Northern Territory Statehood
Steering Committee

Final Report &
Recommendations

To the Legislative Assembly
Standing Committee on Legal and
Constitutional Affairs

6 December 2010
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Part 1

Report Overview and Summary of Recommendations

Introduction

Then Chief Minister, the Hon Clare Martin MLA said on the 21st of May 2003:

*Although the Northern Territory is regarded as an intrinsic part of the nation, we still do not enjoy many of the political rights of other Australians. … Today I announce my Government will work with the community on a new campaign to achieve Statehood, based on a Territory constitution we develop ourselves. This time we will get it right. We will do this with careful community consultation and community involvement from the start*.1

The Statehood Steering Committee has laid the groundwork for that community consultation and involvement. Initially formed in 2005 from 14 community based representatives, it began a process of community engagement to create a dialogue with the people of the Territory about how the Territory might be governed. In the last year, this has culminated in a series of 50 community forums, leading the SSC to recommend a constitutional convention in 2011 with delegates elected by the people of the Northern Territory. This Convention will draft a constitution for Territorians to consider over the following year and a second convention would be held in 2012 or early 2013 to agree on a constitution to be considered by the people ahead of a referendum.

This report outlines the results of the Statehood Program over 2010, the feedback received from the 50 forums the SSC has held, and recommends the next steps towards Statehood.

History and Operation of the Statehood Steering Committee

In 1998, 51.3% of voting Territorians rejected the Statehood model proposed at a referendum. The LCAC looked at the causes of this result and produced a *Report into Appropriate Measures to Facilitate Statehood* in April 1999 that recommended a fresh approach with greater community involvement.

In response to that report, the Legislative Assembly established the Statehood Steering Committee on 17 August 2004.2 The LCAC initially selected 14 community based representatives who took up their roles as members at the first meeting of the SSC in Alice Springs on 20 April 2005.

That first meeting considered and endorsed a program of work aimed at engaging Territorians about the constitutional development of the Northern Territory and promoting Statehood as the logical outcome.

The Statehood Steering Committee (SSC) was an Advisory Committee to the Northern Territory Legislative Assembly Standing Committee on Legal and Constitutional Affairs (LCAC) and consisted of a Committee Chair (also the chair of the LCAC), a Co-Chair and, at the time of the preparation of this Report, 20 other members. Three of the members, including the Chair, are also members of the LCAC.

The SSC reported formally to the LCAC on a quarterly basis for the first three years of operation and on an ad-hoc basis through the Executive Group meetings thereafter.

1 Address to the Charles Darwin Symposium at Charles Darwin University.

2 Terms of reference amended 24 March 2005, 30 November 2006 and most recently by a Motion of the Minister for Statehood Hon Malarndirri McCarthy MLA on 12 February 2009.
The community representative members represented a range of Territorians’ views either as individuals or representatives of organisations. However, each member was appointed by the LCAC as an individual member and remained so notwithstanding their membership of other organisations.

This Report is the third consolidated report to the LCAC since the operation of the first year of the Statehood Steering Committee was reported to the LCAC and subsequently tabled in the Legislative Assembly during February 2006. The second consolidated report on the activities of 2006-2008 was reported to the LCAC at their meeting of 6 May 2009 where the LCAC resolved to table the Report in the Assembly.

The Minutes of SSC meetings provide a valuable public record of the work undertaken as well as an insight into the decision making process. In accordance with previous practice where the Minutes of Meetings one to five were attached to the First Report and the Minutes of Meetings six to 17 were attached as annexures to the Second Report to the LCAC (which is Annexure G to this Report), the Minutes of Meetings 18 to 27 are attached to this Report at Annexure B. The reader of all three Reports will therefore have a complete record of the proceeding of the SSC over the life of the Committee.

While this Final Report to the LCAC reflects the will and views of the SSC at the time of the final meeting held on 6 December 2010, the SSC Members publish this Report in good faith in the hope that to some extent it also reflects the views of all the previous members as well.

During the life of the Statehood Steering Committee the SSC conducted 27 formal meetings, and the Statehood Executive Group met on 23 occasions.

The Committee deliberately chose to convene in different locations around the Territory in order to reflect the diversity of the Territory and the Committee membership, and to provide the opportunity to meet local individuals and groups and discuss Statehood at a community level.

The Committee had a total of 33 members including three Chairs and two Co-Chairs all of whom interacted with thousands of Territorians.

The Foundation Chair was the then Member for Barkly Mr Elliot McAdam MLA and the foundation Co Chair was Mrs Sue Bradley AM. A complete list of all of the members of the Statehood Steering Committee is attached to this report as Annexure A.

**Reporting Milestones**

In its first year, the SSC determined seven reporting milestones:

1. Establishing the Statehood Steering Committee;
2. Community Education;
3. Community Consultation;
4. Public Meetings and Hearings;
5. Legal Requirements;
6. Constitutional Convention;
7. Referendum.

During 2009 and 2010, the LCAC and SSC came to an understanding that the SSC could and should complete the delivery of phases one to four, which focused on community engagement. However, phases five to seven, which address technical issues and the implementation of the recommendations arising from the first four phases, that is Constitutional Convention and referendum, would be better delivered with the aid of a different form of advisory committee.
The Legislative Assembly has therefore resolved to establish a Northern Territory Constitutional Convention Committee which will take over from the SSC for the implementation of the next phases of the Statehood Program.

The following chapters of the report outline the SSC’s achievements in implementing the first four phases and sets out its recommendations for the final three. Phase four, ‘Public Meetings and Hearings’ took the form of the ‘Information Roadshow Forums’.

2010 in Summary

The final year of the existence of the SSC was specifically designed to engage Territorians through an Information Roadshow program which travelled to 50 public Forums as well as conducting a number of other local meetings and information sessions either at the request of organisations or request of the SSC. For example many local Government bodies were briefed in this manner.

The Roadshow program also set the scene for the SSC to hand the reigns back to the LCAC to coordinate the next steps of the overall Statehood Program as designed by the SSC in its early meetings. This is covered in more detail in Part Five of this Report.

The SSC meetings held during 2010 in conjunction with reports of the meetings of the LCAC and the Statehood Executive Group have resulted in the SSC developing ten specific recommendations to further the Statehood Program.

Recommendations

1. The Statehood Steering Committee by mutual agreement between the SSC and the LCAC conclude its work at the end of 2010 and report to the LCAC on the 2010 year of activities.

2. The LCAC appoints a new Advisory Committee (Northern Territory Convention Committee – NTCCC) to undertake the planning for a Constitutional Convention to be held by the end of 2011 and advise the LCAC on the resources and any other requirements needed for a successful Convention.

3. The LCAC approaches the Northern Territory Government to seek adequate funds to support a process which will result in democratically elected delegates being the decision makers at the Convention.

4. An election process for delegates should take place with all necessary promotion and support so as to inform Territorians how to become involved well ahead of the Convention.

5. The election process should allow 17 year old Territorians the ability to vote and to nominate to be a candidate for election as a delegate to the Convention.

6. The Convention should take place in two discrete sessions over an adequate time to ensure the acceptance and understanding of the program by as many Territorians as possible.

7. The First Convention should convene in Darwin over approximately ten days with the support of appropriate experts and it should be informed by the views which were expressed by Territory residents contained in the NT 2011 Information Roadshow Reports gathered from the 50 public forums held across the Territory in 2010.

8. The First Convention should produce a draft Constitution to be publicly released and consulted upon for a period of approximately 12 months prior to Convention delegates reconvening to consider the response of Territorians to the content of the Draft Constitution.

9. The Second Convention should convene in Alice Springs over approximately five days to ratify a Final Draft Constitution for presentation to the Legislative Assembly by early 2013.
10. The Territory Government must continue to engage the Commonwealth Government and Parliamentarians on the terms and conditions of Statehood under s.121 of the Australian Constitution (as described in the SSC Information Paper; *What Might the Terms and Conditions of Northern Territory Statehood Be?* to be released by the LCAC on behalf of the SSC on 1 January 2011) prior to undertaking any referendum on the question of Statehood for the Northern Territory.
Part 2 - Looking Back Phases 1- 4

Phase 1 Establishing the Statehood Steering Committee

The establishment and the inaugural meeting of the Statehood Steering Committee in Alice Springs on 20 April 2005 was the realisation of Phase 1, but establishment should also be taken to mean being established in the public consciousness not just assembled and meeting. Therefore, the establishment phase should be seen as the entire 2005 calendar year as the Committee commenced building its profile.

The first year of operation laid the foundations for growth. Education was identified as the essential key to a broader community understanding of what Statehood means. The Committee’s work in 2005 demonstrated to the SSC that many Territorians remained unclear on what Statehood is and how it is of benefit to the Northern Territory.

Under its Terms of Reference, the Committee’s role was to support and promote Statehood; there was no member who was opposed to Statehood.

This occasionally raised questions among Territorians. At meetings and forums questions were sometimes asked of the Committee to provide examples of the arguments against Statehood. These community discussions lead to a concerted effort in phases two and three with production of materials such as the publication of a series of 34 Fact Sheets which were finalised in the first two years of the Committee’s existence.

Phases 2 & 3 Community Education and Consultation

Starting the Engagement Process

The process of community education and engagement was a learning one for the SSC. Throughout the life of the SSC, it has struggled with how to engage the public what many see as an esoteric matter that has no immediate impact upon their everyday lives. However, it quickly became apparent that once people made the linkages between Statehood and issues of equality, fairness and how democratic structures should serve the people, their interest increased exponentially. The biggest challenge over the five years has been igniting that initial spark of interest.

As indicated above the SSC conducted its first public discussion on 21 April 2005 in Alice Springs. Subsequent forums held in Darwin, Palmerston and Jabiru over November and December that year however attracted only small audiences.

The SSC found early success engaging Territorians on the Northern Territory Show Circuit (2005-2009). The SSC also visited markets, shopping centres, festivals and events and found that the Committee was best able to engage people in an informal atmosphere as they were going about their everyday business. This approach marked the main focus of the first three years of the Committee’s public engagement initiatives.

Coupled with a number of pre-arranged meetings and invitations by school and community groups this approach reached more Territorians over a shorter period of time than an early approach of organised information sessions would have done.

Community Visits

During the 2005 profile building year visits were undertaken to Alice Springs, Docker River, Tennant Creek, Katherine, Mataranka, Maningrida, Milingimbi, Daly River, Jabiru and Wadeye to discuss Statehood issues with community groups and organisations.
The purpose of the visits was to provide presentations, discussion opportunities and education sessions on Statehood. The SSC sought meetings with community organisations, local governing bodies and representatives and individuals as well as schools to provide information on Statehood. This approach was ongoing throughout the life of the Committee. Once again the Committee found meeting people in their workplaces and communities worked better than inviting people to go out of their comfort zones to public meetings and ignited some degree of initial interest.

Communities consistently told the Committee there was a need for repeated exposure and that so called ‘fly in-fly out’ visits are counter productive. The Committee took note of this advice over the years and the 2010 program was designed specifically to address these concerns by using an advance team and providing follow up information where possible.

The second year of the SSC, 2006, built upon the finding that information and education remains the key to Statehood. Community education visits and presentations were undertaken throughout the year including seminars at the Northern Territory Open Education Centre for Remote Schools for students from Ngukurr, Bulman' Milingimbi, Lajamanu, Numbulwar and Ngunmarriyang. Presentations were also made to a range of community groups including to Local Government Association of the NT Regional Meetings in Darwin, Katherine and Alice Springs.

The Committee attended the 40th anniversary of the Wave Hill Walk Off at Kalkaringi, operated a display stall and provided a public address to the participants. Committee representatives also participated in the Showcase at the 2006 Garma Festival as well as attending the Key Forum on Indigenous Education

For the second year running, the Committee participated on the Northern Territory Show Circuit with stalls, displays and information at the Fred’s Pass, Alice Springs, Tennant Creek Katherine and Darwin shows as well as at the Barunga and Palmerston Festivals.

In 2006, presentations were also provided to the NT Business Council, the Chief Minister’s Youth Round Table, Darwin Rotary, Council of Government School Organisations, Association of NT School Education Leaders and residents at Bagot Community.

The SSC also conducted a full day workshop with the Central Australia Aboriginal Congress who provided the Statehood Steering Committee with a detailed submission on their policy position on Statehood. That submission appears on the (original) Statehood Website.

During 2007 and 2008 visits to remote communities declined due to the introduction of Northern Territory Local Government Reforms and the passage and implementation of the Commonwealth Government’s so called Emergency Response legislation3.

Both of these had a significant impact upon the morale and receptiveness of the communities approached. The SSC was advised not to attend some communities to discuss Statehood at this time because of the understandably more pressing matters relating to local government, employment programs (CDEP), housing and the delivery of services.

As a consequence, Statehood was seen as a low priority. The SSC respected the wishes of the communities and concentrated instead on its publications and urban education programs.

During the second half of 2008 the SSC visited Alice Springs, Tennant Creek and Katherine to raise awareness and promote the Walking Together Towards Statehood concept (see below).

Darwin did not miss out on the events and visits with early efforts being made to liaise with local organisations to promote events and encourage discussion. In 2005 the Committee’s Executive

3 Northern Territory National Emergency Response Act 2007
Officer addressed the National Trust annual dinner in Darwin and a 2006 a Northern Territory Library Lunchtime Talk was held in conjunction with Territory Day under the theme: *Statehood- Is Territory Day Here to Stay?*

**Surveys**

During the 2005 Show Circuit the SSC asked Territorians about their level of understanding on Statehood issues. 1595 people took part in the survey during the calendar year with more than 1400 of these undertaken at the 2005 Shows.

The survey was a simple means of gathering some baseline data about the kind of issues Territorians needed to receive more information about before they might support Statehood.

Approximately half those surveyed self identified as unsure what Statehood means. (Only 46% indicated they were comfortable with their understanding of Statehood in this self assessment exercise). A summary of the results of the 2005 Survey can be found in the 2006 Report.

In 2006, a new survey was conducted at the Shows and over 1000 people were asked about their level of support for Statehood. 82% indicated general support for the overall concept.

**Schools & Statehood Teachers Advisory Group**

Also in 2005, the SSC established an advisory group of teachers (the Statehood Teachers Advisory Group - STAG) to assist the Committee develop appropriate materials to target the school curriculum and promote information and education sessions available to schools.

The STAG was in existence until 2008 and was an important avenue for school teachers to engage directly with Statehood and the Northern Territory Legislative Assembly. Darwin based teacher Ms Loraine Caldwell was an important driving force for the STAG and remains a strong supporter of Statehood for the Territory.

Information and participation workshops were conducted with senior school students both at Parliament House as well as on site at Territory schools. Two interactive all day activities called Statehood Challenge were conducted at Parliament House in August and October of 2005.

In 2006, the Committee launched one of its key visual education aids, the Statehood Story Board in conjunction with, officers from the Department of Employment Education and Training (Loraine Caldwell, Debbie Efthymiades and Jeannie Bennett provided invaluable assistance). An interactive version of the materials was also developed as an in-class resource on the “Explore NT” network.

Presentations were also provided to year 10 Students at Kormilda College, Nhulunbuy Christian School, Nhulunbuy High School, Nhulunbuy Primary School, St Josephs Catholic School Katherine and Katherine South Primary School, and the Australasian Parliamentary Educators Conference.

A two day workshop was delivered jointly by the Department of Employment Education and Training and the Committee in February 2007 for Darwin based teachers to brief them on resources and materials on Statehood. The Committee also provided a seminar at a History Workshop for teachers held at Charles Darwin University in June 2007.

A Statehood edition of the informative newspaper lift out Classmate was published in the NT News describing Statehood and providing links for school students to a range of resources to assist with teaching about governance and constitutions as well as the Australian Federal system. The Classmate publication offered another opportunity to promote the link to materials on the Explore NT electronic resource used by Northern Territory Schools.
Website

The Committee’s first website (www.statehood.nt.gov.au) was launched in November 2005. It contained a record of all SSC media releases, speeches given by Committee representatives and publications including the Fact Sheets. The site was linked to relevant parliamentary and legal websites in order to be a useful resource and was constantly updated.

That website is now cached within the new website: www.ntstate7.com.au.

Factsheets

Contemporary political matters were always going to cross the Committee’s path and during 2005 the Committee received calls for comment on the issues of a radioactive waste facility in the Territory and on the Northern Territory Government’s policy on uranium mining.

The Committee took the view that these issues are a matter for government to government relations, but published information in Fact Sheets from the perspective of a neutral observer.

The Statehood Steering Committee developed the first 25 Fact Sheets during year one and an information folder about Statehood and the Committee’s role.

The Fact Sheets were developed as a result of the issues raised through the surveys as well as the concerns that were expressed in community discussions and web forums with the Committee.

Parliament and Government

During 2006, the SSC made a written submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into Statehood for the Northern Territory. A number of Committee members appeared as witnesses before the Commonwealth Committee at hearings held in Darwin.

A detailed media strategy was developed in consultation with the Minister and Shadow Minister for Statehood to take advantage of the visit by the Commonwealth Committee to the Northern Territory. The Statehood issue received extensive media coverage for nine consecutive days during the period. Copies of articles and transcripts are retained in the Statehood Office.

Reflecting the creation of a ministerial portfolio with no agency administrative support the SSC directed the Statehood Office to develop a protocol to allow for information to be sent to and received from the Minister and Shadow Minister for Statehood. A change to the Committee’s Terms of Reference was made to recognise this process and agreed by the Legislative Assembly in the final sittings week of 2006.

The Committee also sent a written submission to the Northern Territory Government recommending engagement with the Commonwealth on the terms and conditions of Statehood pursuant to s.121 of the Australian Constitution.

This matter has been of ongoing concern to the SSC during its life and this concern is reflected in Recommendation Number 10 of this Report.

During February 2007 the Statehood Minister and Shadow Minister, accompanied by the Executive Officer, visited Canberra and met with key representatives including the then Attorney General and the Minister for Territories as part of developing relations and ascertaining the Commonwealth’s views on Statehood.
The Attorney General, Mr Ruddock stated the Commonwealth’s position is that the Northern Territory must demonstrate a desire for Statehood before the Commonwealth will engage on the terms and conditions of Statehood. This stance was reiterated by the Rudd Government to the Northern Territory Minister on visits during 2008 and 2009.

In May 2007 Commonwealth House of Representatives Inquiry recommended that the Australian Government update and refine its position on Northern Territory Statehood and recommence work on unresolved issues.

The Inquiry emphasised that while the Commonwealth must not lead the Statehood process, it must establish a position to allow the Territory to consult on a specific legitimate Statehood model with Territorians.

During April 2009, Statehood was recognised as a key focus area in the Territory 2030 Draft Strategy released that month.

Statehood is now a key goal of the Government’s Territory 2030 Strategy. Objective 2: A Strong and Vibrant Democracy states: “Territory Statehood achieved by 2020 or earlier if the community desires”.

Charles Darwin Symposia

During 2007 the Committee continued its varied education and information campaign and decided to release a key discussion paper in conjunction with the 2007 Charles Darwin Symposia held at the University’s Darwin campus.

The SSC was instrumental in suggesting the eventual theme of the 2007 Symposia series (Statehood and a Northern Territory Bill of Rights?) and the Statehood office was involved in developing content for the Symposia held on 10 and 11 May 2007.

Friends of Statehood

In May 2007, the SSC commenced a program called Friends of Statehood with a training session held in Darwin for interested volunteers. However the program did not realise its full potential as opportunities for volunteers became limited by political matters which resulted in the curtailing of planned community visits.

The Friends program was designed for volunteers who wanted to help out at stalls on the show circuit, at shopping centres and markets and were willing to talk to their fellow Territorians about Statehood or for those who were more capable public speakers willing to put themselves in the firing line when the hard questions were asked. The stall helpers were in demand that year; however public speakers were not required.

Mock Referendum

A major achievement in 2007 was the conduct of a Mock Referendum. The Committee entered into an arrangement with Australian Electoral Commission (AEC) to promote participation and enrolment to vote.

The AEC Darwin office was an invaluable partner in getting people to consider the matter of Statehood for the third year at the Shows.

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4 Territory 2030 Strategic Plan 2009 page 23
Commencing with ballot boxes on site at the Fred’s Pass Show in May and concluding at Borroloola in August, a total of 809 voters participated.

76% of voters said YES to the question: Do you agree the Northern Territory should become a State under the Australian Constitution?

**Constitutional Paths to Statehood**

As mentioned in the context of the Charles Darwin Symposia above, The Committee researched and released a detailed Discussion Paper during 2007 called *Constitutional Paths to Statehood*. The paper canvassed a range of models for the development of a new constitution and sought input on the matters Territorians considered important to include in a future constitution.

A final call for submissions in response to the release of the 2007 Paper was put out in November 2008. A total of 22 submissions were received.

**Walking Together Towards Statehood**

A key feature of the 2008 Program was the development and delivery of the *Walking Together Towards Statehood* campaign.

The campaign launch took place on 30 June 2008 in conjunction with the 30th anniversary of Self Government for the Northern Territory.

A significant launch was conducted on the Speaker’s Green at Parliament House attended by the Chief Minster, Leader of the Opposition, the Commonwealth Minister for Home Affairs and members of the Statehood Steering Committee as well as dignitaries, guests and the general public.

In preparation for the campaign the Statehood Office engaged a Project Officer on temporary transfer for six months from the Department of Health.

This additional resource for the Committee lead to the development of a new concept for the promotion of Statehood with the creation of feet images to symbolise the long walk to come to obtain Statehood.

The theme manifested in the distribution of coloured polypropylene feet which were distributed to Territorians who were asked to autograph a foot to show their support for Statehood. Over 3000 signed feet were collected during the year and were put on display as opportunities arose.

At the launch of the *Walking Together Towards Statehood* Campaign the Chief Minister announced a series of ‘constitutional workshops’ would take place across the Northern Territory during 2009 in order to inform Territorians ahead of a planned Constitutional Convention and Referendum.

Logistics and planning considerations resulted in the workshops program becoming the Roadshow Forum program which was delivered between February and November 2010.

**Phase 4 Information Roadshow Forums**

During May 2009, the Minister for Statehood announced $1.1m in new funding for the SSC to conduct proposed ‘workshops’ over two years.

A change of staff saw the former Executive Officer who had departed in January 2008 return to the role in August 2009. The incoming Executive Officer was tasked with refining and planning the
implementation of the workshops and during September the SSC agreed to a plan for their delivery as follows:

- Workshops will be called Forums and delivered on the basis of localities rather than communities of interest and be undertaken within the framework of the Shires as well as urban areas.
- Targeted invitations would be sent as well as an open public invitation.
- The Forums would concentrate on facilitating a community discussion on what must be in a future constitution and what could be in a future constitution as distinctly separate categories.
- A professional Forum facilitator would be engaged to conduct each of the Forums to ensure consistency and credibility.
- An electronic and print advertising campaign will be developed and modern media used where possible.
- A report of each Forum would be prepared and loaded on a new campaign website.
- Assistance with ground transport to enable remote Territorians attend their nearest forum would be provided where possible.
- A letter would be sent to all Territorians inviting them to attend a Forum (Annexure C).
- An underlying campaign of informal morning at service clubs and schools would be implemented.
- A stand alone campaign brand would be developed for the two years, the first year being the Forums the second year being the Convention.

This was implemented through a new campaign called NT 2011 Towards State 7, launched in January 2010.

A tender process resulted in the national consultancy firm Urbis winning the contract to deliver the facilitation of the Roadshow Forums and Darwin based media specialists Sprout were engaged through the approved procurement process to develop the look and feel of the campaign brand.

Sprout consulted with the SSC to design the new campaign website, print and television commercials and worked with the Aboriginal Interpreter Service to deliver radio commercials in 10 Aboriginal Languages for broadcast across the Northern Territory.

The aim of the campaign was to deliver 40 Territory-wide Information Roadshow Forums and promote 2011 as a significant year for further consideration of a constitution for the Northern Territory upon becoming a State. This increased to 50 Forums as the year progressed.

A list of the 50 Forums is attached at Annexure E.

A direct mail campaign and an underlying briefing campaign for organisations, elected officials, community groups and the media commenced in January.

The new website was launched in conjunction with the campaign. It has a modern approach by capturing community views via You Tube videos and links to a Facebook page. Reports of each of the individual Forums have been uploaded to the site at www.ntstate7.com.au

Six of the Forums were undertaken in-house as additional to the originally planned Forums and did not use the Urbis facilitator.

The reports of all of the 50 Forums provide a valuable resource for Convention process and the proposed NTCCC as per SSC Recommendation Number 7:

The First Convention should convene in Darwin over approximately ten days with the support of appropriate experts and it should be informed by the views which were expressed by
Territory residents contained in the NT 2011 Information Roadshow Reports gathered from the 50 public forums held across the Territory in 2010.
Part 3

The NT 2011 Towards State 7 Information Roadshow Program and Report

A tender process resulted in the national consultancy firm Urbis winning the contract to deliver the facilitation of the Roadshow Forums.

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A list of the 50 Forums is attached as Annexure D.

A direct mail campaign and an underlying briefing campaign for organisations, elected officials, community groups and the media commenced in January.

The new website was launched in conjunction with the campaign. It has a modern approach by capturing community views via You Tube videos and links to a Facebook page.

Reports of each of the individual Forums have been uploaded to the site at www.ntstate7.com.au

Six of the Forums were undertaken in-house as additional to the originally planned for Forums and did not use the Urbis facilitator.

The reports of all of the 50 Forums provide a valuable resource for the Convention process and the proposed NTCCC as per SSC Recommendation Number 7:

_The First Convention should convene in Darwin over approximately ten days with the support of appropriate experts and it should be informed by the views which were expressed by Territory residents contained in the NT 2011 Information Roadshow Reports gathered from the 50 public forums held across the Territory in 2010._

The consultant (Urbis) has provided a complete and consolidated report on the year’s activities which is attached as Annexure F.

The Urbis Report provides an overview and summary of the outcomes from the Forums conducted across the Northern Territory throughout 2010.

A report on each individual Forum was also completed during the year and the individual Forum Reports are extracted below.
Committee Member’s Introductions

In welcoming participants to the first statehood workshop, SCC members Maurie Ryan and Daniel Bourchier spoke about why becoming a state is important to them. Both identified the need for more autonomy for the people of the NT and that statehood is a logical next step in the historical development of the NT’s unique culture and political life.

Maurie said that as an Aboriginal person and member of the Central Land Council he believed this process was a great opportunity for Aboriginal people to be involved in developing a new state constitution that better reflected their culture and history.

Daniel said that, as a young person, he felt strongly that the power to make decisions affecting NT people should be vested in NT voters rather than with the Commonwealth Government and that this was a critical issue for the future.

Both SCC members emphasised that NT people should take advantage of these workshops to learn about statehood and to express their views on the wide range of matters associated with making a decision about statehood. On behalf of the Committee, they committed to ensuring that peoples’ views were taken into account in establishing the agenda for a constitutional convention to be held in 2011.

Information Presentation (issues/comments)

Committee Secretary Michael Tatham’s presentation on Statehood was received with great interest. For many, it conveyed much new information. In this session, a number of questions were asked during the presentation. To some extent this affected the flow and continuity of the presentation by raising issues that were to be dealt with later in the program.

Breakout Groups (issues/comments)

Breakout groups were not held at this meeting as it was felt, after pre-meeting discussions amongst the team and with several local community leaders, that movement into groups would not be feasible and it was preferable for all participants to hear all proceedings.

Group Discussion (issues/comments)

Discussion comprised either:
- questions - seeking information about the historical background to statehood, the current process, or possible future changes
- comments/statements - expressing concern, preferences or strong positions regarding the constitutional status of the NT
- comments on issues not related to statehood - further exploration of these was not possible given the scope of the meeting agenda; where possible information was provided on how to further pursue these matters.

To assist analysis, these categories are used here in reporting on proceedings. Individuals’ comments sometimes included more than one category. In some cases, questions may have also indicated concerns. This reporting attempts to capture the gist of discussion and is not verbatim.

Questions

- History/background to statehood
  - What percentage of NT laws have been overturned by the Australian Government?
  - Why didn’t the NT become a state at the time of Federation?

- Racial Discrimination Act
  - What is the current status and future of the Racial Discrimination Act in the NT? Does it apply only to indigenous Australians?

- Representation
  - Would the NT have more members in the Federal government as a State?
  - What would happen to Land Councils if we became a state?
  - How would local government be affected?
  - How would we elect and dismiss our NT politicians if we were a state?
  - Will there be seats in Parliament reserved for Aboriginal people as there is in New Zealand?

- The Statehood process
  - Is Commonwealth legislation required to effect Statehood?
  - Do we have to change the name of the Territory? Who will decide this?

- The intervention
  - What would happen regarding the intervention of NT became a state?
  - Would income management be affected by statehood?

- Land rights
  - What would be the status of Land Rights if we became a state?
  - Would the Land Rights Act be included in an NT constitution?
- Funding
  - How would the NT be funded if we became a state?
  - Would statehood affect the funding formulas?
  - What would it cost if we were to change to being a state?
  - If we become a state, will things improve with health, education, living standards?

- The rationale for statehood
  - What would be the advantage of being a state?

Comments.statements

- History/background to statehood
  - Aboriginal people are treated as second class citizens. If we are to be a state, we need to be heard; we need the right to free speech
  - Aboriginal people need to be more strongly recognised in a new constitution
  - The preamble to the constitution should reflect Aboriginal people’s cultural values and historical struggle justice.

- Representation
  - There should be stronger representation of Aboriginal people in the political process, Aboriginal people need to have a stronger voice in government
  - We want seats reserved for Aboriginal people
  - Aboriginal people need their own political party

- Land rights
  - Aboriginal Land Rights should be written into the constitution

- Customary law
  - Aboriginal customary law should be reflected in any new state constitution
  - concern about suspension of the Racial Discrimination Act associated with the intervention in 2007

Participation Analysis

Participation

Strong interest in the issue of statehood was indicated by the fact that around 60 adults (and around 30 children) attended the forum. Most stayed for the whole session, which ran for under 2 hours, with less than 10% leaving before it concluded. It was estimated that 45 were Aboriginal people and 15 were non-Aboriginal.
A contributing factor to this strong attendance in a settlement of around 600 people may have been that, in the two days before the workshop, two staff members from the NT Parliament Office of Statehood, Nora Kempster and Mathew James, handed out pamphlets advertising the event and spoke to local people about the forum. They explained its purpose and significance and encouraged people to participate. They also provided transport for those who needed assistance to attend. Several staff from the Barkly Shire Council and the office of the Government Business Manager (BGM) assisted in promoting awareness of the forum. It should be noted that this level of participation was achieved despite involvement by some local people in customary mourning (sorry business) associated with a recent bereavement within the local Aboriginal community.

Participants reflected a general cross-section of the community, with a range of age groups and approximate gender balance. Those who spoke tended to be older with perhaps more women than men having strong views on various matters.

Discussion

There was a wide range of knowledge and awareness of the issue of statehood. Some had only recently considered the topic and were seeking information, others had a good knowledge of the process and held strong views on a variety of specific matters. For nearly all attendees, there appeared to be a strong sense of engagement in the forum process. The large majority were interested and attentive throughout the meeting. Participation was equally divided between seeking information (asking questions about the implications of statehood) and putting forward individual views. As with most public meetings, those who spoke were a minority (perhaps less than a quarter); about 10 people spoke on a number of issues. While in some cases views were expressed with considerable passion and force, interchange was respectful and free of rancour.

There was a strong sense of engagement with most people playing close attention to proceedings. In assessing the tone of the meeting, it was significant that one woman (a recently retired Aboriginal school teacher) remarked that the forum was a rare opportunity to discuss constitutional issues and that she greatly appreciated the opportunity to discuss this within her local community. This view was consistent with the overall conclusion that the forum was well received; people appreciated the mix of information giving and consultation, and there was a positive view of the workshops as part of Statehood process.

Problems

An interpreter had been booked but was unavailable at the last minute. Local Aboriginal leaders had advised that people at the Elliott meeting would understand English. To ensure that people understood what was said Nora Kempster circulated amongst the participants during the meeting to assist communication if needed.

Complaints

One non-Aboriginal participant expressed concern at the absence of an interpreter at this meeting. Michael Tatham’s response (as above) was accepted and this seemed not to be an issue for anyone else.

Compliments

When feedback was sought at the conclusion of the meeting, several people noted that they appreciated the opportunity to participate, that they felt they had been able to have their say and that the meeting was well conducted. There was informal feedback from a number of people following the meeting that they appreciated the transport service provided. The barbeque following the meeting was very well received and many stayed for informal discussion of Statehood issues. No comments were critical of the process although several people emphasised the importance of having a thorough consultation process.
Logistics Analysis

Venue

The meeting was held in the late afternoon on and around the Elliott Youth Centre undercover basketball court. With temperatures in the mid 30s and high humidity, this was a pleasant, accessible, shaded and comfortable venue with good sight lines. Seating was available for all who wanted it with many choosing to sit in family groups on the grass and under trees. A supportive officer from the local council cut the grass and, with the council’s General Manager and the Government Business Manager, provided assistance in preparing for the meeting, with the barbeque and packing up.

Staff

As this was the first meeting, an extended team meeting ahead of the workshop helped to ensure that the planned process was adapted to local circumstances and that staff roles and tasks were clearly delineated.

Technical Delivery

The public address system and the digital recording device worked well. The pull-up information banners on issues under discussion were revealed at appropriate intervals during the meeting. On reflection, it was considered that this approach was somewhat distracting and confusing and that at future meetings, setting these up before the meeting would be preferable.

Overall Delivery

In discussion after the meeting, the team concluded that the meeting had been well received and that it had established and maintained participants’ interest throughout. The agenda items flowed well although early questions and discussions anticipated material to be addressed in more detail later in the program. There was a wide range of participant involvement, being either questions seeking information or comments relevant to the issues under consideration. In general, the tone was conducive to inclusive, constructive and open exchange.

There was agreement that the opening remarks by the facilitator could have been more concise. There was also some discussion about the degree of intervention needed by the facilitator in cutting off inappropriate contributions and urging some participants to wind up their remarks when these were overly long. For example, several non-Aboriginal participants who were visiting Elliott presumed to provide advice on Statehood issues to local Aboriginal people, which elicited a few unfavourable informal comments after the meeting. It was agreed that there should be a balance between ensuring that all participants could have their say freely and without restriction, and keeping discussion moving and on topic.

Experiences to inform next forum

It was agreed by the team that:

- there should have been a stronger explanation of the meeting agenda and the need to ask questions after the presentation.
- it was preferable in most situations to conduct proceedings in plenary rather than sub-groups. This was considered more appropriate for Aboriginal people who were likely gather in strong affiliation groups, and where older people or those less mobile would find it difficult to move around in the course of the meeting. The question of whether this would apply to all meetings, particularly those in larger urban areas, was left open
- all banners should visible from the commencement of the meeting to ensure that information was immediately available on the key issues to be discussed
- there was great value in having several staff arrive in advance in terms of promoting awareness, facilitating attendance and gaining support from local officials and community groups. The results were evident in strong attendance levels and positive community response to the meeting
- the provision of food is an important way to demonstrate appreciation for people’s time in attending and facilitates community interaction and attendance
- each meeting will be different: it will be important to continue to obtain current community-specific information, to meet in advance to plan the approach for each meeting and to be flexible in responding to local circumstances.

Critical Analysis and conclusions to be drawn from Forum No 1

The overall success of this first meeting confirmed that the general approach was sound, albeit with a need for regular adaptation and fine-tuning to respond to local circumstances. This meeting did, however, underscore the key challenges for community engagement around this issue:

- the importance of local information and responsive planning for each event to ensure the event is appropriate and well run, and;
- confidence in the integrity of the process is critically related to the clarity of communication regarding the constitutional process, the purpose, scope and boundaries for participation.

In general, it was clear that most people understood most of the proceedings. But an underlying issue for this meeting, as it will be for all, is that some Statehood issues, for example, constitutional and legal aspects, are inherently complex, abstract and require background information not possessed by all participants. While considerable attention had been paid to ensuring that the process and content was appropriate and accessible, it was apparent that a number of attendees could not understand all the information provided or follow the discussion. To some extent this is inevitable, considering attendees’ wide range of backgrounds and experience. Maintaining a strong focus on this challenge will be critical for the success of the Statehood road-show. This ongoing challenge underscores the importance of maintaining clarity, simplicity and easily paced delivery and checking regularly for comprehension and other feedback.
### NT 2011 Towards State 7 Information Roadshow
#### Forum Report

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<thead>
<tr>
<th>Forum No:</th>
<th>2</th>
<th>Facilitator Name:</th>
<th>Geoff Young</th>
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<tr>
<td>Forum Location:</td>
<td>Tennant Creek</td>
<td>Forum Date:</td>
<td>17 February 2010</td>
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<tr>
<td>Venue:</td>
<td>Training Centre</td>
<td>No of Guests:</td>
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<td>N/A</td>
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### Committee Member’s Introductions

Maurie Ryan and Daniel Bourchier spoke about the importance of Statehood to them and why they are on the Statehood Steering Committee.

### Information Presentation

No interpreter was needed as the few Aboriginal participants present indicated they were comfortable with English.

### Group Discussion

Key issues identified in the discussion included the following:

- Concern was expressed about the (Northern Territory) NT’s access to funding if it was a state. Commonwealth Government grants funding for local government received was a specific concern.
- Increasing the number of NT representatives in the Australian Parliament was identified by several people as a desirable outcome. A difficulty in representing large geographical electorates and the remoteness of constituents from their member was mentioned as a current difficulty.
- The statehood process and the development of a new constitution was mentioned as a great opportunity to discuss and reflect the identity of people in the NT and to address issues that weren’t considered when the Australian constitution was drafted. In particular, the need for a preamble that reflects what is unique about the NT, recognition of Aboriginal people’s relationship to land and customary law was advocated.
- Concern was expressed about how delegates would be chosen for the NT Constitutional convention. A number of people felt strongly that delegates should be elected.

### Participation Analysis

Low numbers attended this forum considering the size of Tennant Creek and only three Aboriginal people were present. Involvement of local Aboriginal people in mourning a recent bereavement (sorry business) was mentioned by some as a possibly affecting participation. The meeting had been publicised but some people expressed confusion regarding the time and venue of the meeting. Limited time for advanced direct contact with local organisations may have affected their communication with their members.
It was claimed by one participant that those who opposed statehood were unlikely to attend. Several people asked if the Statehood team were biased in favour of statehood and asked that more attention be focused on the disadvantages of becoming a state.

Roughly equal numbers of men and women attended and several participants identified themselves as expressing a young people’s perspective.

The level of engagement of those attending was high, with most participants expressing views. Discussion was generally positive about a transition to statehood. One participant had printed a facsimile copy of the Australian Constitution and said she had read it.

Feedback on the tenor of the meeting was positive with one participant noting that bit had been conducted in excellent spirit. The relatively small size of the group, intimate setting and good informal contact by Statehood Team members prior to the meeting made for a friendly atmosphere.

**Logistics Analysis**

As the venue was designed for education and training activities it was ideal for sound and visual communication. In response to lessons learnt from the first meeting in Elliot, the information banners were erected across the front of the room ahead of commencement, which provided useful background and cues for discussion.

**Conclusions to be drawn from Forum No 2**

As a result of the small number of participants this was to a low key event with most people able to speak. Those attending were relatively well informed and there were few barriers to communication. The low numbers of Aboriginal people reinforced the value of strong direct communication ahead of the event with local community organisations so that they could publicise the event to their members/clients.
NT 2011 Towards State 7 Information Roadshow Forum Report

<table>
<thead>
<tr>
<th>Forum No:</th>
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<th>Facilitator Name:</th>
<th>Jackie Ohlin</th>
</tr>
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<tr>
<td>Forum Location:</td>
<td>Alice Springs</td>
<td>Forum Date:</td>
<td>22 February 2010</td>
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<tr>
<td>Venue:</td>
<td>Spinifex Room, Crowne Plaza</td>
<td>No of Guests:</td>
<td>16</td>
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<td>Duration:</td>
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Committee Members Introductions

Several Committee members spoke about the importance of Statehood to them. Fran Kilgariff noted that the Northern Territory (NT) has had a long history of being run from Canberra. She indicated that, because we live in the NT, we can have our laws overturned, and did not think that is a fair proposition. On a personal note, she mentioned that her Father, who is not well, spent a lot of time fighting for Constitutional equality, so said she is also addressing Statehood for him.

Sean Parnell mentioned that he had been interested in constitutional development since coming to the NT as a teenager. He noted that he sees a lot more positives than negatives in Statehood. In particular, that he sees this as being about us being equal to other Australians. Through these forums and the Statehood process, he said, we have a unique opportunity to have a say about what the NT could be like as a State.

Peter Schaefer commented that when he came to the NT, he was astonished to learn that we did not have the same rights (e.g. voting rights) as people in NSW. As a State, he noted, we would be able to create our own rules.

Information Presentation

Two questions arose as a result of the Information Presentation. These were:

- Would the process for identifying representatives to the Constitutional Convention be accessible and equitable for all Territorians?
- Would the rights of Aboriginal people be protected and would these be included in a Preamble to the Constitution?

Group Discussion

Several key issues were raised by attendees. These included:

- Ensuring that custodial lands under the Land Rights Act are taken into consideration in the constitution
- The importance of developing mechanisms to hold the political leadership accountable for ensuring that specific purpose funding for Aboriginal programs are protected
- Ensuring Aboriginal people are appropriately represented in Parliament and in the political process
- The need to ensure NT has equality of representation with other States
- The need to protect NT against becoming a dumping ground for nuclear waste from other jurisdictions
- Ensuring that Customary Law is acknowledged in a constitution
- The opportunity to be aspirational in the preamble to the Constitution, e.g. express our views about sustainability
- The question of what will occur in relation to royalty monies was also noted
- The need to ensure NT laws and representation are comparable with other States was noted
- The need to ensure that we learn from past experiences in constitutional development to make the case for Statehood, particularly to Federal politicians, was also noted
- Consideration of Aboriginal rights in the preamble was noted
- In the lead-up to the Constitutional Convention, there will be a need for Territorians to speak as one, not ‘northerners’ and Centralians
- The involvement of Aboriginal people in using Aboriginal land for wealth creation was also noted
- The need for a grassroots campaign to ensure people’s issues and will is heard by politicians and is not overturned at or following the Convention was noted.

There was also great interest in what the model for the Convention will be, and how it is proposed the people’s voices will be heard, and also, what the Commonwealth Government’s view is in relation to the Northern Territory becoming a State. Participants were informed that the process for the Constitutional Convention is currently under discussion and the ‘in principle’ support of Australian Labor for Statehood was noted.

**Participation Analysis**

Although not a large attendance, audience members were genuinely interested and keen to engage in discussion and learn more about the mechanics of the process leading to Statehood as well as the areas they might be able to influence. Participation was roughly equal on gender lines and there was a strong (50%) Aboriginal presence. Some participants asked about the process for informing people about the forum, although this appeared to be out of interest rather than anxiety.

- A couple of specific comments are worth noting:
  - One participant commented: “I will go back and go on the website to show this to my mob.”
  - One participant who had been a Committee member prior to the 1998 referendum noted that there were more Aboriginal issues being expressed this time around (and felt that this was a good thing).
  - The need to address the ‘education’ of a transient population was also indicated, because ‘they will be the ones voting on this issue at the referendum’.

**Logistics Analysis**

In relation to the venue and staffing, the Crowne Plaza staff were very helpful in providing logistical support and meeting the needs of guests.

**Critical Analysis**

Appreciation was expressed by several participants, following the forum, for the ease with which complex issues were presented.

**Conclusions to be drawn from Forum No 3**

The importance of Aboriginal issues to be addressed in the process and in the Constitution is likely to be an ongoing theme.
No ‘anti-Statehood’ views were expressed.

The format was appropriate, however attendance level probably due to a lack of ‘sense of urgency’ about Statehood. All that could possibly have been done in terms of publicising, approaches by Team and assistance in attending had been done.
NT 2011 Towards State 7 Information Roadshow Forum Report

Forum No: 4  Facilitator Name: Jackie Ohlin
Forum Location: Utopia (Arparra)  Forum Date: 24 February 2010
Venue: Basketball Court  No of Guests: 40
Commencement Time: 12.30pm  Duration: 2 hours
Standard Format Used: Yes:
Interpreter’s Name: N/A

Committee Members Introductions

Rosalie Kunoth-Monks and Uncle Harold Nelson provided the welcome.

Fran Kilgariff and Harry Nelson spoke about the importance of Statehood for the, and why they are on the Statehood Steering Committee.

Information Presentation

In the absence of the interpreter, the nature of the presentation seemed too complex. Michael Tatham adjusted the style of presentation, using clear and simple language.

Group Discussion

The comments and statements made by the audience included:

- The importance of Government acknowledging Aboriginal land, culture, identity and law and understanding that Aboriginal people need to be heard was stated
- The living conditions of Aboriginal people need to be addressed as a matter of priority
- There was a question as to whether the Kalkaringi statement as a valid statement of peoples’ concerns would be taken into account as part of the Statehood process
- The ‘Intervention’ has created immense hurt for Aboriginal people, and there is ongoing injustice (the issue of rents being collected for non-existent housing was identified)
- The powerlessness of speakers in relation to the pending decision about the location of the Nuclear Waste facility was also identified.

Participation Analysis

Among participants, women were slightly in the majority. With no interpreter, there were problems conveying difficult concepts, which may have contributed to the fact that only two elders and one other participant made comments or asked questions. Conducting the Forum in daylight hours made projection difficult, but not impossible.

Comment:

Prior to the Forum, there was discussion with a secondary school student who noted she did not want Statehood, because she did not want the Northern Territory to change. She was asked if
getting more information through the Forum would be useful – there may be an opportunity to follow up on students through the School (potentially through the idea of a social networking site around Statehood).

The rain marginally curtailed proceedings at the end of the Forum.

**Logistics Analysis**

While the venue (the Basketball Court) presented some limitations in terms of its great size and openness, it also provided crucial shelter from the weather.

The Shire staff was of tremendous assistance with equipment (white board, BBQ); helping with BBQ and getting water for cordial.

Among problems experienced were the ‘no show’ by the interpreter and the weather, which caused the Forum to be rescheduled and a hasty wrap up when the rain came down at the conclusion. The wind also caused the smaller banners to tip over.

*Experiences to inform next forum*

It was suggested that putting BBQ at the back so as not to form a barrier between some groups of participants and the screen would be helpful. Also, daylight makes viewing of the presentation on the whiteboard screen more difficult (but not impossible). However, encouraging participants to sit close may continue to prove difficult for cultural reasons, so using other mechanisms (such as slowing down/simplifying presentation and referring to illustrations in the handout books may be more appropriate in some remote communities).

**Critical Analysis**

Some strident views were expressed initially about the Statehood process vis-à-vis Aboriginal identity, law, culture and participation, but by the end of the Forum, the key commentator was indicating no opposition to Statehood, rather that the issues as outlined in Discussion need to be expressly taken into account in the Statehood process.

**Conclusions to be drawn from Forum No 4**

While the Forum had one dominant spokesperson, there was no opposition to the views expressed from other participants. However, due to the lack of interpreter, it is difficult to assess if this equated to general acceptance of those views.
1 Committee Members’ Introduction

Jane Aagaard, Fran Kilgariff, Peter Schaefer and Harry Nelson each spoke about why they are part of the Statehood Steering Committee. Jane and Peter noted, in particular, their belief in the need for the Northern Territory (NT) to be equal in relation to other States in relation to voting rights and capacity to make and administer laws; Fran mentioned her family’s long history in the Northern Territory and her father’s role in fighting for NT equality with the States. Harry identified the need for recognition of Aboriginal customary law in the Constitution.

2 Presentation

The Presentation was described by participants as well presented and easy to understand.

3 Group Discussion

Issues and questions raised by participants in discussion included:

- The size of population of the NT- is it large enough for revenue raising as a State?
- Would anti-discrimination and equal opportunity legislation be affected if the NT becomes a State?
- When the NT was surrendered by South Australia, is there any reason why it was not made a State at that time?
- What occurs now and would occur in relation to the Land Rights Act? How does it operate and who is currently responsible?
- Would the NT have a Governor or how would it be administered?
- How would the NT compare/contrast with the ACT, particularly in relation to the number of Senators?
- The question of equal voting status with other States was identified as a concern.
- Is there likely to be an issue regarding the transient population of the Northern Territory, if it is to become a State?

The need was also identified for detailed consideration of all the issues people have raised previously (including those listed on the display panels) and for time to digest the issues identified in the materials handed out.
4 Participation Analysis

Participants in the forum included both Aboriginal and non-Aboriginal people, comprising tourism operators, store keepers, schoolteachers and other residents. While forum numbers were low (seven women and five men), there was an easy and friendly tone, politeness, willingness to learn about the issues and to understand and listen to each other. There was positive feedback demonstrated by nods of understanding or agreement with points being made.

5 Logistics Analysis

The forum venue (The Meeting Place) was well-appointed, appropriate and centrally located.

6 Conclusions to be drawn from Forum No 5

At the conclusion of the forum, several participants remained behind to further discuss issues with members of the Steering Committee and the Team.

Some asked whether there would be other opportunities for participation in Statehood discussions.

One suggested that NT Members of Parliament could discuss Statehood in their periodic newsletters.

Another suggested getting the issue into popular media, such as Facebook. The Statehood Committee subsequently took up this suggestion.
NT 2011 Towards State 7 Information Roadshow Forum Report

Forum No: 6  Facilitator Name: Jackie Ohlin
Forum Location: Mutitjulu  Forum Date: 9th March 2010
Venue: Front of Council office  No of Guests: 30-34
Commencement Time: 1pm  Duration: 2 hours
Interpreter's Name: Lance McDonald  Language Group: Pitjantjatjara

Committee Members Introductions

Jane Aagaard and Harry Nelson spoke at the introduction of the forum, with Fran Kilgariff speaking during the forum about the reasons for her involvement in Co-Chairing the Statehood Steering Committee – her mention of her father, Senator Bernie Kilgariff’s long involvement in politics and fight for equality with the States struck a chord among many of the elders present.

Information Presentation

A question was asked regarding whether a move to Statehood would affect the capacity to raise taxes for service provision. The Statehood Steering Committee Chair, Jane Aagaard, responded that as the Northern Territory has been funded since 1988 as a State, there would be no effect upon funding.

Group Discussion

Issues raised included:

- The need for equality with the States of Australia was noted
- The need for recognition of Aboriginal Land Rights in a constitution was noted
- The question was raised as to whether the ‘Intervention’ could be overturned through Statehood; the ongoing suffering caused to individuals through the Intervention was noted
- The importance of taking into account the Kalkaringi Statement and the Batchelor Declaration in the Statehood process
- The Government needs to be responsive to the needs of Aboriginal people in remote communities, however the Statehood Steering Committee is not the Government and is not therefore making promises about how needs should be met, rather it is offering an opportunity for people in local communities to talk about Statehood and tell the government what they want in this regard.
- The importance of representation from remote communities in the Constitutional Convention was noted
- Because we need to consider these issues more thoroughly, it would be good if a bus could be provided to take us all to the Constitutional Convention.
- One audience member noted that it would be good to hear the advantages of having the Northern Territory remain a Territory
- The question of trust by community members in any government and their capacity to deliver on promises was noted, as was the opportunity to use this process to create the State and system.
• The importance of assistance for Aboriginal people to be able to ‘step up’, including into jobs in remote communities was noted.

**Participation Analysis**

The audience comprised approximately 50% males and 50% females. While Aboriginal community members were predominantly represented, there were several non-Aboriginal members in attendance.

Considerable interest in the issues was generated by the presentation, reflected in the questions and discussion which followed from a good cross-section of community members, some of which was conducted in language.

Harry Nelson noted that, because it was perceived Aboriginal people were largely left out of the process in 1988, it is important that community members to speak up and discuss the sorts of things that should go into a constitution. He also suggested the need to come back to Mutitjulu at a later time for more discussion.

**Logistics Analysis**

The venue (under the awning at the front of the Shire Offices) was certainly central to the community and therefore accessible. While daylight presented some restriction in terms of projecting the presentation onto a whiteboard, this was not impossible to read at close quarters.

The interpreter, Lance McDonald, worked very effectively in translating the presentation and questions arising from the audience.

**Critical Analysis**

Overall, the mood of the Forum was generally positive. There was some anxiety being expressed about the role of Governments in the ‘Intervention’ and *Closing the Gap* and their perceived shortfall in addressing the needs of Aboriginal people in remote communities. However, there also seemed to be an appreciation that it was not the role of the Statehood Steering Committee to address this issue.

**Conclusions to be drawn from Forum No 6**

A wide range of issues was raised by an audience which was genuinely interested in and engaged around Statehood matters. However, the need for a longer period of time (than just this one meeting) to digest issues about Statehood was also noted as a key concern.
### NT 2011 Towards State 7 Information Roadshow Forum Report

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<th>Roberta Ryan</th>
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#### Committee Members Introductions

Members of the Statehood Steering Committee Jane Aagaard, Fran Kilgariff and Jamey Robertson welcomed participants and gave their reasons for supporting statehood for the Northern Territory (NT).

#### Information Presentation

The presentation was clear and well received. The audience held questions and discussion until the discussion time.

#### Group Discussion

State laws can be overruled when inconsistent with the Commonwealth.

The example was given of the nuclear waste facility when NT law was overruled and if the NT was a state that could not happen.

Some thought a guaranteed number of representatives in the House of Representatives would be important.

Some wanted the same number as the other states, others recognised that that would ‘over represent’ the NT and that in itself might be undemocratic; discussion arose about the importance of fairness as well as considerations of equality.

Great to see the launching of the Face Book site to further communicate about the process.

Participants are keen to see broad engagement with the NT community and an improved bi partisan process from the last time there was a move to statehood.

The Australian Senate exists to protect the smaller states from the larger states, without statehood the NT does not have that protection.

The name of the NT as a state was discussed. It was mentioned that Territory is a status not a name – and that might have to be changed if the NT becomes as state.

There are a range of issues potentially linked with statehood including recognition of Aboriginal languages, land rights, national parks, human rights etc.
The previous attempt to move toward statehood was rejected by Aboriginal people – so it is important to ensure adequate engagement and education this time; this education and engagement should be of all Territorians to make sure key issues about the process and the constitution are understood by all.

There is recognition that the Federal Government has to agree to statehood and to some extend their views will determine the conditions. It is important that Territorians make clear what it is they want to at least attempt to influence that

**Participation Analysis**

There was excellent discussion and strongly involved audience. All who spoke were in support of statehood.

Everyone expressed their views and the composition of the audience was mixed with a good range of young/older/Aboriginal and non Aboriginal.

**Logistics Analysis**

A number of participants found the venue difficult to find as the street address was not on the web site.

The venue was adequate for the number in attendance and the logistics etc went smoothly.

**Critical Analysis**

Strong support in the audience for statehood: Many of the key issues were canvassed through the highly engaged and fairly informed audience. There was a good level of participation and inputs were well received.

**Conclusions to be drawn from Forum No 7**

The process went well and the material presented was appropriate and well received.
Committee Members Introduction

Fran Kilgariff Co-Chair of the Statehood Steering Committee spoke to the forum about reasons for her involvement in the Statehood Steering Committee. She mentioned her father, Senator Bernie Kilgariff’s long involvement in politics and fight for equality with the States.

Information Presentation

The meeting engendered a good range of debate including one participant challenging the benefits of statehood.

The presentation was tailored to reflect the interests of participants and good dialogue occurred between members of the audience.

All but one participant expressed support for the NT’s transition to statehood, and the majority but not all members of the audience expressed their views.

Group Discussion

Issues raised:

- Concern that while Territorians might express support for statehood the terms will need to be negotiated with the Commonwealth
- This raises challenges regarding how the actual nature of the proposal will be determined – and the best way to engage communities when the terms will not necessarily be controlled by the NT
- There was discussion regarding the best balance between the numbers of Territorians in the Commonwealth Parliament – a quota, population based, minimums and in comparison with original states such as Tasmania. There was a view if too many are sought it might impede progress to statehood and distort the representativeness of the House of Representatives
- Questions were asked as to how statehood would benefit Aboriginal people
- NT identity is considered important and there was some discussion of the best name for the NT as a state
- Discussion of potential inclusion in the Constitution included a Bill of Rights
- One person said she was not convinced that statehood would change or improve things in the NT – they are great now so why change
- Others expressed views that they did not think it was appropriate for the Federal Government to control and have a say over what Territorians want – examples were used
such as the euthanasia bill, nuclear waste, etc with a particular discussion as to whether Kevin Andrew’s intervention was appropriate as he was not elected by Territorians

- It was acknowledged that while the Commonwealth can overturn state laws if they are in contradiction with Federal Constitution, with statehood the NT will be on the same footing as all the other states
- It is possible for the NT constitution to reflect local values and aspirations as long as they don’t contradict the Federal Constitution – suggestions included Aboriginal land rights and other Aboriginal cultural traditions
- Discussion was had about the distinction between governments of the day and governance – and that the statehood debate is about governance – i.e. the mechanisms for decision making

**Participation Analysis**

Good range of participants in the audience; high level of engagement; most participants expressed their views; all were given encouragement and opportunity to speak.

**Logistics Analysis**

Venue excellent and logistics great

Might be helpful in future to have the street address of the venue on the web site rather than just the name of the venue

**Critical Analysis**

Overall, the mood of the Forum was positive. A healthy debate occurred between the one participant who felt things are great in the NT – so why change – others engaged with her and challenged that view.

**Conclusions to be drawn from Forum No 8**

A teacher and student were present and thought that presentations/direct involvement with schools would be excellent
Committee Member’s Introductions

The SSC Chair, Jane Aagaard, emphasised the consultative purpose of the workshop. She stated the Committee’s commitment to listening to participant’s and carefully considering their views in preparing for the Constitutional Convention to be held in 2011.

Mr Harry Nelson, member who is also an elder of the Warlpiri Community, explained his reasons for supporting Statehood, referring to the importance of becoming more independent of the Commonwealth and the opportunities for NT Aboriginal people to have a stronger voice in government decision making.

Information Presentation (issues/comments)

Rex Granite from the NT Interpreter Service was present. Warlpiri language was used throughout the meeting and his assistance was valuable in helping older people in particular to participate.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

- Concern was expressed about the NT’s access to funding if it was a state. Commonwealth Government grants funding for local government received was a specific concern and was the subject of many questions.
- Increasing the number of NT representatives in the Australian Parliament was identified by several people as a desirable outcome. A difficulty in representing large geographical electorates and the remoteness of constituents from their member was mentioned as a current difficulty.
- The statehood process and the development of a new constitution were mentioned as a great opportunity to discuss and reflect the identity of people in the NT and to address issues that weren’t considered when the Australian constitution was drafted. In particular, the need for a preamble that reflects what is unique about the NT, recognition of Aboriginal people’s relationship to land and customary law was advocated.
- Concern was expressed about how delegates would be chosen for the NT Constitutional convention. A number of people felt strongly that delegates should be elected.
- One person expressed concern about giving more power to NT Governments that had shown themselves to be unsympathetic to Aboriginal people and their issues. One person thought that the requirement for Aboriginal people to have identity cards was discriminatory. Several other comments suggested that Aboriginal people’s interests should be safeguarded in any new NT
constitution through inclusion of reference to the rights of indigenous people, land rights or recognition of customary law.

- There was strong concern about a number of issues not directly connected with statehood but relevant to the statehood workshop process. In particular, several people had strong feelings about visits they had experienced by (Commonwealth) Government officials where they did not feel they had been listened to, where the issues had been too strongly 'sold' to them, and their views had been later misrepresented. These people expressed the view at the end of this workshop that this event had been well conducted and that they felt they had been able to express their views and that these had been heard and appropriately responded to.

**Participation Analysis**

This meeting was well attended and there was vigorous questioning and discussion throughout. While a range of ages groups were present, a substantial proportion were Walpiri elders, which gave weight to the views expressed. SSC member Harry Nelson was vigorous in promoting attendance. He also played a valuable role when discussion became heated, in clarifying issues and providing information which helped participants understand complex concepts.

**Logistics Analysis**

The local council's large meeting room was a suitable venue for this meeting, having good acoustics, audio-visual facilities, seating, and a terrace front and rear for the barbecue and movement of people. The building was central to the town and no additional transport was needed to facilitate attendance. Council staff was supportive in preparing the room and cleaning up.

**Conclusions to be drawn from Forum No 9**

This workshop was very successful in engaging a significant number of Yuendumu people in considering statehood issues. There was a strong desire to understand what difference statehood might make and a good proportion of those attending engaged in discussion. The meeting was conducted in good spirit and feedback was positive about the way it had been delivered. Most participants were in favour of statehood and saw the process as an opportunity for Aboriginal people to advance arguments about the importance of greater involvement of Aboriginal people in public decision making. No strong positions opposed to statehood were expressed.

Several issues arose which should be considered in planning future workshops:

- It is the practice of the workshop facilitator to obtain attendees’ permission for DVD and photo recording of the meeting. The coordinator of the Yuendumu Media Centre pointed out, however, that they had developed a protocol for visual and sound recording and suggested that future visits to Aboriginal communities should establish whether such protocols existed in order to ensure guidelines were followed. Her concern related to: (i) possible misrepresentation or misuse of locally obtained material and (ii) the need to remove images and references to deceased Aboriginal people. It was pointed out that the onus would need to be on the community to advise the Office on Statehood if any material needed to be removed.
- One participant expressed concern about other meetings at Yuendumu where the presenters had engaged in overly persuasive ‘spin’ which was a barrier to open discussion of all sides of the issue. At the end of the meeting this person expressed satisfaction that this meeting had been open and fair.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 10 Facilitator Name: Geoff Young
Forum Location: Ti Tree Forum Date: 13 April 2010
Venue: Community Hall No of Guests: 25
Commencement Time: 10:00 am Duration: 1 hr 15 Min
Standard Format Used (Yes/No): Yes Variations to Standard (If applicable):
Interpreter’s Name: None Language Groups: Anmatjere, Warlpiri
Issues encountered (if applicable):

Committee Member’s Introductions

Sean Parnell, SSC member from Alice Springs, gave his reasons for supporting statehood and expressed his availability for any future enquiries.

Information Presentation (issues/comments)

An interpreter was booked but was unavailable due to illness. A local participant expressed willingness to take on this role but was not confident and provided limited support.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

• There was very limited questioning or discussion at this meeting.
• One non-Aboriginal participant spoke strongly against statehood on the grounds that current arrangements for NT government were satisfactory and should not be changed. This person supported the Australian Government’s intervention in NT Aboriginal affairs and was concerned that greater local control could produce undesirable changes in policies affecting Aboriginal people.

Participation Analysis

The meeting was reasonable well attended with roughly equal numbers of men and women. Local council staff assisted in promoting the meeting and helped transport people to the event. Participants were attentive but asked few questions and made little comment. There was a request from one Aboriginal woman for a follow-up visit once participants had thought about the issues. This request related specifically to support for further discussion and feedback by Aboriginal women. Michael Tatham undertook to return with Nora Kempster if there was sufficient interest.

Logistics Analysis

The community hall was basic but quite suitable, being accessible and spacious. The absence of furniture was not a problem for participants who sat on the floor, although there was some resonance which had a minor effect on the clarity of sound.
Conclusions to be drawn from Forum No 10

The relatively low level of questioning and discussion suggested that participants had only begun to consider statehood issues. The absence of an interpreter may also have limited comprehension of issues. A local council officer who works with the local Aboriginal community said that she felt the information presented would be discussed amongst participants subsequent to the meeting.

