

**Supplementary
Submission
No 118a**

**INQUIRY INTO GOVERNMENT'S MANAGEMENT OF
POWERHOUSE MUSEUM AND OTHER MUSEUMS AND
CULTURAL PROJECTS IN NEW SOUTH WALES**

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Date Received: 8 September 2020

**Inquiry into the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales
Supplementary Submission from Tom Lockley, 8 September 2020**

On the due date of 17 March I submitted material to the above Inquiry. Since that date the results of a relevant Government Information Access Application (GIPA) have become available, leading to the development of other relevant and significant information. Therefore this submission is offered to the Inquiry, including discussion of these developments.

It addresses specifically Terms of Reference 1 (a) (viii): *Government's response to the previous recommendations of the Portfolio Committee No. 4 in Report 40 entitled 'Museums and Galleries in New South Wales'*.

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Summary of submission:

The relevant Inquiry into Museums and Galleries (23 June 2016 to 28 February 2019) involved over 30 hours of hearings, hearing 59 witnesses, some on up to three occasions. A comprehensive 72-page report was produced. As part of this a major Finding was promulgated to the effect that the processing of the 2016 Business Case was unsatisfactory.

To this the Government replied on 17 July 2019-with a 134-word statement to the effect that appropriate verification and supervisory processes had been followed.

The Finding and the response can be found on page 3 in my submission and evidence that it was **not prepared as a response to the Inquiry** is seen on page 4¹.

The first paragraph of the Government response stated that six **independent reviews** had been performed. Absolutely no information is available about these reviews apart from the name of the review and the month in which it was documented. Page 4 demonstrates the consequent uncertainties. Appendix 1 summarises relevant aspects of our GIPA application to INSW on this subject.

Their second paragraph claims the supervision of the process through such mechanisms as **Peer Review**. There is clear evidence of inaccurate Government descriptions of this process which is outlined on pages 6ff.

Their third paragraph states that the economic aspects have been properly assessed but page 14 demonstrates that the **assessment has been conducted only by people already committed to the 'move' project**.

A basic problem with assessing the rationality of the 'move' project has been the Government's attitude to the Treasury statement that attention must be given to the 'Base Case'. The decision has been made to regard the Government's **determination to 'move' the museum as the base case**, thereby precluding discussion of alternatives to moving the museum.

The implications of this are outlined on page 12.

Appendix 3 on pages 16ff endeavours to list the people with museum and / or arts qualifications and experience who may have had influence on the Government's basic decision.

The input of Ms Macgregor, Director of the Museum of Contemporary Art as *Cultural Ambassador to the West* in 2014 has been referenced by Government supporters as providing evidence of consideration of alternatives. This is discussed in this appendix, pages 18ff.

Appendix 4, page 21, describes the manner in which this submission has been developed. Though it is presented as a private submission there has been wide input and supervision from many highly skilled and qualified people.

¹ Page numbers cited refer to the pages in this document unless the context indicates otherwise.

1.0: The 'Finding' and the Government response

After the major Inquiry into Museums and Galleries, a Final Report was issued on 28 February 2019 after over two years of proceedings. It was supported by massive evidence, many submissions and facts elicited during over thirty hours of sittings. Only Government members of the Inquiry demurred.

The report was headed up by a Finding, not a mere Recommendation, as follows:

Finding 1

That the Final Business Case for the Powerhouse Museum in Western Sydney Project² did not comply with NSW Treasury's Guide to Cost-Benefit Analysis.

On 17 July 2019 the Government's response was received, as follows:

Response: *Not Supported. Since February 2016, Infrastructure NSW has undertaken six independent reviews of the New Museum in Western Sydney project, conducted by more than 30 independent reviewers including specialists in design, planning and economics.*

The Final Business Case for the project demonstrates the expertise, time, detail, rigor and due diligence underpinning the planning of this project. Highly qualified consultants in cultural infrastructure, museum logistics, urban planning, construction and operations contributed via peer review processes and governance panels. The document includes an economic appraisal for the project, produced in accordance with NSW Treasury's Government Guide to Cost-Benefit Analysis.

The key parameters of the Economic Appraisal were endorsed by the Project Steering Committee which included a representative from NSW Treasury. The INSW Business Case summary indicated that it provided a sound basis for government decision making.

2.0: Evidence that the Government's 'response' was prepared without reference to the Inquiry report

The Government's scanty (134-word) response to the Finding is almost identical to statements made in the so-called *Final Business Case Summary* issued a year before, (2 July 2018) on page 7 of that document). (**block underlining: exactly the same wording as the response**; *italic underlining similar meaning, different words*)

Since February 2016, no fewer than six external reviews have been undertaken as work on the New Museum has evolved. The Gateway process managed by Infrastructure NSW involved extensive independent review by multiple experts in cultural infrastructure, urban planning, economic analysis, construction and operation. In addition, as part of the Business Case's development, CIPMO has sought advice from multiple experts in cultural infrastructure, museum logistics, urban planning, construction and operations through peer review processes and

² Throughout this submission, unless otherwise made clear in the context, the term *Business Case* refers to the documents released on 12 June 2018 which were the subject of investigation for the first Inquiry.

expert advisory panels. *Infrastructure NSW's review of the Business Case for the relocated Powerhouse Museum, completed in February 2018, concluded that the Business Case had successfully demonstrated the case for change.*

The *Final Business Case Summary* was released on 4 April 2018. It was a response to constant requests from the public for information about the 'move' project. As can be seen, sentences from this summary were reproduced as the Government's total response to the Finding of the Inquiry, which they issued on 1 July, 2019, 469 days later.

