

PUBLIC MEETING

PINE CREEK — Friday 17 March 1989

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:

Ms Gaye LAWRENCE

Ms Kelly CLARIDGE

Mr Kevin McGREGOR

Also present:

Ms Margaret McGREGOR

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

Mr HATTON: Thank you for coming along on this wet Friday afternoon. Probably the rain has helped to cool things down and get a bit of greenery around the place, so it is not all bad.

I would like to introduce myself. I am Steve Hatton and I am the chairman of the Northern Territory Select Committee on Constitutional Development and Wesley Lanhupuy, the member for Arnhem, is a member of our committee. Our committee was formed back in early 1986. There have been a few changes in the membership of the committee since then and modifications to the terms of reference as we have been developing how we approach the issue of gradually moving the Northern Territory towards achieving our eventual objective of statehood. The committee is also unique in the Northern Territory and probably in Australia in that it is the only committee that has an equal representation of both opposition and government. There are 3 government and 3 ALP members on the committee. The deputy chairman of the committee is Brian Ede who is the Deputy Leader of the Opposition in the Assembly. The reason for that is that the work of this committee is not a party political issue. It is not something that our the 2 major parties are arguing about. Both are working towards the same objective and that is to try to develop a constitution for the Northern Territory, working towards that inevitable day when the Northern Territory will become a state.

We have been working, as I said, since early 1986 on the task. Our major job is to prepare a draft constitution for the Northern Territory. Please understand that we are not in any way asking anybody whether he or she supports us becoming a state now or not. We are not asking you that question or confronting you with that decision. We are asking you to accept

the reality that one day the Northern Territory will become a state, whether it becomes a state next year or in 5 years or in 10 years or whatever. One day it will happen and we will become a state. But, before we can even start to think about that question, we have to go through the exercise of working out and developing a constitution for that new state. And it has got to be something that is going to come from the people of the Northern Territory. What sort of a society do we want the Northern Territory to be like in the future? How are we going to address as a community the issue of all of our citizens learning how to live and work together in mutual respect? How are we going to provide protection for people's rights and freedoms and what foremost structure of government should we have in the future? How do the courts fit in with the government and what will be the role of the Governor or Administrator?

Many questions will affect the day-to-day lives of every person who lives in the Northern Territory, not in a dramatic way but it will just become a general part of your life and it will be something that creates the environment for the sort of a place you want the Northern Territory to be. That becomes expressed in the basic people's law, the foundation stone of our society, which is our constitution. We need to work towards thinking about what we want for ourselves, for our children and our grandchildren in the future and how we think we should provide for that. When we have got that draft and when everybody in the Northern Territory says, 'Yes, that is what we want when we become a state', we can then start asking when we will become a state. Before that time, it is really a waste of time even asking the question.

Ms LAWRENCE: Do you have a draft already?

Mr HATTON: No, we do not. You have this book which we have circulated. It is a very basic book which is aimed at providing a first stage introduction to what is a constitution so that people in the community who do not normally run across these sorts of things can sit back and say: 'Right, that is what a constitution is and that is what it does'.

There is also a more detailed publication that was brought out in 1987 and which will be made available through the community government office here. It is a book called 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory'. That deals with a wide range of issues such as the structure of parliament, the courts, whether there should be special provisions for human rights, the position of Aboriginal people, issues of land rights and a multitude of other issues. That resulted from extensive research of all of the constitutions of Australia and, most importantly, the sort of provisions that have evolved into constitutions in emerging countries around the world and old and new constitutions around the world. We have brought those together into a discussion document. There are some of the arguments for and against different clauses. There are some suggestions and ideas are put forward in here that probably no member of our committee would support. However, we believe that we have an obligation to enable the community to be as informed as possible and to bring forward what they want. We want to put all options in front of the community so that people can say that they like this but they do not like that.

Ms LAWRENCE: It is a bit difficult to make public comment when you really do not know the area. I know basically what a constitution is. The Pine Creek Council has a constitution and its functions are set out. With a state, there is something on education - I do not really know what it entails.

