

Lake War Memorials Forum

**Submission to National Capital Authority
on proposed World War I and World War II memorials**

May 2012

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Part A: Introduction

1. The Lake War Memorials Forum (the Forum) welcomes the opportunity to consult on the proposed memorials to the dead of World Wars I and II (the proposed memorials). The Forum compliments the National Capital Authority (the NCA) on taking the initiative to consult the public.
2. The Forum also compliments the NCA on taking account in this process of the recommendations in the report *Etched in stone?* by the Joint Standing Committee on the National Capital and External Territories (JSCNCET). One such recommendation refers explicitly to the need for transparent public consultation – something which has been lamentably absent in the history of this project.

Recommendation 4

The JSCNCET recommends that the National Capital Authority's *Commitment to Community Engagement* be applied to the decision-making process for National Memorials, with the NCA to report publicly on the public consultation process undertaken with regard to each National Memorial proposal.¹

The Forum looks forward to the Authority's public reports.

3. In drafting this submission, the Forum has referred to:
 - the discussion questions placed on the NCA's *Have your say* (HYS) website;
 - the posts on the HYS website, many of which come from Forum supporters;
 - the posts on the HYS website from the proponents of the proposed memorials, the Memorial(s) Development Committee (the MDC), and its supporters;
 - public statements from the MDC;
 - the NCA's media releases of 24 February and 30 March 2012;
 - correspondence between the NCA and the MDC, 14 and 15 February 2012, placed on the HYS website;
 - other advice received from the NCA regarding the consultation;
 - the Forum's comments provided in February 2012 to the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) on the MDC's heritage assessment documents relating to the former Rond Terraces site;² and
 - as far as it is relevant, the history of the proposed memorials project July 2005 to February 2012, particularly as contained in material made available under Freedom of Information (FOI) to the Forum in 2011 by the NCA and the then Department of Regional Australia, Regional Development and Local Government. Part of this history is central to the current consultation. The Forum has already used the FOI material in its comments to SEWPAC, its submission to the JSCNCET and a number of published articles.³

Six of the Forum's Values are still at stake

4. The Forum has the following positive values. Values 1, 2, 9 and 10 were threatened by the memorials project but have largely been addressed (by the move of the proposed memorials from the Rond Terraces) or are being addressed now (by the consultation). The Forum believes that Values 3, 4, 5, 6, 7 and 8 (below in *italics*) are still at stake:

1. conservation of the Griffin vision for Canberra and the nation;
2. conservation of Lake Burley Griffin and environs for recreation and aesthetic and peaceful enjoyment;
3. *continuation of the role of the Australian War Memorial as the premier memorial and museum;*
4. *innovative (i.e. non-monumental) ways of commemorating our war dead;*
5. *a balanced view of Australian history, as expressed in the things and people we commemorate;*
6. *a review of memorials in Canberra and a rational plan for future memorials*
7. *a peaceful, non-militaristic future;*
8. *proper process in public administration;*
9. honesty in public life; and
10. public consultation in the early stages of development decisions.

Opposition to the proposed memorials

5. The Forum has a website showing comments, a chronology of the memorials decision process, and remarks by prominent citizens at our second meeting of 300 people at Canberra's Albert Hall on 23 March 2011:

<http://lakewarmemorialsforum.org/index.html> . The website was launched in February 2011 at a meeting attended by more than 100 people.

6. We believe the public was overwhelmingly opposed to the lakeside memorials. Based on responses to the Forum website, we tallied opinion early this year as seven people 'for' the memorials and 357 'against'. These opinions included people from outside the ACT as well as Canberrans. Letters to the *Canberra Times* ran at a similar rate. Expressed public opinion represented only a proportion of the opposition to the memorials. Many of these opponents are just as vehement about the memorials in their proposed new sites.

7. Three hundred citizens at the March 2011 meeting voted unanimously against the memorials. Organisations like the ACT Heritage Council, the National Trust of Australia, branches of the RSL, and (when the memorials were planned for the lakeshore) sporting, recreational, tourism and cultural users of the Rond Terraces and nearby foreshores all denounced the project. The Forum has documentary proof of over 40 community and professional organisations, including national bodies, that have joined in or expressed support for our activities.

8. When the *Canberra Times* asked in December 2011, 'What do you think of the revised plans [that is, the shortened design, still on the Rond Terraces] for the World War I and II memorials?' 58.6 per cent of 1112 respondents agreed with the statement, 'It shouldn't be there at all, no matter how tall'.⁴

9. Some statistics from the HYS site:

- the site received posts from 69 people (61 per cent of the total 'posters') opposed to the memorials and 45 people in favour of them (count taken at 3.50 pm, 11 May);
- there were approximately 309 posts opposed to the memorials (73 per cent of the total posts) and 116 posts in favour of them (3.50 pm); and
- the balance of good and bad comments ('clicks') was approximately *plus* 1780 for comments opposed to the memorials and *minus* 630 for posts in favour of them (12.00 pm). (This set of numbers was tallied by subtracting the total minus scores from the total plus scores on both sides. As the NCA knows, the Forum asked for the good/bad comment feature to be removed from the HYS site, but the Forum now concedes that the feature *does* give a useful measure of the interest, passion and commitment of individuals, particularly given the security controls on the software.)

A number of people complained of the difficulty of navigating the HYS site and some of these people will have lodged comments and submissions via email or post.

The NCA's *Guidelines for commemorative works in the National Capital* incorporate a mandatory assessment process for commemorative subjects, including a mandatory criterion prohibiting duplication of the themes and subject matter of an existing site

10. Since 2002 the NCA has had *Guidelines for commemorative works in the National Capital*. The *Guidelines* were endorsed in 2002 by the Canberra National Memorials Committee (CNMC), the statutory decision-maker on national memorials in Canberra. The *Guidelines* include the following words:

2.6 Assessment Criteria for Commemorative Subjects

To determine the appropriateness of proposed commemorative subjects (individuals, groups, organisations, ideas or events) for development in the National Capital, a two-stage assessment process exists. *Both stages must be satisfied.* The stages employ:

- *Mandatory Criteria* that determine if the subject can be considered for commemoration in the National Capital
- Evaluation Criteria that determine if the subject has ‘national significance’ and should be commemorated in the National Capital

...

Stage 1—*Mandatory Criteria*

...

iv. A commemorative proposal *must not duplicate the themes or subject matter of an existing commemorative site.* (Emphasis added.)⁵

11. To state it clearly: the *Guidelines* include a *mandatory* two-stage assessment process which *must* include an assessment of whether a commemorative proposal duplicates the themes or subject matter of an existing site. The mandatory criterion is clearly relevant to the respective roles of the Australian War Memorial and the proposed memorials.

Outline of submission

12. The remainder of the Forum’s submission covers:
- *Commemorative intent*: what matters should be considered in relation to the commemorative intent of the proposed memorials to World War I and World War II?
 - *Site and location*: what factors should be considered in relation to the proposed location of memorials to World War I and World War II on Anzac Parade?
 - *Design and character*: what factors should be considered in redesigning the existing character of the proposed memorials to suit the proposed new locations on Anzac Parade?
 - *Heritage matters*: how do the proposed memorials match up against national heritage criteria?
 - *Cost and feasibility*: can the proposed memorials be built?

Comment on terminology

13. The first three points above are as set out on the HYS site. The Forum adopts them in this submission, while noting that they are not the terms contained in the *National Memorials Ordinance 1928* (the statutory basis for decision-making about national memorials in Canberra), nor are they the terms used in the document on the proposed memorials which was endorsed by the CNMC at its 16 August 2007

meeting (see below paras 27-30). 'Commemorative intent' is, on the other hand, the term used by the JSCNCET. (As noted above, the NCA in this consultation process is taking account of the recommendations of the JSCNCET.)

14. The Ordinance refers to the 'location' and 'character' of 'national memorials'. 'Location' is clearly a synonym for 'site', as the HYS website recognises, and 'character' is effectively a synonym for 'design'. (Minister Debus's determination of 25 November 2008 refers to 'the character set out in design "CID 1666"'.)

15. The 16 August 2007 meeting of the CNMC (see below paras 27-30) endorsed a one-page document headed 'commemorative purpose' and 'design intent'. This document now appears on the MDC's website in the terms set out at **Attachment A** to this submission. (The attachment also shows some significant variations in the text.)

Part B: Commemorative intent: what matters should be considered in relation to the commemorative intent of the proposed memorials to World War I and World War II?

The NCA in 2005-07 glossed over its own mandatory assessment requirements, including the mandatory criterion prohibiting duplication of the themes or subject matter of an existing site

The NCA meeting of 26 July 2005

16. This meeting considered an undated agenda paper headed 'Proposed development of memorials to World Wars I and II'. The agenda paper says the Australian War Memorial 'commemorates Australian involvement in a number of wars and in peacekeeping and is no longer solely commemorative of World War One'. It also says 'no memorial separately dedicated to World War Two has been constructed in Australia's National Capital'.

17. Was this reference in the agenda paper then the result of a mandatory assessment, as required by the NCA's *Guidelines*? Was there a detailed look at the history and contents of the Australian War Memorial to compare its themes and subject matter with what was known at that stage of the proposed memorials? Very little would have been known about the proposed memorials, since there were only 19 days between the initial meeting with the MDC and the NCA meeting, but the paper's summary history of the Australian War Memorial was incomplete also (compare with paras 49-54 below).

18. The words 'separately dedicated' may well have been used because the drafters of the paper had done enough research to discover that the Australian War Memorial had been given a role in relation to World War II but they needed to distinguish this role in a way which did not preclude the proposed new memorials being supported. 'Separately dedicated' has remained ever since as a form of words preferred by the proponents of the proposed memorials.

19. It is certainly not clear from the paper how closely the drafters looked at the mandatory criterion about duplication. The paper does confirm, however, that the proposal for the new memorials met the *siting* aspects of the *Guidelines*. It even says it attaches the 'relevant sections' of the *Guidelines*. Yet the copy of the paper provided under FOI shows that the attachment referred to does *not* include the paragraphs on siting – the section of the *Guidelines* which the paper was happy to say the proposed memorials project complied with – but only the 'Assessment Criteria for Commemorative Subjects', including the mandatory criterion about duplication, the very issue which is glossed over in the paper.

20. Grander objectives than getting the paperwork right were in the NCA's sights in 2005. The agenda paper notes the existence of unreserved sites on Anzac Parade and goes on.

The significance of the World Wars (with their enormous loss of life) in development of the Australian identity suggests that their commemoration might be considered differently from those memorials on Anzac Parade. Through careful siting, an

opportunity exists to commemorate the conflicts in a manner which is commensurate with their significance and which reinforces the urban structure and cultural identity of the Anzac Parade precinct.

21. Even here, there is no attempt to explain how the commemoration as described duplicated, added to or detracted from that offered by the Australian War Memorial, despite the mandatory criterion enjoining the NCA to do just that.

22. There is nothing in the Minutes of the meeting to suggest that the glaring gaps in the agenda paper fazed the Authority or that those present – Arthur Kenyon (Chairman), Michael Ball, Denis Page, Annabelle Pegrum (Chief Executive), John Seccombe – asked for further information. Instead, the Authority decided in favour of sites on the Rond Terraces because of logistical difficulties with the recommended site adjacent to the roundabout and pond at the foot of Anzac Parade.

The CNMC meeting of 1 March 2007

23. CNMC members received, under a letter of 5 February 2007 from Minister Jim Lloyd, a background paper prepared by the NCA. The paper included this paragraph:

The NCA has prepared guidelines which establish a cultural, spatial and design framework to inform the siting, quality and character of commemorative projects, including memorials and public art works, in the national capital. The guidelines have been endorsed by the CNMC. *Each proposal is consistent with the criteria contained within the commemorative guidelines.* (Emphasis added.)

