

Inquiry into the Administration of the *National Memorials Ordinance 1928*

**Submission
by Juliet Ramsay
26 August 2011**

Submission No. 4

Introduction

When the National Memorials Ordinance of 1928 was initiated, Canberra had a population of less than 10,000, Lake Burley Griffin was merely strongly debated lines drawn on a plan and the Australian War Memorial had not been constructed. Since then the city has matured, the lake completed, an impressive war memorial constructed and a memorial parade developed. Importantly, the community has become quite substantial, a fact noted by Prime Minister Hawke in 1988 when he gave self-government to the ACT Territory. Statutory planning instruments to protect and manage Canberra are in place as is environment and heritage legislation. Now, 23 years on from the ACT's self government, when Canberra's population is close to 400,000, the same memorials ordinance of 1928 is in place, having remained without review or change for 81 years.

The issue of the proposal for World War I and World War II Memorials to be located in a open space central in Canberra's most famous Land Axis Vista, has enraged many in the community and necessitated a strong scrutiny of the process associated with administration of the CNMC, and the way in which heritage listed land also defined for recreation in the Griffin Legacy Plan was allocated for War Memorials. Community opinion voiced at public meetings and in the media reflects a complete lack of confidence in the administration of the CNMC, and particularly in the management and role of the National Capital Authority (NCA) in their influence on decisions for the memorials and their lack of respect for existing planning instruments and heritage legislation.

The Australian community desires memorials particularly to honour and grieve for people killed in wars and also to commemorate people significant in the history of the nation. As a landscape planner, I know that this can be achieved through sensitive planning and design that does not need to be 20m high stone monuments in public spaces where they not only absorb valued space but conflict with the ambience of joy and fun. The Menzies walk is one example of a commemorating an individual through a useful recreation feature. As well, memorials do not necessarily need to be located in central Canberra. Indeed, it may be better to consider a military memorial park in another location near Canberra that can provide a tranquil landscaped environment. Memorials do not all need to be located in Canberra. There are other more relevant locations in the nation where commemorating events and people are shared as attractions for families and visitors such as the truckies memorial at Tarcutta, the fishermen's memorial at Fremantle and the various halls of fame throughout the nation.

Some of the evidence for the comments in this submission is from the LWMF website: www.lakewarmemorialsforum.org. The LWFM has obtained information under 'Freedom of Information'. As a member of the ICOMOS – iFLA International Scientific Committee on Cultural Landscapes, I have a strong interest in the designed and living Lake Burley Griffin landscape, a topic that I have followed for years in private research and presentations. The ever-expanding number of memorials in the lakeshore landscape and their increasing predominance in the landscape vistas is a concern that has been voiced in studies and the media over a number of years. The editorial in the Canberra Times 18 August 2011

Inquiry into the Administration of the *National Memorials Ordinance 1928*

summarises several of the issues and community concerns.

I welcome Minister Crean's initiative in calling for this Inquiry and have prepared this submission according to the Terms of Reference as advertised. Although there are a several issues bound into this matter, the CNMC role is important to the nation. I believe the issues can be overcome and the outcome of the Inquiry and review of the CNMC could be a positive benefit to all.

1 Inquire Into and Report on the Administration of the National Memorials Ordinance 1928

1.1 The Administration of the National Memorials Ordinance 1928 (the Ordinance)

1.1 A The membership of the Canberra National Memorials Committee (CNMC) Comment:

The existing committee is composed of five Parliamentarians, one government official and two historians (nine members (Ordinance no. 18 of 1928). The Governor General also has the authority to appoint acting committee members in the instance of someone being ill.

The existing function of the CNMC is make decisions on the nomenclature of divisions of, or of public places in, the City District, or the location or character of national memorials in the City District (Ordinance no. 18 of 1928). While the function of decisions on national memorials is active the function of nomenclature of divisions needs to be considered if it is still an active concern.

Attendance at CNMC meetings over the last four years has been no more than four from committee of nine as demonstrated in the list below.

