

CHAPTER 2

Discussion and committee view

The proposed security upgrade works

2.1 On 26 March 2015, the House of Representatives and the Senate approved the proposal for perimeter security enhancements as part of the Parliament House security upgrade works.¹ A copy of the proposal agreed to by both Houses of Parliament is at Appendix 3.

2.2 To summarise, the proposed perimeter security enhancements include:

- A steel security perimeter fence at the southern façade of the Ministerial wing. The fence will be approximately 2.6 meters high and have retractable gates and will be positioned in the location originally proposed in the early designs for Parliament House. Three existing closed circuit television (CCTV) cameras on the outside of the Ministerial wing will be relocated and further supported with an additional seven external cameras.
- A gatehouse outside the entrance to the Ministerial wing. The proposed gatehouse will provide an external point of egress to the Ministerial wing courtyard and have the advanced security-screening and lock-down capabilities and traffic flow management prior to entering Parliament House. The gatehouse will be made from pre-cast concrete with stainless steel and aluminium window framing.
- Eight vehicle bollards at the base of the Ministerial entrance stairs.
- The replacement of existing glazing at the Ministerial ground floor entrance with ballistic proof material.²

2.3 In its submission, the Department of Parliamentary Services (DPS) states that the perimeter security enhancements form part of an initial package of work, known as

1 *Votes and Proceedings*, No. 111 – 26 March 2015, p. 1243; and *Journals of the Senate*, No. 90 – 26 March 2015, p. 2462. Section 5 of *The Parliament Act 1974* requires 'no building or other work is to be erected on land within the Parliamentary zone unless the Minister has caused a proposal for the erection of the building or work to be laid before each House of the Parliament and the proposal has been approved by resolution of each House of Parliament'.

2 Parliament House Security Upgrade Works – Perimeter Security Enhancements, pp 2-3 (Perimeter Security Enhancements Proposal). Presented to the House of Representatives on 23 March 2015 and to the Senate on 24 March 2015, available at: http://parlinfo.aph.gov.au/parlInfo/download/publications/tables/papers/50896361-9725-425e-8d6e-5be273789fd7/upload_pdf/Parliament%20Act%201974%20C3%A2%2080%20C2%94Parliamentary%20Zone%20C3%A2%2080%20C2%94Proposals,%20together%20with%20supporting%20documentation,%20for%20Parliament%20House%20security%20upgrade%20works%20-%20Perimeter%20security%20enhancements.pdf;fileType=application%2Fpdf (accessed 4 May 2015).

'Group One', which includes the 'secure hardening of several entry points and identified areas of potential vulnerability'.³

2.4 The estimated total value of all Group One activities is \$19.5 million (including GST) which includes all materials and goods required to deliver the enhanced security services.⁴

2.5 In addition to the Group One works there are two further groups of work proposed:

Group Two – Major enhancements to security infrastructure, including the access control and CCTV systems, and external glass facade.

Group Three – Further building infrastructure upgrades – subject to additional funding approvals.⁵

Background to the security upgrade works

2.6 In September 2014, in response to the heightened security threat environment in Australia, the Presiding Officers agreed that a review of the security arrangements at Parliament House would be undertaken.⁶

2.7 A multi-agency taskforce, the Parliament House Security Taskforce (Taskforce), was established to undertake the security review. The Taskforce is chaired by the Speaker of the House of Representatives. The other members of the Taskforce are the President of the Senate and representatives from:

- Department of the Prime Minister & Cabinet (PM&C);
- Attorney-General's Department (AGD);
- Department of Finance (Finance);
- Australian Security Intelligence Organisation (ASIO);
- Australian Federal Police (AFP); and
- DPS.⁷

2.8 AGD and AFP, assisted by DPS security, carried out an 'Interim Review of Security at Australian Parliament House' (Interim Review) on 9 September 2014. The Interim Review made numerous recommendations, including that a 'Targeted Security Review' should be carried out. AGD commissioned Aecom to undertake the Targeted Security Review in mid-September 2014. At the same time an external security

3 *Submission 6*, p. 6.

4 *Submission 6*, p. 8.

5 *Submission 6*, p. 6.

6 Department of Parliamentary Services (DPS), *Submission 6*, p. 1; Perimeter Security Enhancements Proposal, p. 1.

7 DPS, *Submission 6*, p. 1; Perimeter Security Enhancements Proposal, p. 1.

agency undertook penetration testing of the security measures in place at Parliament House.⁸

2.9 In its submission DPS divided the recommendations from these reviews into four categories:

- process and efficiency reviews;
- training and recruitment;
- minor capital works; and
- major capital works.⁹

2.10 Recommendations from the reviews were endorsed by the Taskforce which instructed that the recommendations be translated into the Australian Parliament House Security Upgrade Implementation Plan (APH-SUIP):

The Taskforce developed the [APH-SUIP] which recommended a series of improvements or enhancements to the security arrangements at [Australian Parliament House (APH)], and assigned specific tasks to individual agencies to complete. DPS, of which the Presiding Officers have oversight, has been assigned primary responsibility for the security hardening of APH, including entry points, the building fabric and security infrastructure.¹⁰

2.11 The proposed perimeter security enhancements are being undertaken in conjunction with other security measures. The information tabled in both the House of Representatives and the Senate, the Parliament House Security Upgrade Works – Perimeter Security Enhancements Proposal (Perimeter Security Enhancements Proposal) states:

Part of the early works of the Taskforce was to recommend immediate security enhancement measures at APH which included an increased AFP presence, both internally and externally around the building, increased static guarding and patrols in the private areas and tighter access pass requirements for visitor and guests. These recommendations have been implemented progressively since November 2014.¹¹

2.12 The DPS submission also refers to a component of the planned permanent improvements to security arrangements being the capital works across building entry points:

These works will provide more segregation of visitors, reduced crowding and minimise the risk of entry without full screening. These works are planned to include additional new private screening rooms and improved layouts and controls within the screening areas. They will provide defence

8 DPS, *Submission 6*, p. 1.

9 *Submission 6*, p. 1.

