

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

**ANSWERS TO QUESTIONS ON NOTICE**

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

**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.112**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 198) asked the following Question-on-Notice:

Could you provide to this estimates committee the full membership of (working party) that?

**Answer:** Head of Planning and Facilities & General Manager, Collection Services (Joint Chairs) and Head of Conservation; Senior Textile Conservator; Preventive Conservator; Manager, Facilities (Building Operations); Assistant Manager, HVAC/Electrical.

**QUESTION NO.113**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 199) asked the following Question-on-Notice:

Who got copies of it? (Hennessy Report)

It would not be a bad idea to send each staff member a copy of the Hennessy report. Could you take that suggestion on notice and respond?

**Answer:** Access to the report has been provided to staff and all staff have been advised that they can obtain a copy of the report upon request. To date 15 copies have been provided to staff and one copy to the CPSU.

**QUESTION NO.114**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 200) asked the following Question-on-Notice:

Please provide an updated staff list.

**Answer:** An updated staff list is attached.

1. **Executive**  
 Brian Kennedy, Director  
 Mary Lou Lyon, Personal Assistant to the Director  
 Elizabeth Campbell, Executive Assistant  
  
 Alan Froud, Deputy Director  
 Jay Sargent, Personal Assistant to the Deputy Director / Council Secretary
2. **Public Affairs**  
 Helen Power, Promotions Officer  
 Joy Dawe, Events Coordinator  
 Kenneth Hunt, Assistant Promotions Officer
3. **Australian Art**  
 Deborah Hart, Acting Head of Australian Art  
 Roger Butler, Senior Curator Australian Prints, Posters, Illustrated Books and Drawings  
 Anne McDonald, Senior Assistant Curator Aus Prints, Posters, Illustrated Books and Drawings  
 Janie Gillespie, Assistant Curator, Australian Prints, Posters, Illustrated Books and Drawings  
 Elena Taylor, Senior Assistant Curator, Australian Paintings and Sculpture  
 Beatrice Gralton, Project Officer, Australian Paintings and Sculpture  
 Wendy Carlson, Administrative Assistant  
 Wally Caruana, Senior Curator, Aboriginal and Torres Strait Islander Art  
 Avril Quail, Senior Assistant Curator, Aboriginal and Torres Strait Islander Art  
 Sue Jenkins, Assistant Curator, Aboriginal and Torres Strait Islander Art
4. **International Art**  
 Jorg Zutter, Head of International Art  
 Jane Kinsman, Senior Curator, International Prints, Drawings and Illustrated Books  
 Mark Henshaw, Senior Assistant Curator, International Prints, Drawings and Illustrated Books Roy F Forward, Assistant Curator, International Prints, Drawings and Illustrated Books  
 Roger Leong, Senior Assistant Curator, International Decorative Arts  
 Lucina Ward, Assistant Curator, International Paintings and Sculpture  
 Robyn Maxwell, Senior Curator, Asian Art  
 Gary Hickey, Senior Assistant Curator, Asian Art  
 Charlotte Galloway, Acting Assistant Curator, Asian Art  
 Ben Divall, Acting Assistant Curator, Asian Art  
 Melanie Eastburn, Acting Assistant Curator, Asian Art  
 Margaret Stack, Administrative Assistant  
 Anthony White, Curator, International Paintings and Sculpture  
 Gael Newton, Senior Curator, Photography  
 Anne O'Hehir, Assistant Curator, Photography  
 Christine Dixon, Senior Curator Research  
 Steven Tonkin, Assistant Curator, Research  
 Robert Bell, Curator, Decorative Arts and Design
5. **Collection Services**  
 Erica Persak, General Manager  
 Lesley Arjonilla, Administrative Assistant  
  
*Conservation*  
 Janet Hughes, Head of Conservation  
 Allan Byrne, Senior Conservator, Paintings  
 Kim Brunoro, Conservator, Paintings  
 Sheridan Roberts, Conservator, Paintings  
 Suzie Bioletti, Senior Conservator, Paper, Photographics and Moving Images  
 Andrea Wise, Conservator, Paper, Photographics and Moving Images  
 Fiona Kemp, Conservator, Paper, Photographics and Moving Images  
 Debbie Ward, Senior Conservator, Textiles  
 Micheline Ford, Conservator, Textiles  
 Charis Tyrrel, Conservation Assistant, Textiles  
 Solitaire Sani, Conservation Assistant, Textiles  
 Beata Tworek-matuszkiewicz, Senior Conservator, Objects (on exchange to Uni of Canberra)  
 Benita Johnson, Senior Conservator, Objects (on exchange from Uni of Canberra)  
 Gloria Morales, Conservator, Objects  
 Shu-lan Birch, Senior Mountcutter  
 John Wayte, Framer Mountcutter  
 Jane Saker, acting Framer Mountcutter,  
 Greg Howard, Conservation Technician, Framing  
 Elizabeth Radford, Preventive Conservator  
 Cheree Martin, Administrative Assistant  
 Lisa Addison, Preventive Conservator  
 Lucie Verhelst, Mountcutter  
  
*Research Library*  
 Margaret Shaw, Chief Librarian  
 Gillian Currie, Acquisitions Librarian  
 Helen Hyland, acting Bibliographic Services Librarian  
 Kathleen Collins, Reference Librarian  
 Samantha Pym, Monographs Officer  
 Cheng Phillips, Serials Officer

Kate Brennand, Inter-library Loans / Exchange Officer  
Caitlin Perriman, Documentation / Cataloguing Officer  
Charles Higgins, Documentation Filer / Shelver  
Sean Murphy, Documentation Filer / Shelver  
Jaklyn Babington, Administrative Assistant

**Registration**

Ren Pryor, Acting Registrar  
Maree Fay, Administrative Assistant  
Adrian Finney, Assistant Registrar, Documentation  
David Pearson, Systems Officer  
Tess Cashmore, Documentation Officer  
Denise Talent, Assistant Registrar, Loans and Exhibitions  
Vivienne Dorsey, Registration Assistant, Loans and Exhibitions  
Bronwyn Gardner, Registration Assistant, Loans and Exhibitions  
Juliet Flock, Registration Assistant, Loans and Exhibitions  
Rowena Paget, Administrative Assistant, Loans and Exhibitions  
Jennifer Storer, Art Handling Coordinator  
Ben Holloway, Packer  
Ted Nugent, Assistant Packer  
Valerie Alfonzi, Painting and Objects Coordinator  
Fiona Bolton, Works on Paper Assistant  
Sarah Brennan, Art Handler  
Jeremy Russell, Works on Paper Assistant  
Sam Bottari, Painting and Objects Assistant

**Photographic Services**

Bruce Moore, Manager  
Roger Booth, Audio Visual Librarian  
Eleni Kypridis, Photographer  
Stephen Nebauer, Photographer  
Willy Kemperman, Photographic Records Officer  
Barry Le Lievre, Photographer

6.

**Access Services**

Ron Ramsey, General Manager  
Sharon Peters, Administrative Assistant

**Education and Public Programs**

Susan Herbert, Head of Education and Public Programs  
Michael Fensom-Lavender, Administrative Assistant

**Education**

Barbara Brinton, Manager  
Jenny Manning, Project Coordinator  
Philippa Winn, Project Officer  
Gudrun Genee, Guide Coordinator (**on leave**)  
Anne Frisch acting Guide Coordinator  
Jo-anne Walsh, Administrative Assistant

**On-call Educators**

Tess Horwitz  
Leeanne Crisp  
Elizabeth Deluca-Lerabie  
Patricia Hanson  
Penny Harrison  
Steven Holland  
Christine James  
Ann Logan  
Amanda Stuart  
Petra Weber  
Margaret Kevin

**Public Programs**

Barbara Poliness, Manager  
Maryanne Voyazis, Project Officer  
David Sequeira, Project Coordinator  
Egidio Ossato, Audio Visual Technician

**Multimedia**

Andrew Powrie, Designer  
Jose Robertson, Coordinator

**Exhibitions**

Mark Bayly, Manager  
Jos Jensen, Manager, Exhibitions Design  
Margaret Wigley, Exhibitions Designer  
Patrice Riboust, Exhibitions Designer  
Sue Quayle-Bates, Graphic Design Assistant  
Lyn Conybeare, Project Officer, Exhibitions  
David Turnbull, Project Officer, Exhibitions  
Lloyd Hurrell, Art Handler

Ben Taylor. Art Handler  
Peter Vandermark, Art Handler  
Derek O'Connor, Art Handler  
Geoffrey Newton. Art Handler

***Travelling Exhibitions***

Jude Savage, Manager  
Belinda Cotton, Project Officer  
Helene Hayes, Project Officer

***Visitor Services***

Evelyn Dyball, Reception Officer  
Piera Bigna, Reception Officer  
Jan Matson, Reception Officer  
Christine Nicholas, Reception Officer  
Ursula Post, Reception Officer  
Amy Boyd, Reception Officer  
Pella Cockram, Reception Officer  
Selina De Julis, Reception Officer

***Membership***

Sylvia Jordan, Coordinator, Membership  
Lyn Brown, Membership Officer  
Helen Kennett, Membership Officer

**7. Marketing and Merchandising**

Ruth Patterson. Head of Marketing and Merchandising  
Gyongyi Smee, Administrative Assistant

***Production & Publications***

Kirstein Morrison, Senior Editor  
Carla Da Silva Pastrello, Graphic Designer  
Alistair McGhie, Editor  
Penny Sillis, Purchasing and Systems Coordinator  
Leanne Handreck, Rights and Permissions Officer  
Beverly Scott, Product Development Manager  
Lesley Keevers, Product Development Assistant  
Annette Connor, Trade Sales Officer  
Kate Manning, Administrative Assistant

***Retail Operations***

Richard Baz, Shop Manager  
Annette Stefanou, Assistant Shop Manager  
Ami Alexis, Shop Assistant  
Daniel Bigna, Shop Assistant  
Fiona Brideoake, Shop Assistant  
Jennifer Spence, Shop Assistant  
Giselle Banks, Shop Assistant  
Paul Copping, Shop Assistant  
Andrew Duncan. Shop Assistant  
Alix Fiveash, Shop Assistant  
Sue Greentree, Shop Assistant  
Christy Longhurst, Shop Assistant  
Angela Moser, Shop Assistant  
Jael Muspratt, Shop Assistant  
Judy Southwell, Shop Assistant  
Lorenzo Thomas, Shop Assistant  
Claire Wan-wick. Shop Assistant  
Jared Wilkins, Shop Assistant  
Nicole Willson. Shop Assistant

**8. Development**

Philip Eliason, Head of Development  
Elizabeth Malone. Development Officer

**9. Administration**

***Finance***

Margaret Baird. Head of Finance (on leave)  
Karyn Cooper, acting Head of Finance  
Stuart Wise. acting Manager, Finance  
Barbara Reinstadler, Finance Officer  
Trinh Poonpol, Finance Officer  
Roberto Thomas. Finance Officer  
Thomas Pritchard

***Human Resource Management***

Tony Rhynehart, Head of Human Resource Management  
Helen Gee, Manager Human Resource Management  
Melinda Carlisle, Assistant Personnel Manager  
Brad Hunt, Assistant Personnel Officer  
Margaret Webber. Salaries Clerk

Manolita Ramsey, Recruitment Officer

**Planning and Facilities**

Phillip Rees, Head of Planning & Facilities  
John Santolin Manager IT and Office Services  
Pamela McGilvary, Manager Facilities (Services)  
Mike Hansen, Assistant Manager, Security  
Gail McAllister, Assistant Manager, Security  
Garry Cox, Manager. Facilities (Buildings)  
Tava Sitauti, Assistant Manager, Facilities (Buildings)  
Michael Sultana, Air Conditioning Officer  
Matthew Hogan, Electrician  
Salesi Tahī, Electrician  
Charles Summerell, Carpenter  
Brett Redfem, Carpenter  
David Sharrock, Carpenter  
Helmut Rudolf, Painter  
Darren Houlihan, Fitter  
Drew Hinman, Apprentice Carpenter  
Gale Millwood, Security Administrative Officer  
Joy Pensko, Planning and Facilities Support Officer  
Michael Lawrence, Senior Security Officer  
Jose Campuzano, Senior Security Officer  
Peter Duckworth, Senior Security Officer  
Peter Gleeson, Senior Security Officer  
Michael Holley, Senior Security Officer  
John O'Malley. Senior Security Officer  
Bill Taylor, Senior Security Officer  
Zac Stefek, Senior Security Officer  
John Baxter, Security Officer  
Michael Lynch, Security Officer  
Peter Petryk, Security Officer  
Judy Schultz, Security Officer  
Michael Sutton, Security Officer  
Svetlana Zec, Security Officer  
Allan Oshyer, Security Officer  
Kadrinka Ratajkoska. Security Officer  
Nimmo Nimmo, Security Officer  
Andrew Mcleod, Security Officer  
Ramon Cabrera, Security Officer  
Peter Elliot, Security Officer  
Frank Mayrhofer, Security Officer  
Morrie Renton, Security Officer  
Graeme Brogan, Security Officer  
Sylvain Brudo, Security Officer  
Larry Geraghty, Security Officer  
Janine Turner, Security Officer  
Len Kershaw, Security Officer  
Yvonne Brown, Security Officer  
Sue Howland. Security Officer  
Gregory Bond, Security Officer  
Alan Chaplin, Security Officer  
Kerrie Edwards, Security Officer  
Phillip Jeffries, Security Officer  
Tony Kiviniemi, Security Officer  
Darrel Lord, Security Officer  
Nick Neal. Security Officer  
Nathan Randall, Security Officer  
Kasey Robinson, Security Officer  
Vincent Robinson, Security Officer  
Ken Shedden, Security Officer  
Steve Terrance, Security Officer  
Michael Whitby, Security Officer  
David Eals, Security Officer  
Steve Jones, Security Officer  
Kurt Maurer. Security Officer  
Ben Williams, Security Officer  
Joe Stefek, Security Officer  
Alex Ness, Security Officer  
Veselka Koneska, Janitor  
John Paul Gryniewicz, Janitor  
Josip Rukavina, Janitor

**Records Management**

Robine Polach, Manager, Information and Records  
Treeboone Komalajoti, Systems Administrator, TRIM  
Zora Santrac, Assistant Information and Records Officer  
Cynthia Ponting, Assistant Systems Administrator and Documents Officer  
Lucy Potts

**Information Technology**

Anthony Bray. Network Administrator

Janet Daniels, IT Support Officer  
Lorraine Jovanovic, Client Support Officer

***Purchasing d Stores***

Frank Navarro, Warehouse Storeman  
Phil Murphy, Warehouse Storeman

Prepared by Human Resource Management Section  
9 January 2001

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

ANSWERS TO QUESTIONS ON NOTICE

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

**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.115**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No.200) asked the following Question-on-Notice:

Can you give me an idea why so much biocide and peroxide was used if there is not problem with the biological growth?

