

## PUBLIC MEETING

**LAJAMANU — Monday 13 March 1989**

PRESENT : —

**Committee:**

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

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 Mike PRESS

Ms Jeannie HERBERT

Mr Martin JOHNSTON

Mr Paddy PATRICK

Mr Mark RAE

Mr Lindsay HERBERT

Mr Jerry JUNGALA

Mr Ron ANDERSON

Ms Christine NICHOLLS

Mr George JOHNSON

Mr Harsh PRABHD

Mr Phil PRICE

Mr Gordon HALLIDAY

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

---

Mr HATTON: Gentlemen, I formally declare this hearing of the Select Committee on Constitutional Development open at 11.15 am. Thank you very much for coming to meet us this morning. I know it is inconvenient when you have people coming in and out of the community all of the time and, every time people come in, they want to meet the community, they want to talk about this or that or something else. I guess that, to a lot of you, we are just another mob from the government who have come down here to talk about something else. You do not know what we want to talk about and where we want to go.

But, if I could introduce myself, my name is Steve Hatton and I am the chairman of this committee. Wesley Lanhupuy, the member for Arnhem, is a member of the committee too. We are both in the Legislative Assembly of the Northern Territory. This committee has both Labor Party and CLP, both sides. It is not one side or the other, but both sides of politics together. We are not arguing with each other about this one. We are trying to talk together and find a solution. Our job is to write a constitution for the Northern Territory. That book that I gave you is just a bit of an explanation about what a constitution is and what it does. We have done a lot of work and we will leave some other books behind for you later which have got a lot more complicated material in them. That book there has got all sorts of arguments for and against different things in the constitution and there are 2 other books there. We will leave those behind for people to read in their own time and just think about it. Our purpose today is to encourage you as a community to start to think about what sort of things that, one day, you would like to see in the Northern Territory's constitution. When we come back next time, you will have had a chance to think about it and to

come up with some ideas and you will be in a better position to tell us what you think.

It is the most important thing that is going to happen in the Northern Territory for a long time. Now, I know there are a lot of people who think that we should become a state. Other people think that we should not become a state yet and there is a lot of argument about that. We are not asking you that question. We are not asking you whether you think we should be a state now or not. But what we all must know is that, one day, whether it is in 2 years time or 10 years time or in 20 years time, the Northern Territory will become a state and, when we do, we are going to need to have our own constitution just like when Lajamanu became a community government. You had to sit down to work out a constitution and how you wanted your council to work. I understand now you are working to adjust it because of some problems you found with it. You talk through as a community and try to work out how you want your community government council to work. It is the same with a state or with Australia. We have to have our own constitution too that says what our rights are, how the parliament works, what the judges can do and all sorts of rules that say how we want the Northern Territory to run in the future. Our job is to try to move towards writing that.

We are only doing the first part of 3 parts. Our committee writes what we call a recommended draft constitution. Then, that and all the things that you tell us and all the background papers will go forward to what we call a constitutional convention. That is a meeting of maybe 50, 60 or 70 people from all over the Territory. It is their job then to look at what we have said. They might like some things and not others and say: 'Okay, we want this and we do not want that'. They then write the final constitution and everybody in the Northern Territory then gets to vote on it. There are 3 steps. And we are only working on the first step now and trying to get as close to what the people want as we think we can. That is why we are travelling around the Northern Territory, coming to the communities, talking to people and asking them to think about it, ask questions about it or, if they have some ideas, to tell us about them. Tell us about them because that is going to help us to do our job. I am not going to talk too much longer. Wes, maybe you would like to deal with some of the issues that we are trying to get some ideas on? If I could just leave that with you, you might have some things to ask us about later.

Mr LANHUPUY: Thanks, Steve. Thanks for coming, Mr Chairman. I think it is important what Steve said. The first aim of this committee is to go around and to talk to as many people as possible right across the Territory to get their ideas on what sort of law we should have in the Northern Territory. If we as members of parliament sit down by ourselves and make laws for you that do not have your agreement, we will have arguments for a long time, especially Aboriginal people. That is important. That is why I said last week to Vince that as many people as possible should come in here so that you can express your views to us. We can always come back and talk to you more about it. This paper gives you an idea of what this committee wants so that you can talk about it, go back to you communities and, if you want this committee to come back at a later stage, we will try to come back and get your views.

That is important because it is going to affect our lives. Whether we like it or not, one of these days, we are going to have a state, a constitution for the Northern Territory - a law that will affect our rights, including our lands. That is why it is important, especially for Aboriginal people throughout the Northern Territory, to make sure you express your views. You should talk to people like Steve and me and, when we come back next time, you will talk again to us. It is very important because, like Steve said, it is not going to happen next year or 2 years time. It might happen in 10 years time, but it is going to happen. That is the important thing and therefore our main aim is to get this paper to you mob so that you can talk about it. Get back to us, ask us any questions and we will try to answer them for you. We can always come back and talk to you a bit later on. I think this meeting is now open for any discussions.

Mr HATTON: Any questions at all? Perhaps I could ask you a couple of questions, maybe just to start you thinking. If I said to you, do you think that the Governor, who is like our Administrator now, should have the right to sack the government? Do you reckon he should? If so, under what conditions?

Mr PRESS: (Inaudible).

Mr HATTON: In other words, if he loses the support of the parliament.

Mr PRESS: Yes.

Mr HATTON: Those are the sort of basic questions that are going to lead us to writing the rules. What is the role of the courts? Should you have one House of Parliament or 2? Should you have an Upper House? Can I give you a couple of things that have been going through our minds. One thing that was talked about is whether there should be special Aboriginal representation in the parliament. There is no doubt Aboriginal people have got a special place in the Northern Territory. You were here first and we have come in later. In New Zealand, in their constitution, they have a couple of seats that are specially for Aboriginal people to have their representation in parliament. They have special seats for Maoris. One question that we have been asked is whether we should be the same in the Northern Territory. In New Zealand, the Maoris have a choice. They can either go on a special Maori roll to elect Maori members or on the general roll to elect members as we do now. Thus, there is a plus and minus with

both things and that is why you need to think about it.

One question is land rights. Should the land rights be written into the constitution? At the moment, you have got it in an act of parliament.

Mr LANHUPUY: The reason why we raise land rights is because it is something that we Aboriginal people feel very pleased about. We feel very deeply about having land rights here in the Territory. That is one thing that this constitution is asking. Should all land matters be looked after by this new constitution or should it be an act of parliament? At the moment, it is an act of parliament only and, if the parliament wants to wipe that land rights legislation off, it can do it. If Aboriginal people say to this committee that they want land rights in that constitution, a book that will give us rights to land for years and years, something like the Indians have in America, that is another important thing that we want people to talk about because it will affect us in the Northern Territory. There are other powers that the government is trying to get - powers for uranium, self-government ...

