



31 August 2011

Ms Christine McDonald
Secretary
Senate Standing Committee on Finance & Public Administration
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms McDonald,

**INQUIRY INTO THE PERFORMANCE OF
THE DEPARTMENT OF PARLIAMENTARY SERVICES**

The Walter Burley Griffin Society (WBGs) thanks the Senate Standing Committee on Finance & Public Administration for the opportunity to make a submission to this inquiry.

The WBGs aims to promote a better understanding of the lives and works of Walter Burley Griffin and Marion Mahony Griffin. The Society is especially concerned with the conservation of landscape designs, urban plans, buildings and other works designed by or having an association with the Griffins.

In relation to urban development in contemporary Canberra, the Society seeks to promote an understanding of the principles that underpin the Griffin Plan for the Canberra, the continuing value of these principles to the nation, and the need to conserve the places, institutions and processes founded on these principles. In this context, the Society acknowledges the heritage significance of Parliament House, designed and built in considered relationship to the Griffin Plan in the years leading to the Australian Bicentennial, and is deeply concerned that at present, this place of outstanding significance to the nation has no statutory heritage protection.

This Submission will address (1) heritage issues, and (2) organisational arrangements of the Parliamentary Departments, in response to the Inquiry's Terms of Reference, (a), (b) and (e).

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1. Management of the Heritage Values of Parliament House and its Contents

The performance of the Department of Parliamentary Services (DPS), with particular reference to:

(a) matters raised at the Budget estimates hearing of the committee on 23 May 2011 and in answers to questions taken on notice;

(b) policies and practices followed by DPS for the management of the heritage values of Parliament House and its contents;

The Society notes with concern that in evidence before the Budget estimates hearing of the Committee on 23 May 2011, the Secretary of the Department of Parliamentary Services, Mr Alan Thompson stated that on advice from Blake Dawson and the Government Solicitor, DPS has determined that Parliament House is not subject to the heritage provisions of the Environment Protection & Biodiversity Conservation (EPBC) Act.

As a consequence, DPS has initiated its own heritage management process, outside the EPBC Act and with no statutory basis.

By any measure, this is unacceptable.

It would appear that the Australian Heritage Council is not aware of this unilateral action by DPS. In the Council's submission to this Inquiry, dated 12 August 2011, AHC Chair, the Hon Professor Carmen Lawrence has called upon DPS to fulfill its obligations under Section 341ZA of the EPBC Act to provide a final copy of its Heritage Strategy to the Environment Minister, based on a draft approved with minor amendments by AHC in 2008.

DPS has no intention of doing this.

Between 2006 and 2009, DPS engaged Heritage Management Consultants Pty Ltd (a company headed by Dr Michael Pearson) to prepare fifteen (15) drafts of the Heritage Strategy required under the EPBC Act. However, this initiative was abandoned and in May 2011, DPS produced the first draft of its own 'Heritage Framework' on the grounds that as a Parliamentary Department, DPS has obligations to the Presiding Officers, not the Environment Minister.

The result of this manoeuvring has been a seven (7) year delay in the preparation of a Heritage Strategy that 2004 amendments to the EPBC Act required to be completed by 1 January 2006 - and at present, DPS has produced no more than a draft of a self-designed 'Heritage Framework' that stands outside all heritage legislation in the land.

This situation needs to be addressed one way or the other.

Recommendation 1. Management of the heritage values of Parliament House must have a statutory basis. Either Parliament House is brought within the provisions of the EPBC Act, or under the principle of the separation of powers, the Parliament Act 1974, the Parliamentary Precincts Act 1988 and the Parliamentary Service Act 1999 must be amended to include heritage conservation provisions of equal standing and rigour to the EPBC Act.

The Society notes that the 'separation of powers' has not affected the heritage listing of the Houses of Parliament, Westminster or the United States Capitol – in both instances, the statutory heritage listing of these legislative buildings is subject to executive oversight, an arrangement that brings the heritage management of these places in conformity with all other listed places in their respective nations, and has provoked no significant constitutional crises over the years.

The Houses of Parliament, Westminster are listed under the UK Planning (Listed Buildings and Conservation Areas) Act 1990, which is administered by the Secretary of State for Culture, Media & Sport. Furthermore, the Houses of Parliament, together with Westminster Abbey and St Margaret's Church, Westminster are inscribed on the UNESCO World Heritage List and are subject to the decisions of the World Heritage Committee.

