

Chapter 4

Project case studies

Introduction

4.1 In this chapter the committee examines four recent projects undertaken by DPS. The four projects are the:

- House of Representatives Chamber Enhancement project;
- Staff Accommodation project;
- Staff Dining Room project; and
- Car Park Lighting project.

4.2 The committee's discussion of the first two projects focusses on moral rights issues and the remaining two projects raise issues of design integrity and the adequacy of project management.

4.3 The moral rights regime is contained in the *Copyright Act 1968* (Copyright Act) and many individuals who collaborated on the construction of Parliament House, or its contents, hold moral rights, not only the building architect. The following provides an overview of DPS's policies in relation to moral rights.

DPS moral rights and design integrity processes

4.4 The arrangements in relation to moral rights holders were initially established by the Joint House Department (JHD). In March 2003, JHD confirmed in correspondence to the building architect, Mr Romaldo Giurgola, that:

When a project is determined by JHD as potentially having implications under the *Copyright Amendment (Moral Rights) Act 2000*, JHD will provide you with a copy of both the Project Management Plan/Statement of Requirement (as appropriate) and all Final Sketch Plans for your information.

For those projects that have implications under the Act (as determined by JHD), JHD will provide you with written notice as required under Section 195AT (2A) of the Act. This action will be instigated when detailed design documentation is being reviewed. This will enable you to exercise your rights under the Act.¹

4.5 Initially, the DPS *Parliament House Works Manual* provided advice in relation to moral rights consultation processes:

8 When a project is determined by DPS as potentially having implications under the Amending Act, DPS will provide Mr Giurgola with a copy of both the PMP [Project Management Plan]/SOR (as appropriate)

1 Correspondence from Director Works, Joint House Department, to Mr Romaldo Giurgola, dated 24 March 2003.

and all the Final Sketch Plans for his information. During detailed design, DPS will consult in "good faith" with Mr Giurgola.

9 For those projects that have "moral rights" implications (as determined by DPS), DPS will provide Mr Giurgola with written notice as required under Section 195AT(2A) of the Amending Act. This action will be instigated when detailed design documentation is being reviewed. This will enable Mr Giurgola to exercise his rights under the Amending Act. A copy of this notification will be provided to MGT Canberra Architects for their information.

10 Further design may continue during this period, however construction tenders are not to be called until all "moral rights" issues have been satisfactorily resolved.²

4.6 DPS's project management arrangements require the identification of design integrity issues and moral rights considerations. The Business Case development process includes consideration of heritage aspects covering design integrity, constraints and critical decisions.³ Business Cases are considered, and approved by, the Strategy and Finance Committee (SFC).⁴

4.7 DPS Building and Security Projects (BSP) Section use a checklist to 'ensure that significant governance and reporting requirements are met'. DPS noted that this checklist 'includes steps to manage heritage aspects of the work including the engagement with the original building architect during each project when required'. The checklist also requires that, in preparing the Functional Design Brief, the project manager must consult the Heritage Officer and seek Design Integrity input.⁵

4.8 When consultation with the architect (or other moral rights holder) is required, this takes place during the design development stage:

- Design Options Phase—contact with original design agent if moral rights applicable and commence informal consultation (present options); and
- 80% Stage—formalise 'moral rights' notification if applicable, liaise with DPS Design Integrity.⁶

4.9 DPS indicated that the letter to the moral rights holder at the 80 per cent stage includes the statement that:

As part of our obligations under the *Copyright Amendment (Moral Rights) Act 2000* we are informing you of our intention to undertake this work. Under the Act, you may request access to the building in order to make a

2 *Department of Parliamentary Services Works Manual*, paragraphs 8–10.

3 *Senate Hansard*, 16 August 2011, Question on Notice No. 682, p. 4600.

4 Strategy and Finance Committee consists of the Secretary, Deputy Secretary, Parliamentary Librarian, Chief Finance Officer, and Director, Strategy and Communication.

5 *Senate Hansard*, 16 August 2011, Question on Notice No, 682, p. 4600.

6 *Senate Hansard*, 16 August 2011, Question on Notice No, 682, Attachment AT, *Building and Security Projects Large Project Check List*.

record (for example, by way of photographs or sketches) and/or consult with DPS, concerning any aspect of the proposed changes that you consider may be prejudicial to your honour or reputation as an author of the building.⁷

4.10 DPS went on to state that this provides additional opportunity for the moral rights holder to comment on specific issues with the design. DPS also stated that should the moral rights holder not agree with the plans, 'we arrange meetings to identify key issues and possible alternative approaches'. DPS also commented that regular meetings with DPS and Mr Giurgola, and informal discussions with GMB Architects, 'are intended to reduce areas of concern' at the design stage.⁸ In its submission to the committee, DPS commented:

There has been periodic consultation with the original architects. This consultation respects the moral rights of the architects, and also seeks their views about design integrity...the consultation process continues and is generally constructive.⁹

4.11 The committee notes that even though there is a legislative requirement for this notification, there is no obligation that any advice of the moral rights holder be followed, as long as processes required under the Act have been fulfilled.¹⁰

House of Representatives Chamber Enhancement Project

4.12 The House of Representatives Chamber Enhancement Project was managed by the Department of Parliamentary Services (DPS) on behalf of the Department of the House of Representatives to address certain occupational health and safety, information technology and functional operation requirements of the Chamber.

4.13 The committee has focussed its examination on the management of this project by DPS, including design integrity considerations, heritage management and DPS's responses to concerns raised by Mr Giurgola.

Background

4.14 The Enhancements in the House of Representatives Chamber project was based on two separate business cases: one for the *House of Representatives Chamber Distinguished Visitors' Gallery*; and a second for *Technology Enhancements in the House of Representatives Chamber*. The project initiation document was approved on 5 January 2009. The following discussion addresses the second of the projects, the technology enhancements in the House of Representatives Chamber.

4.15 The project's Request for Quotation for the design phase was released to market on 12 January 2009, with a due date of 4 February 2009. The Request for

7 *Senate Hansard*, 16 August 2011, Question on Notice No. 682, p. 4602.

8 *Senate Hansard*, 16 August 2011, Question on Notice No. 682, p. 4602.

9 Department of Parliamentary Services, *Submission 3*, p. 7.

10 Mr Romaldo Giurgola, *Submission 7*, p. 6.

Quotation included the Project Functional Design Brief which stated the project aims as:

- (a) Increase technology functionality to the Speaker and Clerk;
- (b) To improve the ergonomic design and adjustability of the Speaker's chair/table;
- (c) Construct a purpose designed distinguished visitors' gallery that better reflects the design and status of the House of Representatives Chamber; and
- (d) Provide new console tables that are in keeping with the design of the chamber.¹¹

4.16 To achieve the above aims the project involved modifications or upgrade to the Speaker's chair and desk, the main table (Clerk's and Deputy Clerk's table), the addition of a distinguished visitors' gallery and the fabrication of console tables (for drinks).¹²

4.17 The attachments to the Project Functional Design Brief included an extract of Chapter 14 from the draft Central Reference Document (CRD) to provide guidance on the overarching design principles of the original Parliament House Architect in regards to the House of Representatives chamber. The committee notes that the Project Functional Design Brief identified the project as being subject to notification and other actions in accordance with the Copyright Act.¹³

4.18 The successor architectural firm to MGT, Guida Mosley Brown (GMB) Architects, submitted a quotation for the project but was unsuccessful with LFA Pty Ltd the successful tenderer for the project. LFA Pty Ltd was engaged on 2 March 2009 for the provision of design stage services. The design stage of the project was completed on 28 September 2009.¹⁴

4.19 The budget for the completed project was estimated at \$524,500 and subsequently came in under budget at a total cost of \$507,518.¹⁵ The cost of the project elements were as follows:

11 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, Project Functional Design Brief, Enhancements in the House of Representatives Chamber (WM-1783), p. 4.

12 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, Project Functional Design Brief, Enhancements in the House of Representatives Chamber (WM-1783), p. 9.

13 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, Project Functional Design Brief, Enhancements in the House of Representatives Chamber (WM-1783), p. 7.

14 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, WM-1738 House of Representatives Chamber Enhancement Project–Design Stage Completion Report, 28 September 2009.

15 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 64*.

Table 4.1: House of Representatives Chamber Enhancement Project costs

Project element	Cost
Speaker's chair	\$12,100.54
Spare Speaker's chair	\$15,700.98
Refurbishment to leather armrests on timberwork	\$1,490.00
Speaker's desk	\$87,421.48
Main table	\$88,845.13
Distinguished Visitors' Gallery	\$297,164.39
IT room behind chamber	\$4,795.50

Source: *Budget Estimates 2012–13, Department of Parliamentary Services, Answer to question on notice No. 64.*

Heritage management and design integrity

4.20 Documents concerning the management of this project were made available to the committee by DPS. The committee's examination of the documents raised a number of concerns about the design integrity and heritage management aspects of the project including:

- the adequacy of the documentation for guidance on design principles provided as part of the Project Function Design Brief;
- the consultation process with the building architect; and
- the level of engagement of heritage management and design integrity sections of DPS on the project.

Request for quotation documentation

4.21 As noted above, to provide guidance on the overarching design principles relevant to the project, the Project Functional Design Brief included Chapter 14 of the CRD entitled 'Architects intent in the design of the House of Representatives Chamber' as an attachment. The committee notes that references to the CRD at paragraphs 14 and 15 of the Project Functional Design Brief do not indicate that it is a draft document only. The Project Functional Design Brief further states that the CRD and the *Design Integrity and Management of Change Guidelines* (1995) should be consulted with reference to any change likely to impact on the building's design integrity.¹⁶

4.22 Ms Pamille Berg, a member of the Parliament House design team and author of the draft CRD, advised DPS in an email that the chamber sections of the document were incomplete. She expressed her concern at the provision of this extracted chapter of the CRD as part of the Project Functional Design Brief:

16 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, Project Functional Design Brief, Enhancements in the House of Representatives Chamber (WM-1783), p. 7.

