

**AREYONGA — Friday 7 April 1989**

**PUBLIC MEETING**

PRESENT: -

**Committee:**

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

**Officers assisting the committee:**

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

**Appearing before the committee:**

Mr Arthur SWAN

Unidentified Aboriginals

NOTE: This is a verbatim transcript that has been tape-checked.

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Mr HATTON: Thank you for coming along to this meeting. My name is Steve Hatton and I am the chairman of a committee of the Legislative Assembly which is called the Select Committee on Constitutional Development. As you can see, inside the back cover of the book are pictures of all the people on our committee. There are 3 people from the CLP and 3 people from the Labor Party, so there is equal representation from both sides. Mr Setter and Mr Lanhupuy are both members of the committee. We are all members of the Northern Territory parliament and our job is to visit all the communities to start work on preparing a constitution for the Northern Territory.

Later, I will try to explain what a constitution is about. I want to say one thing first. You have heard a lot of talk about statehood, whether the Northern Territory should become a state like Western Australia, Queensland or South Australia. Some people think that is a good idea and some people are not very happy with that. We are not asking you whether we should become a state, or whether it should happen sooner or later. That is another question.

Before you can even think about whether you want to become a state or not, you have to work out what sort of rules and laws you want for the Northern Territory. What sort of laws do the people want? What sort of laws do you want to make for us, the government and politicians? What sort of laws do you want to protect your rights and to give rights to everybody in the Northern Territory? Those things are part of a special law, a law that governments cannot change, a law that can only be changed if all the people want to change it. It is the way the people control politicians. Without this law, governments and politicians can do just about whatever they like. This law is the law which the people can use to say that there are some things that they do not want the government to do. You might not want the government to be able to touch your land rights or to take away your right to vote. You do that by writing the law into what we call a constitution. It is very much the people's law. It is a law that is there forever. It is not a law that chops and changes like so many of the white

man's laws do. It stays and governments cannot touch it. The only way of changing it is by a vote of all the people, which makes it a very strong law.

All the states of Australia have their own constitutions. In the Northern Territory, we do not have one. We do not have those rights and controls. Australia also has a constitution. You may remember that, last year, you were asked to vote on 4 questions to change the Australian constitution, in what is called a referendum. The government wanted to do something but it had to ask the people. The people said no and the government could not make the change. It would be the same with that sort of law in the Northern Territory.

Our job is to start to work towards the writing of that law and to get the people to start to think about it, to talk amongst themselves and to come up with their ideas of what they want, what things are important to protect and how they want it to be for their children and their children's children. What sort of place do we want this Northern Territory to be? How we are going to make this place so that we can all live together with respect in the one place and make it a good place for our children? Those are the sorts of questions you have to think about when you talk about a constitution.

We are going about doing this, firstly, by visiting places and saying: 'Look, this is happening'. We have this book to give out and we have other things which will give people some idea of what goes into a constitution and some of the sort of questions that are asked. The book is like a starters kit. We made it up to help people to start to think about the issues after we spend 3 years working on the big book. During those 3 years, we looked all around the world. We looked at constitutions in all the states of Australia, in America, New Zealand, the West Indies, Canada, Africa and so on, getting a range of different ideas. There are some things here that we agree with and some things here that we do not like. There will be things in here that you will think are good and things in here that you might think are bad. We have put them all down there so that you can look at the whole lot and say that you like this or do not like that. You might want to say to us: 'You forgot something that should be in there, something which is also right'. We are starting from the beginning now, and the book is to help you think about it. It is up to the people to think about it, to come back and say: 'This is the book we want'. We will take that and we will write up what we think the people want.

The second thing that we want to do is to ask you to help us come up with ideas to put together what they call a constitutional convention. This is like a big committee of representatives of people from all over the Northern Territory who come together. They pick up the book that we did and they have a look at it and they say yes they like this or no they do not like that and they talk about it again. From that, they work out what they think should be the constitution. So it is really important that we get the right people on that committee or convention. It is important for you to think about how you will make sure that your views will be represented at those meetings so that they result in what you think and what we all think is a good book, a good law. After that, all the people will vote to say whether they want that law or not. If the people vote no then we start talking again. We will keep working until we get it right, when all the people say yes. We cannot say yes or no. Only you can do that.

It is our job to help you start to work towards this. As I said, this law is a law that you make and only you can ever change. It is a way of protecting the rights of all people in the Northern Territory. You can even say how big the parliament should be, what the courts can do, what the judges can do. You do that through this law which says what we can do and cannot do. That is how our democracy works.

After you have done all that, maybe you might then think yes or no for statehood. You have to do this first, before you can even think about the other thing. I ask you, please, to recognise that, whether it happens in 1 year, 5 years, 10 years or 20 years, statehood will happen one day. The Northern Territory will become a state one day. If we take our time now, and think and talk things through properly throughout the Northern Territory, we will be starting to work towards making it the sort of place we can be proud of, so that our grandchildren will look back and say that we did a good thing for them. If we do not do this, our grandchildren will look back and say: 'Why did they not do that for us? We must do it now to make the future for our children and their children. That is our job.

Wesley, do you want to add anything?

Mr LANHUPUY: Thank you, Steve. I will only be brief.

We hope that the paper we have given out to you this morning will start making you think about what sort of Northern Territory you want, what sort of laws you want, how many people you think should vote for the politicians, what the law system should be like, whether the Administrator should be appointed by the people or the Governor-General of Australia,

and so on. They are the sorts of things that we hope people will start to talk about. It is also important, from the Aboriginal point of view, that you come and talk to this committee and tell us what you want in relation to your land rights.