There were still four more sitting days before the end of the Inquiry when this travesty of a Business Case summary was issued. Two of the six review report documents had yet to be issued. And as will be shown on page 5, point 3, it addressed none of the specific issues that had been raised during the Inquiry that indicated that the Government's plans were flawed

After the release of the report there was a debate in the Legislative Council³ in which the Government members simply took the same line as the response, without addressing any issues.

The remainder of this submission will dissect this response to demonstrate the lack of validity.

3.0: Discussion of the six independent review panels – Paragraph 1 of the Government response

The Government was forced to release the full current Business Case in April 2018. They had been under severe criticism for failure to secure expert advice.

We sought information about the six independent reviews, but were told that all information was 'cabinet in confidence'. In preparation for the current review we again sought information about these reviews by emailing Infrastructure NSW, the Minister for the Arts on 12 April. Ms Havilah passed responsibility for replying to the email to INSW and an unnamed person again stated that the information could not be provided because it was 'cabinet in confidence'.

We then asked for any information available such as membership of the review groups, their terms of reference, process details such as times and frequency of meetings and any other similar information. Again this was refused: all of this this information was 'cabinet in confidence'⁴.

³ Hansard transcript: Wednesday, 7 August 2019 Legislative Council- PROOF Pages 26-29:Committees: PORTFOLIO COMMITTEE NO. 4 - LEGAL AFFAIRS, Report: Museums and Galleries in New South Wales, Debate resumed from 8 May 2019.

⁴ an email received on 29 April from Infrastructure NSW, no signature.

Therefore, in an attempt to achieve more definite knowledge about the procedure, and because we had exhausted the normal communication channels, we made a GIPA request to INSW Tuesday 5 March 2020.

In the response, received on June 2 2020, we learnt only that the names and dates of the reviews are as follow:

1. December 2016: *MAAS review report*
2. February 2017: *MAAS New Museum in Parramatta review report*
3. January 2018: *New Museum in Parramatta report*
4. March 2018: *New Museum in Western Sydney report*
5. April 2018: *MAAS Ultimo report*
6. November 2018: *New Museum in Parramatta report*⁵

Only one document is listed per review.

The GIPA response recognised the validity of our request for information but stated that the public's right to be assured of the quality of these reviews was subordinate to the Government's desire to keep the matters 'cabinet in confidence', even though it was the only riposte to the many instances of faulty procedure advanced by the Inquiry. A fuller summary of this matter is provided in Appendix 1, page 13

A few points need to be made:

1. The existence of the six independent reviews was made known in the so-called Business Case Summary issued on 2 July 2018, and it was claimed at that time that they demonstrated the *expertise, time, detail, rigor and due diligence underpinning the planning of this project*, yet
 - a. The sixth report had not yet been issued.
 - b. This was in effect a confirmation that no independent review or similar process had occurred prior to February 2016. (see page 9 and Appendix 2 page 14 paragraph 1)
2. After the Business Case Summary was issued, there were an additional three hearings
 - a. 12 September 2018– Sharp / Winkworth / Grant, Harwin / O'Mara /Limkin
 - b. 16 November 2018 – Glover / Elliott
 - c. 11 February 2019 – Macdonald / Witness B / Witness CThus the response to the Inquiry finding was clearly prepared before studying all the evidence.
3. There was no attempt to address any of the evidence-based criticisms of the Business Case process, notably *Final Report* sections 1.20, 1.25, 1.32, 1.33, 1.37, 1.40, 1.41, 1.54, 1.57, 1.59, 1.69, 1.70, 1.71, 1.73, 1.74, 1.75, 1.77 and the Committee comments 1.79 to 1.83. All of these supported the conclusion made in the Finding.

⁵ INSW Notice of decision, 2 June 2020. We do not know what time of the month these documents were issued but for the purposes of succeeding paragraphs the date was taken as 15th of each month.

4.0: Comments on *Peer Review processes and Governance Panels*- paragraph 2 of the Government response

Key point: The statement in the Government's response to the Finding, that *Highly qualified consultants in cultural infrastructure, museum logistics, urban planning, construction and operations [have] contributed via peer review processes and governance panels' is inaccurate.*

On 11 February 2020 emails were sent to INSW, the Arts Minister, the Premier and the CEO of MAAS including the following:

As regards the 'Highly qualified consultants in cultural infrastructure, museum logistics, urban planning, construction and operations [who have] contributed via peer review processes and governance panels referred to in Mr Harwin's rejection of the Inquiry Finding, no Government entity has been able to produce evidence that they exist.

[We have checked every relevant document from the business case] and 'peer review' has only two sets of relevant mentions:

- *Firstly, the so-called Expert Guidance Group /Panel mentioned in Inquiry evidence by Ms Torres and Mr Harwin July / August 2017 has been shown to be a sham, details as below, pages 6ff.*
- *Secondly Attachment EE - Consultations and Peer Review Schedule is listed as part of the released business case but apparently does not exist.*

If this statement is in error, please inform us urgently.

No response has been received. As a matter of interest, we have on 17 occasions asked the Legislative Council office, the Arts Minister, INSW and MAAS for copies of Attachment EE.

At the outset, a very important point must be made. The people organising the Business Case and therefore the 'move' itself, are not experienced or indeed qualified, in matters related to museums. The most, indeed the only, capable experienced person we have been able to find in the process is Peter Root, of Root Partnerships, who played a valued part in the commissioning of the present museum. He has of recent years produced plans for removing the exhibits from the museum, and they are probably as efficient as possible for this huge project⁶. In his Inquiry evidence he was careful to emphasise that he was following instructions rather than originating, or necessarily supporting, the project⁷.

