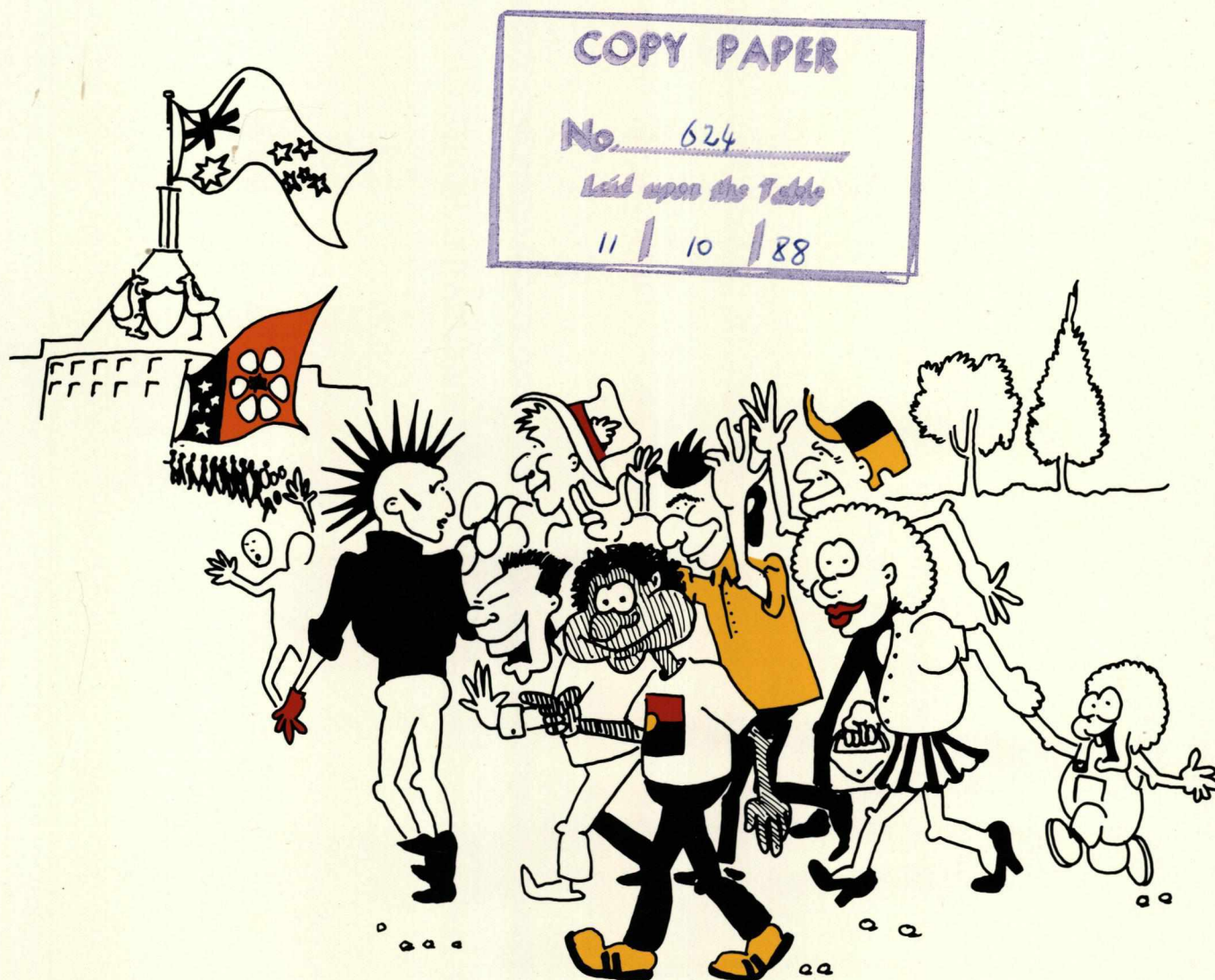


Proposals for a new State Constitution for the Northern Territory



Have your Say!

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Introduction

This book is to talk about the type of Constitution the Northern Territory should have if it gains Statehood.

