ARCADIAN POPULISM: THE COUNTRY LIBERAL PARTY AND SELF-GOVERNMENT IN THE NORTHERN TERRITORY

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DECLARATION

I hereby declare that the work herein, now submitted as a thesis for the degree of Doctor of Philosophy of the Charles Darwin University, is the result of my own investigations, and all references to ideas and work of other researchers have been specifically acknowledged. I hereby certify that the work embodied in this thesis has not already been accepted in substance for any degree, and is not being currently submitted in candidature for any other degree.

Robyn Smith
31 August 2011

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ABSTRACT

This thesis explores the theory of Arcadianism and combines it with the practice of populism, applying both to the Country Liberal Party and its application of policy following self-government in the Northern Territory with particular emphasis on, but not limited to, land and development. The thesis introduces two further elements: invention of tradition and character or 'imagined community'; and race, which round out the proposition that there were four elements to the CLP's successful and enduring reign of governance in the Northern Territory. As a matter of political history, the thesis argues that CLP policies resulted in marginalisation and exclusion of the Aboriginal community from the rest of the Northern Territory population – the latter exclusively identified as 'Territorian' - and that this was a deliberate and direct result of the CLP's entrenched opposition to the *Land Rights (Northern Territory) Act* (Cth).

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If you want to be leader of the CLP, you probably have to be more proficient in black-bashing than political philosophy.

Northern Territory News Editorial,
22 August 1997 [1]

As the honourable the Treasurer said earlier this year, we must remember that government is all about two things: land and money.

Bob Collins
Northern Territory Parliamentary Record,
18 November 1980 [2]

[1] Jaensch & Wade-Marshall, 1997; 61
[2] University (Interim Arrangements) Bill

Chapter 1: Introduction

The Northern Territory's modern political history is centred on one commodity: land. That is inherently the rationale for this thesis, which explores the governance of the Country Liberal Party (CLP) over its enduring success from the time of self-government on 1 July 1978 until it was almost wiped off the political landscape at the 2005 General Election. Generally, however, the thesis deals with the time the CLP held government, which it finally relinquished on 18 August 2001, and, in particular, the way in which it governed the Northern Territory.

The title of the thesis ascribes two 'character' traits to the CLP: Arcadianism; and Populism. These require some little explanation before the thesis is mapped out in detail.

Arcadianism

Taken from the ancient Greek province of Arcady, which represented a simple, rustic – almost pious – rural lifestyle, this notion arises from Lenore Coltheart's writings on the Northern Territory. One of the characteristics of Arcady (or Arcadia, as it became known) was that this most cherished lifestyle was frequently under 'attack' by a distant government which didn't understand the community. For example, writing about the 1980 Northern Territory General Election, she described it as being typified by the 'Arcadian myth', which is:

> …the persuasive and enduring idea that distant government was a wrong which must be righted with time, and that the progress of land settlement and land usage has been delayed by certain obstacles of which distant government was a major one, antithetical to the principles of liberalism and a hindrance to development.[3]

This notion of Arcadianism is particularly suited to the CLP, which, under the leadership of the first Chief Minister, Paul Everingham, was strident and very

[3] Coltheart in Jaensch & Loveday1980*;* 11

colourful in its criticism of The Australian Government in Canberra, a practice which became known as 'Canberra-bashing'. Central to the multifaceted arguments against the Australian Government, irrespective of which party governed, was the matter of land and the Northern Territory's lack of capacity to control all of it.

Coltheart's view is an extension of her PhD thesis *Australia Misere: The Northern Territory in the Nineteenth Century* in which she described an English 'rural lament' arising from the sixteenth century 'four stages' theory in relation to land, which:

> …entailed the idea of an historical progress in land use from subsistence hunting and gathering, through pastoralism to agriculture and thence to civilisation and trade.[4]

Certainly, this notion was – consciously or not – embraced and pursued with some vigour by successive CLP governments. Coltheart notes, however, that the 'four stages' theory itself arose from the writing of British philosopher John Locke who essentially argued that a man was entitled to the fruits of his labour on the land and that:

> This is essentially a labour theory of value: to Locke, bread, wine, cloth and silk, the products of man's labour, were the symbols of his property in the land he used to produce them, while acorns, water, leaves and moss are but the products of nature. This distinction…was to Locke, the key to the natural right of a man to property in land.[5]

She notes that this theory, in one form or another, was widespread during the eighteenth century and was applied by British colonizers, and particularly squatters, to Australian land:

> The perception of the Australian continent as an estate waiting for an English yeomanry served to promote, and to rationalise the need for, emigration and to fashion the guise in which the less attractive features of Imperial interest, and naked self-interest, were clothed in the Victorian age.[6]

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[4] Coltheart, 1982; viii
[5] Ibid; ix
[6] Ibid; xi

In turn, this view was embraced by Whigs, a neo-conservative British movement which has been variously described from defenders of property and class interests to those who adopted the 'four stages' theory as a means of empowering themselves and their interests above those of others. Here, Coltheart makes an incisive observation:

> The criteria defining Whig historiography are the detection in the past of the roots of religious, economic and political theory, the division of events and of people into the friends and enemies of progress to liberty and a perspective of linear progression in history.[7]

This well describes Country Liberal Party governments and their adoption of the Lockeian concept of a 'natural' right to land – for the colonizers. The division of events and people was a particular art form of the CLP, which was linked directly to an unexpressed, but nonetheless omnipotent, perspective of a linear history which served to trivialise what was, in fact, a parallel progression in history – those of Aboriginal and non-Aboriginal people in the Northern Territory.

Coltheart noted that the dominant (British) view in the nineteenth century became the dominant perspective of Australian history in the twentieth century and that perspective 'has been influential in shaping the history of the British occupation of Australia, and in shaping our picture of that past'. Moreover, the notion was based on the assumption that the 'continent was previously unoccupied or unused'. She further noted that:

> …this interpretation shared the central Whig assumption, the belief in progress toward liberal values, but the appropriation and use of land was a more prominent goal, related to the Whig goal of self-government. Both served to ratify, or even celebrate, the present through the selective study of the past, so that while 'buying land is an English idea', taking land was an Australian practice, for the history of squatting is 'the tale of Australia'.[8]

It is, therefore, from Coltheart's writing that I have applied the notion of Arcadianism to the Country Liberal Party and its governance in the Northern Territory: the ultimate goal of acquiring (even if that meant taking) land

[7] Ibid; xi
[8] Ibid; xii

combined with a lust for wholly independent self-government and a distrust or even hatred for a distant government which has the power to grant it. Thus, the Northern Territory was an Arcadian paradise where acquisition of land for progressive enjoyment of the fruits of that land was threatened by Aboriginal land rights.

Populism

I have deliberately selected the word 'populism' over the word 'pragmatisim' because pragmatism arises when an entity reacts to a set of circumstances by changing its position, whereas populism is an enduring practice based on an existing set of circumstances, be they real or imagined.

The Country Liberal Party embraced populism as an enduring ideology, which is well defined by Stokes:

> …populist ideology offers an account of the people and their vulnerabilities, as well as their struggles against various elites, outsiders or foreigners that are represented as the causes of their distress…The language is often conspiratorial in tone, and may allude to sinister forces at work…[9]

This explanation provides a complementary framework to Coltheart's view of Arcadianism and one of its characteristics: a mistrust of or hostility towards distant government. At one level, the 'elites, outsiders or foreigners' described by Stokes can, when applied to the Country Liberal Party, be identified as the Federal Government (irrespective of *which* Federal Government) in Canberra, which was regularly accused of impeding progress in the Northern Territory. There is another party which can be identified in similar terms, and this will be discussed shortly.

Invention and Imagined Communities

At this juncture, it is convenient to introduce a further notion which complements the earlier two, and that is one of 'imagined communities', which

[9] Stokes 2000; 23-24

goes to reinterpretation of history for invention of a national or regional 'self' or 'identity'. Recent Northern Territory popular history is an exercise in invention of people, character and tradition which predominantly resides in the term 'Territorian'.

Benedict Anderson, in his work *Imagined Communities*, dealt with nationalism as an ideology. He wrote:

> …I propose the following definition of the nation: it is an imagined political community – and imagined as both inherently limited and sovereign.[10]

Whilst he was talking about nationalism, the concept could equally and easily be applied to 'Territorianism' which, if nothing else, was (and may well remain) an imagined political community which is certainly inherently limited and is sovereign to the extent that the Self-Government Act provides. Anderson's work arises out of his studies in Java, yet, again, it can be applied to the Northern Territory:

> Finally, it is imagined as a *community*, because, regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship.[11]

Just as Coltheart referred to a 'linear progression in history', Anderson's 'deep, horizontal comradeship' is precisely what was engendered by the term 'Territorian', which was exclusive in nature, but the exclusivity contained within was not apparent to most people who considered the phrase *inclusive* and, thus, it reinforced the notion of a deep and horizontal homogeneity. In truth, of course, there was a marked lack of homogeneity, with 'inequality and exploitation' prevailing in the Northern Territory, which successive CLP governments ignored, blamed upon the Australian government or upon the unequal and exploited themselves.

[10] Anderson 1983; 5-6
[11] Ibid; 7

Race

Each of the above notions has been, and can be, used to explain Northern Territory history. They certainly encapsulate attitudes and policy practices of the Country Liberal Party. Yet there is another player in Northern Territory history which has yet to be identified, and which is central to this thesis. As Coltheart noted:

> The most prominent features of Northern Territory history in the nineteenth century were concealed when that history was told as a story of European land settlement. Some of these features have been uncovered in recent work in anthropology, in Aboriginal history, in archaeological history and about specific people, events and places in the European history of the Territory.[12]

As it was the practice of white settlers to ignore the existence or rights of Aboriginal people, so it was the practice of the Country Liberal Party. The CLP, however, was threatened by Aboriginal people for reasons that will become clear presently, so Aboriginal people, ironically, also met Stokes' criteria of 'elites, outsiders or foreigners'[13]. Here, then, is introduced the issue of race, which is also central to the thesis.

The Four Elements

It is these four elements – Arcadianism, populism, invention and imagined community, and race – or any combination of them which are explored in each of the chapters of the thesis. Each chapter, in its turn, seeks to set out and identify specific instances of CLP typicality in respect of some or all of the four elements. Of course, because the CLP was a political party, the art of politics necessarily comes in to play, and this is a recurrent theme.

It should be noted that none of these elements were original or peculiar to the Northern Territory. I do not suggest that they were invented or first practised here. Indeed, they are all employed, jointly or individually, in a number of jurisdictions in Australia and around the world. In the contemporary Australian

[12] Coltheart op cit; xiv.
[13] Elitism is dealt with extensively in Sawer and Hindess, 2004.

context, there is probably no better example than Norfolk Island, which would make a fascinating study on its own.

Contextualisation

In order to explain Northern Territory political history and the Country Liberal Party's role in it, it is necessary to contextualise the situation as it was in 1978.

In the vastness of northern Australia lies the Northern Territory; sparsely populated, strategically valuable to the nation and rich in natural resources. As Coltheart has noted, often somewhat romantically considered Australia's final frontier, it is the stuff of myth and legend which has been reinforced by a number of Hollywood-style movies.

Mythology would portray the Northern Territory as a harsh land where settlement was forged by drovers, cattlemen and wealthy English pastoral barons. Historically, scant attention has been paid to Afghan cameleers, for example, or the Chinese who provided the bulk of labour during gold rushes and construction of the North Australia Railway during the late 1800s. Unsavoury episodes such as the virtual enslavement of Aboriginal people are largely ignored, although the mystique of Aboriginal culture is sometimes recorded for a good murder mystery that ultimately comes down to the work of an aberrant Kadicha Man.

In this popular romanticised history, as I have noted, the role of Aboriginal people is either ignored or passed over as irrelevant. The reality, however, is that Aboriginal people were the most relevant player in the political sphere of the Northern Territory following self-government, notwithstanding extraordinary efforts to portray them as irrelevant and incidental to the political process.

In fact, the Northern Territory's recent political history has been fashioned essentially by two acts of the Australian Parliament: the *Aboriginal Land*

Rights (Northern Territory) Act 1976 and the *Northern Territory (Self-Government) Act* 1977. This is not necessarily because of the legislation itself, but the way in which one interacted with the other, or failed to, under the Country Liberal Party which, as I have noted, governed the Territory from the inception of self-government on 1 July 1978 until the General Election of 18 August 2001.

In 1976, the Commonwealth Government enacted the *Aboriginal Land Rights (Northern Territory) Act*, an instrument that would go some way towards restorative justice following the erroneous legal tenet on which Australia had been 'founded' by the British, the doctrine of *terra nullius*. By this instrument, some Aboriginal people were allowed to claim title to some Crown land if they could prove a number of anthropological imperatives in relation to their ties to the land in question.

On 1 July 1978, the Commonwealth Government's *Northern Territory (Self-Government) Act* was triggered. This instrument provided for limited self-governing powers for the Northern Territory for the first time in its relatively short history. It was this instrument which allowed Paul Everingham to become the first Chief Minister of the Northern Territory Legislative Assembly, making the transition from Majority Leader in the former Legislative Council.

It is something of a political irony that these two Commonwealth instruments would set the CLP and Aboriginal people on a collision course in the Northern Territory. A gargantuan battle, it was heavily one-sided. The *Aboriginal Land Rights (Northern Territory) Act* provided some rights and resources for Aboriginal people; the *Northern Territory (Self-Government) Act* provided successive governments with almost unfettered power to legislate, a large public service administration and, of course, significant financial resources with which governments could set their political agendas.

By 1 July 1978, the battle lines were drawn and there was but one prize: land. The CLP was zealously pro-development and routinely contested the vast majority of land claims made on behalf of Traditional Owners, which, the

CLP claimed, would have disastrous effects on the Territory's mineral, pastoral, tourism and commercial and recreational fishing sectors. Cabinet documents from 1978 and 1979 clearly demonstrate the policy directions that were laid down by the government and set the course for public servants to follow. For example:

> PROPOSED AMENDMENT TO SECTION 48(8) OF THE CROWN LANDS ACT – PASTORAL LEASE "ROLLOVER"
>
> To ensure that during the procedures associated with "Rollover", that land comprised in the former pastoral lease *does not become unalienated Crown land at the time of surrender, and thus subject to Traditional Aboriginal Land Claim*. [emphasis added] [14]

Whilst the battle was about land, the electoral tactics were about race and this ensured one electoral victory after another. Further, in electorally popular policy initiatives, the CLP routinely ignored or targeted Aboriginal people and this affected nearly every area of policy, from spending on services that most Australians take for granted to marginalising Aboriginal people by the introduction of various laws. By its nature, CLP policy was post-colonial and hegemonic, and it consistently failed to recognise Aboriginal aspirations, deriding them as divisive and an economic threat. This was particularly the case in election campaigns during which the CLP became adept at division and racism.

Writing for the *Australian Journal of Politics and History*, Carment or Carment and Wilson cited Aboriginal issues as being at the forefront of politics in the Northern Territory in no less than 24 of the 34 reports they filed between the years 1985 and 2001.

There is little point in speculating about how another party would have managed the Self-Government Act alongside the Land Rights Act. Examination of how the CLP managed them reveals a party that was firmly wedded to Arcadianism and populism, invention along the lines of 'imagined communities' and running a pitched battle against one race of people, thus

14 Cabinet Decision 559, 19 January 1989

establishing itself as the sole authentic political force in the Northern Territory for many years. Using outdated but heavily jingoistic and an individually distinguishing combination of mantra and mythology, the CLP successfully managed to neutralise the Australian Labor Party (ALP) opposition to the point that on occasions, it was rendered almost dysfunctional and certainly ineffective because of its limited representation in the Legislative Assembly.

In 2008, writing commentary for a satirical exhibition of portraits depicting the Territory's Chief Ministers, Chips Mackinolty likened the Country Liberal Party's 23-year reign as the Northern Territory Government to 'Stockholm Syndrome', a psychological condition whereby hostages bond and empathise with their captors having been extended token acts of kindness.[15] Of Paul Everingham, the Territory's first Chief Minister, he wrote:

> Famous for his slow, laconic drawl he was quick to take on the mantle of Territory jingoism. He adopted from his fellow Queenslander, Joh Bjelke-Petersen, the mantra of the anti-Southerner – with a special place in hell for all things Canberra. He…exalted the notion of the 'Territorian' as a unique sub-species of *homo australiaensis*, markedly different from the rest of the nation. [16]

In this passage, the Arcadian, populist and invented identity points are well made by Mackinolty. So it was that the CLP heralded the new age of self-government for the Northern Territory, and the four elements were never far from the surface of most political issues.

Returning to Stokes' explanation of populism, in the case of the CLP, there were two 'sinister' forces at work: the first was the Australian Government in Canberra; second were Aboriginal people who posed a major threat to potentially exploitable land. Of course, because the second was empowered by the first – as, indeed, were Northern Territory governments – they were often considered one and the same enemy. Here, however, it is curious to note that, on CLP logic, the group meeting Stokes' notion of 'elite' and 'outsiders' was, in fact, comprised of the *original* inhabitants of the Northern Territory. By dint of constant repetition, Everingham and his successors

[15] Mackinolty 2008; 1
[16] Ibid; 1-2

created the impression that Aboriginal people making claims under the Land Rights Act were interlopers on the turf of 'true Territorians', themselves descendants of convicts, settlers or, indeed, migrants from other parts of the world and themselves the product of reinvented history as set out by Coltheart and Anderson.

Were the situation inverted and the passage from Stokes taken in an Aboriginal context, the 'elites, outsiders or foreigners' would unquestionably be white settlers and migrants who caused great distress. It would be reasonable for Aboriginal people to have felt that there were 'sinister forces at work' as one land claim after another was challenged by the Northern Territory Government.

By enacting the Land Rights Act, however, the Australian Government created an 'elite' which sits nicely within Stokes' succinct explanation of populism, and successive CLP governments certainly exploited that notion. Carment noted:

> 'Territorians', a term widely used to include all those people who made the Territory their home, but which sometimes excluded Aborigines, were shown as pioneers and rugged individualists.[17]

Note here the exclusion of Aboriginal people in the creation of character, which invariably involved embracing myth and legend of the kind described by Russell Ward[18] and which really served to make the non-Aboriginal 'Territorian' identity more fanciful and less realistic than the national myths embraced decades earlier. It is, however, consistent with an 'imagined community' and selectively accepted history. By this exclusion and the CLP's sustained opposition to land rights, Aboriginal people were isolated, marginalised and ostracised by a government whose responsibility it was to govern for all people in the Northern Territory. So determined to make Aboriginal people irrelevant to the bigger picture of the Northern Territory, successive CLP governments were without a portfolio in respect of Aboriginal

[17] Carment, 2007; 4
[18] Ward 1958

affairs for many years. Ironically, of all the groups in the Northern Territory, it is Aboriginal people who are most comfortable with their heritage and identity and it is this group, and its various sub-groups, that is most knowledgeable about whence it came, the attributes of its forebears and the customs and rituals to which it must conform to appease those forebears.

Of the 'special place in Hell for all things Canberra' referred to by Mackinolty and described by Stokes as 'outsiders' and 'foreigners', Carment said:

> Commonwealth governments were frequently blamed for the Territory's problems, with politicians and bureaucrats in Canberra criticised as out of touch with the Territory's aspirations and needs. [19]

Consistent with three of the four elements, Carment referred to Eric Hobsbawm and Terence Ranger's 'invention of tradition' and noted that the Country Liberal Party embraced this notion with alacrity. Indeed:

> Between 1978 and 2001 CLP governments of the Northern Territory enthusiastically created and promoted notions of identity for the purpose of establishing bonds of loyalty to the Territory among its non-Aboriginal population, most of whom came from other parts of Australia and the world. Governments championed what the political scientist Alistair Heatley described as 'Territorianism', an aggressively presented a sense of identity that encompassed full statehood and rapid economic development. A significant element was strong opposition to Aboriginal land rights. [20]

Here is the fourth element. This 'strong opposition' was sustained and endured for the life of the Land Rights Act. It was only after the life of the Land Rights Act that CLP governments were forced to address issues in another way, such is the way the law in relation to Aboriginal land (and sea) developed. These developments are examined in Chapter 5.

Carment continued:

> 'Territorianism', he maintained, emerged most clearly in the Territory government's dealings with the Commonwealth. Criticism of Canberra was 'traditional for Territory politicians' who 'made frequent, forceful (and, one suspects, telling) use of it in the new constitutional and political context'. [21]

[19] Ibid.
[20] Ibid; 8
[21] Ibid; 8

This cries out on the element of Arcadianism, and it is the case, although this was not 'bashing' Canberra for the sake of Canberra-bashing. There were many alleged and articulated complaints, but none as irritating to and frustrating for the CLP as the lack of control of land rights legislation. Frances Chan, in her biography of Paul Everingham, noted:

> The new times [self-government] were characterised by something else new to Territorians. For the first time the decisions which affected us were being made locally and we knew who was making them. In Commonwealth days those decisions had been made by remote beings – now they were being made by Paul [Everingham]. [22]

Rather than a 'remote being' in Canberra, she described Everingham as:

> …a man you could see walking through the shopping centre and could even talk to if you so desired. Territorians in general felt this change… [23]

Note that Chan was quick to accept and adopt the phrase 'Territorian'. Whether she was aware that it was an exclusive term is not clear, but she used it as it was intended to be used and included herself in the collective 'we' of those who constituted Territorians. And so it was that the public service, or parts of it, was swept up in this Arcadian sense of identity and achievement:

> We knew we needed help to grow and develop and they [government ministers] were repeatedly successful in their endeavours. It was amazing how they were able to attract people and development. As it began to work, we [public servants] began to develop an *esprit de corps*.[24]

The way in which CLP governments attracted people and development was not particularly 'amazing' in the sense intended by Chan. She appears to have been in awe of the government's somewhat dazzling achievements. The amazing thing was the lengths to which the governments would go to secure it, the money that was spent (and wasted) and the way in which Aboriginal people were marginalised and trivialised in pursuit of it.

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[22] Chan 1992; 54
[23] Ibid
[24] Ibid; 56

As early as 1978, there were mutterings about achieving full statehood to secure control of those powers which were not transferred at the time of self-government, most particularly the Land Rights Act, which returns us to Coltheart's explanation of Arcadianism including the notion that 'progress of land settlement and land usage has been delayed by certain obstacles of which distant government was a major one, antithetical to the principles of liberalism and *a hindrance to development*.' Chan certainly agreed with the notion and found Everingham's use of Arcadianism a truism rather than a political strategy.

The four elements would become recurrent themes in Northern Territory politics, as noted by Heatley, Carment and others, and would invariably be used as a major electoral tool in one manifestation or another during election campaigns. The CLP campaigned hard over a number of years claiming that the Land Rights Act was impeding the economic development of the Northern Territory. During some election campaigns, it went as far as to claim that there were two laws operating in the Northern Territory – one for Aboriginal people and a separate, unfair one for non-Aboriginal people – and that this seriously disadvantaged the 'Territorian' population.

Perhaps because of its obsession with land, the CLP's development policy came at the expense of other policy areas. Ignoring the superficial persona described as 'Territorian', a sense of heritage and identity in the Territory, whilst exploited for tourism marketing and used as an excuse for bad behaviour following political gaffes, routinely ignored Aboriginal culture, which, in another political irony, is the reason for visiting cited by most international tourists, tourism being a major industry. For example:

> The Territory is…a cultural destination for those wanting to purchase art and craft. The Bureau of Tourism Research survey into visual art and craft shopping by international visitors demonstrated the strength of the Territory as a destination for art and craft purchases. In fact, Alice Springs, which was visited by 10% of international art and craft shoppers, had the best satisfaction ratios of the top art and craft shopping destinations, including Sydney, Melbourne, Adelaide, Perth, Fremantle and Cairns.[25]

[25] Lugg, *Hansard*, 12 August 1999

That of itself is a statement of fact, although the fact that the sought-after art is *Aboriginal* was omitted. However, Arts and Museums Minister Chris Lugg then takes extraordinary political license:

> These achievements reflect the support for the Territory's lifestyle provided by arts and culture, and provide a strong platform for maintaining and enhancing that lifestyle into the future.[26]

To claim that arts and culture, in the context of international tourism, maintains and enhances the Territory 'lifestyle' is misleading in the extreme. Aboriginal art and craft sold in Alice Springs most often comes from remote communities with extremely poor facilities and infrastructure. The 'lifestyle' in those communities is akin to those in Third World countries and would take little to maintain, although enhancement is highly desirable. There is no non-Aboriginal art and craft market in the Northern Territory to speak of. There are small cottage industries in each of the main centres, but these do not attract international tourists. Even when they were central to the point being made about the Northern Territory arts sector, Aboriginal people were marginalised and, on this occasion, ignored all together.

The Northern Territory Heritage Register, which was not established until 1991, is heavily Euro-centric and pays little attention to Aboriginal culture. This is slowly changing, but it is taking considerable time. It may be the case that *proper* heritage and identity – as opposed to jingoistic claims in relation to the invention of 'Territorianism' - were very low priorities for successive Country Liberal Party governments. One explanation for this is that most CLP members of parliament came from interstate, retired interstate and had little emotional investment in the Northern Territory and no readily identifiable motivation for preserving the Territory's heritage. This is consistent with Coltheart's representation of Whigs and their selective study of the past. To examine the Northern Territory's heritage too closely would – or should - inevitably lead to an accurate account of history. This notion will be explored further in Chapter 8.

[26] Ibid

On rare occasions when Aboriginal culture was the centre of *positive* CLP attention, the party's motivation was, reasonably, viewed with scepticism. In the case of art and craft cited above, Minister Lugg was extremely careful to omit the fact that the attraction for international tourists was Aboriginal art. Thus, purchase of the Strehlow Collection is a case in point and was a critical episode in Northern Territory political history. Notwithstanding claims of altruism, land, too, was at the centre of this very complicated acquisition. Chapter 6 is devoted to the Strehlow Collection and is demonstrative of the lengths to which the CLP was prepared to go to discover the 'secret' of land rights and, we must conclude as a matter of logic, use it to oppose land claims.

While many Aboriginal people lived in worse than Third World conditions in remote communities without the benefit of reasonable housing[27], education or health facilities, the CLP squandered millions of dollars as 'the lender of last resort', the Northern Territory Development Corporation, which was supposed to provide loans under very attractive terms for tourism and development ventures. This provided the avenue for CLP government ministers to produce the results Frances Chan found 'amazing'. A very secretive and not entirely accountable organisation, the Northern Territory Development Corporation morphed into the Northern Territory Development Land Corporation and the Territory Parks and Wildlife Conservation Land Corporation. The latter two were created exclusively to acquire and quarantine Crown land that had been identified as potentially claimable under the *Aboriginal Land Rights (Northern Territory) Act*. In 1986, they were replaced by the Northern Territory Land Corporation, which had no reporting requirements at all in respect of the Legislative Assembly and, by extension, to the public.

Following the demise of the Northern Territory Development Corporation, the CLP established the Trade Development Zone, also a disaster which

[27] Housing and health are specifically excluded from discussion in this thesis because of the Commonwealth-state nature of funding arrangements. This thesis is confined to Northern Territory CLP governments and laws.

ultimately netted little for the Northern Territory. Economic management is explored in Chapter 4, which chronicles how much money was spent in pursuit of development and commercial enterprise at the expense of the more traditional areas of government spending.

A highly successful party whose governments were heavily poll-driven (no doubt some would argue that this was pragmatism rather than populism), the Country Liberal Party used race as an electoral tool over successive election campaigns. This ranged from verbalised claims of 'land grabs' which ostensibly triggered elections to more subtle forms of campaigning such as 'push-polling' designed to exploit fear and ignorance within the urban electorate. Chapter 9 is dedicated to General Elections from 1978 until 2005 and electoral statistics appear as Appendices.

Any government with the resources that the CLP inherited in 1978 would have had success because it would have been starting from a very low point in respect of what existed on the ground and what needed to be done. The Northern Territory's built environment is peppered with countless examples of the CLP's development aspirations. An inspection of public and private buildings in any urban centre will reveal plaques recording that a CLP politician opened them. Other development aspirations, some of which can be described as fanciful[28], faded quietly into history.

As early as 1978, Heatley described the Territory's first Chief Minister Paul Everingham as being 'buttressed by Commonwealth largesse'.[29] It is important to note here that self-government came on the back of Darwin's devastation by Cyclone Tracy in 1974. By the time of self-government, Darwin was consumed by frenetic building activity on housing, infrastructure and commercial development together with provision of essential services to the town. The Darwin Reconstruction Commission was pouring millions into

[28] For example, a satellite launch facility proposed for Gunn Point in 1996 – see Mike Reed, Ministerial Statement, LNG Plant, *Northern Territory Parliamentary Record*, 20 November 1996.
[29] Heatley,1998; 14

Australia's north on top of which self-government provided more funds for governance than the Territory had ever seen.

Political Context

The political context of 1978 is important, too. The 19-member Legislative Assembly was comprised of Speaker Les MacFarlane (Elsey), the Ministry of Paul Everingham (Jingili), Marshall Perron (Stuart Park), Ian Tuxworth (Barkly), Jim Robertson (Gillen) and Roger Steele (Ludmilla). The Leader of the Opposition was Jon Isaacs (Millner). Other members of the Assembly were the CLP's Rod Oliver (Alice Springs), Nick Dondas (Casuarina), Jim Ballantyne (Nhulunbuy), Tom Harris (Port Darwin), Roger Vale (Stuart), Noel Padgham-Purich (Tiwi) and the ALP's Pam O'Neil (Fannie Bay), Neville Perkins (MacDonnell), Bob Collins (Arafura), June D'Rozario (Sanderson) and Jack Doolan (Victoria River), and the sole Independent Dawn Lawrie (Nightcliff).

The average age of a Northern Territory citizen was 24.5[30] years. Chief Minister Everingham was a mere 34 years of age.

On 8 September 1978, which was the first sitting of the Legislative Assembly, formal proceedings attracted a protest. Outside the Assembly, a demonstration crowd – reported by the *NT News*[31] to be 500-strong - gathered in Bennett Park and marched on the Legislative Assembly, their primary target being the Prime Minister, Malcolm Fraser. The protest was organized by the Trades and Labour Council. Protestors with red flags, the symbol of the worker, held aloft, hurled insults at Fraser over a particularly unpopular budget and 'the unemployment problems in the Territory'.[32] It wasn't just insults; eggs were allegedly hurled, too, although that went unreported. Placards were anti-Fraser and anti-uranium mining. Uranium was an issue that created a great deal of public emotion and division at the time. It was an industry the

[30] An average deduced from ABS data
[31] Friday 8 September 1978. Note that the *NT News* was then an afternoon paper. Its price was 20 cents.
[32] Ibid

CLP desperately wanted to exploit and this was another sticking point with the Australian Government in Canberra.

The legislative agenda was set out by His Honour the Administrator during his address to the Assembly when parliament reconvened on Tuesday 12 September. The purpose of the exercise is for the Administrator to set out the policies and direction of the government over the coming term of the Assembly. His Honour said:

> My government is committed to the development of our great economic resources for the benefit of the people of the Territory because, without economic development, its objective of attracting a greater population to the Territory is unattainable. [33]

His Honour completed his address, highlighting the areas of tourism, pastoralism, natural resources, a village at Yulara, electoral reform and public transport as key areas for government's focus. This not only set the political agenda for the forthcoming term of the Assembly, but it set the agenda for successive CLP governments. Note that His Honour highlighted economic development, tourism, pastoralism, natural resources and the village at Yulara, all of which required land which was potentially under threat by claims made pursuant to the Land Rights Act. It was clear, very early in the life of self-government, that there would be enduring conflict over this one commodity.

Urban remote communities developed well under CLP governments notwithstanding that successive governments adopted a cavalier attitude to public accountability and any sense of financial propriety. As mentioned above, any government would have progressed well after 1978 because of the flow of money from the Australian Government into the Northern Territory. It was, however, the Aboriginal sector that suffered neglect by the CLP, which repeatedly claimed that remote Aboriginal communities were an Australian Government responsibility. This is despite funding formulae that, on a *per capita* basis, heavily favoured the Northern Territory over its state

[33] *Hansard*, 12 September 1978

counterparts (up to five times higher in 1984-85[34]). Indeed, CLP governments would use conditions in remote communities as a lever to have carriage of the *Aboriginal Land Rights (Northern Territory) Act* transferred to the Territory, a proposition strenuously opposed by Aboriginal organisations.

It is the case that the CLP thought Aboriginal people would move from their traditional lands into urban centres to embrace 'mainstream' life, and this is consistent with the Lockeian view of the 'four stages' land development theory explored by Coltheart. This was never a realistic notion, although living conditions in most communities are well below Third World standard. That notwithstanding, few remote communities have collapsed entirely such that their inhabitants have moved into urban centres, thus freeing up land for development, although many are barely functional. Aboriginal people live in conditions that have little changed since 1978, yet their ties to land remain as strong as they ever were. This alone illustrates how naïve a notion it was to expect that Aboriginal people would embrace a 'mainstream' lifestyle (or Whig ideology) at the expense of their culture, which is inextricably tied to their land.

The CLP's battle with Aboriginal people cost millions (perhaps billions) of dollars, and this is not exclusively a reference to the funds tied up in contesting land claims, yet it achieved very little in this respect. It is only now, some 30 years later, that CLP advisors have told the parliamentary wing of the party that they will have no credibility in the electorate without a comprehensive Aboriginal Affairs policy.[35] It is nothing short of astonishing that a party which governed for 23 years[36] in a part of Australia where some 30 per cent of the population is Aboriginal had no clear, articulated Aboriginal policy or, indeed, a Minister with responsibility for Aboriginal Affairs for many years, however this is evidence of CLP government efforts to marginalise and trivialise Aboriginal people and the role they play in Northern Territory society. The party itself recognised that it was tainted by its past. At its 2008 Annual

[34] *Political Chronicle*, Vol 31, No 3, 1985; 528.
[35] Personal communication, Lantry
[36] Some commentators refer to the CLP reign as 27 years. This is because they commence the calculation with the CLP electoral victory in 1974 (Legislative Council). My calculations begin at the time of self-government on 1 July 1978.

Conference in Alice Springs, members voted to change the name from the 'Country Liberal Party' to the 'Country Liberals'. This is a small change, but it is recognition by the party that it has not been distinguished by its past.

The thesis

This thesis examines aspects of Northern Territory political history and the role played by the CLP in it, with particular emphasis on the conflict between the CLP and Aboriginal people. In doing so, it is necessary to examine the history of parties in the Territory, the constitutional position of the Northern Territory and its aspiration for statehood, economic management, heritage, the use of race as a political and electoral tool, elections and specific episodes such as acquisition of the Strehlow Collection. All of these issues are intrinsically related to the governance of the Northern Territory by the CLP, whose primary purpose centred on acquiring and quarantining as much claimable land under the Land Rights Act as it possibly could. There appeared to be no policy of negotiating with successful claimants over appropriate use of land or for potential commercial ventures on that land. It seems that this simply was not countenanced by the CLP, which set itself on a course of adversarial confrontation that would endure for the life of the Land Rights Act.

Qualifications

There are five important points to be made at the outset. The first is that whilst it might be convenient to argue that the CLP was racist in a pure sense in respect of Aboriginal people, that argument would be too simplistic. If land in the Northern Territory were held by or subject to claim from another group, *that* group would have received the same treatment as Aboriginal people. That is, the CLP did not demonstrate racism against Aboriginal people *per se*; the treatment singled out for Aboriginal people arose from the CLP's position on land and its zealous pursuit of acquisition and ownership of that land. As indicated earlier, it was the *Aboriginal Land Rights (Northern Territory) Act* that provided for claims on traditional land and it was the *Northern Territory*

(Self-Government) Act that allowed the Northern Territory Government to manoeuvre itself to try to block land claims by a variety of measures. Both instruments were acts of the Australian Parliament which, inadvertently or otherwise, was the architect of a political chess match that would endure for decades.

The second point is that whilst the thesis is critical of the CLP, this should not be construed as endorsement of or support for the second major player in Northern Territory governance, the Australian Labor Party (ALP). The thesis does not examine the ALP unless it is necessary to note what position that party took on a particular issue and when examining the history of the parties and elections. I have written several pieces that are critical of ALP governments in the Northern Territory.

The third point is that whilst I am aware that it is accepted academic *parlance* to refer to Aboriginal people as 'Indigenous', this is not a term embraced by many Aboriginal people because non-Aboriginal people who were born in Australia can and do claim to be Indigenous Australians. That being the case, I have deferred to the preference of Aboriginal people so there can be no confusion about the various groups to which I refer.

Fourth, I do not suggest that the CLP was the first entity to engage in Arcadianism, populism, invention or racism. These practices have been around for many years (centuries in some cases) and are certainly not unique to the CLP or the Northern Territory. Indeed, various kinds of liberalism have been practiced throughout Australia and have adopted some or all of the four elements I ascribe to the CLP. These practices have been noted and discussed in detail by authors such as David Kemp who said that liberalism and good governance:

> …recognises the central importance of individual liberty in achieving security and opportunity, which will foster the ethic of personal responsibility and public service[37].

[37] The Sir Robert Menzies Lecture, 1986; 4

This sentiment, whilst reasonable in the context of the nation, was applied by the CLP to the Northern Territory's Aboriginal population where a number of difficulties arise because of the vastly different social structure and values within that society.

Similarly, the mythical notion of egalitarianism – or horizontal linear progression, as Coltheart expressed it - in Australian society was not original to the CLP. Authors such as Sawer and Hindess have explored this in the Australian context of the practice of 'populist anti-elitism' (2004) and noted that whilst it is not new, it has enjoyed a resurgence. They noted:

> A virulent anti-elitism was at the heart of Pauline Hanson's political appeal in the mid to late 1990s, but a more moderate version has been articulated by leading figures in both major political parties in Australia, albeit more powerfully and effectively by the conservatives.[38]

They also note the 'us' and 'them' dichotomy practiced in pursuit of anti-elitism, ordinary people being 'us' and elites (be they academic, financial, artistic or any other kind) being 'them'. In the context of this thesis, 'us' was 'the Territorian' and 'them', the elites, were potentially land-rich Aboriginal people. The CLP routinely practiced anti-elitism, particularly during election campaigns.

In his examination of the change in Australian identity, Don Aitkin points to the impact that education, immigration and wealth have had in the post-war years to create a progressive and confident society. He notes, however, that this success has come at a price; that our sense of community has given way to individualism and materialism – liberalism – and he notes that dominant political streams of consciousness have been shaped by the contrast between society and the citizen:

> Liberals place the freedom of the individual at the centre of their belief system, while for Labor 'the society' and its values and interacting obligations have been the primary focus. By the end of the twentieth century, liberalism had emerged triumphant.[39]

[38] Sawer and Hindess, 2004; 1
[39] Aitkin, 2005; 189

It was certainly triumphant in the Northern Territory and was central to the Country Liberal Party's method of government at the expense of a – if not *the* – society: Aboriginal society.

Van Gramberg and Bassett[40] have examined the creation of 'the third sector', which is the unprofitable community services sector, into the broader neoliberalism model which has been embraced by governments of both persuasions in Australia at national and state level. Whilst this sector impacts on the lives of Aboriginal people in the Northern Territory, it is not particularly relevant to the thesis other than to note it was a practice adopted by the CLP.

Finally, there is a range of literature on peoples who have been colonised and their subsequent dispossession of land. I consulted Brooking, who referred to the occupation and colonisation of New Zealand as being:

> …advanced considerably by the Liberal Government's purchase of some 3.1 million acres of Maori land between 1891 and 1911 and the sale of about a half million acres within the open market over the same period.[41])

As noted, this thesis is not a study of how liberalism operated in the Northern Territory; it is a study of how the Country Liberal Party operated in the Northern Territory in respect of land. There is a stark and, therefore, incomparable contrast between Maori and Aborigines: the Maori secured their land, however inadequately, by the Treaty of Waitangi. The land, therefore, was theirs to sell. Whether it was sold on just terms is another matter. The point is that the Maori and Aborigines had vastly different starting points from which to negotiate their positions with their colonisers.

The four elements in finality

My thesis leads to the conclusion that the CLP, whilst in government, used race as a political tool, particularly during election campaigns. By this

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[40] *Neoliberalism and the Third Sector in Australia*, 2005
[41] NZJH, April 1992, Vol 26, No 1; 78

sustained activity, together with its sustained opposition to land rights, it can be seen as racist, with the target being Aboriginal people who, whilst cash and asset poor, were potentially land rich. It was this land that the CLP sought to acquire in its relentless pursuit of 'development'. The moral and political rectitude of various CLP strategies are not particularly relevant, except perhaps to say that many in the community considered the strategies and political tactics of the CLP to be unacceptable and reminiscent of a much earlier colonial age in Australia.

In pursuing land and development consistent with the 'four stages' of land progression (an ideology that was convenient for British colonialism and born of centuries before), the Country Liberal Party embraced and emphasised Arcadianism, combined it with populism and linked it with myth and legend designed to 'invent' an inhabitant of the Northern Territory who simply didn't exist, although the character could be argued to have existed insofar as the myth was perpetuated to the extent that it became a reality for some. This however, is consistent with earlier writings of Ward in *The Australian Legend* and Anderson in *Imagined Communities*.

Chapter 2: Literature Review

Material for the thesis is drawn from a range of sources, including texts by Heatley, Carment, Jaensch, Powell, Jaensch and Wade-Marshall, Jaensch and Loveday, Coltheart, Stokes, the *Australian Journal of Politics and History*, the *Northern Territory Parliamentary Record*, Northern Territory legislation, annual reports of various government departments, media archives, personal communication with a range of members and former members of the Legislative Assembly and a range of political advisors or party members. There has also been considerable personal communication with senior staff of the Department of the Legislative Assembly.

Extensive use has been made of the *Northern Territory Parliamentary Record* and the reports of various media outlets throughout the thesis. This has been done to illustrate points that have been made, or to demonstrate how various events in Northern Territory political history have been interpreted and/or reported by observers of the NT's often curious political processes.

Occasional, but not extensive, use has been made of commentary from electoral/political commentators such as Antony Green and William Bowe.[1]

Occasional use has been made of various documents from parties that have appeared in the public domain, either by tabling in the Legislative Assembly or by publication on an internet site.

As mentioned in Chapter 1, I do not claim that any of the practices I ascribe to the Country Liberal Party were unique either to the party or the Northern Territory. Liberalism in Australia is as old as colonisation itself and has been well documented by numerous authors who point, for example, to the emergence of the 'professional intelligentsia' and 'a new breed of public intellectual' to challenge the empire-based ethos of former conservative

[1] Also (and probably better) known as The Poll Bludger, now owned by Crikey.

generations[2] at the turn of the century when Australia's new Parliament opened in Melbourne.

Brett summarises the liberalist fundamental that centres on the rights of the individual to pursue his or her interests with limited interference by the state and that:

> The state's proper role was to defend the country from invasion and to provide a strong framework of law and order to protect life and property. Economic activity would take place within this, driven by self-interest and regulated by the laws of the market.[3]

She points out that economic liberalism – the conservatives wedded to the free market philosophy – dominated the Liberal Party during the 1980s, having managed to secure a power shift from the social liberals[4]. This was the time of the Reagan and Thatcher eras in the US and UK respectively, and the Fraser era in Australia. Neoliberalism was now characterised by economic fundamentalism – which focussed on big business and the union movement - although the policy attracted a range of other, more derisive names[5].

Kemp's work was published the year that self-government was triggered in the Northern Territory. Whilst it has no direct, immediate impact on the practices of the CLP, it does explain electoral behaviour in Australia and, most importantly for my purposes, in what he calls 'rural society' which developed an anti-urbanism ethos, which, in its turn, gave rise to the Country (now National) Party[6]. In the Northern Territory, this 'rural society' was the genesis of the Country Liberal Party.

Finally, speaking in the context of Australian politics, Aitkin makes the point that:

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[2] Walter, 2010; 87
[3] Brett in Woodward, Parkin & Summers, 2010; 230
[4] Ibid
[5] Walter, 2010; 256
[6] Kemp, 1978; 260

> Party identification has proved a most powerful instrument for the analysis both of individual electoral behaviour and of the persistence of modern party systems.[7]

He noted that a portion of voters identify themselves with a particular party and tend to be loyal to that party. That could be said to be the case in respect of the CLP, although other elements come in to play. One characteristic of the Northern Territory population that cannot be ignored in this context is the relatively high population turnover owing to transient employment or a temporary posting. He also noted that the individual's raw image of a party is built from:

> …streams of political statements, descriptions, comment and interpretation that issue from newspapers, radio and television, in which political parties and their leaders play the dominant role, and partly from each person's own observation and conversation.[8] (p 51)

This is indeed true of the CLP, which became so adept at self-promotion and media exposure as to ensure it was one of he most successful parties in Australian history.

Chapter 1: Introduction

Lenore Coltheart's definition of Arcadianism and, in particular, her description of the 1980 election as typifying the 'Arcadian myth' is a central tenet on which the thesis is built, although I have applied it to the life of CLP governments in the Northern Territory. As mentioned earlier, that notion was an extension of her earlier work *Australia Misere*, which provides a valuable background to historical notions of 'ownership' and 'right' in respect of land in England and Australia, but applies then to the Northern Territory. Both are valuable and instructive works and form the basis of the thesis.

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[7] Aitkin, 1982; 36
[8] Ibid; 51

I link Coltheart's notion of Arcadianism to the political strategy of populism, which, it is conceded, some would argue is in fact pragmatism, articulated by Stokes in his comprehensive analysis of Pauline Hanson's One Nation Party. Whilst Stokes has not been quoted extensively, his succinct explanations of the elements that comprise populism were valuable and, therefore, adopted. Together, these two notions, and the notion of an 'imagined community' or 'invented persona' arising from the works of Ward, Anderson and, more recently, Heatley and Carment, along with the element of race form the theoretical basis for this thesis on the Northern Territory's political history since self-government and, in particular, the Country Liberal Party's approach to government.

Russell Ward's much earlier work about the invention of the Australian character was instructive in seeking to understand how the CLP not only embraced such notions of mythology, but embellished them to create the 'Territorian'. This is not to suggest that the characteristics applied by Ward are all myth. Like other Australians, most people who reside in the Northern Territory have a disdain for authority and assess character on the highly subjective test of who constitutes 'a good bloke'.

Benedict Anderson's work *Imagined Communities* is highly relevant to the way that tradition and a sense of 'being' was created in the Northern Territory. Whilst Anderson deals with the concept of nationalism, the parallels are the same: history was reinterpreted to invent an 'imagined community' which was conceived by 'Territorians' as a 'deep, horizontal comradeship'. Notwithstanding that Anderson's work was based on research in Java, his concepts and logic are applicable to any group which distinguishes itself from another along cultural lines, irrespective of how far from the truth such self-imposed and globally internalised myth strays.

Alistair Heatley has been decried by one academic as a 'failed academic' in the Northern Territory[9]. This is an illogical claim, given that he was one of the

[9] Alcorta, 26 October 2000

few academics to write not only about politics, but about political parties. Not only was he described as a failure (after his death), but this failure was because:

> He regarded controversy with horror and recoiled at the slightest suggestion that, in life, sometimes it is best to take a firm stand on at least a few important issues.[10]

Whilst on few occasions I have agreed with Heatley, I have relied heavily on his work in relation to the Country Liberal Party and I am sorry that similar work has not been completed in relation to the Australian Labor Party in the Northern Territory. In particular, *The Territory Party* has been a useful resource which goes some way to document the Country Liberal Party and its machinations in the Northern Territory, although I take issue with some of his claims, which *can* be said to be controversial, particularly in respect of the party's position on race.

In fairness, Alcorta, the author of an obituary on Heatley and a fellow academic, did say:

> His books, very welcome additions to the sum total of knowledge in the Territory, did not break any new ground.[11]

Alcorta is wrong; they did. It was Heatley who first discussed the notion of 'Territorianism', which, as previously mentioned, is a notion not yet fully understood by the vast majority of citizens of the Northern Territory, so subtle and adept was its application. I have relied on Heatley's other work, *Almost Australians* and *Statehood for the Northern Territory* a little less, but these are also important contributions to documenting the relatively short history of politics since self-government in the Northern Territory.

David Carment's work on the Northern Territory is enduring and spans two decades. His major contribution to the study of politics in the Northern Territory was made in the Political Chronicles of the *Australian Journal of*

[10] Ibid
[11] Ibid

Politics and History between 1985 and 2000. These reports have been invaluable, particularly in the absence of any commentary on Northern Territory elections such as those that were undertaken by Loveday (1974-1987, 2001) and Jaensch (1974-2001) after which funding for such work through the North Australia Research Unit disappeared. Carment took up the notion of 'Territorianism' espoused by Heatley and published a book by that very name in 2007, which further explores the creation and nature of the third, and potentially fourth, elements of this thesis.

Frances Chan's biography of Paul Everingham, the Northern Territory's first Chief Minister, is of limited value because it is more a commentary on popular history, in which she provides a ringing endorsement of the 'King of the Kids', rather than an analysis of government ideology or regime.

Chapter 3: Constitutional History

This chapter draws on generally agreed historical material that has been well documented in a number of books, papers, pamphlets and web sites, then concentrates attention on the composition of the Northern Territory Legislative Assembly and its predecessor, the Northern Territory Legislative Council. Regard is had to the work of Jaensch and Wade-Marshall, Heatley, the Australian Electoral Commission, the Legislative Assembly web site, the *Parliamentary Record*, the *Australian Journal of Politics and History* and several parliamentary reports including the *Report on the Statehood Convention* and *Report into Appropriate Measures to Facilitate Statehood* (both Northern Territory reports) and *The Long Road To Statehood* (Commonwealth).

Chapter 4: The Parties

Primary informants in the case of the major parties were Dean Jaensch in respect of the ALP and Alistair Heatley in respect of the CLP. Extensive use was made of the *Northern Territory Parliamentary Record*, where accusations

and counter-attacks about party machines are often made. In addition, some internal party documents were used, such as the Stone Review of the CLP electoral loss in 2005. Authority was also drawn from the *Australian Journal of Politics and History*, the web sites of both the Northern Territory and Australian Electoral Commissions and both the ALP and CLP web sites.

Chapter 5: Economic Management

Research for this chapter involved extensive examination of the *Parliamentary Record*, particularly of Questions and budget debates, but also of the introduction of or amendment to legislation. The chapter was informed by parliamentary reports, such as Public Accounts Committee reports, and reports in the *Australian Journal of Politics and History*. Some advice was necessary in the explanation of a range of economic matters, and for that I thank present and former officers of the Northern Territory Treasury, who wished not to be named, for their guidance.

Chapter 6: The CLP and Racism

This chapter again relied extensively on the *Parliamentary Record*, but because of the CLP's bashfulness in respect of debating race issues (and, therefore, its ability to shut down debates on such issues), it required research further afield to media reports and commentary, internal party documents, party-specific documents that were not internal, such as Andrew Coward's *Dossier NT,* and external authorities such as Parks Australia, Loveday and Summers and the Annual Reports of Aboriginal Land Commissioners over a number of years.

Chapter 7: The Strehlow Collection

The Strehlow episode is unique in Northern Territory (and perhaps Australian) history and was not a matter of frank disclosure on the public record for successive CLP governments. For that reason, specialist references were

required. These were found in the writings of Hugo and Hall, with specific reference to media reports and commentary, song writers such as Neil Murray and, of course, the *Parliamentary Record*, which is by no means exhaustive or frank in respect of full details in relation to the Strehlow Collection or the Strehlow Research Centre.

Chapter 8: The CLP and the Legal System

This chapter deals with a range of material, from legal cases such as *Capital Duplicators*, *R v Anunga,* and *NAALAS v Bradley*, to the findings of Royal Commissions and land rights cases to party documents, Cabinet documents, the *Northern Territory Parliamentary Record*, political and media commentary.

Some explanation of cases and legal technicalities was required for this chapter, and I am indebted to various legal practitioners for their patience in explaining various matters.

Chapter 9: Heritage and Identity

This chapter draws on the works of Coltheart, Anderson, Carment, Chan, Ward, my own material on Myilly Point and James and Mora. It involved researching the Northern Territory Heritage Register and *Heritage Conservation Act*, the *Parliamentary Record*, Cabinet documents and departmental annual reports.

With self-government came the need for invention of a Northern Territory character and culture. Here, I have drawn on the work of Russel Ward's *The Australian Legend* and applied it to the Northern Territory using later material by Anderson, Coltheart, Heatley then Carment in respect of the notion of 'Territorianism' and exactly what that means. More difficult to define and not particularly well articulated is the parallel but no less ubiquitous notion of 'the Territory lifestyle'. This hasn't been given academic prominence yet it is constantly used to reinforce the notion of 'Territorianism'. Examination of the

Northern Territory Parliamentary Record doesn't reveal a precise definition of 'the Territory lifestyle' yet it features in almost every debate on major policy statements by successive governments, usually when railing against either the Australian Government or Aboriginal interests. Both 'Territorianism' and 'the Territory lifestyle' have striking elements myth and invention, both of which were identified by Ward in respect of the nation decades earlier, and both were regularly 'defended' in opposition to the policies or proposals of so-called outsiders and interlopers.

Chapter 10: Northern Territory General Elections

The availability of commentary and statistics on election campaigns between 1980 and 2001 is very good, the key authorities being Peter Loveday and Dean Jaensch, with others (Heatley, Coltheart, Wade-Marshall, Berzins, and Green) providing additional analysis. Much of the Jaensch and Loveday material was funded by the Australian National University through the North Australia Research Unit. Sadly, that funding seemed to disappear in the late 1990s and little commentary since then is available. For that reason, the statistics used in this chapter are not consistent. That is, earlier statistics have been taken from the work of predominantly Jaensch, but later statistics have been collated by the author using Northern Territory Electoral Commission figures and it is not necessarily the case that the same formula has been applied to determine two-party preferred figures or the size of swings. The statistics can, however, be generally taken to be indicative of each of the general elections.

An attempt has been made to record each of the elections, seats won and lost, the theme of each party's campaign, available commentary and the results. Here, Northern Territory contributions to the *Australian Journal of Politics and History* have been useful, although the Northern Territory did not feature in this journal until 1985. Some newspaper commentary has also been used in the examination of election campaigns. Print media

advertisements run by the various parties, most notably the major two, have been included.

Appended to the thesis are three documents: General Election statistics, candidates in all Northern Territory General Elections since 1974 (sorted by year and electorate), and Ministries between 1978 and 2005. Election statistics were sourced from the Northern Territory Electoral Commission (formerly Northern Territory Electoral Office), as are candidate names. There are some gaps in the names of candidates. This is because the NT Electoral Commission does not retain nomination forms from candidates, so some first names are absent or represented only by an initial. Material comprising the Ministries appendix was sourced from the Northern Territory Legislative Assembly.

CHAPTER 3: CONSTITUTIONAL HISTORY

Introduction

This chapter examines the constitutional history of the Northern Territory for contextual purposes. Notwithstanding the grant of self-government in 1978, constitutionally, the Northern Territory is not equal to state counterparts and, as has been demonstrated in the past, its laws can be overridden by Commonwealth legislation. Whilst the logical pinnacle of constitutional development is a grant of statehood, achieving that status appears to be a long way off because of a lack of agreement on terms and conditions which are acceptable to Aboriginal people and a lack of understanding by the more general population, which turns over on a regular basis and which is characterized by seasonal and transient workers responding to economic conditions and major infrastructure projects, and military personnel on relatively short postings.

In the Northern Territory's single attempt to achieve statehood, the Aboriginal community was largely ignored. Electorally, this was a major tactical error. Politically, it demonstrated that the Aboriginal population was considered irrelevant to or unnecessary for the process. That, too, was a grave error. It was but one example of the Aboriginal community of the Northern Territory being marginalized and ostracized from what could – and should - have been a very simple democratic process. The outcome, however, demonstrated the strength of the Aboriginal vote as a bloc for the first time in Northern Territory history.

Historical Overview

In 1869, George Goyder surveyed Palmerston (now Darwin). Goyder arrived to undertake the survey by sea. Prior to that, various attempts at settlement had been made, most notably a military settlement at Fort Dundas on Melville Island from 1824 until it was abandoned in 1829 and Victoria Settlement (Port

Essington) from 1838 until it was abandoned in 1849. Each of these were seabound enterprises. In 1862, however, John McDouall Stuart crossed the continent from south to north, and his success paved the way for the revolutionary Overland Telegraph Line, which forged exploration and settlement overland from the south to the north. Most Northern Territory mainland towns were established as repeater stations for the Overland Telegraph Line.

From 1890 until 1911, the Northern Territory was part of South Australia, with NT citizens being represented by the Member for Grey in the South Australian Parliament and, through the process of federal voting as South Australians, representatives in the Australian Parliament. At that time, Northern Territory citizens enjoyed the same rights as their interstate counterparts[1].

In 1911, South Australia transferred the lands that formed the Northern Territory to the Commonwealth under the Federal Territory Transfer Agreement Bill of 1907, which was passed in 1910. At that time, white Northern Territory citizens arguably became second-class citizens because they had lost representatives both in the South Australian and Australian Parliaments.

Aboriginal Northern Territory citizens had no rights under either arrangement. Those who didn't live in remote regions were effectively enslaved by white settlers. The means of governing the Northern Territory under the federal regime was via the Minister for External Affairs who appointed an Administrator in the Northern Territory. Both operated under the *Northern Territory (Administration) Act*.

In a peculiar circumstance, in 1922 the federal government passed the *Northern Territory Representation Act*, which provided for a single member from the NT to sit in the House of Representatives, but without a vote, which, despite the name of the act, was not representative at all.

[1] See generally Jaensch and Wade-Marshall, 1994, 25-27

In 1947, the *Northern Territory (Administration) Act* was amended to provide for an advisory body, which was called the Legislative Council, comprised of elected and Commonwealth government-appointed members. Citing Walker, Jaensch and Wade-Marshall noted that the act had been amended:

> …to confer a measure of self-government on the residents of the Northern Territory. In view of the fact that the Northern Territory is not self-supporting financially, and that the greater part of the expenditure on its development must be provided by the Commonwealth, the bill provides that there shall be a slight majority of Government members.[2]

The Administrator was appointed Presiding Officer and was conferred with a deliberative and a casting vote[3], which increased the federal government's 'slight majority' by a further, decisive vote in the event of a tied vote[4].

In April 1958, having unsuccessfully sought further reform on numerous occasions, all six elected members of the Legislative Council resigned. All were promptly re-elected, which gave the federal government an indication of disquiet in the Northern Territory. In response, the government retained its majority model, but provided for the Administrator to nominate three non-official members, which was initially welcomed as a 'reform' by elected members of the Council. Ultimately, this worked in the Commonwealth's favour because it retained its majority and was at liberty to appoint a further three non-official members. The Administrator's position as Presiding Officer of the Council was abolished in 1965 and the Presiding Officer became an elected member. It was not until 1968 that the federal government abolished the three non-official positions and provided for a further three elected members, which resulted in the first majority of elected members in the Council: 11 elected to six appointed.

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[2] Walker in Jaensch and Wade-Marshall, 1994, 2

[3] Interestingly, this 'double vote' conferral was also included in the Self-Government Act for the Speaker of the Legislative Assembly. It is an anomaly in Westminster systems of government, which usually provide for the Speaker only to have a casting vote in the event of a tied vote.

[4] It is Westminster convention for a Speaker to use the casting vote to extend and exhaust debate so that a conclusion can be reached by a final vote rather than to shut down debate or to side with the government.

Amidst this political struggle, another was taking place: notwithstanding that in 1949 the right to vote in federal elections was extended to Aboriginal people who had served in the Armed Forces or were enrolled to vote in state elections, Aboriginal people in Queensland, Western Australia and the Northern Territory still could not vote in their own state/territory elections. That was further compounded by the 1957 *Northern Territory Welfare Ordinance* under which almost all Aboriginal people in the NT were declared wards of the state, which further denied them the right to vote. In 1962, however, the *Commonwealth Electoral Act* provided for Aboriginal Territorians to enrol and vote at federal elections, including NT elections, although enrolment was not compulsory. At the time, 1338 Aboriginal people enrolled to vote. The national Referendum of 1967 provided overwhelmingly for Aboriginal people to be counted in the national Census, which was regarded as something of an enfranchisement.[5]

Self-Government

Returning to the Legislative Council, a date of 1974 was set by the Whitlam government as the target for establishing a Legislative Assembly, and this was achieved. The Assembly comprised 19 elected members.[6] Whilst it functioned as a legislature of sorts, it had limited capacity until passage of the *Northern Territory (Self-Government) Act* in 1977 which had a commencement date of 1 July 1978.

On 1 July 1978, the Northern Territory became substantially more self-governing than it had been since white settlement of Darwin in 1869. Notwithstanding the *Northern Territory (Self-Government) Act,* not all responsibilities would pass to the Territory, most notably Health and Education which would follow six and 12 months later respectively. Judicial functions were assumed by the Northern

[5] See generally Australian Electoral Commission web site
[6] In the first Legislative Council, none of the elected members represented the Australian Labor Party. There were 19 Members of whom 17 were CLP Members. Two were Independent.

Territory in 1980.[7] Industrial relations, national parks, uranium mining and Aboriginal land rights were never relinquished by the Commonwealth.

The Northern Territory Legislative Assembly did not just materialize with a range of responsibilities following the commencement date for self-government. A Memorandum of Understanding was entered into between the Northern Territory and Australian Governments. The terms and conditions for self-government had been under negotiation for months prior to the date, much of which is credited to Paul Everingham and his team of advisors.[8] They were furious that the federal government refused to hand carriage of matters such as the *Aboriginal Land Rights (Northern Territory) Act*, national parks and industrial relations to the Northern Territory, and that remained the position of successive CLP governments.

In 1982, the number of members in the Legislative Assembly was increased from 19 to 25, which reflected population growth. Members in the Legislative Assembly remain at 25.

Remonstrations

It is somewhat surprising that the Northern Territory, as a political entity, has only officially remonstrated with the Commonwealth on two occasions. The first was in 1962 and the issues, not surprisingly, were equality and representation. The grounds of remonstration were:

THE GRIEVANCES

1. The political rights of the citizens of the Northern Territory are inferior to those of other citizens of Australia.

…

[7] Northern Territory Legislative Assembly web site
[8] Heatley, 1990; 83

> 2. The Commonwealth Government has failed to develop the Northern Territory to the reasonable limits of the capacity of the Commonwealth and the Territory itself.
>
> …
>
> 3. The Legislative Council for the Northern Territory, although responsible for the making of laws for the peace, order and good government, has no voice in the allocation or expenditure of government moneys in the Territory.
>
> …
>
> 4. The Commonwealth Government has failed to accord the Legislative Council for the Northern Territory the respect and dignity due to a legislative body created ostensibly in the British parliamentary tradition. [9]

As noted above, this led to some changes, including replacement of the Administrator as Presiding Officer, and abolition of the three appointed non-official members who were replaced with a further three elected members. This, achieved in 1968, gave the majority of votes to elected members for the first time. The second remonstration occurred following an amendment to the *Northern Territory (Self-Government) Act* by 'the Andrews bill' or the Euthanasia Laws Bill introduced in the House of Representatives by the Member for Menzies, Kevin Andrews, in October 1996 as a Private Member's Bill. The bill amended the Self-Government Act by inserting section 50A, which provided that the Northern Territory had no power to enact legislation dealing with voluntary euthanasia. The amendment effectively overturned the *Rights of the Terminally Ill Act* 1995 (ROTI), which itself was a Private Member's Bill sponsored by Chief Minister Marshall Perron. The *Rights of the Terminally Ill Act* was never repealed by the Northern Territory Legislative Assembly and remains on the statute books as an impotent instrument, albeit a reminder of the Territory's unequal status in the federation.

During the life of ROTI, which began on 1 July 1996, four people – Bob Dent (22/9/96), Janet Mills (2/1/97), Bill and Valerie (dates and surnames unknown in

[9] Legislative Assembly web site

accordance with their wishes) – used the legislation to end their lives with the assistance and blessing of pro-euthanasia campaigner Dr Philip Nitschke.[10]

Debate on the ROTI legislation was the longest in the history of the Northern Territory Legislative Assembly, lasting over 10 hours. A free[11] vote was allowed, and Perron succeeded by a single vote. That notwithstanding, the Northern Territory legislature was furious about the Andrews bill, which could not be applied to any of the states because they have entrenched legislative rights that are not extended to the Northern Territory. The Territory's second remonstration was moved by Chief Minister Shane Stone in October 1996 after Andrews had given notice in the House of Representatives that he would present his bill. Stone, taking a predictably Arcadian line about the tyranny of distance and how out of touch Canberra politicians were about the Northern Territory, reflected on the constitutional history of the NT, claiming that 'the mouse had roared' on the occasion of the 1962 remonstration and that:

> …we have no choice but to have this Remonstrance presented to the federal parliament. Our history and our future demand it, and our people deserve it.[12]

Notwithstanding that Perron's bill passed by only one vote, the motion to remonstrate was unanimously supported by the Northern Territory Legislative Assembly, with written moral support from the legislatures of the Australian Capital Territory and Norfolk Island. The issue was one of states' rights rather than the exhaustively debated issue of voluntary euthanasia.

A delegation led by Speaker Terry McCarthy and comprising Chief Minister Shane Stone, Deputy Chief Minister Mike Reed, the Clerk of the Legislative Assembly Ian McNeill and Serjeant-at-Arms Helen Allmich travelled to Canberra and presented the Remonstrance to Speaker of the House of Representatives

[10] Exit International web site
[11] Often mistakenly called a 'conscience vote'.
[12] *Hansard*, 10 October 1996

and President of the Senate at Parliament House on Sunday 10 October 1996. The Northern Territory delegation was joined by Senator Grant Tambling for the presentation.[13] Once again, the Commonwealth failed to act, but the point was made and the issue of statehood for the Northern Territory again came to the fore:

> The Stone government used that action [the Andrews Bill] to demonstrate both the insecurity of self-government and the urgent need to push on to statehood.[14]

It is the case that an apathetic electorate is not motivated to act unless there is a trigger. In this case, the Andrews Bill was something of a catalyst which certainly assisted the government's desire to 'push on to statehood' and infuriated those who were aware of the erosion of rights arising from the Andrews Bill.

Statehood

Governance issues remain at the heart of where the Territory sits within the Australian federation and whether the Northern Territory has legitimacy as a political entity for admission as its newest state.

In March 1985, Under Treasurer Dr Richard Madden became aware that the Territory would suffer massive Commonwealth funding cuts under the Hawke government. Opposition Leader Bob Collins called on the NT government to join him in lobbying the Australian Government for sustained funding levels. In the May Federal Budget, Treasurer Paul Keating announced cuts of more than $80 million, which included a $37 million reduction in the Commonwealth's electricity subsidy and shifted the employer contribution for public servants' superannuation from the Australian Government to the Territory Government.

[13] Personal communication with Serjeant-at-Arms, 11 April 2007
[14] Heatley in Pons, 2002; 93.

Chief Minister Ian Tuxworth attended a Premiers Conference later in May when he was told that the Territory's budget allocation for 1984-85 had been reduced by $12.6 million and a Territory request for a further $15 million in 1985-86 had been rejected. Treasurer Peter Walsh informed the Northern Territory Government:

> …that Commonwealth payments to the Territory per head of population in 1984-85 were more than five times as large as Commonwealth payments to the states.[15]

Prime Minister Hawke informed Tuxworth that the Territory would be treated as a state for funding purposes only from 1988. Tuxworth accused the Australian Government of breaching the 1978 Memorandum of Understanding and:

> The Chief Minister [Tuxworth] and his advisers quickly concluded that the events of the Premiers Conference left them with little alternative other than to take the Territory along the constitutional road to statehood.[16]

It was not a new notion, but now the need appeared to be more pressing. Indeed, Her Majesty the Queen had been targeted by an exhibition on the occasion of her visit in 1963.

[15] *AJPH*, Vol 31, No 3, 1985; 528
[16] Ibid; 529

Plate 1: The Elected Members Exhibit in the Northern Territory Exhibition at Darwin Showgrounds, 18 March 1963 on the occasion of the visit of the Queen

In 1985, the Legislative Assembly appointed a Select Committee on Constitutional Development whose brief it was to investigate statehood. Since that time, the parliamentary committee has become the Standing Committee[17] on Legal and Constitutional Affairs, which has an ongoing brief to examine aspects of governance in relation to statehood in addition to any specific references it is given by the Assembly.[18]

Shane Stone is one of the more interesting characters of Northern Territory political history. His rule was relatively brief, but dogged by controversy. Elected as the Member for Port Darwin on 27 October 1990, Stone was immediately appointed Minister for Education and ascended to the Chief Ministry on 27 May 1995 where he remained until 08 February 1999, a few short months after the failed statehood referendum. During his term as Chief Minister, Stone demonstrated scant regard for principles such as merit, natural justice and the doctrine of the separation of powers which drove his former professional life as a legal practitioner.

[17] A permanent committee of the Assembly, members of which are appointed following each General Election and at any time there is a vacancy.
[18] The Committee had a specific reference in relation to Aboriginal Customary Law during the Ninth Assembly, and that reference lapsed with the Assembly itself. The same reference was given to the Committee in January 2007, and no report was forthcoming by the time the 10th Assembly lapsed in August 2008.

It was Stone who accelerated the statehood process following the Northern Territory's remonstration over the Andrews Bill. This process culminated in a failed referendum on 3 October 1998. Curiously, Heatley wrote:

> Although Stone sometimes mused about shortcuts and adaptations, in the end he followed the proposed process.[19]

That is not the case. Stone deviated dramatically from the proposed process and the referendum failed because of the manner in which he approached it. First, he ignored the advice of the bipartisan Legislative Assembly Legal and Constitutional Affairs Committee to have popularly elected delegates to the Statehood Convention. It was the job of delegates to the Convention to recommend a Constitution for the Northern Territory, and one had been painstakingly drafted by the parliamentary committee over a number of years for consideration by convention delegates. Stone ignored the recommendations of the committee both in respect of the election of delegates and consideration of the draft constitution. All 53 delegates to the convention were appointed, some elected to represent a corporate body that had been appointed.

The Chairman of the Statehood Convention, the Honourable Austin Asche AC QC, former Supreme Court Chief Justice and former Administrator of the Northern Territory, outlined the method of appointment in his report to the Legislative Assembly of April 1998:

> Fifty-three delegates were appointed to the Convention with 52 delegates ultimately attending. Twenty-six delegates were elected from government-nominated organizations. The remaining 27 delegates were appointed [20].

Second, Stone failed to adequately consult with Aboriginal people and paid scant regard to their aspirations. Asche noted:

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[19] Heatley in Pons, 2002; 94
[20] Asche, 1998; 1

> Some delegates withdrew from the Convention. On day 7, Mr Gatjil Djerrkura OAM, Chairman of the Aboriginal and Torres Strait Islander Commission (ATSIC), informed the Convention that ATSIC delegates could no longer participate in the Convention because of a perceived lack of recognition of Aboriginal Territorians and a lack of support for the process of reconciliation.
>
> …
>
> On day 8, Mr Charlie Phillips, representing the Northern Territory Trades and Labor [sic] Council, informed the Convention that he had received instructions from his Organisation to withdraw from the Convention in support of Aboriginal Territorians[21].

Carment noted that the ATSIC walkout was described by Gatjil Djerrkura himself as arising from Aboriginal people being 'fed up with the abuse, intimidation and insults to our intelligence, our integrity and our cultures'.[22] This is particularly interesting, given that the CLP had courted Djerrkura as a candidate in several Northern Territory elections.

With the ATSIC delegation and Phillips gone from the floor of the convention, numbers were further skewed. Few Aboriginal delegates were left.

Aboriginal leaders later convened to consider their own position and produced two documents emanating from their two constitutional conventions: the Kalkarindji Convention of August and the Batchelor Convention of December 1998. I will return to these shortly.

By the time of the referendum, Stone had ridden rough shod over almost every democratic process. He was reduced to trying to ram through a 'yes' vote on what was ostensibly one referendum question, which his own convention recommended be put as three separate questions:

> That the following questions be put to a vote of the electorate of the Northern Territory:

[21] Ibid
[22] *AJPH*, Vol 44, No 4, 1998, 621

> (a) whether the Northern Territory should become a State;
> (b) what the name of the new State should be;
> (c) whether the proposed Constitution be adopted as the Constitution of the new State of the Northern Territory.[23]

Ignoring that recommendation, Stone's referendum question was heavily loaded and, had it been successful, would probably have guaranteed the Country Liberal Party government for life in the Northern Territory. The question was:

> Now that a constitution for a state of the Northern Territory has been recommended by the statehood convention and endorsed by the Northern Territory parliament, do you agree that we should become a state?[24]

The phraseology of the question presented a *fait accompli* to the electorate. Voting 'yes' implicitly meant accepting the draft constitution that had been recommended to the Northern Territory Legislative Assembly, where numbers were controlled by the CLP government, by the statehood convention, delegates to which were appointed by the Chief Minister as head of the CLP government. The process was a long way from democratic.

Moreover, the constitution to which voters would have been agreeing provided for the Premier to dismiss the Governor, which is unprecedented in an Australian jurisdiction and would render the Governor little more than a glorified public servant and would almost guarantee a Country Liberal Party government in perpetuity. Questions of assent to legislation would be reduced to a rubber-stamping exercise driven by fear and/or intimidation and any notion of separation of powers would be non-existent. Given the CLP's sustained opposition to land rights and Aboriginal control of land, one can only speculate about what sort of legislation might have been contemplated in the event that the referendum was successful and the Australian Government then granted statehood.

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[23] Asche, op cit; 7
[24] Various documents, including ABC's *Lateline*, 15 October 1998

Stone was ultimately held responsible for the defeat, which was narrow (3.8%), notwithstanding urban support for statehood being in the order of 70 per cent in 1995 and:

> …the level swelled as a result of the overturning of the NT's euthanasia legislation by the Commonwealth Parliament in February 1997. [25]

Heatley concluded:

> If the significant Aboriginal population who resided in 'urban' settlements voted in the same way [as their regional and remote counterparts, where the 'no' vote was as high as 75%], and there is every reason to conclude that they did, then there is little doubt that Aboriginal opposition was the strongest factor in producing the negative outcome.[26]

That is generally agreed to be the case. Aboriginal people voted in a strong bloc against the referendum question, but there were other reasons, including concern about the process. A post-mortem examination conducted by the Standing Committee on Legal and Constitutional Affairs, at that time Chaired by the CLP Member for Nightcliff, Steve Hatton, concluded that most people who voted 'no' in the referendum were not opposed to statehood *per se*, but had concerns about the process:

> These included a lack of information, a lack of understanding about statehood, concern about the statehood convention process and the events surrounding it, a lack of trust in those responsible for last year's process, inadequate consultation, the role and approach of the Chief Minister, a protest against the then Chief Minister, and what has been called the arrogance of politicians.[27]

Hatton further acknowledged the lack of consultation with Aboriginal people:

> Aboriginal people voted very much as a block [sic] 'no' vote…[there was] an almost total lack of understanding of what statehood meant, a distrust of the Northern Territory government, fears that statehood would increase the power of the Northern Territory government, a strong lobby for the 'no' vote from ATSIC, the

[25] Heatley in Pons, p 96
[26] Ibid
[27] Steve Hatton, *Hansard*, 27 April 1999

> Central Land Council and the Northern Land Council, and virtually no alternative information, and no knowledge of the provisions of the draft constitution.[28]

This had been enunciated by Aboriginal leaders on a number of occasions, and was drawn together into Aboriginal policy documents following the Kalkarindji and Batchelor Conventions of 1998. Hatton turned his attention to those conventions:

> The [Batchelor] convention affirmed the principle embodied in the Kalkarindji statement that Aboriginal people would not consent to statehood until and unless there is a commitment that their rights and interests be recognised, enhanced and protected in a Territory constitution, and that the NT government is willing to enter, in good faith, negotiations towards a framework agreement which will allow recognition of Aboriginal self-government.[29]

Hatton reported that the Standing Committee met with the Committee of the Aboriginal Constitutional Convention on 24 April 1999 and was presented with a position statement, which the Aboriginal Constitutional Committee asked be read in the Legislative Assembly. That statement was:

> The Legal and Constitutional Affairs Committee must acknowledge the Kalkarindji and Batchelor Statements as the representative position of Aboriginal people and the framework for inclusive constitutional development in the Northern Territory. The statements spell out the content and the process for negotiation with Aboriginal people.[30]

By now, Aboriginal people had made it abundantly clear that they were a force to be reckoned with in any discussion or planning for the Northern Territory to become a state. Governments had been put on notice, and the face of Northern Territory politics had changed dramatically in respect of inclusion and consultation with Aboriginal people.

The report of the Standing Committee itself noted:

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[28] Ibid
[29] Ibid.
[30] Ibid

> The organization and structure of the Convention generated controversy from the outset because of the method applied in appointing delegates, its timing and duration. This had the following outcomes:
>
> - the Northern Land Council and the Central Land Council boycotted the Convention;
> - an activist group, Territorians for a Democratic Statehood, was established; and
> - a number of delegates withdrew part way through the Convention.[31]

In common *parlance*, the Statehood Convention was 'stacked' and its recommendations were railroaded through the Assembly on the numbers along party lines. There was nothing democratic about it, and Aboriginal interests were marginalized to the point of being excluded. Speaking in response to a Ministerial Statement on Constitutional Development prior to the Referendum, Opposition Member Syd Stirling said:

> It is a shameful way to take the Northern Territory down the track to statehood. It is not merely statehood brought to the Northern Territory by the CLP, for the CLP and on CLP terms. This is statehood brought to Territorians by the Chief Minister, for the Chief Minister and on exactly his terms.[32]

In evidence to the House of Representatives Standing Committee on Legal and Constitutional Affairs, former ALP Member for Wanguri, John Bailey, said:

> Chief Minister Shane Stone totally hijacked that agenda, established a Constitutional Convention that had nothing to do with all the work that had been done previously [by the Parliamentary Committee], and was then stacked in such a way that a predetermined agenda could be got through.[33]

Bailey had been a member of the bipartisan Legislative Assembly Committee on Legal and Constitutional Affairs which prepared the groundwork for the statehood process. Further criticism was put in evidence by Graham Nicholson, formerly legal counsel to the Legislative Assembly Standing Committee on Legal and Constitutional Affairs:

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[31] *Report into Appropriate Measures to Facilitate Statehood*, April 1999, 17
[32] *Hansard*, 4 December 1997
[33] *The Long Road to Statehood,* 2007; 11

> …before the convention and referendum took place in the Territory, the memorandum of agreement should have been settled, covering all the terms and conditions, including representation, so that when people voted in the Territory they had both the terms of the Constitution and the…terms and conditions [of statehood] before them so that they had the whole package.[34]

It is curious, then, that Stone discovered democracy during his post-mortem examination of the 2005 General Election. Perhaps what he wrote reflected more than CLP practice:

> The formation of policy is not the domain of the Parliamentary wing alone. Whilst the CLP is not governed by a model where the Organizational wing directs the Parliamentary wing as is the case with Labor the lay members do have a clear right and entitlement to help shape policy. The broad Party membership is entitled to be heard.[35]

Had those words been applied to the statehood convention in 1998, the outcome of the referendum might have been very different indeed.

Stone's attempt to achieve statehood at any price was, to coin Banjo Paterson's phrase in relation to the Northern Territory, 'a colossal failure'[36], although the vote itself was very close. What did emerge, however, was the strength of the Aboriginal vote as a bloc. Governments were on notice that matters affecting Aboriginal people had to be discussed, explored and negotiated. It was a lesson that should have been learnt following the presentation of the Bark Petitions to the Australian Parliament by the Yolngu in 1963,[37] because the issue was exactly the same. Interestingly, the Batchelor Statement's call for an inquiry into self-government as it has affected Aboriginal people is an indication, from an Aboriginal perspective at least, that self-government has been an equally colossal failure.

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[34] Ibid; 12
[35] Stone, 2005, p 30
[36] *The Bulletin*, 31 December 1888.
[37] Documenting Democracy web site

The first Labor Chief Minister of the Northern Territory, Clare Martin, resurrected the issue of statehood at the inaugural Charles Darwin University Symposium in May 2003 when she said:

> This time we will get it right—we will do this with careful community consultation and community involvement from the start. It will not be hijacked by politicians and a majority of delegates to any future constitutional convention will be elected by the people, not imposed by political leaders. I further pledge that decision making processes shall be independent of the normal electoral cycle.[38]

This announcement led to the formation of the Statehood Steering Committee, a committee representative of communities around the Northern Territory whose brief was to engage the community and seek views on appropriate means of achieving statehood. The committee secretariat was placed within the Legislative Assembly rather than any other government agency because the Legislative Assembly's job is to serve *the parliament* and not *the government*. The Statehood Steering Committee had bipartisan support and, at the time of writing, had spent significant time consulting with a range of community groups, including bush communities and the land councils as well as devising a community engagement program specifically for Aboriginal people in remote regions. The work of this committee could prove a communications blueprint for governments (and private enterprise, for that matter) in years to come.

Chief Minister Paul Henderson again raised the issue when he attended Prime Minister Kevin Rudd's *2020 Summit* in Canberra in April 2008. The issue of statehood remains on the agenda in the Northern Territory, but appears to have lost its priority status, perhaps because there has been no trigger or catalyst to raise awareness of the Territory's status within Australia. Further, as noted earlier, there is a significant turnover of population in the Northern Territory as seasonal workers and military personnel come and go. Within these groups, there is little understanding of issues relating to statehood and, it could be argued,

[38] Chief Minister's media release, May 2003

little potential for those people to be interested given that they will move on to other parts of the country.

In any event, little progress has been made in the sense of mechanics for achieving statehood and no progress has been made by the Legislative Assembly Standing Committee on Legal and Constitutional Affairs on matters of concern to Aboriginal people such as customary law, reconciliation and recognition of either the Kalkarindji or Batchelor Statements. Indeed, between 30 June 2003 and 30 June 2008, the Committee failed to report to the Legislative Assembly at all.

It is difficult to foresee statehood being achieved before the year 2025 or 2030, and it will not be achieved unless and until the Northern Territory Government (of whatever persuasion) is mature enough to negotiate and settle on terms that are acceptable to Aboriginal people. Of importance to Aboriginal people, as set down in the Kalkarindji and Batchelor Statements, is recognition of rights, culture and a degree of governance. Emerging as another issue is the effect of global warming on the environment and Aboriginal land, and this, too, will need to be addressed by Northern Territory governments. It is the Aboriginal population that is the mainstay of the greater Northern Territory population. The Northern Territory is truly home to Aboriginal people, and, as Aboriginal leader Kim Hill said at the 2007 Charles Darwin Symposium: 'We're not going anywhere'. It is not a difficult concept to grasp.

CHAPTER 4: THE PARTIES

Northern Territory politics has historically featured two main players, with occasional forays by others. The main players are the Country Liberal Party (CLP) and the Australian Labor Party (ALP).

On the conservative side of politics, Heatley noted[1] that after 1957 and before the CLP came the NAP[2], the Country Party and the Liberal Party, with the CLP being something of a merger between the latter two in 1974. Until that time, it is noteworthy that there was a clear town-country divide between Darwin (the Liberal Party) and Alice Springs (Country Party and NAP). Alice Springs candidates for various elections were endorsed by either the NAP or the Country Party, with Darwin candidates being endorsed by the Liberal Party[3]. Both the Country Party and Liberal Party were established in the Northern Territory in 1966[4], which is shortly after the Administrator's position as Presiding Officer of the Legislative Council was abolished.

The foray into the Northern Territory by the National Party was sparked by internal division within and expulsion from the CLP of sitting member and former Chief Minister Ian Tuxworth (Barky) in 1986[5]. Tuxworth was joined by Enzo Floriani, who won the Alice Springs seat of Flynn from the CLP in a by-election in 1988. In the general election of 1990, the National Party was obliterated, and the CLP remained the constant conservative force. During that election, both Tuxworth and Floriani stood in seats different from the ones they held[6].

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[1] Heatley, 1998; 1-9
[2] The party name was North Australia Party.
[3] See generally Heatley, ibid.
[4] Jaensch in Jaensch and Loveday (Eds); 63
[5] Heatley, ibid; 93-94
[6] Tuxworth's choice of seat was surprising. He held Barkly in the Tennant Creek area for years, yet chose to stand in the rural Darwin seat of Goyder following an electoral redistribution. Floriani's seat of Flynn disappeared altogether and he contested the new seat of Araluen, which was won by the CLP's Eric Poole.

CLP members or candidates who lost pre-selection or resigned from the party after being 'dumped' often sit in the Legislative Assembly as 'Independents'. These include Rod Oliver (Alice Springs - 1980), Denis Collins[7] (Sadadeen - 1987), Col Firmin (Ludmilla – 1990), Noel Padgham-Purich (Koolpinyah, then Nelson – 1987), Loraine Braham (Braitling – 2000) and Peter Maley (Goyder 2005). Braham failed to secure preselection by the CLP Central Council when she was the Minister for Central Australia and Minister for Housing, Local Government and Aboriginal Development. She was, at the time, the CLP's only Minister from Central Australia and the only woman on the Front Bench. She resigned from the CLP and saw out her term as an Independent, remaining so until her retirement from the Legislative Assembly at the prorogation of the 10th Assembly in July 2008. Maley resigned as a CLP member after a very public and bitter spat with Opposition Leader Denis Burke and sat out the remainder of his only term as an Independent. He did not contest the 2005 General Election. Denis Collins and Col Firmin both lost their party's preselection and stood as Independents.

The Progress Party, headed in the NT by entrepreneurial miner Ken Day, made a brief appearance in the late 1970s but never secured a seat in the Legislative Assembly and had disappeared without a trace by the early 1980s.

The epitome of contemporary Australian populism, Pauline Hanson's One Nation Party, made its debut in Territory politics during the August 2001 General Election. In a politically suicidal move, the CLP preferenced One Nation candidates over ALP candidates. One Nation ran candidates in five seats - Daly, Goyder, Katherine, Nelson and Nhulunbuy - and secured a minuscule 1.32% of the primary vote[8]. One Nation did not register as a political party for the June 2005 General Election and thus fielded no candidates[9].

[7] Collins lost preselection to Shane Stone. He ran as an Independent and secured 41% of the vote, Stone winning 21%. See *Alice Springs News* of 29 November 2000.
[8] NT Electoral Commission web site
[9] Ibid

On the left side of politics, occasional and unsuccessful forays have been made by the Greens and Democrats, each of which fielded candidates in the August 1997 General Election, and small, single-issue parties whose candidates normally run as 'Independent' in order to avoid the costs associated with registering a political party, which was introduced with a raft of reforms to the *Electoral Act* in 2003. The latter group includes organizations such as the pro-drug Network Against Prohibition (NAP) and a loose organization of disaffected loyalists badging themselves as the Democratic Labor Party (DLP) and the Socialist Alliance, all of which fielded unsuccessful candidates in the June 2005 General Election[10].

Australian Labor Party

Officially formed in 1973, the NT ALP, as for elsewhere in the country, has foundations that are predominantly union-based. This, alone, makes life difficult, as Jaensch noted:

> The Territory Labor party, from the beginning has been weak…The small size of the urban centres and the almost total lack of any large-scale industrial development has meant that the Labor party has no 'natural' base of membership and money. As well, organization of an industrial wing and a branch structure was made difficult by the vast distances, the poor communications and the costs of transport.[11]

There is nothing dissimilar about the structure of the ALP in the Northern Territory from its structure in other states. Based on a Federal and NT Constitution and Rules, ALP members in the Northern Territory are also ALP members federally. They elect delegates to set NT policy at the NT ALP annual conference, which elects delegates to attend the national conference and set national policies. Pre-selection is governed by a national framework of party rules and more detailed local rules, and there are NT-specific structures in place for dealing with grievances and disciplinary matters. ALP endorsed candidates at federal elections sit with the ALP either in the Senate or the House of

[10] For example, Meyerhoff in Johnston and Inder-Smith in Millner. See NTEC web site
[11] Jaensch in Jaensch and Loveday (Eds) 1981, p 64

Representatives. The ALP's corporate branding is the same as in other states and the federal sphere: the Australian flag colours of red, blue and white, although during the 1994 General Election campaign, when Brian Ede was Leader, the ALP was badged 'Territory Labor' using the colours of the NT flag[12].

Of the difficulties faced by the ALP, Jaensch noted that Darwin and Alice Springs lack an industrial base that is the ALP's natural core support. In addition, the socioeconomic mix in urban electorates does not guarantee Labor any 'safe' seats. Further:

> Consistent with the lack of industrial development is a comparatively weak trade union influence. Trade unionism in the Territory is confined to Darwin and the major mining centres, and is numerically dominated in the former by white-collar, government employee unions.[13]

This point is important because, as Jaensch also noted, some of these white collar unions were not members of the ALP via affiliation with the Trades and Labour Council. Demographically, it is reasonable to assume that the bulk of members of these unions, along with those of other unions that are affiliated with the ALP, live in Darwin's northern suburbs – and it is here that elections are traditionally won and lost. Jaensch noted that whilst the Miscellaneous Workers Union, the Shop Distributive and Allied Employees Association and the Transport Workers Union were all affiliated with the ALP, the Community and Public Sector Union, the Australian Nurses Federation and the Australian Education Union were not.

During the 1980s, the NT ALP was riddled by factionalism, as noted by Jaensch:

> For the first decade after self-government in 1974 [sic], the party was characterized by the traditional Left versus Right faction division, with a relatively high proportion of non aligned members. In 1984, following the national Labor model, the NT Branch became tri-partite following the formation of a Centre Left faction – the Territory Centre group.[14]

[12] Personal communication, 31 January 2008.
[13] Jaensch in Warhurst and Parkin (Eds), 2000; 217
[14] Ibid; 222-223

Indeed, Brian Ede made a reference to the factional nature of the ALP during an Adjournment debate on the day Wesley Lanhupuy retired from the Legislative Assembly:

> Wes and I both applied for pre-selection at about the same time in 1983…Whilst our people were quite happy to preselect me for the seat of Stuart, there was a bitter fight over Wes's preselection. That was in the bad old days when the ALP had faction fights…The fight continued in regard to Wes's application for preselection. In fact, an appeal went all the way to the national executive…The result was that both of us were preselected[15].

The issue of factionalism within the ALP was demonstrated by the polarized support for the two federal candidates in the 11 July 1987 election: Bob Collins (right) and Warren Snowdon (left), both of whom were successfully elected to the Senate and House of Representatives respectively[16]. There was, however, some history to this. The so-called 'left' of the party had good branch representation and solid union ties, but no representation in the parliamentary wing of the party. There were several so-called 'right' wings of the party, including one that was Darwin based and lawyer-centric, membership of which included [now Justice] John Reeves, Colin Macdonald QC and Peter McQueen[17]. This coalition was dedicated to having Reeves elected in some capacity, presumably to lead the NT ALP Parliamentary wing. Ultimately, that did not happen and whilst he was a candidate, Reeves was never elected to the Northern Territory Legislative Assembly. He was, however, briefly the Territory's Member of the House of Representatives, coming in on the Hawke victory of 5 March 1983, but being defeated on 1 December 1984 by former Chief Minister Paul Everingham[18].

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[15] *Hansard*, 24 August 1995

[16] Federal Parliament web site. Collins resigned on 30 March 1998 and Snowdon was defeated on 2 March 1996. Snowdon was again elected in 1998 and remains the Member for Lingiari in the House of Representatives

[17] Lawyers were not confined to the right wing of the party; John Waters QC and Jon Tippet QC were both aligned with the Left wing. Tippet, however, was not always a member of the ALP.

[18] Everingham retired from the House of Representatives on 5 June 1987.

Perhaps Reeves' best chance of becoming a member of the NT Legislative Assembly was in the General Election of 1994, ultimately held on 4 June, for which he was preselected to contest the seat of Casuarina. In January of that year, well prior to the campaign proper, Reeves withdrew his candidature and announced that he was leaving the Territory. Clare Martin was then endorsed as the candidate for Casuarina and lost in a two-horse race with TV news presenter Peter Adamson.

Brian Ede[19] formed the first Centre-Left faction in 1984. Speaking of his attendance at an ALP National Conference, Ede recalled:

> I saw how the Centre Left nationally negotiated with left and right and did a lot to stop the winner-take-all attitude in the Territory. I decided we needed a group that was genuinely policy driven and would be willing to trade left and right. I was impressed with the policy work done nationally and thought we could tap into this through the factions. I talked to [Bob] McMullen and a few of the Centre Left luminaries and they agreed but stressed the need to be truly independent….The Centre Left dealt with both groups and after a few birthing pangs people started to share the positions on the basis of who was best and available…[20]

This was a turning point for the ALP in the Territory because it did settle the factional antagonism and allowed the party to concentrate on policy development – but only to a point.

The tag of 'right' was regularly interchanged with the phrase 'non-left', meaning of the Labor Party, and 'right wing', which is how many people viewed the CLP. Journalists, in particular, became confused over the labels and some politicians, including the media-savvy Bob Collins, sought to exploit the confusion. Collins himself was close to the New South Wales Right, where he was in good company with the likes of Graham Richardson and Robert Ray. Collins was also very close to the 'legal coalition' of the Labor Party.

[19] Member for Stuart, 1983-1996, and Leader of the Opposition 1990-1996.
[20] Personal communication, 2 July 2007

In an another attempt to find some middle ground between the vastly divided Left and Right factions, which some claim concentrated mostly on securing numbers to dominate annual Labor conferences rather than working on policy issues, Dr Brian Reid[21] established a new faction known as the Territory Centre Group in 1985 prior to which a loose group known as Territory Moderates existed. Reid was himself aligned with the Right of the party and was respected as an honourable man whose opinion was valued, however the Territory Centre Group was not truly independent and drew skepticism from the Left and extreme Left of the party, the latter often derided as 'the loony Left'. Spats between the factions were often very public.

The *Australian Journal of Politics and History* of 1985 refers to a factional stoush at the annual Labor Party Conference in May after Reeves had nominated for the position of Party President:

> Reeves was closely identified with the party's right wing faction. The left wing group based in Darwin was unhappy with Reeves' nomination…a prominent member of the left, Jamey Robertson, also nominated for the vacant presidential post. Robertson had close links with the Territory trade union movement and a small group often identified as the 'intellectual left'.
>
> …
>
> …the tide turned the other way with Reeves' election to the presidency and leftists failing to win other key positions. A particularly savage blow to the left came with Bob Collins' election as a delegate to the National Executive. Collins was a strong supporter of Hawke and also supported the continuation of uranium mining in the Territory.
>
> …
>
> There was no doubt that ideologically based factions were now more significant in the Territory ALP than any time previously. Reeves and Collins showed that through some solid organizing of support the strong left wing group could be defeated. Yet there were lingering doubts on how long this state of affairs would continue. There were also many observers who questioned whether Reeves and Collins could repeat their conference success on the wider political stage[22].

[21] A general medical practitioner and ALP member. Reid was never a member of the Assembly, although he was an ALP candidate for the seat of Wagaman in 1983.
[22] *AJPH*, Vol 31, No 3, 1985; 529

In 1987, however, factionalism again emerged in what Jaensch described as 'open warfare' at the ALP annual conference where the Left and Centre Left factions joined forces to remove both Collins and Reeves from their respective positions. Jaensch noted: 'The Left had, in effect, won the party.'[23]

Noting that in the first Assembly (1974-1977), the ALP held no seats at all in the 19-seat Legislative Assembly, in the 1977 General Election, it won seven seats, which were reduced to six in the 1983 *Let's rock Canberra* campaign. This remained the case until the ALP's John Bailey won the northern suburbs seat of Wanguri in a by-election in August 1989 following the resignation of the CLP's sitting member Don Dale owing to illness.

Further, Mike Smith was a unifying Secretary of the NT Branch whose sole purpose was to galvanise the ALP into a cohesive unit and to win seats in the Legislative Assembly from the CLP. In fact, Smith was twice Secretary of the NT ALP: once in an honorary capacity in 1991 whilst he was employed by the Australian Liquor, Hospitality and Miscellaneous Workers Union; and again from mid-1995 on a full-time basis prior to which he had been working as the paid Executive Officer for the ALP since September 1994[24]. Smith was the first full-time party official, which was a significant organizational development for the ALP.

In June 1995, Clare Martin won the seat of Fannie Bay in a by-election following Marshall Perron's resignation. As mentioned earlier, Martin contested the seat of Casuarina in the General Election of 1994 and narrowly lost to the CLP's Peter Adamson in a two-horse race.

[23] Jaensch in Warhurst & Parkin (Eds), 2000; 223
[24] Personal communication, 21 July 2007

In response to continuing domination of the party machine and conference by the Left, in the mid-1990s, the Right and Centre factions merged to become the Moderates. At the time of writing, the Moderates controlled both the conference and the party machine.

