

PUBLIC MEETING

DARWIN — Friday 1 November 1991

PRESENT: —

Committee:

Mr S. Hatton (Chairman)

Mr J Bailey

Mr R. Setter

Officers assisting the committee:

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

Appearing before the committee:

Ms John Reeves - representing The NT Bar Association

NOTE: Edited Transcript.

ISSUED: 20 February 1992.

Mr HATTON: I formally declare this meeting of the Constitutional Development Committee subcommittee open and welcome Mr John Reeves as a representative of the Bar Association. We received correspondence which indicated that, in addition to your written submission, you wished to have the opportunity to speak to us. We have called this meeting to enable you to do that. We are in your hands. This is an informal meeting. We are merely providing the opportunity for you to express your views to us and to discuss any ideas that you may wish to emphasise. Please do not feel that there is any structured procedure.

Mr REEVES: As you will see from the correspondence, Alistair Wyvill has been making most of the running from the Northern Territory Bar Association's point of view, but he is presently on leave for about a year. Forgive me if I am not aware of any informal discussions that have taken place to date between him and the committee.

Our main concern relates to the process or the way in which the matter is proceeding and has proceeded thus far. We expressed that originally in our first submission about 3 years ago. To summarise it, we are concerned about the process and about the pace at which the matters are proceeding. We have some concerns of substance related to each of those. We believe that the process is open to criticism - indeed, we made the criticism in our first submission - that this committee should not be developing the constitution itself. This committee should be handing that over to the constitutional convention as soon as possible so that the obvious bias - and I do not say that in any pejorative sense - that a legislative committee has in the process will not permeate that process.

From the original motion - and I presume it is recorded accurately - as set out in the discussion paper on the constitution, dated October 1987, I note that the 3 stages are: the preparation of a draft constitution by this committee; the development and adoption of a proposed constitution by the convention and a referendum. We are concerned that what is happening is that this committee is undertaking the developmental stage - and that the convention should be doing that, not this committee. That is our major concern about the process.

In relation to the pace, probably because the committee has taken upon itself the development of the constitution rather than simply preparing a draft, submitting that to the convention and then allowing the convention to do the development - in other words, because you have undertaken the development thus far - the process has continued over 5 years. Frankly, we do not think much has been done in that time towards having a constitution prepared. We find it hard to believe that a

constitution could not have been drafted and submitted to the Assembly for submission eventually to the convention within a period of a year or 2. In the ultimate stages, it took less time than that to have the Australian Constitution prepared, albeit the convention took some time after that. However, the basic document was put together reasonably quickly, and certainly much more quickly than has occurred in this case thus far.

In relation to the substance, we believe that this committee, which obviously is a legislative committee and represents only 1 part of the overall government structure, the body politic in the Territory, will show a bias - and I do not say that critically - toward the legislative role in the process. Indeed, on the basis of discussion papers already released, we believe that it has shown such a bias. Of course, there is much more than simply the legislative role involved in making a constitution, apart from the executive and the judiciary. Obviously, the executive is represented to some extent by ministers such as yourself, Mr Chairman. However, there is the public as well and the interests of various minority and majority groups, not to mention Aborigines etc. We believe that the most recent discussion paper that you have issued demonstrates a bias towards the legislative role. For example, in section F, you set out the committee's tentative views and, in paragraph 2, you are clearly protective of - and naturally so, because of what you are - the parliamentary status in the overall process and the need to give it precedence over the proposals being put forward by the general public. That is in relation to referendums and whether or not they will interfere with the parliamentary process.

The second aspect is that, in our original submission, we set out 5 areas in which we believed research should be undertaken. It is at page 5: 'citizen-initiated referenda; the system of reviewing public expenditure; express and enforce a set of parliamentary ethics; an entrenched right of review of administrative decisions; and entrenched right of freedom of information and an entrenched right to due process' Thus far, you have got to the first one which does not affect the legislative or executive wings of the process. None of the others, which might be more difficult to handle from the legislative or parliamentary point of view, has been addressed. In our view, that compounds the slow pace at which it is all happening. The natural bias - I keep using that word but I do not like it or use it in a critical sense ...

