

21 September 2011

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

Dear Secretary

THE ADMINISTRATION OF THE NATIONAL MEMORIALS ORDINANCE 1928

I refer to the Committee's inquiry into the above matter. I am aware that submissions have closed but I hope you might accept this late submission.

I have some background in relation to the administration of the Ordinance, having been an officer of the (then) Department of the Environment, Sport and Territories responsible for the retained Commonwealth functions in the Australian Capital Territory and, later, working on the staff of two Territories Ministers and as Private Secretary to three Presidents of the Senate.

I consider the Ordinance should either be repealed and replaced or, at the least, extensively amended to make it suitable for contemporary purposes.

It was made at a time when the National Parliament had only months before moved to Canberra and the infrastructure of the Capital Territory was very young and relatively meagre.

At that time the Department of Home Affairs was the pre-eminent public authority in Canberra and almost every household in the Territory had at least one person either working for that Department or another Commonwealth Government agency.

In the 80-plus years since, all that has changed: Canberra is a diverse city where, now, a minority of the residents are employed by the Commonwealth; the ACT has self-government; the role of the National Capital Authority has significantly changed; and the business of government means that some of the personnel on the Canberra National Memorials Committee can no longer be expected to give its work adequate attention.

THE ORDINANCE

CANBERRA NATIONAL MEMORIALS COMMITTEE

This committee should be retained. The original purpose of the Ordinance in making the Prime Minister chairman of it was to ensure it had gravitas. Given the pressures on the time of prime ministers in contemporary Australia, I submit that there are other ways to achieve that, without downgrading the committee.

It is suggested that the Canberra National Memorials Committee retain its name, but that the membership be:

- The Minister responsible for the administration of the *Seat of Government (Acceptance) Act 1910*, who shall chair the committee;
- A Senator, nominated in writing to the Minister by the Prime Minister;
- A Member of the House of Representatives, nominated to the Minister in writing by the Leader of the Opposition;

(It might be that an ACT Senator and a Member of the House of Representatives from the ACT could be nominated – one from each side of politics – but this should not be too prescriptive because there might sometimes be another Member of Parliament who has a particular interest or special knowledge.)

- A Member of the Legislative Assembly of the Australian Capital Territory, chosen by that body and nominated to the Minister in writing by the Speaker of the Assembly;

(Since ACT self-government, it is appropriate that the local legislature have representation, to provide a 'bridge' between the two governing authorities of land in the ACT.)

- Two persons nominated to the Minister in writing, who have experience in architecture, design, landscaping or Australian history.
- In addition, the Chief Executive of the National Capital Authority should be a non-voting member of the committee.

(This is important because the Authority has responsibility for National Land.)

- The Secretary of the Department administering the *Seat of Government Acceptance Act 1910* should be Secretary to the Committee.

(It would be appropriate that the Secretary of the committee should be at "bureaucratic arm's length" from the National Capital Authority, so that objective advice provided to the Minister of the day can be seen to be

separated from the day-to-day advice and decision making of the National Capital Authority in relation to National Land use.)

The quorum of the Committee should be four members.

The Committee should be empowered to adopt procedures not inconsistent with the Act to fulfil its functions.

The members of the Committee who are Members of Parliament should hold office until the next prorogation of the Parliament.

The member of the Committee who is a Member of the Legislative Assembly of the ACT should hold office until the next general election of that Assembly.

The other members of the Committee should hold office for three years, except for the Chief Executive of the National Capital Authority, who should hold office *ex officio*.

There should be no bar on re-appointment.

As it is an Ordinance, the Governor-General should continue to formally appoint the members of the Committee.

FUNCTIONS

The Committee shall consider proposals for the establishing, siting, naming or relocation of national memorials in the ACT submitted to them by

- (a) the Minister; or
- (b) either House of the Parliament of the Commonwealth.

