

## Joint Standing Committee on the National Capital and External Territories

### *Inquiry into the administration of the National Memorials Ordinance 1928*

#### Submission

The history of the lakeside war memorials indicates two clear deficiencies in the National Memorials Ordinance and the way it has been administered:

- lack of guidance as to how the Canberra National Memorials Committee should exercise its powers in relation to national memorials;
- failure to represent the views of the people who have to live in close proximity to the memorials that are built – the people of Canberra.

This brief submission addresses these two issues. The issues relate to the terms of reference on “the process for decision-making by the CNMC” and “the appropriate level of public participation in the development of proposed National Memorials”.

#### Decision-making

The Ordinance should be amended to include a section setting out criteria against which the CNMC should make decisions on national memorials. Some of these criteria are already available in the National Capital Authority’s document *Guidelines for Commemorative Works in the National Capital (2002)* but they need to be written into legislation, because they were obviously flouted by the NCA and the CNMC in the case of the lakeside memorials.

The most important point is that a new memorial should not duplicate the role of an existing memorial. The proposed lakeside war memorials clearly duplicate the function of the Australian War Memorial and yet the CNMC were assured by the NCA that the new memorials were acceptable within the terms of the *Guidelines*.

The Ordinance suggested should enshrine this “no duplication” principle and require the CNMC to report publicly on how a decision on a particular memorial abides by this and other important principles.

*The Committee should recommend that the Ordinance include:*

- *criteria against which the CNMC should assess proposals for memorials, particularly that new memorials should not duplicate the functions of existing memorials;*
- *a requirement that the CNMC report publicly on its assessment of memorials proposals against these criteria.*

The pre-eminence of the AWM in commemorating our war dead should also be written into the Australian War Memorial Act. This would support the “no duplication” clause in the Ordinance.

***The Committee should recommend that the Australian War Memorial Act 1980 be amended to include a provision that the AWM is pre-eminent in the commemoration of Australia's war dead.***

## **Public participation**

The 1928 Ordinance was amended in 1953 to provide for two A.C.T. residents to be members of the CNMC, replacing two historians. This was presumably intended to give people who lived in the national capital a say in deciding what their city looked like. In that sense, it relates also to the terms of reference on decision-making.

These two positions have never been filled. Successive governments have failed to carry out the will of the Parliament and, in so doing, have frustrated public participation and weakened decision-making – by not bringing a degree of local knowledge and common sense to the deliberations of the CNMC.

The Committee should make a strong recommendation that the A.C.T. residents' positions finally be filled. It should also specify that these positions *not* be filled by individuals who have held senior executive positions within the Australian or A.C.T. Public Services or have been elected to Parliament. The administrative history of the lakeside war memorials gives off a strong flavour of “the old mates network” making decisions in closed meetings; filling the A.C.T. residents' positions should not allow the perpetuation of this characteristic. In fact, almost all of the CNMC meetings have been attended by proxy, or unelected representatives – for example Prime Ministers, Leaders of the Opposition or Presidents of the Senate rarely attend meetings.

Public participation has actually been on the agenda (and ignored) since at least 1927 as *The Canberra Times* reported on 2 November 1942:

### “CANBERRA NATIONAL MEMORIALS

Fifteen years ago, the citizens of Canberra formed a Representation League which was responsible for petitions being submitted to Parliament asking for direct representation in national and civic affairs. The petitions were not granted and citizens are still without satisfaction in these matters. About the same time, consideration was being given by the Federal Capital Commission to the creation of a committee which would report on proposals for national memorials in Canberra. One of the fatal misconceptions of the Federal Capital Commission which eventually contributed to its downfall, was that no one who was not recognised by the Commission could be permitted to play a part in the official development of Canberra. Consequently, when the ordinance was framed in 1928 to set up the Canberra National Memorials Committee, its personnel was strictly confined to Parliamentarians, representatives of the Commission and two historical authorities who would necessarily have to possess the qualification of being favourable to the Commission. In the process of time, the Commission has disappeared and minor changes have been made in the committee which now includes the Secretary, Department of the Interior, and the Assistant Secretary, Civic Branch, in place of representatives of the Commission.

When this committee was first created, the prevailing argument against citizens of Canberra having any merit in the eyes of the Commission was that it have to safeguard the national interest in Canberra. If there could have been justification in those days for objection to the appointment of Canberra citizens, it would have been in the fact that Canberra was only a very young and immature community and there was few permanent citizens of more than a few years residence in the city. It cannot be said that the national interest in Canberra has been always in good hands in the intervening years. Most of the progress of Canberra and the

major concern for the national interest in the capital has come not from outside Canberra or through those who occupied the majority of the places on the National Memorials Committee but from within Canberra and from the heart and the voice of its disfranchised citizens. As the years have passed Canberra has been saved from spoliation more than once by its citizens who have had to fight to defend them in various schemes to the detriment of the capital.

The history of the National Capital Memorials Committee has not been distinguished by the prolificity [sic] of its contributions to Canberra. Its first great work was the nomenclature of Canberra districts and streets which was well done. It has done little since and indeed the Parliamentary members of the committee have often exhibited the faintest interest in the committee and some have never attended a meeting. Yet, this committee should be active and should be one of those bodies which should be put in a position where it could contribute something monumental in the post war development of Canberra. The moribund interest of portion of its membership in the past does not offer inspiring promise for the future. Never the less, something could be done to make the body play a more notable role, and one particular innovation that deserves adoption by the Government is provision for an infusion for Canberra citizens. The ordinance should be amended to provide for the addition of three members to the committee to be appointed by the Governor General on the nomination of the Advisory Council from Canberra citizens who are not members of the Commonwealth Public Service. This proposal may fail to gain support in some quarters but that would not impair its potential benefit to Canberra.”

***The Committee should recommend that the A.C.T. residents' positions on the CNMC be filled and that they be filled by people who have not occupied senior executive positions within government or been elected to the Australian Parliament or the A.C.T. Legislative Assembly.***

Obviously, there is more to public participation than representation on the CNMC. The committee should also make recommendations about public consultation on proposed memorials, publication of CNMC proceedings and related issues.

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