed of Grant and therefore responsible for delivery and acquittal of the project, fringe festival 2014.

Extract from an email from Jorian Gardiner to artsACT.....

*I have been called many things (don't I know it!) - Artistic Director / Creative Producer / Director etc.....i have always stuck with "Director" as I thought it then gave me the freedom to make other "artistic" appointments as I have done in the past. For instance the 2007/08/09 festivals featured another artistic director working along side me (Ben Drysdale, Chenoeh Miller and Alice Cottee respectively). A "Creative Producer" role, such as the one Amy Dunham is taking on, allows me to split the productions up between us. See below my staff structure*

*Jorian Gardner - Director*

*Responsible for entire event including logistics, artistic direction, finances, venue and government communication etc.*

*Also: Producer contact for Opening show, In Canberra Tonight, Die Fringe Burlesque! Canberra Comedy Hour, Theatre in a Car, Bad!Slam!, Akmial (Courtyard)*

*Amy Dunham - Creative Producer*

*Responsible for administration and marketing of event, artist contact, and on site management.*

*Producer for Today I, Tomorrow You (CMAG/Little Dove), Territory (Serious Theatre), International Fringe (Sunday) and Closing event.*

*Penny Vaile - Producer*

*Responsible for coordination of Friday night variety show Die Fringe*

*Peter Helft - Operations and Stage Management / Media liaison*

*Responsible for management of event from 3rd Feb (bump in) to 10th Feb (bump out)*

*Justin Newberry - Design*

*In house design manager*

*Cole Bennetts - Visual communications advice*

*Other than these, there are roles - such as safety officer, logistics, sound and audio etc, that are provided through the national multicultural festival.*

.....end

Please do not hesitate to contact me should you require further details.

Cheers

David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government

Phone 02 6207 2389 | Fax 02 6207 2386

Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601

GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Emerson, Marc  
**Sent:** Friday, 3 January 2014 11:39 AM  
**To:** Dutt, Kanchan; Chapman, Sue; Manikis, Nic; Whitney, David  
**Cc:** Beer, Kylie  
**Subject:** RE: New creative producer for the Fringe

Hi all.

The Minister has requested some confirmation on this and if it is within scope of the contract with Jorian.

Thanks

Marc

Marc Emerson | Adviser - Education and Training  
Office of Minister Joy Burch MLA  
Member for Brindabella  
ACT Minister for Education and Training | ACT Minister for Disability, Children and Young People | ACT Minister for Multicultural Affairs | ACT Minister for Women | ACT Minister for Gaming and Racing | ACT Minister for Arts |  
P: (02) 6205 0559 | E: [marc.emerson@act.gov.au](mailto:marc.emerson@act.gov.au)

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**From:** Dutt, Kanchan  
**Sent:** Thursday, 2 January 2014 4:24 PM  
**To:** Chapman, Sue; Emerson, Marc; Manikis, Nic; Whitney, David  
**Subject:** New creative producer for the Fringe

Hello all,

RiotACT is carrying a story on Jorian Gardner appointing Amy Dunham as creative producer for the Fringe Festival: [http://the-riotact.com/amy-dunham-takes-over-creative-production-of-the-fringe/121992?utm\\_source=dlvr.it&utm\\_medium=twitter](http://the-riotact.com/amy-dunham-takes-over-creative-production-of-the-fringe/121992?utm_source=dlvr.it&utm_medium=twitter)

Cheers,

Kanchan

Kanchan Dutt | Senior Manager  
**T: 02 6205 0282 | M: 41**  
**Media and Communications** | Community Services Directorate | **ACT Government**  
Level 8, 11 Moore St, Canberra City | GPO Box Canberra 158 | [www.communityservices.act.gov.au](http://www.communityservices.act.gov.au)  
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MEDIA RELEASE: FRINGE 2014: MEDIA RELEASE: FRINGE 2014: MEDIA RELEASE: FRINGE 2014

**AMY DUNHAM APPOINTED FRINGE 2014 CREATIVE PRODUCER**

Fringe Director Jorian Gardner today announced the appointment of Amy Louise Dunham to the position of Creative Producer for the February 2014 event.

"Amy is a well-loved and accomplished young artist working across a range of fields including theatre, live music and dance," said Gardner. "Aside from her artistic talent, she's as enthusiastic about Canberra's arts scene as I am - especially live music - and is the perfect choice to have on board as the one of the leaders of this years event."

Dunham is well known to Canberra audiences having picked up a number of awards for her musical theatre performances in some of the ACT's major theatre productions over the years. As well, her live music duo, AMAX, have a large and enthusiastic following across the ACT for their poignant, funny - and kick ass gigs.

"I am blown away to work on this years festival," said Dunham, "I am passionate about the large amount of young and emerging artists we have here in the ACT and how we can better expose them to the wider public. Can't wait."

Amy Dunham will be producing a multitude of Fringe theatre, performance art and live music events over the four days of Fringe as well as performing as part of the *Die Fringe Burlesque* show on Friday the 8<sup>th</sup> of February.

"Fringe 2014 is probably the biggest challenge I have taken on," said Dunham. "The return of the festival to its rightful place in Civic Square alongside the National Multicultural Festival is such an awesome thing for the Canberra community - get ready to party!"

Comment or photo opportunities: Jorian Gardner, Fringe Director 0466 694 197  
Attached below: Ms Dunhams bio; x 3 pictures of Ms Dunham.

**Bio: Amy Louise Dunham**

*Amy Louise Dunham is an accomplished actress, singer, director, puppeteer and workshop coordinator with a passion for the arts in Canberra and nearly twenty years of experience in her varied fields.*

*For the last 17 years Amy has been performing lead roles in the strong Canberra musical theatre scene, which have earned her a number of awards and nominations in the region.*

*In 2013 alone, Amy was one of four performers in a touring NIDA adaptation of 'I Love You, You're Perfect, Now Change' under the direction of Derek Walker (King Kong- The Arena Spectacular) and performed the character of 'Molly' (a six year old rod/body operated puppet) in a piece for the Canberra Centenary entitled 'Home at the End' - Everyman Theatre. Amy had previously worked with Everyman Theatre in 2012 on the highly acclaimed double bill of God/Pool (No Water).*

*2013 saw Amy also Directing the children's classic 'Winnie the Pooh' for Free Rain Frolicks (Patricia Kelson En-*

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couragement award for First Time Directing- Nomination, CAT Awards 2014), playing Anita in West Side Story and finally operating the man eating plant- Audrey 2, for Canberra Philharmonic's 'Little Shop of Horrors'. Amy will next be seen as Annelle in Canberra Repertories 'Steel Magnolias' for Director Jordan Best. Amy and Jordan will be debuting their double burlesque act at the Canberra Fringe Festival- Venus De Milo and Oval-Teenie.

Amy has been entertaining as a singer and song writer since the age of 14 and has been working professionally in that capacity since, having releasing two albums at Camelot Studios with Bilbus Productions. Amy performs in her own right and is currently working alongside duo partner Max Gambale, as part of the established group- AMAX. They regularly perform around the region and Nationally with recent festival slots at Jindyfest (on the shores of Lake Jindabyne) and Corinbank Arts and Sustainability Festival. For this duo, Amy is a singer/songwriter and guitarist. They are in the process of recording their first album entitled 'Too Many Hats', regularly perform on National and Local radio such as ABC 666 and play regularly at different venues in the wonderful ACT music scene.

Between 2005 and 2012 Amy worked as a professional actress for Questacon's in house theatre group, the 'Excited Particles', with character based shows and presentations to educate visitors in a range of scientific concepts, designs, innovations and research. She went on then to present for Questacon's Outreach program, initially as a touring presenter and then as a Digital Presenter working as a studio presenter, interacting live with thousands of students across NSW.

In this time Amy was asked to perform live for a digital/live audience of a few thousand estimated viewers, to honour Nobel Laureate Professor Brian Schmidt.

Amy currently works professionally as an actress for The Starlight Children's Foundation as a Captain Starlight, bringing laughter and distraction therapy to the children at the Canberra Hospital.

Her love of design, Canberra, performance art and performance- coupled with years of varied experience, have provided her with excellent tools to produce and assist in the production of our stunning works for the Fringe in Canberra.



QUESTION TIME  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

HANSARD

Edited proof transcript

26 November 2013

This is an **EDITED PROOF TRANSCRIPT** of question time proceedings that is subject to further checking. Members' suggested corrections for the official Weekly Hansard should be lodged with the Hansard office (facsimile 02 6205 0025) as soon as possible. Answers to questions on notice will appear in the *Weekly Hansard*.

**Multicultural affairs—fringe festival**

**MADAM SPEAKER:** Mrs Jones, a question without notice.

**MRS JONES:** Thank you, Madam Speaker.

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**MRS JONES:** My question is to the Minister for Arts. In response to a question from myself, about the fringe festival during the annual reports hearings, you said, "To date the contract has been managed. To date, the fringe festival program is being delivered. I was going to have a quiet word with Mr Manikis at some point during the day just to give me confidence that this is continuing to be the case." What is the latest advice you have received from your directorate about the management of the 2014 fringe festival? Do you continue to have full confidence in the management of the fringe festival?

**MS BURCH:** Yes, I do.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, what role, if any, did you play in the appointment of the creative director of the fringe festival?

**MS BURCH:** I made the appointment.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, what benefits does the fringe festival bring to the ACT?

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**MS BURCH:** I do thank Mr Gentleman for the supplementary question about the fringe festival. The fringe festival was part and parcel of the National Multicultural Festival for many years. As we were redefining the footprints and the timelines for the National Multicultural Festival—and there was a period of change a number of years ago—the contract for funding for the fringe festival was given to the Folk Festival and it was held out at EPIC. When that contract came to an end, there was certainly a very persistent call to me by fringe festival lovers to bring the Fringe back to the National Multicultural Festival and to have it in the heart of the city.

We secured funding for \$20,000, and we will have a fringe festival come this February. From what I am hearing, the festival is shaping up to be quite innovative, to add another fringe flair to the entertainment for many who would like to go. And I will look with interest to see whether any of those opposite have any fringe flair in them and attend the fringe festival in February.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, what was the latest advice you received from the directorate after that quiet word with Mr Manikis?

**MS BURCH:** It is arts funding but it is being managed in partnership with Mr Manikis, who has overall—

o/s

**Mr Smyth:** Sorry, is the minister going to finish answering the question? She has not even answered the question yet.

**MADAM SPEAKER:** Have you finished answering the question, Minister Burch?

o/s

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**Mr Smyth:** A point of order, Madam Speaker. I was simply trying to get an answer to my question, which was: did she have the quiet chat with Mr Manikis and what advice was provided? I do not think it has been come to at all. Perhaps she could mention something—

**MADAM SPEAKER:** There are eight seconds left. Have you got anything further to say in answer to the question, Minister Burch?

**MS BURCH:** No.

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## Question Time Brief

**Bring back the Fringe Festival to Canberra's CBD in 2013 –  
Minister for Arts**

### History of Amendments to Question Times Briefs

Question Time Briefs are held in the <b>Shared Folder ONLY</b> . You <b>MUST COMPLETE</b> the table below to provide a detailed history of any QTB amendments.		
Date	Name	Changes/Nil changes required
16 November 2012	Rowan Ford	Created.
19/11/12	Robert Piani	Edited
20/11/12	David Whitney	Edited
4/2/13	Robert Piani	Edited
20/2/13	Robert Piani	Edited
29/5/13	Michelle Jumeau	Minor amendments
17/7/2013	Robert Piani	Edits
6/9/13	Michelle Jumeau	No changes
9/10/13	Robert Piani	Edited
9/10/13	David Whitney	Edited
<u>13/11/13</u>	<u>Michelle Jumeau</u>	<u>Edited</u>

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**2013-14 BUDGET QUESTION TIME BRIEF**  
**MINISTER FOR ARTS**  
**26-28 November~~October~~ 2013**

**ISSUE: Fringe Festival to Canberra's CBD**

- The ACT Government provided \$20,000 for a fringe festival to complement and extend the existing programming of the National Multicultural Festival. The fringe festival aims to focus on young people, showcasing ACT-based emerging and/or innovative artists, as well as a range of artforms and community sectors.
- Funding of \$20,000 for the 2013 festival was allocated from the ACT Arts Fund. Funding for future festivals has been included in the 2013-14 Budget as a Government commitment.
- I announced in June 2013 that Mr Jorian Gardner would be the creative producer for the 2014 fringe festival from the funds announced in the 2013-14 Budget. Mr Gardner has prepared a draft program which has been approved by artsACT and includes a range of performances and installations by ACT artists.
- Mr Jorian Gardner has recently featured in the media regarding the ending of the partnership with Mr Domenic Mico after six months of jointly operating the Smiths Alternative venue in Civic. Mr Gardner now wishes to concentrate on the Fringe Festival.
- There has also been media attention surrounding drink driving and unlicensed driving charges. These matters are independent of Mr Gardners' engagement as Fringe Festival Creative Director and his conduct to perform in this capacity is in accordance with the deed of grant to deliver the Fringe festival.
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- The 2014 fringe festival will be held in civic square over the Friday, Saturday and Sunday of 7- 9 February 2014.
- The National Multicultural Festival will provide infrastructure support to the fringe including a marquee, insurance, promotion and security.

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WMA  
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OLG

CONTACT OFFICER: Bronwen Overton-Clarke  
TELEPHONE: 6207 1523  
AGENCY: CSD – Housing and Community Services ACT

**Piani, Robert**

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**From:** Whitney, David  
**Sent:** Wednesday, 13 November 2013 6:47 PM  
**To:** Piani, Robert  
**Subject:** FW: Fringe Festival

For the Fringe file please.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Violante, Victor  
**Sent:** Wednesday, 13 November 2013 8:30 AM  
**To:** Whitney, David  
**Subject:** RE: Fringe Festival

Thanks David.

Victor Violante

**Chief of Staff**

**Adviser on Gaming and Racing, Arts, Multicultural Affairs**

Office of Joy Burch, MLA

*Minister for Education and Training*  
*Minister for Children and Young People, Disability*

*Minister for Arts*

*Minister for Gaming and Racing*  
*Minister for Multicultural Affairs*  
*Minister for Women*  
*Member for Brindabella*

**T. 02 6205 0145**  
**M. *W***  
**E. [victor.violante@act.gov.au](mailto:victor.violante@act.gov.au)**

---

**From:** Whitney, David  
**Sent:** Wednesday, 13 November 2013 8:11 AM  
**To:** Violante, Victor  
**Cc:** Overton-Clarke, Bronwen; Piani, Robert; Manikis, Nic  
**Subject:** Fwd: Fringe Festival

224  
Dear Victor ,

As discussed following the question in the Committee Tuesday, I have reviewed all information artsACT has prepared for the Minister and Director General concerning the appointment of Jorian Gardiner as Producer of the Festival Fringe.

The extract below was prepared for the artsACT Annual Report hearing and provides a status on the arrangements with Jorian Gardiner.

The milestones in the Deed of Grant signed by Jorian Gardiner have to date been met. A draft program was provided to and discussed with artsACT in September this year and the first instalment payment of \$5,000 paid.

Jorian Gardiner will now need to negotiate with the Multi-Cultural Festival to satisfy their requirements for operating hours, infrastructure, Insurance notifications and Work Health Risk Assessments.

Jorian Gardiner will provide to artsACT a final program of artists and activity in early January 2014 which will trigger the balance of payment of \$15,000.

Jorian Gardiner will then be obliged to financially and artistically acquit the full grant following the Fringe Festival prior to June 2014.

Please call should you need more detail.

Cheers

David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601

GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

Annual Report Hearings – Q&A

MINISTER FOR THE ARTS

November 2013

**Question:** Can you please provide an update on progress with the appointment of Mr. Jorian Gardiner as Creative Producer for the 2014 Fringe Festival ?

---

**Answer**

In the 2013-2014 Budget, \$20,000 in funding was announced to support a fringe festival alongside the 2014 National Multicultural Festival. In June 2013, I announced that Mr Gardner would be the producer for the 2014 fringe festival.

Given that the funding is less than the procurement threshold of \$25,000, the Government is able to seek the interest of one provider in undertaking the activity. There are a number of examples where the Government has identified a single provider for arts activities below this threshold and funded this through a deed of grant. This process is therefore different to that of the ACT Arts Fund which utilises peer assessment.

To ensure the fringe festival is delivered in accordance with agreed outcomes, and that funding is appropriately acquitted, the deed of grant to Mr Gardner includes a number of conditions including that the fringe festival is to be presented in Civic Square, feature young and emerging artists, and include programming that

222

complements and extends the existing programming of the Multicultural Festival.

The program is to be approved by artsACT and payments are made by instalments on achieving programming and budgeting milestones.

The National Multicultural Festival will provide infrastructure support to the fringe festival include for staging; insurances, security, promotion and waste management.

In September 2013, in accordance with the deed of grant, and as part of the first milestone for payment, Mr Garner has provided a draft program and budget at a meeting with artsACT.

The draft program includes a mix of music, theatre, poetry and comedy performances and visual art installations suitable for all audiences. Of course, as in any fringe event, the program has some elements that may challenge audiences and some would only be suitable for adults. The adult content will be presented late at night and Mr Gardner has advised it will be marketed accordingly so that audiences are aware of the content.

Mr Gardner has obtained in kind support for marketing through local media and cash support from beverage sales at the event. Mr Gardner has also received in kind support from the Canberra Museum and Gallery.

The final program and budget will be provided to artsACT in January 2014 for approval by artsACT.

485,  
221

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CONTACT OFFICER: Bronwen Overton-Clarke

TELEPHONE: 6207 1514

AGENCY: Housing and Community Services



1573

203

**E-MAILED**  
2-10-13 D

## Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH

MINISTER FOR REGIONAL DEVELOPMENT

MINISTER FOR HIGHER EDUCATION

MEMBER FOR MOLONGLO



Dear [REDACTED]

Thank you for your letter of 22 July 2013 regarding the appointment of Mr Jorian Gardner as the creative director for the 2014 fringe event. Your letter raises concerns about the decision to appoint Mr Gardner and about the general arts landscape of the ACT.

In June 2013, the ACT Government announced that Mr Gardner had been chosen to be the creative director of the fringe event for 2014. In this role, Mr Gardner is required to manage all aspects of presenting the event including the budget, program and infrastructure, in consultation with the National Multicultural Festival and with the approval of artsACT. The deed of grant to engage Mr Gardner, as is the case with all deeds, contains terms and conditions necessary for the government to be confident in the outcomes.

The fringe is to feature young and emerging artists and complement and extend the existing programming of the National Multicultural Festival, and will be held in Civic Square.

ols

I understand that Mr Gardner had approached the Minister for the Arts regarding his vision for the fringe event, as is the prerogative of any member of the community to discuss their views with the government. Given that the 2014 funding for the event was a government commitment and under \$25,000, the government is not obligated to seek expressions of interest from the community and can directly engage a provider for this service. Mr Gardner was engaged on the basis of successful artistic direction of previous years' fringe events. While I note your views and experiences with Mr Gardner, it would not be appropriate for me to make comment.

ols

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0840 Fax (02) 6205 3030

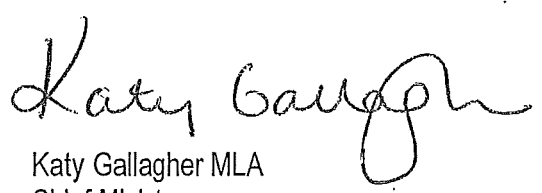
Email: [gallagher@act.gov.au](mailto:gallagher@act.gov.au) Facebook: [KatyGallagherMLA](https://www.facebook.com/KatyGallagherMLA) Twitter: [@katyGMLA](https://twitter.com/katyGMLA)

**100**  
CANBERRA

o/s

I appreciate your commitment to the local arts community and thank you for raising your concerns with me.

Yours sincerely



Katy Gallagher MLA  
Chief Minister

02 OCT 2013

cm

to

response

letter

199 1150

# ACTION SHEET



## artsACT

Date Due to Director: 2/8/13

Record Number: M-13/1427

Contact Officer: Robert

External Ref:

Date: 30/7/13

Comment:

DW spoke E Uiter - response to acknowledge - either can't get not buy into exchange of response/ not answered.

Check if Cebary want to comment on final paper - probably best for cm to thank you for your opinion

Date: 1/8/13

Comment:

Draft concise letter with input from C100 of.

Date:     /     /     etc.

Comment:

clears  
↓

Date:     /     /    

Comment:

Date:     /     /    

Comment:

Date:     /     /    

Comment:

Date:     /     /    

Comment:

Date:     /     /    

Comment:

**Tyrie, Andrew**

---

**From:** Schembri, Karen on behalf of GALLAGHER  
**Sent:** Tuesday, 23 July 2013 3:45 PM  
**To:** Tyrie, Andrew  
**Cc:** CMCD DLO  
**Subject:** FW: Follow up to Letter from Minister Burch  
**Attachments:** [REDACTED] ATT00001.htm; m-13.1294 Signed Response [REDACTED].pdf; ATT00002.htm; 130722 Fringe apptmt followup letter.pdf; ATT00003.htm

Andrew

Response from CM please

Regards

**Karen Schembri** | Office of the Chief Minister  
t: 620 50840 | fx: 620 53030 | [karen.schembri@act.gov.au](mailto:karen.schembri@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

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IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

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**From:** Scrivener, Sharon  
**Sent:** Tuesday, 23 July 2013 3:31 PM  
**To:** GALLAGHER  
**Subject:** FW: Follow up to Letter from Minister Burch

~~for acknowledgement and response please~~

**Sharon Scrivener** | Executive Officer to the Chief Minister | Office of the Chief Minister  
t: 620 50287 | f: 620 53030 | [sharon.scrivener@act.gov.au](mailto:sharon.scrivener@act.gov.au) | [www.chiefminister.act.gov.au](http://www.chiefminister.act.gov.au)

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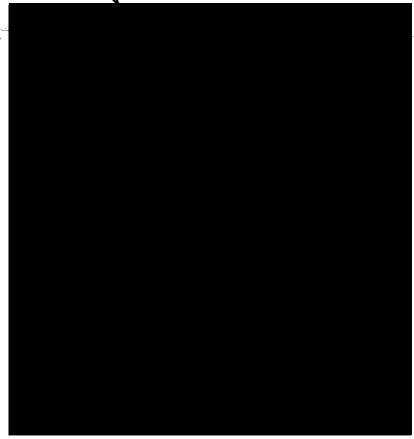
IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

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Begin forwarded message:

**From:** [REDACTED]  
**Date:** 22 July 2013 5:58:44 PM AEST  
**To:** "Gallagher, Katy" <[Katy.Gallagher@act.gov.au](mailto:Katy.Gallagher@act.gov.au)>

cm/ ma013/01/114



Ms Katy Gallagher Chief Minister  
cc:  
Mr Brendan Smyth MLA

Dear Chief Minister Gallagher

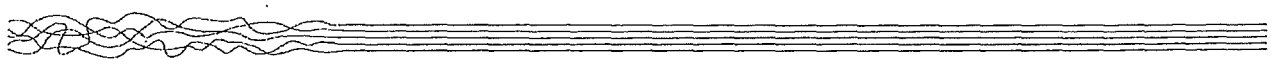
I write to follow up the letter I cc'd to you dated July 2<sup>nd</sup> regarding the 2014 Fringe Festival appointment process. Attached is the reply I received from Minister Burch and below I will summarise the answers I have received, and note which of my questions remain unanswered.