Clare Martin became the Leader of the ALP in 1999 following Maggie Hickey's resignation[25] during her husband's terminal illness.

As with other state branches of the ALP, Caucus (all elected members of the Assembly) elects Cabinet ministers or shadow ministers to whom the party leader allocates portfolios.

Leaders of the ALP Parliamentary wing since self-government have been:

Jon Isaacs (Millner): 1978-1981
Bob Collins (Arafura): 1981-1986
Terry Smith (Millner): 1986-1990
Brian Ede (Stuart): 1990-1996
Maggie Hickey (Barkly): 1996-1999
Clare Martin (Fannie Bay): 1999-2007
Paul Henderson (Wanguri): 2007-present[26]

Country Liberal Party

The CLP is somewhat more complicated. Perpetuating the Arcadian myth, its rhetoric constantly reinforces the mantra of it being 'the Territory party'. Indeed, the CLP's web site claims it was 'founded by Territorians for Territorians'. Its corporate branding is consistent with the Northern Territory flag: ochre, black

[25] She remained Member for Barkly.
[26] Northern Territory Legislative Assembly web site

and white. This is very conscious branding and has been used by the CLP at every opportunity to stress its commitment and relevance to Territory voters above all else.

One constant has been the division between Darwin (the former Liberal Party loyalist) and Central Australia (the former Country Party loyalist):

> It is quite wrong for members from Central Australia to allege that there was no understanding of the differentiation between the Northern Suburbs of Darwin and Alice Springs – such was recognized early on. The fact that it was not acted upon is another matter[27].

and:

> **2.1 Expectations**
>
> Before embarking on my more general recommendations for reform I sound a word of warning about the way we go forward. A number of members are already jostling for position come the Annual Conference. 'Ticket's' and 'lists' are already being drawn up. People are making a claim based on geographical location.

and:

> It was submitted to me that the Secretariat should be relocated to Alice Springs. That would be one way to ensure the extinction of the CLP. The Secretariat needs to be based in the capital where the principal population and voting public reside[28].

This is not a problem peculiar to the CLP, although it does represent a primary point of division within the party. The ALP went through a similar 'crisis' when Brian Ede assumed parliamentary leadership. Ede was not only from Central Australia, but represented a bush seat. There were cries within the Labor Party about how untenable it was to have a Leader from the Centre. The cries were unfounded and, indeed, Ede's leadership was succeeded by Maggie Hickey, who

[27] Stone, 2005; 6
[28] Ibid; 21

held the seat of Barkly (Tennant Creek), as Ian Tuxworth had done when he was CLP Chief Minister.

Indeed, following the CLP's devastating defeat in 2005, Jodeen Carney was elected leader. Carney rankled the old guard of the CLP because (a) she held a Central Australian seat (Araluen); and (b) she is a woman. Her sexuality was also something of an issue for some of the more conservative members of the party.

As was the case for Labor in the period before achieving government and the CLP in the period since losing it, having mostly non-Darwin seats, the leadership choice was extremely limited in any event. None of these appointments proved untenable; they merely presented different logistical challenges and, no doubt, placed extraordinary pressure on the leaders who found themselves away from home more often than they had bargained for when they ran for parliament, a leader having to spend a great deal of time in Darwin.

Carney was, however, deposed by her Deputy Terry Mills in January of 2008. Mills' public reasons for the coup included that the Leader of the party had to be based in Darwin, and he held the only Darwin seat for the CLP Opposition of four. In reality, the reasons are likely to be quite different and centred around Carney's policy positions on a number of issues, which were far more moderate than some of her colleagues in both the parliamentary and administrative wings of the party would like. Carney's position on a number of issues was the unofficial reason for Richard Lim's resignation as the Member for Greatorex in 2007, which resulted in the election of the CLP's Matt Conlan. Officially, Lim had cited his wife's health as the reason for his retirement:

> Most of all, I want to thank my wife, Sharon, who, as you all know, has been unwell for the past 12 months. Her illness has weighed heavily on our minds….It is now my turn to give her the support that she needs…[29]

[29] *Hansard*, 29 June 2007

Returning to the defeat of Jodeen Carney as Leader, the party room ballot was deadlocked at 2-2, and CLP rules provide that in such a circumstance, the President of the party can resolve the issue. Carney was not confident of President Rick Setter's support, so she resigned from the position[30].

Like the ALP since 1996, the CLP has a system of centralized membership whereby supporters may join the party but not participate in certain processes, such as attending sufficient branch meetings to participate in pre-selection procedures.

At the federal level, the CLP claims it is bound to no one. Its federal representatives sit with both the Liberal and National Parties, although this arrangement was thrown into disarray following the 2007 Federal Election when Senator Nigel Scullion was elected Deputy Leader of the National Party's Parliamentary wing and David Tollner, having voted in the Liberal Party leadership contest following the election, lost his seat, leaving the CLP without a member of the Federal Opposition[31]. CLP delegates attend both the federal Liberal Party and National Party conferences and have full voting rights with the National Party and observer status only with the Liberal Party. Heatley summarized the party thus:

> Formed in 1974, the Country Liberal Party is the smallest political party to have ever governed in Australia. The Country Liberal Party is also the most successful having the longest term in office of present administrations in Australia.
>
> The Country Party emerged in the late 1960s when the then stronghold of Alice Springs successfully presented Sam Calder as a candidate in the 1966 election under that Party's banner. [32]

[30] See generally news reports from 28-30 January 2008
[31] The Opposition being defined as the party with the next highest number of members after the Government; there is no room in Federal politics for a Coalition Opposition as there is for a Coalition Government, although a member of the National Party is the Deputy Leader of the Opposition, so the Opposition obviously considers itself a Coalition.
[32] CLP Web site

Calder was re-elected in 1969 and 1972 with the full support of the Liberal Party in Darwin. Heatley noted that the creation of the Country Liberal Party:

> …enabled traditional Liberal support groups to give unqualified backing to the Territory organisation rather than to the Federal Party.[33]

It is this loose arrangement that gives rise to the CLP's mantra of being independent and, thus, truly representative of the Northern Territory. The CLP constantly accuses the NT ALP of being beholden to political masters in Canberra and not subject to the exercise of free will in the interests of the Northern Territory. Indeed, Shane Stone viewed the CLP as the 'third party in the Federal Coalition':

> The CLP is the third Party in the Federal Coalition. A number of CLP members hold membership in either the Liberal or National Parties interstate – some in both (although membership of both (as distinct from the CLP) remains contrary to the rules of both the Liberal and National Party). [34]

Stone explained that the CLP has observer status on the Executive of each of the National and Liberal Parties and further noted that 'we have held the Federal Presidency of the Liberal Part for the past six years'. In fact, it was Shane Stone who was the President of the Liberal Party for those six years. These ties, he claimed, allowed for the exercise of 'a certain influence' on behalf of the Territory. He maintained, however, that first loyalty must be with the CLP:

> …the federal members should be mindful of where they came from – David Tollner may sit with the Liberals and Nigel Scullion with the Nationals but their first loyalty is to the CLP and the discipline of the Coalition Party room.
>
> …
>
> To conclude the Federal members have a unique opportunity to stand up for the Territory and vigorously support CLP policy where it matters – the forum of the Coalition Party room.[35]

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[33] Ibid.
[34] Stone, 2005; 32-33
[35] Ibid

What is peculiar about the foregoing is Stone's Presidency of the Liberal Party of Australia from 1999 until 2005. It is reasonable to assume that in order to be elected to such a position, Stone was required to be a member of the Liberal Party, which is at odds with his assertions about being *most* loyal to the CLP. The *Australian Journal of Politics and History* of 1999 records that Stone:

> …would be officially confirmed as President of the Liberal Party on 2 July. Despite criticism from the Territory Opposition and some CLP members that the position would cause a conflict of interest, Stone said it 'could only be good for the Territory'[36].

Noting of course that pragmatism is completely different from party rules and discipline, it seems clear from the foregoing that joint membership of the CLP and a national political party is contrary to the national party's rules at least. Yet this appears not to have mattered where the Liberal Party Presidency was concerned.

In relation to the CLP's ties to the Liberal Party, Stone went further to reinforce this position in his recommendations following his review:

> **Recommendations**
>
> • Unless there are compelling reasons to the contrary and exceptional circumstances arising that the decision as to where the Federal members sit in the Federal Parliament be determined consistent with the principle that where there are two Federal members one will sit with the Liberal Party and one with the National Party;
>
> • Unless there are compelling reasons to the contrary and exceptional circumstances arising that in the event that there be one Federal member that member sit with the larger of the two coalition Parties;
>
> • That the Management committee be at liberty to put 'a position' to the Federal members with respect to legislation and policy but not to direct a federal member how to vote;

[36] *AJPH*, Vol 45, No 4, 1999; 608

> • That the Central Council as the Pre selecting panel retain the right to raise with sitting Federal Members their voting record and general performance when determining whether to pre select for a further term;
>
> • That the Federal members be mindful that whether they sit in the Liberal or National Party Room their first responsibility after their CLP allegiance is the Coalition Party Room – not the Liberal or National Party Rooms[37].

It is from Stone's recommendations that it becomes clear that full alliance with the Liberal Party, if not Northern Territory branch status, would result in a schism within the CLP that would return it to the city-country divide of Darwin-Alice Springs and, politically translated, Liberal-Country or National Party. Perhaps this is the only manner in which the CLP can hold itself together as a single conservative party in the Northern Territory. In contemporary political terms, however, the arrangement is novel to say the least and may prove unsustainable.

It should be noted, however, that following the Coalition's devastating defeat in the Federal Election of November 2007, leaders of the conservative parties, all in opposition around the country, met in January 2008 to consider their future, which included the option of merging the Country Liberal, Liberal and National parties into a single conservative force. No progress appears to have been made since that time.

Like the ALP, the CLP convenes an annual conference which is made up of branch delegates from throughout the Territory. As with the ALP, it is the annual conference which ideally sets platform and policy, although the CLP web site curiously uses the phrase 'may' determine platform and policy. The CLP web site further states that conference sets the 'philosophy and platform' of the party, and that any change requires a two-thirds majority vote of the conference. Conference delegates elect members of the Central Council, which meets four times per year (the ALP equivalent is the Administrative Committee). The site says the Central Council has 'limited power to make or vary policy on an interim

[37] Stone, 2005; 34

basis', but also that 'party policy may be determined by a simple majority vote of Central Council'. Whilst this sounds somewhat misleading, past practice has been that Central Council meetings are where the bulk of major decisions are made. A Management Committee is formed from within the Central Council, with specific senior positions being automatically appointed to the Committee. This Committee manages the affairs of the party on a day-to-day basis.

The CLP governed the Northern Territory from 1 July 1978 until 18 August 2001, a period of 23 years. For the sake of clarity, it should be noted that the CLP held power in the Northern Territory from 1974, which makes its reign 27 consecutive years.

Unlike the ALP in the NT, the Leader of the parliamentary wing of the CLP directly appoints members to Cabinet and shadow portfolio positions. The Labor Cabinet or Shadow Cabinet is elected by Caucus (all elected Labor members) with the Leader allocating portfolios.

Historically, the CLP can be characterized as a succession of populist Arcadian governments. Stokes characterizes populism thus:

> …populist ideology offers an account of the people and their vulnerabilities, as well as their struggles against various elites, outsiders or foreigners that are represented as the causes of their distress…The language is often conspiratorial in tone, and may allude to sinister forces at work…[38]

This is certainly the case with successive CLP governments, with the 'causes of their distress' being Aboriginal people and issues. 'Outsiders' have from time to time been Australian Governments seeking to impose policy or practice in the Northern Territory, an anomalous liberty provided for by the *Northern Territory (Self-Government) Act* of 1978. 'Outsiders' have also been individuals who have been described as 'blow-ins' to a non-Aboriginal population that is highly

[38] Stokes, 2000; 23-24

transient yet fiercely parochial. What is curious, however, is that successive CLP Chief Ministers were themselves 'outsiders' who have since disappeared from the Territory and now reside elsewhere. For example:

Table 1: Northern Territory Chief Ministers, 1978-2008

Chief Minister	Party	Dates	Time	Demise	Resides
Paul Everingham*	CLP	010778-161084	6y, 3m	Resigned to contest House of Reps	Caboolture, Qld
Ian Tuxworth	CLP	171084-140586	1y, 7m	Challenged	Perth, WA
Steve Hatton	CLP	150586-130788	2y, 2m	Challenged	Melbourne, Vic
Marshall Perron	CLP	140788-260595	6y, 10m	Retired	Buderim, Qld
Shane Stone	CLP	260695-080299	3y, 8m	Challenged	Darwin, NT
Denis Burke	CLP	090299-260801	2y, 6m	Electoral defeat~	Perth, WA then Abu Dhabi
Clare Martin	ALP	161001-261107	6y, 1m	Resigned[39]	Darwin
Paul Henderson	ALP	261107-present			

* Everingham was the Majority Leader in the Legislative Council prior to 1978.
~ Burke held his seat of Brennan, but the CLP lost the election.

This phenomenon is examined in more detail in relation to *all* members of the Legislative Assembly in Chapter 8 where it is argued that the majority of members, particularly during the earlier Assemblies, were not personally committed to the Northern Territory, hence scant regard was paid to socially defining elements such as culture, heritage and the arts.

Notwithstanding the pattern demonstrated above, political rhetoric is often very different from reality, and the Northern Territory is no exception. Speaking specifically about One Nation in Queensland, Stokes, quoting Wells, said:

> 'The populism of One Nation is not restrained by the kind of history or traditions which have helped to shape these groups' [a reference to the established

[39] Martin resigned when facing a challenge from Paul Henderson. It never went to a Caucus vote.

> Australian political parties]. In coming to prominence without such traditions, the ONP is unique as an electoral and parliamentary force in Australia[40].

The same could be said of the Country Liberal Party, although it has had traditional ties with both the Liberal and National Parties. One Nation was very much its own political entity. On a comparative basis, however, the CLP was spectacularly more successful than One Nation as an enduring political entity. Stokes continued:

> Nevertheless, the absence of such history and tradition also sows the seeds for internal political turmoil. In their absence, there are few ways of maintaining unity[41].

Never was this more obvious than after the CLP's first electoral defeat in 2001. Not only was there massive turmoil within the party, individuals such as ministerial staff or 'minders' were in such shock that many were offered counselling to help them come to terms with it. It is intriguing that an inevitable political cycle was not countenanced by the CLP. Indeed, the former Member for Drysdale, Stephen Dunham, foolishly declared during the Ninth Assembly that the CLP had a pre-ordained destiny to govern the Northern Territory whilst singing the praises of the unsuccessful CLP candidate for Nightcliff, Anthony Reiter, prior to the 2005 General Election:

> We have a formidable pack of candidates standing and *it [the general election of 2005] is our way home. We will go back to our rightful inheritance of being the party that runs this place*; being a Territory born and bred party. We have a disposition to only look to this and no other place [42] [emphasis added].

It is noteworthy that Dunham left the Northern Territory shortly after his electoral defeat in 2005, accepting a position in New South Wales[43]. Dunham was born in Katherine and was one of the few 'Territorians' (by birth) to be a member of the

[40] Wells in Stokes, 2000; 26
[41] Ibid
[42] *Hansard*, 31 March 2004
[43] It is the case that Dunham would have had trouble finding a position within the Public Service. If his options in private enterprise were limited, he may have been forced to leave the Territory in pursuit of employment. He returned to reside in Darwin a few years later.

Legislative Assembly[44]. His comments must be considered arrogant in the extreme, and were found to be so in a post-mortem of the election and the party conducted by former Chief Minister and President of the Liberal Party of Australia, Shane Stone:

> The CLP became lazy and complacent – both the Parliamentary and organizational wings. There was a perception that Government was the *'natural'* calling of the CLP (unfortunately a view articulated in Parliament on occasions) [45].

Whilst Dunham was criticized for his utterance, he was not the first to coin this phrase. Political scientist Alistair Heatley claimed, following the General Election of October 1990, that the CLP was 'the natural party of government at the local level'.[46]

A similar arrogance made its way into the ALP during 2007 when the Member for Goyder Ted Warren, in his *first* - and only - term of parliament, said:

> Labor is clearly the natural party of government in the Northern Territory[47].

Noteworthy in the CLP's history has been the *apparent* absence of the Liberal Party of Australia, yet there are links that irrevocably place the CLP within the highest echelons of the Liberal Party.

For example, a former President of the CLP is Gary Nairn, the Federal Member for Eden Monaro until the Federal Election of November 2007 and a key political advisor to and ally of former Prime Minister John Howard. Nairn was President of the CLP from 1990 to 1994[48]. Peter Conran was Secretary to Federal Cabinet

---

[44] Others of this generation were Tim Baldwin (Victoria River) and Ray Hanrahan (Araluen). ALP members Stanley Tipiloura (Arafura), Wesley Lanhupuy (Arnhem) and Maurice Rioli (Arafura) were also born in the NT. In more recent Assemblies, the numbers have increased and include Jack Ah Kit (Arnhem), Marion Scrymgour (Arafura), Matthew Bonson (Millner), Alison Anderson (MacDonnell), Elliot McAdam (Barkly), Delia Lawrie (Karama) and Peter Maley (Goyder).
[45] Stone, 2005; 3
[46] *AJPH*, Vol 37, No 2, 1991; 343
[47] *Hansard*, 17 October 2007
[48] Heatley, 1998; 23

until the Federal Election of 2007. Conran was the Secretary of the Northern Territory Department of Law for several years under the CLP:

> The former NSW Liberal Party director Tony Nutt is Howard's principal private secretary and key political tactician. The secretary to cabinet, Peter Conran, and press secretary, Tony O'Leary, complete the inner sanctum[49].

Whilst the Cabinet Secretary position is not a Liberal Party position, it does indicate that Conran was a trusted advisor who has ties to the Northern Territory. Another two who were close to the Prime Minister are Lynton Crosby and Michael Textor. The ABC's *PM* program summarized Crosby's involvement thus:

> MARK COLVIN: So what's the thinking in the two parties as they make their final run for the line?
>
> I was joined in the studio a short time ago by two people with an insight into the Liberal and Labor Party campaigns.
>
> Lynton Crosby was director of the Liberal Party from 1997 til 2002, he's currently joint managing director of Crosby-Textor, which has been conducting polling for the Liberal campaign[50].

Mr Crosby's co-director is Mark Textor, pollster for the CLP in the Northern Territory and a Darwin lad. Heatley acknowledged Textor's role in CLP successes:

> In 1989, sophisticated facilities were installed at party headquarters to provide the capacity for in-house polling and, in the eary 1990s, were used to good effect under the skilful guidance of Mark Textor. He has become a leading figure in computer-based election analyses in Australia and now works for the federal Liberal Party; he also continues to assist the CLP [51].

That is somewhat modest recognition. A search of the *Parliamentary Record* reveals an impressive 250-plus pages of extracts of debates, including questions, over several years in relation to Textor and his various capacities: staff member

[49] *Sydney Morning Herald*, 23 February 2006
[50] ABC Radio, 7 October 2004 (prior to Federal Election of October 2004)
[51] Heatley; 1989; 73

to several CLP members including Chief Ministers Hatton and Perron; CLP research officer under President Shane Stone; staff member of federal members of Parliament including Dr Michael Wooldridge; and principal or proprietor of Territory Focus Consulting, Australasian Research Strategies and Wirthlin Worldwide Australasia International Pty Ltd, the latter one or two of which were engaged in three states of the USA for George W Bush by Denis Burke's admission in the Assembly[52]. Opposition Leader Brian Ede in 1995 described Mr Textor thus:

> …now recognised as the Australian architect of the filthy tactic known as push-polling.[53]

Chief Minister Shane Stone had this to say in Textor's defence:

> You mention the name of Mark Textor. Have a look at the photograph taken on the day that self-government was granted, with Paul Everingham standing next to the flag. Look across and there is a little kid from Nakara Primary School. That is Mark Textor. He also went to secondary school here. He is a Territorian and we are proud to call him one of ours. Don't come in here with your grubby, sleazy name-calling and belittle someone who has developed for himself an outstanding reputation as a pollster around the world [54].

The ALP Member for Nhulunbuy, Syd Stirling, was scathing in his criticism of Textor's work for the CLP during a Censure motion:

> [Mark] Textor boasts to [Andrew] Coward how many focus groups and voters he has come against in his work for the Liberal Party in the last couple of years and how his views on such matters could not be discounted. It is Textor's document to Coward that ends with the line 'viewing facilities will be available'. Viewing facilities enjoined by way of closed circuit television by [Andrew] Coward, [Paul] Cowdy and [Gary] Nairn on at least one occasion without the knowledge of the focus group participants. I would encourage Territorians to be very careful of being invited to a focus group by the sleazy bunch of mongrels...[55]

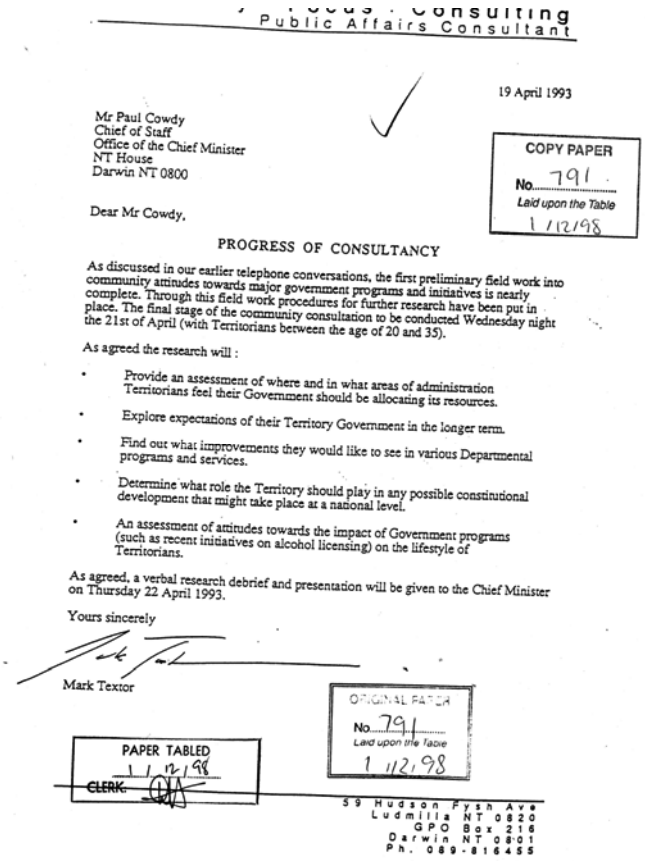
During one Textor episode, the Opposition tabled numerous papers including transcripts of 'focus groups' conducted by Textor in relation to political research

[52] Questions, *Hansard*, 21 February 2001
[53] Questions, *Hansard*, 2 March 1995
[54] *Hansard,* 18 February1997
[55] *Hansard*, 26 November 1998

generally and push-polling, particularly as it related to divisive race politics, which included Textor denying that he worked for any political party. Again, the speaker was Syd Stirling:

> The participant says: 'So what's your job exactly?', and Textor replies: 'I am a market researcher'. Participant: 'Do you work for the Labor or the Liberal governments?'. Textor then lies to the participant, and all those present, and says: 'No, I don't work for either. What I do is, I come up in different states to companies that operate in that state, and I try to find out what is the big picture'.[56]

At issue was a Northern Territory Government contract to Mark Textor at the rate of $740 per day to conduct 'research'.



Public Affairs Consultant

19 April 1993

Mr Paul Cowdy
Chief of Staff
Office of the Chief Minister
NT House
Darwin NT 0800

COPY PAPER
No. 791
Laid upon the Table
1/12/98

Dear Mr Cowdy,

PROGRESS OF CONSULTANCY

As discussed in our earlier telephone conversations, the first preliminary field work into community attitudes towards major government programs and initiatives is nearly complete. Through this field work procedures for further research have been put in place. The final stage of the community consultation to be conducted Wednesday night the 21st of April (with Territorians between the age of 20 and 35).

As agreed the research will :

- Provide an assessment of where and in what areas of administration Territorians feel their Government should be allocating its resources.
- Explore expectations of their Territory Government in the longer term.
- Find out what improvements they would like to see in various Departmental programs and services.
- Determine what role the Territory should play in any possible constitutional development that might take place at a national level.
- An assessment of attitudes towards the impact of Government programs (such as recent initiatives on alcohol licensing) on the lifestyle of Territorians.

As agreed, a verbal research debrief and presentation will be given to the Chief Minister on Thursday 22 April 1993.

Yours sincerely

Mark Textor

ORIGINAL PAPER
No. 791
Laid upon the Table
1/12/98

PAPER TABLED
1/12/98
CLERK:

59 Hudson Fysh Ave
Ludmilla NT 0820
GPO Box 216
Darwin NT 0801
Ph. 089-816455

Plate 2: Tabled Paper – Textor to Cowdy, Progress of Consultancy

[56] *Hansard*, 22 April 1999

The Opposition's point was that the research was purely political, in which case the bill should have been borne by the CLP. Senior CLP advisor Andrew Coward took the brunt of the blame. He was disgruntled because, having been a senior advisor to the CLP for some 10 years, he was sacked by Shane Stone upon his ascendancy to the Chief Ministry. Coward then published a document entitled *Dossier nt*, which detailed the nature of the 'research', poured criticism and scorn on the Country Liberal Party and, whilst not alleging outright corruption, raised significant questions about the accountability of the government and ethics of Executive Government members. Coward's claims are dealt with elsewhere in this thesis, however it appears that in this case, there was serious blurring of what constituted 'government research' and 'party research'.

Textor is a faceless person who has played a pivotal role at various times during the CLP's tumultuous history. Party documents that are publicly available take care not to name him. For example:

> As noted by the pollster in the qualitative Benchmark memo it was found that "the Country Liberal Party did not demonstrate in any way WHY such government outcomes are not good enough for the Territory, but also did not use examples that were perceived to be more believable (such as no commitment to big projects, no long term plan for the economy, no plan to reduce the cost of living)."[57]

There is a further key player in the Liberal Party scenario. Former Chief Minister Shane Stone, following his retirement from NT politics, served as the Federal President of the Liberal Party of Australia from 1999 to 2005[58]. This put him very close to Prime Minister John Howard and made him a most influential figure in Australian politics. He retained strong ties with the CLP and, as noted, undertook a review of the party's electoral defeat following the 2005 General Election.

All of the above links the so-called 'independent' CLP with the top echelons of the Australian Liberal Party at an intimate political level. Why, then, does the

[57] Stone, 2005; 11
[58] Liberal Party of Australia web site

CLP claim to be a wholly independent body politic? There is no meaningful ideological or philosophical reason that the party could not be the Northern Territory Branch of the Liberal Party, other than the earlier stated city-country divide, which has become even more blurred since the Federal Election of November 2007 after which the Federal Coalition ceased to exist. The answer must be more pragmatic and Heatley put it well:

> The poll-driven and populist electoralism practiced by the CLP was in line with recent developments in Australian politics but it could be argued that, because of the newness of the polity and the party, the CLP's independence and the particular political culture and voting behaviour of Territorians, the party has gone further in that direction than other Australian parties, particularly at state level…It was able to preserve its thorough-going pragmatism. A theme in earlier writing on the CLP was the difficulty of giving it "even an approximate ideological label in conventional terms…"; the same problem remains.[59]

Heatley further provided some insight into the foundation arrangements between the CLP and the national conservative parties:

> In 1979, after lengthy negotiations, the CLP broke its affiliation with the National-Country Party and became affiliated with both Coalition partners. As part of the arrangements, a financial agreement was struck which assisted the CLP to be placed on a much more secure footing. Through active participation at party forums, the CLP was able to strengthen its links with its conservative counterparts and to deepen their respect for their youthful ally.[60]

Equally, however, the answer could lie in the party's research. For example, the CLP typified Arcadian populism. A feature of both populism and Arcadianism is that the farther from the centre of power, the more remote or alienated a population feels, hence its attraction to the mantra. Perhaps CLP polling indicated that there is a real or perceived jingoistic imperative to *appear* different from a mainstream party. If that is the case, it again typifies Arcadian populism that the CLP exploited such a view rather than opting for adoption of branch status within the Liberal Party that would more generally reflect the political

[59] Heatley, 1998; 109
[60] Ibid; 16

system in Australia. There appear to be political and pragmatic reasons for this, however:

> During the Everingham era, relations between the new polity and the Commonwealth were never smooth, even when the Coalition was in office. There were several intergovernmental issues, some the product of the self-government settlement and other emergent concerns, on which conflict between Darwin and Canberra was bound to occur. Among them, the question of Aboriginal land rights was particularly salient. Everingham was acutely aware of *the partisan advantages to be gained from the dispute with the Commonwealth and "Canberra-bashing" was seen by many, but usually his critics, as one of his trademarks*.[61] [emphasis added]

This passage demonstrates that Everingham was an astute politician with a sound understanding of the electorate he represented. Further:

> That strategy, however, also played an important role in the development of a distinctive political Territory identity and won for the CLP a reputation for independence. *The image of the CLP as "The Territory Party", unbeholden to other national or regional organizations,* had become firmly established by 1984.[62] [emphasis added]

This, then, demonstrates that pragmatism and electoral success were at the heart of the CLP's decision to remain 'independent' from other conservative forces in Australia. Failure to be part of a larger political organization allowed the CLP to reject implementing national trends that were becoming the norm in governments of most persuasions in Westminster parliaments. These were little more than standard policy devices that were consistent with responsible governance, devices that balanced the need for stringent measures (for example, to combat the increasing invasion of information and communications technology in everyday work and personal lives) against an individual's right to privacy, protection and information. The CLP consistently refused to introduce freedom of information legislation or any legislation requiring political parties to declare donors. Similarly, the party resisted, for as long as possible, introducing drink

[61] Ibid
[62] Ibid

driving and speed limit legislation that was consistent with other states. The simple reason for this is that it was electorally unpopular to do so and it was during these times that protection of 'the Territory lifestyle' came to the fore.

The CLP saw no need to separate institutions such as the Northern Territory Electoral Office and the Department of the Legislative Assembly from regular organs of government. Until the election of the ALP in 2001, the Northern Territory Electoral Office[63] fell under the Department of the Chief Minister. It was, in effect, a Northern Territory government agency with direct responsibility to the Chief Minister rather than an independent organization with direct responsibility to the parliament as is the case for the Ombudsman and Auditor-General. Similarly, the Department of the Legislative Assembly is a government department, not a separate parliamentary service as is the case in most other jurisdictions, and this is despite the primary role of the agency, which is to serve *the parliament*, not *the government*.

Failure to separate these institutions from the regular public service gives rise to the perception of political interference or, at least, the potential for political interference. Heatley did not deal with these issues in his history of the CLP, but made a benign reference to them:

> As the CLP has played such a prominent role, its life in many ways is also a history of Territory politics. *It is a commonplace among observers to treat the CLP and the Northern Territory Government as one and the same.* Thus, with the partial exception of the administrative domain, a study of the CLP involves consideration of the whole political arena…[64] [emphasis added]

It certainly does. The CLP and the Northern Territory Government *were* one and the same for 23 consecutive years following the Commonwealth's grant of self-government. Further, this phenomenon was deliberately and successfully exploited by the CLP through its corporate livery.

---

[63] Now the Northern Territory Electoral Commission responsible to the Legislative Assembly.
[64] Heatley, 1998; xii

Former CLP President, Chief Minister and President of the Liberal Party of Australia Shane Stone continued, however, to resist becoming the Liberal Party in the Northern Territory but urged his party to take advantage of resources available through both the Liberal and National parties:

> The problem has been that in between federal election campaigns the CLP has not availed itself of that important interaction with both Liberal and National Parties. For example, a CLP representative has not presented at a Federal Liberal Executive meeting in 5 years. Further, there is no record of a CLP Director or General Secretary having ever attended a State Directors meeting…They are an invaluable forum for State Directors who carry the dual responsibility of running both state and federal campaigns.
>
> The CLP is completely out of this 'loop' to its detriment and attempting to act in isolation.[65]

and:

> **Recommendations**
> **…**
> • That the CLP re engage the Federal Liberal Party at both the organizational level and as between State and Territory Directors.
> • That the CLP resume attendance as Observers at the National Conventions of both the Liberal and National Parties.[66]

Stone is going to great lengths to justify preserving the *status quo*. This returns us to the potential schism between city and country – and between Liberal and Country or National Parties - if the CLP decided to become the Northern Territory Branch of the Liberal Party. From the foregoing extracts, it seems beyond doubt that such a move would result in a split on the conservative side of politics in the Northern Territory and would result in the more conservative party being based in Central Australia, although as noted above, the political landscape has changed somewhat following the demise of the Federal Coalition Government in the 2007 Federal Election.

[65] Stone, 2005; 19-20
[66] Ibid; 20

Funding of the Parties

Both parties are responsible for their own fund raising, which is achieved by a mix of grass-roots fund raising by the branches, donations (including corporate donations) and, in some cases, funds fed down from the national body to assist with election campaigns.

The CLP consistently had a far greater fund raising base than the ALP and was able to launch relatively expensive election campaigns. The champion of small business, the CLP had an impressive number of members and donors during its heyday.

Pursuant to the Commonwealth *Electoral Act*, parties are required to lodge annual returns detailing donations with the Commonwealth Electoral Commission. Disclosure provisions became effective for the 1984 Federal election. The same did not apply in the Northern Territory[67] until 2004 and had been controversial. Introducing the Electoral Bill in 27 November 2003, Chief Minister Clare Martin said:

> Another essential component of this bill relates to financial disclosure. The procedures cover the disclosure of loans, donations and gifts to political parties, candidates or associated entities. An annual return is required to be submitted to the commission by persons making donations of $1500 or more, or providing gifts of $1500 or more to the same registered party or associated entity during the financial year.[68]

Part 10 of the Northern Territory *Electoral Act* includes financial disclosure provisions not just to parties, but, as the Chief Minister said, to *associated entities.* There is some history to this, which is detailed below. Independent members have lamented the Northern Territory requirement as being overly-

[67] The first attempt to amend NT electoral legislation was unsuccessfully made by the Opposition on 21 August 1991.
[68] *Hansard*, 27 November 2003

burdensome, but it does provide for transparency to some degree, and certainly more than has been available in the past.

It is the case that some corporate entities donate to both parties and treat the matter with an even hand. This was the case with Ranger Uranium, which benefited enormously from the Federal Labor Government's three mine policy. Ranger donated to both the NT ALP and the CLP, which is not an uncommon scenario.

There were, however, some controversies in relation to party funding, particularly the CLP which had a fund raising company called Carpentaria Pty Ltd and another called CLP Gifts and Legacies Pty Ltd, which regularly attracted attention in the Legislative Assembly:

> I would ask the minister to explain why a Darwin city property purchased 8 years ago in October 1981 for the sum of $240,000 was sold last month for $215,000, given that the vendor was the CLP's Carpentaria Pty Ltd and the purchaser was CLP Gifts and Legacies Pty Ltd. Does this mean that the value of the property has genuinely crashed through the floor or that the CLP party machine's estimate of Darwin property values is in direct conflict with that of this CLP government? [69]

Treasurer Marshall Perron later explained that the sale figure was arrived at following a request by the Commissioner for Taxation for a valuation. That one or both companies existed is not an issue, nor is it uncommon for parties to have companies in relation to their fund raising arms. What becomes an issue, however, is when government Ministers are directors of the companies. Lines become blurred, responsibilities become unclear and transparency is lost, particularly when a government minister, acting in the capacity of a company director, deals with an entity that is being considered for government contracts. It is this muddying of the waters that plagued the CLP, apparently without a great deal of concern to its parliamentary Members, for a number of years.

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[69] Questions (Dan Leo to Minister for Lands and Housing, Daryl Manzie), *Hansard*, 17 October 1989

In 1991, ABC TV's *Four Corners* ran an episode entitled *Big Bucks Territory*, which detailed the operations of Carpentaria Pty Ltd and CLP Gifts and Legacies and how the two were used to avoid Commonwealth electoral reporting requirements. The program also probed the awarding of a number of major contracts by the Northern Territory Government without deference to a procurement process and drew conclusions in relation to coincidental corporate donations to the CLP. The matter was pursued by the Opposition:

> I move that this Assembly censure the Minister for Education [Shane Stone] for being an office holder of private companies which receive secret donations to his political party while, at the same time, being a government minister.[70]

At issue was a $120 million construction contract: Darwin's Parliament House. Bell continued:

> The fact that, as well as being a minister of the Crown, the Minister for Education was an office holder of Carpentaria Pty Ltd and of CLP Gifts and Legacies Pty Ltd, poses a question in the minds of people. He was in a position to influence those contracts and to confer considerable benefits and, as far as I am concerned, he deserves censure for allowing that to happen for 1 day let alone for 6 months.[71]

Bell noted, however, that once the matter had been raised in the Assembly, Stone resigned as Secretary of CLP Gifts and Legacies. Stone's predicament could well have been an oversight since he was a director of the companies when he was President of the CLP before his entry to the Assembly. The principle raised by Bell, however, is valid: it is not appropriate for a Minister of the Crown to have potentially conflicting duties. All of this was further compounded by the lack of a Code of Conduct by which Members of parliament, and in particular ministers of the government, should abide. An early attempt for standards was unsuccessfully moved by Opposition Leader Brian Ede:

---

[70] Neil Bell, Debates, *Hansard*, 9 May 1991
[71] Ibid

> Mr Speaker, I move that this Assembly:
>
> (1) note that systems of responsible government in the various Australian states have been having difficulty in maintaining a proper system of checks and balances and that these difficulties are exacerbated in a unicameral system of government; and
>
> (2) call on the Northern Territory government to give early and serious consideration to introducing:
>
> (a) freedom of information legislation;
>
> (b) legislation to ensure full disclosure of donations to political parties;
>
> (c) expanded and improved disclosure legislation for members of parliament, their families and heads of departments;
>
> (d) whistleblowers legislation;
>
> (e) a written, binding code of conduct for Cabinet ministers; and
>
> (f) a mechanism for review of administrative actions.[72]

The motion was rejected out of hand by the government at the time and, by the time of the ALP's election in 2001, the Northern Territory had no FOI or whistleblowers legislation and no Ministerial or Members Code of Conduct. It did, however, have a *Legislative Assembly (Register of Members' Interests) Act*, which was introduced in 1982. Standards for Members were very much determined on the run as and when issues were raised.

It does appear that the CLP used its companies to protect the identities of some donors for the purposes of its returns required by Commonwealth law, which was not illegal, but did not comply with the spirit of the law, which was for disclosure of donations over a certain amount. For example, donors could make payments to either Carpentaria Pty Ltd or CLP Gifts and Legacies Pty Ltd which would then pay the amounts the CLP. It is the *party* that is obliged to lodge returns with the Commonwealth Electoral Commission, not companies belonging to the parties:

> There can be no doubt that the CLP has gone to some considerable trouble to hide the source of its campaign donations. I need refer only to a document that has been referred to frequently in this place in the last couple of months - the

[72] *Hansard*, 3 March 1993

> electoral return filed by one Shane Leslie Stone on 6 July last year. The list of donors to the CLP refers to 3 significant amounts: a donation of $50 000 from Carpentaria Pty Ltd on 29 September 1987; a donation of $15 000 by Carpentaria Pty Ltd on 18 December 1987; and a further donation of $15 000 by Carpentaria Pty Ltd on 21 December 1987. At the relevant time, the previously mentioned Mr Stone was also a director of Carpentaria Pty Ltd. Put simply, Carpentaria and the other associated company, CLP Gifts and Legacies, have been used as slush funds by the CLP [73].

This is precisely the reason that NT *Electoral Act* amendments of 2003 included introduction of financial disclosure provisions and the phrase 'associated entity' in relation to political parties.

Further, the CLP ran into trouble following introduction of Federal disclosure laws in 1984 when the Party President, Graeme Lewis, was placed on a Good Behaviour Bond for failing to comply:

> There were court cases about that [Carpentaria] payment of $30,000 to the CLP and Carpentaria was found to be controlled by senior CLP figures and listed as a non-trading company. Not surprisingly, the Australian Electoral Commission asked the CLP to explain how a non-trading company gained such an amount of money. The commission sent a number of requests to the CLP seeking the disclosure of all records in relation to the $30 000. The CLP refused to provide the documents. The then President of the CLP, Graeme Lewis, was charged by summons under the Commonwealth Electoral Act with failing to comply with a notice to furnish relevant documents. The offence against Mr Lewis was found proven in the Darwin Magistrates Court and Mr Lewis was placed on a good behaviour bond for 3 months [74].

Ede then revealed that the CLP Secretary, Suzanne Cavenagh, was also found in breach of disclosure legislation and was similarly placed on a Good Behaviour Bond. He said that Chief Magistrate Ian Gray had called Cavenagh a 'sacrificial lamb' and noted that no conviction was recorded against her. The Commonwealth Electoral Commission then launched a series of inquiries into CLP disclosures or lack thereof, which Shane Stone retorted were:

---

[73] *Hansard*, 21 August 1991
[74] Brian Ede, *Hansard*, 17 August 1983

> …a vendetta conducted by your mates in the Australian Electoral Commission. It is another conspiracy! [75]

Stone worked up a considerable head of steam in relation to both the Australian Electoral Commission and the Australian Broadcasting Corporation, alleging that those staffing each of the organizations were 'political appointees'. He went on, by way of interjection, to claim: 'It [the AEC] is a set-up. It is a sham'. [76]

Ede continued to question the legitimacy of Carpentaria Pty Ltd and, by implication, the CLP:

> The fact that hundreds of thousands of dollars have been channelled through the notorious Carpentaria Pty Ltd and that other controversial donations, such as that from a company with links to State Square developer Warren Anderson, have never been explained properly, has always worried me. I also continue to be concerned that the private hospital developer, Health and Life Care, donated $50,000 to the CLP after winning the contract to develop Darwin's private hospital. I urge members of the public, and the media in particular, to make use of the small amount of information available publicly to continue to scrutinise the major political players in the Northern Territory.[77]

Defending the CLP's position, Chief Minister Marshall Perron claimed that an individual's right to privacy was paramount:

> The right to a secret ballot is the fundamental principle in the Westminster-style democracy. Infringement of the right of a person to privacy in the casting of a vote is anathema to those who have an understanding of the principles of our political system. I contend that there is a clear and direct relationship between the act of support of a political party in the polling booth and support through the donation of money to a party to enable it to campaign effectively. [78]

Perron's contention has some merit in respect of individuals and modest donations, but he was silent on the issue of corporations or individuals who may

[75] Ibid
[76] Ibid
[77] Ibid
[78] Ibid

contribute amounts upwards of $10,000, which are significant amounts to any political party and contrary to the intention of the *Electoral Act*.

As noted, the CLP is not the only party to have fund raising companies. Indeed, the ALP has several at both state and national level. For example, Dalad Holdings was the ALP national company and Labor Legacies Pty Ltd was the Queensland ALP's fund raising company. It is the case that following introduction of Federal disclosure laws introduced by the Hawke Labor government, ALP National Secretary Bob Hogg was found to be in breach, was fined $10,000 and placed on a six-month Good Behaviour Bond.

Once again, the issue is one of transparency, accountability and appropriate standards for governance. The CLP consistently resisted legislation to introduce or maintain standards and it was this, above all else, that gave rise to media and public speculation about the manner in which it did business. It also served to thwart public inquiry into government processes. Former ABC Darwin journalist Jeremy Thompson had this to say following a particularly unsavoury episode involving CLP Minister Max Ortmann assaulting him during an interview:

> The Max Ortmann affair, and the events that lay behind it, is just a small vignette of the political landscape of the deep north. Those of us who have worked there have seen a system of government and the use of public monies that is deeply disturbing and can only be resolved by a Royal Commission with wide terms of reference. [79]

Both parties insure the lives of their Members of parliament, and both levy a percentage of salary from their members of parliament:

> There was a system in place where Members of Parliament were obliged to pay a *'tithe*[80]*'*. Once vigorously enforced it had fallen by the wayside like many other things in the CLP. I am assured it is now back in place.[81]

---

[79] Jeremy Thompson, *Crikey*

[80] Strictly interpreted, 'tithe' means a tax of 10%. Whether this is in fact the practice is not clear. With a back-bencher's salary being in the order of $110,000 per annum in 2007, this system would generate upwards of $10,000 per annum per member.

[81] Stone, 2005; 6

Both parties have benefited from insuring sitting members against death and/or incapacity. In the case of the CLP, Don Dale, Member for Wanguri, died of cancer in 1990, resulting in a $100,000 payout to the CLP [82]. Stanley Tipiloura, the ALP Member for Arafura who succeeded Bob Collins, is the only Member of the Northern Territory Legislative Assembly to have died in office. Tipiloura was a young man and died of renal failure at the age of 35 on 20 September 1992:

> Honourable members would recall that the Tiwi footballers played a curtain-raiser against an Aboriginal side from the Kimberleys in Western Australia at the historic MCG during the AFL finals. It was from there that the sad new of Stan Tipiloura's death was passed back to the Territory.[83]

The ALP received a $100,000 payout from its insurance policy on his life. Similarly, the ALP had the life of Wesley Lanhupuy, the Member for Arnhem, insured. Like his colleague and consistent with the life expectancy of Aboriginal men, Lanhupuy died [84] on 27 October 1995 at the age of 42, only two months after retiring from the Assembly owing to ill-health[85]. The ALP received $100,000 on that occasion, too.

[82] Heatley, 1998; 45.
[83] Roger Vale, *Hansard*, 24 November 1992
[84] Parliament House was cleansed in a Smoking Ceremony following Lanhupuy's death.
[85] See Adjournment Debate, *Hansard*, 24 August 1995

CHAPTER 5: ECONOMIC MANAGEMENT

This chapter examines the history of CLP financial management and explores several episodes that demonstrate its management was cavalier at best and generally irresponsible as a rule. Over the period of its governance, the CLP had very few reporting requirements and, indeed, created entities that had no reporting requirements whatsoever. Millions of dollars of public money were squandered on dubious and indulgent 'investments'.

It is nothing short of pure political irony that successive CLP governments – in the manner of non-Labor governments around Australia and no better demonstrated than in the Federal Election of November 2007[1] – claimed to have superior economic management skills to their Labor adversaries. The string of disastrous forays made by CLP governments into private enterprise would leave the Northern Territory economically bruised and a laughing stock. Moreover, wasted resources on dubious investment projects were at the expense of any number of other financial priorities, including basic infrastructure and services for Aboriginal people in remote areas where potential enterprises worth millions of dollars could easily have been developed, most notably but not exclusively Aboriginal arts and tourism industries.

As noted earlier, the Northern Territory economy is heavily dependent upon Federal government funding. The economy is subject to boom and bust cycles and:

> …lacks a sound manufacturing base [which]…limits the growth of our economy. Whilst service industries have developed on a small scale as the population of the Territory has grown, the economy is historically based upon the grazing, mining and public sector with tourism playing an increasingly important role. Attempts have been made to diversify activity, eg the Trade Development Zone, but such ventures have had limited success.[2]

[1] When the Howard government claimed superior economic management skills and urged the electorate to keep the economy in 'safe hands' rather than trust Kevin Rudd's inexperienced Labor team.
[2] Public Accounts Committee Report No 19, 1993; 31

As a matter of policy, CLP governments were zealously pro-development, often at any expense, and actively sought to stimulate investment. Committing public monies to projects which were more properly the domain of private enterprise and were enormously speculative time and again gave the CLP highly questionable economic credentials that could in no way lead to a conclusion of responsible government. Indeed, Opposition Leader Brian Ede referred to the Northern Territory Government as a commercial 'sugar daddy' in an adjournment debate during which he addressed the government's involvement in the proposed Darwin International Grammar School (DIGS) at Berrimah Farm[3].

Early disasters centred around an institution called the Northern Territory Development Corporation[4] (NTDC), which was established to encourage 'specific kinds of developments'. During a Ministerial Statement on Education, Chief Minister Everingham informed the Assembly:

> The corporation has now been operating for nearly 5 months and has made a number of loans. In fact, at 5 meetings after looking at 57 applications, 14 loans have been approved to approximately $750,000 and most of that money is now circulating in the community and providing work for people.[5]

The principle had merit and the intentions of the government appeared honourable. The NTDC also had a market research role, which involved identifying potential industries that were suitable for the Northern Territory:

> Recently, the corporation commissioned a feasibility study into a small ship repair facility. The study showed there was a tremendous opportunity and now a local company is doing a detailed study. A repair facility promises a new industry here in Darwin, with less time for vessels travelling to and from their bases, reduced need for local boats to go elsewhere for refits, more local business and more jobs. I was told about 18 months ago that represents about $1m, probably more like $1.5m in today's terms.[6]

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[3] *Hansard*, 19 May 1988
[4] At the time, most state governments had some form of similar body, all of which were eventually abandoned.
[5] *Hansard*, 21 November 1978
[6] Ibid

The corporation was described as a 'last resort lender to industry'[7] and certainly proved to be that. The NTDC made itself available to those who had been or would be refused finance on a normal commercial footing. That in itself should have flagged trouble where ventures were concerned, yet it was not the case. Loans were extremely high risk – excessively in some cases, and that was borne out on many occasions, as we will see.

The Northern Territory Government was warned about the cavalier nature of its legislation. Commenting on a Cabinet Submission to introduce legislation enabling the Territory Development and Territory Management Corporations, the Director of Finance, Bill Hull, said:

> The powers given to the Corporations are extremely wide and no limitation is placed upon those powers either by way of financial limitation or the requiring of Ministerial concurrence to proposals.
>
> …
>
> I consider the Bills in their present form give powers which are far too wide for a Statutory Corporation to manage without reference to Government[8].

Hull's concerns were ignored and the Corporations established. His concerns, however, were borne out within a matter of 18 months:

> APPLICATION BY NORTHFOOD ENTERPRISES PTY LTD FOR GOVERNMENT FINANCIAL ASSISTANCE THROUGH THE NORTHERN TERRITORY DEVELOPMENT CORPORATION
>
> To consider whether the *adverse factors* relating to the company's application *could be overlooked* in view of longer-term prospects of viability for a desirable Top-End industry, as well as employment considerations. If affirmative, to consider proposed level and conditions of assistance.[9] [emphasis added].

[7] Minister for Industry and Small Business, Nick Dondas, *Hansard*, 20 March 1986.
[8] Cabinet Decision 294 of 19 April 1978
[9] Cabinet Decision 801 of 2 August 1979

Like other government entities and, indeed, the government itself, the NTDC lacked transparency and any reasonable accounting to Parliament. During debate on the Opposition's failed Territory Development Bill in 1979, the Minister for Transport and Works, Roger Steele, sought to justify the lack of transparency by claiming commercial-in-confidence status for loan beneficiaries:

> It is the belief of the present government that information provided to the Northern Territory Development Corporation and any resultant financial or other assistance provided is strictly confidential. It is considered that the disclosure of such information may be used to advantage by competitors or other interested parties. Other financial institutions do not disclose details of their loan dealings and it is not the intention of this government to have the Northern Territory Development Corporation do so.[10]

It is the case that other financial institutions do not disclose details of their loan dealings to the public, but they are commercial banks - not elected governments. Further, they are accountable to their shareholders and they do provide annual reports. The Northern Territory Government was accountable to its public whose taxation dollars provided source funds to the NTDC, although this point appeared to be lost. Steele went on to claim that the NTDC was subject to financial controls and accountability through the Auditor-General and declared that aggregate information would be disclosed in the NTDC annual report.

The consequences of 'last resort' lending became obvious early in the life of the NTDC:

> Mr COLLINS to MINISTER for INDUSTRIAL DEVELOPMENT
>
> Can the minister advise the current position of the $150,000 advanced by the NT government to V.B. Quinton?
>
> ANSWER
>
> No funds have been repaid to date. A statement of affairs has been supplied to the Northern Territory Development Corporation by the receiver of NADC [Northern Australian Development Corporation] but cannot be finalised until all creditors and debtors are cleared.[11]

[10] *Hansard,* 11 October 1979
[11] Written Questions Answered, *Hansard*, 18 September 1979

The Opposition made repeated attempts to determine the extent and success of loans made by the corporation, and the government held its commercial-in-confidence line. For example:

> Mr ISAACS to MINISTER for TRANSPORT and WORKS
>
> Have any government ministers or members of their families applied to the Territory Development Corporation for a loan and, if so, what are the details of the applications, the purpose of the loan and the result of each application?
>
> ANSWER
>
> No government minister or member of their close families have applied to the Northern Territory Development Corporation for a loan. The corporation does not investigate the extended family relationships of an applicant except where such a relative has financial interest in the application.[12]

And:

> Mr SMITH to MINISTER for INDUSTRIAL DEVELOPMENT
>
> Did the government guarantee a loan from Citibank to a company called Kennon Holdings in October 1980? If so, was the value of that NTDC guarantee $820,000 and was the loan secured against the assets of that company?
>
> ANSWER
>
> Mr Speaker, the question of confidentiality is one that the government is concerned about in its dealings with the public and people who seek support in their borrowings from the government. Mr Speaker, at this stage we are not prepared to bandy around names of those persons through the press unnecessarily.[13]

Note, however, that the Minister did not offer to provide the Opposition with a briefing on the issue, meaning that the Opposition was operating blind in relation to NTDC dealings and had to rely on that organisation's annual reports, which proved to be as elusive as answers from the government in the early years.

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[12] Written Questions Answered, *Hansard*, 29 April 1980
[13] *Hansard*, 31 August 1982

The NTDC was active in the Asian region by facilitating a Northern Territory presence at trade fairs and expos. Reporting on a delegation to the Singapore Trade Mission, Transport and Works Minister Roger Steele informed the Assembly that:

> A total of 7 private Northern Territory companies displayed their products from the stand. These were: V.B. Perkins and Co, Tristar Engineering, N.T. Brewery, Arnhem Land Gallery, Paspaley Pearling Co Pty Ltd, the Big Country Picture Company and R. Hersey. The Northern Territory Development Corporation's role at the stand was to promote the Territory as a tourist destination, investigation centre and trading partner.[14]

It is worth noting that of the seven companies named by Steele, four could be described as 'enduring' Northern Territory enterprises. They are Perkins, Tristrar, the NT Brewery (although it closed some years ago) and Paspaley Pearling. I do not contend that NTDC expense on trade missions was inappropriate expense, nor that companies or individuals who participated in such delegations were unworthy of assistance. This is one function of the NTDC that appears to have been effectively managed.

From the Northern Territory Development Corporation were born two more quasi-governmental entities, the Northern Territory Development Land Corporation, which later became the Northern Territory Land Corporation and the Conservation Land Corporation. The government's justification of these corporations was revealed during the Committee stage of the Agricultural Development and Marketing Bill, during which the Minister for Industrial Development, Roger Steele, who had carriage of the bill, moved a series of amendments at the head of which was:

[14] *Hansard*, 18 November 1979

> The Northern Territory Development Corporation cannot legally hold an interest in land and, for this reason, this House has enacted special legislation to create the Northern Territory Development Land Corporation which does have that power. This amendment is necessary to allow the transfer of all real property assets to the land corporation on the expiration of the Agricultural Development and Marketing Authority in 1985; that is, if this action is required at that time.[15] [emphasis added]

As will be discussed in Chapter 6, that was not the only purpose of the land corporation. Its purpose, and the purpose of the Conservation Land Corporation, was to acquire Crown land that was potentially claimable under the *Aboriginal Land Rights (Northern Territory) Act*. In this way, the Northern Territory government could quarantine vast tracts of potentially claimable land from land rights claims by Traditional Owners.

During the Appropriation Bill debate for 1980-81, Treasurer Marshall Perron announced that the Northern Territory Development Corporation's budget would 'double to $10m'[16], a move that was welcomed by the (ALP) Member for Victoria River, Jack Doolan, who said:

> I was very pleased to see that the Northern Territory Development Corporation budget is $10m which is double that of last year. I believe the NTDC is doing an excellent job and richly deserves such an increase.[17]

Doolan's comments were somewhat premature and the opposite proved to be the case. There was early trouble for the NTDC, which by 1981 had failed to produce an annual report for the year 1978-79, its first year of operation, or any subsequent years. This failure prompted questions from the Leader of the Opposition whose parliamentary colleagues, as noted above, had little success in eliciting information from the government:

> Is it still the intention of the government to table at this sittings the Northern Territory Development Corporation Annual Report for 1978-79?[18]

[15] *Hansard*, 29 April 1980
[16] *Hansard*, 20 August 1980
[17] *Hansard*, 20 November 1980

The Chief Minister was unable to answer the question at the time and undertook to determine the status of the report and respond to the Opposition accordingly. Note that annual reports were the means by which Roger Steele claimed the NTDC would be accountable to the Northern Territory public for its expenditure of public monies. The report was eventually tabled on 26 November 1981[19], clearly breaching the requirement for annual reports to be tabled in the Assembly within three months of the conclusion of the financial year.

In August 1981, it became apparent that the Treasurer and Minister for Industrial Development Marshall Perron, was the beneficiary of a Crown lease involving sea frontage land at Doctor's Gully in Darwin which was intended to be developed as a fish feeding tourism enterprise. The lease was gazetted and, naturally, attracted the attention of the Opposition during Question Time:

> Mr BELL to MINISTER for LANDS and HOUSING
>
> I draw his attention to the recent gazettal of a lease in the vicinity of Doctor's Gully to Mr and Mrs Perron. The figure mentioned in that gazettal notice was $73,000. What were the terms and conditions of payment of this price?
>
> ANSWER
>
> As my colleague interjected, the handling of an application by Mr and Mrs Perron has at all times been in precisely the same manner as for any other citizen of the Northern Territory. I am more than happy to provide whatever details the gentleman requires, particularly if he puts the question on notice. In any event, I am quite happy to send him whatever information he wants. I certainly cannot give it here. It is 4 or 5 pages long.[20]

Bell then sought to determine whether an application had been made to the NT Development Corporation, of which Perron as Treasurer and Minister for Industrial Development had carriage, in respect of the lease. Perron's response was:

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[18] *Hansard*, 11 June 1981
[19] Minutes of the Legislative Assembly, 26 November 1981
[20] *Hansard*, 25 August 1981

> The answer is no, Mr Speaker.[21]

During the adjournment debate that evening, Bell again raised the issue. He said that whilst the lease arrangement may well have been 'above board', he would be looking at the transaction closely. He then raised the issue of transparency:

> A Treasurer is in the position of being asked a question whether he is in receipt of an application for a loan from himself. That is quite an extraordinary state of affairs…It is a matter, I am afraid, of a distinction between the letter of the law and the spirit of the law. As far as I am concerned, the Treasurer has to decide whether he will be the honourable Treasurer or the honourable proprietor of marineland. It is not reasonable that people should use a position of public influence to ensure that they themselves are in a position to influence decisions.[22]

The matter rested there.

In June of 1981, Chief Minister Everingham announced the development of a performing arts centre for Darwin and said the project would incorporate upmarket hotel accommodation:

> I wish to inform members of the arrangements which have been entered into by the Territory Development Corporation, Burgundy Royale Investments Pty Ltd and the Corporation of the City of Darwin to provide facilities for the performing arts in this city. …Burgundy Royale Investments Pty Ltd is a company based in Sabah.[23]

Everingham explained the loan regime:

> …firstly, there is an interest-free loan for the sum of $328,000 which will be secured by a registered mortgage over the whole of the area owned or leased by the company within the project area; and, secondly, there is a loan of $500,000 at an interest rate of 4% per annum, with the loan secured by registered mortgage.[24]

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[21] Ibid
[22] Ibid
[23] *Hansard*, 2 June 1981
[24] Ibid

He went on to say that the total cost was $7.34 million of which the Darwin City Council would contribute $2.17 million having been given a $1.75 million loan from the NT Government. He said the NT Government and the Darwin City Council would reach agreement on the costs to be met by the NT Government for the ongoing operation of the centre. Not disputing the merit of the project, nor the need for a performing arts facility in Darwin, the Leader of the Opposition, Jon Isaacs, noted:

> What people are concerned about…is the manner in which this project has been negotiated…no public tender was offered; no expressions of interest were invited in Australia.[25]

The Independent Member for Nightcliff, Dawn Lawrie, added:

> The valuation placed on those 4 blocks of land is understated…It is prime land. There is no comparable land in Darwin…Many people have asked why this company was given such an advantage. Why was this not advertised internationally if that was the way we wanted to have our performing arts centre built? Why weren't public tenders or design tenders called not only within Australia but also outside?[26]

Treasurer Marshall Perron argued that efforts had been made within Australia but were unsuccessful:

> The NTDC had in fact advertised Australia-wide for expressions of interest by Australian developers to come here and build such hotels but it received a very disappointing response…We had no response from the Australian industry.[27]

At the centre of the project was a Sabah-based company called Burgundy Royale Investments, the chief representative of which was Hishamuddin Koh. Koh was to have a significant relationship with the Northern Territory Government. Indeed, he was revealed to have been a shareholder in Education Holdings, a company that later proposed the failed Darwin International Grammar School. Also involved was Geoff Clarke. The same man, Koh, was retained by

[25] Ibid
[26] Ibid
[27] Ibid

the Northern Territory Development Corporation on 6 August 1982 as an advisor to solicit investment and arrange introductions for Northern Territory Government representatives in Asia, a move that less than 12 months later, on 12 October 1982, was defended by the government as not representing a conflict of interest.

The same Messrs Koh and Clarke were, on the same day, revealed to be directors of a company called North Brick Pty Ltd and a company called Icarus Pty Ltd, which was the majority shareholder of North Brick Pty Ltd. On 27 July 1982, North Brick Pty Ltd was granted a $2.1 million loan by the NTDC ($600,000) and Amray Australia ($1.18 million). Still, the government maintained that no conflict of interest existed. Chief Minister Everingham said:

> Mr Speaker, there is no conflict of interest between Mr Koh and the development corporation and nor could there be unless, as the retained representative, he recommended a project in which he was directly and personally involved. That situation has not arisen and will surely be discerned by the corporation in the unlikely event that it arises.[28]

The government rejected the Opposition's call for a Board of Inquiry into the operations of the Northern Territory Development Corporation.

The same two men were involved in a company called Gardens Hill Pty Ltd. During a Matter of Public Importance discussion, Opposition Leader Terry Smith said:

> …instead of assisting small businesses and small builders, the people the Country Liberal Party is supposed to be interested in, what do we get? We get $1.1m being given to Gardens Hill Development, consisting of Mr Geoff Clark, who lives at Millaa Millaa in Queensland and Mr Hasruddin Koh who, although I have no idea where he now lives, certainly does not live in Darwin.[29]

On this occasion, Gardens Hill Pty Ltd purchased land in dubious circumstances from the Northern Territory Land Corporation in 1982 for the purpose of

[28] *Hansard*, 12 October 1982
[29] *Hansard*, 22 September 1987

constructing luxury high rise apartments, a transaction that was strenuously defended by the then Vice-President of the Country Liberal Party, Graeme Lewis, in a Letter to the Editor of the *Northern Territory News* quoted by Smith during the same debate:

> By allowing a project like Gardens Hill to proceed under the auspices of a group of reputable developers under a lease which will demand speedy progress, the government is ensuring that up-market residential accommodation will be available at the earliest possible time. Let any other developer capable of a quick investment of $10m come out of the woodwork and put their plans to the government. Perhaps they too could anticipate the same encouragement.[30]

Smith noted that Lewis was in the public gallery at the time of debate on the issue, which is evidence that the CLP parliamentary wing, in its earlier years, was not divorced from its executive wing and that organs such as the Central Council had considerable influence on policy. Somewhat unremarkable, this trait has been noted by Carment and others[31]:

> Like non-Labor parties elsewhere in Australia, it [the CLP] did not clearly distinguish its parliamentary and organizational wings.[32]

Returning to the issue of Gardens Hill Pty Ltd, under Crown Lease conditions, the developer was to have made improvements to the value of $1.5 million by 1 July 1984 and, it was argued by the Opposition, failed to do so:

> The only way that the developer met that requirement was by selling to the Housing Commission 20 one-bedroom units and 8 two-bedroom units, at a cost of $1.9m. In other words, way back in 1984, Gardens Hill was a ruined project in terms of the provision of up-market accommodation and the government of the time helped the developer out of a hole by letting that first Crown lease requirement be met through the purchase of accommodation worth $1.9m.[33]

At the time, 1984, Smith sought assurances from the government that no further public money would be spent on acquisition of accommodation units and was

[30] Ibid
[31] Jaensch in Costar B and Woodward D (eds), 1985
[32] Carment, 2007; 34
[33] *Hansard*, 22 September 1987

told that there was no intention of the government so doing. That notwithstanding, the intention and the reality were very different. Smith noted:

> Now, 3 years later, we find that another $1.1m worth of Housing Commission accommodation has been purchased from the Gardens Hill developer by the Housing Commission. That is the second time that this government has had to prop up this developer in terms of meeting its covenant obligations which, in stage 2, amount to $6.5m.[34]

He further noted that the acquisition was described by the minister as a 'spot purchase', hitherto a policy of the government to allow the Housing Commission to acquire housing stock from small local building operators during a time of economic downturn. The clear implication was that 'spot purchasing' was not intended to contemplate acquisition of luxury high-rise accommodation from overseas development consortia.

During the same debate, the Member for Casuarina, Nick Dondas, admitted that as the Minister for Lands, he had taken 'a short cut or two':

> Last year, when I was the Minister for Lands, I was criticised for taking a shortcut or two in an effort to get land onto the market so that developers could develop it…I admit that we took some shortcuts to obtain development and to create jobs for the Northern Territory.[35]

Inevitably, the Opposition levelled criticism at both the Northern Territory Government and Koh in relation to their various dealings. Defending Koh, the Minister for Industries and Development, Marshall Perron, said:

> Earlier during these sittings, the member for Stuart [Brian Ede] made a disgusting and cowardly reference to a man who has contributed significantly to the development of Darwin over the past 8 or 9 years. I refer to Mr Koh, whom honourable members are aware has been connected with a number of major construction projects in Darwin. Among those projects was the Beaufort Hotel, the Raffles Plaza, accommodation at Gardens Hill and the clay-brick factory at Hudson Creek. It is unfortunately true that 2 of those projects, the Beaufort Hotel and Raffles Plaza, faced financial difficulties during the construction period or

[34] Ibid
[35] *Hansard*, 22 September 1987

> after they were completed. The reasons for those difficulties are the subject of legal action and I rightly make no further reference to that subject.[36]

Perron said Koh had attracted significant capital to the Northern Territory and had:

> …contributed to construction work to the value of some $80m, probably providing more than 300 permanent jobs in Darwin.[37]

Both Koh and Clarke faded from the Northern Territory political landscape, but their one-time presence is marked by the impact of the Beaufort Hotel (subsequently the Holiday Inn) and Raffles Plaza on the physical landscape of the Darwin skyline.

In March of 1982, a Hilton hotel development was mooted for Alice Springs. The Member for Sanderson, June D'Rozario, sought advice from the government via Minister Perron in respect of the role the NTDC might play in the proposal:

> Is it a fact that the Northern Territory Development Corporation is to advance a loan of $480,000 to a company called the Central Australian Development Corporation for the purpose of purchasing a site upon which to construct an international hotel at Alice Springs and that this hotel will eventually become part of the Hilton group of hotels? Is it further a fact that the loan is to be for a l0-year period and interest free?
>
> ANSWER
>
> Mr Speaker, the government does propose a plan of assistance to establish a Hilton hotel in Alice Springs. The details are not all available to the government at this time. I would ask the honourable member to place her question on notice.[38]

D'Rozario asked two further questions along the same lines, which included loan repayments being interest-free for the first five years and repayable at a rate of 12 per cent during the second five, and an NTDC offer to underwrite any capital

[36] *Hansard*, 24 May 1988
[37] Ibid
[38] *Hansard*, 16 March 1982

losses in relation to the development. On each occasion, Perron asked her to place the question on notice, which meant that there was no guarantee of an answer.[39]

One of the Territory's most contentious projects was announced in the Legislative Assembly by Chief Minister Everingham in May 1982. In a Ministerial Statement on the Yulara Village project, Everingham said that agreements had been executed by the NTDC and White Industries among others on 16 April that year, Heads of Agreement having been signed on 20 November of the year before. The NTDC was guarantor of the Yulara Village project. To his credit, Everingham was conscious of the pristine environment at Yulara, which would prove to be very important in the years ahead:

> Special attention is being given to minimise the impact of the construction force on the Ayers Rock tourist industry, the Uluru National Park and areas surrounding the construction site, Aboriginal sites and customs. Consultation has commenced with departments and authorities, the tourist industry and Aboriginal groups in the area. Each contract will contain specific clauses as part of the environment protection specification.[40]

Note that Everingham referred to consultation having commenced with a number of organizations, including 'Aboriginal groups in the area'. This was in May 1982 and is important in the context of the so-called reason for calling a snap election in December 1983. It is apparent that Everingham had been engaged in negotiations with Aboriginal people in respect of Uluru and title to the park as early as 1980. Here, he was reporting to the Assembly of negotiations in relation to the tourism development in the park, yet in December of the following year, he feigned affrontery at the Australian Government's announcement of handing title of Uluru to the Anangu and went to a snap election on that singular issue.

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[39] Unanswered Questions on Notice lapse with the government when the Assembly is prorogued for an election.
[40] *Hansard*, 26 May 1982

Once again, details of costs were not available for commercial reasons, the government said, again failing to offer briefings for Opposition members. Everingham told the Assembly:

> Mr Speaker, not every document connected with the arrangements has been tabled but almost all documents have. I have made a couple of deletions in relation to specific costs of individual items. I have not put in the specific cost of hotels. I have also deleted the cost of camp sites because, on the advice available to me, this would give an unfair initial advantage to persons tendering for these particular projects. Obviously, we want the tendering to be as competitive as possible.[41]

Yulara was one of the CLP's more spectacular excesses. Northern Territory tax payers are still paying for the hotel development which was born of the Yulara Village proposal. Ultimately, the Yulara hotel development cost NT tax payers $700 million, those funds being borrowed. The hotel was sold for $100 million, a loss of $600 million, giving rise to an annual interest commitment (if the rate was 10%, and it is likely to have been higher during the 1980s) in the order of $60 million or about $164,000 per day. The hotel itself was not a direct investment in Aboriginal employment and is owned by a consortium from outside of the Northern Territory, so there is no immediate economic benefit to the Territory other than flow-on effects generated by tourism.[42]

The NTDC acted as a development scout for the Northern Territory government and engaged in a number of recruitment activities, including attempts to lure major retailers to the Territory:

[41] Ibid
[42] Personal communication with current and former Treasury officers.

> Ms D'ROZARIO to MINISTER for INDUSTRIAL DEVELOPMENT
>
> Can he inform me whether the Northern Territory Development Corporation is negotiating with a major southern retailer to establish a department store in Darwin?
>
> ANSWER
>
> I understand that the Northern Territory Development Corporation has at various times talked to department stores in the states and I understand that those department stores have dispatched officers to Darwin at different times to determine the potential for the establishment of a department store in Darwin.[43]

The development corporation engaged in a range of agricultural activities and loans, and worked with what was then called the Agricultural Development and Marketing Authority or ADMA. Similarly, the NTDC engaged in commercial fishery ventures and onshore ship building and/or repair facilities. Those aspects of NTDC's activities will not be discussed here.

Questions were asked in relation to the Buntine Group, a well established family transport company based in Katherine, and another entity called Transport Property Holdings. The ANZ Bank eventually appointed a Receiver and Manager to the Buntine Group, but again, the Opposition had difficulty eliciting information in relation to the NTDC and its activities:

> Ms D'ROZARIO to MINISTER for INDUSTRIAL DEVELOPMENT
>
> In view of the published policy of the Northern Territory Development Corporation that it does not see as its role the provision of assistance to general transport operations, what was the justification for the provision of assistance by way of guarantee to the Buntine group? By way of a footnote, may I inform the minister that this published policy is to be found on page 6 of the Northern Territory Development Corporation Annual Report for the year ending 30 June 1981.
>
> ANSWER
>
> Mr Speaker, the policies of the Northern Territory Development Corporation need to be flexible from time to time. If there are serious economic conditions prevailing in which the government sees that assistance should be provided, the government would take a decision in that respect. *Obviously, the board of the*

[43] *Hansard*, 1 September 1982

> *corporation is not the sole decision-making body in respect of those sorts of decisions.*[44] [emphasis added]

Marshall Perron's answer raises a relevant point about the independence of various boards of government and quasi-government instrumentalities as well as expert advisory bodies appointed to advise Ministers on various matters. Implicit in Perron's answer was that the Minister, the Cabinet and/or the government could overturn a decision of the NTDC Board, and this was the case for a number of other bodies which, properly appointed and managed, should have been able to function with independence.

The NTDC was abolished some years later. The Territory Insurance Office, established in 1979, assumed a commercial lending role through its financial arm on a far more commercially responsible basis. It certainly was not badged as a 'last resort lender to industry'. However, the Opposition was concerned about the new arrangement and made this observation during a motion calling for an inquiry into the NTDC in 1982:

> There has…been widespread concern in the business community about the involvement of funds from the Territory Insurance Office in certain transactions involving the Northern Territory Development Corporation. If this is true, then the risks that exist with the NTDC will spill over also into the Territory Insurance Office.[45]

D'Rozario's words were ominous. Like the NTDC Board, the TIO Board did not function in isolation from the government and this became apparent in a messy financial episode involving a company called Dalway, which ultimately became the subject of a Public Accounts Committee Inquiry. The report of the Public Accounts Committee found:

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[44] Ibid
[45] June D'Rozario, *Hansard*, 12 October 1982

> The role of the Territory Insurance Office looms large in this Inquiry…It is apparent from a review of the statutory functions of the TIO Act, the TIO is subject to Ministerial direction from the Minister responsible for TIO matters…The Act, as currently in force, provides that the TIO is very much subject to the overriding direction of the responsible minister.[46]

That is, the act provided for ministerial interference in decisions made by the TIO Board, as was clearly the case with the NTDC Board. There were other expert advisory bodies appointed by the government which were confined to advice only which the minister was at liberty to ignore without citing any reasons publicly. The *Heritage Conservation Act* is one such example on which successive CLP governments had an appalling record.

All of this goes to the doctrine of the separation of powers and the principle of responsible government. In many of the examples cited above, 'responsible government' is far from what occurred. This was further complicated by the fact that the Northern Territory Legislative Assembly is a unicameral parliament with no House of review (that is, no Upper House), the absence of which ordinarily would or should give rise to a robust Parliamentary Committee system to act as the review body:

> The absence of an upper house of review in the Northern Territory arguably means that there is no mechanism for the review of decision of the Legislative Assembly and in particular of its Executive Members. Under such circumstances the Committee System can perform a not dissimilar function.[47]

This was not and has not been the case in the Northern Territory. Whilst the Dalway report was something of a watershed in NT parliamentary history, the Committee system waned under successive CLP governments and, since the election of Labor governments in 2001, has not performed a great deal better. For example, the Standing Committee on Legal and Constitutional Affairs was given a reference in relation to Aboriginal Customary Law in 2003, a reference

[46] PAC Report No 19, 1993; 33-34
[47] Ibid; 10

that lapsed with the Ninth Assembly without report. The Committee had not moved on the reference by May 2008, and no report was forthcoming by the end of the 10th Assembly [48] in July 2008. It seemed that the Committee preferred instead to rely on the mountain of work being achieved by the Statehood Steering Committee, a community-based committee entirely separate from the parliamentary committee system with wholly different Terms of Reference, which fed through the Standing Committee on Legal and Constitutional Affairs to the minister and, ultimately, to the Assembly. Note that parliamentary committees report to the Parliament or the Assembly, not to the government.

Returning to the Northern Territory Development Corporation, in late 1982, the Opposition unsuccessfully moved a motion for an inquiry into the NTDC after five years of operation:

> …the opposition has long been concerned with the accountability of the Northern Territory Development Corporation to the Territory community, largely because of the amount of public money for which it has responsibility.
>
> …
>
> It is clear that the bad administration of the Northern Territory Development Corporation is caused, in part, by excessive secrecy, inadequate monitoring of performance and mechanisms for controlling performance, and a lack of effective accountability to the Assembly.
>
> …
>
> The Chairman of the Northern Territory Development Corporation tried to explain why he agreed to assistance being given to someone like Mr Dalziel. I quote Mr Simpson from a recent article which appeared in the *Australian Business Review Weekly*: 'It is not his role to check credentials of businessmen'. I quote from Mr Simpson again: 'If someone comes in well dressed and well mannered, what do you do?' If that is the Northern Territory Development Corporation's criterion, it is a disgraceful state of affairs.[49]

[48] It is not always in the interests of the government to have Parliamentary Committees complete their work, particularly governments that have significant majorities. Committee reports can prove to be an irritant to government policy and direction. Whether this is the case with the Aboriginal customary law reference to the LCAC is not known.

[49] June D'Rozario, *Hansard*, 12 October 1982

During the course of her motion, D'Rozario again reminded the Assembly of the NTDC's cavalier approach to financial arrangements:

> Some members of this Assembly will recall that there was a censure motion moved against the government because it had advanced some $150 000 as a cash advance to the receiver of the Northern Australian Development Corporation without any security. As a result of that action, the government was forced to introduce the Encouragement of Primary Production (Validation of Actions) Bill… to validate a loan that had already been granted. In other words, this Assembly was asked to pass retrospective legislation to legalise actions of the government.[50]

Whilst the Opposition's motion for an inquiry was unsuccessful, its constant vigilance in respect of the NTDC, along with an intervening Northern Territory General Election, did result in some action. Chief Minister Paul Everingham informed the Assembly:

> As foreshadowed last year, a full review of the NTDC's policies and objectives has been undertaken…the findings of the review are virtually complete and a number of changes to the NTDC have already been made. Procedures for loan security arrangements, increased accountability and more streamlined operations should all meet with the approval of both sides of this Assembly.[51]

Those changes included a new Chairman, the appointment of lawyers, banking consultants seconded to review lending procedures, a greater focus on existing small business and a Small Business Advisory Service and the creation of General Manager Finance and General Manager Legal positions, all of which point to an extraordinarily flimsy structure of the original NTDC and a naïve conception of the institution in the first instance. The Opposition welcomed news of the review, and in particular new and more transparent reporting provisions which lifted the 'veil of confidentiality' surrounding NTDC operations:

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[50] Ibid. This is an unusual but not isolated circumstance. The Martin Labor government introduced a bill to validate the judicial decisions of then Chief Stipendiary Magistrate Hugh Bradley to avoid the possibility of mass appeals of those decisions in the event that legal action brought by the North Australia Aboriginal Legal Service (NAALAS) challenging the validity of Bradley's appointment was successful.

[51] *Hansard*, 20 March 1983

> I am pleased to hear that details of loans of public money at beneficial rates of interest will be made available in the Northern Territory Development Corporation's report to the Assembly.
>
> …
>
> A member of his [Everingham's] own government party in this Assembly was prepared to stand up publicly and say: 'We received a loan from the NTDC. I benefited from that loan. The Cabinet said I could go ahead and do it. We put the price up through the roof and they still bought it, and that is why we got the windfall profit'.[52]

There was another unfortunate foray, this time in 1984, by the NTDC into tourism development. On this occasion, the NTDC was involved in financial arrangements for the construction of 'international-standard' hotels in Alice Springs and Darwin which would be operated by Sheraton. Everingham informed the Assembly:

> It was my intention in the course of this year, probably at the next sittings, after all negotiations have been concluded in respect of the Darwin project, to present a full and detailed financial statement to this Assembly as to the contingent liability that the Northern Territory would in fact be up for on a worst-case [sic] scenario with these projects and hotels and on the expected scenario. We have done studies at various levels of occupancy of the various properties. We have various figures that could be apposite.[53]

It is pertinent to note that the Yulara and Sheraton projects were based on an aged and largely discredited economic theory known as 'Says Law', a law that says 'supply creates its own demand'. For example, by building a five-star resort at Yulara, five-star resort patrons would be attracted because the facility was there. In the past, the theory had been applied by other governments in respect of whole towns: build a railway and entire towns would expand to take advantage of it. The terms of the Sheraton Hotels deal included that the Northern Territory Government would underwrite profits, which amounted to a blank cheque and an invitation for the operators to under-perform or perform inefficiently because what they made was academic given the NT Government's

[52] Bob Collins, *Hansard*, 23 March 1983
[53] *Hansard*, 7 March 1984

commitment to top it up to an agreed level. The Darwin Sheraton proved particularly expensive:

> The assessed loss of $23.5m that may be incurred to the Territory by the project is not a dollar loss but an opportunity loss, being the shortfall of the return expected against that which could have been achieved had the funds been invested at 15%.[54]

Chairman Palmer offered the following by way of opinion during his tabling statement of the Public Accounts Committee (PAC) Report:

> In my opinion, the greatest financial risk posed to the Territory by Yulara or the Sheraton projects lies in the Territory government succumbing to the uninformed and ignorant view that we should move to divest ourselves of our involvement in those projects. In the case of Yulara and the Darwin Sheraton, the arbitrary collapse of the current arrangements by the Territory government would make it liable to substantial penalties and put in considerable jeopardy our reputation in the financial marketplace. The premature sale of the Alice Springs Sheraton could be described as nothing less than imbecilic.[55]

Quoting the findings of the Committee, Minister Perron (Industries and Development), said:

> …[the Committee] is satisfied that, given the government's policy to support the Yulara and Sheraton projects, the arrangements entered into in respect of each of the projects provide adequate protection of the government's interest in each…[56]

This is a very heavily qualified finding and rests on the phrase 'given the government's policy to support' the projects. Whilst the PAC report did not visit phrases such as 'financial disaster', it was carefully worded and hardly proved a ringing endorsement of the government's financial management. It was also after the original financial arrangements had been renegotiated. During the course of debate, Brian Ede, who was an Opposition member of the Committee,

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[54] Chairman Palmer, Public Accounts Committee Report, *Hansard*, 24 November 1987
[55] Ibid
[56] *Hansard*, 24 November 1987

pointed out that the government's dealings in relation to the Yulara project set the standard for other operators interested in investing in the Northern Territory. That is, they would be seeking government assistance of the order provided for Yulara and other developments.

In any event, by 1991, the government had decided to sell the properties. The Minister for Industries and Development, Steve Hatton, informed the Assembly:

> The values of the assets that exist at the moment will depend on what can be realised through their sale. Until such time as they are sold, that cannot be determined accurately. *We expect that…we will not recoup the level of the current external debt* that exists in respect of the 2 Sheraton properties. It is *probable that there will be a net cost to us* in that process but, by the same token, we will be *stepping out of all underwritings and all top-up funding* for the Darwin Sheraton, the Alice Springs Sheraton and Yulara.
>
> The objective is to get out of the continual, contractual obligations we have at the moment in respect of those properties so *there can be no further increase in debt*.[57] [emphasis added]

As for Yulara, Northern Territory tax payers funded the Sheraton Hotels deal, which by 1991 had cost $454 million.[58] When the Sheratons were eventually sold and the NT Government could divest itself of underwriting commitments, the Territory's accumulated debt for these hotels alone was in the order of $235 million.

Another multi-million dollar disaster occurred after Chief Minister Paul Everingham courted Federal Pacific Hotels, which successfully ran the Wrest Point Casino in Tasmania for many years, to run casinos in Alice Springs and Darwin. The Don Hotel Casino in Darwin opened on 21 September 1979 and the Alice Springs casino opened in mid-1981. Everingham expected a significant financial windfall from gaming fees and taxes:

[57] *Hansard*, 11 December 1991
[58] Questions, *Hansard*, 11 December 1991

> Casino fees and taxes are expected to grow by 20% to $2m. Following a thorough review of the activities of the companies operating casinos in the Territory, and having regard to significant operating losses incurred at the Alice Springs Hotel-Casino, the government has determined that the 15% tax on gross profits schedules to start for the Alice Springs Casino this year will be reduced to 5%.[59]

This was because:

> …the government has been mindful that the construction cost of the complex was more than double the estimate…[60]

Perhaps disappointed by the revenue that was generated, in 1984 Everingham announced that Federals had failed to make the casinos sufficiently profitable. Basically, he 'sacked' the casino operators he had engaged and said that the Northern Territory Government would appropriately compensate Federals, whilst at the same time announcing that Aspinalls of the UK and Pratts of the USA would be engaged to run the casinos. The NTDC entered into negotiations with Aspinalls and Sands, a subsidiary of Pratts.[61]

Interceded in this news was further news that a new Darwin casino was to be constructed at Myilly Point and that historic houses on the little peninsula would be demolished to make way for it. That issue is dealt with elsewhere in this thesis.

Federal Pacific Hotels was not impressed by Everingham's treatment. First, the government announced that it would legislate to acquire the casino properties, a move that must have sent shudders through any sector of corporate Australia contemplating doing business with the Northern Territory Government. Federal Pacific Hotels claimed $55 million in compensation and the Northern Territory Government, through the NT Development Corporation acting for the proposed Aspinalls and Pratts Constortium, was prepared to offer $47.1 million. The *Australian Journal of Politics and History* recorded:

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[59] 1982-83 Appropriation Bill, *Hansard*, 31 August 1982
[60] Ibid
[61] Questions, *Hansard*, 5 June 1984

> The Opposition Leader, Bob Collins, asserted that the deal was reminiscent of the 'worst excesses of a banana republic'. The *Northern Territory News*…editorialized that the 'business community in Australia and overseas will be appalled at this act of socialist policy, coming from a government which never loses the opportunity to talk about less government and not more'.[62]

On 21 August 1984, Federal Pacific Hotels issued a Writ over the Heads of Agreement for acquisition of the casinos and a further Writ on 29 September accusing Everingham of a 'malicious falsehood' in relation to their financial management of the casinos. Notwithstanding the pending legal action, Everingham famously proceeded with the new operators, calling a media conference for 3am on 1 October when he handed gaming licenses to representatives of Diamond Leisure subject to Foreign Investment Review Board (FIRB) approval. A property trust in relation to the casinos was established, with local company and long-time CLP supporters Henry and Walker having a majority interest.[63]

Federal Pacific Hotels withdrew the Writs after Everingham conceded that the company was soundly managed and in a secure financial position. During the course of the episode, the Northern Territory Government secured a reputation of being unpredictable at best and unreliable in any event as an entity with which to do business. The *Australian Journal of Politics and History* noted:

> Events in early 1985 were to demonstrate that the government had not told the truth about the extent to which taxpayers' money was involved in the casinos acquisition.[64]

The government's antagonistic relationship with its public service was first demonstrated in 1984.[65] In August of that year, the government announced that it would introduce a new home loans scheme that would supercede a scheme

[62] *AJPH*, Vol 31, No 2 1985; 309-10
[63] Ibid, 310.
[64] Ibid
[65] It grew more acrimonious under Tuxworth's Chief Ministership.

under which public servants enjoyed preferential consideration on home loan purchases. The government line, through Treasurer Marshall Perron, was that the government no longer needed to offer concessions or incentives to attract public servants. Understandably, there was a public service backlash by way of industrial action, although the dispute lasted barely a month before the unions backed down when Everingham threatened stand-downs. Having eroded service and conditions for public servants, in October of the same year, the Legislative Assembly voted itself a 12 per cent pay rise pursuant to a Remuneration Tribunal Determination.[66] The pay rise meant that back-benchers would receive $44,000 per annum and the Chief Minister's salary and allowances would be $100,000 per annum, more than Prime Minister Hawke received. The average Australian salary in 1984 was $19,463.60.[67]

In June of 1984, moves were mooted to completely divorce the NTDC from the public sector, as was the case with the Northern Territory Tourist Commission.[68] By October 1984, during the second reading debate on the Appropriation Bill, Chief Minister Everingham indicated a winding back of NTDC operations:

> The Northern Territory Development Corporation will continue to maintain its strong role while, at the same time, it will be able to withdraw from direct lending in a number of areas in respect of particular transactions.[69]

Notwithstanding an eventful year for the NTDC in 1984 involving large financial deals with multinationals, it was bearing the consequences of earlier, somewhat smaller loans:

> As I understand it, the Jackaroo Homestead enterprise for which the Northern Territory Development Corporation loaned funds to the entrepreneur, Mr Chilman, has gone into receivership. As I understand it, the main asset of the company is real property and improvements adjacent to the Stuart Highway south of

[66] The mechanism by which members' pay and conditions were set. Salaries were tied to the House of Representatives until 2010 when legislation was amended ostensibly to tie Assembly Members to increases awarded to public servants following EBA negotiations.
[67] Australian Bureau of Statistics web site
[68] Questions, *Hansard*, 22 August 1984
[69] *Hansard*, 16 October 1984

> Berrimah. As far as I am aware, the receiver is taking action to realise these assets and, no doubt, when a sale has taken place, a distribution will be made to the creditors.[70]

Paul Everingham resigned as Chief Minister and Member for Jingili the day after, on 17 October 1984[71], and Ian Tuxworth, the Member for Barkly, assumed the Chief Ministership. Tuxworth was bound by obligations that had been entered into by the NTDC on behalf of the Northern Territory Government, but initially had difficulty dealing with their complexity (or perhaps even accepting them) and was the subject of a failed Censure Motion by the Opposition on 27 February 1985. During debate on the motion, Opposition Leader Bob Collins cited a media conference:

> …the performance at that [media] conference is illustrated in a transcript I have here. Journalists at the press conference asked, among other things, 3 simple but important questions: 'What is the net increase to the Northern Territory Development Corporation's loan guarantees; what is the interest bill on the loans to the trust; and what is the net tax loss resulting from the new tax arrangements?' The answers were: 'Don't quote me; I can't answer that, I'm sorry; and I can't give you that figure'.[72]

Other Opposition members spoke during the course of the same debate, which resulted in a letter from the Chairman of the Northern Territory Development Corporation, Ray McHenry, to the Leader of the Opposition, Bob Collins, in the following terms:

> Dear Bob,
>
> I was surprised and disappointed that, in the course of the censure motion on the casino issues this morning, the name of one of my officers was used in a detrimental and most unfair way.
>
> The thing that concerned me most was that Terry Smith used selective quotes and attributed them to Jim Moore. Terry Smith was not at the press conference. I can only assume that someone who was present gave his hearsay statements as I am assured by Jim Moore that many of the quotes were used selectively and out of context to authenticate a point of view of the opposition.

[70] Chief Minister Everingham, *Hansard*, 16 October 1984
[71] This was not related to the NTDC.
[72] *Hansard*, 27 February 1985

> Neither of us is able to confirm whether or not the statements were in fact made at all because we did not keep transcripts of the conference, nor did we believe that those attending might attempt to use statements in this way. The exercise which Mr Moore undertook was intended to be a background briefing for the press prior to the Chief Minister's press conference.
>
> I would be surprised if, on learning of these views, you were not concerned also.
>
> On the other hand, if spokesmen for the opposition are to approach debates in the Assembly in this way, I can assure you that I will move to ensure that my officers' legitimate interests are protected in future.
>
> Yours sincerely,
> Ray McHenry.[73]

Collins regarded the final paragraph of the letter as a threat and raised it as a matter of Privilege in the Assembly. The Speaker took the matter on notice and undertook to report back to the Assembly. It was evident that McHenry had not addressed the matter with his Minister, and the government's response was to table a subsequent letter to the Minister from McHenry the following day:

> My dear Minister,
>
> I was greatly disappointed to hear continual references made by Mr Terry Smith during the censure motion yesterday, which referred to Mr Jim Moore, an officer of the corporation. I believe Mr Smith's remarks were unreasonable because he was not at the press conference.
>
> They were made selectively, were taken out of context and, for this reason, they were uncharitable.
>
> I wrote to Mr Collins yesterday raising with him my concern because remarks of this nature reflected disparagingly on Mr Moore and the corporation, and this is a matter of great concern to me and my staff.
>
> In writing to the Leader of the Opposition, you would see from the form of address that it was written in a personal, open but concerned way. It would seem that Mr Collins has misunderstood or misinterpreted my remarks, taken exception to them and raised them with the Speaker because of the comments in the last paragraph.
>
> The final paragraph in my letter indicates that, if it is to be the practice of the opposition to reflect badly against the character and performance of members of the corporation in a personal way, and as a method of reflecting on ministers,

[73] *Hansard*, 27 February 1985

> then I will quite clearly, with your cooperation and support, have to take steps to protect the interests of my staff.
>
> I deeply regret that the Leader of the Opposition interprets this to be a threat against himself or members of his party or the parliament. It very simply means that I will have to take action to ensure that the integrity of my staff, their performance on behalf of the government, and statements they make in the course of their duties are adequately covered.
>
> Under no circumstances were any threats intended. I really cannot understand why the Leader of the Opposition is choosing to make this assertion. My motives for writing in the first place were with the highest ideals, and with a genuine concern for one of my staff. Clearly, I am concerned with the precedent that this has created for my officers of matters being raised in a place where they have no opportunity to defend themselves or put a point of view. In hindsight, I would agree that I should have raised this matter through you with Mr Collins and it is regrettable that I did not consult with you before sending the letter. I give, as justification for my action, my concern for my staff and the corporation and apologise for any inconvenience. I assure you I meant no disrespect to Mr Collins or the Assembly.
>
> Yours sincerely,
> Ray McHenry.[74]

Collins was correct inasmuch as it is rare, and certainly inappropriate, for a public servant to communicate with the Leader of the Opposition directly. The appropriate channel is to take up the matter with the responsible Minister who can then deal with the Opposition privately or in the Parliamentary Chamber. That McHenry wrote to any member indicates the level of emotion generated by debates in respect of the Northern Territory Development Corporation. The responsible Minister, Nick Dondas, who was also Deputy Chief Minister, after tabling McHenry's second letter, added:

> I suppose nerves were a little bit frayed on both sides of the fence yesterday and Mr McHenry could only reflect on the position taken by the opposition last year in other debates when public servants were mentioned in this Assembly who were unable to put their points of view forward. In one case, information was provided at the time by the Deputy Leader of the Opposition. He is looking at me as if he is not quite sure what I am talking about - the housing affair. *It has been proven since that those officers did not make large financial gains.*[75] [emphasis added]

[74] *Hansard*, 28 February 1985
[75] Ibid

His final sentence goes to the very heart of public service propriety. That any public servant made any profit, whether 'large financial gains' or otherwise, by virtue of their position is corruption. It is not errant judgment or a miscalculation of position. In private enterprise, the same behaviour is called insider trading and there are extremely harsh penalties for it. The same principles apply to the public sector where the roles of public servants were rarely scrutinised and often squared away as errors of judgment. The quantum is not the issue (except for consideration of the extent of personal enrichment); the issue is the abuse of position. Lack of transparency and accountability give rise to precisely this behaviour where the lines do become blurred. In any event, at the conclusion of the debate, Bob Collins, presumably because he accepted McHenry's apology, withdrew his Motion for a reference to the Privileges Committee.[76]

By 1985, the government had mooted establishment of a Trade Development Zone in Darwin of which Ray McHenry, former Chairman of the NTDC, would be Chief Executive. Minister for Industry and Small Business, Nick Dondas, introduced the Trade Development Zone Bill on 24 April that year. He told the Assembly:

> The establishment of the trade development zone will mark the beginning of an important era for the development of the Territory's economy and expansion of its manufacturing base. The zone has the potential to offer new Territory industry a means around the impasse created by high tariffs and the disadvantage of manufacturing for a small local market. The ability of manufacturers in the zone to service a world-wide market on a competitive basis in the longer term will provide significant economic benefits to the Territory[77].

Espousing the virtue of this new initiative, Dondas said that the zone would increase employment and trade, result in increased infrastructure and provide new sources of revenue. He was also optimistic about the spin-offs for local business, including increased demand for goods and services arising from new

[76] Minutes, Northern Territory Legislative Assembly, 28 February 1985
[77] *Hansard*, 24 April 1985

industries that would be attracted to the zone. It was embraced by some as a major achievement:

> The Trade Development Zone is another example of Everingham's vision – and detractors might say it retains a legacy of his sometimes shaky underpinnings – but it is operating and its future appears still to be bright despite a number of recent setbacks.[78]

Notwithstanding the government's (or Chan's) optimism, the Trade Development Zone was an unmitigated disaster. The concept was based on the view that the NT Government would forego payroll tax and would pay import duties on behalf of importers who would bring in cheap intermediate goods from Asia and assemble them in Darwin for re-export. The idea was to turn Darwin into a manufacturing export centre by lowering the cost of administrative red tape and taxes, similar to concessions existing in Special Economic Zones in China. What the government failed to recognize was that the assembly of intermediate goods required cheap labour to be effective. Australia had the region's most expensive labour, so the attempt was bound to fail. There could be few benefits of establishing such a zone in Darwin where there was poor transport and shipping and where labour and electricity costs were high. Geography offered no advantage to Asia. Additionally, import duties were falling rapidly in Australia so were less of a cash flow burden to business. There was no substantial boost to local employment and no quantifiable benefit to the Northern Territory economy generally.