10 Perimeter Security Enhancements Proposal, p. 2.

11 Perimeter Security Enhancements Proposal, pp 1-2. See also Mr Neil Skill, First Assistant Secretary, Building and Asset Management Division, DPS, *Committee Hansard*, 14 May 2015.

in depth through the provision of additional layers of security infrastructure.¹²

2.13 DPS' submission also refers to 'technical security capability enhancements':

The electronic access control system is to be upgraded or replaced, perimeter detection capabilities are to be enhanced and analogue CCTV cameras are to be replaced with digital high definition cameras with thermal and supporting analytical capability. Such capability allows for automatic notification to the security personnel of unattended bags or items in the public areas and the intelligent monitoring of virtual perimeters with automatic alarms to alert security of access to external or private areas.¹³

Implementation of the security upgrade works

2.14 At the public hearing Mr Neil Skill, First Assistant Secretary, Building and Asset Management Division, DPS, noted:

It is widely acknowledged that a multifaceted project of this size and scale has not been undertaken at Parliament House since the building was originally constructed in the 1980s. DPS also acknowledges that concerns have been raised, predominantly through this committee, that DPS is perceived to have a poor record in delivering building construction and security projects, and although significant steps have been taken to improve this capability the change process is still ongoing.¹⁴

2.15 DPS provided a detailed submission outlining the processes in place to carry out the security upgrade works.

Project management

2.16 In terms of DPS' capacity to undertake the security upgrade works, the submission stated:

DPS recognised that the extent of the works required under the program was not able to be met using the existing DPS Project team staffing levels. To address the urgent nature of the work required and the sensitivities associated with the physical security fabric of the building, a separate branch and Assistant Secretary was established as a non-ongoing reportable entity within the DPS Executive structure. This branch has been resourced with skills and experience commensurate with the program of works including external consultants and seconded [Department of Finance] officers.¹⁵

2.17 The DPS submission discussed the risk management of the proposed works:

An initial risk assessment against the proposed program was included in the [APH-SUIP]. As part of this assessment it was agreed by the Presiding

12 *Submission 6*, p. 3.

13 *Submission 6*, p. 4.

14 *Committee Hansard*, 14 May 2015, p. 1.

15 *Submission 6*, p. 5.

Officers that program residual risks would be mitigated from high to at least medium rating. This is an important distinction when considering the schedule, scope and cost of the works proposed.

A Program Management Plan (PMP) highlights the risk and constraints that are continually managed and identified in relation to the proposed works.¹⁶

2.18 An independent assurer has reviewed the PMP and associated documents:

The DPS Internal Audit Committee has also approved a review using KPMG to provide assurance over the DPS program. Detailed risk management plans are developed for all planned or implemented works with ongoing independent assurance to the DPS Audit and Risk Committees.¹⁷

2.19 DPS' submission also refers to the engagement of Manteena Security Australia (Manteena) to provide pre-construction and construction management services across the Group One activities:

The evaluation undertaken prior to engaging Manteena considered their understanding of the requirements, scope and capability to deliver the work in the required timeframes as part of the value for money justification. Additionally, Manteena had previously delivered high quality construction management services to Parliament House and was also recommended by the [architects].¹⁸

2.20 The estimated cost for the provision of the construction management services by Manteena is \$1.374 million (inc GST).¹⁹

Reporting and oversight

2.21 DPS' submission outlines the reporting framework which is in place for the security upgrade works:

AGD coordinates reporting for the Taskforce of all actions out of the [APH-SUIP]. DPS was assigned primary responsibility by the Presiding Officers for undertaking all technical, capital and associated Parliamentary Security Service personnel changes stemming from the recommendations.

DPS is reporting on progress to the [Taskforce]. The Taskforce meets regularly during sitting periods to consider matters, monitor progress and to resolve any outstanding issues stemming from assigned activities.²⁰

2.22 At the public hearing, Mr Skill provided some more information about the reporting framework:

16 *Submission 6*, p. 5.

17 *Submission 6*, p. 7.

18 *Submission 6*, p. 8.

19 *Submission 6*, p. 8.

20 *Submission 6*, p. 6.

To support DPS, robust governance, reporting and accountability frameworks were established, including the [Taskforce]; a cross-agency security working group that provides strategic direction as it relates to the Security Upgrade Implementation Plan, endorses recommendations and undertakes security risk analysis and assessments; and a senior officials forum, which includes Senior Executive Service officers from several agencies who provide advice on security matters related to Parliament House more broadly...

The [Taskforce] is chaired by the Speaker of the House. Mr President is a member of the task force along with the other bodies...The task force is an advisory body through which any design changes or proposed amendments or updates to the implementation plan are endorsed, prior to being agreed by the Presiding Officers. The senior officials meeting is a subset of the task force. It is basically everybody apart from the Presiding Officers...

