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The Hon. Robert Borsak MLC  
Chair  
General Purpose Standing  
Committee No. 4  
Legislative Council  
NSW Parliament  
[gpscno4@parliament.nsw.gov.au](mailto:gpscno4@parliament.nsw.gov.au)

Our Ref: VF16/3003#56

Dear Chair

Please find attached answers to questions on notice taken during the General Purpose Standing Committee No.4 Inquiry into Museums and Galleries hearing on Monday 14 November 2016.

Yours sincerely

**Samantha Torres**  
Deputy Secretary  
Justice Services, Arts & Culture

**QUESTION WITH NOTICE: Legislative Council - Inquiry into Museums and Galleries  
(page 1)**

**Asked: 14 November 2016**

**Due to be lodged: 8 December 2016**

**QUESTION**

**The Hon. WALT SECORD:** You made reference to Ms Merrillees. There is a bit of a misunderstanding. It was not a criticism of her; it was a criticism of her handling of the release of public information and her expenditure on overseas trips. While we are on the subject, as you raised it, Ms Merrillees was criticised for trying to charge the Opposition a massive bill to subvert the Government Information (Public Access) [GIPA] process. When she was at this Committee she promised that she would provide that information on overseas travel to the Committee and Opposition and that never eventuated. I would like to make that statement. Is there any jurisdictional response that comes under you in getting the Powerhouse Museum to adhere to the State Government's GIPA and her commitment to this Committee to release the information?

**Ms TORRES:** My understanding is that the treatment of the GIPA application was in accordance with the guidelines from the Government and that the indication of cost was connected to the scope of the request. The opportunity is always given to applicants under GIPA, if there is going to be a significant impost on the affected department, to either pay for the cost of that or to narrow the scope of their requirement. My understanding is that that is what has occurred. If that is incorrect, I am happy to take it on notice and follow it up.

**The Hon. WALT SECORD:** She gave a commitment to this Committee that she would release that information. Rather than forcing the Opposition to go through the GIPA process, she gave a commitment to this Committee that she would release information on where they travelled and how much they spent on the various overseas trips.

**Ms TORRES:** There is a twofold response to that. I am not certain of her response to questions on notice. The other aspect, which I can certainly follow up, is to double-check that the issue was handled in accordance with departmental guidelines. I did clarify that before I appeared here today.

**ANSWER**

The application for access to information on overseas travel at the Museum of Applied Arts and Sciences was processed in accordance with the *Government Information (Public Access) Act 2009*.

On 16 November 2016, the Museum of Applied Arts and Sciences provided to the Inquiry information requested under the GIPA Act application regarding overseas travel between 2011 and 2016.

On 30 November 2016, the GIPA Act application was formally withdrawn.

**QUESTION WITH NOTICE: Legislative Council - Inquiry into Museums and Galleries  
(page 5)**

**Asked: 14 November 2016**

**Due to be lodged: 8 December 2016**

**QUESTION**

**The Hon. WALT SECORD:** Did you draw up the proposals or was that done by Property NSW?

**Ms TORRES:** They engaged an expert in the area. I cannot recall the name off the top of my head, but I am happy to provide that on notice. That expert has provided a range of workable options. They include various degrees of what would be required, such as planning approvals and changes to zoning, if that were to occur, for the Government to be fully informed about the decision it is making.

**ANSWER**

The Department of Justice has engaged Property NSW to evaluate the value implications of possible future uses for the Ultimo site. Property NSW engaged CBRE, a commercial real estate services company, to assist it to help inform this work, which is continuing.

**QUESTION WITH NOTICE: Legislative Council - Inquiry into Museums and Galleries  
(page 5)**

**Asked: 14 November 2016**

**Due to be lodged: 8 December 2016**

**QUESTION**

**The Hon. SHAYNE MALLARD:** I asked you to step through the funding. Are they annual figures?

**Ms TORRES:** That is devolved funding which is essentially under the control of Regional Arts NSW to assist in determining where the most needs lie. Then you have what is called \$2.1 million in program funding to the Regional Arts Development Board. Overall there was a \$9.3 million investment in 2015-16 in regional New South Wales arts programs which is a 12 per cent increase over the period 2014-15. That total investment included the program funding and various other mechanisms I was just talking about. As recently as two weeks ago the Deputy Premier—the then Deputy Premier—announced a further \$800,000 in devolved funding to Regional Arts NSW programs. So there is a significant pot of money. The Arts Cultural Development Program that is run overall by Arts NSW is between \$52 million and \$53 million.

**The Hon. SHAYNE MALLARD:** Will you take that question on notice as I am still confused. Will you provide a table?

**Ms TORRES:** Yes, a table of the funding.

**The Hon. SHAYNE MALLARD:** What are the conditions? What are the maximum grants? The Committee wants to look at the structure.