24. There is no further information in the paper about whether the sentence about consistency with the *Guidelines* referred not only to location but also to the assessment criteria about commemorative subjects, specifically the mandatory criterion about duplication. (The sentence is certainly opaque, if not misleading.) The background paper picks up much of the wording of the 2005 NCA staff paper but includes an additional sentence which suggests that someone had looked again at the role of the Australian War Memorial: ‘The expanded program of the AWM has diminished its role of commemoration of a particular conflict’.

25. If this sentence was meant to cover the duplication issue, the Department of Transport and Regional Services (DOTRS) was not convinced. While the briefing note DOTRS prepared for its secretary and CNMC member, Mike Taylor, says ‘the proposed memorials appear to meet the NCA’s Guidelines for Commemorative Works in the National Capital’, it also recommends that Mr Taylor agree to the memorials being built on the Rond Terraces, ‘subject to confirmation from the NCA that the proposal will not impact on the heritage values of Anzac Parade/the Australian War Memorial and the Parliamentary Vista’.

26. The department also advised Mr Taylor that the CNMC could, under the Ordinance, ‘return a proposal to the Minister for further consideration and report’. Mr Taylor did not take up the recommendation, however, and the CNMC approved the location of the proposed memorials on the Rond Terraces, while calling for a description of their ‘design intent’ to be brought before the Committee. This tentative recommendation from DOTRS was the closest the proposed memorials came to being stopped in their tracks in the period 2007-12.

The CNMC meeting of 16 August 2007

27. This meeting (Minister Lloyd, secretary Taylor and Ms Pegrum) considered and endorsed (in about ten minutes) the design intent of the proposed memorials. The meeting had before it a one-page document covering both 'commemorative purpose' and 'design intent'. The document was the result of cooperation between NCA officers and the MDC. It largely reflected the draft contained in a letter, dated 29 July 2007, from Mike Buick, MDC chair, to Ms Pegrum.

28. Because of the lack of NCA records (see below paras 31-35) we do not know if or how far the NCA was involved in early drafting of the document. The draft of 29 July, however, included a requirement that the design 'complement and link the broader commemorative themes of the Australian War Memorial'. These words seem to have been deleted from the draft by NCA officers (see **Attachment A** to this submission). One can speculate that, the mandatory criterion about duplication having been glossed over in 2005, NCA officers in 2007 decided not to draw attention in the new document to the themes of the Australian War Memorial. The files made available do not provide sufficient evidence, however, to confirm this hypothesis.

29. What is interesting, however, is the discrepancy between the one pager and the CNMC's decision: while the one pager covered *both* commemorative purpose and design intent the decision referred only to design intent (although the section in the paper on design intent cross-referenced the words on commemorative purpose). Yet the letter Ms Pegrum wrote to Colonel Buick (on 2 November 2007, nearly three months later) conveying the Committee's decision included, '[a]s approved by the CNMC', only the words on commemorative purpose, not the words on design intent.

30. The words on design intent and commemorative purpose were reunited in the brief for the memorials design competition in early 2008, even though the commemorative purpose words had still not been formally endorsed by the CNMC. (The design competition brief version had another minor change: see **Attachment A** to this submission.) Still, the direction was set – and the duplication issue had been avoided again. As far as the Forum can tell, from its perusal of the Minutes of six CNMC meetings 2007-10, the CNMC *never* formally endorsed the 'commemorative purpose' words that set the direction for the proposed memorials to duplicate the purpose of the Australian War Memorial.

We do not know what (if any) assessments the NCA conducted against the mandatory criterion because there is nothing in the NCA's records on the subject

31. Whether there were any second thoughts or further analysis of the duplication issue has been lost to history. What analysis was done, if any? Where are the records? Did they ever exist? Have they been lost or mislaid? Did the analysis amount to the mandatory two-stage assessment process set out in the NCA's Guidelines? How did it deal with the duplication issue? It is possible that the mandatory assessment (including assessment against the mandatory criterion about

duplication) was done but then why are there are no surviving records of it? If it had been done in a robust form, why not say so? What happened in the 19 months between the NCA and CNMC meetings? Why was there this delay? Ten questions.

32. The FOI material provided to the Forum contains no material for the period August 2005 to February 2007. The NCA itself has been at a loss on the matter. The current NCA chief executive, Gary Rake, said at a 23 March 2011 meeting convened by the Forum at Canberra's Albert Hall that his search of the Authority's files on the proposed memorials 'doesn't give me a great insight into the analysis of the issues or the decisions that were made ... There is nothing in the records to guide me about the rationale.'

33. At an NCA forum on 13 April 2011, Mr Rake repeated that he could not find in the records an analysis of the memorials proposal against the NCA's *Guidelines*. (Despite this, the MDC's architect, Richard Kirk, claimed in October 2010 that the NCA had extensively analysed the likely impacts of the proposed memorials. Mr Kirk did not become the MDC's architect until late 2008 or early 2009, after winning the design competition, so it is difficult to see how he could have an authoritative opinion.)⁶

34. The lack of an analysis 'paper trail' is puzzling. Given the indelible mark that the memorials, if built, will leave on the Canberra landscape, it is disturbing that not even a footprint remains in the records to explain the journey in that key 2005-07 period – when the directions were set for the project – or even, it seems, for the later period. As noted, there are hints in the papers for the meetings described above that there was at least minimal analysis of the duplication issue but there is no extended, explicit record.

35. It is difficult to determine whether the mandatory criterion about duplication was deliberately ignored (in the desire to facilitate conspicuous commemoration on the Rond Terraces) or just carelessly overlooked. Either way, the term 'glossed over' seems to be apposite.

The mandatory criterion about duplication may have been a reaction to the building of the Vietnam and Korea memorials

36. The NCA's *Guidelines* contain an interesting paragraph.

The Authority is aware, however, that a number of commemorative works have been constructed that are inconsistent with previous or current policies. It accepts the presence of these "inconsistencies" as a part of the unique cultural tapestry of the National Capital.⁷

37. The *Guidelines* came together in 2001-02. The inconsistent works referred to almost certainly included the Australian Vietnam Forces National Memorial (the Vietnam memorial) dedicated in 1992 and the Australian National Korean War Memorial (the Korea memorial) dedicated in 2000. The Forum is researching further the connection between the Vietnam and Korea memorials and the mandatory criterion, as well as the genesis of the *Guidelines*. In the meantime, the issues can be stated as follows.

- Did the NCA in 2001-02 endorse the mandatory criterion about duplication to try to prevent future war memorials duplicating the themes of the Australian War Memorials? If the answer to this question is 'Yes' then the NCA's glossing over in 2005-07 of a further case of duplication becomes even more problematic.
- The mandatory criterion was just as much the CNMC's as it was the NCA's. If the NCA in 2005-07 glossed over the duplication did it make clear to the CNMC what it was doing, given that the CNMC had endorsed the mandatory criterion in 2002? Who was involved in the CNMC decision in 2002? Again, the fact that the CNMC had endorsed the mandatory criterion makes the NCA's glossing over the criterion even more problematic.
- If the NCA felt another 'inconsistent' memorial was justified why did it not say so – using the 'precedents' of the Vietnam and Korea memorials – rather than side-stepping the issue? The NCA could at least have done the CNMC the courtesy of pointing out that the two bodies were between them adding to 'the unique cultural tapestry' of Canberra by agreeing to another 'inconsistency'.
- If the mandatory criterion was formulated to prevent repeats of the Vietnam and Korea memorials, then the NCA's glossing over it helped the MDC – whose main argument turned on the Vietnam and Korea 'precedents' – and harmed the Australian War Memorial, which would have been a clear beneficiary if the mandatory criterion had been upheld.

The NCA today cannot repeat the mistakes of 2005-07

38. To summarise the preceding paragraphs, the NCA in 2005-07 seems not to have conducted a mandatory assessment of the 'commemorative subject' of the proposed memorials, despite this being required by its own *Guidelines*. There is certainly no record that it did so. In particular, the NCA seems not to have analysed whether the proposed memorials amounted to a duplication of the themes and subject matter of the Australian War Memorial.

39. In 2012, however, the NCA *must* conduct such an assessment, recognising that the issue of duplication of function between the Australian War Memorials and the proposed memorials has been at the forefront of public debate for three years. This assessment could also look with profit at how the NCA in 2005-07 came to make the decisions it did.

40. The Australian War Memorial clearly has a direct interest, which the NCA recognises. The NCA's media releases of 24 February 2012 and 30 March 2012 say, 'The MDC has also stated that it will seek the view of the Australian War Memorial to ensure the proposed memorials do not duplicate an existing commemorative site'. While the Forum has no doubt that the Australian War Memorial Council will take appropriate action, the Forum insists that the key issue of duplication and competition between the proposed memorials and the Memorial cannot be left to discussions between the MDC and the Memorial. The NCA should not abdicate a role on commemorative intent, even if the final decision is a matter for government, through the CNMC.

41. In backgrounding this consultation process, the NCA has rightly referred to the sections of the *Guidelines* relating to the location of particular types of memorials. It needs to give just as much prominence to the sections of the *Guidelines* covering assessment of commemorative subjects, particularly the mandatory criterion about duplication. Having put its name to this mandatory criterion, the NCA needs to uphold it and assess the duplication issue, taking account of the history and characteristics of the Australian War Memorial, the details of the proposed memorials and the views of the public. This issue is further addressed below at paras 48-63.

42. There may well be a feeling within the NCA in 2012 that the MDC was 'led on' by the Authority in the past and deserves special consideration now in return. In evidence to the JSCNCET, Professor James Weirick described a typical relationship between the NCA and project proponents.

The authority has a demonstrated tendency to fall in love with its own ideas and lead rather hapless community groups into commitments that they have no hope of fulfilling, causing much grief along the way and absorbing considerable resources of the Commonwealth in sorting out the mess through parliamentary inquiries, et cetera.⁸

43. There is some support for this view in the papers made available to the Forum under FOI. On the other hand, the FOI papers and the MDC's public statements also show that, from the beginning, the MDC cooperated enthusiastically with the NCA to build the memorials on the Rond Terraces site. If the MDC really preferred sites in Anzac Parade it was open to it at any time during 2005-12 to say so; it was public knowledge that vacant sites existed in the Parade. The MDC only 'gave up' the Rond Terraces under overwhelming pressure, public and private. It would thus be implausible for the MDC to now play the role of injured party, returning to the sites in the vicinity of the Australian War Memorial that it says it preferred all along.

44. The Forum appreciates that the current public consultation provides a 'fresh start' for the proposed memorials, allowing the official public input which was absent previously. The fresh start should not obscure the fact, however, that the proposed memorials project has been marked from the beginning by shoddy process and questionable actions by both the NCA and the CNMC, as has been outlined above and as the JSCNCET acknowledged.

The evidence presented to the Committee [according to the Chairperson of the JSCNCET, Senator Louise Pratt] indicates that the [national memorials] approvals process has not operated as it should with regard to any of the proposals, and produced a highly contentious and flawed outcome with regard to one proposal in particular [the lakeside memorials].⁹

The report summarises the findings of the Lake War Memorials Forum about the process, findings which were based on material provided under FOI.¹⁰

45. The main beneficiary of that process and those actions, the MDC, is still standing, despite its signal failure to raise funds, to press its case for the proposed memorials or to engage with the public (see below paras 150-165). The MDC, even

more than the public, benefits from the fresh start to the process. If it is fair to say that the NCA led the MDC on in 2005-07, then it is also fair to say that the NCA now runs the risk of being seen to be propping the MDC up.

46. In May 2012, the process is effectively at the same point it had reached after the NCA's first consideration of the proposed memorials in July 2005: there is a site offer from the Authority but, as yet, no decision by the statutory decision-maker, the CNMC, on either location or character, let alone commemorative intent. There is a design left over from the Rond Terraces site but the NCA has said it will need to be modified before it goes to the CNMC, given the exigencies of the Anzac Parade sites.

