

Pettit, Eliza

From:
Sent: Monday, 21 October 2013 12:15 PM
To: Hobba, Julian
Subject: RE: letter of agreement for 2 November appearance
Attachments: Skywhale contract.pdf

Hi Julian,
Sorry for the delay in getting this back to you but our scanner was on the fritz.
Hope this is fine.

Cheers,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Thursday, 17 October 2013 8:25 AM
To:
Cc:
Subject: RE: letter of agreement for 2 November appearance

Hi

Yes, that's true, sorry, [redacted] is not available. Happy for you to talk out that clause and sign and return. If you can scan through your PLI certificate with the signed copy, that'd be great.

Cheers
Julian

From:
Sent: Wednesday, 16 October 2013 3:49 PM
To: Hobba, Julian
Subject: RE: letter of agreement for 2 November appearance

Thanks Julian.

We had a quick read and it looks good, although it says that we need to invite [redacted] to the event. You have said that she will be overseas at the time. Should we still extend her an invitation? If so, can you please send me her contact details.

Thank you.

Cheers,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Wednesday, 16 October 2013 3:33 PM
To:
Cc:
Subject: letter of agreement for 2 November appearance

Hi there

I'm attaching a letter of agreement between the Centenary of Canberra and yourselves for the upcoming appearance of the Skywhale at the whale watching festival.

Can you look over it and let me know if anything is not in keeping with either our conversations or those you've had with Global Ballooning.

I'm not sure where you all settled on for a location and back up location, so the letter refers to the appearance taking place on a site agreed between your organisation and Global Ballooning.

I will forward you shortly too some images to use and the logos referred to in this letter.

I am on leave for two weeks from Monday and in the midst of a very big event, so if we can aim to get this signed off by the end of the week, that would be great.

Thanks
Julian

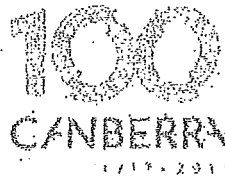
And thanks for getting this letter rolling.

Julian Hobba | *Program Manager - Arts and Culture*
Centenary of Canberra | Chief Minister and Treasury | ACT Government
Phone: +61 2 6205 9630 | Fax: +61 2 6207 0163 | Mobile: 0403 663 558 | Email: julian.hobba@act.gov.au
rel 4, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | canberra100.com.au

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14 October 2013

Sapphire Coast Marine Discovery Centre

Dear Jillian,

LETTER OF AGREEMENT

I am pleased to confirm that the ACT Government, through the Centenary of Canberra Unit, will be providing Patricia Piccinini's hot air balloon sculpture The Skywhale for an Appearance at The Eden Whale Festival on Tuesday 2 November 2013. As you know, the commission of the sculpture is part of a year-long celebration to celebrate 100 years since Canberra was named the national capital. The celebrations are being directed by Creative Director Robyn Archer AO.

This letter is to confirm the terms and conditions of the Appearance of The Skywhale at the Eden Whale Watching Festival.

Name of Organisation: Eden Whale Festival	
ABN: N/A	
Contact Person:	Position: Event Organiser
Address:	Email:
Phone:	Fax:
Insurance Details: TBC	

Agreement Details:
Term: From execution of this Agreement until 4 November 2013.
Contract Price: NIL

DEFINITIONS

- Organisation** means the Eden Whale Festival 'EWF'
- Work** means The Skywhale, a hot air balloon sculpture by artist Patricia Piccinini, commissioned by the Centenary of Canberra
- Appearance** means the tethering of the Work at a site agreed between the Organisation and the Operator
- Operator** means Global Ballooning
- Event** means any accompanying activity organised by the Organisation in connection with the Appearance

