

## PUBLIC MEETING

**NGUKURR — Wednesday 3 May 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:**

Mr David DANIELS

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

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Mr DANIELS: We want to start now. Most of the leaders here are hearing this message about Northern Territory statehood. We heard that before but this particular group is actually working on this constitution. They are talking to people about the Northern Territory becoming a state. They are going around explaining it to people. They don't want to go forcing the issue on anybody. They just want to talk about the issue that you got in front of you in the paper. After they have talked, if you want to ask any questions, feel free to do that and they will explain as much as you want. Thank you.

Mr HATTON: Thank you very much, David. My name is Steve Hatton and I am the chairman of this committee of the Northern Territory parliament. It is called the Select Committee on Constitutional Development. At the back of this book, you will see that our committee has 6 members. There are 3 from the government side, the CLP, and 3 from the opposition side, the Labor Party, including your own local member, Wes Lanhupuy. This committee is different from most of the things that you hear about with government and politics. This time, the government and the Labor Party are both working together. It is not a thing that we are fighting about. We are both working together to try to get this job done. That is why there is the same number of Labor Party people as CLP people on this committee. It is what we call a bipartisan approach. There is no argument about what we are trying to do. It is not just the government, everybody in the parliament is working on this job.

Our job is to work with the community to write a special law. It is a law called a constitution. When you are moving towards community government, for example, you want to work out how you are going to get community government going. You have to work out how you are going to elect a council, what the boundaries are, what the council can do, what the council cannot do and all the rules that you need to set up a council for community government. You write those rules in a thing called a constitution. I know that your community has been working to get together such a program. It is the same sort of thing for the whole of the Northern Territory. Everywhere, all around the world governments have constitutions. All around Australia, every state government has a constitution which says what the government can do and

what it cannot do.

If there is no constitution, a government can do what it likes. It has as much power as it wants to take. So that the government cannot just do what it likes, we can put a limit to stop it from doing the things that we do not think it should be allowed to do. The people make the law, called the people's law, that says that the government cannot touch this and it cannot do that. That law goes in the constitution. All the states - Queensland, Western Australia, South Australia, New South Wales, Victoria and Tasmania - have a constitution which sits over the top of the government. In Canberra, the federal government has a constitution which sits over the top of it, like its boss, and it says what the government can do and what it is not allowed to touch, what it has to keep away from.

The only place in Australia that does not have one of these constitutions is the Northern Territory. Because we do not have a constitution and because we are not a state, the federal government can do what it likes in the Northern Territory. We do not have protection because we do not have our own law made by the people. It can do what it likes in the Northern Territory, and it does. What we are saying is that it is about time the people of the Northern Territory said where they want this Northern Territory to go in the future. How do we want it to work? How are we going to set up the government and the parliament? How are we doing to go about making the laws? How are we going to prevent the government from doing things such as taking away rights that are really important to us and that we do not want it to be able to muck around with? For example, that might be the right to vote. It might be the right to practise your own religion. It could be all sorts of things that are really important. If you want to say that something is so important that the government cannot touch it, you do that by making this law. This law is the people's law. It is the law made by the people. The government cannot go outside that law and it cannot change it. It is different from other laws.

The only way that this law can be changed is if the people say that they want to change it, not the government. You might remember that, last year, there was a referendum and you had to vote. You were asked to vote yes or no on 4 different questions. The federal government in Canberra wanted to change the Australian Constitution. But, it was not allowed to do it by itself; it had to ask the people. The people said no to all 4 questions and therefore the government could not touch it. This law becomes stronger than the government and stands over the top of the government. That is the way the people set the rules and make the laws. It is not like many of our white man's laws which are always changing back and forth. You have different a government and it changes the laws one way. Then, the government changes again and it goes back again the other way. It keeps changing backwards and forwards, and people become a bit confused on where the law is going. However, the law in a constitution stays the same. In a lot of ways, it is like Aboriginal law which stays the same all the time and keeps going down the one road.

You know that we have had a lot of arguments and fighting in the Northern Territory over different things. And the Northern Territory government has been fighting with the Canberra government. There have been arguments about land rights, sacred sites and all sorts of different things in the Northern Territory. As the people who live here, what we have to do is work out how we are going to live together and how we can make the Northern Territory a good place for our children and our grandchildren. We have to start writing those rules, those laws, that say how we are going to live together as equals and how we are going to live together with respect for each other, and make a good place for our children and our grandchildren. We want a place where Aboriginal people, white people and Chinese people can live together without fighting all of the time and where they can learn to understand and respect each other's viewpoint.

