

LAKE NASH — Monday 17 April 1989

PUBLIC MEETING

PRESENT -

Committee:

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

Officers assisting the committee:

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

Appearing before the committee:

Unidentified Aborigines

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

ISSUED:21 July 1989.

Mr HATTON: Thank you very much for coming to meet us today. If I could introduce us, my name is Steve Hatton. You know Brian Ede, your local member, and Rick Setter the member for Jingili. We are all members of the Northern Territory parliament, the Legislative Assembly. We are members of a committee which is called a Select Committee on Constitutional Development and, if you look in the back of the books which have just been given you, you will see the photos of all of the members of the committee. There are 6 members on our committee, 3 from the CLP - the government side - and 3 from the opposition, the Labor Party side. This committee is unique. It is the only one like it in the parliament where we have the same number of people from the government and the opposition, the Labor Party and the CLP.

You know politics. You hear all of the time how the government and the opposition, the Labor Party and the CLP, are always fighting, arguing about this and arguing about that all the time. But sometimes, not too often but sometimes, we actually have something that we both reckon is a good thing and something so important that we are going to put all our fighting behind us and work together for something good for the Northern Territory. This is one of those jobs, where both the Labor Party and the CLP say that this is something we really have to do to help all of the people of the Northern Territory and to make a future for the people in the Northern Territory. And that is what our job is.

Now you have heard a lot of talk, I hope, and I think you have probably heard a lot of argument about whether or not the Territory should become a state. Some people think it would really be a good idea for the Territory to become a state. Some people are not very happy with it, they are a bit unsure. They do not know what it means and are not very happy with it. Well, the first thing I have to tell you is that we are not here to talk to you about whether you think the Territory should be a state or not a state. That is not the question. We are here to talk to you about a special law that the Northern Territory people need to make. After this law has been made, maybe then one day you can talk about statehood, because

maybe, when this law has been made, people will know what they are going to get when they get statehood, but until we make this law, we cannot even talk about it.

The only thing I do ask you to think about is that, one day, whether that day be next year or in 5 years or 10 years or even 20 years time, one day the Northern Territory will become a state. Now what sort of a place it is going to be is for you to sort out, and you do that through making this special law. It is what you can call a people's law. It is called a constitution. That is the name of it. It is a law made by the people and not made by the government. It is made by the people. It is the law the people make over the top of the government. So, the constitution becomes like the boss over the government, the boss over the courts and the police, the boss over everything. It says what a government can do and it says what a government cannot do. It is the way the people make sure that rights that are really important to them are protected and it stops the government from being able to muck around with them. Also, in some ways, this law is a bit like the Aboriginal law.

The Aboriginal law is there and it keeps going the same way all the time. It is the same with this law. You know that white man's law chops and changes. They change the government and they change the direction. They go this way and they go back that way, and that can get very confusing at times. But this time, with this law, the government cannot do that. This law is there and it stays there all the time. The only way you can change that law is if all the people agree to change it.

You might remember that, last year, you were asked to vote in a referendum. You were asked to vote 'yes-no', 'yes-no' on all those questions last year for the Australian Constitution. That was when a government wanted to do something and they had to go and ask the people. The people said 'no', so the government could not do it, and the law stayed as it was. It is the same thing when we make this law. It is made by the people and it can only be changed by the people. If they want it to stay as it is, then that is the way it has to be. It is a boss over the government, and that is the sort of law we are going to be talking about.

I have to say that you should think if you want to put all your rights in that law. The things that are important to you, perhaps land rights, or protection of culture, or protection of language or your right to vote, rights that you think it is really important that they must be protected and you cannot trust the government. Sacred sites, maybe, things that you think have got to be protected and which you are not going to let the government muck around. You take the important parts out of that and you put those sorts of things into a constitution, and not just Aboriginal things. It is for the white people too. The white people protect things in there. They say: 'It says I've got a guaranteed right to vote. I've got a right to have a government that I elect and they can't stop me voting for it'. It says who has a right to stand for parliament. It says you can make how long a parliament has to go before they've got to go back and get re-elected. All those sort of laws you put into there so that the governments cannot fiddle around with them.

You know, except for the Northern Territory, every government in Australia has a constitution over the top of it. Queensland, Western Australia, New South Wales, Victoria, South Australia, Tasmania, even the federal government in Canberra, they all have a constitution over the top of them. But, in the Northern Territory, you have not got one of those things. You have not got that, so the federal government can do what they like with you. They can do anything they like because you have not got a constitution to protect you. That is your protection. It is a people's law. That is a job that we still have to do, and that is the job we are coming to talk to you about, starting to think about making this law. And it is an important law. It is a law that will go on for a long, long time. It is a law that will affect the sort of place the Northern Territory will be for our children and for our grandchildren and their children. We cannot just think for ourselves today. We have to think for the future and make something that is good and strong to make a good place of the Northern Territory for our children and our grandchildren. That is what this job is about.

