

Portfolio Committee No.4

Museums and galleries in New South Wales

First report

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Table of contents

	Terms of reference	v
	Committee details	vi
	Chair's foreword	vii
	Recommendations	viii
	Conduct of inquiry	x
Chapter 1	The value and governance of cultural institutions	1
	Cultural institutions in New South Wales	1
	The value of cultural institutions	3
	Policy and funding for the arts and cultural sector	5
	Key strategies and policies	5
	Funding	8
	The impact of council amalgamations on funding	11
	Entering the digital domain	12
Chapter 2	Relocating the Powerhouse Museum to Parramatta	15
	The relocation decision	15
	The announcement and business cases	15
	The project teams	18
	The Board of Trustee's perspective	19
	Logistics and costs of relocation	21
	Location and size of the riverbank site	23
	Support for the move	25
	Objections to the move	28
	The future of the Ultimo site	30
	Alternative proposals for Western Sydney	31
Chapter 3	Regional cultural institutions and Aboriginal art and culture	39
	Regional museums and galleries	39
	Issues affecting the operation of regional galleries and museums	40
	Lack of inclusion in strategic policy frameworks	40
	Access to funding	42
	Maintenance and infrastructure	47
	Difficulties accessing state collections	48
	Challenge of attracting volunteers	51
	Aboriginal art and culture	52

Appendix 1	Advice from the Clerk of the Parliaments, dated 27 February 2017	55
Appendix 2	Advice from the Clerk of the Parliaments, dated 28 March 2017	59
Appendix 3	Submission list	62
Appendix 4	Witnesses	67
Appendix 5	Minutes	70

Terms of reference

1. That Portfolio Committee No. 4 – Legal Affairs inquire into and report on the performance or effectiveness of the NSW Government agencies responsible for the organisation, structure and funding of museums and galleries in New South Wales, and in particular:
 - a) NSW government policy, funding and support for museums and galleries, museum and gallery buildings and heritage collections, including volunteer managed museums and museums managed by councils
 - b) potential funding impacts on museums and galleries affected by council amalgamations
 - c) opportunities to revitalise the structure, reach, and impact of museums and galleries, and their research and collecting priorities
 - d) access to the collections of the Museum of Applied Arts and Sciences, the Australian Museum and any other state collections held in trust for the people of New South Wales, and programs that promote physical and online access
 - e) the sale of the Powerhouse Museum site in Ultimo and its proposed move to Parramatta, and whether there are alternative strategies to support museum development
 - f) the development and transparency of advice to the government on priorities for NSW museums and galleries
 - g) the impact of the efficiency dividend on the budgets of museums and galleries over the last 10 years, and funding levels compared to other states
 - h) the economic impact of museums and galleries on cultural tourism, and their role in supporting the visitor economy in Sydney and regional New South Wales
 - i) any other related matter.
2. That the committee report by 1 March 2018.¹

The terms of reference were self-referred by the committee on 23 June 2016.²

¹ The original reporting date was 24 November 2016 (*Minutes*, Legislative Council, 23 June 2016, p 1005). The reporting date was later extended to 23 February 2017 (*Minutes*, Legislative Council, 15 November 2016, p 1297), then to 30 March 2017 (*Minutes*, Legislative Council, 17 November 2016, p 1362), then to 30 April 2017 (*Minutes*, Legislative Council, 9 March 2017, p 1454), then to 15 June 2017 (*Minutes*, Legislative Council, 30 March 2017, p 1503), then to 25 August 2017 (*Minutes*, Legislative Council, 31 May 2017, p 1683) then to 30 November 2017 (*Minutes*, Legislative Council, 9 August 2017, p 1835) and then to 1 March 2018 (*Minutes*, Legislative Council, 13 September 2017, p 1884).

² *Minutes*, NSW Legislative Council, 23 June 2016, p 1005.

Committee details

Committee members

The Hon Robert Borsak MLC	The Shooters, Fishers and Farmers Party	<i>Chair</i>
Mr David Shoebridge MLC	The Greens	<i>Deputy Chair</i>
The Hon Scott Farlow MLC*	Liberal Party	
The Hon Ben Franklin MLC*	The Nationals	
The Hon Shayne Mallard MLC*	Liberal Party	
The Hon Shaoquett Moselmane MLC	Australian Labor Party	
The Hon Walt Secord MLC*	Australian Labor Party	

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* The Hon Walt Secord MLC substituted for the Hon Lynda Voltz MLC for the duration of the inquiry.

* The Hon Ben Franklin MLC substituted for the Hon Trevor Khan MLC for the duration of the inquiry.

* The Hon Scott Farlow MLC substituted for the Hon David Clarke MLC for the duration of the inquiry.

* The Hon Shayne Mallard MLC substituted for the Hon Catherine Cusack MLC for the duration of the inquiry.

Chair's foreword

Since the NSW Government's public announcement in February 2015 that the Powerhouse Museum would be relocated from its existing site in Ultimo to Parramatta, the decision has attracted substantial criticism among the arts and cultural sector, as well as the broader community.

The committee has issued this interim report in order for its recommendations to be considered by the Government alongside the final business case relating to the relocation of the Powerhouse Museum.

This poorly informed decision was made before a preliminary business case had even been prepared, details regarding the cost or rationale being released, or a final business case even being completed.

We have therefore recommended that the NSW Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before making its final decision.

The committee has also recommended that the business case consider the establishment of a Museum of Applied Arts and Sciences satellite site in Western Sydney, and that the government consider investing in a cultural precinct proposal for Western Sydney, such as a migration museum or cultural centre, to be identified during a community consultation process.

Also examined during this inquiry were issues affecting regional museums and galleries, particularly funding and access to state collections. The committee found that the level of funding available to regional and rural museums and galleries is minimal and can be difficult to access. Therefore, the committee has recommended that funding grants and programs for projects, capital works, and maintenance in rural and regional museums and galleries be reviewed and expanded; that a minimum percentage of grant and program funding is allocated to rural art and cultural facilities; and that consideration be given to expanding the funds available through the Regional Cultural Fund and making it accessible for specific programs and staffing needs.

Furthermore, the committee believes there could be value in having a dedicated centre for Aboriginal art and culture and/or increased exhibition and accumulation of Aboriginal collections.

The committee intends to produce a final report regarding the Powerhouse Museum relocation in 2018.

I would like to thank all participants of this inquiry for their passionate contributions. I also would like to thank my fellow committee members for their work and commitment to this inquiry, as well as the committee secretariat, for their work in supporting the committee.



Hon Robert Borsak MLC
Committee Chair

Recommendations

- Recommendation 1** 5
That the NSW Government ensure there is an annual event where free entry to all of the state's key cultural institutions is promoted and provided to all members of the public.
- Recommendation 2** 10
That the NSW Government review the cost and benefits of the annual efficiency dividend for art and cultural institutions.
- Recommendation 3** 14
That Create NSW prioritise the digitisation of collections in its policies and frameworks, and explore avenues for further investment in the digitisation of state cultural collections.
- Recommendation 4** 36
That the NSW Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before making its final decision.
- Recommendation 5** 36
That the Premier re-consider her refusal to attend and appear before the inquiry.
- Recommendation 6** 36
That the business case prepared by the NSW Government consider establishing a Museum of Applied Arts and Sciences satellite site in Western Sydney.
- Recommendation 7** 37
That the NSW Government consider investing in a cultural precinct proposal for Western Sydney, such as a migration museum or cultural centre, to be identified during a community consultation process.
- Recommendation 8** 37
That the NSW Government consider a range of other Western Sydney sites for a cultural centre or precinct.
- Recommendation 9** 42
That the Minister for Arts and Create NSW update the *Create in NSW: NSW Arts and Cultural Policy Framework*, to expressly include support and capacity building for regional museums and galleries.

Recommendation 10

47

That Create NSW, in partnership with Museums and Galleries of NSW:

- a) review and expand funding grants and programs for projects, capital works, and maintenance in rural and regional museums and galleries
- b) ensure a minimum percentage of grant and program funding is allocated to rural art and cultural facilities
- c) examine the restrictions on the allocations of the Regional Cultural Fund and investigate expanding the funds availability and making it accessible for specific programs and staffing needs.

Recommendation 11

50

That Create NSW, in partnership with state institutions, introduce a subsidised loans scheme to support regional cultural institutions in acquiring suitable touring exhibitions.

Recommendation 12

51

That Create NSW develop a strategy, in consultation with key stakeholders, to enhance the capacity of regional cultural institutions to undertake digitisation projects.

Recommendation 13

52

That Create NSW collaborate with community managed museums and galleries to develop strategies to recruit and train volunteers, including:

- a) a peer-to-peer best practice training manual for volunteers
- b) a media campaign to promote volunteering at community museums and galleries.

Recommendation 14

54

That the NSW Government:

- a) engage with Aboriginal elders, communities and key stakeholders, to establish how best to capture the history, art and culture of Aboriginal people in New South Wales
- b) identify and invest in opportunities to further promote Aboriginal arts, culture and history in existing cultural institutions
- c) ensure that the management and control of any Aboriginal art and culture centre and its collections be in the hands of the Aboriginal peoples of New South Wales.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 23 June 2016.

The committee received 173 submissions and 34 supplementary submissions.

The committee held eight public hearings: seven at Parliament House in Sydney and one in the Blue Mountains.

The committee also conducted site visits to the Powerhouse Museum in Ultimo, the Lithgow Small Arms Factory, the Lithgow State Mine Heritage Park and Railway, and the Blue Mountains Cultural Centre.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Procedural issues

A number of witnesses who were involved in the preparation of the preliminary business case for the proposed relocation of the Powerhouse Museum from Ultimo to Parramatta appeared before the committee at a public hearing on 17 February 2017.

Most of these witnesses declined to answer certain questions about the preliminary business case on the basis of cabinet confidentiality. Subsequently, the committee sought advice from the Clerk of the Parliaments regarding the power of committees to question witnesses and compel evidence relating to issues subject to claims of cabinet confidentiality, and about how the committee could access relevant documents.

In his advice, the Clerk noted that while the *Egan* cases confirmed the Council's power to order documents subject to claims of public interest immunity and legal professional privilege, they did not settle whether the power extended to cabinet documents. This advice can be found at appendix 1.³ The Clerk offered two options to the committee for seeking the relevant evidence:

- summon the witnesses to a further hearing, and require the witnesses to provide the documents pursuant to section 4 of the *Parliamentary Evidence Act 1901*
- order the relevant documents be tabled in the House under Standing Order 52.

The committee resolved to authorise the Chair, on behalf of the committee, to give notice for an order for papers under SO 52 for all documents related to the preliminary business case for the relocation of the Powerhouse Museum. The Chair gave this notice on 23 May 2017. As of 18 December 2017, the notice has not been moved.

In March 2017, the committee sought further advice from the Clerk of the Parliaments as to whether the committee should pursue the documents related to the preliminary business case via Standing Order 208 (c) *parallel* to seeking them under SO 52. Under SO 208 (c) committees are authorised 'to send for and examine persons, papers, records and things'.

The committee also sought advice on what mechanisms were available to the committee or the House to seek to enforce these orders, in the event the executive refused to provide the documents. The Clerk noted that, given past precedents, it was likely the executive would not provide the documents sought by the committee, either under SO 52 or SO 208. But nevertheless, the Clerk outlined several options

³ Advice, Clerk of the Parliaments to Portfolio Committee No 4 – Legal Affairs, 27 February 2017.

available to the committee, drawing on the steps taken by members and the House in the lead up to the first *Egan* case in the late 1990s. This advice can be found at appendix 2.⁴

This inquiry has been protracted because of the changing nature of the government's proposals for the Powerhouse Museum. With changes of Minister and Premier and confusing public narratives about the reasons for, planning for and commitment to moving the Powerhouse it has been necessary to hold a number of public hearings and to recall a number of key witnesses.

The fact that the government has still been unable to provide a clear business case for moving the Powerhouse means the committee almost certainly require additional hearings in the New Year. To fully comprehend how such a large financial commitment was made, which some estimate at up to \$1.5 billion, which has clear potential to damage the culturally iconic Powerhouse Museum, will likely require additional investigation by the committee.

It is the task of Parliament to hold the executive to account. In that regard it may be necessary to call both the former and current Premiers to identify what, if any, evidence was relied upon before the government of New South Wales made such a decision.

⁴ Advice, Clerk of the Parliaments to Portfolio Committee No. 4 – Legal Affairs, 28 March 2017.

Chapter 1 The value and governance of cultural institutions

This chapter highlights the value of cultural institutions to the state, in addition to outlining current policies, funding and support for museums and galleries.

Cultural institutions in New South Wales

- 1.1 New South Wales has a number of state owned cultural institutions, including the Museum of Applied Arts and Sciences which consists of three venues – the Powerhouse Museum, the Sydney Observatory and the Museums Discovery Centre. Other institutions include the Art Gallery of New South Wales, the Opera House, the Australian Museum, the State Library of New South Wales, and Sydney Living Museums.⁵
- 1.2 These institutions are custodians to over 24 million collection items valued at \$5.3 billion. Access to these extensive collections is broadened through loans and touring exhibitions across New South Wales and Australia and, to a lesser extent, internationally.⁶
- 1.3 Regional New South Wales is also host to a number of important cultural institutions, many of which are not state owned, including the Tweed River Art Gallery and Margaret Olley Art Centre, Newcastle Art Gallery, Western Plains Cultural Centre and Wagga Wagga Gallery, and Temora Aviation Museum. Other cultural institutions include Aboriginal keeping places and centres, such as the Armidale and Region Keeping Place and Cultural Centre and Yarrowarra Aboriginal Cultural Centre.⁷
- 1.4 Since 2012, the NSW Government has prioritised the revitalisation and expansion of key cultural institutions in Sydney through the development of an ‘Arts and Cultural Ribbon’ around Sydney Harbour and the central business district.⁸ It considers that a strong arts and cultural sector would show New South Wales is a ‘desirable place to live, work, visit and invest’.⁹
- 1.5 A 2012 report entitled *Recreation and Arts Baseline*, prepared by PricewaterCoopers for Infrastructure NSW, identified the Powerhouse Museum as forming part of the Arts and Cultural Ribbon around Sydney Harbour and the CBD (see figure 1). The report contended that the configuration of cultural institutions presented an ‘opportunity to continue to target investment in these iconic venues, build on their strengths and promote access to them as part of the visitor economy’.¹⁰

⁵ Sydney Living Museums includes the following properties: Elizabeth Bay House, Elizabeth Farm, Hyde Park Barracks Museum, Justice and Police Museum, Meroogal, The Mint, Museum of Sydney, Rose Seidler House, Rouse Hill House and Farm, Susannah Place Museum, Vacluse House and the Caroline Simpson Library and Research Collection.

⁶ Submission 25, NSW Government, p 4.

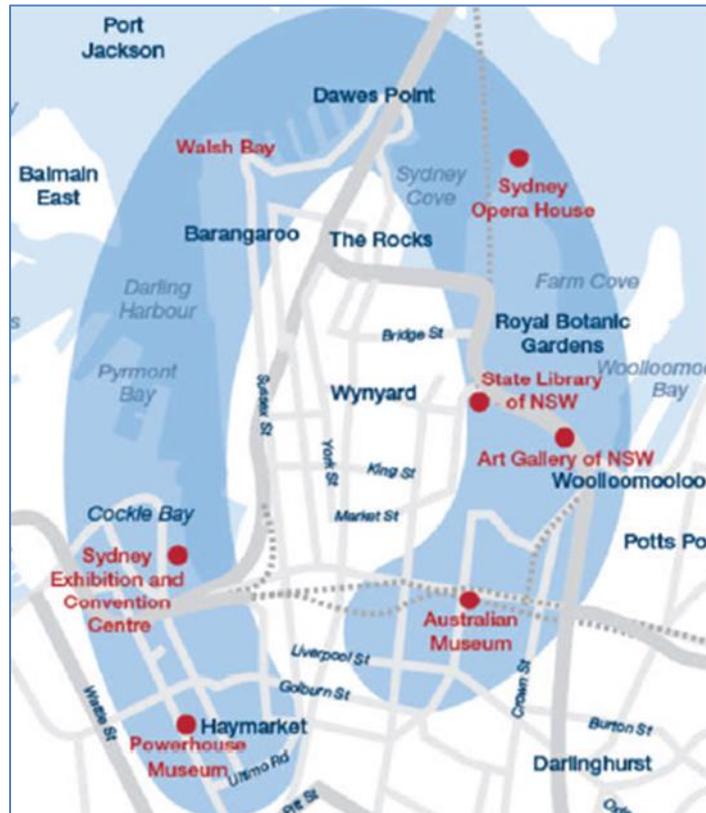
⁷ Create NSW, *Arts in Regional NSW*, <http://www.arts.nsw.gov.au/index.php/arts-in-nsw/arts-in-regional-nsw/>.

⁸ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 120.

⁹ Submission 25, NSW Government, p 8.

¹⁰ Infrastructure NSW, *Recreation and Arts Baseline Report*, 2012, p 12.

Figure 1 Arts and cultural ribbon, Sydney Harbour and CBD¹¹



- 1.6 Since 2014, Infrastructure NSW has outlined that the Arts and Cultural Ribbon would also encompass cultural facilities at Barangaroo and the cluster of institutions in the central business district, from Sydney Harbour down to Liverpool Street, including the Sydney Opera House and Art Gallery of New South Wales (see figure 2). It was also proposed to encompass a newly developed Walsh Bay Arts Precinct.
- 1.7 Despite the inclusion of the Powerhouse Museum as part of the Arts and Cultural Ribbon in the 2012 Pricewaterhouse Coopers report, the 2014 *State Infrastructure Strategy Update* did not include it in the ribbon, as the Powerhouse Museum was deemed to be ‘relatively remote from the proposed CBD cultural precinct’.¹² In this strategy update, it was proposed that the Powerhouse Museum be relocated from Ultimo to Parramatta. This issue is covered in detail in chapter 2.

¹¹ Infrastructure NSW, *Recreation and Arts Baseline Report*, 2012, p 12.

¹² Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 123.

Figure 2 Sydney CBD Cultural Precinct¹³

The value of cultural institutions

- 1.8** Museums and galleries deliver a number of benefits to individuals, communities and the economy, not least of which include the promotion of cultural tourism, which leads to positive economic impacts and strong community identity.
- 1.9** As the Australian Institute for the Conservation of Cultural Materials pointed out, ‘museums and galleries have a strong part to play in both cultural tourism and the development of liveable cities’.¹⁴
- 1.10** This was supported by Sydney Living Museums (Trustees of the Historic Houses Trust) which stated that the economic impact of museums and galleries goes well beyond their contribution to cultural tourism and the visitor economy, as they provide education, entertainment, and urban environments enjoyed by the people of New South Wales.¹⁵
- 1.11** Destination NSW reported in 2015 that New South Wales had received over 11.4 million international and domestic cultural and heritage visitors with nearly 60 per cent of visitors going to museums or galleries.¹⁶ In the same year, cultural and heritage tourism generated \$11.2 billion for the state’s economy.¹⁷

¹³ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 122.

¹⁴ Submission 50, Australian Institute for the Conservation of Cultural Materials, p 6.

¹⁵ Submission 66, Trustees of the Historic Houses Trust, p 3.

¹⁶ Submission 50, Australian Institute for the Conservation of Cultural Materials, p 6.

¹⁷ Submission 25, NSW Government, p 8.

- 1.12** Tourism and Transport Forum Australia asserted that it was important for all levels of government to ‘recognise the economic, social and environmental benefits that stem from development and promotion of cultural, creative and heritage tourism’.¹⁸
- 1.13** It stated that of all international visitors to New South Wales, 65 per cent participate in cultural and heritage tourism, highlighting the importance of cultural tourism in supporting and contributing to the state’s visitor economy.¹⁹
- 1.14** Professor Barney Glover, President of the Board of Trustees, Museum of Applied Arts and Sciences, explained how the museum works closely with Destination NSW to support the state’s visitor economy, through delivering exclusive and world premiere exhibitions and free after hours events. He noted that in 2015/16, the museum saw a 30 per cent year on year increase in visitation with 730,000 visits, while the Powerhouse Museum saw a 35 per cent year on year increase in visitation with nearly 570,000 visits.²⁰
- 1.15** The Council of Australasian Museum Directors, an organisation that brings together the leaders of major museums in Australia and New Zealand, noted however, that New South Wales was one of only two states and/or territories which charge entry fees to state museums, and suggested that the cost for adults to visit is a deterrent. It argued that free entry for everyone would be a ‘game changer’ which would see public visits to institutions such as the Australian Museum and Powerhouse Museum rise dramatically. It also noted that the ‘Free Weekend event’ held at the Australian Museum and Powerhouse Museum in June 2016, where 70,000 people attended, was indicative of the appeal of free entry.²¹
- 1.16** Museums and galleries also contribute to and promote the identity of a community or place by bringing people together, tourists and residents alike. Local Government NSW and Ms Sue Boaden, Cultural Planner, shared similar sentiments about the important role museums and galleries have in building identity and cohesion in local communities: they provide ‘places for meeting, volunteering, participating and expressing and exploring identity and history’,²² and celebrate local identity and contribute to economic wellbeing.²³
- 1.17** Similarly, Mr John Cheeseman, President, Regional and Public Galleries NSW, said that cultural institutions, wherever they were located, were important for the community as they maintained civic functions and hosted a range of cultural events, concerts and performances.²⁴

¹⁸ Submission 110, Tourism & Transport Forum Australia (TTF), p 1.

¹⁹ Submission 110, Tourism & Transport Forum Australia (TTF), p 2.

²⁰ Evidence, Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, 5 September 2016, p 2; Submission 38, Museum of Applied Arts and Sciences, Board of Trustees, p 1.

²¹ Submission 41, Council of Australasian Museum Directors, p 4.

²² Submission 32, Local Government NSW, p 6.

²³ Submission 120, Sue Boaden, Cultural Planner, p 1.

²⁴ Evidence, Mr John Cheeseman, President, Regional and Public Galleries NSW, 6 September 2016, p 14.

- 1.18 Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, was of the view that regional museums and galleries played an important role in communities as ‘wellness contributors’ in terms of contributing to local economies and a communities’ sense of belonging.²⁵

Committee comment

- 1.19 The committee recognises the value of cultural institutions to New South Wales, in both metropolitan and regional areas, and their role in conserving and displaying culturally significant items. Having visited a number of regional and metropolitan based institutions over the years, including the Powerhouse Museum, members of the committee appreciate the importance of conserving some of the most historic and amazing collections that our state has in its custodianship. The committee also recognises the role played by cultural institutions in generating tourism and revenue for the state, and the broader social and environmental benefits that come with it.
- 1.20 The committee supports free entry events to be held annually at cultural institutions like the Powerhouse Museum and the Australian Museum, given this would allow a diverse range of people to be able to visit and experience some of our state’s and the nation’s most prized collections.
- 1.21 Therefore, the committee recommends that the NSW Government ensure that for all of the state’s key cultural institutions, including the Museum of Applied Arts and Sciences, the Opera House, the Australian Museum, and Sydney Living Museums, there be an annual event where free entry is promoted and provided to all members of the public.

Recommendation 1

That the NSW Government ensure there is an annual event where free entry to all of the state’s key cultural institutions is promoted and provided to all members of the public.

Policy and funding for the arts and cultural sector

- 1.22 This section will explore the state’s key strategies and policies in the arts and cultural sector, in addition to funding models.

Key strategies and policies

- 1.23 In September 2011, the Department of Premier and Cabinet released *NSW 2021: A Plan to Make NSW Number One*, which put forward 32 goals to be achieved over 10 years. One of the goals was to enhance cultural, creative, sporting and recreation opportunities, through the

²⁵ Evidence, Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, 6 September 2016, p 69.

development of an arts and cultural policy. This policy set the future direction of the sector, and recognised the sector's central economic role as part of the *Visitor Economy Action Plan*.²⁶

- 1.24** In 2014, Infrastructure NSW released its updated *State Infrastructure Strategy* which included the aim of delivering 'targeted upgrades to the state's cultural, sporting and environmental infrastructure to drive growth in the visitor economy [and] realise the economic and social benefits of strong cultural and sporting sectors'.²⁷
- 1.25** The strategy identified six infrastructure opportunities for the revitalisation of the cultural economy in Sydney and regional New South Wales:
- better investment planning and renewal of arts and cultural assets
 - having a Sydney CBD Cultural Precinct
 - greater access to Indigenous art and culture
 - the development of a new Parramatta Cultural Precinct
 - Western Sydney cultural hubs, and
 - regional hubs and precincts.²⁸
- 1.26** It recommended that the government 'plan for and prioritise investment in a new Parramatta Cultural Precinct, based around the Riverside Theatre Complex, the old David Jones site, Parramatta Stadium and the old Kings School ... [and] urgently consider relocation of the Powerhouse Museum to the Parramatta Cultural Precinct'.²⁹
- 1.27** The strategy also acknowledged the need for renewal of a number of significant cultural assets in the city, including the Opera House, the Art Gallery of NSW, the Powerhouse Museum, the Australian Museum and the State Library of NSW. Infrastructure NSW estimated that such a project would cost at least \$2 billion to bring these assets up to national and international standards.³⁰

²⁶ The Visitor Economy Action Plan is one of six Industry Action Plans developed under *NSW 2021: a Plan to Make NSW Number One*. A Visitor Economy Taskforce established by the government explored ways to achieve Goal 1 of *NSW 2021* 'to improve the performance of the NSW economy' with a target to double overnight visitor expenditure to NSW by 2020. The Taskforce Report was released on 10 August 2012. NSW Government, *NSW 2021: A Plan to Make NSW Number One*, (2011), p 51
http://www.ipc.nsw.gov.au/sites/default/files/file_manager/NSW2021_WEBVERSION.pdf;
 Department of Trade and Investment, *Visitor Economy Industry Action Plan: The NSW Government response to the final report of the visitor economy taskforce*, December 2012, http://www.industry.nsw.gov.au/__data/assets/pdf_file/0007/53683/121218_VE-IAP-Full-version_FINALv2.pdf.

²⁷ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 114.

²⁸ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, pp 114-115.

²⁹ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 114.

³⁰ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 117.

- 1.28** In order to help finance the proposed improvements, Infrastructure NSW recommended \$600 million be reserved from the *Rebuilding NSW: State Infrastructure Strategy 2014* initiative for an Arts and Cultural Infrastructure Program.³¹ Such funding was subject to the release of capital from the leasing of the state's electricity businesses.³²
- 1.29** For regional New South Wales, the strategy recommended that the government 'create regional creative hubs and cultural precincts across the State, including the utilisation of digital infrastructure to drive local and tourist visitation and the innovative use of existing community infrastructure'.³³
- 1.30** In February 2015, the NSW Government launched *Create in NSW: the NSW Arts and Cultural Policy Framework*, a whole-of-government policy framework that focuses on three key regions: Regional New South Wales, Western Sydney, and Metropolitan Sydney.³⁴ It was the first statewide arts and culture policy framework.
- 1.31** The framework aims to guide future strategy, investment and partnerships, to grow a thriving, globally connected arts and cultural sector with and for the people of New South Wales, based on three mutually reinforcing ambitions – excellence, access and strength.³⁵ The framework is a key NSW Government commitment under Goal 27 of *NSW 2021: A Plan to Make NSW Number One*.³⁶
- 1.32** The *Create in NSW: NSW Arts and Cultural Policy Framework* outlines the government's three strategic directions for revitalising the structure, reach, and impact of museums and galleries:
- expanding the arts and cultural facilities available to the people of Western Sydney, including the development of a precinct in Parramatta with the optimal mix of community, cultural and commercial uses
 - taking an active partnership role with local government in regional areas to investigate opportunities for strengthening cultural facilities
 - growing New South Wales' visitor economy, strengthening the creative industries and, through Sydney, positioning the state as a cultural leader in the Asia-Pacific region, underpinned by plans to renew state cultural institutions and maximise arts and culture in major urban redevelopments.³⁷

³¹ Infrastructure NSW *2014 State Infrastructure Strategy Update*, p 117.

³² Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework*, (2015) p 47.

³³ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 115.

³⁴ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework* (2015), p 14.

³⁵ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework* (2015), p 7.

³⁶ Create NSW, *The development of the NSW Arts and Cultural Policy Framework*, <http://www.arts.nsw.gov.au/index.php/arts-in-nsw/create-in-nsw/nsw-arts-and-cultural-policy/>.

³⁷ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework*, (2015) p 47.

Funding

- 1.33** The NSW Government provides funding to museums and galleries across the state, including state owned cultural institutions, volunteer-managed museums, council operated museums, and service organisations.³⁸ In the three year period between 2012/13 to 2015/16, Create NSW (formerly Arts NSW)³⁹ provided over \$8.35 million in direct program and project funding to galleries and museums across the state.⁴⁰
- 1.34** Create NSW offers seven funding categories to regional and metropolitan museums and galleries through the *Arts and Cultural Development Program*, including state significant organisation funding, multi-year program funding, the devolved funding program to Museums and Galleries of NSW, annual program funding, arts and cultural project funding, regional capital funding, and regional partnerships funding.⁴¹ It also provides additional funding to the Regional Arts Network, the peak body that supports arts and cultural development in regional New South Wales. Over the past four years, \$11.1 million has been provided to the Regional Arts Network.⁴²
- 1.35** The committee heard that for many cultural institutions, funding arrangements have been affected by the need to deliver efficiency dividends.⁴³
- 1.36** The NSW Government's annual efficiency dividend of 1.5 per cent is applicable to all government departments including state owned cultural institutions. According to the government, a number of institutions have 'undertaken organisational reviews and workforce planning processes to ensure long term sustainability and maximise efficiency'.⁴⁴ The NSW Government pointed out that an efficiency dividend is not unique to New South Wales, as the Commonwealth has imposed an efficiency dividend on national cultural institutions since 1987.⁴⁵
- 1.37** A number of inquiry participants argued that the impact of efficiency dividends was negative for cultural institutions. Only one participant, Mr Michael Rose, Chair of Trustees, Historic Houses Trust of NSW, considered there had been positive outcomes of the dividend for his organisation.

³⁸ Submission 25, NSW Government, p 1.

³⁹ As of 1 April 2017, Arts NSW was amalgamated with Screen NSW, to form the agency called Create NSW, <http://www.create.nsw.gov.au/about-us/create-nsw/>

⁴⁰ Submission 25, NSW Government, p 1.

⁴¹ Answers to questions on notice, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 12 December 2016, pp 4-6.

⁴² Submission 25, NSW Government, p 1.

