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ACT Sunsetting Legislation Team  
Department of Infrastructure, Transport,  
Regional Development and Communications

### **NATIONAL MEMORIALS, PUBLIC PLACES AND TERRITORIAL DIVISIONS ORDINANCE**

This submission responds to the advertisement in *The Canberra Times* of 19 February 2022 of an Exposure Draft for a new ACT National Memorials Ordinance. We are meeting the tight deadline of 28 February 2022, which is an inappropriate interval in view of the importance and complexity of the project.

I am tendering the submission on behalf of the Walter Burley Griffin Society Inc. as Chair of the Canberra Chapter of the Society. The Society, the Management Committee, senior executive officers and members have been greatly concerned about the responsibility and operations of the National Memorials Committee. We played a leading role in the 2011 Inquiry of the Parliamentary Joint Standing Committee resulting in the report *Etched in Stone?* and in the ensuing public debate. In July 2011 we had made representations to Minister Simon Crean urging the Inquiry.

The Society maintains its keen interest in the symbolic role of the National Capital and has become particularly concerned about the recent increase in the decisions of the National Memorials Committee, creation of memorials, monuments and placenames and current demand. In line with the vision of the Federation and National Capital founders and of Walter Burley Griffin and Marion Mahony Griffin, and Canberra's potential as a great capital, we expect the importance and the workload of the National Memorials Committee to expand steadily.

We would have expected to be involved in consultations over the new Draft Ordinance. In fact, Sally Barnes emailed my colleague Brett Odgers on 20 September 2021 that NCA (and presumably the Department) would 'very much welcome your involvement in review of the Guidelines for Commemorative Works.' However, this has not happened. In previous and subsequent correspondence with Ms Barnes we have focussed, NOT on the Guidelines but on the issues of NMC membership, accessibility, transparency, public consultation and accountability.

The Government's April 2019 response to the Parliamentary Committee report called for 'a new mechanism, membership for two ACT residents, public participation, expert advice, transparency, policy framework and Parliamentary accountability; or at least 'a strategy for transition to a new model, including a replacement statute.'

### **Demand for memorials and nomenclature**

The Exposure Draft Ordinance 2022 seems an inadequate mechanism for handling the prospective workload. Indications of demands are apparent from the growing number of proposals, the wide scope and diversity of subjects, the attendant controversy and public debate in many cases, celebration of historical events and achievements, and gifts from other countries and peoples.

Current examples include:

- Controversies over statues of politicians
- Bosnia's gift statue in Parliamentary Gardens
- Statue of Andrew Inglis Clark (in place thanks to private developer Terry Snow)
- Walter Burley and Marion Mahony Griffin (long overdue)
- Ngurra Aboriginal Torres Strait Islander 'place of belonging' and cultural precinct
- Indigenous campus for AIATSIS and 'final resting place for ancestral remains' and 'learning and knowledge centre'
- Healing Centre for the Stolen Generations
- New National Archives Building
- National Museum of Labour
- Natural history museum and Biocentre
- Holocaust Museum (in Forrest with existing Jewish Centre)
- Victims and survivors of institutionalised child sexual abuse
- Statues of women and Indigenous people, Billy Hughes and Miles Franklin
- An Arlington-like cemetery (former PM Abbott's pick)
- Former Senators Bonner, Tangney and Lyons
- Australian victims of the Indian Ocean 2004 Tsunami (PM Morrison's pick).

### **Memorial landscape**

National Land and other appropriate landscape locations are still plentiful but diminishing. An estimate of potential locations will entail assessing parks, gardens, nature reserves, tree plantings, fountains, hillsides, pathways, jetties, signage and lighting. Resources and agency are required to carry out such surveys and assessment.

### **Membership**

The planning and development of Canberra as city and National Capital requires integrated and democratic planning. This has been accepted for a long time yet a dual planning system persists and produces inefficient and sub-optimal outcomes. There should be two seats for ACT residents, representative or appointed and naturally experienced, expert and interested.

### **Access to expertise**

A 'relevant expert' is not optional and has a vital part to play. In fact, relevant expertise goes well beyond historian status to include important professions specialised in museums, statuary, memorials, memory, interpreting and measuring history, urban design, aesthetics, placemaking, design and impact evaluation. Access to this range of expertise indicates an advisory panel, although there are well qualified individuals who could be effective as a member of the Committee. It is a puzzle why the Draft Ordinance Section 18 offers an SES Officer as an alternative to having an expert at all.

### **Democratic and optimal operation**

The National Capital Planning Commission in Washington DC (1924) works with the United States Commission of Fine Arts (1910), the National Capital Memorial Commission and the Architect of the Capitol, to consider and approve memorials, museums and nomenclature. They meet regularly, advertise monthly agendas, invite public participation and incorporate the full range of relevant expertise. They produce jointly a Monumental Core Framework Plan 2009 for the National Mall and Precincts and the Memorials and Museums Master Plan 2002 and subsidiary plans, such as the current redevelopment of Pennsylvania Avenue. They hold symposia and conferences to discuss the science, methods and new projects and locations for commemoration.

The Commemorative Works Act 1986 'preserves the integrity of the comprehensive L'Enfant and McMillan Plans' and is supported in memorials development by other heritage statutes and Executive Orders for conservation and new initiatives.

### **The location and character of national memorials**

The Exposure Draft does not appear to incorporate approaches to commemoration, locations, criteria and procedures. The Guidelines for Commemorative Works are understood to be reviewed separately by the NCA. The Griffin Society has not been consulted or invited to comment. Again, the strategies, plans, standards and criteria formulated by the USA NCPC and Fine Arts Commission are worth noting and consideration.

### **Administration**

All the operational functions under the Ordinance are to be provided by the NCA, including Secretariat support to the Committee. At present the NCA does not have a Cultural Advisor or relevant staff expertise. It does not have the resources for location surveys and research beyond the existing Guidelines.

The Minister may make Rules (Section 22) and the National Memorials Committee will set procedures and methods for considering, obtaining and registering agreements, including decisions without meetings, 'reasonable efforts to notify and inform' and the recording of decisions.

It is difficult to comprehend the mechanisms envisaged by the new Ordinance. There are serious risks that the NMC will be dysfunctional in the NCA's hands, unless the modernised Exposure Draft Ordinance incorporates all the PJSCNCET recommendations for expert advice, democratic participation and transparency.

Membership and Chair of the NMC are implicated. It is possible that the PM and other Parliamentary leaders, at the time members of the Committee, can bring relevant expertise and judgment to their decision-making. However, the important role of the NMC must be recognised, fully supported and managed. This will be a test of the Commonwealth's commitment to the development of Canberra as a great national capital. The Griffin Plan aimed at 'deliberate and purposeful engagement with the potential meaning and symbolism of Australia's National Capital' (David Headon, 2003). The NMC cannot be dominated by NCA bureaucrats as has been the case.

### **Conclusion and Recommendation**

This solitary, bare Exposure Draft is inadequate and deficient in terms of a strategy, as directed by the Government, which could meet democratic, efficiency and professional standards.

The Department and the NCA should go back to the drawing board. We would be happy to consult.

This Submission can be made public.

*(signed)*

Peter Graves  
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Walter Burley Griffin Society Inc.