

**Senate Environment, Communications, Information Technology & the Arts**

**Legislation Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**Communications, Information Technology and the Arts Portfolio**

**National Gallery of Australia**

Additional Estimates 2000-2001, (21-22/2/01)

**Outcome 1, Output 2.1**

**Question: 005**

**Topic: Exhibition programme**

**Hansard Page: ECITA 108**

Senator Schacht asked: What about the ones you have already announced publicly and that are in hand? You have already announced them publicly, so you are not letting the Senate estimates scoop you. They have already been announced. What have been announced? Do you want to take that on notice?

Answer: This information was provided in answer to question 131 following the Committee hearing in November 2000.

**Outcome 1, Output 1.3**

**Question: 006**

**Topic: Air conditioning**

**Hansard Page: ECITA 110**

Senator Schacht asked: Of course. What I am finding out is: can you please provide this committee with a copy of Mr Cox's report; secondly, indicate, of any of his recommendations, which ones you have put into place. I think that is quite a reasonable request.

Answer: Mr Cox attended in July 1996 an Indoor Air Quality Conference in Japan and presented a paper on the work done by the National Gallery in that area.

The NGA took advantage of this opportunity to have Mr Cox conduct site investigations in major galleries in USA and Europe. This was planned to provide a development opportunity for Mr Cox and to assist the NGA in preparation for the construction of a temporary exhibitions wing and general building operations. The report was presented to the NGA Council. After the Council meeting, Mr Cox was complimented by the Director, Mrs Churcher, on his report

A copy of Mr Cox's report is attached. No recommendations were made in the report, however Mr Cox suggested that the Gallery examine its weekend cleaning practices, with a view to reducing the cost of the weekend service by undertaking essential cleaning only on weekends. Since the report was written the Gallery has outsourced its general cleaning and the cleaning contractor adopts an essential cleaning only approach to cleaning on weekends.

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**Outcome 1, Output 1.3**

**Question: 007**

**Topic: Air conditioning**

**Hansard Page: ECITA 103**

Senator Schacht asked: NGA management and NGA Council take note that the Gallery's response at the May 2000 hearing regarding issues raised in the Steensen Varming report on the Gallery's air conditioning system was inadequate.

Answer: As evidenced by ECITA 260 SENATE – Legislation Thursday 25 May 2000 the following comments were provided to the Committee by Gallery witness Mr Rees:

“Reading from the precis, it seems that there is insufficient fresh air supplied to public galleries, that smoke exhausts and shaft pressurisation seem to require some code compliance, that service tunnel exhausts are inadequate, that water overspray is causing some rotting fabric and that airborne gases can be eliminated by installing carbon filters. That is what the report will reveal, and these issues require strategic planning and comprehensive programming”.

The Gallery drew this report to the attention of the Committee at the hearing of 25 May 2000. Attached is a copy of a letter sent to the Committee Chairman on the day of the Senate Estimates hearing clarifying the matter.

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**Outcome 1, Output 1.3**

**Question: 008**

**Topic: Staff separations**

**Hansard Page: ECITA 103**

Senator Schacht asked: Please ask Ms Douglas whether she has any objections to having the information that was requested in previous questions on notice provided to the Estimates Committee.

Answer: Ms Douglas has contacted the Gallery and clarified her position regarding the provision of information to the Estimates Committee. Responses to previous questions are attached.

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**Output: 2.1,2.2**

**Question: 009**

**Topic: John McDonald comments**

**Hansard Page: ECITA 104**

**Senator Schacht asked: NGA management and NGA Council to respond to the specific criticisms of management that are raised in the speech by (John McDonald) a former employee, the curator, whom the Director appointed just over 12 months ago and who resigned at the end of last year.**

**Answer: A response to the specific criticisms raised in the speech by John McDonald will be provided by the Gallery management and Council when the Gallery is able to obtain a copy of the speech.**

**The Gallery contacted the magazine publisher which arranged the speaking engagement and was advised that acting on advice received it would not provide a copy of the speech ahead of it being published in the magazine.**

Further response:

The following response to specific criticisms included in a speech by Mr McDonald published by Quadrant magazine in April 2001 is provided by NGA management and NGA Council to satisfy the request of Senator Schacht:

Extracts from Mr McDonald's speech are provided in italics.

1. *I think I was spending ninety per cent of my days sitting in meetings, taking people on tour or doing routine paperwork.... I felt my brain was turning to jelly. ...I found that these activities ( ...my writing and debating abilities and that I was expected to change the rather aloof and heretic image of curatorship) took a secondary role to the everyday business of gallery administration. ...I felt my physical and mental health was deteriorating and my home life was falling apart... ”*

The administrative demands of the position of Head of Australian Art are considerable and appropriate to the leader of a team of some fifteen staff responsible for the development and display of the Australian Art collections. Administration and management tasks and responsibilities are an important part of the role of the position, along with the more attractive aspects of curatorship. Mr McDonald's comments indicate the difficulty he had in coming to terms with all the demands of the position.

Administrative and management responsibilities are very important and do take time.

