

The Secretary
Joint Standing Committee on the National Capital and External Territories
Parliament House
Canberra ACT 2600

INQUIRY INTO ADMINISTRATION OF MEMORIALS IN CANBERRA

I write on behalf of the Australian Garden History Society, the leader in concern for and conservation of significant cultural landscapes, parks and gardens through committed, relevant and sustainable action. The Society, formed in 1980 to bring together people with interests in the history and evolution of gardens and cultural landscapes, has active branches in all States and some 2000 members Australia-wide.

The cultural heritage landscapes of Canberra, the nation's capital, are important to all Australians. The Society is deeply concerned about the threat to our heritage landscapes from the World War I and World War II memorials now proposed for the Rond Terrace area on the shores of Lake Burley Griffin. In the Society's view these memorials are wrongly located and over-scaled. If built, they will have a serious adverse impact on a highly significant cultural landscape which includes heritage items of national significance.

That this proposal should have been developed over several years by the National Capital Authority (with the nominal approval of the Canberra National Memorials Committee) and with total disregard for the conservation of the four heritage listed places affected demonstrates serious failure in the administration of the National Memorials Ordinance 1928. Fortunately, this inquiry provides an opportunity to ensure that proper regard is given to heritage conservation from the outset of any proposal for a memorial, and to stop the current proposal from being constructed.

In terms of the particular matters listed in the terms of reference:

The membership of the Canberra National Memorials Committee.

The Committee needs to include members to ensure that proper regard is given to heritage conservation. Under current arrangements the responsible minister is The Minister for Sustainability, Environment, Water, Population and Communities. The minister should be a member of the Committee. The Committee should also include members with expertise in cultural heritage landscapes. I suggest the Chair of ICOMOS Australia, the Chair of the Australian Council of National Trusts, and/or the Chair of the Australian Garden History Society. If persons from these organisations were on the Committee they would know, for example that the axis from Parliament House, across Lake Burley Griffin to the Australian War Memorial at the foot of Mt Ainslie is at the heart of Walter Burley Griffin's masterly design.

The design incorporates a vista of great power by reason of its length and scale, with the Australian War Memorial now located as a focal point. The vista is of national importance as perhaps Australia's most significant designed urban space and clear axial vista. Members with expertise in cultural heritage landscapes could seek to ensure that any proposal approved by the Committee enhance and not impair the integrity of the design of Canberra's significant cultural landscapes.

The process for decision-making by the CNMC

The charter of the CNMC should require that proper regard be given from the outset to heritage impacts of any proposed memorial. Where a place has been included on the National Heritage List or the Commonwealth Heritage List the charter should require that no monument be constructed that would adversely affect any heritage place. For example with four heritage listings would be affected by the currently proposed memorials: (1) the Australian War Memorial (AWM) and Memorial Parade on the National Heritage List (NHL); (2) AWM is also included on the Commonwealth Heritage List (CHL); (3) Parliament House Vista on the Commonwealth Heritage List, (CHL); and (4) the Portal Buildings on the Commonwealth Heritage List (CHL). The charter of the Committee should ensure that the heritage values of such places are protected.

Mechanisms for the CNMC to seek independent expert advice

It should be a requirement that any proposal for a monument to be erected on a heritage place be accompanied by advice from an independent heritage expert as to the impact of the proposal on the heritage values of the place. To avoid the possibility that an expert has been selected by the proponent to support the proposal, the expert should be chosen at random from a panel of experts accredited by the Committee, under a mechanism similar to the appointment by courts of receivers. Where the heritage place is a significant cultural landscape the expert must have appropriate skills and experience in that area.

Opportunities for improving transparency in the administration of the Ordinance.

The first requirement should be public advertisement of any proposal (including any expert advice already available) to be considered by the Committee, with an opportunity for any interested party to make submissions, and provide additional expert opinions. The decisions of the Committee to approve any memorial should be published with reasons, and subject to appeal by any interested party under the ADJR Act.

The appropriate level of parliamentary oversight for proposed National Memorials.

It is essential that parliamentary oversight include the Minister responsible for heritage, to ensure that the heritage values of national importance are protected and conserved. The designed landscapes in Canberra of cultural heritage significance are an important part of our heritage and must be conserved.

The appropriate level of public participation in the development of proposed National Memorials

Public participation should be at two levels, first by membership of the Canberra National Memorials Committee and secondly by providing opportunities for public participation in the decision making process.

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

It is important that any memorials currently proposed not be constructed, and the Joint Standing Committee should so recommend. The Committee should also recommend that no memorials should be constructed in disregard of the need to preserve the Walter Burley Griffin landscape design; a masterwork which is part of our national heritage. The question as to whether the proposed World War 1 and World War II memorials should be constructed at some other location should be subject to a public inquiry.

Yours sincerely

Dr John Dwyer QC
Chairman, Australian Garden History Society
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