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**Disaster for Darwin vs Australia on Fire – a Politico-Legal Review of Governments in Action**

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Abstract

For two days in December 1974, from 24 to 26 December, Cyclone Tracy hit Darwin, in the Northern Territory of Australia, killing 71 people, seriously injuring 145, impacting 500 with minor injuries, damaging buildings, tearing roofs from houses, sweeping up trees and rubbish bins, tearing up children’s playground equipment, bending in half the anemometer needle in Darwin Airport control tower. The festive season ended with a damage bill topping $800m.

From June 2019, through to March/April 2020, bushfires ravaged Australia, burning 10m hectares, ending lives and destroying livelihoods, killing or injuring some three billion animals, with kangaroos leaping to avoid the inferno, whilst koalas whimpered as the oncoming flames speed toward them, filling the Australian bush with the agonised cries of animals in danger, distress, dying and death. Some 3500 homes were burnt out, almost 6000 outbuildings demolished, 34 people killed, more injured, and the cost in money terms was estimated at over $103b. During Black Summer, the land expanse devastated was as if, experienced in England, the entire country was burning from Dover to the Scots’ border.

These disasters found both Prime Ministers absent overseas at crucial times. Gough Whitlam, Prime Minister during the cyclone disaster, returned from Greece immediately. Scott Morrison, Prime Minister during the fires left in the midst of the conflagration. Whitlam set up a Darwin Reconstruction Commission. No Bushfire Reconstruction Commission was established by Morrison. Two different responses from government. This paper explores the disasters and the differences, politico-legal dimensions of the way governments can respond or fail, and the process of recovery.

Key words: Cyclone Tracy, Australian bushfires, climate change, global warming, Gough Whitlam, Scot Morrison, disaster management, Darwin Reconstruction Commission, Royal Commission into Bushfires, 2019 ‘Black Summer’

Introduction

For two days in December 1974, from 24 to 26 December, Cyclone Tracy hit Darwin, in the Northern Territory of Australia, killing 71 people, seriously injuring 145, impacting 500 with minor injuries, damaging buildings, tearing roofs from houses, sweeping up trees and rubbish bins, snatching up children’s playground equipment, bending in half the anemometer needle in Darwin Airport control tower after it had measured winds of up to 217 km/h. The festive season ended with a damage bill topping $AUS 800m by one estimate, $AUS 950m by another.[[1]](#footnote-1)

Fifty years later, from June 2019, through to March/April 2020, bushfires ravaged Australia, burning 10m hectares, ending lives and destroying livelihoods, killing or injuring some three billion animals, with kangaroos leaping to avoid the inferno, whilst koalas whimpered as the oncoming flames sped toward them, filling the Australian bush with the agonised cries of animals in danger, distress, dying and death. Some 3500 homes were burnt out, almost 6000 outbuildings demolished, 34 people killed, more injured, and the cost in money terms was estimated at over $103b. During Black Summer, the land expanse devastated was as if, experienced in England, the entire country was burning from Dover to the Scots border.

Two major catastrophes, 50 years apart. How did governments react? The differences in addressing these dual disasters, the politico-legal dimensions of the way governments can respond or fail, and the process of recovery, illustrate how leadership is vital. This means not just any leadership. The governance required must have the capacity to combine compassionate understanding with a recognition of the urgency of the moment, the need for both an immediate and long-term approach to planning and recovery, and an ability to acknowledge political failure so to organise and implement a positive response after a faltering beginning.

Disaster at the Acropolis, Devastation in Honolulu

When Cyclone Tracey hit Darwin, Prime Minister Gough Whitlam was taking a tour of the Acropolis. Elected in 1972 in a landslide,[[2]](#footnote-2) the Whitlam Labor government displaced a conservative Liberal-Country Party coalition government in power for 23 years, from 1949 to that December 1972 election. Led by Robert Menzies for 17 years before his retirement from politics in 1966, [[3]](#footnote-3) changes of leadership following his departure showed a lack of succession planning. Whatever his success as federal government leader, Menzies exhibited none of the leadership necessary to ensure handing on to secure and insightful leadership for the future. Nonetheless, after Menzies’ retirement in 1966, it took four years and a change of leadership in the Australian Labor Party (ALP)[[4]](#footnote-4) before, under Whitlam, the opposition at last gained office.

The Whitlam government brought fresh new hope to Australia – Whitlam running government together with his deputy Lance Barnard as a duopoly for the first weeks following the election,[[5]](#footnote-5) with a policy platform broad in scope, substantive in depth, an agenda designed to position Australia as an independent nation – shedding the apron strings of ‘the mother country’, the United Kingdom, and distancing itself from the toadying approach to the United States that characterised the relationship fostered by the Liberal Country Party coalition. In many analyses it was this desire – shaped in deeds, not words – to set Australia on its own footing independent of the United States that, together with collusion between the British Crown and the Australian Governor-General, led to the November 1975 ousting of the Whitlam government.[[6]](#footnote-6)

Five decades later, Prime Minister Scott Morrison won an election that polls predicted for winning by Labor.[[7]](#footnote-7) The Liberal-National Party administration was expected to lose, bringing to power a government under the leadership of Bill Shorten - campaigning on a platform promoting a thriving economy where disadvantage was undone and the climate emergency was acted upon. Scott Morrison’s unexpected win followed his gaining leadership of his party (the Liberal Party of Australia) after some swift-footed manoeuvring ousting the then leader and Prime Minister, Malcolm Turnbull, and dislodging Minister for Home Affairs, Peter Dutton, who (along with others) had seen himself as Turnbull’s successor.[[8]](#footnote-8)

The May 2019 election augured ill for action on climate change. The Liberal-National coalition government harboured climate change sceptics[[9]](#footnote-9) who held the upper-hand, the Prime Minister amongst them. When the bushfire season hit in September 2019, despite the ferocity of the fires and their savage spread through the country, Scott Morrison’s climate change denial suffered no blow. The Prime Minister decried any connection between climate change and the conflagration, in a country where bushfires and floods are recognised phenomena, but never as widespread, long-lasting and with such an impact. So sanguine about the matter, Morrison departed in December for Hawaii and his holiday season, saying his family had precedence ahead of the still raging fires – from which there seemed to be no relief.