This book was drawn up by the Select Committee on Constitutional Development and it talks about some of the things that are in other papers put out by the Select Committee.

The Select Committee on Constitutional Development is a Committee of the Legislative Assembly of the Northern Territory. Its members are chosen from both major political parties. The terms of reference of the Select Committee and the title of the papers it has published are set out at the back of this book.

The Select Committee's job is not to decide whether the Northern Territory should be a new State. It is for the people of the Northern Territory to decide when the Northern Territory should be a State.

This book is to help you think about what could go into a Constitution for the Northern Territory.

The Northern Territory and Statehood

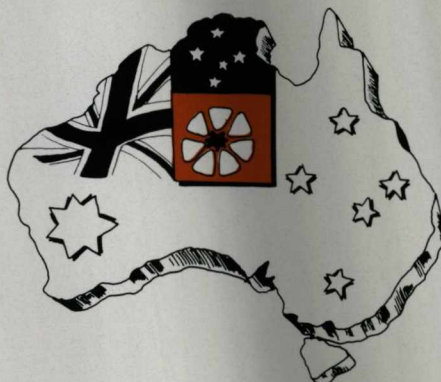
The Northern Territory is a place with many people from different races and cultures. We are all citizens of the Northern Territory whether we are black, white or otherwise.

The Northern Territory, as well as the Australian Capital Territory, are not States of Australia, unlike New South Wales, Victoria, Queensland, South Australia, Tasmania and Western Australia. These became States of Australia in 1901 upon Federation. There have been no new States in Australia since then.

Although the Northern Territory has had Self Government since 1978 it still remains under Commonwealth control for constitutional reasons. That is, Canberra can legally do whatever it likes in the Northern Territory.

Self Government in 1978 was given to the Northern Territory by the Commonwealth Parliament and has given the people of the Northern Territory some say on how the government of the Northern Territory should work. Some day we will become a State and we should work together in deciding what that State will be like. Unlike Self-Government the move to becoming a State will give the people of the Northern Territory a greater say in the setting up of the new State.

If the Northern Territory is to become a new State of Australia, everybody in the Northern Territory should be involved in developing a Constitution for that new State. Everybody has a right to have a say on how the Constitution should be developed. The Select Committee on Constitutional Development is very interested in hearing the views of the people of the Northern Territory on what the Constitution should contain.



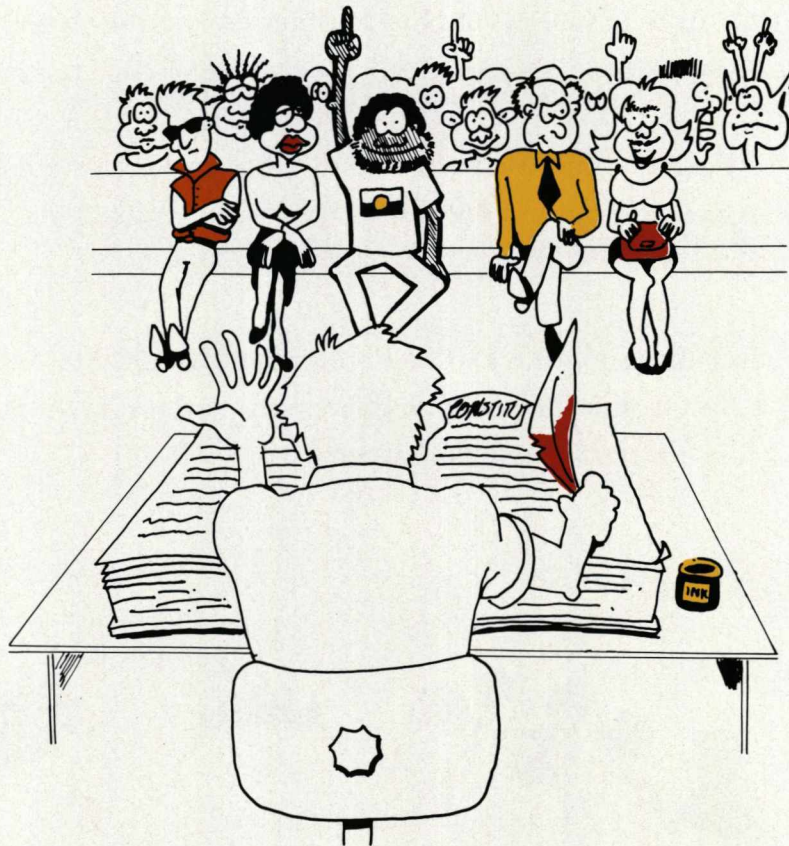
What is a Constitution?

