

2/10/55  
PT. OF THE SENATE  
No. 1522  
Presented 15 SEP 1955  
CLERK OF THE SENATE

COMMONWEALTH OF AUSTRALIA

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PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS

R E P O R T

Relating to the proposed

Erection of a

COURT HOUSE

at

DARWIN, NORTHERN TERRITORY.

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COMMONWEALTH OF AUSTRALIA

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PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS

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R E P O R T

C O U R T H O U S E

D A R W I N,

N.T.

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C O U R T H O U S E , D A R W I N .

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PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS.

C O U R T     H O U S E,

D A R W I N.    N.T.

R E P O R T.

The Parliamentary Standing Committee on Public Works, to which His Excellency the Governor-General in Council referred, for investigation and report thereon to the House of Representatives, the question of the proposed erection of a Court House at Darwin, Northern Territory, has the honour to report as follows:-

S E C T I O N   I.

I N T R O D U C T I O N.

Early History.

1. It is difficult to ascertain where the Supreme Court sat in the very early days, but it is certain that, shortly after the Northern Territory was attached to the State of South Australia, Judges of the Supreme Court of South Australia periodically visited the Northern Territory. That practice ceased when Mr. Justice Wearing and the whole of the party that had travelled with him to hold a court in Palmerston, as Darwin was then called, lost their lives in the wreck of the "Gothenburg" off the Queensland coast. After that tragic incident the South Australian laws were amended to enable the Governor to send, not a Supreme Court Judge, but a legal practitioner, or a Special Magistrate, to conduct the sittings of the Supreme Court in Palmerston.
2. As early as 1884 provision was made for the appointment of a permanent Judge to reside in the Northern Territory. Until the Commonwealth Government took over the Territory, the Judge functioned also as Government Resident.
3. Well before the turn of the century a Supreme Court building was erected on the Esplanade, and, at the time of its erection, it was probably the most imposing building in Darwin.
4. Shortly after the first Japanese raid on Darwin, the former Supreme Court building was taken over by the Navy, and it has ever since remained in occupation

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by the Navy. In any case it would not be adequate for the Supreme Court under present conditions.

5. In 1947 or 1948, three Naval huts on the Esplanade were adapted to court purposes, as a temporary measure, but, although several Greater Darwin town plans each made provisions for the erection of a new Supreme Court building, the improvised buildings are still being used.

6. Recently it was decided to proceed with the erection of a section of the adjoining hostel, with the result that demolition of at least one of the court buildings must take place very shortly.

## S E C T I O N II.

### T H E P R E S E N T P R O P O S A L

#### The Buildings.

7. It was emphasized at the outset that the proposal outlined in evidence to the Committee at this stage presented tentative plans only and further discussion with individual senior officers must take place before the most satisfactory arrangement is evolved. After the site and general principles of the buildings have been approved the internal arrangement of the courts and other rooms will be planned to suit the requirements of the conditions in Darwin.

8. The plans indicate a pair of buildings, comprising ground and upper floors, separated by a covered way, one building housing the Supreme Court, and the other the Magistrate's Courts, Crown Law offices, and Registrar General's Department. The Supreme Court has been located on the axial line of Bennett street, and has been given some detachment from the Magistrates' courts building which faces Herbert street.

9. Construction of the buildings will be a main framework of reinforced concrete, with cement brick walls faced with precast quartz and concrete slabs.

10. Until planning of the Court House group is completed estimates of cost cannot be reliably ascertained, but a rough estimate given to the Committee places the cost in the vicinity of £300,000.

S E C T I O N III.T H E C O M M I T T E E S I N V E S T I G A T I O N S .G E N E R A L .

11. The Committee took evidence from departmental officials in Melbourne, and subsequently travelled to Darwin to take further evidence there while undertaking inquiries on other references on the same journey.

In Darwin evidence was taken from the Judge of the Northern Territory, His Honor Mr. Justice Kriewaldt; from the Magistrate and Master of the Supreme Court, Mr. S. Dodds; from the Administrator of the Northern Territory, Hon. F. J. S. Wise; and also from the Works Director, President of the Central Progress Associations, and others concerned with the proposal.

12. The plans were studied, and inspection was made of the site for the Court buildings, as well as the present court accommodation being used in Darwin.

S I T E .

13. A considerable amount of attention was necessary to the question of the site, as the proposal involves the closing of the end of Bennet street, and is of great importance in the general planning of Darwin.

The Darwin Plan.