The absence of both Prime Ministers in a time of national need created a heyday for the press. Images of Whitlam strolling the Greek ruins were juxtaposed against people weeping whilst standing beside wrecked homes flattened into shattered glass and chipboard, barely recognisable and completely uninhabitable, their structures wasted by the winds. Morrison’s absence differed. Leaving mid-disaster, keeping his head down, none of the usual set-piece images framed by the beaches or in the bars of Honolulu surfaced,[[10]](#footnote-10) but multiple images of the sand and the sea were interposed between seemingly endless auras of flame rising above the bush, flashing along the tops of the trees with kangaroos hopping with frantic urgency to beat the flames. Notable about the 2019 depiction of the Australian Prime Minister was, however, lack of any mention of the 1974 example of a Prime Minister missing in action. Even the right-wing press did not revive the Acropolis story seeking to deflect criticism from ‘their’ Prime Minister by focusing on a Labor Prime Minister’s past perceived error.

The crucial difference between the two may have led to this press silence. Whitlam was out of the country when disaster struck. Contrarily, Morrison was present when the fires broke out, the tragedy in full glare when he deserted the nation, his office, and the flames for the luxury of sun and ocean view. From September 2019 the fires had killed at least nine people, burned more than 700 homes to the ground, and destroyed millions of hectares along with the bush and its wombats, goannas, koalas and kangaroos, sending many more fleeing inland, away from the conflagration. Morrison left for Honolulu and Waikiki beach in mid-December, leaving behind the dead and the dread (fear embracing the deaths of two firefighters), flying luxury class.[[11]](#footnote-11)

Another contrast lay between the two Prime Ministers. Whitlam redeemed himself through his government’s actions in reconstructing Darwin and ensuring care for those desolated and damaged, atop his immediate return from Syracuse, Sicily, and walkabout through the wreckage. Not only did Morrison depart in the middle of the devastation, then show little sign of the Honolulu jaunt’s coming to an end, but he and his government failed in the redemption stakes. The image of Morrison, upon his delayed return, pressing at Cobargo resident Zoey Salucci-McDermott to shake his hand, she resisting, was a defining moment, shown over and over on mainstream and social media.[[12]](#footnote-12) . As he ignored her resistance, grabbing her hand anyway, the Salucci-McDermott and Morrison exchange took place on Thursday 2 January when at last, shamed into going to the heart of fire-ravaged state of New South Wales, Morrison toured the burnt terrain of the most devastated areas. This stark contrast between Whitlam and Morrison, Morrison featuring in stories deploring his absence, ignorance and arrogance, revealed it was either:

* Whitlam’s positive action had cast the Greek ruins into the depths of memory, forgotten; or
* In the absence of any sign of the jaunt in Honolulu coming to an end, it was considered preferable to drop any reference to Whitlam for this would serve only to highlight the contrast between a Prime Minister who, in the end, took on the prime ministerial role to profound effect, and one who denied any need for leadership in the face of fire.

A third possibility is the chronic lack of historical memory that plagues the media of today, generated perhaps by the twenty-second news flash and ‘here today, gone tomorrow’ social media perspective generated by Twitter, Instagram, TikTok and their ilk.

Darwin Reconstruction, Recovery and Renewal

In February 1975 the Whitlam Labor government established the Darwin Reconstruction Commission to address the need for reconstruction, recovery and renewal in a capital city where there was no running water, no electricity, no sanitation, an enormous risk to public health and, with so many homes razed to the ground, scarce habitation, with intact houses rare and more than 30,000 inhabitants gone to find shelter and solace interstate or outside the city’s boundaries.[[13]](#footnote-13) [[14]](#footnote-14)



The Darwin Reconstruction Commission was established under the Darwin Reconstruction Act, the second Act passed by the federal Parliament in 1975, preceded only by the National Health Act.[[15]](#footnote-15) This indicates the primary importance paid by the Whitlam government to the Darwin catastrophe. The Darwin Reconstruction Act 1975 comprised 62 sections, outlining establishment of the Commission, its powers and functions, and the obligation of all federal government departments to work cooperatively with the Commission, providing it with ‘such assistance in the carrying out of its functions as is reasonably practicable’.[[16]](#footnote-16) The Commission’s functions encompassed development, planning and reconstruction, providing that the Commission would, over a period of five years:[[17]](#footnote-17)

(a) … assist the Australian Government in determining the desirable extent, nature and purposes of the use and development of the Darwin Area;

(b) … carry out planning in relation to development, construction and land use in the Darwin Area in accordance with any determinations of the Australian Government in respect of matters referred to in paragraph (a), and recommend to the Minister general planning and development schemes for the Darwin Area;

(c) … carry out, and to supervise, control and co-operate in the carrying out by other authorities and persons of, development and construction in the Darwin Area;

(d) … provide, and to arrange, co-ordinate and control the provision of, works, services, facilities and public utilities in the Darwin Area;

(e) … furnish to the Australian Government, through the Minister, advice with respect to matters relating to the expenditure of public and private moneys in and in connexion with develop­ment and construction in the Darwin Area and the co-ordination of that expenditure and with respect to other matters related to the functions of the Commission;

(f) … formulate proposals for the making of regulations under this Act; and

(g) [exercise] such other functions in relation to Darwin and the Darwin Area as … conferred … by [the] Act or … regulations.

