

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Sessional Committee on Constitutional Development

Foundations for a Common Future:

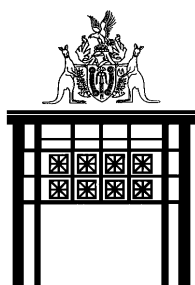
**The Report
on Paragraph 1 (a) of the Committee's
Terms of Reference
on a
Final Draft Constitution
for the Northern Territory**

Volume 6

**Parliamentary Debates, Motions,
Tabled Papers and Statements**

November 1996

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Chapter 1 Fourth Assembly

SECOND SESSION

20-29/08/85 Parliamentary Record No. 8:1049-1100

Topic: MINISTERIAL STATEMENT

Subject: Ministry and Statehood

Date: 20/08/85

Member: Mr TUXWORTH

Status:

Information:

Mr TUXWORTH (Chief Minister) (by leave): Mr Speaker, this Chamber has for some decades now been the launching pad for demands of the Northern Territory people for a better go - demands indeed for their right to be treated as Australians. It is therefore fitting in the forum of this Legislative Assembly before the people of the Northern Territory that I launch formally our bid to become the seventh state of this nation, to re-join in our own right the Australian federation, to become a member of the family of states which is Australia.

Mr Speaker, we seek quite simply to make this nation a whole nation as obviously was intended by the fathers of the Australian Constitution and we seek the help of all Australians in this endeavour. It might be asked why I launch this bid at this time. Quite simply, the people of the Northern Territory are now claiming their rights as citizens of Australia. It is my firm belief that, after experiencing 7 years of self-government, following 7 decades of Commonwealth colonialism, Territorians see statehood as their entitlement.

Mr Speaker, the call for statehood has been echoed in other states. Interest in the Territory's constitutional development is real wherever you travel in this country. The government has listened to these calls. In taking this decision, the government has had to satisfy itself that statehood is in the interests of the Territory people. We have decided that it is no longer good enough, if it ever was, for an Australian citizen to lose many of his ordinary rights simply because he crossed a line on a map called a state-territory border.

Mr Speaker, it is not good enough that a citizen of South Australia can demand action n~ his state government in respect of Flinders Chase National Park, but a Territorian is Dowerless in respect of Uluru or Kakadu National Parks. It is not good enough that the citizens of that state can demand of their state government the proper management and use of all land within the state boundaries while the citizens of the Northern Territory have that right cut precisely in half. Nor is it acceptable for us

to witness the opening of a mine in South Australia simply because a state controls a mineral called uranium while Territorians watch stagnation of their own mining industry because the Territory does not have the same degree of control. It is not good enough that Territory taxpayers see the Victorian state government and the people of that state benefit from offshore gas revenues while they know that they do not share the same right in respect of an identical resource off the Northern Territory coast. It is not acceptable for Territorians to be second-class Australians. This inequality must come to an end.

Further, Mr Speaker, we must end the economic uncertainty which began with the 1985 federal mini-budget and was reinforced by the subsequent Premiers Conference. It does not matter whether the Memorandum of Understanding is described as being 'torn up', 'substantially abrogated' or 'partially in place'. The fact is that we can no longer rely on the memorandum as the cornerstone of self-government. That being the case, it has to be replaced by another understanding, and the only understanding strong enough to be acceptable to Territorians is that fundamental understanding which flows from having a proper constitutional foundation, and equality between the states of this nation.

In announcing our formal bid for statehood, it is important indeed that I restate this government's position on land rights. Since it first formed a government in the Northern Territory, the Country Liberal Party has consistently held as a policy the right of Aboriginal people to traditional ownership of land, and that commitment stands. Our advent to statehood must not be seen by Aboriginal people as a threat to that principle. Indeed, by our resumption of control of that most important area, much of the regrettable tension and division which has been caused by land rights originating from an act made in another place and administered from places remote from our borders should be overcome. We will be entering into serious and genuine negotiations with the various land councils and Aboriginal communities as an integral part of our consultative process.

Given our decision to press for statehood, I am determined to take on this vast and vital project with the utmost dedication and vigour. My government will now put in place the resources and strategies which will give the bid for statehood the status it deserves. My colleagues and I have had a great deal of time, thought and discussion as to the best method of undertaking this project. Before putting to you the methodology the Territory government will adopt, there is one thing I want to make quite clear: the ultimate responsibility for constitutional development and the constitutional well-being of a country, a state or a territory must always lie with its head of government, be that person Prime Minister, Premier or Chief Minister. That responsibility is unreservedly accepted by me. But no head of government would be vain enough to believe that he or she alone can even remotely do justice to such a task. In any event, this Assembly must have the paramount oversight of the people's interest that must be involved deeply in the exercise.

Mr Speaker, I propose later in the sittings to move for the creation of a select committee of this Assembly on constitutional development. As you and all honourable members will be aware, it will be the most important select committee ever brought together in this place. It is obvious to me that, from a Government viewpoint, I am also going to need the very best of advice from a purpose-dedicated committee of officers and advisers. This committee of necessity will have within it members of the public service and others who are not elected members. Coordination of the whole effort will be necessary. The select committee of this Assembly and the advisory committee must be

spliced by a common thread because they share common goals.

Mr Speaker, how then are we to give the advisory committee the status it must have and, at the same time, provide the link to the select committee? I have been assisted in coming to a decision by a letter which I received on 13 August from a colleague. I will quote from it in Part:

'You advised Cabinet recently of your intention to set up a special committee to oversee our constitutional progression to statehood. There was considerable discussion of who should be the chairman of such a committee and the matter was left open for further discussion even though I had indicated my interest in assuming chairmanship of that committee. We all have our interests in politics and I would regard it as a great achievement in my political career if I could be involved personally in overseeing our advent to statehood.

My perception of the situation is this. The task is probably greater than any of us realise and should not be administered politically on a part-time basis and nor should the responsibility be left to public servants. Such an undertaking in my view is a responsibility of an elected representative. The development of our statehood agreement is going to involve heavy consultation and negotiation with professional, legal and financial experts, industry and community groups, the 6 states and the Commonwealth. Although many of the matters to be discussed are of a technical nature, they will all require political overview and confirmation.

There is no doubt that the responsibility of constitutional development must rest with you as Chief Minister. There is also no doubt in my mind that the Chief Minister, with his existing responsibilities, cannot assume another full-time job and do justice to it, nor can any minister merely tack it on to his existing workload. As I have said, I am very keen to assume the chairmanship of the constitutional development committee and I would like to propose to you the following course of action for your consideration.

I believe you should create a special ministry, answerable directly to you, with responsibility for constitutional development without portfolio or Cabinet responsibilities. The events of the last 3 weeks at the Constitutional Convention and again at our own annual conference in Katherine have convinced me beyond all doubt that we must move quickly but with great and careful deliberation to put the case for statehood to the Territory's people and seek their views thereon. I trust this letter will cause you to give my initial offer serious consideration'.

Mr Speaker, given that we are all somewhat transparent when it comes to our areas of particular interest in politics, it is not difficult to guess that the letter was written by the present Minister for Health, Youth, Sport, Recreation and Ethnic Affairs, the Hon Jim Robertson. I have decided to accept the minister's offer with a few variations. Additionally, I will propose that the same member be chairman of a select committee, for the reasons I have already given. The honourable member for Araluen will become the Territory's Special Minister for Constitutional Development. This task will be an onerous one and therefore I have accepted the honourable member's view that he should not carry out portfolio responsibilities. However, I have not accepted his view that he should not have Cabinet responsibilities. Jim Robertson is a capable and an experienced minister and Cabinet needs his skills. I want him in Cabinet, and he has agreed to this arrangement.

I can advise honourable members that His Honour the Acting Administrator, Mr Justice Muirhead, accepted this proposal along with my advice to appoint the honourable member for Flynn, Ray Hanrahan, to be the Minister for Health and Youth, Sport, Recreation and Ethnic Affairs. Immediately following this morning's sittings, the Executive Council will meet to approve the revised administrative arrangements order and, following that, the honourable member for Flynn will be sworn in as a minister.

The task of the new Special Minister for Constitutional Development will be to ensure that Territorians have ample opportunity to grasp the many complex and varied issues associated with our move to statehood. Along with the members of the select committee, he will meet with Territory groups and communities to provide them with all the information they need to form their own opinions on these issues. In due course, we will bring delegates from these groups and communities to a conference so that we may receive the widest possible cross-section of advice and support from the people of the Territory. Meanwhile, the minister and I will be calling on the Prime Minister and each of the state Premiers to advise of our intentions and, hopefully, to gain their support. With their approval, the minister will then carry out detailed negotiations with state and Commonwealth ministers and officials. It will also be the minister's duty to travel the length and breadth of this country taking up every opportunity to put our case. Of all the ingredients for success in this endeavour, the support of the Australian people is paramount.

Mr Speaker, in addition to canvassing the issues involved with the Territory and the Australian public, we will need to develop a draft state constitution. As members would be aware, most Australian state constitutions were drafted in the 1860s. They related to the realities of the day: small clusters of coastal settlements which, by and large, depended economically on flocks of sheep and the odd gold rush. They were making the transition from British colonies to emergent new states with the degree of sovereignty which reflected the situation before federation. Whilst we must be guided by the wisdom of the past, our constitution must be relevant to today.

Redevelopment of the draft constitution will be one of the main tasks of the select committee. The coordination of that development by the select committee and the technical work being done by my advisory committee will be best served by a common ministerial chairman. All honourable members know my position on the fundamental elements of our entering statehood; that is, we must end up with the same rights, privileges, entitlements and responsibilities as the other states. I will be keeping the Assembly properly informed on all of these matters.

Mr Speaker, until recent years, the one-sixth of this continent that is the Northern Territory has lain idle, contributing little to the development of the Australian nation. It is now time for us to prepare for the assumption of statehood so that, once and for all, the uncertainty of our status before the Commonwealth is removed so that the people of the Northern Territory can assume the same rights of self-determination as are accorded Australians living in the states, and so that the Northern Territory can at last become a full contributing partner in the federation of Australian states.

Mr Speaker, I move that the Assembly take note of the statement.

Mr B. COLLINS (Opposition Leader): Mr Speaker, one would have hoped, on a subject as important as this, that it would have been possible to have given this debate what, irrespective of the

personalities involved, is essential in my view for the successful prosecution of this argument for statehood for the Northern Territory: bipartisan support. I can assure you, Mr Speaker, that the reality is that the relative numbers of opposition and government members in a Legislative Assembly are irrelevant to this debate on a national and state level. I do not think you have to be too smart to work that out.

The one thing that will kill this debate is the lack of bipartisan support. When I received my copy of this important speech at 8 am this morning, I was hoping that we would be able to rise in the Assembly this morning to give this speech, rather than the question of statehood, bipartisan support. Unfortunately, the only thing in this speech that makes any sense at all is the letter from the member for Araluen. The rest is 13 pages of absolute political bilge, dressed up to look statesmanlike. The language is ridiculous. It is a most unfortunate launch for statehood if that is what it is. If this is a launch for statehood, I trust that next month's launch of the space shuttle to supply our modern technology will be a better launch than this one otherwise we will be in a lot of trouble.

The speech does not stand up even to the scant examination I have been able to give it. It contains factual inaccuracies and of the sort of high-flown, political rhetoric that has become a feature of Territory life. I was disappointed to see that in a speech of this nature. It is clear why. Later in this debate, I will say something about the appointment of the special minister because that meets with my approval. It is clear that the initiative for this entire matter stems from the letter from the honourable minister. There is no question about that. All of the detail contained in the proposal is in that letter. I would point out that that letter is 7 days old. That is where this high-flown debate has come from.

I will point out a couple of interesting features. The Chief Minister would have us believe that a move towards statehood has been one of his preoccupations and the central thrust of his government right from day one. It can be demonstrated easily that that is palpable nonsense.

We have on public record the blueprint for the Tuxworth government - the blueprint that outlined the priorities for the new government. The Chief Minister sought correctly to have the Assembly prorogued after he became Chief Minister in order to launch his government and to determine the goals of his government for the rest of its term in the same way that any other government under the Westminster system would do. There was an address to the Assembly by the head of our system of government, the Administrator of the Northern Territory. I defy anybody to find a solitary mention of statehood anywhere in the Chief Minister's blueprint for the rest of his term of office. There was not a mention. In fact, the major thrust of the Chief Minister's blueprint has not been heard about since it was launched by the Administrator. I point out how old this blueprint is. At the end of February, 5 months ago, the Chief Minister mapped out what was foremost in his mind for the rest of his parliamentary term as Chief Minister and statehood did not get a run. In fact, he said the central issue of his government would be youth unemployment. I am glad he mentioned it in the Administrator's speech because we have not heard one thing about it since.

Let us put to rest the arrant and provable nonsense contained in this statement that statehood is the matter of the moment and was always of major concern to him as Chief Minister. The fact is that the initiative came from the member for Araluen and I commend him for it. This great initiative to which we are supposed to give all this weight this morning is 7 days old. The date is on the letter.

To give the Chief Minister his due, he took the opportunity not only to map out his government's course - in which statehood never got a run - but also issued a very detailed document called 'The Ian Tuxworth Ministry' which outlined all the priorities for his government. Once again, I defy anybody to indicate where statehood is mentioned in this document. When was the first time that statehood was highlighted? That is a matter of public record too. It was highlighted in a speech which I gave as parliamentary leader of the Labor Party at the May 1985 conference of the ALP. The fact that the Labor Party set the parameters on statehood was acknowledged even by the press and that is not something we accomplish every day. People are entitled to treat this 13 pages of bilge as exactly that. It is as thoughtful a proposal as the complete revision of our financial system, the so-called economic supermarket, that was announced with the same kind of huff and puff 4 weeks ago. We were promised breathtakingly in the NT News that we would read all the details a week later, but we have not heard of it since.

The trouble with the Chief Minister of the Northern Territory is typified in the way in which he has done his business as Chief Minister: he consistently opens his mouth before he puts his brain into gear. This is another classic piece of evidence of that. As somebody who supports the inevitable assumption of statehood for the Northern Territory and as somebody who has very firm views indeed about the political dangers involved in this argument - which were revealed not only at the Adelaide constitutional convention at which I was a delegate but also at the Brisbane convention - I am concerned indeed about the current trivial manner in which this debate is being launched in the Legislative Assembly. One would have thought that the Chief Minister would have recognised the bipartisan difficulties in this. I will be asking for an extension of time to speak on this important issue this morning and to tell a few stories from the Brisbane convention that indicate this will not be a problem with the Labor Party or the Liberal Party but a problem with every party, state and federal, in terms of negotiation. One would have thought that, on such a major initiative, the Chief Minister would want to have encouraged genuine bipartisan support.

For the opposition to have been given the statement at 8 am this morning and then told that a debate would be brought on before question time and for me to be expected to give a considered response does the Chief Minister of the Northern Territory no credit whatsoever. I apologise to the Assembly for having had to speak during the Chief Minister's address because I would have liked to have remained silent. I had no choice in the matter because no one else knows anything about it. I had to ignore a telephone call from the Chief Minister this morning because I was flat out trying to plough through this. We did not even receive a copy of the statement in the Assembly this morning. I had to rise during the address and ask the Speaker if he would ensure that some copies were circulated. We are expected to contribute to this debate and my colleagues are trying to plough through it right now. I suggest that the smartest thing they could do would be to have this debate adjourned and at least give us a scant 24 hours notice before we put any hallmark of approval or anything else on it.

I want to go on the record as saying that, if the Chief Minister of the Northern Territory is even half serious about obtaining any level of bipartisan support for his blueprint for statehood, he has got off to a very sorry start indeed. I will nail it down a little more. In his statement, the Chief Minister said rightly that the select committee on statehood will be the most important committee ever appointed by the Legislative Assembly. I agree with him wholeheartedly. He made it the central point of his speech. I rang his office this morning and I said to his senior ministerial adviser: 'You appreciate that,

because the establishment of the select committee is the central piece of the ongoing debate, I cannot debate this matter in the Assembly this morning when there is no detail given at all about the formation of the select committee, apart from the fact that there will be one and it will be chaired by the member for Araluen' I do not object to that but we have no details on how it will be put together. I indicate once again that any dispassionate reading of the facts will bear out that so-called statesmanlike, major thrust of government was initiated by the letter from the member for Araluen. That is how much thought the Chief Minister for the

Northern Territory has given to it over the last 7 days. I could not even obtain details of that select committee this morning. I had a brief conversation with the Chief Minister - half a minute's worth. I dare say this debate will flush out the resident weirdos on the government's backbench, so you will get your turn.

Mr D.W. Collins: Yes, I would like that.

Mr B. COLLINS: Mr Speaker, I had a brief conversation with the Chief Minister who told me that he is concerned about the numbers on the committee. He is concerned about whether it should be 3-2 or 4-3 because of his concern for a quorum. I do not know how this select committee will be constituted so I cannot say what the opposition's views will be on it. I have not had the benefit of the Chief Minister's advice because he has not thought about it himself yet. This statement on statehood has about as much status as his financial supermarket that he announced 4 weeks ago. It had an attractive lack of detail. The one thing I do know from the 1-minute conversation that I had with him this morning is that the government will have a majority on the committee.

As I said before, I was a delegate to the Adelaide Constitutional Convention and to the Brisbane Constitutional Convention. There is one thing that you will not have any disagreement en with any delegate who attended the Adelaide convention. Indeed, much was made of it at the Brisbane convention. That convention was destroyed utterly and because the Tasmanian and Queensland delegations, under the leadership of their respective Premiers, Mr Gray and Mr Bjelke-Petersen, indicated that they would send unequal delegations to that convention on which their governments had a majority. In other words, it was impossible for a genuine state view to be put because the oppositions were outvoted on the state delegation on every single issue. They were the only 2 delegations in the history of constitutional conventions in this country that had the absolute political naivety to approach it in that way. The former Chief Minister of the Northern Territory, who was my co-delegate, would agree with me that it succeeded in making a total farce out of the entire Adelaide convention. It was a shambles because, every time the Tasmanian and Queensland delegations voted on any single issue involving the constitution, they were howled down by every other member of the constitutional convention. That was because they had loaded their representation with a government majority.

I say this without equivocation. In logic, how can anyone expect that the opposition in the Northern Territory will be interested in participating at committee level in developing a program of statehood? That is all that I am talking about. We all know the government makes the decisions; that is how the constitutional conventions work. How are we expected, at committee level, to be enthusiastic about bipartisan support when it is so structured that we will be defeated on any motion that comes before it? As honourable members of this Assembly would know, in order to get any meaningful

constitutional change in this country - and that includes statehood for the Northern Territory because that is a major constitutional change - it will need bipartisan support. The easiest way to test it genuinely is to have equal numbers of opposition and government members on the committee. That is how the constitutional convention works. If it is to have bipartisan support, that is the first hurdle it must leap. Then, if it does not succeed, you look at something else. We have enough trouble at the constitutional convention when positions agreed at committee level come before the plenary session. Certainly, it would be a waste of a plenary session's time even to think that the constitutional convention committee should be weighted with government majorities. The whole system would break down in a week because the respective oppositions, whoever they are - and I point out that, in 4 states, they are Liberal oppositions - would quite rightly walk out of the first meeting. They would say: 'If you are going to railroad this through, and put the imprimatur of the committee on it because you have a majority, you will do it without us'.

The honourable member for Araluen knows that that is nothing more than the cold, hard, unvarnished truth. It indicates again the depth of real ignorance of the Chief Minister about the basic kindergarten principles of achieving constitutional change. If the Chief Minister does not think that achieving statehood for the Northern Territory would be a major constitutional change, I suggest he think again. If he wants to ensure that this initiative has the opposition of a significant number of states, then I suggest he put the select committee together on the terms he has suggested: with an in-built government majority.

As I said before, you do not have to be too smart to work it out. The numbers in this Assembly on this issue are irrelevant in terms of forming this committee or in coming to any conclusions. The decisions that will need to be made will be made by other people in other places. Their political colour will be unknown. I do not know what the make up of the state governments will be by the time this rolls around. There could be a majority of Liberal governments or of Labor governments. That will be irrelevant as will be the nature of the Commonwealth government at the time.

All I can say is that, if you want to sink it before it starts, put the committee together on the terms that the Chief Minister suggested - with a government majority. This is such a kindergarten point that I am astounded that the Chief Minister would even suggest it. If he wants to achieve statehood by simply having the numbers in the committee so that whatever determination the committee reaches is simply decided by a majority, then why bother with a committee at all? It is nonsense. Why not simply draft a constitution in that party room opposite or in the executive building, introduce it in the Legislative Assembly and have it passed by a majority of votes? We will have a great time doing that and its influence will not extend past our borders. I am astounded that such a kindergarten approach could be adopted so early in the piece. I will not be part of any committee to develop statehood for the Northern Territory, which is purportedly a bipartisan committee, on which the government has a majority. As I say, it will guarantee some structured opposition from places that need to support us elsewhere.

Mr Speaker, as far as the speech itself is concerned, there is some palpable political nonsense in it which needs to be addressed. On page 3, the Chief Minister predictably mentioned uranium and he had a very big run indeed - it is mentioned twice - on land rights. I will come to that in a minute. Have a look at the paragraph on uranium: 'Nor is it acceptable for us to witness the opening of a mine in South Australia simply because the state controls a mineral called uranium while Territorians

watch stagnation of their own mining industry because the Territory does not'.

The Chief Minister, who is famous for trying to sell us the town hall clock, would have us believe that statehood for the Northern Territory will bring about a resolution of the problem of the uranium mines in the Northern

Territory. No one in the Labor party in this country has been more forthright than myself in his antagonism to the illogicality of the federal government's current position. The Chief Minister obviously has forgotten about Honeymoon. The Chief Minister is not interested in facts or truth; he is interested simply in political nonsense and rams it down the throats of Territorians under the guise of statehood. This statement is supposed to be taken seriously yet it has been dressed up in statesmanlike, flowery language and it is full of rubbish. He says South Australia is able to have uranium mines because it is a state and we are in our present position because we are not a state. That is rubbish, and he knows it. South Australia was forced by the federal government's policies to close down its first operational and viable uranium mine. The first decision the South Australian government took on uranium was not to allow Honeymoon to proceed because the federal government's policy on uranium specified the 3 mines that will be allowed to operate: Nabarlek, Ranger and Roxby Downs. We will not achieve a level of statehood greater than South Australia has already yet it could not proceed with the uranium mines it wanted because the federal government said no.

If the Chief Minister wants to con us into believing that he can attract private enterprise and banks that will finance Jabiluka and Koongarra while the export controls are held by the federal government, then he really will be a con man of some repute. I would like to hear his response on export controls. Is he seriously suggesting that, along with our push for statehood, we suggest that export controls be removed from the federal government over uranium? Is he seriously suggesting that any party in this country of any political complexion will ever allow state governments to have unfettered export control over uranium which is a strategic mineral in the same way they export coal or wheat or anything else? Of course it will not and that has nothing to do with party politics. It has to do with reality and that is something which is gravely missing from this speech. There is an air of unreality about the whole of this speech. I say to the Chief Minister that it is wrong of him to attempt to con Territorians in that way in this major speech of the government to launch statehood.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr LEO (Nhulunbuy): Mr Speaker, I move that an extension of time be granted to the Leader of the Opposition so that he may continue his speech.

Motion agreed to.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I thank the Assembly.

Mr Speaker, I got to that piece of nonsense on page 3 and there are 13 pages of this. The Chief Minister knows full well that the achievement of statehood for the Northern Territory will not make the slightest iota of difference to the state of our uranium industry and it is wrong of him to suggest that it will. He knows that the matter is firmly in the hands of the federal government of whatever

political persuasion it happens to be. Our uranium industry will be determined by the policies dictated by that federal government.

He says in page 3 of his speech: 'It is not acceptable for Territorians to be second-class Australians'. I agree. I was astounded this morning to hear - and it is not in the speech because it was another throwaway line from the Chief Minister in his press release - that we will achieve statehood in 2 to 5 years. I have said before - and it is a fact shown by the public record - that the Chief Minister changes his position on statehood every 24 hours, and has done so ever since I launched this debate in May this year at the Labor Party conference. It is impossible to follow him! For the first time, this morning, we heard that it will be 2 to 5 years. Can I tell the Chief Minister that, if we achieve statehood in 2 to 5 years, that will guarantee that we become second-class Australians. That is obvious to the federal member even if the Chief Minister cannot see it.

Mr Howard's reaction was entirely predictable. Of course Mr Howard would say that we cannot have 12 senators, and so will every other state and federal politician one talks to. That is why it is important that we must ask for 12. If we do not get 12, we will achieve a constitutional precedent in this country by establishing a second-class state. The honourable member for Araluen knows that and so do I. We were faced with a formula prepared by our state and federal colleagues - by a bipartisan committee chaired by a Tasmanian, the Hon Doug Lowe - that meant that we would have had to achieve a population 5 times greater than that of Tasmania in order to enjoy the same representation. Are we to say that, because Mr Howard said we cannot have 12, that vindicates the Chief Minister's position? It does not do anything of the sort! It is entirely predictable. That is what everyone will say. The bipartisan Constitutional Convention committee chaired by a Tasmanian came up with the conclusion that we would have to achieve a level of population in the Northern Territory greater than every other state except New South Wales and Victoria before we could enjoy the same level of political clout they currently have. As I said at the convention, it was very much a case of 'I'm all right, Doug'. It is okay sitting down in Tasmania with 12 senators and a population of 430 000 to blithely come up with a formula that says that we must have a population of 2.5 million plus before we can have the same representation as they have. That is why there is a great danger of our in becoming second-class citizens, which is what the Northern Territory Chief Minister's formula and timetable will achieve.

He says that inequity must come to an end and that the economic uncertainty that began with the federal mini-budget will be solved with the coming of statehood. What palpable nonsense! If you suggest to any state premier that he go along to a Premiers Conference without any fears at the 'back of his head that he will be faced with some degree of economic uncertainty, I think he would laugh you out of the room.

The Chief Minister talked about the various positions that have been adopted on the Memorandum of Understanding and said that, whether you say it has been torn up or is partially in place, is irrelevant. I assume that would suit him because of the nonsensical position he has taken on it as opposed to the position adopted by our current member in the House of Representatives. It is easy to write that off and say that it is now irrelevant to the debate.

Then we come to the question of land rights that is interesting. I have said previously that there is one thing that will guarantee that this initiative will be strangled at birth, and that is to proceed with this

proposal along the lines of the Chief Minister's suggestion of a government majority on this committee. Another thing that will strangle this at birth is land rights. We can huff and puff all we like about national parks and probably make a good case but, if we in the Northern Territory attempt to make 25% of our population, our Aborigines, the political football on which this debate rests, we will guarantee statehood will never be achieved in the Northern Territory.

I am definitely going to have my name changed by deed poll. The honourable member for Sadadeen is shaking his head. I would suggest that, if that is his position on it, he should divorce himself from this debate because I will tell you, Mr Speaker, that, if anyone wants any proof of it, he ought to open his eyes, read the newspapers, watch TV and talk to some federal politicians from both sides of the Assembly. I am glad the Chief Minister acknowledged that in the 3 pages where he talked about 'consultations', 'massive tasks' etc. If we want a guarantee that our desire for statehood is strangled at birth, we will make Aboriginal people the political target of whether we achieve it or not, and we will hang up this debate on the question of land rights. That will guarantee that it will never be achieved because we will not obtain the necessary level of support, state and federal.

Mr Coulter: We will be masters of our own destiny for a change instead of worrying about everybody else.

Mr B. COLLINS: We will flush a few more of the weirdos out too before this debate is finished. I say that it will take a little better than the Mickey Mouse Cabinet that this government has, this kindergarten Cabinet...

Mr Coulter: Your contribution is not that hot.

Mr B. COLLINS: This kindergarten Cabinet has another pre-schooler in it today. It will require a better Cabinet than this one, although I must say that, in terms of his knowledge of the issues, I have some faith in the person who will head the committee.

I say again that the parameters of this debate are laid out in the letter which is the only part of this document that makes any sense. If that is to be the attitude of Cabinet ministers of this government, you will be defeated before you start, and you will deserve to be. I suggest the backbenchers opposite read the Chief Minister's speech.

Mr Leo: They probably do not have a copy.

Mr B. COLLINS: We did not get one and I am sure they do not have one either. He did not tell them about the public service debate so why should he tell them about this?

As far as the question of land rights is concerned, it will be a very full issue indeed and one on which there will be a very high level of national interest. I suggest you talk to the Democrats about that, as I did at the Constitutional Convention. That will give you some evidence that there will be a great deal of international attention paid to land rights, and not from the ratbag lobby either.

The Chief Minister spent 3 pages of his speech talking about the position I am suggesting he adopt and agreeing that it will be a very difficult thing. Let us separate 2 issues that are becoming the buzz

words these days. Let us discuss national parks, but let us be very careful about this question of land rights. The Chief Minister talked about CLP policies always supporting land rights - and they do. The written policies of the CLP are almost indistinguishable from the policies of the ALP! It is interesting to hear the views of CLP supporters on CLP policies and land rights because, when you point out to them the fact that the written policies of the 2 parties in the Territory are very similar, they tell you: 'Yes, but the difference is that we know the ALP is fair dinkum about its policy, and we know the CLP is not'.

The CLP supporters know that is true because they have evidence for it, and so have the Aboriginal people. Earlier this year, our Chief Minister spoke at a national forum - and received great publicity in a national newspaper - about how he sees the Aboriginal population of the Northern Territory, a quarter of our population. I took him to task publicly for it at the time. He was quite happy to say at this national forum that the Aboriginal people in the Northern Territory contribute nothing. They were written off this year, on Thursday 20 June, by the Chief Minister. The quote is there beside some other quotes about federal ministers with boils on their arses which no one will lance. That is part of his cheap rhetoric. The Aboriginal population of the Northern Territory was written off. 'They contribute nothing to the Northern Territory', said the Chief Minister.

A month later, I attended a tourism seminar which he opened at Kakadu and I heard him say at the opening of his speech that the future economic success of our national parks, particularly Kakadu, depended utterly on our exploiting the Aboriginal significance of the park internationally and 'selling it as the greatest repository of Aboriginal rock art in the world'. The Chief Minister said that was the key to the economic success of what will be one of our great future money spinners. Nevertheless, a month before, when he was down south, he wrote off the Aboriginal people as contributing nothing to the Northern Territory! That is the kind of pie-eyed hypocrisy that will be rejected by those people, and rightly so.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr ROBERTSON (Health): Mr Speaker, it gives me pleasure to speak to this paper for obvious reasons. After we go to His Honour the Administrator with the new arrangements, we will be looking forward very much to the task ahead of us. Indeed, I will be looking for precisely what the Leader of the Opposition spent some time talking about. Regrettably, the opposition spent some time arguing in a way which I wish it had not. The Leader of the Opposition and his colleagues, the Territory community and the Australian people all want to achieve bipartisan support. Indeed, as the Leader of the Opposition said, it is so necessary. Mr Speaker, while he may feel a little peeved at having received a copy of the speech at 8 am, I found the antics of the opposition rather surprising. During the course of the Chief Minister's speech, notwithstanding that the opposition claimed to have very little time to study it, there seemed to be plenty of time for cackling and laughing by the Leader of the Opposition and his deputy. Incidentally, as always, they were aided and abetted by the member for MacDonnell. Quite obviously, if they could crack jokes and make light of this very serious matter, then they did not really need the time to consider it.

Mr Speaker, the point that the Leader of the Opposition began with was that further constitutional development for the Northern Territory is something which the government has recently invented. He came up with the-rather absurd proposition that really it was triggered off for the Chief Minister

by a letter from myself. May I assure the Assembly and the public that the Chief Minister has been involved very actively in this area for quite some time, as indeed has been his predecessor, the Hon Paul Everingham.

The Leader of the Opposition alluded to the various Constitutional Conventions which he attended. Of course, I attended the last convention with him. I would love to put on the public record of this Legislative Assembly how grateful I was for the bipartisan assistance on behalf of the Northern Territory which I received as his deputy, which of course was the irony of it. Nonetheless, we worked together as a team in the interests of the Northern Territory to defeat that most absurd formula which was put forward for consideration by the convention. There is a need to touch further on that absurd formula. The Leader of the Opposition has done that adequately. What he did not say was that, in fact, the greatest threat came from the Liberal side of the fence. The Liberal spokesman for that particular motion was persuaded as to the absurdity of his motion so he promptly gave it to an ALP delegate who moved it on his behalf. It was a battle whereby the Leader of the Opposition fended off the assault from the Liberal Party. In that exercise, the National Party was very supportive of the Territory's position.

The Leader of the Opposition was quite correct when he said that, in order for this to be successful, as much bipartisan cooperation as possible is required. Given the system on which parliaments operate and the party system on which governments are formed - those realities which the Leader of the Opposition seems to have conveniently dismissed - I too want as much bipartisan support as possible. Nonetheless, historically, within our system of government, there is always a majority and a minority in respect of any jurisdiction. It is quite fallacious for the Leader of the Opposition to say that, in respect of a matter like this, one must have equality in a committee of the Assembly. Indeed, I know of no precedent for such an arrangement. I am quite sure that, at a later date, if I am wrong, the Leader of the Opposition will correct me.

Mr B. Collins: There is no precedent for the formation of a new state. How can there be a precedent?

Mr ROBERTSON: There is plenty of precedent for the formation of a new state. How does he think Alaska and Hawaii joined the federation of the United States of America?

Mr B. Collins: In this country.

Mr ROBERTSON: There are plenty of precedents upon which one can draw. Let me go back in time a little to when the first moves toward constitutional development occurred in the Northern Territory. A document was delivered to me this morning which relates to a select committee which was established 28 years ago. It was comprised of members from the official membership of this Chamber and the elected membership. The chairman was Mr Ron Withnall, then Crown Solicitor. That would have had an imbalance in itself between the official members and the elected members simply because at that time there were more official members than there were elected members. The Leader of the Opposition seems to think we wish to gloss over that. As a result, this select committee report, which was the first of its kind, was tabled on 4 November 1957. It made recommendations to the then Commonwealth government. In it, no doubt, there was dissension.

Mr Speaker, the most important joint parliamentary committee which the Commonwealth has ever established was what we have called loosely the JPC - the Joint Parliamentary Committee on the Northern Territory which was to inquire into constitutional development for the Northern Territory. That was a joint committee comprised of a majority of the Australian Labor Party, Mr Whitlam and a minority of the Liberal and National Parties. It was a select committee of both houses of parliament, designed and set up for the very purpose of examining means by which the Northern Territory would gain a greater say in its own affairs.

Mr Speaker, if he says that, because one has a majority of government and a minority of opposition on a select committee, it is automatically doomed to failure, the honourable member has forgotten his history. If that was automatically a failure, Mr Speaker, you would not be sitting there with your wig on and with the trappings of office. We would not have the Clerk and Deputy Clerk. We most certainly would not have the Mace or the Dispatch Boxes which were provided by the same Commonwealth which set up that select committee with a majority of government and a minority of opposition members. It led to the move towards self-government which subsequently occurred successfully.

Given that I know of no precedent for any parliament to set up a select committee of that parliament with equality of numbers, the objective, with goodwill within the structure of that select committee, must be to arrive at the closest possible agreement between the parties on it. After all, when the Standing Orders Committee was established, of which you are the chairman, Mr Speaker, the object was to arrive at total agreement on the rules that would govern, if possible, the conduct of this Assembly. As good fortune had it, we achieved that. Had we not done so, the logical and normal procedure available to the minority would be to file a minority report-. That is the way it works. I was dreadfully disappointed in the Leader of the Opposition in dismissing the idea of participating if he cannot have equality on the ground.

Mr Speaker, as you and the Leader of the Opposition would be well aware, select committees of legislatures do not work that way. However, the reason why there was no detail as to the select committee in the speech before us today was because, after the procedural mechanisms had been gone through when I became responsible for this particular area through the Chief Minister, I wanted to talk to the Leader of the Opposition about precisely those mechanics. We can do it 1 of 2 ways, and we are damned if we do and we are damned if we do not. Had the Chief Minister spelt out in his speech the hard and fast terms of reference and the structure of the committee, we would have been accused of slamming this down the opposition's throat. If we reserve the position - as we have chosen to do to allow consultation on that very subject - we are damned for that as well. The Leader of the Opposition sought to dismiss the speech as inaccurate and he did so very conveniently and cutely. He used the example of uranium mining.

Mr B. Collins: Give me another hour and I will cover the rest.

Mr ROBERTSON: I have no doubt it would be as specious as what he has put forward already. He said that South Australia had Honeymoon denied it.

Mr B. Collins: Closed down. That is right.

Mr ROBERTSON: I put it to the Leader of the Opposition that, had Honeymoon been situated in Western Australia, would the Commonwealth have dared to do the same? The reality was politics, Mr Speaker, and it was simply this. The fact is that there were 2 ...

Mr B. Collins: Yeelirrie was not allowed to open in Western Australia.

Mr SPEAKER: Will the minister resume his seat. Honourable members, I have been very patient with interjections this morning. I would be very grateful if the Leader of the Opposition and others who are interjecting would refrain from so doing.

Mr ROBERTSON: Mr Speaker, the fact is that the Hawke government had to find a reason for not allowing the mine to go ahead here because of arrangements which it may have had in place elsewhere. It simply could not deny Koongarra a start and allow within South Australia, a Labor state, the commencement of 2 mines. That is the reality behind it.

I have no bag to carry for the Liberal or National Parties after what they have done to us in other matters. The fact is that, because we are a territory and totally subject in all things to the overriding plenary power of the Commonwealth, it is so easy for the federal government to pick on the Northern Territory. If we were a partner in the federation of this country as a state, it would make such gymnastics much more difficult to achieve. When you start to discriminate between the states of a nation, it is not just the state that you are particularly discriminating against which is upset. A shock wave will go through the whole federation at the thought that they might be next. It is the family of states which make up a federation that provides a mutual, in built protection. That is why we ought to be seeking to move towards statehood as quickly and as reasonably as we can on terms and conditions which are applicable and suitable to the Northern Territory public and, of course, which must marry in with what is acceptable to the balance of this nation.

Mr Speaker, have no doubt that there are states within this Commonwealth right now which see what is happening to us as creating a precedent in the minds of the federal government in its experimentations socially and in relation to welfare and resources. They can foresee that, if it is allowed to continue, it will be translated ultimately in terms of the states. The sooner we become a state and can have each of the states who are similarly threatened on our side, the matters that the Leader of the Opposition raised such as Honeymoon will have absolutely no relevance to the argument. We will be in the same position as the states and will have the states supporting our argument for the development of this nation. We will no longer be set aside as a mere territory for the Commonwealth to play with at its will.

The Leader of the Opposition referred to the potential stumbling block of land rights. I suppose that, if one is going to see resistance from some sectors beyond the Territory's borders, it could well be in relation to that issue. It is for that very reason that the Chief Minister made particular reference in his statement to the need to consult with Aboriginal people. Aboriginal people are no different from any other citizens within our system. We are all inherently conservative and I do not mean politically conservative. It is the nature of man not to go along happily with change until he thoroughly understands all the implications. Quite rightly, the task will be to consult with Aboriginal people around the Territory and with people who have an interest in Aboriginal people within the Territory

and outside of its borders and demonstrate our bona fides as to their development and well-being. Consultation and the removal of any fear or threat will enable those people to accept the move.

People are naturally conservative; there is a resistance to change. In my view, when the Chief Minister speaks of 2 to 5 years, what he is really saying is that that is a minimum period and God knows how long it will take beyond that to achieve it. It will be a carefully worked out process but only when people in the Territory, Aboriginal people and non-Aboriginal people, are comfortable with this move will we obtain the support of Australians generally which is so vital to our success in this endeavour.

Mr Speaker, I will leave it there. I dare say that, over the months to come, a great deal more will be said on this subject. Certainly, it will be my intention in working with the Chief Minister in this most important area to keep the Assembly informed. I appeal to the Leader of the Opposition to temper his view on the composition or role of the select committee. At least until we can sit down and talk about it, I ask him to keep an open mind on the subject. If the opposition wants to behave like a dog in a manger or an ostrich and not take an active role through the proper forum of this Legislative Assembly, then so be it but so be it with a great deal of regret indeed. My wish is to work as closely as we can with all elements of the Territory community and that includes people whom we loosely call political opponents. In its move towards statehood, the Territory public needs a minimum of opponents and a maximum of friends.

Mr SMITH (Millner): Mr Speaker, like the Leader of the Opposition, I wish to state quite clearly that it is the view of the opposition that statehood is inevitable and desirable for the Northern Territory. Obviously, it is the logical next important step in our constitutional development. I too have to state my concern at the poor start that the Chief Minister has made in seeking bipartisan support for this very important and logical next step. We have the situation where the opposition has not had the opportunity to consider the paper we have before us fully. However, more importantly, from the reading of it that we have been able to make, it appears that the government has sold itself short and has not put to the Assembly and to the people of the Northern Territory a clear statement on what it wants to do. The statement is strong on rhetoric and very weak on facts, as the Leader of the Opposition has pointed out. It is glaringly silent on one key area and that, of course, is the area of federal representation when the Territory becomes a state.

Mr Speaker, the Minister for Health spoke about the Territory being very easy to pick on at the moment and I agree with him. He said that, the sooner we become a state, the sooner other states will stand up for us, and that, when we become a state, our position will be much stronger. I put it to you, Mr Speaker, that he has missed the point. The key point about statehood is the amount and the level of federal representation that it will give us. The reason why we are not to have the railway line, why the Darwin Airport project has been slowed down when there are new international airports at Cairns, Townsville and Perth and why we all accept that federal governments have neglected the Northern Territory over the last 70 years is because we do not have the political clout we need in Canberra. That political clout comes only through representation in the House of Representatives and, particularly, in the Senate. I must admit to being terribly disappointed that, at this stage in the debate, as prominent a person as the Chief Minister himself is prepared to sell the Territory short in terms of Senate representation. He is prepared for us to be a second-class state with less representation in the Senate in Canberra than other states of Australia. That is a recipe for disaster.

It is a recipe for ensuring that we will not get the same sort of deal out of the federal government in Canberra, whatever its political colour, as other states get because we will not have the same bargaining power. It is as simple as that. A basic first premise of this whole discussion is that, if we are to become a state, we must have the same bargaining power in Canberra as the existing states have. If you want to look at the problems of second-class states, you can refer to the United States of America. There are states that have been accepted into the United States of America which have less representation than the others. They know very well that they are second-class states because they do not pack the same clout that the other states do.

Mr Speaker, the Minister for Health, who made a significant contribution to this debate, in an attempt to respond to the Leader of the Opposition's very strong call for a bipartisan approach on this matter, referred to a select committee established by the Whitlam government to look at constitutional development for the Northern Territory. In an attempt to rebut an argument made by the Leader of the Opposition, he pointed out that that select committee had a government majority and an opposition minority. I accept that. I accept that what we are proposing in terms of a select committee is different and has not been done before. I put it to you, Mr Speaker, that the difference between the select committee established by the Whitlam government and the proposed select committee is this: the select committee established by the Whitlam government was an attempt by a group of outsiders to determine an appropriate course of constitutional development for this Territory. We have the opportunity ourselves to determine the next stage in our constitutional development. Let us not throw it away for short-term political advantage. Let us treat it in a thoroughly bipartisan way. I would put it to you that the only way we can treat it in a proper bipartisan way is to have equal numbers on the select committee.

Mr Palmer: Who is going to chair it?

Mr SMITH: We are quite happy for the member for Araluen to be the chairman. There is not a problem there. The appearance and the reality of bipartisan approach on this very important issue obviously requires that there be equal numbers on the select committee. Other constitutions have been developed outside the parliamentary area. The obvious example is the Australian Constitution which was developed by the states getting together. They recognised that, if Australia were to have a federal government, there would be a need to provide equal representation to all the states at that time. There were no arguments then about giving New South Wales more than Tasmania or more than Western Australia because New South Wales was bigger. They all came into the constitutional convention in the 1890s with equal numbers.

Mr Coulter: They would not have come in otherwise.

Mr SMITH: Exactly. That is the point. You are going to make people question much more whether they will agree to our next constitutional step of statehood if, in your very first act in proceeding down that path, you take an obviously political stance on the selection of the committee. I would urge the government to think very carefully about what it is doing on that particular matter.

Mr Speaker, both the Minister for Health and the Opposition Leader stated what happened at the Brisbane convention. I thought that was a very good explanation indeed of the necessity, not the desirability, of equal numbers. A very important part of this exercise is that we do not have to

convince only Territorians that statehood is a good and a desirable thing. We have to convince the rest of Australia and we have to convince the governments of the rest of Australia - and there are likely to be a few changes in those governments over the next few years - as we sort out our approach to statehood. We have to convince them. I put it to you once more that the best way of doing that is to ensure that there are equal numbers on this select committee because that is the most convincing way to show the rest of Australia that there is a bipartisan approach to this very important question in the Northern Territory.

Mr Perron: Bipartisan - 19 to 6.

Mr SMITH: There you go. The government is condemning itself by its own words. It is not interested in a bipartisan approach to statehood. All it is interested in is the CLP view of statehood. There are other people outside the CLP who are interested in statehood. If the government wants to keep them on side, it had better stop making smart alec comments like that or it will drive people away and it will make it much harder to achieve. No one should underestimate the difficulties of selling to the people of the Northern Territory and, more particularly to the people of Australia, the benefits of statehood for the Northern Territory.

Mr DONDAS (Deputy Chief Minister): Mr Speaker, the only thing the member for Millner said that I agree with is that it will not be an easy path. I do not think for one moment that anybody said it would be an easy path. The statement made by the Chief Minister this morning is certainly the first step towards further constitutional development and changes in the Northern Territory. In the last 2 or 3 months, there has been speculation and discussion outside this Assembly on further constitutional development for the Northern Territory. Much has been said by many people who have an interest in the Territory. Some of those people who have an interest in the Territory sit in other places. The important thing is that the Chief Minister has made a statement this morning indicating that he has nominated the Minister for Health to set up a special committee of this Assembly to institute procedures to allow an easy path towards constitutional development.

The Leader of the Opposition highlighted what he saw as a particular problem. He was concerned about the representation on the select committee. Quite rightly, the Minister for Health said this morning that we did not want to bind ourselves to the statement that the Chief Minister made today and that we needed to be able to consult with other interested parties. That was clearly indicated by the Chief Minister earlier this week. What the Chief Minister has proposed has been on everybody's lips for quite some time. I do not remember the 1957 exercise by a former member of this Assembly, Mr Withnall, when he took the first step towards constitutional change. However, I certainly remember the events of 1972 and 1973 which led to a fully-elected body with some executive responsibilities being established in 1974. That was 11 years ago. From 1974 to 1978, the people of the Territory were governed by elected representatives who had some executive responsibilities. In fact, a decision was taken during that period to move another step along the road to statehood. That was the move to ministerial and Executive Council responsibility which occurred with the first Everingham ministry on 1 July 1978. Even at that time, all the functions were not transferred to the Northern Territory executive. In fact, education responsibilities and a few others were handed over on 1 July 1979. They were all steps towards statehood.

We have had 7 years of successful self-government of the Northern Territory despite what the

opposition always says about a lousy front-bench, about a lousy kindergarten approach and about a lousy everything else. It is always putting the government down because the government has done a tremendous job in the development of the Northern Territory since 1978. Certainly, the path has not been easy and an inexperienced group of people has come into this place. But look where the Territory is today. In 1985, we have the highest population, growth of the nation. At this stage, we also have more enthusiasm and excitement than anywhere else in Australia, yet we are told that we have a kindergarten approach.

The Chief Minister has taken another important step today by indicating that we will set up a select committee. The Minister for Health said that we have not worked out the terms of reference because it is important that that should be done in consultation with the other parties - the Australian Labor Party and the Democrats - to form an alliance so that we can take the final step. Unless we take the final step, Northern Territorians will remain second-class citizens.

The honourable members opposite did not talk about the neglect of the Territory by governments of all political persuasions from 1911 until 1978. Look at what has happened in the Territory in the last 7 years. We have made some momentous steps towards constitutional development. The Leader of the Opposition spoke about a blueprint. He said that, in the blueprint for the Tuxworth government, there was not one word about statehood. The Chief Minister's approach is to try to develop a better economic base for the Territory as it moves towards constitutional change. But that was cut out from under us by Senator Walsh whose approach was to depopulate the north with machine guns and not allow the Territory to develop in its own right. Of course, the Keating mini-budget did not help either. But that was 3 or 4 months ago, and 24 hours in politics is a long time, as members opposite know. If things are not put down on paper or set in concrete, the opposition says: 'You have put this particular statement and your thoughts together in 7 days'. What a load of poppycock!

Let us examine the Chief Minister's intention to move the Minister for Health into that particular role. To be honest, this idea of a committee to lead us towards constitutional change is something that Cabinet has been discussing for some time. We have all known of the interest that the Minister for Health has had over the years in constitutional development. I was really not surprised when the Minister for Health said that he would not mind doing the job because of his tremendous interest in the constitutional development of the Territory. That was several weeks ago. Of course, a proposition from a Cabinet member to his leader must be considered carefully and I know that the Chief Minister took a while to consider it. I think he has made the right decision because of the enthusiasm of the Minister for Health about this most important step towards constitutional change.

Mr Speaker, one of the reasons why I became interested in politics in 1973 was because of my own and my family's long association with the Northern Territory. I wanted to make a contribution by moving into the Assembly and playing my part in the development of the Territory. For the same reason, I would like to see the Territory move towards becoming the seventh state of this great nation. I am not going to sit here and listen to the Leader of the Opposition belittle the first step which has been taken today, to set up a select committee that will visit every area of the Territory and give Territorians an opportunity of placing submissions before it. At this stage, the terms of reference have not been set but it is an important step. If the Territory is ever to become of economic importance to Australia, we will have to become the seventh state. As Australia in the early 1910s and 1920s came to prosperity on the sheep's back and through primary production, I

see Australia's further advancement coming out of the development of the north, not only the Northern Territory but also the northern areas of Western Australia and Queensland.

The Leader of the Opposition this morning spent 40 minutes talking about page 3 of the statement and his contention that the Tuxworth ministry has said nothing about statehood. The member for Flynn, who hopefully will be sworn in today, will take over the responsibilities of the Minister for Health. I would certainly like to wish 2 of my colleagues all the very best and I hope that this Assembly will do the same. The member for Araluen has taken the decision to involve himself in constitutional development and the further development of the Territory. Every person in this Assembly should be thankful for that. It will not be an easy task. I would remind members of the statement that was made by the Minister for Health when I moved from the backbench to become Chairman of Committees. He said that I was going into a minefield. That was what he said to me 7 years ago. It is certainly very true of the area he is moving into today and I wish him well. I also wish my new ministerial colleague well in his duties.

Undoubtedly, there will be a most serious debate over the next 3 or 4 years or however long it takes to reach that statehood. The path will not be easy. It will not be made any easier by the terms and conditions that the opposition and its cronies seek to impose upon it.

Mr BELL (MacDonnell): Mr Speaker, I am rather surprised that the Deputy Chief Minister has chosen to respond in such a contumelious fashion. The only relief I took from his offering in this particular context was that he becomes highly entertaining when he becomes angry. I will return later to particular comments I wish to make on his contribution to this debate.

At the outset, we should say what this debate is about. This debate has nothing to do with statehood for the Northern Territory. It has nothing to do with the constitutional development of the Northern Territory. We have heard all sorts of pious statements from 3 government speakers about the constitutional development of the Northern Territory and its progress towards statehood. There has been a public debate to which members of the opposition have contributed outside this Assembly and within it over recent weeks and months. This debate has nothing to do with statehood or with constitutional development. Let me take honourable members out of their suspenseful state and let them know what this debate is about. This debate is about the difficulties that the Chief Minister is having with his Cabinet, with his backbench and with the wider party. That is all that this particular statement has to do with. In the time remaining to me, I believe that I will be able to establish that fact quite clearly.

Before I return to that particular theme, let me make a couple of points in passing about a couple of phrases in this particular document that were either wrong or to which I took exception. The first one is the reference on page 13 where the Chief Minister said that, until recently, the one-sixth of this continent that is the Northern Territory has lain idle. I do not think that I need to expatiate, having done so already on a number of occasions, about the position of traditional Aboriginal cultures in the Northern Territory. However, I do take exception of the use of the phrase 'lain idle'. Perhaps the resources of the Northern Territory have been better developed in recent years but to say that they had 'lain idle', that no use of those resources had been made, is the sort of falsehood I am not prepared to let pass without comment.

Mr Speaker, a further comment I wish to make is in relation to a comment on page 12 where the Chief Minister said that most Australian constitutions were drafted in the 1860s. I imagine that he did not write this particular speech himself, but I suggest he just checks out his speech writers and sends them along to the Darwin Institute of Technology for a quick course on Australian history. In fact, it was 10 years before that, in the 1850s, that most Australian states received their 'constitutions', I think is the term used. When I was studying Australian history, the phrase was 'responsible government'. There was one Australian state that did not receive responsible government until, I believe, 1868, and that was Western Australia. Thus, in fact, that statement is objectively wrong. Most Australian states' constitutions were not drafted in the 1860s.

Let me return to the reason why I raise this matter. The reason that Western Australia did not receive responsible government until 1868 was because Western Australia was still receiving convicts from the United Kingdom well into the 1860s. Of course, I do not suggest that statehood in the Northern Territory should be held up because the Northern Territory is governed by people who should be convicts. The reason I raise this is because, in historical terms, responsible government was deferred in Western Australia, and perhaps the actions of this government will contribute to the deferral of statehood.

The Chief Minister raised the matter of Aboriginal land rights. Let me say that, despite the Chief Minister's pious statements in this regard, anybody who is genuinely concerned about Aboriginal land rights and the benefits that might accrue to impoverished, disadvantaged Aboriginal groups in the Northern Territory by a recognition of Aboriginal land rights would shiver in his shoes if he heard what the Chief Minister had to say. The fact of the matter is that this government has an appalling track record in that regard. For example, I refer to the member for Fannie Bay, erstwhile Minister for Lands, who bulldozed Ntjalkantjamama in Alice Springs and narrowly escaped prosecution for that particular action. These people try to tell us that they are fair dinkum. Associated with the irresponsible and almost illegal actions of the member for Fannie Bay, we have this continual carping and whining about titles at Ayers Rock for traditional owners.

Day after day we have little items in the newspaper from the Chief Minister objecting, for example, to pastoral leases held by Aboriginal people and trying to pretend that the laws of the Northern Territory do not apply to Aboriginal land. That of course is total and absolute nonsense. The Fences Act, the Soil Conservation Act and other such legislation apply equally regardless of the ownership of the pastoral lease and regardless of the form of title. It is a nonsense that the Chief Minister and his cohorts persist in following yet they wonder why Aboriginal people and people of good conscience in this country would not trust them with the Aboriginal Land Rights Act and would not trust them with full statehood in that respect. I look forward to the day when this legislature can be entrusted with those responsibilities. By golly, neither I nor my constituents can do anything but shiver in fear at the actions in that regard. Forget the pious sentiment; I am talking about actions. It does nothing but fill people with fear in that regard.

Lest people imagine that my only concern in this regard is Aboriginal land rights, let us briefly look at a couple of others. In case the questions of statehood and constitutional development are issues of interest to a Cabinet trying desperately to reorganise itself, let me say that the constitutional development of the Northern Territory is a subject that is important to all Territorians. Our prospects for statehood are not enhanced in any way by the sort of corrupt practices that have

come to be associated with this particular government. I will not rehearse the whole casino debate. It has been gone over sufficiently already in this Assembly.

Members interjecting.

Mr BELL: I am sure the noisy characters on the backbench will be well aware of the corruption in this regard of the people they put in to run the Northern Territory. I will say more during this sittings about land deals at various places around the Territory, but those sorts of actions do not enhance the constitutional development of the Northern Territory in anywise whatsoever.

Let me turn, Mr Speaker, to the actual offerings of our new special minister with responsibility for constitutional development. If this were not costing the Northern Territory government big dough, it really would be a joke. What I do not find a joke is vast amounts of money being spent purely for the purpose of paying a ministerial salary to somebody to pursue an issue, albeit an important one. It is not sufficiently important, however, to justify the full-time work of one minister. There is no doubt in my mind that the workload of a minister of the Crown administering portfolio responsibilities such as health, education, transport, public works or whatever is onerous. There is an onerous, daily administrative burden. There are statutory responsibilities that require action, consideration and negotiation on the part of the minister. When I read that the purpose of this particular position will be to travel the length and breadth of the country to talk about constitutional development, I could not help thinking that the creation of this particular ministerial responsibility will have the reverse effect to what we hoped. Instead of encouraging Australians to take constitutional development and statehood for the Northern Territory seriously, they will say: 'There they go again. They increased the size of the Legislative Assembly by 30% with very little evident benefit and now they are paying ministerial salaries for people to tramp the length and breadth of the country and shuffle a few bits of paper'. Mr Speaker, that is not a full-time ministerial responsibility. I have no doubt about that. I doubt that many honourable members, if they actually thought about what is involved, would have any doubts about it.

It is no secret that the honourable member for Araluen has been a thorough-going critic of the frontbench of this government. There is no doubt in the public's mind, or the minds of members of this Assembly that the Tuxworth government is in serious trouble. There is no doubt in my mind that the only reason for this is because the Tuxworth government needs to reorganise its frontbench to keep the honourable member for Araluen happy and to pay a few debts. I will refer to those debts again in a moment.

It was a valiant attempt on the part of the honourable member for Araluen to lend a face of respectability to this transparent political chicanery. But when it is all boiled down, it is really nothing more than pious nonsense. How do people expect the federal government to respond to these sorts of appointments? I will tell you how it will respond, Mr Speaker: it will start looking at the sums again. It will say: 'Listen, boys, if you can afford that, you can afford to shoulder a few more fiscal responsibilities than the ones you are shouldering at the moment'.

Mr Dale: What about \$60 000 a year to study law? Give us your thoughts on that.

Mr BELL: I will let that stay on record, Mr Speaker. I have no idea what the honourable backbench

twit there is referring to. Perhaps he can continue either in this debate or tomorrow. But I digress in the direction of idiocy.

Mr Speaker, there are 2 further points I wish to make. We endorse the progress of the Territory towards statehood. I want to place quickly on record that Senate representation is a big problem. The Senate is undemocratic and unrepresentative. I am talking about Western Australian senators or ACT senators or senators from anywhere. By golly, most of my experiences with the denizens of that Chamber lead me to conclude that they reflect its character.

The final point I wish to make is in relation to central Australia. As you would be aware, Mr Speaker, I bear a responsibility for central Australian affairs in the Labor opposition. At many times and in many ways, I have sought to further the interests of central Australia in debate in this Assembly and by negotiation outside it. I want to place on record that I am deeply disappointed that, once again, the member for Braitling - however much I may cross swords with him in debate within and without this Assembly - has missed out. I fail to understand why a portfolio such as Youth, Sport and Recreation fails to fall into his lap. I fail to see why somebody who has done so much in that area has missed out. His contribution has been instanced recently by the broadcast of the cricket series from the United Kingdom. That goes to the credit of the member for Braitling - Rarely do I hand out bouquets to CLP politicians. The member for Braitling missed out and the favoured son, the member for Flynn, managed to get up. I suggest that further enhances the proposition that I have argued today that ministries are being handed out in order to resolve a few problems for the Chief Minister who achieved that position by only 10 votes to 8. Obviously, he has to pay out a bit. Bad luck Roger; obviously you were on the wrong side.

Equally one could ask why the honourable member for Sadadeen was not elevated to the ministry. I see an erstwhile member of this Chamber, Mrs Dawn Lawrie, gasping in astonishment. I can see that we all have a fairly keen understanding of why that did not happen. Quite seriously, I have no doubt that the member for Braitling would have been well deserving' of the appointment. The member for Flynn's chief involvement in this Assembly has been to use parliamentary privilege to slander vilely journalists in the Northern Territory. He has taken a very scant interest in issues of concern to the people of central Australia and his constituents. I remember one of his idiot comments about traffic lights and his recent lack of interest in staffing problems at Gillen Primary School. It is very difficult to see why he should be rewarded in this way if it is not for reasons of political patronage.

Mr Speaker, I think I have established my point quite clearly: this statement has nothing to do with constitutional development and it has nothing to do with statehood. It is about reorganising the frontbench of the government, and it is a desperate attempt to refloat the sinking ship of the Tuxworth government.

Mr PERRON (Mines and Energy): Mr Speaker, the response from the opposition to the Chief Minister's statement today has been disappointing but not entirely unpredictable. I say that it was not unpredictable because, if we reflect on the ALP's performance in this Assembly since first it managed to gain a seat in the Assembly in 1977, we see that, for it to be completely negative to every initiative that the government has ever taken, is fairly standard procedure. It seems that even the establishment of consultative machinery on the issue of statehood ranks as no exception to that

rule. We witnessed the usual arrogance and conceit of the Leader of the Opposition whereby, if one does not do exactly as he dictates, then everyone is an imbecile and he will take his bat and ball and go home.

Mr Speaker, failure breeds despair and no doubt a political party which has been unable to gain the support of the electorate in 4 elections over 11 years has plenty of despair around it. I guess a policy of unceasing personal denigration is all it has left to it and it has demonstrated that many times. The attack on the proposal outlined in the Chief Minister's statement was typical of those which were aimed at self-government and every major initiative brought forward in this Assembly by this government since then.

Mr Speaker, in my opinion, the opposition and the media to date have been preoccupied with the question of Senate representation. That issue is but one of many fundamental aspects that need to be addressed. To drag it out now by itself and cement our attitude will do no justice at all to this debate. What is wrong with putting the issues to the community and letting it have a view? Probably there is a very long road between self-government, as we know it today, and full statehood. Who knows what interim constitutional and representational changes might emerge leading to statehood itself? No doubt the opposition has all the answers and will spew them over us at every opportunity.

However, I could not help noting that there was one item on which the Leader of the Opposition did not have all the answers or, if he did, he was not prepared to show many of them today and that was his curious reference to Aboriginal land. He was careful not to nail his colours to the wall over that one. He is very strong about our not being a second-class state, Mr Speaker, as I am sure that we all are, and I would appreciate his elaboration in due course on how he sees land rights fitting into the first-class state that he seeks. I would like to know the member for MacDonnell's views on the same issue of land rights as formerly he has advised us that he sees white Territorians as expatriates. That ought to make for some interesting reading in his draft of the state constitution towards which I am sure he will contribute in due course.

However, Mr Speaker, the debate before the Assembly at present is not about statehood. It is all about the processes which we should put in place with a view to having the statehood question debated. It would have been great if a joint approach to the method of handling the statehood issue had emerged today but, clearly, that is not to be. As we do not agree that all wisdom resides in the boy lawyer across the room, the government will simply have to carry the issue forward not only without his support but obviously with his opposition. Be that as it may, I see no reason to forestall our placing the issues before Australians generally and Territorians in particular. We achieved self-government despite the ALP. Statehood is the next challenge.

Mr LEO (Nhulunbuy): Mr Speaker, I thank the Minister for Mines and Energy for his very short address on this matter. He certainly indicated his perception of what this debate is about. It is a straight political exercise as far as he is concerned. I for one do not see this as a straight political exercise. Indeed, the debate on statehood is far too important. I would hope that the government, when selecting the membership of this constitutional committee, will deliberately exclude that minister from that committee. His contributions on this matter will remain political. I think he has quite clearly demonstrated that this afternoon.

The Leader of the Opposition pointed out some of the many failings of the Chief Minister's speech this morning. His paper on self-government was as much a paper which heralded the introduction of another minister into this Assembly as it was a paper indicating the direction we will probably head towards in the constitutional development of the Northern Territory.

Mr Speaker, I remember some years ago the arguments for increasing Assembly numbers to 25 members from the then 19. One was that government could have an effective backbench and we could develop within this Assembly committees and bodies which a normal backbench would involve itself in. One which has been debated before is a proposed public expenditure committee. That has been soundly dumped on a number of occasions by government members. But we now have the slightly ridiculous situation again where there are as many members of the executive as there are government backbenchers. There is no backbench control over this government once again. I have never considered Mr Speaker to be partisan. I respect your office, Mr Speaker, far more than does your colleague, the government Whip.

Mr Speaker, once again we have government by the executive. Five people will control the executive. Because of the very worthwhile convention of Cabinet solidarity, which I am sure all members respect, 5 people in this Assembly will in fact control it.

Mr Dondas: Which 5?

Mr LEO: That is open to speculation. I could speculate but I do not believe that, in the context of this debate, it is proper.

The Leader of the Opposition also pointed out that, only 5 short months ago, the Administrator detailed the government priorities and the central line this government wished to take for at least the following 12 months if not the term of its entire office. One matter was youth unemployment. Five short months ago, it was the linchpin of this government's thinking. It does seem curious to me that, with so much youth unemployment and with so very little being achieved by this government in the area of youth unemployment.

Mr Dondas: What state has no unemployed?

Mr LEO: Most state governments have achieved very little in lowering the rate of youth unemployment. That is perhaps the reason why the federal government has had to take the initiative. State and territory governments throughout Australia have paid lip service to this pressing need within our community. As I said, it would seem curious that, after this very worthwhile stated priority of the government, we are now to spend some hundreds of thousands of dollars every 12 months on a new ministerial position. Certainly, members of the Legislative Assembly, be they backbenchers or ministers, do not come cheaply. They are very expensive commodities. When you put that together with staff costs and all the rest of it, you are talking about a great deal of money, at least enough to employ some youth within the Northern Territory. However, the government has seen fit to create a special ministerial position to deliberate on our constitutional development.

Mr Speaker, like the Leader of the Opposition, I must at least congratulate the Chief Minister on his selection of that individual. I can think of no member on the government side more fit to hold that

position. However, I must restate what the Leader of the Opposition said and take to task once again the Minister for Mines and Energy for what he said. If this debate continues along political lines, and is aimed at 25% of our population, it will be strangled before it gets off the ground. For the sake of this constitutional development committee, I hope that the Minister for Mines and Energy is not included on it.

Mr D.W. COLLINS (Sadadeen): Mr Speaker, today is a very historic day and I am very pleased to be a part of it. Today the Chief Minister made the government's intention known that we are taking the first step amongst many towards statehood. I too hoped that we would have cooperation from the opposition because this is a pretty big issue. Today, unfortunately, we heard arguments which, to anybody looking in on us from outside, were comparable to asking who invented the wheel. I would like to focus our attention upon something which is important and which the opposition has declared as its intention and part of its policy: a move towards statehood. The government long ago decided that, without any specific timetable, we would head towards the same goal. I believe that our final goal must be full representation with as many representatives in the federal houses that the states have. We may not achieve that in one jump. It would be beautiful if we could but the reality is that we may not be able to.

Today is a great day. In spite of getting a few kicks in the shins for our trouble, we have taken that step. I am very pleased to be here at this particular time. Statehood itself will be a 2-edged sword which will both offer privileges to the people of the Northern Territory and confer responsibilities on them. I believe that we must fight for our privileges but, at the same time, we must show that we are responsible. If this Assembly fights over who invented the wheel, it will create a very poor impression on the people down south who are our masters at this stage.

I have been asked, as I dare say many members have been asked in the last few weeks, what the advantages of statehood are. I would like to draw a parallel here between the status of a tenant and a landlord. We have tenant status; we do not have full responsibilities. If something breaks, we can perhaps call upon our landlord to look after that. On the other hand, if the landlord decides that he does not like us, he could use the self-government act to declare us null and void. A few of his neighbours might say that it is nasty and unkind to tip a tenant out, but it is possible. The landlord has greater powers but he also has greater responsibilities. I believe that Territory people are capable of accepting those responsibilities. We are not masters of our own destiny at this stage. I believe that we should aim to become the masters of our destiny.

Self-government has been an intermediate step. It has been very comfortable. We have made great progress, as the Deputy Chief Minister mentioned this morning. We have been supported in many ways but we are growing in many ways. It has been beneficial to the Territory. We have made big strides but we are vulnerable. I think that the mini-budget and machine-gunner Walsh made that very clear. I make a point which may surprise some. In the future, we might even look back and say that the mini-budget and Senator Walsh did us a favour in one sense because they jolted us out of our somewhat comfortable complacency. I am sure that most of us were happy to continue with self-government for a few more years, get some more development and ease into this more gently. But we have been jolted into it and we must prove that we are responsible, that we have the capacity to take hard knocks and that we can win through in the end on this road to statehood. As many members said, it is bound to be rocky.

We will have opposition from interstate. I do not think the opposition will come from the ordinary people interstate. From my discussions with them, I think many of them are very interested that we become a state in due course. We may find that we will get far more opposition from the politicians of the various parties interstate and I think most of us recognise that. They have some reservations about us. I think some of them would say that we are somewhat maverick or even of a selfish breed. I am sure Senator Walsh is one of those. We must demonstrate that we have the ability not only to see ourselves in isolation but to see ourselves as part of the wider Australian community with all the responsibilities and privileges that go with that. I believe that persuasion is better than trying to bludgeon our way through to our goal.

We are not masters of our own destiny in this. Our destiny is in the hands of people in the states. Certainly, the politicians will have a fair part to play in it, but so will the ordinary people. If it comes to a referendum, which may be what has to happen before we can achieve this goal agreed to by all sides, ordinary people will determine our right to statehood. We must persuade them that we are capable of taking a responsible attitude. In the process, we will also fight for our right to full Australian citizenship. This is indeed a moral right, and I am sure we will push that angle. Let us not, however, push only one angle.

I welcome the formation of the select committee. Much consideration has to be given as to how it will be constituted. That was deliberately not declared. You will be kicked whether you do something or whether you do not but we are prepared, in setting up this committee, to listen to the arguments of the opposition. This matter of statehood should be above party politics. All Territory representatives should have an input even if some of us obviously will not be on the committee. Of course, we will be able to bring to the committee the thoughts of our constituents. I would like to put to this Assembly that great things are possible when nobody cares who gains the credit. That might be something which is very difficult for politicians to accept. Both sides have declared that they want to head towards statehood. If we are going to fight over who gets the credit, it will be a sad day. It could shoot the whole thing down before it starts. Maybe I am a dreamer, but I would like to be able to say at the end of this exercise - no matter how many years it takes - that we the elected members of the Northern Territory Assembly have led our people through to statehood and mastery of our own destiny. I would like to see this Assembly as big enough to accept that role and demonstrate to the rest of Australia that we are united, capable and responsible people.

Mr VALE (Braitling): Mr Speaker, I would like to speak in support of the Chief Minister's statement on statehood and I will be very brief because most speakers have more than adequately covered the main issues. There are 2 main points that I wish to address in this debate today. One concerns our Senate numbers and the other concerns the name of the proposed eventual seventh state of the Commonwealth.

Mr Speaker, the debate concerning the Territory's ultimate move to statehood is rapidly becoming a national one. This debate will gain in momentum and will achieve a high national profile. Even now people from other states are arguing against full Senate representation for the Territory when we achieve statehood. Their argument is based solely on the Territory's population, and it is hypocritical. If this was applied to every state, they would all have to relinquish some of their senators. Only New South Wales, with the largest population, would stay the same and, of course, that will not happen.

Mr Speaker, the basis for any state to develop its full economic potential is the ability to have total administrative control of all land within its boundaries. In the Territory, this includes, and must include, national parks and Aboriginal land. The Leader of the Opposition has raised this as an issue. In fact, he said it would be a thorny issue and one on which a move towards statehood could founder. I put it to this Assembly that, if the opposition takes the same stance as the government - that is, that all land must be controlled by the Northern Territory - then it would not be a thorny issue at all.

To date, none of the ALP speakers has stated where the ALP stands on whether Aboriginal land and national parks should remain under federal control or cross to Territory control. To date, none of the opposition spokesmen...

Mr Bell: 3 speakers did.

Mr VALE: ...has said where the ALP stands on this issue. Aboriginals are part of the Northern Territory and, of course, must become part of the seventh state, given that they control or have laid claim to nearly 48% of the Northern Territory.

Whilst I am speaking about the Aboriginal issue, I also note that the opposition continually refers to 25% of the Northern Territory's population. I believe that should be qualified because the last official census figures in which Aboriginals were separated was taken back in 1966 or 1967. Since then, they have been included in the total Territory population without a breakdown. Given the fact that the Northern Territory, in recent years, has seen a rapid increase in the European percentage of the total population, with the advent of communities such as Nhulunbuy, Jabiru, Ayers Rock and others, I am of the opinion that the total Aboriginal percentage in the Northern Territory's population is now well below 25%.

Mr Speaker, these issues - Senate representation, national parks, Aboriginal land, uranium mining and others - as the debate proceeds, will be progressively taken over by the academics and the constitutional lawyers. But there is one issue which I believe the community feels very strongly about and that is the proposed name for the seventh state. I am certain that a vast majority of Territorians wish to see the word 'Territory' retained in the name of the new state. I would hope that those who have the final say on this issue will bear this in mind because I believe it will go a long way towards achieving public acceptance and full credibility as we move towards statehood.

Mr Speaker, in conclusion, let me say I support the Chief Minister's statement in relation to the Territory's move towards statehood. Statehood has now become a question of when rather than if and, if we do not take this first step now, what may become a very long journey will never be completed.

Mr EDE (Stuart): Mr Speaker, I would like to discuss further the statehood question and our ability to progress towards it in a way which will ensure that broad community support is mobilised in the pursuit of that goal. I wish first to ensure there are no doubts in this Assembly about my personal position on statehood. I believe that the constitutional position of the Northern Territory is an anomaly. I believe that it is impossible for an anomaly of this type to continue to exist indefinitely and

I believe that the moves towards statehood are timely. I will be proud to do my part towards the achievement of a just system of state government for the Northern Territory. I recall the time that I spent in Papua New Guinea before returning to Australia and the very heady negotiations that we had going through the period of self-government and then independence. It is a very heady period; it is one that everybody can be proud to take part in. Given the realities of constitutional development, it is probably the most important period in the development of a state.

Mr Speaker, I would not like the issue of boundaries to be excluded from this debate. The current state boundaries are an accident of the old colonial days. I believe that a very sound argument could be made for a look to be cast in that direction. I refer, for example, to the Kimberleys, the northern part of South Australia and the north-eastern part of Western Australia which have very strong links with the Northern Territory. Some of those areas currently are not very well served by their current governments because they are too remote. I believe that their inclusion in the Northern Territory would assist in developing our own economic viability and really should be looked at in the context of this debate.

Mr Speaker, before I go much further, there is a point that I would like to raise. This arises from what the Leader of the Opposition said this morning regarding what this government maintained was its first priority when we reconvened after the proroguing of the Assembly. I would like to ask what has been done to date in relation to the whole issue of youth unemployment. We had a very interesting statement from the Prime Minister on Sunday. This morning, I would have expected a response from this government in terms of what it has done over the last 5 months and what its proposals are for increasing the employment rate of our youth. All we have had to date is a report of something that came out of the CLP conference. The depth of their wisdom is to cut wages. My electorate has youth unemployment levels approaching 100%. It is a debate to which I would have been very happy to contribute because it is something that is of great concern to me and also to all the older people in my electorate. I mention that in passing because I hope that very soon this Assembly will have the pleasure of receiving the government's proposals on this matter.

Mr Speaker, the member for Araluen referred to the need for a bipartisan approach and he mentioned the need for a broad community consensus. Those are concepts with which I am most wholeheartedly in agreement. It is true, as he stated, that Aboriginal people out bush are inherently conservative and wary of change. It is a trait that they share with many other sections of the Northern Territory community. All of those sections, be they in the pastoral industry, the police force, Aboriginals or whatever, need to be reassured as this debate progresses. They need to know that their interests will be looked after. Every person in the Northern Territory shares some trepidation over change and that is only natural. It is also only natural that a majority of those who have lived here the longest should be the ones who most hanker after the past and who most fear new things.

Mr Speaker, I hope that, in the process of proceeding towards statehood, we will not take the jingoistic road which says that those who are not with us are against us. Let us be sure enough of our arguments so that we are able to encourage people to say what they fear. Let us have those fears out front so that we will have the opportunity of quietening those fears and of finding out ways and means by which we can ease this Territory through into full statehood.

Mr Speaker, there are very real fears in the Aboriginal community over statehood. It pains me to say it in the context of this particular debate but this government does not have a proud record in its dealings with Aboriginal people. I could go into that in very great detail. I would just like to point out a couple of incidents that have arisen in the context of this debate. The Leader of the Opposition has already referred to the Chief Minister's statement in *The Age* of 20 June. I quote: 'They do not contribute to the economy of the Northern Territory. They are major consumers of services. 25% of the population consumed 35% of our budget, 50% of our hospital beds ...'. Mr Speaker, bad news travels fast. When you make those sorts of statements in the national press about a section of the population, people tend to wonder whether that Chief Minister would look after their interests.

Mr Speaker, I refer again to the statement made recently by the Chief Minister on 8DN in one of his weekly addresses. Unfortunately, I do not have a copy of it with me at the moment but I recall that he said that he wanted statehood so that he could organise the devolution of the land rights act and remove the inalienable title over land so that he could resume land etc. There were a number of such statements in that radio 8DN address. Naturally, people become very wary when they hear such comments.

Mr Speaker, I will follow the lead of the member for Araluen in this one and say that, of course, there are fears. There are fears of losing hard-won rights, culture and land. I do not want to travel too far down this track at the moment except to say that mechanisms for quietening those fears will need to be found. I do not wish even to canvass possibilities of how this can be done at this stage. To do so may be construed as a commitment to a certain position. Let me simply repeat that mechanisms will have to be found in the course of our search for a formula for statehood which will provide sufficient guarantees to allay the fears of such a large minority. I have a degree of confidence in the member for Araluen. I believe that, of all those opposite, he is most fitted for this task. I look forward to discussing with him various ways in which we can overcome the very real problems that we will encounter on this road we are travelling on.

Mr Speaker, I would like to conclude by asserting my belief that full Senate representation should not be negotiable. It is true that there are party politics in the Senate but it is a fact that Tasmania, for example, has been able to use its representation to obtain some very good deals. Not to have 12 members in the Senate would place us inevitably in a second-class relationship with the other states. Mr Speaker, I do not know how we will ever catch up if we first accept less. I believe that future generations of Territorians will criticise us very rightly if we accept anything less than full Senate representation. We require the very best for our children and that means that full Senate representation should be non-negotiable.

Mr COULTER (Community Development): Mr Speaker, amongst any reasons that anybody might have to seek to see a bipartisan committee established today, I guess the argument that we have just heard from the member for Stuart would be one. He addressed some of the issues which the rest of the opposition failed to do. I imagine that having the honourable member for MacDonnell on any bipartisan committee would be like going to Beirut for your annual holidays. Some of the arguments that he raised today demonstrated his tunnel vision. He raised the Henry and Walker debate, the casinos and all the other issues and related them back to his electorate from where everything is generated. Everything starts off in the MacDonnell electorate. He did not go so far as to support Mr Walsh and his machine gun; the member for MacDonnell wants selective sniping to be introduced.

That goes to show, Mr Speaker, exactly where the ideas and aspirations of the member for MacDonnell really lie. Would you like to take him interstate at all? No way. We are safer leaving him where he is.

The Leader of the Opposition said that he did not have time to prepare for this debate today. He has been speaking about it for 2 months but comes in here with the hollow excuse that he did not have time to prepare for it. He then went on to say that he wants equal representation. He need only look over his left shoulder for a rebuttal of that proposal. The numbers he has just do not stack up. If he wants equal representation, let us have 8 a side because I think that is the only way that we would be prepared to look at that particular matter.

The member for Millner indicated that he wanted 12 senators but I do not think he said it directly. He said that the argument that should be introduced is that we need 12 senators.

Mr B. Collins: I think that means that he said what he wanted.

Mr COULTER: I am not sure if he said what he wanted or not but he seemed terribly confused there. In fact, when I interjected to ask if that meant that we needed 12, silence was the reply.

Mr B. Collins: You are not making a lot of sense.

Mr COULTER: I am just trying to answer some of the issues that the opposition raised today. That proves that the Leader of the Opposition is astute, that there was no sense in anything that it had to offer, apart from the honourable member for Stuart who addressed some of the more serious issues.

Mr B. Collins: I might try that again in a minute.

Mr DEPUTY SPEAKER: Order! Honourable members will cease their interjections and address their remarks through the Chair.

Mr COULTER: Mr Deputy Speaker, today the opposition avoided a number of issues. Opposition members picked up the Chief Minister for telling the truth, for explaining to people in a national forum that we have a problem with Aboriginal people in terms of their contribution to the economy. I would like to introduce a book which should become compulsory reading for every member of the Legislative Assembly: 'The Aboriginal Economy in Town and Country' by E.K. Fisk. In it, they will find some very interesting statistics. For example, on page 103, it says simply that \$215m in social security benefits alone went to the Aboriginal population. I am not saying that that was not deserved or needed. The member for Stuart has also said that there is 100% unemployment in his area, but they are a drain on the economy in those particular cases.

We have been a social playground for the rest of Australia for far too long and the honourable members of the opposition have said for some time now that it is all right and we should let Canberra say what should be done in terms of Aboriginal land or offshore resources. When I interjected to ask why we cannot be masters of our own destiny, the Leader of the Opposition seemed to think that we should leave it with Professor Derek Ovington and that mob in Canberra because they are the ones who look after our land.

Have a look at the section on Aboriginal social indicators. It is interesting to see on page 8 of this book that acts which resulted in Aboriginals gaining freehold title to land were enacted in 1862 in Victoria by Victoria legislation, in 1981 in South Australia by South Australian legislation, in 1983 in New South Wales by New South Wales legislation but in 1976 in the Northern Territory by Commonwealth legislation. The Northern Territory has had enough of Commonwealth legislation and the 70 years of Commonwealth neglect that we have had to put up with. It is time for us to make decisions about our land because you cannot have statehood and allow somebody else to look after your land. That is an issue that must be addressed, and it must be addressed soon.

The other things that are quite obviously on the minds of the opposition members today are the problems with youth and youth unemployment. Once again, they have been led into the trap by their fearless leader, the Prime Minister of Australia, who made an address to the nation about youth. They have jumped on the bandwagon and run with it. How many times do they have to be let down by the Prime Minister in what he promises to do? When will they wake up to the fact that he is not in the best interests of the Northern Territory - and I have some reservations as to whether he is in the best interests of Australia.

Professor Ovington is responsible for Kakadu, Uluru and our other national parks. One man, operating out of an office in Canberra is responsible for our national parks. We must be able to stand on our own feet and decide what is ours inside our boundaries. If you like to look at history, it is interesting to see how the Northern Territory's boundaries came into being - I would not mind preparing a paper for honourable members if they have not read much on that particular matter - and how the area of the Northern Territory was reduced to what it is today. If you go one step further to look at the land rights issue and the lines that have been drawn across the Northern Territory, you will see that it has been squeezed up even more. If we do not move to statehood soon, there will be nothing left because the Commonwealth, using the Territory as a social playground, will have given it all away.

The Leader of the Opposition said that it is absolute rubbish that we should go into uranium mining because of the problems with export licences. He is quite right. The federal government has control over export licences, but may I remind him about Jabiluka and Pancon and their environmental report? May I remind him how far advanced that particular mine was, how economic it was considered to be, and of the purity of the uranium out there long before we ever heard of the mines in South Australia? Please remember that they were copper mines so therefore they were all right. Never mind that, given world prices, copper was going down the hole so fast that nobody wanted to find copper. The fact is that Pancon could have gone ahead much earlier than any mine in South Australia if we had been able to obtain the federal government's okay to proceed. Because we did not have any political clout in Canberra, we were not able to put our message across. The things that have been done to us would not have been tolerated anywhere else in Australia.

Of the issues that were raised today, and which were referred to by the Leader of the Opposition as 'absolute rubbish', Mr Deputy Speaker, you notice that he did not go into much detail about national parks. He said, 'National parks. Yes', as if to say that we have an argument there and maybe they should be returned.

Mr B. Collins: Suspend standing orders and I will do it now.

Mr COULTER: Mr Deputy Speaker, he had his opportunity to give us some enlightenment about his views on statehood, but he chose not to do that. In fact, he then decided that he would pin the basis of his argument on rubbishing the Chief Minister and his proposals. They are the very issues on which Northern Territorians have had enough and he would like to find some answers for them. By appointing the member for Araluen to look at constitutional development, the Chief Minister has now decided to look at the issues. We do not even know the issues.

If statehood means 12 senators to the honourable member for Millner, what about land? Does he think about land? He made no mention of it. If he thinks about it, the problems associated with land are enormous. For example, Nhulunbuy operates under a Commonwealth lease. Does that mean that Nhulunbuy will break away if we become a state? Those types of issues will have to be addressed. I hear people saying that it will cost too much. If we are not fair dinkum, if we are not prepared to elevate a member of our government to a status where he can be an equal, where he can travel wherever he likes and talk on that basis because it will cost an extra \$20 000 a year, then we are not ready for statehood. I would not like to take that argument any further than the borders with South Australia, Queensland or Western Australia because people would not listen to me. We must have somebody of the calibre of the member for Araluen to address those particular issues.

Interestingly enough, in the past, the Leader of the Opposition has described the Constitutional Convention as a 'talkfest'. I have heard him describe it as a waste of time. All of a sudden, a bolt has hit him out of the sky and it is now a magnificent forum where he can address issues on statehood. That is true because time changes. He referred to various speeches which the Chief Minister had made. At the time, we did not have Mr Walsh on the scene and section 33 of the Memorandum of Understanding being thrown out the door. We were not told at the start of this year that, from 1988, we would be treated like a state in relation to funding. That happened only recently and, as a result of that, we have started to address the issues. If we are to be treated as a state, we might as well be one. It is as simple as that and arguing about whether the Memorandum of Understanding is intact or not will not help very much when it comes to picking up the money because it will not be there. We will not have representation in Canberra to ensure that the money is there and that we are not treated like second-class citizens but in the same manner that every other Australian has become accustomed to.

Mr Deputy Speaker, I will sum up very quickly. The issues will concern land and they cannot be swept under the carpet. Check all the other legislation throughout the country. Send the Leader of the Opposition down to ask Mr Burke about land rights and whether he would like the Commonwealth government looking after them. He was given an example of that the other night when it was decided in the federal Cabinet that his land rights model would be thrown out. He was not told that by the minister responsible, Clyde Holding, but by another Cabinet colleague. Go to Mr Burke and see what he thinks about the Commonwealth looking after his land or that of New South Wales, Victoria or any of the other states. Land will be a very important issue. Also, national parks will be an important issue here and we will not have them run by somebody sitting on the 27th floor of a building in Canberra and not looking out over Uluru or Kakadu. It should not happen here in the Northern Territory.

I do not accept the argument put forward by the member for Stuart that we have not been successful on the issue of Aboriginals and the problems faced by them. The Commonwealth has had that responsibility for some considerable time and continues to have that responsibility. Whilst the Northern Territory is looked upon as a social playground by people in the southern states, we cannot face the real problems in Aboriginal communities. They need to be addressed by Northern Territorians as masters of our own destiny. Mr Deputy Speaker, you can sit here and argue about 12 senators, bipartisan committees or whatever you like for as long as you like; the real issues have to be addressed in the manner which the Chief Minister has had the courage to do: by setting up a special ministry responsible for constitutional development. The new minister will require the total support of all Northern Territorians to ensure that we get the best deal, a deal that has been denied to us ever since federation was first commenced by Mr Parkes in 1901.

Mr SETTER (Jingili): Mr Deputy Speaker, I feel rather inadequate in following such an eloquent speaker. However, in rising to support the Chief Minister's statement, I must compliment the member for Stuart on his opening remarks. I thought he was one of the very few constructive speakers from the opposition. Regrettably though, it did not take very long before he also went off the rails. But I was impressed with the few words with which he opened his remarks. I must, however, express my disappointment at the opposition's attitude and its negative approach. It has caused me great concern. I am also sure that the community at large will be concerned when it hears what the opposition has had to say today. I believe that today it has done a great disservice to the Northern Territory. I had hoped that the opposition would take a positive view. However, it has chosen instead to adopt a negative approach.

The Chief Minister's statement advised the Assembly of the appointment of a minister for constitutional development who will chair a select committee of this Assembly. It is that committee which will formulate policies for discussion by this Assembly at some later date. It was never our intention to debate the detailed issues at this stage but simply to advise this Assembly of the initial move. From this, the debate will develop.

The member for Millner commented that the committee would reflect only the CLP's view. Let me advise the member that the CLP does not yet have a firm view.

Mr B. Collins: That is pretty obvious.

Mr SETTER: That is true, and nor do you. The policy will be formulated at a conference to be held in October. He is well aware of that and, in fact, his own party is soon to conduct a similar forum.

The Leader of the Opposition's statement that he would not participate in the select committee unless his party had equal representation is typical of his negative attitude. He was followed by several of his colleagues who spewed forth their smoke and their hot air. I liken them to a range of spent volcanoes.

Nevertheless, I am very pleased today to be present on this historic occasion and to witness the Chief Minister set this Assembly on the path to statehood. In fact, I consider myself fortunate indeed to have experienced the introduction of self-government 7 years ago with the prosperity that that has brought. This exciting move today towards further constitutional development will carry on the good

work that we have seen in those last 7 years. I look forward also to having the opportunity to witness the granting of statehood at some time in the future - not in 2 years or 5 years but at some time in the future.

In recent times, we have heard much rhetoric regarding statehood. This has come from the media, from members of political parties and from the or community at large, but it has been rhetoric and nothing more. Much of this has been speculation and regrettably, in the main has centred around what representation we can expect and perhaps what representation we should demand.

To use a phrase used by my colleague, let me say that there lies ahead of us a minefield of issues which have to be negotiated and resolved before this final agreement can be reached. Representation is but one of these problems that we must address. It is most encouraging to note the amount of fervour developing in the community. This is a healthy sign. It is only through this debate that the community will become aware of the real issues. My colleague on my right alluded to a number of those issues: land, conservation and so on. It is only through debate on these issues that the community will form its attitude. From this community debate, governments and select committees can develop policies which will truly reflect the feelings of the people of the Northern Territory.

I am on record as saying some months ago that the move towards statehood was imminent but that we should not move until the community feeling required it. We have now reached that point in our history. However, there is one note of caution I would like to raise. Whilst we in the Northern Territory might discuss and argue about what conditions we want as a state, bear in mind, Sir, that there are others involved who are in a greater and a stronger position than us. I refer to the states and to the Commonwealth. They have the constitutional right to have much influence on the conditions under which statehood is granted and, indeed, on whether it is to be granted at all. It is all very well for us in the Northern Territory to be shouting our demands from the rooftops but let me point out that, without their cooperation and sympathy to our cause, our pleas will count for nought. Mr Deputy Speaker, as well as all else, we need to sell our cause to the states and to the Commonwealth because, without their support, we could well enter the next century still as the Northern Territory of the Commonwealth of Australia.

I commend the Chief Minister for his actions and offer the Special Minister for Constitutional Development, the Hon Jim Robertson, and the new Minister for Health and Youth, Sport, Recreation and Ethnic Affairs, the Hon Ray Hanrahan, my full support.

Mr McCARTHY (Victoria River): Mr Deputy Speaker, I was a little bit disconcerted by some of the comments of opposition members. The Leader of the Opposition said that we must demand full representation in the Senate. That is something that I personally support. We must go for full representation in the Senate. But he said also that we must not demand equality with the states in relation to land and uranium mines. I noted that the Deputy Leader of the Opposition said that some states in the union of the United States do not have full representation. I believe that he is wrong. It is my understanding that all the states, including the newer ones, have full representation. That is no mean feat. If they can do it, so can we. It is totally unacceptable that the Northern Territory should achieve statehood as a second-class state. We will have achieved little if anything with such a move. We have been, and we still are, the plaything of the federal government. As a state, we will attain at

least such security as statehood provides. There is some doubt about that given the High Court decisions on dams in Tasmania.

No one believes that any of the present 6 states would have come into the federation on any arrangement short of equality. Neither would they have been subject to federal government disenfranchisement if they did not enter the federation. They argued from the strength of being states with no chance of losing their status as states. They would not have been territories but sovereign states outside the federation. We as a territory are subject to the whim of federal governments which are happy to use us as a practice ground for every harebrained ideal that noisy interest groups put before them. I would expect all members on both sides of the Assembly, and indeed all Territorians, to have similar views on our right to statehood. I trust the opposition will put aside its petty point-scoring to ensure that we achieve statehood on equal terms with the other states at a time of our choosing.

I am delighted to see the member for Araluen appointed to the position of Special Minister for Constitutional Development. I believe that he is the right man in the right place at the right time and it is fortunate that we have him here. I am sure that he has the qualifications to achieve the deal that we are entitled to with the support of people of all political persuasions. I think that has been borne out at least in this Assembly. I look forward to this period of development to constitutional equality with the states and I applaud the Chief Minister's timely announcement and his arrangements to ensure that constitutional development and equality is achieved.

Mr MANZIE (Sanderson): Mr Deputy Speaker, I rise in support of the statement made by the Chief Minister this morning. What is it that is different between Territorians and other Australians, apart from our initiative, drive and optimism? The fact is that, as Territorians, we have no say in what happens in our national parks. A Canberra-based bureaucrat is considered to know better than us. We have no control over uranium mining and we have no royalty income from such mining. Again, people in Canberra know better. We have no control over half the land which makes up the Northern Territory even though the states are considered capable of exercising control over all land within their boundaries. In addition, we do not have the political representation that all other Australians have enjoyed since federation. On top of that, we have been informed by the federal Treasurer that, from 1988, funding for the Northern Territory will be on the same basis as that for the states. Therefore, with economic equality with the states, we must have total equality in all areas. We must move to statehood!