14. During investigations by the Committee on a previous visit in 1949, it was found that a good deal of controversy had been occasioned by the adoption of a plan for the town, following various reports and plans drawn up for the purpose. At that time it was represented to the Committee that the plan had been officially adopted and the Committee accepted it in respect of the sites under consideration then. From the evidence in the present inquiry, it appears that the plan has been considerably altered and various sites for important buildings have been fixed without relation to any <sup>official</sup> plan for the town. It is now generally accepted that no Master plan of Darwin exists. This has caused considerable doubt in the minds of persons concerned with the immediate and future development of Darwin, and hesitation in the completion of schemes being involved. The representative of the Navy informed the Committee that plans had been prepared

in connection with development of the area formerly agreed upon as the Navy area, but it has been pointed out recently that the Navy has no title to the land, and the position of urgently required buildings is now in doubt.

15. Planning of Darwin is at present carried out by the Department of Territories, with the assistance, in an advisory capacity, of the Town Planning Advisory Committee. This Committee consists of departmental officials who consider certain aspects of the planning when required to do so.

16. The Committee feels that too many years have gone by without proper overall planning of Darwin, and immediate steps should be taken to draw up a complete Master Plan of Darwin to be officially accepted and published, with adequate rights and titles available for confident development of the various areas determined upon. This is considered essential if the commercial and governmental activities of the locality are to be developed quickly and satisfactorily along proper town-planned lines which can be adhered to in the future.

#### The Court House Site.

17. Preliminary analysis of the Court requirements has shown that the island site recently allocated for the purpose is inadequate for the desirable planning of the accommodation comprising the Supreme Court and its associated functions. It is therefore proposed to close the end of Bennett street, between Mitchell street and the Esplanade, and thus extend the area available for the Court buildings, allowing the Supreme Court building to be placed in such a position as to present an attractive vista to traffic using Bennett street. This placing of a dominant mass on the axial line of Bennett street will tend to emphasize the importance of the Supreme Court building in relation to the rest of the buildings near it. It is intended to widen Herbert street, opposite Hotel Darwin, and also to round off the corners to facilitate flow of traffic from Bennett street, to Herbert street, via the small section of Mitchell street. The question of the closing of the end of Bennett street caused considerable discussion, and opposition was expressed to it in some quarters.

18. The Committee studied this matter and closely inspected the area concerned, taking evidence in regard to it from various witnesses, while

the possibility of using a site for the Court in Mitchell street, opposite the Legislative Council Chamber, was considered.

19. Before making a decision on this matter the Committee was informed that a Supreme Court building of the type proposed on this site would not be at all likely to interfere with any Master Plan to be developed for Darwin in the future.

20. The Committee finally decided that the closing of the end of Bennett street was desirable to provide a suitable area for the Court buildings, provided the necessary action is taken to ensure proper flow of traffic from Bennett street, and the site proposed in the plans is the most suitable for the purpose.

#### NEED FOR THE BUILDING.

##### The Present Buildings.

21. There are two important reasons, either of which would justify the early erection of a new Supreme Court building in Darwin. The first is that the existing temporary court building will shortly be demolished to make way for a further block of the Peel street hostel. The second reason is that the present buildings are not consistent with the importance which the administration of justice should command in the community.

22. In connection with the first reason the Committee was informed that building operations on the new adjoining hostel block have commenced, and in a short time it will be essential to demolish the court building which stands in the way of the hostel extensions, the final unit of which is expected to be constructed in 1955-6. This makes it urgent to provide an alternative building for the use of the Court.

23. The <sup>second</sup> reason submitted to emphasize the necessity for new and adequate court buildings was amplified in evidence by the witnesses concerned in the matter. It was pointed out that one of the basic principles of the British system of democratic government implies the universal acceptance of the law by the community, but the community's respect for the law can be adversely affected if justice is administered under conditions which belittle the dignity of the Courts and deny the litigants proper and adequate facilities to conduct their cases. During the Committee's inspection of the present court buildings, it was amply



demonstrated that such "proper and adequate facilities" could not possibly be provided in Darwin in the premises being used. The Committee was shocked at the conditions under which the courts have to work, and at the inadequate and uncomfortable rooms in which the Judge and the rest of the staff have to work. The conditions would be extremely difficult in any locality, but, in the climate of Darwin they appear completely intolerable, while the maintenance of any semblance of the essential dignity required in the proceedings must be almost impossible.

