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The 2015 Jim Kerr Memorial Address

Joan Domicelj AM

This paper is an edited transcript of the inaugural Jim Kerr Memorial Address, given by Joan Domicelj, and organised by Australia ICOMOS, the NSW Office of Environment and Heritage and the Sydney Opera House. It was held at the Sydney Opera House to mark the International Day on Monuments and Sites, 18 April 2015.

Preamble

In 1978, Australia Post proposed major alterations to our exquisite Bernet-designed General Post Office. Jim and I were charged with explaining the new heritage processes to hostile Commonwealth officers. En route to the meeting, Jim stopped at a milk bar to buy a large, family bar of chocolate. We entered the room. Seventeen sprawling figures pointedly ignored us; we found our own seats. Jim, avuncular in manner, slowly unwrapped the chocolate, snapped it into pieces and then asked: 'Chocolate anyone?'. They melted. So, in memory of Jim, I open this talk in the same way...chocolate for everyone.

Tossed by the elephants

I am a straw upon the surface of the deep and am tossed in all directions by the elephants – I beg your pardon, I should have said the elements

Mr. Micawber in *David Copperfield*, by Charles Dickens 1850.

Caring for Country

That wise man James Semple Kerr, you and I and a multiplicity of other professionals and communities, spend lifetimes trying to look after and enjoy special places. At one scale, our amazing blue spaceship Earth cries out for care and our beloved, dried out, poor fellow Australian continent too. At another scale, '*masterpieces of human creative genius*' (UNESCO 2012), such as the Opera House, continue to ask for it, as does this Utzon Room nestled within and the musical tapestry spreading its colours along the wall.

What is it that Jim did to make us, his colleagues, admire and respect him so deeply? Most notable, is his authorship of that great custodian's tool, the Conservation Plan, which outlines steps for managing change in places of cultural significance. It adopts the language of *The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013 (Burra Charter)* and is written with its own clarity and precision, devoid of any condescension. It opens with the rigour required to 'understand the place' and follows with policies that flow from that understanding, towards a healthy evolution for the place: from its geo-biological roots to its constant adjustment to human occupation.

Unfortunately, in 2015, there are certain impediments to effective conservation. Several powerful elephants, of which we should be aware, are tossing us in all directions, both internationally and on the home front. They deflect expert analyses and community wishes away from sound outcomes. For those employed within the decision-making system, there are compelling disincentives to naming elephants. For an outsider, it is easier. I intend to identify four, all of whom have been mentioned in the writings of Jim. I will also suggest that they haven't always been here and that there is no reason for them to remain.

From Australia's 2011 State of Environment Report: 'Australia is recognised internationally for leadership in heritage management. We have a range of well-resolved processes for identification, protection, management and celebration of our heritage' (State of the Environment Committee (SOE) 2011: 742).

And that, for the historic cultural environment, is thanks to the work of many people here, through the general acceptance of the Burra Charter and its application, and the continuous lifting of professional standards through training and practice.

Meredith Walker describes the preparation of a Conservation Management Plan (CMP) as a discovery process, a learning experience that turns the spirit of the place into a management document. Sheri Burke has introduced the concepts of sensitivity to change to assist decisions and CMPs that include, for clarity, visual snapshots. Jim wrote:

This guide is...about gathering, analysing and assessing information that bears upon policy decisions and on the processes of making those decisions. It offers a common ground for debate...and a common language to help resolve differences and achieve a balance between the old and the new (Kerr 2013: iv).

Jim also wrote about investigating evidence to understand a specific place, in all its particularity, and deriving from that understanding a set of tailor-made policies to manage change. He fought against standardised, template approaches to what should be an analytical and creative task.

Altogether, we do have admirable professional tools for preparing a Conservation Plan. Yet, however perfected the process, externalities affect it. Initially, a client must offer an appropriate brief with adequate funding (many exceptional places do not have this luxury), then, once completed, policies must be adopted, implemented and their effectiveness reviewed and, where necessary, recalibrated over time. The professional's role may well end before implementation or audit, hence playing no part in the long-term life of the place.

Jim understood that what matters will always be the outcome for the place itself and for the people who inhabit it – hence his emphasis on ongoing diplomacy with stakeholders (with chocolate when required).

Warnings

Once again, from the 2011 State of Environment Report: 'Our heritage is being threatened by natural and human processes and a lack of public sector resourcing...some of the systems used to manage our heritage are cumbersome.... Improvement will require change (SOE 2011: 692).