The Australian Constitution provides for acquisition of land upon payment of just compensation. Consistent with this, the Darwin Reconstruction Act gave the Commission power to devise planning and development schemes for the development and reconstruction of ‘the Darwin Area’ so going beyond the city boundaries,[[18]](#footnote-18) with provision for objections by any person with an interest in land that might be affected, the Commission having power to entertain written or oral submissions. Having heard any objections or if none was lodged within one month, the Commission could alter the proposals then recommend to the Minister for the Northern Territory that the plans – altered or as originally devised – go ahead. Crown land was brought under the Commission’s ambit, so that it could be included in development and planning proposals. Where private land was subject to acquisition, the Commission was authorised to pay compensation as set by a court of competent jurisdiction.[[19]](#footnote-19)

The Minister and Commission were to work together effectively to deliver a ‘whole of city’ planning and development model, the Minister taking into account the Commission’s recommendations and proposals. When approved, all federal government departments and authorities were required to comply with the schemes. This meant assisting or working with the Commission in bringing the plans and the development into being. Having established objectives achievable within periods set by it, the Commission would advise the Minister of the ‘nature and extent of public and private investment required to meet’ objectives. Compliance with directions of the Minister was necessary, however, the Commission had specific powers beyond devising planning and development proposals:[[20]](#footnote-20)

(a) to control and administer land vested in the Commission or placed under the control of the Commission;

(b) to erect, repair or demolish buildings, make roads, plant or remove trees and perform other works;

(c) to make contracts, including contracts for the performance of building or other work for other authorities or private persons;

(d) to make use of agents;

(e) to purchase or take on hire, and to dispose of or let out, plant, machinery, equipment or other goods;

(f) to provide transport, accommodation, provisions and amenities for, and for the families of, officers and employees of the Commission or persons having contracts with the Commission;

(g) to make charges for work done, or for services, facilities or utilities rendered or provided by, the Commission; and

(h) to do anything incidental to any of its powers.

As a preventative measure, provision was made for future cyclone activity, too. The Commission was required to ‘give particular attention to the extent to which, and the manner in which, buildings and services in the Darwin Area should be made capable of resisting damage by cyclone’.[[21]](#footnote-21)

No lease of land could be granted, whether by the Australian government or otherwise, without the Commission’s permission. No ‘commencement, continuation or completion’ of building construction ‘or the performance on any land of works for the purposes of the erection of a building’ (by any party, including the Australian government or a public authority) could go ahead without Commission approval and compliance with any conditions it set.[[22]](#footnote-22) The Commission further had power to approve and publish building codes or other rules, not inconsistent with regulations promulgated under the Act, to guide those seeking approval for building and construction.[[23]](#footnote-23)

The Commission’s powers extended to clearing up the damage, including being authorised to enter onto any land, Australian government owned or in private ownership ‘for … public safety or sanitation … [and to] demolish dangerous or damaged structures, remove debris, goods and materials, and perform work.[[24]](#footnote-24) In addition, the Commission had the power to ‘direct all or any person or persons to leave, or prohibit all or any persons or person from entering, premises in the Darwin Area’ where those premises were ‘in a dangerous condition or unfit for occupation’.[[25]](#footnote-25)

Thus, the federal government clearly had every intention of ensuring that Darwin would be rebuilt, with rebuilding complete within five years. This was an ambitious programme, an ambitious target, and evidence of the Prime Minister’s determination to overcome the suggestion of being an absentee leader in the time of disaster. At the time, the Northern Territory (where Darwin is the capital) had no status independent of the federal government. Originally, it was under the protection of South Australia but upon federation the Commonwealth government took it over, along with the conservatorship that existed for the Australian Capital Territory (Canberra). In any event, Cyclone Tracey and the devastation of Darwin impacted around the country, with people from the six states and from Canberra sending relief packages of non-perishable food, vegetable plants and seeds, clothing, household equipment and whatever else was needed for those left behind or living on Darwin’s outskirts in retreat and safety.

One of the major contributors to this disaster effort was the National Advisory Committee for the International Year of the Woman (National Women’s Advisory Committee). The UN had declared 1975 ‘International Women’s Year’. One of the first appointments made by the Whitlam government had been that of a Women’s Advisor to the Prime Minister and the Department of Prime Minister and Cabinet. Elizabeth Reid, holding a post-graduate degree in philosophy, became the Women’s Advisory. She had attended her first Women’s Liberation meeting in Canberra in 1970, and was committed to women’s activism. This made the appointment controversial to those on the conservative side of politics, whilst simultaneously it stirred controversy within the Women’s Liberation Movement. The Movement had split, some considering that to take on the role was to join the forces of the establishment ranged against women’s rights and freedoms, the other adopting a more pragmatic approach in believing it was worthwhile to test the possibility that the government was committed to advancing women’s claims for equal representation and authority within the polity – and, more particularly, within the interstices of government.[[26]](#footnote-26) The National Women’s Advisory Committee approach added fuel to the debate which, in accordance with the times, was conducted with vigorously vociferous clamour. Those unaccustomed to women’s voices engaging in forceful discussion and rhetoric used the usual traditionalist terms in an effort to dismiss it, labelling the women ‘raucous’, ‘strident’ and ‘shrill’, difference of opinion labelled ‘cat-fighting’. The relief packages sent by the National Women’s Advisory Committee generated a whole new round of this determination to make women’s voices not only heard, but count.