24. The existing court premises comprise three Sydney Williams huts. One houses the Supreme Court and Judge's Chambers; one the Magistrate's Court and cells; and the third the Supreme Court Library, Magistrate's Chambers and Courts Office. In these buildings the Judge's Chambers are entirely inadequate, the Judge's Associate must share a small and very hot room with the Judge's typist, and the physical conditions of storage are causing a rapid deterioration in valuable and often irreplaceable law reports and books of reference. No facilities exist for counsel or the Crown Prosecutor to robe and to confer in private with clients and witnesses; and no separate retiring accommodation exists for juries, so that the sittings of the courts at times have to be suspended to make room for juries to confer and reach their decisions.

25. : The buildings are acoustically bad, unsuited to Darwin's climatic conditions, and lack elementary requirements of privacy, while the proceedings in each court can be heard in the adjoining one.

26. The facts that the Court buildings are quite unsatisfactory, and inadequate in every respect, and that the Court must not be left indefinitely in its present quarters, were stressed by quotations, in evidence, of remarks made recently concerning the matter by the Prime Minister, the Solicitor General, and the Chairman of the Public Service Board.

27. With the above points in mind, and in view of its own observations of the present conditions, the Committee is satisfied that there is an urgent need for new Court buildings in Darwin, and it is essential that they be proceeded with at the earliest possible moment.

#### Future Requirements.

28. In planning the new building it is necessary to arrive at some decision regarding future requirements and the provision necessary for development in the years to come. Forecasts of the future are not easy in these times, when the rapid development of sections of the Territory, consequent upon the discovery of the rare and highly valuable mineral

deposits, lends to the area a certain air of glamour which could easily result in inflated estimates of actual achievements in the near future. The Committee carefully considered this aspect of the matter, and took evidence from a number of witnesses whose dealings with matters of development put them in a position to give studied opinions of possible progress in the locality and likely requirements in the town.

29. So far as the Court buildings are concerned the Committee was informed that the history of Darwin before 1933 does not show a steady growth, but a series of sharp rises in population followed by equally sharp declines. It is now fairly well accepted, however, that the present rate of progress will continue, at least for some years to come, and, while some of the estimates made might be rather optimistic, the Committee's inspections in the North confirm their opinion that considerable expansion must be provided for now.

30. It was pointed out in evidence that the amount of judicial work done in the Territory, even at the present time, on a pro-rata population basis, greatly exceeds the work done in the southern States, and some most interesting figures were submitted to demonstrate this point. The figures indicate that, as housing conditions improve the crime rate in the Northern Territory will decrease in proportion to the population, but, as the population increases the total number of crimes and amount of civil litigation will increase. The opinion was expressed, on that basis, that, within two or three years' time the office of Master of the Supreme Court and Registrar-General will be a full-time office, with the result that a separate appointment of Stipendiary Magistrate for Darwin, Batchelor and Katherine will have to be made. It is also considered that, within ten years at most an additional Supreme Court Judge will be required. It is, therefore essential to make plans for buildings to provide for extension of the present activities of the Courts.

#### ACCOMMODATION.

31. A study of the requirements has been made by the Judge of the Supreme Court, the Attorney-General's Department, and the Architects of the Department of Works, and the tentative plans submitted to the Committee

are intended to give an idea of the space required for the next few years. The accommodation planned includes a Supreme Court with associated facilities such as Judge's Chambers, Visiting Judges' Room, Law Library, Reading Room, Court Office, Witnesses and Jury Rooms, Barristers' Suites, Records Room, Public space, and Prisoners' Room; two Magistrate's Courts, Magistrates' Chambers, Court offices, Witnesses' Room, Public space, Guard room and Cells; Registrar-General's Department and Crown Law Office.

32. Some criticism was voiced concerning the arrangement of some of the rooms and facilities, but, as further investigation is to be made into the related functions of each of the separate activities before precise planning details are determined, full consultation will be made with those concerned with the use of the buildings when the plans are being developed to the next stage. It is stated that, when the space factors are actually established in connection with the various components the areas are likely to be considerably reduced. The Committee recommends that planning should proceed on the basis of the accommodation suggested and the complete proposals re-submitted to the Committee at a later date.

#### DESIGN.

33. Perspective drawings were submitted to the Committee to indicate a possible approach to the design to suit the purpose and the locality. In considering the relative importance of the individual components preference of location in plan position, as well as in architectural massing, has been given to the Supreme Court building, which is shown on the axial line of Bennett street. It is detached from the Magistrates' Court by a forecourt which provides for the congregation of large numbers of the public on occasions of important trials.

