

## PUBLIC MEETING

**DAGARAGU — Monday 13 March 1989**

PRESENT: —

**Committee:**

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

**Officers assisting the committee:**

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

**Appearing before the committee:**

Mr Billy BUNTER

Mr Mick RUNGIARI

Mr Gary CARTWRIGHT

**Also present:**

Peanut PONTIARI

Smiler CUDDAH

Wonga BILL

Roslyn FRITH

Marianne YUNGA

Nancy FRITH

Mona COOK

Jerry RUNGIARI

George NIDGI

Topsy DODD

Michelle DONALD

Ray DUNCAN

George EDWARDS

Kathleen DUNCAN

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

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Committee introduced by Mr BUNTER.

Mr HATTON: Thank you very much. I am Steve Hatton. You have all got this book. Our committee is what we call a select committee from the Legislative Assembly in Darwin. Wesley, myself and Brian Ede are on it. There are 6 of us on that committee. You can see it on the back there. There are 3 people from the Labor party and 3 from the CLP on this committee and our job is to prepare a draft or a first go of a constitution for the Northern Territory.

You know there has been a lot of discussion and argument about whether or not the Northern Territory should become a state. Some people think we should become a state quickly and some people think not yet, maybe later. There has been a lot of argument about that. What we all must understand is that one day, whether that day is next year or in 5 years time or in 10 or 20 years time, the Northern Territory will become a state. When we become a state we are going to have to have our own constitution. It is like when Dagaragu goes to set up a council. Before you can set up the council, you have got to sit down and talk and discuss and make a constitution for the council. You have got to get that first before you can even think about becoming a council, haven't you? Well, it is the same thing with becoming a state. It is our job to work on that drafting or writing of that constitution for the whole of the Northern Territory.

There are really 3 steps in doing this and we are just doing the first step now. The first step is that we are going around and talking to all the people, all around the Northern Territory. We have come to Dagaragu to explain what we are doing, why we are doing it and why it is really important for you as a community to think about what we are saying and think about what you want written into the constitution for the Northern Territory so that, when we come back, you can tell us what your thinking is. This way we can find out what people think all around the Territory and bring people together and we have got to write something we call a draft constitution. It is our first go at it.

The next thing that we have got to do is make suggestions on how we form a committee of people from all over the Northern Territory who will take our work, look at it and say: 'Yeah, I like that. I do not like that. I like this in it and not that in it'. They do a redraft of that to prepare it and that is the second stage. That big committee we call a constitutional convention. It is a fancy title for a big committee of Territory people. They then prepare a recommendation or what they call a recommended constitution. Then, that goes out for all the people to vote yes or no on whether they want it. So it is 3 steps: Our committee does the drafting, the constitutional convention looks at it and the people vote.

What we are doing now is the first step. We are going around and saying: 'This is really important because one day the Northern Territory is going to be a state and, when it is, we are going to have our constitution'. Now is your chance to think and have your say about what you think should go into that constitution and also have your say about who you think should go on the constitutional convention, a committee of Territory people. We want you to bring forward your views so that, when we sit down to write, we can get as close as we can to what the people are thinking. This very important law will tell us what sort of a place the Northern Territory is going to be in the future. What sort of a Territory do you want? It deals with lots of important issues like your rights, your freedoms, and things that are really important for yourself and for your children and for your children's children. How do we protect your rights? Just like you do with the council. You work out who can vote for what. You set your rights out. The same thing with this one which is for the whole of the Northern Territory.

We are here to tell you that this is going on and to answer any questions you might have. If you want to tell us what you think now, please tell us. Perhaps you just want to learn about what we are doing and go away and sit, think, discuss it within your community and come back when we come back later and we will get together later when we can talk again, when you have had a chance to work through and know where you want to go. We will be happy for you to do that too. It will be a law for all the people and we really have to get all the people to talk to us about it.

Mr RUNGARI: You want to get a constitution for everyone in the Northern Territory and assisting my people here. I think that even though the council is registered under the new government association. That should be, you know, the sort of definition ...

Mr HATTON: It is like your definitions.

Mr RUNGARI: Is it a different issue, that one?

Mr HATTON: No, it is the same sort of thing if you look at your council for Dagaragu and you take that and say, 'Okay, what do we write for the whole Northern Territory?'