...there is no material in that existing draft chapter covering the design intent of the Speaker's Chair, the Central Table, and many other key aspects of the Chamber's design. Therefore it is not sufficient for DPS to provide the draft CRD to a Design Consultant as constituting the design intent briefing document relating to proposed changes to the House of Representatives Chamber.¹⁷

4.23 A submitter also put the view that the Project Functional Design Brief was misleading in regard to the design requirements for the Speaker's chair.¹⁸ The project's aims and objectives were listed at paragraph 1(b) as 'To improve the ergonomic design and adjustability of the Speaker's chair for multiple users.' The brief then goes on to state at paragraphs 4(g), (h) and (i) that the design outcomes will include:

- (g) The removal, and transport to suitable storage space, of the existing speaker's chair backrest, seat base and hydraulic mechanism;
- (h) The construction of new infill flooring under the existing Speaker's chair;
- (i) The procurement, possible modification and installation of a proprietary Speaker's chair to suit ergonomic requirements, and to meet Heritage considerations;...¹⁹

Consultation with the Parliament House architect

4.24 As the committee noted in its interim report, an important element of heritage management in Parliament House is the maintenance of design integrity and the relationship with the original architect of Parliament House, Mr Giurgola, as the moral rights holder under the Copyright Act.²⁰ During the course of the project, DPS consulted with Mr Giurgola, including through formal moral rights notification, and other members of the original design team, Mr Harold Guida and Ms Pamille Berg. The department also consulted the original craftsmen of the Speaker's chair, Mr David Upfill-Brown, and the Clerk's table, Mr Bernie Koker.

4.25 The formal 'moral rights notice' was sent to Mr Giurgola on 4 September 2009, at the '80% documentation' stage. However, prior to this date, a number of communications took place between DPS and Mr Giurgola.

4.26 Mr Giurgola first became aware of the project not through any notification or contact from DPS but rather from GMB Architects which consulted him on their brief for the tender. Mr Giurgola agreed to provide design guidance during the early design

17 Email from Ms Pamille Berg to Heritage Management Officer, dated 24 July 2009.

18 *Confidential submission.*

19 Department of Parliamentary Service, *Answer to question on notice No. B3*, dated 26 April 2012, Project Functional Design Brief, Enhancements in the House of Representatives Chamber (WM-1783), p. 5.

20 Senate Finance and Public Administration Legislation Committee, *The performance of the Department of Parliamentary Services – Interim report*, June 2012, p. 43.

stages and during documentation of the scope of work.²¹ However, as noted earlier, GMB were unsuccessful in their tender for the project.

4.27 Mr Giurgola subsequently wrote in detail to DPS (letter received 21 April 2009). Mr Giurgola noted that DPS referred to him alteration/addition projects 'which it deems to be of a sensitive nature' to the maintenance of design intent for formal evaluation and comment pursuant to the Act. However, he commented:

Although I have been waiting for many weeks, no contact has been made with me to date by your Department with respect to the supposed 'enhancement' project in the House of Representatives Chamber.

4.28 Mr Giurgola went on to outline his concerns with each of the scopes of work to potentially damage and lessen the integrity of the Chamber's complex and integrated design. He noted that he was 'particularly shocked' at the proposal to remove the existing Speaker's chair components and to replace them with a 'proprietary Speaker's chair'. Mr Giurgola noted his close collaboration with timber craftsman, Mr David Upfill-Brown, on the design, detailing, documentation and hand fabrication of the Speaker's chair and Mr Upfill-Brown's formal commission within the Parliament House Art/Craft Program. His view of the proposal to engage someone to detail the removal of the chair's backrest, seat base and associated mechanisms from the chair and replace it with a proprietary chair was that:

...by its very nature appears to violate both my moral rights as the Chair's designer and Mr Upfill-Brown's intellectual property under his Art Program commission contract.

4.29 Mr Giurgola concluded:

...I hope that this letter notifying you of my extreme concern with the project now under proposal allows you to reconsider this matter before it becomes one of considerable difficulty on all sides.²²

4.30 Mr Alan Thompson, then Secretary, DPS, responded to Mr Giurgola on 13 May 2009. Mr Thompson stated that the proposal to 'alter' the chair had arisen because of occupational health and safety (OHS) concerns and that it was considered an interim solution. Further, he endorsed the department's approach to the project as properly recognising design integrity considerations, which included:

- (a) inviting the original architects of the building to tender on the design;
- (b) including our Heritage Management officer in the design review; and
- (c) investigating an option to retain and modify the existing chair.

Once a preferred direction is established and preliminary sketch design drawings produced for all the work that is being considered, we will

21 Letter from Mr Romaldo Giurgola to Mr Alan Thompson, Department of Parliamentary Services, received 21 April 2009.

22 Letter from Mr Romaldo Giurgola to Mr Alan Thompson, Department of Parliamentary Services, received 21 April 2009.

provide those to you and invite your comments, as we will do where relevant with David Upfill-Brown.²³

4.31 The DPS files examined by the committee included a copy of the draft of Mr Thompson's letter of 13 May 2009 prepared by the project officer. The draft included additional items of formal engagement of DPS Heritage Management in the project. The following measures included in the draft letter were removed from the final version listed above:

- including our Heritage Management officer on the Design Stage Tender evaluation panel;
- regular meetings/consultation between our architect and the Department's Heritage Management officer; and
- a rigorous design review process.²⁴

4.32 Documents on the DPS files indicate that there were concerns with the project and the wording of the final letter to Mr Giurgola within the Heritage Management area and included:

- the inference that Heritage Management supported the direction of the project and that processes gave due consideration to design integrity concerns and contractual arrangements to alleviate Mr Giurgola's concerns;
- the Heritage Management Officer had provided clear advice that Heritage Management did not support the removal of the chair's back and seat and recommended investigating options of refurbishing the existing chair;
- that the Heritage Management Officer was not given the opportunity to provide input into the letter;
- legal advice should have been sought in relation to contractual arrangements with Mr Upfill-Brown;
- the OHS assessment commissioned by DPS did not recommend the removal of the Speaker's chair seat and back; and
- the reference to an 'interim solution' to address the OHS concerns with the Speaker's chair was not factual, and had not formed any part of the project brief, documents or correspondence.²⁵

4.33 Indeed, the copy of the Secretary's signed letter to Mr Giurgola on the DPS file has point (b) hand highlighted and an annotation from the former Director, Strategic Planning and Policy, which states:

23 Letter from Mr Alan Thompson to Mr Romaldo Giurgola, dated 13 May 2009.

24 Draft letter from Mr Alan Thompson to Mr Romaldo Giurgola, dated 30 April 2009.

25 'Response to Romaldo Giurgola from DPS Sent 13 May 2009', undated.

Terry [Former Assistant Secretary, Infrastructure Services Branch]

We are extremely upset by this lie that has been included in the letter to the Architect. We are considering what we can do about it.

Heather [Former Director, Strategic Planning and Policy]

4.34 The committee further notes that the final version of the letter sent to Mr Giurgola is dated two days after the project's 'Design Options Presentation' meeting with all stakeholders held on 11 May 2009. DPS Heritage Management was an apology for this meeting, however, the minutes indicate that the option to retain and modify the existing chair was considered and rejected in favour of a replacement chair.²⁶ As a decision had been made to not retain the existing chair at the time Mr Thompson wrote to Mr Giurgola, the committee considers that Mr Thompson's letter should have been clearer in this regard.

4.35 DPS provided an opportunity for Mr Giurgola, Ms Berg and Mr Guida to meet with LFA Architects for a presentation on the design considerations leading to the projects preferred option designs. Prior to the meeting, Ms Berg had requested the specific documents that LFA had sourced to assist them to 'give careful consideration to the design intent and heritage values of the spaces' as stated in the CRD Compliance Review.

4.36 The meeting took place on 19 June 2009 and was based on '50% design documentation'. Also present at this meeting was the project manager, a member of the Project Board, the Director Building and Security Projects and DPS Heritage Management staff.

4.37 Following this meeting, 13 items of concern were identified by Mr Giurgola covering the distinguished visitors' gallery, the Clerk's table, and the Speaker's desk and chair. On 20 July 2009, the Project Board considered these items and feedback from the project architect as to whether or not to amend the project scope. The Project Board agreed to modify some elements.

4.38 Ms Berg, in an email to DPS on 24 July 2009, reiterated the concerns with project in relation to the 'wholeness' and preciousness of the chair as an inseparable element of the Chamber and the importance of not cutting holes in, or modifying, the timber of the desk or the bronze and timber of the table.²⁷

4.39 The modifications agreed to on 20 July 2009 were outlined in a letter dated 4 September 2009 from Director, Building and Security Projects, to Mr Giurgola. It was stated that the project scope items had been modified to 'better reflect your concerns'. The changes included:

- (c) the production of a new ergonomic Speaker's chair that will match the size, proportion and general aesthetic of the existing;

26 Minutes of WM1738 Enhancements in the House of Representatives Chamber, Design Options Presentation, 11 May 2009, p. 2.

27 Email from Ms Pamille Berg to Department of Parliamentary Services, dated 24 July 2009.

- (d) the Speaker's chair desk is not to include the 4 retractable screens as previously documented. Instead we are providing a small brass rail that will neatly accommodate any type/brand or removable screens without the use of proprietary screen stands; and
- (e) the Main table is not to have hinged LCD screen box housings fixed to it, as previously documented. Instead it is intended to only provide IT infrastructure to the lower middle pigeon hole at both the Clerk and Deputy Clerk locations. Proprietary LCD screens with stands can then be provided when the House is sitting.²⁸

4.40 This letter also attached the formal moral rights notification and 80 per cent design documents, with an invitation to visit the site prior to the alterations taking place, as required under the Copyright Act. Mr Giurgola was invited to respond within three weeks of receipt of the letter (around 26 or 27 September 2009).