For the Northern Territory to become a State in Australia it must have a Constitution.

A Constitution is a written law made by the people. It is the most important law a new State can have and it tells us how to make other laws and how we can manage and run our own affairs.

A Constitution for a State is like your Incorporated Association Constitution or Community Government Council Scheme, but it is much bigger and more important as it is for all of the people of the Northern Territory.

This book talks about some of the things that could go into a Constitution for a new State in the Northern Territory.



What type of things could go into a Constitution?

The Legislature (the Parliament)

The legislature is also called the Parliament. The Parliament is where all the elected Members meet to talk about the things which are important to the Northern Territory. The Parliament is the place where all the laws for the new State are made.

The political party that has the most members in the Parliament can form the Government. The Government is made up of the Premier (Chief Minister) and other Ministers who have been chosen by the members of that political party.

All State Parliaments except Queensland have two houses of Parliament - a lower or peoples house and an upper house. The job of the upper house is to have another look at the work of the lower house. Queensland has only one house of Parliament.

At present the Northern Territory has one house called the Legislative Assembly, but if it becomes a new State it must have a new State Parliament.

In talking about what the Parliament of a new State should be, the Select Committee has some questions for you to think about concerning the new Parliament:



- (A) Should the new Parliament of the new State have the same powers as other Australian State Parliaments have now?
- (B) Should there only be one house of Parliament made up of elected members who are resident in the Northern Territory?
- (C) Should the new Parliament of the State have a term of office for 4 years or should it be more or less?
- (D) Should the new Parliament have to continue in office for a fixed term, for example 3 years, before elections can be held?
- (E) Should there be one member of the new Parliament representing each electorate? If not, how do you think the new Parliament should be made up?
- (F) Should there be special seats for Aboriginal people in the new Parliament and if so how should they be chosen?
- (G) What should be the rules (qualifications) for people who want to be elected to the new Parliament?
- (H) Should each member be elected by Northern Territory residents over the age of 18 years of age on the basis of one person-one vote each?
- (I) Should the new Constitution say something about voting at elections by secret ballot?

What do you think?

The Executive (the Government)

The Executive is the Government of the new State and it is made up of the Governor, the Premier and other Ministers.

When the Ministers meet to talk about Government matters, it is called a Cabinet Meeting.

When the Ministers meet to give advice to the Governor, (Administrator) it is called an Executive Council Meeting.

The Governor is appointed by the Queen on the advice of the Premier. Because the Northern Territory is not a State, the Queen's representative is the Administrator who is appointed by the Governor-General.

The Select Committee would like you to think about what things should make up the Government for the new State:

- (A) Should only Members of the new State Parliament be appointed by the Governor to be Ministers?
- (B) Should the Ministers be able to control decisions of the Governor?
- (C) Should the Governor have the duty of protecting the new State Constitution from wrong decisions made by the Ministers?
- (D) Should the Governor only be able to dismiss Ministers from Office where the new Parliament agrees?