**Answer:** The amounts of biocide and peroxide used by the Gallery to treat air handling unit and cooling tower water has been, and continues to be, proportional to the volumes of water that are required to be treated and the required concentration of chemicals. Air handling units contain tanks that hold 5,022, 5,054, 1,463 and 1,006 litres of water. The cooling towers contain approximately 60,000 litres of water.

**QUESTION NO.116**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 201) asked the following Question-on-Notice:

Take it on notice that you will inform the committee which galleries around the world do use peroxide as a reasonable cleaning agent.

What other galleries, whether or not they have a similar air conditioning system to ours - and for their sake I hope they do not - use hydrogen peroxide.

Could you also find out which other art gallery in the world of the standing of our national gallery has an air conditioning system similar to the one we have. Do you know of any others that have the same system that we have operating now - that is over 20 years old and has problems of age if nothing else?

**Answer:** It will take some time to establish which other galleries use hydrogen peroxide as a cleaning agent in their air conditioning systems and to ascertain whether any have a system similar to the National Gallery. State galleries in Australia and a number of international galleries have been contacted to ascertain the requested information. It is expected that responses from most will be received in the next month.

Hydrogen peroxide is understood to be used as a cleaning agent in the air conditioning system of Parliament House, which houses a substantial collection of works of art. Regardless of the use or non-use of hydrogen peroxide as a cleaning agent in any other galleries, the use of hydrogen peroxide as a cleaning agent in the National Gallery's air conditioning system was considered as part of the independent expert assessment of the Gallery's HVAC system, undertaken by AHA Management in 2000, and no difficulties with its use were identified.

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**National Gallery of Australia**

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**QUESTION NO.117**

Outcome 1:               National Gallery of Australia

Senator Schacht (Hansard page No. 202) asked the following Question-on-Notice:

Does anyone know what those mouldy spots are? Are they a concern?

Photo 104 and photo 105 – they are just samples that I think give a cross-section from the Hennessy report and I would like your response to those.

**Answer:** It is assumed that the reference to the mouldy spots refers to photo 101. The fresh air sponges depicted in the photo have been removed since this photo was taken. The nature of the spots is not known as tests were not conducted on the spots prior to their disposal. As fresh air sponges are no longer used, they are not a concern.

Mr Hennessy has advised that the appearance of staining on these photos is deceptive in as much as it looks like some form of algae. However, the stain cannot be removed by normal cleaning procedures, and on closer examination was found by Mr Hennessy to be little more than a build-up of scale (quite normal for a spray system of this type). Whilst it would be desirable for the system to be free of scale, Mr Hennessy has advised that the build-up is not considered to be harmful.

Photo 104 does show wet and damaged plasterboard. Mr Hennessy has advised that this material is unsuitable for use in the air handling units environment and that it should be removed. It is proposed to remove plasterboard from air handling units as part of the building refurbishment program expected to be completed 2002/03.

Mr Hennessy also advises that other photos depict issues with rust, dirt and water. He advised that the results of the air sample tests suggest that these issues are not manifesting themselves as problems, though it would be desirable to reduce or even eliminate the risks.

**QUESTION NO.118**

Outcome 1:               National Gallery of Australia

Senator Schacht (Hansard page No. 204) asked the following Question-on-Notice:

Can you tell me how many of those security (fitness report form) were lodged in 1999 and how many have been lodged so far in 2000?



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How many of those were lodged in the last couple of years and will also take on notice how you are consulting with the workforce about the adoption of the new system?

**Answer:** The Security Fitness Reports are but one means of reporting maintenance matters and the condition of public spaces. The normal procedure is that up to four forms a day are routinely completed by Security Officers. It is therefore estimated that around 1500 reports were completed in both 1999 and in 2000.

The proposed new system is still being researched. In addition to seeking the views of staff and management representatives on the OH&S and the Gallery Consultative Committees it is proposed to seek feedback from staff to the proposed system.

**QUESTION NO.119**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 204) asked the following Question-on-Notice:

How many have been implemented; what course of action has been taken?

**Answer:** Any matters noted on the Security Fitness Reports that require attention are brought to the attention of the appropriate area within the Gallery. For example, the Exhibitions Department is notified if labels require replacement, Conservation and Curatorial staff are notified if there are matters that relate to a work of art, and maintenance staff are notified if there are matters related to cleaning, electrical etc. Action in response to matters identified is monitored and issues not attended to re-appear on subsequent reports.

Reports are not retained permanently and the Gallery is therefore unable to provide specific details requested for 1999 and 2000.

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

**National Gallery of Australia**

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**QUESTION NO.120**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 205) asked the following Question-on-Notice:

Provide a copy of Hennessy report (to be released early February – before the next hearing)

**Answer:** A copy of the outcome of the next AHA Management audit will be provided when it is available.



**Saturday, 17 February 2001**

The National Gallery  
Parkes Place  
Parkes  
Canberra  
ACT, 2601

**Attn: Phil Rees**

Dear Sirs

**Re: February inspection of Air Conditioning Works**

Further to my recent site inspection (15th and 16th February 2001) I would like to confirm the following.

I remain impressed with the efforts of you and your staff to implement the recommendations of our report (dated 9<sup>th</sup> October 2000).

I had previously noted that some of the recommendations will take time to implement, so I was particularly impressed with the documentation prepared by your consulting engineers. aimed at expediting these longer term issues.

I was also very impressed with the speed at which you completed the upgrade works in the cooling tower compound.

Following discussions with the NGA working group, set up to overview progress, it was decided that modifications to the two major air handling units would be held over until after the "Monet in Japan" exhibition, but that modifications to a smaller unit would be completed within the next three months. I am comfortable with this decision.

Whilst I recognise that improving reporting procedures and maintenance documentation has been given a high priority, there is still some work to do. Having reviewed your latest procedures I will be suggesting some changes in then next week or so.

I look forward to my next inspection (May 2001).

Yours faithfully  
AHA Management Pty Ltd

A handwritten signature in black ink, appearing to read 'S J Hennessy', written over a horizontal line.

S J Hennessy  
Director

**AHA Management Pty Ltd**  
**ACN 003 857 789**

**Head Office**

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**QUESTION NO.121**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 207) asked the following Question-on-Notice:

Can you ask him to confirm or comment that Jason was doing the 240-volt lighting system under his direction without electrical qualifications?

**Answer:** During his employment at the Gallery Jason Robinson assisted, at times, with lighting, but at no time was he requested to perform tasks, in the opinion of his supervisor, requiring formal electrical qualifications.

**QUESTION NO.122**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 207) asked the following Question-on-Notice:

- a) Was it true that at one stage, which even the Hennessy report found, carpets were stored in the air conditioning duct?
- b) How long was it there for?
- c) Has anyone found out who put it there and why?
- d) Could you also check whether any staff member complained about the storage of the carpet before Mr Hennessy said it should be removed?
- e) Just check whether even the dreaded Mr Cropp complained about it.

**Answer:**

- a) Some carpet was stored in the return air tunnels. All carpet has since been removed.
- b) Several years.
- c) There is no record of who put it there and it is assumed it was placed there to store it.
- d) There is no record of a staff member complaining before the AHA Management report said it should be removed

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- e) There is a recollection that Mr Cropp did mention it.

**QUESTION NO.123**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 208) asked the following Question-on-Notice:

- a) Are there any issues relating to asbestos that Mr Hennessy identified?
- b) Fibreglass is a dangerous substance if the particles are floating around in the air. Would that be correct.

**Answer:**

- a) No.
- b) Mr Hennessy has advised that air borne fibre is undesirable and that any fibreglass insulation that has become exposed should be encapsulated.

**QUESTION NO.124**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 209) asked the following Question-on-Notice:

Do these things reflect the fact that there were an extra large number of separations and people leaving the Gallery in the last 18 months?

**Answer:** No. In the past 18 months, ie from July 1999 to December 2000, there have been 35 permanent staff separations, or 1.94 per month.

in 1997/98 there were 28, a rate of 2.33 per month  
In 1998/99 there were 33, a rate of 2.75 per month  
In 1999/00 there were 26, a rate of 2.16 per month  
in 2000/01 to December, there were 9, a rate of 1.50 per month

Except for a slight increase in 98/99, there has been a decline in the number of permanent staff separating. This is quite marked for this financial year to date.

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**QUESTION NO.125**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 210) asked the following Question-on-Notice:

Did the National Art Gallery assist in any way any financial settlements that Mr Kennedy has had since he has been in the job?

**Answer:** No

**QUESTION NO.126**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 211) asked the following Question-on-Notice:

Can you get the Council to supply us with their views about the appointment lasting only a year, and do they have any knowledge of why or reasons to express concern that after only a year the most significant appointment came to an end?

**Answer:** The National Gallery of Australia Council noted with regret the resignation of Mr McDonald. The Council noted that Mr McDonald had resigned in order to concentrate on his writing and to pursue other business interests.

**QUESTION NO.127**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 212) asked the following Question-on-Notice:

Does he now believe that the letter he wrote to the Irish Minister for the Arts was 'infelicitous'?

Does Mr Kennedy think it is about time he had someone tell him to count to 10 before he puts pen to paper and sends a letter off?

**Answer:** The National Gallery of Australia successfully arranged for one of the four volumes of the Book of Kells to be loaned for exhibition at the Gallery. The Governor-General and Prime Minister of Australia, and the President and Prime Minister of Ireland were supportive

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of the initiative demonstrated by the National Gallery of Australia to secure the *Book of Kells* for successful exhibition in Australia.

**QUESTION NO.128**

Outcome 1:               National Gallery of Australia

Senator Schacht (Hansard page No. 212) asked the following Question-on-Notice:

When the item was sent to France, was it accompanied by representatives from the National Gallery who have the curatorial skill and ability to understand how it should be handled, displayed and prepared for display?

**Answer:** No. Works of art for the Papuan Arts and Civilisations exhibition at the Musée d'Arts Africains, Océaniens, Amérindiens, Marseilles, France were borrowed from four institutions in Australia – the Art Gallery of New South Wales, the Australian Museum, Sydney, the Macleay Museum, University of Sydney and the National Gallery of Australia. Recognising that the National Gallery's two objects conservators were engaged at that time on the Contemporary Australian Aboriginal Art in Modern Worlds exhibition at St Petersburg and that the French Museum had requested that the number of couriers from Australia be reduced if possible, the National Gallery agreed to allow our work to be courier escorted by the Director of the Macleay Museum, who was a former Senior Registrar at the Powerhouse Museum, Sydney with extensive relevant experience as an international courier. Utilising couriers from other institutions is an accepted practice amongst major international galleries, and we in Australia encourage lending institutions to consider rationalising the number of couriers escorting works loaned for exhibitions in Australia. The work was safely installed in a display case at the Musée d'Arts, Africains, Océaniens, Amérindiens while the Director of the Macleay Museum was at the museum in Marseilles. It was subsequently damaged when a museum employee accidentally knocked it when attending to another object within the display case. The Director of the Musée d'Arts Africains, Océaniens, Amérindiens, Marseilles subsequently visited Australia to personally apologise for the accidental damage caused by their negligence.

**QUESTION NO.129**

Outcome 1:               National Gallery of Australia

Senator Schacht (Hansard page No. 213) asked the following Question-on-Notice:

Courier to accompany Ambum Stone from a Sydney based institution. Which institution?



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Answer: Macleay Museum, University of Sydney.

**QUESTION NO.130**

Outcome 1:                   National Gallery of Australia

Senator Schacht (Hansard page No. 213-214) asked the following Question-on-Notice:

If the policy really has not changed, I would like to know why, or can you explain – and take it on notice – how this does fit what he explained to us in his first hearing before this committee. Again, I may be completely wrong – not being an art expert – but when I look at these pages of purchases it is a pretty broad range. I am not in any way decrying the individual artist, but it is a pretty broad range. I wondered whether that is still in accordance.

Mr Froud – so very much the Gallery’s policy has been, as expressed in the corporate plan that was released in 1998 – I am happy to provide a copy – to provide fewer, more focussed acquisitions. Certainly, that is the case.

**Answer:** The acquisitions policy was included in the Gallery’s corporate plan ‘Into the New Millennium’ which was released in October 1998, approximately one year after Dr Kennedy commenced his term as Director of the Gallery.

Fewer works of art are now acquired for Gallery collections, with greater emphasis being placed on premium works of art.

In the 1999/2000 year, two hundred and ninety-nine (299) works of art were acquired, as detailed in the Gallery Annual Report. This is the lowest number of works of art acquired since the Gallery’s establishment in 1975. All works acquired were in accordance with the Gallery’s acquisition policy.

**QUESTION NO.131**

Outcome 1:                   National Gallery of Australia

Senator Schacht (Hansard page No. 215) asked the following Question-on-Notice:

I would like to have more detailed exposition of what the Director’s program is over the next five years for major exhibitions, taking account of the fact that there is a gap for refurbishment, and what the themes are.

**Answer:** The exhibition program for the National Gallery over the next five years will be affected by proposed building refurbishment in ways that cannot be precisely forecast. The

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timing and extent of building work is budget dependent and has not yet been finalised. Planning and development of many exhibitions is well advanced. The Gallery makes public announcements regarding the forward exhibition program on an annual basis.

Exhibitions proposed for 2001 are:

- *Painting Forever: Tony Tuckson* (4.11.00-4.2.01)
- *Federation: Australian Art and Society 1901-2001* (8.12.00-11.2.01)
- *Off the Page: Contemporary Artists' Books from Picasso to Clemente* (18.11.2000-11.3.01)
- *Islands in the Sun: Prints from the Oceanic Collection* (17.2.01-27.5.01)
- *Monet and Japan* (9.3.01-11.6.01)
- *Drawn to Painting: Leon Kossoff's Drawings and Prints after Nicolas Poussin* (17.3.01-17.6.01)
- *Childhoods Past* (7.4-15.7.01)
- *Modern Australian Women Artists* (13.7.01-26.8.01)
- *Frida Kahlo, Diego Rivera and Mexican Modernism* (13.7.01-28.10.01)
- *Kid's Earth Fund* (28.7-4.11.01)
- *Joy Hester* (1 September-28 October 2001)
- *National Sculpture Prize and Exhibition* (30.11.01-24.2.02)
- *Rodin* (14.12.01-24.2.02)
- *William Robinson* (14.12.01-24.2.02).