34. The design was stated to be revolutionary by the standards of the southern States, but it seemed to be accepted that the locality and climate of Darwin would demand something different/~~xx~~<sup>from</sup> that which has been accepted as the general design for monumental court buildings in the South. Some witnesses were definitely opposed to the kind of treatment indicated by the perspectives, and most agreed that the necessity for a building of outstanding type and dignity desired for this purpose would not be

satisfied by the buildings portrayed in the design. The Committee makes no specific criticism of the perspective at this stage, but recommends that special attention be given to the points of view submitted in the evidence, and a complete plan evolved for later submission to the Committee providing for all the requirements of the Courts, and presenting a somewhat more imposing aesthetic appearance, of notable dignity, though still in contemporary style, calculated to inspire pride and respect for the buildings and the vital judicial activities to be conducted in them.

#### COST.

35. No attempt was made to give a calculated estimate for the proposed buildings, as the plans were not regarded as sufficiently complete at this stage. The Committee was informed, however, that buildings approximating the size of the Court structures contemplated would probably cost something like the equivalent of two of the proposed standard office blocks being considered by the Committee at this time. These blocks are estimated to cost £155,000 each, and the Court buildings were therefore reckoned to cost in the vicinity of £300,000.

#### MATERIALS.

36. Choice of materials would also have to await more complete planning, but would be selected to ensure quality, permanence, freedom from maintenance, and speed of erection when related to the construction potential of the Territory. It was expected that the main framework and floors would be of reinforced concrete, while external walls would be of precast quartz faced concrete slabs backed with cement bricks.

#### AIR CONDITIONING.

37. An important consideration in the Court buildings is the possibility of installing air-conditioning, and the Committee took evidence from a number of people interested in this aspect of the proposal. Several witnesses with long experience of life in the tropics, and in Darwin in particular, are not keen on the introduction of air-conditioning, as they claim that it presents too great a contrast in the building to climatic conditions encountered outside when leaving the building. They rather favour the construction of a suitable type of building which would provide proper ventilation and adequate space for comfort.

38. The Committee takes a much wider view of the matter, and approached the question with several other considerations in mind. In addition to comfort and health of the occupants of the buildings, it is necessary to weigh the merits of air conditioning in relation to the efficiency of persons working in the air-conditioned buildings; the important necessity to preserve records and documents; and the considerable saving in capital cost of the buildings themselves through economical use of space. Members of the Committee have had a good deal of experience in weighing these very points during investigations of a number of other major projects in other parts of Australia, and have applied their knowledge to this project with a view to achieving the best possible results in this rather trying climatic environment. As internal temperatures will be kept to a differential of only about 12 degrees, there will not be the extreme contrast with outside conditions feared by some witnesses.

39. Apart from the psychological effect of comfortable conditions upon normal office workers, air conditioning promotes more efficient work, particularly where books, documents, plans, and records are being constantly handled, while the desirability of more comfortable conditions for judges and Court officials in their ceremonial activities is self evident. Normal office accommodation in Darwin would have to be provided on the basis of 120 sq.ft. per person, but, with air-conditioning the space to be provided can be reduced to the standard of 80 to 90 sq.ft. per person adopted in the southern cities. The Committee considered all the factors involved and is satisfied that it is necessary to include air-conditioning in the building when it is being finally planned.

S E C T I O N IV.

THE COMMITTEE'S CONCLUSIONS.

Summary of Recommendations.

40. The following recommendations made by the Committee after full consideration of the evidence and proposals submitted are in summary form only. The actual recommendations are contained in the paragraphs quoted, and should be referred to therein:-

1. There is an urgent need for new Court buildings in Darwin. (para.27)
2. The new buildings should provide for expansion of the town in the near future. (Paragraph 29.)
3. Planning should proceed on the basis of the accommodation suggested, and the complete proposal re-submitted to the Committee at a later date.

4. The final plans should indicate a somewhat more imposing aesthetic appearance, <sup>in contemporary style</sup> suited to the important judicial activities to be conducted in the buildings. (Paragraph 34.)
5. Air-conditioning should be included in the plans for the new building. (Paragraph 39.)
6. In order to stimulate and maintain confident development, an official Master Plan of Darwin should be drawn up without delay, giving adequate rights and titles to the land to be used for departmental or commercial activities. (Paragraph 16).
7. The site proposed is the most suitable for the purpose. (Paragraph 20).
8. The end of Bennett street should be closed, provided suitable action is taken to widen Herbert street and facilitate through traffic from Bennett street, Herbert street and the Esplanade. (Paragraph 20.)

J. O. CRAMER.

Chairman.

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CANBERRA, A.C.T.

8 SEP 1955