Mr HATTON: The same as other places in Australia.

Mr LANHUPUY: Like other places in Australia that have already got those powers. In the Northern Territory, this government has not got them and that is why we are going around to speak to you all to see what you think we should have in this book of rules for the Northern Territory.

Once again, I will just say that it is important that you talk to us because, if that law goes ahead in 5 or 10 years time and you all say, 'Sorry, we did not have anything to say in that', you will have missed the opportunity. Now is your chance to give your voice to us because we will be going to a lot of people throughout the whole of the Northern Territory to get people's views on this before we have a big conference involving lawyers and others. Then, it will be time for all of you to vote on whether you want it or not. When we go, we will leave some papers for you to talk about, also to get in other people that you might want advice from, and discuss these matters.

Ms HERBERT: (Speaks in an Aboriginal language).

Mr JOHNSTON: One question I would like to ask right now is that the constitutional act is in the parliament in Canberra, but there is no constitutional act here. We do not understand at all. If the constitution comes down to the Northern Territory government, people are still worried. For sure, it will be the first time for the Territory government to have the statehood, for that government to have the power to run that Land Rights Act. We are saying now that that act that is right now strong up in the parliament in Canberra, when it comes down to the Territory, are we still going to have that same act? Is it still going to be strong in the same way?

Mr HATTON: Firstly, the constitution thing. In Queensland, they have got a constitution too. Western Australia has got a constitution. Each state has its own constitution and then the whole of Australia has got another one. There is a big constitution for the whole of Australia and then there is one for each state, except the Northern Territory. We have not got one at the moment and that is what we are working towards. So there are 2 levels of constitutions and we have only got the Australian one.

Now, in relation to the land rights, your land rights will still be there with statehood. Now everybody is saying that. The CLP is saying that and the ALP is saying that. Both sides are saying the same thing. There is a book here that was written 2½ years ago dealing with land matters and it says very clearly. Land rights will stay and, no matter who is in government, we will keep land rights. We will guarantee that the people will keep their land.

People ask what sort of things should go in the act and how strong it should be. What the Northern Territory government has been saying is that it wants to go and talk to the Aboriginal people and ask them that question. Do they want the act exactly as it is now or do they want some changes to make it better? We do not know whether there are things in the Land Rights Act that Aboriginals think should be changed. We want to go and talk to Aboriginal people and ask them whether they want the same land council structure or a different one? Do they think they have the right say over their land? There are all sorts of questions but, in the end, as Territorians, Aboriginal and non-Aboriginal, together we should be working that out so that we live together in the future. No one is saying that there should be no land rights. Everyone says that land rights are there and your ownership of your land is protected. You keep it, but the question that we are asking is how you want to manage it. Do you think the Land Rights Act is perfect? Do you think the one that you have got now is perfect? Is it exactly how you want it, I do not know?

Ms HERBERT: We think it is okay at the moment because politicians are listening to the wishes of the Aboriginal people. In terms of consultations with the mining company and all that, I think Aboriginal people should have a say in the royalty money and all that because it is Aboriginal people's land anyway in the first place.

Mr HATTON: No one is disputing that. We are saying that we just want to talk to Aboriginal people about that. That is all. We are not saying that we are going to take away what you have already got. There may be ways that it can be strengthened for you.

Ms HERBERT: If it does become a state, I know it will be changed.

Mr HATTON: Why? We are not saying that.

Mr JOHNSTON: You just said that every state has its own constitution. If the Northern Territory became a state, you could change that because it is a state itself with its own constitution. That is why we have not been sure about now. You are saying that every state has its own constitution and this might change. We cannot guarantee it.

Mr HATTON: That is why one of the questions that is being asked in this book is whether you want to get the protection, the guarantee, by writing something into the constitution to give you that protection. It is not in the federal Constitution now. Right now the federal government can change the Land Rights Act. It does not have to ask your permission to do it. It can change it tomorrow, just like that.

Ms HERBERT: If it gets written down, will you go round and visit all the Aboriginal people and sit down and talk?

Mr HATTON: Yes, that is what we are talking about doing. That is what we are doing now. We raise all these questions now so that you can hear and also you can tell us what is on your mind.

Mr PATRICK: Yes, but if we become a state, you might do a similar thing as the federal government can do. If the Territory becomes a state, you will have full control.

Mr HATTON: No, not full control. The federal government still keeps the power that it has now, like it has for the rest of Australia. We still stay part of Australia and there is still a federal government. There is still a federal DAA and it is still providing those services here, like it does everywhere else in Australia, to our states. It still provides services there.

Ms HERBERT: What about in terms of land rights. Can we still have the federal government to have the Land Rights Act?

Mr HATTON: I think it would be better back in the Northern Territory for a lot of reasons which I can argue about. But, what I am saying is one way - and I do not know whether that is what the Northern Territory people altogether say - to guarantee protection of your land rights is to put those rights into this constitution and then the government cannot change it.

Ms HERBERT: Do we have to?

Mr HATTON: What?

Ms HERBERT: Do the Aboriginal people have to put it in the state constitution, can't they have it with the federal government?

Mr HATTON: I think it is going to cause problems for you if you do, as it is causing problems now. Put it this way. Suppose I take the Land Rights Act now and I make that exactly the same words and it is a Northern Territory act and the federal government says, 'You can have that act, but you cannot change it'. If they said that to me, it would still be better and I tell you why - because it is with a Northern Territory act. When it is a federal act, a Commonwealth act, it causes lots of other problems. There was a situation out in your electorate last year, Wesley. A person was on a speeding charge in Milingimbi or Maningrida. He was speeding through the town and the police booked him. He got off because it is private land and not a public road. So we were having difficulty providing laws to protect the people in the community from speeding and all sorts of other things because it was Aboriginal land. All of the Northern Territory laws get mucked up in how they operate on Aboriginal land. That is true. Half the fights in the courts are trying to work out whether this law applies or does not apply on Aboriginal land.

Ms HERBERT: There have been so many arguments - look at Uluru and Kakadu and all those places - between the government and the federal government.

Mr HATTON: Yes, but that is not over whether it is Aboriginal land. What it is about is whether it should be run by the federal government or the Northern Territory government because everywhere else in Australia those parks are run by the state government and not by the federal government. That is what the argument is about, not Aboriginal people.

Mr RAE: But, in terms of our mining, the federal government has taken most of the money out of it anyway, isn't that so?