In his introduction to the Conservation Plan, Jim wrote:

Tension between those bent upon retaining the old and those building the new is not necessarily bad...provided that the basic information necessary for decision-making has been made available to all parties and that a method of making those decisions has been agreed (2013: iv).

So transparency is key. As a man of both principle and pragmatism, Jim consistently advocated its importance as well as its component parts: the precise sourcing of material, a diplomatic approach with thorough consultation, publication and review.

In New South Wales, the state's system for heritage protection lies within the planning and environment portfolio. On 17 March 2015, the Better Planning Network, of 470 affiliated groups across New South Wales, held a *Forum for Inspiring Action* at the State's Parliament

House. Experienced professionals, together with politicians and community leaders, expressed deep concern over the operation of the current planning and heritage systems, not least over the apparent conflict of interest for a State Minister who is simultaneously responsible for regulating planning and for the government's development arm, the Urban Growth Commission. Their evidence demonstrated very clearly the commercial elephants trampling through Sydney and across the State.

Two days later, in the *Sydney Morning Herald*, architectural critic Elizabeth Farrelly wrote of four years of government that had pranced into power plumed with sunlit promises of planning reform... [It] promised to make developer donations illegal, rewrite the planning act, close legal loopholes like the infamous Part 3A and end the conflicts of interest built into government planning processes. None of it eventuated (Farrelly 2015).

We have witnessed, she continued:

James Packer's towering casino on public land, fast-tracked to heaven. Darling Harbour, also on prime public land but shaped to rock-bottom commercial motives. The... truncation of Newcastle's main rail line for development purposes... The fire-sale of Millers Point public housing and of our glorious Bridge Street sandstones... And the sale of the Powerhouse Museum site for yet more rubbish apartments (Farrelly 2015).

Journalistic passion perhaps, yet, how could anyone studying Millers Point not conclude that the area's extraordinary social history and the present lives of its people are an integral part of its heritage value and an essential component in its conservation? Has any attempt been made at a sophisticated, whole of government, approach to the place's needs – both social and physical? Why must all long-term tenants be persuaded to leave, rather than identifying houses where some could remain? The commercial drive behind the answers is clear (and unattractive).

And the future of that fine sandstone pair in Bridge Street, embodying the State's dedication to Education and respect for all its Lands? Private hotels? I recall a dreamy Lloyd Rees once telling me how he loved to look across the harbour to the elegance of Barnet's Lands Department tower. He saw it as a beautiful landmark expressing the public spirit of Sydney. How was the decision taken that those two fine edifices should abandon their long-held roles in service to the public? The same answer-as clear and as unattractive as before.

And then there is Barangaroo...

Elephant no.1 = commercialism.

It can safely be stated that public servants nowadays do not/ cannot discuss their work with consultants nor with the public they both serve. This was not always so. Analytical reports, prepared as advice to decision makers, are treated as confidential and withheld from public view or, if eventually revealed, they are in heavily redacted form. For none of the cases, identified by Farrelly and affecting publicly owned property in Sydney, has 'the basic information necessary for decision-making been made available to all parties' (2013: iv) nor has the 'method for making those decisions been agreed', as advocated by Jim Kerr. The reasoning that has led to decisions remains opaque; the losses are grievous; the damage irreparable.

Elephant no. 2, working in the service of Elephant No.1 = opacity.

We need to look beyond this State to understand the depth of professional disquiet over conservation and land management practices in Australia today.

On 6 March this year, the Law Council of Australia held its *2015 Symposium on the Future of Environmental Law*, some of which was held under Chatham House Rules. Much was alarming. One available paper is by Adjunct Professor Rob Fowler from the University of South Australia. It is entitled '*Re-conceptualising the role of the Commonwealth*'. It lists recent Commonwealth actions impinging on environmental and heritage protection. These include:

- No further funding for Environmental Defenders Offices or environmental NGOs (and now the probable removal of their charity status for donors);

- Reduction in funding for the Caring for Country program;
- Abolition of the Standing Committee on Environment and Water;
- Abolition of both the Climate and the National Water Commissions;
- Nullification of management plans for Commonwealth Marine reserves.

These actions would appear to stifle the voices of both expert scientists and concerned citizenry. What we hear in their place are strident political announcements.

Professor Fowler reviewed the Commonwealth's steps towards the delegation of environmental regulation to the States and Territories. This was an intention, in his opinion, both inappropriate and risky. A favourite technique for delegating work of this kind-be it Commonwealth to State or State to local government-is to insist on standardised procedures, with the accompanying risks mentioned earlier.