As Elizabeth Reid reports:[[27]](#footnote-27)

Word reached the National Advisory Committee that the women of Darwin needed help and when committee members as k how they could be of help, they were requested to provide skin cream, sunburn lotion, sanitary pads and tampons, combs and lipstick. The latter [the combs and lipstick, particularly the lipstick] seemed to outrage some of the prominent leaders of the Sydney movement. A public meeting was called at Balmain Town Hall [in Sydney] to criticise this funding. Shirley Castley, a member of the National Advisory Committee and long active in the women’s liberation movement, was brave enough to attend. No matter what ideological position one took on the use of make-up, or more generally on women as se objects, i these circumstances we felt we should respond to an expressed need. It was a point of difference between us, exacerbated by the oppositional style adopted by the Sydney movement. Few other funding decisions were as contentions …

Bodily comforts and disputation about them were one thing. Progress in planning, building and development another. Initially $AUS 300m was provided by the Australian government for the rebuilding of Darwin, supplemented by private investment in an effort not only to rebuild, but to claw back what had been lost – the population had been decimated, from 105,000 prior to Cyclone Tracey, to 45,000 after. Many not returning who left under their own power in the wake of the cyclone or evacuated in a major undertaking aimed at ensuring that a major health risk lying in wait with the sewage broken down, little if any water available for washing (apart from the ocean) and emergency health care brought in as planes took residents out. As in the 2019-2020 bushfires, animals suffered too, and plants were as flattened as the buildings.

Yet the five years allotted to the Darwin Commission was not needed: rebuilding was achieved within little over three years, with Darwin’s pre-cyclone population rebuilding by the middle of 1978. There were lessons learned, too. As the National Museum of Australia reports, ‘… in time, some good … came out of the Cyclone Tracey experience’:[[28]](#footnote-28)

The main benefit was the introduction of greatly improved building standards that would apply across the entire country. These included requirements that buildings be clad to protect them against flying debris, and that their roofs be tied to the foundations. When Cyclones Larry and Yasi both stronger than Tracy – hit Innisfail and Mission Beach on 20 March 2006 and 3 February 2011 respectively, there were no casualties.

The events of 1974 remain indelibly marked in Australia’s cultural memory. The cyclone’s timing and ferocity, the mass evacuations of distressed and injured residents, and the terrible images of destruction shocked many, and reminded them of their human frailty. The extraordinary official response and public generosity reminds us of our social resilience, of how terrible things can happen, and how we can help each other through them.

Yet the lesson learned by the Prime Minister in office in 1974-1975 was not learned by the encumbent in 2019-2020 – remaining in office until 2022.[[29]](#footnote-29) Public generosity and social resilience of the people remained true of their reactions to the bushfires, but the official response was ‘extraordinary’ from quite another perspective and on available accounts remained so.

While the Land Beneath Burns

Over the months of the 2019-2020 bushfires, the soil beneath the smouldering bushland burned for weeks even after the flames had died on the surface of the land. Extending from June 2019 through to 31 March 2020, in New South Wales alone, fourteen people died. In that state, the conflagration extended across 12.6m hectares, killing an estimated one billion animals. Some species are feared to have been destroyed permanently in the fire. Hazardous air quality levels were recorded, with an estimated 434m tonnes of carbon dioxide polluting the atmosphere. More than $AUS 2.6b was lost to the flames, with tourism revenues falling to the tune of above $AUS 612m.[[30]](#footnote-30) By the end of January, the official end of the bushfire season, 2.7m hectares of national parks (37 percent of the national park estate) were destroyed, and overall 6.7 percent of the state (5.3m hectares) razed to the ground.[[31]](#footnote-31) For Australia overall, there were twenty official bushfires, with 33 deaths, wildlife consumed in unimaginable proportions, 3000 homes burnt to the ground, 17m hectares of land burnt, and the fires finally extinguished by March 2020.[[32]](#footnote-32) [[33]](#footnote-33)



No Bushfire Reconstruction Commission was established. Monies were set aside for recovery, $AUS 2b coming from government.[[34]](#footnote-34) The major fundraising efforts were undertaken by charities, the government response was that in times of disaster:[[35]](#footnote-35)

… Australian charities have historically responded well with programs that support individuals and communities in need. They have provided necessary support in both the immediate aftermath of disasters and in the longer-term recovery phase …

This accumulated some $AUS 640m for relief and recovery. These monies came from contributions made by 53 percent of the community, on median measures each person contributing some $AUS 50.00. Eighty-eight percent of contributors considered that the donations should be distributed within several months.[[36]](#footnote-36) Where complaints arose from those who suffered, asking ‘why has no money been paid yet,’ the onus for this concern was placed by government upon the charities, the government response being:[[37]](#footnote-37)

It is in this context that the public needs to understand how charities use the funds they receive in donations.

The GeoPolitical Analysis prepared by Foreign Brief reports: [[38]](#footnote-38)

Independent investigations to assess states’ emergency preparedness and response are expected to review current policies ahead of the next bushfire season. Considering the ecological impact of the fires, research is likely to focus on understanding the cause behind the persistence of the fires, as political debate about the role of climate change continues.

A major impediment to preparation for future bushfires based in the climate emergency and global warming was that the Australian government under the Morrison premiership retained its disbelief about the very premise of the underlying cause of the conflagration. Global warming denial remained the predominant thinking at federal government level, with that approach repeated in the federal response to the Covid 19 pandemic.