As acknowledged by all in this Assembly, the path to statehood will be long and difficult. It is a matter of great importance involving all Territorians, state governments and all Australians. This government has acknowledged the importance of this task with the appointment of a Special Minister for Constitutional Development. This step has been greeted by some members of the opposition with derision, as has the proposed appointment of a select committee.

I was extremely disappointed by the attitude of the opposition this morning. The Leader of the Opposition complained that he had insufficient time to read the Chief Minister's statement. However, while the Chief Minister was making that same statement to this Assembly, members of the opposition were giggling amongst themselves like a group of schoolgirls at their first social outing.

Mr D.W. Collins: Shame!

Mr MANZIE: I found it extremely shameful.

Mr Deputy Speaker, the Leader of the Opposition used the majority of his time to attack the Chief Minister and government members in a most despicable manner. The issue of constitutional development and statehood was far from his mind as he sought to make political gain from a subject that should be above politics. He described the government as a kindergarten group. One wonders just what his problem was. It dawned on me when he mentioned on 2 occasions that it was he who started the statehood debate and not the Chief Minister or the government. What an ego trip! What a kindergarten performance, Mr Speaker! The progression to statehood has been a stated aim of the Country Liberal Party platform for over 10 years.

The member for Millner confined most of his statements to the matter of Senate representation, an issue which the proposed select committee will address most capably. Most of his speech had little bearing on the statehood issue, but he was out to score as many political points as he could. He did not score very highly.

The member for MacDonnell was another opposition speaker who disappointed me. His comments were negative and he attempted to completely politicise the issue. He spoke about land rights...

Mr Bell: I did not do that.

Mr MANZIE: ...and he described the fear that he is no doubt already spreading amongst his constituents about the possibility of the Northern Territory assuming control of all land within its boundaries just as other states do. He also made the lulu of a statement that Territorians could not be trusted to control their own land. What an attitude! We can control and administer health, police, treasury and a myriad of other functions but the member for MacDonnell considers that Territorians are not capable or fit to control our own land.

I was extremely disappointed with his remarks concerning the position of the Special Minister for Constitutional Development. The member for MacDonnell exhibited a total lack of understanding of the complexities and the workload faced by the new minister. The move towards statehood is not a matter for cheap, political point-scoring. I believe honourable members opposite will be ashamed of their performance this afternoon, with the possible exception of the member for Stuart who did have some quite constructive comments. When the other members read their contributions in Hansard, I am sure they will be ashamed. Territorians who elected them have a right to expect more constructive comments than they have made today. The select committee and its chairman have a most important task in collecting and collating information and coordinating our move along the road to constitutional development and eventual statehood. I urge the opposition to approach this most important of tasks in a sensible and constructive way. We live in Australia, Mr Speaker. We are all Australians, and we deserve to have the same rights as all Australians.

PERSONAL EXPLANATION

Mr BELL (MacDonnell) (by leave): Mr Deputy Speaker, the honourable member for Sanderson

averred of my comments in this debate earlier that I said - and I believe I am quoting him correctly - that 'Territorians cannot be trusted to control their own land'. In the debate this afternoon, he suggested that that was what I had said verbatim. I would like to point out to him and to other honourable members that I said absolutely nothing of the sort. I am quite convinced that, when he has a look at the Hansard tomorrow morning, he will find that his suggestion in that regard is absolutely false.

Mr DALE (Wanguri): Mr Deputy Speaker, despite the giggling and scoffing at the suggestion by the Leader of the Opposition, today is quite an historical day for this Assembly. Despite the fact that he proceeded to denigrate the debate on this important issue, I for one am pleased at the formal announcement that we are on the road towards statehood and that our move towards that end has been properly coordinated today. After 7 years of self-government, recent decisions regarding the financial future of the Territory have made it clear to all Territorians, and for that matter to all Australians interested in this part of Australia, that we are to be regarded as a state, like it or not.

There has been a great deal of Speculation in the media and, for that matter, by politicians on both sides of the Assembly. That speculation has surrounded the nuts and bolts of statehood and rarely has it addressed a proper constitutional foundation. The Leader of the Opposition once again has taken a negative attitude to the formal launching of the proper development of the Northern Territory as he has with all other developments in the Territory. If he did not want to debate the issue at this time, he could have sought an adjournment and debated the matter when he had discussed the details of the select committee with its proposed chairman. Instead, he rose to his feet, looked to the press box, checked that the radio was working and that the young students were about to be impressed, and then commenced to grandstand. The rising and the setting of the sun in the Northern Territory is not because the Leader of the Opposition thought of it first and neither will statehood come about for that reason. Statehood will come to fruition only if people who are genuinely interested in the future of this part of Australia strive for it. I would like the Australian Labor Party and its representatives in the Territory to join us in this endeavour. I challenge the Leader of the Opposition to show a little maturity on this issue. I quote from the first page of the Chief Minister's statement today: 'We seek the help of all Australians in this endeavour'. That is about as bipartisan as you can get.

Mr HATTON (Primary Production): Mr Deputy Speaker, today the Northern Territory is taking a very significant step. We have watched the gradual evolution of some form of constitutional development and self-determination. After a tortuous 70 years of servitude to Canberra, the Territory blossomed forth from 1974 to 1978 into self-government. All of us celebrated that event and all Territorians have worked hard to improve and develop the Territory and take advantage of that opportunity for self-determination. Unfortunately, the further we go down the road of self-government, the relative impotence that our government and our community have as a consequence of the fact that we are not yet a full partner in the federation of states of Australia becomes more and more evident. Quite clearly, the events of this year have brought the debate on statehood to a head. They have not started the debate but they have accelerated the debate, discussion and consideration.

I have always been of the view that the time to start working and considering the progress towards statehood is now, whenever now happens to be. I am a strong supporter of moves that we make on

organised and planned progress towards the achievement of full constitutional, political and democratic rights for the citizens of the Northern Territory. If we as an Assembly are not working towards that objective, we do not have a right to be in this room. Today should have been a day of coming together to work towards a common goal irrespective of which side of the Assembly a member sits. Unfortunately, that has not been the case.

Mr Deputy Speaker, I do not wish to contribute to the denigration of the importance of today by lowering myself to the standard of debate that has come from honourable members opposite. In making that statement, I must say that I totally exclude the statements made by the member for Stuart who made quite a statesmanlike contribution, given the difficulty he must face within his party with its rigid hierarchy. It is a shame that his leader did not show the same degree of political maturity in this debate today. The attacks and personal denigrations of the Leader of the Opposition will stand as a shame on him and a shame on this Assembly.

Mr Deputy Speaker, there are a couple of points raised in debate that really ought to be addressed. One in particular is a challenge issued by the Leader of the Opposition in his assertion, either directly or by implication, that somehow he has led the debate on statehood. It is fascinating when one sees how people can change position from time to time depending on their political whims. Members of the opposition seem to be very good at that. He asked where the Tuxworth government has made statements on statehood. He challenged people to find one word about statehood in the statement on 26 February about the goals and objectives of the government. I refer the Leader of the Opposition to page 5 of Hansard of 26 February 1985. The final paragraph states: 'My government will use its term of office to continue the economic, social and constitutional advancement of the Northern Territory'.

Mr Deputy Speaker, that answers the challenge of the Leader of the Opposition. It has been and will be the role of the government and the Country Liberal Party to work towards the full constitutional development of the Northern Territory. We have done that in the past in the face of vicious opposition from the members of the Australian Labor Party. I refer to their 1977 scare-mongering election campaign when they fought against our progress to self-government. It is strange how the times change. Maybe they finally realised the mistake they made at that time. I suspect the only mistake they recognised was a political one in the long term. They do not recognise the fundamental mistake in principle that they made as a party purporting to represent the people of the Northern Territory.

Mr Deputy Speaker, that is what this issue is about today. We have heard much about bipartisanship. The speech by the Chief Minister is a document that promotes bipartisanship and an air of cooperation. This occurred to the extent that even the proposals for the formation of the select committee and the numbers etc associated with the select committee were not being spelled out and pushed on the Assembly. Rather, they were held aside to enable discussions to occur between the 2 sides of this Assembly and to start that process of bipartisanship.

One can only assume from the vituperative rhetoric of the Leader of the Opposition that he sees it as important to play a numbers game on a select committee of that nature. Presumably he has some intention to introduce party politics to such a select committee. If that is to be the case, I think it would be a tragedy for the Northern Territory and a tragedy for this Assembly. What we need on

the select committee are people who are honestly and earnestly desirous of seeing the Northern Territory progress fairly and properly towards statehood. On that select committee, it should not matter which side of the Assembly those members sit on if they are to address this very serious issue fairly and properly. I was concerned at the comments of both the Leader of the Opposition and the honourable member for Millner in that regard. I would hope that we can approach such a select committee on a bipartisan basis.

I do not wish to enter into some of the debates. However, I am still trying to work out how somebody can say that a ministerial statement which announces the formation of a Special Minister for Constitutional Development, a select committee to investigate constitutional development, an advisory committee and a series of related administrative arrangements is not a debate on statehood. It has me beaten.

Mr Bell: Do you reckon that is a full-time job with all your swag of work?

Mr HATTON: Yes, I do.

Mr Bell: Good on you.

Mr HATTON: Mr Deputy Speaker, I believe that the function of the Special Minister for Constitutional Development is critically important to the Northern Territory. It is highly complex. It is moving into unprecedented constitutional ground in Australia. It will require a complex effort to determine the processes and procedures, to work with 6 states, a Commonwealth government and a multitude of communities that exist within the Northern Territory, and to nurse this process through to fruition. That process needs full-time attention. If one gets away from the gossamer and gloss attitude evident in the comments of the opposition and examines the real complexities of the issue, one would not make the comment that it should not be a full-time job. It is quite patently stupid to make such a comment.

Mr Deputy Speaker, I do not wish to proceed any further except to affirm my wholehearted support for the move and to offer my congratulations to the Special Minister for Constitutional Development and to my new ministerial colleague, the Minister for Health, Youth, Sport, Recreation and Ethnic Affairs, and to look forward to an uplifting of this discussion in the future so that we can proceed in some bipartisan and logical process towards proper constitutional development in the interests of the citizens of the Northern Territory.

Mr FINCH (Wagaman): Mr Deputy Speaker, I would like to take a brief moment of this Assembly's time to address the issue at hand, both as a member of this Assembly and on behalf of the constituents of Wagaman. I would like to take the opportunity to have recorded my recognition of this most significant step in constitutional development of the Northern Territory. There is certainly no need to dwell on the realisation that this is a most significant step and all of the benefits that will come from development of the Northern Territory into statehood could go without saying.

Mr Deputy Speaker, I do not wish to comment on any of the many complex aspects of the forthcoming progression to statehood. I am sure that that matter is best left in the hands of the select committee and for members of the public and various interest groups to add their contributions

appropriately. Nor do I intend to acknowledge the ill-based and illogical nonsense that has been forthcoming from members opposite during today's debate. Certainly, it has been a disappointment to me also that the debate has been reduced to such a level. I guess there is some personal disappointment there too in having a constituent of the electorate of Wagaman, none other than the Leader of the Opposition, who I thought should have had far more to add to this debate than what he gave us this morning. One would hope that the members of the opposition will be able to get their act together and propose some purposeful members to that select committee as it is developed. It is disappointing that almost every issue except the one at hand has been debated this afternoon and that a significant amount of the debate was directed towards personal denigration of individual members and members collectively. Certainly, I endorse the comments of the Minister for Lands in directing the attention of my parliamentary colleagues to the fact that the matter certainly deserves far better attention from us all than has been given to date.

The Leader of the Opposition referred to his colleagues. In fact, I think he said that none of them had any knowledge of the subject at hand. I am not sure if I misunderstood him or not.

Mr B. Collins: You did.

Mr FINCH: Certainly, I was disappointed that, apart from the member for Stuart, none of the members opposite indicated any sort of desire to participate with any degree of enthusiasm in what is a most significant step. I would like to suggest simply that the Leader of the Opposition and his colleagues should get their act together and accept their responsibilities as elected members of this Assembly to provide fruitful and constructive debate.

I would like to close by commending the Chief Minister for making this most auspicious move towards setting up a methodology that will lead to a most constructive progression towards statehood. I would like to add my congratulations to the Special Minister for Constitutional Development. I am quite sure that, under his leadership and the constructive contribution of his committee, the times ahead will be most interesting and productive.

Mrs PADGHAM-PURICH (Koolpinyah): Mr Deputy Speaker, my contribution today will be very brief but I would like to draw a comparison between our path to statehood and a situation that exists in the rural area at the moment. I am talking about our path towards local government in the rural area. A parallel can be drawn with a broad brush. Before I start, I would like to say that, when I started to listen to the Leader of the Opposition today, I was caught by his oratorical skill of which he has some. After I had been listening for a while, I became aware that it was very familiar and I wondered where I had heard it all before. I heard a similar delivery a long time ago, more years ago than I care to remember, when I was at school. The Leader of the Opposition may have copied the people to whom I refer. I refer to a certain group of missionary priests who used to come around to the convent breathing hell, fire and damnation. They did this to pep us up and to put us on the right path again. With hindsight, if one analysed what they said, it was repetition, repetition and repetition. If one reads tomorrow what the Leader of the Opposition said today and discounts the repetition, I do not think he needed to have asked for an extension of time. All he had to say could have been said in about 10 minutes.

Mr B. Collins: When you are dealing with stupid people, you have no choice, Noel. Schoolteachers

are like that.

Mrs PADGHAM-PURICH: Yes, if you are dealing with some schoolteachers. You had better look behind you, Leader of the Opposition, and not over here.

Whilst nobody wants to bring party politics into this question of statehood because it should be above ordinary party politics, nevertheless certain facts must be faced if one is talking about select committees. The fact is that about two-thirds of the electorate outside these walls favour our form of government. Two-thirds of the people think roughly the same as we do and any committee that is formed should reflect that.

I turn, Mr Deputy Speaker, to the comparisons I see between our path to statehood and our path to local government in the rural area. I would like to start by saying that, until now - and I hope it continues - party politics have not been brought into the matter of local government for the rural area. I think the Minister for Community Development will bear me out on this. I have spoken with many people in the rural area, both individuals and people belonging to organisations whose politics I know are not mine. Nevertheless, it is too important an issue for party politics to come into it. I think that our path to statehood could follow advantageously the path that has already been established in our move towards local government. Perhaps the reasons for introducing statehood and for introducing local government may not be exactly the same. The minister said that he wanted to introduce local government into the rural area because it has been forced on him by people in another place, namely Canberra. Statehood could be forced on us by the views of people in other places.

I am aware that many people in the electorate want to know if we are moving to statehood. Because our present form of self-determination has been so successful since 1978, they can see statehood as the next logical step and they are starting to ask questions. Are we moving to statehood or are we not? How will our situation compare with other states? What will be the advantages and disadvantages? Most importantly, most people want to know how it will affect their hip pocket. All of these questions have been asked by people in the Darwin rural area in relation to proposals for local government. The first thing that should be considered is the need for guidelines to be drawn up so that we can proceed. The Minister for Community Development will probably be quite embarrassed at my praising him because, in the past...

Mr Coulter: Suspicious is the word.

Mrs PADGHAM-PURICH: ...we have had our arguments. Perhaps he has been all sweetness and light, but I have stated my views to him on a number of occasions about certain matters, and I have not minced words. I think he has done the right thing in drawing up guidelines for local government. Whether those guidelines will continue to be the final parameters for the operation of local government is yet to be seen. To date, he has made 2 major changes in the original guidelines because of input from the public. I can see this happening with discussion by the general public about statehood. With the local government issue, there has been discussion not only with individuals but also with different community groups. In fact, the minister and I will be attending another meeting tonight in the rural area. I assume he will be there; I believe he is the guest speaker.

I can see the Special Minister for Constitutional Development having a very busy job ahead of him not only sitting in his office working out his plan of procedure but also consulting with different groups and individuals in the community. In any discussions between the minister and the community, it is very important that what the community says is listened to. I do not say that every idea put forward by the community or even by members as representatives of the community will be accepted. I think it is most important that ideas that the people and their representatives put forward be considered seriously before acceptance or rejection.

I would like to draw a comparison here with the local government issue. It has been my view, and I will state it in other places if necessary, that perhaps the Minister for Community Development, in considering the local government issue, could consider other views put forward and not pursue only the one view that he has been pursuing about the form of local government that he thinks is the best for the rural area. There are 1 or 2 other forms of

local government that could be adopted. To my knowledge, to date he has not.

I am not saying that they would be better than the one even considered them. but he has not given the people and the groups that have he has put forward put them forward the benefit of being able to say that he has given them his consideration or the consideration of the officers of his department- I think it is most important that everybody in the community is apprised of the proposed intention to pursue statehood. It is something we have to think about actively if we have not already been thinking about it. Extensive consultation must be had with all groups and individuals- As I have just said, the public input must be considered before it is accepted or rejected and it must be seen to be considered before acceptance or rejection. The minister, like the Minister for Community Development, must be prepared to be malleable if other people appear to have better ideas than his own. I feel certain that he will be malleable. The Minister for Community Development has been malleable up to a point. I would like him to be a little more receptive of views put forward by community groups.

The people in the electorate need to know the monetary aspects of statehood as compared to the self-determination that we have now. That is a very important aspect of the proposed local government in the rural area because people are very careful with their dollars and cents out our way and they do not want to have to pay for anything that they will not reap some benefit from. I am not only speaking altruistically but I am speaking very basically because, when there is not much money around, every dollar counts. We need to know what the cost of statehood will be. We need to know what it is in the way of services. We need to know what the advantages are and what the disadvantages are. We need to know if our present situation will change and, if so, how it will change. All these points need to be considered. They are at issue now, the same as they are at issue in the rural area with the question of local government. I will conclude by saying that there must be public input which must be listened to before it is accepted or rejected.

Mr FIRMIN (Ludmilla): Mr Speaker, in speaking in support of the ministerial statement, I would like to refer to an analogy. The analogy to what we are attempting to set up is machinery to plan a long, difficult and unknown trip. The trip may have all sorts of pitfalls along it. We do not even know the route and we do not know the state we will be in when we finally arrive at our destination- We have not even determined the method of transport or what we should carry on the way to help us

achieve the goal that we have set ourselves.

I have heard a lot of debate today. I am sorry to say that I did not particularly like the way in which the ministerial statement was debated by some of the members of this Assembly. I would have thought that we would have been more unified in our approach to achieving statehood and the method that has been suggested today. I believe that there have been some very valid points made by most speakers in respect of the difficulties that we all know we will face in achieving this end.

I would like to draw members' attention to section 121 of the Constitution of Australia. I am surprised that no one referred to the Constitution today. It makes interesting reading. I am sure that many of my constituents certainly do not realise how definitive that section of the Constitution is in relation to the introduction of a new state into the Commonwealth. We must not be under any illusions about exactly how difficult it will be to achieve statehood. Section 121 of the Constitution reads:

'The parliament may admit to the Commonwealth or establish new states and may, upon such admission or establishment, make or impose such terms and conditions, including the extent of such representation in either house of parliament, as it thinks fit'.

If that is not a difficult fight to fight, I do not know what is.

This is a little out of date. I do not have a completely updated version. In the context of the debate today, it will indicate the sorts of problems that we will face. The original states that determined they would federate were New South Wales, Victoria, Queensland, South Australia and Tasmania, with Western Australia not quite determined to join in the brief period before federation. The Constitution made provision for either 1 of 2 scenarios. It might help to know the numbers of members that were eligible at federation to represent each state in the House of Representatives: New South Wales 23, Victoria 20, Queensland 8, South Australia 6 and Tasmania 5. There was a provision in the Constitution that, if Western Australia became an original state, as it did, the numbers would be as follows: New South Wales 26, Victoria 23, Queensland 9, South Australia 7, and Western Australia and Tasmania 5 each. In relation to the Senate, originally there was provision for 6 members. Later, it became 10.

We have a very difficult time ahead of us. I hope that, when we do work our way through the sorts of problems that we will be facing, there will be complete unity. When we set up the select committee - whether on equal grounds or, as has been the precedent in the past, with a government majority - I believe that, because the issue of statehood is of such seriousness to us in the Northern Territory, and disregarding the way in which 'bipartisan' has been bandied around this Chamber today, representation of Territory interests must be paramount. I believe that that will be the case. Disregarding the rhetoric that sometimes occurs in this Chamber, I believe that all members truly believe in the Northern Territory; they would not be here representing their constituents otherwise.

I would like to digress for a moment to read a couple of interesting quotes from the Australian federation conference in 1890. I quote from a speech delivered by Sir Henry Parkes that referred to the select committee set up in Victoria in 1857 to determine the course towards statehood. I think some of the things that he said are as reasonable today as they were then:

'On the ultimate necessity of a federal union, there is but one opinion. Your committee is unanimous in believing that the interest and honour of those growing states would be promoted by the establishment of a system of mutual action and cooperation among them. Their interest suffers and must continue to suffer while competing tariffs, naturalisation laws and land systems rival schemes of immigration and of ocean postage...and a distant and expensive system of judicial appeal exist.

By becoming confederates so early in their career, the Australian colonies would, we believe, immensely economise their strength and resources. They would substitute a common national interest for local and conflicting interests, and waste no more time in barren rivalry. They would enhance the national credit, and attain much earlier the power of undertaking works of serious cost and importance. They would not only save time and money, but attain increased vigour and accuracy, by treating the larger questions of public money at one time and place, and, in an Assembly which it may be presumed would consist of the wisest and most experienced statesmen of the colonial legislatures, they would set up a safeguard against violence or disorder, holding it in check by the common sense and common force of the Federation... Most of us conceive that the time for union has come'.

Without appearing to be preaching to the converted, I would like to refer to another part of that speech. This is in Sir Henry Parkes' own words which, I believe, probably encapsulate what most of us are trying to do today:

'If we are only wise and can only agree among ourselves - if we acknowledge that bond which unites us as one people whether we will or not - if we acknowledge frankly that kinship from which we cannot escape, and from which no one desires to escape - if we acknowledge that, and if we subordinate all our lower and sectional considerations to the one great aim of building up a power which, in the world outside, will have more influence, command more respect, will more securely enhance every comfort, and every profit of life among ourselves - if we only enter into the single contemplation of this one object, the thing will be accomplished, and accomplished more easily and in shorter time than any great achievement of the same nature was ever accomplished before. But let there be no mistake. We cannot become a nation and still cling to conditions and to desires which are antagonistic to nationality. We cannot become one united people and cherish some provincial object which is inconsistent with that national unity'.

Mr HARRIS (Education): Mr Speaker, I thought I had better speak in this debate. It appears that I am the only one who has not spoken and I do really support the statement that has been made by the Chief Minister today in relation to the moves towards statehood. The debate has been somewhat disappointing but I think that it is important that we realise that the only way this will succeed is to adopt a bipartisan approach.

I might say that I have spoken to the Leader of the Opposition in relation to this point. It is possible for committees which have a government majority to operate effectively in a bipartisan manner. I have taken part in many forums where such committees have worked very effectively and have approached their task in a responsible and bipartisan fashion. I think that, despite the concern of the Leader of the Opposition in relation to the existing committee system, it is able to work in the fashion that I have described. There is no doubt about that at all. It is vital that we ensure that we have that

overall approach. I hope that the Leader of the Opposition is able to take part in the next stage of our development. As has been mentioned, the move to statehood started many years ago. Self-government was another progression down that particular path and, in years to come, we will eventually take our place as the seventh state in Australia.

I would like to say, Mr Speaker, that it was also interesting to listen to the member for Koolpinyah's contribution in relation to the rural area. It would appear that the Minister for Community Development has a lot to answer for in respect of her concerns. But I might say that she was putting the point of view of her constituents and that same feeling must be evident in this whole exercise. Territorians are the ones who want to have their say in what is happening and we want to be part of the whole progression towards eventual statehood. I must say - and I cannot emphasise this enough - that, if we are to succeed in this exercise, there must be a bipartisan approach. I believe that a select committee system can be set up and, even if the government has the major representation on that particular committee, it will be able to work effectively and in a bipartisan fashion.

I would like to put on record my congratulations to the new Minister for Health and Youth, Sport, Recreation and Ethnic Affairs and, in particular, my congratulations to the Special Minister for Constitutional Development. I wish him well in the task that lies ahead of him.

Mr TUXWORTH (Chief Minister): Mr Speaker, I have found today a most interesting day. There have been no surprises; it has been just about as predictable as we could expect it to be. We have had our fair share of sincerity, humour, objectivity, criticism and all the things that normally go with our debates and discussions despite the importance of the matter before us today and the paper that I gave to the Assembly this morning.

Mr Speaker, there are a few comments that I would like to pick up because I do not think that they should pass unnoticed. Some of the issues are very important. The Leader of the Opposition was absolutely predictable in his approach. He was supportive totally of the concept of statehood but unable to address the matter today because he did not have time. He said he had been treated appallingly and just did not have a chance to read it all. Most of the paper today had nothing to do with the philosophy or issues surrounding statehood, and for anybody to believe the proposition that the Leader of the Opposition did not have time to consider the paper is just nonsense. Where has he been for the last 5 years? He has talked about it publicly in the press. He has been on talk-back radio speaking about it. He has spoken at his own ALP conference about it. I have had private discussions about it with him on several occasions - and very interesting ones, Mr Speaker, when we got into the issues. Anybody in this Assembly who stands up today and says that he cannot make a contribution because he has not had time is really admitting that he is not doing his job or is not interested in it. That is the bottom line.

Mr Smith: But surely you can operate on such an important issue off the bottom line. What an indictment that is of you!

Mr TUXWORTH: Mr Speaker, if the Deputy Leader of the Opposition can contain himself for a minute, I will get to the young fellow if he will be patient.

Mr Speaker, if you take the knocking and the rhetoric out of the contribution of the Leader of the Opposition, all that is left is personal abuse. I was going to say to you, Mr Speaker, that the personal abuse does not worry me. One of the things that I learnt very early in life is that, when guys are giving you plenty of personal abuse, you have got them and you have got them good because that is the only tool they have left. Bring all the personal abuse you like; I can take all you can dish up.

Mr Smith: You should take some of your own personal abuse.

Mr TUXWORTH: Mr Speaker, I would ask the honourable member to tell me when I have abused members in a personal way. Politically, I will have a bit of them, but not personally.

I will move on to a couple of points that I want to touch on. The Northern Territory is used to people who seek to oppose its political development from within this Assembly, from within the federal parliament and from within the states. Normally, those people say that they would like us to develop and mature politically but they do not like the way we are doing it. That is the basis of the argument. We have heard it again today, Mr Speaker: 'Good idea, motherhood, statehood, apple pies and custard, raspberry aid, but not unless you do it our way'.

Mr Speaker, I would like to refer to a couple of clippings. I have one that relates to 1960 and a fellow called Dick Ward, a former Labor member of this parliament whom I would have been proud to call my father: 'The Territory will never develop, as has been shown elsewhere throughout the world, until the people have the reins of government completely in their own hands'. Another clipping is from January this year:

"Urgent constitutional reform is necessary to open the way for statehood for the Territory", says Labor's federal candidate, Mr John Reeves. "If the 1988 statehood option is to be kept alive, it will be necessary to meet a fairly tight timetable over the next 5 years", Mr Reeves said today. "The Australian Constitution needs amendments to clarify a number of matters which are identified by Constitutional Conventions held over the past 5 to 10 years". Mr Reeves said a Territory referendum should then be held to determine whether the people of the Territory wanted statehood. "Since the federal referendums will have to be held first and it is usual to conduct referendum in conjunction with general elections, the referendum should be held with this year's general election", he said.

The last clipping I will refer to is from an interview by the Leader of the Opposition as far back as 1982. The clipping was taken from *The Australian*. The Leader of the Opposition stated:

"I think statehood will happen. There is not the slightest doubt about it", said Mr Collins, 36, born in Newcastle, New South Wales, and a former cattle and cotton farmer near Wee Waa. "But at this point, I think it has got to be a long path. We have got de facto statehood now. We have responsibility for everything with almost the single exception of uranium mining. I think we would be expected, if we wanted to aggressively pursue statehood, to shoulder a much greater percentage of the burden of running the place than we do. The other problem we would have would be constitutional. Mr Everingham, the Territory's Country Liberal Party Chief Minister, has stated he wants 5 members of the House of Representatives and 10 senators. If you had that plus an eventual

25 members of the Legislative Assembly, a citizen of the Northern Territory would be almost in the position of having to appear before a court to show cause why he or she shouldn't be a politician. It would almost be certain, I think, that there would be solid opposition from at least some states to that level of representation".

Mr B. Collins: And there will be.

Mr TUXWORTH: No doubt about it.

Mr B. Collins: I don't argue with any of that.

Mr TUXWORTH: Mr Speaker, the point that I am making is that this issue is with us, it has been with us for a long time and it is gaining momentum. The honourable Leader of the Opposition went to great lengths to point out that the initiative was really 7 days old. The point that I would like to make is that this is a part of the reform that has been occurring since 1949. It gained momentum in 1966 and again in 1968 when our federal member was given a vote in the House of Representatives. In 1972, a proposition for some local control was put to this Chamber by Ralph Hunt. It was rejected. As my memory serves me, it was rejected by the Labor members of this Chamber at that time with the support of the nominated members. But, in 1974, we had a fully-elected Legislative Assembly.

Mr B. Collins: Thanks to the Labor government.

Mr TUXWORTH: Right. When the then Prime Minister was asked at a function in Tennant Creek why we would not have any constitutional powers bestowed on us, he said: 'Well, you didn't even give us a seat in the House. Why should we give you any constitutional powers?' So it is all above politics. It is all about honour, integrity and constitutional development.

Mr Speaker, in 1978, we progressed to self-government. As one of my colleagues mentioned earlier, there was tremendous opposition from the Labor Party about proceeding to self-government. In fact, it fought a rearguard action that had a big impact on the election. I recall that 'double taxation' was the slogan. The development of self-government over 7 years has really led to a new era which is starting today and the responsibility for taking us through the new era has been vested in my colleague, the member for Araluen, now Special Minister for Constitutional Development.

Mr Speaker, the point that I would like to make is that there has been opposition all the way and most of it coming from the Labor Party in the Northern Territory. His call has been: 'We want it but we want it only if you do it our way'. Great play was made this morning of the fact that, in the Administrator's speech, there was no reference to constitutional development.

Mr B. Collins: Statehood.

Mr TUXWORTH: Statehood or constitutional development. If we develop from present constitutional position, there is only one way to go.

Mr B. Collins: That is not true.

Mr TUXWORTH: It is.

I would like to quote from the Administrator's speech: 'I have said that my government will use its term of office to continue the economic, social and constitutional advancement of the Territory'. If any member here saw some form of constitutional development that we could take that was anything short of statehood, then he has a pretty fertile imagination.

Mr Speaker, I would like to move on to the bipartisan approach. As I said a moment ago, everybody talks about being bipartisan until he is asked to come to the line and join in. Then the call is: 'If you do not do it my way, it will not be bipartisan'.

Mr B. Collins: That is right.

Mr TUXWORTH: That was the proposition the Leader of the Opposition put this morning. So far as he was concerned, if the approach to statehood was not done his way, then it would not be done at all. I make the point that the Territory's history is strewn with the records of people who took that position. I would invite the Leader of the Opposition to become involved in a bipartisan approach, if he so wishes.

He went on to say that he was unhappy with the proposition of a select committee because I suggested to him that it would have a 3-2 or 4-3 representation.

Mr B. Collins: Or whatever.

Mr TUXWORTH: Or whatever.

Mr Speaker, let us examine that proposition because it is important. I recall the JPC inquiry that investigated constitutional reform for the Northern Territory. That was a parliamentary committee which had a majority and it submitted a majority and a minority report. By chance, in the course of time, the minority report became the basis for self-government. That is just the way it worked out. In every Commonwealth Hansard, you will find reports from select committees and about 9 out of 10 of them have dissenting reports, from one party or another, on a range of issues.

Mr Speaker, the point that I am coming to is that anybody who believes that whatever committee we form will agree 100% is not really facing the facts.. There will be a dissenting report from 2 or 3 people about something.

Mr B. Collins: How do you know?

Mr TUXWORTH: How can you avoid it?

Mr B. Collins: I think we may be able to.

Mr Smith: If we see it your way. That is terrific.

Mr TUXWORTH: That is right: 'You do it my way and we will not have a dissenting report' Mr Speaker, let me put this proposition to the honourable members of the Assembly. Whether we have a 3-2 committee or a 3-3 committee with a casting vote for the chairman, or a 3-3 committee with no casting vote, it is highly likely that that will have little impact on the report or reports of the committee. I do not regard it as particularly unhealthy to have minority or dissenting reports.

Mr B. Collins: Provided you are in the majority.

Mr TUXWORTH: No. I say to the Leader of the Opposition that there may be occasions when either of us may have dissenting reports for whatever reason. I do not regard that as bad; it is part of the process. This business of saying that 'the opposition has no interest in being on a committee unless it is done its way or is bipartisan on its terms really smacks of Mrs Collins' little boy Bobby taking his ball and going home. I think this exercise ought to be well above that sort of attitude.

Mr B. Collins: You keep reducing it to that level.

Mr TUXWORTH: Mr Speaker, I did not reduce it to that level. The Leader of the Opposition reduced it to that level this morning by his performance.

Mr Speaker, the Leader of the Opposition then said that uranium was not an issue and, if people really understood the matter, it was the export controls that were affecting the Northern Territory's uranium.

Mr B. Collins: I didn't.

Mr TUXWORTH: Mr Speaker, he did. He went to great pains to say that it was not a matter of state control over uranium and that it was the Commonwealth's export powers that decided whether the uranium mines went ahead or not.

Mr B. Collins: Goodness me, you are uninspiring.

Mr TUXWORTH: Mr Speaker, it may be uninspiring but I am responding to a pretty uninspiring performance this morning so I do not have much latitude to work on.

Mr Speaker, the point that I would like to make to the Leader of the Opposition about export controls and who is responsible for what and who is holding up uranium mining is this: get the Commonwealth to give the companies their export licences tomorrow and then we will see what it is that is holding them up.

Mr B. Collins: That is what I said.

Mr TUXWORTH: Mr Speaker, he did not say that.

The point that I am making is very simply this: let us not worry about uranium and export licences but stick to the bottom line. The bottom line for the Leader of the Opposition is his opposition to

uranium mining and it suits him very well that it does not go ahead.

Mr B. Collins: Groan. Talk about statehood.

Mr TUXWORTH: Mr Speaker, I would like to talk about statehood in terms of uranium. To put it into perspective, the Leader of the Opposition is already on record as saying that his credentials in respect of an anti-uranium position are impeccable.

Mr B. Collins: Correct. I've been on both sides of the argument.

Mr TUXWORTH: Right, and you are still on both sides. The reality of the uranium issue is that it suits the Leader of the Opposition well to have that matter in the hands of the federal government where it will not go ahead and somebody else can be blamed for it. His opposition to it is well recorded.

The Deputy Leader of the Opposition went on at some length this morning about second-class states in America that have fewer senators than other states. It is probably time that we put that into perspective too. The American states have 2 senators per state unless something has happened in the last few weeks. They all have them - the big ones, the little ones, the remote ones. Comparing the number of Australian senators with the situation in America is a completely unreasonable proposition.

Mr Speaker, the economic uncertainty is really one of the key issues in this whole matter. It is really the launching pad from which the Territory has to make up its mind as to what it wants to do. We had financial arrangements with the Commonwealth which we felt were fine. They were the basis of our self-government and they worked well until the federal seat changed in 1983. The memorandum did not have a question mark over it until then and it has now been described as a grubby agreement between 2 conservative governments. It was not a grubby agreement between the Labor party and this government when they held the Northern Territory seat but that has changed since then. In the mini-budget - and I said this before and I will say it again - the 1% of Australia's population in this part of the world took 10% of the nation's cuts. At the Premiers Conference, we were given the rounds of the kitchen. We lost \$12.5m before the end of the financial year and we were told that, as from 1988, we would be treated financially as a state. I did not make that statement. I did not ask for it; it was not solicited. Given that that has been given to us as a proposition over which we do not have any control, it behoves us as a community to ask what we are going to do. Are we just going to cop that and then put up with everything else or move on and become a fully-fledged state in the true sense. That is the point we have reached today.

Mr Speaker, I would like to return to the issue of the workload that was raised by the member for MacDonnell. He treated the workload of the special minister as though it was a bit of a jaunt: 'That is a soft cushy job for somebody. Why would he want to have a ministerial title and all other perks of office?' I would like to run through some of the important roles that I see the minister being involved in the Northern Territory and outside it because it will be the most important aspect of the whole consideration of statehood.

During the course of the day, we have spoken about the select committee. There is no doubt that

that committee will need to travel widely throughout the Northern Territory to receive evidence from people who, in the normal course of events, may not have an opportunity to put their views forward through organisations. That is how the joint parliamentary committee worked in the early days and it worked well. At the same time, the member for Araluen in his new role will be heading a government committee which has to address government to government issues that relate to statehood. They are not only matters of concern to us; there will be issues that other governments will want to raise with us.

I will give an example for the benefit of the member for Nhulunbuy. If we are to progress to statehood and if there is to be a resolution in that direction, at some stage we will have to sit down with the Aboriginal community and with the mining company which is operating under a federal act in order to work out arrangements for that area after statehood. Whether that comes about now or in 2 years time, those negotiations will not happen in 48 hours or even in 6 months. They will go on for a long period of time. It is very complex. Setting aside issues such as royalties and lease expiry dates, the whole agreement with the company, on the basis of which it invested its \$400m or whatever in those days, was based around an act of the federal parliament. Those sorts of negotiations will be very complex and will need to be addressed seriously. If you look around the Northern Territory, you will find quite a few examples like that.

Mr Speaker, there will be negotiations with community groups, business groups, the states and the Commonwealth. Discussions will have to take place at a government-to-organisation level and possibly even at a select-committee-to-organisation level. That will involve a lot of travel and will keep the minister on the move. You cannot expect a minister to be doing all those things and, at the same time, be available to administer the affairs of a department. That is pretty unreasonable and it probably would not work to anybody's satisfaction. Once commitments are put in place for negotiations and discussions with community groups, no one wants to get a signal from the minister to say that something has happened that requires his attention and it is all off. It cannot be treated as a part-time job.

Mr Speaker, I would just like to comment for a moment on the future. There is much to be done in the days ahead and the responsibility has been given to the honourable member for Araluen. Undoubtedly, he will be reporting to the Assembly at every sitting on the progress that he has made. I do not doubt that we will have some lively debates and discussions on a wide range of issues as we go along. I do not think that it is something that can be settled at a convention. If we put the issue of statehood into perspective, acknowledge its complexity and get on with the job in a bipartisan way, then we will do our community a great service.

Motion agreed to.

Mr Speaker Steele took the Chair at 10 am.

NOTICE OF MOTION

Proposed Select Committee on Constitutional Development

Mr TUXWORTH (Chief Minister): Mr Speaker, I give notice that on the next sitting day I shall move -

That, whereas this Assembly is of the opinion that, when the Northern Territory of Australia becomes a new state, it should do so as a member of the federation on terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

and whereas, in so far as it is constitutionally possible, the equality should apply as on the date of the grant of statehood to the new state,

- (1) A select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) the constitutional issues arising between the Northern Territory of Australia and the Commonwealth of Australia, and the Northern Territory of Australia and the states of Australia concerning the entry of the Northern Territory of Australia into the federation as a new state including, but without limiting the generality of the foregoing:
 - (i) the representation of the new state in both Houses of the Commonwealth Parliament;
 - (ii) legislative powers;
 - (iii) executive powers; and
 - (iv) judicial powers;
 - (b) the framework of a new state constitution and the principles upon which it should be drawn;
 - (c) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory of Australia; and
 - (d) the steps required or desirable to be taken by the Northern Territory of Australia, the Commonwealth and the states of the grant of statehood to the Northern Territory of Australia as a new state within the federation.
- (2) That, unless otherwise ordered, the committee consist of Mr Robertson, Mr Dale, Mr Palmer, Mr B. Collins, Mr Smith and Mr Lanhupuy.
- (3) That the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee, and that the member so appointed shall act as chairman of the committee at any time when there is no chairman or when the

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- chairman is not present at a meeting of the committee.
- (4) That, in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
 - (5) That the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
 - (6) That 4 members of the committee constitute a quorum of the committee and 2 members of a subcommittee constitute a quorum of the subcommittee.
 - (7) That the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
 - (8) That the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public.
 - (9) That the committee have leave to report from time to time, and that any member of the committee have power to add a protest or dissent to any report.
 - (10) That the committee report to the Assembly 12 months from the date of this resolution.
 - (11) That, unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly - provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
 - (12) That members of the public and representatives of the news media may attend and report any public session of the committee unless otherwise ordered by the committee.
 - (13) That the committee may authorise the televising of public hearings of the committee under such rules as it considers appropriate.
 - (14) That the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee.
 - (15) That nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the select committee.
 - (16) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I seek leave to make a short statement in relation to this notice of motion.

Leave granted.

Mr TUXWORTH (Chief Minister): Mr Speaker, it is plain to see that the terms of reference of this motion are very broad. We would have it no other way. By passing this motion, this Assembly will declare its opinion on the fundamental issue of the terms on which the Northern Territory should be granted statehood. The people of the Northern Territory, and for that matter of Australia, should be in no doubt of the determination of this Assembly to seek equality for the new state with the existing states from the outset as far as this is constitutionally possible. This goal of equality is held by myself and the government, and I invite, through this motion, a similar commitment from the opposition.

The terms of reference are divided into 4 parts, (a) to (d), while the remainder of the motion is concerned with procedural and related matters. As I have pointed out in an earlier debate, we need to seek the closest possible cooperation and consultation with the states and the Commonwealth and this is addressed in reference (a). Reference (a) also sets out the key elements of a state constitution; that is, federal representation, and legislative, executive and judicial powers. The motion calls on the committee to examine and research these aspects thoroughly.

Reference (b), which deals with the drafting of the constitution, will impose the biggest workload on the committee. Mr Speaker, here it is important to note that it is not intended that the committee have the task of drafting the constitution. Rather the committee will take submissions on this subject and make recommendations on the principle in the framework of its drafting.

The assent of the people of the Northern Territory to our new state constitution is of primary importance. Reference (c) deals with this consideration and, in consultation with Territorians, will be a paramount element of the select committee's role.

Reference (d) sets out the need for the committee to determine and advise on the steps we need to take to obtain the granting of statehood from a state ~ or a Commonwealth viewpoint. I repeat that, apart from nominating the members [i- of the proposed committee, the balance of the motion is of a procedural nature.

Mr ROBERTSON (Leader of Government Business)(by leave): Mr Speaker, I move that the notice of motion relating to the appointment of a select committee on constitutional development be now taken.

Motion agreed to.

20-29/05/85 Parliamentary Record No: 8. 1343-45**Topic:** MOTION**Subject:** Proposed Select Committee on Constitutional Development**Date:** 28/08/85**Member:** Mr TUXWORTH**Status:****Information:**

Mr TUXWORTH (Chief Minister): Mr Speaker, I give notice that on the next sitting day I shall move -

That, whereas this Assembly is of the opinion that, when the Northern Territory of Australia becomes a new state, it should do so as a member of the federation on terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

and whereas, in so far as it is constitutionally possible, the equality should apply as on the date of the grant of statehood to the new state,

- (1) A select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) the constitutional issues arising between the Northern Territory of Australia and the Commonwealth of Australia, and the Northern Territory of Australia and the states of Australia concerning the entry of the Northern Territory of Australia into the federation as a new state including, but without limiting the generality of the foregoing:
 - (i) the representation of the new state in both Houses of the Commonwealth Parliament;
 - (ii) legislative powers;
 - (iii) executive powers; and
 - (iv) judicial powers;
 - (b) the framework of a new state constitution and the principles upon which it should be drawn;

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- (c) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory of Australia; and
 - (d) the steps required or desirable to be taken by the Northern Territory of Australia, the Commonwealth and the states of the grant of statehood to the Northern Territory of Australia as a new state within the federation.
- (2) That, unless otherwise ordered, the committee consist of Mr Robertson, Mr Dale, Mr Palmer, Mr B. Collins, Mr Smith and Mr Lanhupuy.
 - (3) That the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee, and that the member so appointed shall act as chairman of the committee at any time when there is no chairman or when the chairman is not present at a meeting of the committee.
 - (4) That, in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
 - (5) That the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
 - (6) That 4 members of the committee constitute a quorum of the committee and 2 members of a subcommittee constitute a quorum of the subcommittee.
 - (7) That the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
 - (8) That the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public.
 - (9) That the committee have leave to report from time to time, and that any member of the committee have power to add a protest or dissent to any report.
 - (10) That the committee report to the Assembly 12 months from the date of this resolution.
 - (11) That, unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly - provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
 - (12) That members of the public and representatives of the news media may attend and report any public session of the committee unless otherwise ordered by the committee.
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- (13) That the committee may authorise the televising of public hearings of the committee under such rules as it considers appropriate.
 - (14) That the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee.
 - (15) That nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the select committee.
 - (16) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, I seek leave to make a short statement in relation to this notice of motion.

Leave granted.

Mr TUXWORTH (Chief Minister): Mr Speaker, it is plain to see that the terms of reference of this motion are very broad. We would have it no other way. By passing this motion, this Assembly will declare its opinion on the fundamental issue of the terms on which the Northern Territory should be granted statehood. The people of the Northern Territory, and for that matter of Australia, should be in no doubt of the determination of this Assembly to seek equality for the new state with the existing states from the outset as far as this is constitutionally possible. This goal of equality is held by myself and the government, and I invite, through this motion, a similar commitment from the opposition.

The terms of reference are divided into 4 parts, (a) to (d), while the remainder of the motion is concerned with procedural and related matters. As I have pointed out in an earlier debate, we need to seek the closest possible cooperation and consultation with the states and the Commonwealth and this is addressed in reference (a). Reference (a) also sets out the key elements of a state constitution; that is, federal representation, and legislative, executive and judicial powers. The motion calls on the committee to examine and research these aspects thoroughly.

Reference (b), which deals with the drafting of the constitution, will impose the biggest workload on the committee. Mr Speaker, here it is important to note that it is not intended that the committee have the task of drafting the constitution. Rather the committee will take submissions on this subject and make recommendations on the principle in the framework of its drafting.

The assent of the people of the Northern Territory to our new state constitution is of primary importance. Reference (c) deals with this consideration and, in consultation with Territorians, will be a paramount element of the select committee's role.

Reference (d) sets out the need for the committee to determine and advise on the steps we need to take to obtain the granting of statehood from a state or a Commonwealth viewpoint. I repeat that, apart from nominating the members of the proposed committee, the balance of the motion is of a procedural nature.

Mr ROBERTSON (Leader of Government Business) (by leave): Mr Speaker, I move that the notice of motion relating to the appointment of a select committee on constitutional development be now taken.

Motion agreed to.

20-29/08/85 Parliamentary Record No. 8:1346-52

Topic: MOTION**Subject:** Appointment of Select Committee on Constitutional Development**Date:** 28/08/85**Member:** Mr TUXWORTH**Status:****Information:**

Mr TUXWORTH (Chief Minister): Mr Speaker, I move -

That, whereas this Assembly is of the opinion that, when the Northern Territory of Australia becomes a new state, it should do so as a member of the federation on terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

and whereas, in so far as it is constitutionally possible, the equality should apply as on the date of the grant of statehood to the new state,

- (1) A select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) the constitutional issues arising between the Northern Territory of Australia and the Commonwealth of Australia, and the Northern Territory of Australia and the states of Australia concerning the entry of the Northern Territory of Australia into the federation as a new state including, but without limiting the generality of the foregoing:
 - (i) the representation of the new state in both Houses of the Commonwealth Parliament;
 - (ii) legislative powers;
 - (iii) executive powers; and
 - (iv) judicial powers;
 - (b) the framework of a new state constitution and the principles upon which it should be drawn;

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- (c) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory of Australia; and
 - (d) the steps required or desirable to be taken by the Northern Territory of Australia, the Commonwealth and the states of the grant of statehood to the Northern Territory of Australia as a new state within the federation.
- (2) That, unless otherwise ordered, the committee consist of Mr Robertson, Mr Dale, Mr Palmer, Mr B. Collins, Mr Smith and Mr Lanhupuy.
 - (3) That the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee, and that the member so appointed shall act as chairman of the committee at any time when there is no chairman or when the chairman is not present at a meeting of the committee.
 - (4) That, in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
 - (5) That the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
 - (6) That 4 members of the committee constitute a quorum of the committee and 2 members of a subcommittee constitute a quorum of the subcommittee.
 - (7) That the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
 - (8) That the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public.
 - (9) That the committee have leave to report from time to time, and that any member of the committee have power to add a protest or dissent to any report.
 - (10) That the committee report to the Assembly 12 months from the date of this resolution.
 - (11) That, unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly - provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
 - (12) That members of the public and representatives of the news media may attend and report any public session of the committee unless otherwise ordered by the committee.

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- (13) That the committee may authorise the televising of public hearings of the committee under such rules as it considers appropriate.
 - (14) That the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee.
 - (15) That nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the select committee.
 - (16) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I think it is appropriate that the matter be dealt with immediately. It is with some pleasure and indeed a strong commitment to support the motion that the opposition wishes to contribute to this important debate. I think we have covered some of the questions concerned with statehood ad nauseam. They indeed will be complex.

I would like to take the opportunity to congratulate Graham Nicholson on the very useful synopsis he gave at a Law Society function last week of some of the problems. I had not heard of some of them. They are connected with the constitutional and legal issues that might confront us on the way to statehood. Indeed, if that was the opening shot in terms of Mr Nicholson's contribution to the work of this committee, I look forward to working with him.

Mr Speaker, we have all acknowledged that it will be a difficult road. There are serious constitutional, legal and, more to the point, political problems ahead of us. We are extremely pleased with the terms of reference. I want to emphasise that we support unreservedly the terms of reference, particularly as outlined in the first 2 paragraphs of the motion. I think that those 2 paragraphs indicate clearly the parameters within which this committee will operate, and they have the support of the opposition. I am

also pleased to see that there will be equal numbers from both government and opposition on the committee with the chairman of the committee, the Special Minister for Constitutional Development, having a casting vote.

Mr Speaker, at this stage, I do not know whether other honourable members on this side intend to speak, but suffice it to say that the majority of the work of the committee is before it and there is really no need to canvass those issues ad nauseam in the Assembly now. The committee will be reporting to the Assembly in due course and no doubt a fully-fledged debate will take place at that time.

Mr PALMER (Leanyer): Mr Speaker, in rising to speak to the motion before the Assembly, I believe it is essential that we look at the reasons behind the move to statehood and the benefits that will ultimately accrue to all Territorians. The federal government's intention to treat the Territory as a state from 1988 for the purpose of disbursement of funding in itself provides good argument for

seeking statehood. However, that argument will be lost amongst the increasingly more apparent benefits statehood will bring. As a state in its own right, the Territory will achieve new status amongst our trading partners. The recognition by other Australians of the Territory's political maturity and ability to accept statehood and our subsequent admission to the federation will add impetus to investor willingness to invest in the Territory, sparking greater development of our natural resources and adding to our ability to trade on a free and open market. It is investor confidence upon which our system of growth economics sinks or swims for, without growth in the economy, our capacity to provide employment opportunities for our young people will be severely impeded.

Self-government did not bring the dire consequences that so many former occupants of the benches opposite predicted. It kindled the fire of economic growth and statehood will fuel an inferno. Only the most naive amongst us will believe that the road to statehood will be an easy one. It is a goal that will not be achieved without the wholehearted support of all Territorians.

Mr Speaker, the Territory is a diverse and dynamic community containing groups and individuals of quite differing needs and aspirations. With that in view, the committee as a whole and its individual members must be prepared to treat those needs and aspirations with consideration and respect without losing sight of the common goal or the objectives of the committee.

The committee will be faced with issues many of which will not be unique to this task, many of which will have been faced and overcome in other places or parliaments, and many of which we need look no further than our own history in which to seek guidance. A draft of a constitution must be just that: not a firm unshakeable position, not a non-negotiable document upon which our move to statehood stands or falls but a draft. It is surely for the Assembly to settle this draft. The committee and, ultimately, this Assembly must be flexible in their approaches. We must be prepared to wait to allow the people of the Territory to fully digest and understand whatever is contained in the draft document and, above all, we must be prepared to allow a free-ranging debate canvassing all of the issues surrounding the draft constitution and the move to statehood and we must give the debate time to run its course.

Mr Speaker, the federation of Australian states had its roots in Lord Grey's proposals of the early 1850s for a general assembly. The issues of federation were first addressed in the Duffy committee's report of 1857 to the Victorian parliament. It took a further 43 years to attain federation. The Constitutional Convention of 1891 substantially set the form of the Australian Constitution yet it took a further 10 years of political and public debate to resolve the issues satisfactorily. Certainly, our founding fathers did not have the benefit of our modern modes of travel or communications, but I can find no evidence to show that their thought processes were any slower.

History will show that the time it takes to progress from self-government to statehood will be of little consequence. What will be considered of consequence is the ultimate result. The intent and function of a constitution will, I believe, be largely misunderstood. We are not moving toward a unilateral declaration of independence with a constitution forming the basis of that declaration. What we are doing is seeking admission, by whatever process, albeit 84 years late, into the federation of Australian states. Unlike a declaration of independence, our move to statehood is not a severing of ties. We are not cutting the apron strings and heading off to do it all by ourselves. It is a strengthening of our bond with our sister states. We are becoming truly one of a family, with

responsibilities to that family, but equally expecting that family to honour its responsibilities to us.

Mr Speaker, our approaches to the Commonwealth government and the governments of existing states must be well researched and convincing and, in cooperation with those governments, we must establish the machinery by which the Territory can achieve statehood whilst reserving unto the Territory all the rights and privileges that are reserved to the existing states.

Mr Speaker, one of the ways in which the Territory can be admitted to the Commonwealth is by an act of the federal government in terms of section 121 of the Constitution. If we were to proceed along that course, it would be in terms of a bill to be presented to the federal parliament that a proposed constitution be framed. To proceed to statehood via section 121 of the Constitution would not, I believe, allow for the granting of statehood on terms equitable with the existing states.

Section 106 of the Constitution makes it clear that the constitution of each state, as amended from time to time in accordance with the state's constitutional procedures, will remain unimpaired by the federal Constitution except to the extent to which the latter otherwise provides or gives to the Commonwealth parliament power to deal with matters previously falling within the state's constitutional powers. For the Commonwealth to deal with the question of Territory statehood under section 121 of the Constitution, and at the same time grant equal rights with the states in terms of section 106, poses questions of law and precedent. To guarantee our rights under section 106, somehow the Commonwealth would have to pass a Northern Territory constitutional bill and then legislate away from itself the power to deal further with the resultant act, a precedent which the Commonwealth would advisedly be unwilling to set. Without legislating away from itself the power to further deal with the constitution of the state of the Northern Territory, and to deal with the question under section 121 of the Constitution, would require the placing of great faith in the Commonwealth by the people of the Northern Territory to honour and to continue to honour our implied rights under section 106.

For precedent, we could look to the British North America Act or the Australian Constitution Act, both acts of the British parliament which have remained largely untouched by the parliament at Westminster since their enactment. However, given the Commonwealth's predilection for monkeying with the Territory, given the likelihood of small unrepresentative pressure groups continually lobbying federal parliamentarians to alter any Northern Territory constitution for whatever spurious reasons and given any federal government's tendency to wilt before small noisy pressure groups, to have our constitution protected by nothing more than an act of faith is an untenable position and one which should be rejected by all Territorians.

Mr Speaker, a more likely and more desirable scenario is to move towards statehood via section 128 of the Constitution, that is by amendment of the constitution. Traditionally, Australians have not voted in favour of constitutional amendments and it will be incumbent upon all of us to convince our fellow Australians to accept us as a seventh state by constitutional amendment. One of the tasks the committee will need to address is the form in which any proposed amendment to the Australian Constitution is to be put to the Australian people. It will be of paramount importance that, when the matter is referred to the people, they understand the issues. The matter must be in a form which is easily understood and is not open to misrepresentation. To proceed to statehood via amendment to the Constitution will be a long and complex process requiring the clarification of many points of

constitutional law and a thorough appraisal of the Constitution as it affects the rights of existing and new states.

Mr Speaker, much has and will be made of the level of representation a new state of the Northern Territory should seek to achieve. As we all well know, the equal representation of the states in the Senate was a device used to ensure that, on federation, the states of New South Wales and Victoria were not able, through their numbers in the House of Representatives, to divide between them the surplus revenues which customs duties were expected to reap; that would have been to the detriment of the smaller states. It was also a device cynically used by supporters of federation in all of the states to allay the fears of the more parochial amongst their numbers.

Mr Speaker, John Macrossan, a delegate from the self-governing colony of Queensland at the Constitutional Convention of 1891, had this to say about equal representation of the states in the Senate: 'The influence of party will remain much the same as it is now, and instead of members of the Senate voting, as has been suggested, as states, they will vote as members of parties to which they belong'.

As right as Macrossan has been proved since federation, so will his views be vindicated by the senatorial representatives of the Northern Territory. It matters not if we are granted 4, 6, 8, 10 or 12 senators. From the day they are elected, they will divide along party lines and there they will stay unswerving in their devotion to party. All we have to ensure is that we elect senators from the appropriate party at the appropriate time, hoping of course to direct the party policy in favour of the Territory.

The one issue upon which the states may well unite to attempt to defeat the Territory in its drive to statehood is the level of representation. We must convince the states that we are not seeking statehood with the sole motive of upsetting the status quo in Canberra. We are not seeking to cause a mischief to any of the states. We must convince the states that we merely want to play our proper part in federation on terms equitable with other Australians.

Mr Speaker, the road to statehood will not be an easy one. It will be strewn with obstacles, both real and perceived. It will be based on a resolve by all Territorians to see their Territory assume its rightful role as a body politic in its own right, yet remaining within the democratic union of the Commonwealth of Australia. I congratulate the Chief Minister on his foresight in announcing the formation of this committee. I congratulate him on his choice of minister to head this committee. I congratulate members who have been elected to this committee and I am very proud to serve on it myself. Mr Speaker, I commend this motion to honourable members.

Mr BELL (MacDonnell): Mr Speaker, I wish to comment on this matter because, as you will recall, I was quite severe, and justifiably so, in my criticisms of the previous statement by the Chief Minister in relation to ministerial appointments and statehood. Specifically, I discussed the appointment of the Special Minister for Constitutional Development. In this morning's debate, I want to place on record my support for the move towards statehood and my wholehearted support for the continuing constitutional development of the Northern Territory, whatever direction that might take.

I wish to comment briefly on the statement made by the member for Leanyer. He mentioned that we

are 84 years late in being included as a full state. It is a little bit difficult to imagine how we could have been included as a state in 1901.

Mr Robertson: We were.

Mr BELL: Mr Speaker, I retract. In fact, we were a state, albeit a fairly neglected one. Of course, in 1911, we ceased to be one.

When one takes the long view of the constitutional development of the Territory, from the state of being the northern territory of South Australia through the period of being a territory of the Commonwealth with negligible representation, one looks at the efforts of Harold Nelson. His initial representation of the Northern Territory in the federal parliament was with very restricted rights. He had no voting rights. Then there were the subsequent developments of the Legislative Council in 1948 and the fully-elected Assembly in 1974 leading to self-government several years later. It is of interest to note, particularly in the context of the criticism that is so frequently heaped on the federal Labor government, that 2 of those key developments - namely, the Legislative Council and the fully-elected Legislative Assembly - were the initiatives of federal Labor governments: the Chifley Labor government in 1948 and the ill-fated Whitlam government in 1974.

It gives me a great deal of pleasure to place on record my support for the formation of this committee. Certainly, I look forward to the development of the Northern Territory towards statehood in the context of a united Australia. I say that proudly as an Australian, as a Territorian and as somebody looking forward to the continued economic and human development of the Territory. I am sure that the committee that is being established by this motion of the Assembly will give due consideration to whatever problems may lie ahead with respect to statehood.

Motion agreed to.

THIRD SESSION**17-19/06/86 Parliamentary Record No. 1 : 12-14**

Topic: SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**Subject:** SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**Date:** 17/06/86**Member:** Mr HANRAHAN**Status:****Information:**

Mr HANRAHAN (Leader of Government Business)(by leave): Mr Speaker, I move that:

Whereas this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the Federation on terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

and whereas in so far as it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state,

- (1) A select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (A) The constitutional issues arising between the Northern Territory of Australia and the Commonwealth of Australia, and the Northern Territory of Australia and the states of Australia concerning the entry of the Northern Territory of Australia into the Federation as a new state including but without limiting the generality of the foregoing:
 - (I) the representation of the new state in both Houses of the Commonwealth Parliament;
 - (II) legislative power;
 - (III) executive powers; and
 - (IV) judicial powers;
 - (B) The framework of a new state constitution and the principles upon which it should be drawn;

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- (C) The method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory of Australia; and
- (D) The steps required or desirable to be taken by the Northern Territory of Australia, the Commonwealth and the states for the grant of statehood to the Northern Territory of Australia as a new state within the federation.
- (2) Unless otherwise ordered, the committee consist of the Chief Minister, the Leader of the Opposition, Mr Lanhupuy, Mr Palmer, Mr Smith and Mr Tuxworth.
- (3) In the unavoidable absence of the Chief Minister, a member of the government nominated by the Chief Minister may attend any meeting of the committee and participate in its proceedings as a member of the committee.
- (4) The chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee, and that the member so appointed shall act as chairman of the committee, at any time when there is no chairman or when the chairman is not present at a meeting of the committee.
- (5) In the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
- (6) The committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
- (7) Four members of the committee constitute a quorum of the committee and two members of a subcommittee constitute a quorum of the subcommittee.
- (8) The committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (9) The committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public.
- (10) The committee have leave to report from time to time, and that any member have power to add a protest or dissent to any report.
- (11) The committee report to the Assembly twelve months from the date of this resolution.
- (12) Unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly: provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was

obtained.

- (13) Members of the public and representatives of the news media may attend and report any public session of the committee unless otherwise ordered by the committee.
- (14) The committee may authorise the televising of public hearings of the committee under such rules as it considers appropriate.
- (15) The committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee.
- (16) Nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the select committee.
- (17) The committee be empowered to consider the minutes of proceedings, evidence taken and records of a similar committee established in the previous session of the Assembly.
- (18) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr LEO (Nhulunbuy)(by leave): Mr Speaker, I move that paragraph 2 of the motion be amended by deleting the words 'the Leader of the Opposition' and inserting the words 'the member for Stuart, Mr Ede'.

Amendment agreed to.

Motion, as amended, agreed to.

19-28/08/86 Parliamentary Record No: 2 : 416

Topic: MEMBERSHIP OF COMMITTEES

Subject: Membership of Committees

Date: 28/08/86

Member: Mr SMITH

Status:

Information:

Mr SMITH (Opposition Leader): (by leave) Mr Speaker, I move that the member for Millner be discharged from further attendance on the Select Committee on Constitutional development and the Public Accounts Committee and that, in his place, the member for Arafura, Mr B. Collins, be appointed as a member of those committees.

Motion agreed to.

19-28/08/86 Parliamentary Record No: 2 : 657-667

Topic: MINISTERIAL STATEMENT

Subject: Statehood for the Northern Territory

Date: 28/08/86

Member: Mr HATTON

Status:

Information:

Mr HATTON (Chief Minister): Mr Speaker, a year ago in this Assembly, my predecessor as Chief Minister formally announced the Northern Territory's bid for equality within the Australian Commonwealth. The case then presented was undeniably strong and cogent. It was based on a number of premises. These were: the Territory's legitimate claim to statehood as the ultimate constitutional objective; the unacceptable disadvantages of the current constitutional situation; the maturing of the financial arrangements struck at self-government in 1978; and the explicit policy of the federal government to treat the Territory as a state from 1988. Developments since then have reinforced the validity of the case and, if anything, have strengthened my government's resolve to press ahead.

My own commitment to statehood has never wavered; I remain, as I noted in last year's debate, 'a strong supporter of moves ... towards the achievement of full constitutional, political and democratic rights for the citizens of the Northern Territory' I am sure that this sentiment is shared by all members of this Assembly.

My government's approach to constitutional development for the Northern Territory has already been clearly articulated. In his address at the opening of the Third Session of the Assembly, the Administrator noted the continuing aspiration for 'full and equal status for Territorians ... at the earliest opportunity' Constitutional and political equality, long denied to Territorians and long sought after, is the keystone and the prime objective of my government's policy. That theme of equality was expressed quite deliberately in my address-in-reply speech when I reaffirmed the commitment to statehood. My words then are worth repeating: 'Statehood is essential if we are to take our place as equal Australians; statehood alone will ensure that we have the same rights, privileges, responsibilities ... the same degree of self-determination ... (as) other Australians' Thus, statehood, however worthy an attainment in its own right, is not simply an end. It is much more significant as a means to ensure that Territorians are no longer second-class citizens.

The Territory has long been preparing to take its place as an equal partner in the Australian Federation; the time has now arrived for it to do so. No longer is the Territory a backwater; it has become a focal point of northern development. The granting of statehood will more effectively allow Territorians to promote and manage development.

The last year has not been, as some media commentators have suggested, a wasted and barren time. Particularly since the CLP statehood conference in November, it has been used productively to set the necessary organisational infrastructure in place, to refine broad objectives and strategy and to produce detailed position papers. We are now confident that the case for statehood can be pursued vigorously, and with ultimate success.

In organisational terms, a tripartite structure has been provided. The existing Select Committee on Constitutional Development will be centrally concerned with the complex and demanding task of preparing the groundwork for the new state constitution. Overall administration of the statehood process will be handled by the Office of Constitutional Development in the Department of the Chief Minister.

The third arm is the Statehood Executive Group. Its role is to advise and assist myself, as Minister for Constitutional Development, to coordinate the total government approach, to provide necessary research and analysis and to support the activities of the select committee. As existing capacity and expertise have been utilised, this system is an effective and economical mobilisation of resources.

Two weeks ago, the Cabinet adopted 3 broad statehood objectives. They were based upon a considerable body of specific work undertaken by the executive group identifying the dimensions of inequality suffered by Territorians and analysing the current constitutional, legal and political disadvantages. The objectives are:

1. the attainment of a status which provides constitutional equality with other states and (the) people (of the Northern Territory) having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;
2. political representation in both houses of the federal parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states; and
3. the settlement of secure financial arrangements with the Commonwealth as similar as possible as those which apply to the states particularly in respect of loan raising and revenue sharing.

Although these prescriptions are not new and have already been accepted as reasonable and necessary, their formal adoption does serve as a critical first milestone in what will be a long, complex and arduous journey. Each broad objective emphasises the commitment to full equality with the existing states. It is the government's firm intention, in so far as it is constitutionally possible, that equality should apply contemporaneously with the grant of statehood. No deviation from eventual equal treatment will be tolerated. We will not accept that the new state will be a second-class state or a 'Claytons' state', as some would wish to label it.

The first objective lays claim to constitutional equality with other states. At present, the Territory suffers from grievous disadvantages. I seek leave to table a paper entitled 'Northern Territory Constitutional Disadvantages' which summarises our constitutional detriments.

Leave granted.

Mr HATTON: The list is long, imposing and ominous; it deserves the closest of scrutiny by all Territorians. Noticeably absent in the Territory are the entrenched constitutional rights enjoyed by residents of the states.

In this regard, the capacity of the Commonwealth to saddle the Territory with legislation which it is unable to impose upon the states is particularly vexing. The most notable measure of that type is, of course, the Aboriginal Land Rights Act. With statehood, land rights would be administered by either the Territory under its own state law, or a federal law relevant to all states. The Territory could not be singled out for discriminatory treatment; it would be protected generally by its partnership with other states and particularly by sections 51(ii.), 92, 99, and 117 of the Constitution. These sections guarantee equal treatment in respect of taxation, trade and legal status of residents. Moreover, the Territory as a state would gain safeguards against discriminatory land acquisition made by the Commonwealth without consultation with the people of the Territory. Lack of such safeguards, which are available to the states, enabled the Commonwealth without compensation to excise or otherwise remove from Territory control the Ashmore-Cartier Islands, Kakadu, Ayers Rock and Aboriginal land. In the states, section 51(xxxi.) of the Constitution requires the Commonwealth to acquire land 'on just terms'.

I do not need to remind either this Assembly or the community of the detriment to economic development suffered by the Territory through such unilateral land acquisition. Even less acceptable are the limitations contained in that keystone of self-government, the Northern Territory (Self-Government) Act. As an ordinary statute, it can be amended or even repealed, entirely without reference to the Territory. Moreover, the Commonwealth, by mere regulation, can alter the powers and functions of the Territory government which affect our daily lives in matters such as housing, education and health. Our self-government is not guaranteed by the Australian Constitution, as a new state constitution undoubtedly would be. It contains legislative and executive controls on the Northern Territory government and upon this Assembly.

A further serious constitutional disadvantage, which is well known, is the retention by the Commonwealth of what are essentially state-type functions. Uranium, Aboriginal land and national parks are the prime examples. Not so well known is the position of the Administrator; unlike state governors, he is appointed by and may be removed by the Commonwealth. Also not so well known is the Commonwealth's power to determine a fundamental part of our electoral process, specifically who may vote as Territorians in federal elections. By implication and convention, the Constitution protects states from having other areas outside their jurisdiction incorporated into their electorates. This would avoid the cynical manipulation which occurred with the imposition on us of the Cocos and Christmas Island electors. They have no particular common interest with Northern Territorians and the Territory government has no direct relationship with them. Finally, the experience of the fringe benefits tax provides a dramatic contrast between the competence of the Territory and the states.

Whereas Queensland is able to challenge parts of the tax judicially, the Territory is denied that right by its continuing dependent constitutional position. Statehood would have given the Territory the standing to negotiate on this issue from a position of strength. In this regard, it is interesting to note

that the Commonwealth not only can impose a tax upon the public property of the Northern Territory but, as I have already stated, it can also deprive the Territory of property without just compensation. Under the Constitution, the Commonwealth cannot treat the states in such a manner. Even if Queensland is successful in its challenge, the Territory will still have to bear the impost of the fringe benefit tax as it lacks the protection of section 51(ii.) and section 114 of the Constitution which prohibits Commonwealth taxation of state property.

Those rights, and the others specified in the tabled document, must be secured. Ultimately, they can only be guaranteed by the granting of statehood to the Northern Territory on constitutional conditions equal to other Australian states. That is our bid for constitutional equality; we want nothing more, nothing less.

I seek leave to table a further paper entitled 'Constitutional Equality with the States', which sets out our claims.

Leave granted.

Mr HATTON: Of most significance is the demand for local control over land and mineral and energy resources. That involves, among other things, the transfer of ownership of uranium, the control of national parks and the patriation of the Northern Territory Land Rights Act.

Control of land is fundamental. The broad position of my government is set out in a paper prepared by the Department of Law entitled 'Land Matters Upon Statehood' which again I seek leave to table.

Leave granted.

Mr HATTON: The new state lays claim to title of all land related to state-type purposes in the Territory, including land presently held by the Commonwealth or Commonwealth authorities. The transfer of the Land Rights Act - to the responsible people of the Northern Territory who are directly affected by its operation and away from those people who are remote from the Territory and for whom the issues are often of mere ideological and academic concern - is imperative.

In the tabled papers, policy options for patriation are outlined and they will form a basis for discussion with all Territorians, but particularly Aboriginal Territorians.

Patriated land rights will provide existing ownership guarantees. As a result of full consultation, it might also make provision for alternative tenure arrangements and provide flexibility which will enable traditional owners to have real control of their land with the ability to decide whether to exploit its economic potential consistent with their cultural values. I am sure that this approach will be favourably received.

The second objective refers to representation in the federal parliament. As members are aware, this is one of the thorniest problems to be addressed and one which has already provoked considerable, and often heated, debate. It is important that I spell out my government's approach in precise terms.

Let me first deal with the House of Representatives, the 'people's' chamber. Except for Tasmania which, as an original state, enjoys an entitlement of 5 members, representation is determined by the population quota. State representation is in broad conformity with population size. Any claim that the Northern Territory should be treated as generously as Tasmania in the very different context of the 1980s is quite unrealistic. We shall therefore not pursue that course; we shall abide by the constraints of the quota. However, I hasten to point out that, on becoming a state, the Territory, with its high relative population increase, would soon be entitled to a second member. Remaining a Territory would significantly delay the prospect of gaining an extra member.

Presently, the Territory, because of its smaller ratio of electors to population size - 48% as compared to about 60% in the states - is theoretically under-represented. Having recourse as a state to the quota based on population, and the advantage of achieving an additional member once half a quota has been achieved, will thus be beneficial.

In the case of the Senate, the 'states' house, the Territory is entitled to equal representation. No relationship between Senate representation and population size will be accepted. Since 1901, the principle of equality, regardless of geographic size and numbers of residents, has been fundamental. We see no reason, philosophic or expedient, to warrant breaching that principle in respect of new states. Our claim to equality is unequivocal, incontestable and will not be compromised.

However, we recognise, as a matter of political reality, that the achievement of immediate parity will not be easy. Although we will pursue that cause as earnestly and persistently as we can, we will not allow it to become an insurmountable obstacle, frustrating the receipt of the other worthwhile advantages of statehood. If we are forced to concede immediate equality, we will insist on eventual equality based upon an unadorned and legally-binding formula which includes a reasonable initial representation and a short time-frame to achieve equal numbers. No fanciful formulae, like the one which requires the Territory to have a population of about 2.5 million before we are allowed equal representation, will be countenanced. Without Senate equality, the Territory will never get the necessary clout in the federal parliament to advance the cause of northern development and the means to correct the gross imbalance between the less and the more populated parts of Australia.

The third objective concerns the financial implications of our bid for statehood. On this question, I will be as blunt as I can. There will be no - I repeat no - financial cost to Territorians. The Commonwealth has clearly indicated its intention to treat the Territory financially as a state in 1988. With or without statehood, the financial situation after 1988 will be the same. Our Treasury has carefully reviewed the impact of statehood and its investigations categorically support that assessment. Its considered views are contained in a further paper which I seek leave to table.

Leave granted.

Mr HATTON: Therefore, it makes no earthly sense to be burdened with the financial responsibilities of statehood without seeking the full range of equivalent rights and the full state-type capacity to develop the Territory and broaden our own revenue base. If we are to demonstrate that we are willing and capable of increasing the Territory's level of economic self-sufficiency and its financial independence, we must control all legitimate state-type functions.

I should not need to remind the Assembly of the inhibitions placed on the Territory in the mineral royalties area. Uranium provides the best example. The Department of Mines and Energy has calculated that, if our royalty regime had been applied to the 2 uranium producers since the Royalty Act came into operation in July 1982, we would have received at least an additional \$85m by the end of 1985.

Furthermore, in respect of Ranger, a study undertaken by an ANU Research Fellow has concluded that the Commonwealth will recover its total expenditures on Ranger-jabiru to the end of 1985, during the company's first full year of tax liability. Afterwards, it would collect a significant net contribution of about \$50m per year. On the other hand, my government will receive almost no net benefit, as expenditure on services and regulation will account for nearly all direct and indirect revenue.

We surely have a legitimate claim for a much greater share of the fruits of our own resources! Nor should the considerable potential revenue denied us by the Territory's inability to control mineral exploration and production on a sizeable proportion of its land be forgotten. Our claim to 'secure financial arrangements as similar as possible as those that apply to the states', will not force additional costs on the Territory taxpayer. Indeed, my government believes that there are far greater financial risks in remaining a mere Territory than in acquiring statehood. Statehood would provide us with protection flowing from the constitutional prohibition of preferences and discrimination between states and state residents, and also from the prohibition on Commonwealth taxes on state property. Thus, for example, the Commonwealth could not retrospectively recover moneys already paid as has happened in recent times to the Territory as a result of Grants Commission reviews. Significant also would be the benefit to a new state of a constitutional guarantee of freedom of trade and commerce. Moreover, statehood will equip the Territory with the means to protect the financial interests of Territorians, through full participation in the Premiers Conference, the financial agreement, the Loans Council and by the application of constitutional and statutory guarantees in the same way as the states.

What needs to be done in the period ahead? Obviously, a first priority is to secure the support of Territorians. That support is imperative if this bid for statehood is to be successful or even to be persevered with. Members will no doubt remember the findings of the opinion poll publicised earlier this year which indicated that the level of support for and knowledge of statehood was not particularly high. However, I am confident that there will be a 'groundswell of support once the issues are made clear. An analysis of that poll also shows that the Territory community is confused about the need for and the impact of statehood, particularly as it will affect financial arrangements—There is a majority conviction that the Territory will be worse off financially under statehood. That perception simply is not correct, as I have demonstrated earlier in this statement. Nor is the fear, which I have heard expressed by some spokesmen for Aboriginal interests, that statehood would necessarily be detrimental to Aboriginal landowners.

We recognise that support by Aboriginal Territorians is a key consideration and we will strive to overcome their concern. It would be idle to deny that relationships between the Territory government and the organised voice of Aborigines have sometimes been less than smooth. However, it should also be recognised that, in areas other than those related to land rights, relationships have been, and continue to be, usually strong and productive. My assurances on land

rights included in this statement can only contribute to the diminution of concern and provide a catalyst for fruitful and cooperative discussions on statehood issues. In the end, we are all Territorians and, whatever our heritage, we all will benefit from statehood.

As parliamentarians and representatives of the people of the Northern Territory, we all have a responsibility to support this bid for statehood and actively promote it in the Territory community and throughout Australia. Our activities will be crucial in determining public attitudes on statehood; we have a very convincing case but our commitment in presenting it vigorously is essential.

For its part, the government will be providing over the next few months, full and informative material on the salient issues, comprehensive media exposure and a wide-ranging program of direct consultation. In the latter area, the select committee will also have an important role to play.

The new state constitution must be developed within the Territory and not imposed from outside by the Commonwealth. Moreover, it must be acceptable to and accepted by the majority of Territorians. To those ends, the constitution-making process will consist of 3 stages, all of which will involve wide participation by Territorians. First, the select committee will prepare a draft constitution which will then, as the second stage, be submitted for ratification to a convention representing a broad cross-section of community interests and opinions. The details of the composition and role of the convention are still to be finalised. Finally, it will be put before the Territory electorate in a referendum. No one, therefore, should doubt our allegiance to full and open consultation in the formulation of the constitutional centrepiece of our future state. It will be demonstrably the Northern Territory people's constitution.

The task of convincing politicians and political parties operating in federal and state jurisdictions will, I suspect, be formidable. But I am fortified both by the inherent strength of our case and by positive indications that the people of the states would welcome us as full partners in the Commonwealth.

I am today sending letters to the Prime Minister and state premiers communicating our intention to proceed with the bid for statehood and asking for meetings at the earliest possible opportunity. Soon after, I intend to initiate inter-governmental and inter-party negotiations, and a concerted effort to influence opinion interstate in our favour. As an interim measure, I shall press the Commonwealth as consistently and as hard as I can to amend the Self-Government Act and other relevant legislation, in order to place the Territory in a position of greater similarity to the states in respect of transferred powers and functions. By this phasing-in process, the later transition to statehood will be eased significantly.

I have been singularly encouraged by the degree of bipartisanship which has so far been demonstrated in this worthy cause and I am grateful for the broad support offered by the opposition in this Assembly. In itself, that attests to the validity of the statehood argument; it will also make the gaining of credibility and acceptability both in the Territory and outside more certain. Although I would delude myself if I supposed that there will be no differences of opinion and approach, I trust that, as far as possible, bipartisanship can be preserved. To that end, I undertake to keep the Leader of the Opposition fully informed of future developments.

Finally, let me reiterate what I said in June about the timing of statehood. Of course I believe that it

should be achieved as quickly as possible but, because of the complexity of some of the issues and the need for comprehensive consultations and negotiations, I do not wish to set an inflexible timetable. It is much better to prepare the case well than to move precipitously. But I can assure the Assembly that the momentum we have developed in the recent past will be accelerated. The promotion and winning of statehood deserve nothing less than total commitment and endeavour from my government and this Assembly.

Mr Speaker, I move that the Assembly take note of the statement.

Mr SMITH (Opposition Leader): Mr Speaker, the opposition welcomes this statement from the Chief Minister. We have consistently supported the view that the next logical constitutional development for the Northern Territory is statehood. Statehood, not for its own sake, but so that the people of the Northern Territory can take their place as citizens of Australia with rights and obligations equal to those of people living in the existing states.

In the opposition's view, this statement and this debate mark the first real step on the road to statehood - a road that we all know will be strewn with obstacles, large and small, both inside and outside the Territory. We have debated statehood previously in this Assembly, but I say that this is the first real step because, for the first time, we have had some indications of the hows and wheres of attaining statehood.

The Chief Minister's statement outlines 3 broad objectives which most people in the Northern Territory can agree with, and they are worth saying again:

1. the attainment of a status which provides constitutional equality with other states and (the) people (of the Northern Territory) having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;
2. political representation in both Houses of the federal parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states; and
3. the settlement of secure financial arrangements with the commonwealth as similar as possible as those which apply to the states particularly in respect of loan raising and revenue sharing.

There probably should be a fourth as well:

Statehood should be achieved through the broad agreement of all groups in the community and not at the expense of the existing interests or the legitimate aspirations of any group.

I turn to the first broad objective - constitutional equality. An accompanying document to the Chief Minister's speech clearly reveals there are a number of areas of constitutional disadvantage at present. Some of them include:

1. The NT is presently established under an act of the federal parliament - the provisions of the Self-Government Act can be changed by the federal parliament but not by ourselves.

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2. Legislation passed by this Assembly can be disallowed by the federal government, although it has never happened.
 3. There are certain protections which only the states receive vis-a-vis their constitutional position:
 - (A) there can be no discrimination in-Commonwealth tax laws between states, or within states;
 - (B) there must be free trade between the states;
 - (C) freedom of religion; and
 - (D) protection against any alteration of the constitution without approval of electors.
 4. No constitutional guarantee of House of Representatives or Senate representation.

There are also a number of areas where the Commonwealth has powers in the NT that it does not have elsewhere. It is in the discussion of these powers that much of the spirited discussion on statehood will occur. The major areas are, of course, uranium mining, land rights, national parks and industrial relations. It should be said at the outset that there are many people who presently believe that all, or a combination of them, should remain with the Commonwealth. These views are held for a variety of reasons ranging from the fear of dramatic change if the NT government assumed control to the belief that the federal government is the appropriate level of government to administer these responsibilities.

The opposition supports the principle that full statehood means control over these matters, although it could well be decided, for example in industrial relations, that this control can be exercised indirectly through existing procedures. However, it is equally true to say that the behaviour of the NT government in these areas has made support of this principle more difficult for many people.

Clearly, one of the most vexed questions will be land rights. It needs to be said that we cannot expect any group of citizens of the prospective state to support statehood if they perceive themselves to be the big losers in any such move. Fortunately, this statement provides some reassurances to Aboriginal groups in that the government realises that mechanisms need to be developed to ensure the protection of Aboriginal interests in the new state. Obviously, detailed discussions will have to be held on this matter over an extended period of time. What is vital for the government is that the sentiments in the statement are matched by its actions on Aboriginal issues over the period from now to statehood. As serious negotiations commence, we should be aware that the whole of Australia will be vitally interested in this particular aspect of statehood negotiations. The timing of statehood, if not the event itself, could well be influenced by the way these negotiations are handled.

The second major objective is political representation in both houses of parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states.

The Chief Minister's statement deals with both the House of Representatives and the Senate. We support the Chief Minister's statement that it is not relevant in this day and age to rely on the Tasmanian model for the House of Representatives. Instead, we join with the Chief Minister and state that the guaranteed constitutional representation for the NT should be based on the existing quota arrangements.

In relation to the Senate, the Chief Minister has stated the Territory is entitled to equal representation. We agree. The opposition's firm position is that statehood means full representation in the Senate.

One should look to America when considering this matter. New states in America are guaranteed the same level of representation in the United States Congress as are other states. That is extremely important in terms of political clout, and that is what it is all about. Alaska, which had about 150 000 people when it achieved statehood in 1959, now has 2 Congressmen as does New York, which has a population of 40 million people.

A position of full representation in the Senate must be the basis on which negotiations commence with the Commonwealth and state governments. To start on any other basis is to sell Territorians short, and to reduce the political clout the NT will have in the Senate. Let us be under no misapprehension. The Senate is important to the NT as the states' house. It gives us, as a full state, the best chance to vigorously argue the Territory's case, and argue for the NT as a rapidly expanding and exciting area.

The third objective deals with the settlement of secure financial arrangements as similar as possible to those of the states. In the statement the Chief Minister says categorically that there will be no financial disadvantage to the NT in becoming a state. His basis for this is the Commonwealth's commitment to treat the Territory as a state from 1988. The Chief Minister further states that the Treasury view supports this. This is all very well but, for the benefit of all Territorians, obviously this has to be a matter of much more investigation.

Many Territorians have vivid memories of the promise Paul Everingham made before self-government - that self-government would only cost the average person a couple of beers a week. It has certainly cost more than that. The opposition does not believe the financial position is as clear-cut at this stage as the Chief Minister suggests.

The achievement of statehood by the Northern Territory would ensure almost inevitably that we become part of the state pool for the distribution of funds. This would mean that the current assessment practices for the NT used by the Grants Commission, which are tailored to the Territory's unique circumstances, would have to be replaced by the methods used for the states. It is possible that these methods may be less sympathetic to the special needs of the Territory, and the result could be a diminution in funds for the NT. I am not saying this will happen, but it is a possibility. The opposition will need much more information before it is prepared to be as categorical as the Chief Minister on the financial implications of statehood.

The statement spends some time outlining the procedures that will be followed in pursuing statehood. Firstly, there are 3 groups involved: this Assembly's select committee, the Office of Constitutional

Development and the Statehood Executive Group. In our view, the select committee of this parliament has, as the Chief Minister says, the task of preparing the groundwork for the new state constitution. It is important that this select committee have this vital role if a bipartisan approach to statehood is to continue. It must be said that the government has adopted a somewhat cavalier attitude to this committee so far. The committee has met rarely and requests by members for information have been taken up and presented to other forums before being presented to the committee. That situation has to change if the best opportunity is to be provided for the development of a bipartisan approach.

In terms of the procedures to be followed, the Chief Minister has told us that a draft constitution will first be prepared by the select committee, verified by a constitutional commission and then put to a referendum. The opposition agrees with this procedure and believes it provides the opportunity for a thorough and comprehensive approach to statehood which will provide all Territorians with a number of opportunities, spread over a period of time, to voice their opinions.

It is important that, when we get to the referendum stage, no one be satisfied with a 50% plus 1 result. It is essential that the involvement of the community in this process be such that we enter the referendum process with the aim of obtaining as large a majority as possible. To aim for anything less is to sell the Territory short.

There is one area where the statement has possibly understated the difficulties: getting the agreement of the states. We should not forget that it was only a few years ago that the conservative governments of Queensland and Western Australia went all the way to the High Court to oppose Senate representation for the Northern Territory and the ACT. We should be aware that increasing NT representation in the Senate will weaken the representation of the states.

Another area where full statehood will affect the states is in the determination of referendums. The Constitution provides that, for a referendum to be passed, it has to be approved by a majority of states and a majority of voters in Australia. At present, this means 4 out of 6 states. Again, this may be perceived as a significant weakening of the power of the existing states.

Obviously, a bipartisan approach to the states on these and other difficult issues is the most likely route to success. It reinforces the need within the Territory for extensive consultation with all interest groups to provide the maximum opportunity for the development of a bipartisan approach.

Mr Speaker, in conclusion, the opposition believes an important step has been taken today on the road to statehood. The step is taken with bipartisan support. If that bipartisan support is to be maintained, the opposition and the Territory community do not merely want to be informed of future developments, as the Chief Minister committed himself to doing. We want to be involved in future developments.

Debate adjourned.

19-28/08/86 Parliamentary Record No: 2 : 657-667

Topic: MINISTERIAL STATEMENT

Subject: Statehood for the Northern Territory

Date: 28/08/86

Member: Mr HATTON

Status:**Information:**

Mr HATTON (Chief Minister): Mr Speaker, a year ago in this Assembly, my predecessor as Chief Minister formally announced the Northern Territory's bid for equality within the Australian Commonwealth. The case then presented was undeniably strong and cogent. It was based on a number of premises. These were: the Territory's legitimate claim to statehood as the ultimate constitutional objective; the unacceptable disadvantages of the current constitutional situation; the maturing of the financial arrangements struck at self-government in 1978; and the explicit policy of the federal government to treat the Territory as a state from 1988. Developments since then have reinforced the validity of the case and, if anything, have strengthened my government's resolve to press ahead.

My own commitment to statehood has never wavered; I remain, as I noted in last year's debate, 'a strong supporter of moves ... towards the achievement of full constitutional, political and democratic rights for the citizens of the Northern Territory' I am sure that this sentiment is shared by all members of this Assembly.

My government's approach to constitutional development for the Northern Territory has already been clearly articulated. In his address at the opening of the Third Session of the Assembly, the Administrator noted the continuing aspiration for 'full and equal status for Territorians ... at the earliest opportunity' Constitutional and political equality, long denied to Territorians and long sought after, is the keystone and the prime objective of my government's policy. That theme of equality was expressed quite deliberately in my address-in-reply speech when I reaffirmed the commitment to statehood. My words then are worth repeating: 'Statehood is essential if we are to take our place as equal Australians; statehood alone will ensure that we have the same rights, privileges, responsibilities ... the same degree of self-determination ... (as) other Australians' Thus, statehood, however worthy an attainment in its own right, is not simply an end. It is much more significant as a means to ensure that Territorians are no longer second-class citizens.

The Territory has long been preparing to take its place as an equal partner in the Australian Federation; the time has now arrived for it to do so. No longer is the Territory a backwater; it has become a focal point of northern development. The granting of statehood will more effectively allow Territorians to promote and manage development.

The last year has not been, as some media commentators have suggested, a wasted and barren time. Particularly since the CLP statehood conference in November, it has been used productively to set the necessary organisational infrastructure in place, to refine broad objectives and strategy and to produce detailed position papers. We are now confident that the case for statehood can be pursued vigorously, and with ultimate success.

In organisational terms, a tripartite structure has been provided. The existing Select Committee on Constitutional Development will be centrally concerned with the complex and demanding task of preparing the groundwork for the new state constitution. Overall administration of the statehood process will be handled by the Office of Constitutional Development in the Department of the Chief Minister.

The third arm is the Statehood Executive Group. Its role is to advise and assist myself, as Minister for Constitutional Development, to coordinate the total government approach, to provide necessary research and analysis and to support the activities of the select committee. As existing capacity and expertise have been utilised, this system is an effective and economical mobilisation of resources.

Two weeks ago, the Cabinet adopted 3 broad statehood objectives. They were based upon a considerable body of specific work undertaken by the executive group identifying the dimensions of inequality suffered by Territorians and analysing the current constitutional, legal and political disadvantages. The objectives are:

1. the attainment of a status which provides constitutional equality with other states and (the) people (of the Northern Territory) having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;
2. political representation in both houses of the federal parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states; and
3. the settlement of secure financial arrangements with the Commonwealth as similar as possible as those which apply to the states particularly in respect of loan raising and revenue sharing.

Although these prescriptions are not new and have already been accepted as reasonable and necessary, their formal adoption does serve as a critical first milestone in what will be a long, complex and arduous journey. Each broad objective emphasises the commitment to full equality with the existing states. It is the government's firm intention, in so far as it is constitutionally possible, that equality should apply contemporaneously with the grant of statehood. No deviation from eventual equal treatment will be tolerated. We will not accept that the new state will be a second-class state or a 'Claytons' state', as some would wish to label it.

The first objective lays claim to constitutional equality with other states. At present, the Territory suffers from grievous disadvantages. I seek leave to table a paper entitled 'Northern Territory Constitutional Disadvantages' which summarises our constitutional detriments.

Leave granted.

Mr HATTON: The list is long, imposing and ominous; it deserves the closest of scrutiny by all Territorians. Noticeably absent in the Territory are the entrenched constitutional rights enjoyed by residents of the states.

In this regard, the capacity of the Commonwealth to saddle the Territory with legislation which it is unable to impose upon the states is particularly vexing. The most notable measure of that type is, of course, the Aboriginal Land Rights Act. With statehood, land rights would be administered by either the Territory under its own state law, or a federal law relevant to all states. The Territory could not be singled out for discriminatory treatment; it would be protected generally by its partnership with other states and particularly by sections 51(ii.), 92, 99, and 117 of the Constitution. These sections guarantee equal treatment in respect of taxation, trade and legal status of residents. Moreover, the Territory as a state would gain safeguards against discriminatory land acquisition made by the Commonwealth without consultation with the people of the Territory. Lack of such safeguards, which are available to the states, enabled the Commonwealth without compensation to excise or otherwise remove from Territory control the Ashmore-Cartier Islands, Kakadu, Ayers Rock and Aboriginal land. In the states, section 51(xxxi.) of the Constitution requires the Commonwealth to acquire land 'on just terms'.