Mr HATTON: Can I clarify something? There are a number of issues. We have discussed a few of things and we are still trying to work through the process of encouraging public debate on the development of a draft constitution. We are not trying to go beyond that point. Our first attempt at trying to obtain a draft constitution produced a discussion paper of a series of options because there were very clearly defined and different views and there was a wide divergence in the community. One of the matters on which we are seeking public consultation at the moment - and having great difficulty in attracting - is the community view on the structure of a constitutional convention. We have had virtually no submissions on how a constitutional convention should be constituted. We are somewhat loath to make that kind of decision unilaterally. We would very much welcome some definitive submissions on how to put together an appropriate constitutional convention. There is a series of models. In fact, there was a discussion document issued on that.

Mr REEVES: Yes, I have read that.

Mr HATTON: There are some issues about which a decision must be taken as to whether they need to be dealt with in the Territory parliament to give people confidence in terms of moving to statehood or whether they should be entrenched within our Northern Territory constitution.

Mr REEVES: Yes.

Mr HATTON: Are you talking about these issues as being matters that you would consider entrenching in a constitution?

Mr REEVES: Yes. Certainly, we believe that the referendums should be. The parliamentary ethics should be, apropos the New Guinea model. The review of administrative decisions should be. Freedom of information should be. The right to due process probably is basic to all of those. Whether the review of public expenditure should or should not be is probably open to debate. I suppose the freedom of information may be open to debate if the right to due process is entrenched. That might be secondary to number 6.

Can I say in relation to the convention that I am surprised that we have not responded to that discussion paper. I thought Alistair had.

Mr HATTON: We have travelled the Northern Territory community by community. One of the key matters that we have raised specifically is that we would like feedback about the structure of, and representation on, the constitutional convention. It is of major concern that we are unable to obtain any feedback on that. It gives rise to concerns about whether the Northern Territory community is ready to participate in that process. We have been devoting our attention to

examining some of the more complex issues such as entrenchment of traditional Aboriginal law and a number of issues relating to Aboriginal custom and law. The recognition of prior occupation by Aboriginal people and those kind of issues have been raised and we are trying to put together some fairly complicated discussion papers. Mr Nicholson is in the process of researching approaches to such issues throughout the world. At the moment, he has 13 discussion papers which, like the citizen-initiated referendum proposal, we would like to get into the community. In an effort to encourage more debate in the urban communities, we are moving towards drafting some mechanical clauses - legislative, executive and judicial. We hope that this might stimulate some debate in the urban community.

Mr REEVES: What we would say in reply is that perhaps the lack of response is indicative of the ineffectiveness of the process. If you are not obtaining any response with the current process, perhaps it is time to consider a different approach. A different approach could be to submit to the Assembly a draft constitution as you think it should be. I cannot image that one is not already prepared ...

Mr HATTON: You can imagine it, because it is not.

Mr REEVES: Well, it should be. I am not making light of the complexity of the issue, but it should be possible to make a choice and at least set out a draft even if it means having clauses that have been excluded for various reasons. These could be available in draft form so that a choice can be made as to whether they should be inserted. It could then be referred to the convention rather than trying to develop discussion and the constitution before you have a concrete basis for such debate.

Mr HATTON: In fact, we are waiting for the time to be available for the legislative draftsmen to frame such clauses.

Mr REEVES: Yes.

Mr HATTON: It must be 6 or 8 months since we have passed

Mr SETTER: Mr Chairman, with respect, it would have been possible for this committee or its predecessor to have drafted a constitution 5 years ago. Quite deliberately, we did not do that at the time. We chose to undertake a consultative process. We visited every community of any significance in the Northern Territory virtually twice during that period. This included a multitude of Aboriginal communities where we sat down with the people, presented the issues and listened to their views. If we have been at all lax in that area, it is in communicating with urban communities. We really have not put as much emphasis on doing that as we have on consulting with remote communities. It was a deliberate decision to undertake that consultative process before we came up with a final draft. We are in that process now.

Mr REEVES: I am not being critical of consultation. However, as we said at the outset, we believe that the convention should go through that process and, undoubtedly, it will have to do that again in order to obtain the final result.

Mr HATTON: Would you trust this committee to choose the structure of the convention?

Mr REEVES: My personal view is that the third model proposed is probably the best balance between the 2 - partly elected and partly appointed.

Mr HATTON: I do too. However, the question was whether you would trust us to make that kind of decision or arrive at a firm recommendation in advance of obtaining any feedback from the community.

Mr REEVES: It has to come from somewhere. Like the draft constitution, it has to come from somewhere. What we are really saying is: 'Do it and let us move on to the next step'

Mr HATTON: And then have the war about whether or not we got it right?

Mr REEVES: Yes.

Mr SETTER: When you say 'us' all we can do is recommend to the parliament because it is the parliament which ultimately decides.