47. The following section analyses in more detail the relationship between commemorative intent and duplication. It should be read in the light of the preceding comments. It addresses the issues the NCA should have addressed in 2005-07 and which it should address now.

Is what the proposed memorials are meant to commemorate already commemorated elsewhere?

What would be revealed by an assessment of themes and subject matter under the NCA's mandatory criterion about duplication?

48. The mandatory criterion says, 'A commemorative proposal must not duplicate the themes *or* subject matter of an existing commemorative site'. The added emphasis is important: the criterion prohibits duplication of themes *or* subject matter – or both. If the NCA had made an assessment in 2005-07 – or if it made one now – what would it have found?

There is duplication of themes between the Australian War Memorial and the proposed memorials

Themes of the Australian War Memorial

49. The themes represented in the Australian War Memorial have emerged from the Memorial's history and are contained in its legislation and public statements. Today, the Memorial's website encapsulates these themes: 'The Memorial's purpose is to commemorate the sacrifice of those Australians who have died in war'. The proponents of the new memorials have summarised this as 'commemorating all wars'. This only tells part of the story.

50. The history of the Memorial makes clear that it is meant to be *both* a memorial to the dead of all wars and to those of the two great conflicts, World Wars I and II. As early as 1944, the Memorial's official guidebook said '[t]he Memorial to the Australians who died *in the two great wars* consists of the national collection of war relics and the building in which it is preserved...' (Emphasis added.)¹¹ Then, introducing the 1952 Bill broadening the Memorial's charter, Minister WS Kent Hughes said the

main purpose is to make the Australian War Memorial ... a memorial *not only* to the Australian servicemen who gave their lives in the 1914-18 war, as it is under the present act, *but also* to those Australian servicemen who were killed in the 1939-45 war *and* all other Australians who have given their lives on active service. (Emphasis added.)¹²

51. The standard history of the Memorial confirms that the new legislation was not meant to distance the Memorial from the commemoration of individual wars but to *encompass* that commemoration in a broader formula.

The Bill's draftsman preferred not to list all the wars in which Australians had been involved, as Treloar [JL Treloar, Director of the Memorial at the time] had suggested, but devised a wide-ranging formula to describe the Memorial's scope that would have the advantage of giving the Memorial collecting and commemorative responsibility for future wars.¹³

Thus, the 'on active service' form of words was devised.

52. Although the charter had been broadened the focus still remained sharply on the two world wars. By 1965, the Memorial's guidebook said, 'It is the wish of the Board of Management that *the 1939-45 War should be commemorated in the War Memorial as fully as the 1914-18 War*'. (Emphasis added.)¹⁴

53. As the Memorial's legislation developed it reflected the all-encompassing role of the Memorial while retaining the emphasis on commemorating the two world wars – as it should have done, given their preponderance of sacrifice and significance – and developing its commemorative features and collections accordingly. The current words in section 5 of the *Australian War Memorial Act 1980* (below) are a direct descendant of those inserted in 1952 to introduce the 'on active service' formulation. The Act of today, defining the role of the Memorial, is thus directly descended from the Act of 1952. Today, just as much as 60 years ago, the Memorial is *both* a memorial to the dead of the two major conflicts and the dead of all wars involving Australians.

5. (1) The functions of the Memorial are-

(a) to maintain and develop the national memorial referred to in sub-section 6 (1) of the *Australian War Memorial Act 1962* as a national memorial of Australians who have died-

(i) on or as a result of active service; or

(ii) as a result of any war or warlike operations in which Australians have been on active service.

('Active service' is defined in section 3 of the Act as 'active service in war or in warlike operations by members of the Defence Force'.)

54. If the concept of the Australian War Memorial being both a memorial to people who died in particular wars, including the World Wars, and to those who died in all wars was good enough for the Australians of the 1940s, 1950s and 1960s, during and soon after the end of World War II, the Forum wonders why it does not suffice in 2012.

Themes of the proposed memorials

55. The themes represented in the proposed memorials' commemorative intent are matched below with themes represented in the Australian War Memorial.

Proposed memorials	Australian War Memorial
<p>The commemorative purpose of the two national Memorials is to honour the sacrifice of more than 100,000 Australians who died in World War I and World War II and to leave a permanent legacy to those who served, both at home and overseas, and all those who supported the war effort from home.</p>	<p>Sacrifice is honoured in the Australian War Memorial through the Roll of Honour, the Tomb of the Unknown Australian Soldier, the Hall of Memory, and the Eternal Flame.</p> <p>Permanent legacy: The Memorial has existed for 70 years and is visited by hundreds of thousands of people every year.</p>
<p>The two Memorials are to be symbolic of the two defining 20th century world events and must be monuments that communicate inspirational and timeless messages to reflect the spirit, sacrifice, and commitment of the Australian nation during these nation-building events.</p>	<p>The great bulk of the commemorative material in the Australian War Memorial refers to the two world wars. Millions of Australians over 70 years have been inspired and moved by the Memorial, by its collections and displays as well as by its commemorative aspects.</p>
<p>The two separate, but adjacent and complementary national Memorials will preserve and honour in perpetuity the memory of Australian servicemen and servicewomen who served and died as well as those who supported the war effort for their country.</p>	<p>The Australian War Memorial commemorates our war dead through the more than 100 000 names on the Roll of Honour and other features and their families at home through the collections and displays.</p>

Proposed memorials	Australian War Memorial
<p>Each Memorial will provide:</p> <p>An inclusive commemoration of the commitment, contribution and suffering of the wounded, prisoners of war, and those who served both in Australia and overseas including the Merchant Navy.</p>	<p>The commemorative features, galleries and collections of the Australian War Memorial commemorate all aspects of Australia's efforts in wars, particularly the two world wars.</p>
<p>A spiritual and symbolic place for enduring national commemoration.</p>	<p>The Australian War Memorial has been for decades the focus of national commemorative events, particularly the two Anzac Day services, the service on Remembrance Day and services on the anniversaries of many other events.</p>
<p>A constant symbol of enduring national values of honour, valour, sacrifice, mateship and service for future generations of Australians.</p>	<p>The Australian War Memorial embodies these values insofar as they can be represented by our military history. The Memorial takes particularly seriously its educative role for younger Australians.</p>

Duplication of themes: relevant statements

56. The key statement comes from the bipartisan JSCNCET, which referred to the NCA's mandatory criterion and found it had been contravened.

The Guidelines provide that "a commemorative proposal must not duplicate the themes or subject matter of an existing commemorative site". The World War I and II Memorials duplicate the role and function of the Australian War Memorial.¹⁵

57. The JSCNCET's considered view is matched by the opinions of the dozens of people who have opposed the proposed memorials since the memorials were first mooted and whose opinions have now been recorded on the HYS website. Objection to duplication is the single most common thread in these opinions. The comments refer not only to duplication of themes but also to the proposed memorials not adding anything to the Australian War Memorial, being 'redundant', detracting from the Australian War Memorial and causing confusion among visitors by creating additional foci for remembrance of the two great conflicts. The three comments below are representative:

The Australian War Memorial was established to commemorate the fallen in the two world wars and I believe it does this admirably. To duplicate this with additional memorials to the same thing will detract from the War Memorial. The memorials proposed by MDC would be redundant and unnecessary. (lambusy)

As the Australian War Memorial, which heads ANZAC Parade, has from its very inception commemorated the service and deaths of those who served in World Wars I and II, the point made by Peter Stanley must be recognised - namely that in accord with the NCA's 'mandatory criteria', 'a commemorative proposal for a national memorial must not duplicate the themes or subject matter of an existing commemorative site'. Since the Australian War Memorial is already the pre-eminent 'commemorative site' in commemorating the Australian dead of the two World Wars, the proposal which surely intends such duplication, is clearly ineligible. (Ian B)

How many memorials do you need to remember? WW1 & WWII are remembered very well along Anzac Parade and in the memorial. Stop wasting money on duplication. Where do you propose to commemorate future wars? Don't be so naive to think you've got ample room. Please spend the money on initiatives like linking the city better to the cultural institutions for tourists etc. I spent 10 years in the army (my husband 25 yrs) and I think this is a huge waste of \$. (Gen X)

58. The following comment by Peter Thwaites adds an extra dimension about the inappropriateness of additional commemoration of these wars at this stage in our history.

The Australian War Memorial was created in the immediate aftermath of the two world wars of the 20th Century, and expresses the deep national emotion of that time. Those two wars remain the founding impetus of the AWM. Nothing can repeat that moment and to try to do so today belittles the intent of the original builders of that building and its place in our national history and our national capital. To try to repeat their work by filling in a supposed gap I would find very unfortunate and even offensive. The statement has been adequately and wonderfully made. Superfluous repetition would only weaken and confuse it.

Duplication of subject matter between the Australian War Memorial and the proposed memorials is less of an issue – simply because the proposed memorials will be too small

59. The Forum takes the term 'subject matter' to refer to commemorative features, collections and artefacts containing information about particular battles, units, individual service people, nurses, merchant sailors, families, objectors, decorations, deaths, injuries, illnesses, defence industries, guns, ships, planes, tanks, submarines, bully beef, bayonets, gas masks, tin helmets – the whole panoply of war.

60. There is little scope for the proposed memorials to duplicate such features of the Australian War Memorial as those above or the Roll of Honour, the Tomb of the Unknown Australian Soldier or the many galleries – even if the proponents wished this duplication to occur – simply because of the great difference in size between the Memorial and the proposed memorials. This is allowing even for space constraints at the Memorial which have been addressed over the years by the construction of new buildings.

61. It is thus irrelevant for the MDC to point out that the proposed memorials will not duplicate 'those features of the AWM relating to commemoration, such as the Roll of Honour, Pool of Reflection and Eternal Flame, Hall of Memory and Tomb of the Unknown Soldier'. There simply would not be enough space in the proposed memorials to replicate these elements, even if the proponents wished to do so.

62. Regardless, the question arises again: if commemorative features like these are being ruled out by the MDC what can the proposed memorials possibly add to what is done by the Australian War Memorial already? The problem for the MDC is exacerbated when some of the features that have been 'ruled in' – names or numbers of dead allocated by towns, extracts from letters written to soldiers – have been shown to be impractical, the first as long ago as the 1920s¹⁶ and the second more recently in Peter Stanley's researches described on the HYS site in his response to 'Halifax'.

63. The MDC has responded equivocally on the HYS site to the problem about names (which was first raised by the Forum with the MDC's architects almost 12 months ago) and has not responded at all on the problem about letters. Nor has the MDC described how it proposes to deal with the reduced area for the proposed memorials, consequent on the move from the Rond Terraces. Less area means less subject matter or a garbled or compressed treatment of subjects.

The Australian War Memorial and Anzac Parade should be seen as a single precinct in which the dead of the world wars are not 'ignored'

64. The MDC believes that the dead of the major wars have been ignored.

While the Anzac Parade memorials precinct presently provides a fitting tribute to eleven significant organisations events and campaigns in Australia's growing military history, it is an oversight that there is no national memorial in our nation's capital to the two World Wars that have had the greatest impact on the foundations [of] our nation. This omission is particularly poignant given the presence of memorials to the more recent Vietnam and the Korean Wars...¹⁷ (Emphasis added.)

65. Again:

[A]ll Australians are impressed by the quality of the War Memorial and the Anzac Parade memorials precinct, the unfortunate fact is that the precinct does not provide a focal point for the two major conflicts that helped shape our nation. (Emphasis added.)¹⁸

And on the HYS site:

Why would anyone want to *ignore* WWI and WWII? (Clive)

It is entirely inappropriate that we should *ignore* the two great wars where 101,000 Australians gave their lives. (Mike Buick) (Emphasis added.)

