



Ms Lyn Beverley
Committee Secretary
Senate Finance and Public Administration Committee
Parliament House
CANBERRA ACT 2600

Dear Ms Beverley

Supplementary Budget Estimates 2015, 19 October 2015 - Clarification to Evidence

I wish to clarify evidence provided at the Supplementary Budget Estimates Committee hearing on 19 October 2015.

In response to questions about stocked items in the Parliament House Shop, in particular, items that credit the photographic work to Ms Fiona Bowring-Greer, I advised the following (page 54 refers):

Ms Croke: Regarding the postcard that you mentioned, I can confirm that we do have one postcard which Ms Bowring-Greer was responsible for taking the photograph for. She took it while she was employed by the department and, as a result, there was absolutely no payment to her for that. It was a one-off as an employee. We have other photographs, for example, taken by our Auspic photographer, which are on sale in the shop as well.

I clarified this shortly after as follows:

Ms Croke: Can I add to my answer to clarify the one about Ms Bowring-Greer. To clarify, apparently there are two postcards and one magnet with her photographic work on them.

CHAIR: Should I delay this any longer? It might be three if we keep going.

Ms Croke: No, that is it.

CHAIR: But there was no payment for either?

Ms Croke: No. She was an employee at the time.

CHAIR: So there are no residual commissions?

Ms Croke: No. No royalties.

Senator Ludwig subsequently asked a question about copyright to which Dr Heriot responded.

I discovered shortly after the hearing, that in fact copyright had been vested in Ms Bowring-Greer. I have sought to investigate this matter fully before providing clarifying evidence to the committee.

For complete clarity on this matter, I now provide the following information for the Committee.

- There are two postcards (titled 'Autumn leaves on water' and 'Australian Parliament House') and one magnet (using the same photograph as the postcard titled 'Autumn leaves on water') on sale in the Parliament House Shop that attribute the photographs to Ms Fiona Bowring-Greer.
- All three items are and are marked '© Fiona Bowring-Greer'.

- DPS entered into a non-exclusive licence with Ms Bowring-Greer in March 2014 for both photographs to publish and reproduce them for commercial purposes (namely the two postcards and the magnet).
- This non-exclusive licence agreement indicates that:
 - copyright for both works subsists with the artist, Ms Bowring-Greer, and
 - there would be no remuneration or royalty payments to Ms Bowring-Greer for the images.
- We have been able to establish that Ms Bowring-Greer took these photographs on her own photographic equipment. It is not clear whether the photos were taken while Ms Bowring-Greer was at work or during her own time.
- At the time, Ms Bowring-Greer was engaged as Director of the Communications Section.

I have asked for confirmation that there are no other products in the Shop that were created by and are attributed to DPS employees, and have been advised that there are three prints and a bookmark that are attributed to an artist who is registered artist with the Wildlife and Botanical Artists Inc. who is a former employee of DPS. These items were procured through WABA and payments are made to WABA who are then responsible for payments to the artist.

I would like to assure the Committee that, with the exception of Auspic images, the use of photographs or other creations by DPS staff for products in the Parliament House Shop is not a practice that will be supported in the future. Discussions between the Acting Secretary, the Assistant Secretary of the Parliamentary Experience Branch and myself have resulted in a very clear direction that any items for sale in the Shop will utilise artworks that are part of the APH art collection or will use art/images/designs that are procured commercially in a manner that is compliant with the Commonwealth Procurement Rules.

I would be grateful if you would bring this to the Committee's attention.

I apologise for the inconvenience this causes the Committee.

Yours sincerely

Myra Croke
Chief Operating Officer

28 October 2015