**Process:**

- *Who made the decision not to call for expressions of interest in the role?* The Arts Minister, as per 2013-2014 budget allocation.
- *Did Mr Gardner lobby you directly for this position?* Not answered.
- *Did you consider any other locally based arts professionals in making this decision?* No indication that this occurred.
- *What due diligence was undertaken?* ArtsACT and the Office of Multicultural Affairs both provided advice to the Arts Minister and this is apparently reflected in the deed of grant. No evidence was provided of consultation with the community, with the arts industry, or with Gardner's former employers.

o/s

41

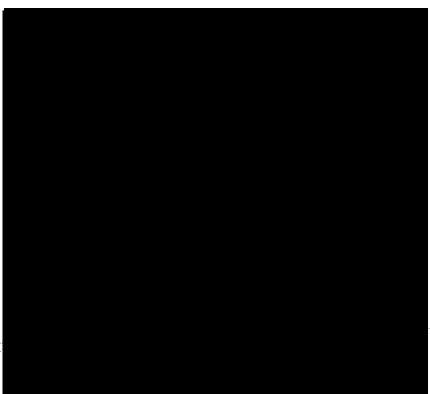


11/25  
194

013

41

Kind regards





191

# Katy Gallagher MLA

CHIEF MINISTER

MINISTER FOR HEALTH  
MINISTER FOR REGIONAL DEVELOPMENT  
MINISTER FOR HIGHER EDUCATION

MEMBER FOR MOLONGLO



Dear [Redacted]

Thank you for your letter of 22 July 2013 regarding the appointment of Mr Jorian Gardner as the creative director for the 2014 fringe event. I note your comments on the appointment and the response provided by my colleague Ms Joy Burch, Minister for the Arts.

The ACT Government has a strong commitment to the arts as demonstrated by the significant funding and facilities provided in the arts for the benefit of the ACT community. The Government focuses its support on priority areas, which, at present, are our arts facilities. Significant capital expenditure on further developing our facilities as creative arts hubs, particularly in the performing arts, will underpin future growth and vibrancy in the arts.

The Centenary of Canberra program encompasses a broad range of activities developed in consultation with the community. The program is a wonderful showcase of many aspects of Canberra across the arts and culture, sport, science, architecture, history and the community. I am confident that the Centenary of Canberra program has made a significant impression locally and nationally across a breadth of activity.

I appreciate your commitment to the local arts community and thank you for raising your concerns with me.

Yours sincerely

Katy Gallagher MLA  
Chief Minister

Note from Chief Minister:

This does not answer the substantive issues raised by [Redacted]

Can the letter be re-drafted please.

Vic 11/8

## ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0840 Fax (02) 6205 3030

Email: gallagher@act.gov.au Facebook: KatyGallagherMLA Twitter: @katyGMLA



190

**Whitney, David**

---

**From:** Smorhun, Vic  
**Sent:** Wednesday, 4 September 2013 9:24 AM  
**To:** Whitney, David  
**Subject:** RE: M2013/01818 - [REDACTED] letter re 2014 fringe event

David – following on from the draft response prepared for the CM and the request to address those matters that [REDACTED] suggests were not answered in Minister Burch’s response of 11 July.

The CM’s concern was that there are a number of specific questions that remain unanswered and while you have suggested that the draft prepared should suffice as a response, the CM’s preference is to respond – particularly when a matter is elevated to the Chief Minister.

In terms of the questions that [REDACTED] claims are not answered is it possible to provide brief responses to as many as these as is possible? I can see that not all can be answered (especially those under the ‘credentials’ heading). The same applies to [REDACTED] comments about “the lack of understanding and insight into the role a healthy professional arts industry can play in taking Canberra and the ACT forward”.

I’m happy to discuss further.

Thanks.

Vic

Vic Smorhun | Senior Adviser  
Office of Katy Gallagher MLA  
Chief Minister  
ACT Legislative Assembly  
Phone: 02 620 50227 | Mobile: / 41 | Email: [vic.smorhun@act.gov.au](mailto:vic.smorhun@act.gov.au)

---

**From:** Whitney, David  
**Sent:** Tuesday, 3 September 2013 1:43 PM  
**To:** Smorhun, Vic  
**Subject:** Automatic reply: M2013/01818

Thank you for your email I will review emails daily. If the matter is urgent, please contact my E/A Erica on 02 62072384.

Cheers  
David

**Whitney, David**

---

**From:** Smorhun, Vic  
**Sent:** Tuesday, 3 September 2013 1:43 PM  
**To:** Whitney, David  
**Subject:** RE: M2013/01818

My apologies, David, I'll get back to you shortly.  
Regards.  
Vic

-----Original Message-----

**From:** Whitney, David  
**Sent:** Tuesday, 3 September 2013 10:40 AM  
**To:** Smorhun, Vic  
**Subject:** FW: M2013/01818

Dear Vic,  
Just checking if you have any advice on the responses from the CM to this brief?  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government Phone 02  
6207 2389 | Fax 02 6207 2386 Level 4, Canberra Nara Centre, 1 Constitution Ave,  
Canberra City ACT 2601 GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

-----Original Message-----

**From:** Whitney, David  
**Sent:** Wednesday, 21 August 2013 9:22 AM  
**To:** Smorhun, Vic  
**Subject:** FW: M2013/01818

Dear Vic,  
As discussed, please find the earlier material in relation to CM response to a constituent comments on the Fringe Festival appointment of Mr. Jorian Gardiner.  
The draft as proposed by artsACT was consistent with the standard response we had provided for Minister Burch's Office in line with direction provided.  
Clearly we can draft a more direct response for the CM, and your guidance on specific issues to be addressed would be useful.  
Happy to discuss if you wish. I will be available this morning after some-external meetings till approx 12.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government Phone 02  
6207 2389 | Fax 02 6207 2386 Level 4, Canberra Nara Centre, 1 Constitution Ave,  
Canberra City ACT 2601 GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**Whitney, David**

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**From:** Whitney, David  
**Sent:** Tuesday, 3 September 2013 10:40 AM  
**To:** Smorhun, Vic  
**Subject:** FW: M2013/01818  
**Attachments:** 20130821093449193.pdf

Dear Vic,  
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Cheers  
David.

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government Phone 02 6207 2389 | Fax 02 6207 2386 Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601 GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government Phone 02 6207 2389 | Fax 02 6207 2386 Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601 GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

Whitney, David

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**Attachments:** 20130821093449193.pdf

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Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government Phone 02 6207 2389 | Fax 02 6207 2386 Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601 GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

Notes

Vic Smorhun  
50227

DW spoke to Vic 20/8 to get advice.

Vic advised cm wants to have a more direct answer/response, not general letter re: document address the issue.

DW advised [redacted] could lead to ongoing exchange until [redacted] has the answer [redacted] wants.

Vic o.c. for direct answer however when pressed - we could not record the letter - esp. ? if

Gov. in Gardiner had directly approached c.m.

Agreed to get doc back to Vic - he would review and provide direction to ASOC in order to respond

DW 21/8

186

**Piani, Robert**

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**From:** J G | 41  
**Sent:** Wednesday, 18 September 2013 12:07 PM  
**To:** Piani, Robert  
**Subject:** RE: Fringe 2014

Friday say 10? I will come to you yeah...

---

**From:** [Robert.Piani@act.gov.au](mailto:Robert.Piani@act.gov.au)  
**To:** 41  
**Subject:** RE: Fringe 2014  
**Date:** Wed, 18 Sep 2013 02:03:36 +0000

Hi Jorian, Thursday after 2 or anytime Friday next week are good. Will you come to artsACT at Nara Centre?

hanks

Robert Piani, Manager, Arts Support | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2381 | Fax 02 6207 2386 | Mob 41  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** J G | 41  
**Sent:** Wednesday, 18 September 2013 11:59 AM  
**To:** Piani, Robert  
**Subject:** Fringe 2014

Heya Robert,

Does sometime on thursday 26th or Friday 27th of next week ok to come chat to you and give you my draft program....

Jorian

---

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.

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5-8-13

172 ~~10/13~~

Robert: please note DG's comments below.

Please advise if/when Mr. Gardner to provide details of Artistic Program etc.

DW AD 30/9/13 \$5k  
Final 11/11/14 \$15



Date

12 July 2013

To

Director-General

- Deputy Director-General
- Executive Director, Housing and Community Services

I would like to be kept informed of how Mr Gardner is meeting the special conditions of his contract + who will be reviewing, determining that the in fact has met them

SC

cc

From

Director, artsACT

Subject

Fringe Festival – Jorian Gardner

DBC13-603

**Critical Date**

Standard

**Purpose**

To provide you with information regarding funding to Mr Jorian Gardner for the 2014 fringe festival.

**Background/Issues**

In the 2103-14 Budget, \$20,000 in funding was announced to support a fringe festival alongside the 2014 National Multicultural Festival. In June 2013, the Minister for the Arts announced that Mr Gardner would be the producer for the 2014 fringe festival.

Given that the funding is less than the procurement threshold of \$25,000, the Government is able to seek the interest of one provider in undertaking the activity. There are a number of examples where the Government has identified a single provider for arts activities below this threshold and funded this through a deed of grant.

These include:

\$10,000 for Kulture Break (2012 support for its 10<sup>th</sup> Birthday presentation/performance at The Playhouse);

\$12,000 for the Indigenous Writers Network Workshop (2013 support for six ACT indigenous writers to attend a national workshop in Queensland);

\$10,000 for Poetry Slams (2013 support to ANU Students Services to deliver poetry slam workshops in ACT schools); and

\$7,000 to the Arts Law Centre as a joint State/Territory/Federal funding arrangement for 2013.

To ensure the fringe festival is delivered in accordance with agreed outcomes, and that funding is appropriately acquitted, the deed of grant to Mr Gardner includes a number of special conditions. These are:

- that the fringe festival is to be presented in Civic Square during and as part of the 2014 National Multicultural Festival,
- feature young and emerging artists with programming that complements and extends the existing programming of the Multicultural Festival,
- a detailed program and budget is to be approved,
- any sponsors are to be approved and accord with the sponsorship arrangements with the National Multicultural Festival, and
- that the National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by artsACT and the National Multicultural Festival, which may include staging, insurances, security, promotion and waste management.

**Media Issues**

There has been negative media since the announcement and ministerial correspondence from concerned community members regarding the decision.

**Consultation**

artsACT consulted with the Office of Multicultural Affairs and the Contracts and Grants unit.


**Financial Implications**

\$20,000 has been provided for the fringe festival within artsACT's budget.

**Recommendation**


That you:

- note the information in the brief.

*for*   
**David Whitney**  
 Director

**Robert Piani**  
 6207 2381

~~AGREED / NOT AGREED / NOTED~~  
 Natalie Howson  
 Director-General

*Noted*  
  
 3/7/13



**Joy Burch MLA**

MINISTER FOR EDUCATION AND TRAINING  
MINISTER FOR DISABILITY, CHILDREN AND YOUNG PEOPLE  
MINISTER FOR THE ARTS  
MINISTER FOR WOMEN  
MINISTER FOR MULTICULTURAL AFFAIRS  
MINISTER FOR RACING AND GAMING

MEMBER FOR BRINDABELLA

Sue,  
168 MIA  
here is the  
media reporting  
on this issue  
for your info  
Kylb

## MEDIA RELEASE

28 June 2013

### Jorian Gardner named 2014 Fringe Festival producer

ACT Arts Minister Joy Burch today announced that Jorian Gardner will return to the role of Fringe Festival creative director, to be held alongside the 2014 National Multicultural Festival.

"Mr Gardner's wealth of experience in fringe events and his collaborations with many artists and arts organisations across the Canberra community will provide a great platform to produce an exciting Fringe in 2014," said Ms Burch.

"This year saw the successful return of the fringe festival as, part of the National Multicultural Festival, for the first time since 2009 and we were keen to bring back the flair and edge that Mr Gardner brought to Civic Square."

ACT Labor committed to provide \$20,000 annually over four years to support a fringe event alongside the Multicultural Festival, and this funding was confirmed in the 2013-14 Budget.

"An additional \$20,000 a year in in-kind support will be provided to the Fringe next year through the Multicultural Festival, including infrastructure and public liability insurance, taking the Government's support for the 2014 Fringe to the value of \$40,000."

Mr Gardner was the founding director of a fringe festival held alongside the National Multicultural Festival from 2004 to 2009. He has worked across a range of art forms including theatre performances, visual art exhibitions, cabaret, dance, and musical presentations.

The fringe festival aims to present original work in interesting spaces and provide valuable opportunities for young and emerging artists to present their work.

"I am confident the Fringe Festival will not only complement the activities of the National Multicultural Festival, but will use innovative cross-artform collaborations with young and emerging artists and breathe extra life to our city."

The 2014 National Multicultural Festival runs from 7-9 February, with the fringe festival proposed to take place in Civic Square from 6-9 February 2014.

Statement Ends

Media Contact: Victor Violante Ph: 6205 0145 Mob: 0421 846 201 [victor.violante@act.gov.au](mailto:victor.violante@act.gov.au)

ACT LEGISLATIVE ASSEMBLY



166 *[Handwritten initials]*

---

**Date** 12 July 2013

---

**To** Director-General

- Deputy Director-General
- Executive Director, Housing and Community Services

---

**cc**

---

**From** Director, artsACT

---

**Subject** Fringe Festival – Jorian Gardner

---

DBC13-603

---

**Critical Date**  
Standard

**Purpose**  
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**Background/Issues**  
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- These include:
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165

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#### Media Issues

There has been negative media since the announcement and ministerial correspondence from concerned community members regarding the decision.

#### Consultation

artsACT consulted with the Office of Multicultural Affairs and the Contracts and Grants unit.

#### Financial Implications

\$20,000 has been provided for the fringe festival within artsACT's budget.

#### Recommendation

That you:

- note the information in the brief.



for David Whitney  
Director

Robert Piani

6207 2381

**AGREED / NOT AGREED / NOTED**

Natalie Howson  
Director-General

AME, FYI - 5.6  
RP

163 WA

**Piani, Robert**

---

**From:** Whitney, David  
**Sent:** Wednesday, 21 August 2013 3:53 PM  
**To:** Piani, Robert  
**Subject:** FW: 2014 Fringe Festival DBC-13/603

Fyi and the file please.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** Howson, Natalie  
**Sent:** Tuesday, 20 August 2013 10:12 PM  
**To:** Whitney, David  
**Cc:** Chapman, Sue; Overton-Clarke, Bronwen  
**Subject:** Re: 2014 Fringe Festival DBC-13/603

Thank you

Natalie Howson

Director General  
Community Services Directorate  
Ph 02 6205 5335

On 20/08/2013, at 11:27 AM, "Whitney, David" <[David.Whitney@act.gov.au](mailto:David.Whitney@act.gov.au)> wrote:

Dear Natalie and Sue,

You have indicated on Brief DBC-13/603 that you wished to be kept updated with developments on the appointment of the Fringe Festival Director.

I advise that;

1. Mr. Jorian Gardiner has signed and returned the Deed of Grant as forwarded from artsACT. As proposed for 2014 by artsACT this Deed of Grant is between Mr Gardiner and the Territory, not with a third party or Company.

2. Mr Gardiner has until the end of September 2013 to forward to artsACT a draft artistic program and proposed schedule for the 2014 Fringe Festival. Upon receipt and review of this program/schedule, artsACT will issue \$5,000 which is the first of two payments for delivery of the Fringe Festival in February 2014. The second payment of \$15,000 will be made in January in order for Mr. Gardiner to cash manage the Fringe Festival.

3. Mr. Gardiner is required to provide an artistic and financial acquittal within three months of the Fringe Festival being completed.

152

I shall update you when artsACT receives the draft program.

Cheers

David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government

Phone 02 6207 2389 | Fax 02 6207 2386

Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601

GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

DBC-13/603 <sup>WHS</sup> 161

**Valentine, Tom**

---

**From:** Whitney, David  
**Sent:** Tuesday, 20 August 2013 11:28 AM  
**To:** Piani, Robert; Valentine, Tom  
**Subject:** FW: 2014 Fringe Festival DBC-13/603

*Truncated  
20/8/13*

Robert, for the Fringe Festival 2014 file.  
Tom, please note and update TRIM.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** Whitney, David  
**Sent:** Tuesday, 20 August 2013 11:28 AM  
**To:** Howson, Natalie; Chapman, Sue  
**Cc:** Overton-Clarke, Bronwen  
**Subject:** 2014 Fringe Festival DBC-13/603

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3. Mr. Gardiner is required to provide an artistic and financial acquittal within three months of the Fringe Festival being completed.

I shall update you when artsACT receives the draft program.

Cheers  
  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
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## Joy Burch MLA

MINISTER FOR EDUCATION AND TRAINING  
MINISTER FOR DISABILITY, CHILDREN AND YOUNG PEOPLE  
MINISTER FOR THE ARTS  
MINISTER FOR WOMEN  
MINISTER FOR MULTICULTURAL AFFAIRS  
MINISTER FOR RACING AND GAMING

4482  
159  
E-MAILED  
31 July 13

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MEMBER FOR BRINDABELLA

41

Dear 41

Thank you for your email of 2 July 2013 regarding the appointment of Mr Jorian Gardner, as the creative director for the 2014 fringe event.

In June 2013, I announced that Mr Gardner had been chosen to be the creative director of a fringe event to be held alongside the 2014 National Multicultural Festival. This fringe event will be separate to the National Multicultural Festival in creative content, administrative and artistic direction.

The process for selecting a creative director for 2014 differed to that which was undertaken for the 2013 event. Funding for the 2013 fringe event was provided from unallocated funding from the 2013 ACT Arts Fund. This required the allocation of funding for the 2013 fringe event to be consistent with the ACT Arts Fund, a peer assessment panel was required to consider the expressions of interest for the 2013 fringe.

At the 2012 Election, the ACT Government committed \$20,000 a year in ongoing funding to hold a fringe event alongside the National Multicultural Festival. The 2013-14 Budget delivered on this commitment. After careful consideration, taking into account Mr Gardner's successful artistic direction of a fringe in previous years as part of the National Multicultural Festival and his ongoing interest in staging the event again, I made a decision to engage Mr Gardner on a one-year basis through this Budget allocation.

Across my Ministerial portfolios, I meet regularly with stakeholder groups and individuals, many of whom make representations about funding requests or policy directions they wish the Government to pursue.

In considering my decision to appoint Mr Gardner, I took into account advice from artsACT and the Office of Multicultural Affairs. The deed of grant exchanged with Mr Gardner reflects terms and conditions that require a comprehensive arts component in a contemporary festival context.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0020 Fax (02) 6205 0495

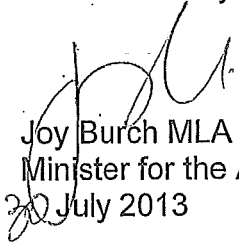
Email BURCH@act.gov.au Twitter: @JoyBurchMLA Facebook: www.facebook.com/joyburchmla

100  
CANBERRA

As I have stated publicly, I am grateful for the contribution of Mr PJ Williams and Mr Nick Byrne in producing MultiFRINGE 9.2.13, and my decision is no reflection on their event.

Thank you for taking the time to write to me.

Yours sincerely



Joy Burch MLA  
Minister for the Arts  
20 July 2013

Clarke, Emma

**From:** 41  
**Sent:** Monday, 1 July 2013 7:34 PM  
**To:** BURCH; joy.burch@parliament.act.gov.au  
**Cc:** Smyth, Brendan  
**Subject:** Appointment of Jorian Gardiner

Dear Ms Burch

I am writing regarding the appointment of Jorian Gardner to direct the on again off again ACT Fringe festival. Please note that I have copied Mr Brendan Smyth into this email.

As a former member of the ACT Cultural Council (now abolished) 41 I want to express my concern about the fringe festival and the process by which the appointment of it's director has been made.

It is very disappointing that other members of Canberra's cultural community were not provided with an opportunity to apply for the position or indeed the funding for the festival through a public and transparent process.

Not only does this suggest you have a disregard for government accountability, but it also indicates that you personally support a return to what I sadly fear will be a collection of mediocre spectacles and recycled ideas.

To be frank I am embarrassed and struggle to understand why you would disrespect the very community you represent and the patrons of the portfolio you manage by not undertaking a process that allowed you as the Minister to make an informed decision. What beggars belief is that this year, of all years, your decision could so easily have been to bring back the fringe, support it properly 41 . We could have a true fringe festival, one that capitalised on the enthusiasm, participation and engagement engendered through our centenary celebrations.