4.41 The Design Stage Completion Report for the project was completed on 28 September 2009 (before the receipt of Mr Giurgola's response) by the project manager, recommending that the Project Executive approve the design stage completion and ongoing works for construction stage. Two of the three members of the Project Executive approved the recommendations for design stage completion by the following day.²⁹

4.42 The Design Stage Completion Report commented, in relation to Heritage Management, that:

Considering the modifications that have been made to the project scope items as a consequence of the moral rights consultation, and the ongoing formal and informal communications with Heritage Management, it is believed that the main concerns of the Parliament House architect have been incorporated in a considered manner where possible.³⁰

4.43 The report also noted that:

The main lesson learnt for this stage of the project was in managing and resolving all heritage issues. This involved substantial modifications to the agreed project scope, and so it resulted in small cost and time variations. In a project of similar sensitivity it would be worthwhile building such potential/likely issues into the design stage program.³¹

4.44 The following day, the project manager responded to an email from Ms Berg advising that Mr Giurgola had been ill and was intending to submit comments in

28 Letter from Director, Building and Security Projects, DPS, to Mr Romaldo Giurgola, dated 4 September 2009.

29 WM-1738 House of Representatives Chamber Enhancement Project–Design Stage Completion Report, 28 September 2009.

30 WM-1738 House of Representatives Chamber Enhancement Project–Design Stage Completion Report, 28 September 2009, p. 2.

31 WM-1738 House of Representatives Chamber Enhancement Project–Design Stage Completion Report, 28 September 2009, p. 4.

response to the moral rights notification and 80 per cent design documents. The project manager advised Ms Berg that:

We are very happy to receive feedback from Mr Giurgola, but so far we have not received a response from him...

As time is starting to run short, it would be good if we had the response within the next week or so.³²

4.45 The committee considers that, given that the design stage completion was essentially concluded, or close to concluding, and the project manager was already seeking design stage completion approval it appears disingenuous for the project manager to suggest to Ms Berg that the department was still happy to receive Mr Giurgola's feedback after the due date.

4.46 Mr Giurgola responded on 7 October 2009 acknowledging that there were improvements in some areas following the earlier consultation. However, Mr Giurgola remained of the view that 'the proposed modifications and revised drawings do not yet fully maintain the essential design intent of the Chair, Desk, Table and new Distinguished Visitors' Gallery'.³³ This correspondence, totalling eight pages, included detailed comments on aspects of the proposed design which Mr Giurgola considered still needed to be addressed to achieve the maintenance of the intent of the original design in regard to the Speaker's chair and desk and the distinguished visitors' gallery (no comments were made on the proposed drawings for the Main table modifications).

4.47 There was repeated criticism throughout Mr Giurgola's letter that the contracted architect was not required, as part of the project scope of services, to provide a written report at each submission stage explaining the logic and design considerations to enable all stakeholders to understand the full implications of the changes being proposed.³⁴

4.48 On 8 October 2009, the project manager advised that the construction contractor evaluation was complete and sought approval to engage the contractor noting that any delay in doing so 'is likely to impact on being able to undertake construction works over the summer recess'. Mr Kenny, then Deputy Secretary, DPS, commented that:

We should proceed—the "moral rights" responsibilities do not include allowing any points raised in the G/B letter to "block" the project.³⁵

4.49 DPS responded to Mr Giurgola's letter of 7 October on 15 October 2009. The response was brief and the Secretary advised Mr Giurgola that:

32 Email from Project Manager to Ms Pamille Berg, 29 September 2009.

33 Letter from Mr Romaldo Giurgola to Mr Alan Thompson, Secretary, DPS, dated 7 October 2009.

34 Letter from Mr Romaldo Giurgola to Mr Alan Thompson, Secretary, DPS, dated 7 October 2009.

35 Email from Mr David Kenny, Deputy Secretary, Department of Parliamentary Services, to the Project Manager, dated 8 October 2009.

I note your comments, including your acknowledgement that amendments have been made as a result of the earlier consultation with you. Your additional comments will be considered carefully by the project board as it finalises its work on the project.³⁶

4.50 The committee has also viewed drafts of the letter to Mr Giurgola and emails concerning the drafts. The intent was to keep the response brief. However, it appears to the committee that the discussion in the emails points to an unhelpful attitude. For example, changing the word 'improvements' to 'amendments'. In addition, the project manager commented that:

...if we are going to the effort of taking the free advice (ie the content of the letter) and acting on it if appropriate and easily achievable, then I think we should acknowledge that to help make them feel that their comments are being taken seriously.³⁷

4.51 Although the design stage of the project was essentially complete by the time DPS received Mr Giurgola's comments of 7 October, a series of emails indicates that the project architect was provided with Mr Giurgola's comments to advise 'on whether any issues raised in the letter are considered to be sensible and practicable to incorporate into the project scope'.³⁸

Engagement with other moral rights holders

4.52 DPS advised the craftsperson of the Speaker's chair, Mr David Upfill-Brown, by email on 18 May 2009 of the proposed modifications under the project including removing the existing seat base, seat back and seat mechanism, and replacing them with a purpose made proprietary executive chair and sought his concurrence. Mr Upfill-Brown confirmed his agreement with the modifications via a brief email on 20 May 2009.³⁹

4.53 Evidence to the committee suggested that the information provided by DPS to Mr Upfill-Brown was insufficient and misleading and not a true moral rights consultation. In particular, there was concern with the following advice:

A number of users of the Speaker's Chair have made complaints that their periods of use in the chair has created/inflamed/exacerbated back pain. As such we have had an independent OHS assessment carried out on the chair, which has raised a number of ergonomic issues.⁴⁰

4.54 It was suggested to the committee that the above statement may have implied some responsibility on Mr Upfill-Brown for any injury incurred as a result of the

36 Letter from Mr Alan Thompson, Secretary, Department of Parliamentary Services to Mr Romaldo Giurgola, dated 15 October 2009.

37 Email from Project Manager to the Project Executive, dated 13 October 2009.

38 Email from Project Manager to the Project Executive, dated 24 October 2009.

39 Email from Project Manager to Mr David Upfill-Brown, dated 18 May 2009.

40 Email from Project Manager to Mr David Upfill-Brown, dated 18 May 2009.

ergonomic issues identified and this may have influenced his initial concurrence with the proposed modifications.⁴¹

4.55 By the end of May 2009, DPS established that it required legal advice in relation to the 1988 contract with Mr Upfill-Brown and the Parliament House Construction Authority (PHCA) and whether his email was sufficient waiver of the 'non-destruction or alteration' right contained in the contract. Initially, advice was sought from the Parliamentary Library. This was provided on 16 June 2009 and commented that further advice should be sought.

4.56 DPS subsequently sought advice from the office of the Australian Government Solicitor. This was received on 22 September 2009 and in summary stated that:

- the 'non-destruction or alteration' clause continues to bind the Commonwealth;
- the rights of the PHCA are vested in the Commonwealth, and in this case it would not be inappropriate for the DPS to represent the Commonwealth; and
- the email confirmation from the craftsperson was sufficient evidence that he had acquiesced to the forbearance of his rights under the agreement.

4.57 The advice also went on to comment on the effect of the modifications on the moral rights of Mr Giurgola and possible joint ownership of the work.⁴²

4.58 On 6 October 2009, DPS again contacted Mr David Upfill-Brown by email to update him of the changes to the project since the last correspondence.⁴³ In reply, Mr Upfill-Brown advised DPS, in a letter dated 19 October 2009, that he now concurred with Mr Giurgola's concerns pertaining to the Speaker's chair expressed in his letter of 7 October 2009, and advised that his earlier email was 'irresponsible (the importance of these changes being ill considered at a distance)'. He asserted that, if the proposed modifications were to proceed, 'the means to achieve them should be through consultation between your team and the original designer – Mr Giurgola'. Although not interested, he also maintained that as the original craftsperson and in accordance with his contract with the PHCA, he should be offered this work in the first instance. However, he did not seek to enforce any provision of the PHCA contract.⁴⁴ The committee understands that the advice from Mr Upfill-Brown that he deferred his involvement to Mr Giurgola was not subsequently conveyed to Mr Giurgola.⁴⁵

4.59 Further legal advice from the Australian Government Solicitor as to whether undertaking the upgrade work could contravene the PHCA contract in light of the

41 *Confidential submission.*

42 Letter from Australian Government Solicitor, dated 22 September 2009.

43 Email from Project Manager to Mr David Upfill-Brown, dated 6 October 2009.

44 Letter from Mr David Upfill-Brown, dated 19 October 2009.

45 *Confidential submission.*

second letter was received by DPS on 21 October 2009. This advice indicated that it would not.⁴⁶ DPS responded to Mr Uphill-Brown on 28 October 2009 and stated 'please be advised that DPS has consulted with Mr Giurgola on the proposed alterations and made some modifications to the project scope based on this consultation'.⁴⁷

4.60 On 4 June 2009 DPS also sought the concurrence of the furniture maker of the Clerk's table, Mr Bernie Koker, in relation to the proposed modifications to the table.⁴⁸ In response, Mr Koker queried one aspect of the modifications and provided some advice in relation to others. His subsequent email indicated he was satisfied with the reply he had received from the project manager in response to the matters raised.

Involvement of DPS heritage management

4.61 DPS completed Customer Request Strategic/Initial Assessments for the two House of Representatives business cases which formed the basis of the Enhancements in the House of Representatives Chamber project. These assessments are intended to identify the key risks and constraints regarding requested projects. Among a range of factors considered in the assessments is heritage management and the impact that the request will have on the design integrity of the infrastructure concerned.

4.62 The copy of the Customer Request Initial Assessment for the technology enhancements project provided by DPS indicates that it was completed on 12 March 2008 and considered heritage management concerns. It indicated that the request would impact on heritage management and that DPS Heritage Management had been consulted. It further noted that:

The House of Representatives Chamber is one of the focal points of the entire design of Parliament House. It has been identified by the Australian Heritage Council as having both National and Commonwealth Heritage Values. Acting to their brief, the original architects considered every detail within the design of the Chamber, (including the Senate Chamber) *"collectively establishing strongly related spatial and structural elements at the building's centre and at the heart of the two most important 'rooms' of the Parliament."*

The Speaker's Chair is the centre piece of the Chamber, integral within the design and is a significant artwork in its own right. Any proposal to alter the Chair or the Clerk's Table must be conducted with sympathy to the design language and must not impact on the visual aesthesis of the Chamber or its heritage significance.⁴⁹

4.63 The committee notes that the above assessment only addresses a 'proposal to alter the Chair' and does not consider the replacement of the chair. This assessment

46 Email from Australian Government Solicitor, dated 21 October 2009.

47 Letter from Project Manager to Mr David Uphill-Brown dated 28 October 2009.

48 Email from Project Manager to Mr Bernie Koker, dated 4 June 2009.

49 Customer Request Initial Assessment, House of Representatives Distinguished Visitors' Gallery, CR-08-077, 12 March 2008, p. 2 (emphasis in original).

recommended that this initiative progress to a business case for executive consideration.