#### **In addition the following exhibitions will tour Australia throughout 2001:**

- *Childhoods Past: Children's Art of the Twentieth Century*
- *Natural Causes: Landscape Photography by Ansel Adams and Elioth Porter*
- *Matisse: The Art of Drawing*
- *Technocraft: The work of Susan Cohn 1980-2000*
- *John Brack: Inside and Outside*
- *Keeping Culture: Aboriginal Art to Keeping Places and Cultural Centres*
- *Painting Forever: The Art of Tony Tuckson*
- *Federation: Australian Art and Society 1901-2001*
- *Landscapes in Sets and Series: Australian Prints 1960s-1990s*
- *Transparent Things*
- *Life in the Emperor's Tomb: The TT Tsui Collection of Chinese Art from the National Gallery of Australia*
- *The Elaine and Jim Wolfensohn Gift Suitcase Kits*

### **QUESTION NO.132**

Outcome 1: National Gallery of Australia

Senator Schacht (Hansard page No. 215) asked the following Question-on-Notice:

A manager, Mr Cox, apparently tried to remove asbestos from the workshop in July 2000. It may be totally untrue but you should have a look at that.

**Answer:** In July 2000, during the upgrade of the Fitters Workshop, a fire panel containing asbestos material was cut by a contractor. The panel was subsequently removed by qualified contractors and replaced with a panel that did not contain asbestos material.

### **QUESTION NO.133**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide the number of days per year Mr Brian Cropp provided services to the NGA from 1993-2000.

**Answer:** From records held by the Gallery, it is not possible to determine the number of days per year worked by Mr Cropp. However, please find attached details of hours worked for the period July 1999 to February 2000.

**Attachment 2****Hours worked by Brian Cropp 19 July 1999 to 11 February 2000**

During July 1999 to January 2000 Mr Cropp was paid as contractor the for the following hours.

| <b>Period</b>                  | <b>Hours Worked Average</b> | <b>Comments</b>            |
|--------------------------------|-----------------------------|----------------------------|
| 19 to 30 July 1999             | 60/76                       |                            |
| 2 to 13 August 1999            | 64/76                       |                            |
| 16 to 27 August 1999           | 60/76                       |                            |
| 30 August to 10 September 1999 | 72/76                       |                            |
| 13 to 24 August 1999           | 70/76                       |                            |
| 27 September to 8 October 1999 | 64/68                       | 1 x public holiday         |
| 11 to 22 October 1999          | 64/76                       |                            |
| 25 October to 5 November 1999  | 48/76                       |                            |
| 8 to 19 November 1999          | 72/76                       |                            |
| 22 November to 3 December 1999 | 64/76                       |                            |
| 6 to 17 December 1999          | 52/76                       |                            |
| 20 to 31 December 1999         | 28/38                       | 5 days holidays (40 hours) |
| 3 to 14 January 2000           | 64/68                       | 1 x public holiday         |
| 17 28 January 2000             | 56/68                       | 1 x public holiday         |
| 31 January to 11 February 2000 | 64/76                       | + 8 hours on Sat 12/2      |

**Note:** On average 76 hours would be the target hours over a fortnight. Unless there were public holidays.

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**QUESTION NO.134**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a copy of Mr Cropp's contract(s) with the NGA.

**Answer:** Mr Cropp was engaged as a contractor at a fixed hourly rate. No formal contract was executed.

**QUESTION NO.135**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) asked the following Question-on-Notice:

What formal reason was recorded by the Deputy Director for the non-appointment of Mr Cropp?

**Answer:** The Deputy Director did not record a formal reason for the non-appointment of Mr Cropp. He acted on the recommendations of the senior manager responsible for the area that sought to employ a fitter. A copy of the relevant memorandum is attached.



# memorandum

## STAFF IN CONFIDENCE

date: 04/02/00  
 to: Alan Froud  
 from: Phil Rees  
 re: Fitter's Position

### Purpose

To recommend that, as delegate, you do not accept the recommendation of the Selection Panel in relation to the filling of the vacant position of Fitter and that, instead, you approve the appointment of the second ranked candidate.

### Background

For a number of years the Gallery has contracted out the provision of fitting services in the Workshop. The services have over the last few years been provided by Mr Brian Cropp on an hourly rate basis. At no time has Mr Cropp been an employee of the National Gallery.

One of the reasons that a full-time position had not been created previously had to do with the fluctuating demands of for the services of a Fitter - at times there was not enough work to engage someone full-time, or on regular part-time basis. You may recall that the Gallery also contracted through Asset Services the services of a Fitter in connection with the maintenance of the HVAC systems.

The decision to create a full-time position was made after the Gallery re-structured the Workshop and transferred responsibility for its management and operation to the Planning and Facilities Department - and after the contract for Asset Services to provide the services of a Fitter was terminated. The two decisions resulted in the opportunity to share the services of a fitter between the Workshop and the HVAC operations - something that had not been possible previously due to "demarcation" type issues - and necessitated the creation of a full-time position that would see the Fitter work on average three days per week on Workshop matters and two days per week on HVAC matters.

The position was advertised in the Canberra Times and in the Staff bulletin in October 1999. A Selection Panel comprising Garry Cox, Ren Pryor and Tava Sitauti after doing its business has recommended that Mr Cropp be appointed.

### Issues

For some time I have been aware that Mr Cropp has not been able to work "five days a week", if required. I understand the records of hours worked reflected on his invoices clearly demonstrates this inability.

With the view that Mr Cropp might not be able to work "five days per week" (an essential requirement of the position) I challenged the Chairman of the Section Panel, Garry Cox. to assure that if we appointment Mr Cropp he would 'on average' be able to work five days a week as required or, if not, the Gallery could continue to accommodate Mr Cropp's regular absences.

Having spoken with both Brian Cropp and Tava Sitauti, Garry has advised me that:

- Brian had advised him recently that his Doctor had said he could work no more than 4 days per week
- He had confirmed with Tava that he had an ongoing requirement to have regular and reliable access to the Gallery's Fitter's services, and that his people had been carrying an extra burden (since the cancellation of the Asset Services contract) that could not be sustained in the long term or else the maintenance and efficiency of the system would suffer

- He explained to Brian that we need 'five days per week' to meet the combined demands of the Workshop and HVAC and that Brian accepted this. In response (and with an understanding that what was being implied was that even as the highest ranked candidate the Gallery could not tolerate a situation that would see the Fitter being able to work no more than -4 day per week) Brian advised that he would obtain 'within the week' a certificate from his Doctor that would state he could work five days per week. (This was several weeks ago and no such certificate has been produced)

I have a concern that due to events of recent weeks in relation to HVAC systems, Brian's ability to work effectively as a member of the HVAC team has been compromised and is irreconcilable. He has said to me that he believes our HVAC system is in effect in very poor condition (even dangerous) and I believe his beliefs would render it unwise to involve him in HVAC maintenance.

As Head of the Department, I find myself in the position of not being able to support the recommendation of the Selection Panel, in this instance.

If Brian is not appointed, and this is my recommendation, then what do we do?

The second ranked candidate, Mr Houlihan, was ranked very suitable (as was the third ranked candidate). Garry Cox (a qualified Fitter in his own right) has assured me that Mr Houlihan would be able to perform all that is required to deliver the goods, and that any good Fitter is trained to the degree required to meet what the Gallery requires.

Caution

I would anticipate some negative reaction in some areas if Brian Cropp were not appointed, and clearly the Gallery would need to be careful what it said to both Brian and others.

However, I have taken a long term view, balancing a number of issues of the Gallery's needs, Brian's demonstrated inability to maintain a "five day per week" presence to ensure all intended fitting services are provided, team compatibility issues and a view that, even if appointed, Mr Cropp could work on the HVAC systems.

Recommendation

I recommend that you do not support the recommendation of the Selection Panel in relation to the filling of the vacant position of Fitter and that, instead, you approve the appointment of the second ranked candidate Mr Houlihan.



Phil Rees  
Head of Planning and Facilities

*Appointment of Mr Houlihan in the circumstances. Approved*

*(S. Wood)*

*11.7.00*

[transcription of handwritten note: Appointment of Mr Houlihan, in the circumstances, is approved]

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**QUESTION NO.136**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the NGA considered or taken advice on whether Mr Cropp comes under the definition of “Employee” for the purposes of Section 76 of the Occupational Health and Safety (Commonwealth and Employment Act) 1991?

**Answer:** No advice has been sought in this regard.

**QUESTION NO.137**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copy of any written material on file relating to the non-appointment of Mr Cropp.

**Answer:** A copy of the relevant memorandum is included with the answer to question 135.

**QUESTION NO.138**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Had Mr Cropp spoken to his supervisors about the quality of maintenance of the HVAC system in 1999 prior to advising Mr Rees that the system was “in very poor condition perhaps even dangerous”? What was that advice

**Answer:** There is no record of any written communication in this regard. There is a recollection that Mr Cropp raised some issues and expressed views and concerns in relation to the HVAC system to a number of Gallery staff, but there is no recollection of the specifics.



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**QUESTION NO.139**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did Jason Robinson carry out exhibitions lighting either alone or under supervision?

**Answer:** Jason Robinson assisted the Gallery's Electricians with lighting for exhibitions.

**QUESTION NO.140**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Were hydrogen peroxide chemical data sheets provided to Mr Robinson, and was his knowledge and understanding of the contents confirmed by his supervisor before he used the chemical?

**Answer:** Material Safety Data Sheets (MSDS) for the solutions containing hydrogen peroxide were available at the time of their use. Mr Robinson was understood to be aware of their existence and where they were available to read. His supervisor recalls that at times there were discussions with Mr Robinson about the chemicals and that the nature of these discussions were such that Mr Robinson demonstrated to his supervisor's satisfaction that he understood the contents of the MSDS before he used the chemicals.

When applying for the position of Trades Assistant Mr Robinson claimed he had a good understanding of Occupational Health and Safety principles and acknowledged the importance of a safe and healthy work place. This claim was supported by Mr Robinson's actions when in the position.

**QUESTION NO.141**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

a) Has the Gallery been made aware of calculations provided to DoCITA by Mr Bruce Ford that simultaneous measurements of air and water concentrations taken by Robson Laboratories and reported in an appendix to the Hennessy report strongly indicate that at the

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1% water level of hydrogen peroxide in the spray tanks used for cleaning the “coils”, a nearby operator will be exposed to approximately 125 times the TLV or recommended safety level. The figure is based on a finding that at only 40ppm (parts per million) in water peroxide air levels adjacent to the tanks are 0.5ppm, or half of the TLV of 1ppm.

b) Has the NGA sought to determine if employees, former employees or contractors who worked in the humidifier chambers spraying hydrogen peroxide or adding it to the tanks without adequate eye and respiratory protection have suffered ill effects as a result?

**Answer:**

a) Yes

b) There is no evidence that staff or contractors did not use adequate personal protective equipment when required.

**QUESTION NO.142**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the NGA received notice of legal action in regard to exposure to hydrogen peroxide due to a documented lack of hazard assessment and management, lack of staff training in chemical hazards, lack of Material Safety Data Sheets and unsuitable or inadequate safety gear?

**Answer:** No.

**QUESTION NO.143**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

a) What protective clothing, eye protection and respiratory protection have staff and contractors been provided for all periods since hydrogen peroxide use commenced?

b) Provide copy of receipts and/or stores requests for respiratory equipment and accessories provided to Facilities services covering that period, and identify any changes that were made in that respect over time.

**Answer:**

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- a) Contractors using chemicals containing hydrogen peroxide to clean AHUs provided and provide their own equipment. Gallery employees using chemicals containing hydrogen peroxide had, and have, access to appropriate equipment including; coverall goggles, full length face masks, surgical masks, filtered masks, rubber gloves, pvc clothing and boots.
- b) The above referenced equipment was supplied to the Gallery by the contractor previously responsible for HVAC maintenance and prior to the introduction of chemicals containing hydrogen peroxide as a cleaning agent and remains fully serviceable at present. No additional personal protective equipment has been purchased as a consequence of the introduction of hydrogen peroxide as a cleaning agent. As there have been no purchases nor stores requests in this period, there are no receipts or requests to copy.

**QUESTION NO.144**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

In the light of all of this evidence and statements by Cropp, Robinson, Hennessy and references to mould within the Hennessy report does the NGA still deny a history of mould within the building?

**Answer:** The Gallery does not recall having made statements denying that mould is present within the building.

**QUESTION NO.145**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

If there was no problem with biological growth, why have much higher than normal doses of biocides, hundreds of kilograms of hydrogen peroxide and even chlorine gas been used on a regular basis over the years?

**Answer:** Over time, the Gallery has employed various methods of chemically treating "HVAC" water as a preventative measure. This is common practice and is not dissimilar to the treatment of domestic water supplies with chemicals. The treatment programs have been designed to manage the quality of water used by the Gallery's air conditioning system. The volumes of water treated are considerable. The implication of the question is that excessive

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quantities of chemicals have been used. The Gallery does not agree that “higher than normal doses” of chemicals have been used.

**QUESTION NO.146**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copies of air quality complaints of visitors to the Gallery over the past 5 years.

**Answer:** Over the past five years the Gallery has received a number of complaints from visitors about air quality in Gallery spaces.

Prior to the opening of the new extension in March 1998, there were often complaints about air quality during major exhibitions when Gallery spaces could become very crowded. Since the extension opened the situation has greatly improved in this regard.

In May 1998 the Gallery introduced a service charter feedback system as its principal means for obtaining and recording comments in relation to the range of visitor facilities and services. Prior to this, the Gallery used a visitor comments book system to obtain and record visitor comments. From time-to-time visitors have also rung and written to the Gallery with comments concerning their visit, but the main source of feedback has been the service charter system, and prior to its introduction, the visitor comments book.

An examination of comments taken from the visitor comments book covering the period 20 June 1995 to 4 January 1996 indicated that of the 110 comments made during this 197 day period, 54 complaints were made, 32 suggestions were offered and 36 compliments were received. Of the 54 complaints 5 related to high temperature and humidity, copies of these 5 are attached. An examination of the service charter files indicates that since July 1999 there have been no visitor comments relating to air conditioning. A review of other records revealed two complaints about air conditioning in the past year. Copies of documentation relating to these complaints are attached.

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**QUESTION NO.147**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a list of contractors engaged during the period July 1999 to July 2000 to clean plant and equipment, in particular heat exchangers, coils drift eliminators and both supply and return air ducts, the dates and times they attended and cost.

**Answer:** An examination of the Gallery's financial records for the period indicates that twelve contractors and suppliers were engaged by the Gallery to clean air conditioning plant and equipment and/or to supply materials related to the cleaning of air conditioning plant and equipment. In some cases cleaning was carried out on a regular and recurrent basis and in other cases the supply of material and/or the cleaning was ad-hoc in nature.

In 1999-2000 the Gallery spent in the order of \$230,000 on recurrent maintenance associated with the operation of the air conditioning systems, including cleaning costs associated with the twelve contractors and suppliers referred to above.

In addition to the services provided by contractors the Gallery's air conditioning maintenance staff were also involved from time to time in duties associated with the cleaning of plant and equipment.

A list of contractors that provided services to clean HVAC plant and equipment is attached.