The United States Capitol, Washington D.C. is a National Historic Landmark, inscribed under Federal Regulation 48 FR 4655 of the US Historic Sites Act 1935 by the Secretary of the Interior.

As far as can be determined, the Presiding Officers and the Parliamentary Departments in Canberra have little or no heritage expertise at their command. In this milieu, the draft DPS 'Heritage Framework' proposes a system of self-regulation, with no statutory basis, no checks and balances, and no meaningful provision for public consultation. The 2011 'billiard tables affair' indicates that this is not a sound basis for conservation of a place as complex as Parliament House and its setting.

The most simple and practical strategy would be to bring Parliament House under the provisions of the EPBC Act, and for Parliament House to be inscribed on the National Heritage List in accordance with the nomination submitted by the Australian Institute of Architects in 2004.

Until Parliament House is given this level of statutory protection under the EPBC Act, or equivalent, all heritage management practices should be undertaken in compliance with the EPBC Act and its regulations, starting with the preparation of a Heritage Management Plan.

Recommendation 2. DPS should commission the preparation of a comprehensive Heritage Management Plan by eminent heritage consultants with expertise in the conservation of architecture, landscape architecture, urban design, engineering, furniture, and art works in accordance with EPBC Act, Section 324s and Regulation 10.03B Schedules A & B.

Recommendation 3. The Heritage Management Plan for Parliament House should be released as a draft for public comment, and respond to community input in a positive, effective way.

The formal process of according statutory heritage protection to Parliament House will take many years, if the DPS track record since 2004 is any indication.

In the meantime, management of the place will remain subject to the Design Integrity system introduced by the former Joint House Department (JHD) in 1995. This system is based on the following documents prepared by Australian Construction Services for the Parliament House Construction Authority in 1990 and JHD in 1995 (author, Rosemarie Willett):

Australian Construction Services 1990, *Parliament House: Assessment of Proposals for Significant Works, Draft Guidelines*, Report prepared for the Parliament House Construction Authority, ACS, Department of Administrative Services, Canberra.

Australian Construction Services 1995, *Parliament House: Design Integrity and Management of Change, Guidelines*, Report prepared for the Joint House Department, ACS, Department of Administrative Services, Canberra.

In addition, JHD commissioned a vital report on the design intent of the Parliament House architect Romald Giurgola, from a key member of the Mitchell Giurgola Thorp team, Pamille Berg:

Berg, P. 2004, *The Architect's Design Intent for Parliament House, Canberra: Central Reference Document*, 5 vols, Department of Parliamentary Services, Canberra.

The Society is concerned that the submission by Pamille Berg AO to this inquiry dated 31 July 2011, states that the *Central Reference Document* is 'incomplete and requires refinement, revision, and additions in order to fulfill the Joint House Department's original intention, i.e. that the document should stand as a basic record of the Architect's design intent to be utilized in the assessment and management of proposals for change and maintenance for the specified 200-year lifespan of the Parliament House building. There is considerable urgency in the need to complete and finalise this document while MGT Founding Partner Romaldo Giurgola and other key Design Team members are still alive, able to contribute, and be consulted.'

Recommendation 4. As a matter of urgency, the vital, but incomplete, document *The Architect's Design Intent for Parliament House, Canberra: Central Reference Document* (5 vols) prepared by Pamille Berg should be brought to completion in accordance with the author's submission to this Inquiry.

The Society is also deeply concerned that the DPS submission states that 'the original architects have not always been in full agreement with development proposals prepared by other firms' and the submission from Romaldo Giurgola AO LFRAIA LFAIA, dated 27 July 2011, draws attention to the 'weakening and denigration' of the building's design integrity by the development of permanent staff offices in the basement, 'remote from natural light . . . thereby violating one of the building's most essential design principles regarding the provision of good work-spaces for every worker'; and by the de-accessioning of custom designed furniture, light fittings, wall textiles and fitouts for entire areas of the building.

These depredations are not acceptable.

The problem is clearly the consequence of DPS establishing a self-regulated Design Integrity System, with no oversight and no accountability beyond self-generated compliance tables in the Department's Annual Report.

Recommendation 5. The Presiding Officers should establish a Parliament House Design Integrity Panel comprising eminent external authorities and concerned citizens to advise on all significant changes to the fabric, spaces, setting, fixtures, furniture and art works of Parliament House.