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2. *“... I made it clear that I would be willing to continue to work on a large number of gallery tasks ... I found I was excluded from these activities”*

Mr McDonald's proposition that he should resign but remain involved in some aspects of his previous work is completely unworkable and demonstrates a lack of understanding of the responsibilities of the position of Head of Australia Art. After Mr McDonald agreed to resign as Head of Australian Art and concentrate on the Federation exhibition, his successor needed to be allowed to undertake tasks and assume responsibility for the delivery of ongoing activities.

3. *“I was excluded from the gallery's computer system.”*

Security of access to the Gallery's information systems is very important. Mr McDonald was not excluded from the Gallery's computer system, but after the agreement with him to resign and concentrate on the Federation exhibition, his access rights were changed to those appropriate to his changed role.

4. *“Neither could one ignore the pervasive atmosphere of dissatisfaction, job insecurity, and low morale that existed in the building.”*

Claims of this kind have been made previously about employment at the Gallery and are countered by many staff who express frustration and disappointment at the misrepresentation of their professionalism and the environment in which they work. The Gallery recognises there are some perceptions of the working environment as suggested above, and is working to achieve a more supporting, encouraging and inclusive environment for all staff.

5. *“I was astonished to read, in an interview in the Irish Times, that Dr Kennedy is saying that gallery attendance has increased by 75 per cent in the past year ... To me, these seem like seriously rubbery figures. Within the gallery there is even speculation as to whether works on loan to other galleries' exhibitions are also used to boost these attendance figures. Neither is there any guarantee about how precise these figures are. Regional galleries that take NGA travelling shows often have no precise way of measuring attendance, although it is in their interest to claim healthy attendances for every show.”*

The headline introduction to the Irish Times article in question made the claim that “attendances are up 75 per cent”. It was not a quote by Dr Kennedy, but rather a statement by the author of the article.

The Gallery's attendance statistics are included in the Gallery's annual report each year. The 1999/2000 annual report contained on page 4, a graph detailing that 574,415 people visited the National Gallery in Canberra in 1999/2000 (366,773 in

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1998/99) and 709,452 people visited National Gallery exhibitions which toured throughout Australia and overseas (537,276 in 1998/99). The total attendance at the National Gallery and its exhibitions was therefore 1,283,867 (904,049 in 1998/99).

Regarding Mr McDonald's claim that "*Within the gallery there is even speculation as to whether works on loan to other galleries. ...exhibitions are also used to boost these attendance figures*", we can confirm that such attendance numbers have not previously been included in the Gallery's attendance statistics, but in the future these statistics will also be separately drawn to attention. In the 1999/2000 year, 2,075,472 people attended exhibitions arranged by other galleries around Australia and throughout the world which included works of art borrowed from our national collection.

Mr McDonald's claims about the accuracy of attendance figures from Regional galleries are unjustified and no doubt would offend directors and staff of Regional galleries. The National Gallery believes that attendance figures supplied by Regional galleries are accurate.

6. "*It points however to a much broader problem: the persistent concentration on image at the expense of reality*"

The National Gallery welcomes a focus on its achievements. Significant achievements in the 1999/2000 year deserving recognition includes an increased level of attendance at the National Gallery and its exhibitions, and a record number of works of art lent to exhibitions throughout Australia and abroad.

7. "*...the much-heralded building refurbishment threatens to close a large part of the building and disrupt exhibition schedules...*"

The building refurbishment program will cause parts of the building to be closed at times. The program will, however, be carefully managed to restrict to a minimum disruption to the Gallery's exhibitions and public programmes. The Gallery will remain open to the public throughout the refurbishment programme.

8. "*...a gallery that aims to be the country's premier art institution, but has not published an important catalogue since New Worlds from Old in 1997, ... what we have had instead is a series of hastily assembled promotional brochures and smaller publications attached to hastily assembled shows ... there is no good coffee table book on the NGA collection that overseas visitors may buy ... Time and effort are wasted on ephemeral publications, while more significant publications remain in limbo.*"

The New Worlds from Old catalogue was published in 1998 to coincide with the opening of that exhibition in March of that year.

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Other publications since that time include:

- exhibition catalogues:
  - Everyday Art: Australian Fok Art
  - Beauty and Desire in Edo Period Japan
  - Read My Lips: Jenny Holzer, Barbara Kruger, Cindy Sherman
  - From Russia with Love: Costumes of the Ballets Russes 1909-1933
  - Intimate Matisse
  - Of Earth and Fire: T.T. Tsui Collection of Chinese Art
  - Childhoods Past: Children's art of the Twentieth Century
  - Techno Craft: The work of Susan Cohn 1980-2000
  - Antipodeans: Challenge and Response in Australian Art 1955-1965
  - The Book of Kells and The Art of Illumination
  - Secession: Modern Art and Design in Austria and Germany 1890s-1920s
  - Les Sauvages de la Mer Pacifique
  - Uncommon World: Aspects of Contemporary Australian Art
  - Aboriginal Art in Modern Worlds
  - Painting Forever: Tony Tuckson
  - Federation: Australian Art and Society 1901-2001-05-30 Monet & Japan
  - Islands in the Sun: Prints by Indigenous Artists of Australian and the Australasian Region
- further publications:
  - National Gallery of Australia: An Introduction to the Collection
  - Developing the Collection: Acquisitions 1997-1999
  - Annual Reports, corporate plan and other corporate documents
- 'artonview' magazine produced quarterly
- education and support material, catalogues and brochures for all of the Gallery's travelling exhibitions
- exhibition brochures, children's activity sheets, teachers' notes, poster, fliers, and promotional material

Since Dr Kennedy commenced his term as Director, we have sought to provide more substantive publications to support the very important smaller exhibitions, largely drawn from the Gallery's collection.