Foreign Brief observes:[[39]](#footnote-39)

Coupled with the outbreak of the COVID-19 pandemic, Australia is predicted to enter a recession in the first two quarters of the fiscal year, and the unemployment rate is predicted to increase to 12%. The Australian government’s $AUS 10.8 billion fiscal stimulus packages to counter the effects of the pandemic target low-income individuals and small- and medium-sized businesses. The Reserve Bank of Australia has lowered the cash rate to 0.25%, and is employing quantitative easing to boost money flow in the economy. Tourism is likely to be a target sector for assistance once the pandemic crisis is dealt with.

This approach shows government accepting an obligation, yet flaws similar to the bushfire approach evident. Just as the federal government failed to see the bushfires as a consequence of climate change and its responsibility generating a need for a ‘whole of Australia’ approach to disaster, it failed to coordinate action addressing Covid 19, leaving it up to the individual states to institute action. The approach appeared similar to that followed in the United States by the Trump administration, which began with denial (as it proved, for political reasons) and favoured some states against others for federal support.[[40]](#footnote-40) The trust in Australia’s being quarantined from the pandemic by isolation and island geography which characterised the federal government’s response when it came, led to a documented lackadaisical approach toward vaccination. Reports showed a failure to secure any vaccine, or any in sufficient proportions to vaccinate the adult population with at least one dose, much less rollout a vaccine programme to achieve this. This meant that Australians suffered breakouts leading to community lockdowns beyond the initial response by one state, Victoria, where lockdown was accompanied by the premier’s daily bulletins before television cameras and broadcasters microphones.[[41]](#footnote-41) Victoria began lockdowns from the outset of the first sign of the virus in the community, followed by Queensland, with Western Australia isolating itself from the rest of Australia even before any virus was detected in that state. The federal government joined in a legal challenge to the government’s cutting off travel across borders, but the challenge was lost.[[42]](#footnote-42) New South Wales, the government apparently believing the state to be immune, viewed the actions of the Victorian and Queensland governments with disdain.[[43]](#footnote-43) This led to lockdowns taking place on an erratic and skewed basis, some states acting methodically, others responding ad hoc.[[44]](#footnote-44)

No lessons were learned from the bushfire debacle. When floods hit soon after – interspersed with drought and bushfires – the federal government similarly failed in any coordinated response. The government had warning in January 2019 with floods, fire and drought tripling the extreme weather impact.[[45]](#footnote-45) This was repeated later in 2019, and following in 2020 into 2021 and 2022.[[46]](#footnote-46) The failure was topped by the ignominious launching by one of the federal ministers of a crowd-funding website to cover financial losses in his electorate. A news report on the venture by Minister for Defence, Peter Dutton, advised that he had ‘taken to Twitter’ to ‘share’ the GoFundMe page he created to ‘help local residents and businesses [of his electorate, Dickson] who have been affected’. The article went on to note ‘crowdfunding’ for disaster relief might ‘sound familiar’, because ‘a portion of our tax dollars already go towards a number of disaster relief funds — including the Coalition’s $AUS 4.7 billion Emergency Response Fund’. Yet the Emergency Response Fund (established in 2019 responding to the bushfires) ‘has accrued[$AUS 700 million in interest](https://www.google.com/search?q=federal+disaster+relief+fund&rlz=1C5CHFA_enAU971AU971&oq=federal+disaster+rel&aqs=chrome.1.69i57j0i512l9.9532j1j7&sourceid=chrome&ie=UTF-8) since its establishment, but not a single cent has been used to actually respond to emergencies’, on the proposition that it is to be ‘used as a last resort’. But, says the commentator, why not ‘dip into this literal fortune, rather than having MPs crowdfund for disaster relief on social media’? In Queensland and New South Wales at that time, floods had ‘already claimed the lives of seven people, with thousands being evacuated’ and the GoFundMe site raising ‘more than $AUS 20k, donors including, in less than 24 hours ‘… generous individuals like Howmuchdid Theyspendontanks and ThegovernmentPrintsmoney’ (pointed commentary on defence government spending). Furthermore:[[47]](#footnote-47)

In addition to the Emergency Response Fund, the Coalition also announced the [Prepare Australia Fund](https://business.gov.au/grants-and-programs/preparing-australian-communities-local-stream#:~:text=The%20Preparing%20Australian%20Communities%20%2D%20Local,of%20communities%20against%20natural%20hazards.) in the last federal budget — which included $AUS 600 million worth of funding over the next six years to invest in disaster resilience infrastructure. It is unclear how much of this funding was allocated to the affected area. Many — including Labor frontbencher Josh Wilson — have criticised the move and pointed out the fact that a competent government would be able to provide disaster relief without crowdfunding for it.

However, Prime Minister Scott Morrison went so far as to assert that Dutton’s antics “sounds to be like someone doing their job. As a local member of parliament, you always look to try and harness community support for responding to major disasters, that’s what our job is — to work with our communities when they’re in times of stress and times of need” …

This was said in a press conference where the Prime Minister announced disaster payments for affected communities where he told reporters:[[48]](#footnote-48)

‘I don’t understand the criticism,’ again proving just how out of touch he really is. ‘He is working with his community to add to the significant contributions that have been made by the commonwealth and the state and the local governments. He’s looking after his community. That’s what a good member for Dickson does,’ Morrison — who was once Federal Treasurer but clearly has no idea that taxes are meant to cover this stuff — said.