On the same day that Dondas introduced the TDZ Bill, he was asked a question by a CLP back-bencher, Roger Vale, about yet another NTDC loan which had been reported in the media the day before. His response was succinct and, unusually in respect of the NTDC, frank:

[78] Chan, 1992; 60

> The press report yesterday was true, although one would question the amount of time given to the operator to finalise the debt with the Northern Territory Development Corporation.[79]

Minister Dondas went on to provide the background of the loan:

> …the Northern Territory Development Corporation provided a concessional loan to Territory Manor Pty Ltd to construct a 26-room motel-health farm complex at Mataranka. The loan of $704 000 was approved in July 1981. The loan fell into arrears on the first repayment date of 1 January 1983. No repayments were made in 1983. In November 1983, the NTDC restructured the loan, and provided an additional $60,000 to finance construction overruns and some marketing assistance. Early in 1984, the NTDC tried to encourage the proprietors of Territory Manor to find equity partners. None were found.[80]

Dondas then explained that the debt to the Northern Territory had reached in excess of $1 million without a cent having been repaid:

> During the entire life of the account, no loan repayments had been made. A payment of $10.17 for an accounting fee was the only consideration the NTDC had received. Arrears to 31 March 1985 total $230,000, including arrears of $112,000 previously capitalised when the loan was restructured in 1983. The loan balance at 31 March was $1.02m. In short, the Northern Territory Development Corporation could not continue to support the Territory Manor without installing new management arrangements and a receiver-manager was appointed on Monday 22 April. The manor will continue to operate.[81]

Dondas' answer is worthy of digestion. He told the Northern Territory Legislative Assembly that on a loan totalling $1.02 million, a mere $10.17 had been repaid – and that was an accounting fee rather than a loan repayment. Moreover, the loan fell into arrears on the date the first payment was due (January 1983), yet the NTDC restructured and extended the loan on several occasions in the full knowledge that no repayments had been made. The loan was approved in 1981, yet a Receiver Manager was not appointed until April 1985. At any level, this represents appalling financial management and certainly was not confined to the Territory Manor project, the 'owner' of which has ironically since been recognized

[79] *Hansard*, 24 April 1985
[80] Ibid
[81] Ibid

by the tourism industry for her outstanding contribution. She has not 'owned' a tourism enterprise since.

By 1985, the Northern Territory was feeling the effects of an economic downturn and funding cuts from Canberra, with Finance Minister Peter Walsh saying that the Northern Territory government had created:

> …the most bloated and feather-bedded public service in the country.[82]

Predictable recriminations followed, as did ongoing tension between the seats of government in Canberra and Darwin, however:

> Under both Everingham and Tuxworth, Territory governments had spent money conspicuously and sometimes wastefully. Large sums had gone to questionable forms of self-advertisement, particularly in the form of expensive publicity for the government and politicians' travel. There were also criticisms…about the size of the Territory's bureaucracy and parliament and its funding of doubtful tourism ventures.[83]

The government again moved to trim the activities of the NT Development Corporation. Announcing a Mini-Budget, Chief Minister Tuxworth informed the Assembly:

> Financial assistance available from NTDC will be reduced. The Northern Territory Development Corporation currently provides quite substantial direct financial assistance to industry in the Territory. It is intended that the development corporation's activity be reduced by $3m and potential borrowers be encouraged to make greater use of private sector sources of finance.[84]

Tuxworth had been extremely critical of the public service over a number of years and on occasions could barely contain his contempt for it. For example:

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[82] *AJPH*, Volume 31, No 3, 1985; 528
[83] Ibid; 529
[84] *Hansard*, 4 June 1985

> At the time of Self Government we had the worst public servants in Australia.[85]

However, as Chief Minister, he had to work with the public service in the face of both the economic conditions and the funding cuts arising from the Federal Budget. On 6 June 1985, Tuxworth announced major amendments to the *Public Service Act*:

> As the Public Service Act and certain other acts constituting statutory authorities now stand, there are impediments to efficiency which must be addressed.[86]

Whilst the amendments were ostensibly intended to address the funding shortfall, they included:

> The government has decided, therefore, to amend the provisions governing the removal from office of the Public Service Commissioner and, accordingly, the bill deletes sections 10 and 11 of the current act, which lay down the very narrow grounds for removal of the commissioner from office, and amends section 6 of the act, which deals with the appointment of the commissioner, to empower the government to terminate his appointment.[87]

Tuxworth was now treading on dangerous ground and providing for direct interference by government in the operational independence of the Public Service Commissioner. He went even further:

> I have already pointed to the heavy financial impact of the Territory's public service. Therefore, I have decided that, as Chief Minister and Treasurer, it is now necessary for me to take ministerial responsibility for the public service so that coordination to achieve the maximum possible efficiency can be facilitated. Therefore, I should advise the Assembly that I propose to make amendments to the Administrative Arrangements Orders at the end of this month that will relocate the responsibility for the Office of the Public Service Commissioner within the portfolio of the Chief Minister.[88]

Not only was Tuxworth putting the Public Service Commissioner on notice that he was now sackable, but he was telling the Commissioner that he, Tuxworth,

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[85] Chan, 1992; 53
[86] *Hansard*, 6 June 1985
[87] Ibid
[88] Op cit

was the one who could sack him. This was an early, but not the earliest[89], politicization of the Northern Territory Public Service. Opposition Leader Bob Collins was aghast by both the content and lack of notice of the Public Service and Statutory Authorities Amendment Bill:

> It is breathtaking that legislation could be introduced that will allow the Chief Minister of the Northern Territory, who has the most disgraceful record of any member of this Assembly in terms of direct political interference in the public service, to arm himself now with legislation, which we did not know existed 10 minutes ago, to sack people out of hand and to get rid of people from statutory authorities.[90]

On the final day of a three-day sitting of the Assembly, the bill was introduced and had its second reading after which Standing Orders were suspended to allow for the third reading and its passage. In other words, the government put it through on urgency. Bills normally sit before the Assembly for a month between the second and third reading stages to allow Members to familiarize themselves with the content.

Returning to the Development Corporation, speaking during the Appropriation Bill debate in August that year, the Opposition's Treasury spokesman, Terry Smith, said:

> The ALP's policy is to create a state development bank. It is our belief, and one also expressed by the business community, that the Northern Territory Development Corporation is an ineffective and inefficient operation, a feeling obviously shared by the government which has sharply reduced its budget. One needs only to review the NTDC's part in the casino fiasco to realise the truth in this belief.[91]

[89] See, for example, Chan, 1992 at 54-55.
[90] *Hansard*, 6 June 1985
[91] *Hansard*, 28 August 1985

The Northern Territory Development Corporation was finally disposed of in July 1986 when its functions were taken over by a range of new government entities and departments, including a new Territory Loans Management Corporation[92]:

> To continue the legislative history pertaining to land corporations in the Northern Territory, in August last year the Chief Minister introduced various cognate bills under which, inter alia, the then Northern Territory Development Corporation was split up and its function hived off into various other areas. [93]

What is most interesting is that the Territory Loans Management Corporation was not empowered to make loans of any kind.[94] Its primary role was to mop up the mess arising from the NTDC. Reflecting on the history of the NTDC, Opposition Leader Brian Ede said:

> One is reminded also of the ERC [Economic Review Committee] decision to privatise previous government loans or offer them at a discount. The previous loans were controlled by the Northern Territory Development Corporation, which lost tens of millions of dollars, and the remaining loans are managed now by another arm of the government, the Territory Loan Management Corporation. I am reminded of the Treasurer's infamous statement that some of Australia's leading banks would be happy if they had a bad-debt ratio similar to that of the Territory Loan Management Corporation.[95]

During the following year, the Minister for Asian Relations, Trade and Industries, Eric Poole, delivered a Statement on Small Business to the Assembly. The government was reminded by a former member, the now Independent Member for Nelson, Noel Padgham-Purich, about the performance of the NTDC:

> The Northern Territory Development Corporation was a cowboy outfit if ever there was one. Its one answer to everything was to throw money at it. Consequently, it ran into trouble. It threw money at the wrong people, some of whom ended up in jail for other reasons. It was not discriminatory at all. The people at the top - and I have one particular gentleman in mind - would not know which end of a dog barks. In those days, that gentleman was to be the saviour of the business community in the Northern Territory…He is no longer here nor is

[92] Treasurer Barry Coulter, Tabling Statement, *Hansard*, 3 March 1988
[93] Neil Bell, *Hansard*, 22 October 1987
[94] Treasurer Barry Coulter, *Hansard*, 12 October 1993
[95] *Hansard*, 30 June 1994

> the Northern Territory Development Corporation. Hundreds of thousands of dollars of the loans that it threw at people...
>
> Mr Ede: Millions.
>
> Mrs PADGHAM-PURICH: Millions of dollars have had to be written off.[96]

Clearly, Padgham-Purich was referring to McHenry. Her comments were picked up by the Member for Nhulunbuy, Syd Stirling, who said:

> I recall the former Treasurer, the member for Palmerston [Barry Coulter], talking in here about yachts that went to the Carribean, at a cost of hundreds of thousands of dollars, never to be seen again. He said it with a laugh. I have never forgotten that because it really underlined for me exactly what the NTDC was about - money down the throats of their mates, never to be seen again.[97]

Stirling was referring to an NTDC loan granted to an individual who proposed a luxury sailing vessel for sunset cruises as a tourism venture. That individual ran into financial difficulties and sailed the vessel out of Darwin Harbour into international waters from whence recovery was impossible.

The foregoing is not to say that the NTDC did not have some successes. It did, one of which was the gas pipeline running from Central Australia to Darwin[98]. However, its string of disasters over many, many years point not only to extremely poor management within the NTDC (with or without Ministerial interference), but also to a failure on the part of the government to recognize that the institution was (a) a bad idea, (b) extremely poorly administered and (c) not the proper domain of a government. Whilst the NTDC began to recognize the Territory's tourism potential, it failed to back the right enterprises and threw good money after bad at dubious projects run by, in the main, inexperienced and unqualified individuals. That money would have been far better spent in early tourism promotional campaigns to help create demand for tourism infrastructure

[96] *Hansard*, 18 October 1985
[97] Ibid
[98] This, however, was an infrastructure investment rather than a high risk commercial venture.

which is more properly the domain of private enterprise and private financiers on standard commercial bases.

The advisory and business promotion role of the NTDC was taken over by the Department of Industries and Development (DID) by 1987, which became the Department of Asian Relations, Trade and Industry (DARTI) in 1995, neither of which had any lending capacity. Lending was now solely the domain of the TIO which, as noted above, was also subject to ministerial direction and, by inference, interference.

In August 1985, the Opposition moved to establish a Select Committee of Inquiry into Northern Territory Government Contingent and Actual Liability, which was ostensibly a reference to the government's performance on the casinos. Moving the motion, the Leader of the Opposition, Bob Collins, said:

> We are wading out to sea in respect of the financial affairs of the Northern Territory. The government is drowning but appears to be living in some fantasy world of its own construction. On *Territory Extra* [ABC Radio] this morning, the Chief Minister had the gall to deny that there was a financial disaster in the Northern Territory. In response to a direct question, however, he was unable to provide any financial information because 'the government still is not in possession of it'. [99]

It should be noted, however, that in 1987, the Public Accounts Committee reported to the Legislative Assembly on 'Actual and Contingent Liabilities of NT Government'[100], a reference the Chairman said arose from debate in August of 1986 when:

> The committee was directed by the parliament to report particularly on the liabilities in relation to Yulara, the Alice Springs and Darwin Sheratons and the proposed development on Myilly Point [for a casino].[101]

[99] *Hansard*, 29 August 1985
[100] *Hansard*, 24 November 1987
[101] Ibid

The Chairman, Mick Palmer, noted that this was the first report from the Public Accounts Committee in relation to a specific reference from the Assembly. The Committee identified reporting shortfalls in government administration, including:

> A particular concern in this respect lies in ministerial executive powers which can allow a minister to give a guarantee or indemnify someone or a thing against a contingency and not report the same to the Treasury.[102]

This, again, demonstrates the CLP's *laissez-faire* approach to economic management and appropriate reporting. Quoting a report commissioned by Treasury from Elizabeth Nosworthy of Morris, Fetcher and Cross, the Chairman told the Assembly:

> In the long term, the Territory's ability to maintain a creditable stance in the financial community and to continue to meet its commitments without difficulty will be materially enhanced by the establishment of some centralised system of control…[103]

As noted above, the Northern Territory Development Corporation was finally disposed of in July 1986. In December of that year, the *Northern Territory Land Corporation Act* commenced. The NT Land Corporation was itself an amalgam of the Territory Development Land Corporation and the Territory Parks and Wildlife Conservation Land Corporation. This was another entity established by the Northern Territory Government for which there was no reporting requirement. The Minister for Lands, Ray Hanrahan, told the Assembly in response to a question:

> I will once again make several important points clear. The Northern Territory Land Corporation is not an authority or an instrumentality of the Crown. Further, the corporation is not subject to the control and direction of a minister of the Crown. [104]

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[102] Op cit
[103] Op cit
[104] *Hansard*, 16 September 1987

This is something of a curious statement given that the Northern Territory Land Corporation was, indeed, a creature of the Crown given that the Northern Territory Legislative Assembly created it. Examination of the Act itself, however, reveals that it expressly declares the corporation not to be. For example:

> **6. Status of Corporation**
>
> (1) The Corporation is not an Authority or Instrumentality of the Crown and is not, for the purposes of the Interpretation Act, a statutory corporation.
>
> (1A) The Corporation is not, and is not capable of being, an Agency within the meaning and for the purposes of the Financial Management Act.
>
> (2) The Corporation is not subject to the control and direction of a minister or the Crown. [105]

Further, the Act absolved the corporation from reporting responsibilities under the *Financial Management Act*, which governs all government entities, and, by virtue of subsection (2), absolved any Minister of the Crown from responsibility for it. It was, however, eligible for government funding. Minister Hanrahan said:

> Under the new act, monies payable by the corporation could be advanced by the Treasury.[106]

One wonders what Bill Hull (since retired) would have had to say about that legislation. The Act is curious in the sense that it has no stated purpose. The only clue lies in the long title, which was:

> An Act to provide for the continuation of the Northern Territory Development Land Corporation as the Northern Territory Land Corporation to hold certain land in the Northern Territory, and for related purposes.[107]

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[105] *Northern Territory Land Corporation Act*
[106] *Hansard*, 22 September 1987
[107] *Northern Territory Land Corporation Act*

Section 4 of the Act provided that:

> (2) The Corporation is –
>
> (a) a body corporate with perpetual succession and a common seal; and
>
> (b) capable, in its corporate name, of -
>
> > (i) subject to this Act, acquiring, holding and disposing of real (including leasehold) and personal property; and
> >
> > (ii) suing and being sued. [108]

Notwithstanding Minister Hanrahan's claim that the corporation was not a government entity, 'the minister' appointed members to the corporation, including the Chairman. There would be no fewer than two members, but a vacancy in membership did not impede the corporation's ability to function. The Minister could remove members from the corporation in certain circumstances. Once again, this institution was shrouded in secrecy, and that secrecy was enshrined in legislation:

> **12. Confidentiality**
>
> A member shall not disclose information obtained in the course of his duties as a member unless that disclosure is made in the course of his duty as a member.[109]

Section 14 of the Act provided that the corporation could 'determine its own procedures'. Section 15 goes to the function of the corporation, its funding and ministerial responsibility:

> **15. Corporation to acquire, &c., land**
>
> (1) The function of the Corporation is to acquire (by agreement or otherwise), hold and dispose of real property (including an estate or interest in real property) in accordance with this Act and it may acquire and hold such property notwithstanding any other law in force in the Territory which would restrict or otherwise limit the capacity of the Corporation to acquire and hold it.

[108] Ibid
[109] Op cit

> (2) The Corporation has power to do all things necessary or convenient to be done for or in connection with or incidental to the carrying out of its function.
>
> (3) Moneys payable by the Corporation for or incidental to the acquisition of an estate or interest in real property may be advanced by the Territory on such terms and conditions as the Treasurer thinks fit.
>
> (4) Moneys payable to the Corporation in respect of an estate or interest in real property held or disposed of by the Corporation shall be paid to the Territory, whose receipt shall be a sufficient discharge therefor, and moneys payable by the Corporation in respect of an estate or interest in real property held by the Corporation may be paid by the Territory.
>
> (5) Notwithstanding anything contained in the Stamp Duty Act , no stamp duty shall be payable on an instrument by which any property or interest is granted, assured to or vested in the Corporation.
>
> (6) The Corporation may enter into such arrangements as it thinks fit with the Territory or any other person in relation to the care, control and management of land or an interest in land held by the Corporation.
>
> (7) Subject to subsection (6), the Minister has the care, control and management of all land and interests in land held by the Corporation. [110]

In a very deliberate move enshrined in section 6(1A), transparency was once again lacking, as Opposition Member Neil Bell pointed out:

> …this Northern Territory Land Corporation, which nobody can get in touch with, is neither fish nor fowl. It is not a private organisation that has to register itself. It is not a private company…It does not even have to register itself with the Companies Office. There is no requirement that it provide reports, as all private companies must do. Certainly, there is absolutely no public-sector accountability.[111]

Here, then, was an entity created by Parliament yet completely immune from parliamentary scrutiny because it was not required to report on any basis at all. Its mission was to acquire land 'by agreement or otherwise' with public funds advanced by Treasury. It was, indeed, an entity of the Crown, yet there was no requirement for any Minister to report on its activities or spending. Given the CLP's record on matters relating to land potentially affected by the *Aboriginal Land Rights (Northern Territory) Act*, it is reasonable to assume that the unofficial brief to the faceless few who formed the Northern Territory Land Corporation was

[110] Ibid
[111] *Hansard*, 16 September 1987

to acquire land that was potentially claimable by Aboriginal groups, thus rendering it was inalienable. This will be discussed further in Chapter 6.

Section 15(7) gives the Minister absolute control of holdings of the corporation (that is, 'all land and interests held' by it) whilst forgoing sections absolve both the corporation and the Minister from any form of public accountability and, therefore, any public scrutiny.

Incredibly, the Opposition supported the legislation. Neil Bell, speaking in 1987, quoted then Opposition Leader Jon Isaacs when bills for the former two entities were introduced to the Assembly in 1979. Having described the bills as 'extraordinary' legislation, he said:

> There is no requirement for accounts to be kept, no requirement for an audit of any accounts which are kept, no requirement to be presented for scrutiny by parliament or anyone else and no requirement for an annual report to be presented to parliament. Except for the members of the corporation, the minister has no right of direction or control of a body which conceivably will spend millions of dollars of public money…I might say that the opposition supports the legislation, notwithstanding the remarks that I have just made.[112]

Not surprisingly, the activities of the Northern Territory Land Corporation drew questions, debate and motions from Opposition Members of the Assembly, initially over the acquisition and subdivision of Finniss River Station which was the subject of a motion to appoint a Committee of Inquiry on the same day as the Opposition supported establishing the Land Corporation. The ALP's Neil Bell moved this motion:

> Mr Speaker, I move that:
>
> (1) a select committee to be known as the Select Committee on the Northern Territory Corporation be appointed to inquire into and report upon the establishment, operation and accountability of the corporation, with particular reference to:

[112] *Hansard*, 22 October 1987

> (a) the role of the Northern Territory Land Corporation in the acquisition and disposal of land;
>
> (b) the financial arrangements of the Northern Territory Land Corporation;
>
> (c) the present lack of accountability of the Northern Territory Land Corporation to the Northern Territory Legislative Assembly; and
>
> (d) whether there is a continuing need for the Northern Territory Land Corporation and, if so, what should be its role and legislative base;…[113]

Speaking on the motion, Bell expressed his views on the purpose of the corporation:

> I believe the intention was essentially to create title-holding bodies beyond the shield of the Crown. I believe that Paul Everingham's intention was to ensure that much of that land could not be claimed under the Aboriginal Land Rights Act…Honourable members will recall the vesting of large amounts of land and the bills which were presented in this Assembly in the early 1980s, accompanied by large schedules including stock routes and the like. Many of those matters continue to be vexed issues.[114]

Responding to Bell's comments, Hanrahan confirmed that the corporation was deliberately intended to be entirely separate from the Crown not for reasons of independence, but so land owned by the corporation could not be construed as Crown land and was, therefore, inalienable. In other words, the Northern Territory Land Corporation was created to subvert the *Aboriginal Land Rights (Northern Territory) Act*:

> The legislation intentionally establishes a body independent of government or ministerial control…
>
> The operation of corporations such as the land corporation has been examined by the High Court, which acknowledged the independence of the corporation from the Crown. It is important that the independence of the corporation be maintained and that it be free to operate in a commercial manner without being burdened by bureaucratic procedures.[115]

[113] *Hansard*, 22 October 1987
[114] Ibid
[115] Ibid

At the conclusion of Hanrahan's response, the Opposition was gagged because the Minister moved that the motion be put. In all, there were two speakers only on the motion.

During the Appropriation Bill debate in the same month, the Opposition again unsuccessfully sought information:

> Mr BELL: Is the minister able to advise us how many properties were acquired by the Northern Territory Land Corporation in 1986-87?
>
> Mr HANRAHAN: No, Mr Chairman.
>
> Mr Bell: I think that is outrageous.
>
> Mr HANRAHAN: You asked me the question. I cannot advise you because I do not have the information. [116]

The government must have been feeling some pressure in relation to the corporation because Hanrahan made the following announcement later in the same debate:

> I am able to advise honourable members opposite that the detailed financial statements of the Northern Territory Land Corporation Incorporated are to be released shortly. They are presently being audited.[117]

The *Northern Territory Land Corporation Act* remains on the statute books of the Northern Territory. The corporation continues to operate as a secret entity, and no public documents in relation to its activities are released. It is not required to report to the Legislative Assembly and has not done so.

A similar intention applied in respect of the *Territory Parks and Wildlife Conservation Act* and the *Territory Development Act*, both of which were amended to create similar 'non-Crown' entities to isolate land and thus render it inalienable:

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[116] *Hansard*, 27 October 1987
[117] Ibid

> Verbal advice has been received from Dr Lumb, constitutional adviser to the Northern Territory, to the effect that vesting of land in either the existing Commission or the existing Corporation may not result in the land being treated as unalienated Crown Land for the purposes of the Aboriginal Land Rights Northern Territory Act 1976. Accordingly, as a matter of law land vested in the existing Commission or the existing Corporation may be liable to land claims under that Act. The matter is not free from doubt.[118]

Advice to Cabinet about how to remedy the situation included option (b), which is in similar terms to how the NT Land Corporation was established:

> By establishment of parallel but separate land holding corporations independent of the Crown to hold title to land but not having the functions of management and control of the land.[119]

Another peculiar institution, similar to the Land Corporation, grew from a unit within the Department of Sport and Recreation to a unit within the Department of the Chief Minister[120] and ultimately into an entity referred to as the 'Northern Territory Major Events Company'. Whilst it resided with the Department of Sport and Recreation, the Major Events Unit was responsible for the running of the Honda Masters Games and Arafura Sports Festival, as it then was. When it was transferred to the Department of the Chief Minister, it assumed responsibility for those events as well as the Lasseters Indoor Challenge and the Tennant Creek Go-Kart Grand Prix, the latter two of which had relatively short lives.

In 1997, the unit was still part of the greater public sector and Chief Minister Hatton reported on its expenditure during the Appropriation Bill debate. For example:

> The majority of that expenditure related to the promotion of the department's 3 major events that occurred during 1996-97. A breakdown of the costs on an event by event basis is as follows. The Arafura Games: advertising - $22805; marketing and promotions - $264886; and document production -

[118] Cabinet Decision 708 of 25 May 1979
[119] Ibid
[120] Transferred in or about 1994.

> $28764. That is a total of $316455. The Honda Masters Games: advertising - $4161; marketing and promotions - $44997; and document production - $4486. That is a total of $63 644. Lasseter's Indoor Challenge: advertising - $38 697; marketing and promotions - $6821; and document production - $11871. That is total of $57389. [121]

In 1998, under a government initiative known as *Planning for Growth*, Treasurer Mike Reed announced the formal shift to the Department of the Chief Minister:

> A Major Events Office will be created within the Department of the Chief Minister. A small office already exists but this will be enhanced by the provision of appropriate staff as the need arises.[122]

This retained the unit within the public sector. By this time, the unit was involved in motor vehicle events such as the Shell Touring Cars and Finke Desert Race, with a bid for the Australian Safari and V8 Supercars. In June of 1999, however, parliamentary language changed, and the notion of a 'Northern Territory Major Events Company' had been introduced to the Assembly. For example:

> …Ruth O'Brien, who has worked for the past 6 months. She is with the Northern Territory Major Events Company that this government established, and she has been a great support to them.[123]

Exactly how a unit within the Department of the Chief Minister turned into a private company is not clear. There was no Ministerial Statement or legislation to enable it, but it appears to have been achieved during the 1998-1999 financial year. That said, not everyone referred to the company as a company. During the same Appropriation Debate, the Minister for Sport, Peter Adamson, said the entity remained a unit within the Department of the Chief Minister:

> …some of that is in relation to the touring cars, which did have an instance of facilities funding. While we still have responsibility for that area, there is now a new unit, a major events unit; a lot of that is now done out of Chief Minister's.[124]

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[121] *Hansard*, 18 June 1997
[122] *Hansard*, 14 October 1998
[123] Loraine Braham, Questions, *Hansard*, 2 June 1999
[124] *Hansard*, 9 June 1999

Two months later, however, the Chief Minister referred to the entity as a company:

> For the first time, and indeed for the next five years, the Australian Safari will be held wholly within the Northern Territory. The Territory government, through the Major Events Co, is the major sponsor of the Australian Safari.[125]

During budget debates in May of 2000, Chief Minister Denis Burke referred to the entity as:

> The overall reduction in the Specialist Services activity is mainly due to one-off allocations in 1999-2000 to cover the cost of grants to Hidden Valley Pty Ltd and *Northern Territory Major Events Co Pty Ltd*. $757000 for Hidden Valley Pty Ltd related to funding for the Shell Championship Series in 2000. $700000 for Northern Territory Major Events Co Pty Ltd was made up of $250000 for the 2000 Australian Safari, $100000 for New Year 2000 celebration fireworks and $350000 for funding of Cats in 1999. In addition, there was a need to carry over $317000 from 1998-99 for events spanning both financial years.[126] [emphasis added]

In June of that year, Loraine Braham, the Member for Braitling, provided an approximate time of the change in status:

> The Territory government last year established the Northern Territory Major Events Company, and one of the first primary tasks they were given was to raise the profile and image of the Finke Desert Race.[127]

During budget debates, Chief Minister Denis Burke said:

> …the additional costs included in the anticipated outlay of $3.988m included grants totalling $1.017m paid to the NT Major Events Company for the Australian Safari; the year 2000 fireworks and *Cats*…[128]

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[125] *Hansard*, 17 August 1999
[126] *Hansard*, 17 May 2000
[127] *Hansard*, 15 June 2000
[128] *Hansard*, 20 June 2000

The following year, Chief Minister Burke said:

> Establishing the Major Events Company was a very good move by the government and one I am sure has been applauded by Territorians.[129]

He also responded on a question about remuneration for the Board Chairman, former Chief Minister Marshall Perron, from the Member for Braitling, Loraine Braham:

> I understand in previous years the answer given was $10 000 which is the net of a tax figure. Marshall Perron receives no remuneration directly from the company. He is engaged as a consultant to the Department of the Chief Minister to provide advice and services as Chairman of Hidden Valley Promotions and the Northern Territory Major Events Company. He receives the princely sum of $19 417.47 plus a car. So it is not a lot of money.[130]

This is such a peculiar state of affairs that it has the potential to become confusing. There is clearly a role for the Department of the Chief Minister in the Major Events Company, yet it appears to have been quarantined from the mainstream public sector and is not required to report [131]. There is no obvious legislation in relation to it. Whilst it appears not to be publicly accountable, there is apparently some scrutiny of it:

> The Auditor-General provided an unqualified independent audit opinion for the financial statements of the Northern Territory Major Events Company, illustrating that our major events promotion and coordination are in sound financial hands.[132]

As for the Land Corporation, the Auditor-General may see the accounts of the Major Events Company, but in neither case are those figures made public. These two entities, created by the CLP, are enduring and remain in place without transparent reporting requirements under the ALP government.

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[129] *Hansard*, 26 June 2001
[130] Ibid
[131] Some governments argue against disclosure of event figures on the basis that such events might be 'poached' by other states. In these cases, governments provide global budget figures.
[132] Chief Minister Clare Martin, *Hansard*, 30 June 2005

The Trade Development Zone, into which the Northern Territory Government pumped at least $14 million on capital works[133] in the first year, was another scandalous project which was riddled by one disaster after another and was shrouded in financial secrecy. In April 1987, speaking during the Adjournment Debate, Opposition Leader Terry Smith quoted an article from that day's *Northern Territory News*:

> The Northern Territory Trade Development Zone Authority opened its doors to the media yesterday but refused to open its financial books for even the smallest peep. The authority chairman, Mr Ray McHenry, said he could not reveal how much government money had been spent attracting foreign and Australian companies to the zone. He said he could not divulge the size of the cheques being offered to aspiring zone member firms in the form of direct grants once they arrive in the Territory. Mr McHenry said it would be improper to indicate how much had been spent on the zone above the $10.5m for buildings and ancillary services. He also declined to identify some of the 7 companies expected to be operating in the zone before the end of the year. All he would agree to was that 2 Australian companies had been signed, Railex Fidelli and Brisbane-based Hungerford Refrigeration…Mr McHenry said he could not say how much bond money was being asked from the individual firms to ensure they honoured their official leases.[134]

Hungerford Refrigeration was to be its own financial disaster. Responding to questions from the Opposition, Treasurer Barry Coulter made this revelation to the Legislative Assembly:

> …it is my understanding that the ballpark figures for the TIO's investment were somewhere in the vicinity of $700 000 or $750 000. I understand that Hungerford had debts between $350 000 and $400 000 on its books. The TIO does have control by way of voting rights on the board and has control of the company.[135]

Coulter defended the deal as being prudent and pursuant to advice from chartered accountants and 'the best academic advice provided by a professor of an Australian university who investigated the Hungerford product and gave it a clean bill of health'. Smith asked whether Hungerford Refrigeration was a $2

[133] See Adjournment Debate (Terry Smith), *Hansard*, 28 April 1987
[134] *Hansard*, 28 April 1987
[135] *Hansard*, 30 April 1987

shelf company with capital of $14,000. Coulter dodged the question and referred to the number of contracts the company had secured. He then confirmed that:

> …a great deal of that [TIO] money was used to pay out debts owed by the company.[136]

He added that there was a great deal of money owing to the company. Whether that money was ever recovered is not known. Once again, Coulter confirmed that there was ministerial approval[137] of the Hungerford deal, meaning that the TIO Board did not operate in isolation from the Northern Territory Government. The Hungerford issue went on for some time before the company left the Trade Development Zone. The Hungerford deal closely resembled a number of other deals and, with or without the Northern Territory Development Corporation, it was the Northern Territory Government that appeared to be the lender of last resort.

The most embarrassing and public episode for the Trade Development Zone was appalling working, living and social conditions imposed on Chinese 'guest workers' at the Hengyang factory, which were revealed in early 1990 after the company had been operating in the zone for some nine months. Hengyang, a clothing company whose directors resided in Hong Kong, imported Chinese 'guest workers' and purported to pay them Australian labour rates. They then took the bulk of the Australian wages in 'rent' when workers were housed in small, overcrowded flats. Defending the company, Industries Minister Barry Coulter accused the ALP Opposition and the union movement of a conspiratorial campaign against the government generally and the Trade Development Zone in particular:

> The campaign has sought to generate a series of public horror stories about living and working conditions of Chinese guest workers with a purely political end in mind.[138]

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[136] Ibid
[137] *Hansard*, 6 May 1987
[138] *Hansard*, 20 February 1990

However, he informed the Assembly:

> I intend to deal with the issue of living and working conditions for Chinese nationals at the Trade Development Zone and what is being done to address the problems that have been identified.[139]

The government was clearly concerned about damage from the media coverage that had been sustained over a period of weeks and which included national and international exposure:

> Let us not mince words. Today, the whole future of the zone is under a cloud. Its success depends, at least at this stage, on the establishment of large factories which have the capacity to generate product on a scale not previously known in the Territory…The value of capital works at the zone has escalated from $9m in 1988-89 to $17m in the current financial year and I expect it to at least double in the next financial year…Nobody would have the temerity to deny that the Northern Territory government, through the Trade Development Zone Authority, has shouldered its fair share of responsibility for inadequate foresight into the problems brewing at the Hengyang factory. Other parties to the tripartite agreement have been far less forthcoming about their stated responsibilities.[140]

In the midst of the publicity surrounding Hengyang were allegations of serious human rights abuses, which had attracted a great deal of attention. Whilst launching a political attack on the union movement and the Opposition generally, Coulter said:

> Overtime payment discrepancies will be remedied and Chinese guest workers will be paid what is due to them retrospectively. The amount is still to be determined by Coopers & Lybrand. We have decided to extend the brief to allow Coopers & Lybrand to look at the operations of other companies in the zone, including Darwin International Textiles. Hengyang has also been directed to sort out industrial and staff relations issues at the factory as soon as it is possible to do so.
>
> …
>
> …close attention has also been promised by Hengyang to the living conditions of guest workers. The company is in no doubt about my wishes. I am demanding that Australian award conditions exist in all circumstances for all the Chinese workers at the factory and that Australian standards of freedom of association

[139] Ibid
[140] Ibid

> equally apply to the Chinese guest workers outside working hours. Nothing less will suffice.[141]

Implicit in Coulter's comments is an admission of substandard working, living and social conditions applying to the workers. Not surprisingly, the Hengyang factory closed and 'guest workers' were hastily returned to China. It was a particularly bleak episode in Northern Territory Government history.

The government's peculiar conduct was again brought to light in 1986-87 when it was revealed that the Under Treasurer, Dr Neil Conn[142], was not being paid as a public servant, but as a company. It was a salary packaging arrangement that was not illegal, but did diminish transparency and any standardization within the public service. Effectively, the package arose out of disparities between company tax and personal income tax rates. High salary earners had an incentive to incorporate and be paid as a company, which meant that the NT Government was not liable for payroll tax on the salary because the arrangement was technically a contract payment to a company.

A further extraordinary venture was announced in 1988. Under the auspices of a company called Education Holdings was a proposal for the Darwin International Grammar School (DIGS), which was contentious for a range of educational reasons in addition to the financial issues. Involved in Education Holdings Pty Ltd was Hishamuddin Koh of Burgundy Royale fame. The site of the proposed school was Berrimah Farm, where land was rezoned by the government prior to Valuer-General's valuation of it. The school was intended to open for the 1989 school year. A Principal, Andrew Maclehose, was appointed in mid-1988. Education Holdings went into liquidation on 30 January 1989 and the land at Berrimah Farm granted to it as a Crown Lease was returned to the government on the grounds of non-performance in the foreclosure action [143]. The issue of

[141] Ibid
[142] Dr Conn would later be appointed Administrator of the Northern Territory.
[143] See Questions, *Hansard*, 15 February 1989

DIGS land remained unresolved by 1 October 1991 when the Minister for Lands revealed that the land had been acquired by the Westpac Banking Corporation, presumably a creditor of Education Holdings, which had letters of guarantee against it. Resolution was predicted by the minister to be 'some months'[144].

The government was by no means out of the financial woods, as the Public Accounts Committee Report into Dalway found. Dalway was a family business enterprise engaged in cabinet making and was originally called Darwin Joinery. It was owned by the Pastrikos family. TIO was involved, often at Ministerial direction[145], and on 8 November 1988, a loan agreement for $2.5 million was entered into. From May to August 1989, the joinery operated at a loss of $1.2 million. The Department of Industries and Development negotiated an assistance package of $0.88 million in September 1989.

On 30 January 1989, Cabinet approved a $2 million loan to remove all commercial financiers except TIO from the venture, with ANZ and Esanda respectively accepting .33 and .66 cents in the dollar for their securities. Cabinet rescinded its earlier decision of $2 million in funding and granted $3.5 million on 16 February 1990. On 23 February, TIO resolved to withdraw from the venture all together. On the same day, following a meeting of Ministers and bureaucrats, the TIO Board was contacted by telephone and resolved 'to continue its involvement'[146], which clearly implies further ministerial interference in the TIO Board. The government then assumed the assets of Dalway and assumed liability for pre-existing TIO loans amounting to $2.8 million. Dalway's total debt stood at $6.7 million on 15 March 1990. With the government now 'owning' the joinery, unsecured creditors amounted to $909,095 rather than the $500,000 anticipated. From 15 March to 30 June 1996, the joinery had an operating loss of $285,904. It should be noted here that the joinery was the preferred company to provide joinery works for the new Parliament House in the much-mooted and

[144] See Questions, *Hansard*, 1 October 1991, Noel Padgham-Purich to Minister for Lands.
[145] See, for example, the timeline in relation to Dalway at page 20 of the PAC report.
[146] PAC Report No 19, Feb 1993; 25

yet-to-be-gazetted 'State Square' precinct. Various Dalway employees and directors were sacked and resigned respectively. By 30 June 1991, Dalway had traded at a loss of $1.29 million for 12 months. On 10 September 1991, Cabinet decided that Dalway should be sold. Pastrikos, the original owner, sought to buy back the company for $4.5 million over a 10 year period on an interest-free basis. The company was valued at $2.36 million by the Australian Valuation Office. On 22 May 1992:

> Consultants recommend that Dalway be sold to Pastrikos Consortium for $1.75M on walk-in walk-out basis.[147]

That recommendation was approved by Cabinet and the sale was concluded on 25 May 1992. TIO was paid $2.8 million and 'agreed to forgo interest on outstanding loans'. On 12 August 1992 the Australian Securities Commission issued a statement saying there had been no breach of Corporations Law. The Northern Territory Government had spent at least $6.88 million on a company that was not a going concern and ultimately sold it to the original owner for $1.75 million, a $5.13 million loss on published figures alone. This does not take into account the time invested by an army of government bureaucrats, lawyers and consultants in trying to transform the company from an albatross into a going concern.

In April 1991, soon after the October 1990 General Election, Chief Minister Marshall Perron was forced to announce financial reforms subsequent to a process known as the Estimates Review Committee (ERC). Perron was scathing in his criticism of the Australian Government, which he claimed had inflicted:

> …savage reductions in our share of Commonwealth tax revenues over successive years, and the recession that did not have to happen, orchestrated by the Labor government in Canberra.[148]

[147] PAC Report No 19, Feb 1993; 28
[148] *Hansard*, 30 April 1991

Perron claimed a 25.6 per cent reduction in federal funding over the previous six years, which meant that the Northern Territory had '$354m less this year, in today's money terms, than we did in 1985-86'. He also said:

> As a past Treasurer, and as Chief Minister, I am proud of the record of 13 balanced budgets and prudent financial management of the Territory government since 1978.[149]

Perron acknowledged that debt had grown, and explained that as the lack of infrastructure inherited by the Northern Territory at the time of self-government and '67 years of neglect' by the Australian Government. The government's proposed reforms included abolition of an additional gazetted public holiday each year and public service job losses:

> While we have identified 1223 current positions that will not be needed, as many as 1 in 4 are already vacant. That, and the fact that staff reductions will be effected over 2 years, will mean that the pain of actual job losses will be considerably less than the figure of 1223 suggests.[150]

Other initiatives included merging units of different government departments to form a single construction agency, closure of some schools and privatisation of some service functions such as cleaning, maintenance, laundry, catering and stores, which, Perron contended, would be:

> …carried out with efficiency equal to that of the private sector.[151]

Another cut included ending an annual grant to the 'declining greyhound racing industry'. Against this, the Chief Minister said that revenue-raising measures arising from the ERC would raise $18 million in 1992-93 and beyond. He said:

> It has been the government's practice, over the past decade, to set taxes and charges below the level of most of the states even during periods of high inflation…[which] cannot be sustained in current economic circumstances.[152]

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[149] Ibid
[150] Ibid
[151] Ibid

During his response, Opposition Leader Brian Ede accused the government of failing to acknowledge the Territory's financial situation to the electorate earlier:

> …look at the way that the CLP ran its election campaign. It pulled figures out of the air at random and talked about more jobs and more hope yet it knew as well as we did that a review process would have to be put in place…not only did the Chief Minister know then that a razor gang was required but he knew it when he brought down the budget. He knew it when he called the election.[153]

Ede attracted interjections from government members when he pointed out that the Opposition had campaigned on the need for budget reductions to contain the level of debt being accumulated. He continued:

> …we already have a major problem in this financial year. In order to cover the blow-out, the government has already had to increase borrowing to $20.3m above the figure originally projected for this financial year. Over the past 7 years, while it continued to refuse to adjust its expenditure levels, this government continued to borrow to fill the gap.[154]

This type of debate between the CLP Government and ALP Opposition is typical of parliamentary debates throughout the life of CLP governments, however on this occasion, the Opposition could legitimately claim that it had foreshadowed that radical reassessment of the Territory's financial position was required in order to contain the rising debt and accommodate the losses in federal revenue. Ede continued:

> …Northern Territory taxes and charges have increased in direct proportion to our increasing interest payments on that debt. This comes from the ABS figures, which demonstrate very conclusively the correlation between the increase in debt and the increases in taxes, fines and charges.[155]

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[152] Ibid
[153] Ibid
[154] Ibid
[155] Ibid

Ede moved on to the debt ratio per capita and said that at the end of the 1990 financial year, the Northern Territory's rate was $6924 compared with $1253 in Queensland, $6320 in Victoria and $6602 in Tasmania, meaning that the Territory's rate was the highest in the country. He quoted the government's figures on the level of debt servicing that would be required:

> …next year, we will be paying $227m on debt servicing and, the year after, we will pay $239m on debt servicing.[156]

Ede then quoted comments from the Institute of Public Affairs, an organization with which, he admitted, the ALP would not normally associate:

> 'The government's increasing involvement in private sector investment decisions and exposure to the predatory talents of entrepreneurs, who may or may not deliver, has the hallmarks of the corporate adventurism of the Victorian and Western Australian governments. The consequences could be equally disastrous for Northern Territory taxpayers'.[157]

Describing the cuts as an 'attack' on the standard of social services, welfare and education, Shadow Health Minister Maggie Hickey noted that this was not the first 'razor gang' to be implemented by the CLP:

> In 1987, the CLP did exactly the same thing. It got its election out of the way and then attacked the services that it had so proudly applauded only weeks earlier. At that time, the effect of the government's actions was to send the economy into a tail spin. Economic growth plummeted from 8% to -4%, population growth dropped off and the Territory's development stopped.[158]

Hickey noted that in the health sector, budgetary cuts hit front line services:

> The areas hit were aimed mainly at providing service to the aged, the sick, people living in remote communities, women and families… [159]

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[156] Ibid
[157] Ibid
[158] *Hansard*, 21 August 1991
[159] Ibid

During the course of her speech, she mentioned a strike in Alice Springs. There were a number of strikes and a great deal of distress about both public sector cuts and school closures. It was a particularly acrimonious time for the CLP and its usually tolerant electorate:

> No matter how many times we tax-payers shook our heads over the politicians' junkets, the boys frequently seemed to 'bring home the bacon', to our surprise.[160]

Hickey then turned her attention to the revenue raising side:

> The opposition believes that these increases will take about $500 per year directly from the pockets of families. This tax slug has been imposed to pay for the government's Sheraton and Yulara deals, which cost over $600 per family last financial year.[161]

Whilst there was a global impact across the Northern Territory, the ERC cuts were particularly felt in regional areas of the Territory:

> The impact of the ERC cuts was most severe in the areas of education, health, and community services - particularly significant areas for Aboriginal people already severely under-serviced.
>
> As part of this cost-cutting exercise, Traeger Park School, in Alice Springs, was to be closed at the end of 1991. This school's enrolment was predominantly Aboriginal (98%) and it had developed a unique and successful program to cater for the needs of Aboriginal students.[162]

The issue of Yulara and the Sheratons was the subject of a Ministerial Statement by the Minister for Industries and Development Steve Hatton in November 1991, no doubt hastened by general economic conditions and the public response to ERC cuts. In his response to that statement, Opposition Leader Brian Ede said:

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[160] Chan, 1992; 56. Note that Chan was not specifically addressing the ERC cuts here; it was a general observation about CLP Governments.
[161] *Hansard*, 21 August 1991
[162] Walton [1992] *Aboriginal Law Bulletin* 38.

> As has been said this morning, the total cost of the Investnorth disaster has been at least $450m, and probably more. If we consider [what] the…$450m-odd which has been ploughed in over the years could have earned, the interest cost is at least $60m. That is well over half the amount saved by the cuts made in the ERC process which we wore last year and will continue to experience this year. The total amount wasted is equivalent to $3000 for every man, woman and child in the Northern Territory. The debt bailout alone has added another $2000 already to our per capita debt. Previously, it was the highest in Australia, and this pushes it to a disgraceful level.[163]

As noted earlier, Northern Territory tax payers are still paying for the excesses of the Yulara project, which is something in the order of $164,000 per day. There is no way of knowing what level of debt (or otherwise) was incurred by the Northern Territory Land Corporation, nor indeed what was lost in Northern Territory Development Corporation loans that resulted in default. What occurred in 1991 was recognition that CLP governments could not continue to operate in the way they had in the past. Whilst it may have been a convenient political argument to blame the Federal ALP Government, and whilst some of the impact was caused by reduced federal funding, the CLP had to exercise financial responsibility and withdraw from the 'corporate adventurism' attributed to it by the Institute of Public Affairs.

There are other examples of financial mismanagement, including the awarding of a contract in October 1982[164] by the General Tender Board to an aero-medical operator which had a limited fleet of aircraft, one of which was based at Tennant Creek and proved to be unserviceable. That contract was eventually cancelled and the work awarded to a more capable operator. Successive Northern Territory governments were also called into question over their use of consultants and the payment of retainers to those consultants[165].

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[163] *Hansard*, 12 November 1991
[164] See, for example, Debates, *Hansard*, 31 May 1983
[165] A noteworthy example is KK Yeung, a Hong Kong consultant retained by the Trade Development Zone Authority, who received a retainer of $7500 per month and supervisory fees of $2000 per consultant per month. See Appropriation Bill Debate, *Hansard*, 13 November 1986.

After all this, the CLP continued to maintain that it was an economically responsible and reliable manager. Successive CLP governments squandered millions of dollars under a range of guises, all of which pivoted on the central thematic plank of 'development'. The ALP, whilst proving to be an effective opposition and raising each disaster as it unfolded, was unable to capitalize on the failures of its opponents and lost successive elections notwithstanding the highly questionable record of the CLP. There are various reasons for this which are canvassed elsewhere, but broadly speaking, the ALP had limited resources with which to fight election campaigns and did not present a calibre of candidate palatable to many electorates, and the CLP consistently and successfully used economic inexperience as a major weapon against the ALP.

At any level, the CLP cannot be considered to have been an astute financial manager. Whilst it can be said that economic performances improved somewhat following revelations of the Dalway report, there remained a lack of accountability throughout government, including financial reporting and access by the public (and the Opposition, for that matter) to a range of government information which, in other states, had been established by freedom of information legislation. This was noted by reports from the Auditor-General to the Legislative Assembly:

> Further criticism of the government's performance came on 24 August [2000] when the Auditor-General, Iain Summers, argued that the performance of Territory government departments could not be checked properly. The functions of the office of the Auditor-General, he commented, were limited when it came to reporting on department performance…The lack of freedom of information legislation, an upper house or an estimates committee and the system of single-member electorates, he added, helped reinforce the lack of accountability in the Territory.[166]

[166] *AJPH* Vol 47, No 2, 2001; 303

Recognising that the CLP had successfully used its so-called economic credentials against the ALP in past election campaigns, Opposition Leader Clare Martin appointed an Economics Advisor to her staff in 1999[167]. A former NT Treasury officer, Don Parker must be credited with a good portion of the ALP's victory in 2001 for it was he who secured the approval of Access Economics of the Opposition's proposed policies, a first for the ALP in the Northern Territory. Parker gave the Martin Opposition:

> …the ammunition to see through the rhetoric of the CLP by connecting the cost of failed projects and debt servicing to funding for nurses, teachers, police and other services people needed.[168]

It was an effective strategy which gave Martin in particular a great deal of economic credibility.

Following the ALP's election in 2001, a further financial debacle emerged, which became known as the 'presentational purposes' budget. During the formulation of the 2001-02 Budget by the CLP, Treasurer Mike Reed wanted to be able to display more growth between the current and forthcoming budget years. In order to do so, the figures for 2000-01 were 'trimmed' so that when they lined up against the 2001-02 figures, they demonstrated reasonable growth. However, government departments were aware of the real figures and knew they would have to cut spending significantly during the coming financial year, which was an election year. Treasury then sought to reassure Departmental CEOs by annotating the spreadsheets that the apparent cuts to their budgets in 2000-01 were 'for presentational purposes only' and that all the apparent 'cuts' would be reinstated prior to the end of the financial year. It should be noted that this misrepresentation was entirely lawful because the Treasurer had authority for presentation of budgetary data pursuant to the *Financial Management Act*.

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[167] This was not a new initiative; other leaders employed Economics Advisors (eg Brian Ede employed John Tobin; Bob Collins employed Paul Woodland, etc).
[168] Personal communication, 10 January 2008

This information came to light at the end of September 2001 (the election being in August) when Paul Bartholomew, the Chief Executive of the Department of Health, was asked by Jane Aagaard, the then Minister for Health, to take her through the original budget figures. It was Bartholomew who informed the minister that the budget figures were for 'presentational purposes only' and presented some spread sheets with Treasury annotations. The nett result was the 2001-02 Budget was starting from a much higher base than had been reported in the Budget papers. The ALP inherited a false budgetary representation from the former CLP Government. Ken Clarke, the Under Treasurer, appeared before the Chief Minister and declared that the deficit, reported in the Budget papers to be $11 million, was closer to $100 million.

The ALP enlisted the services of an ex-NSW Treasury head, Professor Percy Allan, who revealed that the budgetary situation was much worse than anyone had anticipated. The ALP then implemented a harsh Mini-Budget to attempt to make up the shortfall. The Mini-Budget was relatively short-lived because federal dollars from the new GST regime began to flow to the states, and the NT Government could ease back its Mini-Budget measures.

Conclusion

This chapter has dealt with some, but by no means all, CLP financial disasters. Apart from indicating a cavalier attitude to financial management and accountability, it is clear that millions of dollars were wantonly wasted at the expense of other, more tangible investment that could have been undertaken in the Territory. CLP governments regularly strayed into areas that are more traditionally the domain of private enterprise and private financial institutions, resulting in losses that are still being repaid. Precisely what was spent on or by the Northern Territory Land Corporation is neither known nor quantifiable, yet this, too, was a policy decision by the CLP to quarantine potentially claimable land

under the Land Rights Act and, again, either thwarted or complicated attempts by Aboriginal groups to make legitimate claims under that act.

Far from being the practice of neoliberalist economic fundamentalism described by Walter[169] and others, this was an enduring practice of neoliberalist economic experimentalism at best and neoliberalist economic brinkmanship at worst. Economic fundamentalism relies on the market deciding; it does not rely on the state clumsily 'creating' opportunities which the market rejects out of hand, leaving the state with almost unmanageable debt. Yet this is one of the fascinating characteristics of the CLP. Whilst holding dear – or claiming to hold dear – the principles of liberalism, there was almost an arrogant element of risk which was as foolish as it was bold but served to reinforce the notions of Arcadianism, imagined community and myth. All of it was driven by a relentless pursuit of land, in classic liberalist style as a sense of entitlement described by Coltheart, Brett, Brooking[170] and others.

[169] 2010; 256
[170] 1992; 78-98

CHAPTER 6: THE CLP AND RACISM

Introduction

During a question and answer session at the Charles Darwin University Symposium in 2007, [then] former CLP Opposition Leader Terry Mills[1], the Member for Blain, said:

> People think that because I am a member of the CLP, I'm racist. I'm not.[2]

Implicit in this statement is a concession that the CLP is or has been a racist organization, which is at odds with persistent claims from party officials and others that it is not:

> Whether the CLP has used them [issues of race arising from land] unfairly is another question and views about their validity and effect vary according to partisan position, and sometimes to a grievous lack of understanding of the Territory's political process. [3]

It is not the case that partisan position can or should determine whether the CLP used race as an electoral and political tool. This thesis is centred on the point that the CLP routinely used race as an electoral tool and routinely sought to isolate and marginalise Aboriginal people, dressing up its marginalization in the guise of Arcadian populism and an imagined community. As noted in Chapter 1, the CLP has a history of acrimonious relationships with Aboriginal leaders and organizations, yet this is not racism for the sake of racism; it is a conflict arising from fierce competition for land and the CLP's entrenched policy of refusing to negotiate in most cases over land claims. Race was, however, exploited during

[1] Mills has twice held the Opposition leadership: 19 November 2003 until 7 February 2005; and 29 January 2008 to present (March 2011)
[2] CDU Symposium, Thursday 10 May 2007
[3] Heatley, 1998; 76

election campaigns – again, arising from conflict over land – with spectacular electoral success.

Writing the commentary to accompany a satirical portrait exhibition entitled *30 Years of Chief Ministers: the official portraits we should have had*, Chips Mackinolty wrote of 1 July 1978 when the Northern Territory assumed self-governing status:

> Tom Harris got up on stage and sang *When the gins come down from Oenpelli*. He later became Education Minister.[4]

It would appear that Terry Mills – and other members of the CLP – was completely unaware of the party's history, which is characterised by the politics of race and division, conflict and confrontation, all of which arise from competition for land.

This chapter argues that the CLP has a history of racism, that it deliberately neglected 'the bush', meaning specifically Aboriginal people, and that the impetus for such deliberate neglect was a naïve notion that traditional Aboriginal people would leave their land and move to urban centres, thus freeing up that land for development. By its nature, it was a latent form of attempted Diaspora. Further, the CLP's approach to Aboriginal policy, where it existed at all, was postcolonial and hegemonic, seeking to trivialise Aboriginal culture and replace it with white notions of 'civilisation' couched in another word of convenience: 'mainstream'. Once again, we return to Coltheart's notion of Arcadianism and the ideology of the Whigs who interpreted their own history of having a 'right' to land. This ambition vastly underestimated the strength of Aboriginal culture and the importance of land to those collectively responsible for it. It also set the stage for some dramatic political events.

[4] Mackinolty, 2008; 1

As discussed earlier, central to this racism was the *Aboriginal Land Rights (Northern Territory) Act*, which has been joined by the Mabo, Wik, and, most recently, Blue Mud Bay decisions of the High Court of Australia and the *Native Title Act*, and which have enabled Aboriginal people to claw back land of which they had been dispossessed by earlier – and false - claims of *terra nullius*. Successive CLP governments were unhappy that the Australian Government consistently refused to hand carriage of land rights to the Northern Territory, although several attempts were made to persuade it to do so.

The CLP's attitude to Aboriginal people was made clear very early in the life of self-government, as we have seen. Issues were periodically raised in the Legislative Assembly, most often by the ALP Opposition. For example:

> I am disturbed by the inherent racism in statements like that because they are racist statements. What the honourable Chief Minister and the Minister for Mines and Energy are saying is that, when Aboriginal people adopt an attitude that is contrary to that adopted by the government, they do not deserve either legal or political representation - the kind of representation that white Australians avail themselves of as a matter of course every day of the week.[5]

Here, Bob Collins was referring to community opposition in Oenpelli to proponents of the Narbarlek mine. The Chief Minister had earlier discounted a letter from that group as not being the work of Aboriginal people and therefore of no merit. Collins concluded:

> When Aboriginal people went to the trouble of employing a solicitor to put a plea into legal language and into easily understood English so that this Assembly could understand it, immediately that letter was publicly discounted by the honourable Chief Minister because it had obviously not been written by Aboriginal people.[6]

Once again, this is an example of isolating and marginalizing Aboriginal people from the rest of the community. At every opportunity, there was a form of

[5] Bob Collins, *Hansard*, 12 September 1979
[6] Ibid

branding that sought to distinguish Aboriginal people with the underlying message was that there was sinister intent on nearly every occasion.

Disaffected former CLP senior advisor Andrew Coward was succinct in his assessment of the dichotomous relationship between suburbia and the bush, notwithstanding that he may have had an axe to grind following his dismissal by Shane Stone when Stone assumed the Chief Ministry. Coward wrote a document entitled *Dossier nt*, which was quoted in the Legislative Assembly and which is consistent with Lenore Coltheart's Acadian myth notion about which she wrote following the 1980 General Election. Coward wrote:

> The true Territorians [Aboriginal people] could be excused for thinking themselves victims of `the external enemy theory'. They are often said to hamper the development ethic, drain resources through their intractable social problems and, moreover, are likened as rapacious in their continuing demand for land rights and sea rights. Aboriginals might own half the Territory, but, while land rich they are cash poor, education poor and health poor. Diseases are endemic, diet often bad and death comes early. Many live in third world squalor, as is documented in a raft of reports that have been made about their conditions since 1978 and, most recently, instanced yet again in October 1997, by the Australian Medical Association.[7]

He goes on to speculate about outcomes for Aboriginal people in the event of quality water supplies, functional sewerage systems, education and health, and continues:

> But they are the have-nots in a Territory of haves - the Territory divide. And it does need to be asked: has the governance of the Territory been inclusive and democratic? And has the rural Aboriginal minority suffered discrimination when their expectation in 1978 was presumably the same as every other Territorian's - that self-government would provide a better life, new opportunities, the chance to grow personal wealth, and to live beyond infancy.[8]

Coward's motivation is not relevant here. He raised pertinent issues that have been raised time and again, and he referred to the myriad reports that were

[7] Syd Stirling, *Hansard*, 4 December 1997
[8] Ibid.

presented on world, Australian and Northern Territory stages at reasonably regular intervals, all saying the same thing and all largely ignored by the Northern Territory Government:

> Reams of recommendations have been listed, skimmed, ignored and filed — any number of which, if put into practice, could have made a sustainable difference on the ground for Aboriginal Australians.[9]

The Northern Territory is funded on the principle of 'horizontal fiscal equalisation' meaning that funding is provided on the basis of what it costs to deliver a service per person in the Northern Territory. Distance is factored in to the Commonwealth's formula, often to the chagrin of the more populous states[10] because the Northern Territory receives four times more on a *per capita* basis. This money, however, has not found its way into the bush, and there are Aboriginal communities in the Northern Territory today that do, as Coward and dozens of others have stated, subsist in Third World conditions or worse and where education is either absent all together or haphazard at best. The Australian Government's formula is used to arrive at funding figures. No monitoring of where the money is spent occurs at Commonwealth level and there is no requirement for the Northern Territory Government to account for where money is spent.

Successive CLP governments provided generous funding to multicultural organizations:

> The CLP has been especially adept in its treatment of ethnic communities and sporting groups. Unlike its political opponents, the CLP has rarely, at least since 1980, had to resort to campaigns replete with vote-seeking promises. Although its campaign manifestos draw on the party's platform, its positive appeal has been largely based on past achievement.[11]

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[9] Brown and Brown, 2007; 9

[10] The NSW government ran an advertisement in *The Sunday Telegraph* on 1 November 1998 which mocked the *Never Never* tourism campaign and said: 'If you never never go, you'll never never know where $540m of NSW taxes get snapped up every year'.

[11] Heatley, 1998; 75

Whilst this may be so, CLP governments have always been aware of the ethnic diversity that makes up Territory urban communities. There is, however, a political element, and this was raised in the ALP post-mortem on the 1997 General Election, which claimed:

> The Country Liberal Party… heavily targeted Greek and Vietnamese voters, with an 'ethnic bussing' and 'ethnic greeting' campaign in place in several key electorates.[12]

There is nothing unusual about bussing and greeting campaigns; most parties consider it an essential service to provide at election time. The point is that successive CLP governments actively engaged with various ethnic communities. Thus, the racial divide occurs only with Aboriginal people, which creates a peculiar dichotomy. For example, tourism authorities were quick to realize that the distinguishing feature of the NT tourism market was cultural. On the whole, this meant Aboriginal culture[13], and the message was marketed to the world on a regular basis over many years and many tourism campaigns. Political realities, however, were very different.

Governments were happy to exploit Aboriginal culture in order to lure tourists to the Northern Territory, but they were reluctant to improve the lot of those living in remote areas, and they were happy to run election campaigns engendering unfounded and unrealistic fears. Here it should be noted, however, that no ethnic group posed the threat to Northern Territory CLP governments that Aboriginal people did; no ethnic group was entitled to make claims upon land the CLP so desperately wanted under its control.

[12] [ALP] *Report To Conference On 1997 Northern Territory Election*, tabled by Denis Burke on 23 February 1999; 5

[13] Successive governments were not as quick to exploit *balanda* or white cultural heritage, nor were they interested in promoting special interest attractions, such as World War II history and heritage, of which the Northern Territory had an abundance – arguably the best and most numerous examples in Australia.

Racism on the basis of land is a reasonably widely held view elsewhere in the country. *Green Left Online* reported the 2001 election in these terms:

> Of course, the CLP concentrates on anti-Aboriginal racism and, given the NT's large migrant population, has not discharged the same venom against non-Anglo migrant communities.
>
> The party's anti-Aboriginal racism has been employed as a tool of division, designed to secure non-Aboriginal workers' and students' support for big business' attempts to crush the local land councils, which still have considerable legal power to hinder destructive developments on their land.[14]

This electoral 'tradition' was acknowledged in a back-handed way by former Darwin journalist David Nason in an eloquent obituary to CLP strategist Paul Cowdy[15] in *The Australian* on 5 November 2007:

> When [Paul] Everingham quit federal politics in 1987, [Peter] Murphy and [Paul] Cowdy also joined [Marshall] Perron's staff for two elections where race issues dominated.
>
> The CLP won both in landslides and, taking over from Perron, [Shane] Stone repeated the dose in the 1997 NT election where the dominant issue was the need to crack down on Aboriginal drunkenness and anti-social behaviour in Darwin.[16]

This is an acknowledgement that successive election campaigns were couched in some form of racial bias designed to exploit fear and ignorance about security of land tenure in the key northern suburbs seats, where Northern Territory elections are traditionally won. Election campaigns will be considered elsewhere, however the so-called 'Aboriginal drunkenness and anti-social behaviour' referred to by Nason served only to reinforce racial bias. There is no evidence to suggest a lack of non-Aboriginal drunkenness or anti-social behaviour in the Northern Territory, quite the contrary, but it tends to remain behind closed doors where there is title to a property or a mortgage over it. At issue was *public*

[14] Dellit, 29 August 2001
[15] As distinct from Andrew Coward.
[16] Nason, 5 November 2007

behaviour that was deemed unacceptable, and Aboriginal people have long been the target of government campaigns and strategies to address it.

It is not the case that Aboriginal culture was not understood by CLP governments. At least at a superficial level, there was some understanding. By ignoring that culture or belittling it as 'primitive' and 'uncivilised', the CLP sought to discredit an entire culture with a view to taking possession of land that was potentially valuable for tourism development, mining, fishing and pastoralism but was subject to legitimate land claim.

It is unrealistic to assume that traditional Aboriginal people want to move to urban areas or, indeed, are remotely interested in 'mainstreamism'. Lessons of the past show that enforced assimilation does not work and, in fact, creates many more problems than it resolves. Various communities in the Northern Territory have been aversely affected by such policies. For example:

> Post-war assimilation policies assumed that Pitjantjatjara and Yankunytjatjara people had begun a rapid and irreversible transition into mainstream Australian society and would give up their nomadic lifestyle, moving to specific Aboriginal settlements developed by welfare authorities for this purpose. Further, with increasing tourism development in the area from the late 1950s, Anangu were discouraged from visiting the Park [Uluru]. However, Anangu continued to travel widely over their homelands, pursuing ceremonial life, visiting kin and hunting and collecting food. The semi-permanent water available at Uluru made it a particularly important stopping point on the western route of these journeys.[17]

Even a superficial understanding of Aboriginal culture points to a pre-literate society with a deeply emotional *collective* tie to 'country', certain country in the case of any given group. With that emotional tie comes responsibility for the land, its people and their ancestors. The rules of this society are recorded in the spoken word, songs, dances and art. This is often referred to as Aboriginal 'religion'. It is not a religion; it is a paradigm which gives meaning, understanding

[17] Parks Australia web site

and order to the relevant society[18]. Western white culture calls this 'religion' by another name: law. The law is written and gives us rights and responsibilities, rules about how we become indebted to another and how we discharge such debt. Aboriginal culture is no different, except that few have recognized the importance of understanding the system in which it operates.

This, then, sets the stage for the racial divide between CLP governments and the Aboriginal community. Intrinsic to Aboriginal culture is land; intrinsic to CLP policy was development – of the same land. Conflict was inevitable from the beginning, and Heatley acknowledged it to an extent:

> Since 1977, the Territory has been subject to a regime of land rights mandated by the Commonwealth and differences over policy and administration have been at the heart of partisan debate….To argue that such matters have no legitimate place in elections is muddle-headed. Whether the CLP has used them unfairly is another question and views about their validity and effect vary according to partisan position, and sometimes to a grievous lack of understanding of the Territory's political process. *There is no doubt, however, that Aboriginal land issues do advantage the CLP in the urban constituency* but, contrary to the conclusion of [former Member for MacDonnell, Neil] Bell and the southern media, it is not the sole, or even the most important, factor in sustaining the CLP's electoral appeal to urban voters.[19] [emphasis added]

The CLP worked hard to portray itself as a non-racist party, but racism played a part in almost every election campaign since self-government in 1978. That Heatley argues it is not the sole or even the most important factor is difficult to accept. It may not be the most *important* factor, but it was the most *consistently exploited* factor in campaigns, and this is examined elsewhere in this thesis. It is interesting that the 2008 CLP conference resolved that the party needed a name change; the name, which was used during the August 2008 General Election campaign, became The Country Liberals. I do not suggest that this was done purely for reasons of race or racism; the CLP carried a great deal of baggage after 23 years in office and several in opposition, as has been demonstrated. It is,

[18] It is acknowledged that this explanation is also applied to major religions of the world; the argument here is that it is a philosophy as distinct from a religion *per se*, particularly given the numerous attempts by religious missionaries to 'convert' Aboriginal cultures.
[19] Heatley, 1998; 76

however, noteworthy that the name was changed during the 30th year of self-government and indicates that the party itself recognized that there were problems with its past and its image.

Land has been at the centre of almost every area of CLP policy given that, as Heatley readily admitted, *development* is and has always been the central policy plank. 'Development' does not just mean high rise apartment blocks in urban centres; it means mining and exploration, pastoralism, tourism infrastructure and commercial fisheries, all of which require access to remote area lands and sea in the Northern Territory.

An early example of tourism infrastructure on Aboriginal land is Yulara, which was examined in Chapter 5, a development that cost Northern Territory taxpayers millions of dollars and largely ignored the Anangu who are the Traditional Owners of the area. Development was singled out for attention during the Administrator's Address on the occasion of the first sitting of the Legislative Assembly:

> My government is committed to the development of our great economic resources for the benefit of the people of the Territory because, without economic development, its objective of attracting a greater population to the Territory is unattainable.[20]

Commenting on that address, Smith noted:

> His Honour completed his address, highlighting the areas of tourism, pastoralism, natural resources, a village at Yulara, electoral reform and public transport as key areas for government's focus.[21]

So precious was Yulara to the Northern Territory Government that Paul Everingham ostensibly[22] called a snap election when the Australian Government

[20] *Hansard*, 12 September 1978
[21] Smith in *JNTH*, 2008; 51

announced its intention to hand title to Uluru to the Anangu people in 1983. Everingham's decision to call an election on this issue pitted Aborigines against 'Territorians' in a manner that would become the norm over ensuing years.

Author of the CLP post-mortem on the 2005 general election loss, Shane Stone, took a strident line on the accusation of racism, which was a mixture of denial and defence:

> I say more about this [racism] later and in particular the way in which the CLP has allowed itself to be persuaded by commentators that we have a history of wedge and race politics that we should be ashamed of. We do not.[23]

At first, it seems he is denying that the CLP has a history of 'wedge and race politics' of which it should be ashamed, but this is followed by a denial. Whether the denial is about being ashamed or about race politics is unclear, but the former seems to be the logical interpretation.

The CLP has traditionally been fond of linking the Australian Labor Party with Aboriginal interests. Whilst this is the case to an extent, CLP mantra would have the public believe that the ALP and land councils or Aboriginal lobby groups and activists are one and the same. It has been an effective tool in urban areas of the Territory and has been used in bush areas when the CLP have run Aboriginal candidates and claimed that ALP Aboriginal candidates were not 'proper' Aboriginal candidates. Maurice Rioli and John Ah Kit are cases in point.

The much denied 'wedge politics' of the CLP began early and in earnest. In 1978, CLP Member Roger Vale alleged misappropriation of money by the Central Australian Aboriginal Congress (CAAC) and Neville Perkins, the then ALP Member for MacDonnell, in particular, including:

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[22] It is noted elsewhere that Everingham was well aware in advance of the title handback to the Anangu but chose to use the issue as a 'trigger' for the 1983 election.
[23] Stone, 2005; 2

> Mr Perkins has been misusing the funds of the congress since 1974 when he, on behalf of the organisation, signed hundreds of letters which were on Central Australian Aboriginal Congress letterhead and were circulated to electors in the Stuart and MacDonnell electorates urging them to vote for the Australian Labor Party and not to vote for the racist Country Liberal Party. Who paid for those letterheads? [24]

Vale then questioned what funds had been spent on petrol, printing and travel by CAAC in promotion of the ALP. Perkins responded with a vehement denial, claiming that CAAC auditors found no anomalies, and added:

> In my opinion, the member for Stuart and other members of the Country Liberal Party are bent on a course of dragging up red herrings for cheap political motives. I do not believe that they are interested in the welfare of Aboriginal people. They are interested only in Aboriginal bashing, undermining Aboriginal organisations and even dividing Aboriginal people for racist motives…the member for Stuart ought to be ashamed of himself.[25]

There appeared to be some early attempts at dialogue with Aboriginal people, but these came to nothing. Loveday and Summers noted that prior to the 1980 General Election campaign, two meetings between Aboriginal leaders and government officials took place. One was in March 1979 and the second in January 1980. Both were held in Darwin. At the request of government, the second conference drew up a list of grievances in order of priority. They were:

> …land rights, sacred sites, sea closure, roads, adult education and legal services – along with detailed questions which the Chief Minister undertook to answer concerning the government's intentions and abilities to meet them.[26]

At this early stage in self-government, it was clear that Aboriginal people were frustrated by being marginalized at best and ignored at worst:

> 'We are the people that put you in power, we are the people who vote. We want straight talk and not talk with two tongues like a goanna'.[27]

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[24] *Hansard*, 13 August 1978
[25] *Hansard*, 14 August 1978
[26] Loveday and Summers in Jaensch and Loveday, 1981; 95
[27] Ibid.

The authors noted four recurrent themes which were:

> …disappointment and anger that Aboriginal views and requests have been ignored by government; a belief that government is deceitful and speaks with a forked tongue; recognition that Aborigines must 'work close' or cooperate with government and the view that they should not commit themselves to either party politically, but be prepared to work with and give support to either depending on what they offer to Aboriginal people[28].

This was in the lead-up to the 1980 election, immediately following self-government. It should have flagged to the CLP government that there were inherent problems at the centre of which appeared to be the simple courtesies of consultation and communication.

Loveday and Summers continue:

> Whites, notably government white people, have failed to see that Aborigines are deeply antagonized…by some of the policies put forward about lands, roads, and mining; that they have not been given much, if any, say in the formulation of these policies; and that the Aborigines do not see their only role as that of arguing about and adjusting to the details of 'implementation'.[29]

These themes did not go away. If anything, they were compounded by further policy decisions of the CLP to thwart the land councils generally and land rights claims in particular. They conclude:

> Aboriginal leaders understand that like other groups in a democracy they must compromise in politics; what seems to arouse their anger and intransigence is the recognition that when the chips are down they are forced to compromise from a position of weakness.[30]

Had the CLP grasped these aspects early – and had the CLP been *disposed* to grasping these aspects early – the ensuing years could have been very different indeed. The argument of geneal intransigence arising from a broader policy position is supported by early Cabinet documents. For example, the purpose of

[28] Ibid
[29] Ibid; 98
[30] Ibid; 99

a submission to Cabinet in August 1978 by Lands Minister Marshall Perron was to:

> …provide that available and future available vacant Crown Land be vested in the Territory Development Corporation.[31]

because:

> Vesting would also serve the purpose of alienating the land in the name of the Development Corporation.[32]

This would be achieved by amending legislation and gazetting the affected land, after which:

> Upon declaration of a development area all right, title and interest held by the [Northern] Territory to be vested in the Territory Development Corporation.[33]

And that would render the land, as Perron's submission said, alienated and therefore ineligible for claim under the Land Rights Act. This is compelling evidence that from the earliest days, the Northern Territory Government was bitterly opposed to the notion of land rights and would act in any way it deemed appropriate to thwart the legislation.

There are other examples of marginalization of Aboriginal people and culture from the Northern Territory political landscape. For example, a 1979 Cabinet decision is respect of Planning includes:

> Item No 31 – proposed amendments to the draft Bill for Aboriginal representation to be deleted.[34]

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[31] Cabinet Decision 381 of 15 August 1978
[32] Ibid
[33] Ibid
[34] Cabinet Decision 589 of 7 February 1979

As mentioned above, Chief Minister Paul Everingham ostensibly[35] called a snap election in 1983 when the Hawke Government announced it would hand title of Uluru to the Anangu people. The episode would later be described by the *NT News* as a 'fiasco'. Here the Territory's most recognizable icon, Ayers Rock, was at the centre of a race row between the Northern Territory and Australian governments on the basis of 'ownership'. Later, Chief Minister Ian Tuxworth maintained the rage by boycotting the ceremony during which title was handed to the Anangu and launched a $0.25 million national publicity campaign[36] opposing the handback that achieved very little. Notwithstanding the scare tactics and blatantly racist nature of Everingham's campaign – tagged *Let's Rock Canberra* against a line drawing of Uluru – and Tuxworth's continued opposition, the park remained a Territory icon, was well managed by the Anangu people and Parks Australia, and became a prize-winning and lucrative tourism destination. It also gained world heritage status.

Plate 3: *Northern Territory News* advertisement, 1 December 1983

[35] As noted in the chapter on elections, Everingham had positive polling and a window of opportunity in which to call an election. He needed a 'cause' and a black issue presented. He had full knowledge of the title handover and was engaged in negotiations as early as February 1980.
[36] *Hansard*, 2 September 1982

No tale of woe predicted by doomsayers eventuated, yet this is a classic example of the exploitation-neglect dichotomy that characterized so many Northern Territory governments: exploitation of the culture for its tourism potential; neglect in almost every other aspect of Aboriginal lives in the bush.

The issue was canvassed at the first sitting of the Legislative Assembly following the 1983 election. Opposition Leader Bob Collins said:

> This election was called on that very emotive trigger of Ayers Rock being given away by the federal government. Of course, the CLP, particularly the Chief Minister, played fast and loose with the truth…Nothing of the sort happened.
> …
>
> The CLP was in central Australia telling white Territorians that black Territorians would keep everybody locked out of Ayers Rock and out of Yulara.
>
> …
>
> Short radio commercials were run in Alice Springs by the Chief Minister: 'I do not have to tell you what giving away Ayers Rock means down here'. That was nice stuff.[37]

This is how the same events are recorded today:

> **Aboriginal Ownership and Joint Management**
>
> At a major ceremony at the Park on 26 October 1985, with the deeds of grant under the Land Rights Act was delivered by the Governor General, Sir Ninian Stephen. The lease document was signed at the same time by the newly formed Uluru-Kata Tjuta Aboriginal Land Trust and the Director of National Parks. This occasion formally acknowledged Anangu ownership of the Park whilst at the same time recognising the value of their land as a park of national and international importance.[38]

Needless to say that Aboriginal culture and ownership of land would prove to be a major stumbling block for CLP governments seeking statehood for the Northern Territory. Behaviour such as Everingham's would simply not be acceptable in any terms and conditions negotiated with the Australian Government, nor, indeed, with Aboriginal people.

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[37] *Hansard,* 28 February 1984
[38] Parks Australia web site

It is useful to examine what has happened at Uluru since that time, and the timeline provided on the Parks Australia web site encapsulates it well:

> **Time Line of some significant events since European settlers.**
>
> **1979 -** Katiti Land Claim presented. Claim not granted as land title was held by the Director of National Parks
>
> **1983** - Aboriginal title to Uluru acknowledged by Prime Minister Bob Hawke
>
> **1983-84** - Yulara Resort opens
>
> **1985** - Traditional Owners presented with the Freehold Title deeds for park area, and leased land back to Federal Government
>
> **1987** - Uluru National Park listed as a World Heritage natural property
>
> **1993 -** Official name of the Park changed to - Uluru -Kata Tjuta National Park
>
> **1994 -** Uluru - Kata Tjuta National Park listed as a World Heritage cultural landscape
>
> **1995 -** Uluru - Kata Tjuta National Park Cultural Centre opens to coincide with celebrations marking the tenth anniversary of hand-back and First Tour Operators Workshop held in Uluru-Kata Tjuta National Park
>
> **1997** - Uluru-Kata Tjuta National Park winner of the Northern Territory finals of the National Reconciliation Awards
>
> **2002** - Cultural Heritage Action Plan adopted for Uluru-Kata Tjuta National Park
>
> **2005** - 20th Anniversary of the Handback of the land to Traditional Owners and Launch of the Cultural Heritage Database for Uluru-Kata Tjuta National Park.[39]

As mentioned, Uluru is a world-class tourist attraction. Anangu management practices are worthy of mention. Traditional Owners consider climbing the rock to be disrespectful, but rather than banning people from climbing it, they embarked on an education campaign to explain to visitors that climbing the monolith was disrespectful both to the Anangu people and their ancestors. That campaign has been highly effective, and people have responded to the wishes of the traditional owners, most visitors being attracted by Aboriginal culture in the first instance.

[39] Ibid

Brian Ede, the ALP Member for Stuart, summarized conditions in his electorate during the Address-in-Reply following the 1983 *Let's Rock Canberra* campaign:

> There are areas in my electorate where you would be forgiven for believing that the people are preoccupied with the problems of race relations to the exclusion of all else. While we do have our racists, our paternalists and rebels, we also have a large majority of people who acknowledge the fact that we are 2 groups with vastly different sets of values, who must somehow find a way to live together. This is an area which has seen some of the most horrendous racial clashes that Australia has experienced in the last 60 years. I have found, however, that the vast majority of people still acknowledge that their future is inextricably bound together and that solutions have to be found to the problems of different racial and socio-economic groups living together if a harmonious future relationship is to be established.[40]

As discussed in Chapter 4, the CLP has been poll-driven and the chief orchestrator of the party's polling has been Mark Textor. Heatley's assertion that the CLP was responsible for push-polling is extremely carefully worded:

> In 1994, "push-polling", a form of surveying, derived from American practice and designed to impart negative images about rival parties and candidates, was introduced to Territory electioneering but the CLP denied allegations that it was *a party initiative*.[41] [emphasis added]

Given that push-polling targeted Labor Party candidates, it is reasonable to assume that it was not a Labor Party initiative. There was no other player with sufficient funds or interest to mount such a campaign, which returns us to the CLP. The wording 'a party initiative' implies that 'the party' was not informed about it. This is a matter of semantics. The tactic could have been approved by 'the president', 'the campaign director' or 'the campaign management committee'. It is doubtful that Textor acted unilaterally; unauthorized work tends to result in unpaid invoices. I have certain knowledge of push polling because I received such a telephone call during the final days of the 1994 General Election campaign, the operator claiming to be in Western Australia. The 'survey'

[40] *Hansard*, 28 February 1984
[41] Heatley, 1998; 73

purported to be in relation to the sitting Member for Millner, Ken Parish, who was unsuccessful at the poll the following weekend. The caller read a series of statements to which I was asked to respond that I agreed or disagreed. One of the statements was along the lines of:

> Ken Parish supports Aboriginal sea rights. This will result in closure of the Northern Territory fishery.

The 'polling' occurred after the electronic media blackout was in place. The Labor Party had no recourse through television or radio advertising, and very little time in which to organize it in any event. Other targeted seats were Wanguri and Jingili in the northern suburbs. Wanguri was held by the ALP's John Bailey and the CLP had obviously decided that their sitting Member in Jingili, Rick Setter, was in danger from the ALP's Ted Warren in a close two-horse race. Parish lost his seat; Bailey and Setter held theirs[42]. Parish recalled the campaign in these terms:

> The 1994 election (which both parties' private polling showed the ALP could have won) had been an even more spectacular example of the awesomely effective CLP political machine in action. A saturation negative mass-media advertising campaign was followed by a carefully choreographed native title claim on Darwin, announced in a blaze of media publicity only three days out from the election. Finally, two days before election day (and after the media blackout had begun) the American-invented "push polling" technique was employed for the first time anywhere in Australia. It was devastatingly effective, and the CLP swept back into office with an increased majority, despite being saddled with a series of financial disasters much larger comparatively than WA Inc, State Bank of South Australia, or Tricontinental (each of which had led directly to the downfall of the responsible State government). It was perhaps this victory, more than any other, which created the myth of CLP invincibility.[43]

Notwithstanding claims that the CLP does not campaign on racist grounds, this is a clear and unequivocal example of 'black-bashing' in urban electorates. The statements are designed to frighten uninformed voters, thus threatening the Australian dream of home ownership, and to swing the vote to the CLP. The

[42] Personal communication with John Bailey, May 2007.
[43] Online Opinion, *Political Miracle at the Top End*, 24 August 2001

CLP may officially claim not to know about it, but on any analysis, the claim has no credibility.

In September 1994, for example, Acting Chief Minister Shane Stone intervened in a dispute when a resident of Alice Springs discovered that the land on which he built was registered as an Aboriginal Sacred Site. The then Minister for Lands and Housing, Steve Hatton, was not sympathetic to the resident, a Mr Miller, and the Acting Chief Minister, not a political ally of Hatton, intervened:

> 'A man's backyard', Stone claimed, 'is his kingdom and is sacrosanct'.[44]

Translated, Stone's words mean a 'Territorian' man's back yard is his kingdom and is sacrosanct. This back yard was already sacrosanct to Aboriginal people - it was their sacred site – yet their right to their back yard was not countenanced by the Acting Chief Minister.

Successive CLP governments feigned affrontery about being labelled 'racist' but pursued policies and election campaigns that were blatantly racist. Parliamentary debate involving allegations of racism was regularly and promptly shut down by 'gag motions' moved by government members, as will be demonstrated in Chapter 7. Heatley wrote:

> Yet, it can be expected that the CLP will maintain its appeal for political support from the Aboriginal community both in elections and in general policy and administration. Not to do so would give additional ammunition to those critics who have consistently labeled the CLP as "racist" and would weaken the party's claim to be representative of all Territorians.[45]

The claim is misleading. The CLP has rarely enjoyed political support from the Aboriginal community in elections. In reality, the CLP rarely held a bush seat, which is inconsistent with Heatley's claim of political support. Indeed, after

[44] *AJPH*, Vol 41, No 2, 1995; 308
[45] Heatley 1998; 135

electoral boundary redistributions, which Heatley conceded favoured the CLP, those who held bush seats moved to safer urban electorates. Examples include Milton Ballantyne who held Nhulunbuy for the CLP from 1974 until 1980 when the ALP's Dan Leo won the seat; and Roger Vale who held Stuart from 1977 until 1983 when he successfully contested the urban Alice Springs seat of Braitling.

There is one anomaly to the general rule of bush seats, and that was the election of the CLP's John Elferink in the seat of MacDonnell in 1997 following the ALP's Neil Bell's retirement. Bell, a linguist, had a massive personal following so the incumbency factor was significant while he held the seat. Whilst Elferink, a former police officer, claimed that his win came down to his hard work in the electorate, the ALP took a different view:

> The loss of MacDonnell is of grave concern.
>
> An intense effort was mounted in MacDonnell in the short time from the preselection date to the election day. Despite the superhuman effort mounted by the candidate and the campaign workers the independent candidate was successful in splitting the ALP support in MacDonnell. The splitting of the natural support base was aided by a financial member of the Party and a staffer from the Chief Minister's office actively campaigning for the independent candidate. The independent candidate exchanged preferences with the CLP. Thus on the independent candidate's ticket our candidate was last. It is important to recognise that MacDonnell was lost in a contrived split. This understanding is essential for future discussions about MacDonnell.[46]

The CLP regularly fielded either two candidates, or threw its support behind an 'Independent' candidate, in bush seats in an effort to split the Labor vote. Often, the tactic did not work, but it is what happened on this occasion in MacDonnell. The report continued:

> The CLP are becoming more and more effective in the bush through more bribery, better campaigning and better networking than they have ever had before, achieved through paid positions in the chief minister's office being used to keep candidates in the field for long periods. Fake 'economic development' agendas were also used to entice voter support.[47]

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[46] [ALP] *Report To Conference On 1997 Northern Territory Election*; 5
[47] Ibid

As noted above, the practice of campaigning for and swapping preferences with Independents is not new. For example, during the 2001 election, the CLP ran two candidates against sitting ALP Aboriginal member for Arnhem John Ah Kit. One CLP candidate was non-Aboriginal (white) and one was Aboriginal. The non-Aboriginal candidate was at the top of the CLP's How-to-Vote card. An Independent also contested the seat. Ah Kit was elected without the need to go to preferences, meaning his win was emphatic.

It is interesting to note that Elferink was accused of bribery during the 2001 election campaign, a story that made news around the world. The British *Daily Telegraph* reported it thus:

> AN Australian politician is handing out kangaroo tails to Aborigines to win their votes in a forthcoming state election.
>
> John Elferink hopes to retain his seat in the Northern Territory parliament and is campaigning in his remote desert constituency ahead of Saturday's vote.
>
> His Country Liberal party bought 200 kangaroo tails - a "bush tucker" delicacy costing about £1.80 each in local butcher's shops - as a goodwill gesture.
>
> While it is illegal for candidates to offer inducements in return for votes, Mr Elferink insisted that he rarely went to his voters empty-handed, even before the election was called.[48]

The paper further reported that Elferink had been ordered by the Electoral Commission to stop handing out decks of playing cards featuring his photograph. This was not for any conscionable reason, but because the cards were deemed to be election material and lacked the required authorization and name of the printer. Elferink was not charged over either incident, but this type of electioneering is typical in the bush. Some candidates and parties argue that it is the equivalent of a suburban 'sausage sizzle' and that there is no problem with it. There was no order from the Electoral Commission in relation to the kangaroo tails.

[48] *Daily Telegraph*, 13 August 2001

It should be noted, too, that MacDonnell was not Elferink's first preference for a seat in the Legislative Assembly. He initially sought endorsement for the urban Alice Springs seat of Braitling[49], which was held by the CLP's Loraine Braham, who herself did not secure pre-selection and successfully contested the seat as an Independent in 2001. She held Braitling until she retired at the end of the Tenth Assembly in August 2008.

Elferink again took the seat of MacDonnell in 2001 with a significantly increased majority:

> The CLP ran an Aboriginal and a white candidate for the rural central Australian seat of MacDonnell. The CLP won the seat from the ALP in 1997 but it became notionally Labor after the 2000 redistribution. The CLP retained the seat, increasing its first preference vote by 22.4 per cent.[50]

As noted elsewhere, this is not an unusual practice and on this occasion, it favoured the CLP. Elferink lost the seat when pitted against an Aboriginal woman, Alison Anderson, in the 2005 General Election.

The ALP Report on the 1997 election cited above also addressed the issue of race politics:

> For the first time, and we should be proud of this, we decided to tackle the usual CLP land rights/native title hysteria with a response ad.[51]

It is clear from the above statement that the ALP was of the view that land rights was a divisive issue in the Northern Territory electorate and was regularly exploited by the CLP.

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[49] *Alice Springs News*, 2 April 1997
[50] Worthington, 28 August 2001
[51] Extract of [ALP] *Report To Conference On 1997 Northern Territory Election*, tabled by Denis Burke on 23 February 1999; 5

Land Rights

The exploitation mentioned above, indeed, proved to be the case. Legal advice sought by the Solicitor General from Crown Law Officer Juliet Shields begins:

> 1. I refer to your request that I examine further the methods by which certain lands in the Northern Territory may be taken out of the definition of "unalienated Crown land" within the meaning of Section 3 of the Aboriginal Land Rights (Northern Territory) Act.[52]

Clearly, as early as self-government itself in 1978, the CLP was hostile to this federal law – ironically, the same source of law that provided for self-government – and actively sought ways to circumvent it.

Shields' advice fell into two areas. First, she suggested the declaration of towns and/or the extension of town boundaries by the Administrator pursuant to section 111 of the *Crown Lands Act*. 'Towns' were quarantined from the *Aboriginal Land Rights (Northern Territory) Act*. The advice continued:

> 12. Mr Secombe of Lands and Housing will list for you the practical problems. They don't seem to me to be significant. Briefly they are –
>
> (1) Although it is not required to name a town this is usually done when a town is constituted under section 111.
> (2) Land values will probably rise if a town is constituted.
> (3) People in towns often bring pressure to bear for the supply of services.
> (4) There will be some alteration in reserve prices for some leases – I believe these will decrease.[53]

[52] Memorandum from Juliet Shields to Solicitor General, 28 November 1978; 1
[53] Ibid; 2

The second part of Shields' advice was in response to a specific question:

> 13. You have asked me to consider the alternative proposal that lands be vested in the Northern Territory Development Corporation (or some such body) which would simply hold the lands until they are to be *utilised properly*.[54] [emphasis added]

Here, Shields identified the shortfalls of the powers of the Northern Territory Development Corporation, which were 'limited to assisting in the development of industry in the Territory by the provision of money, resources and advice'. On that basis:

> 15. It would therefore probably require a major change in the legislation to enable it to act in this way.[55]

And:

> 17. If the land were vested in the corporation by legislation it would be necessary to spell out what its powers would be.[56]

Shields' advice formed the basis of successive CLP governments' tactics in relation to land rights, and she expressed concern about it:

> 20. The Torrens system in the Territory would *once again* be undermined by vesting land in bodies other than the crown and making no provisions for registry of the title – in fact in these circumstances such a provision would be unwise.[57] [emphasis added]

From the inception of the *Aboriginal Land Rights (Northern Territory) Act* until the sunset clause - section 50(2A) - took effect on 5 June 1997, a total of 249 land claims were lodged in the Northern Territory[58]. On several occasions, the CLP

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[54] Ibid – 'proper use' presumably meaning development of some kind
[55] Ibid, 3
[56] Ibid
[57] Ibid
[58] *Aboriginal Land Rights (Northern Territory) Act* 1976, *Report of the Aboriginal Land Commissioner for the year ended 30 June 2006.*

sought to block a claim by extending the town boundary. Perhaps the most notable of these was the Jawoyn claim, which attracted major concern and community disquiet about the Katherine Gorge:

> It started in March 1978 when the Jawoyn land claim was lodged by the Northern Land Council on behalf of the Jawoyn people.
>
> Later that year the NT Government attempted to circumvent the claim by increasing Katherine's town boundary to take in the whole of the nearby national park.
>
> But a formal challenge in July 1979 changed the government's mind.[59]

Response to the claim was hysterical. For example:

> We've lost Kakadu, we've lost Ayers Rock and here goes Katherine Gorge presumably. No, it's not on.[60]

And:

> There were street demonstrations by various groups called 'One law one nation' and 'Rights for whites'. There were KKK cartoons…in the streets…and one of the tradition owners, Sandy Berraway, had shots fired over his head one evening after giving evidence.[61]

This was typical of responses to land claims in the late 1970s and early 1980s. There was little community understanding of what land claims were or would mean to a community and the CLP, by its strenuous opposition to the Land Rights Act, did little to educate the community or allay fears about 'land grabs'. The situation in Katherine was well summarized by Ray Fordimail, a Jawoyn Elder:

> Many people have worries that we're going to try to take the gorge away. I don't know where we're supposed to take it. [62]

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[59] Jones, *Northern Territory News*, 18 February 1989; 4
[60] Ray Hanrahan, [then] Tourism Minister, ABC *Stateline*, 11 September 2009
[61] Chips Mackinolty, [then] Community Advisor, ABC *Stateline*, 11 September 2009
[62] Ibid

In the case of the Nitmiluk claim, the Northern Territory Government was forced to negotiate with Jawoyn people to secure the future of the land the subject of claim. It resulted in the Nitmiluk Joint Management Agreement, the terms of which included a 99-year lease to the Jawoyn, leased back to the Northern Territory Government for $100,000 per annum with re-negotiation of the terms required three years prior to the lease expiring. It was announced by Chief Minister Marshall Perron and Jawoyn man Ray Fordimail on 17 February 1989. Negotiations were concluded within 18 months[63] and gave rise to this editorial:

> The Katherine Gorge agreement between the NT Government and the Jawoyn traditional owners points the way to the future.
>
> The past has been marked by *clashes, confrontation and bitter dispute*. Since the Land Rights Act came into force in 1976 we have known nothing but *division and conflict*.[64] [emphasis added]

This is a clear declaration of how land and race issues unfolded in the Northern Territory following self-government in 1978. The *Northern Territory News* has historically been extremely sympathetic to CLP governments. The editorial continues in somewhat patronizing and certainly Arcadian fashion:

> The present widespread revolt against both the Northern and Central land councils is just a natural development in the history of Aboriginal self-determination.
>
> …
>
> So what we are witnessing in the Territory is the end of a painful period when whites and blacks had to adapt to new rules largely brought about by outsiders who never intended to live here and face the consequences of what they were doing.[65]

It must be noted that the same legislators provided the *Northern Territory (Self-Government) Act*, which was heralded as liberating legislation for the 'Territorian' community.

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[63] Hughes, *Northern Territory News*, 24 February 1989
[64] Editorial, *Northern Territory News*, 19 February 1989
[65] Ibid

> History will say that we have adapted and that, furthermore, together we intend to find sensible solutions to the mess we have inherited.
>
> The Jawoyn and the NT Government have negotiated a deal of which both parties can be justifiably proud.
>
> …
>
> There was a dangerous time when the Katherine Gorge looked as if it was going to be a repetition of the Ayers Rock fiasco. Fortunately, the outcome this time has been quite different mainly because both parties, the Government and the Aborigines themselves, have learned a crucial lesson.
>
> The lesson is that we are in this together.[66]

Not everyone learned the so-called 'lesson' and some remained in denial. Racial division continued, particularly in relation to land rights issues. Former Katherine Mayor Jim Forscutt remained bitter about the claim 20 years on:

> …here's the big Chief Minister of the day turns around and does a deal. I'm not going to listen to what all you mob have been arguing and fighting and talking about. [67]

The Jawoyn claim triggered a particularly unsavoury episode in 1982 when the Member for Elsey and Speaker of the Legisative Assembly, Les MacFarlane, used a highly inflammatory cartoon in response to the claim, which would potentially affect the town of Katherine, his electorate.

[66] Ibid
[67] ABC *Stateline*, 11 September 2009

POSTER ON DISPLAY OUTSIDE MEMBER FOR ELSEY AND THE SPEAKER OF THE N.T. LEGISLATIVE ASSEMBLY MR LES MACFARLANE'S KATHERINE OFFICE

LAND CLAIMS YOUR CHANCE TO OBJECT . . . . . .

Photo: T. Bauman.

The captions read as follows:

1. "Stop, wait until they finish building, before we claim it."
2. "This was a good idea, seeing the land we have put claims on."
3. "Boss, you sack that whitefellar, he called me a blackfellar."
4. "I'm 90 and I aint never saw blacks here, before this land claim thing."
5. "Well Gentlemen, what with the falling prices for cattle, stations at the moment are a waste of time, we will go for parks, there's money to be made from tourists."