66. The Anzac Parade 'precinct' does not provide fitting commemoration of the dead of the two world wars, we are told. There is 'no national memorial' to the dead of the two big wars. They are 'ignored'. Regardless of what the Australian War Memorial does – there are no *memorials*. We must build some.

67. The basic flaw in this argument is that it artificially divides the Australian War Memorial from Anzac Parade. In reality, the Memorial and the Parade are a *single* precinct, architecturally and in spirit. The Parade leads naturally to the Memorial: from the steps of the Memorial the Parade leads the eye down the Vista; the memorials in the Parade complement the themes and subject matter of the Memorial, without duplicating them. Treating the Memorial and the Parade as a single precinct gives a different perspective.

68. The inappropriateness of the MDC's 'ignored' argument becomes obvious if one walks through the Australian War Memorial, the heart of the precinct, and its grounds. This exercise destroys the claim that there is no memorial to the two world wars. The grounds contain around 150 plaques remembering individual units from the two wars, compared with a couple of dozen referring to other wars. Inside, there are thousands of diaries from both major wars. There are eight galleries portraying the World Wars. They are packed with visitors on any Anzac Day (or any day, for that matter) while the much smaller exhibits for other wars are relatively deserted.

69. Moving on, the wall above the Pool of Reflection and the Eternal Flame lists more than twenty theatres of World Wars I and II, from Gallipoli to Bougainville, the Somme to Borneo. Most of all, there is the Roll of Honour, with 102 000 names, 98 per cent from the two world wars, and the names are marked with thousands of poppies every day of the year.

70. A comment on the HYS site from David Stephens reinforces the point:

Anzac Day at sunrise; Remembrance Day at 11.00 am; many other days during the year for other ceremonies; particular days for particular individuals or battles, if it comes to that ... all of them at the Australian War Memorial, under the names of 100 000 dead from those two wars, under carved names of battle fields from those wars, within sight of the unknown soldier from one of those wars, in grounds dotted with plaques from units which served in those wars, etc., in a building which the historical record shows was erected to commemorate the dead of those wars – and of all other wars.

71. The outgoing Director of the Australian War Memorial has said this:

It is unconvincing to try to justify two expensive new memorials on the premise that nowhere is there proper commemoration... The bulk of the people commemorated there [in the Australian War Memorial], a hundred thousand at least, relate to the losses suffered by Australia in both wars. My feeling is that it is not valid to say that they are not appropriately commemorated, they are not recognised.¹⁹

72. In summary, the Forum believes it is impossible to say these 101 000 souls are ignored in the Australian War Memorial-Anzac Parade precinct, given the Memorial's overwhelming – and completely justifiable – emphasis on the two world wars.

73. The MDC seems to be confusing architecture with commemoration. In November 2010, Colonel Buick said

most people who would go there [to the Australian War Memorial] would see it more as a museum than as a memorial as such, in the way that you have memorials to Vietnam and Korea ... The War Memorial has many interesting and important aspects but it is not a monument, it's not a memorial ...²⁰

74. Colonel Buick made a similar remark on the HYS site: 'The point of my November 2010 comment [above] was to note the AWM is not a memorial *in the same style as memorials on Anzac Parade.*' (Emphasis added.) It seems that memorials can only be monuments and monuments can only be monoliths. Memorials can serve the commemorative purpose only if they are stand-alone ones. The many other tangible and chiselled allusions at the Australian War Memorial to World Wars I and II and their dead – and the 800 000 visitors who view them annually – apparently do not qualify. The Australian War Memorial is inadequate; there need to be commemorative monoliths on Anzac Parade to the two world wars.

75. These memorials have to be, in the MDC's view, soaring, separate, 'world class', 'separately dedicated', twenty-first century constructions of granite.²¹ And they have to be on Anzac Parade because that is where such things go (following the 'precedents' of the Vietnam and Korea memorials) even though until three months ago they had to be on the Rond Terraces.

76. And they have to be big. In the words of the first NCA staff paper, they have to be 'sculptures, plinths or columns of a significant scale', 'a site of a scale and character commensurate with the significance of the conflicts they commemorate', big enough to be 'a constant reminder of the significance of the events'. The NCA took up the MDC's idea enthusiastically and injected it with elephantiasis. The thought bubble took concrete and massive shape.

77. The MDC went along. The design brief, prepared by the MDC and NCA and provided early in 2008 to entrants in the competition, allowed 'for the proposed Memorials to be of sufficient size and stature to contribute positively to the character and significance of the Vista between the Australian War Memorial and Parliament House, and to be of a larger size than those located along the Parade'. Now the MDC is trying to retain the characteristics of the Rond Terraces monoliths while squeezing them into smaller, height-limited sites on Anzac Parade (see below paras 113-115).

It is a fallacy to try to 'complete' Anzac Parade by adding memorials to the dead of the world wars

78. The MDC argues that Anzac Parade is 'incomplete' because it lacks memorials to the dead of the two world wars. The argument runs: 'our other wars are commemorated there, why not the two great conflicts?' Even accepting for the moment the fallacy that Anzac Parade should be treated separately from the Australian War Memorial – that the two do not form one single memorial precinct – there are some gaping holes in this argument.

79. First, Anzac Parade at present contains memorials to just *two* wars, Vietnam and Korea, with one more to come, the Boer War. The other memorials are 'thematic'.²² An MDC spokesperson ('Clive') says on the HYS site that adding the memorials for World Wars I and II would 'complete the history' – with just *five* memorials. Refuting this, Peter Stanley, distinguished war historian, calculates that Australia has been involved in *twelve to fourteen* wars since Federation. A 'completion' argument based on the idea that there have only been five wars in Australian history seriously distorts that history.

80. Secondly, the completion argument assumes that there will be no more Australian wars or Australian war dead deserving of commemoration in Anzac Parade. This is optimistic. Already we 'lack' in Anzac Parade memorials to the dead of Iraq and Afghanistan. Other wars can be foreseen. A number of posts on the HYS site suggested any vacant spaces on the Parade should be held against the possibility of future conflicts, rather than be taken up with memorials replicating the Australian War Memorial.

81. Thirdly, the argument that Anzac Parade lacks memorials to all of our wars, regardless of how well they are commemorated elsewhere in Australia (with 5000 memorials, according to Ken Inglis) or elsewhere in Canberra (particularly at the Australian War Memorial) wrongly assumes that every war in which Australians have taken part in or will take part in henceforth *needs* a site on Anzac Parade. The thematic memorials sit well in the Parade; there is no argument for further diluting this worthy emphasis with memorials that duplicate memorials already in existence.

There is potential for competition between the Australian War Memorial and the proposed memorials

82. From duplication of memorials flows the potential for competition between memorials, between the proposed memorials and the Australian War Memorial. The use of the proposed memorials for commemorative services lies at the heart of the MDC's proposal; the project makes no sense without the prospect of this use.

83. The potential for competition emerges clearly from documents obtained by the Forum under FOI and from the MDC's own literature. Writing to NCA Chief Executive, Annabelle Pegrum, on 29 July 2007, MDC Chairman, Mike Buick, said

[T]he Australian War Memorial is *a* permanent venue for major national commemorative events. It is not envisaged that this will change. However, some veteran organisations may find it preferable and more appropriate to conduct ceremonies at specifically dedicated Memorials to World War I and/or World War II. (Emphasis added.)

It is significant that Colonel Buick said the Australian War Memorial is 'a' permanent venue for such events, not 'the' as in 'the only'.

84. Then, in the proposed memorials' design competition brief in February 2008, these words appear:

Each Memorial will provide ... a spiritual and symbolic place for enduring national commemoration ... [B]oth Memorials are to ... provide a focus for commemorative services by defining a ceremonial space between the Memorials... There will be a need to incorporate places for wreaths to be laid at or around the Memorials.

85. The winning design faithfully reflected this prescription. On the MDC's website today, its promotional brochure showing the winning design says the new memorials 'will in future years become *the* focus for our acknowledgement of the wars that matured our nation'. (Emphasis added.) Not 'a' focus' but 'the focus', as in 'the only'.

86. In posts by its spokespeople on the HYS site, the MDC has used the words 'iconic' to refer to the Australian War Memorial. This may seem like a retreat from the MDC's position in 2007-08 but two comments are in order:

- The whole thrust of the MDC's campaign since 2005 has been that the Australian War Memorial is so inadequate in commemorating the dead of the two world wars that two 'separately dedicated' memorials need to be built to make up for the deficiency – and belatedly throwing around words like 'iconic' cannot gloss over this logic.
- If the MDC has really come to the view that the Australian War Memorial is 'iconic' where does this leave the rationale for the proposed competing memorials? Why add more memorials if the original is iconic?

87. The crux of the MDC's campaign is to *create* new memorials to make up for what the Committee sees as the failure of the Australian War Memorial to adequately commemorate the dead from the two world wars: the Memorial is more a museum than a memorial; it is not a monument, not a memorial (see above para 73). It would be reasonable then to assume that any ceremonies to do with those wars – including those on Anzac Day and Remembrance Day – would be candidates for commemoration at the new, dedicated world war memorials, rather than at the Australian War Memorial.

88. This is surely what the promotional brochure means by 'become the focus for our acknowledgement'. If the Australian War Memorial is inadequate at commemoration, why would it continue to host key commemorative ceremonies?

89. Ceremonies commemorating the two world wars and significant events within them have traditionally been held at the Australian War Memorial. If the new memorials are built, pressure will ensue to 'carve up' the ceremonial calendar between the new and the old memorials. Competition policy will have been extended to commemoration.

90. Secondly, the MDC has said its sole purpose is to build the proposed memorials; having done so, it claims, it will disappear into history. This is disingenuous: the existence of 'separately dedicated' memorials to the two world wars will be an open invitation to any group, ranging from veterans' groups to those who have a radically different view of commemoration, to hold ceremonies at these memorials on key dates. The inclination to do so will be reinforced by the design features of the proposed memorials, particularly the assembly spaces, the provision for wreath laying and, most of all, the cuts designed to catch the sunlight at crucial times (see below paras 122-130).

The Vietnam and Korea memorials are not precedents for the proposed memorials

91. The MDC believes the existence of Vietnam and Korea memorials on Anzac Parade is a key argument in support of there being memorials there also to the dead of the two world wars. If the Vietnam and Korea memorials are not in conflict with the Australian War Memorial, the argument runs, then why should the World War I and World War II memorials be in conflict?

92. The Forum speculates above that the NCA's mandatory criterion was written as a reaction to the building of the Vietnam and Korea memorials but that the NCA ignored this history when it agreed to the proposed memorials to the two great conflicts. In the following paragraphs, the Forum argues as well:

- that there are significant differences between the Vietnam and Korea memorials and the proposed memorials to the world wars, such that the former are not precedents for the latter;
- that the existence of the Vietnam and Korea memorials actually reinforces the argument that the Australian War Memorial adequately commemorates the dead of the world wars.

There are significant differences between the Vietnam and Korea memorials and the proposed memorials to the world wars

93. The MDC compares the existence in Anzac Parade of the Vietnam and Korea memorials (commemorating between them just over 800 deaths) with the alleged 'ignoring' in the Parade of the dead of the two world wars (over 101 000 deaths). The MDC's argument is essentially about the differential recognition of sacrifice.

94. Yet the history of how both the Vietnam and Korea memorials were built shows that the names of dead service people were deliberately not highlighted because they were already on the Roll of Honour at the Australian War Memorial.²³ The Vietnam memorial has the full list of the dead hidden in a sealed container high up in the memorial; the Korea memorial has 339 poles, one for each death, but no actual list of names. (The Vietnam memorial has separate cairns in memory of six soldiers missing in action, whose remains were later found and returned to Australia.)