Mr REEVES: Yes, I assumed that. In short, we are saying that we should get something done. Let us have the draft constitution submitted. In a real sense, it does not matter whether you exclude or include all the things that have been talked about as long as we have something on which we can base discussion. If the convention believes that something you

have excluded should be included, it can do that. Even if it does that, that is not final because, on the recommended process, it has to go to a referendum ultimately. We believe that the process has bogged down at this stage. A draft should be prepared and put to a convention as soon as possible. That is it in a nutshell.

Mr HATTON: Do you wish to outline why you believe that the matters raised on page 5 of your submission should be included in the constitution.

Mr REEVES: Yes. You will have to forgive me because I did not actually prepare the submissions. However, I am aware of them.

Mr HATTON: I am quite certain that you have fairly clear views on the subject.

Mr REEVES: Yes. In respect of the citizen-initiated referendums, we proposed that in relation to constitutional change only. We did not propose it broadly. I think that is made clear elsewhere in our paper.

Mr NICHOLSON: (Indecipherable).

Mr REEVES: Yes. I know that that is what was intended.

Mr HATTON: What percentage of voters would you recommend?

Mr REEVES: In relation to a constitutional amendment, didn't we propose 20%?

Mr NICHOLSON: I do not remember.

Mr HATTON: The letter refers to 'a certain percentage'

Mr REEVES: I note that the range is from as low as 1% up to as high as 20%. I believe that the percentage has to reflect the importance of the step to force a change to the constitution or at least a consideration of a change to the constitution. We would suggest that it cannot be as low as 1% or 5%. It must be somewhere approaching the higher level.

Mr HATTON: Of registered voters?

Mr REEVES: Yes. Of course, the expense and other elements involved also make it important that it be a significant number of people. On the other hand, it should not be so high a percentage that significant minority groups may be excluded.

Mr HATTON: Or significant interest groups.

Mr REEVES: Yes. That is where the balance lies.

Mr BAILEY: Would there need to be a way of preventing a significant interest group continuing to push an issue? If the percentage were set at 5% or 10% and a referendum were held and lost, could that group be prevented from calling another referendum by getting the same 5% or 10%?

Mr REEVES: Graham probably knows better than I do, but I believe there are repeat limitations in the United States.

Mr NICHOLSON: Yes. Some of them prohibit it within a certain number of years - 5 years is the norm.

Mr BAILEY: Would that be seen as reasonable?

Mr REEVES: I think so. If you go through the process and incur the expense, it would ...

Mr HATTON: Turn it into a farce?

Mr REEVES: Yes.

Mr HATTON: You may get a significant vote to exclude that provision from the constitution if it became abused.

Mr REEVES: Yes.

The system of reviewing public expenditure - Nos 2, 4, 5 and 6 are all aimed at controlling the executive. Perhaps a better way of putting it is that it is aimed at making the executive more responsible and accountable. I am not saying that specifically in relation to the Northern Territory. In general, in parliamentary democracies around the world ...

Mr HATTON: Let us not worry about whether you will be offending us or not. You will not be. The members of this committee understand the process of debating matters in principle rather than in practice.

Mr REEVES: We believe that the problem with parliamentary democracies around the world is that the executive has become too powerful and not answerable to the parliament. The parliament is becoming more and more irrelevant and the executive is becoming more and more powerful even to the extent of not being controlled by the judiciary in many areas. Unless you entrench a right of administrative review, it is very difficult to obtain a review of administrative decisions. At present in the Northern Territory, the areas in which you can obtain a review by the court are limited. Certainly, there are a number of situations where you can, but it is still much more limited than it is, for example, in the Commonwealth area where there is a statutory right of administrative review.

Likewise the review of public expenditure. There is no public right or there is no entrenched - 'entrenched' is not the best word - but there is no provision that makes the executive's expenditure accountable in a public sense. The only system that operates is the Auditor-General system.

Mr HATTON: And the Public Accounts Committee.

Mr REEVES: Well, yes. I am smiling more at Queensland's Public Accounts Committee situation because it does not seem to work when you have people who are either in the executive or associated with the executive reviewing the executive's functions.

Mr HATTON: It is impossible to legislate, even constitutionally, against somebody who will attempt deliberately to break the law.

Mr REEVES: I know that.

Mr HATTON: You will not solve that problem.

Mr REEVES: I am well aware of that.

Mr BAILEY: But there are still limitations on the review of expenditure.