⁴³ Parliament of Australia, *The Commonwealth efficiency dividend: an overview* (2012), p 2.

⁴⁴ Submission 25, NSW Government, p 8.

⁴⁵ Submission 25, NSW Government, p 8.

- 1.38** Mr Rose said that the imposition of an efficiency dividend had been an impetus for change, making the Trust ‘better at what we do’ through restructures. He explained there had been a noticeable improvement in costs and expenditure, attendance, philanthropic interest and sponsorship numbers.⁴⁶
- 1.39** The Historic Houses Trust, which operates as Sydney Living Museums, felt that a continued focus on efficiency was essential for the long term health and competitiveness of the state’s cultural and heritage institutions, although it acknowledged that the ‘way in which the efficiency dividend operates also has a number of negative and unintended consequences’.⁴⁷
- 1.40** Due to the efficiency dividend, Sydney Living Museums has been unable to build a revenue base, in addition to experiencing restrictions in terms of its reach, programs and exhibitions. It suggested that the efficiency dividend be amended so as to ‘ensure that it does not inhibit necessary investment and innovation or undermine excellence’.⁴⁸
- 1.41** Other inquiry participants strongly opposed any efficiency dividend. Professor Glover was of the opinion that efficiency dividends, ‘wherever they apply at any layer of government, are very challenging to the organisations that endure them’. He suggested that the government should reconsider applying the efficiency dividend to cultural institutions as ‘it is very challenging to continue to manage museums, or any cultural institute—or any public agency, for that matter—when funding is cut in that way’.⁴⁹ The abolition of the efficiency dividend for cultural institutions was supported by several inquiry participants.⁵⁰
- 1.42** Several participants, including the Public Service Association and the Council of Australian Museum Directors, commented that efficiency dividends have a direct impact on staff budgets, such that many museums and galleries had drastically reduced staff numbers over the last 10 years.⁵¹
- 1.43** Museums Galleries Australia contended that efficiency dividends were ‘in essence a compounding cut to operational budgets’, with staff remuneration making up the majority of cultural institutions’ operating costs. The need to find savings within budgets had led to the loss of numerous experienced staff within its organisation, which subsequently impacted on other facets of the institution such as services and activities.⁵²

⁴⁶ Evidence, Mr Michael Rose, Chair of Trustees, Historic Houses Trust of NSW, 6 September 2016, p 4.

⁴⁷ Submission 66, Trustees of the Historic Houses Trust, p 3.

⁴⁸ Submission 66, Trustees of the Historic Houses Trust, p 3.

⁴⁹ Evidence, Professor Glover, 5 September 2016, p 14.

⁵⁰ See, Submission 41, Council of Australasian Museum Directors, p 2; Submission 132, Dr Desmond Griffin, p 21; Submission 27, Engineers Australia NSW Division - Engineering Heritage Sydney, pp 5-6; Supplementary submission 149c, Ms Kylie Winkworth, p 6; Evidence, Professor Glover, 5 September 2016, p 14.

⁵¹ See, Submission 37, Public Service Association, p 5; Supplementary submission 149c, Ms Kylie Winkworth, p 6; Submission 132, Dr Desmond Griffin, pp 18-19; Submission 41, Council of Australasian Museum Directors, p 7.

⁵² Submission 42, Museums Galleries Australia, p 9.

- 1.44 Similarly, the Council of Australasian Museum Directors, which works to enhance and promote museums and the collecting sector in the Australasian region, suggested that efficiency dividends negatively impact museums, contributing to lower visitor numbers, an inability to move ahead with digitisation and education programs, and decreased access for regional and online visitors.⁵³ It acknowledged that ‘museums have worked hard to find new funding from sources other than appropriation [but that] there is a limit to how much work can be undertaken seeking additional funds before it impacts on museum core roles’.⁵⁴
- 1.45 The New South Wales division of Engineers Australia argued that small institutions were impacted the most by efficiency dividends, as they lacked the flexibility to choose where savings could be made. It suggested that a reduction in staff and an inability to grow and display collections has led to the ‘opposite effect’ of the efficiency dividend – less efficiency and less ‘ability to effectively provide the services for which they were established’.⁵⁵
- 1.46 This was echoed by the Shoalhaven City Council and Shoalhaven Arts Board which noted the significant effects the dividend had on state cultural institutions in relation to programs for regional institutions:

The reduction in service levels and support for regional institutions is visible, the reduction in touring shows is evident and the cuts to grants and devolved funding programs has had a significant impact on the regional network. As state institutions are forced to cut programs and staff, they focus on their collection and buildings and their support programs and regional commitments are removed.⁵⁶

Committee comment

- 1.47 The committee recognises the challenges posed by annual efficiency dividends on cultural institutions and the impacts these have had on staffing, budgets, services and other operations. While we do not discount that the imposition of an efficiency dividend may lead to positive outcomes in some instances, as the Historic Houses Trust of NSW has in part experienced, the committee accepts that overall it is difficult to maintain and enhance cultural institutions in the face of already limited funding being affected by efficiency dividends. We therefore recommend that the NSW Government remove its imposition of an efficiency dividend for art and cultural institutions.

Recommendation 2

That the NSW Government review the cost and benefits of the annual efficiency dividend for art and cultural institutions.

⁵³ Submission 41, Council of Australasian Museum Directors, p 7.

⁵⁴ Submission 41, Council of Australasian Museum Directors, p 7.

⁵⁵ Submission 27, Engineers Australia NSW Division - Engineering Heritage Sydney, p 5.

⁵⁶ Submission 116, Shoalhaven City Council and Shoalhaven Arts Board, p 3.

The impact of council amalgamations on funding

- 1.48** When questioned about the effect of council amalgamations upon funding for museums and galleries, inquiry participants were of the view that it was too early to tell what the impact, if any, would be.⁵⁷
- 1.49** The NSW Government explained that the new Stronger Communities Fund gives newly amalgamated councils access to funding for local cultural and community projects including local galleries and museums. Under the fund, new councils formed from the merging of two councils can access \$10 million, while those formed from the merging of three councils or more can access \$15 million.⁵⁸
- 1.50** Mr John Cheeseman, President, Regional and Public Galleries NSW, said that of his organisation's members, around 25 per cent were affected by council amalgamations. Those affected had raised concerns about the potential impact of mergers on arts infrastructure and advocacy, access to local and state government funding, and arts policy.⁵⁹
- 1.51** Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, said there were concerns that some of the smaller museums might fall between the cracks as a result of being placed in bigger local government areas.⁶⁰
- 1.52** Dr Andrew Simpson, former President and New South Wales Branch Officer of Museums Galleries Australia, said that there was 'a lot of uncertainty' in terms of council amalgamations amongst volunteer community museums, with many relying on networks and in-kind support from council employees.⁶¹
- 1.53** Museums Galleries Australia suggested that council amalgamations presented both an opportunity and a threat to museums and galleries, their staff and their communities. It noted that while larger funding sources could offer greater cultural opportunities there was a chance that regional and community identities could be lost:
- ... economies of scale and larger funding bases for councils offer possibilities for expanded cultural services, [but] there are risks that regional and community distinctiveness as expressed in their local museums and galleries, could disappear either through the retention or expansion of only one institution, or the homogenisation of many organisations into one council management structure.⁶²
- 1.54** The Blue Mountains Cultural Centre raised concerns about the 'competitiveness of smaller councils for funding when larger councils are formed through amalgamations'. It acknowledged that while it had a valuable alliance with Penrith Council and Hawkesbury Council, working together to maintain arts and cultural services, the Blue Mountains was 'lost

⁵⁷ See, Evidence, Mr Cheeseman, 6 September 2016, p 11; Evidence, Mr Rolfe, 6 September 2016, p 63.

⁵⁸ Submission 25, NSW Government, p 2.

⁵⁹ Evidence, Mr Cheeseman, 6 September 2016, p 11.

⁶⁰ Evidence, Mr Rolfe, 6 September 2016, p 70.

⁶¹ Evidence, Dr Andrew Simpson, Immediate past President and New South Wales Branch Officer, Museums Galleries Australia, 6 September 2016, p 42.

⁶² Submission 42, Museums Galleries Australia, pp 4-5.

within the regional boundary of ‘Western Sydney’ and as a result ‘little state government funding had been received to date to support Blue Mountains specific arts projects’.⁶³

Entering the digital domain

1.55 The digital domain offers an important opportunity to significantly enhance access to collections and programming of state cultural institutions.⁶⁴ It also provides an opportunity for cultural institutions to become more relevant in light of technological advances. By digitising collections, the reach of state cultural collections can be increased and access and educational engagement improved.⁶⁵

1.56 Digitising collections can be of significant benefit, particularly given that a number of items in the state collections are fragile and can never be publicly displayed. As the NSW Government noted:

... [the collections are] vast and complex, ranging from simple two dimensional images and text, to delicate three dimensional flora and fauna collections, fragile diaries and unique items which require careful protection. The delicate nature of some items means that they will never be made available for public viewing.⁶⁶

1.57 The NSW Government advised that as of 1 July 2015, over 8 million collection items from state owned cultural institutions had been digitised, of which nearly 4.5 million items were digitally accessible by the public.⁶⁷

1.58 The Minister for Arts, the Hon Don Harwin MLC, suggested there be a greater focus on a coordinated digital strategy for ‘state cultural institutions ... so that they are more accessible by people in regional areas’. The Minister acknowledged that each of the state’s cultural institutions has a digital strategy in place, but suggested there needs to be a more coordinated approach.⁶⁸

1.59 In August 2017, Minister Harwin advised that a Cultural Infrastructure Program Management Office had been established to ‘explore the challenges ahead for digital access for collections and the ongoing need for a statewide approach to our collection storage’.⁶⁹

1.60 Create NSW stated it would ‘investigate the costs and benefits of further developing digital capacity within state cultural institutions and the Museum of Contemporary Art Australia to extend their reach to schools, universities, family historians, researchers, artists and cultural practitioners across New South Wales’.⁷⁰

⁶³ Submission 29, Blue Mountains Cultural Centre - Blue Mountains City Council, p 4.

⁶⁴ Submission 25, NSW Government, p 6.

⁶⁵ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework* (2015), p 29.

⁶⁶ Submission 25, NSW Government, p 6.

⁶⁷ Submission 25, NSW Government, p 6.

⁶⁸ Evidence, The Hon Don Harwin MLC, Minister for the Arts, 6 June 2017, p 12.

⁶⁹ Evidence, The Hon Don Harwin MLC, Minister for the Arts, 29 August 2017, p 13.

⁷⁰ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework* (2015), p 29.

- 1.61** An example of a digitisation project currently underway is the Australian Museum Trust's DigiVol program which has been in operation since 2011. As a world leading digitisation program led by over 1,500 Australian Museum volunteers, it has the mission of digitising the museum's collection of over 18.5 million objects. The program has been extremely successful, with approximately 80,000 specimens digitised each year by museum volunteers, and the DigiVol methodology having been adopted by 22 international leading institutions. Furthermore, in 2015/16, over 4.9 million people accessed the Australian Museum digital collection with over 57 million data downloads of the digital collection material.⁷¹
- 1.62** The Council of Australasian Museum Directors strongly encouraged digitisation, to provide online content for primary and secondary students, develop digital story-telling projects and other creative art programs, and stage 'virtual exhibitions' for remote communities.⁷²
- 1.63** Ms Alex Marsden, National Director, Museums Galleries Australia, told the committee that the organisation had 'been very strongly supporting, pushing, developing and co-leading the galleries, libraries, archives and museums [GLAM] sector' to preserve and digitise collections. While funding is limited, Museums Galleries Australia is in the process of developing a framework, toolkits, support and advice for smaller museums and galleries to enhance digital access.⁷³
- 1.64** Ms Kylie Winkworth, Museum and Heritage Consultant, argued that the current level of digital access to state collections was 'poor, unco-ordinated, and inconsistent'.⁷⁴ She stated that digital access should be a vital, core obligation for state institutions rather than an optional extra. She viewed it as a 'vital equity and access measure for communities in regional New South Wales'.⁷⁵
- 1.65** Ms Winkworth recommended the government establish an interdisciplinary NSW Collections Council, convened by Create NSW, to guide the development of high quality, content rich digital collections. She also said it was important that the government ensure adequate funding and staff for state owned cultural institutions to improve and upgrade online access to their collections.⁷⁶
- 1.66** The success of digitising collections is reliant on technology and support. Museums and Galleries of NSW noted that online access for regional and small-to-medium museums and galleries had been 'negatively impacted by unreliable internet access and the short lifespan and commitment shown to several different national digital collection projects'.⁷⁷

⁷¹ Submission 39, Australian Museum Trust, p 2.

⁷² Submission 41, Council of Australasian Museum Directors, p 5.

⁷³ Evidence, Ms Alex Marsden, National Director, Museums Galleries Australia, 6 September 2016, p 41.

⁷⁴ Supplementary submission 149d, Ms Kylie Winkworth, p 1.

⁷⁵ Supplementary submission 149d, Ms Kylie Winkworth, pp 2-3.

⁷⁶ Supplementary submission 149d, Ms Kylie Winkworth, p 3.

⁷⁷ Submission 35, Museums and Galleries of NSW, p 6.

Committee comment

- 1.67** The committee acknowledges the work of those state cultural institutions that have commenced the task of digitising their collections. We believe digitisation is extremely vital, not only to ensure equity of access to significant cultural items but also to enhance educational engagement. The committee specifically commends the work of the Australian Museum Trust in its ongoing and successful digitisation project, DigiVol.
- 1.68** We encourage all state cultural institutions to continue digitising collections, and urge Create NSW to further invest in developing digital capacity in order to extend its reach to various audiences across New South Wales. Accordingly, the committee recommends that Create NSW prioritise the digitisation of collections in its policies and frameworks, in addition to exploring avenues for further investment in the digitisation of state cultural collections.

Recommendation 3

That Create NSW prioritise the digitisation of collections in its policies and frameworks, and explore avenues for further investment in the digitisation of state cultural collections.

Chapter 2 Relocating the Powerhouse Museum to Parramatta

A key focus of the inquiry was the NSW Government's decision to move the Powerhouse Museum from its existing location in Ultimo to Parramatta. This chapter will explore the context to the proposed relocation and concerns related to the estimated costs of moving the museum, as well as logistics and issues with the proposed new site. It will also present general arguments for and against the move and discuss alternative cultural investment options for Western Sydney.

The relocation decision

2.1 As noted in chapter 1, the Powerhouse Museum, a key venue of the Museum of Applied Arts and Sciences, had until 2014 been considered part of the 'Arts and Cultural Ribbon' around Sydney Harbour and the CBD. The decision to relocate the Powerhouse Museum from Ultimo to Parramatta, however, was part of the Coalition Government's 2015 election commitments to fulfil the recommendation made in the *2014 State Infrastructure Strategy Update*.⁷⁸

The announcement and business cases

2.2 As noted in chapter 1, Infrastructure NSW recommended in its *2014 State Infrastructure Strategy Update* that there be investment in a new Parramatta Cultural Precinct, which could potentially include the relocation of the Powerhouse Museum.⁷⁹

2.3 The report stated that 'a relocated Powerhouse Museum could be a core asset in the Parramatta precinct and a major addition to cultural infrastructure in the west'.⁸⁰

2.4 It also stated that the Powerhouse Museum would require 'significant reconfiguration to remain at its current location and comply with the exhibition and security standards of international and national lending institutions'.⁸¹

2.5 In December 2014, the Powerhouse Museum's Board of Trustees was provided with the first written report about the proposed relocation by the former Director of the Museum of Applied Arts and Sciences, Ms Rose Hiscock.⁸²

2.6 In February 2015, the former Premier, the Hon Mike Baird MP, and then Deputy Premier and Minister for Arts, the Hon Troy Grant MP, formally announced the relocation of the Powerhouse Museum to Parramatta as part of the development of an arts and cultural

⁷⁸ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 114; Evidence, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 5 September 2016, p 18.

⁷⁹ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 114.

⁸⁰ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 117.

⁸¹ Infrastructure NSW, *2014 State Infrastructure Strategy Update*, p 123.

⁸² Answers to questions on notice, Museums of Applied Arts and Sciences Board of Trustees, 27 September 2016, p 1.

precinct in Western Sydney. A media release stated that the move would ‘extend Sydney’s cultural ribbon to Western Sydney’.⁸³

- 2.7** In March 2015, Mr Mark Paterson, then Secretary of the Department of Trade and Investment, attended a Board of Trustees meeting where he outlined the context of the relocation proposal and advised ‘that additional funds would be provided to the museum to undertake feasibility studies that were required for the implementation’.⁸⁴
- 2.8** In September 2015, the Hon Troy Grant MP announced two potential sites for the Powerhouse Museum in Parramatta — the Parramatta Golf Course and the riverbank site (which is commonly known as the old David Jones car park). A preliminary business case for each site was to be prepared to ‘determine the viability and cost of each site and canvass the views of the community before one [option] is chosen’.⁸⁵
- 2.9** The preliminary business case was prepared by a consortium led by KPMG, in accordance with NSW Treasury requirements. The consortium comprised Root Projects Australia, Cox Architecture, Neeson-Murcutt Architects, Urbis, Rider Levett Bucknall and AEA Consulting. Their work concluded in March 2016.⁸⁶
- 2.10** In April 2016, the government announced that the old David Jones car park site on the banks of the Parramatta River was the preferred location for the new Powerhouse Museum, due to its close proximity to public transport and easy accessibility for pedestrians. This was followed by an announcement that Ms Dolla Merrillees, previously the Director Curatorial, Collections and Exhibitions at the museum since 2014, had been appointed as the new Director of the Museum of Applied Arts and Sciences.⁸⁷
- 2.11** The final business case for the relocation is currently being prepared by Johnstaff Projects NSW Pty Ltd, with the project being led by the Department of Planning and Environment.⁸⁸ The government has allocated \$10 million to the development of this business case, with the Department of Planning and Environment spending \$1.6 million on associated project costs since being assigned the project in April 2017.⁸⁹

⁸³ Media release, Hon Mike Baird MP, Premier, ‘Powerhouse powers into Parramatta: \$30 million to grow Western Sydney Arts Precinct’, 26 February 2015.

⁸⁴ Evidence, Mr John Shine, former President, Museum of Applied Arts and Sciences Board of Trustees, 14 November 2016, p 36.

⁸⁵ Media release, Hon Troy Grant MP, Deputy Premier and Minister for the Arts, ‘Sites shortlisted for Parramatta’s Powerhouse’, 9 September 2015.

⁸⁶ Evidence, Mr Graham Brooke, Partner, KPMG, 17 February 2017, p 15; Evidence, Mr Michael Parry, Director, Museum of Applied Arts and Sciences, 17 February 2017, p 21.

⁸⁷ Media release, Hon Troy Grant MP, Deputy Premier and Minister for the Arts, ‘New director for a new era at the Powerhouse’, 11 April 2016.

⁸⁸ The Arts and Culture portfolio has moved from the Department of Justice to the Department of Planning and Environment as a result of the machinery in government changes. Evidence, Mr Craig Limkin, Acting Executive Director, Cultural Infrastructure Program Management Office, Department of Planning and Environment, 6 June 2017, p 19.

⁸⁹ Answers to question on notice, Department of Planning and Environment, 30 June 2017, p 5.

2.12 The current Minister for Arts, the Hon Don Harwin MLC, when he appeared before the committee in June 2017, stated:

The NSW Government is committed to establishing an iconic, vibrant, interactive, world-class institution in Parramatta to further grow and promote an accessible and diverse arts and cultural environment in Western Sydney.⁹⁰

2.13 Minister Harwin also announced a public consultation process which would comprise of two stages: firstly, consultation on what people wanted ‘to see in a new museum in Western Sydney to inform options being considered, [and] secondly, consultation of the project options that emerge from the business case’. Minister Harwin advised the committee that ‘stakeholder meetings, community outreach activities, an online survey, focus groups and a community deliberative forum [would be held] to ensure the new museum meets community needs’.⁹¹

2.14 Phase one of community consultation about the new museum was held from 20 June to 18 August 2017, and ‘reached more than 500,000 individuals and businesses’.⁹²

2.15 Minister Harwin advised that the final business case would expand on options for the new museum at Parramatta and consider the option of keeping all or part of the Ultimo site as cultural space:

In order to deliver the best possible museum for Western Sydney, we need to ensure all possible options are investigated, tested and analysed so we are also getting a good deal for the taxpayer. I have requested that the possibility of retaining part or all of the Ultimo site as cultural space be among them.⁹³

2.16 The Minister noted that ‘large-scale investment projects such as this are subject to an assurance and business case process to enable the Government to thoroughly investigate the costs and benefits of all options’.⁹⁴ Mr Craig Limkin, Acting Executive Director of the Cultural Infrastructure Program Management Office with the Department of Planning and Environment, advised the committee that the process being followed is consistent with Treasury guidelines. He explained the purpose of the final business case:

The final business case documents and defines the project and contains an updated justification for service delivery and service rationale, determines the value for money and demonstrates the agency has the capacity to implement the service. The business case process aims to help agencies choose the best means to satisfy a specific objective and rank competing proposals and enables the Government to prioritise its resource allocation decisions. The business case should and does clearly demonstrate the agency’s capacity to implement the proposal and realise the intended service delivery.⁹⁵

⁹⁰ Evidence, The Hon Don Harwin MLC, Minister for the Arts, 6 June 2017, p 2.

⁹¹ Evidence, Minister Harwin, 6 June 2017, p 6.

⁹² Evidence, The Hon Don Harwin MLC, Minister for the Arts, 29 August 2017, p 14.

⁹³ Evidence, Minister Harwin, 6 June 2017, p 2.

⁹⁴ Evidence, Minister Harwin, 6 June 2017, p 2.

⁹⁵ Evidence, Mr Limkin, 6 June 2017, p 10.

- 2.17** In July 2017, a Heads of Agreement between Parramatta City Council and the NSW Government was signed, denoting the government's commitment to the 'relocation of the Powerhouse Museum or to the establishment of a major new cutting-edge science and innovation museum to be operated by the Museum of Applied Arts and Sciences, which will be its flagship campus'.⁹⁶
- 2.18** However, the final business case needs to be approved before any aspect of the Heads of Agreement can proceed. If the government reneges on the commitment then the Heads of Agreement will lapse and the riverbank site will remain in Parramatta City Council's ownership.⁹⁷
- 2.19** The committee was told that the final business case is likely to be delivered to government by the end of 2017.⁹⁸ The government has stated that the new Powerhouse Museum in Parramatta will open in 2022.⁹⁹

The project teams

- 2.20** The relocation project consists of a layered governance structure with several groups overseeing the process — a Project Steering Committee, a Project Control Group and an Advisory Panel.¹⁰⁰
- 2.21** The Project Steering Committee is made up of representatives from the Department of Planning and Environment, Museum of Applied Arts and Sciences, Museum of Applied Arts and Sciences Board of Trustees, Treasury NSW and Premier and Cabinet.¹⁰¹ It has numerous responsibilities relating to the relocation project such as:
- ensuring that the development of the museum and the arts and cultural precinct in Parramatta meets overarching NSW Government objectives
 - ensuring that the project is integrated with broader Parramatta developments from the state government, local government and private sector
 - ensuring compliance with NSW Government legislation, policy and guidelines including those associated with financial management, risk management, procurement, reporting and business case requirements
 - reviewing, updating and reporting on project performance, and
 - identifying where additional funds may be required and ensure appropriate processes for securing such funds are commenced.¹⁰²

⁹⁶ Evidence, Ms Amanda Chadwick, Administrator, Parramatta City Council, 29 August 2017, p 11.

⁹⁷ Evidence, Ms Chadwick, 29 August 2017, p 5.

⁹⁸ *Hansard*, NSW Legislative Council, 2 May 2017, p 14 (Don Harwin).

⁹⁹ Evidence, Minister Harwin, 6 June 2017, p 3.

¹⁰⁰ Answers to questions on notice, Department of Planning and Environment, 30 June 2017, p 3.

¹⁰¹ Answers to questions on notice, Department of Planning and Environment, 30 June 2017, p 3.

¹⁰² Answers to questions on notice, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 28 September 2016, p 4.

- 2.22** The Project Steering Committee is supported by a Project Control Group which ‘ensures compliance with the project work plan and budget’, makes recommendations and implements decisions of the Project Steering Committee.¹⁰³ This group consists of a number of representatives from various agencies including Infrastructure NSW, NSW Treasury, the Department of Industry and the Museum of Applied Arts and Sciences. The group also includes the Director of Elton Consulting, the government architect and an independent advisor.¹⁰⁴
- 2.23** Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, advised that Property NSW also conducts separate Project Control Groups on a monthly basis for Ultimo in relation to its valuation and divestment strategy, and Parramatta in relation to acquisition advisory services.¹⁰⁵

The Board of Trustee’s perspective

- 2.24** Under the *Museum of Applied Arts and Sciences Act (No 31) 1945*, trustees are ‘subject to the control and direction of the Minister’ and have the responsibility of fulfilling the ‘objects and purposes of the Act’.¹⁰⁶
- 2.25** According to Ms Torres, the Museum of Applied Arts and Sciences Board of Trustees is acting in accordance with its obligations in relation to the government’s decision to relocate the Powerhouse Museum.¹⁰⁷
- 2.26** This was supported by Mr John Shine, former President, Museum of Applied Arts and Sciences Board of Trustees, who reminded the committee that the Board of Trustees, under the Act, is advisory to the government:

We are not there to act independently of government; we are there as a trust to advise government on the best way to protect the assets ... of the collection and the museum for the people of New South Wales.¹⁰⁸

- 2.27** Mr Shine said that during his tenure as President, from 2012 to 2016, the members of the trust had ‘questioned carefully, listened carefully and then embraced, subject to all of the caveats that we had to have’ the proposal to relocate the Powerhouse to Parramatta. Concerns that the trust had at the time about the relocation such as the size of the proposed sites, logistics of the move, the demographic of visitors, and access to the museum, were to be detailed in the two business cases before Cabinet.¹⁰⁹

¹⁰³ Answers to questions on notice, Ms Samantha Torres, p 5.

¹⁰⁴ Answers to questions on notice, Department of Planning and Environment, 30 June 2017, p 3.

¹⁰⁵ Answers to questions on notice, Ms Samantha Torres, p 5.

¹⁰⁶ *Museum of Applied Arts and Sciences Act (No 31) 1945* s 3.

¹⁰⁷ Evidence, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 14 November 2016, p 2; *Museum of Applied Arts and Sciences Act (No 31) 1945* s 3.

¹⁰⁸ Evidence, Mr Shine, 14 November 2016, p 41.

¹⁰⁹ Evidence, Mr Shine, 14 November 2016, pp 38-39.

2.28 Professor Barney Glover, current President of the Board of Trustees, Museum of Applied Arts and Sciences, provided the trust's current perspective on the move, being that the relocation of the Powerhouse Museum would provide an opportunity to develop a world class institution:

The trust recognises the unique opportunity presented by the proposed relocation of the Powerhouse Museum to Parramatta. It is committed to the development of a state of the art, iconic and world class cultural institution that provides audiences across New South Wales, Australia and the world with excellent physical and digital experiences, as well as optimum access to the museum's remarkable collections.¹¹⁰

2.29 Professor Glover noted that the Board of Trustee's support for the relocation proposal was contingent on the following factors:

- that the new site is fit for purpose and appropriate to the construction of the museum
- that the requisite capital and operational funding is provided to build an iconic museum of the future
- that the remit of the museum to provide access to the collection for the long-term is achievable.¹¹¹

2.30 These caveats were stressed in a letter from Professor Glover to then Minister for Arts and Deputy Premier, the Hon Troy Grant MP, dated 1 September 2016, which stated it was a 'critical time to ensure that the Trustees' expectations for the project are clear'.¹¹²

2.31 The Board of Trustees also believed that the new museum in Parramatta should stand alone on the site, with only minor commercial activity such as cafes and a gift shop complementing the museum, as is currently the case in Ultimo.¹¹³

2.32 Professor Glover was confident that the relocation of the museum to Parramatta, as a growing part of Sydney's population, would lead to increased visitation figures.¹¹⁴ Ms Merrillees agreed with this view, suggesting that there is no reason for the museum's audience not to continue to grow, regardless of where the museum is located.¹¹⁵ No studies were provided to the committee to support these assertions.

¹¹⁰ Evidence, Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, 5 September 2016, p 2.

¹¹¹ Evidence, Professor Glover, 5 September 2016, pp 7-8.

¹¹² Answers to question on notice, Museum of Applied Arts and Sciences Board of Trustees, 17 November 2016, p 11.

¹¹³ Evidence, Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, 19 October 2016, p 11. The preliminary business case also assessed whether there was capacity on each of the two sites to accommodate undefined other uses. See Evidence, Mr Joe Agius, Director, Cox Architecture, 17 February 2017, p 3.

¹¹⁴ Evidence, Professor Glover, 5 September 2016, p 3.

¹¹⁵ Evidence, Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, 5 September 2016, p 4.

- 2.33** The importance of digital access to the museum's collection was also raised by Ms Merrillees and Professor Glover who stated that 'online is an incredibly important issue, and it is an increasingly important part of our remit'.¹¹⁶
- 2.34** Ms Merrillees suggested that the relocation of the museum to Parramatta was an 'opportunity to closely examine the digitisation of the collection prior to the move', with the museum having recently entered into partnership with the University of Technology, Sydney to pursue 3D scanning of core parts of the collection.¹¹⁷
- 2.35** She stated that 'about 60 to 70 per cent of the collection is digitised. This is an ongoing program for the museum and it is one in which we are actively engaged'.¹¹⁸ Professor Glover added that the move would also give the museum an 'opportunity to rethink the way in which the digital experience manifests itself for visitors to the museum'.¹¹⁹
- 2.36** Digitisation was discussed more broadly in chapter 1.

Logistics and costs of relocation

- 2.37** Many of the details relating to the proposed relocation of the Powerhouse Museum have not been publicly released, which raised significant concerns among inquiry participants, particularly in relation to the costs associated with relocating the museum and the logistics of moving such historic and large collections.
- 2.38** In February 2015, the *Sydney Morning Herald* reported that the government could sell the Powerhouse Museum site in Ultimo for an expected \$200 million, with the sale proceeds going towards the museum's relocation in Parramatta.¹²⁰
- 2.39** The construction and relocation costs for the new museum are expected to be confirmed in the final business case.¹²¹ In a Board of Trustees report dated July 2015, it was estimated that the relocation could cost between \$450 and \$500 million, although it was noted that the costs were difficult to determine until the business case was finalised:

... whilst the funding envelope of \$450 to \$500 million has been estimated in initial quantity surveys, it was not possible to nominate the overall project cost until site selection and a full business case have been completed.¹²²

¹¹⁶ Evidence, Ms Merrillees, 5 September 2016, p 3; Evidence, Professor Glover, 5 September 2016, p 3.