Plans have been put in place during Dr Kennedy's time to commence publishing a full catalogue of the Gallery's collection. Staff have been reassigned to deliver this important publication, because up to now a full published catalogue has not been

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available. The first in this series of publications is expected to be released in late 2002.

The publications program for the 2001/02 is ambitious, with more than twenty-five books and catalogues planned.

9. *“The crisis in publications echoes the crisis in exhibitions. When he arrived at the gallery, the director disbanded the existing exhibitions committee, and put proposed exhibition on hold. It has taken a very long time to get a committee back in action, and there is still tremendous uncertainty as to an ongoing exhibitions schedule. ... there is considerably less opportunity for curators to initiate strong scholarly projects of their own... ... it (travelling exhibitions generated by other galleries) should be balanced with a strong series of self generated exhibitions.”*

Dr Kennedy did not disband an existing exhibitions committee. No such committee existed. Rather he has introduced a structured approach to the consideration of exhibition proposals.

Some exhibitions, which had been proposed at the time Dr Kennedy took over, were dropped, most were retained, others were introduced, which is quite a normal occurrence with a change of Director.

A forward exhibition schedule to 2004 has been developed, which includes many self-generated exhibitions. The Gallery releases details of its forward exhibition program twelve to eighteen months in advance. This is done principally for marketing purposes. There are also occasions when advantage is taken of an exhibition opportunity not known years in advance.

The National Gallery works in partnership with State and Regional galleries with its exhibition programme. State and Regional galleries accept National Gallery developed exhibitions and on occasions the National Gallery accepts exhibitions developed by them. Self-generated exhibitions remain the focus of the National Gallery's exhibition programme. The recently appointed Heads of Australian and International Art and their curatorial teams have assisted the Gallery in developing a well balanced and engaging programme of future exhibitions.

10. *“Under current arrangements, too many curators are working as clerks and office drudges, with little chance to develop the projects that are dear to their hearts and their sense of self. It has occasionally seemed as though highly-skilled and experienced curators have been relegated to the roles of answering correspondence, cataloguing, and tidying up the edges of imported packaged exhibitions. With an invitation being issued to politicians late last year to*



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*come for guided tours of the gallery, many curators are now spending a good part of their time acting as tour guides.*

Curatorial staff along with other Gallery staff are at times engaged in the very important but time consuming tasks of responding to correspondence, cataloguing and working on imported exhibitions. These are important facets of curatorial work as are other facets such as collection research, writing and development of their own exhibition ideas. The recent invitation to parliamentarians was made to achieve a greater level of understanding of the Gallery and its activities. Some of the tours undertaken in response involved curatorial staff, and none, other than John McDonald, said they were not pleased to have had that opportunity.

11. *“... exhibitions and collection development form the core business of the institution... Instead, there has been an emphasis on management and administration. Hours were spent discussing matters which were of no real relevance to Australian Art... All the minutiae of administration, maintenance and marketing were given equal, if not greater status than the question of what exhibition we might be holding...”*

The Head of Australian Art participates as a member of the Gallery's senior management team where appropriate issues of policy and strategy across the Gallery are considered. Regular meetings of program managers are held. Such meetings facilitate consideration of issues with representatives of all program areas in attendance. This is an important element of Gallery management. Program Managers have confirmed the relevance and appropriateness of the present arrangements which involve a significant time commitment, but are essential to co-ordinated and informed management. Exhibition proposals developed by curatorial staff are considered by the management team.

Mr McDonald's remarks demonstrate a lack of appreciation for prudent and inclusive management and administration while pursuing core business objectives.

12. *“According to the Canberra Times the director's personal salary package was increased by \$80,000 in his first year on the job.”*

The remuneration level for the position of Director is determined by the Remuneration Tribunal.

The Director's salary increased by \$9,538 in his first year.

13. *“It is hard to forget how the director suggested removing my name from the title page of the **Federation** catalogue because the show had been really 'a team effort'.”*

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National Gallery publications have generally been issued as creations of the institution, and staff authors are acknowledged on the inprint page but not necessarily the title page. On those occasions where the publication is the work of an individual their name is normally included on the title page.

Mr McDonald's reference to a discussion about the inclusion of his name on the title page refers to the application of this general Gallery policy which had operated for many years. It was the Gallery's Senior Editor and not the Director who suggested that, given the multiple authorship, John McDonald might not be credited as the sole curator. When Mr McDonald discussed the matter with the Director, an exception to the Gallery's general policy was applied for the **Federation** catalogue, with Mr McDonald being referred to as the Exhibition Curator on the title page.

**Outcome 1, Output 2 all**

**Question: 010**

**Topic: John McDonald's comments**

**Hansard Page: ECITA 104**

Senator Schacht asked: What response does the NGA Council have about Mr McDonald's continued engagement as consultant curator to the Federation exhibition?

Answer: The Council is considering the matter and a response will be provided when a decision is taken.