Mr HATTON: Generally, those sorts of powers and activities are not dealt with in constitutions but in acts of parliament. Today's meeting is not to ask you what you think should go into this constitution. Today's meeting is to advise you of this process and to encourage you to take the opportunity to read and learn, ask questions and think about these subjects so that, maybe later this year, when you have had a chance for discussion and thinking and reading, you will be able to come forward and give us your ideas or support. We are not asking for submissions now because that would be unreasonable.

Mr LANHUPUY: What we are doing now is just to be sure that people are aware of the fact that there is a committee established to go around and to seek your views and to try and get your input into establishing what we want in the Territory in terms of lifestyle, what the laws should be like, what the parliament should include, whether we get people from outside the parliament, to ensure that your views are heard. It is a 3-stage process and this is the first stage. We are going around talking to people to ensure that we get your views. The second stage is what we will call a convention of a lot of people representing virtually the whole of the Territory. To an extent, they will say that this is what the law of the Territory should be and it will then be put to the people to take a vote on. The important fact is what we get from you is important in terms of ...

Ms LAWRENCE: Not now?

Mr HATTON: No, not now. Out of the research that we have done and that we are now trying to make available to people,

out of the consultation that we will be going through over the course of this year and maybe early next year, and if we have to for longer than that, we will prepare a recommended draft constitution. We will also be preparing recommendations on how we should structure what is called a constitutional convention. That is like a giant drafting committee which will sit down with all of the ideas that have come out of this, our research, the community input, and go through it and accept, reject, modify, adjust and come up with a proposed constitution which will then go to a referendum of the people of the Northern Territory. Thus, as Wesley said, it is a 3-stage process.

We are asking you to think about what you would have in a constitution. For example, do you think there should be an Upper House and a Lower House? Do you think the ministers should be picked only from existing politicians? In Australia, all the ministers are chosen from the elected members. In some countries, such as the United States, none the ministers is an elected member. I am not saying that we necessarily would go that way but they are options for us to think about.

Ms LAWRENCE: This is in an awareness part.

Mr HATTON: Yes, very much so.

Mr LANHUPUY: It is important for you to be able to have an input into the whole process.

Mr HATTON: And to encourage you as a community to meet and to talk about it. If necessary, we could get people to come down for community gatherings to help in discussions about it and to bounce ideas among yourselves. It is the sort of process you went through when you were looking at the community government constitution except that we have to do it for the whole Territory. We have to pick up all the people in the Northern Territory and bring together something that is going to work for everybody in the Northern Territory.

Ms LAWRENCE: Is it possible to have copies of those books?

Mr HATTON: Yes, in fact we will be making available all of these booklets. I do not think that we have any left at the moment, but we will forward a number of these to you next week. I believe that they will be held here in the office and be available for anyone in the community to borrow and read.

That is the discussion paper on the proposed constitution. There is also a discussion paper on representation in a Territory constitutional convention.

Ms LAWRENCE: Is that in simple terms or is it in jargon?

Mr HATTON: There is not too much jargon. We have tried to keep minimise the jargon. However, you have to balance between cutting jargon out and losing accuracy in what you are trying to say.

A third one is an interesting information paper on options for the grant of statehood, the ways of going about becoming a state.

Ms LAWRENCE: You must have some time factor in mind.

Mr HATTON: Yes, we sort of do. At the moment, under our terms of reference, we are expected to report to parliament by April next year.

Mr LANHUPUY: It is just a report to the parliament.

Mr HATTON: Yes.

Mr LANHUPUY: If the parliament says that we have not done enough, we will go back and keep talking. We as committee do not have a set time.

Ms LAWRENCE: No, but has the Territory government got a timetable?

Mr HATTON: No.

Ms LAWRENCE: You are just looking at it?

Mr HATTON: If we worked really hard and the community got involved and thought about it and brought their views forward and, later this year, we came around again and started to get good feedback and we then spent 3 months full time early next year collating it all together, we could walk into the parliament next April with a recommended draft constitution and recommendations on a constitutional convention.

Mr LANHUPUY: But we do not want to do that.

Mr HATTON: But then, if we were able to do that properly, it would probably require another year or 2 for the constitutional convention to go through the work that we have done. I am looking at a minimum of another 3 years for a constitution.

Ms LAWRENCE: So you either put it as a referendum ...

Mr HATTON: In the end, there has to be a referendum.

Ms LAWRENCE: It has to be a referendum, does it?