¹¹⁷ Evidence, Ms Merrillees, 5 September 2016, p 3.

¹¹⁸ Evidence, Ms Merrillees, 5 September 2016, p 3.

¹¹⁹ Evidence, Professor Glover, 5 September 2016, p 3.

¹²⁰ Rose Powell, 'Powerhouse Museum site in Ultimo to be sold to developers', *Sydney Morning Herald*, 26 February 2015, <http://www.smh.com.au/nsw/powerhouse-museum-site-in-ultimo-to-be-sold-to-developers-20150226-13pn5o.html>.

¹²¹ *Hansard*, NSW Legislative Council, 2 May 2017, p 14 (Don Harwin).

¹²² Evidence, Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, 19 October 2016, p 12.

- 2.40** When questioned about the cost of the project, Ms Merrillees acknowledged that at this stage no one knew what the final cost would be, with Professor Glover stating the issue of funding was a matter for government.¹²³
- 2.41** However, according to Mr Joe Agius, Director, Cox Architecture, a member of the consortium led by KPMG for the preliminary business case, the estimated construction costs for the new museum are in the order of \$600 million to \$800 million.¹²⁴
- 2.42** A key component of the relocation project expenses are the costs involved in moving the museum's collections. Dr Lindsay Sharp, former Director of the Powerhouse Museum, said that moving the 240,000 objects in the collection from Ultimo to Parramatta would be extremely difficult and would take 'a lot of time and effort and money'. He estimated that the cost to move the objects could be between \$150 million to \$200 million.¹²⁵
- 2.43** Ms Jennifer Sanders, member of the Powerhouse Museum Alliance and former Deputy Director of the Museum of Applied Arts and Sciences, argued there was the 'risk of loss and damage inherent in the documentation, packing, moving and unpacking of around 240,000 items' which would be 'time consuming and labour intensive'. She stated that such a 'massive task cannot be rushed and must be tailored' to ensure the safety of the collection.¹²⁶
- 2.44** Mr Peter Root, Managing Director, Root Projects Australia, advised that in August 2016, his firm was commissioned by the Museum of Applied Arts and Sciences 'to prepare a collection logistics plan focused on the relocation of the museums' collections from Ultimo to Parramatta and to the Castle Hill storage facility. The work conducted on the logistics plan was separate to the work already completed by Root Projects Australia towards the preliminary business case.¹²⁷
- 2.45** Mr Root explained to the committee the process of relocating the museum's expansive collection from Ultimo to Parramatta:
- ... all of those objects will need to be properly assessed by qualified conservators and detailed plans drawn up as to whether they need dismantling and how they would be dismantled. They would all then need to go through a process of treatment ... they then have to be packed, stored, then transported.¹²⁸
- 2.46** The committee heard that the cost implications associated with relocating the museum's exhibitions are unlikely to be any different if the relocation is to a closer site. Professor Glover stated that regardless of whether a museum's collection was being moved 100 metres or 22 kilometres, there would be very similar constraints and challenges.¹²⁹

¹²³ Evidence, Ms Merrillees, 19 October 2016, p 13; Evidence, Professor Glover, 5 September 2016, p 8.

¹²⁴ Evidence, Mr Joe Agius, Director, Cox Architecture, 17 February 2017, p 6.

¹²⁵ Evidence, Dr Lindsay Sharp, former Director, Powerhouse Museum, 6 September 2016, pp 23-24.

¹²⁶ Supplementary submission 142a, Ms Jennifer Sanders, p 3.

¹²⁷ Evidence, Mr Peter Root, Managing Director, Root Projects Australia, 17 February 2017, pp 30-31.

¹²⁸ Evidence, Mr Root, 17 February 2017, p 33.

¹²⁹ Evidence, Professor Glover, 19 October 2016, p 14.

Location and size of the riverbank site

- 2.47** There were two key issues raised during the inquiry about the proposed new riverbank site for the Powerhouse Museum in Parramatta. Firstly, that the site is prone to flooding, and secondly, that the site is significantly smaller than the existing Ultimo site, such that it may not be able to accommodate the existing collections of the museum.
- 2.48** Many individuals and organisations were concerned that the riverbank site in Parramatta is located on a flood plain, with flooding occurring on a regular basis.¹³⁰
- 2.49** Ms Sanders suggested that if the construction of the new Powerhouse went ahead on the flood prone riverbank site it would make the NSW Government a 'laughing stock internationally'. She gave the examples of the Gallery of Modern Art in Brisbane and the Louvre in Paris which had been adversely affected by flooding in recent times.¹³¹
- 2.50** Mr Lionel Glendenning, Architect of Record, Powerhouse Museum, stated that building on the riverbank 'did not make a lot of sense'. He argued that the new museum could not contain a basement as it would be like 'building a concrete boat ... it would simply float up if they prevent the water coming in'.¹³²
- 2.51** Mr Agius, who was involved in preparing parts of the preliminary business case, outlined several constraints on the riverbank site for the construction of the new Powerhouse Museum:
- topography – the site slopes six metres from Phillip Street in the south to the riverbank creating challenges for loading docks and servicing access
 - heritage issues – the presence of Willow Grove, a state heritage listed house and a row of terraces, and
 - flooding – construction will need to be above the one-in-100-year flood level with anything below this level potentially impacted by flooding.¹³³
- 2.52** Despite these concerns, Mr Shine, the former President of the Board of Trustees with the Museum of Applied Arts and Sciences, emphasised that the pros and cons of several proposed sites in Parramatta had been considered by the consultants, and that the Board of Trustees had unanimously supported the government's decision regarding the riverbank site.¹³⁴

¹³⁰ See Submission 11, Mr David Payne; Submission 12, Dr Jesse Adams Steins; Submission 14, Ms Alice Kershaw; Submission 21, Save the Powerhouse Campaign; Submission 30, Greater Western Sydney Heritage Action Group; Submission 76, Name suppressed; Submission 80, Name suppressed; Submission 82, Dr Rebecca Spindler; Submission 114, Mr Allan and Ms Daphne Opferkuch; Submission 117, Mr Jean-Pierre Alexandre; Submission 121, Ms Patricia Johnson; Submission 135, Ms Sandra McEwen; Submission 139, Ms Jane Burns; Submission 142a, Ms Jennifer Sanders; Submission 147, Ms Helen OBoyle; Submission 148, Dr Lindsay Sharp.

¹³¹ Supplementary submission 142a, Ms Jennifer Sanders, p 3.

¹³² Evidence, Mr Lionel Glendenning, Architect of Record, Powerhouse Museum, 6 September 2016, p 22.

¹³³ Evidence, Mr Agius, 17 February 2017, p 7.

¹³⁴ Evidence, Mr Shine, 14 November 2016, p 40.

- 2.53** Ms Torres confirmed that detailed site investigations including flood modelling were being undertaken as part of the final business case. She said the new museum would be designed ‘to mitigate any risk of flooding and with all exhibitions and collections being located above the flood line’.¹³⁵ Minister Harwin also informed the committee that ‘engineering studies were being undertaken to examine the potential for flooding on the riverbank site’.¹³⁶
- 2.54** A number of inquiry participants also expressed concerns about the riverbank site’s ability to house big ticket museum items such as the Locomotive and Train No 1, the first steam locomotive to haul a passenger train in New South Wales; the Catalina flying boat, the aircraft used to traverse the South Pacific Ocean between Australia and South America, and the Bolton and Watt Steam engine, which played a key role in the development of the modern world.¹³⁷
- 2.55** Inquiry participants also argued that the new Parramatta site was too small, such that it would be a downsized version of the current Ultimo museum.¹³⁸
- 2.56** Dr Sharp was of the view that the relocated museum would ‘almost certainly be unable to house and properly present the museum’s massive and culturally critical objects’.¹³⁹ He also suggested it was ironic that the *2014 State Infrastructure Strategy Update* stated the main reason for moving the Powerhouse Museum was because the Ultimo site was ‘constrained and located remotely from other key cultural institutions’, when in reality it was the David Jones carpark site on the banks of the Parramatta River that was constrained and remote.¹⁴⁰
- 2.57** Disagreeing that this was a concern, Ms Merrillees said that the riverbank site was 20,160 square metres (see figure 3), which she stated was ‘comparable’ to the existing Ultimo site of 22,900 square metres (see figure 4).¹⁴¹
- 2.58** Ms Merrillees also said the new site would be able to accommodate 40 per cent more of the collection being on display, as committed by then Premier, the Hon Mike Baird MP, although she acknowledged that the size of the new museum was based on a reconfigured plan and not as an exact reproduction of the museum in its current format.¹⁴²

¹³⁵ Evidence, Ms Torres, 14 November 2016, p 2.

¹³⁶ Evidence, Minister Harwin, 6 June 2017, p 8.

¹³⁷ See Submission 11, Mr David Payne; Submission 114, Mr Allan and Ms Daphne Opferkuch; Submission 44, North Parramatta Residents Action Group Inc; Submission 96, Dr Grace Cochrane; Submission 133, Dr Megan Hicks; Submission 148, Dr Lindsay Sharp.

¹³⁸ See Submission 11, Mr David Payne; Submission 114, Mr Allan and Ms Daphne Opferkuch; Submission 44, North Parramatta Residents Action Group Inc; Submission 96, Dr Grace Cochrane; Submission 118, Mrs Darani Lewers; Submission 133, Dr Megan Hicks; Submission 148, Dr Lindsay Sharp.

¹³⁹ Submission 148, Dr Lindsay Sharp, p 2.

¹⁴⁰ Supplementary submission 148d, Dr Lindsay Sharp, p 4.

¹⁴¹ Evidence, Ms Merrillees, 5 September 2016, p 9; Evidence, Ms Merrillees, 19 October 2016, p 5; Answers to questions on notice, Museum of Applied Arts and Sciences Board of Trustees, 17 November 2016, pp 3-4.

¹⁴² Evidence, Ms Merrillees, 5 September 2016, p 9; Evidence, Ms Merrillees, 19 October 2016, pp 5 and 7.

- 2.59** Ms Merrillees told the committee that a spatial analysis, which was conducted as part of the preliminary business case and which will inform the final business case, took into account the current requirements and spaces of the museum in order to create a ‘state-of-the-art museum for the twenty first century’:

It took into account our gallery spaces. It took into account the volumes that are required, given that we hold large items. It took into account education spaces and venue hire. It took into account a children’s museum. It took into account our whole range of operations.¹⁴³

Support for the move

- 2.60** Only a handful of inquiry participants showed support for the relocation proposal, mostly due to the benefits it would have for Western Sydney.
- 2.61** Mr David Borger, Director, Western Sydney, Sydney Business Chamber, said that for many years there had been complaints about under-investment in cultural infrastructure and cultural funding in Western Sydney.¹⁴⁴
- 2.62** In order to effect change, the Western Sydney Business Chamber worked with Liverpool City Council, Penrith City Council and City of Parramatta Council to ‘gather the evidence and the facts around where the money trail was going and what the region was receiving in return for the taxes that are paid’.¹⁴⁵ A report was prepared for the three councils by Deloitte Access Economics which recommended that the location of the Powerhouse Museum should be Western Sydney. Mr Borger added that because the museum’s collection was an international collection, the museum was not fixed to any particular location.¹⁴⁶
- 2.63** Mr Borger was of the view that a new museum in the geographic centre of Sydney presented new opportunities for the collections:

... a new building in the heart of Parramatta on the banks of the Parramatta River, in the very geographic centre of Sydney is an opportunity to engage with new audiences throughout the region and to present the collection in a modern, up-to-date way that is exciting and interesting, rather than in what I perceive to be the fairly dark, cavernous environment of the current building.¹⁴⁷

¹⁴³ Evidence, Ms Merrillees, 19 October 2016, p 5.

¹⁴⁴ Evidence, Mr David Borger, Director, Western Sydney, Sydney Business Chamber, 6 September 2016, p 47.

¹⁴⁵ Evidence, Mr Borger, 6 September 2016, p 47.

¹⁴⁶ Evidence, Mr Borger, 6 September 2016, p 47.

¹⁴⁷ Evidence, Mr Borger, 6 September 2016, pp 47-48.

Figure 3 Current Ultimo site, total area of approximately 22,900 sqm¹⁴⁸



¹⁴⁸ Answers to questions on notice, Museum of Applied Arts and Sciences Board of Trustees, 17 November 2016, p 3.

Figure 4 Parramatta riverbank site, total area of approximately 20,160 sqm



- 2.64** Ms Liz Ann Macgregor, Director, Museum of Contemporary Art and Cultural Ambassador for Western Sydney, said ‘there was a very strong feeling that Western Sydney ... had not been given a share of the cultural pie’. She argued there was an inequity in funding allocated for arts and culture in Western Sydney compared to state institutions in the city, with just over 5 per cent of funding going to Western Sydney.¹⁴⁹
- 2.65** Ms Macgregor thought it was ‘very unlikely that any government would find ... an additional \$40 million or \$50 million a year in revenue to run a new institution’ in Western Sydney. Therefore, the idea for a state institution to be moved to Western Sydney emerged.¹⁵⁰
- 2.66** Mr Agius commented that Parramatta presented many opportunities for the Powerhouse Museum, including becoming a catalyst for cultural opportunities that could ‘change and transform Parramatta as a strong second central business district ... [and] engender growth and innovation and vibrancy’ to Parramatta and Western Sydney.¹⁵¹

¹⁴⁹ Evidence, Ms Liz Ann Macgregor, Director, Museum of Contemporary Art and Cultural Ambassador for Western Sydney, 5 September 2016, p 28.

¹⁵⁰ Evidence, Ms Macgregor, 5 September 2016, p 28.

¹⁵¹ Evidence, Mr Agius, 17 February 2017, p 7.

- 2.67** The move was also strongly supported by some members of Regional and Public Galleries NSW who viewed the relocation of the Powerhouse Museum to Parramatta as a ‘good thing’ and were open to ‘giving it a go’.¹⁵²
- 2.68** Ms Rebecca Grasso, Director Marketing and City Identity, Parramatta City Council, asserted that having the Museum of Applied Arts and Sciences in Parramatta would allow the museum to ‘re-envision the way ... [it] tells its stories with its collections in a different context’.¹⁵³

Objections to the move

- 2.69** The majority of inquiry participants opposed the relocation of the Powerhouse Museum to Parramatta, for various reasons.
- 2.70** Mr John Cheeseman, President, Regional and Public Galleries NSW, stated that a number of his organisation’s members thought the relocation of the Powerhouse to Parramatta was not in the best interests of the New South Wales cultural sector. He added that some members thought the relocation ‘would take away from the cultural precinct around the existing Powerhouse’.¹⁵⁴
- 2.71** Significant concerns were also raised about the government’s lack of consultation with the sector about the decision to relocate the museum. Mr Frank Howarth, National President, Museums Galleries Australia, noted the ‘widespread concern about the process, or lack of process, in the proposed move’, with his organisation recommending the move be put on hold until a more thorough investigation had taken place. Mr Howarth said there was no evidence of any sort of consultation process with the arts and culture sector or the public about the decision to relocate the Powerhouse.¹⁵⁵
- 2.72** Ms Patricia Johnson, Co-convenor, Save the Powerhouse Campaign, said she was shocked and in disbelief when she found out about the plan to move the Powerhouse to Parramatta in the media. She questioned how such a decision could be made when no community consultation had occurred:

No community—not our community, not the greater Sydney community, not any communities in Parramatta or Western Sydney—no community members have ever been consulted about any aspect of this project.¹⁵⁶

- 2.73** The Save the Powerhouse Campaign suggested that the advice to government to date regarding the relocation of the Powerhouse Museum to Parramatta ‘has been veiled in total secrecy’ with no genuine community consultation.¹⁵⁷

¹⁵² Evidence, Mr John Cheeseman, President, Regional and Public Galleries NSW, 6 September 2016, p 12.

¹⁵³ Evidence, Ms Rebecca Grasso, Director Marketing and City Identity, Parramatta City Council, 29 August 2017, p 7.

¹⁵⁴ Evidence, Mr Cheeseman, 6 September 2016, p 17.

¹⁵⁵ Evidence, Mr Frank Howarth, National President, Museums Galleries Australia, 6 September 2016, pp 37 and 39.

¹⁵⁶ Evidence, Ms Patricia Johnson, Co-convenor, Save the Powerhouse Campaign, 5 September 2016, p 40.

- 2.74** Likewise, the Engineers Australia NSW Division said there was no transparency in advice to government about priorities for museums and galleries, or how and what decisions were being made, leaving the public ‘in the dark about these matters’. In regards to the government’s consultation efforts, Engineers Australia NSW Division stated such ‘efforts are seen merely as subterfuges for soothing the public’s disquiet and its concern for potential impacts on the things it cherishes’.¹⁵⁸
- 2.75** Dr Sharp perceived the relocation of the Powerhouse as being of poor value and poorly managed, with no effective community consultation having taken place.¹⁵⁹ While he welcomed a new cultural facility in Western Sydney that was desired by the community and the area’s demands and needs, he did not think it should be at the cost of simply placing a smaller version of an existing institution in the centre of Parramatta.¹⁶⁰
- 2.76** Ms Kylie Winkworth, Museum and Heritage Consultant, argued that the relocation was ‘wasteful, costly, unnecessary and reckless’ with no major state museum ever being moved ‘out of the city to a less accessible location in a smaller building’. She explained that opponents of the relocation of the Powerhouse Museum supported the idea of a great new museum in Parramatta, and the sharing of the state’s collections, but did not support the ‘reckless demolition’ of a major public museum.¹⁶¹
- 2.77** However, Ms Torres questioned how much of the concern voiced by opponents was about the reuse of the Ultimo site rather than the relocation of the museum itself: ‘What is not clear to me yet is how much of the concern is about the Museum of Applied Arts and Sciences itself and how much is about the reuse of the site once the museum is moved’.¹⁶²

Public reactions to the relocation proposal

The majority of inquiry participants opposed the relocation of the Powerhouse Museum from Ultimo to Parramatta.

- ‘If the Powerhouse Museum is moved it will no longer be the ‘Powerhouse’ Museum - just another building holding exhibits from another place with no ‘roots’ in the new location’.¹⁶³
- ‘I think the Power House Museum should remain where it is at Ultimo. It is more centralized. Easy for those to get there. Compared ... [to] Parramatta [which] is most awkward and ... out of the way’.¹⁶⁴
- ‘Potential visitors would put it in the too hard basket’.¹⁶⁵
- ‘It doesn’t make sense to close a unique community resource in the inner city and substitute it

¹⁵⁷ Submission 21, Save the Powerhouse Campaign, p 6.

¹⁵⁸ Submission 27, Engineers Australia NSW Division – Engineering Heritage Sydney, p 5.

¹⁵⁹ Submission 148, Dr Lindsay Sharp, p 4.

¹⁶⁰ Submission 148, Dr Lindsay Sharp, p 7; Supplementary submission 148b, Dr Lindsay Sharp, p 4.

¹⁶¹ Submission 149, Ms Kylie Winkworth, pp 1 and 4.

¹⁶² Evidence, Ms Torres, 14 November 2016, p 2.

¹⁶³ Variations to Pro forma B, Bernice Melville #30.

¹⁶⁴ Variations to Pro forma B, Paul Vonwiller #74.

¹⁶⁵ Variations to Pro forma B, Annette Percy #8.

with a newly built substitute inaccessible to travellers and the current communities served by the Powerhouse. Build whatever is required in Parramatta but not at the loss of the wonderful historically significant Powerhouse Museum. You could sell off the Opera House and move it to the west if you applied the logic of the Baird government to it'.¹⁶⁶

- 'The proposed new location at Parramatta is quite unsuitable. There is no historical context with the proposed site or precinct, it is difficult to access by public transport, it is flood prone and the site is too small for anything but a token museum "shopfront". The costs of relocation would far outweigh any possible benefits'.¹⁶⁷
- 'I merely wish to express my disapproval of the selling off the Powerhouse Museum site in Ultimo. The loss of that amazing collection from the heart of the city is absurdly shortsighted and no amount of spin can dress it up'.¹⁶⁸
- 'Please help us stop this cash grabbing exercise. The Powerhouse belongs to Ultimo and Parramatta should have its own museum, but not to the expense of our institution'.¹⁶⁹
- 'Nobody wants to deny Western Sydney the opportunities to have greater and easier access to cultural events and artefacts but this proposed solution is – in one word – silly'.¹⁷⁰

The future of the Ultimo site

- 2.78** Relevant to whether or not the relocation was supported were also concerns about what would happen to the existing Ultimo site. It was feared by some inquiry participants that the Ultimo site would be turned into an apartment block.¹⁷¹
- 2.79** The Museum of Applied Arts and Sciences Board of Trustees advised that the valuation of the land at the Ultimo site, as of 30 April 2015, was \$48 million while the buildings and plant were valued at \$214,873,000.¹⁷²
- 2.80** Ms Merrillees and Ms Torres stated that no decision had been made as to the future of the Ultimo site, with Property NSW conducting a valuation of the site.¹⁷³ This was confirmed by Minister Harwin in May 2017, although he indicated that the NSW Government was contemplating retaining the Ultimo site as some form of cultural space.¹⁷⁴

¹⁶⁶ Variations to Pro forma B, Peter Mitchell #87.

¹⁶⁷ Submission 11, Mr David Payne, p 1.

¹⁶⁸ Submission 72, Name suppressed, p 1.

¹⁶⁹ Submission 92, Mr Herman Terrazzino, p 1.

¹⁷⁰ Submission 141, Mr Trevor Kennedy, p 2.

¹⁷¹ Evidence, Ms Johnson, 5 September 2016, p 41; Submission 68, Mr Keith Johnson, p 1; Submission 109, Ms Wendy Mclean, p 3; Submission 12, Dr Jesse Adams Stein, p 1; Submission 19, Mr Jeffrey Mellefont, p 1; Submission 22, Ultimo Village Voice, p 1.

¹⁷² Answers to questions on notice, Museum of Applied Arts and Sciences Board of Trustees, 27 September 2016, p 3.

¹⁷³ Evidence, Ms Merrillees, 5 September 2016, p 4; Evidence, Ms Torres, 5 September 2016, p 17.

¹⁷⁴ *Hansard*, NSW Legislative Council, 2 May 2017, p 14 (Don Harwin).

2.81 When Minister Harwin appeared before the committee in June 2017 and was questioned about the definition of ‘cultural space’, he replied:

To me that could have a museum usage, it could have a gallery usage, it could be performance space. I am not limiting it but all of those things are cultural uses and therefore cultural space.¹⁷⁵

2.82 As Ms Torres explained to the committee, much of the information regarding the divestment of the Ultimo site was cabinet-in-confidence, although she stated there were a range of options available to government to consider:

The options range from the highest and best use, in terms of government property procedures, right down to retaining current restrictions on the site being used entirely as a museum, and everything in between. It is impossible to pinpoint which one the Government will go with because we have not finalised the work on that.¹⁷⁶

2.83 When Minister Harwin was asked, however, as to whether there was still a chance for the Powerhouse site to be turned into a residential, commercial or other private development, he stated ‘the future of the Ultimo site is entirely ... and always has been [part] of the business case process’. The Minister said that he would not ‘pre-empt the finalisation of the business case’.¹⁷⁷

2.84 However, Minister Harwin did confirm that as of 9 October 2017, ‘there has been no formal engagement with property developers in relation to ... development on the [Ultimo] Powerhouse site’.¹⁷⁸

Alternative proposals for Western Sydney

2.85 The proposal to relocate the Powerhouse Museum from Ultimo to Parramatta was based partly on the need for cultural investment in Western Sydney, as outlined in the *2014 State Infrastructure Strategy Update* (discussed at 1.26). However, a number of other proposals have been put forward for a cultural institution to be established in Western Sydney, including a Powerhouse Museum satellite site, an arts and cultural quarter at the Cumberland Hospital Precinct, and a migration museum.

Powerhouse Museum satellite site

2.86 A number of participants were of the opinion that it would make more sense to establish a Powerhouse Museum satellite site in Parramatta which would complement the existing museum in Ultimo and allow a more substantial amount of the state’s collection to be on display.

2.87 The National Trust of Australia supported the proposition of establishing a Powerhouse satellite site in Parramatta, as has occurred with other museums around the world:

¹⁷⁵ Evidence, Minister Harwin, 6 June 2017, p 2.

¹⁷⁶ Evidence, Ms Torres, 14 November 2016, p 4.

¹⁷⁷ Evidence, Minister Harwin, 6 June 2017, p 11.

¹⁷⁸ Answers to questions on notice, The Hon Don Harwin MLC, Minister for the Arts, 9 October 2017, p 1.

Nowhere else in the world are governments moving major museums away from the heart of a major city. Instead they are building satellite museums from the collections of their great museums. The Powerhouse has the collections to create an original new museum for Western Sydney without selling its Ultimo home.¹⁷⁹

2.88 The same point was raised by Ms Sanders who was perplexed as to why the satellite model had not been considered, giving the example of the Tate Museum in London which has three satellites.¹⁸⁰

2.89 The Save the Powerhouse Campaign did not oppose the idea of establishing a satellite site of the Museum of Applied Arts and Sciences in Parramatta, provided the main museum remained in Ultimo.¹⁸¹ It suggested that several satellite sites could be established due to the expansive collection of the Powerhouse, of which ‘only a small percentage of items are exhibited at any one time’.¹⁸²

Cumberland Hospital Precinct

2.90 Overall, inquiry participants agreed with the need for an arts and cultural sector in Parramatta that reflected the area’s rich history. One idea put forward was that a new cultural centre for Western Sydney should be established at the Cumberland Hospital Precinct, also known as the Fleet Street Precinct, based in North Parramatta. The North Parramatta Residents Action Group suggested that the 30 hectare precinct could be a cultural hub for Western Sydney.¹⁸³

2.91 The precinct holds significant value for the community, with numerous sites of historical importance for Indigenous and non-Indigenous communities. This includes sites such as sacred Indigenous sites, Captain Arthur Phillip’s first landing and camping grounds in Parramatta, the Female Factory, early Colonial and post-Colonial buildings, and countless archaeological relics (both Indigenous and European) that have not yet been catalogued or safeguarded.¹⁸⁴

2.92 Ms Suzette Meade, President, North Parramatta Residents Action Group, told the committee that Parramatta had ‘more heritage narratives from Indigenous and colonial history than anywhere else in New South Wales’. She said that Parramatta has its own cultural stories and themes which did not need to be ‘invented or transplanted from another community. ... It is sitting there ready to be exposed to the world’. It was for this reason that Ms Meade suggested that Western Sydney needed and deserved a museum of New South Wales, an indigenous centre for excellence, a museum of migration and an art gallery.¹⁸⁵

2.93 The proposed precinct as envisaged by the North Parramatta Residents Action Group would provide Parramatta with:

¹⁷⁹ Submission 46, National Trust of Australia, p 3.

¹⁸⁰ Submission 142, Ms Jennifer Sanders, p 3.

¹⁸¹ Evidence, Ms Johnson, 5 September 2016, p 43.

¹⁸² Submission 21, Save the Powerhouse Campaign, p 3.

¹⁸³ Evidence, Ms Suzette Meade, President, North Parramatta Residents Action Group, 5 September 2016, p 52.

¹⁸⁴ Supplementary submission 44a, North Parramatta Residents Action Group, pp 5-6.

¹⁸⁵ Evidence, Ms Meade, 5 September 2016, pp 52-53.

- a heritage and museum zone
- a proposed arts and theatre zone
- a mixed accommodation zone
- a unique riverside dining precinct surrounded by established mature plantings and green open space for physical wellbeing
- a starting point for a Cultural Ribbon linking Parramatta to the CBD via Sydney's waterway, with the opportunity to incorporate smaller cultural precincts in future urban renewal precincts at the Bays Precinct and other urban renewal areas along Parramatta River.¹⁸⁶

2.94 The Save the Powerhouse Campaign supported the North Parramatta Residents Actions Group's proposal for the Cumberland Hospital Precinct, describing it as 'excellent' and 'visionary'.¹⁸⁷

A migration museum

2.95 Some inquiry participants proposed that a migration museum should be established in Parramatta, while others thought the NSW Migration Heritage Centre should be revived.¹⁸⁸

2.96 Both Ms Meade and the Professional Historians Association NSW & ACT noted that New South Wales is the only state that does not have a dedicated museum responsible for the collection, documentation and interpretation of migration history.¹⁸⁹

2.97 Ms Meade thought it was unusual for a state which constantly promoted diversity to not invest in this rich and growing narrative.¹⁹⁰

2.98 The Professional Historians Association NSW & ACT commented on the former Migration Heritage Centre, which was 'tasked with collecting and telling the story of New South Wales' rich migrant history'. It contended that the absence of a state migration museum represented both a significant gap as well as an exciting opportunity to deliver one. It recommended that 'a museum dedicated to the history of migration in New South Wales become part of a broader, coherent strategy for museums and history in the state'.¹⁹¹

2.99 Ms Winkworth agreed that a migration museum would be appropriate for Parramatta, considering the cultural diversity of Western Sydney and Sydney in general.¹⁹²

¹⁸⁶ Supplementary submission 44b, North Parramatta Residents Action Group, p 3.

¹⁸⁷ Evidence, Ms Johnson, 5 September 2016, p 43.

¹⁸⁸ Submission 14, Ms Alice Kershaw, p 1; Submission 100, Mr Frank Johnson, p 1; Submission 44, North Parramatta Residents Action Group, p 3.

¹⁸⁹ Evidence, Ms Meade, 5 September 2016, p 52; Submission 61, Professional Historians Association NSW & ACT, p 1.

¹⁹⁰ Evidence, Ms Meade, 5 September 2016, p 52.

¹⁹¹ Submission 61, Professional Historians Association NSW & ACT, pp 1-2.

¹⁹² Submission 149, Ms Kylie Winkworth, p 7.

- 2.100** Likewise, the Board of the Dutch Australian Cultural Centre suggested a migration museum be established instead of or as an annex to a relocated Powerhouse Museum in Parramatta.¹⁹³

Options for Parramatta

A number of individuals commented on alternative proposals to promote and grow the arts and cultural sector in Western Sydney.