I do not need to remind either this Assembly or the community of the detriment to economic development suffered by the Territory through such unilateral land acquisition. Even less acceptable are the limitations contained in that keystone of self-government, the Northern Territory (Self-Government) Act. As an ordinary statute, it can be amended or even repealed, entirely without reference to the Territory. Moreover, the Commonwealth, by mere regulation, can alter the powers and functions of the Territory government which affect our daily lives in matters such as housing, education and health. Our self-government is not guaranteed by the Australian Constitution, as a new state constitution undoubtedly would be. It contains legislative and executive controls on the Northern Territory government and upon this Assembly.

A further serious constitutional disadvantage, which is well known, is the retention by the Commonwealth of what are essentially state-type functions. Uranium, Aboriginal land and national parks are the prime examples. Not so well known is the position of the Administrator; unlike state governors, he is appointed by and may be removed by the Commonwealth. Also not so well known is the Commonwealth's power to determine a fundamental part of our electoral process, specifically who may vote as Territorians in federal elections. By implication and convention, the Constitution protects states from having other areas outside their jurisdiction incorporated into their electorates. This would avoid the cynical manipulation which occurred with the imposition on us of the Cocos and Christmas Island electors. They have no particular common interest with Northern Territorians and the Territory government has no direct relationship with them. Finally, the experience of the fringe benefits tax provides a dramatic contrast between the competence of the Territory and the states.

Whereas Queensland is able to challenge parts of the tax judicially, the Territory is denied that right by its continuing dependent constitutional position. Statehood would have given the Territory the standing to negotiate on this issue from a position of strength. In this regard, it is interesting to note

that the Commonwealth not only can impose a tax upon the public property of the Northern Territory but, as I have already stated, it can also deprive the Territory of property without just compensation. Under the Constitution, the Commonwealth cannot treat the states in such a manner. Even if Queensland is successful in its challenge, the Territory will still have to bear the impost of the fringe benefit tax as it lacks the protection of section 51(ii.) and section 114 of the Constitution which prohibits Commonwealth taxation of state property.

Those rights, and the others specified in the tabled document, must be secured. Ultimately, they can only be guaranteed by the granting of statehood to the Northern Territory on constitutional conditions equal to other Australian states. That is our bid for constitutional equality; we want nothing more, nothing less.

I seek leave to table a further paper entitled 'Constitutional Equality with the States', which sets out our claims.

Leave granted.

Mr HATTON: Of most significance is the demand for local control over land and mineral and energy resources. That involves, among other things, the transfer of ownership of uranium, the control of national parks and the patriation of the Northern Territory Land Rights Act.

Control of land is fundamental. The broad position of my government is set out in a paper prepared by the Department of Law entitled 'Land Matters Upon Statehood' which again I seek leave to table.

Leave granted.

Mr HATTON: The new state lays claim to title of all land related to state-type purposes in the Territory, including land presently held by the Commonwealth or Commonwealth authorities. The transfer of the Land Rights Act - to the responsible people of the Northern Territory who are directly affected by its operation and away from those people who are remote from the Territory and for whom the issues are often of mere ideological and academic concern - is imperative.

In the tabled papers, policy options for patriation are outlined and they will form a basis for discussion with all Territorians, but particularly Aboriginal Territorians.

Patriated land rights will provide existing ownership guarantees. As a result of full consultation, it might also make provision for alternative tenure arrangements and provide flexibility which will enable traditional owners to have real control of their land with the ability to decide whether to exploit its economic potential consistent with their cultural values. I am sure that this approach will be favourably received.

The second objective refers to representation in the federal parliament. As members are aware, this is one of the thorniest problems to be addressed and one which has already provoked considerable, and often heated, debate. It is important that I spell out my government's approach in precise terms.

Let me first deal with the House of Representatives, the 'people's' chamber. Except for Tasmania which, as an original state, enjoys an entitlement of 5 members, representation is determined by the population quota. State representation is in broad conformity with population size. Any claim that the Northern Territory should be treated as generously as Tasmania in the very different context of the 1980s is quite unrealistic. We shall therefore not pursue that course; we shall abide by the constraints of the quota. However, I hasten to point out that, on becoming a state, the Territory, with its high relative population increase, would soon be entitled to a second member. Remaining a Territory would significantly delay the prospect of gaining an extra member.

Presently, the Territory, because of its smaller ratio of electors to population size - 48% as compared to about 60% in the states - is theoretically under-represented. Having recourse as a state to the quota based on population, and the advantage of achieving an additional member once half a quota has been achieved, will thus be beneficial.

In the case of the Senate, the 'states' house, the Territory is entitled to equal representation. No relationship between Senate representation and population size will be accepted. Since 1901, the principle of equality, regardless of geographic size and numbers of residents, has been fundamental. We see no reason, philosophic or expedient, to warrant breaching that principle in respect of new states. Our claim to equality is unequivocal, incontestable and will not be compromised.

However, we recognise, as a matter of political reality, that the achievement of immediate parity will not be easy. Although we will pursue that cause as earnestly and persistently as we can, we will not allow it to become an insurmountable obstacle, frustrating the receipt of the other worthwhile advantages of statehood. If we are forced to concede immediate equality, we will insist on eventual equality based upon an unadorned and legally-binding formula which includes a reasonable initial representation and a short time-frame to achieve equal numbers. No fanciful formulae, like the one which requires the Territory to have a population of about 2.5 million before we are allowed equal representation, will be countenanced. Without Senate equality, the Territory will never get the necessary clout in the federal parliament to advance the cause of northern development and the means to correct the gross imbalance between the less and the more populated parts of Australia.

The third objective concerns the financial implications of our bid for statehood. On this question, I will be as blunt as I can. There will be no - I repeat no - financial cost to Territorians. The Commonwealth has clearly indicated its intention to treat the Territory financially as a state in 1988. With or without statehood, the financial situation after 1988 will be the same. Our Treasury has carefully reviewed the impact of statehood and its investigations categorically support that assessment. Its considered views are contained in a further paper which I seek leave to table.

Leave granted.

Mr HATTON: Therefore, it makes no earthly sense to be burdened with the financial responsibilities of statehood without seeking the full range of equivalent rights and the full state-type capacity to develop the Territory and broaden our own revenue base. If we are to demonstrate that we are willing and capable of increasing the Territory's level of economic self-sufficiency and its financial independence, we must control all legitimate state-type functions.

I should not need to remind the Assembly of the inhibitions placed on the Territory in the mineral royalties area. Uranium provides the best example. The Department of Mines and Energy has calculated that, if our royalty regime had been applied to the 2 uranium producers since the Royalty Act came into operation in July 1982, we would have received at least an additional \$85m by the end of 1985.

Furthermore, in respect of Ranger, a study undertaken by an ANU Research Fellow has concluded that the Commonwealth will recover its total expenditures on Ranger-jabiru to the end of 1985, during the company's first full year of tax liability. Afterwards, it would collect a significant net contribution of about \$50m per year. On the other hand, my government will receive almost no net benefit, as expenditure on services and regulation will account for nearly all direct and indirect revenue.

We surely have a legitimate claim for a much greater share of the fruits of our own resources! Nor should the considerable potential revenue denied us by the Territory's inability to control mineral exploration and production on a sizeable proportion of its land be forgotten. Our claim to 'secure financial arrangements as similar as possible as those that apply to the states', will not force additional costs on the Territory taxpayer. Indeed, my government believes that there are far greater financial risks in remaining a mere Territory than in acquiring statehood. Statehood would provide us with protection flowing from the constitutional prohibition of preferences and discrimination between states and state residents, and also from the prohibition on Commonwealth taxes on state property. Thus, for example, the Commonwealth could not retrospectively recover moneys already paid as has happened in recent times to the Territory as a result of Grants Commission reviews. Significant also would be the benefit to a new state of a constitutional guarantee of freedom of trade and commerce. Moreover, statehood will equip the Territory with the means to protect the financial interests of Territorians, through full participation in the Premiers Conference, the financial agreement, the Loans Council and by the application of constitutional and statutory guarantees in the same way as the states.

What needs to be done in the period ahead? Obviously, a first priority is to secure the support of Territorians. That support is imperative if this bid for statehood is to be successful or even to be persevered with. Members will no doubt remember the findings of the opinion poll publicised earlier this year which indicated that the level of support for and knowledge of statehood was not particularly high. However, I am confident that there will be a 'groundswell of support once the issues are made clear. An analysis of that poll also shows that the Territory community is confused about the need for and the impact of statehood, particularly as it will affect financial arrangements—There is a majority conviction that the Territory will be worse off financially under statehood. That perception simply is not correct, as I have demonstrated earlier in this statement. Nor is the fear, which I have heard expressed by some spokesmen for Aboriginal interests, that statehood would necessarily be detrimental to Aboriginal landowners.

We recognise that support by Aboriginal Territorians is a key consideration and we will strive to overcome their concern. It would be idle to deny that relationships between the Territory government and the organised voice of Aborigines have sometimes been less than smooth. However, it should also be recognised that, in areas other than those related to land rights, relationships have been, and continue to be, usually strong and productive. My assurances on land

rights included in this statement can only contribute to the diminution of concern and provide a catalyst for fruitful and cooperative discussions on statehood issues. In the end, we are all Territorians and, whatever our heritage, we all will benefit from statehood.

As parliamentarians and representatives of the people of the Northern Territory, we all have a responsibility to support this bid for statehood and actively promote it in the Territory community and throughout Australia. Our activities will be crucial in determining public attitudes on statehood; we have a very convincing case but our commitment in presenting it vigorously is essential.

For its part, the government will be providing over the next few months, full and informative material on the salient issues, comprehensive media exposure and a wide-ranging program of direct consultation. In the latter area, the select committee will also have an important role to play.

The new state constitution must be developed within the Territory and not imposed from outside by the Commonwealth. Moreover, it must be acceptable to and accepted by the majority of Territorians. To those ends, the constitution-making process will consist of 3 stages, all of which will involve wide participation by Territorians. First, the select committee will prepare a draft constitution which will then, as the second stage, be submitted for ratification to a convention representing a broad cross-section of community interests and opinions. The details of the composition and role of the convention are still to be finalised. Finally, it will be put before the Territory electorate in a referendum. No one, therefore, should doubt our allegiance to full and open consultation in the formulation of the constitutional centrepiece of our future state. It will be demonstrably the Northern Territory people's constitution.

The task of convincing politicians and political parties operating in federal and state jurisdictions will, I suspect, be formidable. But I am fortified both by the inherent strength of our case and by positive indications that the people of the states would welcome us as full partners in the Commonwealth.

I am today sending letters to the Prime Minister and state premiers communicating our intention to proceed with the bid for statehood and asking for meetings at the earliest possible opportunity. Soon after, I intend to initiate inter-governmental and inter-party negotiations, and a concerted effort to influence opinion interstate in our favour. As an interim measure, I shall press the Commonwealth as consistently and as hard as I can to amend the Self-Government Act and other relevant legislation, in order to place the Territory in a position of greater similarity to the states in respect of transferred powers and functions. By this phasing-in process, the later transition to statehood will be eased significantly.

I have been singularly encouraged by the degree of bipartisanship which has so far been demonstrated in this worthy cause and I am grateful for the broad support offered by the opposition in this Assembly. In itself, that attests to the validity of the statehood argument; it will also make the gaining of credibility and acceptability both in the Territory and outside more certain. Although I would delude myself if I supposed that there will be no differences of opinion and approach, I trust that, as far as possible, bipartisanship can be preserved. To that end, I undertake to keep the Leader of the Opposition fully informed of future developments.

Finally, let me reiterate what I said in June about the timing of statehood. Of course I believe that it

should be achieved as quickly as possible but, because of the complexity of some of the issues and the need for comprehensive consultations and negotiations, I do not wish to set an inflexible timetable. It is much better to prepare the case well than to move precipitously. But I can assure the Assembly that the momentum we have developed in the recent past will be accelerated. The promotion and winning of statehood deserve nothing less than total commitment and endeavour from my government and this Assembly.

Mr Speaker, I move that the Assembly take note of the statement.

Mr SMITH (Opposition Leader): Mr Speaker, the opposition welcomes this statement from the Chief Minister. We have consistently supported the view that the next logical constitutional development for the Northern Territory is statehood. Statehood, not for its own sake, but so that the people of the Northern Territory can take their place as citizens of Australia with rights and obligations equal to those of people living in the existing states.

In the opposition's view, this statement and this debate mark the first real step on the road to statehood - a road that we all know will be strewn with obstacles, large and small, both inside and outside the Territory. We have debated statehood previously in this Assembly, but I say that this is the first real step because, for the first time, we have had some indications of the hows and wheres of attaining statehood.

The Chief Minister's statement outlines 3 broad objectives which most people in the Northern Territory can agree with, and they are worth saying again:

1. the attainment of a status which provides constitutional equality with other states and (the people (of the Northern Territory) having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;
2. political representation in both Houses of the federal parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states; and
3. the settlement of secure financial arrangements with the commonwealth as similar as possible as those which apply to the states particularly in respect of loan raising and revenue sharing.

There probably should be a fourth as well:

Statehood should be achieved through the broad agreement of all groups in the community and not at the expense of the existing interests or the legitimate aspirations of any group.

I turn to the first broad objective - constitutional equality. An accompanying document to the Chief Minister's speech clearly reveals there are a number of areas of constitutional disadvantage at present. Some of them include:

1. The NT is presently established under an act of the federal parliament - the provisions of the Self-Government Act can be changed by the federal parliament but not by ourselves.

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2. Legislation passed by this Assembly can be disallowed by the federal government, although it has never happened.
 3. There are certain protections which only the states receive vis-a-vis their constitutional position:
 - (A) there can be no discrimination in-Commonwealth tax laws between states, or within states;
 - (B) there must be free trade between the states;
 - (C) freedom of religion; and
 - (D) protection against any alteration of the constitution without approval of electors.
 4. No constitutional guarantee of House of Representatives or Senate representation.

There are also a number of areas where the Commonwealth has powers in the NT that it does not have elsewhere. It is in the discussion of these powers that much of the spirited discussion on statehood will occur. The major areas are, of course, uranium mining, land rights, national parks and industrial relations. It should be said at the outset that there are many people who presently believe that all, or a combination of them, should remain with the Commonwealth. These views are held for a variety of reasons ranging from the fear of dramatic change if the NT government assumed control to the belief that the federal government is the appropriate level of government to administer these responsibilities.

The opposition supports the principle that full statehood means control over these matters, although it could well be decided, for example in industrial relations, that this control can be exercised indirectly through existing procedures. However, it is equally true to say that the behaviour of the NT government in these areas has made support of this principle more difficult for many people.

Clearly, one of the most vexed questions will be land rights. It needs to be said that we cannot expect any group of citizens of the prospective state to support statehood if they perceive themselves to be the big losers in any such move. Fortunately, this statement provides some reassurances to Aboriginal groups in that the government realises that mechanisms need to be developed to ensure the protection of Aboriginal interests in the new state. Obviously, detailed discussions will have to be held on this matter over an extended period of time. What is vital for the government is that the sentiments in the statement are matched by its actions on Aboriginal issues over the period from now to statehood. As serious negotiations commence, we should be aware that the whole of Australia will be vitally interested in this particular aspect of statehood negotiations. The timing of statehood, if not the event itself, could well be influenced by the way these negotiations are handled.

The second major objective is political representation in both houses of parliament which will result in the people of the Territory enjoying the same political consideration as the people of the states.

The Chief Minister's statement deals with both the House of Representatives and the Senate. We support the Chief Minister's statement that it is not relevant in this day and age to rely on the Tasmanian model for the House of Representatives. Instead, we join with the Chief Minister and state that the guaranteed constitutional representation for the NT should be based on the existing quota arrangements.

In relation to the Senate, the Chief Minister has stated the Territory is entitled to equal representation. We agree. The opposition's firm position is that statehood means full representation in the Senate.

One should look to America when considering this matter. New states in America are guaranteed the same level of representation in the United States Congress as are other states. That is extremely important in terms of political clout, and that is what it is all about. Alaska, which had about 150 000 people when it achieved statehood in 1959, now has 2 Congressmen as does New York, which has a population of 40 million people.

A position of full representation in the Senate must be the basis on which negotiations commence with the Commonwealth and state governments. To start on any other basis is to sell Territorians short, and to reduce the political clout the NT will have in the Senate. Let us be under no misapprehension. The Senate is important to the NT as the states' house. It gives us, as a full state, the best chance to vigorously argue the Territory's case, and argue for the NT as a rapidly expanding and exciting area.

The third objective deals with the settlement of secure financial arrangements as similar as possible to those of the states. In the statement the Chief Minister says categorically that there will be no financial disadvantage to the NT in becoming a state. His basis for this is the Commonwealth's commitment to treat the Territory as a state from 1988. The Chief Minister further states that the Treasury view supports this. This is all very well but, for the benefit of all Territorians, obviously this has to be a matter of much more investigation.

Many Territorians have vivid memories of the promise Paul Everingham made before self-government - that self-government would only cost the average person a couple of beers a week. It has certainly cost more than that. The opposition does not believe the financial position is as clear-cut at this stage as the Chief Minister suggests.

The achievement of statehood by the Northern Territory would ensure almost inevitably that we become part of the state pool for the distribution of funds. This would mean that the current assessment practices for the NT used by the Grants Commission, which are tailored to the Territory's unique circumstances, would have to be replaced by the methods used for the states. It is possible that these methods may be less sympathetic to the special needs of the Territory, and the result could be a diminution in funds for the NT. I am not saying this will happen, but it is a possibility. The opposition will need much more information before it is prepared to be as categorical as the Chief Minister on the financial implications of statehood.

The statement spends some time outlining the procedures that will be followed in pursuing statehood. Firstly, there are 3 groups involved: this Assembly's select committee, the Office of Constitutional

Development and the Statehood Executive Group. In our view, the select committee of this parliament has, as the Chief Minister says, the task of preparing the groundwork for the new state constitution. It is important that this select committee have this vital role if a bipartisan approach to statehood is to continue. It must be said that the government has adopted a somewhat cavalier attitude to this committee so far. The committee has met rarely and requests by members for information have been taken up and presented to other forums before being presented to the committee. That situation has to change if the best opportunity is to be provided for the development of a bipartisan approach.

In terms of the procedures to be followed, the Chief Minister has told us that a draft constitution will first be prepared by the select committee, verified by a constitutional commission and then put to a referendum. The opposition agrees with this procedure and believes it provides the opportunity for a thorough and comprehensive approach to statehood which will provide all Territorians with a number of opportunities, spread over a period of time, to voice their opinions.

It is important that, when we get to the referendum stage, no one be satisfied with a 50% plus 1 result. It is essential that the involvement of the community in this process be such that we enter the referendum process with the aim of obtaining as large a majority as possible. To aim for anything less is to sell the Territory short.

There is one area where the statement has possibly understated the difficulties: getting the agreement of the states. We should not forget that it was only a few years ago that the conservative governments of Queensland and Western Australia went all the way to the High Court to oppose Senate representation for the Northern Territory and the ACT. We should be aware that increasing NT representation in the Senate will weaken the representation of the states.

Another area where full statehood will affect the states is in the determination of referendums. The Constitution provides that, for a referendum to be passed, it has to be approved by a majority of states and a majority of voters in Australia. At present, this means 4 out of 6 states. Again, this may be perceived as a significant weakening of the power of the existing states.

Obviously, a bipartisan approach to the states on these and other difficult issues is the most likely route to success. It reinforces the need within the Territory for extensive consultation with all interest groups to provide the maximum opportunity for the development of a bipartisan approach.

Mr Speaker, in conclusion, the opposition believes an important step has been taken today on the road to statehood. The step is taken with bipartisan support. If that bipartisan support is to be maintained, the opposition and the Territory community do not merely want to be informed of future developments, as the Chief Minister committed himself to doing. We want to be involved in future developments.

Debate adjourned.

19-28/08/86 Parliamentary Record No: 3 : 1397-1400

Topic: TABLED PAPER
Subject: Land Matters Upon Statehood
Date: 26/11/86
Member: Mr HATTON

Status:**Information:**

Mr HATTON (Chief Minister): Mr Speaker, I present a document called Land Matters Upon Statehood. As foreshadowed in the attachment to my statement 'Towards Statehood' delivered on 28 August this year, I table a detailed option paper. This paper sets out the basic position of the Northern Territory government in relation to land in the Northern Territory upon a grant of statehood, and presents some options for dealing with land for the purpose of consultation prior to the making of any final decisions.

The basic premise of the paper is that the Northern Territory, as a new state, should be placed in a position of constitutional equality with the states. This means that the basic title to all land in the new state should belong to the new state and that all interests should be held by the new state under new state laws. This would include Aboriginal land and national parks. The paper advocates that the Aboriginal Land Rights (Northern Territory) Act should be patriated to the new state and provides a number of options as to how this might be done. The first is that the Aboriginal Land Rights (Northern Territory) Act would become a law of the new state and cease to be a law of the Commonwealth. It should be noted that any concurrent Commonwealth federal powers with respect to Aboriginal land in the states will continue to apply to the new state and will have an influence upon all the options.

The options for the content of this patriated or new act are set out in the paper. It also raises the question of whether traditional Aboriginal owners should have greater powers over their land and rights to change the nature of their land tenure if and when they accept such an option. Such options open up economic opportunities for traditional Aboriginal owners whilst preserving their continued ownership of the land and their beneficial rights. This is consistent with developments elsewhere for greater self-determination among traditional owners.

The basic position postulates that existing Aboriginal title will be guaranteed upon statehood. The paper raises a number of options as to the nature of those guarantees. The position of national parks held on leases from Aboriginal owners raises some concern, and the options for dealing with this are canvassed. The basic concept is that Aboriginals will continue to own the land but that the lease back would be from them to a Northern Territory authority rather than to a Commonwealth authority.

The addendum looks briefly at the position of aboriginal title in the USA and Canada. Further information is awaited to bring this up to date. This paper will be circulated widely and consideration is being given to the production of oral and visual aids to enhance the process of consultation on this matter which is of such importance to Territorians.

This discussion paper does not attempt to stifle any alternative options which may be put forward. However, the basic position of the Northern Territory, in terms of achieving constitutional equality with the states in its relationship with the land within its boundaries, must remain 1 of the cornerstones of Northern Territory statehood.

Mr Speaker, I move that the Assembly take note of the paper.

Mr EDE (Stuart): Mr Speaker, it would be true to say that people on both sides of the political fence believe that this is probably the major issue involved in our move towards statehood. I think that, in some ways, the Chief Minister attempted to talk this down as an issue. I commended him for that at the time because I believed that there were other issues. There was and is a real danger that the whole concept of statehood will become involved in the matter of land. There are other issues that need to be discussed as well as land. It is no good putting our heads in the sand and believing that this issue will not create an enormous amount of discussion right across the Territory. I think the Chief Minister has made a tactical error, if you like, in that he has highlighted at an early stage what would appear to be his liking for alternative tenure provisions. What he has done is signal to people that there is another preferred option, an alternative option.

I would to quote from the latest copy of Land Rights News to give some indication of the feeling that that has generated. I refer to a statement that is headed: 'Hatton Misleading Territorians'. The initial part uses the word 'patriated'. At least the word is within inverted commas but it does not exist. 'Devolution' is the word, Mr Speaker. We should be referring to the devolution of the Land Rights Act. I quote:

"In the latest of the Northern Territory government statehood series, it is stated that the key principle of inalienable freehold title will be dropped from any Northern Territory land rights law".

I believe that overstates the position adopted in that series, Mr Speaker. It goes on:

"The principle is at the heart of land rights as it protects Aboriginal land from land sharks and real estate speculators. The land is held in trust in perpetuity for traditional owners for generations to come. This mechanism is also vital where there are wealthy non-Aboriginal interests looking out for any chance to exploit Aboriginal people's comparatively weaker financial situation".

Mr Hatton's government also insults Aboriginal people by making snide and unnecessary remarks about the Aboriginal organisations. The latest article in the series has the temerity to describe the people, whom traditional Aboriginal owners elect to represent them or pay to work for them, as unaccountable bureaucrats.

Worse, the article misleads people by its suggestion that land trusts are not made up of identifiable

Aboriginal owners, nor controlled by them. They are a fact which is recognised in law and 9 years of practice. The article is a disgrace and makes Mr Hatton's reassurances look like a sham. Aboriginal people want to know what is going on. It is about time the Northern Territory government came clean and started proper consultation about statehood and the real.

It is very clear that the Chief Minister has a very long way to go. I can understand the fears that Aboriginal people, and certainly the traditional owners, have of any suggestion that there will be a change from inalienable freehold title to some other, as yet unspecified, scheme of group or individual ownership. Aboriginal people currently come under enormous pressure from mining companies and others who wish to gain some rights in respect of the land. There is no doubt in my mind that the efforts of con merchants who would put pressure on people under this alternative system, in an attempt to get all sorts of harebrained schemes set up, would probably result in enormous mortgages being accumulated and the eventual loss of the title.

There have been examples of this already in the Northern Territory. The problem extends beyond the con merchants. In fact, the government agencies that operate with Aboriginal people, as part of their charter, have the idea that they are lenders of last resort. If the people have an asset, that asset must be mortgaged to the hilt before any other assistance can be given. For example, if the people are seeking to establish a project that has some social and some economic aspects, the pressure will be on the bureaucracy, whether it be Northern Territory or federal, to say to the people: 'Before we can provide you with assistance, you should go to the bank and mortgage your land'. That may be okay if we are talking about a strictly commercial operation. In the United States and Canada, when this method was tried before, that stage was referred to in those countries as the allotment schemes. They were foisted onto the Indian people and the schemes were an unmitigated disaster and resulted in large areas of land being lost to the Indian people.

A point needs to be made about devolution in that we should not mislead ourselves about the law. Devolution is not an absolutely essential component of statehood. I know that it is what the Chief Minister wants, and it is what many other people in the Northern Territory want. However, there are other people who do not want devolution and who believe that a national land rights act is what we should move towards. To some extent the Chief Minister concedes that, if there is a national land rights act, his argument for devolution is invalid. We have stated previously that, if there were national legislation, it should be non-uniform national legislation. We do not believe that legislation that is uniform across Australia would have any chance of looking after the variety of interests and cultural situations relevant to Aboriginal people.

We do not believe that a national, non-uniform land rights act would necessarily preclude a legislative ability of the Northern Territory government. For example, a federal act, as it pertained to the Northern Territory, could set out certain principles in certain areas, and the Northern Territory could legislate in areas outside of those particular principles. Even in that situation, I believe that it would be essential that various principles of land rights be embodied in the Northern Territory's constitution. It is 200 years too late but, obviously, in an ideal situation, the rights of the first inhabitants of a country should be willingly agreed to between those inhabitants and any new wave of occupiers.

In the best of all possible worlds, that agreement would be embodied in the national constitution as a

joint statement by the original owner occupiers and the immigrants to say that that is how they will work together and that is the agreement by which they have established the new country. Of course, that has not happened as yet. However, through the constitutional development of the Northern Territory, we have an opportunity to take on board many of those issues. We can consider many of the problems that were not taken into account when the states and the federal government were involved with their own constitutional development, and we can attempt to avoid the mistakes they made.

That can be done in various ways. It can be effected by placing various levels of principle into the Northern Territory's constitution. For example, there could be a basic statement of principle regarding inalienable freehold title which would be rather difficult to remove. The percentage in a referendum required to remove that would ensure that a substantial proportion of Aboriginal Territorians were also in agreement on it. That could be one method. Other principles could be included which required a lesser percentage of Territorians to be in agreement.

Another way would be for certain principles to be embodied in the constitution, and others embodied in the form of organic laws. In contrast to ordinary laws, organic laws generally require a longer period for or a different means of passage through parliament. Their passage might require a two-thirds majority or they might be required to lie before the parliament for a particular period before they could be passed. By that means, various levels of principles could be involved and various guarantees provided.¹ It is essential that the Northern Territory government get down to the nitty gritty of negotiation in relation to those issues very quickly.

Mr Speaker, I want to comment on Uluru. I was rather surprised to see the context within which it was discussed in the options paper. I may have misunderstood this, and I am prepared to concede that. However, either the paper is not very clear about what is meant, or the Chief Minister is saying that he wants the title and the lease back. I think that the Chief Minister needs to recognise the Aboriginal ownership of Uluru at a very early stage. He needs to be represented on the Board of Management on the current offer by the federal government. However, I concede his right to maintain his position in respect of increased membership by the Northern Territory on the board whilst maintaining an Aboriginal majority and his contention that the Conservation Commission in the Northern Territory should be the manager of the park. We believe that that can be organised, at an earlier stage, by a sublease or something of that nature, if this government becomes involved there and starts to build a good relationship with the traditional owners, the people on the board.

It is essential that the government maintain contact. If 1 group operates inside the park and another outside, cooperation will be lost. We will only continue the very unfortunate divisions that were started by the previous Chief Minister. I believe that the present Chief Minister has a reasonably good name with people for the stand that he took. Some people may not understand the twists and turns of the tortuous path he followed in order to maintain some degree of morality and personal integrity while seeking to retain the various positions created by each of the 2 previous Chief Ministers. However, I think that the people believed that his heart was in the right place. If the government will participate on the board and build up confidence and goodwill with its members, I think it is still possible for the situation at Uluru to be changed to one which will satisfy even the Northern Territory government, and which will see a high degree of involvement of the Conservation Commission of the Northern Territory. I am looking forward to that.

Mr Speaker, I will not speak further on the document. I am glad that the Chief Minister has tabled it as an options paper. I do not agree with everything in it, but I am glad that we have received it. We can start passing it around to those people who are extremely interested in this subject and commence discussion on it.

Debate adjourned.

Chapter 2 Fifth Assembly

FIRST SESSION

28/04/87 Parliamentary Record No. 1: 13-19

Topic: SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT

Subject: Select Committee On Constitutional Development

Date: 28/04/87

Member: Mr HANRAHAN

Status:

Information:

Mr HANRAHAN (Lands and Housing) (by leave):Mr Speaker, I move that:

WHEREAS this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the federation on terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

AND WHEREAS in so far as it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state, and whereas it is necessary to draft a new state constitution;

- (1) a select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (A) a constitution for the new state and the principles upon which it should be drawn, including:
 - (i) legislative powers;
 - (ii) executive powers; and
 - (iii) judicial powers; and
 - (iv) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory; and

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- (B) the issues, conditions and procedures pertinent to the entry of the Northern Territory into the federation as a new state;
- (2) the committee undertake a role in promoting the awareness of statehood issues to the Northern Territory and Australian populations;
 - (3) unless otherwise ordered, the committee consist of the Chief Minister, the Leader of the Opposition, Mr Ede, Mr Lanhupuy, Mr Palmer and Mr Setter;
 - (4) in the unavoidable absence of the Chief Minister, a member of the government nominated by the Chief Minister may attend any meeting of the committee and participate in its proceedings as a member of the committee;
 - (5) in the unavoidable absence of the Leader of the Opposition, a member of the opposition nominated by the Leader of the Opposition may attend any meeting of the committee and participate in its proceedings as a member of the committee;
 - (6) the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee and that the member so appointed shall act as chairman of the committee at any time when there is no chairman or when the chairman is not present at a meeting of the committee;
 - (7) in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote;
 - (8) the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine;
 - (9) four members of the committee constitute a quorum of the committee and two members of a subcommittee constitute a quorum of the subcommittee;
 - (10) the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly;
 - (11) the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public;
 - (12) the committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report;
 - (13) the committee report to the Assembly 12 months from the date of this resolution;
 - (14) unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a

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- department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained;
- (15) members of the public and representatives of the news media may attend and report any public session of the committee, unless otherwise ordered by the committee;
- (16) the committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate;
- (17) the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee;
- (18) nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the select committee;
- (19) the committee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees established in the previous Assembly; and
- (20) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr EDE (Stuart):Mr Speaker, I have accepted our Leader's request that I take on special responsibility for constitutional development as one of my shadow portfolios.It is with pleasure that I accept this Assembly's nomination to continue on the Select Committee on Constitutional Development. This side of the Assembly supports the motion re- establishing the Select Committee on Constitutional Development.In saying that, I would like to delve briefly into the committee's terms of reference and hope that it will clarify our position for some of those people who tend to panic at the very mention of statehood.

It is quite significant that the opening preamble to our terms of reference states 'when' the Northern Territory of Australia becomes a newstate, not 'if' it becomes a state.That is a point which I think we have passed.I think that it is now generally agreed that statehood is the constitutional direction that we are taking and that is the exercise that we are involved in.

I would stress, however, that this is a constitutional development committee and not a statehood committee.Because it is a constitutional development committee, it is our job to look at the constitution.There are a few other words in the preamble that are also quite significant.We talk about achieving statehood on terms of equality and 'equality' is a very important word there.The preamble speaks of the people of the Northern Territory having the same constitutional rights as people in other states. The words 'equality' and the 'same' do not mean that we will limit ourselves to having only those rights, privileges, entitlements and responsibilities that other states have.What we are saying is that that is the bottom line - that is what we believe is our right to achieve. However, if we can go further than that in our own constitution, so much the better.

To clarify that, I should remind honourable members that there are old constitutions which were in vogue in the 17th, 18th and early parts of the 19th century where the tendency was to use constitutions simply as documents for the establishment of the legitimacy of a state and to indicate the forms that the government would take. It was not until the late 19th century and then into the 20th century that constitutions began to go further than just the rights of citizens, and such constitutions related to the relationship between the citizen and the state and the rights of citizens in relation to legislative powers. These are generally known as 'new constitutions' and they were adopted after the constitutions of the states of Australia. I do not think that we should simply look at the constitutions of the states and conclude that we in the Northern Territory will not consider anything to do with the rights of the individual, both rights which individuals currently have and those which the state could guarantee. I think that we can consider this issue within the context of the preamble.

It is also important to look at powers in relation to constitutions, particularly in terms of the supremacy of the parliament or the people. In the older constitutions, supremacy generally lay with the parliament. This is very much the case with the British parliament which has complete supremacy and can, by a simple majority vote, change any law no matter how long it has been in force. Many other constitutions can be changed by the state without notice. This is generally the situation in the Australian states although lately there has been a tendency to limit the powers of state parliaments to amend constitutions.

At the other end of the spectrum is the situation where the people have full rights to amend the constitution by means of referenda. Such referenda may require more than a simple majority of all eligible voters. In Australia, for example, a change to the constitution requires a majority of all the people plus a majority of people in a majority of the states.

Mr Speaker, obviously, we will consider these matters as we come to formulate a constitution. The first point that we must address is to ensure that rights currently held by Territorians are maintained. I think everybody would agree with that. I think everybody would agree that statehood is not a means of taking away the rights of Territorians or of any section of our society. Statehood is not a device to get rid of land rights. It certainly must not be a device by which people lose any rights whether those relate to land or freedoms currently enjoyed as Australian citizens. These must not be reduced or diminished in any way. It is very easy to say that, but how do we ensure that objective when we are drafting the constitution? For example, we could have a constitution which required the assent of 95% of the population to amend it. We could have every detail of every right laid down in the constitution and tie ourselves into a knot forever. If we did that, we would put in place a system which would disadvantage all Territorians.

Another approach is to indicate in the constitution the principles of the rights that we are trying to establish and ensure that the constitution can be amended by a referendum of all the people. Beneath the constitution itself, we would have a series of constitutional laws which some countries call organic laws which require more than a simple majority of the parliament at one sitting to change. For example, it may require the support of an absolute majority in the parliament and be required to lie on the Table for 6 months. In that way, an organic law can be identified as having a status above other laws in the same way that the constitution is the supreme law.

Mr Speaker, I would like to return to the point that it is a constitutional development committee and not a statehood committee. I would note that the only change in the terms of reference relates to the second term of reference. The second term of reference states that the committee shall 'undertake a role in promoting the awareness of statehood issues to the Northern Territory and the Australian populations'. The wording there is very important. The role of promoting the awareness of statehood is necessarily a function of this committee because statehood encompasses constitutional development and the constitution itself. We could not take on, however, the promotion of statehood itself. We are not a promotional unit; we are not in the PR game. That is something which the government itself may decide that it wishes to do. It is something that we as an opposition may wish to do, but it is not something which is properly the role of the Committee on Constitutional Development. We have recognised that, whether statehood comes in 15 years or 50 years, what is important is that we get the constitution right. The timing is not as important as getting it right.

There are other considerations involved in getting it right such as discussions on financial matters with the federal government and other states and a whole gamut of non-constitutional matters. However, the constitution is the framework, the basic foundation and the building block upon which all of the rest of the development depends. That is why the members of this committee and the members of the Assembly need to ensure that we get it right. It is vital that we arrive at a constitution which fits the particular needs in the Territory and ensures that we guarantee the rights of Territorians and give them the degree of comfort that they need to enter statehood looking forward to the future as a united Northern Territory.

Mr HATTON (Chief Minister): Mr Speaker, I am pleased to rise in support of this motion. In doing so, I am pleased to hear that the Deputy Leader of the Opposition supports the re-establishment of this committee. As honourable members will be aware, a Constitutional Development Committee was formed in a previous Assembly. It started its work and, in fact, performed a valuable role in the early development of the process of constitutional development for the Northern Territory.

The terms of reference of this committee take the evolution of this process one step forward. As the member for Stuart quite correctly pointed out, the preamble to this resolution recognises not 'if' the Northern Territory should become a state, but 'when' the Northern Territory becomes a state. There is an inevitability to the Northern Territory achieving its ultimate constitutional objective of becoming an equal part of Australia and joining the federation of states of Australia, whereby each of our citizens can enjoy the same constitutional and democratic rights as other Australians. There can be no stronger objective of this Assembly, and of every member of this Assembly, than to promote this cause. Without doubt, it is a complex, at times controversial and quite difficult process to move forward towards that objective. Nonetheless, the difficulties themselves should not deter us, as the representatives of the people of the Northern Territory, from the objective of obtaining for them the rights that other Australians take as a matter of course.

The honourable member for Stuart made a number of interesting comments about the constitutional issues and the very fact of the Northern Territory developing its own constitution, a process which I and members on this side of the Assembly fully support. The honourable member would be aware that many of the issues that he spoke about have been addressed on numerous occasions within the previous Committee on Constitutional Development, and can and should be developed further through that process. But, in the end, the constitution of the Northern Territory must be that

constitution chosen and decided upon by the people of the Northern Territory, not purely by this Assembly, so that it will genuinely be the people's constitution and reflect the desires and aspirations of all the people of the Northern Territory, irrespective of their religion, culture or race. Only through that mechanism can we genuinely develop a Northern Territory for all the citizens of the Northern Territory.

Mr Speaker, at the moment, I have no intention of dealing with the pros and cons of different forms of constitutional clauses or conventions or the concept of entrenched rights or organic laws. I know they are matters of some particular interest to the member for Stuart, and I have no doubt that we will have some interesting debates on the subject during the course of the committee's consideration of a multitude of issues. There are many good points in those that have been made by the member for Stuart. But I do make the point that, whilst this committee is a constitutional development committee, and whilst it does not say that this is a statehood committee, members should be under no illusion: the ultimate constitutional objective of the Northern Territory is statehood, and the role of this committee will not be complete until the day the Northern Territory is a constitutional state of Australia.

Mr Speaker, in that respect, I must take a couple of moments to deal with an issue that has been the subject of some controversy and confusion in the Northern Territory. It has been the subject, in some respects, of some misinformation in the community and I do not say that this has been deliberate, but rather that it is just a fact of life. There is no doubt that the Northern Territory community is very concerned about what the financial implications of statehood are. In the absence of any clear understanding, what people ask is what statehood will cost, what it will mean in terms of taxes and charges, and the availability and provision of services from government. Can the Northern Territory afford statehood? These are questions that are at the forefront of the minds of the community in the Northern Territory.

Any clear analysis of the issue of statehood makes it abundantly obvious that the issue of statehood is irrelevant when it comes to the financial capacity of the Northern Territory. I say, and have said in this Assembly before, that there are no financial implications of statehood except that, through the process of properly developed statehood with the rights of the Northern Territory being on an equivalent basis to those of the states of Australia, we would have greater protection over the funds available to the Northern Territory. In the absence of statehood, the financial circumstances of the Northern Territory are at greater risk. The only implication of statehood is that, without it, we have less financial security because, as a territory, we are not party to the Commonwealth states financial agreements. We are not members of the Loans Council. We do not have the protection of the Australian Constitution. We do not have the same rights as the states in terms of raising revenue. As a territory, we do not have the right to income taxes and other taxes collected within the borders of the Northern Territory, as a matter of right. It is not a circumstance in the Northern Territory where the Commonwealth is collecting taxes on our behalf, as it is with the states, as a consequence of agreements reached in the 1940s.

As a territory, we are vulnerable in this particular climate of threats from the federal government of cuts in funding. Over the last 2 years, we have seen the discriminatory financial treatment of the Northern Territory when the federal government reduced moneys retrospectively from our budget in the 1984-85 financial year. Last year, it breached agreements with respect to arrangements on

funding of electricity, to the detriment of the people of the Northern Territory. We had no right to challenge those actions, and we have no right to raise funding separately by semi-government funds or loans, because we are not members of the Loans Council. As a territory of the Commonwealth, we are vulnerable financially and, when it comes to the final analysis, we are at the mercy of the whim of the federal government in respect of our financial and other relationships. That is unacceptable to the people of Australia in this day and age.

I am unashamed when I say that I will fight for statehood and the full equality of rights of Territorians as soon as possible, because it is unacceptable that our government and our citizens should be placed under that sort of threat, whether it be real or imagined, and that we lack any constitutional right to protect ourselves against actions of a federal government, actions which we know it has been and will be prepared to take.

Mr Speaker, I support this motion. My commitment and, I believe, the commitment of my government and my colleagues, is 100% to fight for the full equality of Territorians of all persuasions, all races, all cultures and all religions to create a good, united society in the Northern Territory, but one where we can govern and control our own lives and not be mendicants of southern politicians.

Motion agreed to

15-24/09/87 Parliamentary Record No. 4: 1551-52

Topic: TABLED PAPERS

Subject: Documents Relating to Statehood

Date: 24/09/87

Member: Mr HATTON

Status:**Information:**

Mr HATTON (Chief Minister): Mr Speaker, I table a discussion paper 'A Proposed New State Constitution for the Northern Territory', and information paper No 1, 'Options for a Grant of Statehood' prepared by the Select Committee on Constitutional Development. As Chairman of the Select Committee on Constitutional Development, I table those 2 papers.

The committee was first established in August 1985 and held 3 meetings during its initial stage. It was reconstituted in June 1986 and again in April 1987 and has met at length on 5 occasions. In its later phase, the committee has given major emphasis to the preparation of core documents setting out its views of what might be included in the new state constitution. The documents initially consisted of 4 discussion papers dealing with the legislature, the executive, the judiciary and entrenched constitutional provisions. One information paper deals with the options for a grant of statehood. For ease of handling and distribution, the 4 discussion papers have been consolidated into 1 document. It is the intention of the committee that these 2 papers be distributed widely to the Territory community to form the basis for informed debate. Written submissions on the papers will be requested and the committee will convene meetings throughout the Territory to receive oral evidence. However, the precise details of future meetings and other activities of the committee have yet to be determined.

The committee is due to report to this Assembly by June 1988. In that report, the committee will take into account the comments received from the public on the discussion paper and will make recommendations which will include a draft of a new state constitution. Although, as members will see, there are many aspects of the paper on which the committee has a unanimous view, there are divided opinions on some aspects. Where that occurs, options are included. The section on entrenched constitutional provisions has a somewhat different format from other sections in that, because of the subject matter, few firm attitudes have yet been taken by the committee. Rather, it sets out the types of provisions which might be specifically entrenched in the constitution and invites comment about their appropriateness.

In the information paper on options for a grant of statehood, the committee has unanimously endorsed the use of the section 121 method. That means that an act of the Commonwealth parliament would be used, rather than the national referendum method used under section 128. The

paper also describes the various steps to be taken in the lead-up to statehood.

The committee's endorsement of the 3-stage process of adopting the constitution is also worth noting. The first stage is the preparation of a draft constitution by the select committee, the second is the ratification of a final draft constitution by a Northern Territory Constitutional Convention and the third is a referendum of Northern Territory electors to approve the constitution as ratified by the convention. This will ensure the fullest possible participation by the Territory community. The second step is currently being discussed by the committee, specifically in relation to the composition of the convention. When a decision or options are reached, the community's views will be included in its report to this Assembly.

I would like to congratulate all members of the select committee, past and present, for their participation and contributions. It has been a long and often laborious task to complete this essential preliminary phase of constitution-making. There is still a long way to go but I look forward to the same dedication and enthusiasm in the equally vigorous time that lies ahead. Finally, Mr Speaker, I commend the papers to the Assembly and urge all members to consider them carefully and to provide valuable input to the committee's later deliberations.

Mr Speaker, I move that the papers be printed.

Motion agreed to.

15-24/09/87 Parliamentary Record No. 4: 1553-65

Topic: MINISTERIAL STATEMENT

Subject: Statehood for the Northern Territory

Date: 24/09/87

Member: Mr HATTON

Status:**Information:**

Mr HATTON (Chief Minister): Mr Speaker, I present a statement to the Assembly on statehood for the Northern Territory.

The activity of the Select Committee on Constitutional Development, which I have referred to this morning, is but one element of the statehood program. Much more has been and is being accomplished. The tabling of the committee's papers presents me with an opportunity to acquaint members with a conspectus of past developments and future directions. It has been some time since I have comprehensively addressed the question of statehood in this House.

Many members may recall that, in August last year, I made a major statement on the subject which was subsequently published and widely distributed in the booklet, 'Towards Statehood'. That statement, which sets out both the cogent arguments for statehood and the broad objectives, remains the basis of government policy. On the first sitting day of this Assembly, the government's commitment to the statehood objective was reaffirmed in the Administrator's speech and in my Address-in-Reply. If anything, that commitment has been sharpened and deepened by recent events, particularly the financial treatment of the Territory by the Commonwealth.

While the statehood question has been widely publicised during 1987, under the direction of the Statehood Executive Group, the preparation of the Territory's substantive case for statehood is proceeding steadily. Two discussion papers, Land Options and Minerals and Energy Resources Options, have been tabled already. A third, National Parks Options, has been completed, and I now table that document. As with the earlier papers, it takes the basic position that a grant of statehood to the Territory should place the new state in a position of constitutional equality with existing states. Thus, ownership and control of the present Commonwealth-controlled national parks must be transferred to the Territory. The paper also discusses legislative options for control and management of those parks and the extent to which particular groups could have an input, as well as tenure arrangements in relation to parks leased from Aboriginal land trusts. Related matters such as mining, tourism and fishing are dealt with. Like its predecessors, it will be sent for comment to interested parties.

In due course, it is expected that a further 2 papers will be issued. One will be concerned with the

vexed industrial relations power and will be based on a detailed analysis of the possible options prepared by Sir John Moore, the former President of the Australian Conciliation and Arbitration Commission. That will be finished by the end of the year and I am aiming to table it at the March 1988 sittings. The willingness of Sir John Moore to undertake this task, and his considered advice, will be of inestimable benefit to the Territory.

The remaining papers will deal with financial matters, obviously a crucial issue. I intend to make a major statement on the financial implications of statehood at a later sittings this year when I will canvass all the financial issues. Once the full set of papers is complete, hopefully by the end of this year, Territorians will be able to understand the overall consequences of statehood and, through community input, the Territory's position will be further refined and detailed. With the select committee papers, the documents will provide a solid framework for community participation and debate.

Reaction to the papers already available has not been extensive although, given their import and complexity, that was to be expected. A round of inter-governmental discussions on the land options paper took place last year in Canberra. I am advised that the initial response of Commonwealth officials is currently in preparation and should be forthcoming by the end of the year. Further interchanges among officials will occur on the subject matter of other papers. Inter-official talks have taken place by virtue of the express permission of the Prime Minister, which I was able to obtain during a meeting in October last year. However, the agreement was made on a no-prejudice basis. The Hawke government's public line is that it has no set view on statehood and that it will consider the Territory's bid only when it has received a comprehensive, formal submission. Judged by what the Prime Minister has recently said, the present federal government is not particularly supportive of statehood in the short term. Nevertheless, we should proceed to prepare that submission.

One particular response to the land options paper deserves comment. In January this year, the Northern Land Council issued a document entitled, 'Statehood: a New Threat to Land Rights', which made some general criticism about the government's alleged haste in pressing the statehood policy and its failure to discuss the question adequately with the Territory public. I shall return to those allegations later in this statement, but here I would like to address the more specific criticisms which the Northern Land Council makes of the intention to patriate the Land Rights Act to Territory control. My purpose in doing so is not so much to restate the government's position on land rights and statehood as to demonstrate one of the problems which I face in getting the case for statehood treated with accuracy and sensitivity.

In its paper, the Northern Land Council argues that the Land Rights Act should forever remain with the Commonwealth, that land rights should be written into the Australian Constitution and that a scheme of national land rights should be implemented. If the council had taken the care to read thoroughly either my August 1986 statement or the land options paper, it would have seen that the Territory government has no argument with the latter case. All I contend is that, when the Territory becomes a state, it must be treated in the same way as other states. Thus, in the absence of national land rights, the Territory will insist on patriation. What fundamentally irks me about the land council's paper is its inability, whether deliberate or otherwise, to deal with the government's position without distortion and calculated omission. What the land council paper does is to misinterpret or simply ignore the general principles and the options put forward in the land discussion document as well as

to continue the council's usual jaundiced assault on the government's past performance on, and approach to, land rights.

Given the negativism of groups like the Northern Land Council, and the general confusion and misapprehension within the Territory community about the impact of statehood, there is an urgent need to devise and implement a comprehensive program of education and awareness of statehood issues. Over the past year, some attention has been given to the important task of promoting the statehood objective. Newspaper columns, brochures, talkback sessions and exhibits in the Territory show circuit have been used to distribute information. Much of the essential promotional material - a logo, stickers, a song and an associated video presentation - have been prepared. Moreover, I have travelled widely throughout the Territory, both in urban and rural areas, speaking to community meetings. Invariably, I have been accompanied by Australian Labor Party parliamentarians, a practice fully in accord with the bipartisan support for statehood. Without doubt, I would argue that statehood commands a higher profile as a matter of public interest than it did a year ago. That is not to say, however, that overt support for statehood is significantly higher. Nevertheless, such a heightened awareness constitutes a more receptive climate for later education and debate.

Promotion of the statehood objective varied during the year. During the latter part of 1986, it was most evident and concentrated. In that period, the Law Society conducted a very successful and stimulating conference, the proceedings of which are shortly to be published by the North Australian Research Unit. Two reasons contributed to the virtual cessation of the program earlier this year. The first was the March election. In my view, statehood, because of its overarching significance and its bipartisan support, was not an appropriate issue to immerse in a partisan electoral arena. Secondly, the Statehood Executive Group considered that the promotional aspects of the statehood program were running far ahead of both the development of the substantive case and the work of the select committee. Its opinion, with which I concurred, was that the full scope of the promotion and the awareness program should not be resumed until the case was complete and until the select committee had produced its discussion papers.

One consequence of that decision was the termination of the contract of the public relations consultants in May. Although the work done on the government's behalf by Michels Warren was generally of a high standard, its services were not required in the necessary consolidation period. Whether similar services will be required in future has not yet been determined.

That is the state of play at present. What of the ensuing period? Let me here return to the Northern Land Council's claims of haste and inadequate discussion. I dispute both as they apply to the government's past attitude and to how future programs will be conducted. The government has no intention of forcing statehood on Territorians. We will not be precipitous in our actions and we are committed to the most extensive consultations and negotiations possible. That approach is not only in the wider interest of Territorians, but also of the government itself.

As a demonstration of how seriously the government is committed to community support, I have already accepted the need to have a referendum before proceeding irrevocably with our present statehood policy. That referendum on the sole issue of approval for the government's program will be in addition to one on the new state constitution. It will allow every Territory resident the opportunity to approve or otherwise the move towards statehood. Details of procedures and timing

have yet to be fully developed. I am hopeful that the referendum can be held some time late in 1988 or in early 1989 but it will not be held until we are satisfied that all implications are fully understood throughout the community. I am confident that, once the major issues are explained and understood, Territorians will overwhelmingly support the statehood initiative. Such a referendum is important also in convincing federal and state politicians of the strength and worthiness of the Territory's case. Without it, they may find it convenient to dismiss the matter out of hand.

Between now and the referendum, there will be a concentrated period of public education and consultation. Precise details of the phasing and content of the awareness campaign are now being resolved. When Territorians come to cast their votes on statehood, I want to be certain that they understand precisely the impact of statehood on them, their government and the future political fabric of the Northern Territory. For most Territorians, consideration of statehood will be the most fundamental community project they will ever experience or be involved in. This government and today's Territorians owe it to future generations of Territorians to get the matter right. The final case we make for statehood must reflect what most Territorians want, now and for the future. The only way that can be achieved is by an ongoing and effective dialogue between the government and the people.

That will be the prime purpose of the intensive awareness and consultative process. In particular, the questions of financial implications and land tenure, being those of overriding public concern, will receive special emphasis. Any fears held on these accounts can, I am sure, be more than adequately resolved. At the same time, as I outlined earlier in my comments on the activities of the select committee, it will be pursuing its roles of obtaining community input on the shape of the new state constitution and of promoting awareness of the statehood issue. Its contribution to the educative process will be substantial.

Once the referendum has been successfully concluded, our statehood submission will be sent to the federal government. In the first instance, we will be asking it to make a commitment to Territory statehood, conditional only on the later ratification of the new state constitution by the Territory people. We will also ask for the necessary power to deal with constitutional development by an addition to the regulations conferring executive authority on the Territory government. Then will begin the serious and arduous process of convincing Canberra and the states to accept our case in its entirety and, at the same time, of finalising our new state constitution. I have no way of knowing how long the negotiations will take but I will certainly be looking for a resolution at the earliest practicable opportunity so that the Territory can become Australia's seventh state in the not-too-distant future.

Finally, it would be remiss of me not to comment in this statement upon the remarks upon statehood recently made by the Prime Minister and Minister Brown and reported in the local media. Both seemed to imply that a move to statehood would involve a deterioration in the Northern Territory's financial position. I trust that, on reflection, the Prime Minister and Minister Brown would not support their own statements. Their remarks contradict the principle of fiscal equalisation which underpins the financial arrangements between the Commonwealth and states and the Northern Territory and sit somewhat strangely with the federal Treasurer's statement at the 1987 Premiers Conference that the Territory would be funded for recurrent purposes on a state-type basis from 1 July 1988.

The principle of fiscal equalisation is explained in the current terms of reference for the Commonwealth Grants Commission relativities review, which state that: '... the respective basic general revenue grants to which the states and the Northern Territory are entitled should enable each state and the Northern Territory to provide, without having to impose taxes and charges at levels appreciably different from the levels imposed by other states, government services at standards not appreciably different from the standards provided by other states'.

The Commonwealth Grants Commission is an independent body established to supervise the operation of the fiscal equalisation principle. The Grants Commission recommends to the Commonwealth a specific distribution of Commonwealth funds between the states and the Northern Territory to correspond with their assessed level of needs. The needs of the Northern Territory have been assessed by the Grants Commission in relation to the standard states of New South Wales and Victoria since self-government. Under the fiscal equalisation principle, the relative financial position of the Northern Territory to the states should be exactly the same before and after the granting of statehood. If, as the Prime Minister suggests, the Northern Territory would carry increased responsibilities after statehood, the Grants Commission would assess increased needs and funds from the Commonwealth would rise commensurately. In so far as the Northern Territory has particular needs today which have relevance to the level of funds received from the Commonwealth, provided those funds continue to exist after statehood, the level of federal funding should not be affected by the mere act of statehood.

It is my expectation that, on statehood, the Commonwealth will lift various restraints on the Northern Territory's development, most notably those which inhibit the rational development of the local mining industry. In that event, the Territory's revenue base will be significantly widened and over time this will lessen our dependence on Commonwealth funding. A greater proportion of our budget revenue will be raised locally and proportionately less received from the Commonwealth. In a sane world, this development should be equally welcomed by the Commonwealth and ourselves.

These financial adjustments would occur over time rather than on the day of statehood. In terms of the Northern Territory government's budget, they would be more akin to the shifting of the ballast aboard a ship than a fundamental alteration of course. The important effect of lifting restraints on development would be the impact on the Territory's economy, not on the funds available to the Northern Territory government to provide services.

It may be that, for reasons associated with his own political agenda, the Prime Minister is not keen for the Northern Territory to achieve statehood at an early date. That is his prerogative. He should not attempt to influence the course of the debate by claiming that Territorians will have to pay some sort of financial premium for statehood. Such a claim cannot be substantiated. When the Prime Minister considers the matter carefully and objectively, I anticipate a rather different judgment will be formed. Whether that will be politically expedient for the Prime Minister is, of course, another decision. I do agree with the Prime Minister on one thing: that statehood is 'a matter first for Territorians and their government'. I have faith that most Territorians will soon share my vision of the constitutional future of the Northern Territory.

Mr Speaker, I move that this statement be noted.

Mr SMITH (Leader of the Opposition): Mr Speaker, the Chief Minister's disgraceful performance at the end of question time this morning really highlighted what is rapidly becoming the major concern about statehood for the Northern Territory: the competence and the ability of this present government to become managers of a new state.

What we heard from the Chief Minister this morning in question time was a disgraceful attempt, in spite of evidence indicating that there was no substance for his accusations, to wrongly criticise a significant group of people in the Northern Territory. I refer the Chief Minister to the front page of last night's NT News where there is an assurance from the publicist for the 'Evil Angels' movie that the \$1m alleged to be the fee for filming at Uluru is 'sheer speculation'. He went on to say that negotiations between the movie maker and the Uluru people were continuing amicably. The only basis for the Chief Minister's outburst was an allegation that a fee of over \$1m was being charged. That notion came from the fertile imagination of the member for Araluen, who was quite significantly rebutted by the publicist for the movie. The Chief Minister, however, used that as the basis for another attempt by this government to knock Aboriginal people, in this case the traditional owners of one of our major national assets.

Now, 2 minutes later, he has given a statement which asks traditional owners at Uluru and other Aborigines in the Northern Territory, to trust him with their land and their interests.

The problem that the Northern Territory government has on the question of statehood at the moment is that every time ministers open their mouths on Aboriginal issues, they cannot resist sticking the boot in. In return, they expect to get the trust of Aboriginal people and their support for statehood. Without any prompting at all, people on this side of the Assembly reacted by saying that the Chief Minister's actions in question time today have significantly set back the case for statehood in the Northern Territory.

I want to tell the Chief Minister that we are putting on hold our bipartisan approach to statehood. We intend to go away and reassess it. What will be very important to us when determining whether we will resume our bipartisan approach, is some guarantee that Aboriginal people in the Northern Territory will be treated with equity and fairness and that they will not be treated as outsiders to be held up for criticism, ridicule and attack at every possible opportunity for the political convenience of the members opposite. If we get that guarantee, we will come back and pursue the road towards statehood.

The approach of the government was exemplified in the Chief Minister's reference, in his statement, to the 'jaundiced assaults' made on the Northern Territory government by the Northern Land Council. I put it to you, Mr Speaker, that it is hardly a one-way street. Almost every Aboriginal land claim has finished up before the High Court where the Northern Territory government has lost every one of them. That approach would tend to make anybody fairly jaundiced. Another example was the government's opposition to the traditional owners involved in the Jawoyn land claim, a group of people who had indicated that the Conservation Commission could continue to run the park if it became Aboriginal land. The Northern Territory government pooh-poohed that suggestion. In this Chamber we have heard members opposite vilify prominent Aboriginal people like Pat Dodson, for no reason. And, of course, this morning, we witnessed the latest example of this completely

unnecessary and unwarranted vilification of 23% of the Northern Territory population.

The hardest job in selling statehood to the people of the Northern Territory is convincing them that the current government, if it were to govern after statehood, would govern in the interests of all Territorians. To date, I think we have heard some pretty convincing evidence that that will be very difficult for the present government to do.

Considerable work has been done on statehood so far, and the opposition has participated in it. The result of that, as you have seen, Mr Speaker, is the 5 discussion papers that have been presented. Those discussion papers are directed towards the mechanics of statehood. I think it is fair to say that the mechanics of statehood are not difficult. With the will and some resources, it is a fairly easy proposition to put in the necessary infrastructure, including a constitution, that would enable statehood for the Northern Territory. That is the simple part and that process is well advanced. The difficult part is convincing people that it is a good and desirable thing to do. That is difficult because the people of the Northern Territory are being asked to agree that a Northern Territory state government should have control of sensitive matters like land rights, national parks, industrial relations and uranium mining, to nominate the 4 key controversial issues.

I have consistently put the opposition view that, at some stage, the Northern Territory should expect to have constitutional equality with the rest of Australia. I have consistently said that we should be aiming for that goal. However, I say again that it is very difficult to advance that goal among the population of the Northern Territory when we have outbursts from the Chief Minister such as the one we have heard today. That is the major problem. This morning the Chief Minister talked about a referendum and a timetable and indicated that he wished the referendum to take place in late 1988 or early 1989. Even before his outburst this morning, that would have been difficult enough to achieve. It now becomes almost impossible.

The problem with the referendum is that people will not buy a pig in a poke. People will want evidence that the major issues are well on the way to being resolved. They will want to know, even at the initial referendum stage, what the financial implications are. They will want to know what arrangements are to be put in place to protect the interests of Aboriginal land owners and what arrangements will be put in place to protect national parks. The answers will have to be substantially clear before even the first referendum. I believe that the Chief Minister's suggested timetable does not allow enough time for this to occur.

The Chief Minister has consistently said, in relation to statehood, that there are no problems with the financial arrangements. I have equally consistently said that it is too early to make that judgment. I have no disagreement with his analysis of the fiscal equalisation scheme but he has omitted a couple of important things. One is that the Grants Commission has been given a charter by the federal government to examine financial relationships between the states and the federal government and the Northern Territory and the federal government. Its report is not due until March 1988. Even at that general funding level, we will not have a definitive answer setting out future funding arrangements inside or outside statehood.

The other problem which has not been addressed is the financial arrangements that will accompany the handover of responsibilities for national parks, Aboriginal land and industrial relations. Like it or

not, Mr Speaker, our national parks in particular are funded at quite generous levels, certainly at a higher level than occurs in the case of national parks under the control of existing states. Funding arrangements which would apply after statehood have not even been discussed yet. It is certainly very premature indeed to suggest that there are no financial implications for statehood, when the funding arrangements for the functions to be transferred have not even reached the negotiating table.

Another matter relating to finance is the suggestion made in some quarters that the Territory's revenue-raising is only marginally below Tasmania's. This year's budget indicates that we expect to raise 21.6% of our revenue from our own resources. Tasmania's figure for the financial year was 44%. In other words, Tasmania raises twice the amount of revenue that the Northern Territory does. I point that out because it is being argued in support of statehood that our internal revenue-raising are close to Tasmania's. That is far from true. The fact that we only raise 22% to 23% of our own revenue may well be a matter of some interest in the arrangements pertaining to statehood which will place additional pressures on us to endeavour to lift our internal revenue-raising effort in some way.

Mr Perron: How relevant do you see that being?

Mr SMITH: I make the point to set the argument straight. It is relevant in the sense that, in my own personal view, there will certainly be pressure on the state of the Northern Territory, whatever it is called, to increase the percentage of the revenue that it raises itself. I think it is unrealistic to expect that any federal or state government would be prepared to allow us to continue raising only 22% to 23% of our own revenue and to call ourselves a state. That is the point that I am making.

The other comment that is often made, and again not by the government, is that if only we had control of uranium royalties, our financial problems would be resolved. I will set out the facts about uranium royalties, Mr Speaker. Currently, the Commonwealth receives about \$18.7m in uranium royalties from the uranium industry in the Northern Territory. About \$4.4m to \$4.7m of that amount is returned to the Northern Territory as a royalty in lieu. The remaining \$14m goes into the Aboriginal Benefits Trust Account and is distributed to Aboriginal organisations in the Northern Territory. Like it or not, the fact is that the money that the federal government collects from uranium royalties at present is returned to the Northern Territory in one manner or another. It is not going into consolidated revenue in Canberra. The attainment of statehood will certainly not bring us a windfall in respect of uranium royalties.

A further point I want to make, one some members opposite will have trouble coming to grips with, is that one of the significant barriers the present Northern Territory government will face in persuading people in the south to give us statehood is its attitude towards the vexed question of mining in stage 2 of Kakadu National Park.

Mr Perron: There is no stage 2 any more, is there?

Mr SMITH: As far as I am aware, there is.

The wilder comments of the Treasurer and Minister for Mines and Energy last year about mining in stage 2 in Kakadu will not be forgotten in a hurry. Stage 2 of Kakadu and its World Heritage listing

is an important Australian national issue. The environment movement was extremely significant in deciding the outcome of the recent federal election. It undertook a very effective and scientific campaign which targeted a number of marginal seats. The result was the election of at least 3 federal Labor candidates who otherwise would not have got up. The environment movement's assessment in the 11 marginal seats where it was directly involved, all of which returned a relatively higher Labor vote than those where the movement did not make such an effort, was that up to 15% of people who voted Labor voted the environment ticket rather the Labor ticket in terms of preferences.

What I am trying to say is that I think everybody is starting to realise that the conservation movement in Australia is a vital and a growing force. There is no doubt in my mind that it will become an even more important force in the next few years. We can see it happening in decisions over rainforests in Queensland and, of course, the Franklin Dam. Hard-headed politicians like Senator Graham Richardson do not take up the environment message out of the goodness of their hearts. Graham Richardson does not have a heart; he has a counting machine where his heart should be. He has made the assessment that the environment movement will become stronger. In federal political terms, it may well hold the key to a large number of marginal seats in the next election. If the Northern Territory government is not prepared to modify its extreme stance on the question of mining, particularly in Kakadu stage 2, it will have an enormous problem convincing people in the south that we should have responsibility for statehood in the Northern Territory because it will mean mining great national parks like Kakadu. I think the government needs to take that message to heart because it will be one of the major factors which determines attitudes to statehood for the Northern Territory.

Mr Speaker, the first steps in the statehood debate have been taken. They are significant steps. We now have 5 discussion papers before us. We also have 2 or 3 option papers for people in the Northern Territory and elsewhere to consider. The discussion papers have not been put together unanimously but there has certainly been broad agreement on most of the important provisions. That is obviously a positive step in the march towards statehood. What has to happen now, quite clearly, is some genuine community debate about the virtues and pitfalls of statehood. Hopefully that process will start. The easy job has been done. As I said, it is very easy to put together a series of discussion papers which basically spell out what should go in the constitution, how the judiciary and the executive should be set up and so forth. The hard part is coming to grips with the emotional issues that surround the question of statehood. At times, they are very emotional issues. The 2 main ones are national parks and land rights and I have already made some comments on them.

Another important issue is industrial relations. Very little thought has been given to industrial relations and the industrial relations power but it is an issue that will be of vital importance. As a result of the recent public service debacle many people, particularly public servants, will take a greater interest in it than they otherwise would have. I welcome the government's appointment of Sir John Moore to investigate the industrial relations options. If the Territory is to achieve full statehood, it must take over industrial relations powers. In that context, I hope an arrangement can be arrived at which will allow the delegation of those powers back to the Commonwealth Conciliation and Arbitration Commission. That would be an eminently sensible approach to take to industrial relations but only time will tell whether it is feasible or not. It is one of the areas where additional work needs to be done before we can put the question of whether Territorians are in broad support of statehood to an early referendum.

There is no point in going for an early referendum without having addressed this matter of the transfer of powers in some detail and provided some general answers.

Let me conclude by saying that it is most unfortunate that the Chief Minister's remarks in question time have coloured this debate today. It is important to keep one's eye on the main objective. No one disagrees with the main objective, which is equality under the Australian Constitution, but I point out to the Chief Minister and ministers opposite that every time they get stuck into segments of the Territory population without justification and without any basis for doing so, they make the job of selling statehood much harder.

They are making our job on this side of the House particularly difficult because members on this side represent the majority of Aboriginal constituents in the Northern Territory. It is we who have to sell, on a bipartisan basis, the benefits of statehood. If we are going to continue to do so, we must be convinced in our own minds that there are general benefits and that the whole exercise is not simply an excuse to get rid of some existing rights for groups within the community. We will not be convinced of that and will not be able to convince our constituents of that until we can see continuing evidence of the government acting in good faith and being prepared to act and govern on behalf of the interests of all Territorians instead of, from time to time, using one group against another to score cheap political points.

The government's major task in persuading people that statehood is a good and desirable thing is for it to convince them that it is a government which can administer the future state on behalf of all Territorians. That is the challenge. It will not get anything through a referendum. If statehood is to occur before the next election, the government must meet that challenge and convince people that it is fit to lead a new state.

Mr BELL (MacDonnell): Mr Speaker, the Chief Minister's statesmanlike offering on statehood was in distinct contrast to his extraordinary behaviour in question time this morning. It is fortunate that I was able to enjoy a pleasant ham roll and a cool drink in the Mall, followed by a cup of black coffee. That ensures, Mr Speaker - and I am sure it will bring you considerable pleasure to hear it - that the steam is no longer pouring from my ears.

Suffice it to say that the Chief Minister cannot introduce into this Assembly a ministerial statement on statehood and pretend that the statesmanlike pronouncements it contains can be considered in isolation. I do not intend to dilate on the absurd behaviour that the government has indulged in over the last 36 hours about the prime tourist asset in the Northern Territory. Setting aside the associations of Uluru for my constituents, whose ancestors lived in the area for some 40 000 years, let us just look at it as an economic asset. The member for Araluen's comments were absolutely outrageous. I responded to them in last night's adjournment debate and I do not intend to say any more about them. However, when the Chief Minister of the Northern Territory suggests that our march towards statehood is entirely unimpeded by his lending himself to exactly the same smear campaign, he has to realise that people on this side of the House and people in my electorate consider that he seriously derogates from the statesmanlike attitude that he purports to adopt.

I will not say any more because I will become more angry. If the Chief Minister believes that the

opposition will continue, ad infinitum, to cooperate in a bipartisan approach to statehood, he has another think coming. The fact is that the statehood scoreboard is not looking too flash at the moment. I made a few notes while the Chief Minister was speaking and I calculate the scoreboard at about 4 to 1 against and whether this is half-time or quarter-time I am not too sure. I intend to dilate - and I note that the Attorney-General has problems with that word - at some length on this current score, which may be even worse if all the factors are taken into account. Because of its approach to date, the score is running well and truly against the government.

Honourable members will recall that, earlier in these sittings, the opposition mounted a scathing attack on the government about its land dealings, which have been a scandal in the Northern Territory community. Members opposite can stand up here as often as they like and suggest that everything is above board but nobody outside the House agrees with them. I made exactly that point in the debate on a matter of public importance earlier this week when I said that, if the government expects people around this country to take the question of statehood seriously and to regard this legislature as responsible, this government's administration of the Northern Territory has to be perceived as above board. Putting political partisanship aside, when the government's own supporters in the business community start to accuse it of behaving in a way that transgresses every concept of fair trading, there is something wrong. Surely even this government has to realise that that constitutes a point against statehood. Statehood is 1 to 0 down.

I now want to mention one point in favour of statehood. It will be debated later so I will not discuss it at length now. I am referring, however, to the matter about which I was interviewed on ABC radio this morning: this legislature's handling of the Chamberlain case. I do not believe that I am breaching standing orders by raising this because it is apposite in this debate to mention that the amending bill before the House is landmark legislation. We are leading the way in a particular area of law reform. It will not apply to a great number of cases, but it is to the credit of this legislature and members opposite that they have taken steps, in respect of the Chamberlain case, of which everyone in this Assembly can be proud. We can all be proud that we have introduced landmark legislation. One's personal feelings about the case and its history are not relevant in terms of the impact of this legislation in relation to how the administration of justice in the Northern Territory is perceived around the country. It is certain that the administration of justice in the Northern Territory will be seen in a positive light as a result of this legislation. That is a point for statehood and it makes the score 1 all.

Unfortunately, the Territory has lost many points in other areas. I have already referred to the Chief Minister's outrageous behaviour in allowing himself to become involved with the member for Araluen's effort to leap onto the frontbench on the basis of unsubstantiated allegations - which are incapable of being substantiated - about the administration of the Territory's premier tourist resort. The Chief Minister, great statesman that he is, has corroborated the allegations of the member for Araluen. He has been denigrated by the very people who are producing the movie.

I appreciate some of the other comments that the Chief Minister has made in that regard. I was standing in this very place in June and I congratulated the Chief Minister for his refusal to bring the issue of Aboriginal land rights into the March election. But, by golly, any brownie points he might have won there have gone down the drain as a result of performances like the one we saw today. The problem is that he cannot control the backwoodsmen on the backbench - or the frontbench for

that matter. That leaves the score at 2 to 1 against statehood.

Let us now look at the government's obsession with the private sector and the consequent attack on the conditions of working people. There is a huge irony in this because the vast majority of the work force in the Northern Territory, including almost everybody in this building at the moment, are paid from the public purse. The majority of people on the government side have spent most of their working lives in public-sector organisations. The point I am trying to make is that, until this government ceases its attack on the conditions of working people and comes to a sensible understanding of the relationship between public and private-sector endeavour, the cause of statehood will be no further advanced. That puts the score at about 3 to 1 against.

Mr Speaker, the fourth point against the cause of statehood is not something for which the government is entirely responsible. I refer to the fourth estate, which is made up of the people who report what happens in public life in the Territory. I refer to the people who work for the Australian Broadcasting Corporation, NTD8, 8DN, 8HA, the NT News, the Centralian Advocate and regional newspapers in Katherine, Tennant Creek and Nhulunbuy. Perhaps, for the benefit of the member for Koolpinyah, I should throw in the Litchfield Times. The fact of the matter is that the fourth estate in the Northern Territory is immature. It is in a state of growth.

I am not making allegations of bias. Let us take the example of the NT News, which is a newspaper serving the Northern Territory. It is a daily newspaper that we receive in Alice Springs the day after it is published. We cannot get it on the day it is printed. By the time we are able to read it, it is inevitably out of date. I think that is one of the problems with the NT News. Let us bear in mind that it is the chief organ for debating what happens in public life in the Northern Territory. It would be very easy for me to stand up here and say that its editorial line is this or its editorial line is that. Given the fact that the Australian Labor Party, which is a vigorous opposition in the Northern Territory, is continually discounted by the NT News, it is fairly difficult for me not to slam its editorial line.

A problem that we have in any move towards statehood is that there are still only 160 000 of us in the Territory. We have a newspaper that has to produce an edition 7 days a week, bar 1 or 2 public holidays, 365 days a year. It is very difficult to dig up a 72-point headline 7 days a week from a population of 160 000. The inevitable result is that the NT News has to stick in the boot to make its content exciting, otherwise it would just become a parish-pump paper or a rehash of *The Australian*.

Mr Speaker, I trust the seriousness of my comments in this regard are being taken on board. It is not simply a matter of persuading the Liberal Party, the National Party and the federal Labor Party that statehood for the Territory is a worthwhile objective. It is not simply a matter of getting members opposite to adopt a mature attitude towards public debate. It is also a matter of looking critically at the type of information that is put to Territorians. I would suggest that there are real problems in that regard. I do not believe that we get a balanced public debate or that the 2 sides of the political fence are given a fair run and, in the statehood debate, the Chief Minister cannot ignore that.

Mr Speaker, just to corroborate my point, I will give you an example from the Barkly by-election. With the amount of money it spends on advertising in regional newspapers, the government is able to command extraordinary control over their content. The most recent example is the Tennant and

District Times. If anybody suggests that my argument is fanciful and born of paranoia, I recommend that they just check out the edition of the Tennant and District Times that appeared before the Barkly by-election. For anybody who is interested in constitutional development and the development of a mature policy in the Northern Territory, it cannot be ignored. I suggest that that is just a more dramatic example of what happens elsewhere, so let us not forget the fourth estate.

Mr Speaker, as we stand here on 24 September 1987, the statehood scoreboard is not looking flash: it is 4 to 1 down. I am prepared to hear arguments to the contrary, but things are not looking too good as far as I am concerned. It is a huge irony that, on the very day that the Chief Minister decides to introduce a statehood debate, we have an incident like the one which occurred this morning in question time. It beats me how he could stand up here and deliver his statement with a straight face after he had lent himself to such an extraordinary attack on the legitimate interests of Aboriginal people in my electorate as was made by the member for Araluen. I thought the honourable Chief Minister was, indeed, honourable and had better instincts than that. I honestly believed that he had a genuine interest in making sure that the Territory continued to be the various place that we know it to be and that self-government in the Northern Territory was about recognising the diverse aspirations of Territorians; that it recognised the diverse aspirations of Aboriginal people in the Northern Territory. It made me sick when I saw the Chief Minister get up and give us the sort of nonsense he gave us this morning. It took me back to the bad old Everingham days. In fact, I will make the score 5 to 0.

23/2/88-3/03/88 Parliamentary Record No. 7: 2848

Topic: MOTION**Subject:** Select Committee on Constitutional Development**Date:** 03/03/88**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Chief Minister) (by leave):

Mr Speaker, I move that the time for reporting by the Select Committee on Constitutional Development be extended for a further 12 months.

The Constitutional Development Committee was required to report within 12 months of its reformation at the beginning of last year. It would therefore be required to report by the next sittings. The committee was to have carried out a considerable amount of its work by that time. It is the request of that committee that it be given a further 12 months to properly carry out the tasks that were established under the terms of reference.

Motion agreed to.

17-26/05/88 Parliamentary Record No. 8: 2985

Topic: STATEMENT**Subject:** Discharge of Members from Service on Committees**Date:** 17/05/88**Member:** Mr SPEAKER**Status:****Information:**

Mr SPEAKER: Honourable members, I have received letters from certain members seeking their discharge from further attendance on committees as follows: Mr Poole from membership of the Publications Committee, the Public Accounts Committee, the Standing Orders Committee and the Subordinate Legislation and Tabled Papers Committee and the Sessional Committee on the Environment; Mr Harris from membership of the Public Accounts Committee; Mr Palmer from membership of the Select Committee on Constitutional; and Mr Firmin from membership of the Sessional Committee on the New Parliament House.

17-26/05/88 Parliamentary Record No. 8: 2986

Topic: MOTION**Subject:** Resignations from and Appointments to Parliamentary Committees**Date:** 17/05/88**Member:** Mr COULTER**Status:****Information:**

Mr COULTER (Leader of Government Business) (by leave): Mr Speaker, I move that:

- (1) the member for Araluen be discharged from further attendance on the Publications Committee, the Public Accounts Committee, the Standing Orders Committee, the Subordinate Legislation and Tabled Papers Committee and the Environment Committee;
- (2) the member for Port Darwin be discharged from further attendance on the Public Accounts Committee;
- (3) the member for Karama be discharged from further attendance on the Select Committee on Constitutional Development;
- (4) that the member for Ludmilla be discharged from further attendance on the Sessional Committee on the New Parliament House; and
- (5) members to be appointed to those committees as follows: the Publications Committee - Mr Dondas; the Public Accounts Committee - Mr Setter and Mr Reed; the Standing Orders Committee - Mr Coulter; the Subordinate Legislation and Tabled Papers Committee - Mr Hanrahan; the Sessional Committee on the Environment - Mr Firmin; the Sessional Committee on the New Parliament House - Mr Finch; and the Select Committee on Constitutional Development - Mr Harris.

Motion agreed to.

16-25/08/88 Parliamentary Record No. 9: 3813

Topic: STATEMENT

Subject: Letter from Member for Port Darwin

Date: 24/08/88

Member: Mr SPEAKER

Status:

Information:

Mr SPEAKER: Honourable members, I have received a letter from the member for Port Darwin, Mr Harris, requesting his discharge from further attendance on the Select Committee on Constitutional Development.

16-25/08/88 Parliamentary Record No. 9:3813-3818

Topic: MOTION
Subject: Terms of Reference of Select Committee
Date: 24/08/88
Member: Mr PERRON
Status:

Information:

Mr PERRON (Chief Minister): Mr Speaker, I move that:

- (1) the resolution of 28 April 1987 establishing the Select Committee on Constitutional Development be varied as follows:
 - (a) omit from paragraph 3 the words 'the Chief Minister, the Leader of the Opposition' and insert in their stead 'Mr Hatton and Mr Leo'; and
 - (b) omit paragraphs (4) and (5) and insert in their stead:

'(4) the Chief Minister and the Leader of the Opposition, although not members of the committee, may attend all meetings of the committee; may question witnesses; and may participate in the deliberations of the committee, but shall not vote'; and
- (2) Mr Harris be discharged from further attendance on the committee and Mr Firmin be appointed in his stead.

Mr SMITH (Opposition Leader): Mr Speaker, the opposition supports this motion. Although, on the surface, it is simply changing members of a select committee, it is much more important than that. It signals a significant change of attitude on the part of the new Chief Minister, and presumably his colleagues, on the pace of constitutional development and statehood. It seems to me - and the Chief Minister can feel free to disagree with me later - that what he is saying is that he sees the quest for statehood as being a longer quest and a harder quest than the previous Chief Minister did. I must say that I welcome that touch of realism that the new Chief Minister has brought to the matter of attaining statehood. In fact, we are now going back to a more bipartisan approach to the whole question of statehood than we have had over the last 12 to 18 months.

It has been the attitude of the Labor Party for quite some time that statehood is obviously a desirable constitutional objective to work towards. Quite clearly, no one can argue about the need for the Northern Territory to end up on an equal constitutional basis with the states of Australia. The difference that we had with the previous administration - although it was not often publicly expressed

- was about the speed of achieving that. It has always been our view that it will be a hard job. It will be a difficult task, firstly, to persuade the people of the Northern Territory and, secondly, to persuade the rest of Australia, that there are advantages in the Northern Territory becoming a state. It has always seemed to us that there are basic questions relating to the population size of the Northern Territory that have to be addressed first.

I am pleased that the Chief Minister seems to have adopted that basic attitude. It is important that we continue talking about the issues surrounding statehood. Quite clearly, one of the most important issues is the question of developing our own constitution. That is why we on this side of the House do support the ongoing work of the Select Committee on Constitutional Development. The exercise that we have been through in the Select Committee on Constitutional Development indicates what a hard task that committee has in front of it.

As a recent member of the committee, I have been involved in hearings throughout the Northern Territory - not that I was at every one of them - and, apart from Darwin, where we received a large number of contributions of which some were very significant indeed, there has been limited interest in and limited understanding of what is involved in the development of a constitution for the Northern Territory. The feeling of people on this side of the House was that, before we could advance too much further down the track of constitutional development for the Northern Territory, there had to be an intensive and extensive education campaign for the public of the Northern Territory on the issues involved. That education campaign has to take place not only in Aboriginal communities but also in the urban communities of the Northern Territory because, at present, there is very little interest in and less understanding of the issues involved in constitutional development. I hope that the select committee will now see the removal of any pressure that was placed on it to move hastily and that it can make its own judgments about the appropriate pace for developing arguments and the seeking of the opinion of Territory people on the question of constitutional development.

In conclusion, let me say that I appreciate the priorities that the Chief Minister is setting for himself and for his fellow Cabinet ministers. There is no doubt that, in a very real sense, we need all hands on the wheel to attempt to get the economy of the Northern Territory moving again. Statehood would be much better addressed in the context of an economy that is moving along briskly and a government that is seen to be administering its affairs well in the Northern Territory. Unfortunately, we have not had those 2 things happening in the last 12 to 18 months. I hope that, in the interest of the Territory, the decision that the Chief Minister has taken to take himself and the Minister for Education off the select committee will give them more time to devote themselves to what, for most people in the Territory, are the real issues at the moment: getting the economy moving, creating some more jobs and containing the cost of living.

Mr EDE (Stuart): Mr Speaker, apart from the member for Arnhem, I am the only member who has been continuously on the committee since the beginning. There is no doubt that this committee has been downgraded substantially. We have moved from a situation where we had the Chief Minister and the Minister for Education on the committee to a situation where we are to have the member for Ludmilla and the member for Nightcliff. Mr Speaker, that is a downgrading, make no bones about it. When I first heard that that was to occur, I was disappointed and angry. I felt that it was a slur on a committee which I believe has a primary role to play in our advancement towards statehood. Statehood is not a subject which I scream about from the rooftops. I see it as a process that we

need to approach by a series of steps. Fundamental to that is the development of a constitution which reflects the type of society that we wish to have in the Northern Territory.

However, I was able to step back and look at the situation. If you look at it realistically, the Northern Territory populace needs to undergo a period of learning in respect of this matter. People have to learn about the concepts involved and what statehood means. They need to learn that it is not just a word, that it actually does have meaning in relation to institutions and that we can mould the institutions which we wish to have for the foreseeable future as a state. It is probably no bad thing that, having been downgraded, the committee will now look at concepts of political education, distinguish political education from party education and determine how it can inform people what our institutions are, where they came from, how they developed and how they intermesh with each other. It then needs to obtain feedback from the people. In the long term, the downgrading of the committee may prove to have been a good thing. I certainly hope so.

Mr HARRIS (Education): Mr Speaker, I had not intended speaking in this debate but I am concerned about the remarks that have just been made by the member for Stuart, particularly his reference to what he perceives as the downgrading of the the Select Committee on Constitutional Development. I do not see things in that light at all. As the shortest-serving member of the committee, I totally reject his comments in relation to the membership changes.

I have enjoyed working with members of my side of the House and the opposition on the vital issue of establishing a constitution for the Northern Territory. It has been a difficult task, as I am sure all members who have attended the hearings would be aware. I have found myself in a very awkward position in trying to put forward the case in a fair manner and, to some extent, I believe that it has compromised my position in respect of the portfolio that I hold. That is why I told the Chief Minister that, as Minister Assisting the Chief Minister on Constitutional Development, I should not be acting in the role of Chairman of the Select Committee on Constitutional Development. The change in committee membership had nothing to do with a so-called downgrading of the committee. It is very important that the committee be able to continue to work in the manner that it has. I am disappointed that the member for Stuart has seen the moves that we have put forward today as a downgrading of the committee. That is a nonsense.

On occasions during the course of committee hearings, I have put forward the view that we could have gone about the process in a different manner. Like the member for Stuart, I believe that it is necessary for us to promote the discussion of statehood in the community so that, when committee members arrive in communities for hearings, people are aware of what the issues are. We found in some of the communities that we visited that people did not have any idea of what we were on about. That was disappointing but I believe that the matter has been rectified.

Last week, the member for Barkly raised the issue of politics in education. The Department of Education is looking at the matter but it is difficult to present the statehood issue in a fair manner so that it is not picked up by a teacher who has a particular view for or against statehood. We have to develop a program which will allow students to discuss this very important issue in a fair manner. I have indicated that, as Minister for Education, I will be pursuing that exercise with a view to having programs introduced into the school system in the not-too-distant future.

Mr Speaker, I wish the committee well. I totally reject the suggestion by the member for Stuart that it is being downgraded. That is a slur on the committee and I totally reject it. The committee has a very important role to play and I believe that its members will be able to carry out their duties effectively and will obtain input from the community so that we are able to debate the issue again in this Assembly at a later stage.

Mr SETTER (Jingili): Mr Speaker, I must say that it does not surprise me that the member for Stuart is a disappointed and angry man. Being Deputy Leader of the Opposition would in itself be enough to try anybody's patience. It does not surprise me at all. When he indicates that, in his opinion, the role of the committee has been downgraded, that does surprise me. Coming from a socialist, that displays a very elitist attitude. It was probably nice for the member for Stuart to sit on a committee that was chaired by the Chief Minister and, later, a minister. I can understand why he would want to be on that committee. However, the fact that we no longer have a minister on that committee in no way downgrades its role.

The reality is that the majority of the hard work done behind the scenes in preparation for our various committee meetings has been done by the excellent support staff that the committee has had over the past several years. They are the people who attend to the nitty-gritty. They do the research and produce the reports for consideration by our committee. Whether it is chaired by a minister or whether it is made up of members of the backbench of this government is not important. The fact is that the work is being done, and it will continue to be done regardless of who sits on that committee and regardless of who chairs it.

There is no doubt that the committee has a difficult role and that it will continue to be difficult for however many years it takes us to reach a satisfactory conclusion. I think we have all come to realise - and perhaps we did not realise it 3 years ago - that this is a very complex matter indeed. It is not something that we can rush into; it is something that we have to work through slowly. When we do it, we must do it correctly. We must get it right, and that is what the committee is about. If it does take us several more years, so be it. I think this present move is very wise because the committee requires a chairman who has the time to devote himself to it. The Chief Minister or a minister does not have the time to do that, but a person on the backbench does have the time to do justice to the job. I believe that is a move in the right direction. In fact, the committee will include the member for Nightcliff who, as the Chief Minister, chaired that committee in the past for 18 months or 2 years. He has a considerable knowledge of the subject. I am quite sure that the member for Nightcliff will do an excellent job in his future role on that committee.

Before I close, I would like to pay tribute to the Minister for Education who, in the short time that he chaired the committee, acquitted himself extremely well in the face of a fair amount of criticism, particularly from supporters of those opposite. We held a number of public hearings during that term which were not favourably reported in the media. Much of that criticism was totally unjustified because the media did not understand the task at hand in those public hearings. Nevertheless, I thought the honourable minister made a considerable contribution during his short stay on the committee and I would like to pay tribute to his efforts.

Members: Hear, hear!

Mr HATTON (Nightcliff): Mr Speaker, I rise to express my extreme personal pleasure at having the opportunity to be able to continue as an active member of the Select Committee on Constitutional Development.

The issue of statehood has been a matter of serious personal concern and desire for me since 1974. It was an issue on which I came into politics. I cannot express more strongly my desire and determination to contribute what I can in order to see not only that the Northern Territory as a political entity but, more importantly, that Territorians achieve their true and proper status as equal Australians. Part of that function is the work to be carried out by this parliamentary select committee. Obviously, the structure of what the Northern Territory will be when it becomes a state will depend on the basis, the format and the provisions that are embraced in the Northern Territory's own constitution.

The member for Stuart and other members are right in saying that the public at large does not understand the issues. It is a complex and confusing matter. In many respects, it frightens people. I do not think anybody in Australia knows the answers to all of the questions, and I have no doubt that, in our march towards finally achieving the goal of equality in Australia, we will find ourselves in the High Court of Australia having the Australian Constitution interpreted to clarify what can and cannot be done, and how certain things can be carried out.

In that process, I believe that this committee has an important role to play in assisting the people of the Northern Territory to understand the issues involved, particularly the constitutional issues that are involved, and to develop a draft constitution which will eventually be presented to a constitutional convention of Territorians and a referendum of the people of the Northern Territory. This is a unique opportunity in Australia's history - and one that is unlikely ever to occur again - for the people to take part in completing the task of federation. It is an opportunity that will occur only in the Northern Territory. It will not occur again in Australia unless some future generation decides to become expansionist and starts acquiring islands or offshore areas. I do not believe that is, in any sense, a possibility. This will be our chance to consider what sort of future society we want for ourselves and our children. Many of the issues have been and are being addressed and, without doubt, in the ongoing process of meetings, consultations and discussions around the Northern Territory communities, issues will be debated and there will flow from that a view as to what Territorians want their new state to be like.

Personally, I cannot think of a more valuable or vital role for a member of this Assembly to take part in. I have enjoyed working on the committee with members from both sides of the House and I certainly look forward to a continuing and productive role in what we all recognise to be a vitally important task for the long-term future of our Territory.

Mr PERRON (Chief Minister): Mr Deputy Speaker, if I were a sensitive person I might take offence at some of the remarks of members opposite. There are some 5-minute Territorians who would like to imply that I have a lesser commitment to statehood than any other person in this House. Mr Deputy Speaker, I have seen Commonwealth rule. I lived through it for a long time.

Mr Coulter: You don't mean Wes and Stan.

Mr PERRON: I certainly exclude the members for Arnhem and Arafura from my remarks about 5-minute Territorians. Mr Deputy Speaker, I lived here when the Commonwealth administered the Territory. I was very proud indeed to play a part in the achievement of self-government for the Northern Territory. Self-government cost my political party fairly dearly. I was not one of the losers in that exercise although colleagues of mine at the time were. That was unfortunate but it was the price that some people paid for the advancement that self-government brought to the Territory, and a very significant advancement it was.

I hold a vision of statehood for the Northern Territory. I know that, for the Northern Territory ever to achieve its potential to contribute significantly to this country, it must have statehood. The Territory deserves statehood and I become incensed when ignorant people say to me: 'How can you have statehood while you have a population or an economy like the Northern Territory's?' The population and the economy of the Northern Territory are irrelevant to our just cause for statehood. In the context of the enormous hurdles that we have to overcome on a broad range of issues, nobody has to tell me about the advantages of statehood. I would have it tomorrow. I would have had it last year or the year before. I have always eagerly sought statehood for the Northern Territory, and I feel the same today. I share the views of the member for Nightcliff in relation to statehood.

The changes to the membership of the Select Committee on Constitutional Development do not represent a diminution of the government's commitment to statehood. The government members newly appointed to the committee will be able to devote far more time and energy to the committee's deliberations than could myself or the Minister for Education. Attempting to match my itinerary with that of the committee would merely hamper its work.