He is an exception to the general rule that people with museum qualifications and experience have taken no part in the process. A 2016 *LinkedIn* search of the local Johnstaff employees, for example, found that none of the 114 local employees had significant

⁶ Available online at the private website [maasbusinesscase.com](http://maasbusinesscase.com/business%20case/Blue%20attachments/Root%20Projects%20all%20drafts/list%20of%20all%20root%20drafts.htm)
<http://maasbusinesscase.com/business%20case/Blue%20attachments/Root%20Projects%20all%20drafts/list%20of%20all%20root%20drafts.htm>

⁷ Inquiry evidence, opening statement, Friday, 17 February 2017 page 30

museum-related experience or qualifications, and this firm has the responsibility of preparing the Business Case.

On 11 July 2019 in an interview with [a senior executive of MAAS], this person mentioned to me that Johnstaff did indeed have a qualified and experienced museum person working on the project and promised to get me the details but did not do so even after a reminder email on 22 July and several phone calls during late 2019. When this person was on holidays a PA said she would endeavour to find these details but did not make further contact with me. Early in 2020 we heard that this person left MAAS for a position not related to the State Government or the museum sector. On 4 December 2019 I also raised this matter with Ms Havilah, but she had no information to hand on any employees of INSW or related bodies that had museum qualifications or experience that had had involvement in determining basic issues.

We have developed a register of claimed expert input from people with museum or general arts experience into the basic process and of support for this particular 'move' project and it is included as Appendix 3.

The Expert Advisory Group, late 2017.

In Inquiry evidence 29 August 2017 Mr Harwin advised us of the membership of an Expert Advisory Group, (which we take to be the same entity as the Expert Advisory Panel mentioned by Ms Torres on 30 June 2017). He said that this group had 'provided guidance throughout the process.' He made this statement when refusing an offer of consultation with former Director Lindsay Sharp. Here is the exact transcript:

The Hon. WALT SECORD: I want to take you back to the \$1.5 billion claim that you dispute, involving Dr Lindsay Sharp. I know Dr Lindsay Sharp made this offer: that he and a number of senior figures in the arts administration community would sign confidentiality agreements with you, would take you through the costings as to how they arrived at that \$1.5 billion figure, and would give you binding, signed confidentiality agreements. What is your response to their offer?

The Hon. DON HARWIN: My response to that would be that we have established an expert advisory committee to look at this. We have a wealth of knowledge and a solid project focus track record across many critical aspects of the project, including: the design and delivery of major arts and cultural projects; government relationships; subject matter expertise across museums, collections, science and the arts; major project planning and delivery; operations and management of museums; and philanthropic and sponsor relations. They provide their knowledge and guidance directly to the project committee. The members of that include the following: Dr J. Patrick Greene, previously the chief executive officer of Museum Victoria; Professor Graham Durant, the Director of Questacon; Mr Mark Carnegie, well-known as an arts philanthropist; and I think you have been advised previously of Doug Hall's role⁸. He has a continuing role.

⁸ Doug Hall was previously mentioned in evidence to the Inquiry on June 6, and is noted as 'Independent Advisor' in a subsequent response to questions on notice. He is not mentioned in the submissions to the

The Hon. WALT SECORD: Point of order—

The Hon. DON HARWIN: I am answering the question.

The Hon. WALT SECORD: You are not. I was asking what your response is to their offer to provide the costings and to go through it with a signed confidentiality agreement.

The CHAIR: Order! The Minister may continue.

The Hon. DON HARWIN: Peter Root, the Managing Director of Root Partnerships who has had an extensive involvement with the Powerhouse Museum; Penny Hutchinson, previously the head of Arts Victoria; and Edmund Capon as well, who I am sure is well-known to all of you. My response would be we are getting the expert advice and we are able to go forward on the basis that the best advice is available already to the project and we have locked that in to ensure that we have a good outcome.

There are many problems with this assertion.

- In the Business Case documents we have not found evidence of any influence that the panel has had. It is only mentioned in the business papers twice – in the Engagement Register listing the two meetings mentioned below.
- The group was not formed until over 2½ years had elapsed since the project was inaugurated and there is no trace of such process before this time.
- The group first met on 7 September 2017 at The Mint, Macquarie Street, attended by Peter Root, Penny Hutchinson and Graham Durant with a group of senior people from MAAS and CIPMO.
- A second and final meeting, on 25 September 2017 at Parramatta Council buildings, had the same attendance plus Patrick Greene. Doug Hall attended neither meeting. Our information is that these were largely ‘briefing’ meetings but in any case,
 - Even if devoted entirely to review processes, these are manifestly inadequate for such a huge project
 - there is absolutely no evidence that there has been any consideration of alternatives to the ‘move’ project and
 - throughout the Business Case there is no mention of any modifications to the plan as a result of their intervention.

Inquiry and only otherwise, as far as we can see, appears once in the released records as below. In the uncorrected version of the transcript he was listed here as *Director of the Art Gallery and GOMA, Queensland*. On 20/06/2017 he took part in a workshop at Arts & Culture NSW, Level 5, 323 Castlereagh Street, Sydney Workshop, with Craig Limkin (CIPMO), Mark Curzon (FKM Architects), Stephanie Brancatisano (FKM Architects), Raymond Berger (River Levett Bucknall), Anna Cuthbertson (Johnstaff) and Nicholas Lawler (Johnstaff) discussing an ‘Area Schedule’, no further details available, and this is the only mention of his name found in the *MAAS Stakeholder Engagement Register*, (entry for 20/06/2017). Mr Hall was director of the Queensland Art Gallery and Gallery of Modern Art 1987-2007.