4.64 Of concern to the committee was evidence that suggested this document had been subsequently altered with the above information removed.⁵⁰

4.65 A meeting on 16 July 2008, facilitated by the Director of DPS Building and Security Projects, provided an opportunity for key stakeholders to provide input to the design brief. The committee understands that attendees at this meeting included DPS Heritage Management and Design Integrity. At this point, the requirements for the Speaker's chair was summarised as:

Modify the existing Speaker's Chair to provide more facilities at the Chair, more room, and improved comfort.⁵¹

4.66 Following this meeting, the Assistant Director, OH&S and Injury Management, DPS, provided details of his assessment and a number of solutions to address the OH&S issues identified through modification of the existing chair.⁵²

4.67 At a meeting of stakeholders held on 17 October 2008, the option of a replacement proprietary chair to address the OH&S issues of the Speaker's chair was considered. There was general consensus at this meeting that the project should proceed in this direction. In a minute to the Project Assessment Committee dated 23 October 2008 it was noted that the meeting had decided 'to replace the chair with a suitable proprietary product that could fit neatly within the existing surrounding detailed joinery.'⁵³

4.68 On 27 October 2008, the Project Assessment Committee endorsed revised design stage costs which included the acquisition of a chair, with a condition of heritage management and procurement considerations. A revised business case was sent to the Project Assessment Committee for out-of-session approval. The committee received evidence from a submitter who alleged that a new business case was prepared on 11 November 2008, but was dated 27 August 2008, detailing the replacement of the existing Speaker's chair. The submitter further alleged that the new business case was not sent to stakeholders including heritage management and design integrity officers.⁵⁴

4.69 The business case for the project was completed on 5 December 2008. Documentation available to the committee indicates that the Project Management Team comprised a Project Board, project manager, Project Assurance and Project Support. The committee understands that the Project Assurance group included the Heritage Management Officer as a member.

50 *Confidential Submission.*

51 Email from Director of Building and Security Projects, DPS, dated 16 July 2008.

52 *Confidential Submission.*

53 Minute, Project Manager to Project Assessment Committee, dated 23 October 2008.

54 *Confidential Submission.*

4.70 Documents prepared by DPS list the formal engagement of DPS Heritage Management in the project. Heritage Management was included in the tender evaluation meetings of the design consultant (6, 9 and 12 February 2009); six of the seven meetings on the project from 13 March 2009 until 14 May 2009; the 50 per cent and 80 per cent design review meetings; and the moral rights consultations meeting with Mr Giurgola.⁵⁵ The Design Stage Completion Report noted that there had been ongoing formal and informal communications with Heritage Management.

4.71 It appears from the documents examined by the committee that Heritage Management had ongoing concerns with the project and the response received to matters raised by Heritage Management. Despite membership of the Project Assurance group and supposed involvement in the tender evaluation,⁵⁶ the committee is aware that members of Heritage Management asserted as late as 24 March 2009 that some officers were unaware that the scope of the project included the removal the Speaker's chair and replacement with a proprietary chair.⁵⁷

4.72 On 9 April 2009, the Heritage Management Officer emailed the project manager, indicating concerns with the Project Functional Design Brief items concerning the removal of the Speaker's chair and the modification of the Clerk's table. The Heritage Management Officer outlined his concerns with the direction as follows:

- does not adequately address the fact that Speaker's Chair and the Clerks' Table form part of the Parliament House Art Collection and are of very high heritage value;
- does not meet DPS's obligations to 'care for Parliament House';
- does not allow the engaged architect to investigate options to retain the existing Chair, while improving ergonomics, which by its nature excludes and pre-empts possible ergonomic solutions to the Chair and IT solutions for the Clerks' Table;
- will most likely be unacceptable to the original architects or artist and manufacturer (either modifications to the Chair or the Clerks' Table); and
- will likely have political consequences.

4.73 Heritage Management also questioned the minutes of a design meeting as not reflecting the discussion in regard to heritage management concerns and that Heritage Management was not invited to important meetings. This was outlined in an email on 14 April 2009 to the then Director, Strategic Planning and Policy:

Robyn outlined important heritage considerations raised at this meeting that were not captured and sent to [Project Manager] as requested (attached).

55 WM-1738 House of Representatives Chamber Enhancement Project–Design Stage Completion Report, 28 September 2009; Minute, Formal Engagement of Heritage Management, dated 14 May 2009.

56 Minute, Formal Engagement of Heritage Management, dated 14 May 2009.

57 Email from Project Manager to Heritage Management Officer, dated 24 March 2009.

The minutes have since been amended and redistributed without including these comments.

This action is both inaccurate and dismissive. It appears the project manager does not wish to minute what was actually discussed in the meeting or to alert the stakeholders to these important points.

[Project Manager] has claimed that the meeting was to discuss the Speakers table (as opposed to the Chair) but has included comment on the Chair made by... It appears only senior officers comments are captured.

If Heritage Management is invited to a meeting as a stakeholder it is appropriate that heritage concerns and risks are raised to bring to the attention of the group. Given there has been critical design decision with this project made at meetings we have not been invited to, and without informing us later, I am wondering at what forum BSP feel it is appropriate for us to raise these concerns.⁵⁸

4.74 The committee was also informed that the Project Assurance group did not have an opportunity to review the Design Options Study proposals before the presentation to the Project Board.⁵⁹ The design option presentation meeting was held on 11 May 2009. The committee notes that the option to retain and modify the Speaker's Chair was put forward as an option at this meeting. The Heritage Management Officer raised concerns with the project manager prior to the meeting that the Quality Assurance team for the project had not had an opportunity to review or comment on the design proposals for this meeting.⁶⁰

4.75 The committee understands that the design integrity section within DPS did not receive photographic records of the original Speaker's chair prior to its dismantling which is a requirement of best practice heritage management.⁶¹

Heritage assessment

4.76 Ms Kylie Scroope, DPS, stated that the Chamber Table is listed in the Art Collection. She also added that the timber elements that sit around the Speaker's chair are listed as part of the Art Collection while the 'actual seat component' of the chair is not.⁶²

4.77 A copy of the original contract was in the DPS files examined by the committee. In this contract, it is stated that:

- the Craftsperson (Mr Uphill-Brown) shall develop the design for and fabricate the Speaker's Chair;

58 Email from Heritage Management Officer to Director, Strategic Planning and Policy, dated 14 April 2009.

59 *Confidential Submission*.

60 Email from Heritage Management Officer to Project Manager, dated 8 May 2009.

61 *Confidential submission*.

62 Ms Kylie Scroope, Department of Parliamentary Services, *Budget Estimates Hansard*, 21 May 2012, p. 66.

- the Craftsperson shall assist in the detailed design, fabricate and assist in installation of items as follows:
 - a. podium and steps
 - b. desk/front
 - c. chair
 - d. rear screen.⁶³

4.78 This was confirmed in an email on 14 April 2009 from the Director of Art Services.⁶⁴ Mr Giurgola, in his letter of 21 April 2009, noted that the Speaker's chair was designed as an 'inseparable element of the Chamber's Central Furniture and the visual balance of the Chamber as a whole'. He also noted that the chair was a formal commission within the Parliament House Art/Craft Program.⁶⁵

4.79 Valuations for these items were provided in 1998 and 2005 with the Speaker's chair being valued at \$12,000 in 1998 and \$60,000 in 2005.⁶⁶ In 2012, the asset value listed on the DPS asset register for the combined Speaker's chair and desk (including timber surrounds) is \$133,925.20.⁶⁷ The Chamber Table was valued at \$10,000 in 1998 and \$200,000 in 2005.⁶⁸

4.80 In relation to a heritage assessment of the Speaker's Chair before the project proceeded, DPS stated that:

DPS has found no record of a formal heritage assessment having been undertaken. However, appropriate planning—including consultation with DPS heritage staff and consultation and moral rights notification processes with the original architect of Parliament House and the original craftsman of the Speaker's Chair—were undertaken in accordance with agreed processes.⁶⁹

Staff accommodation project

4.81 As noted in the committee's interim report, DPS commenced plans to convert the Staff Recreation Room area to office accommodation in late 2009. The aim was to accommodate staff displaced by the construction of a briefing room near the Cabinet

63 New Parliament House of Australia, Commission Agreement for Work of Art, agreement made 9 February 1988.

64 Email from Director of Art Services, dated 14 April 2009.

65 Mr Romaldo Giurgola, letter to DPS dated 21 April 2009.

66 Email from Director of Art Services to Project Manager, dated 15 May 2009.

67 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 71*.

68 Email from Director of Art Services to Project Manager, dated 15 May 2009.

69 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 70*.

Room and to relocate staff accommodated in the basement.⁷⁰ In all, provision was made to accommodate 65 staff in the area. The 18 staff displaced by the construction of the briefing room were accommodated in the Attorney-General's Department building with the Attorney-General's Department requesting the return of those staff to Parliament House by May 2011.⁷¹ The then secretary of DPS commented:

Having realised that we had to create some extra space, I was very keen to rectify one significant problem in the building: we have quite a lot of people doing what I call conventional office work from basement offices. I do believe it would be far better for their productivity and morale if they at least had some daylight. Having identified a space beyond the staff dining room which could accommodate more than just the 18 who need to come back from the Attorney-General's Department, we are aiming to establish a space which can accommodate the 18 plus further people out of the basement so that they can work in what you would call normal office space.⁷²

4.82 DPS provided the committee with a range of documents related to this project.⁷³ The following discussion is based on these documents.