The Judiciary (the Courts)

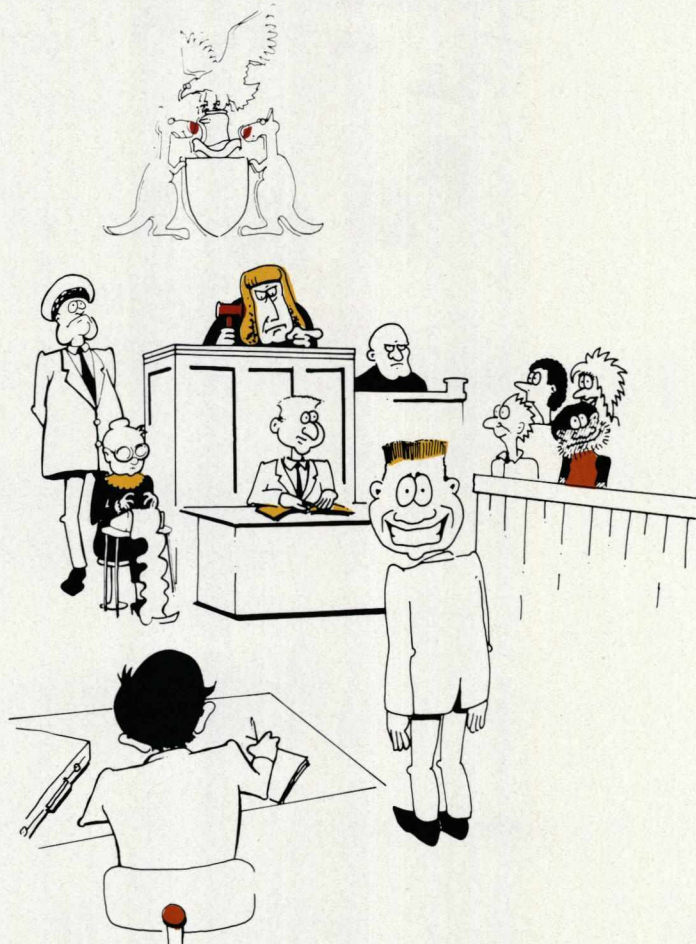
The judiciary is another word for the Courts of the new State.

The Select Committee considers that there should be a Supreme Court and Court of Appeal of the new State with judges appointed by the Governor. These judges should be independent of the new Parliament and the Government.

The work of the judges of the new State would be to see that the laws, including the new Constitution, are applied to all people of the new State in a just and fair way.

Lower Courts of the new State will continue under existing Northern Territory laws or by the laws of the new Parliament.

Do you think the new Constitution should say something about the Courts and the work of the Judges?



Local Government/Community Government

The Select Committee considers local government including community government councils should be recognised by the new Constitution.

In what way do you think local government and community government could be made a part of the new Constitution?



Human Rights

Many people have different views as to whether a Constitution should say something about protecting human rights.

The Constitutions of the Australian States do not say anything about protecting human rights but the Constitutions of many countries do. Some examples of the countries that do say something about human rights in their Constitutions are the United States of America, Canada and Papua New Guinea.

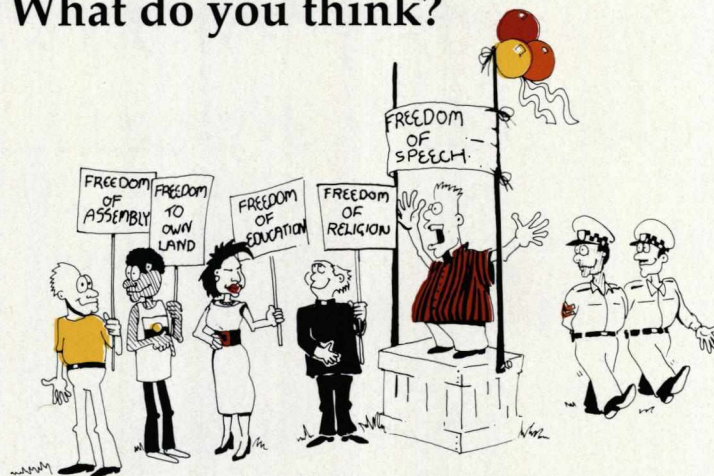
Some examples of human rights are:

- freedom of speech;
- freedom of religion;
- freedom of assembly;
- freedom to own property and land; and
- freedom of education.

The Select Committee would like to ask you should the new Constitution of the new State say something about protecting the human rights of all people in the Northern Territory?

Some people in the Northern Territory may want the Australian Constitution instead of the new State Constitution to say something about protecting human rights for all of the people living in Australia.