- Edmund Capon and Mark Carnegie have never attended meetings of the group and do not appear in the involvement register⁹. They are reported as saying respectively that they would not attend and did not know anything about it.
- Graham Durant told us in a phone conversation on 17 September 2018 that he had given some advice to various people on the establishment of Questacon facilities for a few hours in November 2017 but had no further interaction with MAAS.
- Edmund Capon, Mark Carnegie and Patrick Greene are not mentioned in any other context in any released documents we can find.
- In the academic world, peer assessment involves the examination of the relevant material by outside experts. In this case, Root Partnerships has been paid considerable amounts for professional involvement in the project and thus Mr Root should not take part in peer review, nor should Penny Hutchinson, then a director of Root Partnerships¹⁰.

Thus, the total legitimate involvement of this group is attendance of one person (Professor Durant) at two meetings and one person (Dr Greene) at one meeting. There is no possibility that any legitimate assessment could be done in this short time.

We have, in February / May 2020 again sought information about any other peer review of the type referred to in Mr Harwin's response to the Inquiry finding. We sent emails to Ms Havilah, MAAS museum consultation, the Premier, INSW and the Arts Minister, and included in at least two emails to each place the following statement:

We have previously confirmed that there has been no proper peer review of the 'move' project, and no mention in any documents of peer review processes since the two poorly attended meetings of a so-called Peer Advisory Group in September 2017. If you have any countervailing evidence in this regard, please advise and we will correct our records accordingly.

No such rebuttal evidence has been received.

Expert involvement since the Government's response to the Inquiry

On Thursday December 5 2019 I had a formal discussion with Ms Havilah, and one area canvassed was our perception that there had been no, or very little, involvement of people with museum experience and qualifications in the whole process, despite Mr Harwin's statement referred to above, and no independent assessment involving people with museum experience and qualifications.

Ms Havilah told me that this need is met by a process called 'Deep Dives' conducted by Infrastructure NSW. Internet searches describe the process but we cannot find any examples

⁹ MAAS Project Communications and Engagement Strategy for the New Museum in Western Sydney (attachment O of the Business Case).

¹⁰ <https://rootpartnerships.com.au/people/>, retrieved in July 2018. She does not appear in the current listing.

of the process in action. So on 11 December we emailed [a senior museum executive], also and Ms Havilah), INSW, the Arts Minister Mr Harwin and INSW asking for more information:

We would like as much detail as is readily available on this process. For example, since September 2017, how many such investigations have been carried out? What topics have been covered? How is the membership of such investigatory processes been determined? How is it assured that the assessors do not have pecuniary interests in the projects being assessed?

More importantly for our purposes, how many 'Deep Dives' have been carried out regarding the 'move' of the Powerhouse Museum to Parramatta?

Please confirm that no such process was carried out before the end of September 2017. We have been seeking this information for the past 3½ years and have demonstrated that the proposed 'move' has never been researched.

A reply from INSW, received on 11 February¹¹, simply referred us to the so-called *Final Business Case Summary* of 2 July 2017 and stated that the material was 'cabinet in confidence' and could not be divulged.



Fig 1: the reluctantly released Business Case had only one copy, black and white printouts, with many A3 pages reproduced on A4 and completely illegible. It was available by appointment only during office hours at the Legislative Council offices.

¹¹ This reply was received two months after the formal request for information, but the fact that we did eventually receive a reply was pleasing as typically such requests have been ignored or a response has been a standardised letter from Create NSW on behalf of the Government simply saying that the 'move' was a wonderful thing.

Tab 26	Attachment Y – Flood Study	November 2016	JohnStaff, contributor Taylor Whitting
Tab 27	Attachment Z – Traffic and Transport Assessment	November 2016	JohnStaff, contributor Taylor Whitting
Tab 28	Attachment AA – Geotechnical Investigation	2 September 2016	JohnStaff, contributor Peter Maynink
Tab 29	Attachment BB – New Museum Rationale	14 February 2017	MAAS
Tab 30	Attachment CC – Commissioning and Launch Plan	21 February 2016	JohnStaff
	Attachment EE – Consultants and Peer Review Schedule	12 January 2018	

Fig 2: We have repeatedly sought from all possible sources the release of Attachment EE, not released in the Business Case documents as can be seen from the above index sheet.

It is relevant to note that among the current MAAS trustees¹² and among the jury for the proposed Parramatta museum design¹³ there are no people with significant museum qualifications and / or experience. These facts give further support to support a contention that it has been deliberate policy to ignore input from people with appropriate qualifications and / or experience.

Paragraph 3 of the response;

To recapitulate: this paragraph is as follows:

The key parameters of the Economic Appraisal were endorsed by the Project Steering Committee which included a representative from NSW Treasury. The INSW Business Case summary indicated that it provided a sound basis for government decision making.

This is less significant than the previous paragraphs, so only a few comments are relevant.

The Project Steering Committee is part of INSW. Members are generally:

- Deputy Secretary, Department Justice, Arts & Culture,
- Chief Executive, Justice Infrastructure (or nominated Delivery Agency),
- Executive Director, Arts NSW,
- Director, MAAS,
- Representative MAAS Trustee,
- Senior Analyst, Arts & Cultural Institutions, NSW Treasury,
- Director, Cities Branch, Department of Premier & Cabinet,
- Executive Director, Infrastructure NSW, and Project Director.

All but the MAAS Trustee are believed to be SES public servants charged with carrying out the Government's wishes, and the recently appointed Trustees are almost all from finance or law fields, with no experience in the museum field. Basically the PSC may have checked

¹² See <https://maas.museum/about/trustees/>

¹³ <https://competitions.malcolmreading.com/maasparramatta/jury>

that the numbers added up, but it cannot be regarded in any way as an independent assessment.

The final sentence simply is INSW evaluating itself and saying that it had done a good job.

The paragraph does not do anything to restore confidence in the process.