As mentioned above, the request for a follow-up visit (which has been made at several other meetings) suggested that people are interested in ongoing engagement with statehood issues but they need time to digest and consider the information provided at these meetings, and to form their own views. MT has expressed willingness to provide follow-up visits and there would be value in pursuing these within available resources.
Committee Member’s Introductions

N/A

Information Presentation (issues/comments)

As the meeting was held outdoors, no PowerPoint presentation was possible. The presentation utilised ‘big books’ prepared for this contingency. A local community member interpreted proceedings. The ‘question and answer’ approach which had been used to canvass the range of issues associated with statehood was not used as it would have overly complicated this mode of presentation.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

- Care for the environment was an issue raised by one woman as a critical issue that should be addressed in a constitution.
- Concern that Aboriginal communities should have more control over mining on their land was raised as an issue that should be included in a constitution.
- The need to include Aboriginal cultural issues in the school curriculum as well as the right for all Aboriginal communities to have adequate access to secondary schooling was suggested as a matter for inclusion in a constitution.
- Including a statement of the rights of indigenous and non-indigenous people was raised as a matter that might go in a new NT constitution.
- The lack of sufficient funding for infrastructure and services for the local community was raised as an issue needing attention although no links were drawn to how this related to the statehood process.

Participation Analysis

The meeting was well attended with more women than men at this meeting. The local GBM and council staff was very helpful in promoting awareness of the meeting amongst the community. Participants were attentive although few questions were asked. Non-Aboriginal people were quite vocal at the meeting. As with Ti Tree, a local council staff member expressed the view that while local people were at an early stage in the process, they were interested but had little prior information, had not given this issue much consideration and would probably discuss amongst themselves after the meeting.
Logistics Analysis

The meeting was held outdoors, in mild weather in late afternoon. The area was well grassed, shaded and comfortable. Women sat further away from the presentation area although the sound would have been clear at that distance. The barbecue was well received. Good catering facilities and assistance from local council staff ensured that this was efficiently run.

Conclusions to be drawn from Forum No 11

It was clear that this meeting, like a number of others, was an important first step for many people in facilitating their exposure to statehood issues. People were attentive and receptive but the majority did not ask questions or express views. Those few community leaders who spoke, expressed support for the process and statehood as an outcome. Feedback on the meeting was appreciative of the visit and generally positive about the meeting process. There is an ongoing difficulty in communicating complex concepts such as ‘constitution’, ‘parliament’, ‘politician’, ‘head of state’ and interrelation within the political system. The quality of interpreters, particularly where these are volunteers, remains a barrier to comprehension.
Committee Member’s Introductions

Daniel Bourchier outlined his reasons for being involved and emphasised the opportunities in the statehood process for Aboriginal involvement.

Information Presentation (issues/comments)

There were several questions during the presentation about why the 1998 referendum failed, why the matter was being raised now and what would happen if it failed again.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

- There was concern about the impact of statehood on conditions for Aboriginal people in the NT, in particular, on the implications for maintenance of their culture. Several people had visited communities in Qld and WA and expressed the view that, in comparison, Aboriginal people in these states had lost a great deal of their culture and status in the broader community. One participant expressed a lack of confidence in NT politicians to resist pressures for policies and actions not in the interests of Aboriginal people if the NT became a state and had more trust in the Commonwealth Government.
- One local leader was concerned about the fact that the issue of Statehood was again being raised when a previous referendum had been lost on this issue. He asked what had happened to justify it being raised again. He was also concerned about the level of uncertainty about what might be included in any constitution. These concerns were somewhat allayed by information about the process and assurances that he would be able to vote on proposals for statehood and a draft constitution via a referendum.
- Several participants, in referring to the Australian Government’s intervention in NT Aboriginal affairs, spoke strongly in support of ensuring that Aboriginal rights were reflected in any new constitution so that they could not be easily taken away.
- Including land rights in any constitution was mentioned by one participant who spoke in favour of ensuring that Aboriginal people received a fair share of wealth from mining on their land.

Participation Analysis

Attendance seemed somewhat limited considering the size of the settlement. The reasons for this were not clear although it was suggested by one person that a community leader had discouraged people from attending. Apart from two European people from Papunya and Ti-Tree no other non-
indigenous people attended. This meeting also had more women than men in attendance, although no women spoke. Only two men spoke, one at some length; both expressed reservations about statehood (see above).

**Logistics Analysis**

This meeting was conducted with full interpretation throughout. Before the meeting there was a full rehearsal of proceedings to familiarise the interpreter with the material and ensure that difficult concepts could be translated into local language. This has not always been possible at previous meetings to the same extent. It enabled presenters to more closely examine the language used in the presentation and to fine tune the process for working with the interpreter.

The breezy conditions in this outdoor venue caused difficulties for the screen and the pull-up banners and several of the latter were taken down.

**Conclusions to be drawn from Forum No 12**

Because so few local people spoke, it was difficult to gauge participants’ response to the information presented. While the issue of maintenance of culture has been expressed elsewhere, one participant expressed this concern with particular force, suggesting this is likely to continue to resonate strongly for Aboriginal people within discussions about statehood.

The role of the interpreter was important here although the extent to which proceedings were understood in these more remote communities, particularly by those with little English (more often older people) is not always easy to establish.

The meeting material had been originally trialled in Papunya and was tested for appropriateness and comprehension. While the print material was distributed at the meeting, consideration could be given to distribution in advance as this may help to prepare people for the discussion.
Committee Member’s Introductions

In opening this meeting, the SSC Chair, Jane Aagaard recognised the recently deceased former NT Speaker and Senator, Bernie Kilgariff, as someone who had nurtured the vision of statehood for the Northern Territory. Ms Aagaard spoke of the Statehood process as reflecting a maturing of the NT polity and an important step in its historical development. She urged participants to consider how they might contribute to this process.

Information Presentation (issues/comments)

A number of questions arose during the presentation session. As the meeting was in a public place (the mall) and some participants were passers-by or had limited time, a full and immediate response was given and discussion enabled even though the questions anticipated material to be presented later in the program.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

- One person expressed concern that Statehood may lead to the loss of NT State Government benefits such as interstate travel and interstate hospital benefits. The Chair responded that while this was unlikely, it was a matter of future Government policy rather than a statehood issue.
- The Alice Springs Council representative indicated that the Council was supportive of Statehood but was concerned that a new constitution did not enshrine the inequality of power flowing from the concentration of population and political power in the northern part of the NT. The Council wished to place on record its support for establishing within the constitution a formula for funding disadvantaged NT regions such as a provision for discretionary infrastructure funding or a royalty system for regions. Such funding would play an role in addressing a range of regional issues associated with equity and inclusion.
- One person suggested that the Statehood process was an opportunity to develop and promulgate a narrative that builds social cohesion. This could involve a synthesis between customary law and Aboriginal stories and the move towards constitutional change.
- The issue of mining royalties was raised in the context of ensuring that the NT received a fair share of mineral wealth.
- A representative of the local newspaper asked if there were opportunities for a partnership between the SSC and the media to get more education, debate and discussion.
• Other questions concerned: implications for the electoral system; how the name of a new State would be decided and implications for tourism branding; the role of the Australian Government in deciding what goes into a state constitution; opportunities for a Bill of Rights;

Participation Analysis

While numbers were less than expected of such a large centre, several important community organisations were formally represented, including the local council, the Desert Knowledge Australia and the Alice Springs Advocate. Participants were predominantly non-Aboriginal. The mall location meant that tourists and passers-by either attended or took an interest. Several people expressed appreciation for being able to make comments throughout the meeting as they were unable to stay who the whole period. Several strongly positive comments on the meeting process were received at the conclusion when the facilitator requested feedback. No comments were critical of the way the meeting had been conducted.

Logistics Analysis

The outdoor location presented challenges for obtaining clearly visible projected images. A local event management company efficiently handled set-up of a tent, seating and sound.

Conclusions to be drawn from Forum No 13

• Some consideration should be given to reasons for the relatively low level of attendance at this meeting. Contributing factors may have included timing (late morning), the level of publicity and contact with community organisations, low levels of interest and pre-existing exposure.
• The absence of voices opposing Statehood was a feature of the meeting.
Committee Member’s Introductions

Daniel Bourchier outlined his reasons for being involved and emphasised the opportunities in the statehood process for Aboriginal involvement.

Information Presentation (issues/comments)

Daniel Bourchier gave the information presentation at this meeting.

As with other meetings, there were questions of clarification regarding the issue of what is a constitution and the difference between state and Commonwealth government responsibilities. These are difficult questions for most participants, and some thought had already gone into the form of words to be used, such as ‘rule book’, and ‘powerful/high law’. In subsequent explanation of this concept MT gave examples and explained the difference between how the Australian and state constitutions could be changed and contrasted this with how laws could be changed. Examples constitutional changes relevant to Aboriginal people, such as the recent inclusion in Qld recognising prior occupation by Aboriginal people or storing uranium waste, were particularly effective in stimulating interest.

Group Discussion (questions/comments)

Key issues identified in the discussion included the following:

- Concern was expressed that the community did not understand what a constitution was, why it was important and the difference between laws made by the Australian and state/territory governments.
- The need to include in an NT constitution recognition and protection for Aboriginal language and culture. Several elements of this were raised:
  - recognition of customary law in decisions of courts
  - recognition of and strong protection for sacred sites and their place in Aboriginal spiritual practices
  - provisions to ensure protection for Aboriginal languages and to ensure that these continue to be taught in schools.
- The issue of land rights and in particular, the rights of Aboriginal people to control mining on their lands was raised as one thing that might be included in a new constitution.

Participation Analysis
This meeting was fully interpreted. There were few questions during the presentation. Discussion became more animated and active towards the end of the meeting when one female participant was especially helpful in assisting the interpreter to explain and clarify issues and in facilitating discussion in language.

When seeking permission for DVD/photographic recording, the issue was raised at this meeting of concern about representation of people who might subsequently become deceased - there were several aged community members present. This issue had been also raised formally by the Media Coordinator at Yuendumu. The Office of Statehood may wish to consider developing a protocol to cover this contingency, or more broadly, management of recording permissions.

Logistics Analysis

Although the room was small, it adequately accommodated the number of people present and air-conditioning ensured that the room did not become stuffy.

Conclusions to be drawn from Forum No 14

This meeting confirmed that the flexible delivery of the meeting format continues to work well in a variety of situations. Participants continue to express satisfaction with the way the meeting is run. There is a feeling that they are able to have their say and that they receive a sympathetic hearing.

The enthusiastic and effective role played by an able female participant suggests that there may be a stronger role for local people in subsequent deliberative process such as those associated with consideration of a draft constitution. Train-the-trainer models have been used quite widely for a range of issues and processes with good effect. Some version of this might be considered not only for its potentially powerful role in facilitating community consideration of complex issues but also because of its value in building community capacity for deliberative democracy and decision making.
Committee Members Introductions

Bob Wade welcomed participants to the Forum and spoke about his involvement on the Statehood Committee and commitment to the Territory becoming a State. He spoke of his links to the Trade Union movement in Northern Territory.

Information Presentation (issues/comments)

The Statehood presentation was given at the start of the Forum, with a question and answer session followed by informal discussion with participants.

Discussion (issues/comments)

The key issues and questions raised in the discussion during and after the presentation included:

- Concerns about funding and money with participants citing differences between funding for health care benefits - with specific mentions of prescriptions, glasses and health care - available to people living in the Northern Territory compared to Queensland. There was a perception that a change to Statehood would see a reduction in benefits available to individuals, and concerns about the impact this would have on personal health and finances.

- Other concerns expressed about funding and money related to the grants that are made available to community and women’s groups by the Aboriginal Land Councils to enable them to take part in ceremonies and cultural activities. This includes funding to travel to activities with other groups. There was uncertainty about how this would change if the Territory became a State, and the possible reduction in funding for such activities.

- There was discussion about the length of time it would take for the Territory to become a State, and who would be involved in the decision making. Participants were interested in knowing more about the next steps in the process and how they could be involved, given the scale of the potential changes that would be taking place.

- In the discussion following the formal presentation participants were keen to understand how a change to Statehood would impact on the Northern Territory intervention. Participants wanted to understand whether being a State would have made a difference with the Commonwealth’s introduction of the NT intervention.

- There were some queries about whether becoming a State would mean a change in speed limits and car registration costs. Similarly participants had some questions about the banning of fireworks, and whether this would be changed so they were legal.
Other issues raised by participants included introducing petitions so that citizens can bring ideas for policy making to the wider community and not using the Northern Territory as a site for nuclear waste.

**Participation Analysis**

- There were 14 participants who took part in the Forum for its duration, with several others arriving during the course of the Forum.
- Nearly all of the participants attending the forum were women from the local Aboriginal community.
- An interpreter was present during the Forum, however did not feel comfortable interpreting the full presentation in front of members of the local community. As such there was limited interpreting at the Forum, with most of the discussion taking place informally after the presentation ended.

**Logistics Analysis**

The venue was suitably located and provided an appropriate setting for the Forum. The Forum proceeded smoothly.

**Conclusions Forum No 15**

The Forum in Borroloola was reasonably well attended with several participants expressing interest in being involved in the next steps of the Statehood discussions. Some also wanted further opportunities to understand and discuss the issues and changes that could come about through Statehood, and the option of further presentations and forums.
Committee Members Introductions

Bob Wade welcomed participants to the Forum and spoke about his involvement on the Statehood Committee and commitment to the Territory becoming a State. He also spoke of his links to the Trade Union movement in Northern Territory.

Information Presentation

The Statehood presentation was given at the start of the Forum, with a question and answer session followed by informal discussion with participants.

Discussion

The key issues and questions raised in the discussion during and after the presentation included:

- How the change to Statehood would impact on the Land Rights Act was a priority issue for some participants, who wanted to understand what the implications would be for Aboriginal communities and people in the Northern Territory. Some felt there was too much uncertainty associated with the change to Statehood, and as such preferred the status quo.
- The roles and responsibilities of different levels of government were raised, with questions about the future role of the Shires and local government if the Territory was to become a State. Some of the issues mentioned related to future funding arrangements for local government and the provision of roads across the Shires.
- The issue of access to land and roads was raised, with a concern that access was not granted in some areas. With large distances involved in travelling across the Territory, this was considered an important issue for the whole community.
- There was a comment about the State constitution, and that the preamble should include a statement recognising the different cultures and people in the Northern Territory with an emphasis on all Northern Territorians being equal.
- Participants asked about opportunities to be involved in the next stages and who would be taking part in the Convention, and how they would be nominated or invited to attend.

Participation Analysis

- There were 15 participants who took part in the Forum, with people from a mix of backgrounds. There was a representative from the local shire attending.
- An interpreter was present during the Forum, and interpreted for a small group of participants during the Forum proceedings.
Logistics Analysis

- The venue was well located and provided an accessible and suitable setting for the Forum in Mataranka. The Forum proceeded smoothly.

Conclusions from Forum No 16

- The Forum in Mataranka was well attended, with the main issues raised relating to potential changes to Land Rights Act and the future role of local government and Shires.
- Some participants expressed interest in being involved in further discussions, and in participating in the Convention as they were keen to take an active role in shaping the debate and future of the Territory.
Committee Members Introductions

Bob Wade welcomed participants to the Forum and spoke about his involvement on the Statehood Committee and commitment to the Territory becoming a State. He also spoke of his links to the Trade Union movement in Northern Territory.

Information Presentation

The Statehood presentation was given at the start of the Forum, with a short question and answer session followed by informal discussion with participants.

Discussion

The key issues and questions raised in the discussion during and after the presentation included:

- There was a question about the role of local government and a view expressed that instead of moving towards Statehood that local government should have a larger role and take on more responsibilities
- The Northern Territory intervention was raised by participants in discussions after the presentation, with questions about whether the intervention would have been introduced by a State (in the scenario that the Territory had State powers). Participants commented that many of the promises that had been discussed as part of the intervention (with specific references to housing) had not been delivered as yet
- In discussions after the presentation participants commented on the amount of funding that is being invested in Aboriginal communities through governments, and expressed some concern that this is not filtering to local communities
- The question about who will be involved in decision making at the next stage of the journey towards Statehood was asked by participants. Participants wanted to know whether delegates to the Convention would be nominated or voted, and how this process would be agreed and implemented.

Participation Analysis

- There were 20 participants who took part in the Forum, with most being present for the full Forum
- An interpreter was booked for the Forum, however was not able to attend on the day
- Nearly all of the participants attending the forum were members of the local Aboriginal community, with a volunteer attending who was in Barunga for the Festival the following week
Logistics Analysis

- The Recreation Hall was a suitable and centrally located venue for the Forum, and provided an appropriate setting. The Forum proceeded smoothly.

Conclusions from Forum No 17

- The Forum in Barunga was well attended with several participants expressing interest in being involved in the next stages. Some expressed interest in further opportunities to understand and discuss the issues and changes that would come potentially come about through Statehood.
Committee Members Introductions

Members of the Statehood Steering Committee Ray Wooldridge and Matthew Storey welcomed participants and gave their reasons for supporting statehood for the Northern Territory. These included the belief that Territorians should enjoy the same rights as everybody else and the need to improve on the process ‘the last time around’.

Information Presentation

The presentation was clear and well received. The audience was attentive and held questions and discussion until the discussion time.

Group Discussion

While the funding formula and process of receiving funding from the Commonwealth need not change if the NT becomes a state, it was observed by a participant that there is the possibility this could change.

Equal treatment of Territorians under the law was identified as one provision that should be included in a constitution.

Constitutional recognition of Local Government was another suggested inclusion, along with consideration about funding from the Commonwealth to States and Local Governments for service delivery.

There was considerable discussion about the relative merits of having an Upper House within the Parliament, in terms of the potential for a strong review role but also potentially thwarting the legislative program of the government of the day where the makeup of the Upper House varies from that of the Assembly. The notion of regional representation considered important, particularly in regional areas. This was so that regions are strongly represented, particularly in relation to funding for services and so that there would not be a ‘Darwin-dominant’ government or constitution.

It was also suggested that statehood could encourage stronger leadership, with MPs having enhanced responsibility to make decisions that would have longevity.

Similarly, one participant suggested that there was a need to consider processes for broader representation for the Northern Territory at the Federal level that extends more effectively beyond main population centres.
One participant proposed that the concept of non-compulsory voting should be considered in the constitution, albeit noting that compulsory voting is a law, not part of the Australian constitution.

The issue of responsibility for Aboriginal Land Rights was discussed, including the potential for Aboriginal people to undertake economic development on portions of their land if they had the power to do so. It was also suggested that the permit system for entry onto Aboriginal Land would similarly need to be considered in the constitution.

The process of effecting constitutional change in the longer term was also discussed, with acknowledgement that this process would be difficult and would require a majority of the people.

One participant indicated that the content and ultimate strength of the constitution would be a determining factor as to whether he would support statehood.

One participant was keen to know if the process had bipartisan support. The parliamentary process, Minister for Statehood, Committee structure and next steps were explained.

**Participation Analysis**

There was strong discussion from thoughtful and engaged participants. Most who spoke were in support of statehood, while some indicated they would like to consider further information, including the documentation received at the Forum.

Participants were generally older people, with ten men and 7 women attending. There were no Aboriginal participants.

**Logistics Analysis**

The venue was adequate for the number in attendance and the logistics etc went smoothly.

**Critical Analysis**

There was general support among participants for statehood, and appreciation was expressed for clear information and the opportunity to ‘take this home and think about it’. Several key issues were canvassed, particularly around constitutional inputs and processes. There was a good level of participation and inputs were well received.

**Conclusions to be drawn from Forum No 18**

The forum process went well and the material presented was appropriate and well received by participants. Constructive suggestions were made about issues to be considered in the development of a constitution and for strengthening leadership and regional representation in the process toward statehood.
Committee Members Introductions

Members of the Statehood Steering Committee Jane Aagaard and Brian Martin welcomed participants and gave their reasons for supporting statehood for the Northern Territory. These included the importance of having the same rights and responsibilities as other Australian citizens and not being ‘beholden’ to the Commonwealth Government. The importance of bipartisan support for the Statehood Steering Committee and process was also noted.

Information Presentation

The presentation was clear and well received. Participants held questions and discussion until the discussion time.

Group Discussion

A key concern related to the current lack of constitutional rights of Northern Territorians which could be redressed in a future NT constitution. Discussion included the circumstances under which the Northern Territory was historically ceded from the State of South Australia.

One participant offered suggestions for matters to be considered in the development of a new constitution. These included:

- Defining a specific review period (at a point between 3-10 years) at which a further constitutional convention would be held to reassess the appropriateness of what is decided at next year’s constitutional convention
- Recognition of Aboriginal people as the first people in the Northern Territory
- Identification of the role of government in active protection of the unique Northern Territory environment
- Constitutional recognition of Local Government (including allocation of resources to Local Governments).

Another participant suggested the constitution should also restrict the laws politicians are able to make. Further, he suggested that the constitution include the right to bear arms, with conditions. He also indicated that citizens should direct the government in relation to budget and debt parameters.

Greater participation by and representation of young people in government processes was also suggested as a matter for consideration in the constitution.
The matter of permits in relation to Aboriginal Land Rights and administration was also raised as a concern for consideration in the development of a constitution, with several people indicating the decision about whether this should remain a Commonwealth or become a Territory role will be a major topic of discussion for constitutional development.

There was general discussion about the level of agreement that would be required among people across the Territory in order for the Commonwealth to support the move toward statehood. While the Commonwealth could, theoretically, legislate to this end immediately, it was suggested that greater certainty will be required to ensure that people want to become a state – hence the process toward a constitutional convention.

The issue of 'no taxation without representation', i.e. that Territorians could take a stronger stance with regard to their payment of rates and taxes without equal rights to other Australian citizens, was also expressed.

**Participation Analysis**

There were strongly expressed views among participants. Many were in support of statehood.

The composition of the audience was mixed with a good range of young/older/Aboriginal and non Aboriginal people. A number of young people from Katherine High School participated and followed up discussions following the Forum. Two participants agreed to be part of the video Q & A process.

**Logistics Analysis**

The venue was very hot and stuffy and the air-conditioning struggled to cope, but this did not seem to deter participants.

Otherwise, the logistics went smoothly.

**Critical Analysis**

There was strong support among participants for statehood: Many of the key issues were canvassed, with many ideas about potential areas for constitutional development identified. There was a strong level of participation and inputs were well received.

**Conclusions to be drawn from Forum No 19**

The process was effective and the materials presented were appropriate and well received.
Committee Member

Member of the Statehood Steering Committee Kathleen Chong-Fong was in attendance.

Participation Analysis

There were no attendees present.

Logistics Analysis

The venue was well located and accessible.

The set up was effective.

We understand there are around 300 people in this community.

Two members of the team walked the town and invited participation in the forum. They encountered a lack of interest in participating in the Forum.

The Forums have been widely advertised on the TV on the day and in the lead up to the proposed session.

Critical Analysis

A range of views were canvassed when the walk-around was conducted. These views were gathered without people having the benefit of hearing the information presented at the Forum.

Some people were reported as not in favour of Statehood as they don’t want things to change, others did not have views. Others had been involved in the previous process and felt as though it would not succeed. Some said they did not have time to participate.

There had been a busy weekend with the local show being on – which may have contributed to the lack of attendance. There had been previous opportunities for this community to participate in meetings which had also been poorly attended. There are a couple of locals who are reportedly keen participators who might have been expected to attend.
Conclusions to be drawn from Forum No 20

The lack of participation was disappointing for the investment made in hearing the community’s views. The timing may have been poor in relation to other local events occurring and it may be useful to consider more local and targeted methods of engaging, e.g., posters around the town the week before, advertisements in the local newspapers, etc. It may be that midway in consultation process broader communication about the Constitutional Convention and where this input is being used would also assist.
Committee Members Introductions

Members of the Statehood Steering Committee Kathleen Chong-Fong and Bronwyn Russell talked about why Statehood is important to them. Kathleen talked about being a 5th generation Territorian, having voted ‘no’ last time as she felt there was inadequate consultation. She was pleased to be a member of the Committee this time and to promote the benefits of Statehood. She thinks it is important for the NT to step up and be equal. Bronwyn thinks it is important for the votes of Territorians to be equal to those of other Australians.

Information Presentation

The presentation was clear and well received. Questions were raised during the presentation.

Group Discussion

*There were wide ranging questions and issues raised before, during and after the sessions*

What would be the number of representatives in the Federal Government if the NT becomes a state?

What would be in the implications for the total number of MPs in the Federal parliament? It wouldn’t be a good thing if there was an overall increase in the number of MPs.

Issues about the level of benefits received by the NT administrators and MPs could be raised as part of this process

It would be good if becoming a state means we could still be called Territorians

There would be costs associated with changing the name

It would be important that the same amount federal financial support continues to be available if the NT becomes a state

It would be an opportunity to revisit the voting system – to make it more representative; even the whole system of government, including opportunities for more direct democracy

To support statehood it would need to include a bill of rights

It would be important for all forms of policing and regulation to remain as government functions
Being able to support statehood would depend on how many representatives the NT would have in the federal parliament

It is important that other people cannot tell us what to do

Can the federal government still say ‘no’ even if Territorians say yes? – it would need to be a good majority to be convincing in the discussions with the federal government

Who in the government is supporting statehood this time? It is important that is bi-partisan

There are concerns about losing state pensions entitlements

Some things that affect everyone – such as licences, health, education etc that should be federal matters

**Participation Analysis**

There was excellent discussion and a strongly involved audience. All who spoke were in support of statehood with certain conditions.

A number of people did not attend the meeting – but came and gave their views before the meeting and at the BBQ afterwards.

**Logistics Analysis**

Questions were raised about the timing of the Forum and how well it worked in with ferry times. There were posters put around the week before, a notice was put in the council newsletter and the TV ads have been running. A door knock and leaflets were placed on cars at the ferry terminal on the day.

**Critical Analysis**

There was strong interest in the audience around statehood, and the audience was well informed about the issues: The key issues were canvassed through the highly engaged audience. There was a good level of participation and inputs were well received.

**Conclusions to be drawn from Forum No 21**

The process went well and the material presented was appropriate and well received.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 22/23    Facilitator Name: Jackie Ohlin
Forum Location: Rural Litchfield Shire    Forum Date: 21 July 2010
Venue: Batchelor and Humpty Doo (Taminmin)
No of Guests: 5
Commencement Time: 12.20 pm    Duration: 1.5 hours
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments?)

Member of the Statehood Steering Committee Margaret Vigants welcomed participants and gave her reasons for supporting statehood for the Northern Territory (NT), including her belief that the NT residents should have equal rights and status as residents of other parts of Australia.

Information Presentation

The presentation was clear and positively received.

Group Discussion

There was a suggestion that, at some future point in the discussion about Statehood, a comparative table might be prepared to illustrate what respective States receive in revenues from the Commonwealth alongside those of the Northern Territory.

There was a query about why the Northern Territory should become a State if there is to be no change in what the NT receives in revenue. A counter view to this was expressed that change could include the capacity for the Northern Territory to make its own laws independently of the Commonwealth and for Northern Territory residents to be able to exercise their rights and responsibilities on an equal basis with other Australians.

There was also a question about the status of the Australian Capital Territory, which, it was noted, can never become a State because it is the seat of government.

The meeting also clarified that the Northern Territory does not currently have a constitution, although some people believe this is the case.

Retention of the rights of the Land Rights Act was identified as an important part of a proposed constitution.

Recognition of language rights, potentially with a language policy, including the right for children to be educated in their own language. The logistics of this for remote areas would need to be considered, but consideration of an indigenous language as an option alongside other languages, such as Indonesian or German was suggested.

It was noted that the eventual Statehood referendum would be held Territory-wide.
Participation Analysis

This report reflects the views of participants at the Batchelor forum, at which there was strong participation and ideas from participants in spite of the small numbers. At Humpty Doo (Taminmin), the team had previously advertised and set up on the day to offer the opportunity for participation but there were no attendees.

The composition of the audience was predominantly female (one male). It included a mix of age groups and both Aboriginal and non-Aboriginal participants.

Logistics Analysis

Both venues were well-located, accessible and adequate for the event.

Critical Analysis

Strong support in the audience for statehood: Many of the key issues were canvassed through the highly engaged audience. There was a good level of participation and inputs were well received.

Conclusions to be drawn from Forum No 22/23

The material presented was well received. While there was a mix of views about Statehood, there were valuable suggestions regarding potential inclusions in the constitution.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 24  Facilitator Name: Jackie Ohlin
Forum Location: Darwin  Forum Date: 27 July 2010
Venue: Greek Orthodox School, Rapid Creek  No of Guests: 7
Commencement Time: 12.30pm  Duration: 1.5 hours
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)
No Committee members were in attendance.

Information Presentation
The presentation was clear and well received by those in attendance. The audience held questions and discussion until the discussion time.

Group Discussion
A human rights framework was proposed as part of the constitution, including a range of conventions on the elimination of all forms of discrimination against women; racial discrimination, etc.

The need for the Northern Territory Government to recognise that the Commonwealth has ratified certain international treaties and for these to become part of the general law of the Northern Territory was also suggested. It was suggested that there needed to be a more holistic application of these treaties and not just the ‘letter’ of the particular law, particularly in relation to people with disabilities.

It was also suggested that the rights of the terminally ill legislation needs to be revisited as part of the constitutional discussion.

A provision for election of a proportion of members of the judiciary was suggested as an accountability measure, particularly in relation to the needs of minority groups, and to mitigate against reactionary judges or political appointees.

The right to bear arms, with particular qualifications or controls put in place through State legislation was also suggested.

The reservation of one or two seats in parliament for particularly minority groups, for example people with disabilities, pensioners or welfare recipients was also suggested.

The capacity for the repeal of the Commonwealth laws in relation to the nuclear waste facility was also raised a question, leading to the proposal that in the Northern Territory constitution, a climate and environmental policy and process should be embedded.
It was also suggested that cultural protection for indigenous sites should be part of this policy and process.

The question of the interaction between customary law and contemporary law and how this would be written into a constitution was discussed, particularly in relation to issues such as promised brides and payback. It was noted that criminal law overrides customary law in these instances.

A question was asked about representation at the constitutional convention, to ensure that there is a gender balance and that there is the opportunity for specific issues affecting women, including those where there is cultural sensitivity, to be properly canvassed. It was also suggested that this consideration should extend to people with disabilities, seniors, pensioners or environmental campaigners to ensure a true cross-section of the population can attend.

The opportunity for ensuring that the voices of Aboriginal people are heard, either through reserved seats or referring issues affecting Aboriginal people to a special committee to assess impacts (such as the Maori Affairs Committee in New Zealand) was suggested.

It was also suggested that when the Northern Territory Legislative Assembly finally votes on the constitution, that this should occur on an individual or ‘conscience’ vote basis, rather than a Party vote.

**Participation Analysis**

Participants expressed their views with enthusiasm. The audience comprised mostly women, with only one male participant, and included both Aboriginal and non-Aboriginal participants.

**Logistics Analysis**

The venue was more than adequate for the number in attendance and the logistics etc went smoothly.

**Critical Analysis**

There was strong support from within the audience for statehood: There was a good level of participation and inputs were well received by audience members.

**Conclusions to be drawn from Forum No 24**

The process went well, the material presented was appropriate and well received and a range of thoughtful ideas for the constitution presented.
Committee Members Introductions (specific issues/comments)

Committee members Maurie Ryan and Matthew Storey addressed the forum, explaining why being a member of the Statehood Steering Committee was important to them.

Information Presentation

The presentation was clear and well received by those in attendance.

Group Discussion

Concern was expressed that the Commonwealth Government was proposing to, and had the right to relocate the botanical gardens. The potential for there to be environmental protections enshrined in the constitution to protect against this was noted.

The inclusion of customary law as part of the proposed constitution was suggested.

Further, the inclusion of a Bill of Rights was also proposed.

It was suggested that the rules for establishing changes to a constitution and voting safeguards to ensure against a partisan or electorally unrepresentative process should be considered in the constitutional convention.

A fixed term for the Northern Territory parliament was suggested.

It was also suggested that the Northern Territory may need to lobby the Commonwealth for equal or appropriate representation in the Commonwealth Parliament in terms of the numbers of senators and members of the House of Representatives should the Northern Territory become a State.

It was noted that the previous constitutional convention discussed the question of whether the judiciary should be appointed for life and how offices of the Auditor General and Solicitor General are established.

It was also suggested that the potential for one or two guaranteed seats in parliament to be set aside for Aboriginal people, or a loading to offset the present system of majority votes.

The question of management of the Commonwealth Government’s role in relation to control over National Parks was raised, particularly around the provision of services in Mutitjulu – it was noted that there is no current responsibility for anyone in the Northern Territory to administer any services...
to Mutitjulu because the land is leased to the Commonwealth and it is not a given that the role would come to the Northern Territory under Statehood – that matter would need to be negotiated with the Commonwealth and traditional owners.

A question was raised regarding the roles envisaged for the Government Executive and head of state – it was noted that some sort of Chief Executive would be in evidence. However, the role of a Governor and associated relationship with the monarch would need to be determined.

The degree to which the vote of Northern Territorians would be taken into account in relation to a referendum on a republic was also discussed. It was noted that, under current arrangements, as the Northern Territory is not a state, the vote of Northern Territorians would simply be counted in with the mass of votes. A majority of State (ie 4) as well as the majority of electors is required to carry a referendum.

A question was raised regarding the views of Aboriginal people on Statehood. Maurie Ryan noted that many of these views were encapsulated in the Kalkaringi Declaration and Batchelor statement. He noted that key among these views were protection of rights and education of Aboriginal people. He noted that there a five Aboriginal representatives on the Statehood Steering Committee.

**Participation Analysis**

While the audience size was small, participants expressed their views with enthusiasm. The audience comprised two female and one male participant.

**Logistics Analysis**

The venue was more than adequate for the number in attendance and the logistics etc went smoothly.

**Critical Analysis**

There was strong support from within the audience for statehood: There was a good level of participation and inputs were well received by other audience members.

**Conclusions to be drawn from Forum No 25**

The process went well and the material presented was appropriate and well received.
Members of the Statehood Steering Committee, Fran Kilgariff and Marg Vigants spoke about their reasons for being on the Statehood Steering Committee, including the importance of not being a second-class citizen compared with other jurisdictions; having equality with the other States; being able to demonstrate maturity vis-à-vis the other States and ensuring that laws made by the Northern Territory as a State could not be overturned.

Information Presentation

The presentation was well-presented and clear.

Group Discussion

Several key issues were identified in discussion following the presentation. These are listed below.

There was a suggestion that the proposed constitution should include a preamble that recognises the existence of Aboriginal people in the Northern Territory.

There was a question regarding what would occur in relation to land rights in the Northern Territory, and whether the Commonwealth would have responsibility or whether this would patriate to the State. It was noted that there would need to be discussion in this regard between the Commonwealth, the State and the traditional owners and title holders under law. There would need to be a similar discussion with the Commonwealth (as the responsible authority) in relation to uranium mining.

There was also a question regarding whether there would be any change regarding the powers of the Commonwealth in relation to national taxation or the armed forces. It was noted that these powers would remain the same.

It was suggested that the Northern Territory should have two houses of parliament in the future.

The importance of representation by remote communities was also identified as important in the Statehood process.

There was discussion over whether there could be a minimalist constitution or whether it could include additional elements such as a Bill of Rights with specific Conventions. Participants were advised about what was emerging from other Forums in this regard.
There were questions and some discussion about the process for the Constitutional Convention, including how the delegates would be nominated and elected. Participants were advised that the Statehood Steering Committee was currently considering the process for this and was in discussion with the Electoral Commission.

**Participation Analysis**

Ten women and two men participated in the forum. There were eight Committee members in attendance.

**Logistics Analysis**

While the venue was very large it was very well-appointed and all went smoothly in terms of organisation.

**Critical Analysis**

Participants listened attentively to the presentation and responded with thoughtful comments and questions.

**Conclusions to be drawn from Forum No 26**

There was strong interest in the issues from among some participants. In this forum, the emphasis on the process was regarded with equal importance to that of issues.
Committee Members Introductions (specific issues/comments)

No Committee members were in attendance.

Information Presentation (issues/comments)

The flow of the presentation was good. Comments and questions were held until the Group Discussion.

Group Discussion (issues/comments)

There was a question raised about the current constitutional status of Northern Territorians.

There was also a question regarding with whom the Territory Land Councils would negotiate (ie the Commonwealth or the Northern Territory Government), should the Northern Territory become a State.

It was suggested that a Northern Territory constitution could include declarations of equal rights and against racial discrimination, and that these be included in a Bill of Rights.

If the Northern Territory were to become a State, there was a question as to whether the State Government would have full powers or whether Commonwealth could ‘interfere’.

There was also a question as to whether the Commonwealth Government would continue to be a ‘caretaker’ – it was noted that there would need to be prior negotiation with the Commonwealth as to the roles the Northern Territory Government would have and those which would be in the control of the Commonwealth.

There was also a question as to whether the Roadshow would be returning to Nguiu. Following the Forum, there was informal discussion with some participants, where the suggestion of further discussions involving the Statehood Steering Committee, traditional owners, the Shire and the Land Council was made.

Participation Analysis

Of the fifteen participants, five were women and ten were men. A range of ages was represented.

Logistics Analysis
The venue was a little too far out of the ‘action’ centre of town, which may have affected attendance. The forum start was slightly delayed to enable more participants to arrive.

**Critical Analysis**

Among participants, there was strong interest in Statehood. There was a sense that many were hearing about the matter for the first time and that further discussion would need to occur, particularly with traditional owners.

**Conclusions to be drawn from Forum No 27**

There were strong views from a couple of participants regarding matters of importance to be considered in a draft constitution, however, there is also an opportunity for additional discussions among community stakeholders about Statehood.
Committee Members Introductions (specific issues/comments)

No Committee members were in attendance. Manny Rioli welcomed participants and the Statehood team.

Information Presentation (issues/comments)

The presentation went smoothly, with questions held over until discussion time.

Group Discussion (issues/comments)

One key question asked concerned any disadvantages associated with Statehood. While it was explained that the Statehood Steering Committee is promoting the potential of Statehood through the Roadshow, it was also noted that the Committee’s Factsheet No 25 canvasses why some people may not support Statehood – this was provided and discussed with participants.

The question of why the Statehood referendum was rejected in 1998 was discussed. This included the complexity of that referendum question and concerns about a new Territory constitution substantially drafted by members of the Government of the day which was presented to the convention delegates for consideration instead of previous Sessional Committee and Standing Committee drafts. It was noted that it became difficult to determine whether voters had rejected Statehood itself or the proposed constitution or both.

A further question related to the Northern Territory Intervention, and whether the Federal Government would have had the power to intervene if the Northern Territory had been a State – it was noted that this may have been less likely, and that the Federal Government is able to use the extensive power it have available to intervene into any territory at any time.

One issue concerned the potential for politicians to commit to supporting a change (such as land rights) as part of a process of moving toward Statehood and then rejecting it once in power. It was noted that while broken promises from politicians can and do occur the electorate has the capacity to express its views on who should form government at the ballot box. However, in relation to the Roadshow process, the Statehood Steering Committee is asking people to contribute their ideas about what should go into a constitution, so that the convention in 2011 can discuss how important these ideas are.

A further suggestion was that there could be guaranteed seats in a future Northern Territory parliament for indigenous people, similar to the process they have in New Zealand.
It was also suggested that customary law be formally recognised in the proposed constitution and for elements of customary law to be included in the legal system. Further, inclusion of cultural education into school curriculum was identified as important.

**Participation Analysis**

There was strong interest across the community with nineteen participants attending, nine women and ten men.

**Logistics Analysis**

The venue was excellent and perfectly adaptable for the forum.

Community members assisted with the barbeque.

**Critical Analysis**

Participants at the forum were strongly engaged in the issues and discussion and asked about follow-up information (one participant went on to the internet immediately to further check out the Factsheets.

**Conclusions to be drawn from Forum No 28**

There was a strong level of engagement in this community, with some participants also having strong views about the potential for Statehood and important considerations for the constitutional convention.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 29
Facilitator Name: Jackie Ohlin

Forum Location: Minjilang (Croker Island)
Forum Date: 25 August 2010

Venue: Recreation Hall
No of Guests: 14 core, up to 30, various times

Commencement Time: 1.15pm
Duration: 1 hour, 20 minutes

Standard Format Used (Yes): Variations to Standard (If applicable):
Interpreter’s Name: N/A
Language Group:

Committee Members Introductions (specific issues/comments)

No Committee members were in attendance.

Information Presentation (issues/comments)

The presentation went smoothly, with comments and questions being held over until the group discussion.

Group Discussion (issues/comments)

One view expressed was that administration of the Land Rights Act should remain with the Commonwealth Government because the Commonwealth Government has funding responsibility for heritage and because of concern that indigenous rights may regress under a State administration, if it had responsibility for land rights.

It was also suggested that strong political leadership among Aboriginal people is required.

There was a question regarding the responsibility for management and use of crown land and whether that would change should the Northern Territory become a State.

There was a view expressed that, in the constitutional convention and subsequent State Government, the views of people living in Darwin would carry more weight than those living in regional areas, such as West Arnhem, and further that constituents of West Arnhem would not be appropriately represented.

It was suggested that language rights should be included in the constitution, with Aboriginal languages to be taught in schools, as an important part of maintaining Aboriginal culture. Further, it was suggested that customary law needs to be considered in the constitution as an important means of maintaining and strengthening culture for future generations.

It was also suggested that education will be a critical factor for Aboriginal people in becoming appropriately skilled for local and regional trades and administrative jobs.

Participants queried whether the proposed Constitutional Convention in 2011 was the Referendum. They were advised that it is to be the preliminary discussion of delegates and appointees from...
across the Northern Territory to consider the content of a draft constitution, drawing on issues emerging from the Forums now under way and other sources.

Participants were keen to understand the method by which delegates would be elected to the Constitutional Convention, and this was explained.

**Participation Analysis**

Participation was approximately 50% male and 50% female. It was noted that the occurrence of a current ceremony may have accounted for some potential participants.

**Logistics Analysis**

The venue was appropriate and well-adapted for the purpose of the forum.

**Critical Analysis**

With some participants opting in and out of the Forum, it was unclear as to whether the messages being delivered had the same degree of clarity as usual. This seemed to be reflected in questions during discussion time about the role of the Constitutional Convention and the opportunity was seized to provide clarification in response to those questions.

**Conclusions to be drawn from Forum No 29**

There was a sense that some participants felt strongly about the Commonwealth maintaining responsibility for Land Rights and a concomitant strong perception about the capacity of Darwin-based elected representatives to properly understand and respond to the needs of people in the region.
Committee Members Introductions (specific issues/comments)

No Committee members were present. Johnny Namagiwa thanked the Statehood Team for coming to tell the community what is happening in the discussion about the possibility of the Northern Territory becoming a State.

Information Presentation (issues/comments)

The presentation proceeded well, in spite of a few wind gusts which threatened the projector screen and banners (ably weighted down by our cargo). Questions and comments were held over until the group discussion.

Group Discussion (issues/comments)

It was suggested that community members would prefer not to make input regarding issues to be considered in the constitution at this time, but to consider and discuss the information with staff provided and respond at a later time.

There was a query regarding whether provision for cultural rights such as ceremonies would change if the Northern Territory were to become a State. It was noted that there need be no change in this regard, and indeed that cultural and language rights of Aboriginal people could be strongly recognised in a constitution.

Comments were made by participants at the conclusion of the forum regarding their pride in the strength of Aboriginal culture locally, and a desire to ensure that that strength continues and is appropriately supported.

Participation Analysis

Twenty-one participants attended, two of whom were female. It was noted that some community members were involved in a children’s ceremony and were thus unable to be present.

Logistics Analysis

While the venue presented some infrastructure challenges, it provided a space which was central, appropriate and in which participants appeared to be comfortable.
Critical Analysis

Forum participants listened respectfully to the presentation, but clearly expressed the view that they wanted to consider and discuss the information provided in their own time.

Conclusions to be drawn from Forum No 30

This was a community which felt that it needed more time to consider the information and issues important to them before responding. If there was an opportunity for follow-up (through the Shire or Lands Council or both) this may be advantageous.
**NT 2011 Towards State 7 Information Roadshow Forum Report**

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<th>Report No:</th>
<th>31</th>
<th>Facilitator Name: Roberta Ryan</th>
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<tr>
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<td>Jabiru</td>
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**Committee Members Introductions (specific issues/comments)**

Committee Member Jamey Robertson was in attendance.

**Information Presentation**

N/A

**Group Discussion**

N/A

**Participation Analysis**

While there were no attendees at the Forum, members of the Statehood Team and Facilitator walked around the town and spoke informally to those around - predominantly non-Aboriginal people. A general view was that the town has undergone change and most people are now resident on a fly-in-fly-out basis. Locals attribute a lack of commitment to involvement in the Forum and to issues affecting the town or the Northern Territory, generally, to this factor.

**Logistics Analysis**

N/A

**Critical Analysis**

N/A

**Conclusions to be drawn from Forum No 31**

A lack of Forum participation may be due to the changed population profile of the town (as described above). In order to engage communities which comprise predominantly itinerant residents, different techniques may need to be applied (e.g. articles in Company Newsletters re the advantages of Statehood for employees; individually addressed letters or the provision of an information booth at local events regarding key facts that may interest predominantly itinerant residents, such as potentially playing to lifestyle factors.)
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 32  Facilitator Name: Roberta Ryan
Forum Location: Maningrida  Forum Date: 9 September 2010
Venue:  No of Guests: 25
Commencement Time: 10.30pm  Duration: 2 hours, 15 minutes
Standard Format Used (Yes/No):  Variations to Standard (If applicable):
Interpreter’s Name: N/A  Language Group:

Committee Members Introductions (specific issues/comments)
Jamey Robertson addressed the Forum about why he is a on the Statehood Steering Committee.

Information Presentation (issues/comments)
The presentation was well received and generated several questions.

Group Discussion (issues/comments)
The question of Aboriginal customary law, established over 40,000 years ago, and its importance to Aboriginal people’s homeland and the practice of customary law was raised. It was acknowledged that Aboriginal law, custom, language and tradition could all be given recognition in a new Constitution, and that these matters could be discussed at the Constitutional Convention next year and incorporated into a proposed new Constitution that understands and responds to the needs of everyone in the Northern Territory.

There was discussion and clarification of the rights of Aboriginal people to vote and how that has changed over time and the rights of all people in the Northern Territory to make laws and how these can be changed at any time.

The question of Aboriginal land rights was raised, including whether Aboriginal ownership of land would be recognised if the Northern Territory became a State. It was noted that the answer to this is not yet known, but that it is important, as part of this forum, to find out what people want to happen in this regard.

The question of taxation of Aboriginal land was also raised, with the suggestion that recognition of Aboriginal lifestyle and social structure needs to be taken into account in this regard.

One participant argued that Arnhem Land/the Northern Territory should become a republic as a matter of sovereignty and in order to control its own laws. The matter of a treaty with the Australian Government was also raised. It was suggested that, while it was important to hear the strength of views on this topic, these were considerations that were likely to go well beyond the desire of most of the community.

Recognition of family, culture and language connected to land were also considered important for inclusion in the Constitution.
There was a question about the process of the ceding of the Northern Territory from South Australia to the Commonwealth Government.

There was some discussion about Aboriginal authority/voice if the Northern Territory were to become a State. It was also noted that the Australian constitution does not recognise Aboriginal law, although there is some recognition in Northern Territory law about Aboriginal custom and some of the ways in which Aboriginal custom is recognised in Australian law. It was noted that the proposed Northern Territory constitution can include matters relating to tradition, culture and language.

There was discussion about the process following a referendum if it is agreed that the Northern Territory should become a State, when the Australian Parliament would pass a law to recognise the Northern Territory as a State and there would be no going back. It was noted that recognition of Aboriginal people should also occur in this document.

There was discussion about the issue of citizenship and which level of government exercises rights in this regard. It was noted that the Commonwealth Government exercises power in relation to questions of citizenship.

It was noted that protection of Aboriginal land and its oversight by traditional owners could be included in a Constitution. The need for protection of Aboriginal knowledge and culture was also identified.

Several participants indicated that it would be important for the Constitution to include a Bill of Rights. One participant indicated that it would be important for the government to stop the intervention, which was regarded as racial discrimination.

It was also noted that it will be important for Aboriginal people to be part of the process of considering the draft Constitution, and this led to discussion about the process of the Constitutional Convention next year.

Participation Analysis

N/A

Logistics Analysis

- N/A

Critical Analysis

N/A

Conclusions to be drawn from Forum No 32

N/A
Committee Members Introductions (specific issues/comments)
Nil

Information Presentation (issues/comments)
The presentation was well received and generated several questions from participants.

Group Discussion (issues/comments)
There was a question regarding the roles of respective levels of Government and their impact on Aboriginal people, including the intervention and 40 year leases, which the Commonwealth Government controls; things like schools, hospitals and clinics which the Northern Territory Government controls and the role of the Shires in relation to things like rubbish collection and small projects. One participant asked what would happen to 40 year leases if the Northern Territory were to become a State. It was noted that this outcome is not yet known, as these matters would still need to be negotiated.

There was a question about the number of representatives that the Northern Territory may be likely to have in Federal Parliament, and while the actual figure is unknown, it was noted that there would be a request for an increased number of representatives.

There was discussion about who would develop a Constitution of the Northern Territory and it was noted that it is important that people from all over the Northern Territory to be part of that process (including through participation in these forums) and for Yolngu law to be brought into that process, too.

There were questions as to which level of Government would have responsibility for Aboriginal land rights, and it was noted that, at the moment this is unknown, and this would be up to people to make their views known about where that power should reside. It was noted that Aboriginal people want power over their land. One participant suggested this was a matter that should be discussed with the Land Council Chairman. It was also noted that community members had asked the Land Council for information on its deliberations regarding Statehood.
Participation Analysis
N/A

Logistics Analysis
N/A

Critical Analysis
N/A

Conclusions to be drawn from Forum No 33
N/A
Committee Members Introductions (specific issues/comments)

Member of the Statehood Steering Committee Maurie Ryan welcomed participants and gave his reasons for supporting statehood for the Northern Territory.

Information Presentation (issues/comments)

The presentation was clear and well received. The audience mostly held questions and discussion until the discussion time at the end of the presentation.

Group Discussion (issues/comments)

There were expressions of support for the inclusion of Aboriginal cultural rights in the Constitution. In fact it was expressed that there needed to be value for Aboriginal people in the statehood process.

A quota system for Aboriginal representation in parliament was canvassed and supported as a means for a minority to have representation in parliament. There was support for the recommendation that the Minister of Indigenous Affairs to be a person of Aboriginal heritage.

It was also mooted that the community needed time to sit down and think and discuss the issues surrounding Statehood.

There was also discussion of, and support for recognition of Yolngu law in the constitution.

Participation Analysis

There was excellent discussion and strongly engaged audience. All who spoke strongly supported Statehood.

The composition of the audience was approximately 66% men to 33% women. A considerable number of participants were employed in the community and were wearing their uniforms.
Logistics Analysis
The venue was appropriate for the number in attendance, the logistics went smoothly and the catering process well supported by the adjacent barbeque and sheltered area. Members of the team had arrived the day before to garner support for the Forum.

Critical Analysis
There was strong support in the audience for Statehood. Many of the key issues were canvassed through the reasonably engaged audience.

Conclusions to be drawn from Forum No: 34
The process went well and the material presented was appropriate and well received. The audience actively participated in the discussion at the end of the presentation
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 35  Facilitator Name: N/A
Forum Location: Numbulwar  Forum Date: 14 September 2010
Venue: Basketball Court  No of Guests: 37
Commencement Time: 11.15am  Duration: 1.15 hours
Standard Format Used (Yes): Variations to Standard (If applicable):
Interpreter’s Name: Virginia Nundhirribala

Committee Members Introductions (specific issues/comments)
Statehood Steering Committee Maurie Ryan welcomed participants to the Forum and spoke of his support for Statehood and the future of the Northern Territory.

Information Presentation (issues/comments)
The presentation was clear and well received. The presenter was aided by an interpreter to assist in the clarity of the presentation. Mostly questions and comments were held until the end of the presentation.

Group Discussion (issues/comments)
Discussion centred on Aboriginal issues and a feeling that Aboriginal people are treated as second class citizens by government. There was a feeling that Aboriginal law had little recognition by the government and there was a plea for greater recognition of Aboriginal law and culture.

A clear understanding of the status of Territory law as subservient to Federal law was expressed by a speaker and he used the Intervention to illustrate the power of the Commonwealth.

Language was also an issue. Speakers expressed concern for the need to maintain the use of the local language. Discussion centred on the need for children to understand the local language to communicate with elders and for an understanding of their culture. Fluency in English was also an issue with discussion centring on the need for English for education and for interaction with the wider community as well as for career development.

Discussion regularly referred to culture and to the importance of this culture being passed on to future generations. Part of this discussion centred on weapons and their use in hunting and ceremonies.

Participation Analysis
There was strong discussion and engaged participants. An underlying theme of the discussion was discrimination against Aboriginal people.
Logistics Analysis
The venue was adequate and the logistics went smoothly.

Critical Analysis
There was a good level of participation and key opinion leaders led the discussion. While there was no outright statement of support for Statehood but there was an underlying support in the expectations of what Statehood would bring.

Conclusions to be drawn from Forum 35
The community was actively engaged in the discussion following the Statehood presentation. While various opinions were canvassed it was clear that land, culture and language were essential elements for a NT constitution.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 36 Facilitator Name: N/A
Forum Location: Ngukurr Forum Date: 15 September 2010
Venue: Under the trees No of Guests: 32
Commencement Time: 12.25 Duration: 1.15hours
Standard Format Used: Yes Variations to Standard (If applicable):
Interpreter’s Name: Kevin Rogers

Committee Members Introductions (specific issues/comments?)
Statehood Steering Committee Maurie Ryan welcomed participants to the Forum and spoke of his support for Statehood and the future of the Northern Territory.

Information Presentation (issues/comments)
The presentation went as smoothly as could be expected in the outdoors with the elements making it difficult to see the presentation. Consequently the book version of the presentation was distributed. Generally participants left their questions to the discussion time at the end of the presentation.

Group Discussion (issues/comments)
Participants in the Forum expressed concern for a future constitution to protect Aboriginal law, custom, culture and language. There was extensive discussion about education. It was agreed that the curriculum should be a Northern Territory curriculum that covered issues relevant to the NT community as well as Aboriginal language, culture and history.

It was agreed that opportunities for health services, training and education were better in towns as opposed to remote communities. It was felt that provision for equal opportunity should be enshrined in the constitution.

Support was also there for local government issues. There was a call for community autonomy to manage Ngukkur independently to the Shire.

It was suggested that the community should gather and plan what they would like to see in a constitution.

Participation Analysis
All age groups were represented at the Forum, about 33% were women and about 66% men. The discussion was dominated by male speakers.
Logistics Analysis
The outdoor location presented challenges for clearly seeing the presentation and the wind added to the difficulties of keeping the banners and the projection screen erect.

Critical Analysis
Participants at the Forum were strongly engaged in the presentation and the subsequent discussion

Conclusions to be drawn from Forum 36
There was good engagement with the program and the discussion. There seemed to be strong support for Statehood and interest in the Constitutional Convention.
Committee Members Introductions (specific issues/comments)

NT Statehood Committee members Maurie Ryan Japarta and Bronwyn Russell attended the Forum. Bronwyn Russell welcomed participants to the Forum and spoke about her involvement on the Statehood Committee and commitment to the Territory becoming a State.

Information Presentation (issues/comments)

The Statehood presentation was given at the start of the Forum, followed by a brief question and answer session.

Discussion (issues/comments)

- Participants did not ask questions in response to the Forum presentation
- Instead, the main points raised were that the Forum and the proposed move towards Statehood were new ideas for most participants, and given the complexity and importance of the issues they required more time to consider them
- As such participants felt that the Forum was useful as an information sharing session (rather than consultation session where they provided feedback), and asked about the process following the Forum and what opportunities would be available for the community to hear more about the proposals
- To this end, participants requested a follow up Forum and the Statehood team were scheduled to return to Port Keats to meet with local women’s groups.

Participation Analysis

There were 12 participants who took part in the Forum, including people from different age groups, Indigenous and non-Indigenous backgrounds, and men and women.

The NT Statehood team had contact with more than 70 people in the day and morning prior to the Forum to talk informally about Statehood

Logistics Analysis

The recreation hall venue was located on the main street and provided an accessible and suitable setting for the Forum in Daly River. The Forum proceeded smoothly.
Two interpreters were present during the Forum with the second interpreter, who had participated in the Statehood interpreter training program, joining the Forum and interpreting the presentation for participants. Feedback was that the content of the presentation was complex to interpret and participants needed further opportunities and time to engage in and understand the issues.

**Conclusions from Forum No 37**

While 12 people attended the Forum, the NT Statehood team had contact with more than 70 people in the day prior to the Forum talk informally about the proposed changes.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 38  Facilitator Name: Catriona Cameron
Forum Location: Daly River  Forum Date: 23/09/2010
Venue: Community Hall  No of Guests: 4
Commencement Time: 12.30pm  Duration: Approximately 60 mins
Standard Format Used (Yes): Variations to Standard (If applicable):
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)

Statehood Committee member Maurie Ryan Japarta attended the Forum. Maurie welcomed participants to the Forum and spoke about his involvement on the Statehood Committee and commitment to the Territory becoming a State.

Information Presentation (issues/comments)

The Statehood presentation was given at the start of the Forum, followed by an informal discussion with the four participants.

Discussion (issues/comments)

The key issues and questions raised in the discussion during and after the presentation included:

- Participants thought Statehood was an important issue for the local community and were keen to take an active role in shaping the debate and future of the Territory
- They wanted more information and discussion to understand what the implications would be for Aboriginal communities and people in the Northern Territory
- Participants had questions about how the change to Statehood would impact on the Land Rights Act and governance arrangements for Aboriginal communities. They were also interested in what the changes would mean more broadly for NT government decision and policy making
- In discussion it was agreed that, for the first time, this was an opportunity for Aboriginal people to be directly involved in shaping the constitution and governance for the Northern Territory. There was agreement that the future constitution needs to recognise the role and rights of Aboriginal people in the Territory including land, culture and language
- Participants wanted to know more about what opportunities there would be to be involved further, what information would be made available next and how Indigenous communities would be engaged.

Participation Analysis

There were 4 participants who took part in the Forum.

Logistics Analysis
The venue was well located and provided an accessible and suitable setting for the Forum in Daly River. The Forum proceeded smoothly.

Participants commented that there had been a lot of meetings and consultation activity in the area recently, with another meeting preceding the Statehood Forum.

Conclusions from Forum No 38

While there were a small number of participants at the Forum, they expressed strong interest in being involved further in NT Statehood.
Committee Members Introductions (specific issues/comments)

Maurie Ryan and Peter Schaefer, Members of the Statehood Steering Committee, were in attendance.

Information Presentation

At the time the forum was scheduled to commence, there was only one participant in attendance. Informal discussions were held about issues relating to Statehood. After a half an hour, a further two participants arrived and were provided with a brief presentation.

Group Discussion

It was indicated that, for many of the townspeople, Statehood was unlikely to be regarded as a critical issue, because many would regard their place of residence to be interstate. It was further suggested that while many people may have come to the area to enjoy the lifestyle, they may regard themselves as itinerant and therefore not connected in relation to civic matters. Interestingly, this seemed to be in contrast to many young people who participated in debates at the High School earlier in the day, who indicated their pride at being born Territorian and their desire to see the Northern Territory become a State and the benefits which might flow from that, in terms of equality with other Australians and the opportunity to establish a new Constitution with fresh ideas. Only a small minority of the students indicated a lack of interest in Statehood, because they would shortly be moving interstate.

Participation Analysis

Given the small and staggered attendance, the standard format was not followed. Participants included two males and one female.

During the day preceding the forum, 67 flyers were distributed to key organisations and individuals around the town and in those discussions, similar issues to the above were identified. One individual strongly voiced the opinion that the Northern Territory would be less equal than currently if it were to become a State.

Logistics Analysis

The venue was adequate and the set up was relatively straightforward, with the technician improvising a projector screen from a couple of tables and a white tablecloth.
Critical Analysis

Support for Statehood was expressed by the participants.

Conclusions to be drawn from Forum No 39

Speculation about the low turnout may relate both to the issues identified above and to the alleged 'late' notice of the forum.
**NT 2011 Towards State 7 Information Roadshow Forum Report**

<table>
<thead>
<tr>
<th>Report No:</th>
<th>40</th>
<th>Facilitator Name: Jackie Ohlin</th>
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</thead>
<tbody>
<tr>
<td>Forum Location:</td>
<td>Yirrkala</td>
<td>Forum Date: 5 October 2010</td>
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<tr>
<td>Venue:</td>
<td>Covered Awning, Women’s</td>
<td>No of Guests: 20</td>
</tr>
<tr>
<td>Resource Centre</td>
<td></td>
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<tr>
<td>Commencement Time: 10.30am</td>
<td>Duration: 2 hours</td>
<td>Interpreter’s Name: N/A</td>
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</tbody>
</table>

**Committee Members Introductions (specific issues/comments)**

Members of the Statehood Steering Committee Maurie Ryan and Peter Schaefer welcomed participants and gave their reasons for supporting statehood for the Northern Territory (NT).

**Information Presentation**

The presentation was clear and well received. The audience held questions and discussion until the discussion time.

**Group Discussion**

There were strong expressions of support for the inclusion and recognition of Aboriginal cultural rights in the Constitution, with the strength of Aboriginal culture, locally, being remarked upon. The role of Statehood as a healing mechanism in this regard, for the whole nation, was noted.

There were also strong expressions of support for the NT Government to have responsibility for the administration of land rights if the NT were to become a State.

There were indications from some participants that language rights were also regarded as important, with both the teaching of Aboriginal languages and education in literacy and numeracy regarded by these speakers as critical. One speaker linked Aboriginal language rights to the UN Declaration on Human Rights.

One speaker commented on the importance of health to Territorians, and expressed the hope that any changes resulting through Statehood in this regard would be positive.

One speaker indicated that responsibility for the management of Trust Funds should be included in discussions about Statehood.

The manner of the process of the Commonwealth Intervention was noted, with the view that, had the Northern Territory already been a State, this would have been unlikely to have occurred, or that consultation with communities about its impacts would have been more likely.

There were strong expressions of support for Statehood with suggestions that this needs to be accompanied by strong leadership and hard work to address the challenges that lie ahead. Requests for further information to be provided to consider Statehood issues were also noted.
Participation Analysis

There was excellent discussion and strongly engaged audience. All who spoke were in support of Statehood.

Many participants expressed their views and the composition of the audience was mixed with a good range of young/older/Aboriginal people, approximately equal numbers of men and women and 2 non Aboriginal participants.

Logistics Analysis

The venue was appropriate for the number in attendance, the logistics went smoothly and the catering process well supported by the Women’s Resource Centre and the Shire.

Critical Analysis

There was strong support in the audience for Statehood. Many of the key issues were canvassed through the highly engaged audience. There was a good level of participation and inputs were well received.

Conclusions to be drawn from Forum No 40

The process went well and the material presented was appropriate and well received.
Committee Members Introductions (specific issues/comments)

Members of the Statehood Steering Committee Maurie Ryan and Peter Schaefer welcomed participants and gave their reasons for supporting statehood for the Northern Territory (NT).

Information Presentation

The presentation proceeded at a slower pace, due to the interpreter’s desire to present the issues appropriately. While this, at times, caused some discussion about the purpose and the intent of the forum, participants were brought back to the intent, and were patient throughout.

Group Discussion

There was discussion and several questions from a number of audience members about the proposed role of Statehood, whether it would result in greater independence for the Northern Territory, whether laws may change and whether there would be effects on services, such as bilingual education.

There were strong expressions of support for Aboriginal cultural rights and Aboriginal customary law to be recognised in the draft Constitution.

Language rights, including bilingual education, were strongly supported.

There was a strong expression of support for Yolngu democracy to be recognised in the Statehood process, with some audience members suggesting the need to ensure the representation of Yolngu people in parliament.

There was also general discussion about the issue of treaty, and it was noted that this relates to the jurisdiction of the Commonwealth Government.

The importance of the Constitution to acknowledge that communities across the Northern Territory will have different needs, and that these will need to be adequately catered for was identified.

There were also several strongly expressed views about the need for Aboriginal and non-Aboriginal people to work together to achieve Statehood.