Lack of moral rights consultation

4.83 The project was initiated in October 2009. At the Project Board meeting of 9 December 2009, the need for moral rights consultations under the *Copyright Act 1968* and National Capital and parliamentary approval was discussed. The excerpt from the minutes states that these approvals were not required.⁷⁴ No moral rights consultations were initiated by DPS at this time.

4.84 At the committee's hearing of 2 May 2012, Mr Kenny noted that the building architects had not been contacted and stated:

In 2010, when the planning for the staff dining room accommodation work was being done—and I think it is fair to say that the original architects had very strong views about that and were upset that they were not consulted—we had advice from our design integrity people at the time that consultation was not required because of the nature of the change. So we proceeded on the basis of that advice.⁷⁵

70 Mr David Kenny, Deputy Secretary, Department of Parliamentary Services, *Additional Estimates Hansard*, 21 February 2011, p. 14.

71 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, email from the Acting Assistant Secretary, Projects Branch, dated 1 October 2010.

72 Mr Alan Thompson, Secretary, Department of Parliamentary Services, *Supplementary Estimates*, 18 October 2010, p. 11.

73 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012.

74 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, email from Mr John Harrison, Senior Project Manager, dated 26 November 2009.

75 Mr David Kenny, Deputy Secretary, Department of Parliamentary Services, *Committee Hansard*, 2 May 2012, p. 46.

4.85 Mr Kenny's evidence points to the decision that no moral rights consultations were required being based on discussions with project team members and stakeholders. In a November 2009 email from the project manager it is stated that the Heritage Officer had considered that the project did not meet the requirements for moral rights or parliamentary approval as:

- the works were not a major change to existing developed areas of the building, no moral rights consultations were required. The works were predominantly within a services corridor and underdeveloped space and therefore would not cause any major visual changes; and
- in relation to parliamentary approval required by the Parliamentary Precincts Act, as the works are internal alterations, they did not require such approval.⁷⁶

4.86 In late 2010, DPS attempted to find advice from Heritage Officer regarding moral rights. No such explicit advice appears to have been found although DPS pointed to the document of 8 December 2009 written by the Heritage Officer and that the Heritage Officer was included in all emails regarding the Functional Design Brief and later design discussions.⁷⁷

4.87 In response to the DPS evidence, the then Heritage Officer denied that he had given advice that no moral rights consultations were required and stated:

I would counter that by saying that moral rights are required if it is seen to be a substantial project or a significant project in the building. Without doubt, a project that would be effectively altering the footprint of the design of the building would be seen as significant. We are changing an area that is within the public and ceremonial wing to private staff accommodation. Ultimately, not only is that quite a blight on the original design of the building but also it will be quite a difficult piece of work to manage. I think that it will always suffer from access into that area. That area of the building is not designed for accommodation and it will always suffer from various issues if implemented as so.⁷⁸

4.88 The then Heritage Officer noted that he had raised concerns during the project evaluation process. This included that:

The conversion of the Staff Recreation Areas to office accommodation will have consequences for the heritage aspects of Parliament House.

- This initiative will bring offices (work areas) into areas specifically designed to function as staff recreation and respite areas.
- This initiative will mean the loss of a staff amenity to building occupants and visitors.

76 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, email from Senior Project Manager, dated 26 November 2009.

77 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, emails dated 18 October 2009.

78 *Confidential*.

- Reduce ability for expansion of the Staff Dining Room and future proofing this area for staff growth in future years.
- Access to the new office areas will either be directly off the Staff Dining Area, designed to be an open space, non work related amenity for all building occupants, or through the courtyard, which has a similar function. No proposals should interfere with the curved wall in any way.
- Similarly, access through the gym would be invasive to a private staff amenity.

The feasibility study needs to carefully consider the heritage aspects of Parliament House.⁷⁹

4.89 In addition, the then Heritage Officer commented that the Business Case, dated 6 February 2009, stated that 'heritage management issues and moral rights impacted by access and egress to and from the office area'.⁸⁰

4.90 The former Heritage Officer also stated to the committee that the Heritage Office was deliberately cut from initial project planning stages but he had attended a project meeting in November 2009, 'in which documentation had already been developed' but had voiced his strong concerns for the suitability of the location of the proposed offices. He went on to state that:

In this meeting...the Project Manager, to my shock told me that the DPS Secretary, Mr Alan Thompson, had instructed him to proceed with the project despite the concerns from the Heritage Office and that all detailing was to be a 'high commercial standard' (as opposed to Parliament House architectural standards). To my knowledge, this is the only time a project has been authorised to depart from APH standards.⁸¹

4.91 In relation to the 8 December 2009 document, the former Heritage Officer commented that any advice provided was an attempt to ensure, should the project proceed, that the negative impacts on the building were minimised.⁸²

Notification of moral rights and consultations with the building architect

4.92 In January 2010, the design team were engaged and in April 2010 the construction manager was engaged. On 9 September 2010, the National Capital Authority advised DPS that it should consider moral rights with respect to the external alterations 'even though they were modest'. The external alterations made were to remove the ventilation screen in the curved wall and installing windows matching the design of nearby windows.⁸³

79 Customer Strategic Assessment, dated 13 January 2009.

80 Business Case, dated 6 February 2009.

81 *Confidential submission.*

82 *Confidential submission.*

83 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, Department of Parliamentary Services, Budget Estimates Brief, May 2011, p. 4.

4.93 DPS gave notice to Mr Giurgola on 14 September 2010 of its intention to undertake changes to the former staff recreation area. The letter stated in part:

The Project Board has given careful consideration to the design intent and heritage values of Parliament House, referencing the Central Reference Document. All work focuses on minimal impact to the building fabric.

4.94 The letter noted DPS's obligations in relation to moral rights and that the Act allows a maximum period of three weeks, from the date of notification, for consultation to occur. The letter went on to state 'if we do not hear you in the next 3 weeks, we will assume your compliance'.⁸⁴

4.95 Mr Giurgola met with the project team on 20 September where he raised a number of concerns. In addition, Mr Giurgola provided a written reply, dated 20 September 2010, in which he stated that 'my assessment of this project in relation to the Brief and principles underlying the design of Parliament House is totally negative'. He went on to outline his reasons for this view:

- the proposed change of use of the space was 'in absolute contradiction with the design of the Parliament House', which is based on a significant architectural distinction between the spaces assigned for public gatherings and uses, versus the offices for MPs and staff;
- the proposed design resulted in an excessively crowded space, with minimal daylight penetration;
- movement of people and materials to and from new accommodation will result in disruption to the Staff Dining Room; and
- a primary requirement for the people working in the building should be the maintenance of the original standard level of accommodation approved and adopted by the Parliament in the building's design which was based on simplicity, precision, order and well-being for the occupants spending long hours working in the building.

4.96 Mr Giurgola concluded:

I have no choice but to advise you that this change of use of this space from Staff Recreation to Staff Offices, if it were to proceed into construction, would violate the integrity of the building's design and my moral rights as an architect.

It debases the basic building design and legibility in a way that could easily impugn my reputation as an architect and that of my colleagues, since it would be construed that it was indeed our original design which produced not only such appalling accommodation for the daily lives of workers, but also created such an architectural confusion of public and non-public uses within the major zones within the curved walls. The precedent which it sets for a continuing ongoing erosion of the careful distinction between these

84 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, letter to Mr Romaldo Giurgola from Mr Nick Tate, DPS, dated 14 September 2010.

uses in the zones of the building is highly dangerous—your Department would not in future be able to resist requests for continuing projects to make changes of this kind.

I understand from talking with my former partner Hal Guida of GMB Architects that when your Department first approached his firm to undertake this project, GMB declined to be involved, saying to you at that time that it was an unacceptable change of purpose within the building. I am amazed that with such a clear objection at the earliest stages of the project by my colleagues you did not seek my response at that stage, rather than proceeding without further consideration.

I trust that this damaging project will not proceed and that a different solution will be found for the above accommodation.⁸⁵

4.97 At the committee's November 2011 hearing, this project was canvassed by the building architects. Ms Pamille Berg commented on the concerns raised by Mr Giurgola with DPS and the Presiding Officers and the issue of moral rights:

...you will know about the letters Aldo has written both to DPS and recently to the Presiding Officers of the parliament about the fitting out of the endocroft space behind the staff cafeteria, where the billiard room was, with offices, where he opposed that very strongly and felt so strongly that he wrote to the Presiding Officers. In that letter he said, 'I would be very embarrassed for any professional colleague to see the whole idea of what has been done here—for them to think that I could have been responsible for this degree of planning and execution and the placement of people in this zone of the building where the curved walls of the building are meant to hold the ceremonial, large-scale, monumental public places and the executive and there was to be no leakage of offices into that space, let alone the quality of the accommodation.' He is saying, 'I would be deeply, deeply embarrassed.' This is also about moral rights.⁸⁶

4.98 Mr Giurgola's letter of 20 September stated that the proposed project would result in an 'unacceptable change of purpose within the building'. DPS halted progress on the project and sought to establish the basis for this concern.⁸⁷ It was found that the Heritage Manager had provided the following comments in a document dated 8 December 2009 relating to design integrity considerations for the Accommodation Project:

One of the key design principles of the building is its strict order of geometry, both to the land and in its external and internal structure...The Staff Cafeteria is also located in this area and is adjacent to the new works. This area was not intended to accommodate administrative or operational

85 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, Mr Romaldo Giurgola, letter to the Department of Parliamentary Services, dated 20 September 2010.

86 Ms Pamille Berg, *Committee Hansard*, 16 November 2011, p. 11.

87 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, email from Mr Nick Tate to Mr David Kenny, dated 6 October 2010.

functions which are designated to the two outer House of Representatives and Senate Wings. It is therefore essential rigorous consideration be given to the introduction of office accommodation to this area to minimise impact on the design intent of the building, its functionality and significant heritage values.⁸⁸

4.99 In the advice from the Heritage Manager, the items to be considered were outlined including no changes or attachments to the curved wall, and consistency with Parliament House design detailing standards.