Mr HATTON: That is the position that has been adopted by the government, by the parliament. Our committee ...

Ms LAWRENCE: By Canberra or by you?

Mr HATTON: Ours.

Mr LANHUPUY: The Territory.

Ms LAWRENCE: Is it a referendum for the whole of Australia?

Mr HATTON: No, the Northern Territory.

Ms LAWRENCE: Only the Northern Territory?

Mr HATTON: That is to adopt the constitution. When we have worked all this through as a community, we will circulate it around the community and ask people to vote yes or no. If the people vote yes for it, we will say: 'When we become a state, that will become our constitution'. The next question will be: 'When do you want to be a state?' That is the second question after we have done that job.

Mr LANHUPUY: But it will be up to the people of the Territory to be able to say yes or no.

Ms LAWRENCE: As you know, people do not like change very much. What people will want to know is how the change will affect them. Perhaps it will not affect them at all. It is very easy for people to say no.

Mr HATTON: Yes, I agree. People are very conservative on things as basically important as this and they are not going to accept any form of change unless they know what the change is, they know what they are going into and that they believe that they should go into it. And that is the 2 steps. Writing a constitution, forming the shape and structure of your future community, is part of understanding what you would be going into. You are defining what you are going into at that stage, aren't you? That is part of the understanding process.

Ms LAWRENCE: I get comments like, 'Oh God, if we became a state, it would be so expensive that we could not afford to live here'. They cannot say why they say that but that is an attitude that is adopted.

Mr HATTON: Yes, as we have been going around the Northern Territory, we always get asked the question at some stage about how much statehood will cost. And people are generally surprised when they find that already today they are paying the full costs of statehood. The Northern Territory government's taxes are the same as if we were a state. We have the parliament, we have the public service and the court system in place. All the infrastructure is in place. The funding that we get from the federal government is calculated out of the same tax-sharing pool. Our share of that is calculated by the same bodies that does it for the states - the Grants Commission - at the same time and using exactly the same formulas and factors to measure it. That has happened since 1 July 1988.

Ms LAWRENCE: One thing that comes to mind in the whole of the Northern Territory, I do not how many people there

are ...

Mr HATTON: About 175 000.

Ms LAWRENCE: Some towns have that sort of population. We have the area but we do not have the population.

Mr HATTON: That is irrelevant. We have 50% more people than Western Australia had when it became a state and it did not have telecommunications and motor cars and aeroplanes to properly govern and administer that. I would ask everybody to think about this. Don't think that there will be any financial bonanza out of statehood either.

Ms LAWRENCE: No, I know that.

Mr HATTON:.. The benefits come from your right to determine your own life and make decisions for yourself in respect of your own life. It is the sort of change that occurs when you go from being a child to being an adult. You stand on your own feet and you make your own decisions and you set your own future. You might make some mistakes on the way, but they are your mistakes, not somebody else's.

Ms LAWRENCE: In what way does the Territory not stand on its own feet at this time?

Mr HATTON: In a wide range of areas. 50% of the land mass in the Northern Territory is administratively outside the control of the Northern Territory.

Ms LAWRENCE: Crown land?

Mr HATTON: No, I am referring to land that is held under the Aboriginal Land Rights Act or is under claim under the Aboriginal Land Rights Act. That is not because it is Aboriginal land and not because of the Land Rights Act as such but because that act is a federal act. It contains a section that says that Northern Territory laws apply on Aboriginal land to the extent that they are not inconsistent with the Land Rights Act. That is such a vague statement that nobody is absolutely sure how much the whole fabric of laws in the Northern Territory applies on Aboriginal land. There have been court battles left, right and centre about that. In one case last year, a person was charged with reckless driving in an Aboriginal community in Arnhem Land. He defeated that charge on the grounds that he was driving on a private road. It was not a public road. It was in the middle of a town of over 600 people. We had to change our Traffic Act to say all roads on Aboriginal land are deemed public roads and we have that in 400 acts of parliament.

Ms LAWRENCE: Presumably, in your state, you would administer that Land Rights Act.

Mr HATTON: Yes, as all states administer all land.