## Attachment to Question 147

## CONTRACTORS PROVIDING SERVICES TO CLEAN HVAC PLANT AND EQUIPMENT

| No. | Firm  |
|-----|---|
| 1.  | Maxwell Chemicals Pty Ltd                     |
| 2.  | G. M. Paxton International Pty Ltd            |
| 3.  | Capital Duct Cleaning.                        |
| 4.  | Email Air Handling                            |
| 5.  | Canberra-Queanbeyan Cleaning Services Pty Ltd |
| 6.  | True Blue Chemicals (Canberra) Pty. Ltd.      |
| 7.  | Redox Chemicals                               |
| 8.  | Mick French Pty Ltd                           |
| 9.  | Carrier Air Conditioning Pty Ltd              |
| 10. | ACT Filter Exchange                           |
| 11. | Munters Pty Ltd                               |
| 12. | Benmax  |

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**QUESTION NO.148**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Does Comcare agree with the NGA's assessment that Mr Maguire and Mr Broadbent were wrong about residual peroxide being deliberately left in the spray tanks to keep the coils and ducting clean between maintenance periods? (Maguire report p8, 4 11c and p11 4 11d).

**Answer:** This is a question for Comcare, which has not expressed a view to the Gallery on the matter.

Fax sent by: 61 2 9253 5611  
23/82/01

MPAI  
12:13

+61 2 9253 5611

**working with you to keep you working**

---

Office of the Chief Executive



Mr Alan Froud  
Deputy Director  
National Gallery of Australia  
GPO Box 1150  
CANBERRA ACT 2601

Dear Mr Froud

**RESPONSE TO QUESTIONS ON NOTICE FROM SENATOR  
SCHACHT**

I write in relation to two Questions on Notice faxed to Comcare on 8 February 2001 which relate to Comcare's investigations) and the issue of hydrogen peroxide cleaning products in the air conditioning system at the National Gallery of Australia (NGA).

I understand that you have raised with Ms Jackie Cody of Comcare's Operations and Investigations Group the issue of a Comcare response to the following questions:

- 148 Does Comcare agree with the NGA's assessment that Mr Maguire and Mr Broadbent were wrong about residual peroxide being deliberately left in the spray tanks to keep the coils and ducting clean between maintenance periods? (Maguire Report p.8, 4.11 c and p.11, 4.11 d; and**
- 149 Has the National Gallery determined how the Comcare inspectors made the "error" concerning residual hydrogen peroxide in at least two separate contexts? (Maguire Report p.8, 4.11 a and p.11, 4.1,1 d).**

Comcare's formal response to Questions on Notice 148 and 149 is as follows:

*As Comcare is the regulatory authority for the Commonwealth in this matter, these questions should appropriately be directed to Comcare.*

Yours sincerely

A handwritten signature in black ink, appearing to read "Noel Swails".

NOEL SWAILS  
*Acting Chief Executive Officer*

14 February 2001



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**QUESTION NO.149**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the National Gallery determined how the Comcare inspectors made the “error” concerning residual hydrogen peroxide in at least two separate contexts. (Maguire report p8, 4 11c and p11 4 11d)?

**Answer:** No.

**QUESTION NO.150**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Why did Dr Kennedy commission the Hennessy report when it would have been simpler and cheaper to ask Comcare to explain their error, and publicise that information?

**Answer:** As this was an important public issue, it was considered necessary to gather further independent expert advice.

**QUESTION NO.151**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

When did the use of hydrogen peroxide as a biocide/cleaning agent commence?

**Answer:** August 1997.

**QUESTION NO.152**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

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What occurred to alert Facilities staff to the overuse of 5% hydrogen peroxide (Maguire report, p9 4 11h) allegedly because of the provision of incorrect dosing information by the supplier in 1998?

**Answer:** The appearance of the water in the humidifier tanks was different after the cleaning treatment on the occasion referred to.

**QUESTION NO.153**

Outcome 1:                   National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copies of the “incorrect dosing information” and the final corrected procedures.

**Answer:** The cleaning process was undertaken by a contractor performing the cleaning procedure using product and instructions provided to it by the supplier. The Gallery has no copies of “incorrect dosing information” or the final corrected procedures.

**QUESTION NO.154**

Outcome 1:                   National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Before the NGA changed its cleaning procedures, where were the containers of hydrogen peroxide stored?

**Answer:** The Gallery has changed its water and coil cleaning procedures a number of times over the period that has involved the use of cleaning products containing hydrogen peroxide. Containers containing hydrogen peroxide in various concentrations have been stored in different places for different periods of time. At times containers were located near the service entrances to AHUs prior to use in the cleaning process. At other times containers were stored in a storage area adjacent to the air conditioning maintenance office.

Currently, no air conditioning water treatment chemicals containing hydrogen peroxide are stored on site as the cleaning contractor brings the amount of product required for the treatment on the day it is required.

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**QUESTION NO.155**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Mr Hennessy found several containers of hydrogen peroxide on top of the cabinet in which the main building plans are stored. He was told that the hydrogen peroxide in them was below strength and awaiting pickup by the supplier (who hadn't arrived 18 months later).

Was this assertion tested chemically and if not why was the chemical not assumed to be hydrogen peroxide as stated on the label and stored appropriately?

**Answer:** The reference in the Hennessy Report re: Storage and Handling of Chemicals at Page 29:

“An allegation had been made that Hydrogen Peroxide was being inappropriately stored on site. We did sight a number of ‘CLS 5’ storage drums (a 5% by volume Hydrogen Peroxide based cleaning chemical), but were assured that the solutions were exhausted”.

The solution was assumed to contain hydrogen peroxide. However, the particular batch of CLS 5 was thought to have lost its active ingredient of 5% hydrogen peroxide – based on previous experience with the product.

The product was not tested chemically.

**QUESTION NO.156**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Were labels removed from hydrogen peroxide containers stored in the corridors on the ground level of the Gallery?

**Answer:** No.

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**QUESTION NO.157**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Estimate how much peroxide was used each month from July 1999 to August 2000 and provide copies of receipts for that period plus product borrowed from Parliament House.

**Answer:** It is estimated that when CLS 5 was used (July 1999 to February 2000) 120 litres of the product was used each month - except during December 1999 when an estimated 240 litres was used.

It is estimated that the following quantities of HYPERO 50 was used in the following months:

- February 2000 – 125 litres
- March – July 2000 – 300 litres per month.
- August 2000 – 150 litres.

Attached are copies of two invoices relating to the purchase by the Gallery of HVAC cleaning product containing hydrogen peroxide. Except for these two instances, the supply of cleaning chemicals was included in the service charge. One receipt covers the purchase of product to replace that borrowed from Parliament House.

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**QUESTION NO.158**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Question 158 has been incorporated into question 159.

**Answer:** See 159

**QUESTION NO.159**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Following public revelations about the use of hydrogen peroxide at the NGA Dr Kennedy was reported to claim:

- hydrogen peroxide is harmless to works of art because it simply breaks down into oxygen and water
- that it was used in concentrations (1%) far too low to affect works of art, and after criticism of both stances
- that the gallery did not allow peroxide to be pumped through the ducts as described by Mr Maguire and Mr Broadbent and two former employees.

Which position does the NGA currently take and why did it take two attempts to justify the use of the chemical on a completely different basis before finally claiming that it was not used as described in any case?

**Answer:** The Gallery notes that the AHA Management report advises that “concerns about the use of hydrogen peroxide are not substantiated. There was no evidence of hydrogen peroxide being carried through the air, so there is no risk to the collection or to building occupants”

**QUESTION NO.160**

Outcome 1: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

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On whose advice did Dr Kennedy assert publicly that hydrogen peroxide rapidly and harmlessly decomposes to water and oxygen and therefore could not damage works of art and that the concentrations employed were too low to be of concern?

**Answer:** Dr Kennedy's remarks regarding hydrogen peroxide were based on advice provided by appropriate members of the Gallery's conservation staff. The Gallery notes that the AHA Management report advises that "concerns about the use of hydrogen peroxide are not substantiated. There was no evidence of hydrogen peroxide being carried through the air, so there is no risk to the collection or to building occupants".

**QUESTION NO.161**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

What was Robson Laboratories contractual relationship with the NGA prior to the Hennessy report and subsequently?

**Answer:** Robson Laboratories undertook, and currently undertakes, air quality and water quality tests for the Gallery, on a fee for service basis.

**QUESTION NO.162**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Robson Laboratories have visited the NGA HVAC plant and cooling towers on previous occasions (documented in the Maguire Report, p 10 4 12(iii)).

At any time have they advised the NGA about the dangers and defects noted by Cropp and Hennessy?

If not, given that Mr Hennessy described a plant as "eaten away by corrosion" and "at risk" as well as noting dangerous "dead legs" in the cooling towers, has the NGA since sought such advice from Robson Laboratories? If yes, provide copy of that advice. If not, why not?

**Answer:** Comcare reported on a test of AHU 7 water and scale taken on 24 December 1999.

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On the occasion referred to in the Comcare Report, Robson Laboratories provided comments in relation to water quality and metals.

Robson Laboratories undertook, and undertake, air quality and water tests for the Gallery on a fee for service basis and were not, and are not, engaged to provide advice concerning the other aspects of the condition and/or design of the air conditioning system. The Gallery has in recent times sought its advice in relation to the condition and design of the air conditioning systems from suitably qualified consultants including Steensen Varming (mechanical engineers) and Mr Steve Hennessy, from AHA Management.

**QUESTION NO.163**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has Steensen Varming reported the same range of issues in connection with the HVAC and cooling towers that Mr Cropp and Mr Hennessy noted?

**Answer:** No, but there are similarities to the matters identified by others.

**QUESTION NO.164**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copies of reports by Steensen Varming.

**Answer:** Attached is a copy of Steensen Varming's May 1999 report concerning the Gallery's mechanical systems. Since their May 1999 report, Steensen Varming has been engaged to provide advice about the Gallery's HVAC systems in relation to condensation generally, the proposed building refurbishment program, and on some aspects of implementation of the AHA Management report. However, the assumed intent of the question is related to their investigation in 1999.

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**QUESTION NO.165**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How long was chlorine used as a biocide?

**Answer:** Chlorine was used to treat humidifier tank water for the most part of 1996 and up until August 1997.

**QUESTION NO.166**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Were Facilities Management staff aware of the potential effect of gaseous chlorine on the collection at the time it was adopted?

**Answer:** Gallery records do not reveal the consultation process followed at the time of introduction of the use of chlorine as a cleaning agent in 1996 when the HVAC system was maintained by an outside contractor. The managers of both Building Services and Conservation departments at that time have since left the Gallery and remaining staff have no recollection of the process followed at the time. The present practice is for consultation between Facilities Management and Conservation staff prior to the introduction of new cleaning agents.

**QUESTION NO.167**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did facilities management seek the approval of Conservation for the use of chlorine and was it approved by the designated Museum Environmental Officer?

**Answer:** See answer to question 166.



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**QUESTION NO.168**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

On what basis did the Deputy Director Mr Froud consider chlorine gas an “appropriate product” to release into the museum environment? Chlorine was replaced not because it was deemed dangerous to health or works of art, but rather because hydrogen peroxide was a preferred cleaning product for the system (Alan Froud quoted by Jennifer Sexton, The Australian, 27.9.00)

**Answer:** The emphasis of Mr Froud’s statements to Ms Sexton was that hydrogen peroxide was preferred as a cleaning product for the system, given the choice between it and the chlorine based product.

**QUESTION NO.169**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Is the use of industrial quantities of a strong oxidising agent hydrogen peroxide 5% and 50% factored into the NGA Disaster Plan? If so, how?

**Answer:** The NGA does not have a plan called the “NGA Disaster Plan”. There is no specific reference to a strong oxidising agent in the Gallery’s Disaster Recovery Plan, which has been established to ensure that in the event of a disaster, injuries to visitors, and staff and damage and loss to the collection or property are minimised. Strong oxidising agents, where used by the Gallery, are handled in accordance with the information contained in the relevant MSDS.

**QUESTION NO.170**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

In relation to the plant, Mr Cropp noted extensive flooding of HVAC plant-rooms, widespread corrosion, saturated fibreglass insulation behind steel panels, inadequate fresh air, mould and bacterial contamination all resulting from highly inadequate maintenance risking the health and safety of staff and visitors and the integrity of the collection.

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Dr Kennedy's press release of 11 October 2000 said "allegations concerning the Gallery's air conditioning system have not been substantiated". Which allegations does Dr Kennedy refer to?

**Answer:** Dr Kennedy was responding to the allegations that the operation of the Gallery's HVAC systems presented an unacceptable health and safety hazard to staff and the public, and the collection of works of art was at risk of being damaged.

**QUESTION NO.171**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Summary of Hennessy's findings in relation to the plant

- AHUs condition post humidifiers – very poor (p20)
- Flooding of floors in AHUs (p20)
- Saturated insulation in AHUs walls (p20)
- Extensive corrosion, walls "literally eaten away" (p20)
- AHUs considered 'At Risk' health wise in this condition (p20)
- Fishy smells still emanating from AHU 7 early August (p21)
- Filtration of AHUs 1, 2 and 4 need upgrading (p21)
- Light fittings of wrong classification (p21)
- AHUs 3 and 5, walls and insulation need replacing [bad corrosion] (p21)
- Plant in need of painting (p22)
- Fresh air supply ducting dirty (p23)
- Exposed fibreglass in ducting (p23)
- Fresh air intake inadequate (p23)
- Open sub-soil drainage pits within return air ducts [need covers] (p23)
- Old restaurant carpet (still) stored in return air ducts (p23, 24)
- Documented inspection and cleaning program of ducts required (p24)
- Cooling towers condenser water, dead section in pipe work [dead legs] creating possible source of microbial contamination [legionella] (p25)
- Chemical dosing equipment of cooling towers exposed to weather [failure risk] (p25)
- No permanent access platform for cleaning cooling towers (p25)
- 3<sup>rd</sup> chiller programmed to run infrequently creating dead section of cooling water – microbial contamination risk
- No gas or refrigerant gas detection system operational (p26)
- Kitchen exhaust fan under capacity and poor pressure balancing allowing fumes to exit the kitchen and to other parts of the building including art storage (p27)
- Condensation resulting in mould (p27, 28)

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According to what criteria does Dr Kennedy judge the faults documented by Mr Hennessy (above) as “minor”?

**Answer:** It is assumed that the reference relates to the wording of the Press Release of 11 October 2000. “Minor” was considered appropriate in the context of the serious nature of the allegations made that were not substantiated. Mr Hennessy has advised that the Director’s 11 October 2000 press release did not misrepresent his findings.

**QUESTION NO.172**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

- a) When were the new boilers and chiller installed?
- b) What were the sources of finance for the project
- c) and in which financial years were the finances approved, obtained and expended?
- d) Was Mr Maguire informed that legionella bacteria counts of over 200 cfu/ml were recorded in December 1999 and that counts higher than 1000 cfu/ml occurred in 1995?
- e) Did the NGA officially or unofficially seek Mr Broadbent’s opinion on the condition of the HVAC plant during the Comcare inspection in February or subsequently?