[The senior officials meeting is] where matters of difference can be aired so that we can come to a consensus view. Supporting the senior officials and the task force is a security working group, which is where you have various security practitioners talking about the rating of the glass and the engineering solutions and various options for treating the vulnerabilities that were identified by the review. Below that, you have a project control group which is within DPS. That is the internal mechanism where we make sure that all of the designs that we are thinking about putting in place would work—for example, the art services people would be able to get their trolleys through the doors. It is as practical as that. That also talks through the heritage implications and we work through how we can come to an agreed position with regard to the balance of security versus heritage.²¹

2.23 DPS' submission further explained the Project Control Group (PCG), which consists of DPS Senior Executive representatives with direct oversight of the works:

The representation on the PCG includes DPS Heritage, Building Maintenance, Art Services, Parliamentary Experience, Contracts, Finance, and ICT. This meeting considers proposed design from all of these perspectives, provides schematic and design suggestions and monitors the schedule, budget and progress of the capital works across the multiple streams of activities.²²

2.24 In answer to a question on notice, DPS provided the committee with a diagram of the Governance Framework for the security upgrade works (see Figure 1).²³

21 *Committee Hansard*, 14 May 2015, pp 2 and 5.

22 *Submission 6*, p. 7.

23 Answer to question on notice, received 5 June 2014, p. 6.

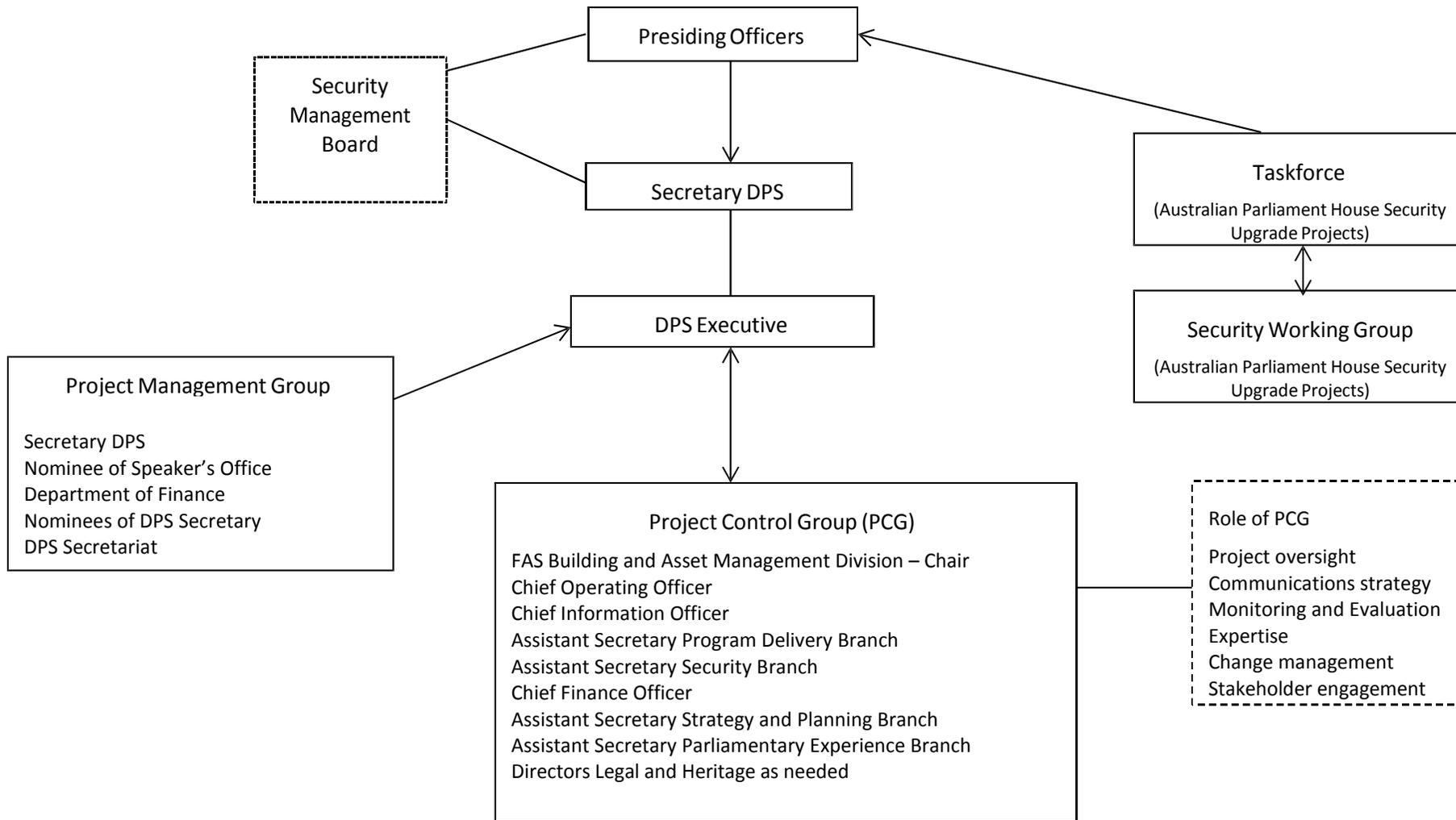


Figure 1: Revised Governance Framework, dated 13 January 2015

2.25 The DPS submission also referred to the oversight mechanisms in place for the works:

This procurement is being reviewed by KPMG as part of a DPS internal audit of the project management and delivery. Project cost estimates have been reviewed by Quantity Surveyors, and actual costs for construction activities are benchmarked against market rates for services and materials.²⁴