The committee ought to develop a 12-month program setting out what it will do, where, why and how. In his former role, the member for Nightcliff certainly fitted in with the committee's program and indeed I think the committee's arrangements were largely made in conjunction with his availability. That is as it had to be. I am saying now, however, that I want government members on this committee to devote themselves full-time to the task rather than the committee trying to establish an itinerary that matches the availability of the Chief Minister.

I do not underestimate the hurdles that have to be faced on the way to statehood. I do not think any of us do. They are quite enormous. The issues will become very complex as we get further down the line. This committee has a very legitimate role. There are tasks which have to be addressed now and which require a committee that can devote its full attention to them. It is an opportunity for members of this House who are not amongst the government ministry to contribute very significantly to the constitutional development of the Northern Territory. If honourable members opposite give half the dedication to this task that the members for Nightcliff and Ludmilla give - or yourself, Mr Deputy Speaker - they will be contributing greatly to the purpose of this committee. I am sure that honourable members will find, as time goes by, that my decision in this regard has been a wise one.

Motion agreed to.

04-13/10/88 Parliamentary Record No. 10: 4382-83

Topic: MOTION**Subject:** Select Committee on Constitutional Development**Date:** 11/10/88**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Nightcliff)(by leave): Mr Speaker, I move that the time for reporting of the Select Committee on Constitutional Development be extended for a further 12 months.

In March this year, the Assembly agreed to extend by a further 12 months the time by which the Select Committee on Constitutional Development must report to the Assembly - that is, to 28 April 1989. The committee has carried out a vast amount of work to date which includes the preparation of a number of papers which I have tabled in this Assembly. These are a Discussion Paper on a Proposed New State Constitution for the Northern Territory, Information Paper No 1 on Options for a Grant of Statehood, tabled 24 September 1987, and a Discussion Paper on Representation in a Territory Constitutional Convention, tabled on 29 August 1987.

This task was most time-consuming but the papers have met with a reasonable community response. Since the completion of that task, the committee has held public hearings in Alice Springs, Tennant Creek and Darwin and has taken evidence from a wide cross-section of the community. It will visit Katherine as soon as possible. The committee believes, however, that the constitution under which the new state will operate is of such importance that all citizens of the Northern Territory should have the opportunity to have input into it and to suggest the most appropriate means of having that constitution considered by the community at large. To this end, the committee has prepared a booklet for distribution to all Aboriginal communities and outstations so that those communities and outstations may be aware of the committee's areas of interest prior to the committee visiting them and taking evidence. Mr Speaker, I seek leave to table a copy of that booklet.

Leave granted.

Mr HATTON: Mr Speaker, the committee has also prepared a proposed schedule of visits to all major communities and outstations. These visits and the taking of evidence in the communities and outstations will take much time, especially in view of the impending wet season. Under these circumstances, the committee will not be able to complete its task in the time allotted and therefore I seek a further extension of time.

Motion agreed to.

14-23/02/89 Parliamentary Record No 12: 5385-5427

Topic: STATEMENT**Subject:** Constitutional Development - Further Transfer**Date:****Member:** Mr PERRON**Status:****Information:**

Mr PERRON (Chief Minister): Mr Speaker, honourable members on both sides of this House have taken a keen interest in the continuing process of constitutional development in the Northern Territory. I am pleased to say that to date there has been solid bipartisan support for this process and that the Select Committee on Constitutional Development has continued to address some of the more important issues. I would expect that this House would be of the unanimous view that the constitutional evolution of the Territory, which began in 1974 with the creation of a fully-elected Legislative Assembly, must continue.

Self-government has clearly been successful. It was the basis for profound changes in the Northern Territory which ushered in a period of unprecedented growth. I believe that Territorians can be proud of what they have achieved over recent years. At the same time, however, we continue to suffer frustration because of the limitations placed on us by the self-government agreements. There are areas of responsibility which, logically, the Territory should administer but which have not yet been transferred. In effect, we have a limited form of self-government under which Territorians do not have the same degree of say over their own affairs as do other Australians. This situation is not sustainable. Why should the Territory not have the same responsibilities and obligations as the states? Why should we be less than equal with other Australians? We have had over 10 years in which to show that we are capable of managing government responsibly, and no one can deny our success.

The transfer of a range of remaining state-type responsibilities to the Northern Territory is the next logical step in the process of constitutional evolution. There is no logical or sustainable argument for continuing to treat Territorians as less than equal Australians. Our current arrangements have a touch of the absurd. We can appoint Supreme Court judges for life. We have responsibility for the safety and the protection of the Territory community but we are denied responsibility for a handful of rangers in 2 national parks which are of vital interest to the Territory. There is simply no logic in the current arrangements. We are said to have self-government - let us have it in full and let us have it now.

I would like to inform honourable members of the direction which the government has decided to take in seeking the further constitutional development of the Territory. I have written to the Prime

Minister seeking to put to him an agenda for the further transfer of powers from the Commonwealth to the Territory. I have asked the Prime Minister for an early meeting so that I may outline this agenda to him and propose a timetable to achieve it. Given the commitment of this House to the constitutional development of the Territory, it goes without saying that I will expect full and unqualified support for this approach. It is an approach which is pragmatic and realistic and which is designed to accelerate progress in this area. I can inform honourable members that the Country Liberal Party has considered this approach to constitutional development and I am pleased to say that it has given its total support to it.

This is one of the most important issues facing the Territory community in the months ahead. I would like, therefore, to inform honourable members of the range of matters which the government has identified as appropriate for a further transfer of powers agenda and which we believe should now be addressed. I will outline those issues which we will be putting to the Commonwealth for resolution in a program of further transfers of powers to the Territory, and they are listed alphabetically.

- A. The appointment of the Administrator: The government will propose that the Administrator for the Northern Territory should be appointed by the Governor-General only after consultation with the Northern Territory and that federal legislation should be amended to provide for this.

Under current arrangements, the Administrator is appointed by the Governor-General on the advice of the Commonwealth. There is no legal obligation for it first to consult with the Northern Territory. While there may be constitutional difficulties with the requirement that the Governor-General be advised on the appointment by the Northern Territory government, there are no similar difficulties with a requirement that the Commonwealth must first consult with the Territory. There is, for example, the requirement under the High Court of Australia Act that the Commonwealth Attorney-General consult with the states on High Court appointments. Of course, it will not be possible to provide for appointment of the Administrator by the Queen until statehood is attained.

- B. Powers of the Commonwealth minister to instruct the Administrator: In the government's view, the power of the Commonwealth minister to instruct the Administrator of the Northern Territory should be removed.

The Administrator is bound to exercise his powers in accordance with his commission and the instructions of the relevant Commonwealth minister except in the case of transferred matters and the appointment and designation of Territory ministers under section 32(3) of the Northern Territory (Self-Government) Act. This power to instruct relates to the extent to which some areas of responsibility have not been transferred to the Northern Territory and includes matters relating to the mining of uranium, rights to land under the Aboriginal Land Rights (Northern Territory) Act, the calling of Northern Territory elections, fixing sessions of the Legislative Assembly and prorogation. The deletion of the power of the Commonwealth minister to instruct would flow from the transfer of these further areas of responsibility to the Northern Territory.

- C. Northern Territory laws - reservation and disallowance: The power of the Administrator to reserve bills for the Governor-General's pleasure and the power of the Governor-General

to disallow any Northern Territory laws assented to by the Administrator should be removed, and the government will press for this.

The Administrator may reserve any Northern Territory law which, in whole or part, deals with a non-transferred matter and he can be directed by the Commonwealth minister to do so ONorthern Territory (Self- Government) Act, sections 7(2) and 8. Moreover, the Governor-General may disallow any Northern Territory law assented to by the Administrator within 6 months Osection 9. Of course, the deletion of the power of reservation is linked to the transfer of further powers to the Territory. The power of disallowance has not been exercised by the Commonwealth since self-government but legally it remains available. Powers of reservation and disallowance in the states effectively have been abolished by the Australia Act. The Northern Territory should be placed on the same basis.

- D. National parks: Administration and control of the 2 existing national parks in the Territory should be transferred to the Northern Territory.

There are 2 national parks in the Territory - Kakadu, which includes the town of Jabiru, and Uluru. They are either on Aboriginal land leased to the Director of the Australian National Parks and Wildlife Service or on land vested in the director. The director is assisted by a board in Uluru. The National Parks and Wildlife Conservation Act of the Commonwealth under which the 2 parks were created and the associated regulations have unique application in the Northern Territory. There are no other mainland national parks established and administered in this manner anywhere in Australia. Already, the Northern Territory government has a grant of executive authority in the matter of parks and reserves. It would be possible by amendment of the Commonwealth act to transfer these 2 parks to the Northern Territory. Existing sub-interests and contracts could also be transferred.

- E. Uranium:

- (i) The ownership of uranium and other prescribed substances as defined in the Atomic Energy Act and located within the Northern Territory should be transferred to the Territory.

Unlike the position in the states, ownership of uranium and other prescribed substances in the Northern Territory remains with the Commonwealth. Notwithstanding this, by agreement with the Commonwealth, mining leases were granted under Northern Territory law to Pancontinental and Queensland Mines. The Northern Territory does not have appropriate executive authority. The Commonwealth receives the royalties from uranium mining in the Territory but pays only partial reimbursement to the Northern Territory. By amending the Atomic Energy Act, it would be possible to vest ownership of uranium and other prescribed substances in the Northern Territory. The Northern Territory would then be entitled to receive the royalties. At the same time, the self-government regulations could be amended to give Territory ministers executive authority.

- (ii) The Ranger authority and associated agreements should be transferred to the Northern Territory.

The Ranger authority was granted by the Commonwealth under the Atomic Energy Act. There are a number of associated agreements between the Commonwealth, the joint venturers, the NLC and the Director of the ANPWS. Commonwealth legislation would be required to transfer this authority to the Northern Territory, to be treated as if it was granted under Territory law and to novate the various agreements. The existing Commonwealth liability to make payments to the NLC and the effect of current litigation concerning that liability would need to be taken into account and the Northern Territory could be indemnified.

- F. Minerals on Commonwealth land: The ownership of minerals on Commonwealth-owned land should be transferred to the Territory.

When the Commonwealth reacquired areas of land within the Northern Territory following self-government, it also acquired the minerals. The Commonwealth retained its title to these minerals even where the land was subsequently granted as Aboriginal land or where it became a national park. The Commonwealth owns the land and minerals in the conservation zone adjacent to Kakadu National Park stage 3.

The Commonwealth has amended the Lands Acquisition Act to facilitate the grant by it of mining titles, with power to override earlier Territory mining titles. It would be possible to transfer the Commonwealth-owned land and minerals, or alternatively those minerals alone, back to the Northern Territory without compensation, as has already been done in one case, and for all mining titles thereafter to be issued under Territory law.

- G. The Gove Nabalco agreement: The Gove Nabalco agreement should be renegotiated so as to introduce the Northern Territory as a party to it and to secure the long-term future of the town of Nhulunbuy.

The parties to the Gove Nabalco agreement are the Commonwealth and the Nabalco joint venturers. However, since self-government, the minerals belong to the Northern Territory and the special mineral lease and special purposes leases are held from the Northern Territory. The agreement should have been transferred to the Northern Territory (with appropriate amendments) at the time of self-government, but was not. The present position is inconsistent with self-government. Renegotiations would involve the Commonwealth, the Northern Territory, the joint venturers and the Aboriginals. It should seek to ensure the continuation of the mine and the long-term future of the town after mining ceases.

- H. Industrial relations: The Northern Territory should have power to establish a Territory system of industrial relations.

Under section 53 of the Northern Territory (Self- Government) Act, the Commonwealth industrial system is extended to the Northern Territory, including for purely intra-Territory industrial awards and related matters. The Legislative Assembly has only a very limited grant of legislative power in this matter although ministers of the Territory have executive authority in labour relations. The grant of full legislative power for the Northern Territory can be

achieved by amendment of the relevant Commonwealth legislation. I point out that it is not essential for us to determine and implement a Northern Territory industrial relations system at the time such a power is transferred. We seek the authority to do so when we are ready to.

- I. Land matters - Commonwealth land: All Commonwealth land in the Northern Territory, not held for genuinely federal-type purposes, should be transferred to the Territory without cost.

At self-government, the basic title to all land in the Territory was automatically transferred to the new Northern Territory body politic. However, the Commonwealth was given 12 months within which to acquire back a fee simple interest without compensation. The most notable example of this reacquisition was in the Alligator Rivers region. Most of the land acquired has since been granted as Aboriginal land or vested in the director of national parks. Some Commonwealth-owned land remains in the region including some public roads and the conservation zone. Other Commonwealth-owned land elsewhere in the Territory is being identified to establish whether it is required for genuinely federal-type purposes.

- J. Ashmore and Cartier Islands: The island territory of Ashmore and Cartier should be reincorporated with the Northern Territory.

Prior to self-government, this island territory was deemed to form part of the Northern Territory. The connection was removed at self-government but most Territory laws still apply there. The island territory carries with it its own adjacent area under offshore petroleum legislation for which the Northern Territory minister is the designated authority but without any entitlement to royalties. An Ashmore Reef National Nature Reserve has been proclaimed over the islands and surrounding seas under the National Parks and Wildlife Conservation Act. The island territory could be reincorporated as part of the Northern Territory by amendments to Commonwealth legislation. Arrangements would have to be made with the Commonwealth as to patrols and surveillance.

- K. Environmental legislation: Commonwealth environmental legislation of particular application to the Territory should be repealed and replaced by Territory legislation if appropriate.

Apart from the special application of the National Parks and Wildlife Conservation Act and Regulations in the Territory, the Commonwealth parliament has enacted the Environment Protection (Alligator Rivers Region) Act 1978, establishing the Office of the Supervising Scientist, the Alligator Rivers Region Research Institute and the Coordinating Committee for the Region, and the Environment Protection (Northern Territory Supreme Court) Act of 1978. This legislation, in its special application to the Territory, could be repealed and replaced by Northern Territory legislation. Existing financial reimbursement arrangements between the Commonwealth and the Northern Territory for environmental monitoring of uranium mining under Territory laws would require reconsideration.

- L. Land matters - Aboriginal land:

(i) The Aboriginal Land Rights (Northern Territory) Act should be patriated to the

Northern Territory.

This act is presently an Act of the Commonwealth parliament although it permits the enactment of Territory legislation on a limited range of subjects. Patriation should be achieved by repealing the Commonwealth act and by the Legislative Assembly enacting a new Act to come into operation contemporaneously with the repeal. The self-government regulations should also be amended to give Territory ministers executive authority in the area of land rights.

- (ii) Consideration will also need to be given to the provisions to be included in the patriated Land Rights Act.

- M. Federal representation - numbers: The Northern Territory should be granted additional federal representation of 2 Senators and 1 member of the House of Representatives immediately and without prejudice to the eventual level of representation on statehood.

At present, under the Commonwealth Electoral Act, the Northern Territory has 2 senators and 1 member of the House of Representatives. The Constitutional Commission, in its first report, recommended an amendment to the Constitution to give territories and new states membership in the House of Representatives only in accordance with the population quota, subject to a minimum of 1 for the Northern Territory. It also recommended that territories and new states have 1 Senator for every 2 MHRs subject to a minimum of 2 Senators for the Territory. This proposal would not provide for equal federal representation for the Northern Territory on statehood. It has not been implemented.

The Electoral and Referendum Amendment Bill 1988, now before the Senate, proposes to amend the Commonwealth Electoral Act to place the Northern Territory on the quota for membership of the House of Representatives whilst preserving its existing membership. The Northern Territory will preserve its existing Senate representation but will not receive an additional Senator until its population equals 6 quotas. The Northern Territory opposes this proposed legislation. There is no constitutional obligation to grant a Commonwealth territory any federal representation, nor is there any expressed numerical limit on that representation.

- N. Federal representation - rotation of term: Northern Territory Senate representation should be rotated on a fixed-term basis as occurs in the case of Senators from the states.

At present, the 2 Senators for the Northern Territory are both elected at each general election for the federal parliament. State Senators hold office for fixed terms of 6 years, rotating 3 years about, subject to double dissolutions. Northern Territory Senate representation of 4 Senators should provide for the same fixed term and rotation.

Mr Speaker, we have worked diligently, largely behind the scenes, and we know what we want. There is a range of steps which can and should be taken now. There is no constitutional, legal, administrative, political or financial justification for delay. I will be putting to the Prime Minister that this agenda can and should be achieved by 1 July 1990. I am satisfied that this timetable is achievable with the appropriate sense of commitment and urgency from Canberra. Clearly, the

outspoken support of this House for this agenda and timetable would assist in generating that sense of commitment and urgency, and I look to this House for that support.

Mr Speaker, I move that the Assembly take note of the statement.

The Leader of the Opposition yesterday commented on this matter somewhat unfavourably. Speaking in relation to the matter of early transfer of powers, he said basically that we should wait for statehood, possibly 12 years away. When he responds to this statement, I would like him to specify his objections to the Northern Territory government assuming control of national parks in 1990. For 10 years, the Northern Territory has been administering a public service which now numbers 15 000. We spend about \$1500m a year. We have the control of some 600 or 700 police in the Northern Territory administering law and order. We have the power to appoint, and do appoint, Supreme Court judges for life, which I think is one of the heaviest responsibilities that we have. We are given responsibility for all those things but not for the 32 rangers currently employed by the ANPWS in managing the Kakadu and Uluru National Parks. I want to know what arguments the Leader of the Opposition has against the handover of that responsibility next year.

We have responsibility for the administration of 40 000 land titles in the Northern Territory. We have responsibility for 6600 mining titles in the Northern Territory. However, the Leader of the Opposition has said that we should not promptly be given responsibility for the administration of a handful of titles to Aboriginal land. We have executive authority over the higher and lower courts in the Territory. I invite the Leader of the Opposition to explain why we can have responsibility to deal with 5 Supreme Court judges and a judicial system covering every aspect of law from grand larceny to rape, murder, kidnapping, hijack and terrorism whilst not having responsibility for Aboriginal land claims.

Why, Mr Speaker, despite the Territory being forced into being funded as a state, does the Leader of the Opposition oppose our seeking, at the earliest possible date, the ownership of the most valuable natural resource we have: uranium? The Northern Territory has been denied a fair return from the mining of uranium for many years. That mattered less when special formulas provided sufficient funding for our needs, but all that has changed. An amendment to federal legislation is all that is required to right that injustice. Why then does the Leader of the Opposition say that we should wait 12 years? 'Get it all at once in statehood' - that is what he advocates. Whose side is he on? It is time that he considered his constituents a little more and his Canberra colleagues a little less.

The Leader of the Opposition might also advise Territorians, when he responds to this statement, why he advocates the Commonwealth retaining power to direct the Administrator of the Northern Territory for another 12 years and why the Commonwealth should retain the power to withhold assent to legislation that this parliament chooses to process which is within its executive authority. Give me one reason why that somewhat patronising provision should remain one day after next week, let alone after 1 July 1990. That patronising provision may have seemed justified on 1 July 1978 when no one quite knew what sort of attitude would be adopted by the elected representatives in the Northern Territory who, for the first time in history, had control of their own affairs. Maybe in such circumstances, one could see some justification for the Commonwealth retaining that power to withhold consent to our legislation for a period of time. However, there is no longer any justification whatsoever for it. I want to know, and I think Territorians want to know,

why the Leader of the Opposition believes we should wait 1 day longer than is necessary.

Mr SMITH (Opposition Leader): Mr Speaker, I would like to reply to the statement and comment on this third Chief Minister's stop- start approach to the question of statehood and the question of state-type powers. I say the 'third Chief Minister' because, essentially, consistent and serious moves towards statehood began during the time when the member for Barkly was Chief Minister. The government's stop-start approach makes the job harder for those of us who are serious about statehood and for those of us who recognise the problems involved.

It is interesting to look at the Chief Minister's current attitude and compare it with his attitude of a few months ago when he felt so little about these issues that he removed himself from the Select Committee on Constitutional Development. Prior to that time, the Chief Minister of the day had been responsible for chairing the committee. However, in August or September of last year, the Chief Minister told the committee that he no longer wished to be a member of the committee. He had established other priorities for himself. That action, of course, downgraded the efforts of the Select Committee on Constitutional Development. The Chief Minister put the question of statehood and the devolution of state-type powers on the back burner. In the last few days, however, he has moved some of the issues to the front burner once again.

Why has this sudden and dramatic change in attitude occurred? Why has the Chief Minister moved from the decision he made 4 or 5 months ago to remove himself from the Select Committee on Constitutional Development to his current championship of overnight statehood by 1 July 1990.

Mr Coulter: It must be an early election, I reckon.

Mr SMITH: Mr Speaker, as the Deputy Chief Minister says, it is all political. There will probably be an early federal election and, of course, the Chief Minister and his ever-willing deputy are prepared to jeopardise the hard work that the Select Committee on Constitutional Development has done, the bipartisan support that this side of the House has offered and the prospect of building on a very low level of public support. He is prepared to jeopardise that for what he sees as a short-term political advantage. That is why we cannot support the date of 1 July 1990.

The other element in all of this is a panic reaction to comments made by Senator Collins 10 days ago when he outlined a sensible approach to the development of statehood. It was interesting indeed to see what occurred after that. The public brawl within the Country Liberal Party was interesting enough and it must have been much more exciting behind the scenes. There was the strange circumstance of the Secretary of the Country Liberal Party, John Hare, supporting Senator Collins in his call, and so he should have because it was a very sensible call. There followed the public spectacle of the President of the CLP threatening to discipline, in some way, the secretary of the party because of the comments that he had made. There is no doubt that a very real element in the series of propositions that we have before us today is the desire to react to Senator Collins' sensible statement. It is unfortunate that the reaction was not as sensible as the proposition advanced by Senator Collins.

This debate is about the achievement of all state- type powers as well as something which, in his statement, the Chief Minister placed in the never-never category: equality of representation in

Canberra. For most people, that latter question is the most important one in the longer term. Until we have equal representation in the Senate and equal representation, according to population, in the House of Representatives, we will not have achieved full statehood. It was interesting to hear one of my political opponents, Jim Forscutt, the Mayor of Katherine, agree with me on that point when I discussed it with him on talkback radio yesterday. The bottom line in attaining equality with the states is equality of representation in Canberra. The Chief Minister's statement, however, contains no timetable or strategy in relation to that because we all know that it is a more difficult issue which will take us well beyond the period of the next federal election which, unfortunately, for the Northern Territory, is all the Chief Minister is concerned about.

Since statehood first became an issue, every Chief Minister - including the present one - and both Leaders of the Opposition have said that the devolution of state-type powers will be achieved only through bipartisan support. No group in the Northern Territory will be able to achieve it by acting unilaterally. Whatever its political colour, the government of the day in the Northern Territory will not achieve significant movements in this area without bipartisan support. Support will need to come not only from the political party in opposition, but from the people of the Territory. What we require is a move towards statehood that has the support of the people of the Northern Territory. Let us be frank about it: one of the reasons why the move towards statehood slowed was because opinion polls indicated over a period of time that public support was, at best, lukewarm. That is why we backed off, Mr Speaker: support from the public was lacking.

One of the jobs which the Select Committee on Constitutional Development has set itself is to go out into the community to attempt to explain the issues in order to gain public support. The committee has printed a booklet called 'Proposals for a New State Constitution for the Northern Territory' which is designed particularly for Aboriginal communities. That booklet is due to be circulated in the next couple of weeks but the committee may as well not bother now because the Chief Minister has said to the people of the Northern Territory: 'Forget it. We are no longer interested in consulting you on these issues. We are going hell for leather with a target of 1 July 1990'. To do that without first building up popular support and without talking to one's political opponents to seek bipartisan support is not the way to succeed. It is one way to kill off the move to statehood and that will be its effect.

I want to assure the people of the Territory, as I have done before and as my predecessor did, that we are interested in the question of statehood and want the Northern Territory to become a state. We will continue our bipartisan support for serious efforts to achieve statehood. However, we will not support this flimsy exercise. We are interested in achieving statehood through statesmanship, not through the insanity which has been put before us today. The achievement of statehood will be a long, slow process. That is one of the things we have learned during the past 3 or 4 years and it is one of the reasons why, after their initial spurts of enthusiasm, various Chief Ministers have said: 'Let's slow the timetable down and obtain the support of the community'. We need a realistic timetable and we need to work towards our objective in a planned and organised way. Above all, we need to obtain the support of the population of the Northern Territory. To put it frankly what we have in the Chief Minister's statement is a half-arsed approach, an approach ...

Mr SPEAKER: Order! I ask the Leader of the Opposition to withdraw that remark.

Mr SMITH: Mr Speaker, I withdraw.

The Chief Minister's approach has been stitched together in a panic reaction for blatant political purposes. A realistic timetable, a planned approach, consultation and the support of the people of the Territory are necessary.

Another consequence of this new approach will be that the work of the Select Committee on Constitutional Development will be chucked out of the window in favour of a date plucked from the air. I will return to the work of that committee in a moment.

The only thing new in the Chief Minister's statement is the date. Everything else to which it refers has been known to people in the Northern Territory - except, apparently, the Chief Minister - for quite some time. The select committee has been working on the issues for some time and has issued a number of discussion papers which I urge the Chief Minister to read. He might find them interesting. Whilst I am on this subject, I will ask about the discussion paper on the financial arrangements which is to explain how the handover of responsibilities and functions will affect the Northern Territory. Where is that paper? It has been promised to us for 18 months. We have been told that it is coming but we do not have it. We have not been able to examine it and yet the Chief Minister is asking us to trust him and to believe that it will all be okay. The target date is to be 1 July next year whether we have the information or not.

I remind the Chief Minister that the main reservation that most people have about statehood and the handover of these powers is how much it will cost us. Further, I remind the Chief Minister that he has an obligation to the people of the Northern Territory to issue a paper on that so that we can begin to debate it. We cannot have a proper, ongoing and serious debate about this matter until we have basic information on the financial aspects. The time it has taken this government to issue its financial paper is a good indication of how difficult the government itself is finding it to handle these financial aspects. If the government has taken 2 years to get its act together, we could realistically and justifiably expect the population of the Northern Territory to want an equal amount of time. But no, Mr Speaker, the people are not to be given a choice. They are not to be involved in or informed about the financial arrangements. They have been told by the Chief Minister to trust him and all will be okay. We are simply to ride to Canberra on his coat-tails.

Let us get rid of this furphy that it is not a quest for statehood by 1 July 1990. When all the powers are put together, they amount to statehood, except for 1 thing - and that is that most important thing that I talked about earlier: the question of equal representation in Canberra. Mr Speaker, ask people in Aboriginal communities what statehood means to them and they will reply in 2 words: land rights. The proposition is advanced in this particular paper that we will achieve the transfer of land rights to the Northern Territory by 1 July 1990. If that is not cloud cuckoo land, I do not know what is.

I do not want to go through these propositions one by one, but let me point out some difficulties in 4 areas. Let me begin with the transfer of land rights. The Select Committee on Constitutional Development said, in a unanimous recommendation in its discussion paper, that it favoured some entrenchment provision in relation to land rights in the new state constitution. One option, which we favour, is the entrenchment of land rights in some way in the new Territory constitution. That is a

recommendation of a committee of this House. Three government members, including the former Chief Minister, and 2 opposition members made that recommendation unanimously. That is one of the options presented to Aboriginal people in this document yet the Chief Minister proposes that we ignore the advice of the committee and that we do not give Aboriginals the opportunity even to look for the entrenchment of land rights in the new state constitution. If that is not a recipe for turning off the whole question of land rights, I do not know what is.

The Aboriginal people constitute 25% of our population. The Chief Minister should know that it is difficult enough to persuade Aboriginal people of the Northern Territory that they should trust a Territory government in relation to land rights. However, when the Chief Minister ignores a recommendation by the Select Committee on Constitutional Development and says that he wants land rights transferred to us and put into a normal act of the Northern Territory parliament by 1 July 1990, he will put those people completely offside.

I want to make the point once again that no federal government, and I do not care what political colour it is, will advance down the land rights track without the broad support of Aboriginal people in the Northern Territory. No federal government will move down that track. That is very clear indeed from the public utterances of shadow ministers at the federal level on this question over a period of time.

Mr Speaker, secondly, the Chief Minister proposes to renegotiate with Ranger and Nabalco their royalty deals and their present agreement arrangements by 1 July 1990.

Mr Perron: When would you start?

Mr SMITH: I bet that he has not even spoken to them yet.

However, the preliminary legal advice that we have is that the agreement of those companies and the agreement of the Commonwealth will need to be obtained before that can occur. Given the track record of Nabalco and Ranger, Mr Speaker, you can bet your bottom dollar that that will not happen. Certainly, it will not happen by 1 July 1990.

Thirdly, there is the question of national parks. The problem here is a little different. What we have is the fact that, in Uluru and in Kakadu, we have 2 prime national parks, and they are the best funded national parks in Australia. \$10m will be spent on those 2 national parks this year. In the Northern Territory - and thanks to the Minister for Lands and Housing, I have this piece of information - there are 98 parks and reserves. Do honourable members know how much we spend on them? Do they know how much is allocated in the budget for them this year? \$18m. On 2 national parks, \$10m will be spent and, on nearly 100 other parks, \$18m will be spent. A commitment that the Commonwealth will be interested in and a commitment that the environmentalists will be interested in is that money that is transferred across to those parks will be spent on those parks.

Mr Perron: Whatever happened to self-government principles?

Mr SMITH: I will tell you what happened to the self- government principles. Let me say that your comment is cold comfort indeed to those people in the Commonwealth government who are

sympathetic to this request and to those environmentalists who may be sympathetic to this request. One of the things that the government of the day in the Northern Territory will have to do, if it is to gain control of land rights and national parks, is to guarantee levels of funding for Uluru and Kakadu.

Members interjecting.

Mr SPEAKER: Order!

Mr SMITH: Let the record show that, in this ongoing debate, the Chief Minister is not prepared to give a commitment to maintain present levels of expenditure on Kakadu and Uluru. By that, he has made it much more difficult for us to achieve our goal in this particular area.

Mr Speaker, the fourth matter relates to an extra 2 Senators and an extra member of the House of Representatives. Pigs might fly if we are going to achieve that.

Mr Hatton: Uranium ownership?

Mr SMITH: Just hang on.

As I have said, ever since this debate started, the opposition has expressed its support for planned and coherent action for gaining statehood. In fact, whilst 2 weeks ago a vacuum existed, we have proposed the date 2001 and filled that. As a consequence of our filling that vacuum, we have witnessed the normal Country Liberal Party government overreaction and this mad haste to put everything in place by 1 July 1990.

Mr Perron: How long do you think self-government took in 1978? How long do you think that took?

Mr SMITH: It will not work, and this opposition is not prepared to support it.

Our approach is to continue our support for a planned and integrated approach to statehood which includes the hard one of getting equal representation, rather than ignoring it. It includes talking sensibly about serious questions such as land rights and obtaining the agreement of people who are intimately involved on those questions, rather than trying to ride roughshod over them as the Chief Minister does. The year 2001 is an achievable goal and, if all goes well and if there is bipartisan support and a consistent approach to it, we could do it earlier. However, unfortunately, attitudes and actions like those of members opposite make it harder rather than easier to achieve.

To pick up the last comments of the Chief Minister, when he was bold enough to speak off the cuff, it will be possible to implement changes and movements towards statehood along the way. No one is denying that. No one on this side of the House is saying that we should wait until we have it all together before we do anything. It is possible to move step by step as the community indicates its support for particular items. I am happy to work with the Chief Minister to help achieve that, but I am not happy to be constrained by this stupid deadline which will do more to upset and anger people than it will do to achieve true statehood for the Northern Territory.

The other point that I think has become evident in this discussion is that we need to advance the program of public consultation that we are beginning. Really, we have been talking about public consultation for 2 or 3 years. We now have this booklet. As I understand it, we have a program to visit Aboriginal communities, and I hope that that will be more successful than the program I was involved in during which we visited communities in the Northern Territory. At that time, very little interest at all was expressed in this issue.

If we are serious about getting this matter rolling and about its gaining some momentum, we should not set an artificial date but we should put in place a broader, community-based group that can work side by side with the Select Committee on Constitutional Development so that, at this stage, we obtain some community reaction on an organised basis. Clearly, some careful thought would have to be given to the selection of the members of such a group. It should be widely-based so that we obtain as broad a range of views as possible. That is a practical approach to the question of moving the debate along at this time. Let us go out there. Let us tap into the community now. For whatever reason, the Select Committee on Constitutional Development has not been able to do that. Let us move the debate along and tap into the community by setting up a broader, community-based group to work with the select committee. That is a positive approach which will bear fruit. It will enable us to move towards the goal that we all want, and that goal is ultimate, constitutional equality with the states.

Mr Speaker, I finish where I started. We support, and have always supported, the concept of statehood for the Northern Territory. We cannot give bipartisan support to this 1 July 1990 date that has been plucked out of the air and forced on us. I would like the Chief Minister to tell us how he arrived at that particular date. Let him provide us with the rationale for that.

Mr Speaker, I move that the motion be amended by omitting all words after 'that' and inserting in their stead: 'this House: (1) express its concern over the CLP government's stop-start approach to the Territory's constitutional development; and (2) urge the government to continue constructive work towards the attainment of statehood by the centenary of the federation of the Australian states.

Mr HATTON (Nightcliff): Mr Speaker, I rise to speak in this debate in support of the motion moved by the Chief Minister. In doing so, I would like to address some of the comments made by the Leader of the Opposition. He sought to make a number of strange allegations and he promoted the cause of the year 2001, the Terry Odyssey again. We all know the reason why the year 2001 has been promoted by Senator Collins and by the Leader of the Opposition. At its annual conference in 1987, because it was faced with a thrust towards statehood which it knew it could not oppose without suffering an electoral disaster similar to that which it experienced when it opposed self-government in 1977, the ALP decided to adopt a strategy of promoting a target date as far away as possible. That 1987 conference resolved that statehood should be achieved by 2001 and preferably not before. That was a specific resolution of the Australian Labor Party.

That is the source of the 2001 date. It fits neatly in with the formula that says, for some reason, that the rights of the people of Australians who happen to live in the Northern Territory should be recognised on the centenary of the federation of Australia, but not before. I am sorry, but I do not accept that. I have said it publicly, and I will repeat it again here, let us set 2001 as the outside deadline by which statehood must be achieved and do all we can to gain statehood as soon as

possible before that date. However, let us at least all agree that there is no justification for any delay under any circumstances after the year 2001. That is a far more acceptable proposition than that being promoted by the Australian Labor Party.

Let us get this 2001 proposal into perspective. That is 12 years away. I was in this Assembly in 1975 when the then federal opposition leader, Malcolm Fraser, said in an election campaign: 'Statehood for the Northern Territory ...'

Mr Tuxworth: Within 5 years.

Mr HATTON: Within 5 years. The member for Barkly remembers that well.

Mr Tuxworth: We were all there, Mr Speaker.

Mr HATTON: We all thought that was fantastic. A few people became rather nervous and asked if we could handle full statehood at that time but, as a result, we obtained self-government 4 years later, and that was a starting point on the road to statehood. We are still working towards the finalisation of that process today. Let us be very clear about it: self-government was not an objective in itself. It was a halfway house to achieving the ultimate, constitutional objective of the Northern Territory: equality with other Australians. That is what we are fighting for. Unfortunately, even now, that is a concept that totally eludes the Leader of the Opposition. It is a real worry, Mr Speaker.

In this debate today, he said that what the Chief Minister is proposing is statehood without parliamentary representation. That demonstrates his fundamental inability to understand the basic concept of statehood. Even if a self-governing Northern Territory had all the powers transferred to it in accordance with those of a state, if it had equal representation, it would not be a state and would not be equal until it stood constitutionally equal with other Australians. The Territory will not become a state until the rights of Territorians are embedded in a constitutional state and, through that, in the Australian Constitution, the Australia Act, the Statute of Westminster and everything that flows from it. That is a fundamental of statehood.

The process of achieving that goal can be debated as often as we want to rise to our feet to talk about it. I have long supported the view that we should seek a transfer of powers to a stage of equality, then the constitutional change to statehood, ideally at that point with equal representation but, if necessary, with a gradual phasing in of equal representation in the Senate. The argument put forward by the Chief Minister is that program. It should not be confused with the work of the Select Committee on Constitutional Development. At the moment, the select committee is working on a process of consultation.

Mr Ede: Yes, come on. Explain it.

Mr HATTON: I am sure that the member for Stuart will support this. The committee is working today and the booklet that was being waved around by the Leader of the Opposition, which I tabled in the House late last year, is aimed at obtaining comment from the community on the form and structure of a Northern Territory constitution.

Mr Ede: Which would include?

Mr HATTON: It would include a range of issues, including whether there should be an entrenchment of the land rights of Aboriginal people. It covers a multitude of other matters which, in our extensive process of consultation, Territorians may accept or reject individually. That process of debate and consultation will take place and our committee will set a program of meeting with some 59 communities between now and late May this year. That will cover all electorates in the Territory and I am sure I will receive the support of all local members in promoting the cause of the committee ...

Mr Ede: It is pretty embarrassing for you.

Mr HATTON: Not at all, Mr Speaker, it is not embarrassing at all.

I might say that, in that process of consultation on the words of a Northern Territory constitution, we will make significant gains. Quite honestly, I expect that the process will probably require repetition in the second half of this year. I know that my fellow committee members will greatly appreciate the thought of another 3 months of extensive travel around the Northern Territory. However, I seriously believe that, if this process is to be done properly, we may well need to undertake a second run in the second half of this year. Unlike the Leader of the Opposition, I believe that last year's process did have some value in that it started people thinking about a constitution. It is a very complex, daunting and frightening task for the average citizen to be asked to indicate what he wants in a constitution for the Northern Territory. People need time to think and they need to feel comfortable in bringing their views forward. That will take time and effort.

Whilst that work is continuing, there are some things that can and should be done now to overcome some fundamental inequities that exist in the Northern Territory which do not necessarily require the constitutional shift to statehood for them to be achieved. That is what the Chief Minister is raising in this paper and what every one of us in this House, if we genuinely claim to represent the people of the Northern Territory, must support.

I urge every member to remember the final comments made by the Chief Minister this morning. Why is it that we can be trusted to manage 98 parks and reserves in the Northern Territory? Why is it that we can be asked to handle the health and educational services for all Territorians? Why is it that we can deal with land, fishing and conservation matters but, for some reason, we cannot manage 2 parks even though we managed Uluru National Park quite successfully from 1956 to 1977 before it was stolen from us? Why is it that we cannot manage Kakadu National Park when it was the Northern Territory Reserves Board and the Northern Territory Legislative Council that fought against Commonwealth objections for a decade to have it declared a park? The Commonwealth says that we are not competent to manage those parks. Bunkum, Mr Speaker! It is nothing more than centralist power grabbing and it should be overturned. It should be opposed by every self-respecting Territorian. There is no justification for it whatsoever.

In respect of Aboriginal land rights, there should be no debate that that act should be transferred to the Northern Territory and it should be transferred, as has been consistently stated, with guarantees that land rights for Aboriginal people will be retained. I urge all members opposite, instead of talking

from ignorance, actually to read the land options on statehood paper that was tabled in this House. I ask them then to contact organisations such as the Northern Land Council and others who are promoting lies and to inform the community that it is not being told the truth. They should tell the Aboriginal people that what we want to do - and I do not think anyone in this Chamber thinks otherwise - is to sit down as Territorians, black and white together, and work out the appropriate form of land rights. The fact is that a substantial proportion of Aboriginal people in the Northern Territory happen to think that the current construction of the Land Rights Act is inequitable to them. They would like to have a say with their government as to what sort of land rights legislation should exist in the Northern Territory. There are certainly some non-Aboriginal people in the Northern Territory who believe that they have a right to have some say in what sort of laws should apply.

We must have faith in ourselves and in the ability of the people of the Northern Territory to properly carry out that task. That is what statehood, that is what self-government, that is what responsible government and that is what democracy are all about. If a government gets it wrong, it is voted out and somebody else comes in and fixes it up. Let us stop this nonsense of saying we have to crawl on our bellies to Canberra with promises to do something that no one else in this country is expected to do in order to obtain the same rights as other Australians. That is not what we should be here for and it is not what we have a responsibility as elected members to do on behalf of all Territorians - and I mean all Territorians.

In relation to guaranteed funding for Kakadu and Uluru, does the Queensland government guarantee funding for the Great Barrier Reef National Park? Does the New South Wales government guarantee funding for the Snowy Mountains national park? Does the South Australian government guarantee funding for the Flinders National Park? We know that they are national treasures and that they need protection and development. The people of the Northern Territory demand that the parks be developed properly. If the Commonwealth feels that it has some incentive to accelerate the development or promotion of those parks, it has the capacity to do so by making specific purpose payments to the Northern Territory government in respect of those parks. In fact, it can even name the sort of projects that can be undertaken. That is a nonsensical argument. This is a question of responsible government and a question of democracy. Let us get away from the penny ante arguments and the scare tactic arguments that are floated continually.

Mr Speaker, I will deal with one final matter because it was raised yet again as a red herring. If the Leader of the Opposition and shadow treasurer has the gall to stand up in this parliament and say that he does not know what the financial arrangements would be on statehood, he is saying that he does not know the basis of Commonwealth state financial arrangements, he does not know the basis of Commonwealth Northern Territory financial arrangements and he does not know what happened at last year's Premiers Conference and at the 2 conferences before that. All of that has been debated openly and fully in this House, often in the face of pooh-poohing criticism from the Leader of the Opposition. He is saying that he is incompetent at his job as shadow treasurer. The fact is that the Memorandum of Understanding on self-government is dead. It died on 1 July 1988. We are funded today as a state. We are in the same Commonwealth state tax-sharing pool. We are assessed by the Grants Commission under a relativities review at the same time and under the same conditions as are the states. The formulas that are used are identical to those applied to the states. We are subject to the same rules in respect of Commonwealth grants and loans. We are subject to the approval of the federal Treasurer on semi-government borrowings.

There is no special deal. Is that clear to all honourable members? If we obtain additional administrative responsibilities, they will be assessed by the Grants Commission. We do not receive funding for things that we do not do now. When we gain the transferred powers, they will become part of the assessed needs for the Northern Territory, even as they are for every state in this country. Is that clear to the opposition?

Mr Ede: What does Everingham say?

Mr HATTON: There are no differences now. Mr Everingham has not been in this House since 1984. I wish the opposition would listen and catch up with the modern world. The fact is that there are no differences. Some elements may mean that there will be additional costs to government. They may be marginal. I am not going to put a figure on them. There may be a net saving to the Australian taxpayer if particular functions are transferred to the Northern Territory because the Commonwealth would not have to duplicate a state-type function in its own bureaucracy. Think about that, Mr Speaker.

The fact is that the various elements are assessed by the Grants Commission and the necessary adjustments are made in the course of relativities reviews. The Grants Commission bases its decisions on our need to provide services and facilities balanced against our reasonable revenue-raising capacity. We have all the administrative infrastructure in place, along with the political and judicial infrastructure. Our taxing regimes are broadly in line with those in the states, although particular levels may be higher or lower. We are assessed on our revenue-raising effort and, if we choose not to charge a tax which all states charge, the Grants Commission will tell us that we have forgone that capacity and that it will not pay that amount to us. That happens already, and it needs to be clearly stated that statehood, as such, will not affect the finances of the Northern Territory. Every member of this Chamber has an obligation to come to grips with that fact. A paper is certainly being prepared on that subject. It aims

to explain to the general population what all members in this Chamber should know and what they should be explaining to the community instead of trying to scare people out of their wits about money. Let us aim to overcome the problems of misinformation in the community. That is what the paper on the financial arrangements is about.

The paper on industrial relations is more complex and difficult. I must admit that I have had the opportunity to review the recommendations of Sir John Moore and I believe that there is a reasonable solution that will gain the support of all participants in the industrial relations scene - unions, governments and employers - and which is economically rational, minimising costs to the community. Such a solution is achievable within the context of the transfer of constitutional powers although, with only a minute remaining to me, I do not intend to debate the matter now.

Let us fight for the transfer of further powers as a stage in the move towards statehood. Do not mistake the achievement of this transfer as statehood. It is not. However, let us work towards that objective and support the Chief Minister in his bid to gain increasing levels of equality for Territorians.

Mr EDE (Stuart): Mr Speaker, the member for Nightcliff is in a difficult position in relation to this

matter because the stance which he espoused as Chief Minister was quite at odds with that formerly adopted by the present Chief Minister.

The opposition's amendment urges the government to continue constructive work towards the attainment of statehood by the centenary of the federation of the Australian states, and the member for Nightcliff gave an indication that he has no problem with the second part of our amendment when he said that the year 2001 was the latest possible date. I thought that he might have the courage to support the first part of our amendment because I presume that, in other places, he has expressed his concerns over the CLP government's stop-start approach to the Territory's constitutional development. Indeed, it was his accession to the Chief Ministership and his later demise which were responsible for much of that stopping and starting which, unfortunately, has characterised the move towards statehood. I am sure that, given that background, the member for Nightcliff will support our amendment.

I turn now specifically to the date which the Chief Minister has proposed as the target for the transfer of the powers which he referred to in his statement: 1 July 1990. That is such a farcical date that one can only wonder whether, in fact, it was designed to be so. Perhaps the Chief Minister is really maintaining his previous stance that the matter is not an urgent issue by reducing it to the level of a farce. In his statement, he referred to a list of powers which he wanted transferred by 1 July 1990. Some honourable members may not realise what that involves and for their benefit I will read out a list of the acts which will need to be amended in the federal parliament if the Chief Minister's deadline is to be met.

Of course, the Northern Territory (Self-Government) Act is one such act. Consequential amendments will have to be made to the Northern Territory Acceptance Act of 1910. There are also the Aboriginal Land Rights (Northern Territory) Act of 1976 and the Petermann Aboriginal Land Trust Boundaries Act of 1985. It will require the possible repeal of most of the Coastal Waters (Northern Territory Powers) Act of 1980 and the Coastal Waters (Northern Territory Title) Act 1980, and possibly amendments to the Coastal Waters (State Powers) Act 1980, Coastal Waters (State Title) Act of 1980, and the Seas and Submerged Lands Act of 1975 and its regulations. The Environment Protection (Alligator Rivers Region) Act and the Environment Protection (Northern Territory Supreme Court) Act are others which will require amendment. These are all federal acts that the federal government is expected to amend or repeal, with appropriate savings, within the next 16 months to fit in with the Chief Minister's timing. I have named only 7 so far, and I am afraid that there are 35 of them.

I could give examples of a few more: the Lands Acquisition Act 1955, the Land Acquisition (Northern Territory Pastoral Leases) Act 1981, the Atomic Energy Act 1953, Koongarra Project Area Act 1981, the Commonwealth Electoral Act 1918, the Representation Act 1983, the Referendum (Machinery Provisions) Act 1984, the Ashmore and Cartier Islands Acceptance Act, the Judiciary Act 1903, the Bankruptcy Act 1966 and the Family Law Act 1975. The Chief Minister seriously expects that the full process of drafting amendments to all these acts will be undertaken in the next 16 months. It is outrageous for this to be brought before this House. As I said, I can only believe that the Chief Minister, ably abetted by the interrupter over there, the Attorney-General, decided that he wanted to reduce the whole thing to the level of a farce. That is what that date is, Mr Speaker.

Other federal acts that would require amendment include: the Commonwealth Places (Application of Laws) Act, the Ombudsman Act, the Administrative Appeals Tribunal Act, the Administrative Decisions (Judicial Review) Act, the State Grants (General Revenue) Act, the Commonwealth Grants Commission Act; the Financial Agreements Act, the Payroll Tax (Territories) Act, the Payroll Tax (Territories) Assessment Act, the Commonwealth Authorities (Northern Territory) Payroll Tax Act, the Superannuation Act and Regulations, the Public Service Act and the Commonwealth Teaching Service Act. Mr Speaker, need I go on in order to demonstrate what a farce this position is and how irresponsible it is of the Chief Minister to take such a serious subject and bring it before this House in such an outrageous manner and to turn a serious business into what is purely a political, point-scoring exercise?

Mr Speaker, I will not go through the next couple of pages of this. I think I have made my point in respect of the legislation that would require amendment. We know that the timetable proposed by the Chief Minister is farcical, outrageous and unattainable. Let us have a look at alternative methods. Let us go back to the method that we in this parliament have set in place and which we have been pursuing: the constitutional development approach to statehood. Under that, we decided that we would not allow the whole idea of statehood to be kidnapped by a group of politicians who were temporarily in power in this place. We decided to take it out of that arena and to establish a bipartisan committee of this parliament, which had equal representation from both sides, and that that committee would go to the people because, after all, who would own statehood? It would not belong to the CLP or a group of ministers opposite or the Chief Minister. It would belong to the people of the Northern Territory. We adopted a constitutional development approach because we said that, as far as possible, in our role as representatives of the people of the Northern Territory, we would approach this issue on a bipartisan basis and we would negotiate it through.

That is what we have been doing and that is what is put at risk by this blatant attempt to politicise the decision and set such an outrageous and farcical target as 1990. Let us remember what we are trying to achieve by this constitutional approach. We are saying that the people of the Territory have the right to determine, in a new constitution, the framework for the type of society that they want for themselves and for future generations of Territorians. Every Territorian has the right and, I believe, the obligation to be involved in that process.

The people must become the founding fathers of the state of the Northern Territory. That is the reason why we are going to the people of the Northern Territory in relation to the constitution. That is why we have issued not only proposals for a new state constitution for the Northern Territory but also papers such as that issued on 8 August 1986 entitled, 'Towards Statehood', and 'Information Paper No 1: Options for a Grant of Statehood'. In October 1987, the committee issued the 'Discussion Paper on Representation in a Territory Constitutional Convention' and then 'Minerals and Energy Resources Upon Statehood'. These have been issued to the people so that they can have their say in relation to this matter. 'National Parks Upon Statehood' is another document which was issued by the committee in September 1987 to the people of the Northern Territory so that they can decide. 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory' was issued in October 1987. That set out the framework and some of the recommendations of the Select Committee on Constitutional Development for people to discuss. In addition, an option paper entitled, 'Land Matters Upon Statehood', was prepared for the people of the Northern Territory.

The Chief Minister is telling us to forget about that. He said it has all been done. It will not be not done until the people have had their say. The people have a right to have their say. Territorians have the right to decide what will go into the constitution and how the constitution will tie in with all these very important matters because it is not possible for any person to say that matters such as land ownership and national parks can be divorced from our constitution. There are many people who believe that the only way that those matters will be negotiated is by some form of entrenchment in the constitution. The member for Nightcliff stood up and said - and he almost kept a straight face - that there could be a transfer of the Land Rights Act to the Northern Territory with appropriate safeguards. When I asked where the safeguards were to be, he gave me a sly grin and said nothing. Obviously, the safeguards must be in the constitution. That is why we have been developing a constitutional approach which would deal appropriately with land matters. Both sides of the House have agreed that some form of entrenchment of the principles of land rights in the constitution would be the only safeguard we could offer to Aboriginal people of the Northern Territory that the rights they have won will not be lost because of politically expedient actions by a government of the Chief Minister's ilk.

The member for Nightcliff said that people from both sides of the political fence had worked together with Aboriginal people on various issues, including the creation of parks. Certainly this has occurred and I have seen the member for Nightcliff go through that process. Unfortunately, however, there are many in his party who cannot do that and who cannot resist the temptation, when they are down the gurgler politically, to turn around and kick the can. We saw the Attorney-General do it recently with his bill to amend the Sacred Sites Act. Certainly, he did not take a series of proposals to Aboriginal people and say to them: 'Under your law, you are the leaders of your people and the custodians of the sacred sites. Here are some of my ideas. What do you think of them? Let us, in partnership, develop something that is appropriate for the Northern Territory'. He did not do that. He stayed behind closed doors and issued an edict from on high. He backed away only when he discovered that the Self-Government Act contained safeguards that prevented him from legally proceeding. When he cannot resist the temptation to act in such a way, how can he expect Aboriginal people to give up the safeguards provided by the federal government and place themselves at the tender mercies of members of the Northern Territory government?

That is not within the bounds of reality. It will not happen and the Chief Minister, who is sitting there with a grin on his face, knows that it will not happen. He knows that the date which he has nominated is simply a device chosen in an attempt to blow the whole process and to sabotage what we are trying to achieve through a constitutional process in the move to statehood.

Mr Perron: Why would I do that? Tell me.

Mr EDE: He does not believe in it, Mr Speaker. He knows that, following the next election, he will be sitting on this side of the House and that he will be negotiating on the issues associated with statehood. He wants to sabotage the process to such an extent that statehood cannot be achieved under a Territory Labor government because he knows that we would achieve it on a fair and equitable basis which is not the way he wants it done. That is the only possible reason for what he has done.

It is unfortunate that the member for Nightcliff indicated that he does not accept our amendment. The amendment is a result of the stop-start approach which began when he was Chief Minister and ended when he was chucked out. Progress ceased for a number of months but now the process is off and running again. The whole matter has been reduced to a farce. In the next few days, this parliament's only option is to bury the course of action proposed by the Chief Minister and to return to the constitutional development approach, to work on the issues gradually and to put behind it the Chief Minister's attempts to grab headlines. We must return to a quiet, methodical approach in which, very softly, through reasoned argument, we can negotiate with the various people involved and thereby move towards the achievement of state powers with a constitution which people will accept. That is the only way in which we will achieve our goal. I plead with honourable members opposite to say to the Chief Minister: 'Fair enough.'

You might be a bit of a one-day wonder, you might be written off as the miraculous wimp, the biggest disappointment that the Northern Territory ...

Mr SPEAKER: Order! The honourable member will withdraw that remark.

Mr EDE: Mr Speaker, I am quite happy to withdraw it even though it is people other than myself who have been saying it. I know that the Chief Minister's predecessor may have had that appellation but I have not actually called him that before.

Mr SPEAKER: Order! The honourable member will withdraw the remark without comment.

Mr EDE: Mr Speaker, I withdraw.

The Chief Minister has had an incredibly difficult time getting his profile above minus 10. Every time he has attempted to get an issue going, he has been unable to work out which way is up and has dug himself a bigger hole to hide in. It seems that the central council of the CLP told him: 'Enough is enough. This is it. That way is up and it is full steam towards statehood. Remember what Paul Everingham did when he won the 1983 election? Look at that and away you go'. He instantly jumped on the statehood wagon and charged forward. What has he achieved? He has blown the whole matter out of the water by setting an absolutely impossible target date for the transfer of powers. He has lost all credibility. After 2 days, he is left with nothing to do but crawl back under the profile that he created for himself last year and hope that the rest of the world goes away. Mr Speaker, it will not go away.

Members on this side of the House and the members of the Select Committee on Constitutional Development will continue, in a positive manner, to explore the issues in relation to statehood and the transfer of powers, without the assistance of the Chief Minister. We will do without that assistance because, whilst he may wish to blow the whole process, other people in this House know that, with a steady approach over a reasonable span of time, it is possible to achieve statehood through the involvement of Territorians, and that is the only way it will work. I commend the amendment moved by the Leader of the Opposition to honourable members.

Mr PERRON (Chief Minister): Mr Speaker, I would like to take a little time to touch on the comments of honourable members who have spoken to this amendment, mainly in relation to matters

of principle. I was quite amazed to hear members opposite suggest today that, for example, when national parks are transferred to the Northern Territory, be it on 1 July 1990 or in 2001, there will be a requirement for guarantees to be extracted from the Northern Territory, either in the constitution or in some other form. I think the implication was that the Northern Territory would have to give some guarantee that it would continue to fund national parks at a level which is deemed appropriate by somebody outside the Northern Territory. This is a very important matter and it should not be passed over lightly.

It is preposterous to suggest that we would have full self-government, let alone statehood, if such a guarantee existed. Can one imagine a state of Australia achieving its 12 Senators and its House of Representatives members by being bludgeoned into a commitment to allocate, on a continuing basis, a specified amount of its expenditure to national parks? That is simply outrageous. I am appalled that the Leader of the Opposition could suggest that it might be required and that he would even contemplate supporting such a principle when supposedly he represents Territorians. We now have 90% to 95% of the powers which would apply under full self-government but how would it have been if the federal government had said, at the time when we were negotiating the powers which we were granted in 1978, that it did not know whether it could trust Territorians with all those functions and that perhaps it ought to divide the money up in little buckets and provide us with specific purpose payments? It might have taken the attitude that health services were very important to the community and, in case we could not be trusted as elected representatives to act responsibly in relation to health, allocations for health services would be indexed and non-reducible. It might have taken the same attitude towards education, another important matter for the whole community.

Fortunately, in those days, the principle of self-government was paramount for the politicians in Canberra and the politicians in the Northern Territory. We knew what self-government was all about. It was about standing on our own feet, doing it our way and making a few mistakes, as indeed we have. We reserved that right to make mistakes and the federal government acknowledged that the Northern Territory was the child sent out from home with a dollar in its pocket to make its own way in the world. That is what it has all been about. Let us not hear any talk in this House about tying the hands of future governments of Territorians and claiming that it is full self-government or that it is statehood.

The other point that I would like to touch on is the timing. Members opposite are saying that a time limit of 1 July 1990 is preposterous, outrageous and impossible to achieve. I would like to remind them that the 95% of self-government that we have today was achieved in a shorter period than from today to 1 July 1990. It is a matter of goodwill and cooperation.

Mr Ede: How many acts required amendment?

Mr PERRON: Hundreds of acts had to be changed. The member for Stuart is a 5-minute Territorian, but we will forgive him for that. However, he should easily comprehend that to obtain 95% of self-government took a great deal more legislative action than would be required to achieve the remaining 5%. I can assure him that the capacity to draft the necessary amendments probably will be the least difficult part of the exercise.

Mr Speaker, I would like to clarify for members of the Assembly that I do not expect to obtain all

that I have sought by 1 July 1990. However, that will not stop me making the bid, establishing the target and seeking the federal government's cooperation to meet that target. There are some difficult areas which certainly will flow beyond mid- 1990. I will not sit here today and say that we will allow 2 additional years for the Nabalco agreement to be resolved and a further year for the Jabiru agreement to be resolved because various parties are involved and some of them will not want to come to the negotiating table. It may take a little salt on the tail from time to time. Things were not much different in 1978. In those days, there were a few parties which resisted having their empires chopped off left, right and centre, particularly people in the public service who can be pretty difficult if they do not want to do what the government wants. Public servants in Canberra, Adelaide and Melbourne were really pretty toey about losing their empire - the Northern Territory - over which they had had control for 70 years. One can imagine that they would have been a bit toey about handing over the reins to a bunch of young, fresh-faced kids in the Legislative Assembly in the Northern Territory. However, it was achieved because we had the political will and knew what we wanted. It should be the same today.

Until now, we have had the attitude that it is either statehood or the status quo. I am saying that that is not necessarily the way it has to be. There are logical reasons for making the statehood question less complicated by resolving some of those issues which can be resolved in the meantime. That will not push statehood further back. It might even make the whole exercise clearer in people's minds as we put it to bed issue by issue. I am saying that there is an interim step which we have never really had - full self-government. Full self-government does not require a constitution. It does not require the very difficult question of Senate representation and the formulas to achieve full representation to be resolved. We know exactly what we want: 12 senators as soon as possible. However, it will be very hard to convince others and it will be hard for them to get the decision through the system once they make up their minds that that is the way to go.

In the meantime, let us not stand around here saying that 2001 is the target and, therefore, for the moment, we will leave the national parks, the uranium mining and the dollars that Territorians are denied in royalties from that industry. The federal government sets the royalty rate - we have no say in it whatsoever - and it gives us a partial reimbursement. Oh, that is generous. That was fine when the federal government was funding us reasonably, but that does not occur any longer. We ought to have the ability to determine the level of all revenue-raising measures. Such decisions should be made by Territorians. We will adjust the budgets, but do not tie one hand behind our backs. I appeal to members opposite to look at this whole matter and take the politics out of it. I am happy to take the politics out of it. If they really want to show some good faith, members opposite should agree that it is a good idea and that, even if we are unable to achieve the 1 July 1990 target, we will all give it a damn good go.

Mr TUXWORTH (Barkly): Mr Speaker, I welcome the Chief Minister's paper on progressing our constitutional development, particularly after reading in a weekend paper his target of 1990. I was one of those people who, along with the Chief Minister, stood in the park when the Prime Minister was up on the back of the truck indicating that the Northern Territory should have statehood in 5 years. Those of us who were members of this Assembly and who realised the significance of the word 'statehood' as compared to 'self-government' nearly creamed ourselves. We dragged the Prime Minister into a room in Block 2 and said: 'Do you realise what you have done to us. We cannot sell statehood. We can sell self-government, but statehood will have people coming down

out of their trees. It is a political bomb'. Like a good, pragmatic politician, the Prime Minister reappeared on the steps and said: 'I had statehood wrong. It is self-government and we are looking at 1 July 1978'.

The point that I would like to make is that not a great deal has changed between 1978 and now in so far as statehood is concerned. We can progress constitutional development and self-government in the eyes of the community but selling them statehood is still quite a pitch which they are not ready to buy. I was interested in the Chief Minister's last comments about depoliticising the issue of statehood because we will not get anywhere until we do. We need to admit that there are concessions that we may have to agree to if we want statehood in any form at all. I will come to those in a minute.

What is important is for us, as a legislature, to be consistent in the eyes of the public about how we are progressing the issue of statehood. Also, we need to weld together the various interest groups - the businesses, the Aboriginal land councils, the churches, the town councils and all the people in the community who will be leaders and opinion formers in relation to the issue. We will need to carry all Territorians at the end of the day because I do not think the Commonwealth will even contemplate statehood for us until Territorians have had a say on it. Whether they vote on their constitution or they have a yes/no referendum on the matter is another issue but I think the Commonwealth will insist that that is a part of the process.

There is a need to maintain a steady program. As the Chief Minister said, there are many people interstate who will be working very hard to see that we do not achieve it because it will interfere with their empires, their own ambitions and with the role that they see us playing in the development of the north. There are many people, Mr Speaker, whom you and I probably could not even imagine, who are planning some way to prevent it from happening.

I come back for a moment to the need to be consistent. I quote from an article that was published in the Sunday Territorian of 23 October 1988:

"Many of you will have read a report in this newspaper last weekend which stated that I had mothballed the Territory's bid for statehood. The report was untrue. I remain a strong supporter of statehood for the Northern Territory but I also believe that we must approach statehood realistically. I am not sure who it was that said that politics is an art of the possible but, whoever it was, he was right. I do not believe that statehood is a realistic objective in the short term and we are kidding ourselves if we think that it is. Before we can expect to become a state, the vast majority of Territorians, including Aboriginal people, must be firmly in favour of our bid. They are most unlikely to demand statehood if they do not understand it or understand the benefits which will flow to them in the Territory. A perception that becoming a state will cost more through taxes will also bring rejection. The Chief Minister, in his article, went on to conclude, after several paragraphs touching on uranium, parks and other matters: 'But as I said, it would be unrealistic to expect statehood in the next 2 or 3 years'".

Territorians identified with that. This House reviewed the composition of the Select Committee on Constitutional Development and the member for Nightcliff was given a new role in that, and the cars were taken down to the garage and painted.

Mr Coulter: What cars?

Mr TUXWORTH: The car was taken to the garage and painted.

Mr Coulter: You have a tendency to exaggerate.

Mr TUXWORTH: The other car was clean in the back.

The community generally believed that the matter was being approached more steadily and in a way that it could cope with. The weekend papers really came as a bombshell to many people and raised concerns about what we were really doing. And I say 'we' as the legislature, because people do not look only to the Chief Minister or the CLP in relation to the matter of statehood; they look to all of us. There were 2 very interesting paragraphs in the article published on Sunday 12 February, and I will read them into Hansard:

"The Chief Minister revealed to the Sunday Territorian that a high-powered team of 20 public servants in his own department had been working around the clock for 2 months on a blueprint that would see the Territory acquire all the remaining state-type powers next year, prior to the Territory actually becoming a state, and he anticipated 1 July 1990 as the target date for the total devolution of powers prior to the granting of statehood".

Mr Speaker, that presupposes quite a few things: the attitude of the Commonwealth, the attitude of this House, the attitude of other people in the community and, particularly, the attitude of those vested interest groups who are involved in the transfer of the powers to which the Chief Minister referred.

Mr Coulter: What is your attitude?

Mr TUXWORTH: Mr Speaker, the honourable member is jumping in a little too quickly.

I would like to deal for a moment with the transfer of some of these powers because setting a date of 1990 is not only unrealistic, it is farcical. Let us take the transfer of responsibility for uranium. Everyone in this country knows that the federal government is sitting delicately on its 3-mine uranium policy in a bid to avoid any controversy at all in the discussion leading up to an election which will take place later this year. In this environment, for us to imagine that the Commonwealth government will transfer the responsibility for uranium to the Northern Territory really makes people wonder who is kidding whom. I would be the first to say that it should come as soon as possible. But, to imagine that it will come in the next 12 months, and to propose that seriously to the people, is just kidding everybody including yourself.

On the issue of land rights, there is no doubt, and I think there is agreement in this House on this, that ultimately the Land Rights Act has to come to the Northern Territory but, again, we are kidding ourselves if we think that the federal government will transfer that responsibility to this House without an agreement between ourselves and the land councils and the traditional owners. That is a political fact of life. To pretend for a minute that that could happen in 1990 or, I would say, even up until the

middle of the 1990s, is really taking a big bite. It would be terrific if it could happen but, politically, it is just about out of this world. I am not saying that we should not continue the discussions, the promotion and the negotiations. That will all have to continue but, until we get to a point where the vested interests, and I cite the land councils, have an agreement with us about that act being patriated here, or until a sympathetic federal government is prepared to return it anyway, then that is not a proposition that people will buy.

I turn to the Nabalco agreement. The Chief Minister would know better than anybody that this is not an easy matter because he has been involved in the Nabalco discussions, as have all the people who were involved at the formation of self-government. It is not a piece of cake. We have Australian participants and an international company, Aluswiss, which has an agreement with the Commonwealth under federal legislation. In so far as transferring that legislation to this House is concerned, it does not have to agree to anything unless it suits it. Both National Liberal Party governments and Labor Party governments have made it patently clear that they are not prepared to transfer that legislation over the heads of the participants in the consortium, and certainly not without the approval of Aluswiss which is the international partner in the agreement, because they believe they would be abrogating an international agreement. Thus, it behoves us to obtain an agreement with those parties on transferring that legislation to the Northern Territory or it will not happen.

It is complicated further in the sense that, since that agreement was made and enacted in law, Aboriginal land rights have played a major role and Aborigines too would be party to any discussions, whether we like it or not. Those are political facts of life. If we think that that sort of discussion will occur in the next 12 months and be concluded even in the next 2 years, then that is simply a big joke. It will not. No one knows better than the Chief Minister how hard it is to negotiate with the participants in the Nabalco agreement.

So far as national parks are concerned, it would be absolutely ideal if we could assume control of them tomorrow. I do not have the hang-up that other members have about how much money is being spent on them and how the Territory should look after them. However, I concede that, again, there has to be a coming together of the Aboriginal interests in the parks, the Northern Territory government, the community and the federal government through its National Parks and Wildlife Service. If we do not accept that, there is no way that we will achieve agreement. We need to have those discussions, and they will not occur until everyone is of a mind to transfer this control.

The Chief Minister did not deal in much detail with the representation issue but certainly it is an issue that has to be given a fair amount of weight in the next year or 2 by all the parties concerned if we are to advance the statehood issue. It will be very hard for us to get the Commonwealth government, the opposition parties or the states to talk about anything if we cannot agree among ourselves about the level of representation that we can expect. This is the bottom line, and I have said it a dozen times publicly and I have written about it: if we are prepared to concede that the Commonwealth will deny us 12 Senators from day 1, then we do not want statehood. That is very simple. I do not know of anybody in the federal political scene who is prepared to concede us 12 Senators from day 1.

Mr Coulter: 30 extra politicians.

Mr TUXWORTH: Mr Speaker, you can put whatever number you like on it. The federal politicians look at the Northern Territory and say that we must be joking. That leaves us in a very difficult position. Either we can accept that they hold the power to make the final decision and we can ask for that number and take our chances, or we can indicate that we must ultimately have 12 Senators and negotiate an agreement or formula in respect of time or population to achieve that goal. However, we need to settle that issue among ourselves before we can go near the Commonwealth. Certainly, it needs to be a part of the total discussion in advancing the issue of statehood.

Members who were here at the time of self-government would know that the only thing that motivated people to move to transfer powers was the fact that self-government would occur and everybody had to meet the deadline, which turned out to be 1 July 1978. Mr Speaker, you may or may not remember but, shortly before the transfer, the then Chief Minister, Paul Everingham, sent Malcolm Fraser an enormous blister saying: 'The whole thing is a great charade. You believe in it but no one else does, and the transfers are nowhere near ready. If you cannot get yourselves organised, we might as well forget about it'. At that point, Malcolm Fraser started to intervene and things happened. There will be the same sort of lethargy about achieving statehood, and what will motivate people to achieve the agreements and meet the objectives will be the final setting of the date. The date can be moved backwards or forwards. I have said it before and I will say it again: as far as I am concerned, the date could be tomorrow, but the latest that we should accept is the 1901 date, which is the anniversary of the federation.

Mr Coulter: 2001. Instead of going backwards, go forward.

Mr TUXWORTH: Mr Speaker, I stand corrected by the Leader of Government Business - 2001. That has a certain aura about it which appeals to people. It is an objective that we can aim for and, if we pull it off sooner, because there has been a change of government or a change of heart or whatever, then that will be a bonus. However, to pretend that we can advance these issues with the community in its present state of conflict over them is kidding ourselves.

The Chief Minister knows this better than anybody, and he knows that we will not achieve any advancement towards statehood until there is complete agreement among people like ourselves and many others. I say to the Chief Minister that the 2 independent members and the member for Flynn and myself are not even parties to the statehood discussions. We are not bound by any of it and we are not involved in any of it. Yet, the member for Nightcliff said that members of this House know what they should do and they must go out and do it. I say to the member for Nightcliff that that is twaddle. I am not bound by any of it. In his address today, the Chief Minister said: 'Given the commitment of this House to the constitutional development of the Territory, it goes without saying that I would expect full and unqualified support for this approach'.

Mr Perron: I thought you were here in support of your constituents.

Mr TUXWORTH: Mr Speaker, I am here to support my constituents, and they are not saying what the Chief Minister is saying.

If we are to have a unified approach, then everybody must be put into the constitutional picture. If the Chief Minister does not want to do that, he must take what he can get. As the Leader of the

Opposition said, there must be consultation with the members of the committee first. Mr Speaker, however you look at it, this is a pre-emption of anything that this House or this committee might like to decide in relation to the advancement of statehood.

Mr Perron: It is not statehood.

Mr TUXWORTH: It will be statehood, and to pretend that you will achieve it without linking it to statehood is the sort of nonsense that the community will not accept. People are not stupid. You cannot feed them contradictory hogwash, served a couple of months apart, and then expect them to follow along as though everything is progressing well. You cannot make totally contradictory statements like those that I read into Hansard a few minutes ago. You cannot expect the people to follow along because the move to statehood is going well and then make a further announcement which indicates that even the members of the Select Committee on Constitutional Development and the other members of this House have no idea what the government is proposing. The people realise that that is merely a political gimmick that has been dreamt up on the day.

Mr Speaker, it does not matter who the politicians are; if statehood is used as a political gimmick, nothing will be achieved. That is a bare political fact of life. I accept the Chief Minister's offer to depoliticise the issue and become involved in it. I think that would be good for the community because people need to see some consistency and stability in the advancement of the issue. But, the proposition that has been put forward so far by the Chief Minister is not believable. It might be something that he would like to attain, and I do not deny him the right to that for 1 minute, but it is not believable and, until we bring statehood back into a mode where the community wants it, believes in it and supports it, we will not get anywhere.

Mr SETTER (Jingili): Mr Speaker, this afternoon, members on the opposition benches have been writhing around trying to defend the policy that their annual conference, which is dominated by left-wing delegates, put in place in 1987: that the Northern Territory not achieve statehood before 2001. That is what it is all about, and that is why this amendment has been moved by the opposition. It is an absolute nonsense. It has nothing to do with attaining full self-government powers at all. The purpose of the amendment is to ensure that members of the opposition do not get out of kilter with the left-wing bosses of their political party. Of course, they are terrified of statehood because they can recall, quite sadly, that the Northern Territory fought an election in 1977 on the issue of self-government. This party promoted self-government and they opposed it totally, and lost the election. As a result, a predecessor of the Leader of the Opposition, the then member for Millner, very quickly departed the scene. The current Leader of the Opposition is very much afraid that his fate will be similar to his predecessor's and therefore he is not very keen on statehood for that reason as well as the one I mentioned before in relation to party policy.

What is clear from this debate is that the members of the opposition and the member for Barkly are confused, either wittingly or unwittingly, about the issue of statehood as opposed to achieving control over full state-type powers - in other words, full self-government. That is what the Chief Minister's statement is about. That is what he is promoting. He is not saying that we want statehood by 1 July 1990 at all. Statehood is something that is further down the track, but there is no reason why we cannot achieve full self-government by that time. As the Chief Minister has rightly pointed

out, the federal parliament could pass amendments to legislation to enable this to happen. Indeed, it is quite difficult to negotiate these matters and, as he pointed out, perhaps we will not achieve all of those objectives by the date that he has set but, nevertheless, there is a goal to aim for and I am quite sure that, with the support of this House, our officers and our ministers will be working with their counterparts in the Commonwealth to try to achieve that. I believe that we will receive a considerable amount of sympathy from Canberra.

The Leader of the Opposition referred to a stop-start approach on the part of the government and, indeed, the Chief Minister. Again, that is a furphy. It is a nonsense. The reality is that the Select Committee on Constitutional Development has been working for several years now. This government has totally supported the work of that committee, and it has come a long way down the line. He drew attention to the fact that the Chief Minister chose not to sit on the committee. Of course, in that, the Chief Minister was very quickly followed by the Leader of the Opposition, who chose also not to sit on it. Nevertheless, that does not detract from the hard work of the committee. The committee is still in place. It is still carrying out its function, it is still ...

A member: And it has an excellent chairman.

Mr SETTER: That is right. It has an excellent chairman. It is a worthwhile committee which is working very hard to fulfil the obligations that have been imposed on it. In fact, as honourable members would know, the committee will visit most of the Aboriginal communities in the Northern Territory over the next 3 to 4 months, and that is no mean task. The member for Nightcliff, the chairman of the committee, foreshadowed that he would like the committee to visit those communities again later in the year. It should be remembered that the committee has already visited most of the urban communities in the Northern Territory.

A week or so ago, the Sunday Territorian reported Senator Collins as saying that statehood should not be achieved before 2000. Once again, Senator Collins was espousing the policy of his party which was established by a left-wing-dominated annual conference. The Senator was also watching his own back.

The Deputy Leader of the Opposition today spent almost 20 minutes reading out the titles of the various acts which would need to be amended by the Commonwealth parliament if the transfer of powers were to proceed.

Mr Ede: Remember them?

Mr SETTER: No, I do not remember them at all.

Mr Ede: That is not surprising.

Mr SETTER: I do not need to, because you read them into Hansard and, if I ever need to remember them, I can read them there. That was about the only constructive contribution you made to the debate. Everything else you said was absolutely shallow and a waste of this House's time.

Mr Ede: It is more than you have ever managed.

Mr SETTER: There would be some in this House who would disagree with you.

We then heard from the member for Barkly, who shared the confusion of the Leader of the Opposition. He could not work out whether he was talking about statehood or the transfer of full powers of self-government to the Northern Territory. There is no doubt that the transfer of those powers is long overdue and that 1 July 1990 is an appropriate date. We have had 10 years of, dare I say, partial self-government. Back in 1978, we achieved 90% of the powers applicable under self-government, and the remaining 5% to 10% are those which we now want. We have been without those powers for 10 years and, in that time, this government has built up a wealth of experience. Its record demonstrates a proven ability to control the welfare of the Northern Territory and its people. The opposition, however, has no such record. It has no experience whatsoever except in badmouthing this government and the Northern Territory, in talking down the economy and criticising every program that is proposed. Of course, the community at large realises that the opposition's credibility is now at an all-time low.

The transfer of all state-type powers is an essential further step towards achieving statehood. We need to take control of those powers in order to let the dust settle and to gain experience in handling those functions which the Chief Minister mentioned so that, at an appropriate time in the not-too-distant future, we can move towards statehood. That transfer of powers will not detract from the good work of the bipartisan committee of this House in any way. In my opinion, that committee should continue its work to its ultimate conclusion and, as one of its members, I certainly intend to continue to play my part in its evolutionary process.

Let us have a look at the history of the Northern Territory and at the agonies and frustrations which have brought us to the point at which the Chief Minister has stated that his government will push for the attainment of full self-governing powers by the middle of next year. Let us go back to 1824, when Captain Bremer took possession of the northern coastline for Great Britain, as part of the colony of New South Wales. Let us go back to 1863, when control of this Northern Territory was transferred from New South Wales, believe it or not, to South Australia. I remind you, Mr Speaker, of the year 1910, when those responsibilities were transferred from South Australia to the Commonwealth, because they were too onerous.

Mr Ede: It was 1911.

Mr SETTER: My information is that it occurred in 1910, but I am prepared to stand corrected.

In 1947, the Northern Territory's first Legislative Council was created with 7 appointed and 6 elected members. In 1974, the first fully-elected Legislative Assembly of 19 members was created, and there are some members in this House today who were elected at that time. We then come to 1 July 1978, when the Northern Territory was granted self-government with the limited powers which we have heard discussed today.

Over many years, the people of the Northern Territory have experienced an enormous amount of frustration because of control from other places. Since we achieved partial self-government in 1978,

what have we seen? We have seen strong growth and development. We have seen local decision-making. We have seen enormous expressions of confidence in this place and we have seen much growth occur as a result of the powers handed to this Legislative Assembly. Now, we are asking for the few remaining powers to be passed over to us so that we can fulfil our true and rightful destiny of making decisions for the Northern Territory of Australia and of controlling all matters which are rightfully the responsibility of all states in this Commonwealth.

The turning point in this exercise was that unfortunate day in 1983 when a Labor government was elected to power in Canberra. Shortly after that, the Memorandum of Understanding, which we thought was set in concrete, was torn up and cast aside. Major projects were cancelled, despite promises made by Prime Minister Hawke. We have suffered massive funding cuts and, of course, the benefits of self-government have been diminished. We have had enough of that. We want to gain control of all state-type rights and powers. It will be no easy task. As the member for Barkly pointed out, there are bureaucrats in Canberra and other people who will not want to let go because they have seen the Northern Territory as their playground. Let us face it, the ANPWS does not have much to administer outside the Territory, apart from a few parks around Canberra. The bureaucracy really fought a rearguard battle when we achieved self-government in 1978 and I am sure that it will fight a similar battle before any further powers are transferred to us.

However, we too know how to fight battles because we have been fighting them for a long time. If they want to fight, they will really have a battle on their hands because we will not take it lying down.

The reality is that we cannot achieve full self-government without all of those powers being transferred to us. The Chief Minister covered a range of issues. He spoke about transferring the responsibility for all land, for all mining matters, for national parks, for industrial relations, for the appointment of the Administrator and the powers of the Commonwealth to instruct him and a number of other matters. I would like to take up one point made by the Leader of the Opposition when he referred to Aboriginal land rights. He quoted from a document entitled, 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory'. He mentioned one of the options that has been proposed in that public document. I would like to point out that another of the options, which is mentioned in the summary section at the beginning of the paper, also refers to Aboriginal rights. I quote from paragraph S(a):

In the absence of Commonwealth land rights legislation applying Australia-wide, the select committee in broad terms endorses the approach [that the Aboriginal Land Rights (Northern Territory) Act 1976 be patriated to and become part of the law of the new state upon the grant of statehood by some agreed method and that the process of patriation should include appropriate guarantees of Aboriginal ownership].

Thus, the committee endorses the patriation of Aboriginal land rights legislation to the Northern Territory at some time". I think that is a very important point.

One factor that has concerned me about the transfer of rights to the Northern Territory is the question of where the Cocos and Christmas Islands sit in this whole scenario. I note that the Chief Minister did not mention that in his paper, but I raise it now because it is my opinion that, as far as the Northern Territory is concerned, we have seen the creation of one of the greatest gerrymanders

ever perpetrated in Australia. The federal government has attached these islands, which are out in the middle of the Indian Ocean, to the Northern Territory as part of the federal seat. They are not part of the Northern Territory. There are 600 electors there and I understand, from reading the electoral records, that they vote very heavily in favour of the Australian Labor Party. Why have they been attached to the Northern Territory?

If they are to be attached to the Northern Territory as part of this whole exercise, they should come under the administration of the Northern Territory. The Commonwealth should transfer them totally to the Northern Territory and let us administer them. There is no point in having them as part of the Territory for the purposes of voting so that the Labor Party can load the Northern Territory seat to suit itself. That is not on! Let us administer them. Transfer them over and we will look after them. If it is not prepared to do that, then the federal government should remove them from the Northern Territory totally and put them with Canberra or with Western Australia where they rightfully belong. Let us end this nonsense. Let us hear what members opposite have to say about that. Either those islands are part of the Northern Territory or they are not.

There is no doubt that the road to statehood is complex and will prove time-consuming. However, what the Chief Minister has proposed today is indeed a very constructive step towards achieving that. I support the statement.

Mr COLLINS (Sadadeen): Mr Speaker, let me say at the outset that I find the Chief Minister's statement to be very useful and logical. It explains virtually every area in which Northern Territorians do not have control of their own destiny. It points out very clearly what we lack and the difference between statehood and the partial self-government that we have. I hope the Chief Minister will circulate his statement in the community because it is not long or difficult to read and understand. I believe Territorians would read a statement like this whereas we kid ourselves if we believe that more than one tenth of 1% of Territorians will ever read some of the documents put out on this matter, because of their complexity. I do not think the man in the street gives a tinker's cuss about them. He will not become involved to that depth. This is a very logical statement which should be circulated to Territorians and also to people interstate. I have found that, when people interstate understand the difference between our partial self-government and statehood, they come very heavily onside and agree that we should have the same powers that they have. I welcome the document from that point of view.

However, there is no doubt that for us to obtain statehood will require the political will of the politicians in Canberra or the majority of them. In other words, the federal government will have to be onside and say that the Territory should have statehood. When that happens, all things will be possible. I listened with interest to the member for Barkly's comment that, a few days before 1 July 1978, the Chief Minister at the time, Paul Everingham, rang up Prime Minister Fraser and said that it would not work. Malcolm said that it would work and told him to jump. It did happen and it was a success. That brings me to another point. We have heard considerable talk today about bipartisan support. That is lovely, but it is not political reality. What will be required will be a democratic majority. If we wait until everybody is in total agreement on every aspect of self-government, we will never get it in a blue fit.

The statement indicates that it is the Chief Minister's aim to approach Prime Minister Hawke and

ask him to give us full self- government. What a terrible pity it is that the former Primer Minister, Mr Malcolm Fraser, gave us only partial self-government. We would not be debating this statement today if Mr Fraser had given us complete self-government. Maybe, at the time, many of our politicians were inexperienced. However, if our fellows had been bold enough to put the acid on Mr Fraser to give us complete self-government, we could have had statehood within 5 years, as Mr Fraser had promised.

I also recall that, in the party room of the government - and I was a member of it at that time - the Chief Minister, Paul Everingham, said: 'I don't know about you blokes but we have this Memorandum of Understanding and we are doing pretty nicely'. He did not intend to push further for statehood. In hindsight, what a pity that was! That was a political decision, not a statesmanlike decision. Forward thinking would have indicated that the day would come when there would no longer be a reasonably benign government in Canberra which would keep funding the Memorandum of Understanding, which was only a gentleman's agreement. It should have been foreseen that the day would come when we would find ourselves in icy waters, and that day has come.

In my view, there is no point in trying to obtain from Mr Hawke these total state-like powers because, given his record, he will not grant them. I refer honourable members to the referendum that occurred last year and to a speech I made at that time in which I pointed out that what the questions in that referendum were really about was Mr Hawke's political agenda, stated in the Boyer lectures many years ago and reiterated, might I say, by the Governor-General, Sir Ninian Stephen, in recent days. He said that we are overgoverned; that we should simply have regional governments and a central government in Canberra, and the states should go. Does the Chief Minister really think that he will receive any real support for the creation of a new state from Mr Hawke, who wants to get rid of the states? I say no.

The first and foremost step that our Chief Minister and all of us on the conservative side of politics have to take is to work towards a change of government in Canberra because, without that, there will not be the political will in Canberra to achieve what we want. It is not there today. We have to do our bit to return a conservative government to power in Canberra. Even then, we would not be able to rest on our laurels because we would have to work very hard on those fellows. We have a hard task before us. I say to the Chief Minister, unpalatable though it may be, if he is serious - and I know he is - he must do his bit. Some goodwill has to be developed, not among the socialists, but from the conservative side of politics in this House and out in the community. The comment on the lips of people is that we will throw away government if wrangling among the conservative forces is not brought to an end. Wouldn't it be a shame if the coalition missed out on government at the next election because the wrangling on the conservative side of politics in the Territory lost us the Territory seat? That is the situation. We need to return to some sanity and achieve a change in government in Canberra because, with the political will in Canberra, full statehood would be achievable, not merely the transfer of further powers. What would be the point in having those powers without statehood?

The member for Stuart pointed out the number of laws that would need to be amended. If we go to statehood, it would be necessary only to repeal them because those strings with which we are tied to Canberra would be cut and removed. That is what we have to aim for. I urge the the Chief Minister not to waste time and funds on going to Canberra to talk to Mr Hawke, whose political agenda is to

dispose of states, not to work towards creating them. If we had seen what was described to me as virtual hatred on the Prime Minister's face when the referendum result was known, we would appreciate how much he ties himself to getting rid of the states and having power concentrated in Canberra. We should be leading Australia in saying that we have had enough of that. Let others learn from our experience and not buy it in a blue fit.

I welcome the paper from the Chief Minister. It should be circulated to all Territorians and Australia-wide if that is possible. It is simple and straightforward enough for people to understand and I believe it would receive tremendous support. I urge the government to forget about total bipartisan support because it will never achieve it. It will be used as a device to hold the move back until 2001. It is very safe for Senator Collins to commend a target date of 2001. He knows that Bob Hawke does not support statehood. He just made a great noise. The date is another 12 years into the future and it could be pushed back even further. He gained considerable media publicity from that comment and for no good reason whatsoever. We should not be debating statehood; we should have it. We should have become a state by 1980, or 1982 at the outside. These things are all possible. A constitution and everything else can be worked out after a date has been set and the political will established. The first and most important step for the conservative side of politics is to work towards returning a conservative government to power in Canberra. When that is achieved, we must work on that government to achieve our goal.

There has been comment that we will not be a state until we have 12 Senators. I support that comment, but I am also prepared to take a step-by-step approach in which every step is a forward step. There will not be any going back. As the Chief Minister suggested, if we can obtain 4 Senators and 2 members in the House of Representatives and see an agenda set, if the agenda does not suit us, we will keep on fighting as we have fought all the way. I remind you, Mr Speaker, that Harold Nelson, the father of Jock Nelson, went to prison because he said that, unless Territorians had representation, they would not pay taxes. His imprisonment forced the issue and Harold Nelson became our first elected representative. That is the sort of spirit that we require in order to achieve statehood.

Every step has to be a step forward. From talking to federal politicians from the coalition, it is clear that they would have trouble achieving support for the proposal only if the Territory demands 12 Senators from the start. I am prepared to take 4 senators at this stage, and then fight like hell to obtain the other 8 and thus achieve full representation. Every gain in our history has been fought for on a step-by-step basis. If we think we are going to swallow the whale and demand 12 Senators or nothing, then we are fools. The political reality is that we will have to begin taking some of the unpalatable medicines. Some of the hurtful statements that have been made will need to be taken back. We must forget our own little hurts and indignities and start to instill some common sense into the conservative side of politics so that we play our part in returning a conservative representative to the House of Representatives. That is the first step. Everything else is pie-in-the-sky until we have that political will. The one thing that Territorians can do is fight to return the coalition to power and then really hammer it to do all the things necessary to achieve our aim. Chief Minister Everingham said that self-government would not work, but Malcolm Fraser said that it would happen, and it did. That will happen for us in relation to statehood if we get our act together. It is up to us to grow up and get our act together.

Mr BELL (MacDonnell): Mr Deputy Speaker, I am very pleased to see that the Chief Minister has put the matter of statehood back on the agenda. When he became Chief Minister, after the demise of the member for Nightcliff, one of the more surprising statements from the member for Fannie Bay - and this was reported again in the NT News last night - was that statehood was not a high priority for him. He said that, unlike his predecessor, who had worked very hard at attempting to obtain consensus in the Territory community in relation to statehood, it would be much less of an objective for him.

Who can forget, Mr Deputy Speaker, some of the more surprising and flamboyant gestures of the member for Nightcliff as Chief Minister when he was promoting the idea of statehood? Some people were so unkind as to suggest he was promoting himself and, obviously, that was the thought in the mind of the member for Fannie Bay when he became Chief Minister. A great deal of effort was put into the insignia on motor cars. It was a real blast from the past on the ABC News last night to see the motor car with the winged eagle. By the way, are they still about anywhere? I have not seen one for a while.

A member: There is only 1.

Mr BELL: They are gradually being phased out, are they? I think that is unfortunate even though the artwork involved was a little kitsch for my taste. I do not know whom I am offending in that regard, but let me be honest about this. I thought the artwork was a little kitsch but, basically, the direction in which the then Chief Minister, the member for Nightcliff, was heading was the correct one. He had been researching the issues and he had presented his statements to the parliament. The issues were certainly stimulating more interest and achieving more coverage in the broader community than they had beforehand.

However, with the advent of the member for Fannie Bay, all that came to a dead halt. That was surprising. The new Chief Minister, with the fate of our push towards statehood in his hands, dropped the bundle and decided that it would not be a high priority for his government. All of sudden, within a week or so, he has done an about-turn. As the Leader of the Opposition pointed out, it has been not without pain for the CLP. Its secretary and president have been at each other's throats over the issue and now we find the Chief Minister has decided to run with it again.

The statement introduced by the Chief Minister this morning contained a couple of interesting points. He stated that 'the constitutional evolution of the Territory began in 1974 with the creation of a fully-elected Legislative Assembly'. That is one of the more astounding bits of egocentricity that I have heard from the Chief Minister. I appreciate that all of us involved in public life need to have a pretty robust sense of self-importance in order to survive some of the slings and arrows but, for the Chief Minister to bolster his ego by rewriting history, is a little bit much even for the run-of-the-mill politician. The fact of the matter is that the constitutional evolution of the Territory has been continuing since the foundation of the ...

Mr Deputy Speaker: 1947.

Mr BELL: I will pick up your interjection, Mr Deputy Speaker. I would not have said 1947. I would go back as far as 1834, when the state of South Australia was created. I suppose our

constitutional evolution reached its nadir when South Australia dropped its bundle in 1911. Arguably, between 1834 and 1911, the Northern Territory had greater control over its own destiny than it has now. There are, of course, other significant dates, one of which would be the granting of responsible government in 1856. Having reached its nadir in 1911, the Northern Territory's constitutional evolution continued through the efforts of one of the great pioneers of the Labor movement in the Northern Territory, Jock Nelson.

In fact, federal Labor governments have presided over positive constitutional development in the Northern Territory. I draw a distinction between constitutional evolution, which simply means change and not necessarily change for the better, and constitutional development which, I believe, means enhancing the opportunities for people to participate in decisions that affect their lives. The fact is that the Labor movement and federal Labor governments have presided over those changes in the Northern Territory. The member for Sadadeen referred to Harold Nelson. The next substantial improvement in the constitutional situation of the Northern Territory occurred in 1948 when the Chifley government created the Northern Territory Legislative Council and provided for the election of members to it. For people such as the Chief Minister, whose understanding of Australian history and constitutional development is pretty sketchy and who really only sees it as a cause for grabbing a cheap political point, that was the second point at which the Labor movement came to the rescue of the Northern Territory.

A third constructive contribution to the Territory's constitutional development, overlooked by the Chief Minister and previous speakers of the conservative persuasion, was made by the much-reviled Whitlam Labor government, which established the first fully-elected Legislative Assembly in the Northern Territory. With his myopic view of history and constitutional development, the Chief Minister omitted that important step from his short time line.

Having demonstrated the good faith of Labor governments in contributing towards constitutional development in the Northern Territory, I turn now to the difficult questions related to the issue of constitutional development. The matter of representation is among those. There seems to be a developing consensus that we are prepared to defer the possibility of state-type representation in the Senate. I have spoken on frequent occasions in this Assembly about the gross over-government of the Northern Territory and it is very refreshing to see that even government members, who normally have an obsession about over-government, at least appear to recognise that, to any clear-thinking person, the notion of 12 Senators for the Northern Territory is an absurdity at present.

The Chief Minister referred to the possibility of there being 2 members of the House of Representatives for the Northern Territory. He does the credibility of his recently-acquired interest in the question of statehood and constitutional development no good at all when he simply plucks such a figure from the air. He should know that there is no possibility of increasing our membership in the House of Representatives until we have the numbers to justify that.

Mr McCarthy: We have the numbers now.

Mr Poole: We have the numbers for 1 more, not on the electoral roll but on a population basis.