4.100 DPS met again with Mr Giurgola on 12 October 2012 and responded to him in writing on 21 October 2010. DPS apologised for not consulting Mr Giurgola earlier about the project but stated that original advice received was that no moral rights consultation was required on this project. It was noted that DPS would review its project initiation procedures regarding consultation with the building architects on moral rights issues. Further, it was proposed to undertake regular consultations⁸⁹ with Mr Giurgola to discuss proposed capital works. DPS stated that 'this will ensure early notification where significant consultation may be required'. The letter commented that DPS 'has no choice but to proceed with the project' because:

- the government required a secure briefing room next to the cabinet office and staff previously accommodated in this area had been displaced; and
- DPS staff accommodated in the basement needed to be relocated.

4.101 While noting the need to proceed urgently, DPS invited Mr Giurgola to provide DPS with suggestions to amend the plan, and to access possibilities for the development of more office accommodation at Parliament House. DPS also informed Mr Giurgola that planning was underway in relation to disability access in the building and invited Mr Giurgola to work with DPS to assist in that planning. In addition, DPS responded to the specific design concerns raised in relation to the staff accommodation project.⁹⁰

4.102 Mr Giurgola provided a further letter to DPS on 26 October 2010. While noting that it appeared that DPS had 'no choice but to proceed', Mr Giurgola declined to contribute to the project as:

...in my view such remedial intervention is contradictory to the very concept of the design of the Parliament. As I expressed to you, it will also be a sure and disruptive precedent for other needs of expansion.

Your letter includes an attachment that has an interpretation of the Moral Right that would allow situations like these to arise with the only alternative

88 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, email from Mr Nick Tate to Mr David Kenny, dated 6 October 2010.

89 The first quarterly DPS Capital Works Program review meeting was held on 1 November 2010. DPS was represented by the Assistant Secretary, Projects Branch; Director Strategy; and Building and Security Projects.

90 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, Mr David Kenny to Mr Romaldo Giurgola, letter dated 21 October 2010.

left for anyone of being sorry later. One should hope that this will not be the fate of the Parliament House.⁹¹

4.103 Mr Giurgola wrote to the Speaker of the House of Representatives on 11 November 2010. The Presiding Officers replied on 9 February 2011 advising that the project needed to continue.

4.104 The project resumed with the demolition phase commencing on 8 November 2010. DPS staff moved into the new accommodation from April 2011. The estimated cost of the project was \$5.11 million, comprising \$3.81 million DPS capital funding plus \$1.30 million of funding from the Attorney-General's Department.⁹²

Staff Dining Room and kitchen refurbishment project

4.105 Refurbishment of the staff dining room was undertaken in 2008–09. The President advised the committee at the February 2009 Additional Estimates that:

After 20 years of service, the staff dining room was due for refurbishment. Stage 1 was completed on time and the staff dining room reopened on 2 February. It is expected that stage 2, involving the florist and work on the dining area, will be completed in March 2009.⁹³

4.106 Mr Thompson, Secretary, DPS, also commented on need to refurbish the staff dining room because of ageing facilities and requirements under the catering contract entered into with W Catering in 2008:

It had been well recognised quite some years ago that the staff dining room was overdue for a refurb. The floor was leaking, the gear was old and so on. The flow of people did not work. We then move into early 2008, when we were looking to find a new contractor to run that operation. We ultimately awarded that contract to W Catering, and we certainly committed as part of it to undertake the refurbishment. In fact, the intent to refurbish predated the involvement of W Catering.⁹⁴

4.107 The contractual agreement with W Catering was outlined in the DPS Customer Request which stated that DPS was committed to:

- refurbishing the staff dining and recreation area; including area for the potential expansion of Parliament House Child Care facilities; and

91 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, letter from Mr Romaldo Giurgola to DPS, dated 26 October 2010.

92 Department of Parliamentary Services, *Answer to question on notice No. 2*, dated 18 October 2012, Department of Parliamentary Services, Budget Estimates Brief, May 2011.

93 Senator the Hon. John Hogg, President of the Senate, *Additional Estimates Hansard*, 23 February 2009, p. 9.

94 Mr Alan Thompson, Secretary, Department of Parliamentary Services, *Additional Estimates*, 23 February 2009, p. 36.

- reconfiguration/refurbishment of the servery to meet best practice service delivery and energy efficiency standards.⁹⁵

4.108 This project was undertaken in stages with Stage 1 completed in February 2009 following work on the servery, florist and dining room lights. In Stage 2 work on the dining room was completed and refurbishment of the disabled toilet undertaken.

4.109 The 'front of house' refurbishment of the dining room was completed in early 2009 at cost of \$3.1 million. The design component comprised \$131,000 in contractor costs and approximately \$10,000 in DPS staff costs.⁹⁶ This was described as going from the 'serving counters forward out into the dining area'.⁹⁷ The caterer (W Catering) was consulted as part of the designs. The project was oversights by LFA Architects and a catering expert was also part of the design process.⁹⁸

4.110 In addition, a change to technology for the front of house was undertaken at a cost of \$169,747. This was a point of sale system aimed at decreasing queuing and congestion.⁹⁹

End Project Report

4.111 As part of project completion documentation, DPS produces an End Project Report. The End Project Report covers many issues including a 'Lessons Learnt Report'. The End Project Report for the Staff Dining Room project, dated September 2009, contains a frank assessment of serious problems encountered during the project. One significant problem was the timeframe for the completion of the project and the report pointed to lack of consultation by DPS executive with those who had to manage the project. The End Project Report commented:

The urgency of this project was created by commitments to achieve outcomes by a given date by DPS Executive with little prior consultation with the area responsible to manage the project. Greater consultation was needed between DPS branches and stakeholders of whom large time commitments were required, before an executive commitment was given.¹⁰⁰

4.112 Other issues identified included:

95 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 2, Customer Request.

96 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 65*; see also Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012.

97 Ms Liz Bryant, Department of Parliamentary Services, *Additional Estimates Hansard*, 17 October 2011, p. 46.

98 Ms Liz Bryant, Department of Parliamentary Services, *Additional Estimates Hansard*, 17 October 2011, p. 46.

99 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 65*.

100 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 6, End Project Report – Lesson Learned Report, p. 1.

-
- problems with documentation 'that were potentially very dangerous' including unlisted power circuits and previous construction that did not comply with requirements;
 - the effect of staff shortages and staff funding issues in DPS maintenance specialist areas meant that problems, such as the project as built did not meet Parliament House specifications, were not identified until the project was near completion;
 - the construction team was removed from the site after the handover date and as a consequence the new team had no interest or understanding of the project or systems required at Parliament House and the project suffered;
 - the Parliament House project team was inexperienced because of staff turnover in the DPS Building and Security Projects team; and
 - DPS was unable to enforce time restrictions due to the contract having no liquidated damages as DPS had received legal advice that liquidated damages were not possible or advisable under the contract.

4.113 The report also pointed to a lack of suitably qualified staff to manage the building's fire or mechanical services as DPS no longer has fire or mechanical engineer positions. As a consequence, the report noted that there is a void in staff specialist knowledge to review documentation/strategy against broader building strategy and specifications which are extremely complex in Parliament House.

4.114 Of particular concern to the committee are the comments in relation to the fire standards. The report states:

Of great concern is that the building does not comply with modern fire standards. The responsibility to approve fire isolations fall to the contract manager of fire services. The contract manager is not qualified to advise on technical questions from contractors. External consultants have neither the fees, interest nor intimate knowledge of the House to provide reliable or sufficiently broad advice.¹⁰¹

4.115 The report also commented that, had suitably qualified staff been available, 'many of the issues on site could have been avoided and costs for the project greatly reduced'.¹⁰²

4.116 The Lessons Learnt Report provided recommendations in relation to fast tracked projects, tighter contracts and staffing consistency, building information, operations and maintenance manuals as well as:

- *Compliance and ongoing availability:* there are several areas of the building structure that do not comply with modern building codes, for example, fire egress, smoked detectors and EWIS speakers, working in confined spaces but

101 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 6, End Project Report – Lesson Learned Report, p. 2.

102 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 6, End Project Report – Lesson Learned Report, p. 2.

'original systems are enforced (even where less efficient/lesser quality) to ensure a simpler maintenance regime'. It was recommended that, where possible, any new building work should ensure the design meets current and likely future code requirements but noting that 'of prime importance is the need to retain the language of the building in such elements as style, colour, texture and finish';

- *Design integrity:*

Design integrity is a critical function within DPS and should play a greater, more hands on role in the project management teams particularly in the early design phase. The current staffing seems insufficient to maintain the very close involvement needed throughout a project to ensure there is detailed scrutiny of documentation and design specifications before the construction phase. Considerable money could be saved by identifying inconsistent design or important finishes details before it is built;¹⁰³

- *Organisational limitations:* DPS arrangements are not geared to fast tracking of projects. In order to overcome this it was recommended that the project teams be expanded to include dedicated maintenance specialists, in-house engineering expertise, and the Heritage Management Officer to manage the moral rights process and maintain ongoing monitoring of design and quality finish.¹⁰⁴

4.117 Following completion of the project, customers of the refurbished Staff Dining Room pointed to significant problems with long queues and confusion. The Acting Secretary, Mr Russel Grove, acknowledged the problems and responded:

No, I think it would not be fair to say it is a debacle. I would say that there have been issues in the staff dining room area with the redesign. The department has taken those issues on board and is working with the contractor to attempt to solve the issues.¹⁰⁵

Loss of heritage assets

4.118 Evidence was received that, as a result of the refurbishment of the Staff Dining Room and the new staff accommodation, heritage assets including custom light fittings and a screen from the Staff Dining Room that many people believe was designed by Mr Giurgola were lost.

4.119 As part of the refurbishment of the Staff Dining Room, a screen was removed and now appears to have been disposed of. The screen was installed as part of a refurbishment undertaken in the 1990s. It consisted of a timber and stainless steel frame and four decorative fabric screen prints. The prints represented the four seasons

103 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 6, End Project Report – Lesson Learned Report, p. 4.