5.0: A key point: the Base Case

A prime requirement of the production of a Business Case is the investigation of the 'base case' – an assessment of the present situation, leading to an examination of alternatives for achieving the desired aim.¹⁴ We understood that the aim of the 'move' project was to enhance the cultural facilities of Western Sydney, and for the first 3+ years of the project proceeded accordingly

On Wednesday, 12 September 2018 Mr Limkin, Executive-Director, Cultural Infrastructure Program Management Office, Arts, Screen and Culture Division, Department of Planning and Environment, stated in evidence to the Legislative Council Inquiry that Treasury guidelines enable the Government to take as a base case a policy decision that Government has taken rather than *what happens if the status quo is maintained* as per TPP 08-5 section 4.2. We contacted Mr Limkin on several occasions.

- We asked for a reference from Treasury guidelines that allowed the Government to make such an arbitrary decision.
- We asked for information about the rationale of this decision and the relevant decision-making process.
- We applauded the general aim of the Government in increasing the cultural facilities for the Parramatta area and asked why the only option considered by the Government was the arbitrary decision to move the Powerhouse Museum.
- We asked for information about the processes involved in selecting this particular project as the base case. We submitted that the Inquiry then in progress clearly indicated that it was a very bad choice.

No substantive response has ever been given to any of these questions apart from a general statement that Ms Macgregor had examined all options and stated that the Powerhouse was a 'perfect fit' for the need to improve the cultural facilities of Western Sydney. We have repeatedly asked for information about this process, and justification for this statement, both from Government organisations and from Ms Macgregor, with no response.

6.0: Other stakeholders

For the record, the 'move' idea has been specifically opposed by two former directors of MAAS, at least two directors of other comparable institutions, four former trustees, nine professional curators and at least five other museum experts of similar standing. There are also many experts in other art-related areas, including the architect who designed the

¹⁴ NSW Treasury *Policy and Guidelines Papers TPP 17-03*, Section 2.2, page 9; *TPP 18-06*, Section 5.2.1 page 22

museum conversion and at least two other (younger) architects who are practicing at a very high level.

It is disappointing, but typical, that these former senior employees, curators and trustees are not respected at all, even though many of them still work voluntarily in arts / sciences / educational / museum fields, have dedicated their lives to these pursuits and have contributed many well-researched documents to the 'move' debate.. One of our email correspondents, discussing the Business Case papers, puts it well:

Notably absent from the list of stakeholders are the museum's own community of supporters, notable donors, former trustees and sponsors. Not to mention Life Fellows.

Also not a single museum or heritage group in Parramatta or western Sydney is a stakeholder, nor worthy of being consulted. Not even Old Government House, Parramatta Park, or Parramatta and District Historical Society, the first local historical society in Australia, founded just 12 years after the RAHS in 1913. They must think that Parramatta is the museum equivalent of terra nullius, with no museums in Parramatta or western Sydney.

Appendix 1: notes on GIPA information from INSW re six review panels

The GIPA response acknowledged that there was a case for public disclosure of the documents listed. From the INSW response:

I consider the release of the information you requested could both reasonably be expected to provide evidence of decision-making processes with respect to issues of public importance and contribute to further open public discussions and informed debate about the New Powerhouse Museum in Parramatta project.

Information about the New Powerhouse Museum in Parramatta is an issue of importance in that local area, and more widely. Members of the public have a right to be informed about publicly funded infrastructure projects.

However, the decision of INSW, supported by IPC, was that no documents would be released and no other information would be revealed.

Extracts from the reasons for this decision: *There is an overriding public interest against disclosure of that information. It could cause the Government to release information given to the government in confidence and might lead to disclosure of personal information.*

Details of the establishment of the authorship groups, ... dates of meetings and subjects of the reviews are in the documents but cannot be released because

It is to be conclusively presumed that there is an overriding public interest against disclosure of information with respect to a document prepared for the purpose of its being submitted to Cabinet for Cabinet's consideration (whether or not the document is actually submitted to Cabinet).

Comment from Tom Lockley: the main purpose of these review documents is surely to assess the project and to demonstrate its viability or otherwise. They are the only potentially relevant documents that the Government has advanced to support their claim that the Finding of the massive first Inquiry are invalid. In terms of providing information to the Government to assist their decision-making they are not as relevant as the majority of other documents that they will have received.

And: It is to be conclusively presumed that there is an overriding public interest against disclosure of information contained in a document prepared before or after Cabinet's deliberation or decision on a matter that reveals or tends to reveal the position that a particular Minister has taken, is taking, will take, is considering taking, or has been recommended to take, on the matter in Cabinet.

Comment from Tom Lockley: There is no way that releasing the review documents could possibly reveal the position that a particular Cabinet member on this issue. Released documents demonstrating the effectiveness of the review could surely have had these problems removed by redactions. So the need to keep all aspects of the review documents secret is more important than providing any evidence at all that the procedures followed by the Government are reasonable.

Appendix 2: Basic facts, developed 2015-2019

The following FACTS have been asserted over the past four years. No contradictory material has emerged despite the fact that they have been brought to the attention of all concerned. On Monday 21 January 2019, for example, the Premier, the Arts Minister and other politicians received, by registered mail and by email, a copy of these facts, with a covering letter formally requesting comment or refutation, but again there has been no valid response.