Participants queried the term ‘constitution’ and expressed the view that they needed the opportunity to carefully consider all of the information and issues as a community prior to the Constitutional Convention, and asked whether they may be funding available to assist them to come together for such a discussion. It was indicated that this request would have to be
considered by the Statehood Steering Committee, but participants were urged to engage in discussions with the Lands Council and the Shire about the information received at the forum.

**Participation Analysis**

As noted above, while discussion was sometimes stilted due to the need for interpretation of difficult concepts, the audience was patient and thoughtful. The need for further discussion prior to making decisions was noted.

Participation was mixed in terms of gender and age, with a good many older people being part of the audience. Four non-Aboriginal people participated.

Some 50 people were contacted prior to the forum and encouraged to attend. Many of them indicated a strong interest in Statehood.

**Logistics Analysis**

The venue was appropriate, if a little warm by the completion of the forum as the shifting sun found the presenters at centre stage. The logistics went smoothly, with the CDEP staff cooking the barbeque and Women's Centre providing other logistical support.

**Critical Analysis**

While there was some support in the audience for Statehood, as indicated above, many felt there was a need for further community discussion to occur. However, some key issues were identified and there was passionate input by some of the community members.

**Conclusions to be drawn from Forum No 41**

The interpreter performed extraordinarily well, having not previously seen the materials. There will be a need for follow up advice on the outcome of the request for funding assistance.
Committee Members Introductions (specific issues/comments)

Maurie Ryan and Peter Schaefer were in attendance

Information Presentation (issues/comments)

N/A

Group Discussion (issues/comments)

A key issue emerging through the personal contacts (see below) was a recurring query about what Statehood means/what the effects of Statehood might be for individuals and communities.

Participation Analysis

There were no attendees at the forum, although invitations were distributed prior to the forum and personal contact was made with approximately 50 residents in two Aboriginal communities and with organisations and individuals in Alyangula on the morning of the forum.

Logistics Analysis

- Venue

The venue was appropriate for the purpose.
Committee Members Introductions (specific issues/comments)

Maurie Ryan and Peter Schaefer spoke about why they are on the Statehood Steering Committee and why Statehood is important to them.

Information Presentation (issues/comments)

While the presentation went as well as possible, it was felt that there may have been some issues regarding the level of comprehension as there was no interpreter available due to attendance at a funeral.

Group Discussion (issues/comments)

Key issues to emerge from the discussion included the importance of recognising Aboriginal culture, language rights and education and cultural awareness of all cultures.

There was also a question from the audience regarding the voting process for the Constitutional Convention.

Participation Analysis

All age groups were represented. Approximately 10 of the participants were women and 14 were men.

Logistics Analysis

The venue was appropriate and the forum was exceptionally well supported by the Shire staff and community members who assisted with the barbeque.

Critical Analysis

There was concern that the level of comprehension among participants during the presentation. However, several participants had informal discussions with team members following the forum, where some issues and concerns (for example about the effect of Statehood on health funding) were clarified.
Conclusions to be drawn from Forum No 43

The level of comprehension may have been improved with the addition of an interpreter. The need to simplify several terms used in the presentation was also noted.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 44  Facilitator Name:N/A
Forum Location: Kintore  Forum Date:19 October 2010
Venue: Basketball Court  No of Guests: 29
Commencement Time:12.30  Duration:1.20
Standard Format Used :Yes  Variations to Standard (If applicable):
Interpreter’s Name: Irene Nangala

Committee Members Introductions (specific issues/comments)
Irene Nangala was present but as she was also the interpreter she did not feel comfortable to speak on behalf of the committee.

Information Presentation (issues/comments)
The presentation went fairly smoothly with most participants holding their comments and questions to the end of the presentation. There was, however, an inquisitive participant who was always one question ahead of the slides in the presentation.

Group Discussion (issues/comments)
There was little questioning and group discussion at the end of the Forum except from a couple of men who dominated the discussion. A large amount of time was spent discussing Aboriginal culture and the importance of culture to be respected and included in the constitution. A major discussion point was about how cultural secrets would be included in the constitution because, after all this was secret. One participant was very keen for an additional Forum after there had been time for them to consider how to resolve this problem.

Time was also spent discussing the importance of language and the need for language to be respected and valued in a new state constitution.

One participant seemed to come from the position where he was strongly in favour of Statehood as it would strengthen the Territory Government. He was, however, adamant that the Land Councils should continue to work with the Federal Government and not the Territory Government.

Participation Analysis
There was a fairly even spread of men and women attending the Forum and ranged in age from middle age up. There was an obvious absence of young people attending the Forum. While participants appeared to be engaged in the presentation only a small male dominated group engaged in discussion.
Logistics Analysis
The venue was large and more than satisfactory for the number of people who attended. Set up was delayed as keepers of keys were difficult to locate.

Critical Analysis
The process went well and the material presented was appropriate and was well received. The participants engaged in the discussion were generally in support of Statehood, while the more passive participants seemed to be in agreement with the spokespeople.

Conclusions to be drawn from Forum 44
At the conclusion of the Forum a couple of the participants remained behind to engage the presenter in a discussion about culture. While adamant that respect for culture should be included in a Territory constitution there was ongoing concern for the nature of secrecy of various aspects of culture.

Overall the Forum was well received and many participants saw a need for further discussion.
NT 2011 Towards State 7 Information
Roadshow Forum Report

Report No:45 Facilitator Name: N/A
Forum Location: Alice Springs Forum Date: 20 October 2010
Venue: Lhere Artepe Boardroom No of Guests: 5
Commencement Time: 10.30 Duration: 1.15 hours
Standard Format Used: Yes Variations to Standard (If applicable):
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)
No committee member attended.

Information Presentation (issues/comments)
The presentation went smoothly and with such a small group of people discussion during the presentation was not disruptive.

Group Discussion (issues/comments)
It was an articulate and animated discussion that continued throughout the presentation. Participants were quite shocked to discover the amount of control the Federal Government has over the Northern Territory. Discussion then moved into the notion that this was not only important now but important for their children.

The group was pleased to see that the NT is already funded to the same formula as the states. Discussion then moved into children’s sport and the need to not only have it funded but to have funding available to talented Territorians travel to sporting events. They speculated about how such provisions could be written into a constitution.

Language was an issue. There was concern that children are losing their language. All agreed that language tuition should be available in schools and failed to see why foreign languages take precedence over local indigenous languages in local schools. There was strong agreement that language should be protected by the constitution.

This discussion then moved to the government custom of referring to Aboriginal people as a group with little or no recognition of tribal groups. While the participants thought it was important to include reference to Aboriginal culture, law and language they also thought it was important to reference tribal identities.

There was discussion of the relocation of the responsibility of the Land Rights Act from Canberra to Darwin. While it was generally agreed that this was a good idea there was some hesitation prompted by the experience of the Territory Government.
Participation Analysis

There was strong discussion from thoughtful, engaged and articulate participants. From the material presented in the forum and the subsequent discussion all realised they were in favour of Statehood. All participants were women.

Logistics Analysis

The boardroom was a more than satisfactory venue and the set up went smoothly.

Critical Analysis

There was general support from the participants for Statehood, who regarded it as essential for the future and for their children. There was a good level of participation with all attending the Forum joining in the debate.

Conclusions to be drawn from Forum 45

The Forum went well with active dialogue between the presenter and the participants. Participants were in favour of Statehood.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No:46 Facilitator Name: N/A
Forum Location: Ali Curung Forum Date: October 2010
Venue: Under the awning of the Shire Office No of Guests: 30
Commencement Time: 10.30 Duration: 1.20 hours
Standard Format Used: Yes Variations to Standard (If applicable):
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)

There was no committee member in attendance.

Information Presentation (issues/comments)

Presentation went smoothly with questions held over until discussion time at the end of the presentation.

Group Discussion (issues/comments)

The interaction at the end of the presentation was little discussion but rather a series of men offering their opinions. These can be summarised as follows

- There was support for protection and recognition of Aboriginal culture in the constitution
- Opinion varied as to whether responsibility for the Land Rights Act should be left with Canberra or transferred to the Northern Territory. This discussion drifted into the current situation with the power of the Shires. Opinion was expressed that it should be the community making the decisions and not the Shire and if Statehood was achieved this should be the situation too.

Autonomy in local decision making was a topic reinforced a number of times.

- That customary law be formally recognised in the proposed constitution and that elements of customary be included in the legal system.
- It was generally agreed that guaranteed seats in parliament was a model they would support.
- There was an expressed need by the participants for the team to return and continue the discussion after the community had time to discuss and think about the information provided.
Participation Analysis

While there was communal discussion at the end of the presentation, the public speaking seemed to be left a small number of older men. Several people, some who had not attended the Forum engaged the presenter in conversation at the conclusion of the presentation.

Logistics Analysis

The venue was suitably located and provided an appropriate setting for the Forum. The Forum proceeded smoothly with barbeque facilities adjacent to the meeting area.

Critical Analysis

There was strong interest from the participants in Statehood. The spokesmen were keen to respond with many comments being filtered through the need for community autonomy.

Conclusions to be drawn from Forum 46

There seemed to be general support for Statehood. Many wanted the opportunity to discuss the issues again after they had time to reflect and discuss the issues raised in the presentation.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 47 Facilitator Name: Jackie Ohlin
Forum Location: Coolalinga Forum Date: 8 November 2010
Venue: Litchfield Christian School, Bees Creek No of Guests: 3
Commencement Time: 6 pm Duration: 1.5 hours
Standard Format Used Variations to Standard (If applicable):
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)

Margaret Vigants spoke about the importance of the equality of her vote with that of people in other parts of Australia as her driving passion for involvement in the Statehood Steering Committee.

Information Presentation (issues/comments)

A couple of the participants queried the need for the Northern Territory to become a State. Concerns included the capability of current politicians and their capacity to address the problems they face.

One participant strongly suggested the need for checks and balances, including a process of review of decisions of the Lower House, and queried whether this could occur due to perceived cost, if the Northern Territory were to become a State. A review process to the Crown was suggested by the participant as an alternative.

One participant expressed concern about the funding available to the Northern Territory if it were to become a State, indicating dependence on the other States for the Northern Territory’s share.

Concern was also expressed that the Administrator might not represent the Queen. This was followed up with advice provided about the interaction between s.32 and s.35 of the Self Government Act and the role of the Commonwealth Minister and the role of the Crown.

Uranium mining, National Parks and sea rights were cited by a participant as areas over which the Commonwealth currently has control which were not mentioned in the presentation. In response, participants were informed that these are all areas where there would need to be negotiation with the Commonwealth, if the Northern Territory were to become a State, as responsibility for these would not automatically revert to the State for administration.

Concern was also expressed by one participant at the division caused among Australian people by focussing on Aboriginal people. Having reserved places for Aboriginal people in Parliament was also opposed by this participant.

Concern was also expressed by one participant that only supporters of Statehood would be represented at the Constitutional Convention and not older people or those with conservative views.
One participant suggested the need for a greater majority, eg 75% to carry a referendum for Statehood. The forum was informed that there are clear rules established for the conduct of a referendum.

The forum concluded with discussion about the indicative process for the nomination and election of representatives to the Constitutional Convention.

**Participation Analysis**

Participants (two women and one man) were interested in the content of the presentation and were engaged in terms of their levels of interest in the issues.

**Logistics Analysis**

The venue was well-appointed and the process of the forum ran smoothly.

**Critical Analysis**

There was a good level of discussion regarding the issues.

**Conclusions to be drawn from Forum No 47**

While attendance was low, the level of engagement on issues was strong. However, there is still a need for clear, factual information about Statehood to be made available, as participants can still be operating on misinformation.
Committee Members Introductions (specific issues/comments)
Statehood Steering Committee member Margaret Vigants, addressed the forum about why she is a member of the Committee, and her passionate belief in the need for residents of the Northern Territory to be on an equal basis with those in other States.

Information Presentation
The presentation was clear and straightforward. Participants held questions until its conclusion

Group Discussion
Participants identified the need for compulsory inclusions (eg describing the Parliament and the Executive, Budgetary arrangements and the relationship with the Judiciary) in a proposed Constitution for the Northern Territory.

One participant suggested that the name of North Australia or Northern Australia could be considered, rather than the Northern Territory, should it become a State.

It was suggested that the flag of the Northern Territory does not need to change.

It was suggested that it would be important to recognise Aboriginal rights in the Constitution, in particular addressing better integration between Aboriginal and other people.

The possibility of laws passed by the Northern Territory Legislative Assembly being overturned by the Commonwealth Government was noted.

One participant noted that the Northern Territory had previously been disadvantaged in relation to industrial relations legislation.

There was further discussion regarding the origins of the Statehood Steering Committee and processes which could be employed to encourage stronger consideration of issues in relation to Statehood across the community, generally. It was suggested that community apathy and resistance to change are both factors in relation to the involvement of individuals in the Statehood issue. While it was suggested that there may be a need for additional funding for a media campaign, it was also acknowledged that some people do not pay attention to what is regarded as ‘political advertising’.

There was also discussion regarding the proposed process for the Constitutional Convention, in particular participants wished to know about the election process for delegates and whether specialists would be on hand to assist delegates.

One participant noted, in relation to the proposed referendum on recognition of Aboriginal people in the Australian Constitution, that many Territorians would not realise that their vote would not be counted twice in a referendum vote (ie once in the general population vote but not in the count for a majority of States).
Participation Analysis
On conclusion of the forum, participants remained in informal discussion for approximately 20 minutes.

Logistics Analysis
The forum venue was well appointed and all logistics operated smoothly.

Critical Analysis
Although there were few people in attendance at the forum there was a good level of interest in the issues and the process.

Conclusions to be drawn from Forum No 48
Participants had some clear ideas about matters to be considered in a draft Constitution, but were more concerned about ensuring that people are aware of the process, the impact, currently on their rights and the changes this would make if the Northern Territory were to become a State.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 49 Facilitator Name: Jackie Ohlin
Forum Location: Timber Creek Forum Date: 25 November 2010
Venue: Victoria Daly Shire Council Courts No of Guests: 8
Commencement Time: 11am Duration: 1 hour 10 minutes
Interpreter’s Name: N/A

Committee Members Introductions (specific issues/comments)
Margaret Vigants, from the Statehood Steering Committee, spoke about why being part of the Committee and striving for Statehood is important to her.

Information Presentation
The presentation went smoothly. Questions were held until the end of the presentation

Group Discussion
Participants expressed strong support for the inclusion of language rights and cultural rights in a draft Constitution. It was noted by one participant that this is ‘in our heads’ but important to be written down so that others can understand and recognise Aboriginal rights, too!

There was discussion about Land Rights, with participants noting that this is an important issue which needs to be further discussed within communities and particularly with elders.

There was general support among participants for Statehood.

Participation Analysis
The participants were predominantly older Aboriginal people, with two males in attendance.

Logistics Analysis
The venue was appropriate and well-appointed, although a little way out of the centre of town, which meant that participants relied upon transport (which was provided) to attend.

Critical Analysis
It was suggested that a current court case, graduation ceremonies at schools and the presence of Centrelink in town may have affected attendance numbers, however those who participated were interested and engaged.

Approximately 15-20 people were contacted by the Statehood team prior to the forum, around town, at 3 town camps and at the resource centre and school.
On conclusion of the forum, one participant who was watching the video suggested that it should be distributed to communities for viewing at events.

Conclusions to be drawn from Forum No 49

While there was not a large attendance, participants at the forum raised a range of familiar issues and concerns, and offered a valuable suggestion for future awareness-raising about Statehood.
NT 2011 Towards State 7 Information Roadshow Forum Report

Report No: 50 Facilitator Name: Jackie Ohlin
Forum Location: Kalkaringi Forum Date: 26 November 2010
Venue: Old Health Clinic No of Guests: 25
Commencement Time: 11 am Duration: 1 hour, 30 minutes
Interpreter’s Name: Rosemary

Committee Members Introductions (specific issues/comments)

Members of the Statehood Steering Committee, Maurie Ryan and Margaret Vigants, spoke about why Statehood and being on the Committee is important to them.

Information Presentation

The presentation went smoothly, with several questions of clarification during the presentation, although most questions were held until the end.

Group Discussion

Participants expressed strong support for the inclusion of cultural rights and language rights in a draft Constitution.

One participant suggested that the Constitution should also include and expression of Human Rights, with the aim of ensuring equality for Aboriginal people along with the rest of the population.

There was considerable discussion about Land Rights, with the suggestion that this was an issue which would require further consideration among community members, the Land Council and particularly with Traditional Owners.

One participant queried whether Aboriginal people would be better or worse off if the Northern Territory were to become a State. This prompted a discussion about recent factors which had influenced general welfare, including the Intervention.

One participant inquired whether Darwin would still be the capital if the Northern Territory was to become a State, prompting a good-humoured discussion about the potential for Kalkaringi to lay claim to becoming the new State Capital!

Participation Analysis

The male/female ratio among participants was approximately 50%. There was a good mix of older and younger participants.

Logistics Analysis

The venue was small and particularly hot (but was apparently the venue preferred by participants).
Critical Analysis

There was a good level of engagement among participants and lots of lively discussion about issues.

Conclusions to be drawn from Forum No 50

Participants remarked upon the strength of local history regarding land rights and the quest for equal rights as factors which should strongly underpin steps toward Statehood.
Part 4  Looking Forward

Timeframes and Key Dates

The 1st of January 2011 marks precisely 100 years since the Northern Territory was last part of a State.

On that day the Commonwealth formally accepted the Northern Territory as a territory surrendered by the State of South Australia pursuant to s.111 of the Australian Constitution.

It will also be the date the SSC releases its Information Paper entitled *What Might the Terms and Conditions of Northern Territory Statehood be?*

The Information Paper is being released to promote discussion about the role of the Commonwealth to engage with the Northern Territory about what it will and will not allow for a new State. For instance, will representation in the Commonwealth Parliament eventually be equal to the original States? Will the Territory have the same law making powers as existing States? The paper is available at www.ntstate7.com.au.

Interested Territorians may also wish to examine other publications relevant to the next steps towards Statehood, such as:

- Select Committee on Constitutional Development *Discussion Paper on Representation in a Territory Constitutional Convention* (October 1987)
- Ministerial Statement on Constitutional Development by Chief Minister Stone (Hansard 4 December 1997)
- The LCAC *Report into Appropriate Measures to Facilitate Statehood* (tabled in the Legislative Assembly on 27 April 1999)5

These documents provide some historical perspective and background on what might be required for a successful convention.

The Select Committee paper briefly canvassed the models of wholly elected, partly elected and partly nominated and wholly nominated conventions. History tells us that the 1998 Statehood Convention was wholly nominated notwithstanding the fact that the nominated organisations could elect their candidates to attend the Statehood Convention.

The Select Committee suggested that delegates for a convention should be selected by the Assembly on the advice of the Committee. This approach was not followed.

Ten years later in 1997, the then Chief Minister’s Ministerial Statement details the selection process for the nominees:

*Delegates to the Convention will be as follows. The elected delegates will comprise 2 persons elected by the Local Government association of the Northern Territory, 1 from municipal councils and 1 from community government councils....*6. And the list went on to name all of the organisations from which delegates could be elected.

It is worth noting that the Chief Minister’s speech was also pre-emptive and prescriptive about what could and could not be entrenched in a future constitution.

5 These documents can be found at http://www.nt.gov.au/lant/

6 Hansard page 439
The SSC has noted the previous process and emphasises the 2011 Program should not repeat these mistakes. The SSC entrusts the LCAC to task the NTCCC with a brief to undertake an inclusive and democratic process.

The SSC has received some legal advice on the convention process and notes the 1998 process was not underpinned by legislation passed in the Territory or the Commonwealth and: *The Territory would not need to pass legislation in order to establish a Constitutional Convention beyond appropriating the moneys required for that purpose. A single line entry into the Appropriation Act would be sufficient.*

However the advice notes that legislation might be required for the machinery of the election of the delegates where the vote is to be compulsory.

The SSC has no view on whether the election of delegates to the Convention should be compulsory or not and leaves this as a matter for the NTCCC to advise the LCAC.

The SSC has however recommended the Office of the Statehood Steering Committee should continue in existence to support the planning and delivery of the Convention. The LCAC has agreed with this approach and the Statehood Office will support the NTCCC Program in 2011.

The branding of the *NT 2011 Towards State 7 Information Roadshow* will change from 1 January 2011 to become *NT 2011 Towards State 7 Constitutional Convention*. This will continue the logo and corporate colours which commenced earlier in 2010 but move the brand to the next phase.

The SSC suggested the convention not be called a ‘Statehood Convention’ rather it be a Constitutional Convention. This will distinguish it from the 1998 Statehood Convention. The LCAC has agreed with this approach and it is understood the proposed NTCCC will be tasked as the Constitutional Convention Committee to deliver the Convention.

The SSC has suggested that the elected Convention delegates not be delivered many volumes of written reports and reading material, nor should they be given a draft constitution to work from. Rather, it is suggested the elected delegates be provided with a copy of the Information Roadshow Forum Reports and that the process of developing the text of a constitution be assisted by the two panels of appointed (non-voting) advisers and the active presence of Parliamentary Counsel drafters.

By not having a draft constitution to work from, the delegates will be able to range widely across many ideas and be advised on the technical and other consequences ahead of formal votes on the proposed content.

The LCAC has accepted this proposal in principle and the NTCCC will be integral to the delivery of the final approach.

As outlined in the ten specific recommendations in Part One above, the SSC advocates a process which is undertaken in two distinct phases with an intervening exposure draft document being released for public consultation and consideration.

While it will be a matter for the NTCCC to convene and advise the LCAC early in 2011 the SSC has considered a number of models throughout 2010 and has suggested there should be 75 persons elected as delegates comprised of three from each of the existing NT electoral divisions to be supported by conference staff and (non-voting) advisers such as legal and constitutional experts, community representatives, Aboriginal elders, young people, business and religious groups and other persons deemed by the NTCCC and the LCAC as relevant to delivering a successful convention.

Once the delegates are elected, the SSC proposes a timeframe as follows:
- November 2011 Constitutional Convention Commences - In Darwin over ten days.
- February 2012 Release of Exposure Draft Constitution - Delegates should be asked to be active in their communities to discuss the Draft Constitution in anticipation of the Convention reconvening in Alice Springs in November 2012. Public Submissions also invited during the exposure period.
- [August 2012 NT Election]
- November 2012 - Convention reconvenes to consider the Exposure Draft Constitution and ratify a Final Draft - In Alice Springs over three to five days
- February 2013 Final Draft Constitution debated in the Legislative Assembly
- May 2013 Message sent to Commonwealth advising of this milestone advising that the Final Draft Constitution is agreed to and requiring Commonwealth action pursuant to s.121 of the Australian Constitution.
- Late 2013 - Referendum on Statehood.

The SSC supports the role and functions of the proposed NTCCC. Some of the SSC members have indicated they may nominate to be elected as delegates to the Convention.

The SSC encourages as many Territorians as possible to do the same.
Part 5

Conclusion

As mentioned in Part Two above, a Work Plan was developed by the SSC in February 2005 outlining seven distinct phases over a timeframe of approximately five to six years.

The SSC was always acutely aware of the need for flexibility and the Work Plan remained subject to constant review and further consideration by the Committee during its existence.

As indicated in Part 1, the LCAC and the SSC agreed the SSC should deliver phases one to four however, phases five to seven were quite distinct and a 22 member committee was perhaps not the ideal vehicle to deliver these aspects.

It was mutually agreed however, that a 22 Member highly representative committee had been ideal for the delivery of the first four phases of the program.

In conclusion, the Committee provides a short review of the approach undertaken and looks at how phases 5-7 should proceed.

Phase 1 Establishing the Committee

The establishment of the Committee, support and ongoing management of its needs took place as outlined in Part Two above. Budget restrictions in the early years limited the capacity of the SSC to advance through the identified phases as quickly as anticipated.

Phase 2 Education

This phase was originally anticipated to take approximately two concerted years with outreach to schools, community groups and individuals to provide a solid grounding and understanding of what Statehood means right across the Northern Territory. However the SSC with a small secretariat and members with other interests and obligations competing for their time meant this aspect of the program became a constant feature over the five years of the Committee’s existence.

Phase 3 Consultation

The SSC was charged with undertaking significant consultation in the context of developing a new Constitution for a future State.

Originally it was envisaged this phase would involve the promulgation of a draft model constitution after the consultation phase had released the Discussion Paper in 2007. However the fairly low response rate to the Discussion Paper and the complexity of the issues involved informed the Committee that the information delivery and ideas gathering process needed to be deeper and longer and more focused on ideas rather than models.

While the Consultation Phase flowed logically from the Education Phase it was not until a specific budget allocation in 2009 enabled the 2010 Information Roadshow Forums to progress, that this aspect of the Program really took off.

Phase 4 Public Meetings and Hearings

This approach was to have been a public examination of a draft document; however it was re-designed and folded into the Information Roadshow Forums instead.
Phase 5 Finalising Legal Requirements for Entry to the Federation

This phase of the Committee’s work envisaged the publication of a definitive document from the Northern Territory and the Commonwealth advising all Australians what the final conditions of entry to the Federation the new State must agree to.

During 2006, the Statehood Steering Committee submitted that the Northern Territory Government should engage at a Government to Government level about the possible terms and conditions of Northern Territory Statehood which would be both satisfactory to the Commonwealth and known to the people of the Territory.

It is understood that the Territory Government has made a number of overtures to the Commonwealth; however the 2007 and 2009 ministerial visits to Canberra have resulted in a ‘catch 22’ response.

The Commonwealth has advised it will support the Territory becoming a State once the Territory people publicly demonstrate they want Statehood. Yet the SSC has consistently argued that the people of the Territory cannot know if they want Statehood if they are not advised of the terms and conditions of Statehood.

The people of the Territory can only do half the job. We can develop our own draft constitution and decide that we would like it to be the basis for a new State, however, the Commonwealth might reject such a draft constitution and thus the views of Territorians may not be reflected in any imposed terms and conditions of Statehood.

The failure of the Commonwealth to respond at all, let alone favourably to the single recommendation in the 2006 House of Representatives Legal and Constitutional Affairs Committee Report: The Long Road to Statehood\(^7\) remains disappointing.

The recommendation was: **The Committee recommends that the Australian Government update and refine its position on Northern Territory Statehood and re-commence work on unresolved federal issues.**

The SSC agrees with this recommendation.

In order to maintain momentum the SSC has produced an Information Paper\(^8\) on this topic for dissemination and consideration while the next steps are taken by the newly created NTCCC.

Phase 6 Constitutional Convention

As outlined in Part Four above, the SSC supports the process towards a Constitutional Convention to be overseen by the NTCCC as a discrete advisory Committee to the LCAC to deliver a democratic convention process.

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\(^8\) Available from 1 January 2011 on the website www.ntstate7.com.au
Phase 7 Referendum

The SSC maintains the view that this can only occur once the majority of Territory residents have had an opportunity to participate in a democratic convention process and the Commonwealth has made it known what the terms and conditions of Statehood will be.

Final Words

Finally, the SSC wishes to thank all Territorians who have taken part in the Statehood Program to date and encourage those who have not, to consider taking part during 2011. The SSC looks forward to a successful and interesting Constitutional Convention.
ANNEXURE A

Northern Territory Statehood Steering Committee

Members
Hon Jane Aagaard MLA (Chairman)
Fran Kilgariff (Co Chair)
Kezia Purick MLA
Marion Scrymgour MLA
Daniel Bourchier
Luke Bowen
Kathleen Chong-Fong
Wayne Connop
Brian Martin AO MBE
Jenny Medwell OAM
Irene Nangala
Harry Nelson
Sean Parnell
Jamey Robertson
Bronwyn Russell
Maurie Ryan Japarta
Peter Schaefer
Matthew Storey
Margaret Vigants
Bob Wade
Ray Wooldridge
Wali Wunungmurra

Former Members
Sue Bradley AM (Co Chair 2005 - 2008)
Pete Davies (2005 -2009)
Kim Hill (2005 -2006)
Stuart Kenny (2005 -2009)
Hon Malarndirri McCarthy MLA (Chairman 2006 -2009)
Elliot McAdam MLA (Chairman 2005 -2006)
Terry Mills MLA (2005-08)
Geoff Shaw AM (2005 -2006)
Galurrwuy Yunupingu AM (2005)
Loraine Braham MLA (2005 – 2008)
Michael Gunner MLA (2009-2010)

Committee Officers
Secretary/Executive Officer Michael Tatham BA LLB LLM (2005-2008 & 2009-2010)
Program Manager Dennis Meehan BA Dip Ed M Ed
Community Liaison Nora Kempster
Events Manager Matthew James
Administration Tanya Hardy
Legal Adviser Michael Grant QC Solicitor General
Executive Officer Carolynne James (2008-2009)
Administration Sharon McAlear (2005-2007)
Administration Marise Riddell (2007-2009)
Media & Promotions Poppy Lelikis (2008-2009)
Annexure B
Minutes of Statehood Steering Committee Meetings 18-27
Meeting No. 18

6 October 2008

Present: Chair Malalndirri McCarthy MLA; Co Chair Fran Kilgariff; Daniel Bouchier; Wayne Connop; Brian Martin; Irene Nangala; Kathleen Chong-Fong; Harry Nelson; Kezia Purick MLA; Jamey Robertson; Maurie Ryan; Peter Schaefer; Ray Wooldridge, Michael Gunner MLA

Also in Attendance: Carolyne James; Nora Kempster; Poppy Lelekis; Marise Riddell; Pat Hancock

Apologies: Jenny Medwell; Matthew Storey; Margaret Vigants

The meeting commenced at 10.05 am.

1. Minutes Meeting 17

Mr Ryan moved, Mr Martin seconded

Minutes of Meeting 17 accepted as drafted.

2. Matters Arising

Clarification sought and noted on Terms of Reference review including members to have option of sitting on interview panels.

3. Newsletter

Ms Lelekis presented the plans for a revamped newsletter including moving to an e-Newsletter format. The e-Newsletter would self-manage subscribers and allow the collection of data regarding visits to the web-site at a cost of 5cents per hit.

AGREED that the newsletter needed a new format, including possibly a name and its own masthead

AGREED that expression of thanks to Sue Bradley be placed in the next newsletter

Following discussion on various options for increasing the impact of Committee Communication with the public, Ms James noted that the historical purpose of the Newsletter was to communicate
the Secretariat’s activities with those who had added themselves to our database and as such has not been directly targeting recruiting supporters, though this is envisioned to change.

Members suggested that there may be a need for a more general brochure and poster on Statehood for distribution in hotels, tourist offices etc. The Secretariat to explore this further as part of next year’s workshops.

4. Final Call for Submissions on “Constitutional Paths” Paper

AGREED that “want” be changed to read “would like” + add thanks to those who have already submitted.

AGREED that we will have a media release to go out on 15th November to mark the close of submissions.

AGREED that, in regard to the NT NEWS, the advertisement is to be published only on Saturday 11th October

5. Proposed November and December Activities

Ms James highlighted the plan to “keep the momentum” with the signing of Feet during the months to Christmas.

Ms Kempster will continue with her community liaison activities until weather makes it difficult.

Ms Kilgariff mentioned that the Committee had “met its allocation” of meetings for this calendar year.

Mr Robertson expressed his reservations that all the planning work related to the planning of the 2009 Workshop Program will go on without the Committee being able to contribute to it until it is well underway, and opportunity to shape it would be lost.

Mr Ryan expressed his supporting reservations, noting that he did not want to have his name on a program to which he had been unable to contribute even though he is a willing member of the Committee. Also expressed the need to have another meeting this year ahead of the difficulties for travel created by the Wet Season rains.

Mr Ryan added further concerns regarding timely payment of Sitting Fees, Travel Allowance, and securing of accommodation.


AGREED that the Committee’s visit be deferred and that the Minister and the Leader of the Opposition explore options for a later visit by the Committee during their forthcoming visit to the Federal Parliament.

7. Workshop Development Discussion

The purpose of discussion is to enable endorsement by the Committee of a strategy for the Workshop Programs in order to submit a request to Cabinet for funds.

Communications - Members reiterated the importance of keeping all communications, bipartisan. Possible slogan – “Statehood. Democracy. Now.” Suggested by Mr Martin and strongly supported by Mr Ryan.
AGREEED that Statehood is about democracy and that this is the unifying factor which must be presented clearly to the people of the Territory.

Staffing Options – AGREED that it will be necessary to augment staff; new workers must be able to create and produce high quality, appealing materials and communication tools.

Outside Facilitation - AGREED – a contracted professional facilitator would ensure the best in the workshops, as well as the generation and presentation of higher quality outcomes reports.

Youth Focus - Discussion pointed out the need to ensure the needs of special sectors of our citizenry are targeted to generate their involvement (youth, seniors, labourers).

AGREED that a musical message (a jingle) would be an essential tool in developing a clear public identity for this program.

Interest in Workshop Modules:

Ray – Mining, Local Government, Constitutional Options

Daniel – Introduction, Human Rights, Convention Process

Harry – Land Rights, Customary Law, Mining

Maurie – Introduction, Constitutional Options, Land Rights, Indigenous Rights, Customary Law, Mining

Brian – Introduction, Constitution Options, Convention Process

Irene – Land Rights, Customary

Peter – Constitutional Options, the Convention Process, Financial

Jamey – Human Rights, Constitutional Options, Public Sector

8. Other Business

8.1 Further Meetings 2008.

Members expressed a strong desire for a meeting following the results of the submission just to refine matters whatever the outcome of that.

AGREED That if the Submission for funding is successful, a teleconference be called to progress the planning already done.

AGREED that the Committee will wait until the outcome of the Submission, Following which the Executive will set the date for the next meeting of the Committee.

8.2 Remuneration Matters

Matters relating to the payment of Sitting Fees, Travel Allowance, Mileage and Accommodation.

ACTION. The Secretariat address matters relating to the time lapse in processing the various allowances for members.

8.3 Other
Web site presentation – AGREED that the Secretariat hasten the updating of this vital communication point. Noted: That the use of WordPress Software has already been approved by the Committee.

Land Councils are going to put through a suggestion to workshop the Batchelo/Kalkaringi Statements

While at the Garma, Jack Thomson declared his support for Statehood – perhaps he would be a champion for Statehood.

**Meeting Declared Closed at 2.30pm**
Meeting No. 19

13 February, 2009

**Present:** Chair Malarndirri McCarthy MLA; Co Chair Fran Kilgariff; Daniel Bourchier; Wayne Connop; Brian Martin; Irene Nangala; Kathleen Chong-Fong; Harry Nelson; Kezia Purick MLA; Jamey Robertson; Maurie Ryan; Peter Schaefer; Ray Wooldridge, Matthew Storey, Sean Parnell, Luke Bowen, Wali Wunungmurra, Jenny Medwell, Margaret Vigants

**Also in Attendance:** Carolyne James; Nora Kempster; Poppy Lelekis; Marise Riddell; Pat Hancock, Beth Midgely

**Apologies:** Michael Gunner MLA, Stephen Milne (Unions NT)

Meeting Opened 08.45

**The Hon Malarndirri McCarthy MLA** opened the meeting welcoming the new members at the table, and commemorating the Anniversary of the National Day of Apology on this date in 2008.

**The Chair** led the meeting further in a minute’s silence out of respect for the State of Emergency in the Victorian Bushfires.

**Mr Jamey Roberston** offered apologies for Mr Stephen Milne.

**Ms Fran Kilgariff** added to the Chair’s welcome and suggested that members introduce themselves for the benefit of new members.

1. **Minutes Meeting 18**

The Meeting noted that Ms Jenny Medwell had tendered her apologies to Meeting 18, and Ms Kathleen Chong-Fong was present.

Mr Wayne Connop asked that it be noted that he had raised the issue of the budget implications of the cost of e-newsletter hits being 5 cents per hit.

Minutes of Meeting 18 accepted with the notes added.

Moved Mr Ryan. Seconded Mr Martin
2. Matters Arising

Mr Robertson asked if anything been done about the MARVIN concept and the ‘totally new image’ for the Newsletter?

The EO indicated it is on the Plan, but that there are no funds until the project funds come through. It is part of the tender process for the re-brand.

Mr Robertson asked that it be noted in the Minutes that ‘nothing has been done to address this matter at this point’.

Mr Connop suggested that future Minutes record ACTION items that will give clear direction from the Committee to the Office Staff.

What are you actually go to do about it. If you are going to action it, put some processes in place, and a timeline within which you are going to get back to the Committee with the outcome, or what the outcome is going to be.

AGREED

3. Report from the Chair, Minister for Statehood.

- The Cabinet has approved ‘in principle’ the submission for the Community workshops and public consultations developed by the Office to be held in 2009-10.
- Ms Purick and I, in our roles as Shadow Minister and Minister for Statehood plan to travel to the ACT to meet again with the Federal politicians to promote Statehood for the NT as a bipartisan position.
- Cabinet has determined to re-establish the Inter-Departmental Committees between the NT and Federal Governments. These committees are set up to scrutinise legislation regarding Parks, Uranium, Land Rights, Territorial sovereignty with a view to developing the necessary bridging legislation.
- My involvement, as the Minister, with the Inter-Departmental Committees will make it necessary for me to step down from Chair of this Committee, although the time is not clear.

The Chair welcomed the Solicitor General, Mr Michael Grant and Mr Brian Martin to the Meeting.

4. Terms of Reference Review

The Chair commented that the Committee has achieved a good deal by getting this review through the LCAC and tabled in Parliament.

The Co-Chair welcomed members of the Standing Committee on Legal and Constitutional Affairs to the Meeting. They were the Speaker, the Hon Jane Aagaard MLA, and Mr Peter Chandler MLA.

Ms Hancock presented a short paper outlining the particular changes made by the LCAC to the Committee’s suggested changes.

The document has been forwarded to the Department of Justice for an overview to ensure that there is nothing at issue within the revised document this may result in the some changes, but the LCAC will advise the SSC as necessary.

The review of Sitting Fees is still before the LCAC and the Speaker.

Clause 27 Section 6g – 12 month service to qualify for nomination to the Exec Group. The Standing Committee felt that 12 monthly elections to the group would keep the Committee fresh.
Clause 51 – and Clause 54  The LCAC considered that the establishment of working parties has budget implications. Therefore the commissioning of individuals from outside of the Committee to these would need to be scrutinised by the LCAC. Also the LCAC provided for the inclusion of MLA’s on regional committees.

Mr Robertson Clause 25 b – Finances, personnel, printing and other matters. Can the LCAC define the nature of information that be routinely made available to the Executive Group and the nature of the Executive Group responsibilities in relation to documents that are to be made public. What is the Executive Group’s Role?

The Hon Ms Jane Aagaard noted that the Statehood Steering Committee is in fact working for the Parliament, so the things which affect the Parliament would need to be referred back to Members of the LCAC. The two MLAs representing the LCAC would have a responsibility to pick up on matters intended to be taken to the public which might be controversial and refer them back to the LCAC for wider evaluation before release.

Mr Robertson: What is the LCAC’s view of the EG role in overseeing the administration and conduct of the Committee including the planning of the finances, personnel and printing.

Isn’t it reasonable of the Executive to request that the Group be supplied details of contracts, and newsletters before they go out?

Ms Purick I think that the key word is “to oversee”. It is not to take it down to an operational level. The ex is a policy making and direction setting group, generally it is a higher order group. If they have an issue they would come back to the larger Committee.

Ms Aagaard Staff of the Committee are in fact employed by the NTPS and matters relating to employment contracts, and other matters relating to money – except for the most general information - are in fact matters for the Department of the Legislative Council.

Mr Martin It mustn’t be overlooked that this is an imposed duty to oversee the planning of the finances, personnel and printing. If of their own initiative, the EG wants to have a look at the operational side then there should be no objection.

Mr Parnell – Has something happened to cause you to raise this issue.

Mr Robertson – I have been in a position where requests have been made and either avoided or denied, but I think that it is more appropriate that I bring it up within the general meeting of the Committee.

Ms Aagaard – Madame Chairman, may I ask that if there are issues like that the matter is referred to the LCAC for our attention and we can come to a decision about that. If the Steering Committee wishes to make a motion on a matter and refer it to the LCAC we will consider it.

Mr Wooldridge – Madame Speaker will your decisions be returned to the Committee?

Ms Aagaard – if the Committee asks the LCAC for advice, clearly we will respond.

The Protocols.

Ms Hancock - changes made.

Absence of members

Conduct of members – issues should first be directed to the Clerk of the DLA
Conflict of Interest – an additional paragraph added to establish a register of members’ interests.

Selection of Staff of the Office – the SSC’s role is to identify the skills and roles that they required in their Office, and the Department would take that into account.

A new protocol covering the appointment of new members to the Committee. - the LCAC is the appointing authority, but the SSC may make recommendations or requests that certain needs be addressed thru the addition of a new members

Changes noted and affirmed.

Moved Ms Vigants  Seconded Wayne Connop

5. Discussion with Legal and Constitutional Affairs Committee

In reference to the letters of advice supplied

Michael Grant QC

a. The Wurridjal Decision shows that the Territory is the same as the other states in that when the Commonwealth acquires property in the Territory the constitutional guarantees regarding just terms must apply.

This provides supporting evidence in the case for becoming a State. There is no way that the Territory can become a State by a series of such decisions being made by the High Court

b. Copyright and the possible role of a new State in the Arts Community

So far as copyright and royalty is concerned, these areas are expressly in the authority of the Commonwealth. So far as the establishment of Trusts, there is no barrier to legislation either by a territory government or a State government. In so far as using moneys from royalties with which to establish these trusts, that would have to be something that could be achieved under the Copyright Act which is Commonwealth Legislation.

Mr Ryan – payment on ‘just terms’. What is ‘just terms’ in regard to compensation.

Mr Grant – the legislation provides for ‘moneys’ and the High Court decided that while money might not be adequate compensation, it is the only way that a government can provide just term is the payment of money. There is a provision called "Evident Domain" allows Governments to acquire property from citizens.

Mr Ryan – I want the Justice System to speak language that makes sense to my mob.

Mr Grant – the Court has decided that the acquisition of leases by the NT Intervention Act has not taken away right of Aboriginal access to sacred sites.

Mr Grant – only resident have to be paid, but the Territory does not. – this has yet to be decided by the Courts. The most important thing is that residents are protected.

Ms Kezia – Was paying ‘just compensation’ different before Self Government and after Self Government? Around 1972, the Federal Government compensated for their acquisition of 32sq miles of Darwin under the Acquisition Act
Mr Grant – This was a decision of the Government of the day; they did not have to, but they did.

Mr Connop Could you explain a little more about the Wurridjal decision.

Mr Grant Effectively the Maningrida mob went to court saying the Intervention Legislation was invalid because it didn’t provide for compensation for the acquisition of land on just terms. What the court found was, the intervention in taking 5 year leases was an acquisition of property, but that the Legislation had a provision in it, a section saying the Commonwealth had to pay just terms where it acquires property and that just terms, even when you are talking about Aboriginal Land, means money payment. So the Legislation wasn’t invalid, but the Commonwealth had to pay compensation for the acquisition of land.

In one way they lost, because they wanted the Legislation invalidated. But they won in that the court found that they still had … over their sacred sites and that they should receive compensation on just terms.

Correspondence: The Question of Human Rights in the Constitution

Pat Hancock the research paper is in process and the Standing Committee will meet shortly to consider. The Standing Committee will be able to get back to the SSC prior to the commencement of the workshop process.

Jamey Robertson it is really important that we have this in place ahead of that program, because it will come up.

Ms James Michael, would you tell us a bit about the review of the Human Rights issue that is happening at the Federal level?

Mr Grant The Attorney on behalf of the Territory Government has been asked whether she would like to make a submission to the Commonwealth Committee that is considering Human Rights chaired by Father Frank Brennan. That’s really looking at the question as to whether the status quo should be maintained at the Commonwealth level, or whether there should be a Bill of Rights similar to the Victorian and ACT ones. The reason everyone is concerned about having a constitutionally entrenched Bill of Rights is because it takes responsibility for what are essentially political decisions out of the parliament and puts it into the courts who aren’t elected. It also allows for results in years to come that were never contemplated when the Bill of Rights was first put in. So the general thinking at the Federal level, I think, is that a Bill of Rights Act is a bad idea. A Human Rights Act which would require government, when passing legislation, to consider the impact of that legislation on Human Rights and which would allow the courts to make declarations that legislation breached particular aspects of human rights and for the government to act on is seen as the most appropriate course. Alternatively you could maintain the status quo on the basis that, in Australia, most rights are protected anyway under our Racial Discrimination Act, Sex Discrimination Act and because we are a functioning liberal democracy.

This is unlikely to impact on State legislation.

The only other point I’d make is that strategically, I had understood that this Committee had always held that it is dangerous to tie up the Human Rights issue with the Statehood argument because everyone would start arguing about the whether we should have a Bill of Rights or whether we shouldn’t. … I think that there is a lot of weight in that. To tie up a Bill of Rights with a Constitution and Statehood would take the focus off the main issue – off Statehood.

Mr Martin I think it would be important for these workshops coming up there needs to be a clear statement as to whether or not a Bill of rights is on the agenda at those workshops and stick to it. In my view it aught not to be on the agenda and everybody going aught to know that it is not on the agenda and is not for discussion at those workshops. … This committee has already decided that
the two must be divorced and it is simply consistent with that that I put the proposition I put. … It would be a tremendous advantage if the responsible Minister or the Parliament would declare that action is going to be taken to consider a Bill of Rights independently of Statehood.

Mr Jamey I think that when you take the Bill of Rights out of the agenda, you take a great drawcard for participation in these workshops away. It has to be placed in someone else’s pocket, so that it doesn’t come near us.

… So that we when we go to the community we can say that it is no longer an issue for us. Government has taken the issue

Mr Ryan Human Rights were violated in Federal Parliament by the rolling back of the Racial Discrimination Act for the Intervention. … What are the implications further down and Australia becomes a Republic

Mr Robertson would the LCAC look at the two statements – the Batchelor/Kalkaringi Statement – to the Human Rights argument. We have to be in a position to see where those sit… It has been our committee’s position for some time to support these Statements.

Mr Martin I would like to understand what the status of the Commonwealth’s awareness is of the clear view, taken from the Solicitor General’s advice, that most of the stuff we have been talking about has nothing to do with the Terms and Conditions and nothing to do with us telling the Commonwealth what the Terms and Conditions are going to be. That’s for the Commonwealth because the Terms and Conditions that are going to be imposed. Has that been pursued. Does the Commonwealth know that that is the attitude?

This matter should be clear between the Territory and the Commonwealth. The Minister knew this prior to her first visit to Canberra. If it wasn’t said then, it should have been written. The Commonwealth must know.

6. Suggestions for new business/industry members of the SSC

The Committee continues to need extra members to make it broader. The Secretariat is asking for members to consider the type of skills we might need to add to the Committee, for example we might add representatives from other Land Councils. The Chair has been in discussion with the Anindilyakwa Land Council.

We might consider whether we would invite the Chambers of Commerce to add representatives, or the Resources Council.

Mr Ryan raised the question of the hotelier from Renner Springs being invited. We need to consider youth representatives. There is also the Tiwi Land Council.

Mr Robertson raised the question of targeting the ‘emerging groups’ of ethnic communities.

Ms Medwell suggested that asking ‘emerging groups’ to focus on the question of Statehood might be too overwhelming for them.

7. DRAFT Report on Statehood Activities 2006-2008

This is a report that will go to the LCAC recording the Activities of this Committee and its Staff. The format follows the first such report. Annexures are not included in your copy because they consist of records already held by members.
The Report is to the LCAC and the Committee decides whether it to table it in Parliament; when it does, it becomes a public document. The construction of this report is part of the duties of the Committee’s Executive Office.

The Report is to be posted to the web site once that it has been tabled. Copies of the report can be sent to key agencies such as Land Councils and Shire Councils.

**ACTION:** Add a schedule of attendance and topics, plus copy of advices Government Lawyers who have come to meetings and presented legal briefs.

**WHO:** Executive Officer

The Report was accepted.

Moved Ms Vigants Seconded Mr Connop

The Chair welcomed Ms Vicki Long Director of Corporate Services, The Department of Legislative Assembly.

8. **Presentation from Payroll**

Ms Carolynne James presented the information in Paper 8 to members.

**ACTION:** clarify and report to the members the taxation implications of receiving Travel and Mileage Allowances

**Discussion on Amount of Sitting Fees**

**Ms Hancock** advised the Committee that the level of Sitting Fees was still under consideration by the Speaker.

**ACTION:** the request for an increase in Sitting Fees be put in the strongest terms possible as $150 per sitting was not an adequate recognition for the expertise and contribution being made by members.

**WHO:** Ms Hancock

9. **Workshop Development**

**Discussion Topics**

- **Length of Workshops** – members agreed that the workshops would vary in number of hours, depending on the target group eg. General public workshops might be only 90mins, stakeholder workshops 2-3hrs, and remote community ones longer again to include sausage sizzles etc

- **Attracting Participants / Marketing**– concern about how to bring people to the workshops, especially young people and within the youth, 18-25yr old workers.

  In many cases, members would use their networks to draw in attendance.

- **Cross-cultural communication** was raised as a major consideration. The use of Marvin Software as the graphic communication tool was again promoted by a number of members.
• **Land Councils** can be a strong path for information to move from SSC members to the tribes and communities. When the delegates are well-informed, they will take it back.

• **Facilitator/chairman** of proceedings – discussion over the pros and cons of having a professional facilitator (better skills to define the discussions and bring out the best participation, allows Committee Members to speak passionately from the floor, facilitator is neutral)

Some members indicated that they would like to head up workshops in their areas (Sean, Maurie, Kezia, Wayne, Jenny). Perhaps local MLA can be the host for the meeting?

Urban Meetings would need facilitators – Darwin, Katherine, Jabiru, Alice Springs, Nhulunbuy, Ayers Rock, Palmerston, Tennant Creek

**Role of facilitator** - will they also market the event? NO. Chair and manage the event, report the outcomes, same facilitator for all events for best reporting.

• **Expert Panels** – discussion centred around the question of what sort of expertise would they be providing, what would the panels’ role be? Suggested that panels would be composed of Committee Members, and they should not be facilitators. It will be necessary to have people prepared for their audiences; able to answer the questions a particular group will pose.

• **Workshop Format** - what’s the point of Statehood? What do we do to get to Statehood? These are the kinds of things that go in to a Constitution + what do you want in it.

A Chairman at all meetings working to the same template in order to ensure consistent outcomes.

a. information will be there on all the issues that are recognised as being part of the statehood adventure – this is already done – public can talk about any one or more of these, that’s what we want to hear.

b. if someone raises matters such as Human Rights we politely direct them to a different venue “What has that got to do with Statehood? If it can be achieved before or after Statehood, put it aside.”

c. Debate the issues which are recognised as to do with statehood. Some meetings will have a clear focus – these issues get discussed openly. Our purpose is to identify issues and the argument around them. These will be resolved and you will know before you come to vote on Statehood.

• **Town Workshops** – seating to be theatre, commence with introduction regarding rules of conduct. The space must be open and welcoming – perhaps schools rather than Town Councils

a. Brief Timeline
b. Statement from a Committee member or a local identity who supports Statehood. The local identity might be the draw-card – a sports person or musician …

c. The reason for Statehood – democracy
d. Myth Busters (Q &A)- this might identify the main issues for the particular audience which will then be broken into issues booklets.
e. Issues Discussions using booklets. The final page of each booklet will have a survey that people complete.
• Remote/Community Format - should not be time limited; must involve meeting together over lunch and an opportunity for people to come back later in the day, or the next day with their questions and opinions.
  a. Perhaps train members of Land Councils to take the message back to their localities.
  b. 
• Multi-cultural Communities – they should be flexible, and perhaps follow the model for the remote communities. It might be necessary to ‘train champions’ to deliver the message to the wider groups.
• Marketing Concerns
  a. strong support for using Marvin as the tool to ensure effective cross-cultural communication
  b. are the outcomes from the workshops defined? How will the connection between the workshops and the convention be developed and sustained?
  c. How are we going to make these, essentially dull matters, attractive to Everyday Ed and Enid Territorian so that they will come along? – Jingles, family friendly venues, populist faces.

Statehood Pamphlet

Mr Storey the idea of it is really good. We should put it wherever possible

Mr Robertson – we need to know where our materials go, whether they are being picked up, whether they are targeting an audience and reaching them. We must make this pamphlet attractive through good graphics that effectively pull in the document. It should look more like it is coming from the community than from the government.

Mr Parnell support it going out. And I reckon that we should get Brian onto this.

Mr Robertson – the problem is our documents often look as if we have written them for ourselves. That is not what we want.

PASSED That this document be edited and re-formatted according to the comments made in this meeting, particularly by Mr Martin and Mr Robertson and presented to the Executive Group before being distributed widely.

Moved by Mr Parnell Seconded by Mr Connop

ACTION: Further develop the pamphlet to publication standard and present the document to the Executive Group.

10. Election of Executive Group Members

It was agreed that in the event of an election becoming necessary, ballot would be in writing. Members would list two names only to indicate their votes.

Mr Robertson requested that Mr Milne be contacted by telephone to participate in the election. Such participation was ruled invalid by the Chair.

Nominations:

Jamey Robertson (nominated Jamey Robertson, seconded Maurie Ryan)

Peter Schaefer (nominated Ray Wooldridge, seconded Margaret Vigants)
Wayne Connop (nominated Maurie Ryan, seconded Sean Parnell)

Daniel Bourchier (nominated Ray Wooldridge, seconded Jenny Medwell)

New Members on the Executive Group

Mr Peter Schaefer  Mr Daniel Bourchier

PASSED A vote of thanks and appreciation for the hard work of retiring members of the Executive Group, Margaret Vigants and Jamey Roberts.

Moved Mr Wooldridge  Seconded Ms McCarthy

Ms Vigants commented that the system of working by sub-committees and working groups needs to be re-established.

11. Reports

Submission to the Territory 20/30 Planning Enquiry from the Steering Committee puts the view that Statehood is a necessity for the Territory to adequately control its legislative processes to address matters relating to the Environmental Management, Economic Growth, Urban Planning, Service Provision over the next 30 yrs. This draft does not outline specifics because the 20/30 Team will use the submissions to write an Issues Paper upon which they will be holding consultations around the Territory.

Ms Kilgariff noted that the need for Statehood as foundational to future planning was raised at a 20/30 meeting with the Chief Minister in Alice Springs.

Mr Schaefer suggested the addition of a paragraph that noted the Committee is representative of the NT community.

PASSED that the submission, with the additions as discussed, be completed.

Moved Mr Schaefer  Seconded Ms Purick MLA

Executive Officer Spoke to the Paper 11a outlining the activities of the Staff over the past three months.

Ms Kempster and Mr Ryan reported on the alternative route for the Sandover Community Liaison visit – floods caused the route to be limited to Highway communities and Ali Curung.

The other visit included Wadeye, Daley River, Pt Keats and Pepperminarti. The Liaison Team mentioned that the activities of the Intervention Program have highlighted the different jurisdictions of the two levels of government, and has turned the Aboriginal People more to the idea of NT becoming a State.

The Minister’s November Trip to Federal Parliament

Inter Departmental Committees – in The Federal Government and in the Territory Govt. with the purpose of talking about legislation and the different pieces needed at the Territory and Commonwealth levels. Within that and around that the Terms and Conditions were to be discussed. The IDCs never got past being named in the lead up to the 1998 Referendum, so the Terms and Conditions were never discussed. The Minister has Cabinet approval to re-commence these Committees. This is a major achievement and a most important step along the way to
Statehood for the Territory. This will start the discussions over the legislation for Uranium, Parks and Industrial Relations.

**Mr Martin** The Terms and Conditions are those which the Commonwealth will seek to impose on the grant of Statehood. They do not concern Parks, Aboriginal Land Rights, Uranium and so on. The Commonwealth have got recognise that we need to know what are the terms and conditions that they seek to impose. They have to tell us what they are – we do. For example, you must have a constitution, the structure must be monarchical … will there be anything else?

**Ms McCarthy** The federal politicians do not know about the practical steps of getting the Committees together. So we need to keep pushing for them to address the issues. The only thing they have said, in an informal way, is that we can’t have equal representation in the Senate. I have told them that they need to get over that – we want “eventual equality” – we need you to start thinking about is it a matter of time, how are we going to get there. It is my job as Minister to get the Federal politicians talking, thinking and acting.

The Howard Government did say, “We will tell you what the appropriate Terms and Conditions are once you have proven to us that Territorians want statehood.”

**Mr Ryan** I would like to see Mr Martin go with the Minister representing the people’s view.

**Ms McCarthy** This is a Ministerial visit. We will have the Committee visit separately.

12. Other Business and Future Meetings

**Border signs and City Entry signs** about Statehood need to be pursued as a means of bringing the notion of Statehood to prominence. (Mr Wooldridge)

**Mr Robertson** During my time on the Executive Group I have made various requests more in particular around the contracts relating to the websites. I have asked for various information. That was refused. I am concerned that we haven’t followed process. I intend to pursue those requests under the Freedom of Information Legislation. I think it unsatisfactory that when a member of the Executive requests information and it is not given. I understand that I take this issue to the Speaker’s Office.

Meeting Closed at 4.00pm
Meeting No. 20

20 April 2009

Present: Chair The Hon Malamdirri McCarthy MLA, Co-Chair Fran Kilgariff; Daniel Bourchier, Wayne Connop, Irene Nangala, Kathleen Chong-Fong, Maurie Ryan, Matthew Storey, Sean Parnell, Wali Wunungmurra, Jenny Medwell,

Also in Attendance: Carolynne James, Nora Kempster, Poppy Lelekis, Belinda Whitty (from Parliamentary Committees), Pat Hancock, Michael Grant- Solicitor General, Sonia Brownhill (from Solicitor General’s Office), Beth Midgley (Minister McCarthy’s staff)

Apologies: Michael Gunner MLA, Kezia Purick MLA, Bob Wade, Peter Schaefer, Margaret Vigants, Luke Bowen, Jamey Robertson, Harry Nelson, Brian Martin, Bronwyn Russell,

Meeting Opened 08.33am

1. Welcome and apologies

Ms Kilgariff opened the meeting and accepted apologies

The Meeting welcomed Michael Grant QC and Sonia Brownhill

2. Acceptance of Minutes of Meetings 19, 13 February 2009 and Business Arising

EO noted minor corrections to Minutes 19 required as follows:

- Item 3 should refer to Chairs report not Minister for Statehood
- Item 10 should note to co-Chairs ruling (not Chairs)

Minutes of Meeting 19 ACCEPTED noting corrections.

Moved Mr Wooldridge Seconded Mr Storey

NOTE: The Meeting agreed to allow photographers in for a ‘Committee at Work’ Photo shoot, the shots of which would be used in future promotional items

3. Reports

A. Report from the Chair
The Chair advised that the Committee will be breaking up during the meeting into 3 groups to look at draft workshop modules. She emphasised that this beginning step should be seen in the context of developing a clear, coordinated and consistent message for the workshop program. Committee members need to be speaking from an informed and consistent basis so that the public maintains confidence in the Committee and the process.

The Chair made a personal vote of thanks to the people who had agreed to lead the discussion groups during this meeting – Wayne Connop, Matthew Storey, Kathleen Chong-Fong, and Michael Grant.

The Chair reminded the Committee that she will stand down as Chair of the LCAC as of 30th April. The meeting to elect the new Chair is scheduled for the first week of May sittings. The Minister sought feedback on how the Committee would like her to be involved with the Committee in future activities and deliberations.

**ACTION:** Exec Meeting Minutes of Jan 15 and January 22 to go out to all members to provide the background of matters under discussion.

**ACTION:** The Committee to make suggestions on the future role of the Minister in relation to this Committee.

B. Reports from the Minister for Statehood and the Shadow Minister for Statehood

The Minister for Statehood (Ms McCarthy) reported that her joint visit with the Shadow Minister for Statehood (Ms Purick) to the Commonwealth Parliament was very well received.

The delegation met with:

- Hon Bob Debus MP, the Minister for Home Affairs,
- the Advisor to the Attorney General
- the Hon Jenny Macklin MP, the Minister for Indigenous Affairs,
- Senator George Brandiss, the Shadow Attorney General
- representatives from the National Party and the Greens

The Minister noted that those visited were impressed by the bipartisan representation to them and the delegation made it clear that the Commonwealth parliament needed to respect that this is the approach the Northern Territory Parliament was taking.

The delegation was very clear about the need to set up the Intergovernmental committee (the IGC) so that the political work towards Statehood is done at the same time as the SSC does its work. The IGC will have the bureaucracy examine the practical and legislative steps necessary for Statehood at both Federal and Territory level.

The Minister stressed that as the Northern Territory Government has demonstrated its commitment by funding the workshops. The Minister emphasised that the 2007 House of Representative Inquiry into Statehood recommended that the Commonwealth should update and clarify how it would work with the Territory Government to bring in Statehood. It was emphasised to Senator Debus, Minister for Territories, that this recommendation needs to be implemented, and that the way for the Commonwealth Government to do this is to set up the IGC and to get it functioning.

**Motion of Appreciation** for the energy, enthusiasm and work that Ms McCarthy has brought to the role of Chair of the SSC.

Moved Sean Parnell Seconded Jenny Medwell. (Passed Unanimously)
C) Report from the co-Chair

The co-Chair noted the decisions of the Committee contained in the Exec Group Minutes.

Additionally, the Committee should know that the Alice Springs Council expressed to her and the EO a strong desire that the Constitution should contain within it some reference that draws government attention to regions.

Mr Wooldridge noted that the provision of facilities to regional communities is seen as inequitable by those living outside of Darwin, which is why Alice Springs Council raised the issue.

D) Report from Executive Officer

The EO noted recent activities by the Secretariat and Committee:

- Harmony Day - 22 March – Jenny Medwell, Jamey Robertson, and Daniel joined staff manning the Statehood Stall
- Youth Week Big Gig - 4 April — Nora and Marise manned a stall
- Alice Springs Council presentation - 24 March – the EO and co-Chair presented to Alice Springs Mayor and CEO on Statehood and local government.
- Cattlemen's Dinner - 24 March – EO, co-Chair, Sean Parnell, Peter Schaefer also attended representing Statehood. Luke Bowen hosting.
- Presentations to regional NLC meetings – in Katherine (24 March), Nhulunbuy 3 April and Pine Creek (8 April). Key issue of concern patrition of the Land Title Act and we encouraged the land council members to consider how they feel about this matter today, 10 years on from the last Constitutional Convention.

Mr Ryan noted that the regional Land Council Meetings should focus on Land Rights, Native Title and the Bachelor Kalkaringi Statements.

- The Show Circuit will focus on recruit people to participate in the workshop.

**ACTION:** Secretariat to check members’ availability for show volunteering.

Mr Ryan raised the question of participation in the Garma Festival. Mr Wunungmurra suggested that it might not be the best opportunity – would be better to concentrate on the smaller units of Aboriginal People in the communities. Smaller units can receive the message more easily. Ms Kempster informed the Committee that Arnhemland Communities have not been visited in the Community Liaison programs because the schedule in 2008 was interrupted by ‘business’.

**ACTION:** Executive Group to give consideration to Garma participation.

Ms McCarthy noted that the 2030 Report was soon to be released, and Statehood has a high priority in that report. The Minister also noted the workshop program will address the need to be in communities however Cocos and Keeling Is have been left off the program. This needs to be updated.

The EO explained that it is proposed each workshop or meeting will be run on standard script. The “what do I need to know?” module should be seen as the template for the workshops. The modules are designed to provide people information according to their expressed interests. They will be “take away” booklets.

Mr Connop asked how do will workshop feedback be collected from Indigenous people who speak English as a 3rd or 5th language?
Mr Wooldridge suggested using Marvin for communications with non-English languages.

Ms McCarthy suggested that the Committee must first recognise what our message is and what must be discussed at every level. The next step is to look at different forms of communication of the message.

Ms McCarthy also noted that at the February Meeting 2008, the Committee referred the Bill of Rights to the LCAC for consideration.

Motion for a Minute’s Silence to commemorate the passing of Mr Hyacinth Tutungulu the first Aboriginal MLA.

Moved Mr Ryan, Seconded Ray Wooldridge

A minute’s silence was held.

