

## DRAFT SECOND READING SPEECH

HON. WILL HODGMAN MP

### *Tasmanian Museum and Art Gallery Bill 2017*

*\*check Hansard for delivery\**

Madam Speaker

I move that the Bill now be read a second time.

The Hodgman Liberal Government is a strong supporter of Tasmania's cultural and creative industries.

The Tasmanian Museum and Art Gallery is a proud Tasmanian institution that has preserved and shared our history and heritage for the benefit of all Tasmanians for more than 150 years.

As tourism and cultural industries are becoming increasingly important drivers of our economy, TMAG needs a modern governance system to ensure that it continues as one of our premier historical, cultural and scientific institutions.

The Government is investing in this sector and implementing best practice models for funding, governance and legislative arrangements to ensure the industry thrives long into the future.

That's why I am pleased today to introduce the *Tasmanian Museum and Art Gallery Bill 2017* which is concerned with ensuring this outcome.

This Bill will address the findings of the Tasmanian Auditor-General's assessment of TMAG's compliance with the National Standards for Australian Museums and Galleries made in March 2015.

The assessment found that TMAG's legal and management framework was unclear, and that roles and responsibilities between TMAG and the Department of State Growth needed to be reviewed and clarified.

This Bill also forms part of our commitment made to the Tasmanian people in our 2015-16, *Next 365 Days Plan* to report on the legislative and governance of the arts sector.

Madam Speaker

Good governance requires robust processes and structures, underpinned by the principles of openness, integrity, and responsibility. This ensures organisations are directed, controlled, and held to account.

This Bill has been developed to establish the institutional structures and strategic planning arrangements for the management and operation of TMAG, and ensure that TMAG's strategic outcomes are achieved through the prudent use of public resources.

It will also provide the basis by which those entrusted with strategic management of the museum and art gallery are charged to deliver those outcomes.

The governance of TMAG is primarily and most importantly about the conservation and care of the art, scientific and cultural material under the stewardship of the Board of Trustees.

The material held by the Board of TMAG is there for the education, enlightenment and enjoyment of our current and future generations.

This Bill will assist in the future direction of the stewardship of this collection.

Madam Speaker

The history of TMAG's success is due to its hard-working staff that ensures TMAG's excellence as a museum and art gallery.

There is also the commitment of the current Board of Trustees led by the Chairman, Mr Geoff Willis together with Professor Jim Reid, Professor Ross Large, Miss Julia Farrell, Ms Brett Torossi, Ms Penny Clive and Alderman Helen Burnet.

I would like to thank them for their dedication to TMAG and the stewardship of the collection.

I would also like to acknowledge the legacy of the role of the Royal Society of Tasmania in the Tasmanian Museum and Art Gallery.

The Royal Society of Tasmania is the oldest scientific society in Australia and New Zealand and the third oldest Royal Society in the Commonwealth.

Its substantial collections of art and natural history specimens became the basis of the modern TMAG, first established as the Tasmanian Museum and Botanical Gardens in 1885.

The Royal Society continues to make important contributions to TMAG through its current role by providing two members to the Trustees of the TMAG.

Whilst the Bill is bringing the governance of TMAG more in line with modern practice, the Royal Society will continue to play an important role in its future. Particularly, in the fields of scientific research and education.

The future engagement between these two bodies in scientific and cultural research should ensure the ongoing excellence of TMAG in these fields.

Madam Speaker

I also want to acknowledge the long and important role that the Hobart City Council has played in the history of TMAG.

The Council has made a strong and respected contribution to TMAG through the Aldermen who have represented the Council on the Board of Trustees since 1950.

I would like to thank all past and present Council members who have devoted their time and effort to the work of the Board of Trustees. The partnership between the Council and TMAG is an important one given the long history of involvement of these two institutions in the cultural makeup of Hobart.

This is reflected in TMAG's hosting the City of Hobart Art Prize and the collaboration in the acquisition of important works.

