

Correspondence with the New South Wales Government about false information given, under oath, to the NSW Legislative Council Inquiry into Museums and Galleries, by the Hon. Harwin, as Minister for the Arts, on 29 August 2017.

1. Pages 1-5: my letter to the Secretary, Department of Premier and Cabinet, on 3 March 2021, outlining the facts and asking for the record to be corrected.
2. Page 6: Letter from Ray Williams MP, Parliamentary Secretary to the Premier and Western Sydney, advising that the matter had been referred to Mr Harwin for attention.
3. Page 7: Letter from Ms Annette Pitman, head of Create Infrastructure, dated 29 March 2021, on behalf of Mr Harwin. This letter did not address the matter raised. The wrong information is still part of the public record.

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3 March 2021

Secretary
Department of Premier and Cabinet
Parliament House
Macquarie Street
Sydney 2000

Subject: External review of Powerhouse Museum 'move' project.

I have been raising this matter since September 2017, with copious emails and some mail correspondence, with no response.

The key point is that Mr Harwin, as Minister for the Arts, made certain statements, under oath, on 29 August 2017, regarding a Peer Review group which he said had provided guidance throughout the process. Evidence indicates that this claim is totally inaccurate.

A summary of facts supporting this assertion may be found on pages 2 to 4.

I submit that under these circumstances the statements made by Mr Harwin on 29 August 2017 must be publicly withdrawn.

Since September 2017, my associates and I have submitted statements of fact, supported by evidence, regarding the whole process of the planning and execution of the 'move' project, and no refutation has been received of any point made. A summary of these matters may be found, for your information if required, in Submission No. 118a to the current Inquiry¹.

Copies of this letter have been forwarded to the members of the current Inquiry committee as listed on page 5.

Thank you for your attention to this matter,

¹ <https://www.parliament.nsw.gov.au/lcdocs/submissions/69065/0118a%20Mr%20Tom%20Lockley.pdf>

The Expert Advisory Group, late 2017.

In Inquiry evidence 29 August 2017 Mr Harwin advised us of the membership of an Expert Advisory Group, which had 'provided guidance throughout the process.' He made this statement when refusing an offer of consultation with former Director Lindsay Sharp. Here is the exact transcript:

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

The Hon. DON HARWIN: My response to that would be that we have established an expert advisory committee to look at this. We have a wealth of knowledge and a solid project focus track record across many critical aspects of the project, including: the design and delivery of major arts and cultural projects; government relationships; subject matter expertise across museums, collections, science and the arts; major project planning and delivery; operations and management of museums; and philanthropic and sponsor relations. They provide their knowledge and guidance directly to the project committee. The members of that include the following: Dr J. Patrick Greene, previously the chief executive officer of Museum Victoria; Professor Graham Durant, the Director of Questacon; Mr Mark Carnegie, well-known as an arts philanthropist; and I think you have been advised previously of Doug Hall's role². He has a continuing role.

The Hon. WALT SECORD: Point of order—

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

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

The CHAIR: Order! The Minister may continue.

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

There are many problems with this assertion.

- In the Business Case documents we have not found evidence of any influence that the panel has had. It is only mentioned twice in the Business Case papers released June 2018 – in the Engagement Register listing the two meetings mentioned below.

² Doug Hall was previously mentioned in evidence to the Inquiry on June 6, and is noted as 'Independent Advisor' in a subsequent response to questions on notice. He is not mentioned in the submissions to the Inquiry and only otherwise, as far as we can see, appears once in the released records as below. In the uncorrected version of the transcript he was listed here as *Director of the Art Gallery and GOMA, Queensland*. On 20/06/2017 he took part in a workshop at Arts & Culture NSW, Level 5, 323 Castlereagh Street, Sydney Workshop, with Craig Limkin (CIPMO), Mark Curzon (FKM Architects), Stephanie Brancatisano (FKM Architects), Raymond Berger (River Levett Bucknall), Anna Cuthbertson (Johnstaff) and Nicholas Lawler (Johnstaff) discussing an 'Area Schedule', no further details available, and this is the only mention of his name found in the *MAAS Stakeholder Engagement Register*, (entry for 20/06/2017). Mr Hall was director of the Queensland Art Gallery and Gallery of Modern Art 1987-2007.

- The group was not formed until over 2½ years had elapsed since the project was inaugurated and there is no trace of such process before this time³.
- The group first met on 7 September 2017 at The Mint, Macquarie Street, attended by Peter Root, Penny Hutchinson and Graham Durant with a group of senior people from MAAS and CIPMO.
- A second and final meeting, on 25 September 2017 at Parramatta Council buildings, had the same attendance plus Patrick Greene. Doug Hall attended neither meeting. Our information is that these were largely ‘briefing’ meetings but in any case,
 - Even if devoted entirely to review processes, these are manifestly inadequate for such a huge project
 - there is absolutely no evidence that there has been any consideration of alternatives to the ‘move’ project and
 - throughout the released Business Case there is no mention of any modifications to, or even comments about the plan emanating from the Peer Review Group.
- Edmund Capon and Mark Carnegie have never attended meetings of the group and do not appear in the involvement register⁴. They are reported as saying respectively that they would not attend and did not know anything about it⁵.
- Graham Durant told us in a phone conversation on 17 September 2018 that he had given some advice to various people on the establishment of Questacon facilities for a few hours in November 2017 but had no further interaction with MAAS.
- Edmund Capon, Mark Carnegie and Patrick Greene are not mentioned in any other context in any released documents we can find.
- In the such circumstances as these, peer assessment involves the examination of the relevant material by outside experts. In this case, Root Partnerships has been paid considerable amounts for professional involvement in the project and thus Mr Root should not take part in peer review, nor should Penny Hutchinson, then a director of Root Partnerships⁶.