- ‘Good idea to build a new museum in Parramatta as a creative partner to the Powerhouse in Ultimo’.¹⁹⁴
- ‘I strongly urge the Government to consider retaining the Powerhouse Museum on its present site, and building a Powerhouse West satellite museum in Parramatta. This is a better use of public funds than the proposed \$460 million extension to the Art Gallery of NSW’.¹⁹⁵
- ‘Leave the Powerhouse Museum where it is and share the exhibits (and others for which there is currently a lack of room) with the new intended museum at Parramatta. Share the cost of admission with both museums and add a ferry ride thus creating a tourist attraction for both Sydney and Parramatta’.¹⁹⁶
- ‘Its collection is large enough to be shared with other ‘satellite’ museums and this should be the preferred model’.¹⁹⁷
- ‘An additional new museum in Parramatta or Penrith could offer additional facilities for displaying the heritage of NSW’.¹⁹⁸
- ‘This process should be about ensuring the west gets a cultural asset – not about taking an existing one from the CBD’.¹⁹⁹
- ‘Parramatta deserves to have a separate branch of the Powerhouse Museum; this would expand the available exhibition space and permit more of the museum’s collection to be on exhibition’.²⁰⁰
- ‘We can do both. Parramatta and Sydney. Go for it’.²⁰¹

Committee comment

- 2.101** The Powerhouse Museum has been a significant cultural institution based at Ultimo since 1988. It houses the Locomotive No. 1, the Boulton and Watt steam engine, and the Catalina flying boat.
- 2.102** Surrounded by historic and educational buildings, and whose roots lie in the former Ultimo Power Station, the Powerhouse Museum underpins the design and technology hub that is

¹⁹³ Submission 13, Dutch Australian Cultural Centre Ltd, p 1.

¹⁹⁴ Variations to Pro forma B, Ms Liz Fell #53.

¹⁹⁵ Variations to Pro forma B, Mr Mark Stiles #72.

¹⁹⁶ Variations to Pro forma B, Mr Robert Alexander #105.

¹⁹⁷ Submission 103, Ms Anne Schofield, p 2.

¹⁹⁸ Variations to Pro forma B, Mr Les Johnston #59.

¹⁹⁹ Submission 147, Ms Helen OBoyle, p 1.

²⁰⁰ Variations to Pro forma B, Leigh Howlett #49.

²⁰¹ Variations to Pro forma B, Mr Ian Cameron #57.

Ultimo. The committee recognises the pleasure, knowledge and wonder the museum imparts to all its visitors, as well as the social and economic benefits it generates for the local community and New South Wales.

- 2.103** The committee is appalled that the decision to relocate the Powerhouse Museum was publicly announced before a preliminary business case had even been prepared for Cabinet. The credibility of the relocation decision has been undermined by the lack of genuine community and sector consultation undertaken in relation to the proposed move, and by the secrecy surrounding the funding, relocation costs and business case itself.
- 2.104** The government's reputation has also not been aided by its recent announcement of a consultation process, given this process commenced after the preparation of both business cases, and well after the commencement of this inquiry.
- 2.105** Without the publication of either the preliminary or final business case, the committee and the public are still unaware of the exact costs and details of the proposed move. Like inquiry participants, the committee questions the rationale for the relocation proposal.
- 2.106** Attempts by this committee to find out more information were met with resistance from witnesses who cited cabinet confidentiality and commercial confidentiality as grounds for declining to answer questions regarding the preliminary and final business cases.
- 2.107** Furthermore, the committee, on numerous occasions, invited the Hon Gladys Berejiklian MP, Premier, to attend a public hearing to give evidence about the decision. However, on each occasion, the committee's invitation was declined. The committee expresses its disappointment that the current Premier Gladys Berejiklian and former Premier Mike Baird refused to appear before the committee to answer questions on the business case and decisions relating to the Powerhouse.
- 2.108** The committee notes that Mr Baird is now a private citizen and will re-issue an invitation for him to appear.
- 2.109** The committee has the following concerns about the government's decision to relocate the Powerhouse Museum to Parramatta:
- the fact that the decision was made without the true costs of the project ever being known
 - the justification for the relocation when the current Ultimo museum is purpose built
 - how the relocation will be managed in order to ensure the protection of such important and historic collections
 - the lack of genuine community consultation in both Ultimo and Parramatta, and
 - how prone the Parramatta riverbank site is to flooding, as well as its insufficient size and inaccessibility to the public.
- 2.110** In the absence of clear evidence justifying the relocation decision, the committee is unable to accept that the relocation of the Powerhouse represents good value for money. While we agree that Western Sydney would benefit from a cultural institution of its own, we cannot see how the social or economic benefits of moving the Powerhouse from its existing site to

Parramatta would outweigh the value of retaining a world renowned cultural institution that contains such important collections in the heart of Sydney.

Recommendation 4

That the NSW Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before making its final decision.

Recommendation 5

That the Premier re-consider her refusal to attend and appear before the inquiry.

- 2.111** The committee believes that it would be more appropriate for a Museum of Applied Arts and Sciences satellite site to be established in Western Sydney which could display items of the collection currently in storage and hold different exhibitions to those at the Ultimo museum.
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Recommendation 6

That the business case prepared by the NSW Government consider establishing a Museum of Applied Arts and Sciences satellite site in Western Sydney.

- 2.112** The government should also consider other options for Western Sydney, for example, building a new and innovative migration museum or Indigenous arts and cultural centre.
- 2.113** The committee suggests that the government conduct extensive public consultation with residents in the west to explore alternatives for cultural investment in the area, and encourages it to do this as part of its existing consultation process.
- 2.114** What could have been a good news story for Sydney, the creation of a new museum in Parramatta, has been bungled by the government. There is a deep sense of affection and support for the Powerhouse Museum. Inevitably part of that strong public support comes from the fact that the Powerhouse Museum is built in, and gives fresh life to, the old Ultimo Powerhouse. Its repurposed industrial form and its proximity to the transport hub at Central Station make it a unique and irreplaceable site for a collection focused on industrial and applied science.
- 2.115** The final cost to government of moving the Powerhouse may be up to \$1.5 billion dollars. Much of this is wasted in the expensive project of moving and repurposing the existing collection. It also comes with the unquantifiable cost of damaging the much loved Powerhouse Museum. Noting that the business case has not been made public, based on the evidence before the committee, spending up to \$1.5 billion to destroy a cultural icon is an act of vandalism by this government.
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Recommendation 7

That the NSW Government consider investing in a cultural precinct proposal for Western Sydney, such as a migration museum or cultural centre, to be identified during a community consultation process.

- 2.116** On the evidence before the committee, any new cultural centre for Western Sydney could be at risk if developed at the riverbank site. In the absence of a business case the committee is not satisfied that this site would be appropriate for any such facility, given how prone it is to flooding, and the fact that any mitigation of these issues would require significant expenditure by the government.
- 2.117** We suggest that the NSW Government consider a range of other Western Sydney sites, including the Cumberland Hospital Precinct, which is rich in history and value.
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Recommendation 8

That the NSW Government consider a range of other Western Sydney sites for a cultural centre or precinct.

Chapter 3 Regional cultural institutions and Aboriginal art and culture

This chapter focuses on issues affecting regional museums and galleries, including funding and access to state collections. It also considers the importance of promoting Aboriginal art and culture.

Regional museums and galleries

- 3.1** There are a significant number of public regional museums and galleries across New South Wales. Create NSW suggested there are 57 public regional galleries, 54 public regional museums, and 290 community operated museums.²⁰² This number may, however, be higher, with Museums and Galleries of NSW estimating that there are 500 small to medium sized museums and galleries in the state, of which 350 are volunteer run museums.²⁰³
- 3.2** According to Destination NSW, in the year ending June 2016, regional New South Wales received 6.3 million cultural and heritage visitors with an estimated spend of \$3.6 million.²⁰⁴
- 3.3** It is important to note the difference between council managed and community managed facilities when discussing regional museums and galleries. The terms ‘regional museum’ and ‘regional gallery’ tend to refer to those that are professionally managed and supported by local government, while community managed museums are predominantly run by volunteers.²⁰⁵
- 3.4** According to Ms Kylie Winkworth, Museum and Heritage Consultant, there is a critical distinction between council managed museums and those managed by the community. She told the committee that council managed regional museums have paid staff and usually secured recurrent funding for museum operations. Examples of regional museums include the Albury Regional Museum, the Museum of the Riverina in Wagga Wagga, the Newcastle Regional Museum, the Tweed Regional Museum and the recently opened Orange Regional Museum.²⁰⁶
- 3.5** In contrast, community or volunteer managed museums, including historical societies, some heritage places, heritage centres, and house museums, are typically only able to access small grants from Museums and Galleries of NSW.²⁰⁷

²⁰² Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework*, (2015) pp 12-13.

²⁰³ Submission 35, Museums and Galleries of NSW p 2.

²⁰⁴ Answers to questions on notice, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 28 September 2016, p 10.

²⁰⁵ Correspondence from Ms Kylie Winkworth, Museum and Heritage Consultant, to secretariat, 15 November 2016.

²⁰⁶ Correspondence from Ms Winkworth to secretariat, 15 November 2016.

²⁰⁷ Correspondence from Ms Winkworth to secretariat, 15 November 2016.

Issues affecting the operation of regional galleries and museums

3.6 Inquiry participants identified a range of issues affecting the operation of both council and community operated regional galleries and museums. The lack of inclusion in strategic policy frameworks was identified to be an issue, as was the lack of appropriate funding being provided to such institutions, which was argued to have significant flow on effects in terms of access to state collections and resourcing. In particular, the committee heard about the challenges faced by regional cultural institutions to invest in and improve infrastructure and facilities, and to attract volunteers.

Lack of inclusion in strategic policy frameworks

3.7 The *Create in NSW: NSW Arts and Cultural Policy Framework* outlines that the NSW Government will ‘collaborat[e] with local governments in regional NSW’, to focus on enhancing and strengthening cultural opportunities such as creative hubs, cultural precincts and cultural facilities.²⁰⁸ However, it is unclear who the specific recipients are of these regional initiatives – council funded institutions and/or community operated museums, or local government.

3.8 Furthermore, the *Create in NSW: NSW Arts and Cultural Policy Framework* does not refer to museums and galleries in rural and/or remote New South Wales.

3.9 The lack of clarity as to how regional museums and galleries are included within existing state policy frameworks, specifically for council funded and/or community operated museums, was highlighted to be an issue during this inquiry.

3.10 Museums Galleries Australia stated that ‘there needs to be a more coherent and equitable policy framework for the development and funding of galleries and museums and the like across the sector, with particular attention to the regional museum and gallery sector in New South Wales’.²⁰⁹

3.11 Ms Alex Marsden, National Director of Museums Galleries Australia, said it was unfortunate and surprising that regional volunteer museums were not mentioned in the state’s policies and programs especially when they were so integral to communities around New South Wales.²¹⁰ She added there was a need for ‘good ...long-term planning’ for big and small museums and galleries, as well as those operated by communities.²¹¹

²⁰⁸ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework* (2015) pp 16 and 47.

²⁰⁹ Evidence, Mr Frank Howarth, National President, Museums Galleries Australia, 6 September 2016, p 37.

²¹⁰ Evidence, Ms Alex Marsden, National Director, Museums Galleries Australia, 6 September 2016, p 43.

²¹¹ Evidence, Ms Marsden, 6 September 2016, p 39.

- 3.12** Several other participants felt that regional museums and galleries were neglected in state policies and funding initiatives. Ms Madeleine Scully, Manager Community Services, Wagga Wagga City Council, expressed the view that arts and culture policy for regional New South Wales required a boost, through greater planning, funding and allocation of resources.²¹²
- 3.13** Ms Debbie Sommers, Volunteer Curator, Port Macquarie Museum, also suggested that museums in regional areas appear to get less attention and funding than regional galleries. She contended there was a 'level of elitism' about regional galleries, with current policies creating a huge disparity between regional galleries and museums.²¹³
- 3.14** Ms Sommers argued that if volunteer-managed museums 'do not advocate for themselves they will continue to be overlooked in New South Wales arts and culture policy and planning'.²¹⁴
- 3.15** In contrast, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, suggested there was no need for a separate policy for regional arts and culture as 'treating regional differently to cities ... create[s] greater division than what there needs to be'. However, she acknowledged that there needed to be greater cooperation between the greater Sydney area and the rest of the state.²¹⁵
- 3.16** The Hon Don Harwin MLC, Minister for Arts, advised that improved support and attention for the arts in regional New South Wales is a key policy priority.²¹⁶ He stated that it was critical for the state to introduce a cultural infrastructure strategy for the regions.²¹⁷
- 3.17** When questioned about the absence of a museum strategy for small to medium museums, predominately community museums, Minister Harwin conceded there was a case for developing a 'proper museum strategy' and that he was looking at the best way of moving forward on these issues.²¹⁸

Committee comment

- 3.18** The committee recognises the important role regional museums and galleries play in generating community cohesion, identity and civic pride. Such institutions also promote cultural tourism while collecting and conserving precious and often priceless artefacts, many that tell the history of local and regional communities.
- 3.19** The committee acknowledges that the current state arts and culture policy, *Create in NSW: NSW Arts and Cultural Policy Framework*, does not provide a clear or specific focus on supporting or working with regional museums and galleries, particularly community operated museums.

²¹² Evidence, Ms Madeleine Scully, Manager Community Services, Wagga Wagga City Council, 14 November 2016, p 14.

²¹³ Evidence, Ms Debbie Sommers, Volunteer Curator, Port Macquarie Museum, 14 November 2016, p 20.

²¹⁴ Evidence, Ms Sommers, 14 November 2016, p 17.

²¹⁵ Evidence, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 14 November 2016, p 7.

²¹⁶ Evidence, The Hon Don Harwin MLC, Minister for the Arts, 6 June 2017, p 12.

²¹⁷ Evidence, Minister Harwin, 6 June 2017, p 21.

²¹⁸ Evidence, Minister Harwin, 6 June 2017, p 13.

- 3.20** We understand the frustration felt by regional museums and galleries who do not believe that their importance and value to the state's art and culture sector are appropriately recognised. Therefore, the committee recommends that the Minister for Arts and Create NSW revise the state arts and culture policy framework, *Create in NSW*, to ensure that it expressly includes support and capacity building for regional museums and galleries.
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Recommendation 9

That the Minister for Arts and Create NSW update the *Create in NSW: NSW Arts and Cultural Policy Framework*, to expressly include support and capacity building for regional museums and galleries.

Access to funding

- 3.21** Funding for both council and community museums and galleries in regional areas was a significant issue raised in this inquiry. While Create NSW outlined the various funding categories on offer to regional institutions, the majority of inquiry participants argued that such funding was restrictive, particularly in terms of operational costs.
- 3.22** Ms Torres advised the committee of a number of funding options available to regional museums and galleries, including:
- regional partnerships funding, which offers up to \$150,000 within a two year period to organisations, regional partnerships and groups based in regional New South Wales for new projects and/or the significant development of a current project
 - regional capital funding of up to \$60,000 (matched funds) for the purchase of equipment used for an arts and cultural purpose, for example, the purchase of equipment to enhance the useability of arts and cultural facilities or capital works such as new construction, alterations or renovations
 - arts and cultural project funding of up to \$60,000 (for one year) and \$75,000 (for two years) for individuals, groups, partnerships and organisations for projects including the commissioning of professional artists to develop work for an event, partnerships to develop arts and culture, and the development and presentation of a new museum display featuring items from current and/or new or borrowed collections
 - volunteer museums and gallery grants from Museums and Galleries of NSW, as part of the Create NSW devolved funding program.²¹⁹
- 3.23** The devolved funding provided by Museum and Galleries NSW to volunteer-managed museums and galleries consists of project development grants of between \$2,500 to \$7,500, and small grants of up to \$2,000.²²⁰

²¹⁹ Answers to questions on notice, Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, 12 December 2016, pp 5-6; Create NSW, *Project funding – Arts and Cultural Projects*, <http://www.arts.nsw.gov.au/index.php/funding-and-support/types-of-funding/project-funding-arts-and-cultural-projects/>.

- 3.24** Create NSW also offers annual and multi-year program funding with the following caveats: that the organisation must be a recipient of either program funding from the previous year; must engage with a minimum of one Arts and Cultural Development Program priority (for multi-year funding); or have at least three Create NSW grants in three of the last five years (for annual program funding).²²¹ Funding for the sector more broadly was discussed in chapter 1.
- 3.25** For those museums and galleries supported by local government, the issue for councils was ensuring a reliable stream of funding from the state government to financially support such facilities.²²²
- 3.26** Local Government NSW suggested that the process for state government grant funding for arts and culture was onerous. It argued it was difficult for councils to invest in future projects when reliable funding from state government was uncertain.²²³
- 3.27** Mr Paul Brinkman, Director, Blue Mountains Cultural Centre, described the current government funding structure for cultural institutions as complicated and confusing. He told the committee of the struggles faced by his council operated centre in receiving Create NSW funding due to the structure and pre-requisites for projects and annual funding:
- Projects funding tends to be the domain of performing arts because it is project-based. Annual funding tends to be the domain of galleries because we are programming one year in advance. So in a way we need to be successful in a sandpit that is not really designed for us to play in before we can then access the grant round to even apply for the sandpit that is for us.²²⁴
- 3.28** Similarly, for community museums, the task of attracting any state or local government funding was argued to be challenging.²²⁵
- 3.29** In July 2016, the Hon Troy Grant MP, then Minister for Arts and Deputy Premier, announced that \$20,000 would be shared amongst 13 community museums under the Volunteer Initiated Grants program for projects that aimed to improve facilities and exhibitions. The Minister acknowledged the vital role community museums play in preserving and exhibiting local history and culture.²²⁶

²²⁰ Museums and Galleries of NSW, *Volunteer Museum Grants*, <https://mgsw.org.au/sector/funding/grants-we-administer/volunteer-museum-grants/small-grants/>.

²²¹ Answers to questions on notice, Ms Torres, 12 December 2016, pp 4-5.

²²² Submission 32, Local Government NSW, p 11.

²²³ Submission 32, Local Government NSW, p 11.

²²⁴ Evidence, Mr Paul Brinkman, Director, Blue Mountains Cultural Centre, 23 September 2016, p 4.

²²⁵ Evidence, Mr Kerry Gurin, Secretary, Lithgow Small Arms Factory Museum, 23 September 2016, p 10; Evidence, Ms Donna White, Custodian, Lithgow Small Arms Factory Museum, 23 September 2016, p 12; Submission 154, Port Macquarie Museum, p 1.

²²⁶ NSW Government, *\$20,000 for small community museum projects* (18 July 2016), <http://www.arts.nsw.gov.au/wp-content/uploads/2016/07/Tab-3-VF16-3007-04-Media-release.pdf>.

- 3.30** This was followed by an announcement in December 2016 of a funding boost of \$46,975 for volunteer museums to ‘assist the upgrading of exhibition and collection resources and strategic planning’.²²⁷
- 3.31** However, the Port Macquarie Museum expressed the view that community managed museums were still at the ‘bottom of the list’ of NSW Government arts and culture funding priorities.²²⁸
- 3.32** Ms Sommers explained that funding issues had been a problem for some time and expressed the view that government policies need to further consider the structure and framework for funding and how workers, both paid and unpaid, are to be supported.²²⁹ She stated that a number of volunteer-managed museums operate with ‘little, if any, financial support from any level of government’.²³⁰
- 3.33** The Port Macquarie Museum was critical of the fact that state government grants for community museums to manage their collections were limited to no more than \$2,000, development grants were no more than \$7,500, and museums were only able to receive one grant under the program per year.²³¹
- 3.34** Mr Kerry Guerin, Secretary, Lithgow Small Arms Factory, said community museums in regional areas across the state were ‘not funded at a level that recognised the importance ... of their collections’.²³²
- 3.35** Ms Kylie Winkworth stated that the funding formula for museums in New South Wales was based on trickle-down economics, with only \$85,000 allocated via devolved funding in 2014/15 to the 300 community museums across the state. Ms Winkworth argued such inadequate funding for community museums left them in a ‘cultural ghetto of poverty and entrenched disadvantage’.²³³
- 3.36** For museums and galleries in rural New South Wales, especially community-operated facilities, the issue of funding was intensified, with the number of funding opportunities appearing to be even less than in regional centres.
- 3.37** The Delegate Progress Association, reflected that ‘[i]n the past we have been unaware of funding opportunities for our galleries and museum’ stating it was crucial that such information was available to all institutions, ‘no matter how small or isolated ... [to] ensure equity in funding allocations’.²³⁴

²²⁷ NSW Government, *Volunteer museums get a helping hand* (6 December 2016), <http://www.arts.nsw.gov.au/wp-content/uploads/2016/12/2016-12-06-Troy-Grant-med-rel-Volunteer-Museums-Get-a-Helping-Hand.pdf>

²²⁸ Submission 154, Port Macquarie Museum, p 2.

²²⁹ Evidence, Ms Sommers, 14 November 2016, p 19.

²³⁰ Evidence, Ms Sommers, 14 November 2016, p 17.

²³¹ Submission 154, Port Macquarie Museum, p 4.

²³² Evidence, Mr Guerin, 23 September 2016, p 10.

²³³ Supplementary submission 149b, Ms Kylie Winkworth, p 1.

²³⁴ Submission 58, Delegate Progress Association, pp 3-4.

- 3.38** The Delegate Progress Association was of the view that the ‘funding structures of government need to better address the needs of [museums and galleries in] isolated small rural communities’.²³⁵
- 3.39** For example, the Border Flywheelers Club in Barham advised that major projects, such as replacing a roof to preserve its collection, was beyond the ‘reach of club funds’, making government grants essential for small cultural organisations to preserve collections ‘for generations to come’.²³⁶
- 3.40** The Bega and District Historical Machinery Club suggested access to a project funding stream based on merit assessment criteria would be beneficial for voluntary organisations undertaking preservation projects.²³⁷
- 3.41** The Millthorpe and District Historical Society and the Great Cobar Heritage Centre/Cobar Shire Council, argued it was ‘vital’ that the current level of access and amount of funding be maintained, if not improved, for community operated museums.²³⁸
- 3.42** Mr Joe Eisenberg OAM, Cultural Director Emeritus, Maitland City Council, argued that regional museums and galleries are the ‘backbone of cultural activities and cultural tourism in regional New South Wales’ and therefore need to be funded and supported appropriately. He was of the view that many of the regional institutions would close, as some have already done, if the government did not do more to assist.²³⁹
- 3.43** Nevertheless, the value of financial support offered through grants by Museums and Galleries of NSW was acknowledged by the City of Greater Lithgow Mining Museum Inc. It appreciated the assistance of the organisation and spoke highly of the valuable grant programs which had helped the museum in improving its capacity and facilities.²⁴⁰
- 3.44** However, the Lithgow Mining Museum was of the view that Museums and Galleries of NSW is currently under-funded, thereby restricting the organisation’s ability to be of greater assistance to the sector. It argued that ‘any loss of capacity in Museums and Galleries of NSW could be potentially catastrophic for small museums across New South Wales’.²⁴¹
- 3.45** In the 2017/18 State Budget the government announced that a \$100 million Regional Cultural Fund would be established, over four years, to ‘address the needs of medium and smaller museums, galleries and collections right across the State’.²⁴² The Minister for Arts, the Hon

²³⁵ Submission 58, Delegate Progress Association, pp 3-4.

²³⁶ Submission 49, Border Flywheelers Club Inc, p 1.

²³⁷ Submission 63, Bega and District Historical Machinery Club Inc, p 1.

²³⁸ Submission 23, Millthorpe & District Historical Society, p 2; Submission 24, the Great Cobar Heritage Centre/Cobar Shire Council, p 2.

²³⁹ Evidence, Mr Joe Eisenberg OAM, Cultural Director Emeritus, Maitland City Council, 14 November 2016, pp 30 and 33.

²⁴⁰ Submission 26, The City of Greater Lithgow Mining Museum Inc, p 2.

²⁴¹ Submission 26, The City of Greater Lithgow Mining Museum Inc, p 2.

²⁴² Evidence, The Hon Don Harwin MLC, Minister for the Arts, 29 August 2017, p 13.

Don Harwin MLC, said that the Regional Cultural Fund would be a ‘massive game changer ... for regional museums, particularly those independently run but also those run by councils’.²⁴³

- 3.46** The fund would allow cultural and artistic activities to be developed, including:
- building new arts and cultural facilities
 - upgrading or refurbishing existing spaces, such as libraries, galleries, theatres, museums and halls
 - re-purposing infrastructure for arts, screen, culture and heritage uses
 - digitising collections to enable wider access for regional communities
 - touring exhibitions
 - providing services that provide distinct experiences to visitors and promote increased participation in creative and cultural activities.²⁴⁴
- 3.47** Minister Harwin informed the committee that applicants will have three categories of funding to choose from based on the size of the project: ‘small-scale projects of up to \$60,000; medium-scale from \$60,000 to \$1 million; and large-scale infrastructure grants of more than \$1 million’.²⁴⁵

Committee comment

- 3.48** The committee notes that while there are certain categories of funding available to rural and regional cultural institutions, it seems that these grants can be onerous or difficult to access. The amounts offered are also quite minimal, making it difficult for such museums and galleries to take on more significant and valuable projects.
- 3.49** Therefore, to enhance the level of support and assistance provided to regional museums and galleries, the committee recommends that Create NSW, together with Museums and Galleries of NSW, review and expand funding grants and programs for projects, capital works, and maintenance.
- 3.50** The committee acknowledges concern in the community that the existing Regional Cultural Fund does not adequately support the funding of programs or staff which are key to the success of regional galleries and cultural institutions. Regional galleries often face many challenges and these are heightened by government funding allocations being quarantined away from the areas of most need.
- 3.51** The committee also understands that museums and galleries in rural communities can often be more disadvantaged than those in regional centres in terms of funding, and we note with concern that rural museums and galleries have been omitted from the government’s art and cultural policy framework.

²⁴³ Evidence, Minister Harwin, 29 August 2017, p 13.

²⁴⁴ NSW Government, Regional Cultural Fund to boost arts in the bush (19 June 2017), <<https://www.nsw.gov.au/news-and-events/news/regional-cultural-fund-to-boost-arts-in-the-bush/>>.

²⁴⁵ Evidence, Minister Harwin, 29 August 2017, p 13.

- 3.52** As stakeholders highlighted, funding for projects and preservation is critical, with many rural community-operated museums and galleries not aware of, finding it difficult to access any level of government funding.
- 3.53** The committee is of the view that inadequate funding options from Create NSW, in addition to the limited pool of funding offered by Museums and Galleries of NSW, greatly hinders the ability of rural museums and galleries to operate, preserve, or expand their collections.
- 3.54** Therefore, to assist museums and galleries in rural communities, the committee recommends that the government allocate a minimum percentage of funding to rural art and cultural facilities.

Recommendation 10

That Create NSW, in partnership with Museums and Galleries of NSW:

- a) review and expand funding grants and programs for projects, capital works, and maintenance in rural and regional museums and galleries
 - b) ensure a minimum percentage of grant and program funding is allocated to rural art and cultural facilities
 - c) examine the restrictions on the allocations of the Regional Cultural Fund and investigate expanding the funds availability and making it accessible for specific programs and staffing needs.
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Maintenance and infrastructure

- 3.55** The committee received evidence that suggested the lack of funding for regional museums and galleries is negatively impacting on those institutions' ability to maintain their infrastructure.
- 3.56** Ms Scully noted that a substantial number of Australia's historical collections are housed in volunteer museums that are distressed and in very poor condition.²⁴⁶
- 3.57** For museums housed in heritage listed buildings, such as the Port Macquarie Museum, collection management and building maintenance present challenges. Port Macquarie Museum submitted that increased funding would help to improve the poor standard of facilities in regional and community museums.²⁴⁷
- 3.58** The Port Macquarie Museum added that because the museum is housed in a two storey building without lift access, sections of the museum are inaccessible to visitors and museum volunteers. Another issue is the fact that constant movement of the collection places it at risk of damage as well as the possibility of injury to volunteers.²⁴⁸

²⁴⁶ Evidence, Ms Scully, 14 November 2016, pp 11-12.

²⁴⁷ Submission 154, Port Macquarie Museum, p 5.

²⁴⁸ Submission 154, Port Macquarie Museum p 5.

- 3.59** To address this, the Port Macquarie Museum recommended a ‘dedicated and appropriately resourced capital infrastructure and maintenance grants program, including an emergency fund, for volunteer and community owned museum buildings’.²⁴⁹
- 3.60** Minister Harwin, when asked whether he would consider an investment in small-scale infrastructure for regional museums and galleries to assist in ameliorating these challenges, replied that he is ‘exploring ways to be able to do that’.²⁵⁰

Difficulties accessing state collections

- 3.61** The committee heard of the value and importance of outreach and touring of state collections in regional areas, particularly in terms of supporting local economies and cultural tourism.
- 3.62** Dr Sally Watterson, Arts and Culture Project Manager, Local Government NSW, commented on the Powerhouse Museum’s ‘amazing touring, travelling and regional services ... [which] has always been incredibly valuable to rural and regional museums’. She also noted that Museums and Galleries of NSW provides support to regional museums to obtain touring exhibitions.²⁵¹
- 3.63** Likewise, Mr Michael Rose, Chair of Trustees, Historic Houses Trust of NSW, told the committee that exhibitions held at the Trust’s Sydney sites often went touring for 12 months or more to regional public galleries or museums with an integrated education program.²⁵²
- 3.64** Mr Rose commented on two approaches for enabling collections to be accessible to those outside of the city: taking the exhibitions to the regions; and bringing people to the city. Mr Rose spoke of the Unlocking Heritage program, where the Trust sets aside funding for ‘low-income schools, schools in low-income areas and schools in remote and regional areas, to bring their students to our exhibitions’. He explained this could be as simple as providing a subsidy for transport to travel to Sydney or the regional centres where the exhibitions were showing.²⁵³
- 3.65** Furthermore, Mr Rose thought that the digitisation of collections was the way forward in providing equitable access to people. He told of the small successes the Trust had had so far with an online education offering for schools.²⁵⁴ Digitisation was discussed more broadly in chapter 1.

²⁴⁹ Evidence, Ms Sommers, 14 November 2016, p 17.

²⁵⁰ Evidence, Minister Harwin, 6 June 2017, p 13.

²⁵¹ Evidence, Dr Sally Watterson, Arts and Culture Project Manager, Local Government NSW, 6 September 2016, p 36.

²⁵² Evidence, Mr Michael Rose, Chair of Trustees, Historic Houses Trust of NSW, 6 September 2016, p 5.

²⁵³ Evidence, Mr Rose, 6 September 2016, p 6.