**Outcome 1, Output 2.1**

**Question: 011**

**Topic: Exhibition programme**

**Hansard Page: ECITA 108**

Senator Schacht asked: Provide details of the Gallery's exhibition programme over the next year.

Answer: See also Question 005.

This information was provided in answer to question 131 following the Committee hearing in November 2000.

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**Outcome 1, Output 1.3**

**Question: 012**

**Topic: Air conditioning system**

**Hansard Page: ECITA 109**

Senator Schacht asked: When Mr Cox went on his tour, did he discover any art galleries using chlorine as a cleaning agent in their air conditioning?

Answer: No.

**Outcome 1, Output 1.3**

**Question: 013**

**Topic: Air conditioning system**

**Hansard Page: ECITA 110**

Senator Schacht asked: Please provide the committee with a copy of Mr Cox's report and indicate which of his recommendations have been put into place.

Answer: See response to Question 006.

**Outcome 1, Output 2.1**

**Question: 014**

**Topic: Loans availability**

**Written Question on Notice: Tabled**

Senator Schacht asked: Dr Kennedy has claimed in correspondence (October 2000) that during his term there has been "a doubling of the availability of loans from the National Gallery of Australia's collection – 1500 works loaned to regional museums and galleries last year" (-pro forma attachment to Email from Dr Kennedy to Mr David Perkins, October 2000). Please explain the basis of this claim when NGA Annual Reports show the following number of works of art lent in the years.

Year	95/96	96/97	97/98
Works lent	1152	1251	1285

**Answer:** There has been a doubling of the availability of loans from the NGA. The Gallery operated until October 1998 a one year rule whereby all loan requests had to be submitted at least one year in advance of an exhibition. This was removed entirely in 1998 as one of a series of access initiatives, because it was an obstacle to the availability of loans. Currently, the NGA operates a six-month loan request period, still a doubling of previous availability.

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The removal of the twelve month minimum period of notice and the Gallery's commitment to increase loans from the NGA's collection has resulted in a substantial increase in the number of works of art loaned by the NGA since the Gallery released its new loans policy in October 1998.

It is acknowledged that the expression "doubling of the availability" could be misleading, seeming to imply a doubling of the number of loans. An expression such as "increase in availability" will be used in future. The Gallery's collection has never been more available and more works of art have been loaned than previously.

#### Outcome 1, Output 2.1

Question: 015

#### Topic: Travelling exhibitions

#### Written Question on Notice: Tabled

Senator Schacht asked: Dr Kennedy has claimed in correspondence (October 2000) that during his term there has been "*a doubling of the already established travelling exhibitions program – 11 travelling exhibitions visited 54 venues last year*" (- *pro forma* attachment to Email from Dr Kennedy to Mr David Perkins, October 2000, attached). Explain the basis of this claim when NGA Annual Reports contain the following figures:

Year	Number of Exhibitions	Number of Venues
1999/00	11	54
1998/99	13	41
1997/98	12	45
1996/97	14	73
1995/96	11	39

Answer: In response to Mr David Perkins who had sent Dr Kennedy a personal message of criticism, a Gallery information sheet was attached to Dr Kennedy's reply. This information sheet detailing the Gallery's many recent achievements included an assertion of a doubling of the already established travelling exhibitions program. Dr Kennedy has discussed this assertion with relevant staff.

In the 1999/2000 year 13 exhibitions containing 635 works of art from the Gallery's collection supplemented by 27 other works travelled nationally or internationally to 53 venues. The number of works of art from the Gallery's collection included in travelling exhibitions has increased significantly in recent years in line with the Gallery's objective of increasing access to works of art locally, nationally and internationally.

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It is acknowledged that the word “doubling” is incorrect and in future will be adjusted to “increase”. The number of the Gallery’s works of art included in travelling exhibitions in recent years is as follows:

1995/96	435
1996/97	760
1997/98	708
1998/99	743
1999/00	667

**Outcome 1, Output 1.3, 2 all**

**Question: 016**

**Topic: Contractors and consultants**

**Written Question on Notice: Tabled**

Senator Schacht asked: Provide a list of contractors and consultants used by the NGA, services provided and costs from for financial years 1998 – present.

Answer: Attached are lists of contractors and consultants for the financial years 1998/99, 1999/00 and 1 July 2000 to 28 February 2001.

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**Outcome 1, Output 2.1**

**Question: 017**

**Topic: Chihuly works for sale**

**Written Question on Notice: Tabled**

Senator Schacht asked: Were any exhibits in the Dale Chihuly “Masterworks in Glass” exhibition for sale within Australia and if so explain how this situation differs from the reasons given for the cancellation of Sensation?

Answer: No works of art in the Dale Chihuly “Masterworks in Glass” exhibition were for sale during the exhibition at the NGA. The NGA is not privy to the contract terms of the modified exhibition that was subsequently displayed at the Jam Factory in Adelaide.

**Outcome 1, Output 1.3**

**Question: 018**

**Topic: Air conditioning system**

**Written Question on Notice: Tabled**

Senator Schacht asked: In relation to Q. 145 Supplementary Budget Estimates 30/11/00, for what reason did the NGA increase the amount of hydrogen peroxide 20 fold in March to July 2000 compared with July 1999 to February 2000?