**Answer:**

- a) The new chillers were installed in 1996. The new boilers were installed in 1998.
- b) Gallery funds including Government appropriated funds were used to meet the cost.
- c) Expenditure in relation to the replacement of the chillers and boilers was incurred over the period 1995-96 to 1997-98. Funds were appropriated in 1994/95 and 1995/96 while loan repayments in respect of funding were made over the period 1995/96 to 1998/99.
- d) No.
- d) The Gallery did not formally or informally seek Mr Broadbent’s opinion. Mr Broadbent was engaged by Comcare to investigate and report on the allegations. However, during the course of the investigation, and subsequent to it, there were, and have been, discussions with Mr Broadbent.

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**QUESTION NO.173**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

What mechanisms were put in place to ensure compliance with the OH&S Act and Regulations by December 1997 as demanded by Comcare, and why was compliance in relation to the above matters not achieved in significant measure or had deteriorated again by October 2000?

**Answer:** It is assumed that the reference to Comcare's "demands" is in the context of the Comcare Australia October 1996 Report entitled "*Report of the Planned Workplace Investigation – National Gallery of Australia*".

The mechanism applied by the Gallery to address issues raised in the Comcare report was the development of an action plan and associated monitoring of progress against the action plan.

The Gallery does not share the view that compliance with Comcare's recommendations was not achieved, nor that compliance had deteriorated again by October 2000.

**QUESTION NO.174**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Do any of the senior Facilities staff have formal qualifications, training or certificates of attendance for assessed courses in handling of chemicals, OH&S Management, engineering, HVAC biological safety issues and/or attended professional development programs in museum environmental management, building maintenance, disaster planning and basic preventative conservation? Provide copies of any such qualifications held (other than was provided to questions on notice from the 25 May Estimates hearing).

**Answer:** Neither the Deputy Director nor the Head of Planning and Facilities who have senior management and oversight responsibilities for Facilities staff have formal qualifications in the specific areas mentioned, but between them have attended training courses in OH&S management, building maintenance and disaster planning. Documentation relating to attendance is not available.

The Manager with day-to-day responsibility for building operations, his staff and contractors to the Gallery, have between them a range of qualifications, experience and training appropriate to the task and their responsibilities. An extract of the Manager's resume covering tertiary

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education and additional skills and training is attached. The Gallery remains committed to providing training and development opportunities to its staff on an ongoing basis. In the context of this question, it is worth noting that the AHA Management report states that allegations that facilities management staff at the Gallery lacked the necessary degree of competence for the tasks they undertake, could not be substantiated.

Staff in Confidence

### **Resume**

**Name** Garry Cox

### **Tertiary Education**

1968-1972 Devonport Technical College  
Fitting and Machining

1985-1987 3 years upgrading welding skills.  
Certificates in advanced welding. TIG and MIG.

1989-1991 Completed 3 years of a Mechanical  
Engineering Diploma Course, 24 units completed.

### **Additional skills and training**

1995 Accredited Workplace Assessor.

Joint Middle Management Development Program  
successfully completed in 1999.

St John Ambulance First Aid Certificate

OH&S Certificate ( 5 Day Course )  
Trades and Labour Council

Fire Warden

Disaster Awareness Training  
DISSACT

Various Computer Courses

Accredited Level 2 Coach (AFL)

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**QUESTION NO.175**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

- a) Did the Facilities Manager Mr Garry Cox and/or the Assistant Facilities Manager Mr Sitauti remove a roll of used carpet stored in a damp and sometimes flooded return air tunnel after Mr Cropp threatened to throw it all out into the corridors for everyone to see?
- b) If so, when did that occur?
- c) Why was it later found to be stored in the same or similar location by Mr Hennessy?

**Answer:**

- a) Neither Mr Cox nor Mr Sitauti removed a roll of used carpet stored in the return air tunnel, but a roll was removed by a member of their staff. There is no recollection of Mr Cropp threatening to throw the carpet into the corridor for everyone to see.
- b) The carpet was removed early in the year 2000 and was not returned.
- c) The Gallery believes that Mr Hennessy viewed another piece of carpet during his investigations.

All carpet has been removed from return air tunnels.

**QUESTION NO.176**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did Facilities Manager Garry Cox instruct NGA cleaners to vacuum asbestos debris from a location within the workshop after a contractor breached an asbestos wall in June or July 2000?

**Answer:** No.

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**QUESTION NO.177**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the CFMEU lodged or notified the NGA that it intends to lodge asbestos exposure notices for affected staff?

**Answer:** No, but the CFMEU has made contact with the Gallery concerning the incident.

**QUESTION NO.178**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Mr Cox went on an overseas Museum building and facilities study tour in 1995 or 1996. What was its purpose and what was the itinerary? Provide a copy of the report Mr Cox provided on his return including any photographs it might contain.

**Answer:** Mr Cox undertook an overseas trip in 1996 to attend a conference in Japan and used this opportunity to visit a number of museums and galleries in the United States and Europe. He met with counterparts on staff at these museums and gained a basic understanding of the operations of their buildings.

Mr Cox attended the following museums and galleries:

The Getty, Los Angeles  
Los Angeles County Museum of Art  
National Gallery of Canada, Ottawa  
Metropolitan Museum of Art, New York  
Museum of Modern Art, New York  
Museum of New Orleans  
Louvre, Paris  
Tate Gallery, London  
Victoria and Albert Museum, London  
National Gallery, London  
British Museum, London

Information was obtained in discussions with staff at these museums on a confidential basis and a copy of the report has therefore not been provided.



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**QUESTION NO.179**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

- a) Can the Deputy Director provide more information to explain his comments on return air tunnels to the Senate on the 30 November (Hansard p 207) as containing “infinite numbers of carpet and other material like the carpet in this room, that is part and parcel of the return air duct”?
- b) What is the estimated cost of implementing the Hennessy report’s recommendations?
- c) Has the NGA requested any additional funding from Government for this purpose?
- d) Provide a detailed account (contracts, costs, fees) of how much has been spent so far on the front door project, and indicate who from the Gallery staff are responsible for its carriage.

**Answer:**

- a) Air that is provided by air conditioning plants to all parts of a building is returned via air return intakes. The reference to ‘carpet in this room’ referred to the carpet in the Senate Committee room. Air flow passes through spaces like the Senate Committee room and then returns to the air conditioning plant. The comment by the Deputy Director was intended to demonstrate that carpets in buildings are located in part of the return air journey.
- b) \$2.1M, is the estimated expenditure on HVAC issues, including those reported/recommended by Mr Hennessy in 2000 and Steensen Varming in 1999.
- c) The NGA is discussing the issue of funding the refurbishment and enhancement of the Gallery with Government.
- d) As at 30 November 2000 the Gallery had expended approximately \$1.1M on its Gallery Enhancement Project. The Gallery Enhancement Project is an internal working title given to the planned program of refurbishment and enhancement of the Parkes building and site. Expenditure has been incurred for: the initial building audit and associated studies; the public tender process leading to the appointment of the Managing Architect; fees and expenses of the Managing Architect and the various consultants and sub-consultants to the project; and internal project management costs incurred by the Gallery.

The Deputy Director and Head of Planning and Facilities are the Gallery staff primarily responsible for the carriage of the project.

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**QUESTION NO.180**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Was a conservator with experience in museum design included in the assessment and design stages of the proposed new front door in order to assess the display and conservation implications of an opened up north-western facing glass façade?

**Answer:** In relation to planning, design development and project implementation of the Gallery Enhancement Project, the Gallery is employing an open consultative process with a wide range of staff, including Conservation staff, to consider and comment on issues, including those relating to the proposed new entry foyer and proposed new gallery spaces.

**QUESTION NO.181**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

a) Will any of the HVAC repair work, such as the removal of corroded walls and saturated fibreglass from the major humidifying plants, require the building to be closed and will this further impede the NGA's exhibition program?

Is it true

b) That Mr Sitauti ran a private electrical business (Tauti Electrical) at least partly from NGA premises, listing his NGA telephone number as his private business and using NGA phone and fax facilities to arrange deals in Tonga and elsewhere. It was also alleged by eyewitnesses who have signed statements to the effect that Mr Sitauti stored private electrical goods of the kind the NGA routinely buys on Gallery premises.

c) That Mr Sitauti instructed his Trades Assistant at the time, Jason Robinson to create false maintenance documents in preparation for the Comcare (Maguire) inspection in February 2000.

**Answer:**

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- a) It is not envisaged that the Gallery will close to the public during the refurbishment and enhancement project, although at times some public areas will be closed to the public, as is currently the case during exhibition changeovers.
- b) This matter is the subject of a current investigation.
- c) No. This matter has been the subject of an investigation by Comcare which concluded that false or misleading information was not provided by the Gallery to a Comcare investigator.

**QUESTION NO.182**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

What communication has there been in relation to these matters with the Council, the Department (DoCITA) and the Ministers for the Arts, and what instructions have been received from them in relation to how the matters should be dealt with by the NGA?

**Answer:** It is not clear to what “these matters” refers. It has been assumed that “these matters” refers to question 181 b) and c).

The Gallery’s Council, the Department of Communications, Information Technology and the Arts and the Ministers for the Arts are aware of the nature of the broad range of HVAC related allegations, including those specifically referred to in question 181 b) and c), and the Gallery’s actions in response to such allegations and related matters. No instructions have been received from them in relation to how the matters should be dealt with by the Gallery.

The Gallery has received from DoCITA copies of correspondence between the Shadow Minister for the Arts and Ministers for the Arts which included reference to the allegations referred to in question 181 b) and c). There has been a number of discussions between Gallery officers and officers of DoCITA regarding the allegations.

**QUESTION NO.183**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Which staff, former staff and/or contractors or consultants did the plagiarism allegations (Hansard p 276) concern?

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How was this matter concluded?

**Answer:** Legal expenses incurred in 1997/98 included advice regarding plagiarism allegations concerning a former member of Gallery staff.

The Gallery staff member concerned left the Gallery and the matter was concluded.

**QUESTION NO.184**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a breakdown of the costs associated with the 1999/00 "Advice re tenders and license for catering" cost of \$34,807, including any payment to the previous catering contractor.

**Answer:** The sum of \$34,807 was expended on legal expenses associated with the tender process and awarding of contract and drafting and executing a new catering licence and related documents including a service level agreement. No payment to the previous catering contractor was made.

**QUESTION NO.185**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a list of and identify all costs resulting from the termination of Ms Jane Douglas's contract in 1997 including legal advice, mediation fees and settlement sums.

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

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**QUESTION NO.186**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How long had Ms Douglas's contract to run and what was the outstanding sum of money involved?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.187**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How much notice was Ms Douglas given of the termination of her contract and what reasons were Ms Douglas and the staff given for the action?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.188**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Upon whose advice was the decision to terminate her contract made, and who made the decision?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

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**QUESTION NO.189**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Had Ms Douglas alleged of being assaulted by another member of staff and if so what action was taken in relation to the allegation?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.190**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did Dr Kennedy receive any offer or request by Ms Douglas to discuss her termination, and what was his response?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.191**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a time-line for and briefly describe the legal action taken and/or responded to in relation to Ms Douglas's termination.

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of

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employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.192**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Was there any communication, written or otherwise, between any Government Department, Minister or official in relation to the Douglas case other than the Australian Government Solicitor's office, provide copies of any relevant communication?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

**QUESTION NO.193**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

What were the financial terms of the settlement entered into by the Gallery and Ms Douglas and what legal and/or administrative matters was Ms Douglas required to drop in order for the settlement to proceed?

**Answer:** In addition to concerns the Gallery has regarding discussion of matters which are 'staff in confidence' it is inappropriate to comment upon the employment, termination of employment, and settlement of legal action initiated by Ms Douglas given the specific terms of settlement of this matter.

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

ANSWERS TO QUESTIONS ON NOTICE

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

**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.194**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a copy of the NGA guidelines, or the guidelines the NGA followed in 1996 in relation to awarding contracts, particularly in relation to real or apparent conflicts of interest, the value above which written quotes and competitive quotes must be sought, and action be followed in the case of unsatisfactory contract performance.

**Answer:** The Gallery consistent with other Commonwealth agencies applied Commonwealth Procurement Guidelines issued by the Department of Administrative Services at that time.

**QUESTION NO.195**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

On what grounds did the NGA refuse to provide the former Building Services Contractor access to the final report of his own grievance in early 1997? On what grounds has the NGA subsequently sought to refuse the former Building Services Manager access to the report and associated documentation through an FOI request currently being contested in the Administrative Appeals Tribunal?

**Answer:** It is assumed the “building services contractor” referred to in this question is in fact a former Gallery employee, not a contractor.

The former Director denied the former Building Services Manager access to the grievance report as it contained highly sensitive personal information which was considered to be highly confidential.

The former Building Services Manager requested a copy of the report under FOI legislation and was refused in May 2000. He appealed this decision in May 2000 and was granted partial access to a copy of the report in June 2000. Further consideration of the report in December 2000, following AAT proceedings, resulted in him being provided with a copy of the report without attachments.



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

**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.196**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Over what period subsequent to the lodgement of an appeal against the decision to refuse the former Building Services Contractor access to his Grievance Report and associated documentation to the Council was the appointment of an appeal coordinator delayed, and who was responsible for organising the appointment the appeal Coordinator?

**Answer:** It is assumed the “Building Services Contractor” referred to in this question is in fact a former Gallery employee, not contractor.

The officer concerned sought to have a grievance appeal coordinator appointed in July 1997. The appointment of an appeal coordinator was deferred for a number of reasons, including:

- a) the officer’s absence overseas (July to October 1997);
- b) informal advice from the officer that he was considering dropping the matter;
- c) the absence of the officer on long-term sick leave; and
- d) the Gallery’s belief, based on discussions with the officer and others acting on his behalf, that the matter could be resolved with the officer without the need for a formal appeal process.

The officer finally withdrew his request for appointment of a grievance appeal coordinator in July 1998.

The authority for the appointment of a grievance appeals coordinator rests with the Director or delegate of the National Gallery Council.

**QUESTION NO.197**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did the NGA advise the former Building Services Manager, upon receipt of an FOI request from him for the final draft of the Grievance Report and associated documentation referred to above that both the report and associated documentation including witness statements had been lost?

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**Answer:** The former Building Services Manager was advised in June 2000, after he lodged an appeal against an FOI decision, that the original report and attachments had been lost, as despite extensive searches the original was unable to be located.

**QUESTION NO.198**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has Dr Kennedy received a letter or memorandum from the staff of the Registration Section which included a complaint that official files had been removed from staff work areas by a senior officer without being marked out to that officer and possibly altered without record being made of the alteration?