This is the first time for the Northern Territory people to sit down and say, 'This is how we want the Northern Territory to be, how we want the Northern Territory to work, and what we are going to let the government do and what we are not going to let the government do'. It is when the people take control. That is what a constitution is.

How we are going to go about doing that is that our committee is going around this time saying to you: 'Look, this is the job that we have got to do'. We are going to give you bits of information and answer any questions you might have about what sort of things you can look at to put in this constitution. Then we are going to go away, and we are going to ask you, as a community, to sit down and think about it and talk about it amongst yourselves. If you are not sure what is going on ring us up or get hold of us and make us come back to see you so you can ask questions of us and get information from us, so you have a chance to think about what you think should go in this constitution.

Then we will come back later this year or early next year and you tell us then, when you are ready, what you think should go into here. We will take it from here. We have been all over the Centre. We are going to go up all the Top End, all over the Territory, in Aboriginal communities, in the big towns, all over, talking to people the same way as we are talking to you today and saying 'please start to think about this'. This law is important for you, important for your children. It is really important that you have your say on what goes in that law, so it becomes a law that belongs to all the people - Aboriginal people, white people, the lot, and something from which we can learn to live together in the future, side by side, and with respect. We have got to work towards doing that.

When you have told us all those things, we are going to sit down and put some words down and try and work out what we think the people are telling us. That will be our first go. We will also be asking people who they think should be on a big committee, because you cannot let the politicians do this job. It is too important. It is not going to be just us doing it and a bunch of lawyers and academics in Darwin. We are just going to start you going and get your information.

We are going to ask you also, how do we get together a big committee of representatives of people from all over the Northern Territory. Who can represent the people from all over the Territory, different people, different areas, to come together to look at the work we have done and say whether that is good or bad or it needs to be changed, and re-do it.

That is called a constitution convention, and their job is to write up the constitution. When they have finished their job, it then comes back to the people to vote 'yes' or 'no'. If the people look at it and say: 'No, haven't quite got it right yet', you vote 'no', and we go back and start again, and we keep doing it until we have a law the people say is good. That becomes your law, the law you give to the government, and the government has got to work to that law. That is not going to happen quickly, is it? It is going to take a lot of work and a lot of time, but it has got to be done.

If we do not do this, if we do not do this together, our grandchildren are going to look back and say, 'Why did they fail us? Why didn't they do this job for us?' But, if we do this job and we do this job properly, our grandchildren will look back and they'll say: 'They were good. They did a good job. They made a good place for us to live in'. That is the job that we have got to do and you do that through this law.

If we are going to do it properly, you have got to think about it. You cannot just sit back and let some other bloke do all the work. It is your law and you have got to be part of this. You have got to think and you have got to talk. You have to tell us what you think. You have got to have your say and make sure we get a good law for everybody - Aboriginal people, white people, Chinese people in the Territory, the lot - so we can all live together in a good place. That is what we are here to say and I hope I can get you, when you leave here, to say: 'We have got to talk about this and we have to think about it and start working on it', so you make sure you have your say in this law. That is what our job is.

I have said enough. I will ask Brian Ede if he would like to say a couple of words.

Mr EDE: You know, most times when I come travelling around, we are talking about things like how are we going to get more houses, or how to get the school going or an adult educator or something like that. This time it is a bit different, and not talking about just one thing like that at a time. This time is talking about something which is not just for ourselves, a house or car or something like that, and not just for our kids, like school or a clinic or something like that, but for our grandchildren and their children - something to go on for ever and ever.

There are a lot of people here who remember that, next month, it will be 10 years since Jim Downing and me flew out here when we heard DAA sent all the cattle trucks out to pick up all you mob and take you away down to Ammaroo. You mob were all camped up on that other side up there, a whole mob of people here all at that meeting, and we sat down and we talked about it. We said: 'Okay, does everybody want to go or they want to camp here and stay in the same place?' And everybody said: 'No. We want to stay here. This is our place. This is where we were born and we grew up around here. We want to stay here'.

Since that day to this one, there have been a lot of changes. A lot of times we have had arguments. Lots of times there has been fighting and carrying on but, over that time, what has happened is now we have got a block of land, got some houses - sure, we need lots more - we have got school, a women's centre is starting up here and there is football over there. Things are starting to get all right.