Answer: The Gallery changed from CLS 5 to HYPERO 50 over the period February/March 2000 following expert advice received about the superior performance of HYPERO 50 in a similar operational environment and in response to the need to find a more effective and efficient coil cleaning agent and this resulted in more hydrogen peroxide, by volume, being used.

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**Outcome 1, Output 1.3**

**Question: 019**

**Topic: Air conditioning system**

**Written Question on Notice: Tabled**

Senator Schacht asked: Provide statements from Comcare, Clive Broadbent (AO), Jason Robinson and Ken Dyson confirming that they each accept the NGA's public statement that their advice concerning the use of hydrogen peroxide residues and/or added peroxide to the spray tanks during full operation was in error (Comcare Report 1913.4.11g 4.11h 4.14d), 7.30 Report.

Answer: The Gallery does not have any statements to provide and it would be inappropriate for the Gallery to seek to obtain such statements from Comcare Australia, Comcare Australia's consultant or former Gallery staff.

**Outcome 1, Output 1.3**

**Question: 020**

**Topic: Air conditioning system**

**Written Question on Notice: Tabled**

Senator Schacht asked: Obtain an explanation from Robson's Laboratories explaining the scientific rationale for waiting 10 hours after aqueous hydrogen peroxide was added to spray tanks in one case (p.3 of Robson's appendix to the Hennessy report), and 27 hours later (page 2) in another to measure airborne hydrogen peroxide levels, when the air flow is such that peak levels of hydrogen peroxide would occur at Gallery registers within seconds of the plant being returned to full operation.

Answer: In response to this request the Gallery sought and obtained the following advice from Mr Steve Hennessy of AHA Management Pty Ltd.

"The question you have asked of me relates to the time intervals between airborne hydrogen peroxide tests.

In the first instance, there is a question about why 10 hours elapsed between the first and last tests. The answer is quite simple. It takes more than ten hours to clean AHU1. The first test was taken at the beginning of the cleaning cycle, and the last tests at the end.

The second question refers to a 27 hour delay. There is nothing sinister in this. As clearly stated in the Robson Report, the delay was as a result of a failed jet spray motor. Whilst the motor was inoperative, AHU2 was shut down.

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There appears to be a misunderstanding of the cleaning process and perhaps my report could have explained this a little better. During the entire cleaning process the fans in the respective AHUs remain off. The fans are not started until the cleaning process has been completed, and the tests conducted by Robson (under the instructions of ERMA) clearly demonstrate that at the end of the cleaning process (AHU1), prior to the fans being started, airborne hydrogen peroxide was not detected. In short the statement that “air flow is such that peak levels of hydrogen peroxide would occur at Gallery registers within seconds of the plant being returned to full operation” is simply incorrect.”

**Outcome 1, Output 1.3, 2 all**

**Question: 021**

**Topic: Certified Agreement**

**Written Question on Notice: Tabled**

Senator Schacht asked: Provide a copy of the latest Certified Agreement with the CPSU and explain the reasons given during the negotiation of this Agreement that staff found it necessary to include a clause allowing free speech.

Answer: There is no clause referring to free speech in the latest Certified Agreement. The clause referring to free speech is in the CPSU’s log of claims for the next Certified Agreement that is yet to be negotiated.

**Outcome 1, Output 1 all, 2 all**

**Question: 022**

**Topic: Restructure and staff separations**

**Written Question on Notice: Tabled**

Senator Schacht asked: Were any of the following positions, for which redundancy was given, restaffed under the same title – (e.g. Head of Australian Art, Senior Paintings Conservator, Assistant Curator International Art, Assistant Curator Australian Art, Carpenters)?

Answer: *Head of Australian Art* – A previous occupant of a position with a similar title was offered and accepted redundancy when the position was reclassified in a restructure of the Gallery’s curatorial program. The new position of Head of Australian Art was filled in September 1999.

*Senior Paintings Conservator* – A redundancy was granted in November 1998 and the position was abolished. A new position with the same title classified at a lower level was filled in June 1999.



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*Assistant Curator International Art* – No Assistant Curators in International Art have been offered voluntary redundancy.

*Assistant Curator Australian Art* – Following a restructure of the Curatorial Programs all positions were ‘spilled’ and those staff not successful in securing a position were offered voluntary redundancy. A number of positions of Assistant Curator are included in the restructured Australian Art department.

*Carpenters* – A position of Workshop Manager, another of Senior Carpenter and of Carpenter were abolished following a restructure of the Workshop in 1998. Redundancies were given to the occupants of these positions. Three new positions were established all with the title of Carpenter.

**Outcome 1, Output 1.3**

**Question: 023**

**Topic: Allegations against some staff**

**Written Question on Notice: Tabled**

Senator Schacht asked: Provide all documentation, correspondence and outcome of any investigation into the allegations concerning Mr Garry Cox and Mr Tava Sitauti, including ministerial correspondence and any report provided by Effective People Management Consultants.

Answer: It is normal to treat such matters as staff-in-confidence and it is therefore not appropriate to provide the documentation requested.

A report on an investigation of the allegations recently provided to the Gallery is currently under consideration. Procedural and natural justice requirements are being observed.

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**Question: 024**

**Topic: Building refurbishment**

**Written Question on Notice: Tabled**

Senator Schacht asked: Provide details of what the planned refurbishment of the NGA building entails, estimates of cost for each component and stage, expenditure incurred to date, time frames and source of finance for the project.