The formal relationship between the Council and the TMAG Board will change with the new governance structure. However, the commitment of these two institutions to the arts and culture in Tasmania will continue to provide a strong basis to continue and develop this valuable relationship.

Madam Speaker

I would like now to turn to specific provisions of the Bill before us that give effect to that intent.

This legislation will set out clear objectives for TMAG for the first time.

The objectives, as set in Clause 5, provide the broad framework for the direction and operation of the Tasmanian Museum and Art Gallery.

As part of that direction, TMAG will remain a uniquely Tasmanian institution, with a prime goal of informing, researching, and educating the community about Tasmania through the continuing collection of material that reflects and demonstrates Tasmania's heritage, culture and history.

Together with this goal is the need for TMAG to appropriately exhibit and demonstrate to Tasmanians the significance of art, history, heritage, technology and science of the wider human culture and Tasmania's connection to the world.

All the elements of the planning structure and the governance institutions, including the role of the Board and that of the Minister, are to be directed to, and viewed in the context of, the delivery and achievement of the objectives as provided for in the Bill.

Madam Speaker

Accountable and responsible governance is a core outcome of this Bill.

This Bill provides for the establishment of a Board of Trustees of the Tasmania Museum and Art Gallery as a skills-based board, in line with modern governance practice.

Further, the Bill clearly states that the Board is an instrumentality of the Crown.

The Board will have certain functions, which I will touch on in more detail later, including being stewards of the collection of material that is under the control and management of the Board.

That material, defined as the TMAG collection, is held in trust by the Board for and on behalf of the Crown. So, in acquiring material in accordance with this legislation the Board will be acquiring that material for and on behalf of the Crown and act as the stewards of the collection.

Under this Bill all members of the Board of Trustees will be appointed by the relevant Minister and will have terms not exceeding three years.

Whilst Trustees will be appointed by the Minister, the Bill does provide that the Minister can seek nominations from the Royal Society of Tasmania for appointments to the Board.

This is to ensure that the Board has the necessary expertise and skills it requires from the fields of art, Tasmanian history and cultural heritage, including Aboriginal history. This will also include the natural sciences.

A key component to be reflected in the membership of the Board of Trustees is community representation. This Bill provides for a consultative approach to ensure that the interests of the Tasmanian community are represented on the Board.

To ensure the responsibility and accountability of TMAG's purpose is clear, it is the intent that the Board of Trustees is to be responsible for the strategic management of TMAG and the implementation of their legislative functions and the exercise of their powers.

The Board is accountable to the relevant Minister for its legislative functions and the exercise of their powers, with the Minister ultimately accountable to the Parliament.

However, it is not the intent of the Bill that the Board be required to manage the day to day operation of TMAG.

That role will be allocated and entrusted to the Director of TMAG and the Bill makes it clear in Clause 23 that the Director is to be responsible to the Board for the general administration and management of TMAG.

Madam Speaker

This Bill provides for specific functions to be undertaken by the Board of Trustees.

This is to ensure that the necessary tasks and roles are undertaken by the Board to fulfil the objectives of TMAG, as provided for in the Bill.

Broadly, the Trustees will have a three distinct set of functions:

The first set is primarily strategic - the Trustees will be responsible for developing and delivering the strategic direction of TMAG in accordance with Government policy and priorities.

The second set is the managerial functions - with the Trustees tasked to manage the public institution that is the Tasmanian Museum and Art Gallery.

Finally and as previously mentioned, it enshrines that the Board is not to engage in the everyday management of TMAG.

The Board will also be responsible for budgetary management and to ensure the objectives of TMAG are met as set out in the legislation.

As part of these managerial functions, the Board will need to ensure the management of the property of TMAG.

It has been clear for some time that the current land title arrangements for the main Hobart site of TMAG are not optimal.

The Board and the Department of State Growth will continue to work cooperatively to assess, and use, appropriate mechanisms to address these matters to ensure that the Board will be able to manage TMAG's property effectively.