1. THE TERRITORY AND ORGANISATION AGREE:

- a. The mutually preferred date for a tethered Appearance of The Skywhale at 'EWF' will be Saturday 2 November 2013 at 11am;
- b. In the Event the Appearance is cancelled on that day because of bad weather or winds, the Appearance will be conducted on the following day (Sunday) if suitable;
- c. The Territory has an existing engagement with, Global Ballooning Pty Ltd, who will act as the Operator for the Appearance at 'EWF';
- d. The 'Event' within which the Appearance of the Work occurs will be the responsibility of 'EWF' to manage; however, all operational responsibility for the Work will be the responsibility of Global Ballooning;
- e. Operational considerations will be respected by 'EWF' in their construction of the Event;
- f. Operational considerations relating to public safety will override other considerations in the management of the Event, and operational safety will be the responsibility of the operations team supplied by the Operator;
- g. Determinations of whether the weather is appropriate for an Appearance of the balloon on any particular occasion will be made by the operations team supplied by Global Ballooning;
- h. No monies will be transacted between the Territory and the Organisation;
- i. The Territory will make direct payment to Global Ballooning for the provision of the Work, crew and any operational infrastructure usually taken by the operator to the site of a tether location for like Appearances;
- j. Any additional expenses incurred relating to the Appearance or Event, including council permits or charges, road closures or other expenses, will be the responsibility of the Organisation;
- k. The Organisation will provide accommodation in-kind for the crew of the Operator;
- l. Any expenses incurred in managing and operating the Event within which the Appearance occurs will be the responsibility of the Organisation, including any crowd management, bollards, decoration or any other like requirement;
- m. The Organisation will invite the Artist, Patricia Piccinini, to the Appearance;

- n. The Organisation will liaise directly with Global Ballooning with respect to the Organisation of the Appearance; keeping the Territory informed of details of the Event;
- o. The Organisation will make available to Global Ballooning on the day of the Appearance 8 (eight) volunteers for the duration of the Appearance, from inflation to the completion of packing up;
- p. The Organisation will provide a brief report on the Event and Appearance to the Territory after the Event. This report will identify the number of attendees to the Event and give a prose description of approximately one A4 page about the Event;

MARKETING AND PUBLICITY

- q. The Territory will promote the Appearance on its website and social media sites as possible;
- r. The Organisation will undertake marketing and publicity in relation to the Appearance, including website and social media marketing, marketing collateral and public relations;
- s. Where undertaking marketing and publicity for the Appearance and Event, the Organisation will acknowledge the Centenary of Canberra through inclusion of logos and line acknowledgements on marketing and publicity material;
- t. Where space permits, the 'full logo lock up' of the Centenary of Canberra, including the Centenary of Canberra, ACT Government and ActewAGL logos should be used. This logo will be used at least on any website on which the Appearance is promoted;
- u. Where space is limited, the single Centenary of Canberra 'corporate' logo may be used alone;
- v. Wherever either logo is used, they will be accompanied by the line: The Skywhale is a Centenary of Canberra project, proudly supported by the ACT Government;
- w. Where promoting and publicising the Appearance of the Work, the Organisation should make prominent in-copy that the Work is a commission by the Centenary of Canberra;
- x. Examples of copy used by and about the Centenary of Canberra and the project are available at www.theskywhale.com. The Territory would appreciate that such copy is accessed and utilised to ensure that the Work is placed in the context of the Centenary, its reputation for hot air ballooning, and the fact the Artist was raised in Canberra.
- y. Marketing collateral and media releases should be provided to the Centenary of Canberra, either to Julian Hobba julian.hobba@act.gov.au or Susanne Roberts (PR Manager) susanne.roberts@act.gov.au for approval prior to distribution.

WARRANTY AND INDEMNITY

- z. The Organisation ('EWF') 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 properly caused by the Contractor, in connection with the obligations under this Letter of Agreement, except to the extent that the Centenary of Canberra caused the relevant loss, damage or injury
- aa. The Territory indemnifies the Organisation ('EWF'), 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 Contractor, in connection with the obligations under this Letter of Agreement, except to the extent that the Organisation ('EWF') caused the relevant loss, damage or injury

- bb. The Organisation ('EWF') will seek and keep evidence that Global Ballooning (as the operator) has public liability insurance to a maximum of \$20 million (AU) in respect to its operations.
- cc. The Organisation will provide to the Territory evidence that it holds public liability insurance to a minimum of \$20 million (AU) in respect to this its operations, including this Event.