Mr HATTON: The federal government is taking virtually all of the money out the mining away from the Northern Territory

people. It takes all the uranium royalties, the Nabalco royalties, most of the Gemco royalties and for that offshore oil and gas in Bonaparte Gulf. It will take the royalties for the gold in Coronation Hill if that ever goes ahead. The Goldfields - it takes all of those royalties.

Ms HERBERT: What will happen if the state comes into force, will they take all our money too from mining?

Mr HATTON: No, that money will then come back to the Northern Territory for us to be able to spend on Territory people.

Ms HERBERT: At the moment, there are foreign people working there and all of that and foreigners being employed. Will there be a guarantee of employment and all that for Aboriginal people too on their land?

Mr HATTON: I cannot give you that guarantee. I would not be telling you the truth. Remember that, in the federal government, there are 154 seats in the parliament and only 1 seat is a Northern Territory seat. In the Northern Territory government, 25 seats out of 25 are here and you have got more say over what we do because you can kick us out. The Northern Territory just does not have the numbers to influence the people with the power, but you have the power over the Northern Territory government. That is your best protection because it is your government. Whether you like who is in power today or not, it does not matter; it is still the Northern Territory people's government. And that is the only protection that you have got, because you vote.

Mr HERBERT: Well, I think the Aboriginal people today are worrying about land rights, whether it is the existing land rights or whether it can be made better in the way that Aboriginal ... (Inaudible) ... that is all the Aboriginal people are interested in .... (Inaudible) ... if the Northern Territory government becomes a state, that something could go wrong after that. We want that protection.

Mr HATTON: You should have a look at that book and, in fact, these ones. I do not know whether we have got any with us, have we? I will send some of these down to you. They must have been sent here before, but I will send some more of these down here for you to have a look at because that one deals with the land rights. There are lots of words there, I know. That one deals with mining and that one deals with national parks. And they all refer to guaranteeing land rights to people. All say that. We all believe that. The question is that you tell us now how you want to get that guarantee written in. That is why we are going round talking to you. How do you want those sort of guarantees?

Mr HERBERT: Well we want to be protected.

Mr HATTON: I accept that. Now we have got to think about how. And that is where, if we can get the communities to talk and think about that and then come back and tell us how, what they are thinking, then we have got a chance to start to write it up for you. Then, it comes back to you to have a look at whether you think we wrote it up properly. That will take a long time. It is going to take a lot of work. We want to encourage you to be involved and have your say and bring your views forward. We have to talk to all Territory people, Aboriginal people and non-Aboriginal people, and try to work out how we are going to make this Northern Territory work for everybody properly in the future. How do we protect people's rights? How do we make a Territory in the future that we all want to live in and be proud of. That is what we are working for: to find a way, maybe through this, to solve a lot of the arguments that are going on between people and get people to work closer together and live closer together. It is a big job and we cannot do it without your help.

Mr JUNGALA: So the Northern Territory government has not had its own constitution?

Mr HATTON: No.

Mr JUNGALA: And it asking now for a new constitution. That means ... (Inaudible) ... idea on land rights. So you want to take the Land Rights Act through to the constitution?

Mr HATTON: Well, that is one way. Many people, and I think some people here today, are saying that they do not trust the Northern Territory government with the land rights. Is that the truth?

UNIDENTIFIED VOICES: Yes.

Mr HATTON: Right. Let's put it on the table. They are saying: 'We are a bit nervous about this statehood and about everything because we just don't trust the Northern Territory government'. Now maybe one day this man will be in government. Would you trust him?

UNIDENTIFIED: No.

Mr HATTON: No? Right.

Mr PATRICK: Everybody in the parliament. We don't really know their background ...(Inaudible) ... and so we don't trust anybody. The same applies not only for Aboriginal members but for people like Bob Collins where he is promising airports in Darwin and Alice Springs. They have been going on about that for years now and that is the Northern Territory representatives in the government. Just by looking at those things in the paper, well we get the same idea with the present government now and for the government which might want to change these constitutions.

Mr HATTON: Okay, you do not trust us. I understand that. I have been hearing it for years, so it is not new to me. But, okay, you say: 'Look, I want to make sure you cannot go back on your word. How do I make sure you cannot go back on your word?' Well, there are several ways. You could say with the federal government that that act cannot be changed unless the federal parliament agrees to the change. Another way is that you put some of your rights inside of this constitution and the only way this constitution can be changed is when everybody in the whole of the Northern Territory has to vote on it. So it is not up to the parliament. It becomes stronger protection then, doesn't it? If you had in there that you cannot change anything about the land rights without a vote of the whole people of the Northern Territory and, even then, you could say maybe it has to have three-quarters of the people vote for it. You can write those things into a constitution and that gives you better protection than just with the federal parliament. What if next time, say, John Howard gets elected?

Mr PATRICK: The Land Rights Act when we had that - who is that man? He is not here now. He is the foreign ... Who was that fellow? That bloke was in power. Whitlam. He changed a lot of things and they got that in the constitution and it is there, right? You cannot change it back. That is okay. But, you see what you do now. You people come now and that was not done before. We did not have people from parliament coming asking for opinions like that, telling us what is happening in a state or what will happen in the future for Australia. I think it is beginning but we do not know many people who are in parliament. That's why we cannot guarantee or we don't really trust these people. That is why we have got to be very careful. If we are going to change the constitution, then we have got to be really sure and know these people and know the government. Because, at the moment, why we are saying some of these things - some place they will find gold, right? Like Granites. The state want it, the federal government want it and the people want it. So it is a fight all the time. Some people they talk more ... (Indecipherable) ... who we can trust.

Mr HATTON: And that is why this is going to take a long time. But we have got to start talking one day, haven't we?

Mr PATRICK: It is going to take long time.

Mr HATTON: Sure, but we start talking now and maybe we do get to know each other and find out how we can do it. I agree with you that it is going to take a long time. The people in Darwin say the same thing to me.

Mr JOHNSTON: Do we have any rights after? Right now you have got the present government telling the Territory that statehood will go ahead and people want the constitutional change and maybe we got opportunities now to say, 'Okay put that in and statehood will go ahead', and put that government in now. But, after that government finish, what happens to the next government? Will that constitution change then or do they have to come back and see us?

Mr HATTON: Well, you can write rules into the constitution on what they have got to do to change it. You can write in that they have got to come out and talk to people and that you have got to vote on whether it changes. We recommend in that paper that they put a clause, a condition, a rule, in the constitution that says that the only way they can change it is when everybody in the Northern Territory votes and the majority of people in the Northern Territory say that the change is okay.