Mr CARTWRIGHT: You could possibly compare it with when we use to be a council before and then we talked about that community government council. We talked with Hugh Richardson and Kirk Wheelan and Mike and a lot of other people and we talked about different rules within that constitution for this community. This is for the state. This is for all over the Territory.

Mr RUNGARI: For the Northern Territory state. It is what I am trying to get. Just give me a rough idea.

Mr CARTWRIGHT: We have had self-government since 1978 and there has been a fair bit still under commonwealth control. But now we are talking about statehood and the constitution for that state so that we can be the same as New South Wales or the other states. So Steve is asking us to go through this and there are those 3 steps.

Mr HATTON: We have lots of other books that we can give you to read about it too. This book here is small and simple. It is

easy to read to start the people thinking about it. If you want to do more reading, look at that one. This was written from that. This has a lot more arguments for and arguments against different things. We can leave you some here. There is this one here which talks about the people who go on that constitutional convention and whether they should be elected or appointed. Make sure you have Aboriginal representation on that convention. There are lots of questions like that and, if so, how we do that. We need to answer those questions to make our recommendations to the parliament. There are other important questions too that people are very interested in like land rights and national parks, mining and things like that, all of which are important for people to think about.

Mr CARTWRIGHT: With those 3 steps, is there a time frame that we are looking at?

Mr HATTON: We have never set a time frame. We are a select committee of the Assembly and so we are a one-off committee. It is not a standard committee. We are supposed to report to the parliament by 28 April next year. We would like to be in a position to provide our report by then, but we have had that 12-month time limit now for the last 3 years. We just keep extending it if we have not got the job done. It is just too important. We are not running on time; we are running on communities. I would like to be able to present a report next year but, if we have not done the job properly by then, we will just get an extension of time to do it. It is most important that we do this properly. It is not a matter of how fast we do it. We must involve everybody in the Territory. Is important. If we do not do that, it will not work.

Mr CARTWRIGHT: I am glad to hear that there is no time frame because there are a lot of other issues that we are trying to have introduced, mainly the health policy and a few others. Before we are first consulted, we usually have a month to 6 weeks and then you can have proper input into such important issues.

Mr LANHUPUY: That is why we are going out to as many Aboriginal communities as we can throughout the Northern Territory, talking to them generally about this in order to start people thinking about it, talking amongst themselves as widely as they can. Discuss it with some other communities and see what they think about it and then come back and talk to us. If you want us to come back, we will do that because, from our point of view, I think it is important that we get as many views as we can on this thing before we can start to say to parliament that this or that is what we think should be done..

Mr RUNGARI: Yes, to my understanding, you are coming in with ideas and that it is very important for these poor people in the Territory to pick up themselves. This is only new. This is not been happening before. There are a lot of ideas that we have to think about. Our people, we have to tell them that this or that should be in the constitution, things like land rights.

Mr LANHUPUY: If we make that rule now and in 5 or 10 years time include it in the law, it is going to affect our children. And the only way that law can be changed is if the people in the Territory vote for it. Those are the ideas that you put into this constitution.

Mr RUNGARI: In fact, I reckon that, if we really think about it, we might be able to answer. You know, write to you mob living in Darwin and just say: 'Yeah, that is all right'. Because a lot of ideas are coming in and we might be trying to live with that constitution ...(Inaudible).

Mr HATTON: What the constitution does is that it starts to say what sort of shape, what is the Northern Territory going to be like in 10 years time for our children and our children's children. What is it going to be like for them? It is up to us to start writing the rules to make that future society. It is very important. We cannot rush. We have to think and not just for this group of people in the Territory, but for everybody. How are we going to build something so that we can all live together and make the place better for everybody? How do we learn to live together, work together? How do we fix up arguments between each other? How do you want the Northern Territory to be for everybody, Aboriginal and non Aboriginal, everybody?

Mr RUNGARI: Well, everybody living in that Northern Territory.

Mr HATTON: That is right. We are we going to work out how we make the rules to make that better, stronger.

Mr RUNGARI: Yeah, not only for Europeans but for all people in the Northern Territory because we live in the Northern Territory. How do we make this Territory better for our children? I guess this is the best way to go, I reckon. I think, in my opinion, it is the only way to go. It is the best way. You know, talk with our people here to make them understand.