4. Module consideration (Part 1)

The sub-groups rotated through consideration of the booklets as outlined by the Executive Officer.

Lunch 12:30pm-1:30pm

5. Module consideration (Part 2)

The sub-groups continued following lunch.

6. Module Workshop (reconvene)

The whole Committee reconvened at 3.43pm to discuss outcomes from sub-groups.

Ms Chong-Fong –Books 1, 2, 3

Book 1 –What do I need to know

Needs to be punchy, attention-grabbing. Change Title. Language needs to be personalised, and show ownership of the process by the people of the Territory.

We considered Mr Martin’s suggestions and agreed with all but 3 of the suggestions he made regarding changes to wording of the text.

Booklets should not presume the outcome of a referendum will be affirmative.

Pg 7 – change to simplify “Statehood will need to be approved by the Federal Parliament and may need to go to referendum.

Under “How do I have my say” replace “Having a say is critical for Statehood” With Statehood is about creating a future for generations of Territorians and we all need to be involved in that discussions.”

Book 2 – FAQ

Common page needs to be made stronger to emphasise that Statehood is a right - “Statehood will enable us to become an autonomous self-governing state with rights comparable to the other six
states of the Australian Commonwealth.” “Bipartisan approach” includes the Independents as well as the Government and the Opposition.

FAQ – we wish suggested that the FAQ be ordered according to the priority the groups agreed upon.

Need to provide examples of Territory laws being overturned, and legislation which has been imposed upon the Territory by the Federal Government.

Tax – Brian’s note. “The Northern Territory already has the authority to extract state-type taxes. This will not change upon becoming a state.” (not exploring detail)

Nuclear Waste Dump – do not refer to South Australian experience. Note that such a dump can be placed on any Commonwealth land anywhere in Australia.

Book 3 - Identity – take out the question about using other State laws – it is ‘self-evident’ that they won’t.

Mr Connop - Books 7, 8, 9

Book 7 Local Government

Thanked Sonia who provided a good deal of useful input. Note that all State constitutions recognise local government as a layer of government. The Territory Government already legislated on Local Government – there was a discussion regarding planning provisions and local government. Discussion of the provisions sought at Federal Constitution – don’t refer to the three levels of inclusion. A clear distinction should be made between Local Government Reform and Statehood.

Book 8 Representation

All members agreed that the numbers are unlikely to be equal, but at least we can seek guaranteed numbers to begin with.

Book 9 - Finance

Finance – the Territory has been receiving funding on the same footing as the States – needs to be brought forward. Specific Purpose information is misleading because Territory already is so similar to the States. “Small cost” to Statehood – needs to be clarified as to meaning of ‘small’ and as to whether it refers to process costs to enter Statehood, or something else. Industrial Relations – some discussion as to whether this is a State matter. Main stream industries in many states remain under Federal Awards; Victoria has returned Industrial Relations to the Commonwealth while West Australia has maintained its own system.

As a general comment, we need this information to be presented to the public in a very simple form with these booklets being used to provide in-depth background information.

Ass Prof Storey – Books 10,11,12

Books 10- 11 Natural Resources and Land

Consolidate these into a single booklet. The main focus would be on LRA issues.

In consolidation, the content would need to be reviewed. Break into 2 parts : Part 1 should note what we are NOT talking about. For example: Native Title is under Commonwealth Law. Distinction
between native title rights and interest under the Aboriginal Land Rights Act is needed. Mineral Royalties are not really relevant to Statehood.

Section 2 should talk about Aboriginal Land Rights Act and how to deal with that in any transition to Statehood. Historical background to LRA identify that LRA raises options – SSC not to resolve these.

The idea of a protected law would need to be explained – identify options as to how this would be described.

a. do nothing to LRA leave it as Commonwealth
b. to patriate it as stands
c. to make it a protected law of the Northern Territory – referred to as an organic
d. is there a particular power to make it even more entrenched than an organic law

It should be explained that the Commonwealth has the ability to regulate mining through Environmental Protection, and through export controls – distinction is that in the Territory, the Commonwealth has ownership of Uranium Resources where the States own theirs. The same issue arises with National Parks ownership.

**Book 12 - Indigenous Issues**

Second group probably agreed that indigenous Issues should not be dealt with via a special booklet. Rather they should be clearly included in all booklets. There should be no marginalising of “Indigenous Issues”.

Indigenous issues should form the basis for further political discussion between the Government and the relevant Indigenous Organisations.

**Mr Grant – Books 4, 5, 6**

These books largely deal with indigenous issues that were to be covered in Book 12, which is why Book 12 is not needed.

**Book 4 - Preamble**

Setting out preambles from around the world is an outstanding way of dealing with it because it gave examples over a number of different types.

Both groups particularly liked the preamble presented to the 1998 Constitutional Convention. The book should not presuppose that everyone would want a Preamble in the Constitution, so the question should be put in the feedback form.

**Book 5- Statehood and Government**

Organic Law as a term is confusing – should replace the term with reference to providing ‘Special Protected Laws’ – delete the discussion on Organic Law in Booklet 5.

**Book 6 - Development of Constitution, Courts and Legal System**

The main issue here is recognition of customary law. There has been almost total absence of discussion of what effect the recognition of customary law as a source of law in a Constitution would have.
The conflict between customary law and the standard legal system has never been explored. The moment it is recognised constitutionally customary law stands on the same footing as common law. That gives rise to very complex legal problems such as: how the precise content of Customary Law is determined; what are the circumstances under which customary law would apply; who are the people over whom the law would apply; and which set of customary law applies when disputants come from different customary law regimes?

The alternative is that customary law could be dealt with by the new state parliament on a case by case basis and pass laws that would apply in particular areas (as it has already done in relation to sentencing). The booklet should look at these options, the potential consequences of each one.

Ms Kilgariff thanked Mr Grant and Ms Brownhill for their contribution to the discussions today.

AGREED that the EO and each group leader would provide revisions of the relevant booklets.

AGREED a central glossary and standardisation of language is required.

AGREED that the 1998 Constitution be not included in the literature for this campaign.

AGREED that matters relating to how a Constitutional Convention is called and structured can be dealt with separately as it proves necessary.

AGREED that the Minister for Statehood examine the significant issues relating to Kalkaringi-Batchelor Statements and that the relevant ministers actively pursue engagement with the Land Councils on these matters.

AGREED that the LCAC be asked to write a reminder to the ALC and the Tiwi Land Council that there is opportunity for them to nominate a representative to this Committee.

Ms McCarthy also reported the following:

- there is support from the ACT in the NT push for Statehood. The ACT itself is working on strengthening their rights in the Self-Government Act, ACT.
- she attended the funeral of Mr Steven Milne and forwarded the Committee's condolences to the family.
- Cocos and Keeling Is federal representation is a responsibility of an NT electorate, while the local government is under WA law. So this matter will need to be sorted by the Commonwealth Government in the journey to Statehood.
- The LCAC has reserved the matter of Human Rights so it is not possible for the Committee to include that in these discussions.

AGREED that the items below be held over for future consideration.

- Branding update
- Education Materials and BIITE proposal approval
- Other Business and Future Meetings

Meeting closed at 4:57pm
Meeting No. 21
26th June 2009

Present: The Hon Jane Aagaard, Mr Bob Wade, Mr Brian Martin, Ms Bronwyn Russell, Mr Daniel Bouchier, Ms Fran Kilgariff, Mr Harry Nelson, Ms Irene Nangala, Ms Jenny Medwell, Ms Kathleen Chong-Fong, Mr Luke Bowen, Ms Margaret Vigants, Mr Matthew Storey, Mr Maurie Ryan, Mr Peter Schaefer, Mr Samuel Bush-Blanasi, Mr Ray Wooldridge, Mr Michael Gunner MLA, Ms Kezia Purick MLA

Mr Jamey Robertson attended via teleconference from 9.25-10.30am

Also in Attendance: Captain David Horton, Deputy Clerk, Acting Executive Officer

Ms Pat Hancock (from 10.30am)

Ms Nora Kempster, Ms Poppy Lelekis, Ms Marise Riddell

Apologies: Mr Sean Parnell, Wali Wunungmurra, Wayne Connop, Michael Grant QC.

Meeting Opened 09.10

1. Welcome and apologies

The Co-Chair welcomed members to the meeting, and accepted apologies. She introduced the Hon Jane Aagaard MLA as the new Chair of the LCAC and thereby the new Chair of the NT Statehood Steering Committee.

The Chair extended greetings to the meeting and announced that Michael Tatham had accepted the offer of the position of the Executive Officer of the NT Statehood Steering Committee for a two year period with a commencement date of 10th August, 2009.

Ms Fran Kilgariff conducted the Meeting.

2. Acceptance of Minutes of Meeting 20, held 20th April 2009 and Business Arising

Minutes of Meeting 21 ACCEPTED.

Moved Mr Wooldridge   Seconded Ms Kezia Purick MLA
MOTION: That the Statehood Steering Committee participate in the Garma Festival 2009.

MOVED Mr Jamey Robertson SECONDED Mr Maurie Ryan

MOTION Defeated on a show of hands.

ACTION: The Acting Executive Officer to write on behalf of the Committee to communicate the decision to be absent from Garma to the Yothu Yindi Foundation.

a. Minutes of Executive Group Meetings 18 and 19

NOTED: the Minutes of the Executive Meetings 18 and 19 as presented in the meeting papers.

NOTE: the LCAC’s response matters relating to Customary Law.

3. Discussion Papers Final Approval

Members of the Executive agreed that the papers as presented for this meeting do not accurately reflect the review points agreed upon at Meeting 19. It was noted that these papers represent content matters only; format and presentation will be addressed as part of an imaging tender.

ACTION: Office Staff to locate the record of changes made at Exec Meeting 19 and edit text accordingly.

The Co-Chair welcomed Mr Bush-Blanasi Vice Chairman NLC, Mr Wunungmurra’s delegate.

4. Branding Update – Captain Horton

The tender document regarding re-branding is being prepared. Michael Tatham will be asked to deal with this when he commences his appointment.

RESOLVED that this Committee advises the incoming Executive Officer that the target date for admission to statehood is 1st January 2011. (i.e. one one, one one) and directs that his recommendations to the Committee be brought to it in the light of that date.

MOVED Mr Martin SECONDED Mr Bourchier.

5. Education Materials Approval

Ms Riddell spoke to the Meeting about the materials called “Democracy Denied?”

ACTION: Include a definition of Democracy (Marise Riddell with Deputy Clerk)

ACTION: Write to the DET making the materials available and offering to send a committee member to speak to the schools in support of this activity.

ACTION: seek approval to send out the material electronically.

RESOLVED: The materials be posted to the web and provided to schools once the addition indicated above has been made.

MOVED Mr Storey SECONDED Mr Bourchier.
6. Workshops Planning and Schedule

NOTED: that, due to the absence of an Executive Officer to oversee the development of the marketing campaign and the campaign materials, the workshops were now envisaged to commence at a later stage to be determined.

7. Executive Officer’s Report – noted as presented in the Meeting Papers

8. Other Business

The Minister’s Youth Round Table: Mr Bourchier spoke to the reports.

AGREED – Executive Meetings to occur in August and in October General Meetings to occur September 11th in Darwin and November 23rd in Alice Springs.

The meeting adjourned to a luncheon meeting with members of various multicultural organisations.

Meeting closed at 11.40am
Meeting No. 22

2nd October 2009

Present: The Hon Jane Aagaard MLA (Chair), Ms Fran Kilgariff (Co-Chair), Mr Bob Wade, Mr Daniel Bourchier, Mr Harry Nelson, Ms Irene Nangala, Mr Jamey Robertson, Ms Jenny Medwell OAM, Ms Kathleen Chong-Fong, Ms Kezia Purick MLA, Mr Matthew Storey, Mr Maurie Ryan, Mr Peter Schaefer, Mr Samuel Bush-Blanasi, Mr Sean Parnell

Also in Attendance: Mr Michael Tatham, Ms Pat Hancock (from 10.30am), Ms Nora Kempster, Ms Marise Riddell, Ms Tanya Hardy (until 9.45am)

Apologies: Mr Brian Martin AO MBE, Ms Bronwyn Russell, Mr Luke Bowen, Ms Margaret Vigants, Mr Wayne Connop, Mr Michael Gunner MLA, Michael Grant QC, Mr Wali Wunungmurra, Mr Ray Wooldridge

Ms Fran Kilgariff took the Chair and opened the meeting at 09.05am

The Co-Chair welcomed members. The members introduced themselves and the Co-Chair gave a vote of thanks to Marise Riddell and welcomed Tanya Hardy as the incoming Administration and Research Officer.

The Chair noted that Member Peter Schaefer had provided a copy of the recent Alice Springs Town Council Newsletter and the Chair informed the Committee that the Deputy Mayor wrote about constitutional development in the context of Statehood indicating a willingness to take part in the process. His interest lies in how a modern constitution can support the regions.

Action: The Committee noted the article. The Alice Springs Town Council will be invited to the 2010 Forums.

1. Minutes of Meeting 21

The Minutes of Meeting 21 were ACCEPTED.

MOVED Mr Matthew Storey
2. **Business Arising**

   a. **Branding Update**

      Covered in agenda item 4.

   b. **Education Materials**

      Covered in agenda item 4.

3. **Minutes of Executive Group Meeting No 20.**

   **NOTED:** The Minutes of the Executive Group Meeting 20 as presented in the meeting papers.

   The Executive Officer informed the Committee of the current budget for the SSC. This is $1.166million. A potential carry forward of $411 000 from last year is pending Treasury approval. If approved the allocation will total $1577 000.

4. **2010 Workshops**

   c. **Concept and Content**

   **Content**

   The Executive Officer reported on his analysis of the content of the Draft Workbooks.

   - They are referred to by different names such as “discussion papers”, “information papers” and “issues discussion papers”.
   - There are also some factual errors
   - Prioritisation of topics appears to be trying to be “everything to all people”.
   - They are also not user friendly due to a lot of cross referencing.

   The Executive Officer suggested formulating a series of focus questions to bring Statehood back to the individual by prompting people to ask “how does it affect my life”?

   Jenny Medwell highlighted the importance of providing information to the various language groups in the multicultural community.

   Ms Medwell suggested we train community language interpreters and the Facilitator can explain to them the concept and process of the forums so they can explain it to their own groups.

   The Executive Officer suggested the Committee offer material and access to the interpreter service.

   Bob Wade said his understanding was that there would be a follow up to address those groups who attended the last Committee meeting luncheon on an individual basis and the Co-Chair agreed.

   **Action:** Jenny Medwell to confer with the Executive Officer to ensure inclusion of the communities into the 2010 forums.
Executive Officer to prepare a follow up letter for the signature of the Co-Chair to all those who attended the luncheon associated with the last meeting and this meeting to thank them for their attendance and to encourage ongoing engagement.

**RESOLVED:** The Committee agrees by consensus to the development of themes based on existing content to be presented back to the next Committee meeting on 23 November after the pilot workshop takes place in Alice Springs in October.

d. Timeframe and Logistics

**Location and Dates**

The Executive Officer presented a proposed timeframe for the conduct of the forums to commence in February 2010 for a period of around 10 months. The program will target all Territorians with a separate campaign targeting communities of interest.

Community Liaison Officer Nora Kempster briefed the Committee on her research and advised that the proposed boundaries and dates represent two workshops per shire and the best available time taking into account other known events for the year ahead.

The Chair expressed a desire for more forums to be conducted earlier in the year in Darwin and Palmerston.

The Executive Officer also raised the proposed brand or name of the forums as they have also been referred to as “workshops” and “constitutional forums”. The advice from the Department of Chief Minister’s marketing department is that the term workshop is a potential turn off. The Committee considered the questions of “do the general public like to attend workshops” and “what is their view of a workshop”?

Matthew Storey asked about the ability to run forums in Darwin while we are running ones in the bush and the Executive Office responded that once we engage a company to provide a facilitator or facilitators we may be able to have more than one forum being conducted at a time.

**RESOLVED:** The Committee noted the proposed program and approved the dates with more dates to be included for Darwin and Palmerston.

**Facilitation**

The Executive Officer advised that the process of drafting tender documents to secure a Forum Facilitator is underway.

The facilitator will be required to report on each of the forums and complete a global report at the end of the exercise.

Jamey Robertson suggested feedback from the forums be put on the website within 24 hours so people can see evidence that their opinions have been noted.

The Executive Officer advised that there will be reporting and having information uploaded to the website after each event is a possibility, the timeframe of 24 hours will be explored further.

The Executive Officer also advised that an update of all the Fact Sheets has been completed and action will commence to post these to the website as part of an overall website update.

**Action:** Executive Officer to post updated Fact Sheets on the website.
RESOLVED: The Committee notes the decision of the Executive Group and agrees by consensus that a professional must be engaged as a Facilitator for each forum.

e. Marketing and Promotion

Jamey Robertson raised the question of how to promote community attendance at the forums and suggested that the internet be used. The Executive Officer noted this and advised it will be a part of the proposed overall campaign tender for a web presence.

A new website will be created and dates will be set and put in the advertising campaign which will be promoted from the perspective that the campaign has an end date, these are the only forums and there will be no other opportunities. The preferred methods of communication are television, radio, internet and direct mail, in that order.

The Chair pointed out that the Constitutional Convention on the Australia Day weekend in 2011 is already booked at the Darwin Convention Centre and can be used as a drawcard because the forums will feed into the Constitutional Convention.

Committee discussion ensued about the need of individual members to use their status as Committee members to engage the public and encourage them to attend the urban forums in Darwin, Palmerston, Katherine and Alice Springs because attracting participation will be difficult. The Committee members agreed to advise the Executive Officer on ideas to assist logistically to encourage people to attend.

The Executive Officer advised the Committee the Department of Chief Minister have conducted focus research and he is seeking access to the results so the Committee can be more informed of what the challenges are. From discussions so far it appears that the biggest challenges are the ongoing myths are that it is going to cost a lot of money and we are going to lose funding. More representation in Federal Parliament is also generally perceived as a negative as it means more politicians.

The Executive Officer suggested a letter be drafted from the Chair to the Treasurer addressing these concerns and for the formal response to be made public.

Invitations

Samuel Bush-Blanasi stated that there will be a meeting of the Northern Land Council from 2 to 6 November 2009 at the Crab Claw Island and suggested Committee members may wish to attend. Jamey Robertson and Bob Wade volunteered to attend.

Action: Executive Officer to liaise with NLC and members to facilitate this opportunity.

The Committee noted a draft letter has been prepared to be sent to everyone on the Electoral role.

RESOLVED: The Committee agreed by consensus to targeted invitations and the general invitation approach outlined in the letter and notes the Executive Group decision that the letter from the Chair and Co-Chair should precede regional events six weeks ahead as they roll out across the Territory.

Underlying Campaign

The Chair advised that a speech will be prepared so that each Committee member is presenting the same information and at each presentation there will also be someone else from the Committee or a staff member to provide support.
RESOLVED: Committee agrees by consensus to participation in an underlying campaign to support the workshops and each Committee member identifies groups they may be able to visit and present to in the coming twelve months.

Action: Committee Members to send advice to secretariat office

Brand Development

The Executive Officer informed the Committee that a request for quotation went out to three companies on Wednesday 30 September 2009 and he will be briefing them on Monday 5 October 2009. The three companies are Adzu, First Class in Graphics and Sprout. We are asking them to develop a new brand with an accompanying jingle, corporate stationery, print, television and radio advertising campaigns and a stand alone dot com website. A panel process will be established, with the Executive Officer as chair, to choose the successful company.

RESOLVED: The Committee notes the process being undertaken and will be provided with a presentation on the successful campaign tenderer at its Alice Springs meeting on 23 November 2009.

RESOLVED: The Committee agrees by consensus that two Committee members should attend each forum in 2010 and a roster will be developed for consideration at the next meeting.

5. Proposed Constitutional Convention

The Executive Officer advised the Committee that the Government approved a Constitutional Convention as part of last years’ Cabinet proposal. The Convention is proposed to take place in January 2011. The booking at the Darwin Convention Centre is for ten days.

This was the first time the SSC has considered the matter of logistics and responsibility for a Constitutional Convention. The threshold question remains what role the SSC might have in the delivery of a Convention.

The key points raised in discussion on this matter were:

f. Matthew Storey proposed a majority of participants at a future Convention be directly elected;
g. Kezia Purick stated that a number of experts will be required;
h. The Co-Chair advised that the LCAC will need to examine this issue;
i. Peter Schaefer suggested we have an advisory panel to assist the planning with one SSC representative such as the Executive Officer;
j. Maurie Ryan stated that the process should be comprehensive;
k. Kathleen Chong-Fong raised the question of how do you elect representatives so that it is truly representative of everyone and makes all people feel that they have someone to represent them?
l. Jamey Robertson suggested the voting age be lowered from 18 to 14 or 15 because in the end these are the ones who will be the beneficiaries;
m. Daniel Bourchier agreed that this would be quite forward looking;
n. The Chair advised the members that the initial discussions on the logistics and management of the Constitutional Convention would be the responsibility of the LCAC and the Chair will pass on comments for their consideration from Members of the Statehood Steering Committee;
o. The Chair further advised that the LCAC will need to report to Parliament after it considers the matter in detail. This will not be a rapid process and would be unlikely to be debated in the Parliament until the first half of 2010.

The Chair agreed to write to the membership of the LCAC to start this process and to raise these matters formally.
RESOLVED: The Committee agrees by consensus the Chair will write to the Standing Committee on Legal and Constitutional Affairs informing them of the timing of the Constitutional Convention and requests that the membership of the Constitutional Convention be significantly elected and that the SSC have significant involvement in the planning.

**Action:** The Executive Officer is also to liaise with the NT Electoral Commission regarding the logistics for conducting an elected Constitutional Convention.

**Action:** The Executive Officer to draft a letter from the Chair to the members of the LCAC informing them about the SSC’s initial discussions about logistics and timing of the Constitutional Convention.

6. **Completion of the Statehood Steering Committee Program**

The Executive Officer presented a proposal of significant dates for consideration. It is anticipated that the LCAC will need to consider and endorse the timeframe. The Executive Group has already agreed to the proposed dates in principle.

RESOLVED: The Committee agrees by consensus to recommend to the LCAC that they consider and endorse the proposed timeframe and report to the Assembly on the proposed plan in the first available sittings in 2010.

7. **Next Meeting of the Committee**

   p. **Alice Springs 23 November 2009**

   The Chair informed the Committee that the next SSC meeting is scheduled for Monday 23 November 2009 and all members are invited to the opening reception for the Sittings to be held that evening. The Committee is also invited to the opening of the Sittings which will be in the morning on Tuesday 24 November 2009.

   q. **Art Competition**

   The Chair advised that in conjunction with the Alice Springs Sittings the Assembly is running a Parliamentary Education program throughout central Australia. This will commence the first week of November and includes an art competition called the “The Seventh State?” The Executive Officer will conduct presentations to the schools.

8. **Correspondence received and Other Business**

   r. Jamey Robertson requested a copy of any report or any paperwork from the Constitutional Conference which former Executive Officer Carolynne James attended in early 2009.

   **Action:** Executive Officer to obtain a copy of any report and send a copy to Jamey Robertson.

   s. Peter Schaefer asked if the Office has a policy to respond to incorrect statements about Statehood and if so, is there some means of public response? The Chair answered by saying that members should inform the Executive Officer who will draft up a release depending on the issue/s raised.

   t. The Co-Chair requested that an updated contact list be sent to the Committee members.

   **Action:** Administration Officer Tanya Hardy to send out updated contact list.

The meeting adjourned to a luncheon meeting with invited guests.
Meeting closed at 11.54am
Meeting No. 23  
23rd November 2009

Present: The Hon Jane Aagaard MLA (Chair - from 12.20 pm until 2.30 pm), Ms Fran Kilgariff (Co-Chair), Mr Daniel Bourchier, Mr Luke Bowen, Mr Brian Martin AO MBE, Ms Jenny Medwell OAM, Mr Sean Parnell, Ms Bronwyn Russell, Mr Peter Schaefer, Mr Matthew Storey, Mr Bob Wade, Mr Ray Wooldridge

Also in Attendance: Mr Michael Tatham, Ms Nora Kempster, Ms Tanya Hardy

Apologies: Ms Kathleen Chong-Fong, Mr Wayne Connop, Ms Irene Nangala, Mr Harry Nelson, Mr Jamey Robertson, Mr Maurie Ryan, Ms Margaret Vigants, Mr Wali Wunungmurra, Ms Pat Hancock

Co-Chair Fran Kilgariff took the Chair and the meeting was declared open at 10.23am

The Co-Chair welcomed members (The meeting commenced late due to technical difficulties. There is no FTR (For The Record) voice recording for the first hour of the meeting.)

1. Consideration of Minutes of Meeting No. 22

The Minutes of Meeting 22 were ACCEPTED.

MOVED Sean Parnell
SECONDED Matthew Storey

2. Business Arising

There was no business arising.

3. Reports

Minister for Statehood Report

Brian Martin noted that the report on the communication from the Minister for Statehood which contains the extract of the Australian Labor Party resolution on Statehood makes no mention of the role of the Commonwealth in expounding the terms and conditions of Statehood.
The Committee resolved to ask Member Kezia Purick to advise on the intentions of the Country Liberal Party at the national conference level and whether it would also seek the endorsement of Statehood. The committee also asked that it be advised of the timing for such a conference.

**Action:** Committee Member Kezia Purick.

**LCAC Report**

The memorandum from the Secretary of the Legal and Constitutional Affairs Committee advising that the LCAC had given in-principle approval to a constitutional convention to be held in January 2011 was discussed.

The Committee considered the issue of the election of delegates to a future constitutional convention.

Ray Wooldridge indicated his personal support for the concept of compulsion to vote for representatives to a convention.

The Co-Chair stated compulsory voting may lead to more people who vote informal as a protest vote.

The Committee noted that the turn-out of voters for the electing of members to a constitutional convention would be seen as indicative of the general level of support for Statehood.

The Committee considered the holding of the Constitutional Convention at the end of January 2011 to coincide with the Australia Day holiday.

Brian Martin raised a concern that it is in the middle of the wet season and during school holidays when many Territorians are away.

Bob Wade and Bronwyn Russell agreed.

Daniel Bourchier suggested June and July instead.

Matthew Storey suggested February or March leaving time for a referendum on 1 July 2011.

The Committee agreed the Executive Officer should explore February as an option taking into account the flexibility of the booking and the parliamentary sittings for 2011.

**Action:** Executive Officer.

The Committee next discussed the issue of the Commonwealth Government’s terms and condition of Statehood.

The Executive Officer informed the Committee that consideration was given in 2007 to drafting and releasing a discussion paper for Territorians to conclude the terms and conditions they may find acceptable, however the paper once drafted was never released and remains on file.

The Committee decided to re-consider the draft paper and for the paper to be circulated out of session for discussion at the next meeting.

**Action:** Executive Officer.

The Committee’s discussions of the proposed constitutional convention lead to a number of formal resolutions being adopted by the Committee.
The Committee resolved as follows:

Resolution 1

The Statehood Steering Committee should manage the preparation for and the conduct of the proposed constitutional convention with appropriate resources to be provided.

Resolution 2

The Statehood Steering Committee notes the process for a constitutional convention must be a peoples’ convention and the management of the process by the Statehood Steering Committee will best reflect this approach.

Resolution 3

The Statehood Steering Committee requests the Legislative Assembly Standing Committee on Legal and Constitutional Affairs review and propose that the Assembly amend the Statehood Steering Committee Terms of Reference to allow for the Statehood Steering Committee to manage and conduct the proposed constitutional convention.

Resolution 4

The Statehood Steering Committee resolves that the proposed constitutional convention will take place in the first quarter of 2011, preferably during February 2011.

Resolution 5

The Statehood Steering Committee resolves that a referendum on Statehood should take place in conjunction with Territory Day 2011.

Resolution 6

The Statehood Steering Committee notes that that Commonwealth’s proposed terms and conditions of Statehood must be known by Territorians ahead of any referendum on Statehood.

Resolution 7

The Statehood Steering Committee request the Standing Committee on Legal and Constitutional Affairs ask the Territory Government to advise the Committees of progress on the issue of resolving the terms and conditions of admission as a new State.

Resolution 8

The Committee decided to revisit a previously drafted discussion paper on the terms and conditions of Statehood to be circulated for consideration and discussion at its next meeting.

Action: Standing Committee on Legal and Constitutional Affairs to consider and advise the Statehood Steering Committee.

4. 2010 Forums

This item was deferred until after lunch.

5. Executive Officer Briefing
This item was deferred until after lunch.

6. **Presentation**

Presentation by Sprout Creative.

Anya Lorimer and Tracy Jones presented three draft concepts and the Committee considered the look and feel of the campaign brand for 2010.

The Committee agreed for Sprout to develop one of the concepts with a range of colours and report back to the Committee out of session.

1.00pm *The Committee adjourned to a working lunch with invited guests.*

The Committee Chair welcomed the guests and announced the three winners of the 2009 Alice Springs Art Competition which had the theme *Australia’s 7th State?*

The Co-Chair delivered a speech outlining the 2010 program.

The representatives from Sprout convened a short forum asking the group on their views on the important matters for Statehood that will inform how the Committee interacts with Territorians in 2010.

2.30pm *The Committee resumed consideration of the agenda items.*

6. **Presentation (Cont...)**

The Committee discussed the lunch presentation and agreed to consider the draft brands once developed by Sprout and circulated by the Executive Officer.

**Action:** Executive Officer.

4. **Deferred Item - 2010 Forums**

The Executive Officer reported on The Trial Forum held in October and the concept being developed for the two further trials.

The Executive Officer distributed the “2010 Forums” document containing dates for members to attend various forums. Bronwyn Russell advised that she cannot attend on 21 July 2010.

Matthew Storey noted the report from the AIS was informative and of value for the Committee’s use of interpreters.

The Committee agreed that all members will advise on their availability prior to the end of January 2010. A reminder email will be sent by the Office.

**Action:** Executive Officer.

5. **Deferred Item - Executive Officer Briefing**

The Executive Officer briefed the Committee on the engagement of a consultant for facilitating forums on 2010 the Tenders close on Wednesday 2 December 2009.

The Events Officer position attracted 20 applicants. Mr Matthew James will commence in the position on 4 January 2010.
The Committee noted the briefing.

7. Recent Media Reporting

The Committee noted recent media reporting on matters associated with Statehood and the need to continue monitoring the media.

8. Correspondence File Tabled

The correspondence file was tabled.

9. Other Business

Closing the Gap

Brian Martin asked whether the 2007 Northern Territory Government’s stated policy “Closing the Gap” could be seen to address any of the matters raised by the Batchelor and Kalkaringi statements. Matthew Storey suggested that a discussion with land councils may also be appropriate.

The Committee agreed the Executive Officer will draft a briefing paper and report back to the Committee at its next meeting.

Action: Executive Officer

Interpreters

Jenny Medwell led further discussion on the engagement of interpreters from the multicultural community.

The Committee agreed to engage with the Interpreter Service for other language groups to offer a similar training program and the Office will write to the multicultural language interpreters to explore the opportunity for a similar arrangement for a training session as was undertaken with the AIS during October this year and report back to the next meeting.

Action: The Community Liaison Officer (Nora Kempster)

Next Meeting

The Committee agreed to consider dates for the 2010 meetings out of session.

Action: Executive Officer.

The meeting closed at 3.50pm
Meeting No. 24  23rd March 2010

Present:  The Hon Jane Aagaard MLA (Chair), Ms Fran Kilgariff (Co-Chair), Mr Daniel Bourchier, Mr Wayne Connop, Ms Jenny Medwell OAM, Ms Irene Nangala, Mr Harry Nelson, Mr Sean Parnell, Mr Jamey Robertson, Ms Bronwyn Russell, Mr Maurie Ryan, Mr Peter Schaefer, Mr Matthew Storey, Ms Margaret Vigants, Mr Bob Wade, Mr Ray Wooldridge.

Also in Attendance:  Mr Michael Tatham (Executive Officer), Ms Pat Hancock (LCAC) Ms Nora Kempster (Community Liaison Officer), Ms Tanya Hardy (Audio and Minute Recording).

Apologies:  Mr Luke Bowen, Ms Kathleen Chong-Fong, Mr Brian Martin AO MBE, Mr Wali Wunungmurra.

Chair the Hon Jane Aagaard MLA deferred to Committee Co-Chair Fran Kilgariff who assumed the Chair and the meeting was declared open at 1:03pm.

The Co-Chair welcomed members.

1.  Consideration of Minutes of Meeting No. 23

   The Minutes of Meeting 23 were ACCEPTED.

   MOVED Ray Wooldridge
   SECONDED Peter Schaefer

2.  Business Arising

   A.  Request for an analysis of NT and Australian Government Policy in the context of ‘Closing the Gap’ and the ‘Intervention’

   The Committee considered a paper prepared in response to a request from Committee Member Brian Martin at meeting No 23.

   The paper provides a summary of existing government policy statements (Territory and Commonwealth) in the context of ‘closing the gap’ on indigenous disadvantage.
Members Ray Wooldridge and Matthew Storey expressed that the paper provided a useful resource for the Committee and details of the programs that are under the broad heading of the ‘Intervention’ and ‘Closing the Gap’. Wayne Connop asked for more work to be done to critique policies and explain their consequences.

The Committee agreed to release a summary version of the paper in response to frequently asked questions and make it available as a publication on the new website.

Committee Member Maurie Ryan raised the Batchelor and Kalkaringi statements. Madam Chair advised that as a Committee we acknowledge they exist, but it is a matter for participants at the Roadshow Forums to discuss the content of a future constitution and for the proposed constitutional convention to consider these matters in detail.

The Co-Chair reminded the Committee of a letter from the Minister for Statehood tabled at the 23rd meeting expressing her view that many of the matters in the Kalkaringi and Batchelor Statements are likely to arise in discussions this year and be considered as part of the convention process.

**Action:** Committee Member Matthew Storey will work with the Executive Officer to create a FAQ document to address common concerns such as what happens to the 5 year leases on Statehood and what is the constitutional basis of the intervention.

**B. Terms and Conditions Discussion Paper**

An updated version of a paper originally produced for Committee consideration in late 2007 on the “terms and conditions” of Statehood under the Federal Constitution was reconsidered.

The Executive Officer circulated comments on the circulated draft received out of session from Member Brian Martin.

Member Matthew Storey commented that people who might read it will gain a much better understanding of the issues faced in moving towards Statehood and might result in a more informed discussion over the year. Ray Wooldridge agreed that the more information we get out in the public the better and Peter Schaefer’s view is that people can't say they want Statehood unless this information is known.

**Resolution**

That an updated draft of the paper be submitted to the next Executive Group meeting and then sent out to Statehood Steering Committee members for a final review.

MOVED by Matthew Storey

SECONDED by Ray Wooldridge

**Action:** Executive Officer to complete.

**3. Executive Group Membership**

The following nominations were received:

1. Peter Schaefer (MOVED by Ray Wooldridge. SECONDED by Sean Parnell)
2. Daniel Bourchier (MOVED by Bronwyn Russell. SECONDED by Ray Wooldridge)
3. Maurie Ryan (MOVED by Jamey Robertson. SECONDED by Irene Nangala)
After a secret ballot the Committee was advised the temporary members of the Executive Group for the 2010 year are Peter Schaefer and Maurie Ryan.

The Committee noted the results and congratulated the members on their election.

4. Reports

- Chair’s Report on Executive Group Meeting No. 21

  The Committee noted the report.

- Chair’s Report on Underlying Campaign – Meetings with Community Leaders

  The Chair informed the Committee of a range of meetings conducted with councillors and community leaders at a number of meetings designed to promote the Committee’s campaign for the year.

  During April the Chair will be meeting with the Litchfield Council and Katherine Council.

  Ray Wooldridge suggested we invite the Councillors from the Daly River and Roper Gulf Shires to the Katherine Council meeting. The Executive Officer said we would make that suggestion to the Katherine Town Council.

  **Action:** Executive Officer to approach Katherine Council to ascertain if they support other attendees at the proposed meeting on 18 May 2010. If yes, an approach will be made.

- Chair’s Report on Forums attended

  The Chair talked about her experience at the Alice Springs, Yulara and Mutitjulu forums.

  The Committee noted the report.

- Co-Chairs Report on Forums attended

  The Co-Chair talked about her experience at the Utopia forum.

  The Committee noted the report.

- Executive Officer’s Report on Forum delivery and outcomes to date

  The Executive Officer briefed the Committee on the logistics and arrangements made for the Forums so far:

  - Remote community Forums involve barbeques to entice participation.
  - At many of the Forums audience members have participated in video recordings and a sample of these will be on display at the Darwin forum.
  - The Committee was advised these will be loaded on to the website soon.
  - The Committee was advised the advance team of Matthew James and Nora Kempster arriving in the community prior to the Forum in order to raise awareness has been appreciated by community members. The Committee was advised that it is often difficult to ensure that audience members understand the Committee is not representing any government.
  - The Executive Officer informed the Committee of interpreters not showing up and that a formal written complaint has been lodged with the AIS.
The Committee noted the report.

- **Community Officer’s Report on roster of member’s attendance**

Community Liaison Officer Nora Kempster briefed Committee members on the existing roster of Members’ participation circulated out of session requesting confirmation of availability.

The Committee decided to re-issue the draft roster and members were asked to respond promptly.

**Action:** Nora Kempster to send out the updated roster for the remainder of the Forums.

- **Member’s Discussion on encouraging public attendance**

The Committee considered the challenges of engaging people to attend public meetings and suggested a range of methods including:

- Text messages and emails.
- Specific invitations to key people worded so as to encourage them to invite others as well.
- Harry Nelson and Irene Nangala to talk about Statehood in their local languages on CAAMA radio.

**Action:** Nora Kempster to discuss with Paul Wiles and Committee members opportunities for using CAAMA

5. **2010 Forums Advertising Update**

A. **Executive Officer’s report on Television and Radio advertising**

The Executive Officer provided an update to the Committee on advertising.

The Committee noted the report.

B. **Website Update**

The Executive Officer provided an update to the Committee on the new website.

The Committee noted the report.

C. **Multicultural Communication Update**

The Community Liaison Officer briefed the Committee on the direct mail campaign in key non English languages sent to community leaders nominated by the Multicultural Interpreter Service.

The Committee noted the report.

6. **Recent Media Reporting**

The Committee noted recent media coverage of the NT State 7 campaign activities.

7. **New Media Briefing**
Committee Members Kezia Purick and Daniel Bourchier briefed the Committee on a Facebook page created as a consequence of a resolution at Executive Group meeting No 21.

Daniel Bourchier will be the overseeing the page and advised already 80 members had joined in just one day. Daniel will moderate the page and update information posted on the site in consultation with the Executive Officer.

The Committee expressed their appreciation for the work done by the two Committee Members.

8. Logistics for Darwin and Palmerston Forums

The Executive Officer informed the Committee of the forum process and it was agreed the Chair, Co Chair and Member Jamey Robertson would provide brief introductions at the Darwin Forum and Jenny Medwell and Co-Chair Fran Kilgariff will undertake this duty at Palmerston.

9. Members Reports

Committee Member Ray Wooldridge advised the meeting the Local Government Association is to consider a draft motion summarised as follows:

The Local Government Association of the Northern Territory (LGANT):

1. Affirms in-principle support for Statehood.
2. Recognises the tensions concerning the relationship between the capital centre and the regions as an obstacle to the Territory moving forward.
3. Recognises the concentration of political power in the capital centre as impacting upon these tensions.
4. Identifies the process of designing and endorsing a Constitution for a new State as a unique opportunity to address these tensions and move forward as a united and inclusive Territory and further recognises the opportunity to address these tensions to create a modern and new Constitution where other States have failed to do so.
5. Respectfully request that the Statehood convention process include the following for discussion and consideration:

   a) a constitutional statement that reflects the rights and responsibilities of all people of the new State, including specific statements in relation to regions;
   b) a constitutional formula that ensures equitable distribution of financial resources across the regions, particular discretionary and non essential infrastructure; and
   c) constitutional protection of regions in the way that political powers disperse.

The Committee noted the draft resolution and encouraged further reports from the LGANT meeting once considered.

10. Correspondence File Tabled

The meeting was advised the correspondence file is available for inspection. This was noted by the Committee.

11. Other Business

Committee Member Daniel Bourchier asked about the progression of the eight resolutions to the LCAC arising from Meeting No 23. Madam Chair advised that the LCAC has only had a brief opportunity to consider these to date, however, it was the preliminary view of the LCAC that:
• We need to wait for the Territory Government to indicate when they consider is an date for a Constitutional Convention and for them to determine the funding of any election process.
• The LCAC still needs to consider the logistics for organising the Constitutional Convention.
• The LCAC takes a view that the majority of delegates would be elected, however, there would be some appointments of experts, who would not have voting rights at a Convention – delegates would have to be a Territorian to vote.

Member Jamey Robertson expressed concern that past Committee decisions had in some instances not been actioned. He canvassed a plan to have a Committee dinner for the out of town members, and a possible increase to sitting fees.

**Action:** The Executive Officer will undertake an audit of all action items arising from past meeting minutes and report to the next meeting on any outstanding resolutions or decisions.

12. **Roadshow Forum**

The meeting was adjourned at 3.58 pm and Committee members convened at Browns Mart at 5.00 pm for the Roadshow Forum.

The Forum was attended by approximately 50 people who engaged in a lively question and answer session. Video recordings were made of comments which will be loaded to the website.

**The meeting closed at 7.05pm**
Meeting No. 25 26th May 2010

Present: The Hon Jane Aagaard MLA (Chair), Ms Fran Kilgariff (Co-Chair), Mr Wayne Connop, Mr Brian Martin AO MBE, Ms Irene Nangala, Mr Harry Nelson, Mr Sean Parnell, Mr Jamey Robertson, Ms Bronwyn Russell, Mr Peter Schaefer, Mr Matthew Storey, Mr Bob Wade, Mr Ray Wooldridge.

Also in Attendance: Mr Michael Tatham (Executive Officer), Ms Tanya Hardy (Audio and Minute Recording), Ms Lucy Lindburgh-Ostling (representing the Office of the Minister for Statehood at the request of the Minister.)

Apologies: Mr Daniel Bourchier, Mr Luke Bowen, Ms Kathleen Chong-Fong, Ms Jenny Medwell OAM, Mr Maurie Ryan, Ms Margaret Vigants, Mr Wali Wunungmurra, Ms Kezia Purick MLA, Ms Marion Scrymgour MLA, Mr Ian McNeill (Secretary LCAC).

Chair the Hon Jane Aagaard MLA deferred to Committee Co-Chair Fran Kilgariff who assumed the Chair and the meeting was declared open at 1:07pm.

The Co-Chair welcomed members.

1. Consideration of Minutes of Meeting No. 24

The Minutes of Meeting 24 were amended as follows:

- Mr Wooldridge: Page 4 of the minutes under the heading of Members Report a clarification was included to make it clear that the motion under discussion was put up by Alice Springs Town Council.
- Fran Kilgariff: On Item 3 Executive Group Membership the word "temporary" should be deleted as the Member is a Member for their elected term.

The corrections were noted and the amended Minutes were ACCEPTED.

MOVED Ray Wooldridge

SECONDED Wayne Connop

2. Business Arising

1. Follow up to the Summary paper on NT and Australian Government Policy in the context of ‘Closing the Gap’ and the ‘Intervention’ – Consideration of a further draft summary paper to address the 5 year leases and the constitutional basis of the intervention.
The Committee **resolved** the draft paper is to be a publication of the Statehood Steering Committee as a short Information Paper and will be made available as a hand-out to interested participants at future Information Roadshow Forums.

**Action:** The Information Paper is to be made available on request at future Forums.

### 2. Audit of all SSC minutes action items

The Committee discussed the Audit Report and canvassed the status of the Draft Discussion Paper on the eventual Terms and Conditions of Statehood. The Committee was advised a further draft was being considered by the Executive Group as resolved by the Statehood Steering Committee at Meeting No 24.

The Committee **resolved** the Draft Discussion Paper will be circulated to the Committee ahead of the next meeting once the Executive Group has considered the current draft content.

The Committee **resolved** to invite the Territory 2030 Office to brief members at the next meeting, noting that SSC member Marion Scrymgour MLA is the Parliamentary Secretary with responsibility for Territory 2030.

**Action:** The Executive Officer to distribute the Draft Paper for the next meeting to consider its status and distribution.

**Action:** The Office of Territory 2030 is to be invited to attend and brief the next meeting of the Statehood Steering Committee.

**Action:** The Minister for Statehood will be invited to brief the next meeting about the relationship with the Commonwealth and the proposed Inter Governmental Committee.

### 3. Chair’s Reports

The Chair reported to the Committee about her attendance at Forums and advised that the Yuendumu Forum was well patronised with a very engaged audience.

A number of women participants approached the Chair and SSC members seeking a separate forum be made available for them.

Participants raised issues concerning regional difference and future representation, the future administration of the Land Rights Act, the content of a preamble, recognition and preservation of language was also raised. These were very well educated people and they were starting to think about Statehood because of the Commonwealth intervention.

**Action:** Nora Kempster to liaise with the Yuendumu community about a special Women’s Forum.

The Chair briefed the Committee on her attendance along with Member Kezia Purick MLA at the Litchfield Shire Council where they spoke with Councillors. The Chair indicated an intention to approach Councillor Mary Walsh to ask whether or not there’s a possibility to have some kind of a vote on Statehood.

**Action:** Executive Officer to draft a letter from the Chair to Mary Walsh thanking Council and asking whether the Council would like to formally express support for Statehood.
The Chair briefed the Committee on a meeting with Katherine Town Council Mayor Anne Shepherd, the CEO and another Councillor the previous week.

**Action:** Executive Officer to draft a letter from the Chair to Anne Shepherd thanking Council and asking whether the Council would like to formally express support for Statehood. A similar letter is also to be drafted and dispatched to Tennant Creek (Barkly Shire).

The Chair briefed the Committee on the previous weeks’ visit to meet community leaders in Katherine.

The Chair then briefed the Committee on the decision of the LCAC for her and Member Kezia Purick to undertake research and develop a draft strategy for the next stage of the campaign. This will then be considered by the LCAC and the SSC will be advised.

The Committee discussed the process for electing delegates to a convention and the Committee **resolved** to examine allowing people of age 16 and up being permitted to vote at the election for delegates to attend the convention.

**MOVED** Jamey Robertson

**SECONDED** Brian Martin

**Action:** Executive Officer to report to the next meeting on issues and logistics concerning this proposed approach.

The Committee **agreed** that the production of publications of the Committee be undertaken according to recommended font size under disability guidelines from the Disability Council of Australia.

**Action:** Executive Officer.

4. **Co-Chair Reports**

The Co-Chair had no reports.

5. **Executive Officer’s Reports**

The Committee **noted** the report on the Meeting with Darwin City Council.

The Committee **noted** the report on the presentation to the Youth Ministers Round Table.

The Committee **noted** the report on the Forums and discussed further the logistics to encourage more participation. Matthew Story suggested further enthusiasm would become evident when the Convention process was announced.

Members were reminded to provide personal photographs to populate the website.

The Executive Officer advised that the website needs to be updated to reflect a change to membership with Michael Gunner’s departure and Marion Scrymgour’s arrival.

**Action:** Executive Officer.

6. **Community Officer’s Reports**
Nora Kempster was absent and the Executive Officer advised the Committee that Nora is responsible for developing the roster of Committee member's attendance at Forums. Members were asked to liaise with Nora as required.

7. Member’s Reports

Bronwyn Russell reported on the Executive Officer attending a briefing she arranged for the Business Council.

8. Correspondence File Tabled

The meeting was advised the correspondence file is available for inspection. This was noted by the Committee.

9. Other Business

As requested by Brian Martin, the LCAC Report on Customary Law and a Bill of Rights will be made available to the Committee.

Action: Executive Officer.

Jamey Robertson requested the Executive Officer prepare a briefing note on the Maori Affairs Committee room in the New Zealand Parliament to be considered at the next Committee meeting.

Action: Executive Officer.

10. Katherine Roadshow Forum

The Forum Report will be prepared by Urbis Consulting and presented to a future meeting of the Statehood Steering Committee. 22 people attended the Forum and a range of issues were discussed.

The meeting closed at 5.54pm
1. Consideration of Minutes of Meeting No. 25

The Minutes of Meeting No. 25 were amended as follows:

- Mr Jamey Robertson expressed the following: It should be noted on Item 3 Chairs Reports that the Chair commented about the Committee winding up and that there are only two meetings remaining. It should also be noted that the Chair was to report back to the Committee regarding how the decision was reached by the LCAC not to increase sitting fees.

The corrections were noted and the amended Minutes were ACCEPTED.

MOVED Sean Parnell

SECONDED Jamey Robertson

The Chair noted she had advised members at meeting No 25 of the decisions of the LCAC.

2. Business Arising

There was no business arising.
3. **Minister for Statehood – Update on Territory Government Matters**

The Minister for Statehood briefed the Committee about discussions she has had with the Federal Government with regard to the Commonwealth’s role in progressing Statehood and the work to be undertaken for the drafting of an intergovernmental agreement.

The Committee **noted** that the Minister for Statehood will continue to pursue the establishment of an Intergovernmental Committee (IGC) with the next Federal Government.

The Minister for Statehood also reported that the State 7 Information Roadshow Forums and the 100th anniversary have sparked interest at the Federal level.

After the Federal election scheduled for 20 August one of the Minister’s first priorities will be to raise awareness of the 100th anniversary and she will be looking to the Chief Ministers Department for support.

The Minister will also explore opportunities to incorporate a “long walk” nationally whether it’s next year or over the next few years.

4. **Territory 2030 – Briefing from Ms Terri Hart, Director, Territory 2030 Implementation Unit**

Member Marion Scrymgour MLA updated the Committee on her role as Parliamentary Secretary for Territory 2030 and introduced Ms Terri Hart from the Territory 2030 Implementation Unit.

The Parliamentary Secretary advised that extensive consultations have been conducted, particularly with growth communities, and smaller communities and outstations about an implementation plan to commence delivering the required infrastructure and planning.

The Parliamentary Secretary further advised that: Territory 2030 was developed and drafted by an independent committee. It is not a government plan. It was a developed after extensive consultation by an independent committee that travelled widely throughout the Northern Territory, not just the towns, but also a lot of our remote aboriginal communities.

Terri Hart, Director of the Territory 2030 Implementation Unit then briefed the Committee on where the concept for the project originated and how the strategic plan was established.

The Committee **noted** the idea of including a question regarding Statehood in a household survey which will be conducted by the Territory 2030 Implementation Unit every 2 years. The Chair supported the idea, and the Committee **resolved** to discuss the matter further at the next meeting.

5. **Draft Terms and Conditions Paper**

The Committee discussed the circulated re-draft of the previously proposed Terms and Conditions Discussion Paper.

Committee member Storey raised some concern over emphatic statements made in the paper describing the position of the Committee. These statements reflect Committee discussions from 2007.

The view was expressed that these may no longer reflect Member's views and the Committee decided that all members should read the paper thoroughly prior to the next meeting.
The Committee **resolved** the paper will lie on the table until the next meeting with the view to it being published in a further draft form as a Committee Information Paper at the commencement of 2011.

MOVED Matthew Storey  
SECONDED Jenny Medwell

The Committee then discussed advice from the Executive Officer that a Senate Select Committee has been formed to inquire into federalism.

The Committee **noted** submissions to the Senate Select Committee on the reform of the Australian Federation are due by 20th August and the Committee **agreed** to make a submission.

**Action:** The Secretary will draft and circulate a proposed submission for approval by the Committee.

6. **Consideration of the implications of allowing people aged 16 and above to vote in an election for delegates to a future constitutional convention – NT Electoral Commission briefing by Mr Bill Shepheard**

The Committee welcomed the Northern Territory Electoral Commissioner and was briefed by Mr Bill Shepheard,

Mr Shepheard advised that the roll of voters only includes people who are 18 or older on polling day. However, there is a provision in place for 17 year olds to be provisionally enrolled although it’s not compulsory for them to do so and they are not activated until they’re 18. To drop it further to 16 is something that hasn’t been addressed before; however, there is proposed Commonwealth legislation to enrol 16 year olds as provisional as well.

Mr Shepheard advised it is possible to compile a separate electoral roll in this instance if that was desired. He said that If you want to vary the qualifications on that roll and you want do it automatically you have to set up another system of enrolment. You can take the data from that roll and then you’d have to compile the roll that you want. For example, in Western Australia they take the Commonwealth role for a local government election and they maintain themselves a ratepayer’s role and they merge.

Committee members also asked Mr Shepheard about the method of electing delegates. Mobile polling booths, postal voting and online voting were discussed.

Mr Shepheard responded that the well established way of delivering polling in this jurisdiction is through attendance voting. Postal voting is however cheaper but less reliable in terms of the turn-out to vote.

7. **Chairs Report**

The Chair briefed the Committee about the work the LCAC has done since the last Committee meeting on proposals for the upcoming convention.

At the LCAC meeting held the previous day the LCAC agreed to a plan and the Statehood Steering Committee Executive Group has endorsed the plan.

The proposal will be subject to agreement by the Government and the provision of funding to advance any part of or the entire proposed program.
The Standing Committee has resolved as follows:

- The Standing Committee will recommend the Government support an announcement prior to the conclusion of the Roadshow Forums this year to advise the people of the Northern Territory a Convention will be held in November 2011 and the delegates to the convention will be elected by Territorians.
- The Statehood Steering Committee conducts its final formal meeting in December 2010 to receive the reports of the Roadshow Forums from the facilitator and finalise its recommendations to the Standing Committee on Legal and Constitutional Affairs and the Northern Territory Assembly.
- The Roadshow Forum Reports be tabled in the February 2011 sittings under cover of a report from the Standing Committee on Legal and Constitutional Affairs and Statehood Steering Committee members are invited to the sittings to witness the tabling and celebrate the conclusion of their work.
- The tabled report is publicly released.
- The Standing Committee undertakes work to oversee the arrangements for the proposed constitutional convention and establishes a Convention Organising Committee.
- Nominations for Delegates to be elected to the Convention are opened in June 2011.
- Election to be a Delegate at the Convention takes place in August 2011.
- Constitutional Convention Reports are completed by January 2012 and an Exposure Draft Constitution is tabled in February 2012.
- NT Election August 2012.
- Final Draft Constitution debated in NT Assembly April 2013.
- Referendum on Statehood to be held on a date to be determined by the Government on receipt of a recommendation by the Convention delegates.

The Chair also advised that as part of the move towards the next stage, opinion polling will be undertaken and a panel of experts would be appointed to assist the convention delegates.

Committee members engaged in lengthy discussion about the proposal as outlined below. There was a specific request some comments be minuted:

Jamey Robertson expressed a view as follows: “Will the Forums that we now attend be told that this Committee is being sacked and replaced by something from the government? This is where we started off this whole process, arguing the fact that the reason the last referendum went down was because of politicians’ interference. The idea of this Committee was to present something that was bipartisan, had the support of everybody, and was the voice of the community. It appears from this piece of paper that you’ve really had enough of the voice of the community and now the process has been taken over. I don’t think I agree with the general tone of that and I would like my comments minuted.”

Bob Wade stated: “I won’t use the word sacked, but I was under the impression that this Committee would run up to the convention and the people who sat on this Committee would be representing their people at the convention.”

These views were not supported by the other members of the Committee who were present.

Matthew Storey commented that he “was always of the view that this committee was here for a job and I’m pleased to see we’ve done our job. We were here to do a particular job which was to present a report to keep this going, to get a convention happening and I for one am I’m hugely pleased because when I joined this committee I didn’t think we’d ever get to the convention stage… So to think we’ve been sacked is in my mind completely misguided. What we have done is created the real Statehood debate that’s going to happen over the next 12 months”.

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• Margaret Vigants said: “I understand Jamey’s comments, but I don’t necessarily sympathise with them. Those of us on the Committee since inception may remember some discussions we’ve had, whether informally or formally, about the tenure of this Committee, how long we are in this position for. And it was made very clear that we would be disbanded prior to the convention. That was my total understanding from day one. The other recollection I have from those discussion was there were people saying if I’m going to serve on this Committee I would feel comfortable in knowing there would be a role for me at the convention. Those were the two elements of that discussion. However, I must say congratulations. I’m looking forward to it and the public comments when people are called to stand for election. That should be great fun.”

• Ray Wooldridge endorsed Matthew Storey’s comments stating “they are my views entirely and I think once we stand down if we’re still committed we can put our hands up and get elected.”

• Daniel Bourchier said “I agree and I think it’s great we now have some set dates we can look forward to. My only concern is there’s not enough time in which to draft our final report. About 6 years of work between now and December”.

• Peter Schaefer expressed a similar view and requested it be formally noted that the Committee “has not been sacked. It has come to fruition and delivered what it has set about to deliver”.

Jamey Robertson responded: If it would make everybody happy, I formally accept that our services have been dispensed with from a due and proper process alas without the support of us all.

The Committee noted the Executive Group endorsement of the Standing Committee resolution

Secretary’s Report

As requested by Jamey Robertson at Meeting No 25, the Secretary presented an information paper on the Maori Affairs Committee Room which was noted by the Committee.

The Secretary briefed the Committee on progress of the Information Roadshow Forums, noting that attendance has been low recently and the demographic is mainly 40 years or older.

The Secretary advised that all Forums scheduled for August have been deferred to a later date due to the Federal election. The Committee was also advised that the Executive Group has approved up to ten additional Forums in other remote areas which means by the end of the year closer to 50 forums in total will have been conducted.

8. Next meeting – Darwin in December 2010

The Committee agreed that the next meeting will be for a full day and will be held in December at a date to be advised.

9. Members Reports

There were no reports.

10. Correspondence

The meeting was advised the correspondence file is available for inspection. This was noted by the Committee.
11. **Other Business**

The Committee discussed the concern raised by Jamey Robertson raised about Committee Members being paid a sitting fee to attend forums.

The Chair confirmed the policy that members travelling overnight are paid the Government rate Travel Allowance, but sitting fees only applied to Committee meetings.

The Co-Chair asked Member Robertson to either move a motion or proceed to the next agenda item. Mr Robertson expressed an intention to do so after the briefing from Mr Shepheard due to a re-ordering of business. However when the matter was called on Mr Robertson was not in the room and no other member spoke.

12. **Adjournment at 11.45am for members to travel to Palmerston forum to commence at the Recreation Centre in Palmerston at 12.30pm**

The Committee adjourned to the venue for the planned Information Roadshow Forum.

13. **Palmerston Forum**

The Forum Report will be prepared by Urbis Consulting and presented to the next meeting of the Statehood Steering Committee.

**Action**: Committee Secretary.

The meeting closed at 1.50pm
At the request of the Chair, Committee Co-Chair Fran Kilgariff chaired the meeting and the meeting was declared open at 1:42pm.

1. Welcome and Apologies

The Co-Chair welcomed members and the Minister for Statehood, the Hon Ms Malarndirri McCarthy MLA.

The Minister for Statehood briefed the Committee about the feedback she has received to the State 7 Information Roadshow Forums saying “the work has been recognised by many people around the Territory”. She also noted that the information has “struck at the heart of many people”, especially in remote areas.

The Minister also reported on some of the events proposed for 2011:
A new artwork is being designed to underpin the Government’s theme of “100 Years of the Territory - Over 50 000 Years of Stories” to promote the Statehood message in 2011 and complement the work of the Committees.

Organisations such as the Shire Council’s, Police Association, rodeo committees, women’s groups, libraries and museums are being requested to think about how they can raise the profile in their own areas for reflection on the good and bad in the Territory over the last 100 years and how the Territory can work towards the next 100 years.

Schools have been asked to consider time capsules and to participate in an essay competition being coordinated by the Education Minister.

The Minister’s Cabinet colleagues are being asked to look at the history over the last 100 years within their particular portfolios and consider how they can raise the profile of the project.

Australia Post has agreed to create a particular stamp to commemorate the event.

The ABC is considering conducting community forums through the show circuits in Alice Springs, Tennant Creek, Katherine and Darwin.

Qantas has been asked about their ability to sponsor and be a part of the Territory wide opportunities

The Committee noted that the Minister for Statehood has spoken with the Long Walk Foundation to discuss the idea of a walk from Darwin to Canberra in 2013.

2. Minutes of Meeting No. 26
   The Minutes of Meeting No. 25 were ACCEPTED.

   MOVED Ray Wooldridge
   SECONDED Matthew Storey

3. Business Arising
   There was no business arising.

4. Forum Reports and Consideration of Draft Report to Assembly
   The Secretary spoke to the draft circulated Report document.

   The Committee considered and resolved to support each recommendation in the Final Report as follows:

   1. The Statehood Steering Committee by mutual agreement between the SSC and LCAC conclude its work at the end of 2010 and report to the LCAC on the 2010 year of activities.

      MOVED Sean Parnell
      SECONDED Jenny Medwell

   2. The LCAC appoints a new Advisory Committee (Northern Territory Convention Committee – NTCCC) to undertake the planning for a Constitutional Convention to be held by the end of 2011 and advise the LCAC on the resources and any other requirements needed for a successful Convention.

      MOVED Ray Wooldridge
      SECONDED Jenny Medwell
3. The LCAC approaches the Northern Territory Government to seek adequate funds to support a process which will result in democratically elected delegates being the decision makers at the Convention.

MOVED Matthew Storey
SECONDED Bronwyn Russell

4. An election process for delegates should take place with all necessary promotion and support so as to inform Territorians how to become involved well ahead of the Convention.

MOVED Jenny Medwell
SECONDED Sean Parnell

After a lengthy discussion regarding this recommendation the Committee moved that the LCAC be requested to make the democratic process as inclusive as possible.

MOVED Jamey Robertson
SECONDED Maurie Ryan

5. The election process should allow 17 year old Territorians the ability to vote and to nominate to be a candidate for election as a delegate to the Convention.

MOVED Irene Nangala
SECONDED Harry Nelson

6. The Convention should take place in two discrete sessions over an adequate time to ensure the acceptance and understanding of the program by as many Territorians as possible.

MOVED Sean Parnell
SECONDED Bronwyn Russell

7. The First Convention should convene in Darwin over approximately ten days with the support of appropriate experts and it should be informed by the views which were expressed by Territory residents contained in the NT 2011 Information Roadshow Reports gathered from the 50 public forums held across the Territory in 2010.

MOVED Sean Parnell
SECONDED Wayne Connop

8. The First Convention should produce a draft Constitution to be publicly released and consulted upon for a period of approximately 12 months prior to Convention delegates reconvening to consider the response of Territorians to the content of the Draft Constitution.

MOVED Ray Wooldridge
SECONDED Sean Parnell
DISSENT Jamey Robertson

9. The Second Convention should convene in Alice Springs over approximately five days to ratify a Final Draft Constitution for presentation to the Legislative Assembly by early 2013.

The Committee resolved to amend recommendation 9 as follows:
• The Second Convention should convene in Alice Springs with appropriate experts, over approximately five days to ratify a Final Draft Constitution for presentation to the Legislative Assembly by early 2013.

MOVED Ray Wooldridge
SECONDED Sean Parnell
DISSENT Jamey Robertson

10. The Territory Government must continue to engage the Commonwealth Government and Parliamentarians on the terms and conditions of Statehood under s.121 of the Australian Constitution (as described in the SSC Information Paper; What Might the Terms and Conditions of Northern Territory Statehood Be? To be released by the LCAC on behalf of the SSC on 1 January 2011) prior to undertaking any referendum on the question of Statehood for the Northern Territory.

MOVED Ray Wooldridge
SECONDED Wayne Connop

The Committee noted that the Final Report will also include the minutes from this Committee meeting which will be available in January 2011.

ACTION: The Secretary to distribute the Minutes of Meeting No. 27 during January 2011.

The Committee ratified the content of the Draft Report and agreed it be submitted to the LCAC for consideration and tabling in the Assembly at the February 2011 sittings.

MOVED Sean Parnell
SECONDED Ray Wooldridge

5. Draft Information Paper on the Terms and Conditions of Statehood

The Secretary spoke to a new draft of the Information Paper considered at Agenda Item 5 of Meeting No. 26.