95. Neither the Vietnam nor the Korea memorial provides a good precedent for new memorials which focus primarily on deaths. Both memorials have a broader purpose than commemorating the dead: they are orientated towards honouring service and remembrance of the war concerned rather than just commemoration of those who died.

96. Thus, the Vietnam memorial is called the 'Australian Vietnam Forces National Memorial' and is dedicated to all those Australians who 'served, suffered and died in that conflict'. It even has a (very small) reference to the opposition to the war.

Similarly, the Korea memorial is the 'Australian National Korean War Memorial' and is inscribed 'in memory of those Australians who died and in honour of those who served'. This memorial also refers to the 21 other nations which contributed to the United Nations force.

97. There is another crucial difference between the proposed memorials and the Vietnam and Korea memorials. Australian Governments in the 1980s and 1990s contributed 20 per cent of the cost of the Vietnam memorial and 40 per cent of the cost of the Korea memorial.²⁴ By contrast, if the MDC's proposed World War memorials are built at a cost of \$10 million (estimate based on approximately half the cost of the memorials in their Rond Terraces location) the Australian Government will have contributed just 2.5 per cent of their cost.

The existence of the Vietnam and Korea memorials actually reinforces the argument that the Australian War Memorial adequately commemorates the dead of the world wars

98. The willingness of government to contribute to the cost of the Vietnam and Korea memorials arose from the circumstances in which these memorials were built. The veterans of those wars felt, rightly or wrongly, that their service had not been sufficiently recognised in Australia. (The same might well apply to the supporters of the memorials to the dead of the Boer War and to Peacekeepers.) Eminent historians, Dr Frank Bongiorno and Dr Peter Stanley, put this argument forcefully on the HYS site.

The erection of these memorials [Dr Bongiorno said] was an important way in which Australian public culture came to terms with these two conflicts, and those who had been involved in them. I should imagine that they have also been important to Korean and Vietnam veterans, as acts of commemoration, recognition and appreciation.

99. One of the reasons why Vietnam and Korean War veterans felt their service was inadequately commemorated was that space restrictions at the Australian War Memorial and the need to display as much as possible of the extensive collections relating to the two world wars limited the space available for commemoration of other wars. Distinguished military historian, Peter Dennis, pointed this out on the HYS site. 'The building', Dr Dennis said, 'has striven to include other wars, with only a modicum of success, mainly because of the physical limitations of the building'.

100. The presence on Anzac Parade of memorials to the Vietnam and Korean wars is not an argument for placing memorials on the Parade to World Wars I and II. It actually detracts from the case for those memorials: the Vietnam and Korea veterans felt neglected partly because of the overwhelming emphasis in the Australian War Memorial on the two major wars. As Frank Bongiorno said on the HYS site:

It's impossible to make a plausible case that there's a lack of recognition of First and Second World War veterans in the memorials Australians have erected in Canberra and elsewhere. The Australian War Memorial is understandably dominated by those two wars – because twentieth-century Australian history was dominated by those two wars.

101. The space issue mentioned by Peter Dennis reflects the larger point: new memorials to the world wars are not needed because those conflicts and their casualties have not been ignored or overlooked and are not remotely in danger of suffering such a fate. As noted above at paras 64-77, the Australian War Memorial and Anzac Parade should be treated as one precinct, in which the memorials on the Parade complement the Australian War Memorial, where the two world wars receive overwhelming attention; there is no need for complementary memorials to the world wars in the Parade because these wars already dominate the Australian War Memorial.

Monuments may not be the best way to commemorate what needs to be commemorated

Are we ‘over’ bricks and mortar war memorials?

102. One of the Forum’s values refers to the need for ‘a review of memorials in Canberra and a rational plan for future memorials’ (see above para 4). One of the thoughts underlying these values is that Australians (and Canberrans) need to look with more imagination at how we commemorate what needs to be commemorated.

103. While this certainly gets into an area where the NCA, the CNMC and the Ordinance have mostly not been before, it is something that should be addressed. Should government and the NCA (or some other appropriate authority) decide to look more closely at appropriate forms of commemoration, the HYS site contains a number of ideas, as follows:

- Bricks and mortar (or granite and iron) memorials waste time, energy and money.
- Service people who survive wars suffer in body and mind. Money would be better spent on them than on monuments.
- We should in the twenty-first century be ‘over’ commemorating wars with monuments, buildings or statues. What about channelling money towards veterans and their families?
- Memorial plantings of trees serve the environment as well as commemorating the dead and those who have served.
- If there is still a desire for a focus on war, what about supporting the online collections of the Australian War Memorial and the National Archives, to facilitate family history studies?
- Peacekeeping, peace studies and effective diplomacy to avoid war are all more deserving of recognition than ‘doubling up’ on wars already adequately remembered.
- Generally, are there not more *useful* things to do with commemorative money than building monuments?

104. Two comments are representative:

Why do we need more memorials? Most ex servicemen are against the funding and creation of any further memorials. It is a complete waste of money and could be

better spent helping war veterans and others and their families in a more meaningful way with counselling services and education etc. (Shobha Varkey)

Just spending millions and millions on “bricks and mortar” means trifling little in the grand sweep of things. It is the well-thought, researched and contemplated studies plus recorded memories and experiences of the people directly involved that are the real substantial “monuments”. Oh, by the way, that is something else the AWM does so well as part of its research role. (SteveB)

Are there other aspects of war that should be commemorated?

105. Some posts on the HYS site suggested the following aspects of war might be commemorated in some way:

- images of the home front, particularly of families welcoming returning service people home;
- conscientious objectors, draft resisters and pacifists – if we really believe that one role of war memorials is to discourage further wars, then we could commemorate these pioneers of peace;
- the civilian victims of the bombing of Darwin;
- Australian civilians who died in internment camps;
- six million Jews;
- victims of the ‘frontier wars’ between white Australian settlers and the first Australians;
- those killed at the Eureka Stockade;
- voluntary war workers, Red Cross workers, Médecins Sans Frontières, and similar;
- overseas civilians who helped our service people, such as the people of the then Portuguese Timor, who were killed by the Japanese in tens of thousands for helping Australian soldiers; and, finally
- the civilian populations of countries whose soil we have fought over in the past and for whose deaths we have been partly responsible.

The proposed memorials were not included in the official Anzac Centenary commemorations

106. As Australia moves towards commemorating 100 years since the landing at Gallipoli, it is significant that new memorials are not part of the long list of events and projects on the program (apart from the Boer War and Peacekeepers memorials, both of which had already received CNMC support some years previously).²⁵ This is despite the MDC’s efforts to have its proposed memorials included.

107. The Hawke-Fraser Commission in 2010 looked at ways of commemorating the centenary, undertaking public opinion research to determine what Australians considered to be appropriate recognition of this significant date. The ‘Colmar Brunton research acknowledged that Australians did not want new memorials built

when significant memorials for a particular conflict or battle already exist'.²⁶ In the actual words of the research report:

There was no particular need seen for a new permanent memorial to be established to mark the 100th anniversary of Anzac Day or the Century of Service, though the anniversary was seen as an opportunity to restore or maintain the existing war memorials across the country.²⁷

108. In September 2010, the MDC had sought the support of the Commission for at least the World War I component of the MDC's project. Despite a covering letter from one of the MDC's patrons, former governor-general, Mike Jeffery, the Commission did not support the MDC project and the MDC's submission was not even mentioned in the report of the Commission (March 2011).

109. The Hawke-Fraser recommendations are being implemented under the Anzac Centenary Advisory Board. This question should be asked: if the extensive research conducted by the Hawke-Fraser Commission looking at appropriate ways of commemorating the Centenary of Anzac did not find community feelings supporting new monuments, what basis does the MDC have for proposing these memorials? It is also a little perplexing that the NCA, by facilitating since 2005 a project explicitly designed to be finished by April 2015, has effectively been running its own Anzac Centenary program.

What is being commemorated may not need further commemoration

110. A number of contributors to the HYS site suggested that wars and Australia's military history are already over-commemorated. 'Concerned citizen', for example, said:

We Australians must find a different way of identifying ourselves for the future. We are an increasingly rich and diverse community that needs to see past our war history for self-definition. We are bigger than that. I oppose this extra and unnecessary memorial very strongly. Let's move on.

111. Others were concerned that war memorials glamorised war or at least normalised it or stripped it of its horror, in such a way that children might not be turned away from involvement in future wars. Excessive building of memorials, particularly ones duplicating the themes of the Australian War Memorial, seemed to some people to be crossing the line from commemoration to militarism. Others feared that, the more distanced we became from our big wars, the more we tried to memorialise them, the more we risked distorting our perceptions of our history. They argued that there are other aspects of our history just as worthy of commemoration as our military exploits and tragedies.

112. Australians continue to remember what war has meant and continues to mean but commemoration in Australia today demands more than merely concrete and granite obelisks to past battles and past casualties. Not all of the Forum's supporters hold these views and the views are obviously controversial.²⁸ They should not be shied away from for that reason, however. The NCA itself recognised the issue as far back as 2002.

So far, this 'symbolic presence' in Canberra has focussed principally on the military memorials of Anzac Parade and the Australian War Memorial. Important as our history of sacrifice, service and valour has been in the shaping of our nation, it is by no means the singular driving force; so many other individuals, groups, events and historical moments, drawn from a multiplicity of cultural areas, have had profound impact. The Authority has a responsibility to encourage the representation in the National Capital of the broad range of Australian cultural narratives.²⁹

Part C: Site and location: what factors should be considered in relation to the proposed location of memorials to World War I and World War II on Anzac Parade?

The NCA Guidelines suggest Anzac Parade is meant to be a location for memorials to service rather than sacrifice

113. The first point to note here is the difference between the relevant words in the NCA's *Guidelines* about 'siting areas north of Lake Burley Griffin'. In the *Guidelines*,

[c]ommemorative sites that honour military sacrifice, service and valour include

Anzac Parade

Memorials that commemorate Australian Defence Force *service* in all wars or warlike operations.

Australian War Memorial

Commemoration related to the *service and sacrifice* of Australians in war, in war-like operations, or in peace-keeping.³⁰ (Emphasis added.)

114. This wording suggests that commemoration of service *deaths* is a matter for the Australian War Memorial, while the broader theme of remembrance of *service* is appropriate to Anzac Parade. This certainly aligns with the emphasis on service of the Vietnam and Korea memorials (see above paras 91-101) and of the other memorials in the Parade, such as those to nurses and the three arms of the Defence Force. On the other hand, it works against locating in the Parade memorials, like the proposed memorials, which focus most sharply on deaths (the 101 000 deaths said to have been 'ignored').

Having the proposed memorials in Anzac Parade close to the Australian War Memorial would be an affront to the Memorial

115. Contributors to the HYS site make two additional important points. First, moving the site of the proposed memorials from the Rond Terraces to near the top of Anzac Parade, approximately 150 metres from the Australian War Memorial, seemed to some people an 'insult' or 'affront' to the Memorial.

The new siting of these memorials appears to be even worse than the original position. While the original site was gross and "in-your-face" to all concerned the new site is now directly "in-the-face" of the Australian War Memorial which to my mind is the ultimate insult. Considering the clear opposition to these unnecessary memorials surely it is time to put them to bed for good. Not just keep changing sites. They will never be acceptable to the majority who feel the Australian War Memorial in its existing site is a more than adequate Memorial to the first and second world wars. (Murray1)

As the proposed memorials are now very close to the War Memorial, holding a ceremony in opposition to the national ceremony is even less feasible. (Peter Stanley)

The AWM is a more than adequate memorial to those who died in the two World Wars. Their siting will detract from the visibility of the AWM when viewed from lower down Anzac Parade. Their bulk may even make them appear to be side extensions or wings of the AWM. (navaretti)

Part D: Design and character: what factors should be considered in redesigning the existing character of the proposed memorials to suit the proposed new locations on Anzac Parade?