Mr BELL: Mr Deputy Speaker, for the benefit of the government members who are interjecting,

whilst I do not have the figures in front of me, my understanding is that the quota for 2 House of Representatives seats is in the vicinity of 60 000 to 70 000 people.

Mr Poole: Head of population, not on the electoral roll.

Mr BELL: Mr Deputy Speaker, I will pick up that interjection in a minute but I will finish making my point first.

The fact is that we have about 70 000 people on our electoral roll. The members for Araluen and Victoria River have suggested that representation in the House of Representatives in the Northern Territory should be on the basis of overall population ...

Mr Poole: As it is in the other states.

Mr BELL: ... and not the same as it is elsewhere.

Mr Poole: That is not true.

Mr Dale: Check it, Neil. You will find that you are wrong.

Mr BELL: Mr Deputy Speaker, if other honourable members have figures which gainsay that, they are most welcome to put them forward. Incidentally, Mr Deputy Speaker, I get sick and tired of conservative politicians who, in the case of these suburb-bound little hicks, basically believe ...

Mr McCARTHY: A point of order, Mr Deputy Speaker! I ask you to request the member for MacDonnell to withdraw that remark.

Mr DEPUTY SPEAKER: There is a point of order. I ask the member for MacDonnell to withdraw his last remark.

Mr BELL: Mr Deputy Speaker, I am tired of hearing the views of people who are hidebound in their little suburban fastnesses and who are characterised by a psychological myopia which means that they have absolutely no capacity to apprehend some of the realities of representation of people around this country. It is about time that they understood that, despite the attacks which conservative parties have made over the years on the principle of one-vote one-value, they will not get away with it even if their so-called Liberal mates in Canberra ever get back into power. I do not see too much possibility of that ever happening, and that is indeed something for which the Australian people should be grateful.

A few things need to be said in relation to the operation of the Aboriginal Land Rights Act. I am sure that not even a federal Liberal government would entrust the Aboriginal Land Rights Act to a government led by a Chief Minister as willing as this one is to bulldoze Aboriginal sacred sites. I would not be able to keep a straight face in suggesting to my colleagues in Canberra that the Aboriginal Land Rights Act ought to be devolved to people who behave like that. I would not be able to keep a straight face in trying to pretend to them that a government which was about to repeal the Aboriginal Sacred Sites Act - although it has just pulled back from the brink on that little number

- could be entrusted with responsibility for land rights. I do not believe that even the federal conservative colleagues of members opposite would cop the devolution of the Aboriginal Land Rights Act to this government.

One of the most constructive steps towards constitutional development in the Northern Territory will be a change of government, and that is not too far down the track. Until we have such a change of government, the polity in the Northern Territory will not be regarded as a mature one. The devolution of those contentious powers of control over national parks ...

Mr Poole: We know the Labor Party looks after them.

Mr BELL: I see the member for Araluen grinning at me. His little statement in January did absolutely nothing to advance that particular cause. All his statement achieved was to confirm the suspicions of people right around this country, who will be involved in decisions about increased powers for this legislature, that the Northern Territory is being governed by a pack of people to whom one would not trust one's local rates.

I will finish on that note. The constitutional development of the Northern Territory will be enhanced when members opposite are removed from office. It will not be enhanced if it is replaced by the pretender party, the Territory Nationals. That will be of no advantage whatsoever. When that change of government occurs and the Territory polity has demonstrated a capacity to move from one side to the other, statehood will be much further advanced. I do not envisage that taking the next 12 years, to the centenary of the federation of the Australian states. I think it will come far sooner than that and I think that is one of the crucial points that needs to be made in this debate. In those terms, I heartily endorse the amendment proposed by the Leader of the Opposition.

Mr MANZIE (Attorney-General): Mr Speaker, what has been said in this House today leads me to believe that the forefathers of the Australian Labor Party must be rolling in their graves. The democratic processes in this country have been championed by such people as Harold Nelson. They have been championed by members of unions, working class people, the forefathers of the party to which members opposite belong. Yet today we have seen that the members opposite do not believe that Territorians should have the capacity to govern themselves.

The Chief Minister made a statement which went into some detail about the transfer of the remaining powers of self-government to Territorians - not to the Country Liberal Party, not to the Labor Party, nor to anyone else in this House, but to Territorians, to be exercised through a parliament which they duly elect through the democratic process. We have heard the Labor Party members here express to a man opposition to the concept that Territorians should be like other Australians and should govern themselves. They will regret the words that they have uttered in this House today. I agree with the member for Sadadeen that the attitudes of 1978 have reasserted themselves today. We had an Australian Labor Party opposition that was totally against the process of Territorians governing themselves. They actively promoted a campaign against self-government in the 1978 elections, almost causing an upset. What we saw in 1978 ...

Mr Ede: I believe it was 1977.

Mr MANZIE: 1978.

Mr Ede: 1977.

Mr MANZIE: 1977.

Mr Ede: Thank you!

Mr MANZIE: What we have seen in the 10 years since self-government was granted is the most rapid development of any area of Australia over that decade. In the Territory today, we have some of the best roads in Australia. We have a long way to go. We have some of the best schools in Australia. We have some of the best preschools and high schools and we have the ability to provide tertiary education. Our health system and facilities are second to none. In all areas of our responsibility, we have seen magnificent achievements and development to cater for the needs of Territorians - not to cater to the aspirations of people who live 4000 km away, not to cater to the whims of public servants who answer to no one. This government, elected by Territorians, has been able to serve Territorians through the processes of democracy. In other words, what the people want is what has been achieved. Some 10 or 11 years ago, we received 95% of the powers necessary to govern ourselves totally, with 5% withheld. No argument can be advanced that says that we should not have the rest of those powers transferred.

What was the situation in the 1960s? I am afraid that members opposite were not here then. The member for Stuart is probably a good example. His speech demonstrated the ignorance that he has, not through any fault of his own, but because he was not here. In the 1960s, Territorians did not govern themselves. We had a man who wore a white suit and lived in a building down the road. Every now and again, he would pop out, give a few royal waves and make a tour in the old Austin Sheerline, and we would all grovel in the dirt. A few public servants, who were nominated by politicians 4000 km away, deliberated under this very roof. We had a couple of elected members who had no power. Unlike that group opposite, they were not concerned about party politics. Like people on this side of the House, they were concerned about Territorians. Their whole aim was to improve the democratic processes, to allow Territorians to govern themselves and to provide mechanisms by which the operations of members of this House would reflect the will of Territorians.

I remember the days when I did not have the rights of other Australians, when my vote meant nothing and the aspirations of my family were not taken into account. What was taken into account was what was determined by people 4000 km away. In 1977, a commitment was given by the federal government - and it was not given without a struggle - that we would have self-government.

I note that not even 1 member of the opposition is present in this Chamber for this important debate on the future democratic processes of this Territory.

Mr Dondas: It is their own amendment.

Mr MANZIE: They are not even here, Mr Speaker, and that reflects their attitude towards the whole process. They do not want to know about it. We do not intend to let it rest there. We will ensure that people in the Territory know what has been said in this House today and that the

opposition does not believe Territorians are capable of looking after their own affairs but should be controlled by people 4000 km away. Mr Speaker, we will make sure that what has been said by those members opposite is transmitted around the Territory.

Let us have a look at what is proposed for this transfer of further powers. First, there is the appointment of the Administrator. It is proposed that the Administrator should be appointed by the Governor-General and only after consultation with the Northern Territory government. That makes quite a lot of sense. A more important proposal is that the power of the Commonwealth minister to instruct the Administrator be removed. Fancy a Commonwealth minister having the power to instruct the Administrator of the Northern Territory on what he should do in relation to legislative matters. We saw and heard members of the Australian Labor Party almost commit ritual harikari when the Governor-General had the audacity to dismiss their government on 11 November 1975. Mr Clerk would remember the day well because I believe that he was present and actually involved. The principle of a nominated representative of the Crown having the ability to direct a government was something that many members of the Labor Party fell out of their tree about, and I agree. Any interference with the democratic process must be viewed with great care because the ultimate authority must be the people. The proposal is that the Commonwealth minister's power to instruct the Administrator be removed. Did that receive any support from the ALP? Not on your life, Mr Speaker.

What about the situation in respect of national parks? We have 98 parks and reserves in the Northern Territory, and recently the NT News completed a series of articles on those parks, indicating what magnificent areas they comprise. The employees of the Conservation Commission do a magnificent job in maintaining and developing those parks and ensuring that the environment within them is protected and preserved for the use of all Australians. We do an excellent job. Not only interstate visitors but also international visitors have paid tribute to the work that is done in our parks. However, 2 of our parks are controlled by public servants situated 4000 km away. They are controlled by people who have no other experience in controlling parks anywhere. They are not even permitted to operate the parks and gardens in Canberra, but they are permitted to operate and control totally 2 parks in the Northern Territory. These officers respond to the wishes of Territorians to such an extent that we have a road between Ayers Rock and the Olgas which is about 2 m below the surface of the rest of the country, and which is corrugated to such an extent that it destroys vehicles worth hundreds of thousands of dollars on a regular basis ...

Mr Poole: It kills people.

Mr MANZIE: It causes death and injury and destroys the flora with great clouds of dust which are too thick to see through. That is an example of how an administration 4000 km away looks after one of our parks.

What about Kakadu? We have been reading comments lately about some of the problems of Kakadu. We still have problems in relation to accommodation there. Promises were made years ago that \$70m-worth of work would be done, and what do we have? A few barbecues and a few roads. We are talking about an area that is twice the size of Cyprus. We are talking about an area which is nearly twice the size of Lebanon. We want to put some high-tension wires through it. Kakadu is bigger than 30-odd countries that are members of the United Nations. We want to put

one powerline through it, but we are not permitted to do so. That powerline could reduce the cost of electricity for Territorians by many cents a kilowatt hour, but someone 4000 km away has decreed that we cannot do that.

The suggestion that, even though we manage 98 parks in a manner which attracts people from around the world, we cannot run the other 2 is ridiculous. It makes a total mockery of the democratic process. There are 60-odd people employed in Sydney in relation to the administration of the parks. Members opposite say that we cannot be trusted to run those 2 parks and we will never be allowed to do so until we guarantee the funding. The Chief Minister said plenty about that, but it is indicative of the attitude of the members opposite who do not believe Territorians are capable of looking after 2 parks. To rub a little salt into the wound, federal people are making decisions about charging Territorians to enter Kakadu National Park. It was \$10 a head and now we are down to \$5 a head. How absolutely ridiculous! Do we have a say in it? Not a hope. Someone 4000 km away says: 'Let us charge those mongrels \$5 a head'. Any suggestion that Territorians might look after the park is ridiculed.

Everywhere else in the country, mining is controlled by the government of the state in which it occurs. The Territory government controls mining with the exception of uranium mining and offshore mining. We can look after the rest of it, which is worth billions. There is no problem with that and we do it very well. But, heaven forbid, we are incapable of looking after uranium and offshore mining. That has to be controlled by people 4000 km away, and the opposition agrees. We are not talking about members of the CLP government or members of this House. The constituents of members of this House are not considered mature enough to look after their own affairs.

In relation to minerals on Commonwealth land, the statement is quite clear. Industrial relations is no problem. However, the situation in regard to land is absolutely absurd. Where else would control of half of the land mass be left in the hands of people 4000 km away? Other Australians would not tolerate it. The forefathers of members of the ALP here would not have tolerated it. We have already heard about Harold Nelson. We should all be proud of Harold Nelson as a Territorian who knew what individuals crave. They crave the ability to control their own destiny. He was willing to go to jail for the principles of democracy - no representation, no taxation. Right throughout history, the Eureka Stockades and the Russian Revolutions have been brought about because people have been denied the ability to control their own destiny.

What do we have here? People are saying that Territorians are incapable of democratically controlling all aspects of their lives. It is unbelievable stuff, but it has been said by speaker after speaker. We heard the member for MacDonnell talk about gerrymanders. We are aware of the situation in WA and NSW where the ALP has only to win about 47% of the vote. We have the most appalling example of electoral manipulation seen in this country imposed on Territorians. We have had Christmas Island and Cocos Island placed in our electorate deliberately for the purposes of federal elections in order that the vote can be manipulated to the benefit of the ALP. I believe that example really shows what members opposite are all about. They do not believe in democracy. They do not believe in Territorians having a say. They believe in gerrymandering the electorate, and they believe in denying Territorians the ability to contribute to their own democratic processes.

We really do not need to say too much about Aboriginal land. How can people in this Chamber say

that people 4000 km away should make laws which do not affect them in a place which has 1 representative from the Territory? They make laws that control Territorians. Until Territorians have the ability to control all land matters, we will not have the rights that other Australians have.

Federal representation is a matter of numbers. We know that we must have full Senate representation when we have statehood. It is not a matter of agreeing to half; we must have total Senate representation. The idea of the Senate was to have a House which balanced the larger states against the smaller states to control the influence that states with larger populations may be able to exert in relation to the smaller states. When Western Australia received its total quota of Senators at federation, it had a smaller population than we presently have and the same applies to Tasmania. The whole concept of statehood requires that we have full Senate representation.

But, Mr Speaker, we are not talking about statehood at this stage. We are talking about the transfer of powers for full self- government. It is a step that needs to be achieved, and it needs to be achieved now. It can be achieved very simply. If 90% of self-government could be achieved in 7 months, it will take only 7 weeks to work out how to transfer all the powers remaining.

Mr Ede: Come on!

Mr MANZIE: Mr Speaker, the comment of the member for Stuart is indicative of his attitude. He was not here when we did not have any representation. We must all ensure that we provide the impetus for Territorians to have a full say in their own affairs.

Mr LANHUPUY (Arnhem): Mr Speaker, I support totally the amendment circulated by the Leader of the Opposition. I believe that all members of the Select Committee on Constitutional Development support the aims, views and terms of reference laid down by this House for that committee. I travelled with that committee throughout the Northern Territory with the former Chief Minister, the member for Nightcliff. We expressed the view to people that the Northern Territory government and this legislature were in the process of trying to achieve statehood for the Northern Territory. There is no doubt in my mind and in the minds of my colleagues that, eventually, we will achieve statehood. What we fear is that this Chief Minister has indicated that he intends to ask the federal government to amend 35-odd items of legislation which affect our lives in the Northern Territory.

The process of consulting my people is a considerable one. The Chief Minister spoke about the agreement in relation to Ranger. The government constantly uses departmental officers to consult with Ranger Uranium Mines, Nabalco, Aluswiss etc when it wants to make changes to legislation which affects their mining operations. I am sure that the Chief Minister knows that, in the end, he will have to negotiate with the Aboriginal people who are affected by the Land Rights Act.

It took a long time to consult and arrive at the agreement regarding the management of Kakadu National Park by the ANPWS and the mining of uranium in the area. It was a long and drawn out process during which 5 of my people died before the expected benefits from mining royalties were received. Eventually, the land councils had to bring in Dr Stephen Zorn from the United States, who had negotiated royalties on behalf of the Indian people in Denver. He had to explain to some of the people the intricacies of negotiating, the benefits which would occur over a long period and the ways

in which royalties could be used to obtain the best results. An expert like that was needed and, unlike the government, the Aboriginal people in the area are not in a position to be able to obtain expert advice on a regular basis. I am sure that the Chief Minister can appreciate that. Those people will not be able to do that in the context of all the legislative changes which would result from the proposals in the Chief Minister's statement.

One of the hard facts of life is that 25% to 30% of the Northern Territory's population is Aboriginal. The Chief Minister and his colleagues have told the federal Minister for Aboriginal Affairs that he should not ram the ATSIC proposals down people's throats within 1 year. They tell the federal Minister that they support the Aboriginal people of the Northern Territory in their wish to have the proposal deferred until there is widespread consultation. Do they now expect Aboriginal people to sit down and go through those 35 pieces of legislation within 16 months? Are they going to employ people with certain linguistic skills to explain those matters, because I am sure that the NLC and just about everyone else is on the nose as far as the government is concerned? Or will the government use its own educational services in an effort to inform Aboriginal people about the aims which lie behind the Chief Minister's statement?

I think that the Select Committee on Constitutional Development has been doing the right thing in advising many Territorians about the aims of this legislature in relation to statehood. So far, we have given our bipartisan support to the work of that committee. However, it is asking a bit too much of Territorians to expect them to accept these proposals which relate to matters of concern to a large number of people in the Northern Territory. The government's approach worries me. It seems to be rushing, and I do not know what this indicates about the reputation or the standing of the Chief Minister.

I cannot see all these things happening within the next 16 months and I do not think that the people in my electorate, the people for whom I speak, would be happy about them. They are Territorians too, and there is a need for consultation. I was very pleased when the Attorney-General announced his decision to defer the Aboriginal Areas Protection Bill. I was very pleased to hear him say that more time was needed for consultation with the people who would be most affected by the legislation. That is the approach which the government should be taking on the matters we are now debating. It is asking members of this House, the legislators of the Northern Territory, to give our support to a proposal that we achieve statehood by the year 1990.

Mr Perron: It is not statehood, Wes.

Mr LANHUPUY: I think that is a bit worrying. Many people in the northern suburbs do not want what the government is asking for. The Chief Minister can talk to those people about the transfer of powers and about Aboriginal land. They certainly hear about that because this government is always attacking Aboriginal land rights. They certainly hear about the Northern Territory government's wish to control Kakadu. But, has the government ever considered the fact that the people at Kakadu might want to run that park by themselves one of these days? There are Aboriginal people on the boards of management of Kakadu, Uluru and most of the parks in the Northern Territory.

Mr Perron: We put them there. Cobourg Peninsula ...

Mr LANHUPUY: Has it not crossed the minds of members opposite that, one of these days, those Aboriginal people may wish to manage the park as a private enterprise, to achieve their own self-esteem and self-determination? No, they want control to be transferred from Canberra into their own hands.

When the government deals with big contracts or changes to legislation, it consults with a whole range of people but, in this case, that is not happening. That worries me, Mr Speaker. I support the amendment moved by the Leader of the Opposition and I only hope that the Chief Minister does not blindly lead the people of the Northern Territory into an attempt to achieve the transfer of powers by 1990.

Debate adjourned

10-12/10/89 Parliamentary Record No. 15: 7528

Topic: MEMBERSHIP OF COMMITTEES**Subject:** MEMBERSHIP OF COMMITTEES**Date:** 10/10/89**Member:** Mr COULTER**Status:****Information:**

Mr COULTER (Leader of Government Business)(by leave): Mr Speaker, I move that:

1. the member for Casuarina be discharged from further attendance on the Public Accounts Committee, the Publications Committee, the Privileges Committee, the House Committee, the Subordinate Legislation and Tabled Papers Committee and the Environment Committee;
2. the member for Nightcliff be discharged from further attendance on the Publications Committee and the Sessional Committee on the Environment;
3. the member for Nhulunbuy be discharged from further attendance on the Select Committee on Constitutional Development;
4. the member for Arafura be discharged from further attendance on the Subordinate Legislation and Tabled Papers Committee; and
5. members be appointed to those committees as follows:

Standing Committee on Publications - Mr Firmin and Mr Poole;

Standing Committee on Public Accounts - Mr Poole;

Standing Committee on Privileges - Mr Vale;

Standing Committee on the House - Mr Poole;

Standing Committee on Subordinate Legislation and Tabled Papers - Mr Poole and Mr Bailey;

Sessional Committee on the Environment - Mr Poole and Mr Palmer;

Select Committee on Constitutional Development - Mr Bailey.

Mr Speaker, I advise that the new Government Whip is the member for Jingili, Mr Setter.

Motion agreed to.

17-19/10/89 Parliamentary Record No. 16: 7703

Topic: TABLED PAPER**Subject:** Select Committee on Constitutional Development Information Paper No. 2 - Entrenchment of a New State Constitution.**Date:** 19/10/89**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Health and Community Services) (by leave): Mr Deputy Speaker, I table a paper entitled 'Select Committee on Constitutional Development Information Paper No 2 - Entrenchment of a New State Constitution'. Mr Deputy Speaker, I move that the paper be printed.

Motion agreed to.

Mr Deputy Speaker, I move that the Assembly take note of the paper.

The select committee has been in operation for some time now and has developed a number of information papers relating to the proposed contents of a constitution for the Northern Territory. This paper is another in that series. In the course of public hearings conducted throughout the Northern Territory, questions arose regarding a new state and how the Commonwealth would be legally bound by the terms and conditions of entrenched provisions placed in a new state constitution. The purpose of this paper is to promote discussion relating to the complex legal questions that surround the entrenchment of guarantees and obligations that will bind both the Northern Territory and the Commonwealth when the Northern Territory gains admittance, as a state, to the Commonwealth federation under the Commonwealth Constitution.

Debate adjourned.

21-30/11/89 Parliamentary Record No. 17: 8502-05

Topic: MOTION**Subject:** Select Committee on Constitutional Development**Date:** 30/11/89**Member:** Mr HATTON**Status:****Information:**

Mr HATTON ('Health and Community Services')(by leave): Mr Speaker, I move that the terms of reference of the Select Committee on Constitutional Development be varied to read as follows:

That whereas this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the federation in terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states:

and whereas in so far as it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state;

and whereas it is necessary to draft a new state constitution:

- (1) during the present session of this Assembly - a committee, to be known as the Sessional Committee Constitutional Development, be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) A constitution for the new state and the principles upon which it should be drawn, including:
 - (i) legislative powers;
 - (ii) executive powers;
 - (iii) judicial powers, and
 - (iv) the method to be adopted to have a draft new state constitution, approved by or on behalf of the people of the Northern Territory;
 - (b) the issues, conditions and procedures pertinent to the entry of the Northern Territory

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- into the federation as a new state; and
- (c) such other constitutional and legal matters as may be referred to it by:
- (i) relevant ministers, or
 - (ii) resolution of the Assembly.
- (2) the committee undertake a role in promoting the awareness of constitutional issues to the Northern Territory and Australian populations;
- (3) unless otherwise ordered, the committee consist of Mr Bailey, Mr Ede, Mr Firmin, Mr Hatton, Mr Lanhupuy and Mr Setter;
- (4) the Chief Minister and the Leader of the Opposition, although not members of the committee, may attend all meetings of the committee; may question witnesses; and may participate in the deliberations of the committee, but shall not vote;
- (5) the Chairman of the committee may, from time to time, appoint a member of the committee to be the Deputy Chairman of the committee and that the member so appointed shall act as Chairman of the committee at any time when there is no Chairman or when the Chairman is not present at a meeting of the committee;
- (6) in the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote;
- (7) the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine;
- (8) four members of the Committee constitute a quorum of the committee and two members of a subcommittee constitute a quorum of the subcommittee;
- (9) the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly;
- (10) the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public;
- (11) the committee have leave to report to the Assembly from time to time and any member of the committee have power to add a protest or dissent to any report;
- (12) the committee report to the Assembly as soon as possible after 30 June each year on its activities during the preceding financial year;

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- (13) unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained;
 - (14) members of the public and representatives of the news media may attend and report any public session of the committee, unless otherwise ordered by the committee;
 - (15) the committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate;
 - (16) the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of, the Speaker, to appoint persons with specialist knowledge for the purposes of the committee;
 - (17) nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the sessional committee;
 - (18) the committee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees established in the previous Assembly; and
 - (19) the foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the standing orders.

Basically, this will alter the terms of reference of the Select Committee on Constitutional Development to make it a sessional committee. It also effects some minor variations to the wording of the terms of reference. The matter has been discussed at length within the committee and by both sides of the parliament. I understand that there is agreement in respect of this amendment.

Mr EDE (Stuart): Mr Speaker, that is certainly so. We propose an amendment to elucidate the role of the committee in relation to the promotion of awareness of constitutional issues. One of the things that we have found as we have gone around the Territory is that people are very keen to discuss constitutional issues and to work out a plan. Very sensibly, they see the constitution as the skeleton, if you like, of the new state. They see the necessity to have that in an ordered and coordinated framework, that has been removed from the hurly-burly of the actual politics of the day. The constitution is the important thing and we have to get it right. Obviously, when we have the constitution right, the demand for statehood will be incredible. That is the position that we are adopting.

Gradually, more and more people are becoming involved in discussions. All members of the committee have been visiting community groups and have had discussions with groups of students, service clubs etc. I think that an awareness of the committee's role is increasing gradually. People are beginning to understand the process of determining what the issues are and what they will have to confront in the process of reaching an agreement on the future shape of the Northern Territory. In itself, that process is important. It does not matter how long it takes to arrive at the end result. The

important thing is that we are attempting to arrive at a balance of the different rights that people wish to see reflected in the constitution and to determine whether certain rights should be entrenched in the constitution. Those are issues that will be debated as the work of the committee proceeds. I commend the motion to honourable members.

Motion agreed to.

01-10/05/90 Parliamentary Record No. 19: 9678-82

Topic: TABLED PAPER**Subject:** Sessional Committee On Constitutional Development Progress Report**Date:** 10/05/90**Member:** Mr FINCH**Status:****Information:**

Mr FINCH (Transport and Works)(by leave): Mr Speaker, on behalf of the Minister for Health and Community Services, in his capacity as Chairman of the Sessional Committee on Constitutional Development, I table a statement relating to the work of that committee and I seek leave for it to be incorporated in Hansard.

Leave granted.

The committee was reconstituted on 28 April 1987 following the election in March 1987.

The resolutions constituting the committee were passed by this House at the same time as proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth Federation.

On 30 November 1989, this House resolved to amend the terms of reference of this committee by changing the status from a select to a sessional committee of parliament. In doing so, the terms of reference of this committee were varied. These variations have allowed the committee to take on board, over and above its primary task, that is to develop a draft constitution, such other constitutional and legal matters as may be referred to it by the relevant minister or by resolution of this House.

As mentioned, the major task of this committee is to prepare a draft constitution and to report that constitution to this House together with its recommendations on representation at a proposed Northern Territory Constitutional Convention.

This committee has also been charged by this House to undertake a role in promoting the awareness of constitutional issues to the Northern Territory and Australian populations. During this session of parliament, the committee has developed an extensive program in promoting its work.

In promoting public awareness, the committee sees it as an important 'educative' ingredient in its terms of reference for developing the necessity for a new constitution, addressing the issues involved and, most importantly, the need for public input to gain acceptance of the final document.

To date, the committee has prepared the following publications, all of which have been tabled in this House:

A discussion paper on a 'Proposed New State Constitution' for the Northern Territory which is a collection of the following 4 discussion papers prepared to help promote, commend and develop community attitudes on the contents of the proposed new state constitution:

- The Legislature;
- The Executive;
- The Judiciary; and
- Entrenched Constitutional Provisions.
- A discussion paper on 'Representation in a Territory Constitutional Convention';
- Information Paper No 1 entitled 'Options for a Grant of Statehood';
- Information Paper No 2 entitled 'Entrenchment of a New State Constitution'; and
- A plain English booklet entitled 'Proposals for a New State Constitution for the Northern Territory'.

The papers are intended to form a framework for discussion of issues both in written and oral submissions and in the course of public hearings.

During its establishment in 1985, almost half of honourable members present have served on this committee. The present membership is constituted by the honourable members from Nightcliff, Wanguri, Stuart, Ludmilla, Arnhem and Jingili. The committee also has ex officio members comprising the honourable Chief Minister and the Leader of the Opposition.

The committee, to date, has received 43 written submissions, 17 of which have been classified as group submissions which include local governments, industrial relations organisations, business groups, religious and government organisations; the remaining 26 have been classified as individual submissions.

Between 5 July 1988 and 27 September 1989, the committee has conducted some 60 public hearings throughout the Northern Territory. Public hearings have been conducted in all of the major centres and the majority of the large Aboriginal communities. From these meetings, the committee has spoken directly to some 3000 people, of which 275 have given direct oral evidence as witnesses.

The committee, having been given the public awareness role, determined that it should gain as much input as possible from the community prior to undertaking any definitive program of public meetings. It advertised widely in the media for submissions, wrote to over 500 individuals and organisations and disseminated the discussion and information papers which it had prepared on the constitution.

Whilst response was not overwhelming, some areas of concern, such as Aboriginal land rights, language and culture, became immediately apparent. The committee therefore decided that it should undertake the public awareness role and in particular should visit most centres of population within the Territory. In assisting the committee to prepare its program, it enrolled the service of officers

from the Office of Local Government. Those officers were requested to discuss matters relating to Northern Territory constitutional development with community leaders, with a view to arousing interest in the matter prior to the committee's visiting the communities. Recently, after requesting the government, the network of officers to assist the committee has been enlarged to incorporate appropriate personnel from all Northern Territory public service departments and authorities.

In promoting the public awareness role, particularly in the communities, the committee produced a plain English booklet, interposed with cartoon characters. The aim of this booklet is to help facilitate understanding of the complex constitutional issues. 20 000 copies of this booklet have been printed and some 11 000 copies were disseminated to communities throughout the Northern Territory. The success of this booklet has surpassed its need as an educative tool for understanding in Aboriginal communities. The committee has found that the demand for this booklet is now being requested by organisations, schools and from a large number of Territory residents living in the major urban areas of the Northern Territory.

Prior to the committee visiting the major towns and centres of population in the Territory, advertisements were carried, where possible, in local newspapers and over radio stations.

Advertisements were also carried over commercial television stations, including *Imparja*, which beams to most Aboriginal communities and major centres outside Darwin. These latter advertisements were produced by a local media promotions company selected by tender. There were a number of advertisements made. First a 60-second commercial was shown, informing the public of the role of the committee and what is involved in developing a constitution. This commercial was followed up by a brief 20-second 'teaser' commercial reinforcing the first. There were 2 other 30-second commercials showing various members expressing the role of the committee and the itinerary of the committee's visit to centres and communities. The main thrust on all commercials was to encourage Territorians 'to have their say' in the framing of a constitution. The response has been rewarding and, whilst it may be necessary to visit the centres and communities again to promote specific fundamental issues, the committee is of the opinion that its approach in addressing and developing public awareness has been effective.

It has not been smooth sailing when it comes to promoting the complex and diverse issues surrounding constitutional development in the Northern Territory. When visiting the communities, language difficulties were experienced in certain cases. There are approximately 130 languages and dialects in use in the Northern Territory and, whilst English is either used or well understood in many communities, in others the comprehension of English is almost non-existent. The majority of transcripts that were taken at the public meetings will require translation into English. As you can appreciate, this will be not only costly but a long and arduous task.

The committee has engaged the services of the Institute for Aboriginal Development, based in Alice Springs, to assist in the translating of the transcripts from the Aboriginal languages into English. These translations have been incorporated into Hansard.

I would like to express my thanks, on behalf of the committee, to the institute. This organisation has helped the committee in gaining a better understanding of what the people say who live in Aboriginal communities. The translations of the transcripts from the central Australian region only have been

completed. Honourable members may well be aware that there is no translating service in the Top End. Therefore the Institute for Aboriginal Development has acceded to our request to extend its service to coordinate the translation of transcripts for Top End communities. It is hoped that this will be completed by July of this year.

In developing its promotion awareness role, the committee will be conducting a series of information workshops in Aboriginal communities throughout the Northern Territory commencing on 14 May 1990. The aim of the workshops is to further reinforce and educate people on the issues raised by the committee in its first round of visits conducted during 1989.

A total of 15 workshops will be conducted between May and November this year. The form these workshops will take is they will be conducted over a 2-day period in one of the 15 Aboriginal language grouping areas identified by the committee. For example, those communities who speak Pitjantjatjara and South Luritja would send representatives to the workshop which would be held in a central location in that language group area. In this case, it would be the Mutitjulu community which is located in Uluru National Park.

Presently the public awareness program has been aimed primarily at Aboriginal communities. Whilst this second round of visits to the communities is being conducted, the committee will be planning to extend its public awareness program to urban centres in the Northern Territory. The committee will not only be addressing mainstream Australia of Anglo-Saxon descent, but the multiplicity of ethnic groups which reside in these centres. Where there has been complexity in dealing with different Aboriginal groups and language, so too there will be complexity in approaching different ethnic groups in urban centres. Presently the plain English booklet has been translated into the following ethnic languages: Indonesian, Chinese, Italian, Thai, Vietnamese, Greek and Portuguese.

The committee has adopted the approach of closing the communication gap through the provision of publications, public meetings and hearings and information workshops. The committee is presently addressing other ways to promote its work and will, in the near future, be producing audio tapes and information sheets in Aboriginal and other ethnic languages to complement the plain English booklet. Recently the committee called for expressions of interest from local production houses for development of a video 'as an educative tool' on constitutional development. The aim of the video is to enhance and promote the issues raised in the committee's publications. It is envisaged that the video should be completed by July of this year.

The committee has little doubt that by undertaking the educator's task it has and will establish valuable links with the Territory community which will later bear fruit. The educative role that the committee has undertaken is, in my view, an essential one as a step towards achieving that end.

Finally, citizens of the Northern Territory have begun to consider for the first time the prospect of statehood and the possibility of having their desires and aspirations enshrined in a state constitution. Apart from promoting the awareness of constitutional issues, this committee also has before it the daunting task of making recommendations to this House on the composition of a constitutional convention and how residents from all walks of life in the Territory will be represented at such a convention.

As honourable members can see, the committee has a long way to go in successfully fulfilling its tasks. However, it believes, as I strongly believe, that once the process of developing a constitution for the Northern Territory has been finalised, there will be a natural progression for the Northern Territory to be admitted as a state under the Australian Commonwealth Federation.

Chapter 3 Sixth Assembly

FIRST SESSION

04-06/12/90 Parliamentary Record No. 1: 20-22

Topic: MOTION

Subject: [Sessional Committee On Constitutional Development](#)

Date: 04/12/90

Member: [Mr COULTER](#)

Status:

Information:

Mr COULTER (Leader of Government Business)(by leave): Mr Speaker, I move that:

WHEREAS this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the federation in terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states;

AND WHEREAS IN SO FAR AS it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state;

AND WHEREAS it is necessary to draft a new state constitution:

- (1) during the present session of this Assembly - a committee, to be known as the Sessional Committee on Constitutional Development, be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) a constitution for the new state and the principles upon which it should be drawn, including:
 - (i) legislative powers;
 - (ii) executive powers;
 - (iii) judicial powers; and
 - (iv) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory;

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- (b) the issues, conditions and procedures pertinent to the entry of the Northern Territory into the federation as a new state; and
 - (c) such other constitutional and legal matters as may be referred to it by:
 - (i) relevant ministers; or
 - (ii) resolution of the Assembly;
 - (2) the committee undertake a role in promoting the awareness of constitutional issues to the Northern Territory and Australian populations;
 - (3) unless otherwise ordered, the committee consist of Mr Hatton, Mr McCarthy, Mr Setter, Mr Bailey, Mr Cartwright, and Mr Lanhupuy;
 - (4) the Chief Minister and the Leader of the Opposition, although not members of the committee, may attend all meetings of the committee; may question witnesses; and may participate in the deliberations of the committee, but shall not vote;
 - (5) the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee and the member so appointed shall act as chairman of the committee at any time when there is no chairman or when the chairman is not present at a meeting of the committee;
 - (6) in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote;
 - (7) the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine;
 - (8) four members of the committee constitute a quorum of the committee and 2 members of a subcommittee constitute a quorum of a subcommittee;
 - (9) the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly;
 - (10) the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public;
 - (11) the committee have leave to report to the Assembly from time to time and any member of the committee have power to add a protest or dissent to any report;
 - (12) the committee report to the Assembly as soon as possible after 30 June each year on its

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- activities during the preceding financial year;
- (13) unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained;
 - (14) members of the public and representatives of the news media may attend and report any public session of the committee, unless otherwise ordered by the committee;
 - (15) the committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate;
 - (16) the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee;
 - (17) nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the sessional committee;
 - (18) the committee be empowered to consider, disclose and publish the Minutes of Proceedings, evidence taken and records of similar committees established in previous Assemblies; and
 - (19) the foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the standing orders.

Motion agreed to.

30/04/91 - 09/05/91 Parliamentary Record No. 3: 1166-71

Topic: TABLED PAPER**Subject:** Sessional Committee On Constitutional Development Annual Report 1989-90**Date:** 09/05/91**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Industries and Development): Mr Speaker, in my capacity as Chairman of the Sessional Committee on Constitutional Development, I table the committee's annual report for the year 1989-90.

On 28 August 1985, the Assembly established this committee. The resolutions constituting the committee were passed by this House at the same time as proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth federation. On 30 November 1989, the Assembly resolved to amend the committee's terms of reference, enabling it to change its status from a select to a sessional committee. In doing so, the terms of reference of this committee were varied. These variations have allowed the committee to take on board over and above its primary task - that is, to develop a draft constitution - such other constitutional and legal matters as may be referred to it by the relevant minister or by resolution of this House. The amended terms of reference provided also for this committee to report to the Assembly on its activities for the preceding financial year. This is the committee's annual report to be tabled in accordance with the committee's terms of reference.

The major task of this committee is to prepare a draft constitution, to report that constitution to this House, and to make recommendations on representation at a proposed Northern Territory constitutional convention. This committee has also been charged by the House to undertake a role in promoting the awareness of constitutional issues to the Northern Territory and Australian populations.

During the 1989-90 financial year, the committee completed its activity that was primarily aimed at promoting constitutional issues in major Northern Territory Aboriginal communities. To date, the committee has prepared the following publications, all of which have been tabled in this House: 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory', which is a collection of the following discussion papers prepared to help promote comment and develop community attitudes on the contents of the proposed new state constitution - 'The Legislature', 'The Executive', 'The Judiciary' and 'Entrenched Constitutional Provisions'; 'A Discussion Paper on the Representation in a Northern Territory Constitutional Convention'; 'Information Paper No 1 - Options for a Grant of Statehood'; 'Information Paper No 2 - Entrenchment of a New State

Constitution'; and a plain English booklet entitled 'Proposals for a new State Constitution for the Northern Territory'. These papers have formed the framework for discussion of issues both in written and oral submissions during the course of the committee's deliberations.

By the end of the year, the committee had received 43 written submissions, 17 of which have been classified as group submissions which include local governments, industrial relations organisations, business groups, religious and government organisations. The remaining 26 have been classified as individual submissions. During the course of its life, the committee has conducted some 70 public hearings throughout the Northern Territory. Public hearings have been conducted in all the major centres and the majority of the large Aboriginal communities. At these meetings, the committee has spoken directly to some 3000 people of whom 275 have given direct oral evidence as witnesses.

Having been given the public awareness role, the committee determined that it should gain as much input as possible from the community prior to undertaking any definite program of public meetings. The committee decided that it should undertake the public awareness role and, in particular, should visit most centres of population within the Territory. It advertised widely in the media for submissions, wrote to over 500 individuals and organisations, and disseminated the discussion and information papers which it had prepared on the proposed constitution. Whilst the initial response was not overwhelming, some areas of concern, such as Aboriginal land rights, language and culture, became immediately apparent.

It has not been smooth sailing when it comes to promoting the complex and diverse issues surrounding constitutional development in the Northern Territory. When visiting the communities, language difficulties were experienced in certain cases. There are approximately 130 languages and dialects in use in the Northern Territory and, whilst English is either used or well understood in many communities, in others, the comprehension of English is almost non-existent. The majority of transcripts that were taken at the public meetings required translation into English. The committee engaged the services of the Institute for Aboriginal Development, based in Alice Springs, to assist in the translation of the transcripts from the Aboriginal languages into English. I believe that it is an innovation to incorporate these translations into Hansard. In that sense, the Hansard records provide written copies of both the submissions in the relevant Aboriginal language and the English interpretation, 1 following the other. Thus, there is a complete and accurate record of what occurred.

In undertaking the promotion of constitutional issues to Aboriginal communities, the committee was fully aware that this process would require a high level of consultation on its part in relation to issues that are very complex in diversity and understanding. The response has been rewarding. Whilst it may be necessary to visit some centres and communities again to promote specific fundamental issues, the committee is of the opinion that its approach in addressing and developing constitutional awareness has been effective.

Mr Speaker, you will note at page 2 of the report an extract of a Hansard transcript of a public hearing held at Yirrkala on 8 May 1989. I draw particular attention to the following statement made by a community leader:

We Yolgnu (Aboriginal) people need to sit down with you people and work together with the

government people and watch you write these laws, because we do not want the laws in this constitution to be crooked or half done.

As you can see, the responses to these consultations have provided the committee with a better understanding of issues concerning Aboriginal people and their drive for self-determination.

The committee also conducted a number of public hearings in major urban centres and resolved that it should promote constitutional issues in those centres in the future. The manner of forming and promoting those issues has still to be decided by the committee. In promoting constitutional awareness in urban centres, the committee will be addressing not only mainstream Australians of Anglo-Saxon descent, but the multiplicity of ethnic groups who reside in these centres. Where there has been complexity in dealing with Aboriginal groups and languages so too there will be complexity in approaching the different urban groups.

The committee's activities have provided it with a better understanding of the underlying attitudes and aspirations of the Northern Territory community in respect of constitutional development. The collation of these views and submissions is proceeding and will form the basis of further information papers and draft documents as part of the vital ongoing process of public consultation.

Mr Speaker, I move that the Assembly take note of the report.

Mr BAILEY (Wanguri): Mr Speaker, having been a member of the committee for something like 18 months, I would like to comment briefly on its operations. From talking to my colleagues, I understand that, in the early stages, the opposition had some concerns about the committee's objectives and agendas. However, having seen what it was attempting to do, we gave it our full support and have continued to do so. Unfortunately, the future ability to carry out its role is now in some doubt. As a result of the ERC cuts, the committee's budget has been reduced to about 40% of its requirement. I am genuinely concerned that a cut of that magnitude may mean that the committee will not be able to carry out the role which this parliament has directed it to carry out.

Mr Speaker, I refer you to the words of the gentleman from Yirrkala, quoted by the Minister for Industries and Development. He said that 'people need to sit down together and work through with government people and watch you write these laws because we do not want the laws in this constitution to be crooked or half done'. I have real concerns that, if this committee is not adequately funded to carry out its job, the constitution which is developed may be 'crooked or half done'.

The issue is not confined to this particular committee. It raises the whole question of political or executive government interference in the role of committees established by the parliament for the parliament, not for the government. When this parliament establishes a committee, it is a matter for real concern when, through financial and budgetary measures, the government can restrict the operation of the committee at will. Such action can easily be interpreted as political interference in the roles and decisions of parliamentary committees. While I agree that we are in tight economic times, the cut to this committee is far greater in percentage terms than the cuts to other committees or that which reasonably could be expected in the context of budget savings required because of mismanagement by the government. I commend the work of the Sessional Committee on Constitutional Development and I hope that, in future, it will have the ability and resources to carry

on its work.

Mr SETTER (Jingili): Mr Speaker, I rise to support the motion moved by the honourable chairman of the committee and, in so doing, I wish to place on record my disagreement with some of the comments made by the member for Wanguri who, as he pointed out, has been a member of the committee for only the last 8 months or so. I would like to remind him that there are other people, including myself, who have been members of the committee for much longer than that and, indeed, have participated in wide-ranging deliberations of the committee, including visits to dozens of Aboriginal communities.

It is regrettable that the committee's budget has been reduced on this occasion. However, I remind the member for Wanguri that the policy of the Australian Labor Party on statehood for the Northern Territory - which will be the end result of this committee's deliberations and recommendations - is that it should not be achieved before the year 2001, which is 10 years down the line. In that context, I would not place the same priority - nor should the member for Wanguri - on the ...

Mr Bailey: There is a great deal of work to be done before then. Look at how little you have done in the last 10 years.

Mr SETTER: ... deliberations of this committee and the eventual production of its final report, as I would on that of the Sessional Committee on Use and Abuse of Alcohol by the Community. We are about to hear the results of that committee's deliberations to date and, at this time, the question of constitutional development does not have the same priority. The same applies in respect of the Public Accounts Committee which reports to this House on an ongoing basis. I simply remind the member for Wanguri that the priorities are quite different.

As a result of the economic circumstances in which this country finds itself, we have all had to tighten our belts. Because varying priorities attach to the work of the various committees of the House, I have no problem with the reduction in budget funding for this particular committee on this occasion.

Mr EDE (Opposition Leader): Mr Speaker, in fact, I was a member of this committee before even the member for Jingili was and, as a result, I believe I have some idea of the incredible complexity of the task before this committee. I do not think that, in the early days, any of us really realised just how difficult it would be. I recall that, in those days, we sat down with copies of constitutions from around Australia. We laid them out on a big piece of paper and looked at where they were alike and where they were not. In fact, if we had simply accepted that, probably we could have cobbled together a constitution in the mode of the middle of last century and flown with that.

However, it was decided very early in the deliberations of the committee that we needed to have our own home-grown constitution. It had actually to grow out of the Northern Territory. It had to be a Territorian constitution, and one that would become part of the process of achieving statehood. It became clear that the process of discussing the concepts involved in a constitution was part of the development of a state and that the institutions of statehood had to be developed on the basis of consultation with all the people of the Northern Territory. It was clear that, as the competing aims of different people were discussed and coalesced, the actual process would be part of gaining the maturity needed for statehood.

To clarify the member for Jingili's statement, it has long been the policy of this side of the House that this constitutional process is an essential precursor to statehood. As I said, by the very process itself, we will gain the maturity that will give us statehood. For that reason, I am disappointed by the cuts that have been made. Mr Speaker, I had intended to ask you a question on this matter in this morning's question time, but events overtook that intention. I am very concerned about the ability of the committee to continue to carry out what I see as an essential function, and that is the involvement of the people.

Certainly, I believe that there is probably enough money there for the staff to spend the year examining reports and having meetings with people who may be in Darwin, from time to time, on other purposes. The work will not cease entirely. However, there will be a hiatus in terms of involvement of the community, and that is a matter for regret. The member for Jingili may be right and 2001 may be the year when we gain statehood. However, there is an old Chinese saying that a journey of 1000 leagues starts with a single step.

Mr Hatton: It was Mao Tse Tung.

Mr EDE: Mao Tse Tung, was it? I thought it was Confucius.

The point that I am making is that the continual process of developing public awareness of what is going on and getting people involved is an essential precursor to obtaining agreement. The committee has been particularly concerned about the difficulty of getting people, particularly those in urban areas, involved in the process. I am concerned that we will not be able to push that process forward and that, when more adequate funding is made available again in the future, the entire process will have to be started again because it is likely that community awareness will have dropped to a very low level. That would be a matter for extreme regret and concern for those members on both sides of the House who believe that the development of a constitution is the fundamental building block of statehood.

Mr HATTON (Industries and Development): Mr Speaker, I thank honourable members for their contributions and take the opportunity to respond to a couple of comments. Firstly, there are 2 members of the House who have been on the committee longer than has the Leader of the Opposition. One is myself. I notice that it is indicated at page 23 of the document that I first joined the committee in May 1986, and he joined in June 1986. However, in fact, the member for Arnhem is the longest-serving member because he has been on the committee non-stop since it was first created on 15 August 1985. He is still a member of that committee.

I agree with the Leader of the Opposition that, in the early days of the development of this committee and the process of statehood, there were some very tense periods and meetings. Indeed, there were debates in this Assembly about the possibility of cancelling the consideration of statehood because of a hiccup over a political issue that occurred in the House. However, there has been a development of maturity and a strong commitment from both sides of the House to this task and this objective of the parliament. It makes this committee unique, certainly in the Northern Territory Legislative Assembly. There has developed a greater appreciation of the extreme complexity of performing a unique task in Australian history - the task of writing a constitution. It is something that

has not been done in Australia for the best part of a century. In fact, this year was the centenary of the first national constitutional convention. It is unlikely that the opportunity will emerge again in Australia.

We are treading, in many ways, into uncharted waters because we are in the 1990s, not the 1890s. The process of community participation and involvement is vitally important. Many of the issues of today are vastly different from those of previous times. The committee has developed a great depth of knowledge and understanding of many of the constitutional and democratic issues that are emerging. We are committed as a committee to involving the community in the process of writing the constitution and, as has been said at meeting after meeting right throughout the Northern Territory, in working towards the very clear objective of the Northern Territory's constitution being very clearly the people's law. It will be the law of the people that will govern the direction of our society and delineate the authority of the Northern Territory government.

That is a critically important precursor to the inevitable and fundamentally important step of the Northern Territory completing its constitutional journey to take its place as the seventh state and gain the constitutional rights for Australians who choose to live in the Northern Territory. After all, it is our final objective to ensure that each and every person who lives here has the same constitutional rights as every other Australian. That is what the task is about. It is not about governmental power. It is not about budgets. It is about the rights of individuals who live in the Northern Territory. I do not believe there can be a more important task for any member of parliament to engage in.

Motion agreed to.

13-22/04/91 Parliamentary Record No. 4: 1978-79

Topic: MOTION AND [TABLED PAPER](#)**Subject:** [Sessional Committee On Constitutional Development Discussion Paper No. 3](#)**Date:** 22/08/91**Member:** [Mr HATTON](#)**Status:****Information:**

Mr HATTON (Industries and Development) (by leave): Mr Speaker, I table a paper entitled 'Sessional Committee on Constitutional Development -Discussion Paper No 3: Citizens' Initiated Referendums'. I move that the paper be printed.

Motion agreed to.

Mr HATTON (Industries and Development): Mr Speaker, I move that the Assembly take note of the paper.

The sessional committee has been in operation for some time now and has developed a number of discussion and information papers relating to the proposed contents of a constitution for the Northern Territory. This paper is another in the series. During the course of the committee's ongoing investigation, questions and, in particular, a number of submissions have been put to the committee regarding citizens' initiatives. The submissions deal with various options and mechanisms relating to citizens' initiatives such as initiatives for constitutional change, legislative change or veto and recall of elected and appointed public officials.

The committee has considered these submissions and the procedures and proposals that have been adopted or made elsewhere. While the committee accepts that there is some merit to citizens' Initiatives, its tentative view is that it is not convinced that the advantages outweigh the disadvantages. The committee considers it is more important to enhance the status of parliament and the representative parliamentary process with the view to achieving effective responsible government in the new state. However, having said that, it is important to note that the committee's tentative views raised in the discussion paper do not derogate from or lessen the important public interest in this issue. For this reason, the committee has produced this discussion paper which looks at options that could be considered. The discussion paper is designed to stimulate and promote discussion in the wider community and, therefore, the committee welcomes public input on the options and views that have been canvassed in the paper.

Debate adjourned.

12-20/11/91 Parliamentary Record No. 7: 3477-79

Topic: MOTION AND [TABLED PAPER](#)

Subject: [Sessional Committee On Constitutional Development Annual Report 1990-91](#)

Date: 22/08/91

Member: [Mr HATTON](#)

Status:

Information:

Mr HATTON (Industries and Development) (by leave): Mr Speaker, as Chairman of the Sessional Committee on Constitutional Development, I table its annual report for 1990-91.

On 28 August 1985, the Assembly established this committee. The resolutions constituting the committee were passed by this House at the time when proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth federation. On 30 November 1989, the Assembly resolved to change its status from a select to a sessional committee. The committee was reconstituted on December 1990, following the October 1990 election.

This is the second annual report of the committee to be tabled in accordance with its terms of reference. The major task of this committee is to prepare a draft constitution and to report that constitution to this House, together with recommendations on representation at a proposed Northern Territory Constitutional Convention. This committee has also been charged by this House to undertake the role of promoting awareness of population, constitutional issues in the Northern Territory and to the wider Australian population.

During the 1990-91 financial year, the committee continued its activity in promoting constitutional issues in major Northern Territory Aboriginal communities. The committee's visits to Aboriginal communities ceased during the election period. Following the election, the committee resolved not to conduct any further visits but to commence consolidation of the evidence received since its establishment in August 1985. Furthermore, in the meantime, the committee has been researching and developing a number of discussion and information papers, with particular emphasis on the legislature, executive and judiciary, which will complement the drafting of a proposed constitution.

To date, the committee has prepared the following publications, all of which have been tabled in this House. Firstly, there is 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory', which is a collection of 4 papers prepared to help promote comment and develop community attitudes on the contents of the proposed new state constitution. These papers cover the legislature, the executive, the judiciary, and entrenched constitutional provisions. Secondly, there is a discussion paper entitled 'Representation in a Territory Constitutional Convention'. There are Information Paper No 1, entitled 'Options for a Grant Of Statehood' and Information Paper No 2,

entitled 'Entrenchment of a New State, Constitution'. We have Discussion Paper No 3, entitled 'Citizens Initiated Referendums', and there is a plain English booklet, entitled 'Proposals for a New State Constitution for the Northern Territory'. These papers have formed a framework for discussion of issues, both in written and oral submissions, during the course of committee deliberations. Work has commenced also on a new discussion paper relating to constitutional recognition of Aboriginal customary law.

By the end of the year, the committee had received 58 written submissions, 18 of which have been classified as group submissions. These include submissions from local governments, industrial relations organisations, business groups, religious and government organisations. The remaining 40 have been classified as individual submissions.

The committee continued to engage the services of the Alice Springs-based Institute for Aboriginal Development to assist in the translation into English of the Aboriginal language content. By November 1990, the translations from Top End Aboriginal communities had been completed and incorporated into Hansard. The Institute for Aboriginal Development is currently undertaking a number of other activities on behalf of the committee. These activities are the translation into English of the Aboriginal language content of meetings conducted in the Alice Springs region during June 1990 and the development of audio tapes in various Aboriginal languages and English to complement the plain English booklet entitled 'Proposals for a New State Constitution for the Northern Territory'. In undertaking the promotion of constitutional issues to Aboriginal communities, the committee has found that community responses have been rewarding and, while it may be necessary to visit some centres and communities again to promote specific fundamental issues, the committee is of the opinion that its approach in addressing and developing constitutional awareness has been effective.

In promoting constitutional awareness in urban areas, the committee has not been able to address fully the complex and diverse issues that permeate Australia's multicultural society. Work commenced in the latter half of the year on the preparation of an information awareness program aimed at urban centres. However, due to budget considerations, the committee resolved to defer implementation of the program for further consideration in the next financial year.

Finally, in dealing with the complex issues of constitutional development for the Northern Territory, the committee recognises not only that that is a daunting task but that it may not bear fruit in the near future. However, the general thrust that appears to be occurring nationally, in respect of constitutional reform in the last decade of the century, may provide the impetus for the Northern Territory to gain admittance as a state in the Australian federation.

Mr Speaker. I move that the Assembly take note of the committee's 1990-91 annual report.

Mr BAILEY (Wanguri): Mr Speaker, I would like, again, to express my support for the work being done by the Sessional Committee on Constitutional Development. The report will make honourable members aware of the work that the committee has been doing. Hopefully, next year, when the committee's activities move into the Darwin urban area, members will make themselves available to the committee in terms of offering suggestions and attending public meetings that may be organised.

Motion agreed to.

11-20/08/92 Parliamentary Record No. 11: 5705-07

Topic: MOTION AND [TABLED PAPER](#)**Subject:** [Constitutional Development Committee Discussion Paper No 4 Recognition of Aboriginal Customary Law](#)**Date:** [20/08/92](#)**Member:** [Mr HATTON](#)**Status:****Information:**

Mr HATTON (Industries and Development): Mr Speaker, as Chairman of the Sessional Committee on Constitutional Development, I table a paper entitled 'Sessional Committee on Constitutional Development Discussion Paper No 4: Recognition of Aboriginal Customary Law'.

Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON Mr Speaker, I move that the Assembly take note of the paper.

The sessional committee has been in operation for some time now and has developed a number of discussion and information papers relating to the proposed contents of a constitution for the Northern Territory. This paper is another in that series. During the course of the committee's ongoing investigation, questions and, in particular, a number of submissions have been put to the committee regarding the constitutional recognition of Aboriginal rights and customary law. These submissions, in particular oral submissions received at various communities, noted the importance of customary law to Aboriginal people in support of their traditional lifestyles. Many of those submissions further elaborated on the relationship between customary law and white man's law, stressing that they must complement each other.

This paper considers the question of whether Aboriginal customary law should be recognised constitutionally in some way in the Northern Territory and the option for doing this. The development of the paper has drawn upon the content of the submissions the committee has received on constitutional issues relating to Aboriginal and indigenous peoples within Australia and in the international scene with particular emphasis on the developments that have taken place in Canada and Papua New Guinea, to name only 2.

Major issues which are addressed in this paper are outlined under the executive summary at page 1. These major issues are wide and varied and no doubt will provide strong views within the community on the pros and cons of constitutionally entrenching Aboriginal customary law. The first

of many forums where the issue of recognition of Aboriginal customary law will be intensely debated will be at the forthcoming 'Constitutional Change in the 1990s' Conference that is being organised by this committee. This major constitutional conference will host many national and international speakers and is to be held in Darwin from 4 to 6 October 1992. I urge all members of this Assembly to attend.

In conclusion, I must stress that, at this stage, the committee does not advocate any particular view raised within the paper. Its purpose is to stimulate public debate. The committee invites members of the public, both Aboriginal and non-Aboriginal, to take the opportunity to provide comment in the form of submissions to assist it in the task of developing a constitution for the Northern Territory.

Mr LANHUPUY (Arnhem): Mr Speaker, in rising to speak briefly to the paper tabled by the Minister for Industries and Development, I would like to thank members of this committee who have worked very hard and have visited the communities of the Territory despite their remote localities. They did a fine job in their travels in attempting to obtain as much information as possible in relation to the paper which the minister has tabled. I believe that this is a very important discussion paper. I hope that members of this Assembly will take the opportunity to read it and to comment on its contents.

Like the Minister for Industries and Development, I also welcome suggestions. The framing of a constitution is a very important aspect of the Northern Territory's development. As this paper indicates, there will be extensive debate about some of the issues and some of the rights about which Territorians have been fighting with the federal government for a long time. One important matter is that of the entrenchment of Aboriginal rights in such a constitution. In Canada and other places, constitutions have been able to come to grips with the laws of indigenous people. By examining the paper, members of this Assembly and people in the community, both Aboriginals and whites, should attempt to come to an understanding of Aboriginal laws, particularly those governing their relationship to specific land.

Some people may be under the impression that Aboriginal people throughout the Northern Territory have the same kinds of relationships to the land as they have to each other. However, these relationships are totally different depending on whether one is talking about the people who live in the northern part of Australia - for example the people of north-east Arnhem Land - or the Pitjantjatjara people and the Arrente people in the south. Hopefully, the committee and the conference in October will be able to clarify these issues. The committee has an horrendous task before it. It has to consider the relationships that Aboriginal people have to land, how land is identified with each tribe in specific areas and the laws which prohibit people from or give people the right to carry out their customs.

I would like to congratulate Graham Nicholson on the work that he has done on this paper. I join the Minister for Industries and Development in urging honourable members to read the paper and to provide us with their thoughts on it.

Motion agreed to.

23/02/93-04/03/93 Parliamentary Record No. 15: 7987-88

Topic: MOTION AND [TABLED PAPER](#)**Subject:** [Sessional Committee On Constitutional Development Discussion Paper No 5](#)**Date:** [04/03/93](#)**Member:** [Mr HATTON](#)**Status:****Information:**

Mr HATTON (Aboriginal Development): Mr Speaker, as Chairman of the Sessional Committee on Constitutional Development, I table the Sessional Committee on Constitutional Development's Discussion Paper No 5 entitled 'The Merits or Otherwise of Bringing an NT Constitution into Force Before Statehood'.

Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the paper.

The Sessional Committee on Constitutional Development has been in operation for some time now and has developed a number of discussion and information papers relating to the proposed contents of a constitution for the Northern Territory. This paper is another in the series. During the course of the committee's ongoing investigation, questions have been put to it in relation to the merits or otherwise of bringing a new state constitution into effect before any grant of statehood. This paper considers the question as to why a Northern Territory constitution which is being prepared could not be given legal effect upon its completion before any grant of statehood by the Commonwealth.

The committee has already adopted the view that, as part of the progress to statehood, a new state constitution should be prepared and adopted to replace the Northern Territory (Self-Government) Act of 1978. The committee's view is detailed in its information paper No 1 'Options For a Grant of Statehood'. It was noted in that paper that the ability to legally adopt a new state constitution was dependent on a specific grant of powers by the Commonwealth.

The issues surrounding the merits or demerits of bringing a constitution into effect before statehood are varied and complex and, no doubt, there are matters that both the Commonwealth and the Northern Territory may not wish to deal with until a grant of statehood has been made. There may be strong arguments that, even as residents of a territory of the Commonwealth, Territorians should adopt their own homegrown constitution to replace that imposed by the Commonwealth through the Northern Territory (Self-Government) Act of 1978. Such a constitution could form a firm basis for

any later application for statehood. However, there are arguments that this course of action could have disadvantages. This paper discusses those issues and examines the advantages and disadvantages of such a process.

In conclusion, under its terms of reference, the committee is committed to proceed to develop a draft constitution for the Northern Territory. The committee does not advocate any particular position raised within its new discussion paper but welcomes comments and views through the course of public debate.

Debate adjourned.

18-27/05/93 Parliamentary Record No. 16: 8623-25

Topic: MOTION**Subject:** Sessional Committee On Constitutional Development Annual Report 1991-92**Date:** 27/05/93**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Aboriginal Development): Mr Speaker, I move that the Assembly take note of the report.

On 28 August 1985, the Assembly established this committee. The resolution constituting the committee was passed by this Assembly at the time when proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth federation. On 30 November 1989, the Assembly resolved to change its status from a select to a sessional committee. The committee was reconstituted on 4 December 1990 following the October 1990 election.

This is the committee's third annual report to be tabled in accordance with its terms of reference. The major task of this committee is to prepare a draft constitution and to report that constitution to this Assembly, together with the committee's recommendations on representation at a proposed Northern Territory Constitutional Convention. This committee has also been charged by this Assembly with undertaking a role in promoting the awareness of constitutional issues among the Northern Territory and Australian populations.

During the 1991-92 financial year, the committee concentrated on the consolidation of evidence received in its public submissions and the public hearings that had been conducted throughout the Territory. By the end of the year, the committee had received 89 written submissions from private citizens and organisations, including Aboriginal organisations, local government, industrial relations organisations, business groups, religious groups and government departments and authorities. During the year, the committee continued to research and prepare a number of discussion papers. On 20 August 1991, the committee tabled Discussion Paper No 3, entitled 'Citizen Initiated Referendums'. The response to the call for submissions was quite good and has provided the committee with further insight into the various options that may be available for Territorians under a new state constitution.

Towards the end of 1992, the committee explored the idea of promoting and conducting a major constitutional conference. No doubt members are aware that this conference was held in Darwin in October last year and was a major success. Although a heavy workload was placed on the committee in organising the conference, work began also on research and preparation of Discussion Paper No 4 relating to the constitutional recognition of Aboriginal customary law.

During April 1992, the committee met with the Constitutional Centenary Foundation in Melbourne. This organisation is comprised of eminent Australians and is chaired by Sir Ninian Stephen. The foundation's aims are to promote public discussion and response on constitutional issues, and to review the Australian constitutional system by the year 2001. The meeting proved very fruitful for the foundation and particularly so for this committee in providing an avenue and forum to promote Northern Territory constitutional issues at a national level. The promotion and development of constitutional issues at the Territory level impinge on constitutional reform at the national level. Issues such as the relationship between the executive and the parliament and the recognition of Australia's Aboriginal people, to name but two, are not matters for Territorians alone to deal with but for all Australians.

In conclusion, the complex issues relating to constitutional development and reform that this committee is dealing with may provide an avenue for Australian states to review their own constitutional arrangements with the Commonwealth. Under its terms of reference, the committee is committed to proceed to develop a draft constitution for the Northern Territory, and the development of a home-grown constitution rests primarily with Territorians. However, the committee recognises also that statehood for the Northern Territory within the Australian Commonwealth federation will require national consensus and support.

Mr BAILEY (Wanguri): Mr Speaker, I would like to speak briefly in relation to the tabling of our annual report. The Sessional Committee on Constitutional Development is one of a number of committees of this Assembly on which I sit. It is the only committee that has some semblance of equal rights between the 2 sides of parliament, there being 3 members from each side of the parliament. In some ways, the operation of and the quality and amount of work that is done by the committee indicate the definite advantages of a bipartisan committee over a government-biased committee.

The work of the committee has continued and, as the member for Nightcliff indicated, many things were achieved by the committee in the last year. However, I believe that the workload ahead will continue to increase. The complexities of the issues will increase as we move closer to resolving the way in which constitutional reform will occur in the Northern Territory. As the honourable member said, the overall implications for Australian constitutional reform cannot be neglected either.

As we heard in the debate last week, the republican question is a major issue in Australia at the moment. It has surfaced only in the last 12 months, but I believe it will become a bigger issue as time progresses. In fact, I believe that it will extend to embrace other major constitutional issues such as the possible implications of Mabo which we felt could be debated by the committee. However, those issues were not referred in that direction. I am disappointed about that because I believe that the committee is one of the best bodies in this parliament to examine the implications of those decisions. I regret that that motion was not supported.

There is one comment that I need to place again on the public record. If this committee is to carry out all the work that has been given to it by this parliament, the government must ensure that adequate funds and staffing are provided to implement the programs, the timetables and the agendas that are being set not only by the committee but for the committee. I commend the report.

24-26/08/93 Parliamentary Record No. 19: 9464-69

Topic: MOTION AND TABLED PAPER**Subject:** Sessional Committee on Constitutional Development [Discussion Paper No 6](#)**Date:** 26/08/93**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Aboriginal Development): Mr Speaker, I table a paper entitled Sessional Committee on Constitutional Development, Discussion Paper No 6, Aboriginal Rights and Issues - Options for Entrenchment.

Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the paper.

Mr Speaker, the Sessional Committee on Constitutional Development has been in operation for some time now and has developed a number of discussion and information papers relating to the proposed contents of a constitution for the Northern Territory. This paper is another one in the series. During the course of the committee's ongoing investigations, it has had questions and submissions put to it in relation to the constitutional recognition of Aboriginal rights. This paper considers options for possible inclusion within a territory or new state constitution that pertain to the recognition of Aboriginal customary rights and other matters, including land rights, sacred sites, customs, religion, language, and the manner and form which Aboriginal self-determination could take. The development of this paper drew on the submissions that the committee received on constitutional issues relating to Aboriginal people in Australia, together with recent developments relating to the Mabo case and the process of Aboriginal reconciliation and self-determination.

The major issues that are addressed in this paper are outlined under the executive summary on page 1. These are:

- Should the Aboriginal Land Rights (Northern Territory) Act 1976 be patriated and become a territory or new state law, and if so what form should it take?
- What elements if any of the Land Rights Act need to be constitutionally entrenched in order to provide guarantees of Aboriginal land granted?

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- Should a territory or new state constitution refer to any customary rights of the Aboriginal people - including Aboriginal languages, customs, culture and religion - and if so how should they be dealt with in the new constitution?
 - Should provision be made in a territory or new state constitution to protect Aboriginal sacred sites and objects?
 - Should a territory or new state constitution entrench rights of Aboriginal communities in the Territory concerning self-determination and what manner and form should any such Aboriginal self-determination take?
 - Should there be special constitutional procedures adopted to recognise matters of concern to Aboriginal people that might be the subject of constitutional entrenchment, and if so what procedures should be used?

These issues are wide and varied. No doubt, there will be strong views within the community as to whether Aboriginal customary rights should be entrenched constitutionally. In October last year, issues in regard to the recognition of Aboriginal rights and law were debated at the Constitutional Change in the 1990s Conference that this committee organised. Since that conference, many forums have been held throughout Australia, this year being the International Year of the World's Indigenous People.

This paper has attempted to encapsulate the many differing views that relate to Aboriginal rights while providing a range of options that will facilitate a fair and equitable balance of the legitimate interests of both Aboriginal and non-Aboriginal citizens in the Northern Territory. I must stress that, at this stage, the committee does not advocate any particular view raised within the paper other than to stimulate debate. The committee welcomes comment by way of submissions from members of the public, both Aboriginal and non-Aboriginal, to assist it in its task of developing a constitution for the Northern Territory.

Mr LANHUPUY (Arnhem): Mr Speaker, I welcome the Minister for Aboriginal Development's statement as it has taken some time for the committee to take account of the responses it canvassed from throughout the Territory in relation to the entrenchment or otherwise of Aboriginal rights if and when the Northern Territory becomes a state. The more I listen to Aboriginal people during my travels throughout the Northern Territory and at conferences, the more I believe that it is imperative to entrench Aboriginal rights. The fact is that 30% of the Territory's population has a type of government and social infrastructure that they exercise and practise to this day, as they have always. That is the reason one sees organisations like the Yolgnu Government Association which met at Maningrida recently and the conference which is taking place in Tennant Creek at present.

I commend some of the committee's work. As the minister said, this paper considers options for the possible inclusion within a territory or state constitution of provisions relating to the recognition of Aboriginal customary rights and other matters including land rights, sacred sites, customs, religion and the manner and form that Aboriginal self-determination could take. The member for Nightcliff has travelled not only in his capacity as Chairman of the Sessional Committee on Constitutional Development, but also as the Minister for Aboriginal Development, to seek the views and opinions

of people throughout the Northern Territory. From my discussions with many people and with the minister, it is obvious that many people are strongly of the view now that Aboriginal rights should be entrenched within the state of the Northern Territory when that occurs.

At this moment, there is a very large gathering in Tennant Creek that has been addressed by the Minister for Aboriginal Development. It is being attended by people from overseas who have an interest in constitutional development and people from interstate such as the lawyer Professor Garth Nettheim whom the minister and I have met several times at conferences. At this conference, Aboriginal people are talking about issues that they intend to raise with this government in relation to their constitutional rights. This discussion is called 'Today We Talk About Tomorrow'. That is a very interesting subject because it has been crucial that the rights of Aboriginal people be discussed since this committee was established. Important matters that need to be taken into account include the recent issues raised by Mabo, native title, recognition of rights after a mining exploration lease has expired and Aboriginal peoples' access to land.

I keep saying to members of this Assembly that we have different sets of values, laws and regulations that govern our lives. My upbringing has been different in relation to the customary laws and practices that I have had to take into account and exercise. I try to pass that on to my children too. It is crucial for the committee to ensure that its members, and Assembly members in general, take into account the important issues of Aboriginal development in the Northern Territory. Often in this Assembly, we hear it said that Yolgnu people do not support the initiatives of this government, that they are sitting down and blocking the development of land, that they are not interested in constitutional development and that they do not seem to be interested in the economic development of the Northern Territory. That is not the case. I have travelled extensively with members of the opposition and I am sure that the Minister for Aboriginal Development is very much aware that Aboriginal people are beginning to realise that they need to participate in mainstream development and be involved in some of the important aspects of government in the Northern Territory to ensure that their voices are heard without having to forgo their cultural heritage, rights and beliefs.

I have always believed in freedom of speech, equal rights and freedom of religion. I accept that, from time to time, we debate certain matters, including legislation in relation to some of the important developments that are starting to occur here which affect a range of people in the Northern Territory. However, from my point of view as a tribal Aboriginal person, it is important to ensure that aspects of our lives, our ceremonial rights and our responsibilities to certain areas of land in the Northern Territory, whether they be pastoral, mining or otherwise, be recognised. As far as we are concerned, it is our constitutional right to be able to exercise those rights. My views may differ from those of the Minister for Aboriginal Development, but I am more strongly of the opinion now that our rights should be entrenched when the Northern Territory becomes a state because, throughout the world, Australia is seen as tagging along behind some of the more developed communities such as Canada and America. One wonders why we did not have an instrument like the Treaty of Waitangi when the British first settled Australia. We accept that, in those days, the British brought with them their own ideas about settling their people on the land without recognising the rights of the society that was already in place, a very intricate society with a whole range of ceremonial and cultural attachments to the land.

The Minister for Aboriginal Development would be aware of a speech made some time ago by an

old man in Nhulunbuy who has passed on now. I refer to the late Roy Marika MBE who said that we 'certainly can work together if we accept and understand each other'. That is all that we are asking for - the acceptance of some of our fundamental rights. We accept that there will be obstacles in terms of legal matters and the opinions of the Territory population as a whole, but I believe that we would do well to remember the words of that old man. The Minister for Aboriginal Development knew that old man very well, and I think that he understands what he meant. In a nutshell, he was saying that understanding each other will take us a long way towards recognition of each other's rights and help us to work together.

I commend the work that the committee has put into this discussion paper. Some 2 weeks ago, I attended a conference on customary law in Papua New Guinea. It was interesting to note that, even in an international forum, people from the Navajo nation are addressing the issue of customary law as it affects their land, customs and rights. It was interesting to compare that to some of the beliefs that we hold in Australia. Although I had not intended to do so, I was asked to address that conference. I spoke about Mabo very briefly, not damning the federal government or the Northern Territory government outright. To an extent, I was being diplomatic because I realised that any statement made in that international forum would remain on the record and be recalled when I was speaking elsewhere in the future. I thoroughly enjoyed that important conference because the Navajo people who attended gave us an insight into how they saw their customary law having effect within the wider society of the United States.

I place on record my thanks to the executive officer of the Sessional Committee on Constitutional Development, Mr Rick Gray, for the support that he gave me during the conference. He arranged many meetings with people in the Papua New Guinea government. I visited people like the Chief Justice of the Supreme Court, land titles officers, and other officers who are involved in issues of land management and the land tenure system in New Guinea. The trip was well worth while because it gave me an insight into the type of land tenure system that operates there. I was interested to compare it to our own systems because, since Papua New Guinea gained independence, some of the traditional land tenure systems are very strong in relation to customary laws and rights.

As I said earlier, I had the opportunity to speak about Mabo very briefly at the conference. Most of the delegates would have been very interested to hear what I had to say as a Yolgnu person from Australia who was expressing a personal view about the impact of the High Court's Mabo decision and the direction in which we are heading as a consequence. Finally, I commend the committee for its work and I hope that notice will be taken of the comments that I have made.

Mr BELL (MacDonnell): Mr Speaker, the government has a serious logical problem with this matter. The opposition has always taken constitutional development in the Northern Territory seriously. However, if the government intends to introduce statements like this into the Assembly on the same day as it announces a huge change in policy concerning its attitude to Aboriginal land rights, what does the Minister for Aboriginal Development expect us to say? How stupid does he think we are? How stupid does he think my constituents are?

Mr SETTER: A point of order, Mr Speaker! The member for MacDonnell said that the government had introduced the statement. The fact is that it was the chairman of the committee, which is a bipartisan committee, who introduced the statement on behalf of the committee.

Mr SPEAKER: Quite right. The point is taken.

Mr BELL: The Legislative Assembly's Sessional Committee on Constitutional Development, which is chaired by the Minister for Aboriginal Development, has tabled a discussion paper entitled 'Aboriginal Rights and Issues - Options for Entrenchment'. That may have made some sense when, in policy terms, there was a bipartisan approach to the issue of Aboriginal land rights. We were always windy about whether this government actually supported the policy of having the Aboriginal Land Rights Act, and now we have just had a huge change in policy. In the adjournment debate last night, I pointed out ...

Mr Hatton: No.

Mr BELL: The member for Nightcliff, who is the chairman of this committee, was present at the constitutional development conference, which was held less than 12 months ago, when the Chief Minister said that the government's policies were the same as the opposition's in relation to the Aboriginal Land Rights Act. He said that all his government wanted was for the legislation to be Territory legislation and that, as an indication of the government's bona fides, it was prepared to entrench it in a Territory constitution in relation to which any amendments would have to be approved by the federal government. To use the Nixonian phrase, I presume that those statements are no longer operative.

A member interjecting.

Mr BELL: You can try to ignore me. That is fine. However, I will be ensuring that the kind of tricky little deal that you ...

Mr Hatton: You are a paranoid fool.

Mr BELL: You are welcome to your opinion. When I indicate ...

Mr Hatton: You are the one person who talks racism in this House.

Mr BELL: Hang on! By their words, ye shall know them, Mr Speaker. As I pointed out last night, the Minister for Aboriginal Development wrote to me saying that the government supports the current veto under the Aboriginal Land Rights Act, but the Chief Minister was reported in the press as saying that he is opposed to it. When I pointed out that there was an apparent contradiction between those 2 positions which the government should sort out, in question time this morning the Chief Minister said that he was right and the Minister for Aboriginal Development was wrong. If ever there was a slap in the face ...

Mr Hatton: He did not say that. Read the Hansard.

Mr BELL: The minister should look at the Hansard of question time and, when he addresses us in reply, tell us what the Chief Minister did say. As far as I am concerned, the plain and ordinary meaning of his words is that the government's policy has changed and it does not support the veto in

the Aboriginal Land Rights Act.

If that is the way in which the government intends to run its Aboriginal affairs policy, its chances of obtaining any kind of bipartisan support for documents like this are absolutely zilch, and it is dishonest to introduce them into the parliament on that basis. I would have thought that, after the Chief Minister's response in question time this morning, the government would have worked out that it had a problem and that there was something of a contradiction in those 2 positions. These kinds of statements were okay when we had a bipartisan approach on these matters.

Mr Setter: That is a bipartisan document.

Mr BELL: If the government intends to shift its position from supporting the policy of having the Aboriginal Land Rights Act to attacking it, then it cannot expect an ongoing bipartisan approach to constitutional development issues like this. That is all I have to say about this.

Motion agreed to.

Chapter 4 Seventh Assembly

FIRST SESSION

27/06/94 Parliamentary Record No. 1: 16-38

Topic: [SESSIONAL COMMITTEE ON CONSTITUTIONAL DEVELOPMENT](#)

Subject: Reconstitution of the Sessional Committee on Constitutional Development

Date: [27/06/94](#)

Member: [Mr COULTER](#)

Status:

Information:

Mr COULTER (Deputy Chief Minister)(by leave): Mr Speaker, I move that:

WHEREAS this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the federation in terms resulting in equality with the other states with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing states:

AND WHEREAS IN SO FAR AS it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state;

AND WHEREAS it is necessary to draft a new state constitution:

- (1) during the present session of this Assembly - a committee, to be known as the Sessional Committee on Constitutional Development, be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - (a) a constitution for the new state and the principles upon which it should be drawn, including:
 - (i) legislative powers;
 - (ii) executive powers;
 - (iii) judicial powers; and\
 - (iv) the method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory;

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- (b) the issues, conditions and procedures pertinent to the entry of the Northern Territory into the federation as a new state; and
 - (c) such other constitutional and legal matters as may be referred to it by:
 - (i) relevant ministers; or
 - (ii) resolution of the Assembly;
 - (2) the committee undertake a role in promoting the awareness of constitutional issues to the Northern Territory and Australian populations;
 - (3) unless otherwise ordered, the committee consist of Mr Baldwin, Mr Mitchell, Mr Hatton, Mr Bailey, Mrs Hickey and Mr Rioli;
 - (4) the Chief Minister and the Leader of the Opposition, although not members of the committee, may attend all meetings of the committee, may question witnesses, and may participate in the deliberations of the committee, but shall not vote;
 - (5) the chairman of the committee may, from time to time, appoint a member of the committee to be the deputy chairman of the committee and the member so appointed shall act as chairman of the committee at any time when there is no chairman, or when the chairman is not present at a meeting of the committee;
 - (6) in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote;
 - (7) the committee have power to appoint subcommittees and to refer to any such subcommittees any matter which the committee is empowered to examine;
 - (8) four members of the committee constitute a quorum of the committee and two members of a subcommittee constitute a quorum of a subcommittee;
 - (9) the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly;
 - (10) the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily Hansard shall be published of such proceedings of the committee as take place in public;
 - (11) the committee have leave to report to the Assembly from time to time and any member of the committee have power to add a protest or dissent to any report;
 - (12) the committee report to the Assembly as soon as possible after 30 June each year on its activities during the preceding financial year;

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- (13) unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of 160 the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained;
 - (14) members of the public and representatives of the news media may attend and report any public session of the committee unless otherwise ordered by the committee;
 - (15) the committee may authorise the televising of public hearings of the committee under such rules as the Speaker considers appropriate;
 - (16) the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee;
 - (17) nothing in these terms of reference or in the standing orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the sessional committee;
 - (18) the committee be empowered to consider, disclose and publish the Minutes of Proceedings, evidence taken and records of similar committees established in previous Assemblies; and
 - (19) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr BAILEY (Wanguri): Mr Speaker, the Sessional Committee on Constitutional Development is one of the most important committees of this Assembly. We are all aware of the current status of the Northern Territory and the moves towards statehood. Over a number of years, I have participated in those moves as a member of the committee in company with other members from our side of the Chamber and members on the other side. I believe this committee has enjoyed the highest level of bipartisanship of any committee of this parliament. In other words, it is one of the few committees that is established with equal numbers of opposition and government members and, generally speaking, the common goal of all members on the committee is the constitutional development of the Northern Territory and the movement towards statehood.

With that in mind, I would like to raise a couple of issues that, whilst they have not surprised me, have caused me some slight disappointment. First, the Chief Minister announced recently that he would like the Northern Territory to achieve statehood by the year 2001 to coincide with the centenary of federation. Two issues arise from that. The first is that this is the very same Chief Minister who, over the last 2 budgets, has cut funding to the Sessional Committee on Constitutional Development in such a way that the scope and size of its work has been reduced. That has made it difficult for a number of the programs which the committee has wanted to implement to be carried out to the level that the committee would have liked and it has created delays in the committee's progress. It has left the committee in the position of being able largely to produce only discussion papers in that area.

Mr Speaker, if the Chief Minister is serious ...

Mr Stone: Do you support the Prime Minister's position?

Mr BAILEY: I am happy to come to that in a moment.

If the Chief Minister is serious, in wanting constitutional development leading to statehood, and is not simply playing political games at this time, then perhaps he could ensure that there are adequate funds to enable the committee to carry out the work that it needs to do.

The second issue relates to the political game-playing that has been occurring in relation to constitutional issues within the Northern Territory. All members of the committee will be aware of the discussion papers that have been produced by the Sessional Committee on Constitutional Development and of the procedures, which have been accepted basically by all members of the committee, for constitutional development to occur in the Northern Territory. Basically, it will require all the people in the Northern Territory to agree with the way in which the constitution is framed. With a great deal of sadness, I must say that the government seems to say, on the one hand, that it wants constitutional development while, on the other hand, it continues to divide the population of the Northern Territory in relation to the issues.

It was disappointing to note the stunts and comments of the CLP during the election campaign when, in his address today, the Administrator told us that we will have to take into account the needs of indigenous people in relation to constitutional development. That matter has been spoken about at great length within the Sessional Committee on Constitutional Development and we have said that, within the constitution, there will be probably some need to protect indigenous rights. That is the general feeling that has emerged in conversations within the committee. Largely, the publications presented in that regard by the committee have said that issues relating to land rights and customary law will need to be taken into account.

Consequently, it was disappointing to see the CLP lying, in its media advertising during the election campaign, about the issue of 2 laws in an attempt to portray the Labor Party as somehow dividing the community on those issues when, in fact, it was the CLP's campaign that was dividing the community in that regard. We also had the CLP leading a land claim over all of Darwin in the final 2 days of the campaign. Issues of that kind make it very difficult for opposition members to continue with bipartisan support on committees such as the Sessional Committee on Constitutional Development when government members agree at committee meetings with all the basic philosophical positions but act differently when it suits them in an election campaign. In effect, the member for Nightcliff has said that, although the CLP said all these things, now that it has won the election, we should all work together again on the committee. That is the kind of attitude that makes it very difficult for opposition members of the committee to work in a bipartisan way with government members.

In relation to the member for Port Darwin's interjection earlier, the Prime Minister has written stating that he does not see that statehood would be given to the Northern Territory whilst divisive politics continue within the Northern Territory. I do not support the Prime Minister stating that we will not

receive statehood but, as the member for Nightcliff is well aware, without the total support of the people of the Northern Territory, we will not achieve constitutional reform and statehood. Therefore, the Prime Minister is correct in saying that it will not happen unless all the people of the Northern Territory want it to happen. Not merely 51% of the population, but all the people in the Northern Territory need to vote for it. Anyone who reads the discussion papers published by the Sessional Committee on Constitutional Development and the procedures required for constitutional development will be aware that it will be necessary for all the people of the Northern Territory to support constitutional development. It is no use simply playing games on election eve with the kinds of stunts that the CLP engaged in.

I hope that, in the next 4 years, the Sessional Committee on Constitutional Development will put behind it the divisive issues that the CLP raised before the election. I hope that the member for Nightcliff will be true to his former position and not the one that he enunciated a week before the election.

Mr HATTON (Lands, Housing and Local Government): Mr Speaker, if members opposite, in particular the member for Wanguri, want to see the reasons for their abject failure in the election, I suggest that they look in a mirror. The reason why they are on the opposition benches in reduced numbers is their own failure to present anything to Territorians. This nonsense that they have come up with since the election ...

Mr Bailey interjecting.

Mr HATTON: I will come to those issues. Be quiet.

We are presented with this nonsense that they lost because of some kind of racially-based campaign. That would have to be the greatest load of nonsense that I have ever heard.

Mr Bailey: I did not say anything about whether we won or lost.

Mr HATTON: The member for Wanguri referred to dividing the population. The Leader of the Opposition was a little more explicit in his terminology and all their running dogs came out barking along with them after the election. There was not a word before or on election day. It was only after they had been thrashed by the people of the Territory that they ran around suddenly looking for scapegoats. That is the truth of it. They press the left-hand button on the tape recorder in their backs that says: 'Racially-based campaign!' We have heard it at every election.

Mr Stirling: How much did you put up for the land claim? What was the cheque for the land claim worth?

Mr HATTON: This is a broad statement on the past election campaign. If members want to deal with their failings, they ought to have a look in a mirror, and at their so-called blueprint for government and their own campaign strategy. If they do that, they may begin to find some reasons. I do not intend to deal with this because we have more important things to consider than why the members of the opposition did not convince the Northern Territory electorate that they were the appropriate people to govern. If they want to carry on about it, that is their problem, not ours.

However, I agree with the member for Wanguri that this is one of the critically important committees of the parliament. It is the only committee of this parliament that has equal representation from government and opposition. That is a situation that I continue to support. The importance of maintaining bipartisanship in this committee is critical to the long-term aims of the Northern Territory. I give credit to the Leader of the Opposition that, particularly since he became Leader of the Opposition, there has been very clear bipartisanship on this very important goal for Territorians. I give him credit for that because his predecessor wanted occasionally to play politics with this issue. The Leader of the Opposition has avoided that.

I believe that we have responded accordingly and have worked well in a bipartisan way on the issue of statehood. We all know that there will be differences on the details of questions that emerge, but the fundamental aim is not a matter of political difference between the 2 sides of this House. That is something that is very important to maintain if we are to achieve this goal for Territorians. I repeat 'for Territorians' and I am pleased to note that the matter is once again the subject of a degree of debate in the minds of people in the community. I would like to make one point. The fundamental issue of statehood for the Northern Territory is the individual and collective constitutional rights of Territorians. It has nothing to do with money and economic development. Fundamentally, it is giving people who happen to live in the Northern Territory the same constitutional rights as all other Australians. It is all about equality. We should all be prepared to all work towards that objective. I am very proud to be back on the committee and I will continue to work towards that objective. Presuming that I retain my position as chairman of that committee, I reiterate that I will continue to work in a bipartisan manner towards that objective.

I will make one other point because the debate did wander a little. If members opposite want to carry on about the native title claim that was announced by Mr Tibby Quall on 2 June ...

Mr Ede: Your mate.

Mr HATTON: As a matter of interest, he does not happen to be a mate of mine.

The Leader of the Opposition's comment was amazing. I would like to thank him because he certainly helped the member for Millner become elected. He helped him significantly when, on Friday 3 June, he announced very publicly that he believed that the Darwin Aboriginal people could not demonstrate continuing occupation of or attachment to the Darwin area.

Mr Ede: Get it right.

Mr HATTON: Mr Speaker, I think that tipped Millner over the edge for us and I would like to thank the Leader of the Opposition for that. I am sure the new member for Millner appreciates it because the Aboriginal people who live in the Millner electorate took particular interest in that comment. If members opposite had listened carefully to the comments by myself and government spokesmen, they would have noted that we neither supported nor opposed but recognised, as any member would recognise ...

Mr Bailey: When was the first time you knew about it?

Mr HATTON: I will tell you when I knew about it. It was at midday on 2 June 1994 when the media told my staff about it.

Mr Bailey: You had no meetings?

Mr HATTON: Not about that, no.

Mr Stirling: The cheque was for something else, was it?

Mr HATTON: Mr Speaker, I would like to say that the Labor running dogs ...

Members interjecting.

Mr HATTON: We have the member for Nhulunbuy outlining it already. I have heard some extraordinary claims. All kinds of claims have been made, about gifts of Toyotas, money and this and that. Not this government, not this party - in fact, nobody - offered anything or gave anything for that. In fact, what happened is very instructive. On 3 June, Tibby Quall blew the Northern Land Council's cover. Because the NLC had been in contact with us in May to seek information about vacant Crown land in Darwin, we knew that it was preparing a claim over Darwin. We knew that, but we did not raise it as an election issue. We did not raise it at all. Obviously, Tibby Quall knew that too.

Members interjecting.

Mr HATTON: Tibby Quall had a blue with the NLC and he blew its cover. That is what happened because Wes Miller said on 3 June: 'We are in the middle of lodging a claim for Darwin. We do not like what Tibby Quall is doing. We are doing our own thing'. That was what the NLC said. It was not a case of no claim being made. What the NLC and the Labor Party were on about was hiding these matters from the Darwin electorate during the election campaign, but they broke out into the open. Wes Miller was saying that the NLC was lodging a claim, Tibby Quall was saying that his group was lodging a claim and the Leader of the Opposition was saying that there was no hope of a successful claim in Darwin. This is the same bloke who said that we would not have to pass special legislation to deal with the validation of titles.

Mr Stirling: So you threw \$50 000 into the bargain. What a waste!

Mr HATTON: We threw nothing at them. The fact is that this issue will be dealt with by the land administrators. We have lodged notification in respect of Darwin already. If that is regarded as a divisive issue, members opposite are crazy. It is a fact of life that native title exists in Australia. Land administrators have to deal with the reality of native title in Australia. It would be nice if the National Native Title Tribunal would sort out its procedures to enable these matters to be expedited. We are very interested in trying to sort out the situation in relation to Rosebery. We will have to deal with that, and we will deal with it.

Members interjecting.

Mr HATTON: That is interesting because we had to lodge a non-claimant application in relation to Rosebery, and it took us 3 months to begin the process. Every time we need to deal with a block of land, we are dealing with an application. If members opposite refer to the Parliamentary Record, they can read a great deal about that because they may not have been in the House when we were talking about it. They were probably preparing for an election campaign.

Mr Speaker, I do not believe that we ran a racially-based campaign at all. The fact of life is ...

Mr Ede: 'Two laws'. Come on!

Mr HATTON: Members opposite now question this matter of the so-called 2-laws problem. That is interesting because it was raised in this parliament, and never once did the opposition refute it until after the election.

Mr Ede: Garbage! It was run on Channel 8 on the night that it was raised in this House. Channel 8 had it right!

Mr HATTON: The Leader of the Opposition must have been pretty lousy at refuting it because no one heard him.

Mr Ede: On the first night, it was on the Channel 8 news.

Members interjecting.

Mr SPEAKER: Order! There is too much cross-Chamber chatter.

Mr HATTON: I suppose that we are bound to hear this racist nonsense because we hear it after every election. If members opposite want to run with it, they can do so but they should look at our Aboriginal affairs plan, and at the direct mailing that we did to the communities, and they should look at the votes we received.

Mr LANHUPUY (Arnhem): Mr Speaker, let me get the honourable minister back on the track because I believe he has lost it.

Mr Hatton: I was responding.

Mr LANHUPUY: Recently, the Chief Minister approached Territorians in an attempt to obtain support for achieving statehood for the Northern Territory. In the last session of the Assembly, I said often that there is no doubt that statehood would be inevitable for the Northern Territory based on the consensus support which I believe this government can obtain. However, in the lead-up to the last election, that was not the case. That was of concern to me because I thought that, with the bipartisan approach that the Sessional Committee on Constitutional Development had established, at least over the last 3 sessions that I have been in this House, we had reached agreement that there would be support for that from both parties. I thought that the chairman of the committee was doing well in attempting to obtain that support by talking to as many Northern Territory constituents as

possible in order to obtain a basic understanding of how people felt, whether in terms of social justice, equality, educational facilities, services to remote communities or the level of services provided by either the Territory or the federal government.

I must say that I was very disappointed by the approach that the Minister for Aboriginal Development took at the last election. I do not want to drag out the argument about a land claim over Darwin because he did an appropriate job of ensuring that people in the Northern Territory were made aware of the fact that there are some legitimate needs of people within the Darwin area to be able to obtain native title. I have no doubt that there are people in Darwin who have the right to do that under the federal Native Title Act.

Opposition members have said that we support the basic aims of Territorians to ensure that their rights are represented in the federal parliament and in the Northern Territory parliament to enable them to obtain the basic services that they require. However, I was astonished. Other members opposite and I received numerous telephone calls about the attitude of this government in the lead-up to the last election. It was pathetic and, I believe, totally divisive. People were totally ashamed and very disappointed by the actions of certain ministers for whom they had had high regard. The member for Nightcliff was one of those. People said that they were very disappointed in the performance of the Minister for Aboriginal Development and they telephoned us to say so. We thought that he had taken a very positive line in trying to educate himself and the government in respect of looking after the affairs of the office for which he is responsible. In fact, many people in the community are disappointed, and he has a long way to go to get back to where he was before the recent election.