**Ms TORRES:** It is probably worthwhile recognising that there are under that program essentially separate buckets of funding. So there are major performing companies and so on that are on a three-year cycle and then there is program funding and then there is small project funding and that splits it.

**The Hon. SHAYNE MALLARD:** Will you provide that table on notice?

**Ms TORRES:** Certainly.

**Mr DAVID SHOEBRIDGE:** The Blue Mountains Council and its gallery received serious criticism about being able to get recurrent funding because of a requirement that you needed to get program funding for three years before you could get access to recurrent funding. They said if a new premier venture is being started it can almost make it cost prohibitive to start because you cannot get access to recurrent funding. Are you aware of that criticism?

**Ms TORRES:** I am.

**Mr DAVID SHOEBRIDGE:** Is there any proposal to do something about it so that new premier cultural institutions are encouraged to be established and will get access to recurrent funding?

**Ms TORRES:** Again it is a little difficult, given the change in portfolio that has just been announced. However, I can say there is currently underway—

**Mr DAVID SHOEBRIDGE:** Do you want to take that on notice?

**Ms TORRES:** I can tell you what is happening right now.

**Mr DAVID SHOEBRIDGE:** And then take the rest of it on notice?

**Ms TORRES:** Yes. Right now what is happening, because it is already in implementation, is a reform of Arts NSW and Screen NSW, into a single integrated entity. It will also have responsibility for the administration of funding programs. One of the key things we have been asked to do once that new organisation is up and running is to do a review of the way the funding pockets work because they do not seem to be particularly complementary. They also seem to encourage people to apply for greater and longer term funding rather than encourage sustainability. So that is a piece of work that we shall be doing—I believe we shall be doing—but I will take the rest on notice.

## ANSWER

### Arts and Cultural Development Program (ACDP) 2015/16 Arts NSW Funding options available to regional and metropolitan museums and galleries

Name of funding category	Restrictions (beyond general eligibility requirements)	Funding limit	Grant allocation amount (2015/16)	Allocated to regional and metropolitan museums and galleries (2015/16)
State Significant Organisation funding - Museum of Contemporary Art Australia	SSO funding is negotiated and they must continue to meet their key performance indicators and must: <ul style="list-style-type: none"> <li>• have a minimum annual income of \$2.5M</li> <li>• occupy significant State owned cultural infrastructure and deliver a high quality arts and cultural program of scale within the venue OR</li> <li>• deliver a nationally recognised arts and cultural festival of scale OR</li> <li>• be of significant strategic importance to the sector in terms of their regional location and the arts and cultural activities and infrastructure provided</li> <li>• be recognised as leaders within their art form or discipline and/or within the broader NSW arts and cultural sector</li> <li>• engage in activities that deliver strong benefits to the NSW arts and cultural sector and community, in particular within priority areas</li> <li>• make a significant contribution to NSW's arts and cultural profile</li> <li>• maintain strategies for growing and engaging new and diverse audiences</li> <li>• have a strong history of good governance and financial management</li> <li>• have a demonstrated capacity to engage in strategic partnerships and secure revenue from diverse sustainable sources</li> <li>• deliver activities which engage with a minimum of one ACDP priority</li> </ul>	No limit, guidance provided by Arts NSW in a staged process	\$4,068,000	\$4,068,000
Multiyear Program funding	<p><b>General:</b></p> <ul style="list-style-type: none"> <li>* not-for-profit organisations</li> <li>* receipt of 2015 Multiyear Program funding or advised by Arts NSW able to apply following Expression of Interest Process in 2014</li> <li>* must engage with a minimum of one ACDP priority</li> </ul> <p><b>Category A:</b> Annual income of \$100,000 to \$1,000,000</p> <p><b>Category B:</b> Annual minimum income of \$1,000,000</p> <p><b>Service Organisations:</b> Organisations that are dedicated to providing expertise, key services and critical function to members of the arts and cultural sector</p> <ul style="list-style-type: none"> <li>* minimum annual income of \$100,000</li> </ul>	<p><b>Category A:</b> \$50,000 - \$350,000</p> <p><b>Category B:</b> No limit</p> <p><b>Service Organisations:</b> No limits</p>	\$11,995,400	\$4,691,900