9

Plate 4: *Land Rights and Wrongs*, 1983

The cartoon (centre in the lower portion of the page) was described as:

> …[a] map of the Northern Territory which depicts a non-Aboriginal on his hands and knees being ridden by an Aboriginal with a whip in his hand. [It] had a remarkable similarity to something I knew I had seen before. I was able to discover where. The artist who penned this particular cartoon has almost directly copied some of the outrageously racist cartoons and posters which were published in the Australian *Bulletin* in the 1920s.[68]

MacFarlane took exception to the media referring to him as the Speaker rather than the Member for Elsey and ultimately wrote to the Managing Editor of *Northern Territory News* to defend his position. Bob Collins quoted the letter in the Assembly:

[68] Bob Collins, *Hansard*, 12 October 1982

> Dear Sir,
>
> I am the member for Elsey in the Northern Territory Legislative Assembly and also its Speaker. I have held the first position for 14 years and the second for 8. Recently, a huge land claim has been lodged for Aborigines for an area around the town of Katherine of 4500 population, the centre of the Elsey electorate. I have always opposed land rights for Aborigines as divisive and discriminatory and my feelings are shared by many in my electorate which comprises roughly 50% white and 50% Aboriginal. An editorial and a cartoon were published in the NT News about 2 weeks ago and, judging by their contents, I decided that my side of the land rights argument would not be tolerated by your even-handed editor. So I sent, as an advertisement, a map of Katherine area land claim superimposed on Darwin, same scale, to emphasise the extent of the land claim and advising Darwin residents that, should the same thing happen to them, they would lose their recreation areas, the Howard Springs and Berry Springs reserves, and the two water supply dams, Darwin River Dam and Manton Dam. Your editor refused to publish this.

The letter continued in an attempt to defend and promote his position before MacFarlane concluded:

> *Land rights for Aborigines is despicable, disastrous legislation which sets one section of this community - the whites - against another section the blacks.* Land is an unusual commodity. They just do not make it anymore. This Aboriginal Land Rights (Northern Territory) Act is giving land away like it is going out of fashion.[69] [emphasis added]

The terms of MacFarlane's letter are clearly inflammatory. For example, people would 'lose their recreation areas' and that land rights is 'despicable, disastrous legislation' which results in 'giving land away'. This mantra was established early in the life of the CLP government and proved an enduring political recipe.

At issue was the Jawoyn land claim by which Nitmiluk Park is now in the hands of Aboriginal Traditional Owners and is operating as an award-winning tourism enterprise. The people of Katherine (more specifically, the 'Territorian' people of Katherine) have not 'lost' a recreation area, nor are they prohibited from entering it. Once again, the doomsaying and political hysteria was nothing more than an attempt to whip up racial division and, as demonstrated above, it was effective.

---

[69] *Hansard*, 12 October 1982

There was further controversy because it was unclear whether MacFarlane was speaking as the Speaker of the Legislative Assembly or as the Member for Elsey. Neil Bell, the Member for MacDonnell, wrote to the Speaker complaining that he was not recognized on the floor of the Assembly and claimed that it was because he represented an Aboriginal constituency. Bell had asked a question of the Speaker during Question Time:

> Mr BELL: Mr Speaker, do recent statements in the press endorsing strongly racist ideas attributed to the member for Elsey threaten the good conduct of business in this Assembly?
>
> [No answer given].
>
> What I do propose to place on record now is just a question: how can Aboriginal people trust anybody, trust any government, that allows one of its representatives, whether a backbencher or whoever, to use the sort of Nazi- type propaganda that was used by the honourable member for Elsey in the displays that led up to that infamous little march in Katherine a week or so ago? If Aboriginal people and people who live anywhere else in Australia have any doubts about the sincerity of this government in regard to a recognition of Aboriginal land rights, I believe that the Country Liberal Party government here has the numbers on the board.[70]

This gave rise to a Statement by Speaker MacFarlane:

> I have to report to the Assembly that a letter was received yesterday from the honourable member for MacDonnell, a grossly insulting letter to the effect that the member for Elsey's [that is, MacFarlane's] strongly racist ideas expressed in press reports have seriously affected the good conduct of business in this Assembly. Further, I was charged with preventing those representing the Aboriginal people from gaining an adequate hearing in the Legislative Assembly…
>
> Honourable members, I know that the majority of members on both sides have the capacity to differentiate between my duties as Speaker and those of the elected member for Elsey…The honourable member for MacDonnell has this recourse open to him [move a motion of no confidence in the Speaker] and, unless he chooses to adopt that course, I would expect to receive his public apology for the scurrilous diatribe he has directed to me. In the meantime, I intend to adopt the precedent set by Speaker Archie Cameron in the federal House of Representatives and will refuse to 'see' him.[71]

[70] *Hansard*, 12 October 1982
[71] *Hansard*, 16 November 1982

The reference to failing to 'see' the member meant that Speaker MacFarlane would not give Bell the 'call' to speak in the Chamber until such time as he, Bell, apologized.

Another outburst was reported in 1992 after the watershed Mabo decision of the High Court[72], which quashed the notion of *terra nullius* and would prove something of a Sword of Damocles for the CLP:

> Sports Minister Roger Vale has reacted strongly to a statement yesterday by the Chairman of the Aboriginal Reconciliation Council Pat Dodson regarding race relations in the Northern Territory.
>
> Mr Vale said that Mr Dodson's statement that the Northern Territory "has the opportunity to lead the rest of Australia" in race relations infers and fosters the myth that the Territory Government has a poor record in its dealing with Aborigines.[73]

It was not a myth. Vale's reaction was typical of CLP Ministers who tried to defend their record in the face of various statements, actions and, indeed, cartoons.

Marshall Perron, a Chief Minister who took a more conciliatory approach to Aboriginal issues than his predecessors, lapsed into old habits as the sunset clause of the *Aboriginal Land Rights (Northern Territory) Act* drew near:

> Chief Minister Marshall Perron had stooped to baseless claims in an attempt to stir up racist fears before the Territory election, Northern Land Council director Darryl Pearce said yesterday.
>
> Mr Pearce was responding to comments made by Mr Perron in a letter to Prime Minister Paul Keating.
>
> Mr Perron claimed in the letter that $20 million of Aboriginal Benefits Trust Account funding was to be used to buy Territory pastoral leases.
>
> He said land councils were involved in a 'land rush', buying as many pastoral properties as possible before 1997 sunset provisions of the Aboriginal Land Rights (NT) Act.

[72] 3 June 1992
[73] Sports Minister Roger Vale, Media Release, 24 November 1992

> …
>
> Mr Pearce said: "Mr Perron admitted he was 'not 100 per cent certain' of his facts but that he had been 'informed that that was the case'.
>
> "Mr Perron is basing his assertions on rumour and using that to make a judgement that Territorians should fear Aboriginal ownership of land which is a flimsy combination indeed."
>
> Federal Aboriginal Affairs Minister Robert Tickner also refuted Mr Perron's claims, accusing him of "beating the anti-Aboriginal drum".[74]

Here, again, are claims of a 'land rush' (which can be interposed with the phrase 'land grabs') by the CLP, the very institution which established the Northern Territory Land Corporation to quarantine the same lands from claim or acquisition.

In a claim not affected by the extension of town boundaries and where procedure had been followed to the letter, Conservation Minister Mike Reed alleged a 'conspiracy of silence' in relation to the Ngaliwurru Nungali or Fitzroy Pastoral Lease claim:

> An Aboriginal land claim over part of the Victoria River could retard tourist and other development in the entire region, the Conservation Minister, Mr Mike Reed, said yesterday.

It should be noted here that Reed, like MacFarlane before him, was the Member for Katherine and was speaking about land which was in or near his electorate.

> Mr Reed said there had been a conspiracy of silence over the hearing for the claim, which starts before an Aboriginal Land Commissioner this week.
>
> …
>
> The claim included the beds and banks of the Victoria River.
>
> It covered a part of the river which incorporated several popular recreational fishing spots.

[74] Cridland, *Northern Territory News*, 6 May 1994

> "Very few people know a claim has been lodged, let alone that the hearing begins this weekend," Mr Reed said.
>
> People wanting to attend the hearing faced other obstacles, as it was to be held on a site inside Fitzroy station, he said.
>
> People were afraid they would lose access to the river.
>
> The river was popular with fishermen from the Katherine region, and the area featured permanent water, scenic waterholes and picnic spots, he said.
>
> It enhances sound tourism growth in an important area, he said.
>
> Mr Reed said he believed rivers were for the benefit of "all Australians, not just a few Australians".[75]

This is vintage CLP mantra reminiscent of Everingham on the Uluru issue and Hanrahan on the Nitmiluk issue. It should be noted that it came at a time when the CLP was smarting from the implications of the Mabo decision. A *Notice of Intention to Commence Inquiry* of Claim No 137 was advertised in the *Northern Territory News* on 25 July 1992 by the Aboriginal Land Commissioner. Further, a negotiated settlement had been finalised between the Northern Land Council and the Solicitor General, the terms of which included:

> …the claimants withdrawing their claim for the southern bank area in exchange for the Government not contesting the rest of the claim.[76]

As a member of Cabinet, Reed would have been aware of this settlement, yet he persisted:

> He [Reed] called the claim "an outrageous land grab which will tie up 70 kms of riverside bed."
>
> "With the army coming and the needs of tourism, we need more recreational areas, not less. A claim like this can only create more friction between black and white in the Territory," he said.[77]

Notwithstanding that:

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[75] Nelson, *Northern Territory News*, 10 September 1992
[76] *Northern Territory News*, 11 September 1992
[77] Ibid

> He confirmed the NT Government had instructed Crown Law officers "to negotiate with the Land Council to try to obtain the best possible deal for Territorians".[78]

Once again, here is the word 'Territorians' used to denote non-Aboriginal residents of the Northern Territory. In that sentence, Reed had instructed officers to negotiate with the land council, which was acting for Aboriginal people, for the best outcome for 'Territorians'. Reed's outburst is typical of a local member making emotive statements to shore up personal electoral support. This was regularly used as an electoral tactic in some electorates.

Another claim which resulted in town boundaries being extended was the Warumungu claim in the Tennant Creek region.

> Aboriginal Affairs Minister Robert Tickner yesterday used a bitterly contested land hand-over to express optimism that the Territory Government would take a new, conciliatory approach to Aboriginal issues.
>
> Mr Tickner made the comments before handing over 3090 sq km of land near Tennant Creek to its traditional owners – the Warumungu people.
>
> He said the historic handover followed an often bitter, 14-year battle by the Warumungu, who he claimed were thwarted at every turn by the NT Government.[79]

Tickner described the process as:

> "…a campaign of vindictive frustration and delay by the Northern Territory Government, culminating in High Court and Federal Court actions.
>
> "These including the rorting of town boundaries of little remote Tennant Creek to those of a major city in an attempt to stop the claim." [80]

He noted that the NT had a reputation as a divided community and called on newly appointment Aboriginal Development Minister, Steve Hatton, to take the lead on reconciliation.

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[78] Ibid
[79] Feeney, *Northern Territory News*, 22 December 1992
[80] Ibid

The Warumungu claim was lodged in 1978 and was ultimately decided in the High Court in 1991. Federal Aboriginal Affairs Minister Robert Tickner described the epic battle as 'one of the most significant in the history of the *Aboriginal Land Rights (Northern Territory) Act*'[81].

Another claim affected by town boundaries included islands in the Sir Edward Pellew group near Borroloola. The CLP government had anticipated a claim of this nature, which is reflected in a note from the Cabinet Secretary in 1978:

> In respect of the Borroloola land claim, Cabinet decided to issue a lease over the area to the Northern Territory Development Corporation on the basis that this is an area of land which, in one way or another, will be important to the future development of the Northern Territory. Under section 5(2)(c) of the Territory Development Ordinance 1978 the Corporation is able to acquire and hold leasehold land.
>
> M R Finger
> Secretary to Cabinet
> 3.8.78 [82]

The matter was further explored in 1979, when a Cabinet decision was made to declare the area a town:

> PROCLAMATION OF AREA IN THE SIR EDWARD PELLEW ISLANDS SUITABLE FOR A DEEP WATER PORT AS A TOWN
>
> To protect future port area against Aboriginal Land Claims.[83]

Notwithstanding these attempts, there were claims, one of which was reported thus:

> Eleven Territorians stand to lose their properties off Borroloola if an Aboriginal land claim is successful.
>
> The properties on the Sir Edward Pellew group of islands were auctioned by the NT Government in 1985.

---

[81] *Northern Territory News,* 21 December 1992
[82] Cabinet Decision 363 of 3 August 1978
[83] Cabinet Decision 599 of 21 February 1979

> Seven years before that an original land claim failed, but a repeat claim was lodged the following year in 1979.
>
> A hearing now in progress will decide whether or not the traditional owners will receive title to the land.
>
> Northern Land Council Chairman Mick Dodson says that at the time the leases were granted, the land under claim could not be legally auctioned.
>
> "The NT Government has been extremely irresponsible in granting the leases," he said.
>
> "Have they considered compensating the people for misleading them and throwing their investment into jeopardy?"
>
> Lands Minister Max Ortmann said he believed that at the time the town of Pellew was declared, there was no provision in the land rights act for repeat claims.[84]

Shields' advice in relation to extending town boundaries was clearly adopted and applied with alacrity on as many occasions as CLP governments could manage. The Kenbi land claim is a case in point. Claim No 37/NLC was lodged on 22 March 1979 broadly on behalf of the Larrakia people. It was known as the Kenbi (Cox Peninsula) claim. The Northern Territory Government was ready. At a Cabinet meeting on 21 March 1979 (one day later), Cabinet adopted this submission:

> URBAN EXPANSION INTO THE DARWIN EAST (32 SQUARE MILE) ACQUISITION AREA
>
> To seek Cabinet approval for:
>
> ☐ A regional development strategy towards Cox Peninsula.
> ☐ Urban expansion into Darwin East acquisition area.
> ☐ Studies for first stage development studies of transport links with existing Darwin.
> ☐ A study of all-weather road access to Cox Peninsula, perhaps in conjunction with water supplies.
> ☐ Additional staff for the Department of Lands and Housing, to design Darwin East Stage 1.[85]

[84] Afianos, *Northern Territory News*, 22 November 1992
[85] Cabinet Decision 653 of 21 March 1979

The Kenbi claim was an enduring one which was bounced between the Full Bench of the Federal Court, the High Court and the Land Commissioner, but after 21 years, a recommendation was made in favour of some of the claimants. At that time, Denis Burke was Chief Minister. He, unsurprisingly, was opposed to the Land Commissioner's recommendation that the Minister for Aboriginal and Torres Strait Islander Affairs grant the claim of 600 square kilometres. Following election of the Martin Labor Government, the Northern Territory Government appeal against the Land Commissioner's recommendation was withdrawn in 2002.

Indeed, there was frenetic Cabinet activity in relation to land in 1979, the primary purpose appearing to be to ensure that land release, use and tenure were as flexible as possible. For example, one Cabinet meeting approved the following submissions:

> PROVIDE FOR MULTI-PURPOSE USAGE OF PASTORAL LEASES
>
> Seek approval to amend the Crown Lands Act to give the Minister discretion to approve a non-pastoral use.
>
> PROVIDE FOR SPEEDIER BREAK UP OF PASTORAL HOLDINGS FOR CLOSER AGRICULTURAL SETTLEMENT
>
> To enable pastoral lessees to subdivide suitable parts of their leases into small miscellaneous (or agricultural leases) for intensive commercial cropping.
>
> SPEEDIER RELEASE OF CROWN LAND OUTSIDE URBAN AREAS FOR A GREATER VARIETY OF RURAL PURPOSES
>
> To broaden the provisions of the Crown Lands Act to provide for:
> ☐ a wider range of uses on rural land
> ☐ sale of rural land at realistic prices
> ☐ direct grants of Miscellaneous Leases
> ☐ over the counter sales
> ☐ a deposit payment system
> ☐ quick conversion of Agricultural Leases to Miscellaneous Leases.

And:

> FREEZE ON THE USE OF UNALIENATED CROWN LAND

> To clarify and review government policy towards the alienation of vacant Crown land having regard to Aboriginal land claims. [86]

The Martyn Finger document cited above relates to the 'Aboriginal Land Claim Committee' which was established to advise government on the status of various claims. It was comprised of nine senior public servants representing the Departments of Chief Minister, Law, Industrial Development, Lands and Housing, Tourism and Mines and Energy. Minutes of a meeting of the Committee held on 25 July 1978 include:

> The NT Government has already decided that it wishes to be represented at all land claim hearings and since transfer of the land administration function to the NT Government, it has a responsibility to provide information to the Aboriginal Land Commissioner on any land subject to claim.
>
> The Northern Territory Government will not necessarily oppose all claims, and it will be the responsibility of the Committee to recommend to the Chief Minister the attitude the Government might take in respect of particular land claims.[87]

This, then, was a very powerful Committee and this one document reflects CLP policy that was established very early in the life of self-government.

As noted in Chapter 5, the CLP created the Northern Territory Land Corporation in 1985. Whilst it was created by statute, it was a unique entity which, as Shields warned, would undermine the Torrens system in the Northern Territory. Journalist Paul Toohey described the corporation thus:

> They are netherworld public servants. They work for no stated purpose and provide no annual [sic] public annual reports. Yet, they are the biggest freehold land owners in the Northern Territory, conceivably the biggest in Australia.
>
> The Northern Territory Land Corporation was set up in 1979[88] under vague legislation, to "acquire, hold and dispose" of property. Its sibling, the Conservation Land Corporation, was set up in 1980 to control the Territory's national parks.

---

[86] Cabinet decisions 893, 894, 895 and 900 of 17 October1979
[87] Cabinet decision 363 of 3 August 1978
[88] Toohey's dates are incorrect. The Land Corporation commenced operations in 1986

> The chairmen and board members of both corporations have been, over the years, very senior, very trusted public servants. Trusted because the Northern Territory Government simply gives them vast amounts of land.
>
> For what purpose?
>
> "It's got no stated purpose," says John Pinney, Lands Department head. "Whenever we give them land, we try and state a purpose. Like planning future developments or something like that, but it has no stated purpose."[89]

Toohey pointed out that Pinney was himself a board member of the corporation, meaning that he was intricately involved in the process of thwarting land claims.

The first register of an interest in claimed land reported by the Aboriginal Land Commissioner was 25 June 1992. The Claim number was 162, Wildman River, and the interest was held by both the Conservation Land Corporation and the Northern Territory Land Corporation. There have been a total of 249 claims in the Northern Territory. Of the 87 claims made after 25 June 1992 until the time the sunset clause was triggered on 5 June 1997, 50 were recorded by the Land Commissioner as having an interest by either the Conservation Land Corporation or Northern Territory Land Corporation, or both[90]. Expressed as a percentage, these corporations thwarted 57.47% of claims lodged in a five-year period. As a percentage of *all* claims lodged between 1977 and 1997, the figure is 20.08%.

Toohey continued:

> Proving a conduit exists between the corporations and government – which would mean the land was government-owned and claimable – is difficult when the two corporations have no public records and the Territory has no freedom of information laws.
>
> The Northern Land Council (NLC) found this out when it went to the High Court in 1984 after the Land Commissioner found he could not hear a claim on Conservation Land Corporation-held land.
>
> The NLC argued the land corporations were ghost instruments of the Crown but the late Justice Lionel Murphy said even though "a legislative scheme such as

[89] Paul Toohey, June 1999
[90] In some cases this was further complicated by the land being a stock route or including the bed and banks of a river, being an inter-tidal zone or a seabed.

> this may foster a sense of helplessness in claimants under the Land Rights Act", his court could not pretend the NT legislation did not exist.[91]

Significant tracts of land were involved and, of course, from a Western perspective, significant monies were involved by virtue of the value or potential value of that land:

> The NT Land Corporation owns big land – St Vidgeon, Nathan River and Billengarrah stations in the Gulf country, cattle stations that failed to be viable. It has Spirit Hills, Mataranka and numerous smaller holdings throughout the Territory. It owns a great arc of land north, south and east of Darwin.
>
> The Conservation Land Corporation, operating under almost identical legislation, owns title to every Territory national park.[92]

Wedded to phrases such as 'an outrageous land grab', as Mike Reed claimed in relation to the Fitzroy Station claim, the CLP itself was responsible for creating the entities whose sole purpose was to engage in 'land grabs' at the expense of the Traditional Owners. Indeed, in a submission to the Senate Community Affairs (Legislation) Committee inquiry into a proposed amendment to the *Aboriginal Land Rights (Northern Territory) Act*, the Northern Land Council declared:

> The enabling of termination of claims to land vested in the NT Land Corporation is also unfair, and rewards efforts by successive NT Governments since 1979 to thwart Commonwealth legislation. The Land Corporation owns large areas of vacant crown land pursuant to a legal device which prevents existing claims being heard.
>
> Rather than terminating the claims there should be an amendment to enable them to be heard, or alternatively a settlement whereby the more significant areas are scheduled as Aboriginal land. It may be appropriate to request the Land Commissioner to assist in identifying these areas.[93]

The inescapable conclusion, in the context of the Juliet Shields legal advice, Cabinet documents, the incapacity of the Land Commissioner to deal with land

[91] Ibid
[92] Ibid
[93] NLC submission, 21 July 2006; 3

against which an interest was registered and the passage of history is that this was a deliberate policy and legislative regime to subvert both the intent and application of the *Aboriginal Land Rights (Northern Territory) Act*.

Ministerial responsibility

In a jurisdiction where 25 to 30 per cent of the population is Aboriginal and where a massive social disparity existed between white and black citizens, no CLP Chief Minister deemed it necessary or prudent to have a Minister for Aboriginal Affairs in Cabinet until Marshall Perron created the Ministry of Aboriginal Development in November 1992, some 14 years after the commencement of self-government:

> Mr Perron cited the increasing complexity of Aboriginal issues, including issues like the High Court's Mabo decision which recognised an Aboriginal "native title" to land, as the reason for the policy change.[94]

That such a significant portion of the population was not assigned a specific portfolio responsibility is extraordinary, but it is indicative of the CLP's dogmatic approach to Aboriginal policy and further underlines its policy of marginalising a significant portion of the population.

The timing of the appointment is interesting. As Perron said, Mabo had serious implications for the Northern Territory Government and its vast land holdings because 'native title' may have been claimable on land vested in both the Northern Territory Land Corporation and the Conservation Land Corporation. Potentially, this would threaten the quarantined status of that land and force the CLP to negotiate on every claim, just as it had done on the Jawoyn claim.

Elections

[94] *Northern Territory News*, 1 April 1993

General elections are discussed in Chapter 10, but in the context of racism, some examination is required. Race was never far away when elections were called in the Northern Territory, something that was not lost on the Opposition, which was regularly accused of being aligned to or run by the land councils.

> [Ms Hickey, Opposition Leader] On the eve of the 1990 election, Territorians received a letter from the then Country Liberal Party Chief Minister, Marshall Perron, claiming the reason he called the election was the formation of ATSIC. On the eve of the 1994 election, Marshall Perron used saturation advertising and direct mail claiming that Labor would introduce 2 laws based on race. Last week, we were faced with the unedifying display of the Chief Minister resorting to grubby tactics of bashing Aboriginal Territorians. So, when is the election?
>
> ANSWER
>
> Mr Speaker, I thought the election speculation was best summed up by the Wicking cartoon in the Sunday Territorian.[95]

The Opposition sustained this line of questioning and Stone, consistently denying an election was in the offing[96], tabled the cartoon.

[95] *Hansard*, 18 February 1997
[96] The General Election was held in August 1997

Plate 5: Wicking cartoon, *Sunday Territorian*, February 1997

Delivering a paper to a Commonwealth Parliamentary Association Conference in Wellington, New Zealand, the Member for MacDonnell, Neil Bell, opened with:

> I was initially beside myself with anger, my party having lost the election, when I heard that the government party in the Northern Territory (NT), the Country Liberal Party (CLP), had systematically appealed to anti-black sentiment in conducting the election which was held in October 1990. My anger was all the greater that a senior academic figure had orchestrated or at least promoted adoption of this strategy.[97]

This is a reference to Alistair Heatley (deceased), a Northern Territory academic who was closely involved with the CLP and acted as an advisor on several occasions. Heatley was the author of *The Territory party: the Northern Territory Country Liberal Party, 1974-1998* and a number of other books, articles and papers about the CLP and politics generally in the Northern Territory. Throughout delivery of his paper, Bell sought to avoid the word 'racism', preferring instead to use the more diplomatic phrase of 'ethnocentric bias'. Speaking further on the matter in the Assembly, Bell put some context to the 1990 election campaign:

[97] Bell, 1991, Paper 584, Legislative Assembly, 9 October 1991

> The gist of that paper was that the CLP was in dreadful strife. It had lost 2 by-elections. At that stage, it had lost the by-election for Flynn and the by-election for Wanguri. It had lost the federal election in the Northern Territory twice. A police inquiry, the Mulholland inquiry, was hanging around it like a bad smell. The then Minister for Industries and Development was in diabolical strife over the Trade Development Zone and the industrial conditions provided by the Hengyang company there. Let us not forget that, in April/May of last year, the CLP was looking crook, and that was exactly the gist of the paper presented by Alistair Heatley.
>
> And what was his solution? One of the solutions Dr Heatley put forward was that, unless the CLP was prepared to play on the ethnocentric response in the northern suburbs of Darwin and in Alice Springs, by means of letters like this, it would lose - and that was a very effective electoral effort. However, it was dishonest, dishonourable and inclined to incite racial hatred and to play on ethnocentric responses. Let us be in no doubt about that.[98]

At the time, Alistair Heatley was Reader in Politics at the Northern Territory University. It must be noted that Bell did not table or produce any evidence that Heatley had been involved, however the government appeared not to deny it. The letter to which Bell was referring was a general letter to the urban electorate from Chief Minister Marshall Perron, which read:

> Dear Elector,
>
> Let's secure the future together.
>
> The Prime Minister has invited me to the Special Premiers Conference on October 30-31. The agenda will be the division of powers and duplication of services between federal and state governments.
>
> I have called the Territory election for Saturday 27 October so that I can deliver a strong message from Territorians about lack of equality and wastage here in the Territory.
>
> On your behalf, I will be saying that Territorians of all races and colours desire that:
>
> * the Land Rights Act is transferred to NT control to be administered by the Territory-elected parliamentarians so that we can govern a united Territory - not 2 groups of people with 2 sets of laws.
>
> * Territorians reject talk of a treaty and compensation for 'land stolen' because this issue does not unite, it divides.
>
> * Territorians want the new fourth tier of government, the Aboriginal and Torres Strait Islander Commission, ATSIC, reviewed, and its NT programs placed under Territory control to eliminate wasting taxpayers' money.

[98] *Hansard*, 5 February 1991

> The issue is this. Territorians are fed up with 2 sets of laws, 1 based on race.
>
> You can help drive home that message.
>
> Please secure your future and the Territory's by supporting the Country Liberal government on Saturday 27.
>
> Yours sincerely,
> Marshall Perron
> Chief Minister and Treasurer
> Northern Territory Government.[99]

Bell described the letter and the tactic generally as 'ugly'. It was certainly misleading. Had Marshall Perron declared his government's creation of corporations to quarantine land or to move town boundaries or to spend millions of dollars in court rooms around the nation attempting to block claims under the Land Rights Act, he might have been putting a balanced picture. This was yet another example of 'black bashing', which the CLP consistently refused to acknowledge. Perron's letter could not better demonstrate the Four Elements:

Arcadianism - it has 'the enemy', in this case Aboriginal people, and 'distant government', Canberra, from whence the Land Rights Act emanated and to whence he undertook to take the battle;
Populism – turning to a tried and true CLP recipe for electoral success by marginalising one group and invoking unreasonable fear in another;
Invention and imagined community – 'Territorians' portrayed as being entitled, inclusive and having a 'linear progression of history' and a 'deep, horizontal comradeship'; and
Race – a 'lack of equality' (for 'Territorians'), that 'land stolen' divides rather than unites, that two sets of laws exist and that there is a need to 'secure' the future, which implies that the future was at risk.

[99] Ibid

It is curious, too, that the notion of 'togetherness', as highlighted in the first paragraph of Perron's letter, came to the fore at election times whilst simultaneously adopting an 'us and them' strategy, also in the content of the letter. Logically, it cannot be both, yet the CLP took this strategic direction time and again.

Pursuing the matter during the May 1991 sitting of the Legislative Assembly, the Member for Arafura, Stanley Tipliloura, asked this question of the Chief Minister:

> Will the minister table the advice, which he received as a member of the central committee of his party from Alistair Heatley and John McCormack [a barrister] in April 1990 or thereabouts, to the effect that, in its electoral strategy, his party should target hostility in the non-Aboriginal community towards the federal government's Aboriginal programs, specifically ATSIC and the Aboriginal Land Rights Act?
>
> ANSWER
>
> Mr Speaker, the short answer is no. I will not table any advice which I as a result of the procedures of the political party which I represent. If the honourable member wants any particular information or advice from Dr Heatley, he is free to approach him and ask about whatever he wants to know.[100]

The matter appeared to end there, which it obviously would in the face of failure to have the document tabled – if such a document existed. It could have been that Heatley provided verbal advice to the Central Council of the CLP. Note that there was no denial by Marshall Perron or anyone else that Heatley had provided advice.

The same issue came to the fore in 1999 when the Member for Arnhem, John Ah Kit, asked a question of Chief Minister Denis Burke. The question was:

> I refer the Chief Minister to his comments on radio last Friday. He told Territorians that he thought of himself and the NLC as being kangaroos. He told listeners:
>
> 'We are very strong. We are like kangaroos fighting. I see the grass as the children and the families. While we fight, all we make is dust.'

[100] *Hansard*, 7 May 1991

> Why does the Chief Minister pretend to want a better relationship with Aboriginal Territorians when in the same interview he refused to rule out 'black-bashing' as an electioneering weapon? [101]

Burke denied the allegation about 'black-bashing' and went on to say:

> What I did say is that if the NLC and the CLC want better relations with the CLP as a government, firstly, they should not conduct themselves as a de facto opposition in the Northern Territory. If they want to conduct themselves as a de facto opposition in the Northern Territory, we will fight extremely hard and we won't take any prisoners. And they can fight as hard as they like and they won't take any prisoners, either. We're very good at it and they're very good at it, and that being the case it will go on and on.[102]

Launching into something of a lecture, Burke concluded with:

> The message I gave to the NLC was simply this: We can get better relationships, but stay out of the hard political issues. That is not your prerogative. Don't act as the corporation where Warren Snowdon [ALP Member of the House of Representatives] can walk in and give you directions as to vehicles and staff to be provided for ALP electoral purposes. Conduct yourself in accordance with the act. Work with me on issues that we can solve together, such as antisocial behaviour and improving education and health issues. Then we can conduct a better relationship. The message was quite clear and the progress we can make together is quite realistic. [103]

The latter part of Burke's answer is worthy of digestion. First, it is a concession that the land councils were effective sparring partners for the CLP government. Second, it goes some way to an attempt to work with Aboriginal leaders on various issues of concern, but fails to mention land at all, which was the source of most acrimony between the parties. It demonstrates a slight attitude shift, but should not be treated as any more than that because of what it fails to say. It also demonstrates Burke's apparent irritation that the land councils were sympathetic to the ALP, although whether or not resources were used for electioneering purposes is not known.

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[101] Questions, *Hansard*, 21 April 1999
[102] Ibid
[103] Ibid

In what turned out to be an electorally devastating move, the CLP preferenced One Nation candidates during the 2001 election campaign, which is when its impressive and enduring hold on power came to an unexpected end. This apparently strategic decision failed to take into account the large Asian population in Darwin and other urban areas of the Northern Territory, most of whom were aghast by Pauline Hanson's racist rhetoric.

There was a great deal of commentary and public debate over the decision in both the lead-up to and following the election, including:

> Given the CLP's 20-year love affair with racist venom, the preference deal with One Nation should have been the least of it [concern about racism].
>
> Mandatory sentencing, open conflict with the land councils, references to the local Aboriginal population as "lazy blacks" and finally the anti-social conduct act have all had a more destructive impact on race relations than Pauline Hanson ever could have.[104]

These comments could be construed as claiming that racism was 'par for the course' for the CLP, irrespective of the race involved. As discussed earlier, that is not the case in relation to the CLP, and its racism arose directly from its entrenched opposition to the Land Rights Act. It is the case that the CLP, like any other political party, has members from a range of ethnic backgrounds. What was offensive to many people (not exclusively Asians) is that the CLP would choose to preference a party such as Pauline Hanson's One Nation over local parties and candidates which had no such racist policies.

Without having any knowledge of the 2001 election campaign conducted by either party, it seems reasonable to assume that the CLP decision to preference One Nation was based on polling or other information that indicated this was the only way it was going to defeat the ALP at that poll. Were that the case, the decision was based on electoral statistics and predictions and failed to take into account how it would be received in the electorate. In the event, the electorate

[104] Dellit, 29 August 2001

did not receive the decision well. It is reasonable to assume that some of those who may have wanted to vote for the CLP did not want their vote automatically flowing to One Nation on preferences.

Further discussion on the election included:

> Although [Denis] Burke acknowledged the threat posed by non-major party candidates, the CLP declared that it would place PHON [Pauline Hanson's One Nation] candidates above the ALP in the five seats in which they were running. Commonwealth parliamentarians from both sides of politics later suggested that this tactic might have damaged the CLP's standing in the multicultural seats of Darwin, which constituted part of its traditional stronghold. Burke later accepted this possibility when he apologised to any Territorian who had been offended by the CLP's distribution of preferences.[105]

Worthington also acknowledged the extent to which racism permeated Northern Territory Government policy:

> Burke kept his commitment of not concentrating on racially divisive issues such as native title. However, law and order policies have significant consequences for race. The CLP opened its campaign arguing that it might be the only bulwark against a Federal Labor Government that was committed to overturning the Territory's mandatory sentencing laws. The impact of these laws falls most heavily upon the Aboriginal population.[106]

The Prime Minister of Australia agreed that the Country Liberal Party's strategy was a bad one. Speaking on the ABC's *AM* radio program, John Howard said:

> I agree with Denis Burke's comments today, that it was a mistake by the CLP to…give a preference to One Nation over other parties. My view on One Nation preferences is very clear: they should be placed last on every Liberal Party how to vote card around Australia. I will not compromise on that view.[107]

Former ALP Member for Millner Ken Parish referred to the CLP decision as the 'final factor' for the CLP's defeat, citing Shane Stone's failed statehood

[105] Worthington, 28 August 2001
[106] Ibid
[107] ABC Radio, *AM*, Tuesday 21 August 2001

referendum bid, the Alice Springs to Darwin railway subsidy, internal division within the CLP and a general slowing of the economy as leading factors:

> The final factor in the CLP's downfall was its suicidal decision to preference One Nation ahead of Labor. This can only be explained by panic. Darwin is the most multi-cultural city in Australia. Even Shane Stone, with all his faults, would never have dreamed of preferencing One Nation. The One Nation decision had a dramatic effect in the critical northern suburbs of Darwin.[108]

Taking something of a tortuous route, former Chief Minister Denis Burke apologized to the electorate for preferencing One Nation, but claimed that it was the Labor Party's exploitation of the fact and its push-polling in relation to it that was really the devastating factor. This is an extract of an interview on ABC TV's *Lateline* program:

> TONY JONES: You do admit, though, that this was…a terrible political misjudgment, a mistake, as you just called it.
>
> DENIS BURKE: Absolutely, and I take full responsibility and I apologise unreservedly to Territorians.[109]

The same man, Denis Burke, led the CLP to the 2005 General Election in which the CLP was almost obliterated from Northern Territory politics. In that election, it won just four of the 25 seats in the Legislative Assembly. In an extraordinary turnaround, Denis Burke campaigned in some Aboriginal areas, one of them Wadeye, where he made this claim in relation to the ALP's policy on law and order:

> I don't care if I lose a few votes in the northern suburbs, it's to cater for a redneck white vote and I won't have it, cause we all know that we have to do more, but to go back 30 years just to win a vote I reckon is pretty panicky and wrong.[110]

Implicit in this statement is acknowledgement of racist policies of the past, all by CLP governments. Indeed, several commentators were taken aback:

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[108] Online Opinion, 24 August 2001
[109] ABC TV, *Lateline*, 20 August 2001
[110] ABC TV, *Stateline NT*, 17 June 2005

> Remarkably, this prompted Denis Burke to accuse Labor of chasing the "redneck white vote", sentiments heretofore unheard of from a CLP leader.[111]

Karen Michelmore, reporting for News Ltd further quoted Burke as saying:

> "I'm finished in terms of fighting Aboriginal people on issues such as ownership and control," Mr Burke said. "We need to work together."[112]

Again, this is a concession in respect of the ongoing antagonism between Aboriginal people and Country Liberal Party governments. Citing his time in opposition as an opportunity for reflection, Burke added:

> "[It's] a recognition of the fact that if we want to get the territory to be an economic powerhouse, Aboriginal people are integral to that objective."[113]

which prompted Michelmore to make this less than astute but no less accurate observation:

> Mr Burke's words appears to mark a major shift for the party that introduced mandatory sentencing laws and opposed land rights during its 27 years in government.[114]

The circle had been completed, albeit in the context of an election campaign during which polling indicated a swing toward the ALP. Burke was in the position of having to win votes from the ALP for the first time in CLP history.

Notwithstanding Burke's view, former party President, Chief Minister and President of the Liberal Party of Australia Shane Stone retained the former party

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[111] William Bowe, AKA 'The Poll Bludger', 16 June 2005
[112] News Limited, 8 June 2005
[113] Ibid
[114] Ibid

line and claimed that the CLP had a policy of a 'hand up' rather than a 'hand out' in relation to Aboriginal people and that:

> We have nothing to be ashamed of as much of what we stood for [health strategies that included camp dogs being shot out, Aboriginals being weaned off welfare and schools being staffed according to attendance and not enrolments] has in time been vindicated.[115]

Still, there is stoic resistance to the policies of successive CLP governments which rendered Aboriginal people the most marginalised in the Northern Territory. A great many tourists who visit the Northern Territory cite Aboriginal culture[116] as an impetus if not *the* impetus for their travel. As noted above, successive Northern Territory governments were extremely generous to various ethnic organizations. We now promote multiculturalism through Harmony Day under banners such as 'Celebrating our diversity'. We seem to be happy to celebrate everyone's diversity except that of the original inhabitants of the country who have so much to offer generally, but particularly in tourism, music and arts, sport, bush tucker and medicine, pastoralism, tracking and environmental practices. In the past, if any attention has been paid at all, it has been little more than lip service and represents tokenism at best.

Which ethnic community in contemporary Australian society would be forced to raise millions of dollars from the sale of artwork for its own renal dialysis centre? Western Desert people in Central Australia did because successive Northern Territory governments refused to fund a centre on their traditional lands, where people could be close to family whilst they underwent regular treatment for renal failure, which is extraordinarily high in Aboriginal communities:

> The original Western Desert Dialysis Appeal, which was based on Kintore, Kiwirrkurra and Mt Liebig, and Papunya, around that area of the Western Desert, raised $1m and it raised it from the art market from people who were concerned by the plight of end stage renal failure patients, that they were prepared to chuck

[115] Stone, 2005; 34
[116] This should be treated with caution. The NT Tourist Commission, for example, determined that some tourists defined an 'Aboriginal experience' as purchasing a post card featuring Aboriginal art, whereas others wanted to interact with Aboriginal people.

> in big time to the point that a $1m was raised in one day. That money is now being put back through to the Western Desert Appeal implementation process. The WDDA is now run with a project officer, Dr Paul Rivalland, who now answers to a Pintupi Board which consists of seven people drawn from Kiwirrkurra and Kintore. They are his bosses. At the other side of him stands the Friends of the Western Desert Dialysis Appeal which is some 120 people consisting of health professionals, art market dealers, bureaucrats, people from all walks of life who are prepared to not only provide further funding if necessary, but also their own expertise as needed as the project develops.[117]

There was no 'hand up' for the Western Desert people. It is difficult to conceive of a situation in which endemic health problems facing an ethnic community would be ignored to the extent that the people of remote Central Australia and other groups have been ignored. It is equally difficult to conceive a situation in which the fundamental right of health care, available in one form or another to every other Australian, could be so consistently and comprehensively ignored – unless, of course, such a renal centre was proposed for land that the Northern Territory Government had identified as potentially profitable from development.

Stolen Generations

One of the Martin Labor government's first items of business in the Legislative Assembly was an apology to the Stolen Generations, a move vigorously opposed by the Country Liberal Party over many years, as it was by the Howard Government federally. It was only during the closing days of the 2007 Federal Election campaign that Prime Minister John Howard uttered words of reconciliation in relation to Aboriginal people, yet he had been leading the country for 11 years. Chief Minister Clare Martin moved the Northern Territory motion in the following terms:

[117] Peter Toyne, *Hansard*, 23 October 2001

> That this Assembly:
>
> (a) apologises to Territorians who were removed from their families under the authority of the Commonwealth Aboriginals Ordinance and placed in institutional or foster care;
> (b) acknowledges their belief that such removals represented the implementation of a government assimilation policy without regard to individual welfare circumstances;
> (c) recognises the profound sense of loss and emotional trauma suffered by both the removed children and the communities from which they were taken, regardless of the existence or non-existence of any valid welfare reason for removal in any particular case;
> (d) recognises that in the great majority of cases the removed children received inadequate care, guidance, and education, and that the Commonwealth government of the day failed in its obligation to facilitate reunions between the removed children and their Aboriginal communities once any purported welfare objective had been achieved; and
> (e) calls upon the Commonwealth government to make a formal and specific apology to all those persons removed pursuant to the Aboriginals Ordinance, acknowledging that the Commonwealth failed in discharging its moral obligations towards them.[118]

Responding to the Chief Minister, Opposition Leader Denis Burke opened his comments with:

> I would like to begin with an apology of my own. I apologise to all those who were led to believe that the new Labor government would apologise to Territorians who were removed from their families because of past Commonwealth policies.[119]

Burke described the motion as a 'fraud' and a 'sham', using the opportunity to attack the new Labor government for changing the tenor of the motion it originally proposed, but failed to address the issue at hand, except to say:

> I can stand here, as an individual, and say I am sorry for what happened to many of these people. I regret the misguided policies that caused such trauma and sadness, not just to those taken away but also to the mothers who were left behind. I can and do say that emphatically on my own behalf. But I cannot, and will not, pretend to say it for others. That is for them to decide.
>
> I certainly do not believe it is my right, or the right of anybody, to apologise on behalf of the Territory government or the Territory parliament - or even more importantly, by default - on behalf of all Territorians. That is something for each and every Territorian to decide.[120]

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[118] *Hansard*, 24 October 2001
[119] Ibid
[120] Ibid

This is a curious thing for a former Chef Minister to say. As Chief Minister, Burke regularly claimed to speak on behalf of all Territorians (although he did use the word 'Territorians' so may have been using it exclusively, as his predecessors had before him), and did it as a matter of course. Indeed, as Chief Minister of the Northern Territory, Burke had said of the same issue:

> …[that he] ruled out any apology from his own administration to the stolen generations, declaring on 3 December [2000] that the Northern Territory government did not exist when Aboriginal children were taken from their mothers.[121]

This was in the wake of (but unrelated to) a member of his own front bench, Chris Lugg, in May of the same year declaring:

> …that the 'Stolen Generation' was a fraud, false and unhistorical. Young Aborigines, he claimed, were removed largely at the request of, or with the consent, of mothers…[122]

The *Australian Journal of Politics and History* reported:

> John Ah Kit, a Territory Labor parliamentarian with Aboriginal ancestry, said witnessing the speech was his saddest experience since being elected to parliament.[123]

Burke's refusal was at odds with his own resolution upon being sworn in as Chief Minister when he promised to review 'unpopular Stone-era laws and to adopt a more conciliatory approach to Aboriginal people'[124].

Following Burke's contribution to the Stolen Generation motion, Speaker Braham reminded members of the Stolen Generations who were present in the galleries of Parliament House that debates should be heard in silence, because Burke's

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[121] *AJPH,* Vol 47, No 2, 2001; 306
[122] *AJPH*, Vol 46, No 4, 2000; 606
[123] Ibid
[124] *AJPH*, Vol 45, No 4 1999; 607

contribution was met with hostility and interjection. Democrats Senator Aden Ridgeway was present in the Gallery for the debate, as were many other dignitaries.

It is interesting to note which members contributed to the debate: Martin (ALP), Burke (CLP), Ah Kit (ALP), Scrymgour (ALP), Bonson (ALP), McAdam (ALP), Wood (Ind)[125], Stirling (ALP), Toyne (ALP), Henderson (ALP), Aagaard (ALP), Burns (ALP), Lawrie (ALP), Kiely (ALP), Vatskalis (ALP). That is, all government members of the Assembly spoke on the motion. No Opposition member other than the Leader contributed, and he failed to declare either support or opposition in respect of the motion.

1991 Estimates Review Committee (ERC)

As noted elsewhere, in 1991 – very soon after the 1990 General Election – Chief Minister Marshall Perron announced a range of budget cuts to various parts of Northern Territory Government spending. Included in the cuts was the closure of schools.

Writing for the *Aboriginal Law Bulletin*, Christine Walton examined the case of the Traeger Park School in Alice Springs, which, she noted had an:

> …enrolment was predominantly Aboriginal (98%) and it had developed a unique and successful program to cater for the needs of Aboriginal students.[126]

The Minister for Education was Shane Stone, who Walton observed had made public comments about the need for the cuts, including cost savings and declining enrolments. However:

[125] Gerry Wood indicated his intention to abstain from the vote, however the motion was carried on the voices, so no division was entered on the *Hansard*.
[126] [1992] *Aboriginal Law Bulletin*; 38

> The Minister had stated publicly (ABC 7.30 Report), and privately to the Principal of the school, that the idea of an all-Aboriginal school at Traeger Park was an 'educational heresy'.[127]

Parents of children at the school alleged that Stone had breached the *Racial Discrimination Act* (Cth) by closing the school. Part of their case arose from comments Stone had made in the media:

> The Minister made a number of statements on ABC Radio concerning the decision, including the following.
>
> 'Traeger Park was never part of the Aboriginal Education Program. Traeger Park is an urban school, where a very unsatisfactory situation had developed - where all children at the school, except four, were in fact Aboriginals. And I don't think that's in the long-term interests of Aboriginal children, who have to learn to take their place in the wider community - they have to learn to compete, and they are going to compete with white children and with white adults.'128

Walton noted that the school was closed, and that the Northern Territory Government then granted the property to the Catholic education system at no cost, notwithstanding an offer from the federal Minister for Employment, Education and Training of a special 12-month grant to keep the school open to enable negotiations with Aboriginal parents about the type of school they wanted. She observed:

> The wishes of the parents desiring a private church school were listened to by the NT Government, whilst the wishes of Aboriginal people were ignored.[129]

Walton went on to explain that Commissioner William Carter heard the matter in Alice Springs form 11 to 13 December 1991 and ultimately found in favour of the Minister on the basis that he had the students' longer-term educational interests at heart when he made the decision to close the school. Walton, who made it clear that she is not a lawyer, noted:

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[127] Ibid
[128] Ibid
[129] Ibid

> The Commissioner's interpretation of the legislation seems counter-productive to the purposes of affirming the rights of parents to demand education for children which takes account of their particular needs. The parents had argued that the type of education available at Traeger Park was culturally appropriate, affirmed their Aboriginal identity and provided the students with a sound academic education. They argued that the move to other schools would disadvantage their children and represented a step backwards to the old assimilation days.[130]

Whether the Minister's statement in relation to 'educational heresy' was put before the Commissioner is unknown, however the Minister's decision stood, the school was handed over to the Catholic Education system and former students of Traeger Park were expected to attend school elsewhere in Alice Springs:

> When the Commissioner's determination was made public, the lawyer acting for the parents was reported to have evidence that up to 35 Traeger Park students had not enrolled in any school [the following] year. Against all the evidence to the contrary, the rest of the students [were] presumably enjoying their right to 'sink or swim' in the mainstream. The parents…decided not to pursue the case further.[131]

Many other schools across the Northern Territory were affected, including Rapid Creek School in Darwin's northern suburbs which was closed. However, there was concern across the board, and particularly in remote areas. For example:

> There is enormous concern in all schools in my electorate about the ERC cuts. I would like to mention a few of them.[132]

Brian Ede held the Central Australian bush seat of Stuart. The schools he mentioned were Alpurrurrulam, Hart's Range, which serviced the Atitjere homelands plus Bonya, Alcoota and Yerrarlwe outstations, Ngwalalanima outstation school, the last of which was threatened with closure. Ede's concerns in relation to the earlier schools was the teacher:student ratio, which would be lower in the bush than in urban schools. He also mentioned Mount Allan School, where facilities, including housing, for teachers were less than desirable.

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[130] Ibid
[131] Ibid
[132] Brian Ede, *Hansard*, 15 August 1991

Ultimately, the schools that were closed pursuant to ERC cuts were Traeger Park, Karguru, Rapid Creek, Ganjarani and Kiana. All were primary schools.

The Stone contribution

Race relations deteriorated to arguably their lowest ebb when in February 1997 Shane Stone, whose reign as Chief Minister was brief but brutal, described Galurrwuy Yunupingu, then Chairman of the Northern Land Council, as a 'whingeing, whining, carping black' at a media interview in the forecourt of Parliament House. The media reported:

> The spat broke out after Mr Yunupingu had told the National Press Club that he would use international forums to complain about Australia's record on Aboriginal deaths in custody and plans to amend the Native Title Act.
>
> …
>
> Mr Stone, referring to Mr Yunupingu, said he had difficulty with people who were disloyal to their own country.[133]

Yunupingu, who was quick of wit and not one to back down from a confrontation, responded by calling Stone 'a paternalistic redneck'.[134]

As noted by the *Crikey* web site of the 1997 General Election, however, this was not Stone's only indiscretion:

> …elements of the NT media and academic community suggested that Stone's campaign was based on scare mongering and division with little effort, if any, to disguise the racist threads weaved into each policy platform.

[133] Stanley, *Northern Territory News*, 19 February 1997
[134] See transcript of *Sunday*, 16 April 2000, Laurie Oakes interview with Shane Stone and *Northern Territory News*, 19 February 1997

> Did Stone focus on Health or Education? Not likely. Stone, like Howard, relied on divisive 'us versus them' issues like Mandatory Sentencing, which was NT speak for 'locking up Aboriginal youths'. He threatened dire financial implications of Aboriginal land claims and Aboriginal lawyers closing down pubs in Darwin's suburbs should Labor take power. He made no apologies for 'monstering and stomping' itinerant Aborignals [sic] who were accused of causing social disruption on the streets of Alice Springs and Darwin. His response to concerns raised by the Aboriginal community to some of his policies was to call them "whingeing, whining, carping blacks".[135]

Yunupingu and Stone had a particularly acrimonous relationship, which Stone appears to dispute by describing the relationship as a 'friendship':

> "There is little doubt that I have been in the front row of race relations in this country. No regrets, except I was too harsh on Galarrwuy and I am grateful our friendship survived our constant verbal brawls."[136]

'Friendship' is not quite the word that comes to mind in the context of Stone responding to a question from Opposition Leader Maggie Hickey in the Legislative Assembly about his parliamentary forecourt attack on Yunupingu:

> I will tell her why I described Galarrwuy Yunupingu in the terms that I did. It was because I was prepared to stand up as an Australian and a Territorian and take issue with him about what he had to say at the National Press Club. If the Leader of the Opposition had any gumption, she too would have tackled him and said that people who want to go into international forums and bag this nation are treacherous and disloyal. I will not pull any punches in my description of this man whom I consider to be an absolutely despicable individual.[137]

Stone was clearly affronted that Yunupingu declared an intention to exercise his right to free speech in an international forum, something which Stone himself embraced with gusto at every opportunity. There is considerable irony in his implication that Yunupingu was behaving in an 'un-Australian' manner. Words such as 'disloyalty' and 'treachery' are thinly disguised and somewhat hysterical allegations of treason, which points to the pressure Stone and others felt from the

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[135] *Baggage laden Sharon Stoned shoots the messenger, Crikey* web site
[136] Glenn Milne quoting Shane Stone in *The Australian,* 4 February 2008
[137] *Hansard*, 18 February 1997

1992 Mabo decision, the Commonwealth's 1993 *Native Title Act* and the 1996 Wik decision.

Stone is the man who, in his analysis of the 2005 General Election result, clung to enduring denials that the CLP practiced race and wedge politics. From this chapter alone, it can be demonstrated that race ran through almost every policy area of the CLP and that the marginalization of Aboriginal people had its grounding in the gargantuan battle for land. On one side were land councils making legitimate claims on behalf of Traditional Owners under the *Aboriginal Land Rights (Northern Territory) Act*. On the other was a political party committed to marginalization and which enacted laws to create secret and unaccountable organizations to acquire and quarantine the same land. So sustained was the CLP's opposition of land rights that it extended to the areas health, education and political and democratic processes: Aboriginal people were ignored from community input in many policy areas and this was no better demonstrated than the failed 1998 Statehood referendum. When Aboriginal issues were brought to the fore by the CLP, it was usually in an electoral context and couched in terms of racial division.

Conclusion

Once again, this attitude is not entirely consistent with neoliberalism or any liberalism unless we revisit the days of the White Australia policy imposed by the *Immigration Restriction Act* of 1901. As Brett pointed out of that era:

> In Australia this racial superiority was given particular expression in the universal commitment to unity of race as the essential basis for the new nation. White Australia was embraced by virtually all Australians. Both the indigenous Australians and the populous Asian countries of the region were seen as threatening, racially-defined others against whom the new white settlers defined their identity and interests.[138]

[138] Brett, 2003; 45

The CLP attitude also embraced the very liberal sense of 'entitlement' to land or, as Coltheart wrote of Locke, 'the natural right of a man to property in land' [139]. Thought through, though, this makes little sense in the context of neoliberalism because 'entitlement' may have meant the taking of land in an earlier time, but liberal economic theory includes acquisition – usually on just terms. Yet there was no attempt at acquisition on just terms and few attempts at negotiated settlements or productive commercial ventures.

But the CLP attitude to race, as I have pointed out, must be taken in its context. This was not racism for the sake of racism. It was not a policy of racism. The CLP's policies were generated for and about the largely unuttered policy of land acquisition. Arcadianism and populism were merely the tools used to perpetuate it.

[139] Coltheart, 1982; viii

CHAPTER 7: THE STREHLOW COLLECTION

Neil Murray's work *Broken Song* was penned whilst he was conducting music workshops for young people in Ngukurr[1]. Barry Hill, author of the book *Broken Song: TGH Strehlow and Aboriginal Possession*, obviously felt that it struck a chord in relation to his biography of Professor Ted Strehlow after whom the Strehlow Research Centre in Alice Springs is named. I share Hill's view and find this line particularly poignant: 'Jesus can you mend this broken song?'

Songs or songlines break when knowledge is not passed on. Knowledge is not passed on when young people do not fulfil the requirements of rites of passage to reach a point of trust or seniority at which the songs and knowledge are passed. If there are no young people so entrusted, a generation loses songs *and* knowledge. Overall culture is affected, eroded and, ultimately in some cases, lost.

In a largely forgotten episode of Northern Territory political history, the Strehlow Collection represents a contradiction of Country Liberal Party Aboriginal policy – or lack of it. At stake was a collection of works and artefacts gathered by Professor Theodor Geoge Henrich[2] Strehlow (6 June 1908-2 October 1978), the son of Lutheran missionaries at Hermannsburg (Ntaria), who acquired the extensive collection from traditional Arrernte[3] men in Central Australia. The collection contained 1500-2000 items including recordings of oral traditions, genealogies, films and documents. The genealogies, in particular, were culturally sensitive, Daryl Manzie told parliament in 1988.

Initially married to Bertha (nee James) on 21 December 1935, Strehlow divorced her in July 1972 after several extra-marital affairs and married Kathleen Stuart, whom he met with her husband Donald in 1964, on 25 September 1972, the date

[1] Personal communication with Neil Murray (via his agent)
[2] Recorded as Theodor George Henry Strehlow in the *Australian Dictionary of Biography*
3 Recorded by Strehlow as 'Aranda', his then accepted name for the group.

his parents were married in 1875[4]. Kathleen was 26 years his junior and had two children by her marriage to Donald[5]. Strehlow's marriage to Kathleen produced a son, Carl.

Strehlow died in 1978 aged 70 and bequeathed his estate, including the contents of the collection, to Kathleen. The Will was contested by Bertha, Strehlow's first wife of 37 years with whom much of the collection was acquired. In 1982, the High Court determined Kathleen to be the legal owner.

The Northern Territory government was keenly interested in the collection and responded positively to an approach in May 1984 from John Bannon[6] the Chairman of the Strehlow Research Foundation in Adelaide. In October of that year, Daryl Manzie, the Minister for Community Development, approved expenditure of up to $5000 for a catalogue of the collection to be prepared. This money was paid to the Strehlow Research Foundation[7].

Despite several government members making claims of cultural altruism, which begged to be treated with suspicion, never was the government's true motivation stated publicly, although the then member for Braitling, Roger Vale, provided some insight the following year:

> …the contents of the collection may…cause a complete reappraisal of land claims in certain areas of central Australia…
>
> This information will play a…major role in the years to come in validating land claims or verifying claimants in…central Australia.[8]

4 Hill, 2002; 700
5 Ibid, 720
6 Not the same person as South Australian Premier John Bannon.
7 Hugo, 1997
8 *Hansard*, 27 August 1985

Scrutiny by the media encapsulated the situation some time later, and very well:

> In a lifetime of work principally with Arrernte people Ted Strehlow had amassed a collection of sacred objects, including tjuringas, carved stones or pieces of wood, handed down from generation to generation as the keys to secret knowledge and the control over land: their misuse carried the death penalty.
>
> More importantly, Strehlow had compiled meticulous family trees of Arrernte clans, and written down the "songs" which are the land titles in Aboriginal society.
>
> There were comprehensive lists of sacred sites.
>
> It was the stuff at the core of land rights claims.[9]

This, then, was the Northern Territory government's motivation to acquire the Strehlow Collection. Given the Country Liberal Party's ties to pastoral and mining interests, the Strehlow Collection must have seemed like manna from heaven if, indeed, it were to unlock the secret to land rights.

Acquisition, however, was not a simple matter. Kathleen Strehlow tied up the Northern Territory government for some considerable time in wrangling over, first, an agreement for the sale of the collection and, subsequently, interpretation of the agreement and what constituted part or all of the collection.

The Bulletin reported in November 1984 that the collection had been moved overseas for safe keeping. David Hugo noted, however, that this was never confirmed[10]. I shall return to this point.

In the midst of negotiations, Kathleen Strehlow travelled to Canada. The Northern Territory government dispatched Minister for Community Development, Barry Coulter, to negotiate a further agreement with her for delivery of the collection. They executed a Heads of Agreement document in Toronto on 20 March 1985 and Kathleen undertook to return to Australia in August or

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[9] Chlanda, *Alice Springs News*, 25 September 2002
10 Hugo, 1997, 127.

September of that year to conclude arrangements[11]. Coulter reported the Heads of Agreement arising from the Toronto meeting to the Legislative Assembly in April:

> As the result of those meetings, I signed with Mrs Strehlow a heads of agreement establishing conditions for the return of the collection to the Northern Territory.
>
> Mr Speaker, I will read that heads of agreement for the benefit and information of all members:
>
> > *Heads of agreement, dated 29 March 1985, between Kathleen Strehlow, representative of the Strehlow Research Foundation, and Barry Coulter, Minister for Community Development, representing the government of the Northern Territory of Australia, regards a position paper on the eventual return and assemblance of the entire Strehlow Collection in Australia, its ultimate housing and the employment requirements of Kathleen Strehlow.*
> >
> > *1. It is agreed that the collection as per the inventory currently being compiled by the Strehlow Research Foundation be assembled in the Northern Territory of Australia at a mutually agreed secure location between the foundation representative and the Minister for Community Development forthwith.*
> >
> > *2. A position of associate anthropologist be designated to a male to overcome some concern that the collection contains significant pieces that may attract possible criticism if stored under the current circumstances.*
> >
> > *3. A remuneration package for Mrs Strehlow, consisting of an offer of a salaried position, accommodation and an appropriate retirement arrangement, along with an ex gratia payment, be negotiated to provide for her future security and ensure her continued close association with the collection.*
> >
> > *4. That the planning for construction of a research facility to provide for the eventual storage of the entire collection commence, to allow budgetary requirements to be met and enable the construction to proceed as soon as practical.*
> >
> > *All the above is dependent on the Australian federal government undertaking to ensure the collection remains intact in its entirety, and that its integrity remains complete within the designated location within the Northern Territory, and that the Minister for Aboriginal Affairs provides an undertaking not to prosecute or effect any legal action that would prejudice the return of the collection.*
> >
> > *Mrs Strehlow has given an undertaking to return to Australia in August or September of this year to finalise the necessary*

[11] Ibid

> *operational details of the research facility and take up the position within the facility.*[12]

Kathleen Strehlow was, by this agreement, guaranteed indemnity from prosecution, a shrine to her late husband, a job for life, a house for life, a retirement package and an *ex gracia* payment, the quantum of which has never been revealed. The agreement set Kathleen Strehlow well apart from other members of the Strehlow Research Foundation, a position noted by Opposition Leader Bob Collins:

> At any time the Strehlow Foundation has made public statements on this issue, the matters of money, jobs, free houses, pensions for life etc have never been mentioned.13

Not surprisingly, the Federal government became involved because the Strehlow Collection was caught by the *Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act*. The Federal Minister for Aboriginal Affairs, Clyde Holding, who was specifically mentioned in the Heads of Agreement, informed the Northern Territory government of his 'substantial agreement' with its terms in late March of 1985. This returns us to the allegation by *The Bulletin* that some or all of the collection was taken out of Australia by Kathleen Strehlow or others at some time. Consider the phraseology in the Heads of Agreement:

> *All the above is dependent on the Australian federal government undertaking to ensure the collection remains intact in its entirety, and that its integrity remains complete within the designated location within the Northern Territory, and that the Minister for Aboriginal Affairs provides an undertaking not to prosecute or effect any legal action that would prejudice* ***the return of the collection****.*[14] [emphasis added]

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[12] *Hansard*, 23 April 1985
[13] Ibid
[14] Ibid

This is a concession that the return of the collection was conditional upon the federal Minister's indemnity from prosecution and his agreement not to take a number of other actions. If that clause of the agreement was written to apply to the delivery of the collection from South Australia to the Northern Territory, the word 'return' would not have been appropriate. In any event, the intention was to move the collection to Darwin, where it had never been, so, again, the word 'return' is inappropriate. If it is counter-argued that it is possible the word 'return' did apply to the Northern Territory from South Australia, why was indemnity from prosecution stipulated? If the collection never left Australia, there would be no breach of the act and, therefore, no requirement for a prosecution or an indemnity.

In any event, following Minister Holding's agreement with the terms contained in the Heads of Agreement, members of the Strehlow Research Foundation delivered the first crates containing the collection to Darwin on 13 May 1985. The material was securely stored at the Northern Territory Museum at Bullocky Point in Darwin. Hugo noted:

> Disquiet as to the contents of the Collection among officials led the Northern Territory Government to invite Professor [David] Turner to examine the contents of the collection currently in the vault against his knowledge of the Collection as he knew it from his 1984 Adelaide visit. His report was completed on 10 December 1985 and highlighted many missing items.[15]

Professor David Turner is a Canadian anthropologist who was something of an expert on the Strehlow Collection. Attached to the University of Toronto, Turner's biography reads:

> My major research interest is in the area of comparative religion with emphasis on the role of music in cosmology, ritual and social life. This interest involves a comparison of his [sic] Australian Aboriginal material with that of the tribal culture of India, Native North Americans and African societies.[16]

[15] Hugo, 1997; 128
[16] University of Toronto web site

Turner acted as Kathleen Strehlow's supervisor when she completed her Master's degree. Hugo's passage above indicates that the Northern Territory government paid for Professor Turner to visit Darwin, inspect the collection and write a report in relation to it.

Whilst the Heads of Agreement might be considered to have given the matter finality, that was far from the case. Turner's finding was the catalyst for yet more negotiation. Kathleen Strehlow continued to negotiate what was included in and excluded from the collection, which took considerable time and several more legal documents. It is testament to both Kathleen Strehlow's tenacity and the Northern Territory government's desperation to acquire the collection that each party endured months of legal manoeuvring.

In August of 1985, the member for Sadadeen, Denis Collins, made some astonishing statements in the Assembly, including:

> After lengthy consultation, certain of those objects may be available for display to the general public.
>
> …
>
> It has been alleged by certain people that the government has paid out a great deal of money in the bargaining over this matter…I have been assured that…no money has been paid out to anybody…
>
> …
>
> Another assurance…is that, if money is to be paid out at all, it will not be for the artefacts themselves, but for the papers which Professor Strehlow put together, no doubt with the help of his wife. These are very much a part of the Strehlow family's possessions. The papers are theirs but, without them, the collection would be extremely difficult to make head or tail of.[17]

[17] *Hansard*, 22 August 1985

Denis Collins could not have been more wrong. No artefacts from the Strehlow Collection are on display at the Strehlow Research Centre in Alice Springs, nor have they ever been. Moreover, significant monies were paid by the Northern Territory government; it is the total that remains unclear. The matter had by no means been settled, and Collins, a member of the government, seemed confused about what constituted the Strehlow Collection.

Early in 1987, Kathleen refused to negotiate further until she had inspected material from the collection that was housed in the Northern Territory Museum. On the condition that she produce an inventory of the material, the Northern Territory government agreed and paid for Kathleen and her research assistant to travel to Darwin for that purpose.

Hugo noted that as late as March 1987, Kathleen's solicitor, Sydney Maidment, instructed the Northern Territory that their agreement 'was off'. Hugo further noted that the Northern Territory government paid Maidment's fees, and that a cheque for $25,000 from the Northern Territory government to Kathleen Strehlow was returned by Maidment because Kathleen had decided that there was no agreement in place[18].

On 17 September 1987 during the Appropriation Bill debate, Ray Hanrahan, Minister for Conservation, reported that negotiations had been concluded with Kathleen Strehlow, and the collection would be housed in the Strehlow Centre in Alice Springs. He made no mention of money. Hugo, however, reported:

> Strehlow was paid $201 132 for the transfer of the Collection, and secured a contract position with the Northern Territory Public Service as Research Director of the Strehlow Research Centre commencing 1 October 1987. The Northern Territory also agreed to legislate to establish the Strehlow Research Centre in Alice Springs before the end of 1988, and ensure a lifetime position on the Strehlow Centre Board for [Kathleen] Strehlow.[19]

[18] Hugo, 1997; 130
[19] Ibid; 131

In October 1988, the Attorney-General Daryl Manzie introduced the Strehlow Research Centre Bill, which provided for a Board of Management, one of whose members would be Kathleen Strehlow. Manzie also reported that Kathleen had been appointed Research Director of the centre. This is peculiar in two respects: first, individuals are rarely appointed by an act of parliament because legislation usually refers to a statutory position; second, Kathleen Strehlow's appointment was retrospective by 12 months. Manzie later revealed that her appointment was for seven years at the Science 4 level, after which the position would be declared open.

Another peculiarity of the bill was its extraordinarily long title recorded in the Minutes of the Legislative Assembly:

> **13. STREHLOW RESEARCH CENTRE BILL 1988 (Serial 142):**
>
> The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to establish a research centre in Alice Springs to honour the memory of the late Professor T.G.H. Strehlow and to be a repository for material relating to Aboriginal people, their culture and traditions accumulated by him in his lifetime; to provide for an annual scholarship in recognition of the esteem in which the people of the Northern Territory hold the late Professor Strehlow and his work; to provide for the care, control and management (including storage, preservation and display) of the Strehlow Collection for the benefit of Aboriginal people and as a national heritage asset; to provide for research to be conducted and activities to be undertaken to promote and benefit the contribution of the Collection to the Northern Territory; and for related purposes.[20]

Under normal circumstances, the wording would have been something along the lines of 'a bill for an Act to establish the Strehlow Research Centre and for related purposes'. Given the long title and the specificity of its content, it seems that the bill, too, was the subject of agreed terms between the Northern Territory government and Kathleen Strehlow. Further, legislation had to be passed by the Assembly by 31 December 1988 or their latest agreement would be invalid.

[20] Legislative Assembly Minutes, 13 October 1988

The government was clearly anxious to pass the bill. During the Committee stage (consideration of the bill in detail, clause by clause), it twice gagged the Opposition, effectively shutting down debate. During the third reading, the first mention was made of some of the costs involved: Kathleen employed, $200,000-odd paid to her, and costs for the construction of the centre of $2-3 million. Manzie continued the government's altruistic line of the collection representing a cultural benefit to all Territorians throughout the debate.

In 1988, two male conservators from the State Conservation Centre of South Australia undertook co-ordination of:

> …cataloguing, conservation assessment, photographing and repacking of the collection lodged in the Darwin Museum for eventual transfer to Alice Springs…at a cost to the Territory in excess of $50,000.[21]

Further, Hugo noted:

> Until the Centre in Alice Springs was completed it was agreed that the Northern Territory Government would lease office and storage space from Strehlow in her Adelaide residence to commence July 1988 in order that she be able to continue working. It was also agreed that security patrols be instigated, and that fireproof storage for the more important components of the Collection still on the premises be provided.[22]

This indicates that as late as 1988, the Strehlow Collection remained in disarray, with yet more work required on sorting through its contents and it being co-located in Darwin and Adelaide, the latter for which the Northern Territory government would pay lease monies, security and fireproofing. Successive Country Liberal Party governments were accused of excessive spending, but this spending is indicative of the extent to which the Northern Territory government was prepared to go to secure the collection and, therefore, as Erwin Chlanda put it, be in possession of 'the stuff at the core of land rights claims'[23].

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[21] Hugo, 1997; 131
[22] Ibid
[23] Chlanda, *Alice Springs News*, 25 September 2002

During the Appropriation Bill in August 1989, Manzie revealed further costs relating to construction of the Strehlow Research Centre and operational costs. Steve Hatton, by then the Minister for Conservation, expanded on the proposed budget, declaring that $227 000 had been allocated[24]. The Opposition sought further details in relation to the collection, some of which were provided by Mike Reed. Successive budget debates ran along the same lines.

A new twist to the saga came in January 1992 when the son, Carl Strehlow, through an Adelaide agent, attempted to sell a second collection to the Northern Territory Aboriginal Areas Protection Authority. This was subject to the South Australian government's agreement pursuant to its *Aboriginal Heritage Act.* The South Australian Minister, Susan Lenehan, approved the direct approach to the Northern Territory government. The Carl Strehlow attempted sale drew criticism.

Dennis Schulz, writing for *The Bulletin*, quoted Central Land Council Director David Ross:

> It annoys me that this bloke comes up with 260 pieces and has the cheek to be chucking around a price tag of $6 million, knowing full well his father paid for them in tea, sugar, flour and tobacco.[25]

Once again, whether Carl's collection formed part of the original collection already purchased by the Northern Territory government became the subject of intense debate, and in March, Lenehan withdrew her permission for the sale to proceed until ownership could be established. In May, the Minister ordered Carl Strehlow to surrender the objects in Adelaide so that they could be assessed. A research group was convened to make the assessment.

> This group, working from photographs, concluded that 103 of the 203 items surrendered were identifiable in the Strehlow field diaries. Of the remaining

[24] Note that these are 1989 figures.
[25] Schulz, *The Bulletin*, 1992

> seventy items, all present agreed that they were part of the Strehlow Collection, although no positive identification in the field diaries could be established.[26]

On 19 May, the South Australian Department of Environment and Planning ordered the seizure of remaining items at the Strehlows' Adelaide residence on the grounds that items other than *tjuringa* required protection. Kathleen had refused to surrender the material, which gave rise to the order for seizure. Hugo noted that the South Australian government had been considering compulsory acquisition of what Carl Strehlow offered, but ultimately decided against it. The material was to have been returned to Carl, but the Northern Territory government secured an injunction to prevent that from happening and launched legal action against Carl. The action did not really get off the ground, the NT government receiving legal advice that its case was weak:

> On 23 August 1993 the Northern Territory Minister for Conservation, Barry Coulter, wrote to the South Australian Minister for Environment and Land Managerment, Kym Mayes, and the Commonwealth Minister for Aboriginal Affairs, Robert Tickner, advising them of his intention to discontinue this legal challenge and pay the appropriate costs of all parties.[27]

Coulter urged both governments to use their relevant heritage legislation to ensure the safety of Carl Strehlow's collection. The Federal Minister issued a Protection Order over the collection for a period of six months from September 1993 until March 1994. The Strehlow Research Centre, of course, was very keen to take possession of the second collection and urged the appointment of a mediator to resolve the issue between the various interested parties. Tickner extended the Protection Order until June 1994, and he appointed Elliott Johnston QC as the mediator.

[26] Hugo, 1997; 133
[27] Ibid; 134

Intensive negotiations followed, and Tickner thrice more extended the Protection Order until 24 March 1995. What followed was breathtaking expenditure, but not exclusively on the part of the Northern Territory government:

> On 14 March 1995 the Northern Territory Minister for Tourism, Barry Coulter wrote to [Lois] O'Donoghue [ATSIC Chair] suggesting that the $1,000,000 offered by the Central Land Council (from Aboriginal and Torres Strait Islander funds) to Carl Strehlow be made contingent upon Kathleen Strehlow's acceptance of the Strehlow Research Centre's offer of $475,000 for the non-artefact component of the material held in South Australia.[28]

On 8 June 1995, a deed was executed between Minister Coulter, Kathleen Strehlow and the Chairman of the Strehlow Research Centre Board, Professor Ron McKay. The deed transferred ownership of the non-artefact component held in Australia to the Strehlow Research Centre. The deed also transferred ownership rights of all the material held at the Strehlow Research Centre to the Strehlow Research Centre. The Central Land Council did purchase *tjuringa* from Carl Strehlow and the Strehlow Research Centre has been seeking to house them at the centre.

After Carl's attempted sale of the second collection in January of 1992, Kathleen's employment with the Strehlow Research Centre was terminated by resolution of the Board in July of that year. Her relationship with the board had been acrimonious and there had been several arguments about the collection and her role within the organisation.

Precisely how Theodor Strehlow came into possession of much of the material is a moot point. Strehlow and his widow maintained that many of the artefacts had been gifted to him by men who were worried about their sons' capacities to inherit and protect the knowledge they contained. These claims appear to be largely uncorroborated, however there seem to have been few challenges to them, David Ross being a notable one. Hugo noted that on 29 June 1989 at:

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[28] Ibid; 135

> …a full gathering of male members of the Central Land Council…[it was] established that there was no dispute on 'ownership' of the Collection.[29]

This is open to interpretation. It may be that the Central Land Council accepted that the Northern Territory government or the Strehlow Research Centre now legally owned the collection. There appeared, however, to be no position on the part of the CLC that the collection or parts thereof be returned to Arrernte ownership.

In any event, one of the consequences is that much of the collection remains so mysterious that Aboriginal people themselves are unsure of who may see what, given that a generation or more has been 'skipped'. Those who see something to which they are not entitled will potentially suffer the consequences of being in possession of the wrong sacred material and/or knowledge, the penalty for which can be death.

Strehlow's methods were not entirely consistent with sound anthropological practice and bordered on the bizarre:

> Shortly before his death Strehlow sold photographs of secret ceremonies to the German magazine *Stern*, who in turn sold Australian publication rights to *People*. The Australian magazine billed its 'exclusive' on its front page as 'Secret rites of the Arandas [the formerly accepted spelling of Arrernte] – with pictures you've never seen before'. In the 1930s and 1940s, a time of different public sensibilities, Strehlow had freely published such photographs, but by the 1970s he knew that their display would be widely construed as an outrage and a severe breach of his sacred trust. He denied responsibility for the publication in *People*, but defended his right to do with his collection as he saw fit…He was singularly dismissive of the criticisms and claims of protesting 'urban' and 'detribalized' Aborigines who, by his lights, had 'no rights to anything in Central Australia'.[30]

[29] Hugo, 1997; 133
[30] Morton, 1993

There were other players in the extended drama that comprised acquisition of the Strehlow Collection. Western Mining Corporation (WMC) had exploration leases in Central Australia, mainly for gold. These included the Goodall Mine near Mt Ringwood and the Tanami, Arltunga and Winnecke mines in the Alice Springs region. That company, along with many others, had more than a passing interest in whatever secrets might be revealed by Strehlow's collection about potentially prospective land. WMC formed a relationship with the Strehlow Foundation and, indeed provided significant sponsorship:

> [Professor David] Turner was, to his dismay, brought to Australia with the assistance of the Western Mining Corporation on behalf of the Strehlow Research Foundation.[31]

By eliminating claimable land, mining companies stood to save millions of dollars in royalty payments, which would otherwise go to Aboriginal Traditional Owners or their designated corporations. For mining companies, the stakes are very high where Aboriginal land is concerned and any means by which companies could prove no traditional links, and therefore no Aboriginal 'ownership', were potentially worth millions of dollars. However, Turner was to be the bearer of bad news:

> Apart from noting the shambles the archive was in, he reported what no one… then wanted to hear: that knowledge and objects were owned by the group; they belonged to others as well as the self, and insofar as they could be discussed in terms of Western law, they were not alienable.[32]

Of the same interest, it was noted:

> 'Those records, whilst they were important, were of limited use,' says Morton.[33]

[31] Hill, 2002; 736
[32] Ibid
[33] Chlanda, *Alice Springs News*, 25 September 2002.

The panacea for which mining companies were hoping proved to be little more than a tantalising mirage. Attempts to link individual items in the collection to individual people and therefore individual ownership to the exclusion of any notion of collective ownership, which is central to Aboriginal culture, failed.

Kathleen Strehlow alleged, during the 1987 negotiations with the Northern Territory government, that Western Mining Corporation and recording company EMI held material from the collection. When called to account, EMI reported that their recordings made from original tapes had been destroyed. Western Mining Corporation held:

> …microfiche copies of Professor Strehlow's field diaries, as well as duplicated tapes of ninety-two original reel-to-reel tape recordings of songs, chants and other recordings. The company released all the Strehlow material to [government representatives] who returned with it to Darwin on 28 February 1987.[34]

The saga of the Strehlow Collection persisted for well over a decade, with at least five different ministers having carriage of the matter between 1984 and 1993[35]. It was first raised in March 1979 during the Second Assembly, when the ALP Member for MacDonnell Neville Perkins asked a written question of the Chief Minister about rumours that Kathleen Strehlow had been appointed an advisor to the Northern Territory government, which was answered in the negative in August.

Notwithstanding her unquantifiable largesse, Kathleen, now residing in Adelaide, appears to harbour bitterness about her dealings with the Northern Territory government:

[34] Hugo, 1997; 130
[35] Daryl Manzie, Barry Coulter, Don Dale, Ray Hanrahan, Daryl Manzie (again), Steve Hatton and Barry Coulter (again).

> 'I donated $60 million worth of stuff to that rum show in Alice Springs and that has never been acknowledged. Nor even did I receive a thank-you note for it,' she told *The Bulletin*.[36]

The Strehlow Research Centre in Alice Springs is a modern, well fitted-out building. Public access reveals only selected accounts of the life and times of Theodor Strehlow, which are extensively documented. There are no *tjuringa* on display and there are few references to the fate of the collection, which remains locked away at the centre, robbing a generation or more of Arrernte men of sacred knowledge.

Precisely what was and is still being paid to Kathleen Strehlow is as mysterious as the collection itself. Various documents have allowed for the construction of the following table, which details some expenditure.

Table 2: Public Expenditure on Strehlow Collection

Amount	Year	Paid by	Paid to	For	References
$5000	1984	NTG	Strehlow Research Foundation	inventory of collection	Coulter's 23/4/85 statement; Hugo p 127
$9000	1985	NTG	Travel & accommodation providers	Coulter's travel to Canada	Coulter's 23/4/85 statement
Unknown	1985	Fed Govt	Forgone	Indemnity from prosecution/fine	Heads of Agreement
Unknown	1985	NTG	Travel & accommodation providers and potentially a professional fee	Prof David Turner to asses the collection	Hugo p 128
Unknown	From 1985	NTG	Sydney Maidment	Legal advice to Kathleen Strehlow	Hugo p 128

[36] Schulz, *The Bulletin*, 1992

Unknown	Jan 1987	NTG	Travel and accommodation providers	Visit by Kathleen Strehlow and Research Assistant to Darwin to inspect collection.	Hugo p 129
$25,000	Mar 1987	NTG	Kathleen Strehlow	Unclear. This may have been returned to the NTG.	Hugo p130
$49,853 pa (1991 figures)	1987-1992	NTG	Kathleen Strehlow	Science Level 4 (P3) Salary for 7 years = $348,971 not including Director's fees	Manzie, 29/11/88; Hugo p 131
$201,132	1987	NTG	Kathleen Strehlow	Payment to Kathleen (*ex gratia*?).	Manzie, 29/11/88
>$50,000	1988	NTG	State Conservation Centre of South Australia	Two conservators to assess and repackage the collection.	Hugo p 131
Unknown	Jul 1988- Jun 1991	NTG	Kathleen Strehlow	Office and storage space at her Adelaide home security and fireproofing	Hugo p 131
227,000	1988-89	NTG	Les Platt Architects	'detailed design' Strehlow Research Centre	Manzie, 29/8/89 Hugo p132
$1.5m	1998-99 1990-91	NTG	Sitzler Bros & other contractors	Construction of Strehlow Centre ($1.5m from NT government; $1.5m from ATSIC)	Manzie, 29/8/89, Coulter 2/10/91 Hugo p132
$1.5m	1998-99 1990-91	ATSIC	Sitzler Bros & other contractors	Construction of Strehlow Centre	Manzie, 29/8/89, Coulter 2/10/91 Hugo p132
$112,000	1992-93	NTG	Contractors	Strehlow Centre project management fee	Coulter 2/10/91
$212,000	1992-93	NTG	Contractors	Strehlow Centre audio visual display equipment	Coulter 2/10/91
$30,000	1992-93	NTG	Contractors	Strehlow Centre furniture & fitout	Coulter 2/10/91

Unknown	1993	NTG	Various parties	Payment of legal costs after discontinuance of legal challenge re Carl Strehlow collection	Hugo p 134
$1m	1995	ATSIC	Carl Strehlow	'second' collection	Hugo p 135-6
$465,000	1995	NTG	Kathleen Strehlow	Non-artefact component of collection being held in South Australia (Carl's)	Hugo p 135-6

These costs exclude directors' fees, housing allowance or purchase, retirement allowance and by no means encompass the *ex gratia* payment, although the $201,132 may comprise some or all of that payment. Most of what does not appear in the table was or is directly payable by the Northern Territory Government to Kathleen Strehlow. Further, the table does not include costs borne by the Northern Territory public sector for the army of lawyers, experts and others involved in negotiations at various times with various entities.

Of course, there remain ongoing operational costs associated with the centre, and they have been in the order of $350,000-$410,000 per annum since 2002-03[37].

One of the greatest misunderstandings about the Strehlow Collection (and therefore about Aboriginal culture generally) was that physically removing *tjuringa* from the land to which they related was equivalent to removing the sacredness of the land itself for which a distinct patrilineal descent line is responsible. Such a notion came to light thus:

> …it is not the site that is important. It is the object or the ceremony that is important. That is what carries the sacredness, not the site in which it was held.[38]

[37] Various budget papers and communication with staff in NRETA following Budget 2007-08.
[38] Terry MacCarthy, *Hansard*, 8 May 1991

Pursuit of that logic leads to the absurdity that when the *tjuringa* were taken offshore (and for argument's sake, I shall assume Canada), Central Australian Aboriginal people of a given patrilineage became responsible for the Canadian land on which the *tjuringa* sat because *it* then became sacred. This, it seems, was the greatest mistake made by those who so enthusiastically embraced the Strehlow Collection as being the land rights watershed they so desperately desired. Rather, it was yet another clumsy and ill-fated attempt to erode Aboriginal culture and subvert the *Aboriginal Land Rights (Northern Territory) Act*.

The final chapter of this extraordinary episode in Northern Territory political history was played out in non-controversial circumstances in 2005 when the Minister for Arts and Museums, Marion Scrymgour, introduced legislation that would repeal and replace the *Strehlow Research Centre Act*. The Minutes of the Legislative Assembly record the bill's long title as significantly shorter than its predecessor:

> **6. STREHLOW RESEARCH CENTRE BILL 2005 (Serial 21):**
>
> The Minister for Arts and Museums (Ms Scrymgour), pursuant to notice, presented a Bill for an Act to establish the Strehlow Research Centre and the Strehlow Research Centre Board, and for related purposes. [39]

Whilst the minister's second reading speech was silent on the issue of Kathleen Strehlow, her position as a Board Member is enshrined in the legislation:

> **14. Membership**
>
> The Board consists of Kathleen Stuart Strehlow or her nominee, while Kathleen Stuart Strehlow lives, and 6 other members appointed by the Minister… [40]

The act is specific in relation to 'the agreement', which remains confidential.

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[39] Legislative Assembly Minutes, 12 October 2005
[40] *Strehlow Research Centre Act* 2005

So much time had elapsed since Strehlow first appeared in the *Parliamentary Record* in 1979, some 26 years, that the Opposition Member responding to the minister had little or no knowledge of the controversial history of the collection:

> I would ask the minister to reassure the House of the security of the treasure trove which is unique, which I do not know enough about.[41]

Meanwhile, Arrernte people were aware of the collection, its importance and power:

> They dangerous things. They not for display…not for foolin' around.[42]

Conclusion

Notwithstanding the neoliberal dominance of economic fundamentalism and the underlying principle that the market will dictate performance of the free and largely unregulated economy, could it really be the case that the Country Liberal Party thought it could *buy* the 'secret' to land rights? I struggle with that level of naivete in the face of expert advice so readily at the government's disposal.

There were lessons of the past from which the CLP seemed steadfastly opposed to noting; its intransigence arising from its attitude to land overtook any sense of reason. Brooking[43] and others have noted the buying up of Maori land in New Zealand in something of a frenzy between 1891 and 1911. Whatever the merits of that policy, something was paid so, at least in legal terms, consideration was exchanged. In the case of the Strehlow Collection, no land *per se* was involved, and money also changed hands – but none to the Arrente from the CLP. In this case, the government paid undisclosed amounts to an anthropologist for the apparent reason of discovering a cultural 'secret'.

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[41] Terry Mills, *Hansard*, 20 November 2005
[42] Schulz quoting [the late] Wenton Rubuntja, an Arrernte Elder, *The Bulletin*, 1992.
[43] NZJH, April 1992, Vol 26, No 1, 78-98

The Strehlow episode was one of the more mysterious and outlandish CLP pursuits, although it falls well within the brash and bold labels ascribed to a young and evolving political party. Once again, though, it is difficult to conceive the extent of the marginalisation of some 30 per cent of the population which, as we have noted, isn't 'going anywhere'.

CHAPTER 8: THE CLP AND THE LEGAL SYSTEM

This chapter examines how successive CLP governments created laws that were designed to target and/or modify the behaviour of Aboriginal people, and how various CLP governments interacted with the legal profession. The CLP regularly demonstrated scant regard for the law or legal system, and this led to several unpleasant episodes.

Recognising that the Land Rights Act is a Commonwealth instrument against which the Northern Territory Government has been powerless to act directly other than to contest individual claims, successive CLP Governments used the legal system, by virtue of its capacity for statutory law, in a number of ways that severely disadvantaged Aboriginal people.

Capital Duplicators & alcohol legislation

In recent years, the attack has taken the form of laws in relation to alcohol and antisocial behaviour, but there is some history to the formulation of laws. An early attempt at curbing the abuse of alcohol in the Northern Territory was made by the Perron government. Acknowledging that alcohol abuse was widespread across the Territory (and not particularly distinguishing it as a race issue), Perron introduced the *Living With Alcohol* program, now widely accepted as having been a sound initiative. It was, however, relatively short lived because under the regime, a tax, called a 'business franchise fee', was imposed on the sale of alcohol and monies raised by way of the tax were used to fund the *Living With Alcohol* program. Similar fees were attached to tobacco and petroleum products. A case that became known as Capital Duplicators challenged state and territory rights to raise this revenue in the High Court. On 30 November 1993, Chief Minister Perron advised the Assembly during Question Time that the Northern Territory raised over $50 million from such fees and said:

> It is alleged by Capital Duplicators that the states have acted outside of the Constitution in applying an excise duty that it is not within their power to impose. Whilst the figure in the Territory is a minimal $50m, if it were considered retrospectively across Australia to the time when the excise taxes were first introduced, many billions of dollars would have been collected allegedly illegally over that period.[1]

Ultimately, The High Court[2] declared revenue raising by this means was unconstitutional, effectively ending the *Living With Alcohol* program. Why the program was not continued using other revenue sources is not clear, but it ended soon after the Capital Duplicators decision.

Since that time, there have been various Parliamentary Committees whose brief was to inquire into the use and abuse of alcohol in the community. During the 10th Assembly, there was a Standing Committee on Substance Abuse in the Community, and it reported in October 2007, citing alcohol, cannabis and inhalant abuse as prevalent in Aboriginal communities, and warned that cannabis is the sleeping giant with very close links to youth suicide, particularly in young men[3].

The Martin government introduced an Alcohol Framework intended to address some of the antisocial issues arising from alcohol abuse. Speaking during a Ministerial Statement on Alcohol Abuse, Health Minister Chris Burns paid tribute to Marshall Perron:

> Governments over the years have recognised the problems and I would like to pay particular tribute to former Chief Minister Marshall Perron…His well intentioned *Living With Alcohol* program unfortunately foundered when a High Court ruling determined that the Territory did not have the capacity to impose a tax on alcohol that funded the initiative.[4]

[1] *Hansard*, 30 November 1993
[2] 7 December 1993
[3] *Substance Abuse in Remote Communities: Confronting the Confusion and Disconnection*, October 2007.
[4] *Hansard*, 14 February 2007

Marshall Perron was a Chief Minister who was almost born in the Northern Territory. Conceived in the NT, his mother was evacuated from Darwin during World War II and he was born in Perth. He did, however, spend the majority of his life in Darwin and had a much better understanding of Aboriginal culture than some of his colleagues. It was Perron, for example, who ordered the dispute over Nitmiluk to be resolved between the parties, and that resulted in a joint management arrangement being negotiated between the Territory Government and the Jawoyn people, who had ownership of the park returned to them in 1989 following their original land claim of 1978[5]. It was knowledge based on pragmatism. Perron gave similar directions to resolve the Mt Todd native title issue in January 1993, with the result that the mine went ahead with consent of Jawoyn traditional owners in a complex deal involving land and jobs. It was the first native title resolution in Australian history and occurred a year before the federal *Native Title Act* was passed. Negotiations took only three months.

Returning to the issue of alcohol and substance abuse, whilst there have been many policy attempts and numerous reports on these issues, little has been done to address *why* substances are abused. Most reports point to issues such as dispossession, lack of self-esteem, lack of infrastructure, lack of employment, lack of education, lack of housing, breakdown of culture and authority, lack of life choices and so on. Addressing but one or two elements arising from of all that is lacking is futile at best and will have no real impact. It is also racist because Aboriginal people are targeted and suffer the most:

> 15.2.31 The community's response to Aboriginal drinking in public is frequently racist, by which I mean, in this instance, a response to the drinking by Aboriginal people, rather than to excessive and disruptive drinking practices themselves.[6]

Commissioner Johnston cited a 1983 amendment to the Northern Territory *Summary Offences Act*, which made consuming alcohol in a public place within two kilometres of licensed premises illegal. It also made the consumption of alcohol on unoccupied private land without the land owner's

[5] See *Nitmiluk National Park Tour Guide Handbook*
[6] Royal Commission into Aboriginal Deaths in Custody, National Report, Vol 2.

permission illegal. Effectively, it banned drinking in public places, and police were empowered to tip out alcohol being consumed in such circumstances. It was known as 'the two kilometre law'. The Commissioner reported:

> 15.2.32 …The effect of the legislation and its enforcement has been to push Aboriginal drinkers from public view into such places as town camps, simply a 'street cleaning' operation, not one aimed to prevent or minimise problem drinking. I had evidence that bears on this subject. I was told by Inspector Godwin of the Northern Territory Police that Aboriginal people, or at least camp dwellers, were welcome in only one hotel in Alice Springs (other information suggested two). The 'two kilometre law' operates to make it an offence to drink in any public place other than licensed premises anywhere in Alice Springs. That leaves only the camps themselves. Pamela Lyon, a consultant to Tangentyere Council in Alice Springs, describes the 'two-kilometre law' as being a contributing factor to drunkenness and violence in the Alice Springs town camps. Similar arguments have been put to me in respect of other dry areas legislation.[7]

Whilst the law was immediately applied in respect of Aboriginal people consuming alcohol in public places (whether or not they were behaving in an antisocial manner), they were not applied to non-Aboriginal people who were having picnics or BBQs in urban Darwin areas such as the Nightcliff or Fannie Bay foreshores, or on Darwin's Esplanade. In each case, those consuming alcohol were clearly in breach of the laws because licensed premises were a stone's throw away. Further, there would have been a non-Aboriginal public outcry had there been an incident of alcohol being tipped out in such circumstances (whether or not those consuming the alcohol were behaving in an antisocial manner). Indeed, Commissioner Johnston described this as 'institutional discrimination and racism'.

Aboriginal People in Custody

Other examples of laws adversely affecting Aboriginal people include the treatment accorded to Aboriginal accused whose command of English was less than competent, often resulting in what was construed to be a confession. In a landmark 1976 case, *R v Anunga*, Justice William Forster of the Northern Territory Supreme Court included a list of nine guidelines in his

[7] Ibid

judgement, which became known as 'the Anunga Rules'. Adam Atler summarized the rules as being:

> …designed to protect Aborigines when being interviewed by police. Most significantly, the Anunga Rules draw attention to the concept of gratuitous concurrence, the Aboriginal right to silence and other cross-cultural differences between Aboriginal and non-Aboriginal Australian communication styles. Unfortunately, the rules are merely guidelines and are not legally binding. Furthermore, they are only applicable to the Northern Territory and are not recognised in other jurisdictions. Nevertheless, the Anunga Rules are a positive step in accommodating Aboriginal communication styles within a Western legal system.[8]

One of the greatest of the Anunga Rules is described by Atler as:

> …the need to have an expert present during all cases in an *amicus* capacity, to inform the judge of any subtle misinterpretations that may adversely affect the Aboriginal witness.[9]

This rule also applies during the custodial process and means that a 'prisoner's friend' can be present at an interrogation to assist the prisoner, and by implication the interrogating police, with language difficulties.

Mandatory Sentencing

The CLP's manadatory sentencing regime drew unprecedented criticism from lawyers and human rights groups from around the world. They also raised the ire of the Northern Territory judiciary, which was hamstrung by the legislation. Indeed, introduction of the laws gave rise to the resignation of the Northern Territory's Chief Magistrate, Ian Gray:

> On 20 November 1997, Mr Ian Gray, the then Chief Magistrate of the Northern Territory, tendered his resignation. The circumstances which led to the resignation were widely publicised. They had to do with his views regarding the regime of mandatory sentencing which came into force in the Northern Territory on 8 March 1997.[10]

[8] Alter, 2004, HREOC web site
[9] Ibid
[10] Federal Court of Australia - Unreported Judgments, 2002, *North Australian Aboriginal Legal Aid Service Inc v Bradley,* 27 September 2002

Whilst the CLP continually denied that the laws were racist, the nett effect was that they affected Aboriginal people far more than they did non-Aboriginal people.

> …a Senate hearing into proposed federal legislation that would override the Territory's [mandatory sentencing] laws received a flood of submissions that the laws were racist and contravened basic human rights. On 2 February [2000] the Chief Minister, Denis Burke, said the Northern Territory would make 'justice for the victim a priority' and mandatory sentencing would stay.[11]

Burke's comments are interesting, given that mandatory sentencing laws, the architect of which was Shane Stone, were targeted at property crime, not crimes against the person, so the use of the word 'victim', whilst valid, is somewhat over-stated although consistent with Whig-ish aspirations.

There was further outrage following the suicide death of a young man from Groote Eylandt who had been incarcerated in the Don Dale juvenile detention facility in Darwin:

> Senior politicians, lawyers and Aboriginal leaders all expressed outrage over the death in custody on 10 February of a fifteen-year old Aboriginal boy. They called or a repeal of mandatory sentencing. The President of the Northern Territory Law Society, Jon Tippett [who had been denied silk by the CLP government] argued that the laws breached international conventions. He went on to claim that the boy's death 'can be laid squarely at the feet of the NT's mandatory sentencing laws'…Chief Minister Burke, however, remained defiant…[12]

During the 2001 General Election campaign, the ALP pledged to repeal the mandatory sentencing regime upon coming to office. Following the election but before repeal of the legislation, [now retired] Darwin Magistrate David Loadman refused to sentence individuals in cases that came before him:

> DAVID LOADMAN: I and other magistrates have imposed sentences which were manifestly unjust. I am not prepared to put myself in a position of incarcerating people who absent the mandatory sentencing processes, commit offences that do not warrant than [sic].[13]

[11] *AJPH*, Vol 46, No 4, 2000; 602
[12] Ibid
[13] ABC Radio, *The World Today*, 24 August 2001

Loadman's view was endorsed by the President of the Northern Territory Law Society:

> JON TIPPET: It's just common sense that if you have a person before your court, as Mr Loadman had - that is a man who shared a quarter full can of warm beer that he and others had stolen from the laundry of a house - and that you were required under the mandatory sentencing regime to sentence that man to a year in prison for that offence, and you were aware that the incoming Government was going to repeal the law that required you to do that, you would not do or carry out such an injustice.[14]

Tippet claimed that the mandatory sentencing regime gave the Northern Territory 'pariah' status and that its abolition would return the Territory to the Australian legal system whereby 'the quality of the law…gives people a fair go, and where the punishment truly does fit the crime'.