You can start making those sort of laws, those sort of rules, in a constitution. However, it will not be easy because there are an awful lot of people who do not understand one side or the other and who will argue all the time. But, if we genuinely think that it is important to do something for the future, and not just worry about today's fight, we have a responsibility to do this job. Are we going to leave a good place where my children, your children and their children will be able to live together happily? We have a responsibility to sit down and start thinking about how we want this place to work. For the first time ever in the Northern Territory, the people have to write the rules. The people have to sit down and talk to each other and start working out how they want to live together. And then, the people will tell the government how it has to go and not have the government tell them all the time.

Our committee's job is to help you to do that job. Our committee will help you to start to think about writing that law, to start thinking how you you want the parliament to be, how you want the elections to go, how you want the courts to work and to determine what sort of rights are really important and should be protected from a government being able to muck around with them. What things are really important? You write down all those rules and we all talk them through and come up with something that everyone is happy with. Then, you say: 'Now, we are going to start going that way together'. That is what we have to work at.

How is our committee going to go about this job? The first thing is what we are doing now: we are coming around saying that this job has to start. I do not expect you to tell me at the moment what you want. What I am saying is that I want all of you to start thinking about this and to read the material that we leave behind. Start thinking about the different things. Talk to each other about it and get your ideas together as a community. We will come back later this year or early next year after you have had a good chance to think about it, talk about it and develop your ideas. Then, you can tell us what you think should go in this law, this constitution. We are going around all the Northern Territory doing this. We have been travelling around now for a month and we have another 2 or 3 weeks to go. We are going to 60 different communities, saying the same thing.

We are asking the people to start thinking about this. They will all come up with different ideas. Many people in Darwin will have different ideas from the people at Lajamanu and the people at Ngukurr will have different ideas perhaps from the people at Nhulunbuy. However, you all have to express your ideas and have your say in this law. You have to talk about it. We will get your ideas and the ideas of people from all over the Territory. We will put those together and sit down and write out what we think the people are saying that they want in that law. However, you cannot trust us to do this job. You cannot trust the politicians on this one; it has to be done by the people. What we want to do first is to find out what you have to say.

The second job that we have to do is to work out how we can form a big committee of people from all over the Northern Territory. That committee is called a constitutional convention. It is a meeting of people from all over the Northern Territory who can speak on behalf of their communities. They will meet and look at what this committee has done. They can agree with what we have come up with or they can change it. Their job will be to work out what the people are really saying. When they have finished their job, and that could take a long time, it will be put to the people to vote yes or no. If you think that it is good and it is what you want, you will vote yes. If you think that it is not quite right, you will vote no. If the people say no, we will have to go back and start working again. We will have to keep working and working until we come up with something for which the people will vote yes. In the end, the people will say: 'Yes, that is the law that we want. That is the way that we want the Northern Territory to go in the future. That is the sort of place we want to leave for our children'. It has to be for Aboriginal people and for the non-Aboriginal people. This law is not just for one or the other; it is for everyone. And you cannot think only of yourself. You must think what is important for your people and your community, but you also must think about the other person too and work out how we might be able to work together in the future and not be fighting all the time. That is a good thing to leave for your children.

That is the sort of law that you have to write for the future of the Northern Territory. After you have made that law, it will become the boss over the top of the government. The government will have to work within that law and it cannot muck about with the rights that the people have in that law. Only the people can change that law. It is very important that we get this one right, that we do this one properly. To do it properly, everybody must think about it and have their say in it. It is not the sort of thing that you do and then say: 'Right, that is done. I will walk away now'. It will be there in 100 years time and it will affect your children's lives and your grandchildren's lives. Therefore, you must make sure that it is the right law.

It is a great opportunity to do something good, and it is a big responsibility for us. Do you want your grandchildren to look back and say: 'Those people had a chance to make this a good place and to fix it up for us. However, they would not do that job. They were too lazy. They were bad'? Do you want your grandchildren to say that about you or would you like them to say: 'Those people worked and found a way to make this Northern Territory work well. They left a good place where we can grow and develop'? That is the job that you have to do, not only for yourselves but for your grandchildren and their grandchildren in 100 years time. It is for them that you must become involved and do this job. You have to work for them.