THIS AGREEMENT

- dd. Variation
This Agreement may be varied or the Term extended only by the written agreement of the parties prior to the expiration of this Agreement.
- ee. Dispute Resolution
The parties agree to endeavour to resolve any disputes under this Agreement in a timely manner.
- ff. Termination
Either party may terminate this Agreement, by giving seven days written notice to the other party.

If you are in agreement with the terms and conditions of this Agreement please print and sign two copies of this Agreement and return both to Julian Hobba, Program Manager, Arts and Culture at julian.hobba@act.gov.au or by post to:

Centenary of Canberra Unit
Attention: Julian Hobba
Chief Minister and Treasury Directorate
ACT Government
Nara Centre 1 Constitution Avenue or GPO Box 158
Canberra City ACT 2601

A copy of the executed Agreement will then be forwarded to you for your records. We look forward to Working with you on this Project.

Yours sincerely

Julian Hobba
Program Manager – Arts and Culture
Centenary of Canberra
Chief Minister and Treasury Directorate

16 October 2013

DATE OF THIS AGREEMENT
...../...../2013

SIGNED by or for and on behalf of

Eden Whale Festival

in the presence of:

.....

Signature of
Organisation
representative

.....

Print name of witness

.....
Signature of witness

SIGNED for and on behalf of the

AUSTRALIAN CAPITAL TERRITORY

in the presence of:

.....

Signature of Territory
delegate

.....

Print name of witness

.....

Print name of Territory
delegate

.....

Signature of witness

Pettit, Eliza

From: Friday, 20 September 2013 8:51 AM
Sent: Hobba, Julian
To: RE: skywhale appearance
Subject:

Thanks Julian.

I am not the person in charge of publicity for the festival but I will email our publicity team and get them to run skywhale things past me before releasing and I will send to you.
The Whale Festival will be contributing \$1000 for the Skywhale, are you able to send me an invoice for the payment of this and I will get that done for you.
Are you able to let me know where you will be publicising the Eden visit of the Skywhale?

Thank you.

Regards,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Thursday, 19 September 2013 2:39 PM
To:
Cc:
Subject: RE: skywhale appearance

Hi

Nice to hear from you. There's no problem with you starting to promote the Skywhale appearance on 2 November from the Centenary's point of view.

I'll ask our PR and marketing team to send you a selection of images to use.

It now turns out, is going to be out of the country until mid-November, so unfortunately will not be able to make it to talk about the work. It's a shame.

As a first port of call for information to talk about the work, visit www.theskywhale.com where you will find media kits, artist q&a's and other things. There are also words on there about the Centenary of Canberra and it would be good if you can use those words to help put the work in the context of the Centenary.

Are you able to send me whatever you put together before it goes out so I can check the Centenary acknowledgments?

Thanks for confirming the accommodation for the ballooning crew for the Friday night.

They will also just need about 6 volunteers for the day.

Global Ballooning, or I will get in touch with you about the operational aspects of the appearance. just to confirm that the Centenary will be picking up the tab for the travel of the balloon to and from Eden to Canberra and the appearance fee, and crew meals as included in the recent budget I sent you (but will send again shortly).

Thanks

Julian

From:
Sent: Thursday, 19 September 2013 9:35 AM
To: Hobba, Julian
Subject: RE: skywhale appearance

Hi Julian,
How are things going?
We have accommodation booked for the ballooning crew and [redacted] for the Friday night.
We would like to start really advertising that it will be here, are we able to release that now?
Can you send us some photos and information to include in our publicity campaign?
Have you heard back from [redacted] about the possibility of a talk on the Friday or Saturday?
Can you let us know what publicity you will be doing about the Skywhale at the Eden Whale Festival to ensure that we don't double up or clash on anything.
Thank you

Regards,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Tuesday, 2 July 2013 1:07 PM
To:
Subject: RE: skywhale appearance

Hi Jillian,

That's great, thanks.

You will need 2 x single rooms for the Global Ballooning crew on the night of Friday 1st.

Yep, this is set in stone. Can you wait a couple of weeks and we will make an announcement at the same time? I am lining up a few other flights for the rest of the year and would like to be able to announce them all at the same time.

A talk from [redacted] would be good, but I haven't discussed that with her specifically. Let me email her about it and I'll get back to you.