This was an opportunity to vision, use the successes of centenary as a vehicle for the sustained engagement with the community and to support fresh ideas and display the work of Canberra's talented arts professionals like we have seen in, but not restricted to the recent You Are Here festival.

I would appreciate you providing me with the criteria you used in assessing Mr Gardener's application (if such an application was made), for funding and for the position of director and how you determined either and/or both qualified as value for money under the government's procurement legislation.

Secondly, when you or your advisor have to explain your 'process' with regards to your decision to the bureaucrats who will have to write a response to my email, I encourage you to share this with the rest of the community you have slighted.

I look forward to your response and am more than happy to discuss my with concerns with you.

To  
 Minister  
 Chief of Staff  
 Senior Advisor  
 Media Advisor  
 Public Affairs  
 Reply  
 Advise  
 Note  
 File  
 Comment  
 Cr

DLO  
 OM

157

response

Arrange Meeting  
 FYI  
 Refer to .....  
 Action



# ACTION SHEET



## artsACT

Date Due to Director: 16 / 7 / 13

Record Number: M-13/1321

Contact Officer:

External Ref:

<p>Date: <u>9 / 7 / 13</u>          Comment:          Form letter response          RP</p>	<p>Date: ___ / ___ / ___          Comment:</p>
<p>Date: ___ / ___ / ___          Comment:</p>	<p>Date: ___ / ___ / ___          Comment:</p>
<p>Date: ___ / ___ / ___          Comment:</p>	<p>Date: ___ / ___ / ___          Comment:</p>
<p>Date: ___ / ___ / ___          Comment:</p>	<p>Date: ___ / ___ / ___          Comment:</p>

en have no idea where  
fleeing to – what they  
ing is safety.  
alia could indeed afford  
n irregular boat arrivals  
ve to be true refugees  
reducing its intake from  
camps.

ed it would save billions  
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e people ask nothing  
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, sending them mad  
g them back to be  
red.

uliet Flesch, Kew, NSW

limit to being a little con-  
Kevin Rudd's comments  
ple smugglers in  
a that their "business  
del" has been "des-  
All these criminals ever  
ut enough fuel in the  
et to Christmas Island  
t the fares. As Rudd  
overnment are the  
are going to pick up  
any illegal arrivals to  
and, what's actually  
or the people smug-  
"people smuggling"  
ctivity will only cease  
ralia demonstrates to  
hat it is serious about  
sovereignty over its  
borders and trespass-  
ated as illegal entries  
alian territory and  
t with accordingly.  
ichael Doyle, Fraser

een lots of discussion  
oalition's three-star  
icy and extra  
Sounds a bit like a  
ice planning day.  
ns to have asked the  
stion, of how the

amount of space  
in the media and it needs to be  
greatly trimmed.

He suggests that the weather  
report should come first and  
then the many who have no in-  
terest in sport can switch off.

What about a regular seg-  
ment on news in science?

Why do we have to put up  
with so much of what broad-  
caster Clive Robinson once  
called "Thugby footbrawl" in  
every news?

Like the man pushing the  
wheelbarrow, Crispin has the  
job in front of him.

Some Australians are con-  
vinced that those who do not  
have a footy team or passion-  
ately follow cricket are beneath  
contempt.

While I was buying my Sat-  
urday paper at the newsagent I  
joked that I would be putting  
the sport section in the recyc-  
ling bin.

An outraged customer heard  
me and said: "That's the best  
part of the paper! What are  
you, unAustralian?" If I am,  
then so are many others.

Robert Willson, Deakin

policy will actually stop or slow  
the boats.

It seems to me that this is like  
the bureaucrat dealing with the  
street-wise people smuggler.  
With the three-star general  
marshalling resources as three-  
star generals do and a boat is  
intercepted, I assume the three-  
star general will, with great  
authority, refer to orders to turn  
boats around when safe to do so.

What is the three-star general  
going to do when the people  
smuggler sinks the boat and  
leaves men women and children  
in the water? Will there be a  
team meeting and a call to the

both science and media news  
directors!

Why not news about the sci-  
ence behind sports cheating?  
Sports doping, spot fixing or  
even the infinitesimally small,  
mathematical odds that the  
sporting media pack will actu-  
ally see through the spinmeis-  
ters' attempts to try and dis-  
tract or cover up a scandal?

To get the ball running,  
here's a report on the use of  
game theory analyses of sports  
doping to explain why no  
sports authority really wants a  
truly thorough drug inspection  
regime – in case it reveals near-  
universal cheating.

Berno Beuchel of the Uni-  
versity of Hamburg and his col-  
leagues have done that, as re-  
ported in *The Economist* online  
(July 20, 2013, "The Athlete's  
Dilemma").

Could it be that "the guilty  
parties in sports doping are not  
those who actually take the  
drugs, but those who create a  
situation where only a fool  
would not"?

Michael Crowe, Hawker

immigration minister? The  
advice will surely be that it is  
now an emergency at sea; you  
are obliged to save them.

With the passengers safely  
aboard the three-star general's  
nice new boat, where to take  
them? Well, it must be a pro-  
cessing centre because they have  
no papers and it isn't clear where  
they came from. The lawyers and  
advocates are circling, waiting  
for their chance to do good, the  
media is desperate to report and  
the people smuggler is laughing  
all the way to the bank. All the  
current debate in Australia  
about whether the PNG solution

the apparent irresponsibility  
the government.

I know I'm not the only one  
concerned about the perform-  
ance of this judge.

Jack Kershaw, Kambah

### Just a stirrer

Brave effort by Megan Doherty  
to soften the image of jack of all  
trades Jorian Gardner ("Gard-  
ner hits back at detractors", July  
27, p3) but further research in  
Canberra's arts community  
would have told her that the  
controversy his reappointment  
ignited was fuelled not only  
because it was not put to tender  
(I guess that was the minister's  
prerogative) but also because of  
his thirst for stirring the pot for  
the sake of it, often without  
artistic merit to support it.

I hope he thinks twice before  
bringing disrepute to what is  
Canberra's premier event, the  
Multicultural Festival.

Forewarned is forearmed!

Frank Madrid, Turner

### Give 'icon' a rest, please

The article "The trackie's back"  
(July 27, p8) had John Howard's  
tracksuit being "one of the most  
iconic representations of green  
and gold for many Australians".  
The article "Double reason for  
Hyatt celebrations" (July 27,  
p10) had "Parliament House  
wasn't the only iconic building  
celebrating its 25th anniversary  
this year". The front page of Pan-  
orama (July 27) had the heading  
"Building Australia – Canberra's  
iconic homes". And the article  
"Wildcard returns to the fringe"  
(Panorama, July 27, pp6-7), had  
Jorian Gardner being "an icon of  
Canberra". Is there anything  
that isn't iconic? Come on,  
*Canberra Times*. Please have  
your writers lick their pencils,  
have a think, and give it a rest!

Bronis Dudek, Calwell

...the same response.

Bryan Furnass, Garran

### HISTORY REPEATS

Bruno Yvanovich (Letters, July 29)  
has a point when he compares Christ-  
mas Island with other battlegrounds  
in our history.

Our collective attitude to asylum  
seekers contains a large dollop of fear  
and loathing of people who seem dif-  
ferent from us, the same fear and  
loathing that fired us up against Mus-  
lims and Orientals in past conflicts.  
And some of these battles have been  
fought at home; I would add  
"Cronulla riots 2005" to Mr Yvanovi-  
ch's list.

David Stephens, Bruce

### THE GREAT UNKNOWN

Greg O'Regan (Letters, July 29)  
accuses Vic Adams (Letters, July 24)  
of being asleep because he cannot  
recall any policies of the Coalition.  
Perhaps media reporting wouldn't be  
so "scarce", as you say, if in fact the  
Coalition's policies (I use the word  
policies loosely) consisted of more  
than three words! So, if you would be  
so kind to all of us who are, along with  
Vic Adams, apparently "asleep",  
enlighten us on what exactly the Coa-  
lition's "policies" are.

S. Redston, Chisholm

### RINGS A BELL

Joan Stivala (Letters, July 26) rightly  
condemns the grammatical solecism  
of "the bells ... toll for he".

In defence of *The Canberra Times*, I  
believe this may have been a play on  
words (misguided and a tad smarty-  
pants perhaps) on the quotation from  
John Donne (*Devotions Upon Emer-  
gent Occasions, Meditation 17*), which  
goes "... never send to know for  
whom the bell tolls; it tolls for thee."

E. Smith, Page

*The Canberra Times* wants to hear  
from you in short bursts. Email views  
in 50 words or fewer to  
letters.editor@canberratimes.com.au

Tues  
30/7/13

15.1

Saturday CT 27/7

passed him by, but Bulls. Soaking up the sun, the docile cubs barely acknowledged that the Bulls are within the group that's what makes us a strong team."

# ...a former prince, a first son is born

na Clarke  
 t was Prince George of Cam-  
 e and now Prince Jackson of  
 rra has arrived.  
 what has been a big week in  
 news, Jackson, the first son of  
 enthroned prince of the Can-  
 Raiders, Josh Dugan, was born  
 Thursday.  
 gan, who separated from the  
 mother, Amanda Palmer, fol-  
 g his dismissal from the Rai-  
 spoke briefly about his new-  
 during a televised interview.  
 aking to the Ten's *The Game*  
 on Thursday evening, 23-year-  
 id he was "blessed" to have  
 chosen to represent New South  
 for the 2013 State of Origin  
 glad to be playing football



**BABY BLISS:**  
 Amanda  
 Palmer and  
 Josh Dugan  
 last  
 September.

again for the Dragons. He will face his old club on Saturday before travelling to Brisbane to visit Ms Palmer and meet his son.  
 "I'm looking forward to playing on Saturday then shooting up to Brisbane," he said.  
 Ms Palmer stood by Dugan during his off-field drama back in March.

The pair split when she was six months' pregnant. She then left Canberra and returned home to Queensland to be with her family.  
 Like the royal baby, Baby Dugan was overdue. Jackson was expected to arrive on July 20, which was three days after Origin III.  
 At the time Dugan said if she went into labour early he wished to be at the birth.  
 When asked if he will make an effort to catch up with his former teammates, namely close friend Blake Ferguson, following the Dragons v Raiders match, he was quick to confirm his movements.  
 "I definitely won't be going out after the game. Like I said, I'll be shooting up to Brisbane on Sunday to see my son."

# Gardner hits back at detractors

By Megan Doherty



**RE-APPOINTED:**  
 Jorian Gardner.

Fringe Festival director Jorian Gardner says he was simply the best man for the job and like restored Prime Minister Kevin Rudd, had to be brought back to put things right.  
 Mr Gardner lost the directorship of the fringe in 2009 when it was merged with the multicultural festival, but was re-appointed last month to run a separate festival in February with designated funding outside the auspices of artsACT.  
 "There's a bit of a Kevin Rudd thing happening about it, which was I believe I'm the best person to do this and I'm the only person who can make it happen and they [the government] saw my point of view," he said.

Speaking for the first time about the controversy his re-appointment ignited because the position was not put out to tender, Mr Gardner said he wanted the former festival organisers to also be involved in the event. He was ready to be judged against the success of the festival. "I hope to show everybody that we can have it in Civic Square," he said.

'Wildcard returns' - Panorama

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Importer orders sell-out by auction (many unreserved) to recover outstanding overdue funds. The under mentioned valuable cargo for total clearance.

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**KICK UP YOUR HEELS: SWING INTO THE SIXTIES\***  
 SAT 27 JUL. Pull out your tie-dye jeans, peace signs and beads and join us for a night of 60s nostalgia at ANU Bar. Twist, Jive and Stomp to the sounds of The Who, Beatles, Stones, Kinks, Herdbirds, Hollies, Doors and many more.  
 ANU UNION BAR

**URBAN THEATRE PROJECT'S CATALOGUE OF DREAMS\***  
 UNTIL SAT 27 JUL. A charismatic and compelling new work created by the award-winning Urban Theatre Projects.  
 COURTYARD STUDIO, CANBERRA THEATRE CENTRE

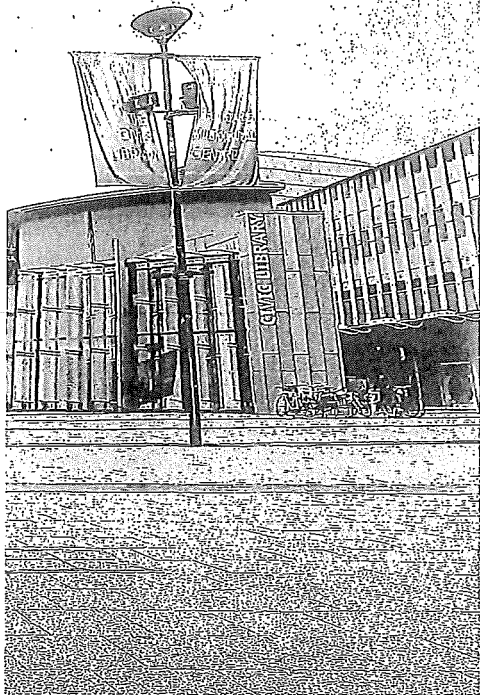
**THE NOTEWORTHY CENTENARY SYMPHONY CONCERT**  
 SAT 27 JUL. The Canberra Symphony Orchestra will combine with secondary students from the ACT to take you on a musical journey featuring the second movement of Andrew Schenker's Symphony No. 9. Centenary as well as a selection of other complementary repertoire.  
 CANBERRA GIRLS GRAMMAR SENIOR SCHOOL HALL

**HIT THE FLOOR TOGETHER\***  
 WED 31 JUL - SAT 3 AUG. The Centenary of Canberra is proud to present the world premiere of a new full-length contemporary dance work by premier ACT youth dance company, QUT Dance.  
 CANBERRA THEATRE CENTRE

**CAPITAL JAZZ PROJECT\***  
 FRIZ AUG - SUN 1 AUG. A ten-day jazz music event featuring 90+ international musicians and 100+ local musicians with performances, educational and participatory activities, masterclasses and more.

By Ch...  
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Jorian Gardner, left, and at the back of the press pack in 2009 as John Hargreaves spoke about the Fringe Festival's future.  
Photos: Katherine Griffiths, Marina Neil



## the Fringe

extent, I saw him as fellow traveller in relation to some of his personal and heartfelt views in social justice and human rights and the arts."

Gardner, 40, grew up on the northern beaches of Sydney, his mother a copywriter for an advertising agency and later Avon, and his father a psychologist. He has a sister who is a senior public servant in Canberra and his mother also now lives in the national capital.

"I was raised in pretty much a single-parent household. My parents divorced when I was six or seven and I didn't have a lot of contact with my father until, well, I didn't speak to him for 20 years," he says.

"I was getting close to 40 and rang him up and said, 'Gee mate, this is a bit stupid, isn't it?' So he came down and had dinner with me for the first time in 20 years and we had a bottle of whiskey, a bottle of wine, I made a roast, we got drunk, cried and now we speak every couple of weeks."

Gardner was educated in Catholic schools, including the prestigious rugby school St Joseph's College in Hunters Hill. He says it wasn't a happy experience and he left before doing his HSC.

"It was ra ra. I was picked on. I played piano. I was in the group that included the goth and the other people who were a little bit different. I had a hard time fitting in there."

The arts and acting were a refuge. He was a child actor for a time, working with the Australian Theatre for Young People. One memorable show was the 1988 ATYP production, *Burger Brain: the Fast Food Musical* – when 15-year-old Gardner appeared alongside a 16-year-old Toni Collette, who would go on to become an Academy Award-nominated actress.

The musical's writer, Dennis Watkins, still remembers Gardner from that time.

"I can picture his face, so he was definitely memorable," Watkins says. "He was bright and enthusiastic. It was a great bunch of kids."

Gardner worked in advertising for four years for the *Australian Financial Review* and in a series of publishing jobs including the *On the Street* music magazine. He worked briefly at the Museum of Contemporary Art in Sydney in its membership and front-of-house sections, bringing a jar of Vegemite into his meeting with new director, Scot Elizabeth Ann Macgregor, when she started in 1999, so she wouldn't forget him. He still lost his job four months later in a restructure.

At a loose end, Gardner came to stay with his mother and sister in Canberra in 2000 to help them renovate their house. (His mother and her former partner owned the Kwik Kopy centre in Civic, but have recently sold it.) He never went back to Sydney.

"And I tell you what, it has been one of the greatest things to ever happen to me because I love Canberra," he says.

"I consider myself a Canberran now. I hate going to Sydney, hate going to Melbourne. I like flying there, seeing a show, having a drink and staying in the Sofitel and leaving again. I don't miss it at all – the hustle and bustle. And Canberra offers you the opportunity to be whoever you want to be."

And that's probably the telling thing. In Canberra, Gardner could become somebody.

He got involved in local acting, produced the Bunch of Fives festival, worked with The Street Theatre under various guises. He worked as a journalist for *City News* and edited the short-lived *CAP* magazine. During press conferences, he would persist with questioning until some politicians walked away. He hated accepting a line from a politician without challenging it, often twitching and seething up the back of the media pack before erupting with a well-pitched accusation or claim that often descended into a one-on-one debate between himself and said politician.

"I'll admit there's been a strategy there to annoy and have a poke because sometimes that will break down the truth and it makes it a bit more fun. I am up for having a bit of fun," he says, laughing.

"It's not about being a bastard to politicians because I can. I think we can have a more interesting dialogue, they can be a bit more honest with us, and I'll try to get it out of them."

ACT Opposition Leader Jeremy Hanson was asked to comment on Gardner. He was not available and the response from his office was "a firm no comment". Antipathy from the Liberal ranks towards Gardner perhaps stems from the 2008 election campaign, when then-opposition leader Zed Seselja was due to announce – in an exclusive story written by Gardner for *City News* – that the Liberals were going to duplicate the Gungahlin Drive Extension. The night before the story was published, then-chief minister Jon Stanhope came out and said Labor was going to do the same thing, despite earlier stating duplicating the GDB was not a priority. Some on the right of politics believe Gardner leaked his own scoop to Labor.

Gardner vehemently denies it. He says he did meet that day with both senior Liberals and with Stanhope's then chief of staff Jeremy Lasek, but the first he knew about Labor's rushed GDB promise was when a press release went out at 5.40 that night.

"I betrayed no confidence, I did not leak my story to Labor," he says.

Gardner says he is used to being accused of letting his own political leanings affect his work.

"I've been accused of being biased but you ask Katy Gallagher what my interview was like with her on 2CC the night before the election," he says. "She left the studio shaking. I put her through the wringer and was really having a go at her."

"But Katy doesn't hate me like Jeremy Hanson hates me, because she's a better politician, frankly."

"Some of the other people just can't take it. They don't understand the game. Stanhope did, Katy did, Andrew Barr did."

Yet he also suggests one of the reasons he didn't last at

2CC was that he was a "left-winger on a right-wing station. Do you think it was going to work out?"

Gallagher, meanwhile, says "shaking" might be taking it too far but she agreed the interview with Gardner was difficult after a long campaign.

"I always found Jorian to be an independent thinker and unpredictable," she says. "When he was in journalism, he was the one person who I never knew what question he was going to ask or if it was going to be about what I was actually talking about."

Gardner says WIN chased him for the role of its chief of staff and he went into the job believing his role was to

*"I don't know which party would have me. I would probably be suited to something like the Australian Sex Party."*

shake up the newsroom, inject some of his professional incredulity into the journalism and not do things the way they had always been done. He says he even met in Canberra with WIN's reclusive owner Bruce Gordon, who discussed an Australia-wide news service. He believed he was a star on the rise in the network. (WIN declined to comment on the claims about the meeting with Gordon and also reiterated that Gardner was subject to a confidentiality agreement.)

What Gardner can say is that following his departure from WIN in 2010, he had a kind of emotional breakdown. He sought some help from medication and used exercise, better eating and positive thinking to get through the dark period.

"While I can't go into the specifics about what the circumstances were [at WIN], I can tell you they're nowhere near as salacious as the rumours I've heard," he says. "I remember not long after it happened, someone going up to my mother in a foyer and saying, 'I heard they called the cops on Jorian and they're going through his stuff at WIN.'"

Gardner says the rumours and innuendo did hurt.

"There's a public Jorian and a private one that other people know. I'm not a bad guy," he says.

Gardner says he will be forever grateful to 2CC and announcer Mark Parson for having faith in him and throwing him a lifeline by asking him to be a producer for the breakfast show. He says he enjoyed his time at 2CC "immensely", despite the controversy of the comments about Gillard and other issues.

"Anybody who expects a shock jock to go on air and then not make waves is a moron. I'm sorry I hang up on listeners, I'm sorry I made controversial comments but that's what I do."

Gardner says he was approached once to stand for politics but won't say for which party or by whom. He will never rule out running for office. He supports issues such as public art, gay marriage and the decriminalisation of marijuana.

"I don't know which party would have me," he says. "I would probably be suited to something like the Australian Sex Party because I think they have more progressive views than the Greens."

And he has a life away from all the hoo-ha.

"I do have a girlfriend," he says. "There is a significant other in my life, with whom I've had a tumultuous relationship for some time."

His girlfriend has a young daughter from a previous relationship and Gardner often cares for her. The sight of him with his young charge at a Peppa Pig concert earlier this year showed yet another side of Gardner, one that revealed the showman has a heart.

"For the last couple of years, all I've ever wanted to do is be a dad," he says. "I love kids. I've become a lot softer in the last few years. These experiences have hardened me but they've also softened me."

His career to date certainly hasn't been boring. **Megan Doherty** gets up close and personal with the creative director of the Fringe Festival

Jorian Gardner is not sure where his desire to stir things up comes from. But it's always been there. And it's not going away. "Maybe it might be a little bit of trying to prove myself. I was a ratbag of a kid and wanted to make something out of myself," he says. "Some of it is bravado, some of it is a show to generate the interest and the attention we need for a project like the Fringe [Festival]. Sometimes it's what I perceive to be my job when I'm on talkback radio or in the political arena.