The design that won the design competition and was referred to in Minister Debus's determination in 2008 cannot be built in Anzac Parade

116. The first point to make is that it would have been preferable to have this consultation after the design of the proposed memorials had been modified to suit the new sites. Delaying the consultation would have avoided confusion and uncertainty over the status of the design. This confusion has been fuelled by statements from the MDC.

117. The Debus determination of November 2008 approved the 'character' of the proposed memorials 'to be the character set out in design "CID 1666"', which was:

- a design for one site on the Rond Terraces, with two 20 metre tall monoliths and 100 metres of features (including a wall and 'story mats') between them on flat ground;

NOT

- a design for two sites in Anzac Parade covering half the area of the original design (meaning a break in the wall and less stories or perhaps shorter ones), on sloping ground (perhaps requiring excavations), with monoliths no taller than 12 metres (and presumably smaller in other dimensions to maintain a pleasing proportion).

118. These changes have been forced upon the proponents by the exigencies of the new sites.

I cannot see how Mike Buick and the MDC can claim that the design of the memorials proposed for Anzac Parade can be regarded as having been chosen by any committee, international or not. The Kirk design for the Rond Terrace site (the design that aroused so much concern in the community over the past year or so) was designed for the lakeside location. I cannot see how shifting it a kilometre away, breaking it in two and reducing its height can be said to constitute the same design. Just as the approvals and consultative processes have now begun again, so the design process must begin afresh as well, especially as the serious flaws in the Kirk design have not been redressed by the new position. (Peter Stanley)

One of the prerequisites of the design process is the site conditions. Design should begin with evaluation of the particular requirements and their relationship to the site. Reusing a design developed for another site is a poor idea, particularly where the new site requires a change in orientation/viewing and other changes in site conditions and when the design idea relies on an open position. (Rosemarie Willett)

It is unclear what the ‘new’ design will include

119. Secondly, there is the issue of which features remain in the design. The MDC’s comments on the HYS site are equivocal, at some points seeming to say nothing will change, at others admitting that the allocation of names to towns will have to be rethought, not addressing the size constraints but insisting that the sunlight-catching cuts in the proposed memorials will remain, no matter what.

Given the Commemorative Purpose and Design Intent has not been amended we believe the design elements inherent in the winning Richard Kirk design has features and merit which is transferable to the new location. The way in which Mr Kirk has interpreted the Commemorative Purpose and Design Intent and incorporated them in each unique design has relevance to the final design. (Mike Buick)

120. In similar vein, the MDC’s recently revised website now says, ‘The Memorial(s) Development Committee is confident that the original winning design by Richard Kirk Architects can be appropriately modified to suit the Anzac Parade environment, while retaining the key design elements that characterised the winning concept’.

121. Then, responding to comments that the allocation of names to communities was impractical, Colonel Buick conceded:

The intention of this design element was to recognise the loss within communities. If the information required to fulfill the architects initial intention proves unobtainable I am confident the architect will develop an acceptable alternate way of achieving this goal.

The insistence on some design features reinforces concerns about the potential for competition with the Australian War Memorial

122. But there has been no concession on the shafts of sunlight.

The “cut lines” in each memorial are significant features of each design as they allow light to enter the memorials and draw attention to the timing of significant events particular to each conflict. These are not design features to be discarded. (Mike Buick)

123. This insistence on the cut lines is particularly disturbing. It reinforces the Forum’s concern about the potential for competition between the proposed memorials and the Australian War Memorial. The original design included cuts or notches in the World War I memorial to catch the rays of the sun at dawn on Anzac Day and 11.00 am on Remembrance Day and notches in the World War II memorial to catch the sun at an undisclosed time on the anniversary of the end of the Battles for Kokoda (16 November).

124. Why go to the trouble of designing and building such features unless there is an expectation that the sun shining through the cuts will be witnessed by gatherings of people? As long as the cuts or notches remain, there will be an incentive to hold ceremonies at the memorials at these times. These ceremonies will compete with the traditional Australian War Memorial ceremonies.

125. There are other design features, whose place in the revised design remains uncertain, but which also are cause for concern for anyone who worries about the potential for competition with the Australian War Memorial. The original design included space for commemorative services and places to lay wreaths. To the extent that these features remain in the new sites, there will be a further incentive to hold ceremonies at the memorials (albeit ceremonies catering for fewer people and fewer wreaths, given the size constraints of the new sites).

126. Again, the memorials offer an alternative venue to the Australian War Memorial for such ceremonies. They may even be attractive to groups who have in the past tried to use Anzac Day to promote messages that are alternative or antagonistic to the themes of Anzac.

127. To repeat, the MDC said in 2007 that ‘some veteran organisations may find it preferable and more appropriate to conduct ceremonies at specifically dedicated Memorials to World War I and/or World War II’ (see above para 83). As noted above at para 90, it is disingenuous for the MDC to say its role will end with the completion of the memorials. It is building the memorials to provide a space for ceremonies and it is building them in such a way as to encourage people to hold ceremonies at particular times – times when ceremonies are also being held at the Australian War Memorial 150 metres away. It is doing so because it is convinced that the Australian War Memorial does not adequately commemorate the dead of the two world wars and that additional memorials are needed.

128. The point remains that we simply do not know what the proposed memorials will look like, if they are built. The confusion about aspects of design reflects the sloppiness and shoddiness of the proposed memorials project to date.

129. There is no confusion or uncertainty, however, about the opinions of the great majority of contributors to the HYS site regarding design issues. Three representative comments are as follows:

The Design and Character of these memorials has not improved with their change in location. They are stark, brutal and totally out of keeping with their intent. (Murray1)

The reduction in height of the proposed memorials makes them no more palatable. The AWM commemorates WW1 and WW2 very satisfactorily and including these monoliths in Anzac Parade is unnecessary and will thoroughly spoil the vista. (CJK)

The memorials are unnecessary. My comment on the proposed design with their bulky form is that they are ugly and now inappropriate in the proposed Anzac Parade setting. (Juliet Ramsay)

130. Finally, Rosemarie Willett, architect and heritage expert, puts a view that could be taken into account by the NCA as it looks towards a future plan for memorials in Canberra in the wake of the JSCNCET report.

Memorials on Anzac parade are most successful where they have a more passive function for additional, quiet, personal reflection after public ceremony at or visitation to the Australian War Memorial. The scale of these reused memorials is too imposing and these memorials should at the very least be totally redesigned for their altered purpose and location. Preferably they should be abandoned as unnecessary.

Part E: Heritage matters: how do the proposed memorials match up against national heritage criteria?

131. As noted above, the NCA has said it intends to take account of a number of recommendations of the JSCNCET report, even though government has not yet formally responded to the report. Taking up one such recommendation means the NCA commits itself to arranging a heritage assessment for the proposed memorials.

Recommendation 3

The JSCNCET recommends that, as part of the decision-making process for National Memorials, each proposal for a National Memorial be required to undergo heritage assessment, prior to final approval, including the creation of site specific Conservation Management Plans and Heritage Impact Statements.³¹

132. This section of the Forum's submission is drawn from our comments on the heritage documentation lodged by MDC with SEWPAC for the proposed memorials when they were to be located on the Rond Terraces. That proposal was withdrawn but some of the comments are still relevant to the Anzac Parade version of the project.³²

133. In summary, the Forum's comments below address two items under the heading 'social and economic issues' which would need to be dealt with by the heritage minister should heritage documentation be lodged for the Anzac Parade version. These items are:

- the social impact of the proposed memorials in competing with the national commemorative role and function of the Australian War Memorial;
- the social impacts of the proposed memorials on the Anzac Day, Remembrance Day and other services traditionally held at the Australian War Memorial.

134. There is also one possible aesthetic impact. The comments below match aspects of the proposed memorials against criteria under the Australian Heritage Database (AHDB) National Heritage List.

There are heritage problems in relation to Australian War Memorial and the Memorial Parade, AHDB National Heritage List (AHDB 105889)

Criterion (a): events and historic processes, outstanding value to the nation

135. The Australian War Memorial and Anzac Parade are major venues for national commemorative services and events such as the Anzac Day march, the services on Anzac Day and Remembrance Day and other commemorative occasions. Anzac Parade, as part of the Parliament House Vista and an extension of the Australian War Memorial, is part of one of the major designed landscapes of Australia. A ceremonial space of this grandeur is unique in Australia.

136. There will be an adverse impact on the criterion (a) value in that the proposed war memorials will establish another location for commemorative services that will compete with the nationally significant Australian War Memorial and Anzac Parade.

Criterion (b): rarity, outstanding value to the nation

137. Anzac Parade, as part of the Parliament House Vista and as an extension of the Australian War Memorial, is a component of one of the major cultural landscapes of Australia. The grandeur of the ceremonial space is not found elsewhere in Australia. Anzac Parade is nationally important for its public and commemorative functions.

138. There will be an adverse impact on the criterion (b) value in that the proposed war memorials will compete with the Australian War Memorial for commemorative functions while not offering the space and security required for these functions.

Criterion (e): aesthetic characteristics, outstanding value to the nation

139. The Australian War Memorial and Anzac Parade together form an important national landmark that is highly valued by the Australian community. As part of the Parliamentary Vista, the Australian War Memorial makes a major contribution to the principal views from both Parliament Houses and Mount Ainslie. Views from Anzac Parade to the Hall of Memory and from the Hall of Memory along the land axis are outstanding.

140. The Australian War Memorial's prominent position is important due to its relative visual isolation on the Griffin land axis, against the backdrop of the forested slopes of Mount Ainslie. The visual impact of the Australian War Memorial, when viewed from Parliament House and other points along Griffin's land axis including Mount Ainslie, and the fabric of Anzac Parade, including the memorials, plantings and lighting, is far more distinctive and dramatic compared with the other principal war memorials in Australia.

141. While the proposed memorials will have to be beneath the tree canopy on Anzac Parade, the design of the proposed memorials will still apparently retain the cuts to allow the penetration of light at certain times. There may be a need to interfere with the tree canopy to ensure the penetration of light. If this is the case, there will be an adverse impact on the criterion (e) value.

142. Without professional visual impact studies, it is difficult to evaluate the extent of the impact on this value. However, the slits for light may well not be effective, given their changed aspect and shaded location. The tree canopies are important features in enframing and channelling the vista to the Australian War Memorial.

143. Further, the bulk and form of the proposed memorials on Anzac Parade may mean that, despite the tree canopy, the proposed memorials will be visible as large, projecting solid structures on the Parade that will detract from the Vista to the

Australian War Memorial. With their bulky solid form they appear to dominate the Parade, detracting from the existing memorials that are carefully scaled and sited to respect the pre-eminence of the Memorial.

Criterion (g): social value, outstanding value to the nation

144. The Australian War Memorial is the national war museum and national shrine and, together with Anzac Parade, has special associations for the Australian community, particularly veterans and their families. These special associations are reinforced on Anzac Day, Remembrance Day and at other ceremonies at the Memorial or at particular memorials on Anzac Parade.

145. The Australian War Memorial and the Anzac Parade memorials are the nation's major focal point for commemoration, including the Anzac Day march and other ceremonies and events. These values are expressed through the Australian War Memorial building (including the Hall of Memory), the collection, the surrounding landscape (including the Sculpture Garden) and Anzac Parade, including its flanking memorials.

146. There will thus be an adverse impact on the criterion (g) value in that the proposed war memorials will compete with the Australian War Memorial and the Anzac Parade memorials that are the nation's major focal point for commemoration, including the Anzac Day march and other war remembrance ceremonies and events.