Let me place the Chief Minister on notice. If he wants a consensus on statehood and if he wants 25% of the Territory population to support him in obtaining statehood in the year 2001, he will need to change his ways. Certainly, he has not convinced people in the community by using the divisive tactics that he introduced in the election campaign. I am speaking generally. There are people in the community who are totally devastated by the attitudes that the CLP demonstrated. Already Galarrwuy Yunupingu has stated that, as far as he and his people in Arnhem Land are concerned, they are better off being protected by the federal government. That argument does not go down well as far as I am concerned because, one day, we will have a Labor Party government in the Northern Territory and things will change. We have said already that we want to take responsibility for the control of parks such as Kakadu and Uluru and we want to be able to pass legislation that will be effective in administering land in the Northern Territory. However, I must say that the present government has a long way to go. The Chief Minister ought to take notice of that and to start changing his ways.

Mr BELL (MacDonnell): Mr Speaker, I move that the following words be added to the motion: 'and (20) this Assembly expresses its concern at the adverse impact that the CLP's racially-based campaign will have on the Territory's constitutional development'.

Mr Stone: You are so traditional! This is your New Zealand speech.

Mr BELL: I will pick up that interjection from the member for Port Darwin. It is correct that I have covered this ground previously. This is the New Zealand speech. I am pleased to note that a number

of the Chief Minister's staff are present because they will be able to attest to the deep concern that they have about my New Zealand speech. In fact, honourable members who were in this Assembly in the last session will recall that the Chief Minister felt so strongly about that New Zealand speech that he censured me for it, not in this parliament but in a small backroom Commonwealth Parliamentary Association meeting. I reckoned that that was a fairly good indication that I had got something right. A couple of the Chief Minister's staffers have taken me to task over it. In fact, I had a little altercation in a local hostelry with one of them that elicited the response, the following morning by way of fax: 'I think "tired and emotional" describes my condition last night'. Thus, I not only struck a raw nerve with the Chief Minister, but also with one of his staff as well.

Let us not have any of this nonsense, therefore, that the issue of race or the kind of provision that governments make for people of different races was not an issue in this campaign because, as was the case in the direct mail-out in the 1990 campaign, it was very directly and overtly an important element in the CLP's election campaign. I do not think that any sensible observer of the election or any sensible participant would disagree with that statement. I must express my concern not so much over what was in those advertisements to which I will come in a moment but that there is something distinctly un-Australian about the central committee of a political party sitting down and asking how it can excite the antipathy that one part of the electorate feels for governmental measures that are designed to benefit another part of the community.

Mr SPEAKER: Order! Does the member for MacDonnell have a written and signed amendment?

Mr BELL: Yes, Mr Speaker.

Mr Stone: Why didn't you run Wes and Maurice in your advertisements?

Mr BELL: The member for Port Darwin will be able to contribute to the debate later.

If they think about it, I believe most people would say that there is something distinctly un-Australian about sitting down and discussing how one can excite antipathy in one part of the community towards another part of the community. In the context of a debate like this, I will not try to detail the complete range of federal and Territory proposals, administrative arrangements and laws that are designed to benefit Aboriginal people. Let us remember that it is not only federal laws and federal administrative arrangements that apply in this regard. I believe we will have developed to a substantial degree when we can actually debate how well both federal and Territory laws work in that regard. However, that will not happen as long as we have these crazy 12-day election campaigns in which a stream of advertisements are published and nobody ...

Mr Reed interjecting.

Mr BELL: It is absolutely emotional, to pick up the interjection from the member for Katherine.

I believe the time will come when those issues can be debated, and debated honestly. However, the fact of the matter is that they were not able to be debated honestly in a campaign that was so short and that was driven simply by a few television and newspaper advertisements. During the election campaign, I saw no attempt made at all on the part of any journalist to have the Chief Minister

actually spell out what he meant by '2 laws'. The fact is that that line does not stand up to a moment's scrutiny ...

Members interjecting.

Mr BELL: Mr Speaker, members opposite are not comfortable about this, are they? One can detect a degree of embarrassment about the fact that they did sit down and decide how they could encourage people to despise the programs that are designed to provide a hand-up to Aboriginal people. However, I suppose that their embarrassment can be covered only by interjections of this kind.

Mr Stone: What does it feel like to be part of the losers in Northern Territory electoral history, Neil?

Mr BELL: 68% ain't bad.

Mr Stone: You are okay, but what about the rest of them?

Mr BELL: Mr Speaker, in the *Centralian Advocate* this week, I noticed an absolutely mealy-mouthed letter. Certainly it was signed by the Chief Minister, but I am not satisfied that he wrote it himself. In the letter, 3 examples of the 2 laws issue were given. The Chief Minister might jog my memory here. The first was sea rights, and that was the one that struck me in particular. The fact is that the campaign about sea rights was a total furphy. There was the telephone call from a Perth company to voters in key electorates in the northern suburbs totally misrepresenting the CLP's own policies as well as defaming ALP candidates. That was disgraceful. Such an activity was possible only in a 12-day campaign. The fact is that it is this government's own law. I remind members opposite that it is their own law. The Aboriginal Land Act was enacted by a Country Liberal Party government. Section 53 or 54 of the Fisheries Act, which was enacted by a Country Liberal Party government, provides control for traditional owners ...

Mr Reed: The marine management legislation.

Mr BELL: I am pleased the Minister for Primary Industry and Fisheries interjects because he knows that the act which he administers provides protection for Aboriginal traditional owners. If the government intends to talk about 2 laws and present itself as being opposed to separate laws, it had better have a close look at its own statute book. Likewise with the Aboriginal Land Act. The government trolled through our policies and what a dreadful job it made of that.

That brings me the second point in the Chief Minister's letter where he referred to the arrangements for Aboriginal people before the courts. In some circles, he was able to suggest that the ALP intended to establish a separate criminal justice system for Aboriginal people. I suppose a few of the dopes opposite believe it. The fact is that Territory Labor's policy in that regard was substantially supported by the Royal Commission into Aboriginal Deaths in Custody recommendations that the Chief Minister - very sotto voce, I must say - supported.

Mr Poole: Is this your legal training coming out now?

Mr BELL: It bothers me that we have a Minister for Correctional Services who is so unfamiliar with the Royal Commission into Aboriginal Deaths in Custody that he feels constrained to interject in such a childish fashion. Given that it was such an important plank of the government's election campaign, I would have expected members opposite to have their facts right. The simple fact is that they were quite hypocritical in suggesting that that was an example of a 2 laws policy. The clear inference was that this was essentially an assimilationist view that Aboriginal people have to make it in whitefellow terms or forget about it. There is no doubt that there is a strong view in the community to that effect. It is not a popular view, nor is it a view shared by the government's federal colleagues in either the National Party or the Liberal Party. I believe both of those parties agree that parliaments - state, territory and federal - are under some obligation to develop legislative and administrative arrangements that provide a more just position for Aboriginal people.

That is not to say that every action taken in that regard has to be defended. It means, and this is the nub of it, that there is an obligation on members of this Assembly to discuss where these arrangements work and where they do not work, and to have a civilised, as opposed to a divisive, public debate about it. This government and the CLP organisation that backs it stand condemned in the eyes of many decent Australians. In the eyes of many decent Australians, it was prepared to hold up to contempt the laws and the administrative arrangements, both federal and Territory, that are designed to give Aboriginal people a fair go. The irony is that the government itself is responsible for some of those legislative and administrative arrangements. The only reason why that could not be exposed was because we had a 12-day campaign.

To return to the substance of this motion, I noted that, immediately after his victory, the Chief Minister gave 2001 as the date for the gaining of statehood for the Northern Territory. I have said this previously in this Assembly, and I will continue saying it: as long as such campaigns are run, the chances of statehood disappear farther and farther into the future.

Mr PERRON (Chief Minister): Mr Speaker, I have been provoked into participating in this debate. I have been trying to remain calm whilst listening to members opposite rabbit on. The motion before us relates to the membership and terms of reference of the Sessional Committee on Constitutional Development. However, a couple of honourable members opposite have taken the opportunity today to put forward their view, which has often been expressed in the media since the election, that the entire CLP election campaign was racially-based and that the CLP ought to be ashamed. I do not usually give the ALP very much advice about its shortcomings, but today I will make an exception because members of the opposition have made such a fuss about this issue since the election ...

Mr Bell: Which one - 1990?

Mr PERRON: The election that the CLP won fairly handsomely, supposedly by promoting racial division. I will make an exception today and offer some advice to members opposite because I believe that the member for Stuart in particular may well even believe what he has been saying. He needs to be very careful because I believe he made those kinds of mistakes during the campaign. He believed some of the things that he was trying to tell the electorate and that was his undoing.

The real reason why the electorate rejected the ALP on such a wholesale basis was not because of

any suggestion of racial overtones, but because the ALP did everything wrong. It was a classic case of a completely botched campaign by an opposition. It promoted change when change was not wanted. That was its first big mistake. You do not promote change if the electorate is relatively happy with what it has. It lied to the electorate about our economy, and its lies were not believed. Another lesson to be learned is that, if you intend to run a negative campaign, that campaign has to be believable. That is a fundamental lesson in politics.

The Newspoll put that to bed for the opposition. Probably, it came out too late in the campaign for it to be of use to the ALP. In relation to the question as to which party could best handle the Territory economy, the CLP beat the ALP 2 to 1 - and the Leader of the Opposition was describing the Northern Territory economy as a basket case! He said that the economy was in a mess, that debt was out of control and that only the Labor Party could save it. The electorate did not believe that. That was a fundamental error on the part of the ALP. In the Newspoll, the CLP beat the ALP in respect of the environment. Some people believe that many Territorians feel that the Labor Party cares more perhaps for the environment than does the CLP. However, that is absolutely not the case. That was a third mistake because policy has to be believable. In relation to the economy, the opposition was totally unbelievable.

The ALP did some really stupid things during the campaign. Bringing a Sydney actor to Darwin to bag the government was a classic blunder. It had nothing to do with racial overtones at all, but it was a really stupid act, just as it was to consult prisoners for advice. That was really stupid. If a party does things of that kind, it has to wear them. Consulting a murderer about policy has nothing to do with racial overtones. The Leader of the Opposition can do it every week, but he would be wise not to let the electorate know anything about it. That is the lesson in politics.

The Leader of the Opposition embarrassed our defence personnel by insulting American pilots. He felt compelled to talk about 'cowboys'.

Mr Ede: I found it to be correct.

Mr PERRON: A fundamental lesson in politics is that, when there is a big defence component to the electorate, it is wise not to insult them in the middle of a political election campaign. He should have held his tongue. His comment won him no votes - in fact, it cost him some votes. On occasion, it is possible to strike a balance, to say something controversial and lose a few votes but pick up others. I guess that is good politics, but he made the blue there.

I have a few more examples. The intemperate outburst by Senator Bob Collins in relation to the tragic Cannonball Run accident appalled thousands of Territorians. I suppose the Leader of the Opposition could not be blamed for that because Senator Collins does not happen to be a member of this House, but one would think that, given that he is on the same team, he would have been working in the background either to say positive things or to hold his tongue and not cause any damage. Thousands of people were appalled by his outburst on that day. No doubt the Leader of the Opposition gave him the message fairly quickly because he did not say anything further about it. There was simply that one massive outburst that unfortunately received extensive coverage. However, it was bad politics on the part of the ALP, and that had nothing to do with racial overtones whatsoever.

There must be 9 or 10 examples ...

Mr Bailey: Is this your expertise as a tally clerk that is showing now, Marshall?

Mr SPEAKER: Order!

Mr PERRON: The opposition's exploitation of the medical treatment given to my 80-year-old aunt during the campaign disgusted many long-term Territorians.

Mr Ede: That is garbage!

Mr PERRON: I can tell the Leader of the Opposition that many long-term Labor voters know the Litchfield family. The Litchfield family goes back to the turn of the century in the Territory. That alleged incident, whereby I supposedly intervened in the hospital process to obtain medical treatment for a relative of mine, contrary to the union ban by the Nurses Federation, was the absolute pits. I can stand that type of stuff because I have been here a long time and I have a pretty thick skin. However, it is sad that my extended family in this case have had to wear that kind of muck. What I am saying is that it was a bad move politically for the ALP because long-term Labor people in the Territory know the Litchfields' and have great respect for them. To use an 80-year-old woman, who was in pain, in a campaign is bad.

Mr EDE: A point of order, Mr Speaker! I find that totally and absolutely objectionable.

Mr Perron: So did I.

Mr EDE: We did not, and we would not use that case. We ruled it out deliberately as something that could be used.

Mr SPEAKER: There is no point of order. Opposition members have been equally damning in their comments.

Mr PERRON: Mr Speaker, the opposition's position on pornography was something that it probably did not even think about because it rated no coverage at all in any advertising or political comment in the campaign. However, in breaking my rule and giving the opposition some advice on why it did so badly in this election, I point out that its position on pornography, which was reflected in the Leader of the Opposition's statement that his party would encourage an expansion of the industry in the Northern Territory, did not go down very well with a significant section of the electorate. In relation to pornography, a political party should never be radical. It is one of the enormously sensitive issues in our community and a political party should avoid adopting a radical policy in relation to it if it does not want to drive people away. I put that on the list as well. Members opposite may think it did not have any effect. Certainly there are no racial overtones there, but I can assure them that it had an effect on some people in the electorate. They heard the Leader of the Opposition's comments on pornography shortly before the election and they knew what they were about.

The electorate knew also that the federal government's intervention demanded that the Territory bring in the very unpopular cycle helmet laws and the 0.5% blood-alcohol limit. They knew that well because we made sure that they knew about those demands by Canberra in respect of the daily lives of Territorians. Issues of that kind had no racial overtones at all, but they impacted badly on the ALP. That must be about the fifteenth example so far. All those matters had nothing to do with racial overtones, but they were very important politically. Territorians do not like being told what to do, particularly by Canberra. The opposition's mates in Canberra did not help it at all.

Since the election, honourable members opposite have gone on and on about racism and the campaign having racial overtones. The result was as it was because the ALP overlooked all those matters that I have raised. That is not a complete list of issues that were important in the election campaign, but it is a list that demonstrates gross political incompetency on the part of the ALP. That incompetence was evident from its original assessment of the issues on which to go to the election. They said: 'We are ready. We have the dollars in the bank and we have the policies. Go for an election. We want to put our case to Territorians'. They put it to the test and they have been given the message. The electorate did not like what was offered.

In addition to the disasters I have mentioned, every one of which was a vote loser and none of which had racial overtones, was the fact that the Labor team leader was unpopular. Even among Labor voters, he was unpopular and the electorates of Millner, Victoria River and Stuart had been grossly neglected for 4 years. Our candidate in Stuart went to places where the Leader of the Opposition has not been seen in 5 years. The former member for Millner treated his electorate with contempt. How else could we take a seat that had been held by Labor for 17 years? How could we take it from the ALP without a significant element of neglect by the local member? Do honourable members opposite think that Millner was lost on racial issues? Is that why the ALP lost that seat? It is an electorate that includes Bagot and Kulaluk, and a substantial number of Aboriginal voters. Do members opposite believe they lost that seat as a result of racial overtones?

Was Victoria River lost to Labor in a racist campaign? What a load of nonsense! Members opposite cannot possibly believe that type of rubbish if they look at the results. They must face the fact that they blew it. There was political incompetence from the very start of the campaign. If they want to refer to dirty tactics, which party ran ads depicting a journalist being throttled with a microphone cord, and which party did not run ads depicting a shadowy figure sneaking into a pawn shop with a fridge under his arm? Which party, to its discredit, was still running a candidate in its ranks who might have fitted one of those categories? Honourable members opposite many not like it, but people commented that they thought the ALP's cord advertisement stank, particularly given that the alleged culprit was no longer in the ranks of the CLP. The CLP did not go to the lengths that it could easily have done and run an ad like that to which I referred earlier. We could have done just that with every justification because, to the ALP's discredit, that member is still in its ranks. He is a lame duck, but he is still in its ranks.

To top off the lousy campaign, the misreading of all the messages and the stuff-ups through blunders such as the hiring of Sydney actors etc, the voters concluded that the lifestyle that they enjoy and the jobs security they have under a CLP government were elements they wanted to hang on to, and they voted accordingly.

Mr EDE (Opposition Leader): Mr Speaker, I made a couple of notes on some of those points. In relation to the ABS figures and the economy, which party was flogging a report that I believe related to the 10 years up to about 1991? The report related to growth rates in the Territory and the CLP attempted to maintain that those were the current growth rates. This flies in the face of the fact that, over the last period of government by the CLP ...

Mr Perron: You misread the electorate.

Members interjecting.

Mr EDE: If you take out the oil, it was only 0.5% and that was a direct result of federal government funding and not what was done by the CLP. They talked it up. I recall the front page banner headline in the *Centralian Advocate*, and the CLP used it in its advertisements. It used it as though it were the truth. In fact, the previous growth was all related to the previous government and it had nothing at all to do with the failures of this government.

Let us look at the comment about change not being needed. Over the luncheon adjournment, I read the 1990 address-in-reply debate and reflected on what we have just heard in the speech from the Administrator. There has been 4 years of nothing. The Administrator's speech is almost a direct lift from 1990 because the CLP government has done nothing for 4 years. Members opposite might believe that there is no need for change. I must admit that we did not convince the people strongly enough of that need for change. However, any member in this Chamber who takes a long, hard look at the situation and at what the CLP government has done over the last 4 years must recognise that, if it does not change, it will continue to do nothing ...

Mr Stone: It is booming, you fool!

Mr EDE: It has been running at 0.5% in real terms.

Mr Stone: You are the only one who does not believe it.

Mr Coulter: What about final demand?

Mr EDE: The ABS figures ...

Mr Stone: The people think you are a complete drop kick.

Mr EDE: Mr Speaker, the member for Port Darwin does not worry about the ABS figures any longer. He does not worry about any figures. He feels that the economy is booming and therefore everything is okay. The only thing that is booming is the expenses bill for his overseas trips.

I found absolutely insulting the suggestion that we used the situation of the Chief Minister's great-aunt. He knows full well that we did not use that.

Mr Perron: Oh, really.

Mr EDE: Mr Speaker, I did not allow it to be used. I did not allow any of our members to use it. To attempt to say that we used it is a lie.

The Cannonball Run was indeed an opportunity. It would have been very easy for me to jump on the band wagon in that regard.

Mr Perron: Bob Collins did it for you.

Mr EDE: Mr Speaker, a very unfortunate event occurred during the course of the Cannonball Run. I have my position in relation to the run, but I simply would not make it into an election issue. We stated that we would await the reports and then analyse where we would go in future in that regard. Mr Speaker, you may say that I was wrong and that I should perhaps have slammed the CLP over it. I heard stories that the CLP had another advertisement ready that it intended to run at the end of the campaign. It showed the Chief Minister hopping into a Cannonball Run vehicle and beetling off down the track. That was to be the culmination of the 'Labor "L" of a risk' campaign that it was running. However, it had to drop that one.

There was the defence force matter and the reference to the cowboy antics of certain Americans. That has been substantially backed up by the report.

Mr Perron: The report was after the election. We are talking about before the election.

Mr EDE: Mr Speaker, the Chief Minister, the member for Fannie Bay, was not prepared to make a stand on behalf of his constituents who were the people suffering most as a result of what was occurring. Who had to look after his constituents? I had to look after his constituents. He decided that it could be a little unpopular and that he would not look after them. He would leave it to the Leader of the Opposition to look after them, and I did that. If he believes that was bad politics, I tell him that it was good government. Someone had to do something for the people in Fannie Bay who were suffering as a result of the activities of those pilots.

There was also the matter of the cycle helmet laws and the introduction of the 0.05% blood-alcohol level. As the Chief Minister well knows, the opposition's position is the same on that as that of the government. We have said in this Assembly that we support the belated action in relation to the cycle laws and that we support the introduction of the 0.05% - not the shilly-shallying that the government has been involved in, but the proposal that the penalty for between 0.05% and 0.08% should be an on-the-spot fine.

The Chief Minister should not seek to tell us that the polling that the CLP did over the last couple of days of the campaign did not have racial overtones. If it thought that it was so far in front because of the economy and the perception that there was no need for change, why did it do that polling?

Mr Perron: The electorate thought that we were so far in front because that was what the Newspoll showed.

Mr EDE: I am talking about the poll that you had Apex do over the last couple of days. There was supposed to be an electronic media blackout and therefore you had Apex carry out that pseudo-

polling. That certainly had racial overtones and members opposite should not try to deny it. We will need to take a good look at this situation, but what is good for the goose can be good for the gander in that regard. A few questions could be asked about certain connections between certain reports that have been tabled in this parliament, but not made publicly available, and a certain political party.

Mr Coulter: Is that some sort of threat?

Mr EDE: That might have some effect. What I am saying is that, if you start a campaigning technique that involves getting down into the gutter and that uses lies and misinformation, there is a very dangerous assumption that, somewhere along the line, it will be turned back at you. At the start of the campaign, the Chief Minister was referring to the Aboriginal Labor Party. He is nodding, Mr Speaker. Is he saying that that is not putting a racial slant on the election? He was trying to suggest that we would govern only for Aboriginals. Is that not creating a racial division? He ran the '2 laws' scenario despite the fact that I had replied to him in the Assembly. I had told him exactly what was in our platform. Everyone who has analysed what was actually in the platform is aware that the reference is to community policing techniques that are used currently. That is all that is in the platform.

Mr Perron: Why is it in your policy if it is current practice?

Mr EDE: The policy is developed on the platform. If we had not had it there, you would have said that we would not continue with community policing.

Mr Perron: No.

Mr EDE: That is exactly what we were talking about. We called it community policing, and you called it '2 laws'. How could it be '2 laws' when it was also to affect migrants, the victims of domestic violence etc? You would have had 6 laws. Channel 8 got it right on day one, but you decided you wanted to continue to run that one. You then decided that you wanted to continue to push in the community the issue of the seas being closed to recreational fishermen.

Mr Reed: What about rivers? You intended to open rivers!

Mr EDE: What an absolute load of garbage, Mr Speaker!

Mr Reed: You said it yourself.

Mr EDE: It was your own legislation, which you promoted and put through this House, yet you accuse us of wanting to implement it. He ought to say that that has nothing racial about it, and then try to convince us. In relation to the sea rights comment by the member for Arnhem, he told Aboriginal people who turned up at a country meeting that, if they thought that their battle to obtain land rights in the Northern Territory was difficult, they should wait to see how difficult it would be for them to obtain sea rights.

Mr Reed: No!

Mr EDE: That is exactly what he said.

Mr Reed: No, you did not read it. Read it again.

Mr Stone interjecting.

Mr EDE: No way in the world! You want to twist it around ...

Mr Perron: It was not at a meeting. It was in this House. It is in the Parliamentary Record.

Mr EDE: The quote that you were running was from the conference.

Mr Reed: And repeated in this House.

Mr EDE: That was the statement that you were utilising.

Then, of course, there was the Tibby Quall matter which was simply too cute for words. I have learned something from the election. I have learned that, if you talk to people, they will say continually that they want us to run a positive campaign, to tell them what we intend to do, to set out a plan in front of them and let them know what it is all about but, when it comes down to it, it is negative campaigns that work. That was what the government ran. It ran a totally negative campaign.

Mr Perron: What about your first ad?

Mr EDE: We started negatively, but then our campaign was based on offering solutions to problems and was positive all the way. The more positive we became in the campaign ...

Mr Coulter: I would drop that strategy if I were you.

Mr EDE: Certainly. We will drop the positive strategy and spend the next 4 years kicking you mob in the head, and then we will have a different result.

Mr COULTER (Treasurer): Mr Speaker, I am a little tired of the racial overtones that members opposite bring to this House. The 3 of them who are sitting on the front benches opposite are the Labor 100 Club. If 142 people had changed their minds, they would not be here. The Leader of the Opposition won by 88 votes. If 45 people change their minds, he will lose his seat. His constituents walked away from him in droves because he had neglected his electorate. I do not know whether we have ever had a Leader of the Opposition who has been elected by such a small margin. That is the truth!

This is also the truth: 'Territory Labor - Your Top End Team'. There is no Wesley Lanhupuy and no Maurice Rioli on this poster. How do they feel? No wonder they wanted a breakaway land council, another Labor Party or whatever.

Mr Ede: Is Wayne Connop there?

Mr COULTER: Yes, he is. However, what is wrong with Wes? Why was it that Wayne Connop was in the advertisement ...

Mr Ede: He was not in that group.

Mr COULTER: 'Territory Labor - Your Top End Team'. He is not in that group!

Mr Stone: What group is he in then?

Mr COULTER: What a shame! What a disgrace! I table that so that Territorians understand in the future exactly how racist the campaign that was run by the Labor Party in 1994 was and, in particular, how voters walked away from the Labor Party at Lajamanu and other places. There were not the Aboriginal votes. Sure, they did not vote for us ...

Mr Ede: They did not vote for me because they are not in my electorate!

Mr COULTER: That is right but, after you have laughed a little, think about what you have just said. Some 300 voters said that they would not wear the Labor Party any longer, and they did not vote Labor. They did not vote for us either, but we won the seat.

We move on to Barkly. The member increased her majority to a margin of 98 votes. If 50 people had changed their votes, she would be out of this House also. Never mind the fire in her belly and her boiler getting a bit of steam up - they do not like her down there. The Leader of the Opposition can laugh but, even though he had the incumbency factor in his favour and was standing against a bloke who had virtually never been heard of yet, if 45 to 50 people had changed their minds, he would have been out of this House too. On our side, we have only one seat in the 100 Club. Millner was won by a margin of 73 against an incumbent - a seat that had been held by Labor for 17 years. At the next election, our member will increase his majority dramatically.

Mr Speaker, I table that for the benefit of all Territorians in relation to the racist undertones with which the Leader of the Opposition conducted his campaign.

Mr Ede: What garbage!

Mr COULTER: He says 'garbage' quietly.

Mr Ede: It is total garbage!

Mr COULTER: Mr Speaker, let me give him an lesson in economics. GSP does not really matter very much to Territorians. The figure that they are looking at is final demand - that is, the figure which indicates whether you can obtain the services of a carpenter when you need one and whether people or their children have jobs. It indicates domestic consumption. Nobody believed Labor. It went to feed the chooks, but they would not come because they did not believe it. Final demand is running at 7.5%, and that was why everybody felt pretty good. Labor does not understand that. Even under the former Leader of the Opposition, Labor talked constantly about debt. Do honourable members remember the campaign it began and on which it wasted its ALP funding? In

December, that campaign was claiming that the Territory's economy was a basket case and that we were worse off than everybody else. Do members opposite recall what they said about taxes and charges? They said that they were higher than anywhere else in Australia. However, we tabled a document that indicated that they were the best in Australia. If that is not a lie, I do not know what is.

Mr Ede: You are telling the lies because that is not what I said.

Mr COULTER: It is precisely what you said! I will send you a copy of it, and we will talk about it tomorrow.

The member for Nhulunbuy received something of a shock in Nhulunbuy itself, but picked up outside of the town. The member for MacDonnell should be congratulated because he received the highest vote that he has had even though he did not do too well at Yulara. There is something of a message in the way that the towns voted. The members for Arnhem and Arafura did extremely well, but the 3 members of the Labor 100 Club are not liked in the community. I am referring to Labor's front bench. If 142 voters change their minds, the 3 of them will no longer be members of this House.

While I am on this subject, let me refer to the member for Nelson as well. She was in the corridor this morning saying that she was re-elected by 216 votes and that, on one occasion, the Chief Minister had been elected by 6 votes. Let me inform her of the difference. That 6-vote margin was in a two-horse race between the ALP and the CLP. The member for Nelson was re-elected because 90% of the ALP candidate's preferences went to her. That was also the case with the independent colleague she sat beside during the last session. The member for Nelson is here today because of the Labor Party and therefore she should not be running around telling people that she is here because of a margin of 216 votes. The message for her is that Mr Lugg will be chasing her closely next time. There were no racial overtones to his campaign, only hard work. That was what he put in in that electorate.

There you have it, Mr Speaker. The Labor Party left poor Wes and Maurice out of his advertisement. It was not prepared to include them in it. Members opposite tried to tell lies about the Territory economy. They did not understand final demand and went for GSP. However, they were wrong. That is shown clearly in this Assembly if they care to look around them and do some head counting.

Mrs HICKEY (Barkly): Mr Speaker, on behalf of the opposition, I would like to thank the Chief Minister and the Deputy Chief Minister for their gratuitous advice about the election campaign that we ran. However, let us return to the amendment to the motion which relates to the Assembly expressing its concern 'at the adverse impact that the CLP's racially-based campaign will have on the Territory's constitutional development'.

Mr Coulter: You did not do much for final demand because you obtained your tiles from Adelaide.

Mrs HICKEY: You have had your turn.

Let us focus on the amendment. We are not saying that this campaign was entirely racially divisive but, by God, there were some issues in it that we will flag from now until the end of this term of parliament. By the time we have finished, the Territory will understand fully the type of deceit and subterfuge that the CLP has foisted on Territorians over the last 20 years.

I join the Constitutional Development Committee with mixed feelings. I echo the sentiments of other members about the bipartisan nature of the committee. I hope the bitterness that we see today will abate sufficiently to enable the committee to resume its work because it is valuable work, and it is work that we need to do in the Northern Territory. It is necessary that we provide an indication to other Australians that we are mature and ready to attain statehood. However, in doing so, we must achieve a position of consensus in the Territory about what Territorians want in a future constitution. In that regard, we have to be inclusive. Members on this side maintain - and I believe that many government members know it in their heart of hearts - that we will not achieve that consensus if we continue with the divisiveness that was evident in the election campaign.

The member for Arnhem was previously a loyal supporter and a conscientious member of that particular committee. It grieves me and other opposition members that he is not only no longer on that committee, but has refused to participate in it. He asked that he not be included on that committee. The message there is clear. He feels very strongly - as do many Aboriginal people, not only in his constituency but also in other constituencies - that the CLP has let Aboriginal people down and has betrayed them in their attempts to achieve bipartisanship and consensus in relation to constitutional development. I am sorry that that is the position for members joining this committee. I hope that we will be able to bury our differences sufficiently to resume work on this committee, but that will not happen if we see a continuation of the CLP's divisive and dirty tactics through the next 4 years.

Mr MANZIE (Attorney-General): Mr Speaker, I rise to speak against the amendment. It has been quite enlightening to listen to members opposite today. They have made many mistakes over the years. Unfortunately, they cannot assess what they have done wrong, but they have taken it upon themselves to blame race and the CLP for their poor performance. That flies in the face of the facts, which do not back that up. However, what concerns me is that, in the self-serving excuses that they have made, they have damaged the image of the Territory around Australia and have probably gone some way towards damaging our ongoing moves towards statehood.

Mrs Hickey: You are known as cowboys.

Mr MANZIE: The member for Barkly can hide her head in the sand and pretend that it did not happen. We heard members opposite claim that it was a racially-based campaign. The member for MacDonnell even said that 'no sensible person would disagree that the campaign was racist'. I have not found a sensible person who has said that it was racist.

Mr Ede: What?

Mr MANZIE: On what basis? Mr Speaker, I will tell you the bases on which they are making these claims. One is the wording of their own party platform. It is not our wording; it was not written by us. Of course, it is a secret document, but we managed to get hold of a copy. It was circulated in the

House and we made sure that Territorians ...

Mr Bailey interjecting.

Mr MANZIE: I am very sorry for the member for Wanguri, but I have to say that he did not provide me with a copy of his party platform. He did not educate me, nor did any other member opposite, let alone educate Territorians about what his party's platform contained. Consequently, we had the audacity to explain to Territorians the philosophical base of the ALP's platform. That document stated that members opposite intended to direct the police to be more flexible on the basis of race. They intended to direct the courts to be more flexible on the basis of race.

Mrs Hickey: Not only on the basis on race.

Mr MANZIE: Mr Speaker, you cannot run a system of government or a system of law whereby you instruct those who have the responsibility for administering that system to base their decisions on race and to be flexible on the basis of race. You cannot have that. You must have a system whereby all people are equal before the law ...

Mr Ede: This is a lie!

Mr MANZIE: ... and a system that applies the law regardless of race, ethnic background, religious background or economic situation. That is the whole basis of our system of law.

Mr Ede: If you reckon that this is true, table it. You have a copy. Table it or admit that you are lying.

Mr MANZIE: Mr Speaker, when we make the contents of their platform known to the community, they cry foul.

Mr Ede: It is not there.

Mr MANZIE: Mr Speaker, dear oh dear, it is not there.

Mr Ede: Table it.

Mr MANZIE: We had a debate in this House before the election. Members opposite may roll about and say that this is dreadful, but it was pointed out very simply and very succinctly. I suggest that the honourable member obtain a copy of the Parliamentary Record and read it. He has forgotten already the debate that was held a short time ago in this House.

The next juicy item that I have heard honourable members claim on radio as evidence of a racially-based campaign is that we had the audacity to compare some members opposite with members on this side of the House. Dear oh dear, wasn't it dreadful that the Minister for Lands, Housing and Local Government was compared to the shadow minister for lands, the member for Arnhem? What was racist about that? I will tell you, Mr Speaker. It is racist in the eyes of the person who reads it and assesses that, because a person has a different coloured skin, that has to be racist. It is the perception of those people that makes comparisons of this sort racist, not the facts. It a ridiculous

that members opposite should claim on that basis that we ran a racist campaign.

Those are the only 2 issues that have been brought to the community's attention to support the opposition's claim. I began my contribution to this debate by stating that what was damaging to us, as a Territory and in relation to our future constitutional development, was the unsubstantiated claims by the Leader of the Opposition that were broadcast through various media outlets around this country. Editorials were published that were based on information provided by the Leader of the Opposition. They were not based on any facts - indeed, they were contrary to the factual circumstances. Those editorials, articles and televised interviews have gone. They cannot be recalled and the result is that, in the minds of many Australians, the majority of Territorians are racist and acted racially in the way they voted in this election. That is a disgraceful thing to be responsible for and all Territorians will have to wear the results of that. It is very difficult to do anything in relation to southern-based media people who fly in and fly out, but I ask our local commentators to examine objectively what has been claimed in print and on the airwaves and, over the next few years, to use the power of their pens to provide some balance, especially for people interstate, about what occurs in the Territory.

The contribution of the Leader of the Opposition to this debate was very poor. He went through his little economic circus act again. That was blown out of the water by the Treasurer and it was a simple argument to blow out of the water. It is amazing, isn't it? They will not face the facts. They will not assess the state of affairs and ask themselves where they went wrong. They find it much easier to claim that the CLP is racist and that that was the reason for the outcome of the election. I was a little concerned when the Chief Minister began to list in this debate all the problems the ALP made for itself in the election and all the areas where it went wrong. I thought the ALP might do some work and make a better showing next time, but I should have not worried.

I listened to members opposite as they rose to their feet, one after the other, and it is clear that they cannot see the wood for the trees. They believe implicitly in their own fairy stories and they will proceed happily along that path. Their cries of racism have no basis in fact and I would certainly ask them to think very seriously about providing misinformation to the rest of Australia. It will not help them to win elections here, but it will delay the constitutional development of our Territory because the wider Australian community is receiving information that is not factual and people are basing their views on the Territory on the lies and the misinformation coming from members opposite.

27-30/06/94 Parliamentary Record No. 1: 495-97

Topic: MOTION AND [TABLED PAPER](#)**Subject:** [Sessional Committee On Constitutional Development, Discussion Paper No 7](#)**Date:** [30/06/94](#)**Member:** [Mr HATTON](#)**Status:****Information:**

Mr HATTON (Lands, Housing and Local Government)(by leave): Mr Speaker, I table the Sessional Committee on Constitutional Development's Discussion Paper No 7 entitled 'An Australian Republic? Implications for the Northern Territory'.

Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the paper.

Mr Speaker, on 9 May 1993, the Chief Minister made a further reference to the Sessional Committee on Constitutional Development on the implications for the Northern Territory, both as a self-governing territory and as a new state, of any future establishment of an Australian republic. The Chief Minister further directed the committee to deal with the new reference in the same manner and in accordance with the same provisions as are contained in its primary terms of reference.

In response to the new reference, the committee felt that the most effective way to afford the opportunity for public comment was to issue a discussion paper and invite comment and submissions. This paper is another in the series of papers that the committee has issued. The issues concerning the questions on whether Australia should become a republic have been canvassed quite extensively at the national level. This paper is issued on the assumption, rightly or wrongly, that Australia will become a republic at some time in the future. It is not directly concerned with the exact nature of any possible future republic for the whole of Australia except for issues that may impinge on the Northern Territory and its constitutional development. The committee stresses that it is not concerned with the question of whether or not Australia should become a republic. The committee does not wish to be taken as advocating one way or the other whether Australia should or should not become a republic. It is more concerned with the implications for the Northern Territory. In particular, this paper raises a number of options that elaborate on the processes of government and whether there is a requirement for the Northern Territory to adopt a republican mode of government should Australia become a republic.

In its earlier discussion papers, the committee raised a number of options as to whether the Northern

Territory should continue with the present system of responsible and representative government or opt towards a presidential-style system similar to the USA model with a much more pronounced separation of powers between the legislature and the executive. At that time, the committee chose to support a continuation of a form of responsible government partly for constitutional reasons and partly because the present system of government was best understood and accepted in Australia. Another important issue raised in the paper relates to whether the Northern Territory needs a separate head of state and whether it is constitutionally possible, in the present monarchical framework, not to have one. It discusses the pros and cons of the issues relating to the position and powers that a new head of state would have.

On the other hand, should there be a requirement to have a head of state for the Northern Territory, the paper raises the following questions which relate to that issue. Should the head of state be above party political issues? How should the head of state be appointed or removed? How long should the term of office be? What should be the qualifications for office? What powers should the head of state have?

The committee is quite aware of the republican issue being addressed at the national level and it is timely that a debate is taking place now. The Northern Territory, not being a state, is in a position to draft new provisions in its constitution that would conform to possible new national republican settings. That process would be relatively easy as it would not be necessary to revise the existing Australian or state constitutions.

I must stress once again that, at this stage, the committee does not advocate any particular view raised in the paper and the intention is simply to stimulate discussion and public debate. The committee welcomes all Territorians taking the opportunity to comment on these issues and any other matters that relate to the constitutional development of the Northern Territory.

Mr BAILEY (Wanguri): Mr Speaker, as a member of the Sessional Committee on Constitutional Development at the time when the Chief Minister referred this issue to it, I wish to make a few brief comments. Discussion Paper No 7, 'An Australian Republic? Implications for the Northern Territory', shows the amount of high quality work performed by the committee.

I am aware that, before the election, the Chief Minister was very interested in ensuring that the Sessional Committee on Constitutional Development Committee had adequate funding to continue its expanded role. The Speaker is responsible for the budgetary processes and funding of parliamentary committees. I believe that the previous Speaker understood the implications of the work done by the Sessional Committee on Constitutional Development, but I would like to bring to the attention of all members of this Chamber - and, in particular, the new Speaker - the importance of the work that it performs. Given the emphasis that the Chief Minister has placed on statehood and constitutional development, I hope that the present Speaker will ensure adequate funding to enable the committee to continue its quality bipartisan work in developing a constitution for the Northern Territory in the lead-up to statehood.

Motion agreed to.

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Motion agreed to.

28/02/95-02/03/95 Parliamentary Record No. 9: 2742

Topic: [SESSIONAL COMMITTEE ON CONSTITUTIONAL DEVELOPMENT](#)**Subject:** [Variation of Membership](#)**Date:** [28/02/95](#)**Member:** [Mr STONE](#)**Status:****Information:**

Mr STONE (Leader of Government Business) (by leave): Mr Speaker, I move that the member for Arafura, Mr Rioli, be discharged from further attendance on the Sessional Committee on Constitutional Development and the member for Arnhem, Mr Lanhupuy, be appointed as a member of that committee in his stead.

Mr EDE (Opposition Leader): Mr Speaker, this is part of an agreement resulting from the formation of the Select Committee on Euthanasia. It is a matter of evening up the workload among opposition members. The member for Arnhem has vast experience on constitutional development because he served on that committee almost from its inception. I note that members opposite asked him to reconsider his departure from it after the last election. He has done so and will now return to the committee.

Motion agreed to.

28/02/95-02/03/95 Parliamentary Record No. 9: 3010-26

Topic: MOTION AND TABLED PAPER

Subject: Interim Report No 1 of Sessional Committee on Constitutional Development

Date: 02/03/95

Member: Mr HATTON

Status:

Information:

Mr HATTON (Constitutional Development Matters): Mr Deputy Speaker, I table the Sessional Committee on Constitutional Development's Interim Report No 1, A Northern Territory Constitutional Convention. I move that the report be printed.

Motion agreed to.

Mr HATTON: Mr Deputy Speaker, I move that the Assembly take note of Interim Report No 1 of the Sessional Committee on Constitutional Development.

On 28 August 1985, the Assembly established a Select Committee on Constitutional Development. The resolutions constituting the committee were passed by this House at the same time as proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian federation. On 30 November 1989, the Assembly resolved to change its status from a select to a sessional committee and, on 17 May 1994, parliament was prorogued which saw the cessation of the committee. On 27 June 1994, the committee was reconstituted and it has been particularly busy since that time with drafting a constitution and preparing other papers.

The committee's primary task is to report to the Legislative Assembly on a constitution for the Northern Territory in conjunction with a future grant of statehood, together with recommendations on representation at a proposed Northern Territory constitutional convention. Since its inception, this committee has advocated the view that the Northern Territory constitution, as adopted by a Northern Territory constitutional convention, would be submitted to a referendum of Northern Territory electors for approval and, if so approved, would then be submitted to the Commonwealth as part of proposals for further Territory constitutional development and ultimately admittance as a new state of the Australian federation.

Last year, the Chief Minister announced publicly that the target date for a grant of statehood for the Northern Territory would be 1 January 2001, the centenary of federation. Without necessarily endorsing this target date, the committee resolved on a strategy and timetable for actioning its terms of reference that would facilitate the achievement of that target date. As part of this strategy, the committee has considered a number of proposals for the establishment of a Northern Territory

constitutional convention, together with the need for legislation to be drafted at an appropriate time to set up that constitutional convention. Subsequently, the committee resolved to prepare this interim report together with its recommendations as to how that constitutional convention should be established. It is hoped that the recommendations in this report will facilitate the preparation and passage of the necessary legislation.

In preparing this interim report, the committee has drawn on the historical aspects of the Australian and American experience of the establishment and running of constitutional conventions, in particular the Australian constitutional conventions of the 1890s leading up to federation in 1901, and the constitutional conventions that admitted Alaska and Hawaii as states of the union in the United States in the 1950s. The approaches taken by the respective countries in adopting a constitution were similar in that conventions were held with an elected membership, culminating in referendums. No doubt, the underlying democratic principles of involving the people in the process did play an important role in legitimising and recognising the constitution as the foundation of the system of law and government.

The report elaborates on the committee's earlier Discussion Paper on Representation in a Territory Constitutional Convention of 1987, and particularly on the 3 basic ways of constituting the convention membership - wholly elected, wholly nominated and partly elected/partly nominated. Several of the submissions received by the committee referred to the need for some broad-based system for determining membership of the convention, reflecting the different peoples and groups that reside within the boundaries of the Northern Territory. Other submissions concentrated on issues such as the method of selection of members of the convention, qualifications of members, representation of particular groups on the convention, and the use of specialists and consultants on constitutional and procedural matters. Most of the submissions received favoured a system of mixed elected/appointed members. A few of the submissions specified a break-up between the 2, varying from equal numbers to a 75%/25% division or a two-thirds/one-third division, both favouring elected members. Only a few submissions favoured a wholly elected convention or a wholly nominated convention. There were also some strong comments against a wholly nominated convention.

Without going into detail about the content of the report, the committee has brought forward 15 recommendations for consideration and debate by the Assembly. The particular recommendations that I wish to bring to members' attention - and these are elaborated on in the report - relate to the following:

- The mechanism in establishing the convention and in identifying its powers and resources in order to carry out its tasks of framing a constitution.
- The make-up of the convention, in which the committee recommends that at least three-quarters of the representatives be elected and the remainder be nominated.
- What Northern Territory groups or organisations should be represented on the convention by an appropriate method of nomination.
- In addition to the other elected and nominated members, that members of this sessional

committee, together with the Chief Minister and Leader of the Opposition at the time of nomination for the convention, be members of the convention.

- The endorsement of a system of multi-member electorates.
- The convention should have 10 electorates with 5 representatives to be elected in each, and that an electoral distribution should be carried out within the 20% tolerance rule and, subject thereto, it should be designed to give some particular emphasis to the interests of non-urban and Aboriginal communities;
- That persons nominating for election to the convention would be required to have resided in the Northern Territory for a period of 6 months prior to nomination and otherwise be on the roll for elections to the Northern Territory Legislative Assembly; and that voters for nominees to the convention should be required to be on the roll for elections to the Northern Territory Legislative Assembly.
- That the convention be given no fixed time to sit and deliberate on the issues, except by way of fixing a final reporting date.

The other recommendations within the report are also important. They relate to the administration and organisation of the convention. I encourage all members in this House to look critically at the recommendations and to provide constructive debate when the bill to establish the convention is introduced into this House.

Given the view expressed already by this committee that the Northern Territory should adopt its own home-grown constitution, the committee has adhered to the view that a Territory constitutional convention is the most appropriate method by which to frame a constitution for the Northern Territory. The committee is firmly of the view that a convention provides an excellent means of drawing on a wide cross-section of the Northern Territory community that can and should participate in framing the fundamental rules as to how the Northern Territory and its government are to operate. The committee considers that such a convention would be assisted by the recommendations encapsulated in this report together with the published discussion and information papers of this committee, and by the subsequent deliberations of the Northern Territory Legislative Assembly on the report of this committee, including a draft Northern Territory constitution.

Once the convention had completed its work, its draft constitution would be submitted in turn to the Northern Territory electors at a referendum before being presented to the Commonwealth for implementation by the national parliament as part of further Northern Territory constitutional development. By this democratic method, it could fairly be said that this would be a home-grown constitution that reflected the needs and aspirations of Territorians generally. I commend the report to honourable members.

Mrs HICKEY (Barkly): Mr Deputy Speaker, I will not say a great deal on this. The chairman of the committee has covered all the major points and has the committee's agreement on the comments in the tabling statement. For most of us, the aim in framing a constitution and holding a constitutional convention is to ensure that consultation and involvement are as broadly based and inclusive as

possible. That is one of the issues that has been exercising the mind of this committee in recent meetings. I believe we have arrived at recommendations for consideration by the Assembly that will enable it to make some well-informed choices.

The convention date is something we have yet to determine. The work of this committee has increased manyfold in the last few months. It will continue to occupy the time of the 6 members over the next few months, completing the paperwork, assembling all the discussion papers and organising the mechanics of the convention. Putting before the Assembly and the people of the Northern Territory the framework for a constitution for consideration by the constitutional convention will be history in the making. It is incumbent on the committee to ensure that it does its work and lays the groundwork as thoroughly as it can.

With that in mind, I would like to commend and acknowledge the work that has been done not only by committee members but also by committee staff - Mr Rick Gray, the executive officer; Mrs Yoga Harichandran, the research assistant; and Mr Graham Nicholson, the legal adviser. They have made an enormous effort over and above the hours that the committee members are able to apply to this. Their interest and involvement is undoubted. If it were not for the very good groundwork and the briefing papers that they provide to the committee, our work would be very much harder.

With those few remarks, I commend the interim report to honourable members. I hope members will read it thoroughly. This is a very important document for Northern Territorians. We must approach this matter with as much thought and consultation with our constituencies as we possibly can. When we frame the constitution, we want to get it as right as possible

Mr BALDWIN (Victoria River): Mr Speaker, I too would like to commend the committee staff on the work that they have done over the years. As a new member of this committee, I was staggered when I looked back on its history and the work that has been done by it. I commend the staff and former members of the committee on what they have achieved.

I believe the recommendations in this report for the constitutional convention will be acceptable to the majority of members. It is necessary for the Assembly to pass legislation to create the convention, and the committee's recommendations will facilitate this. The establishment of a constitutional convention will provide Territorians with a democratic and representative means by which to frame a constitution for the Northern Territory. It is recommended that the convention be resourced and given adequate powers to enable it to carry out the important task before it, and that the constitution be put subsequently to Territorians by way of a referendum.

The sessional committee holds a majority view that, to preserve the democratic nature of the constitutional convention, its members should be 75% elected and 25% appointed. I suppose the make-up of the 25% will be determined by this Assembly, but it should be representative of key interest groups and minority groups from around the Northern Territory. That will ensure that special interest groups are heard. However, the bulk of the representatives in the convention will be elected by Territorians from within 10 electorates.

The other recommendations relate to how the convention will operate and how it will be required to report. The date has yet to be determined, but it will be before the end of the 1997 calendar year in

line with a time frame that we have decided on in moving towards the celebration of federation in 2001. If the Northern Territory is to have a brand-new and unique constitution, it is important that it is owned by Territorians. No doubt, the concept of the convention, as proposed in this report, will provide that ownership. The sessional committee sought deliberately to contain the composition of the convention to a manageable number whilst bearing in mind the need to have good cross-representation of the community. Legislation will need to be passed by this House to enable the formation of such a constitutional convention. The report before members today provides the guidance needed to facilitate that.

The Northern Territory will be the only jurisdiction in Australia to move towards a new constitution since federation. The convention will be unique also in that it will be among the first to consider items such as customary law and a bill of rights. There is a big task ahead and it is a serious matter. I recommend that all members study this report thoroughly in the lead-up to the introduction of facilitating legislation.

Mr BAILEY (Wanguri): Mr Deputy Speaker, the interim report that has been tabled is a very important document. I must say that it is probably the first real step in a decade towards the constitutional development of the Northern Territory. As was stated by the member for Nightcliff, the original committee was established almost 10 years ago. I have been on the committee for the 5 or so years that I have been a member of this parliament. During that time, I have always stated quite clearly my support for the constitutional development of the Northern Territory and I have participated actively on the committee.

I am also on the record on a number of occasions as criticising the government, and in particular the Chief Minister, for the lack of funding available to the committee. For the first year or so, in the early days of my membership of the committee, it seemed to have a reasonably large budget and we travelled quite extensively throughout the Territory to meet with different community groups. While there was subsequently a definite change in the type of work that needed to be done following that, it appeared for a time that the committee slowed down a little and the enthusiasm that might have been pushing it from the government side seemed to slow considerably.

As the member for Nightcliff stated, since the committee was reconstituted following the election last June, it has been particularly busy. As my colleague said, the committee has taken numerous decisions in the last few months. In fact, the number of hours spent on the work of the committee in the last few months is probably equivalent to the number spent in an entire year in the past. On the one hand, that is very good. I have criticised the application of the brakes to the committee in the past and I suppose I should be congratulating the government for finally taking notice of the matters that I have been raising. Perhaps the Chief Minister has finally read through the Parliamentary Record for the last few years and is acknowledging that I have been correct in urging that we get constitutional development moving. I have a feeling, however, that that was not the basis for the Chief Minister's decision. It is not a matter of him catching up suddenly with the thinking that I have been expounding for the last few years. It is much more likely that he has decided that the subject of statehood for the Northern Territory will be a major issue at the federal election to be held in the next 12 months or so. He has focused on the issue for a number of reasons. He believes that he will be able to score political points without having to align with the Liberal losers in Canberra and that he can try to run his independent Territory party on the statehood issue.

That could be of concern in that he may be using the committee to push that issue. He may be directing the committee to accelerate its work in order to reach a specific point before the federal election to enable him to hold up something, whether it be a draft constitution or the establishing of the constitutional convention, as an indication of where we are in respect of the statehood issue. He could use that to demand of the federal government a commitment that the constitution would be approved or statehood granted by a certain date. If the federal government did not comply, the Territory government would make it a political issue. I have no problem with the Chief Minister wanting to pursue his own party political agenda. However, I have concerns that this committee may be being manipulated for party political purposes when, over the years that I have been a member of it, we have tried as far as possible to maintain a bipartisan approach on constitutional development.

The political implications of what the Chief Minister is trying to do in using the committee for his own political ends is not my only concern. In fact, I have a major concern that, instead of accelerating the development of statehood and a constitution for the Northern Territory, this may have the opposite effect. It may cause divisions within the community and between parties who are working together currently for the benefit of the Northern Territory and its constitutional development. My concern is strengthened by what we heard following the peak CLP meeting a couple of weeks ago. Chris Lugg stated that they were not really worried about numbers of Senators and all of rest of it, but simply wanted statehood to be granted immediately.

Mr Ede: A sell-out.

Mr BAILEY: That is right. Mr Deputy Speaker, we believe ...

A member: He never said that.

Mr Perron: Come on!

Mr Ede: That is what he is reported to have said. He said it on radio.

Mr BAILEY: You would have the transcripts of his interview on 8DDD. He said: 'Oh, you don't expect us to get the same number of Senators. We have a reasonable quota at the moment with 2.

Comments of that kind heighten the concerns that the opposition has about the CLP agenda in respect of statehood. The fact that the committee is being pushed by the Chief Minister to accelerate components such as the convention and the constitution for his party's own political ends is in itself enough for me to have major concerns about what is happening. However, this is compounded manyfold by the member for Nightcliff's failure to deny that he is seeking preselection by his party as a candidate for the Northern Territory seat in the House of Representatives for the next federal election. As the chairman of the committee, the member for Nightcliff is in a very difficult position in terms of the current political debate being run by the Chief Minister in respect of statehood and the federal election campaign. To this point, the opposition has extended its total and bipartisan support to the committee and to the development of a constitution and statehood for the Northern Territory. However, at this time, we find it very difficult when we are being used by members opposite to promote their political agenda. It is unfortunate that the member for Nightcliff is unable to state

categorically either that he will be nominating and will be standing down from this committee or that he will not be standing as a CLP candidate for the Northern Territory seat. He is in a crucial position. This committee is charged with the major development of a constitutional convention and constitutional change in the Northern Territory. It is bad enough when the CLP decides that it will threaten that by running it as a major issue ...

Mr Hatton: Apart from you, who has said the CLP will do that?

Mr BAILEY: Mr Speaker, to use it as an issue for the federal campaign ...

Mr Hatton: You are the only person who has ever said that. Everyone else has denied it.

Mr BAILEY: The member for Nightcliff is refusing to deny it. When most members are asked if they intend to resign, they will deny it and say that they will be there representing their electorate. However, the member for Nightcliff ...

Mr Stone: Are you running again? Do you intend to be a candidate next time?

Mr BAILEY: I have not made my mind up yet. From conversations that I have had with you, you would know that I have not made up my mind as yet. It is no secret.

Members of the opposition are concerned that, until the member for Nightcliff makes up his mind, the committee will be left in a very difficult situation when it is trying to sell these issues in the public arena. While the committee is developing reports, making statements etc, it is not a major issue. However, if the committee is to travel the Territory speaking to the communities, it will have a great deal of difficulty whilst the future of the member for Nightcliff is undecided.

Mr EDE (Opposition Leader): Mr Speaker, I congratulate the Sessional Committee on Constitutional Development as one of the players that is working hard at this stage in an attempt to have some movement in relation to the constitution that is an essential precursor to statehood. Certainly, the committee has been through this exercise already, in the early years. It travelled throughout the Territory until funding to the committee was cut and its activities slowed down. However, the committee is really beginning to move again and I would like to pay tribute to it for that. If I am critical, I trust that the committee will view it in that light and that it will accept that it is not my main target. I will say what I have to say about the committee first and get that off my chest before I come to my true mark.

I believe the committee must develop a higher profile. When I am talking to people about this, they ask about the ownership of the process. Who owns this? They maintain that it must be owned by the people of the Northern Territory. They say that it must be the people's constitution. At the moment, I do not believe they are convinced that that will be the case. Recently, I spent 3 hours signing letters to be sent out to numerous people indicating my position in relation to a constitution and the Territory's development towards statehood. I want them to be involved with it. I listed all of the papers issued by the committee and indicated where they could be obtained. I told them that I could organise speakers and debates for them. By these letters, I am attempting to give the movement a boost and to get people moving. I do not have the resources of others but, if I did, there are a few

things I would do.

Mr Stone: You have the resources of a minister.

Mr EDE: I would dearly love to place full-page advertisements etc in the newspapers on a regular basis. I have noticed the number of times that the minister, who says I have those resources, runs advertisements in the paper with his picture on them. If he is prepared to offer me that ability, I will do it regularly. I am serious about this. I believe we need to place full-page advertisements, and not only in the regional papers. They should be placed also in publications such as Land Rights News. We have to put the message across to people. We need to tap into the feeling of patriotism that people have about the Territory and use it to have people focus their attention.

A member: Not with your photo on it.

Mr EDE: The Minister for Industries and Development has said that I have the resources of a minister. I can do all this with my picture on it.

Seriously, I am told that the Ford ads, in which various couples discuss a particular vehicle that is suited to their needs, are very well made and very effective. They are put to air in the first break on commercial television. Perhaps we could have ads in the second break where people briefly discuss a particular aspect of statehood and what it would mean for them. That would go some way towards putting across that message of ownership. The proper promotion of the issues will cause people to regard the constitution as their property. They will not read the recommendations set out in this report. However, if what is to happen is explained to them step by step, people will take an interest in this important process and will begin to talk about it among themselves.

However, the issue that gets my goat is the role of the Chief Minister. He really must get into the driving seat and begin driving this process. I pay tribute to the work that has been done by the committee and its staff but, unless the Chief Minister begins to make a real commitment to this matter, it will not go anywhere. It was moving until 1991 when the Chief Minister cut the legs out from under it. People will not do all the hard yakka unless they believe that there is total commitment. I do not know why the Chief Minister does not have that commitment. I heard that he was quizzed over this matter at his party's central council meeting. Some fiercely critical statements were made about its progress and he became resentful. I do not know whether that is when he decided not to take it to the Leaders' Forum.

Mr Perron interjecting.

Mr EDE: I can think of 3 different reasons why it was not on the agenda for that meeting. However, I am glad to note that at last I have provoked the Chief Minister into taking part in this debate. I was almost dying on my feet waiting for somebody else to stand up to see whether the Chief Minister would have a go.

One possibility is that he decided that he did not want to make a report on statehood to the Leaders' Forum and therefore he had it removed from the agenda. Another possibility is that his officers took it off the agenda without telling him, but that is unlikely. The third possibility is that the Premiers

removed it from the agenda, without consulting with him or his office, because they had decided that he had had his little game and was not really serious about it. There is no other possibility. It was on the agenda, and then it was gone. This means that either the Premiers hold our Chief Minister in contempt and do not regard him as being serious enough in relation to this issue of statehood or he himself is not serious enough to bother about it. Perhaps he is holding back in the hope of making some political mileage from it on some future occasion. Perhaps he wants to slow the process down so that, every now and again when he needs an issue, he can dust it off and wave it around. If he draws criticism over it, he can try the old method that he uses with other issues.

It is simply not good enough. If we are to get this issue up, we have to sell it. We need supporters for it and, at the moment, we do not have many in Canberra. We must enlist support wherever we can find it. At the moment, there is still goodwill around the rest of Australia in relation to this matter, but we need to mobilise it through the Premiers and through the masses. If the Chief Minister were really serious about it, he would have himself featured on Sunday and other television programs, promoting the idea to housewives and other people around Australia. We need people to ask themselves why we should not have statehood when the rest of the country has it. However, we need to ensure that some of their questions are answered.

That is where the Sessional Committee on Constitutional Development is important. However, it must progress. The people in the south will not buy the idea until they know that Territorians want it, have settled the fundamental issues that divide them at the moment and have framed a constitution that has the broad support of all Territorians. When we have that, people will recognise that we have grown up as a community. They will know that we have found a means of working through the problems that exist among ourselves and they will look to us to move forward. At that stage, we will win mass support, and the federal government's support will follow because it will feel the heat. It will have no means of shooting us down or dismissing us as a mob of rednecks who cannot be trusted with statehood. When we are able to show that we have worked through our constitutional process, have obtained a broad consensus on the issues and are moving forward, it will have no way of touching us.

Picture Territorians standing under a motto such as 'One Territory - Fair to All, Equal Among the States'. That would encapsulate our basic principles. We have to sell those principles to Territorians so that they can identify with them - and also to other Australians. It must not be done as part of some power grab whereby we are willing to accept second-class statehood because we can see some advantage in doing over the other mob. It must be done on the basis of fairness and honesty enabling people to recognise that all sides have arrived at a means of living together. They must recognise that we have taken the blinkers off and, because we want to come together as a state, we have achieved a balance between the power structures within the Territory. When we do that, we can demand equality with the states, not simply accept second-class statehood. We will have the force of opinion right across Australia behind us, and it will ensure that we achieve statehood. However, what we believe in must be advertised if we are to attract the force of public opinion right across Australia to stand behind us.

The Chief Minister must be firmly in the driving seat. If he is seen as hopping into the driving seat, setting the process in motion, pointing it in some direction and then hopping off again and leaving it to wander aimlessly for a while before cranking it up again, that will convince no one. It will not work

that way. The Chief Minister has to be firmly in there, indicating what it is we stand for. The argument must be well articulated and relate to bringing the various power structures in the Territory together, to having people work together rather than against each other, and to equality with the states. People must be able to recognise that this is not a grab for personal power but a united move that relates to the building of this nation. It requires vision. It requires a carefully articulated argument and someone in authority to stand up firmly up and tell the rest of Australia why all Territorians deserve statehood. Aboriginal Territorians and non-Aboriginal Territorians deserve it because the Territory is a substantial part of Australia and its people deserve equality with the rest of Australia.

Mr Perron: And it is fair.

Mr EDE: It is fair.

We are building a place that is based on unity and fairness to all and we are working towards equality with all other Australians. That is my motto. I hope the Chief Minister will now bind himself to the goal of statehood and will work for equality with the states and a form of constitution that will be fair to all.

Mr PERRON (Chief Minister): Mr Deputy Speaker, I seek the indulgence of the House for a moment whilst I defend myself against allegations relating to myself and the mystery of the item on statehood on the agenda for the Leaders' Forum. I have not delved into the matter any further in the few days since the Leader of the Opposition managed to table a copy of a Leaders' Forum agenda that fell off the back of a truck. It was different from the Leaders' Forum agenda that I had with me and was working to in the forum. I can assure him, as I did at the time, that the subject of statehood was not discussed in the Leaders' Forum neither was it expected that it would be.

The only explanation that I can think of as to the origin of that agenda is that last Friday's meeting was intended originally to be the COAG meeting. After the Leaders' Forum last year, we were all prepared to go to the COAG meeting in February to discuss a range of issues with the Prime Minister. It was intended that an item relating to the establishing of a committee of the Commonwealth, states and territories to discuss statehood for the Northern Territory would be placed on the COAG agenda.

Mr Ede: It does not read 'COAG' at the top.

Mr PERRON: I can only presume that those who prepared the agenda placed the item there on the basis that it would be the COAG meeting. Subsequently, the COAG meeting was cancelled, but the Premiers agreed to hold a meeting themselves anyway. That meant we met twice in between the 2 COAG meetings. For that reason, it would have been - I will not say foolish - inappropriate for me to have sought to discuss an agenda item with the leaders of state governments that I had already discussed successfully with them at the previous meeting. You do not drag people's attention to your agenda twice when you have had it addressed, not if you want to be regarded in these forums as being rational. These forums are busy.

Mr Ede: Treaties were discussed on both occasions.

Mr PERRON: The item relating to treaties needed to be advanced further.

Mr Ede: So does statehood.

Mr PERRON: We did not have a common state/territory position on treaties at the November meeting of the Leaders' Forum. However, we have one today as a result of last Friday's meeting.

Mr Speaker, let me report the good news. The CEO of the Department of the Chief Minister is at a meeting in Canberra of the heads of the Prime Minister's and the Premiers' departments that has been discussing the agenda for COAG. I am pleased to say that he has advised that the agenda for COAG, as agreed at that meeting, includes the words:

The Council of Australian Governments also agreed to the establishment of a joint Commonwealth/state/territory committee to progress statehood for the Northern Territory.

That item is listed as sponsored by the Northern Territory. Now that it has progressed successfully through the important forum that sets the agenda for COAG, I hope that it will remain on the agenda after it goes across the Prime Minister's desk. It should remain because the agenda is supposed to be drawn up cooperatively, given that COAG is not a Commonwealth forum alone and it should not dictate unilaterally what does and does not happen. COAG is a forum in which we should work together to decide what we will discuss and hopefully reach agreement on individual subjects. Nevertheless, I do not underestimate the skills of the Prime Minister in respect of not debating matters he does not want to debate. He has demonstrated on many occasions that, if he does not want to reach an item on an agenda, he usually does not reach it nor does anybody else. I suppose that reflects skill in being a smart politician, and I certainly give him that title.

However, it is good news that, as was planned, we have it on the agenda as a matter that ought to be discussed. We now have the support of the other territory and the states. I am also pleased to say that, at the COAG meeting, we will have a new member at the table. I refer to the new Chief Minister in the ACT Legislative Assembly. I have not had discussions with her as yet, but I will endeavour to do so prior to COAG to encourage her to support, as her predecessor did albeit a little reluctantly, the Northern Territory's agenda item.

I would like to make one further point in relation to what the Leader of the Opposition said on statehood and our potential for achieving it. I believe the Leader of the Opposition has used the phrase 'the blowtorch of opinion' in relation to the influencing of votes. I would like to think that Australians elsewhere could become so fired up about the Territory becoming a state that they would impress that on their local candidates so strongly that no federal government would dare simply to ignore the issue. That would be very difficult to achieve. I am not attempting to underestimate the power of a publicity campaign or a personal speaking campaign around this nation, but it is an issue that will be far down on the list of priorities of individual Australians at election time. They will be thinking about their hip pockets and jobs for their children. To hope that they will be raising statehood for the Northern Territory as a vital issue with their local candidates would be stretching the imagination a bit far.

I do not believe that statehood will come as a result of a clamour from political candidates around Australia. It will come when a political leader, a Prime Minister or even a federal Leader of the Opposition, decides for purely political reasons, such as wanting to build the federation into the true island nation or even for the flow-on effects through the nexus with the House of Representatives of the Territory obtaining its share of Senators. That may advantage one political party a little more than another and a decision will be taken on that basis. A man will champion statehood for the Northern Territory. That could happen at almost any time when the penny drops in the minds of certain people, maybe even in minds of the minders or those in the backrooms of the power players in Canberra. In fact, I foster debate among federal politicians, albeit not in a big way. I suggest to them that they ought to consider seriously the effect that our achieving more Senators would have on the House of Representatives and on national politics. There is no point in trying to cover up the fact that there will be an effect. It could impinge on the balance of power and other factors. We cannot ignore the fact that, when we finally gain their attention and let them know what it is all about, they will ponder these matters and they will work them out with their numbers men before they come to a final yes or no. We may as well be upfront and urge them to run through the figures and determine what it would all mean. To whom would the new House of Representatives seats go? Where are the light numbers and the quotas? Who would win the seats. I have no doubt that, if the Prime Minister decided that he would obtain a more secure grip on the House of Representatives to the tune of 3 or 4 seats as a result of the Territory achieving statehood, it would be on the agenda very quickly. I would encourage that.

Mr Ede: There are 2 people who have the resources to do that study - the Prime Minister and yourself.

Mr PERRON: I am not sure that I have the resources to do that study.

Mr Ede: What about the polls that you did? Where are the results of those?

Mr PERRON: The ALP federally, the Liberal Party federally and perhaps even the National Party federally would have the capacity to work those things out. It would be necessary to consider where boundary changes would occur. If there were another 3 or 4 seats in New South Wales, where would they go? It is all rather complex but, at the end of the day, it is political. How did the Snowy River Scheme, the Ord Scheme and many other major developments in Australia come about? They happened because some federal political leader said: 'This will happen!'

Mr Stone: I like that.

Mr PERRON: And it did. You like that?

We need to find one who will say that about the Territory. We almost had one in Malcolm Fraser who, as we all recall, referred to 'statehood within 5 years'. We all fell over a little. He was somewhat fast for us at the time, but we should have grabbed hold of his coat-tails. We should have leapt on the band wagon and urged him on. However, as a result of that statement, we gained self-government and that was a significant step forward. That is how it can happen. That happened in the middle of an election campaign. It was no secret that Malcolm Fraser was looking for opportunities to appeal to the Territory electorate. He thought that statehood would appeal to Territorians. What

he did not count on was that the ALP ran a counter-campaign - first things first, statehood later. Does the Leader of the Opposition remember that campaign? However, over the years you have learned and your heart is now in the cause. That is good, of course, because it is necessary.

I commend the committee on its hand-wringing exercise in attempting to arrive at the appropriate composition of a constitutional convention. I gather from the minister's statement that the committee does not have all the answers. I believe it has a series of options.

Mr Hatton: No, there is a series of recommendations.

Mr PERRON: My apologies. I thought there was a series of options for this Assembly to debate.

Obviously, it is difficult to determine the composition of a fair and reasonable constitutional convention and how it can be set in place without people screaming that they did not have a say. How will it function administratively? Will people be paid? Will it be full-time or part-time? Will it have a deadline?

Mr Hatton: There is a recommendation addressing that.

Mr PERRON: I apologise that I have not read the report.

Mr Hatton: It puts the bite on the budget.

Mr PERRON: I can imagine that it would.

It is an important step forward. We have been some time getting this far, and I do not say that by way of criticism of the committee. We are getting down now to the hard questions.

Mr Ede: What happened to the polling that you did?

Mr PERRON: It is coming very soon. I have a summary of it now. I have offered to provide it to the community and to yourselves. This is the qualitative summary that will lead to the quantitative one. You will have it all. I support the paper.

Mr HATTON (Constitutional Development Matters): Mr Speaker, as is my practice, the tabling statement was one that was approved by the committee. I want to make that very clear because, throughout the 9 years that I have been involved in the committee, and virtually all of that time as its chairman, I have worked to foster a process of bipartisanship. As the Leader of the Opposition is aware, that has not always been an easy row to hoe. In the early days, there were some interesting times on the committee when some people's mouths may have been in gear but not necessarily their hearts and minds.

Mr Ede: Yes. I can recall arguing for 2 days whether the Queen had the right to come here and vote.

Mr HATTON: Mr Speaker, the committee has gone through some interesting times. In late 1986

and early 1987, we came very close to the then Leader of the Opposition saying that bipartisanship was about to go out the window. We had a few arguments over a few issues at that time. There were allegations of issues being used in election campaigns, none of which eventuated. It has been a hard-fought battle to gain from all sides of the House - and I say that quite sincerely - a genuine commitment to the process of constitutional development and statehood for the Northern Territory.

The Leader of the Opposition will recall some of the interesting periods that we went through. It became very touchy from time to time, but nonetheless we managed to work our way through that and progress. One thing we learned, particularly in those early days when everyone thought we could snap our fingers and statehood would happen in 5 minutes, is that the more you learn, the more you realise what you do not know and how much work you need to do, and the importance of research and democratic involvement in such a process. That will be critically important. The bipartisanship is very strong now and it is something that all members know that I have fought hard for over many years. It is a cause that I feel passionately about. It is a process that I am sure will continue, and I do not believe anybody should do anything that would threaten that bipartisanship.

I know that the member for Wanguri has some concerns that perhaps the bipartisanship could be threatened. I am at a loss as to how it could be threatened, given that we are all singing from the same sheet of music. We are all on the same side. It is not possible to make a political issue out of something in relation to which we are all on the same side. Both the major political parties in this Assembly have the same viewpoint on this. We have a common goal in this regard and there can be no argument about bipartisanship. I am sure nobody is suggesting the situation is anything other than that. Are they? I would not make that suggestion. I believe that bipartisanship can and will continue. Certainly, there will be some feisty debates and arguments because it is a sensitive issue. It will take robust argument and a few blues, hopefully behind closed doors, to work through the viewpoints and arrive at answers that will accommodate the aspirations and ideologies of all the people within the room. However, that process is nothing compared to what people will go through in the constitutional convention. Nonetheless, I believe the convention will achieve its aims.

In respect of the question about my future that the member for Wanguri directed to me, I have no intention of answering it, if for no other reason than that I believe it is irrelevant. If the member believes otherwise, that is his problem rather than mine. I do not think the question of what I might do or might not do in the future will ever change my views and my fundamental belief in the importance of bipartisanship in working towards this goal for Territorians. I would never do anything that would undermine that. The Leader of the Opposition knows how many delicate situations we have worked our way through to reach this point. The member for Wanguri is welcome to ask his question, but I am telling him that it is irrelevant.

In relation to the Leader of the Opposition's statement that the committee needs a higher profile, I could not agree more and I support the views that he expressed. We need to raise the profile of the committee and the political force that will come through the adoption by Northern Territory people of their own constitution. That force will mature when the constitution has been framed and accepted. We, the people of the Northern Territory, will be able to say that, through our constitutional convention and by referendum, we have decided how we want to live together, how we wish our government to work and in what ways we wish to limit our government. When that occurs, it will carry enormous force. I believe the united voices of the people and their constitution

will be an almost irresistible political force. The Chief Minister is right. It will require a political decision to secure the support of the federal parliament, but I do not believe any federal government or any federal politician will be able to withstand the force of the clearly expressed voice of this entire territory asking for a direction. Certainly, that would get us to the negotiating table in relation to the terms and conditions for statehood. The trick is to reach the stage where we can say that we have done all the necessary preparatory work and we want to talk turkey about the terms, conditions and the matter of equality. All those issues can then be argued.

It is pleasing to know that the House of Representatives Parliamentary Committee on Constitutional and Legal Affairs has taken on board the matter of the implications for the federal parliament of the Northern Territory becoming a state. Finally, some homework is beginning to be done on this within the committee system of the federal parliament. That is very pleasing. It is pleasing also to see that, as we are manoeuvring our way inch by inch through the process, some political parties are beginning to make positive statements in relation to it. The Leaders' Forum has begun to make a move and therefore we had better begin thinking about this issue. If COAG establishes a committee, people will be talking about the question as we have done in the Territory over the last 10 years. It is a matter of having people accept that it is an issue of 'when' not 'if'. Those processes can and should be worked through in the national forums. Certainly, anything that we can do to push the cause within our own party political structures nationally will all be part of the process of having people start thinking about it.

If we are targeting the year 2001, and I believe we should be, we will need a couple of years to argue with the federal government. In that case, we will need to have held the referendum by 1988. It will take a couple of years for the constitutional convention to work through its processes. That brings us back to 1996 to have the convention under way and all the documentation completed. That puts the pressure on the sessional committee and this parliament to set up the constitutional convention and deliver the draft documentation for it to work on. We are probably going into overdrive now because we sat back instead of asking ourselves how we could meet this time frame.

Mr Bailey: We did not sit back.

Mr HATTON: No, we did not. We got down to the crunch, but for some time we have been talking about issuing discussion papers to the community. It is time now to start some positive action. Over the last couple of months, in particular in the last month, the committee has undertaken a great deal of very relevant action. At one meeting, the committee worked steadily for 9 or 10 hours. It was a very comprehensive and worthwhile discussion which broke the back of a very significant part of the committee's work. Follow-up work is continuing and, of course, we now have this interim report flowing from that to the Assembly. As the member for Wanguri commented, this reports brings solid recommendations to the Assembly on how to approach the complex task of establishing a constitutional convention.

I urge every member to read this document and to consider the recommendations in it. If any members have views on it, I ask them to convey them to the committee because it is preparing final recommendations and proposals for legislation for submission to the Assembly. I urge all members to examine the recommendations and, if they are not happy with them, to inform the committee to enable their views to be taken into account. Hopefully, any comments will be positive because we

need to progress quickly. This parliament needs to look at processing legislation later this year to have the convention in place for 1996. That means we need to begin preparing drafting instructions.

With respect to the issues raised by the Leader of the Opposition, it is true that we need to lift the profile of the committee and its work, and that is something the committee will address. Honourable members will be aware that some work was done in 1989-90. There were some consultancy studies on marketing strategies to promote statehood and constitutional development. That information is still available to the committee and it can be used as a starting point for the development of marketing strategies. I am sure the types of ideas raised by the Leader of the Opposition can be encompassed in those processes. We have a budget that will enable us to develop that higher profile by means of marketing. It is a matter of preparing an effective and comprehensive program to address that matter. The committee will have the benefit of the work being done by the Chief Minister's Department in terms of opinion polling when developing the marketing strategy. We will have the benefit of that opinion polling, qualitative and quantitative. That will avoid the government and the committee going over the same ground and tripping over one another. Certainly, the committee will benefit from the baseline data that will indicate where the community stands currently in relation to a range of these issues. That will be important in terms of developing any marketing program.

Mr Ede: Do you intend to look at the qualitative data before you commission the quantitative?

Mr HATTON: I believe the qualitative and quantitative data will come through the committee. I have not seen any qualitative data nor has the committee. I am not even sure where it is. That is a matter for the Chief Minister. He has indicated that the committee will certainly have access to all relevant data.

The Chief Minister is getting into the driving seat in relation to statehood. In the past 12 months, he has picked up the agenda and pushed this issue forward and it is clear that the work is coming together. Personally, I am very pleased with progress that has been made as a result of some very hard work. I would like to add my thanks specifically for the work of Rick Gray and Graham Nicholson in particular. Rick and Graham have done an enormous amount of work and have made a profound commitment to this process over many years. They have accumulated a vast volume of knowledge ...

Mr Bailey: And have lost a considerable amount of hair.

Mr HATTON: I guess we have all done a fair bit of that in the process.

However, I thank them personally for the excellent work that they have done and will continue to do in the future. I thank honourable members for their contributions, and I look forward to their future input.

Motion agreed to.

23-25/05/95 Parliamentary Record No. 11: 3789-91

Topic: MOTION AND TABLED PAPER
Subject: Sessional Committee On Constitutional Development Discussion Paper No 8: A Northern Territory Bill Of Rights?
Date: 25/05/95
Member: Mr HATTON

Status:**Information:**

Mr HATTON (Lands, Housing and Local Government): Mr Speaker, I table the Sessional Committee on Constitutional Development's Discussion Paper No 8, A Northern Territory Bill of Rights? Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the paper.

On 28 August 1985, the Assembly established this committee. The resolutions constituting the committee were passed by this Assembly at the same time as proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth federation. On 30 November 1989, the Assembly resolved to change the committee's status from a select to a sessional committee and, on 17 May 1995, parliament was prorogued which saw the cessation of this committee. On 27 June 1994, the committee was reconstituted. It has been particularly busy since that time on drafting the constitution and preparing other papers. This discussion paper is another in the series.

During the course of the committee's ongoing investigation, questions and, in particular, a number of submissions, have been put to the committee regarding whether a bill of rights should be included in a new Northern Territory constitution. This paper considers the options for adopting a bill of rights in the Northern Territory, as part of its further constitutional development, including the option of an entrenched bill of rights in a new Northern Territory constitution. Given the voluminous literature already existing on this subject, it does not attempt a comprehensive analysis of the various types of rights that might be included in such a bill of rights. However, it does consider some of the subjects that might be included in a Northern Territory bill of rights and the possible mechanisms for dealing with those rights.

The paper does not consider the question of whether a bill of rights should be included in the Australian Constitution. No doubt, such a national bill of rights would have implications for any Northern Territory equivalent, but this is not a relevant consideration to the work of the committee at this time. Particular issues that are raised in this paper, and on which comment and suggestions are sought, are: (a) the merits or otherwise of adopting a bill of rights in the Northern Territory or whether this should be dealt with at the federal level only; (b) whether there should be a bill of rights at all; and (c) whether a bill of rights should be - (i) entrenched in a new Northern Territory constitution, (ii) in a preamble to a new Northern Territory constitution, (iii) incorporated in an organic law (a form of legislation that requires a special majority of parliament for change) or (iv) incorporated into ordinary legislation only.

In helping to understand the nature of a bill of rights and its relationship with society, the committee

has drawn on the experience of other countries such as the United States, Canada, New Zealand, Papua New Guinea, the United Kingdom and South Africa. Some of these countries have constitutionally-entrenched provisions within their constitutions while others, such as New Zealand, have only enacted legislation. No Australian jurisdiction has incorporated a bill of rights within its constitution. Although there is an absence of any national bill of rights or any existing firm proposals for a bill of rights elsewhere in Australia, the committee does not see this as a reason why the Territory should not go it alone if that is what is decided is best for all Territorians.

A variety of arguments have been advanced both for and against a bill of rights. However, it is not a matter on which the committee has any fixed view at this stage. The committee stresses that it does not advocate that such a bill of rights should be included in a new Northern Territory constitution. However, the committee wishes to raise for consideration whether there should be a Northern Territory bill of rights and, if so, how it should be administered and enforced. The committee wishes to raise also for consideration the extent to which a bill of rights should be entrenched, if at all, in a new Northern Territory constitution.

I encourage all members to examine this paper critically. No doubt, the paper will generate debate not only in this House but within the Northern Territory community as well. In conclusion, the committee is committed under its terms of reference to proceed to develop a draft constitution for the Northern Territory. As part of this process, this discussion paper is designed, as with all of the committee's other discussion and information papers, to stimulate and promote discussion and comment in the wider community. Therefore, the committee welcomes public input on the options and views that have been canvassed in the discussion paper.

Mrs HICKEY (Barkly): Mr Speaker, this paper marks an important landmark on the path towards constitutional development. It is an issue that took up some time within the sessional committee's deliberations. As the minister said in his tabling statement, although no other Australian legislature has incorporated a bill of rights in its constitution, it is a matter for consideration by the Northern Territory as we move to develop a constitution. The consideration of such an issue as a bill of rights is very important to the particular environment of the Northern Territory.

The positions in selected other countries that have been considered in this paper include the United States, Canada, New Zealand, Papua New Guinea, the United Kingdom and South Africa. Interested observers can compare what occurs in other countries as opposed to what we may consider for the Northern Territory. Section F of this document outlines the possible contents of a Northern Territory bill of rights. A scan of that list reveals matters such as rights to liberty and security of person, rights of detainees, and slavery. In this day and age, many of us would consider that many of those issues are taken for granted. When we consider the jurisdiction and the laws under which we wish to operate eventually as a state, we need to determine whether or not such matters need to be declared within a bill of rights. This is one of the more interesting papers that this committee has produced because it is central to the beliefs of many people about how a jurisdiction should operate, and the rights and privileges of the people.

I urge observers interested in the constitutional development debate to read this discussion paper carefully. We are well on track with the sessional committee's deliberations. I believe that consideration of this paper is vitally important to the considerations of people who are looking at constitutional development in the Northern Territory.

Debate adjourned.

20-22/06/95 Parliamentary Record No. 12: 4298-4300

Topic: MOTION AND [TABLED PAPER](#)**Subject:** [Sessional Committee On Constitutional Development Discussion Paper No 9 On Constitutional Recognition Of Local Government](#)**Date:** [22/06/95](#)**Member:** [Mr HATTON](#)**Status:****Information:**

Mr HATTON (Aboriginal Development)(by leave): Mr Speaker, I lay on the Table the Sessional Committee on Constitutional Development's Discussion Paper No 9 on Constitutional Recognition of Local Government. I move that the paper be printed.

Motion agreed to.

Mr HATTON (Aboriginal Development): Mr Speaker, I move that the Assembly take note of the paper.

On 28 August 1985, the Assembly established the Select Committee on Constitutional Development. The resolution to constitute the committee was passed by this Assembly at the same time as proposals were being developed in the Northern Territory for the Territory to be granted statehood within the Australian Commonwealth federation. On 30 November 1989, the Assembly resolved to change the committee's status from a select to a sessional committee and, on 17 May 1994, the parliament was prorogued which saw the cessation of this committee. On 27 June 1994, the committee was reconstituted and it has been particularly busy since that time on drafting the constitution and preparing other papers.

This discussion paper is another in the series issued by the committee and deals with the options for the constitutional recognition of local government in the Northern Territory constitution. Members may recall that, in the committee's first discussion paper, part R, a brief reference was made to the question of whether local government should have some special constitutional status. This consideration extended to community government as well as to normal municipal government. The committee tentatively expressed the view in that first paper that some form of constitutional recognition was desirable, but did not go into detail. Thereafter, the committee received a number of submissions on paper.

More recently, the committee decided that it should issue a more comprehensive discussion paper prepared specifically on this subject. Hence this paper. It raises a number of options for entrenchment, and invites further public comment. It may be noted in this paper that all the existing states now entrench local government in their state constitutions to varying degrees. These provisions

are detailed in the paper. On the other hand, the paper notes the failure of the recent national referendum to recognise local government in the national constitution. In the committee's view, local government is a state matter and should be dealt with at the state level. This can include some government recognition in a state constitution, including that of a new state.

The committee is anxious to receive further comment before it formulates its views on this matter. If constitutional recognition is decided on, the committee will include appropriate provisions in an exposure draft of the new Northern Territory constitution which was prepared recently by the committee and which will be tabled tonight. The options for such provisions are set out in the discussion paper. The committee welcomes further involvement by the public on this and other relevant issues.

Mrs HICKEY (Barkly): Mr Speaker, the opposition members on the committee are pleased that this paper is to be printed and that we will have something we can show to the public of the Northern Territory on the constitutional recognition of local government. The minister outlined the history of the committee and the way in which it has dealt with the issue of local government in a constitution for the Northern Territory. There is no doubt that there is a great deal of interest in this issue throughout the Territory. Numbers of people who are, have been or aspire to be involved in local government or community government are interested to see where local government will fit in a Northern Territory constitution. All states have entrenched local government in their state constitutions to varying degrees. It is the degree of the entrenchment with which we have to concern ourselves. The discussion paper provides a range of options for Territorians to consider.

As a former alderman on the Tennant Creek Town Council, I have a continuing interest in local government. I believe it provides a grassroots level of representation for people in Australia. I attended a convention in Victoria some time ago at which a proposal for the abolition of at least one tier of government was debated. In that instance, the argument put was that the states should be abolished and regional governments should be established. We would have 50 or so regional governments. It became apparent during the debate that it was felt strongly that, wherever people are in Australia, there is a need for 3 tiers of government to satisfy the needs in the community. People like immediate access and the ability to become directly involved, and they find that desire met in local government. They want a body that governs their particular state or region. Similarly, they want a federal government that deals with national and international issues.

It is interesting that, on the very day that this document is tabled, the new Chief Minister has suggested that a cloud may be hanging over local government in the Northern Territory. He said: 'I have yet to be convinced that it should not be abolished'. That does not sound like a resounding endorsement for the continuation of local government in the Northern Territory. I am sure it will sound alarm bells throughout the community. If he deals with this issue in this way, his career in his current job will be of short duration. He wants statehood and suggests that Territorians are treated at present like second-class citizens yet, at the same time, he suggests that, with a stroke of the pen, we might abolish the Darwin City Council because people ...

Mr Stone: I never said that.

Mrs HICKEY: He is certainly suggesting ...

Mr REED: A point of order, Mr Speaker! I refer the honourable member to standing orders. She cannot comment on a matter that is currently on the Notice Paper.

Mr SPEAKER: I suggest that the member for Barkly confine her remarks to the statement.

Mrs HICKEY: Mr Speaker, I got away with it for a reasonable time and I am happy to take the point.

I welcome this statement. I believe that the committee supports local government, and is keen to see it entrenched and protected in a constitution for the Northern Territory.

Debate adjourned.

20-22/06/95 Parliamentary Record No. 12: 4300-4303

Topic: MOTION AND TABLED PAPER**Subject:** Sessional Committee On Constitutional Development Noting Exposure Draft On A New Constitution For The Northern Territory**Date:** 22/06/95**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Aboriginal Development): Mr Speaker, I lay on the Table an exposure draft of a proposed Northern Territory constitution. I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of this exposure draft on a new constitution for the Northern Territory.

Some years ago, this Assembly took the bold initiative of establishing a select committee to draft a new constitution for the Northern Territory. It was a bipartisan committee and I am pleased to say it remains a bipartisan committee. Let me express my appreciation for the cooperation of both sides of this House that are represented on this committee and for the excellent work of its past and present members. Their contribution has been outstanding. The committee has worked hard over the years researching, preparing papers, holding hearings and working at a variety of other activities directed at promoting the cause of a new, home-grown Northern Territory constitution. We have worked well together. The members of the committee are committed to working towards the constitutional development of the Northern Territory with maximum involvement of the citizens of the Northern Territory in the process. This necessarily involves the preparation of a new constitution for a new millennium. The committee's terms of reference require as much, and now honourable members can see the first fruits of our labours - the first draft of the essential parts of a new constitution.

Let me assure honourable members that this is only a first draft, not the final proposals of the committee. It is not a complete draft. Additional draft clauses will be released for comment as they are completed. This exposure draft takes into account the many comments and submissions received by the committee in response to its previous invitations. It seeks to provoke discussion and further comment. Let the citizens of the Territory be assured that their wishes will be taken into account and given weight. It is a process that will not be rushed. It is an ongoing process, seeking to achieve the maximum degree of consensus as to how the Northern Territory should be governed. We are all tired of having the future of the Northern Territory decided by people thousands of kilometres from this place. Let Territorians decide on this matter. Let us chart our own future within the Australian

federation.

The essential aspects are contained in this exposure draft for all to read - the legislature, the executive, the judiciary, the sources of law of the Northern Territory. There are 7 parts to this exposure draft and further parts will be added later this year. In particular, and for the first time in Australia's constitutional history, recited in the exposure draft are the history and circumstances of the Aboriginal people of this country. The first preamble reads:

Before the proclamation of the colony of New South Wales in 1788 and since time immemorial all or most of the geographical area of Australia that now constitutes the Northern Territory of Australia (the Northern Territory) was occupied by various groups of Aboriginal people under an orderly and mutually recognised system of governance and laws by which they lived and defined their relationships between each other, with the land and with their natural and spiritual environment.

This recognises the major role of Aboriginal people in the foundation of this country and the great contribution they have to make. They are an integral and valued part of the Territory community.

This exposure draft takes into account the possibility that Australia could become a republic on or before the Northern Territory constitution comes into effect. In that event, this exposure draft indicates that certain changes will be required. Further information on this can be obtained by reference to the committee's Discussion Paper No 7, *An Australian Republic? Implications for the Northern Territory*. In addition, if the constitution were to be brought into operation before a grant of statehood were made to replace the Northern Territory (Self-Government) Act 1978, that might require slight changes. This exposure draft also indicates these. The annotations on each clause are to assist public discussion and include a short description of each clause plus cross-references to the committee's discussion and information papers and reports.

Moreover, the committee recognises that there will be no major constitutional development in the Northern Territory without the support and recognition of the basic rights of Aboriginal people. However, there is a concern in Aboriginal society which values its various indigenous cultural circumstances, particularly land rights, sacred sites and customary law. That concern is that these rights should be constitutionally protected otherwise they could be at risk after statehood. This exposure draft reflects a recommendation to satisfy this concern whilst presuming the transfer of the Aboriginal Land Rights (Northern Territory) Act to become a law of the Northern Territory. Part of this proposal is to introduce the concept of organic law into our new constitution. This type of law would have precedence over other statutory laws and would require a large majority of votes of parliament - for example, two-thirds or three-quarters of the members of the House over 2 consecutive sittings with a minimum time gap of 2 months - to be enacted or amended.

Included in this exposure draft are other matters, such as the acquisition of less than freehold interests over Aboriginal land on just terms for the public benefit. It also includes restrictions on voluntary dealings over freehold Aboriginal title after judicial inquiry. This can happen only after the Aboriginal people concerned have been fully informed and where there is a genuine desire on the part of those Aboriginal people to enter into the proposed transaction. Furthermore, the inquiry must be satisfied that the proposed transaction is in the interests of those Aboriginal people concerned.

Issues associated with Aboriginal rights, including land rights, are clearly the most sensitive associated with the development of our own constitution. The committee's proposal is aimed at finding a means of addressing these issues in a way that can receive broad support from within the Northern Territory community.

This exposure draft is based on the premise that the Northern Territory is to be placed on an equal footing with existing states as a precondition to any grant of statehood. Let us not accept any second-class grant. Let us insist on our constitutional rights as a new state in the same way as existing states do. This equality will be achieved in part by inviting all Territorians to participate in the process of adopting their own constitution. In other respects, equality will be achieved by negotiating acceptable terms and conditions for statehood with the Commonwealth government. These negotiated matters may not all be dealt with in the Northern Territory constitution as such, but will be incorporated in a memorandum of agreement between the 2 governments. One condition must be accepted however - namely, that the Commonwealth will accept the new constitution, as finally adopted by Territorians in a constitutional convention and as passed by a Territory referendum, without further change.

No doubt, many changes to this exposure draft will be made in the future. Let us have open discussion on the matter. We do not seek to avoid debate, but rather to encourage it. Undoubtedly, the final document will have been considered in detail through the long process of committee deliberations, Assembly debate and a Territory constitutional convention. Territorians must be allowed to frame their own constitution as a framework for a united and peaceful society into the 21st century. It must be a document for all Territorians and they must have a sense of ownership of it. Let us have the vision to work towards that end. I commend this exposure draft to honourable members.

Mrs HICKEY (Barkly): Mr Speaker, this is a very important document and its tabling is something of a milestone for the Northern Territory. Perhaps it should be called more properly an 'exposure draft on a constitution for the Northern Territory' because we have never had a constitution in the Northern Territory. Currently, we operate under the Northern Territory (Self-Government) Act.