As to the specifics for conservation plans, Jim wrote:

The increasingly common use of 'standard' or 'model' conservation plan briefs should... be treated with caution.... The actual structure and scope of the plan has to evolve to suit the particular place and its problems...it is undesirable to seek the universal application of standard criteria (Kerr 2013:1).

This comment applies to the environmental planning system as a whole. Local government areas differ spectacularly in their geographies, histories and socio-economic circumstances and hence in their specific needs. So, the relatively recent concept of standardised templates for local environmental plans, across diverse terrains, appears particularly bizarre, as does the prevalent use of 'offsets', where a development is permitted to damage one site so long as it improves another. Local government amalgamation can have a similar impact: blending to anonymity the wonderful idiosyncrasies of locality.

From an authority's point of view, standardisation, or rationalisation, simplifies and adds equity to processes. That is what checklists and one-stop shops are supposed to do. They may also reflect a lack of resources to support a more imaginative approach. They may increase efficiency, but not efficacy. This is because when you remove the joy of questioning, you block creative thought.

We should however remember, with understanding, how hard decision-making can be. Amongst politicians, and their staff, we have often seen optimistic young faces fade into world weariness under the strain. Transparency of process will help to ease the pressures and to share the load.

Elephant no. 3 = the template.

Last year, at the fourth international Utzon Symposium, held for the first time in Australia, in this very room, I offered a question: have we even tried? My paper was a reminder of the obligation to protect the outstanding universal values of a property once inscribed on the World Heritage List and to manage it in accordance with its accompanying Conservation Plan. A question of compliance.

I apologise now for any discourtesy to our hosts, but the question at that time was whether that obligation was being met for the Sydney Opera House. The single outstanding universal value of the House, as inscribed in 2007, is as a "*masterpiece of human creative genius*". The custodial task, in a World Heritage sense, is therefore simple: to conserve and present Jørn Utzon's vision.

In 2002, after gentle persuasion by the Trust's then chair Joe Skrynski, Jørn Utzon agreed to prepare, with the help of local architect Richard Johnson, a set of design principles for the future of the House. Jim's *A Plan for the Sydney Opera House and its Site* had first appeared in 1993 and in revised edition ten years later. Jim states that 'most of the difficult issues concerned the appropriate treatment of the work of Utzon and Hall' (Kerr 2003: ii). His solution to those complex, sometimes passionate, tensions was critical to the successful case made for World Heritage listing of the property in 2008.

The *Sydney Opera House Utzon Design Principles* (2002) were included in the third edition of this innovative Conservation Plan. I understand that they are further integrated within the Plan's sophisticated revision by Alan Croker, although this outstanding fourth edition, while supported by the Trust, is not yet publicly available.

The first Utzon Principle is to 'keep the approach, the openness and fluidity of movement... once you clutter this you have a problem' (Utzon 2002: 49). He wrote that the Sydney Opera House is designed to honour its city and harbour settings; to heighten the sequential experience from approach to arrival, rising from the solid plain of its base to the floating sails and, then, the enchantment of the culminating performance within.

Dishearteningly, in 2014, the cluttered summer reality was overwhelming, depriving visitors of a sense of this extraordinary place and blocking the fluidity of movement, so crucial for appreciating the masterpiece in its setting. For many, this single visit will be their only experience of the House. Similar obstructions arise with the bumping in and out of major forecourt events. This is a difficult but fundamental issue to be resolved, perhaps with the help of the Trust's Conservation Council and the forthcoming CMP?

Despite all this, I am delighted to say that at my most recent visit to a performance last month, the chaos had gone. Enchantment and accessibility had returned. What a joy! And now today's good news is that the proposed visitor and interpretation centre will be below the forecourt.

The question remains: once a plan is adopted, how do we enable everyone concerned to both understand and adhere to it? How can its implementation be assured and monitored?

Elephant no.4 = disregard.

And so, at last four of the stomping elephants have been named: 'commercialism', 'opacity', 'template' and 'disregard'.

The last couple of months have offered me certain insights, not only from the Environmental Law symposium and Planning for People meeting, but also the moving funeral of Tom Uren and the overwhelming public responses of appreciation for both Gough Whitlam and Malcolm Fraser after their deaths. That pair so vividly demonstrated the power of reconciliation-with its consequence of hope-and reawakened the hunger for national direction. There were also the Buena Vista Social Club's Adios tour and a spirited interview with the Native American singer, Buffy Saint Marie. All are reminders of another time, centred on the 1970s, with its quickened spread of ecological concepts and a freshened cultural awareness, leading to new explorations of thought.

And now, to return to the question of transparency, that seems to lie at the heart of our difficulties.