²⁵⁴ Evidence, Mr Rose, 6 September 2016, p 6.

- 3.66** This view was also shared by the Museum of Applied Arts and Sciences, which advised that digital access to its collections by regional museums and galleries was of particular importance.²⁵⁵
- 3.67** However, inquiry participants advised that touring exhibitions, loan arrangements, and outreach programs were declining as a result of limited resources and funding, for both regional institutions and state institutions which may be experiencing budgetary pressures.
- 3.68** The Blue Mountains Cultural Centre stated that there had been a ‘dramatic decrease’ in the number of touring exhibitions as national and state institutions looked more inward with their operations. It recommended that ‘resources for touring be reinstated or created’ so as to address this issue.²⁵⁶
- 3.69** Ms Scully claimed that state institutions such as the Powerhouse Museum and Sydney Living Museums were retreating from regional New South Wales due to various funding and political reasons.²⁵⁷
- 3.70** Dr Watterson noted that a significant amount of collections would not be available to a majority of the state if they did not move around, therefore demonstrating how important it was to have funding and subsidies in place that supported institutions in regional areas to access exhibitions.²⁵⁸
- 3.71** It was noted that the fees associated with borrowing items from state collections was sometimes a hindrance to regional museums and galleries, due to their limited budget for such projects. The Blue Mountains Cultural Centre submitted that access to the state’s collections could be optimised by ‘reducing the loan fees and resourcing state institutions with appropriate staff to both promote and facilitate the loaning of pieces to regional institutions’.²⁵⁹
- 3.72** Regional and Public Galleries NSW and Local Government NSW expressed the view that appropriate funding and tailored touring programs should be considered.²⁶⁰
- 3.73** The Australian Institute for the Conservation of Cultural Materials suggested that state institutions could enhance touring exhibitions and collections loans for regional institutions by adding opportunities for conservators to ‘piggyback’ regional visits. This would allow opportunities for ‘regional training sessions, consultations about the conservation needs of key collection items or assessments of museum environments/storage needs’ and so on. Although, it noted that this could only be achieved if adequate funding and resources were made available.²⁶¹

²⁵⁵ Evidence, Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, 5 September 2016, p 3.

²⁵⁶ Submission 29, Blue Mountains Cultural Centre – Blue Mountains City Council, p 3.

²⁵⁷ Evidence, Ms Scully, 14 November 2016, p 14.

²⁵⁸ Evidence, Dr Watterson, 6 September 2016, p 34.

²⁵⁹ Submission 29, Blue Mountains Cultural Centre – Blue Mountains City Council, p 3.

²⁶⁰ Evidence, Mr John Cheeseman, President, Regional and Public Galleries NSW, 6 September 2016, p 13; Submission 32, Local Government NSW, p 8.

²⁶¹ Submission 50, Australian Institute for the Conservation of Cultural Materials, p 4.

- 3.74** Inquiry participants also noted the difficulties experienced by regional museums and galleries in applying and gaining access to touring exhibitions from state institutions. It was argued that a one-size-fits all approach to touring exhibitions in regional New South Wales was not appropriate or helpful. Instead, it was suggested that more thought should go into tailoring exhibitions for different spaces.
- 3.75** Local Government NSW observed that council managed museums and galleries were often ‘denied the opportunity to host exhibitions of significant materials from the large state institutions due to space, climate control and resources’.²⁶²
- 3.76** This was supported by Shoalhaven City Council and Shoalhaven Arts Board, Regional and Public Galleries NSW, and the Blue Mountains Cultural Centre, which all argued that the strict environmental controls of collections and limited funds of regional institutions impeded opportunities for touring exhibitions.²⁶³
- 3.77** Shoalhaven City Council and Shoalhaven Arts Board also noted that without the necessary preparation and curatorial knowledge, loan requests from state institutions were often too arduous and time consuming.²⁶⁴

Committee comment

- 3.78** The committee commends the work of the Museum of Applied Arts and Sciences and the Historic Houses Trust of NSW in partnering with regional galleries and museums to provide services, educational resources and touring exhibitions. However the apparent demise in other partnerships between state and regional institutions is of concern to the committee. The committee therefore sees merit in a subsidised loans scheme to support regional institutions in acquiring touring exhibitions.

Recommendation 11

That Create NSW, in partnership with state institutions, introduce a subsidised loans scheme to support regional cultural institutions in acquiring suitable touring exhibitions.

- 3.79** While many state cultural institutions may be well placed and resourced to undertake digitisation projects (as discussed in chapter 1 at paragraphs 1.58 - 1.68), the committee notes that regional cultural institutions are not necessarily in the same position. Some regional cultural institutions may lack the capacity, funding, skills or experience to undertake digitisation projects. Therefore, the committee recommends that Create NSW develop a strategy to assist and provide regional cultural institutions with the appropriate resources, skills, and investment to successfully undertake digitisation projects.

²⁶² Submission 32, Local Government NSW, p 8.

²⁶³ Submission 116, Shoalhaven City Council and Shoalhaven Arts Board, p 2; Evidence, Mr Cheeseman, 6 September 2016, p 13; Evidence, Mr Brinkman, 23 September 2016, p 3.

²⁶⁴ Submission 116, Shoalhaven City Council and Shoalhaven Arts Board, p 2.

Recommendation 12

That Create NSW develop a strategy, in consultation with key stakeholders, to enhance the capacity of regional cultural institutions to undertake digitisation projects.

Challenge of attracting volunteers

- 3.80** While there are 129,900 arts and heritage volunteers across the state,²⁶⁵ a number of inquiry participants highlighted the challenges faced by community museums and galleries in recruiting volunteers.
- 3.81** Mr Kerry Guerin, Secretary, Lithgow Small Arms Factory, was of the view volunteers are undervalued despite the indispensable work they undertake as ‘the curators, the creators, the builders and administrators’ of community cultural facilities.²⁶⁶
- 3.82** The Delegate Progress Association, a community service and advocacy group, reflected upon the challenges presented by operating a volunteer managed cultural institution. The small group of volunteers who manage the Bundian Way Art Gallery, Borderline Gallery and Delegate Museum are mostly over 65 years of age with some finding the ‘work increasingly tiring’ as responsibilities increase. The volunteers also have varying levels of computer literacy. The Association also noted problems with communication between volunteers as many worked one day at a time resulting in little continuity.²⁶⁷
- 3.83** Ms Sommers stated that a key problem was the fact that volunteers were not always around for a long time, and that collection management and conservation is not necessarily work that attracts a large number of volunteers.²⁶⁸
- 3.84** Ms Beata Geyer, President, Modern Art Projects, suggested the volunteer base of institutions could be increased by expanding the programs offered by institutions:
- ... in terms of programming ... they do not have to be expensive programs. They could be public programs for children or for young people or other things that attract different audiences and can also create an interest in volunteering.²⁶⁹
- 3.85** With regards to volunteer skills Ms Donna White, Custodian, Lithgow Small Arms Factory said many volunteers required training.²⁷⁰

²⁶⁵ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework*, (2015) p 13.

²⁶⁶ Evidence, Mr Guerin, 23 September 2016, pp 10 and 14.

²⁶⁷ Submission 58, Delegate Progress Association, p 2.

²⁶⁸ Evidence, Ms Sommers, 14 November 2016, p 19.

²⁶⁹ Evidence, Ms Beata Geyer, President, Modern Arts Projects, 23 September 2016, p 15.

²⁷⁰ Evidence, Ms White, 23 September 2016, p 12.

- 3.86** Ms Sommers advised that Museums and Galleries of NSW provides funding, training and development support to museum volunteers which she commended.²⁷¹ The Port Macquarie Museum asserted that this training and skill development needed to be ‘ongoing ... given the nature of volunteering and that volunteers come and go constantly’.²⁷²

Committee comment

- 3.87** The committee recognises the challenges faced by community managed museums in attracting and retaining volunteers, in addition to developing their skills. Volunteers at regional museums and galleries are invaluable assets. Many dedicate their time to preserving local collections, or to working behind the scenes on day-to-day operations that keep many galleries afloat. The committee thanks these volunteers for their tireless contribution, and encourages Create NSW to work collaboratively with the regional museum and gallery sector on strategies to promote volunteer engagement.
- 3.88** In particular, we make two recommendations which we believe may assist regional galleries and museums with the challenges they face in recruiting and training volunteers. Firstly, we recommend that Create NSW collaborate with community managed museums and galleries to produce a peer-to-peer best practice training manual that provides volunteers with the necessary support to further develop skills. Secondly, we recommend that a media strategy/campaign be developed to promote volunteering at community museums and galleries.

Recommendation 13

That Create NSW collaborate with community managed museums and galleries to develop strategies to recruit and train volunteers, including:

- a) a peer-to-peer best practice training manual for volunteers
 - b) a media campaign to promote volunteering at community museums and galleries.
-

Aboriginal art and culture

- 3.89** A number of inquiry participants noted the importance of promoting and showcasing Aboriginal art and culture in New South Wales museums and galleries. Many inquiry participants commented on the lack of cultural institutions that recognise and celebrate Aboriginal history, art and culture. As the Professional Historians Association NSW & ACT highlighted, New South Wales has no museum dedicated to Indigenous history which ‘represents both a significant gap as well an exciting opportunity to deliver one’.²⁷³

²⁷¹ Evidence, Ms Sommers, 14 November 2016, p 19.

²⁷² Submission 154, Port Macquarie Museum, p 8.

²⁷³ Submission 61, Professional Historians Association NSW & ACT, p 1.

- 3.90** Members of Regional and Public Galleries NSW ranked the provision of a major Aboriginal cultural centre for the state as the third most important priority from ten.²⁷⁴ Dr Lee-Anne Hall, committee member, Regional and Public Galleries NSW, said that such a major gap in the state's arts and cultural sector has been recognised with steps to address such a gap being long overdue. She questioned why such a distinct and renowned art form was not valued, upheld and presented at its very best in an institution as it should.²⁷⁵
- 3.91** Museums and Galleries of NSW acknowledged that it is 'widely agreed that more needs to be done to support the maintenance and growth of New South Wales Aboriginal culture'. It was of the view that the inclusion of local Aboriginal culture and history required continued attention and suggested 'centres of excellence, with Aboriginal staff, Elders-in-residence and access to authoritative local knowledge, would assist strategic priorities to be achieved'.²⁷⁶
- 3.92** Dr Jennifer Barrett, Chair, Board of Museums and Galleries of NSW, and Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, agreed there was an obvious absence of Aboriginal run, Aboriginal focused cultural institutions and was perhaps the sector's 'greatest need'. Dr Barrett informed the committee, however, that Museums and Galleries of NSW were 'supporting programs and institutions in that area'.²⁷⁷
- 3.93** Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, advised the museum 'had a longstanding commitment to the exhibition, display and research of Indigenous cultural material'. She informed the committee of the *Reconciliation Action Plan* which is being conducted with Reconciliation Australia, with the aim of providing a framework for how the museum 'liaises with the community, how it engages with Indigenous elders and how it consults with the community about its collections and does its programming'.²⁷⁸
- 3.94** One submission author, Mr Bruce Tindale, explained that regional galleries and volunteer museums play an important role in providing 'encouragement for developing and promoting Aboriginal artists'. He gave examples of Moree Plains Gallery and Broken Hill Regional Gallery which both have a 'strong record in exhibiting and assisting these artists to develop their culture'.²⁷⁹
- 3.95** Tourism and Transport Forum Australia suggested that participation and accessibility of Aboriginal arts and culture was paramount, calling for the government to prioritise even easier access 'for visitors to connect with and experience Aboriginal culture as well as for Indigenous people to participate in, and communicate, their own art form'.²⁸⁰

²⁷⁴ Submission 33, Regional and Public Galleries NSW, p 3.

²⁷⁵ Evidence, Dr Lee-Anne Hall, Committee member, Regional and Public Galleries NSW, 6 September 2016, p 15.

²⁷⁶ Submission 35, Museums and Galleries of NSW, p 5.

²⁷⁷ Evidence, Dr Jennifer Barrett, Chair, Board of Museums and Galleries of NSW, 6 September 2016, p 71; Evidence, Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, 6 September 2016, p 71.

²⁷⁸ Evidence, Ms Merrillees, 5 September 2016, p 7.

²⁷⁹ Submission 160, Mr Bruce Tindale, p 4.

²⁸⁰ Submission 110, Tourism & Transport Forum Australia, p 8.

- 3.96** The NSW Government, in its policy *Create in NSW*, recognised the need to extend Aboriginal cultural collections and programming in state cultural institutions and ‘recognise the significance of Aboriginal communities in artistic programs, collections, exhibitions and language [which includes] their history as well as their traditional and evolving contemporary cultures’.²⁸¹
- 3.97** As an extension of the *Create in NSW* policy framework, Create NSW released the *Aboriginal Arts and Cultural Strategy 2015 – 2018* which aims to further ‘develop career pathways and opportunities in the Aboriginal arts and cultural sector’.²⁸²

Committee comment

- 3.98** The lack of Aboriginal history, art and culture in New South Wales cultural institutions is of concern to the committee. We agree that there could be value in having a dedicated centre for Aboriginal art and culture and/or increased exhibition and accumulation of Aboriginal collections.
- 3.99** The committee acknowledges the contribution of Aboriginal history, culture and art to cultural tourism. We also recognise the broader social and economic benefits that could be achieved by greater inclusion of Aboriginal history, art and culture in all cultural institutions, metropolitan and regional.
- 3.100** We therefore recommend that the government engage with Aboriginal elders, communities and key stakeholders, to establish how best to capture the history, art and culture of Aboriginal people in New South Wales. We also recommend that the NSW Government identify and invest in opportunities to promote Aboriginal art, culture and history in existing cultural institutions.
- 3.101** We also believe it is essential that the management and control of any such centre and its collections be in the hands of the First Peoples of New South Wales. Historically cultural institutions have appropriated and used Indigenous culture and seen Indigenous people as subjects of study.

Recommendation 14

That the NSW Government:

- a) engage with Aboriginal elders, communities and key stakeholders, to establish how best to capture the history, art and culture of Aboriginal people in New South Wales
 - b) identify and invest in opportunities to further promote Aboriginal arts, culture and history in existing cultural institutions
 - c) ensure that the management and control of any Aboriginal art and culture centre and its collections be in the hands of the Aboriginal peoples of New South Wales.
-

²⁸¹ Create NSW, *Create in NSW: NSW Arts and Cultural Policy Framework*, (2015) p 39; Submission 25, NSW Government, p 3.

²⁸² Create NSW, *NSW Aboriginal Arts and Cultural Strategy 2015-2018*, p 12.

Appendix 1 Advice from the Clerk of the Parliaments, dated 27 February 2017

Background

At the public hearing of the GPSC 4 Museums and galleries inquiry, held on 17 February 2017, several witnesses declined to answer questions regarding the preliminary business case for the relocation of the Powerhouse Museum, on the grounds that answering these questions would involve breaching cabinet confidentiality:

Mr DAVID SHOEBRIDGE: ...We heard in evidence earlier this morning that the construction cost for the riverbank project that was considered at about the time you were doing your work was in the order of \$600 million to \$800 million. Would that be right?

Mr BROOKE: I have been advised that the content of the preliminary business case is Cabinet in confidence. So, unfortunately, I cannot comment.¹

Mr DAVID SHOEBRIDGE: ... As part of your considerations for the preliminary business case, were you looking at the impacts on the Powerhouse site and the loss of value from the Powerhouse site as a result of a relocation?

Mr BROOKE: I am going to sound a bit like a broken record and a boring old accountant, but the contents of the preliminary business case are, I am advised, Cabinet in confidence. Those deliberations are Cabinet in confidence, in my understanding.²

Mr DAVID SHOEBRIDGE: What is the estimated cost of the relocation of the collection? What sort of figures are we talking about?

Mr ROOT: As I said in my opening statement I am informed that that information is Cabinet in confidence and is therefore privileged.³

The committee subsequently resolved to seek advice from the Clerk regarding:

- a) the steps the committee could take to press witnesses who declined to answer questions at the hearing on the grounds of cabinet confidentiality; and
- b) how the committee could access the preliminary business case and other working documents.

Advice

A fundamental consideration for the committee is whether, notwithstanding the objections raised by witnesses regarding Cabinet confidentiality, access to the documents or information sought is relevant and necessary for its inquiry. Presuming the answer to this question is 'yes', the committee has two options: they could summons the witnesses to a further hearing or, initiate an order for papers under standing order 52. Whatever option the committee chooses, it will need to be cognisant of the position of the Executive and the Legislative Council with regards to the production of Cabinet documents.

Access to Cabinet documents

Egan v Chadwick (1999) confirmed the Council's power to order documents subject to claims of public interest immunity and legal professional privilege but did not adjudge that this power extended to Cabinet documents. However in his judgement, Spigelman CJ distinguished between documents which disclose the actual deliberations within Cabinet ('true' Cabinet documents) and those which are in the nature of reports or submissions prepared for the assistance of Cabinet, the latter which may or may not be covered by the prohibition.

¹ Evidence, Mr Graham Brooke, Partner, KPMG, 17 February 2017, p 19.

² Evidence, Mr Graham Brooke, Partner, KPMG, 17 February 2017, p 20.

³ Evidence, Mr Peter Root, Managing Director, Root Projects Australia, 17 February 2017, p 31.

Priestly JA came to a different conclusion, suggesting that like the courts, the Council has the power to compel the production of Cabinet documents. Bret Walker SC has expressed a similar view, suggesting that the automatic exclusion of Cabinet documents from scrutiny by the Council represents an ‘extremely dubious and problematic state of the law’.⁴ However, the Executive has consistently maintained that it is not required to produce Cabinet documents, even on the occasions when they have furnished such documents in response to an SO 52.⁵

The Legislative Council does not concede that it cannot obtain Cabinet documents, notwithstanding the distinction between different types of Cabinet documents noted in a report of the legal arbiter in relation to disputed claims of privilege under SO 52.⁶ However, the matter remains unresolved as it has never been pursued in the same way the power to order the production of documents subject to claims of privilege on the grounds of public interest immunity and legal professional privilege were pressed by the Executive in the matters which precipitated *Egan v Chadwick*.

Option 1 – summons the witnesses to a further hearing

The committee could summons the relevant witnesses to a further hearing. Under section 4 of the *Parliamentary Evidence Act 1901* committees have the power to compel witnesses to answer a ‘lawful question’.⁷ A lawful question is considered to be a question of fact, as opposed to opinion, relevant to the committee’s terms of reference. The witnesses should be advised that an instruction under the Act to ‘give evidence’ also empowers committees to require a person attending to give evidence to produce these documents. This interpretation of the provision is supported by legal advice from Bret Walker SC.⁸

The witnesses would need to be advised to bring the documents sought by the committee and forewarned that the committee intends to press them to answer its questions and provide the documents, notwithstanding their objections on the grounds of cabinet confidentiality. If the witnesses refuse to answer the questions or produce the required documents at the hearing, the committee would need to contemplate invoking section 11 of the *Parliamentary Evidence Act 1901*:

‘Penalty for refusal to answer’

- (1) if any witness refuses to answer any lawful question during the witness’s examination, the witness shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or serjeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.⁹

However, section 11 has never been invoked by the Legislative Council or any of its committees. Given its archaic wording, and the lack of any precedents, it is difficult to advise the committee what would happen next. As I previously advised members of the *Operation Prospect* select

⁴ C25: Marking 25 Years of the Committee system in the Legislative Council, 20 September, 2013, pp 7-8.

⁵ LC Minutes 26/5/2005, 1408.

⁶ The Hon Terence Cole QC, ‘Disputed claim of privilege: Desalination plant’, Report of the Independent Legal Arbiter, pp 3-4.

⁷ A lawful question is considered to be a question of fact, as opposed to opinion, relevant to the committee’s terms of reference, see Lynn Lovelock and John Evans, *New South Wales Legislative Council Practice*, Federation Press, 2008, p 508. Various legal opinions to the Government over 30 years have asserted that questions are not lawful if they require the provision of information subject to public interest and other immunities. This immunity is not accepted by the Council, although committees often accommodate such claims, for example by going *in camera*.

⁸ Correspondence from Mr Bret Walker SC, to Clerk of the Parliaments, 18 November 2015, regarding Greyhound Welfare Order for Papers.

⁹ *Parliamentary Evidence Act 1901*, s 11(1).

committee, there are clear legal and reputational risks for any committee contemplating this course of action, which I could discuss further should the committee wish to pursue this option. (see flow chart, attached).

Option 2 – initiate an order for papers under SO 52

Instead of, or in addition to, summoning witnesses to a further hearing, the committee could resolve that the chair or any other committee member order that the relevant documents be tabled in the House under SO 52. (While committees are authorised to order the production of documents under SO 208, such orders have been resisted by the Executive in recent years and committee members have usually resorted to seeking papers via the House).

Members should be aware that, based on recent precedents, the government is unlikely to provide the documents on the grounds of cabinet confidentiality. I would therefore suggest that the committee include a preamble outlining the Council's position regarding such claims, as per a 2012 order relating to an earlier order for papers pertaining to the CBD metro light rail in 2012 (attached).

The motion should also provide that, in the event that documents are not furnished, that the return should identify how the provision of those documents to the House would disclose the actual deliberations of Cabinet, as variously articulated in *Egan v Chadwick*. As I envisage the committee is seeking only a small number of documents, the order could stipulate the return be received within 7 days, if not less. Again, given past precedents, it is likely that the government will also refuse to identify how the provision of those documents would disclose the actual deliberations of Cabinet.

Even if the committee is not successful in its attempts to receive the documents, there is no harm in restating the Council's position in relation to this significant aspect of its powers. Indeed, as Bret Walker urges, in the absence of a 'sea change' in the advice routinely given to the Executive regarding Cabinet documents, members should 'shape' their powers by their conduct:

Perhaps the only thing at the moment—but certainly the first thing to be done at the moment—is that the Council and thoughtful individual members of the Council, as well as the Council speaking collegiately, ought to say, 'We note that the return is deficient in this fashion; we deplore the deficiency; we maintain that *Egan v. Chadwick* is wrong, and we move on'. Fifty years from now, somebody occupying a temporary position, as I had when I was senior counsel for the President in *Egan v. Willis* and *Egan v. Chadwick*, will put together all of those statements, add what Chief Justice Gleeson said about the way in which one understands the extent of powers and, I hope, will then opine, in the circumstances that then obtain that: 'It may have taken a long time, but the statement of position by the Legislative Council, long made, now ought to be recognised as the true state of affairs.' And that is because the way in which the law is made in this area is not as it is for any other area with which I am familiar. So it is partly what you do but what you do also includes what you say.¹⁰

¹⁰ Bret Walker SC, *C25: Marking 25 Years of the Committee system in the Legislative Council*, Keynote address, 20 September 2013, p14.

One advantage of pursuing an order for papers, rather than holding another hearing, is that it would avoid placing individual public servants in a difficult position where they might once again refuse to provide or discuss the documents sought, on the basis of legal advice from the Executive prohibiting them from doing so.

David Blunt
Clerk of the Parliaments
27 February 2017

Appendix 2 Advice from the Clerk of the Parliaments, dated 28 March 2017

Background

At its meeting on 9 March 2017, General Purpose Standing Committee No. 4 (now known as Portfolio Committee No. 4) resolved that the committee:

- authorise the Chair, on behalf of the committee, to give notice in the next sitting period, for an order for papers under SO 52 for all documents related to the preliminary business case for the relocation of the Powerhouse Museum
- seek advice from the Clerk as to whether the committee should pursue these documents via standing order 208 (c) *parallel* to seeking them under SO 52, and furthermore, what mechanisms are available to the committee or the House to seek to enforce these orders, in the event the executive refuses to provide the documents.

This request followed an earlier advice from me dated 27 February 2017 regarding the steps the committee could take to press witnesses who declined to answer questions on the grounds of cabinet confidentiality, and how the committee could access the preliminary business case for the relocation of the Powerhouse Museum.¹

As noted in my earlier advice, while the ability of the House to order State papers, including those subject to claims of public interest and legal professional privilege, was confirmed by the *Egan* cases, these cases did not settle whether this power extended to cabinet documents. Given past precedents, it is likely the Executive will not provide the documents sought by the committee, either under SO 52 or 208. The committee has therefore sought my advice as to what mechanisms are available to enforce these orders.

The issues raised by the committee are complex and so I would be pleased to meet with members to expand upon the suggestions contained in my written advice or to answer any further questions.

Advice

Pursuing the documents under SO52

I note that the Chair, on behalf of the committee, is due to give notice of a motion to order the relevant documents under SO 52. Presuming the House agrees to the order but that the Government refuses to comply, members may wish to pursue the following options. These options draw on the steps taken by members and the House in the lead up to the first *Egan* case in the late 1990s.

The Chair, or another committee member, could:

- move a motion in the House that the Leader of the Government has not complied with the order, with the motion including a provision for the Leader of the Government to be given a set timeframe to present the papers to the Clerk. Presuming the order is not complied with, the member could then:
- move a motion that the Leader of the Government be found in contempt and be required to attend in his place in the House to answer the question as to why he would not produce the papers, or
- move a motion that the Leader of the Government is guilty of contempt and that the member be suspended from the service of the House for a certain period of time (for example, for the remainder of the day's sitting, five sitting days or until the documents are

¹ Advice, Clerk of the Parliaments to General Purpose Standing Committee No. 4, 27 February 2017 (attached)

lodged with the Clerk of the Parliaments, whichever occurs first). This was the trigger for the commencement of legal proceedings in the *Egan* cases.

In pursuing any of the above options, the committee should be cognisant of the following factors:

First, the pursuit of the documents will require the support of the House in both the short and long term. This support may not be forthcoming if other members do not feel the documents are necessary for the committee's inquiry, especially in light of media speculation that the Government may reverse or alter its decision to relocate the Powerhouse Museum from Ultimo to Parramatta.

Attempts to secure the documents may take some time. The first Egan case took approximately three years to unfold. While the pursuit of the documents in the present case may not take this long, members need to be aware that it may take at least several months.

A second, important consideration is the role of the courts in resolving the matter. In the first *Egan* case, the Leader of the Government challenged his suspension and alleged assault in the Supreme Court. There is no guarantee that this would necessarily occur in the current situation. Recent events in the Victorian Legislative Council are instructive in this regard. On the 25 May 2016, the Leader of the Government, Gavin Jennings, was suspended from the chamber for six months for failing to produce documents ordered by the Council.² However, Mr Jennings did not challenge his suspension which he completed by December of that year. Therefore, there is no guarantee the government will trigger court proceedings, thus leaving the issue unresolved or requiring multiple, extended suspensions from the House.

Even if the matter were to be litigated, there is a possibility that the court may decline to adjudicate the matter, or if the case did proceed, that the court may read down the powers of the Legislative Council. High level legal advice would be required at a number of stages along the way.

Concurrent pursuit of the documents via SO 208

The Committee has also asked me to comment on whether it should pursue these documents via SO 208 (c) *parallel* to seeking them under SO 52.

Under SO 208(c) committees are authorised 'to send for and examine persons, papers, records and things'. The key difference between the power of the House to order documents and the power of a committee to do so is that, if an order by a committee is resisted, the committee itself does not have the power to deal with the consequences of that failure, the normal course of action being for the committee to make a special report to the House. It is then up to the House to determine whether action should be taken for contempt against the person who has failed to comply with the Committee's order.³

Between 1999 and 2001, following the decision in *Egan v Willis*, there were a number of precedents of documents being provided to a committee following a formal order by the committee.⁴ However, since 2004, several attempts by committees to order the production of documents have been resisted. For example, during the 2004 'Orange Grove inquiry', the committee resolved twice to order the production of documents SO 208(c) from relevant government departments but the Government asserted that:

² Benjamin Preiss, 'Senior minister Gavin Jennings booted from Victorian parliament for six months', *The Age*, 25 May 2016, <http://www.theage.com.au/victoria/senior-minister-gavin-jennings-booted-from-victorian-parliament-for-six-months-20160525-gp3cjl.html>; *Hansard*, Victoria Legislative Council, 25 May 2016, pp 2380-2395.

³ Lynn Lovelock and John Evans, *New South Wales Legislative Council Practice* (Federation Press, 2008), pp 541-542.

⁴ Lynn Lovelock and John Evans, *New South Wales Legislative Council Practice* (Federation Press, 2008), p 538.

...committees do not have the power to require documents to be produced; that there is no statute that confers powers on committees to require the production of documents; and that, while the House does have power to call for documents, there is no clear evidence to suggest that the House can delegate that power to its committees.⁵

In such cases, committees have generally resorted to seeking the documents via the House, ensuring that the relevant notices include a preliminary paragraph reasserting the committee's powers in this respect.⁶

Thus, if the committee wanted to pursue the documents via SO 208, but was rebuffed, its only recourse would be to ask the House to deal with that rejection, via a special report.

While there is no barrier to the committee pursuing its powers under SO 208(c) *parallel* to the Chair seeking an order for papers under SO 52, I would suggest that the committee focus on pursuing its order for papers via the House. Enforcement of either of these powers is a complex matter, and given any non-compliance with a committee order under SO 208(c) may need to be referred to the House anyway, it would be more efficient for the committee to focus its attention on attempting to access the documents solely via SO 52.

An alternative approach, as touched on in my earlier advice, would be for the committee to use its powers under the *Parliamentary Evidence Act* to secure these documents. However, this would likely entail the committee invoking the punitive powers under the Act which have never been invoked, generating legal and reputational risks for the committee.

David Blunt
Clerk of the Parliaments
 28 March 2017

⁵ Correspondence from Dr Col Gellatly, Director General, Premier's Department, to Director of GPSC 4, 7 September 2004, cited in Lovelock and Evans, *New South Wales Legislative Council Practice* (Federation Press, 2008), p 540.

⁶ Beverly Duffy and David Blunt, *Information is power, recent challenges for committees in the NSW Legislative Council*, Paper presented at the 45th Presiding Officers' and Clerks' Conference, 30 June - 4 July 2014, p 4.