The contents of this sheet were also presented in a 1:1 interview with Ms Havilah at PHM at 12 noon on Wednesday 6 November 2019 and she was invited to present any evidence of error in any point. She has not been able to do so, and neither has any Government politician or agency. It is agreed with Ms Havilah that any communication with her is equivalent to direct communication with the Arts Ministry. The sheet has continually been presented through the normal channels to INSW, Create Australia and MAAS Museum, requesting that all errors be reported to us, with no response,

Full references supporting each fact are available: check <https://powerhousemuseumalliance.com/> or email tomlockley@gmail.com

1. The idea of moving the Powerhouse Museum was not researched. It was an announced political decision in late 2014. CIPMO, Infrastructure NSW and MAAS museum authorities have clearly stated that their actions have resulted from this announced decision, and there was no pre-announcement research into alternative strategies for the laudable objective of improving the cultural facilities of Western Sydney

'The Powerhouse Museum will move from Ultimo to Parramatta (Parramatta Advertiser, November 26, 2014 10:35 am

2. The originally announced budget was ridiculous. The original Government statements guaranteed that all proceeds would be used for the museum and any surplus for arts support in Parramatta. This was repeated by Deloitte document *Building Western Sydney's Cultural Arts Economy* (2015) sponsored by Sydney Business Chamber (Western Sydney). Both the Government and Deloitte thus reveal incompetence, because the maximum value of the cleared site was estimated (January 16) at \$250 million (Andrew Zhang, Manager, Hookers Real Estate, Pyrmont, using comparison with other available sites¹⁵; the Government value is similar). The figure for total costs currently being quoted by the Government is currently \$840 million¹⁶.

3. There was no consultation with stakeholders. Even the trustees of the museum and Parramatta Council learnt of the idea from reading about it in the newspapers.

4. This state of affairs has continued: There has never been any later consultation or research into alternatives to moving the Powerhouse Museum to the site chosen by the Government in Parramatta. A sham consultation effort in mid-2017 consisted of asking people what they wanted to see in the new museums and asking for suggestions about the use of the Ultimo site.

5. 'Moving' the Powerhouse is a very bad idea. Of all possible projects for enhancing the cultural facilities of Western Sydney, it is hard to find one that is more expensive, more destructive and more inefficient: The largest objects have to be the last out of Ultimo and the first into any new building at Parramatta, with consequent massive costs for storage and transit. There will be a considerable resultant time delay, unnecessary with almost any other project. The specially strengthened floors (for supporting heavy exhibits) and ceiling (for suspending aircraft and other similar items), as well as the extensive steam reticulation network, will be wasted at Ultimo and have to be replicated at considerable cost at Parramatta.

This process wastes, at the very least, some hundreds of millions of dollars above what would be required for any other cultural / educational project.

6. The magnificent soaring galleries of the existing building cannot be replicated in Parramatta within the proposed new building. The proposed site is smaller than the Ultimo site, and is further compromised by the current plan to build at least one commercial / residential tower on the site and by the unanimously expressed desire of Parramatta Council for the retention of heritage buildings on the site. The unresearched decision to include a Planetarium within the museum added further difficulties.

¹⁵ The amount realised from sale of site for development has since been reduced by commitments to maintain an arts presence at the Ultimo site so the initial finance arrangements are even more ridiculous.

¹⁶ The Hon. DON HARWIN, Inquiry evidence Wednesday, 29 July 2020, page 3. This estimate is questioned by many authorities as being too low, but it clearly indicates the problems with the initially announced financial arrangements.

7. The currently planned process involves a massive degradation of the Ultimo site, again for the purpose of building commercial / residential towers to assist budgeting. There is a calculable value of heritage in institutions such as the Powerhouse Museum, and this has been totally ignored by the Government.

8. The proposal has been the subject of almost universal criticism. The Government was forced to hold a Legislative Council Inquiry which attracted over 150 relevant submissions. Apart from the Government submission, all organizational submissions, including those of the National trust, only two gave qualified support for the move, and all others completely opposed it. Of the over 100 individual submissions, some from very highly qualified people, none supported the 'move'. Non-Government witnesses were universally condemnatory of the idea. The *Save the Powerhouse* Facebook page exemplifies the views of the general public with over 20,000 people involved in active support. Mr Baird, asked at the Inquiry to name one arts group in favour of the move, did not do so even when given three weeks to research the topic.

9. The site chosen by the Government had been specifically rejected by the elected council prior to its dissolution to enable forced council amalgamation. The land deal was finalised by the unelected administrator, and has not been approved by the re-elected Parramatta Council.

Appendix 3: Register of involvement of people with Museum or other significant arts fields qualifications in the 'move' process

Approx. date	Person or group	Relevant experience	Written records of input available	Comment
2014	Ms Macgregor	Art Gallery director	No	Supposed to have examined alternatives, no records available. Has not responded to requests (including registered letter 4 April 2019) to confirm her position on the 'movie'
Western Sydney Arts and Cultural Alliance	Various.	Some art galleries included	No	Main group with whom Ms Macgregor communicated 2014. Now appear to be defunct. See notes below. Ms Macgregor and the Western Sydney Arts and Cultural Lobby

Approx. date	Person or group	Relevant experience	Written records of input available	Comment
Mid-2017	Mr Doug Hall	Former Art Gallery director	No. See page 7	Some involvement was claimed by Mr Harwin at Inquiry 29 August 2017 but no details are available
2015 onwards	Mr Peter Root and staff of Root Partnerships including director Penny Hutchinson	Logisticians, experts on moving exhibits and storage	Yes Sections of Business Case and Inquiry testimony Also see page 7	Considerable paid involvement. Ineligible to be peer reviewers but attended meetings on 7 September and 27 September 2017 in that capacity. Mr Root invoked confidentiality concerns at Inquiry 17 February 2017 and gave no relevant evidence re content of his expert involvement
September 2017	Dr J Patrick Green	Art Gallery director visiting Australia for a few years	No. See page 7	Attendance at meeting of Peer Advisory Group, aka Peer Advisory Panel, 7 September 2017
September 2017	Professor Durant	CEO Questacon, ACT	No. See page 7	Attendance at meeting of Peer Advisory Group, aka Peer Advisory Panel, meetings 7 and 27 September 2017; a few hours of consultation October . November 2017
September 2018	Various Western Sydney arts groups claimed as supporters by Mr Harwin, Inquiry evidence 12 September	Some art galleries included	No	On investigation we found no involvement in the decision making and only one person mentioned has specifically supported the 'move' idea. See notes on Other Western Sydney Arts Organisations below

General notes on expert involvement

In August 2017 we researched employees of Johnstaff NSW, responsible for the 2017 Business Case and could not find even one of the 130+ employees listed in *LinkedIn* who had

any significant museum experience or qualifications and only three had any relevant experience in any related arts field.