**Answer:** No.

This question appears to be based on hear-say or a misunderstanding of the facts. Staff of the Registration Department did send a confidential memorandum to the Director, but the memorandum did not complain of a senior officer removing files, or of files being “possibly altered without record being made of the alteration”.

The staff of the department have requested that the confidentiality of the memorandum be maintained, so it is not appropriate to disclose its contents in full.

**QUESTION NO.199**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Did Registration staff threaten to “walk out” in response to a demand by Dr Kennedy or another senior staff member to withdraw or alter the content of the letter?

**Answer:** No.

In a meeting between the Head of Human Resource Management and Registration staff, they were invited to withdraw a memorandum, as there had been developed a jointly agreed plan of action to resolve issues. The invitation was extended in order to maintain the confidentiality of the memorandum, which the staff agreed was important. The staff declined the invitation. There was no “demand” by Dr Kennedy or any other member of Gallery staff to withdraw the memorandum.

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**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.200**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Is it normal practice for Management to demand the withdrawal of complaints or concerns from staff members in relation to professional, employment or personal matters, and on this occasion by whom was the demand to withdraw or alter the letter from Registration above made, and for what reason?

**Answer:** No.

See also the response to Q199. The invitation to withdraw the memorandum was made by the Head of Human Resource Management in order to reduce the likelihood of the memorandum of coming into the possession of people not entitled to have it, and thus breaching the confidence of its authors. The withdrawal of the memorandum was expected to assist resolution of the matter in a cooperative and constructive manner.

**QUESTION NO.201**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) asked the following Question-on-Notice:

Has the NGA received any other 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.

**Answer:** This question is too broad to answer comprehensively. However the Gallery would be willing to respond to a specific request for information about a particular allegation or complaint.

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

**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.202**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Have the NGA been audited or investigated in relation to record keeping or notified of complaints received by other Government bodies concerning record keeping and disclosure?

**Answer:** No audits or investigations in relation to record keeping at the Gallery have been carried out. Given the broad nature of the question and the considerable time since the establishment of the Gallery in 1975 it is difficult to answer the question in a comprehensive manner. However, the Gallery has not been able to identify any record of notification of complaints received by other Government bodies concerning record keeping and disclosure.

**QUESTION NO.203**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a breakdown of the causes of injury of the 58 new compensation claims lodged between 1 January 1996 and 30 December 1999 (answer to question on notice #63, Kate Lundy 1999-2000 Additional Estimates Hearings, February, Hansard p 135), the areas in which the cases worked and in particular determine how many fell into the category of “chronic fatigue”, general malaise, respiratory infection or “illness of unknown etiology”.

**Answer:** Attached is a breakdown of the 58 cases. Note no cases fell into the category of chronic fatigue, general malaise, respiratory infection or illness of unknown etiology.

## Draft

Attachment to Question 203

New Compensation Claims (1996, 1997, 1998 and 1999)

| Case | Injury                     | Cause of Injury        | Department            |
|------|----------------------------|------------------------|-----------------------|
| 1    | Whiplash                   | MVA                    | Records Management    |
| 2    | Sprained Ankle             | Fall on steps          | Conservation          |
| 3    | Neck pain                  | Overuse/repetition     | Curatorial            |
| 4    | Neck pain                  | Overuse/repetition     | Photographic Services |
| 5    | Hand injury                | Using tools            | Security              |
| 6    | Back pain                  | Overuse                | Records Management    |
| 7    | Soft tissue damage         | MVA                    | Marketing             |
| 8    | Fractured knee             | Fall on step           | Finance               |
| 9    | Muscular stress            | Lifting                | Workshop              |
| 10   | Muscle spasm               | Overuse/repetition     | Library               |
| 11   | Stress                     | Conflict at work       | Conservation          |
| 12   | Muscular injury – shoulder | Lifting                | Records Management    |
| 13   | Laceration                 | Hit by moving object   | Registration          |
| 14   | Fractured pelvis           | Motor vehicle accident | Curatorial            |
| 15   | Leg injury                 | Hit by moving object   | Security              |
| 16   | Particles in eye           | Dust while drilling    | Exhibitions           |
| 17   | Muscular stress – back     | Overuse/repetition     | Conservation          |
| 18   | Laceration to head         | Hit b falling object   | Workshop              |
| 19   | Hand injury                | Using tools            | Registration          |
| 20   | Asthma attack              | Walking to work        | Curatorial            |
| 21   | Whiplash                   | Motor vehicle accident | Finance               |
| 22   | Muscular stress - back     | Fall on steps          | Building Services     |
| 23   | Back injury                | Lifting                | Shop                  |
| 24   | Back injury                | Lifting                | Workshop              |
| 25   | Back injury                | Fall same level        | Security              |
| 26   | Sprained ankle             | Fall on steps          | Building Services     |
| 27   | Back injury                | Lifting                | Security              |
| 28   | Stress/anxiety             | Work conflict          | Building Services     |
| 29   | Sprained wrist             | Fall same level        | Membership            |
| 30   | Back injury                | Overuse/repetition     | Records Management    |
| 31   | Whiplash                   | Motor vehicle accident | HRM                   |
| 32   | Sprained ankle             | Motor vehicle accident | Building Services     |
| 33   | Knee injury                | Fall same level        | Security              |
| 34   | Shoulder sprain            | Fall same level        | Records Management    |
| 35   | Neck pain                  | Fall on steps          | HRM                   |
| 36   | Forearm injury             | Overuse/repetition     | Registration          |
| 37   | Muscular stress – knees    | Overuse/repetition     | Security              |
| 38   | Back strain                | Lifting                | Registration          |

**Draft**

|    |                      |   |                        |
|----|----------------------|---|------------------------|
| 39 | RSI                  | Overuse/repetition                        | Library                |
| 40 | Plantar fasciitis    | Existing condition exacerbated by walking | Security               |
| 41 | Back injury          | Fall same level                           | Security               |
| 42 | Neck pain            | Overuse                                   | Finance                |
| 43 | Back strain          | Lifting                                   | Stores                 |
| 44 | Back injury          | Motor vehicle accident                    | Security               |
| 45 | Shoulder injury      | Fall same level                           | Security               |
| 46 | Laceration           | Using tools                               | Workshop               |
| 47 | Laceration           | Hit by falling object                     | Security               |
| 48 | Stress/anxiety       | Work conflict                             | Exhibitions            |
| 49 | Bruised thumb        | Using tools                               | Travelling Exhibitions |
| 50 | Bruised knees        | Fall same level                           | Security               |
| 51 | Broken nose          | Using tools                               | Workshop               |
| 52 | Knee injury          | Fall same level                           | Photographic Services  |
| 53 | Arm injury           | Lunchtime sort                            | Records Management     |
| 54 | Back strain          | Lifting                                   | Exhibitions            |
| 55 | Shoulder injury      | Overuse/repetition                        | Finance                |
| 56 | Neck sprain          | Overuse/repetition                        | Marketing              |
| 57 | Stress/Anxiety       | Pressure of work                          | Exhibitions            |
| 58 | Laceration to finger | Using tools                               | Workshop               |

None of the above claims falls into the categories of "chronic fatigue", general malaise, respiratory infection or "illness of unknown etiology."

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**National Gallery of Australia**

Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.204**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide details of Hazardous Substances training material, staff induction material, timetables and procedures for a formal workplace monitoring and hazard inspection program, steps taken to minimise the need for temporary storage within Gallery corridors and work-spaces in line with the recommendation of the Workplace Inspection report.

**Answer:** It is assumed that the reference to “Workplace Inspection Report” is in the context of the Comcare Australia October 1996 Report entitled “*Report of the Planned Workplace Investigation – National Gallery of Australia*”.

Attached is a copy of the Gallery’s current OH&S Policy. As well as indicating the administrative arrangements relating to the format and conduct of meetings of the Gallery’s OH&S Committee, it details some of the background to OH&S in terms of legislation and the responsibilities of the Gallery, supervisors and of all staff. All staff have access to the policy and to minutes of meetings of the OH&S Committee.

Hazardous Substance Training Material: The material provided to staff takes a variety of forms. It includes: Material Safety Data Sheets for chemicals; instructions on the use of materials and equipment that come with the products supplied; numerous training videos, materials and instructions that are provided with internal and external training courses; and material and information provided by supervisors to their staff. In addition to information made available for staff by the Gallery, a number of staff have undertaken training external to the Gallery in the context of acquiring qualifications and have in the process acquired a knowledge and understanding of the issues and practices associated with working with hazardous substances.

Staff Induction Material: This material takes many forms. It includes: the Gallery’s Corporate Plan; Program and Section Business Plans, as appropriate; access to a range of the Gallery’s policies and procedures; material relevant to the duties of the position and the place of work within the Gallery. The process of induction varies from place to place within the Gallery. In some cases employees are new to cultural institutions and the position, in other cases they may be re-joining the Gallery’s workforce. The induction provided to staff is tailored to suit the circumstances. The induction program for some officers in relation to hazardous materials is very different to others like Conservation staff.

Timetables and procedures for a formal workplace monitoring and hazard inspection program  
Attached is a copy of the Gallery’s *Health and Safety – Incident/Hazard Reporting Form*. Relevant information regarding the use of this form is clearly indicated. The Gallery’s OH&S

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Policy requires all staff to inform health and safety representatives and their supervisors of potentially hazardous situations. The use of the current form was introduced post the October 1996 Comcare Planned Workplace Investigation. It is an ongoing obligation and not one that operates to a timetable.

Steps taken to minimise the need for temporary storage within Gallery corridors and workplaces: In recent times the Gallery has done a great deal to address Comcare's recommendations in this regard. Staff are reminded on an ongoing and as required basis to ensure that storage of material does not compromise essential services, including fire services and fire exits. There has been a rationalisation of storage facilities in the compound external to the Gallery building. Material not required at the Gallery may be stored at the Gallery's Hume Store. However, whilst every effort is made to minimise storage in corridors and work spaces, the variety of activities at the Gallery in terms of the mounting of major exhibitions, the dispatch and receipt of outwards and inwards loans (and their return) and the assembly of travelling exhibitions and the associated activities, means that at times there is a need to position materials in spaces that would ideally be left free of material. The planned building refurbishment and enhancement program proposes to help resolve the demand for on-site storage and work in progress space.



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**QUESTION NO.205**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copies of staff complaints or concerns given to Mr Rees by the Environment Officer in relation to the Maguire (Comcare) inspection in early 2000 and copies of complaints or comments by staff in relation to the building environment, mould, and air conditioning issues held on any relevant registry files since 1996, in particular the building related registry files.

**Answer:** A copy of a memorandum provided to Mr Rees in March 2000 is attached.

Recent investigations of the Gallery's HVAC system have been undertaken by Comcare and AHA Management. The Gallery does not believe a review of documentation filed since 1996 to be warranted as it is addressing all issues identified in the comprehensive reports received from Comcare and AHA Management.

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Supplementary Budget Estimates 2000-2001, (30/11/00)

**QUESTION NO.206**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Have any formal investigations into ill health in response to concerns about sick building syndrome ever been carried out within the NGA? If so what were the results?

**Answer:** The Gallery has not commissioned any formal investigations into ill health in response to concerns about sick building syndrome.

**QUESTION NO.207**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the Deputy Director been advised by members of staff or former members of staff of concerns about illness and malaise possibly related to Sick Building Syndrome or the air conditioning during his time at the NGA, and if so what action did he take?

**Answer:** The Deputy Director has no recollection of any such advice.

**QUESTION NO.208**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Does the NGA have an up to date Administrative Guide ratified by the Council easily accessible by staff on the intranet for example? Who is responsible for the revision of the Administrative Guide and when was the last major revision?

**Answer:** The Administrative Guide is currently being updated by a working party under the direction of the Head of Human Resource Management. It is proposed that the new guide will be available on the Gallery's intranet. In the meantime, updated policies are progressively being made available to all staff on the Gallery's P drive (via the computer network).

Council ratification would not be sought for the completed guide. However, as the guide will contain a range of policies, practices and advices, it would be normal that some would have

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been endorsed individually by Council as part of their development (this depending on the subject matter). Others of a more administrative nature would not normally require Council ratification, but such judgements would depend on the content, and the situation at the time.

**QUESTION NO.209**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How has the NGA responded to the findings of the 1998/99 Australian National Audit Office performance audit “Safeguarding our National Collections”, and in particular the finding on page 82?

**Answer:** The Gallery advised the Australian National Audit Office of action taken or proposed, where appropriate, in response to each of the recommendations in its report titled “Safeguarding our National Collections”.

In regard to the comment included at page 82 of the report the Gallery is well aware of the need to ensure that sufficient time is allocated for conservation staff to inspect items being considered for exhibition and to undertake any necessary treatment. Systems and processes associated with the loan and exhibition program take account of this need.

**QUESTION NO.210**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How has management responded to recent advice by Registration staff that there is insufficient opportunity or support to adequately train staff in safe art handling techniques? How long has the Registration Section been without a permanent Registrar, a dedicated Collection Study room officer and accession marker?

**Answer:** The Gallery is not aware of the alleged advice that there is “... insufficient opportunity or support to adequately train staff in safe art handling techniques”, and would not share this view in any case. The Gallery is committed to safe art handling techniques, and employs a number of staff for this express purpose. Their numbers are augmented to meet peak workloads such as occurs during exhibition change-overs.

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The Registration Department has been without a permanent Registrar since 23 June 1999. The position has been filled on a temporary basis continuously since 9 August 1999.

There has never been a dedicated Collection Study Room officer. Until November 1998, administrative support for operation of the Collection Study Room was undertaken by an officer in the Registration department who had other duties as well. From that time responsibility for the function was transferred to the Education and Public Programs department.

The position of Accession Marker has been occupied since August 2000. It will become vacant during January 2001, and action has been taken to recruit another occupant. Since late July 1999 it has been occupied continuously, except for 3 breaks totalling 17 weeks, between occupants. In other words, over the past 72 weeks, it has been occupied for 55 weeks, or 76% of the time.

#### QUESTION NO.211

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Is there a list of works to be deaccessioned, when and by whom was it developed and according to what criteria?

**Answer:** Consideration is given on an ongoing basis to disposal of works of art. Such consideration is given by the Gallery's staff and Council in accordance with the provisions of the National Gallery Act, 1975 and the Gallery's Disposal Policy. The current policy was approved by the Gallery Council in 1995.

In the Gallery's corporate plan titled "Into the New Millennium", strategies identified for Developing and Maintaining the Collection included "... a thorough review of all existing collection areas to determine the quality and authenticity of the objects in them".

Curatorial staff review collections and propose works for disposal to the Gallery Council on an ongoing basis. The criteria of assessment for the works for disposal is expressed in the Gallery's Disposal Policy, a copy of which is attached. At any point in time, there may be a number of works of art under consideration for deaccessioning. As will no doubt be appreciated, this information is highly confidential.