What do you think?



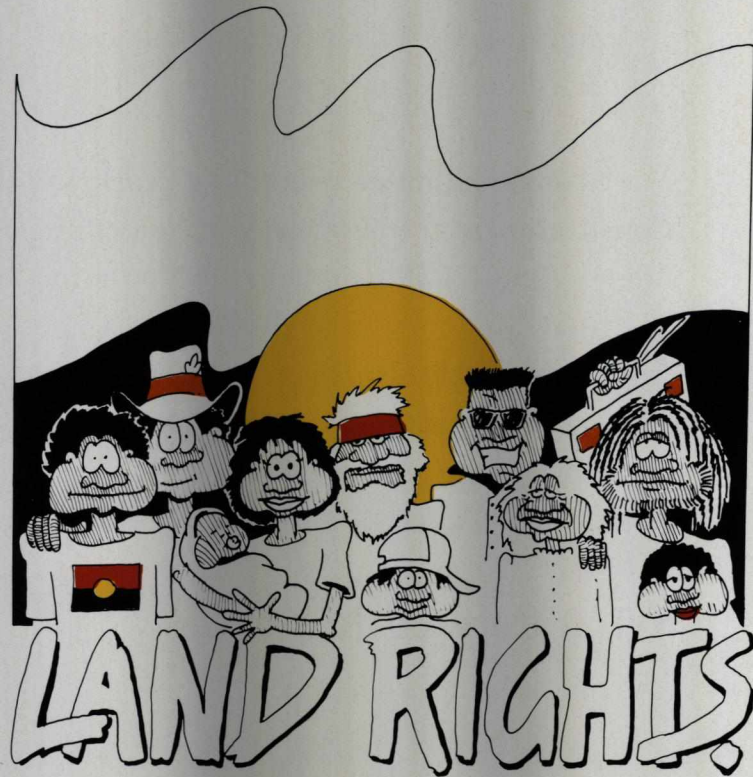
Aboriginal Rights

The Select Committee has discussed how Aboriginal rights, including land rights, might be protected in the new State.

One question is whether the new State Constitution should have guarantees of Aboriginal ownership of land.

At present the States deal with land rights, not the Commonwealth. Only in the Northern Territory does the Commonwealth control land rights. The Commonwealth Parliament has not passed a land rights law for the whole of Australia.

Do you think the new State for the Northern Territory should be treated the same as the other States, when dealing with land rights?



If Aboriginal Land Rights are to be protected by the new Constitution the Select Committee wants you to think and talk about how this could be done. One idea is to give Aboriginal traditional owners a greater say and control over their land.

What do you think?



Do you also think that the new Constitution should say something about recognising the rights and privileges of Aboriginal people in the new State? For example, Aboriginal language, social, cultural and religious customs and practices.



What can
YOU do to
help?



The Select Committee would like you to read and think about what this book says and that you sit down and talk with other people in your community.

In helping you to understand about making a new State Constitution, Northern Territory Government officers living in your area will be visiting communities to talk to you about the things that have been written inside this book.



Public Hearings and Community Visits

The Select Committee will be visiting major towns and communities in the Northern Territory to hear what the people say and want in the new Constitution. The Select Committee would like very much to hear from you.

Before the Select Committee visits major towns and communities it will advertise on the radio, in newspapers and on television. A Field Officer from the Office of Local Government will inform you when the Select Committee will be visiting your area.

Government affects everybody these days, in one way or another. Should the Northern Territory become a new State, the Constitution of the new State will decide what form of Government we have and what it can do.

It is important that the people of the Territory are aware of this and that they have a say in the making of the new Constitution.

You do not have to be a member of the local Council to be able to speak to the Committee. Anyone can speak to the Committee and is welcome to do so.

When the Select Committee has listened to everybody about what should go into the new Constitution, it will then write a Report for the Legislative Assembly. The Report that will go to the Legislative Assembly will include a draft Constitution.



What happens after the Report?

Territory Constitutional Convention

Once the Report on the Constitution has gone to the Legislative Assembly, it is proposed to put the draft Constitution to a Territory Constitutional Convention to talk about adopting the new Constitution for the new State.