Mr HATTON: There are 2 issues. Firstly, there is the principle of whether there should be a process of public accountability of, say, expenditure and, if so, to what extent. Secondly, there is the matter of the extent to which it should be entrenched - by statute or in the constitution. This is the kind of in-principle debate that we need to have. My personal view is that, if you entrench something in a constitution, you are entrenching something that has the potential to be abused and is theoretically immutable. It is a foundation stone on which you will build statutes and administrative procedures. The extent to which you entrench matters in a constitution is the extent to which you remove the capacity to adjust to changing times and circumstances.

I do not necessarily expect you to respond at the moment. However, to what extent would you entrench in a constitution, say, the review of public expenditure as distinct from arguing the cause of some legislative or statutory expenditure review process? Even during the short time that I have been in parliament, government accounting and expenditure processes have changed very dramatically.

Mr REEVES: You have expressed one side of the problem. The other side of the problem is a government that simply dismantles all those things because they are not entrenched. Such governments do that because they do not want to be controlled. Normally, they end up becoming corrupt because there are no controls. We have had plenty of recent examples of that in Australia.

Mr HATTON: To what extent can you entrench something in a constitution and still leave room to move statutorily?

Mr REEVES: What you mean is a statement of principle rather an express process.

Mr HATTON: Personally, I would welcome the views of the legal fraternity on those kinds of issues. That is really where it starts. We could decide, in principle, whether it should be entrenched in a constitution or even whether there should be public accountability at all. However, if that is what the community wants, we need to think through those issues and come up with some concrete proposals to put to a constitutional convention.

Mr REEVES: One way of doing it is perhaps what you might have been suggesting. Rather than expressly saying that there is to be a review of public expenditure or not, you could set out principles in something like a bill of rights.

Mr HATTON: Public accountability.

Mr REEVES: Or due process.

Mr HATTON: That may well be an appropriate and practical response.

Mr REEVES: You leave it to the legislature to set up the legislative framework within that and or the courts to interpret that, as occurs with the Bill of Rights in the United States.

Mr HATTON: That is another issue that I would like to discuss with you when we get through these - the relationship between the courts and parliament.

Mr REEVES: Right, but I have to go to a court at about 9.30.

Public expenditure, administrative decisions, freedom of information and due process are all different facets of the control of administrative action or the executive. In respect of entrenchment in the constitution, my personal view is that you are right in saying that it is too narrow to entrench a statement such as public expenditure review. It is likely to be too difficult to change and, therefore, will result in a constitution that will get out of date. Broader principles probably is a better way to do it in the constitution with the backing of a legislative framework.

However, there is one that falls outside of that. We believe that parliamentary ethics should be entrenched. The aim of a set of parliamentary ethics is to impose some controls on the legislature. It is the legislature that otherwise would have control over the legislation if the constitution did not have that particular area entrenched in it.

Mr HATTON: Is there a precedent for those kinds of provisions?

Mr REEVES: The one that we discussed when we made our submission was New Guinea. The recent example with New Guinea was interesting. If there had not been that code of ethics, it is interesting to speculate what would have happened. In a sense, it could be argued that the code of ethics brought about a resolution of that stand-off. They could well have become involved in a deep constitutional crisis.

Mr HATTON: In his letter, Alistair goes beyond parliamentary ethics. He mentions senior public servants, judicial officers etc. In relation to the matter of ethics in public office, may I suggest that your organisation perhaps reflect on the fact that many of the concerns relating to public impropriety - and the most difficult to deal with - do not occur at the most senior levels of government or public administration. Sometimes these occur at the most junior levels. If public ethics are to be entrenched constitutionally or by statute, perhaps it should be extended to public officers across the board.

Mr NICHOLSON: That may be different for different officers.

Mr HATTON: That may be true.

Mr REEVES: I did not have any discussion with Alistair before he submitted this.

Mr HATTON: I am not asking you for an answer now, but it might be something worth considering.

Mr REEVES: I will give you my personal view on it. I would not necessarily agree with what Alistair is saying to the extent that he is saying it - that is, that it should extend through the public service. Certainly, it should include members of parliament and, questionably, judicial officers. Public servants are controlled by the law in the normal sense. If there is corruption in breach of the criminal law, they are liable. That applies also to parliamentarians and judicial officers but, because they are makers of the law, they are in a different category and, in our view, should be subject to some additional control by way of the constitution. That is why we raised it.