Appendix 3 Submission list

No	Author
1	Mrs Carol Lynch
2	Ms Hall Best
3	Name suppressed
4	Name suppressed
5	Mr Tor Larsen
6	Name suppressed
7	Name suppressed
8	Ms Cedar Prest
9	Name suppressed
10	Name suppressed
11	Mr David Payne
12	Dr Jesse Adams Stein
13	Dutch Australian Cultural Centre, Ltd
14	Ms Alice Kershaw
15	Pymont History Group
16	Name suppressed
17	Friends of Fagan Park
18	Name suppressed
19	Mr Jeffrey Mellefont
20	Gunnedah Rural Museum Inc.
21	Save the Powerhouse Campaign
21a	Save the Powerhouse Campaign
22	Ultimo Village Voice
23	Millthorpe & District Historical Society
24	The Great Cobar Heritage Centre / Cobar Shire Council
25	NSW Government
26	The City of Greater Lithgow Mining Museum Inc
27	Engineers Australia NSW Division - Engineering Heritage Sydney
28	NSW Steam Preservation Co-Op Society Limited trading as Campbelltown Steam and Machinery Museum
29	Blue Mountains Cultural Centre - Blue Mountains City Council
30	Greater Western Sydney Heritage Action Group
31	Lithgow Small Arms Factory Museum
32	LGNSW
33	Regional and Public Galleries NSW (RPGNSW)
34	Mount Victoria and District Historical Society Inc.
35	Museums and Galleries of NSW
36	Western Sydney Arts and Cultural Lobby
37	Public Service Association
38	Museum of Applied Arts and Sciences, Board of Trustees
39	Australian Museum Trust
40	The Design Institute of Australia (DIA)
41	Council of Australasian Museum Directors
42	Museums Galleries Australia
43	International Council for Museums; Australia
44	North Parramatta Residents Action Group Inc.
44a	North Parramatta Residents Action Group Inc.

44b	North Parramatta Residents Action Group Inc.
44c	North Parramatta Residents Action Group Inc.
45	Library Council of New South Wales
46	National Trust of Australia
47	Snowy Scheme Museum/Adaminaby Snowy Scheme Collection Inc.
48	Lake Macquarie City Council
49	Border Flywheelers Club Inc
50	Australian Institute for the Conservation of Cultural Materials
51	National Association for the Visual Arts *NAVA)
52	Shoalhaven Vintage Machinery Club Inc
53	Ceramic Collectors Society
54	Jacksons Landing Community Association
55	Save Bondi Pavilion group
56	Arts Mid North Coast
57	Australian Design Centre
58	Delegate Progress Association
59	Cherry Capital Collectors Club
60	The Australian Ceramics Association
61	Professional Historians Association NSW & ACT
62	Modern Art Projects (MAP)
63	Bega and District Historical Machinery Club Inc.
64	Name suppressed
65	Mr Terence Measham
66	Trustees of the Historic House Trust
67	Ms Judith White
67a	Ms Judith White
68	Mr Keith Johnson
69	Dr Cecilia Spence
70	Mrs Manuela Epstein
71	Ms Diana Simmonds
72	Name suppressed
73	Mr Stephen Thompson
74	Dr Warren Brisley
75	Mr Brian Beconsall
76	Name suppressed
77	Name suppressed
78	Mr Garry Horvai
79	Paul Hannah
80	Name suppressed
81	Mrs Catherine Barnes
82	Dr Rebecca Spindler
83	Name suppressed
84	Mr Martin Cousins
85	Ms Barbara Radcliffe
86	Mr Peter Murray
87	Mrs Ruth Thomson
88	Mr Robert Pauling
89	Riverina Vintage Machinery Club Inc.
90	Dr Shirley Fitzgerald
91	Harden-Murrumburrah Historical Society
92	Mr Hernan Terrazzino
93	Dr Belinda Nemeć

94	Name suppressed
95	Name suppressed
96	Dr Grace Cochrane
96a	Dr Grace Cochrane
96b	Dr Grace Cochrane
97	Ms Marina Garlick
98	Name suppressed
99	Name suppressed
100	Mr Frank Johnson
101	Ms Janet De Boer
102	Mr Bradley Powe
103	Ms Anne Schofield
103a	Ms Anne Schofield
104	Mr Carl Andrew
105	Mr Andrew Grant
105a	Mr Andrew Grant
106	Mr John August
107	Mr Duncan Bourne
108	Engineers Australia
109	Mrs Wendy McLean
110	Tourism & Transport Forum Australia (TTF)
111	Name suppressed
112	Ms Jeanie Kitchener
113	Mr Nicholas Pappas
114	Mr Allan and Ms Daphne Opferkuch
115	Dr Janis Wilton
116	Shoalhaven City Council and Shoalhaven Arts Board
117	Mr Jean-Pierre Alexandre
118	Mrs Darani Lewers
119	Leo Schofield
120	Ms Sue Boaden
121	Ms Patricia Johnson
122	Mr Tim McDonald
123	Mrs Elizabeth Gossell
124	Mr Nicholas McCallum
125	Ms Clare Ashton
126	Name suppressed
127	Name suppressed
128	Ms Irma Havlicek
129	Name suppressed
130	Name suppressed
131	Mr Leigh Mackay
132	Dr Desmond Griffin
133	Dr Megan Hicks
133a	Dr Megan Hicks
134	Name suppressed
135	Ms Sandra McEwen
136	Ms Christina Sumner OAM
137	Mr Tom Lockley
137a	Mr Tom Lockley
137b	Mr Tom Lockley
138	Mr David Payne

139	Ms Jane Burns
140	Mr John Harris
141	Mr Trevor Kennedy
142	Ms Jennifer Sanders
142a	Ms Jennifer Sanders
142b	Ms Jennifer Sanders
142c	Ms Jennifer Sanders
142d	Ms Jennifer Sanders
142e	Ms Jennifer Sanders
143	Ms Debbie Rudder
144	Ms Louise Douglas
145	Mrs Vicki Lindsay
146	Mr Thomas Walder
147	Ms Helen OBoyle
148	Dr Lindsay Sharp
148a	Dr Lindsay Sharp
148b	Dr Lindsay Sharp
148c	Dr Lindsay Sharp
148d	Dr Lindsay Sharp
148e	Dr Lindsay Sharp
148f	Dr Lindsay Sharp
148g	Dr Lindsay Sharp
148h	Dr Lindsay Sharp
148i	Dr Lindsay Sharp
148j	Dr Lindsay Sharp
149	Ms Kylie Winkworth
149a	Ms Kylie Winkworth
149b	Ms Kylie Winkworth
149c	Ms Kylie Winkworth
149d	Ms Kylie Winkworth
149e	Ms Kylie Winkworth
150	Mr Ray Norman
150a	Mr Ray Norman
151	Mr Rodney Tonkin
152	Orange and District Historical Society
153	Ms Rosalind Ward
154	Port Macquarie Museum
155	Mr Lionel Glendenning
155a	Mr Lionel Glendenning
155b	Mr Lionel Glendenning
156	Mr Charles Wilson
157	Mr John Petersen
158	Ms Bernice Murphy
159	Australia International Council on Monuments and Sites (ICOMOS)
160	Mr Bruce Tindale
161	Mr Peter Wotton
162	Mr Marco Belgiorno-Zegna AM
163	Mr Alex Greenwich MP
164	Orange City Council
165	Asheville Art Museum
166	Australian Society for History of Engineering and Technology Inc. (ASHET)
167	Powerhouse Museum Alliance

168	Ms Christine F
169	Mrs E Boesel
170	Ms Lindsey Foster
171	Woodford Academy Management Committee
172	Cr Linda Scott
173	Ms Robyn Petersen

Appendix 4 Witnesses

Date	Name	Position and Organisation
5 September 2016 Macquarie Room, Parliament House	Professor Barney Glover	President, Board of Trustees Museum of Applied Arts and Sciences
	Ms Dolla Merrillees	Director, Museum of Applied Arts and Sciences
	Ms Samantha Torres	Deputy Secretary, Justice Services, Arts and Culture Arts NSW
	Ms Liz Ann Macgregor	Director, Museum of Contemporary Art
	Mr Jean-Pierre Alexandre	Co-convenor, Save the Powerhouse campaign
	Ms Patricia Johnson	Convenor, Save the Powerhouse Campaign
	Mr Graham Quint	Director, Advocacy, The National Trust of Australia (NSW)
	Mr Jon Hillman	Vice President, North Parramatta Residents Action Group Inc.
	Mrs Suzette Meade	President, North Parramatta Residents Action Group Inc.
	6 September 2016 Macquarie Room, Parliament House	Mr Michael Rose
Mr John Cheeseman		President, Regional and Public Galleries NSW (RPGNSW)
Dr Lee-Anne Hall		Committee member, Regional and Public Galleries NSW (RPGNSW)
Mr Paul Brinkman		Vice-President, Regional and Public Galleries NSW (RPGNSW)
Dr Lindsay Sharp		Founding Director, Powerhouse Museum
Mr Lionel Glendenning		Architect of Record, Powerhouse Museum
Ms Donna Rygate		Chief Executive Officer, Local Government NSW
Dr Sally Watterson		Arts and Culture Project Manager, Local Government NSW
Dr Andrew Simpson		Immediate Past President, New South Wales Branch, Museums Galleries Australia
Mr David Borger		Director, Western Sydney, Sydney Business Chamber
Dr Grace Cochrane	Powerhouse Museum Alliance	

Date	Name	Position and Organisation
	Ms Jennifer Sanders	Powerhouse Museum Alliance
	Mr Nicholas Pappas	Powerhouse Museum Alliance
	Ms Jennifer Barrett	Chair, Museums and Galleries of NSW Board
	Mr Michael Rolfe	Chief Executive Officer, Museums and Galleries of NSW
23 September 2016		Director, Development and Customer Service, Blue Mountains City Council
Workshop Room, Blue Mountains Cultural Centre	Ms Lee Morgan	Creative Industries Cluster Manager, Blue Mountains Economic Enterprise
	Ms Kelly Heylen	Director, Blue Mountains Cultural Centre
	Mr Paul Brinkman	President, Modern Art Projects (MAP)
	Mrs Beata Geyer	Secretary, Lithgow Small Arms Factory Museum
	Mr Kerry Guerin	Custodian, Lithgow Small Arms Factory Museum
	Ms Donna White	President and Publicity Officer, Mount Victoria and District Historical Society Inc.
	Ms Jean Winston	President, Board of Trustees, Museum of Applied Arts and Sciences
19 October 2016	Professor Barney Glover	Director, Museum of Applied Arts and Sciences
Waratah Room, Parliament House	Ms Dolla Merrillees	Deputy Secretary, Justice Services, Arts and Culture Arts NSW
	Ms Samantha Torres	Manager Community Services, Wagga Wagga City Council
14 November 2016 Jubilee Room, Parliament House	Ms Madeleine Scully	Volunteer Curator, Port Macquarie Museum, and Vice President, Port Macquarie Historical Society
	Ms Debbie Sommers	Deputy Convenor, Save Bondi Pavilion
	Ms Eliane Morel	Cultural Advisor, Save Bondi Pavilion
	Mr Murray Cox	Associate Professor in History, University of New England
	Dr Janis Wilton OAM	Cultural Director Emeritus, Maitland City Council
	Mr Joseph Eisenburg OAM	Museum and Heritage Consultant
	Ms Kylie Winkworth	

Date	Name	Position and Organisation
17 February 2017 Jubilee Room Parliament House	Professor John Shine	Former President, Board of Trustees, Museum of Applied Arts and Sciences
	Mr Joe Agius	Director, Cox Architecture
	Ms Rachel Neeson	Director, Neeson Murcutt Architects Pty Ltd
	Mr Steven Casey	Director, Advisory, KPMG
	Mr Graham Brooke	Partner, KPMG
	Mr Michael Parry	Director, New Museum, Museum of Applied Art and Sciences
	Ms Dolla Merrillees	Director, Museum of Applied Art and Sciences
6 June 2017 Jubilee Room Parliament House	Mr Peter Root	Managing Director, Root Projects Australia
	The Hon Don Harwin MLC	Minister for Arts, and Minister for Resources and for Energy and Utilities, Vice-President of the Executive Council
	Ms Alex O'Mara	Acting Deputy Secretary, Arts and Culture Division, Department of Planning and Environment
	Mr Craig Limkin	Acting Executive Director, Cultural Infrastructure Program, Management Office, Arts and Culture Division, Department of Planning and Environment
	Mr Michael Brealey	Chief Executive Officer, Department of Planning and Environment
29 August 2017 Macquarie Room Parliament House	Ms Amanda Chadwick	Administrator, Parramatta City Council
	Ms Rebecca Grasso	Director Marketing and City Identity, Parramatta City Council
	The Hon Don Harwin MLC	Minister for Arts, and Minister for Resources and for Energy and Utilities, Vice-President of the Executive Council
	Ms Alex O'Mara	Deputy Secretary, Arts, Screen and Culture Division, Department of Planning and Environment
	Mr Craig Limkin	Executive Director, Cultural Infrastructure Program, Management Office, Arts, Screen and Culture Division, Department of Planning and Environment
	Mr Michael Brealey	Chief Executive Officer, Create NSW, Arts, Screen and Culture Division, Department of Planning and Environment

Appendix 5 Minutes

Minutes no. 21

Thursday 23 June 2016

General Purpose Standing Committee No. 4

Members' Lounge, Parliament House, Sydney at 2.18 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Clarke

Mr Mallard

Mr Moselmane

Mrs Taylor

Ms Voltz

2. Correspondence

The committee noted the following items of correspondence:

Received:

- 21 June 2016 – Letter from Mr Borsak, Mr Moselmane and Mr Shoebridge requesting a meeting of GPSC No. 4 to consider a proposed self-reference into museums and galleries.

3. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference.

That the General Purpose Standing Committee No. 4 inquire into and report on matters relating to museums and galleries including:

Inquiry into museums and galleries in New South Wales

1. That General Purpose Standing Committee No. 4 inquire into and report on the performance or effectiveness of the NSW Government agencies responsible for the organisation, structure and funding of museums and galleries in NSW, and in particular:
 - a) NSW government policy, funding and support for museums and galleries, museum and gallery buildings and heritage collections, including volunteer managed museums and museums managed by councils
 - b) potential funding impacts on museums and galleries affected by council amalgamations
 - c) opportunities to revitalise the structure, reach, and impact of museums and galleries, and their research and collecting priorities
 - d) access to the collections of the Museum of Applied Arts and Sciences, the Australian Museum and any other state collections held in trust for the people of NSW, and programs that promote physical and online access
 - e) the cost benefits of the sale of the Powerhouse Museum site in Ultimo and its proposed move to Parramatta, and whether there are alternative strategies to support museum development
 - f) the development and transparency of advice to the government on priorities for NSW museums and galleries

- g) the impact of the efficiency dividend on the budgets of museums and galleries over the last 10 years, and funding levels compared to other states
- h) the economic impact of museums and galleries on cultural tourism, and their role in supporting the visitor economy in Sydney and regional NSW
- i) any other related matters.

2. That the committee report by 24 November 2016.

Mr Shoebriidge moved: That the committee adopt the terms of reference.

Mr Moselmane moved: That the motion of Mr Shoebriidge be amended by omitting the words 'the cost benefits of' before 'the sale of the Powerhouse Museum site in Ultimo'.

Amendment of Mr Moselmane put and passed.

Original question of Mr Shoebriidge, as amended, put and passed.

4. Conduct of the inquiry into museums and galleries

4.1 Closing date for submissions

Resolved, on the motion of Mr Shoebriidge: That the closing date for submissions be 14 August 2016.

4.2 Stakeholder list

Resolved, on the motion of Mrs Taylor: That the secretariat circulate to members the Chair's proposed list of stakeholders to provide members with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

4.3 Advertising

Resolved, on the motion of Mr Shoebriidge: That the committee adopt the standard practice of advertising the inquiry via twitter, stakeholder letters and a media release distributed to all media outlets in New South Wales.

4.4 Hearing dates

Resolved, on the motion of Mr Shoebriidge: That hearing dates be determined by the Chair after consultation with members regarding their availability.

5. Adjournment

The committee adjourned at 2.24 pm, until Wednesday 31 August 2016 at 9.00 am.

Madeleine Foley
Committee Clerk

Minutes no. 26

Monday 5 September 2016

General Purpose Standing Committee No. 4

Powerhouse Museum, Sydney, 9.30 am

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair* (until 4.58 pm)

Mr Farlow (substituting for Mr Clarke for the duration of the inquiry into museums and galleries)

Mr Franklin (substituting for Mrs Taylor for the duration of the inquiry into museums and galleries)

Mr Mallard

Mr Moselmane

Mr Secord (substituting for Ms Voltz for the duration of the inquiry into museums and galleries)

2. Inquiry into museums and galleries – Site visit to Powerhouse Museum**2.1 Additional attendees**

Resolved, on the motion of Mr Secord: That the committee authorise Mr Mallard's staff member, Mr Michael Baker, and Mr Franklin's staff member, Ms Steph Sulway, to accompany the committee on the site visit to the Powerhouse Museum.

2.2 Visit details

The committee attended the Powerhouse Museum and was met by the following:

- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences
- Mr Peter Morton, Head of Government Relations and External Relations, Museum of Applied Arts and Sciences.

Ms Merrillees gave a presentation on the visitation numbers and exhibitions at the Powerhouse Museum.

The committee conducted a tour of inspection of the Powerhouse Museum accompanied by:

- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences
- Mr Peter Morton, Head of Government Relations and External Relations, Museum of Applied Arts and Sciences
- Ms Leann Meiers, Director, Development and External Affairs, Museum of Applied Arts and Sciences
- Mr Michael Parry, Director, Parramatta Project, Museum of Applied Arts and Sciences.

The committee adjourned at 11.30 am until 11.46 am – Macquarie Room, Parliament House.

2.3 Draft minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes nos. 20 and 21 be confirmed.

2.4 Correspondence

The committee noted the following items of correspondence:

Received:

- 29 June 2016 – Email from Mr Shaoquett Moselmane, Opposition Whip, to secretariat, advising that Mr Walt Secord will be substituting for Ms Lynda Voltz for the duration of the inquiry into museums and galleries
- 8 August 2016 – Letter from Mrs Natasha Maclaren-Jones, Government Whip, to secretariat, advising that Mr Ben Franklin will be substituting for Ms Bronnie Taylor for the duration of the inquiry into museums and galleries
- 26 August 2016 – Email from Dr Elizabeth Coombs, NSW Privacy Commissioner, to secretariat, offering to brief General Purpose Standing Committee No. 4 members on priorities identified by Professor Joseph Cannataci, United Nations Rapporteur for the Right to Privacy

- 2 September 2016 – Letter from Mrs Natasha Maclaren-Jones, Government Whip, to secretariat, advising that Mr Scott Farlow will be substituting for Mr David Clarke for the duration of the inquiry into museums and galleries
- 5 September 2016 – Email from Mr Theo Psychogios, Partner, Deloitte, declining the committee's invitation to appear as a witness at a hearing
- 5 September 2016 – Email from Dr Meredith Foley, Executive Officer, Council of Australasian Museum Directors, withdrawing from the 6 September hearing as a witness.

2.5 Submissions

Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-2, 5, 8, 11-15, 17, 19-52, 54-63, 65-71, 73-75, 78-79, 81-82, 84-93, 96-97, 100-110, 112-125, 128, 131-133, 135-169, 96a, 96b, 96c, 105a, 133a, 137a, 137b, 142a, 142b, 142c, 142d, 148a, 148b, 148c, 148d, 148e, 148f, 148g, 148h, 149a, 149b, 149c, 149d, 149e, 155a and 155b.

Partially confidential submissions

Resolved, on the motion of Mr Shoebridge: That committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 3, 4, 6, 7, 9, 10, 16, 18, 53, 64, 72, 76, 77, 80, 83, 94, 95, 98, 99, 111, 126, 127, 129, 130 and 134.

Resolved, on the motion of Mr Shoebridge: That the committee keep the following information confidential, as per the recommendation of the secretariat: photograph of children in submission 148.

Pro forma submissions

Resolved, on the motion of Mr Farlow: That the committee extract any variations to the pro forma submissions received and publish them in a separate document.

Attachments to submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of attachment 3 to submission 33 and attachment 1 to submission 167.

2.6 Site visit arrangements

Resolved, on the motion of Mr Shoebridge: That the committee travel to the Blue Mountains on the evening of 22 September 2016 via bus for a site visit, hearing and possible public forum in Katoomba and Lithgow on 23 September 2016.

2.7 Report deliberative date

Resolved, on the motion of Mr Franklin: That the committee hold a report deliberative on 14 November 2016, commencing at 1.00 pm.

2.8 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences and Vice Chancellor, Western Sydney University
- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Arts NSW.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Liz Ann Macgregor, Director, Museum of Contemporary Art.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Patricia Johnson, Co-convenor, Save the Powerhouse Campaign
- Mr Jean-Pierre Alexandre, Co-convenor, Save the Powerhouse Campaign.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Graham Quint, Director – Advocacy, The National Trust of Australia (NSW).

Mr Quint tendered the following documents:

- State Heritage Register Nomination Form for Ultimo Powerhouse
- National Trust Register Listing Report for Powerhouse Museum
- National Trust Register Listing Report, Industrial Heritage Site for Ultimo Powerhouse.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Suzette Meade, President, North Parramatta Residents Action Group and Representative, Greater Western Sydney Heritage Action Group
- Mr Jon Hillman, Vice President, North Parramatta Residents Action Group.

Ms Meade tendered the following document:

- Letter to Minister Rob Stokes, dated 3 July 2016.

Mr Hillman tendered the following documents:

- Supplementary submission, North Parramatta Residents' Action Group
- Culture Matters, Gallery Services, Perc Tucker Regional Gallery and Pinnacles Gallery.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

Mr Shoebridge left the meeting at 4.58 pm.

2.9 Tendered documents

Resolved, on the motion of Mr Moselmane: That the committee accept and publish the following documents tendered during the public hearing:

- State Heritage Register Nomination Form for Ultimo Powerhouse, tendered by Mr Graham Quint, Director – Advocacy, The National Trust of Australia (NSW)
- National Trust Register Listing Report for Powerhouse Museum, tendered by Mr Graham Quint, Director – Advocacy, The National Trust of Australia (NSW)
- National Trust Register Listing Report, Industrial Heritage Site for Ultimo Powerhouse, tendered by Mr Graham Quint, Director – Advocacy, The National Trust of Australia (NSW)
- Letter to Minister Rob Stokes, dated 3 July 2016, tendered by Ms Suzette Meade, President, North Parramatta Residents Action Group and Representative, Greater Western Sydney Heritage Action Group
- Supplementary submission, North Parramatta Residents Action Group, tendered by Mr Jon Hillman, Vice President, North Parramatta Residents Action Group

- Culture Matters, Gallery Services, Perc Tucker Regional Gallery and Pinnacles Gallery, tendered by Mr Jon Hillman, Vice President, North Parramatta Residents Action Group.

2.10 Transcript redaction

Resolved, on the motion of Mr Franklin: That the committee redact Mr Hillman's concluding comments from the 5 September 2016 hearing transcript.

3. Adjournment

The committee adjourned at 5.11 pm until Tuesday 6 August 2016, 9.05 am, Macquarie Room, Parliament House (public hearing).

Merrin Thompson
Committee Clerk

Minutes no. 27

Tuesday 6 September 2016

General Purpose Standing Committee No. 4

Macquarie Room, Parliament House, Sydney, 9.03 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow (until 3.30 pm)

Mr Franklin (from 9.22 am)

Mr Mallard

Mr Moselmane

Mr Secord

2. Inquiry into museums and galleries

2.1 Additional witnesses

Resolved, on the motion of Mr Shoebridge: That Dr Lindsay Sharp, Founding Director, Powerhouse Museum and Mr Lionel Glendenning, retired architect be invited to appear before the committee on 6 September 2016.

Mr Franklin arrived at 9.22 am.

2.2 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr Michael Rose, Chairman, Historic Houses Trust of NSW (Sydney Living Museums) and Chairman, Committee for Sydney.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr John Cheeseman, President, Regional and Public Galleries NSW
- Mr Paul Brinkman, Vice-President, Regional and Public Galleries NSW and Director, Blue Mountains Cultural Centre
- Dr Lee-Anne Hall, Committee Member, Regional and Public Galleries NSW and Director, Penrith Regional Gallery and Lewers Bequest.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Lindsay Sharp, Founding Director, Powerhouse Museum
- Mr Lionel Glendenning, retired architect.

Dr Sharp tendered the following documents:

- Minutes of the Museum of Applied Arts and Sciences Board of Trustees regarding Parramatta developments, with handwritten notes
- Minutes of the Project Steering Committee on the Parramatta cultural precinct and relocation of Museum of Applied Arts and Sciences, with handwritten notes
- Heritage of the Powerhouse Museum, by Tom Lockley.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Donna Rygate, Chief Executive Officer, Local Government NSW
- Dr Sally Watterson, Project Manager, Local Government NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Alex Marsden, National Director, Museums Galleries Australia
- Mr Frank Howarth, President, Museums Galleries Australia
- Dr Andrew Simpson, Immediate Past President, NSW Branch, Museums Galleries Australia and Honorary Fellow, Department of Ancient History, Macquarie University.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr David Borger, Director, Western Sydney, Sydney Business Chamber.

The evidence concluded and the witness withdrew.

Mr Farlow left the meeting at 3.30 pm.

The following witnesses were sworn and examined:

- Mr Nicholas Pappas AM, Powerhouse Museum Alliance
- Dr Grace Cochrane AM, Powerhouse Museum Alliance
- Ms Jennifer Sanders, Powerhouse Museum Alliance.

Ms Sanders tendered the following documents:

- Boris's London Legacy, *The Spectator*, dated 18 April 2016
- Is the British Museum heading east to London's Olympic Park?, *The Art Newspaper*, dated 11 April 2016
- University of Western Sydney lobbies to fund science centre, *The Australian*, dated 1 July 2015
- UWS Quестаcon-style centre vision for the west, *The Daily Telegraph*, dated 29 June 2015
- Webpage from Louvre-Lens
- Webpage from V&A Museum of Design Dundee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW
- Dr Jennifer Barrett, Chair, Museums and Galleries of NSW Board.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.32 pm. The public and the media withdrew.

2.3 Further hearing and witnesses

Resolved, on the motion of Mr Shoebridge: That the committee hold a further hearing on 4 October 2016, and that the invited witnesses include Professor Glover, Ms Merrillees and Ms Torres, subject to the answers they provide to questions on notice.

2.4 Tended documents

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the following documents tendered during the public hearing:

- Minutes of the Museum of Applied Arts and Sciences Board of Trustees regarding Parramatta developments, with handwritten notes, tendered by Dr Sharp
- Minutes of the Project Steering Committee on the Parramatta cultural precinct and relocation of Museum of Applied Arts and Sciences, with handwritten notes, tendered by Dr Sharp
- Heritage of the Powerhouse Museum, by Tom Lockley, tendered by Dr Sharp
- Boris's London Legacy, *The Spectator*, dated 18 April 2016, tendered by Ms Sanders
- Is the British Museum heading east to London's Olympic Park?, *The Art Newspaper*, dated 11 April 2016, tendered by Ms Sanders
- University of Western Sydney lobbies to fund science centre, *The Australian*, dated 1 July 2015, tendered by Ms Sanders
- UWS Questacon-style centre vision for the west, *The Daily Telegraph*, dated 29 June 2015, tendered by Ms Sanders
- Webpage from Louvre-Lens, tendered by Ms Sanders
- Webpage from V&A Museum of Design Dundee, tendered by Ms Sanders.

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the Schedule of Information to Dr Sharp's GIPA request, once it is received.

2.5 Answers to questions on notice

Resolved, on the motion of Mr Secord: That the committee accept and publish answers to questions on notice by Ms Patricia Johnson, received 6 September 2016.

3. Adjournment

The committee adjourned at 4.35 pm until Friday 23 August 2016, Blue Mountains Cultural Centre (site visit and hearing).

Merrin Thompson
Committee Clerk

Minutes no. 28

Thursday 22 September 2016

General Purpose Standing Committee No. 4

Members' Lounge, Parliament House, 4.50 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Moselmane

Mr Secord

2. Inquiry into museums and galleries

The committee considered a request from Ms Suzette Meade, President, North Parramatta Residents Action Group to guide the committee during its site visit to the Cumberland Hospital/Fleet Street Heritage Precinct on 23 September 2016.

Resolved, on the motion of Mr Shoebridge: That the committee accept Ms Meade's invitation, and also invite Dr Geoff Lee MP, Member for Parramatta, to meet with the committee during the site visit.

3. Adjournment

The committee adjourned at 4.58 pm, until 9.15 am, Friday 23 September 2016, Lithgow Small Arms Factory Museum, Lithgow (site visit).

Teresa McMichael

Committee Clerk

Minutes no. 29

Friday 23 September 2016

General Purpose Standing Committee No. 4

Lithgow Small Arms Factory Museum, Lithgow, 9.15 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair* (from 9.30 am)

Mr Farlow

Mr Franklin (from 12.10 pm)

Mr Mallard (from 12.10 pm to 2.34 pm)

Mr Moselmane (until 1.20 pm)

Mr Secord (until 2.34 pm)

2. Inquiry into museums and galleries

2.1 Site visit to Lithgow Small Arms Factory Museum

The committee attended the Lithgow Small Arms Factory Museum and was met by the following representatives:

- Mr Kerry Guerin, Secretary, Lithgow Small Arms Factory Museum
- Ms Donna White, Custodian, Lithgow Small Arms Factory Museum
- Ms Deb Smith, Member, Lithgow Small Arms Factory Museum
- Mr Graham Dixon, Member, Lithgow Small Arms Factory Museum.

The committee conducted a tour of the museum.

Mr Shoebridge joined the meeting at 9.30 am.

2.2 Site visit to City of Greater Lithgow Mining Museum

The committee attended the City of Greater Lithgow Mining Museum and was met by the following representatives:

- Mr Michael Langford, Board member, City of Greater Lithgow Mining Museum Inc
- Mr Rod Taylor, Member, City of Greater Lithgow Mining Museum Inc.

The committee conducted a tour of the museum.

2.3 Site visit to Blue Mountains Cultural Centre

Mr Franklin and Mr Mallard joined the meeting at 12.10 pm.

The committee attended the Blue Mountains Cultural Centre and was met by Mr Paul Brinkman, Director, Blue Mountains Cultural Centre.

The committee conducted a tour of the cultural centre.

2.4 Public hearing – Blue Mountains Cultural Centre

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceeding and other matters.

The following witness was examined on his former oath:

- Mr Paul Brinkman, Director, Blue Mountains Cultural Centre

The following witnesses were sworn and examined:

- Ms Lee Morgan, Director, Development and Customer Service, Blue Mountains City Council
- Ms Kelly Heylen, Creative Industries Cluster Manager, Blue Mountains Economic Enterprise.

Ms Morgan tendered the following document:

- Opening statement.