Mr JOHNSTON: Right now, this present government now is calling round asking Aboriginal people in each community for the statehood to go ahead and that this is our opportunity to say what we want in the constitution, whether we like it or not. (Indecipherable) ... to say our ideas now, instead of saying maybe 2 years time, or maybe 10 years time, but still we are going to have the statehood here. Still we are going to have our government who will run a lot of things in the Northern Territory for us. We are going to rely on parliament all the time if the Territory government has that constitution here. But, it is true - we are confused and maybe we do not trust each other.

Mr PATRICK: At least be honest, you know. If we can work along and have that in the constitution, that is okay. One idea that we come up with is that whatever we write in the constitution, maybe for that next election we want that government to come back and see us again to make that constitution is stronger and better for us. And that is one of the things that we want.

UNIDENTIFIED: Might get an idea of Indian people and their land ...

Mr HATTON: I want to go over to America later this year. I want to go across there in about September to have a look at what is going on with the Indian rights in Canada and America and Alaska for the Eskimo people, just to see what is happening over

there and just learn a bit more about it.

Mr PATRICK: Excuse me, would you have people like Wesley going? Yes, I think it is better off having ...

Mr HATTON: I am happy for Wesley to come along with me. You want to go to America?

Mr PATRICK: Why I am asking this is that you have got to have some representative of Aboriginal people to go so that he talk to us. We must have someone there.

Mr JOHNSTON: Yes, some representative to represent Aboriginal people if you were thinking about going to America.

Mr HATTON: I am thinking of learning too for myself. I am trying to learn. I am trying to understand a lot of the issues and what the arguments are, what is happening. People tell me what is going on in America and Canada and what is going on in Alaska and I want to go over there and talk to the people so that they can tell me and I can see. I want to learn. I like to get around and talk to the people around the Northern Territory for the same reason.

Mr HERBERT: Yes, this here ... (Inaudible) ... the federal government and the state government. What protection are Aboriginal people going to have against this government for land rights. We need really strong support on that one to make it really successful for Aboriginal people for ...

Mr HATTON: What you want is something that is going to protect what you have got now, protect your rights, so no one can take them off you.

Mr LANHUPUY: That is one of the reasons why we are going around to tell Aboriginal people that, if we want our land rights in this constitution, we can ask for it. That way the parliament alone cannot change that act. The whole of the people in the Northern Territory have to vote to have that change in the constitution. At the moment, it is just an act of parliament and, if John Howard gets in federal parliament, he will say, 'I will give this to the Northern Territory mob', our Land Rights Act, and there is nothing we could do about it because it is just an act of parliament. He cannot do it if that federal legislation is in the constitution. We people in the Northern Territory would have to vote before any change if that Land Rights Act was in this constitution. That is the type of protection that we are trying to give you mob to say that you can tell us to put it in the constitution, not just have it as an act of parliament because an act of parliament can be changed by us mob.

Mr PATRICK: Like we are outnumbered by the others, right? That's what we are. We Aboriginal people are outnumbered. How can you guarantee that one?

Mr HATTON: Graham, you might want to get into this. There are ways that you can entrench elements in a constitution deeper than the normal clauses, aren't there?

Mr NICHOLSON: Special votes.

Mr HATTON: You can require special votes. If we want to write our constitution for the Northern Territory, we cannot go against the federal constitution but, apart from that, we can pretty well put in what rules we want. We can put special rules for special votes on some parts of it. There is no limit.

Mr LANHUPUY: You said Aboriginal people are outnumbered, but we are about 30% of the Territory's population. The constitution would not work if we do not agree. The whole lot of people in the Territory have to agree for this constitution to work otherwise we will have this fighting all the way. That is why it is important that we let you mob know about it and think about it and, if you want to have any impact on the constitution, put in what you are thinking now before it is too late.

Ms HERBERT: Sacred sites and all that?

Mr LANHUPUY: Well that is the sort of discussion ...

Ms HERBERT: Many Aboriginal people are not even enrolled. There might be a lot of Aboriginal people in the Northern Territory, but many of our people are not enrolled in the electorates. There are more non-Aboriginals enrolled.

Mr HATTON: Every time there is an election coming up, people come around and they run videos and education programs in the communities. They are going around trying to get people to get on the roll and they do it at every election, don't they?

Mr PATRICK: No, you should not work that way. You should get people on the roll and then, whenever there is an election, you have got everybody listed, right?

Mr HATTON: That is right. We do that but, for you to join the roll, you have to fill in a form. You only have to do it once and it stays on the roll all the time until you die.

Mr PATRICK: Yes, but this is always happening now. Some people are not on the roll.

Mr HATTON: Been taken off the roll?.

Mr PATRICK: No, they have not been listed.

Mr HATTON: So that is where the government tries to get out and the local members try to get out. The forms are here in the community. You encourage your people to fill the forms in and get on the roll. They are allowed to. We want them on the roll. We have all got to work together to encourage people to fill the form in and then, when they are on the roll, they are there forever.

Mr ANDERSON: I would just like to ask a question. If the Northern Territory should ever gain statehood, apart from giving the state politicians greater control over revenue that you just mentioned, coming from mining, and the fact that there would be more politicians, what are the advantages to the white and black population? Secondly, would it mean a whole new series of state taxes would be imposed on the people who live in the Northern Territory? I come from Queensland. I am thinking about the Queensland government and how they raised petrol taxes, stamp duty taxes, entertainment taxes. If the Northern Territory should become a state, would we have to suffer a whole new series of state imposed taxation policies.

Mr HATTON: No, because they are already charging them to you.

Mr ANDERSON: We are already paying those?

Mr HATTON: Yes, you are already paying them. This is one of the great fallacies or misconceptions people have got about statehood. As of 1 July last year, the Northern Territory government's funding from Canberra is calculated exactly the same way as it is for the states, by using exactly the same formulas or methods of calculation and it comes out of the same Commonwealth tax-sharing pool of money. It is exactly as if we were a state.

The way they calculate it is that they look at every state and the Territory and ask how much money is needed to be able to provide what they call a standard range of services, like providing education, schooling, health services, policing, roads, all those sorts of things. How much money is needed for that? Then they determine a state's ability to raise money within the state or Territory if you charged an average range of taxes such as stamp duty, petrol taxes and all those sorts of things. That is your revenue-raising capacity and the difference between what you need and how much you can raise is what the Grants Commission recommends be provided to make everybody equal throughout Australia. That is why they set the system up.

Now that is happening to us today. There are no special deals on money at all. We have all the responsibility. We have the parliament and the public service and the court system are in place. The education services, the police force and the community health centres and the entire structure of state government are here, except for a few powers. Money is not going to be a factor at all. What is going to be different is that the Commonwealth government will not be able to override things here that it cannot override in the states. Some of your individual constitutional rights might not grab your heart strings but, because you live in the Territory, you do not have them. When we become a state or if you left here and went to live in New South Wales or Queensland, you would get them back. You are losing because you live here and I think that is wrong. It is important to me, but you might not think that.