The Secretary advised that a number of emphatic Committee statements had been revised or removed as requested at the previous meeting but noted the draft as presented states the Committee’s overarching views on the requirement of the Northern Territory and Commonwealth Governments to re-engage on Statehood matters to settle the eventual terms and conditions of Statehood.

The Committee resolved to publish and distribute the document in its revised form.

MOVED Ray Wooldridge
SECONDED Jenny Medwell

ACTION: Office of Statehood to arrange for publication of approximately 500 hard copies by January 2011 and send copies to every member of the Commonwealth and Territory Parliaments.

6. Chair’s Report/LCAC Report

The Chair thanked and congratulated all Committee members for their contribution and hard work over a five years and expressed her excitement at beginning the next stage of the process towards Statehood.
The Chair briefed the Committee about the tabling of the Final Report at the February Sittings where all Committee members will be invited to attend.

**ACTION:** Office of Statehood to advise Committee members once a tabling date has been confirmed for the Final Report and arrange travel and accommodation for those attending.

The Committee *noted* that the LCAC are considering the membership of the proposed Northern Territory Constitutional Convention Committee (NTCCC) and final membership will be advised before the end of the year.

The Chair advised the LCAC will keep former SSC members informed on a regular basis of the activities of the NTCCC and encourages all SSC members to be involved in 2011 events where possible.

The Chair also expressed a hope that some SSC members will put their hands up to stand as delegates at the Constitutional Convention.

**ACTION:** Office of Statehood to inform Committee members of those appointed to the NTCCC and keep members up to date with activities on a regular basis.

7. **Secretary’s Report**

The Committee *noted* the Secretary’s report regarding the meeting with the Central Land Council which was also attended by members Maurie Ryan and Sean Parnell.

The Secretary brought to the Committee’s attention the following proposal by David Ross, the CEO of the Central Land Council and asked the Committee if they wanted to take any action:

“If you advise the Chief Minister that the Northern Territory Government must recognise payback and customary law then the Land Council will dedicate a whole day to discussion about this convention next year.”

The Chair advised the Committee had no capacity to require the Chief Minister or the Government to recognise payback.

Committee members Maurie Ryan and Harry Nelson indicated they will continue their conversations with Land Councils to discuss the issue of payback and customary law.

The Committee *resolved* to refer the proposal to the LCAC.

MOVED Maurie Ryan
SECONDED Harry Nelson

8. **Committee Member Reports/Discussion**

- **Jamey Robertson**
  
  Jamey Robertson queried the font size and colour used in advertisements, as well as to who the “face of Statehood” is once the Committee ceased to exist. He expressed his concern in the process not looking like a “bureaucrat’s and politician’s Statehood”.

- **Wayne Connop**
  
  The following matters were raised by Wayne Connop for information to be provided to those attending the Constitutional Convention:
  
  1. Aboriginals being recognised in the constitution.
  2. The aspects of the Family Law Act which do not apply to Aboriginal people in remote areas.
  3. The euthanasia debate.
The Co-Chair indicated that these matters along with many others will no doubt be raised by delegates at the Constitutional Convention but it was difficult to pre-empt debate by singling them out now.

The Chair also indicated as this is the last Committee meeting SSC members might consider standing as a delegate or talk to those elected to influence having those matters raised at the Convention.

- **Maurie Ryan**
  Maurie Ryan expressed concern about the future of the Statehood Secretariat and Madam Chair advised the meeting the Office will continue to support the 2011 program.

- **Bronwyn Russell**
  Bronwyn Russell reported on presentations by the Secretary to the Northern Territory Business Council and Engineers Australia. She noted that most who attended did not know what Statehood was about despite the fact they were professional, educated business people. The Secretary was asked if he would still be available to undertake presentations. The Secretary advised that with the concurrence of the LCAC, Dennis Meehan, Russell Keith and he would be available if asked.

- **Sean Parnell**
  Sean Parnell briefed the Committee about his attendance at the LGANT Conference in Alice Springs as a guest speaker. Mr Parnell advised the audience was interested from a local government perspective. A DVD prepared by the Alice Springs Town Council promoted local government in a new constitution and guaranteed funding for regions.

  **ACTION:** Office of Statehood to request a copy of the DVD presentation prepared by Alice Springs Town Council.

- **Ray Wooldridge**
  Sean Parnell was complimented by Ray Wooldridge on his presentation at the LGANT Conference. The Committee **noted** that as an outcome of the Conference a resolution was passed by LGANT to develop a policy on Statehood and they now have a formal position of supporting Statehood.

  Ray Wooldridge also commended Jamey Robertson on his strategy to lower the voting age for the convention delegates vote and expressed his view that since it’s the first time in Australia 17 year olds will be allowed to vote it will create a lot of nation wide interest and promotion for Statehood.

  *(NOTE – the Electoral Commissioner has since this meeting advised the roll may be open to 16 year olds and the NTCCC has advised the LCAC to adopt the available roll, therefore 16 year olds may be allowed to vote at the forthcoming election as per the original suggestion of Mr Robertson in 2009).*

9. **Incoming Legal Advice from the Solicitor-General**
   The Secretary briefed the Committee on advice sought from the Solicitor-General arising from questions to clarify the role of the Administrator and the Crown in the Northern Territory.

   The Committee **agreed** the advice is a useful source of information if technical questions are asked and may be of some interest to the constitution makers next year. The Committee **noted** the report.

10. **Correspondence File**
    The meeting was advised the correspondence files were available for inspection. This was **noted** by the Committee.

11. **Other Business**
    Jamey Robertson proposed that the Committee compile an oral history of Committee members past and present.
Matthew Storey agreed, saying there is a lot of merit to this idea because the Committee’s work is history making in the Territory and the personal recollection of those people that are interested in coming forward might be quite valuable.

The Committee **resolved** that the Office of Statehood would follow up the potential of an oral history project with the LCAC and invite interested SSC members to participate.

**ACTION:** The Statehood Program Manager to contact NT Archives to commence the process.

### 12. Final Dinner
The Committee adjourned to the Statehood Steering Committee’s final dinner.

*The meeting adjourned at 4.30pm and formally closed after dinner.*
Dear Territorian

January 2011 will be one hundred years since Australian citizens living in the Northern Territory lost many of the democratic rights of Australian citizens who live in a state.

On 1 January 1911 the State of South Australia gave full control of the Northern Territory to the Commonwealth Government.

The Statehood Steering Committee (made up of community representatives and members of the Legislative Assembly) is planning to convene a constitutional convention in Darwin in 2011 where we will draft a new constitution for a new state.

Leading up to this important event, the Statehood Steering Committee has launched a campaign called NT 2011 Towards State 7.

An Information Roadshow with a series of public forums will travel the Territory to talk about a constitution and hear your ideas. We will also discuss how Territorians might participate at the constitutional convention in 2011.

You are invited to attend a forum near you.

On the back of this letter you will see the dates for the forums commencing in February 2010 and continuing each month until the end of the year.

You are invited to attend one or more of these. To do this you can just come along or visit www.ntstate7.com.au for more information.
The Northern Territory does not have its own constitution. 226 politicians in the Commonwealth Parliament have the final say about what happens here. Only 4 of these represent the people of the Northern Territory. Statehood will make a difference.

To become a State we need our own constitution made by Territorians to suit Territorians. A constitution will bind law-makers today and in 100 years time.

During 2010 the Statehood Steering Committee is preparing the way.

- Do you want a simple constitution that sets up the systems of a State Government?
- Do you want to talk about ways for citizens to control or bind future State governments?

Come to a Forum this year and find out how you may:

- Participate at a Constitutional Convention to be held in 2011
- Influence what should be talked about at the Convention
- Determine our future as a partner State in the Australian system of government

All Territorians are invited. The dates and locations have been set, come to one or come to many.

For more information visit:

www.ntstate7.com.au

Northern Territory Statehood Steering Committee
Email: statehood@nt.gov.au  Phone: (08) 8946 1437  Toll Free: 1800 237 909
# Annexure D

## 2010 NT Statehood Forums - Chronological order

<table>
<thead>
<tr>
<th>No.</th>
<th>February</th>
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<tr>
<td>1)</td>
<td>Tues 16: Elliott</td>
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<td>2)</td>
<td>Wed 17: Tennant Creek</td>
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<td>3)</td>
<td>Mon 22: Alice Springs 1</td>
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<td>4)</td>
<td>Wed 24: Utopia</td>
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<td>6)</td>
<td>Tues 9: Mutitjulu</td>
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<td>7)</td>
<td>Tues 23: Darwin 1</td>
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<td>8)</td>
<td>Wed 24: Palmerston 1</td>
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<th>April</th>
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<td>9)</td>
<td>Mon 12: Yuendumu</td>
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<td>10)</td>
<td>Tues 13: Ti-Tree</td>
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<td>11)</td>
<td>Tues 13: Laramba</td>
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<td>12)</td>
<td>Wed 14: Papunya</td>
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<td>13)</td>
<td>Thurs 15: Harts Range</td>
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<td>14)</td>
<td>Fri 16: Alice Springs 2</td>
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<td>Mon 10: Borroloola</td>
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<td>16)</td>
<td>Tues 12: Matamanka</td>
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<td>17)</td>
<td>Wed 13: Barunga</td>
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<td>18)</td>
<td>Tues 25: Pine Creek</td>
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<tr>
<td>19)</td>
<td>Wed 26: Katherine</td>
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<th>June</th>
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<tr>
<td>20)</td>
<td>Tues 15: Adelaide River</td>
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<td>21)</td>
<td>Thurs 17: Wagait</td>
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<td>Wed 21: Litchfield (Taminmin Coll.)</td>
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<td>23)</td>
<td>Wed 21: Batchelor</td>
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<td>24)</td>
<td>Tues 27: Darwin 2</td>
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<td>25)</td>
<td>Tues 27: Darwin 3</td>
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<td>26)</td>
<td>Wed 28: Palmerston 2</td>
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<td>Mon 23: Nguiu (Bathurst Island)</td>
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<td>28)</td>
<td>Tues 24: Pirlangimpi (Melville Is)</td>
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<td>29)</td>
<td>Wed 25: Minjilang (Croker Island)</td>
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<td>30)</td>
<td>Thurs 26: Warruwi (Goulburn Island)</td>
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<td>31)</td>
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<td>32)</td>
<td>Thurs 9: Maningrida</td>
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<td>33)</td>
<td>Fri 10: Milingimi</td>
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<td>Mon 13: Gapuwiyak</td>
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<td>Tues 14: Numbulwar</td>
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<td>36)</td>
<td>Wed 15: Ngukkur</td>
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<td>37)</td>
<td>Tues 21: Wadeye (Port Keats)</td>
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<td>Thurs 23: Nauiyu (Daly River)</td>
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<tr>
<td>39)</td>
<td>Mon 4: Nhulunbuy</td>
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<td>40)</td>
<td>Tues 5: Yirrkala</td>
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<td>41)</td>
<td>Wed 6: Galiwinku</td>
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<td>42)</td>
<td>Thurs 7: Groote Eylandt</td>
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<td>43)</td>
<td>Fri 8: Milyakburra (Bickerton Is)</td>
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<td>44)</td>
<td>Tues 19: Kintore</td>
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<td>45)</td>
<td>Wed 20: Alice Springs 3</td>
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<td>46)</td>
<td>Thurs 21: Ali Curung</td>
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<tr>
<td>47)</td>
<td>Mon 8: Darwin Rural (Coolalinga)</td>
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<tr>
<td>48)</td>
<td>Tues 9: Palmerston 3</td>
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<tr>
<td>49)</td>
<td>Thurs 25: Timber Creek</td>
<td></td>
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<tr>
<td>50)</td>
<td>Fri 26: Kalkarindji</td>
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</tbody>
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Annexure E
Key Publications

Reports
Statehood Steering Committee Report to the Standing Committee on Legal and Constitutional Affairs (First Report) February 2006
Statehood Steering Committee Report to the Standing Committee on Legal and Constitutional Affairs (Second Report) May 2009
Northern Territory Statehood Steering Committee Final Report and Recommendations to the Legislative Assembly Standing Committee on Legal and Constitutional Affairs December 2010

Information Paper
What Might the Terms and Conditions of Northern Territory Statehood Be? January 2011

Discussion Paper


Education Materials
Together Towards Statehood (Illustrated flip chart and booklet story boards) August 2006
Walking Together: A Historical Timeline (Illustrated booklet) June 2007

Newsletters
Statehood Steering Committee Newsletter No 1 June 2006
Statehood Steering Committee Newsletter No 2 January 2007
Statehood Steering Committee Newsletter No 3 July 2007
Statehood Messenger No 1 June 2009

Fact Sheets
1 - Self Government and Statehood - What’s The Difference?
2 - How the Territory is not equal to the States
3 - Who decides we are not a State?
4 - Will Statehood give us a bigger voice in Canberra?
5 - Will we be an equal State? (Federal Representation)
6 - What is the impact of Statehood on financial relations with the Commonwealth?
7 - Will defence forces still be based in the Territory?
8 - A new name for a new State?
9 - How would Statehood affect the everyday cost of living?
10 - Australians voting to change the Australian Constitution - why Territorians don’t count
11 - Territory Population
12 - Territory Way of Life – Speed Limits and Fire Crackers
13 - Statehood and the Aboriginal Land Rights (Northern Territory) Act 1976
14 - Some Important Historical Dates for Aboriginal Peoples of the Northern Territory
15 - Aboriginal Citizenship and the Right to Vote
16 - The 1998 Aboriginal Constitutional Conventions
17 - Political Development of the Northern Territory
18 - Territorians and a Process Towards Statehood
19 - Democracy Denied in the Northern Territory
20 - Statehood - What does it Mean for Me?
21 - Does Statehood Mean Another Layer of Government?
22 - Statehood and the Proposed Radioactive Waste Management Facility
23 - What Territorians say they understand about Statehood in 2005
24 - The Commonwealth Constitution and the Northern Territory
25 - Why Some People May NOT Support Statehood
26 - Uranium Mining in the Northern Territory
27 – Northern Territory Mines and Minerals
28 – What is a Constitution?
29 – What is a Bill of Rights?
30 – Northern Territory Industrial Relations?
31 – Does Statehood Mean State Taxes?
32 – Consultation on Statehood – The Territory and its Mobile Population
33 – Flags and Emblems of Statehood
34 – What is an Upper House?
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Urbis Report
Facilitation of Public Forums on Constitutional Development
prepared for the Northern Territory Legislative Assembly

REPORT OF FORUM OUTCOMES

December 2010
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Acknowledgments

We would like to thank the Statehood Steering Committee members and Team; Aboriginal interpreters and all of the people in local communities who willingly contributed their energy and ideas to the Statehood process.
Executive Summary

This report provides an overview and summary of outcomes from a series of public forums conducted across the Northern Territory throughout 2016. These were part of an Information Roadshow undertaken to explain and receive feedback from participants on the potential for the Northern Territory to become a State and to consider the contents of a draft Constitution. The Northern Territory Legislative Assembly engaged Urbs to assist in this process.

Chapter 1 provides a brief background and context to this project, including the intent of the forums, and the importance of independence, impartiality and inclusiveness in their delivery. It also includes a thumbnail history of Statehood development in the Northern Territory.

Chapter 2 describes the approach and methodology adopted by Urbs in relation to facilitation of the forums to ensure information provided to participants was accessible, to develop respect and acknowledge diversity, to allow adequate time for discussion and to accurately and transparently record outcomes. It also describes the role of the Statehood Team in publicising and promoting forums, including engaging with community members in the lead-up to each forum. The agenda and process for each forum are also outlined in this Chapter. Chapter 2 also provides an overview of forum attendees.

Chapter 3 outlines the Themes and Issues discussed in each forum. Themes and Issues previously identified by the Statehood team included Money, Equality, Identity, Leadership and Aboriginal Participation. Chapter 3 discusses the relative importance with which these were regarded by forum participants.

Chapter 4 includes a summary and analysis of matters which forum participants considered should be included in a draft Constitution. These include: Aboriginal Recognition; Aboriginal Land Rights; Customary Law; Languages and Representation. In addition to these, a range of aspirational opportunities around human rights; environmental protection and equality for all citizens were also identified by participants. These matters will now be considered by the Northern Territory Legislative Assembly and will be provided to delegates at a proposed Constitutional Convention in 2011 to assist them in development a draft Constitution.

Appendix A includes individual reports from each of the forums facilitated by Urbs.

Appendix B includes several summary Tables of Attendees; Themes and Issues and Matters for Consideration in a Constitution.
1 Project Background and Context

In December 2009, the Northern Territory Legislative Assembly commissioned Urbis to facilitate a series of Public Forums to explain and receive feedback across the Northern Territory on the benefits of Statehood and the content of a Constitution. The forums were part of a major roadshow event throughout 2010 which included forums, meetings and school activities.

The facilitation process included:

- Refining forum content
- Acting as an independent broker for issues to be dealt with during the forum processes
- Ensuring consistency and independence in the delivery of information and feedback, and
- Ensuring inclusiveness and impartiality in the community consultation processes.

One Urbis facilitator attended each forum, and worked with the Statehood Steering Committee Team, Committee members and Aboriginal interpreters, where appropriate, to deliver the forums. The themes and issues identified at each forum; matters for consideration in a draft Constitution and patterns of attendance were documented to provide a record of outcomes for public information and for consideration at the proposed Constitutional Convention.

1.1 Statehood Development

In previous referenda on Statehood, in particular the vote in 1998, the 'no' vote was driven largely by a sense of exclusion among voters and lack of information about the process. ¹

It was in this context that the Statehood Steering Committee (both bipartisan and involving some 20 members, including community representatives) committed to a consultative process intended to be both extensive and inclusive. A specific mandate of impartiality was noted, such that both views in support of and opposing Statehood may be heard.

The consultative process was also considered vital because of the role of the Commonwealth Government in the Statehood process. The Commonwealth will ultimately determine to roles and responsibilities to transfer to the Northern Territory in the event of Statehood, and to this end, previous Commonwealth Governments had indicated support for Statehood, and had sought a clear demonstration of support for Statehood by the people of the Northern Territory.

Historically, the desire for appropriate constitutional recognition for the Northern Territory can be traced back to 1922, and the work of Harold Nelson in advocating for a House of Representatives seat in the Commonwealth Parliament. While the Northern Territory was granted self-government some 30 years ago, there has been general and ongoing discussion about the potential for Statehood for the Northern Territory.

The 1998 Statehood referendum was resolved in the negative. However, there has been considerable ensuing thought and discussion regarding the foundations and principles which should underpin a draft Constitution, if the Northern Territory was to become a State. The intention with these Statehood forums was to explore these and other areas as the basis for delegates at a proposed constitutional convention in 2011 to develop a draft Constitution.

¹ Hon M McCarthy, Ministerial Statement, Territory Statehood, September 2008
2 Approach and Methodology to Forum Facilitation

Our approach to the facilitation of the forums was built upon a set of principles which embraced the following:

- A focus on interests and issues, not positions
- The articulation of options for mutual gain
- Development of respect
- Acknowledgment of diversity
- Building consensus around shared values and goals
- Ensuring information is accessible to participants
- Building understanding and collaboration, through good process and quality information inputs
- Ensuring all key stakeholders are identified and the outcomes from meetings are recorded and achievable
- Ensuring adequate time for discussion
- Informing participants about how their inputs will be used
- Ensuring a thorough and transparent review of the forum process at critical points with the Statehood Team and internally throughout the project.

The Legislative Assembly Statehood Team developed materials used to publicise and inform potential forum participants, including flyers, letters, booklets and Fact Sheets. The Team also developed a PowerPoint Presentation to which Urbis provided input. These materials were endorsed by the Statehood Steering Committee.

The Statehood publicity materials were used to advertise and promote forums, via local and Statewide media, mailed invitations, letterboxing and face to face contact with people in communities in the days prior to each forum. The purpose of these materials was to catalyse discussions with individuals in communities and to encourage forum participation. This was often most effective in the ‘walk-around’ processes in communities. The advertising and promotional process was managed by the Statehood Team.

The Statehood Team had also conducted training for Aboriginal interpreters prior to the Roadshow. Interpreters were employed in a number of Aboriginal communities as needed.

Each forum included the following:

- A welcome to participants, introduction of forum presenters (including Steering Committee members and Aboriginal interpreters as appropriate) and acknowledgment of dignitaries
- An outline of the proposed agenda including feedback opportunities
- Comments by Member(s) of the Statehood Steering Committee regarding the reasons for their involvement on the Committee and the importance of Statehood to them
- A presentation by a member of the Statehood Team including: ‘How we are governed now; What difference being a State would make to the Northern Territory; the History and involvement of Aboriginal Territorians in the electoral process and Steps toward Statehood’
- A presentation and discussion regarding issues that people had previously identified as important to consider should the Northern Territory become a State
- An outline of what must go into a Constitution and what might be included, if the Northern Territory was to become a State
- An invitation for input and discussion from participants regarding matters which should be considered for inclusion in a draft Constitution for the Northern Territory
A conclusion, noting how input from each forum will be used, how the collated reports will inform participants at the proposed Constitutional Convention in 2011, where participants might be able to find further information and thanking participants for their involvement and opportunity for informal discussion over refreshments.

Closure by Steering Committee member, as appropriate.

At the conclusion of each forum, refreshments were provided. Participants were also invited to be involved in a "sound-bite" appearance to video camera, the results of which were collated and used to publicise future forums and provide context for people’s issues and involvement.

Participants were asked to record their attendance. Each forum was recorded both electronically and by video, by the Statehood Team. The Urbis team then gathered the record of the meeting for analyses and reporting. Individual reports were written by Urbis for each forum, addressing themes and issues identified at each forum, matters for consideration in a draft Constitution and any particular ‘process management’ issues to improve future forum activities.

A total of 50 forums was held during the Roadshow, from February to November 2010. The Urbis team facilitated 44 of these. The collated main outcomes of these forums are reported in the following sections. Individual reports for each of these forums, with detail of themes and issues and areas participants sought to have considered in the draft Constitution are attached at Appendix A. The Statehood Team facilitated an additional 6 forums which were not part of the initial schedule, and are reported elsewhere).

2.1 Overview of attendees

The total recorded attendance at the 44 forums facilitated by Urbis was 840 people. Eight of these were conducted in urban areas and 36 in rural areas. The recorded attendance was 131 people (16.0%) attending urban forums and 709 (84.4%) attending rural forums.

While a small number of forums had no attendees, considerable time was spent in each community prior to each forum, engaging in informal discussion with community members. The numbers of these informal contacts has been estimated as accurately as possible, and totalled approximately 736 people.

The gender mix of forum attendees was approximately 44% male and 56% female.
3 Themes and Issues

The Statehood Team identified a number of themes and issues of concern which people had previously raised regarding potential Statehood for the Northern Territory. These were outlined at each forum in the Roadshow and discussed with participants. They include:

- The Money question
- Equality
- Identity
- Leadership
- Aboriginal Participation

A range of issues within these themes is outlined below.

3.1 Money

Forum participants keenly discussed whether current revenue arrangements for the Northern Territory would change if the Northern Territory was to become a State and how financial arrangements might be addressed. Many participants indicated that this was an important consideration in relation to the delivery of services, particularly in rural/remote communities. For some participants, there was satisfaction in understanding that current arrangements would most likely continue.

A small number of participants at forums expressed concern about the Grants Commission process, believing that local governments were now worse off.

While some participants had questions relating to State Taxes and Mining Royalties, there were no particular concerns in this regard at the conclusion of forums.

In general, issues relating to financial arrangements were of importance to urban forum participants, although participants in some rural/remote forums identified the importance of Aboriginal people having the capacity to develop their land for economic development, and having access to appropriate education and employment opportunities which would also strengthen civic engagement.

3.2 Equality

There were several issues raised by forum participants under the theme of Equality. Many forum participants strongly supported the view that, as a State, the Northern Territory should be able to pass laws which cannot be overturned by the Commonwealth Government. The overturning of the Northern Territory Rights of the Terminally Ill legislation by the Commonwealth was identified by some forum participants as an example of this.

Similarly, the right to Northern Territory representation in Federal Parliament (both in the Senate and the House of Representatives) was strongly supported. Many participants expressed surprise that this was not an automatic right.

Some participants indicated that the Northern Territory should have a number of representatives proportionate with other States.

Further, participants generally indicated it would be important for Territorians to have equality with other States in voting referenda.

In many forums, the impact and manner of the Commonwealth Government's intervention was identified by participants as a factor governing their concerns about the equality of Northern Territory citizens and their capacity to influence policy and program directions. Similarly, concerns were expressed in several forums about Commonwealth Government decisions and processes relating to the proposed nuclear waste facility, which were regarded as impinging adversely on the rights of Territorians.
There was also discussion in a small number of forums regarding how National Parks in the Northern Territory would be administered in the future.

Issues of importance were both urban and rural/remote forum participants.

3.3 Identity

The issue of ensuring maintenance of a great Northern Territory lifestyle was discussed at several forums. Perversely, in a couple of communities characterized as "itinerant populations," it was suggested that the great Northern Territory lifestyle which attracted residents to the Territory in the first place was also working against their engagement in civic activities locally.

Several forum participants identified the importance of retaining the name "Northern Territory" should the Northern Territory become a State. Others were more relaxed, or offered suggestions such as "Northern Australia" as a potential name.

While there were some questions regarding the status of existing Northern Territory rules and regulations, there was very little concern expressed by forum participants about any potential changes to these.

Issues of Identity tended to be of greater importance to urban forum participants, although participants in some Aboriginal communities remarked upon issues of language and cultural rights as being central to issues of their identity. These are further discussed in section 4.5.

3.4 Leadership

There was some discussion among forum participants regarding the maturity of current and potential leadership, which tended to include anecdotal references to individuals' personal experience with politicians. However, this discussion was generally good-natured.

Some concern was also identified among a few participants about potential negative effects of the previous (1998) referendum regarding people's perceptions of the intentions of political leaders.

Some forum participants suggested the need for civic education which would both encourage and support candidates wishing to enter the political system. There were also some suggestions that these processes would support community engagement in the political process more generally.

Most forum participants who supported Statehood, indicated that they believed the Northern Territory could grow and support the leadership required.

Many forum participants discussed the desirability of mechanisms to ensure political representatives could be held more accountable.

In only a small number of forums there was discussion about the potential structure of the Northern Territory Parliament, should it become a State. While there was no clear view regarding whether the Parliament should have one House or two, several participants expressed the view that a bicameral House would be costly.

The role of the judiciary vis-à-vis the Parliament was also identified as important in a small number of forums.

In several forums, participants expressed appreciation for the process of engagement undertaken via the Roadshow, suggesting that this would not only provide information and feedback, but generate stronger understanding of leadership requirements. Many participants commented favourably on the bipartisan approach adopted by the Northern Territory Legislative Assembly in relation to the Statehood process.

Leadership issues were regarded as important by participants across urban and rural/remote communities.
3.5 Aboriginal Participation

There was strong discussion among forum participants regarding how customary law and law-making might be considered, should the Northern Territory become a State, and this discussion led to several suggestions for the draft Constitution (see Chapter below).

There was some discussion regarding whether guaranteed representation for Aboriginal Members of Parliament would be desirable. In a small number of forums, it was suggested that this approach should be pursued.

Forum participants in almost every forum discussed the importance of Land Rights and how the Land Rights Act should be administered. However, there was no clear outcome regarding whether this role should remain with the Commonwealth or patriate to the State. Most participants were of the view that further discussion would be required with Traditional Owners and Aboriginal Land Councils to determine a proposed direction in this regard.

In a small number of forums, participants identified previous calls for a Treaty with Aboriginal people as an important consideration. Similarly, the elements of the Kalkarindji Statement and the Bachelor Declaration were identified in several forums as significant and requiring further consideration.

Among other rights considered by forum participants to be important were Aboriginal cultural and language rights, with many forum participants suggesting that bilingual education should be considered as both a basic right and a service priority.

While these issues were of prima importance to forum participants in Aboriginal communities, there were also strong expressions of support within most forums for greater engagement with, recognition of and participation by Aboriginal people in the Statehood and Constitutional development processes.

3.6 Analysis of Themes and Issues

The most prominent of themes discussed by participants in forums was that of Aboriginal Participation, raised in 33 (75%) of forums. This was followed closely by Identity, raised in 31 (70.25%) of forums and Leadership, raised at 30 (88.18%) of forums. The themes of Money and Equality were each raised at 19 (43.16%) of forums. It should be noted that the categories were not mutually exclusive (i.e. more than one issue may have been prominent at each forum).

There was a slightly different pattern when the frequency of issues (i.e. the number of times these were raised in forums) in each of the theme areas was analysed. In this regard, Leadership issues were most frequently raised, 74 times (28.79% of all issues raised), followed by Aboriginal Participation, 85 times (24.9%), Identity, 83 times (24.5% of all issues raised), Money, 36 times (14.01% of all issues raised) and Equality, 27 times (10.34% of all issues raised).

There were also a number of issues raised by participants in forums regarding the process toward Statehood, including advertising and publicity (including suggested use of Facebook and dissemination of the promotional video in communities); feedback to participants and processes for engagement in the Constitutional Convention including nomination, voting and expectations of participants on the floor of the Convention. These issues were raised in 24 of the forums.

While several of the forums questioned the advantages versus disadvantages of the Northern Territory becoming a State, Statehood as a goal was only opposed in four instances.

Further detail of themes raised at forums are provided in Appendix A. When these matters were raised, there was little apparent dissent among participants. However, this should not be construed as overall support by participants for each issue raised, but should rather be interpreted as a degree of tolerance for diversity of opinion among participants.

In only four forums were there strong expressions of opposition to Statehood.
4 Matters for Consideration in a Draft Constitution

One key component of each of the forums involved the receipt of feedback from participants about the range of matters they felt were important to include in a draft Constitution. These are discussed below.

4.1 Aboriginal Recognition

The area most strongly identified by participants as important to include in a draft Constitution was that of Aboriginal recognition, including recognition of Aboriginal languages, culture, and heritage. This was indicated both in rural and urban forums (at 36 forums in total, or 34.29% of total suggestions for inclusion). Participants in some forums felt that this should occur in the Preamble to a draft Constitution, while others believed the matter should be more strongly reflected in the body of a draft Constitution. Further, reference was made by participants in four forums to consideration by delegates at the proposed Constitutional Convention of issues identified in the Kalkaringi Statement and the Bachelor Declaration relating to recognition and rights of Aboriginal people.

4.2 Aboriginal Land Rights

While the matter of Aboriginal Land Rights was sometimes raised as part of this discussion, the issue was also separately identified in 25 forums (23.61% of total suggestions for inclusion). While participants at some forums where this matter was raised felt that the Land Rights Act should become the responsibility of the Northern Territory Government, a small number expressed the view that this responsibility should remain with the Commonwealth Government. Many believed that the matter requires greater discussion and deliberation, involving Traditional Owners, Aboriginal Land Councils, and people in local communities.

4.3 Aboriginal Customary Law

Similarly, the matter of recognition of Aboriginal customary law was often raised as part of the discussion regarding Aboriginal recognition in a draft Constitution. However, it was specifically mentioned in 12 forums (11.43% of total suggestions). These suggestions included employing an improved understanding of the importance of Aboriginal customary law and its context, alongside or in support of Australian law, while at the same time upholding basic human rights.

4.4 A Bill of Rights

The suggestion of a draft Constitution containing or embracing a Bill of Rights was identified at eight forums (7.62% of total suggestions). Several participants indicated that this could also include reference to the rights of people with a disability and women’s rights.

4.5 Rights to Education in Aboriginal Languages

At seven forums (6.67% of total suggestions), there were suggestions regarding a reference in the draft Constitution to the inclusion of Aboriginal language rights.

4.6 Environmental Protection

The inclusion of a reference within a draft Constitution to the need for Environmental Protection across the Northern Territory was identified in seven forums (6.87% of total suggestions). Several participants commented on the importance of this matter both as an acknowledgment of the unique natural beauty of the Northern Territory and as an aspirational statement for its preservation for future generations.
4.7 The Draft Constitution as a Symbolic Opportunity

In four different forums, the symbolic opportunity presented by drafting a new Constitution was noted. Participants noted that this opportunity had not been presented in over 100 years in any Australian jurisdiction, and that there was strong potential to include aspirational statements, as well as matters not considered in previous constitutional processes.

4.8 Equality for All People in the Northern Territory

Similarly, in four forums, participants referred to the importance of the draft Constitution embracing and expression around equality for all people in the Northern Territory, which could then be carried into practice in the delivery of services across the Territory.

4.9 Reservation of Seats in Parliament for Aboriginal People

Suggestions were raised in four forums regarding the need for consideration of reserved seats in Parliament for Aboriginal people as a potential means of ensuring broad representation. This would need to include examination of relevant electoral systems, such as New Zealand, to deliver this result. In forum discussions, this was often countered by the view that the Northern Territory Legislative Assembly currently has more Members of Parliament of Aboriginal heritage than all of the other Australian Parliaments combined.

4.10 Constitutional Recognition of Local Government

At three forums, participants suggested the need for consideration of constitutional recognition of Local Government as part of the constitutional process.

4.11 The Right to Bear Arms

The right to bear arms, with specified controls, was identified by participants on two occasions.

4.12 Participation of Young People

At one forum, participants identified the importance of young people’s participation in the electoral process, although at several forums there were general aspirational expressions regarding the creation of a Constitutional process for the benefit of future Territorians which could also be regarded as supportive of young people’s involvement.
5 Conclusion

The 2010 Information Roadshow process, including the convening of 50 forums across the Northern Territory, provided a valuable opportunity to provide Statehood information at a local scale and receive feedback from a diverse range of participants.

In general, participants were appreciative of the process, the level of engagement with Northern Territory communities, and the opportunity to participate. Many were pleased with the adoption of a bipartisan approach by the Northern Territory Legislative Assembly towards Statehood, and also regarded favourably the involvement of community members on the Statehood Steering Committee.

While some forum participants provided their feedback at the forum, others expressed the view that they required more time to deliberate and discuss the importance of issues, and some community representatives indicated that further community engagement processes regarding Statehood would be desirable.

The overall number of attendees needs to be considered in the context of the promotional process leading up to each forum, in which a range of strategic organisations and individuals in each community was engaged in discussion about the process and its issues they regarded as important for Statehood. This process had the effect of introducing the Statehood concept (in some instances for the first time), which assists in laying a foundation for ongoing awareness and engagement.

Themes and issues previously regarded as important in the Statehood discussion included Aboriginal Participation, Identity, Leadership, Equality and Money. Discussion around these provided a foundation for greater understanding among participants. These were confirmed through the forum process and several new issues were also identified within the key themes.

There was a strong degree of tolerance for diversity among participants and in the views expressed at forums.

The forum presentation discussed the importance of current historic occurrences and events as factors influencing deliberations around Constitutional development. In this regard, the influence of the Commonwealth Government's intervention, the overturning of the Rights of the Terminally Ill legislation and processes and decisions regarding the proposed nuclear waste facility in the Northern Territory could all be identified as issues influencing the views of participants as they deliberated on Statehood.

Many participants also utilised the opportunity of the forum process to outline key areas for consideration in a draft Constitution: Aboriginal Recognition; Aboriginal Land Rights; Customary Law; Languages and Representation were strongly identified. In addition to these, the views that a draft Constitution could embrace aspirational opportunities around human rights, environmental protection and equality for all citizens were also identified.

The records of these matters are now for consideration by delegates at the proposed Constitutional Convention in 2011 charged with developing a draft Constitution.
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Appendix B  Tables
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- **43.18% 43.18% 70.45% 68.18% 75.00%**
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<td><strong>11.43%</strong></td>
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Annexure G

NORTHERN TERRITORY

STATEHOOD STEERING COMMITTEE

ACTIVITY REPORT, 2006-2008

To the Legislative Assembly Standing Committee on Legal and Constitutional Affairs -2006 to 2008 Calendar Year Activities
NORTHERN TERRITORY
STATEHOOD STEERING COMMITTEE
ACTIVITY REPORT, 2006-2008

To the Legislative Assembly Standing Committee on Legal and
Constitutional Affairs -2006 • 2008 Calendar Year Activities

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NORTHERN TERRITORY
STATEHOOD STEERING COMMITTEE

Report to the Legislative Assembly Standing Committee on Legal and Constitutional Affairs - 2006 • 2008 Calendar Year Activities

Eleventh Assembly

INTRODUCTION

A meeting of the Northern Territory Legislative Assembly Standing Committee on Legal and Constitutional Affairs in November 2005 requested that the Northern Territory Statehood Steering provide a report on its 2005 activities. This report was presented to the Assembly in February 2006.

Similarly, this document presents a report on the Statehood Steering Committee's activities for the period from early 2006 to September 2008 when the Tenth Assembly concluded.

It is not a report on policy issues nor does it contain recommendations. It is provided to brief the Standing Committee on Legal and Constitutional Affairs and, through it, the Legislative Assembly of the Northern Territory, on the work undertaken by the Statehood Steering Committee during that time.

BACKGROUND

The Northern Territory Statehood Steering Committee (the Committee) was established by resolution of the Ninth Northern Territory Legislative Assembly which, on 17 August 2004, adopted the Terms of Reference for the Committee.

The Committee is a unique body in the Legislative Assembly Committee system. It is comprised of community representatives and three members of the Legislative Assembly's Standing Committee on Legal and Constitutional Affairs (the Standing Committee) the Chair of which is also the Chair of the Committee. The Terms of Reference describe the Committee as an advisory committee to the Standing Committee.

The Committee was established following detailed examination of the outcomes of the 1998 Northern Territory referendum that returned a negative response on the question of Statehood for the Territory. 51.3% of voting Territorians rejected Statehood on the terms offered at that time. The Standing Committee's Report into Appropriate Measures to Facilitate Statehood (April 1999) provides a detailed analysis of the issues and rationale for the creation of the process that led to the establishment of the Committee.
The Standing Committee initiated the establishment of the Committee Secretariat in the second half of 2004 resulting in the recruitment of an Executive Officer commencing in the position on 10 January 2005. Action was taken to seek expressions of interest from Territorians to be members of the Committee during January and February 2005 with 95 nominees expressing such an interest.

The Standing Committee initially selected 14 community based representatives who commenced as Committee members at the first meeting of the Committee in Alice Springs on 20 April 2005.

**Committee Membership**

The Committee membership has changed over the 2006 -2008 period.

<table>
<thead>
<tr>
<th>Committee membership as at January 2006</th>
<th>Committee membership as at March 2007</th>
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<tbody>
<tr>
<td>Mr Elliot McAdam MLA (Chair resigned September 2006)</td>
<td>Ms Malarndirri McCarthy MLA (Chair)</td>
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<tr>
<td>Ms Malarndirri McCathy (Chair September 2006)</td>
<td>Mrs Sue Bradley (Co-Chair)</td>
</tr>
<tr>
<td>Mrs Sue Bradley (Co-Chair)</td>
<td>Mrs Loraine Braham MLA</td>
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<tr>
<td>Mrs Loraine Braham MLA</td>
<td>Mr Terry Mills MLA</td>
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<td>Mr Terry Mills MLA</td>
<td>Mr Daniel Bourchier</td>
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<td>Mr Daniel Bourchier</td>
<td>Ms Kathleen Chong Fong</td>
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<td>Ms Kathleen Chong Fong</td>
<td>Mr Wayne Connop</td>
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<td>Mr Wayne Connop</td>
<td>Mr Peter Davies</td>
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<tr>
<td>Mr Peter Davies</td>
<td>Mr Kim Hill (resigned)</td>
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<tr>
<td>Mr Kim Hill</td>
<td>Mr Stuart Kenny</td>
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<td>Mr Stuart Kenny</td>
<td>Ms Irene Nangala</td>
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<td>Ms Irene Nangala</td>
<td>Mr Harry Nelson</td>
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<tr>
<td>Mr Brian Martin AO MBE</td>
<td>Mr Graham Nicholson</td>
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<td>Ms Jenny Medwell OAM</td>
<td>Mr Brian Martin AO MBE</td>
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<tr>
<td>Ms Kezia Purick</td>
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<td>Mr Jamey Robertson</td>
<td>Ms Kezia Purick</td>
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<tr>
<td>Mr Maurie Ryan</td>
<td>Mr Jamey Robertson</td>
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<tr>
<td>Mr Geoff Shaw AM (resigned)</td>
<td>Mr Maurie Ryan</td>
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<tr>
<td>Ms Margaret Vigants</td>
<td>Mr Peter Schaefer</td>
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<td>Ms Margaret Vigants</td>
<td>Ms Margaret Vigants Mr Ray Wooldridge</td>
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</table>

From 2005 to November 2007 the Minister for Statehood was Syd Sterling MLA. The Ministry was then held by the Chief Minister, Paul Henderson MLA until September 2008. The current Minister for Statehood is Ms Malarndirri McCarthy MLA.

During the course of 2008 Committee membership changed further as a result of the Northern Territory election held in August leading to the formation of a new Standing Committee for the Eleventh Assembly. Two community members also resigned before the new parliament assembled.
Committee membership during 2008 has been as follows

<table>
<thead>
<tr>
<th>Committee membership as at January 2008</th>
<th>Committee membership as at September 2008</th>
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<tbody>
<tr>
<td>Ms Malarndirri McCarthy MLA (Chair)</td>
<td>Ms Malarndirri McCarthy MLA (Chair) (appointed Minister for Statehood September 2008)</td>
</tr>
<tr>
<td>Mrs Sue Bradley (Co-Chair) (Resigned as Co-Chair -March 2008)</td>
<td>Ms Fran Kilgariff (appointed Co-Chair April 2008)</td>
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<tr>
<td>Mrs Loraine Braham MLA (resigned Feb 2008)</td>
<td>Ms Kezia Purick MLA (appointed as MLA Member in September 2008)</td>
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<tr>
<td>Mr Terry Mills MLA (til September 2008)</td>
<td>Mr Michael Gunner MLA (appointed September 2008)</td>
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<td>Ms Kezia Purick</td>
<td>Mr Daniel Bourchier</td>
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<td>Mr Daniel Bourchier</td>
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<td>Ms Kathleen Chong Fong</td>
<td>Mr Wayne Connop</td>
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<td>Mr Wayne Connop</td>
<td>Ms Irene Nangala</td>
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<td>Mr Peter Davies (resigned September 2008)</td>
<td>Mr Harry Nelson</td>
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<td>Mr Stuart Kenny (resigned March 2008)</td>
<td>Mr Brian Martin AO MBE</td>
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<td>Ms Irene Nangala</td>
<td>Ms Jenny Medwell OAM</td>
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<td>Mr Jamey Robertson</td>
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<td>Mr Brian Martin AO MBE</td>
<td>Mr Maurie Ryan</td>
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<td>Ms Jenny Medwell OAM</td>
<td>Mr Peter Schaefer</td>
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<tr>
<td>Mr Jamey Robertson</td>
<td>Mr Mathew Storey (appointed July 2008)</td>
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<tr>
<td>Mr Maurie Ryan</td>
<td>Ms Margaret Vigants</td>
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<td>Mr Peter Schaefer</td>
<td>Mr Ray Wooldridge</td>
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<td>Ms Margaret Vigants</td>
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<td>Mr Ray Wooldridge</td>
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Committee membership criteria are outlined in the Terms of Reference. Appointments are made by the Standing Committee whose consideration includes an examination of an applicant's individual and representative capacity to encourage discussion on Statehood. Membership is diverse and includes legal professionals, traditional landowners, leaders of community organisations and government officers.

**Committee Staff & Resources**

An Executive Officer, Community Liaison Officer and an Administrative Assistant support the Committee. In April 2008, the Department of the Legislative Assembly engaged, initially for 6 months, a project officer from the Department of Health. The officer was responsible for a series of events which would work to increase awareness of, and participation in, the debate about statehood for the Territory. This was the "Walking Together Towards Statehood" campaign and ran through July and August 2008.

Committee staff currently consists of:

- Ms Carrolynne James, Executive Officer (commenced June 2008)
- Ms Poppy Lelekis Project Officer (commenced April 2008)
- Ms Nora Kempster, Community Liaison Officer (commenced October 2005)
- Ms Marise Riddell, Administration and Research Officer (commenced January 2008)

Previous staff, Mr Michael Tatham, Executive Officer, and Administration Officer Sharon McAlear both resigned in late 2007.
The Committee Secretariat has a unit budget allocation of approximately $600,000 for 2008-09 and 2009-10 for all costs including staff and administration.

Committee Meetings

Meetings Number 6 to 17
The Committee had 12 meetings from March 2006 to September 2008 (Meeting 6 to Meeting 17). In 2006 the Committee met in Darwin in March, June, September, November. In 2007 the Committee met in Katherine in March, in Alice Springs in May, and in Darwin in August and October. In 2008 the Committee met in Darwin for two days in February and other meetings were held May, June and September.

The Committee has chosen different locations for its meetings to reflect the diversity of the Territory and the Committee membership. Varying the location of its meeting also helps to ensure that the focus during the consultation process is broader than the capital city. The Committee conducted meetings with local bodies at each meeting location. Feedback from these meetings informed the development of the education and communication strategies for the Statehood Work Plan.

The Minutes of Meetings 6 -17 are attached as Annexure 1 to this Report.

Committee Executive Group

The Executive Group of the Statehood Steering Committee has met 13 times in the period covered by this report. As specified in the Terms of Reference, it is the Executive Group's role to oversee the administration and activities of the Committee including its planning and finances.
COMMITTEE ACTIVITIES

Key Briefings and Presentations

Over the last three years the Committee has spoken with many individuals and groups. Some key briefings and discussions were also held during Committee meetings including briefings from the two Chief Ministers, the Hon Ms Clare Martin MLA and the Hon Mr Paul Henderson MLA; Executive Officers from the Central Land Council and Reconciliation Australia; the then Solicitor General, Tom Pauling ac; and the current Solicitor-General Mr Michael Grant ac.

Further details of the briefings and presentations made throughout the 2006-2008 period are referenced within the Committee Minutes at Annexure 1.

Show Circuits and 2006 Survey

In 2006, 2007 and 2008 the Committee continued its presence at regional shows across the Territory. Committee Members and staff manned a Statehood show stall and provided opportunities for discussion and education with the community at the grass roots level.

During the 2006 Show Circuit the Committee surveyed Territorians' level of understanding of Statehood issues. The survey was a simple means of gathering baseline data about the kind of issues Territorians needed more information about before they might support Statehood. Of the over 1000 people surveyed, 82% indicated general support for the overall concept.

2007 Mock Referendum

A major deliverable for 2007 was the Mock Referendum commissioned by the Committee and independently undertaken by the Northern Territory Electoral Commission. The poll was conducted during 2007 Northern Territory Show Circuit from May to August 2007 -with a total of 809 voters participating. The results were definitive with 76% of voters saying YES to the question: Do you agree the Northern Territory should become a State under the Australian Constitution?

The Committee views the Mock Referendum outcome as a clear message that Statehood is the wish of the majority of Territorians. The questions of the 2007 Mock Referendum are attached as Annexure 2.
2008 Walking Together Towards Statehood Campaign

The development of the "Walking Together Towards Statehood" Campaign was a key 2008 deliverable for the Committee. This campaign launched on 30 June 2008 saw important announcements made by key stakeholders. The Chief Minister, Paul Henderson MLA, announced a plan to hold regional constitutional workshops during 2009 in preparation for a likely Northern Territory Constitutional Convention in 2010. The Federal Minister of Territories, the Hon Bob Debus MP opened the federal side of the conversation by declaring the Federal Government's support for the Territory's move towards statehood.

Statehood promotion items were re-branded for this campaign and "feet" have become an additional Statehood symbol. Polypropylene feet were created that could be signed by supporters of statehood as an innovative form of petition. To date, nearly 2000 feet have been signed. These items will be used in future displays and promotions for Statehood.

Collaborative Arrangements

Department of Employment Education and Training - In February 2007, the Committee and DEET held a two day workshop to brief Darwin based teachers on Statehood teaching resources and other materials available for them. The Committee also facilitated a seminar at a History Teachers' Workshop held at Charles Darwin University during June 2007.

The Statehood Committee Staff conducted workshops called "The Statehood Quest" with senior school students both at Parliament House and in local schools in 2006-2007.

Australian Electoral Commission - The Committee entered an arrangement with Northern Territory Electoral Commission to hold a Mock Referendum on Statehood across the 2007 Show Circuit commencing with Fred's Pass Show in May and concluding at Borroloola in August 2007.

Territory Proud - In July 2007, the Committee signed an MOU with community based organisation Territory Proud to market Statehood merchandise through their stalls and website.

Charles Darwin University 2007 Symposia Series - The Committee's Executive Officer devised a theme for the 2007 Symposia series (Statehood and a Northern Territory Bill of Rights?) and collaborated with the university to develop the program for this theme. He and the Co-Chair presented at the Symposium held in Darwin at the University on 10-11 May 2007.

Statehood Teachers Advisory Group (STAG) - An advisory group of teachers - (STAG) was established to assist the Committee develop appropriate materials that could be linked into the school curriculum. The group provides an avenue for school teachers to engage directly with the Statehood and parliamentary processes. Two STAG Groups, one
in Darwin and one in Alice, were established in 2005 and during 2006 held meetings and provided input into the development of Statehood educational materials. An outcome of this process was the loading of Statehood materials onto Explore NT - a DEET in-house electronic teaching resource bank.

Legal advices

The Committee also sought various legal advices from the appointed legal advisors: Mr Graham Nicholson (2005-2007) and Mr Michael Grant SC, Solicitor General of the Northern Territory 2008-current. The advices sought included:

- Euthanasia Laws -2005 (Mr Nicholson)
- Matters for Commonwealth Negotiation -2005 (Mr Nicholson)
- Proposal by CLC for entrenchment -2006 (Mr Nicholson)
- Constitutional Convention and Executive Authority -2006 (Mr Nicholson)
- Constitutional Convention -2008 (Mr Grant)
- Nexus Provisions -2008 (Mr Grant)
- Euthanasia Law Repeal Bill -2008 (Mr Grant)
- Terms and Conditions, Section 121 of the Constitution -2008 (Mr Grant)
- Wurridjal decision and copyright laws -2009 (Mr Grant)

These advices provided information and guidance to the Committee's understanding on issues.

Community Consultation

During 2006 - 2008 liaison visits were undertaken to Alice Springs, Tennant Creek, Katherine, Groote Eylandt, Milkyburra, Borroloola, Petermann Region, Tanami Region Yulara, Wallace Rockhole, Hermannsburg, Town Bore, Elcho Island, Yirrkala, Languhbuy Homelands, Santa Teresa, Beswick, Barunga, Eva Valley, Bulman, Kalkaringi, NT Business Council, NT Police Association, Local Government Association NT Regional meeting Darwin, Katherine and Alice Springs to discuss Statehood issues with community groups, schools and organisations.

Displays and stalls were held at Garma Festival 2006 and 2008, and at retail shopping Centres in Darwin during February and March 2007 as well as at the Alice Springs Business Expo in March 2006 and 2007.

The purpose of the visits and displays is to provide, discussion opportunities and disseminate information about Statehood. Committee representatives seek meetings with community organisations, local governing bodies and individuals, as well as schools, to provide information on Statehood and the Committee's goals.

Communities have consistently told the Committee that there is a need for extended exposure for their people and that fly in - fly out visits may be counter productive. The Committee, through its Liaison Officer and Indigenous members, is endeavouring to build positive relationships with Indigenous communities. Visits are supported with postal reminders and the Committee's newsletter in hard copy. The Communication
Strategy calls for these relationships to be sustained by producing some materials and radio advertising in Traditional Languages.

A detailed plan was developed to visit as many communities as possible during 2006 - 2008. However during 2007 and 2008 the implementation of this plan was restricted by the Commonwealth Government's Intervention Program and the NT Government's implementation of Local Government Reform. These activities caused Statehood to be given a lower priority by communities during this time.

Consultation was also conducted through a call for submissions to a Discussion Paper released by the Committee in 2007. The Discussion Paper titled "Constitutional Paths to Statehood" sought views on mechanisms towards Statehood.

A total of 22 submissions were received from a mix of individuals and groups. Comments ranged from general support for Statehood to specific issues like the contents of a new State Constitution and preamble. A list of submissions and summary of comment is at Annexure 3.

**Statehood Advocacy**

In March 2005 the Commonwealth Attorney General handed to the Australian Parliament's House of Representatives Standing Committee on Legal and Constitutional Affairs a reference to consider recent developments in the Northern Territory. The inquiry was to specifically examine Statehood for the Territory and the implications arising from that for legislation.

The Statehood Steering Committee played a very active part in this inquiry with both MLA and other committee members providing evidence to the Commonwealth Committee in seminars held in Alice Springs and Darwin in November 2006.

The Statehood Steering Committee also made a substantial submission to the inquiry. Five key positions on the process and principles of Statehood were brought to the attention of the Inquiry. A summary of the Submission is provided in Annexure 4 - Executive Summary of Statehood Steering Committee Submission.

In February 2007 the Statehood Minister and Shadow Minister, accompanied by the Executive Officer, visited Canberra and met with key representatives including the then Attorney General and Minister for Territories as part of developing relations and ascertaining the Commonwealth's position regarding Statehood.

In May 2007 the Commonwealth House of Representatives Inquiry recommended that the Australian Government update and refine its position on Northern Territory Statehood and recommence work on unresolved issues. The Inquiry emphasised that while the Commonwealth must not lead the Statehood process, it must establish a position to allow the Territory to consult with Territorians on a specific and legitimate Statehood model.
Statehood Communications

The Communication Strategy for the Committee's work was first developed in March 2005 and updated in September the same year. Its purpose was to guide the Committee in its planning and to provide a framework for raising awareness and encouraging action among various Territory target audiences.

The Strategy outlines and examines core messages to be disseminated, products and materials to be utilised, and promotional activities and partnerships relevant to promoting Statehood across all Territory communities. The goals of the Strategy are to encourage individuals and the broader community to engage in discussion on issues surrounding democracy, governance, fairness, self determination, and ultimately Statehood for the Northern Territory. It also targets reducing the level of confusion in the community about the effects Statehood would have on the operation of the Territory. A further component of its educational work is to develop a broader understanding of constitutional issues and the way in which constitutions work.

The Committee sees its role to increase the level of awareness about the differences between the rights of Territorians under limited self government and under a future state. It works hard to make the issue of Statehood relevant to Territorians in an everyday context.

The Statehood website (www.statehood.nt.gov.au) was launched in November 2005. It contains an archive of all issued media releases, speeches given by Committee representatives from time to time and publications including the Fact Sheets. The site is linked to relevant parliamentary and-legal websites in order to be a useful resource and is constantly updated.

The Website contents include:
- What is Statehood?
- Newsroom
- FAQs
- Committee Members
- Publications
- Events
- Have Your Say
- Contact Us

The Committee and the Committee Secretariat have issued a total of 27 media releases and received coverage in all major daily newspapers in the Northern Territory as well as the national daily newspaper and some other State based newspapers. National television coverage and local and national radio coverage on the establishment of the Committee and its activities was also achieved.

The Committee's 2006 -2008 media releases are listed as Annexure 5.
Key publications released by the Committee include:

- **Walking Together: A Historical Timeline** - released mid 2007. This is an illustrated historical timeline of the Northern Territory and is a key teaching tool.

- **Statehood Steering Committee Newsletter**: No 1 produced June 2006, Newsletter No 2 produced January 2007, Newsletter No 3 produced July 2007. Newsletters are distributed electronically and hard copy sent to over 1000 people on the Statehood database.

- **Summary of Key Issues: Constitutional Paths to Statehood** - an illustrated companion paper to assist understanding of the Discussion Paper and encourage deeper involvement and interest in the content of the Discussion Paper was published in July 2007.

- **Constitutional Paths to Statehood: a Statehood Steering Committee Community Discussion Paper**. This 35,000 word paper was released in May 2007 for consultation. Over 400 hard copies of the discussion paper were sent to interested parties.

- **Together Towards Statehood** - A series of the story boards produced in flip chart and booklet format as well as on the Statehood website to assist with Statehood community presentations. These were launched in August 2006.

New Fact Sheets were developed as a result of further issues raised through the Statehood surveys as well as the concerns that have been expressed in communication with the Committee over the last two years. All Fact Sheets are on the Statehood website and are packaged into a Fact Sheet Pack that provides general information about the Committee.

The Fact Sheets Number 26 to 34, published since the last Activity Report, are attached to this Report as Annexure 6.

Current listing of Fact Sheets:

1 - Self Government and Statehood - What's the Difference?
2 - How the Territory is not equal to the States
3 - Who decides we are not a State?
4 - Will Statehood give us a bigger voice in Canberra?
5 - Will we be an equal state? (Federal Representation)
6 - What is the impact of Statehood on financial relations with the Commonwealth?
7 - Will defence forces still be based in the Territory?
8 - A new name for a new State?
9 - How would Statehood affect the everyday cost of living?
10 - Australians voting to change the Australian Constitution - why Territorians don't count
11 - Territory Population
12 - Territory Way of Life - Speed Limits and Fire Crackers
13 - Statehood and the Aboriginal Land Rights (Northern Territory) Act 1976
14 - Some Important Historical Dates for Aboriginal Peoples of the Northern Territory
15 - Aboriginal Citizenship and the Right to Vote
16 - The 1998 Aboriginal Constitutional Conventions
17 - Political Development of the Northern Territory
18 - Territorians and a Process Towards Statehood
19 - Democracy Denied in the Northern Territory
20 - Statehood - What does it Mean for Me?
21 - Does Statehood Mean Another Layer of Government?
22 - Statehood and the Proposed Radioactive Waste Management Facility
23 - What Territorians say they understand about Statehood in 2005
24 - The Commonwealth Constitution and the Northern Territory
25 - Why Some People May NOT Support Statehood

New in 2006 -08

26 - Uranium Mining in the Northern Territory
27 - Northern Territory Mines and Minerals
28 - What is a Constitution?
29 - What is a Bill of Rights?
30 - Northern Territory Industrial Relations?
31 - Does Statehood Mean State Taxes?
32 - Consultation on Statehood - The Territory and its Mobile Population
33 - Flags and Emblems of Statehood
34 - What is an Upper House?

Statehood Work Plan

Bringing about Statehood for the Northern Territory in a timely, cost effective and efficient manner is the main aim of the Statehood Work Plan. Flexibility is the focus of the Plan. Reporting milestones are determined according to the activities and priorities along the way. Reporting to the Standing Committee on Legal and Constitutional Affairs is generally on a quarterly basis.

Over 2006, 2007 and 2008 the Committee's Work Plan has evolved providing guidance on timeframes to achieve the goal of an eventual grant of Statehood for the Northern Territory.

An original plan was developed in February 2005 in seven distinct Phases over a timeframe of approximately five to six years. The phases of the Work Plan are:

1. Establishing the Statehood Steering Committee
2. Community Consultation
3. Community Education
4. Public Meetings and Hearings
5. Legal Requirements
6. Statehood Convention
7. Referendum.
At the end of the Committee's first year, Phase One was complete and the next two Phases of community consultation and education have continued in tandem.

The work plan was revised in early 2008 to reflect some Statehood milestones announced by the Government. The major change is the re-casting of Phase 4 - Public Meetings and Hearings" into the context of proposed "Statehood Workshops" planned for 2009. In addition the Territory Government has also identified 2010 as a target date for a Constitutional Convention which is identified as Phase 6 in the Work Plan.

The Statehood Steering Committee is acutely aware of the need for flexibility so the Work Plan remains subject to constant review and further consideration by the Committee.

**Conclusion and Next Steps**

The first year of the Committee's operation laid the foundations for growth. The Committee's work in 2005 showed that a great many Territorians remained unclear on what Statehood is and how it might benefit the Northern Territory.

In 2006 and 2007 the information and activities of the Committee has grown with many outreach visits and a developing presence at community events. A substantial body of written resources around the issues of Statehood now exists and provides a great foundation for continued education. Maintaining a balance of grass roots activities and emphasising the key issues in the media is a challenge within the budget constraints of the Committee.

Education remains the essential key to an understanding of the meaning of Statehood and during 2008, although limited in staff and resources, the Committee consolidated its base and continue to provide education on Statehood across the Territory.

In 2009 the Committee anticipates a major enhancement of funds and the commencement of "Statehood Workshops" which will entail a specific program of listening and collating Territorians views on Statehood matters.

**CAROLYNNE JAMES, EXECUTIVE OFFICER**

*Note: I would like to advise that the great majority of work described in this report was developed by the former Executive Officer, Mr Michael Tatham who was employed with the Committee from January 2005 to December 2007. Mr Tatham kindly reviewed this report to ensure it accurately reflects the Committee's output.*
Meeting No. 6 03 March 2006

The Committee met at 9am on the 3 March 2006, at the Litchfield Room Parliament House Darwin and concluded at 2.40pm

Present:  Ms Sue Bradley  (Co-Chair)
Mrs Ioraine Braham (via Video Link)
Mr Brian Martin  Mr Daniel Bourchier
Ms Jenny Medwell  Mr Jamey Robertson
Ms Kathleen Chong-Fong Ms Kezia Purick

Also Present:
Mr Michael Tatham  (Exec Officer, Statehood Secretariat)
Mrs Sharon McAlear  (Statehood Secretariat)
Ms Nora Kempster  (Statehood Secretariat)
Ms Pat Hancock  (LCAC Secretary)

Apologies:  Mr Elliot McAdam
Mr Stuart Kenny  Mr Pete Davies
Ms Irene Nangala  Ms Margaret Vigants

Business

1. WELCOME
   Co Chair thanked members for attending and recorded apologies.

2. MINUTES of PREVIOUS MEETING
   Minutes of Meeting 28 October 2005 were accepted.

3. CORRESPONDENCE IN AND OUT

   Correspondence In/Out
   Correspondence files tabled with correspondence in/out and in/out emails.

   It was resolved that significant correspondence at the discretion of Co-Chair and Executive Officer would be scanned or electronically sent to members out of session and referred to at the next meeting. ACTION: EO

   Particular attention was drawn to the correspondence received from former Chief Minister’s Tuxworth and Perron regarding the Self Government Act (discussed at Agenda Item 6B).

   Correspondence acknowledged from Mr Creed Lovegrove, Gowan Carter and Mr Johnston. ACTION: EO TO FOLLOW UP

4. REPORT ON CABINET SUBMISSION FOR ONGOING FUNDING
Executive Officer gave a brief report on the Cabinet Submission process and advised the submission prepared in November 2005 was listed for consideration at Budget Cabinet on 27 February but no decision has yet been made.

It is understood Cabinet will consider the submission further on 13 March 2006 to also consider two identified concerns about timeframes and what are the major issues.

EO advised that the funding situation is critical. Discussion revolved around immediate plans such as the proposed trip to Alice Springs for Expo a Schools Challenge and other meetings.

**The Committee resolved** the Steering Committee budget should not be driven into further deficit and the trip to Alice Springs would not proceed without a clear indication that the funds will be available. The work of the Committee to meet commitments such as meetings and education should not proceed without adequate funding.

**ACTION:** Co-Chair to write to the Speaker as the head of the agency responsible for the Committee about funding for the immediate planned trip to Alice Springs. EO to follow up funding submission and commit no further funds until clarified.

5. **COMMITTEE’S WORK PLAN PROPOSED ACTIVITIES**

Ms Kempster Community Liaison Officer, advised the Committee of work undertaken to plan visits to various organisations, local communities and for market and shopping centre stalls.

Public Liability Insurance and appropriate accident insurance for volunteers is being resolved.

The Story Book has been well received. This is a preferred method of delivery of information for many people.

**ACTION:** Planning to continue while awaiting financial capacity to implement with no commitment to any further visits until financial capacity is achieved.

6. **PRACTICAL STEPS TO STATEHOOD**

6.A **Presentation from the Central Land Council**

David Ross, Siobhan MacDonnell and Sean Brennan joined the meeting and provided a power point presentation (sent electronically to all members) outlining the functions of the Central Land Council and a possible partnership with the Statehood Steering Committee. The CLC is prepared to commit time and expertise to this process.