At the moment our land rights law is just an act of parliament. That politician mob in parliament can make law and just wipe it out. If you want land rights and they are put into this constitution, the politicians do not have the power to take them away. The people of the Northern Territory have the power to vote on such things with the answer of yes or no. Into this law you can put bilingual programs, Aboriginal education, customs and our religion. That is how important it is for Aboriginal people throughout the Northern Territory to make sure that you talk about this paper and let this committee know what you think.

We are not only visiting Aboriginal communities. We are visiting major towns like Nhulunbuy, Groote Eylandt, Alice Springs, Darwin, Jabiru and Tennant Creek. We are talking about this paper to a lot of people because this committee believes that statehood will happen one of these days for us in the Northern Territory. Steve has already told you how this will happen. This committee has no time frame for when this paper should be made into law. It is up to the people of the Northern Territory to talk about it and think about it. Let us know if you want us to come back and talk to you more about it. We can do that. We do not have a set time.

It is important that people throughout the Northern Territory talk about it so that this law will be a law made by the people and will be something we can all agree on. We can always come back and talk to you further about it but I again stress the importance of making sure that our interests are represented to this committee and to the government. It will benefit our children and our children's children. That is how important this paper is and that is why we are going around to talk about it. We are asking everyone to read the booklet and talk to us about the issues. It is important. We want you people to start talking about it. We can always come back and talk more about it later this year. That is what we are saying to all communities. We do not want you to rush. You make that decision whether you want us to come back. It is up to you but, once again, it is important for our children's children that we Aboriginal people put our views in this law. If we do not, this law will not be a good law for the Northern Territory. That is why it is important for us mob to start talking about it.

Mr HATTON: Thanks, Wes. Do you want to add anything, Rick?

Mr SETTER: Thanks, Chairman Steve. I think it is important, when one talks about a constitution, to understand the structure of government in Australia. First of all, you have the Australian government, which looks after the whole of the country. Then you have 6 state governments, each of which looks after its own state - that is, Queensland, New South Wales, Victoria, Tasmania, South Australia and Western Australia. In addition, there is the Northern Territory. The Commonwealth and each of the states has its own constitution. They have all had constitutions for over 100 years.

The Northern Territory is like a child. We are growing up but we have not yet become an adult yet. Before we can become an adult, it is very important that we have our own constitution just like the other states. That constitution would be like the Bible. It is the book, the rules by which we run our lives and our government.

It would be quite a simple matter for our committee to sit down and write a constitution for the Northern Territory. We could look at all the old constitutions from the states, the Commonwealth and other places, as Steve said earlier, and we could write a constitution quite easily. We believe, however, that because those constitutions were written 100 years ago, they are not really appropriate to today's society. We believe that the best way to write our constitution is to go out and talk to everybody - Aboriginal people, non-Aboriginal people and everybody throughout the community.

On these trips, we are talking to about 59 Aboriginal communities and white communities throughout the Northern Territory. You can see that we are taking a lot of effort to talk to as many people as we can. Of course, this is the first visit here and we are showing you this book. We will leave other books with you so that you can read them and discuss them in your community council meetings. We will come back at a later time, maybe late this year or early next year, and we will sit down and have a lengthy discussion with you and seek your views.

As Wesley said, it is very important for the committee to take into consideration the views of Aboriginal people, because Aboriginal people make up almost 25% of the population of the Northern Territory. There is nothing in the constitutions of the Commonwealth government or the state governments which addresses issues such as land rights or sacred sites or other issues that are important to Aboriginal people. There is nothing in those constitutions for Aboriginal people. We believe it is important, in our constitution, to write in things that protect the rights of Aboriginal people. You see, our constitution will be different to everybody else's. That is why it is so important that we come out and talk to you and seek your views.

Mr HATTON: Thank you, Rick. We have talked a bit ourselves. I do not know whether there is much more that we can say. It might be better if you ask questions now. Do people understand what we are trying to do?

SEVERAL UNIDENTIFIED PERSONS speak in an Aboriginal language.

Mr HATTON: We have talked about what we are going to be doing. We would like to ask you if, as a community, you can start to meet and talk about this amongst yourselves, and to think about the different things that are in these books. We would like you to come up with what your community thinks so that later during this year, maybe in October or November, we can come back and you can then tell us what you think rather than us telling you what we are trying to do. You have time to think about these things and to talk about them as a community. It is not a big rush thing. It is important that we all think it through carefully. Could I ask you to do that because, as Wesley and Rick have said, it is really important that you have your say. The Aboriginal people and the white people must have their say.

It is very important, when we think about this, that we do not just think for ourselves but for other people too. When I go into Darwin or Alice Springs, I tell people there that, in thinking about this constitution, they have to think about Aboriginal people and their rights. I also tell people in Aboriginal communities like this one that they should think about their own rights but also about those of other people, so that we can bring the whole thing together and make this Northern Territory a place where we can all come together in the future. That is what we are working towards. This is the first very small step on a long road that we must go down together.

There is one more thing. If, at any time, you do not understand something in relation to this issue, please ring us up, write to us or tell us to visit you or to send somebody out to talk to you. You can also contact Neil Bell, your member of the Legislative Assembly, and ask him to come out and talk to you about it. We will give you whatever information you want. We will come and talk to you if you want us to talk about one thing or lots of things to help that process. I really hope that you will get involved in it. Thank you very much.

Mr SWAN: We want to know what ... (inaudible). .

Mr HATTON: If you don't like it? We do not ask you to say no or yes today at all. We just want you to have a think about it.

Mr SWAN: (inaudible).

Mr HATTON: We want you to do that. It is important that you do that. Later this year we will come back.

Mr SWAN: People have time to look at that booklet ...

Mr HATTON: That is right. You talk it all through. Later this year, in October or maybe November, we will come back and we will sit down so that you can tell us what you think.

Mr SWAN: Thank you.