Thus, the total legitimate involvement of this group is attendance of one person (Professor Durant) at two meetings and one person (Dr Greene) at one meeting.

There is no possibility that any legitimate assessment could be done in this short time.

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

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

³ On 6 June 2017 Mr Limkin stated ‘The Department of Planning and Environment are currently establishing the peer review process to ensure that we do get the best outcome for the people of New South Wales (Inquiry evidence, page 19). This means that there was no review process before this time.

⁴ MAAS Project Communications and Engagement Strategy for the New Museum in Western Sydney (attachment O of the Business Case released 12 June 2018).

⁵ Phone call from Mr Trevor Kennedy, 11 March 2018.

⁶ <https://rootpartnerships.com.au/people/>, retrieved in July 2018. She does not appear in the current listing.

No such rebuttal evidence has been received.

Expert involvement since the Government's response to the Inquiry

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

Ms Havilah told me that this need is met by a process called 'Deep Dives' conducted by Infrastructure NSW. Internet searches describe the process but we cannot find any examples of the process in action as regards the Powerhouse. So on 11 December 2019 we emailed the Executive Officer of MAAS, (who had been a designated contact person for the project), and also Ms Havilah, INSW, the Arts Minister Mr Harwin and INSW asking for more information:

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

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

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

No relevant reply has been received. We have information that no such independent evaluations have taken place, but this came from a confidential source. We ask that any refutation of this assertion be made public, in full detail.

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

We have repeatedly sought from all possible sources the release of the above-listed *Consultants and Peer Review Schedule*, Attachment EE. Nothing of this sort was included in the Business Case documents released on 12 June 2018 even though it is listed on the index sheet. We have on many occasions sought information about this from all relevant agencies, with no response.

It is relevant to note that among the current MAAS trustees⁷, among the various bureaucratic organisations that have worked on the several Business Cases, and among the jury for the proposed Parramatta museum design⁸ there are no people with significant museum qualifications and / or

⁷ See <https://maas.museum/about/trustees/>

⁸ <https://competitions.malcolmreading.com/maasparramatta/jury>

experience. These facts give further support to support a contention that it has been deliberate policy to ignore input from people with appropriate qualifications and / or experience.

Mailing list for this letter:

The Hon. Robert BORSAK, MLC

Mr David SHOEBRIDGE, MLC

The Hon. (Ben) Benjamin Cameron FRANKLIN, MLC

The Hon. Rose JACKSON, MLC

The Hon. Trevor John KHAN, B Juris LLB LLM (UNSW) MLC

The Hon. Taylor Mitchell MARTIN, MLC

The Hon. (Walt) Walter SECORD, MLC

Copies have not been sent to any other Government instrumentalities because I am not sure who is the most appropriate.



The Hon Ray Williams MP
Parliamentary Secretary to the Premier and Western Sydney

Ref: A3402765

Mr Tom Lockley
tomlockley@gmail.com

Dear Mr Lockley

Thank you for your correspondence of 11 December 2019 regarding peer review processes related to the move of the Powerhouse Museum. I am replying on behalf of the Premier and have noted your comments.

As the matter you have raised falls under the primary responsibility of The Hon Don Harwin MLC, Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, it is appropriate that the Minister considers your correspondence and I have forwarded it accordingly.

If you have any further enquiries about this matter, please contact the Minister's Office on (02) 8574 7200.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

A handwritten signature in blue ink that reads 'Ray Williams'.

Ray Williams MP
Parliamentary Secretary to the Premier and Western Sydney

CC: The Hon Don Harwin MLC, Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Mr Tom Lockley
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PYRMONT NSW 2009
tomlockley@gmail.com

Dear Mr Lockley

Thank you for your correspondence of 3 March 2021 to Mr Tim Reardon, Secretary, Department of Premier and Cabinet, regarding the Powerhouse Museum. As the matter falls under the Arts portfolio, it has been referred to the Hon Don Harwin MLC. The Minister has asked me to respond on his behalf.

As you are aware, the NSW Government announced on 4 July 2020 that the Powerhouse Museum will remain open at Ultimo, in addition to establishing Powerhouse Parramatta. The museum will form one of four sites operated by the Museum of Applied Arts and Sciences, along with the Sydney Observatory, the Museums Discovery Centre, and the planned Powerhouse Parramatta.

The government has always intended to maintain cultural spaces at the Ultimo site. Plans for the site will support jobs in the cultural and creative sector, which has been heavily impacted by COVID-19.

The Powerhouse Parramatta Project is classified under the Infrastructure Investor Assurance Framework as a 'Tier 1' project and as such, is subject to regular independent review and monitoring.

The Powerhouse Parramatta project has been led by expert advice and engagement from the Powerhouse Trust, Create Infrastructure and Infrastructure NSW. The project has also benefited throughout its development from the expert guidance of the staff of the Powerhouse Museum. Given the complexity of this project, its risks and community feedback, it has also been important to obtain strategic advice and specialist advice.

The decision to retain and renew Powerhouse Ultimo, in addition to establishing the new flagship Powerhouse Parramatta, will allow us to provide two world-class museums for the communities of NSW.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely



Annette Pitman
Head of Create Infrastructure

29 March 2021