NATIONAL GALLERY OF AUSTRALIA  
DISPOSAL POLICY

Approved by Council  
at Meeting No 5  
of  
25 April 1995

(Including Amendment approved by Council  
at Meeting No 3 of 13 December 1995)

1. Introduction
  - 1.1 In this Policy -
    - a reference to a "work" is a reference to a work of art in the national collection;
    - a reference to "the collection" is a reference to the national collection; and
    - a reference to "the Act" is a reference to the National Gallery Act 1975.
  - 1.2 From time to time the Gallery may need to remove a work from the collection.
  - 1.3 The Gallery's powers to remove a work are set out in the Act. The main provisions are contained in section 9 of the Act which deals with disposal by means of sale, gift or destruction and section 10 of the Act which enables the Gallery to arrange for the exchange of a work.
2. Principles and Parameters of Disposal
  - 2.1 Disposal will only take place with the overall objective of improving the collection.
  - 2.2 Disposal will not take place in response to current trends or on the basis of personal taste.
  - 2.3 In particular, a work which was the subject of a gift or bequest to the Gallery will not be disposed of except as provided in 3.6.
  - 2.4 Funds received from the disposal of a work will be used for the acquisition of works for the same area of the collection or such other area of the collection as the Council may approve on the recommendation of the Director and relevant curatorial staff.
3. Criteria for Disposal
  - 3.1 Section 9 of the Act provides that where the Council of the Gallery is satisfied that a work of art -
    - (a) is unfit for the national collection; or
    - (b) is not required as part of the national collection

it may resolve that the work be disposed of by sale, gift or destruction provided that in the case of a gift or destruction the Council is satisfied that the work has no saleable value. Where the Council makes a resolution to dispose of a work it must then seek the approval of the Minister to that disposal. If the Minister gives approval the Gallery may arrange for the disposal to take place..

- 3.2 When considering a work for disposal the Council will have regard, amongst other things, to whether the work falls within any of the categories -
- 3.2.1 A work, the significance or aesthetic merits of which falls below the general level of the collection.
  - 3.2.2 A work which lowers the overall level of quality or representation of an artist or any area in the collection.
  - 3.2.3 **A work which has deteriorated to such an extent that it is no longer exhibitable and is beyond restoration to an acceptable standard.**
  - 3.2.4 A work which has been found to have been falsely documented, described or attributed, or to be a forgery.
  - 3.2.5 A work which is duplicated in the collection where duplication serves no scholarly or educational purpose. A duplicate means a work produced as a multiple or in an edition, for example a work struck from the same die or printed from the same block or plate.
  - 3.2.6 A work which is no longer representative of the collection, as characterised in the Gallery's Acquisition Policy at the time of disposal.
- 3.3 The Gallery will not dispose of a work by a living artist except *with the written permission of the artist\** where 3.2.3, 3.2.4 or 3.2.5 applies.
- 3.4 Section 10 of the Act provides that where the Council is satisfied that the exchange of a work of art in the national collection for another work of art would be advantageous to the collection then the Gallery may make the exchange.

- 3.5 A work that has been acquired for the collection with a restriction that it be retained for a certain period of time will not be disposed of while the restriction continues.
- 3.6 Having regard to any conditions or trusts attaching to gifts or bequests the Gallery will not dispose of a work falling outside the Gallery's Acquisition Policy without first obtaining the consent of the donor, the relevant trustee or the personal representatives of the donor's estate save that if, despite every reasonable effort having been made, the Gallery is unable to locate the donor, trustee or personal representatives then, it may dispose of the work in accordance with sections 9 or 10 of the Act.
4. Procedures leading to disposal
- 4.1 A report by the Director on the recommendation of the relevant curatorial staff is to be prepared for the Council stating the reasons for the proposed removal of the work from the collection, the context of the work within the collection and the effect its removal would have. The report should include an estimate of the current market value of the work with, where ever possible, documentary verification. The report should satisfy the Council that
- 4.1.1 In the case of gifts and bequests every reasonable effort has been made to locate the donor, trustee or personal representatives in accordance with 3.6.
- 4.1.2 There is no legal restriction on disposal of the work.
- 4.1.3 Consideration has been given to the implications of disposing of a work given to the Gallery.
- 4.1.4 Where possible and relevant, the name of the donor or the fund from which the work was originally acquired is to be credited to a new acquisition.
- 4.2 Under normal circumstances a period of not less than six months shall be allowed to elapse following the Council's approval in principle of the recommendation and the Council's resolution to dispose of the work. Exceptions may be made where there are compelling reasons to do so.



- 4.3 Following the Council's resolution to dispose of the work by sale gift or destruction in accordance with section 9 of the Act the Council will seek the approval of the Minister to the proposed disposal.
- 4.4 Following the Minister's approval to dispose of the work, or, in the case of an exchange, following the Council's resolution to exchange the work, the acquisition records relating to the work will be marked accordingly. The acquisition number will not be reassigned to another work.
- 4.5 Catalogue **and other records** of the work will reflect that the work has been disposed of. In all cases except exchange with a public museum the Gallery will retain all original documentary material concerning the work including photographs and appraisals. In the case of an exchange with a public museum the original documentation will be transferred to the museum with the Gallery retaining copies.

## 5. Disposal

- 5.1 Following the Minister's approval to dispose of the work by way of sale the work may be offered for sale by public auction or tender.
- 5.2 Where the Gallery has decided to exchange a work in accordance with section 10 of the Act the agreement for exchange may include payment of a sum of money in recognition of the difference in value between the works exchanged.
- 5.3 Where the provisions of 3.2.3 apply the Council may, subject to obtaining the Minister's approval for disposal under section 9 of the Act, remove the work to the Gallery's Conservation Department for research purposes.
- 5.4 Where the provisions of 3.2.4 apply any disposal must take into account the **protection** of the public interest as well as the interest of the Gallery. Depending on the circumstances surrounding the acquisition of the work consideration may be given to --
- 5.4.1 rescission of any purchase order
- 5.4.2 sale by public auction or tender with full disclosure.
- 5.5 Where appropriate the Council may require any person assisting with the sale of a work to keep the provenance confidential.

- 5.6 Reflecting the Gallery's ethical standards under no circumstances should a work be purchased by or have its ownership transferred to any member of the Council or the Gallery staff, office holders of organisations affiliated with the Gallery or members of the immediate family of any of those persons.
- 5.7 Prior to any public auction or tender taking place the Gallery will circulate in writing to members of the Council, Gallery staff and office holders of organisations affiliated with the Gallery details of the proposed disposal with a reminder of the restriction on sale.
- 5.8 Details of the disposal will be reported promptly to the Council and be included in the Gallery's Annual Report to Parliament.

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**QUESTION NO.212**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a dated list of scholars who have visited the Collection Study Room during the period 1999/00 and the works examined by each.

**Answer:** The Gallery does not maintain such information.

During the 1999/2000 year, 1,643 visitors viewed 9,998 works of art.

**QUESTION NO.213**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How many works are currently unaccessioned, mislocated, unidentified or missing?

**Answer:** Works of art are allocated an accession number following Council approval to their acquisition. Only those works awaiting Council approval do not have accession numbers. At any given time it is possible that a work of art could be missing or incorrectly located. The annual audit of financial statements and associated verification of assets includes a physical check of works of art and a test of the works of art system. The latest audit conducted for 1999/2000 included a check of 1,425 works randomly selected by computer. All works were located and verified. This statistically based system of annual audit devised in consultation with the Australian National Audit Office is ongoing.

**QUESTION NO.214**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a copy of the NGA Human Resource Development Plan according to which staff training funds are allocated.

In the 1999/00 annual report how have the targets and compliance figures been arrived at on pages 15, 16, 18, 23 & 27? Provide documentation giving the numerical rather than percentage data and exactly how those targets have been set and compliance data collected and evaluated.

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**Answer:** The process for determining training and development needs is outlined in the Gallery's Certified Agreement, an extract of which is attached.

Target and compliance figures have been arrived at in accordance with the outcomes and outputs reporting framework. Commonwealth agencies are obliged to report performance against outcomes and outputs. The targets reported in the Gallery's annual report for 1999/2000 represent performance targets set for that year and published in Portfolio Budget Statements. The targets were determined having regard for measures of quality, quantity and price for each of the five sub outputs related to the Gallery's two outputs.

The actual performance was collected in the following way:

Acquisitions consistent with acquisitions policy – Reference to submissions to the Gallery Council for the acquisition of works of art.

Collection reviewed – Number of works of art reviewed by curatorial departments.

Works accessioned to approved standard – Records of works accessioned in the Gallery's collection management system.

Works fully catalogued in the year – Records relating to works acquired and those exhibited or published in the year.

Collection held in conditions consistent with NGA standards – Record of conditions at NGA, Hume store, in transit and at loan venues.

Incidents of damage – Record of works damaged.

Number of conservation treatments – Conservation Department record of treatments.

Visitors satisfied with displays and exhibitions – Data collected by market researchers.

Number of visitors to the Gallery and its travelling exhibitions – Actual attendance.

Number of works of art lent – Records in the Gallery's Registration Department.

Venues visited by Travelling Exhibitions – Actual number of venues.

Number of events – Actual number of events.

Number of attendees at education public program events – Actual number of attendees

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Number of users accessing information using multimedia – Actual number of users.

|  |                        |
|--|------------------------|
| Cost of collection development                         | )                      |
| Cost of collection documentation                       | )Financial records     |
| Cost per square metre of art storage                   | )held in the Gallery's |
| Cost per conservation treatment                        | )financial management  |
| Cost of exhibition displays and travelling exhibitions | )information system.   |
| Cost per attendee at events                            | )                      |
| Cost per multimedia access                             | )                      |

Data collected is evaluated on an ongoing basis.

Number of visitors to the Gallery and its travelling exhibitions - Actual attendance.

Number of works of art lent - Records in the Gallery's Registration Department.

Venues visited by Travelling Exhibitions - Actual number of venues.

Number of events - Actual number of events.

Number of attendees at education public program events - Actual number of attendees

Number of users accessing information using multimedia - Actual number of users.

|   |                        |
|---|------------------------|
| Cost of collection development                          | )                      |
| Cost of collection documentation                        | )Financial records     |
| Cost per square metre of art storage                    | )held in the Gallery's |
| Cost per conservation treatment                         | )financial management  |
| Cost of exhibition displays and travelling exhibitions) | ) information system.  |
| Cost per attendee at events                             | )                      |
| Cost per multimedia access                              |                        |

- 20.7. In accordance with good management practice, probationary employees will:
- a) not be subjected to harsh, unjust or unfair treatment;
  - b) be made aware of their status as probationary employees, and what that entails;
  - c) be made aware of the standards expected of them;
  - d) have their performance regularly monitored and appropriate feedback given by their supervisor, and, where necessary, counselling provided or other remedial action taken; and
  - e) have the opportunity to see and comment on reports made about them.
- 20.8. Decisions concerning probationary employees will be taken by the Director and will be final.

## **21. INDUCTION AND ORIENTATION**

- 21.1. The Gallery recognises the importance of employees within the Gallery being made aware of, and remaining familiar with:
- a) the Gallery's corporate mission, objectives and goals;
  - b) the roles and responsibilities of the various groups;
  - c) their personal rights, responsibilities (including OH&S and staff emergency procedure ) and role in the Gallery; and
  - d) the financial, administrative, legal and human resource management framework.
- 21.2. In response to the above, the Gallery will develop and implement structured induction and Orientation Procedures for new employees during the first 12 months of this Agreement.
- 21.3. To assist existing employees to remain current with Gallery changes, information will be made available to employees as circumstances require. This information will be presented by way of written advice, information sessions and/or seminars as required.

## **22. LEARNING AND DEVELOPMENT**

- 22.1. The Gallery is committed to recognising the skills of its employees and to building and using those skills. Training and development, effective feedback and the devolution of responsibility are all important in providing opportunities for improving the skills of employees and to enabling employees to more wholly contribute to the achievement of the Gallery's objectives. Encouraging the development and broadening of both professional and technical skills, consultation and interaction between supervisors and employees are all necessary in recognising, building and using employees' skills.
- 22.2. Learning and development will cover the areas of administration, management, professional and technical skills. Responsibility for the development of these skills is shared between three parties:

- the Gallery, which is committed to recognising, building and providing opportunities for employees to use and develop their skills;
- the supervisor, who provides support, encouragement, opportunities and feedback; and
- employees, who take responsibility for their work performance and learning and development needs.

### **22.3. An Assessment of Appropriate Skills**

22.4. Apart from the particular skills an employee brings to the achievement of the Gallery's corporate functions and objectives, there is also value in the continual, improvement and broadening of an employee's skills as an effective member of the Gallery.

22.5. Consequently, supervisors must, as part of the Gallery Feedback Scheme, identify and review, in consultation with the employee, the training and development needs of employees under their supervision.

22.6. In determining training and development requirements, the supervisor and employee will:

- a) review the skills, knowledge and attributes required in the position;
- b) assess the skills, knowledge and attributes the employee currently possesses; and
- c) develop and/or modify the employee's Individual Development Plan to address any identified development needs.

22.7. In accordance with the Gallery Feedback Scheme, there is to be a regular review and assessment between the employee and his/her supervisor of the development of appropriate skills.

### **22.8. Training, and Individual Development Plans**

22.9. Providing support and opportunities to employees who wish to improve their skills is critical to developing a highly skilled workforce. In this regard the Gallery is committed to:

- a) providing opportunities for the development of employees in its recruitment policies and in reviewing its organisational structure;
- b) assisting employees who wish to improve and broaden their skills;
- c) encouraging initiative and devolving responsibility; and
- d) providing resources to development programs and schemes.

22.10. In developing appropriate skills the Gallery recognises that training and development will include opportunities for improving the professional and technical skills which will assist the Gallery in achieving its corporate objectives and in fulfilling its statutory functions.