Mr HATTON: Yes and maybe next time when we come around again we can sit down and you can write down the sort of things you want. But, it is always better if you talk, isn't it? See us man to man, face to face, and you can explain why you think that way. Maybe when we come next time, rather than rush like this, maybe we get people from all over the place who are in the district and bring them together and we talk for 2 or 3 days.

Mr RUNGARI: I think that we have got to get blokes here like me. We just got to get the best way to go. What rule will be in the Territory, that is it. We will have to stick to that rule, because they mean what they say, for our children.

Mr HATTON: We are starting to make laws for our children, aren't we? We have got to get them right. It has taken 3 years work to get this. I am going to flick through it and just go through a few issues.

We talked about what the constitution is. The thing to ask is what sort of things should go into a constitution and it talks about that. There are 3 separate basic things in a constitution. There is what we call the legislature, the parliament. You have one of the rules around the parliament and it is asking questions here. Should the parliament of the new state have the same powers as the state parliaments in the other states? Should there be only 1 House of Parliament or 2? In the federal parliament, the Commonwealth, they have got 2 - the Senate and the House of Representatives. In the Northern Territory, we have only got the one at the moment. Do you want to have 1 or 2, an Upper House and Lower House? Do you want to have what would be like a Northern Territory Senate? That is one question.

Should you write into the constitution for the parliament to be for 3 years or 4 years or don't you write that into the constitution? What sort of a parliament do we want? There are many question that we have to ask ourselves.

Mr CARTWRIGHT: The other states have already got a constitution over there. Because we are going into it, should we be looking at similar things that other states did or have we got some special needs?

Mr HATTON: They can be different.

Mr CARTWRIGHT: Or should we make them different?

Mr RUNGARI: I think that if that constitution is in Western Australia or South Australia or maybe Queensland, we have to think very hard.

Mr HATTON: That might not suit the people of the Northern Territory.

Mr RUNGARI: No, we have got keep different ways again for this constitution.

Mr HATTON: Those other constitutions were written 100 years ago.

Mr RUNGARI: Right.

Mr HATTON: A lot has happened in the last 100 years. A lot of differences.

Mr RUNGARI: Apparently, we think a state has a lot of ideas about it. Not the same as a constitution written here. They must have a lot of different ideas because they live in Western Australia, Queensland or South Australia.

Mr LANHUPUY: All the other states like Queensland and Western Australia have already got their constitution and they have got their statehood. Just 10 years ago, we received self-government in the Northern Territory. What the government wants now is to give the people the opportunity to talk about constitutions so that we can clear the air, have our own state and have the same powers over land, minerals, law, services and other things like other states have. At the moment, we do not have that. That is why we hope with this paper we can ask the federal government for it. If the people of the Territory vote and say that they want a constitution, then we can go ahead and have it.

Mr HATTON: It is a bit like when you were a child. Your parents and adults guide you, help you and teach you. You grow up and become an adult and then you make your own rules. You have then got to make your own decisions. It is the same going from being like a territory to becoming a state. It is like growing up and becoming an adult or a man. Going from a child to a man or from a child to a woman. They take on rights and responsibilities. We have got to write those rules for our place. I do not know whether you want to go through these bits and pieces.

Mr RUNGARI: Thank you for coming and telling us because of new ideas and new rules and new regulations. I think that we can look at what is written here. That might help to give us ideas.

Mr LANHUPUY: What we do is we just stay around talking to you all. We will present this to parliament and say: 'These may be the things that you mob want'. Then, the parliament holds a big meeting. That is where you work out what kind of rule you want. After agreement, then it goes to the people for voting. If you want that constitution, you will vote yes. If you do not want it, that's it. That referendum decides whether we have this one or not in the end. But it has got to be the voice of the people in the Northern Territory, the whole lot. That is why we are going around to say: 'Look it is here. It is going to happen. We want

you mob to talk about it now and give us ideas'. We hope to come back again one of these days. It is a long process. There is no time limit. It is not going to happen in 5 years time or 10 years time. We hope it will happen when people of the Territory are ready for this law and if you want it.