"When you get to a town like Canberra, which I think is a little bit staid, I just want to shake it up and I think people like that. They want it, but they don't know they want it."

There's no doubt Gardner's abrasiveness and bombastic style has rubbed people up the wrong way in his various guises since he arrived in Canberra from Sydney in 2000. But, at the same time, his enthusiasm and passion have invigorated others.

An actor, producer, director, journalist, radio announcer, commentator, festival director, and small business owner, Gardner has become a figure loomed large in the arts, media and politics in the past 13 years. "Controversial" seems to be his byword because he sees it as his role to push the envelope, provoke people out of whatever apathy he perceives. And anyone who doesn't share his vision may sometimes be dismissed as a "f---ing moron". He won't swallow the line.

"It just annoys me when I find bullshit out there," he says.

There have been some rocky moments along the way. His departure in 2010 from WIN as its newsroom chief of staff is subject to a confidentiality agreement, but the circumstances around it are "nowhere near as salacious as the rumours I've heard", he says.

In mid-2012, he was suspended for two weeks from 2CC after suggesting on air that then-communications minister Stephen Conroy should wear a "penis-cam" under the cabinet table to look up Julia Gillard's skirt to see if she had the balls to make a decision. He now calls the comments a "moment of madness" and maintains he shouldn't be haunted by it for the rest of his life.

Then he resigned or was sacked from 2CC (depending on whether you believe Gardner or 2CC management) in late 2012 over staffing and newsroom management issues. (2CC station manager Michael Jones declined to comment for this profile, saying only that he wished Gardner well.)

Now he is back running the Fringe Festival after losing the directorship in 2009, when then multicultural affairs minister John Hargreaves merged the event with the National Folk Festival. Arts Minister Joy Burch obviously believes Gardner is the right man to run the Fringe, handing him the position, rather than opening the directorship to tender.

"He has a proven record of delivering diverse artistic programs that the community embraced, and I'm confident we will see this again in February when the Fringe returns," Burch says.

Hardly bowed by past experiences, Gardner says he does expect to ruffle some more feathers when the festival unfolds next year.

"I'm not saying there will be no controversy, because there probably will be. But it'll be a bloody good time and we'll have a debate about something along the way," he says.

For all his prickliness and metaphorical bomb-throwing, Gardner has some loyal fans.

Real estate agent Danielle Davenport (formerly Danielle Luton) says Canberra would be the poorer without someone like Gardner in all his larrikinism and cheekiness.

"He has a very gruff exterior but if you actually take the time, you realise he is a wealth of knowledge," Davenport says. "He is a wonderful person to debate with and has actually been a very good mentor and sounding board for me a number of times. I think he's an absolute character and an icon of Canberra. He's definitely not beige."



## 'Wildcard' returns to

The former director of the Multicultural Festival, Domico Mico, who runs the Smith's Alternative venue with Gardner, says he is often misunderstood.

"He is a lot softer in private and he does care what people say but that doesn't stop him from being controversial and all the rest of it," Mico says.

"I think Canberra needs people like him, really and truly. If we all sit on our hands and do nothing, we'd be asleep. I think his talent is really misunderstood. He's proven himself over many years."

The US correspondent for Network Ten, Lachlan Kennedy, previously worked in the WIN newsroom when Gardner was appointed chief of staff in 2009.

Kennedy says it was obvious Gardner's understanding of television news production was limited but "he knew Canberra very well".

"It's clearly why he got the job," Kennedy says. "He loved Canberra's people, its places and tackling its issues—more often than not head-on. I've always respected that about him."

Kennedy says Gardner's main attributes were his creativity and work ethic.

"I remember one weekend he basically painted the news office on his own, throwing out years' worth of rubbish," he says. "It was probably the first sort of 'renovation' that place had seen for a decade."

"Jorian has always had a reputation of being rough around the edges, someone who wasn't afraid of a fight, or speaking his mind. At WIN, some of us understood that, others didn't. In my experience, he'd be the first to rip you apart but also the first to pat you on the back. As a boss,



he was tough, but I appreciated that. At that point in my career I needed and wanted guidance, so such a straight shooter was nice. Besides, everything was usually forgiven by 7.10pm, anyway!"

Even former ACT chief minister Jon Stanhope, who often engaged in one-on-one debates with Gardner during press conferences, says he always understood Gardner.

"I was always aware Jorian was a bit of a wildcard and would throw in deliberately difficult or perverse questions and I was always happy to joust with him," Stanhope says.

"And over time I got to know Jorian fairly well and I always enjoy his passion. Sometimes he is a bit off-the-mark in some of his comments, which at times lacked a little bit of discretion, but I always admired his passion and some of the very progressive stances Jorian takes. To some



## Joy Burch MLA

MINISTER FOR EDUCATION AND TRAINING  
MINISTER FOR DISABILITY, CHILDREN AND YOUNG PEOPLE  
MINISTER FOR THE ARTS  
MINISTER FOR WOMEN  
MINISTER FOR MULTICULTURAL AFFAIRS  
MINISTER FOR RACING AND GAMING

146 *10/12*  
**E-MAILED**  
12-7-13

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MEMBER FOR BRINDABELLA

[REDACTED]

Dear [REDACTED]

Thank you for your email of 2 July 2013 regarding the appointment of Mr Jorian Gardner, as the creative director for the 2014 fringe event.

In June 2013, I announced that Mr Gardner had been chosen to be the creative director of a fringe event to be held alongside the 2014 National Multicultural Festival. This fringe event will be separate to the National Multicultural Festival in creative content, administrative and artistic direction.

The process for selecting a creative director for 2014 differed to that which was undertaken for the 2013 event. Funding for the 2013 fringe event was provided from unallocated funding from the 2013 ACT Arts Fund. This required the allocation of funding for the 2013 fringe event to be consistent with the ACT Arts Fund, a peer assessment panel was required to consider the expressions of interest for the 2013 fringe.

At the 2012 Election, the ACT Government committed \$20,000 a year in ongoing funding to hold a fringe event alongside the National Multicultural Festival. The 2013-14 Budget delivered on this commitment. After careful consideration, taking into account Mr Gardner's successful artistic direction of a fringe in previous years as part of the National Multicultural Festival and his ongoing interest in staging the event again, I made a decision to engage Mr Gardner on a one-year basis through this Budget allocation.

Across my Ministerial portfolios, I meet regularly with stakeholder groups and individuals, many of whom make representations about funding requests or policy directions they wish the Government to pursue.

In considering my decision to appoint Mr Gardner, I took into account advice from artsACT and the Office of Multicultural Affairs, and this advice is reflected in the terms and conditions of the deed of grant that has been provided to Mr Gardner.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0020 Fax (02) 6205 0495

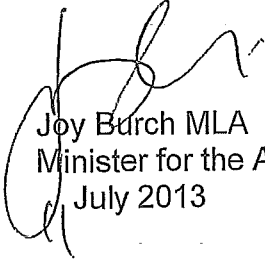
Email BURCH@act.gov.au Twitter: @JoyBurchMLA Facebook: www.facebook.com/joyburchmla

**100**  
CANBERRA

As I have stated publicly, I am grateful for the contribution of Mr PJ Williams and Mr Nick Byrne in producing MultiFRINGE 9.2.13, and my decision is no reflection on their event.

Thank you for taking the time to write to me.

Yours sincerely



Joy Burch MLA  
Minister for the Arts  
July 2013

**Hurrell, Erica**

---

**From:** Pender, Helen  
**Sent:** Thursday, 4 July 2013 9:24 AM  
**To:** Hurrell, Erica  
**Subject:** FW: Resending with corrections: CONFIDENTIAL - Questions regarding Fringe Festival appointment process  
**Attachments:** Fringe appointment concerns.pdf; [REDACTED]

Hi Erica

This email came in re the Fringe Festival Complaint and the author states the previous correspondence contained errors?

Helen Pender | Directorate Liaison Officer  
Phone 02 6205 0175 | e-mail [helen.pender@act.gov.au](mailto:helen.pender@act.gov.au)  
Office of Minister Burch MLA | Office of Minister Barr MLA  
**Community Services | ACT Government**  
PO Box 1020 Canberra ACT 2601

---

**From:** Burch, Joy  
**Sent:** Tuesday, 2 July 2013 5:03 PM  
**To:** Violante, Victor; Pender, Helen  
**Subject:** FW: Resending with corrections: CONFIDENTIAL - Questions regarding Fringe Festival appointment process

Not sure if this is any different

---

[REDACTED]  
**Sent:** Tuesday, 2 July 2013 3:29 PM  
**To:** Burch, Joy  
**Cc:** Gallagher, Katy; Smyth, Brendan; Ireland, Dianne; Whitney, David; Violante, Victor; [david.williams@anu.edu.au](mailto:david.williams@anu.edu.au)  
**Subject:** Resending with corrections: CONFIDENTIAL - Questions regarding Fringe Festival appointment process

Dear all

Apologies for the errors in the previous version.

Please find a letter attached - which is addressed directly to Ms Joy Burch Minister of the Arts.

o/s

I have cc'd a number of people with whom I wished to share the views I've raised in this correspondence. I am happy to meet with anyone who might be interested in discussing the issues I have raised here.

regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]

141

[REDACTED]

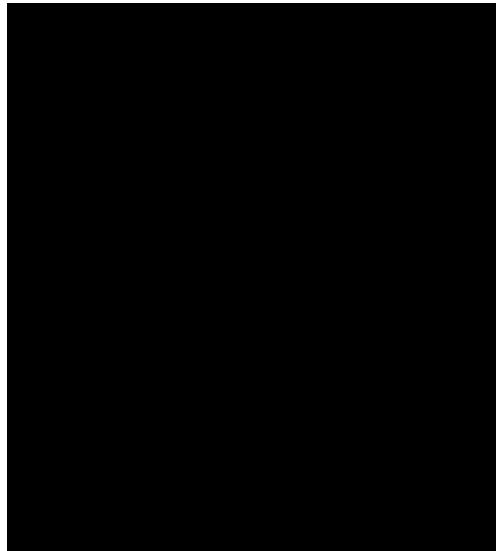
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[REDACTED]

[REDACTED]



Ms Joy Burch Minister for the Arts  
 cc:  
 Ms Katy Gallagher Chief Minister  
 Mr Brendan Smyth MLA  
 Mr David Whitney (ArtsACT)  
 Ms Dianne Ireland (EventsACT)  
 Mr Victor Violante  
 Mr David Williams (for Childers Group)

Dear Minister Burch

In the immortal words of John McEnroe: *"You caaan't be serious!"*

I write to express my serious concerns re the process of the appointment of Jorian Gardner to the Fringe Festival 2014, and my concerns regarding the lack of clarity as to what the purpose of this event really is. I would appreciate clear answers on these matters, and, even better, an appointment to discuss my concerns in person.

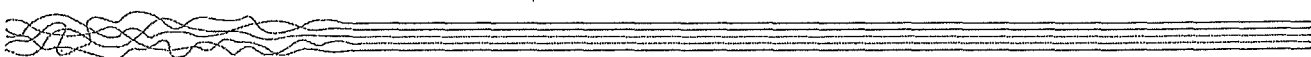
**Process:**

- Who made the decision not to call for expressions of interest in the role?
- Did Mr Gardner lobby you directly for this position?
- Did you consider any other locally based arts professionals in making this decision?
- What due diligence was undertaken?

**Role description and deliverables:**

- What is the role exactly? It is called both *producer* and *creative director* in your own press release on the Government's website.

*o/s*



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I would appreciate an opportunity to discuss this matter further and look forward to your reply.

Kind regards

[Redacted signature block]

[Redacted contact information]

ABC-13132. AR  
130

**Pender, Helen**

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**From:** Burch, Joy  
**Sent:** Tuesday, 2 July 2013 3:25 PM  
**To:** Violante, Victor; Pender, Helen  
**Subject:** FW: CONFIDENTIAL - Questions regarding Fringe Festival appointment process  
**Attachments:** Fringe appointment concerns.pdf; [REDACTED]

Helen – to arts for response pls

---

**From:** [REDACTED]  
**Sent:** Tuesday, 2 July 2013 3:03 PM  
**To:** Burch, Joy  
**Cc:** Gallagher, Katy; Smyth, Brendan; Ireland, Dianne; Whitney, David; Violante, Victor; [david.williams@anu.edu.au](mailto:david.williams@anu.edu.au)  
**Subject:** CONFIDENTIAL - Questions regarding Fringe Festival appointment process

Dear all

Please find a letter attached - which is addressed directly to Ms Joy Burch Minister of the Arts.  
ols

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regards

[REDACTED]

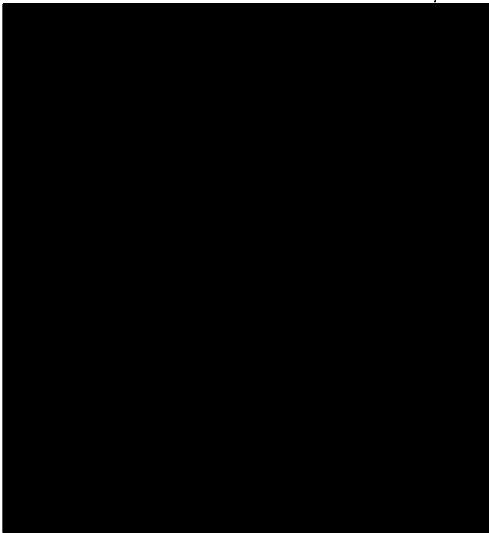
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[REDACTED]  
[REDACTED]

[REDACTED]

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Ms Joy Burch Minister for the Arts

cc:

Ms Katy Gallagher Chief Minister

Mr Brendan Smythe MLA

Mr David Whitney (ArtsACT)

Ms Dianne Ireland (EventsACT)

Mr Victor Violante

Mr David Williams (for Childers Group)

Dear Ms Burch

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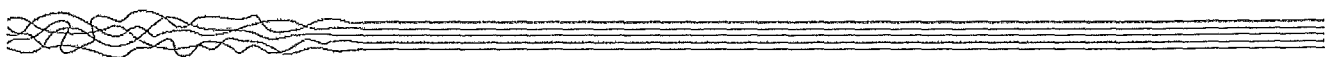
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- Did Mr Gardner lobby you directly for this position?
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- What due diligence was undertaken?

**Role description and deliverables:**

- What is the role exactly? It is called both *producer* and *creative director* in your own press release on the Government's website.

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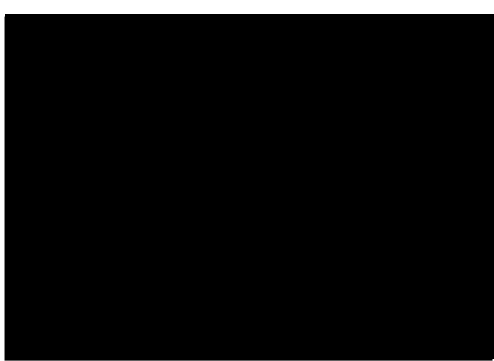


41

ols

I would appreciate an opportunity to discuss this matter further and look forward to your reply.

Kind regards



# ACTION SHEET 121



## artsACT

Date Due to Director: 5 / 7 / 13

Record Number: M-13/1294

Contact Officer: Robert

External Ref:

Date: 3 / 7 / 13

Date:  / /

Comment:

Comment:

Please provide student agreed letter in response.

*Di*

Date:  / /

Date:  / /

Comment:

Comment:

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**Piani, Robert**

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**From:** Manikis, Nic  
**Sent:** Monday, 8 July 2013 2:00 PM  
**To:** Piani, Robert  
**Subject:** RE: finge festival

Thank you Robert

*Nic Manikis*


Director  
Office of Multicultural,  
Aboriginal & Torres Strait Islander Affairs  
T: 6205 0522  
F: 6207 5862

---

**From:** Piani, Robert  
**Sent:** Monday, 8 July 2013 1:50 PM  
**To:** Manikis, Nic  
**Cc:** Robinson, AnneK  
**Subject:** finge festival

Hi Nic, I understand that you wanted a copy of the letter and deed to engage Jorian Gardner as the fringe producer. Note special conditions including in deed schedule 3. Please let me know if you need any other information.

thanks

Robert Piani, Manager, Arts Support | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2381 | Fax 02 6207 2386 | Mob   
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)



AUSTRALIAN CAPITAL TERRITORY

# DEED OF GRANT

**Dated**

8/7/13 (artsACT to date)

**Parties**

**AUSTRALIAN CAPITAL TERRITORY**

**Jorian Gardner**  
**ABN: 861 9311 7150**

**ACT ARTS FUND:**  
**Government Initiative**

**Prepared by**

artsACT  
 Community Services Directorate  
 Level 4, 1 Constitution Avenue  
 CIVIC ACT 2601

GPO Box 158  
 CANBERRA ACT 2601  
 Ph: (02) 6207 2384  
 Fax: (02) 6207 2386  
 Ref: PRO0022013

**Version**

December 2012

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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 artsACT, a business unit within the Community Services Directorate.

**Jorian Gardner, ABN: 861 9311 7150**  
of 41  
(Recipient).

**BACKGROUND**

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.

**Contact 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**, and if extended, the initial period and the extended period.

**GST** has the same meaning as it has in the GST Act.

**GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

**Invoice** means an invoice that:

- 11  
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- (1) if GST is payable in respect of any taxable supply made under this Deed, is a valid tax invoice for the purposes of the GST Act;
  - (2) clearly sets out the details of the Funded Activity undertaken or to be undertaken and the amount that is due for payment, is correctly calculated and is in respect of the Funded Activity;
  - (3) 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:

- (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 *Australian Capital Territory (Self-Government) Act 1988* (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) "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 extended or terminated under the provisions of this Deed.

## **4. Separate accounting for Grant**

### **4.1 Separately account for Grant**

The Recipient must, within its accounting system, account for the Grant separately from any other funds of the Recipient.

### **4.2 Bank account**

If required by the Territory, the Recipient will deposit and hold in a separate bank account the Grant, and must:

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

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## 5. GST

If the Recipient is registered under the GST Act, 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.

## 6. Records

### 6.1 Obligation to keep records

The Recipient must:

- (1) keep all records necessary to substantiate expenditure of the Grant in compliance with applicable laws;
- (2) provide a complete and detailed record and explanation of:
  - (a) expenditure of the Grant,
  - (b) other money received and 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; and
- (3) retain the records referred to in this clause for at least 7 years following the completion of the Funded Activity or the expiration or termination of this Deed, whichever occurs first.

### 6.2 Access

- (1) To audit the Recipient's compliance with this Deed, 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.
- (2) The Recipient must:
  - (a) give the Territory access to those facilities and such assistance as may reasonably be necessary to enable the Territory to conduct an audit under **clause 6.2(1)**, and
  - (b) permit the Territory, at its own cost, to take copies of any records which it reasonably considers relevant to its audit.

**6.3 Territory's Auditor-General**

Any of the Territory's rights under this **clause 6** may be exercised by the Territory's Auditor-General, 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) if requested by the Territory, a draft of that material at least 10 days prior to publishing or printing, and
  - (b) a copy of that material; and
- (2) on reasonable notice, invite the Territory to participate in any public event, media release or media coverage related to the Funded Activity.

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## **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) public liability insurance with coverage in the amount of not less than the amount specified in **Item 4(1) Schedule 1** in respect of each claim, including voluntary workers insurance cover if volunteers are engaged by the Recipient; 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 against liability in respect of all claims, costs and expenses in relation to 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**, the Grant remains unacquitted if it:

- 70
- (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 and Mediation of Dispute

- (1) 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, and the parties agree that they will endeavour to resolve the Dispute by negotiations, or, if the Dispute has not been resolved within 28 days of the issue of the notice, undertake a mediation process.
- (2) If a mediation process is undertaken in accordance with **clause 13.1(1)** 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 equally share the costs of the engagement of the mediator.

### 13.2 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 assignment**

The Recipient must not assign the whole or any part of this Deed without the prior written consent of the Territory. If the Territory gives its consent, the Territory may impose any conditions.

### **15.2 Conflict of interest**

The Recipient warrants that at the start of the Grant Period 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 must, if a conflict or risk of conflict of interest arises during the Grant Period, notify the Territory immediately in writing and 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**

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 and 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 Grant and 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 Compliance with laws and governing law**

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

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- (2) 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 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 Contact 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.

#### **15.9 Forms and statements**

The Territory may reasonably require any form, record or statement required under this Deed to be in a particular form.

#### **15.10 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.

#### **15.11 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

**Item Grant Period**  
**1.** *See clauses 1.1 and 3*

From 1 October 2013 to 31 February 2014.

**Item Grant**  
**2.** *See clauses 1.1 and 2.1*

- (1) Grant: \$20,000  
(plus GST if applicable)
- (2) Grant Category:  
Government Initiative
- (3) The Grant is payable as two instalments being \$5,000 conditional on acceptance of a program and budget due 30 September 2013 and \$15,000 on 1 January 2014 conditional on all special conditions being accepted. An Invoice must be rendered for the payments.
- (4) Except if otherwise stated in this Deed, the Grant is:
  - (a) payable within 30 days of receipt by the Territory of an Invoice; and
  - (b) exclusive of GST and all other taxes, duties and charges.

**Item Reporting and**  
**3. Acquittal**  
*See clause 7.1*

- (1) At the end of the Grant Period, or earlier termination of this Deed, the Recipient must within 2 months provide a completed and certified Statement of Acquittal of Grant, including:
  - (a) a project evaluation statement;
  - (b) a financial information summary and an explanation of any differences between the proposed and actual budget, and supported by original receipts;
  - (c) quantitative data relating to the project, including number of artists employed and types of activities undertaken; and

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(d) supportive documentation from the project.

(2) Without limiting any other obligation of the Recipient, the Territory may request an activity report, in a form prescribed by the Territory, about the progress of the Funded Activity from the Recipient at any time during the Grant Period and the Recipient must provide the completed activity report within 30 days of the Territory's request.