There are other areas of government such as the management of the national parks, the rangers who are on the ground. Everywhere in Australia is run by their Conservation Commission except for 2 parks in the Northern Territory and that is why we have all these fights with the federal government about it. They are doing our job and we are saying that it is our job and that we should be doing it. We are responsible to the people of the Northern Territory. You are the ones who vote us in and you are the ones who can vote us out. We have got to do what is in the interests of the Northern Territory people and managing the land, the national parks, should be done here, not by someone in Canberra or Melbourne telling us how to run our lives. What happens with mining? We will not get any more money either out of mining. We will have the same amount of money but more say over how it will be spent in the Territory. It is having a say over your own life. I do not know how you put that into words. That is sort of in there, isn't it? It is growing up. It is when you stop being a child and become a man, where you have a say in your own life rather than having somebody telling you how you can live your life. How important is that to you? It is important to me.

Mr ANDERSON: Pretty important.



Mr HATTON: But, please understand that what we are talking about is not those issues. I would like you to put myself, who argues for statehood, there and this committee over there. This committee is saying that one day that is going to happen. I do not know when, whether it is 1 year or 5 years or 10 years or 20 years. It will happen. Before we can even think about that happening, as a community we have to write a constitution. Before we even start to think about becoming a state, we have got to work out what sort of a state we are going to want, and that is what a constitution does.

Ms HERBERT: The federal government gave Uluru to the Pitjantjatjara people and Katherine Gorge to the Jawoyn people. Do you think that would happen with your government, the state government, if the rules are changed?

Mr HATTON: Yes, that will stay there.

Ms HERBERT: There have been so many arguments.

Mr HATTON: Let me tell you. We have said that Uluru, Kakadu, Nitmiluk will all stay Aboriginal land. We think that the lease back should be to the Northern Territory Conservation Commission, not to the Australian National Parks and Wildlife Service. The Jawoyn people have just entered into a lease back agreement with the Northern Territory Conservation Commission for Katherine Gorge, didn't they? Just last month. They are working with the Northern Territory government, not the federal government, and they want to work with the Northern Territory government. It is Aboriginal land or will be Aboriginal land, but it will be Aboriginal land managed jointly between the Aboriginal people and the Northern Territory Conservation Commission. It is not just there. Gregory National Park, just north of here, is not Aboriginal land at all but the Conservation Commission has been there talking with the Aboriginal people whose country it is and saying: 'Let's work together on managing this country'. The same with Keep River National Park, just north of the Victoria Highway, and with Litchfield Park. Gurig National Park on Cobourg is a Northern Territory park. In relation to Kings Canyon National Park, we are talking with the Luritja people and working with them. We are working for every Northern Territory park to be jointly managed by the Aboriginal traditional owners and the Northern Territory Conservation Commission, except Uluru and Kakadu. We did not have to do that. We were not forced to do it. It is not Aboriginal land most of it. We are doing it because we think it is the best way to do it.

Ms HERBERT: What do you mean it is not Aboriginal land?

Mr HATTON: I am sorry, in the white man's law. I agree with you. In white man's law, it is not Aboriginal land. I agree with you. I am not arguing your original ownership of the land at all. I am not disputing that. Please understand, I am not. I am talking about that, in the law, they say that is crown land.

Ms HERBERT: That's white man's law. But, as far as we see it, it is Aboriginal land anyway. It has been for 40 000 years.

Mr HATTON: I am not disputing that. I am not arguing with that. What I am saying is that, without being told we have got to do it, we are doing that. Aboriginal people are able to exercise their responsibilities for their land along with the Conservation Commission so we can work together. We are doing that all over the Northern Territory at the moment. But I know you do not trust us. I accept that. I am not disputing that. I am asking you to sit down and talk about how you think we should be writing the constitution to look after your interests too.

Ms HERBERT: I think we should start to talk about it. There is not much trust around at the moment.

Mr HATTON: We have a lot of talking to do, eh?

Ms HERBERT: There is so much talking to do with the Aboriginal people.

Mr HATTON: I agree.

And with all the people in the Northern Territory because it has got to be everybody's constitution. That is important. It has got to be for the non-Aboriginal people too. Remember we have got to find a way to determine how all of us want to work and to live together in 10 years and 20 years and 30 years time. How are we going to live together? Because all of us, Aboriginal and non-Aboriginal people, are going to be living here, aren't we? We have got to learn how to live together.

Ms HERBERT: This is the first time that you have come to us. It is the first time and it is great because it has not been happening before. It is great that people are talking together and talking to everybody about important things like that. Before it has not been happening. That is a good way.

Mr HATTON: We should do it a lot more, eh? Perhaps we can encourage you as a community to talk among yourselves about it, come up with some ideas. If you ever have any questions, if you want any more information on anything, there is a toll-free

number in place and you can ring us up free of charge.

UNIDENTIFIED: We have not got a phone.

Mr HATTON: You haven't got a phone? Write us a letter.

Mr LANHUPUY: All that information is in this book. If you want any further information about this committee and what it is going to be doing over the next 5 to 10 years, you should be able to get it in this book. This bloke here will send you more books if you want. If you want us to visit again, it is up to the community to let us know because we want to go through and make sure that everyone has a say before we get this law. It is no use us blackfellers fighting against whitefellers, because we all live in the Territory and we know it is going to happen. We will have this book one of these days and it is important that we talk and have an agreement among us all before this thing can become like a bible. It will be our bible for the Territory people, black and white, and it will give us the power and responsibilities of looking after ourselves in the end.

Before that becomes a bible, we have to agree about what we want in it, the laws and how they will affect us. If you mob want seats available in parliament only for black people, that is what the legislation will do. As Steve was saying, New Zealand has a system that gives the Maori people 4 seats in parliament. It gives them that right to have representation in parliament, but there is a catch to it. If you go on the general roll, you cannot vote for those Maori people. That is the sort of thing. If Steve goes overseas, he will look at those sorts of things in America, Alaska and those sorts of places. Once again, it is important that we talk about it. Any information that we can give, let us know.

Mr HATTON: We would like to come back.

Mr PATRICK: I do not think we should have that attitude of the fighting between the Aboriginal people and ... (Indecipherable) ... We are in the same boat. We have trouble with the same thing. (Indecipherable) ... That is the sort of thing that should be right for everybody. That is what we want to be sure about. It is not fighting really. We are in the same boat.

Mr HATTON: We are all part of the same Territory, aren't we?