104 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012, Attachment 6, End Project Report – Lesson Learned Report, pp 4–6.

105 Mr Russell Grove, Acting Secretary, Department of Parliamentary Services, *Budget Estimates Hansard*, 21 May 2012, p. 58.

and were intended that they were rotated at appropriate times. Some staff believe that the screen was designed by Mr Giurgola and the fabric screen prints undertaken by Ms Keiko Schmeisser.

4.120 At the May 2012 Budget Estimates DPS was questioned about the whereabouts of the screen following the completion of the latest round of staff dining room refurbishments.¹⁰⁶ DPS took the matter on notice and provided the following information:

There was only one screen in the Staff Dining Room at the time of the refurbishment. That screen was not part of the Parliament House Art Collection and not an item of 'commissioned art furniture'.

DPS can find no records that indicate Keiko Schmeisser was involved in the design of the screen, nor any records that indicate Mr Giurgola may have been the designer of the screen.

During the 2009 Staff Dining Room Refurbishment project, the screen was disassembled for storage. Subsequently, as the screen was not part of the Parliament House art furniture collection, it was disposed of (around \$80 was received for the metal components).¹⁰⁷

4.121 The committee received evidence about the disposal of custom fittings during the staff dining room refurbishment project, including that light fittings were salvaged from a garbage skip. Mr Giurgola commented that he was 'very distressed' when this had occurred.¹⁰⁸ Mr Hal Guida noted that many people had an interest in Parliament House and he had received emails and photos of the light fittings.¹⁰⁹

4.122 As a consequence of the review undertaken in 2011 by Mr Robert Tonkin into DPS asset disposal policies and practices, DPS has undertaken a project to improve the identification of assets that did not already form part of the Parliament House Art Collection but are considered to have cultural heritage value. Building spares have been identified as items to be included in the database of heritage assets. These include light fittings specifically designed and manufactured for Parliament House; monumental door hardware (spares); Chamber fabric; terracotta roof tiles for the Chamber roofs, and hand woven fabrics both *in situ* and on rolls. DPS stated:

As items and objects including original building spares continue to be identified or become rare, they will be added into the SAP database as heritage assets. Once classed as a Parliament House heritage asset, these items will then attract the protection and management appropriate for

106 *Budget Estimates Hansard*, 21 May 2012, pp 62–63.

107 Senate Finance and Public Administration Legislation Committee, Budget Estimates 2012–13, Department of Parliamentary Services, *Answer to question on notice No. 68*.

108 Mr Romaldo Giurgola, *Committee Hansard*, 16 November 2011, p. 1.

109 Mr Hal Guida, *Committee Hansard*, 16 November 2011, p. 12.

heritage items including (if appropriate) disposal in accordance with guidelines for disposal of heritage items.¹¹⁰

Kitchen upgrades

4.123 Although the DPS Annual Report for 2008–09 stated that as part of the Staff Dining Room project a 'complete kitchen upgrade' was undertaken, DPS has now informed the committee that this was incorrect.¹¹¹ DPS has however, recently undertaken the 'all Catering Kitchen Refurbishment Project'. Ms Graham, at the Budget Estimates 2012, provided details of this project:

The kitchens at Parliament House are nearly 25 years old. Commercial kitchens are generally updated every 10 to 15 years. One of the particular problems we have is that flooring and tiles become harder and harder to clean over time and after about 10 years they really need replacement altogether. The kitchens are dated. They are using outdated equipment. They do not comply with food preparation standards. The work that is being done is to bring these kitchens and facilities up to a standard that is acceptable so that we can have a greater level of confidence in providing safe food to visitors and people who work here at Parliament House.¹¹²

4.124 It was noted that there had been minor upgrades of the kitchens undertaken previously but the project aimed at more extensive refurbishment.

They have had some minor upgrades, but not to the extent that we are doing at the moment. This is about the kitchen wall, floors and ceiling finishes, which we are upgrading to meet the current food premises guidelines. We are basically replacing old tiles et cetera on the floors and the grout surfaces that have become quite corroded and grubby and replacing them with clean surfaces. We are going right through the kitchens within Parliament House.¹¹³

4.125 DPS noted that the surfaces in the kitchens do not meet the appropriate food preparation standards. In addition, the catering contractor has had to put in place additional labour-based steps to maintain reasonable levels of food safety compliance.¹¹⁴ In addition, the project provides for the use of cook-chill technology which is based on a main production kitchen and satellite kitchens for

110 Department of Parliamentary Services, *Answer to question on notice No. E6*, dated 26 April 2012.

111 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012.

112 Ms Bronwyn Graham, Department of Parliamentary Services, *Budget Estimates Hansard*, 21 May 2012, p. 61.

113 Ms Liz Bryant, Department of Parliamentary Services, *Additional Estimates Hansard*, 17 October 2011, p. 46.

114 Ms Bronwyn Graham, Department of Parliamentary Services, *Additional Estimates Hansard*, 17 October 2011, p. 47.

reheating/finishing. DPS also indicated that the use of other new technologies would result in efficiencies and savings.¹¹⁵

4.126 The total cost of the kitchens project was \$14.2 million over a four year period. The Staff Dining Room kitchen upgrade was completed on 3 February 2012 at a cost of \$3,390,000.¹¹⁶

Car park lighting project

4.127 In 2010, DPS embarked on a project to replace the lights in all the building car parks with the aim to achieve energy savings of 10 per cent, achieve an increase in average life over the existing installation, and achieve a reduction in maintenance costs. The project required covered 1976 luminaires. In addition, it was noted that there were serious work, health and safety issues arising from the poor condition of the cabling of the existing luminaires.

4.128 DPS employed a consultant to assist in the selection process. The consultant's draft report was provided in May 2010 and provided comment on alternative luminaire options. The options examined included purpose designed lighting, retrofit of the current lighting and six alternatives. The consultant considered that a purpose designed luminaire was the most suitable option as it provided the best performance, least maintenance cost, and longest expected serviceable life compared with the other alternatives. The report stated that the preferred option 'has been designed as a long life, low maintenance luminaire specifically for use within Parliament House car parks'. The consultant identified two other alternatives if DPS was going to consider less robust, more basic luminaires. The consultant stated, in relation to the alternatives, that:

Though they have more basic construction and would require more maintenance than [the preferred option], they would require replacement at the end of 20 years of serviceable life. They are also not square in profile [and] would require further investigation and confirmation from DPS architectural integrity to confirm suitability for use in the car park.¹¹⁷

4.129 DPS did not support the consultant's preferred option. The total budget for the project was \$1.75 million which represented a saving of \$935,000 below the amount provided for in the Capital Works Program 2010 to 2015. The consultant's report provided the following comparisons between the preferred option and that installed by DPS:

115 Ms Bronwyn Graham, Department of Parliamentary Services, *Additional Estimates Hansard*, 17 October 2011, pp 46–47.

116 Department of Parliamentary Services, *Answer to question on notice No. 4*, dated 18 October 2012.

117 Department of Parliamentary Services, *Answer to question on notice No. 5*, dated 18 October 2012, Luminaires Selection Options Report.

Tabled 4.2: Options for car park lighting project

	Consultant's preferred option	Installed option
Estimated capital cost	\$2,080,000	\$1,260,000
Maintenance cost	\$297,1118	\$523,305
Reduced maintenance cost?	Yes (\$246,000)	Yes (\$28,000)
Life cycle cost (20 yr general lighting only)	\$3,913,000	\$3,319,000
Residual value of asset	\$1,040,000	\$0
Life cycle cost less residual value	\$2,873,000	\$3,319,000
Life cycle cost	\$5,809,000	\$5,890,000
Estimates serviceable life	40 years	20 years

Source: Luminaire Selection Process and Alternatives Report

Committee comments

4.130 The four case studies undertaken by the committee highlight major deficiencies in DPS's engagement with moral rights holders, project management and maintenance of design integrity.

Engagement with moral rights holders

4.131 The House of Representatives Chamber Enhancement and the Staff Accommodation projects display engagement with the moral rights holders that was at the very least poor and at worst dismissive. In relation to the House of Representatives Chamber Enhancement project, even though the project was taking place in an area of significant heritage and design integrity values, DPS did not approach Mr Giurgola in the initial stages of the project. Rather, Mr Giurgola only became aware of the project during the design tender process following contact with GMB Architects.

4.132 Once Mr Giurgola became aware of the proposals, he provided DPS with detailed matters of concern. The committee examined DPS's responses to Mr Giurgola and is very disturbed at their content and tone: DPS's correspondence was brief, dismissive and contained incorrect information. While the committee acknowledges that some modifications were made following Mr Giurgola's representations, DPS appears to have been very quick to progress the project and the committee is left to question whether the matters raised by Mr Giurgola were given adequate consideration by DPS.

4.133 In the case of the House of Representatives Chamber Enhancement project, the committee has grave concerns about the adequacy of engagement with Mr Giurgola including timing and responsiveness to suggestions for modifications to the scope of the project.

4.134 In relation to DPS's engagement with Mr Upfill-Brown, the committee does not consider that DPS's first email constituted a proper moral rights notification. Indeed, DPS sought advice from the Australian Government Solicitor in relation to the adequacy of the email exchange as a waiver of moral rights. Of course, this begs the question as to why DPS did not conduct formal moral rights notification and consultations with Mr Upfill-Brown in the first instance. Further, the committee does not consider that the moral rights consultation was undertaken in accordance with agreed processes as stated by DPS following the 2012–13 Budget Estimates.

4.135 Even more disturbing is the accusation that DPS did not inform Mr Giurgola that Mr Upfill-Brown had deferred his moral rights to Mr Giurgola. If this is the case, and the relevant DPS decision-maker knowingly withheld this information from Mr Giurgola, the committee considers that this could not be viewed as acting with integrity in the course of Parliamentary Service employment.

4.136 The Staff Accommodation project was a significant undertaking and the committee finds it disturbing that no moral rights consultations were initiated by DPS at the commencement of this project. The committee has viewed the draft Project Functional Design Brief which points to the need for moral rights consultations. This was removed from the final document. DPS has stated that this was done with the agreement of the then Heritage Management Officer. However, the Heritage Management Officer has denied providing the advice that the project did not require moral rights consultation or parliamentary approval.

