

**SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS –  
AUSTRALIAN WAR MEMORIAL DEVELOPMENT PROJECT**

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I tender the following submission to the Standing Committee on Public Works (Committee) outlining my reservations about and objections to the Australian War Memorial Development Project; that is, the \$498M expansion of the institution's buildings and proposed associated displays. I note that the terms of reference for the Committee are:

- the stated purpose of the proposed work and its suitability for that purpose;
- the need for the work;
- the cost-effectiveness of the proposal; and
- the amount of revenue it will produce if the work is revenue producing the current and prospective value of the work.

As background, I am a Senior Lecturer at the Curtin Law School. I am a mid-career military-legal historian and have conducted research at the Australian War Memorial (AWM) for more than a decade, specialising in the Second World War. I am an editor and contributing author to Georgina Fitzpatrick, Timothy McCormack and Narrelle Morris (eds), *Australia's War Crimes Trials 1945-51* (Leiden: Brill Nijhoff, 2016). This book was produced out of an Australian Research Council Linkage Grant between the University of Melbourne Law School, the Australian War Memorial and Defence Legal. It was shortlisted for the NSW Premier's Prize in Australian History in 2017. I am also the author of *Japanese War Crimes in the Pacific: Australia's Investigations and Prosecutions*, Canberra: National Archives of Australia, 2019, <http://guides.naa.gov.au/ipn/index.aspx>. This is an archival guide that covers the historical materials available at the National Archives of Australia, the Australian War Memorial, the National Library of Australia and other institutions. I am also the specialist lecturer in the subject of statutory interpretation at the Curtin Law School.

In my view, the proposed development work at the Australian War Memorial is inappropriate and unsuitable for a number of reasons, many of which have been addressed by earlier submissions to the Committee. The development plans are grandiose and expensive. They will impact unnecessarily on the historical and heritage façade and grounds of the current institution, as well as undercut C. E.W. Bean's vision for the institution as a 'gem'. They will undercut the significance of the fact that all current visitors to the main building must enter up the grand steps and look down ANZAC Parade towards the Old and New Parliament Houses and, upon entering, face the Memorial Courtyard. Moreover, the plans appear, at least in part, apparently inspired by legacy-building aims of the leadership of the Australian War Memorial. That previous Directors of the Australian War Memorial and so many more distinguished historians than myself are in opposition to the development ought to be regarded as significant. With new leadership of the Australian War Memorial in place, it is time to revisit those plans and funding.

Please note that as this submission was written on 17 June 2020, the date that submissions closed, it is of necessity brief. I submit:

1. The Australian War Memorial received considerable funding for its Centenary Projects (2014-18) on the First World War in recent years plus the benefit of protection from recent budget 'efficiency dividends' imposed on other national-cultural institutions in Canberra. By contrast, the National

Archives of Australia, National Library of Australia, National Film and Sound Archive and other institutions have seen their expert staff numbers shrink, collections pared back or cancelled, projects limited and opening hours shortened, with the consequence that the services that they provide to Australian researchers and members of the public, and other visitors, have been suffering for a number of years. While memorialisation of the military service of Australian service personnel and services relating to Australian military history are very important to Australia, these aims should not be consistently prioritised over the aims of the other, equally important Australian national-cultural institutions. The funds for this project would be better spent in the Australian national interest if they were parcelled out to support as many national-cultural institutions as possible.

2. The way the development has been promoted by the Australian War Memorial as a 'therapeutic milieu' for living service personnel and veterans does not – with the greatest respect for those persons – fall within the narrow purpose(s) of the Australian War Memorial, which can be elicited by applying modern techniques of statutory interpretation to an intrinsic review of the provisions of the *Australian War Memorial Act 1980* (Cth) ('the Act') and from close analysis of the functions of the Australian War Memorial which are explicitly set out in section 5 of the Act:

## 5 Functions of Memorial

- (1) The functions of the Memorial are:
  - (a) to maintain and develop the national memorial referred to in subsection 6(1) of the *Australian War Memorial Act 1962* as a national memorial of Australians who have died:
    - (i) on or as a result of active service; or
    - (ii) as a result of any war or warlike operations in which Australians have been on active service;
  - (b) to develop and maintain, as an integral part of the national memorial referred to in paragraph (a), a national collection of historical material;
  - (c) to exhibit, or to make available for exhibition by others, historical material from the memorial collection or historical material that is otherwise in the possession of the Memorial;
  - (d) to conduct, arrange for and assist in research into matters pertaining to Australian military history; and
  - (e) to disseminate information relating to:
    - (i) Australian military history;
    - (ii) the national memorial referred to in paragraph (a);
    - (iii) the memorial collection; and
    - (iv) the Memorial and its functions.
- (2) The Memorial shall use every endeavour to make the most advantageous use of the memorial collection in the national interest.

In short, the purposes of the Australian War Memorial are to memorialise those Australians who have died in active service, broadly defined; to develop and maintain a collection of historical material relating to Australian military history; to exhibit that historical material; to enable research into that historical material; and to disseminate information relating to the Australian War Memorial, its collections and Australian military history. It is not the purpose of the Australian War Memorial to provide quasi-psychological treatment or pastoral care services to living service personnel or veterans. There is no evidence that Australian War Memorial staff are qualified to do perform these roles or that placing more objects of Australian military history on display in new galleries will assist service personnel or veterans in any event. The sacrifice and needs of living service personnel and veterans are acute but should be addressed by the Australian Government properly funding qualified medical care for them.

3. Recent operations at the Australian War Memorial and the development plans have prioritised the function of the Australian War Memorial at s 5(1)(c) to 'exhibit ... historical material' over the function at s 5(1)(d) to 'conduct, arrange for and assist into research into matters pertaining to Australian military history'. The Research Room at the Australian War Memorial has become increasingly more difficult to locate by researchers and members of the public due to a lack of signage and the fact that it has been effectively concealed behind an Afghanistan collection for some years. The collection of shelved published materials in the Research Room has been cut back time and time again, as space inside the room is taken up by e.g. lockers that used to be outside the room. The actual collection of written historical materials has been significantly limited by the budget allocation. The development plans do not appear to place any focus whatsoever on the needs of researchers that require access to historical material in the form of written records, as opposed to looking at large objects of military hardware on display in new galleries.
4. The Australian War Memorial is significantly lagging behind other institutions in respect of digitisation projects for historical records. As well as imposing a financial burden on researchers and members of the public who do not live in Canberra to travel to the Australian War Memorial to conduct research, the lack of digital access to often irreplaceable written records means that they must be consistently handled by every researcher. This clearly imposes a long term risk of damage and loss. The security at the Australian War Memorial in respect of records is also laughable by comparison with the very tight security imposed on researchers at The National Archives (UK) and the National Archives and Records Administration (US).

If records were available digitally, the Australian War Memorial would be able to;

- better serve its function at s 5(1)(d) to assist with research into Australian military history for all Australians and other international researchers; and
- better preserve and secure the irreplaceable written records of Australian military history.

Moreover, I observe that s 5(2) of the Act obliges the Australian War Memorial to 'use every endeavour to make the most advantageous use of the memorial collection in the national interest'. This obligation would be far better met if the Australian War Memorial were to use part of the proposed \$498M on a digitisation project.

In conclusion, I am gratified that the Australian Government seeks to support the Australian War Memorial but its support in this case is poorly designed. The scale and nature of the development should be reconsidered in light of the statutory purpose(s) of the Australian War Memorial and whether the funds could be expended in a more appropriate manner to benefit all our historical-cultural institutions.