Aspects of Griffin's vision are still threatened

147. The proposed memorials would be located in parts of the public reserve that Walter Burley Griffin planned as a park to provide a shaded promenade for use by those involved in the everyday working life of the city. Areas of concern include:

- overloading of Anzac Parade in terms of the symbolic role of the National Capital;
- compromising of Griffin's vision of the area as a "plaisance", having the purpose of a promenade and public park;
- compromising the breadth and alignment of 'the open tra[ns]verse axis of Anzac Parkway' by further contracting the Parade through the preponderance of the war memorial monoliths;
- the appropriateness of the proposed memorials in meeting the design standards for Anzac Parade memorials; and
- the need to reserve such scarce and high value spaces for future uses.

These issues should be addressed as the NCA develops its heritage management plan for Anzac Parade.

Part F: Cost and feasibility: can the proposed memorials be built?

148. As noted above, the NCA has said it intends to take account of a number of recommendations of the JSCNCET. Recommendation 9 of the JSCNCET report sets out a proposed new process for progressing proposals for memorials in Canberra, including '[d]evelop the budget and business plan for construction, maintenance and associated infrastructure costs'.³³ The NCA media release of 24 February also mentions 'a detailed assessment of cost' while, on the HYS website, the NCA's Chief Executive uses the term 'buildability'.

149. In the Forum's view, buildability includes not only budget and business plan issues but also the capacity of the proponents to play their part in bringing the project to completion. Public land in the national capital should not be set aside for lengthy periods in favour of private companies who are unable to progress a project. (The original NCA agenda paper in 2005 proposed that a site be reserved for *ten* years – to 'provide sufficient opportunity for the committee to raise funds for construction' – but the recommendation was not taken up.) There is evidence that the MDC, regardless of the sincerity of its commitment to the project, lacks the capacity to deliver on its side of the deal.

MDC's record as fundraiser gives cause for concern

150. The MDC is a private company, despite its official sounding name. It has to pay for the memorials from donations. In view of the MDC's poor record of fundraising to date, the NCA's buildability assessment must include a rigorous assessment of the likely flow of donations as part of a thorough examination of the financial viability of the project.

151. Past history is a guide to the likelihood of the MDC raising the cost, say \$10 million, of the proposed memorials. (This 'guesstimate' is based on roughly halving the most recent estimated cost – by the NCA in April 2011 – of the memorials on the Rond Terraces site, \$20-25 million. The original 2005 estimate, before a design had been decided, was \$6-8 million. By the time of the design competition launch, the estimate was \$10-15 million.) To 30 June 2011 the MDC in five years had raised just \$199 332, or two per cent of \$10 m.³⁴

152. The amount raised by the MDC to the end of last financial year is thus less than the \$250 000 'seed money' from the Commonwealth Government and well less than the likely cost of the JSCNCET inquiry and NCA salaries and overheads related to this project over the last seven years, including the current consultation. While the proposed memorials are supposed to be paid for by donations, so far the taxpayer has footed most of the bill.

153. The MDC has been equivocal over where the money is coming from for the proposed memorials. In the early years of the project the MDC hoped to raise funds from the defence industry.³⁵ More recently, it referred to 'wealthy and philanthropic Australians'.³⁶ Late last year it seemed ready to take donations from whoever offered.

I can tell you categorically we've not been approaching the arms industry, if that's the question, anyone like that, to raise money. However, people who feel empathetic, empathy for this project, why would we reject their money if someone comes to us with money?³⁷

154. It is unlikely that interested Australians will know where the money comes from, however, since the MDC allows donors to remain anonymous.³⁸

MDC's record as project promoter shows a failure to engage and a lack of vigour

155. As noted above, privately-funded memorials need vigorous promotion if they are to eventuate. When public land is involved, the public should expect nothing less than vigour. So should the NCA. That the MDC lacks this quality is shown by its past history of failing to vigorously press its case with the public and government.

156. When public land is allocated in the national capital to a private company to build, subject to finance, a conspicuous and permanent structure, it is reasonable to expect from the private company the degree of commitment, diligence and activity that would have been expected from a public sector organisation implementing a comparable project. This has not been the case.

157. One of the notable elements of this debate over the last 12 months has been the lack of evidence brought forward by the proponents in support of their case, for example: factual references to the history of the Australian War Memorial; justification of the need for the new memorials project despite this history; references to the histories of the Vietnam and Korea memorials and how these histories might provide support for the new World War I and II memorials. (As shown above at paras 49-63 and 91-101, the history of neither the Australian War Memorial nor the Vietnam and Korea memorials provides such support.)

158. Some of this supporting material might have been developed in the course of a robust public debate over the months. Instead, there have been long silences from the MDC, punctuated by occasional assertions without evidence. The MDC website, which could have been a strong weapon in putting the case, was moribund between November 2010 and April 2012. The MDC's distinguished committee has, with two exceptions, been invisible to the public, and two of its senior members have recently left.

159. During this time, and even in posts on the HYS site, MDC representatives have rarely responded to criticism of the process that led to the Rond Terraces version of the memorials and, indeed, on the HYS site they have continued to defend the process as if the criticism did not exist. This shows either a lack of awareness or an attempt to mislead readers who have not been closely following the memorials saga.

160. When the JSCNCET inquiry was commissioned, the MDC did not make a submission to or appear before the Committee. The MDC seems to be unaware of the JSCNCET's highly critical views of both the process and the outcome (see above para 44). The MDC still relies on discredited CNMC approvals as the basis for its project yet the JSCNCET was so unimpressed by the record of the CNMC that it recommended the CNMC be replaced by a different mechanism.

161. MDC representatives still insist that the winning design for the memorial was chosen by an 'independent jury'. Critical articles – and the MDC's own documentation – show that three of eight jury members were also members of the MDC and a fourth was an NCA officer who had been working closely with the MDC for three years.³⁹

162. In the MDC's own documentation also – in this case, the material submitted (six months late) to SEWPAC – it even concedes one of its own key debating points when it lets its paid consultant say that the Australian War Memorial commemorates the dead of both world wars.⁴⁰ This heritage documentation is shoddy, superficial and contains misleading statements and errors of fact, despite it being signed off by Colonel Buick as a true document.⁴¹

163. Memorials not on the Rond Terraces (if they eventuate) should at least have come about through proper process. Memorials on the Terraces would have been forever tainted by the shoddy and secretive process that put them there.

164. The MDC played its part in this opaque process by failing to meet undertakings it made regarding public consultation. An MDC spokesperson told a stakeholder workshop in October 2010 that the MDC would undertake public consultations before lodging its referral under heritage legislation.⁴² There were no consultations before the referral was lodged 14 months later. On 17 February 2011, an MDC spokesperson wrote in the *Canberra Times*: 'We intend providing further opportunities for public and stakeholder consideration of the proposed memorials in the coming year'. This did not happen.

165. In summary, an organisation with MDC's history, regardless of the worthiness of its motives, is ill-suited to be entrusted with part of the carriage of an expensive, complex project on public land. (**Attachment B** to this submission is an extract from the Forum's submission to the JSCNCET, September 2011, proposing protocols for dealing with private proponents in future.)

Part G: Conclusion

166. The proposed memorials are unacceptable, even on Anzac Parade, for the many reasons outlined in this submission but, most of all, because they duplicate the role of the Australian War Memorial and will inevitably compete with it. Had it not been for an enthusiastic but misguided rush to judgement by the NCA over 19 days in July 2005, the proposed memorials would not have progressed past a well-meaning but ill thought-out idea from a group of private citizens.

167. The means of halting the project existed in 2005 and exist now. The NCA's mandatory criterion about duplication of themes and subject matter should have been at the centre of consideration in 2005-07 and it still should be now. The NCA today has the opportunity to do the mandatory assessment that was apparently not done in 2005-07.

168. Then, on the basis of this assessment, the NCA should recommend to the CNMC that the memorials not proceed in their Anzac Parade location (or anywhere else) because they contravene the NCA's mandatory criterion. A compromise, driven perhaps by suggestions that the MDC acted in good faith but was led on by a gung-ho NCA years ago, does not meet the case.

169. The NCA's process for the mandatory assessment of commemorative subjects was devised – and approved by CNMC members – to deal with situations just like the one which now exists. It is not sufficient for the NCA to leave the duplication issue to discussions between the proponents and the Australian War Memorial.

170. Nor is it sufficient for the NCA to leave it to government (the CNMC) to decide in a vacuum. The NCA needs to make clear to government that the project contravenes a mandatory criterion that is meant to protect Canberra's planning and the nation's heritage. The CNMC, on motion of the Minister for Regional Australia, should then rescind its previous decisions in relation to the proposed memorials and the Minister should revoke the relevant determinations.

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Attachment A: Commemorative purpose and design intent

Current version

Commemorative Purpose

The commemorative purpose of the two national Memorials is to honour the sacrifice of more than 100,000 Australians who died in World War I and World War II and to leave a permanent legacy to those who served, both at home and overseas, and all those who supported the war effort from home.

The two Memorials are to be symbolic of the two defining 20th century world events and must be monuments that communicate inspirational and timeless messages to reflect the spirit, sacrifice, and commitment of the Australian nation during these nation-building events.

The two separate, but adjacent and complementary national Memorials will preserve and honour in perpetuity the memory of Australian servicemen and servicewomen who served and died as well as those who supported the war effort for their country.

Each Memorial will provide:

- An inclusive commemoration of the commitment, contribution and suffering of the wounded, prisoners of war, and those who served both in Australia and overseas including the Merchant Navy.
- A spiritual and symbolic place for enduring national commemoration.
- A constant symbol of enduring national values of honour, valour, sacrifice, mateship and service for future generations of Australians.

Design Intent

The two Memorials must address the stated commemorative purpose. In particular, both Memorials are to:

- provide a symbolic, unique, evocative, enduring, yet sensitive interpretation of the selfless sacrifice made by the thousands of Australian servicemen and servicewomen who served and died as well as those who supported the war effort from home;
- promote a sense of national identity while acknowledging the contributions made by Australia's allies in both wars;
- be of sufficient size and stature to contribute positively to the character and significance of the north/south axis (Walter Burley Griffin's "Land Axis") oriented between the Australian War Memorial and Parliament House;
- complement the immediate and adjacent site context including the Anzac Parade commemorative precinct, Commonwealth and Kings Parks, and Lake Burley Griffin;

- increase awareness and understanding of the significance of the World Wars to Australia's history and cultural heritage; and
- provide a focus for commemorative services by defining a ceremonial space between the Memorials.

MDC draft of 27 July 2007 (showing text changed by NCA)

Commemorative Purpose, fourth para, third point above: 'A constant symbol' replaced 'A constant marker' in the 27 July draft

Design Intent, third point above: text as shown after 'significance' replaced 'of the North/South axis between the Australian War Memorial, Anzac Parade and both "old" and "new" Parliament Houses'

Design Intent, fourth point above: text as shown replaced 'complement the immediate and adjacent site environments as well as the Anzac Parade commemorative precinct while conveying a unique sense of place and national significance'

'complement and link the broader commemorative themes of the Australian War Memorial' deleted and not replaced

Design Intent, fifth point above: text as shown replaced 'help educate future generations of Australians by increasing awareness and understanding the significance of the World Wars to Australia's history and cultural heritage'

Design Intent, sixth point above, text as shown replaced 'be of a stature, with supporting infrastructure, capable of accepting large groups of visitors whilst acting as a focal point for commemorative events of national importance today and for the future'

[two points about water usage and lighting were deleted and not replaced]

Design Competition Brief version, February 2008 (including text not authorised by CNMC decision)

Design Intent, additional point: 'complement and enhance the heritage significance of the Parliament House Vista'.

Attachment B: Extract from the Forum's submission to the JSCNCT, September 2011, proposing protocols for dealing with private proponents in future

Project slippage

Principles relating to project slippage

As noted above, effluxion of time is one reason why the lakeside memorials project should not continue. The following principles are suggested.