Conclusion – Droughts, Floods, Fire and the Future

Two major disasters, 50 years apart. Two different responses from government. From a position where disaster loomed in 1974, the Prime Minister subject to criticism, the media on attack (even virulent attack), the Australian government made a masterful recovery. Darwin was reinstated after Cyclone Tracey, bringing the work of the Darwin Reconstruction Commission to a successful end two years in advance. In the bushfire disaster, the Prime Minister did not act with any immediacy, and planning for the future – albeit a disaster fund created – appeared to be in question. The continuing round of flood, fire, drought through the following years showed further planning failure, a consequence of politics transcending climate change reality, and generating the failure of not taking the Covid 19 pandemic with the seriousness it deserved.

A Federal Court decision in 2021 determined that the federal Minister for the Environment bears a duty of care towards Australian youth, because reliable predictions are that as they reach adulthood, a certain number will die from the atmosphere polluted by carbon from fossil fuels, a certain number will suffer ill-health, and the wellbeing of all will be at risk.[[49]](#footnote-49) This replicates decisions in Europe, where the Netherlands administrative court held similarly in relation to the government of the Netherlands in 2015 and other jurisdictions have held so for their governments.[[50]](#footnote-50) Yet immediately following the Federal Court decision, the Minister authorised development of a coal mine, the subject of the Federal Court judgment – where an injunction was sought (albeit unsuccessfully) to prevent it.[[51]](#footnote-51) An appeal to the Full Federal Court against the ‘duty of care’ decision proved successful, although it may be hoped that a further appeal (to the High Court) may reinstate the original ‘duty of care’ decision.[[52]](#footnote-52) Nor should it go unnoticed that the Australian government has been taken to task by the United Nations Human Rights Committee for breaching its duty of care to Torres Strait Islanders in failing to take action to protect the islands and Islanders from the consequences of climate change.[[53]](#footnote-53)

Although the environment was on the agenda in the 1970s, the Whitlam government escaped characterisation of the Darwin cyclone as climate change directed. Nonetheless it did see the need for immediate action and ongoing attention to disaster management – not addressing Darwin as a ‘one off’ catastrophe. The Morrison government approach (and that of his predecessors in the Liberal National coalition) saw the need for neither. Those failures indicated a lack of understanding or appreciation of the realities of climate change and the impact it has and will continue to have, with the scorching bushfires of 2019 being the precursor to a calamitous future of increased floods and burning bush as so proved.

The famous Australian poet, Dorothea Mackeller wrote:[[54]](#footnote-54)

I love a sunburnt country,

a land of sweeping plains,

of rugged mountain ranges,

of droughts and flooding rains,

I love her far horizon,

I love her jewelled sea,

her beauty and her terror

the wide brown land for me.

Are Mackellar’s words dangerously prophetic, the droughts and the rains threatening to become overwhelming, preceded and followed by bushfires of even more devastating dimensions? The *National Greenhouse Gas Inventory Quarterly Update* of 2021, reporting on Australia’s poor efforts to address climate change, gave no reason for confidence.[[55]](#footnote-55) Yet change of government in 2022, with cabinet appointments of MPs Tanya Plibersek as Minister for the Environment and Chris Bowen as Minister for Climate Change and Energy, provides hope for another approach to disaster management.[[56]](#footnote-56) This is even more pressing with reports of 10 electorates being too risky as insurance prospects, due to flood, fire and other extreme weather,[[57]](#footnote-57) and the federal government pressing insurance companies to lower their premiums in light of increased funding, a projected $AUS 200m annual investment spending on disaster mitigation projects.[[58]](#footnote-58)

The lessons for Prime Ministers are clear. The first is to be on site when disaster strikes or immediately thereafter, but not only that. It is to recognise the importance of leadership untrammelled by ideological binding (and blinding), so that disasters are addressed effectively in all their political and legal dimensions. Leadership in the face of and anticipating disasters requires responsive government, able to effect a positive process of recovery, rather than fail. Now, with environmental, climate change and biodiversity emergencies, the very future of the earth depends on such leadership. If those in power are not capable of it, they will lose power so that others will lead.