2.26 At the public hearing, Mr Skill reiterated the mechanisms for oversight:

Further scrutiny of DPS's ongoing management of this work is being undertaken by an independent auditor, through project in-flight audit reviews; a management advisory firm, through review and assurance of compliance with governance documentation; and of course this committee, through this inquiry. DPS is confident these measures provide an appropriate level of assurance to the committee that it has considered your concerns raised previously in relation to project management and that there are sufficient checks and balances in place, both within DPS and from external parties, to ensure the security recommendations are implemented successfully.²⁵

2.27 Mr Skill noted that the 'in-flight' audits would be 'point in time' audits:

I do not propose to engage somebody to sit there and oversight everything. Given the level of expertise that we have in place and the fact that the vast majority of the i's and t's are put in place at the beginning of the project, I just wanted to get assurance that what we had put in place was best practice and was appropriate and considered appropriate by an external agency.²⁶

Role of the Security Management Board

2.28 DPS' submission referred to the role of the Security Management Board (SMB) in the process:

The [SMB] continues to meet and DPS provides advice on the progress of these works to the SMB.²⁷

2.29 At the Budget Estimates hearing, the President of the Senate sought to explain the reason the Taskforce was established and why the SMB did not have responsibility for the security upgrade works:

The task force has simply been established—and it will eventually fold—to examine the hardening of security works—the capital works in relation to

24 *Submission 6*, p. 8.

25 *Committee Hansard*, 14 May 2015, p. 2.

26 *Committee Hansard*, 14 May 2015, pp 8-9.

27 *Submission 6*, p. 6. The Security Management Board is established under section 65A of the *Parliamentary Service Act 1999* and its function is to provide advice as required to the Presiding Officers on security policy, and the management or operation of security measures, for Parliament House. The SMB consists of the Secretary of DPS (as the chair), the Usher of the Black Rod, the Serjeant-at-Arms and the Commissioner or a Deputy Commissioner of the Australian Federal Police.

security in the parliamentary precinct. It comprises a number of agencies who have expertise and an interest in the security space. It is co-chaired by the Speaker and me, although the Speaker is the chair; I suppose I would be the deputy chair if that were a necessity. It meets regularly, simply to discuss the physical aspects of capital works programs, some of which have become evident as they have been rolled out.

The Security Management Board is an ongoing statutory board that covers the general security environment, not restricted and not necessarily pertaining to the capital works, in fact. The Security Management Board could provide advice to the Presiding Officers saying, 'We believe this is an area that needs hardening or strengthening,' and that would then be taken on board.²⁸

Budget

2.30 At the public hearing the committee was told that the \$19.5 million allocated for the Group One works is part of a larger envelope of \$108.4 million which was allocated in the additional estimates process for the entirety of the Group One and Two projects.²⁹

2.31 At the Budget Estimates hearing for DPS, the committee was informed that the \$108.4 million was allocated pursuant to a new policy proposal prepared for a single year and put forward by the Presiding Officers.³⁰ Mr Skill informed the committee that as at 30 April 2015 approximately \$1.7 million had been expended, with an expectation that a further \$2 million would be expended before the end of the financial year.³¹

2.32 The project time line has all works in Group One and Two completed by December 2016. Mr Skill indicated that DPS is in discussions with the Department of Finance as to how the money which has been allocated for this financial year, but remains unspent, can be rolled over.³²

Design Integrity

2.33 DPS' submission acknowledges '[in] some instances after significant security events, DPS has been required to initiate increased physical security measures that have directly impacted on the design and appearance of Parliament House'. DPS cite as an example the installation of bollards across footpaths and at the main doors of Parliament House, following a 'vehicle incursion across the public forecourt in 2002'.³³

28 *Estimates Hansard*, 25 May 2015, p. 19.

29 See Mr Neil Skill, First Assistant Secretary, Building and Asset Management Division, DPS, *Committee Hansard*, 14 May 2015, pp 4-5.

30 See *Estimates Hansard*, 25 May 2015, pp 77-78.

31 *Estimates Hansard*, 25 May 2015, p. 78.

32 *Committee Hansard*, 14 May 2015, p. 5.

33 *Submission 6*, p. 9.

2.34 DPS state it has engaged Mr Harold (Hal) Guida of Guida Moseley Brown (GMB) as a consultant architect to prepare architectural documentation for all packages of design work associated with the Group One security upgrades:

Mr Guida, was a member of the original design team for Parliament House and has first-hand knowledge of its design intent, architectural language and construction.