Former Magistrate and Director of the Northern Legal Aid Commission, Richard Coates[15], agreed:

> The Northern Territory has been gaoling its citizens at three times the national average for as long as I've been here. Mandatory sentencing increased that…[and] I think it might have got us up to four times the national rate. So it's an anathema to what they've been trying to do [deter people from committing crimes].
>
> …mandatory sentencing…was a 'one size fits all' approach which produced ridiculous results.[16]

Whilst mandatory sentencing was designed, once again, to appease urban voters in Darwin's northern suburbs, it was also an attempt to restrict the judiciary which impacted on judicial independence, a cornerstone of the doctrine of the separation of powers, which the CLP either did not understand or refused to acknowledge. It is an argument that Shane Stone, himself a lawyer, rejected:

> …allegations that law and order policies of successive CLP Governments was all about imprisoning Aboriginal Territorians suddenly fell silent in the wake of ALP policy in the last Territory election [2005]. The most salient

[14] Ibid
[15] Richard Coates is now the Director of Public Prosecutions in the Northern Territory.
[16] ABC Radio, *The World Today;* op cit

> aspect of the campaign was the silence of the very same critics of past CLP Governments – the legal profession, NT Criminal Lawyers Association, Aboriginal Legal Aid Services to name some, in fact just about every past third party antagonist of the CLP 'went missing'.[17]

Indeed, Stone claimed that the CLP had a very proud record on which to stand in respect of race issues:

> …the CLP always stood firmly by the principle that we were all the same – one law, one community – Territorians together. For that we were pilloried and ultimately we fell for the rhetoric and started apologizing for doing what Territorians expected of us.[18]

It is a view that Bob Collins identified as early as 1979 as fundamentally flawed:

> One of the most dangerous philosophies and one of the most dangerous catchcries of the current government in the Northern Territory is that we are all the same. I have heard it so many times: we are all Territorians and we are all the same. To any person who has had any understanding of Aboriginal culture and lifestyle, that statement is patently untrue. Aboriginal people are so radically different from us that it cannot possibly be said that they are the same. It is not a physical dissimilarity that I am talking about; it is a very deep-seated mental dissimilarity. They think differently from us; they have different philosophies on life.[19]

Collins correctly identified the issue of 'one-ness', which Stone advanced in his explanation of the party's history. It was rhetoric used to exploit urban electorates where the notion of equality – a 'perspective of linear progression in history' according to Coltheart and a 'deep, horizontal comradeship' according to Anderson - seemed normal and perfectly logical in the absence of an understanding of Aboriginal culture and values. Contemporary Australian (even Western) culture is so individually driven that it ignores the collective all together. It is the collective ethos that so dominates Aboriginal culture which is so regularly overlooked in the Northern Territory.

[17] Stone, 2005; 34
[18] Ibid
[19] *Hansard*, 22 August 1979

Land Law

In 1883, with the Territory under the administration of South Australia, a massive 90 per cent of land was under pastoral lease. In preparation for the advent of the *Aboriginal Land Rights (Northern Territory) Act* 1976, which arose from the Woodward Royal Commission in 1973, land councils were established. The Northern Land Council was established in 1973 and the Central Land Council in 1975. The Tiwi Land Council, a smaller but no less influential player, was established in 1979.

Gradually, the land councils have regained almost half the Northern Territory's land mass on behalf of Traditional Owners. Aboriginal land is held as freehold title and is inalienable, meaning it cannot be bought, acquired or forfeited. It can be leased. Further, Aboriginal land is not owned by individuals but is granted as communal title, which reflects the collective nature of Aboriginal culture discussed above and land 'ownership'[20]. Title then vests in Land Trusts, which are responsible for administration.

As noted in Chapter 6, there has been an ongoing antagonistic relationship between the land councils and Northern Territory governments since the beginning of self-government. Successive governments have sought thwart the councils in a variety of ways, including contesting land claims, extending town boundaries to prevent them and legislating to create secret and elite corporations to acquire and quarantine potentially claimable land.

In September 1989, the CLP government requested that the Commonwealth consider transferring responsibility for the *Aboriginal Land Rights (Northern Territory) Act* to the Northern Territory. Chief Minister Perron reported to the Assembly during Question Time in May of the following year:

> …in September, I appealed specifically to the Prime Minister to extract the question of land rights and land administration generally from the full self-government package because it relates to the administration of the Commonwealth land in the Northern Territory.

[20] See Northern and Central Land Council web sites.

> …
>
> However, it seems that the Prime Minister has failed us once again. We had every reason to hope for a square deal when we made the appeal to the Prime Minister for this transfer, especially after we had attended the Premiers Conference and had spoken about these very matters and the respective administrative responsibility of governments.
>
> …
>
> …no less than a week after the conclusion of the Special Premiers Conference, the Prime Minister signed a letter addressed to me rejecting the Northern Territory government's case for responsibility for the administration of Aboriginal land in the Territory on the most spurious of grounds. One reason given was that we had taken issue with the findings of Aboriginal Land Commissioners in the Northern Territory. From the tone of the letter, I gather that that was the reason for his rejection…The Prime Minister is saying basically that, because we have been difficult in relation to the question of land rights in the Northern Territory and the findings of Aboriginal Land Commissioners, he is not sure that we can be trusted in this regard.[21]

By 1989, the Prime Minister would have had a wealth of case studies to both justify and vindicate his position.

The 1992 Mabo case finally disposed of the fallacious doctrine of *terra nullius*, which colonizers of and successive governments in Australia claimed had always been the case. The High Court determined that a form of 'native title' existed prior to white settlement and the *Native Title Act* followed in 1993. Neither the Mabo decision or the *Native Title Act* resolved the issues of native title on pastoral leases or in relation to seas.

As noted above, in the 1880s some 90 per cent of the Territory was held under pastoral lease. In relation to native title claims, governments argued that the granting of those leases extinguished native title. In the Wik case in 1996, however, the High Court held that native title and pastoral leases could and did co-exist, with pastoralists having exclusive rights of use of the land but not exclusive rights of ownership, which is precisely what the system of pastoral leases was intended to do in relation to British squatters when the system was initially introduced in Australia.

[21] *Hansard*, 12 May 1990

Following the Wik case, the *Native Title Act* was significantly watered down by a 1998 amendment sponsored by Prime Minister John Howard, and this was a further setback for Aboriginal people because it:

> …not only effectively extinguished native title on pastoral leases, but also on a range of other land tenures, vacant Crown land (land owned by the government that no-one else is using or has an interest in) in towns and cities and over waterways and airspace.[22]

Further, the Howard amendment specifically provided that state and territory governments could establish their own Native Title schemes, although these would be subject to Senate approval. Not surprisingly, the Northern Territory Government leapt at the chance and in December 1998 passed the Lands and Mining (Miscellaneous Amendments) Bill. Debating the bill in the Legislative Assembly, Syd Stirling recounted the CLP's history in relation to the politics of land:

> We know from the polling documentation that we have seen over the past couple of weeks that the Country Liberal Party have used the Northern Territory Land Rights Act 1976 as an election tool to get them over the line in subsequent elections - in fact, election after election, with the possible exception of 1987, when the member for Nightcliff [Steve Hatton] was Chief Minister.
>
> And they have used Aboriginal land claims and other issues to divide Territorians and polarise those northern suburb voters behind them. In the latter part of 1992 Country Liberal Party polling showed the Ede opposition Labor Party to be 13 points in front of the CLP. By the time the next polling had taken place in around early 1993, that lead had shortened dramatically…What had happened in the meantime was that the High Court's decision on Mabo had been handed down, and the Keating government was making its first efforts to facilitate the High Court's decision in legislation. These were critical factors in swaying and swinging the electoral balance in the Northern Territory back to the Country Liberal Party.[23]

As was usual whenever the CLP was accused of racism in the Chamber, CLP members sought to gag debate or interfere by way of points of order raised with the Speaker. This debate was no different. Speaker Loraine Braham ruled that there was no point of order in response to Chief Minister Shane Stone, who said:

[22] Northern Land Council web site
[23] *Hansard*, 3 December 1998

> To attribute bad intent is to impute wrong doing to myself, to the motives, that that one might have had in the carriage of this legislation. I ask that that be withdrawn. If he wants to make those sort of allegations of bad faith and bad intent he should do so by way of substantive motion.[24]

Stone immediately moved dissent from the ruling, which was carried on party lines, thus overturning the Speaker's ruling (and independence), then immediately sought leave to make a statement, effectively shutting down the member for Nhulunbuy, Syd Stirling, who was on his feet. Opposition Leader Maggie Hickey sought leave to respond to Stone's statement, and leave was denied, one dissenting voice being sufficient to deny leave. The dissenting voice was Chief Minister Stone's. Stirling then had to withdraw this assertion:

> The incompetent handling of the process today has left the Country Liberal Party vulnerable to the attack that they are both incompetent and have dirt on their hands and bad intent in this whole process, because the Country Liberal Party ...[25]

After further interjections, Stirling was able to continue and concluded his remarks this way:

> The litigation currently occurring, and to come over the years ahead, the inevitable controversy that will attach itself to each decision, will be used by the Country Liberal Party government to continue its division of the Territory for political gain. If the Country Liberal Party was serious about fairness and objectivity in its dealings with native title legislation at the Territory level, and if it had any empathy at all with Northern Territory native titleholders, it would slow down and take a far more considered approach to this whole question.[26]

Ultimately, the Northern Territory bill was disallowed by the Federal Parliament:

[24] Ibid
[25] Ibid
[26] Ibid

> The NT proposal was approved by the Federal Attorney-General in April 1999 but, because it was unacceptable to the Land Councils, the Australian Labor Party and the Democrats, this approval was disallowed by the Senate on August 31, 1999.[27]

In March 2007, the Full Court of the Federal Court determined the Blue Mud Bay case which:

> '…impacts on intertidal zones abutting Aboriginal land granted under the Commonwealth Aboriginal Land Rights (Northern Territory) Act, and rivers, streams and estuaries overlying Aboriginal land.'[28]

Stirling, by now the Northern Territory Attorney-General, said the decision:

> …rejected exclusive native title rights in tidal waters, but provided that the grant of freehold title to low water mark gave the Aboriginal Land Trust rights to exclude people from waters overlying that land.[29]

The (ALP) Northern Territory Government sought leave to appeal the decision for final disposal in the High Court. Leave to appeal was granted by the High Court in June 2007. Stirling informed the Assembly that:

> This appeal is not about taking away people's rights. It is to provide the legal clarity and certainty so that all parties involved can move forward with confidence.[30]

On 30 July 2008, the High Court upheld the substance of the Federal Court's decision in relation to native title rights extending to intertidal zones and tributaries. The Blue Mud Bay decision gave rise to major concerns in the recreational fishing sector, which has emerged as a significant and well organized lobby group in Northern Territory politics.

The CLP went to some lengths to defend its stance on land claims. During Question Time in 1991, Attorney-General Daryl Manzie put the government's

[27] Northern Land Council web site
[28] Media Release, NT Attorney-General Syd Stirling, 16 March 2007
[29] Ibid
[30] *Hansard*, 21 June 2007

position following an allegation by former Prime Minister Gough Whitlam that the NT government routinely opposed all land claims:

> The Northern Territory government does not and has not opposed all land claims. It is pretty simple. The Territory has taken a strong stand about particular claims, such as Jawoyn, Warumungu, Kenbi, Alligator Rivers and Finniss River. These areas are either near major centres, *or are development areas with considerable mineral or tourist potential*.[31] [emphasis added]

Implicit in that part of Manzie's answer is that the government only opposed those claims which potentially threatened intrinsically 'valuable' land. He went on:

> A strong stance has been taken because of the effect of the claims on other Territorians. In the majority of claims, the Territory seeks to be heard on traditional [anthropological] evidence. Submissions are made on the detriment that would be suffered if the claim were granted. This is a requirement of the Aboriginal Land Rights Act.[32]

Manzie said that in 13 claims, the Northern Territory opposed them because of the anthropological evidence. He said there had been 25 appeals to higher courts but did not say which party lodged the appeal. Of those, the Northern Territory succeeded 11 times and the land councils 14 times. He went on:

> It is a matter of public importance that the Commonwealth, the Territory government, claimants and other interested parties should be absolutely clear about their rights, their responsibilities and their positions generally under the act. As I said earlier, *the Territory government has a responsibility under the Land Rights Act to represent the interests of all Territorians*. In fact, it is a fundamental principle of democracy which has never been accepted by the likes of Mr Whitlam, the present Minister for Aboriginal Affairs, the land councils and many of those members opposite.[33] [emphasis added]

Again, the CLP line was to return to the issue of 'one-ness' that would appeal to the urban electorate as a matter of logical fairness, disregarding any evidence that the 'one-ness' is not shared by Aboriginal people living in remote communities without access to water, housing, health or education. This suggested or seemed intended to suggest that the Aboriginal and non-

[31] *Hansard*, 10 October 1991
[32] Ibid
[33] Ibid

Aboriginal communities were *ad idem*. The 'one-ness' line was regularly trotted out but confined to predominantly two legislative themes: (1) land, and (2) the criminal justice system. Occasionally, it was used in relation to other themes, such as education, health and housing, when it suited the CLP to compare remote Aboriginal communities with urban electorates, again appealing to the urban sense of fairness and equality.

It is the case, however, that as early as 1978 and 1979, Cabinet sought to establish legal entities that were not instrumentalities of the Crown to acquire and quarantine potentially claimable land. For example:

> Public Impact of Recommendations
>
> Some criticism may be received on the basis that this legislation is designed to defeat the Aboriginal Land Rights (Northern Territory) Act 1976. The answer to any such criticism is that the legislation would not itself defeat any land claims – it would merely create a legal method for vesting title to land in a holding body in a way that is not uncommon in commercial practice. The fact that land may thereby be immune from land claims may do no more than remove legal doubts as to the present situation.[34]

The source document for that quotation is a 1979 Cabinet Submission seeking and gaining approval to establish two corporations to acquire land that would be 'legally separate' and 'independent of the Crown'. Of course they would serve to defeat the Land Rights Act because the land vested in these entities would be rendered alienated and therefore ineligible for claim.

Successive Northern Territory governments attracted strident criticism from several quarters in relation to their dealings on land rights, including from the judiciary. One matter in relation to the long-running Warramungu land claim was reported this way:

> On 2 March [Chief Minister] Hatton launched a stinging attack on the Aboriginal Land Commissioner and member of the Territory Supreme Court, Mr Justice Michael Maurice, after the latter had criticized the Territory government's stance on the very contentious Warramungu land claim. In particular, Maurice accused the Territory government of 'brinkmanship and delay' and said the evidence of a pastoral inspector raised questions of 'some sort of patronage going on in the Territory'. He also said 'people get the governments they deserve'. Hatton's criticism of Maurice included an

[34] Cabinet Decision 708 of 25 May 1979

> assertion that the latter had turned to Warramungu claim into an 'election beat up' and was under the influence of the counsel assisting him on the claim, the Territory ALP President, John Reeves.[35]

Following Justice Maurice's comments, the NT Government sought to have him removed from both the Warramungu and Kenbi land claims in the Federal Court:

> On 14 April the Court's Full Bench in Sydney ruled that Maurice was disqualified from the Kenbi claim on the grounds of bias. The attempt, however, to have Maurice prohibited from hearing the Warramungu claim failed, the Court giving as its main reason the fact that after several years the claim was in its final stages. The Territory's Attorney-General, Manzie, expressed satisfaction with the Court ruling.[36]

The CLP tactic was to challenge the majority of land claims in court, even when there was overwhelming anthropological evidence to satisfy federal laws, and notwithstanding Manzie's 1991 claim to the contrary. The CLP maintained its opposition to claims as a matter of policy and, it would seem, as a tactic to tie up the resources of land councils. Shane Stone defended the practice on the grounds of legal responsibility, a principle for which he had demonstrated scant regard in the past:

> …the CLP had a clear and unequivocal responsibility to test the veracity of land claims – to put applicants to their proof.[37]

That is one interpretation of where responsibility lay. It was also precisely the job of Land Commissioners to determine the veracity or otherwise of claims lodged on behalf of Traditional Owners, to test the anthropological evidence and to make recommendations in relation to that evidence.

Parks – post-2001

Following its electoral victory in 2001, the ALP sought to work with Aboriginal people on a range of matters, although this co-operative approach was not

[35] *AJPH*, Vol 33, No 3, 1987; 303-04.
[36] Ibid
[37] Stone, 2005; 34

always successful. On the matter of the Northern Territory parks estate, however, the Martin government announced that it would negotiate with traditional owners and take a joint management approach to parks, giving undertakings in relation to training and jobs for Traditional Owners in the relevant parks. The CLP Opposition decried the move as 'the great parks giveaway'. Even in opposition, the CLP commodified traditional lands as something that could be bought and sold, again demonstrating a lamentable understanding of Aboriginal culture and enshrining its values in Western commercial (or Whig-ish) terms.

The opposition's stance was the subject of strident criticism from its former Parliamentary leader and party President, Shane Stone:

> The CLP would do well to understand that whilst the Territory has changed most don't believe is [sic] special deals for special interest groups – in that respect they are no different than the rest of Australia. For example the failure of the CLP Parliamentary wing to tackle the 'great Park giveaway' still mystifies those who understand the issue.[38]

On any logic, the parks that were the subject of the government's legislation could not be carved out and floated off down a river, never to be seen again. It is a sentiment that was oft repeated during howls of protest over land claim negotiations. In the case of the Nitmiluk claim, Jawoyn Elder Ray Fordimail put it this way:

> Many people have worried that we're going to try to take the gorge away. I don't know where we were supposed to take it. [39]

The emotional claim of 'giveaway' land, therefore, was more in relation to title and control of the land, which was always accompanied by the express or implied allegation that non-Aboriginal people would be 'banned' from it or Traditional Owners would have exclusive control. That has not proved to be the case and joint management plans, such as the one the CLP government negotiated with the Traditional Owners of Nitmiluk Park at Katherine Gorge on Marshall Perron's instructions, are working effectively.

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[38] Ibid
[39] ABC *Stateline*, 11 September 2009 (archive footage from 10 September 1989).

Legal fraternity

More generally speaking, successive CLP governments had little regard for legal institutions and probity. Whether it was lack of understanding or a deliberate choice to ignore one of the most sacred of Westminster principles, the separation of powers, successive governments enjoyed poor relationships with the legal fraternity and the judiciary. This was acknowledged by Opposition Leader Jodeen Carney during the farewell adjournment debate for Peter Toyne, retiring ALP Member for Stuart and Attorney-General:

> As a lawyer, I know that when you came to office, the relationship with the legal profession was at a very low ebb, a very low ebb…partly through your personality and partly through your commitment to your job, you have built a much better relationship between the Territory's first law officer and the legal profession. That is very important. I know the make-up of the Law Society. I know that they tend to be, for whatever reason, traditionally rock-solid Labor people, and that is okay…I absolutely admire you for the way you have rebuilt that relationship because it goes to the heart of the administration of justice. That is something that I take very seriously…I can take my political hat off very comfortably and say that as a member of the legal profession, I regard that as very, very important.[40]

This frank admission from Carney, then Leader of the Opposition, would rankle with the old guard, as indeed did Carney herself. It was, however, a truism which frustrated the legal profession, the judiciary and curious onlookers time and again. This attitude was interlaced with an arrogance that can only be described as breathtaking. As Attorney-General and as a former legal practitioner who was the subject of an unresolved complaint to the Law Society about his conduct as a legal practitioner, on 16 October 1997, Stone conferred Silk upon himself whilst rejecting the recommendations of the Chief Justice in respect of others. Carment recorded Stone's self-appointment in these terms:

> …the Chief Minister attracted both criticism and ridicule when he appointed himself a Queen's Counsel…[41]

[40] *Hansard*, 31 August 2006
[41] *AJPH*, Vol 44, No 2, 1998; 306

Whilst the appointment was not without precedent in other states, it has not happened in recent years. Carment quoted the President of the Criminal Lawyers Association, Jon Tippet, who said: 'It's a bit like giving yourself a Victoria Cross without ever really having been in battle'[42]. Those to whom CLP governments refused to grant Silk included Jon Tippet and John Waters, both of whom have now been conferred with Silk on the re-recommendation of the Chief Justice. Both were associated with the Left wing of the ALP.

Stone's reign as Chief Minister can be said to have been dogged by controversy, but he appeared to harbour particular hostility for the legal profession, which is interesting given that he was a legal practitioner before he entered politics. In a bold and unprecedented move, he appointed his Chief of Staff, Margaret Lyons, as the Chief Executive Officer of the Attorney-General's Department. At the time, his intent was clear to those in the profession:

> [Stone] thought that Department of Law lawyers were all champagne socialists, and he wanted to get rid of as many of them as he could and…carry favour with the private legal profession by briefing them to do the legal work previously done in-house. So [Lyons] was sent in to dismantle the place, and put in a system of outsourcing government legal work to the private legal profession.[43]

Solicitors working within the department were aghast at such a blatantly political appointment[44]. Lyons, a lawyer, was a CLP member and contested the seat of Fannie Bay against Clare Martin in the 17 June 1995 by-election following Marshall Perron's resignation. In a fairly close two-horse race, Martin was successful. The Northern Territory Legal Aid Commission's 2000-01 Annual Report includes this précis of her career:

[42] Ibid
[43] Personal communication, legal practitioner, 12 May 2008
[44] Personal communication with a number of legal practitioners.

> Appointed to Northern Territory Department of Law in 1982 with special responsibility for the Women's Advisory Council. Appointed Director of Women's Affairs in 1984. Appointed Director, Industrial Development, Department of Business Technology and Communications in 1985. Appointed Assistant Secretary, Corporate Services in the newly formed Department of Industries and Development in 1987. Appointed Acting Deputy Secretary, Department of the Chief Minister in 1988. Appointed Deputy Public Service Commissioner in 1991. Appointed Deputy Secretary, Department of the Chief Minister in 1993. Resigned in May 1995 from the public sector to contest the Legislative Assembly seat of Fannie Bay. Appointed Chief of Staff in the Chief Minister's Office in June 1995. Appointed Chief Executive Officer, Attorney-General's Department in September 1997. Appointed Chief of Staff in the Chief Minister's Office July 1999 to June 2000. Resumed appointment as Chief Executive Officer of the Attorney-General's Department in July 2000.[45]

That précis indicates that she was the CEO of the Attorney-General's Department after being a CLP candidate and the Chief of Staff in the Office of the Chief Minister. She then undertook a second term in the Chief Minister's office before returning to what is supposed to be an apolitical position as a very senior public servant. This type of blatant disregard for administrative transparency is something that characterized the CLP over many years. Whilst the CEO of the Attorney-General's department, Lyons 'deciminated' the inhouse solicitors and outsourced a great deal of the government's work to the private profession, of which Stone had been a member. The outsourcing of this work cost the government 'millions' each year. It is noteworthy that Lyons was the only political casualty in the public service following Clare Martin's 2001 electoral victory.

Stone was again at the centre of a legal controversy when he appointed Hugh Bradley as Chief Magistrate on 9 March 1998. It was not so much the appointment of Bradley that was controversial, although he did not have a large criminal law practice. What was different about Bradley's appointment was that his terms and conditions fell outside those set down in the *Magistrates Act*, which applied to all other magistrates in the Northern Territory. For example:

[45] NTLAC Annual Report, 2000-2001; 9-10

> The contract would not be able to be entered into until such time as the Act was amended to provide for appointments on a contract basis. Provision was made for a special remuneration package designed to compensate Mr Bradley for the short term nature of the position.[46]

Michael Jones, then a legal practitioner with the North Australian Aboriginal Legal Aid Service (NAALAS), launched an action in the Supreme Court challenging the validity of the appointment. There were extended legal proceedings which ultimately led to an appeal (and transfer of the matter) to the Full Court of the Federal Court. Delivering its decision on 27 September 2002, well after the Labor Party was in government, the Federal Court dismissed the appeal, but made some interesting observations about departures from the norm when the Northern Territory Government appointed Bradley.

In an extraordinary outburst during a global debate on mandatory sentencing in 2000, then Chief Minister and Attorney-General Denis Burke referred to the Northern Territory judiciary as 'corrupt'. During a media conference in the forecourt of Parliament House, Burke said:

> The justice system per se is totally -- totally corrupt, as far as I'm concerned.[47]

During an interview the following day, Burke did not resile from his remarks and continued his line:

> What I said was that the justice system is corrupt. It is perceived by Australians as being corrupt. It is perceived by the average law-abiding Australian citizen as corrupt. It is perceived as not serving their interest in one way, shape or form.[48]

[46] Federal Court of Australia - Unreported Judgments, 2002, *North Australian Aboriginal Legal Aid Service Inc v Bradley ,* 27 September 2002
[47] ABC Radio News, 21 February 2000
[48] ABC TV *7.30 Report*, 23 February 2000

This, again, demonstrates a lack of understanding of the legal system. The role of the courts is not to represent the interests of those who are not present; the role of the courts is to serve the interests of justice. Burke was Attorney-General and should have known that. Further, his comments were made during the height of debate over mandatory sentencing and amid growing criticism from interstate and overseas that the laws were racist and in breach of human rights conventions.

Burke's comments resulted in the Chief Justice threatening to disqualify himself from sentencing an offender in a trial on 23 February, after which lawyers for Burke unreservedly apologized for his outburst. He then claimed that he was using the word 'corrupt' in the sense of a computer's data or programs being corrupted. The initial comment demonstrated a poor understanding of the legal system and the judiciary's role in it. The comments that followed can be interpreted to mean that white 'Territorians' in urban electorates were disaffected by black 'criminals' not being gaoled for minor offences. This was the nub of mandatory sentencing laws, and a position from which Denis Burke was to wholly remove himself when he was Leader of the Opposition and discovered the merits of reconciliation.

Burke again raised the ire of the legal fraternity during an outburst in June of 2001. The NAALAS case was still being heard when Burke, who was Chief Minister and Attorney-General, said:

> What is disturbing is some sections of the legal community seem to be co-operating in a way which is disturbing and the real issue is it's a continuation of what is a waste of taxpayers' money, a nonsense in its intent.[49]

This is a curious observation, given the CLP's track record of routinely opposing land rights actions as a matter of policy. Taxpayers' funds were used on these occasions, too. The Chief Minister went on:

[49] ABC TV, *7.30 Report* , 24 July 2001

> It [the NAALAS case] started off as a move to try and overturn mandatory sentencing. It has now widened to attempt to destroy the reputation of the Chief Magistrate. The net is widening now to try and impugn the reputation of the Chief Justice.[50]

Again, it is unclear whether Burke, as Chief Minister but, more importantly, Attorney-General, had anything better than a basic understanding of the legal system over which he presided. In the event, Justice Murray Willcox of the Federal Court found Burke guilty of contempt of court:

> I think the comments made on 7 June 2001 had a clear tendency to put improper pressure on NAALAS to abandon the case.
>
> The second way in which there was a tendency to interfere with the course of justice is pressure on witnesses. This pressure was more subtle.
>
> Mr Burke only complained of co-operation in the legal community, but I think he meant to convey disapproval of lawyers providing information in support of the case.[51]

He fined Burke $10,000. Burke appealed to the Full Court of the Federal Court. His appeal was dismissed, and the appellate court held that the fine imposed by Justice Willcox would stand.

Legislative remedies

CLP government members appeared to harbour a general arrogance about the legal system, as though it should apply to everyone but themselves. If they struck a legal problem, their immediate solution was to legislate to resolve it favourably to suit policy. Never was this more obvious than when the National Trust sought to injunct Heritage Minister Mick Palmer from demolition of part of the Old Alice Springs Gaol for a development proposal.

Asked in the Supreme Court by Justice Mildren what his client (the Minister) would do in the event of a finding in favour of the Trust, the Minister's counsel conferred with the considerable number of government lawyers present

[50] Ibid
[51] Ibid

before responding that the government would legislate[52] to allow the demolition. That is how section 39J of the *Heritage Conservation Act* came to be amended such that 'heritage work' may include 'damage, desecrate or alter' a heritage place and 'damage, destroy, demolish, desecrate or alter' a heritage object. Whether that amendment is *ultra vires* (outside of the power of the Minister because it directly conflicted with the intent of the Act) is a moot point because it has never been tested.

In the event, the Old Alice Springs Gaol was not demolished, possibly in the face of public opposition, but the *Heritage Conservation Act* remains a very dangerous legislative instrument, one that is without precedent in Australia.

The mandatory sentencing regime and two kilometre law, discussed above, were other examples of legislation to suit policy position and whilst the latter two cannot necessarily be considered *ultra vires*, they certainly attracted great criticism in respect of the spirit of the law and the independence of the judiciary.

Over many years, different CLP governments have been described as 'cowboys' and a range of other attributions that conjure images of rough diamonds to which is attached some sense of romanticism. 'Cavalier' is certainly a term that comes to mind but, even taking into account the youth of government in the Northern Territory and its political representatives, CLP governments did not sit well with either the law or the legal profession.

One of the CLP's greatest frustrations was that it could not wrest control of the Land Rights Act from the Australian Government, although it made concerted efforts to thwart the fair operation of that act by creating several unaccountable legal entities purely for the purposes of acquisition and quarantining of land.

[52] *National Trust of Australia (NT) v Minister for Lands, Planning and Environment* (1997) 7 NTLR 20.

In legislative terms, Aboriginal people have been a target of CLP policy for many years, the ‘two kilometre law’ and mandatory sentencing being examples of how Aboriginal people were targeted and further marginalized.

Individual government relations with the legal profession have been less than cordial on occasions throughout the lives of CLP governments and have, at times, amounted to political interference in judicial process. The mandatory sentencing regime was one which bound magistrates to impose sentences they believed to be excessive and unreasonable in all the circumstances.

It is to these and other instances that Jodeen Carney was referring when she farewelled Dr Peter Toyne from the Northern Territory Legislative Assembly.

Conclusion

Some of this chapter has dealt with land which, as I have noted in earlier chapters, comes down to a liberalist sense of entitlement to it. But the chapter also deals with the institutions of government and demonstrates the CLP’s willingness to abandon one of the most sacred principles of the Westminster system: the separation of powers. Brett noted the liberalist fundamental of an individual being driven by self-interest with little interference from government. Government interference, though, was something which became dear to the CLP – indeed, a relatively common practice. Meddling with the legal system to create predicted or predictable outcomes seriously calls into question the principle of ’justice for all’ which is a fundamental tenet of the birth of liberalism which sought to separate the parliament from the monarchy and to establish a liberal society in which every man was equal.

CHAPTER 9: IDENTITY AND HERITAGE

Introduction

This chapter examines the path of heritage conservation in the Northern Territory from self-government in 1978 to the present, and explores my theory that Central Australia was ear-marked as the Territory's heritage centre whilst Darwin was ear-marked for unprecedented development.

Granted, this attitude to development in the Top End was significantly influenced by Cyclone Tracy in 1974, the establishment of the Darwin Reconstruction Commission and the millions of Commonwealth dollars that flowed into the Territory both as a result of Cyclone Tracy and the advent of self-government. Those factors alone, however, do not explain the CLP's attitude to heritage in the Northern Territory.

Identity

Implicitly linked to heritage is identity. If we accept that the CLP actively sought to marginalize Aboriginal people and embraced the concept of 'Territorianism' as one exclusive of Aboriginal people, we begin to see that when heritage finally came to the fore on the legislative agenda, the Northern Territory Heritage Register reflected this exclusivity. It was under the leadership of Paul Everingham that 'Territorianism' was embraced with alacrity. There was substantial *invention* of tradition – for example, Darwin's Beer Can Regatta, barefoot crab tying and the Bougainvillea Festival and Alice Spring's Henley-on-Todd regatta and Camel Cup. Further a submission was favourably put to Cabinet in the following terms:

> CHANGE TO FIREWORKS DAY
>
> To change Fireworks day from 5 November to 1 July and to call this day "Self Government Day".[1]

[1] Cabinet Decision 683 of 2 May 1979

For some, these inventions had meaning:

> Now people were *Territorians*. That was something special because Paul said so! He and his team told us that in many different ways, over and over again, and like a lot of the Everingham hype we learned to believe it and it is still with us today.[2]

Chan's notion of who made up the Northern Territory is worthy of digestion. She said the Northern Territory was:

> …a small population made up largely of Commonwealth public servants, some long-time residents of various ethnic backgrounds and a number of Aborigines, some living in the traditional manner.[3]

As with the other groups she identified, Chan's reference to 'a number of Aborigines' is not quantified, but it is understated. The percentage of Aboriginal people comprising the Northern Territory population in 1978 was widely regarded to be about 25 per cent or a quarter of the population. Later figures tend towards 30 per cent, but in the absence of accurate electoral rolls and population statistics, this is largely speculative. In any event, the Aboriginal population was about one-quarter of the total population, and it was wholly excluded from both 'Territorianism' and the invention of tradition that would define said 'Territorians'.

Chan points to her own embracing of the new 'Territorianism' as though it were some kind of global altruism – which is entirely consistent with Coltheart's 'linear progression in history' and Anderson's 'deep horizontal comradeship' - in respect of the Northern Territory as a whole, although she strongly links her attitude to Everingham's invention of it:

> Whether we loved Paul, or hated him or tried to ignore him, many of us gradually began to follow his leadership and give our best 'for the Territory'…If we didn't do it for Paul, then we did it for our minister or our department head or just for the Territory.[4]

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[2] Chan, 1992; 58
[3] Ibid; 2
[4] Ibid; 56-57

In many ways, Everingham's 'Territorianism' was not so much an invention as a *re-invention* of Russel Ward's 'Australian legend'[5], a rugged male individual who was self-reliant and pragmatic, who could be resourceful but who tended toward 'laxity'. Arising from the convict era, he demonstrated disdain for authority and pretension. This legend was also distrustful of outsiders just as the Arcadian Northern Territory Government was distrustful, particularly where Canberra was concerned and especially where Aboriginal people – whom Everingham and others successfully managed to portray as a separate, different group – were concerned.

But the notion was not new, nor was it exclusive to the Country Liberal Party. Dewar, writing about the evolution of Northern Territory literature, said:

> … people had come to the Territory because they believed it to be the place of legends and mythical Australian events. In a large measure, this construction has been generated by the wealth of writing on this subject.[6]

Further:

> …that the focus on the region in the writing was an attempt to locate and define the non-Aboriginal occupation of Australia from all aspects: physically, spatially, morally and temporally. Northern Territory writing offers an interpretation of the settlement of Australia which seeks to legitimize European settlement.[7]

Dewar's reference to 'legends and mythical Australian events' is easily supported, for example, by the writing of AB (Banjo) Paterson, who, in 1888 described Palmerston as:

> …unique among Australian towns, inasmuch as it is filled with the boilings over of the great cauldron of Oriental humanity. Here comes the vagrant and shifting population of all the Eastern races. Here are gathered together Canton coolies, Japanese pearl divers, Malays, Manilamen, Portuguese from adjacent Timor, Cingaleses, Zanzibar niggers looking for billets as stokers, frail (but not fair) damsels from Kobe; all sorts and conditions of men. Kipling tells us what befell the man who 'tried to hustle the East', but the man who tried to hustle Palmerston would get a knife in him quick and lively…[8]

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[5] Ward, 958
[6] Dewar, 1997; ix
[7] Ibid
[8] Paterson AB in *The Bulletin*, 31 December 1888.

Here is a classic example of the Northern Territory (or Top End, at least) being portrayed as a wild (perhaps even lawless) and exotic frontier, full of adventure and opportunity, although Paterson did conclude:

> To sum up, the Northern Territory is a vast, wild land, full of huge possibilities, but, up to now, a colossal failure.[9]

Failures notwithstanding, from the time of self-government in 1978, these and other myths were seized with vigour and used to first create and then reinforce the notion of the enduring and entitled 'Territorian'. For example:

> To his great credit…Everingham created the Northern Territory History Awards to provide funding for historical research…An expert History Awards Committee recommended projects to a Minister.
>
> …alternative histories were sometimes in the Territory, as elsewhere, actively discouraged. After Everingham left Territory politics, there were occasions when Ministers overruled the History Awards Committee's recommendations on the grounds that inappropriate research was being promoted. In one instance, this involved the rejection of a recommendation that a major project documenting the history of Darwin's Bagot Aboriginal reserve receive a substantial grant.[10]

Here, we see not just an acceleration of 'Territorian' history and funding to ensure it was recorded, but selective rejection of those histories which were not 'Territorian' and which did not feed the inventions of a 'linear progression in history' and 'deep horizontal comradeship' within the population. Coltheart's description of Whig ideology and its justification cannot go unmentioned at this juncture:

> …this interpretation shared the central Whig assumption, the belief in progress toward liberal values, but the appropriation and use of land was a more prominent goal, related to the Whig goal of self-government. Both served to ratify, or even celebrate, the present through the selective study of the past.[11]

The Cabinet submission giving rise to the Northern Territory History Awards was a little more subtle than specifying purely 'Territorian' history:

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[9] Ibid
[10] Carment, 2007; 5
[11] Coltheart, 1982; xii

> NORTHERN TERRITORY HISTORY AWARD
>
> To institute the Northern Territory History Award to encourage the research, documentation and publication of the history of the Northern Territory.[12]

Chief Minister Denis Burke embraced these myths when he was launching his government's new *Foundations for Our Future* initiative in June 1999:

> Territorians can look back with a great sense of achievement…We are, in every sense, an enterprising region backed by our vast natural resources and a spirit among our people which is indomitable.[13]

And:

> The key strength of the Territory has been, and still is, the spirit of our people. Territorians are, in the main, a future-focused people always looking for new opportunities. Our track record in this has been superb. There is a spirit of optimism, a 'can do' mentality which is very pervasive and a noted feature across most parts of our community.[14]

One thing 'Territorianism' lacked was iconography. 'Territorians' had no Palace of Westminster or Stonehenge with which to identify and bond. Aboriginal people did, but not 'Territorians'. Perhaps it was for this reason that with the notion of 'Territorianism' was born another ubiquitous myth: the 'Territory lifestyle'. It is particularly difficult to isolate this concept into a quantifiable commodity, and the concept varies from person to person. It is, however, something that must apparently be treasured – and guarded more closely than the Crown Jewels at the Tower of London.

This 'lifestyle' has been shamelessly – and exhaustively - exploited by politicians over many years, yet when one considers, for example, the lifestyle of the Top End, it is punctuated by harsh climatic conditions, enormous distances between communities, lack of serviceable roads for many months of the year, mosquito-borne diseases, natural pests such as crocodiles and feral animals, and limited community services in respect of health, transport and, until recently, communications. Newcomers to the Top End who set out to

[12] Cabinet Decisionn 749 of 22 June 1979
[13] *Hansard*, 1 June 1999
[14] Ibid

embrace the lifestyle often find themselves suffering sun and wind burn, allergic reactions to mosquito or midge bites, intestinal complaints such as Giardia and a healthy dose of Tropical Ear after a refreshing dip – but not in the ocean for half of the year because of the danger of sea wasps. Central Australia has its own set of lifestyle negatives. Where, then, is this idyllic lifestyle that is so intrinsically tied to the notion of an Arcadian paradise?

On the same topic, Burke continued:

> This government must manage within a more sophisticated economy to see development happen, while ensuring that we preserve our treasured lifestyle and expanding the job prospects of all Territorians.[15]

Whilst Burke referred to the 'treasured lifestyle', he didn't define it immediately, but attempted to later in his speech:

> The lifestyle of the Territory is a unique feature and a natural strength. While we work hard we also know how to relax. Our tropical and arid climes, each featuring areas of unsurpassed natural beauty, provide the invitation to 'go bush', fish, camp and enjoy the best of our environment. We do not face the traffic chaos and urban pressures of other Australian cities. We have achieved a productive blend of work and personal lifestyle, a live and let live approach that underpins the harmony and the colourful mix of peoples with a genuine loyalty to the Territory. We take pleasure in its eccentricities and pride in its difference. Ironically, our Territorian status makes us feel more independent.[16]

Here, then, is the ubiquitous 'lifestyle' inextricably linked to the 'Territorian' identity – and heavily qualified by aligning 'Territorian' with those with 'genuine loyalty to the Territory'. It means, according to Burke, 'going bush'. This begs the question of how many people actually 'go bush'. This was an activity common earlier in the Territory's history when there was a lack of infrastructure and entertainment options. It also happened before major bush spots were turned into parks and conservation zones where camping and visitor numbers are restricted, and where permits and fees may apply. 'Going bush' today is more of an urban myth than an urban reality, although fishing is a specific exclusion from this view. On a bush endeavour, one could expect to encounter any or all of sun and wind burn, allergic reactions to

[15] Ibid
[16] Ibid

mosquito or midge bites, Giardia, Tropical Ear and, subject to the destination, leeches, feral pigs, buffalo and crocodiles.

However, Burke persevered and, indeed, of the six themes that made up *Foundations for Our Future*, 'lifestyle' was highly rated:

> The first foundation, on which all the rest are built, is a commitment by my government to preserve and build on the lifestyle of all Territorians. This is such a broad area of endeavour it is almost impossible to specify every aspect. Of course, it is about safety on the street, and personal security at home, and unambiguous sentencing laws to deal with those who would wilfully disrupt peace and good order.[17]

It is often difficult to separate what a politician says from what a politician means. Here, Burke is embracing 'all Territitorians' which, as I have noted, is an exclusive term because it does not include Aboriginal people. The second part of the quote does go to exclusivity because his reference to 'unambiguous sentencing laws' is a reference to mandatory sentencing which particularly and unfairly affected Aboriginal people. Here, too, Burke is perpetuating the myth that 'Territorians' are comprised of non-Aboriginal people and it is *this* lifestyle that must be protected.

Burke went on to say that his government would encourage:

> a uniquely Territorian community which is proud, determined, optimistic, independent, tolerant, cosmopolitan and supportive of one another.[18]

Followed by:

> economic and personal security among individuals, sure of their access to quality health services, education and housing and who have a sense of well-being and belonging.[19]

Here, too, exclusivity is at the core of the CLP government's flagship policy to take the Northern Territory forward. Both quotes are references to 'Territorians' and most definitely exclude Aboriginal people. Neither has been

[17] Ibid
[18] Ibid
[19] Ibid

encouraged in Aboriginal communities where there is extremely poor or no access to 'quality health services, education and housing'.

Chris Lugg claimed to be the Minister for Lifestyle during debate on *Foundations for Our Future*, yet he was the Minister for Arts and Museums. During his contribution, Lugg said:

> I am proud to have responsibility for a key portfolio which contributes significantly to the creation of a diverse and enriching Territory lifestyle, that is Arts and Museums.[20]

Lugg then articulated his department's role in Northern Territory governance:

> The portfolio of Arts and Museums is not just about arts or performances for a select audience, grants for esoteric works of arts, or buildings as repositories of specimens, as some may view the portfolio. It is, indeed, more about developing and reflecting the Territory's image and lifestyle, whilst contributing considerable real economic benefits for towns and communities right across the Territory.[21]

Obviously, he failed to mention 'going bush' as being a defining feature of the Territory lifestyle, but his contribution is equally exclusive of Aboriginal culture and arts as Burke's. Note that Lugg included the word 'image' with 'lifestyle', which again points to invention, myth and legend.

However, in November of that year, Chief Minister Burke assumed the mantle of Minister for Lifestyle when he said:

> …it gives me great pleasure to present to honourable members details of the final - and I would say, the most crucial – Foundation area, *Preserve and Build on the Lifestyle of All Territorians*. [22]

Just when we thought the word 'lifestyle' would have a break from the *Parliamentary Record*, Burke cited research undertaken by the government in preparation for *Foundations for Our Future* and revealed that 'major reasons for choosing to live and work in the Territory' were:

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[20] *Hansard*, 12 August 1999
[21] Ibid
[22] *Hansard*, 25 November 1999

> a strong sense of community;
> rewards for those who work hard;
> better employment and business opportunities, particularly for young people;
> an ideal environment in which to raise children;
> enriched social and cultural lives through multiculturalism; and
> recreational activities including land-based and water-based sports and 'going bush'.[23]

'Going bush', it would seem, came in at number five of the five reasons listed by Burke. This research, then, indicates that the Territory 'lifestyle' is defined in very similar terms as any other community of the same size in Australia. That is, there is nothing in the list cited by Burke that would particularly distinguish the Northern Territory from, for example, north Western Australia or parts of Queensland, New South Wales or Victoria.

Heritage

The Northern Territory did not have legislation dealing with heritage until 1991, some 13 years after self-government. That of itself indicates that heritage did not have any particular priority under the CLP. Indeed:

> The Minister for Community Development, Marshall Perron, whose responsibilities included heritage matters, believed [in 1979] that a heritage act posed a potential threat to economic growth and was premature. The government's grand plans for economic development to a considerable extent depended on the easy availability of urban land, where many places with heritage significance were situated.[24]

Further, when a Heritage Advisory Council was proposed in 1980, Cabinet 'decided that the submission be withdrawn'. The submission was merely:

> To consider the *principle* of *establishing* a Northern Territory Heritage Council. [emphasis added]. [25]

There are, however, indications of some heritage awareness (possibly arising from the actions of an alert public servant or the demands of a community group) as early as 1978:

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[23] Ibid
[24] Carment, 2007; 42
[25] Cabinet Decision 1163 of 28 April 1980

> DEVELOPMENT OF "ARALUEN" CULTURAL COMPLEX
>
> To establish a method for the development/management of the old Connair area and the Connellan House at "Araluen" as an Art and Cultural Centre.[26]

And in 1979:

> FUTURE USE OF FANNIE BAY GAOL SITE, HISTORIC BUILDINGS AND THE SURROUNDING VACANT CROWN LAND
>
> To approve in principle the reservation of the land at Fannie Bay commonly know as Fannie Bay Gaol as a place of historic interest. To direct the Department of Community Development to assess the physical and historical status of all the existing buildings and provide an overall plan for the area.[27]

These would appear to be the Northern Territory's first heritage 'listings' without the benefit of legislation. It does show some awareness on the part of the government of the value of both the Connellan Hangar and the Fannie Bay Gaol. It is reasonable to assume there would have been considerable debate in the Cabinet room over the latter because the site of the gaol is prime development land overlooking Darwin's Fannie Bay.

This heritage awareness was relatively short-lived. Significant heritage sites in and around Darwin survived the wrath of Cyclone Tracy, some having survived cyclones in 1897 and 1937, and World War II bombing raids during 1942-43, but were demolished well afterward in the name of development. Carment noted:

> Elements of Darwin's present cultural landscape are of considerable value. Although its built heritage has suffered greatly because of cyclones, a war and demolitions, enough is left to illustrate key themes.[28]

That was written in 1996 at which time several sites that have been demolished were in tact. They include the Hotel Darwin, the Wesleyan Chapel (relocated and rebuilt/repaired), the Nurses Quarters at Myilly Point, the site of which remains undeveloped, Traveller's Walk and the Old Supreme

[26] Cabinet Decision 423 of 6 September 1978
[27] Cabinet Decision 906 of 17 October 1979
[28] Carment, 1996; 101

Court on the block adjacent to where Parliament House now stands. It is useful to examine some Darwin heritage cases:

Myilly Point Houses

On the Myilly Point headland, these houses were similar to the ones that remain in the Myilly Point Heritage Precinct. A tribute to the architectural genius of Beni Burnett and used to house senior public servants, they were bulldozed in 1984 to make way for development, originally intended to be part of Paul Everingham's new casino regime following the sacking of Federal Hotels and the appointment of Pratts and Aspinalls. The site remains undeveloped. The site of these houses was recently at the centre of another development debate: rezoning of land at Myilly Point and on Mindil Beach.

Nurses Quarters – Myilly Point

The nurses quarters were part of the old Darwin Hospital. The hospital itself was completed in 1942 and had barely opened when Darwin suffered the first bombing raid on 19 February. The quarters were finished in 1952. Nurses Walk, which is a path from the top of the Myilly Point escarpment to Mindil Beach below, is so named because it was a popular route to the beach for nurses living at the hospital.

The National Trust listed the quarters on its register, which provides no legal protection, in 1985 and nominated them for the Northern Territory Heritage Register in 1994. The Heritage Advisory Council recommended listing, however Minister Mike Reed rejected the recommendation, claiming the building had 'concrete cancer'. In 1996, Reed announced the demolition of the nurses quarters and by the end of January 1997, they were gone. Other hospital buildings were soon to follow. That site, too, remains undeveloped[29].

[29] Smith, 2003.

Hotel Darwin

The building was completed in 1940 and catered for the high end of the accommodation market. In what many consider the greatest act of heritage vandalism in Northern Territory history, the Hotel Darwin was demolished under the guise of a 'major refurbishment'. This was widely publicized, so no curiosity was aroused when scaffolding was erected around the building[30]. The hotel was listed for consideration by the Heritage Advisory Council in mid-September 1999. In early September, publicity about its refurbishment began. Two days later, a 'concrete cancer' announcement was made. Notwithstanding an attempt to injunct the owners from demolishing the building, the National Trust was powerless to act. Amid very angry protests – most unusual for Darwin – which resulted in three arrests, the building was razed because the Minister refused to list it.

Chinese Temple

In 1993, a former Chinese temple and club in McMinn Street were illegally bulldozed by the owners notwithstanding their previous advice to government that the building was safe.

Sue Wah Chin Building

Following the Chinese Temple episode, the National Trust sought an Interim Conservation Order on the Sue Wah Chin building in Cavenagh Street. No such order was granted, although the minister claimed to have put 'other arrangements in place'. The Minister then received and presented to the Assembly a petition bearing 800 signatures opposing the Interim Conservation order. The building was owned by Stone Houses Pty Ltd, a company whose directors are the seven of the 11 children of Mrs Sue Wah Chin. The building was finally listed by Minister Scrymgour in April 2007 following two Interim Conservation Orders and was sold by Stone Houses Pty

[30] See Smith, 2007

Ltd to Gwelo Developments in May 2008. It is the last remnant of Chinatown in Darwin.

Traveller's Walk

This pathway from the wharf area to what was Chinatown in Cavenagh Street dated back to the 1880s. It was also known as *Chinaman's Walk* and was entered on the Register of the National Estate, which provides no legal protection, in November 1996. It was demolished in 1998 to make way for a multi-storey apartment block called Bridgeport on the escarpment of the Esplanade.

Old Supreme Court

This was one of Darwin's first 'modern' buildings and was completed in 1965. It was the centre of many legal battles, the most famous of which were the Lindy Chamberlain trials. It operated as the Supreme Court until 1991 when the new court was opened. The Family and Federal Courts tenanted the building until late 1999. Described by Chief Minister Denis Burke as 'an eyesore', the building was demolished in February 2000.

Former Town Hall Ruins

At the same time Burke described the former Supreme Court as 'an eyesore', he mooted what he called 'rebuilding' the former Town Hall Ruins in Smith Street. He did not mean rebuilding; he meant building a replica on the same site. The Town Hall Ruins are listed on the NT Heritage Register. Public opposition was so great – interestingly, because people consider the ruins valuable because of their Cyclone Tracy heritage value rather than their value as one of Darwin's earliest grand public buildings – that Burke's plans were abandoned.

Former Wesleyan Church

Now little more than a curio in the George Brown Botanic Gardens, the Wesleyan Church was removed from the NT Heritage Register in August 2000 to allow AXA, the owner of the land, to proceed with development of the Mitchell Centre on that block.

Darwin heritage practitioners and devotees have had successive fights on their hands to save heritage sites that tempest and war could not destroy whilst their cousins in Alice Springs have had, by comparison, relatively few. It is my contention that the answer lies in the political history of the Northern Territory and, in particular, the Country Liberal Party.

The CLP is a product of the Northern Territory and, more specifically, Central Australia. The founding father of the party is widely acknowledged to be Bernie Kilgariff (deceased), who served in the Legislative Council in the Northern Territory and in the Federal Parliament as a Senator. Indeed, two of the former senator's children have run for the Northern Territory Legislative Assembly in recent times – Michael for the CLP and Fran for the ALP.

In other words, the people who formed the CLP were *residents* of Alice Springs and/or Central Australia; they were not company employees or public servants on two-year postings to the Antipodes to improve their career prospects. They considered the Northern Territory home and had regard for the heritage in their town. The same cannot be said for Darwin – with or without the advent of Cyclone Tracy.

Following the General Election of June 2005, the CLP was reduced to only four seats in the NT's 25-seat Assembly. Three of those seats were outside of the greater Darwin area: two in urban Alice Springs, the CLP's traditional heart-land, one in urban Katherine, and the fourth in urban Palmerston. The seat of Braitling in urban Alice Springs was held by an Independent who was elected to the seat in the 1990s as a member of the CLP and who served in the CLP as both Speaker and a Minister.

The Alice Springs Central Business District includes an entire heritage *precinct* that is comprised of 29 separate sites, a notion about which Darwin practitioners can only dream. The precinct represents a single listing on the NT Heritage Register. In addition to the properties comprising the heritage precinct, the township of Alice Springs includes the following heritage properties (listed individually):

9AAOD Camp, Adelaide House, Alice Springs Post Office (former), ANZAC Hill Memorial, Araluen Homestead Precinct, Catholic Church Precinct, Connellan Hangar, Court House Building (old), CWA Rooms, Hartley Street School (old), Heavitree Gap Police Station Historic Reserve, Higgins Theatre, Lots 7733-7736 (Railway Cottages), Lutheran Church (old), Pioneer Drive-In Theatre, Repeater Station (former), Seven Mile Aerodrome, Stone Hut (old), Stuart Memorial Cemetery, Stuart Town Gaol, The Residency, Tunck's Store, Well (48 Bath Street).

This means there are 23 further entries in the vicinity of the Alice Springs township (Telegraph Station and Ross River Homestead, etc, excluded) of which two are precincts, one is a reserve and one comprises three railway cottages. In addition, Alice Springs boasts a designated Cultural Precinct comprising eight of Alice Springs' premier cultural and historical attractions:

> The Araluen Collection, housed at the Araluen Centre within the Alice Springs Cultural Precinct, concentrates on contemporary Aboriginal and non-Aboriginal art from the Central Australian Region.
>
> The Strehlow Research Centre is a repository for the Strehlow Collection of material relating to Aboriginal culture and traditions. The Centre is responsible for the preservation, conservation security and documentation of the collection. It facilitates research into heritage and cultural material to ensure preservation and access.[31]

The Cultural Precinct is administered by the Department of Community Development, Sport and Cultural Affairs and receives substantial annual

[31] DCDSCA Annual Report, 2003-04; 83

funding. This precinct was mooted early in the life of the Northern Territory Government, as the Cabinet decision noted above reveals.

By comparison, the following heritage sites are listed in the greater Darwin area:

17 Shepherd Street (residential property), Administrator's Offices, Boab Tree, Cavenagh Street, *Booya,* Brown's Mart, Christ Church Cathedral Precinct, Commonwealth Bank, CWA/Red Cross Shop, Darwin Botanic Gardens, Darwin Cenotaph (old Darwin Oval), East Point Fortifications, Fannie Bay Gaol, Former Reserve Bank, Frances Bay Explosives Complex, Frog Hollow, Gardens Road Cemetery, Government House, *Kelat,* Lot 5601 (Qantas Hangar), Lyons Cottage/BAT House, Myilly Point Precinct, Navy Oil Tunnels (Nos 5 and 6), Navy Victualling Yards, Old Admiralty House, Palmerson Cemetery, *SS Ellengowan,* State Square Banyan Tree, Steam Pump House, Town Hall Ruins, Tree of Knowledge, Westpac Bank, WWII RAAF Ops Room, WWII Shipwrecks.

This is a total of 33 sites or objects, of which three are trees, four are under water (shipwrecks), and one is a pair of sub-terrainian tunnels. The Alice Springs Heritage Precinct alone has almost as many sites or objects as the whole of the Darwin heritage list: 29 for the former; 33 for the latter.

It is not known how many other sites or objects (anywhere in the Territory) were recommended for heritage listing to the minister because the *Heritage Conservation Act* does not require that the minister make public either nominations to the register, ministerial rejection of nominations or the reasons for so rejecting. It has been mooted since 2003 that the ALP government would repeal and replace the *Heritage Conservation Act,* making the process more transparent and, it is understood, the bill will provide for third party appeals for parties that can demonstrate standing. Review of the *Heritage Conservation Act* was anticipated to take 18 months. It was eight years before the heritage community saw the draft legislation.

As noted in Chapter 8, Minister Mick Palmer amended section 39 the *Heritage Conservation Act* in 1997 to provide that 'heritage work' may include 'damage, desecrate or alter' a heritage place and 'damage, destroy, demolish, desecrate or alter' a heritage object. Whether that amendment is *ultra vires* (outside of the power of the Minister because it directly conflicts with the intent of the Act) is a moot point because it has never been tested.

However, the Northern Territory was without heritage legislation altogether until 1991, some 13 years after the commencement of self-government. That, of itself, is indicative of the priority the CLP accorded to heritage. The Act today bears little resemblance to the one Minister Mike Reed had 'much pleasure and a great deal of satisfaction' to introduce. During his second reading speech, Reed said:

> Another major objective of this legislation is to establish *open public procedures* for determining what places and objects should be recognized as being important parts of the Northern Territory heritage and, further, to promote community awareness of and input to, the assessment process.[32] [emphasis added]

Those words have proved to be very empty indeed. At the time of the introduction of the act, the annual budget for Northern Territory Heritage Grants was $200,000. In the 2009-10 Northern Territory Budget, the allocation remained at $200,000, as it had during the intervening years. This means that the grants allocation has in fact declined, given that there has not been any increase to take into account inflation[33] or that properties have been added to the Heritage Register over the years. The legislation does not work in an open or public manner. In fact, it is extremely secretive with the Heritage Advisory Council having an advisory capacity only. Further, there is no requirement for the Minister to justify to the Council or to the public reasons for not acting on the advice of the Council.

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[32] *Hansard*, 1 May 1991

[33] Allowing for inflation alone, by 2009 that figure should have been $315,164.32 based on a 57.6% increase over 18 years at the rate of 2.6% per annum. This is merely to maintain the value of the fund in 1991.

As noted above, the Palmer amendment of 1997 reduced the *Heritage Conservation Act* to high farce by reversing the original intention of the act following Justice Dean Mildren's decision in *National Trust of Australia (NT) v Minister for Lands, Planning and Environment*[34], a case about Palmer's intention to demolish the Old Alice Springs Gaol.

That the legislation contemplates damage, desecration, demolition, destruction or alteration to recognized heritage places and objects is clearly inconsistent with the objects stated by Minister Reed, with the nature of heritage legislation throughout Australia, and with the principles of the Australia ICOMOS[35] Charter for the Conservation of Places of Cultural Significance ('the Burra Charter'). The Palmer amendment did not go unnoticed in other jurisdictions:

> …[the new section 39]…makes an mockery of the whole Act and its purposes…In other words, having gone through a detailed, public and quite complex process to place something on the register it can then be destroyed by way of a unilateral action of the Minister.
>
> …
>
> There is no provision of this nature – or anything like it – anywhere else in Australia.
>
> …
>
> Consequently, the amendments are almost certainly invalid and thus challengable in the courts – as was the Minister's decision in the Alice Springs Gaol case.[36]

The Palmer amendment so radically altered the legislation that it served to defeat its primary purpose:

> The proposed bill would, upon first reading, seem to be so extreme that it would completely emasculate the Heritage Conservation Act – to the extent that it would be a totally useless piece of legislation. This would then raise the issue of what prevails where an amending act so changes the Act it is supposed to amend that the main act can no longer be used to fulfil the objectives and purposes for which it was originally passed.[37]

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[34] (1997) 7 NTLR 20
[35] ICOMOS - International Council on Monuments and Sites
[36] James and Mora, 1999; 182
[37] Ibid; 181

Hence the untested argument of the Act becoming *ultra vires* after passage of the Palmer amendment.

The table below is a regional representation of the Northern Territory Heritage Register in October 2005.

Table 3: NT Heritage Register broken down to regional representation and percentage of population – October 2005

Town	Entries on Register	Representation (%) On Register	Population	Percentage of NT Population
Northern Territory	166	100%	210 664	100%
Alice Springs*	81	**49.06%**	28 178	**13.37%**
Darwin*	48	**28.57%**	72 142	**34.24%**
Pine Creek+	17	**10.55%**	593	**00.28%**

* Population figures taken from ABS 2001 Census Data
+ population figure taken from LGANT web site

Pine Creek has been included as the jewel of the heritage crown in the Northern Territory. Having less than one per cent of the Territory's population, Pine Creek has 10 per cent of heritage-listed objects or places, which is remarkable for a town of its size. The comparison between Darwin and Alice Springs speaks volumes, with Alice Springs having superior presence on the Heritage Register – and that is without itemizing the 29 sites that make up the Heritage Precinct, which is a single entry on the Register.

This table takes on a further dimension when one considered the 'land-locked' nature of Alice Springs. That is, development of land in Alice Springs is a great deal more difficult than it is in Darwin because of a shortage of freehold land. The only reasonable conclusion to draw is that Alice Springs, birthplace of the Country Liberal Party, is or was more emotionally valuable to CLP members than is or was Darwin. This again reinforces the notion of the city-country divide and the Liberal-Country Party coalition that merged to become the Country Liberal Party.

Retirement of members of the Legislative Assembly from the First to the Third Assemblies inclusive reveals some interesting statistics.

Table 4: Pattern of Retirement First to Third Assemblies (inclusive), 1974-1983 This is 10 years prior to the introduction of the *Heritage Conservation Act*.

	Former Members		Deceased		Retired Interstate		Retired in NT	
	No	%	No	%	No	%	No	%
Total	10	100	01	10	07	70	02	20
ALP	0	0	0	0	0	0	0	0
CLP	07	70	01	10	07	70	01	10
Ind	01	10	0	--	0	--	01	10
Nat	01[38]	10	0	--	01	10	0	--
Other	0	0	0	0	0	0	0	0
Women	01	10	0	--	0	--	01	10
Men	09	90	01	10	07	70	01	10
Aboriginal	0	0	0	0	0	0	0	0
Non-Aboriginal	10	100	01	10	07	70	02	20

During that period, 70 per cent of male members who retired went interstate with a mere 10 per cent remaining in the Northern Territory. With this enduring exodus, it is hardly surprising that heritage and other culturally defining areas, such as arts, were ignored to the extent that they were. Development was the primary policy driver, and it was pursued ruthlessly. Those who retired interstate or overseas were all non-Aboriginal.

If we take the same formula and apply it to members of the First to Fifth Assemblies (1974 to October 1990), which is three years before the introduction of the *Heritage Conservation Act*, the following pattern emerges:

[38] This is somewhat misleading because at the time concerned (1978-1983), Ian Tuxworth was a member of the CLP. He resigned from the CLP in 1986-87 and sat as a National.

Table 5: Pattern of Retirement First to Fifth Assemblies (inclusive), 1974-1990

	Former Members		Deceased		Retired Interstate/OS		Retired in NT	
	No	%	No	%	No	%	No	%
Total	39	100	06	15.38	17	43.59	16	41.03
ALP	09	23.08	03	7.69	05	12.82	03	7.69
CLP	18	46.15	03	7.69	09	23.08	09	23.08
Ind	03	7.69	--	--	01	2.56	02	5.13
Nat	02	5.13	--	--	02	5.13	--	--
Other	01	2.56	--	--	01	2.56	--	--
Women	04	10.26	0	0	01	2.56	03	7.69
Men	35	89.74	06	15.38	16	41.03	13	33.33
Aboriginal	02	5.13	02	5.13	--	--	--	--
Non-Aboriginal	37	94.87	04	10.26	17	43.59	16	41.03

By this time, the percentage of male members retiring interstate had dropped to 41 per cent, with CLP members representing nearly 24 per cent of retiring members. The CLP figure is significantly higher than the ALP figure, however the CLP had far more members in the Assembly than did the ALP. From this table, the number of retiring members who went interstate or overseas outweighs those who retired in the Territory. Those retiring interstate remained overwhelmingly non-Aboriginal.

At the time the 10th Assembly convened, there were 58 former members[39] whose retirement, forced or voluntary, from the Assembly is represented thus:

[39] This figure includes defeated/retiring members following the June 2005 election.

Table 6: Pattern of Retirement of Former Members of the Legislative Assembly, First to Tenth Assemblies, 1974-2005 (inclusive).

	Former Members		Deceased[40]		Retired Interstate/OS		Retired in NT	
	No	%	No	%	No	%	No	%
Total	58	100	06	10.34	20[41]	34.48	33	56.90
ALP	20	34.48	03	5.17	07	12.07	08	13.97
CLP	33	56.90	03	5.17	12	36.36	19	57.58
Ind[42]	03	5.17	--	--	01	1.72	02	3.45
Nat	02	3.45	--	--	02	3.45	0	0
Other	01[43]	1.72	--	--	0	0	01	1.72
Women	06	10.34	0	0	02	3.45	04	6.90
Men	52	89.66	06	10.34	19	36.54	28	53.85
Aboriginal	04	6.90	02	3.45	0	0	02	3.45
Non-Aboriginal	54	93.10	04	6.90	20	34.48	30	51.72

Again, the number of retiring members who remained in the Territory outweighed those who went interstate or overseas. The latter still represents a reasonably high proportion by comparison with other states where populations are more static, but also reflects the transient nature of the Northern Territory population. This evolution of retiring members is broadly reflective of the evolution and gradual increase in age of the Northern Territory population at large. It doesn't, however, explain the enduring neglect of heritage, which should have become more important as the population stabilized.

[40] All six members died whilst residing in the NT. For the purposes of these statistics, they are not deemed to have 'retired' anywhere.

[41] This figure includes Grant Tambling who, at the time of writing, was living on Norfolk Island whilst he was the Administrator of that Territory and Denis Collins (former CLP/Ind Member for Sadadeen and Greatorex) whose address is not known, however it is reasonably certain that he is not in the Northern Territory.

[42] For the purposes of these statistics, Independents are defined by where they sat at the time of their retirement rather than by the party with which they sat at the time of their election.

[43] Rod Oliver was elected to the seat of Alice Springs on 13 August 1977 and served during the Second Assembly only. He resigned from the CLP on 21 August 1979 and sat as an Independent Liberal.

An examination of the number of declarations made by each minister is an interesting academic exercise, with Mike Reed being the star performer. Length of tenure is obviously relevant here, as is the date on which the *Heritage Conservation Act* was passed (1991). It stands to reason that there was a rush of nominations following passage of the act, and this explains why Reed was the star performer. It was, however, under Reed's carriage of the portfolio that the Hotel Darwin and Nurses Quarters were demolished.

Table 7: Ministerial Report Card
Declarations as a percentage of register per Minister

Minister	Party	Dates	No.	%
JM Robertson	CLP	01/07/80 – 25/01/82	0	0
MB Perron	CLP	01/07/78 – 30/06/80 26/01/82 – 30/11/82	0 0	0 0
PAE Everingham	CLP	01/12/82 – 12/12/83	0	0
CN Padgham-Purich	CLP	13/12/83 – 20/12/84	0	0
T McCarthy	CLP	15/05/86 – 18/03/87	0	0
RA Hanrahan	***CLP***	***19/03/87 – 20/12/87***	***0***	***0***
SP Hatton	CLP	21/12/84 – 28/04/86 04/09/89 – 12/11/90	0 0	0 0
MA Reed	**CLP**	**13/11/90 - 12/11/92** **01/07/95 - 14/09/97**	**48**	**29.81**
DW Manzie	CLP	12/12/87 – 03/09/89 30/11/92 - 15/09/93	0 08	0 4.96
BF Coulter	CLP	29/04/86 – 14/05/86 16/09/93 – 30/06/95	0 37	0 22.98
MJ Palmer	CLP	15/09/97 – 07/12/98	10	6.21
TD Baldwin	CLP	08/12/98 – 26/08/01	36	22.36
K Vatskalis	ALP	27/08/01 – 17/10/02	05	3.10
CB Burns	ALP	18/10/02 – 15/12/03	13	8.07
MR Scrymgour	ALP	15/12/03 – Oct 2005	09	5.59

NOTES: (1) Ray Hanrahan was the only minister with carriage of heritage to represent a Central Australian seat; (2) it was not until Chris Burns assumed the portfolio on 18 October 2002 that the word 'heritage' appeared in the portfolio name. Until then, it had fallen under 'environment' or 'lands and planning' or 'conservation', etc.

The Northern Territory Heritage Register is heavily Eurocentric or *balanda*-ised. There is little Aboriginal heritage represented, and very little Chinese heritage. There is no heritage that reflects the multicultural nature of the Territory's past, for example the Afghan cameleers in Central Australia, or the Greek and Italian communities in the Top End. Aboriginal entries on the register include Albert Namatjira's grave and his house, both very Western cultural notions.

The Statement of Heritage Value for the Alice Springs Telegraph Station reads:

> Statement of Heritage Value
>
> The significance of the Alice Springs Telegraph Station Historical Reserve is derived from its cultural and natural heritage. The Reserve is valued by the community for its historic and social associations with the construction of the Overland Telegraph Line, the subsequent roles it played in the exploration and settlement of Central Australia, and *later as the institution known as the 'Bungalow', that provided education for Aboriginal children of mixed descent*.
>
> The Reserve is also important to Arrernte people, not only because of the latter role played by the Telegraph Station buildings, but also because of the important ongoing spiritual associations they have with the area, through the presence of a number of sacred sites recorded across the Reserve.
>
> The Reserve also derives significance from its associations with F.J. Gillen who, in collaboration with Baldwin Spencer, made important contributions to the discipline of anthropology. The natural beauty of the Reserve is appreciated and enjoyed by local residents and visitors alike.[44] [emphasis added]

When I visited the Station in 2000, none of the interpretive signage mentioned *The Bungalow*, which is erroneously and romantically described as an education provider for half-caste children. It was the Alice Springs equivalent of the Kahlin Compound in Darwin where Stolen Generation children were placed. Even where mention of Aboriginal culture *is* made, truth is ignored and facts are manipulated in a denial of history. This is not a new

[44] Northern Territory Heritage Register

phenomenon, as noted from Carment's discussion of the History Awards above. Further:

> The Government's Museum and Art Gallery of the Northern Territory devoted emphasis to frontier life styles and industries, colourful and prominent individuals and ultimately successful battles to overcome hardship and adversity. There was, though, no exhibition with an emphasis on Aboriginal-European conflict.[45]

If we accept that 30 per cent of the Territory's population is Aboriginal, a quick scan of the Northern Territory Heritage Register reveals that Aboriginal culture and heritage are vastly under-represented. This is not to suggest that sacred sites should be listed on the Register; they should not. However, there are sites of significance to the Territory's cultural heritage that are not sacred and should be included.

Increasingly, the Northern Territory government (and tourism authorities) is recognizing the value of the NT's World War II history and heritage, which is unique in Australia. Whilst many WWII sites and objects have been listed, Aboriginal contributions have been largely ignored, as Carment noted above.

What should be on the Heritage Register is a moot point, although I contend that as a minimum, the following Darwin sites should be included: Goyder's Camp in the wharf precinct, The Victoria Hotel, sections of the Bagot community, Parliament House, Nungalinya or Old Man Rock, and Mindil Beach as an Aboriginal burial ground (notwithstanding the casino on top of it).

The Mindil Beach notion is somewhat sensitive and has been used in the past by residents of apartments at the top of Myilly Point cliffs to object to development of what has become known (but is not gazetted) as 'Little Mindil', lest their views be spoilt. At the same time, the status of the burial ground was strenuously denied by a would-be developer[46] who maintained that one section of the beach was a sacred site, and that is where Pukumani Poles

[45] Carment, Australian Historical Association Presidential Address 2004
[46] I had two meetings with Sue Fraser-Adams, the would-be developer in 2003 and 2004. She made several attempts to convince me to change the document I wrote entitled *Heritage Values of Myilly Point* because it was inconvenient to her development proposal.

have been erected. That is incorrect on a number of fronts. First, the whole of Mindil Beach was an Aboriginal burial ground until the 1930s. It would have been fair to say that it was a Larrakia burial ground, except that deaths from the Kahlin Compound were buried there, and children in the compound came from across the Territory and Western Australia, so it is much more accurate to refer to it as an Aboriginal burial ground. The Pukumani Poles to which the would-be developer referred were an apology to Tiwi Islanders following excavations on the casino site which uncovered human bones that were later identified as being Tiwi. Pukumani Poles were erected where the bones were re-interred at a site further down the beach. There is no original heritage status attached to the poles, but there is to the beach as a whole. Denial of the site as having heritage status is curious, given that:

> There is a *balanda* burial site approximately 500 metres from the Aboriginal burial ground: the Gardens Cemetery. Its Statement of Cultural Heritage Significance includes:
>
> > Each grave represents the last resting place of many Territorians, notable or otherwise, whose contribution collectively is important to the interpretation of the Territory's historical, social and cultural background. (Alford: *Conservation & Management Plan for the Gardens Road Cemetery*, DIPE, 1999).
>
> Could the same not be said for the significance of the 'Little Mindil' site?[47]

It is also my contention that what was built as the Mine Manager's house in Nhulunbuy in the 1970s should be included on the NT Heritage Register. An architecturally striking design, this house is the only 'grand' house in the area and was one of the first built. The situation in Nhulunbuy, however, is different because the land on which the house is built, like all other houses in Nhulunbuy, is leased from the Gumatj and, in time, that lease will expire. The *Heritage Conservation Act* makes no provision for listing a place and the land on which it sits. The *Planning Act* has no provision for zoning land as having Heritage status or for Heritage purposes, and such a listing could prove extremely problematic. In addition, the house is on a sacred site, which could

[47] Smith, 2003

further compound issues. If such a listing were to proceed, it would be the first Heritage listing in Nhulunbuy.

Plates 6 and 7: The former Mine Manager's House at Nhulunbuy.
Photographs: R Smith, May 2009

Curiously, neither Uluru nor Kakadu, both of which appear on the World Heritage Register, appear on the Northern Territory Heritage Register, although it is my understanding that heritage practitioners are of the view that if a place is protected by international legislation, it would simply be duplication to give it state protection. Other sites, such as the Olgas, the MacDonnell Ranges, *Karlu Karlu* (the Devil's Marbles) and various other natural places across the Northern Territory could usefully be added to the register and easily fall within the criteria of the act:

> The principal object of this Act is to provide a system for the identification, assessment, recording, conservation and protection of places and objects of prehistoric, protohistoric, historic, social, aesthetic or scientific value, including geological structures, fossils, archaeological sites, ruins, buildings, gardens, landscapes, coastlines and plant and animal communities or ecosystems of the Territory.[48]

Perhaps because of the antagonistic relationship between successive CLP governments and land councils and the controversial subject of land, the Northern Territory Heritage Register basically reflects the policy of the Country Liberal Party and pays scant regard to the Territory's cultural heritage, its cultural composition or its cultural history. That the budget for heritage grants has remained at $200,000 since the inception of the act in 1991 is indicative of the value placed on heritage as a culturally defining - and highly marketable - aspect of the Northern Territory.

The advent of self-government and the CLP government gave rise to the invention of tradition and character and resulted in the exclusive term of 'Territorian' which meant everyone but Aboriginal people. An extension of the wildly romanticized 'Australian legend' identified by Russell Ward, 'Territorians' themselves often didn't pick up that the term was exclusive.

This invention of character and tradition worked hand in glove with CLP political agendas against which much policy, itself exclusive or marginalizing, was developed and implemented.

Perhaps because the word 'Territorian' became ubiquitous following self-government in 1978, earlier heritage was mere detail and not worthy of consideration until 1991. In any event, successive governments were comprised of people who, on the whole, were not long-time residents of the Northern Territory and did not remain after their retirement from politics. Perhaps it just didn't matter.

[48] Section 3, *Heritage Conservation Act* (1991)

Conclusion

Whilst much of the CLP's mantra in relation to invention of society revolves around the concept of 'Territorianism', it also embraces the concept of 'lifestyle' which, it would have us believe, really is Arcadian or utopian. What it demonstrates is the rural society identified by Kemp and Brett's identification of the liberalist fundamental whereby an individual was driven by self-interest with little interference from government. It can be said that government interference in respect of heritage was to facilitate the goal of individuals striving to achieve because the practice of demolishing potential heritage sites removed the common or whole of society interest and created development opportunities, albeit some of them not immediately snapped up. Heritage episodes serve well to illustrate the CLP's commitment to neoliberalism economic fundamentalism rather than any tendency towards liberal socialism which may have looked upon heritage with kinder eyes.

CHAPTER 10: GENERAL ELECTIONS

Introduction

Elections in the Northern Territory are traditionally won or lost in the key middle-class northern suburbs seats of Darwin: Casuarina, Johnston, Karama, Millner[1], Sanderson and Wanguri. A threat to the very icon of Australian home ownership, the Hill's hoist[2], whether real or contrived, traditionally resulted in a conservative swing or backlash, and those key seats, as a bloc, were almost all held by the Country Liberal Party for 27[3] consecutive years. The 'Territory Party', which was born in Alice Springs, was propped up by the northern suburbs of Darwin for the formative years of Northern Territory self-government.

> There are two circumstances, either separately or in combination, in which the CLP's hegemonic position could be threatened – *the alienation of a significant section of the party's urban support-base* and the emergence of competing 'conservative' groups…Although *the CLP should be able to preserve its populist appeal in the urban community*, fiscal pressure and certain policy preferences will make the task sometimes harder.[4] [emphasis added]

The Northern Territory is a peculiar body politic. Whilst some electorates are geographically larger than some countries, each electorate has under 5000[5] constituents. The large remote electorates bring their own challenges of electorate servicing, and election campaigns in the bush often resemble a comedy of errors with parties and candidates having to juggle their own election campaigns with major policy announcements by leaders, various cultural factors peculiar to each community[6], and the Electoral Commission's program of mobile polling. This is in addition to the vagaries of campaigning during the Wet Season

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[1] Now the seat of Fong Lim (2008 redistribution) and not strictly classified as a 'nothern suburbs' seat.
[2] Traditional Australian clothes lines that dominate most back yards.
[3] Since formation of the Legislative Council in 1974. It was 23 consecutive years following self-government. Joh-Bjelke Pedersen held power in Queensland for 32 years.
[4] Heatley 1998; 134
[5] And were as small as 2500 in 1978.
[6] A community where mobile polling is to be undertaken (and usually announced well in advance) can be found to be deserted owing to 'sorry business' or funeral rites. This is not uncommon and has happened on a number of occasions in the past.

in the Top End, where swollen rivers can cut off communities (and candidates) indefinitely.

Such small electorates are also subject to regular redistribution, particularly in the growth areas of Darwin's northern suburbs, Palmerston and the Darwin rural area. Heatley noted that redistributions tend to favour the CLP:

> There is a Redistribution Committee which regularly, because of population grown and movement, realigns electoral boundaries. While its decisions have generally been seen as impartial, they have tended to favour the CLP overall; a major reason has been the logic and carefulness of CLP submissions to the Committee.[7]

ALP sources agreed that redistributions tend to favour the CLP, but not for the same reasons:

> The demographics of the Territory and the way they are changing are working against us: not only did the 1997 redistribution have quite an adverse impact on our capacity to win Government and to hold Wanguri, there is every reason to believe that the next redistribution will also be bad for us. Growth is occurring in the same places as in the past four years, bush enrolments will decline in the absence of an active AEC enrolment programme and the military move north is embedding thousands of voters in clusters that make conservative seats safer.[8]

With the staggering array of electronic and marketing tools available to political candidates these days, for urban seats there appears to be one proven and oft-repeated method of winning a seat: door knocking, door knocking, door knocking[9]. Electorates are small enough that local members come to know the vast majority of their constituents by name. Failure to door knock equates to failure to deliver the personal touch and, therefore, failure to garner support:

> Doorknocking and the display of posters and the distribution of stickers were particularly important, at least in the more urban parts of constituencies…A virtually

[7] Heatley, 1998; 70
[8] [ALP] Report To Conference On 1997 Northern Territory Election; 3
[9] This remains the case in Darwin's northern suburbs and urban Alice Springs, but is becoming increasingly difficult in the Darwin CBD where old homes are being replaced by large apartment blocks.

> complete doorknock could be carried out in the urban constituencies without difficulty.[10]

Voters in the urban seats in the Northern Territory are accustomed to having unfettered access to their parliamentary representatives and do not appreciate not seeing them, or at least having the opportunity of doing so, on a regular basis. Various blog sites that account for electoral wins and losses dwell significantly on who door-knocked and who did not. Naturally, a candidate does not have to do all the door knocking alone. Well organized parties send out an advance team of volunteers who door knock and ask whether voters would like to see their representative. They also leave a note in the letter box or under the door to say that they called, but no one was home and if there are any issues, please contact the candidate (or member) direct.

A case in point is the traditionally ALP-held urban seat of Millner, an aberration in the mostly CLP-held northern suburbs. Jon Isaacs held Millner for the ALP from self-government in 1978 until his resignation from the Assembly in November 1981. Terry Smith then won the seat in a by-election, again for the ALP, and held it from 21 November 1981 until his resignation from the Assembly in December 1991. After Smith's retirement, Ken Parish won the seat in a by-election on 7 December 1991, again for the ALP. Smith enjoyed door knocking and did it on weekday evenings or weekends as he rode his bicycle through the electorate. He was a popular, highly visible local member. Ken Parish was an effective member of parliament, but failed to door knock the electorate and enjoyed less than a full term as the Member for Millner. The CLP's Phil Mitchell won the seat from him in the General Election of 4 June 1994, losing it to the ALP's Matthew Bonson on 18 August 2001 when the tide turned against the CLP. It is noteworthy, however, that Mitchell contested Millner in 2005, theoretically as an Independent.[11] This is typical of the CLP running candidates as 'Independents' in various seats to split the vote and put their officially endorsed

[10] Loveday, 1981; 82
[11] Mitchell later turned up in CLP Millner branch promotional material as a 'concerned citizen'.

candidate over the line. The ALP has also engaged in this practice from time to time.

It is because electorates are small that issues and campaigns tend to be localized. Whilst campaigns are run under the broader banner of the party, candidates communicate with urban electorates via regular newsletters and will highlight issues such as a problematic street corner needing lighting or a better pedestrian crossing, or a laneway used by unruly youths as a thoroughfare in the middle of the night. This is also true of the larger bush electorates, where candidates address the issue of each community or outstation as a bloc. For remote electorates, in many cases, the issues are recurrent from community to community.

There was no election to establish self-government in 1978 *per se*. That is, the general election for the Northern Territory Legislative Assembly in 1974 meant that the transition from the Legislative Council was completed before 1 July 1978, and the official date of self-government was unaffected by the composition of the Legislative Council. The 1974 election was not run on any principle of universal suffrage:

> The 1974 election was contested on redistributed boundaries, and the electoral act was changed to incorporate full, compulsory, preferencial voting for all electors. Aborigines retained the right of voluntary enrolment but, if enrolled, were under compulsion to vote. In 1980, under a new electoral act, enrolment was made compulsory for Aboriginal citizens of eighteen years or more, and this applied for the 1980 election.[12]

As noted elsewhere, the CLP set the stage for its vision of the Northern Territory early in the history of self-government, and it remained a favourite recipe:

> Between 1978 and 2001 CLP governments of the Northern Territory enthusiastically created and promoted notions of identity for the purpose of establishing bonds of loyalty to the Territory among its non-Aboriginal population, most of whom came from others parts of Australia and the world. Governments

[12] Jaensch, D, *Occasional Monograph No 9*; 1

> championed what the political scientist Alistair Heatley described as 'Territorianism', an aggressively presented sense of identity that encompassed full statehood and rapid economic development. A significant element was strong opposition to Aboriginal land rights. [13]

I have oft noted that 'Territorianism' was an exclusive term and was used with great effect by successive CLP governments to isolate and marginalize Aboriginal people. What the CLP practiced was Arcadian populism which included, as Carment noted, invention of character and tradition together with liberal doses of racism arising from competition over land the subject of Land Rights claims, and this will be demonstrated by an examination of each of the General Elections since self-government in 1978.

Indeed, during debate on the government's *Foundations for Our Future* policy document in 1999, the Opposition Leader Clare Martin had this to say to Chief Minister Denis Burke:

> The authors of the pamphlet say the Chief Minister wants a better relationship with Aboriginal Territorians. It's a nice sentiment, but there are two tests for this Chief Minister, two tests for Denny Gabriel Burke. Make an apology - a personal apology and a government apology - to the Stolen Generations, and commit to never again running a race-based election, Chief Minister.[14]

This drew an objection, raised in the form of a Point of Order, from the Member for Drysdale, Steve Dunham, who said:

> The remarks of the Leader of the Opposition are offensive and unproved, and should be tested by substantive motion if she wants to make them.[15]

Dunham's response is typical of CLP responses to allegations of race-based election campaigns, yet there is compelling evidence to suggest that most election campaigns featured elements of racism and that CLP policy was based on the same elements. As I have discussed, these were intended to marginalize

[13] Carment, D, Australian Historical Association Presidential Address 2004
[14] *Hansard*, 1 June 1999
[15] Ibid

and isolate Aboriginal people from normal political processes from the time of self-government and set Aboriginal people apart from the rest of the community as interlopers in the ‘proper’ business of the Northern Territory.

Comprehensive candidate and electoral statistics appear at the Appendices, however a summary of elections since 1978 appears in the table overleaf.

Table 8: Northern Territory General Elections at a Glance, 1974-1983[16]

Election	Enrolment	First Preference Votes			Seats won
		Party	Number	Percentage	
1974	39 027	CLP	13 690	49.0	17
		ALP	8508	30.5	0
		Ind	5737	20.5	2
1977	43 253	CLP	12 769	40.1	12
		ALP	12 165	38.2	6
		Ind	3718	11.7	1
		Other	3165	10.0	0
1980	53 218	CLP	20 065	50.0	11
		ALP	15 818	39.4	7
		Ind	3251	8.1	1
		Other	1022	2.6	0
1983	62 185	CLP	28 637	58.2	16
		ALP	17 505	35.6	9
		Ind	2155	4.4	0
		AD	887	1.8	0

[16] Jaensch, *Monograph No 5*, 1987; 2.

Table 9: Northern Territory General Elections at a Glance, 1987-2005[17]

Election	Enrolment	First Preference Votes			Two party-preferred		Seats won
		Party	Number	Percentage	Number	Percentage	
1987	74 633	CLP	20 074	39.4	29 199	57.3	16
		ALP	18 307	36.0	21 729	42.7	6
		Nat	9 058	17.8			1
		Ind	3 489	6.9			2
1990	82 261	CLP	31 758	48.8	37 075	57.0	14
		ALP	23 827	36.6	27 961	43.0	9
		Nat	3 060	4.7			0
		Green	1 981	3.0			0
		Ind	4 410	6.8			2
1994	95,007	CLP	38,266	51.9	41,485	56.3	17
		ALP	30,507	41.4	32,236	43.7	7
		Ind	4338	5.9			1
		Green	552	0.8			0
		AD	58	0.1			0

[17] Jaensch, *Monograph No 5* and *Monograph No 9,* 1990; Jaensch, D and Wade-Marshall, 1994; Jaensch, D and Wade-Marshall Report No 6/1997; Loveday, Jaensch & Berzins, 2002 & NT Electoral Commission figures; NT Electoral Commission figures, 2005

1997	101,886	CLP	41 722	54.7	44 208	57.9	18
		ALP	29 365	38.5	32 110	42.1	7
		Ind	4158	5.5			0
		Dem	484	0.6			0
		Green	420	0.6			0
		DSP	169	0.2			0
2001	105,506	ALP	33 038	40.6	39 099	48*	13
		CLP	36 926	45.4	42 268	52*	10
		ONP	1074	1.3			0
		Dem	692	0.9			0
		TAP	622	0.8			0
		SA	432	0.5			0
		Ind	8583	10.6			2
2005	111,954	ALP	44 822	51.94	51 026	59	19
		CLP	30 827	35.73	35 262	41	4
		Ind	6941	8.04			2
		Green	3594	4.17			0
		Other	104	0.12~			0

* Loveday, Jaensch and Berzins note that these figures should be treated with caution because they are estimates and are skewed by results where Independents won or gained the second highest first preference vote.
~ This candidate was an Australian Democrat, but the party was not registered when the election was called so the party could not appear on the ballot paper.

General Election – 7 June 1980

Table 10: 1980 Election Synopsis

Seats in Assembly	19		
	CLP	ALP	Ind
Leader	Paul Everingham	Jon Isaacs	
Slogan	*Keep the flag flying*[18]	*New energy for the Territory*	
Seats held pre-	11	6	2
Other parties contesting	Australian Marijuana Party (4 candidates) Australian Democrats (3 candidates) Progress Party (1 candidate) Christian Democrats (2 candidates) Independents (13 candidates)		
Seats held post-	11	7	1
Notes	Enrolled to vote: 53,281		

[18] Loveday (in *Under One Flag*, p 78) noted that an earlier slogan of 'The Mob for the Job' did not survive for long.

Plate 8: CLP Advertisement, *Northern Territory News*, 23 May 1980

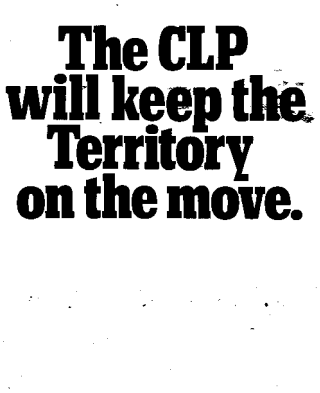
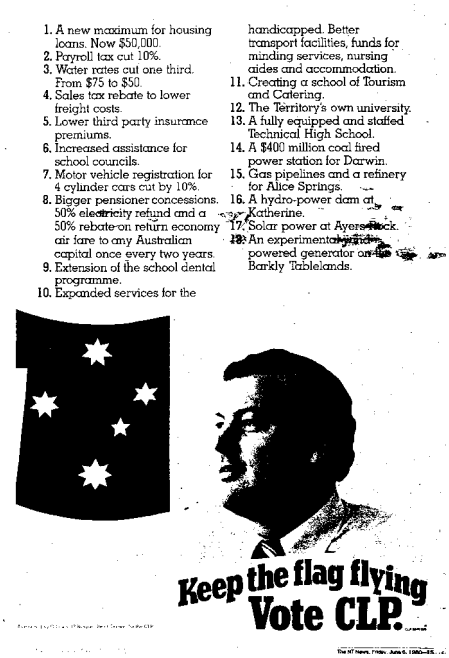


Plate 9: CLP Advertisement, *Northern Territory News*, 6 June 1980



1. A new maximum for housing loans. Now $50,000.
2. Payroll tax cut 10%.
3. Water rates cut one third. From $75 to $50.
4. Sales tax rebate to lower freight costs.
5. Lower third party insurance premiums.
6. Increased assistance for school councils.
7. Motor vehicle registration for 4 cylinder cars cut by 10%.
8. Bigger pensioner concessions. 50% electricity refund and a 50% rebate on return economy air fare to any Australian capital once every two years.
9. Extension of the school dental programme.
10. Expanded services for the handicapped. Better transport facilities, funds for minding services, nursing aides and accommodation.
11. Creating a school of Tourism and Catering.
12. The Territory's own university.
13. A fully equipped and staffed Technical High School.
14. A $400 million coal fired power station for Darwin.
15. Gas pipelines and a refinery for Alice Springs.
16. A hydro-power dam at Katherine.
17. Solar power at Ayers Rock.
18. An experimental wind powered generator on the Barkly Tablelands.

Keep the flag flying
Vote CLP.

Plate 10: CLP Advertisement, *Northern Territory News*, 6 June 1980

Call for coastal growth council

Ease dole curbs, say unemployed
'Change laws'

Gift filly chosen for Queen

Boost for Muldoon

New coal sales hope

Fine park litterers on spot — KABC

HIGH PRICES: THE ALP SOLUTION

Only the LABOR PARTY has a freight subsidy scheme to bring down the price of fresh fruit and vegetables. Compare the prices in Adelaide and Darwin as of May 8, 1980.*

PLEASE SEND DONATIONS TO P.O. BOX 2026, DARWIN 5794

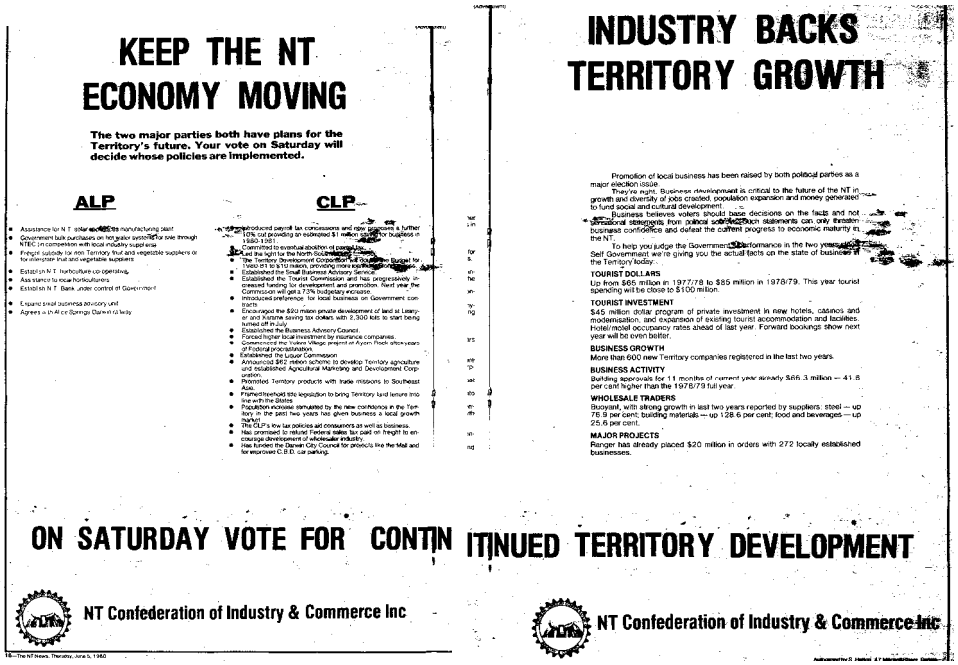
ALP NEW ENERGY FOR THE NT

FOR HIRE SEMI-TRAILERS UP TO 17 MTRS LONG N.A.H. PHONE 84 3055

OPEN ALL WEEKEND

$1000 OFF

Plate 11: ALP Advertisement, *Northern Territory News*, 22 May 1980



KEEP THE NT ECONOMY MOVING

The two major parties both have plans for the Territory's future. Your vote on Saturday will decide whose policies are implemented.

ALP

- Assistance for N.T. solar energy manufacturing plant
- Government bulk purchases on key solar panels for one year through NTEC in competition with local industry supported
- Freight subsidy for non-Territory fruit and vegetable suppliers or for interstate fruit and vegetable suppliers
- Establish N.T. horticulture co-operative.
- Assistance to local horticulturists
- Establish N.T. Bank under control of Government
- Expand small business advisory unit
- Agrees with Alice Springs Darwin railway

CLP

- Introduced payroll tax concessions and new payments a further 10% cut providing an estimated $1 million saving for business in 1980-1981.
- Committed to eventual abolition of payroll tax.
- Led the fight for the North-South railway.
- The Territory Development Competition and Royalties Budget for 1980-81 is $10 million, providing more equity capital.
- Established the Small Business Advisory Service.
- Established the Tourist Commission and has progressively increased funding for development and promotion. Next year the Commission will get a 73% budgetary increase.
- Introduced preference for local business on Government contracts.
- Encouraged the $80 million private development of land at Leanyer and Karama saving tax dollars with 2,300 lots to start being turned off in July.
- Established the Business Advisory Council.
- Forced higher local investment by insurance companies.
- Commenced the Yulara Village project at Ayers Rock after years of Federal procrastination.
- Established the Liquor Commission.
- Announced $62 million scheme to develop Territory agriculture and established Agricultural Marketing and Development Corporation.
- Promoted Territory products with trade missions to Southeast Asia.
- Fought the hard, but successful, fight to bring Territory land tenure into line with the States.
- Population increase stimulated by the new confidence in the Territory in the past two years has given business a local growth market.
- The CLP's low tax policies set consumers as well as business.
- Has promised to refund Federal sales tax paid on freight to encourage development of wholesaler industry.
- Has funded the Darwin City Council for projects like the Mall and for improved C.B.D. car parking.