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1. $ AUS 100 – 1974 = $ AUS 931 – 2021; [Impacts - CYCLONE TRACY (weebly.com)](https://cyclonetracyaliceandrachel.weebly.com/impacts.html) (accessed 18 August 2021). [↑](#footnote-ref-1)
2. The December 1972 election results were: popular vote, ALP 49.59%, Liberal Party 32.04%, 9.44% Country Party, 5.25% DLP, 2.42% Australia Party, 1.27% ‘other’; two-party-preferred vote, ALP 52.70%, Liberal-County Coalition 47.30%; Parliament seats: 53.60% ALP, 47.30% Liberal-County Coalition. [↑](#footnote-ref-2)
3. [75 years - 1949 - 1966 (liberal.org.au)](https://nsw.liberal.org.au/75th-Anniversary/1949-1966) (accessed 18 August 2021). [↑](#footnote-ref-3)
4. Note … Labour and Labor have been used at various times by the ALP. Today it is firmly ‘Labor’ so that spelling is used throughout. See Jocelynne A. Scutt, ‘Indigenous …’ in Sarah Sargent and Jo Samanta (eds), *Indigenous Rights - 2020*, Buckingham University Press, London, UK, 2019. [↑](#footnote-ref-4)
5. 5 December-19 December 1975, the only two-member government (deemed ‘the duumvirate’) in Australia’s federal history, [The First Whitlam Ministry: December 5-19, 1972 | AustralianPolitics.com](https://australianpolitics.com/1972/12/05/first-whitlam-ministry.html) (accessed 18 August 2021). This did meet with some controversy, not only with the press. Some amongst his colleagues who were anxious to begin working on portfolios they anticipated were unhappy with effectively being kept out of executive roles for the two-week period of the duumvirate. [↑](#footnote-ref-5)
6. See for example Jenny Hocking, *The Palace Letters*, Scribe Publications, Melbourne, Australia, 2020; Jenny Hocking, *The Dismissal Dossier*, Melbourne University Publishing, 2013; *Hocking v Director-General of the National Archives of Australia* [202] HCA 19, [Hocking v Director-General of the National Archives of Australia [2020] HCA 19 (29 May 2020) (austlii.edu.au)](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2020/19.html) (accessed 18 August 2021); [Buckingham Palace issued rare statement after release of the palace letters (smh.com.au)](https://www.smh.com.au/world/buckingham-palace-issued-rare-statement-after-release-of-the-palace-letters-20200715-p55c3n.html) (accessed 18 August 2021). On the Whitlam government see for example Graham Freudenberg, *A Certain Grandeur – Gough Whitlam in Politics*, Macmillan Australia, Melbourne, Australia, 1977. [↑](#footnote-ref-6)
7. Antony Green, ‘Federal Election 2019 Results – Coalition to form majority government as Labor looks for new leadership’, *ABC News*, <https://www.abc.net.au/news/elections/federal/2019/results?filter=> (accessed 18 August 2021). [↑](#footnote-ref-7)
8. [Scott Morrison wins leadership spill; Malcolm Turnbull takes parting shot at Abbott and Dutton in final speech - ABC News](https://www.abc.net.au/news/2018-08-24/scott-morrison-wins-liberal-leadership/10160168) (accessed 18 August 2021). [↑](#footnote-ref-8)
9. Part of the reason for Malcolm Turnbull’s first ousting and leader when he endorsed a relatively mild environmental programme which did recognise global warming as real. [↑](#footnote-ref-9)
10. Though a photograph did emerge of him sitting poolside with his wife, Jennifer Morrison, mobile phone in hand and drink poised for ready lifting to his lips. [↑](#footnote-ref-10)
11. [Australia fires: PM Scott Morrison sorry for Hawaii holiday during crisis - BBC News](https://www.bbc.co.uk/news/world-australia-50879850) (accessed 10 October 2022).; [PM escaped Sydney's bushfires on a business class flight to Hawaii (thenewdaily.com.au)](https://thenewdaily.com.au/news/national/2019/12/18/scott-morrison-business-class-hawaii/#:~:text=Scott%20Morrison%20escaped%20Sydney%E2%80%99s%20bushfire%20air%20pollution%20crisis,his%20office%20claiming%20on%20Monday%20this%20was%20%E2%80%98wrong%E2%80%99.) (accessed 10 October 2022). [↑](#footnote-ref-11)
12. [Australia fires: Woman forced to shake Prime Minister Scott Morrison hand in Cobargo disappointed in wildfire response - CBS News](https://www.cbsnews.com/news/australia-fires-woman-forced-to-shake-prime-minister-scott-morrison-hand-cobargo-disappointed-in-wildfire-response/) (accessed 10 October 2022). [↑](#footnote-ref-12)
13. Darwin suburb of Wagaman, December 1974, [Cyclone Tracy | National Museum of Australia (nma.gov.au)](https://www.nma.gov.au/defining-moments/resources/cyclone-tracy#:~:text=Darwin%20Reconstruction%20Commission%20On%2028%20February%201975%20the,mandate%20was%20to%20reconstruct%20Darwin%20within%20five%20years.) (accessed 18 August 2021). [↑](#footnote-ref-13)
14. Image ibid. [↑](#footnote-ref-14)
15. ### Indicative of the importance placed on the reconstruction of Darwin and establishment of the Commission, is that the Act was second only to Act no 1 of 1975, the National Health Act - NATIONAL HEALTH ACT 1975 addressing hospital treatment and nursing home care, nursing home and ‘handicapped persons’ homes approval, inspection of hospitals and nursing homes, variation or revocation of home approval, benefit payable in respect of nursing home care, provisions addressing benefits where compensation or damages entitlement arises, etc: [National Health Act 1975 (legislation.gov.au)](https://www.legislation.gov.au/Details/C2004A00223) (accessed 18 August 2021).