DPS has consulted with GMB to ensure the scope of all functional design briefs and architectural plans, services and finishes conform wherever possible to the design principles for the building and the Parliamentary precincts, in order to maintain the integrity of the design to the greatest extent.³⁴

2.35 DPS notes that, as with all construction projects which affect the exterior of Parliament House, it has engaged with the National Capital Authority (NCA) for the necessary works approval (this is discussed further below).³⁵

Heritage impact

2.36 GMB has engaged GML Heritage to prepare Heritage Impact Assessments (HIA) for the Group One activities. However, DPS' submission states:

DPS...retains accountability and obligations for the conservation, preservation, presentation and interpretation of the heritage values of Parliament House. DPS has an internal Heritage team with relevant expertise that assesses proposals and provides advice about changes to the building, its contents and surrounds. The internal DPS heritage team also consults with the NCA, and the moral rights holder about proposed changes within the Parliamentary Precincts.³⁶

2.37 DPS refers to the fact that there are currently no statutory requirements or guidelines for the assessment of heritage impacts on Parliament House:

DPS and GML draw on heritage best practice contained in *The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance, 2013* as the accepted approach to the conservation and management of heritage values.³⁷

2.38 DPS notes that it is currently in the process of developing a Conservation Management Plan and in the meantime:

[The] internal DPS heritage team refers to three key sources of information in the determination of heritage impacts. The Australian Heritage Database, Parliament House and Surrounds..., National Heritage List (NHL) assessment by the Australian Heritage Council (2005) that identifies heritage significance and particular heritage values, along with Pamille

34 *Submission 6*, p. 9.

35 *Submission 6*, p. 10.

36 *Submission 6*, p. 11.

37 *Submission 6*, p. 11.

Berg – the Architects Design Intent for Parliament House; Canberra, Central Reference Document (CRD) August 2004 and the JPW – Parliament House Design Principles, Second Draft, October 2014.³⁸

2.39 In terms of the HIA for the external works, GML have rated these:

- the proposal for the Ministerial wing fence – moderate impact;³⁹
- the proposal for the guardhouses – moderate impact;
- proposed bollards at the base of the Ministerial wing stairs would have minor impact on heritage values.⁴⁰

Moral rights consultation

2.40 Under the *Copyright Act 1968*, DPS has obligations to consult the moral rights holder, Mr Romaldo Giurgola AO, about the proposed works. DPS confirmed in its submission that it consulted Mr Giurgola in December 2014:

A response was received in January 2015 containing recommended actions to record design and heritage impacts. These actions have been and continue to be undertaken in the form of Heritage Impact Assessments.⁴¹

2.41 At the public hearing, Mr Skill indicated that the response received was from Ms Pamille Berg, who is one of Mr Giurgola's nominees with regards to moral rights.⁴²

2.42 DPS provided the committee with a copy of the letter to Mr Giurgola, the Notice to Author of Artistic Work and Ms Berg's response.

2.43 Ms Berg's response notes that the 'unspecified nature of changes to the building' may have significant implications for the building's design integrity 'depending on how they are addressed'.⁴³ Ms Berg emphasised the need for a monitoring and assessment process with respect to the works:

38 *Submission 6*, p. 11. The secretariat believes that 'JPW' refers to 'Johnson Pilton Walker' an architectural firm. Previous material provided by DPS to the committee stated that one of the firm's principals, Richard Johnson AO, has been engaged to develop the Design Principles for Parliament House.

39 An initial proposal for the fence included it extending across the grass ramps at the base of Parliament House. This option was assessed through an HIA as having a 'significant' impact, *Submission 6*, p. 12.

40 *Submission 6*, p. 13. The DPS submission does not mention the impact of the replacement of the glazing on the ground floor of the Ministerial wing entrance.

41 *Submission 6*, p. 14.

42 *Committee Hansard*, 14 May 2015, p. 2.

43 Answer to question on notice, received 5 June 2015, p. 3. The committee understands that the letter to Mr Giurgola, dated 15 December 2014, did not include specifics of the Group One works. However the letter did state that GMB had developed a series of schematic and 3D images that were being considered and that these could be made available and that Mr Guida had offered to discuss any concerns with Mr Giurgola.

It is important for DPS to have a clear, documented framework of reference with respect to this project's maintenance of the building's design integrity, so that the design solutions proposed and subsequently detailed for the requested changes can be assessed and monitored against that framework. We would no doubt all agree that **this monitoring and assessment process cannot be suspended or omitted** simply because of the understandable urgency of the project's implementation.⁴⁴

2.44 Ms Berg suggested that DPS should source the design intent framework by requesting Mr Guida and GMB Architects to prepare two written 'Maintenance of Design Intent Reports' as an essential part of each package of their commissioned scope of work:

The focus of each Report would be the setting out by GMB of the essential design principles for the building which may be impacted or must be considered in each of the areas where change is required by security concerns, followed by demonstrating or assessing the ways in which the design solutions or options proposed are consistent with those design principles...

These Reports would then allow a clearer process of assessment and approvals of GMB's proposals by DPS, and would also provide an important written basis for the periodic briefings to the Presiding Officers and other key Client stakeholders about the implications of the changes which are being requested and required.

The Reports would also provide permanent documentation for DPS's files of the degree of rigor with which this matter will have been approached in all stages of the project.⁴⁵

2.45 Mr Skill outlined DPS' actions in responding to Ms Berg's comments:

[DPS] did get a response from Ms Berg on 12 January [2015] acknowledging the advice and recommending that we undertake some impact assessments, maintenance of design integrity reports, for each of the proposed components so that we can be sure what we had before and where we go to, and so that they have a full record of the changes that have been made and we have fully tracked what has been done.⁴⁶

2.46 DPS' submission stated that it 'has also commissioned comprehensive archive quality photography of all areas being worked upon'.⁴⁷

2.47 Mr Skill informed the committee that although the required moral rights notification had been undertaken, DPS had not engaged in subsequent 'nice to have' consultations with Ms Berg in relation to the Group One works because of the

44 Answer to question on notice, received 5 June 2015, p. 3. Emphasis in original.

45 Answer to question on notice, received 5 June 2015, pp 3-4.

46 *Committee Hansard*, 14 May 2015, p. 2. The heritage impact assessments which resulted from Ms Berg's response are discussed above at paragraphs 2.36 to 2.39.