INDUSTRY BACKS TERRITORY GROWTH

Promotion of local business has been raised by both political parties as a major election issue.

They're right. Business development is critical to the future of the NT in growth and diversity of jobs created, population expansion and money generated to fund social and cultural development.

Business believes voters should base decisions on the facts and not emotional statements from political soapbox orators. Such statements can only threaten business confidence and defeat the current progress to economic maturity in the NT.

To help you judge the Government's performance in the two years of Self Government we're giving you the actual facts on the state of business in the Territory today.

TOURIST DOLLARS

Up from $65 million in 1977/78 to $85 million in 1978/79. This year tourist spending will be close to $100 million.

TOURIST INVESTMENT

$45 million dollar program of private investment in new hotels, casinos and modernisation, and expansion of existing tourist accommodation and facilities. Hotel/motel occupancy rates ahead of last year. Forward bookings show next year will be even better.

BUSINESS GROWTH

More than 600 new Territory companies registered in the last two years.

BUSINESS ACTIVITY

Building approvals for 11 months of current year already $66.3 million — 41.8 per cent higher than the 1978/79 full year.

WHOLESALE TRADERS

Buoyant, with strong growth in last two years reported by suppliers: steel — up 76.9 per cent; building materials — up 128.6 per cent; food and beverages — up 25.6 per cent.

MAJOR PROJECTS

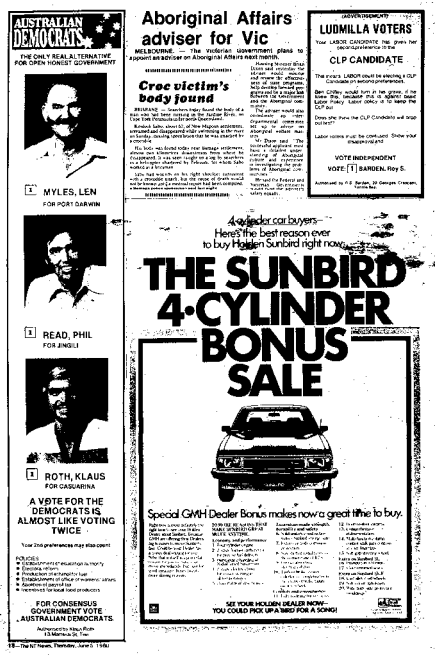
Renger has already placed $20 million in orders with 272 locally established businesses.

ON SATURDAY VOTE FOR CONTINUED TERRITORY DEVELOPMENT

NT Confederation of Industry & Commerce Inc

NT Confederation of Industry & Commerce Inc

Plate 12: NT Confederation of Industry and Commerce Advertisement, *Northern Territory News*, 5 June 1980



AUSTRALIAN DEMOCRATS

THE ONLY REAL ALTERNATIVE FOR OPEN HONEST GOVERNMENT

1 MYLES, LEN
FOR PORT DARWIN

1 READ, PHIL
FOR JINGILI

1 ROTH, KLAUS
FOR CASUARINA

A VOTE FOR THE DEMOCRATS IS ALMOST LIKE VOTING TWICE

Your 2nd preferences may also count

POLICIES

- Establishment of education in Howard Springs region
- Establishment of campus for law
- Establishment of office of academic affairs
- Abolition of payroll tax
- Incentives for local food production

FOR CONSENSUS GOVERNMENT VOTE AUSTRALIAN DEMOCRATS

Aboriginal Affairs adviser for Vic

MELBOURNE. — The Victorian government plans to appoint an adviser on Aboriginal Affairs next month.

Croc victim's body found

LUDMILLA VOTERS

Your LABOR CANDIDATE has given her second preference to the

CLP CANDIDATE

The voters LABOR should be electing a CLP Candidate on second preferences.

Ben Collins would turn in his grave, if he knew that the CLP and the Country Liberal Party Labor policy is to name the CLP but

Does she think the CLP Candidate will drop out too?

Labor voters must be confused. Show your disapproval.

VOTE INDEPENDENT

VOTE 1 BARDEN, Roy S.

4-cylinder car buyers—
Here's the best reason ever to buy Holden Sunbird right now.

THE SUNBIRD 4-CYLINDER BONUS SALE

Special GMH Dealer Bonus makes now a great time to buy.

SEE YOUR HOLDEN DEALER NOW—
YOU COULD PICK UP A BIRD FOR A SONG!

Plate 13: Australian Democrats Advertisement, *Northern Territory News*, 5 June 1980

Table 11: 1980 General Election Result by Electorate

Seat	Member	Party	Notes
Alice Springs	Denis Wilfred Collins	CLP	
Arnhem	Bob Collins	ALP	
Barkly	Ian Lindsay Tuxworth	CLP	
Casuarina	Nicholas Manuel Dondas	CLP	
Elsey	Les MacFarlane	CLP	
Fannie Bay	Pam O'Neil	ALP	
Gillen	Jim Robertson	CLP	
Jingili	Paul Anthony Edward Everingham	CLP	
Ludmilla	Roger Steele	CLP	Previously held Elsey
MacDonnell	Neville Perkins	ALP	
Millner	Jon Isaacs	ALP	
Nhulunbuy	Daniel Murray Leo	ALP	
Nightcliff	Aline Dawn Lawrie	Ind	
Port Darwin	Tom Harris	CLP	
Sanderson	June D'Rozario	ALP	
Stuart	Roger William Stanley Vale	CLP	
Stuart Park	Marshall Perron	CLP	
Tiwi	Cecilia Noel Padgham-Purich	CLP	
Victoria River	Jack Doolan	ALP	

Note: There was no requirement by the *Electoral Act* to have parties declared against candidates' names, so candidates in some seats are difficult to discern from the NT Electoral Commission's web site.

The period from 1978 is easily described as a honeymoon period for the CLP. From 1 July 1978 with most powers transferred from the Commonwealth, the CLP found itself in position with a generous funding allocation from the Federal Government and money still pouring into the Northern Territory as part of the reconstruction effort following Cyclone Tracy.

There had been no serious issues of note and the CLP had set about badging itself as 'the Territory party'. In the days leading up to the election, CLP advertising in the *Northern Territory News* blitzed the obviously limited budget of the ALP. CLP advertising was typified by full-page advertisements featuring the key message of *Keep the flag flying*.

By comparison during the same period, the ALP ran two three-column advertisements concentrating on high food prices and an increase in public housing (Plate 11). One advertisement featured the line:

> Please send donations to PO Box 2026, Darwin 5794[19]

The Northern Territory Confederation of Industry and Commerce ran a strong campaign of support for the CLP (Plate 12). Its double-page advertisement listed each of the party's policies and carried the message:

> Keep the NT Economy Moving
> The two major parties both have plans for the Territory's future. Your vote on Saturday will decide whose policies are implemented.
> On Saturday vote for continued Territory development.[20]

The Australian Democrats ran candidates, as did the Australian Marijuana Party. The latter's message was uncomplicated: *Realise, Legalise* [21].

There were other candidates of note in this campaign. One was the ALP candidate for Tiwi, Harry Maschke. Maschke was a local businessman who, over several years, would run for the ALP, as an Independent and for the National Party, on each occasion without success. Gajil Djerrkura was the CLP candidate for Arnhem. Djerrkura was never elected to the Assembly and would come into conflict with the CLP later, most notably during Shane Stone's Statehood Convention when Djerrkura led the ATSIC delegates' walk-out. ALP stalwart Dennis Bree contested the election in Casuarina. Bree, an engineer, was a highly regarded public servant by both sides of the political fence. He was never elected to the Assembly, but served as the ALP President for a number of years. Ted Hampton contested the seat of Alice Springs. The present Member for

[19] *Northern Territory News*, 22 May 1980; 10
[20] Northern Territory News, 5 June 1980; 16-17
[21] *Northern Territory News*, 5 June 1980; 21

Stuart, Karl Hampton, is Ted Hampton's nephew[22]. Ted Hampton ran as an Australian Democrat. Rosie Kunoth-Monks (of *Jedda* fame) unsuccessfully contested the seat of MacDonnell for the CLP against the ALP's Neville Perkins. Dr Ella Stack, Darwin's Mayor from 1975 to 1980, the last 12 months as Lord Mayor, unsuccessfully contested Fannie Bay for the CLP against the ALP's sitting member Pam O'Neil. The ALP's Dan Leo picked up Nhulunbuy from the CLP's Milton Ballantyne and Dawn Lawrie, the Assembly's only Independent, held her seat of Nightcliff.

The Christian Democrats made an appearance, fielding two candidates: Ron Mann in Sanderson; and CD Coombs in Nightcliff. Mann was something of an eccentric candidate who would appear in Top End society in a range of guises over ensuing years. He would later declare himself to be Dr Ron Mann, then Bishop Dr Ron Mann of the Church of Reconciliation, then Count Roman Damski, Prince Roman and, finally, King Roman. On each occasion, he changed his name by deed poll, sadly neglecting the status of his wife, who remained Mrs Fele Mann throughout her husband's self-determined social elevation. The Christian Democrat's platform was ambitious and included items such as revocation of abortion and divorce laws, closing the casino and 'dignity to the unfortunate'[23]. Mann polled 3.3 per cent of the vote in Sanderson.

An incidental but noteworthy aspect of the campaign was the mooting of a wave pool by the ALP, itself unremarkable except that some 27 years on, a wave pool was something of a selling point for the ALP government's Darwin waterfront development. In 1980, the issue was reported thus:

> Labor shadow minister for youth, sport, recreation and tourism Mr Neville Perkins said it was possible that Alice Springs residents could be body surfing all year round in a wave pool not far from the normally bone-dry Todd River.

[22] Personal communication, Karl Hampton, October 2007.
[23] *Northern Territory News*, 6 June 1980

> In the Top End it would be particularly useful during the wet season when people could not swim in the sea.[24]

As Northern Territory history goes, the coming of the wave pool was a great deal faster than the coming of the Alice Springs to Darwin railway, first mooted in 1911 and finally achieved in 2003.

Writing for the *Northern Territory News*, Alistair Heatley described the campaign as 'predictable':

> My contention…[is] that there is essentially very little difference between the party approaches…
>
> Thus, this election, at least in the non-Aboriginal community, will depend more on leadership and candidate quality, the electorate's perception of the performance of Government and Opposition, and the presentation of the party image than upon substantive issues.[25]

If that were the case, the CLP certainly drove home voter perceptions with its dominance in the advertising stakes.

The Editorial in the *NT News* on polling day, written by Jim Taylor, fully supported the Everingham Government:

> The growth, the development since self-government has been nothing less than extraordinary.
> …
>
> It is this newspaper's view that the Labor Party is not ready for Government, and even if it were there is no reason to replace the Country Liberal Party which, while making the inevitable mistakes, should be returned on its record.
>
> …

[24] *Northern Territory News*, 4 June 1980
[25] *Northern Territory News*, 30 May 1980

> There is simply too much still to be done.
>
> Mr Everingham has the bit between his teeth. The Northern Territory is young, eager, bursting with energy and ability, afraid of no one and nothing.
>
> The 80s is our decade.[26]

Coltheart described the election as being typified by the 'Arcadian myth', which included:

> …the persuasive and enduring idea that distant government was a wrong which must be righted with time, and that the progress of land settlement and land usage has been delayed by certain obstacles of which distant government was a major one, antithetical to the principles of liberalism and a hindrance to development.[27]

She wrote that the myth gained momentum after the grant of self-government in 1978, which in turn:

> …endowed the sitting CLP government with an electoral advantage derived solely from the changed arrangements, rather than from any display of legislative competence or administrative skill and electors were reminded of it in 1980 not least by the slogan 'Keep the Flag Flying'.[28]

As has been discussed elsewhere, the CLP has successfully marketed itself as 'the Territory Party' and its corporate livery so closely resembles the Northern Territory flag as to make 'the government' and 'the CLP' indistinguishable, something Heatley seemed to find curious. Coltheart makes this observation:

> The CLP labels which adorn many stubby-holders in the Territory are not readily distinguishable from the commemorative labels [used for the second anniversary of self-government in 1980] – both depict the flag, they are identical but for their wording. The link between the CLP and the Northern Territory flag is best described as proprietorial.[29]

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[26] *Northern Territory News*, 7 June 1980
[27] Coltheart in Jaensch & Loveday (Eds), 1981; 11
[28] Ibid
[29] Ibid; 12

She described the CLP campaign as one that:

> …depicted the government as custodians of a long-awaited and hard-won legislative and administrative autonomy…[30]

Because of the ALP's pro- position on Aboriginal land rights, Coltheart said it made the ALP 'seem opposed to development' and that the CLP had a 'virtual monopoly of the myth during the election'.[31] She concluded:

> Arcadianism in the Northern Territory is a myth shaped by historians and sustained in the service of politics. Arcadian aspirations, embodied in policies, touch an electoral pulse: in the 1980 election campaign the CLP quickened that pulse by promoting an identification of the party with Arcadian values, and by reinforcing those values in its capacity as the governing party.[32]

It is easily arguable that this theme of Arcadianism flowed through every subsequent election for the CLP whose campaigns were typified by breast-beating and exclusive claims over the ubiquitous term 'Territorianism'.

Loveday noted that complaints arose from the early closure of electoral rolls (and this would be a recurrent complaint during Northern Territory elections). The election was announced on 8 May, and rolls closed at 6pm on 9 May pursuant to the then new *Electoral Act*. This gave people, especially those in rural and remote areas, an impossible timeframe in which to get their enrolment forms to Darwin or Alice Springs by the time the rolls closed. He explained features of the new act:

> It provided for full preferential voting except that if one square on a ballot paper was not marked and in others preferences were properly indicated the vote would be accepted. Enrolment was made compulsory for Aborigines for the first time in the Territory, but the penalty for failure to enrol would not be imposed for the coming [1980] election.[33]

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[30] Ibid
[31] Ibid; 14
[32] Ibid; 15
[33] Loveday, 1981*;* 75

Further, the new act provided for mobile polling in remote areas, assisted voting for those who were incapacitated or not literate, photographs of candidates would be displayed at polling booths to assist Aboriginal voters with recognition, and how-to-vote cards could be used to indicate how a person who was being assisted wished to vote.

Of the campaign itself, Loveday said:

> …the CLP concentrated on its record, its successes, the economic deal which its leader obtained from the national government in 1978 and played down, almost to the point of no emphasis at all, Aboriginal affairs and land rights.[34]

This raises another point about CLP election campaigns. Where they did not *feature* racism as an electoral tool, they sought to exclude Aboriginal people all together. This is consistent with my claim that Aboriginal people were trivialised, marginalized and ostracized, often being regarded as interlopers in Northern Territory affairs. We have seen from 1978 and 1979 Cabinet documents that the Northern Territory government was firmly opposed to land rights and that policies were approved to acquire and quarantine potentially claimable land. Land rights, however, would become an issue during the campaign.

Turning to the opposition, Loveday said:

> …Labor turned its attention to the outback seats. It had some hope of winning in three or perhaps four of the five outback seats but as a strategy it was based on some fairly large guesses about the strengths and weaknesses of sitting members and the effects of the Independent candidates. It also assumed that nothing would happen to put its Darwin seats at risk[35].

And, in the electorate:

> …Aboriginal land rights was at least as important as the 'issues' the parties chose to emphasise…for Aborigines and for many whites the matter was of the first importance.[36]

[34] Ibid; 78
[35] Ibid; 77-78
[36] Ibid; 79

Loveday noted that whilst neither party intended to make land rights an issue in the campaign, it was a major issue in any event. He cited the CLP government's High Court challenge to the Utopia land claim and dissatisfaction with the outcome of grievances put to the government by Aboriginal leaders, which led to a highly public dispute between Chief Minister Paul Everingham and Chairman of the Northern Land Council Galarrwuy Yunupingu. Further:

> Summarising Aborigines' dissatisfaction, Yunupingu insisted that the government had made land rights an election issue by opposing land claims before the court, in spite of what it said about agreeing to land rights, by extending town boundaries to block land claims and by blocking the registration of Aboriginal land titles.[37]

This puts Aboriginal issues, and land rights in particular, squarely in the middle of the first election campaign after self-government commenced in 1978. As Loveday said, whilst neither party may have intended it to be so, it was. This was the case in successive Northern Territory elections.

In a comparison between the CLP and ALP by the Northern Land Council during the campaign, the Land Council said that the CLP had opposed the Warlpiri, Uluru, Montejinni, Utopia and Kenbi land claims, had flagged that it would oppose the Finnis River claim, and had:

> …increased the size of the Darwin Town Boundary by twenty times what it had been and therefore stopped the Larrakia people from having a land claim to the Cox Peninsula (Kenbi land claim). The Larrakia people said this was a trick to stop the claim.[38]

Cabinet documents cited in Chapter 6 support this claim.

During the campaign, the *NT News* reported under the heading 'Labor goes after Aboriginal vote' that posters had appeared in various electorates claiming:

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[37] Ibid; 79
[38] Ibid; 83

> …the ALP heavily backs 'true' land rights, sea rights and road controls on Aboriginal land.
>
> They are personally authorized by former Prime Minister Gough Whitlam, regarded by many Aboriginals as the father of land rights. [39]

What appears to have been missed during this campaign was an extraordinary undertaking made by the CLP Government prior to the election by way of Ministerial Statement in the Legislative Assembly Chamber, and then complete reversal of that policy position soon after.

The 1980 election was held on 7 June. On 30 April, Education Minister Jim Robertson made a Ministerial Statement in relation to Dhupuma College, which serviced some 10 communities in Arnhemland both as a secondary institution and a tertiary (pre-vocational and TAFE) residential college. It was established by the Federal Government in 1972 and produced many nurses, teachers and other Yolngu professionals who now work in Yirrkala. Dhupuma was in a dilapidated state when it was inherited by the Territory Government from the Australian Government and there was some concern, namely from Milton Ballantyne, the then CLP Member for Nhulunbuy, about its future. On the floor of the Assembly, Robertson said:

> The college will be rebuilt on its present site in 2 stages with detailed planning for this reconstruction to commence immediately. This will mean that the first intake of students into the new college facilities will occur at the beginning of the 1983 school year. [40]

Speaking in the Assembly on Budget Day, 18 August 1980, Bob Collins said:

> It is no news to anybody now but Dhupuma College was closed by this government this morning. A large team of officers, without prior notice, called an emergency meeting this morning of the staff of the college and announced that the college will be closed. There will be no Dhupuma College after this term. [41]

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[39] *Northern Territory News*, 4 June 1980
[40] *Hansard*, 30 April 1980
[41] *Hansard*, 18 August 1980

Collins' rationale for the closure was:

> …political expediency. No notice was given at all to the students, their parents or the staff of the college because it was going to be obvious when there was no mention of Dhupuma College in the budget papers that were tabled this morning.[42]

During the Ministerial Statement on 30 April, Robertson said:

> I take the slightly unusual step of committing the government, even before budgetary considerations, to providing on-site accommodation facilities for teachers in the next financial year. [43]

Robertson had flagged, with or without the agreement of his Cabinet colleagues, that the matter would receive favourable consideration during Budget Cabinet. His colleagues must have agreed to something in order for him to present the Ministerial Statement on the college in the first instance. Collins came to the conclusion that:

> The minister could only have been totally dishonest when he made that statement, knowing he was going to renege on it, or unbelievably incompetent. [44]

There is another explanation. What Collins didn't countenance was the position of the CLP's Member for Nhulunbuy, Milton Ballantyne. It was Ballantyne who had earlier sought assurances from the Minister in relation to the future of the college. The college was in his electorate, and he was obviously facing pressure from various community groups and the college itself about its future. It is entirely possible that the Ministerial Statement was made as a pre-election sweetener for Ballantyne's electorate and that there was never any intention of following through on the undertakings made by Robertson. In the event, Ballantyne lost his seat at the 1980 General Election to the ALP's Dan Leo and the college was closed in somewhat spectacular fashion in August 1980.

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[42] Ibid
[43] *Hansard*, 30 April 1980
[44] *Hansard*, 19 August 1980

General Election – 3 December 1983

Table 12: 1983 General Election Synopsis

Seats in Assembly	25		
	CLP	ALP	Ind
Leader	Paul Everingham	Bob Collins	
Slogan	*Let's rock Canberra* *Stand Up for the Territory*	*Labor Now*	
Seats held pre-	11	7	1
Other parties contesting	Australian Democrats (5 candidates) Independent (8 candidates) Independent Labor (1 candidate)		
Seats held post-	19	6	0
Notes	Enrolled to vote: 82, 185 The CLP ran two candidates in each of Arnhem and Victoria River.		

Plate 14: CLP Advertisement, *Northern Territory News*, 1 December 1983

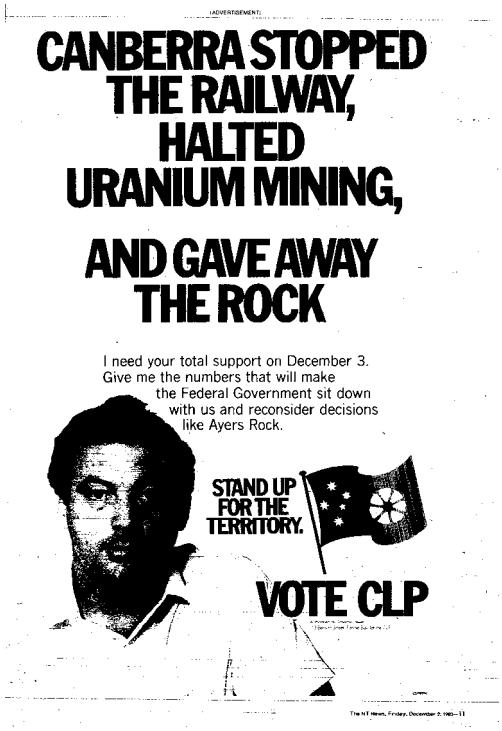

Plate 15: CLP Advertisement, *Northern Territory News*, 2 December 1983

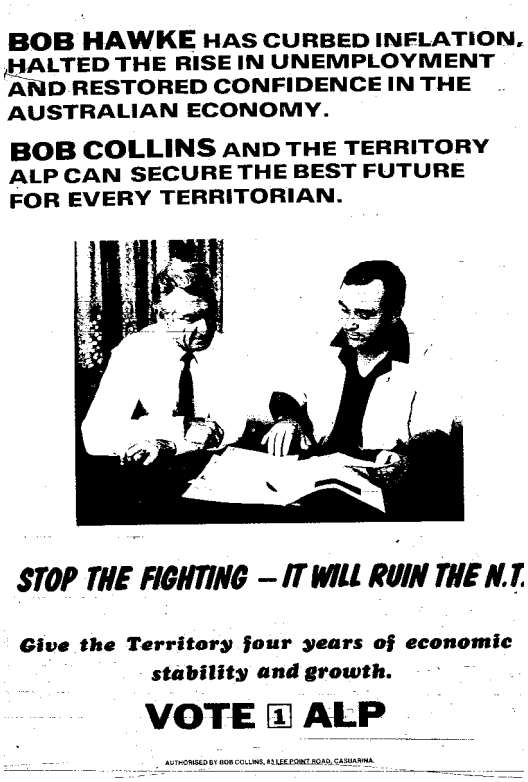

Plate 16: ALP Advertisement, *Northern Territory News*, 30 November 1983

Plate 17: ALP Advertisement, *Northern Territory News*, 30 November 1983

Table 13: 1983 General Election Result by Electorate

Seat	Member	Party	Swing to lose
Arafura*	Robert Lindsay Collins	ALP	0.9%; 11.8% 2PP
Araluen*	James Murray Robertson	CLP	11.8%; 22.5% 2PP
Arnhem	Wesley Lanhupuy*	ALP	8.7% 2PA
Barkly	Ian Lindsay Tuxworth	CLP	10.4% 2PA
Berrimah*	Barry Francis Coulter*	CLP	18.8% 2PA
Braitling*	Roger William Stanley Vale	CLP	27.9% 2PA
Casuarina	Nicholas Manuel Dondas	CLP	15.5% 2PA
Elsey	Roger Michael Steele	CLP	15.9% 2PA
Fannie Bay	Marshall Bruce Perron	CLP	8.1% 1P; 9.9% 2PE (swing to lose applied to ALP's Pam O'Neil)
Flynn*	Raymond Allan Hanrahan*	CLP	17.8% 1P; 19.3% 2PE
Jingili	Paul Anthony Edward Everingham	CLP	21.9% 2PA
Koolpinyah*	Cecilia Noel Padgham-Purich	CLP	12.6% 1P; 20.2% 2PE
Leanyer*	Michael James Palmer*	CLP	16.0% 2PA
Ludmilla	Colin Charles Firmin*	CLP	8.3% 2PA
MacDonnell	Neil Randall Bell	ALP	3.6% 1P; 9.0% 2PE
Millner	Terence Edward Smith	ALP	2.6% 1P; 4.5% SPE
Nhulunbuy	Daniel Murray Leo	ALP	1.3% 2PA
Nightcliff	Stephen Paul Hatton	CLP	4.3% 1P; 17.6% 2PE (swing to lose applied to Independent Dawn Lawrie)
Port Darwin	Tom Harris	CLP	18.7% 2PA
Sadadeen*	Denis Wilfred Collins	CLP	20.6% 2PA
Sanderson	Daryl William Manzie*	CLP	4.9% 2PA (swing to lose applied to ALP's June D'Rozario)
Stuart*	Brian Richard Ede*	ALP	14.4% 2PA
Victoria River	Terrence Robert McCarthy*	CLP	15.3% (swing applied to ALP's Jack Doolan who ran as an Independent. Bree was the ALP's candidate.
Wagaman*	Frederick Arthur Finch*	CLP	11.2% 2PA
Wanguri*	Donald Francis Dale*	CLP	6.9% 1P; 11.5% 2PE

* indicates new seat or first time elected.

The number of seats in the Legislative Assembly was expanded from 19 to 25 in an electoral redistribution prior to the 1983 election, which is reflective of population growth. It remains at 25. Jaensch noted that the CLP fielded 27 candidates, running two in each of the bush seats of Arnhem and Victoria River. He further noted that six Aboriginal candidates contested the election in the seats of Arnhem (CLP, ALP, AD), MacDonnell (AD), Stuart (CLP) and Victoria River (AD). Only the ALP Arnhem candidate, Wesley Lanhupuy, was successful. The election result was a convincing win for the CLP, with preferences being distributed in only three electorates: Arnhem, Elsey and Victoria River.

The seat of Victoria River is probably the most interesting from an electoral perspective. Jack Doolan was the sitting ALP member. He 'failed to apply' for his party's pre-selection, so wasn't considered. He ran in any event as an Independent Labor candidate.[45] The ALP endorsed Dennis Bree to run in the seat. As mentioned earlier, the CLP endorsed two candidates, and Maurie Japaltjari Ryan ran for the Australian Democrats. Normally, incumbency is a huge factor during an election campaign. It is somewhat surprising, then, that the sitting member polled the fewest votes (95 or 5.9%) in a seat that required a massive 15.3 per cent swing on a two-party actual basis.

This was a snap election ostensibly called by Paul Everingham in response to the Australian Government's announcement that it intended to hand title of Uluru to the Anangu, the traditional owners. Everingham launched florid attacks on the Australian Government and in particular Prime Minister Bob Hawke who had been swept to power in March of the same year.

The ALP campaigned on the back of the Hawke election victory earlier in the year. Campaign material featured photographs of Hawke with ALP Leader Bob Collins. This had an impact on the CLP for future campaigns in which parties

[45] Personal communication, Dennis Bree, 14 May 2008.

with federal affiliations were portrayed as puppets to political masters elsewhere in the country whilst the CLP remained the only truly 'Territory' party.

The ALP suffered heavily, losing two of its highest performing members, June D'Rozario who held Sanderson, and Pam O'Neil who held Fannie Bay. Independent Member for Nightcliff, Dawn Lawrie, also lost her seat. Noel Padgham-Purich was the only woman left in the 25-seat Legislative Assembly.

Heatley, writing in *A landslide Election, The NT 1983* [46], referred to his *NT News* column on 7 March immediately after the federal election:

> However disappointed he may be on the outcome of the NT seat, Everingham…must recognize that his options for an early and successful Territory poll later this year are extended…as a strong expression of popular support…If such an election were held on a sensitive federal/Territory issue like land rights, uranium or the erosion of self-government, Everingham, capitalizing also on his residual popularity, would romp in handsomely.

Here, Heatley has identified yet more Arcadian ammunition for the Chief Minister which, ultimately, provided Everingham with an emphatic victory. Whilst there were issues arising from the Federal Election campaign (such as Bob Hawke's commitment to build the Alice Springs to Darwin railway and his later decision to change financial arrangements), CLP polling in September and October endorsed Heatley's prediction. 'In November,' Heatley wrote, 'the issues presented themselves'. [47] The first he cited was the federal ALP government's decision to allow Roxby Downs to proceed in South Australia at the expense of the proposed Jabiluka and Koongarra mines in the Northern Territory. The CLP as a party, however, was not minded to go to an election on this issue alone.

> A week later came the federal decision to transfer Ayers Rock/Uluru to traditional Aboriginal ownership, albeit on the basis that the land would continue to be used for national park purposes. To Everingham, the lack of consultation with Territory authorities and the alleged prior information given to the ALP Opposition was interpreted as yet another attack on the reality of self-government.[48]

[46] Loveday and Jaensch (Eds), 1984; 4
[47] Ibid; 5
[48] Ibid

On this issue, the party was *ad idem* with Everingham and his wish to call an early election was sanctioned. This is worthy of some examination. On Heatley's records, the CLP was in possession of polling – commissioned out of concern about the size of the vote to the ALP in the Federal Election - which indicated a sound victory in any event. The rambunctious Everingham identified uranium as a suitable issue on which to go into combat with the ALP, but the party refused. Uranium, whilst contentious, was not exclusively a race issue. Yet on a black issue, Everingham was given the party's blessing. That this was a campaign based on race is beyond question and leads to the conclusion that the CLP as a party would and did use race as a divisive electoral issue at any opportunity – and this was opportunism of the highest order. Whilst the campaign was full of indignation about 'giving away' Uluru, Everingham and his government were well aware of the matter and, in fact, had agreed to it on the basis that the Northern Territory government would lease it back. In other words, this campaign was manufactured. For example:

> John Reeves commented that in 1983 Everingham had been less than honest with the public about the Ayers Rock matter, neglecting to mention during the election campaign that the CLP Government had previously agreed to let the Aborigines have title to Ayers Rock with the intention of then leasing the area back from the traditional owners.[49]

Chan goes on to cite Clyde Holding, then Minister for Aboriginal Affairs, who pointed out in the Australian Parliament that Everingham engaged in negotiations over title and lease back of Uluru as early as February 1980 and that he had agreed to the Traditional Owners having the majority of seats on the Board of Management. Yet, to the Northern Territory public in 1983, this was the CLP's claim:

> Ayers Rock is a national symbol and the Territory's most famous landmark. Canberra has pulled the rug right out from under us. There is now a cloud of uncertainty over our most important tourist attraction. Handing over Ayers Rock to a small group of people, entirely without consultation, was Canberra's king hit at the people of the Northern Territory. The

[49] Chan, 1992; 76

> Federal Government gave away ownership of our greatest natural wonder without even consulting us. Now is the time to stand up for the Territory.[50]

The CLP was well aware of title to Uluru being handed to the Traditional Owners, and this was negotiated almost four years earlier. In addition, the government had agreed that Traditional Owners would have the majority of seats on the board, and that the Northern Territory government would lease the park from Traditional Owners. When the Australian Government made the public announcement that title would be handed to Traditional Owners in 1983, the CLP seized on this as a 'new' issue, feigned affrontery and went to an election on it. It is a clear case of political opportunism based on race.

Acknowledging that this was the case – that is, Everingham had been in negotiations with the Anangu as early as February 1980 and that the election was called on the false premise of lack of knowledge - Chan concluded with some admiration that:

> The landslide result, of the CLP scoring 58.2 per cent of all votes registered in the 1983 Territory election, proved what well-chosen issues these were.[51]

The issues might have been 'well chosen' but the party was clearly very keen to ensure that whatever 'well chosen' issue it would use to trigger an election should be one involving land and Aboriginal people. As noted above, uranium, which was a highly divisive issue, was not sufficient, but an issue giving rise to 'black bashing' was perfectly suited to the CLP's electoral imperative.

Heatley noted that the ALP also polled during late 1983 so it was as well aware of its 'parlous' position as the CLP was of its advantage. He wrote:

> Throughout the campaign, a spirit of high confidence permeated CLP ranks and expectations of the number of seats to be won ranged from at least 16 to a

[50] Ibid; 74
[51] Ibid; 78

> maximum of 20. Although Labor supporters contended that the margin between the parties would be far closer, the ALP campaign was conducted in an atmosphere of grim resignation, especially in the urban areas….[Bob] Collins himself also publicly admitted early in the campaign the difficulties the ALP was facing and, in private, his later fear that his party would be trounced.[52]

Commenting on the release of 1978 Federal Cabinet papers in 2009, Everingham said:

> The federal government treated us like children in terms of handing over responsibility [for Aboriginal Affairs].[53]

By his conduct during the 1983 campaign, Everingham demonstrated that it would be most unwise of the Australian Government to hand responsibility for Aboriginal matters, and particularly land rights, to the CLP. The campaign is a good example of how the CLP treated Aboriginal people as interlopers in the governance of the Northern Territory and certainly illustrates how the CLP operated to isolate and marginalize that sector of the Northern Territory population.

It was mantra to which his successors would cling obsessively:

> Mr [former Chief Minister Shane] Stone says the Territory is subject to the Federal Aboriginal Land Rights Act and powerful land councils will not support the changes to land tenure that would result from statehood.[54]

[52] Heatley in Loveday and Jaensch (Eds), 1984; 4
[53] ABC News Online, *Intervention 'a mark of the failure of self-government'*
[54] ABC News web site, 1 January 2001

General Election - 7 March 1987

Table 14: 1987 General Election Synopsis

Seats in Assembly	25			
	CLP	ALP	Nat	Ind
Leader	Steve Hatton	Terry Smith	Ian Tuxworth	
Slogan	*Strong, Stable, Independent Government and* *If you want it to happen, stay with Hatton.*	*Together, we can do it*	*Vote for the Territory Nationals and let's get the Territory <u>really</u> moving again!*	
Seats held pre-	18*	6	1*	0
Other parties contesting	CLP, ALP and Nationals all ran 25 candidates; 10 Independents contested.			
Seats held post-	16	6	1	2
Notes	Enrolled to vote: 74, 633 *Tuxworth was expelled from the CLP during the foregoing term and sat alone as a National. Hitherto, the CLP had 19 members to the ALP's six with no Independents. Noel Padgham-Purich (Koolpinyah) and Denis Collins (Sadadeen) failed to secure CLP preselection. Each ran as an Independent (Collins as an Independent CLP) and each retained their seat. By-elections were held in Araluen (resignation of the CLP's Jim Robertson) and Jingili (resignation of Paul Everingham). Both seats were retained by the CLP. This was a Wet Season campaign.			

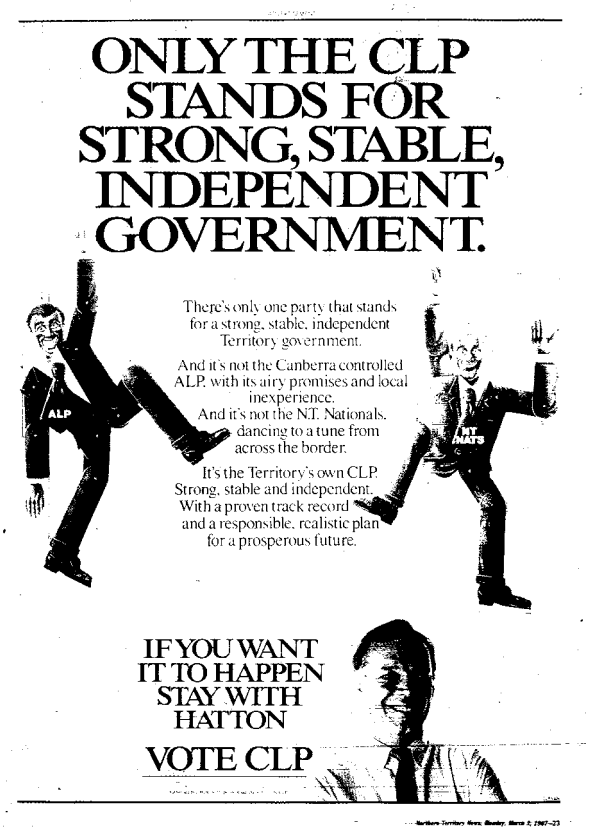

Plate 18: CLP Advertisement, *Northern Territory News*, 2 March 1987

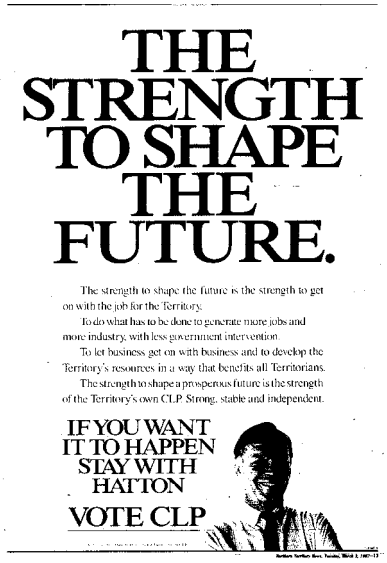

Plate 19: CLP Advertisement, *Northern Territory News*, 3 March 1987

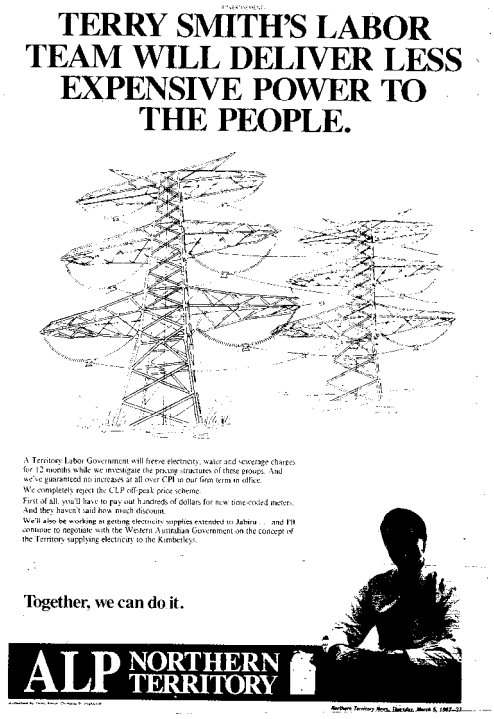

Plate 20: ALP Advertisement, *Northern Territory News*, 3 March 1987

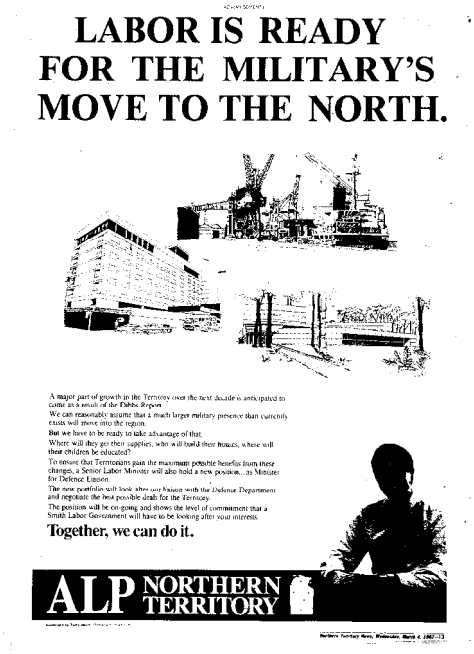

Plate 21: ALP Advertisement, *Northern Territory News*, 4 March 1987

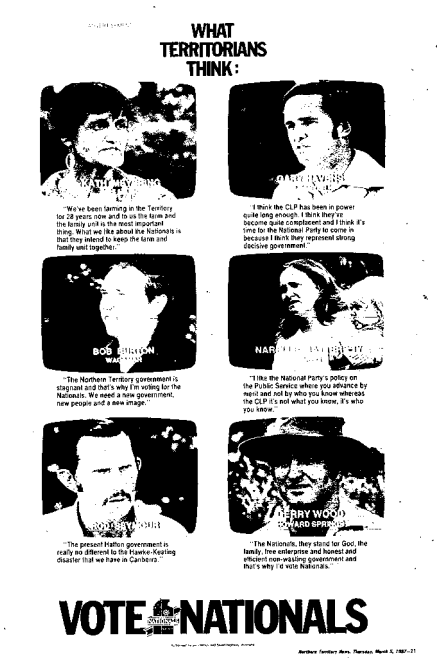

Plate 22: National Party Advertisement, *Northern Territory News*, 5 March 1987

Plate 23: National Party Advertisement, *Northern Territory News*, 5 March 1987

Table 15: 1987 General Election Result by Electorate

Seat	Member	Party	Swing to lose sPP
Arafura	Stanley Tipiloura*	ALP	18% (managed +5% swing)
Araluen	Eric Houguet Poole*	CLP	14.3% (ALP's Di Shanahan gained 7.7%)
Arnhem	Wesley Lanhupuy	ALP	5.2% (gained 4.1%)
Barkly	Ian Lindsay Tuxworth	Nat	14.5% (ALP lost 4.4%)
Braitling	Roger William Stanley Vale	CLP	25.6% (ALP gained 2.5% from 1983)
Casuarina	Nicholas Manuel Dondas	CLP	4.1% (CLP gained 11% from 1983 figure)
Fannie Bay	Marshall Bruce Perron	CLP	13.4% (ALP lost 3.3%)
Flynn	Raymond Allan Hanrahan	CLP	19.0% (no swing for ALP)
Jingili	Richard Alfred Setter	CLP	7.5% (ALP gained 11.6%)
Karama*	Michael James Palmer (formerly held Leanyer)	CLP	6.6% (ALP gained 9.5%)
Katherine*	Michael Anthony Reed*	CLP	16.4% (ALP gained 1.7%)
Koolpinyah	Cecilia Noel Padgham-Purich	Ind	18.6% (ALP gained 0.5%)
Leanyer	Frederick Arthur Finch	CLP	6.4% (ALP gained 6.7%)
Ludmilla	Colin Charles Firmin	CLP	16.5% (ALP lost 0.4%)
MacDonnell	Neil Randal Bell	ALP	25% (ALP gained 15.9%)
Millner	Terrence Edward Smith	ALP	15.3% (ALP gained 13.2%)
Nhulunbuy	Daniel Murray Leo	ALP	10% (ALP gained 4.9%)
Nightcliff	Stephen Paul Hatton	CLP	18.5% (ALP lost 3.4%)
Palmerston*	Barry Francis Coulter (formerly held Berrimah)	CLP	15.2% (ALP gained 6.9%)
Port Darwin	Tom Harris	CLP	17.2% (ALP gained 0.9%)
Sadadeen	Denis Wilfred Collins (incumbent)	Ind	19.8% (ALP gained 0.3%)
Sanderson	Daryl William Manzie	CLP	7.7% (ALP lost 3.6%)
Stuart	Brian Richard Ede	ALP	19.3% (ALP gained 5.2%)
Victoria River	Terence Robert McCarthy	CLP	16.9% (ALP lost 2.9%)
Wanguri	Donald Francis Dale	CLP	9.5% (ALP gained 1.6%)

* indicates new seat or first time elected.

An electoral redistribution was carried out in 1986 to deal with rapid population growth in Darwin's northern suburbs and in Palmerston. Katherine, Karama and Palmerston were created, whilst Berrimah (Coulter, CLP), Elsey (Steele, CLP) and Wagaman (Dale, CLP) were abolished. Only four electorates were unchanged: Arafura (Bob Collins, ALP), MacDonnell (Neil Bell, ALP), Sadadeen (Denis Collins, CLP) and Stuart (Brian Ede, ALP).

Two by-elections were held between the general elections. They related to the seats of Araluen and Jingili from which CLP sitting members Jim Robertson and Paul Everingham respectively retired. The CLP held both, with Ray Hanrahan picking up Araluen and Rick Setter winning Jingili.

Two incumbent CLP members lost party endorsement during pre-selection for their seats, and both nominated as Independents. They were Noel-Padham-Purich who held Koolpinyah and Denis Collins who held Sadadeen.

Internal ructions within the CLP gave rise to expulsion from it of former Chief Minister Ian Tuxworth, which resulted in his bold move to establish the Territory Nationals, taking disaffected CLP members with him. The first to announce his defection, according to Carment, was Bob Liddle, the CLP's number two Senate candidate and Chairman of the Alice Springs Branch of the party. Liddle was the complainant in the Shane Stone Law Society Professional Conduct matter.

Other CLP defectors included the Mayor of Palmerston, Michael Ting, who ran against Barry Coulter, and Darwin Alderman Graeme Bevis, who had been Chairman of the CLP Sanderson Branch.

Whilst running a full field of 25 candidates, the Territory Nationals did not fare well and secured only Tuxworth's seat of Barkly.

Carment noted that:

> The Northern Territory News, which supported the CLP in the election, editorialized that 'the CLP has been entrenched as the natural governing party in the Territory'.[55]

Bob Collins did not contest this election, having been endorsed as the ALP candidate for the number one position on the Senate ticket at the next federal election.

Terry Smith, Opposition Leader, and Steve Hatton, now Chief Minister, ran presidential style campaigns, signaling a maturity in political advertising and certainly an increase in advertising expenditure by the ALP. The ALP campaigned on the theme *Together, We Can Do It*, which had previously been the theme in a Western Australian election. The CLP's line was *Strong, Stable, Independent Government* which continued the Arcadian line and stressed the CLP's independence, depicting the ALP and Nationals as being hamstrung by their parties at the national level. A second theme was *If you want it to happen, stay with Hatton,* presumably designed to promote the Chief Minister on a personal level.

Interestingly, a National Party advertisement features a Gerry Wood of Howard Springs saying:

> The Nationals, they stand for God, the family, free enterprise and honest and efficient non-wasting government and that's why I'd vote Nationals.[56]

Gerry Wood is now an Independent member of the Legislative Assembly; he holds the seat of Nelson.

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[55] *AJPH* Vol 33, No 3 1987;302
[56] *Northern Territory News*, 5 March 1987, p 21

The *NT News* polling day editorial had this to say of the ALP campaign:

> The Opposition Leader, Mr Terry Smith, has overcome early problems to campaign quite well but he cannot complain either if Territorians are reminded of the string of broken promises and punitive treatment Mr Hawke and his colleagues have meted out to the Northern Territory.
>
> Finally, Mr Smith and his erstwhile colleagues have taken great care not to dwell on the resolutions adopted at the May 1986 annual conference of the party.
>
> Those resolutions are the hidden agenda in the ALP's platform – no uranium, no mining in national parks and extended land rights.
>
> In other words the Labor Party's agenda continues to be dominated by the Far Left and as such is unacceptable to the vast majority of Territorians.[57]

Of the Nationals:

> As for the Nationals, Sir Joh's own party, they have spent a lot of money but they propose nothing except a vague promise to do the job better than the governing party. No one says how.
>
> …
>
> Having failed in the arena of public debate there is evidence the Nationals have descended to dirty tricks.
>
> This is a new experience for Territorians who have always been able to fight hard but clean and have a convivial afterwards. Apparently that is not the way the game is played in Queensland.[58]

I would argue that the Northern Territory had already been the subject of political 'dirty tricks', a case in point being the 1983 campaign, but they were unaware of it.

And of the CLP:

> For its part the Country Liberal Part under the Chief Minister, Mr Steve Hatton, has failed to fire Territorians with a new sense of enthusiasm and a vision for the future.
>
> More is the pity because behind a mild-mannered exterior, Mr Hatton has both.

[57] *Northern Territory News*, 7 March 1987; 6
[58] Ibid

> Gone are the razzmatastic Everingham days and Mr Tuxworth's 'New Age' thinking. What we now have is a hard-working Chief Minister who has actually trimmed the Public Service and who gives every sign of meaning what he says when he speaks in support of free enterprise.[59]

The editorial concluded:

> There is therefore no substantial reason for Territorians to change their Government at this election.
>
> Indeed there is every reason the CLP Government should get another term so that Territorians can look forward to four years of political stability and economic growth.[60]

Carment noted that:

> Five electorates in Darwin's northern suburbs, Casuarina, Jingili, Karama, Sanderson and Wanguri, became very marginal for the CLP against the ALP.[61]

Loveday noted that the Nationals' campaign was doomed because of the short election timeframe, which did not allow enough time for the fledgling party to establish itself as a credible alternative, and because of the party's position that neither the CLP nor the ALP was capable of managing the Northern Territory, its messages were mixed and 'somewhat out of focus' [62]. He further noted that the Chief Minister, Steve Hatton, engaged in Arcadian populism during the campaign. On the day of the poll, Hatton turned to standard CLP rhetoric:

> The CLP is the only political party formed in the Territory by Territorians and for Territorians and owing its allegiance to nobody other than the people of the Northern Territory.[63]

---

[59] Ibid
[60] Ibid
[61] *AJPH,* Volume 33, No 3, 1987; 302
[62] Jaensch and Loveday, 1987; 47
[63] Ibid

CLP advertising referred to the ALP as 'Canberra controlled…with its airy promises and local inexperience' and to the Nationals as 'dancing to a tune from across the border' whilst stressing its own independence.[64]

Jaensch noted that in respect of the Labor/non-Labor vote, there was 'virtually no change', with the National Party taking some votes from the CLP, but otherwise having very little impact. There were swings to Labor in most northern suburbs seats, the exceptions being Nightcliff and Sanderson where incumbent members (Steve Hatton and Daryl Manzie respectively) attracted swings of about three per cent [65].

[64] Ibid; 48-49
[65] Jaensch in Jaensch and Loveday (Eds), 1987; 199

General Election - 27 October 1990

Table 16: 1990 General Election Synopsis

Seats in Assembly	25			
	CLP	ALP	Nat	Ind
Leader	Marshall Perron	Terry Smith	Ian Tuxworth	
Slogan	*We hear you knocking, but you can't come in.* (portraying ALP leader Terry Smith as a 'knocker'). *Secure your future*	*Go Labor*	--	
Seats held pre-	14	7	2	2
Other parties contesting	Green Independents and Independents			
Seats held post-	14	9	0	2
Notes	Enrolled to vote: 82,261 Electoral redistribution in 1990 abolished four electorates: Koolpinyah, Ludmilla, Sadadeen and Flynn. Brennan, Goyder, Greatorex and Nelson were created. Three by-elections were held: Barkly (disputed return in 1987 election – Tuxworth retained seat); Flynn (resignation of the CLP's Ray Hanrahan, Enzo Floriani won the seat for the Nationals); Wanguri (resignation of CLP's Don Dale. John Bailey picked up the seat for the ALP). CLP ran two candidates in each of MacDonnell and Stuart. Nationals fielded 12 candidates, the Greens seven and there were 12 Independents. This was the first time a mother and daughter have run in the same election. Noel Padgham-Purich won the seat of Nelson, having held the abolished Koolpinyah, and Kezia Purick ran as an Independent in Goyder. It was also the first time two brothers ran in the same election. Steve Dunham unsuccessfully ran for the CLP in Victoria River and John Dunham unsuccessfully ran for the Greens in Nightcliff. Ian Tuxworth abandoned the seat of Barkly and unsuccessfully ran for the Nationals in Goyder. That ended the life of the National Party in the Northern Territory. Both Independents were former CLP members (Collins in Sadadeen and Padgham-Purich in Nelson).			

Plate 24: CLP Advertisement, *Northern Territory News*, 11 October 1990

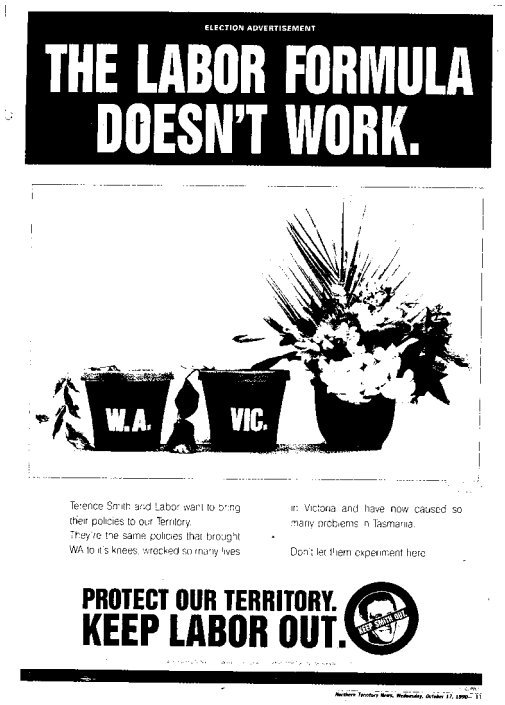


Plate 25: CLP Advertisement, *Northern Territory News*, 17 October 1990

World oil price slides

LPG price increased

Pump prices may drop in fortnight

New facility makes every post a winner

Mandela gives thanks; Ruxton calls him terrorist

Australian Labor Party

GO LABOR

UNLIMITED BUS TRAVEL

FOR WEEKLY BUSPASS HOLDERS

7 DAYS A WEEK

Plate 26: ALP Advertisement, *Northern Territory News*, 23 October 1990

Privacy proposal slammed

Officer faces escape charge

Man held over drug warrants

Play party for Children's Week

'Timor students killed'

TERRY McCARTHY, MLA

Country Liberal for Goyder

SECURE YOUR FUTURE

McCARTHY

Lotto makes Malak man rich

PETER CAVANAGH

TAX AGENT AND ACCOUNTANT

MOST REFUNDS IN 14 DAYS!

Phone: 81 4192

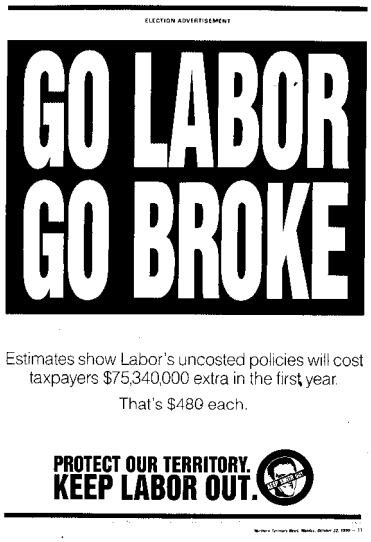
Phone: 27 4355

Australian Labor Party

GO LABOR

CUT YOUR ELECTRICITY BILL

Plate 27: ALP Advertisement, *Northern Territory News*, 24 October 1990



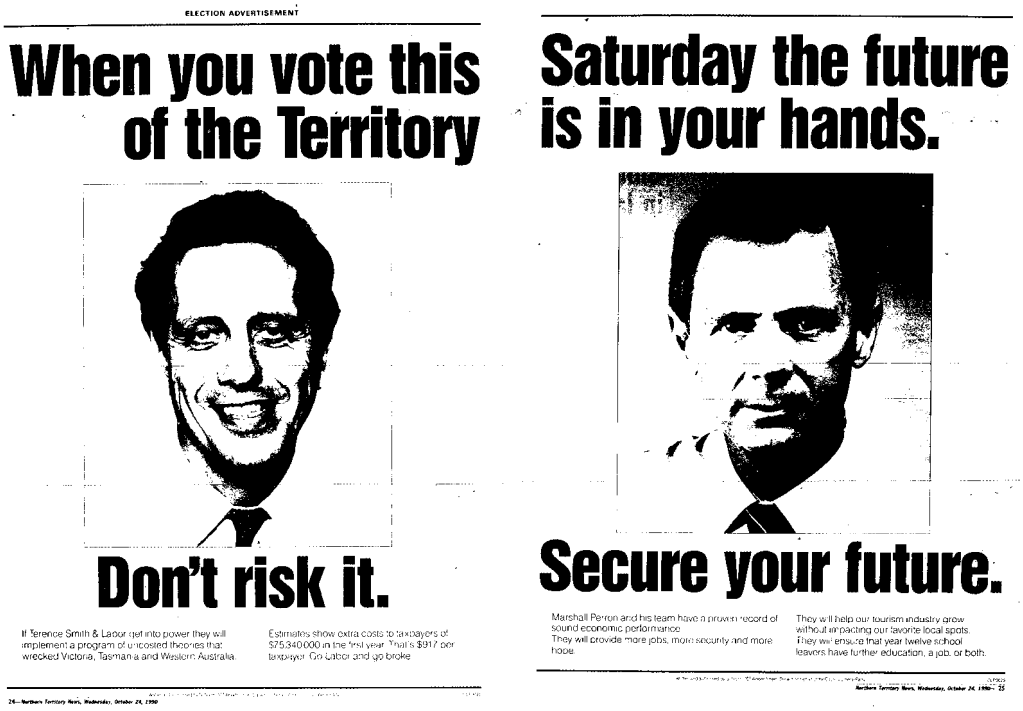
ELECTION ADVERTISEMENT

GO LABOR
GO BROKE

Estimates show Labor's uncosted policies will cost taxpayers $75,340,000 extra in the first year.
That's $480 each.

PROTECT OUR TERRITORY.
KEEP LABOR OUT.

Plate 28: CLP Advertisement, *Northern Territory News*, 22 October 1990



ELECTION ADVERTISEMENT

When you vote this
of the Territory

Don't risk it.

If Terence Smith & Labor get into power they will implement a program of uncosted theories that wrecked Victoria, Tasmania and Western Australia.

Estimates show extra costs to taxpayers of $75,340,000 in the first year. That's $917 per taxpayer. Go Labor and go broke.

Saturday the future
is in your hands.

Secure your future.

Marshall Perron and his team have a proven record of sound economic performance.
They will provide more jobs, more security and more hope.

They will help our tourism industry grow without impacting our favorite local spots.
They will ensure that year twelve school leavers have further education, a job, or both.

Plate 29: CLP Advertisement, *Northern Territory News*, 24 October 1990

Table 17: 1990 General Election Result by Electorate

Seat	Member	Party	Swing to lose 2PP
Arafura	Stanley Tipiloura	ALP	16.6%
Araluen	Eric Houguet Poole*	CLP	21%
Arnhem	Wesley Wagner Lanhupuy	ALP	11.3%
Barkly	Margaret Anne Hickey*	ALP	0.8%
Braitling	Roger William Stanley Vale	CLP	26.3%
Brennan*	Maxwell Henry Ortmann*	CLP	10.2%%
Casuarina	Nicholas Manuel Dondas	CLP	11.6%
Fannie Bay	Marshall Bruce Perron	CLP	10.1%
Goyder*	Terence Robert McCarthy (formerly Victoria River)	CLP	15.7%
Greatorex*	Denis Wilfred Collins (formerly Sadadeen)	Ind	20.4%
Jingili	Richard Alfred Setter	CLP	9.3%
Karama	Michael James Palmer	CLP	10.9%
Katherine	Michael Anthony Reed	CLP	21.1%
Leanyer	Frederick Arthur Finch	CLP	12%
MacDonnell	Neil Randal Bell	ALP	13.6%
Millner	Terrence Edward Smith	ALP	6.8%
Nelson*	Cecilia Noel Padgham-Purich (formerly Koolpinyah)	Ind	24%
Nhulunbuy	Sydney James Stirling*	ALP	9.2%
Nightcliff	Stephen Paul Hatton	CLP	12.2%
Palmerston	Barry Francis Coulter	CLP	11.8%
Port Darwin	Shane Leslie Stone*	CLP	11.7%
Sanderson	Daryl William Manzie	CLP	9.1%
Stuart	Brian Richard Ede	ALP	17.1%
Victoria River	Gary Royce Cartwright*	ALP	1.6%
Wanguri	John Derek Bailey	ALP	6.3%

* indicates new seat or first time elected.

It was during this electoral battle that the CLP resorted to negatively campaigning against the ALP, deriding the Opposition Leader Terry Smith as a ‘Terence’, a fumbling dunce. This derision was accompanied by less than flattering photographs of Smith, who had somewhat foolishly admitted during a television interview that he had a ‘charisma by-pass’.

Budget was clearly a problem for the ALP during the campaign; its advertisements were small and simple whereas the CLP spent a great deal on its negative campaign against Smith and the ALP generally, portraying Perron as statesmanlike and reliable.

This form of advertising was described by *Northern Territory News* commentator Frank Alcorta [66] as 'woeful'. He continued:

> It was negative and carping.
>
> If CLP strategists believe this sort of campaign is going to swing hearts and minds to its side, they had better think again.
>
> It is more likely to do the reverse[67].

Writing about the same issue, *NT News* journalist Fred McCue said:

> CLP strategists said this type of advertisement was made necessary by the media's failure to put Smith under the hammer. This sort of attitude is generally reserved for political parties feeling they have their backs to the wall.[68]

The results of the 1987 election indicated that 1990 would be a much closer contest, particularly in several northern suburbs seats which had become marginal in the 1987 poll. Perhaps this is why CLP strategists decided to target Smith's personality in a negative manner. In any event, the CLP spent considerably more on advertising than the ALP.

McCue made this observation about the campaign:

> When Chief Minister Marshall Perron finally ended the speculation on October 5 and announced the election date, he asked for a mandate to go to the special Premiers' Conference in Brisbane to put the NT's case about the repatriation of the Land Rights Act to Territory control and what he claimed was the inherent waste of the Aboriginal and Torres Strait Islander Commission.
>
> Neither issue featured highly in the campaign[69].

---

[66] Alcorta was an academic who had previously taught History and was a one-time member of the ALP.
[67] *Northern Territory News*, 9 October 1990.
[68] *Sunday Territorian*, 28 October 1990

That is not so. First, Perron called the election on purely racist grounds (once again, the Land Rights Act), as McCue pointed out. Second, it was during this campaign that Perron wrote to the people of the Northern Territory in the following terms:

> Dear Elector,
>
> Let's secure the future together.
>
> The Prime Minister has invited me to the Special Premiers Conference on October 30-31. The agenda will be the division of powers and duplication of services between federal and state governments.
>
> I have called the Territory election for Saturday 27 October so that I can deliver a strong message from Territorians about lack of equality and wastage here in the Territory.
>
> On your behalf, I will be saying that Territorians of all races and colours desire that:
>
> * the Land Rights Act is transferred to NT control to be administered by the Territory-elected parliamentarians so that we can govern a united Territory - not 2 groups of people with 2 sets of laws.
>
> * Territorians reject talk of a treaty and compensation for 'land stolen' because this issue does not unite, it divides.
>
> * Territorians want the new fourth tier of government, the Aboriginal and Torres Strait Islander Commission, ATSIC, reviewed, and its NT programs placed under Territory control to eliminate wasting taxpayers' money.
>
> The issue is this. *Territorians are fed up with 2 sets of laws, 1 based on race*.
>
> You can help drive home that message.
>
> Please secure your future and the Territory's by supporting the Country Liberal government on Saturday 27.
>
> Yours sincerely,
> Marshall Perron
> Chief Minister and Treasurer
> Northern Territory Government.[70] [emphasis added]

---

[69] Ibid
[70] Ibid

Once again, the CLP campaigned on the issue of race, a campaign strategy that ALP Member for MacDonnell Neil Bell attributed to Alistair Heatley. Each of the three dot points in Perron's letter is directed squarely at Aboriginal people and there was again an attempt to marginalize and separate that group from the rest of the 'Territorian' population. It is interesting that campaign strategists decided to add the imprimatur of the 'Northern Territory Government' to Perron's letter. Technically, Perron was the head of a caretaker government because the election had been called. As noted in Chapter 6, this document very neatly contained all Four Elements which characterized the CLP: Arcadianism; populism; invention and imagined community; and race.

In any event, the federal Race Discrimination Commissioner, Irene Moss, wrote to Marshall Perron after the Central Land Council complained. In her letter to the Central Land Council, she said:

> I am disturbed that the bipartisan approach that has characterized recent discussion of Aboriginal issues at the federal level is yet to be realized in the Northern Territory…I have indicated my disappointment to Mr Perron that these goals may be put at risk by an election campaign that appears to promote divisiveness.[71]

The *Weekend Australian* article further said:

> A UNESCO educational conference in Darwin yesterday issued a statement saying it was 'appalled and disgusted by the arrogance and racism' contained in the material.[72]

The CLP's racist campaigning was now beyond doubt, yet it used it as a tried and true election strategy, consistently denying that it was in any way racist. McCue further noted that the CLP 'fudged' the figures during that campaign:

> It became very much a case of the CLP standing on its record, one which it claimed extended over the past 12 years, rather than the 16 the party has actually been in power.

---

[71] Wallace, *Weekend Australian*, October 20-21 1990; 11
[72] Ibid

> By conveniently overlooking its first four years of power – pre self-government – the CLP provided a fair indication of just how nervous it was about being perceived by the voters as a tired government.[73]

On a two party-preferred basis, the nett result of the election was a 0.3 per cent swing away from the CLP to the ALP. This must have come as a massive relief to the CLP because, as we will see, the government was smarting from cuts to federal funding, a general economic recession and rapidly accumulating debt and liabilities that could not be serviced without a radical re-think of economic management policy.

In April of 1991, Chief Minister Marshall Perron announced a range of economic changes during a Ministerial Statement about the Economic Review Committee, which had recommended that Cabinet address the Territory's financial management. During that debate Opposition Leader Brian Ede pointed out that the Institute of Public Affairs described the CLP's economic approach as 'corporate adventurism'.[74] Chief Minister Perron's range of budgetary responses included a significant cut in public service jobs and closure of a number of schools, among other things. None of this was foreshadowed or addressed by the CLP during the 1990 election campaign, which was pointed out by the ALP's Member for Barkly Maggie Hickey in August of 1991:

> At the last election, this government's catchcry was 'secure your future'. Mr Speaker, you can secure your children's future all right. Territorians can be secure in the knowledge that, whenever this government is strapped for cash, the first services to go will be in the areas of education and health and community services.[75]

Understandably, issues such as public service job cuts and school closures would have been the subject of considerable sensitivity in the electorate, particularly in Darwin's northern suburbs, so the CLP chose instead to rely on the tried and true strategy of electoral racism in those very suburbs.

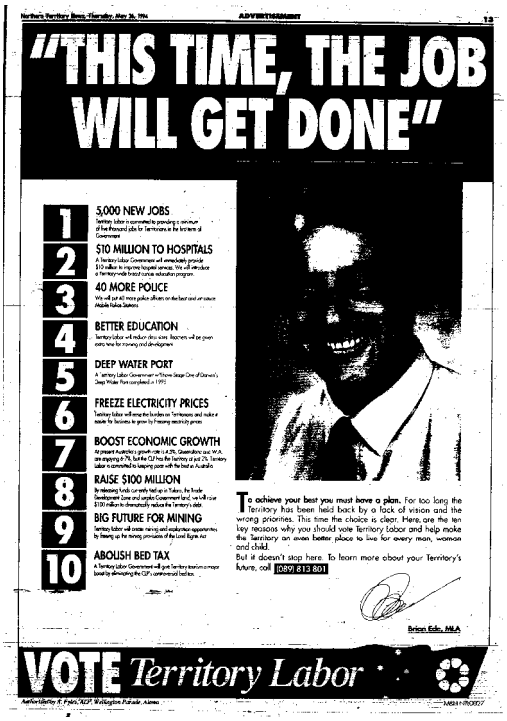
---

[73] *Sunday Territorian*, 28 October 1990
[74] *Hansard*, 30 April 1991
[75] *Hansard*, 21 August 1991

General Election – 4 June 1994

Table 18: 1994 General Election Synopsis

Seats in Assembly	25		
	CLP	ALP	Ind
Leader	Marshall Perron	Brian Ede	
Slogan	*Put the Territory first: vote Country Liberal* *Labor: 'L' of a Risk*	*It's time for change* *This time, I'm voting for Territory Labor*	
Seats held pre-	14	9	2
Other parties contesting	Greens (2 candidates) Australian Democrats (1 candidate) Independents (10 candidates)		
Seats held post-	17	7	1
Notes	Enrolled to vote: 95,007 A minor redistribution occurred in 1993 with 13 of the 25 electorates remaining unchanged. The Alice Springs region boundaries were re-drawn and changed Araluen, Braitling and Greatorex significantly. Two by-elections were held during the intervening period: one in Millner (Terry Smith resigned, Ken Parish elected for the ALP); and Arafura (death of Stanley Tipiloura; Maurice Rioli elected for the ALP). For the first time, the ALP departed from its corporate livery of red, white and blue and campaigned as 'Territory Labor' using ochre, black and white. Max Ortmann stood as an Independent in Brennan. He resigned as Minister for Transport & Works in February 1994 after assaulting ABC TV journalist Jeremy Thompson by wrapping a microphone cord around Thompson's neck. He pleaded guilty to assault charges and was not preselected by the CLP; Denis Burke was. Gerry Wood unsuccessfully stood as an Independent in Goyder. This was the first time that 'push-polling' was used by the CLP in a Northern Territory election. The 'polling' was racist in nature and targeted the seats of Millner, Jingili and Wanguri. This campaign was one of the shortest in NT electoral history: 18 days.		



"THIS TIME, THE JOB WILL GET DONE"

1 5,000 NEW JOBS
Territory Labor is committed to providing a minimum of five thousand jobs for Territorians as the long term aim of Government

2 $10 MILLION TO HOSPITALS
A Territory Labor Government will immediately provide $10 million to improve hospital services. This will introduce a Territory-wide breast cancer education program.

3 40 MORE POLICE
We will put 40 more police officers on the beat and we assure Mobile Police Stations.

4 BETTER EDUCATION
Territory Labor will reduce class sizes. Teachers will be given extra time for planning and development.

5 DEEP WATER PORT
A Territory Labor Government will have Stage One of Darwin's Deep Water Port completed in 1997.

6 FREEZE ELECTRICITY PRICES
Territory Labor will keep the burden on Territorians and make it easier for business to grow by freezing electricity prices.

7 BOOST ECONOMIC GROWTH
At present Australia's growth rate is 4.2%. Queensland is at 5%, WA. are staying at 4.7%, but the NT has the Territory at just 2%. Territory Labor is committed to keeping pace with the best in Australia.

8 RAISE $100 MILLION
By releasing funds currently held up in Tribunals, the Trade Development Zone and surplus Government land, we will raise $100 million to dramatically reduce the Territory's debt.

9 BIG FUTURE FOR MINING
Territory Labor will create mining and exploration opportunities by freeing up the mining provisions of the Land Rights Act.

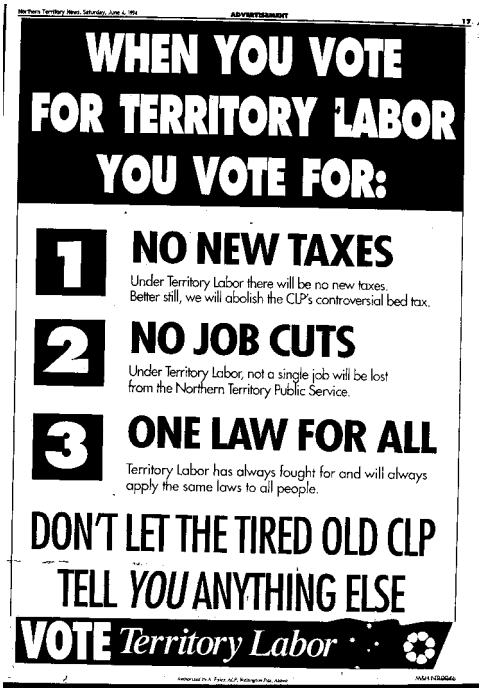
10 ABOLISH BED TAX
A Territory Labor Government will give Territory tourism a major boost by abolishing the CLP's controversial bed tax.

To achieve your best you must have a plan. For too long the Territory has been held back by a lack of vision and the wrong priorities. This time the choice is clear. Here are the ten key reasons why you should vote Territory Labor and help make the Territory an even better place to live for every man, woman and child.
But it doesn't stop here. To learn more about your Territory's future, call 1800 813 801

Brian Ede, MLA

VOTE *Territory Labor*

Plate 30: ALP Advertisement, *Northern Territory News*, 26 May 1994



WHEN YOU VOTE FOR TERRITORY LABOR YOU VOTE FOR:

1 **NO NEW TAXES**
Under Territory Labor there will be no new taxes. Better still, we will abolish the CLP's controversial bed tax.

2 **NO JOB CUTS**
Under Territory Labor, not a single job will be lost from the Northern Territory Public Service.

3 **ONE LAW FOR ALL**
Territory Labor has always fought for and will always apply the same laws to all people.

DON'T LET THE TIRED OLD CLP TELL *YOU* ANYTHING ELSE

VOTE *Territory Labor*

Plate 31: ALP Advertisement, *Northern Territory News*, 4 June 1994

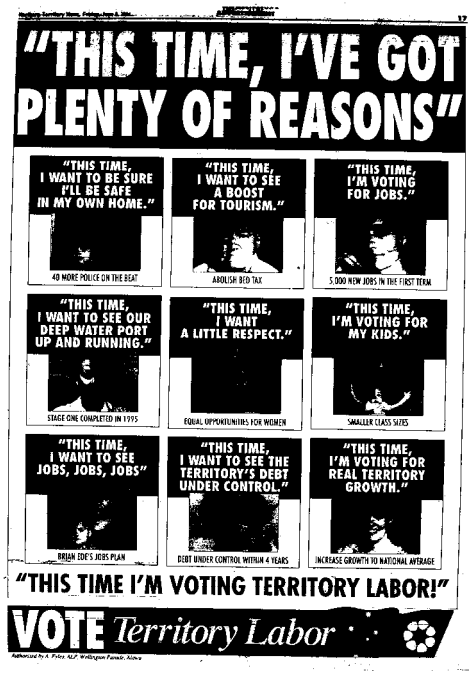


Plate 32: ALP Advertisement, *Northern Territory News*, 3 June 1994

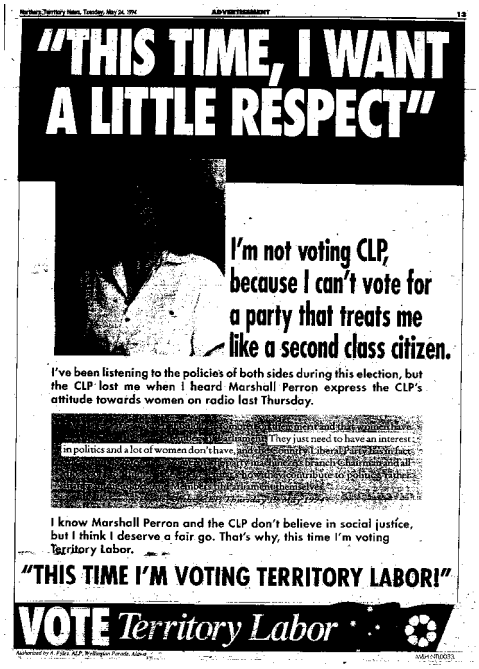
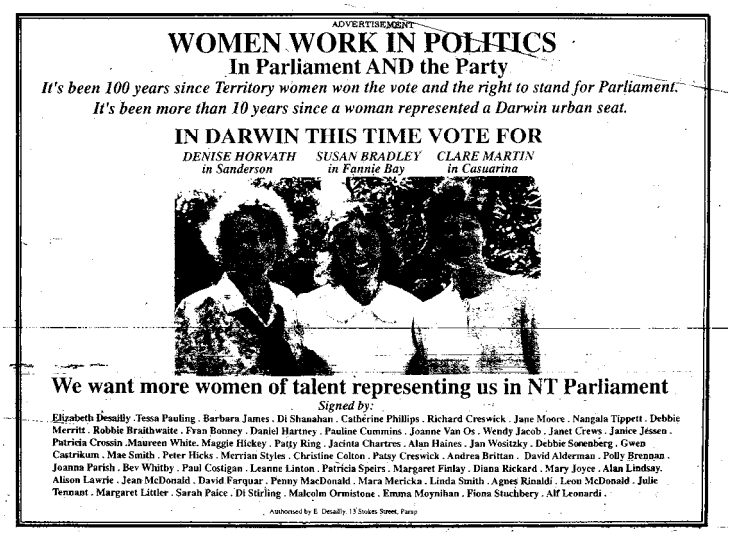


Plate 33: ALP Advertisement, *Northern Territory News*, 24 May 1994



ADVERTISEMENT

WOMEN WORK IN POLITICS

In Parliament AND the Party

It's been 100 years since Territory women won the vote and the right to stand for Parliament.
It's been more than 10 years since a woman represented a Darwin urban seat.

IN DARWIN THIS TIME VOTE FOR

DENISE HORVATH in Sanderson — *SUSAN BRADLEY in Fannie Bay* — *CLARE MARTIN in Casuarina*

We want more women of talent representing us in NT Parliament

Signed by:

Elizabeth Desailly .Tessa Pauling . Barbara James . Di Shanahan . Catherine Phillips . Richard Creswick . Jane Moore . Nangala Tippett . Debbie Merritt . Robbie Braithwaite . Fran Bonney . Daniel Hartney . Pauline Cummins . Joanne Van Os . Wendy Jacob . Janet Crews . Janice Jessen . Patricia Crossin .Maureen White. Maggie Hickey . Patty Ring . Jacinta Chartres . Alan Haines . Jan Wositzky . Debbie Sonenberg . Gwen Castrikum . Mae Smith . Peter Hicks . Merrian Styles . Christine Colton . Patsy Creswick . Andrea Brittan . David Alderman . Polly Brennan . Joanna Parish . Bev Whitby . Paul Costigan . Leanne Linton . Patricia Speirs . Margaret Finlay . Diana Rickard . Mary Joyce . Alan Lindsay. Alison Lawrie . Jean McDonald . David Farquar . Penny MacDonald . Mara Mericka . Linda Smith . Agnes Rinaldi . Leon McDonald . Julie Tennant . Margaret Littler . Sarah Paice . Di Stirling . Malcolm Ormistone . Emma Moynihan . Fiona Stuchbery . Alf Leonardi .

Authorised by E. Desailly, 15 Stokes Street, Parap

Plate 34: ALP Advertisement, *Northern Territory News*, 2 June 1994

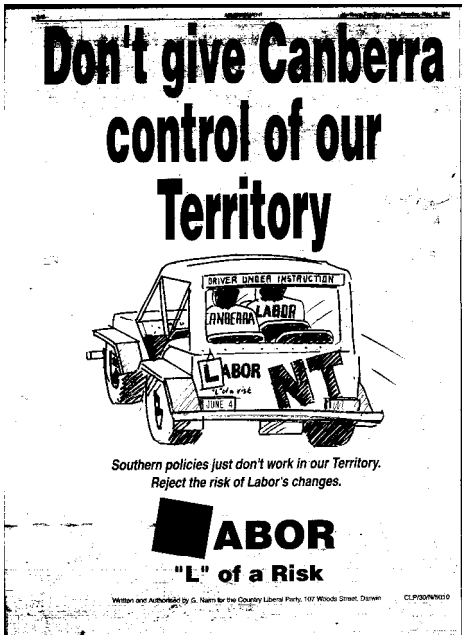


Plate 35: CLP Advertisement, *Northern Territory News*, 22 May 1994

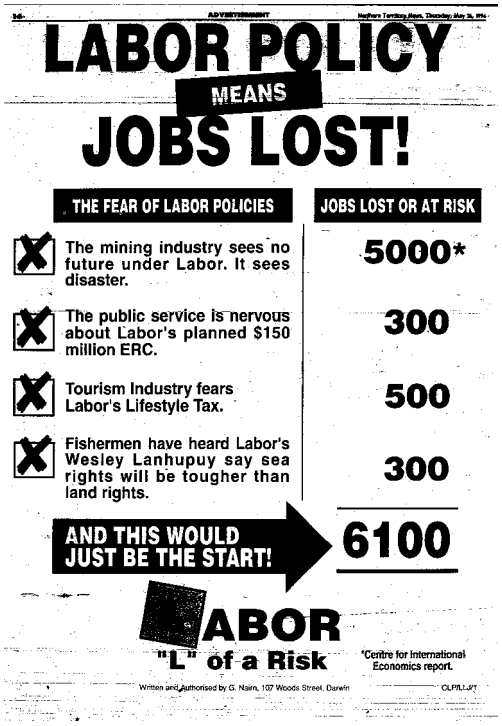


Plate 36: CLP Advertisement, *Northern Territory News*, 26 May 1994

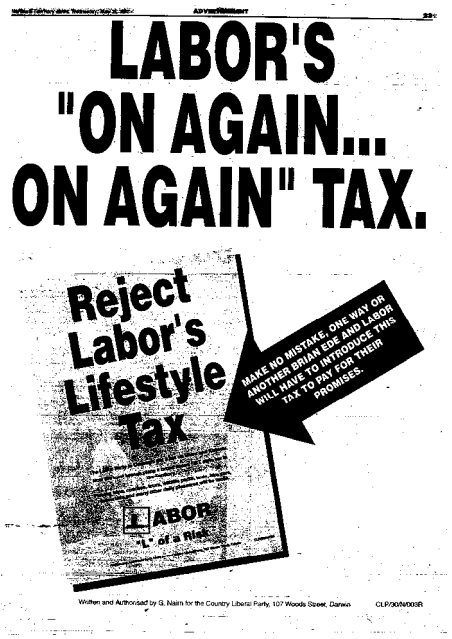


Plate 37: CLP Advertisement, *Northern Territory News*, 25 May 1994

Plate 38: CLP Advertisement, *Northern Territory News*, 27 May 1994

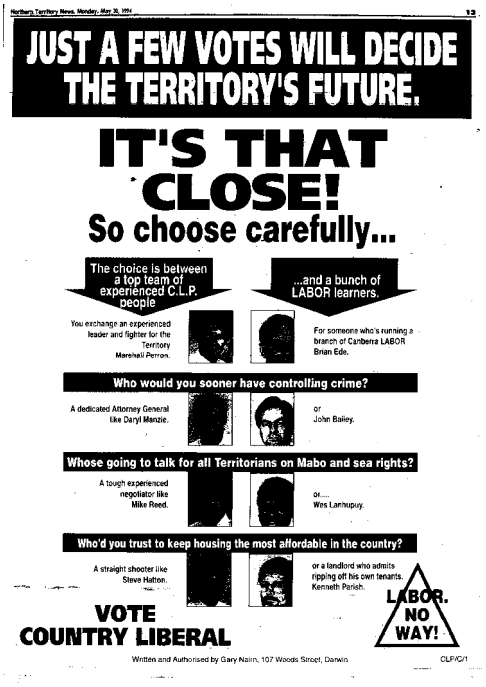


Plate 39: CLP Advertisement, *Northern Territory News*, 30 May 1994

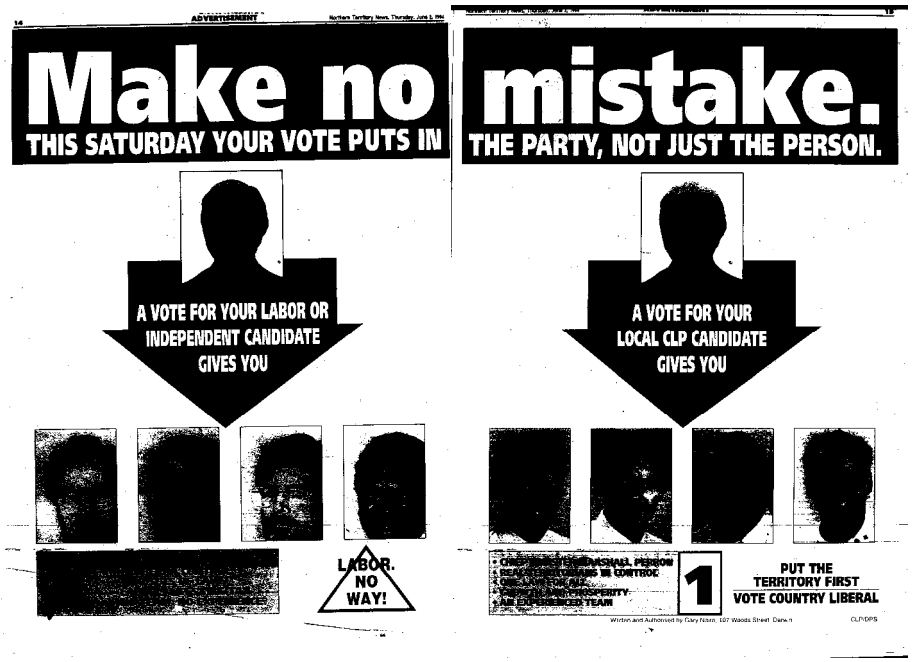


Plate 40: CLP Advertisement, *Northern Territory News*, 2 June 1994

Table 19: 1994 General Election Result by Electorate

Seat	Member	Party	Swing to lose 2PP
Arafura	Maurice Joseph Rioli	ALP	15.4%
Araluen	Eric Houguet Poole	CLP	20.2%
Arnhem	Wesley Wagner Lanhupuy	ALP	24.6%
Barkly	Margaret Anne Hickey	ALP	1.7%
Braitling	Loraine Margaret Braham*	CLP	21.1%
Brennan	Denis Gabriel Burke*	CLP	12%
Casuarina	Peter Francis Adamson*	CLP	5.5%
Fannie Bay	Marshall Bruce Perron	CLP	8%
Goyder	Terence Robert McCarthy	CLP	15.9%
Greatorex	Richard Soon Huat Lim*	CLP	12.4%
Jingili	Richard Alfred Setter	CLP	4.4%
Karama	Michael James Palmer	CLP	4.4%
Katherine	Michael Anthony Reed	CLP	20.7%
Leanyer	Frederick Arthur Finch	CLP	10.2%
MacDonnell	Neil Randal Bell	ALP	16%
Millner	Philip Mitchell*	CLP	1.3%
Nelson	Cecilia Noel Padgham-Purich (formerly Koolpinyah)	Ind	NA
Nhulunbuy	Sydney James Stirling	ALP	4.7%
Nightcliff	Stephen Paul Hatton	CLP	9.7%
Palmerston	Barry Francis Coulter	CLP	13%
Port Darwin	Shane Leslie Stone	CLP	12.8%
Sanderson	Daryl William Manzie	CLP	7.2%
Stuart	Brian Richard Ede	ALP	1.9%
Victoria River	Timothy Denney Baldwin*	ALP	4.5%
Wanguri	John Derek Bailey	ALP	1.7%

* indicates new seat or first time elected.

This campaign resulted in a crushing defeat for the ALP, which lost Victoria River and Millner to the CLP, which also picked up Greatorex from former CLP-turned-Independent Denis Collins. Noel Padgham-Purich was now the only Independent in the Assembly.

Once again, the CLP preached Arcadian populism to the electorate:

> The more general component was 'anti-Canberra', 'anti-Centraliasm', a consistent approach by the CLP since 1974, and one which had some basis in its effectiveness in previous elections. A CLP pamphlet, widely circulated, stated: 'Southern policies just don't work in our Territory', and 'Don't give Canberra control of our Territory'. The linked theme specifically targeted Labor as 'just a branch of Keating's Federal Labor Party'…This was a daily theme from the CLP – Chief Minister Perron opened the campaign with the assertion of a choice between the CLP, 'a 100 per cent Territory party or to vote for the local branch of a Southern party'.[76]

This is borne out by CLP advertising that portrayed the ALP as a driver under instruction, the instructor being in Canberra, and punctuated by the tag line *'L' of a risk*. Further, at the CLP campaign launch, Marshall Perron said:

> …a Labor Government in the Territory would impose inequality and create division. It has pledged to involve the trade unions, the Aboriginal and Torres Strait Islander Commissions and land councils in government decision making.[77]

This is something of an immature comment. It is difficult to see how involving any of these parties in government decision making would create 'inequality' or 'division' and is no different from the CLP involving the Chamber of Commerce, the Real Estate Institute or the Territory Construction Agency in its decision making processes. It is obvious from the comment that the CLP actively sought to keep each of those parties very much out of any decision making process, once again portraying Aboriginal people as interlopers and the union movement as supporters of those interlopers. At this election, 16 years after self-government, the Country Liberal Party maintained its exclusive practice of marginalization and isolation in respect of Aboriginal people.

Perron reinforced his message in the *NT News* on polling day:

> But if Labor starts governing, the Territory will get two sets of laws with two classes of Territorians. That's not fair.
>
> …

[76] Jaensch and Wade-Marshall, 1994; 58
[77] Ibid; 59

> There will be a battle over sea rights tougher than land rights.[78]

This message is entirely consistent with the CLP's push polling campaign, yet incredibly, following the election, CLP Members of the Legislative Assembly denied any knowledge of push polling in Jingili, Millner and Wanguri. Speaking in the Address-in-Reply, ALP Leader Brian Ede said:

> Most abhorrent was the scandalous, bogus and possibly defamatory phone polling that was conducted in the electorates of Wanguri, Jingili and Millner on the nights immediately prior to the election. People identified as working for Apex called voters in those electorates and suggested, among other lies, that Territory Labor candidates would close the seas to recreational fishing, go soft on Aboriginal people who broke the law and create two sets of laws for Territorians. None of this was true…I would challenge any member opposite to associate him or herself with Apex Polling.[79]

Notwithstanding the foregoing, Chief Minister Marshall Perron refused to acknowledge the nature of the CLP campaign during his Address-in-Reply and, in fact, accused the ALP of being racist:

> My government is not racist, its policies are not racist and the great majority of Territorians know that, despite the untiring efforts of our detractors to convince them otherwise. I would like to think that, in the future, the opposition will have the maturity to desist from making spurious racist slurs. Unfortunately, when political and community leaders persist in talking about racism, people start to look for it and, when they look for it, some find it where it does not exist.[80]

I have discussed the issue of push polling and noted that CLP officials went to considerable lengths to distance themselves from any involvement with it. Heatley noted in respect of push polling that 'the CLP denied allegations that it was a party initiative.'[81] As discussed, the language is a matter of semantics. Someone in the CLP sanctioned the use of push polling and the party used it with great effect during the campaign. The nature of push polling was racist and, once again, targeted Aboriginal people by creating the impression of closure of sea waters to recreational fishing arising from Native Title, going 'soft' on

[78] *Northern Territory News*, 4 June 1994
[79] *Hansard*, 27 June 1994
[80] Ibid
[81] Heatley, 1998; 73

Aboriginal offenders and creating two sets of laws – implying that one would be for the Aboriginal population and one for the 'Territorian' population - which was a feature of Perron's 1990 campaign and which attracted the attention of the Race Discrimination Commissioner.

In Plate 39 above, the comparison between Mike Reed and Wes Lanhupuy is entirely consistent with the push polling, the comparison being:

> Whose [sic] going to talk for all Territorians on Mabo and sea rights? A tough experienced negotiator like Mike Reed or…Wes Lanhupuy.

A feature of the CLP campaign was to use off-centre and skewed photographs of Opposition Members whilst running studio photographs of incumbent Ministers. Once again, the issue of land rights came to the fore. The same series of photographs were used in the 'make no mistake' advertisement in Plate 40.

Perron's claim that the CLP is not racist cannot be supported at any level, and successive election campaigns prove that the party was not only racist, but routinely used racism in a calculated and targeted manner as a matter of political strategy.

Interestingly during this campaign, Labor seized on what it perceived to be a policy gaffe by Marshall Perron which, the ALP claimed, rendered women second-class citizens. Plate 33 directly addresses Perron's observation on radio that:

> They [women] just need to have an interest in politics and a lot of women don't have…[82]

Further, three women ALP candidates pooled together and ran an advertisement (Plate 34) noting that it had been more than 10 years since a woman represented a Darwin urban seat. The candidates were Denise Horvath in Sanderson, Susan

[82] *Northern Territory News*, 24 May 1994

Bradley in Fannie Bay and Clare Martin in Casuarina. None were successful. Bradley would run later as an Independent in the seat of Port Darwin.

At the time of the 1994 electon campaign, there were two women in the 25-Member Assembly: the ALP's Maggie Hickey in Barkly, and the former CLP-turned Independent Noel Padgham-Purich in Nelson. Following the election, the number rose to three, with Loraine Braham succeeding the CLP's retiring Roger Vale in Braitling.

General Election – 30 August 1997

Table 20: 1997 General Election Synopsis

Seats in Assembly	25		
	CLP	ALP	Ind
Leader	Shane Stone	Maggie Hickey	
Slogan	*Flip Flop Labor: they really have no idea.*	*Snouts in the trough* *Waste and corruption*	
Seats held pre-	16	8	1
Other parties contesting	Greens (2 candidates) Democratic Socialist (1 candidate) Australian Democrats (1 candidate)		
Seats held post-	18	6	0
Notes	Enrolled to vote: 101,886 Three by-elections occurred in the intervening years: Fannie Bay (Perron retirement; seat won by the ALP's Clare Martin); Arnhem (resignation of Wesley Lanhpuy owing to ill health; seat retained by the ALP's John Ah Kit); and Stuart (retirement of Brian Ede; seat retained by ALP's Peter Toyne). Several members retired: Rick Setter (CLP Jingili), Neil Bell (ALP MacDonnell) and Noel Padgham-Purich (Ind Nelson). All incumbent Members who nominated were returned, although the result in Karama was extremely close in a contest between the CLP's Mick Palmer (sitting member) and the ALP's John Tobin (51.7% to 48.3% 2PP). A major redistribution occurred in 1997 with only seven electorates being unchanged. Blain and Drysdale were created at the expense of Palmerston and Leanyer. David William Tollner unsuccessfully ran as an Independent in Nelson. Peter Donald Styles unsuccessfully ran the CLP in Wanguri. Paul Raymond Henderson ran unsuccessfully for the ALP in Nightcliff. The CLP campaign personally targeted the Member for Arnhem, John Ah Kit. This campaign was very short: 19 days.		

Plate 41: ALP Advertisement, *Northern Territory News*, 23 August 1997

Plate 42: ALP Advertisement, *Northern Territory News*, 29 August 1997

Under the CLP, families face a bleak future.

The cost of living in the Territory is a disgrace.

Violent crime is the highest in the country.

Funds which could have been used on health and education are being squandered on entertainment and travel for Country Liberal ministers.

The cost of child care has skyrocketed.

What kind of future can families expect if the Country Liberals win big, again?

Territory Labor is a very real alternative because we do have plans, we do have ideas.

In the past eight months Territory Labor has released 34 policy statements.

Some of our key initiatives include:

- Up to $5,000 for families buying their first home
- Power prices frozen for four years
- A $50 bonus to help kids entering high school
- More, affordable child care places
- 16 new anti-crime initiatives

And all our policies have been independently costed and verified. The difference between the Country Liberals and Territory Labor is that we'll keep our promises.

We'll tackle the tough issues, work hard and bring honesty to Territory Government.

ALP TERRITORIANS SINCE 1905

A VOTE FOR TERRITORY LABOR WILL STOP THE WASTE AND CORRUPTION.

Authorised by M. Smith, Territory Labor, 38 Mitchell Street, Darwin. Funded by EMILY's List (Aust).

Plate 43: ALP Advertisement, *Northern Territory News*, 29 August 1997

ADVERTISEMENT

In Fannie Bay the message is clear.

For the past two years Clare Martin, your Territory Labor candidate, has worked hard for people in the Fannie Bay electorate.

- Clare Martin has successfully challenged and stopped inappropriate developments.
- She's helped set up resident groups so you can have a say in your area's future.
- Clare is fighting for a fair go for Housing Commission tenants.
- She persuaded the Darwin City Council to undertake a major traffic study.
- And Clare Martin keeps you well informed through regular newsletters and doorknocking.

Tomorrow, Clare Martin needs your support so she can continue to fight for your rights. If the CLP wins big tomorrow it's four more years of waste and corruption. For the future of Fannie Bay, send them a message.

The message is Clare.

Authorised by Cathy McDonald, 57 Narrows Road, The Narrows, NT 0820. Funded by EMILY's List (Aust).