The Society also wishes to comment on the organisational structure of DPS, with respect to terms of Reference (a) and (e)

2. The Organisational Structure of the Department of Parliamentary Services

The performance of the Department of Parliamentary Services (DPS), with particular reference to:

(a) matters raised at the Budget estimates hearing of the committee on 23 May 2011 and in answers to questions taken on notice;

(e) an assessment of the efficiencies achieved following the amalgamation of the three former joint parliamentary service departments and any impact on the level and quality of service delivery.

The Society notes that discussion of the proposed Parliamentary Budget Office at the Budget estimates hearing on 23 May 2011 raised the issue of the organisational and physical location of this new entity within the Parliamentary Departments.

Establishment of the Parliamentary Budget Office promises to be one of the most significant contributions to the principles and practices of democratic governance in Australia.

The Society notes the recommendation of the Joint Select Committee on the Parliamentary Budget Office (March 2011) that the 'Parliamentary Budget Officer be established as an independent officer through dedicated legislation' (Recommendation 10; Agreed in Principle in the Government Response, tabled 16 August 2011).

Establishment of an independent Parliamentary Budget Officer, however, should not compete with or compromise the standing, productivity and effectiveness of the Parliamentary Librarian, given the central role of the Parliamentary Library in the governance of Australia since 1901. In the Society's view, the Parliamentary Librarian should be similarly established as an independent officer, as was the case before 2004.

Re-establishing the independence of the Parliamentary Librarian would provide Parliament with the opportunity to identify other arms of DPS - formed on 1 February 2004 by amalgamation of the Joint House Department, the Department of the Parliamentary Library and the Department of the Parliamentary Reporting Staff - that should be detached from this amalgamated entity and established on an independent basis.

In the Society's view, there is a clear need to establish an Architect of the Parliament House.

DPS is currently overseeing a capital works program of \$60 million per year. Given the complexity, sensitivity and heritage significance of Parliament House, a works program of this scale - which is expected to continue for many years - should be overseen by a Design Office with the highest levels of expertise in architecture, landscape architecture, urban design, interior design, industrial design, heritage conservation, environmental engineering and fine arts.

The Architect of the Capitol in Washington, D.C. provides the model that should be adopted in Canberra. The Architect of the Capitol, a most distinguished office established in 1793, is responsible to the US Congress for the maintenance, operation, development and preservation of the United States Capitol and associated buildings and grounds. Stephen T. Ayres, the 11th Architect of the Capitol, was appointed to a ten year term in 2010. The following description of his professional responsibilities and committee duties from the AOC website indicates the range and depth of his contribution to the Capitol complex and the National Capital of the United States:

Mr. Ayers is responsible for the facilities maintenance and operation of the historic Capitol Building, the care and improvement of more than 450 acres of Capitol grounds, and the operation and maintenance of 17.4 million square feet of buildings including: the House and Senate Congressional Office Buildings, the Capitol Visitor Center, the Library of Congress Buildings, the U.S. Supreme Court Building, the Thurgood Marshall Federal Judiciary Building, and other facilities. He is responsible for the care of all works of art in the Capitol under the direction of the Joint Committee on the Library and is responsible for the maintenance and restoration of murals, outdoor sculpture, and other architectural elements throughout the Capitol complex. In addition, he serves as Acting Director of the U.S. Botanic Garden and the National Garden under the Joint Committee on the Library. The Architect of the Capitol also serves as a member of the Capitol Police Board and the Congressional Accessibility Services Board, as well as an ex officio member of the United States Capitol Preservation Commission.

The Architect of the Capitol also is a member of the District of Columbia Zoning Commission, Advisory Council on Historic Preservation, National Capital Memorial Commission, Art Advisory Committee to the Washington Metropolitan Area Transit Authority, and the National Institute for Conservation of Cultural Property.

Source: <http://www.aoc.gov/aoc/architects/Stephen-T-Ayers.cfm> - viewed 31 August 2011

Recommendation 6. To ensure the maintenance, operation, development and conservation of the Australian Parliament House at a level commensurate with its outstanding heritage significance to the nation, the office of Architect of the Parliament House should be established on an independent basis through dedicated legislation.

This Submission was prepared on behalf of the Management Committee of the Walter Burley Griffin Society Inc., in consultation with Brett Odgers and fellow members of the Canberra Chapter Committee, WBGS. We thank the Senate Standing Committee on Finance & Public Administration for the opportunity to comment on these vital issues.

Yours sincerely,

Professor James Weirick
President