4.137 The committee also notes that Mr Giurgola's letter states that Mr Hal Guida of GMB Architects had already declined to take on the project because of the implications for the design of the building. DPS attempted to verify this statement but it appears that no notes of discussions were found, and the project manager at the time could not recall the exchange with Mr Guida nearly a year later.

4.138 The committee views the absence of appropriate moral rights consultation from the commencement of this project as further evidence of a culture of lack of respect for statutory requirements, the holders of moral rights and for the building itself. As the changes envisaged were considerable, the committee believes it would have been reasonable for DPS to consult Mr Giurgola even if there was a view that there was no obligation to do so under moral rights requirements. In addition, given the context of this project, only one year after the House of Representatives Chamber Enhancement project had encountered significant design integrity and moral rights issues, the committee is of the view that DPS should have been alert to these matters. This appears not to have been the case and the Staff Accommodation project is yet another example of the disregard that DPS exhibited for the preservation of the design integrity of the architecture of the building.

4.139 DPS commented in evidence that it regularly engages with Mr Giurgola, for example, the then acting Secretary, Mr Russell Grove, commented at the committee's hearing in May 2012 that:

[Mr Giurgola] has never been excluded from conversations. His views have always been taken into account. Issues have been talked through. On every project that has any potential for enormous change to the fabric or context

of the building, he is consulted. It is true that sometimes he takes very strong exception, and those matters are talked through...While as a purist he may prefer something not to happen, I think there have been cases where he has had his view and objection registered but accepts, for practical reasons, a particular change may need to take place.¹¹⁸

4.140 While the committee notes Mr Giurgola's comments on his positive experience with the design of the Parliament House child care centre¹¹⁹, this appears to have been the exception rather than the norm. The committee therefore does not agree with the view of the moral rights consultations generally undertaken by DPS in the past have been adequate. Following the problems with the Staff Accommodation project, DPS instigated quarterly meetings with Mr Giurgola to discuss the DPS capital works program but these only provide information and are not a moral rights consultation process.

4.141 At the committee's hearing of 30 October 2012, Ms Mills, Secretary, DPS, indicated to the committee that she had examined the way in which moral rights consultations had been undertaken and stated 'the way in which we consulted in the past has not been best practice and perhaps, in some cases, not even good practice'. She explained this view by commenting that in some instances too much information was provided 'with too short a turnaround time in which decisions could be made and often too much from a single issue point of view rather than a comprehensive process of discussion'. Further, rather than consultation, information has been provided without the opportunity for genuine input.¹²⁰ Ms Mills also indicated that she did not think that quarterly meetings with Mr Giurgola, where he is provided with a great deal of material on individual projects, was the best way to engage with him. Ms Mills commented that she is seeking a way to improve engagement with Mr Giurgola:

...to have a more strategic way of dealing with the information he needs and to provide that to him in a format which gives him a manageable workload and the feeling that he is genuinely being a part of the process. If you look at the material he has commented on, I think there is no question that he has added value every time he has provided feedback to us. It is something I think we are very fortunate to have and want to make best use of—but not in an exploitative way nor in a way that does not allow him to have some dictate over time and place et cetera.¹²¹

4.142 The committee welcomes the evidence provided by Ms Mills as an indication that DPS is putting place a mechanism to ensure appropriate consultation with

118 Mr Russell Grove, Acting Secretary, Department of Parliamentary Services, *Committee Hansard*, 2 May 2012, p. 47.

119 Mr Romaldo Giurgola, *Committee Hansard*, 16 November 2011, p. 13.

120 Ms Carol Mills, Secretary, Department of Parliamentary Services, *Committee Hansard*, 30 October 2012, p. 5.

121 Ms Carol Mills, Secretary, Department of Parliamentary Services, *Committee Hansard*, 30 October 2012, p. 7.

Mr Giurgola will take place in the future and engaging with him in a respectful, professional and timely manner.

Design integrity

4.143 DPS provided the committee with a large volume of documents related to the House of Representatives Chamber Enhancement project. It is evident from the committee's examination of the documents, including emails and amendments to meeting minutes, that DPS Heritage Management staff were far from comfortable with the direction and scope of the project. One major area of concern was the proposal to replace the original chair with a proprietary chair rather than seeking to have the OHS issues addressed. The committee considers that greater emphasis must be placed on design integrity issues during the design phase of projects.

4.144 The committee is also concerned about the apparent lack of inclusion of the Speaker's chair in the Art Collection. As stated above, Mr Giurgola noted that the Speaker's chair was designed as an 'inseparable element of the Chamber's Central Furniture and the visual balance of the Chamber as a whole' and was a formal commission within the Parliament House Art/Craft Program.

4.145 In relation to the loss of the screen from the Staff Dining Room during renovation of this area, the committee finds DPS's explanation less than adequate. The committee has not received any evidence that DPS approached Mr Giurgola. The disposal of the screen again highlights major deficiencies in the management of Parliament House assets. DPS stated that the screen was sold 'as the screen was not part of the Parliament House Art Furniture Collection'. As the committee noted in its interim report, the possible heritage value of an item based on whether or not it is listed in the Art Collection database is far too narrow. The committee acknowledges that DPS is addressing this matter, but again the committee is left to speculate about what other items of heritage value have been lost because of DPS's failure to establish a comprehensive definition of heritage items and to update its listings of items since the building opened in 1988. These examples demonstrate the need for more on-going scrutiny and accountability of DPS operations.

4.146 A further design integrity matter was exposed in relation to the car park lighting project. In this project, DPS chose not to go with the option suggested by the consultant. The documents provided to the committee do not provide the reasons for the decision not to follow the option preferred by the consultant. However, it appears that cost was a large factor with the indication that just under \$1 million was saved by installing one of the alternative options. The committee notes that the consultant had indicated that there were design integrity considerations with the options other than the preferred option. In addition, maintenance costs were higher, the life cycle shorter and the residual value lower for the option installed by DPS.

4.147 In answer to questions on notice, DPS commented 'some heritage aspects are met by ensuring DPS specifications and standards are used'. DPS, however, went on to note that 'many of these specifications and standards can result in very high costs'. DPS also noted that as a *Financial Management and Accountability Act 1997* (FMA Act) agency, it was required to ensure it manages public resources efficiently, effectively and ethically and that:

To ensure the efficient and effective use of public money DPS evaluates alternative solutions and considers the application of the specifications and standards in relation to the significance of the space, fitness for purpose and cost implications.¹²²

4.148 As has already been stated, it is unclear why DPS did not choose a lighting option which met design integrity requirements. However, the committee does not consider that choosing an option for design integrity benefits would be precluded by the FMA Act. As DPS itself pointed out, the FMA Act requires the use of public monies 'effectively and ethically'. In the committee's view, ensuring the maintenance of the heritage of Parliament House through choice of replacement items that meet design integrity requirements is both effective and ethical.

Project management

4.149 The Staff Dining Room was completed on time and within budget however it appears to the committee that to say that based on this outcome the project was a success is simplistic. The Lessons Learnt Report provides a litany of matters which are of great concern to the committee. These matters range from an apparently arrogant approach by the DPS executive deciding on the project's timeframes without consultation with staff who had to manage the project to fire safety issues.

4.150 Of particular concern was the reported loss of in-house technical expertise and the inexperience in the DPS project team because of staff turnover. The lack of expertise was not only identified in technical areas but also in relation to design integrity. With this project, design integrity issues were not identified prior to construction commencing and the End of Project report indicates that DPS costs increased because of this. More importantly, the potential to undermine the design integrity of the building through use of inappropriate style, colour, texture and finish because of lack of expertise is unacceptable.

4.151 Ms Mills addressed the loss of technical expertise in her evidence to the committee on 30 October 2012. Ms Mills stated:

My understanding is—and again this is perhaps not written advice but anecdotal advice from asking people who have been around longer—that an increase in outsourcing various skills and also budgetary issues combined to influence decisions about the structure of the organisation, including the building area. It is certainly an issue that staff have raised with me quite recently and now, as I gain an increasingly detailed understanding of the complexity of running this building, it seems to me that some of those positions do need to be reviewed, moving forward, to have on hand either independent but readily available experts in some of these critical areas or on staff. There are certainly gaps in our knowledge base in critical areas at the moment that I would like to see filled.¹²³

122 *Senate Hansard*, 16 August 2011, Question on Notice, No. 682, p. 4602.

123 Ms Carol Mills, Secretary, Department of Parliamentary Services, *Committee Hansard*, 30 October 2012, p. 4.

4.152 Ms Mills also stated that a restructure of the asset area was being undertaken so that there would be a single director with responsibility for all aspects of the building. Ms Mills commented that this will 'reinvigorate in that area a strength and a strategic capacity' to deal with critical issues in the future. While Ms Mills commented that previously there had been a belief that some of the roles could be performed on a contract or one-off basis rather than by the employment of in-house expert staff, she did not have a view about the right way to deliver these services, 'but either way it has to be robust'.¹²⁴

4.153 Specifically in relation to the abolition of the position of the fire certifier position and fire safety in the building, Ms Mills informed the committee that a review had been undertaken earlier in 2012. A number of upgrades of active fire systems were recommended and this is being considered as part of the capital works program for the forthcoming year. Ms Mills concluded that 'in an area as significant as this we need a systemic solution and not a series of individual reports'.¹²⁵ The committee considers that DPS should institute a comprehensive review of fire safety within the building.

4.154 The committee is pleased with the response from the new Secretary of DPS to these significant issues, particularly in relation to fire safety. The building is large, with many occupants and visitors. The Parliament must be assured of the safety of all occupants and the committee will continue to monitor fire safety measures in coming estimates hearings.

124 Ms Carol Mills, Secretary, Department of Parliamentary Services, *Committee Hansard*, 30 October 2012, p. 4.

125 Ms Carol Mills, Secretary, Department of Parliamentary Services, *Committee Hansard*, 30 October 2012, p. 5.