The CLC advised their main Statehood concerns are:

Protection of the Aboriginal Land Rights Act
Recognition of Aboriginal Law
Aboriginal governance as it refers to regional service provision.

THE CLC expressed concern any Working Group established by the SSC to examine customary law may cut across their intended work. **ACTION: Continued discussion with the CLC on this matter. The SSC does not intend to create a working party on Customary Law without further discussion with the CLC**


Pursuant to Item 4.7 of the Minutes of the First Meeting of the Statehood Steering Committee - Minutes are publicly available document except for tagged confidential matters to be attached. Any requests for unedited transcripts will be a matter for decision by the Committee. Items BB and BC have been tagged as confidential.
7. ADVERTISING AND COMMUNICATIONS 2006
The Committee considered a draft letter to Minister Burns re branding of Territory Number plates 'Towards Statehood'.

**ACTION:** A letter is to be sent to the Chair of the Standing Committee recommending it be forwarded to the Minister

Radio Advertising Spots Item deferred due to uncertainty over funding allocation.

Communication Strategy
The Committee determined the Communication Strategy document be updated and consolidated with the existing attachments to be incorporated into the *Strategy* Document itself. **ACTION:** EO to finalise.

Jingle Competition
The Committee supported the concept in principle but deferred any decision until the current financial situation is clarified.

8. MEMBERS REPORTS ON ENGAGEMENT WITH THEIR CONSTITUENTS
Members provided some input as to how they are delivering the Statehood message to their industry/community members. Articles can be supplied by the Secretariat for newsletter articles or as an attachment.

Informal presentation to the next Business Council meeting. Kezia Purick suggested there be a presentation to the next meeting and she would contact the Executive Officer to progress this. **ACTION:** K Purick to follow up with EO.

9. EXECUTIVE OFFICER REPORTS
Reports were presented and discussed from the Executive Officer

**Public Forums** - Committee discussion. Mayor of Katherine expressed an interest in holding a public forum. **ACTION:** EO to seek advice form Katherine Council as to their willingness to sponsor a forum and suggest a planning meeting with local members, council, and any interested parties.

**Draft Fact Sheets**
The EO distributed Draft Fact Sheet numbered 26 -33 for Committee discussion. **ACTION:** Members to provide feedback/comments out of session by end of March. *(NB: Make this late April given the time taken to send out the Minutes)*

Ms Purick to provide a draft Fact Sheet on Petroleum and Offshore Responsibilities.

**Report to Standing Committee and Legislative Assembly**
Paper tabled. Extract of Hansard with relevant comments from MLAs was also tabled.

**Bill of Rights**
Report from Intern accepted and noted. EO advised the Committee that the Victorian government would pursue a Bill of Rights for Victoria. **ACTION:** EO to provide updates to the Committee on the Victorian Bill of Rights

**Volunteer Policy**
EO gave an update on quotes being obtained from TIO and Suncorp for liability and accident cover for committee members and volunteers.

**Committee E-Newsletter**
It was agreed that there didn't need to be a regular E-Newsletter but EO to alert members as and when issues arose. **ACTION:** EO as required
1st Anniversary Newsletter
Proposal to distribute an informative newsletter
**ACTION:** Defer until financial situation confirmed.

Website and Email Domain
The Committee decided to accept the government domain as part of our address but make it work for us by having the government sites ie: Dept Chief Minister, Legislative Assembly and OCPE link to us.
**ACTION:** EO to follow up

Commonwealth (Slipper) Committee
**ACTION:** EO developing material for submission to that Committee from the Statehood Steering Committee via the Standing Committee

Development of New Survey
Consideration of survey developed by Co-Chair and EO called 'What do You Know, What Do You Think?'
**ACTION:** EO to send a copy of the latest survey electronically and members to send comments back by 30 March *(NB: Make this late April given the time taken to send out the Minutes)*

NLC Meeting Report
Paper tabled. The Committee was advised it was a positive meeting and there appeared to be a will to go forward.
**ACTION:** Send letter thanking NLC for meeting and seeking further relationship

10. OTHER BUSINESS

**CDU Partnership:** CDU research project has commenced. A report should be forwarded to the Committee by June.

**Executive Group Reports:** Replacement on the Executive Group due to the resignation of Kim Hill will be Mr Jamey Robertson.

Meeting No. 7 To Be Confirmed

Meeting Closed: 2.40pm
Meeting No. 7                                           02 June 2006

The Committee met at 9am on the 2 June 2006, at the Asche Conference Room NT House, Darwin and concluded at 2:40pm

Present:        Mr Elliot McAdam     (Chair - via Video Link)
               Ms Sue Bradley          (Co-Chair)
               Mr Brian Martin
               Mr Daniel Bourchier     (via Video Link)
               Ms Jenny Medwell
               Ms Kezia Purick
               Ms Margaret Vigants
               Ms Kathleen Chong-Fong
               Mr Stuart Kenny

Also Present:   Mr Michael Tatham     (Exec Officer, Statehood Secretariat)
               Mrs Sharon McAlear      (Statehood Secretariat)
               Ms Nora Kempster       (Statehood Secretariat)
               Ms Pat Hancock         (LCAC Secretary)

Apologies:      Mrs Loraine Braham
               Ms Irene Nangala
               Mr Geoff Shaw

WELCOME

Co Chair thanked members for attending and recorded apologies. Co Chair acknowledged that budget constraints were causing delays in the planned program and consequent frustration to committee members. She thanked all members for being patient. Discussion recorded under Item 3 Budget

1. MINUTES of PREVIOUS MEETING

Minutes of Meeting 6 of 03 March 2006 were accepted.

2. ACTION ARISING FROM REQUEST BY LCAC

Visit by House of Representatives Committee

Discussion led by Mr Martin concerning the proposed format and approach of the Seminar to be held by the Commonwealth Committee. The Committee expressed concern the Commonwealth Committee was not undertaking the usual form of seeking submissions and holding hearings. The process appears to exclude submissions from other than Darwin residents.

Action: EO to informally contact Secretary of Mr Slipper's Committee. Co-Chair to write to Chair LCAC with a suggested draft letter to Commonwealth Committee expressing concern about the Committee.
SSC Position in Response to Matters Raised by Commonwealth Committee’s Background Brief Paper

Agreed positions were:

1. **Equality** - The SSC contends eventual equality of the Northern Territory as a new State with existing States (except in so far as the Commonwealth Constitution confers certain rights on original States only) should be the focus of any process toward Statehood for the Northern Territory.

2. Constitutional equality of a new State with existing States is a central issue relating to the application of States’ and individuals’ rights under the Constitution.

3. **Terms and Conditions** - The SSC submits the Commonwealth must undertake detailed discussions with the Northern Territory on the issues canvassed by the Commonwealth’s former Interdepartmental Committee and in the 1996 Final Report of the Northern Territory Statehood Working Group and any other identified issues.

4. The SSC feels it would be beneficial to publicise and raise awareness of the position of the Commonwealth concerning proposed terms and conditions as part of the SSC’s education program.

5. **Process** - The SSC is interested in the Commonwealth’s views on whether s.121 or s.128 of the Constitution should be pursued for Northern Territory Statehood.

6. **Territory Constitutional Development** - The SSC takes the view the s.106 provision in the Constitution would require the Northern Territory to have ready, prior to the admission of the new State, a home grown Northern Territory constitution which at least puts the Northern Territory in the same position as the other States of Australia upon entry to the Federation.

7. The SSC also takes the view the Commonwealth should have no role in preparing a proposed Northern Territory constitution provided such a constitution is consistent with the Commonwealth Constitution and the Australia Acts.

8. **Representation** - The SSC submits the issue of representation must be resolved at a Government to Government level prior to any question being put to the people of the Northern Territory as to whether they want Statehood.

9. **Commonwealth Legislation** - Commonwealth legislation will require repeal or amendment upon Northern Territory Statehood. The Commonwealth should take into account any Northern Territory views in this regard.

10. **Commonwealth Land** - The SSC submits the Territory and Commonwealth Governments should negotiate an in-principle agreement on future ownership of Commonwealth land in the Northern Territory now, well in advance of anticipated Statehood.

11. **Uranium Mining** - Given the SSC’s overriding principle of eventual equality, the SSC contends the Northern Territory as a State must own and manage its own mineral resources including uranium.

12. The existing split administrative and control arrangements over the uranium industry in the Northern Territory is often confusing. The SSC submits this confusion is bad for business, prosperity and potential growth.

13. **Ownership of National Parks** - The SSC takes the view there is no need for the Commonwealth to wait any longer prior to determining control over and administration of Kakadu and Uluru National Parks.

14. **Ashmore and Cartier Island Territories** - There is also no need to wait prior to determining the ownership and administration of the Ashmore and Cartier Island Territories.

15. **Land Rights** - Again taking into account an overriding principle of equality with the other States, the SSC notes recent amendments introduced in the House of Representatives on 31 May 2006 merely provide the Northern Territory delegated powers and suggests the HRSC take note of the 1996 Working Group Report thus: Patriation of the Aboriginal Land Rights Act (ALRAJ) would require consultation and negotiations between the Commonwealth and the Northern Territory Government and indigenous people to identify fundamental provisions which they consider require protection and the extent and nature of any constitutional protection.

16. The SSC sees its role in the context of the ALRA as an agent for discussion and consultation. Detailed negotiation should be undertaken at a Government to Government level involving the relevant interest groups. It is recommended the HRSC seek the Commonwealth’s intentions on engaging with the Territory Government in the near future.
17. **Industrial Relations** - The SSC feels the future of industrial relations in the Northern Territory as a new State should be a matter of Government to Government negotiations with a view to putting the new State in the same position as existing States, including a possible reference of power back to the Commonwealth.

18. **Financial Relations** - The SSC notes the Background Brief mentions changes to current financial arrangements could be required upon Statehood. The SSC seeks some clarification of that statement.

19. **Intentions and Terms and Conditions** - The SSC submits the Commonwealth needs to re-engage with the Northern Territory in a meaningful manner on Statehood and for both parties to clearly state their intentions

- **Broad Position Statement**

1. The Northern Territory is not democratically governed because of the ability of the Commonwealth to override decisions of an elected Northern Territory Government.

2. Statehood for the Northern Territory must mean eventual equality with the existing States. Anything less than an equal partnership with the other States in the federation would be unacceptable to most Territorians.

3. Territorians want to know exactly what they would be agreeing to in any future plebiscite or referendum about Statehood.

4. It is important that an agreed process to determine any terms and conditions is adopted. The process should include realistic time frames for planned outcomes. Such an agreement will assist the Northern Territory to make budget allocations for timely education programs, plebiscites and other requirements and will identify benchmarks against which citizens may assess that progress is being made. The previous Northern Territory Committee recommended the negotiation process should go hand in hand with Territory constitutional development.

5. The SSC wants the Commonwealth to be clear on its intentions for Northern Territory Statehood. Does the Commonwealth agree the Northern Territory should become a State? There is no point raising awareness and expectations of Territorians if there is nothing to be gained.

**Action:** Executive Officer to redraft and send to Members and to include position statement in draft to Commonwealth Committee - Members to respond within two weeks.

3. **STATUS REPORT ON ACTION ITEMS ARISING FROM 6th MEETING**

**Budget**

Executive Officer advised there had been meetings with the Clerk of the Assembly, CEO of the Department of Chief Minister and Treasury. Chair advised he would advocate on our behalf. Some members suggested that SSC should "go public" about lack of financial support. After discussion, by consensus the SSC agreed not to pursue this approach because the Committee should stay out of the political arena to retain neutrality.

**Action:** EO to produce a project brief and further Cabinet Submission.

**Work Plan**

EO reported the recent visit to Alice Springs was met with positive outcome. Due to budget restraints no other travel as per the Work Plan at this stage however minor outreach promotion is being carried out. i.e. working with schools, local festivals (Palmerston & Barunga) Members were encouraged to engage their own constituencies to promote Statehood.
Practical Steps – Terms and Conditions etc
Received letter from LCAC dated 1 June 2006 was tabled. The letter advised the Standing Committee had endorsed the recommendations of the received SSC Paper proposing the Northern Territory Government commence negations with the Commonwealth on terms and conditions. LCAC Secretary advised that work would commence on drafting a document to the Chief Minister reflecting that endorsement.

The Standing Committee also considered the SSC’s proposal with regard to the use of the Territories power by the Commonwealth and advised a decision on this item had been deferred for the time being.

Action: EO to follow progress

Options Paper on Constitutional Development
It was agreed that a wide ranging options paper be developed looking at various other models.

Action: Executive Officer to prepare and report on progress at next meeting.

Identification of Commonwealth Acts requiring amendments
It was agreed this is a matter for the Commonwealth. The submission to the Commonwealth Committee will seek cooperation on this issue. Discussion led to the letter sent to Speaker last year seeking advice on the experiences of MLAs and Ministers with the Self-Government Act. No response has been received. It was agreed after suggestion from Secretary LCAC that a letter be drafted to the Chief Minister from the LCAC to coordinate with agencies.

Action: EO to liaise with Secretary LCAC to draft the letter

It was also agreed that the Chair would seek an opportunity for the Chief Minister to attend a future SSC meeting.

Action: EO to liaise with Secretary LCAC and invite Chief Minister

Other matters arising from 6th meeting
Executive Officer advised that the Central Land Council wanted to provide an update brief to the SSC and a meeting was set for 19 June 2006.

Action: EO to confirm and arrange attendance

4. OVERVIEW OF TERMS OF REFERENCE
Discussion led by Co-Chair. The Committee discussed the ability to meet its terms of reference and whether it should recommend any changes to the Terms. Discussions lead to the Work Plan and an incapacity to implement parts of the Plan.

Action: EO to report formally to the LCAC that we are not able to carry out our Work Plan due to budget constraints.

5. TACTICS
The Committee discussed recent comments made by Commonwealth Ministers and whether these should be used in any way by the SSC including links to the articles on our website. Concern was raised by some members that linking into current comment may lead to an inference of political bias. It was resolved that members will look at the links already posted to the site and comment back to EO.

Action: All members to advise EO of their views by end July.

6. EXECUTIVE GROUP REPORT
Co Chair reported on meeting of 23 May and expressed concern again to LCAC regarding budget. It is difficult to start the year with a projected deficit. Executive Group members attended a briefing given by Neil Westbury, Director of the Office of Indigenous Policy to the LCAC. Content was privileged but may be able to be reported to SSC members at a later stage.

Action: LCAC Secretary to advise regarding the availability of OIP presentation.
7. FORTHCOMING ACTIVITIES
Executive Officer reported on recent activities. Our Stand at the Sorry Day activity was well received by the public. The next events will be the Palmerston and Barunga Festivals.

**Storybook Launch**
The Committee was briefed on the concept for an August launch and it was agreed Barbara McCarthy may be a suitable keynote speaker for the storybook launch.

**Draft Newsletter**
Members advised the Newsletter is to issue to all on email and mailing list prior to show circuit. Members to advise if they wish any changes.
**Action:** EO to follow up and publish.

**Show Circuit 2006**
$10,000 has been made available from the Chief Minister's Department to assist Statehood presence at NT Shows. There are not sufficient funds for members to fly to shows outside their area and promotional materials will be reduced.
**Action:** All members to advise if they are available for the show roster within their locality.

8. EXECUTIVE OFFICE REPORTS

**Alice Springs & Tennant Creek Visit Report** - paper provided

**Fact Sheets** - Fact Sheets 26 to 32 accepted by members.
**Action:** Fact Sheets to be published. K Purick to draft a Fact Sheet on Oil and Gas

**Fred's Pass Show** - Jamey, Kathleen, Sue, Brian, Michael, Nora, Sharon, attended the show. We thought people seemed more focused about Statehood issues than last year.

**STAG** - activities with schools within Parliament House have been successful. Mail out to all primary schools has been sent with copies of Fact Sheets and Storyboard.

**Presentations** - EO presented to the NT Business Council as result of invitation extended by Kezia. Sue has presented to Rotary groups and has plans for a Lunchtime talk at State Reference library on 27 June and presentation to a ladies group on same day. Other members are encouraged to arrange briefings for their interest groups.

**Volunteers and Insurance** - TIO cover for members and volunteers has now been arranged.

**CDU** - Update will be provided to next meeting.

**Bill of Rights** - Victorian legislation has now been introduced. Some members expressed an interest in receiving a copy. (D Bourchier, J Medwell, S Bradley, K Chong-Fong)
**Action:** SSC Secretariat to send

9. MEMBERS REPORTS
**Kathleen Chong-Fong** presented an outline of a Seminar conducted by Graham Nicholson.
**Co Chair** provided a brief on a recent conference on creating new states reported by the ABC.
10. **CORRESPONDENCE IN/OUT**
   Noted

11. **OTHER BUSINESS**
    **CM Youth Round Table** - Daniel Bourchier would like to attend in August as a young person representing the SSC
    **ACTION EO to follow up and arrange appropriate resources.**

12. **NEXT MEETING**
    Meeting No. 8 to be confirmed - Tentative date Friday 15 September 2006 in Darwin
The Committee met at 9am on the 15 September 2006, at the Litchfield Room Parliament House, Darwin and concluded at 2:40pm

Present:  Ms Barbara McCarthy (Chair)
          Ms Sue Bradley (Co-Chair)
          Mrs Loraine Braham (via Video Link)
          Mr Brian Martin  Mr Daniel Bourchier
          Ms Jenny Medwell Ms Margaret Vigants
          Ms Kathleen Chong-Fong Mr Stuart Kenny
          Mr Jamey Robertson Mr Wayne Connop
          Mr Maurie Ryan

Also Present:
          Mr Michael Tatham (Exec Officer, Statehood Secretariat)
          Mrs Sharon McAlear (Statehood Secretariat)
          Ms Nora Kempster (Statehood Secretariat)

Apologies:   Ms Pat Hancock (LCAC Secretary)
             Mr Terry Mills Ms Kezia Purick
             Mr Geoff Shaw Mr Pete Davies

WELCOME
Co Chair welcomed members and introduced new Chair Ms Barbara McCarthy MLA and new Members Mr Wayne Connop and Mr Maurie Ryan. New members gave a short introduction. Pre existing Members then introduced themselves.

The work of former Chair and foundation member of the SSC and former Chair of the Standing Committee Legal and Constitutional Affairs, Mr Elliot McAdam MLA, was acknowledged and Incoming Chair Barbara McCarthy MLA described Statehood as a gift for future generations and welcomed the opportunity to work together and be actively involved with the Committee.

1. Minutes of 7th Meeting were noted and accepted with a minor amendment concerning attendance at the Fred’s Pass Show.

2. Leaders Forum
   The Chair welcomed the Chief Minister & Minister for Statehood
   Apologies were noted from the Opposition Leader and Member for Nelson

   The Chief Minister acknowledged the role of the Committee and stated the Government's commitment to Statehood as expressed by the appointment of a Minister.
The Chief Minister discussed her feeling of disappointment about the muted response from the community concerning the Commonwealth overriding Territory legislation (on radioactive waste). Comparisons were made with the previous high profile issue of the disallowance of the Rights of the Terminally Ill Act. The Committee noted the comments and noted the debate is different to that of euthanasia ten years ago in terms of the levels of awareness and passion in the community on the issue concerned.

The Committee were encouraged to continue the work in a strong and steady way and not to rush the process.

The Committee's funding concerns are being addressed through Cabinet.

The Government noted it will have to address issues that need to be resolved with the Federal Government on the way to Statehood.

The Minister for Statehood thanked the Committee for the invitation to address the Committee. The Minister discussed his role as the voice of Statehood at the Cabinet table.

The Minister emphasised he will have a defined role to be the driver of Government policy rather than taking over any functions of either the Statehood Steering Committee or the Standing Committee on Legal and Constitutional Affairs.

The minister saw his role as being a facilitator with the Commonwealth initially engaging in low key discussions on terms and conditions bearing in mind that they will be in the last 12 months of their election cycle.

The Minister will advise which Northern Territory Government department is going to assist the Minister to develop the strategy to facilitate discussions with the Commonwealth.

The Minister advised and the Committee noted the Minister would be discussing arrangements and logistics to ensure the Minister's office received advice from the appropriate agency and that SSC members and staff are able to retain political neutrality. The role of the Secretariat of the Statehood Steering Committee will be discussed at a meeting with the Clerk of the Legislative Assembly on the 28 September 2006.

**ACTION:** Executive Officer to report back to the Committee on the protocols for engagement between the Minister's Office and the Statehood Steering Committee.

The Minister emphasised the Statehood Steering Committee has a very important role to ensure that the engagement with the community is community led and advice to the Government comes to the Minister from the Parliament and the Standing Committee on Legal and Constitutional affairs. The Minister noted the Committee is well served by its legal adviser Mr Graham Nicholson.

The Co-Chair then led a discussion on the role of the House Of Representatives Standing Committee on Legal and Constitutional Affairs (Slipper Committee) and that the Terms of Reference of the LCAC are much narrower than the SSC Terms of Reference.

Discussion led by Mr Martin addressed comments by the Chief Minister and Minister with regard to issues that may come up but should not be the focus of Statehood. Issues such as radioactive waste for example, may be a good example of why we should be a State but should not become the focus.

Mr Martin noted one possible model of a Constitution for the Northern Territory as a State could be the Self-Government Act itself. This led to the committee seeking the advice of the Chief Minister and Minister with regard to what parliamentarians think about the operation of the Self-Government Act, reflecting upon a letter written by the Committee to the Speaker during 2005.
The Committee noted the letter has not received a response. The Minister undertook to coordinate an agency by agency response.

The Chief Minister advised that the Commonwealth Electoral Act has been changed making it potentially more difficult for Territorians in remote communities to get on the electoral roll. This was an example where the Self-Government Act was not a difficulty but other legislation posed a concern for the Territory Government.  
**ACTION:** Executive Officer to liaise with Minister’s office in order for Minister’s office to seek the appropriate responses and advise the Statehood Steering Committee.

The Co-Chair raised the issue of public service process and requirements to follow particular procurement guidelines and sought the views of the Minister with regard to providing the Statehood Steering Committee with independent purchasing rights. The Co-Chair cited the quotes from the Government Printing Office.

**ACTION:** Executive Officer to seek feedback from the Minister’s office, as the Minister requested his advisor (Andrew Blakey) to note the request.

3. Action Items arising from 7th Meeting

3.1 Budget

The Executive Officer advised he had made a presentation to the Cabinet outlining the content of the Cabinet submission and the work undertaken by the Statehood Steering Committee to date.

The Cabinet submission was in circulation and responses have been received from some agencies for comment. The next step was for the submission to be signed for lodgement with the Cabinet office for consideration by the Cabinet in the next few weeks.

The Committee noted the quotes from GPO to produce storyboards and printing of text on to Fact Sheet Shells and agreed to production once the budget was finalised for this year.

3.2 Work Plan

The SSC needs to revise the Work Plan as part of the budget process. Once the budget has been finalised there will be a new work plan to meet that budget.

**ACTION:** The Committee determined to examine the Work Plan and other planning documents at its next meeting.

4. Executive Group Reports

No Executive Group meeting has been held.

5. LCAC updates

5.1 Status of Statehood Committee’s Submission to the Commonwealth Committee

The Committee’s Submission was approved by the Standing Committee to be sent to the Commonwealth Committee. This submission has now been sent.

The Committee determined to approach the Minister for Statehood seeking the Government of the Northern Territory support the Statehood Steering Committee’s submission to the House of Representatives Standing Committee and to suggest the Minister engage in discussions directly with the Minister for Territories and the Commonwealth Attorney General concerning the issues contained in that submission.

**ACTION:** Executive Officer to draft a letter for signature by the Chair and Co-Chair to the Minister for Statehood reflecting the submission has already been noted by the Standing Committee on Legal and Constitutional Affairs and the Statehood Steering Committee seeks the Government endorse its content ahead of the Commonwealth Committee visiting the Northern Territory in mid November 2006.
5.2 Status of Statehood Committee’s Submission to the NT Government concerning engagement on Terms and Conditions
The Committee was advised the LCAC has sent this submission under cover of a letter to the Chief Minister.

The Committee determined a letter is to be sent to the Chief Minister and Minister for Statehood thanking them for attending the statehood meeting and reminding them of any follow-up issues. 

**ACTION:** Executive Officer to draft letter for signature by Chair and Co-Chair

5.3 Commonwealth Committee Chair, Mr Peter Slipper meeting in Darwin.
Report tabled

It was resolved that a letter from the LCAC or Minister for Statehood be sent to the Commonwealth suggesting a process and demonstrating NT support for Statehood.

**ACTION:** Secretary to the Standing Committee to raise with LCAC at their next meeting

5.4 LCAC Secretary Report
The Committee noted Neil Westbury’s brief to the LCAC, and the transcript has not been provided to the SSC.

**ACTION:** The Chair indicated the Secretary to the Standing Committee would provide the transcript to the LCAC for their consideration to release it to the Steering Committee.

The Committee noted the policy question directed by the Co-Chair to Mr Westbury concerning Northern Territory government policy regarding education and the English language is still waiting for an answer.

**ACTION:** LCAC Secretary to pursue advice from the Department of Employment Education and Training.

The Committee noted that response from the Minister for Transport regarding the issue of number plates the slogan "Toward Statehood" that such plates would cost $50 000. It was resolved that a letter be sent to Minister for Statehood seeking the views of government concerning this initiative advising this may be part of our strategy later on.

**ACTION:** Executive Officer to draft a letter for LCAC to send to the Minister.

6. 6.1 Report of briefing by the CLC - Report noted.
The Statehood Steering Committee noted that the presentation provided a detailed analysis of methodology for creating a state-based Constitution within the parameters of the Federal Constitution and the Australia Acts 1986.

The Committee also noted the current view of the Central Land Council is that the Aboriginal Land Rights Act should remain as a legislation of the Commonwealth.

6.2 Advice from Mr Nicholson
The Committee noted the advice received from its legal adviser Mr Graham Nicholson concerning the constitutional issues raised by the Land Council and advising if entrenchment were considered desirable it would be possible notwithstanding the Australia Acts.

Discussion led by Mr Ryan concerning issues that are of importance to Aboriginal people. The Kalkaringi and Barunga Statements are still living documents as far as the land councils are concerned.

The committee discussed the following options: Whether the legal advice received is:-
1. Shared with the CLC
2. Shared with the other land councils in order to achieve further engagement
3. Worked into the Constitutional Options Paper
4. Do nothing
Recommended Chair and Co Chair be invited to next full CLC meeting at Finke 14-15 November.

**ACTION** Executive Officer to discuss logistics with Mr Ryan, Chair and Co-Chair given the date coincides with the visit to the Northern Territory by the Slipper Committee

**ACTION:** A copy of Mr Nicholson's advice shall be sent to the Central Land Council under cover of letter stating the advice and is provided on a without prejudice basis in the spirit of cooperation toward constitutional development. The letter will emphasise the committee takes no view on the issue of entrenchment of the Aboriginal Land Rights Act, but notes Mr Nicholson's advice indicates entrenchment of specific issues appears to be possible in the development of a Northern Territory State Constitution. This issue also be included in the forthcoming Constitutional Options Paper.

### 6.3 Constitutional Development Options Paper
The executive officer provided an update on work being prepared for a Constitutional Development Options Paper. This paper should be available for members late this year to consider for release for consultation early next year.

**ACTION:** The Executive Officer shall draft a letter to:
- The Presidents of the Law Society and the Northern Territory Bar
- The Ombudsman
- The Solicitor General
- The CEO of the Department of Justice
- The Director of Public Prosecutions
and other relevant stakeholders, seeking their suggestions of fundamental principles to underlie the development of any future draft Northern Territory Constitution

### 7. Executive Officer Reports

#### 7.1 Show Report tabled
The Committee noted the Executive Officer and other members of the Statehood Steering Committee felt a general level of goodwill from the community about Statehood and an increased awareness. Response to surveys was lower than last year because we had less people working on the show circuit. Committee encouraged to think about the presence and/or theme at the show circuit in 2007.

**ACTION:** item for consideration at next meeting

#### 7.2 Katherine Consultation Report tabled
The executive officer expressed concern that if the Committee does not follow up organisations we visit we will lose credibility. This was noted

#### 7.3 Storyboard Launch
Students from various schools were involved in the official launch of the Statehood Storyboard Series. Raine Caldwell (PLS) worked with the committee Secretariat to make the event a success. The Committee expressed very special thank you to Nora Kempster for working hard to produce the Storyboards.

#### 7.4 STAG and DEET
Statehood Teachers Advisory Group not met this school term. A meeting is planned for term four. The executive officer provided a report on meetings with Deputy CEO Ken Davies from DEET and CEO Margaret Banks.

**ACTION:** Executive Officer to continue to pursue formal relationship with Department of Education and report back to Committee from time to time.

#### 7.5 Volunteers & Insurance
The Committee discussed the issue of volunteers. It was determined the Executive Officer and Co-Chair would revisit the current protocol document to fine tune the roles and responsibilities of volunteers.

**ACTION:** EO/Co-Chair to meet to re-draft roles and responsibilities protocol
ACTION: Executive Officer to approach the Secretary to LCAC concerning the Co-Chair & Executive Group meeting with the LCAC to examine the list of previous applicants for positions on the statehood steering committee in a closed meeting environment. From that meeting the executive group determine a short list of people to approach to determine their interest in being volunteers.

7.6 CDU Project Report
EO gave a brief update of the CDU Project for new members. The Executive Officer provided advice to the Committee that the agreed project has not commenced. The Committee noted the project was to be completed to the end of phase 1 by June 30, 2006. The Committee expressed dissatisfaction and instructed the Executive Officer to investigate cancelling the contract. It was determined a letter be forwarded to the Minister for Statehood advising of the decision and noting a preference for any funds outstanding for this project to be diverted for the ongoing employment of Nora Kempster.
ACTION: Executive Officer to write to Clerk, Minister for Statehood, and appropriate officers from the Department of the Chief Minister, Charles Darwin University, The Department of Corporate Information Services, and the Department of business Economic and Regional Development to effect the Committee’s decision.

7.7 2007 CDU Symposia Series
The Executive Officer advised the proposal put forward by the Department of the Legislative Assembly to develop a theme on a Northern Territory Bill of Rights was accepted as the theme for the symposia series. The Executive Officer is now a member of a content committee to look at how to take that forward. This is a project auspiced by the DCM and CDU. No financial implications or ownership for the Statehood Steering Committee. Committee members are encouraged to give any suggestions regarding the Symposia to EO.

7.8 Media Releases
The Committee noted several draft media releases.
ACTION: Logistics for release and content will be considered in further detail at the next meeting

7.9 2006 Survey Results
Paper noted, approximately 25 more surveys are required to complete this year's poll.
ACTION: once completed will be subject of a draft media release. Consideration to be given whether Minister or Committee release the information. (Minister's role subject to LCAC approval)

7.10 Membership of LCAC
Chair advised the changed membership of the Standing Committee being Len Kiely MLA replaces Mr McAdam on the Standing Committee. All other members remain the same. The Chair of the Statehood Steering Committee is the Chair of the Standing Committee.

Members noted the Quarterly Report sent from the Executive Officer to the Speaker and LCAC current as at the end of August 2006.

7.11 Bumper Sticker
Committee approved the artwork for a new bumper sticker to be sourced when funds are made available.
ACTION: Produce quantity as required when funds available

8. Co Chair Report
Co Chair gave a brief report on points of interest from a trip to South America. Election of a 255 person constitutional convention charged with rewriting the Bolivia constitution in 365 days.

Co Chair and Ms Vigants attended a lecture by Professor Allan Patience at CDU. It was noted that the lecturer didn’t appear to have much knowledge of the SSC and the push towards statehood.
It was suggested the Committee consider inviting Professor Patience to a SSC meeting to make a presentation.

**ACTION:** Next meeting to consider an invitation to Prof Patience.

### 8.1 Other Members Report

Mr Robertson advised he had been to the schools around the Work Choices issues but promotes Statehood at the same time. Secondary students appear to be very supportive.

Ms Vigants would like to see involvement by the youth via Student Representative Council, COGSO.

**ACTION Agenda item for next meeting**

Mr Bourchier advised of the Chief Executives Youth Group DEET as a group which includes urban and remote students. Chief Minister's Youth Round Table next meeting as an agenda item. **ACTION:** Executive officer to draft a letter for Mr Bourchier to follow up.

Discussion with regard to a new slogan eg -The Gift ...

**ACTION:** Deferred until next meeting

Panels at Kalkaringi Walk Off celebrations. Use of images for educational purposes to explain the history of this important event in our storyboard presentations.

**ACTION:** Write to Mr Ryan

### 8.2 Sitting Fees - AGEST

Members agreed to check that they are receiving advice of sitting fees and AGEST superannuation payments paid and advise the Secretariat of any concerns.

**ACTION:** All members

### 8.3 Meeting Dates

Co Chair requested a proper consultative process to establish future meeting dates.

**ACTION:** Secretariat to contact other members regarding the next meeting date set by members at today's meeting.

### 8.4 Democracy

It was agreed that the Secretariat examine material regarding democracy in the Australian context.

**ACTION:** Ms Kempster working on appropriate words and images to report to next meeting

### 9. Correspondence to note

Correspondence tabled

Mr Martin provided a response to an email from David Carment. Tabled paper

**ACTION:** Executive Officer to draft a reply incorporating some content from Mr Martin's paper which examines the issues raised. For signature by Co-Chair

### 10. Other Business - Next Meeting Agenda

Workshop at the next meeting to examine:

- Review of the work done to date
- Formation of working committees
- Communication Plan
- Meeting Venues and community follow up

**Next Meeting:** 3 November 2006, Darwin
The Committee met at 9am on the 3 November 2006, at the Litchfield Room Parliament House, Darwin and concluded at 3:15pm

Present:  Ms Barbara McCarthy (Chair)
           Ms Sue Bradley (Co-Chair)
           Mr Daniel Bourchier
           Mr Wayne Connop
           Mr Brian Martin
           Mr Terry Mills
           Ms Irene Nangala
           Mr Jamey Robertson
           Ms Kezia Purick
           Mr Maurie Ryan
           Mr Ray Wooldridge

Also Present:

           Mr Michael Tatham (Exec Officer, Statehood Secretariat)
           Mrs Sharon McAlear (Statehood Secretariat)
           Ms Nora Kempster (Statehood Secretariat)
           Mr Brian Lloyd (LCAC Committee Secretariat)

Apologies:  Ms Kathleen Chong-Fong
            Ms Jenny Medwell
            Ms Pat Hancock

WELCOME

Co Chair welcomed members and introduced new member Mr Ray Wooldridge from Pine Creek representing LGANT and Mr Brian Lloyd from the LCAC Committee Secretariat.

Co Chair also advised of the resignation of foundation member Mr Geoff Shaw. Geoff's work on the committee was acknowledged and members noted their appreciation.

1. Minutes of 8th Meeting were noted and accepted

2. Status Report on Actions arising from 8th meeting

   2.1 Protocol in liaising with the Minister for Statehood

   It was agreed that the correct protocol for information to and from the Minister for Statehood would reflect a flow chart titled "Statehood Entities & Relationships" showing the proposed roles and responsibilities, which had been adopted by the LCAC at its most recent meeting.

   ACTION: EO to liaise with parliamentary officers concerning procedure to insert a new clause into the Terms of Reference.

   2.2 Brief by Neil Westbury to LCAC

   The Committee was advised at its 17 October meeting the Standing Committee agreed that members of the Statehood Steering Committee be given access to the transcript of the briefing
by Neil Westbury, the then Director of the Office of Indigenous Policy, provided the confidential nature of the document was acknowledged and respected. **Brief tabled.**

**ACTION:** Document received, copies made available. Nil further action.

### 2.3 Budget Update

The Cabinet approved an increase of $250,000 for the 2006/07 fiscal year to allow the NT Statehood Steering Committee to undertake activities in accordance with the Work Plan. Chair congratulated the work done by the Secretariat during this process.

**ACTION:** Executive Group to convene prior to the end of 2006.

### 2.4 Report on the CDU Partnership

It was resolved at Meeting No. 8 that steps would be taken to cancel the partnership with the CDU. The Executive Officer advised that correspondence has issued to CDU and we are awaiting any further advice from DCIS.

**ACTION:** Update Committee as required.

### 2.5 LA Parliamentary Education Co-ordinator update

Lorraine Caldwell (LA) and Jeannie Bennett (DEET) presented an update to the Committee showing their application of the Statehood Storyboard to an electronic interactive version for teachers to use as a tool in classrooms.

Members thanked Lorraine and Jeannie for their very interesting presentation and look forward to the final outcome of the electronic Statehood Storybook. Members noted proposals for legislative Assembly Education Officer for 2007 and resolved to write to express concern.

**ACTION:** Letter to be sent to CEO of Legislative Assembly recognising Ms Caldwell's contribution to the Statehood process and a possible secondment to work with Statehood. Letter to DEET expressing the value and contribution for 2007 of Ms Caldwell and seeking views on a secondment proposal.

### 3. WORKSHOP - PLANNING

#### 3.1 Commonwealth Seminar

Members raised concerns about the timing of the Commonwealth Seminar in Alice Springs at the same time as a full Central Land Council meeting, and there does not appear to have been enough media/advertising.

**ACTION:** Co-Chair to write to Commonwealth Committee.

It was noted SSC members speaking to the Committee do so as individuals or representing the organisation of which they belong, such as Ms Purick and NT Minerals Council. Chair & Co Chair will be speaking on behalf of the NT Statehood Steering Committee.

**ACTION:** The letter to the Commonwealth Committee to reflect this.

**OTHER ACTIONS ARISING FROM DISCUSSION:**
- Chair or Co-Chair will make phone contact with Dave Tollner.
- Ms Purick will send NT Mineral Council members information on the Seminar
  - The SSC to put out a notice to encourage Territorians to attend the Commonwealth Seminar via our email database.
- LGANT Newsletter to publicise -Mr Wooldridge to follow up
- Contact the Commonwealth Committee suggesting President of LGANT be invited to present to the Committee.
- Media strategy to take advantage of the visit by the Commonwealth to awaken the thoughts of the wider community to be developed and implemented.
- Broadcasting of the Seminar - "Stateline" to be contacted.

#### 3.2 Communications

##### 3.2.1 Project Brief

The Committee was briefed on the preliminary visits that had already been done to Maningrida, Millingimbi, Wadeye (Port Keats), Daly River, which found that communities...
were concerned as to what their local member thought. Communities were interested but Statehood is not their priority.

2006 visited Alice Springs, Tennant Creek, and Katherine. Organisations need to be followed up with workshops and presentations on Statehood. Reports tabled.

**ACTION:** Follow up as part of 2007 consultations.

### 3.2.2 Communication Discussion

- SSC Members are the voice to get the message out through networks.
- Discussion with regard to radio spots recorded in Minutes (Katherine meeting) - to be revisited.
- Different languages (Project Brief page 6) to be considered.
- As a Committee it was decided not to link to hot issues of the day.
- Opportunity of the 10th Anniversary of the overturning of the Euthanasia Bill to be considered.
- Media is the strategy with ‘teeth’.
- Continue sending Media Releases
- BRACS network in language with Ms Nangala to be explored for 2007.

### 3.2.3 Strategy to Reach Wider Community

An open discussion was led by the Chair on focusing on how we now reach the wider community

**Committee Action Outcomes**

- Mr Wooldridge will follow up LGANT as an agenda item for their next AGM
- Mr Robertson will discuss Statehood as part of the Unions NT inductions
- Chair and Mr Martin will canvass Alice Springs organisations for expressions of interest to participate in SSC processes.
- Mr Bourchier and Chair will work on a radio strategy Chair to conduct Media/Radio training session with interested members
- **2007 Significant Dates were discussed.**
- Steering Committee meeting dates, show circuit, festivals/expo, sitting days.
- Show Circuit partnership with AEC to be explored.

**Show Time Planners - Ms Purick, Co-Chair, Secretariat**

- Staffing/volunteers
- Garma Festival
  
  **ACTION:** Letter to Garma Organisers to issue theme concerning 2007.
- Arafura Games

**Sporting Statehood group or sponsoring a team to be considered.**

- Alice Springs Sittings (Youth Parliament)
  
  **ACTION:** Mr Bourchier to follow up

- Youth Round Table
  
  **ACTION:** EO to follow up and present on 2 December.

- Industrial Relations Society National Conference
  
  **ACTION:** Mr Robertson to follow up Jan 2007

- Exploratory visit to Alice Springs early 2007
  
  **ACTION:** Mr Martin & Chair early in New Year

- LGANT National Meeting 2007
  
  **ACTION:** Mr Wooldridge expression of interest

- SSC Meeting in Alice Springs

  **Date to be finalised**

- Women’s meeting & Waltja
  
  **ACTION:** Ms Nangala to advise through Chair

  **ACTION:** Ms Kempster to Update Work Plan Calendar
3.2.4. Draft Media Releases
Discussion regarding Media Releases. It was agreed that the Committee would put out a media release and then welcome the Minister and Shadow Minister to respond or make joint press releases. ACTION: Media Releases to issue.

3.3 Draft Constitutional Development Paper
Will be ready week starting 6th Nov. Draft copy to be sent to Graham Nicholson, Mr Martin, Co Chair for comments. ACTION: EO to send draft paper.

A Working Party is to discuss the paper - Co Chair, Mr Martin, Graham Nicholson and EO form the Working Party. ACTION: Working Party convene 16 November.

4. Planning and Protocol
After discussion it was agreed that the Co Chair Protocol would remain the signatory of letters and issuer of media releases.

5. Other Business
   • Membership issues
     Discussion on membership of the Steering Committee:-
     Vacancies/Attendance issues/Individuals or representatives of organizations? Appointment by terms?
     ACTION: EO via Executive Group write to LCAC about membership and representation from Alice Springs area

   • Recognition for retiring member Geoff Shaw
     Formal acknowledgement of foundation members from the SSC. When a member resigns a letter and/or certificate to be issued.
     ACTION: EO to draft a letter to Mr Shaw. Certificate to be designed. ACTION: Sharon (Secretariat)

   • CDU Symposia
     Discussion occurred as to whether this would be a good time to release the Constitutional Development Options Paper. Probable release March 2007.

   • Badge - Citizen of the future seventh State.
     Could be a promotional item for shows. ACTION: Noted for reference.

6. Next Meeting
   January 2007 - date to be advised
The Committee met at 7.15pm 29 March 2007 in Katherine, reconvened at 8.30am 30 March 2007 and concluded at 12noon.

Present:  Ms Barbara McCarthy (Chair)  Ms Sue Bradley  (Co-Chair)
Mr Daniel Bourchier  Ms Kathleen Chong-Fong
Mr Wayne Connop  Ms Jenny Medwell
Mr Terry Mills  Mr Harry Nelson
Mr Jamey Robertson  Mr Maurie Ryan
Mr Ray Wooldridge

Mr Michael Tatham (Exec Officer, Statehood Secretariat)
Mrs Sharon McAlear (Statehood Secretariat)
Ms Nora Kempster (Statehood Secretariat)
Ms Pat Hancock (LCAC Secretariat)

Apologies:  Ms Loraine Braham MLA  Mr Pete Davies
Mr Stuart Kenny  Mr Brian Martin
Ms Irene Nangala  Ms Kezia Purich
Ms Margaret Vigants

WELCOME

Co Chair welcomed members and introduced new member Mr Harry Nelson from Yuendumu.

Mr Nelson advised that he was excited to be on the Committee to learn more about Statehood and to take the message back to his people. Mr Nelson was involved with the Kalkaringi Statement, as well having involvement with Batchelor College and CANCA.

It was noted that protocols such as a welcome to country may be appropriate where the Committee meets. Members are aware of when and where meetings are held in advance and are urged to advise through their contacts if this should be followed.

ACTION: Members to advise Secretariat when a Welcome to Country should be arranged for a meeting.

1. MINUTES OF 9TH MEETING were noted and accepted

2. MARKETING AND MEDIA UPDATE

2.1 Press Releases tabled were noted
• Suggestion from Mr Bourchier and resolved by the committee to mark our two year anniversary in April. ACTION: Develop a press release. Introduce new members; reintroduce members and what has happened during the last 2 years.

• Mock Referendum It was resolved that the word ‘exactly’ be omitted from Question 2. Discussion was then led by Mr Connop as to the wording of Question 2.
A motion was moved by Mr Robertson and seconded by Mr Mills that the mock referendum as presented to the Committee be endorsed. An amendment was moved by Mr Connop and seconded by Mr Ryan that further clarification be provided to the committee on where the proposal fits into the Committee’s Education Program notwithstanding the Mock Referendum is to proceed.

**ACTION:** Mock Referendum to proceed in conjunction with Electoral Commissions commencing 19 May at Freds Pass Show

**ACTION:** EO to write a memo of clarification for the Committee that advises how the Mock Referendum fits into the broader program.

### 2.2 Creation of a Timeline History Book

The Committee discussed the publication of a Story of Time and Democracy in the Northern Territory.

**ACTION:** Ms Kempster to create a separate Timeline of Political History in the NT from 1788 – Report back to SSC at May meeting

### 2.3 Chair gave an update from the Media Working Group meeting and advised a Media Strategy was developed focusing on May being a high focus for media:

**Media and Communications Issues discussed:**

- Translation of some of our advertising campaigns targeting Indigenous groups through BRACS, CAAMA, Yolgnu Radio
- Batchelor students keen to take Statehood on board as part of their project work.
- 1967 Referendum anniversary on 27 May 40 years and how we may increase the Statehood profile at this time.
- The Committee noted its role in commenting on current events such as the shift by the Federal Government about control over managing the 99 year leases and the anniversary of the overturning of the Euthanasia Bill Committee needs to act quickly when issues arise.
- All Committee members are urged to be the ears and eyes, on a day to day basis, for issues that may need to be brought to the attention of the Chair through the Secretariat
- Images connected with a specific event could be developed by Ms Kempster and loaded onto the website, used as posters etc. **ACTION:** Members to advise what issues they would like images created for and how they would like to use them.
- Copyright of material produced by the Secretariat: Concern was raised as to ownership. **ACTION:** EO to seek Clarification on copyright and protection or otherwise of material produced by this Committee
- Internet to target youth ie My Space etc with links back to the Statehood website. **ACTION:** Daniel to examine links to young people web pages
- Naidoc presence **ACTION:** Nora to discuss with Chair
- Members discussed and were encouraged to speak up if the have a contact or good relationship with any media outlet. The Chair said it is up to the Committee to own the issue of Statehood –if there is a way to get your voice, image out there don’t step back, speak up in your local community as individual members of the Statehood Steering Committee.
- **OVERALL ACTION:** EO to email a revised Short Term Media Strategy to all members for further comment

### 3. FRIENDS OF STATEHOOD

- Advertising has commenced through newspapers and Statehood email list.
- Not a big response to date **ACTION:** Members to contact their networks and encourage participation –Secretariat to email/mailout to all our contacts
- Develop further strategies at May meeting to encourage more ‘friends’
4. LOGISTICS UPDATE FOR SHOWS

- Show sites have been booked with sites close to the AEC.

**ACTION:** Secretariat to email Show Roster – All members to advise their availability and encourage their contacts/networks to be a part of Friends of Statehood

5. PARTNERSHIPS AND RELATIONSHIPS

5.1 AEC – Shopping Centres/Mock Referendum NOTED

5.2 Batchelor Institute

NOTED from Agenda Item 2.3

5.3 Territory Proud (Tshirts)

- It was agreed that the Committee would enter into a MOU with Territory Proud to marketing Statehood T Shirts through their outlets.
- It was also agreed that Australian Made T Shirts be sought through Moogully as the preferred organisation for the purchase and printing of T Shirts.

6. CONSTITUTIONAL ISSUES DISCUSSION PAPER

Executive Officer briefed the Committee on the paper –it is a landmark paper designed for a lengthy discussion period of six months for public submissions.

The idea behind the paper is to put out a number of quite difficult issues about constitutional development and include a comprehensive analysis of the previous constitutional work undertaken – NOTED

6.1 Final draft for approval to publish

The Committee agreed to have:

- 500 hard copies produced with CD Roms and the paper to be made available on the website.
- First hard copy will be provided free of charge but further copies to be charged.
- User friendly formats will be produced.
- Layout of the document was discussed and agreed that this be left at the discretion of the Secretary and the designers.

Moved J Robertson Seconded J Medwell

6.2 SSC Statements of Policy and Position in Constitutional Paper

The Committee unanimously adopted the positions as circulated with three minor amendments proposed by the Co-Chair and agreed to as put. The amendments related to stated position numbers 11, 13 and 19 and were recorded for publication.

7. CO CHAIR REPORT - NOTED

- NT Women's Network presentation
- Article in CDU magazine 'Origins' with regard to the Symposium on May 10 Statehood and a Bill of Rights **ACTION:** All members to consider registering and attending this Symposium session.
- Confusion in communities regarding Shire Reforms and Statehood. The Co Chair noted these current difficulties. The Chair advised the proposed visit planned by Chair and Secretariat to travel through Arnhem Land should be postponed - not wanting discussions regarding Shires to be confused with information regarding Statehood.
- Concept of the term Territorian and different community governance patterns in relation to the NT Parliament. **ACTION:** Ms Kempster to develop a picture form layout
- Formalising aspirations and future aspirations of different communities
• Encourage MLAs to use the opportunity when the opportunity arise to comment regarding interference from the Commonwealth government in NT government matters
ACTION: Letter to Speaker requesting advice on how best to dialogue with all MLAs
• Reconciliation Australia News - useful linkage to develop a Reconciliation Action Plan
ACTION: Develop an plan - invite a Rep from Reconciliation to a SSC Meeting
• How do we develop a clear program to refine the Kalkaringi and Batchelor Statements
ACTION: Attend CLC Meeting in Tennant Creek 20 April 2007
• Acknowledged the hard work put in by Executive Officer and Secretariat with the preparation of the Discussion Paper. This will put the work of the Committee on the map with all the academics and lawyers. The Co-Chair registered her appreciation of Nora, Sharon, Barb and Peter Davies who have been putting in a lot of time and hard work

8. EXECUTIVE OFFICER REPORTS

8.1 Tactics Post Canberra Visit and NTG Policy Positions on Terms and Conditions
• Recommendation 1 from the report that the Chief Minister write to the Prime Minister was agreed again by the Committee. ACTION: EO to follow up
• Recommendation 2 - 3 - 4 - 5: actioned
• Recommendation 6: Committee considered a terms and conditions paper The Motion was put to produce a paper for publication early 2008. Moved J Robertson Seconded W Connop
Indigenous Policy Meeting attending by Executive Officer and Ms Kempster
ACTION: Request briefing from Policy Development -Department Chief Minister
20 Year Intergenerational Plan

8.2 Education Update - Noted
• Statehood can fit into the curriculum from Year 5 to Year 12
• Explore NT system and apply to the relevant Bands within the school system
• SOSE AGM meeting
• Presentation at Parap Primary School request to do work back with St Phillips College in Alice Springs

8.3 CDU Partnership Update
• The Statehood Steering Committee will receive a reimbursement of the $25 000 from the failed partnership agreement.

8.4 Proposed Briefing on Local Government, Land Rights, Native Title
The Committee resolved that:
• Briefings be sought from appropriate departments. It was suggested that Pat Dodson be contacted to meet the SSC at the next meeting in Mayor for an out of session briefing.
• Tom Pauling could be a contact to give an overview brief to the Committee about land rights and native title. ACTION EO to contact Mr Pauling
• All members to advise if they would like to attend these briefs.

8.5 LCAC Report back on SSC Membership Issues
• Organisations were asked to nominate an individual to the Committee and once appointed are as an individual.
• Members are then expected to go back to their nominated organisations and networks to make sure the messages get out and get people to talk about Statehood.
• Your view may not be view of the organisation.
• LCAC has placed an advert calling for expressions of interest for membership from Central Australia

9. COMMUNITY CONSULTATION UPDATE

9.1 Alice Spring
Report from N Kempster and M Tatham visits to Alice Springs and Communities
NOTED
9.2 Congress Workshop
Letter to Ms Stephanie Bell, Director Congress - NOTED

9.3 CLC ACTION: Letter to CLC inviting to May workshop

10. OTHER BUSINESS:
   • Secretariat Staffing
   • Cattlemen's Association - note that the meeting to be scheduled in Alice Springs cancelled and held in Katherine on request of Member Kenny and SSC not able to network as suggested
   • Certificates for members who leave the SSC - APPROVED LAYOUT & FRAME
   • LGANT - National Conference in November - EO to write letter to be on the agenda
   • April meeting Ray to speak about friends of Statehood and hand out pamphlets.
   • 2007 proposed work plan and contact list - ACTION: Send out to all member
   • Customary Law - Chair requested clarification on the request from SSC to LCAC. Co Chair advised under our Terms of Reference we had the capacity to form special working groups where we could if we had the funds of course bring in the expertise to actual deal with specific issues but at the same time there was a current reference to the LCAC. ACTION: LCAC
   • Members encouraged to think about the involvement of local Territorian musicians and or promoters for publicity events in the future. Would need to be mentioned in future budget plans if to go ahead.
   • Shires and local government issues - Statehood has no view as a Committee we're just interested in keeping informed of what's going on
Minutes of Proceedings
Alice Springs Resort, Alice Springs

Meeting No. 11 25 May 2007

Members present:
Barbara McCarthy MLA (Chair) - Sue Bradley (CoChair)
Kathleen Chong-Fong - Brian Martin - Irene Nangala - Harry Nelson - Jamey Robertson - Maurie Ryan

Michael Tatham (Executive Officer) - Nora Kempster (Community Liaison Officer) Sharon McAlear (SSC Administration) - Pat Hancock (LCAC Secretary)

Apologies
Daniel Bourchier - Loraine Braham MLA - Wayne Connop - Stuart Kenny - Terry Mills MLA - Jenny Medwell - Kezia Purick - Ray Wooldridge

Absent
Peter Davies - Margaret Vigants

It was noted Committee members attended to observe a rally held in the town centre of Alice Springs to mark the 40th Anniversary of the 1967 Referendum. Committee Chairman, as a result of this activity the business of the Meeting convened at 11.10am.

At the commencement of the meeting the Chairman acknowledged the traditional owners, the Arrernte People.

2. Minutes of 10th Meeting the minutes of the 10th meeting were accepted

3. Business Arising from the 10th meeting. Nil except the Co-Chair raised the following other business:
   - Friends of Statehood – The Co-Chair noted a need for the development of further strategies to engage Territorians in this capacity.
   - 20 year Intergenerational Plan – The Co-Chair asked the Office to follow up a briefing for the Committee at its next meeting. ACTION EO to seek advice from OIP in DCM
   - Outgoing Letters – Letter from Co Chair to Tom Pauling and Pat Dodson inviting them to address the Committee ACTION EO to follow up
   - Local Government Briefing – A report was provided to members with the meeting papers 10.9 - Mr Martin seeks a copy of the notional boundaries of the proposed shires and any other information published by the Department in conjunction with the changes ACTION See EO reports below

4. Meeting Process (Wayne Connop) DISCUSSION OF ITEM DEFERRED However, the Co-Chair asked members to come to the next meeting prepared to examine the protocols. ACTION: EO to collate and review all protocols for next meeting (including any arising from previous Minutes as well as Developed Protocol documents). Members should advise EO is any new protocols should be developed.

5. Report on Workshop and Meeting held in Alice Springs on Thursday 24 May
   (a) Congress Workshop Feedback
The Committee was advised that participants from Congress attended a workshop on Thursday 24 May. Committee members who attended the Workshop advised Congress that Statehood itself isn’t going to change things, but new arrangements with the Commonwealth may. Participation within the process may assist in long term improvements.

Congress provided a powerpoint presentation linking human rights to health and well being which examined:

- Statehood - what potential does this have for the health and well-being of an individual?
- How can constitutional development improve the health and well-being of individuals and Aboriginal people in general?
- Human rights, indigenous rights and health and well-being outcomes have been examined in the context of UN resolutions and by application to legal institutions in Canada.

The Committee advised Congress it is interested in developing an inclusive process with constant interaction between the Committee and individuals and organisations and to encourage people to stay in touch with the Office as we work on Statehood issues.

It was noted that some issues that are a concern are Commonwealth issues and not State-like issues and therefore the Committee should not get involved in areas that a new State would not have any control.

The Co-Chair noted that Stephanie Bell (Director Congress) made a comment at the morning rally in regard to the Statehood process and the need for people to participate.

(b) CLC Meeting with Jayne Weepers & Jeremy Dore (Policy Division)

There were three broad areas of interest identified as part of the Statehood process;

- Governance, the future of the Aboriginal Land Rights Act (possible entrenchment) and Customary Law

The Committee members present discussed with the CLC representatives the possible approaches to the Indigenous Constitutional Strategy Document arising from the Kalkaringi/Batchelor Statement.

The CLC identified:

- Resourcing is an issue, the Indigenous Strategy Document is now almost ten years old and since Government of the day did not respond there is no strategy in place to advance the document's concerns
- It was suggested the NLC & CLC may wish to approach the SSC to discuss resourcing a position to look at the Constitutional Strategy Document and Customary Law issues from the perspective of the Land Councils.
- If this is pursued by the Land Councils the Standing Committee (LCAC) may be in a position to assist with resources. It was noted the LCAC is likely to report back to the SSC on its current Customary Law reference prior to the next SSC meeting
- Governance issues have moved on and there may need to be a different approach in context of the proposed July 1 2008 local government changes

Congress and the CLC workshop identified the need for assistance in resourcing to deliver information out to their constituents or research to provide back to the Committee.

Mr Martin noted it is up to the organisations to draft a job specification outlining what they want to achieve, what they want to do, and how they want to do it. It is not up to the Committee to pre-empt that or attempt it on their behalf.

ACTION Letters to be sent to Congress and the CLC arising from the Workshop meetings inviting them to consider their approach to Statehood and how to advance their concerns through resourcing.

(c) Report on Rotary presentation - The EO reported on his presentation to the Alice Springs Arunta Rotary Club on 23 May. 38 Rotarians were in attendance. Questions arose regarding financial issues and senate representation. The EO gave out 6 discussion papers.

The EO reported that in Alice Springs the Committee has had face to face contact with approximately 60 middle-class urban individuals in addition to more formal approaches to a range of Indigenous organisations around Alice Springs. The general response appears to be there are many questions and a lot of uncertainty but no absolute hostility toward Statehood.
6. **Member Participation**

6.1 Participation at meetings - Concerns about the level of attendance at meetings were voiced by members present. **ACTION:** The Chair and the Co-Chair are to approach individual members on an informal basis.

**ACTION:** A further letter to be written to the LCAC concerning the ongoing nature of membership, attendance, renewals and appointments EO to draft.

6.2 Participation outside meetings - Discussion ensued about the level of participation at shows and as public representatives of the Statehood Steering Committee. It was agreed further discussion would be undertaken with members about how they may engage further with the Committee's activities beyond individual meetings.

6.3 Secretariat assistance - The Executive Officer sought the advice of members concerning the requirements of the Committee and the level of assistance the Office provides to Committee members. Members are encouraged to advise the Office if they have any issues with regard to assisting them with meetings, logistics etc.

Members present advised they have 'fantastic' Secretarial support and the good relationship between the Secretariat and members was acknowledged.

6.4 Feedback on Email Communication - The Executive Officer provided some examples where requests for feedback on proposed action that had been forwarded by email had resulted in no response from all Committee members.

It was resolved that emails and faxes out of session was sufficient communication - if members have no comment it was a sign of general agreement. **NOTE** this is different from existing protocol. No follow up phone call is required unless a particular issue needs to be highlighted to any or all members. **ACTION:** Update the existing protocol.

7. **Reconciliation Action Plan**

7.1 The ANZ Reconciliation Action Plan, was noted as an example of a high profile plan.

7.2 The Draft SSC Reconciliation Action Plan was also noted with a proposal the Action Plan be finalised in consultation with all members present at the next meeting to be conducted in a short workshop formal.

**ACTION:** All Members (seeking specific advice from Indigenous Members) will be involved - set up a Working Group at Next Meeting.

7.3 Invitation to Reconciliation Australia to attend and meet the SSC to discuss opportunities for Statehood and reconciliation.

**ACTION:** Invitation sent to RA - EO to follow up.

8. **Chair Reports - NOTED**

8.1 NLC Meeting (8 May) - John Sheldon & Olga Havernan

- First to receive a copy of our Discussion Paper
- Timeframes - It has become apparent that a timeframe will be desirable in order to guide the interest groups about the level of commitment they need to have to the outcome against the proposed end date.

**ACTION:** Notional Timeframe to be drafted for Committee consideration at text meeting. Committee to then seek ratification by LCAC to publish the notional timeframe for public comment. Responsibility EO.

8.2 Proposed Road Trip Commencing 6th June to the Barunga Festival and recommencing 13th June to Groote Eylandt. Chair, Michael Tatham, Nora Kempster and Steven Stokes (LA Table Office) to participate in the Road Trip. **ACTION:** Report back at next meeting, EO to contact Jamey concerning follow up in Nhulunbuy for SSC trips in that area as he has local contacts interested in being involved.

8.3 Relay for Life Proposal - Gardens Oval 28-29 September 2007
A Statehood team has been suggested for this event in order to promote community involvement and raise the Statehood profile. Encourage members and friends of Statehood to participate. Sponsoring walkers to raise money for Cancer. More information to be forwarded.

**ACTION** Sharon to send information out to members and Members to advise if they would like to participate

8.4 Ministerial Statement
The Committee indicated the August Sittings may be a preferred date for the Minister to table a Statement on future directions on Statehood. **ACTION: EO to discuss at next meeting with Minister**

**ACTION:** If this is the confirmed date the Chair to approach Madam Speaker with regard to a morning tea in the Great Hall

9. Co Chair Reports - NOTED

9.1 Meeting with David Curtis (Council of Elders) and CLC (20 April 07)
- Concerns were expressed in the context of Customary Law and traditional ways being subverted by people picking and choosing whether they would seek to enforce contemporary Australian and NT law or customary law in various situations which undermined the authority of elders and traditional ways
- Protocol of Traditional Owners similar to the Larrakia Protocol in Darwin
- Respect for each other and using the family process to resolve disputes
- Statehood and constitutional development may benefit from recognition of the role of Elders in the broader law. SSC to facilitate this under further discussions about customary law.
- He expressed a difficulty where outsiders came to town but whilst they may observe their local customs felt free whilst in Tennant not to observe the traditional law of the land
- CLC meeting was focused on the Local Government issues
- Co Chair felt that while she was made welcome there may have been a language issue and her speech was not well understood
- Mr Ryan noted that Statehood issues are considered important to the CLC and treated seriously at meetings
- The Committee Chair and Co-Chair were invited to address the next CLC meeting
- Concerns arising from Katherine Statehood Steering Committee Meeting - It was understood the Committee would have a role at the Cattlemen's Association Meeting in Katherine which was withdrawn after the Committee decided to convene there instead of in Alice Springs. There being no exposure to the Statehood Committee the Association members did not know who the Chair, Co Chair and Mr Robertson were when they attended the evening function. The Co-Chair expressed disappointment noting that the exposure of the Committee to members of the Cattlemen's Association could have been a worthy networking exercise.

9.2 Friends of Statehood Training Day (28 April 07) The Co Chair expressed appreciation for the efforts of Raine Caldwell giving her time and energy as a Friend of Statehood to assist with the education and training for the new Friends. The workshop exercises demonstrated a keen interest and good understanding of how to convey difficult Statehood issues.

9.3 CDU Symposia (10 May 07) The Co Chair reported on this year's Symposium on a Bill of Rights featuring some high profile speakers discussing different ways of entrenching or guaranteeing rights. The second day was mainly an academic forum on 11 May 07. A Request has been made for a copy of a presentation on land rights to be made available. **ACTION** EO To Follow up

9.4 The following speaking engagements and Publicity opportunities were noted
- Radio interviews
- NT News interview
- Kiwanis Speech in Darwin
- Freds Pass Show Presence

9.5 Think Tanks **Deferred to next meeting**

9.6 Definitions of Issues **Not Discussed**

10. Executive Officer Reports - NOTED
10.1 Interviews with Radio Larrakia - ongoing

10.2 Freds Pass Show Commencement of the Mock Referendum. Numbers were 'down' from previous shows. Less member participation at the event resulted in less engagement with show goers.