A Territory Constitutional Convention is a body that is made up from people in the Northern Territory specially chosen under a law of the Legislative Assembly to represent them. What type of membership the Territory Constitutional Convention will have is still to be finalised, but it will include Aboriginal members.



The Select Committee would like to ask how you can best be represented at the Convention?

The Select Committee also would like to hear from you on whether people who do not live in the Northern Territory but have special skills and qualifications should be part of a Territory Constitutional Convention.

What do you think?

Northern Territory Referendum

After a Territory Constitutional Convention has adopted the new Constitution, the new Constitution will be put to all of the people of the Northern Territory to vote to see if they agree to it.



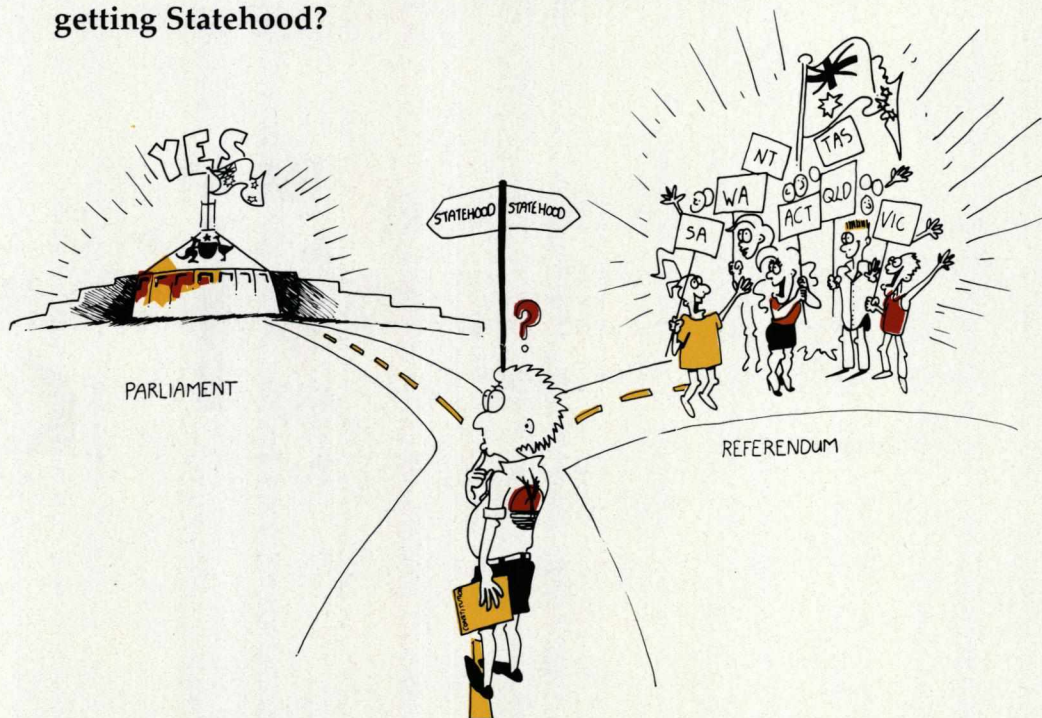
Basic Steps to Statehood

If a majority of the people in the Northern Territory vote in favour of having a new Constitution for the Northern Territory, it will then be up to the Commonwealth Parliament to take action for Statehood.

There are two ways that the Commonwealth Parliament can do this:

- (1) One way is for the Commonwealth Parliament to pass a law to create a new State for the Northern Territory; or
- (2) Another way is to let the people of Australia vote Australia-wide (which is called a referendum) to change the Australian Constitution to create a new State for the Northern Territory.

Which way do you think the Northern Territory should go in getting Statehood?



How do I get more Information?