But the Committee should not be precluded from initiating suggestions. The question about whether the Ordinance should allow the Committee to consider suggestions from the public is vexed, because that could significantly increase its workload. It would probably be better if public suggestions were encouraged to be made to the responsible Minister, as appropriate.

SECTION 8C

This needs to be expanded to allow the inclusion of the names of Indigenous Australians.

ORDINANCE OR SOMETHING ELSE?

The Committee may consider whether there is merit in continuing to have an Ordinance (there aren't many Commonwealth Ordinances applicable to the ACT) or replacing it with a regulation.

From an historical perspective, I submit it would be attractive to continue to have an Ordinance for this purpose because it would remind people of the National Land

element of the ACT which continues, notwithstanding the ACT is now a self-governing territory.

MORE TRANSPARENCY

The Canberra National Memorials Committee should have a greater public profile. Very few people know of its existence, even people who are otherwise closely engaged in relevant fields. A greater profile could be achieved at minimal cost by initiatives such as a modest web-site, publications promoting existing National Memorials, and regular reports on its work; in particular the parliamentary members of the Committee could have a responsibility to periodically report to their respective Chambers.

AD HOCKERY

There needs to be better management of future National Memorials to ensure that they remain of good, and enduring, quality and that they are placed in areas sympathetic with the Walter Burley Griffin plan of Canberra. Notwithstanding that the city has developed beyond anything Griffin could have contemplated, his guiding hand is still extremely relevant to the Parliamentary Triangle, the axes, and the area surrounding Lake Burley Griffin.

The recent installation of statues of the former Prime Ministers John Curtin and Ben Chifley is a case in point. Canberra now has, to my knowledge, a statue of Edmund Barton near the Edmund Barton Building on King's Avenue, a bust of Robert Menzies on private land adjacent to R. G. Menzies House in Barton, and now these two new statues on Walpole Crescent. That is only four public representations of our twenty-seven Prime Ministers.

In February 1998 during the Constitutional Convention, the then Prime Minister John Howard named the semi-circular reserve enclosed by Walpole Crescent as "Constitution Place", to complement "Magna Carta Place" which the equivalent reserve on the other side of Old Parliament House had been named some time earlier.

At that time there were tentative proposals for ways of commemorating Australian Prime Ministers – one suggestion was a bas-relief of their profiles in the Constitution Place reserve. The idea was to provide a public display that was enduring, but also educational for the many visitors who come to the Parliamentary Triangle – but not so as to replicate the famous Prime Ministers Avenue in the Ballarat Botanical Gardens.

As far as I know, nothing has so far come of these plans, and I hope that the statues of Curtin and Chifley are a start. But what of the twelve occupants of that office between Barton and Curtin? I fear that there is no co-ordinated leadership approach, which the Canberra National Memorials Committee should provide.

If we let these chances slip our hands and allow memorials be established without proper regard for placement, it is very hard to undue the damage – and it often can cause unwitting offence.

I strongly urge the Joint Standing Committee to recommend a new Ordinance, with local representation and clearly lines of authority.

I urge the Joint Standing Committee to recommend that a National Memorials Plan be adopted, as a blueprint for (a) what memorials are necessary and appropriate for our National Capital; (b) where they should be; (c) where they should not be placed; and (d) what can be done to promote public engagement with this important part of our national and democratic history. The Joint Standing Committee might also consider whether it would be appropriate for a modest sum to be appropriated each year for the specific construction of approved memorials.

We have a beautiful, planned, National Capital with many features which make it a drawcard not just for Australians, but for international visitors. Canberra compares very favourably with other planned capitals of the world, but if we don't take care to better plan to commemorate our national journey and important achievements in memorials, we will betray the legacy that our enlightened leaders had when they first chose the site, then chose Griffin, and then legislated to carefully manage the development of the city.

I hope the Joint Standing Committee takes the opportunity to reignite that farsightedness that your current inquiry presents.

Yours sincerely
DON MORRIS