On 11 July 2019 [a senior executive person at MAAS Ultimo] mentioned to me that Johnstaff did indeed have a qualified and experienced museum person working on the project. He promised to get me the details but did not do so even after a reminder email on 22 July. I rang his office several times during late 2019. When he was on holidays his PA said she would endeavour to find these details but did not make further contact with me. Early in 2020 we heard that [this person] left MAAS for a position at [unrelated to the 'move' project or the State Government].

On Thursday December 5 2019 I had a formal discussion with Ms Havilah, and one area canvassed was our perception that there had been no, or very little, involvement of people with museum experience and qualifications in the whole process, despite Mr Harwin's statement referred to above, and no independent assessment involving people with museum experience and qualifications.

Ms Havilah told me that this need is met by a process called 'Deep Dives' conducted by Infrastructure NSW. Internet searches describe the process but we cannot find any examples of the process in action. So on 11 December we emailed MAAS museum (Senior Museum executive and Ms Havilah), INSW, the Arts Minister Mr Harwin and INSW asking for more information:

We would like as much detail as is readily available on this process. For example, since September 2017, how many such investigations have been carried out? What topics have been covered? How is the membership of such investigatory processes been determined? How is it assured that the assessors do not have pecuniary interests in the projects being assessed?

More importantly for our purposes, how many 'Deep Dives' have been carried out regarding the 'move' of the Powerhouse Museum to Parramatta?

Please confirm that no such process was carried out before the end of September 2017. We have been seeking this information for the past 3½ years and have demonstrated that the proposed 'move' has never been researched.

A reply from INSW, received on 11 February¹⁷, simply referred us to the so-called *Final Business Case Summary* of 2 July 2017 which has no relevance to the question asked.

Notes on Ms Macgregor and the Western Sydney Arts and Cultural Lobby:

The only record of consultation prior to the announcement came from the Inquiry testimony of Ms Macgregor, director of the Museum of Contemporary Art and designated 'cultural

¹⁷ This reply was received two months after the formal request for information, but the fact that we did eventually receive a reply was pleasing as typically such requests have been ignored or a response has been a standardised letter from Create NSW on behalf of the Government simply saying that the 'move' was a wonderful thing.

ambassador to the west' during 2014. Because this consultation forms a major influence in her initial support for the 'move' it is analysed in depth.

In her corrected inquiry evidence she stated: *I was very pleased to discover initially that the arts in Western Sydney had come together. It can be rare in the arts that people come together and lobby for one cause rather than everybody asking for their own bit of the pie. So I met regularly with one group—the Western Sydney lobby group¹⁸. We assume she meant the **Western Sydney Arts & Cultural Lobby** (WSA&CL). The inference from her evidence is that the group recommended, or at least strongly supported, the museum 'move'.*

There are two aspects of all this that must be elucidated: who is this group, and what did they say?

The Western Sydney Arts & Cultural Lobby¹⁹ included *Artists, Arts Workers, Bankstown Arts Centre, Bankstown Youth Development Service, Blacktown Arts Centre, Blue Mountains Theatre and Community Hub, Campbelltown Arts Centre, Casula Powerhouse Arts Centre, Cultural Arts Collective, Curiousworks, FORM Dance Projects, Information and Cultural Exchange, Parramatta Artists Studios, Parramatta Riverside Theatres, Peacock Gallery and Auburn Arts Studio, Penrith Performing & Visual Arts, Powerhouse Youth Theatre, Westwords, Writing & Society – UWS, University of Western Sydney and Urban Theatre Project*. In its Inquiry submission it stated that *not all views expressed may necessarily be those of all members of the lobby*.

The lobby has never had a website and does not have an ABN. The most significant member groups are closely associated with the University of Western Sydney, and the major media releases by the WSA&CL were made by Medianet, the same organisation used by UWS. These were:

- November 25, 2014 - *WESTERN SYDNEY ARTS AND CULTURE LOBBY WELCOMES GOVERNMENT FUNDING INITIATIVES FOR THE WEST*, (the day before the Premier announced the Powerhouse 'move').
- December 16, 2014: *The Western Sydney Arts and Cultural Lobby has welcomed the release of the NSW Government's long awaited metropolitan strategy 'A Plan for Growing Sydney'*. This includes (page 91, our underlining) the statement that *the possible relocation of the Powerhouse Museum to Parramatta may create further opportunities for enhanced arts and cultural facilities'* but the Premier, over three weeks before, had already announced that the 'move' would take place. The timing of this release, almost at the same time as the Government document, suggests that it may be part of a collusive strategy designed to demonstrate public support for Government projects, with the support of the University of Western Sydney.

¹⁸ Ms Grasso Inquiry evidence Monday, 5 September 2016 Page 28

¹⁹ This information comes from their submission to the first Inquiry, Submission No 36, Date received: 12 August 2016.