10.3 Proposal to upload Minutes onto website It was resolved the Minutes would not be uploaded to the website as they may be taken out of context. Minutes from the Secretariat are available to everyone who would like them. Minutes have been tabled in Parliament when reporting to the Parliament.

10.4 Copyright of Committee material - Parliamentary Privilege

**ACTION: EO to follow up the Memo to Office of the Clerk sent following the last meeting**

10.5 Use of Linguists as well as interpreters Planning run a workshop with interpreters and may include linguists.

**ACTION: Nora Kempster to seek guidance from AIS**

Community Languages other than English and Indigenous languages. The Committee has in the past been provided quotes for translating the Fact Sheets (As provided by Committee member Mrs Medwell) however no action has yet been taken

**ACTION: EO to list this as an item for the agenda of the next meeting**

10.6 Show Planning - July 2007 Show Rosters sent out to all members

**ACTION: All Members to advise the office if they would like to attend and which show**

10.7 Federation and Statehood. Proposed Approach through Minister to CoAF (Draft article by Ken Parish)

The EO advised Ken Parish is producing an article for the new Northern Territory Law Journal that would provide some discussion of the opportunities of Statehood in the current federal arrangements and the SSC may like to bring it to the attention of the NT Government with a view the Council of the Australian Federation (CoAF) consider its content.

**ACTION: EO write to Prof Ken Parish advising the SSC would be happy to suggest the NTG consider its content in the context of discussions with Commonwealth and State colleagues.**

10.8 Territory Proud MOU ready to be signed. T Shirts to be ready for sale from the commencement of the NT July Show Circuit.

**ACTION: Press Release to go out prior to Alice Springs Show**

10.9 Local Government Briefing The EO advised that the Officer in charge of the reforms Mr Nick Scarvelis had briefed some Committee members and advised Committee members about the work done on the local government changes to date.

Mr Ryan and Ms Nangala gave a further update from local government meetings they had attended.

**ACTION: Local Government Information packages to be provided to any Member who did not attend the Briefing**

11. LCAC Report

Ms Hancock advised that the LCAC has not met since the last SSC Meeting in Katherine and it will meet during the June Sittings.

The LCAC has received nominations from Alice Springs for membership to the Statehood Steering Committee. This is an item for the agenda of the next LCAC meeting.

**NOTED**

12. Community Liaison Officer Report

12.1 Ms Kempster outlined the project to produce a pictorial timeline of political history in the NT From 1788. Comments were made by members of the Committee on some of the text. The Timeline was endorsed (subject to minor corrections) and is to be used during the NT Show Circuit.

**ACTION: Email document to Members for comment. Due back by cob Friday 1 June 2007 (This action is COMPLETED)**
The EO and Ms Kempster briefed the Committee on the MARVIN concept and its potential application to Statehood materials. The cost of MARVIN is high and could be $100000 to create characters and animate them for a presentation. The Committee was advised the Dept Health has a different and more cost effective application of similar technology and provided a quick example using the timeline as background. Members were shown the example.

**ACTION:** EO to liaise with the Dept Health and/or appropriate agency heads about the availability of the application for Statehood purposes and costs involved.

**NOTED**

13. **Members Reports**

Mr Ryan
Expressed the feeling that the Statehood process is moving along nicely. The community has had a lot of other issues to think about with local government reforms.

Mr Robertson
Was in Gove talking to members (Alcan) of his organisation. Met people who are interested in advancing Statehood in the area. Possible Friends of Statehood. Advised the Committee must consider we move from ‘whether’ to ‘when’.

Mr Robertson outlined the plan for a dinner to commemorate the 40th anniversary of the 1967 referendum at the end of Reconciliation Week. The Committee approved the sponsorship of $1500 and a Speaker toward the event provided our Statehood profile was advertised showing that the event was proudly supported by the NT Statehood Steering Committee.

**ACTION** SSC Office to pay up to $1500 toward

Mr Martin
Discussion was led by Mr Martin about a proposed timeframe. The target date of 1 Jan 2011 was discussed by the Committee

**ACTION:** It was resolved to develop a Notional Timeframe, take the proposal as a draft document to the LCAC for any initial comments and report back at the August meeting of the Statehood Steering Committee

Chair
The Chair discussed how the Committee may consider its future directions by looking at the budget for the next 12 months and factoring in use of the arts (music) for promoting Statehood. Perhaps using the history of the NT told through music and dance. Encouragement of artwork and music around the Territory

**ACTION:** Set up a Working Group to be separate from the Media Group 'Promotional Sub Committee' - J Robertson, Chair

Co-Chair
The Co-Chair suggested a further approach to the Garma Festival organisers about constitutional development and Statehood being the theme of a future festival.

**ACTION:** EO to draft a letter to Garma from the Committee

Executive Officer
Noted the Media Working Group needs to convene shortly to discuss further radio advertising to promote a call for submission on the Discussion Paper.

**Proposal for Next Meeting:**
9th August - Reconciliation Plan Workshop TBC (awaiting Reconciliation Australia)
10th August - Meeting No. 12 in Darwin

**QUOTE OF THE MEETING** - I go to Sydney and the only time I see another Aboriginal is when I walk past the mirror (M Ryan)
The meeting commenced at 8.40 am.

1. **Minutes of 11th Meeting**
The Minutes were accepted

2. **Business Arising**
   **Assistance with Resources**
   Requests from organisations at the 11th meeting held in Alice Springs about resourcing their work on Statehood: No responses have been received from the CLC and Congress concerning their suggestions for assistance to resource their organisations.
   **ACTION:** EO to follow these organisations up for their suggestions about this. Note -Minister for Statehood indicated at this meeting such an approach could receive favourable consideration.

3. **NT Law Journal Article about Statehood**
The launch of NT Law Journal with article by Ken Parish on Statehood was discussed at the 11th meeting with a view to referring the published text to the Minister for Statehood.
   **ACTION:** EO to contact Ken Parish about the current status.

4. **Legal Adviser to the Committee**
Mr Graham Nicholson, Constitutional/Legal Adviser to the Statehood Steering Committee as nominated by the Solicitor-General under the Terms of Reference was in attendance and expressed concerns that he is unable to advise the Committee unless he is more aware of what is going on. Mr Nicholson suggested he no longer have the official position of legal adviser and indicated he would discuss it with the Solicitor-General. He offered his services through the Department of Justice.
   **ACTION:** EO to refer the matter of an ongoing Constitutional/Legal Adviser under the Committee’s Terms of Reference to the Executive Group.

3. **Statehood and the Commonwealth Intervention**
Members noted their own views and the views of their communities on the intervention announced on 21 June and the subject of legislation passing the Commonwealth parliament at the time of the 12th meeting:

   - Mr Ryan reported the CLC supports the child protection aspects of the intervention however, whilst they can ‘live with’ the five year leases, they cannot support the 99 year leases or the abolition of the permit system. Statehood is supported by Aboriginal leaders at Garma so long as the ALRA is entrenched.
   - Mr Martin commented that therefore the overall position of Aboriginal leaders is that their position on Statehood has not changed.
Ms Purick noted the permit change would have no impact on requirements for mining companies to negotiate with Aboriginal people over mining operations.

A CLC Media release was circulated to the Committee.

A Minerals Council Media release was circulated to the Committee.

Mr Nicholson indicated a use of the Races Power requires 'just terms' compensation under the Australian Constitution, however this legislation overrides the provision for just terms compensation in the Self Government Act and therefore just terms compensation will only apply where constitutionally required. The *Racial Discrimination Act* is excluded.

Impact on Statehood Campaign. The Committee discussed what the interventions means to Statehood and the proposal for a published notional timeframe to Statehood. A range of views was canvassed such as whether the Committee suspend activities for five years given the *Emergency Response Bill* has a five year sunset clause from commencement.

Mr Martin indicated the proposed timeframe to Statehood might not be worth publicising in light of the intervention. Statehood won't be achieved in five years, but push the timetable out to accommodate the reality.

Mr Wooldridge noted the intervention may be seen as a platform on which to build a case for Statehood.

Mr Nicholson said the interventions in Queensland (local government) and Tasmania (hospital funding) showed that current Commonwealth approaches to federalism appeared to be undermining federal state relations and this is a challenge as the Commonwealth is doing the same in the States by a different mechanism.

Ms Purick commented the Committee should keep educating and keep to the program.

Mr Wooldridge indicated a view that a decision could await the Federal Election passing and then decide what to do.

The Co-Chair asked if the Commonwealth Government had provided any response to the House of Representatives Committee's Report and recommendation 'The Long Road to Statehood'. (A:No)

Mr Robertson supported the retention of the proposed referendum date on the timeframe.

**Question - Should the Proposed Timeframe to a Statehood Referendum proceed?**

The Committee resolved to adjust the Timeframe to include activities up until July 2009 as proposed certainties and then identify the action after that as notional. The redrafted Timeframe will be resubmitted to the next SSC meeting on 26 October and once ratified it will be sent to the LCAC.

**ACTION**: EO to redraft and resubmit the papers for the next meeting.

4. **Briefing and Discussion on the *Aboriginal Land Rights Northern Territory Act 1976.***

The Solicitor-General, Mr Tom Pauling QC joined the meeting to provide a briefing on the *Aboriginal Land Rights (Northern Territory) Act* and comparisons with other jurisdictions.

Mr Pauling advised the Committee his research indicated only NSW and Queensland had formal land rights regimes where an Act of parliament was required to acquire Aboriginal land.

Queensland also requires just terms compensation. No other State deals specifically with the issue of what their Governments can or cannot do with Aboriginal land in that State.

Native Title applies nationally. In the Northern Territory, the Timber Creek townlands issue is about the Territory Government acquiring Native Title to give to someone else. The case will be in the High Court in approximately December 2007.
Discussion turned to the Commonwealth intervention. Mr Pauling briefed the Committee on some aspects of the law including the Commonwealth applying Commonwealth law on Bail and Sentencing to override Territory law until such time as the Northern Territory amends its own law in line with Commonwealth law and then it could be repealed.

Just terms compensation and the acquisition of Town Camps was discussed. S.51 (xxxi) does not apply in the Northern Territory, however Mr Pauling would be interested in seeing this being re-tested in the High Court in light of other more recent judicial comment.

Two questions arose from the briefing the Committee decided to take to the next guest:
1. Will the Commonwealth deduct money allocated to the Northern Territory to fund this intervention and
2. Will the NT Government make available advice it has on the ramifications of the intervention to the Statehood Steering Committee.

These were later raised with the Minister for Statehood at item 5.

5. Minister for Statehood Welcomed
The Minister for Statehood advised the Committee of the NT Governments intentions with regard to Statehood at this stage of the program in light of the Commonwealth Intervention as follows:

- The Minister will make a landmark statement to the Assembly in February 2008 which will amongst other things refer to the issue of Terms and Conditions and make it clear the Territory Government will during 2008 be forming a policy position on Terms and Conditions based upon the feedback from the Statehood Steering Committee's planned Discussion Paper on this matter to be issued in April 2008.
- The Territory Government will form its views and take a definite position back to the Commonwealth on Terms and Conditions by the end of 2008.

The Minister also discussed aspects of the Commonwealth intervention relating to the logistics of the Commonwealth teams coming into the Northern Territory, the expectations of the communities and the issue of follow up.

The Minister advised that the Northern Territory Government is critical of the compulsory acquisition of land, is critical of the revocation of permits and does not support the abolition of CDEP.

The Minister further noted the Commonwealth intervention represents a 'clear opportunity to put Statehood back on the agenda for Territorians.' The NT Government will be doing this in 2008 and appreciates the role the Committee can play at the present time. Now is not an opportune time for the NT Government to attempt to publicly promote Statehood. The NT Government is focused on the child protection aspects of the intervention and Statehood is not logical in the message mix at this stage.

The Minister stated the view the Committee's role remains crucial to keeping the issue alive.

Mr Martin requested a copy of advice the Territory Government may receive on the impact of the Commonwealth Intervention. Mr Martin envisages a synopsis of the legislation. The Minister responded he would pursue such a document being produced and provided to the Committee. ACTION EO to follow up with the Minister's Office.

The Committee also asked the Minister about the funding ramification of the Commonwealth's intervention. The Minister advised the Committee that it was most likely there would be new money allocated to the almost $600 million identified by the Commonwealth, most of the allocation will be a re-appropriation. The Minister and the
committee agreed the Northern Territory needs to maintain a watching brief over this issue in order to be up to date on advising Territorians of funding issues.

**ACTION:** EO to monitor and seek a Treasury update toward the end of 2007.

The Committee asked the Minister his views on providing resources to organisations to assist them in pursuing Statehood. The Committee proved the Minister with the examples of the NLC, CLC and Central Australian Aboriginal Congress indicating they would seek funds. The Minister advised he would be interested in such submissions and they would be treated seriously by the Government.

**ACTION:** EO to follow up these organisations as indicated in ‘Business Arising’ above.

6. **Draft Media Release**

The Committee considered a draft media release for issue during the day. The Committee determined to re-draft the release and send it out. During the course of the meeting media interest was received from ABC radio, ABC television and Channel 9. The Co-Chair provided interviews to ABC radio and television on the same day, the release was also picked up in the NT News on Monday 13 August.

7. **Co-Chair’s Reports**

The Co-Chair indicated to the Committee she has communicated with the Chair her intention to step down as Co-Chair from April 2008. The Committee discussed the issue of membership and a need for a future Co-Chair to have a high profile and a willingness to appear in the media to advocate on behalf of Statehood.

**ACTION:** The Co-Chair’s resignation and the Committee’s discussion are to be referred to the Executive Group at its meeting on 29 August.

The Co-Chair next discussed issues raised with her in recent public discussions and tabled a list of perceived barriers to Statehood and advised the Committee she would use this document as the basis of her discussion with Members of the Legislative Assembly at a dinner in the Speaker’s Suite the Co-Chair will address on 29 August.

**ACTION:** ‘Barriers’ document to accompany Minutes of meeting and be the basis for CoChair’s forthcoming discussions with MLAs.

Discussions took place about further consultation opportunities. Mr Wooldridge suggested a Statehood presentation to the Australian Local Government Association national meeting to be held in Darwin in November

**ACTION:** EO to write to Association seeking a place on the agenda.

Committee Protocols - The meeting confirmed and adopted the protocols as tabled and decided if any member wants to revisit the protocols they can.

Additional Protocols -The Co-Chair proposed the protocols officially provide for a ‘Welcome to Country’ where a meeting is convened outside of Darwin.

**ACTION:** EO to revise protocol to note this decision as a routine part of planning of meetings outside of Darwin.

8. **Committee Office Reports**

The Committee noted the proposal for Community visits put forward by Nora Kempster. The Committee approved the Office liaising with the remote members, particularly Mr Nelson, Mr Ryan and Ms Nangala about their communities taking part to launch the next phase of community consultations.

**ACTION:** Nora Kempster to arrange community visits with the relevant members for October and November 2007.

The Committee noted the reports of the comments at the Garma festival from former Statehood Steering Committee member Mr Galurruwy Yunupingu AM that Statehood was back on the agenda and determined to follow up the Garma theme for future opportunities.
**ACTION:** EO to ascertain 2008 Garma Theme (Note 2007 theme was announced on 13 December 2006) Suggest Chair seek meeting with Garma and CDU organisers.

(i) Arnhem Trip report - Noted
(ii) Show Report Noted
(iii) Proposed Ministerial Statement - Committee already informed on timetable during Minister’s attendance.
(iv) Reconciliation Action Plan

**ACTION:** EO to continue to ask Reconciliation Australia to convene a workshop in conjunction with next SSC meeting

(v) Community Languages - Committee Member Jenny Medwell spoke to this agenda item and provided the Committee with a revised costing for the translation of the most common non-English languages.

**ACTION:**
- EO to provide Ms Medwell with a list of all the languages previous Constitutional Development materials were published in during the 1990's.
- Nora Kempster to identify priority Aboriginal community languages for written translation of materials
- Jenny Medwell to talk to core leaders to further identify priority languages before ascertaining a final approximate costing.

(vi) Terms and Conditions Discussion Paper: draft Index of topics - the Committee discussed the proposed content for this paper and determined to include a specific topic heading of 'Representation'.

**ACTION:** EO to commence drafting of the Paper for submission of a draft to a later meeting of the Committee.

(vii) Relay for Life - The Committee confirmed no member was available to take part in a corporate team for 2007.

(viii) Publications - The Committee examined drafts of three new Statehood Fact Sheets and decided Committee members would examine the content in more detail and make comments ahead of the next Committee meeting in order for a decision on publication to be taken at the next meeting.

**ACTION:** All Committee members The Committee also examined the concept of publication of a booklet on the Statehood History Timeline and approved the publication on the basis the cover artwork is revised.

**ACTION:** Nora Kempster to liaise with artwork team at Sprout to re-work the cover as per the Committee's discussion and commence with publication and distribution of the final book.

9. **Other Business**
The Executive Officer advised the Committee he is on annual leave from COB 29 August 2007 until Sunday 23 September inclusive - Noted. Executive Group Meeting - The relevant members determined to convene on either 28 or 29 August

**ACTION:** EO to liaise with all members regarding one of these dates and confirm the venue and send out the agenda and papers in advance.

**Next Meeting**
Proposed for Friday 26 October in Darwin.

The Meeting closed at 3.05pm
Present: Chair Malarndirri McCarthy MLA; Co Chair Sue Bradley; Daniel Bourchier; Pete Davies; Stuart Kenny; Brian Martin; Jenny Medwell; Irene Nangala; Harry Nelson; Kezia Purick; Jamey Robertson; Maurie Ryan; Peter Schaefer; Margaret Vigants; Ray Wooldridge

Also in Attendance: Michael Tatham; Nora Kempster; Sharon McAlear

Apologies: Kathleen Chong-Fong; Terry Mills MLA; Loraine Braham MLA; Pat Hancock

Absent: Wayne Connop

The meeting commenced at 8.45 am.

1. MINUTES OF 12TH MEETING
The Minutes were accepted with an amendment on page 4 providing for the insertion of members attendance status (present, apologies, absent) which had been omitted from the circulated draft.

2. BUSINESS ARISING
Executive Officer advised that the proposed article by Ken Parish for the NT Law Journal has not yet been published. The Committee will be advised of the status at the next meeting.

ACTION: Executive Officer to liaise with Mr Parish

3. PRESENTATION OF NT GOVERNMENT POLICY PLAN: ‘CLOSING THE GAP’
Chair McCarthy welcomed Mr Dennis Bree and Ms Sam Fox from the Department of the Chief Minister Office of Indigenous Policy. Members introduced themselves.

Mr Bree and Ms Fox presented a power point presentation to update the Committee on the Northern Territory Government response to the Anderson/Wild Report and provided each member with a copy of the Government's policy document entitled: 'Closing the Gap'.

The briefing advised the NT Government policy is devised to respond to two reports a COAG report: 'Overcoming Indigenous Disadvantage' (2003), and the more recent report 'Little Children are Sacred'. These provide the 'foundation for going forward'.

Principles and Objectives included:

- A long term sustained commitment is required;
- Both short and long term actions are required;
- There is an imperative to address the underlying causes of child abuse;
- Working in partnership with Indigenous people is a feature; and
- The major objective is to close the gap in health, housing and education outcomes between Indigenous and non-Indigenous Territorians.
The 'Closing the Gap' report goes beyond the recommendations of the Anderson/Wild Inquiry to address additional areas such as:

- Legislative reform, employment and economic development, remote area policing, engagement with Indigenous people, governance, health and housing and shared responsibilities.
- Closing the Gap also establishes a comprehensive framework for the implementation and negotiating responsibilities with the Australian Government. The NT Government on its own does not have the capacity to address these issues.

Committee Members made the following Comments:

M Ryan is concerned that there has been 'no consultation from the Feds' in remote communities. Intervention aimed at Indigenous people in the NT only because we are not a State. Massive child abuse Australia-wide. No race riots in the NT; the rest of Australia could learn about race relations from the Northern Territory.

Mr Bree advised that this was not a plan for intervention but a plan for the NT Govt to act in consultation with Indigenous people over 20 years to try and 'close the gap' between those statistics that we all know about and have been reported on for a long time.

Mr Wooldridge advised that a Local Government survey has identified a 2700 bedroom deficiency in the Territory in Indigenous Housing.

Mr Bree advised that a MOU with the Australian Government to put $800m over the next 4 years into housing represents some money already committed but with close to $400m of new money on top of the $100m that the Territory had previously announced it is a good step.

Mr Robertson commented on a lack of consultation with the unions and the workforce.

**ACTION:** A copy of the PowerPoint is to be made available to each SSC Member (Sharon)

**ACTION:** A letter of thanks to be drafted to the Office of Indigenous Policy (Michael)

4. **RECONCILIATION ACTION PLAN PRESENTATION**

Following the discussions at Meeting 10 a Reconciliation Action Plan briefing was provided by Reconciliation Australia.

Ms Jane Magnus, from Reconciliation Australia appeared before the Committee via video link from Parliament House in Canberra. The briefing provided an overview of what Reconciliation Australia does and how they may assist with the creation of a Plan should the Statehood Steering Committee wish to pursue this formal process.

The Committee decided that reconciliation issues were part of the everyday business of the Committee and agreed to focus on Statehood as core business and not devise a separate Reconciliation Action Plan. The Committee saw value in the Plans for business and Government entities, however Statehood is a project based entity and the elements of working for reconciliation are already part of its ongoing project work.

**ACTION:** A letter of Thanks will be sent to Reconciliation Australia advising of the Committee's interest in their work and the decision the Committee has taken not to proceed with a formal plan under the auspices of Reconciliation Australia at this time. (EO)
At this stage, the Committee undertook some discussion regarding nomenclature for Committee purposes. Internal protocol- ‘Aboriginal and other Territorians’ are used to date in Committee publications. Specific groups will be acknowledged by their specific title ie Yolgnu, Tiwi, Chinese etc as the case arises.

**ACTION:** To be specified in the Committee Internal Protocol document and circulated to next Meeting. (EO)

4A. COMMITTEE CONSTITUTIONAL LEGAL ADVISER

The Committee welcomed Solicitor General Mr Michael Grant QC and Crown Counsel Ms Sonia Brownhill.

The Solicitor General has (under the Committee’s terms of reference) nominated himself as Constitutional/Legal adviser to the Committee. He will be assisted in this role by Crown Counsel and shall provide legal advice as and when required. Outgoing Constitutional/Legal Adviser Mr Graham Nicholson’s vast knowledge and constitutional knowledge of the Territory’s position may be called upon from time to time to provide advice.

**ACTION:** Mr Nicholson to be sent a Certificate of Appreciation for his service to the Committee. (Sharon/EO)

The Committee discussed engagement with the legal profession and was advised to contact the President of the Law Society if he/she would like to nominate somebody to be a non-voting member. Duncan McConnel now President of the Law Society and there is a constitutional committee.

**ACTION:** A meeting is to be convened between Committee members and the Law Society to progress engagement between the Committee and the Legal Profession. (EO)

5. COMMONWEALTH INTERVENTION UPDATE

The Committee noted the material provided by Government agencies to assist with an understanding of the details of the Commonwealth’s intervention. Updates will be forwarded as they become available. All members were urged to read through the information provided.

**ACTION:** On the recommendation of Mr Martin, EO to send note to DOJ congratulating them on the clarity of the ‘Intervention Fact Sheets.’

**ACTION:** EO to monitor for updates to the materials and provide them to the Committee where available

6. PROPOSED TIMEFRAME TO A REFERENDUM ON STATEHOOD

Pursuant to a resolution of the previous meeting the Committee was provided with a revised version of the proposal.

- Members endorsed the draft timeframe document with further minor amendments and agreed that the document be presented to the Standing Committee at the next available opportunity.
- The Committee agreed with the proposed text of the draft advertisement.
- Once a Constitution Convention is formed the SSC noted the draft recommends the SSC be dissolved and replaced with a Convention Committee or similar body (approx Feb 2010)

**ACTION:** Draft Timeframe document to be submitted to the LCAC (EO)

**ACTION:** Draft Advertisement to be placed (if approval given by LCAC) in newspapers and on the website in approximately March/April 2008 seeking public comment by the end of August 2008

**ACTION:** The Co-Chair suggested that the next meeting have an Agenda Item that examines seeking feedback from the Community and how the Convention should be set up (EO to place item on Agenda)
**ACTION:** The Committee determined the Office will seek further advice from its Constitutional/Legal Adviser regarding the capacity under the *Self Government Act* for the Northern Territory to convene a body such as a Constitutional Convention that has the authority to devise a draft constitution. Noting previous advice from the then Minister for Territories that the 1998 Statehood Convention was a properly convened ‘inquiry’ under the *Self Government Act*, the Committee seeks clarification on this matter, for example: would the Commonwealth need to legislate? (EO to draft a letter to Mr Grant).

7. **STATEHOOD STEERING COMMITTEE MEMBERS - Anticipated Submissions to the Discussion Paper**

The Executive Officer advised six submissions have been received, and that no organisation where a Committee Member has another role has provided submissions. Committee members were urged to encourage their contacts and their industry or community bodies to make a submission.

The Committee noted a letter has been sent by direct mail to various organisations seeking submissions to the Discussion Paper.

Submissions are required from as many individuals and organisations as possible including all SSC members; anyone can make a submission even if limited to aspects of interest to them.

**ACTION:** All members indicated they would assist seek submissions through their networks. Ms Purick will follow up the Business Council members urging them to consider making a submission. Mr Martin will speak with the Chief Justice. The Office will email the database to all members for further inclusions, comments or exclusions. At the next meeting, the Committee will review all received submissions. (Members and EO)

8. **EXECUTIVE GROUP REPORT**

As the Executive Group has not recently met this item is deferred to the next SSC meeting.

9. **CO CHAIR REPORTS**

9.1 **Law Society Newsletter**

An approach should be made to the Law Society to set up a meeting to discuss their views, if any, about Statehood.

**ACTION:** EO to follow up a meeting with the Law Society Brian Martin will also attend

9.2 **Defining the Ideal Entity as a State**

The Co Chair led a discussion on a tabled paper outlining some avenues for debate.

- The Co-Chair noted that the CLC had provided a briefing on a model document that would meet the needs of the people of Central Australia which had Aboriginal people quite separate from other people of Central Australia.

- To date there has been no significant debate about some of the possibilities for changes that might be made to the model that has been given to us by the Commonwealth through the *Self-Government Act*.

- The Committee may like to work on some of these issues and how it should be handled. For example what role for us to promote other electoral systems?

**ACTION:** The Next SSC Meeting will be convened to include this as a significant agenda item so the Committee can determine its own role in the public debate on governance and taking public positions. An outline will be prepared based on the tabled paper for discussion purposes to reach conclusions for actioning during 2008. (EO/Co-Chair).
10. EXECUTIVE OFFICER REPORTS

Further to the prepared papers:-

Co Chair noted the work done by the Executive Officer in the report on the 'Protecting Human Rights Conference' and the Committee agreed to the proposed recommendations in annexure to the report.

The Committee noted the acquittal of an outstanding matter arising from meeting no 10 with advice now received from the Department of Justice clarifying the copyright of materials prepared by and on behalf of the Statehood Steering Committee. The Committee was also advised that a process to trademark the existing Northern Territory Statehood Steering Committee logo was underway.

The Executive Officer noted he was pursuing organisations that have indicated an interest in being resourced for Statehood project work should funding become available.

**ACTION:** EO will report to the Executive Group on the status of this at the next Executive Group Meeting.

Fact Sheets - It was resolved that draft Fact Sheet 'Commonwealth Powers, Human Rights and Statehood be deferred. It was agreed, after minor amendments, to produce Fact Sheet 33 *Flags and Emblems on Statehood* and Fact Sheet 34 *What is an Upper House?*

**ACTION:** Production of new Fact Sheets to commence (Sharon/Michael)

11. COMMUNITY LIAISON REPORT

The Committee noted the reports and further noted many Territorians remain concerned that the name would change upon Statehood.

**ACTION:** A letter of Thank you to be sent to Sharon Young PREU for her work on the report of the Nhulunbuy visit.

**ACTION:** Nora to follow up with indicative numbers of the populations which speak the identified Aboriginal languages.

**ACTION:** Mrs Medwell to contact Multicultural Council's Katherine Office to arrange a meeting/briefing for 11 December with Secretariat (Nora to liaise with Jenny)

12. MEMBERS REPORTS

12.1 Mr Wooldridge gave a brief update with regard to Local Government Reforms from a LGANT perspective. Mr Ryan advised that a concern in many communities was that the CEO was not going to be based in remote communities.

Members engaged in a general discussion of the pros and cons of the NT Government's proposed reforms to Local Government and the Committee noted a range of different views were put on the table.

12.2 Mr Robertson advised that the Promotional Subcommittee was yet to convene

13. OTHER BUSINESS

**Federal Election** - Member, Mr Ryan advised the Committee he is standing as an independent candidate for the forthcoming Federal election for the seat of Lingiari.

**Artwork for History Timeline Publication** - The Committee noted several draft covers of the proposed publication and provided final input to the Office and approved the cover going forward (with amendments) to publication. It was noted that as a policy for any future publications, all who want to be involved in determining what the outcome should look like should meet with the designer to discuss the expected outcome rather than relying on messages via email through the Office.
ACTION: Booklet to be published and placed on the website as well as hard copies being made available for education and information purposes (Nora/Michael)

Status of Statehood - The Chair shared some thoughts on whether or not the Statehood issue had moved to the side due to all the other issues impacting upon Communities in the Territory such as shire reforms, and the Commonwealth intervention. Chair McCarthy said:

- As a Committee we need to step back and have a good look at our society and remember that there is a great deal of passion coming through from every Territorian about the way they live their life. Statehood is going to be about the people moving it towards a future they want and that can be better.

- Growing through the pain of change and about defining who we are as a Territory as we go through change towards Statehood.

- The Committee was urged to remain focussed about what we are walking towards not lose sight of what the social and political change that is going on and that this is the birth of the State of the Northern Territory.

Sharon McAlear - Members were advised that the Secretariat's Admin/Research Officer will be leaving to take up an Electorate Officer position with the Member for Daly by the end of November. The Chair on behalf of the Committee thanked Sharon for her work.

14. NEXT MEETING
Proposed for two days Thursday 14th -Friday 15th February 2008 at the Darwin Airport Resort

The Meeting closed at 3.09pm

Merry Christmas and a very Happy New Year
May 2008 see many constructive steps Towards Statehood
Minutes of Proceedings
Sir Reg Ansett Room, Darwin Airport Resort

Meeting No. 14 15-16 February 2008

Present: Chair Ms McCarthy MLA; Co Chair Ms Sue Bradley; Ms Kathleen Chong-Fong (Friday only), Mr Peter Davies (Friday afternoon) Terry Mills MLA (Friday morning) Ms Jenny Medwell; Mr Harry Nelson; Mr Jamey Robertson; Mr Maurie Ryan; Mr Peter Schaefer; Ms Margaret Vigants; Mr Ray Wooldridge, Mr Daniel Bourchier (Saturday morning to morning tea) Ms Pat Hancock

Also in Attendance: Marise Riddell; Nora Kempster;

Apologies: Ms Irene Nangala; Mr Wayne Connop; Ms Kezia Purick; Mr Stuart Kenny, Mr Daniel Bourchier (for Friday)

Absent:

The meeting commenced at 9.01 am.

1. Ms McCarthy welcomed members and asked 'Will we walk together towards the goal?'
   Ms Bradley greeted members, welcomed our new Administration/Research Officer and fore shadowed the discussion on our Staffing position.

2. MINUTES OF 13th MEETING
   The Minutes were accepted

3. BUSINESS ARISING/Review Action Items
   The Administration Officer reported that the proposed article by Ken Parish for the NT Law Journal has not yet been published. The Journal is not due to be published until the mid-year Law Week

   ACTION: Administration Officer to obtain a synopsis of the article from Mr Parish for our next committee meeting.

   Updates from the Department of Justice were unavailable.

   ACTION: to clarify the process by which 'fact sheet' updates would be circulated, and ensure that they reach the Committee's Office - Administration Officer

4. CO-CHAIR REPORT

   A Perspective on Changes. This is our 3rd year of operation. Perhaps we need to reflect on whether there is something to be gained from celebrating the 21 April and 1st July.
Perhaps we should look at a Theme for the Show Circuit. The new Chief Minister is also the Minister for Statehood so the status of our committee is higher now. In this time of change we have many questions to turn our minds to: What might be the impact of the PM's 'War Cabinet' on Indigenous empowerment and the Statehood question? We should consider how we respond to Senator Brown's bill on the rights of the terminally ill. The Federal Government's 20/20 forum is of particular importance especially Item 9 on Governance as this will raise the debate on regional governance to a national level. The coming NT Elections will impact on our profile in the Show Circuit. Local Government reforms add to the level of confusion in the communities as to how government works. We must also address the issue of the Staffing of the Office. We need to consider our role and the opportunities available to us amongst all this change.

5. **STAFFING THE OFFICE OF THE COMMITTEE**

Ms McCarthy informed the Committee that Michael Tatham now works with Senator Bob Debus. Michael is now in a position that provides direct links the Federal Government for our interaction regarding petitioning for Statehood. LCAC meets on Monday. Before addressing the issue of filling the position of the Executive Officer, Ms McCarthy invited members to share their thinking about the committee's role purpose and structure.

**Mr Ryan** We must actively cultivate the Indigenous people's participation for the establishment of Statehood especially in the remote communities. We must be talking the message in the language of the people to convince them of the need for Statehood.

**Ms Hancock** This is a watershed time. A time to refocus on the important areas. It is also time to change the "hands-off" approach politically. It is time for the LCAC to address those high level legal and constitutional issues. I do think that we must continue to get the message out to the remote communities.

**Ms Chong-Fong** I believe this is a time of opportunity and we will need a strong leader in the Office of the Committee. We should be examining the expectations the public has of us and making sure that we are effectively communicating in the languages of the people. I think it is important for us to keep up the educational role. I observe a lot of apathy in the public; I think Bob Brown's bill and other matters raise the profile of State Rights for the NT.

**Ms Vigants** I think we do need someone with Law in our EO. If we water down what we believe is our support, we will lose status that will not be returned to us. I think we need to revisit the whole notion of Ambassadors and how to activate their participation in their communities.

**Mr Woolridge** Local Government is also being changed - the Australian Government is pushing for recognition of Local Government in the Australian Constitution. This competes for attention on the issue of NT Statehood. The raising of the Indigenous Affairs to a Bipartisan Commission also detracts from the National Attention. We MUST get to the Indigenous people in a thoroughly effective way. We must have a man to support Nora's work.

**Mr Mills** I want us to define our objective. The reality is that the States and the Australian Government do not feel that NT is ready to do the hard work of becoming a State. The States do not want us to sit at the Federal Table as an equal. But I believe our objective is really Constitutional Equity. We must keep the conversation going in the Territory. We must have informed debate and we must be capable of participating effectively in the conversation. We must have clarity about our identity as NT Australians. The way of conducting the business of government is changing and we must be clear on the direction of governance in Australia and decide where we want to go. Maybe we don't yet have the right battle plan.
Ms Medwell I agree strongly with Mr Mills - what message can I personally give regarding Statehood. I think that Constitutional Equity is a great catch cry that we can identify with. We need to ignite the imagination of the young people over Constitutional Equity. It is a huge task to shift the mindscapes of a whole group of people. I want to "operationalise" the work of this committee.

Mr Schaefer For us to move forward, funding is an important issue. It is a fact that 'apathy' is a part of life but here in the NT we do already have an educated apathy. In order to get people active, we need to tune our marketing to something that will impact their lives. Michael has spent a lot of effort outlining the appointment of two positions they have a strong education and marketing focus, maybe he thinks that it is time to begin the promotion.

Discussion Suspended 10.30a.m. for morning tea and to teleconference with Mr Martin on Item 8.

Discussion Recommenced

Mr Robertson But I think that we need to look at our target audiences and work hard in the recruitment process when selecting a new EO. It is about the position, not how the position is filled. Perhaps our priorities have changed; we should consider whether we still need a legal and policy officer in the Executive position or some other skill set such as marketing, networking and promotion.

Mr Woolridge The EO position should be filled with an equivalent level officer so that we maintain our status and impetus.

Ms Bradley - I agree that we need extra resources particularly there is a need for a male education officer for remote communities. We still have major paperwork to get through in the next three years and we need an Executive Officer who can be effective at high levels of Government.

6. LCAC Report to SSC - Ms McCarthy

The LCAC did not meet because of the presence in the Parliament House of so many Stolen Generation reps. We are scheduled to meet on Monday. Whatever comes from this Committee will be taken back to the LCAC.

7. Executive Group Report - Ms McCarthy

The Executive met on 8th January. The main focus of discussion was Staffing of the Office of the Committee. I met with the Chief Minister and brought him up to date with the activities of the Committee and with our plans. Mr Davies now has his own radio program and will be a strong advocate from that foundation, but we need to ensure that the radio outreach gets to the remote communities through the ABC TV and radio channels.

AGREED That the Committee send out a Certificate of Appreciation to Sharon MacAlear, Michael Tatham, and Loraine Braham who has resigned from our committee.

8. BILL OF RIGHTS

Mr Martin Spoke about the need to separate the development of a Charter or Bill of Human Rights from the development of a constitution. There are a lot of structural issues about locating
and naming a statement on Human Rights including the question of how to deal with different interest groups. Separating the two issues will make it easier to deal with the Constitution, it is not intended that the Human Rights issue remain unaddressed, but the way to address it is not in the Statehood Steering Committee’s role unless the LCAC instructs the Committee otherwise. It would be the role of the LCAC to investigate the question of a Charter or Bill of Human Rights - it could follow the example of Victoria which has such a Charter in Place. This does not need Statehood to be pursued by the NT Government.

Mr Ryan enquired as to the difference between a Preamble to the Constitution dealing with Human Rights, and a Bill of Rights.

Mr Martin - a Preamble would probably have less status than a Bill of Rights.

ACTION: That the LCAC be advised the opinion of the Statehood Steering Committee is that the question of Human Rights be separated from the question of the development of a Constitution. Agreed unanimously.

9. SUBMISSIONS TO DISCUSSION PAPER "CONSTITUTIONAL PATHWAYS"

The Summary of Submissions Received was reviewed and discussion followed on how to obtain a broader set of responses showing greater consideration of the issue.

AGREED that we will extend the response time for submissions to the Constitutional Pathways to Statehood discussion paper to June 30 2008.

ACTION: Marise to mail out to those who have not responded asking them to put in further consideration.

10. DRAFT TERMS AND CONDITIONS PAPER -

Ms Bradley opened the discussion on the Draft Paper emphasizing that is a first draft and needs a lot of work. This paper asks the populace for their ideas on what terms and conditions the NT Government should take to the Australian Government. I think we need to set up a working party to bring this to a publishable level for approval by the Steering Committee. Mr Martin should be involved in this; our next window of opportunity with him is late in Mid-March

11. ELEMENTS OF AN IDEAL PARLIAMENT

Ms Bradley introduced the discussion saying we need to start outlining the shape of the constitution and government so that people can engage in a constructive conversation.

What are we going to do about the form of government for the NT - do we need multiple governments so that forms of governance are more appropriate to various regions of the territory. At the time of the last plebiscite on Statehood, Central Australia wanted to separately govern themselves with direct access to Federal Government funds and nothing to do with repatriation of Land Rights Acts and little to do with a single NT government.

The Self Government Act deals with the Territory as one people and does not apply to 50% of the land mass. It is on this point that the Federal Government would be most closed.

Ms Vigants agreed that the Constitution should enable a single government and use legislation to enable catering for specific regional needs.

Mr Woolridge a constitution for the new state needs to be simple and able to be understood by the people.
Ms Medwell Does the CLC still hold strongly to its stated position in the Kalkaringi Statement where they stated categorically that it was all or nothing?

Ms McCarthy None of the Land Councils have participated in this, but we have opened the doors in to the Land Councils. They have told us that they have an "inprinciple" agreement with the move to statehood, but do not have it as a priority. Setting a date for a convention might help, as may budget allocations to assist the councils deal actively with their research.

Mr Woolridge The participation of the Land Councils is a big issue; even within the local government reform process, we have received strong contribution from the CLC, and nothing from the NLC.

Ms Bradley/Ms Medwell suggested a series of conferences between the Statehood Steering Committee and the Land Councils to help them communicate with us on fundamental issues.

ACTION: find and distribute to members the brief from Mr Martin on what must and cannot be in a Constitution given the provision of the Australian Constitution (next meeting).

ACTION: Find and distribute the brief on the implications of using the Self Government Act as the basis of a constitution for the State. (next meeting)

Ms McCarthy welcomed Mr Davies who joined the meeting at this point.

12. 2:30pm MS MCCARTHY WELCOMED THE CHIEF MINISTER and Minister for Statehood, The Right Honorable Paul Henderson

Mr Henderson thanked Committee members for their hard work to move the debate about Statehood for the Territory forward. "I will be meeting with the Prime Minister this afternoon; I understand that when Leader of the Opposition, Mr Rudd expressed support for the conferring of Statehood on the Territory. I shall ask him about this and will his convey response via Ms McCarthy. The 30th Anniversary of Self Government Act, and 100th Anniversary of handing us back to the Commonwealth are both important dates that can be used to focus our people and the Federal Government on this issue.
I assure you that I am absolutely committed to driving us towards equality as a State. We do not want to be a political football over various issues such as euthanasia. While it is clear from the previous Federal Government's unilateral action to change Land Rights Act that the Indigenous people's land rights are not well protected the climate has changed. I plan to make a statement to the Parliament once I understand Mr Rudd's position on the matter."

In the discussion with the Chief Minister, he expressed strong support for a series of regional constitutional conferences leading in to a Convention. He also pointed out that there was widespread misunderstanding about who determined the Terms and Conditions of the conferring of Statehood.

He suggested that funding requests to facilitate LCAC activity in relation to the Statehood issue should be included in formal work plans and funding submissions. He acknowledged that to motivate the debate, a target date for a referendum or convention would be a great asset.

Ms Bradley raised the issue of slow to no responses from government agencies on discussion papers and other requests -"they are not giving us any responses. This is a potentially embarrassing and a seriously frustrating aspect of the Committee's work."
Mr Henderson asked for copies of the relevant requests so that he could promote their putting in some reply. "I do think that an advantage of the CM taking on Statehood is that the bureaucracy will jump to my requests."

3.25 Meeting resumed.

Ms McCarthy asked Ms Bradley to reconsider standing down from the Co-chair position in light of the new environment.

Ms Bradley agreed to remain in the position for a further 12 months to train someone else in the position. She expresses concern that the replacement be more at ease with the media than she herself feels.

13. Mr Davies presented a set of papers - "Complete Tool Kit for Handling the Media". He said it is time for the Committee to consider its interaction with the media because they can either be a friend or a difficult foe. We need to become more media savvy. We plan to have a full-fledged role-play training workshop to develop the skills.

- Our brand: Statehood
- Our theme: moving together toward Statehood
- Our Unique Selling Point: equality and fairness.

Mr Davies presented some tips about working with radio and newspaper journalists, encouraging members to begin to promote the conversation about Statehood through social networks, talk-back radio and letters-to-the-editor.

Ms Medwell noted that the Minutes of Meeting 7 recorded agreement that our Unique Selling Point is Constitutional Equity.

14. 4.55 Session closed with Ms McCarthy thanking Mr Davies for his input and inviting members to remain and relax together for a brief time.

15. 9:15a.m. Ms McCarthy reconvened the meeting.

Report on Chief Minister's Meeting with the Prime Minister
The Prime Minister expressed support and indicated that discussion would be entered into. The Chief Minister recommends that the committee make itself known to the Federal Members as well as local members.

AGENDA ITEM: at the end of each meeting we should have a bullet point summary of the message coming from committee meeting.

Discussion Over About how to "Put the Message Out"

Constitutional Equity. Second Class Citizens That sux. We are old enough.

Don't get Mad, Get Equal. 30 years of ... 100 odd yrs of ...

ACTION - media group to further develop this and bring back plans and processes for this campaign. Refer to Communication of the 9th Meeting/Budget Submission

ACTION: Media Group to meet, develop a brief and approach a marketing company to manage the development of a coordinated marketing campaign.
AGENDA: next program to develop structure and support to get our ambassadors working their people

AGREED: that the involvement, through education, of Indigenous people requires a male Indigenous educator.

AGREED: that the Committee ask Pat Hancock to develop a formal request to the LCAC to the effect that the Office of the Committee could have added to its staff a series of fixed term special purpose contracts for the purpose of specifically addressing the needs of the Statehood’s education and community involvement program.

ACTION: The Committee asks the LCAC look at filling the Executive Officer Position with a reviewed duty Statement in Consultation with Executive Group. The EO duty statement include managing contracts the marketing and lobbying on behalf of the Statehood movement.

AGREED: that Brian Martin be asked to contribute to the Executive Group discussions on the matter of duties/job description for this position. This Meeting to occur Tuesday 20 February.

ACTION: Marise to e-mail to all members with the specification of duties with 48 hr within which members might respond.

AMBASSADORS
We need to do something about providing them with resources and training. We need to look at developing our program for the 3 months around the 30th Anniversary

AGREED: Ambassadors should be recruited as we go around with our education and our Show Circuit programs

STATEHOOD CONFERENCES/FORUMS

Ms Vigants commented that holding conferences in regional areas is an excellent idea. "It is clear that the Chief Minister does too. we need to have Forum Circuit using community facilities, organizing plenary and break-out sessions. Keep it relatively informal; it should be an input process looking forward to setting up a Constitutional Convention."

AGREED: That the LCAC be informed that the SSC wants to hold a series of 3 or 4 regional Constitutional forums leading to a Constitutional Convention.

RECOMMENDATION to LCAC that a Project Officer be contracted as soon as possible to manage the development of our community involvement program - events, show circuit, media campaign lobbying etc.

AGENDA: the use of community languages in our publications

TERMS and CONDITIONS WORKING PARTY
26 and 27 March, Darwin
Participants - Brian Martin, telephone conference
Jamey Robertson Kathleen Chong-Fong Peter Schaefer
Margaret Vigants Ray Woolridge Maurie Ryan
The meeting commenced at 9:10 am.

Present: Ms Malarndirri McCarthy MLA, Ms Fran Kilgariff, Mr Jamey Robertson, Ms Margaret Vigants, Mrs Irene Nangala, Mr Harry Nelson, Mr Maurie Ryan, Mr Peter Schaefer, Ms Jenny Medwell, Mr Daniel Bourchier. Mr Terry Mills (9.50 a.m.)

Apologies: Mr Ray Woolridge, Ms Kathleen Chong-Fong, Ms Kezia Purick, Mr Karl Hampton, Mr Brian Martin

Ms McCarthy welcomed the members and introduced the new Co-Chair, Ms Fran Kilgariff.

Also Present: Ms Pat Hancock, Ms Nora Kempster, Ms Poppy Lelekis, Miss Marise Riddell

1. Minutes of 14th Meeting
The Minutes were accepted.

Moved Peter Schaefer, Seconded Jenny Medwell PASSED

Noted that the Minutes, while accurate, fail to convey the strategic focus of the discussions that took place and there is a need to put out a draft strategic plan.

It was agreed that for Meeting 15 only, the Minutes record Outcomes and Actions

2. Business Arising
As the Terms and Conditions Working Party did not convene, this needs to be actioned.

Membership is noted as being
Peter Schaefer, Margaret Vigants, Ray Woolridge, Maurie Ryan, Kathleen Chong-Fong and that Fran Kilgariff and Harry Nelson would also participate. An invitation will be issued to Michael Grant to join the workshop.

That the Terms and Conditions Working Party reconvene as soon as possible.

Moved Margaret Vigants Seconded Peter Schaefer PASSED

Article for Law Journal
Office staff are in contact with Mr Parish, and will forward information as it becomes available.

Department of Justice Fact Sheets on the Intervention
That the LCAC be requested to seek updates on the Intervention from the DoJ Moved
Jamey Robertson Seconded Jenny Medwell PASSED
The Chair reported that Statehood’s Unique Selling Point - "constitutional equity" - was the subject of discussions during the Writers Storm Festival.

3. **Staffing**

There were 18 applicants for the Executive Officer's position. Ms Carolynne James will take up the position on June 23rd.

Ms Fran Kilgariff was appointed to the position of Co-Chair.

Ms Poppy Lelekis commenced on 21 April in the position of Project Officer.

Membership - Mr Stuart Kenny has resigned following his transfer of employment.

The LCAC will meet in June to renew the membership of the Committee.

It was noted by the Chair and Co-Chair that the Committee needs to maintain its focus on Statehood.

That the SSC request a full meeting with the LCAC prior to the June 30th Launch with a view to discussing membership and other issues identified at this meeting.

Moved Jenny Medwell Seconded Jamey Robertson PASSED

That this Committee refers the previous Committee Minutes to the Exec Group in order for it to formulate a dot point strategic plan for electronic circulation to the broader membership to obtain approval of same prior to the June 30th meeting.

Moved Jamey Robertson Seconded Jenny Medwell PASSED

4. **Launch of Special Campaign, June 30th**

Poppy presented aspects of her Project Plan for the Launch on 30th June, and the regional events along the Show Circuit during July.

That the budget for the production of the event background posters and the large street banners be affirmed excepting for the items relating to the placement of banners in Casuarina Shopping Square.

Moved Margaret Vigants Seconded Jenny Medwell PASSED

Other aspects of the plan were discussed as Poppy presented them. The Committee expressed the opinion that White Water Band was too expensive, and suggested that youth performers be investigated as possible alternatives.

a. July Show Circuit + Garrna

Products - Caps need to be re-ordered for the campaign
Investigate Lanyards as a suitable product
Buy an air compressor, instead of using Helium for balloons

Garma delegates - Nora Kempster, Fran Kilgariff, Pat Hancock, Exec Officer, Maurie Ryan, Jamey Robertson

b. Federal Parliament Campaign: August September

Discussion followed the departure of our guests. It was agreed that the Committee needs to visit the Federal Parliament to raise the question of Statehood for the Territory amongst the body of Parliamentarians. It was seen as important to be a persistent and consistent voice for Constitutional Equity in the Federal Parliament.

5. **Federal Parliamentarians for the Northern Territory attending**

a. 2020 Summit Participation - held over to next meeting

b. Federal Parliament Campaign

Senator Trish Crossin and Mr Damien Hale, MP were welcomed to the meeting.
Discussion followed during which time the Senator Crossin and Mr Hale agreed that lobbying the Federal Parliament would be an important activity to raise the question of statehood for the NT with members and senators from other electorates. Wednesday night was suggested as the best night on which to hold a BBQ for all MPs - Mr Hale agreed to negotiate with the Speaker, and to promote the event.

Other suggestions included:

- Plan for two separate visits - one in September 08 and one next year.
- Clarify answers to the following before going to Federal Parliament:
  - Why do Territorians want Statehood?
  - How are you going about it?
  - What are you going to get from Statehood?
  - What does Statehood mean for the Commonwealth?
  - What might the Federal Parliamentarians’ role be in helping us?
- Meet and greet the Federal MPs with a view to continuing the connection - put them in the e-mail loop.
- Place Statehood displays in Federal Reps Electorate Offices (and Parliamentary Offices)
- Senator Crossin and Mr Hale both invited the Committee to use their office staff as resources for the visit to the Federal Parliament.

Some discussion over the nature of the survey used at Fred's Pass occurred, especially regarding Item 4 which was described as being too complex with respect to the legal issues as they are national issues based on Commonwealth legislation that transcends State boundaries.

The present Bill before the Parliament "Rights of the Terminally Ill (Euthanasia Laws Repeal Bill) 2008" is intended to give the NT back its legislative competence, but it is generally perceived to be about whether to pass legislation on euthanasia or not. This is an emotive issue, and that is clouding the passage of the Bill.

Ms McCarthy thanked Senator Crossin and Mr Hale MP for their attendance and their support and asked that they would "keep the Statehood question alight" in the Federal Parliamentary forum.

Discussion followed the departure of our guests. It was agreed that the Committee needs to visit the Federal Parliament to raise the question of Statehood for the Territory amongst the body of Parliamentarians.

6. Volunteers and Ambassadors
Ms McCarthy advised that she wished to actively recruit more Volunteers to support the July Campaign and that if there were persons to be trained, she would be prepared to go to the regional centres to conduct that training.

That an advertisement be run in the May 24 issue of the NT News and the Centralian Advocate to recruit more Friends of Statehood.

Moved Jenny Medwell Seconded Peter Schaefer PASSED

7. Invitations for June 30th / July Campaign Events
Committee members were asked to forward to the Office names and addresses of appropriate persons to issue invitations to for the Launch on 30th June. The invitations to people outside of Darwin would point to their local event.

8. Promotion of Events
Ms Lelekis presented a Communications Plan outlining the launch and 'meet and greet" events in Alice Springs, Tennant Creek and Katherine. The Plan was noted by the Committee.

9. Community Education Program and Community Language Publications
It was agreed to hold this matter over to the next meeting.

10. Next Meeting: June 30th 9 -1.00 in conjunction with LCAC
Present: Chair Malamndiri McCarthy MLA; Co Chair Fran Kilgariff; Daniel Bourchier; Brian Martin; Jenny Medwell; Irene Nangala; Harry Nelson; Kezia Purick; Jamesy Robertson; Maurie Ryan; Peter Schaefer; Kathleen Chong-Fong; Pat Hancock; Loraine Braham MLA;

Present for Item 3 - James Burke MLA (phone); Fay Miller MLA (phone)

Also in Attendance: Carolynne James; Poppy Lelekis, Nora Kempster; Marise Riddell

Apologies: Terry Mills MLA; Margaret Vigants

The meeting commenced at 9:00am.

1. WELCOME BY CHAIR

The Chair welcomed Statehood Steering Committee members and Legislative and Constitutional Affairs Committee members, noting that this is the first joint meeting of these Committees. The Chair introduced the new Executive Officer Carolynne James. The Chair also acknowledged the work of the Committee Secretariat in the 4 months preceding the appointment of the Executive Officer.

2. MATTERS RAISED WITH THE LCAC

The Co-chair invited SCC members to raise issues relating to the LCAC. The key points covered were:
- an understanding of the LCAC vision for statehood and timeframes
- the status of the LCAC’s ongoing review of customary law
- better communication between the LCAC and the SCC including reporting processes
- LCAC appointment processes for SCC members, co-chairs and staff,
- SCC membership tenure and representative capacity

Additional comments arising during discussion included:
- Mr Robertson, with the support of Mr Ryan, proposed that a referendum on Statehood be undertaken in conjunction with the next Territory Government election. This was not supported by the remaining SCC members and was not supported by LCAC members as noted later in the meeting.
- Mr Martin noted a correction is required in the February 2008 meeting minutes relating to his paper on the Bill of Rights and the New State Constitution. Mr Martin requested that the resolution of that item should accurately specify the Committee resolution that the LCAC take steps as are necessary:
To ensure that issues concerning a possible Territory Bill or Rights, or the like, be separated from the issue surrounding the Constitution of the new State; and
That the rights issues be resolved prior to and separately from the Constitution.

**ACTION:** Executive Officer to amend February 2008 minutes and seek LCAC response on Bill of Rights issue.

- Mr Martin raised his concerns about the current draft "Terms and Conditions" paper and the need to seek clarification from the Solicitor General on this matter. The Committee agreed.

**ACTION:** Executive Officer to seek Solicitor General review of the Terms and Conditions Paper.

3. **WALKING TOGETHER TOWARDS STATEHOOD CAMPAIGN INFORMATION**

Ms James outlined the campaign launch for the evening of 30 June and the event itinerary for the campaign over July 2008. Some feedback on earlier events was provided including a suggested reconsideration of race sponsorship with view to sponsoring a higher profile race event.

Mr Bourchier outlined the NT News 30 Anniversary of Self Government feature lift out which highlighted how statehood is viewed as the next appropriate step for development in the Northern Territory.

Ms McCarthy also brought to the Committee's attention the release of Senate's review of the Private members bill on Euthanasia.

4. **LCAC MEETING**

At this point two additional LCAC members (Mr James Burke MLA and Ms Fay Miller MLA) jointed the meeting by phone. The LCAC also made comments relating to the adequacy of the current SCC terms of reference and there was agreement that the LCAC would seek a review of the SCC terms of reference, notifying the Attorney General and that the Executive Office would develop recommendations to the SCC in consultation with the SCC.

**ACTION:** Executive Officer to prepare proposed TOR amendments for circulation to SCC.

Mr Martin also proposed that the SCC review previous minutes and recommendations to LCAC to clarify progress on matters. This was strongly supported by the SCC.

**ACTION:** Executive Officer to prepare review of SCC recommendations to LCAC and report to SCC.

5. **OTHER BUSINESS**

Mr Robertson noted that the Northern Land Council had indicated their interest in addressing the Committee and that a preliminary meeting should occur prior to the Garma Festival.

**ACTION:** Executive Officer to contact NLC about preliminary meeting.

Mr Robertson, on behalf of Mr Davies, noted that much of the communications materials had not been examined by the Communications sub-committee.

**ACTION:** Executive Officer re-activate the communications sub-committee.
6. NEXT MEETING

A next meeting date was not determined however it was anticipated that a meeting will occur after the conclusion of the campaign events and show circuit activities.

The Meeting closed at 12:17pm
Minutes of Proceedings

Meeting No. 17                                           19 September 2008

Location:  Litchfield Room Parliament House

Present:
The Hon Ms Malarndirri McCarthy MLA  Mr Jamey Robertson
(Chair)       Ms Kathleen Chong-Fong
Ms Kezia Purick MLA        Mr Maurie Ryan
Ms Fran Kilgariff (Co-Chair) Mr Peter Schaefer
Mr Brian Martin AO MBE    Mr Wayne Connop
Mr Harry Nelson            Mr Daniel Bouchier (telephone link)

Also Present:
Carolynne James   (Exec Officer SSC)  Nora Kempster  (Community Liaison Officer)
Pat Hancock   (Exec Officer LCAC)  Poppy Lelekis (Project Officer, SSC)
Marise Riddell   (Admin/Research Officer)

Apologies
Ms Irene Nangala     Mr Peter Davies
Ms Jenny Medwell OAM  Mr Ray Wooldridge
Ms Margaret Vigants    Mr Matthew Storey

The meeting commenced at 09.10

1. Welcome
Ms McCarthy opened the meeting with comments regarding the strength of the Assembly's commitment to Statehood, noting that this committee is part of an historical movement
Ms Kilgariff added her welcome and mentioned the Statement from the Minister for Statehood (Ms McCarthy) and the unified voice of Assembly on the movement for Statehood.

AGREED That the Minister will collaborate to ensure that the Secretariat has access to media items that are related to Statehood so that Committee Members are kept better informed.

2. Minutes of Meetings 15 and 16
1.1 Minutes of Meeting 15
Amendment of Meeting date to Monday 19 May. Ms Hancock requested the record be adjusted to note her attendance at this Meeting.
Item 4 - The record should show that Mr Jamey Robertson, and Mr Maurie Ryan were nominated to attend the Garma Festival.
Item 5 - The record needs to be corrected to reflect that Mr Damien Hale MP agreed to negotiate with the Federal Speaker on a future visit to Canberra.

Item 5 - The record should reflect the verbal report given by the Chair on her meeting with Mr Scullion MP and correction? to Senator Trish Crossin.

1.2 Minutes of Meeting 16

It was noted that item numbering and the acronym for the Committee needed to be corrected; the acronym for the Committee to read SSC. Item 1 - Specific thanks to staff from the Minister and the Committee Item 2 - Title of item to read "Matters to be raised with LCAC" and typo Bill of Rights. Item 4 - "LCAC Meeting" - That the record show clearly that the LCAC stated that a referendum on the matter of Statehood for the Northern Territory should be held independently of any election for the Assembly.

The Minutes were accepted with the amendments noted.

3. Business Arising

Minutes of Meeting 15

Item 2 - It was noted that the Terms and Conditions Working Party needs to be pursued and that the composition of the Working Party might need to be reconstituted. The Secretariat will follow up with the Department of Justice and other avenues to keep the Committee informed about the Intervention noting the release of the Federal Government review in October 2008.

Minutes of Meeting 16

Item 3 - The process for getting people to attend the Launch event needs to be examined with a view to learning how we can improve the response rate to any future events, including attendance at the proposed workshops for 2009.

Item 5 - The Executive Officer reported that contact had been made with the NLC Executive Kim Hill about Statehood issues and possible NLC presentation to the Committee. Due to timing conflicts the NLC was not able to attend the meeting of 19 September 2008.

4. Executive Group Meeting

The Committee noted a summary of activities and Executive Group meeting minutes.

5. Terms of Reference Review

AGREED That the Committee make the amendments to be recommended to the LCAC: Terms of Reference Amendments Update of Preamble as follows:
- replace 1 July 2008 with 2011 timeframe for Statehood
- replace “Government” with ‘Parliament’ throughout
- add new (i) holding workshops in 2009 in the lead up to a Constitutional Convention

Sectional amendments
s5A - accepted as drafted  s20c - rejected: 2yr renewable
s6a - rejected  tenure accepted for Exe ctee
s6b - accepted  s25 i & j accepted
s6d - accepted  s29A - accepted with the change
s6g - rejected  'not less than twice'
sBA - rejected  30 - as this had been discussed in
s7g - excise 'guidelines': accepted  earlier committee meetings, and lapsed ..... 
s35A - accepted  s54A - accepted but added "where
s51 - "regional issues" accepted  there are budgetary considerations".

59 - accepted
Protocol Amendments:
Conduct of Members - agreed to replace 'clerk' with 'an independent party', 'going to the chair or co-chair, unless either of those are involved in the dispute at hand'
Conflict of Interest - accepted
Secretariat - accepted, with amendment that, "with respect to the Executive Officer, in the first instance to the Chair or co-Chair, then to the Clerk of the Legislative Assembly".
Select Working Committees - removed in light of earlier Section 9.
Sitting Fees and Travel Expenses - that the LCAC be requested to review the amount paid as Sitting Fees.
Committee Membership - Members should notify the Chair of any changes in their status relating to any affiliated community representation and the Chair should advise any Committee member of any issues raised about their membership by third parties.
Attendance of members - Members who are absent from Committee meetings for more than 12 months, without leave of the Committee, should have their membership reviewed by the LCAC.

ACTION: The Secretariat prepare a submission for an increase in the amount paid as Sitting Fees, and that said document be circulated to members prior to being submitted to the LCAC along with the request for review.

Protocol Amendments endorsed subject to the changes indicated.

Mr Robertson raised the matter of discussions between the Executive Officer and the Executive of Unions NT regarding Unions NT representation on the Committee.
The Chair - Members are on the Committee as a result of the skills and interests that they bring; they are not representatives of an organisation.
Mr Robertson pointed out that he was not nominated by his organisation, nor did he represent them on the SSC, but was in fact a community member of the committee. At the time of his selection to the Committee, he had informed Unions NT Executive of his appointment to the Committee and offered to present that organisation's point of view if they should so desire.
The Executive Officer advised that following an unsolicited visit from a person presenting as a member of Unions NT Executive, she was obligated to provide information to that organisation on the membership process following their request for clarification.

6. Solicitor General Michael Grant QC
The Chair welcomed Mr Michael Grant, Solicitor General and Legal Advisor to the Committee and Ms Sonia Brownhill, Senior Solicitor of the Solicitor General's Office to the meeting.

6.1 Nexus Provisions
The Solicitor General noted that the "nexus and quota" provisions, that is, the absolute numbers and ratio of members of the House of Representative to Senators that apply to Original states, may be applied to a new State created under Section 121 of the Constitution. However the view is that the nexus and quota provisions do not override the discretion provided by Section 121 which allows for representation of new States to be established by the Commonwealth "as it sees fit".
6.2 Constitutional Convention
The Solicitor General offered the opinion that 'the real failure' of the last Convention was the failure to have an appropriately representative convention.

He recommended that the legal status of a Constitutional Convention and its potential outcomes be clarified with the Federal Government.