If you want to know more or talk about a new Constitution for the Northern Territory or the work of the Select Committee you can write or talk to any of the following people:

- Any Member of the Select Committee on Constitutional Development
- Your local Member of the Legislative Assembly
- Field Officers of the Office of Local Government located within your area.
- The Executive Officer
Select Committee on Constitutional Development
GPO Box 3721
DARWIN NT 0801
Telephone: 46 1411



We want your views

Terms of Reference

The Select Committee's primary terms of reference are:

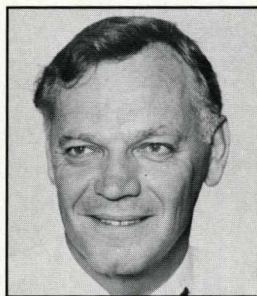
1. to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) a Constitution for the new State and the principles upon which it should be drawn, including:
 - legislative powers;
 - executive powers;
 - judicial power; and
 - the method to be adopted to have a draft new State Constitution approved by or on behalf of the people of the Northern Territory; and
 - (b) the issues, conditions and procedures pertinent to the entry of the Northern Territory into the Federation as a new State, and
2. to undertake a role in promoting the awareness of Statehood issues to the Northern Territory and Australian populations.

Discussion and Information Papers

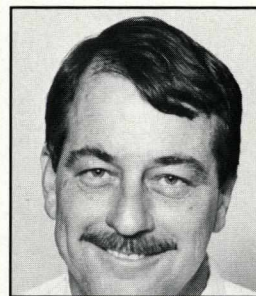
The Committee has now prepared the following documents:

- A Discussion Paper on a **Proposed New State Constitution for the Northern Territory** which is a collection of the following four discussion papers prepared to help promote comment and develop community attitudes on the contents of the proposed new State Constitution:
 - The Legislature
 - The Executive
 - The Judiciary
 - Entrenched Constitutional Provisions
- A Discussion Paper on **Representation in a Territory Constitutional Convention.**
- Information Paper No. 1 entitled **Options for a Grant of Statehood.**

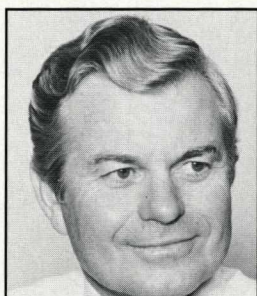
**Members of
the Select
Committee on
Constitutional
Development**



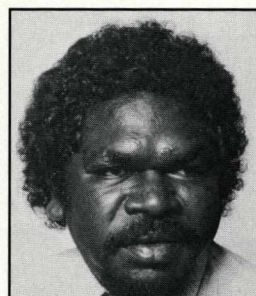
Mr Steve Hatton MLA
(Chairman)
Member for Nightcliff



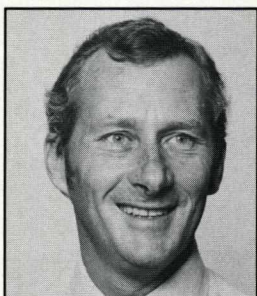
Mr Brian Ede MLA
(Deputy Chairman)
Member for Stuart



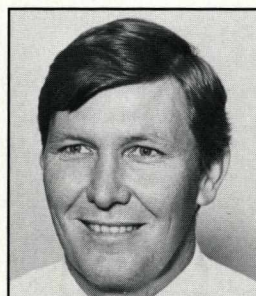
Mr Rick Setter MLA
Member for Jingili



Mr Wes Lanhupuy MLA
Member for Arnhem

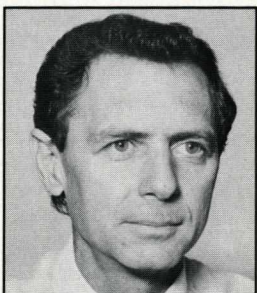


Mr Colin Firmin MLA
Member for Ludmilla

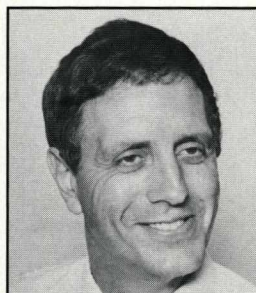


Mr Dan Leo MLA
Member for Nhulunbuy

Other MLA's who can help the Committee



Hon. Marshall Perron
Chief Minister



Mr Terry Smith
Leader of the Opposition