- February 26, 2015 - *The Western Sydney Arts and Cultural Lobby today endorsed all recommendations contained in a ground-breaking new study commissioned by Deloitte ...* (this report has been shown to be thoroughly incompetent, see our main submission #1, *Introduction*, page 2, point 2. As to timing of this release, similar comments apply as with the previous paragraph).
- April 6, 2017: Media Alert *It's Time: The NSW Government must look West when funding cultural Infrastructure*. The main point is the imbalance of funding and there is also again support for the Powerhouse 'move'. This was the latest statement from WSA&CL that we can find.

On February 26, 2015²⁰ [a major spokesperson for WSA&CL] is also reported as calling for the Australian Film, Television & Radio School and National Arts School to be relocated to Parramatta. This could be regarded as a recommendation from WSA&CL.

However in their submission to the first Inquiry (12 August 2016) they only support the move of the Powerhouse Museum to Parramatta (they do not recommend it). Even this support is conditional: the State Government must ensure that the Powerhouse Museum is funded to a standard of its international peers and is of a higher standard than the facility at Ultimo. A key point, also consistently made, was that the commitments to the 'move' project *must not involve the reduction of funding for the operations, artistic and capital programs of cultural organisations in Western Sydney*²¹.

So, who is this group? As mentioned previously they have no ABN, no website, and since early 2018 seem to have disappeared. In February 2019 we phoned all institutional members for whom we could find phone numbers, seeking contact details and / or information of meeting times and places. We contacted, by phone, email and letter, the Museum of Contemporary Art, asking Ms Macgregor and her office people if they had contact details. We also phoned the Sydney Business Chamber (whose offices also serve the Western Sydney Business Chamber) and sent an email through the website contact form seeking any information they had. No-one provided any information.

Other Western Sydney Arts organisations:

In evidence to the Inquiry on Wednesday, 12 September 2018 ²²the Arts Minister gave one of the very few indications that the 'move' had wide support. My underlining:

The Hon. DON HARWIN: What is absolutely clear is that despite what is being said by some, the vast majority of those working in arts and culture in this State think we are doing the right thing too. Let me just name a few. For example, I could name Robert Love, the General Manager of the Riverside Theatre, who thinks we are doing the right thing; or I could name Craig Donarski, the head of the Powerhouse Arts Centre in Casula, who thinks we are doing the right thing; or Michael D'Agostino, the head of the Campbelltown Art Gallery, who believes we are doing the right thing; or the Manager of Arts and Culture with responsibility

²⁰ Sydney Morning Herald, article by Andrew Taylor.

²¹ Submission, fifth page.

²² Page 18-19

for the Penrith Regional Art Gallery and the Lewers bequest and the Joan (sic), she thinks we are doing the right thing; and Jenny Bisset, the head of Arts and Culture in Blacktown, she thinks we are doing the right thing; or Rosie Dennis, the head of Urban Theatre Projects, who thinks we are doing the right thing; or Joanne Kee, the head of the National Theatre of Parramatta, who thinks we are doing the right thing. They are all just the Western Sydney people. There are plenty of people beyond that who are excited about what we are doing. They think finally there is a government that gets cultural equity in this State and is doing something about it and they want us to keep going.

None of these spontaneously supported the cause by making Inquiry submissions or in other ways. The overwhelming majority of submissions from a who's who of artistic and museum experts and organisations and strongly opposed the 'move' idea. This is dealt with elsewhere.

We contacted by email, mail and phone, each person named and asked them to confirm their support for the Powerhouse move, but none did so. Ms Lee-Anne Hall, Manager of Arts and Culture with responsibility for the Penrith Regional Art Gallery and the Lewers bequest, pointed out that she had actually appeared before the Inquiry on Tuesday, 6 September 2016 as part of a group from Regional and Public Galleries NSW, specifically opposing the move. [A MAAS volunteer, highly experienced and qualified in the arts field] discussed the matter at length with [one of the other people mentioned among the names underlined] and was told that the people listed were in favour of having more money spent in the cultural field. They were not in favour of moving the Powerhouse, but were not willing openly to oppose the government²³. (Museum volunteers and employees had been instructed that they must present a positive image of the move, and there is fear that any employees or funded institutions opposing government policy will be victimised, hence the anonymity of the previous sentence).

Appendix 4. About this submission.

Full responsibility for this submission and all facts therein is taken by the writer as listed. However, the material often comes from an informal email group that has been functioning since 1 May 2016. Over 100 active members include present and past MAAS employees and volunteers, other Government employees and contractors, a wide range of other people with skills in engineering, architecture and the arts, and general museum members and supporters with many relevant skills and experiences. I am happy to provide all possible supporting evidence but will not divulge the names of many sources of information: volunteers and employees have in the past been ordered to present a favourable view of the 'move' of the magazine, and employees feel that if they express dissident view they will be discriminated against for future employment. Museum jobs are scarce and highly sought after, so this fear is understandable. Other correspondents who have Government jobs or ties to Government projects have similar concerns. In a rational democracy, such fears

²³ We are informed that the director of one of these organisations has recently publicly supported the 'move' but we cannot find details.

should be groundless, but the irrational and arbitrary decision-making that is demonstrated in these submissions cause people to lose confidence in democratic processes.

Throughout, 'I' indicates action taken by me alone, and 'we' indicates action taken with help from email group members, who remain unnamed throughout.

In the original submissions the reviewing committee redacted the names and titles of MAAS employees and so we have done this for the current submission, replacing names with role descriptions enclosed in [].

Matters raised in this document have usually been submitted earlier with the relevant authorities, asking them to provide any factual countervailing evidence but no such evidence has yet been forthcoming. Please also note that this document has been checked for accuracy by three people with major qualifications in museum studies and over 100 years combined experience in museums at a high level of responsibility. They have found no errors of fact and support the conclusions drawn. Details on request.

Tom Lockley