The 'Path of Least Obstruction' to Statehood is to have an appropriately representative Constitutional Convention develop a Constitution; put the Constitution to the people for approval, and then, with a mandate to do so, petition the Commonwealth. The Minister for Statehood would first write to the Federal Minister - without this, the Federal Executive Government will not dialogue.

6.3 Draft Terms and Conditions Paper
The Solicitor General outlined a view about the nature of Section 121 "terms and conditions". The view is that Section 121 does not permit the Commonwealth Parliament to reserve itself particular powers that would otherwise belong to a new State except for those retained in Section 51 of the Constitution. (Section 51 sets out the areas which the Commonwealth has head of power (matters to legislate over).

As such the view is that the Section 121 "terms and conditions" imposed by the Commonwealth would relate to the issue of Senate representation and general elements of the Constitution but not relate to specific law powers like industrial relations, control of national parks, euthanasia etc. Powers to make laws in these areas would sit with the Territory following the grant of Statehood. If the Commonwealth wished to continue to legislate in those areas they would need to find grounds under Section 51 rather than Section 121. Nevertheless the Territory and Commonwealth would need to discuss these issues prior to Statehood and set out transitional arrangements or raise any variations to the general application of these powers.

7. Activity Report
Accepted with amendments noting Maurie Ryan was not in attendance at Alice Springs Show and that Fran Kilgariff and Kathleen Fong-Chong were also in attendance at Darwin Show.

8. Executive Officer's Report
Accepted as Tabled.

AGREED to move to Items 10 and 11 prior to Item 9.

9. 2009 Constitutional Workshops
The Executive Officer spoke to the Constitutional Workshop Proposal indicating that Committee agreement in principle was necessary in order for a budget submission to be made.

The Project Officer presented the Communication Strategy developed to guide the program and to ensure cohesion between the three Strategy elements National Engagement, Public Education and Statehood Workshops of the next two year's program.

Discussion occurred over the necessity/appropriateness of using paid facilitators for these workshops - this must continue to be a movement of the people; it is essential that effective ways to garner attendance are pursued.
Concern was expressed that there be an explicit focus to involve the youth of the Territory.

The document must read as a move from the Parliament, rather than the Government - we must keep the bipartisan approach up-front.

Members strongly supported a suggestion of a 'Musical Message' to identify Statehood throughout the workshop and Convention campaign.

Ms Purick MLA, Mr Robertson, Mr Connop, Mr Ryan, Ms Chong-Fong, Mr Martin, and Mr Nelson all indicated a readiness to host the workshops.

The Committee agreed to continue discussion on the Workshop Strategy at a further meeting.

10. Constitutional Paths Discussion Paper Update

**ACTION** Agreed that another advertisement announcing the imminent closure of the time for submissions to this Discussion Paper be run with a closure date of 31\textsuperscript{st} October.


Discussion of the proposal to visit the Federal Parliament in November of this year to begin lobbying.

The Chair reported that she would be visiting the Federal Parliament in her capacity as Minister for Statehood and would be accompanied by Ms Purick MLA, the Deputy Leader of the Opposition and Shadow Minister for Statehood.

The consensus was that the Co-Chair, Mr Robertson, Mr Ryan and Mr Martin accompany the MLAs.

12. Other Business

Mr Ryan raised the matter of appropriate remuneration for the valuable work done by Ms Nora Kempster on behalf of the Committee’s outreach to Aboriginal Communities.

13. Next Meeting - proposed for 6 October to further discuss Workshops.
Annexure 2 - Summary of Submissions to 2007 Paths Discussion Paper

REGISTER OF SUBMISSIONS

1. Department of Local Government Housing and Sport
2. Matt Brazier
3. Kevin Fletcher
4. Brian Johnson
5. David Flint, "Australians for Constitutional Monarchy"
6. Ken Gardiner
7. Dan Bashchiera, Charles Darwin University
8. * Ann Twomey, Associate Professor, University of Sydney Law School
9. Reverend Lloyd and Win Kent
10. LGANT - Kerry Moir
11. John Currie
12. Creed Lovegrove
13. Youth Minister's Roundtable
14. David Carmet
15. Louis Zampogna
16. Major Ritchie Watson, The Salvation Army
17. Norman Fry, Northern Land Council
18. David Phillips, Festival of Light
19. Chief Justice Brian Martin
20. Australian Christian Lobby (Submission and petition with 19 signatures)
21. Ted Dunstan (with 2 supplementary papers)
22. * Central Land Council

* General submissions made to the Statehood Steering Committee on Statehood issues but not specifically linked to the Paths Discussion paper.
SUMMARY OF ISSUES RAISED

Submission Number

1  NT Department of Local Government, Housing and Sport
Support for deletion of organic laws and support for references to Local Government recognition.

2  Matt Brazier (individual)
Prejudice in document towards statehood - should be neutral

3  Kevin Fletcher (individual)
Maximum office of 12 years for Parliamentarians. Appointment of judges should be ratified by NT Parliament; magistrates employed for 7 years; judges retire at 65 Peoples initiated referendums should be included in Constitution

4  Brian Johnson (individual)
The new state should have a Bill of rights. One Constitution and one set of rights no special items addressing constitutional law. Against Bicameralism and the institution of a governor Recommend fixed terms for governments

5  David Flint, Australians for Constitutional Monarchy
ACM advises that where the NT becomes a State it should seek to have a Governor appointed by the Sovereign on the advice of the Premier as per current arrangements in other states in Australia. Consideration of changes to the role of the Crown should take place at a national level and an individual State should and cannot unilaterally sever its ties to the Crown.

The ACM also supports the bicameral parliament as part of general protection of the constitutional system for the NT. However it suggests that such a bicameral structure could be achieved without any increase in the number of elected representatives.

6  Ken Gardiner (individual)
MLA oaths should not end with so help me God. Clarification of offence categories in relation to requirements for jury trials.

7  Dan Baschiera, Charles Darwin University
Statehood has to build and sustain the trust of the indigenous community and have an equitable NT as it aim. This vision should incorporated a bicameral parliamentary structure that is built as a socially engineered bridge designed to span the cultural divide between individualist culture and Indigenous Collective culture.
8  Ann Twomey, Associate Professor, University of Sydney Law School
Discusses the admission of new States to the Cwth; the entrenchment of the entire Constitution; and the Statehood of the Queen and Governor of a new State.

   - There is no precedent for creation of a new State. Debate surrounds the concept of "admission" and "establishment" of new States. It is argued that admission relates to accepting a pre-existing autonomous area (e.g. other pre-existing colonies or NZ) and establishment would be the transformation of a new state (e.g. redrawing of boundaries and the promotion of a territory to a state).

   - Section 106 is about the protection of existing constitutions of existing states. The issue is how this applies to the Territory as it creates a constitution. Of practical importance is if this protection is sought then does the territory need to create and enact its constitution prior to becoming a state and is this possible. There is a question about whether entrenchment of specific laws can be made in a NT constitution given different interpretations of s6 Australia Act which says that every law (including those made by States) must be made through the Parliamentary process.

   - State governors do not necessarily have to be appointed by the queen, The Cwth Constitution confers powers to a governor (or equivalent) but does not prescribe the mechanisms for appointments. Section 7(1) of Aust Act specifies that the Governor is the Queen's representative. The main area of flexibility come in the process to recommend to the Queen the Governor -eg the convention is that the Premier recommends to the Queen. The process of recommendation could be set out in a state constitution eg instead of the Premier or Cabinet selecting the candidate the State Parliament could vote on it.

9  Reverend Lloyd and Win Kent
Support for preamble reference to God similar to Aust constitution. Support repatriation of parks and mining but land rights to remain with Cwth Upper House might allow better balance of Aboriginal and regional interests. Veto powers of Fed parliament must be removed. Aboriginal customary law incorporated to limited degree. No bill of rights into Constitution but incorporate Kalkaringi and Batchelor. Constitutional convention needs to be popularly representative.

10  LGANT (Local Government Association of the Northern Territory - Kerry Moir)
Notes a preference for the Statehood Committee to develop a constitution (Option 5). Argues for true local government recognition distinct from symbolic recognition proposed in 1996 constitution.

11  John Currie
Opposed to organic laws, laws other than the Constitution are prerogative of parliament. Organic law could give power to minorities. The name, bill of rights and composition of Parliament could be separated from the Constitution. Opposed to customary law as we can’t have separate laws for separate people.
Aboriginal self determination should be separate from constitution, enabled through legislation with proper open and auditable accountabilities.

12 Creed Lovegrove (individual)
Support for 3 year terms. Powers of the NT must be equal with other states. Rather than arguing for 12 Senate seats, Statehood should trigger a redistribution in the Senate to a more equal basis of representation.

13 Youth Ministers Round Table of Young Territorians
Suggests that focus groups in NT high schools are a preferred mechanism for gathering a youth perspective. Mixed views on the values of Statehood. Key issues were the protection of aboriginal languages in the constitution and that recognition of different cultures should be limited to what is acceptable in society and within the law.

14 David Carmet, Charles Darwin University
The constitution should be as similar to other states as possible. There should be no bill of rights. References to law and the governor should be included. The path to statehood should include a constitutional convention with a majority of elected members.

15 Louis Zampogna (individual)
Aboriginal people would be supportive of Statehood provided the unique position as traditional owners and traditional culture and law are recognised.

16 Major Ritchie Watson, The Salvation Army
Constitutional consultation should including identification of stakeholders and design of communication strategy, participant expectation and outcomes. To improve participation - offers of childcare, transport and access to interpreters should be given due consideration. The constitutional development should give due consideration to various universal human rights charters.

17 Norman Fry, Northern Land Council
Aboriginal people are major stakeholders in the Constitutional Development of the NT.

18 Festival of Light
Constitutional model should be very similar to existing arrangements. Support for a Bicameral parliament as a mechanism for greater separation of powers. Support staged increase of senate representation. Does not support the inclusion of a bill of rights in the constitution. Concern that interpretation of bill of rights would be concentrated in judicial power. Not supportive of customary law within the constitution. Rule of Law should apply to all without distinction based on characteristics such as race. Customary law can be recognised through legislation over time.

19 Chief Justice Brian Ross Martin
General observation that specific provisions on the judiciary such as appointment, removal, remuneration and independence should be contained in any new Constitution.
20  **Australian Christian Lobby Submission and Petition**

Suggest preamble contain "humbly relying on the blessing of Almighty God. Suggest no need for a Bill of Rights in constitution. Rights protected through specific legislation. 19 Signatories to petition.

21  **Ted Dunstan (2 supplementary papers)**

For statehood to succeed there needs to be a "statehood culture" created. Education needs to be well funded and impartial. The journey and discussion towards statehood is just as important as the destination. Six main reasons for failure of 1998:
- Lack of support by the Government of the draft constitution tabled by the Sessional Committee.
- The Constitutional Convention repeated the task of drafting rather than amending the draft constitution.
- The Constitutional Convention selection process was not a democratic election process.
- Education campaign was last minute propaganda assault.
- The final constitutional model proposed was minimalist and excluded rights.
- The referenda question was too complicated and should have been broken down.
- Financial concerns - no financial gain from statehood, fears of costs and loss of Cwth "subsidies.

22  **Central Land Council (submitted prior to Paths Paper but contains relevant concerns)**

Suggests proposals for alternative government systems that better reflect indigenous demographics should be considered in Statehood. Government models that address politically marginalised Aboriginals people should be considered along with a system that recognises the mobility of people in the NT.

Calls for embedded issues in constitution including govt accountability, indigenous rights including land rights, equitable access to essential services and infrastructure including health and education infrastructure.

Notes the "Statehood" selling point of Territorian individuality does not refer to Aboriginal culture. Statehood for and against arguments should be articulated. The Statehood argument of fairness and equity implies there is only inequity between Territorians and other Australians. It does not acknowledge inequities between indigenous and non indigenous.

Suggests the following proposals be examined to aid political inclusion of Aboriginal people:
- referendum should have eligibility threshold 10 years in Territory;
- consideration of Hare Clark and other voting systems
- guaranteed rights on Aboriginal health and self determination
- future assembly with reserved Aboriginal seats (NZ model)
- Aboriginal Chamber in parliament with veto powers on legislation affecting Aboriginal interest (considered in Canada)
- consideration of a smaller NT parliament with selection of applying laws from other States;
- concurrent establishment of independent Aboriginal commission
- alternatives to Statehood should also be discussed eg regionalism
Annexure 3 - 2007 Mock Referendum

Question 1
Do you agree the Northern Territory should become a State under the Australian Constitution?

Overall Results Yes = 76% (614) No = 22% (181) Informal = 2% (14)

Regional Results
Top End (Darwin & Freds Pass) Yes = 78%
Regional/Remote (Katherine, Barunga & Borroloola) Yes = 81%
Central Australia (Alice Springs & Tennant Creek) Yes = 70%

Question 2
Do you agree the Northern Territory as a new state Should have the same powers as the existing states of Australia?

Overall Results Yes = 87% (703) No = 11% (86) Informal = 2% (20)

Regional Results
Top End (Darwin & Freds pass) Yes = 88%
Regional/Remote (Katherine, Barunga & Borroloola) Yes = 90%
Central Australia (Alice Springs & Tennant Creek) Yes = 82%

Question 3
Do you agree the Northern Territory as a new state should have the same number of senators as the existing states of Australia?

Overall Results Yes = 68% (553) No = 28% (224) Informal = 4% (32)

Regional Results
Top End (Darwin & Freds pass) Yes = 65%
Regional/Remote (Katherine, Barunga & Borroloola) Yes = 75%
Central Australia (Alice Springs & Tennant Creek) Yes = 68%
Annexure 4 - Summary of SCC Submission to Commonwealth Parliament "Long Road to Statehood" Inquiry
INTRODUCTION
At its fifth meeting on 1 March 2006 the Legislative Assembly Standing Committee on Legal and Constitutional Affairs (LCAC) requested the Northern Territory Statehood Steering Committee (SSC) prepare a submission to the House of Representatives Committee on Legal and Constitutional Affairs (HRSC) in the context of the Commonwealth Committee's reference on the Federal implications of Statehood for the Northern Territory.

The Report into Appropriate Measures to Facilitate Statehood published by the Legislative Assembly in April 1999 (hereafter 1999 Report), informs what the SSC does and how it does it.

The SSC acknowledges the HRSC appears to be well acquainted with the first part of the Commonwealth Attorney General's reference concerning recent developments on Statehood in the Northern Territory.¹

However, as the SSC wishes to assist the HRSC understand and report upon recent developments taken toward Statehood in the Northern Territory, The HRSC may wish to examine our website at www.statehood.nt.gov.au or contact us directly. The SSC is able to assist the HRSC with regard to the first part of their reference by providing copies of Territory based media articles on Statehood collected during 2005, as well as archival material including previous reports prepared by former Legislative Assembly committees.

The SSC Co-Chair wrote to the Chair of the HRSC on Monday 8 May 2006 welcoming the proposal the HRSC conduct a public seminar in the Northern Territory in order to inform its own work. The SSC expressed some concern regarding the proposed format in a subsequent letter to the Chair of the LCAC particularly noting an apparent lack of opportunity for participation by Central Australia Territorians. It is understood the LCAC has since written to the HRSC in that regard.

The SSC looks forward to the opportunity to meet with HRSC members and provide any clarification or expansion sought on the views outlined in this submission.

POSITION STATEMENT

1. The Northern Territory is not democratically governed because of the ability of the Commonwealth to override decisions of an elected Northern Territory Government.

2. Statehood for the Northern Territory must mean eventual equality with the existing States. Anything less than an equal partnership with the other States in the federation would be unacceptable to most Territorians.

3. Territorians want to know exactly what they would be agreeing to in any future plebiscite or referendum about Statehood.

¹ Evident from the Document entitled Background Brief Northern Territory Statehood produced by the Commonwealth Committee's secretariat 2006. See also Annexure 2 of this document for a copy of a recent report of activities undertaken by the Statehood Steering Committee.
4. It is important that an agreed process to determine any terms and conditions is adopted. The process should include realistic time frames for planned outcomes. Such an agreement will assist the Northern Territory to make budget allocations for timely education programs, plebiscites and other requirements and will identify benchmarks against which citizens may assess what progress is being made. The previous Northern Territory Committee recommended the negotiation process should go hand in hand with Territory constitutional development.

5. The SSC wants the Commonwealth to be clear on its intentions for Northern Territory Statehood. Does the Commonwealth agree the Northern Territory should become a State? There is no point raising awareness and expectations of Territorians if there is nothing to be gained.

ESTABLISH A PROCESS FOR TERMS AND CONDITIONS

For the SSC, one critical issue for bringing about Statehood is the commencement of Government to Government discussion and finalisation of the terms and conditions of Statehood.

The HRSC’s reference at Part Two is to examine emerging issues which may have implications for federal arrangements.

With an understanding of the history of past Statehood discussions as outlined later, the SSC maintains that if the process for developing the terms and conditions is not settled there is no point getting bogged down into the HRSC Brief's ten identified issues.

Terms and Conditions - The Australian Constitution s.121: The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

There has been considerable academic and political speculation concerning the meaning and interpretation of s.121 terms and conditions and admission or creation are all part of the consideration process.

Whilst it is apparent the Commonwealth anticipates there will be some terms and conditions differentiating the Northern Territory from the original States, as indicated above, the Commonwealth has not revealed any detail.

When it comes to managing emerging issues related to the terms and conditions for Statehood, it would be open to the Commonwealth to determine the only 'term and condition' would be equality with the existing States.

Emerging Issues - It is not clear how broad the Commonwealth Attorney’s reference is when it comes to 'emerging issues'. The Background Brief document assists by

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2 Creation or admission is covered in detail in Australia’s Seventh State by Peter Loveday & Peter McNabb 1988. It is generally considered the Northern Territory will be admitted as a new State rather than established by the Commonwealth.

3 See Media Release issued by the Prime Minister on 11 August 1998 Statehood for the Northern Territory which states: “The Federal Government has agreed in principle that Statehood should be granted to the Northern Territory, subject to terms and conditions to be determined by Federal Parliament.”
outlining a range of longstanding issues such as the administration of the *Aboriginal Land Rights (Northern Territory) Act* 1976 and newer issues such as the proposal by the Commonwealth for the placement of a radioactive waste management facility in the Northern Territory.

It is acknowledged by the SSC that when it comes to managing issues and determining terms and conditions, the Commonwealth may decide to retain some of their existing powers without relying upon the s.121 terms and conditions power. If the Commonwealth determines to do this under other heads of constitutional power, it is submitted the Commonwealth should disclose that intention in the context of negotiations on terms and conditions.

If a position of absolute equality is adopted by the Commonwealth, the 'emerging issues' will in essence be irrelevant and the process would involve handing over all powers currently reserved according to the *Northern Territory Self Government Act*, and the commencement of immediate planning for increased Commonwealth parliamentary representation for the Northern Territory.

'Emerging issues' such as action taken with regard to the siting of a national radioactive waste facility in the Northern Territory; the focus upon uranium and nuclear power and proposals to make changes to the *Aboriginal Land Rights (Northern Territory) Act* are politically sensitive and have resonated to some degree with the electorate.

**An Equal State** - The SSC acknowledges an immediate adoption of absolute equality by the Commonwealth is unlikely⁴; however, the SSC contends eventual equality of the Northern Territory as a new State with existing States (except in so far as the Commonwealth Constitution confers certain rights on original States only) should be the focus of any process toward Statehood for the Northern Territory.

As the SSC views the matter, there is a clear difference between the processes for negotiating and implementing the terms and conditions of the proposed grant of Statehood on the one hand, and for preparing, adopting and implementing the new State Constitution on the other hand.

The processes for the former are discussed below, and primarily involve Government to Government negotiations and agreement.

The processes for the new State Constitution are quite different. In the SSC's view these are matters for Territorians alone. In accordance with democratic principles, Territorians should have the say on the formation and content of this document. It is for Territorians to determine this process. It should not be a matter for Commonwealth intrusion or dictation. Once the new State Constitution is adopted by Territorians in accordance with their own processes, it is then for the Commonwealth Government and Parliament to decide whether to accept it or reject it.

There might be some potential for limited overlap between the content of the new State Constitution and the agreed terms and conditions of the grant. Any attempt by the Commonwealth to autocratically impose unacceptable terms and conditions, particularly if they purport to conflict with the new State Constitution, would doom the whole exercise to failure.

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³The Statehood Steering Committee holds copies of Commonwealth generated documents (such as media releases) referring to the need to resolve the terms and conditions, but no documents which indicate the principle of equality with the existing States is the objective.

Northern Territory Statehood Steering Committee - Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs
Prior Engagement with the Commonwealth - Research undertaken by the Statehood Steering Committee examining prior discussion with the Commonwealth on Territory Statehood shows the Commonwealth has in the past contemplated the imposition of some terms and conditions other than immediate or absolute equality.

In reaching this conclusion, the SSC has taken note of correspondence dated 5 March 1997 when the then Commonwealth Minister for Territories advised Chief Minister Stone that an Interdepartmental Committee (IDC) had been established to examine the implications of Statehood (chaired by the Secretary of the Department of Sport and Territories with representatives from the Prime Minister's and Attorney General's Departments.)

Seven specialist taskforces were established to assist the IDC:
1. Legal and Constitutional Affairs (including representation)
2. Indigenous Issues
3. Environment, National Parks and Commonwealth Land
4. Uranium Mining
5. Commonwealth Territories
6. Industrial Relations
7. Financial implications

The proposal was for the taskforces to report to the IDC and for the IDC to in turn brief the Cabinet later in 1997 to assist with establishing the Commonwealth's position and provide the basis for the Commonwealth engaging in formal discussions with the Territory Government. Those formal discussions have not taken place. The SSC has discerned during its consultations a lack of progress, or a perceived lack of will on the part of the Commonwealth is a major source of frustration for a number of people in the Northern Territory.

The SSC submits the Commonwealth should undertake detailed discussions with the Northern Territory on the issues canvassed by the IDC and in the 1996 Final Report of the Northern Territory Statehood Working Group5 (hereafter referred to throughout as the 1996 Report)

An Exchange of Letters - During the lead up to the 1998 Statehood Referendum there was an exchange of letters between the Commonwealth and the Territory which indicates some difficulty in establishing a process to agree on the terms and conditions of Statehood.

Writing to the Prime Minister in July 1996, then Chief Minister Stone proposed the establishment of a joint Commonwealth and Northern Territory Steering Committee on Statehood to have carriage of the transition to Statehood. The letter referred to the 1996 Report by the Northern Territory Statehood Working Group as a 'sound working document'. The same letter outlined a proposed process encompassing terms of reference, reporting, review of the 1996 Report, identification of issues (already identified in the 1996 Report) and subcommittees.

The Prime Minister's reply did not endorse the creation of a joint Steering Committee; rather he suggested the Federal Cabinet would be briefed by the relevant departments 'later in the year'.

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Northern Territory Statehood Steering Committee - Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs
Taskforces - On 5 March 1997 the then Minister for Territories advised Chief Minister Stone the IDC had been established. The proposal was for taskforces to report to the IDC and for the IDC to in turn brief the Cabinet later in 1997 to assist with establishing the Commonwealth's position and provide the basis for the Commonwealth engaging in formal discussions with the Territory Government.

On 15 December 1997, Chief Minister Stone wrote to the Prime Minister to advise the establishment of the Northern Territory Constitutional Convention. The letter also expressed concern there had been no further advice from the Commonwealth on the progress of the IDC. Mr Stone wrote - The Territory is anxious to commence discussions and I would appreciate your advice as to when the Commonwealth may be in a position to initiate a series of meetings to begin the process of finalising the terms and conditions of Statehood.

On 16 June 1998, Chief Minister Stone wrote to the Prime Minister enclosing a copy of the Report of the Statehood Convention held in March and April of that year. The Chief Minister also advised the Prime Minister of a Referendums Bill to facilitate the conduct of a Territory Referendum on Statehood. The Chief Minister's main concern in this letter was expressed thus: It is of some concern to me that discussions between the Northern Territory and the Commonwealth on the terms and conditions of a grant of Statehood have not yet commenced.

Mr Stone also expressed concern that, of the IDC's seven taskforces, one had still not reported nearly two years after establishment and the IDC had not consulted the Territory on the Northern Territory's views on any of the substantive issues.

On 4 July 1998 the Prime Minister advised Chief Minister Stone, that the Minister for Territories had prepared a Cabinet Submission. Subsequent to this correspondence, the Statehood referendum was held in the Northern Territory and there is no further correspondence known to the SSC.

In-Principle but not Conclusive  - It is not known whether the Commonwealth Cabinet proceeded to consider such a submission. A media release issued by the Minister for Territories on 11 August 1998 states The Prime Minister, John Howard, today announced that Federal Cabinet had agreed in principle that Statehood should be granted to the Northern Territory subject to terms and conditions to be determined by Federal Parliament.

Despite the language of the Prime Minister's Media Release of 11 August 1998, the SSC believes it is unlikely the Commonwealth Government will leave the determination of the issues to the Commonwealth Parliament. Government to Government negotiations, with a view to entering into and releasing a Memorandum of Agreement between the Commonwealth and Territory governments, appears to be the more appropriate process in the initial stages.

Once such a Memorandum is entered into, and Territorians are able to exercise their votes on the proposed grant of Statehood with knowledge of that Memorandum, then the grant can be advanced by the Commonwealth by drafting a Bill incorporating those agreed terms and conditions.

The Minister for Territories, addressing the Northern Territory Legislative Assembly on 11 August 1998 stated - I assure all members and all Territorians that any terms and conditions of Statehood will be subject to full consultation and negotiation.
The then Leader of the Northern Territory Opposition noted in the Legislative Assembly in response to the address by the Minister for Territories: *Notwithstanding the Minister's speech there is still no detail on what the proposed terms will be.*

**History shows Territorians, in the Referendum of October 1998 were left to vote in a vacuum!**

The SSC feels the Commonwealth should state clearly and publicly its intentions with regard to Northern Territory Statehood. The SSC submits the Commonwealth needs to re-engage with the Northern Territory in a meaningful manner on Statehood and for both parties to clearly state their intentions.

The SSC notes the ten issues canvassed in the Background Brief developed for the HRSC. In developing this submission, the SSC has followed the same format for ease of reference. The SSC addresses each of the topic areas in that document providing the HRSC the views of the SSC on the issues raised along with some suggestions to advance Statehood for the Northern Territory. The SSC's detailed response is attached at Annexure 1.

Signed for and on behalf of the Northern Territory Statehood Steering Committee by Elliot McAdam MLA, Chair and Sue Bradley, Co-Chair

..........................................  
Elliot McAdam  
Dated

..........................................  
Sue Bradley  
Dated

**ANNEXURES**

1. Statehood Steering Committee Submission to House of Representatives Committee on Legal and Constitutional Affairs - Response to Issues
2. Statehood Steering Committee Report to the Standing Committee on Legal and Constitutional Affairs - 2005 Calendar Year Activities
3. Terms of Reference Northern Territory Statehood Steering Committee

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6Hansard, Eighth Assembly, First Session, Record No 8, Mrs Hickey.

Northern Territory Statehood Steering Committee - Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs
Annexure 1 SSC RESPONSE to BACKGROUND BRIEF

1. COMMONWEALTH CONSTITUTIONAL MATTERS
(Paragraph 1.8 onwards of Background Brief)

Method of Admission - Should the admission of the Northern Territory as a new State in the Australian Federation be by way of s.121 or s.128 of the Australian Constitution? Previous publications have considered this issue. The 1996 Statehood Working Group Report (hereafter 1996 Report) analyses the issues but did not make firm recommendations on terms and conditions.

The 1996 Report, like the previous Committee of the Legislative Assembly, reflected upon the accepted wisdom in favour of the use of s.121. The choice of the s.121 may remain an open question for the HRSC. The SSC would be interested to learn the views of the HRSC and the Commonwealth on this issue.

It was the view of (former High Court Justice) John Toohey QC, when considering the ambit of the Commonwealth’s power under s.121: *it is unlikely that the High Court would permit the imposition of any term or condition which derogated from the rights in relation to States as enshrined in the following provisions of the Constitution s.51(ii), s.51(xxxi), s.55, s.80, s.92, s.99, s.116, s.117, s.118, s.119, s.123*.

Citing the Constitution Act, it was his contention that where the Constitution refers to 'original States' in s.7 and s.24 then it was only referring to original states but when referring to 'States' in other sections it is referring to new as well as original States.

The HRSC Background Brief states *Constitutional equality of the new State with existing States is a central issue, relating to the application of States' and individuals' rights under the Constitution such as the saving of State Constitutions (s.106), the guarantee of free trade and commerce between the States (s.92), the delineation of Commonwealth legislative powers (s.51) the acquisition of property by the Commonwealth on just terms (s.51 (xxx)), no increase, diminution or alteration of State limits without the consent of the State Parliament and the approval of a majority of State electors (s.123)*.

The SSC notes this and prefers a simple principle of equality with the existing States without qualification, reserving its view as to whether this is a full and final expression of what equality may be in the Statehood context.

Different expert views have been expressed of the constitutional need for the equal treatment of a new State in Australia, particularly as arising under section 51 of the Commonwealth Constitution, and whether equality can be lawfully avoided under the terms and conditions power in section 121.

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1. s.128 would require a referendum putting a question to electors Australia wide. It is worth noting the vote of Territorians in such a referendum would not be counted in the second requirement for a majority of States to carry a question in a referendum.
2. Select Committee of the Legislative Assembly on Constitutional Development, Information Paper No 1 Options for a Grant of Statehood, September 1987.3. The view in this paper was endorsed in the Final Report of that Committee.
4. Loveday & McNab p8-9
5. Paragraph 1.11

Northern Territory Statehood Steering Committee - Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs
Position on Entry - When it comes to s.106, the SSC is examining the previous work of Northern Territory Legislative Assembly Committees and the 1998 Statehood Constitutional Convention.

The SSC takes the view the s.106 provision in the Constitution would require the Northern Territory to have ready, immediately prior to the admission of the new State, a home grown Northern Territory constitution which at least puts the Northern Territory in the same position as the other States of Australia upon entry to the Federation.

The SSC also takes the view the Commonwealth should have no role in preparing a proposed Northern Territory constitution provided such a constitution is consistent with the Commonwealth Constitution and the Australia Acts.

The SSC contends constitutional equality of a new State with existing States is a central issue and Statehood for Northern Territorians would be unacceptable and indeed meaningless should the Commonwealth determine admission of a less than equal State is the objective, nor should the Commonwealth reserve to itself any power to later amend the new constitution or to place any fetters on future State amendment of same.

Other Matters - Many people are asking about some of the issues that can only be resolved through either a negotiated terms and conditions process, or a decision by the Commonwealth to use other heads of power.

The 1996 Report envisages a negotiated settlement on each matter, except possibly for industrial relations where the current system, (topical particularly in light of the Commonwealth’s recent Work Choices reforms and current litigation in the High Court) could continue by way of a reference back to the Commonwealth.

It is now ten years since the Northern Territory and Commonwealth Governments received the 1996 Report. While there are constitutional doubts as to whether the Commonwealth can continue to uphold its present controls in matters such as uranium mining, land rights and some national parks on and from a grant of Statehood, there is no doubt the Commonwealth will enjoy control of these so long as the Territory remains in its current position.

The content of the 1996 Report provides a basis for consideration of how to recommence discussion with the Commonwealth about these key issues. Despite interim changes to Commonwealth legislation impacting on the Territory under the Self Government arrangements, the 1996 Report contains much factual information on issues that remain current.

The Commonwealth’s positions on the constitutional issues mentioned in this part of the Background Brief remain unknown as does the process to advance them. Whilst this is the case, some of the education and information now being provided by the SSC is necessarily speculative. The SSC feels it would be beneficial to publicise and raise awareness of the intentions of the Commonwealth as part of the SSC’s broad education program.

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12 The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

13 The 1996 Report at page 86 notes -Full consultation is not possible unless there are clear proposals for Statehood .... the terms and conditions ... have yet to be determined.
2. FUTURE REPRESENTATION IN THE FEDERAL PARLIAMENT
(Paragraph 1.12 onwards of Background Paper)

As the Background Brief succinctly points out; *there are no guarantees of federal representation for the Northern Territory in the (Australian) Constitution.*

Representation levels have been an issue for Australians living in the Northern Territory since guaranteed levels of representation were lost on 1 January 1911 when South Australia officially surrendered the Northern Territory to the Commonwealth pursuant to s.111 of the Constitution. 14

The SSC has commenced a new survey in 2006 which may provide some more concrete indication of views of Territorians over the coming months on the issue of federal levels of representation.

In 1986 the then Territory Government determined conformity with the population quota for the House of Representatives and a phased increase in representation in the Senate based on election cycles was their preferred approach to terms and conditions of Statehood with regard to representation issues. The Chief Minister in 1986 stated: *no relationship between population size and senate representation will be accepted.* 15 Flexibility in the formula toward equality in Senate numbers was canvassed at different times, for example Chief Minister Perron in 1994 floated two possible methods to achieving senate equality one taking 12 years, the other 24 years 16.

The Quota - Territory representation is constantly raised by Territorians as an important issue and was outlined in some detail in a document published by the then Chief Minister in 1986 and again in the 1996 Report. As at 31 May 2005, the Northern Territory had 111,527 voters for its two House of Representatives seats.

The Commonwealth Constitution outlines the formula for determining State representation entitlements. 17 The High Court has determined the Constitution does not guarantee an equal number of electors or people in each division. 18 However the quota in s.24 of the Commonwealth Constitution requires there to be an apportionment of the number of House of Representative seats in each state based on a population quota. It is uncertain if this apportionment system can be varied for a new state under the terms and conditions power.

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14 111. *The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance there of by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.*
15 Ministerial Statement Page 5
16 Agenda Paper for 1994 Leaders (Premiers) Conference, Provided to the Statehood Steering Committee by the Department of the Chief Minister.
17 S.24 - *The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of senators. The number of members chosen in the several States shall be in proportion to the respective members of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner -
i.) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of senators: ii.) The number of members to be chosen in each State shall be determined by dividing the number of people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State. But notwithstanding anything in this section, five members at least shall be chosen in each Original State.
18 Attorney-General (Cth); Ex Rel. McKinlay v. The Commonwealth; South Australia v. The Commonwealth; Lawlor v. The Commonwealth [1975] HCA 53; (1975) 135 CLR 1 (1 December 1975)
It has been documented in previous papers examining Territory representation issues that the formula for calculating entitlement uses the jurisdiction’s population, not the number of enrolled voters. The Northern Territory has more non-voters than the ACT for instance.

Relatively recently the Commonwealth Parliament passed the Commonwealth Electoral Amendment (Representation in the House of Representatives) Act 2004 which provides for the Northern Territory to retain its second seat even though, on the 2003 calculation of population, it was slightly below the relevant quota.

The ability of the Commonwealth to pass legislation to permit, restrict, or even abolish levels of representation for the Territories is the current reality. Political 'interference' with the system of representation has been a catchcry for Statehood since the Territory obtained its first limited Commonwealth representation in 1922. It is only as a State that the quota system could be protected as set out in the Commonwealth enabling legislation so that it cannot thereafter be unilaterally varied.

Similarly the agreement on Senate representation should be incorporated into the terms and conditions process.

**Specifics of the words in s.121 and Levels of Representation** - As the HRSC is informed, the Constitution sets minimum levels of representation for 'original' States, whereas s.121 provides representation will be a part of the consideration of terms and conditions.

There are some constitutional doubts as to whether the s.121 method can be used to impose a different constitutional relationship with the Commonwealth on the new State as compared with existing States. That is not to say the Commonwealth could not rely upon other constitutional powers.

Just because s.121 mentions the Commonwealth has the power to determine the representation for a new State, it does not mean it must do so in a punitive manner. Professor Colin Howard makes an interesting argument that the founding fathers contemplated a time when a suitably stable and mature polity could join the Federation and that to bring in a lesser entity would undermine the Federation.

The SSC submits the issue of representation must be resolved at a Government to Government level prior to any question being put to the people of the Northern Territory as to whether they want Statehood. When Territorians are able to make an informed decision on what Statehood means a referendum will be meaningful.

The SSC supports equality. Whether this is eventual or immediate is less important than the principle at stake. Anything less than a partnership with the other States in a federation will in the eyes of many Territorians probably not be worth fighting for. When the Commonwealth is serious about a model for Northern Territory Statehood it is likely that Territorians, who have hitherto shown little interest, will be energised.

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19 The discussion also applies to whether the new State could be given a status 'superior' to existing states on some fronts. See Colin Howard *Statehood On Conditions* Chapter 2 in Australia's Seventh State Peter Loveday and Peter McNab (eds) NT Law Society/ANU 1988

20 He goes so far as to say I would urge as a matter of policy that S.121 of the Constitution be treated as if the reference to Federal representation were not there Op Ctr P 26-27

21 The SSC harks back to the words of then NT Supreme Court Judge Michael Maurice from 1988 when he wrote - the new drive for statehood has so far failed to galvanise the community as the
3. FUTURE STATUS OF COMMONWEALTH LEGISLATIVE REGIMES CURRENTLY APPLYING TO THE NT
(Paragraph 1.15 onwards of Background Brief)

Many of the current legislative controls the Commonwealth holds over the Northern Territory are by virtue of the s.122 Territories power. This situation would have to change upon a grant of Statehood, acknowledging the Commonwealth retains a range of constitutional powers over the States.

The 1996 Report outlines at Schedule 1 a list of 28 Commonwealth acts which apply specifically to the Northern Territory or which have an extended application to the Northern Territory including the obvious such as the Northern Territory (Self Government) Act 1978 and Regulations.

It is understood a variety of other minor amendments to other acts would be required. It is submitted that since Commonwealth legislation will require repeal or amendment upon Northern Territory Statehood, the Commonwealth should take into account any Northern Territory views in this regard.

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politicians no doubt hoped it would. The rational arguments are there but something is missing, a factor X. See Loveday & McNabb Op Cit P xxii
22 Final Report page 31 or page 34 in some bound editions

Northern Territory Statehood Steering Committee - Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs
4. FUTURE OWNERSHIP AND CONTROL OF LAND CURRENTLY OWNED AND CONTROLLED BY THE COMMONWEALTH
(Paragraph 1.17 onwards of Background Brief)

The HRSC is advised by the Background Brief that the Northern Territory Government in its 1989 submission to the Commonwealth on the further transfer of power to the Northern Territory took the view that all land held by the Commonwealth in the Northern Territory should be transferred to the Northern Territory Government at no cost with the Commonwealth only retaining land as agreed between the parties where it was required for Commonwealth purposes.23

In the existing States, the Commonwealth does not own or hold large parcels of land for no specific purpose and the former Northern Territory Government's position would appear reasonable.

The SSC submits the Territory and Commonwealth Governments should negotiate an in-principle agreement on future ownership of Commonwealth land in the Northern Territory now, well in advance of anticipated Statehood.

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23 Background Brief refers to Page 67 of the 1996 Report.
5. FUTURE OWNERSHIP AND CONTROL OF URANIUM RESOURCES AND REGULATION OF URANIUM MINING
(Paragraph 1.18 onwards of Background Brief)

The Background Brief prepared for the HRSC, cites the examples of the mining of uranium or other prescribed substances within the meaning of the Atomic Energy Act 1953 and regulations and or rights in respect of Aboriginal land under the Aboriginal Land Rights (Northern Territory) Act 1976 as expressly reserved powers still held by the Commonwealth.

The Northern Territory (Self-Government) Regulations 1978 at Regulation 4 spells out the matters in respect of which Ministers of the Territory have executive authority under section 35 of the Northern Territory (Self-Government) Act 1978. The list in the Regulations and the reservation of all other powers to the Commonwealth illustrates the limitations of the current self government model, they expressly exclude uranium mining from present Territory executive authority.

During 1987 the Northern Territory Government published an options paper that amongst other things considered the issue of the control of uranium resources in the Northern Territory. That paper expressed - in relation to resources the basic position of the Northern Territory Government is that upon Statehood, all resources in the new State, other than those held by the Commonwealth for genuinely federal type purposes, should be owned and controlled by the new State.

Who owns uranium determines who mines it. Given the SSC's overriding principle of eventual equality, the SSC contends the Northern Territory as a State must own and manage its own mineral resources including uranium.

Future Administration of Uranium and Minerals, National Parks and Aboriginal Land -Minerals as they occur in the two Commonwealth controlled national parks and minerals as they occur on Aboriginal land are also matters to be resolved in the context of Northern Territory Statehood. Because the currently known uranium ore bodies in the Northern Territory are on Aboriginal land, there is a direct link between the ownership of the land, the royalties, the decision making to mine and the terms and conditions of Statehood.

The future administration of the Alligator Rivers Region, (ARR) now primarily under Commonwealth administration is an integral part of that consideration.

So long as day to day administration and environmental control over uranium mines in the Northern Territory falls under the Territory Government and the final power to mine or not is reserved to the Commonwealth, the existing split administrative and control arrangements over the uranium industry in the Northern Territory is often confusing. The SSC submits this confusion is bad for business, prosperity and potential growth.

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24 Sub Clauses 2(a) and 2(b) of The Regulations.
26 Towards Statehood - Minerals and Energy Resources Upon Statehood April 1987
27 Ibid page 2
As an example; the Territory administration, controls the prosecuting authority\textsuperscript{28} which saw the Ranger mine being penalised for the contamination of workers' drinking water in March 2004. The incident however, was identified by the Supervising Scientist who is a Commonwealth appointee under the ARR arrangements to ensure the mine does not compromise the integrity of the surrounding Kakadu National Park (also administered by the Commonwealth).

The Commonwealth retains all minerals not just uranium in the ARR, whereas the Territory controls other minerals occurring elsewhere in the Territory.

The Territory provides approvals for mineral exploration, yet the present Government has a stance against further uranium mining. It is no wonder there was such intense media scrutiny of the uranium mining issue in August 2005 when Commonwealth Minister Mr Ian McFarlane and Territory Minister Mr Kon Vatskalis had a public disagreement about control over uranium mining in the Northern Territory.

Confusion over Administrative Arrangements - For several days during August, it was unclear from the media reporting who understood what about responsibility for uranium mining.

There is also potentially some confusion and blurring of the issues\textsuperscript{30} of the proposed placement of a radioactive waste facility in the Territory and the control of uranium mining in the Northern Territory.

An exchange between a journalist and a member of the House of Representatives when discussing uranium mining on the Territory demonstrates this when the reporter stated .. the Labor government, the Labor Territory Government is fighting bitterly over the waste dump issue but appears to have rolled over on whether it has the power or not to approve new uranium mines, which the Federal Resources Minister has said well the Territory's open for business.\textsuperscript{31}

The reporter appeared to feel the Northern Territory Government could somehow choose to control uranium mining, whereas it is not within the Territory's legislative capacity and can only occur with Commonwealth assent.

There is a clear challenge for the SSC to try to get the facts out. So long as confusion remains in the public debate on uranium mining, then Statehood remains a confusing issue as well.

The SSC urges the Commonwealth to engage in discussions with the Territory Government on the future ownership and control of uranium as part of the terms and conditions of Statehood and make clear in advance the Commonwealth's intentions with regard to future ownership of this resource.

\textsuperscript{28}The prosecution of Energy Resources Australia (operators of Ranger) for breaches of the Northern Territory's Mining Management Act was undertaken by the Northern Territory's Department of Business, Industry and Resource Development

\textsuperscript{29}Commonwealth Minister McFarlane met Territory Minister Yatskalis on 4 August 2005. Media reporting that day and on following days was unclear on the roles of he two jurisdictions and who controls and who regulates uranium mining in the Northern Territory. It would appear the Territory's role as a regulator has been confused by some commentators with the role of being the approval source for new mines. See ABC Stateline Report on Friday August 5 2005.

\textsuperscript{30}SSC Member Ms Kezia Purick in her capacity as CEO of the NT Minerals Council discussed the blurring these two issues in a radio interview with Richard Margetson on ABC Radio Darwin (8DDD) on 4 August 2005

\textsuperscript{31}8DDD Morning Program 8.30am Friday 26th August 2005 Julia Christensen interviewing Peter Garrett
Royalties - At the same time, the SSC notes it would be desirable for the Commonwealth to state its position on the future payment of royalty equivalencies for minerals mined on Aboriginal land.

Previous Territory Governments took the view that since the Commonwealth entered into the agreements under Commonwealth legislation with no input from the Northern Territory administration, the liability should remain with the Commonwealth upon Statehood. The Commonwealth may have a different view.

Royalty payments for resources mined pursuant to mining titles, granted by a new State Government after a grant of Statehood, is another matter to consider in this context and will be a matter determined in conjunction with determining the future administration of the Aboriginal Land Rights (Northern Territory) Act.

The royalty issue also has a connection with financial arrangements as discussed below.

32 Options Paper April1987 Pages 9-10
33 The 1996 Report notes at page 47 The question of ownership and control of uranium ... is unable to be divorced from the wider issues of the ALRA and its possible patriation; national parks; environmental concerns and Aboriginal concerns generally
6. FUTURE MANAGEMENT OF RADIOACTIVE WASTE  
(Paragraph 1.25 onwards of Background Brief)

The Commonwealth's proposal to site a radioactive waste facility in the Northern Territory has caused considerable debate within the Territory. Some Territorians have approached the SSC asserting that if the Northern Territory were a State it would not be faced with the prospect of hosting a Commonwealth Radioactive Waste Facility.

There is no doubt the Commonwealth has the existing ability to site a facility upon Territory land as its control over Territory land is almost unfettered, however the SSC understands the Commonwealth would have the capacity to house waste generated by the ANSTO on any of its land in any Australian jurisdiction under the relevant ANSTO legislation.

Therefore the question is asked, is the proposed radioactive waste facility a Statehood issue?

The SSC has developed and published a Fact Sheet on this issue.

It is the aim of the SSC to provide material in as factual a manner as possible. It is clear however, that the radioactive waste issue is going to become more heated over time. Comments by the then Minister for Science Hon. Dr Brendan Nelson to the effect that the facility would be sited 'in the middle of nowhere' have been unhelpful, the constant repetition of these comments in Northern Territory and national media serves to reinforce the divisive nature of this issue.

Current reports that the Northern Land Council (NLC) is engaging with traditional owners to negotiate a site at Muckaty Station with the Commonwealth will serve to increase the Territory focus on this issue.

Debate is likely to be intense as this site borders the Central Land Council (CLC) controlled land area under the Aboriginal Land Rights Act and the CLC has been a vocal opponent of the proposed waste facility. The current process also sidelines the Northern Territory Government with the NLC taking a role as a broker in the agreement process under the recent Commonwealth legislation.

The current level of Territory representation in the Commonwealth houses of parliament demonstrates to Territorians their lack of democratic negotiating power particularly in light of the decision by the Commonwealth not to pursue siting of the facility in South Australia after a Federal Court challenge in 2004.

Whilst the Commonwealth's Act allows the Northern Territory Government as well as a land council to nominate potential sites under the Act for the location of a waste management facility, it is unfortunate the Commonwealth sees fit to immediately take away any slight empowerment of the Territory under this provision (s.3A) by in section 3C(2) making it clear; the (Commonwealth) Minister does not have a duty to consider a nomination.

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34 Australian Nuclear Science Technology Organisation
35 See Fact Sheet 22 in the Report on Activities at annexure 2 or on our website www.statehood.nt.gov.au
36 Re-broadcast on AM Program ABC Radio 28 April 2006.
37 May 2006
38 First known by the SSC to be reported on ABC Radio Julia Christensen program Friday 28 April 2006
39 Commonwealth Radioactive Waste Management Act 2005
Whether Territorians find the proposal to site a radioactive waste facility within the Northern Territory objectionable or not is a matter for individual decision. The letters pages of the *Northern Territory News* have carried letters both in support and in opposition to the proposal. However, the enabling legislation reminds Australians residing within the Northern Territory that the Commonwealth will not hesitate to use its capacity to treat the Territory in a different manner to the States when it comes to making what appear to be electorally unpopular decisions. In doing so, the Commonwealth reminds Territorians they have a lesser voice and a politically inferior status to other Australians.\(^{40}\)

Rightly or wrongly, as an 'emerging issue', radioactive waste is likely to be linked to Statehood.

Whether the Commonwealth were to propose the Northern Territory's acceptance of a radioactive waste facility is a term or condition of Statehood may only be symbolic if the Commonwealth has the legal capacity to site a facility in a State jurisdiction already. This is one of those instances where the Commonwealth may not seek to rely on its s.121 powers to ensure its policy objectives are fulfilled notwithstanding Northern Territory Statehood.

Rather than undertake an in depth analysis here of the siting of a radioactive waste facility as a term or condition of Statehood, the SSC will await the outcome of any discussions between the Territory and the Commonwealth and a future public declaration of what terms and conditions the Commonwealth seeks to impose on Territory Statehood.

\(^{40}\) The Commonwealth Parliamentary Library's Bills Digest 28 October 2005 No 59 provides an analysis of the Bill (as introduced) including the comment at page 2 about the purpose of the Bill being to "Strengthen the Commonwealth's legal ability to develop and operate the proposed Commonwealth radioactive waste management facility in the Northern Territory... by...overriding or restricting ...laws ... extinguishment of rights and interests related to land..."

7. FUTURE OWNERSHIP AND MANAGEMENT OF COMMONWEALTH NATIONAL PARKS AND COMMONWEALTH MARINE PROTECTED AREAS
(Paragraph 1.29 onwards of Background Brief)

Kakadu and Uluru-Kata Tjuta National Parks - Whilst the Northern Territory Government controls and operates ninety national parks, the Commonwealth controls and maintains two of the most famous and iconic national parks in the Northern Territory. Outside of Jervis Bay, these are the only national parks within the knowledge of the SSC, under the direct administration of the Commonwealth on the Australian mainland.

Leasing agreements are currently in place between traditional owners and the Commonwealth to allow the land in question at Kakadu and Uluru to be operated as National Parks. The transfer of the lease agreements and ongoing maintenance is a matter for discussion in the context of Northern Territory Statehood.

It is apparent the Commonwealth could enact laws for the conservation and protection of much of the natural environment and Aboriginal heritage in existing national parks supported by various heads of Commonwealth power, particularly ss.51 (i), 51 (xx), 51 (xxvi) and 51(xxix) of the Constitution., but it seems this would probably not go so far as ongoing management of national parks in a future State without using the terms and conditions power.

The Commonwealth needs to determine as a matter of policy whether it wishes to retain control over the two subject national parks as a term or condition of Northern Territory Statehood or whether it would transfer the land held on its behalf by the Director of National Parks to the Northern Territory along with the assignment of any lease from traditional owners.

The Background Brief notes former Northern Territory Government positions on national parks as outlined in the relevant papers. In keeping with the general principle of equality, the SSC agrees with the previously stated position of Statehood leading to the Northern Territory having equal status with the other States. This does not mean the Northern Territory may not via a negotiated process agree to the administration of these two national parks by an agreement with the Commonwealth. Any decision should be by proper mutual agreement.

The 1987 Northern Territory Options Paper on National Parks outlines administrative arrangements that remain remarkably current. This submission does not seek to update that document and work may need to be undertaken by the SSC or the relevant Government agencies to provide further information to decision makers as required.

Ashmore Reef National Nature Reserve and Cartier Islands Marine Reserve - The Ashmore and Cartier Islands are Commonwealth territory separate to the Northern Territory and have been since self government in 1978. The Northern Territory has since then been vocal about the 'loss' of these islands.

As the Background Brief notes, predecessors to the current HRSC recommended 15 years ago the islands be incorporated into the Northern Territory. The fact the Commonwealth responded by stating it would consider the recommendation in the context of Northern Territory Statehood may indicate the Commonwealth has in the past been unwilling to show its hand on a range of issues.

43 Ibid
The SSC takes the view there is no need for the Commonwealth to wait. There is nothing to prevent the Commonwealth coming to a conclusion on this issue in consultation with the Northern Territory and making a public decision to either incorporate the islands into the Northern Territory now or to the new State, if and when Statehood occurs, or to retain them as Commonwealth territory into the future.
8. ABORIGINAL LAND RIGHTS
(Paragraph 1.38 onwards of Background Brief)

There has been a long history of discussion about which jurisdiction should exercise legislative power over Aboriginal land currently administered under the Aboriginal Land Rights (Northern Territory) Act (ALRA).

During the 1980s the then Northern Territory Government published an options paper entitled Towards Statehood: Land Matters upon Statehood\(^{45}\) which reflected their policy of patriation of the ALRA upon Statehood. The options paper outlined three ways of patriating the ALRA.

The first was to provide the ALRA becomes a law of the new State upon Statehood, the second was to repeal the ALRA in the Commonwealth Parliament and to enact a revised ALRA in the Northern Territory Assembly with transitional provisions as required and the third was to allow for continued Commonwealth administration for a specified period of time to enable the Territory Assembly to pass its own laws and then move the administration of Aboriginal land in the Territory to the Territory Government.\(^{46}\)

The previous Sessional Committee of the Territory Assembly published a discussion paper examining Aboriginal land issues amongst others in 1993.\(^{47}\) The Sessional Committee took the view: that no lasting constitutional settlement can occur in the Territory without some appropriate recognition of the importance of land to Aboriginal people in the Territory as the indigenous inhabitants.\(^{48}\) Clearly things have moved on in the past 14 years, with the commencement of the Native Title Act which has a national application since that time and the Commonwealth’s recent introduction of amendments to the ALRA delegating powers to the Northern Territory being just one other example.

After dismissing the notion all Aboriginal land should be absorbed into ordinary freehold title, the Sessional Committee examined patriating the ALRA.\(^{49}\) The Sessional Committee took the view that patriation of the ALRA should not occur absent adequate constitutional guarantees sufficient to protect Aboriginal interests. However, the Sessional Committee was adamant that subject to such guarantees, the Commonwealth should treat the Northern Territory on an equal basis with the existing States, so that once power was transferred, the new State constitutional provisions would apply and the Territory Parliament could legitimately alter the ALRA subject to the accepted constitutional requirements.

It is not the intention of the SSC in this submission to canvass in detail the options considered by the previous Sessional Committee. A volume of materials examining constitutional entrenchment of the ALRA and innovative legislative processes such as organic laws are canvassed in the Sessional Committee’s publications (available to the HRSC upon request if not already held). The SSC will be considering these internal constitutional issues in more detail at a later time. It is however worth noting

\(^{45}\) Northern Territory Government, November 1986
\(^{46}\) Ibid P 6-7
\(^{47}\) Legislative Assembly of the Northern Territory Sessional Committee on Constitutional Development Discussion Paper No 6 Aboriginal Rights and Issues – Options for Entrenchment July 1993
\(^{48}\) Ibid P 12
\(^{49}\) Ibid P 13

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the Sessional Committee's overarching intention the ALRA be administered in some form by a future State rather than remain with the Commonwealth.\textsuperscript{50}

The 1996 Report examined the need for more education and information for Aboriginal Territorians about these issues thus: ATSIC advise that there needs to be an appropriate education campaign for indigenous residents to explain basic concepts, the implications of NT Statehood and possible patriation of the Aboriginal Land Rights (Northern Territory) Act 1976. Some work has already been done towards this end. The NT accepts the need for an education process and, in cooperation with Aboriginal interests, is preparing a strategy to implement such a program\textsuperscript{a}.

The position of the Territory Government in 1996 according to this Report was to take part in an inclusive and consultative process. The SSC takes the view the subsequent 1998 Constitutional Convention process was unfortunately deficient in implementing that prior intention.

The intentions of the current Northern Territory Government on indigenous participation in the Statehood process have been expressed in the reference provided to the LCAC on 18 June 2003 where the current Chief Minister stated: A central principle for the Northern Territory to achieve Statehood is the respect for and proper recognition of the indigenous people of the Territory and that the indigenous people are to be involved in all stages of the process.\textsuperscript{52}

The SSC therefore has the role of engaging Territorians about the future of the ALRA. Our program includes education and discussion across the Territory to explain how things work now and how they may work upon Statehood.

The SSC’s job is somewhat challenging in light of the history of relations on land rights between the land councils and Territory governments past and present.

The enormous range of views by stakeholders, the abolition of ATSIC, and the uncertain future of the existing land councils are all factors. Issues raised by the Reeves Review of the ALRA and the matters set out by the land councils in the Kalkaringi and Batchelor Statements should also not be underestimated.

Aboriginal organisations in the Northern Territory, particularly the land councils consulted to date, have indicated to the SSC the 1998 Indigenous Constitutional Strategy Document\textsuperscript{54} arising from the Aboriginal Constitutional Conventions at Kalkaringi and Batchelor is very much a living document.

\textsuperscript{50} Ibid P 14 paragraph (n)
\textsuperscript{51} 1996 Report page 41
\textsuperscript{52} Terms of Reference Northern Territory Statehood Steering Committee 17 August 2004 paragraph (d) page i
The *Constitutional Strategy* specifies the need for a 'framework agreement' as a prerequisite to further constitutional advancement.

This issue was given some brief consideration by the Standing Committee in its 1999 Report into the failed 1998 referendum. The 1999 Report recommended that an attempt should seriously be made in this direction. Many of the issues raised in the Indigenous Constitutional Strategy document are not technically relevant to constitutional development for the Northern Territory; however the land councils have recently indicated they consider them to be a prerequisite to Statehood.

Whilst it appears the land councils are willing to revisit the requirements stated in that document as a prerequisite to Statehood,5 the statements contained therein appear to remain their starting position.

When it comes to the ALRA, the *Indigenous Constitutional Strategy* states: *That the Aboriginal Land Rights Northern Territory Act 1976 must remain Commonwealth legislation administered by the Commonwealth.* 57

The SSC has not as yet formally sought the views of the current Territory Government as to whether they feel the ALRA must be patriated to the Territory upon Statehood. As part of our discussions and education program we are informing people how the system works now and we clearly state that whether the ALRA will come under the administration of the Territory upon Statehood is not yet settled.

The SSC notes recent amendments introduced in the House of Representatives on 31 May 2006 do not provide the Northern Territory equal status with the existing States. The Territory will exercise delegated powers. It is also clear the Commonwealth could potentially retain the ALRA upon Northern Territory Statehood using other heads of power apart from the terms and conditions power in s.121.

The SSC suggests the HRSC take note of the 1996 Report where it is advanced: *Patriation of the ALRA would require consultation and negotiations between the Commonwealth and the Northern Territory Government and indigenous people to identify fundamental provisions which they consider require protection and the extent and nature of any constitutional protection.* 58

The SSC sees its role in the context of the ALRA as an agent for discussion and consultation. Detailed negotiation should be undertaken at a Government to Government level involving the relevant interest groups either after the SSC education and consultation process has concluded or at the same time. It is recommended the HRSC advise the Commonwealth of this proposed approach and seek the Commonwealth's intentions on engaging with the Territory Government in the near future to determine whether patriation of the ALRA upon Statehood is the Commonwealth's intention.

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55 Legislative Assembly Standing Committee on Legal and Constitutional Affairs, *Report into Appropriate Measures to Facilitate Statehood* April 1999
56 The SSC has met the Northern Land Council and the Central Land Council on separate occasions to commence discussions on the content of the *Indigenous Constitutional Strategy* document and to seek any update on the position of the land councils given eight years have elapsed since the councils considered the issue of Statehood in detail.
57 Page 8
58 Page 45
9. FUTURE CONTROL OF INDUSTRIAL RELATIONS  
(Paragraph 1.41 onwards of Background Brief)

The Northern Territory has joined other jurisdictions challenging the Commonwealth's use of the Corporations Power under the Australian Constitution to implement the Commonwealth's Work Choices reforms.

The Northern Territory is subject to the Commonwealth's industrial relations system. Notwithstanding Regulation 4 of the *Northern Territory Self Government Regulations* which states the Northern Territory has competence under s.35 of the *Self Government Act* to have executive authority over "Labour relations (including training and apprenticeship and workers' compensation and compulsory insurance or indemnity therefor)" s.53 of the principle Act, specifies the superior application of the *Workplace Relations Act* 1996 (as amended by Work Choices reforms in 2005)

The SSC will be monitoring the progress of this case. From the Commonwealth's current approach to these jurisdictional issues it would appear unlikely the Commonwealth would entertain the Northern Territory assuming its own industrial relations regime upon Statehood. While it is not the role of the SSC to pre-empt terms and conditions policy-making or discussions between the Northern Territory and the Commonwealth, it would also be naive to ignore the current litigation.

The SSC feels the future of industrial relations in the Northern Territory as a new State should be a matter of Government to Government negotiations with a view to putting the new State in the same position as existing States, including a possible reference of power back to the Commonwealth.
10. FUTURE FINANCIAL AND ECONOMIC RELATIONS WITH THE COMMONWEALTH
(Paragraph 1.44 onwards of Background Brief)

As noted in the 1996 Report: Changes to financial arrangements in respect of uranium mining, national parks, the operation of the Aboriginal Land Rights (Northern Territory) Act 1976 and the status of the Ashmore and Cartier Islands on Statehood may have economic implications for the Northern Territory and impact on the Northern Territory Government's revenue capacity and expenditure requirements. However, to the extent that these are reflected in the HFE (horizontal fiscal equalisation) process, it is expected that there would be little overall impact on the financial position of the Territory arising out of Statehood. 61

The Statehood Steering Committee has published Fact Sheet 6: What is the Impact of Statehood on Financial Relations with the Commonwealth62 Designed to educate Territorians and others about the current financial arrangements and why Statehood should have no impact upon the existing process.

The SSC notes the Background Brief mentions Changes to current financial arrangements could be required upon Statehood. 63 The SSC seeks some clarification of that statement.

Does it refer to the current arrangements for royalty payments, the ownership and control of minerals (particularly uranium) and administration of the ALRA or is it referring to some change to the core relationships under the current arrangements where the Northern Territory has been treated as a State for all intents and purposes since 1988 with regard to allocation of Commonwealth collected monies?

The SSC notes the view of the 1996 Report which states: A grant of Statehood for the Northern Territory would not have any implications for these general arrangements which give effect to policy objectives determined from a national perspective. 64 and assumes the situation remains the same today. If that is not the case the SSC submits the Commonwealth should advise the Territory Government to that effect.

If there is no significant change in the current HFE process, then the net impact of Statehood upon Territory finances should be slight.

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61 Paragraph 17 Page iv
62 Available at www.statehood.nt.gov.au under 'publications'
63 Page 13
64 Page 32
Annexure 5 - New Media Releases

2008

- 13 November - Minister in Statehood discussions with Canberra
- 6 November - Statehood's Shout
- 1 July - Territory Day - Another Step on the Path to Statehood
- 30 June - Statehood Awareness Campaign
- 15 May - Co Chair Appointment
- 06 February - 30 Years of Self Government and continuing constitutional inequality 2007

2007

- 30 November - Committee welcomes new Minister for Territory Federal Relations and Statehood
- 29 August - Strong Support for Statehood (Mock Referendum Results)
- 10 August - Taking the 'Self out of 'Self Government'
- 4 July - Territory Proud, Statehood Proud
- 30 June - Limits of Self Government Evident on Territory Day
- 6 June - Statehood on Road to Barunga
- 28 May - Statehood Committee Welcomes Commonwealth Report
- 25 May - 40th Anniversary of 1967 Aboriginal Referendum
- 23 May - Alice Springs Launch of Discussion Paper
- 21 May - 30th Anniversary of Referendum Rights
- 18 May - Mock Referendum on Statehood
- 11 May - Charles Darwin Symposium a Success
- 8 May - Discussion Paper Released
- 21 April - Statehood Two Years On!
- 22 March - Seeking New Friends
- 15 March - New Radio Ads Launched
- 14 March - Commonwealth Minister Takes Over
- 5 February - Statehood Goes to Canberra
- 25 January - Great to be an Aussie - Australia Day

2006

- 13 December - Committee Gives away 100 000th Fact Sheet!
- 12 November - 82% of Territorians say 'Yes' to Statehood.
- 15 September - Committee Welcomes New Minister, New Chair
- 8 August - Barbara McCarthy to Launch Statehood Story Board
- 3 July - Fair Go at the Show
- 8 March - Alice Expo and Schools Challenge
- 15 February - Statehood Report Card Delivered Today