Flickering Transparency

These recent events are reassuring in revealing, as suggested earlier, how the powerful presence of Elephants may come and go. They need not dominate always, as they do now.

The story of the Australian Heritage Commission and its professional practices illustrates this ebb and flow. As the Commission's early Deputy Director, Jim Kerr's characteristic skills were important during its establishment days.

Many will be aware that the creation of the Commission was one of several initiatives by the Whitlam Government, following its 1972 policy on the overriding objective to preserve and enhance the quality of the National Estate. Certain problem elephants had been identified in the 1973 Uren-appointed Committee of Inquiry into the National Estate. They included 'uncontrolled development, economic growth and "progress", that had had a very detrimental effect on Australia's national estate'. The Inquiry called for 'prompt action and public education to prevent further neglect and destruction'.

The Commission was established in 1975 as an independent statutory authority, under the newly formed Fraser government, with Commissioners appointed for their skills related to the

natural and cultural environment and responsible to the relevant Commonwealth Minister. Under the inaugural Chair, David Yencken, and Director, Max Bourke, the organisation flourished with innovation and vigour.

Inevitably perhaps, the Commission met mounting pressure, particularly from mining and development lobbies concerned over environmental and indigenous cultural issues, restricting proposals such as the Ranger Uranium Mine in Kakadu and the Gordon-below-Franklin dam. Eventually, the elephant Commercialism triumphed. The Commission was abolished by the Howard government. It was replaced, in 2004, by the far less autonomous and far less outspoken Australian Heritage Council.

In the 1980s, during my term as one of the seven Commissioners, the expert staff was actively encouraged to discuss issues with members of the public and their various interest groups, to share thoughts at meetings, to publish and to participate in professional conferences. This interaction and transparency was vital for the formulation of sound policies and research programs, necessary to fill the gaps revealed in the 1974 Report on the National Estate. It invigorated the office, which buzzed with ideas, activity and solid work.

How different from the late 1990s when the Environment Department called in Federal Police to investigate its own departmental officers and external consultants over a 'leak' to the *Sydney Morning Herald*, one day ahead of its official announcement, of the nomination of the Greater Blue Mountains for inscription on the World Heritage List, hardly a matter of national security. Are confidentiality requirements even tighter today? If so, why?

The World

The last World Heritage Committee meeting I attended was in Brasilia in 2010. This time I was on the Australian delegation, rather than those of ICOMOS or ICCROM. The meeting ran as usual over nine days and there were some 800 delegates and observers in the room. Wheeling and dealing actually: with Opacity, Commercialism and the additional Ferocious Nationalism stomping, trunks swinging, around the hall and similar in manner I imagine, to meetings over the hosting of the Olympic Games.

World Heritage nominations are elaborate documents. They follow a detailed format that has evolved over the forty odd years of operation of UNESCO's 1972 Convention. Once completed, their rigorous assessment by the expert Advisory Bodies, ICOMOS, IUCN and ICCROM, takes 18 months (UNESCO 2012).

The final decision, reached by the 21 sitting members of the World Heritage Committee, responds to a five-minute only presentation by the relevant Advisory Body. How is that possible? My observation is that Committee members will tend to apply forensic, legalistic, pre-analysis to the documentation for those cases of special interest to their countries, and last minute superficiality to the rest. Unsurprisingly, results frequently appear skewed. Hear the resounding trumpets of opacity and nationalism, which so often match with commercialism.

Two years ago, colleague Bill Logan wrote an article for the *Journal of Social Archaeology*, entitled 'Australia, Indigenous peoples and World Heritage from Kakadu to Cape York: State Party Behaviour under the World Heritage Convention'. The presence of at least one elephant is apparent in the opening words of its Abstract:

Recent heritage literature abounds with criticism of UNESCO and the system set up under its World Heritage Convention. Much of this criticism would be better directed at the States Parties to the Convention, most of which operate in ways that serve their own national interest (Logan 2013: 153).

It goes on to present a schizophrenic Australia, torn between its more sensitive dealings recently with Indigenous citizens-the consultative process in developing a World Heritage nomination for Cape York, being compared with the various damaging conflicts over Kakadu, and its growing insensitivity to vital societal issues under this and other Conventions, such as the need for cultural dialogue and the entrenchment of human rights.

World Heritage in Danger

Back to our beautiful spaceship earth:

UNESCO's List of World Heritage in Danger informs the international community of threats to the outstanding universal values of World Heritage properties across the world and encourages corrective action. The health of our own Great Barrier Reef is currently one such concern. The List reflects many profound problems on the planet—the calamitous effects of natural disasters, dysfunctional governments, human conflict, the reckless exploitation of land and sea, climate change, war, earthquake, tsunami, flood, fire and cyclone; pollution, poaching, uncontrolled urbanization, mass tourism.