Mr LANHUPUY: The idea we are trying to get across in relation to this constitution is the recognition that the government of the Territory should be able to make laws in the Northern Territory. At the moment, we are being governed to a certain extent by Canberra and sometimes that is a worry. My people out there say that they do not trust the Territory government but the fact is whether you can make decisions on your own grounds affecting the people that live in the Territory. That is the argument, I suppose, that we would like to hear from you. Instead of people making decisions for us in Canberra, can we do it here? That is the reason why we are going asking that sort of question throughout the Territory.

Ms LAWRENCE: Okay, that is one instance. What is another instance?

Mr HATTON: The management of our national parks is certainly another example where there is a clear difference. There are peculiar constitutional situations. Most of the protections in the Australian Constitution for citizens refer to people from the states and they cut us out because we are a territory. Do you know that, technically, the federal government has the power to acquire your property without compensation and without any reason if it wanted it?

Ms LAWRENCE: The federal government?

Mr HATTON: Yes, because we are a territory.

Ms LAWRENCE: What about the Territory government, can it do it?

Mr HATTON: No, we cannot. We can acquire it but we are required to pay compensation. The federal government is not.

Ms LAWRENCE: It can only do that in the Territory?

Mr HATTON: Yes, the Constitution stops it from being able to do that in a state but it can do it in the Territory.

Ms LAWRENCE: Has there been an instance?

Mr HATTON: Well, there have been instances of - and I do not want to get into a controversial debate about it.

Ms LAWRENCE: You say that it could do that but has it ever used that right?

Mr HATTON: It has certainly acquired substantial amounts of land without compensation from the Northern Territory government. Vacant crown land.

Mr LANHUPUY: What we have in the Territory is a just a Self-Government Act which can be abolished by an act of parliament, just like that. We are not a state as yet in the Territory. If you look at all the other states, they have got theirs and in terms of having some sort of impact in respect of the type of responsibilities we may have, that is what we are asking for.

Ms LAWRENCE: Yes, I understand that.

Mr HATTON: There have been instances. As I said, I do not want to get controversially embroiled in the pros and cons of the debate but the reality is that the federal government has compulsorily acquired Northern Territory government land without compensation and issued it under freehold title to private groups of people through the Land Rights Act. They could not do that in a state. State governments can do that because it is their land. In this case, the federal government has acquired the land off the Northern Territory government and then issued it to somebody else. The Constitution does not allow it to do that in a state. The states can do it. The states can issue land under the land rights.

Ms LAWRENCE: Where would unalienated crown land be if you were a state? Would that still belong to the federal government? Would it be administered by the Northern Territory state?

Mr HATTON: It is property of the people of the state held by the government of the state. It does not belong to the federal government.

Mr LANHUPUY: The services in terms of health, education etc are already there. The title itself is in federal legislation and, therefore, regardless of how you look at it, there may be some arguments in respect of how you manage that specific land. You would have to get into legal arguments about just where you stand. The argument here is that services are there in terms of education, health or whatever. Somehow or another, through this discussion and getting as much information as we can from people throughout the Territory, can we say to the federal government that we would like to become a state? At the moment, we have a fair number of responsibilities of our own but we would like to be on our own to make decisions that affect us on a daily basis, regardless of whether they be land matters or whatever.

Ms LAWRENCE: Yes, I understand that. The Pine Creek Council does not have control of what happens to the land in this town and I think that is terrible. We can advise and we can comment on things but the council is only a community council. It is not a town council and to have those powers I suppose we would have to be a town council.

Mr HATTON: They are the sort of issues that the constitution probably will address. That is your chance to say as a community how do you want it to operate. One question that is asked is whether there should be constitutional recognition of local government and community government and, if so, whether there should be some division of powers. All of those sorts of questions can flow. That is part of working out how we want the Northern Territory to work. We as Territorians will decide that. Wesley made the point that the very existence of the Northern Territory depends on a federal act of parliament. The federal government has the power to wipe out the very existence of any form of government, including community government, in the Territory simply by repealing one act of parliament. Technically, by repealing one line in a regulation under the Self-Government Act, it could wipe out the entire Northern Territory education system because we do not have a constitutionally entrenched right to have a say over that because we are a territory. The Commonwealth has 6 months to disallow any act of parliament of the Northern Territory.