Madam Speaker

The large collection of artistic, cultural, heritage, scientific material is at the heart of the purpose of TMAG.

It will be the key task of the Trustees to develop, care and maintain that collection. They will also ensure that critical research is conducted around this collection.

Further, the Trustees are entrusted with the functions of promoting and displaying the collection under their stewardship.

Madam Speaker

This Bill provides the Board of Trustees with powers to enable it to undertake its legislative functions.

They include matters such as the capacity to enter into contracts, determining matters relating to the access and use of the premises, as well as the collection of material under the stewardship of the Trustees.

The Board also has the power to set reasonable fees and charges for matters in relation to its responsibilities.

However, the Board is limited in exercising its powers in relation to its land or buildings, and is to seek and acquire the approval of the Minister prior to selling or mortgaging any of its buildings.

Further, in exercising its powers, the Board is required to have constant regard to the objectives of the Tasmanian Museum and Art Gallery.

To address accountability and responsibility, this Bill sets out a clear corporate planning structure for the management and operation of TMAG.

There are a number of corporate planning and reporting steps that will enable TMAG's key purposes to be delivered.

This includes a Ministerial Statement of Expectations, the development of a long term Strategic Plan and also provides for annual operating plans, including an annual report.

Flowing from the stated objectives are the more specific requirements and expectations of the Tasmanian Government for TMAG. These are to be determined and set through the Ministerial Statement of Expectations.

This critical instrument will set out the Government expectations to the Board in the context of the key objectives of TMAG. The Board is to give effect to this through the development and implementation of its Strategic Plan.

Similar to the type of Ministerial Statement one might have for a Government Business Enterprise, the intent is to provide more detail on the expectations of the Government and performance requirements of the Trustees.

The Bill also requires the Board to produce and provide to the Minister every financial year, a business plan outlining how the Board will deliver the strategic plan in that year.

To complete the planning cycle, the Board is to provide an annual report to the Minister on its operations, including its financial performance, which the Minister will table to the Parliament.

Madam Speaker

The Minister will have the power to set broad expectations as to the Government's objectives and requirements for the Board to deliver.

However, it is certainly not the intent of this Bill for a Minister to engage or interfere in the day to day operations of the Museum.

Further, the Minister cannot, except in limited circumstances, use the Ministerial Statement of Expectations to control or influence the use of the Board's powers.

Where there may be a need, the Minister can specifically direct the Board to undertake some action in pursuance of a strategic objective, or in relation to some administrative or managerial function of the Board.

However, there are limits and checks on the use of this Ministerial power.

The Minister cannot issue a direction to the Board, where it would conflict with a Ministerial Statement of Expectations. Nor can the Minister direct the Board as to the content of any exhibit, display, event or activity.

More importantly, the Minister cannot direct the Board with regard to its stewardship functions, particularly with regard to the content of the collection.

Nor can the Minister direct the Board on how it may, or may not use a donation, bequest or other gift provided to the Board.

The Bill provides that in terms of the acquisition of material for the collection the Board is solely responsible for those decisions.

However, there are a range of limitations with regard to the disposal of material from the collection.

There are a range of means by which material can be disposed of, and these are consistent with policies of the International Council of Museums.

In conclusion, this Bill clarifies the lines of responsibility and, therefore, accountability for the management and operation of the Tasmanian Museum and Art Gallery.

It establishes the structures and processes for decision-making, centring strategic and overall responsibility for the management of TMAG with the Board of Trustees. It enshrines the responsibility of the daily operations with the Director of TMAG.

Madam Speaker, this Bill proves a strong, 21<sup>st</sup> Century governance framework for the Tasmanian Museum and Art Gallery.

It will enable TMAG to thrive into the future and continue to collect, care for, and create a place that educates and inspires us to learn more about our history and about our world.

I commend the Bill to the House.