There are currently forty six properties in thirty two countries on the endangered List; few have recovered over the years. Seventeen of the forty six lie in areas of conflict: six in the Syrian Arab Republic, five in the Democratic Republic of the Congo and two each in Afghanistan, Iraq and the Palestine. As we hear of the deliberate assault on cultural monuments at Nimrud and elsewhere, happening today, more listings this year appear inevitable.

Nonetheless, how encouraging when the international community is moved to act. In 1994, five Congolese National Reserves were inscribed on the List of World Heritage in Danger, as a result of civil conflicts in the Great Lakes region. In 1999, an international campaign was launched to protect the habitat of endangered species such as the mountain gorilla and the white rhino. The programme was initially funded by the United Nations Foundation and the Belgian government and then, in 2004, numerous bodies together raised an additional US\$ 50 million to help rehabilitate the parks.

In Conclusion

So, back to the sliding scale of our spaceship Earth crying out for care and our battered much loved continent too. Bill Gammage has identified Australia as 'the Biggest Estate On Earth' (2012), in a concept that reveals indigenous people's healthy management of territory and biota over millennia and the more recent desperate need to re-establish its care. Questions of water, of climate, of ill-placed development. Monuments require custodianship too, as do our broad landscapes and criss-crossing routes from songlines to railway tracks and modest structures no less loved; all require care, right down to the exquisite tapestry on this wall.

I asked that wise architect, Richard Lepplastrier, how to lift our spirits about this somewhat troubled city. He suggested that we imagine leaving this beautiful room, glimpsing the harbour as we descend the magnificent staircase, strolling up a paved and traffic-free Macquarie Street, past gardens and public buildings to the Hyde Park fountain and on to the war memorial, all in a single glorious interconnected stream. Sydney as a Great City.

Desmond Tutu made a rallying call when he said: 'If an elephant has its foot on the tail of a mouse...the mouse will not appreciate...neutrality. If you are neutral in situations of injustice, you have chosen the side of the oppressor' (Tutu, in Brown 1984: 19).

The lead Bull Elephant identified in this talk is commercialism. It is real and extraordinarily powerful. We all know that. But the Herd Elephants that it leads—opacity, template and disregard—are not essential to it and they are the ones that we, citizens and experts, can usefully expose, resist and reform, often by Jim's simple means, such as insisting that reports be published, that open discussions are held with interested parties, that regular reviews of progress and compliance are carried out and documented.

When major issues arise there is also now the speed and power of social media. In 2011, the Labor government set up the independent Australian Climate Commission to report to it and the public on the science of climate change. In 2013, it was disbanded by an unconvinced Coalition government. The public demanded its immediate reinstatement through an online petition. Soon, a new non-profit-organisation, the Climate Council, was created. In one week of crowd funding, over 20,000 people donated close to \$1 million. The Council's founding members are the former Commissioners, who work pro bono, because the work is so vital. There is no government funding.

This talk has, above all, set out to honour the work of James Semple Kerr and to acknowledge what we have gained through his perceptive guidance. His contribution is immeasurable. May I also add our respects to another dear colleague, Peter James, who died very recently and who also guided us, in our early days, with wisdom and humour, through the innumerable legal intricacies that beset us, from Sydney to Hobart to Cairns to Fremantle and across the Asia Pacific region.

There is joy to be found in sharing memories and in working together with common purpose. Miraculously, ICOMOS has, internationally over its fifty years, managed to wend its way around those stomping elephants, shielding itself when it can with Altruism, Transparency, Respect for Diversity and Adherence to Principles. It now has over 110 National Committees and an extraordinary array of specialised scientific committees, charters and doctrinal texts. Once again, we wish you, ICOMOS, a very happy golden anniversary.

Australia ICOMOS too has sustained its collegiate spirit continuously from the late 1970s through a process of constantly extending and deepening its work, broadening its membership and stimulating discussion and enquiry.

I thank them both – and you – and, of course, Dr. Jim.

And now, as I seem to have maligned elephants, of whom I am in fact very fond, I invite you, for balance, to join Noel Coward, Ogden Nash and Camille Saint Saens in their praise:

*Elephants are useful friends,
Equipped with handles at both ends.
They have a wrinkled moth-proof hide.
Their teeth are upside down, outside.
If you think the elephant preposterous,
You've probably never seen a rhinosterous.*

(Saint-Saenz 1886; Nash 1949)

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