We are still very much the child of the federal government, being allowed a little bit of rope, but we have always got that leash that it can pull back if it wants to. Self-government has been so successful because, although you might not agree

with all the decisions - and there have been many arguments about many decisions - at least you have a right to have a say about whether the people who are making those decisions can continue to make those decisions. You have got a right to vote. You do not have that same sort of vote - 1 seat out of 154 - in the federal parliament but 25 out of 25 seats in the Northern Territory. That forces the politicians to be responsive towards what the community is saying, all the different elements of the community. You help some and upset others and that is the way government goes. If we upset you too much, you throw us out and give somebody else a go. That is your right as a citizen. You do not get that right if you have not got your own government. That is how the people have a say in how government runs.

Mr LANHUPUY: For this reason, what we are doing is going out to you people, travelling around, so that you can give us the ideas how in the end we should have a constitution structured for and by the people, not by the politicians. We would like people's input into it and we want it structured the way the people in the Territory would like to see it framed.

Ms LAWRENCE: Yes, but if people are to be able to do that, they will have to study what they are putting into it.

Mr HATTON: It is going to take a lot of time and it is going to take a lot of talking and a lot of thinking by people. We do not pretend it is going to be a quick or easy job. What we are asking is that, as a community, let us start work on the job. We have done the basic homework to help. We can give you the information. We can have people come and talk to you so that you can come to grips with this issue or that issue. Think about it and you will be able to indicate whether we should or should not have an Upper House. You will think that through and you will tell us those sorts of things and we will then be able to put the words down on a draft constitution that expresses those views. That is what we are trying to do. We do not want you to sit down and give us the nuts and bolts of the words but give us the views, the policy views if you like. Do you think the constitution should say there must be a fixed term of parliament or should that be left somewhere else?

Ms LAWRENCE: How many people are likely to be in Canberra representing the Territory state?

Mr HATTON: That is a separate question and we do not deal with that one here. That is when you sit down with the federal government and start asking those questions. If you want my personal view, I am happy to express it.

Ms LAWRENCE: Yes, just the likelihood.

Mr HATTON: He is advising me not to.

Ms LAWRENCE: Well, it is going to be more than one, isn't it?

Mr HATTON: That is in the House of Representatives. I think that depends very much on the size of the population.

Mr LANHUPUY: I do not think that there is any doubt that both the Labor party and the CLP support equal representation in the Senate. That should happen because this vast interest in the Territory should be represented in parliament. We have got an opportunity now after 100 years to be able to start something that has not happened. Tasmania was the last of the states to achieve statehood.

Ms LAWRENCE: How long ago was that?

Mr LANHUPUY: About 100 years. We are in the process of seeking our rights to have our voice in the development of the Territory.

Ms LAWRENCE: I guess it will follow as a matter of course. Self-government was the obvious step and that has been more than 10 years now.

Mr HATTON: Yes, coming up to 11 years.

Ms LAWRENCE: You could not have done it any quicker anyway.

Mr HATTON: Probably not. But now is the time to start looking towards that next step and now, as a community, we need to start asking what that next step is, how it will work, what it will mean, how much it will cost and how we will set up this new state.

Mr MCGREGOR: If they make it a state ... (Inaudible) ... what are they going to call the Northern Territory. That is vitally important.

Mr HATTON: I think the people of the Northern Territory will tell us that. If you ask me - and nearly every Territorian that I have spoken to agrees - why shouldn't we keep calling it the Northern Territory? You do not have to change its name.

Mr McGREGOR: That is right.

Mr HATTON: There is no law that says that you have to change its name. Does that sound reasonable? I think that, if we tried to change it, every kid in the Northern Territory would cut our throats to start with.

Mr McGREGOR: Another thing that struck me. It sounds very good what you said about this and that once we are a state. It is very good. But, what about the poor Aboriginals when you have got a man like Yunupingu. You know, he is a millionaire. He has got everything and his people have not. Now he might fight the government not to have a state and those people are going to suffer, aren't they?