It will not be easy and I bet there will be many arguments about what should be in there. Nevertheless, it is a job that we have got to do. If we do not do it, we will not find a way to overcome all the fighting that keeps occurring in the Northern Territory. The Territory people have got to do that job. You cannot expect the government in Canberra to do it and you cannot expect the government in Darwin to do it. You have to do it. It is your Territory, your home, and you must make this main law. You must tell the government which way it has to go. You do that through the constitution. You tell the government - no matter whether it a CLP government or an ALP government - that there are certain rights that it cannot touch, that there are things that are so important that it cannot muck around with them. You say that as the people. You must to talk to other people in the Northern Territory, tell them what you think and let them tell you what they think. Together, we can all work out where we have to go, how we are going to live together and make this place strong for everyone.

I am not going to do all of the work for you. I am here to help you and the committee is here to help you. We are here to explain and to give you information. For example, this book has some ideas in it and some of the different things that you need to consider in relation to a constitution. If you want to know more about it, there is a lot more that you can learn. Our committee has done a fair bit of work. We have produced this big book that is called 'A Discussion Paper for a Proposed Constitution for the Northern Territory'. We have put about 3 years work into that. We looked at constitutions all over the world and got all sorts of different ideas on what should go into it. We have put things in there that we think are good and also things that we do not like. There are things in there that you will like and other things that you will not like. You might think of some things that you think we should do and which we have not even thought about. That is why it is important for you to have a look at this, form your ideas and tell us about them. Talk about what you think should go into that constitutional law. We will leave these books here for you to look at and talk about as a community.

I do not want to talk for too much longer. I just want to say that I know that it will not be an easy job. You might feel that it is all too hard and that you cannot think about it. However, if you look at that book, you will find many little questions that you can talk about and think about. You have to do that in relation to other things in life. Just talk about those little things, one at a time, and build up a total picture of what you want. If you are not sure about something and you want someone to come and explain a bit more to you, give us a ring. There is a telephone number in there. Or you can write to us. We will get someone to come out to talk to you and explain whatever you want explained so that you can understand what this is all about. Then, when you understand what it is about, you can decide whether you want to go this way or that way. That is how you get your ideas together and, when we come back at the end of the year or next year, you can tell us.

We have to do this job and this is your chance to have a say. If you do not take this chance, it is no good coming back in 4 or 5 years time and saying that you were not asked. We are asking you now to start thinking about it. As we build, you will build with us and be part of this so that we can look after what is important for you in making this law. Do not look for somebody else to do it because he might not put in there the things that are really important to you. As I said, you will not be doing this only for yourselves but for your children and grandchildren. It is an important job that must be done. It is in your interests and in the interests of your community that you should have your say in what we are doing. Do not miss the chance to help in this job of building a good place for ourselves and our children.

This gentleman over here is Colin Firmin. He is the member for Ludmilla and is also on our committee too. I have said really what I particularly wanted to say. Is there anybody who would like to ask any questions about anything at all?

Mr DANIELS: (Indecipherable) ... made a decision. It is a start. Start of something that the government, Aboriginal people, everybody are thinking about, more rights. Making a law suitable to us, suitable to the white people, suitable to anybody. It has got to be a law that suits everybody. (Indecipherable) ... government make a decision. This is a start. It might take a couple of years. It will take a couple of years because we want to make a law that this man will know, a law that will be suitable for our grandchildren. What ever we make will be very important. If we make a law, if we agree on this thing that we have been talking about. That law got to be like the Aboriginal law, a law that stays, not a law that changes every 5 minutes. We want a law that will stay a long time for Aboriginal people. Our law has never been changed for 40 000 years. It is the same law.

The other people of government, no matter whether they are CLP or Labor, are here today together. They are not fighting each other over this thing. They want to talk to everybody in the Northern Territory, everybody. They are going to community councils and want to talk to anybody and everybody. And everybody must get the message that, once we have made that law, it is a law that comes from the people. We have got the right to make the laws of this country and this is the opportunity that the government is giving to us today. We have got to have the rights that we have been asking about all the time. Land rights and rights to our place. This is the most important thing: the the right to make your own laws in your country where you are living. That law got to be suitable for you.

Now I can use an example. Lots of white people don't agree with Aboriginal law. This is the kind of thing. We can make a law in the Northern Territory that is suitable for us and how we should be dealt with by the white man law. Because that is the sort of thing. It is very important. But, today is not the day to decide. Today is the beginning of a new thing. People will be talking to us. We will be thinking. We will be talking. But, this paper is saying that we have got to talk. We do not make that law if we do not talk. They are not asking only you and me; they are asking everybody. Everybody has got to make that law. Yirrkala people got a different idea, Darwin people got a different idea, Katherine people got a different idea. But, all the people have got to talk about it. Think about it, talk about it. There is plenty of time yet.