Mr HATTON: I would be interested in seeing that developed further. My personal view, on the basis of my experience of dealings in government, and not specifically in the Northern Territory, is that the greatest incidence of impropriety and abuse of citizens' rights occurs within the public administration area. It occurs in a secretive and destructive way and it is something for which there should be a high level of accountability. The Westminster parliamentary system places them outside of the direct control of political masters.

Mr REEVES: If you have the review of administrative action and an entrenched right of due process and that is interpreted broadly - and that really depends on the judiciary doing it properly - that will control the public servants. However, along with it, you must have freedom of information. You are quite right that, if they can do it behind closed doors, you cannot break the ice to get at them.

Mr HATTON: I will raise the 2 concerns expressed in relation to freedom of information.

Mr REEVES: I can imagine that the first one is expense.

Mr HATTON: No, expense relates to neither of them.

Mr REEVES: It is certainly is the one that the Commonwealth keeps trotting out.

Mr HATTON: The first is that, with freedom of information, it is difficult for a member of government to obtain frank and honest advice in a clear and written form if it may become public in the future. You end up receiving advice that is bland nonsense because the advisers will not commit what they really think to paper.

Mr REEVES: The way to get around that is to obtain it orally.

Mr HATTON: Having a record of where you are going makes life very difficult too. That is one of the concerns. The second concern is the balance between public accountability, freedom of information and privacy.

Mr REEVES: The Commonwealth legislation endeavours to address that and there are other models all around Australia. We have the advantage of seeing how those have worked and being able to adapt them.

Mr HATTON: Again, there is the issue of whether you entrench those by way of the constitution or by statute and the power that you may give to the judiciary to determine what constitutes an appropriate level of freedom of information. Of course, the courts are a non-elected arm of government and are not accountable to the populace.

Mr REEVES: They are not an arm of government, but they are part of the body politic. In your administrative review legislation, unless you give the courts the right to make a decision on the facts, on the issues, all they can do is control the process and ensure that the process is right. The Commonwealth legislation gives the courts the right to make their own decisions in relation to some areas. Whether that is the best process or not is a matter which could be debated for hours. Certainly, from our point of view, I do not think there is any doubt that you should have the process subject to review - that is, balancing the need for privacy against the need to ensure that people can obtain access to information and prevent secret, corrupt deals.

Mr HATTON: And also recognise the need to protect commercial confidentiality or individual privacy.

Mr REEVES: You balance that within the legislation. There are models to do that.

Mr BAILEY: There is another area that seems to be moving in the same direction as freedom of information. I refer to the so-called whistle-blowers legislation. It seems to be a fairly new concept and I believe that it is mushrooming in the United States. Has that been discussed by the Bar Association? Is it likely to be something that you might like to add to freedom of information provisions? In other words, should we be protecting the rights of individuals to disclose what they consider to be inappropriate administrative or organisational actions?

Mr REEVES: We have not discussed it. The expression 'whistle-blower' originated in England. It arose from a court decision which protected a particular public servant who had disclosed confidential information. I am uncertain whether England has introduced legislation to deal with this - I do not think it has. Certainly, as you said, the United States has. raise that simply to indicate that, in certain areas, the courts have introduced these things themselves as a development of the common law and as a mechanism for controlling the executive to ensure that, if people rightly and reasonably disclose

information about a corrupt practice within the executive, they will be protected by the law, as they should be.

Mr BAILEY: But, there is no legislation on this in Australia at the moment.

Mr REEVES: As far as I am aware, there is none in Australia.

Mr BAILEY: There is a draft bill that has been introduced only until they can get something better.

Mr HATTON: Is that in the Commonwealth?

Mr BAILEY: No. Queensland has introduced a bill which they acknowledge only as an interim bill.

Mr REEVES: We have not discussed it, but it is an interesting idea. Going back to what we were talking about earlier, if you entrench certain things and exclude others which may arise, such as this, you will end up with a constitution which does not reflect current attitudes. There is a good argument for setting out a broad statement of principles and allow the courts or the legislature to develop the process as they go.

Mr HATTON: That has been one of the things that we have been wrestling. If I can just come back to your earlier comments, in defence of our committee ...

Mr REEVES: I am not trying to attack the committee.