    [↑](#footnote-ref-15)
16. S 7 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-16)
17. S 4 provided that the Commission would wind-up after five years and that with the expiration of the five year period the only functions it would exercise would be those necessary for the purpose of winding-up. S 5 set out the powers and functions as listed here. [↑](#footnote-ref-17)
18. An area 40 kilometres from Darwin General Post Office in the centre of the city: s 3 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-18)
19. S 16 (4) Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-19)
20. S 12 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-20)
21. S 13 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-21)
22. Ss 14, 15 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-22)
23. S 15 Darwin Reconstruction Act 1975 (Cth). [↑](#footnote-ref-23)
24. S 16 Darwin Commission Act 1975 (Cth). [↑](#footnote-ref-24)
25. S 17 Darwin Commission Act 1975 (Cth). [↑](#footnote-ref-25)
26. See Elizabeth Reid, ‘The Child of Our Movement: A Movement of Women’ in JA Scutt (ed), *Different Lives – Reflections on the Women’s movement and visions of its Future*, Penguin Books Australia, Melbourne, Australia, 1987, pp. 8-20. [↑](#footnote-ref-26)
27. Ibid, p. 18. [↑](#footnote-ref-27)
28. [Cyclone Tracy | National Museum of Australia (nma.gov.au)](https://www.nma.gov.au/defining-moments/resources/cyclone-tracy) (accessed 18 August 2021). [↑](#footnote-ref-28)
29. At the federal election of May 2022, the Liberal National Coalition government lost to the ALP opposition headed by Anthony Albanese who became Prime Minister in a Labor government: [2022 federal election - Australian Electoral Commission (aec.gov.au)](https://www.aec.gov.au/Elections/federal_elections/2022/) (accessed 30 October 2022). [↑](#footnote-ref-29)
30. [After horror six months, Australia's bushfire season comes to an end | Foreign Brief](https://www.foreignbrief.com/daily-news/after-horror-six-months-australias-bushfire-season-comes-to-an-end/) (accessed 18 August 2021). [↑](#footnote-ref-30)
31. Ibid. [↑](#footnote-ref-31)
32. [Bushfire Response 2019-20 - Reviews of three Australian charities | Australian Charities and Not-for-profits Commission (acnc.gov.au)](https://www.acnc.gov.au/tools/reports/bushfire-response-2019-20-reviews-three-australian-charities) (accessed 18 August 2021). [↑](#footnote-ref-32)
33. Image from [Australia Bushfire Emergency - Australia Fires | WWF UK](https://support.wwf.org.uk/australia-bushfires?pc=AUZ014003&gclsrc=aw.ds&ds_rl=1262365&gclid=d706e28303e51876602983b0c72ecee1&gclsrc=3p.ds&msclkid=d706e28303e51876602983b0c72ecee1&utm_source=bing&utm_medium=cpc&utm_campaign=MPX_BNG_FND_SEA_GEN_ALL_Australia%20Bushfire%20Appeal&utm_term=%2Baustralia%20%2Bbushfire&utm_content=Australia%20Bushfire%20-%20BMM) (accessed 18 August 2021). [↑](#footnote-ref-33)
34. [This is how much compensation bushfire victims can claim from the government (inkl.com)](https://www.inkl.com/news/this-is-how-much-compensation-bushfire-victims-can-claim-from-the-government) (accessed 18 August 2021). [↑](#footnote-ref-34)
35. [Bushfire Response 2019-20 - Reviews of three Australian charities | Australian Charities and Not-for-profits Commission (acnc.gov.au)](https://www.acnc.gov.au/tools/reports/bushfire-response-2019-20-reviews-three-australian-charities) (accessed 18 August 2021). [↑](#footnote-ref-35)
36. [Bushfire Response 2019-20 - Reviews of three Australian charities | Australian Charities and Not-for-profits Commission (acnc.gov.au)](https://www.acnc.gov.au/tools/reports/bushfire-response-2019-20-reviews-three-australian-charities) (accessed 18 August 2021). [↑](#footnote-ref-36)
37. [Bushfire Response 2019-20 - Reviews of three Australian charities | Australian Charities and Not-for-profits Commission (acnc.gov.au)](https://www.acnc.gov.au/tools/reports/bushfire-response-2019-20-reviews-three-australian-charities) (accessed 18 August 2021). [↑](#footnote-ref-37)
38. [After horror six months, Australia's bushfire season comes to an end | Foreign Brief](https://www.foreignbrief.com/daily-news/after-horror-six-months-australias-bushfire-season-comes-to-an-end/) (accessed 18 August 2021). [↑](#footnote-ref-38)
39. Ibid. [↑](#footnote-ref-39)
40. See Bob Woodward, *Fear – Trump in the Whitehouse*, Simon and Schuster, New York, NY, US, 2020; [Donald Trump on COVID, Kim, and Putin: Tapes of talks with Bob Woodward to become public (msn.com)](https://www.msn.com/en-us/news/politics/donald-trump-on-covid-kim-and-putin-tapes-of-talks-with-bob-woodward-to-become-public/ar-AA13in4o) (accessed 3 October 2022); [THE TRUMP TAPES — Bob Woodward](https://www.bobwoodward.com/books/trump-tapes) (accessed 1 November 2022). [↑](#footnote-ref-40)
41. [COVID-19 vaccine rollout update – jurisdictional breakdown – 4 September 2021 | Australian Government Department of Health](https://www.health.gov.au/resources/publications/covid-19-vaccine-rollout-update-jurisdictional-breakdown-4-september-2021) (accessed 18 August 2021); [COVID-19 and the border (homeaffairs.gov.au)](https://covid19.homeaffairs.gov.au/) (accessed 18 August 2021); [Coronavirus (COVID-19) - Official Australian Government information](https://www.australia.gov.au/) (accessed 18 August 2021); [Australia COVID: NSW and Victoria reflect mirror coronavirus image (afr.com)](https://www.afr.com/policy/health-and-education/nsw-and-victoria-reflect-mirror-covid-image-20210823-p58l80) (accessed 18 August 2021). [↑](#footnote-ref-41)
42. *Palmer and The Commonwealth v Western Australia* [Palmer v Western Australia (2021) 95 ALJR 229; [2021] HCA 5: trade, commerce and intercourse shall be absolutely free (except when it need not) – AUSPUBLAW](https://auspublaw.org/2021/06/palmer-v-western-australia-2021-95-aljr-229-2021-hca-5/) (accessed 18 August 2021); [Palmer v Western Australia [2021] HCA 5 - Crown Law](https://www.crownlaw.qld.gov.au/about/news/palmer-v-western-australia-2021-hca-5) (accessed 18 August 2021). [↑](#footnote-ref-42)
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47. . [Peter Dutton Starts GoFundMe For Disaster Relief In Queensland (junkee.com)](https://junkee.com/peter-dutton-gofundme-flood-queensland/322824) (accessed 6 November 2022). [↑](#footnote-ref-47)
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