Ms HERBERT: One of the things that should probably go in the constitution should be educating non-Aboriginal people about Aboriginal people, about our culture and other things. At the moment, there is no understanding between the European and Aboriginal people. We are still be looked down on for this and that. I think they should be educated to know us because there are more Aboriginal people in the Northern Territory. I think there should be some sort of a law or something to educate the children in the schools. There are so many misunderstandings between non-Aboriginals and Aboriginals. Something like that should be put in the constitution too.

Mr HATTON: I agree with you that there is a lot of misunderstanding and a lack of understanding of non-Aboriginal people about Aboriginal culture, Aboriginal history and Aboriginal aspirations. There is a lot of misunderstandings and I do not think we should wait for a constitution to do something about it. We should be working now. We are doing some things about it now. The best place to work is through the schools. The schools are more and more bringing in some education about Aboriginal culture and history. I know my children at school are learning about it. I think there is a lot more that should be done than is being done now but something is being done now. Most importantly, people should meet each other and talk. The school is the first place to start. We must start teaching at school about Aboriginal history and culture as part of learning about the Northern Territory, just like the Aboriginal kids are learning about the Europeans.

Ms HERBERT: They should learn about the Aboriginal languages and have Aboriginal people go there and teach children and students. I think that some would appreciate that.

Mr HATTON: I think we should be working on that in the education system.

Ms HERBERT: Yes, the education system and all the children in the Northern Territory.

Mr HATTON: I do not think that you want to wait until we have written the constitution to start doing that.

Ms HERBERT: I think that you can start it now because that is very important.

Mr HATTON: I agree.

Mr PATRICK: Now they are saying that we are ... (Inaudible).

Mr HATTON: I think it is starting but it is very slow. It is going to take a long time and there is no magic cure, is there?

Mr PATRICK: No.

Mr HATTON: Just a lot of hard work.

Ms HERBERT: We remember all the white people coming and teaching us foreign ways even before education came into force. European people used to come out here and just teach us all the foreign ways and all that a long time ago. We used to get punished for speaking our own language and those sorts of things. I think there should be some sort of thing about us Aboriginals in all schools to get a better understanding of all of us.

Mr HATTON: I agree.

Ms HERBERT: Steve, would you like to come and have a look at our classes later.

Mr HATTON: I would love to. We will have a talk to the kids too.

Ms NICHOLLS: Just picking up what Jeannie was just talking about, I think in some states of Australia, for example New South Wales, they are working towards compulsory Aboriginal studies courses in high schools. I just wondered if you had any comment about that. I agree that maybe that is the way to go, through the education system, but if you could just somehow put it into the constitution too, perhaps that would be a bit of a safeguard for the future.

Mr HATTON: It is an issue to talk about. I do not know the answer. I would like to think about it myself. What you are saying has been recorded and I can guarantee to you that it will be picked up. I would like to think about it before I was prepared to comment on that. I think there is something on Aboriginal studies built in the SACE core curriculum now.

Ms NICHOLLS: Yes, there is.

Mr HATTON: It has been developing. I do not know how significant a part it is. I think that is where my kids have run into it, but it is starting now in the core curriculum which is what I think you are talking about. For those who are not sure, SACE stands for social and cultural education.

Mr LANHUPUY: Just one thing to make it clearer to you mob. Remember when we were living in missions or settlements a long time ago, we had people like native affairs mob, DAA, and the Administrator in the Northern Territory making laws for us on how we planned our towns, how many jobs we wanted and they funded us for those things. Over a period of time, Aboriginal people throughout the Northern Territory got experience and started arguing with the people who used to look after us. We said that we wanted our own councils where we could make decisions for ourselves, not by that mob in Darwin. The Northern Territory government in Darwin gave you legislation for local government in communities. That is what the Northern Territory is trying to do. We are trying to say to the federal government that we are already here and we want the power to run our own affairs. We are asking the federal government for this power. The federal government only gave a little bit of power and the Northern Territory government is not happy. That is why we are saying that we should have a constitutional committee to look at the rights of people in the Northern Territory.

Another example is like when you live in a community and someone says that he is sick of this Lajamanu Council and will set up his own outstation where he can make his own decisions and run his people as he sees fit. That is what the Territory government is trying to do for us, like you would be asking your council for that same power to run your own outstation. But, before we do it that way, we make sure that everyone in that little outstation understands what we are talking about because we want power to develop our own outstation. We want to make the decisions at that outstation for ourselves. Sure, we get assistance from the resource centre or council but our main aim is to develop that outstation for ourselves. That is what the Northern Territory is trying to ask the federal government for: the power for it to control its own life and services.

Ms JOHNSON: If the Territory goes to statehood, would it help the Aboriginal people living in pastoral areas and stations owned by private interests and all that? At the moment, they are getting a hard time.

Mr HATTON: Yes, that has been a big fight for a lot years, hasn't it? To get their living areas on the pastoral stations. I do not know whether it will help, but it will not hurt the process. You are not going to solve all the problems in the world in 5 minutes, just by becoming a state.

Mr JOHNSON: I am just asking whether there will be better treatment if the Territory becomes a state.

Mr HATTON: Well, one thing that will make it better is that you will only have to argue with one government instead of two. That has to be an advantage. That is important. I know you are having a lot of problems in getting some of those excisions. I

was Minister for Lands for a while and we started getting a few going. We had the negotiations going on the properties and then all of the stock routes and stock reserves fights. We were trying to work out living areas and we got about 20-odd done. However, there are a lot more to do.

I think it would be better, but it is going to be a long argument anyway. With the land councils, the cattlemen, DAA and the Northern Territory government, you have 4 different areas that have to agree. There are too many areas to fight, aren't there? If it could be settled as a Northern Territory government matter and rules put in place to do it, it could happen a lot more quickly. But, you are not going to wait for statehood for that. I know the Northern Territory government would like to get all the excisions and living areas things sorted out. If it could do it this year, it would. What it wants to know is what the final picture will be, not fix it up today and then tomorrow there is another claim and the day after another claim. That is when the arguments come.

Mr JUNGALA: Excuse me, Mr President, it looks like a lot of people don't understand. (Indecipherable).

Mr HATTON: Yes.

Mr JUNGALA: And if we really need saying what took them ... (Indecipherable).

Mr HATTON:.. No, go for it.

Mr JUNGALA: The Aboriginal people talk about it?

Mr HATTON: Sure, yes.

Mr JUNGALA: (Indecipherable).

Mr JOHNSON: (Indecipherable except for a few words here and there. He lapses into an Aboriginal language).

UNIDENTIFIED: (Indecipherable discussion partly in an Aboriginal language). (Tape 372 retained).