There is no more fighting going on with the station. Everybody is friendly again now. Everybody can go out hunting around there. As long as they look after the gates, everybody says that is good. And that is good and that is how it should be, so everybody has a good chance here in the Northern Territory, because we all want to be together in this Northern

Territory. We do not have it where we have got one mob underneath here and another mob on top. It has got to be both square. That is what we are after so everybody has a chance, a chance for a good education, a chance for good health, a chance to do their own culture and look after sacred sites, and stay on their own land without being chucked off. So they have a chance then to get a job. That is the sort of thing we are looking for in the Northern Territory.

They are the sort of things we have got to look at when we start making the constitution. We have got to start asking what are the things that are most important? What are the things that we do not want to be changing all the time? How do we make sure about all these things that you have been winning around here? How do we make certain that we can hold onto that land, hold onto your rights to be able to go down and go to look after sacred sites - all those things? How do we hold onto those things? You have to decide whether it is all right just having them in law or whether you want to put them in this special law, the one that does not change.

This law, this one, it is like that land that you are on all the time. It is not like the wind, that keeps changing all around there. It is something really strong. It is not something for governments to go changing around. It is something for the people. If the people want to leave these things the way they are, when it goes in, it can stay one way for hundreds and hundreds and hundreds of years. Only the people can change that law when we put it in. Only people can put them in.

Everybody has got to vote. Everybody has got to decide. That is why everybody has got to talk about it, because some things might be really important for miners, some things might be really important for pastoralists, some things might be really important for the town mob and other things might be really important for a Chinese mob. But some things are really important to you mob, so everybody has got to talk, and everybody has got to listen to each other. Everybody has got to understand each other. So, here in the Northern Territory, we want everybody listening, understanding, and talking about this one, and getting something we all agree on. When we all agree, then we are right. We are putting them in, and we are going ahead then, and we can all agree on that constitution and we can go ahead. We can talk after that about statehood or something like that, but the first thing is to try and get this law.

We do not want it to be done by a mob of clever fellows or lawyers or someone like that, sitting up in Darwin in some flash building up there. People out here have got to be talking about it, working it out, because you mob are all Territorians. That is what we are. We are all Territorians. We are all thinking about how we are going to live in the Northern Territory, how our kids are going to live in the Northern Territory and their kids, so we are all equal. We have all got the same rights to talk about this law and work out what it should be.

Inside this book here, there are lots of different ideas about things that you might want to put in there. It says about courts and human rights, like being able to talk and religion, owning land, about sacred sites and land rights and all that sort of thing. We have got to look at that book, and then we have got other ones here. We are going to leave some of these behind too. It just takes every little thing and then talks more about it so when you mob can meet, everybody can look at this one, and then you can talk about what it says in this one too. People can go through all those different ideas, and then the communities can argue about it and say: 'That one is really important. It should be in there, or can we put it in this other law?'

As people work up their ideas, you can send off asking questions. You can put them on tape and you can put them in language. We can get them translated all right. Or just get somebody to write them out for you and send them off. If you are not sure about something, we can send something back. We are working up how we can send out tapes in language so everybody can hear and understand what the ideas are, and hear what other people are saying. Because you are going to have to hear what people from the Top End are saying, what people from Darwin are saying and what people from Alice Springs are saying. They have got to hear what you are saying, so everybody is hearing everybody else and working out how these things are going to go.

It is going to be long job. This first one might take us 3 years or 5 years - but that does not matter. People have been living on this country for thousands of years. People will still be living here thousands of years in the future. What is most important is that we get it right. Get it properly done. When we get it right, get it properly done, okay, then the Northern Territory will be able to say that we did a good thing. We got that one law. It is not going to be changing all the time that one law that we can all look at - white fellow or Aboriginal, Chinese, Filipino or whoever and say: 'That is that law that says what we all believe in for all Territorians and that is the thing that looks after our rights and makes sure government cannot change them or take them away from us'.

Okay, that is all I want to say for now. We will just ask if anybody has got any questions they might want to ask about how

we are going to do it or something that we talked about that was not clear, or something like that. We can just keep on going strong like that.

Mr HATTON: Rick only wants to say a couple of words.

Mr SETTER: Thanks Steve and Brian.

What Steve and Brian have been talking to you about is the need to make this new strong law to control the politicians, and that new law is going to be called a constitution. That is what this book is about, a new constitution, because in the Northern Territory we do not have a constitution. We are only a territory. We are not a state.

In Australia, this great big land we have called Australia, we have the Australian government, the boss government up there, which looks after the whole of Australia. Then we have 6 states, Queensland, New South Wales, and so on, and each state has its own government. The Commonwealth government and each of those state governments all have their own constitutions, and those constitutions are like the Bible. They are a very strong law which each one of those governments must follow. But, in the Northern Territory, we are not a state: we are only a territory.