Attendance at meetings of the CNMC

22 June 2010

The Hon Brendan O'Connor MP – Minister for Home Affairs
Senator Eric Abetz – Leader of the Opposition in the Senate
Mr Roger Wilkins AO, Secretary, Attorney-General's Dept
Mr Ian Campbell PSM, Secretary, Dept of Veterans' Affairs

15 March 2010

The Hon Brendan O'Connor MP – Minister for Home Affairs
Mr Roger Wilkins, AO, Secretary, Attorney-Generals' Dept
Mr Ian Campbell PSM, Secretary, Dept of Veterans' Affairs

24 November 2008

The Hon Bob Debus MP, Minister for Home Affairs
Mr Roger Wilkins AO, Secretary, Attorney-Generals Dept
Mr Ian Campbell PSM, Secretary, Dept of Veterans' Affairs

19 May 2008

The Hon Bob Debus MP, Minister for Home Affairs
Mr Robert Cornall AO, Secretary, Attorney-Generals Dept
Annabelle Pegrum, Chief Executive, NCA

Inquiry into the Administration of the *National Memorials Ordinance 1928*

16 August 2007

The Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads
Mike Taylor, Secretary, Dept Transport and Regional Services
Annabelle Pegrum, Chief Executive, NCA

1 March 2007

The Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads
Senator Chris Evans, Leader of the Opposition in the Senate
Mike Taylor, Secretary, Dept Transport and Regional Services
Annabelle Pegrum, Chief Executive, NCA

The existing membership arrangement has not proved adequate. Records have revealed that the decision making CNMC meetings about the proposed war memorials on the lakeshore (1 March 2007 and 16 August 2007) were by minimum of CNMC members (refer table above) (Stephens 2011) with critical decisions made with as few as one parliamentarian and no independent historian experts. The Prime Minister was not present at either meetings but gave approval of the meeting decisions at later dates.

1.1.B The administrative process for decision-making by the CNMC

Comment:

It appears that the past CNMC meetings happened on an ad-hoc basis and at times at close intervals in order to push forward a proposal. Although the NCA prepared sound guidelines for memorials, *Guidelines for Commemorative Works in the National Capital* the guidelines were not followed.

Central Canberra has rapidly become filled with memorials. It is questionable that Canberra needed a memorial to the Magna Carta. It is questionable that every Australian of the Year requires their own plinth memorial with an image, marching along the lake edge, which will lead to an ongoing accumulation of such memorials. The valuable landscape of the lake edge that is supposed to be setting for national buildings is beginning to resemble a cemetery.

There is an overburden of military and war memorials that needs to be addressed, given the constant desire by some members of the public for such memorials.

There appears to be a lack of discrimination in – what should be given national commemorative status, how much national space memorials should take, the preeminence of the memorial's location and the preeminence of the memorial purpose.

1.1.C The administrative mechanisms for the CNMC to seek independent, expert advice

Comment:

A number of issues noted under Item 1.1.E a - c, relate to the existing committee membership and that lack of relevant expertise. Another concern that has arisen from the War Memorials on the lakeshore proposal is that the proponent of the memorials, the Memorials Development Committee, has been given the responsibility of making a decision on the impacts of the development proposal on the aesthetic and heritage significance of the proposal on the allocated site. It is not appropriate for the proponent to make such decisions, as they are not qualified in aesthetics, design, or heritage.

Suggestions:

Inquiry into the Administration of the *National Memorials Ordinance 1928*

Item 1.1.F a - c, suggests a council of experts, co-opted council members as required, all of whom should review proposals and provide advice for ministerial approval. An adviser from the NCA will be present but should not be a voting member.

To ensure a high standard in decision from experts, suggestions and tools as outlined in Item 1.1.G a.-d., are suggested as a mandatory requirement.

1.1.D Opportunities for improving transparency in the administration of an Ordinance

Comment:

Given recent public concerns there is a need for transparency, community comment that can be built into the formal meeting process. Two or three formal meetings a year with clear briefing papers, prepared by the secretariat. There is a strong need for a CNMC website where the decision-making process can be viewed. The process would need to be a series of steps to be undertaken sequentially in the meetings, such as the following.

- Submission of monument proposals
- Options for location and conceptual character of proposal, cost forecast, and outline of works program for discussion (rejection, referral back to proponent for review or amending* or forward to Minister)
- Ministerial briefing and acceptance of advice by the Minister
- Media release and Public consultation
- Review of public comments
- Minister's decision (rejection, referral of proposal for review and amending, or acceptance of proposal).
- Media release or CNMC website notice.
- Following acceptance of proposal if required a design competition organized, and winner selected.
- Media release or CNMC website notice.
- Funding secured by memorials proponent or government.
- Documents prepared for design and construction, works program, cost estimate and funding. Agreement to go to tender.
- Administration of tender and works undertaken by NCA.