**Item Other insurance**  
**4. requirements**

*See clause 10.1*

(1) If any aspect of a Recipient's project is to be undertaken on ACT Government premises or public land, a current certificate of insurance or cover note must be provided with the Recipient's signed Deed of Grant, prior to payment of the grant being made by the Territory. The certificate or cover note must specify the appropriate level of public liability insurance coverage for the Recipient's project. Under normal circumstances, the appropriate level of public liability insurance will be \$10 million unless specified otherwise by the Territory. For information in determining the appropriate level of insurance required, please contact the Legal and Insurance Policy branch, ACT Department of Treasury, on (02) 6207 0318 or visit the ACT Government website at <http://www.insuranceriskadvice.act.gov.au>

(2) In circumstances where, as part of the Funded Activity, the Recipient is providing professional advice, information, or service to others, proof of professional indemnity insurance may be required before payment of your grant will be made. If you [the Recipient] believes that professional indemnity insurance may be required due to the nature of the Funded Activity, the ACT Insurance Authority is able to advise on the necessity of this type of insurance and can be contacted on (02) 6207 0184.

**Item 5. Contact Officers**  
*See clauses 1.1 and 15.8*

For the Territory:

Robert Piani, Manager  
Arts Support, artsACT  
Community Services Directorate  
Level 4, Canberra Nara Centre  
1 Constitution Avenue  
CIVIC ACT 2602

GPO Box 158  
CANBERRA CITY ACT 2601

For the Recipient:

Jorian Gardner

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**Item Form of**  
**6. Acknowledgement**

*See clause 8.1*

The ACT Government requires appropriate acknowledgment of its support for organisations, facilities, programs and projects. This acknowledgment must be on all promotional, advertising, signage or other publicity material, newsletters, websites and stationary including letterhead. Acknowledgement needs also to be made in formal speeches, such as at launches and opening nights.

Evidence of compliance with this requirement forms part of the Acquittal of the Grant for funded activities and will be taken into consideration as part of the assessment of any future grant application.

The ACT Government logo and information about its appropriate use are available on the ACT Government Grants website at [www.grants.act.gov.au/acknowledging](http://www.grants.act.gov.au/acknowledging)

The size of the acknowledgment, particularly the logo, is to be proportionate to funding received from sources other than the ACT Government.

If you require further clarification of these acknowledgement requirements please contact artsACT on (02) 6207 2384.

## SCHEDULE 2

**THE FUNDED ACTIVITY:** To assist with costs of producing a fringe festival in 2014.

*As per agreed program and budget by artsACT.*

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## SCHEDULE 3

### **SPECIAL CONDITIONS**

*See clauses 1.1 and 15.10*

- (1) Clauses 9.2 and 9.3 are deleted and replaced with the following:

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

- (a) The Territory to perform all of its administrative functions with the Deed, Grant, Grant Material, or the Recipient; and
  - (b) any other purpose approved by the Recipient in writing, provided that the Recipient may not unreasonably withhold that approval.
- (2) The recipient to present a fringe festival in Civic Square during and as part of the 2014 National Multicultural Festival.
- (3) Feature young and emerging artists with programming that complements and extends the existing programming of the 2014 National Multicultural Festival.
- (4) The recipient to provide a detailed program and budget by 30 September 2013 to be approved by the Territory.
- (5) The recipient to provide a list of all sponsors for the fringe festival to be approved by the Territory and be in accordance with the sponsorship arrangements with the National Multicultural Festival.
- (6) The National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by the Territory. Infrastructure may include staging (200 seat marquee), public liability insurance, security, promotion, sanitary and waste management.

SIGNED AS A DEED ON ..... 8 July 2013 ..... (artsACT to date)

SIGNED for and on behalf of the )  
AUSTRALIAN CAPITAL TERRITORY ) ..... *Piani* .....

in the presence of: ) Signature of Territory delegate

*[Signature]*  
.....  
Signature of witness

Robert Piani  
.....  
Print name

Anne Robinson  
.....  
Print name

SIGNED for and on behalf of )  
Jorian Gardner )  
ABN: 861 9311 7150 in the presence of: )

*[Signature]*  
.....  
Signature of witness

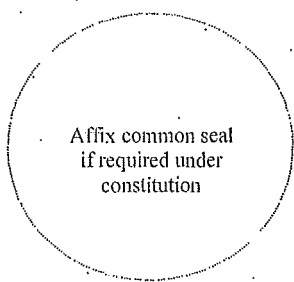
*[Signature]*  
.....  
Signature of Recipient or authorised officer\*  
\*delete whichever is not applicable (see note below)

JORIAN GARDNER - DIRECTOR  
.....  
Print name and position

DOMENIC MICO  
.....  
Print name

.....  
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.

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**Beer, Kylie**

---

**From:** Dutt, Kanchan  
**Sent:** Wednesday, 3 July 2013 4:50 PM  
**To:** Howson, Natalie  
**Cc:** Sheehan, Maureen; Daw, Lesley; Beer, Kylie  
**Subject:** CSD media issues 03.7.13  
**Attachments:** Burch MRChildProtectionGrant030713.pdf; ARC grant for ICPS.PDF; Burch MRWomensAwards030713.pdf

Hello Natalie,

Limited media for us today except for the RiotACT posting a media release from Giulia Jones as Shadow Minister for Women asking why Min Burch and the Chief Minister awarded a contract to Jorian given his past comments suggesting people upskirt Julia Gillard when she was Prime Minister - <http://the-riotact.com/jorian-v-giulia/108859>

als

Kind regards,  
Kanchan

Kanchan Dutt | Senior Manager

T: 02 6205 0282 | M: 41

**Media and Communications** | Community Services Directorate | **ACT Government**  
Level 8, 11 Moore St, Canberra City | GPO Box Canberra 158 | [www.dhcs.act.gov.au](http://www.dhcs.act.gov.au)



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## Giulia Jones MLA

# JONES QUESTIONS BURCH'S JUDGEMENT ON FRINGE APPOINTMENT

ACT Shadow Minister for Women Mrs Giulia Jones, is concerned that the Minister for the Arts, who is also the Minister for Women, has shown questionable judgement in directly appointing Jorian Gardner as the director of the upcoming Fringe Festival.

"Last year Mr Gardner was suspended from radio for suggesting that someone should upskirt the then Prime Minister Julia Gillard," Mrs Jones said today.

"I am surprised to say the least, that someone who has displayed such poor judgement would be given privileged and preferential treatment by this government.

"Why has this been allowed on Katy Gallagher's watch when she decries sexism? Has Joy Burch been leaned on by members of the ACT Labor Party? Is she making her decisions based on lobbying rather than due process? Is this some sort of dodgy deal?

"Something is not right here. If he is the best man for the job he should have been put through a rigorous process in competition with others, and not just handed the job.

"As it is, you have to question Joy Burch's judgement in appointing someone who made appallingly sexist comments about Julia Gillard," Mrs Jones concluded.

2 July 2013

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DO YOU KNOW WHICH HALF OF YOUR AD

### Jorian v. Giulia

TAGGED fringe festival, Giulia Jones, jorian gardner, Joy Burch, the state of denmark

By johnboy 2 July, 2013 8



Well this didn't take long.

Last Friday we noted the Fringe was going back to its dad Jorian Gardner.

Yesterday the interim producers were grumbling that there wasn't much process.

And today we have the Liberals' arch conservative Giulia Jones having a fit of the vapours at the idea of Jorian Gardner's continued existence:

*ACT Shadow Minister for Women Mrs Giulia Jones, is concerned that the Minister for the Arts, who is also the Minister for Women, has shown questionable judgement in directly appointing Jorian Gardner as the director of the upcoming Fringe Festival.*

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"Last year Mr Gardner was suspended from radio for suggesting that someone should upskirt the then Prime Minister Julia Gillard," Mrs Jones said today.

"I am surprised to say the least, that someone who has displayed such poor judgement would be given privileged and preferential treatment by this government.

"Why has this been allowed on Katy Gallagher's watch when she decries sexism? Has Joy Burch been leaned on by members of the ACT Labor Party? Is she making her decisions based on lobbying rather than due process? Is this some sort of dodgy deal?

"Something is not right here. If he is the best man for the job he should have been put through a rigorous process in competition with others, and not just handed the job.

"As it is, you have to question Joy Burch's judgement in appointing someone who made appallingly sexist comments about Julia Gillard," Mrs Jones concluded.

UPDATE: Meanwhile the Fringe twitter account is getting bitter:



Multifringe 9.2.13 @MultiFringe2013

Follow

Still no real satisfactory answers from Minister Joy Burch as to Fringe decision. Want festival money? Forget artsACT. Go knock on her door.

4:39 PM - 2 Jul 2013

Post a comment

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8 Responses to Jorian v. Giulia

#1



Never mind that, how come there are still derelict petrol stations boarded up in this town. Please make it stop Giulia, I can't sleep at night!!!

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Holden Caulfield  
4:50 pm, 02 Jul 13

#2  
Masquara  
6:32 pm, 02 Jul 13  
I'm really pleased to see the tone toward Jorian changing! He has been comprehensively sledged on this site in previous years!

News Entertainment Life & Style Sport Opinion  
Business Education Environment Health Innovation Law & Justice Politi

#4  
As far as I can see, the desirable outcome was reached, and yet the process to reach that outcome appears rather flawed and lacking in transparency.



Thumper  
8:18 am, 03 Jul 13

#5  
Holden Caulfield said :



Barcham  
9:02 am, 03 Jul 13

"Never mind that, how come there are still derelict petrol stations boarded up in this town. Please make it stop Giulia, I can't sleep at night!!!"

BOOM!

#6  
Eyeball In A Quart J  
1:27 pm, 03 Jul 13  
I'd be more concerned about the reasons Jorian was sacked from WIN.

#7  
Whitepointer  
11:54 pm, 03 Jul 13  
Masquara said :  
"I'm really pleased to see the tone toward Jorian changing! He has been comprehensively sledged on this site in previous years!"

Nice to hear from you again Jorian, its been a while!!

#8  
bigfeet  
4:21 am, 04 Jul 13  
Masquara said :  
"I'm really pleased to see the tone toward Jorian changing! He has been comprehensively sledged on this site in previous years!"

Oh he should still be 'sledged'.

It's just that Guila rightly deserves to be ridiculed at every available opportunity.

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DO YOU KNOW WHICH HALF OF YOUR AD

Fringe Festival not transparent enough?

TAGGED fringe festival, jorian gardner, Joy Burch, Nick Byrne, PJ Williams

By Barcham 1 July, 2013 2

Recently Joy Burch announced that the reins to the multicultural festival were being placed once more into the hands of its founding director Jorian Gardner.

While Jorian is understandably happy, one of last years producers, Nick Byrne is rather confused as to why he had not known the job was up for grabs.

Talking with ABC News, Nick Byrne voiced his concerns.

Mr Byrne says he was shocked to hear of Mr Gardner's appointment as there had not been any calls for tenders for the job.

"I would have imagined that any significant input from government would be required to have transparency and justification beyond what has been given here," he said.

"We thought the process would have been handed over to the body that allocates and manages arts funding which is Arts ACT."

It is understood Mr Gardner directly lobbied Ms Burch for the position.

Mr Byrne says last year's process was vastly different.

"Expressions of interest were called for, we applied along with a number of people," he said.

"Expressions of interest and a vision statement for what the festival would be were considered."

That's more like it.

It's not really the multicultural Fringe festival without some controversy going on is it?


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Please login to post your comments

2 Responses to *Fringe Festival not transparent enough?*

#1

*Masquara*

7:24 pm, 01 Jul 13

Ah, those Labor "captain's picks". Nick and Trish will both just have to commiserate ...

---

#2



*taninaus*

2:10 pm, 02 Jul 13

The Minister has been strangely silent on this one (or have I missed some media on it)??

---

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**Piani, Robert**

---

**From:** Whitney, David  
**Sent:** Wednesday, 3 July 2013 4:01 PM  
**To:** Piani, Robert  
**Subject:** Multicultural Fringe Director

Robert, David C called and thanked us/ you for the background info on the appointment of the Multicultural Festival Fringe Director. David found the background useful and has briefed the DG who has asked for a simple 1 page Minute confirming the advice from Central Grants Unit about Procurement...less than \$25k etc. Minute to also cover off some other examples whereby funds have been granted either at artsACT level(start up etc,) or from Ministerial Special projects. Response to David C by midday tomorrow please.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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## Due process left at fringe

**I**t will be fascinating to see if controversy-prone Jorian Gardner gives Arts Minister Joy Burch any cause to regret her decision to hand him control of next year's Fringe Festival. The ACT government has committed \$20,000 annually over four years to support the fringe event alongside the Multicultural Festival, as well as in-kind support for infrastructure and public liability insurance.



Ms Burch's decision to abandon the competitive elements of the selection process and appoint Mr Gardner - who founded the original festival in 2004 - has been questioned by organisers of the 2013 festival. In response, Ms Burch's spokesman said the festival director's job did not have to be open to all comers because funding had been switched from ArtsACT to a separate item in the ACT budget. Be that as it may, the money still comes out of the pockets of territory taxpayers. As such, Ms Burch has a duty to ensure that it is disbursed according to merit and in a transparent fashion.

However far Mr Gardner's qualities (and persistence) stood out, observing due process might have been a wiser option - especially given recent controversy over the tender process for another government-funded arts project, the Skywhale balloon.

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## Festival duo left out on the fringe

Sally Pryor

Published: July 2, 2013 - 3:00AM

It's tough out there on the fringe.

Advertisement

Peter Williams and Nick Byrne thought they had ticked all the boxes when they won a grant last year to deliver a Fringe Festival during Canberra's Multicultural Festival in February.

And, after delivering what they believed to have been a successful event on February 9, they heard nothing to indicate otherwise.

Until, that is, they learnt late last week that Jorian Gardner, the trouble-prone personality who founded the Fringe 10 years ago, had been handed back the reins.

Mr Gardner had lost the directorship in 2009, when then ACT multicultural affairs minister John Hargreaves merged the event with the National Folk Festival.

But after honouring an election commitment to allocate funding for a separate Fringe for the next four years, Arts Minister Joy Burch and ArtsACT asked for expressions of interest to run the 2013 festival.

Mr Gardner applied but lost out to Mr Williams and Mr Byrne, and, because the process had taken place late in the year, they had only limited time to come up with a program.

"If you take out Christmas, New Year, the Australia Day long weekend, the fact that university break was on and Canberra empties out in January, we had eight weeks essentially to put the festival together," Mr Williams said.

"But we delivered what we believed to have been a festival that ticked the boxes and exceeded expectations in many respects."

He said he had been under the impression there would be a similar process the following year. "Part of the process that we had to go through was sign a deed of grant for the money through ArtsACT to put in a budget, an artistic vision for the festival," he said.

"After the festival, we had to do an acquittal on how it went, how the money was spent, who got paid, and, at the very least, we covered people's material costs, which was a bit of a first for a fringe festival, in some respects, certainly in this town."

He said he and Mr Byrne duly submitted this information and had heard nothing since.

"We made it clear in our acquittal that we were interested and keen to develop it over the next three years so we could vision-plan it, so we had lead time, to engage artists, to engage performers and really start to build it into the site as per the brief that was laid out last year for the return of the Fringe," he said.

Instead, they were told last week that a decision had already been made to appoint Mr Gardner to run the festival, with \$20,000 plus in-kind support via the Multicultural Festival.

Ms Burch announced the appointment citing the "successful return" of the Fringe in 2013.

"Our first question then would be, if it was successful, why have we received no communication from the minister's office?" Mr Williams said.

Media spokesman for Ms Burch Victor Violante conceded on Monday that in hindsight, it would have been courteous to have given Mr Williams and Mr Byrne more notice of their decision, but he maintained there had been nothing untoward in the process.

He said the most recent Fringe had been funded directly from the ArtsACT budget, which meant the funding had to be allocated on a competitive basis.

But for the 2014 festival, Ms Burch had deliberately placed the Fringe funding as a separate item in the ACT budget.

But Mr Williams said the lack of process for the 2014 Fringe was a cause for concern for the arts community.

"Whilst there was no guarantee of us continuing with it, we wanted at least to have an opportunity to sit down and be at the table," he said.

*This story was found at: <http://www.canberratimes.com.au/act-news/festival-duo-left-out-on-the-fringe-20130701-2p81r.html>*

**Robinson, AnneK**

---

**From:** Piani, Robert  
**Sent:** Tuesday, 2 July 2013 10:17 AM  
**To:** Whitney, David; Robinson, AnneK  
**Cc:** Jumeau, Michelle  
**Subject:** RE: 2014 Multicultural Festival Fringe Director appointment process.

David, I contacted Caroline Hall from Grants and Contracts Unit and the information provided was that artsACT can engage a person either through a Deed of Grant or a Services Agreement to undertake an activity. Given that the total amount was under the \$25k procurement threshold only one provider need be contacted and agreed. The main difference between a Deed of Grant and a Services Agreement is that the Agreement contains more legal protections including indemnity and liability, and contains more detailed outcomes/output requirements where appropriate.

Thanks

Robert Piani, Manager, Arts Support | artsACT | Community Services Directorate | ACT Government  
Phoné 02 6207 2381 | Fax 02 6207 2386 | Mob ' 41  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** Whitney, David  
**Sent:** Monday, 1 July 2013 6:32 PM  
**To:** Robinson, AnneK; Piani, Robert  
**Cc:** Jumeau, Michelle  
**Subject:** 2014 Multicultural Festival Fringe Director appointment process.

Dear Anne and Robert,  
I understand that there is interest from the media on the appointment of the Multicultural Festival Fringe Director.

Can you please provide a chronological file of our records for the direction to appoint and the artsACT documentation leading to the MR and delivery of the Deed of Grant to Jorian Gardiner.

Can you also please provide additional information for the DG outlining the standard process and mechanism for approval and granting of a Deed of Grant. This will need a summary and advice from the CSD Central Grants Unit.

Timing is very important and a first thing task for Tuesday morning.

A printed copy of the file please.

Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

# Festival duo left out on the fringe

By Sally Pryor

It's tough out there on the fringe. Peter Williams and Nick Byrne thought they had ticked all the boxes when they won a grant last year to deliver a Fringe Festival during Canberra's Multicultural Festival in February.

And, after delivering what they believed to have been a successful event on February 9, they heard nothing to indicate otherwise.

Until, that is, they learnt late last week that Jorian Gardner, the people-prone personality who founded the Fringe 10 years ago, had been handed back the reins.

Mr Gardner had lost the directorship in 2009, when then ACT multicultural affairs minister John Hargreaves merged the event with the National Folk Festival.

But after honouring an election commitment to allocate funding for a separate Fringe for the next four years, Arts Minister Joy Burch and ArtsACT asked for expressions of interest to run the 2013 festival.

Mr Gardner applied but lost out to Mr Williams and Mr Byrne, and, because the process had taken place late in the year, they had only limited time to come up with a program.

"If you take out Christmas, New Year, the Australia Day long weekend, the fact that university break was on and Canberra empties out in January, we had eight weeks

essentially to put the festival together," Mr Williams said.

"But we delivered what we believed to have been a festival that ticked the boxes and exceeded

expectations in many respects."

He said he had been under the impression there would be a similar process the following year. "Part of the process that we had to go through was sign a deed of grant for the money through ArtsACT to put in a budget, an artistic vision for the festival," he said.

"After the festival, we had to do an acquittal on how it went, how the money was spent, who got paid, and, at the very least, we covered people's material costs, which was a bit of a first for a fringe festival, in some respects, certainly in this town."

He said he and Mr Byrne duly submitted this information and had heard nothing since.

in January, we had eight weeks essentially to put the festival together," Mr Williams said.

"But we delivered what we believed to have been a festival that ticked the boxes and exceeded expectations in many respects."

He said he had been under the impression there would be a similar process the following year. "Part of the process that we had to go through was sign a deed of grant for the money through ArtsACT to put in a budget, an artistic vision for the festival," he said.

"After the festival, we had to do an acquittal on how it went, how the money was spent, who got paid, and, at the very least, we covered people's material costs, which was a bit of a first for a fringe festival, in some respects, certainly in this town."

He said he and Mr Byrne duly submitted this information and had heard nothing since.

"We made it clear in our acquittal that we were interested and keen to develop it over the next three years so we could vision-plan it, so we had lead time, to engage artists, to engage performers and really start to build it into the site as per the brief that was laid out last year for the return of the Fringe," he said.

Instead, they were told last week that a decision had already been made to appoint Mr Gardner to run the festival, with \$20,000 plus in-kind support via the Multicultural Festival.

Ms Burch announced the appointment citing the "successful return" of the Fringe in 2013.

"Our first question then would be, if it was successful, why have we received no communication from the minister's office?" Mr Williams said.

Media spokesman for Ms Burch Victor Violante conceded on Monday that in hindsight, it would have been courteous to have given Mr Williams and Mr Byrne more notice of their decision, but he maintained there had been nothing untoward in the process.

He said the most recent Fringe had been funded directly from the ArtsACT budget, which meant the funding had to be allocated on a competitive basis.

But for the 2014 festival, Ms Burch had deliberately placed the Fringe funding as a separate item in the ACT budget.

But Mr Williams said the lack of process for the 2014 Fringe was a cause for concern for the arts community.

"Whilst there was no guarantee of us continuing with it, we wanted at least to have an opportunity to sit down and be at the table," he said.



**LACK OF PROCESS:** Peter Williams.



**LACK OF PROCESS:** Peter Williams.

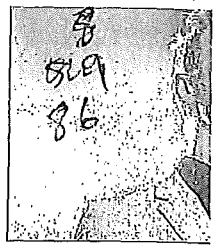
City Reporter

CT 2/7/13

Max Howell from Griffith, a three-year-old with a cheeky smile, has had severe cerebral palsy since he was born 28 weeks premature and suffered a brain bleed when three days old.

He has spastic quadriplegia and cannot sit up without assistance. He has to eat mashed food. His only words are "no" and "go" but he is believed to have suffered no intellectual impairment. His eyes shine with the spark of life. Max loves dinosaurs, *The Gruffalo's Child*, his big brother Oscar - and *The Voice*.