Cheers
Julian

From:
Sent: Tuesday, 2 July 2013 12:13 PM
To: Hobba, Julian
Subject: RE: skywhale appearance

Hi Julian,
We are able to get the accommodation for both the balloon crew and [redacted] and family. Can you please confirm the nights and number of rooms needed.
Is this now set in stone? When can we announce?
Does [redacted] want to do a talk? What audience and when would be good for her?
Thanks.

Cheers,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Tuesday, 11 June 2013 3:21 PM
To:
Subject: RE: skywhale appearance

Hi

Great all round.

If you were going to try to get flights both days you'd need to budget at least \$3,500 – which is the cost of just putting the balloon up. There may be a couple of hundred dollars also in the crew's meal allowances.

If you decide you want to pursue a second day, I would put you in touch with the operator themselves to come up with a truly accurate figure.

Cheers
Julian

From:
Sent: Wednesday, 5 June 2013 9:35 AM
To: Hobba, Julian
Subject: RE: skywhale appearance

Hi Julian,

That is fantastic news. We are definitely still keen and very excited but we haven't heard about accommodation yet. I will get onto that today.

We will definitely be able to get volunteers to help out. It's a great community here.

I'm sorry if I asked this already but is it possible to have the whale fly on Saturday and Sunday and what would the extra cost be besides the additional accommodation?

Thanks so much for helping to make this happen. It will be very exciting for everyone here.

Cheers,

From: Hobba, Julian [mailto:Julian.Hobba@act.gov.au]
Sent: Tuesday, 4 June 2013 6:32 PM
To:
Cc: Growden, Beverly
Subject: skywhale appearance

Hi/

Robyn and all are keen to go ahead with an appearance of the Skywhale at your festival on 2 November. We'll be able to find the money if you are able to find the volunteers and (if possible) the accommodation we were talking about. But even if you can't find the accomm, we will go ahead, it would just be GREAT GREAT GREAT if you can.

So, given we will be able to fund it, and your team are eager for it to go ahead, it's looking good. I will work on a brief letter of agreement between us over the next week or so.

Our Chief Minister or a member of our team may mention the appearance in upcoming interviews. So please let us know straight away if anything has changed. If it has, please cc my boss Bev, who is in this email, so she can pass that message on quickly.

All the best and speak shortly,
Julian

Julian Hobba | *Program Manager - Arts and Culture*
Centenary of Canberra | Chief Minister and Treasury | ACT Government
Phone: +61 2 6205 9630 | Fax: +61 2 6207 0163 | Mobile: 0403 663 558 | Email: julian.hobba@act.gov.au
Level 4, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | canberra100.com.au

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Pettit, Eliza

From: Robyn Archer
Sent: Wednesday, 15 May 2013 12:53 PM
To: Lasek, Jeremy; Roberts, Susanne; Hobba, Julian
Cc: Stankevicius, Adam
Subject: Re: Skywhale

Yay – book em Julio ! I also make constant reference to Eden in my speeches. There is a connection to our region in that Aboriginal people used to come up here to trade whale product for stuff like Bogong Moth . That's a great story to make the link !

Robyn

On 15/05/13 12:10 PM, "Lasek, Jeremy" <Jeremy.Lasek@act.gov.au> wrote:

All

We should keep a list of these requests...it strengthens our case that Skywhale is indeed loved and in demand!!!

Cheers

(:my

From: Roberts, Susanne
Sent: Wednesday, 15 May 2013 11:58 AM
To: Hobba, Julian
Cc: Lasek, Jeremy
Subject: FW: Skywhale

Hi Julian

Are you looking after requests like this?

Cheers

Susanne

From: /
Sent: Wednesday, 15 May 2013 11:44 AM
To: Roberts, Susanne
Subject: Skywhale

Good morning Susanne,

I am a coordinator of the Eden Whale Festival and I have seen many pictures and videos of the Skywhale and I thought that it would be a wonderful addition to the festival which is being held on the 3rd of November. Is the Sky whale available on that date and is there a cost involved in having it?

Thank you for your help and I hope to hear from you soon.

Regards,

Sapphire Coast Marine Discovery Centre