1.1.E Summary of 1.1. Issues in the Administration of the National Memorials Ordinance:

- a. The required CNMC membership cannot be met by busy Parliamentarians.
- b. Because of the mature status of the City, the committee requires experts to ensure there is no conflict with existing heritage, planning zones and for other decisions;
- c. The proponents of a memorial proposal have been required to make decisions on aesthetics, heritage or planning when they are not qualified to do so.
- d. The existing Canberra community, who lives here, understands the city and how the landscape is used, is not represented.
- e. The public has not been consulted in some of the memorial proposals.

Inquiry into the Administration of the *National Memorials Ordinance 1928*

- f. There seems to be a lack of discrimination in what should be given national memorial or national commemorative status, how much national space memorials should take, the preeminence of the memorial's location and the preeminence of the memorial purpose.
- g. Central Canberra has rapidly become filled with memorials. It is questionable that all these memorials are needed and indeed valued by Australians. Some memorials are given undue precedence such as every Australian of the Year that has their own plinth with an image marching along the lake edge that will lead to an ongoing accumulation of such memorials and the valuable lake edge landscape resembling a cemetery.
- h. There is an overburden of military memorials and war memorials that needs to be addressed, given the constant desire by some members of the public for such memorials.
- i. Funding of some memorials has not been guaranteed.

1.1.F Suggestions for Membership of the CNMC

- a. To address existing issues, radical change to committee membership of the CNMC is proposed to be based on independent experts with sound knowledge of critical disciplines such as:
 - Experts with sound experience in (a) heritage, (b) planning and (c) history (three members).
 - Two representatives of the Canberra community with high profile in community social needs associated with central Canberra.
 - Secretary of the Department of Regional Australia, Regional Development and Local Government.
 - Given that the locations of memorials are now in heritage listed areas or associated with heritage listed places, the committee should include the First Assistant Secretary, Wildlife Approvals and Heritage Division, Department of Department of Sustainability, Environment, Water, Communities and Population.
 - Co-opted members for a specific memorial may be required. The Director of the Australian War Memorial should be co-opted for advice on all new war memorials.
- b. The Chief Executive of the National Capital Authority would be present as an advisor but not a voting member.
- c. The group of 7 members would form a council, elect its own chair, report on its deliberations and decisions and provide advice to the Minister for agreement by Prime Minister and Leader of the Opposition. The quorum would be five members.

1.1.G Administrative process for decision-making by the CNMC

- a. The ordinance would need to require two or three formal meetings per year with established dates.
- b. The Ordinance should ensure that the Guidelines are treated as mandatory and that there are mandatory criteria for national memorials and commemorative memorials.

Inquiry into the Administration of the *National Memorials Ordinance 1928*

- c. To guide decision-making, an expert study and master plan undertaken to predetermine memorial location sites, the character of memorials and the absorption capacity of the landscape, for future memorials in central Canberra. For example what locations for memorials are available in central Canberra and what sort of memorial is best in the site without damaging Canberra's design and use planning integrity – such as a statue, structural object, water pool, pathway, group of trees or other planting arrangement etc.
- d. To guide decision-making, an expert study to consider and select a separate location beyond central Canberra, is required for military memorials including a war cemetery that has been proposed in recent years. A site could be selected in a rural area that has potential for future expansion, and developed into landscaped parkland with a war cemetery and, veterans and military memorial parkland. A model for such a site is Arlington, USA which is a short distance from Washington DC and occupies around 300ha.
- e. Funding for the memorials should have a set time limit for fund raising for example – five years.

1.2. The appropriate level of parliamentary oversight for propose National Memorials

Comment:

This submission suggests a complete change to the membership structure of the CNMC and for it to be replaced by a council or group of experts with assistance of government officials to run the secretariat, provide briefing papers and prepare and deliver advice papers for Ministerial final decision.

Suggestions:

As the existing CNMC has bipartisan committee membership, it may be appropriate to ensure that final decisions are agreed by either:

- The Prime Minister and Leader of the Opposition or
- The Minister Regional Australia, Regional Development and Local Government and the Opposition Member for Regional Australia, Regional Development and Local Government.