Mum Fiona Keary said it was a surprise to them all to realise he



loved the singing show cry if a singer he did. He was absolutely m [runner-up] Luke [Ke said, with a laugh.

The little boy's face the show has helped first steps towards gr

# Two men sentenced

By Christopher Knaus

The owners of a well-known Braddon restaurant have each been fined \$24,000 after an explosion that engulfed an apprentice chef in flames.

Ashleigh Craig Jefferson was working as an apprentice chef at Delissio Brasserie on a busy night on the eve of Australia Day in 2011, when three butane gas cans, left near a pizza oven, exploded.

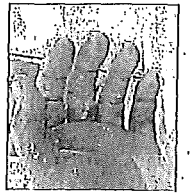
The explosion left the apprentice chef with severe burns to his hands, face and elbow.

He ran out the back of the restaurant and was hosed down until an ambulance arrived. He was taken to hospital, placed in an induced coma, and transported to a burns unit in Sydney.

Mr Jefferson was also left with a deep puncture wound in his leg, after being hit by a piece of the exploding can.

A waiter had hair on his head, chest and forearm singed, and the explosion resulted in a small red lesion on his nose.

The co-owners of Delissio, Stephen Fitzsimmons and Jeremy



**SEVERELY INJURED:** by chef Ashleigh Crai

Grobben, were sent Magistrates Court breaching their v requirements.

The court heard clear who placed used to make dess torch, underneath which was contrai lished practice at th

Defence lawyers the use of comm workers could ha explosion, which le ers liability.

But, in sentencin

# Man arrested for stabbing cat killers

Fi

By Stei

A man has allegedly stabbed two dogs after they fatally attacked a cat at the weekend.

NSW Police allege the 18-year-old Queanbeyan man went to the house where the dogs lived after they attacked and killed a cat in Jordan Place about 3pm on Sunday.

The man, related to the owner of the dead cat, attacked both dogs and stabbed them several times.

The injured animals, a Staffordshire terrier and a pitbull-mastiff cross, were taken to a nearby vet for treatment where they remain in a serious and stable condition respectively.

The man was arrested after arriving at the Queanbeyan police station about 10.15am on Monday. He is assisting police with their inquiries. No charges have been laid.

Police vehicle the Mc hours All injury crash, more t

Lane Theod collisio two t 7.15am

An said a lided semi-t

85

## Creative director back on the fringe

FOUNDING Fringe Festival creative director Jorian Gardner will next year return to the position he held from 2004 to 2009.

ACT Arts Minister Joy Burch announced last week that Mr Gardner would return to the role for next year's Fringe Festival, to be held alongside the 2014 National Multicultural Festival.

"We were keen to bring back the flair and edge that Mr Gardner brought to Civic Square," Ms Burch said.

Mr Gardner said he was "confident the Fringe Festival will not only complement the activities of the National Multicultural Festival, but will use innovative cross-artform collaborations with young and emerging artists and breathe extra life to our city".

The 2014 National Multicultural Festival runs from February 7 to 9, with the fringe festival proposed to take place in Civic Square from February 6 to 9.

84

**Piani, Robert**

---

**From:** Whitney, David  
**Sent:** Monday, 1 July 2013 6:32 PM  
**To:** Robinson, AnneK; Piani, Robert  
**Cc:** Jumeau, Michelle  
**Subject:** 2014 Multicultural Festival Fringe Director appointment process.

Dear Anne and Robert,  
I understand that there is interest from the media on the appointment of the Multicultural Festival Fringe Director.  
Can you please provide a chronological file of our records for the direction to appoint and the artsACT documentation leading to the MR and delivery of the Deed of Grant to Jorian Gardiner.  
Can you also please provide additional information for the DG outlining the standard process and mechanism for approval and granting of a Deed of Grant. This will need a summary and advice from the CSD Central Grants Unit.  
Timing is very important and a first thing task for Tuesday morning.  
A printed copy of the file please.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

*Duplicate - o.k. to remove*

5/6  
83

**Beer, Kylie**

---

**From:** Dutt, Kanchan  
**Sent:** Monday, 1 July 2013 4:38 PM  
**To:** Howson, Natalie  
**Cc:** Sheehan, Maureen; Daw, Lesley; Beer, Kylie  
**Subject:** CSD Media Issues 01.7.13

Hello Natalie,

Some negative commentary on the decision to award the role of Multifringe Festival creative director to Jorian Gardner, particularly from the previous directors: <http://www.abc.net.au/news/2013-07-01/questions-raised-over-fringe-festival-transparency/4791994?section=act>. I believe the Canberra Times has also talked to Min Burch's office about the processes behind awarding the role to Jorian.

o/}

Kind regards,  
Kanchan

Kanchan Dutt | Senior Manager

**T: 02 6205 0282** | M: 0478 301 615

**Media and Communications** | Community Services Directorate | **ACT Government**

Level 8, 11 Moore St, Canberra City | GPO Box Canberra 158 | [www.dhcs.act.gov.au](http://www.dhcs.act.gov.au)



@CSD\_ACT



Community Services Directorate

**Robinson, AnneK**

---

**From:** Whitney, David  
**Sent:** Monday, 1 July 2013 12:54 PM  
**To:** Robinson, AnneK  
**Cc:** Piani, Robert  
**Subject:** FW: News alert Fringe festival mention

Fyi and the Fringe file

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** Winter, Jancye  
**Sent:** Monday, 1 July 2013 12:53 PM  
**To:** Whitney, David  
**Subject:** FW: News alert Fringe festival mention

---

**From:** Aguilera, Alicia  
**Sent:** Monday, 1 July 2013 12:52 PM  
**To:** Manikis, Nic  
**Cc:** Winter, Jancye  
**Subject:** FW: News alert Fringe festival mention

FYI.

---

**From:** Caldwell, Anna  
**Sent:** Monday, 1 July 2013 12:39 PM  
**To:** Dutt, Kanchan; Aguilera, Alicia  
**Subject:** News alert Fringe festival mention

5ABC

41 has questioned the way in which new festival director Jorian Gardner was awarded the contract to deliver next year's festival. He says the contract was not put out to tender.

Anna Caldwell | Senior Media and Communications Officer  
T: 02 6205 0619 | F: 02 6205 0279  
Media and Communications | Community Services Directorate | ACT Government  
Level 8, 11 Moore St, Canberra City | GPO Box Canberra 158 | [www.dhcs.act.gov.au](http://www.dhcs.act.gov.au)



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Community Services Directorate



Well folks that's it for for MultiFringe.  
Thanks to all those who supported us in 2013. For those who haven't heard Jorian Gardiner has been handed the Fringe back directly by the Minister Joy Burch. Nick & I were given no opportunity to discuss the future and there has been no feedback from arts ACT or the Ministers office regarding MultiFringe. NONE! Questions should be asked about due process, arms length funding, Victor Violante, what advice artsACT gave the Minister and why the current Producers weren't given the courtesy of ANY conversation regarding the Festival or its site?

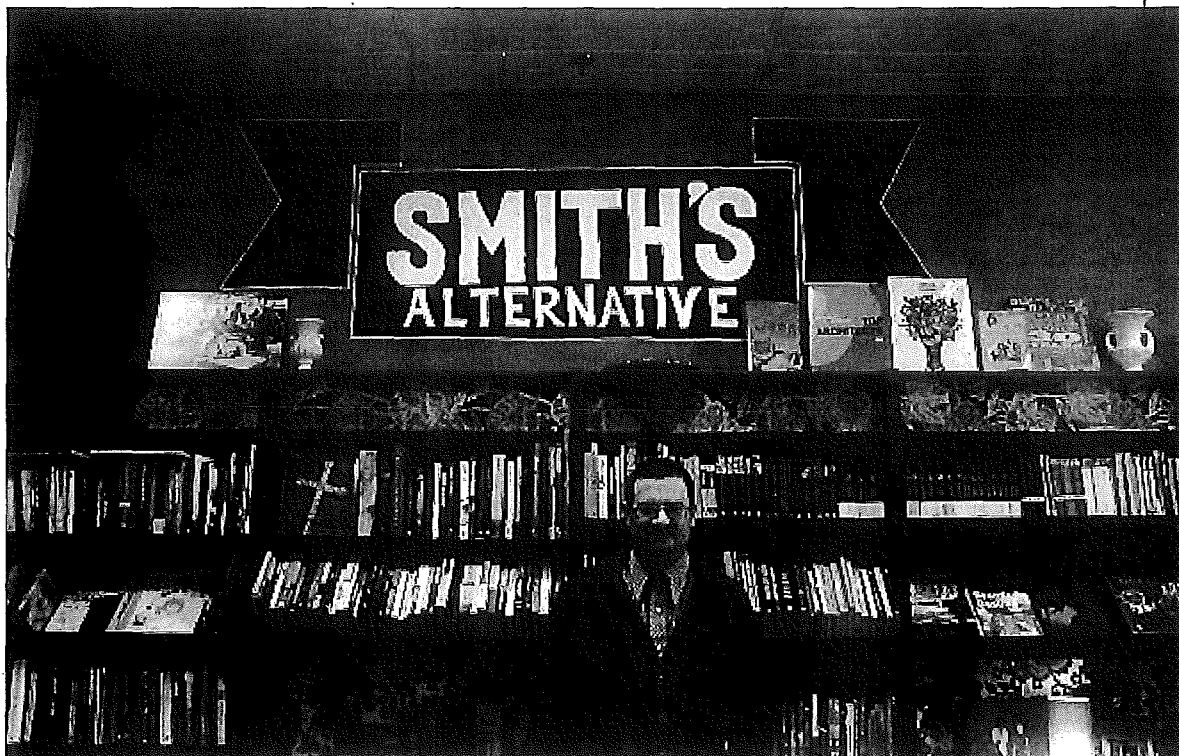
We teach our children tantrums & bad behavior doesn't get rewarded, it would appear it does in this town.

Thanks again for your support. It was fun.  
Cheers PJ.

582  
79- The RiotACT - <http://the-riotact.com> -

## Jorian rides again with the Fringe Festival in 2014

Posted By [johnboy](#) On 28 June, 2013 @ 8:38 am In [Arts, Entertainment, Featured, Life & Style, Music, News, People, Theatre](#) | [4 Comments](#)



It would seem the awkwardness arising from gifting the Chief Minister with nipple tassles at the opening of his cabaret bookstore has passed and Joy Burch is [this morning announcing](#) <sup>[1]</sup> the restoration of the once and future Fringe Festival producer:

ACT Arts Minister Joy Burch today announced that Jorian Gardner will return to the role of Fringe Festival creative director, to be held alongside the 2014 National Multicultural Festival.

"Mr Gardner's wealth of experience in fringe events and his collaborations with many artists and arts organisations across the Canberra community will provide a great platform to produce an exciting Fringe in 2014," said Ms Burch.

"This year saw the successful return of the fringe festival as, part of the National Multicultural Festival, for the first time since 2009 and we were keen to bring back the flair and edge that Mr Gardner brought to Civic Square."

ACT Labor committed to provide \$20,000 annually over four years to support a fringe event alongside the Multicultural Festival, and this funding was confirmed in the 2013-14 Budget.

"An additional \$20,000 a year in in-kind support will be provided to the Fringe next year through the Multicultural Festival, including infrastructure and public liability insurance, taking the Government's support for the 2014 Fringe to the value of \$40,000."

Mr Gardner was the founding director of a fringe festival held alongside the National Multicultural Festival from 2004 to 2009. He has worked across a range of art forms including theatre performances, visual art exhibitions, cabaret, dance, and musical presentations.

Article printed from The RiotACT: <http://the-riotact.com>

URL to article: <http://the-riotact.com/jorian-rides-again-with-the-fringe-festival-in-2014/108471>

URLs in this post:

[1] this morning announcing:

<https://docs.google.com/file/d/0BzCxxhBE0EgTSbGM4aFE1NE5nLVU/edit?usp=sharing>

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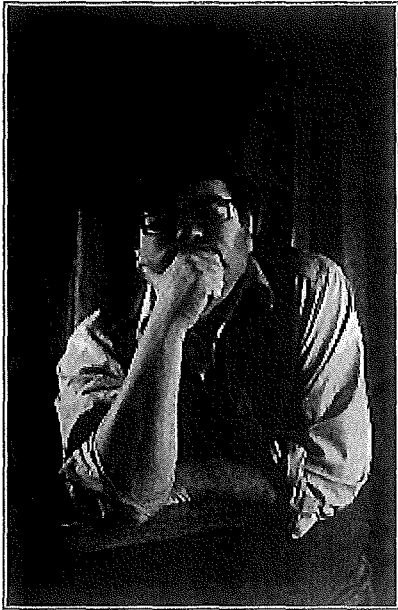
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## Jorian Gardner returns to Fringe Festival

- by [CityNews](#)
- on June 28, 2013
- in [News](#)
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JORIAN Gardner will return to the role of Fringe Festival creative director, to be held alongside next year's National Multicultural Festival.

7.6



Jorian Gardner

Arts Minister Joy Burch says she was "keen to bring back the flair and edge that Mr Gardner brought to Civic Square."

"Mr Gardner's wealth of experience in fringe events and his collaborations with many artists and arts organisations across the Canberra community will provide a great platform to produce an exciting Fringe in 2014," Ms Burch says.

"This year saw the successful return of the fringe festival as, part of the National Multicultural Festival, for the first time since 2009 and we were keen to bring back the flair and edge that Mr Gardner brought to Civic Square."

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"An additional \$20,000 a year in in-kind support will be provided to the Fringe next year through the Multicultural Festival, including infrastructure and public liability insurance, taking the Government's support for the 2014 Fringe to the value of \$40,000," Gardner says.

Gardner was the founding director of a fringe festival held alongside the National Multicultural Festival from 2004 to 2009. He has worked across a range of art forms including theatre performances, visual art exhibitions, cabaret, dance, and musical presentations.

*The 2014 National Multicultural Festival runs from February 7-9, with the fringe festival proposed to take place in Civic Square from February 6-9 2014.*

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Canberra, Jorian Gardner

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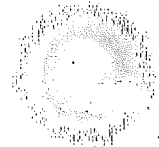
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### Canberra weather

11°C  
Feels like 11°C  
Partly Cloudy



Today:  
15°C / 1°C

Tomorrow

  
15° / 0°

Wednesday

  
13° / 2°

Thursday

  
13° / 4°

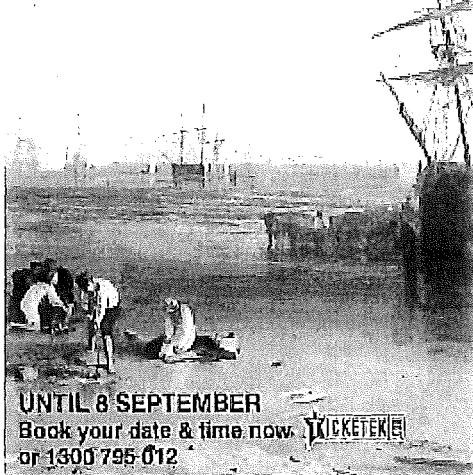
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Paula - Mother

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ACT Government  
Record of Conversation / Minute

File No.

To  
Fringe Festival

Date  
28 / 6 / 12

Personal Interview   
Telephone Conversation   
Internal Minute

Subject  
Complaint summary process

Time  
6.20 am/pm

Conversation with  
Mr  
Mrs  
Miss  
Ms  
41

Department, Firm, Private Address

Telephone No.  
41

(if applicable) Inquiry re: Block Section Suburb

Details DW called 41 who had left message.  
How did it all happen?  
41

What advice did ACT give the Minister about  
Sonian Gardens?

DW response, Minister had proposed new location - Civic D and  
new idea - 2/3 days and request as ACT prepare docs. for Sonian  
to be affected

Action taken (if applicable)

Would have thought that DW and ACT would have put up  
a fight. DW: as ACT continue to provide advice and background  
however Min was final determinant.

Sunny 41 very angry @ process, 41 and Sonian being  
affected. Unable to know what re-alloc. DW advised - 41  
would be best to contact Min @ his direct.

Signature	Officer's Name	Designation

**Robinson, AnneK**

---

**From:** Whitney, David  
**Sent:** Friday, 28 June 2013 1:36 PM  
**To:** Robinson, AnneK  
**Cc:** Piani, Robert  
**Subject:** FW: Jorian Gardner: In confidence "Fringe"

For the file, note Jorian advising the approach from the Ministers Office

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** Whitney, David  
**Sent:** Tuesday, 25 June 2013 11:44 AM  
**Subject:** RE: Jorian Gardner: In confidence "Fringe"

Dear Jorian,  
I will hop on Vincenzo and be around in 10 mins. If you're still at Smiths, a short black and 15 mins should sort this out.....btw....your mobile seems to have one too many numbers as it isn't working !  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** J.G [u]  
**Sent:** Tuesday, 25 June 2013 10:26 AM  
**Subject:** RE: Jorian Gardner: In confidence "Fringe"

Hi David,  
You obviously have been caught up. Wanted to let you know that in my near 7 day a week 18 hour days running our new little venue, Tuesday is the only day / night I have off, so will only be around the store til midday or so, but here all rest of the week.

Hope to hear from you soon.  
  
Jorian

---

**From:** [David.Whitney@act.gov.au](mailto:David.Whitney@act.gov.au)  
**To:** [u]

69

Subject: RE: Jorian Gardner: In confidence "Fringe"

Date: Fri, 21 Jun 2013 07:00:15 +0000

Dear Jorian,

Thanks for the email, I will drop around to Smiths on Monday probably around the middle of the day as the Minister is launching Poetry in Action earlier that morning.

Cheers

David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government

Phone 02 6207 2389 | Fax 02 6207 2386

Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601

GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

---

**From:** J G I

WA

**Sent:** Friday, 21 June 2013 9:03 AM

**To:** Whitney, David

**Subject:** Jorian Gardner: In confidence "Fringe"

**Importance:** High

Dear David,

Hope you're well.

I have been briefed by the ministers office yesterday regards their offer to me to produce Fringe 2014. Hoping you might have time to pop in for a chat and a coffee? I am not too concerned with crossing every I and dotting every T prior to an announcement by the Minister shortly, as long as everyone is in agreement I can start work, but thought we should sit down and iron at least a few things.

Hope to hear from you soon.

I can be contacted by calling

WA

Regards,

Jorian Gardner

---

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**Piani, Robert**

---

**From:** Whitney, David  
**Sent:** Friday, 28 June 2013 12:58 PM  
**To:** Robinson, AnneK  
**Cc:** Piani, Robert  
**Subject:** FW: 12:00pm news summary

Commentary on Fringe Festival appointment for the file.

David Whitney

Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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als

RiotACT

als

Jorian rides again with the Fringe Festival in 2014

als

City News online

als

Jorian Gardner returns to Fringe Festival

als

Kind regards,

**Liz Lynch** | Communications Officer |

Phone 02 62074257 | Fax 02 62070163 |

**Culture and Communications** | Chief Minister and Treasury | **ACT Government**

Level 4 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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Chr Times journo - Sally Pryor chasing  
me to comment on Fringe Director appt. One  
of the ex Producers has spoken to Sally and story  
in Tues paper.

I have spoken to Victor who has followed  
up with Sally.

Poss advise Natalie that story ~~is~~ may be  
and negative to Min.

DW/DC - brief conversation w DG. who agreed all media to Min's  
office plus ? of grant / Procurement process. would request to be given  
comfort in procurement process and min advice / input.

Due to come and find to DC/DG.

---

File note. 1/7/13: Afternoon follow up media enquiry from Sally Pryor re  
~~Chr~~ Canberra Times



**ACT**  
Government

Community Services

4/13  
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Mr Jorian Gardner

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Dear Mr Gardner

The ACT Government has approved funding of \$20,000 to assist with the costs of presenting a fringe festival in conjunction with the National Multicultural Festival in 2014. Please find attached our Deed of Grant, which you should read carefully as it sets out the terms and conditions of the funding. In particular, please note that Schedule 1 of the Deed includes important information about reporting requirements and acknowledging Government support.

For the funding to proceed, you will need to sign the Deed of Grant and return the full Deed of Grant to artsACT by 30 September 2013. When artsACT has ensured that all conditions of the funding have been, met it will execute the Deed.

You should note the special conditions of funding in the Deed of Grant. These include that:

- the fringe festival is to be presented in Civic Square during and as part of the 2014 National Multicultural Festival;
- the fringe festival feature young and emerging artists with programming that complements and extends the existing programming of the Multicultural Festival;
- you are to provide a detailed program and budget by 30 September 2013 to be approved by artsACT;
- you are to provide a list of all sponsors for the fringe festival to be approved by the National Multicultural Festival and be in accordance with its sponsorship arrangements;
- the sale of alcohol in Civic Square will require a liquor licence; and
- the National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by artsACT and the National Multicultural Festival. Infrastructure may include staging (200 seat marquee), public liability insurance, security, promotion, <sup>arts</sup>sanity and waste management.

artsACT will then send you a copy of the signed Deed for your records and arrange for payment of the funding. You should note that payment may take at least two weeks to process from receipt of an invoice. A formal acquittal of the funding will be required by 30 April 2013.

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artsACT will send you an acquittal form which will seek a detailed artistic report, a financial report supported by original receipts, and information on audiences.

Please contact Anne Robinson, Program Manager, Arts Activities on 6207 6825 if you have any queries about this letter. I would like to take this opportunity to wish you every success with the fringe festival.