Mr JOHNSON: We are going on with the same question again because there is no trust. We still don't trust each other. We are now hearing for the first time that statehood is going to come up and, whether it is this year or next year or 20 years time, for sure your government will want to have that statehood. The Northern Territory will have statehood one day. We are still asking the same question over and over and we still don't trust each other for whatever is going to be written into the constitution. You have got it there. You have already got it there. Whatever we say that we want in the constitution will be there in that government. Now, you never know, there might be someone, some government, that might want to change it and that is the thing that we don't know - that we have got a question mark over.

Mr HATTON: Yes, well one thing that you should do and has a ...

Mr JOHNSON: Or maybe that idea might be delayed for a long time. It might just sit there.

Mr HATTON: It could be. What you are saying is that you are worried that they might change it after we make it, that they could change the rules.

Mr JOHNSON: Yes, whatever we say in the constitution can be changed because you have got the power.

Mr HATTON: Hang on, the people have the power. The constitution is the people's law, not the parliament's law. Only the people can change that. When you write the thing first, you write in the rules on how to change it. You can make it really hard to change. This is the people telling the parliament what it can do and what it cannot do. Only the people can change that - all the people.

Mr JOHNSON: So what they are saying now ...

Mr PRICE: With the Land Rights Act and the constitution, there is a potential for sudden changes. With Aboriginals making up 30% of the population and whites making up 70%, the 70% can always outvote the 30%.

Mr HATTON: But, that is assuming ...

Mr PRICE: They have a higher chance of losing.

Mr HATTON: Yes.

Mr PRICE: (Inaudible).

Mr HATTON: You can have what are called entrenchment provisions in the constitution. You could make it a 75% vote. It could vary. It could be deeply embedded whereas other constitutional amendments may require only a 50% vote. You could write that in.

Mr PRICE: And, if you write it in, everybody has got to agree to it to start off with.

Mr HATTON: That is right.

Mr PRICE: Then we get back to that number there.

Mr HATTON: Well, someone is going to have to make recommendations to start with. I have never suggested that this is going to be easy. I know it is not. I know there are pluses and minuses. There will be things that Aboriginal people will want and non-Aboriginal people may not want, and vice versa. There will be things that people in Alice Springs will want and that the people in Darwin will not want. We are going to have to work through that as a Northern Territory community. That is why it is not going to take 5 minutes. I just cannot come here and walk away and write it. I cannot do that. There needs to be a lot of work and a lot of talking to people throughout the Northern Territory.

Mr ANDERSON: Does this select committee gradually evolve a trial constitution? Is that the mechanics of it?

Mr HATTON: Yes, that book there was the original discussion document that we produced. That has a series of options and arguments. Our job is to write up what is called a draft constitution. Also, we will prepare recommendations on the structure of what is called a constitutional convention. That is like a committee of Territorians and it is outside the parliament. It will go through our recommendations and the work we have done and prepare what will be known as a proposed constitution which will go to a vote of the whole of the Territory people in a referendum. Thus, in the end, you will have a right to say yes or no to that proposed constitution. However, it will be a long process to get to that. We are really working very hard to involve the people so that it does become the people's law.

Mr ANDERSON: But when it gets to the stage of having the referendum for the constitution, it will be either a yes or a no vote? You will not be able to change it?

Mr HATTON: By that stage, yes. That is why we are going around now and asking people to have their say, put their views down and tell us what they think.

Mr ANDERSON: In the federal sphere, there is no Bill of Rights, is there? Like they have in America?

Mr HATTON: That is right.

Mr ANDERSON: Is your select committee suggesting that a Bill of Rights or a Bill of Rights philosophy will be written into the eventual constitution?

Mr HATTON: We have raised the question. As a committee, we have been very careful not to recommend very much at all. Our job is to offer different ideas from different constitutions and ask you what you think about them. We have been very careful not to go out to sell a particular idea. Do you understand that? That is particularly so at this early stage. Later on, when we start to get a feel for where we want to go, we may do that. Right now, we are really trying to encourage people to think about different subjects. There are arguments for and against a Bill of Rights.

Mr ANDERSON: Once you get a constitution, it is very hard to change it.

Mr HATTON: Yes, that is right. We have to work very hard to get it as right as possible. But, it is not something that is above people getting involved in either.

To move away from Aboriginal land rights for a moment, I raise a separate matter. Do you know that, in New South Wales, the government can come in and acquire property without paying compensation and, in fact, it has done that. In the Northern Territory, it is written into the Self-Government Act that we must pay compensation. One issue is whether that clause should be written into our constitution and that is one thing that I think everyone will say yes to. Those are the sorts of issues. At the moment, because we are a territory, the federal government can acquire your personal property without compensation.

Mr ANDERSON: What for roads and transportation?

Mr HATTON: No, for any reason whatever. Technically, it can walk in and just take your house block and pay you nothing because we do not have the protection of the Australian Constitution. That is why we have got Graham here. He is a constitutional lawyer. There are all those funny sorts of things that you do not have protection for now and that becoming a state will give you protection for.

Mr PRESS: In this booklet, one of the discussion items, to bring it back to grass roots level, is whether the rights and responsibilities of local government and community councils should be written into the constitution. For instance, are the rights and responsibilities of the first local government written into the federal constitution?

Mr HATTON: No.

Mr NICHOLSON: There was a referendum question.

Mr HATTON: They asked that question last year and the Australian people said no. Those are the sort of things that may turn up in state constitutions.

Mr NICHOLSON: Some of the state constitutions identify local government.

Mr PRABHD: I was just wondering whether you envisage that, with statehood, certain aspects will still be centrally administered? I come from India and there the states have their own powers but, under the central constitution, the responsibility for administering tribal lands, for example, is still with the centre.

Mr HATTON: If you ask me what I am advocating, that might be an easier way because there are differing views on that question. I believe that the Northern Territory government should be placed on an equal footing with the other state governments. If Australia said tribal lands should be under the control of the Australian government, we will say the same thing applies for Australia. If it said land rights was a federal matter for the whole of Australia, then we would say that should also be so for the Northern Territory. But, it has said that land rights in all the states is a state government responsibility and we would say that, in that case, it should be the same here. That is why we have been discussing how the Aboriginal people, who do not trust us, can protect their land rights in the constitution and what they need to give them that protection. There are some booklets dealing with those questions which we will be sending to the communities for people to read, to get across all of those issues, because it is too much simply to say it. There is a division of power between the Commonwealth and the states and that same division of power should apply in the Northern Territory.

Mr PRABHD: Suppose the federal government says that it will give you statehood, but on certain conditions. What would happen then? If Canberra says that it will give you all your rights and you are a state but certain aspects of control and power will remain with it?