I certainly echo the minister's sentiments about the hard work of the committee. As a relative newcomer to it, I have been impressed by the huge body of work that has been done in the last 10 or so years during which the committee has been in existence, in its original form as a select and latterly as a sessional committee. Great headway has been made in developing the preparatory documentation from which the draft constitution has evolved. Whilst the minister is correct in speaking of the bipartisanship of the committee, it should not be thought that decisions about what should and should not be contained in the draft have always been arrived at harmoniously. Clearly, there are philosophical differences between the ALP and the CLP.

Readers of the exposure draft will note that, under some headings, alternative options are offered and I will refer to some of these. Division 2 of part 3, consultation and membership of parliament, relates to types of electorates and whether they should be single-member electorates, as they are currently organised. The other options discussed are multi-member electorates or equal multi-member electorates. The length of parliamentary terms, dates of elections and whether a fixed term or some other system should be used are also flagged because the committee was unable to reach

consensus as to the type of arrangement that we should finally settle on. Many people in the Northern Territory will be discussing many of those issues at greater length. There will probably be a range of other options that people will raise.

The committee determined that, where it was not possible to reach consensus, alternatives should be offered in the exposure draft. We did attempt to reach a unified position wherever possible and have avoided alternative options wherever possible. Readers and commentators will consider further options. In this context, it is worth referring to the several discussion papers issued that flag ranges of options. I might mention here what I consider to be a very interesting concept that is worthy of consideration. It was put at a women's dinner that I attended some months ago. The proposal was to have a system of twin-member electorates, each electorate having one female and one male member. That is certainly not something that has been under consideration by the committee, but it may be the subject of debate over the coming months. It may even find its way into debate in the constitutional convention.

The committee has prepared a draft which contains 7 building blocks for the constitution, dealing with the legislature, the executive, the judiciary, the sources of law of the Northern Territory, finance and, very importantly, Aboriginal rights. The document is still to be completed and the committee continues to work on aspects of this documentation. In essence, we have the bones and have made a very good start on the exposure draft. Whilst it is incomplete, the major components are contained in it. We are interested in receiving the views of readers and commentators who will doubtless include constitutional lawyers, academics, parliamentarians, political parties and groupings as well as many other interested Territorians. I emphasise that, although its gestation has been long, the production of this exposure draft is merely a starting point. It has been drafted necessarily from the point of view of parliamentarians, bureaucrats and constitutional lawyers.

However, for a constitution to work successfully for the Territory, it has to be owned by all Territorians. This includes people from every region and every walk of life. The constitution will have to work not just for today, but into the future. I am pleased to note that public awareness and support for statehood is growing and, with that, interest in constitutional development.

The committee recently approved and indeed participated in the production of a promotional educational video that will be broadcast on the show circuit, starting in Alice Springs. Together with pamphlets and other literature that will be available at the shows, it will provide additional information for Territorians. Further discussion rounds are planned and the draft constitution will doubtless attract comment, response and suggested amendments. This is not a process to be rushed. We want to get it right and can do so only if we work in a considered, measured way with the full involvement and participation of as many Territorians as possible.

Debate adjourned.

28-30/11/95 Parliamentary Record No. 18:6250-61

Topic: MOTION AND TABLED PAPER**Subject:** Additional Provisions To The Exposure Draft On A New Constitution For The Northern Territory**Date:** 30/11/95**Member:** Mr HATTON**Status:****Information:**

Mr HATTON (Attorney-General): Mr Speaker, in my capacity as Chairman of the Sessional Committee on Constitutional Development, I table a paper entitled Additional Provisions to the Exposure Draft on a New Constitution for the Northern Territory. Mr Speaker, I move that the paper be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the paper.

On 22 June 1995, I tabled Exposure Draft Parts 1 to 7: A New Constitution for the Northern Territory. That document was the culmination of almost 10 years of hard work and cooperation from both sides of the House which are represented on that committee. That exposure draft encapsulated the main elements of a proposed constitution for the Northern Territory and, for the first time in Australia's constitutional history, recognised the major role of Aboriginal people in the foundation of this country and the contribution that they have made as an integral and valued part of the Territory community. The additional provisions to the exposure draft are a further culmination of the strong bipartisan effort in making a draft constitution for the Northern Territory a reality.

I would like to place on the public record the contribution of past and present members of this House and, in particular, the former member for Arnhem, whose important contribution to the process of constitution-making in the Northern Territory and striving for reconciliation between Aboriginal and non-Aboriginal people will not be forgotten. The former member for Arnhem's ideals, intentions and vision for a united, harmonious and tolerant Northern Territory run through the pages of this document and the exposure draft. I believe that there is no more fitting way to uphold his vision for his people than through what is expressed in these documents.

The committee has been proceeding with the preparation of a draft constitution and, on 22 June 1995, an exposure draft was tabled. During those sittings, I informed the House that additional clauses would be released for public comment as they were completed. Since that time, the committee has proceeded to formulate additional provisions to the exposure draft and this document

includes some of the essential elements that were not canvassed in the earlier document. I wish to speak on the additional provisions, commencing with the amendment procedures to the constitution and organic laws.

Any amendment to the constitution and organic laws will require a special procedure in order to effect any change. These special measures include the enactment of a bill to amend the constitution or an organic law. The procedure for the passage of the bill through the House will require it to sit for a period of at least 2 calendar months between voting on its second and third readings. During the intervening period, the bill will be submitted to a standing committee on the constitution and organic laws which will consider and report on the proposed amendment. Once the bill proposing the amendment to the constitution has passed through the House and has been assented to by the governor, it shall be put to a referendum of electors of the Northern Territory qualified to vote at an election of members of parliament. A referendum question must be carried at the referendum in which it is put by valid affirmative votes equal to or more than 50% of the total number of valid votes cast at the referendum. It is important to note that a referendum is required only in respect of amending the constitution. Any amendment to an organic law will not be required to go through the referendum stage. However, all of the other elements that are in place to amend the constitution will apply.

I mentioned earlier a standing committee on the constitution and organic laws. I would like to elaborate briefly in respect of its establishment. The committee considered a number of alternatives regarding citizen-initiated referendums which ranged from constitutional change, legislative change or veto, changes in government policy, and to the recall of elected and appointed officials. In considering these issues, the committee accepted that there was some merit in the various alternatives, but it was not convinced that the advantages outweighed the disadvantages. However, the committee did see merit in a system which facilitates, at reasonable intervals, public involvement and debate for constitutional review, provided that the final decision as to whether any proposal for constitutional change is to be put to a referendum is left with the new state parliament.

The new provision in the constitution reflects this position through the establishment of the standing committee. Its powers and functions would be provided by the standing orders of the parliament, and its membership would comprise members of parliament and such other persons as are specified in the standing orders. The new provision also provides for a procedure in receiving petitions from persons in the Northern Territory requesting an amendment to this constitution or an organic law. For the standing committee to consider a request by petition, the petition must be signed by 10% of the electors qualified to vote at an election of the members of the parliament.

Another important addition to the exposure draft is the inclusion of a new preamble and new express provisions recognising the diverse backgrounds and cultures of the people who reside in the Northern Territory, in not unreasonably denying them the right to use, speak and understand their own language, and to observe and practise their own social and cultural customs and traditions, beliefs, ceremonies or religion. The committee, in proposing certain express constitutional rights, has recognised the special multicultural nature of the Northern Territory and the harmonious relationships amongst its people. The committee has been acutely conscious of the importance of maintaining and improving these relationships for the common benefit of all Territorians and their descendants in the future.

The new preamble also reflects recognition of the Aboriginal people of the Northern Territory to be self-determining in exercising control over all facets of their daily lives. In giving strength to this preamble, a new express provision, headed 'Aboriginal Self-Determination', is now included under part 7 of the exposure draft constitution. The provision recognises the special place that Aboriginal people have in the Northern Territory and provides for a mechanism for parliament, through enactment, to enhance the activity of Aboriginal people in exercising control over their daily lives in order to safeguard, strengthen and develop their language, social and cultural customs and traditions, religion or beliefs, economies and identities. In considering the special place of Aboriginal people of the Northern Territory, the committee was conscious of the need to reflect this recognition, not only in the preamble acknowledging Aboriginal occupation of this country prior to European settlement, but also in the constitution through express, enforceable provisions that address land rights, the protection of sacred sites, the recognition of Aboriginal customary law and Aboriginal self-determination. Nowhere in any Australian jurisdiction have the above additional provisions been included in any constitutional document to this extent. The committee has considered these issues long and hard, and it has resolved that they should be included in a Northern Territory constitution under a framework of a united, harmonious and tolerant society.

The committee has also considered inclusion in the exposure draft of constitutional recognition of the system of local government. As with all state constitutions in Australia, local government is now recognised as the third sphere of government. The committee considered various submissions and state constitutions as to what would effectively apply within the Northern Territory. Apart from mainstream local government, the committee also took into account those local governing bodies established in Aboriginal communities. This additional provision on local government provides for a measure of autonomy and the important elements that parliament shall take into account when legislating in respect of local governing bodies. These are the general competency powers and functions in respect of their objectives, powers, functions and responsibilities; rating and any other forms of revenue, expenditure and fiscal accountability; membership; boundaries; and protection from dismissal without having a public inquiry as to the reasons for dismissal.

In closing, the exposure draft and the additional provisions are based on the premise that the Northern Territory is to be placed on an equal footing with existing states as a precondition to any grant of statehood. They serve not only as a notification to all Australians of the intent of the Northern Territory to be an equal partner with the states within the Australian federation, but also reflect the developing constitutional issues as a model that other Australian jurisdictions could follow. The Northern Territory has taken up the challenge to develop a constitution that reflects all aspects of modern-day Northern Territory society and its values. Only through the process of collaboration and consultation with the citizens of the Northern Territory, the Commonwealth and the states can statehood for the Northern Territory become a reality. Let us work towards that end. I commend to members the additional provisions to the exposure draft constitution for the Northern Territory.

Mrs HICKEY (Barkly): Mr Speaker, I rise to make some comments on the work of the Sessional Committee on Constitutional Development and the additional provisions that have been tabled in the House today. They will be provided to Territorians and others who are interested. We have moved a little farther along the path towards having a constitution for parliament to consider in 1996. That is a very important component towards the establishment of a constitutional convention later in that

year.

As the chairman has said, it is worth noting the bipartisan nature of this committee. I would like to add my endorsement of his comments about the work of the former member for Arnhem. We were all enriched by his commentary, and I believe his legacy will live on in the document that we produce. I hope that will never be lost in a final constitution. The values that he espoused throughout his life and his work in parliament are vitally important in having an all-embracing and inclusive constitution with which all Territorians can feel comfortable for decades to come. Having said that, I welcome the current member for Arnhem joining the committee. I believe that he will bring a new perspective to the work of the committee. He has proved himself already in other forums as an able negotiator and facilitator of positive change. Already, we are seeing him playing that positive role on the committee. I know that he will continue that valuable work.

I will not rehearse the chairman's other comments because he provided a comprehensive report on what has taken place. As we move further into the debate on constitutional matters, we need to examine matters in close detail. Some are the more contentious issues that tend to bog the committee down. We have all gone away with a sense of frustration at times. In the end, we have been able either to reach agreement or to agree to differ. The documents that have been produced so far reflect that.

What is needed now is for Territorians to get across these documents. That is not easy. It has taken this committee a long time to grapple with them. I joined the committee at the start of this parliamentary term. Constitutional law is a labyrinth of legalese and history that cannot be absorbed overnight. It is a credit to the members of the committee over the years that they have grappled so successfully with those issues. What we are calling on Territorians to do is no less than that. It is a big request. On the other hand, if it is not accomplished, we may see the exclusion of some Territorians for whom constitutional development and the establishment of a constitution are vital. It is vital also to their children and to their children's children.

What we are looking at is a framework for development and for good government in the Northern Territory. We have to be futurists, and that is not easy. We must get all the people involved. I know that both parliamentary wings are involved in this process, as are the major political parties in the Northern Territory. Both the CLP and the ALP have committees and subcommittees working on these issues. That is a good start. Aboriginal organisations such as the ATSIC regional councils, with which we have met in a limited way, are working on this. What we produce and table in parliament next year may very well be altered beyond recognition by a constitutional convention. However, we are providing what we hope are comprehensive references to that convention as a starting point. We are anxious to ensure that we leave no issues uncovered in that regard.

I would like to mention briefly an issue with which we have grappled and in regard to which we have now reached some resolution. I refer to Aboriginal self-determination. The term 'self-determination' is used widely internationally. To include it in our commentary, we needed to be clear about what we meant by it. There is no doubt that for some people it equates with self-governance of one sort or another. I believe that the parameters of the definition that the committee has determined are appropriate in the context of a constitution. I will read the definition into Hansard:

Aboriginal self-determination' means the activity of Aboriginal people in the Northern Territory exercising control over their daily lives in order to safeguard, strengthen and develop their language, social and cultural customs and traditions, religion or beliefs, economies and identities.

I believe that that, together with aspects of Aboriginality and the specific reference to issues relating to Aboriginal people, is a matter that all Territorians will be interested to consider. I urge them to do so. In order to put in place a constitution with which all Territorians feel comfortable, it is vital that the clauses, definitions and intentions relating to Aboriginal rights are firmly entrenched therein and are agreed to by all Territorians. Unless we can assure a sizeable proportion of the Territory population that that is not only our intent but that it is firmly entrenched in our constitution, we will have failed. We will fail also to get a constitution up for the Northern Territory which is, of course, an important prerequisite to a bid for statehood for the Northern Territory.

With those comments, I commend the document to members and others. I hope that it will be read together with the other documents that the committee has provided. Since it is the end of the year, I would like also to commend the work of and offer a heartfelt thank you to our executive officer, Rick Gray, and to Mrs Harichandran, Mr Nicholson and everyone else who has worked for the committee. We do the talking and they do the work. That is probably not an unfair assessment of what happens. The documents that we have are due as much to the sweat of their brows as our own. They deserve our congratulations and the congratulations of this House.

Mr MITCHELL (Millner): Mr Speaker, I rise to commend the minister's statement and to endorse the way that both sides of the House have approached the drafting of this new constitution.

I have been on the committee for a relatively short time compared with some other members. The tremendous amount of work put in by all members highlights the significance of the former member for Arnhem's contribution. In the drafting of this unique constitution, particularly as we head towards statehood, his contribution was of no small importance. I welcome the present member for Arnhem to the committee. Despite our differences, I recognise that he is in a position to provide tremendous input to its work. He has a great deal of experience and has been in the Northern Territory for a long time. That emphasises the bipartisan approach adopted by this committee. The committee has been in existence for about 10 years. I consider it an honour to be a member of it. I hope that whatever small contribution I am able to make to the work of the committee will be of some significance. Other than endorsing what other members have said today, I have nothing further to add. I commend the minister's statement.

Mr BAILEY (Wanguri): Mr Speaker, like other members on the committee, I emphasise that, of all the committees of this parliament, this is the only one that operates in anything like a truly bipartisan manner. It is bipartisan by its very structure, comprising equal numbers from each side. Of course, a government member is the chairman, but we can live with that.

Mr Hatton: I am also the longest-serving member.

Mr BAILEY: He is also the longest-serving member. However, even if he left, I am sure a government member would still be chairman.

It is important that we not forget the significance of the committee remaining bipartisan. What we are dealing with is not merely a short-term piece of legislation prepared to gain popular support or even an effort based on something that sounded like a good idea at the time. We are trying to draft the basis of a constitution for the Northern Territory. As we all know, once a constitution is in place, it continues for a very long time. There are 2 issues involved in how long it will continue. The first is whether such a constitution will ever even be accepted. As the member for Barkly said, the crucial factor is to develop a constitution that will be found acceptable by the great majority of Territorians. If the proposed constitution is put to a referendum, and only a very slim majority supports it with the vote being divided, say, on party political lines, then no one will give it any credibility. It will be seen as a party political document or as the document of a vested interest group. In fact, if the constitution is rejected by a significant proportion of the community, it will be very difficult for it to be implemented through a grant of statehood because the whole idea of forming a constitutional convention is to thrash out a constitution with which nearly everyone can agree.

As has been seen with any attempt to amend the Australian Constitution over the years, it is very difficult to effect. Basically, both major political parties have to agree to any changes proposed to the Australian Constitution before they will be accepted at a referendum. That is because a referendum needs the support of a majority of voters in a majority of states to be successful. That requirement has had a dampening influence on constitutional change in this country. It means that the country has to be ready for the change proposed and that both sides of politics must agree to it.

There have been times when changes have been proposed that I would support. However, if insufficient people in the community agree to provide overall support, then those changes have not got up. My feeling is that, at a constitutional level, that is probably the way it should be. The constitution should try to represent almost everybody in the community. In no way should it be a divisive document.

As my colleague said also, both major political parties in the Territory are becoming involved with the constitutional issue. They are setting up committees and organising briefings at which members of the Sessional Committee on Constitutional Development and others are invited to talk to the parties about the process. I have to say that the issue of party allegiance and party membership has been raised in that committee recently. My concern is that I would hate to see the committee begin to divide along party lines, with the 3 CLP members and the 3 ALP members working on agendas suggested by their parties.

Members of the Constitutional Development Committee have served for varying periods of time. I am probably the second-longest-serving member on the current committee, in company with the member for Nightcliff. I have been on the committee for close to 6 years. I think I was appointed to it almost directly I became a member of the Assembly, which was about 6 years ago.

Mr Hatton: It was about 1990.

Mr BAILEY: I became an MLA in 1989 and it was amongst the first committees to which I was appointed.

When we were working through the first discussion papers, everything was open to discussion and any ideas could be put forward. That is not to say that we all always agreed, and still we do not always agree. Often, we have different philosophical positions on issues. However, I believe that we should be arguing only on those philosophical bases, not on a party political basis. I think it is crucial that ideas continue to be put forward in areas where there may be some disagreement. I would become very concerned if, as we moved towards the constitutional convention, political parties and other interest groups sought to have members on the convention to voice their own philosophical or political views. It is crucial that the committee try to remain above the party political slick. In other words, within the committee, we should continue to argue through only the constitutional legal implications without any reference to the preferences of the parties of which we are members.

To this point in time, I do not believe that that has happened but, as we move closer to the constitutional convention, and issues of party loyalty and solidarity etc arise, it is crucial that committee members make it quite clear that their role is to function as 6 bipartisan members of the Legislative Assembly. While they can report to their parties and listen to what is being said, they need to make it quite clear that their bipartisan role is to examine all of the information to put forward a constitution that is in the best interests of all Territorians. At the end of the day, it will not be enough to put forward a document that scrapes in with 51% supporting it and 49% against it. That would leave the community divided. If the constitution is set up in such a way that a significant proportion of the community feels neglected, left out or unable to agree with it, the community will continue in a divided way for many years to come.

I commend the work of members of the committee and, in particular, the work done by the committee's staff who provide secretarial support, and legal advice and expertise. I think the general feeling is that, if 2 or 3 lawyers come together on a matter, the result is 2 or 3 different opinions but, when 2 people try to argue constitutional law, they seem to end up with 5 opinions. As an individual reflecting on the meaning of various opinions and clauses, I find that I end up with 2 or 3 interpretations of my own. When the views of a couple of other people are added, the outcome seems to progress exponentially as different opinions and interpretations emerge. At times, we seem to have thrashed our way around in circles on an issue. Probably, that reflects the lack of understanding that arises when members see an issue in different ways but are unable to communicate that.

As members know from what takes place in the Chamber, which is a very public arena, I tend to become quite involved in and serious about issues that I consider to be important. I have to say that that approach is not restricted only to the Chamber. In committees, I continue to pursue issues that I feel passionate about. While all other members of the committee may be frustrated at times with my doing that, it is surprising how often they end up agreeing with me at the end of the day. Whether that is because I wear them down or because finally I convince them, I am not sure. At times, I think points need to be teased out for a long time before people feel comfortable with them. It is amazing how often what appears on the surface to be commonsense is revealed as being not as simple as it was first perceived to be.

As we know, a constitution is open to interpretation. We are trying extremely hard to create a document that is clear in its intent and understood by everyone who tries to use it. Nonetheless, I am

sure that, whatever we do, lawyers will still rip it apart and find ways to reinterpret issues that we may have spent hours arguing about until finally we all agreed on an interpretation. Inevitably, lawyers will tell us that it actually means something else.

I hope that all members of this Assembly and a significant number of people in the community will read with interest the additional provisions. I hope that those who have not read the documents that the committee has produced previously will now do so. We are almost past the stage of producing discussion papers and draft proposals. In the next 12 to 18 months, the community will have to begin examining what we have suggested and move beyond the stage of saying that a discussion paper with a series of different options is interesting. Through the constitutional convention, the community will have actually to begin making decisions on what it wants for the future in the Northern Territory.

This is a great opportunity to formulate a document that will create a political situation in the Northern Territory that should be the envy of the world, in that the Territory will become virtually the newest constitutional democracy in the world when we put our constitution finally in place. It is important that our constitution be written for this time and place, not to mirror constitutions that were written 100 years ago or even necessarily to mirror the political system that we are using as an end point at present. There are problems with the present political system, and I think we should try to improve on it for the benefit of Territorians overall. We should lead in what we are doing rather than aiming for the lowest common denominator.

I commend the paper. Again, I acknowledge the work of committee members and all those who have helped in producing this document.

Mr AH KIT (Arnhem): Mr Speaker, I rise to speak as a new member on the Constitutional Development Committee. Whilst I have attended only a couple of meetings, and my input and contributions at those meetings have not been immense, there is no doubt that I am keen, eager and committed to the work that remains before the committee. As a Territorian who has lived all his life in the Northern Territory, what this committee is attempting to do is a matter that I hold close to my heart. It has a great responsibility in that what it delivers to this parliament at the end of the day is history in the making.

I would like firstly to commend the work of the committee to date. I believe firmly that the committee's work over the last 10 years has been fruitful in raising issues of concern in the community. Also, it has taken into account or will take into account many of the concerns that Territorians have expressed. I acknowledge also, as have other members of the committee who have spoken, the work of the former member for Arnhem on the committee. I feel a sense of obligation in relation to that work. I am committed to working towards the ideals and values embodied in his contribution to the Constitutional Development Committee over the last 10 years. Certainly, since being elected to the Assembly, I have not been able to read all of the documentation. As other members know, it is quite an experience to have documents placed continually before us, not only from the committees of which we are members but also in relation to almost every aspect of politics with which we deal day to day as politicians. Nevertheless, I will be taking time out to do a great deal of reading in the next 2 months to ensure that my contribution is very worthwhile at future meetings. I will feel much more comfortable once the committee is working

its way through the issues to achieve a constitutional convention, which I believe will take place next June. No doubt, it will involve much discussion and debate. That will provide further opportunities for us to work on the issues and take some direction from the outcomes of that convention.

As not only a politician but also a Territorian and an Aboriginal person, I hold dear to my heart the Aboriginal issues that the constitution will address. I feel strongly that we need to begin to consider the extent to which the constitutional issues that are being discussed are being accepted. I refer not only to the reports that the committee is putting together but also to the need to ensure that the story and its implications get out to Aboriginal people. That has been the aim in the past. A concern remains at the back of my mind that, when all the good hard work has been done, Aboriginal people will come back to the committee and to this parliament at the end of the day to say that they still do not understand what a constitution really means. I make that point strongly. It is a concern to me at this stage. The sooner the information gets out to Aboriginal people right across the Northern Territory the better it will be - and, for that matter, that applies also to people from other ethnic backgrounds who have English as a second language. Those people need to have material placed before them which enables them to understand the concept of a constitution and the issues that have been discussed to date in order for them to provide comment.

Whilst I have had a chequered career and I have had arguments in the past in my employment with the land councils and other Aboriginal organisations, I would like to place on the record that I did my past jobs to the best of my ability. Today, I stand here as a member of this House representing an electorate - and not necessarily only a predominantly Aboriginal electorate. I represent non-Aboriginal people in the electorate of Arnhem also. Certainly, I want to see a constitution which is supported by most Territorians.

From flipping through the documents produced by the Sessional Committee on Constitutional Development, it is apparent that its work has been long and arduous. As I said, I will be familiarising myself with those documents in the next couple of months. However, I believe firmly that, if we can get it right with the constitution, that will smooth the way for statehood for the Northern Territory. That would be a big step. I think that, to achieve that, we need to get the constitution right and we have to attend to it in proper order. In that way, this parliament will be able to accept the mantle of maturity and show the rest of Australia and the world that we can and will go on to achieve our bipartisan aim of becoming a state.

I commend the minister for tabling these additional provisions to the exposure draft, the committee for the work that it has done to date, and the committee's support staff who have done an excellent job under the guidance of Mr Rick Gray, the executive officer.

Mr HATTON (Attorney-General): Mr Speaker, I welcome members' comments. As the member for Wanguri said, we are bringing this matter towards a conclusion.

There has been 10 years of work since the issue of statehood was first placed on the agenda by the Chief Minister of the day in 1985 and this committee was formed. The fire and enthusiasm to obtain statehood in the next couple of years made that a very exciting time. As part of that, we formed the committee in early 1986 with the objective of preparing a recommended constitution for the Northern Territory. At that stage, I am sure none of us realised the enormity of that particular

responsibility. We found that, the more that we became involved in the process of moving toward statehood and the development of a constitution, the more we needed to study and learn, and the more we came to know, the more we realised how little we know and how complex the process is.

Over that 10-year period, the strategies adopted by the committee have involved analysing issues, calling for comment, consulting the community and, on occasions, making very extensive trips to small communities throughout the Northern Territory. We visited more than 100 communities in 1989-90 to discuss constitutional issues. As a result of the submissions and views gathered, we prepared a series of discussion papers, being very careful to ensure that we included all of the arguments both for and against each of the points on a range of issues some of which are very contentious and some potentially very divisive. These discussion papers were circulated in the community and submissions came back to the committee. A major legal conference on constitutional issues was held in Darwin in 1992.

At the beginning of this year, the committee reached the point where we could say that the discussion papers, analysis and research - the homework - was pretty well complete. We sat down then to the hard graft of dragging all of that together to produce a document that reflected what we believed was in the minds of the Northern Territory community. In the initial stages, it was relatively easy because we were dealing with what I would call administrative or technical clauses. Those matters concerned how to create a body politic - how to fit together the framework for the parliament, ministers, courts, public services and governor. We drew that together, with a fair amount of debate and argument. There remain a few options for people to think about in relation to matters on which we could not reach agreement in the committee, but at least we have included the different suggestions.

Then we moved to consider specific issues such as whether there should be constitutional recognition of local government, what special constitutional protections there should be to recognise the unique status of our indigenous citizens within our society, and how to deal with matters like a bill of rights. We suggested a new paragraph for inclusion in the preamble. It will be the penultimate point in the preamble. I think the opening words sum up the objective of the constitution: 'The people of the Northern Territory are concerned to preserve a harmonious and tolerant and united multicultural society ...'. This document aims to create a framework within which our society can work towards that objective - a harmonious, tolerant and united multicultural society. That is the essence of the Northern Territory and that is the essence of what is being built into this document.

An example of how that is expressed in this document is in relation to the issue of what were regarded as Aboriginal rights - rights in respect of language and social, cultural and religious matters. The committee talked long and hard about this. We agreed that those rights are important. One can understand Aboriginal people's concerns on this point because, in living memory, many of those rights were denied to Aboriginal people during the assimilation period. They are concerned to ensure that there is a constitutional guarantee that that cannot happen to them again. However, the question arises as to why those rights would not be available to all Territorians. The member for Greatorex would have a particular view on that in relation to his own history and background, as would many other Territorians whether they are Greek, Italian, Buddhist, Moslem or members of any other of the multitude of religious, ethnic and community groups in the Northern Territory that make this such a rich and wonderful place in which to live. The question then is why people should not have the right

to continue to practise their culture and religion within a harmonious, united and multicultural society. To achieve that, we drafted a clause saying that nobody can unreasonably deny another person the right to use their own language or to practise their own social and cultural customs and traditions, or to manifest their own religion or belief in worship, ceremony, observance, practice or teaching. That applies to all Territorians, including Aboriginal people. I do not think any reasonable person would say that that is unfair. Thus, what could have been seen as a divisive process has become a uniting process and the draft constitution recognises these rights in order that people may get on with and enjoy their lives.

There is provision to deal with the issue of self-determination. That is not an easy issue to discuss at all. The question is what is meant by 'self-determination'. It can mean all things to all people. We tried to set out an expression of desire in the preamble, a definition of what we mean by 'self-determination' and a mechanism, through legislative process, to implement that. Thus, the constitution addresses that in a practical way rather than allowing it to float around in the ether unresolved, confusing and potentially divisive in our society. Equally, recognition of the place of local government as the third tier of government is a matter that can and should be addressed.

As the member for Wanguri said, the committee is very close to concluding its drafting work. It has yet to debate issues such as whether there should be recognition, constitutional or otherwise, of a bill of rights and, if so, what such a bill of rights should contain. However, we should recognise that many rights, such as those to which I have just referred, have been incorporated already in this exposure draft on a constitution. We need to begin considering definitions, and other technical and administrative clauses. Nevertheless, at some time in the first half of next year, we will reach the crunch of bringing into this parliament the conclusion of this part of the committee's task, including recommendations as to what this parliament should do.

Again as the member for Wanguri said, members of the committee have worked very closely. I pay credit to all members of the committee. We have worked very closely, often in very tense and difficult situations. As Territorians, we have sought a bipartisan approach in undertaking the homework for a constitution for Territorians. When that comes to this Chamber, inevitably it will be examined by the opposition, by the government and by the independent ...

Mr Mitchell interjecting.

Mr Stirling interjecting.

Mr SPEAKER: Order!

Mr HATTON: This is one issue you really ought to be serious about.

The constitution will go beyond our committee into this parliament, which will need to decide whether to accept it or reject it. It will be in the hands of this parliament. Our parties are beginning to address these issues. I am certain that committee members will be discussing, within their relevant parties and parliamentary wings, the background to what is in this document. Nevertheless, inevitably, there will be a crunch time for decisions. That will test first the mettle and convictions of every member of this House, followed by the members of our parties outside of this House. Then it

will test the mettle of the people of the Territory, and whether they are really serious about developing a Northern Territory with those sorts of aspirations and how they will go about doing that.

An exciting period is before us. It may not be building a bridge or a parliament house, but it is building a future - not a future that we can touch and feel, but a future that will shape the Northern Territory into the next century, for good or ill, based on the work that goes into this document. At the end of the day, that is what a constitution does. It shapes the focus and direction of society and government and, eventually, the attitudes that exist within that society. If we get it right, we will have done something quite significant for future generations. If we get it wrong, we will face the acrimony of future generations. It is a very serious task. I urge members of the Assembly and all members of the public to begin to come to grips with these issues and concepts because we will be asked to decide on them in the immediately foreseeable future. I thank members and I commend this document for their consideration.

Motion agreed to.

27-29/02/96 Parliamentary Record No. 20: 6882

Topic: MOTION AND [TABLED PAPER](#)

Subject: [Sessional Committee On Constitutional Development Annual Report 1994-95](#)

Date: [29/02/96](#)

Member: [Mr HATTON](#)

Status:

Information:

Mr HATTON (Attorney-General): Mr Speaker, I lay on the Table the Annual Report of the Sessional Committee on Constitutional Development for 1994-95. I move that the report be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the Annual Report of the Sessional Committee on Constitutional Development for 1994-95. I seek leave to continue my remarks at a later hour.

Leave granted; debate adjourned.

14-16/05/96 Parliamentary Record No. 21: 6988

Topic: [MEMBERSHIP OF COMMITTEES](#)

Subject: [Membership Of Committees](#)

Date: [14/05/96](#)

Member: [Mrs HICKEY](#)

Status:

Information:

Mrs HICKEY (Opposition Leader)(by leave): Mr Speaker, I move that membership of Legislative Assembly committees be varied as follows: the member for Barkly, Mrs Hickey, be discharged from further attendance on the Committee on Constitutional Development and the Standing Orders Committee and the member for Stuart, Mr Ede, be appointed as a member of those committees in her stead.

Motion agreed to.

21-23/05/96 Parliamentary Record No. 22: 7409-30

Topic: DISUCSSION OF MATTER OF PUBLIC IMPORTANCE**Subject:** Constitutional Development**Date:** 21/05/96**Member:** Mrs HICKEY**Status:****Information:**

Mr SPEAKER: Honourable members, I have received the following letter from the Leader of the Opposition:

Dear Mr Speaker,

Pursuant to standing order 94, I propose for debate today as a definite matter of public importance that this Assembly expresses its concern at the failure of the Chief Minister to support the recommendation of the Select Committee on Constitutional Development to hold a constitutional convention.

Yours sincerely,

*Maggie Hickey,
Leader of the Opposition.*

Is the proposed discussion supported? It is supported.

Mrs HICKEY (Opposition Leader): Mr Speaker, if ever I was minded to introduce a matter of public importance before today's response to a question by the Chief Minister, I was certainly much more determined in my effort after he had spoken and after he had tabled the letter that he sent to the Prime Minister. This is because the debate that we will be engaged in revolves around an issue of public faith. It revolves around faith in the community of the Northern Territory and an agreement with the community of the Northern Territory to enable the people to engage in debate and be party to the formation of a constitution for the Northern Territory.

Over the last decade and more, in the Constitutional Development Committee and in the information issued to people in the Territory, the intention has been that a people's convention will be a prelude to the framing of a constitution for the Northern Territory, following the same procedure that led to the Australian Constitution. However, what we have at issue now is a definition of what a constitutional convention is to be. In his letter to the Prime Minister, the Chief Minister said: 'The

matter of a constitutional convention is under active consideration as a forum to elicit public comment and support'. He is suggesting a sea change in the definition of 'constitutional convention'.

Over the last 10 years or so, the Committee on Constitutional Development, firstly as a select and now as a sessional committee, has stated clearly that a constitutional convention is exactly that - it is a convention that writes the constitution. It does not look passively at what parliament or anybody else has prepared and simply agree or disagree with certain parts. It is a group of Territorians who come together to write a constitution. The work that the committee has done over this decade has been preparatory to that. It has provided a draft from which a convention can operate. However, the intent of the committee was for that document to be simply a reference point, a starting point, for the convention to do with what it wished - to adopt it in part or in toto, to amend it or to reject it as not the way the people of the Northern Territory want to go about formulating a constitution. The bipartisan committee that has been working on this issue for over a decade has been of the opinion that the constitution should be owned by the people of the Northern Territory.

It is a sad day when members on this side are forced to bring on a discussion of a matter of public importance to express concern about division in government ranks on the issue of statehood. Clearly, there is a division among members on that side of the House. Whatever they may like to say in this House, the 3 members of the Country Liberal Party administration who are on the committee now find themselves in disagreement with the Chief Minister. Last week, we observed the sad spectacle of the Chief Minister undermining the work of the Minister for Constitutional Development who is the chairman of the Assembly's Sessional Committee on Constitutional Development. The committee has been working its way painstakingly through statehood issues for almost as long as the Chief Minister has resided in the Northern Territory.

Let us look at the history of that committee. The committee was established in 1985, more than 10 years ago, first as a select and later as a sessional committee. Very early in its deliberations, the committee agreed that the Territory's constitution needed to be a homegrown product. It needed to belong to the people of the Northern Territory and should be owned by them. The committee is firmly of the view that the underlying democratic processes of involving the people, through a constitutional convention, should play a strong role in developing a homegrown constitution for the Northern Territory. From the outset, the envisaged process of constitutional development consisted of 3 steps: the work of the parliamentary committee, the formation of a popularly-elected constitutional convention and, finally, the adoption of the constitution by referendum.

In 1987, the Committee on Constitutional Development released a discussion paper on representation in the proposed constitutional convention. In March last year, the chairman of the committee, the member for Nightcliff, presented the unanimous report of the committee in relation to proposals for a constitutional convention for the Northern Territory. Let us look at the committee's 1995 report on the establishment of the constitutional convention. In presenting the report, the member for Nightcliff stated:

The committee's primary task is to report to the Legislative Assembly on a constitution for the Northern Territory in conjunction with a future grant of statehood, together with recommendations on representation at a proposed NT constitutional convention.

Since its inception, this committee has advocated the view that the NT constitution, as adopted by a Northern Territory constitutional convention, would be submitted to the Territory electors for approval and, if so approved, would then be submitted to the Commonwealth as part of proposals for further Territory constitutional development, and ultimately admittance as a new state of the Australian federation. When presenting the unanimous report and bipartisan support for the constitutional convention, the member for Nightcliff stated:

If the Northern Territory is to have a brand-new and unique constitution, it is important that it is owned by Territorians. No doubt the concept of the convention, as proposed in this report, will provide that ownership.

The Sessional Committee on Constitutional Development is very proud of its record in achieving and maintaining a bipartisan approach to the great majority of issues that have confronted it over the last 11 years. It has not been easy. There have been issues on which the committee has been divided, along either party or philosophical lines, but the committee has worked very hard to achieve consensus in as many areas as it possibly can. The draft exposure plan that it has now developed contains relatively few areas of disagreement. Where there is disagreement, where there has been an inability to reach consensus, the report says so. Not only the chairman and members from this side supported last year's report on the constitutional convention. The member for Victoria River, also a committee member, said:

The establishment of a constitutional convention will provide Territorians with a democratic and representative means by which to frame a constitution for the Northern Territory.

The previous Chief Minister, the former member for Fannie Bay, also welcomed the report, saying: 'It is an important step forward'. What have we seen during these sittings? What did we see on Thursday of last week? When the Chief Minister was asked when he would introduce legislation to establish a constitutional convention, he avoided the question.

Members interjecting.

Mr SPEAKER: Order! The Leader of the Opposition.

Mrs HICKEY: Mr Speaker, the Chief Minister does not want to hear this because he knows he has back-flipped on a commitment that the Minister for Constitutional Development has made in this House time and time again, based on the bipartisan efforts over the 11-year life of the committee. He knows that he has reneged on that commitment. He has broken faith, not only with his minister, not only with the bipartisan committee, but also with Territorians. How can anybody doubt that this Chief Minister has abdicated his responsibility to support his minister and the bipartisan committee by sending a sneaky letter to the Prime Minister saying that it can be done another way? He can slide it in without the proper forms that have been agreed as a result of painstaking work by the committee over many years. When the Chief Minister was asked when he would introduce legislation to establish a constitutional convention, he denigrated deliberately the process recommended by the Sessional Committee on Constitutional Development. He dismissed the

recommended process for constitutional development, followed by referendum:

There are many different ways of garnering public input and opinion on the issue of Territory statehood. I know where the ALP is coming from. Members opposite want to set up what would almost be a parallel parliament.

Indeed, for the Minister for Constitutional Development, the members of the Country Liberal Party administration and the members of the Australian Labor Party who have served on this committee for years, that is the path that we have been going down because that is the way in which matters were dealt with in relation to the Australian Constitution. It may not have been done at the time when the states were formed, but it is the way the committee has chosen to adopt and to work on. Furthermore, even in his short time in this House, the Chief Minister has had ample opportunity to express a different opinion and to point out that he does not see that as the way he wants to handle the matter. However, he has left it until this late point to bob up suddenly and say, now that he has a conservative colleague in Canberra, that we can slide over some of the conventions and that there is no need to worry about consulting the people of the Northern Territory. It can be done simply in parliament.

It was unfortunate that the member for Nightcliff was unable to attend the sittings on the day that the Chief Minister made those remarks. Members on this side were dismayed, and I am sure the majority of members opposite were also, by the dismissive comments by the member for Port Darwin on the hard work and results achieved through the Sessional Committee on Constitutional Development. I take honourable members back to what the Chief Minister said: 'I know where the ALP is coming from. Members opposite want to set up what would be almost a parallel parliament'. I have news for the member for Port Darwin. It is not only members on this side who were looking to a constitutional convention. It was also his own members, and they have been doing it over many years. He now says that he will overturn that.

Over the years that the committee has operated, we have heard many times that the constitution of a state of the Northern Territory must belong to the people of the Northern Territory through the recommendations of the people's constitutional convention endorsed by referendum. That bipartisan position, which was developed and supported over many years, was threatened by the Chief Minister last Thursday. The Chief Minister simply has not thought out the major contribution that will be made to developing community pride in and commitment to the new state of the Northern Territory through the process of a constitutional convention. It has to be said that a marked lack of respect for the parliament's Sessional Committee on Constitutional Development has been shown by this arrogant man opposite, a man who intends to ride roughshod over the democratic processes ...

Mr FINCH: A point of order, Mr Speaker! The Leader of the Opposition knows that she must refer to members on this side by their electorate or by their proper title.

Mr SPEAKER: The Leader of the Opposition is aware that she should refer to the Chief Minister by his official title.

Mrs HICKEY: A marked lack of respect has been shown by the arrogant member for Port Darwin for the recommendations of the parliament's Sessional Committee on Constitutional Development.

The committee has worked long and hard to maintain a bipartisan position on these matters. After all, all members are working with the same objective.

In summing up last year's debate on the motion to note the tabling of the recommendations on the Northern Territory constitutional convention, the member for Nightcliff said:

I urge every member to read this document and consider the recommendations in it. If any members have views on it, I ask them to convey them to the committee, because it is preparing final recommendations and proposals for legislation for submission to the Assembly. I urge all members to examine the recommendations and, if they are not happy with them, to inform the committee to enable their views to be taken into account.

The committee had heard nothing from the Chief Minister until members were subject to his outburst last Thursday in the House. The snub to the parliament's committee is made even worse by the fact that the motion to establish the committee provides special recognition for the Chief Minister and provides means for his direct participation in the committee's deliberations. As a former member of the committee, I must say that the Chief Minister has been conspicuous by his absence at those meetings. If he did have an opinion that was contrary to the one articulated by the member for Nightcliff in debate in the House, he certainly has not said so to the committee.

Not only is the parliament's Sessional Committee on Constitutional Development ignored by the Chief Minister, the people of the Northern Territory are also about to be ignored in establishing the new state if the Chief Minister's outburst is left unchallenged. In November last year, the Sessional Committee on Constitutional Development introduced a paper on additional provisions to the exposure draft on the new constitution for the Northern Territory. Once again, there was no contribution from the Chief Minister. The committee continued to operate in the belief that the committee's unanimous recommendation for the establishment of a constitutional convention had the total support of the House.

The committee's recommendations on a constitutional convention are worth outlining. The position of the committee is well-researched, carefully considered and is the product of wide-ranging community consultation and debate. The committee has unanimously supported a constitutional convention. The preamble to recommendation 1 of last year's report, which was tabled and debated in this House, stated:

Given the view already expressed by the committee elsewhere, that the Northern Territory should adopt its own, home-grown constitution, the committee adheres to the view that a Territory constitutional convention is the most appropriate method to frame a constitution for the Northern Territory as the Territory moves towards a grant of statehood. The convention's draft constitution would in turn be submitted to Northern Territory electors at a referendum, before being presented to the Commonwealth for implementation by the national parliament as part of further Northern Territory constitutional development. By this democratic method, it could fairly be said that it would be a home-grown constitution that reflected the needs and aspirations of Territorians generally.

Further, in recommendation 3, the committee stated:

The committee recommends not to have a wholly nominated convention as it is inconsistent with the principle of representative democracy, which principle should form the basis of the new Northern Territory constitution.

I come now to the advent of a Coalition government in Canberra. This is obviously what the Chief Minister was waiting for. In his answer to last Thursday's question, he stated that he was awaiting the Prime Minister's requirements so that these could be conveyed to the Assembly.

Members interjecting.

Mr SPEAKER: Order!

Mrs HICKEY: I do not know whether silence means consent. He made a fool of his minister by allowing to go unchallenged the written endorsement of a convention provided by the member for Nightcliff. I do not know what he is going to say in this debate. I feel sorry for him because he has been dumped and ditched by the Chief Minister in this disgraceful little episode.

The Chief Minister now states that constitutional development for the Northern Territory is something to be imposed from outside the Territory. My colleague will have a little more to say about this. Let me indicate briefly what the agenda is here. The Chief Minister does not want a people's convention. Why? For one thing, it will cost a lot of money, between \$4m and \$6m, and he is strapped for cash. However, central to this is control. He does not want to lose control of the agenda, and that is what it is all about.

Mr STONE (Chief Minister): Mr Speaker, I am absolutely amazed that this MPI should be brought on at this time. I would have thought that, at some stage, the Leader of the Opposition at some stage would have got to her feet and said that she had made an error in the MPI: 'This is not a select committee on constitutional development, but a sessional committee of which I am the deputy chairman'.

Mrs Hickey: I mentioned that.

Mr STONE: Did you manage to mention that?

Mrs Hickey: You were not here at the time.

Mr STONE: You are so incompetent that you do not even know what type of committee you are a member of. Your incompetence extends to the fact that those issues are being debated in the Assembly at this time and you have pre-emptively come along and tried to run an MPI on them. Your incompetence knows no bounds. I make the prediction that, in 6 months, you will not be here. Your colleagues will take the view that you are so incompetent and incapable of leading the opposition that you must be cast on the scrap heap of opposition leaders.

Mrs Hickey: Let's see who goes first.

Mr STONE: Let me tell you something. I will still be here after you have gone. You cannot even draft an MPI. You should be ashamed of yourself. You even lent your name to it - you signed it. It refers to the recommendation of the 'Select Committee on Constitutional Development'. It is a sessional committee. Are you so stupid, are you so dumb, that you do not realise what you are the deputy chairman of? You are a waste of space. You do not even know what you are the deputy chairman of. You think you can glide over this and skate over that. I watched you in Question Time. You slumped down in your chair because you were embarrassed, and you ought to be.

The Sessional Committee on Constitutional Development was primarily asked to inquire, report and make recommendations to this Assembly on a draft new state constitution for the Territory and the method to have that constitution adopted by the people of the Territory. Since 1985, the sessional committee or its predecessor, the Select Committee on Constitutional Development - a distinction that seems to have escaped the Leader of the Opposition - has worked diligently towards these goals. It has carried out considerable research, held public discussions and travelled extensively throughout the Territory consulting Territorians on constitutional issues. The committee has produced numerous discussion and information papers covering a range of constitutional issues. Having reported its recommendations to the Assembly in respect of both a draft constitution and the ways in which a new constitution could be adopted by the people of the Territory, the sessional committee has almost completed the original task set for it.

It is now up to the Assembly to consider these recommendations and to decide how to finalise the constitution and have it adopted by Territorians. This debate is yet to occur. Consequently, the MPI from the Leader of the Opposition is premature. I am absolutely staggered that she has not come to the conclusion that she had made a monumental blunder in running this MPI at this stage. She can have a supercilious smile on her face, but I guess it points to the fact that she is the dummy that we all knew that she was. She is running an MPI on what is already a matter for debate in the Assembly. The government has yet to finalise its position in respect of the numerous recommendations of the sessional committee. The issues are currently under active consideration. They need to be assessed, in line with the new federal government's policy in respect of statehood, in the finalisation of the joint Northern Territory statehood working group report.

For a constitution of the Northern Territory to be of any effect, the Commonwealth government will need to be satisfied with both the level of support for statehood and the process of constitutional development. The Commonwealth parliament will need to legislate to confer statehood and give effect to the Territory constitution. Perhaps the Leader of the Opposition is running the argument that there should be a referendum in the Commonwealth to decide whether the Territory is to be admitted as a state or not. She did not touch on that point. I would like to know. Is she of the view that the Commonwealth parliament should legislate for statehood, or is she urging a referendum for all Australians? She nods her head. I will take that as an indication that she believes that the federal parliament should move to admit the Northern Territory as a state. Can I take that to be the fact? Good. I am pleased that we have agreement on that because that actually defines the issues. It is an important concession from the Leader of the Opposition.

Mrs Hickey: It is nothing new.

Mr STONE: You may say that it is nothing new, but you have never stated it before. Let us be clear about it.

Mr Ede interjecting.

Mr STONE: I am not interested in the member for Stuart. He is going. He will be growing nuts by the time we become a state. He will be in Western Australia. He will be like all the other leaders of the opposition who have packed their kitbags. He is the bloke who used to stand in here and say that he would always be in the Territory and that his heart and mind were in the Territory. He has now told the NT News that he is off to grow nuts in Western Australia. Good luck to him. The sooner he goes, the better.

In any event, it is necessary to hold discussions with the federal government prior to setting in train the processes for finalisation and adoption of a Territory constitution. I have been holding those discussions with the Prime Minister. Until such discussions have been finalised and this Assembly is fully aware of all the options available to it, it would be unwise to determine the process for moving toward statehood.

The member for Wanguri shakes his head. We have a Prime Minister who actually supports statehood. We have a Prime Minister who says this should be the centrepiece of 2001, the centenary of the federation. As a matter of logic, we would ask the Prime Minister what is necessary to satisfy the requirements of the Commonwealth for us to achieve statehood. I believe the member for Wanguri is absolutely opposed to statehood and has no interest in the Territory ever becoming a state. It has always been the policy of the Labor Party in the Territory not to support statehood, in the same way that it did not support self-government.

Mr Bailey: Wrong!

Mr STONE: It was done like a dinner. Members opposite have never faced up to the fact that they have always been against the aspirations of Territorians. They come in here with their mealy-mouthed excuses. They have always found obstacles to statehood, as they did to self-government. They paid the price in that earlier election when they went out on a limb and campaigned against self-government. I can see the same scenario unfolding now.

Mr Bailey: You are setting up a stunt.

Mr STONE: You can talk about stunts. You are the ones who will run the stunts to pretend to Territorians that you support statehood when in effect you attempt to put obstacles in the path. We have seen numerous examples. This MPI is an example of it today. Your heart is not in it. You do not believe in statehood. At a time when there was Labor government in the Commonwealth for 13 years, you could not deliver a single result for Territorians. You had the capacity to approach the Prime Minister of the day and argue the case for the delivery of statehood for Territorians. However, you did not. You failed miserably. In 3 months, we have achieved more in terms of the progress to statehood than you did in 13 years. You stand condemned. If you think you fooled

Territorians about your approach to statehood, you really are kidding yourselves.

Mr Ah Kit interjecting.

Mr STONE: The member for Arnhem would not support statehood. He would have all sorts of preconditions and provisos.

Mr Ah Kit: I am on the committee.

Mr STONE: You had your instructions from the Northern Land Council. That is where you took your instructions from.

Mr Ah Kit: I thought I was making a very valuable contribution.

Mr STONE: You would not have an independent idea in your head. You will do whatever they tell you because you slavishly follow the rhetoric and the directions of the Northern Land Council. If you think you can fool the majority of Territorians, you are in for a shock. Territorians will not be fooled by you. You have not come in here to represent the people of Arnhem. You peddle the line of the land councils. I am sure you front up every Monday morning and ask: 'Tracker, what do I say this week?' You ought to be ashamed of yourself. You are an absolute fake. You are a cop-out. Be very clear about this. I hope Territorians understand it. The member for Arnhem does whatever he can to sabotage the cause of statehood in the Northern Territory. He sits there with a big smile on his face because he thinks he is half-smart. If he thinks he is fooling Territorians, he can think again.

With the change of federal government, we have moved from a Labor position of no commitment to statehood - and do not tell me that Paul Keating was committed to statehood because he was not - to a positive Coalition policy of facilitating statehood for the Northern Territory according to a negotiated timetable, to a truly cooperative federal partnership. It must really upset members opposite that, in 3 months, we have achieved far more than they were able to achieve in 13 years. They are the ones who had the Labor government in Canberra. They are the ones who could have approached their colleagues in Canberra, Prime Ministers Hawke or Keating, and made the case for statehood. Did they do that? Did any of them go to Prime Minister Hawke or Prime Minister Keating and argue the case for statehood? None of them did.

Mr Ede: I did.

Mr STONE: Oh, you did? If you did, you failed. I can understand why you are back there. You are an abject failure!

Mr BAILEY: A point of order, Mr Speaker! Standing order 49 requires that a member who is speaking shall address all their comments through the Chair.

Mr SPEAKER: That is quite correct. I suggest also that there is far too much comment across the Chamber from both sides.

Mr STONE: Mr Speaker, may I say that the member for Stuart, the former Leader of the

Opposition, is a failure.

Mr Ede: Did you get that, Mr Speaker?

Mr STONE: You are a failure.

Mr Ede: That really worries me.

Mr STONE: You are a failure. You do not care because you are leaving. You are not even going to stay here. You are a fraud. You used to stand up and say ...

Mr EDE: A point of order, Mr Speaker! The minister cannot refer to me as a 'fraud' except by way of a substantive motion. He should be required to withdraw.

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Mr SPEAKER: If the member for Stuart is offended by the word 'fraud', I ask the Chief Minister to withdraw it.

Mr STONE: I withdraw, Mr Speaker. However, I would like to hear from the former Leader of the Opposition, as he decamps from the Territory and makes his way into Western Australia, how he makes out the case that he has been supportive ...

Mr Ah Kit: Will you be here for the rest of your life?

Mr STONE: Absolutely!

Mr Ede: He won't last for 3 months after ...

Mr SPEAKER: Order!

Mr Ede: He'll be off down to Victoria.

Mr STONE: It is on record. I will say to the member for Arnhem ...

Mr Ah Kit: I was born here in this country.

Mr STONE: You were not born here, were you? I thought you came from Camooweal?

Mr Ah Kit: I was born in Alice Springs.

Mr STONE: I am pleased to learn that the member was born here. Let me say to the member for Arnhem ...

Mr Ah Kit: I am a Territorian.

Mr STONE: I have never sought to take that away from you, but I will not put up with the likes of you telling me that I am not.

Mr Ah Kit: I never said that.

Mr STONE: You have.

Mr Ah Kit: If that is the way you feel, then you have a problem.

Mr Ede: Here we go.

Mr SPEAKER: Order!

Mr STONE: We have heard the member for Stuart talk about ...

Mr Ah Kit: You are all bluff.

Mr STONE: Let us talk about the member for Stuart. He has been rhetorical about people who have come here recently and people who do not have a commitment to the Territory. He is packing up his old kitbag ...

Mr Ede interjecting.

Mr STONE: You are off. You are leaving, aren't you?

Mr Ede: Yes, and so are you!

Mr STONE: No, I am not. You are going.

Mr Ede: You will be back in Victoria.

Mr STONE: I will not be going back to Victoria. This is my home. This is where my children were born.

Mr Ede: So were mine!

Mr STONE: This is where I have made my home. I will not be going. Like the former Chief Minister, who is still here and committed to the Territory, I too will be remaining here. You can join your cohorts like Jon Isaacs and Terry Smith and put your tail between your legs and scuttle off down south. That is where you belong. You have absolutely no commitment to the Territory. Quite frankly, the sooner you go, the better.

Mr Speaker, let me quote from a letter that I wrote to the Prime Minister in relation to statehood. I tabled a copy of that letter this morning. It really puts paid to the accusation of the Leader of the Opposition who has not even bothered to stay here and listen to the debate. That is how interested she is. It is dated 14 May 1996. I quote:

The Northern Territory government firmly believes that all sections of the Territory community must be consulted about the Territory's draft constitution for statehood. To that end, it is proposed during 1997-98 to hold extensive discussions in the regional centres throughout the Territory, providing all Territorians the opportunity to comment on the draft constitution.

The matter of a constitutional convention is under active consideration, as a forum to elicit public comment and support.

How much clearer could one be? Having stated the government's current position, let me share with you some of my thoughts in relation to the sessional committee's recommendation to hold a constitutional convention of about 74 people. I pose a series of questions. What would a convention achieve beyond the draft constitution of the sessional committee? Are there issues that this Assembly needs to finalise before there is any further consideration of the constitution? How long would the process take? Will it assist in achieving statehood by the year 2001? How much would a convention cost? My preliminary costings estimate that the cost would be close to \$10m. What benefits would Territory taxpayers achieve from this expenditure? Is a formal process, primarily located in the precincts of the Legislative Assembly, the most effective method of consultation with the people of the Northern Territory, and in particular our Aboriginal Territorians who live in remote communities? Would the convention format, recommended by the sessional committee, allow widespread public participation and involvement? All of those questions need to be answered. However, they have not been addressed by the Leader of the Opposition.

In summary, I make these points. The Territory government recognises the good work done by the sessional committee to date. The committee has made recommendations and it is now up to the elected parliament of the Territory to determine the process that will be used to finalise the constitution. The Territory government has not finalised its position in respect of a constitutional convention. The Leader of the Opposition's MPI is premature, particularly given that these matters are currently being debated within this parliament. I am bitterly disappointed at the approach of the Leader of the Opposition. Obviously, she feels that this is the best way to sabotage the good work that has been done over the last 3 months. We have the commitment of the Commonwealth government. I will not be circumvented by the Labor Party which is opposed to statehood.

Mr BAILEY (Wanguri): Mr Speaker, it is disappointing to have to debate this issue under these circumstances. I have been a member of the Sessional Committee on Constitutional Development for a considerable period and I have examined a great deal of information that has been presented to the committee. I have looked at concerns over the development of statehood and the development of the constitutional convention. I raised within the committee my concerns that the Chief Minister would try to hijack the constitutional development process for his own cheap, short-term, political agenda. I will be fascinated to hear what the chairman of the committee will say about this issue. While we may have had arguments back and forth on some of the elements of the draft constitution, I believe all members of that committee, who represent both sides of politics, have agreed with the general thrust of constitutional development for the Northern Territory.

The Chief Minister says the committee has come up with the suggestion of a constitutional

convention and that he will consider it to determine whether it is a good idea. The Chief Minister is so set on doing the right thing! He picked up the Leader of the Opposition for using the wrong wording in that it is a sessional committee, not a select committee. He has made a big deal of that. If the Chief Minister had referred to the debates of 28 August 1986, he would note that the then Chief Minister, the member for Nightcliff, outlined the need for constitutional development and the move towards statehood. What he said in his statement - he did not just hand it over to the committee to look at, but included it in his outline - was government policy. The Chief Minister's policy was that the select committee would prepare a draft constitution which would then be submitted for ratification to a convention representing a broad cross-section of community interests and opinions. He went on to say:

The details of the composition and role of the convention are still to be finalised. Finally, it will be put before the Territory electorate in a referendum. No one therefore should doubt our allegiance to full and open consultation.

I believe that the then Chief Minister did believe in full and open consultation for the formulation of the constitutional centrepiece of our future state. However, the jumped-up little dictator who is now in the role of Chief Minister ...

Mr FINCH: A point of order, Mr Speaker! I do not suppose many people are listening to the member for Wanguri. However, for the sake of the record, it is appropriate that the honourable member be seen to withdraw such unparliamentary language.

Mr BAILEY: Mr Speaker, I withdraw unreservedly the term 'jumped-up little dictator'. I will not make any other comments about his height or his vertical challenge. But what is the difference? How do you describe a change from community involvement and consultation and an elective process, which was to be embodied in the constitutional convention, to a decision made by one person only? Countries run like that are often referred to as dictatorships, and the people running them as dictators. I will say no more.

The Chief Minister emphasised that this was the committee's recommendation, something it had arrived at. I take members back to the discussion paper of October 1987, Representation in a Territory Constitutional Convention. In the then Chief Minister's policy statement, Towards Statehood, a 3-stage process was proposed for the making of the new state constitution. For the last 10 years, members on both sides have seen a constitutional convention as the means of formulating the final draft of the constitution of the Northern Territory to go before the people. This is the important issue. We all agree with statehood. One of the problems is how to encourage the Commonwealth to grant it. I congratulate the Chief Minister if his colleagues in Canberra say they will make it easier. We do not have a problem with that. We have a problem with the dictatorial way the Chief Minister is running off with the agenda of the people of the Northern Territory. He was not even here at the time this started. Nor was I. But no other member since then has stood in parliament and objected to the convention.

The Chief Minister criticised the Leader of the Opposition for raising this because this matter is on the Notice Paper. There are 2 reasons why we raised this issue. The first is that debate on the exposure draft on a new constitution, from the Sessional Committee on Constitutional Development,

has been on the Notice Paper for almost 12 months. Members of the committee are acutely aware that the timeline for the development of the constitution required the government to introduce legislation outlining the process for the establishment of the convention.

Members of the committee have grown quite concerned in recent weeks and months as to what the government was doing. We asked the Chief Minister and the Leader of the Opposition to attend our meetings and inform us of what was happening. We asked that the ongoing bipartisan support for the issue be maintained, but we did not hear anything. We almost came to the end of the first week and there was no ministerial statement, nor any suggestion that any draft legislation was coming forward. There was no indication from anybody as to what was happening. The Leader of the Opposition had written to the Chief Minister, saying both sides of parliament and both political parties should be supporting the whole issue of constitutional development. I am aware that the CLP has had party meetings and community meetings at which the issue of constitutional development has been raised. In fact, the staff of the Sessional Committee on Constitutional Development have been speaking to political groups. We have been trying to involve our members. I am aware that some of our constituents are concerned about some of the issues. They are concerned that a petty little dictator may ram through changes to the constitution ...

Mr SPEAKER: Order!

Mr BAILEY: I am not referring to him.

Mr Coulter: Well, whom are you referring to?

Mr BAILEY: Mr Speaker, the concern has been raised that there is potential for a Chief Minister to ram things through, if the constitution does not prevent it. I am sure the chairman of the committee would be aware of concerns that communities have raised about their loss of rights. They have wanted to be involved. They have wanted to participate and the convention was a way in which they could participate. It has always been said that there would be participatory democracy, allowing them to take part in the process.

We asked what was going on. The Leader of the Opposition had written to the Chief Minister, asking whether they could meet. We thought it was important to have a meeting so that the Leader of the Opposition, the secretary of the ALP and the Chief Minister could debate the issues and present a united front so that it did not become a divisive issue within the Northern Territory. Remember the arrogance of the Chief Minister? Remember how he said we only had to ask and that he responds to our letters? He did not respond to that letter. He waited until Question Time and then said he would not talk.

He is the Chief Minister. He is too big and important to speak to people who are representatives of our political party. He might have spoken to the Leader of the Opposition if she had asked him because she is a politician and they meet here together in this place, but he would not speak to anyone from the political wing. If that was his concern, why did he not write back to say he was sorry, but he would not meet with our party secretary, although he would be happy to meet with the Leader of the Opposition? Or did he just treat the Leader of the Opposition with the same contempt he has for his own parliamentary committee? He has not attended any of our meetings when he has

been asked to. He does not really care. All he is interested in is his own grandstanding.

His letter to the Prime Minister shows his contempt for the process that the committee has outlined. He wrote: 'The matter of a constitutional convention is under active consideration, as a forum to elicit public comment and support'. The role of the parliamentary committee was to elicit public comment and support. That is what we have spent the last 10 years doing. I have been on the committee for about 6 years, talking to the community and bringing the ideas together in order to draft the constitution. That is what we have done. However, all members of the committee felt it was inappropriate that the elected members should be the ones to decide the content of that constitution because the constitution is what controls our day-to-day activities as parliamentarians.

That is the point that the Chief Minister has missed. A constitution governs the way we behave. He is saying that the members of the Legislative Assembly will write the law that will cover their own behaviour. We do not believe that is good enough. It involves issues that we would have great difficulty with. An easy example is citizen-initiated referendums. They are something that all politicians would basically hate because they provide a mechanism through which the public has input and has control over the way parliaments operate. I do not support the concept of citizen-initiated referendums because I have concerns about the way they are abused in other places. That is the type of issue that politicians have a vested interest in keeping out of a constitution, like other areas of accountability. Therefore, it is not appropriate that the law that controls our behaviour should be written by us. It should be written and supported by the whole community.

A benevolent dictatorship is no substitute for true democracy. It does not matter how clearly the Chief Minister sees himself as the fount of all knowledge and all goodness. That does not make it right. He does not want the people of the Northern Territory to be the ones who make the decisions. He believes he knows best for people in the Northern Territory. He is not game to allow the people of the Northern Territory to participate actively and make decisions in relation to the constitution. Nowhere in his timetable for transition to statehood does the Chief Minister even mention the constitutional convention.

Mr HATTON (Constitutional Development): Mr Deputy Speaker, that was an interesting contribution from the member for Wanguri. What a shame he was dealing with the wrong subject! He was working off the premise that the Chief Minister is opposed to the existence of a constitutional convention. Immediately before the member for Wanguri spoke, the Chief Minister refuted that allegation by the Leader of the Opposition ...

Mr Bailey: Should we censure him for misleading the House with his comments in Question Time?

Mr HATTON: Mr Deputy Speaker, I will not raise my voice. I have recovered recently from a very sore throat, having been confined to bed for several days, and I do not intend to strain my voice. If the member for Wanguri wishes to hear what I have to say, he might perhaps just listen.

The Chief Minister did not say last week that he was opposed to a constitutional convention. In Question Time this morning, the Chief Minister tabled a letter he had already sent to the Prime Minister, at the time he made those comments last week, noting: 'The issue of a constitution convention is under active consideration, as a forum to elicit public comment and support'.

Mr Bailey: That is not a convention as defined by the committee.

Mr HATTON: Today, in this debate, immediately before the member for Wanguri spoke, the Chief Minister said that this debate is premature because the matter is still on the Notice Paper for debate in the Assembly.

Mr Bailey: The convention is knocked off.

Mr HATTON: No. He was referring specifically to the matter of the convention. This debate is what Shakespeare once described as 'much ado about nothing'.

Ms Martin: Oh, very cultural, minister!

Mr HATTON: Do you like that?

Mr Ede: Where is that quote from?

Mr HATTON: I said Shakespeare.

The point I would like to make is this. I have heard members opposite speak as though they are long-time experts on this subject. I have been chairman of the Sessional Committee on Constitutional Development ...

Mr Bailey: You set it up.

Mr HATTON: No, I did not. Jim Robertson was the initial chairman in 1985.

Mr Bailey: You set it up as Chief Minister.

Mr HATTON: No, I did not. Ian Tuxworth was Chief Minister at the time. Go back and read a little more history. It was the August 1986 Towards Statehood statement that you were referring to, which was re-establishing the terms of reference of the committee and setting out the case for statehood.

Mr Ede: It changed from a sessional committee to a select committee, I believe, at that time.

Mr HATTON: No, it was always a select committee. It did not become a sessional committee until some years later. You may remember that, in 1985-86, we were working towards attaining statehood in 1988. Most of us were enthusiastically striving to have the Bicentenary as a date on which to achieve statehood. Little did we know what was involved in the matter of statehood. And I might say of many people in the Chamber, little do they still know about what is required to achieve statehood. In the last decade, I have listened to so much nonsense on this subject that it has almost made me puke.

Some members of this Chamber have been consistently supportive of the push towards statehood.

Others have been happy at different times to try to create diversions and take cheap shots. As it is starting to become the issue of the day, suddenly everyone is on the bandwagon. That is fine. A famous quote is often used by the member for Palmerston: 'Failure is an orphan but success has many fathers'. I guess statehood will be exactly the same.

Members interjecting.

Mr HATTON: I do not know who said it, but I know who says it regularly in here - the member for Palmerston.

Mr Bailey: He has got lots of bastards around the Northern Territory.

Mr HATTON: In respect of the basic issue of statehood ...

Mr SPEAKER: Order! The member for Wanguri will withdraw that remark.

Mr BAILEY: Mr Speaker, it was not my understanding that I was referring to anybody. He was saying that projects such as constitutional development ...

Mr SPEAKER: I consider that remark to have been offensive. I am not going to debate it. I ask you to withdraw the remark.

Mr BAILEY: I withdraw. The TDZ is not a bastard.

Mr SPEAKER: I beg your pardon?

Mr Bailey: That is what the comment was. He was saying ...

Mr COULTER: Mr Speaker, can I be quite clear on what he said? I take it to be offensive personally and it is something that I have had to grow up with and I hold very dear to my heart. He said: 'He has got lots of bastards around the Territory'. He should be made to withdraw that unreservedly. If he was talking about the TDZ, or whatever he was talking about, he should have very clear in his mind what he is saying in this Chamber in that regard.

Mr Bailey: Do you want me to get up and explain? Is that what you want?

Mr SPEAKER: Just withdraw the remark this time.

Mr Ede: You are admitting the TDZ is a failure?

Mr BAILEY: Mr Speaker, I made 2 comments. The first was when he suggested that failures have no fathers while successes have many. I said 'like that bastard the TDZ', and went on to suggest that he had many other bastards around the Territory such as the gas plan, the railway etc. I can go on for some time.

Mr Coulter: You were not referring to illegitimate children, were you?

Mr BAILEY: Not at all.

Mr Coulter: Well, that is all I am after clarification on.

Mr BAILEY: I am sorry if the member for Palmerston is sensitive about that. I was only referring to announcements that he has made that have been failures over the years. I withdraw any reference that might have been offensive.

Mr Coulter: It was JFK in relation to the Bay of Pigs. He said that.

Mr Bailey: Who said what?

Mr SPEAKER: Can we leave it there?

Mr HATTON: Mr Speaker, the point I want to make is that statehood is principally about a shift in the constitutional status of the parliament of the Northern Territory and the people of the Northern Territory. To achieve that shift - assuming we do not go through section 128 of the Australia Constitution and have to have a referendum of the whole of Australia - it requires acceptance of both Houses of the federal parliament under such terms and conditions as that federal parliament agrees. That is what achieves statehood. It is not essential to have a constitution to become a state.

Mr Bailey: So all this has been a waste of time?

Mr HATTON: Shut up and listen and you will learn!

It is not necessary to have a constitution to become a state. However, without a constitution at the time of becoming a state, if a constitution is created subsequently, under section 107 of the Australian Constitution, it is legally arguable that a federal parliament could unilaterally amend that state constitution. For that reason, it is critical that a constitution exists at or before the creation of a state. However, the process of establishing a constitution for the Northern Territory is one road. There is a separate road in terms of the negotiations and the terms and conditions under which the Northern Territory would become a state. This letter from the Chief Minister to Prime Minister Howard ...

Mr Bailey: You have sold out. I thought you had more guts.

Mr HATTON: Shut up and listen, you fool!

Mr DEPUTY SPEAKER: Order!

Mr HATTON: This letter deals with those issues that require negotiation between the Northern Territory parliament and the federal parliament. I remind honourable members that, for the last year, a Commonwealth-Territory joint working party has been working on all of the issues that need to be addressed. Those subjects are inclusive of these and a number of others. It is correct that, in the 3 months since the change of government, the Chief Minister has achieved a major breakthrough.

There is a federal government now that is prepared to sit down and talk positively about the Territory becoming a state. I can talk about a time before most of the members were even members of this House. I think that applies to every member with the exception of the member for Stuart. I can remember writing to Prime Ministers, seeking to open discussions on statehood. I could not even obtain a response from Bob Hawke or Paul Keating on the question of statehood. My successor, Marshall Perron, could not obtain a response from Paul Keating on the issue of full self-government. In the first 3 months of the Howard government, we have a dialogue and negotiations. I think that, in the next 24 to 48 hours, members will hear some very exciting news for the Northern Territory coming out of Canberra, as a consequence of the work that has been done by this side.

I will come back now to the other road. That is the road of the development of the Northern Territory's constitution. I stated my view as early as 1986, and I have never varied from that view. I personally still support the view that we should be working towards the establishment of a Northern Territory constitutional convention and that, at the end of the day, the constitution should be referred to the citizens of the Northern Territory by referendum for acceptance, whether in one or several forms. That is my position, and I have never varied from it. The Chief Minister has not revoked that position. I can ...

Mr Bailey: He said that a convention ...

Mr HATTON: Shut up and listen.

I can express my view. It is true that the Territory government has not formalised a position on this. Let me advise the House very formally, as a matter of interest, that the formation of a constitutional convention would be faced with one fundamental problem at the moment - it is ultra vires under the regulations of the Self-Government Act. We cannot introduce legislation at the moment to create a constitutional convention act because regulations to the Self-Government Act do not allow us to do so. Negotiations are currently proceeding with the federal government to try to obtain those powers. The whole issue is being pre-empted by members opposite. The fact is that, at the moment, we cannot introduce legislation.

Unfortunately, I missed the debate in the House last week in Question Time, but I did hear it on radio from my sickbed. I must say it was very instructive. I hope the opposition keeps up its practices in Question Time. I believe we are winning votes hand over fist every Question Time because of the way that members opposite sound on the radio. You have to believe it - you sound terrible.

Mr Bailey: This debate was not broadcast.

Mr Coulter: Of course it was broadcast. It was a question, you fool.

Mr HATTON: It was Question Time. I heard it in Question Time. I was lying in bed. I heard it and I thought: 'They have really got it wrong here, haven't they?'

Mr Bailey: The Chief Minister?

Mr HATTON: It was you. You were not listening. You never listen. You are too busy yelling and screaming. I have the quotes here. He did not say 'no convention'.

Mrs Hickey: He said 'members opposite want to set up what would almost be a parallel ...

Mr Stirling: He just wants to run away from it a little bit.

Mr HATTON: Yes, he was getting stuck into you. There is no doubt about that.

I have stated my position. I do not resile from that position. I have held that position for 10 years, and I will argue that cause.

Mr Bailey: I hope you will cross the floor when we divide on it.

Mr HATTON: You are assuming there will need to be a division on the question. The matter is previous to this House. I may well not support the final structure proposed by the committee. In fact, there were very loose definitions of what those structures should be. There are many considerations ...

Mr Bailey: Come on! Having a few public meetings is hardly a constitutional convention, and you know it.

Mr HATTON: No, that is true. That is exactly true.

This MPI has been raised for no good purpose except to try to create a false impression in the minds of the community that somehow the Chief Minister is against a convention. That is not the case. He has refuted those allegations clearly.

I will ask for an extension of time, Mr Deputy Speaker. There is a point that I have not had a chance to make.

Mr DEPUTY SPEAKER: Order! The honourable minister's time has expired.

Mr COULTER: Mr Deputy Speaker, I move that the minister be granted an extension of time in order to complete his remarks. The interjections were so prolonged that he was prevented from doing so.

Motion agreed to.

Mr HATTON: Mr Deputy Speaker, statehood is coming, and it will come by 2001, the centenary of federation. I am absolutely and totally convinced of that. However, there is one thing that I ask every member of this Chamber to think carefully about. I have heard comment after comment in which every day-to-day political issue that arises in the Northern Territory is somehow being attached to the statehood question. We had talk about estimates review committees. We had the Leader of the Opposition last week harping about open and accountable government and how that

was critical to statehood. Over the last year, we have had the member for MacDonnell, every time we do something that he does not like, saying that it will destroy statehood. It really matters ...

Mr BAILEY: A point of order, Mr Deputy Speaker! Under standing order 94, I move that business of the day be called on.

Mr Coulter: This is on your MPI, and you have had enough.

Mr BAILEY: No, but you have had the full time ...

Members interjecting.

Mr DEPUTY SPEAKER: Order! The motion is that business of the day be called on.

Motion negatived.

Mr HATTON: Mr Deputy Speaker, had the member for Wanguri not spent so much time discussing illegitimacy and parentage, I may not have needed this additional time. The point I am attempting to make is that statehood is about the constitutional and democratic rights of individual citizens, and the constitutional status of their parliament. It has nothing to do with individual party policies or views or, for that matter, whether somebody believes a particular government is a good government or not. While these issues are raised, they are simply red herrings across the trail of statehood. They have nothing to do with the question of statehood. Drag them out to win government if you want to, but do not pollute the question of statehood. To argue, for example, that having an estimates review committee is a critical precondition for statehood is a nonsense. That freedom of information legislation should be a precondition to demonstrate our maturity to accept statehood is a nonsense. It is unnecessary.

If that argument were valid, one would argue there should be no Western Australian parliament because of WA Inc. and Rothwells Bank. There should be no New South Wales parliament because of the royal commission into police corruption. It would be equally arguable that there should be no Victorian parliament because of the Pyramid Building Society scandal or the Tricontinental affair, and no South Australian parliament because of the South Australian Bank affair. There are sometimes very critical and vital issues that may affect the continuance of a government. What they do not do is determine whether or not the people of a region have a right to elect, or reject, the government of the day. Statehood is about their right to do that. Get it clear. The red herrings being dragged across the trail are the last resorts of the scoundrels who are opposed to statehood. Get them out of the game, and get down to the core business of fighting for the constitutional rights of the Territory, corporately and individually.

20-22/08/96 Parliamentary Record No. 24: 8387-14

Topic: MINISTERIAL STATEMENT**Subject:** The Northern Territory: Australia's Seventh State**Date:** 22/08/96**Member:** Mr STONE**Status:****Information:**

Mr STONE (Chief Minister): Mr Speaker, today I rise to make an important ministerial statement on the proposal that the Northern Territory become the seventh state of the Commonwealth of Australia. Since the election of the new Coalition government, there has been a marked shift in support for the aspirations of Territorians at both state and Commonwealth level. As recently as Monday 12 August, the Prime Minister has advised me in writing that:

The Commonwealth remains committed to facilitating statehood for the Northern Territory according to a negotiated timetable, which I reaffirmed to the Council of Australian Governments meeting on 14 June 1996.

Thus, Australia's Northern Territory is poised to become the seventh state of the Commonwealth of Australia. It is the stated aim of the Northern Territory government that a grant of statehood be achieved by the year 2001 to coincide with the centenary of Australian federation. It is important however that, before examining the more intricate details of constitutional development, I canvass the historical perspective of where we have come from in our quest for equality as Australians.

The evolution of constitutional development in the Northern Territory has no parallel within the Australian federation. From 1788 to 1828, part of what is now the Northern Territory was included in the colony of New South Wales. From 1828 to 1863, the whole of the Northern Territory formed part of that colony and was administered from Sydney. Due mainly to a lack of interest in the north by New South Wales, responsibility for administration of the Northern Territory passed to South Australia in 1863 and, from the time of federation until 1911, the Northern Territory formed part of the original state of South Australia. The Northern Territory was surrendered to the Commonwealth by South Australia in 1911. In 1996, it still holds the status of a territory of the Commonwealth.

Throughout the 85 years of Commonwealth control, constitutional development in the Northern Territory has been a halting and begrudging process. Thirty-six years were to pass before a Legislative Council was created in 1947. Even then, the balance of power was firmly held by unelected bureaucrats. A fully-elected Legislative Assembly was eventually formed in 1974. The vesting of certain minor statelike powers in members of the Assembly occurred in 1977. A limited

form of self-government was granted in 1978 and was followed soon after by the transfer of responsibility for the health and education functions, the Supreme Court and judicial appointments. The Northern Territory was not empowered to establish its own Court of Appeal until 1986.

The version of self-government conferred on the Territory by the Commonwealth, under section 122 of the Australian Constitution, continues to be limited in comparison with the legislative and executive authority held by the states. Unlike the states, laws passed in the Territory parliament can be reserved and disallowed by the Commonwealth executive. The Commonwealth parliament can legislate at any time to overturn any law of the Northern Territory. A case in point is the proposed introduction into the Commonwealth parliament of a private member's bill framed specifically to overturn the Northern Territory's Rights of the Terminally Ill Act.

It is one thing for legislation to be challenged in a court on constitutional grounds. That is the proper role of a court and is fundamental to the doctrine of the rule of law. It is quite another thing for laws validly enacted and within the power of this democratically-elected parliament to be able to be overturned on the whim and personal predilection of a member of another parliament. In the event that the Commonwealth parliament passes this legislation, I would view that as an affront to the sovereignty of the Legislative Assembly and the people of the Northern Territory. It is a course of action that could not occur in relation to any state in the federation.

The Commonwealth can acquire the property of the Territory and its citizens without the payment of compensation on just terms. This is a power that has been extensively used by the Commonwealth in the Territory. The underlying title to significant areas of our land belongs to the Commonwealth, as well as the minerals on that land. All Northern Territory uranium is owned by the Commonwealth. Administration of 2 major Territory assets, the Uluru-Kata Tjuta and Kakadu National Parks, is vested in the Commonwealth. Many Commonwealth laws have an extended application in the Northern Territory beyond that in the states, or apply only in the Territory and not in the states. They impose corresponding limitations on the legislative and executive authority of the Territory.

The ability and the right of the Territory to manage its resources for the benefit of current and future Territorians has been eroded by overriding Commonwealth legislation that dominates the Territory's land administration regime. Only 50% of the Territory's estate now remains within the direct sphere of influence of the Territory yet our practical and moral responsibilities for the wellbeing of all Territorians remains undiminished. We have become a testing ground for social policies conceived by southern politicians who have little regard or concern for the long-term impact of their experiments at the end of the day. For example, witness the federal Aboriginal land policies which, although having iconic status, have achieved little in real terms to advance the lot of the majority of the intended beneficiaries - Aboriginal Territorians. In comparison with the states, the citizens of the Northern Territory do not have equal representation in the federal parliament, and there is no constitutional guarantee of representation or of the continued existence of the Northern Territory as an entity in its own right. In 1996, all Territorians, of whatever persuasion or origin, lack full equality within the Australian federation.

In the 18 years since 1978, self-government has been viewed consistently by the CLP government as an interim step along the road to equality with the existing states and statehood. The sentiment has been expressed in this parliament. On 28 August 1986, the former Chief Minister, Hon Steve

Hatton MLA, stated:

Statehood is essential if we are to take our place as equal Australians. Statehood alone will ensure that we have the same rights, privileges and responsibilities ... the same degree of self-determination ... [as] other Australians.

The Northern Territory government has been persistent in pursuing the legitimate aspirations of Territorians for an equal place in the federation. Since self-government, that pursuit has been long and arduous.

The public position of the Hawke Labor government was that it had no set view on statehood, and that it would consider the issue only when it had received a comprehensive, formal submission. Such a submission for full self-government was presented by the Territory in 1989. It sought the transfer to the government of the Northern Territory of those statelike powers reserved currently for the Commonwealth. That submission fell on deaf ears. The federal Labor government was not prepared to concede on any of the issues that the submission raised, not even those of a technical and inconsequential nature.

Nevertheless, our efforts continued. The issue was again raised by the former Chief Minister, Marshall Perron, in an address to the Centenary of Federation Advisory Committee.

The committee was, and still is, chaired by Hon Joan Kirner AM, the former Premier of Victoria. That committee was somewhat more alive to the issues, and recommended the formation of a COAG subcommittee to discuss the possible terms on which the Territory could become a state. Despite the Kirner committee's recommendations, the then Prime Minister, Hon Paul Keating, maintained the Commonwealth line that further constitutional development for the Northern Territory was not appropriate at this time. This was a view that the federal Labor Minister for Territories, Senator John Faulkner, continued to maintain, despite the agreement by state Premiers at the Leaders' Forum in November 1994 to support the establishment of such a COAG subcommittee.

In April 1995, the persistence of former Chief Minister Marshall Perron finally paid off. Agreement was reached between him and then Prime Minister Keating at the meeting of COAG on the establishment of a joint Commonwealth/Northern Territory working party to consider and report on issues relating to the possible grant of statehood to the Northern Territory. The Commonwealth was not an enthusiastic participant in the process, and its involvement was stated to be 'without commitment to the outcome'. Sadly, the federal Labor government's peremptory dismissal of constitutional development for the Territory continued. The then Northern Territory Labor federal member, Warren Snowdon, told 8DDD radio on 9 June 1995: 'The process of proceeding towards statehood for the Northern Territory is incidental to the process for getting to a republic, and that has been made very clear'.

On the same station, on 17 August 1995, the current leader of the federal Labor opposition, the then Deputy Prime Minister and Finance Minister, Hon Kim Beazley, wrongly claimed that the Territory would be financially disadvantaged if it were treated like a state. The Territory had already been funded as a state by the federal Labor government for 7 years at that stage. Sadly, the best that Mr Beazley could do was to trivialise the achievements of Territorians and the importance that

all Australians attach to the fundamental principles of fairness and equality by observing that, if we became a state, we would have 'about the best state flag'.

Mrs Hickey: He is right.

Mr STONE: He is right, but I would have hoped for something more substantial by way of comment than that.

The working group on Northern Territory statehood was to report to Prime Minister Keating and the Chief Minister by the end of 1995. Completion of the report, however, was delayed until after the federal election. In the interim, there was a change of Chief Minister. The final report of the working group was subsequently submitted to the Prime Minister and myself in May this year, and was tabled at the June meeting of COAG.

The historical significance of that meeting for the Northern Territory cannot be overstated. Its outcome is a milestone in the Territory's quest for statehood. The report, which outlines the mechanisms for a transition to statehood and the issues that need to be addressed, received the support of all state Premiers and Chief Ministers except Premier Carr of New South Wales. Prime Minister Howard has maintained a personal interest and involvement in the Territory's quest for statehood. The Prime Minister was supportive in that he committed the federal Coalition government to facilitating statehood for the Northern Territory although, to date, he has declined to be drawn on a firm commitment to the date 2001. State Premiers and the Chief Minister of the ACT will continue to be consulted. Hence the move of the constitutional development portfolio to the Chief Minister.

The report of the working party on statehood does not argue any particular line or conclusion. Rather, it attempts to set out clearly the implications of statehood, the issues it raises and options that may be available on some matters. While the report indicates that there are some issues to be resolved, it is significant that no substantial impediments to statehood were identified. In particular, there are no financial impediments attached to statehood. The report lays to rest, once and for all, the myth that the Territory might be financially disadvantaged if it were to become a state. This will not occur. The arrangements governing Commonwealth/Northern Territory financial relations do not change because of a change in the Territory's status.

Simply put, statehood is financially neutral - that is, the financial arrangements between the Commonwealth and the Northern Territory are fundamentally the same as those that apply to the states and the ACT. The powers and obligations of the Territory in its financial affairs are the same as those of the states. The Territory has been included in the pool of Commonwealth general revenue assistance to the states since 1988. The Territory is a full member of the Loan Council and is a party to the Commonwealth/states financial agreement. The distribution of the general revenue assistance pool is determined at the annual financial Premiers Conference, having regard to the per capita relativities recommended by the Commonwealth Grants Commission. I quote the report, which was jointly prepared by the Commonwealth and Northern Territory Treasuries, in respect of the financial and economic implications:

The relativities are based on the achievement of a measure of horizontal fiscal equalisation as between the states, and take into account the significant cost

disabilities faced by the Northern Territory in those areas of expenditure covered by the horizontal fiscal equalisation process.

Provided the current horizontal fiscal equalisation arrangements remain in force, the Northern Territory's per capita share of Commonwealth general revenue assistance will continue to be calculated on the same basis irrespective of its status as either a self-governing territory or a state.

This is a crucial consideration for the people of the Northern Territory. It is widely believed that the Territory receives favoured treatment from the Commonwealth. As was detailed in the report from the working group, this is a fallacy. It has been dispelled once and for all. The strong support for Territory statehood, which was received at COAG, is finally in step with both national and Territory public opinion. News polls released in April 1995 showed that the overwhelming majority of Australians, 86%, supported the move to statehood 'if most Territorians were in favour'. The majority, 68%, of Territorians polled were in favour of statehood.

In the 4 short months since the federal election, I am pleased to say that we have achieved more with the federal Coalition government on the issue of Territory statehood than we did in 13 years of a federal Labor government. However, to give credit where credit is due, to date, the Territory branch of the ALP, has given bipartisan support to statehood. That support is warmly welcomed. The Northern Territory government's target is for a grant of statehood by the year 2001. With the national support that we now have, I believe that we can achieve that outcome.

I have written to the Prime Minister seeking the establishment of a joint Commonwealth and Northern Territory steering committee that will be charged with responsibility for the overall carriage of the Northern Territory's transition to statehood. This will include the coordination and implementation of the actions necessary for the phased and orderly transfer to the Northern Territory of those statelike powers currently reserved to the Commonwealth, in accordance with a timetable which I have suggested, leading up to a grant of statehood. It will also be the responsibility of the steering committee to negotiate those matters outlined in the working group report that need to be resolved for agreement between the Territory and Commonwealth governments. Now that we have a firm target for statehood, we need to complete the task of developing a constitution for the Northern Territory as a new state in the 21st century. Our new constitution must be home-grown - prepared for Territorians by Territorians.

Members will recall that, in 1985, this Assembly established a select committee, now the Sessional Committee on Constitutional Development, to address the issue of statehood. Its terms of reference included reporting and recommending to the Assembly on a constitution for the new state, the issues and conditions pertinent to a grant of statehood, and promoting awareness of the related constitutional issues to the Northern Territory and Australian populations.

The sessional committee has consulted widely since that time. It has travelled throughout the Territory, visiting over 90 centres and communities, and has consulted with Territorians from all walks of life. It has embraced several initiatives in cross-cultural communication. As a result, there now exists a substantial body of material. An authoritative and comprehensive series of discussion papers and reports, produced by the committee, addresses the key issues relating to a grant of

statehood. In addition, the sessional committee has actively and extensively promoted awareness, consideration and discussion of issues related to statehood throughout the Northern Territory community. The sessional committee has produced an exposure draft of parts of a new constitution for the Northern Territory, and subsequent additional provisions to that exposure draft. Both have been tabled in this Assembly and a final draft and the report of the sessional committee is to be tabled today. Debate by the Assembly on this document is likely to result in a draft constitution for public discussion and consideration.

There are a number of ways in which the draft constitution can be advanced before it is considered finally by the parliament. Options range between an elected constitutional convention, an enhanced convention that would provide for even wider public consultation, or no convention, with the matter being left to the Northern Territory parliament. The sessional committee has recommended the establishment of a constitutional convention comprising about 74 members - 50 elected, up to 16 appointed and 8 ex officio. The proposal is for the convention to settle a draft constitution for consideration by the Assembly and submission to a referendum of Territory electors.

The concept of an elected convention is a simple enough proposition at first blush. The devil is in the detail. At the last sittings of the Assembly, I posed a series of questions about this proposal that needed to be considered. For example, would voting for candidates be voluntary or compulsory? Would voting be proportional or preferential? Would there be any restriction in terms of the candidates who could nominate? What would a convention of this type achieve beyond the exposure draft of the sessional committee? How long would the process take? Will it assist in achieving statehood by the year 2001? How much would it cost? Is a formal process, located primarily in the precincts of the Legislative Assembly, the most effective method of consultation with the people of the Northern Territory and, in particular, Aboriginal Territorians living in remote communities? Would the convention format, which was recommended by the sessional committee, allow widespread public participation and comment? Finally, would real public participation be limited merely to electing representatives from those who choose to nominate, and would this format allow all Territorians to be heard if they wished?

One option would be to have no constitutional convention, with the decision-making role remaining with the Legislative Assembly of the Northern Territory. Those who urge this path argue that parliaments are elected to govern and that the prospect of 74 additional salaried members debating a constitution would be difficult to justify. I have been provided with preliminary estimates by the Department of the Chief Minister and by Treasury. The bottom line of such an elected convention would be in the vicinity of \$6m to \$10m.

Perhaps the middle path is the option of an expanded convention that would ensure wide community discussion of the specific proposals and the options contained in the draft. Consultations and surveys throughout the Territory have made it clear that people want to know and understand exactly what it is that is being proposed, how it will affect them, and whether their rights and interests will be protected. Such an expanded convention, under the auspices of the sessional committee, could follow on from the extensive education process that has occurred to date. It would be for the committee to convene a series of public forums throughout the Territory and encourage participation by all Territorians to discuss the draft constitution. I envisage this process as including discussion and input from specific interest groups, such as Aboriginal representative groups, industry and

community organisations.

One other option is that modelled on the Constituent Assembly of the new South African Republic. This model would involve all existing members of the Legislative Assembly and a number of appointed representatives of the wider community. For example, under such a proposal, the president of the Trades and Labor Council would take his place next to the Territory president of the Chamber of Commerce and Industry. Land councils, ATSIC and the Business Council could also expect to be represented. My list is not exclusive by any means. It would be the task of the parliament to set the parameters for the appointments, who would be appointed and the charter of the convention. In any event, it is my view that ultimately the Northern Territory parliament must be the final determiner of what comprises the constitution before any consideration is given to a referendum of Territory electors on the issue.

In the process of constitutional development, we have not overlooked, and will not overlook, the fact that the Northern Territory is unique. Over one quarter of our population is comprised of Aboriginal people, many of whom maintain their traditional lifestyle, culture and language. They are integral to the development of the Northern Territory and look to a secure place upon a grant of statehood. Our aim is to achieve a free, harmonious and united society, based on the equality of all our citizens before the law but, at the same time, reflecting and preserving the special situation of the Northern Territory's indigenous inhabitants and giving them the capacity to share in the benefits of development. The Northern Territory is the only jurisdiction in modern times that has actively pursued the involvement of Aboriginal people in constitutional development and which is specifically addressing the Aboriginal issues. A grant of statehood, with the adoption of an entrenched new state constitution reflecting the needs and aspirations of all Territorians, provides a unique opportunity to lay down the framework for a genuinely culturally-diverse society for the future.

I do not propose to comment in detail on the draft constitution. That is the work of the sessional committee and it would unfairly pre-empt the tabling of that draft constitution that will follow on from this ministerial statement. However, I do expect that to be a robust debate, particularly given that the committee will be foreshadowing a number of options plus a range of issues.

As the year 2001 approaches, many Australians now believe that a review of the federal system, with appropriate constitutional reform, should occur contemporaneously with the centenary of federation as a demonstration of Australia's maturity as a nation. Equally, as self-government in the Northern Territory enters its 18th year, many Territorians believe that it is now appropriate for the Northern Territory to take its place as a full and equal partner in the Australian federation. Later this year, I intend to introduce legislation that will provide for one of the options for a convention set out in the statement. I move that the Assembly take note of the statement.