This is the beginning. If they do make that law in a few years time, you cannot turn around and say: 'Nobody told me'. This

is a start. They give you that opportunity to talk to them, to talk to each other and talk to anybody so that, when that law is made, it is a good one. It has not only got to be good for the blackfellow, it has got to be a good one for everybody. We all got to live here - black, white, Malaysian, Chinese, whatever we are. We have all got to live in this Northern Territory, all kind of races. We are all mixed up here in the Northern Territory. Every kind - Italian, English, Chinese, Malaysian - are living all over the Northern Territory somewhere. So this lot will be talking to the whole lot, all the tribes, all kinds of people.

When we make that law, that law will be for the whole lot. We share that law. That law protects every one of us, not just one kind. Like today in the Northern Territory I reckon too many laws protect the white man's side. And many Aboriginal councils I know in the past - Mr Everingham introduced a council presidents meeting in Darwin every year. We used to go and talk about things and what is good for all of us. And Aboriginal people, old people, traditional people, use to start talking. None of them liked this white man's law. They never listened to those requests from our old people. Many of them have died now. They were telling this white man government that the law was not suitable and why not make a law that is a good one for the whole lot, you and me. This is the thing now. This is the one they are talking about. But, let's not get confused today. We will have an opportunity for everybody, especially from the governments, to talk about this issue, think about it, and build a good law. It will be bigger than the ones of the government. That law got to be made by everybody.

Does anybody want to ask any questions? You can ask them now. If you do not want to ask them, never mind. But, if you want to ask any questions, please feel free to ask them because this mob are experts on the thing. They are working on the thing. Everybody is involved. There is black and white involved with this committee, everybody in together. I suggest that there should be more blackfellows involved because there are a lot of blackfellows in the Northern Territory and there will be a lot of blackfellows when this thing comes into being. There should be a couple more blackfellows inside, on the committee, talking to everybody about it so that they get more feedback from our people. But, that is the sort of thing that we can raise with the committee as we go along. They are leaving telephone numbers and everything in the books. If there are any queries or you want to find out more, any particular fellow here today or lady, they can help you now or later on or anytime. I think you should feel free to ask them any questions.

Mr HATTON: I just want to say one thing about statehood. Now, in all that I said, I did not talk about a statehood, did I? I am not asking you whether we should become a state or not become a state because it is too early to ask that question. If I asked you whether you wanted to become a state, you would ask me what it would be like and how it would work. We do not know because we do not have that constitution. You cannot even talk about becoming a state until you have done that job. You want to know where you want to go. We are not talking about statehood now. When this job is finished, and that might be 3 years or 5 years, maybe then we will ask whether we want to become a state. We are not asking you now whether you think we should be a state now or later. However, I do ask you to recognise now that, whether it is in 5 years time or in 20 years time, one day in the future the Northern Territory will be a state. Nevertheless, you cannot even think about that until you have done this job.

That is why it is so important to take the time to do this job properly now. We have the time. It is a long road, but today we are taking the first step by asking people to start thinking about it. However, it is a job that has to be done in order to provide for the future. If we are quick, I reckon it will take 3 or 5 years to get this job done. That is if we are quick and I do not think that necessarily it will be quick. Thus, we have a long way in front of us yet and it will take a lot of talking to get this right. I was asked about a timetable for statehood. We need to do this job first and, after that, we can then talk about a timetable for statehood. Okay?.

Mr DANIELS: Do any of you people want to ask any questions? This meeting is for all of us. It is not a blackfellow meeting; it is for everybody. I know that it is little too soon to ask questions at this stage because we were informed yesterday and this is sort of the first meeting. People may not be ready to ask questions yet. If you do not want to ask questions, maybe we can finish up and then you can think about it. Like I said, there are phone numbers in the book. Ring any one of these people and they will be pleased to talk to you about the issues, about what everybody is talking about now.

Mr HATTON: Thank you, David. I think we will call it quits now. Thank you very much for coming along. Please, I ask you to take the time to think about it and talk about it and, if you would like us to come back at any time to talk about anything, let us know and we will come back. Talk to your local member, Wes Lanhupuy, when he comes in. Ask him questions about it because he is part of this too. Start talking among yourselves about the sort of things that you want so that, later on, at the end of this year maybe, you will be able to tell us what you think. We want to know what you want. It

really is important for everybody to have his or her say in this job. Thank you very much.

Mr DANIELS: Thank you.