Mr BUNTER: (Inaudible).

Mr HATTON: There are other things they are talking here. You know the ministers in the government? You have to work out how they should choose the ministers. That is one matter you write into a constitution. And the courts. Should the constitution say something about the courts and the judges and how they should work, those sorts of things? Should there be something written into the constitution to protect community government, to give you some constitutional protection so the government cannot come in and say no more community government? It can give protection against that. The constitution can do that. That is one way to do it.

Do you think we should be writing special things on human rights into the constitution, like a Bill of Rights? Some people think it is good to write it in a constitution and other people think it is better to not put it into a constitution because there is better protection elsewhere. These are questions that we have got to talk about like like freedom of speech etc, your freedoms, your rights, Aboriginal rights. Should the constitution say something about land rights? Should that protect land rights? Or are there other ways of doing it? There are lots of questions like that.

Do you think the constitution should say something about recognising the special position of Aboriginal people in the Northern Territory? For example, should it provide special protection for Aboriginal language, Aboriginal culture, your Aboriginal law? Should we write something into the constitution to guarantee protections for that? All those sorts of things are the sorts of things that, when you write the constitution, you have got to think about and say, 'Yes, we do this' or 'No, we don't want that' or 'This is really important and it must be there'. And they are the big issues that are not going to be fixed up quickly. We have got to start talking about them and, if together we can work out how we want it to go, then maybe we will have a much better Northern Territory for everyone because we will have worked it out together. And that will be the first time ever, won't it?

The other thing I think is really important when you are thinking about these things is that you should also think very carefully about how we should put together this committee of Territory people that I talked about. There is a paper here about that and not many people are thinking about this. They think that they want to look at what goes into the constitution, but I think it is just as important because you have to make sure that you have good representatives on that committee. You want to get the right people on there and so you have to think about how we go about doing that. How many people should be on that committee? Should it be 50, 60, 40, 100? And what sort of things should they be looking at and do we elect them or do we have somebody appointed from different areas? Your community here may send somebody along. Or should we have an arrangement whereby all the different Aboriginal people can come together and choose some Aboriginal representatives to go on that committee and where they can go back and talk to their people and come forward again in the discussions? I do not know the answer. I am just asking you the question. They are the things we have to think about too so that, in the end, you will feel happy and I will feel happy that what we have done is that we have really got something that all the people want. When we look at this, we must think that it has to be something for Aboriginal people and non-Aboriginal people together. Not just one side against the other side but how we get something for both.

Mr BUNTER: We are just saying that the view is to leave it there and ... (Indecipherable) ... later on when they probably have a total community ... and pass on to the council ... write a letter. It will take a while to pick up some of these new ideas.

Mr HATTON: As I said, it will take time for the people to think it through. It is important. We will leave those extra books here for you too so that is you have more detailed information. It might deal with some of the issues that are just roughly treated here and deal with a little more detail in there. You can just take out and discuss a particular section and it also gives you some of the reasons why some things you can do and some things you cannot do. We have got to fit in with the federal Constitution too. We cannot do away with the government. You have got to have a government because Australia has got this monarchical system and so on.

Mr BUNTER: Well that can help us more.

Mr HATTON: We will leave you plenty of these ones anyway to start off with. We will forward to your community these ones too because I think you might find those useful. This is some of the general background information. All of these papers have been through the committee and so they have the support of the committee - both sides of politics. There is no party politics in this one.

Mr BUNTER: We have to go through it step by step because it is new.

Mr CARTWRIGHT: Billy was just saying we have not got many questions at the moment.

Mr HATTON: That is fine. I would just like to thank you very much for giving us the time to come and talk to you and at least explain what is happening. I look forward to getting back here next time and see if we can organise a way we can spend more time to do it. The Northern Territory is a big place and they want us everywhere all at once which is very hard, so maybe there is a way you might want to think among yourselves and the other councils. There might be a way we can start to bring more people from around the districts - like the land councils do to bring everyone together - and we can then spend a few days. We are happy to do that too. Whatever is the best way you think for us to talk it out.

Mr CARTWRIGHT: We will start circulating these books and there will definitely be a lot of questions. We will read those.

Mr HATTON: You will find them interesting actually. Thank you very much for your time.