### **22.11. Individual Development Plans**



- 22.12. To encourage all employees to undertake appropriate career planning and to consider their training and development requirements, all employees, in consultation with their supervisor are to prepare Individual Development Plans. The duration and review regularity of these Individual Plans are to be determined by the employee and his/her supervisor and are to be in accordance with the Gallery's Feedback Scheme.
- 22.13. The Gallery will provide an integrated program that includes assessment of current skills, an Individual Development Plan (IDP) and performance management including feedback.
- 22.14. Supervisors and employees will contribute to the development of these program elements and actively participate in such programs.
- 22.15. As part of each IDP the Gallery and the employee will develop a list of skills that are required for each employee.
- 22.16. An assessment will be undertaken at the beginning of each financial year, when an employee commences, changes jobs, when a job changes and when requested to complete an assessment by the supervisor. In addition to those occasions, an employee may request a new assessment at any other relevant time.
- 22.17. Supervisors will identify the skills required at the time of the assessment for employees. Supervisors may supplement this list with specialised skills for their groups.
- 22.18. Employees together with their supervisors will assess the skills they currently have and identify the necessary skills that require development for the employee to make their contribution towards the Gallery's corporate goals. In addition employees may choose to identify skills they wish to develop furthering their future career goals. From this list of skills, the employee and their supervisor will develop an IDP including costing and where appropriate planning of development activities.
- 22.19. The IDP will be approved by the supervisor and a copy sent to the Personnel Manager. Each employee who completes an IDP will be eligible to participate in relevant administrative, management, professional and technical training and development, such as conferences, seminars and workshops, as agreed in the IDP.
- 22.20. The Gallery will provide funding of a minimum of \$80,000 per annum to meet the costs of approved activities from clause 22.19. Items of expenditure (including the type of training and/or development activity) from these funds will be reported quarterly to the Gallery Consultative Committee.
- 22.21. Employees in certain situations may be required to give an undertaking to the Gallery when taking advantage of particular development opportunities.

## **23. STUDY SUPPORT SCHEME**

- 23.1. The Gallery encourages its employees to undertake formal study in fields which link to the achievement of its corporate goals and enhance professional development.
- 23.2. The Gallery's Study Support Scheme encourages employees to undertake formal courses of study at tertiary and higher education institutions and other vocational education courses by providing access to study leave during normal hours of duty and limited financial assistance.
- 23.3. In general, support will be given to employees who wish to undertake:
- a) studies to obtain entry into a tertiary institution, a first degree, diploma, associate diploma or any other tertiary qualification that is considered relevant and provides direct or general benefits to the Gallery; or
  - b) second and subsequent degrees that are considered directly beneficial to the Gallery.
- 23.4. Approval to participate in the Study Support Scheme will be subject to the Director being satisfied that the employee has the capacity to effectively balance their proposed study load and normal agreed work responsibilities.

### **23.5. Eligibility**

- 23.6. All permanent employees, and fixed term employees contracted for periods in excess of 12 months are eligible to apply to the Director for study leave (with or without pay) under the Study Support Scheme. Generally, leave granted to undertake full-time study will be study leave without pay.
- 23.7. Temporary employees contracted for periods of less than 12 months may apply to the Director for limited study leave (with or without pay) under the Study Support Scheme.

### **23.8. Financial Assistance**

- 23.9. Employees may apply to the Director for study assistance in accordance with the Gallery's Study Support Scheme. Employees may apply to the Director for time to attend study and for reimbursement of compulsory course fees and other study costs (excluding HECS) up to a maximum of \$1,000 each financial year or pro rata depending on the date the IDP and Study Support application was approved. Any additional costs will be met by the employee.

### **23.10. Approval of Study Support Arrangements**

- 23.11. Studies to obtain entry into a tertiary institution, a first degree, diploma, associate diploma or any other tertiary qualification that is considered relevant to the Gallery may be approved by the Director or delegate and require the support of the applicant's supervisor.

23.12. Studies leading to second and subsequent degrees/qualifications may be approved by the Director only and require the support of the applicant's supervisor.

23.13. Employees with approval to undertake study under the Study Support Scheme are required to send copies of all semester results to the Director.

#### **23.14. Study Leave**

23.15. Study leave is not automatic, and is always subject to the operational requirements of the section where employees work.

23.16. Study leave without pay may be granted by the Director for the duration of the academic year to allow employees to undertake full-time study. Study leave without pay does not count as service.

23.17. Study leave with pay may be granted to employees by the Director for up to 5 hours each week for study activities approved under the Gallery's Study Support Scheme, plus reasonable travel time for travelling to and from study activities. Study leave with pay counts as service.

23.18. Employees undertaking:

- a) external studies/distance education;
  - b) face to face activities that fall outside ordinary working hours; or
  - c) study activities related only to the preparation and presentation of a thesis;
- may apply to the Director for:

d) leave with full pay to travel to and from residential courses or seminars, or any other study activities required for successful completion of the course of study; and

e) up to 3 hours leave with full pay each week for study activities.

23.19. Additional study leave may be granted by the Director in extenuating circumstances for tuition purposes, and will be considered on a case by case basis.

23.20. Approval for leave under the Study Support Scheme does not carry over from one semester to another, and must be obtained each semester to cover the study timetable. However, where a whole course of study is involved, approval will normally be granted subject to satisfactory academic progress and work performance of the student.

#### **23.21. Studybank Credits**

23.22. A studybank credit is the difference between the maximum study leave which may be approved each semester under the Study Support Scheme (ie. 5 hours paid leave per week) and the study leave (per week) a student's timetable requires during the semester, up to a maximum of 2 days.

23.23. At the beginning of a semester, an approved student may apply to the Director for, and be granted access to, Studybank Credits for that semester, for use in essay, assignment or examination preparation. Studybank Credits cannot be carried over from one semester to another.

#### **23.24. Exams**

23.25. Employees with approval to undertake study under the Study Support Scheme are entitled to leave with pay to travel to and from, and attend compulsory examinations/assessments held during the student's regular hours of duty.

#### **23.26. Guidelines**

23.27. Guidelines regarding the operating arrangements of the Study Support Scheme will be reviewed as required by the Director, in accordance with normal consultation arrangements through the Gallery's Workplace Consultative Committee, to take account of changes to the Gallery's operations.

### **24. MOBILITY**

24.1. Employee mobility is an important ingredient in promoting the development of appropriate skills and experience within the Gallery. Mobility is an important element in fostering the corporate culture and improving cross team cooperation and communication.

24.2. In addition, mobility is a key element of people management, in that it provides the flexibility to place the right people in the right jobs, and provides employees with a range of career and development opportunities.

24.3. Mobility can also be an effective strategy to assist with the redeployment of excess employees, and assist in dealing with the management of ill and injured employees, and those experiencing performance difficulties.

24.4. Mobility, which is envisaged in the majority of situations to be voluntary, will not be used by managers and supervisors as a vehicle to avoid having to address performance issues or misconduct/disciplinary matters.

### **25. PERFORMANCE MANAGEMENT STRATEGY**

#### **25.1. Feedback Scheme**

25.2. The Gallery is committed to developing a performance culture that promotes excellence, is respected by both management and employees and recognises and rewards employees for their contribution towards the achievement of the Gallery's objectives.

25.3. The Gallery's Feedback Scheme will emphasise the relationship between corporate, team and individual responsibilities and performance, and foster a high performance culture in the Gallery.

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**QUESTION NO.215**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide copies of the NGA's Internal Audit Plan, Conservation Plan and Emergency Management Plan and Administrative Guide. When were each of these plans last updated?

**Answer:** The Gallery recently tendered for the provision of internal audit services. A copy of the draft Strategy for Risk Based Auditing which was developed in connection with that tender is attached.

We do not understand what is meant by the terms Conservation Plan and Emergency Management Plan. The Gallery's Preservation Policy was included in the Into the New Millennium corporate plan, a copy of which is enclosed. The Gallery has a Disaster Recovery Plan which is presumed to be what is meant by the term Emergency Management Plan. The Disaster Recovery Plan is a confidential document which is used in emergency situations. Access to the plan is restricted. For security reasons it is not proposed to provide a copy of the plan.

The Administrative Guide has already been discussed in the answer to question 208.

|   |
|---|
| Please note the Corporate Plan 1999-2001 <i>Into the New Millenium</i> (ISBN 0 642 54110 8) was provided as an attachment to the Committee and is available from the National Gallery website,; <a href="http://www.nga.gov.au/index.htm">http://www.nga.gov.au/index.htm</a> |
|---|

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**QUESTION NO.216**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

How many performance audits of core activities such as registration and conservation have been carried out during the period 1998 to the present? Are there any planned performance audits in the current plan and who are the members of the Gallery's Audit Committee?

**Answer:** In the 1998/99, and 1999/2000 financial years and 2000/01 financial year to date compliance and systems audits have been undertaken along with reviews of the budget process and the financial management process, including development of the outcomes/outputs framework and costing model.

The Gallery recently conducted a tender process for the provision of future internal audit services. There are no performance audits planned at this time given the change in internal audit service provider and the development of a performance audit program is expected to be considered by the Gallery's Audit Committee in the future.

Current members of the Gallery's Audit Committee are Mr Richard Allert, Council Member (Chairman) and Ms Carol Schwartz, Council Member. Gallery staff provide advice to the Audit Committee.

**QUESTION NO.217**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Why have costs in the areas of consultants, advertising and publicity and freight post & phone risen so sharply in the past financial year compared to the previous 5 years? What increases in productivity, for example outward loans, travelling exhibitions and so on can be linked to those costs?

**Answer:** Costs in the areas of consultants, advertising and publicity and freight, postage and telephone were higher in the 1999/2000 year than in recent years due to a number of factors including:

- costs related to the building refurbishment project
- the increased level of major exhibition activity (note record attendance level)
- the increased level of loan activity (note record number of loans)

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- the increased level of travelling exhibition activity both domestically and internationally (note record number of exhibitions)
- preparations for the introduction of GST and
- costs related to fundraising initiatives

**QUESTION NO.218**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

When exhibitions like Sensation are cancelled, to which centre are the costs such as travel allocated, i.e. is there an identifiable account of spending on exhibitions which do not eventuate?

**Answer:** A separate project code is created for proposed major exhibitions. In this way costs associated with an exhibition can be tracked.

**QUESTION NO.219**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Why are the 5 members of staff on page 38 of the 1999/00 annual report who are remunerated above the EL2 level not employed as SES officers? Do all of these staff have Australian Workplace Agreements (AWAs)?

**Answer:** The organisation structure adopted by the Gallery addresses the need for discrete programs to be headed by positions above the EL2 level, but not requiring SES status or classification.

All the Program Managers either have an approved AWA, or are awaiting approval by the Employment Advocate of their draft AWA.

**QUESTION NO.220**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

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How do these staff fit into the Management Structure on page 34, appendix 2, where there appear to be seven program managers at that level? Is the diagram an accurate description of the staffing structure at this time?

**Answer:** The 5 staff members occupied the positions of:

- Head of Australian Art;
- General Manager, Collection Services;
- General Manager Access Services;
- Head of Development; and
- Head of Marketing and Merchandising.

The diagram at page 34 of the annual report is an accurate description of the staffing structure.

At the time of the report, the Head of International Art position was vacant, with management of that Program being shared among the Head of Australian Art, the Director, and the Deputy Director.

The Deputy Director is Head of the Administration Program.

**QUESTION NO.221**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

What are the current salaries packages of the seven program managers, the Deputy Director and Director?

**Answer:** The salaries packages of the Program Managers, the Deputy Director and the Director fall into the following categories:

| <b>Category</b>        | <b>Number</b> |
|------------------------|---------------|
| \$ 80,000 to \$ 90,000 | 5             |
| \$ 90,000 to \$100,000 | 1             |
| \$110,000 to \$120,000 | 1             |
| \$140,000 to \$150,000 | 1             |

In addition, some of the above staff may, subject to meeting specific criteria, receive performance pay.



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**QUESTION NO.222**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Provide a list of positions (position numbers and job titles) for which redundancy has been accepted since 1996.

**Answer:** List attached.

**Draft**

Attachment to q222

| Position Number | Job Title                            |
|-----------------|--------------------------------------|
| 2002            | Administrative Assistant - Marketing |
| 1601            | Computer Support Officer             |
| 1508            | Security Supervisor -Control Room    |
| 1540            | Security Officer - Galleries         |
| 2412            | Foundation/Council Officer           |
| 1509            | Security Supervisor - Galleries      |
| 1404            | Records Officer                      |
| 4203            | Assistant - International Art        |
| 1502            | Administrative Assistant - Security  |
| 2301            | Public Affairs Manager               |
| 1201            | Workshop Manager                     |
| 1202            | Senior Carpenter                     |
| 1209            | Carpenter                            |
| 3021            | Systems Manager                      |
| 3031            | Purchasing and Stores Manager        |
| 9014            | Librarian                            |
| 1403            | OIC Records Management               |
| 9030            | Libra Officer                        |
| 1301            | Building Services Manager            |
| 7304            | Photographer                         |
| 5008            | Senior Paintings Conservator         |
| 1306            | Chief Electrician                    |
| 9002            | Administrative Assistant - Libra     |
| 1111            | Switchboard Operator                 |
| 3300            | Commercial Accountant                |
| 2213            | Product Coordinator                  |
| 4101            | Senior Curator - Australian Art      |
| 1335            | Janitor                              |
| 1344            | Janitor                              |
| 1354            | Janitor                              |
| 1342            | Janitor                              |
| 1353            | Janitor                              |
| 1345            | Janitor                              |
| 7105            | Inventory Officer                    |
| 4111            | Assistant Curator-Australian Art     |
| 4131            | Assistant Curator-Australian Art     |

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**QUESTION NO.223**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Why was the consultant list dropped from the annual reports in 1998/99? Provide a list of consultants and contractors, the nature of the projects worked on, the amounts paid and the reason for engaging the consultant.

**Answer:** The Gallery is a Commonwealth authority with accountability obligations placed upon it by the Commonwealth Authorities and Companies Act 1997 (CAC Act). The Commonwealth Authorities and Companies Orders 1998 issued under section 48 of the CAC Act specify requirements for the report of operations to be included in the annual report of CAC agencies. There is no requirement to include a list of consultants in annual reports for CAC agencies.

A list of consultants, similar to that provided in annual reports prior to 1998/99, could be assembled, but would take some time to complete.

**QUESTION NO.224**

Outcome: National Gallery of Australia

Senator Schacht (Tabled) the following Question-on-Notice:

Has the Director or Deputy Director obtained or organised a valuation on behalf of any Council Member for a proposed donation of a work of art during the past three years? Have any valuations obtained on behalf of a Council member been rejected and further valuations sought for any reason. What guidelines does the Gallery and Council have in place to avoid conflicts of interest in relation to the valuation (for tax purposes) of proposed donations of works?

**Answer:** The Deputy Director was involved in the process of securing independent expert valuations in connection with a major work of art donated to the Gallery by a member of the Gallery Council in the past three years.

The Cultural Gifts program provides for a donor to arrange independent expert valuations in connection with works of art proposed for donation. In the case in question the donor had contacted two accredited valuers but this fact was not known to the Gallery's curatorial department which also contacted two different accredited valuers. Upon discovery of the duplication the valuers contacted by the Gallery's curatorial department were contacted and asked to not progress the valuation process. Valuations were provided by the accredited

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valuers originally contacted by the donor and the gift was duly processed by the Gallery and the Taxation Incentives for the Arts Committee.

The Gallery and the Gallery Council seek to ensure possible or perceived conflicts of interest are managed appropriately. In the case of the Gallery Council, Council members absent themselves from any discussion and decision making on matters where a possible or perceived conflict of interest may be involved.