Yours sincerely



Robert Piani  
Manager, Arts Support  
artsACT  
Community Services Directorate

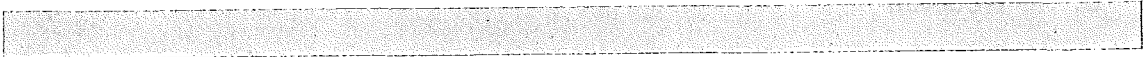
28 June 2013

Attachment: Deed of Grant



AUSTRALIAN CAPITAL TERRITORY

# DEED OF GRANT



*Dated*

\_\_\_\_\_ (artsACT to date)

*Parties*

**AUSTRALIAN CAPITAL TERRITORY**

**Jorian Gardner**  
**ABN: 861 9311 7150**

**ACT ARTS FUND:**  
**Government Initiative**

*Prepared by*

artsACT  
Community Services Directorate  
Level 4, 1 Constitution Avenue  
CIVIC ACT 2601

GPO Box 158  
CANBERRA ACT 2601  
Ph: (02) 6207 2384  
Fax: (02) 6207 2386  
Ref: PRO0022013

*Version*

December 2012

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Template: Deed of Grant – March 2010

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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 artsACT, a business unit within the Community Services Directorate.

**Jorian Gardner, ABN: 861 9311 7150**  
of / 41  
(Recipient).

**BACKGROUND**

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.

**Contact 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**, and if extended, the initial period and the extended period.

**GST** has the same meaning as it has in the GST Act.

**GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

**Invoice** means an invoice that:

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- (1) if GST is payable in respect of any taxable supply made under this Deed, is a valid tax invoice for the purposes of the GST Act;
  - (2) clearly sets out the details of the Funded Activity undertaken or to be undertaken and the amount that is due for payment, is correctly calculated and is in respect of the Funded Activity;
  - (3) 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:

- (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 *Australian Capital Territory (Self-Government) Act 1988* (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) "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.

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## **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 extended or terminated under the provisions of this Deed.

## **4. Separate accounting for Grant**

### **4.1 Separately account for Grant**

The Recipient must, within its accounting system, account for the Grant separately from any other funds of the Recipient.

### **4.2 Bank account**

If required by the Territory, the Recipient will deposit and hold in a separate bank account the Grant, and must:

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

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## 5. GST

If the Recipient is registered under the GST Act, 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.

## 6. Records

### 6.1 Obligation to keep records

The Recipient must:

- (1) keep all records necessary to substantiate expenditure of the Grant in compliance with applicable laws;
- (2) provide a complete and detailed record and explanation of:
  - (a) expenditure of the Grant,
  - (b) other money received and 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; and
- (3) retain the records referred to in this clause for at least 7 years following the completion of the Funded Activity or the expiration or termination of this Deed, whichever occurs first.

### 6.2 Access

- (1) To audit the Recipient's compliance with this Deed, 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.
- (2) The Recipient must:
  - (a) give the Territory access to those facilities and such assistance as may reasonably be necessary to enable the Territory to conduct an audit under **clause 6.2(1)**, and
  - (b) permit the Territory, at its own cost, to take copies of any records which it reasonably considers relevant to its audit.

### 6.3 Territory's Auditor-General

Any of the Territory's rights under this **clause 6** may be exercised by the Territory's Auditor-General, 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) if requested by the Territory, a draft of that material at least 10 days prior to publishing or printing, and
  - (b) a copy of that material; and
- (2) on reasonable notice, invite the Territory to participate in any public event, media release or media coverage related to the Funded Activity.

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## 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) public liability insurance with coverage in the amount of not less than the amount specified in **Item 4(1) Schedule 1** in respect of each claim, including voluntary workers insurance cover if volunteers are engaged by the Recipient; 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 against liability in respect of all claims, costs and expenses in relation to 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**, the Grant remains unacquitted if it:

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- (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 and Mediation of Dispute**

- (1) 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, and the parties agree that they will endeavour to resolve the Dispute by negotiations, or, if the Dispute has not been resolved within 28 days of the issue of the notice, undertake a mediation process.
- (2) If a mediation process is undertaken in accordance with **clause 13.1(1)** 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 equally share the costs of the engagement of the mediator.

### **13.2 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 assignment**

The Recipient must not assign the whole or any part of this Deed without the prior written consent of the Territory. If the Territory gives its consent, the Territory may impose any conditions.

### **15.2 Conflict of interest**

The Recipient warrants that at the start of the Grant Period 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 must, if a conflict or risk of conflict of interest arises during the Grant Period, notify the Territory immediately in writing and 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**

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 and 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 Grant and 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 Compliance with laws and governing law**

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

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- (2) 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 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 Contact 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.

#### **15.9 Forms and statements**

The Territory may reasonably require any form, record or statement required under this Deed to be in a particular form.

#### **15.10 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.

#### **15.11 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

**Item Grant Period**  
**1.** *See clauses 1.1 and 3*

From 1 October 2013 to 31 February 2014.

**Item Grant**  
**2.** *See clauses 1.1 and 2.1*

- (1) Grant: \$20,000  
(plus GST if applicable)
- (2) Grant Category:  
Government Initiative
- (3) The Grant is payable as two instalments being \$5,000 conditional on acceptance of a program and budget due 30 September 2013 and \$15,000 on 1 January 2014 conditional on all special conditions being accepted. An Invoice must be rendered for the payments.
- (4) Except if otherwise stated in this Deed, the Grant is:
  - (a) payable within 30 days of receipt by the Territory of an Invoice; and
  - (b) exclusive of GST and all other taxes, duties and charges.

**Item Reporting and**  
**3. Acquittal**  
*See clause 7.1*

- (1) At the end of the Grant Period, or earlier termination of this Deed, the Recipient must within 2 months provide a completed and certified Statement of Acquittal of Grant, including:
  - (a) a project evaluation statement;
  - (b) a financial information summary and an explanation of any differences between the proposed and actual budget, and supported by original receipts;
  - (c) quantitative data relating to the project, including number of artists employed and types of activities undertaken; and

(d) supportive documentation from the project.

(2) Without limiting any other obligation of the Recipient, the Territory may request an activity report, in a form prescribed by the Territory, about the progress of the Funded Activity from the Recipient at any time during the Grant Period and the Recipient must provide the completed activity report within 30 days of the Territory's request.

**Item Other insurance  
4. requirements**

*See clause 10.1*

(1) If any aspect of a Recipient's project is to be undertaken on ACT Government premises or public land, a current certificate of insurance or cover note must be provided with the Recipient's signed Deed of Grant, prior to payment of the grant being made by the Territory. The certificate or cover note must specify the appropriate level of public liability insurance coverage for the Recipient's project. Under normal circumstances, the appropriate level of public liability insurance will be \$10 million unless specified otherwise by the Territory. For information in determining the appropriate level of insurance required, please contact the Legal and Insurance Policy branch, ACT Department of Treasury, on (02) 6207 0318 or visit the ACT Government website at <http://www.insuranceriskadvice.act.gov.au>

(2) In circumstances where, as part of the Funded Activity, the Recipient is providing professional advice, information, or service to others, proof of professional indemnity insurance may be required before payment of your grant will be made. If you [the Recipient] believes that professional indemnity insurance may be required due to the nature of the Funded Activity, the ACT Insurance Authority is able to advise on the necessity of this type of insurance and can be contacted on (02) 6207 0184.

**Item Contact Officers**  
**5.** *See clauses 1.1 and 15.8*

For the Territory:

Robert Piani, Manager  
Arts Support, artsACT  
Community Services Directorate  
Level 4, Canberra Nara Centre  
1 Constitution Avenue  
CIVIC ACT 2602

GPO Box 158  
CANBERRA CITY ACT 2601

For the Recipient:

Jorian Gardner

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**Item Form of**  
**6. Acknowledgement**

*See clause 8.1*

The ACT Government requires appropriate acknowledgment of its support for organisations, facilities, programs and projects. This acknowledgment must be on all promotional, advertising, signage or other publicity material, newsletters, websites and stationary including letterhead. Acknowledgement needs also to be made in formal speeches, such as at launches and opening nights.

Evidence of compliance with this requirement forms part of the Acquittal of the Grant for funded activities and will be taken into consideration as part of the assessment of any future grant application.

The ACT Government logo and information about its appropriate use are available on the ACT Government Grants website at [www.grants.act.gov.au/acknowledging](http://www.grants.act.gov.au/acknowledging)

The size of the acknowledgment, particularly the logo, is to be proportionate to funding received from sources other than the ACT Government.

If you require further clarification of these acknowledgement requirements please contact artsACT on (02) 6207 2384.

## SCHEDULE 2

**THE FUNDED ACTIVITY:** To assist with costs of producing a fringe festival in 2014.

*As per agreed program and budget by artsACT.*

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## SCHEDULE 3

### **SPECIAL CONDITIONS**

*See clauses 1.1 and 15.10*

- (1) Clauses 9.2 and 9.3 are deleted and replaced with the following:

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

- (a) The Territory to perform all of its administrative functions with the Deed, Grant, Grant Material, or the Recipient; and
  - (b) any other purpose approved by the Recipient in writing, provided that the Recipient may not unreasonably withhold that approval.
- (2) The recipient to present a fringe festival in Civic Square during and as part of the 2014 National Multicultural Festival.
- (3) Feature young and emerging artists with programming that complements and extends the existing programming of the 2014 National Multicultural Festival.
- (4) The recipient to provide a detailed program and budget by 30 September 2013 to be approved by the Territory.
- (5) The recipient to provide a list of all sponsors for the fringe festival to be approved by the Territory and be in accordance with the sponsorship arrangements with the National Multicultural Festival.
- (6) The National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by the Territory. Infrastructure may include staging (200 seat marquee), public liability insurance, security, promotion, sanitary and waste management.

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**SIGNED AS A DEED ON**.....(artsACT to date)

**SIGNED** for and on behalf of the )  
**AUSTRALIAN CAPITAL TERRITORY** ) .....  
in the presence of: ) Signature of Territory delegate

.....  
Signature of witness

.....  
Print name

.....  
Print name

**SIGNED** for and on behalf of )  
**Jorian Gardner** )  
**ABN: 861 9311 7150** in the presence of: )

.....  
Signature of Recipient or authorised officer\*

\*delete whichever is not applicable (see note below)

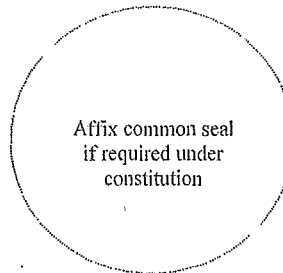
.....  
Signature of witness

.....  
Print name and position

.....  
Print name

.....  
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* (Cwth), for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the Recipient's constitution.

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# Fringe Festival rides again, with old hand Jorian holding the reins

By Sally Pryor  
Arts Editor

It's comeback week here in Canberra, up on the hill and out on the fringe.

Kevin Rudd is not the only man to have been reinstated to what he believes is his rightful position; Jorian Gardner has been handed back the Fringe Festival, four years after the popular event was abandoned amid bitter funding disputes and disagreements over risqué content.

The rambunctious arts personality lost the helm of the Fringe in 2009, when then ACT multicultural affairs minister John Hargreaves made the decision to merge the event with the National Folk Festival.

For five years the free event had formed part of the Multicultural Festival that transforms the city centre each February.

But punters interested in the alternative arts scene had to first purchase a ticket to the Folk Festival - \$100 or more - if they wanted to see what Canberra had to offer.

"That was a very disappointing thing that [John Hargreaves] did, and there were a lot of people that didn't agree with it," Mr Gardner said on Thursday.

"I knew they'd only funded it for three years, so I had been lobbying for it to come back into town after that, or to find out what happens after that funding has finished, because I was very worried that that would be the end of the game."

The Fringe did make a return to the Multicultural Festival this year, but with a budget allocated from arts funding on a competitive basis.

Mr Gardner, who founded the original festival in 2004, applied to run the show, and was "extremely disappointed" when unsuccessful.

The February event was a much diminished version of the original fringe, running for just one night.

Mr Gardner then lobbied ACT Arts Minister Joy Burch directly to commit money for the 2013-14 budget and allow him to run the festival again.

And he was successful. Ms Burch announced on Thursday that Mr Gardner's experience in fringe events and collaboration with the arts community meant that he would be able to successfully resurrect what had been a successful event. "We were keen to bring back the flair and edge that Mr Gardner brought to Civic Square," she said.

The government has committed to fund the festival with \$20,000 annually over four years to support the fringe event alongside the Multicultural Festival, as well as \$20,000 in in-kind support for infrastructure and public liability insurance for 2014.

The funding was allocated as a separate item in the budget, which meant more flexibility in deciding who would run the event.

Mr Gardner has been retained to run the event for 2014 only at this stage, and maintained that he was

the best person to help get the festival back on its feet.

"That doesn't mean that I want to be the director of the Fringe for the next 20 years, it means that my sole goal here is to get it back on the agenda, get it back in the budget, get it back into Civic Square, job done.

"I will put on a great fringe next year, and I will invite a whole bunch of artists around me and young people in town to take over and do this in the years to come," he said.

But he said the reason behind the change of heart was simple.

"The government is, I think, of the opinion that what they want is what they had before, and that is a big party in the middle of Civic Square that has a multicultural tinge to it, during the Multicultural Festival, but brings back to the fringe alternative arts," he said.

But he admitted that, like Prime Minister Kevin Rudd, he had learnt a lot during his time away.

"I need to be as careful as I possibly can about my budget to bring in more sponsors ... and I have time to do that now," he said.

"I've turned 40, so maybe it's about time I pissed a few less people. From that point of view, I've grown up a little bit and there won't be as much controversy.

"I'm not saying there won't be any ... but I guess I need to not have naked burlesque dancers out the front of the Legislative Assembly. Maybe that won't work."



BIG PLANS: Jorian Gardner in Civic Square. He has been asked to bring back his successful Fringe Festival, abandoned four years ago. Photo: KATHERINE GRIFFITHS

32  
42

**Piani, Robert**

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**From:** Whitney, David  
**Sent:** Thursday, 27 June 2013 4:58 PM  
**To:** Violante, Victor  
**Cc:** Howson, Natalie; Overton-Clarke, Bronwen; Dutt, Kanchan; Piani, Robert  
**Subject:** RE: Media release. FRINGE

Dear All,  
artsACT have now contacted and spoken with the producers of the previous MultiFRINGE and advised them of the new direction and the pending announcement of Mr. Jorian Gardiner as Multicultural Fringe Director for 2014.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

41

**Piani, Robert**

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**From:** Whitney, David  
**Sent:** Thursday, 27 June 2013 4:50 PM  
**To:** Piani, Robert; Robinson, AnneK  
**Subject:** FW: FYI, final media release.  
**Attachments:** MRFringeFestival280613.pdf

Fyi and the file

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Whitney, David  
**Sent:** Thursday, 27 June 2013 4:50 PM  
**To:** Dutt, Kanchan  
**Cc:** Howson, Natalie; Overton-Clarke, Bronwen  
**Subject:** FW: FYI, final media release.

Dear All;  
Please note the attached MR from the Ministers Office which I understand from the Ministers Advisor, is to be released to the CT overnight.

015

Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Violante, Victor  
**Sent:** Thursday, 27 June 2013 3:18 PM  
**To:** Whitney, David  
**Subject:** FYI, final media release.

**Robinson, AnneK**

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**From:** Whitney, David  
**Sent:** Thursday, 27 June 2013 2:12 PM  
**To:** Manikis, Nic  
**Cc:** Winter, Jancye; Piani, Robert; Robinson, AnneK  
**Subject:** RE: Fringe Festival

Thanks Nic,

Cheers

David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Manikis, Nic  
**Sent:** Thursday, 27 June 2013 12:38 PM  
**To:** Whitney, David  
**Cc:** Winter, Jancye  
**Subject:** RE: Fringe Festival

David

This reflects the conversation I had with Jorian.....just a few timing adjustments - there is no reason why the fringe can't start at 12noon on Thursday and Friday.....

cheers

*Nic Manikis*

Director  
Office of Multicultural,  
Aboriginal & Torres Strait Islander Affairs  
T: 6205 0522  
F: 6207 5862

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**From:** Whitney, David  
**Sent:** Tuesday, 25 June 2013 1:23 PM  
**To:** Manikis, Nic  
**Cc:** Overton-Clarke, Bronwen; Piani, Robert; Robinson, AnneK  
**Subject:** RE: Fringe Festival

Dear Nic,

I have just met with Jorian to confirm the latest advice from the Ministers Office.  
I understand from Jorian that you met with him yesterday and confirmed the following:

- 1.Fringe Festival to be in Civic Square;

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2. Multicultural Festival to provide infrastructure support;
  - a) marquee to cover area of approx 200 seats
  - b) stage approx 1m (high) X 8m (wide) X 6m (deep)
  - c) technical production, being modest lighting rig/sound system
  - d) utilities, namely portable toilets, overnight security, rubbish bins and removal.
  - e) public liability insurance within the footprint of the Multicultural festival
  - f) web marketing and promotion.

3. Fringe to have access to Civic Square for presentation of the Fringe:  
Thursday February 7, 2014 1200hrs to 2400-Fringe launch  
Friday February 8, 2014 1200hrs-2400hrs-note Multicultural Festival to launch elsewhere that evening  
Saturday February 9, 2014 1700-2400  
Sunday February 10, 2014 1000-2200.

4. Fringe to check all proposed sponsorship arrangements with Multicultural Festival prior to commencing negotiations to ensure separation and protection of Multicultural Festival sponsors;

5. Fringe to seek Liquor Licence to sell alcohol at a bar to be established at Fringe event in Civic Square;

6. Fringe to liaise with Multicultural Festival on possible programming/sharing of Multicultural Artists;

From artsACT perspective, we discussed;

7) Fringe Festival to have a focus on young, new and emerging artists with a multicultural background;

8) Jorian to provide a draft program to artsACT by September 2013;

9) Deed of Grant to be with Jorian Gardiner ;

10) Payment schedule to look like \$5K in October 2013 contingent on an agreed draft program and \$15K in January 2014, in advance of the Fringe Festival.

Robert has Deed drafted and once the above is agreed by Nic/David the revised Brief can go to the Minister for signing, Deed then to Jorian and then MR released by Minister. MR to reflect \$40K support for Fringe Festival with \$20 cash and \$20 in-kind.

Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

<b>TO:</b>	<b>MINISTER BURCH</b>
<b>SUBJECT:</b>	<b>2014 Fringe Festival Producer – Mr Jorian Gardner</b>
<b>TRIM NO</b>	<b>M-13/1058</b>

*Newly  
to be / owned by minister.  
into ABS Support - Fudge  
BU  
1/7/13*

3CM Ministers  
(Number if available)

Trim Number  
M-13/1058

Ministerial / Correspondence Tracker

Date Due to Minister's Office 17/6/2013	Date Due to Director-General 14/6/2013	Date Due to Organisational Governance 13/6/2013	Date Due to Executive Director 12/6/2013	Date Due to Director 11/6/2013
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**Subject: Fringe Festival - Jorian Gardner**

WHAT IS REQUIRED

- Correspondence   
  Meeting Brief   
  Brief   
  Question on Notice  
 Media/ Function   
  Dot points   
  Other Letter

PERSON OFF FOR RESPONSE

Director-General	Natalie Howson	<i>ce</i>	Date	
A/G Deputy Director-General	Maureen Sheehan	<i>ce</i>	Date	<i>27/6/13</i>
Organisational Governance				
Finance and Budget				
Executive Director	Bronwen Overton-Clarke	<i>Boe</i>	Date	<i>27/6/13</i>
Senior Director	David Whitney	<i>DW</i>	Date	<i>3/6/13 - 27/6/13</i>
Business Unit Name	artsACT			
Senior Manager	Robert Piani	<i>R</i>	Date	<i>3/6/13</i>
Action/Contact Officer	Robert Piani		Telephone	72381

CHECK LIST

- Original Documentation   
  Reply   
  Any attachments  
 Notify DLO that dot points for Minister Burch  
 Speech (Attachment \_\_) Media alert (Attachment \_\_) Media release (Attachment \_\_) need to be provided to  
 Media Advisor via TRIM   
 Notified / / 20   
 Initials \_\_\_\_\_  
 Directorate camera required (**book** through Outlook calendar at CSD Media Camera)  
 Directorate banner required (**book** through Outlook calendar at CSD Media Banner)  
 Material to be uploaded to CSD Internet (**email** CSD Webmaster - allow 3 working days)

RECEIVED  
28 JUN 2013  
artsACT

Organisational Governance use only

CM Function Brief Mailbox (CM Events only)

**To be completed by Minister's Office**

Satisfactory   
  Unsatisfactory  
 Comments:



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**Date** 27 June 2013

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**To** Minister for the Arts

*ce* • Director-General

*cc* • Deputy Director-General

---

**From** Executive Director, Housing and Community Services

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**File no** M13/1058

---

**Subject** Fringe Festival Producer - Jorian Gardner

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**Critical Date**  
Standard

**Sensitivities**

Mr Jorian Gardner is well known in the ACT community and has featured in the media for a range of reasons.

**Purpose**

To seek your approval for funding of \$20,000 to Mr Gardner, to present a fringe festival, as part of the Multicultural Festival in 2014.

**Background/Issues**

For 2013, you announced \$20,000 in funding to support a fringe festival in the CBD as part of the Multicultural Festival. artsACT sought public expressions of interest for a creative producer for the fringe. Six applications were received, including from Mr Gardner. A peer panel recommended that Mr PJ Williams and Mr Nick Byrne, who submitted a joint application, be appointed as the creative producers for the 2013 fringe festival.

Mr Williams and Mr Byrne presented a sound event considering the short time frame and modest budget. The Multicultural Festival provided significant support including set up, equipment, promotion, insurance, security and cleaning at a cost of some \$25,000.

For the 2014 festival, you have identified Mr Gardner as the creative producer. Mr Gardner has presented previous fringe festivals including as part of the Multicultural Festival.

To ensure the fringe festival is delivered in accordance with agreed outcomes and that funding is appropriately acquitted, artsACT intends to engage Mr Gardner directly through a standard deed of grant.

The deed of grant will include a number of special conditions to further protect the funds and contain the scope of the support provided by the Government.

The special conditions are that:

- the fringe festival is to be presented in Civic Square during and as part of the 2014 National Multicultural Festival;
- the fringe festival features young and emerging artists with programming that complements and extends the existing programming of the Multicultural Festival;
- the fringe festival's detailed program and budget is to be approved, any sponsors are to be approved and accord with the sponsorship arrangements with the National Multicultural Festival;
- the National Multicultural Festival will provide infrastructure support to the fringe festival up to the value of \$20,000 to be agreed by artsACT; and
- the National Multicultural Festival, may include staging, insurances, security, promotion and waste management.