Mr HATTON: This committee is comprised of individuals who have individual viewpoints. However, as openly as we can, we have been trying to put before the community, by means of a series of discussion papers, the most complex issues relating to the framing of any constitution - issues relating to rights and relationships between people. What could be called the mechanical clauses of the constitution - the legislature, the judiciary, the executive and their inter-relationships - are relatively straightforward to bring together and there is a great deal of understanding in respect of those areas. However, in addressing modern society, we are conscious of the necessity to deal with the issues that you have raised and a number of other issues that people have raised with us. I refer to matters such as whether there should be specific Aboriginal representation in parliament along the lines of the New Zealand model relating to Maoris. There is the issue of entrenchment of Aboriginal custom and law and the protection of Aboriginal culture. There is the issue of whether there should be some recognition in the constitution of the prior occupation of the Northern Territory by Aboriginal people and the legal consequences of such recognition. We are trying to wrestle with such issues and produce some papers for consideration by the community so that, when a constitutional convention is established, people will have the information necessary to debate the issues. Around this table, we would have as many views on such issues as there would be in the community.

Mr REEVES:

But something needs to ...

Mr HATTON: It does need to come together.

Mr REEVES: Yes.

Mr HATTON: In essence, we need to determine how we should go about bringing together a constitutional convention. If we can prepare those discussion papers, together with the 3 mechanical clauses of a draft constitution and other background papers and submissions, we will have sufficient information to put before a constitutional convention.

Mr REEVES: I do not know what the time frame is. However, if we proceed at the present pace - and I suppose that I am being critical here - we will not have this done within our lifetime.

Mr HATTON: I think we will.

Mr BAILEY: Some of us are still fairly young.

Mr HATTON: There are also certain budgetary limitations on the speed at which we can progress.

Mr REEVES: Yes, I am sure that . . .

Mr HATTON: That is not an apology. I would like to make a specific request. I would like you to ask your organisation to put some specific and formal views on the structure of a constitutional convention. We would be thrilled if your organisation took up the challenge of stimulating public debate on the subject.

Mr REEVES: Yes. You would be aware that the Law Society was instrumental in kicking one off about 4 or 5 years ago.

Mr HATTON: In 1987. I addressed it actually.

Mr REEVES: I certainly shall take that back.

Mr HATTON: Particularly on those questions.

Mr REEVES: Yes.

Mr HATTON: We must remember that we are dealing with - and I should not need to tell your organisation this - relationships between the Northern Territory government and the Northern Territory people. This process of the constitution is not dealing with the relationship between the Northern Territory government and the federal government.

Mr REEVES: No.

Mr HATTON: It is a separate process.

Mr REEVES: Yes.

Mr NICHOLSON: I think that the earlier exercise was more directed to the ...

Mr HATTON: Yes, the relationship with Canberra. We have stepped back from that and are now dealing with putting the internal framework together. It is true to say that we have gone through a significant learning curve and, the more we learn, the more we realise how much we need to learn and how difficult and complicated the task is. It is such a fundamentally important step for the Northern Territory people that we are trying to put all the options in front of them. It has not been a matter of our being lax at all. It is a matter of our trying to be particularly lucid.

Mr REEVES: No, I am not saying that.

I will certainly take that back. You can definitely take it that we will make a submission on the form of a constitution convention. In relation to the public debate, if the discussion papers are to be issued soon and I take it from what you are saying ...

Mr HATTON: This one has just been issued. They will be issued separately as soon as they are ready rather than all at the same time. It takes time to have them prepared.

Mr REEVES: Yes.

Mr HATTON: Unless you fellows want to donate some time to help us out.

Mr REEVES: We might ...

Mr BAILEY: Pass on that one.

Mr REEVES: We might get the debate going next year then. There might be 4 or 5 of them issued by early next year?

Mr GRAY: I would say 2 or 3.

Mr REEVES: Okay.

Mr HATTON: The next one is on Aboriginal customary law. As you can appreciate, that has been fairly complicated to prepare.

Mr GRAY: It will be a 200-page document.

Mr REEVES: Certainly, I will take the matter back. I imagine that the Bar Association and or the Law Society would be quite happy to continue where we left off a few years ago and promote a public debate on the issues.

Mr HATTON: And this set of issues that we have been talking about this morning. Developing that concept a stage further would be a very useful exercise.

Mr NICHOLSON: World-wide research suggests a new era of constitutional reform ... (Indecipherable) ...

Mr HATTON: We have covered a fair bit of ground and I am conscious of the time.

Mr REEVES: Thank you, Mr Chairman. I do need to get away. I am sorry to cut it short. Thanks for the opportunity to make a submission on behalf of the Bar Association.

Mr HATTON: Certainly, if your association wants to come back to discuss any further matters with us, we would be most thrilled to work with you.

Mr REEVES: Thank you.

Mr HATTON: Thank you for your attendance. I formally declare this meeting closed.