Answer:

What the planned refurbishment of the NGA building entails:

Working with its Managing Architect and consultants, the Gallery has, in close consultation with the National Capital Authority, developed a 2050 Masterplan for the building and site. It is envisaged that in stages and over time as funds permit, the NGA site and building will be enhanced. The Masterplan has been endorsed "in principle" by the Gallery's Council.

Estimates of cost for each component and stage:

Stage 1 of the project has four key priorities:

- Undertake a refurbishment of existing facilities including code compliance works, fire services, security and air conditioning systems and disabled access.
- Construct a new code-compliant front entrance with improved visitor facilities.
- Create an appropriate sense of arrival from King Edward Terrace and address the traffic safety issues that are associated with the current shared public/vehicle zones near the entrance
- Address the problems with circulation/orientation within the gallery spaces

Stage 1 planning currently addresses these four key priorities. It will also result in additional gallery space, improved facilities for the receipt and dispatch of works of art and improved visitor facilities for the public.

A copy of a February 2001 Indicative Cost Grand Summary prepared by the Gallery's Cost Planner is attached. It indicates that at this point in time, Stage 1 (Package 1) has been costed as being in the order of cost of \$42M, with Stages 2 & 3 (Packages 2 & 3) being costed at a further \$15M and \$13M approximately, respectively.

Stages 2 and 3 represent additional work to be carried out in the future subject to funding.

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It is emphasised that the scope of works, the packaging of works and the cost estimates reflected in the attached indicative cost grand summary are preliminary only. They reflect current thinking and options and will be refined over time as funding issues are addressed and planning continues. The cost summary is an internal planning document only and not one prepared for distribution or publication.

Expenditure incurred to date:

*1998-1999*

\$48,500: Provides for Building Audit Report and Front Entrance Feasibility Study

*1999-2000*

\$547,000: Includes Managing Architect Selection Process, Fees, Reports and NGA Project Management Expenses.

*2000-2001 (as at 31/01/2001)*

\$938,558: Includes Managing Architect Fees, payments to NGA consultants, NGA Project Management Expenses and refurbishment works to date.

Time frames:

The implementation of the entire scope of Stage 1, and indeed all subsequent works is subject to funding being secured and works approvals, including parliamentary approval, being obtained.

Certain refurbishment works, including the upgrade of security systems, the replacement of the early warning information system (EWIS), refurbishment of parts of the Gallery's air conditioning systems are proceeding in 2001 from existing Gallery funding.

The Gallery's 20<sup>th</sup> anniversary of opening to the public will be celebrated in October 2002. Subject to funding and works approvals being in place, it is intended that by October 2002 considerable progress will have been made towards the completion of Stage 1 works.

Source of finance for the project:

By June 2001 the Gallery will have accrued approximately \$10M in funds to apply towards Stage 1 works. The Gallery is currently negotiating with appropriate government officials concerning funding to undertake Stage 1 works.