Mr Moselmane left the meeting at 1.20 pm.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jean Winston, President, Mount Victoria and District Historical Society Inc
- Mr Kerry Guerin, Secretary, Lithgow Small Arms Factory Museum
- Ms Donna White, Custodian, Lithgow Small Arms Factory Museum
- Ms Beata Geyer, President, Modern Art Projects.

Ms Winston tendered the following document:

- The Mount Victoria and District Historical Society Inc, Museum, pamphlet.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.20 pm. The public and the media withdrew.

2.5 Tended documents

Resolved, on the motion of Mr Secord: That the committee accept and publish the following documents tendered during the public hearing:

- Opening statement, tendered by Ms Lee Morgan, Director, Development and Customer Service, Blue Mountains City Council
- The Mount Victoria and District Historical Society Inc, Museum, pamphlet, tendered by Ms Jean Winston, President, Mount Victoria and District Historical Society Inc.

2.6 Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes nos. 26 and 27 be confirmed.

2.7 Correspondence

The committee noted the following items of correspondence:

Received:

- 31 August 2016 – Email from Ms Helen O’Boyle, to committee, attaching a Daily Telegraph article concerning the redevelopment of the White Bay Power Station
- 5 September 2016 – Email from Ms Kylie Winkworth, to committee, suggesting that the committee take evidence from regional museum volunteers
- 7 September 2016 – List of additional proposed witnesses, from Dr Lindsay Sharp, to committee
- 7 September 2016 – Email from Dr Lindsay Sharp, to committee, proposing a further witness
- 7 September 2016 – Email from Dr Lindsay Sharp, to committee, attaching items 5-8 of documents obtained under GIPA concerning the relocation of the Powerhouse Museum, along with items 9-13 and 29-35
- 7 September 2016 – Email from Dr Lindsay Sharp, to committee, attaching a letter from Mr Peter Moreton, Head of Government Relations and External Affairs, Museum of Applied Arts and Sciences, to Mr Andrew Taylor, Deputy Arts Director, Sydney Morning Herald responding to Mr Taylor’s GIPA application
- 7 September 2016 – Email from Ms Suzette Meade, President, North Parramatta Residents Action Group, to committee, inviting the committee to tour the Cumberland Hospital Precinct Parramatta
- 8 September 2016 – Email from Ruth Crilly, Senior Executive Assistant, Office of the Vice Chancellor, Western Sydney University, to secretariat, advising that Professor Barney Glover, Chairman, Board of Trustees, Museum of Applied Arts and Sciences, is unable to attend a hearing on 4 October 2016
- 8 September 2016 – Email from Dr Lindsay Sharp, to committee, regarding government documentation
- 16 September 2016 – Email from Mr Ray Christison, President/Public Officer, The City of Greater Lithgow Mining Museum Inc, to secretariat, declining the invitation to appear as a witness on 23 September 2016
- 20 September 2016 – Email from Ms Suzette Meade, President, North Parramatta Residents Action Group, to secretariat, providing a map of and proposed vision for the Fleet St heritage precinct.
- 22 September 2016 – Letter from Mr Jon Hillman to Chair, regarding the redacted transcript of 5 September 2016.

Sent:

- 7 September 2016 – Letter from Chair to Hon Troy Grant MP, Deputy Premier, inviting government witnesses to give further evidence on 4 October 2016
- 7 September 2016 – Letter from Chair to Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, thanking museum staff for hosting the site visit to the Powerhouse Museum
- 14 September 2016 – Letter from Chair, to Hon Paul Toole MP, Member for Bathurst, advising that the committee will be conducting a site visit to Lithgow on 23 September 2016
- 14 September 2016 – Letter from Chair, to Hon Trish Doyle MP, Member for the Blue Mountains, advising that the committee will be conducting a site visit to Katoomba on 23 September 2016.

Resolved, on the motion of Mr Shoebridge: That the committee publish items 1-3, 5-8 and 29-35 of the documents obtained under GIPA concerning the relocation of the Powerhouse Museum, along with the cover letter from Mr Peter Moreton, Head of Government Relations and External Affairs, Museum of Applied Arts and Sciences, to Mr Andrew Taylor, Deputy Arts Director, Sydney Morning Herald, provided by Dr Lindsay Sharp.

Resolved, on the motion of Mr Shoebridge: That the committee publish the attachment to the email from Ms Suzette Meade, President, North Parramatta Residents Action Group entitled ‘Fleet Street Heritage Precinct Parramatta: Proposed Alternative Vision, September 2016,’ as a supplementary submission.

2.8 Submissions

Public submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission no. 170 and supplementary submission no. 103a.

Pro forma submissions

Resolved, on the motion of Mr Franklin: That the committee publish one copy of pro forma submission A on the website, noting the number of copies that have been received.

2.9 5 September 2016 transcript

Resolved, on the motion of Mr Secord: That the committee decline Mr Jon Hillman's request regarding the publication of his transcript of evidence, and that his correspondence of 22 September 2016 be kept confidential.

2.10 Other business

Resolved, on the motion of Mr Shoebridge: That the committee no longer conduct a hearing on 4 October 2016 and seek alternative hearing dates when Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences and Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Arts NSW, are able to appear.

Resolved, on the motion of Mr Franklin: That at the next hearing day the committee take evidence from at least one additional representative of a regional museum, with a specific focus on volunteering and the challenges that smaller regional museums face.

The meeting adjourned at 2.34 pm until 4.10 pm – former David Jones car park, Parramatta.

Mr Farlow and Mr Secord left the meeting at 2.34 pm.

2.11 Site visit to the proposed Powerhouse Museum site, former David Jones car park, Parramatta

The committee attended the proposed Powerhouse Museum site, the former David Jones car park, Wilde Avenue, Parramatta.

2.12 Site visit to the Cumberland Hospital/Fleet Street Heritage Precinct, North Parramatta

The committee attended the Cumberland Hospital/Fleet Street Heritage Precinct, North Parramatta, and was met by Ms Suzette Meade, President, North Parramatta Residents Action Group.

The committee conducted a tour of the precinct.

3. Adjournment

The committee adjourned at 4.55 pm *sine die*.

Emma Rogerson
Committee Clerk

Minutes no. 32

Wednesday 12 October 2016

General Purpose Standing Committee No. 4

Members' Lounge, Parliament House, 1.04 pm

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin (via teleconference)

Mr Mallard

Mr Moselmane (from 1.09 pm)

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 28, 29, 30 and 31 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 10 September 2016 – Letter from Dr Grace Cochrane AM, seeking to clarify her evidence of 6 September 2016
- 28 September 2016 – Letter from Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Department of Justice, advising a correction to her evidence on 5 September 2016
- 3 October 2016 – Email from Dr Grace Cochrane AM, Powerhouse Museum Alliance, to secretariat, providing an updated version of attachment 1 to submission no. 167
- 5 October 2016 – Email from Mr Peter Morton, Head of Government Relations and External Affairs, Museum of Applied Arts and Sciences, to secretariat, advising Ms Dolla Merrillees is unable to attend the hearing on 14 November 2016
- 10 October 2016 – Email from Mr Peter Morton, Head of Government Relations and External Affairs, Museum of Applied Arts and Sciences, to secretariat, providing alternative dates for Ms Dolla Merrillees and Professor Barney Glover to appear before the committee.

Sent:

- 22 September 2016 – Email from secretariat to Mr Geoffrey Lee, Member for Parramatta, advising that the committee will be in Parramatta for a site visit on 23 September 2016
- 26 September 2016 – Letter from Chair to Mr Kerry Guerin, Secretary, Lithgow Small Arms Factory Museum, thanking museum staff for hosting the site visit to the Lithgow Small Arms Factory Museum
- 26 September 2016 – Letter from Chair to Mr Michael Langford, Lithgow Mining Museum, thanking museum staff for hosting the site visit to the Lithgow Mining Museum
- 26 September 2016 – Letter from Chair to Mr Paul Brinkman, Director, Blue Mountains Cultural Centre, thanking him for hosting the site visit to the Blue Mountains Cultural Centre.

Resolved, on the motion of Mr Farlow: That the committee publish:

- the letter of 10 September 2016 from Dr Grace Cochrane AM, seeking to clarify her evidence of 6 September 2016
- the revised attachment to submission no. 167.

4. Inquiry into museums and galleries

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 150 and supplementary submission no. 150a.

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of submission nos. 21a, 142e, 148i and 171.

4.2 Answers to questions on notice

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Museum of Applied Arts and Sciences, received 27 September 2016
- answers to questions on notice from Arts NSW, received 28 September 2016
- answers to question on notice from Historic Houses Trust of NSW, received 28 September 2016
- answers to question on notice from Museum of Contemporary Art, received 12 September 2016
- answers to question on notice from Museums Galleries Australia, received 28 September 2016

4.3 Transcript corrections

The committee noted that it previously resolved by email to insert a footnote to Ms Liz Ann Macgregor's transcript of evidence from 5 September 2016, clarifying the author of the report estimating a \$200 million upgrade to the Powerhouse Museum was Ernst & Young, not PWC.

Resolved, on the motion of Mr Shoebridge: That the committee authorise the correction to the transcript of 5 September 2016 requested by Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Department of Justice.

4.4 Hearing arrangements for Museum of Applied Arts and Sciences witnesses

Resolved, on the motion of Mr Secord: That the committee invite Professor Barney Glover and Ms Dolla Merrillees to attend a public hearing on 19 October 2016 from 1.10 pm to 2.20 pm.

Resolved, on the motion of Mr Franklin: That the invitation to Professor Glover and Ms Merrillees note that the committee has the power to summons witnesses under the *Parliamentary Evidence Act 1901*.

4.5 Additional witnesses

Resolved, on the motion of Mr Shoebridge: That the committee invite the following witnesses, proposed by committee members, to the hearing on 14 November 2016:

- Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Arts NSW
- Save Bondi Pavilion (Submission no. 55)
- Mr John Shine, former Director of MAAS, Chair of Board of Trustees when relocation of Powerhouse was first proposed
- Ms Debbie Sommers, Port Macquarie Museum (Submission no. 154)
- Ms Alison Russell, Orange City Council (Submission no. 164), together on a panel with Ms Madeleine Scully, Wagga Wagga City Council
- Ms Kylie Winkworth (Submission no. 149), together on panel with Dr Janis Wilton OAM and Mr Joe Eisenberg OAM (Submission no. 115).

5. Adjournment

The committee adjourned at 1.15 pm, until 1.10 pm, Wednesday 19 October 2016 (public hearing).

Merrin Thompson
Committee Clerk

Minutes no. 33

Wednesday 19 October 2016

General Purpose Standing Committee No. 4

Waratah Room, Parliament House, 1.02 pm

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin (until agenda item 6.2)

Mr Khan (from agenda item 7.1)

Mr Mallard

Mr Secord

2. Apologies

Mr Moselmane

3. Inquiry into museums and galleries**3.1 Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceeding and other matters.

The following witnesses were examined on their former oath:

- Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences and Vice Chancellor, Western Sydney University
- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences.

The evidence concluded and the witnesses withdrew.

4. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 32 be confirmed.

5. Correspondence

The committee noted the following items of correspondence:

Received:

- 13 October 2016 – Email from Mr Jesse Price, Executive Officer, Museum of Applied Arts & Sciences, to secretariat, confirming that Professor Barney Glover and Ms Dolla Merrillees can attend the hearing on 19 October from 1.00 pm to 2.00 pm
- 12 October 2016 – Email from Mr Peter Morton, Head of Government Relations and External Affairs, Museum of Applied Arts and Sciences, to secretariat, advising that Professor Barney Glover and Ms Dolla Merrillees are only available to attend a hearing on 19 October 2016 until 2.00 pm., due to prior commitments.

Sent:

- 12 October 2016 – Letter from secretariat to Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, inviting her to give evidence at a hearing on 19 October 2016
- 12 October 2016 – Letter from secretariat to Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, inviting him to give evidence at a hearing on 19 October 2016.

6. Inquiry into museums and galleries

6.1 Pro forma submissions

Resolved, on the motion of Mr Shoebridge: That the committee:

- publish one copy of the original pro forma submission B on its website, noting the number of copies that have been received
- publish the document containing additional comments with each author's name on its website.

6.2 Answers to questions on notice

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of answers to questions on notice received from the National Trust of Australia (NSW).

7. Inquiry into Budget Estimates 2016-2017

7.1 Answer to question on notice 5a – Police portfolio

Resolved, on the motion of Mr Shoebridge: That the committee write to the Commissioner of Police to seek a copy of the General Counsel advice provided to him regarding recordkeeping requirements for SMS messages.

8. Adjournment

The committee adjourned at 2.11 pm until 1.00 pm, Monday 14 November 2016, Jubilee Room, Parliament House (public hearing).

Tina Higgins

Committee Clerk

Minutes no. 34

Monday 14 November 2016

General Purpose Standing Committee No. 4

Jubilee Room, Parliament House, 12.49 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Clarke (until 12.55 pm)

Mr Farlow (from 12.55 pm until 2.55 pm, and from 3.55 pm until 4.57 pm)

Mr Franklin (from 12.58 pm until 2.45 pm, and from 3.30 pm until 4.15 pm)

Mr Khan (until 12.55 pm)

Mr Mallard

Mr Moselmane

Mr Secord (until 1.37 pm, and from 2.30 pm until 4.20 pm)

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 33 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 14 October 2016 – Letter from Ms Catherine D’Elia, A/Deputy Secretary Courts and Tribunals, to the committee providing clarification to evidence she have at a Budget Estimates hearing on 6 October 2016.
- 17 October 2016 – Email from Mr John Shine, former President of Museum of Applied Arts and Sciences, to secretariat, advising that he is unable to attend hearing on 14 November 2016
- 27 October 2016 – Letter from Ms Sally Webb, General Counsel, NSW Police, to Director providing a response to the committee’s request to provide the advice regarding record keeping of SMS messages
- 28 October 2016 – Email from Mr John Shine, former President of Museum of Applied Arts and Sciences, to secretariat, advising he will appear before the committee on 14 November via Skype or teleconference
- 2 November 2016 – Email from Mr Bradley Hammond, Director, Orange Regional Gallery and Orange Regional Museum to secretariat, advising that Ms Alison Russell is unable to attend the hearing on 14 November 2016.
- 14 November 2016 – Email from Ms Tatiana Brisa, Office of the Deputy Premier, providing an answer to question on notice for the Racing portfolio.

Sent:

- 19 October 2016 – Letter from Director to Mr Andrew Scipione, Commissioner of Police, requesting he provide the General Counsel advice regarding record keeping of SMS messages.

4. Inquiry into Budget Estimates 2016-2017 – Report deliberative

4.1 Publication of correspondence from NSW Police General Counsel

Resolved, on the motion of Mr Shoebridge: That the committee agree to publish the correspondence from Ms Sally Webb, General Counsel, NSW Police, dated 27 October 2016.

4.2 Consideration of Chair’s draft report - Budget Estimates 2016-2017

Resolved, on the motion of Mr Shoebridge:

- a) That the draft report be the report of the committee and that the committee present the report to the House;
- b) That the transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, minutes of proceedings and correspondence relating to the Budget Estimates hearings be tabled in the House with the report;
- c) That upon tabling, all unpublished transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, minutes of proceedings and correspondence relating to the Budget Estimates hearings, be published by the committee, except for those documents kept confidential by resolution of the committee;
- d) That the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- e) That the report be tabled on Friday 18 November 2016.

5. Inquiry into museums and galleries

5.1 Inquiry timeframe

Resolved, on the motion of Mr Mallard: That the committee extend its reporting date to 23 February 2017.

The committee noted that this extension will be reported to the House on the next sitting day.

5.2 Transcript – 14 November 2016

The committee noted the advice from Hansard that the transcript from today's hearing, 14 November 2016, may be delayed.

5.3 Transcript corrections

Resolved, on the motion of Mr Mallard: That the committee authorise a footnote to be inserted in Ms Jean Winston's transcript of evidence from 23 September 2016, reflecting that the funding received from Blue Mountains City Council for an expert advisor on pests was a one off donation and is not recurrent.

5.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was examined under her previous oath:

- Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Arts NSW.

Ms Torres tendered the following document:

- Infrastructure NSW State Infrastructure Strategy Update 2014, Recommendations to the NSW Government November 2014.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Madeline Scully, Manager Community Services, Wagga Wagga City Council.

Mr Secord left the meeting.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Debbie Sommers, Volunteer Curator, Port Macquarie Museum and Vice President, Port Macquarie Historical Society.

Mr Secord re-joined the meeting.

Ms Sommers tendered the following document:

- Sydney Morning Herald article, "Powerhouse inquiry told regional NSW 'a cultural ghetto of poverty'", dated 26 September 2016.

The evidence concluded and the witness withdrew.

The committee adjourned from 2.35 pm to 2.45 pm.

The following witnesses were sworn and examined:

- Ms Eliane Morel, Deputy Convener, Save Bondi Pavilion
- Mr Murray Cox, Cultural Advisor, Save Bondi Pavilion.

Mr Farlow and Mr Franklin left the meeting.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Kylie Winkworth, Museum and Heritage Consultant
- Dr Janis Wilton OAM, Associate Professor in History, University of New England
- Mr Joe Eisenberg, Cultural Director Emeritus, Maitland City Council.

Mr Farlow and Mr Franklin re-joined the meeting.

Ms Winkworth tendered the following documents:

- NSW Migration Heritage Centre paper
- Place of eels: Parramatta and the Aboriginal clans of the Sydney region: 1788-1845, Michael Flynn.

Dr Wilton tendered the follow documents:

- Maitland Jewish Cemetery: A monument to dreams and deeds, Janis Wilton
- Hanna Kay, Undertow exhibition catalogue
- Golden Threads, the Chinese in regional New South Wales 1850-1950, Janis Wilton
- Wing Hing Long & Co Chinese Australian Rural General Store 1881-1998.

Mr Eisenberg tendered the following documents:

- Linda Greedy, Inside Bloomfield exhibition catalogue
- Fiona Davies, Intangible Collection exhibition catalogue.

The evidence concluded and the witnesses withdrew.

Mr Franklin and Mr Secord left the meeting.

The following witness was sworn and examined via teleconference:

- Mr John Shine, Former President of the Museum of Applied Arts and Sciences Board of Trustees.

The evidence concluded and the witness withdrew.

The public and media withdrew.

5.5 Tendered documents

Resolved, on the motion of Mr Shoebridge: That the secretariat return Ms Winkworth's document entitled 'Place of eels: Parramatta and the Aboriginal clans of the Sydney region: 1788-1845', given its size, and instead request an extract of the key parts within the document to be provided to the committee, if Ms Winkworth so wishes.

Resolved, on the motion of Mr Moselmane: That the committee accept and publish the following documents tendered during the public hearing:

- Infrastructure NSW State Infrastructure Strategy Update 2014, Recommendations to the NSW Government November 2014, tendered by Ms Samantha Torres, Deputy Secretary, Justice Services, Arts and Culture, Arts NSW
- Sydney Morning Herald article "Powerhouse inquiry told regional NSW 'a cultural ghetto of poverty'", dated 26 September 2016, tendered by Ms Debbie Sommers, Volunteer Curator, Port Macquarie Museum and Vice President, Port Macquarie Historical Society
- NSW Migration Heritage Centre paper, tendered by Ms Kylie Winkworth, Museum and Heritage Consultant
- Maitland Jewish Cemetery: A monument to dreams and deeds, Janis Wilton, tendered by Dr Janis Wilton OAM, Associate Professor in History, University of New England
- Hanna Kay, Undertow exhibition catalogue, tendered by Dr Janis Wilton OAM, Associate Professor in History, University of New England
- Golden Threads, the Chinese in regional New South Wales 1850-1950, Janis Wilton, tendered by Dr Janis Wilton OAM, Associate Professor in History, University of New England
- Wing Hing Long & Co Chinese Australian Rural General Store 1881-1998, tendered by Dr Janis Wilton OAM, Associate Professor in History, University of New England
- Linda Greedy, Inside Bloomfield exhibition catalogue, tendered by Mr Joe Eisenberg, Cultural Director Emeritus, Maitland City Council

- Fiona Davies, Intangible Collection exhibition catalogue, tendered by Mr Joe Eisenberg, Cultural Director Emeritus, Maitland City Council.

6. Adjournment

The committee adjourned at 4.57 pm until Thursday 17 November 2016 (deliberative).

Tina Higgins

Committee Clerk

Minutes no. 35

Thursday 17 November 2017

General Purpose Standing Committee No. 4

Parkes Room, Parliament House, 2.17 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Franklin

Mr Mallard

Mr Moselmane

Mr Secord

2. Apologies

Mr Farlow

3. Previous minutes

Resolved, on the motion of Mr Moselmane: That draft minutes no. 34 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 November 2016 – Email from Ms Kylie Winkworth, Museum and Heritage Consultant to secretariat, providing additional information to the committee about Aboriginal history in Parramatta
- 15 November 2016 – Email from Ms Kylie Winkworth, Museum and Heritage Consultant to secretariat, providing additional information to the committee regarding the terms ‘regional museum’ and ‘regional arts’ used in evidence.

5. Inquiry into museums and galleries

5.1 Further hearings

Resolved, on the motion of Mr Shoebridge: That the committee have an additional half day hearing and invite the following witnesses to attend:

- Panel One (1 hour): Ms Rachel Neeson, Director, Neeson-Murcutt Architects Pty Ltd and Mr Joe Agius, Director, COX Architecture.
- Panel Two (1 hour): Mr Steven Casey, and Mr James MacAtamney, KPMG and Mr Michael Parry, Project Director, Museum of Applied Arts and Sciences (MAAS)
- Panel Three (1 hour): WT Partnership Quantity Surveyors and Mr Peter Root, Senior Project Consultant, Root Projects Australia Pty Ltd.

Resolved, on the motion of Mr Shoebridge: That the committee:

- hold an additional half day hearing on 17 February 2017
- reduce the timeframe for answers to questions on notice and supplementary questions from the hearing on 17 February 2017 to 14 days
- extend the reporting date until 30 March 2017.

Resolved, on the motion of Mr Secord: That the secretariat canvass members' availability for a report deliberative in mid to late March 2017.

The committee requested advice from the Clerk regarding power of committees to question witnesses and compel evidence relating to issues subject to cabinet-in-confidence and commercial-in-confidence.

5.2 Answers to questions on notice

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of answers to questions on notice received from the Museum of Applied Arts and Sciences Board of Trustees on 17 November 2016.

6. Adjournment

The committee adjourned at 2.21 pm, until Friday 17 February 2017 (half day hearing).

Tina Higgins

Committee Clerk

Minutes no. 36

Monday 13 February 2017

General Purpose Standing Committee No. 4

Room 1136, Parliament House, 10.00 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin (*via teleconference*)

Mr Mallard (*via teleconference*)

Mr Moselmane

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 35 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 16 November 2016 – Email from Ms Debbie Sommers, Volunteer Curator, Port Macquarie Museum to secretariat, providing additional information referred to in evidence on 14 November 2016
- 28 November 2016 – Email from Mr Michael Bale to secretariat, expressing dissatisfaction with conduct of Mr John McKenzie NSW Legal Services Commissioner
- 1 December 2016 – Letter from Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, providing clarification to evidence given by Ms Kylie Winkworth on 14 November 2016 regarding two internal Museums and Galleries of NSW reports

- 7 February 2017 – Letter from Mr James McClelland, Deputy General Counsel, Disputes and Reputation, KPMG, declining invitation to appear at hearing on 17 February 2017
- 7 February 2017 – Email from Mr Joe Agius, Director, Cox Architecture and Mr Rachel Neeson, Director, Neeson-Murcutt Architects, declining invitation to appear at hearing on 17 February 2017
- 8 February 2017 – Email from Mr James Osenton, National Director, WT Partnership Quantity Surveyors, declining invitation to appear as a witness at hearing on 17 February 2017
- 10 February 2017 – Letter from Mr Peter Root, Senior Project Consultant, Root Projects Australia, declining invitation to appear as a witness at hearing on 17 February 2017.

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of correspondence from Mr Michael Rolfe, Chief Executive Officer, Museums and Galleries of NSW, providing clarification to evidence given by Ms Kylie Winkworth on 14 November 2016 regarding two internal Museums and Galleries of NSW reports.

4. Inquiry into museums and galleries

4.1 Witnesses – 17 February 2017

Resolved, on the motion Mr Shoebridge: That:

- the committee write to the following witnesses, inviting them to attend the hearing on Friday 17 February 2017 and, should they decline the committee's invitation to attend once again, that the witnesses be summoned to appear
- the witnesses provide a response to the committee's invitation by midday Wednesday 15 February 2107
 - Ms Rachel Neeson, Director, Neeson-Murcutt Architects Pty Ltd
 - Mr Joe Agius, Director, Cox Architecture
 - Mr Steven Casey, Director, KPMG
 - Mr James McAtamney, Associate Director, KPMG
 - Mr Peter Root, Senior Project Consultant, Root Projects Australia Pty Ltd
 - Mr Michael Parry, Project Director, Museum of Applied Arts and Sciences (subject to response).

Resolved, on the motion of Mr Shoebridge: That the committee invite Mr Peter Root, Senior Project Consultant, Root Projects Pty Ltd to appear for 45 minutes instead of one hour.

5. Adjournment

The committee adjourned at 10.03 am until 9.15 am, Friday 17 February 2017, Jubilee Room, Parliament House (public hearing).

Emma Rogerson
Committee Clerk

Minutes no. 37

Friday 17 February 2017

General Purpose Standing Committee No. 4

Jubilee Room, Parliament House, 9.15 am

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Mallard

Mr Moselmane

Mr Pearce (substituting for Mr Franklin)

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Moselmane: That draft minutes no. 36 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 February 2017 – Letter from Mr James McClelland, Deputy General Counsel, Disputes and Resolution, KPMG, to Chair, advising that Mr Casey and Mr McAtamney will voluntarily attend the hearing on 17 February 2017 but requesting Mr Graham Brooke, Partner, KPMG, attend instead of Mr McAtamney
- 15 February 2017 – Letter from Ms Rachel Neeson, Director, Neeson-Murcutt Architects Pty Ltd to secretariat, advising that she and Mr Agius will be voluntarily attending the hearing on 17 February 2017 and raising concerns about a media article
- 15 February 2017 – Letter from Hon. Don Harwin, Minister for the Arts, to Chair, requesting that the committee invite Ms Dolla Merrillees to appear alongside Mr Michael Parry on 17 February 2017
- 15 February 2017 – Letter from Mr Peter Root, Root Projects Australia Pty Ltd to Chair, advising that he will be voluntarily attending the hearing on 17 February 2017
- 14 February 2017 – Email from Gay Hendriksen, Founding Partner, The Rowan Tree Heritage Cultural Services, attaching a document entitled ‘Museum of Australian Identity’ for the committee’s consideration.

Sent:

- 13 February 2017 – Letter to Ms Rachel Neeson, Director, Neeson-Murcutt Architects Pty Ltd suggesting Ms Neeson reconsider the invitation to appear before the committee to give evidence on 17 February 2017
- 13 February 2017 – Letter to Mr Joe Agius, Director, Cox Architecture suggesting Mr Agius reconsider the invitation to appear before the committee to give evidence on 17 February 2017
- 13 February 2017 – Letter to Mr Steven Casey, Director, KPMG suggesting Mr Casey reconsider the invitation to appear before the committee to give evidence on 17 February 2017
- 13 February 2017 – Letter to Mr James McAtamney, Associate Director, KPMG suggesting Mr McAtamney reconsider the invitation to appear before the committee to give evidence on 17 February 2017
- 13 February 2017 – Letter to Mr Peter Root, Senior Project Consultant, Root Projects Australia suggesting Mr Root reconsider the invitation to appear before the committee to give evidence on 17 February 2017.

4. Unauthorised disclosure

Resolved, on the motion of Mr Mallard: That the secretariat, on behalf of the Chair, write to all persons who had access to the committee's proceedings on 13 February 2017, requesting an indication as to whether the person was responsible for the disclosure or is able to provide any information that could be of assistance in determining the source of the disclosure.

Resolved, on the motion of Mr Mallard: That Ms Rachel Neeson be advised that the committee is following its standard procedure for investigating an unauthorised disclosure.

5. Inquiry into museum and galleries

5.1 Public submissions

Resolved on the motion of Mr Shoebridge: That the committee authorise the publication of submission nos. 172 and supplementary submission no. 148j.

5.2 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr John Shine, former President, Museum of Applied Arts and Sciences Board of Trustees, received 1 December 2016
- answers to question on notice from Ms Samantha Torres, Deputy Secretary, Justice Services, Arts & Culture, received 12 December 2016
- answers to questions on notice from Ms Madeleine Scully, Wagga Wagga, received on 27 December 2016.

5.3 Requests to be accompanied by legal representatives

Resolved, on the motion of Mr Pearce: That the committee agree to the requests from witnesses who have indicated they wish to be accompanied by a legal representative during the hearing on 17 February 2017.

5.4 Public hearing

Resolved, on the motion of Mr Mallard: That, for witnesses appearing at the hearing on 17 February 2017, answers to questions on notice and supplementary questions be returned with 14 days of the date on which the questions are forward to the witness.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Rachel Neeson, Director, Neeson – Murcott Architects Pty Ltd
- Mr Joe Agius, Director, Cox Architecture.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Steven Casey, Director, KPMG
- Mr Graham Brooke, Partner, KPMG
- Mr Michael Parry, Project Director, Museum of Applied Arts and Sciences.

The following witness was examined under her previous oath:

- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences.

The committee adjourned at 11.10am for a private meeting.

The public and media withdrew.

5.5 Deliberative meeting

Resolved, on the motion of Mr Farlow: That witnesses be advised that they have one more opportunity to answer a question asked by the committee otherwise they may be summoned.

5.6 Public hearing

Witnesses, the public and the media were admitted.

The following witnesses were examined:

- Mr Steven Casey, Director, KPMG
- Mr Graham Brooke, Partner, KPMG
- Mr Michael Parry, Project Director, Museum of Applied Arts and Sciences.
- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Peter Root, Senior Project Consultant, Root Projects Australia Pty Ltd.

The evidence concluded and the witness withdrew.

The public and media withdrew.

5.7 Deliberative meeting

Resolved, on the motion of Mr Shoebridge: That advice be requested from the Clerk on:

- the steps the committee could take to press witness who declined to answer questions pertaining to the preliminary business case for the relocation of the Powerhouse Museum, on the grounds that the preliminary business case was a confidential cabinet document
- how the committee can access the preliminary business case and other working documents relating to the Powerhouse relocation project, either through the committee or the House.

6. Adjournment

The committee adjourned at 12.45 pm until 10.00 am Thursday 23 March (report deliberative).