Mr HATTON: Look statehood is not going to stop people fighting among themselves. They are not going to stop people arguing and we are still going to have political battles before statehood or after statehood. That is just a fact of life. What we at least will know is that those battles are going to be worked out between Territorians and solutions will not be imposed from outside the Northern Territory

Mr LANHUPUY: There is going to be a lot of people who might be against statehood and many who will be for it. I think it is a general feeling throughout the Territory that one of these days we will have statehood. There will be a lot of people saying that they do not want statehood and other people saying that they want statehood for their own interests. We have to listen to that and accept their views, write them down and make some sort of decision that, hopefully, will benefit the whole of the Territory instead of just one group. You have got women's rights, you have got Aboriginal rights, you have got a whole lot of people who will come to us and tell us what they want. They may say that they do not worry about blacks' rights or whites' rights or women's rights or gays' rights. But, we have to listen to them and, hopefully, we can come up with something that will make people happy.

Mr HATTON: Or stop them from being unhappy.

Mr LANHUPUY: We will try anyway.

Mr McGREGOR: Excuse me for asking, where do you come from? Arnhem land?

Mr LANHUPUY: Good country.

Mr McGREGOR: Yes, I thought so. What is your name?

Mr LANHUPUY: Wesley.

Mr McGREGOR: Oh, Lanhupuy, right.

Mr LANHUPUY: What we are trying to do is now to make sure that we get this paper out to as many people as we can. The community cannot recommend something to the parliament if we do not think it is right. If there are a lot of people out there who have concerns about certain aspects, we will tell them. But we cannot have a constitution if my mob say: 'We will not go along with you mob'. That is a big worry but we have to try and say: 'Look, let's try to work it in so that the whole lot of us can make a Territory a better place for us mob to live in'.

Mr McGREGOR: But politicians never agree, do they?

Mr HATTON: You would be surprised. Sometimes we do.

Mr McGREGOR: Ha! Ha! They never agree.

Mr HATTON: We are agreeing on this.

Mr LANHUPUY: Where is Rick Setter?

Mr HATTON: We are agreeing on this. As I said, we have done a lot of homework. Apart from those 3 committee booklets, there are other publications that are already available. One deals with land matters on statehood, another one is on national parks on statehood and another one is on minerals and energy on statehood. They are options papers, discussion papers. There are 2 more that are in the process of preparation. One is dealing with industrial relations under statehood. There is a consultancy report from Sir John Moore, the past president of the Arbitration Commission. That is publicly available. He has made some recommendations and comments are coming to the government on that. Another paper is being prepared now on the financial implications of statehood.

Ms LAWRENCE: The gold tax, does that ...

Mr HATTON: That is federal.

Ms LAWRENCE: And that would always be federal?

Mr HATTON: No matter whether we are a state or not.

Ms LAWRENCE: Okay.

Ms CLARIDGE: The royalties?

Ms LAWRENCE: We get royalties anyway.

Mr HATTON: The royalties situation on minerals in the Northern Territory is a mixed bag. Where it is on Northern Territory crown land or Northern Territory controlled land, the royalties are paid to the Northern Territory government. For example, Renison Goldmine pays royalties to the Northern Territory government.

Mr LANHUPUY: Whereas Ranger doesn't.

Mr HATTON: Under the Self-Government Act, the federal government retained ownership of uranium in the Northern Territory.

Ms LAWRENCE: Regardless of statehood?

Mr HATTON: On self-government. Thus, it gets the royalties on uranium.

Mr LANHUPUY: And a percentage goes to the Territory.

Mr HATTON: It pays some of it back. That is part of the money that it says it is generously giving us.

Ms LAWRENCE: Who addresses the monitoring at Ranger and all that, the Northern Territory mines department?

Mr HATTON: Yes, we have an Alligator Rivers Research Unit within the Mines Branch and our mines safety people are working there. The money that the federal government gives us out of the royalty payments, we spend on monitoring and research on the uranium industry. We get a nil net return.

Ms LAWRENCE: We made a comment that some of the royalties from Pine Creek goldfields should come here too.

Mr HATTON: They probably do, if you really had a look. You just got a new power station, didn't you?

Ms LAWRENCE: But you just want more.

Mr HATTON: You just got yourself a new power station. Funding comes into the community government, doesn't it?

M LAWRENCE: We want all the royalties coming to us.

Mr LANHUPUY: Responsibility in relation to the Alligators Rivers region is a federal responsibility. But, the Department of Mines and Energy does take responsibilities in conjunction with the operation out there because it has to coincide with the Territory legislation, but overall responsibility for the whole area virtually lies with the federal government and that is the sort of responsibility that statehood, this constitution, will bring back to us.