- Slippage, for whatever reason, should not be without consequences, particularly when it involves National Land, as is the case with the lakeside memorials.
- Failure to progress a project should be anticipated and procedures put in place accordingly.

Dealing with project slippage

The CNMC's original site reservation for the lakeside memorials ran from the Minister's determination, dated 20 April 2007, to 30 June 2010. At its meeting of 15 March 2010, the CNMC extended the site reservation to 31 December 2013. This was done (with minimal discussion) to give the proponents "sufficient certainty to continue with fundraising and design efforts".¹ To 30 June 2009, the lakeside memorials' proponents had raised just \$43 352.²

The effect of the March 2010 extension was to eke out the life of a project which was already in difficulty. An opportunity was lost to impose some discipline on the project by, for example, limiting the reservation extension to 12 months. Instead, the CNMC handed out three further years. The Committee's agenda paper (presumably prepared by the then responsible Department, Attorney-General's) even suggested that "[i]f the project is delayed, the Committee could consider whether a further extension of the site reservation is necessary in 2013".³

To deal with problems like those outlined above, protocols (linked to the Strategy for National Memorials) should be put in place to ensure that:

- site reservation extensions for National Memorials should be granted only in exceptional circumstances and for strictly limited periods;
- reservations should not be extended as a response to funding difficulties for a privately funded project; and
- timing disciplines should be placed on projects when they are commenced. (One obvious discipline would be to require heritage approval documentation to be

¹ FOI material. Extensions were granted also for the Peacekeeping and Boer War memorials.

² ASIC documents lodged by Memorial(s) Development Committee Ltd.

³ FOI material. The agenda paper said: "The project schedule allows for ongoing fundraising activities throughout 2010 and 2011, with construction to be completed in 2013. It is possible that the effects of the global financial crisis and tougher donation and fundraising environment will extend the project schedule. However, the MDC considers that construction will be completed in time for the centenary of ANZAC celebrations in 2015." The agenda paper included as an attachment a progress report prepared by the proponents (the MDC). This attachment was missing from the FOI material supplied by the Department of Regional Australia and has never been supplied despite requests.

submitted to the Department of Sustainability, Environment, Water, Population and Communities within a set deadline.)

Privately funded projects

The links between private funding difficulties and project delays point to a broader issue. Apart from private funding having the effect of building delays into projects, it also seems to be associated with cost increases, leading in turn to further delays. The estimated cost of the lakeside memorials has blown out from approximately \$A6 million to approximately \$A25 million, making fundraising more difficult and extending the period that the National Land at Rond Terraces is tied up, without a project.⁴

Private funding is also likely to be provided under different conditions to public funding. For example, the proponents of the lakeside memorials offer anonymity to donors.⁵ This obviously would not occur in the case of a publicly funded project. Given that the proponents are on record in 2008 as seeking funding from the defence industry, anonymity of donations in this case is especially problematic.⁶

Principles relating to privately funded projects

Five principles are proposed for privately funded projects for National Memorials on National Land. These principles could be included in the Strategy for National Memorials.

- Privately funded proposals should be entertained rarely and only under strict conditions, agreed to in advance by the CNMC.
- Memoranda of Understanding between private proponents and the NCA should include a commercial viability element, the terms of which would be agreed by the CNMC, and a cap on costs.
- National Land should not be allocated indefinitely to a private company, subject only to the company's ability to raise funds.
- As far as possible, funding sources should be identified in advance.
- All donors and the amounts of their donations should be disclosed, with an undertaking to this effect to be given in advance by the proponents.

⁴ In July 2005, NCA staff briefing to the Authority meeting said the proponents "have a fundraising target of \$6 to \$8 million". (FOI material.) In April 2011, NCA briefing to a public forum said, "The value of the project is estimated to be \$20-25 million": NCA, *Public forum information pack, 13 April 2011*, p. 18.

⁵ <http://mdc.org.au>, under "Disclaimer".

⁶ The proponents' first priority for fundraising was to be contributions from "appropriate Australian and multinational companies, particularly those related to Defence industry": K.S. Inglis, *Sacred places: War memorials in the Australian landscape*, Melbourne University Press, 3rd edition, 2008, pp. 494-95. Professor Inglis was quoting from documents made available to him by the proponents.

Endnotes

[Note that sources obtained under FOI from the NCA or the Department of Regional Australia are not referenced. Detailed references to these can be made available if necessary.]

- ¹ Australia. Parliament. Joint Standing Committee on the National Capital and External Territories, *Etched in stone? Inquiry into the administration of the National Memorials Ordinance 1928*, Canberra, 2011, p. xiv.
- ² Lake War Memorials Forum, <http://lakewarmemorialsforum.org>, click on 'heritage assessment'.
- ³ The Forum's submission to the JSCNCET is accessible at http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ncet/memorials/subs.htm, submission no. 27.
- ⁴ Graham Downie, 'Height of controversy: Memorial design', *Canberra Times*, 13 December 2011, accessible at <http://www.canberratimes.com.au/news/local/news/general/height-of-controversy-memorial-design/2390674.aspx>.
- ⁵ NCA, *Guidelines for commemorative works in the national capital*, The Authority, Canberra, 2002, <http://downloads.nationalcapital.gov.au/corporate/publications/misc/CommemGuidelines.pdf>, p. 7.
- ⁶ Richard Kirk, <http://www.mdc.org.au>, under 'News'; broadcast ABC Stateline 15 October 2010.
- ⁷ *Guidelines*, p. 5.
- ⁸ Testimony of Professor James Weirick, Australia. Parliament, *Official Committee Hansard: Joint Standing Committee on the National Capital and External Territories: Administration of the National Memorials Ordinance 1928, Wednesday, 14 September 2011*, <http://www.aph.gov.au/hansard/joint/commtee/J291.pdf>, p. 3.
- ⁹ JSCNCET report, p. vi.
- ¹⁰ JSCNCET report, para. 2.16.
- ¹¹ Australian War Memorial, *Guide to Australian War Memorial, Canberra*, The Memorial, Canberra, 3rd edition, 1944, p. 1. Copy made available by Mr S Hurren.
- ¹² House of Representatives, *Daily Hansard*, 6 May 1952, p. 21, accessible at <http://www.aph.gov.au>.
- ¹³ Michael McKernan, *Here is their spirit: A history of the Australian War Memorial 1917-1990*, University of Queensland Press and Australian War Memorial, St Lucia, 1991, p. 228.
- ¹⁴ Australian War Memorial, *Guide to Australian War Memorial, Canberra*, The Memorial, Canberra, new revised edition, 1965, p. 83. Copy made available by Mr R Olsen.
- ¹⁵ JSCNCET report, para. 5.13.
- ¹⁶ McKernan, p.229.
- ¹⁷ MDC, <http://www.mdc.org.au> under 'National benefit statement'.
- ¹⁸ MDC, <http://www.mdc.org.au> under 'Mission statement'.
- ¹⁹ Steve Gower, 'Reflections', *Wartime [Australian War Memorial]*, Issue 53 [2010], p. 5; Testimony of MAJ GEN Steve Gower, Australia. Parliament, *Official Committee Hansard: Joint Standing Committee on the National Capital and External Territories: Administration of the National Memorials Ordinance 1928, Friday, 14 October 2011*, p. 30, accessible at <http://www.aph.gov.au/hansard/joint/commtee/J382.pdf>.
- ²⁰ Mike Buick, <http://www.mdc.org.au> under 'News'; broadcast 2GB, 9 November 2010.

²¹ 'These will be world class memorials and of a stature and significance that will ensure they become national icons': *Chairmans speech 18 February 2008* [design competition launch], <http://www.mdc.org.au/CompetitionChairmansSpeech17Feb08.pdf> ..

²² There are three memorials for the branches of the defence force (army, navy, air force), two for particular units (Desert Mounted Corps, Rats of Tobruk) and one for nurses. There is one each for Greece and Turkey (the latter actually partly for an individual, Atatürk) and one for the Australia-New Zealand special relationship. There is one coming for peacekeepers.

²³ Jeff Doyle, 'Other contingents: Australian veterans beyond Vietnam'; 'Reading and building the Australian Vietnam Forces National Memorial', Jeff Doyle, Jeffrey Grey & Peter Pierce, *Australia's Vietnam War*, Texas A & M University Press, College Station, TX, 2002, pp. 76-97, 136-158; KS Inglis, *Sacred places: War memorials in the Australian landscape*, Melbourne University Press, 3rd edition, 2008, pp. 385, 388, 472, 481-482; 3rd Battalion Royal Australian Regiment Association Incorporated, *The Australian National Korean War Memorial dedication*, The Association [n.d., n.p., 2000?].

²⁴ Inglis, pp. 385, 481-482.

²⁵ 'Anzac Centenary program to commemorate Australia's military history' [Prime Minister's media release, 24 April 2012], <http://www.pm.gov.au/press-office/anzac-centenary-program-commemorate-australias-military-history> .

²⁶ National commission on the commemoration of the Anzac centenary, *How Australia may commemorate the Anzac centenary (March 2011)*, Canberra, 2011, http://www.anzaccentenary.gov.au/subs/2010/reports/anzac_centenary_report.pdf , p. 13.

²⁷ Colmar Brunton, *Department of Veterans' Affairs: a century of service: community research: report (September 2010)*, <http://www.anzaccentenary.gov.au/subs/2010/reports/researchreport.pdf> , p. 3.

²⁸ There have been a number of books published recently in this area, for example: Marilyn Lake & Henry Reynolds, *What's wrong with Anzac: The militarisation of Australian history*, New South, Sydney, 2010; Craig Stallings, ed., *Anzac's dirty dozen: 12 myths of Australian military history*, New South. 2012. The latter book includes an article by Peter Stanley on the proposed memorials, 'Monumental mistake: Is war the most important thing in Australian history?'

²⁹ *Guidelines*, p. 4.

³⁰ *Guidelines*, p. 13.

³¹ JSCNCET report, p. xiii.

³² See above note 2.

³³ JSCNCET report, pp. xiv-xvi.

³⁴ Figures from MDC company documents lodged with ASIC. Copies available from the Forum.

³⁵ The MDC's first priority for fundraising was to be contributions from 'appropriate Australian and multinational companies, particularly those related to Defence industry': Inglis, pp. 494-95. Inglis was quoting from documents made available to him by the MDC.

³⁶ Mike Buick, <http://www.mdc.org.au> , under 'News'; broadcast ABC Stateline 15 October 2010.

³⁷ Mike Buick, 'Memorials war', *ABC 7.30 (Canberra)* 28 October 2011, <http://www.abc.net.au/news/2011-10-28/memorials-war/3607584>.

³⁸ MDC, <http://www.mdc.org.au> under 'Disclaimer'.

³⁹ *Architectural Projects 1408 – WWI & II Memorials, Canberra Heritage Assessment & Heritage Impact Statement December 201*, pp. 7-8, accessible at http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=6269.

⁴⁰ *Architectural Projects 1408*, p. 52. In April 2011, an MDC spokesman said the heritage assessment documentation would be lodged in June (Naomi Fallon, 'New memorial

processes fast-tracked', *The Chronicle*, 19 April 2011, p. 2, accessible at <http://lakewarmemorialsforum.org/docs/110419-chr-art1.jpg>). The documentation was lodged in December 2011, then withdrawn because the MDC's consultant had not signed it, as required by SEWPAC. It was lodged again early in 2012. It did not appear on the SEWPAC website for public comments until the Forum asked SEWPAC where it was.

⁴¹ See the Forum's comments: Lake War Memorials Forum, <http://lakewarmemorialsforum.org>, click on 'heritage assessment' and see particularly pp. 23-33.

⁴² '[MDC] Stakeholder workshop, 21 October 2010', Lake War Memorials Forum', <http://www.lakewarmemorialsforum.org/docs/War-memorials-workshop-record.html>.