Plate 44: ALP Advertisement, *Northern Territory News*, 29 August 1997

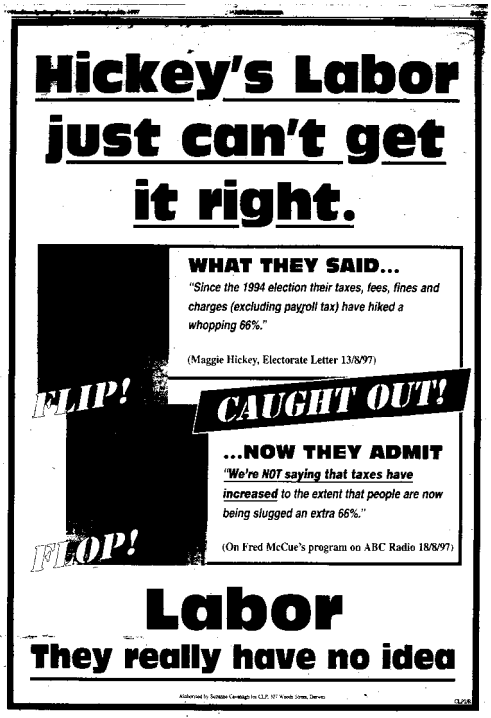


Plate 45: CLP Advertisement, *Northern Territory News*, 28 August 1997

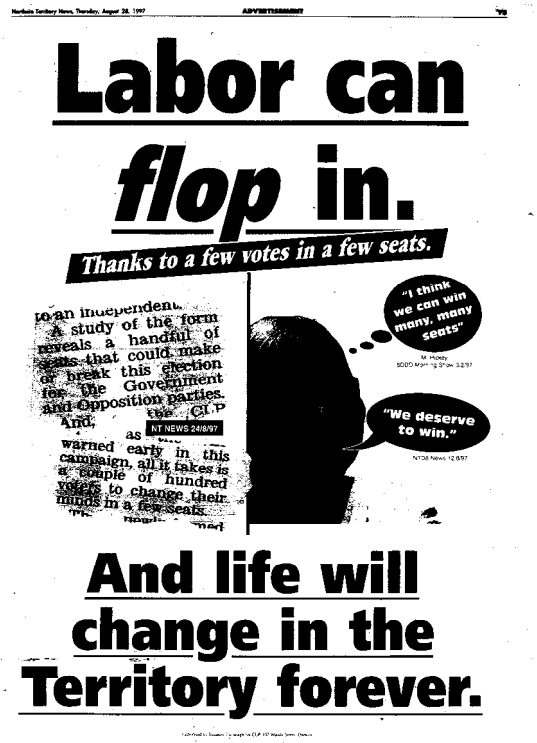


Plate 46: CLP Advertisement, *Northern Territory News*, 28 August 1997

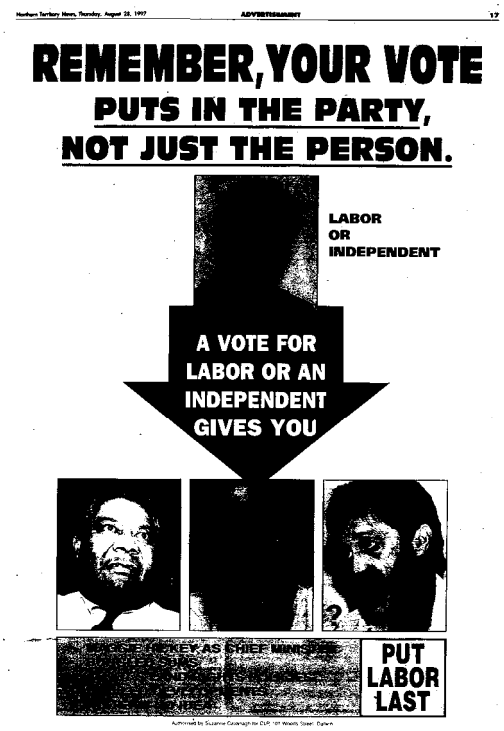


Plate 47: CLP Advertisement, *Northern Territory News*, 28 August 1997

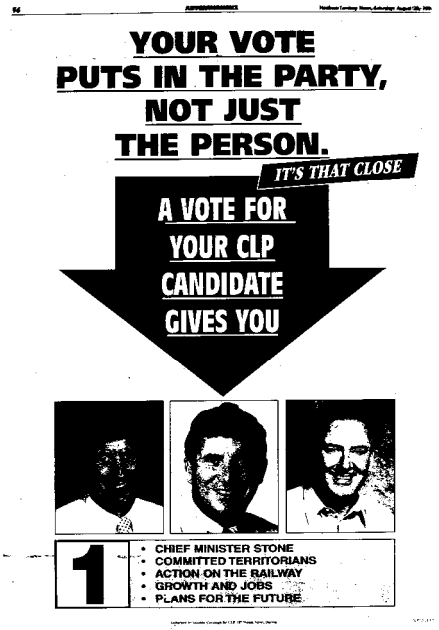


Plate 48: CLP Advertisement, *Northern Territory News*, 30 August 1997

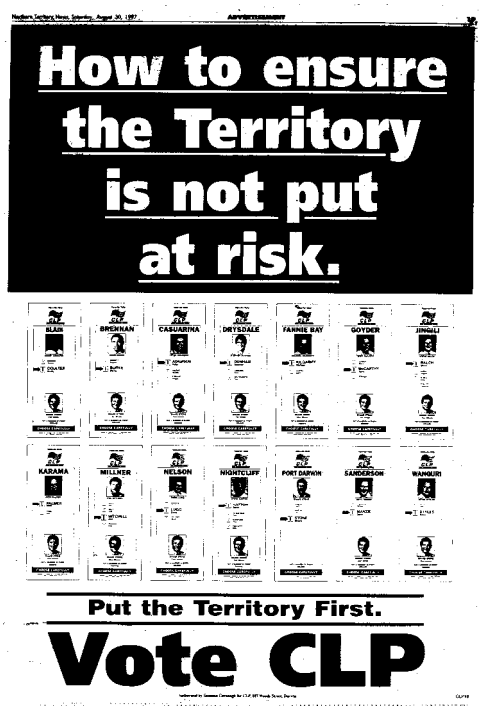


Plate 49: CLP Advertisement, *Northern Territory News*, 30 August 1997

Table 21: 1997 General Election Result by Electorate

Seat	Member	Party	Swing to lose 2PP
Arafura	Maurice Joseph Rioli	ALP	9.1%
Araluen	Eric Houguet Poole	CLP	19.3%
Arnhem	John Leonard Ah Kit	ALP	7.8%
Barkly	Margaret Anne Hickey	ALP	8.7%
Blain*	Barry Francis Coulter	CLP	23.9%
Braitling	Loraine Margaret Braham	CLP	16.5%
Brennan	Denis Gabriel Burke	CLP	24.4%
Casuarina	Peter Francis Adamson	CLP	7.4%
Drysdale*	Stephen Dunham*	CLP	13.1%
Fannie Bay	Clare Majella Martin	ALP	3.1%
Goyder	Terence Robert McCarthy	CLP	9.5%
Greatorex	Richard Soon Huat Lim	CLP	10.6%
Jingili	Stephen John Balch*	CLP	7.8%
Karama	Michael James Palmer	CLP	1.8%
Katherine	Michael Anthony Reed	CLP	25.5%
Leanyer	Frederick Arthur Finch	CLP	10.2%
MacDonnell	Johan Wessel Elferink*	CLP	2.9%
Millner	Philip Anthon Mitchell	CLP	8.8%
Nelson	Christopher Denis Lugg*	CLP	16.1%
Nhulunbuy	Sydney James Stirling	ALP	22.2%
Nightcliff	Stephen Paul Hatton	CLP	4.7%
Port Darwin	Shane Leslie Stone	CLP	14.6%
Sanderson	Daryl William Manzie	CLP	9.4%
Stuart	Peter Howard Toyne	ALP	1.6%
Victoria River	Timothy Denney Baldwin	ALP	16.2%
Wanguri	John Derek Bailey	ALP	2.1%

* indicates new seat or first time elected.

In this campaign, the CLP ran on similar lines as it had in the past, claiming that it had superior economic management skills and that the ALP 'really have no idea'[83]. As usual, race was never far from the campaign:

> Northern Territory land councils were a cancer on the body of Aboriginal people. [84]

And:

> The ALP and the land councils work hand in glove. They are in partnership in the politics of the Territory. [85]

> Labor have continually refused to stand up to anti-development groups trying to halt multi-million dollar mining operations. [86]

> Up to 7000 jobs directly are affected by native title and land claims and there are a further 3000 indirect jobs. [87]

Race was an issue well prior to this campaign. As discussed in Chapter 6, Chief Minister Shane Stone had referred to Northern Land Council Chairman Galurrwuy Yunupingu as a 'whingeing, whining, carping black' in February of that year. A *Northern Territory News* editorial described the campaign thus:

> If you want to be leader of the CLP, you probably have to be more proficient in black-bashing than political philosophy. Black bashing has been frenzied during this Territory election campaign but it's more to do with arithmetic and opinion polls than reality and good government…For a Chief Minister who has said he wants to win an election on positive economic issues, Mr Stone sure is playing the black card heavily in this campaign.[88]

The ALP ran a heavily negative campaign based on a 'snouts in the trough' theme and pointed to CLP excesses. Note that the ALP campaign referred to 'the Country Liberals' rather than the CLP, which is what the party changed its name to in later years. The ALP campaign included words such as 'corruption',

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[83] Jaensch and Wade-Marshall, 1997; 59
[84] Northern Territory News, 23 August 1997, cited by Jaensch and Wade-Marshall; 59
[85] *Northern Territory News*, 21 August 1997 cited by Jaensch and Wade-Marshall; 60
[86] *Northern Territory News*, 16 August 1997, cited by Jaensch and Wade-Marshall; 60
[87] Shane Stone, *Northern Territory News*, 14 August 1997, cited by Jaensch and Wade-Marshall; 60
[88] Jaensch and Wade Marshall, 1997; 61

'secretive', 'arrogant' and 'self-serving'.[89] Whilst the CLP's business dealings had been highlighted during previous campaigns, this was the first time outside the parliamentary chamber that there were specific allegations of corruption:

The caption to Plate 41 reads:

> For 23 years the Country Liberals have had their 'snouts in the trough'.
> Last year, they spent three quarters of a million dollars of your money entertaining their fat cat mates. One Minister chose the Savoy Hotel in London at $1,000 a night. Another Minister's week-long study tour to the USA cost $30,000 with the Melbourne Cup and a World Title Fight in Las Vegas thrown in.
> The stench of corruption hangs over the CLP as its Ministers have the time of their lives. They squander millions and laugh all the way to the bank because they're certain you're going to re-elect them.
> Maggie Hickey's Territory Labor team makes you this promise: **A vote for Territory Labor will stop the waste and corruption.**

The last sentence formed the basis of other ALP advertising throughout the campaign.

Perhaps the campaign is best summarized by this letter to the editor of the *Northern Territory News*:

> Surprise! The CLP is running its election campaign on the issue of race. But that's no cause for comfort to the opposition. Just say the word 'Wik' and NT Labor scurries for the nearest comfortable fence on which to sit.[90]

The letter is interesting because it highlights that the ALP was very sensitive about Aboriginal issues, the CLP working hard to paint it almost as an Aboriginal party and, as can be seen from the above selection of quotes, also as anti-development and pro-native title and land rights, which, the CLP consistently alleged from the time of self-government, was a very bad thing for the Northern Territory. Equally, the author of the letter was not surprised to find the CLP campaigning on the issue of race again.

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[89] Jaensch and Wade-Marshall, 1997; 60
[90] *Northern Territory News*, 15 August 1997, cited by Jaensch and Wade Marshall, 1997; 63

Interestingly, the CLP retained its formula from the 1993 campaign of using unflattering photographs of ALP Members and running the line that a vote 'puts in the party, not just the person'. As Plate 47 shows, unflattering and off-centre photographs of John Ah Kit, Maggie Hickey and Peter Toyne were used, the latter with a question mark next to his photograph. The caption reads:

> Maggie Hickey as Chief Minister
> Bungled sums
> Ah Kit's land rights policies
> Stalled developments
> No team – no idea

This was contrasted (on a different day) with Plate 48, which featured studio photographs of senior CLP Ministers, namely Barry Coulter, Shane Stone and Daryl Manzie. The advertisement suggests that the election would be close (and Plate 46 is testament to that) and that a vote for a CLP candidate would provide:

> Chief Minister Stone
> Committed Territorians
> Action on the railway
> Growth and jobs
> Plans for the future

Once again, there was marginalization of Aboriginal people, this time by connecting an Aboriginal Member directly with ALP land rights policies, and claiming that the CLP was comprised of 'committed' 'Territorians', implying that the ALP was comprised of interlopers and lacked any policy or vision for 'Territorians'.

By this time, Clare Martin had won Fannie Bay in a by-election following Marshall Perron's resignation. The ALP advertisement at Plate 44 of 29 August is interesting. It does not feature an ALP logo and is very much based on the popularity of the Member. Fannie Bay could be considered to be a blue-ribbon seat (although the ALP's Pam O'Neil held it in the early years of self-government) with pockets of traditionally Labor voters in public housing establishments. In a

sense, this advertisement seeks to distance Martin from her colleagues in the ALP. In any event, Martin was an incumbent, not an unelected candidate.

General Election – 18 August 2001

Table 22: 2001 General Election Synopsis

Seats in Assembly	25		
	CLP	ALP	Ind
Leader	Denis Burke	Clare Martin	
Slogan	*Still fighting for the Territory*	*Labor's ready*	
Seats held pre-	18	6	0
Other parties contesting	One Nation (5 candidates) Democrats (3 candidates) Territory Alliance Party (5 candidates) Socialist Alliance (3 candidates) Independents (20 candidates)		
Seats held post-	10	13	2
Notes	Enrolled to vote: 105,506 Three by-elections were held in the intervening years: Blain (retirement of Barry Coulter; seat retained by CLP's Terry Mills); Wanguri (retirement of John Bailey; seat retained by ALP's Paul Henderson); and Port Darwin (retirement of Shane Stone; seat retained by CLP's Sue Carter). Several Members retired at this election, removing the incumbency factor from their seats. They were the ALP's Maurice Rioli and Maggie Hickey and the CLP's Eric Poole, Terry McCarthy, Steve Hatton and Daryl Manzie. Loraine Braham failed to secure CLP preselection for her seat of Braitling and successfully ran as an Independent. The former Member for Casuarina, Nick Dondas, unsuccessfully ran as an Independent in Port Darwin. Steve Hatton's son Jason unsuccessfully ran for the CLP in his father's former seat of Nightcliff. Delia Lawrie successfully ran in Karama for the ALP, making Dawn Lawrie (Ind Nightcliff) and herself the first mother-daughter Members of the Assembly. The CLP ran two candidates in each of Arnhem and MacDonnell.		

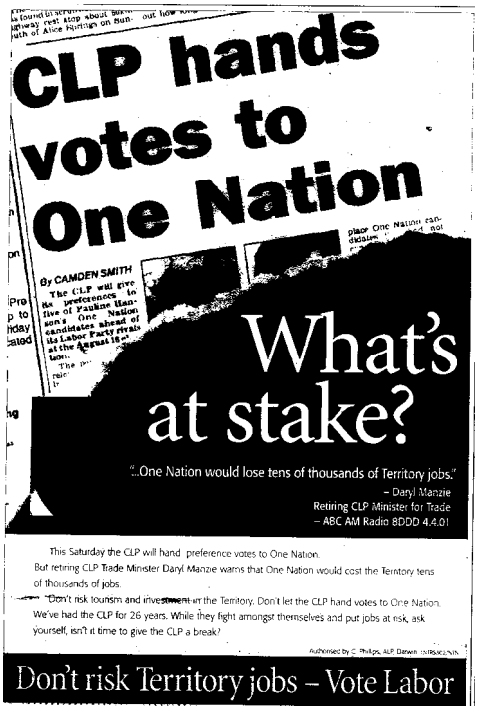


Plate 50: ALP Advertisement, *Northern Territory News*, 15 August 2001

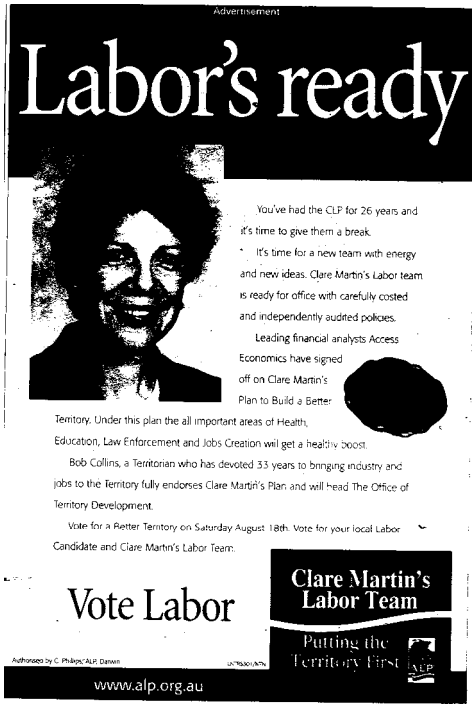


Plate 51: ALP Advertisement, *Northern Territory News*, 16 August 2001

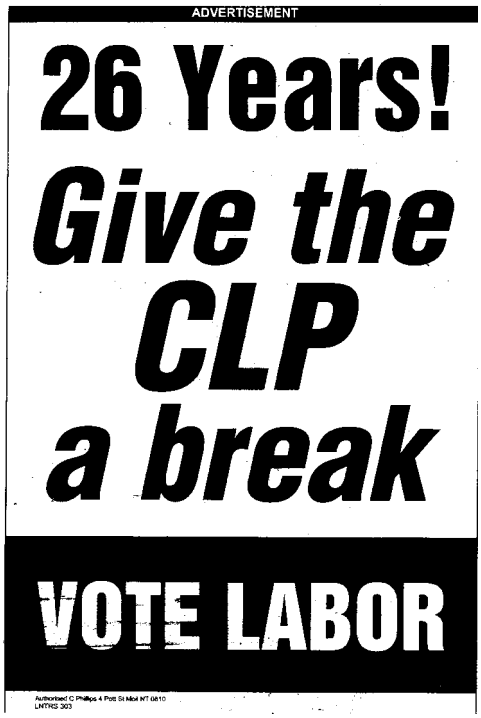


Plate 52: ALP Advertisement, *Northern Territory News*, 17 August 2001

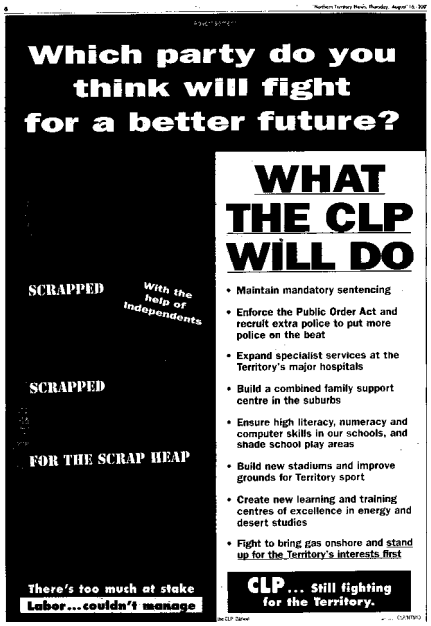


Plate 53: CLP Advertisement, *Northern Territory News*, 16 August 2001

Plate 54: CLP Advertisement, *Northern Territory News*, 16 August 2001

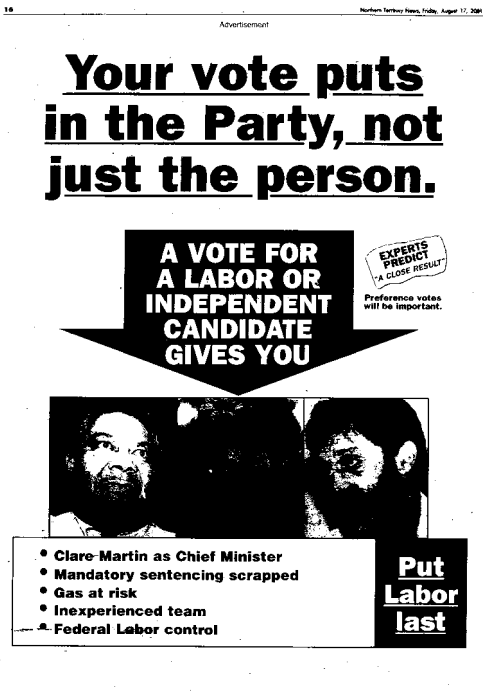


Plate 55: CLP Advertisement, *Northern Territory News*, 17 August 2001

Plate 56: CLP Advertisement, *Northern Territory News*, 18 August 2001

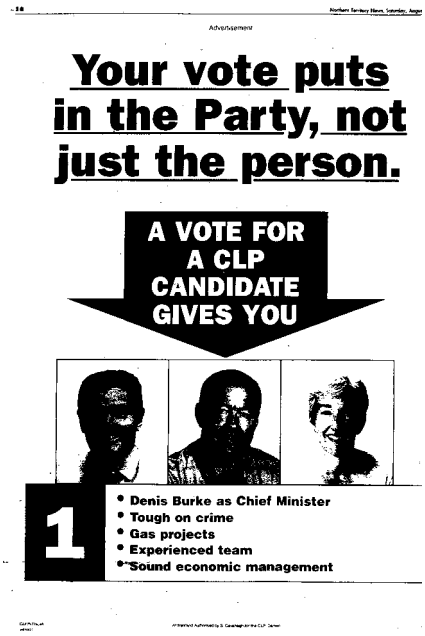


Plate 57: CLP Advertisement, *Northern Territory News*, 18 August 2001

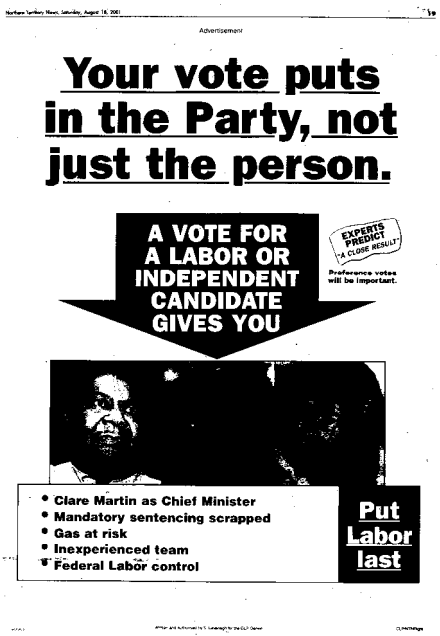


Plate 58: CLP Advertisement, *Northern Territory News*, 18 August 2001

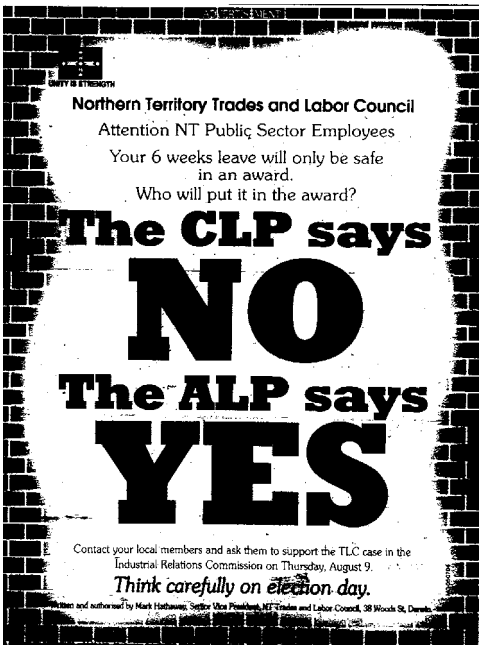
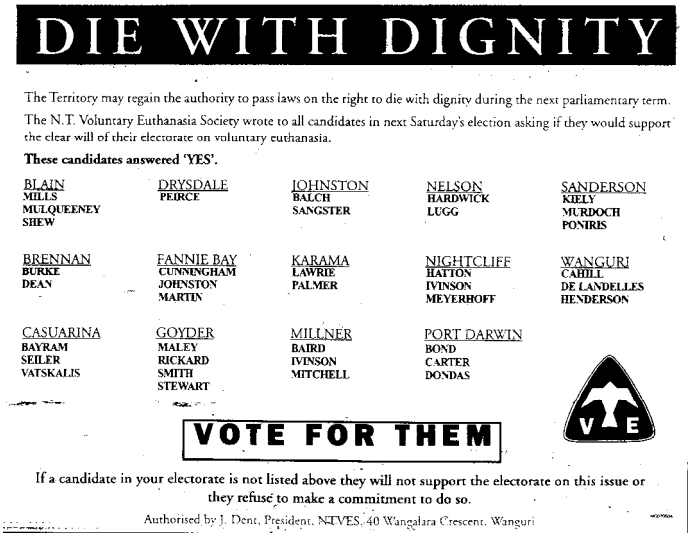


Plate 59: NT Trades and Labour Council Advertisement, *Northern Territory News*, 8 August 2001



DIE WITH DIGNITY

The Territory may regain the authority to pass laws on the right to die with dignity during the next parliamentary term.

The N.T. Voluntary Euthanasia Society wrote to all candidates in next Saturday's election asking if they would support the clear will of their electorate on voluntary euthanasia.

These candidates answered 'YES'.

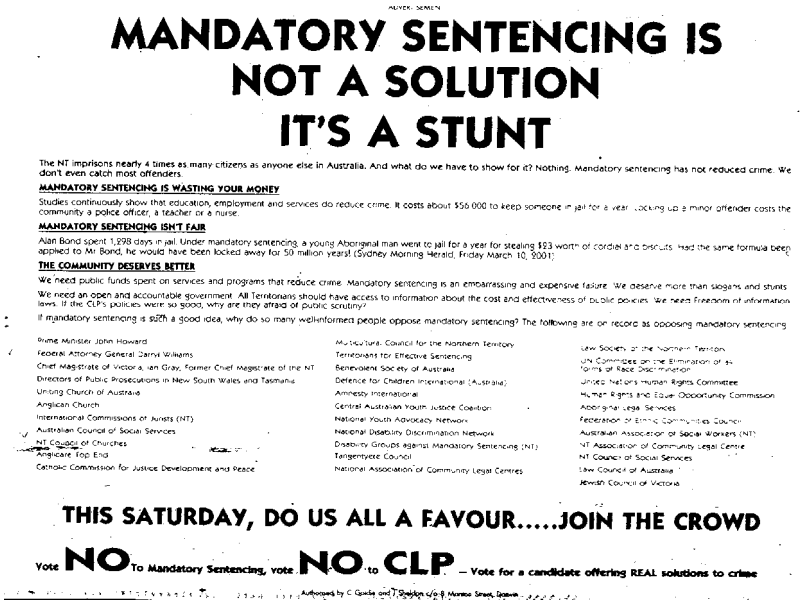
BLAIN MILLS MULQUEENEY SHEW	DRYSDALE PEIRCE	JOHNSTON BALCH SANGSTER	NELSON HARDWICK LUGG	SANDERSON KIELY MURDOCH PONIRIS
BRENNAN BURKE DEAN	FANNIE BAY CUNNINGHAM JOHNSTON MARTIN	KARAMA LAWRIE PALMER	NIGHTCLIFF HATTON IVINSON MEYERHOFF	WANGURI CAHILL DE LANDELLES HENDERSON
CASUARINA BAYRAM SEILER VATSKALIS	GOYDER MALEY RICKARD SMITH STEWART	MILLNER BAIRD IVINSON MITCHELL	PORT DARWIN BOND CARTER DONDAS	

VOTE FOR THEM

If a candidate in your electorate is not listed above they will not support the electorate on this issue or they refuse to make a commitment to do so.

Authorised by J. Dent, President, NTVES, 40 Wangalara Crescent, Wanguri

Plate 60: NT Voluntary Euthanasia Society Advertisement, *Northern Territory News*, 17 August 2001



MANDATORY SENTENCING IS NOT A SOLUTION IT'S A STUNT

The NT imprisons nearly 4 times as many citizens as anyone else in Australia. And what do we have to show for it? Nothing. Mandatory sentencing has not reduced crime. We don't even catch most offenders.

MANDATORY SENTENCING IS WASTING YOUR MONEY

Studies continuously show that education, employment and services do reduce crime. It costs about $56,000 to keep someone in jail for a year. Locking up a minor offender costs the community a police officer, a teacher or a nurse.

MANDATORY SENTENCING ISN'T FAIR

Alan Bond spent 1,698 days in jail. Under mandatory sentencing, a young Aboriginal man went to jail for a year for stealing $83 worth of cordial and biscuits. Had the same formula been applied to Mr Bond, he would have been locked away for 50 million years! (Sydney Morning Herald, Friday March 10, 2001)

THE COMMUNITY DESERVES BETTER

We need public funds spent on services and programs that reduce crime. Mandatory sentencing is an embarrassing and expensive failure. We deserve more than slogans and stunts.

We need an open and accountable government. All Territorians should have access to information about the cost and effectiveness of public policies. We need freedom of information laws. If the CLP's policies were so good, why are they afraid of public scrutiny?

If mandatory sentencing is such a good idea, why do so many well-informed people oppose mandatory sentencing? The following are on record as opposing mandatory sentencing:

Prime Minister John Howard
Federal Attorney General Darryl Williams
Chief Magistrate of Victoria, Ian Gray, Former Chief Magistrate of the NT
Directors of Public Prosecutions in New South Wales and Tasmania
Uniting Church of Australia
Anglican Church
International Commissions of Jurists (NT)
Australian Council of Social Services
NT Council of Churches
Anglicare Top End
Catholic Commission for Justice Development and Peace
Multicultural Council for the Northern Territory
Territorians for Effective Sentencing
Benevolent Society of Australia
Defence for Children International (Australia)
Amnesty International
Central Australian Youth Justice Coalition
National Youth Advocacy Network
National Disability Discrimination Network
Disability Groups against Mandatory Sentencing (NT)
Tangentyere Council
National Association of Community Legal Centres
Law Society of the Northern Territory
UN Committee on the Elimination of all Forms of Race Discrimination
United Nations Human Rights Committee
Human Rights and Equal Opportunity Commission
Aboriginal Legal Services
Federation of Ethnic Communities Council
Australian Association of Social Workers (NT)
NT Association of Community Legal Centre
NT Council of Social Services
Law Council of Australia
Jewish Council of Victoria

THIS SATURDAY, DO US ALL A FAVOUR.....JOIN THE CROWD

Vote **NO** To Mandatory Sentencing, vote **NO** to **CLP** – Vote for a candidate offering REAL solutions to crime

Authorised by C Gaede and T Sheldon c/o 8 Monroe Street, Darwin

Plate 61: Anti-Mandatory Sentencing Advertisement, *Northern Territory News*, 17 August 2001

Table 23: 2001 General Election Result by Electorate

Seat	Member	Party	2PP
Arafura	Marion Rose Scrymgour*	ALP	59%
Araluen	Jodeen Terese Carney*	CLP	52%
Arnhem	John Leonard Ah Kit	ALP	61%
Barkly	Eliot Arthur McAdam	ALP	62%
Blain	Terrance Kennedy Mills	CLP	67%
Braitling	Loraine Margaret Braham	Ind	NA
Brennan	Denis Gabriel Burke	CLP	68%
Casuarina	Konstantin Vatskalis*	ALP	54%
Daly*	Timothy Denney Baldwin (formerly Vitoria River)	CLP	62%
Drysdale	Stephen Dunham	CLP	65%
Fannie Bay	Clare Majella Martin	ALP	61%
Goyder	Peter John Maley*	CLP	64%
Greatorex	Richard Soon Huat Lim	CLP	59%
Johnston*	Christopher Bruce Burns* (formerly Jingili)	ALP	53%
Karama	Delia Phoebe Lawrie*	ALP	54%
Katherine	Michael Anthony Reed	CLP	64%
MacDonnell	Johan Wessel Elferink*	CLP	58%
Millner	Matthew Thomas Bonson*	ALP	51%
Nelson	Gerard Vincent Wood*	Ind	NA
Nhulunbuy	Sydney James Stirling	ALP	66%
Nightcliff	Jane Lesley Aagaard*	ALP	57%
Port Darwin	Susan Jill Carter	CLP	57%
Sanderson	Leonard Francis Kiely*	ALP	53%
Stuart	Peter Howard Toyne	ALP	71%
Wanguri	Paul Raymond Henderson	ALP	57%

* indicates new seat or first time elected.

The general election of August 2001 was a watershed in Northern Territory political history. For the first time since 1978, the Australian Labor Party won enough seats to govern in its own right. The ALP was ecstatic and the CLP was devastated. Both were shocked. Chief Minister Clare Martin declared as much during the farewell adjournment for retiring member for Stuart Peter Toyne:

> Like all of us in that little opposition, we were shocked to win in 2001, and I do not think that sets it back any. There is no pretending; we were shocked.[91]

Although there was a great deal of surprise, it was inevitable that the CLP lost government sooner or later. Whilst 27 years is an impressive reign, Bjelke-Pedersen in Queensland held power for 32 years and, inevitably, his reign had to come to an end despite electoral manipulation of boundaries and other political peculiarities.

Election advertising campaigns were interesting. Both parties seemed to discard their corporate branding in favour of relying on the popularity or the leader although the ALP did run its logo with a presidential-style photograph of Clare Martin in an advertisement announcing that Access Economics had costed ALP policies and found them to be affordable within the NT budget (see Plate 51).

The CLP, once again, ran advertisements featuring unflattering and off-centre photographs of ALP figures, in this case Clare Martin flanked by John Ah Kit and Peter Toyne, the two who were used in the previous campaign flanking Maggie Hickey. Once again, this was contrasted by studio photographs of Denis Burke flanked by Peter Adamson and Sue Carter. This selection of Members is interesting. Burke, of course, was Chief Minister. Adamson was a relatively junior Minister and Sue Carter was a back-bencher. This may be an indication that CLP polling indicated that the seats of Casuarina and Port Darwin were at risk, thus Adamson and Carter were selected for the advertisement. The CLP

[91] *Hansard*, 31 August 2006

campaign was probably also affected by the retirements at this election of seasoned Ministers Eric Poole (Araluen), Terry McCarthy[92] (Goyder), Steve Hatton (Nightcliff) and Daryl Manzie (Sanderson).

The CLP appeared unable to combat the ALP's costed policies strategy with anything other than a full-page advertisement claiming that 'Labor couldn't manage' (Plate 54). It was a poor effort and somewhat surprising given the party's propensity to respond to issues during election campaigns as they arose.[93]

The election also attracted lobbying from stakeholder organizations, most notably: the Trades and Labour Council which notified public sector employees that their six weeks annual leave would be included in an award under the ALP but not the CLP (Plate 59); the NT Voluntary Euthanasia Society which listed which candidates supported voluntary euthanasia (Plate 60); and an anti-mandatory sentencing advertisement listing individuals and organizations from around Australia who were opposed to it (Plate 61).

Loveday, Jaensch and Berzins wrote that the ALP had not won a Northern Territory election owing to three factors: the CLP's overwhelming incumbency factor; the urban-bush split of seats, the majority of bush seats being held by Labor whilst the CLP had a strangle-hold on urban seats and those 'who were most affected by, and most opposed to, Aboriginal land rights'; and the lack of a traditional working class base.[94] They noted that the critical factor was the 5.4 per cent swing to the ALP and the 8.3 per cent swing away from the CLP in Darwin's crucial northern suburbs.[95]

---

[92] McCarthy was Speaker between 27 June 1994 and 24 November 1997 and again from 16 February 1999 until 15 October 2001.
[93] This was not the first time the ALP produced costed policies. It was done in 1994 (and possibly other election campaigns), but was savaged as representing tax impositions and job losses by the CLP – see Plates 36 and 37.
[94] Loveday, Jaensch & Berzins, 2002; 58
[95] Ibid; 60

After examining a number of theses – such as whether incumbency was really a factor and how much the CLP's decision to preference One Nation above Labor affected its vote – Loveday, Jaensch and Berzins conclude that the ALP won the election because:

> The elevation of Clare Martin to the leadership of the Labor party brought new leadership to a party which, for the first time since 1974, offered a real and attractive alternative to the CLP.[96]

Further, they noted:

> Labor realized an important change: the electorate was less likely than ever before to respond favourably to the traditional CLP approach: anti-Aboriginal and anti-Labor.[97]

They also noted that:

> The CLP campaign stayed with its traditional style and focused on promotion of mandatory sentencing and criticism of the Labor Party although, for the first time, the CLP did not make race the *prime issue*.[98] [emphasis added]

That is the case, although a different race issue emerged. Mandatory sentencing was largely viewed, at least in legal and academic circles, as a racist policy because its effect was felt most by Aboriginal people who had committed relatively minor crimes. Here the division was clear: the CLP would retain it; the ALP would abolish it.

The different race issue on this occasion was the CLP's curious decision to preference One Nation candidates ahead of ALP candidates. Whilst not directly related to race alone, One Nation was unpalatable to a great many people, including Darwin's diverse multicultural community, and Pauline Hanson's

[96] Ibid; 68
[97] Ibid; 69
[98] Ibid

ignorant and simplistic view of migrants and Aboriginal people were well known across the country.

Speculating on how the ALP might govern the Northern Territory, the authors said:

> On the other hand now that some Territorians have, for the first time since 1974, made a decision in favour of the ALP they could just as easily vote Labor again or swing back to the CLP.[99]

They would prove to be ominous words.

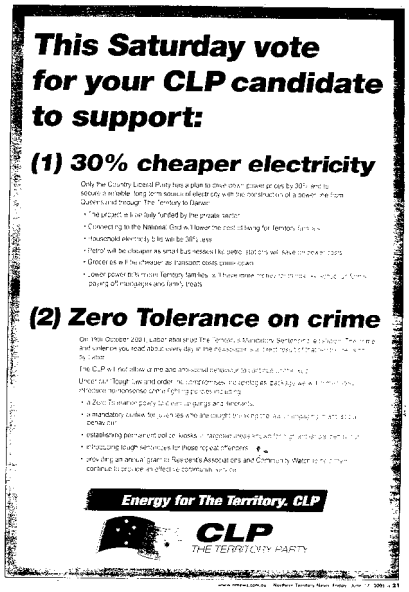
The CLP's loss was not particularly devastating, although it suffered a nine per cent swing against it, which was the largest in the history of Northern Territory elections. The ALP won 13 seats, the CLP 10 and Independents were elected in two seats. Without the co-operation of the Independents, Labor would not necessarily have been able to govern. By side-lining the more conservative of the two Independents, Loraine Braham[100], Labor eliminated one possible ally of the new Opposition. Braham was elected Speaker unopposed. The other Independent, Gerry Wood, who won the rural Darwin seat of Nelson, was appointed Deputy Speaker and Chairman of Committees. That gave both Independents statutory officer status and both gave undertakings not to block matters involving budgets or finance in the Legislative Assembly, thus enabling Labor to govern.

[99] Ibid; 70
[100] Braham had been elected to the Legislative Assembly in the seat of Braitling as a CLP candidate. After she was dropped from the ministry on 7 February 2001, she resigned from the party and continued to hold the seat as an Independent.

2005 General Election - 18 June 2005

Table 24: 2005 General Election Synopsis

Seats in Assembly	25		
	CLP	ALP	Ind
Leader	Denis Burke	Clare Martin	
Slogan	*Not good enough, Clare* *Energy for the Territory*	*Don't go back to Burke* *Moving the Territory ahead*	
Seats held pre-	10	13	2
Other parties contesting	Greens (11 candidates) Independents (12 candidates) Network Against Prohibition (5 candidates) Australian Democrats (1 candidate, but the party was not registered so the party name could not appear on the ballot paper).		
Seats held post-	4	19	2
Notes	Enrolled to vote: 111,954 This was the first election called by an ALP Chief Minister in Northern Territory history. One by-election was held during the intervening years. The seat of Katherine was vacated by Mike Reed's retirement. Fay Miller held the seat for the CLP. The CLP leadership changed twice in the intervening years. Denis Burke was deposed by Terry Mills on 15 November 2003. Burke regained the leadership on 7 February 2005 and led the CLP to the election. Tim Baldwin (CLP, Daly) and John Ah Kit (ALP, Arnhem) announced their retirements and said they would not be contesting the 2005 election. Peter Maley won the seat of Goyder for the CLP in 2001. After a very public spat with his Leader, Denis Burke, Maley resigned from the CLP in May 2005 and sat out the remainder of his term as an Independent. He did not recontest the seat. Peter Styles unsuccessfully contested Sanderson for the CLP. Chris Lugg attempted to win back the seat of Nelson for the CLP from Independent Gerry Wood. He was unsuccessful. Former CLP Member for Millner Phil Mitchell contested the seat as an 'Independent' against the ALP's Matthew Bonson who increased his tenuous hold of the seat.		



This Saturday vote for your CLP candidate to support:

(1) 30% cheaper electricity

Only the Country Liberal Party has a plan to drive down power prices by 30% and to secure a reliable long term source of electricity with the construction of a power line from Queensland through The Territory to Darwin.

- The project is to be fully funded by the private sector.
- Connecting to the National Grid will lower the cost of living for Territory families.
- Household electricity bills will be 30% less.
- Petrol will be cheaper as small businesses like petrol stations will save on power costs.
- Diesel as well as heavier as transport costs plummet.
- Lower power bills mean Territory families will have more money to invest in their future, paying off mortgages and family treats.

(2) Zero Tolerance on crime

On 15th October 2001, Labor and Clp The Territory's Mandatory Sentencing Legislation. The time is right when you read about it every day in the Papers and hear you talking to your friends and family.

The CLP will not allow crime and antisocial behaviour to destroy our lifestyle.

Under our Tough Law and Order Plan, criminals will be dealt with quickly and effectively.

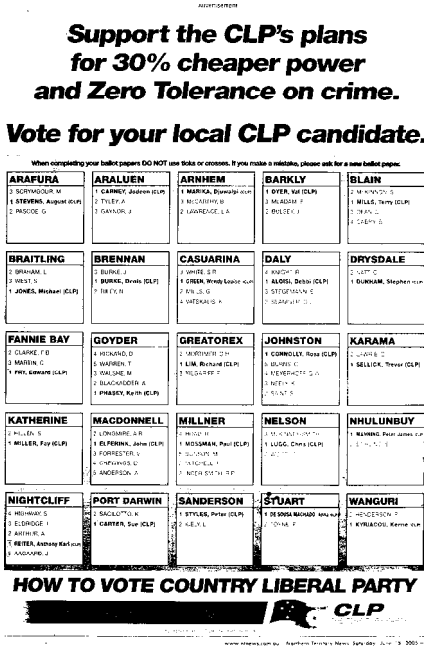
- A Zero Tolerance policy to crime, drugs and terrorism.
- Mandatory custody for juveniles who are caught breaking the law, irrespective of their age or penalty.
- Establishing permanent police bases in targeted areas and family group conferencing.
- Introducing tough sentences for those repeat offenders.
- Providing an annual grant to Ratepayers Associations and Community Watch groups to continue to provide an effective community service.

Energy for The Territory. CLP

CLP
THE TERRITORY PARTY

www.ntnews.com.au Northern Territory News Friday June 17 2005 p 31

Plate 62: CLP Advertisement, *Northern Territory News*, 17 June 2005



Support the CLP's plans for 30% cheaper power and Zero Tolerance on crime.

Vote for your local CLP candidate.

When completing your ballot papers DO NOT use ticks or crosses. If you make a mistake, please ask for a new ballot paper.

ARAFURA	ARALUEN	ARNHEM	BARKLY	BLAIN
3 SCRYMGOUR, M 1 **STEVENS, August (CLP)** 2 PASCOE, G	1 **CARNEY, Jodeon (CLP)** 2 TYLER, A 3 GAYNOR, J	1 **MARIKA, Djawalpi (CLP)** 3 McCARTHY, B 2 LAWRENCE, L A	1 **DYER, Val (CLP)** 3 MUDDAR, P 2 BOLDEN, J	2 MANNING, S 1 **MILLS, Terry (CLP)** 3 [illegible] 4 CAREY, S
BRAITLING	**BRENNAN**	**CASUARINA**	**DALY**	**DRYSDALE**
3 BRAHAM, L 2 WEST, S 1 **JONES, Michael (CLP)**	2 BURKE, J 1 **BURKE, Dinah (CLP)** ? TIMOTHY, N	4 WHITE, S P 1 **GREEN, Wendy Louise (CLP)** 2 WILLIS, G 3 WEEKAM, S A	4 WATSON, R 1 **ALOISI, Debbi (CLP)** 3 STOFFMANN, E 2 SEARLE, C	2 LUTZ, C 1 **DURHAM, Stephen (CLP)**
FANNIE BAY	**GOYDER**	**GREATOREX**	**JOHNSTON**	**KARAMA**
2 CLARKE, P D 3 MARRIN, C 1 **PAH, Edward (CLP)**	4 HOWARD, D 3 WARREN, T 2 WALSHE, M 3 BLACKADDER, A 1 **PHASEY, Keith (CLP)**	2 MORTIMER, D H 1 **LIM, Richard (CLP)** 3 MILGARRE, P	1 **CONNOLLY, Rose (CLP)** 5 BURNS, C 4 MEYERHOFF, D A 3 NITCH, K ? GRANT, S	3 HARRIS, C 1 **SELLICK, Trevor (CLP)**
KATHERINE	**MACDONNELL**	**MILLNER**	**NELSON**	**NHULUNBUY**
2 ALLEN, S 1 **MILLER, Fay (CLP)**	2 LONGMIRE, A R 1 **ELFERINK, John (CLP)** 3 FORRESTER, L ? CHEVARIS, D 3 ANDERSON, A	2 REID, H 1 **MOSSMAN, Paul (CLP)** ? SULPHUR, M ? MITCHELL, T ? NOEA SMITH, R P	3 MACDONALD, M 1 **LUGG, Chris (CLP)** ? [illegible]	1 **MANNING, Peter James (CLP)** ? [illegible]
NIGHTCLIFF	**PORT DARWIN**	**SANDERSON**	**STUART**	**WANGURI**
4 HIGHWAY, S 3 ELDRIDGE, I 2 ARTHUR, A 1 **REITER, Anthony Karl (CLP)** 5 ANSARAH, J	2 SACILOTTO, K 1 **CARTER, Sue (CLP)**	1 **STYLES, Peter (CLP)** 2 ALEX, L	1 **DE SOUSA MACHADO, Mary Ann (CLP)** ? TOM, M P	2 HENDERSON, P 1 **KYRIACOU, Kerrie (CLP)**

HOW TO VOTE COUNTRY LIBERAL PARTY

CLP

www.ntnews.com.au Northern Territory News Saturday June 18 2005

Plate 63: CLP Advertisement, *Northern Territory News*, 18 June 2005

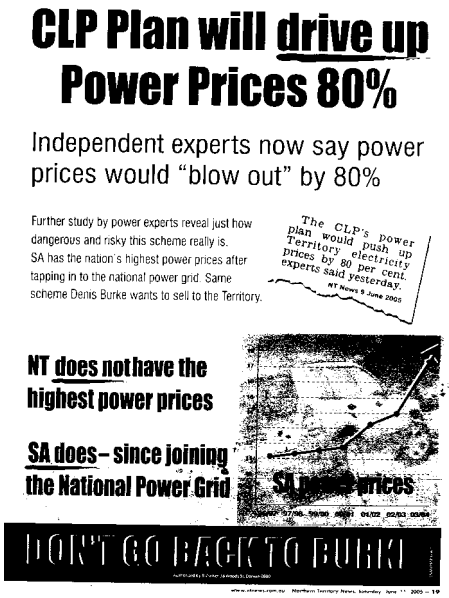


Plate 64: ALP Advertisement, *Northern Territory News*, 11 June 2005

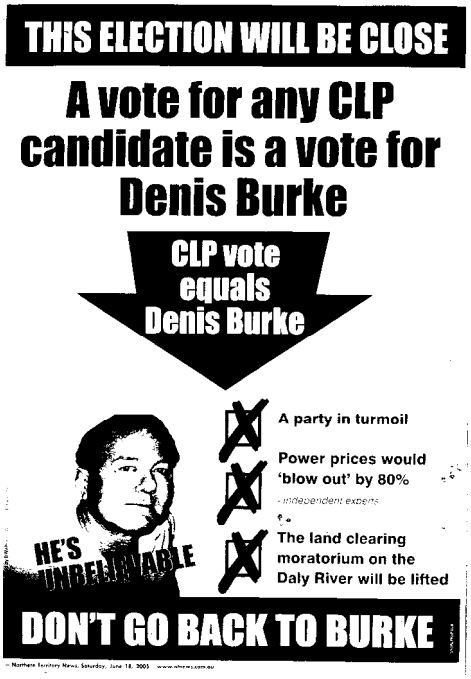


Plate 65: ALP Advertisement, *Northern Territory News*, 18 June 2005

Table 25: 2005 General Election Result by Electorate

Seat	Member	Party	2PP
Arafura	Marion Rose Scrymgour	ALP	74%
Araluen	Jodeen Terese Carney*	CLP	57%
Arnhem	Barbara Anne McCarthy*	ALP	74%
Barkly	Eliot Arthur McAdam	ALP	73%
Blain	Terrance Kennedy Mills	CLP	57%
Braitling	Loraine Margaret Braham	Ind	NA
Brennan	James Patrick Burke*	ALP	52%
Casuarina	Konstantin Vatskalis	ALP	69%
Daly	Daniel Robert Knight*	ALP	65%
Drysdale	Christopher William Natt*	ALP	51%
Fannie Bay	Clare Majella Martin	ALP	69%
Goyder	Edward John Warren*	ALP	52%
Greatorex	Richard Soon Huat Lim	CLP	51%
Johnston*	Christopher Bruce Burns	ALP	66%
Karama	Delia Phoebe Lawrie	ALP	67%
Katherine	Christina Fay Miller	CLP	53%
MacDonnell	Alison Anderson*	ALP	62%
Millner	Matthew Thomas Bonson	ALP	68%
Nelson	Gerard Vincent Wood	Ind	NA
Nhulunbuy	Sydney James Stirling	ALP	76%
Nightcliff	Jane Lesley Aagaard	ALP	65%
Port Darwin	Kerry Denise Sacilotto*	ALP	51%
Sanderson	Leonard Francis Kiely	ALP	58%
Stuart	Peter Howard Toyne	ALP	71%
Wanguri	Paul Raymond Henderson	ALP	71%

* indicates new seat or first time elected.

As there was surprise at the 2001 election result, there was shock following the 2005 General Election when the ALP attracted an 11.3 per cent swing and the CLP suffered a 9.7 per cent swing against it.[101] The CLP was all but obliterated from the Northern Territory political landscape and was left with only four seats in the 25-seat Legislative Assembly. The ALP secured 19 seats and Independents Loraine Braham and Gerry Wood retained their seats, the latter converting his tenuous 1.1 per cent margin into a solid 15.1 per cent swing to him.

Brennan was the CLP's safest seat, with Denis Burke needing a 19 per cent swing against him to lose it. The ALP's James Burke (no relation) secured a 20.8 per cent swing. In Drysdale, the incumbent CLP Member, Steve Dunham, needed a 15.7 per cent swing to lose. The ALP's Chris Natt managed to secure 16.9 per cent. In the rural Darwin seat of Goyder, the ALP's Ted Warren managed a 16.4 per cent swing to take the seat which had been won by the CLP's Peter Maley in 2001 with a margin of 14.8 per cent.[102]

Speaking on ABC television coverage of the election shortly after the polls closed, the CLP's Senator Nigel Scullion described the result as 'a political tsunami'[103]. Denis Burke was visibly shaken that evening and, once again, accepted responsibility for the CLP's loss. In the subsequent days he went to ground, with media inquiries being fielded by his wife, Mayor Annette Burke[104], who exercised extremely poor political judgment, asserting that the electorate had been 'confused' about two candidates with the same surname, and that voters did not know what they were doing.

However, by the party's own admission, the CLP knew that the result would be devastating:

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[101] Antony Green's election analysis, ABC News web site
[102] Ibid
[103] ABC television, 18 June 2005
[104] Mrs Burke was the Mayor of Palmerston, which was part of her husband's electorate.

> Research conducted in mid 2004 (which had been preceded by extensive research during the Federal election campaign undertaken by the Federal Liberal Party) proved very telling…What is clear is that had the Martin Government called an earlier election towards the end of 2004 the CLP would most likely have not held any seats in the Territory Parliament at all (shades of 1974 where Labor was unrepresented in the Legislative Assembly).[105]

For the first time, the CLP appeared to struggle with its advertising campaign. This may have been, as described above, because the party knew it would not poll well and decided not to spend a great deal of money on advertising. It could also have been because its membership dropped off significantly in the period 2001-2005. It is reasonable to assume that corporate donations also declined during this period.

The CLP continued to brand itself as 'the Territory Party' and continued its ideological commitment to mandatory sentencing, a regime which had been repealed by the Martin government very soon after coming to government. Somewhat curiously, it also campaigned on the cost of electricity in the Northern Territory and the need to reduce it. This is curious because electricity prices had not been significantly impacted by the Martin government and was almost an admission that prices were the way they were because of successive CLP governments. The CLP claim was to deliver 30 per cent cheaper electricity by construction of a power line from Queensland to the NT, and this would have flow-on effects to grocery prices and transport costs.

In the lead-up to the election, Burke decided to go after the Aboriginal vote which was unfamiliar territory for the CLP, although perhaps it was the result of polling the party had undertaken which showed there would be no large swings in the northern suburbs of Darwin. He travelled to Wadeye where he made a widely reported speech:

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[105] Stone, 2005; 5

> …Denis Burke captured by television news speaking at Port Keats claiming that he didn't want the 'red neck vote' of the Northern suburbs ("Don't care if I lose a few votes in the northern suburbs ... it's to cater for a redneck white vote and I won't have it" ABC TV).[106]

It is unclear whether (and unlikely that) these comments in isolation turned the northern suburbs away from the CLP. As has been demonstrated, the CLP regularly exploited fear in the non-Aboriginal community over issues such as land and sea rights. The Aboriginal vote was always going to be a long road of recovery for the CLP, given its history of and propensity for using race during election campaigns.

In the event, it is Burke who will be remembered for twice 'losing' the Northern Territory for the CLP.

The ALP, not unexpectedly, campaigned on the credibility of Clare Martin and contrasted that with Denis Burke's leadership and internal turmoil within the CLP. Presidential photographs of Clare Martin contrasted with unflattering photographs of Denis Burke under the banner: 'A clear choice…Clare Martin's 4 years of achievement or a recycled leader of a party in turmoil'[107]. This placed Denis Burke under enormous pressure: as leader of a party with no record of losing, he was attempting to re-gain what was 'lost' on his watch in 2001 – something that many within the CLP considered to be a minor aberration that would be corrected at the next poll[108].

It wasn't just Senator Nigel Scullion and political commentators such as Antony Green who were shocked by the result: both parties were reeling and the general public was greeted with the news of a 'landslide' victory to Labor. It was a most unexpected result that would be corrected at the General Election of 2008.

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[106] Ibid; 2
[107] *Northern Territory News*, 17 June 2005
[108] Anecdotal evidence suggests that this was also the view of some Chief Executives within the NT Public Service.

Chapter 11: Conclusion

This thesis has examined how the Country Liberal Party invented and perpetuated itself throughout an impressive and sustained period of Northern Territory history. Not only did the CLP invent itself, it invented myth, legend and tradition to create a pseudo-contemporary Australian imagined community of Arcady. I say 'pseudo-contemporary' because the model was reminiscent of a much earlier colonial time in Australia's history when class and status was very much determined by the colour of one's skin and racial prejudice and discrimination were very much the norm.

Along with this was further developed the [primarily masculine] myth of 'the Territorian' together with the most precious of all intangibles, the 'Territory lifestyle'. Populism was the method by which it governed, as long as a populist notion did not involve giving any ground on the issue of land rights. And it proved electorally effective time and again.

Broadly, these represent the four elements that characterized the CLP: Arcadianism; populism; invention and imagined community; and race.

As noted in the Introduction, its entrenched opposition to land rights set the CLP on a collision course with Aboriginal people. It was a gargantuan battle and it was heavily one-sided. It is ironic that an Act of the Australian Parliament empowered the CLP, as the Northern Territory Government, to act in such a way against Aboriginal people who were similarly empowered by another Act of the Australian Parliament.

That the CLP was continually used race as an electoral tool over a sustained period is beyond dispute, which dispels a number of myths perpetrated by the party itself and a number of its proponents, most notably Alistair Heatley, who, for example, wrote:

> Since 1977, the Territory has been subject to a regime of land rights mandated by the Commonwealth and differences over policy and administration have been at the heart of partisan debate….To argue that

> such matters have no legitimate place in elections is muddle-headed. Whether the CLP has used them unfairly is another question and views about their validity and effect vary according to partisan position, and sometimes to a grievous lack of understanding of the Territory's political process.[1]

'Partisan position', as Heatley called it, is not required at any objective level to conclude that the CLP was bitterly opposed to the *Aboriginal (Northern Territory) Land Rights Act*, and that it took both policy and legal actions to prevent or thwart claims made pursuant to it.

As was noted earlier, this was not racism borne of racism; it was racism borne of the CLP's entrenched opposition to the Land Rights Act and its zealous attitude to development and commercial exploitation of land which, as Coltheart pointed out, was considered a 'right' that came with land. In this case, ironically, the 'right' rested firmly with non-Aboriginal settlers. Whilst it was describing legitimate claims under the Land Rights Act as 'land grabs', it was creating amorphous, unaccountable corporations to acquire and quarantine potentially claimable land – exactly what it was accusing Aboriginal people of doing, except that there was no transparency with the CLP action as there was with land claims.

The CLP legislated to extend town boundaries to quarantine potentially claimable land – the Katherine town boundary being a case in point. It was intended to take in the whole of Nitmiluk Park, thus rendering the land unclaimable. A challenge in the High Court changed the government's mind in 1979. This was again the tactic in respect of the Borroloola land claim:

> PROCLAMATION OF AREA IN THE SIR EDWARD PELLEW ISLANDS SUITABLE FOR A DEEP WATER PORT AS A TOWN
>
> To protect future port area against Aboriginal Land Claims.[2]

The same tactic was considered in respect of the Darwin town boundaries to thwart or frustrate the Kenbi land claim[3]:

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[1] Heatley, 1998; 76

[2] Cabinet Decision 599 of 21 February 1979

URBAN EXPANSION INTO THE DARWIN EAST (32 SQUARE MILE) ACQUISITION AREA

To seek Cabinet approval for:

☐A regional development strategy towards Cox Peninsula.

☐Urban expansion into Darwin East acquisition area.

☐Studies for first stage development studies of transport links with existing Darwin.

☐A study of all-weather road access to Cox Peninsula, perhaps in conjunction with water supplies.

☐Additional staff for the Department of Lands and Housing, to design Darwin East Stage 1.[4]

It is one thing to 'test the veracity'[5] of land claims (which is precisely what Aboriginal Land Commissioners were charged to do), as Shane Stone claimed the CLP had a duty to do. It is quite another to take policy and legal action to thwart legitimate claims being made under an act of a superior parliament.

The CLP's trenchant opposition to the Land Rights Act cost millions of dollars which, had they been put towards health, education, water supply and other basic human rights on remote communities, could have resulted in a very different outcome than is the case in many communities today.

As pointed out in Chapter 6, which ethnic group in Australia would be left to raise its own funds for a renal dialysis unit? It was the case that Western Desert people in the Northern Territory sold artworks to fund a renal centre so that their people, who suffer abnormally high rates of kidney disease, could be treated on their homelands without suffering the anxiety and familial isolation of travelling to Alice Springs.

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[3] the Northern Territory's longest running land claim
[4] Cabinet Decision 635 of 21 March 1979
[5] Stone, 2005; 34

The CLP called election campaigns over Aboriginal land issues and used race as an electoral tool in successive General Elections. Indeed, the 1983 election was called on the basis of the Australian Government 'giving away' Uluru, something that Paul Everingham had known about and, indeed, negotiated some three years earlier, yet he and his party chose that issue over others as the trigger for a 'snap' election during which moral indignation was expressed at every opportunity. Similar behaviour was exhibited when the Nitmiluk land claim was settled and again in respect of the Fitzroy Pastoral Lease claim.

Individual CLP politicians were scathing in their criticism of the Land Rights Act and those who sought to use it to claim land. For example, Ray Hanrahan, who was Minister for Tourism, said in 1987:

> We've lost Kakadu, we've lost Ayers Rock and here goes Katherine Gorge presumably. [6]

This was in relation to the Jawoyn land claim on Nitmiluk, which created great division in the town of Katherine because of the way it was handled by political leaders. Chips Mackinolty was an advisor to the Jawoyn. He recalled:

> There were street demonstrations by various groups called 'One law one nation' and 'Rights for whites' there were KKK cartoons sort of in the street and so on and one of the traditional owners, Sandy Berraway, had shots fired over his head one evening after giving evidence. [7]

[6] *Stateline*, ABC TV, 11 September 2009
[7] Ibid

Local Member and Speaker of the Legislative Assembly Les MacFarlane had this to say in 1982, well before Nitmiluk was settled:

> Land rights for Aborigines is despicable, disastrous legislation which sets one section of this community - the whites - against another section the blacks. [8]

This attitude endured for years, with Chief Minister Shane Stone saying of Northern Land Council Chairman Galurrwuy Yunupingu in 1997:

> I will not pull any punches in my description of this man whom I consider to be an absolutely despicable individual. [9]

Successive CLP governments spent an unknown amount of money in zealous pursuit of the Strehlow Collection, which they believed held the secret to land rights. Persistently insisting that acquisition of the collection was for altruistic reasons, the CLP's real intent was revealed (probably inadvertently) by backbenchers during parliamentary debates:

> …the contents of the collection may…cause a complete reappraisal of land claims in certain areas of central Australia…[10]

In other policy areas, the CLP either targeted Aboriginal people or ignored them. There are many examples of this, but probably the most notable are what is known as 'the two kilometre law' and the more draconian mandatory sentencing regime which affected the Aboriginal community to a much greater extent than it did the non-Aboriginal community. Each of these policies was adopted as a 'tough on crime' position, yet the effect of the legislation was far from equitable.

The 'two kilometre law' attracted this finding by Commissioner Johnston:

> The community's response to Aboriginal drinking in public is frequently racist, by which I mean, in this instance, a response to the drinking by Aboriginal people, rather than to excessive and disruptive drinking practices themselves. [11]

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[8] *Hansard*, 12 October 1982
[9] *Hansard*, 18 February 1997
[10] Roger Vale, Member for Braitling, *Hansard*, 27 August 1985
[11] Royal Commission into Aboriginal Deaths in Custody, National Report, Vol 2

In the case of mandatory sentencing, the policy brought the government into direct conflict with the judiciary[12] and was accused of overstepping the line separating Executive Government from the judiciary. It also drew criticism from interstate and international human rights advocates.

So dedicated was the party to opposing the Land Rights Act that it made extremely generous funding in the form of loans, some of which were never repaid, to encourage development and tourism enterprises. This had disastrous financial consequences for the Northern Territory.

Moreover, it engaged in several high risk investments, including hotel resorts, for which taxpayers are continuing to pay. As with other areas of CLP governance and policy, its economic credentials can be best described as cavalier, yet it constantly claimed to be a sound economic manager - and certainly superior to the ALP.

The CLP's attitude to the law was another defining feature. The party and its leaders appeared to think the law applied to everyone but themselves. There are many illustrations of this, but perhaps the most famous was when Chief Minister and Attorney-General Denis Burke referred to the justice system as being 'totally corrupt' in 2000.

Burke was again the centre of attention when he made allegations about the legal fraternity in respect of the *NAALAS v Bradley* case, which also involved mandatory sentencing issues:

> What is disturbing is some sections of the legal community seem to be co-operating in a way which is disturbing and the real issue is it's a continuation of what is a waste of taxpayers' money, a nonsense in its intent. [13]

Burke was found guilty of contempt of court and was fined $10,000. As was noted earlier, the CLP spent enormous amounts of taxpayers' money routinely

[12] And many other groups, including human rights advocates.
[13] ABC TV, *7.30 Report* , 24 July 2001

contesting land claims so counter-claims made in respect of waste spent in court rooms are hollow.

Indeed, when Northern Land Council Chairman Galurrwuy Yunupingu told the National Press Club that he would use international forums to draw attention to Aboriginal deaths in custody and proposed amendments to the Native Title Act in 1997, Chief Minister Shane Stone basically accused him of treason. Stone and other leaders were very happy to speak on behalf of 'all Territorians' at a range of forums, both national and international, and did so at every opportunity yet Yunupingu proposing to do the same thing was portrayed as hostile and un-Australian.

The CLP worked to exclude or marginalize Aboriginal people, and particularly those who could make claims under the Land Rights Act, as outsiders and interlopers who threatened the undefined but oft-cited 'Territory lifestyle'. This was sometimes done in subtle forms, such as use of the exclusive term 'Territorian', which many misinterpreted as being inclusive. These phrases elicit the mantra of Arcadianism; a remote, rural, peaceful, idyllic place which is frustrated only by the interference in and misunderstanding of it by a distant government.

Another subtle form was push-polling, first used in the 1994 General Election, where it was suggested that ALP candidates supported land and sea rights, which would result in the closure of the Northern Territory fishery to both the commercial and recreational sectors. This created fear in the urban electorate and, once again, the CLP secured electoral victory. There can be no better example of capitalizing on populism as this electoral 'tool'.

There were much less subtle forms, of course, ranging from calling an ostensibly 'snap' election on the issue of land rights to direct mail campaigns from Chief Minister Marshall Perron to voters claiming that two laws existed in the Northern Territory, and that was unfair. This included:

> …if Labor starts governing, the Territory will get two sets of laws with two classes of Territorians. That's not fair.
>
> …
>
> There will be a battle over sea rights tougher than land rights.[14]

However, when parliament reconvened, Perron denied, as did most CLP leaders, that the party was racist:

> My government is not racist, its policies are not racist and the great majority of Territorians know that, despite the untiring efforts of our detractors to convince them otherwise.[15]

These statements are contradictory. As I have noted, Perron was not the only leader to make claims that the CLP was not a racist party. Yet the findings of Royal Commissioners, courts and a myriad of political and media commentators point to the opposite position.

All of the foregoing leads to the conclusion that the Country Liberal Party effectively used race as a political and electoral tool over a sustained period to retain power in the Northern Territory. A party that embraced Arcadian populism, invented itself and the non-Aboriginal inhabitants of the Northern Territory, created an 'imagined community' underpinned by 'the Territory lifestyle' and claimed that the latter was under threat by Aboriginal people, there can be little doubt that its most defining characteristic was its attitude to and treatment of Aboriginal people arising from its intransigent position on the *Land Rights (Northern Territory) Act*.

What brand of liberal?

It would be unfair to apply a single brand of liberalism to the CLP as a whole from 1978 until 2001 because each government was characterized by the personal style and agenda of its leader.

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[14] *Northern Territory News*, 4 June 1994
[15] *Hansard*, 27 June 1994

Broadly, however, and certainly from material covered in this thesis, the brand is neoliberal fundamentalism. The mantra was quite different – based on liberty, freedom and the exercise of will in a land so full of opportunity it is difficult to understand why the Northern Territory hasn't been invaded on numerous occasions – but the practices are consistent with Brett's description of fundamentalism within what Kemp described as a 'rural society' of the kind which led to the creation of the Country (now National) Party. Of course, CLP is an acronym for Country Liberal Party, so that should come as no surprise.

Its defining liberal characteristic, though, is that of *entitlement*, particularly in relation to land. Coltheart's work on Arcadianism is borne out when one considers 'distant government' (Canberra) imposing obstacles (the Land Rights Act) which impeded the progress of land settlement and was 'antithetical to the principles of liberalism and a hindrance to development'[16]. It was only ever about land.

[16] Coltheart in Jaensch & Loveday1980*;* 11

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Ede, Brian, former Opposition Leader, 2005-2009

Hampton, Karl, Member for Stuart, October 2007

Lantry, James Chief of Staff to Jodeen Carney and Terry Mills, Leaders of the Opposition, 2005-2008

Murray, Neil, Singer/Songwriter, Feb-March 2008

Parker, Don, former Economics Advisor to Clare Martin; 2005-2009

Smith, Mike, former Secretary of the ALP, 2005-2009

Appendix A –
General Elections, 1980-2005

Seat	Formal Vote	CLP Primary	ALP Primary	AD Primary	Other Primary	CLP Primary %	ALP Primary %	AD Primary %	Other Primary %	CLP 2PP	ALP 2PP	Other Parties	Winning Candidate
Alice Springs	2282	999	505		778	43.78%	22.13%	0.00%	34.09%	43%	22%		D Collins
Arnhem	1717	299	1346		4.2	17.41%	78.39%	0.00%	0.24%	17%	78%	AMP	B Collins
Barkly	1859	1018	631		210	54.76%	33.94%	0.00%	11.30%	54%	33%	PP	Tuxworth
Casuarina	3019	1696	1167	156		56.18%	38.66%	5.17%	0.00%	56%	38%		Dondas
Elsey	1952	879	580		493	45.03%	29.71%	0.00%	25.26%	45%	29%	Ind	MacFarlane
Fannie Bay	1757	861	896			49.00%	51.00%	0.00%	0.00%	49%	50%		O'Neil
Gillen	2240	1539	701			68.71%	31.29%	0.00%	0.00%	68%	31%		Robertson
Jingili	2564	1555	858	151		60.65%	33.46%	5.89%	0.00%	60%	33%		Everingham
Ludmilla	2196	1284	739		173	58.47%	33.65%	0.00%	7.88%	58%	33%	Ind	Steele
MacDonnell	1418	601	817			42.38%	57.62%	0.00%	0.00%	42%	57%		Perkins
Millner	1969	949	1020			48.20%	51.80%	0.00%	0.00%	48%	51%		Isaacs
Nhulunbuy	1874	613	809		452	32.71%	43.17%	0.00%	24.12%	32%	43%	Ind	Leo
Nightcliff	2070	941			1129	45.46%	0.00%	0.00%	54.54%	45%	No fig	Ind/CD	AD Lawrie
Port Darwin	1544	885	541	45	73	57.32%	35.04%	2.91%	4.73%	57%	35%	AMP	Harris
Sanderson	3842	1851	1866		125	48.18%	48.57%	0.00%	3.25%	48%	48%	CD	D'Rozario
Stuart	2611	1564	1047			59.90%	40.10%	0.00%	0.00%	59%	40%		Vale
Stuart Park	1696	952	610		134	56.13%	35.97%	0.00%	7.90%	56%	35%	Ind/AMP	Perron
Tiwi	1888	973	813	102		51.54%	43.06%	5.40%	0.00%	51%	43%	AMP/Ind	P-Purich
Victoria River	1658	606	872		180	36.55%	52.59%	0.00%	10.86%	36%	52%	Ind/AMP	Doolan

Seat	Formal Vote	CLP Primary	ALP Primary	AD Primary	Ind Primary	CLP Primary %	ALP Primary %	AD Primary %	Ind Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	1830	582	930	318	0	31.80%	50.82%	17.38%	0.00%	38%	62%	B Collins
Araluen	2056	1268	368	0	420	61.67%	17.90%	0.00%	20.43%	72%	28%	Robertson
Arnhem	1440	651	632	157	0	45.21%	43.89%	10.90%	0.00%	41.70%	58.60%	Lanhupuy
Barkly	1733	1045	688	0	0	60.30%	39.70%	0.00%	0.00%	60.30%	39.70%	Tuxworth
Berrimah	1985	1364	621	0	0	68.72%	31.28%	0.00%	0.00%	68.70%	31.30%	Coulter
Braitling	1702	1325	377	0	0	77.85%	22.15%	0.00%	0.00%	77.80%	22.20%	Vale
Casuarina	2214	1449	765	0	0	65.45%	34.55%	0.00%	0.00%	65.40%	34.60%	Dondas
Elsey	1966	978	540	0	448	49.75%	27.47%	0.00%	22.79%	65.80%	34.20%	Steele
Fannie Bay	2276	1321	874	0	81	58.04%	38.40%	0.00%	3.56%	59.80%	40.20%	Perron
Flynn	1930	1306	564	0	60	67.67%	29.22%	0.00%	3.11%	69.20%	30.80%	Hanrahan
Jingili	2196	1577	619	0	0	71.81%	28.19%	0.00%	0.00%	71.80%	28.20%	Everingham
Koolpinyah	2234	1397	523	139	175	62.53%	23.41%	6.22%	7.83%	70.10%	29.90%	Padham-Purich
Leanyer	2942	1940	1002	0	0	65.94%	34.06%	0.00%	0.00%	65.90%	34.10%	Palmer
Ludmilla	1920	1117	803	0	0	58.18%	41.82%	0.00%	0.00%	58.20%	41.80%	Firmin
MacDonnell	1399	532	749	118	0	38.03%	53.54%	8.43%	0.00%	41.10%	58.90%	Bell
Millner	2152	943	1130	0	79	43.82%	52.51%	0.00%	3.67%	45.60%	54.40%	Smith
Nhulunbuy	1876	916	960	0	0	48.83%	51.17%	0.00%	0.00%	48.80%	51.20%	Leo
Nightcliff	1974	1069	292	0	613	54.15%	14.79%	0.00%	31.05%	67.50%	32.50%	Hatton
Port Darwin	2200	1510	690	0	0	68.64%	31.36%	0.00%	0.00%	68.60%	31.40%	Harris
Sadadeen	1739	1226	513	0	0	70.50%	29.50%	0.00%	0.00%	70.50%	29.50%	D Collins
Sanderson	2153	1180	973	0	0	54.81%	45.19%	0.00%	0.00%	54.80%	45.20%	Manzie
Stuart	1416	506	910	0	0	35.73%	64.27%	0.00%	0.00%	35.70%	64.30%	Ede
Victoria River	1616	941	425	155	95	58.23%	26.30%	9.59%	5.88%	65.20%	34.80%	T McCarthy
Wagaman	2072	1265	807	0	0	61.05%	38.95%	0.00%	0.00%	61.10%	38.90%	Finch
Wanguri	2163	1229	750	0	184	56.82%	34.67%	0.00%	8.51%	61.40%	38.60%	Dale

Seat	Formal Vote	CLP Primary	ALP Primary	National Primary	Ind Primary	CLP Primary %	ALP Primary %	National Primary %	Ind Primary %	CLP/Nat 2PP %	ALP 2PP %	2CP Ind/Nat%	Winning Candidate
Arafura	1894	402	1211	281	0	21.22%	63.94%	14.84%	0.00%	32.1%C	68%		Tipiloura
Araluen	1998	871	577	550	0	43.59%	28.88%	27.53%	0.00%	64.2%C	36%		Poole
Arnhem	1771	412	742	249	368	23.26%	41.90%	14.06%	20.78%	44.9%C	55.1		Lanhupuy
Barkly	1925	301	314	729	581	15.64%	16.31%	37.87%	30.18%	50.5%N	35.60%	49.5%Ind	Tuxworth
Braitling	1576	969	307	249	0	61.48%	19.48%	15.80%	0.00%	75.5%C	24.50%		Vale
Casuarina	2505	1109	1053	343	0	44.27%	42.04%	13.69%	0.00%	54%C	46%		Dondas
Fannie Bay	2150	1030	614	334	172	47.91%	28.56%	15.53%	8.00%	63.3%C	36.70%		Perron
Flynn	1640	829	399	412	0	50.55%	24.33%	25.12%	0.00%	69%C	31%		Hanrahan
Jingili	2488	1108	936	444	0	44.53%	37.62%	17.85%	0.00%	57.4%C	42.60%		Setter
Karama	2518	1076	959	483	0	42.73%	38.09%	19.18%	0.00%	56.5%C	43.50%		Palmer
Katherine	1900	858	497	545	0	45.16%	26.16%	28.68%	0.00%	55.9%C	33.70%	44.1%N	Reed
Koolpinyah	2269	488	545	497	739	21.51%	24.02%	21.90%	32.57%	31.2%N	31.50%	68.8%Ind	Padham-Purich
Leanyer	2572	1105	996	471	0	42.96%	38.72%	18.31%	0.00%	56.3%C	43.70%		Finch
Ludmilla	1834	749	449	423	213	40.84%	24.48%	23.06%	11.61%	66.1%C	33.60%	33.9%N	Firmin
MacDonnell	1537	315	1116	106	0	20.49%	72.61%	6.90%	0.00%	25.1%C	74.90%		Bell
Millner	2089	533	1293	263	0	25.51%	61.90%	12.59%	0.00%	34.8%C	65.20%		Smith
Nhulunbuy	2255	653	1034	139	429	28.96%	45.85%	6.16%	19.02%	40.1%C	59.90%		Leo
Nightcliff	2020	1181	567	272	0	58.47%	28.07%	13.47%	0.00%	68.4%C	31.60%		Hatton
Palmerston	2688	1429	821	438	0	53.16%	30.54%	16.29%	0.00%	65.1%C	34.90%		Coulter
Port Darwin	1834	975	509	350	0	53.16%	27.75%	19.08%	0.00%	67.1%C	32.90%		Harris
Sadadeen	1845	396	451	236	762	21.46%	24.44%	12.79%	41.30%	No figure	30.30%	69.7%Ind	D Collins
Sanderson	2375	1086	917	372	0	45.73%	38.61%	15.66%	0.00%	57.6%C	42.40%		Manzie
Stuart	1269	261	698	156	154	20.57%	55.00%	12.29%	12.14%	30.8%C	69.20%		Ede
Victoria River	1603	936	466	130	71	58.39%	29.07%	8.11%	4.43%	66.8%C	33.10%		T McCarthy
Wanguri	2424	1002	836	585	0	41.34%	34.49%	24.13%	0.00%	59.4%C	40.60%		Dale

Seat	Formal Vote	CLP Primary	ALP Primary	Ind Primary	Other Primary	CLP Primary %	ALP Primary %	Ind Primary %	Other Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2152	721	1431	0	0	33.50%	66.50%	0.00%	0.00%	34%	66%	Tipiloura
Araluen	2863	1634	527	702	0	57.07%	18.41%	24.52%	0.00%	57%	18%	Poole
Arnhem	1976	660	1103	213	0	33.40%	55.82%	10.78%	0.00%	33%	55%	Lanhupuy
Barkly	2445	791	1062	464	128	32.35%	43.44%	18.98%	5.24%	32%	43%	Hickey
Braitling	2557	1556	473	390	138	60.85%	18.50%	15.25%	5.40%	60%	18%	Vale
Brennan	2565	1139	800	626	0	44.41%	31.19%	24.41%	0.00%	44%	31%	Ortmann
Casuarina	2800	1571	1029	200	0	56.11%	36.75%	7.14%	0.00%	56%	36%	Dondas
Fannie Bay	2877	1672	772	345	88	58.12%	26.83%	11.99%	3.06%	58%	26%	Perron
Goyder	2560	1069	568	330	539	41.76%	22.19%	12.89%	21.05%	41%	22%	T McCarthy
Greatorex	2743	1087	594	869	193	39.63%	21.66%	31.68%	7.04%	39%	21%	D Collins
Jingili	2953	1731	1040	182	0	58.62%	35.22%	6.16%	0.00%	58%	35%	Setter
Karama	2770	1533	1037	200	0	55.34%	37.44%	7.22%	0.00%	55%	37%	Palmer
Katherine	2712	1442	586	539	145	53.17%	21.61%	19.87%	5.35%	53%	21%	Reed
Leanyer	2798	1638	1002	158	0	58.54%	35.81%	5.65%	0.00%	58%	35%	Finch
MacDonnell	2126	542	1131	453	0	25.49%	53.20%	21.31%	0.00%	25%	53%	Bell
Millner	2768	1198	1570	0	0	43.28%	56.72%	0.00%	0.00%	43%	56%	Smith
Nelson	2942	589	965	1207	181	20.02%	32.80%	41.03%	6.15%	21%	32%	Padgham-Purich
Nhulunbuy	2359	964	1395	0	0	40.86%	59.14%	0.00%	0.00%	40%	59%	Stirling
Nightcliff	2604	1573	595	436	0	60.41%	22.85%	16.74%	0.00%	60%	22%	Hatton
Palmerston	2420	1382	763	144	131	57.11%	31.53%	5.95%	5.41%	57%	31%	Coulter
Port Darwin	2683	1436	588	568	91	53.52%	21.92%	21.17%	3.39%	53%	21%	Stone
Sanderson	2872	1547	906	229	190	53.86%	31.55%	7.97%	6.62%	53%	31%	Manzie
Stuart	2173	537	1186	450	0	24.71%	54.58%	20.71%	0.00%	24%	54%	Ede
Victoria River	2443	1181	1252	0	0	48.34%	51.25%	0.00%	0.00%	48%	51%	Cartwright
Wanguri	2939	1286	1653	0	0	43.76%	56.24%	0.00%	0.00%	43%	56%	Bailey

Seat	Formal Vote	CLP Primary	ALP Primary	Ind Primary	CLP Primary %	ALP Primary %	Ind Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2270	349	1381	540	15.37%	60.84%	23.79%	22%	78%	Rioli
Araluen	2983	2091	892	0	70.10%	29.90%	0.00%	70%	30%	Poole
Arnhem	2313	590	1723	0	25.51%	74.49%	0.00%	26%	34%	Lanhupuy
Barkly	2942	1358	1338	246	46.16%	45.48%	8.36%	48%	52%	Hickey
Braitling	3077	2183	894	0	70.95%	29.05%	0.00%	71%	29%	Braham
Brennan	3167	1660	1079	428	52.42%	34.07%	13.51%	61%	39%	D Burke
Casuarina	2978	1650	1328	0	55.41%	44.59%	0.00%	55%	45%	Adamson
Fannie Bay	2927	1695	1232	0	57.91%	42.09%	0.00%	58%	42%	Perron
Goyder	3316	1781	1040	495	53.71%	31.36%	14.93%	61%	39%	T McCarthy
Greatorex	3124	1371	918	835	43.89%	29.39%	26.73%	62%	38%	Lim
Jingili	3212	1745	1467	0	54.33%	45.67%	0.00%	54%	46%	Setter
Karama	3018	1533	1320	165	50.80%	43.74%	5.47%	53%	47%	Palmer
Katherine	3012	2127	885	0	70.62%	29.38%	0.00%	71%	29%	Reed
Leanyer	3181	1912	1269	0	60.11%	39.89%	0.00%	60%	40%	Finch
MacDonnell	2552	870	1682	0	34.09%	65.91%	0.00%	34%	66%	Bell
Millner	3075	1445	1305	325	46.99%	42.44%	10.57%	51%	49%	Mitchell
Nelson	3494	1528	864	1102	43.73%	24.73%	31.54%	62%	38%	Padgham-Purich
Nhulunbuy	2623	1124	1350	0	42.85%	51.47%	0.00%	45%	55%	Stirling
Nightcliff	3007	1692	1135	180	56.27%	37.75%	5.99%	59%	41%	Hatton
Palmerston	3281	1938	1129	214	59.07%	34.41%	6.52%	62%	38%	Coulter
Port Darwin	3168	1909	1032	227	60.26%	32.58%	7.17%	62%	38%	Stone
Sanderson	2973	1699	1274	0	57.15%	42.85%	0.00%	57%	43%	Manzie
Stuart	2368	1140	1228	0	48.14%	51.86%	0.00%	48%	52%	Ede
Victoria River	2719	1380	1148	191	50.75%	42.22%	7.02%	54%	46%	Baldwin
Wanguri	3090	1496	1594	0	48.41%	51.59%	0.00%	48%	52%	Bailey

Seat	Formal Vote	CLP Primary	ALP Primary	Ind Primary	CLP Primary %	ALP Primary %	Ind Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2270	349	1381	540	15.37%	60.84%	23.79%	22%	78%	Rioli
Araluen	2983	2091	892	0	70.10%	29.90%	0.00%	70%	30%	Poole
Arnhem	2313	590	1723	0	25.51%	74.49%	0.00%	26%	34%	Lanhupuy
Barkly	2942	1358	1338	246	46.16%	45.48%	8.36%	48%	52%	Hickey
Braitling	3077	2183	894	0	70.95%	29.05%	0.00%	71%	29%	Braham
Brennan	3167	1660	1079	428	52.42%	34.07%	13.51%	61%	39%	D Burke
Casuarina	2978	1650	1328	0	55.41%	44.59%	0.00%	55%	45%	Adamson
Fannie Bay	2927	1695	1232	0	57.91%	42.09%	0.00%	58%	42%	Perron
Goyder	3316	1781	1040	495	53.71%	31.36%	14.93%	61%	39%	T McCarthy
Greatorex	3124	1371	918	835	43.89%	29.39%	26.73%	62%	38%	Lim
Jingili	3212	1745	1467	0	54.33%	45.67%	0.00%	54%	46%	Setter
Karama	3018	1533	1320	165	50.80%	43.74%	5.47%	53%	47%	Palmer
Katherine	3012	2127	885	0	70.62%	29.38%	0.00%	71%	29%	Reed
Leanyer	3181	1912	1269	0	60.11%	39.89%	0.00%	60%	40%	Finch
MacDonnell	2552	870	1682	0	34.09%	65.91%	0.00%	34%	66%	Bell
Millner	3075	1445	1305	325	46.99%	42.44%	10.57%	51%	49%	Mitchell
Nelson	3494	1528	864	1102	43.73%	24.73%	31.54%	62%	38%	Padgham-Purich
Nhulunbuy	2623	1124	1350	0	42.85%	51.47%	0.00%	45%	55%	Stirling
Nightcliff	3007	1692	1135	180	56.27%	37.75%	5.99%	59%	41%	Hatton
Palmerston	3281	1938	1129	214	59.07%	34.41%	6.52%	62%	38%	Coulter
Port Darwin	3168	1909	1032	227	60.26%	32.58%	7.17%	62%	38%	Stone
Sanderson	2973	1699	1274	0	57.15%	42.85%	0.00%	57%	43%	Manzie
Stuart	2368	1140	1228	0	48.14%	51.86%	0.00%	48%	52%	Ede
Victoria River	2719	1380	1148	191	50.75%	42.22%	7.02%	54%	46%	Baldwin
Wanguri	3090	1496	1594	0	48.41%	51.59%	0.00%	48%	52%	Bailey

Seat	Formal Vote	CLP Primary	ALP Primary	Green Primary	Other Primary	CLP Primary %	ALP Primary %	Green Primary %	Other Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2630	1078	1552	0	0	40.99%	59.01%	0.00%	0.00%	41%	59%	Rioli
Araluen	2984	2065	919	0	0	69.20%	30.80%	0.00%	0.00%	69%	31%	Poole
Arnhem	2363	841	1037	208	277	35.59%	43.88%	8.80%	11.72%	41%	59%	Ah Kit
Barkly	2802	1118	1591	0	93	39.90%	56.78%	0.00%	3.32%	42%	58%	Hickey
Blain	3375	2491	884	0	0	73.81%	26.19%	0.00%	0.00%	74%	26%	Coulter
Braitling	2817	1870	947	0	0	66.38%	33.62%	0.00%	0.00%	66%	34%	Braham
Brennan	3697	2747	950	0	0	74.30%	25.70%	0.00%	0.00%	74%	26%	D Burke
Casuarina	3223	1828	1226	0	169	56.72%	38.04%	0.00%	5.24%	59%	42%	Adamson
Drysdale	3236	1844	908	0	484	56.98%	28.06%	0.00%	14.96%	63%	37%	Dunham
Fannie Bay	3364	1582	1782	0	0	47.03%	52.97%	0.00%	0.00%	47%	53%	Martin
Goyder	3106	1845	1070	0	191	59.40%	34.45%	0.00%	6.15%	62%	38%	T McCarthy
Greatorex	3064	1853	1211	0	0	60.48%	39.52%	0.00%	0.00%	60%	40%	Lim
Jingili	3083	1570	1093	0	420	50.92%	35.45%	0.00%	13.62%	57%	43%	Balch
Karama	3503	1811	1692	0	0	51.70%	48.30%	0.00%	0.00%	52%	48%	Palmer
Katherine	2851	1984	583	0	284	69.59%	20.45%	0.00%	9.96%	75%	25%	Reed
MacDonnell	2618	945	906	0	767	36.10%	34.61%	0.00%	29.30%	54%	46%	Elferink
Millner	3314	1782	1133	212	187	53.77%	34.19%	6.40%	5.64%	59%	41%	Mitchell
Nelson	3281	1461	646	0	1174	44.53%	19.69%	0.00%	35.78%	65%	35%	Lugg
Nhulunbuy	2608	728	1880	0	0	27.91%	72.09%	0.00%	0.00%	28%	72%	Stirling
Nightcliff	3647	1792	1411	0	444	49.14%	38.69%	0.00%	12.17%	54%	46%	Hatton
Port Darwin	3231	2083	827	0	321	64.47%	25.60%	0.00%	9.94%	67%	33%	Stone
Sanderson	3361	1992	1369	0	0	59.27%	40.73%	0.00%	0.00%	59%	41%	Manzie
Stuart	2310	1120	1190	0	0	48.48%	51.52%	0.00%	0.00%	48%	52%	Toyne
Victoria River	2680	1771	909	0	0	66.08%	33.92%	0.00%	0.00%	66%	34%	Baldwin
Wanguri	3170	1521	1649	0	0	47.98%	52.02%	0.00%	0.00%	48%	52%	Bailey

Seat	Formal Vote	CLP Primary	ALP Primary	One Nation Primary	Other Primary	CLP Primary %	ALP Primary %	One Nation Primary %	Other Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2579	618	1176	0	785	23.96%	45.60%	0.00%	30.44%	41%	59%	Scrymgour
Araluen	3374	1386	1094	0	894	41.08%	32.42%	0.00%	26.50%	52%	48%	Carney
Arnhem	2455	813	1372	0	270	33.12%	55.89%	0.00%	11.00%	39%	61%	Ah Kit
Barkly	2898	720	1635	0	543	24.84%	56.42%	0.00%	18.74%	38%	62%	McAdam
Blain	3662	2342	1072	0	248	63.95%	29.27%	0.00%	6.77%	67%	33%	Mills
Braitling	3588	1422	797	0	1369	39.63%	22.21%	0.00%	38.15%	58%	42%	Braham
Brennan	3757	2369	887	0	501	63.06%	23.61%	0.00%	13.34%	68%	32%	D Burke
Casuarina	3550	1510	1723	0	317	42.54%	48.54%	0.00%	8.93%	46%	54%	Vatskalis
Daly	2603	1489	866	154	94	57.20%	33.27%	5.92%	3.61%	62%	38%	Baldwin
Drysdale	3464	2265	1199	0	0	65.39%	34.61%	0.00%	0.00%	65%	35%	Dunham
Fannie Bay	3461	1286	2021	0	154	37.16%	58.39%	0.00%	4.45%	39%	61%	Martin
Goyder	3623	2092	986	273	272	57.74%	27.22%	7.54%	7.51%	64%	36%	Maley
Greatorex	3523	1801	1210	0	512	51.12%	34.35%	0.00%	14.53%	59%	41%	Lim
Johnston	3514	1542	1625	0	347	43.88%	46.24%	0.00%	9.87%	47%	53%	Burns
Karama	3703	1713	1990	0	0	46.26%	53.74%	0.00%	0.00%	46%	54%	DP Lawrie
Katherine	3056	1596	794	299	367	52.23%	25.98%	9.78%	12.01%	64%	36%	Reed
MacDonnell	2424	1418	1006	0	0	58.50%	41.50%	0.00%	0.00%	58%	42%	Elferink
Millner	3552	1633	1571	0	348	45.97%	44.23%	0.00%	9.80%	49%	51%	Bonson
Nelson	3525	1535	343	186	1461	43.55%	9.73%	5.28%	41.45%	66%	34%	Wood
Nhulunbuy	2677	690	1471	162	354	25.78%	54.95%	6.05%	13.22%	34%	66%	Stirling
Nightcliff	3654	1485	1898	0	271	40.64%	51.94%	0.00%	7.42%	43%	57%	Aagaard
Port Darwin	3370	1587	1220	0	563	47.09%	36.20%	0.00%	16.71%	57%	43%	Carter
Sanderson	3697	1530	1629	0	538	41.38%	44.06%	0.00%	14.55%	47%	53%	Kiely
Stuart	2093	586	1453	0	0	28.00%	69.42%	0.00%	0.00%	29%	71%	Toyne
Wanguri	3619	1498	2000	0	121	41.39%	55.26%	0.00%	3.34%	43%	57%	Henderson

Seat	Formal Vote	CLP Prmary	ALP Primary	Green Primary	Other Primary	CLP Primary %	ALP Primary %	Green Primary %	Other Primary %	CLP 2PP	ALP 2PP	Winning Candidate
Arafura	2904	648	1864	392		22.31%	64.19%	13.50%	0.00%	26%	74%	Scrymgour
Araluen	3610	1945	1332	333		53.88%	36.90%	9.22%	0.00%	57%	43%	Carney
Arnhem	2856	652	1919	285	0	22.83%	67.19%	9.98%	0.00%	26%	74%	B McCarthy
Barkly	2989	767	2135	0	87	25.66%	71.43%	0.00%	2.91%	27%	73%	McAdam
Blain	3725	1933	1415	273	104	51.89%	37.99%	7.33%	2.79%	57%	43%	Mills
Braitling	3532	1613	779	0	1140	45.67%	22.06%	0.00%	32.28%	58%	42%	Braham
Brennan	3707	1638	1656	0	413	44.19%	44.67%	0.00%	11.14%	48%	52%	J Burke
Casuarina	3573	992	2361	0	220	27.76%	66.08%	0.00%	6.16%	31%	69%	Vatskalis
Daly	3470	980	1842	159	489	28.24%	53.08%	4.58%	14.09%	35%	65%	Knight
Drysdale	3568	1739	1829	0	0	48.74%	51.26%	0.00%	0.00%	49%	51%	Natt
Fannie Bay	3878	1131	2551	0	196	29.16%	65.78%	0.00%	5.05%	31%	69%	Martin
Goyder	3854	1359	1376	246	873	35.26%	35.70%	6.38%	22.65%	48%	52%	Warren
Greatorex	3811	1848	1556	407	0	48.49%	40.83%	10.68%	0.00%	51%	49%	Lim
Johnston	3592	1071	1977	358	186	29.82%	55.04%	9.97%	5.18%	34%	66%	Burns
Karama	3650	1205	2445	0	0	33.01%	66.99%	0.00%	0.00%	33%	67%	DP Lawrie
Katherine	3666	1930	1736	0	0	52.65%	47.35%	0.00%	0.00%	53%	47%	Miller
MacDonnell	2794	866	1445	277	206	30.99%	51.72%	9.91%	7.37%	38%	62%	Anderson
Millner	3582	598	1888	293	803	16.69%	52.71%	8.18%	22.42%	32%	68%	Bonson
Nelson	3771	1163	475	0	2133	30.84%	12.60%	0.00%	56.56%	60%	40%	Wood
Nhulunbuy	2877	689	2188	0	0	23.95%	76.05%	0.00%	0.00%	24%	76%	Stirling
Nightcliff	3644	1063	1815	571	195	29.17%	49.81%	15.67%	5.35%	35%	65%	Aagaard
Port Darwin	3395	1661	1734	0	0	48.92%	51.08%	0.00%	0.00%	49%	51%	Sacilotto
Sanderson	3773	1569	2204	0	0	41.58%	58.42%	0.00%	0.00%	42%	58%	Kiely
Stuart	2419	702	1717	0	0	29.02%	70.98%	0.00%	0.00%	29%	71%	Toyne
Wanguri	3648	1065	2583	0	0	29.19%	70.81%	0.00%	0.00%	29%	71%	Henderson

Appendix B –
Candidates by Surname, Electorate and Year, 1974-2005

Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Gray	Alan Travors	Ind	Alice Springs	1974	
KILGARIFF	Bernard Francis (Bernie)	CLP	Alice Springs	1974	
Leunig	Jean Oliver	ALP	Alice Springs	1974	
KENTISH	Rupert James	CLP	Arnhem	1974	
Pearce	Elizabeth	ALP	Arnhem	1974	
Marks	Eric Gyall	ALP	Barkly	1974	
TUXWORTH	Ian Lindsay	CLP	Barkly	1974	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1974	
Dunstan	Allan Frederick	ALP	Casuarina	1974	
McGahey	Robert Lindsay	Ind	Casuarina	1974	
Orr	Dudley Alexander	Ind	Casuarina	1974	
Frazer	Kevin Matthew	ALP	Elsey	1974	
James	Leslie	Ind	Elsey	1974	
MacFARLANE	John Leslie Stuart (Les)	CLP	Elsey	1974	
Bowditch	James Frederick	ALP	Fannie Bay	1974	
Fisher	Eleanor Ettie	Ind	Fannie Bay	1974	
McCormack	John	Ind	Fannie Bay	1974	
TAMBLING	Grant Ernest	CLP	Fannie Bay	1974	
Leunig	Peter Allen	ALP	Gillen	1974	
ROBERTSON	James Murray (Jim)	CLP	Gillen	1974	
Bell	Thomas Andrew	ALP	Jingili	1974	
EVERINGHAM	Paul Anthony Edward	CLP	Jingili	1974	
D'Ambrosio	Edward Francis Shadrack	Ind	Ludmilla	1974	
Robertson	Hazel Audrey	ALP	Ludmilla	1974	
Smith	Brian Julius R	Ind	Ludmilla	1974	
STEELE	Roger Michael	CLP	Ludmilla	1974	
Stewart	Grahame Leslie	CLP	Ludmilla	1974	
Sullivan	William James	Ind	Ludmilla	1974	
Breaden	Bruce	Ind	MacDonnell	1974	
POLLOCK	David Lloyd	CLP	MacDonnell	1974	
Wolfe	Malcolm Vincent	Ind	MacDonnell	1974	
Forrester	William Richard	Ind	Millner	1974	
Hunt	Jack Thomas	ALP	Millner	1974	
Quinn	John Patrick	Ind	Millner	1974	
RYAN	Roger Vincent	CLP	Millner	1974	
BALLANTYNE	Milton James	CLP	Nhulunbuy	1974	
Flynn	John Garrard	ALP	Nhulunbuy	1974	
Hendry	William Keith	Ind	Nhulunbuy	1974	
Ellis	Edward John	ALP	Nightcliff	1974	
Hooper	Alfred Harold	CLP	Nightcliff	1974	
LAWRIE	Alline Dawn (Dawn)	Ind	Nightcliff	1974	
Gallacher	James Douglas (Jim)	ALP	Port Darwin	1974	
Jettner	William Rex (Rex)	CLP	Port Darwin	1974	
Manning	Brian Thomas	ALP	Port Darwin	1974	
WITHNALL	Ronald John (Ron)	Ind	Port Darwin	1974	
Allan-Stewart	Alexander	Ind	Sanderson	1974	
ANDREW	Elizabeth Jean	CLP	Sanderson	1974	
Phelan	Mark Benedict	ALP	Sanderson	1974	
Sinclair	Herbert Patrick	Ind	Sanderson	1974	
Harris	Reginald Robert	Ind	Stuart	1974	
Nelson	Harry Djagamara	ALP	Stuart	1974	
VALE	Roger William Stanley	CLP	Stuart	1974	
Fisher	William Joseph	Ind	Stuart Park	1974	
Loveday	Geoffrey Mark	ALP	Stuart Park	1974	
McNamee	John	Ind	Stuart Park	1974	
PERRON	Marshall Bruce	CLP	Stuart Park	1974	
Lawrence	Peter Robin	Ind	Tiwi	1974	
Nixon	John William	ALP	Tiwi	1974	
Oaten	Robert Davie	Ind	Tiwi	1974	
Padgham-Purich	Cecilia Noel (Noel)	Ind	Tiwi	1974	
Stewart	Lou	Ind	Tiwi	1974	
TUNGATALUM	Hyacinth	CLP	Tiwi	1974	
LETTS	Godfrey Alan (Goff)	CLP	Victoria River	1974	
Nunggula	Wiyendji	Ind	Victoria River	1974	
Renfrey	Charles William	Ind	Victoria River	1974	
Evans	Brian Lindon	PP	Alice Springs	1977	
McDonald	Rosalie Ann	ALP	Alice Springs	1977	
OLIVER	Roderick Carson (Rod)	CLP	Alice Springs	1977	
Brain	Phillip Samuel	PP	Arnhem	1977	
COLLINS	Robert Lindsay (Bob)	ALP	Arnhem	1977	
Kentish	Rupert James	CLP	Arnhem	1977	
Andrews	Neville John	PP	Barkly	1977	
Conway	Margaret Oliver	Ind	Barkly	1977	
Foster	Billy Boy	Ind	Barkly	1977	

Note:
Winning candidates' surnames appear in CAPITAL letters.

Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Havnen	Jean Mona	ALP	Barkly	1977	
TUXWORTH	Ian Lindsay	CLP	Barkly	1977	
Bree	Dennis Patrick	ALP	Casuarina	1977	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1977	
Hoey	Robert George	PP	Casuarina	1977	
Daniels	Davis	Ind	Elsey	1977	
Davies	Patricia May	Ind	Elsey	1977	
Killen	Deidre Marie	PP	Elsey	1977	
MacFARLANE	John Leslie Stuart (Les)	CLP	Elsey	1977	
Fisher	William Joseph	Ind	Fannie Bay	1977	
O'NEIL	Pamela Francis (Pam)	ALP	Fannie Bay	1977	
Osgood	Edward Colston (Eddie)	PP	Fannie Bay	1977	
Tambling	Grant Ernest	CLP	Fannie Bay	1977	
Johncock	Peter	PP	Gillen	1977	
ROBERTSON	James Murray (Jim)	CLP	Gillen	1977	
Thomas	John	ALP	Gillen	1977	
Cooper	David John	PP	Jingili	1977	
EVERINGHAM	Paul Anthony Edward	CLP	Jingili	1977	
McCormack	John	Ind	Jingili	1977	
Rickard	Diana	ALP	Jingili	1977	
Tarasidis	George	Ind	Jingili	1977	
Draffin	Christopher Carl	ALP	Ludmilla	1977	
Johnson	Terry Robert	PP	Ludmilla	1977	
STEELE	Roger Michael	CLP	Ludmilla	1977	
Fidler	Mark	PP	MacDonnell	1977	
PERKINS	Neville George	ALP	MacDonnell	1977	
Pollock	David Lloyd	CLP	MacDonnell	1977	
Pearce	Elva Marjorie	PP	Millner	1977	
Ryan	Roger Vincent	CLP	Millner	1977	
BALLANTYNE	Milton James	CLP	Nhulunbuy	1977	
De Vries	Jacob John	PP	Nhulunbuy	1977	
Fincham	Denise Lynette	ALP	Nhulunbuy	1977	
Blums	Uldis Anthony	PP	Nightcliff	1977	
LAWRIE	Alline Dawn (Dawn)	Ind	Nightcliff	1977	
Nobbs	Ronald Coane	CLP	Nightcliff	1977	
HARRIS	Tom	CLP	Port Darwin	1977	
Manning	Brian Thomas	Ind	Port Darwin	1977	
Scott	Michael	ALP	Port Darwin	1977	
Smith	Ian David	PP	Port Darwin	1977	
Withnall	Ronald John	Ind	Port Darwin	1977	
Andrew	Elizabeth Jean	CLP	Sanderson	1977	
Bennett	David Geoffrey	PP	Sanderson	1977	
D'ROZARIO	June	ALP	Sanderson	1977	
Fischer	Kitty	Ind	Sanderson	1977	
Sinclair	Herbert Patrick	Ind	Sanderson	1977	
Cutter	Trevor Norman	ALP	Stuart	1977	
Kitto	Kenneth Maxwell Stuart	PP	Stuart	1977	
VALE	Roger William Stanley	CLP	Stuart	1977	
Chin	Ernest Sue Wah	Ind	Stuart Park	1977	
Day	Kenneth Leonard	PP	Stuart Park	1977	
Muras	Judith Marie	ALP	Stuart Park	1977	
PERRON	Marshall Bruce	CLP	Stuart Park	1977	
Maschke	Harry	ALP	Tiwi	1977	
O'Brien	Terrance John	Ind	Tiwi	1977	
PADGHAM-PURICH	Cecilia Noel (Noel)	CLP	Tiwi	1977	
Rioli	Cyril	CLP	Tiwi	1977	
Ryan	George Roy	PP	Tiwi	1977	
Strider		Ind	Tiwi	1977	
Tipiloura	Bernard	ALP	Tiwi	1977	
DOOLAN	John Kevin Raphael (Jack)	ALP	Victoria River	1977	
Favaro	Frank Antonio	PP	Victoria River	1977	
Letts	Godfrey Alan (Goff)	CLP	Victoria River	1977	
COLLINS	Denis Wilfred	CLP	Alice Springs	1980	
Hampton	Ted (Snookey)	ALP	Alice Springs	1980	
Oliver	Roderick Carson	Ind	Alice Springs	1980	
Pollock	David Lloyd	Ind	Alice Springs	1980	
COLLINS	Robert Lindsay (Bob)	ALP	Arnhem	1980	
Djerrkura	Donald Gatjil	CLP	Arnhem	1980	
McAleer	Mark Anthony	AMP	Arnhem	1980	
Andrews	Neville John	PP	Barkly	1980	
Thomson	William Tasman	ALP	Barkly	1980	
TUXWORTH	Ian Lindsay	CLP	Barkly	1980	
Bree	Dennis Patrick	ALP	Casuarina	1980	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1980	

Note:
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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Roth	Klaus Dieter	AD	Casuarina	1980	
Aboutaleb	Maged	ALP	Elsey	1980	
Davies	Patricia May	Ind	Elsey	1980	
Forscutt	James Baden	Ind	Elsey	1980	
Hughes	Lawrence John	Ind	Elsey	1980	
MacFARLANE	John Leslie Stuart (Les)	CLP	Elsey	1980	
Reilly	Raymond Thomas	Ind	Elsey	1980	
O'NEIL	Pamela Francis	ALP	Fannie Bay	1980	
Stack	Ellen Mary (Ella)	CLP	Fannie Bay	1980	
McDonald	Rosalie Ann	ALP	Gillen	1980	
ROBERTSON	James Murray (Jim)	CLP	Gillen	1980	
EVERINGHAM	Paul Anthony Edward	CLP	Jingili	1980	
Hansen	Peter Julian	ALP	Jingili	1980	
Read	Philip Ashely	AD	Jingili	1980	
Barden	Roy Spencer	Ind	Ludmilla	1980	
Spurr	Kay Jennifer	ALP	Ludmilla	1980	
STEELE	Roger Michael	CLP	Ludmilla	1980	
Kunoth-Monks	Rosalie Lynette	CLP	MacDonnell	1980	
PERKINS	Neville George	ALP	MacDonnell	1980	
ISAACS	Jonathan Martin (Jon)	ALP	Millner	1980	
Robinson	John Peter	CLP	Millner	1980	
Ballantyne	Milton James	CLP	Nhulunbuy	1980	
LEO	Daniel Murray (Dan)	ALP	Nhulunbuy	1980	
O'Reilly	Michael James	Ind	Nhulunbuy	1980	
Amos	Elizabeth Anne	CLP	Nightcliff	1980	
Coombs	Charles Douglas	CD	Nightcliff	1980	
LAWRIE	Alline Dawn (Dawn)	Ind	Nightcliff	1980	
Haritos	Jack	ALP	Port Darwin	1980	
HARRIS	Tom	CLP	Port Darwin	1980	
Myles	Linues Adam (Len)	AD	Port Darwin	1980	
Taylor	Philip Nicholas	AMP	Port Darwin	1980	
D'ROZARIO	June	ALP	Sanderson	1980	
Manzie	Daryl William	CLP	Sanderson	1980	
Thomas	John	ALP	Stuart	1980	
VALE	Roger William Stanley	CLP	Stuart	1980	
Cavanagh	Peter William	ALP	Stuart Park	1980	
Duffy	John	AMP	Stuart Park	1980	
PERRON	Marshall Bruce	CLP	Stuart Park	1980	
Wilson	Terence Peter (Terry)	Ind	Stuart Park	1980	
Maschke	Harry	ALP	Tiwi	1980	
McAleer	Lenin Ramsay (Len)	Ind	Tiwi	1980	
PADGHAM-PURICH	Cecilia Noel (Noel)	CLP	Tiwi	1980	
Smither	Jennifer Joy (Jenny)	AMP	Tiwi	1980	
DOOLAN	John Kevin Raphael (Jack)	ALP	Victoria River	1980	
Douglass	Bronte Norman	Ind	Victoria River	1980	
McCarthy	John Desmond (Jack)	Ind	Victoria River	1980	
Millhouse	Charles John (John)	CLP	Victoria River	1980	
BELL	Neil Randal	ALP	MacDonnell	1981	Perkins resignation - 28 March by-election
Kunoth-Monks	Rosalie Lynette	CLP	MacDonnell	1981	Perkins resignation - 28 March by-election
Harding	William Ronald	Ind	Millner	1981	Isaacs resignation - 21 November by-election
Harris	Rosemary Janice	AD	Millner	1981	Isaacs resignation - 21 November by-election
Lawrence	Peter Robin Isaac	Ind	Millner	1981	Isaacs resignation - 21 November by-election
Robinson	John Peter	CLP	Millner	1981	Isaacs resignation - 21 November by-election
SMITH	Terrence Edward (Terry)	ALP	Millner	1981	Isaacs resignation - 21 November by-election
COLLINS	Robert Lindsay (Bob)	ALP	Arafura	1983	
Doolan	John Kevin Raphael	AD	Arafura	1983	
Woodward	Robert John	CLP	Arafura	1983	
Joy	Allen David	ALP	Araluen	1983	
Letts	Godfrey Alan (Goff)	Ind	Araluen	1983	
ROBERTSON	James Murray (Jim)	CLP	Araluen	1983	
Amos	David Thomas	CLP	Arnhem	1983	
Daniels	David	CLP	Arnhem	1983	
LANHUPUY	Wesley Wagner (Wes)	ALP	Arnhem	1983	
Rogers	Kevin Kuyuruyurr (Balung)	AD	Arnhem	1983	
Hallett	Charles Keith	ALP	Barkly	1983	
TUXWORTH	Ian Lindsay	CLP	Barkly	1983	
COULTER	Barry Francis	CLP	Berrimah	1983	
Young	Colin William	ALP	Berrimah	1983	
Kerridge	Ross Kevin	ALP	Braitling	1983	
VALE	Roger William Stanley	CLP	Braitling	1983	
Crompton	Lionel John	ALP	Casuarina	1983	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1983	
Forscutt	James Baden	Ind	Elsey	1983	
STEELE	Roger Michael	CLP	Elsey	1983	

Note:
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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Surplice	Trevor Raymond	ALP	Elsey	1983	
Luck	Gerald Patrick	Ind	Fannie Bay	1983	
O'Neil	Pamela Francis	ALP	Fannie Bay	1983	
PERRON	Marshall Bruce	CLP	Fannie Bay	1983	
Gardiner	Pamela Anne	Ind	Flynn	1983	
HANRAHAN	Raymond Allan (Ray)	CLP	Flynn	1983	
Hughes	Peter	ALP	Flynn	1983	
EVERINGHAM	Paul Anthony Edward	CLP	Jingili	1983	
Jacob	Martin Benjamin	ALP	Jingili	1983	
Leeder	Murray John	AD	Koolpinyah	1983	
PADGHAM-PURICH	Cecilia Noel (Noel)	CLP	Koolpinyah	1983	
Sanderson	Michael Francis	Ind	Koolpinyah	1983	
Wesley-Smith	Robert Nuttall (Rob)	ALP	Koolpinyah	1983	
PALMER	Michael James (Mick)	CLP	Leanyer	1983	
Waters	John Bascomb	ALP	Leanyer	1983	
FIRMIN	Colin Charles (Col)	CLP	Ludmilla	1983	
O'Neil	Allan Michael	ALP	Ludmilla	1983	
BELL	Neil Randal	ALP	MacDonnell	1983	
Hampton	Ted (Snookey)	AD	MacDonnell	1983	
McKinlay	Ian	CLP	MacDonnell	1983	
Fenner	Christopher Robin	Ind	Millner	1983	
Palfy	Lorraine Anne	CLP	Millner	1983	
SMITH	Terrence Edward (Terry)	ALP	Millner	1983	
Graetz	Kevin Charles	CLP	Nhulunbuy	1983	
LEO	Daniel Murray (Dan)	ALP	Nhulunbuy	1983	
Dyer	Colin Barry	ALP	Nightcliff	1983	
HATTON	Stephen Paul (Steve)	CLP	Nightcliff	1983	
Lawrie	Alline Dawn (Dawn)	Ind	Nightcliff	1983	
HARRIS	Tom	CLP	Port Darwin	1983	
Kearney	Russell Alexander	ALP	Port Darwin	1983	
COLLINS	Denis Wilfred	CLP	Sadadeen	1983	
Flint	Morgan Lawson	ALP	Sadadeen	1983	
D'Rozario	June	ALP	Sanderson	1983	
Mann	Ronald Victor Charles (Ro	CD	Sanderson	1983	
MANZIE	Daryl William	CLP	Sanderson	1983	
EDE	Brian Richard	ALP	Stuart	1983	
Liddle	Bobby	CLP	Stuart	1983	
Bree	Dennis Patrick	ALP	Victoria River	1983	
Doolan	John Kevin Raphael	Ind	Victoria River	1983	
McCARTHY	Terrence Robert (Terry)	CLP	Victoria River	1983	
Ryan	Maurie (Japarte)	AD	Victoria River	1983	
Wright	Ronald Eric	CLP	Victoria River	1983	
FINCH	Frederick Arthur (Fred)	CLP	Wagaman	1983	
Reid	Brian Douglas	ALP	Wagaman	1983	
Burke	Pat	ALP	Wanguri	1983	
DALE	Donald Francis (Don)	CLP	Wanguri	1983	
Miller	Edward Stanley	Ind	Wanguri	1983	
Cavanagh	Barry	ALP	Jingili	1984	Everingham resignation - 15 December by-election
SETTER	Richard Alfred (Rick)	CLP	Jingili	1984	Everingham resignation - 15 December by-election
POOLE	Eric Houguet	CLP	Araluen	1986	Robertson resignation - 19 April by-election
Shanahan	Di	ALP	Araluen	1986	Robertson resignation - 19 April by-election
Fox	Dorothy Emily	CLP	Arafura	1987	
TIPILOURA	Stanley Gabriel (Stan)	ALP	Arafura	1987	
Watton	Peter William	Nat	Arafura	1987	
Floreani	Enzo Alido	Nat	Araluen	1987	
POOLE	Eric Houguet	CLP	Araluen	1987	
Shanahan	Di	ALP	Araluen	1987	
Dallsiton	Brian James	Nat	Arnhem	1987	
Foley	Bruce Raymond	Ind	Arnhem	1987	
Hancock	John Richard	CLP	Arnhem	1987	
LANHUPUY	Wesley Wagner (Wes)	ALP	Arnhem	1987	
Conway	Margaret Oliver	Ind	Barkly	1987	Disputed return, Mar 1887. By-election 5 Sept
Hallett	Charles Keith (Keith)	ALP	Barkly	1987	Disputed return. Disqualified.
Hickey	Margaret Anne (Maggie)	Ind	Barkly	1987	
Hickey	Margaret Anne (Maggie)	ALP	Barkly	1987	Disputed return, Mar 1887. By-election 5 Sept
Holt	Malcolm	CLP	Barkly	1987	Disputed return, Mar 1887. By-election 5 Sept
Smith	Gary Allan	CLP	Barkly	1987	
TUXWORTH	Ian Lindsay	Nat	Barkly	1987	
TUXWORTH	Ian Lindsay	CLP	Barkly	1987	Disputed return, Mar 1887. By-election 5 Sept
Alsop	Mike	ALP	Braitling	1987	
Stewart	Max Dana	Nat	Braitling	1987	
VALE	Roger William Stanley	CLP	Braitling	1987	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1987	
Nicolosi	Giuseppe	Nat	Casuarina	1987	

Note:
Winning candidates' surnames appear in CAPITAL letters.

Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Reeves	John Edward	ALP	Casuarina	1987	
Marshall	Stephen James	Nat	Fannie Bay	1987	
Osgood	Edward Colston	Ind	Fannie Bay	1987	
PERRON	Marshall Bruce	CLP	Fannie Bay	1987	
Strider		Ind	Fannie Bay	1987	
Waters	John Bascomb	ALP	Fannie Bay	1987	
Anderson	Jacqueline	Nat	Flynn	1987	
HANRAHAN	Raymond Allan (Ray)	CLP	Flynn	1987	
Ormond	John	ALP	Flynn	1987	
Maschke	Harry	Nat	Jingili	1987	
SETTER	Richard Alfred (Rick)	CLP	Jingili	1987	
Wharton	Robert Bentley (Bob)	ALP	Jingili	1987	
Crompton	Lionel John	ALP	Karama	1987	
PALMER	Michael James (Mick)	CLP	Karama	1987	
Preston	Lionel Robert	Nat	Karama	1987	
Forscutt	James Baden (Jim)	Nat	Katherine	1987	
Maynard	Philip	ALP	Katherine	1987	
REED	Michael Anthony (Mike)	CLP	Katherine	1987	
Ivinson	Peter David	ALP	Koolpinyah	1987	
Loftus	Patrick	CLP	Koolpinyah	1987	
Loveridge	David John	Nat	Koolpinyah	1987	
PADGHAM-PURICH	Cecilia Noel (Noel)	Ind	Koolpinyah	1987	
FINCH	Frederick Arthur (Fred)	CLP	Leanyer	1987	
Lamb-Jenkins	David	ALP	Leanyer	1987	
Wane	David Ian	Nat	Leanyer	1987	
Cross	Sydney Maxwell	Ind	Ludmilla	1987	
FIRMIN	Colin Charles (Col)	CLP	Ludmilla	1987	
McMah	Chris	ALP	Ludmilla	1987	
Thomas	Brian Maurice	Nat	Ludmilla	1987	
BELL	Neil Randal	ALP	MacDonnell	1987	
Davis	Joe	CLP	MacDonnell	1987	
Liddle	Ronald James	Nat	MacDonnell	1987	
Baban	John Matthew	CLP	Millner	1987	
Foley	Michael Francis (Mike)	Nat	Millner	1987	
SMITH	Terrence Edward (Terry)	ALP	Millner	1987	
Crowhurst	Deane Trevor	Nat	Nhulunbuy	1987	
Ellis	Pat	Ind	Nhulunbuy	1987	
LEO	Daniel Murray (Dan)	ALP	Nhulunbuy	1987	
Steele-Wareham	Pamela	CLP	Nhulunbuy	1987	
Brent	Brian Edward	Nat	Nightcliff	1987	
HATTON	Stephen Paul	CLP	Nightcliff	1987	
Rowell	John	ALP	Nightcliff	1987	
COULTER	Barry Francis	CLP	Palmerston	1987	
Henry	Tony	ALP	Palmerston	1987	
Ting	Michael Tien-Lok	Nat	Palmerston	1987	
HARRIS	Tom	CLP	Port Darwin	1987	
Kearney	Russell Alexander	ALP	Port Darwin	1987	
Maclean	James Wilson	Nat	Port Darwin	1987	
Campbell	Meredith	ALP	Sadadeen	1987	
COLLINS	Denis Wilfred	Ind	Sadadeen	1987	
Peterkin	Lynne Frances	Nat	Sadadeen	1987	
Stone	Shane Leslie	CLP	Sadadeen	1987	
Armstrong	Lawrence Alfred	Nat	Sanderson	1987	
MANZIE	Daryl William	CLP	Sanderson	1987	
McQueen	Peter	ALP	Sanderson	1987	
Drennan	Ian Douglas	Nat	Stuart	1987	
EDE	Brian Richard	ALP	Stuart	1987	
Forrester	Vincent Charles	Ind	Stuart	1987	
Sinclair	Jim	CLP	Stuart	1987	
Lawrence	Lance Alfred	Ind	Victoria River	1987	
McCARTHY	Terrence Robert (Terry)	CLP	Victoria River	1987	
White	Leon	ALP	Victoria River	1987	
Wright	Ronald Eric	Nat	Victoria River	1987	
Bevis	Graeme Scott	Nat	Wanguri	1987	
DALE	Donald Francis (Don)	CLP	Wanguri	1987	
McNab	Peter Donald	ALP	Wanguri	1987	
FLOREANI	Enzo Alido	Nat	Flynn	1988	Hanrahan resignation - 10 September by-election
Shanahan	Di	ALP	Flynn	1988	Hanrahan resignation - 10 September by-election
Tuzewski	June	CLP	Flynn	1988	Hanrahan resignation - 10 September by-election
BAILEY	John Derek	ALP	Wanguri	1989	Dale resignation - 19 August by-election
Beattie-Burnett	Debra	Green Ind	Wanguri	1989	Dale resignation - 19 August by-election
Bevis	Graeme Scott	Nat	Wanguri	1989	Dale resignation - 19 August by-election
Burridge	Robyne Margaret	Ind	Wanguri	1989	Dale resignation - 19 August by-election
Taylor	Kenneth John (John)	CLP	Wanguri	1989	Dale resignation - 19 August by-election

Note:
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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Puruntatameri	Barry	CLP	Arafura	1990	
TIPILOURA	Stanley Gabriel (Stan)	ALP	Arafura	1990	
Doolan	Brian Andrew	ALP	Araluen	1990	
Floreani	Enzo Alido	Nat	Araluen	1990	
POOLE	Eric Houguet	CLP	Araluen	1990	
Ansell	Rodney William	Ind	Arnhem	1990	
Hayward-Ryan	Anthony Michael	CLP	Arnhem	1990	
LANHUPUY	Wesley Wagner	ALP	Arnhem	1990	
Boulter	Tony	Ind	Barkly	1990	
Hallett	Charles Keith (Keith)	ALP	Barkly	1990	
HICKEY	Margaret Anne (Maggie)	Ind	Barkly	1990	
Purvis	Kenneth William	Nat	Barkly	1990	
Ruger	Paul Anthony	CLP	Barkly	1990	
Oldfield	Leslie	Ind	Braitling	1990	
Storey	Matthew	ALP	Braitling	1990	
VALE	Roger William Stanley	CLP	Braitling	1990	
Ward	Damien Richard	Nat	Braitling	1990	
Firmin	Colin Charles	Ind	Brennan	1990	
Fraser	Ian	ALP	Brennan	1990	
ORTMANN	Maxwell Henry (Max)	CLP	Brennan	1990	
DONDAS	Nicholas Manuel (Nick)	CLP	Casuarina	1990	
Ellis	Rodney Arthur	ALP	Casuarina	1990	
Rosenwax	Lea	Nat	Casuarina	1990	
Costigan	Paul	ALP	Fannie Bay	1990	
Ellis	Robert William (Bob)	Ind	Fannie Bay	1990	
PERRON	Marshall Bruce	CLP	Fannie Bay	1990	
Strider		Ind	Fannie Bay	1990	
Ah Kit	John Leonard (Jack)	ALP	Goyder	1990	
McCARTHY	Terrence Roberty (Terry)	CLP	Goyder	1990	
Purich	Kezia Dorcas Tibisay	Ind	Goyder	1990	
Size	Louise	Ind	Goyder	1990	
Starr	Thomas William	Ind	Goyder	1990	
Tuxworth	Ian Lindsay	Nat	Goyder	1990	
COLLINS	Denis Wilfred	Ind	Greatorex	1990	
Furber	Harold(?)	ALP	Greatorex	1990	
Johannsen	David William	Nat	Greatorex	1990	
Kennedy	Robert William	CLP	Greatorex	1990	
SETTER	Richard Alfred (Rick)	CLP	Jingili	1990	
Stuchbery	Fiona	ALP	Jingili	1990	
Thomson	Penelope	Ind	Jingili	1990	
Davidson	Jim(?)	ALP	Karama	1990	
Durling	Janet	Ind	Karama	1990	
FINCH	Frederick Arthur (Fred)	CLP	Karama	1990	
Gillespie	Margaret	ALP	Karama	1990	
Mackenzie	Alan	Nat	Karama	1990	
PALMER	Michael James (Mick)	CLP	Karama	1990	
Forscutt	James Baden	Nat	Katherine	1990	
Hughes	Lawrence John	Ind	Katherine	1990	
Maynard	Phil	ALP	Katherine	1990	
REED	Michael Anthony (Mike)	CLP	Katherine	1990	
BELL	Neil Randal	ALP	MacDonnell	1990	
Heenan	Brendan	CLP	MacDonnell	1990	
Hunt	Alison	CLP	MacDonnell	1990	
Collins	Janice Ellen (Jan)	CLP	Millner	1990	
SMITH	Terrence Edward (Terry)	ALP	Millner	1990	
Gow	Graeme Francis	Ind	Nelson	1990	
Ivinson	Peter David	ALP	Nelson	1990	
PADGHAM-PURICH	Cecilia Noel (Noel)	Ind	Nelson	1990	
Sanderson	David Campbell	CLP	Nelson	1990	
McClure	Susan Elizabeth	CLP	Nhulunbuy	1990	
STIRLING	Sydney James	ALP	Nhulunbuy	1990	
Dunham	John	Ind	Nightcliff	1990	
HATTON	Stephen Paul (Steve)	CLP	Nightcliff	1990	
Pettigrew	David	ALP	Nightcliff	1990	
COULTER	Barry Francis	CLP	Palmerston	1990	
Draffin	Christopher Carl	ALP	Palmerston	1990	
Fowler	Timothy Alwyn Coghlan	Ind	Palmerston	1990	
Wright	Rondald Eric	Nat	Palmerston	1990	
Cavanagh	Barry	ALP	Port Darwin	1990	
Fuller	David Glen	Nat	Port Darwin	1990	
Kearney	Jessie Alice Elizabeth	Ind	Port Darwin	1990	
STONE	Shane Leslie	CLP	Port Darwin	1990	
MANZIE	Daryl William	CLP	Sanderson	1990	
Parsons	Graeme	Ind	Sanderson	1990	

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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Perrin	Alan	ALP	Sanderson	1990	
Wrenn	Andrew Charles	Ind	Sanderson	1990	
EDE	Brian Richard	ALP	Stuart	1990	
Nelson	Alexander Joseph	CLP	Stuart	1990	
Pananka	Eric Houguet	CLP	Stuart	1990	
CARTWRIGHT	Gary Royce	ALP	Victoria River	1990	
Dunham	Stephen	CLP	Victoria River	1990	
BAILEY	John Derek	ALP	Wanguri	1990	
Hare	John Denholm	CLP	Wanguri	1990	
Collins	Jan	CLP	Millner	1991	Smith resignation - 7 December by-election
Firmin	Colin Charles (Col)	Ind	Millner	1991	Smith resignation - 7 December by-election
Mills	Gary	??	Millner	1991	Smith resignation - 7 December by-election
PARISH	Kenneth Alan	ALP	Millner	1991	Smith resignation - 7 December by-election
Newton			Arafura	1992	Tipiloura death - 7 November by-election
RIOLI	Maurice Joseph	ALP	Arafura	1992	Tipiloura death - 7 November by-election
Tipiloura	Bernard	CLP	Arafura	1992	Tipiloura death - 7 November by-election
Newton	Colin	Ind	Arafura	1994	
RIOLI	Maurice Joseph	ALP	Arafura	1994	
Siebert	Lothar	CLP	Arafura	1994	
POOLE	Eric Houguet	CLP	Araluen	1994	
Yates	Mescal	ALP	Araluen	1994	
Januschka	Veronica Jane	CLP	Arnhem	1994	
LANHUPUY	Wesley Wagner (Wes)	ALP	Arnhem	1994	
Freeman	Geoffrey Keith	Ind	Barkly	1994	
HICKEY	Margaret Anne (Maggie)	ALP	Barkly	1994	
Ruger	Paul Anthony	CLP	Barkly	1994	
BRAHAM	Loraine Margaret	CLP	Braitling	1994	
Carter	Charlie	ALP	Braitling	1994	
BURKE	Denis Gabriel	CLP	Brennan	1994	
Carter	Geoffrey Alan	ALP	Brennan	1994	
Ortmann	Maxwell Henry	Ind	Brennan	1994	
ADAMSON	Peter Francis	CLP	Casuarina	1994	
Martin	Clare Majella	ALP	Casuarina	1994	
Bradley	Susan	ALP	Fannie Bay	1994	
PERRON	Marshall Bruce	CLP	Fannie Bay	1994	
Johnson	Jamie	ALP	Goyder	1994	
McCARTHY	Terrence Robert (Terry)	CLP	Goyder	1994	
Wood	Gerard Vincent (Gerry)	Ind	Goyder	1994	
Collins	Denis Wilfred	Ind	Greatorex	1994	
LIM	Richard Soon Huat	CLP	Greatorex	1994	
Nelson	Kerrie	ALP	Greatorex	1994	
SETTER	Richard Alfred (Rick)	CLP	Jingili	1994	
Warren	Edward John (Ted)	ALP	Jingili	1994	
Inskip	Christopher George	Ind	Karama	1994	
PALMER	Michael James (Mick)	CLP	Karama	1994	
Pinto	Goncalo	Dem	Karama	1994	
Tobin	John	ALP	Karama	1994	
Maynard	Gibby	ALP	Katherine	1994	
REED	Michael Anthony (Mike)	CLP	Katherine	1994	
FINCH	Frederick Arthur (Fred)	CLP	Leanyer	1994	
Russo	Cos	ALP	Leanyer	1994	
BELL	Neil Randal	ALP	MacDonnell	1994	
Waudby	Pam	CLP	MacDonnell	1994	
Eldridge	Ilana	Green	Millner	1994	
MITCHELL	Philip Anthony	CLP	Millner	1994	
Parish	Kenneth Alan	ALP	Millner	1994	
Connop	Wayne	ALP	Nelson	1994	
Lugg	Chris	CLP	Nelson	1994	
PADGHAM-PURICH	Cecilia Noel (Noel)	Ind	Nelson	1994	
O'Shea	Mick	CLP	Nhulunbuy	1994	
STIRLING	Sydney James	ALP	Nhulunbuy	1994	
Adams	Rob	Dem	Nightcliff	1994	
HATTON	Stephen Paul (Steve)	CLP	Nightcliff	1994	
Henderson	Paul	ALP	Nightcliff	1994	
COULTER	Barry Francis	CLP	Palmerston	1994	
Diflo	Kevin	ALP	Palmerston	1994	
Elliott	Dave	Ind	Palmerston	1994	
Haritos	Rodney	ALP	Port Darwin	1994	
Jones	Andrea	Ind	Port Darwin	1994	
STONE	Shane Leslie	CLP	Port Darwin	1994	
Horvath	Denise	ALP	Sanderson	1994	
MANZIE	Daryl William	CLP	Sanderson	1994	
Bohning	John Henry (Tony)	CLP	Stuart	1994	
EDE	Brian Richard	ALP	Stuart	1994	

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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
BALDWIN	Timothy Denney (Tim)	CLP	Victoria River	1994	
Cartwright	Gary Royce	ALP	Victoria River	1994	
Noble	Jack	Ind	Victoria River	1994	
BAILEY	John Derek	ALP	Wanguri	1994	
Balch	Steve	CLP	Wanguri	1994	
AH KIT	John Leonard (Jack)	ALP	Arnhem	1995	Lanhupuy resignation - 7 October by-election
Lawrence			Arnhem	1995	Lanhupuy resignation - 7 October by-election
Nungarggulu			Arnhem	1995	Lanhupuy resignation - 7 October by-election
Yumbulul	Terry	CLP	Arnhem	1995	Lanhupuy resignation - 7 October by-election
Lyons	Margaret	CLP	Fannie Bay	1995	Perron resignation - 17 June by-election
MARTIN	Clare Majella	ALP	Fannie Bay	1995	Perron resignation - 17 June by-election
Bohning	John Henry (Tony)	CLP	Stuart	1996	Ede resignation - 28 September by-election
TOYNE	Peter Howard	ALP	Stuart	1996	Ede resignation - 28 September by-election
Nayinggul	Jacob	CLP	Arafura	1997	
RIOLI	Maurice Joseph	ALP	Arafura	1997	
McCulloch	Lilliah Rose	ALP	Araluen	1997	
POOLE	Eric Houguet	CLP	Araluen	1997	
AH KIT	John Leonard (Jack)	ALP	Arnhem	1997	
Lawrence	Lance Alfred	Ind	Arnhem	1997	
Maywudjiwuy	Thomas	Green	Arnhem	1997	
Wright	Alan	CLP	Arnhem	1997	
HICKEY	Margaret Anne (Maggie)	ALP	Barkly	1997	
John	Mark Anthony	CLP	Barkly	1997	
Nattrass	Barry Lee	Ind	Barkly	1997	
Bawden	Richard Keith	ALP	Blain	1997	
COULTER	Barry Francis	CLP	Blain	1997	
BRAHAM	Loraine Margaret	CLP	Braitling	1997	
Brooke	Peter	ALP	Braitling	1997	
Bennet	Stephen Charles	ALP	Brennan	1997	
BURKE	Denis Gabriel	CLP	Brennan	1997	
ADAMSON	Peter Francis	CLP	Casuarina	1997	
McLeod	Douglas James	ALP	Casuarina	1997	
Stewart	Timothy Scott Rhys	Ind	Casuarina	1997	
DUNHAM	Stephen	CLP	Drysdale	1997	
Edwards	Stuart Victor Lewis	Dem	Drysdale	1997	
Nieuwenhoven	Paul Mark	ALP	Drysdale	1997	
Kilgariff	Michael John	CLP	Fannie Bay	1997	
MARTIN	Clare Majella	ALP	Fannie Bay	1997	
Connop	Wayne	ALP	Goyder	1997	
McCARTHY	Terrence Robert (Terry)	CLP	Goyder	1997	
Strider		Ind	Goyder	1997	
Kavanagh	Peter Lloyd	ALP	Greatorex	1997	
Lim	Richard Soon Huat	CLP	Greatorex	1997	
BALCH	Stephen John	CLP	Jingili	1997	
Barnes	Stephen David	Ind	Jingili	1997	
Forday	Ross Lee	Ind	Jingili	1997	
Phillips	Catherine Rose	ALP	Jingili	1997	
PALMER	Michael James (Mick)	CLP	Karama	1997	
Tobin	John George	ALP	Karama	1997	
Byers	Peter	Ind	Katherine	1997	
Peirce	Michael Roderick	ALP	Katherine	1997	
REED	Michael Anthony (Mike)	CLP	Katherine	1997	
ELFERINK	Johann Wessel (John)	CLP	MacDonnell	1997	
Lechleitner	Kenneth Immanuel	Ind	MacDonnell	1997	
Wheeler	Mark Anthony	ALP	MacDonnell	1997	
ISAACS	Jonathan Martin (Jon)	ALP	Millner	1997	
Mills	Ian Gary	Ind	Millner	1997	
Mills	June Kathryn	Green	Millner	1997	
MITCHELL	Philip Anthony	CLP	Millner	1997	
O'Hagan	Peter Marius	ALP	Millner	1997	
Francis	Theresa Mary	ALP	Nelson	1997	
LUGG	Christopher Dennis (Chris)	CLP	Nelson	1997	
Tollner	David William	Ind	Nelson	1997	
Davey	Richard Gordon	CLP	Nhulunbuy	1997	
STIRLING	Sydney James	ALP	Nhulunbuy	1997	
HATTON	Stephen Paul (Steve)	CLP	Nightcliff	1997	
Henderson	Paul Raymond	ALP	Nightcliff	1997	
Katapodis	Theo	Ind	Nightcliff	1997	
McCleary	Betty Maxin	Ind	Nightcliff	1997	
Carter	Geoffrey Alan	ALP	Port Darwin	1997	
Martin	Lex Stephen	Ind	Port Darwin	1997	
STONE	Shane Leslie	CLP	Port Darwin	1997	
Atkinson	Michael Thomas	ALP	Sanderson	1997	
MANZIE	Daryl William	CLP	Sanderson	1997	

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Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Bohning	John Henry (Tony)	CLP	Stuart	1997	
TOYNE	Peter Howard	ALP	Stuart	1997	
BALDWIN	Timothy Denney (Tim)	CLP	Victoria River	1997	
La Fontaine	Paul Francis	ALP	Victoria River	1997	
BAILEY	John Derek	ALP	Wanguri	1997	
Styles	Peter Donald	CLP	Wanguri	1997	
Brugmans			Blain	1999	Coulter resignation - 31 July by-election
Cridland	Nicole	ALP	Blain	1999	Coulter resignation - 31 July by-election
Gandolfi	Peter	Ind	Blain	1999	Coulter resignation - 31 July by-election
MILLS	Terrance Kennedy (Terry)	CLP	Blain	1999	Coulter resignation - 31 July by-election
Altamura	Carrie	Ind	Wanguri	1999	Bailey resignation - 31 July by-election
Austin	Maisie	CLP	Wanguri	1999	Bailey resignation - 31 July by-election
HENDERSON	Paul Raymond	ALP	Wanguri	1999	Bailey resignation - 31 July by-election
Price			Wanguri	1999	Bailey resignation - 31 July by-election
Bradley	Susan	Ind	Port Darwin	2000	Stone resignation - 11 March by-election
CARTER	Susan Jill (Sue)	CLP	Port Darwin	2000	Stone resignation - 11 March by-election
Fraser	Ian	ALP	Port Darwin	2000	Stone resignation - 11 March by-election
Gough	Andy	Green	Port Darwin	2000	Stone resignation - 11 March by-election
Christophersen	John	Ind	Arafura	2001	
Fox	Dorothy	Ind	Arafura	2001	
Puruntatameri	Marius Matthew	CLP	Arafura	2001	
SCRYMGOUR	Marion Rose	ALP	Arafura	2001	
Bohning	Tony	Ind	Araluen	2001	
Bowden	Mike	ALP	Araluen	2001	
Campbell	Meredith	Ind	Araluen	2001	
CARNEY	Jodeen Terese	CLP	Araluen	2001	
AH KIT	John Leonard (Jack)	ALP	Arnhem	2001	
Lawrence	Lance Alfred	Ind	Arnhem	2001	
Thomson	Cliff	CLP	Arnhem	2001	
Wright	Alan	CLP	Arnhem	2001	
Carpenter	Gavin	Ind	Barkly	2001	
Cross	Bill	CLP	Barkly	2001	
McADAM	Elliot Arthur	ALP	Barkly	2001	
MILLS	Terrance Kennedy (Terry)	CLP	Blain	2001	
Mulqueeney	Joe	TAP	Blain	2001	
Shew	Peter	ALP	Blain	2001	
BRAHAM	Loraine Margaret	Ind	Braitling	2001	
Brooke	Peter	ALP	Braitling	2001	
Harvey	Peter	CLP	Braitling	2001	
Jarvis	Peter W	Ind	Braitling	2001	
Taylor	Edward James	Ind	Braitling	2001	
BURKE	Denis Gabriel	CLP	Brennan	2001	
Dean	Duncan	Ind	Brennan	2001	
Hall	Simon	ALP	Brennan	2001	
Adamson	Peter Francis	CLP	Casuarina	2001	
Bayram	Jim	TAP	Casuarina	2001	
Seiler	Craig	Dem	Casuarina	2001	
VATSKALIS	Konstantine (Kon)	ALP	Casuarina	2001	
BALDWIN	Timothy Denney (Tim)	CLP	Daly	2001	
Knight	Robert	ALP	Daly	2001	
Norris	Wayne	ONP	Daly	2001	
Spry	Frank	Dem	Daly	2001	
DUNHAM	Stephen	CLP	Drysdale	2001	
Peirce	Inger	ALP	Drysdale	2001	
Cunningham	Mary	CLP	Fannie Bay	2001	
Johnston	Peter	SA	Fannie Bay	2001	
MARTIN	Clare Majella	ALP	Fannie Bay	2001	
MALEY	Peter John	CLP	Goyder	2001	
Rickard	Diana	Ind	Goyder	2001	
Smith	Alan	ALP	Goyder	2001	
Stewart	Merv	ONP	Goyder	2001	
Kavanagh	Peter	ALP	Greatorex	2001	
LIM	Richard Soon Huat	CLP	Greatorex	2001	
Mortimer	David Howard	Ind	Greatorex	2001	
Balch	Steve	CLP	Johnston	2001	
BURNS	Christopher Bruce (Chris)	ALP	Johnston	2001	
Sangster	Joanne	Dem	Johnston	2001	
LAWRIE	Delia Phoebe	ALP	Karama	2001	
Palmer	Michael James (Mick)	CLP	Karama	2001	
Coutts	Toni Tapp	Ind	Katherine	2001	
Donnellan	Tig	Ind	Katherine	2001	
Peirce	Mick	ALP	Katherine	2001	
Phillips	Rob	ONP	Katherine	2001	
REED	Michael Anthony (Mike)	CLP	Katherine	2001	

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Surname	Christian Name	Party	Electorate	Election Year	Notes
Alice	Phillip Samuel	CLP	MacDonnell	2001	
ELFERINK	Johann Wessel (John)	CLP	MacDonnell	2001	
Furber	Harold	ALP	MacDonnell	2001	
Arthur	Andrew	Ind	Millner	2001	
Baird	Diane	Ind	Millner	2001	
BONSON	Matthew Thomas	ALP	Millner	2001	
Ivinson	Andrew	TAP	Millner	2001	
Mitchell	Philip Anthony	CLP	Millner	2001	
Hardwick	Tony	ONP	Nelson	2001	
Hare	Bob	ALP	Nelson	2001	
Lugg	Chris	CLP	Nelson	2001	
WOOD	Gerard Vincent (Gerry)	Ind	Nelson	2001	
Davey	Gordon	ONP	Nhulunbuy	2001	
Manning	Peter	CLP	Nhulunbuy	2001	
Mitchell	David	Ind	Nhulunbuy	2001	
STIRLING	Sydney James	ALP	Nhulunbuy	2001	
AAGAARD	Jane Lesley	ALP	Nightcliff	2001	
Hatton	Jason	CLP	Nightcliff	2001	
Ivinson	Peter	TAP	Nightcliff	2001	
Meyerhoff	Gary William	SA	Nightcliff	2001	
Bond	Chris	ALP	Port Darwin	2001	
CARTER	Susan Jill (Sue)	CLP	Port Darwin	2001	
Dondas	Nicholas Manuel (Nick)	Ind	Port Darwin	2001	
Haslett	Gary	Ind	Sanderson	2001	
KIELY	Leonard Francis (Len)	ALP	Sanderson	2001	
Murdoch	Susan	TAP	Sanderson	2001	
Poniris	Peter	CLP	Sanderson	2001	
Lechleitner	Ken Japangardi	CLP	Stuart	2001	
TOYNE	Peter Howard	ALP	Stuart	2001	
Cahill	Robyn	CLP	Wanguri	2001	
De Landelles	Meredith	SA	Wanguri	2001	
HENDERSON	Paul Raymond	ALP	Wanguri	2001	
Bader		Ind	Katherine	2003	Reed resignation - 4 October by-election
Byers		Ind	Katherine	2003	Reed resignation - 4 October by-election
Forscutt	James Baden (Jim)	Ind	Katherine	2003	Reed resignation - 4 October by-election
Hillen	Sharon	ALP	Katherine	2003	Reed resignation - 4 October by-election
MILLER	Christina (Fay)	CLP	Katherine	2003	Reed resignation - 4 October by-election
Pascoe	George	Green	Arafura	2005	
SCRYMGOUR	Marion Rose	ALP	Arafura	2005	
Stevens	August	CLP	Arafura	2005	
CARNEY	Jodeen Terese	CLP	Araluen	2005	
Gaynor	John	ALP	Araluen	2005	
Tyley	Alan	Green	Araluen	2005	
Lawrence	Lance Alfred	Green	Arnhem	2005	
Marika	Djuwalpi	CLP	Arnhem	2005	
McCARTHY	Malandirri Barbara Anne	ALP	Arnhem	2005	
Bulsey	Janeen	Ind	Barkly	2005	
Dyer	Val	CLP	Barkly	2005	
McADAM	Elliot Arthur	ALP	Barkly	2005	
Cabry	Brendan	ALP	Blain	2005	
Dean	Duncan	Ind	Blain	2005	
McKinnon	Sue	Green	Blain	2005	
MILLS	Terrance Kennedy (Terry)	CLP	Blain	2005	
BRAHAM	Loraine Margaret	Ind	Braitling	2005	
Jones	Michael	CLP	Braitling	2005	
West	Sue	ALP	Braitling	2005	
Burke	Denis Gabriel	CLP	Brennan	2005	
BURKE	James Patrick	ALP	Brennan	2005	
Riley	Nelly	Ind	Brennan	2005	
Green	Wendy Louise	CLP	Casuarina	2005	
Mills	Gary	Ind	Casuarina	2005	
VATSKALIS	Konstantine (Kon)	ALP	Casuarina	2005	
White	Scott Richard	Ind	Casuarina	2005	
Aloisi	Debbi	CLP	Daly	2005	
KNIGHT	Daniel Robert (Rob)	ALP	Daly	2005	
Seaniger	Dale	Ind	Daly	2005	
Stegemann	Elke	Green	Daly	2005	
Dunham	Stephen	CLP	Drysdale	2005	
NATT	Christopher William (Chris)	ALP	Drysdale	2005	
Clarke	Fiona Bronwyn	Ind	Fannie Bay	2005	
Fry	Edward	CLP	Fannie Bay	2005	
MARTIN	Clare Majella	ALP	Fannie Bay	2005	
Blackadder	Andrew	Ind	Goyder	2005	
Phasey	Keith	CLP	Goyder	2005	

Note:
Winning candidates' surnames appear in CAPITAL letters.

Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
Rickard	Diana	Green	Goyder	2005	
Walshe	Mary	Ind	Goyder	2005	
WARREN	Edward John (Ted)	ALP	Goyder	2005	
Kilgariff	Fran	ALP	Greatorex	2005	
LIM	Richard Soon Huat	CLP	Greatorex	2005	
Mortimer	David Howard	Green	Greatorex	2005	
BURNS	Christopher Bruce (Chris)	ALP	Johnston	2005	
Connolly	Ross	CLP	Johnston	2005	
Meyerhoff	Gary William	Ind	Johnston	2005	
Neely	Kate	Green	Johnston	2005	
Saint	Steve	Ind	Johnston	2005	
LAWRIE	Delia Phoebe	ALP	Karama	2005	
Sellick	Trevor	CLP	Karama	2005	
Hillen	Sharon	ALP	Katherine	2005	
MILLER	Christina (Fay)	CLP	Katherine	2005	
ANDERSON	Alison	ALP	MacDonnell	2005	
Chewings	David	Ind	MacDonnell	2005	
Elferink	Johann Wessel (John)	CLP	MacDonnell	2005	
Forrester	Vincent	Ind	MacDonnell	2005	
Longmire	Andrew Robert	Green	MacDonnell	2005	
BONSON	Matthew Thomas	ALP	Millner	2005	
Hoad	Rob	Green	Millner	2005	
Inder-Smith	Robert Paul	Ind	Millner	2005	
Mitchell	Philip Anthony	Ind	Millner	2005	
Mossman	Paul	CLP	Millner	2005	
Lugg	Chris	CLP	Nelson	2005	
McKinney-Smith	Lisa	ALP	Nelson	2005	
WOOD	Gerard Vincent (Gerry)	Ind	Nelson	2005	
Manning	Peter James	CLP	Nhulunbuy	2005	
STIRLING	Sydney James	ALP	Nhulunbuy	2005	
AAGAARD	Jane Lesley	ALP	Nightcliff	2005	
Arthur	Andrew	Ind	Nightcliff	2005	
Eldridge	Ilana	Green	Nightcliff	2005	
Highway	Stuart	Ind	Nightcliff	2005	
Reiter	Anthony Karl	CLP	Nightcliff	2005	
Carter	Susan Jill (Sue)	CLP	Port Darwin	2005	
SACILOTTO	Kerry Denise	ALP	Port Darwin	2005	
KIELY	Leonard Francis (Len)	ALP	Sanderson	2005	
Styles	Peter Donald	CLP	Sanderson	2005	
De Sousa Machado	Anna	CLP	Stuart	2005	
TOYNE	Peter Howard	ALP	Stuart	2005	
HENDERSON	Paul Raymond	ALP	Wanguri	2005	
Kyriacou	Kerrie	CLP	Wanguri	2005	
Cartwright	Gary Royce	Ind	Stuart	2006	Toyne resignation - 23 September by-election
De Sousa Machado		Ind	Stuart	2006	Toyne resignation - 23 September by-election
HAMPTON	Karl Rio	ALP	Stuart	2006	Toyne resignation - 23 September by-election
Japanangka		CLP	Stuart	2006	Toyne resignation - 23 September by-election
Spencer-Nelson		CLP	Stuart	2006	Toyne resignation - 23 September by-election
Wilson		Ind	Stuart	2006	Toyne resignation - 23 September by-election
Clark		Green	Greatorex	2007	Lim resignation - 28 July by-election
CONLAN	Matthew Escott (Matt)	CLP	Greatorex	2007	Lim resignation - 28 July by-election
Herrick	Paul	Ind	Greatorex	2007	Lim resignation - 28 July by-election
Nixon	Jo	ALP	Greatorex	2007	Lim resignation - 28 July by-election
Lotu	Jane	Ind	Arafura	2008	
Mungatopi	Tristan	CLP	Arafura	2008	
SCRYMGOUR	Marion Rose	ALP	Arafura	2008	
Siebert	Angie	CLP	Arafura	2008	
CARNEY	Jodeen Terese	CLP	Araluen	2008	
Chellew	Linda	Greens	Araluen	2008	
Gaynor	John	ALP	Araluen	2008	
McCARTHY	Marlindirri Barbara Anne	ALP	Arnhem	2008	Unopposed
Adams	Mick	CLP	Barkly	2008	
Gould	Randall	Ind	Barkly	2008	
McCARTHY	Gerald Francis (Gerry)	ALP	Barkly	2008	
Nattrass	Barry Lee	Ind	Barkly	2008	
MILLS	Terrance Kennedy (Terry)	CLP	Blain	2008	
Vowels	Ken	ALP	Blain	2008	
Clark	Jane	Greens	Braitling	2008	
Dick	Aaron	ALP	Braitling	2008	
GILES	Adam Graham	CLP	Braitling	2008	
Melky	Eli	Ind	Braitling	2008	
Burke	James Patrick	ALP	Brennan	2008	
CHANDLER	Peter Glen	CLP	Brennan	2008	
Haslett	Gary	CLP	Casuarina	2008	

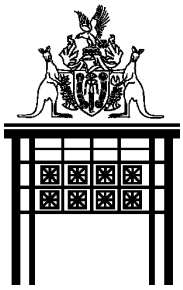
Note:
Winning candidates' surnames appear in CAPITAL letters.

Candidates in General Elections, 1974 - 2005

Surname	Christian Name	Party	Electorate	Election Year	Notes
VATSKALIS	Konstantine (Kon)	ALP	Casuarina	2008	
Connop	Wayne	CLP	Daly	2008	
KNIGHT	Daniel Robert (Rob)	ALP	Daly	2008	
Pollock	David	Grens	Daly	2008	
Stevens	August	Ind	Daly	2008	
BOHLIN	Ross Oscar	CLP	Drysdale	2008	
Natt	Chris	ALP	Drysdale	2008	
Tutty	Justin	Ind	Drysdale	2008	
GUNNER	Michael Patrick	ALP	Fannie Bay	2008	
Lambert	Garry	CLP	Fannie Bay	2008	
Bonson	Matthew	ALP	Fong Lim	2008	
TOLLNER	David William (Dave)	CLP	Fong Lim	2008	
PURICK	Kezia Dorcas Tibisay	CLP	Goyder	2008	
Warren	Edward John (Ted)	ALP	Goyder	2008	
Aronsten	Lenny	Greens	Greatorex	2008	
CONLAN	Matthew Escott (Matt)	CLP	Greatorex	2008	
Nixon	Jo	ALP	Greatorex	2008	
BURNS	Christopher Bruce (Chris)	ALP	Johnston	2008	
Sangster	Jo	CLP	Johnston	2008	
Bacus	Tony	CLP	Karama	2008	
Fox	Dorothy	Ind	Karama	2008	
Hunter	Natalie	Ind	Karama	2008	
LAWRIE	Delia Phoebe	ALP	Karama	2008	
Coutts	Toni Tapp	Ind	Katherine	2008	
Hillen	Sharon	ALP	Katherine	2008	
WESTRA VAN HOLTHE	Willem Rudolf	CLP	Katherine	2008	
ANDERSON	Alison	ALP	MacDonnell	2008	Unopposed
Kohlman	Maureen	CLP	Nelson	2008	
Luders-Searle	Justine	ALP	Nelson	2008	
WOOD	Gerard Vincent (Gerry)	Ind	Nelson	2008	
Marika	Djuwalpi	CLP	Nhulunbuy	2008	
WALKER	Lynne Michele	ALP	Nhulunbuy	2008	
AAGAARD	Jane Lesley	ALP	Nightcliff	2008	
Manning	Peter	CLP	Nightcliff	2008	
Young	Emma	Greens	Nightcliff	2008	
Abbott	Gary	Greens	Port Darwin	2008	
ELFERINK	Johann Wessel (John)	CLP	Port Darwin	2008	
Sacilotto	Kerry Denise	ALP	Port Darwin	2008	
Kiely	Leonard Francis (Len)	ALP	Sanderson	2008	
STYLES	Peter Donald	CLP	Sanderson	2008	
HAMPTON	Karl Rio	ALP	Stuart	2008	
Japanangka	Rex Granties	CLP	Stuart	2008	
Dean	Duncan	Ind	Wanguri	2008	
HENDERSON	Paul Raymond	ALP	Wanguri	2008	
Kyriacou	Kerrie	CLP	Wanguri	2008	

Note:
Winning candidates' surnames appear in CAPITAL letters.

Appendix C – Members of the Legislative Assembly 1974-2005



Legislative Assembly of the Northern Territory

Northern Territory Government Ministries

(CLP)

1974 to 2001

FIRST LETTS EXECUTIVE **(November 1974 to August 1975)**

Dr G A Letts MLA	Majority Leader and Executive Member for Primary Industry and the NT Public Service
Mr P A E Everingham MLA	Deputy Majority Leader and Executive Member for Finance and Law
Mr G E J Tambling MLA	Executive Member for Community Development
Ms E J Andrew MLA	Executive Member for Education and Consumer Services
Mr D L Pollock MLA	Executive Member for Social Affairs
Mr I L Tuxworth MLA	Executive Member for Resource Development
Mr R Ryan MLA	Executive Member for Transport and Secondary Industry

SECOND LETTS EXECUTIVE **(August 1975 to November 1975)**

Dr G A Letts MLA	Majority Leader and Executive Member for Primary Industry and the NT Public Service
Mr B F Kilgariff MLA	Deputy Majority Leader and Executive Member for Finance and Law
Mr G E J Tambling MLA	Executive Member for Community Development
Ms E J Andrew MLA	Executive Member for Education and Consumer Services
Mr D L Pollock MLA	Executive Member for Social Affairs
Mr I L Tuxworth MLA	Executive Member for Resource Development
Mr R Ryan MLA	Executive Member for Transport and Secondary Industry

THIRD LETTS EXECUTIVE **(December 1975 to December 1976)**

Dr G A Letts MLA	Majority Leader and Executive Member for Primary Industry and the NT Public Service
Mr G E J Tambling MLA	Deputy Majority Leader and Executive Member for Finance and Community Development
Mr M B Perron MLA	Executive Member for Municipal and Consumer Affairs
MS E J Andrew MLA	Executive Member for Education and Law
Mr D L Pollock MLA	Executive Member for Social Affairs
Mr I L Tuxworth MLA	Executive Member for Resource Development
Mr R Ryan MLA	Executive Member for Transport and Secondary Industry

FOURTH LETTS EXECUTIVE **(December 1976 to September 1977)**

Dr G A Letts MLA	Majority Leader and Chief Secretary
Mr G E J Tambling MLA	Cabinet Member for Finance and Local Government
Ms E J Andrew MLA	Cabinet Member for Law
Mr R Ryan MLA	Cabinet Member for Transport and Industry
Mr I L Tuxworth MLA	Cabinet Member for Community Services
Mr D L Pollock MLA	Cabinet Member for Resources
Mr M B Perron MLA	Cabinet Member for Education and Planning

FIRST EVERINGHAM EXECUTIVE **(September 1977 to June 1978)**

Mr P A E Everingham MLA	Majority Leader, Chief Secretary and Executive Member for Law
Mr M B Perron MLA	Deputy Majority Leader and Executive Member for Finance and Planning
Mr I L Tuxworth MLA	Executive Member for Resources and Health
Mr J M Robertson MLA	Executive Member for Community and Social Development
Mr R M Steele MLA	Executive Member for Transport and Industry

FIRST EVERINGHAM MINISTRY **(1 July 1978 to 1 January 1979)**

Hon P A E Everingham MLA	Chief Minister Attorney-General
Hon M B Perron MLA	Treasurer Minister for Lands and Housing
Hon I L Tuxworth MLA	Minister for Health Minister for Mines and Energy
Hon J M Robertson MLA	Minister for Community Development Minister for Education
Hon R M Steele MLA	Minister for Industrial Development Minister for Transport and Works

SECOND EVERINGHAM MINISTRY **(2 January 1979 to 8 March 1979)**

Hon P A E Everingham MLA	Chief Minister Attorney-General
Hon M B Perron MLA	Treasurer Minister for Lands and Housing
Hon I L Tuxworth MLA	Minister for Health Minister for Mines and Energy
Hon J M Robertson	Minister for Community Development Minister for Education
Hon R M Steele MLA	Minister for Industrial Development Minister for Transport and Works
Hon N M Dondas MLA	Minister for Youth, Sport and Recreation and Minister assisting the Chief Minister

THIRD EVERINGHAM MINISTRY **(9 March 1979 to 1 July 1979)**

Hon P A E Everingham MLA	Chief Minister and Attorney-General
Hon M B Perron MLA	Treasurer and Minister for Lands and Housing
Hon I L Tuxworth MLA	Minister for Health and Minister for Mines and Energy
Hon J M Robertson MLA	Minister for Education *Minister for Community Development
Hon R M Steele MLA	Minister for Industrial Development and Minister for Transport and Works
Hon N M Dondas MLA	Minister for Youth, Sport and Recreation and Minister Assisting the Chief Minister

**Hon N M Dondas acted as Minister for Community Development from 9 March to 5 July 1979 at the direction of the Chief Minister.*

FOURTH EVERINGHAM MINISTRY	**(2 July 1979 to 30 June 1980)**
Hon P A E Everingham MLA	Chief Minister Attorney-General
Hon M B Perron MLA	Treasurer Minister for Lands and Housing
Hon I L Tuxworth MLA	Minister for Health Minister for Mines and Energy
Hon J M Robertson MLA	Minister for Education
Hon R M Steele MLA	Minister for Industrial Development Minister for Transport and Works
Hon N M Dondas MLA	Minister for Youth, Sport and Recreation and Minister assisting the Chief Minister *Minister for Community Development

**Formally appointed to this portfolio on 6 July 1979.*

FIFTH EVERINGHAM MINISTRY	**(1 July 1980 to 25 January 1982)**
Hon P A E Everingham MLA	Chief Minister Attorney-General
Hon M B Perron MLA	Treasurer and Minister for Industrial Development Minister for Community Development
Hon I L Tuxworth MLA	Minister for Health Minister for Mines and Energy
Hon J M Robertson MLA	Minister for Education Minister for Lands and Housing
Hon R M Steele MLA	Minister for Primary Production and Tourism Minister Assisting the Treasurer
Hon N M Dondas MLA	Minister for Transport and Works Minister assisting the Chief Minister
1 January 1981 to 25 January 1982 Hon N M Dondas MLA	**Gazette S40 31.12.80** Minister for Youth, Sport and Recreation and Minister Assisting the Chief Minister (in addition to Minister for Transport and Works)

SIXTH EVERINGHAM MINISTRY **Gazette S3 26.1.82**	**(26 January 1982 to 30 November 1982)**
Hon P A E Everingham MLA	Chief Minister Attorney-General
Hon M B Perron MLA	*Treasurer *Minister for Lands and Housing
Hon I L Tuxworth MLA	Minister for Health Minister for Mines and Energy
Hon J M Robertson MLA	Minister for Education *Minister for Community Development
Hon R M Steele MLA	Minister for Primary Production Minister for Industrial Development and Tourism Minister Assisting the Treasurer
Hon N M Dondas MLA	Minister for Transport and Works Minister for Sport and Recreation Minister Assisting the Chief Minister

** Formally appointed 3 February 1982.*

SEVENTH EVERINGHAM MINISTRY **Gazette S33 1.12.82**	**(1 December 1982 to 12 December 1983)**
Hon PAE Everingham MLA	Chief Minister Minister for Lands, Industrial Development and Tourism
Hon MB Perron MLA	Treasurer Minister for Education
Hon IL Tuxworth MLA	Minister for Primary Production and Conservation Minister for Community Development
Hon JM Robertson MLA	Attorney-General Minister for Mines and Energy
Hon RM Steele MLA	Minister for Transport and Works and Minister Assisting the Treasurer
Hon NM Dondas MLA	Minister for Health and Housing Minister for Youth, Sport, Recreation and Ethnic Affairs and Minister Assisting the Chief Minister

EIGHTH EVERINGHAM MINISTRY **Gazette S40 13.12.83**	**(13 December 1983 to 16 October 1984)**
Hon PAE Everingham MLA	Chief Minister Minister for Industrial Development and Tourism
Hon NM Dondas MLA	Minister for Health, Youth, Sport, Recreation and Ethnic Affairs
Hon MB Perron MLA	Treasurer Minister for Lands
Hon IL Tuxworth MLA	Minister for Mines and Energy Minister for Primary Production
Hon JM Robertson MLA	Attorney-General Minister for Transport and Works
Hon Tom Harris MLA	Minister for Education
Hon CN Padgham-Purich MLA	Minister for Housing and Conservation
Hon DW Manzie MLA	Minister for Community Development

FIRST TUXWORTH MINISTRY	**(17 October 1984 to 20 December 1984)**
Hon IL Tuxworth MLA	Chief Minister Minister for Industrial Development and Tourism Minister for Mines and Energy Minister for Primary Production
Hon NM Dondas MLA	Minister for Health, Sport, Recreation and Ethnic Affairs
Hon MB Perron MLA	Treasurer Minister for Lands
Hon JM Robertson MLA	Attorney-General Minister for Transport and Works
Hon Tom Harris MLA	Minister for Education
Hon CN Padgham-Purich MLA	Minister for Housing and Conservation
Hon DW Manzie MLA	Minister for Community Development

SECOND TUXWORTH MINISTRY **(21 December 1984 to 19 August 1985)**
Gazette S62 21.12.84

Hon IL Tuxworth MLA	Chief Minister
	Treasurer
Hon NM Dondas MLA	Minister for Industry and Small Business
Hon MB Perron MLA	Attorney-General
	Minister for Mines and Energy
Hon JM Robertson MLA	Minister for Health
	Minister for Youth, Sport, Recreation and Ethnic Affairs
Hon Tom Harris MLA	Minister for Education
Hon DW Manzie MLA	Minister for Transport and Works and Housing
Hon SP Hatton MLA	Minister for Lands
	Minister for Primary Production
	Minister for Ports and Fisheries
	Minister for Conservation
Hon BF Coulter MLA	Minister for Community Development
	Minister for Correctional Services

THIRD TUXWORTH MINISTRY **(20 August 1985 to 28 April 1986)**
Gazette S48 20.8.85

Hon IL Tuxworth MLA	Chief Minister
	Treasurer
Hon NM Dondas MLA	Minister for Industry and Small Business and Tourism
**Hon MB Perron MLA	Attorney-General
	Minister for Mines and Energy
*Hon JM Robertson MLA	Special Minister for Constitutional Development
Hon Tom Harris MLA	Minister for Education
Hon DW Manzie MLA	Minister for Transport and Works and Housing
Hon SP Hatton MLA	Minister for Primary Production
	Minister for Conservation
	Minister for Ports and Fisheries
	Minister for Lands
Hon BF Coulter MLA	Minister for Community Development
	Minister for Correctional Services
Hon RA Hanrahan MLA	Minister for Health
	Minister for Youth, Sport, Recreation and Ethnic Affairs

**Hon J M Robertson resigned as Member for Araluen 26 March 1986.*
***Hon MB Perron resigned from Ministry 29 April 1986.*

FOURTH TUXWORTH MINISTRY **(29 April 1986 to 14 May 1986)**
Gazette S19 29.4.86

Hon I L Tuxworth MLA	Chief Minister
Hon NM Dondas MLA	Minister for Transport and Works
	Minister for Ports and Fisheries
	Minister for Lands
Hon DW Manzie MLA	Attorney-General
	Minister for Education
Hon BF Coulter MLA	Treasurer
	Minister for Conservation
Hon SP Hatton MLA	Minister for Primary Production
	Minister for Mines and Energy

Hon Tom Harris MLA	Minister for Health Minister for Housing
Hon RA Hanrahan MLA	Minister for Business, Technology and Communications Minister for Tourism
Hon DF Dale MLA	Minister for Community Development Minister for Correctional Services Minister for Youth, Sport, Recreation and Ethnic Affairs

**Hon IL Tuxworth resigned as Chief Minister 14 May 1986.*
**Hon SP Hatton sworn in as Chief Minister 15 May 1986.*

FIRST HATTON MINISTRY **(15 May 1986 to 18 March 1987)**
Gazette S21 15.5.86

Hon SP Hatton MLA	Chief Minister (appointed 14/5/86)
Hon BF Coulter MLA	Treasurer Minister for Mines and Energy
Hon N M Dondas MLA	Minister for Transport and Works Minister for Ports and Fisheries Minister for Lands
Hon DW Manzie MLA	Attorney-General Minister for Education
Hon RA Hanrahan MLA	Minister for Business, Technology and Communication Minister for Tourism
Hon Tom Harris MLA	Minister for Health Minister for Housing
Hon DF Dale MLA	Minister for Community Development Minister for Correctional Services Minister for Youth, Sport, Recreation and Ethnic Affairs
Hon TR McCarthy MLA	Minister for Primary Production Minister for Conservation

SECOND HATTON MINISTRY **(19 March 1987 to 7 May 1987)**
Gazette S22 19.3.87

Hon SP Hatton MLA	Chief Minister
Hon RA Hanrahan MLA	Minister for Lands and Housing Minister for Conservation Minister for Tourism
Hon BF Coulter MLA	Treasurer Minister for Local Government Minister for Mines and Energy
Hon MB Perron MLA	Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General Minister for Education
Hon DF Dale MLA	Minister for Health and Community Services
Hon Tom Harris MLA	*Minister for Labour and Administrative Services
Hon F A Finch MLA	Minister for Transport and Works

**Hon T Harris resigned from Ministry 30 April 1987.*
**Hon SP Hatton appointed Minister for Labour and Administrative Services 1 May 1987.*

THIRD HATTON MINISTRY **(8 May 1987 to 20 December 1987)**

Hon SP Hatton MLA	Chief Minister
Hon RA Hanrahan MLA	Minister for Lands and Housing
	Minister for Conservation
	Minister for Tourism
Hon BF Coulter MLA	Treasurer
	*Minister for Local Government
	Minister for Mines and Energy
Hon MB Perron MLA	Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General
	Minister for Education
Hon DF Dale MLA	Minister for Health and Community Services
Hon TR McCarthy MLA	Minister for Labour and Administrative Services
Hon FA Finch MLA	Minister for Transport and Works

**Ministerial Office of Local Government abolished 27 November 1987.*

FOURTH HATTON MINISTRY **(21 December 1987 to 5 April 1988)**
Gazette S83 23.12.87

Hon SP Hatton MLA	Chief Minister
**Hon RA Hanrahan MLA	Minister for Education
	Minister for Tourism
Hon BF Coulter MLA	Treasurer
	Minister for Mines and Energy
Hon MB Perron MLA	Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General
	Minister for Lands and Housing
	Minister for Conservation
Hon DF Dale MLA	Minister for Health and Community Services
Hon TR McCarthy MLA	*Minister for Labour and Administrative Services
Hon FA Finch MLA	Minister for Transport and Works

**Became Ministerial Office of Labour, Administrative Services and Local Government 15 February 1988.*
***Hon RA Hanrahan resigned from Ministry 5 April 1988.*

FIFTH HATTON MINISTRY **(6 April 1988 to 13 July 1988)**
Gazette S18 6.4.88

Hon SP Hatton MLA	Chief Minister (resigned 12/7/88)
Hon BF Coulter MLA	Treasurer
	Minister for Mines and Energy
Hon MB Perron MLA	Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General
	Minister for Lands and Housing
	Minister for Conservation
Hon DF Dale MLA	Minister for Health and Community Services
Hon TR McCarthy MLA	Minister for Labour and Administrative Services and Local Government
Hon FA Finch MLA	Minister for Transport and Works
Hon Tom Harris MLA	Minister for Education
	Minister Assisting the Chief Minister on Constitutional Development
Hon EH Poole MLA	Minister for Tourism
	Minister Assisting the Chief Minister on Central Australian Affairs

**Hon SP Hatton resigned as Chief Minister 13 July 1988.*

FIRST PERRON MINISTRY	**(14 July 1988 to 30 July 1989)**
Hon MB Perron MLA	Chief Minister Treasurer
Hon BF Coulter MLA	Minister for Mines and Energy Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General Minister for Lands and Housing Minister for Conservation
*Hon DF Dale MLA	Minister for Health and Community Services
Hon Tom Harris MLA	Minister for Education Minister Assisting the Chief Minister on Constitutional Development
Hon FA Finch MLA	Minister for Transport and Works
Hon TR McCarthy MLA	Minister for Labour and Administrative Services and Local Government
Hon EH Poole MLA	Minister for Tourism Minister Assisting the Chief Minister on Central Australian Affairs
Hon MA Reed MLA	Minister for Primary Industry and Fisheries

**Hon DF Dale resigned from Ministry 27 July 1989.*

SECOND PERRON MINISTRY **Gazette S39 31.7.89**	**(31 July 1989 to 3 September 1989)**
Hon M B Perron MLA	Chief Minister Treasurer Minister for Health and Community Services
Hon B F Coulter MLA	Minister for Mines and Energy Minister for Industries and Development
Hon DW Manzie MLA	Attorney-General Minister for Lands and Housing Minister for Conservation
Hon Tom Harris MLA	Minister for Education Minister Assisting the Chief Minister on Constitutional Development
Hon FA Finch MLA	Minister for Transport and Works
Hon TR McCarthy MLA	Minister for Labour and Administrative Services and Local Government
Hon EH Poole MLA	Minister for Tourism Minister Assisting the Chief Minister on Central Australian Affairs
Hon MA Reed MLA	Minister for Primary Industry and Fisheries

THIRD PERRON MINISTRY **Gazette S51 4.9.89**	**(4 September 1989 to 12 November 1990)**
Hon M B Perron MLA	Chief Minister Treasurer Minister for Police, Fire and Emergency Services
Hon BF Coulter MLA	Minister for Mines and Energy Minister for Industries and Development
Hon D W Manzie MLA	Attorney-General

	Minister for Lands and Housing
Hon Tom Harris MLA	Minister for Education, the Arts and Cultural Affairs
Hon S P Hatton MLA	Minister for Health and Community Services
	Minister for Conservation
Hon F A Finch MLA	Minister for Transport and Works
	Minister for Racing and Gaming
Hon T R McCarthy MLA	Minister for Labour, Administrative Services and Local Government
	Minister Assisting the Chief Minister on Aboriginal Affairs
Hon M A Reed MLA	Minister for Primary Industry and Fisheries
	Minister for Correctional Services
Hon R W S Vale MLA	Minister for Tourism
	Minister for Youth, Sport, Recreation and Ethnic Affairs
	Minister Assisting the Chief Minister on Central Australian Affairs

FOURTH PERRON MINISTRY **(13 November 1990 to 29 November 1992)**
Gazette S67 13.11.90

Hon MB Perron MLA	Chief Minister
	Minister for Police, Fire and Emergency Services
	*Liquor Commission
Hon BF Coulter MLA	Treasurer
	Minister for Mines and Energy
Hon DW Manzie MLA	Attorney-General
	Minister for Health and Community Services
Hon SP Hatton MLA	Minister for Industries and Development
Hon SL Stone MLA	Minister for Education and the Arts
	**Minister for Employment and Training
	Minister for Public Employment
	Minister for the Arts
Hon FA Finch MLA	Minister for Transport and Works
Hon MA Reed MLA	Minister for Primary Industry and Fisheries
	Minister for Conservation
	Minister for Correctional Services
Hon RWS. Vale MLA	Minister for Tourism
	Minister for Sport, Recreation, Ethnic Affairs and Local Government
Hon MH Ortmann MLA	Minister for Lands and Housing

**Mr Setter advised on 3 March 1991 that responsibility for the Liquor Commission had been transferred from Minister of Industries and Development to the Chief Minister.*
*** Amended 20 December 1991 to Minister for Education and Training.*

FIFTH PERRON MINISTRY **(30 November 1992 to 15 September 1993)**
Gazette S62 30.11.92

Hon M B Perron MLA	Chief Minister
	Minister for Police, Fire and Emergency Services
Hon B F Coulter MLA	Treasurer
	Minister for Tourism
Hon S L Stone MLA	*Attorney General
	Minister for the Arts
	Minister for Mines and Energy
	Minister for Industries and Development
	Minister for Asian Relations and Trade

Hon S P Hatton MLA	Minister for Aboriginal Development Minister for Lands, Housing and Local Government
Hon F A Finch MLA	Minister for Education and Training Minister for Public Employment
Hon D W Manzie MLA	Minister for Conservation Minister for Work Health and Territory Insurance
Hon M A Reed MLA	Minister for Health and Community Services Minister for Primary Industry and Fisheries
Hon M H Ortmann MLA	**Minister for Transport and Works
Hon E H Poole MLA	Minister for Correctional Services Minister for Sport, Recreation and Ethnic Affairs Minister Assisting the Chief Minister on Central Australian Matters ***Liquor Commission

**Hon DW Manzie MLA appointed Attorney-General - 8 April 1993 to 13 April 1993; and 29 April 1993.*
***Hon DW Manzie MLA appointed Minister for Transport and Works on 18 August 1993 with responsibility for the Power and Water Authority; and Darwin Port Authority. (Due to Hon MH Ortmann standing down from Ministry on 17 August 1993)*
****Mr Poole appointed Minister responsible for the Liquor Commission, Gazette No. S54, dated 30 June 1993.*

SIXTH PERRON MINISTRY **(16 September 1993 to 14 June 1994)**

Hon M B Perron MLA	Chief Minister Minister for Police, Fire and Emergency Services
Hon B F Coulter MLA	Treasurer Minister for Tourism Minister for Conservation
Hon S L Stone MLA	Minister for Asian Relations and Trade Minister for Industries and Development Minister for Mines and Energy Minister for Ethnic Affairs Minister for the Arts
Hon S P Hatton MLA	Minister for Aboriginal Development Minister for Lands, Housing and Local Government
Hon F A Finch MLA	Minister for Education and Training Minister for Public Employment
Hon D W Manzie MLA	Attorney-General Minister for Transport and Works
Hon M A Reed MLA	Minister for Health and Community Services Minister for Primary Industry and Fisheries
Hon E H Poole MLA	Minister for Correctional Services Minister for Sport and Recreation Minister for Work Health and Territory Insurance Minister Assisting the Chief Minister on Central Australian Matters

SEVENTH PERRON MINISTRY **(15 June to 17 July 1994)**
Election held 4 June 1994 **Ministers re-sworn as above on 15 June 1994.**

EIGHTH PERRON MINISTRY **(18 July 1994 to 25 May 1995)**
Gazette S43 20.7.94

Hon M B Perron MLA	**Chief Minister
Hon B F Coulter MLA	Treasurer

	Minister for Tourism
	Minister for Conservation
Hon S L Stone MLA	Minister for Asian Relations and Trade
	Minister for Industries and Development
	Minister for Ethnic Affairs
	Minister for the Arts
Hon S P Hatton MLA	Minister for Aboriginal Development
	Minister for Lands, Housing and Local Government
	Minister assisting the Chief Minister on Constitutional Development Matters
Hon F A Finch MLA	Minister for Education and Training
Hon D W Manzie MLA	*Attorney-General
	Minister for Police, Fire and Emergency Services
	Minister for Transport and Works
Hon M A Reed MLA	Minister for Health and Community Services
	Minister for Mines and Energy
	Minister Assisting the Treasurer.
Hon E H Poole MLA	Minister for Public Employment
	Minister for Correctional Services
	Minister for Sport and Recreation
	Minister for Work Health and Territory Insurance and the Liquor Commission
	Minister assisting the Chief Minister on Central Australian Matters
Hon M J Palmer MLA	Minister for Primary Industry and Fisheries
	Minister Assisting the Minister for Lands, Housing and Local Government on Lands Matters.

**Hon D W Manzie replaced as Attorney-General on 29 July 1994 by Hon F A Finch.*
***Hon M B Perron resigned as Chief Minister on 26 May 1995.*

FIRST STONE MINISTRY **(26 May 1995 to 30 June 1995)**

Hon SL Stone MLA elected Chief Minister. Same Ministry sworn in as the previous ministerial portfolios and membership for 8th Perron Ministry.

SECOND STONE MINISTRY **(1 July 1995 to 20 June 1996)**
Gazette S25 1.7.95

Hon SL Stone MLA	Chief Minister
	Minister for Police, Fire and Emergency Services
	Minister for Ethnic Affairs
	Minister for the Arts and Museums
Hon MA Reed MLA	Treasurer
	Minister for Mines and Energy
	Minister for Lands, Planning and Environment
Hon SP Hatton MLA	Attorney-General
	Minister for Education and Training
	Minister for Sport and Recreation
	Minister for Constitutional Development
Hon BF Coulter MLA	Minister for Tourism
	Minister for Parks and Wildlife
	Minister for Racing and Gaming
	Minister for the Railway
Hon EH Poole MLA	Minister for Asian Relations, Trade and Industry
	Minister for Regional Development
	Minister Assisting the Chief Minister on Central

	Australia
Hon FA Finch MLA	Minister for Public Employment
	Minister for Health Services
	Minister for the Liquor Commission
Hon MJ Palmer MLA	Minister for Transport and Works
	Minister for Primary Industry and Fisheries
Hon DW Manzie MLA	Minister for Housing
	Minister for Local Government
	Minister for Aboriginal Development
	Minister for Correctional Services
Hon DG Burke MLA	Minister for Power and Water
	Minister for Work Health
	Minister for Territory Insurance

THIRD STONE MINISTRY **(21 June 1996 to 1 July 1997)**
Gazette S17 21.6.96

Hon SL Stone MLA	Chief Minister
	Minister for Police, Fire and Emergency Services
	Minister for Constitutional Development
Hon MA Reed MLA	Treasurer
	Minister for Tourism
	Minister for Lands, Planning and Environment
Hon BF Coulter MLA	Minister for Transport and Works
	Minister for the Railway
Hon SP Hatton MLA	Minister for Correctional Services
	Minister for Parks and Wildlife
	Minister for Sport and Recreation
	Minister for Ethnic Affairs
Hon EH Poole MLA	Minister for Asian Relations, Trade and Industry
	Minister for Regional Development
	Minister Assisting the Chief Minister on Central Australia
Hon DG Burke MLA	Attorney-General
	Minister for Health Services
	Minister for Work Health
	Minister for the Liquor Commission
*Hon FA Finch MLA	Minister for Education and Training
	Minister for Public Employment
	Minister for Racing and Gaming
Hon DW Manzie MLA	Minister for Mines and Energy
	Minister for Power and Water
	Minister for the Arts and Museums
	Minister for Territory Insurance
Hon MJ Palmer MLA	Minister for Primary Industry and Fisheries
	Minister for Aboriginal Development
	Minister for Housing
	Minister for Local Government

**Hon F A Finch resigned from Ministry 1 July 1997.*

FOURTH STONE MINISTRY **Gazette S23 2 July 1997**	**(2 July 1997 to 14 September 1997)**
Hon SL Stone MLA	Chief Minister Minister for Police, Fire and Emergency Services Minister for Constitutional Development Minister for Public Employment
Hon MA Reed MLA	Treasurer Minister for Tourism Minister for Lands, Planning and Environment
Hon BF Coulter MLA	Minister for Transport and Works Minister for the Railway
Hon SP Hatton MLA	Minister for Correctional Services Minister for Parks and Wildlife Minister for Sport and Recreation Minister for Ethnic Affairs
Hon EH Poole MLA	Minister for Asian Relations, Trade and Industry Minister for Regional Development Minister Assisting the Chief Minister on Central Australia
Hon DG Burke MLA	Attorney-General Minister for Health Services Minister for Work Health Minister for the Liquor Commission
Hon DW Manzie MLA	Minister for Mines and Energy Minister for Power and Water Minister for the Arts and Museums Minister for Territory Insurance
Hon MJ Palmer MLA	Minister for Primary Industry and Fisheries Minister for Aboriginal Development Minister for Housing Minister for Local Government
Hon PF Adamson	Minister for Education and Training Minister for Communications and Advanced Technology Minister for Racing and Gaming

FIFTH STONE MINISTRY **S36 15 September 1997**	**(15 September 1997 to 31 May 1998)**
Hon S L Stone MLA	(Chief Minister) Attorney-General Minister for Young Territorians Minister for Women's Policy Minister for Statehood Minister for Defence Support
Hon M A Reed MLA	(Deputy Chief Minister) Treasurer *Minister for Tourism Minister for Police, Fire and Emergency Services Minister for Public Employment Minister for Industrial Relations
Hon B F Coulter MLA	(Leader of Government Business) Minister for Transport and Infrastructure Development Minister for Territory Ports Minister for the AustralAsia Railway
Hon D G Burke MLA	Minister for Health, Family and Children's Services Minister for Senior Territorians

	Minister for Work Health
Hon E H Poole MLA	Minister for Resource Development
	Minister for Correctional Services
	Minister for Essential Services
Hon D W Manzie MLA	Minister for Asian Relations, Trade and Industry
	Minister for Regional Development
	Minister for Arts and Museums
Hon M J Palmer MLA	Minister for Lands, Planning and Environment
	Minister for Primary Industry and Fisheries
	Minister for Ethnic Affairs
Hon P F Adamson MLA	Minister for Education and Training
	Minister for Communications and Advanced Technology
	Minister for Racing and Gaming
	Minister for Sport and Recreation
Hon TD Baldwin MLA	Minister for Parks and Wildlife
	Minister for Aboriginal Development
	Minister for Local Government
	Minister for Housing

**Hon M A Reed replaced as Minister for Tourism on 30 January 1998 by Hon S L Stone.*
***Hon S L Stone appointed QC 16 October 1997.*

SIXTH STONE MINISTRY **(1 June 1998 to 18 October 1998)**
S20 1 June 1998

Hon S L Stone MLA QC	(Chief Minister)
	Attorney-General
	Tourism
	Minister for Young Territorians
	Minister for Women's Policy
	Minister for Statehood
	Minister for Defence Support
Hon M A Reed MLA	(Deputy chief Minister)
	Treasurer
	Minister for Police, Fire and Emergency Services
	Minister for Public Employment
	Minister for Industrial Relations
Hon B F Coulter MLA	(Leader of Government Business)
	Minister for Transport and Infrastructure Development
	Minister for Territory Ports
	Minister for the AustralAsia Railway
Hon D G Burke MLA	Minister for Health, Family and Children's Services
	Minister for Senior Territorians
	Minister for Work Health
Hon E H Poole MLA	Minister for Resource Development
	Minister for Correctional Services
	Minister for Essential Services
Hon D W Manzie MLA	Minister for Asian Relations, Trade and Industry
	Minister for Regional Development
	Minister for Arts and Museums
Hon M J Palmer MLA	Minister for Lands, Planning and Environment
	Minister for Primary Industry and Fisheries
	Minister for Ethnic Affairs
Hon P F Adamson MLA	Minister for Education and Training
	Minister for Communications and Advanced Technology
	Minister for Racing and Gaming
	Minister for Sport and Recreation

Hon T D Baldwin MLA	Minister for Parks and Wildlife Minister for Aboriginal Development Minister for Local Government Minister for Housing

SEVENTH STONE MINISTRY **(19 October 1998 to 07 December 1998)**
S40 19 October 1998

Hon S L Stone MLA QC	(Chief Minister) Attorney-General Tourism Minister for Young Territorians Minister for Women's Policy Minister for Statehood Minister for Defence Support
Hon M A Reed MLA	(Deputy Chief Minister) Treasurer Minister for Police, Fire and Emergency Services **Minister for Corporate and Information Services Minister for Public Employment Minister for Industrial Relations
Hon B F Coulter MLA	(Leader of Government Business) Minister for Transport and Infrastructure Development Minister for Territory Ports Minister for the AustralAsia Railway
Hon D G Burke MLA	Minister for Health, Family and Children's Services Minister for Senior Territorians Minister for Work Health
Hon E H Poole MLA	Minister for Resource Development Minister for Correctional Services Minister for Essential Services
Hon D W Manzie MLA	*Minister for Asian Relations and Trade *Minister for Industries and Small Business Minister for Regional Development Minister for Arts and Museums
Hon M J Palmer MLA	Minister for Lands, Planning and Environment Minister for Primary Industry and Fisheries Minister for Ethnic Affairs
Hon P F Adamson MLA	Minister for Education and Training Minister for Communications and Advanced Technology *Minister for Racing Minister for Sport and Recreation
Hon T D Baldwin MLA	Minister for Parks and Wildlife Minister for Aboriginal Development Minister for Local Government Minister for Housing

**Ministries abolished 19 October 1998: Asian Relations, Trade and Industry; and Racing and Gaming.*
**Hon D W Manzie appointed as Minister for Asian Relations and Trade on 19 October 1998.*
**Hon D W Manzie appointed as Minister for Industries and Small Business on 19 October 1998.*
**Hon P F Adamson appointed as Minister for Racing on 19 October 1998.*
***Hon M A Reed appointed as Minister for Corporate and Information Services on 19 October 1998.*

EIGHTH STONE MINISTRY **S45 08 December 1998**	**(08 December 1998 to 08 February 1999)**
*Hon Shane L. Stone MLA QC	(Chief Minister) Attorney-General Minister for Young Territorians Minister for Women's Policy Minister for Constitutional Development
Hon Mike Reed MLA	(Deputy Chief Minister) Treasurer Minister for Tourism Minister for Police, Fire and Emergency Services Minister for Public Employment Minister for Industrial Relations Minister for Territory Insurance Office
Hon Denis Burke MLA	(Leader of Government Business) Minister for Health, Family and Children's Services Minister for Senior Territorians Minister for Industries and Business Minister for Regional Development Minister for Racing, Gaming and Licensing Minister for Defence Support
Hon Barry Coulter MLA	Minister for Transport and Infrastructure Development Minister for Territory Ports Minister for AustralAsia Railway Minister for Essential Services
Hon Tim Baldwin MLA	Minister for Local Government Minister for Housing Minister for Aboriginal Development Minister for Lands, Planning and Environment
Hon Eric Poole MLA	Minister for Resource Development Minister for Parks and Wildlife Minister for Central Australia
Hon Daryl Manzie MLA	Minister for Asian Relations and Trade Minister for Arts and Museums Minister for Corporate and Information Services Minister for Communications, Science and Advanced Technology
Hon Mick Palmer MLA	Minister for Primary Industry and Fisheries Minister for Ethnic Affairs Minister for Correctional Services
Hon Peter Adamson MLA	Minister for School Education Minister for Sport and Recreation Minister for Tertiary Education and Training

**Hon. S L Stone resigned as Chief Minister on 8 February 1999.*

FIRST BURKE MINISTRY **S3 09 February 1999**	**(09 February 1999 to 03 August 1999)**
Hon Denis Burke MLA	(Chief Minister) Attorney-General Minister for Young Territorians Minister for Women's Policy Minister for Constitutional Development
Hon Mike Reed MLA	(Deputy Chief Minister) Treasurer Minister for Tourism

	Minister for Police, Fire and Emergency Services
	Minister for Parks and Wildlife
	Minister for Territory Insurance Office
Hon Barry Coulter MLA	(Leader of Government Business)
	Minister for Transport and Infrastructure Development
	Minister for Territory Ports
	Minister for AustralAsia Railway
	Minister for Essential Services
Hon Tim Baldwin MLA	Minister for Industries and Business
	Minister for Racing, Gaming and Licensing
	Minister for Defence Support and Regional Development
	Minister for Lands, Planning and Environment
Hon Daryl Manzie MLA	Minister for Asian Relations and Trade
	Minister for Resource Development
	Minister for Corporate and Information Services
	Minister for Public Employment and Industrial Relations
	Minister for Communications, Science and Advanced Technology
Hon Peter Adamson MLA	Minister for School Education
	Minister for Sport and Recreation
	Minister for Tertiary Education and Training
	Minister for Arts and Museums
Hon Stephen Dunham MLA	Minister for Health, Family and Children's Services
	Minister for Senior Territorians
Hon Loraine Braham MLA	Minister for Local Government
	Minister for Housing
	Minister for Aboriginal Development
	Minister Central Australia
Hon Mick Palmer MLA	Minister for Primary Industry and Fisheries
	Minister for Ethnic Affairs
	Minister for Correctional Services

**On the resignation of Mr Coulter, on 18 June 1999, the following ministerial portfolios were reallocated by the Chief Minister, effective from and on 21 June 1999:*

**Hon D Burke: Minister for Transport and Infrastructure; Minister for Territory Ports; Minister for AustralAsian Railway.*
**Hon M Reed: Minister for Essential Services.*

SECOND BURKE MINISTRY **(04 August 1999 to 30 January 2000)**
S35 04 August 2000

Hon Denis Burke MLA	(Chief Minister)
	Attorney-General
	Minister for the AustralAsia Railway
	Minister for Young Territorians
	Minister for Women's Policy
	Minister for Constitutional Development
Hon Mike Reed MLA	(Deputy Chief Minister)
	Treasurer
	Minister for Tourism
	Minister for Police, Fire and Emergency Services
	Minister for Parks and Wildlife
	Minister for Territory Insurance
Hon Tim Baldwin MLA	Minister for Industries and Business
	Minister for Racing, Gaming and Licensing

	Minister for Defence Support and Regional Development
	Minister for Lands, Planning and Environment
Hon Daryl Manzie MLA	Minister for Asian Relations and Trade
	Minister for Resource Development
	Minister for Public Employment and Industrial Relations
Hon Mick Palmer MLA	(Leader of Government Business)
	Minister for Primary Industry and Fisheries
	Minister for Transport and Infrastructure Development
	Minister for Territory Ports
Hon Stephen Dunham MLA	Minister for Health, Family and Children's Services
	Minister for Senior Territorians
	Minister for Essential Services
Hon Peter Adamson MLA	Minister for School Education
	Minister for Tertiary Education and Training
	Minister for Corporate and Information Services
	Minister for Communications, Science and Advanced Technology
	Minister for Ethnic Affairs
Hon Loraine Braham MLA	Minister for Local Government
	Minister for Housing
	Minister for Aboriginal Development
	Minister Central Australia
Hon Christopher Lugg MLA	Minister for Sport and Recreation
	Minister for Correctional Services
	Minister for Arts and Museums

**On 25 August 1999, the Chief Minister, Hon. D G Burke, appointed Mr Stephen Hatton, MLA as Parliamentary Secretary assisting the Chief Minister on Statehood.*

THIRD BURKE MINISTRY **(31 January 2000 to 26 August 2001)**
S35 04 August 2000 Northern Territory Parliamentary Record, Minutes of Proceedings, 22 February 2000 – effective 31 January 2000

Hon Denis Burke MLA	Chief Minister
	Attorney-General
	Minister for the AustralAsia Railway
	Minister for Young Territorians
	Minister for Women's Policy
	Minister for Constitutional Development
Hon Mike Reed MLA	Deputy Chief Minister
	Deputy Chief Minister
	Treasurer
	Minister for Tourism
	Minister for Police, Fire and Emergency Services
	Minister for Parks and Wildlife
	Minister for Public Employment and Industrial Relations
Hon Tim Baldwin MLA	Minister for Industries and Business
	Minister for Racing, Gaming and Licensing
	Minister for Defence Support and Regional Development
	Minister for Lands, Planning and Environment
Hon Daryl Manzie MLA	Minister for Asian Relations and Trade
	Minister for Resource Development
	Minister for Correctional Services

	Minister for Territory Insurance
Hon Mick Palmer MLA	Minister for Primary Industry and Fisheries
	Minister for Transport and Infrastructure Development
	Minister for Territory Ports
Hon Stephen Dunham MLA	Minister for Health, Family and Children's Services
	Minister for Senior Territorians
	Minister for Essential Services
Hon Christopher Lugg MLA	Minister for School Education
	Minister for Tertiary Education and Training
	Minister for Sport and Recreation
Hon Peter Adamson MLA	Minister for Corporate and Information Services
	Minister for Communications, Science and Advanced Technology
	Minister for Ethnic Affairs
	Minister for Arts and Museums
	Minister for Aboriginal Development
Hon Loraine Braham MLA	Minister for Local Government
	Minister for Housing
	Minister for Aboriginal Development
	Minister for Central Australia
	(ceased as minister 26 November 2000)
*Hon Dr Richard Soon Huat Lim MLA	Minister for Central Australia
	Minister for Housing
	Minister for Local Government

**On the 27 November 2000 Dr Richard Soon Huat Lim was sworn in as a Minister replacing Mrs Loraine Braham, who relinquished her portfolios on 26 November 2000. On the same date the Hon Peter Adamson gained the Aboriginal Development portfolio formerly held by Mrs Braham.*