Mr HATTON: It is administratively more logical. All logic demands that mines in the Northern Territory should be managed and controlled, licences issued and all the rest of it, through state laws. The federal government does not even have a mining act, but it issues the licences. It issues the mining permits. It does not even have a law to do it with. It does not have the administration, mines safety control people or the inspectors. It does not have the computerised ...

Ms LAWRENCE: Yes, but you would be upset if it did and it had its own people out there.

Mr HATTON: The only reason it doesn't is that the only mines it has any influence over are in the Northern Territory. It does not have any influence over mines anywhere else in Australia.

Mr LANHUPUY: A classic example is Coronation Hill. Pine Creek and Jabiru would boom. The control of that sort of conservation is by the feds. That is the type of responsibility that I think the government in the Territory would like to have control over, whether it be conservation, mining or whatever.

Mr HATTON: If the federal government gives the go-ahead for Coronation Hill, it will be giving us permission to issue a mining permit under the Northern Territory Mining Act for a mining lease over that and then it will collect the royalties out of Coronation Hill because it is in Kakadu.

Ms CLARIDGE: That is not fair.

Mr HATTON: No, it is not. It is lunatic. But that is the consequence of this halfway house that we are in. We are neither fish nor fowl at the moment.

Ms LAWRENCE: The protection of the crocodile, does that come under a Territory act or is it federal?

Mr HATTON: It is Northern Territory act. The saltwater crocodile is listed under appendix 2 of the Convention on International Trade in Endangered Species. It was on appendix 1 which gave total protection. As a result of research and submissions and arguments that were presented by the Northern Territory government, it was moved from appendix 1 to appendix 2. It enabled us to capture them in the wild and put them in farms. We cannot kill them but, by putting them on farms, we have the crocodile farming process under way. We can remove them from dangerous areas and put them into farms and the progeny are then available for slaughter for their skins and their meat and etc. But all of that is done under Northern Territory law.

Ms LAWRENCE: But there may come a time when it will be removed altogether from that.

Mr HATTON: There will always be a management plan for crocodiles. It is the extent of that. If they became too numerous, an argument might be developed that there needs to be some form of culling but that is a separate scientific argument that you would have to present. You would not just go and do it.

Ms LAWRENCE: I just wondered whether you would have control over that.

Mr HATTON: It is basically done with the federal government because of the international treaty but they are working through us. We work in cooperation on those things.

Mr LANHUPUY: What you are saying is beyond what we are on about. It involves a lot of societies throughout the whole world in terms of the protection of wildlife generally.

Mr HATTON: We are not arguing about those things. There are a lot of things the federal government would continue to do anyway. All we are saying is that we should be equal with everyone else in Australia. You as an Australian should have the same rights as every other Australian and have the same responsibilities. We should not lose our rights simply because we happen to live in this particular piece of dirt.

Mr LANHUPUY: It is not dirt. It is the Territory.

Mr HATTON: Country. Rock. Territory.

Mr LANHUPUY: What we are doing is going around to all the people, making sure that people are aware of the fact that this committee exists. Hopefully, that will create some sort of discussion among the communities throughout. Whatever you can do in terms of giving us any information or ringing us back or letting us know of verbal or written submissions,

the committee would appreciate it. In the end, it is the Territory people who will decide on how they want that constitution framed. After these discussions, a constitution will be framed in terms of how the Territory people feel about it and then it will be put to a vote. Anything that can create some sort of discussion, we will certainly be interested in. I think the committee would be willing to come back here to discuss matters further with the people here.

Ms LAWRENCE: Maybe the next time you come, we will be more informed about what we are talking about now.

Mr HATTON: Very much. This round is to start people thinking about the subject and to say: 'Hey, look at all this information that is available to you'.

Ms LAWRENCE: Can we have those other documents?

Mr HATTON: They will all be available here through the council office.

Anybody else have any other questions? Thank you very much for coming. I hope that you can get out and talk to the community.

Ms LAWRENCE: As long as people are talking about it, then I think something will come of it.

Mr HATTON: That is the only way that we will get something to come of it.