Tina Higgins

Committee Clerk

Minutes no. 38

Thursday 9 March 2017

General Purpose Standing Committee No. 4

Members' Lounge, Parliament House, 2.15 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Moselmane (left at 2.26pm)

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 37 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 21 February 2017 – Email from the Hon Walt Secord MLC, to Director, responding to unauthorised disclosure of committee proceedings
- 21 February 2017 – Email from the Hon Shaoquett Moselmane MLC, to Director, responding to unauthorised disclosure of committee proceedings
- 21 February 2017 – Email from Mr David Shoebridge MLC, to Director, responding to unauthorised disclosure of committee proceedings
- 21 February 2017 – Email from Miss Shaza Babar, to Director, responding to unauthorised disclosure of committee proceedings
- 22 February 2017 – Email from Miss Emma Rogerson, to Director, responding to unauthorised disclosure of committee proceedings
- 22 February 2017 – Email from Hon Robert Borsak MLC, to Director, responding to unauthorised disclosure of committee proceedings
- 23 February 2017 – Letter from Hon Ben Franklin MLC to Director, responding to unauthorised disclosure of committee proceedings
- 23 February 2017 – Email from Ms Beverly Duffy to Director, responding to unauthorised disclosure of committee proceedings
- 23 February 2017 – Email from Ms Tina Higgins to Chair, responding to unauthorised disclosure of committee proceedings
- 24 February 2017 – Letter from the Hon Scott Farlow MLC to Director, responding to unauthorised disclosure of committee proceedings.

Sent:

- 21 February 2017 – Letter from A/Director, to committee members and secretariat, regarding unauthorised disclosure of committee proceedings concerning Sydney Morning Herald article dated 14 February 2017.

Resolved on the motion of Mr Shoebridge: That the committee note in the minutes of its proceedings:

- that Standing Order 224 prohibits the unauthorised disclosure of committee evidence and documents. The rationale for this prohibition is that the release of confidential committee material has a potentially deleterious impact on individual participants in parliamentary proceedings and the integrity of the committee system and therefore has the potential to impede a committee in the performance of its functions.
- that given the committee has been unable to identify the source of the unauthorised disclosure of its confidential proceedings on 13 February 2017, the matter will not proceed any further.

Resolved, on the motion of Mr Shoebridge: That the secretariat further advise Ms Rachel Neeson about the outcome of the committee's procedure to investigate the unauthorised disclosure.

4. Inquiry into museums and galleries

4.1 Public submissions

Resolved, on the motion of Mr Franklin: That the committee authorise the publication of submission no. 173 and supplementary submission no. 44c.

4.2 Advice from the Clerk

Resolved, on the motion of Mr Shoebridge: That the advice from the Clerk of the Parliaments to the committee, dated 27 February 2017, be published.

Mr Moselmane left the meeting.

Mr Shoebridge moved: That the committee:

- authorise the Chair, on behalf of the committee, to give notice in the next sitting period, for an order for papers under standing order 52 for all documents related to the preliminary business case for the relocation of the Powerhouse Museum
- seek advice from the Clerk as to whether the committee should pursue these documents via Standing Order 208 (c) *parallel* to seeking them under Standing Order 52, and furthermore, what mechanisms are available to the committee or the House to seek to enforce these orders, in the event the executive refuses to provide the documents.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Secord, Mr Shoebridge

Noes: Mr Farlow, Mr Franklin, Mr Mallard

There being an equality of votes, question resolved in the affirmative on the casting vote of the Chair.

4.3 Reporting deadline

Resolved, on the motion of Mr Franklin: That the committee:

- reschedule the report deliberation meeting to another date, after the secretariat canvass' members' availability
- extend the reporting date until 30 April 2017.

5. Adjournment

The committee adjourned at 2.30 pm *sine die*.

Tina Higgins

Committee Clerk

Minutes no. 39

Thursday 30 March 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 9.48 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard (*substituting for the duration of the inquiry into museums and galleries*)

Mr Moselmane

Mr Secord

2. Committee membership

The committee noted the change in membership with Ms Cusack replacing Mr Mallard as a substantive member of Portfolio Committee No. 4 – Legal Affairs.

3. Correspondence

The committee noted the following item of correspondence:

Received:

- 29 March 2017 – Letter from the Hon Natasha Maclaren-Jones MLC, Government Whip – Legislative Council, to Director, advising that the Hon Shayne Mallard MLC will be substituting for the Hon Catherine Cusack MLC for the duration of the inquiry into museums and galleries.

4. Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes no. 38 be confirmed.

5. Inquiry into museums and galleries**5.1 Clerks advice**

The Clerk of the Parliaments provided advice to the committee about to accessing documents under standing orders 208(c) and 52.

5.2 Report timeline

Resolved, on the motion of Mr Shoebridge: That:

- the reporting date be extended until Thursday 15 June 2017
- that the Chair release a media statement advising of the new reporting date.

6. Adjournment

The committee adjourned at 10.00 am, until *sine die*.

Emma Rogerson
Committee Clerk

Minutes no. 41

Wednesday 31 May 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 1.03 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Franklin

Mr Mallard

Mr Moselmane

Mr Secord

Mr Martin (substituting for Mr Farlow)

2. Previous minutes

Resolved, on the motion of Mr Franklin: That draft minutes no. 39 be confirmed.

3. Correspondence

The committee to consider the publication of correspondence from Ms Kylie Winkworth, dated 15 November 2016.

Resolved, on the motion of Mr Mallard: That the committee authorise the publication of correspondence from Ms Kylie Winkworth, providing additional information to the committee regarding the terms 'regional museum' and 'regional arts' used in evidence, dated 15 November 2016.

4. Inquiry into museums and galleries

4.1 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Peter Root, Managing Director, Root Projects Australia, received 8 March 2017
- answers to questions on notice from Ms Dolla Merrillees, Director, and Mr Michael Parry, Director, New Museum, Museum of Applied Art and Sciences, received 8 March 2017
- answers to questions on notice from Ms Rachel Neeson, Director, Neeson Murcutt Architects, received 8 March 2017
- answers to questions on notice from Mr Joe Agius, Director, Cox Architecture, received on 23 March 2017.

4.2 Public submissions

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of supplementary submission no. 67a.

4.3 Further hearings

Resolved, on the motion of Moselmane: That the committee hold a half day hearing and invite Minister Harwin and any ministerial or departmental staff he wishes to accompany him (for three hours).

The committee noted that this hearing will likely be held in the afternoon of Tuesday 6 June, which was the previous date for the report deliberative.

4.4 Reporting timeline

Resolved, on the motion of Mr Shoebridge: That the committee:

- extend the reporting deadline to 25 August 2017
- hold a deliberative meeting on 18 August 2017 at 9am.

5. Adjournment

The committee adjourned at 1.12 pm until Tuesday 6 June 2017, Jubilee Room, Parliament House (public hearing).

Emma Rogerson
Committee Clerk

Minutes no. 42

Tuesday 6 June 2017

Portfolio Committee No. 4 – Legal Affairs

Jubilee Room, Parliament House, 12.30 pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Moselmane

Mr Secord

2. Inquiry into museums and galleries

2.1 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters. The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

- The Hon Don Harwin MLC, Minister for Arts, and Minister for Resources and for Energy and Utilities, Vice-President of the Executive Council was admitted and examined.

The following witnesses were sworn and examined:

- Ms Alex O'Mara, Acting Deputy Secretary, Arts and Culture Division, Department of Planning and Environment
- Mr Michael Brealey, Chief Executive Officer, Department of Planning and Environment
- Mr Craig, Limkin, Acting Executive Director, Cultural Infrastructure Program Management Office, Arts and Culture Division, Department of Planning and Environment.

The committee adjourned at 1.05pm until 1.35 pm.

The committee adjourned at 2.35 pm until 2.45pm.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

The public hearing concluded at 3.10 pm.

3. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 41 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 2 June 2017 – Letter from Minister Harwin to Director, confirming his attendance at the hearing on 6 June 2017
- 5 June 2017 – Email from Ms Anna Cuthbertson, Associate Director, Johnstaff Projects to secretariat, declining invitation to appear as a witness at a public hearing on 6 June 2017.

Sent:

- 31 May 2017 – Letter from Director to Minister Harwin, inviting him to appear as a witness at a hearing on 6 June 2017.

5. Adjournment

The committee adjourned at 3.19 pm until 18 August 2017, location TBC (report deliberative).

Tina Higgins
Committee Clerk

Minutes no. 46

Wednesday 9 August 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 1.50pm

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Moselmane

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 42 be confirmed.

3. Inquiry into museums and galleries

3.1 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Answers to questions on notice from the Hon Don Harwin MLC, Minister for Arts and the Department of Planning and Environment, received 30 June 2016.

3.2 Further hearing

Resolved, on the motion of Mr Shoebridge: That the committee hold a public hearing on date to be canvassed with members by the secretariat, and invite the Premier, Minister Harwin, Professor Glover, Ms Merrillees, Parramatta City Council and any other witnesses nominated by members to appear before the committee.

3.3 Reporting timeline

Resolved, on the motion of Mr Shoebridge: That the committee extend the reporting deadline to 30 November 2017.

4. Adjournment

The committee adjourned at 1.53 pm, *Sine die*.

Emma Rogerson
Committee Clerk

Minutes no. 47

Tuesday 29 August 2017

Portfolio Committee No. 4 – Legal Affairs

Macquarie Room, Parliament House, 2.31 pm

1. Members presentMr Borsak, *Chair*Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Moselmane (until 4.11 pm)

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Mallard: That draft minutes no. 46 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 August 2017 – Letter from Mr Tom Lockley to secretariat, forwarding complaint made to NSW Ombudsman regarding the Powerhouse Museum relocation
- 24 August 2017 – Email from Mr Jesse Price, Executive Officer, Museum of Applied Arts and Sciences to secretariat, advising that Ms Dolla Merrillees and Professor Barney Glover are unable to attend the public hearing on 29 August 2017
- 24 August 2017 – Letter from Minister Harwin to secretariat – accepting invitation to attend hearing and advising of accompanying witnesses

Sent:

- 17 August 2017 – Letter from secretariat, to Premier Berejiklian inviting her to appear as a witness at a hearing on 11 September 2017
- 17 August 2017 – Letter from secretariat, to Minister Harwin inviting him to appear as a witness at a hearing on 11 September 2017
- 22 August 2017 - Letter from secretariat, to Premier Berejiklian advising of change of date of hearing to 29 August 2017
- 22 August 2017 - Letter from secretariat, to Minister Harwin advising of change of date of hearing to 29 August 2017
- 22 August 2017 – Letter from secretariat, to Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, inviting her to appear as a witness at a hearing on 29 August 2017
- 22 August 2017 – Letter from secretariat, to Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, inviting him to appear as a witness at a hearing on 29 August 2017

4. Inquiry into museums and galleries**4.1 Further hearing 11 September 2017**

Mr Shoebridge moved: That the committee invite the following witnesses to a hearing on 11 September 2017:

- Premier Berejiklian
- Hon Troy Grant MP, former Minister for Arts
- Mr Mike Baird, former Premier
- Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences

- Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences
 - Johnstaff Projects
 - Dr Lindsay Sharp
- (a) In the case that witnesses are unavailable to attend on 11 September 2017, the secretariat canvass a new hearing date with members.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Noes: Mr Farlow, Mr Franklin, Mr Mallard.

Question resolved in the affirmative.

4.2 Reporting timeline

Resolved, on the motion of Mr Secord: That the committee extend the reporting deadline to 1 March 2018.

4.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Amanda Chadwick, Administrator, Parramatta City Council
- Ms Rebecca Grasso, Director Marketing and City Identity, Parramatta City Council.

The evidence concluded and the witnesses withdrew.

Ms Chadwick tendered the following documents:

- Opening statement, Ms Amanda Chadwick
- Report, Review of the Heads of Agreement between City of Parramatta Council and the NSW Government to establish an arts and cultural precinct, Deloitte, 27 July 2017
- Factsheet, Museum and Cultural Precinct for Parramatta, City of Parramatta
- Report, Culture and our city: A Cultural Plan for Parramatta's CBD 2017-2022, City of Parramatta
- Report, MAAS Museum Relocation Business Impacts Study February 2017, HillPDA Consulting

The Hon Don Harwin MLC, Minister for Arts, and Minister for Resources and for Energy and Utilities, Vice-President of the Executive Council was admitted and examined. The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The following witnesses were examined on their former oath:

- Ms Alex O'Mara, Deputy Secretary, Arts, Screen and Culture Division, Department of Planning and Environment
- Mr Craig Limkin, Executive Director, Cultural Infrastructure Program Management Office, Arts, Screen and Culture Division, Department of Planning and Environment
- Mr Michael Brealey, Chief Executive Officer, Create NSW, Arts, Screen and Culture Division, Department of Planning and Environment.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

The public hearing concluded at 4.25 pm.

4.4 Tended documents

Resolved, on the motion of Mr Shoebridge: That the committee accept and publish the following documents tendered by Ms Amanda Chadwick, Administrator, Parramatta City Council during the public hearing:

- Opening statement, Ms Amanda Chadwick
- Report, Review of the Heads of Agreement between City of Parramatta Council and the NSW Government to establish an arts and cultural precinct, Deloitte, 27 July 2017
- Factsheet, Museum and Cultural Precinct for Parramatta, City of Parramatta
- Report, Culture and our city: A Cultural Plan for Parramatta's CBD 2017-2022, City of Parramatta
- Report, MAAS Museum Relocation Business Impacts Study February 2017, HillPDA Consulting.

5. Adjournment

The committee adjourned at 4.26 pm until 1.45 pm, Thursday 31 August 2017, Jubilee Room, Parliament House (Budget Estimates – Police and Emergency Services portfolio).

Emma Rogerson
Committee Clerk

Minutes no. 58

Thursday 23 November 2017

Portfolio Committee No. 4 – Legal Affairs

Members' Lounge, Parliament House, 9.50 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Franklin

Mr Mallard

Mr Secord

2. Apologies

Mr Moselmane

3. Correspondence

The committee noted the following items of correspondence:

Received

- 22 November 2017 – Letter from the Hon Gladys Berejiklian MP, Premier to secretariat, advising she is unable to attend the inquiry.

4. Inquiry into museums and galleries

4.1 Interim report

Resolved, on the motion of Mr Shoebridge: That the committee table an interim report on museums and galleries by Friday 22 December 2017.

5. Adjournment

The committee adjourned at 9.52 am, until Wednesday 7 December 2017, 9.00 am, Macquarie Room (public hearing Emergency Services agencies inquiry).

Emma Rogerson
Committee Clerk

Draft minutes no. 60

Thursday 14 December 2017

Portfolio Committee No. 4 – Legal Affairs

Room 1136, Parliament House, 10.16 am

1. Members present

Mr Borsak, *Chair*

Mr Shoebridge, *Deputy Chair*

Mr Farlow

Mr Mallard

Mr Moselmane

Mr Franklin

Mr Secord

2. Previous minutes

Resolved, on the motion of Mr Shoebridge: That draft minutes no. 47 and 58 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 4 September 2017 – Email from Dr Des Griffin, to secretariat requesting to appear as a witness at the hearing on 11 September 2017
- 6 September 2017 – Email from Ms Annabel Andrews, Executive Assistant to Chief Customer Officer, Corporate and Institutional Banking, National Australia Bank Limited to secretariat advising of Mr Baird's unavailability to attend the hearing on 11 September 2017
- 6 September 2017 – Email from Mr Jesse Price, Executive Officer, Museum of Applied Arts and Science to secretariat advising that Ms Merrillees and Professor Glover are unable to attend hearing on 11 September 2017
- 6 September 2017 – Email from Ms Anna Cuthbertson, Associate Director, Johnstaff Projects to secretariat, advising she is unavailable to attend hearing on 11 September 2017
- 6 September 2017 – Letter from the Hon Troy Grant MP, Minister for Police and Emergency Services and former Minister for Arts to secretariat, advising he is unavailable to attend hearing on 11 September 2017
- 6 September 2017 – Save the Powerhouse to committee, providing a comparative analysis of the Riverbank site at Parramatta and the Ultimo Powerhouse site
- 7 September 2017 - Letter from the Hon Gladys Berejiklian MP, Premier to secretariat, advising she is unable to attend hearing on 11 September 2017
- 12 September 2017 - Email from Mr Tom Lockley to committee, advising that the evidence given by Ms Amanda Chadwick Parramatta City Council may have been erroneous
- 8 November 2017 – Letter from the Hon Gladys Berejiklian MP, Premier to secretariat, advising the NSW Government has previously participated in the inquiry

- 14 November 2017 – Email from Grace Cochrane to committee, forwarding correspondence from Craig Limkin regarding the new Parramatta museum and claims the government’s Extended Business Case will not consider this committee’s report if released after the filing of the business case
- 22 November 2017 – Letter from the Hon Gladys Berejiklian MP, Premier to secretariat, advising she is unable to attend the inquiry.

Sent:

- 1 September 2017 – Letter from secretariat, to Ms Dolla Merrillees, Director, Museum of Applied Arts and Sciences, inviting to give evidence at a hearing on 11 September 2017
- 1 September 2017 – Letter from secretariat, to Professor Barney Glover, President, Board of Trustees, Museum of Applied Arts and Sciences, inviting to give evidence at a hearing on 11 September 2017
- 1 September 2017 – Letter from Director to Premier Berejiklian, inviting to give evidence at a hearing on 11 September 2017
- 1 September 2017 – Letter from Director to the Hon Troy Grant MP, Minister for Police and Emergency Services and former Minister for Arts, inviting to give evidence at a hearing on 11 September 2017
- 1 September 2017 – Letter from Director to Mr Mike Baird, former Premier, inviting to give evidence at a hearing on 11 September 2017
- 1 September 2017 – Letter from Director to Ms Anna Cuthbertson, Associate Director, Johnstaff Projects, inviting to give evidence at a hearing on 11 September 2017
- 11 September 2017 – Letter from Director to Premier Berejiklian, seeking her availability to attend a public hearing
- 30 October 2017 – Letter from Director to Premier Berejiklian, seeking a response to correspondence dated 11 September 2017
- 14 November 2017 – Letter from Director to Premier Berejiklian, seeking clarification of correspondence dated 8 November 2017.

4. Inquiry into museums and galleries

4.1 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Ms Amanda Chadwick, Administrator, Parramatta City Council, received 12 September 2017
- answers to questions on notice from the Hon Don Harwin MLC, Minister for Arts, received 9 October 2017.

The committee noted that Parramatta City Council has requested that the additional documents provided with their answers to questions on notice be kept confidential.

Resolved, on the motion of Mr Franklin: That the committee write to Parramatta City Council asking that they identify the sections they wish to be kept confidential and the reasons for confidentiality.

4.2 Advice from the Clerk of the Parliaments

Resolved, on the motion of Mr Shoebridge: That the committee authorise the publication of the advice from the Clerk of the Parliaments dated 28 March 2017.

4.3 Consideration of Chair's draft interim report

The Chair submitted his draft interim report entitled *Museums and galleries in New South Wales*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Shoebridge: That the following new paragraph on page xi be inserted at the end of the section on 'Procedural issues':

'This inquiry has been protracted because of the changing nature of the government's proposals for the Powerhouse Museum. With changes of Minister and Premier and confusing public narratives about the reasons for, planning for and commitment to moving the Powerhouse it has been necessary to hold a number of public hearings and to recall a number of key witnesses.

The fact that the government has still been unable to provide a clear business case for moving the Powerhouse means the committee almost certainly require additional hearings in the New Year. To fully comprehend how such a large financial commitment was made, which some estimate at up to \$1.5 billion, which has clear potential to damage the culturally iconic Powerhouse Museum, will likely require additional investigation by the committee.

It is the task of Parliament to hold the executive to account. In that regard it may be necessary to call both the former and current Premiers to identify what, if any, evidence was relied upon before the government of New South Wales made such a decision.'

Resolved, on the motion of Mr Mallard: That Recommendation 2 be amended by omitting 'That the NSW Government remove the annual efficiency dividend for art and cultural institutions' and inserting instead 'That the NSW Government review the cost and benefits of the annual efficiency dividend for art and cultural institutions'.

Resolved, on the motion of Mr Shoebridge: That paragraph 2.32 be amended by inserting at the end: 'No studies were provided to the committee to support these assertions'.

Resolved, on the motion of Mr Shoebridge: That paragraph 2.19 be amended by omitting 'It is expected that the new Powerhouse Museum in Parramatta will open in 2022' and instead inserting 'The government has stated that the new Powerhouse Museum in Parramatta will open in 2022.'

Mr Franklin moved: That paragraph 2.103 be omitted: 'The committee is appalled that the decision to relocate the Powerhouse Museum was publicly announced before a preliminary business case had even been prepared for Cabinet. The credibility of the relocation decision has been undermined by the lack of genuine community and sector consultation undertaken in relation to the proposed move, and by the secrecy surrounding the funding, relocation costs and business case itself.'

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard

Noes: Mr Borsak, Mr Shoebridge, Mr Moselmane, Mr Secord.

Question resolved in the negative.

Mr Franklin moved: That paragraph 2.104 be amended by omitting 'The government's reputation has also not been aided by its' and instead inserting 'The Committee expressed concerns about the Government's'.

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard.

Noes: Mr Borsak, Mr Shoebridge, Mr Moselmane, Mr Secord.

Question resolved in the negative.

Mr Franklin moved: That paragraph 2.105 be amended by omitting ‘the committee and the public are still in the dark as to the exact costs and details of the proposed move’ and inserting instead ‘the committee and the public are still unaware of the exact costs and details of the proposed move’.

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard, Mr Moselmane, Mr Secord, Mr Shoebridge,

Noes: Mr Borsak.

Question resolved in the affirmative.

Mr Franklin moved: That paragraph 2.105 be amended by omitting ‘Like inquiry participants, the committee questions the rationale for the relocation proposal.’

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard.

Noes: Mr Borsak, Mr Moselmane, Mr Shoebridge, Mr Secord.

Question resolved in the negative.

Mr Franklin moved: That:

- a) paragraph 2.106 be omitted: ‘Attempts by this committee to find out more information were met with resistance from witnesses who cited cabinet confidentiality and commercial confidentiality as grounds for declining to answer questions regarding the preliminary and final business cases.’
- b) paragraph 2.107 be omitted: ‘Furthermore, the committee, on numerous occasions, invited the Hon Gladys Berejiklian MP, Premier, to attend a public hearing to give evidence about the decision. However, on each occasion, the committee’s invitation was declined.’
- c) paragraph 2.108 be omitted: ‘The committee has the following concerns about the government’s decision to relocate the Powerhouse museum to Parramatta:
 - the fact that the decision was made without the true costs of the project ever being known
 - the justification for the relocation when the current Ultimo museum is purpose built
 - how the relocation will be managed in order to ensure the protection of such important and historic collections
 - the lack of genuine community consultation in both Ultimo and Parramatta, and
 - how prone the Parramatta riverbank site is to flooding, as well as its insufficient size and inaccessibility to the public.’
- d) paragraph 2.109 be omitted: ‘In the absence of clear evidence justifying the relocation decision, the committee is unable to accept that the relocation of the Powerhouse represents good value for money. While we agree that Western Sydney would benefit from a cultural institution of its own, we cannot see how the social or economic benefits of moving the Powerhouse from its existing site to Parramatta would outweigh the value of retaining a world renowned cultural institution that contains such important collections in the heart of Sydney.’

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard.

Noes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Secord: That the following new paragraph be inserted after paragraph 2.107:

‘The committee expresses its disappointment that the current Premier Gladys Berejiklian and former Premier Mike Baird refused to appear before the committee to answer questions on the business case and decisions relating to the Powerhouse.

The committee notes that Mr Baird is now a private citizen and will reissue an invitation for him to appear.’

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Noes: Mr Farlow, Mr Franklin, Mr Mallard.

Question resolved in the affirmative.

Mr Franklin moved: That Recommendation 4 be amended by omitting ‘That the NSW Government retain the Powerhouse Museum at its existing site in Ultimo’ and inserting instead ‘That the NSW Government retain cultural space at the existing Powerhouse Museum site in Ultimo.’

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard.

Noes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Question resolved in the negative.

Mr Secord moved: That Recommendation 4 be omitted: ‘That the NSW Government retain the Powerhouse Museum at its existing site in Ultimo’ and the following new recommendation be inserted instead:

‘That the NSW Government release the full business case for the Powerhouse Museum and all assessed proposals to the committee and the community for full public consultation before making its final decision.’

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard, Mr Moselmane, Mr Secord.

Noes: Mr Shoebridge.

Question resolved in the affirmative.

Mr Secord moved: That the following new recommendation be inserted after Recommendation 4:

‘Recommendation X

That the Premier re-consider her refusal to attend and appear before the inquiry.’

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Noes: Mr Farlow, Mr Franklin, Mr Mallard.

Question resolved in the affirmative.

Mr Franklin moved: That:

- a) paragraph 2.110 be omitted: ‘The committee believes that it would be more appropriate for a Museum of Applied Arts and Sciences satellite site to be established in Western Sydney which could display items of the collection currently in storage and hold different exhibitions to those at the Ultimo museum.’
- b) Recommendation 5 be amended by omitting ‘That the NSW Government consider establishing a Museum of Applied Arts and Sciences satellite site in Western Sydney’ and instead inserting ‘That the NSW Government consider establishing the Museum of Applied Arts and Sciences in Western Sydney.’

Question put.

The committee divided.

Ayes: Mr Farlow, Mr Franklin, Mr Mallard.

Noes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Question resolved in the negative.

Resolved, on the motion of Mr Secord: That Recommendation 5 be amended by omitting ‘That the NSW Government’ before ‘consider establishing a Museum of Applied Arts and Sciences satellite site in Western Sydney’ and inserting instead: ‘That the business case prepared by the NSW Government’.

Mr Shoebridge moved: That the following new paragraph be inserted after paragraph 2.112:

‘What could have been a good news story for Sydney, the creation of a new museum in Parramatta, has been bungled by the government. There is a deep sense of affection and support for the Powerhouse Museum. Inevitably part of that strong public support comes from the fact that the Powerhouse Museum is built in, and gives fresh life to, the old Ultimo Powerhouse. Its repurposed industrial form and its proximity to the transport hub at Central Station make it a unique and irreplaceable site for a collection focused on industrial and applied science.

The final cost to government of moving the Powerhouse may be up to \$1.5 billion dollars. Much of this is wasted in the expensive project of moving and repurposing the existing collection. It also comes with the unquantifiable cost of damaging the much loved Powerhouse Museum. Noting that the business case has not been made public, based on the evidence before the committee, spending up to \$1.5 billion to destroy a cultural icon is an act of vandalism by this government.’

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Moselmane, Mr Secord, Mr Shoebridge.

Noes: Mr Farlow, Mr Franklin, Mr Mallard.

Question resolved in the affirmative.

Resolved, on the motion of Mr Franklin: That Recommendation 6 be amended by omitting ‘an alternative cultural precinct proposal for Western Sydney’ and inserting instead: ‘a cultural precinct proposal for Western Sydney’.

Resolved, on the motion of Mr Secord: That paragraph 2.113 be amended by omitting ‘Finally, any new cultural centre for Western Sydney should not be developed at the riverbank site. The committee is not satisfied that this site would be appropriate for any such facility’ and inserting instead:

‘On the evidence before the committee, any new cultural centre for Western Sydney could be at risk if developed at the river bank site. In the absence of a business case, the committee is not satisfied that this site would be appropriate for any such facility’.

Resolved, on the motion of Mr Franklin: That Recommendation 7 be amended by omitting ‘other than the river bank site’ after ‘That the NSW Government consider a range of other Western Sydney sites’.

Resolved, on the motion of Mr Franklin: That paragraph 3.20 be amended by omitting ‘as a result of a government policy that seems to have omitted their importance and value to the state’s art and culture sector’ and inserting instead ‘who do not believe that their importance and value to the state’s arts and culture sector is appropriately recognised’.

Resolved, on the motion of Mr Secord: That the following new committee comment be inserted after paragraph 3.49:

‘Committee comment:

The committee acknowledges concern in the community that the existing Regional Cultural Fund does not adequately support the funding of programs or staff which are key to the success of regional galleries and cultural institutions. Regional galleries often face many challenges and these are heightened by government funding allocations being quarantined away from the areas of most need.

Resolved, on the motion of Mr Secord: That recommendation 9 be amended by inserting at the end: ‘(c) Examine the restrictions on the allocations of the Regional Cultural Fund and investigate expanding the funds availability and making it accessible for specific programs and staffing needs.’

Resolved, on the motion of Mr Franklin: That:

- a) paragraph 3.97 be amended by omitting ‘would be value’ and instead inserting ‘could be value’
- b) paragraph 3.99 be amended by omitting ‘to establish a state institution that captures’ and instead inserting ‘to establish how best to capture’
- c) Recommendation 9 be amended by omitting ‘to establish a state institution that captures’ and instead inserting ‘to establish how best to capture’.

Resolved, on the motion of Mr Shoebridge: That paragraph 3.97 be amended by omitting ‘institution for Aboriginal art and culture’ and instead inserting ‘centre for Aboriginal art and culture’.

Resolved, on the motion of Mr Shoebridge: That the following new committee comment be inserted after paragraph 3.99:

Committee comment

‘We also believe it is essential that the management and control of any such centre and its collections be in the hands of the First Peoples of New South Wales. Historically, cultural institutions have appropriated and used Indigenous culture and seen Indigenous people as subjects of study’.

Resolved, on the motion of Mr Shoebridge: That Recommendation 13 be amended by inserting the following dot point at the end: ‘(c) ensure that the management and control of any Aboriginal art and culture centre and its collections be in the hands of the Aboriginal peoples of New South Wales’.

Resolved on the motion of Mr Moselmane: That:

- a) The draft report, as amended, be the report of the committee and that the committee present the report to the House
- b) The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling
- c) The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee
- d) Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting
- e) That the report be tabled on 18 December 2017.

5. Further hearings

Resolved, on the motion of Mr Shoebridge: That the following witnesses be invited to appear before the committee at a hearing date to be determined by the Chair after consultation with members regarding their availability.

- Mr Mike Baird, former Premier
- Mr Bay Warburton, Head of Stakeholder Relations, Mirvac
- Mirvac, property group
- Premier, the Hon Gladys Berejiklian MP

6. Adjournment

The committee adjourned at 11.43 am until Monday 26 February 2018 (Emergency services inquiry hearing).

Emma Rogerson
Committee Clerk