47 *Submission 6*, p. 14. See also, Mr Neil Skill, First Assistant Secretary, Building and Asset Management Division, DPS, *Committee Hansard*, 14 May 2015, p. 3.

timeframe for the works.⁴⁸ Mr Skill explained what he meant by 'nice to have' consultations:

Those are part of the ongoing discussions that I have been endeavouring to have, as have my branch that works in my division that has carriage of the heritage matters. It is useful and sensible to have an ongoing conversation with all of the stakeholders that have a passionate view about how Parliament House should evolve over the next 200 years. Again, unfortunately, we have not had an opportunity in the past few months to sit down and have further consultations with Ms Berg directly.⁴⁹

2.48 Mr Skill noted that nothing had been received from Ms Berg since March 2015 when she was provided with the full package that was approved by the parliament.⁵⁰

2.49 DPS' submission also noted:

The involvement of Mr Guida in the design of the proposed works provides a sensible conduit to ensure any designs already consider the requirements of the moral rights nominees.⁵¹

2.50 The committee sought clarification on Mr Guida's role in terms of whether he was acting as Mr Giurgola's nominee as a moral rights holder, as well as a being contracted to perform the design work by DPS. Mr Skill stated:

I think it has been clarified by the fact that Ms Berg is the primary contact [in relation to the moral rights consultation]. Mr Guida's firm, GMB, was engaged prior to [DPS] sending the notification to Mr Giurgola and receiving advice that at that time Mr Guida and Ms Berg were going to share [the moral rights nomination] jointly...

[That position in relation to moral rights] has been evolving. I have been heartened by the fact that the legalities around it have come to the point where it appears Ms Berg is the authorised representative. Notwithstanding that, Mr Guida and his firm are clear in that they are to have appropriate controls within their firm—they have to manage the conflict of interest internally, if indeed there is one. The reason we engaged GMB initially was because of Mr Guida's understanding of the building and his relationship and understanding of Mr Giurgola's intent when the building was constructed.⁵²

2.51 Mr Skill went on to state that Mr Guida's understanding of the building and his relationship and understanding of Mr Giurgola's intent at the time of construction make him the right person to have designing the security works:

48 *Committee Hansard*, 14 May 2015, p. 3.

49 *Committee Hansard*, 14 May 2015, p. 4.

50 *Committee Hansard*, 14 May 2015, p. 11.

51 *Submission 6*, p. 14.

52 *Committee Hansard*, 14 May 2015, p. 11.

[B]ecause [Mr Guida] is able to bring forth solutions to the security recommendations that, in their first iteration, are close to the design principles that were originally articulated. Had we gone to an architecture firm that had no understanding or background or experience in the Parliament House environment, whilst they would have come up with eminently suitable and highly secure options for treating the risks that were identified, it would have taken potentially months to work through with the design principles and the intent of the precinct. We have short-circuited that to a degree by engaging GMB in the first instance for the point 1 works because of their urgency and because we needed to get things done very, very quickly.⁵³

2.52 DPS has also written to Mr Peter Rolland, the landscape moral rights holder regarding the external works being undertaken near the Ministerial wing.⁵⁴

2.53 At the public hearing, Mr Skill provided the committee with the following feedback which had been received from Mr Rolland:

...I am too aware of the security required around the world to all of our citizens, service personnel and public servants. The design which GMB has proposed is as sensitive and in keeping with the feeling of openness and visual accessibility as one can hope for in this day and age.

Your care for the Parliament House has been exceptional, the building and landscape were intended to be one, thus the landscape will hopefully provide a barrier against terrorism.⁵⁵

Impact on building occupants and visitors

2.54 DPS highlighted how it is minimising the impact on building occupants and visitors:

As a component of the design approach, spatial analysis has been conducted to highlight foot traffic paths throughout the public/private interfaces of the building in the context of providing the enhanced security and maximising efficient access, whilst minimising entry delays and impact on visitor and occupant movement.

As the various construction activities progress, DPS is actively limiting the impact on Senators, Members and occupants by scheduling works around non-sitting periods where availability of contractors and materials permits. DPS is ensuring that activities do no impact Senators and Members access to conduct business within Parliament House.⁵⁶

2.55 DPS also indicated that it has communications planning in place to 'release as much information as quickly as possible about changes occurring within the building'.

53 *Committee Hansard*, 14 May 2015, p. 11.

54 *Submission 6*, p. 14.

55 *Committee Hansard*, 14 May 2015, p. 3.

56 *Submission 6*, p. 15.