Mr HATTON: It is questionable whether it can do that actually. It is a section 121 argument.

Mr NICHOLSON: There is a view that it can.

Mr HATTON: And a view that it cannot.

Mr NICHOLSON: Whether the Territorians will accept it or not is another thing.

Mr HATTON: As a Territorian, would you except forever being a second class state?

Mr PRICE: What happens if you don't accept it?

Mr HATTON: You sit back and say no. You just keep fighting for your goal, I guess.

Mr PRICE: (Inaudible) ... you start again?.

Mr HATTON: Probably, yes.

Mr NICHOLSON: There is a power for ... (Inaudible).

Mr HATTON: If all the Territory people said, 'Yes, we want to be a state and here is the constitution that we want', even down that road, we would be in and out of the High Court getting interpretations because this has never happened before in Australia. There has never been a new state created. It is all brand new and we are all feeling our way. We are all trying to learn and think through it. None of us knows the answers. We have just got to start working.

Mr ANDERSON: Does the Northern Territory have the depth to become a state? You have just got to go across the border to see that there are more people in some towns in Queensland and New South Wales than live in the whole of the Northern Territory. There are only 135 000 people. There are bigger towns in other parts of Australia.

Mr HATTON: 175 000, but be that as it may. The fact is that some of those states such as Western Australia had less people than this when they became states and they had far less technology and communications available to be able to adequately govern than we have available to us now. We have the government infrastructure on the ground. Population and the level of economic development - none of those issues is relevant. It is your rights that are important. And that is what it is about. It is a constitutional shift in your rights.

Mr ANDERSON: And what can the Northern Territory government give us that we do not already receive as citizens of Australia?

Mr HATTON: A say over your life. A say over how the Northern Territory is managed. A bigger say over how your home is run. You might not see that as important, but I do. Really, we are fighting for your rights.

Mr NICHOLSON: In terms of rights, there would be 2 changes. First of all, there are certain rights that people in the states have under the Commonwealth which we do not have. If we became a state, we would then have those rights. For example, the Commonwealth could not acquire property without the payment of fair compensation. The second is that, whatever rights you build into the new state constitution ... (Inaudible)

Mr HATTON: And maybe it will solve a lot of the warfare that has been going on between the Northern Territory and the Commonwealth. Every area where the Commonwealth and the Northern Territory have been fighting is in an area where the Commonwealth is carrying out a state function. Every area of argument for the last 10 years has been where the Commonwealth government has been doing the Northern Territory government's job, areas where it has not transferred the functions. That is where all the fighting has been. Every one of them. Wouldn't it be nice to get most of those wars out of the way?

Mr HALLIDAY: Can you guarantee that the federal government cannot interfere in any way with decisions that the state government makes?

Mr HATTON: To the extent that it cannot interfere in a state government decision. Can I explain the difference? At the moment, any law the Northern Territory government passes is subject to disallowance by the federal government. If we pass a law, the Community Government Act for example, and the federal government does not like it, it can cancel it. It is its choice. All the functions of the Northern Territory government are written into the regulations under the Self-Government Act. The federal government can add to or take away from the role of the Northern Territory government simply by amending a regulation in the federal parliament. It could remove the entire Northern Territory education system by removing one line in a regulation. It cannot do that in the states. By repealing the Self-government Act, it could completely wipe out the entire Northern Territory government, the Northern Territory Public Service, the whole thing. It cannot do that in the states because the states have their rights and functions protected by the Australian Constitution.

Mr HALLIDAY: What about things like uranium mining?

Mr HATTON: It would be the same as for the states. The federal government controls that by using its export licensing powers. We could open uranium mines but we could not export the product. So it would still have those levels of control, the same controls that it exercises in New South Wales, Victoria and Queensland.

Mr HALLIDAY: So you would not be able to stop another fight like the dam issue in Tasmania.

Mr HATTON: No, they are separate fights. At least, we would be having the same fights as the rest of Australia, not our own special ones.

Mr RAE: In every state, they have the same number of members, haven't they?

Mr HATTON: In the Senate? Yes, each state has 12 Senators.

Mr RAE: How would you go with 175 000 people? Would you still have the same numbers?

Mr HATTON: I think we should have the same numbers. Firstly, an extra 10 Senators would cost less than an extra 10 E4s in the Northern Territory Public Service but would be a damned sight more effective in getting things done for the Northern

Territory, wouldn't they? That is point one. And that is not being critical of E4s. If you have got 10 Senators sitting in parliament, you are going to have a lot more effect on the Northern Territory That is all they cost - less than an E4 in terms of wages.

Secondly, the Senate was created as the states' House. In Australia, 70% of the people live in that area between Sydney and Melbourne, in that little pocket in the south-eastern corner. That is where all the House of Representative seats are. There is an awful lot more of Australia than that - the Territory, Western Australia and northern Queensland where very few people live. When they first formed the federation, they said: 'Look, you have got this big imbalance in the House of Representatives. How do we know you are going to look after us properly in Western Australia or in Tasmania or in South Australia or in Queensland? How do we know you are not just going to pour all the money down where all the votes are? We want some protection against that so we want to create the Senate where we have got the same voting rights as New South Wales and Victoria in order to counteract that imbalance'. That is why the states have equal numbers in the Senate. It is to protect against the trend of all the power concentrating in the south-east and make them look at the whole of Australia.

Mr RAE: You do what Joh Bjelke-Petersen did. You gerrymander the electorates.

Mr HATTON: They would have the ability to do that without that Senate-type structure. There are a whole lot of reasons why we should have equal numbers and we should have them from day 1. I think the political reality is that we shall have to argue for a phasing in to equality in some organised time frame that would have nothing to do with the size of our population. It would be a phasing in of extra numbers at every election or every second election. I think that is the political reality but, in fairness, we should have equal numbers from day 1. The aim has to be equality. As an Australian, you should have the same rights and the same responsibilities no matter who you are and no matter where you live. If you believe that, you have got to believe you should have the same rights if you happen to live in the Northern Territory. You should not have rights taken off you because you choose to live here or because you happen to live here.

I think we have pretty well talked through. I think we will probably be coming around again in October/November. We have between now and the end of May to go around the first time. What we are thinking of doing, in the second half of the year after people have had plenty of time to talk and to get any information they want, is to come back again so that we can listen to you and you can tell us your thoughts. If you need any information, please let us know. Maybe we can find a way of bringing a few communities together where we could stay for a day or 2 days or 3 days and go through it in more depth. By bringing people in a district together, that might be a better way of doing it. Then, we would have more time.

Mr ANDERSON: Can I ask a question not related to the constitution. When are we going to get an STD phone system?

Mr HATTON: Would you like me to ask the question of Telecom?