Name of funding category	Restrictions (beyond general eligibility requirements)	Funding limit	Grant allocation amount (2015/16)	Allocated to regional and metropolitan museums and galleries (2015/16)
<p>Devolved funding program - M&amp;G NSW (Note M&amp;G NSW receives Multiyear Program funding)</p> <p>Some ACDP funds are devolved to arts and cultural organisations to support arts and cultural activities at the local and regional level.</p>	M&G NSW devolved grants for Volunteer Museums and Gallery grants are awarded to regional public galleries, art spaces and Aboriginal cultural centres under guidelines developed by M&G NSW.		\$300,000	\$300,000
Annual Program Funding	<p><b>General:</b></p> <ul style="list-style-type: none"> <li>* Not-for-profit organisations</li> <li>* receipt of 2015 Annual Program funding from Arts NSW OR</li> <li>* at least 3 Arts NSW grants in 3 of the last 5 years (at time of application)</li> <li>* minimum annual income of \$50,000</li> <li>* must engage with a minimum of one ACDP priority</li> </ul> <p><b>Service Organisations:</b> Organisations that are dedicated to providing expertise, key services and critical function to members of the arts and cultural sector - minimum annual income under \$100,000 may apply</p>	<p><b>Annual:</b> \$10,000 - \$150,000</p> <p><b>Service Organisations:</b> No limits</p>	\$2,129,700	\$548,300
Arts & Cultural Project Funding	<ul style="list-style-type: none"> <li>* Individuals, groups &amp; partnerships and organisations</li> <li>* All projects must involve professional artists and Arts/cultural workers based in NSW</li> <li>* Organisations are not able to receive both Program funding and Arts &amp; Cultural Project funding in the same year</li> </ul>	<p>Up to \$60,000 for one year Up to \$75,000 for two years</p>	\$1,851,837	\$420,955
Regional Capital	<ul style="list-style-type: none"> <li>* Regional organisations</li> <li>* At least 50 % of the income for the project, including in-kind, must be provided from sources other than Arts NSW.</li> <li>* For activities involving the development or renovation of infrastructure, applicants must provide proof of ownership of the infrastructure, a certified costs estimate and detailed plans drafted by an architect or qualified draftsman.</li> <li>* Regional Capital is not available for the purchase of furniture or equipment to be used for administrative purposes, or for software, websites or apps.</li> </ul>	Up to \$60,000 (matched funds)	\$384,200	\$238,100

Name of funding category	Restrictions (beyond general eligibility requirements)	Funding limit	Grant allocation amount (2015/16)	Allocated to regional and metropolitan museums and galleries (2015/16)
Regional Partnerships	<p>* Organisations, regional partnerships and groups based in regional NSW.</p> <p>* Project partners must be actively involved in project planning and development, play a key role in delivering the project and make a financial contribution (cash or in-kind)</p> <p>* Partnerships between regional and Sydney-based organisations are eligible if the funding and benefit goes directly to the region.</p> <p>Regional Partnerships funding does not support:</p> <ul style="list-style-type: none"> <li>- the core business or program of an organisation and related administration costs</li> <li>- curriculum based activities in schools</li> <li>- Regional Capital projects</li> <li>- partnerships between business units or facilities within the same local government authority.</li> </ul>	Up to \$150,000 within a two year period	\$386,700	\$0*
			<b>TOTAL</b>	<b>\$10,267,255</b>

\* Regional Partnerships funding in 2015/16 was awarded to three organisations delivering Aboriginal performing arts programs (theatre and music).

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(page 7)**

**Asked: 14 November 2016**

**Due to be lodged: 8 December 2016**

**QUESTION**

**Mr DAVID SHOEBRIDGE:** Who recommended Gretel Packer?

**Ms TORRES:** Gretel Packer came from an Arts NSW recommendation, I believe. I will take that on notice to confirm. But off the top of my head it was the Arts NSW list that included Gretel Packer, given her philanthropic and other activities in the arts sector.

**ANSWER**

Ms Gretel Packer was not included on the list of nominees provided by Arts NSW. Ms Packer was nominated by the Minister's office, on the basis that she is a Trustee of the Art Gallery of NSW Board, a Trustee of the Sydney Theatre Company, and Chair of the Crown Resorts Foundation Advisory Board, which undertakes philanthropic work across the arts sector.



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(page 9)**

**Asked: 14 November 2016**

**Due to be lodged: 8 December 2016**

**QUESTION**

**Ms TORRES:** Again, I was asked if I was aware of comparables. In my view they are comparables. The Western Australian Museum was left off the list but obviously the Western Australian Museum is also being moved at the moment, which is again similar or not depending on your view.

**Mr DAVID SHOEBRIDGE:** Comparable insofar as apples and oranges are both fruit. They are that kind of comparable. Is that right?

**Ms TORRES:** I do believe we should probably take that on notice, Mr Shoebridge.

**ANSWER**

The Western Australian Museum in Perth has closed and is being relocated and recreated as the New Museum for WWA, scheduled to open in the Perth Cultural Centre in 2020.

This is comparable to the establishment of the new Museum of Applied Arts and Sciences in Parramatta in that as the same processes are required to be undertaken in order to relocate a large museum: building the new museum, safely packing and transporting the collection, installing the exhibits and establishing the museum in a new location.