A range of communications channels will be used including information circulars, letters, parliamentary intranets, DPS spokespersons and briefings.⁵⁷

Works approval by the National Capital Authority

2.56 The proposal for the upgrade of security works which was approved by both Houses notes that Works Approval was required, and granted, by the NCA. In its submission, the NCA explained its role:

The character of nationally significant areas within the National Capital is the responsibility of the NCA and it is required to consider applications for Works Approval in Designated Areas (as specified in the National Capital Plan) and in accordance with the *Australian Capital Territory (Planning and Land Management) Act 1988*. Designated Areas are those areas of land that have the special characteristics of the National Capital. Parliament House is within the Designated Area of Canberra.⁵⁸

2.57 In assessing a Works Approval application, the NCA notes that it considers:

- a. the provisions of the National Capital Plan
- b. the design quality of the proposal
- c. environmental heritage and visual impact of the proposal (where applicable).⁵⁹

2.58 The NCA stated it was 'satisfied that the works are of a design and material quality that is applicable to the nation's parliament.'⁶⁰ In coming to this conclusion the NCA noted a number of factors:

- The proposed works will not alter the land use policy, namely 'Parliamentary Use and Road' for the site in the National Capital Plan.
- The design and selection of materials for the works have been based on the design principles for Parliament House and the proposed guardhouses use the existing materials palette.
- The proposed works were designed by the original architects and will be sensitively incorporated into the existing building and its landscape setting.⁶¹

2.59 In terms of the Heritage Impact, the NCA stated:

The NCA is satisfied that the proposed works have been designed in such a way as to reduce the impacts on the heritage values of Parliament House. Whilst the new structures will be visible, the Heritage Impact Assessment notes that the potential for visual impacts has been reduced to a reasonable

57 *Submission 6*, p. 15.

58 *Submission 4*, p. 2.

59 *Submission 4*, p. 2.

60 *Submission 4*, p. 3.

61 *Submission 4*, pp 2-3. The NCA indicated that it had met with architects and reviewed the plans in detail.

level by the modest scale of the guardhouses. The siting of the fence is in keeping with the landscaping contours originally designed to accommodate a fence.⁶²

2.60 The NCA also commented on the Moral Rights consultation which had taken place with respect to the proposed works:

Consistent with its [moral rights obligations] DPS, has engaged with the Australian Parliament House moral rights holder, Mr Romaldo Giurgola AO throughout this body of work, including formal notification of the proposed works provided in December 2014.

In further consideration of Mr Giurgola's [moral rights], DPS have consulted with, and engaged as [principal] architect, Mr Harold [Hal] Guida (Guida Moseley Brown Architects) for all the packages of design work related to the security upgrades.

DPS have been advised that Mr Guida and Ms Pamille Berg will represent Mr Giurgola's interests as they relate to his moral rights at Parliament House.⁶³

2.61 The NCA indicated that it was aware that Mr Guida and Ms Berg were 'integral to the design development of Parliament House and have a solid understanding of the design integrity principles of the building'.⁶⁴ Further:

Ms Berg, provided a response to the proposed works in January 2015. The NCA understands that DPS subsequently met with Ms Berg and Mr Guida to resolve the matters raised and agreed a solution for addressing moral rights obligations.⁶⁵

2.62 At the public hearing Mr Skill stated that written works approval had not been received from the NCA, but that it was due at the end of that week, that is 15 May 2015.⁶⁶

Opposition to the works

2.63 The committee received two submissions opposing the proposed upgrade to security works. Opposition in those submissions was primarily directed at the construction of the security fence at the southern end of the Ministerial wing.

2.64 Mr Rodney Moss, a Fellow of Cox Architecture and Adjunct Professor of Architecture at the University of Canberra, argued:

62 *Submission 4*, p. 3.

63 *Submission 4*, p. 4. Mr Guida and Ms Berg were members of the original design team for Parliament House. The NCA indicated that its understanding is that generally moral rights are not reassigned and the legal standing of the arrangement between Mr Giurgola, Mr Guida and Ms Berg is 'unknown' to the NCA.

64 *Submission 4*, p. 4.

65 *Submission 4*, p. 4.

66 *Committee Hansard*, 14 May 2015, p. 12.

The proposal diminishes and compromises the Parliament House as a symbol of Australian democracy...

[Of] course, the security of buildings of national significance is critical. Generally they are protected by a secure perimeter and not by an intervention which compromises the character function or aesthetic of the building...

The current proposal to fence the entrance to the prime ministers wing of the parliament not only diminishes the Parliament House as a symbol of Australian democracy but clearly signals we are compromising our daily life due to the threat of terrorism.⁶⁷

2.65 Mr Moss suggested there should be consultation with Mr Romaldo Giurgola, the original architect of Parliament House, and Mr Hal Guida, who was also part of the original design team:

In the future, an independent position of Architect to the Parliament would provide a means to discuss this and other matters in the context of an appreciation for the philosophy that informed the building design. The architect should be a person of very high professional standing and be selected by the Parliament together with Hal Guida and [member of the original design team] Pamille Berg and in consultation with the Australian Institute of Architecture.⁶⁸

2.66 Mr Patrick Stein, a graduate architect in Canberra, also expressed opposition to the proposed security fence:

The proposed perimeter fence to the Ministerial wing will symbolically disconnect the Parliament from the city. Surely a visually prominent fence – [intended] to act as a deterrent – is a negative image for the Parliament? What [type of] society do we aspire to? A fence divides, it says to be fearful. If we are fearful, that has a material impact on the fabric of our society. Instead the Parliament should say we are resolute in our values – and we are inclusive.⁶⁹

2.67 At the public hearing, Mr Skill confirmed that the original plans for Parliament House included a fence at the ministerial wing:

There was a fence proposed that was on the original—I am not sure of the year, but it was the early 1980s—design for the building. We were not able to track down why that fence did not proceed, but it absolutely was on early iterations and plans of the precinct. That was something that our architects, GMB, took on board as part of putting their options together.⁷⁰

67 *Submission 1*, pp 1-2.

68 *Submission 1*, p. 1.

69 *Submission 5*, p. 1.