**Media Issues**

A media release is attached.

**Consultation**

No consultation.

**Financial Implications**

Funding of \$20,000 in the 2013-14 ACT Arts Fund is available as a Government priority. The acquittal report will be required to include a financial report supported by receipts.

**Recommendation**

That you:

- approve funding of \$20,000 from the 2013-14 ACT Arts Fund to Mr Jorian Gardner for a 2104 fringe festival;
- note the Media Release at Attachment A; and
- note the information in the brief.

*Bronwen Overton-Clarke*  
 Bronwen Overton-Clarke  
 Executive Director

NOTED/ *AGREED*/ NOT AGREED/ PLEASE DISCUSS

*Joy Burch*  
 Joy Burch MLA  
 Minister for the Arts  
 /June/2013



## Joy Burch MLA

MINISTER FOR EDUCATION AND TRAINING  
MINISTER FOR DISABILITY, CHILDREN AND YOUNG PEOPLE  
MINISTER FOR THE ARTS  
MINISTER FOR WOMEN  
MINISTER FOR MULTICULTURAL AFFAIRS  
MINISTER FOR RACING AND GAMING

MEMBER FOR BRINDABELLA

# MEDIA RELEASE

Xx June 2013

## 2014 fringe festival producer announced

ACT Minister for the Arts Joy Burch today announced that Jorian Gardner will be the creative producer for a 2014 fringe festival.

"Mr Gardner's wealth of experience in fringe events and his collaborations with many artists and arts organisations across the Canberra community will provide a great platform to produce an exciting fringe in 2014", said Ms Burch.

"This year saw the return of the fringe festival as, part of the National Multicultural Festival, for the first time since 2009 and it proved a success.

"In recognition of this, the 2013-14 ACT Budget has identified a total \$160,000 over four years for the fringe festival through a producer's fee and program budget of \$20,000 per year, and infrastructure support through the Multicultural Festival of \$20,000 per year. I am sure that Mr Gardner will ensure the event has flair and edge for which it is famed."

Mr Gardner was the founding director of a fringe festival held alongside the National Multicultural Festival from 2004 to 2009.

Mr Gardner works across a range of art forms including theatre performances, visual art exhibitions, cabaret, dance, and musical presentations.

The fringe festival aims to present original work in interesting spaces and provide valuable opportunities for young and emerging artists to present their work.

"I am sure the fringe festival will not only complement the activities of the National Multicultural Festival, but will use innovative cross-artform collaborations with young and emerging artists and breathe extra life to our city."

The 2014 National Multicultural Festival runs from 7-9 February, with the fringe festival proposed to take place in Civic Square from 6-9 February 2014.

Statement Ends

Media Contact: Victor Violante Ph: 6205 0145 Mob: 0421 846 201 [victor.violante@act.gov.au](mailto:victor.violante@act.gov.au)

ACT LEGISLATIVE ASSEMBLY



34 28

M-13/1058

Fringe Festival Producer - Jorian Gardner

Date Created  
31/05/2013 at 4:28 PM  
Date Registered  
31/05/2013 at 4:31 PM

Record Type Ministerial Matter  
Assignee Electronic Only - IN TRIM since 31/05/2013 at 4:28 PM  
Owner Location Organisational Governance  
Home Location Community Services Directorate  
Disposition Active  
Security Unclassified  
Notes "Tuesday, 4 June 2013 at 3:37:00 PM (GMT+10:00) Hurrell, Erica:"  
To Exec Director.

Last Action Date  
26/06/2013 at 11:36 AM

"Wednesday, 5 June 2013 at 10:39:32 AM (GMT+10:00) Perriman, Yvonne:"  
Received at ESU. Fwded to Sue McInnes

"Wednesday, 5 June 2013 at 12:43:37 PM (GMT+10:00) Johnson, Ashley:"  
Fwd to Ms Overton-Clarke for clearance

"Thursday, 6 June 2013 at 9:35:29 AM (GMT+10:00) Perriman, Yvonne:"  
Cleared by Ms Overton-Clarke, note to Maureen "there has been email  
between Mr Manikis and Mr Whitney. You may want to discuss with  
Victor?"

"Thursday, 6 June 2013 at 9:41:18 AM (GMT+10:00) Perriman, Yvonne:"  
Fwded to Org Gov to progress.

"Thursday, 6 June 2013 at 11:04:24 AM (GMT+10:00) Costigan, Nathan:"  
fwd to DDG

"Thursday, 6 June 2013 at 2:19:15 PM (GMT+10:00) Pugh, Karen:"  
received and submitted to DDG

"Friday, 7 June 2013 at 2:48:04 PM (GMT+10:00) Pugh, Karen:"  
passed to DG by DDG (for advice) not signed off by DDG

"Tuesday, 11 June 2013 at 9:01:26 AM (GMT+10:00) Hosie, Donna:"  
Not cleared by DG; fwd to Ms Whitten (POS) with a request from the DG for  
the ED to speak to DDG

"Tuesday, 11 June 2013 at 11:20:57 AM (GMT+10:00) Elsey, Melissa:"  
given to ED POS

"Tuesday, 18 June 2013 at 9:42:38 AM (GMT+10:00) Elsey, Melissa:"  
return to HACS for updating

"Tuesday, 18 June 2013 at 4:08:18 PM (GMT+10:00) Perriman, Yvonne:"  
Received at ESU, fwded to Sue McInnes

"Thursday, 20 June 2013 at 8:32:23 AM (GMT+10:00) McInnes, Sue:"  
Returned to David Whitney for additional work

"Friday, 21 June 2013 at 2:19:40 PM (GMT+10:00) Hurrell, Erica:"  
Rec'd in arts.

"Monday, 24 June 2013 at 3:01:18 PM (GMT+10:00) Hurrell, Erica:"  
With Robert Piani.

"Wednesday, 26 June 2013 at 11:37:43 AM (GMT+10:00) Hurrell, Erica:"  
Updated brief to Exec Director.



## Records Detailed

Page 2  
Date 26/06/2013  
Time 11:39:11 AM  
Login Name Hurrell, Erica

### Continued...

Contained Records :-	Record Number	Record Title			
	M-13/1058-007	Updated signed clearance sheet - arts			
	M-13/1058-006	Attach A - MR - Cleared			
	M-13/1058-005	Brief			
	M-13/1058-001	Signed clearance sheet - arts			
Action Name	Responsibility	Due	Start	Complete	
Allocate to Coordinator	Hurrell, Erica	03/06/2013	03/06/2013	04/06/20	
Allocate to Manager	Piani, Robert	04/06/2013	03/06/2013	04/06/20	
Request for Approval - Director	Director - Arts ACT	11/06/2013	10/06/2013	04/06/20	
Request for Approval - Executive Director	Coordinator - Executive Support Unit	12/06/2013	11/06/2013	06/06/20	
Request for Approval - Organisational Governance	Organisational Governance - Coordin	13/06/2013	12/06/2013	06/06/20	
Request for Approval - Deputy Director-General	Deputy Director-General	13/06/2013	13/06/2013		
Request for Approval - Director-General	Director-General	14/06/2013	13/06/2013		
Dispatch to Minister	Organisational Governance - Coordin	17/06/2013	14/06/2013		
Quality Control - Ministerial Advisor	Ministers Office Advisors	18/06/2013	17/06/2013		
Signed FINAL to DLO for Scanning	Ministers Office	19/06/2013	18/06/2013		
Signed brief returned to division	Coordinator - (please assign to appro	20/06/2013	19/06/2013		
Signed Copy Processed within Division	Organisational Governance - Coordin	21/06/2013	20/06/2013		

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**Whitney, David**

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**From:** Whitney, David  
**Sent:** Friday, 21 June 2013 5:00 PM  
**To:** 'J G'  
**Subject:** RE: Jorian Gardner: In confidence "Fringe"

Dear Jorian,  
Thanks for the email, I will drop around to Smiths on Monday probably around the middle of the day as the Minister is launching Poetry in Action earlier that morning.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** J G [ 41 ]  
**Sent:** Friday, 21 June 2013 9:03 AM  
**To:** Whitney, David  
**Subject:** Jorian Gardner: In confidence "Fringe"  
**Importance:** High

Dear David,

Hope you're well.

I have been briefed by the ministers office yesterday regards their offer to me to produce Fringe 2014. Hoping you might have time to pop in for a chat and a coffee? I am not too concerned with crossing every i and dotting every T prior to an announcement by the Minister shortly, as long as everyone is in agreement I can start work, but thought we should sit down and iron at least a few things.

Hope to hear from you soon.

I can be contacted by calling 41

Regards,

Jorian Gardner

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31

## Whitney, David

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**From:** Whitney, David  
**Sent:** Friday, 21 June 2013 4:59 PM  
**To:** Violante, Victor  
**Cc:** Overton-Clarke, Bronwen  
**Subject:** FW: Jorian Gardner: In confidence "Fringe"  
**Importance:** High

Dear Victor,

Thanks for your related advice re Jorian, please note below.

I will catch up with Jorian early next week.

We have just received the Brief13/1058 for review and I will get this back in the system very soon.

Cheers

David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government

Phone 02 6207 2389 | Fax 02 6207 2386

Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601

GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** J G [mailto: ]  
**Sent:** Friday, 21 June 2013 9:03 AM  
**To:** Whitney, David  
**Subject:** Jorian Gardner: In confidence "Fringe"  
**Importance:** High

Dear David,

Hope you're well.

I have been briefed by the ministers office yesterday regards their offer to me to produce Fringe 2014. Hoping you might have time to pop in for a chat and a coffee? I am not too concerned with crossing every i and dotting every T prior to an announcement by the Minister shortly, as long as everyone is in agreement I can start work, but thought we should sit down and iron at least a few things.

Hope to hear from you soon.

I can be contacted by calling [ ]

Regards,

Jorian Gardner

File 123 S/W. ~~2013~~  
June 2014 30

**Hurrell, Erica**

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**From:** Violante, Victor  
**Sent:** Friday, 21 June 2013 2:40 PM  
**To:** Whitney, David  
**Subject:** RE: Music and Dance contacts orgs

Thank you David. On another topic, I spoke to Jorian and I gave him an outline of the proposed way forward; and he was happy to proceed. I said you (or someone from artsACT) and Nic, either together or separately, would brief him in some more detail early next week. I spoke to Nic last night and he was ok with this. Let me know if you need to discuss further.

Regards,

Victor Violante

**Media Adviser**

**Arts and Multicultural affairs Adviser**

Office of Joy Burch, MLA

*Minister for Education and Training*  
*Minister for Children and Young People, Disability*

*Minister for Arts*

*Minister for Gaming and Racing*  
*Minister for Multicultural Affairs*  
*Minister for Women*  
*Member for Brindabella*

**T. 02 6205 0145**  
**M. 0421 846 201**  
**E. [victor.violante@act.gov.au](mailto:victor.violante@act.gov.au)**

ols

**Whitten, Meredith**

**From:** Overton-Clarke, Bronwen  
**Sent:** Monday, 17 June 2013 4:34 PM  
**To:** Whitten, Meredith; McInnes, Sue  
**Subject:** RE: M-13/1058 2014 Fringe Festival

Yes thanks

Bronwen Overton-Clarke | Executive Director  
Ph 02 62071523 | Fax 02 62071464 |  
Housing and Community Services | Community Services Directorate | ACT Government  
Nature Conservation House | Locked Bag 3000 Belconnen ACT 2616 | [www.act.gov.au](http://www.act.gov.au)  
[bronwen.overton-clarke@act.gov.au](mailto:bronwen.overton-clarke@act.gov.au)



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**From:** Whitten, Meredith  
**Sent:** Monday, 17 June 2013 4:30 PM  
**To:** Overton-Clarke, Bronwen; McInnes, Sue  
**Subject:** M-13/1058 2014 Fringe Festival

Hi Bron

Do you want the brief to be returned to you for updating or proceed as is to Minister Burch. I am holding the brief.

Meredith Whitten | Executive Director |  
Phone 620 79031 | Fax 620 50343 |  
Policy and Organisational Services | Community Services Directorate | ACT Government  
Level 4, 11 Moore Street CANBERRA ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au) |

*Natasha ~~McInnes~~ <sup>McInnes</sup> stills  
pls talk to  
Maurice  
Jonan Gardner previously  
failed to acquit funds  
& provide a financial report  
to CSO for the Fringe Festival  
in 2008.*

*I can not support the provision  
of funds.  
Maurice 7/6*

Whitney, David

---

**From:** Piani, Robert  
**Sent:** Monday, 17 June 2013 9:41 AM  
**To:** Overton-Clarke, Bronwen  
**Cc:** McInnes, Sue; Whitney, David  
**Subject:** fringe festival  
**Attachments:** gardner Letter and Deed.doc

Hi Bronwyn, here is a draft copy of the proposed letter and deed of grant should the Minister wish to proceed on funding Mr Gardner to produce the 2014 fringe festival. The letter and deed include 'special' conditions to protect the Government's interest. Special conditions are not normally used unless there are specific matters to address.

Mr Gardner has had no direct funding from the ACT Arts Fund, however, he produced an activity (A Bunch of Fives) at The Street Theatre which was funded from the ACT Art fund (\$6,450 in 2003). The applicant was a group known as Curly Theatre, understood to be created by Mr Gardner and Ms Alexis Beebie. Ms Beebie signed the deed as the principal of the group. The funding was not acquitted. artsACT met with Mr Gardner about the acquittal, as Ms Beebie left the ACT and was not contactable, with a view to Mr Gardner providing the information to acquit the funding. Mr Gardner agreed to provide the information given the close association he had with the activity.

However, was not obligated to do so. No information was forthcoming. Mr Gardner has been able to apply for further funding from the ACT Arts Fund, however, without success, including for a Bunch of Fives applied for under his name. artsACT understands that The Street Theatre ceased its association with A bunch of Fives for a range of administrative reasons.

Thanks

Robert Piani, Manager, Arts Support | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2381 | Fax 02 6207 2386 | Mob 0411 123 456  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

## Piani, Robert

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**From:** Whitney, David  
**Sent:** Sunday, 16 June 2013 6:12 PM  
**To:** Overton-Clarke, Bronwen  
**Cc:** McInnes, Sue; Piani, Robert.  
**Subject:** Re: Jorian Gardner

Bronwen all we have is the Deed of Grant with conditions ensuring that Jorian is personally identified and accountable. We also have detail from Nic on the \$20K in kind support. This could change the MR to one of \$40K support for the Fringe.

You had mentioned Maureen's issues related to earlier exp with Jorian and Multicultural Festivals.

We have similar exp with Jorian and grants that remain unacquited, however his name has always been replaced by a business or colleague (read girlfriend).

I project an active negative response from the arts community to the announcement and the lack of peer review due to Jorian and his reputation for not paying artists/suppliers and his lack of artistic credibility and judgement.

Robert can you please fwd the draft Deed and summary of outstanding grants (Bunch of Fives etc) to Bronwen & Sue as I am welcoming Angie at NCH first thing.

Cheers  
David

On 16/06/2013, at 3:48 PM, "Overton-Clarke, Bronwen" <[Bronwen.OvertonClarke@act.gov.au](mailto:Bronwen.OvertonClarke@act.gov.au)> wrote:

> David

>  
> Only have our brief to the Minister. you mentioned to me there was other info that Maureen had. Do you have any of it and can you send to me first thing Monday morning if you have it?

>  
> Bronwen Overton-Clarke  
> Executive Director  
> Housing and Community Services  
> ACT Community Services Directorate

>  
> 41

**Piani, Robert**

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**From:** Whitney, David  
**Sent:** Friday, 14 June 2013 10:41 AM  
**To:** Piani, Robert  
**Subject:** FW: Festival Fringe brief M13/1058

Fyi.....I can fill in the gaps when we next catch up.  
Cheers  
David

David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
Phone 02 6207 2389 | Fax 02 6207 2386  
Level 4, Canberra Nara Centre, 1 Constitution Ave, Canberra City ACT 2601  
GPO Box 158, Canberra ACT 2601 | [www.arts.act.gov.au](http://www.arts.act.gov.au)

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**From:** Whitney, David  
**Sent:** Friday, 14 June 2013 10:41 AM  
**To:** Overton-Clarke, Bronwen; Honczar, Kathryn  
**Subject:** Festival Fringe brief M13/1058

Bronwen,  
Victor called chasing the Fringe brief.  
I advised that it was to be discussed with the Minister at Mondays meeting.  
Victor wanted to know why, and would someone be speaking with him beforehand.  
I advised that there was some concern within the Directorate about Jorian and previous acquittals however I wasn't up to speed with the issue.  
Do you want to speak with Victor, want me to follow up with Maureen, or for me to speak more to Victor ?  
Please advise.

Cheers  
David  
David Whitney  
Director | artsACT | Community Services Directorate | ACT Government  
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**Piani, Robert**

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**From:** Hurrell, Erica on behalf of Whitney, David  
**Sent:** Friday, 7 June 2013 4:30 PM  
**To:** Piani, Robert  
**Subject:** FW: Fringe Festival

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**From:** Manikis, Nic  
**Sent:** Thursday, 6 June 2013 5:45 PM  
**To:** Whitney, David  
**Cc:** Whitten, Meredith; Overton-Clarke, Bronwen  
**Subject:** RE: Fringe Festival

David

Thank you. In relation to your queries below:

1. This is hard to quantify without knowing what Jorian has in mind but it will put a lot of pressure on the festival budget if we go beyond: a large marquee, 200 x chairs, 10 x tables, sound and light, waste management, security, toilets. This would cost approximately \$20k.

ds

4. Let me know how they react and we will work something out.

Another consideration would be insurance – do we treat the fringe as just another part of the Festival for this purpose ..... This leads to the matter of who 'owns' the fringe festival from a liability perspective.....

I am happy to discuss these and other more mundane (lower order) issues that will need to be sorted if we want a successful event.

Cheers

nic

*Nic Manikis*

Director  
Office of Multicultural,  
Aboriginal & Torres Strait Islander Affairs  
T: 6205 0522  
F: 6207 5862

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**From:** Whitney, David  
**Sent:** Thursday, 6 June 2013 4:39 PM  
**To:** Manikis, Nic  
**Cc:** Whitten, Meredith; Overton-Clarke, Bronwen  
**Subject:** RE: Fringe Festival

Dear Nic,

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Thanks for your email. I have spoken with the Ministers Advisor Victor this afternoon who said you discussed this yesterday.

The Ministers Office has yet to get our brief, however we have been asked to prepare our standard Deed of Grant for Jorian Gardiner to be signed by him, prior to the Minister announcing the arrangement. We will, as with all Deeds, seek the provision of a program prior to the release of the funds. We would probably look to October 2013 for a program draft which no doubt will be revised, prior to the funds being released. Acquittal would be required by June 30, 2014.

Can you please send by return email ;

1. The extent of services and value of the pro-bono support that the Multicultural festival will provide to Jorian Gardiner. Victor was suggesting a large tent in Civic Square as previously provided;

als

4. Any other considerations such as the sponsor one , however not sure how either the Mins Office or Jorian will react to that

Cheers  
David

David Whitney

Director | artsACT | Community Services Directorate | ACT Government  
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**From:** Manikis, Nic  
**Sent:** Wednesday, 5 June 2013 5:54 PM  
**To:** Whitney, David  
**Cc:** Whitten, Meredith; Overton-Clarke, Bronwen  
**Subject:** Fringe Festival

David

I noted today that a media release has been drafted for the Minister to announce the appointment of Jorian Gardner to the role of Creative Coordinator for the Fringe Festival (as part of the 2014 National Multicultural Festival. This is indeed a welcomed development!

I am keen, however, to ensure that the contractual arrangements between ACT Arts and Mr Gardiner are crystal clear, particularly in relation to the type of program that is expected to be delivered, the type of revenues that can be raised at the Fringe and the purpose to which the funds can be used, the purpose of the \$20,000 fee, the provision and extent of infrastructure to be provided by the National Multicultural Festival and a requirement that Fringe sponsors do not conflict with the longstanding sponsors of the National Multicultural Festival.

I am happy to discuss these matters further at a time convenient to you.

cheers

*Nic Manikis*

Director  
Office of Multicultural,  
Aboriginal & Torres Strait Islander Affairs  
T: 6205 0522

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**From:** Whitney, David  
**Sent:** Thursday, 6 June 2013 5:06 PM  
**To:** Whitney, David; Piani, Robert; Robinson, AnneK  
**Cc:** Overton-Clarke, Bronwen  
**Subject:** RE: Fringe Festival

Robert/Anne,  
Have just spoken with Victor who advises that the Min. will drop in to see Jorian at Smiths Alternate next week to "sound him out" about the fringe.  
Once this has occurred and if Jorian accepts the offer, we will then meet with Jorian, provide him with the Deed for his signature, and then the Min. to announce.  
Cheers  
David

David Whitney  
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**From:** Whitney, David  
**Sent:** Thursday, 6 June 2013 4:50 PM  
**To:** Piani, Robert; Robinson, AnneK  
**Subject:** FW: Fringe Festival

Dear Robert and Anne,  
As discussed Robert, can you please start the Deed of Grant and following the requested advice from Nic, prepare for us to approach Jorian.  
Not sure if Jorian has been advised yet, I have put a call into Victor.

Cheers  
David

David Whitney  
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**From:** Whitney, David  
**Sent:** Thursday, 6 June 2013 4:39 PM  
**To:** Manikis, Nic  
**Cc:** Whitten, Meredith; Overton-Clarke, Bronwen  
**Subject:** RE: Fringe Festival

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**Sent:** Wednesday, 5 June 2013 5:54 PM  
**To:** Whitney, David  
**Cc:** Whitten, Meredith; Overton-Clarke, Bronwen  
**Subject:** Fringe Festival

David

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cheers

*Nic Manikis*

Director  
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