INDICATIVE COSTS GRAND SUMMARY NGA ENHANCEMENT PROJECT	Total	06-Feb-2001 Revised			
		COMMITTED	PACKAGE 1	PACKAGE 2	PACKAGE 3
OVERVIEW COSTS					
MASTERPLANNING & COMPETITION COSTS (ESTIMATE TO END JUNE 2000)	\$760,000	\$760,000			
UPGRADE DRAWINGS (ESTIMATED COSTS)	\$50,000	\$50,000			
CODE COMPLIANCE / BCA / FIRE SAFETY COSTS					
BVN URGENT WORKS - EWIS, LIGHTNING PROTECTION, SECURITY EXT DISABLED ACCESS	\$612,000	\$612,000			
REMEDIAL HVAC WORKS (SVA PACKAGES)	\$1,737,761		\$1,737,761		
REMEDIAL WORKS (TZG PACKAGES)	\$4,659,416		\$4,659,416		
INITIAL ENABLING WORKS & TEMPORARY WORKS					
INITIAL ENABLING WORKS	\$260,612		\$260,612		
TEMPORARY ENTRY	\$552,313		\$552,313		
TEMPORARY LOADING DOCK	\$346,723		\$346,723		
TEMPORARY CARPARK	\$170,446		\$170,446		
INITIAL FRONT ENTRY COSTS					
FRONT ENTRY	\$15,735,070		\$15,735,070		
EXTERNAL WORKS SOUTH WEST ZONE	\$1,467,161		\$1,467,161		
UNDERGROUND CARPARK WORKS	\$2,234,250		\$2,234,250		
RETAILSPACE - MAIN GALLERY	\$283,557		\$283,557		
CAFÉ - REFURBISHMENT - MAIN FLOOR	\$0		\$0		
MISCELLANEOUS WORKS INCLUDING SCULPTURE GARDEN MINOR WORKS	\$303,030		\$303,030		
MAIN STAIR					
MAIN STAIR - PARTIAL ENCLOSURE	\$1,582,736		\$0	\$1,582,736	
MEZZANINE OVER RESTAURANT - MEZZANINE - MAIN FLOOR	\$336,161		\$336,161	\$0	
GALLERY - NORTH WEST CORNER - RENOVS - GROUND LEVEL	\$328,540		\$0	\$328,540	
NEW SOUTHERN EXTENSION - GROUND & MAIN FLOORS					
LOADING DOCK, THEATRE BREAKOUT, OFFICES & GALLERIES OVER	\$4,580,156		\$4,580,156		
TOILETS ETC OVER LOADING DOCK - NEW - MAIN FLOOR	\$355,632		\$355,632		
GALLERIES	\$0				
ENHANCEMENTS TO GALLERIES 1 & 2	\$524,429		\$524,429		
GALLERY - TOWARDS NE CORNER - RENOVS - GROUND LEVEL	\$543,283			\$543,283	
GALLERY - NORTH WEST CORNER - RENOVS - UPPER LEVEL	\$497,035			\$497,035	
NEW NORTH EAST BLOCK					
NORTH EAST LINK (EXCLUDING LIFT)	\$1,254,839			\$1,254,839	\$0
COOLING TOWERS RELOCATION FOR NE LINK	\$340,065			\$340,065	\$0
NE LINK FOR GALLERY ABOVE EXTENSION UPPER & ADMIN	\$1,504,347			\$1,504,347	
RESEARCH CENTRE	\$2,449,972			\$2,449,972	\$0
RESTAURANT	\$1,500,000		\$0	\$1,500,000	
GALLERIES	\$2,884,857		\$0	\$2,884,857	
EXTERNAL WORKS - POST-FRONT ENTRY WORKS					
WEST ADDRESS COURT ZONE	\$826,867				\$826,867
NORTH ADDRESS COURT ZONE	\$2,639,273				\$2,639,273
SCULPTURE GARDEN EAST ZONE	\$1,164,605				\$1,164,605
PARKES PLACE ROADWORKS AND TRAFFIC LIGHTS	\$416,667				\$416,667
WORKS TO ADMINISTRATION AREA					
WORKS TO ADMINISTRATION AREA LEVEL 7	\$133,974		\$133,974		\$0
RELOCATIONS TO UNDERCROFT	\$0				
WORKSHOP EXTENSION UNDERCROFT	\$772,625			\$772,625	
INSTALLATIONS - EXTENSION UNDERCROFT	\$436,586			\$436,586	
TEXTILE STORE - EXTENSION UNDERCROFT	\$438,757			\$438,757	
SMALL OBJECT STORE - EXTENSION UNDERCROFT	\$266,712			\$266,712	
PLANT ROOM - EXTENSION UNDERCROFT	\$303,681			\$303,681	
CIRCULATION - EXTENSION UNDERCROFT	\$234,041			\$234,041	
NON-URGENT WORKS					
BALANCE OF REPLACEMENT OF CURTAIN WALLING(SUBJECT TO STUDY)	\$1,250,000				\$1,250,000
REPLACEMENT OF CARPETS ETC (SUBJECT TO STUDY)	\$545,000				\$545,000
PROGRESSIVE UPGRADE OF OFFICE AND GALLERY LIGHTING	\$333,333				\$333,333
UPGRADE OF OFFICES	\$833,333				\$833,333
	\$58,449,847	\$1,422,000	\$33,680,691	\$12,386,482	\$10,960,674
FEES & NGA EXPENSES - PACKAGE 1	\$6,736,138		\$6,736,138		
FEES & NGA EXPENSES - PACKAGE 2	\$2,477,296			\$2,477,296	
FEES & NGA EXPENSES - PACKAGE 3	\$2,192,135				\$2,192,135
<b>TOTAL - COSTS BASED ON JUNE 2000 RATES</b>	<b>\$69,855,417</b>	<b>\$1,422,000</b>	<b>\$40,416,829</b>	<b>\$14,863,779</b>	<b>\$13,152,809</b>
	\$69,855,417		33680691		
			\$612,000		

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**Outcome 1, Output 1.3, 2 all**

**Question: 025**

**Topic: Air conditioning system and Registration staff concerns**

**Written Question on Notice: Tabled**

Senator Schacht asked: In response to questions 118, 119, 133, 207 Supplementary Budget Estimates 30/11/00, why are such records not kept; provide answers in full to Q.201 and 205; provide a full copy of the memorandum referred to in Q.198 (authors' names may be deleted to protect confidentiality); and in response to Questions 198, 206 and 207 explain the attached "Functions and Workload of the Storage, Installations and Packing Staff in response to Management's proposed restructure" 17/06/2000, Marsh Occupational Health consultant's report 3/11/95, and the facsimile from Ms Pam Owen to Mr Duncan Kerr MP.

Answer:

118 and 119

The Security Fitness Reports are not retained because they are an internal maintenance management tool that serves to bring to the Gallery's attention matters requiring attention. Matters are actioned as reported. Should action not be carried out the matter would be included in a subsequent report.

133

The information sought re: days worked can only be obtained from invoices tendered by Mr Cropp. In some cases the Gallery no longer retains copies of the invoices, in some cases the invoices do not detail days worked, but only hours worked in the period covered by the invoice.

207

The question was directed to the Deputy Director. The Gallery's answer reflects that the Deputy Director, himself, has no specific recollection of any such advice. This answer did not imply that during the Deputy Director's period of employment with the Gallery that no staff member or former member has ever expressed concerns to anyone in the Gallery about illness and malaise possibly related to Sick Building Syndrome or the air conditioning. Complaints about air conditioning have been received over the years. This issue is also addressed in the response to Question 205.