Appropriate expert members of the CNMC could be:

- The Chair of the Australian Council of National Trusts;
- The President of the Australian Historical Association;
- President of ICOMOS Australia; or
- President of the Australian Institute of Planners

Appropriate community group members could be:

- The Canberra District Historical Society
- The ACT Branch of the Griffin Society
- Users of Lake Burley Griffin.
- Other

1.3 The appropriate level of public participation in the development of

Inquiry into the Administration of the *National Memorials Ordinance 1928*

proposed National Memorials

Comment:

Public consultation appears to have been ignored in past decisions about memorials. Although it is recognised that NCA has in the last 12 months undertaken consultation on new proposals. In the case of the proposed War Memorials on the lakeshore, the public first found out about the memorials when there was media coverage of the winning design. The media announcement caused considerable distress amongst the local community and non-locals for an array of reasons. There has been a barrage of letters and comments to the Canberra Times and the Lake War Memorials Forum website, established as a platform for community comment, received over 350 comments from individuals in Canberra, Australia and even from overseas. These can be viewed at www.lakewarmemorialsforum.org.

Suggestions:

- Item 1.1.D sets out 12 steps for managing the administration of the memorials process. These steps include public consultation after the Minister accepts and agrees to the advice by the committee for the concept of the proposal, including location and character.
- The public consultation would need to advertise in an international newspaper as well as the Canberra Times.
- The 12 steps set out in 1.1.D also note where there needs to be public announcement on deferral, referral and forward action. This could be achieved a national media announcement or on a CNMC website

2 If changes to current arrangements are recommended, inquire into and report on transition provisions for current proposals for memorials which have not yet been constructed

Comment:

There are at least supposedly six current memorial proposals that have not yet been constructed. Given the issues listed in 1.1.E a.- h. the public distress expressed in the war memorials on the lakeshore proposal created, it would be irresponsible to proceed with any of the memorial proposals, until there has been a changes that encompass:

- The structure and membership of the CNMC reviewed and restructured with appropriate experts.
- Mandatory criteria for a proposal to meet a national memorial or national commemorative status.
- Mandatory requirement for adherence to the *Guidelines for Commemorative Works in the National Capital*.
- The process for memorials development being more transparent.
- Adequate public consultation
- The selection of location and character respecting current zoning use and values of heritage listings of the location site and associated heritage places.
- Alternate sites beyond central Canberra being developed and considered.

Suggestion:

Any existing memorial development proposal should be **rejected** if it does not:

Inquiry into the Administration of the *National Memorials Ordinance 1928*

- meet the mandatory criteria for a national memorial or national commemorative status;
- adhere to the *Guidelines for Commemorative Works in the National Capital*;
- adversely impact values of heritage listed places; or
- is contrary to the use set out in existing land plans such as the Griffin Legacy Plan

The existing memorial proposal should be **referred** back to the proponent if it does not:

- demonstrate adequate funding for the design and construction of the memorial;
- acquire adequate funding within a reasonable time frame; or
- demonstrate adequate local or national community support.

*** Rejection and Referral**

Rejection of the monument proposal means that it fails to meet mandatory criteria, fails to adhere with the Guidelines, adversely impacts heritage values or is contrary to planning parameters and the project proposal is terminated.

Referral of Monument Proposal means to refer it back to the proponent for to allow set time for raising funds; and/or

Undertake a public consultation study that results in high public approval of the monument in the Canberra community and in the international community.

A referred proposal would need to be resubmitted and reevaluated by the CNMC

References:

The Federal Government (1928) An Ordinance, No.18 of 1928. Prepared for the Territory for the Seat of Government.

National Capital Authority, 2008 National World War I and World War II Memorials, design Competition Brief.

National Capital Authority, 2002 *Guidelines for Commemorative Works in the National Capital*. National Capital Authority, Canberra.

NCA letter (2007) to MDC signed by Annabelle Pegrum, dated 4 April 2007 and reserves the Rond Terraces site until 30 June 2010.

Stephens, D (2011) "How committed have prime ministers been to the lakeside memorials project?". Paper prepared for the Lake war Memorials Forum. Information on attendance at meetings provided by the National Capital Authority.

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