70 *Committee Hansard*, 14 May 2015, p. 3. See also Mr Garry Gordon, Assistant Secretary, Strategic Asset Planning and Performance Branch, DPS, *Estimates Hansard*, 25 May 2015, pp 90-91.

Submissions from the Clerks

2.68 The committee also received a submission from the Clerk of the House, Mr David Elder and the Acting Clerk of the Senate, Mr Richard Pye.

2.69 The Clerk of the House indicated the purpose of his submission was to provide context, rather than to comment on the detail of the proposed works. The Clerk of the House noted:

Implementing new security measures at Parliament House has its challenges. Such measures, quite rightly, attract considerable scrutiny from members of Parliament, the media and the general community. In a robust democracy such as we have in Australia, there is a need to balance security requirements with the openness and accessibility expected of the parliamentary institutions, and so, inevitably, judgements will be made about whether security measures have achieved the appropriate balance.⁷¹

2.70 The Clerk of the House indicated that new security measures need to be assessed against a number of factors, including such factors as would be considered in assessing security measures for any building:

- are they effective in mitigating the risks that have been identified;
- are they cost effective; and
- are they proportionate to the nature of the security risks identified.⁷²

2.71 Further, in this case, particular factors must be considered due to the iconic nature of Parliament House and the particular functions that the Parliament has to perform. The factors to be considered in this regard include:

- do the measures interfere with the rights and privileges of the Houses and their members;
- what is the impact of any measures on the perception of Parliament House as an iconic symbol of our democratic system;
- what is the impact of any measure on the ability of building occupants and visitors to freely access the building and any proceedings of the Houses or their committees; and
- are the measures in accordance with the design values and heritage quality of Parliament House.⁷³

2.72 In concluding, the Clerk of the House referred to the report by the Speaker, as chair of the House Standing Committee on Appropriations and Administration, on consideration of the perimeter security measures:

[The] Speaker referred to the importance the Appropriations and Administration Committee placed on balancing security with access to Parliament House (rightly known as the people's house). The

71 *Submission 2*, pp 1-2.

72 *Submission 2*, pp 2-3.

73 *Submission 2*, p. 3.

Appropriations and Administration Committee also observed the importance of preserving the valuable and unique heritage of Parliament House and noted, in this regard, that the Presiding Officers had instructed DPS to ensure the final design solution for the works supports the key reference documents for the design and heritage of the building.⁷⁴

2.73 The House Standing Committee on Appropriations and Administration 'recognised the importance of these works and therefore resolved to recommend to the House that it support [the] motion to agree to the works'.⁷⁵

2.74 The Acting Clerk of the Senate made a submission stating:

The Senate department had no particular comment about the proposed security enhancements, other than to say it would expect to be consulted on aspects that would affect its staff and operations, and the operations of the Senate and its committees more broadly.⁷⁶

Committee view

2.75 At the outset, the committee would like to clarify that it does not see its role as supporting or opposing the proposed security upgrade works. In particular, the parliament has approved the perimeter security enhancements and it is not for this committee to question that approval. However, the committee does have a role in ensuring that proper processes are undertaken in implementing the security upgrade works. In this regard, the committee does have some comments.

2.76 Firstly, the committee recognises that in relation to the proposed Parliament House security upgrade works DPS has taken on board some of the concerns from both this committee and the Australian National Audit Office and tried to address some of the shortcomings which have previously been evident in DPS' project and contract management. The committee finds the governance structure for the works somewhat convoluted, but understands that, ultimately, responsibility lies with the Presiding Officers. The committee appreciates the distinction between the role of the Taskforce and the Security Management Board. The committee intends to monitor the work of the Taskforce, through its current inquiry into DPS and through the estimates process, to ensure that it does not usurp the statutory role of the Security Management Board.

2.77 Secondly, the committee is concerned that the Group One and Two elements of the security upgrade works are to be funded from a budget of \$108.4 million which

74 *Submission 2*, p. 3. Section 5 of the *Parliament Act 1974* requires parliamentary approval for any measures within the precincts that involve external works such as the erection of a building or work. Where such work is proposed, pursuant to House of Representatives Standing Order 222A, the House Standing Committee on Appropriations and Administration must consider such proposals and report to the House as appropriate. The Speaker of the House of Representatives is the chair of the House Standing Committee on Appropriations and Administration, see Clerk of the House, *Submission 2*, p. 2.

75 The Hon Bronwyn Bishop MP, Speaker of the House of Representatives, *House of Representatives Hansard*, 26 March 2015, p. 3552.

76 *Submission 3*, p. 1.

was allocated for a single financial year for projects which have a timeline for completion in December 2016. The committee accepts that this phasing was agreed by the Presiding Officers on advice and understands that the intention is for DPS to work with the Department of Finance to roll over the unspent funds and that the money will remain available for the completion of the works.

2.78 Thirdly, the committee is disappointed that the urgency of the timeframe for the Group One works has prevented the 'nice to have' consultations with Ms Berg on behalf of Mr Giurgola. The committee acknowledges that DPS has undertaken the required moral rights consultation and that DPS has acted on Ms Berg's suggestions in relation to impact assessments. However, given that the external works are not due to start until 9 July 2015, the committee believes that DPS could have involved Ms Berg more in relation to the Group One works.

2.79 In conclusion, the committee notes that DPS has stated that it will provide updates to the committee in relation to the proposed security upgrade works and the committee intends to keep a watching brief on the works as part of its ongoing inquiry into DPS.

Senator Cory Bernardi

Chair