You know, a long time ago, we used to be like these small children, and the Commonwealth, the federal government, was like the parent. Then, 10 years ago, we got self-government so we have grown up and now we are like a teenager, but still the Commonwealth government is our parent. But one day we are going to grow up and become an adult but, when we do, we need the constitution. That is very important because you fellows here, when you go to Camooweal, you are in a state. That is in the state of Queensland and they have their constitution. When you come this side of the border, to the Northern Territory, we do not have a constitution. We do not have the same Bible that they have over there, so we need to develop a constitution of our own.

Now, it is very easy for us fellows in Darwin to sit down and write a constitution, but it may not be what you want. That is why we come here to your community to talk to you about it and ask you what you want in your constitution. That is very important, because we do not want to write it without consulting with all of the people. We want you to ask us questions, if you do not understand, and we will try to explain as best we can what it is all about.

Thanks, Steve.

Mr HATTON: Thanks, Rick.

Well, that is what we are here for. We are here to say, if you want this law, if you want the Northern Territory to become like a grown-up, like an adult, well you decide for yourself what you want. You don't want to have somebody else telling you how your life should be. This is your chance to think about making the law, the main law, the law that is the boss over the government the courts, everything, the law that belongs to the people, all the people. As we said, these books here they are just for some ideas to think about. You see that big book - this one - that has got other ideas too.

We have looked all over the world, for 3 years, to come up with those ideas. I can tell you, there are things inside here I do not like. There are things inside here you will not like. There are things in here I do like too, and you will like some things in there. But we have put them all in there whether we like them or we do not like them so you can think about them. There might be some things we forgot. Well, you tell us. If you think we have forgotten something, you tell us about it so we start writing a good law. What is important is that you start thinking about it, read this and have someone talk to you about it. We have got the videos. Start thinking as a community, and for yourself, what you think should be there.

Our committee will come back later. It may be at the end of this year or early next year, and then we are going to ask you what you think. And, between now and then, if you want to know more stuff, you just ring us up and ask us. The telephone number - you are not on the phone out here are you?

A person: Yes.

Mr HATTON: You are? Well, that is all right. I have got to be careful of that one. Some places I go, they have got the phone on, and other places they have not. You ring us up. There is a phone in there. It will cost you nothing to ring us up. You see this lady there. She will be at the other end of the phone and she will get whatever information you want and send it out to you. If you need someone to come out and talk to you about some things in here, ring her up and organise a time when someone can come out here and talk to you about it. It is important. It is important for you and your children and

your grandchildren that you do this job.

Have you got any questions, any things you want to ask us, if you are not sure what I am talking about? Do you know what we are saying? Do you understand what we are saying?

Persons speaking in their own language amongst themselves.

Mr EDE: I just want to make it clear. We are not asking everybody to say now whether it is good or bad or what there should be in the constitution. We do not want to know that now. We are just here in case people are not clear what is going to happen. All we are doing now is just opening up. It is just starting. We are just going to open it up now and what we are asking is for everybody to talk about it after we have gone away: what you reckon are the most important things, what should be in this one, and how can we go about doing it. Then we want you to sing out to us, send word out to us about what is going on, about what everybody reckons about it and start working ideas together for when we come back next time. Or you can send it in by tape or whatever. So, it might be that people reckon they are not clear about what we have said so far. Well, we are ready if you want to ask a question about it or, if it is all clear, we can shoot off and everybody can get on with work and get all their own ideas and think about what you want to have in it.

Persons talking in their own language amongst themselves.

Mr EDE: After we have gone, have a talk to the school about when they set up the school council here and the things that they put into the constitution for the school council. They needed to have a constitution as to how they were going to run that. And the council here, it has got like a constitution of how it is going to run. It says things about how you are going to have elections, how many people can be on the council, how many times you have got to have meetings - all those sorts of things. This really just like a big one from there, because it is not just covering Alpurrrulam, it is covering all the Northern Territory, so it might have some more things in it. It is more powerful, because it goes on top of this.

When these were done in Queensland, Western Australia and South Australia 100 years ago, all that happened was that a few politicians and lawyers got together in a room in Brisbane or Sydney or somewhere, and they did it themselves. They did not go out to the people and ask them what they wanted in it. So some of them have not got much in them, but we want to do it differently here in the Northern Territory. We want to make sure that it really does belong to the people and that everybody has a chance to talk about it. That is why we have come out and asked for everybody to think about it.

Mr HATTON: Thanks very much for listening to us. I hope you now start to talk about it amongst yourselves and you let us know if you want us to come back. Okay?

A person: yes.

Mr HATTON: Thank you.