201

This is a very broad question which is almost impossible to answer comprehensively. It is possible that the Gallery has during its history received a complaint or complaints about inadequate documentation, missing and/or misplaced files, altered files, relevant documents not provided under FOI or legal discovery processes and/or minutes and other records of meetings not adequately reflecting the meeting itself from current or former staff, their legal representatives or others who have lodged FOI requests.

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The Gallery would be pleased to provide information about a specific request for information about a particular complaint.

205

A copy of the memorandum provided to Mr Rees in March 2000 was provided with the response to Q.205 Supplementary Budget Estimates 30/11/00.

In relation to the issue of complaints or comments by staff etc. the Gallery acknowledges that since 1996 there have been a number of complaints from staff about air conditioning. Indeed, there are recollections that there have been complaints since the building opened in 1982 and no doubt they will continue during the life of the building.

The recollections include that there have been complaints about stuffy offices and gallery spaces, concerns about the presence of mould, temperatures being hot and cold, complaints about smells, concerns that there is not enough fresh air, concerns about the possibility of there being a risk to people and/or the collections.

There is a recollection also that there have been many investigations of the complaints. In some cases temperatures and humidity would have been simply checked and adjusted as necessary. Smells have occurred from time to time. There have been times when the air conditioning has been switched off for maintenance or upgrade.

There is also evidence that at times tests have been conducted in response to concerns being raised. In addition to the range of tests conducted/commissioned by AHA Management Pty Ltd in 2000, in recent years several other tests were conducted in response to concerns raised by staff.

In terms of searching all documentation, the gallery remains of the view that it does not believe a review of all documentation filed since 1996 to be warranted as it is addressing as a priority all issues identified in the comprehensive reports received by Comcare and AHA Management.

198

The memorandum is attached. To preserve confidentiality certain names have been deleted.

While the Gallery acknowledges that the very existence of the memorandum signifies staff discontent, and, as such, indicates an undesirable set of circumstances, it does not necessarily agree with or support any of the statements in the memorandum. However, in response to the memorandum, the Head of Human Resource Management met, at the time, with staff of the Registration department to develop strategies to address the issues behind the complaints.

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It should be noted that not all staff of the Registration department signed the memorandum; and a number who did, have later advised that they would have preferred not to sign, but felt pressured into doing so.

206 and 207

The Marsh Occupational Health Report of 3 November 1995 resulted from an investigation of the Chief Conservator's Office. As Mr Marsh notes at point 2 page 1 that *"The possibility had been raised that 2 or 3 of the Gallery staff had chronic medical problems that might have been related to the building's internal environment and it was felt that this should be further investigated"*. The investigation was not prompted by suggestions of "sick building syndrome" which was understood to be the focus of Q.206.

In terms of Q.207. Following receipt of the Marsh Occupational Health consultants report of 3 November 1995, the then Building Controller wrote to the then Assistant Director, Corporate Services and the Personnel Officer and forwarded a copy of the report. His assessment was that the report was inconclusive and suggested further assessment. In May 1996 ANUTECH Pty Ltd conducted further investigations and reported interalia that on the basis of the contaminates investigated the National Gallery of Australia was found to have a high standard of indoor air quality in regards to human health.

In regard to the letter from Ms Pam Owens to Mr Duncan Kerr MP, Mr Froud does not recall the specific alleged discussion with Ms Owens regarding air conditioning cleaning processes in the early 1990s.

During his period of employment at the Gallery over more than ten years comments received by Mr Froud about the building environment have been referred to officers responsible within the Gallery for building operations.

Other issues raised by Ms Owens are not related to questions 206 and 207 and therefore have not been commented upon.

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**Outcome 1, Output 1.3**

**Question: 026**

**Topic: Artwork location records**

**Written Question on Notice: Tabled**

Senator Schacht asked: Question 211 Supplementary Budget Estimates 30/11/00 was based on information contained within "Functions and Workload of the Storage, Installations and Packing Staff in response to Management's proposed restructure" 17/06/2000 (attached). In the final paragraph on page 6 "Location Problems" lost and mislocated works are discussed. Can the NGA confirm the information presented and provide an explanation for the failure of the random audit referred to in the Gallery's reply to pick up this problem?

Answer: It is assumed that Question 213 Supplementary Budget Estimates 30/11/00 refers and not 211 as detailed in the question.

The draft document referenced is understood to have been prepared by the CPSU and CPSU members of the Registration department in early 1999 in response to a proposed restructure of the department. Staffing levels for the Registration department were the subject of negotiation at that time. An increase in the proposed staffing level was agreed in the course of the negotiations.

As previously advised the Gallery applies an annual stocktake methodology developed in consultation with the Australian National Audit Office to verify the existence of its collection of works of art. All works of art included in the statistical sample were located and verified in the last audit for the 1999/2000 year. The claims regarding location problems included in the "draft" document prepared by the CPSU and CPSU members of the Gallery's Registration department two years ago are misleading. Discrepancies between the Gallery's collection management system and works of art are of a relatively minor level and are covered in the statistical sample approach to verification of the Gallery's collection through annual stocktakes on an ongoing basis.