Mrs HICKEY (Opposition Leader): Mr Speaker, the Chief Minister has described the ministerial statement he has delivered in the Assembly today as an important one. There is no doubt that the issue is important. Members on this side were looking forward to the statement with some anticipation. Unfortunately, his statement falls far short of his description. Only in the last sentence did he flag his intention of pursuing, before the end of the year, one or other of the options that he detailed. What the Chief Minister has delivered today is a ministerial statement that has failed miserably to progress the debate on statehood. I say that more in sadness than in anger. Only on the

issue of a constitutional convention has he said anything that we have not heard before and, on that matter, he has not progressed the debate but set it back.

I will deal with the substance of the Chief Minister's statement a little later. First I want to deal with 2 issues: the position of Territory Labor and the constitutional history of the Northern Territory. Whether the Country Liberal Party administration likes it or not, the 2 issues are fundamentally linked. To ensure that my remarks cannot be misinterpreted or twisted in any way, let me state the position of Territory Labor very clearly. Territory Labor supports statehood. We support the achievement of statehood by the year 2001. Territory Labor believes that statehood is the final step in a long constitutional struggle that has occurred over almost 100 years. We believe that statehood is a central issue to the future of the Northern Territory. We are adamant that the primary focus now must be on the development and finalisation of a Territory constitution. That constitution must be a document that guarantees the rights of all Territorians. Territory Labor strongly believes that the people of the Northern Territory must be integrally and intimately involved in the writing of a Territory constitution. We believe the best way to achieve this is through a constitutional convention. Territory Labor believes that, if necessary, statehood can be granted without 12 Senators. We recognise that this would reduce our power in Canberra, but we accept the reality that it is highly unlikely that statehood will ever be forthcoming if we insist on having 12 Senators at the outset.

I hope I have made the position of the opposition in this House absolutely clear. Let me turn now to the second issue that I flagged - the history of constitutional development in the Northern Territory. I do so because this history is a source of considerable pride to Territory Labor. Frank Alcorta, who is well-known to all members and is no friend of the Labor Party, said that the history of the Territory is largely the history of Territory Labor. He is right. The constitutional struggles fought right through this century have had Territory Labor at their centre.

From 1863 until 1911, the Northern Territory was administered by South Australia. In 1908, Mr Tom Crush, a Territory Labor member, was elected to the South Australian parliament. He began immediately to agitate for greater autonomy for the Northern Territory even then. When the Commonwealth decided to resume control of the Territory in 1911, it denied the Territory an opportunity to be represented in the new parliament. Immediately, Territory Labor and Labor movement members took up the cudgels to fight that decision. Harold Nelson, the Labor leader, led that fight. Along the way, they ousted a Territory Administrator, Gilruth, and were jailed for their struggle. They used the catchcry of 'no taxation without representation'.

In 1921, the Commonwealth gave in. In 1922, the Territory was represented in the Commonwealth parliament. Harold Nelson was elected overwhelmingly and continued as a member of that parliament until 1934. On achieving representation, he did not give up the fight for a better Territory say. The Territory's representative was limited by 2 constraining factors. Firstly, he was allowed to speak only on matters relevant to the Territory. Secondly, he was not given a vote. He immediately set about trying to change that form of representation. In 1930, Nelson successfully moved in the House of Representatives for the establishment of a Territory Legislative Council. The motion was defeated in the Senate by the Country Party.

The next significant movement on constitutional development came in the 1940s, this time led by Jock Nelson, Harold's son, and by the respected Territory leader, Dick Ward. In 1947, Ben

Chiffley, the Labor Prime Minister, established a Legislative Council that was partially elected and partially appointed. Both Nelson and Ward were on that council. In 1949, Jock Nelson was elected to represent the Territory in Canberra. He began a new push for greater Territory representation. He gained the Territory a vote in the House of Representatives and, had history been a little different, he would have achieved a great deal more than that.

In 1963, the Labor Party nationally included in its election platform a commitment to the establishment of a fully-elected Legislative Assembly, self-government and Senate representation. Unfortunately, Labor did not win that election and Jock Nelson was unable to achieve this dream. The next major movement on the constitutional front came about with the election of the Whitlam Labor government. Senate representation was won. The Northern Territory gained a fully-elected Legislative Assembly and plans were set in place for the establishment of self-government. Malcolm Fraser delivered on those Labor commitments after his election in 1975, and I congratulate him on that. As we all know, self-government occurred in 1978.

It has been a long and dedicated struggle by my side of politics to achieve constitutional progress in the Territory, and we are totally in support of it now. I place this on the record because it is apparent to all and sundry that the Country Liberal Party government ignores the role of Territory Labor in constitutional development. It does so for its own short-sighted political purposes. It is continuing to do so in a way that I believe threatens the progress of statehood rather than assists it, and it is very deliberate. However, I can tell the Chief Minister that this tactic will not work.

I turn now to the position of the federal government and those of other state leaders. The Chief Minister seeks to make much of the federal Labor government's feet-dragging in relation to statehood, but it was not so opposed to statehood as the Chief Minister likes to pretend. After all, as he has admitted, the Commonwealth/state paper before COAG was largely prepared during the time of a federal Labor government. However, I must admit that there have been difficulties, and I and my predecessors have not shirked the task of educating federal Labor members about the issues that are of importance to Territorians. There is now a new federal government and one which I believe is not as committed to statehood as the Chief Minister would have us believe. I too have written to the Prime Minister about statehood. I seek leave to table a copy of the letter that I sent to Hon John Howard.

Leave granted.

Mrs HICKEY: Mr Speaker, the letter sets out the history of the Sessional Committee on Constitutional Development and the concerns that I had in relation to the constitutional development process. I have watched the comments on television from the Prime Minister, and I have seen snippets of correspondence that the Chief Minister has revealed between himself and the Prime Minister. It is evident that John Howard is not prepared to commit himself to a timetable, but is prepared to commit himself only to the inevitability of statehood. I seek leave to table a copy of the response that I received from Hon John Howard to my letter about statehood on 17 May.

Leave granted.

Mrs HICKEY: Mr Speaker, the Prime Minister states that the Council of Australian Governments

meeting on 14 June reaffirmed his government's commitment to working with the Northern Territory to achieve statehood for the Territory. He went through some of the processes and stated in his last paragraph:

Until the Commonwealth government has been able to consider these issues in the round, I am not in a position to say what might be the best approach to developing a constitution for the Territory. I am, however, grateful to you for letting me know your views on these issues.

That is hardly a ringing endorsement of statehood. I believe the Chief Minister has overstated the case in relation to the Prime Minister and understated the case in relation to the Labor Party. There is a long way to go with this federal government, as there was with the previous federal government.

On the issue of other state leaders, I would like to report to this Assembly that, in May this year, I and one of my staff and the Territory Labor Party secretary attended a meeting of Labor leaders in Sydney. All 3 of us raised the issue of statehood in our respective sessions at that meeting. Later, I raised the issue at the plenary session of the meeting. On all occasions, we did not meet the resistance that the Chief Minister claims exists in Labor ranks. Premier Carr was quite willing to listen to the arguments that I put forward and understood the position of Territory Labor. He is not the great resister that the Chief Minister makes him out to be. I suspect the Chief Minister is guilty of playing politics on this issue. In Premier Carr, he has the only Labor Premier that he can have a shot at, and he is painting him as the bogeyman to be overcome. I believe that tactic is immature and does the Chief Minister's cause no good at all.

He had a shot at the federal Leader of the Opposition, Kim Beazley, about his comments on statehood. There is no doubt that Kim Beazley got it wrong in relation to the finances accruable to the Northern Territory. However, I believe he made a very valid point about the flag. It is the best flag, as I am sure members agree. To set the record straight, I will read from the response that I had from Mr Beazley to letters that I sent to all state leaders and the federal opposition on 20 May 1996:

I refer to your letter of 20 May concerning the processes leading to the grant of statehood for the Northern Territory, and the makeup of a constitutional convention to draft a constitution. The prospect of statehood for the Territory is an exciting one and I appreciate you keeping me informed of the progress of this debate.

It would seem that a representative convention is the most sensible way for a constitution to be drafted. A constitution dominated by the government in power at the time of its enactment could never withstand the tests of its impartiality that would surely come in the years following the grant of statehood. For a constitution to be representative of the people, not the government, and a truly impartial document, it would need to be drafted by a bipartisan and representative process. I hope the Australian Labor Party in the Northern Territory will continue to demand the process of bipartisan development of a draft constitution, and I am sure the people of the Northern Territory will support that. The Northern Territory ALP will certainly enjoy my support in doing so.

I seek leave to table a copy of that letter. I have read it in its entirety. There are no hidden messages that he is not in favour of statehood.

Leave granted.

Mrs HICKEY: Let us start putting some truth into this argument. I return to the standpoint of the Prime Minister and his National Party colleagues. I single out the National Party because, historically, it has been a sizeable obstruction in the path to the Territory's constitutional development, and I suspect that it continues to be so.

I believe that the Prime Minister and his colleagues - and, for that matter, my colleagues nationally - would find the will of the people of the Northern Territory impossible to resist if that will were expressed in an open and clear way. The best way for this to occur is through a constitutional process where the future blueprint for our state is written by the people of the proposed new state. To my mind, that means a constitutional convention. My colleagues and I are committed to that process. I believe the Sessional Committee on Constitutional Development is committed to that process. The main enemy in this House to the process of a constitutional convention is the Chief Minister. For this reason, the Chief Minister removed the portfolio of constitutional development from the member for Nightcliff. He wants to hijack the process. The member for Nightcliff is committed to a constitutional convention. If he has any intestinal fortitude, he will stand up in this Assembly today and say so.

The Chief Minister has attempted to cloud his opposition to a constitutional convention by raising 10 questions about its processes, but most of those questions are furrphies. The real basis of the Chief Minister's opposition is buried in the paragraphs in 8444his statement following those questions. The first reason for his opposition to a constitutional convention is the fact that he believes that this parliament is the forum that should determine statehood without resort to the people. It is typical of the Chief Minister's arrogant attitude to consultation and negotiation. In his view, all wisdom resides in his own head. It does not. I put him on notice now that we will oppose this approach stridently because Territory Labor believes that the people of the Northern Territory have a right to be involved in the debate on our constitution and in the writing of that constitution. A constitutional convention, not some watered-down version that he is proposing as another option, is the mechanism that will best provide that opportunity.

Territory Labor has been involved in a consultation process, both within our own party and with the people of the Northern Territory. We recently held forums in each of the major centres of the Territory on these issues. We have been involved with the Sessional Committee on Constitutional Development Committee since day one. We believe that one of the clearest messages given in all of these forums is that the people want a say in the contents of the constitution. I believe that, without that opportunity, there will be unnecessary resistance to the issues involved in statehood.

The Chief Minister's second reason for opposing a constitutional convention is the cost. He puts the figure at \$6m to \$10m. Dalway cost Territory taxpayers more than that! The Sheraton in Darwin alone cost the taxpayers many times that figure. The Sheraton at Yulara fiasco, as a whole, cost 100 times that figure. The Country Liberal Party's meek acceptance of cuts from Canberra, just

yesterday, has cost us all many times that figure. The money must be made available for this process. After all, what price is the Chief Minister prepared to put on statehood? Clearly, his price limit is \$10m. I can assure him that my commitment, and the commitment of Territory Labor, is much more than that.

It is quite clear that the Chief Minister is committed to a statehood process, but locks out the people of the Northern Territory. I hope his view does not prevail with his colleagues on that side because, if it does, the cause of statehood will suffer. This placing of a price on statehood today reminds me of the previous Chief Minister's stance. During the early 1990s, at a time when consultation on statehood was critical, the previous Chief Minister and the Cabinet, of which this Chief Minister was a member, slashed the funds available to the Sessional Committee on Constitutional Development. It set back the consultation process significantly. That was a mistake of significant proportion. The Chief Minister now seems intent on compounding that mistake. He will do so against the strenuous objections of Territory Labor.

The final issues I wish to address today are the financial arguments and the euthanasia argument. Of course, we had much debate surrounding those issues this morning. I hope this paper will see the burial of the financial arguments against statehood. I am very pleased that the joint Territory/Commonwealth report puts the last nail in the coffin of opposition to statehood based on financial arguments. Indeed, they have been furphies from start to finish. To be sure, there are many arguments and discussions in front of us, but we do not need the distraction of that one.

The second issue is equally a furphy and is being peddled by the Chief Minister and his deputy for very different political purposes. This is the argument about euthanasia. I do not believe that euthanasia will affect the issue of statehood. I believe that Kevin Andrews's private member's bill strengthens the arguments for statehood. I have said so in letters to the Prime Minister, and publicly at rallies in the Northern Territory. I believe the issue of euthanasia will not figure in the consideration of members of the Commonwealth parliament when deciding their positions on our constitutional future.

I believe the Chief Minister has failed to progress the issues of statehood in his statement today. I believe his clear opposition to a constitutional convention will set back the progress of statehood. I put him on notice that I and Territory Labor will fight him on this issue. I am certain that the majority of Territorians will support us in that regard. The Chief Minister has given us a clear indication today that he is prepared to abandon the bipartisan intent of the Sessional Committee on Constitutional Development whose members worked long and hard in the clear understanding that they were working towards a constitutional convention being established in the Northern Territory.

I note that the member for Nightcliff is picking up his pen and making a note. I will be very interested to hear his arguments in that regard. If it is his intention to support his Chief Minister on this, I will be disappointed indeed. More than any member of this parliament, it is fair to say that the member for Nightcliff has put in enormous effort and time on this matter. On occasion, he has had to put his reputation with his colleagues on the line in order to argue the case for proper and orderly progression towards statehood through a proper constitutional development process and a constitutional convention. If the member for Nightcliff says today that he has backed away from that position, for whatever reason, I believe that people are entitled to be disappointed in him. I know he

is in a difficult position because he has a Chief Minister who wants to rush this process through in a cheap way and in a way that will not provide a proper consultation process for the people.

The Chief Minister is afraid of losing power in this situation. He is afraid of letting the reins slip from him and providing them to the people of the Northern Territory. It will not do. A constitution is for the people, by the people. The Chief Minister's comment in his statement that the committee has consulted widely is true. However, my observation of many of those meetings is that it has been largely an information process. People have asked questions, but they have not really had the opportunity to get into the nitty-gritty of the issues, clause by clause, in the documents that we have produced over the years. You cannot do it in the space of a meeting of 2 or 3 hours. You have to sit down, consider, read the papers, have briefings provided to you, go away, talk to your colleagues about it and come back again. It is a very long, complex process. Certainly, if we have a constitutional convention, it will take time and it will cost money. The Chief Minister's figure of between \$6m and \$10m is very likely to be right.

Mr Stirling: That is cheap.

Mrs HICKEY: As my colleague says, if that is the price of getting it right, of involving the people and securing their commitment to it so that, at the time of the referendum, there is a document that people believe in, agree with and own, so be it. Unless we do that, we will fail Territorians now and in the future. It is a vital issue that is central and pivotal to this matter.

The Chief Minister, in what he is proposing to do - and it is fairly clear from the tenor of this statement what course of action he wants to take - is breaking faith with the members of this House, with those who have worked on the constitutional development committee over the years, and with Territorians. In effect, he is saying: 'I know what is best for you. When it comes down to it, this matter will be dealt with in the Territory parliament. I do not want to let go of the reins of power in relation to this matter. I do not want to let go because something that I do not like or do not believe in might be slipped into the constitution. I am not willing to take that risk, and I am not willing to pay for it'.

Let me put him on notice that, if he persists down that path, he will experience opposition from Territory Labor. It will not be opposition to statehood or to constitutional development, but opposition to a Chief Minister's attitude towards this process that is flawed. I hope his colleagues opposite will have the fortitude to say that the Chief Minister is wrong in this and that the processes that we have all been working through for a decade or more should be adhered to. I have no more to say on this, but I will be very interested to know what other members have to say. This is an extremely important and serious issue. I urge them to search their consciences, as well as their political beliefs, before they speak and before they make a decision so vital to the Northern Territory.

Mr REED (Deputy Chief Minister): Mr Speaker, as a Territorian, I am proud to take part in this debate today on the ministerial statement by the Chief Minister on the Territory as Australia's seventh state. Progress has been made today on the democratic maturity of the Northern Territory. The progress to date has been from a fully-appointed Legislative Council, to a partly-appointed and partly-elected Legislative Council and, in 1974, to a fully-elected Assembly and self-government in

1978. We now march towards statehood. This is a unique position to be in as an Australian - to have the opportunity to participate in the processes that we are now discussing in response to the Chief Minister's statement.

The opportunities lie ahead, but it will still be a long road. No doubt, some of the going will tough and there will be testing times. However, I believe we can be a little more assured now that we have a federal government that is more agreeable to the granting of statehood to the Northern Territory and a Prime Minister who is certainly supportive. I can say that from personal experience, having sat in now on 2 Premiers Conferences and COAG meetings over the last 2 years, 1994 and 1995. I have seen a major shift from where we were with the federal Labor government, in trying to promote and achieve statehood for the Northern Territory, to the outcome of meetings that I have been at this year with a new Coalition government. There is a stark contrast in the attitudes of those 2 governments and their feelings related to the achievement of statehood by the Northern Territory.

The Chief Minister spoke of some of the processes that we have been through. The working group on Northern Territory statehood that was supposed to report to Prime Minister Keating was put in place at the Premiers Conference in Canberra in 1994. I remember that meeting well because that working party was established virtually by accident. There was a very good representation by the then Chief Minister, Marshall Perron, and Deputy Chief Minister, Barry Coulter. I was there as assistant Treasurer. I witnessed Prime Minister Keating's tardiness and reluctance even to discuss the matter at the Premiers Conference. It was an achievement to have any discussion and a big achievement, almost by default, to have the working party established. It was a minute-to-midnight decision at the end of the conference.

Worse still, it was quite clear very early in the piece that the riding instructions given to the Canberra bureaucrats stated that the matter did not have a very high priority. Bureaucrats were neither particularly aggressive nor running at full pace to progress the working party. It took considerable effort from senior public servants in the Northern Territory to work with the Canberra bureaucrats in the knowledge that frustrations lay ahead of them. The attitude of the federal bureaucracy reflected the directions that had come from the federal government. Against that background, we set out on the course that saw the establishment of the working group and the report that was eventually brought down and discussed further.

The meeting in Canberra in 1995 and the meeting in Canberra this year were light-years apart. The attitude was completely different. We had a Prime Minister who was not only familiar with, but sympathetic to, the principles of federation and the opportunity that exists to establish Australia's seventh state - the Northern Territory. There was a commitment from him to the Chief Minister and myself that he would cooperate with our efforts to achieve statehood. The Chief Minister has set the date as 2001. I think that it would be a most appropriate celebration of the birthday of the federation.

Mr Bailey: A space odyssey.

Mr REED: We have a comment from one of the great interjectors of our time.

They are back from lunch, as disruptive and as flippant as ever. It is again a clear indication - and I will put it on the record - from members opposite that they do not take their jobs seriously. They do

not have a commitment to matters that Territorians consider to be serious. They do not apply themselves to the task at hand.

The Prime Minister and the COAG meeting this year were quite different from those of the previous year. It was interesting to note that the degree of support from the Premiers was vastly different from that in the year before. In particular, the strong support in the peak national forum by the Premiers of Victoria, South Australia and Western Australia of the Territory's efforts to achieve statehood will be recognised in the future as one of the milestones in our march towards statehood. I believe it was a watershed. Clearly, without the strong support of the states, our efforts to achieve statehood would be that much more difficult. We can be grateful that Premiers Kennett, Court, Borbidge and Brown came out so publicly and so strongly, in that peak national forum of Chief Ministers, Premiers and the Prime Minister, in support of the Northern Territory's drive for statehood. It is a pity that there was a reluctance on the part of Premier Carr from New South Wales. Obviously, he is not so fond of the principle of federation - that all Australians not only experience the same standards of service, but also have the same rights. However, I am hopeful that even Premier Carr will lend his full support one day to the achievement of statehood for the Northern Territory.

I was disappointed to hear comments by the Leader of the Opposition about what has transpired in the past. Clearly, she does not understand the complexity of the issue or the difficulty that has been experienced in trying to progress the statehood process through a federal Labor government that had no interest in seeing it fulfilled. That created great difficulty. The single flagpole on which the Leader of Opposition could hoist her pennant today was a letter from the office of the Leader of the Opposition, Kim Beazley. He said that the 'prospect of statehood for the Territory is an exciting one'. He went on to say to the Leader of the Opposition: 'I appreciate you keeping me informed of the progress of this debate'. If the alternative Prime Minister were at all interested in a grant of statehood to the Northern Territory, he would not have to be kept informed by the Leader of the Opposition in the Northern Territory. Not only would he be up with the debate, but one would like to think that he would be leading the push to bring Territorians into the full family of the federated states so that they had the same rights as other Australians.

The federal Leader of the Opposition, Kim Beazley, is a Rhodes scholar. Our Leader of the Opposition says that this letter defines his support as the alternative Prime Minister of Australia. She is hoisting her flag on a very tenuous and very rusty flagpole. This Rhodes scholar who talks about 'the prospect of statehood' being 'an exciting one' does not give me much excitement at all. It is not so much a matter of what the federal Leader of the Opposition said, but what he did not say. We must bear in mind that he is a Rhodes scholar. He knows the words to use when he wants the highest level of weasel clauses that he can obtain in any letter that he writes. This is classic weaselly Beazley. You will never find a better weasel clause than this. This is a Rhodes scholar weasel clause from weaselly Beazley. That is what the Leader of the Opposition lends her support to, claiming that the federal Labor Party supports our drive towards statehood. What a load of nonsense! If that is the level of support that the Labor Party in the Territory and the Labor Party nationally can offer to our drive towards statehood, they may as well stay at home. They will not progress our cause at all.

The sessional committee has produced an exposure draft of parts of the new constitution for the Northern Territory. The Leader of the Opposition implied that it was a holistic draft, and conjured

up the view that it would be warmly embraced by everyone in the Territory. I must say that quite a few people have come to me with the cold shivers in relation to certain aspects of the exposure draft. That is not a criticism of the exposure draft or of the committee. The committee prepared the exposure draft for that very purpose - to obtain a response from people about their views. I am pleased to say that some people have come forward to express their views. The debate in this Assembly on this document is likely to result in a draft constitution for public discussion and ...

Mr Bailey: Tell us the areas that give you the cold shivers. Give us an example.

Mr REED: Do I hear an interjection? Oh, it is the member for Wanguri! How out of character it is for him to be interjecting in such a way!

Mr Bailey: You make broad statements like that.

Mr REED: And again! Do you want another interjection auction, or will you be a little better mannered and let me continue with my remarks?

As the Chief Minister has said, there are a number of options in relation to a constitutional convention. One of them, which was flagged previously and recommended by the sessional committee, is the establishment of a large constitutional convention. I believe that would be a little cumbersome but, in earlier times, I thought it might have been of benefit. Previously, when we were battling with a federal government that was not particularly conducive to the grant of statehood, a large constitutional convention of that kind might have generated in it some level of interest and awareness of what Territorians wanted. I believe we should consider the makeup of a constitutional convention in the light of contemporary circumstances. The circumstances that existed at the time of the initial constitutional convention proposal were quite different. There was a federal government to convince as well as the people of the Northern Territory, although there was strong support from Territorians and from Australians generally for statehood for the Territory. Circumstances have changed substantially. The current federal government does not need convincing that statehood is worth while and achievable for the Territory. I believe that can simplify dramatically the processes that we put in place to advance the constitutional discussions and frame a constitution with community input.

The Leader of the Opposition indicated that she is a strong proponent of the constitutional convention that is currently proposed by the committee. However, I believe it pays to re-evaluate circumstances from time to time. If they have changed and there is a somewhat simplified road ahead, as there now appears to be with the attitude of the new federal government, the constitutional convention as currently proposed by the committee perhaps could be amended to something more appropriate to the current circumstances. There are questions of logistics in terms of the ability to select a large convention and have it travel around the Northern Territory. There is also the matter of cost. All aspects need to be considered.

In any event, as the Chief Minister has indicated, the decisions as to the format of the constitutional convention, its role and the time for which it will be in place will be a matter for discussion and resolution in this parliament. I believe that is an appropriate course of action to take, and one that will see a style of convention put in place that will serve Territorians well. We have the capacity to

do it. Over the period of self-government since 1974, it has been proven that Territorians have confidence in this parliament to put in place a process that will further progress the Territory towards statehood in a way that is both orderly and appropriate for the contemporary circumstances that we face and the hurdles that we have to clear.

There are exciting times ahead, but I believe they will be somewhat easier under the new federal government. I would like to see a much greater commitment from the federal opposition. Federal Labor has been very tardy, as I have illustrated in relation to the federal Leader of the Opposition's letter. That is not an expression of support for statehood. It is simply a weasel clause that will enable him to do precisely what he wants at any given time. There is no indication as to what that might be. He may be a weasel of small proportions or he may be a weasel of extraordinarily large proportions. We will not know until we are bitten. We cannot afford to be in that position. The federal Labor Party has to be much more open with Territorians in terms of putting its intentions on the table and letting them know that it does strongly support our march towards statehood.

I strongly support the Chief Minister's statement and look forward to working, as a Territorian and as a member of this parliament, towards our achievement of statehood.

Mr BAILEY (Wanguri): Mr Speaker, I am sure the ferret from Katherine would be an expert on weasel clauses.

Mr SPEAKER: Order! That is not appropriate. The honourable member will withdraw his remark.

Mr BAILEY: Mr Speaker, I withdraw. The member for Katherine is quite happy to use the same derogatory comment about the federal Leader of the Opposition. It seems that there are different standards on the government's side as to the way they refer to ...

Mr SPEAKER: Order! Without comment.

Mr BAILEY: Mr Speaker, it is disappointing, following the Chief Minister's ministerial statement, that the Deputy Chief Minister has cut the ground from underneath him. He did the same thing last night in relation to euthanasia. He runs a totally different line.

The Chief Minister has presented a statement on statehood. As the Leader of the Opposition has already commented, it did not have the detail that we had expected. Since becoming Chief Minister, he has been saying that everything has been accelerated. As a member of the sessional committee - now almost a senior member - I can say that it has had its ups and downs, its go-slows and its periods of moving along reasonably quickly. It moved very quickly for a time in order to ensure that the draft constitution was completed for tabling in this Chamber. The committee had time-lines. It stated that the draft needed to be tabled at this point to enable preparation for the convention and the necessary stages leading to a final constitution approved by referendum so that the Territory could move to statehood by 2001.

Over the years, the current Chief Minister and the previous Chief Minister have had varying degrees of success with the federal government and the states in terms of their attitude to statehood. There have been a number of issues. One that arises regularly and has major constitutional implications is

the number of Senators that the Territory would have at statehood. Different messages have been emerging from both sides of politics in the Northern Territory and from federal sources on the question of whether the Territory will have

12 Senators or 2. This has been one area where it has been difficult to obtain any agreement.

In my years on the sessional committee, the committee has operated largely on an agenda of what is best for the Territory and how constitutional development may be obtained. I must say that differences of opinion within that committee have been small. In its search for light at the end of the tunnel, all its members have been heading in exactly the same direction. At times, there have been slight changes, but I must say that I have felt that it has worked quite well. Without anticipating the debate, members are aware that the chairman of the committee will table the final draft constitution later today. Basically, that document has been agreed on by the entire committee. A great deal of good work has been done in that regard.

Unfortunately, all sides of politics - conservative, Labor, local, federal and state - have played games over the years with this. We all must accept some blame for that. The games have related to what people want in terms of outcomes. What I believe has been most damaging is the use of the issue of statehood as a means of criticising the other side. When there was a federal Labor government and a CLP Territory government, part of the political game was that the Territory government felt it had to attack that federal government over constitutional or simply general issues. How would one expect a federal Labor Prime Minister to respond to CLP governments that do nothing in the Northern Territory except bag his federal government? Territory governments then expressed surprise or anger because the Prime Minister did not agree with everything they said. If no effort is made to establish cooperative arrangements, it is only to be expected that, at times, cooperation will not be forthcoming. If you do not cooperate, why should others? I believe that has been a criticism from all sides.

Another factor is that some occurrences in the Territory over the years have left the Territory open to criticism from people elsewhere. I am very happy to criticise some of the things that the CLP government has done. However, like Senator Bob Collins, I believe that the Territory has a right to govern itself. I may not agree with the way it governs itself but, overall, it will govern itself better than it will be governed by Canberra. Last night, the Deputy Chief Minister highlighted an area of dispute that is approaching. That turkey from Menzies, Mr Andrews, is saying that the Territory has passed a law that he does not like and that he will seek to use federal powers to get rid of it. The Deputy Chief Minister has not been using the vitriol towards Mr Andrews that he has used towards previous Labor people who have commented on actions that they did not agree with, whether that has been related to land rights, native title or whatever. A point that has been made on many occasions - and I am on the public record as saying it in this Chamber - is that the only way the Territory will achieve statehood is by all Territorians working for that common goal. As politicians, we are the single most influential group in the Northern Territory seeking to implement statehood. If all 25 of us are working for a common goal, we are much more likely to achieve it than if we are divided on party lines and we want to throw mud at each other, locally in the Territory or on the federal scene.

The Chief Minister said that it is great that John Howard has said that the Territory can have statehood. When we examine that, it amounts to his saying that his government agrees that, at some time in the future, the Territory can be called a state. There are no categorical assurances of the

conditions that would apply. In fact, to all intents and purposes, our circumstances could continue exactly as they are under self-government. The Territory could be called a 'state' and still be inferior to the rest of Australia. The Territory could be created a state under a state self-government act that did not grant full powers. Thus, it is crucial that the Territory achieve statehood and is endowed with equal status with the other states.

One of the main sticking-points is Senate representation and the effect that may have on the federal balance of power. If we have a population in the Territory equal to that of another state, which I am sure will occur - it is likely that we will catch up with Tasmania in the not-too-distant future - I would consider Territorians to be treated unequally if that state had 12 Senators and we had only 2 and the Territory had a much greater landmass and made a significantly greater financial contribution to Australia. That would not be fair. It is my understanding that our financial contribution is already as great as Tasmania's or pretty close to it. That results from our mining sector, tourism etc. Even though our population is smaller, our gross domestic product is as great. No matter whom you talk to, be they Territorians or other Australians, people find it almost impossible to understand the proposition that, within

4 years, the Territory could have 12 Senators. I agree with them. It is a very difficult concept to understand. However, when the Territory's population is as great as Tasmania's, unless the formula for the numbers of Senators has been changed, the Territory should have as many as Tasmania does. If it does not, it will be a second-class state.

The Chief Minister made some suggestion that the number of Territory Senate seats could increase progressively. That is one solution. Another potential solution, if you want to leave the rest of the system in place, is to say that the smallest existing state has enough people for a full quota of Senators, and any other new state would receive a number of Senators proportionate to the smallest state. Therefore, with a population one-third as great as Tasmania's, the Territory would have 4 Senators. When our population reached half that of Tasmania's, it would have 6 Senators. It would increase to enable the Territory to argue that, proportionately, it was as well-represented as the smallest state and, when its population equalled that of the smallest state, it would have representation that was equal to that of that state. Unless there was any other major reshuffle of the rest of the federation, I believe that would be fair. I have no great difficulty with the Chief Minister's suggestion of an increase to be phased in, provided the Territory is treated equally. Matters such as Mr Andrews's bill are ones that all members have to work together on to gain support from the states and from our colleagues on both sides of politics, and to explain to federal members that the issue that they are discussing in Canberra is not euthanasia. The issue is state rights versus Commonwealth rights and, on that issue, the Commonwealth is wrong.

The other crucial issue in the debate, and one that the Leader of the Opposition spent some time on, is our concern at the government's move away from a constitutional convention elected by the people. It is a concern that I have had for some time and have expressed within the committee. A constitution is the legal document that controls politicians. It is my concern that, while a committee of politicians has produced a draft constitution that it believes is almost the only process to use, at the end of the day more than politicians will be needed to determine exactly what is in the constitution. My concern is that, no matter how hard I try to be detached from my role as a politician in assessing the content of the constitution, I may find myself assessing something as a politician rather than as a citizen, and lose objectivity. We have specific viewpoints on how politicians should respond and

how one way of doing things as a politician may be better than another. It is important that the people of the Northern Territory not only be involved in the passing of the constitution through a referendum, but also be significantly involved in that input.

I have concerns that the argument that the cost of a convention is the main reason for not having one is a case of politicians dominating the process. Politicians may well consult and work with a reference group, but the fact remains that they are dominating the process. In drafting a constitution, a political party may be inclined to follow its own philosophies too closely. The 2 parties may suggest that they command a large area of support in the community. By the very nature of our single-member electorates, support of a significant majority group must be gained within the community for a person to be elected. The smaller groups throughout the wider community, with 5%, 10% or 15% support, are not represented in the parliamentary process as it is today. It is important, therefore, that we maintain the push for a constitutional convention that includes a group of people who have a specific interest in the constitutional development process.

I give the Chief Minister credit for acknowledging Territory Labor's support in relation to statehood and for not playing party politics. We have been concerned in recent years that much of the agenda on statehood was being used as a political issue. We have concerns that the government sees constitutional development as an executive government decision and an executive government role whereby it makes the decisions on how the Northern Territory should move towards statehood. I have said this to the Chief Minister in other forums and I repeat it here. It is crucial that the parliament of the Northern Territory works toward statehood in a bipartisan way. That means that its members must work together to define that direction. Bipartisanship is not the government indicating the way it wants to go and saying that, if the Labor members agree, there will be a bipartisan agreement. Bipartisanship involves the 2 sides working together to forge the direction to a common goal. It is not the government with the opposition on the side, but a matter of working together.

That is the way the committee has operated in the time that I have been a member of it. In the first instance, ideas come from all sides. Even within the 2 parties, there will be significant variations. In fact, members from opposing parties may find common ground. Working through that and finding the common agenda that we all agree on, with a little give or take, will lead to the constitutional entrenchment of statehood in the Territory. It is important for the Chief Minister to take opposition members more into his confidence and work with them for constitutional development rather than simply saying that he will provide us with copies of his statement a week earlier than we would normally receive them. While that is helpful in preparing for the debate, and possibly providing feedback to him, I do not believe that is true bipartisanship. In the not-too-distant future, the Chief Minister should decide to use the sessional committee as a bipartisan working group to define the direction of statehood and even to set goals on how we should be lobbying the states and the federal government. When he plans on going to Canberra, maybe he should suggest that the Leader of the Opposition join him in lobbying. Maybe that is what we need to do in relation to Mr Andrews - go down there and show him that the Territory is standing together and that it is not a party political issue.

Those are issues that I believe need to be sorted out soon. We do not want to end up in a situation where one side or the other becomes committed to a fixed view without allowing it to be debated.

The moment we start to have a division on this issue within the Territory, we can kiss goodbye to statehood and constitutional development in the time-frame that is envisaged at the moment. There is not enough support across the rest of Australia to give us constitutional development unless everyone in the Territory wants it. I support the Chief Minister's statement.

Mr HATTON (Correctional Services): Mr Speaker, I rise to support the Chief Minister's statement and to make a few comments on it. Members know that, later today, as chairman of the Sessional Committee on Constitutional Development, I will be tabling the final draft constitution for the Northern Territory and speaking extensively to that. I will not debate the constitutional issues now, but save them for that later debate.

This statement by the Chief Minister addresses 2 things: firstly, where we are going on statehood and how we are going about it and, secondly, our future direction in terms of taking the work of the sessional committee on the constitution and progressing it through to the stage where it will become the Northern Territory constitution in its final form. On the first point, the Chief Minister's statement outlined again the history of the struggle of the people and notables of the Northern Territory in striving towards some semblance of democratic justice and equality vis-a-vis other Australians. We have heard it reiterated today - and I have a sense of turning on a tape-recorder when I hear myself discussing these issues, they demand continuous reminders - that we have never really had full political rights or representation in the Northern Territory. The Territory was stripped of everything in 1911 when it became a Commonwealth territory. In a series of struggles, up to and including today, it has gradually clawed back some of the rights. In many respects, one would say the Territory is coming close to being the perfect Clayton's state. It looks like a state, it smells like a state, but it is not a state. All the rights and privileges that Territorians have at the moment, as citizens of Australia, are potentially transient. None is constitutionally entrenched or guaranteed. That is the goal of statehood.

The Chief Minister referred to the work of the COAG committee and the debunking of many of the myths related to the Northern Territory becoming a state. That report addressed a number of the issues that needed to be addressed in progressing towards statehood. Essentially, there has to be a process of negotiation between the Northern Territory parliament, the Northern Territory government, the federal parliament and the federal government. Under section 121 of the Australian Constitution, that process of negotiation will determine the conditions under which the Territory achieves statehood.

No Territorian would argue other than that the Territory should be granted statehood with a range of powers and functions and representation equivalent to those of the other states. Interestingly, during the formation of the 49th state of the United States, Alaska, the issue of Senate representation was taken to the Supreme Court of the United States. It determined the principle that a state is a state is a state, and there should be equal representation. One cannot have statehood without it. Admittedly, each state in the United States has only 2 Senators, compared with 12 in Australia.

Mr Ede: That is interesting.

Mr HATTON: Yes. The state of Wyoming, with a population of 310 000, has 2 Senators - the same as the state of California with a population of 25 million. That was done to

provide geographic representation. In Australia, a unique federation was created which was the amalgam of 2 democracies: the British parliamentary system, which we call the Westminster system of representative democracy, and a federation based on the United States' structure of specified powers granted to the central government and all residual powers resting with the states. Thus, it is not without relevance to refer to new states in the United States.

It was with great interest and some pride that I read the COAG report on a variety of issues. It is interesting to note that the ministerial statement 'Towards Statehood' of 28 August 1986 and the background papers on constitutional disadvantage and others - albeit updated in respect of matters such as membership of the Loan Council - remain the reference documents used by COAG's working group in identifying the issues. The papers from the sessional committee's working party on a number of issues were also used as reference documents. The work of the sessional committee is taking on a significant national relevance among constitutional, legal and academic people throughout Australia. The Northern Territory has given far more considered thought to many modern constitutional issues than one would find generally elsewhere in Australia.

I make that point because the COAG report has debunked myths that we cannot afford it, our population is too small etc. As a result of the COAG report, those issues are dead. It is now down to the hard graft of negotiation as to what is to be done in relation to national parks, uranium royalties, the Land Rights Act, the transfer of a range of powers etc. Those negotiations on the conditions of statehood need to be continued. Certainly, a bipartisan approach to achieving equality as far as is physically possible will be critical in the immediate future. The time is upon us to begin addressing those issues.

The Leader of the Opposition seemed concerned that we might be saying that Labor had always been against constitutional development for the Territory. The history of Labor in the Northern Territory this century, like the history of the conservative politicians, is studded with notables who struggled for what the Territory has gained already. I do not disparage the work of Harold Nelson, Jock Nelson, Dick Ward etc, any more than I could disparage the work of Bernie Kilgariff, Joe Fisher, Sam Calder etc. Over the years, all of them have been in there battling.

The Leader of the Opposition missed one significant event. She referred to the Gilruth riots in, I think, 1923. These led to our gaining some federal representation in parliament although our representative did not gain the right to speak or vote on all matters until 1967. She did not mention what was called the 'remonstrance' in 1959 when the elected members of the Legislative Council pressed for self-government. When the federal government said the Territory was not ready for it, they resigned en masse from the Legislative Council. They all stood for re-election and were returned unopposed on the platform that they would not pass one money bill until the Northern Territory achieved self-government. That is why, in 1977 and 1978, we were still paying 1€stamp duty on our cheques and \$1 per year for a driver's licence. That was the Boston Tea Party to top all Boston Tea Parties in the Northern Territory. It was a classic case of 'no taxation without representation'. The corollary was that, once the Territory parliament achieved self-government, it had to call off the war and get down to the business of being responsible and self-financing. However, if it had rejected self-government, it would have rejected the argument against increasing taxes as well. It could not have it both ways.

I have said on many occasions that the bipartisan approach to the processes leading to statehood by the ALP and the CLP, particularly in the last decade, has been a major contributing factor to community understanding and the high level of community support for statehood. There is only one little black spot in Labor's history, and I am sure the Leader of the Opposition remembers it. I refer to the 1977 election when Jon Isaacs ran a campaign against self-government. Paul Everingham was running a 'can of beer a day' or a 'packet of cigarettes a day' campaign and Jon Isaacs was running a financial fears argument, to his eternal discredit. I am sure his Labor colleagues of today wish he had never opened his mouth on those issues at that time. If we can put those matters behind us and focus on the future, we may achieve our goal.

The Leader of the Opposition seems to think that the conservative parties are not entirely committed to the processes of statehood. I led a debate at the National Party federal conference in Canberra 2 or 3 years ago. I gained a resolution from the National Party in full support of Northern Territory statehood. I put the date of 2001 in the motion. The only objection I had from the floor of the National Party conference, which included representation from every branch in Australia, was: 'Why wait until 2001?' The motion was passed unanimously by the National Party federal council. A similar resolution was passed by the Liberal Party at about the same time.

Now that the Coalition is in power, it is pleasing to note the support coming from the Prime Minister. I am pleased to hear from the Leader of the Opposition of the support, or at least non-opposition, gained at national gatherings of her party. I understand the difference because we have had to go through the same processes on our side of politics with some of our people. Premier Carr in New South Wales may not be the great resister. At the May 1996 COAG meeting, he made a significant shift from being a vehement opponent to declaring 'non-opposition'. That is fine from a New South Wales Premier of any political colour. It is major progress. Let us push ahead and negotiate the conditions of statehood that need to be progressed.

The other issue the Chief Minister raised - and it is pleasing that people are starting to focus their attention on it - is how we will progress the development of the Northern Territory's constitution. I was challenged by the Leader of the Opposition to state my position. I am amazed that she thinks I need to repeat my position on this. It has been very clear for many years. I refer members to a ministerial statement that I made on 28 August 1986:

The new state constitution must be developed within the Territory and not imposed from outside by the Commonwealth. Moreover, it must be acceptable to, and accepted by, the majority of Territorians. To those ends, the constitution-making process will consist of 3 stages, all of which will involve wide participation of Territorians. First, the select committee will prepare a draft constitution which will then, as the second stage, be submitted for ratification to a convention representing a broad cross-section of community interests and opinions. The details of the composition and role of the convention are still to be finalised. Finally, it will be put before the Territory electorate in a referendum. No one, therefore, should doubt our allegiance to full and open consultation in the formulation of the constitutional centrepiece of our future state. It will be demonstrably the Northern Territory people's constitution.

That was then, and is now, my view on the process of developing our Northern Territory constitution. Towards that end, in 1987, the select committee, as it was then, tabled a discussion paper on representation in a Territory constitutional convention. It proposed 3 options for the convention which were not mutually exclusive: fully elected, partially elected and partially nominated, or fully nominated. That paper called for public debate and comment. Similarly in 1987, in Information Paper No 1, Options for a Grant of Statehood, in paragraph 5 at page 6, the same process was outlined. Unfortunately, despite wide-ranging community consultation by the committee, which involved visits to more than 90 Territory communities, the sessional committee received only 25 submissions and these addressed only those 3 options. These were recorded in Hansard transcripts. The submissions, which were received either in writing or by way of comment at those public meetings, were not unanimous in their views. Some advocated a fully-nominated convention, some a mixed convention and some a fully-elected convention. The broad view was some mixture of elected and nominated people.

In February 1995, the committee tabled an interim report and recommendations on a Northern Territory constitutional convention. Subsequently, 4 submissions were received by the committee in similar terms to the previous ones. Nobody suggested other options. When the report was debated in this House on 2 March 1995, the total debate took up 16 pages of Hansard, 7 of which were devoted to my tabling statement and my reply to the debate. A significant other part was debate between the then Chief Minister and the member for Wanguri about how well he went at COAG.

The point I am making is that, to date, very few people have focused their minds on the question of how to establish a constitutional convention. While our committee had to work hard to try to encapsulate what it believed was the view of the community, people should not regard this document or this detail as wholly written. They should not say that this is the combined product of wide-ranging community consultation or community input. It clearly is not. It is not an issue that has been effectively and properly debated in this House by any members here. That is the job we have in front of us now.

The Chief Minister picked up these recommendations and suggested other options. He raised a series of questions that need to be answered. If one analyses each of his points, they state that, essentially, the procedures ensure that there is genuine involvement, consultation and input from the broad Northern Territory community. That is a view that I fundamentally support. If this is to be the Northern Territory people's constitution, it must be a constitution that is accepted by and internalised by the people of the Northern Territory. They must have a say in it.

Mr EDE (Stuart): Mr Speaker, I have always held the view that statehood is the natural progression from our position today. It is a natural right of Territorians. This was not a view that enjoyed broad acceptance on my side of politics, particularly in the earlier years of this debate. We still had many 'unreconstructed Whitlamites' who believed it was the last chance to do away with the states and establish some form of regional government around Australia. I believe that is totally unrealistic and simply becomes a means to divert attention from the real issue.

As I have said in these debates, I believe that statehood itself is the end of a process. The process is that of getting a constitution that has the depth and breadth of support of all Territorians. The process of developing that consensus demonstrates the maturity of the Northern Territory and is the

best case that can be put to southerners for statehood for the Northern Territory. We have had problems with people at the federal level and with their attitudes towards the Northern Territory. John Kerin once referred to us as 'nothing but an Apex Club'. He told me the other day he was bombarded with letters and telephone calls of complaint from Apex Clubs around Australia. My brother-in-law has never made any bones about his reliance on a book called *The Northern Myth*. It is about the Northern Territory and its development as a polity. We have heard the remarks made by Kim Beazley and, certainly, I had some difficulties with the former leader, Paul Keating, in this regard.

The foundation of that antipathy is, in fact, fear of the Senate. It developed over the period during which Labor was in government, having to deal with what it saw as a recalcitrant Senate with a number of minor parties making it difficult to legislate policy. The fear is that a significant number of Senators from a place the size of the Northern Territory would include a substantial representation of various minority groups. In such a situation, the Senate is far and away the best pork-barrelling pit in existence. People are able to negotiate special deals for their area on the basis of passage of the budget or some particularly important piece of legislation. The member for Nightcliff used the example of the United States, and the major imbalance in numbers between various states in that country. It is interesting that Alaska was able to establish the legal principle that a state is a state. Part of the fear that exists in Canberra, I believe, is that something similar could result from a court challenge by the Northern Territory.

I am on the record as saying I believe we deserve 12 Senators, and voicing my concern about our being a second-class state. As I worked through that debate down south, I found that that was the essential sticking-point. The others are red herrings - the discussions about our ability to raise money etc. I now accept that it would damage our cause enormously if we were to maintain, as a fundamental negotiating point, a demand for 12 Senators. However, I do believe it is necessary for us to have a formula in place at the time that we make the move so that the second-class status does not become the permanent nature of things.

Members opposite referred to the working group that was put in place by the previous Prime Minister. It was supposed to report at the end of 1995. In fact, it was to report earlier than that. I found out what was in that report and made a big fuss about it. It was particularly damaging to our cause in its initial draft. I was able to have it withdrawn and reviewed. It was not an easy battle. As I said, whenever I went to senior ministers or spoke to other people in Canberra who had some say in this matter, I encountered their horror at the notion of 12 Senators for the Northern Territory. To succeed in this regard, we have to set a formula in place that will not scare the horses.

I know members opposite believe that they have support from the new government. Remember that, despite the defection of Mal Colston, the numbers are still extremely tight in the Senate. There is a real possibility that, when the Coalition develops its experience in working with a recalcitrant Senate, the same fears that developed on the Labor side of politics during its long period in government, may develop on the Coalition side.

It is necessary to take into account the need to ensure that the support for the constitution is strong both in breadth and in depth. It is not enough simply to be able to win a majority in a referendum if there is entrenched and massive opposition from a sector of Northern Territory society. This is why

we need a number of things to progress this argument. Legislation will eventually have to pass not only the House of Representatives, but also the Senate. There is a real problem of getting it through unless we are able to demonstrate that we have been through a process that has provided us with a constitution that has broad and deep support right across the Northern Territory.

It requires bipartisan support and restraint. All members must be very careful in the way that we use this issue for political ends. There is an old saying about trying to put dogs into a wheelbarrow. I know that both of the major parties in the Northern Territory have this problem. We have people wanting to jump in, then immediately jumping out because of some part of the constitution or the process. We have to work together on this to ensure that we have that broad and deep support. That is why I believe the constitutional convention is absolutely essential to this process.

The member for Nightcliff is correct in saying that not a vast number of submissions were received on this matter. The reason is, in its deliberations and visits the constitutional development committee - and this was certainly the case when I was on it in the early days and we travelled extensively in the bush - told people that the process would involve the committee preparing a draft constitution that would then go to a constitutional convention of people picked from right across the community. We did not specify whether it would be elected or selected, but we did say that there would be a constitutional convention with broad representation and that the proposed constitution would be put to a referendum. It was only after making that commitment to people that we started to have feedback on the various issues that are taken up in the constitution.

Any move away from the constitutional convention, however it is established, would be seen by many as a betrayal of a commitment that they believe they had from the constitutional development committee, and may result in many of people jumping out of the wheelbarrow. In order to maintain trust and maintain faith with the people of the Northern Territory, it is important that we have that constitutional convention as a stage at which the constitution can be debated so that it can be demonstrated that the support for the final article is right across the Territory community and that all sectors have put their imprimatur on the final draft that goes to the referendum. The referendum will then establish the depth of support. You establish the breadth of support through the constitutional convention, and the depth of support through the referendum that follows.

If we move through both of those processes, we will then have an unanswerable case to take to the federal government. We can present a modern constitution, one which demonstrates how Territorians want to live together, work together and develop their laws together. We can show that all the people of the Northern Territory feel secure in proceeding in that direction. It will not take years of effort. An enormous amount of work has been done already on the constitution, as members will see when the draft is tabled later on today. I believe the process of working through that is the important part. That is where you get people locked into the constitution, and you then have a very broad group of people who sell it for the referendum.

I thank the Chief Minister for his speech and the member for Nightcliff for his comments. I will not go into depth on the constitution because we are to have a debate on that later today. One of the things that makes me feel most privileged to have been in politics in the Northern Territory was my involvement in the political development process of the movement towards a constitution and statehood. I will not be part of the final stage of that process, but I believe that it now has the

necessary momentum. Provided we can keep the dogs in the wheelbarrow as we move down the next path, and politicians show restraint and involve the people to obtain that depth and breadth of support, the process will go relatively smoothly. There will be hiccups here and there and various people will have to be brought back in to be soothed and persuaded. That is part of the process.

Provided we are totally honest about where we are going with it and what we are doing with it, and nobody plays political games with it and tries to divide the Territory over the issue, provided everybody tries to unite the Territory over the issue, I am certain that we will obtain an excellent result.

Motion agreed to.

20-22/08/96 Parliamentary Record No. 24: 8414-32

Topic: MOTION AND TABLED PAPER

Subject: Final Draft Constitution For The Northern Territory

Date: 22/08/96

Member: Mr HATTON

Status:**Information:**

Mr HATTON (Correctional Services)(by leave): Mr Speaker, I lay on the Table the final draft constitution for the Northern Territory, as prepared by the Sessional Committee of this Assembly on Constitutional Development, together with an addendum.

Mr Speaker, I move that the final draft constitution for the Northern Territory, with the addendum, be printed.

Motion agreed to.

Mr HATTON: Mr Speaker, I move that the Assembly take note of the final draft constitution for the Northern Territory and the addendum.

It is with great pleasure and some degree of pride that I lay before the Assembly the final draft of a Northern Territory constitution as prepared by the sessional committee. This document is the culmination of a long history of dedicated work by a small group of Territory politicians from both sides of this Assembly and their support staff. The work began way back in 1985. It has been a slow, sometimes tedious, often frustrating process involving much research, a great deal of paper, many public hearings and submissions, and lengthy debate and deliberation within the committee.

There has been widespread community consultation. In total, the committee has received 141 written submissions and numerous oral submissions. The committee now has a regular mailing list of close to 4000. It has many publications to its credit. It has been involved in many related activities. These will all be detailed in the committee's major report on this aspect of its work in the October sittings of the Assembly. The tabling of this final draft constitution has been brought forward to the present sittings to facilitate the early consideration of the document by honourable members in advance of the major report.

Suffice it to say at this stage that this lengthy exercise has been made even more remarkable by the fact that, throughout the whole process, bipartisanship between the members of the 2 major parties on the committee has been continuously maintained. This augurs well for the future constitutional development of the Territory and for the task of developing a new constitution as a framework for

maintaining a harmonious, tolerant and united Territory community into the future.

Let us have no illusions. This task is a daunting one. It is one which the Territory people, initially through their elected representatives, have taken on in preparing their own, home-grown constitution - the basic framework for their own future Territory society. When completed, it will operate for a long time to come. It is obviously important, in the interests of all sections of the Territory community, to get it right. The process of constitution-making should be an open, democratic one, with maximum opportunity for input by all of the community. This draft constitution is only one step, albeit a fundamental step, in that process. It represents the considered views of the committee and its members.

With your indulgence, Mr Speaker, I will take honourable members through some of the philosophy, background and salient features of this final draft of the constitution that has been prepared by the committee. Since its formation, the committee has adopted some basic philosophies of approach. These are:

- That we should maximise community involvement and participation in the drafting process. This process has the added advantage of increasing community awareness and understanding of statehood and the role of a constitution.
- That we would not reject any issue out of hand. If an issue was raised, it was researched, options were considered and recommendations made.
- That the constitution should reflect the realities of the Northern Territory, its people, its demography and its aspirations into the 21st century.
- That the constitution should aim to set the framework for a social partnership of all races and ethnic groups in an open, inclusive and democratic society.

A further underlying theme in this draft constitution has been to create an inclusive document that all sections of our community can embrace as their own. We live in a unique multicultural, multiracial society with people from almost every background imaginable. Overlaying this, of course, is the very significant position of Aboriginal people in our society, comprising 26% of our population and with effective control of half of the Northern Territory's landmass. Seeking to develop an approach which recognises the diversity of backgrounds of Territorians, while constructing a framework for our common future, has been one of the greatest challenges for the sessional committee. The answer will serve either to divide or to unite us. It will be either the driving force for, or the greatest obstacle to achieving our goal of statehood.

Consistently, Aboriginal people expressed strong common concerns, and even fears, in the progress of moving to statehood and formulating our constitution. They were fearful that, if the Aboriginal Land Rights (Northern Territory) Act became a Northern Territory rather than a federal law, it could be repealed or emasculated, and the gains that they had made over the last 20 years would be lost. Similar fears were expressed with respect to the protection of sacred sites and the continuation of their rights to use their own language and practise their own religion, culture, ceremony and traditions.

Members may say that this is an unjustified fear and that it is inconceivable that this could occur in this day and age. However, I remind honourable members that the time is still within living memory when Aboriginal people were denied the practice of their customs and religion, denied the right to use their own language, dispossessed of their traditional lands, and not recognised as citizens of Australia. They were wards of the state and were not permitted even to act as responsible adults. This included the denial, in all too many cases, of the right to bring up their own children and pass on their heritage to their children. Is it any wonder that these people should seek any opportunity to ensure that such circumstances could never be repeated? I cannot comprehend any member of this House contemplating such a situation in any circumstances. We would all regard these as fundamental and inviolable rights of any citizen in a free society.

In fact, the only issues raised by Aboriginal people are those that could be regarded as uniquely relevant to indigenous people. These include safeguards in respect of land rights and sacred sites legislation, and the recognition of the existence of Aboriginal society prior to European or other settlement. We have sought to address these issues on this premise, and I will detail them later in this address.

Let me deal briefly now with the processes adopted by the committee in carrying out the task given to it by this Assembly. Initially, the committee undertook wide-ranging community consultation in some 90 Territory centres, firstly, to explain its processes and objectives and, secondly, to identify issues that Territorians wanted addressed. No issue was ignored.

Procedurally, each issue went through 3 stages. Initially, a discussion paper was provided, incorporating relevant options, and tabled and debated in the Assembly. It was then widely circulated to attract comment and submissions. In addition, the committee issued some information and other papers on specific issues. Following these stages, the committee considered the submissions received and developed its constitutional provisions. As constitutional proposals were finalised, they were tabled in the Assembly as exposure drafts for debate and further public submission and comment. The final stage of this process is what I have tabled in the Assembly today. It should be remembered that this draft has been prepared in association with plans for the future constitutional development of the Northern Territory within the Australian federal system. The goal is for statehood on equal constitutional terms with the existing states. We wish to be a full partner in the Australian federation. We believe that is our constitutional right. This is reflected in the committee's terms of reference.

This draft constitution, if and when adopted, would be the constitution of the Northern Territory as a new state, although it is possible that it could be brought into operation before any grant of statehood. It does not contain all the provisions needed for a grant of statehood, as some terms and conditions would have to be fixed by Commonwealth legislation under section 121 of the national Constitution. An example of this is the representational arrangements for the new state in the national parliament. These matters will be the subject of negotiation between the Northern Territory and the Commonwealth. The draft Northern Territory constitution defines how the new state will be shaped and governed. It is a separate process to the conditions of statehood and, in our view, is a matter for the Northern Territory people alone.

First and foremost is the important question of the name of the new state. As residents of the Northern Territory, we are proud to be described colloquially as Territorians. However the Northern Territory, as a new state, must be given a name. The committee proposes that we be called simply 'the Northern Territory' under the new constitution, whether that constitution is brought into operation before or at any grant of statehood. As members will see, the name 'the Northern Territory' is expressly contained in clause 1 of the draft. There may be debate about whether it is appropriate to be called 'the State of the Northern Territory'. As a committee, we see no objection to this name. It suitably encapsulates how we feel about ourselves, and reflects our special history and character. It will in no way detract from our constitutional status as a new state.

I am pleased to say that substantial agreement has been achieved within the committee, not only on the name, but also in relation to nearly all other provisions. In other words, agreement has been achieved on the core provisions of the new constitution. There are only 2 main areas, apart from that of customary law which I will deal with later, where agreement could not be achieved on a single option. In both cases, the committee was able to agree on including 3 possible options without indicating any preference, to be left open for further consideration by others.

The 2 areas are the composition of the electorate in the new parliament and the duration of the term of the new parliament. In the case of electorates, the 3 options given are: the constitutional entrenchment of single-member electorates, as at present; multi-member electorates with equal numbers of members in each; or constitutional provision of the option of single or multi-member electorates or some combination of both, as determined by the parliament itself. In the case of parliamentary terms, the 3 options are: a fixed 4-year term; a 4-year term with no general election permitted within the first 3 years except in limited circumstances; and a flexible term with a maximum of 4 years, as at present. In each case, consequential amendments have been incorporated in the final draft.

The committee could not agree on the need for a constitutionally-entrenched Bill of Rights. The final draft contains several provisions of a 'rights' nature on particular topics which I will detail later, but it does not contain a comprehensive Bill of Rights, as is found in some other constitutions. To assist further deliberation, the committee has already issued Discussion Paper No 8 on this subject. In addition, attached to this final draft is a paper detailing existing provisions concerning rights already contained in this draft constitution, the Commonwealth Constitution, in treaties and in other international agreements to which Australia is a party, and in Commonwealth legislation. This will assist members to better consider and debate this complex topic.

Honourable members will note that the final draft has been prepared within the monarchical structure that presently applies in Australia and in the existing states. This includes the existence of a new state Governor, appointed by the Queen on the advice of the new state Premier. This is not to suggest that the committee has a view for or against the monarchical system. It merely reflects the fact that the new Northern Territory constitution must operate within the existing Australian constitutional structure and, in particular, under the Commonwealth Constitution and the Australia Acts 1986, both of which are formally monarchical in nature. Should Australia become a republic, the necessary changes to the draft constitution have been indicated already in the exposure draft and the additional provisions already tabled in this Assembly. The main report of the committee, to be tabled in the October sittings, will also indicate the changes required to the final draft to fit it into any republican

system. This will not require many changes to the structure of the draft constitution.

Members will see from the longer table of contents, located just before page 1 of the document, how that document is structured. It begins, in a manner common to many other constitutions, with a preamble. It then contains a number of parts: part 1 establishes the new Northern Territory government under the Crown; part 2 defines the legal system of the Northern Territory; part 3 sets up the legislature, the new parliament; part 4 sets up the executive government; part 5 is the financial arrangements; part 6 is the judicial structure; part 7 is specific Aboriginal rights; part 8 is rights in respect of language, social, cultural and religious matters applying to all Territorians; part 9 is local government provisions; and parts 10 and 11 are transitional and interpretive provisions. I will deal with these parts in the same order.

Members will note that the preamble is a lengthy aspect of the document. It recites, in some detail, the constitutional history of the Northern Territory, much of it in words taken from similar preambles in former or existing Territory constitutional documents, including the Northern Territory (Self-Government) Act. However, it also has some unique features, one of which I will mention at this stage. In the first preamble, the particular and unique history of the indigenous people of this land is referred to and recognised:

Before the proclamation of the colony of New South Wales in 1788, and since time immemorial, all or most of the geographical area of Australia that now constitutes the Northern Territory of Australia was occupied by various groups of Aboriginal people under an orderly and mutually-recognised system of governance and laws by which they lived and defined their relationships between one another, with the land and with their natural and spiritual environment.

This provision will be unique in Australia. No other existing constitutional document has an equivalent provision. No doubt, this reflects the fact that Australian constitutional documents are largely a product of 19th-century thinking, given that they were prepared last century. This will be the first time in Australia's history that there has been constitutional recognition of the prior existence of Aboriginal society, and that that society has its own unique history. The committee is unanimously of the view that that history should be recorded and recognised in the new constitution and that it would be incomplete without it.

Part 1 is a fundamental provision in that it establishes a new government under the new constitution. If we become a new state, it will be the new state government. However, in large measure, it will be a continuation of the existing government under the Self-Government Act, as will be seen later from the transitional provisions.

Part 2 not only defines what are the laws of the Northern Territory under the new constitution, but also establishes an order of precedence within those laws. It contains several important innovations. Firstly, it creates a new category of 'organic' law. This is a category of law which, although not fully entrenched in all respects in the constitution, is given a special measure of constitutional protection beyond that of ordinary legislation. In effect, this will ensure that such a law can be amended in the future only with bipartisan support, by a special majority in the parliament, and following extensive opportunities for public debate and after inquiry and report by a standing parliamentary committee.

The committee has drawn from overseas precedents, in particular from Papua New Guinea, in adopting the concept of organic law. The final draft contemplates that, by agreement with the Commonwealth, the Land Rights Act in its current form will be re-enacted as an organic law of the Northern Territory. I will deal with land rights later.

A further innovation in part 2 is the proposal to recognise Aboriginal customary law as a source of law in the Northern Territory, that customary law being on a par with the common law, placing both of them on the same constitutional level. For this purpose, 2 options are given in the final draft. Either should facilitate the process of harmonisation of underlying laws that can occur in the future. This proposal again reflects the very strong representations made to the committee, in the course of its community consultations, for such a form of recognition. It also reflects the unique situation of the Northern Territory, with a large proportion of its population still adhering to customary lifestyles under their traditional law. The proposal in the final draft would constitute recognition of a situation in which customary law is still a living system of law for many of its indigenous citizens.

The proposal is not to entrench every aspect of that customary law in the draft constitution, but rather to recognise it as a legitimate source of law which the parliament can thereafter implement in a way that the whole community finds acceptable. At the same time, the process already under way in the Territory courts, in giving increasing effect to customary law, can continue and be expanded, leading not to 2 separate and distinct systems of law, but to a gradual harmonisation of our underlying laws in a way that reflects the needs of all Territorians. The residual power of the parliament to remedy any undesirable or unfair consequences of this process will remain unfettered.

Let me make it clear that this is not a '2-law' concept. Rather, it is designed to recognise that the Aboriginal people in the Northern Territory are presently faced with 2 systems of law - one recognised by our existing constitutional system and one that, in the main, is not presently recognised and which can put these people into a position of double jeopardy. The challenge before us is to bring these 2 systems into a form of mutuality and reciprocity, within a common constitutional framework by a gradual harmonisation of laws, but without any undesirable or unfair side-effects. The committee believes that its draft provision will create a constitutional imperative to drive this result, at the same time giving traditional Aboriginal leaders a significant measure of support to combat the present erosion of their traditional values and society.

In addition, part 2 deals with the method of altering the constitution and organic laws. In this regard, the committee proposes that, as the constitution would be the basic law of the Northern Territory, it should be an entrenched document - that is, it should be a document that is designed to last. It should not be capable of being easily changed. By way of contrast, state constitutions began in the 19th century as ordinary legislation, capable of amendment in the same way as ordinary legislation. However, in more recent times, states have increasingly entrenched key sections of their state constitutions. The Commonwealth Constitution is, of course, an example of a rigid constitution requiring a national referendum to change.

The committee unanimously supports an entrenched new Territory constitution, requiring a Territory referendum for any future change. This has been incorporated in the final draft. At the same time, the committee is aware of criticisms that the initiation of referendum proposals should not be left to the legislature alone. Such criticisms have often been voiced in conjunction with proposals for citizen-

initiated referendums (CIR), submissions in favour of which were put to the committee. In fact, the committee issued a separate discussion paper on this topic.

After deliberations, the committee has decided against any form of mandatory CIR by which a fixed percentage of Territory electors could force the holding of a referendum for constitutional or legislative change. The committee, while recognising the undoubted legitimacy of public participation in a democracy, was also aware of the potential for abuse of this form of process. It has again sought to be innovative, with a modified version of CIR whereby a percentage of Territory electors could require the proposed standing parliamentary committee to consider a proposal for change to the new constitution or to an organic law. The matter would then be considered publicly by that committee, with a report to the parliament. The final decision would be left to the parliament. This process gives due regard to the role of the elected representatives in the parliament while, at the same time, giving the ordinary citizen a real opportunity for initiative and input. No other constitution in Australia has anything similar to this provision.

Part 3 sets out the detail for the operation of the new parliament of the Northern Territory. It is important to note that the traditional Westminster pattern of democratic government, exercised through the 3 traditional arms of government - the legislature, the executive, and the judiciary - has been maintained and incorporated in the final draft. This is because the system of responsible and representative parliamentary democracy, originating in England but since exported to many other countries, is a system with which we in Australia have become familiar and are comfortable. It is a system that has worked well in this country and has given us a long period of stable government within a free and open society. It is a system that contains checks and balances between these 3 arms, calculated to maintain a democratic system under the rule of law. The committee does not propose any radical changes in this respect, although the final draft does incorporate some interesting innovations, including some on issues that have, until now, baffled experts in Australia. The committee has not sought to shy away from difficult subjects. Rather, it has sought to wrestle with some of the difficult issues of this age within our system of government.

Part 3 establishes the new parliament as a single House and gives it very wide powers to make laws for the Northern Territory. The provisions of this part are similar to those in the Self-Government Act. I have described already how 3 different options have been given in the draft, both as to the nature of the electorates and as to the term of the new parliament. Members will note that the existing provisions as to reservation and disallowance of Territory laws have disappeared.

Part 4 deals with the executive power of the new Northern Territory government, and how it is exercised. The committee has sought again to be innovative. In this regard, the subjects tackled by the committee include that of defining the role of the head of state within the new system of government, in this case the new state Governor, and the relationship of the head of state with the parliament and the government. The committee has looked at Kerr-type issues, and the concept of the reserve powers of the Crown. It has sought clarification of this issue. In fact, this has been a much simpler exercise in the case of the proposed Northern Territory constitution in view of the committee's recommendation of a unicameral parliament. The committee has proposed an express constitutional requirement that would require the Governor to act, as a general rule, in accordance with the advice of his or her responsible ministers, except in specified, narrow circumstances. These circumstances include the situation where to follow that ministerial advice would be to act

unconstitutionally. Where the Governor acts contrary to, or without, his or her ministers' advice, there is a requirement that the Governor promptly table a statement of reasons in the parliament. Honourable members should note the provisions of part 6 whereby the Governor can seek an advisory opinion from the Supreme Court to clarify constitutional questions. Honourable members will be interested to note also the provisions for the appointment of a Premier and the other ministers contained in section 4.8.

It is possible to be very brief about Part 5. It deals with the financial arrangements for the new government, expressed in similar terms to the equivalent provisions of the Self-Government Act.

Part 6 deals with the judicial structure of the Northern Territory. It is proposed that the existing Supreme Court would continue as the new Supreme Court, as would other existing Territory courts continue their roles. The final draft recognises the key role of the Territory Supreme Court in the constitutional equation by entrenching the court in the constitution and by guaranteeing the independence of its judges. The court will be given a particular jurisdiction as the interpreter of the new constitution, subject of course to any right of appeal to the High Court. Its supervisory jurisdiction over inferior courts and tribunals is also expressly recognised. In this regard, the committee recognises the judiciary as a bulwark in the maintenance of the rule of law. At the same time, the committee has not supported a strict separation of powers between the Territory judiciary and the other 2 arms of government. Such a rigid separation exists presently only at the federal level, not at a state level.

Accordingly, the final draft does not confine the exercise of the Territory judicial power to Territory courts alone - that is, tribunals and other statutory bodies are not precluded from exercising particular kinds of judicial power under their enabling legislation. However, it is proposed that, where this occurs, those other bodies will be subject to the supervisory jurisdiction of the Supreme Court, including the remedy of habeas corpus as a guarantee of individual liberty. The committee sees a need, not for a rigid 'separation of powers' doctrine that causes practical difficulties, but for a proper intermeshing of the 3 arms of government in a balanced way, with appropriate checks and balances, in the manner that characterises the Westminster system of parliamentary democracy.

In another innovative provision, it is proposed that the Supreme Court of the Northern Territory be given an advisory jurisdiction in such constitutional matters, but only at the initiative of specified constitutional office-holders. By this means, the constitutionality of a proposed action can be litigated, in an appropriate case, in open court after full legal argument, without having to go through the action first and then having uncertainty as to whether or not it is valid.

I turn now to those parts of the draft constitution that contain provisions of a 'rights' nature. It is convenient to deal with parts 7 and 8 together in this regard. Part 7, as honourable members will see, deals with Aboriginal rights. Part 8 deals with rights in respect of language, social, cultural and religious matters, expressed in terms that apply both to Aboriginal and to non-Aboriginal persons. The specific matters dealt with in Part 7 address the core concerns of Aboriginal Territorians, as indicated to the committee in its community consultations throughout the Territory. The committee is of the view that it is vitally important to recognise and protect rights arising from these core concerns for the future, to ensure that they cannot be unfairly infringed, for reasons that I have explained already.

Of the greatest importance is the Aboriginal Land Rights Act, an act of the Commonwealth parliament that applies only in the Northern Territory. There is nothing remotely similar to this act in other Commonwealth legislation applying in particular states. Whether people like it or not, the Land Rights Act has become an established feature of the Northern Territory constitutional landscape, and will not disappear on the grant of statehood. At the same time, there is a growing body of opinion that the Land Rights Act should become a Northern Territory law if the Territory is to be put into a position of constitutional equality with the other states. The Commonwealth parliament should legislate only for Australia as a whole, as is the proper role of a national parliament in a federation and which it has done, for example, in the Native Title Act. This would mean that the Land Rights Act, which applies only in the Northern Territory, would need to become a new state law. That is the view taken by the committee. To facilitate this, the committee in its final draft has again sought an innovative solution. It seeks to constitutionally guarantee ...

Mr DEPUTY SPEAKER: Order! The honourable minister's time has expired.

Mr MANZIE: Mr Deputy Speaker, I move that an extension of time be granted to enable the minister to complete his statement.

Motion agreed to.

Mr HATTON: Mr Deputy Speaker, it seeks to constitutionally guarantee the continuance of land rights under the constitution on basically the same terms, but under Territory law. The final draft contemplates that, by agreement with the Commonwealth, the Land Rights Act in its current form will be re-enacted as an organic law of the Northern Territory. At the same time, certain features concerning land rights would be entrenched in the proposed constitution itself, and would be more firmly guaranteed than an organic law. In particular, the right of Aboriginal traditional owners to sell Aboriginal freehold would be subject to very stringent constitutional processes, involving full consultation with Aboriginal people and requiring a prior finding by a Supreme Court judge in order to prevent dealings with the freehold that are not in the best interests of the Aboriginal people concerned. This is designed to avoid the situation that occurred in Alaska and Hawaii, where unwise decisions resulted in the loss of traditional lands.

In addition, while Aboriginal sacred sites are protected by the provisions of the Land Rights Act itself, as a result of very strong concerns put to the committee in its community consultations, the final draft incorporates a special provision for the protection of sacred sites. It provides for new Northern Territory legislation on this subject in the form of an organic law. In the meantime, the existing Sacred Sites Act would be given organic law status, it having proved to be the best and most effective measure consistent with Aboriginal culture, incorporating a process that has proven successful.

Part 7 also proposes that certain other measures concerning land rights that appear to have acquired a measure of general acceptance be included in the constitution itself. These comprise a prohibition on the compulsory acquisition or forfeiture of Aboriginal land, but with a capacity for the compulsory acquisition by government of a less-than-freehold title, strictly limited to purposes that are clearly public purposes, in accordance with existing legislative safeguards and with just compensation. Such a measure is seen as being critical to finding a proper balance between Aboriginal interests and the

wider Territory public interest as a whole. There is also a provision in the draft constitution to enable the new parliament to clarify the interaction between the Land Rights Act and other Northern Territory laws, such as local government on Aboriginal land. In addition to land rights and sacred sites, part 7 contains provisions that will facilitate the grant of self-determination to Aboriginal Territorians within the overall framework of the Northern Territory, under the one constitution.

I refer now to the provisions of part 8 of the draft constitution. These provisions recognise that the Northern Territory community is exceptional because of its diverse, multicultural nature, being made up of many cultures, languages and religions. Part 8 provides that no person in the Territory is to be denied the right to use his or her own language in communicating with others, to observe and practise his or her own social and cultural customs and traditions in common with others, and to have and practise his or her own religion. These provisions, which are also reflected in the preamble, were considered by the committee to be particularly important in a place such as the Northern Territory. This is a view which received support in the various submissions to the committee. At the same time, the committee has recognised that these should not be absolute rights, but should be capable of being qualified by Territory legislation in the public interest, or by reference to the general principles of humanity contained in international agreements to which Australia is a party. The committee has again sought a balance between particular interests and the wider public interest.

Referring to part 9, I will move briefly to those aspects of the draft constitution that relate to local government. Following strong representations to the committee by representatives of the third sphere of government in the Territory, and having regard to the constitutional position in the existing states, the committee felt compelled to give constitutional recognition to the fact that there should be a continuing system of local government in the Territory. This includes both normal municipal government and community government. The committee felt that the detailed provisions within which local government should operate should be left to legislation, although the constitution should set out some minimum requirements for that legislation. In addition, it considered that the constitution should prohibit the termination of a particular local government body once established, or the removal of its members, without prior public inquiry.

In part 10, the final draft contains a number of detailed provisions of a transitional nature, designed to carry the Northern Territory from the present self-government arrangements under Commonwealth legislation into these new constitutional arrangements. It is envisaged by the committee that the present Northern Territory (Self-Government) Act will be repealed to accommodate the new constitution. However, the committee felt that a significant degree of continuity was required between the 2 systems. For this reason, it has advocated that most of the existing institutions of Territory government should be carried over on a transitional basis into the draft new constitution. The existing Legislative Assembly and its members and officers would become the first new parliament and its members and officers until a general election could be held. The Administrator would become the first Governor for a period of up to 12 months until a new appointment could be made by the Queen. The existing Supreme Court would continue as before, but subject to the new constitution. In the committee's view, a smooth transition is essential and will be facilitated by this carry-over of institutions.

On the other hand, the committee envisages that there would be a fresh appointment and swearing-in of the first Premier and other ministers on day 1 of the new constitution. These are to be chosen

from the existing majority party as before in accordance with the executive provisions of the draft new constitution. In other respects, the new state would be a continuation of a self-governing Territory. Existing Territory legislative, administrative and judicial decisions and processes would be continued as before. There would be a minimum of disruption.

Part 11 deals with general interpretative provisions.

In conclusion, this document contains the committee's proposals for a new Territory constitution for a new century. It is the product of a great deal of work by the committee over a period of more than 10 years. In the committee's view, it fairly reflects the needs and aspirations of the wider Territory community as expressed to the committee in the course of its consultations. It provides a point of reference from which further debate can proceed. I will continue to follow keenly the course of the debate, as I am sure the other members of the committee will.

It remains for me to say a few words of thanks to all those who have assisted in the production of this document. I thank all past and present members of the committee for their patient and diligent attention to their duties. In particular, let me mention 2 members whose contribution has been outstanding. I refer to the member for Stuart who has had a long and valued input to the process and who has greatly facilitated the maintenance of a bipartisan approach in the committee. I refer also to the former member for Arnhem whose determined input on Aboriginal and other issues had such a marked effect on the content of this final draft and who greatly assisted in community consultations. This document is a lasting testimony to his memory. Let me also thank the dedicated staff of the committee: the executive officer, Mr Rick Gray, his assistant, Mrs Yoga Harichandran, and the legal adviser, Mr Graham Nicholson. I commend the final draft of the constitution for the consideration of honourable members.

Mrs HICKEY (Opposition Leader): Mr Deputy Speaker, I rise to echo the sentiments of the member for Nightcliff and to congratulate all members of the committee on the considerable work that they have put in over 10 years and more, and the staff who have assisted that process in a dedicated and very hardworking manner.

The gestation period for the document that we have before us has been long and, at times, painful. However, it has been dealt with generally in an optimistic way as to the outcome because all members of the committee - and I was on that committee for a period as a deputy chair - had the single belief that this was the document that would lead us to constitutional development of our own and to a grant of statehood. We all aspire to that by the year 2001. It is satisfying to have this document before us now. We have risen in this House many times to talk about its progress. We have talked about the aspects of it that we have been able to agree on, the aspects that we still have to reach conclusions on, the discussion papers and the many community consultations and submissions over the years.

One of the focal areas, both for the committee and for people observing the progress of the committee, has been how it would deal with land rights, customary law, sacred sites and the protections that Aboriginal people and their supporters rightly expected to be included in a constitution for the Northern Territory. It is worth remembering that, after much of the bitterness that surrounded the land rights issue and the tussles and struggles that Aboriginal people had in that

regard, there was no doubt there was a jaundiced view of how a Northern Territory government might deal with patriation of the Land Rights Act.

I believe both sides of the House, whatever their views have been with regard to land rights, have been diligent in ensuring that the document that we have before us now has entrenched Aboriginal land rights in a manner that cannot easily be tampered with and that should give comfort and satisfaction to Aboriginal people. It is a continuance of the acknowledgement of their prior occupation of this land, of the vital contribution that Aboriginal people have made to the Northern Territory, and of the unique composition of the Northern Territory population with its large proportion of Aboriginal people.

The minister indicated that there are 2 areas on which members were unable to agree. There are 3 options for the composition of electorates, and 3 options for the term of parliament. Whether there should be a Bill of Rights in the constitution will now have to be debated - hopefully, by a convention that will determine what happens to this document. In the not-too-distant future, this document will be in the hands of others to do with it as they see fit. We believe the work that has gone into its production is worthy. All parliamentarians would expect to see a major part of this document form the final constitution for the Northern Territory. We would be very surprised if that did not happen. Nevertheless, there is no doubt that many people in the community do not view the composition of a constitution in the same way that parliamentarians do. They have a very different view of the way in which a constitution might be formed and what might be in it. Those views should not be limited.

The discussion papers that the committee has produced over the years have provided much scope for discussion of issues such as citizen-initiated referendums. That is a concept that parliamentarians tend to shy away from, and there are some very good reasons for that. However, the committee has not abandoned its responsibility. It has done its best to examine all the matters that might be included in the constitution. Members will now be able to reflect on the detail in the draft constitution. Those who have provided input over the many years, former members of the committee, those who have assisted the committee and those who have made submissions to the committee, will now be able to examine the document and make their judgment on it.

It has been an ongoing frustration for the committee that public attendance at some community meetings has not been as great as expected. However, there is no doubt that, over the years, the understanding, the depth of knowledge and the appreciation of the importance of this issue has been growing. People around the Territory acknowledge that statehood will not be achieved unless there is a constitution to underpin it. We would not deserve to aspire to statehood unless we had taken the mature steps of developing a constitution for the Northern Territory.

I do not want to rehearse what the member for Nightcliff has said. He gave a comprehensive explanation of what is contained in the document. It would be pointless to reiterate that. The member for Wanguri has specific issues that he wishes to address. I would like to join the member for Nightcliff in thanking those people who have contributed to the committee over the years, in particular the midwives - Rick Gray, Yoga Harichandran and Graham Nicholson - who have assisted in the process that we have embarked on.

It is interesting to note that both the Leader of the Opposition and the Chief Minister are now often

at meetings of the committee. That is something that did not happen in the past. That bears witness to the importance and urgency with which we view the matter as leaders of our own parties. I am sure that that will continue because we are both vitally interested in this matter. We may have our points of disagreement about how this matter should proceed - and those have been flagged in a previous debate today - but, at the end of the day, what we all want is constitutional development and a grant of statehood, hopefully by the year 2001.

We cannot achieve constitutional development without people of vision and commitment working alongside each other to ensure that there is never a backward step. The member for Nightcliff mentioned one of the contributors to this committee. I want to take the time today to pay tribute to one member of this House, currently a member of the committee, who is soon to leave us. He has contributed enormously, both within the committee and generally, to the development of the Northern Territory, and particularly to his electorate and the Labor Party. I speak of my colleague, friend and former leader, Brian Ede.

Being in opposition is a frustration because you can never achieve all that you would like for your electorate and for the Territory. Your dreams are never realised in their entirety. That has never prevented the member for Stuart from fighting for what he believed to be right, what he believed to be fair and what he believed to be in the interests of his constituents and all Territorians. I will cite, as an example within his electorate, the community of Nyirripi. It consisted of a couple of broken-down old houses and some car bodies when he became the member for Stuart. The development there now is something to behold. Much of that is down to the efforts and persistence of the member for Stuart in assisting that community to develop. My husband, who used to work for what was the Department of Community Development, often said to me that government departments dreaded one of the member for Stuart's tours through his electorate because, thereafter, they were flooded with ministerials about the deficiencies in services and infrastructure and suggestions as to how those should be remedied. Over the years, he has been a very effective member in that regard.

When he was shadow minister for education, he lobbied John Dawkins, the then federal Minister for Education, to develop the Northern Territory University that we have today. The opposition is often accused of having opposed the development of the university, but I am sure that members opposite will acknowledge, if they are honest with themselves, that the member for Stuart used all of his political muscle with his Canberra colleagues to ensure a better deal for further education in the Northern Territory. He has always used that muscle where he felt it was important to achieve facilities and resources for the Northern Territory.

The member for Stuart is one of those rare creatures who never seems to change. It does not matter whether he is speaking to a down-and-outer or a senior politician or a community leader. He treats each with the same attention and courtesy, whether they are black or white, rich or poor, good or bad. He has always been something of a bushy. When I first met him, he had a reputation as a bit of a larrikin but, certainly, when he became Leader of the Opposition, he settled down to becoming a very strong and dignified leader, one who undertook his role with enormous diligence. His work rate was nothing short of phenomenal.

He has been a good friend and mentor to me, as he has been to other members in this House. He is a great tactician and he has an incredibly broad understanding of economic and political issues. He

was an inspiring leader, and this House will be the poorer when he departs. I know that he enjoys the respect and, indeed, the affection of several members opposite. I am sure I am not alone in wishing him well in the next phase of his life with his wife, Anne, and their children. He will have a few in-laws living near his new home in Western Australia, and I am sure that, in the evenings when they get together, there will be some political talk now and again. I hope that the conversation will turn to matters Territorian from time to time and that Brian will remember us, as we will think of him. Maybe we will turn that thought into action and visit him in Western Australia once the grapes are ripe and those nuts are ready for harvesting. Brian, we wish you well and we thank you on behalf of all Territorians for your contribution to the development of the Northern Territory.

Mr MITCHELL (Millner): Mr Speaker, I rise today also to commend the work put in over the past 10 years by the Sessional Committee on Constitutional Development and its support staff, leading to the tabling of this final draft constitution. The significance of this draft should not be lost on Territorians. It will be the first new constitution in Australia since federation. It can lead us into history as we become Australia's seventh state. This draft will now be debated and discussed in this House, and in another forum yet to be agreed on by the House. I expect that it will also be much discussed in the wider community.

I have been on the committee for just over 2 years. I am pleased to say that its bipartisan spirit has guided the preparation of this excellent draft. It is a home-grown constitution, a framework for our unique Territory society to build on into the future. In the discussions, there were a couple of issues on which consensus could not be reached by the committee, but it was able to give several options on those issues for future forums to decide.

One aspect of the draft is unique in the degree of its importance in the Northern Territory: the position of the indigenous people who occupy such a significant place in our society. They constitute 26% of our population and are responsible for over 50% of the Territory's landmass. The task for the committee was to properly reflect this importance in the draft constitution. The committee has not sought to shy away from dealing with this difficult issue, but has sought a proper balance between the diverse interests of all Territorians, both Aboriginal and non-Aboriginal, and a recognition of their rights in society.

For the first time, the committee has recommended the constitutional recognition of indigenous land rights in a way that is part of Territory law and which also accommodates the wider public interest. People in the wider community should be aware that such entrenchment of land rights will not prevent the Territory continuing as one unit and will not unduly hamper the future development of the new state. It is not intended to freeze Aboriginal land forever. Constitutional safeguards proposed in the draft will give the traditional owners a right of choice to determine their own future directions, but in a way that protects the interests of all Aboriginal people concerned, both present and future. The aim of this draft constitution is to maintain the spirit of bipartisanship across the whole community while still recognising the particular rights of our indigenous people and other groups in our society.

I believe that this document can form the basis for the grant of statehood to the Northern Territory. I am a very strong supporter of the proposals for the constitutional development of the Territory on its path to becoming a full member of the Australian federation. We should not be denied the rights of other Australians simply because we live in the last great, uncrowded part of this country, in an area

that constitutes one-sixth of the continent.

We cannot go into statehood without a constitution that is supported by the great majority of Territorians. I believe that our draft constitution will form the basis for a grant of statehood, and seek to fairly reflect the interests of all Territorians. It will allow us to move into the 21st century as a prosperous, united community under a free and democratic system. I feel privileged to be part of this process, and to have had the opportunity to make my own small contribution. I hope that the draft document facilitates further debate, and I look forward to being involved in that debate.

I must pay tribute to the work and commitment that went into this draft from the former member for Arnhem. His input was invaluable. He provided great insight to the needs and aspirations of his people. I think he was on the committee, on and off, for about 8 of its 10 years. I pay tribute also to the member for Stuart for his contribution. I have seen him there only for the last couple of years and regret that he is leaving today. He will be missed in the debates. He has always been very forthright and honest in all of his deliberations in the committee, and his input will be missed. In saying that, I hope that his interests will be picked up by other members of the committee in the future. I must also thank the committee staff - Rick Gray, Graham Nicholson and Yoga Harichandran - for their untiring efforts which have resulted in the culmination of this draft. I commend the draft constitution to members.

Mr BAILEY (Wanguri): Mr Deputy Speaker, for the second time today, I rise to speak on constitutional development in the Northern Territory. Earlier, we debated the statement by the Chief Minister on statehood. I believe that we are at a crucial time in the process of constitutional change in the Northern Territory. One can identify crucial points in Territory history. Its prehistory dates back many thousands of years to the arrival of the Aboriginal people. I am not sure whether anyone can say when that occurred. However, their culture was established long before the era of the prehistoric sites in Europe that people often stand in awe of. Those art sites date back 10 000 to 20 000 years whereas the art sites in the Northern Territory have been dated back to about 40 000 years.

The next crucial stage in our history was colonisation by Europeans in the Northern Territory. During that stage, the Northern Territory was in limbo. No one was sure whether or not they really wanted it. South Australia, the Commonwealth, New South Wales had all had a go, either wanting it or having it dumped on them. I read in a paper on the history of the railway in the Northern Territory that, 70 or 80 years ago, land was offered to whoever would build it. One offer involved as much as half of the area of Northern Territory. It was seen as important to build the railway, but the rest of the Territory was not seen as being valuable. Other crucial changes occurred during World War II, with the military buildup and, in more recent times, with the grant of self-government. I think self-government was an emergence from adolescence in the political process. One might say that the Territory is like an 18-year-old whose contemporaries are treated as adults and go to the pub, but whose stern parents in Canberra insist that the minimum drinking age is still 21. We have been made to wait for the rites of passage to adulthood.

We are looking at the grant of statehood by the year 2001, when we can be treated as full equals with the rest of Australia. I, for one, believe the Northern Territory is mature enough to take on that role. There is a transition period during which it is important that all the stages be completed in an

orderly manner - no hiccups and no being pulled over for DUI before being old enough to drive the vehicle of statehood. I believe issues like the Andrews legislation, which is to go before the federal parliament, have the potential to penalise us in our quest for adulthood.

The Territory must be careful how it presents its case to the Commonwealth and to the states. Perhaps one of the most crucial aspects is the Territory constitution. That document must be seen to have been developed and supported by the people and for the people of the Northern Territory. The document must be complete, up to date and relevant to the Territory. Only then will the rest of Australia regard it as a great document. I believe we can make a constitution that will force the states, and possibly even the Commonwealth, to look at their own constitutions and see whether, in fact, there needs to be a significant change in the whole Australian context of constitutional development. In fact, the Constitutional Centenary Foundation is one of the vehicles for that constitutional reassessment in Australia. It would be quite fitting if part of the 2001 celebrations were to involve other constitutional changes. I must say that, while we are talking about constitutional change, although the draft constitution before us is designed to fit into the context of a monarchy, I would be much happier if, by 2001, the final constitution that is implemented in the Northern Territory is one that places the Territory within a republic of Australia.

I commend the draft constitution to all members of this Assembly. It is important that those members who are not on the committee read it with open minds. In the first instance, many members who have not been involved with the development of this document may find some of the concepts difficult to understand. They may even find them quite radical in comparison with the positions, viewpoints and philosophies they hold. I ask members to read through it, to absorb it and, if there are areas they are unsure of, to talk to their colleagues and to members of the committee to see how those ideas were developed. It is a unified document that has involved much reassessing of values and of how the Northern Territory fits together as a whole. It is important that we all do that, long before we start to sell it to the rest of the community. We all must know the detail. The members of the committee are familiar with it and are in a position to be able to help their colleagues.

In the first instance, it is a matter of encouraging people to read it and creating a groundswell within the Northern Territory, not only of support for this constitution, but also of a desire to implement it, either as it stands or with few changes. I am sure there will be slight changes, but I believe that, in the true meaning of the term, this is a radical document. It is a document that has come from the grassroots. It is a document that offers ground-breaking concepts. While it covers all the standard issues that need to be covered in a constitution, it goes much further than that.

It is important that I pay tribute to a number of people - to Rick, Graham and Yoga for all of their outstanding work, and to Jim Dorling who has more or less departed. At times, when the ether is working properly and communications are complete, we manage to make computer hook-ups and information is transmitted backwards and forwards from one end of the world to the other. Those 4 people are responsible for the bulk of the physical and intellectual work that has gone into this document. The role of the politicians, I guess, has been to struggle more with the political outcome, the final document. Largely, what has been presented is the work of those 4 people.

I also thank all the current members of the committee. As all members do at times, we have had slight disagreements. I am one who pursues passionately the views that I hold, and I know that, at

times, I have the knack of getting under the skin of even the most composed and gentle-mannered people, such as the member for Nightcliff. I am sure that I have just about driven him to the edge of his sanity on a number of occasions. It is important to indicate that, at the end of the day, we sit down together and examine the issues in respect of which we may have disagreements. At times, it is a philosophical disagreement, at times it is even a disagreement on the conceptual understanding of an issue. When you are getting right down to the minutiae of constitutional issues, trying to determine what a clause will mean finally, often 2 sides can look at the same thing and find it difficult to see what the other person is seeing. That may sound difficult to understand, but there are sections in this document where, between the conceptual attempt to get it right and the technical/legal attempt to get it right, we have had to insert commas and asterisks and change various words. It is not a rough draft, but a precise document that is the result of an incredible amount of work by a small group of very hardworking people.

I also thank all previous members, and pay particular tribute to the former member for Arnhem. As most of the other committee members have commented, he had the incredibly difficult role of trying, not only to represent the views of his people in relation to this document, but also to fit them into a contextual framework that would be suitable and acceptable to the rest of the Territory. It was very difficult to find ways of trying to explain Aboriginal culture and customary expectations within a Western legal document, and trying to achieve the outcomes that were difficult even to identify, let alone to write down on paper to produce the desired result. I believe there are some very important areas in this document, particularly in relation to Aboriginal issues, where both sides need to look very carefully before they make a sudden decision as to whether they support or reject them. There are areas, particularly those relating to land tenure, that need to be read carefully before jumping to conclusions. The former member for Arnhem went through a very trying time, seeking to obtain something that would fulfil the cultural requirements of his people, while also fulfilling the expectations and wishes of the non-Aboriginal community.

I thank all those who have contributed submissions or who have met the committee on its travels around the Territory. It was interesting to note, when we visited remote Aboriginal communities, that often a significant proportion, if not all, of the population attended the meeting. It was necessary often to use interpreters to communicate our message and obtain information from them. They were not simply interested, they were passionately interested in the issues we were talking about. They are very concerned. They regard laws that control law-makers as being extremely important.

I have to say, however, that I have been disappointed by the level of response in the non-Aboriginal community. At meetings in places such as Alice Springs, the committee members outnumbered the people who came to give evidence. There may be a glimmer of light at the end of the tunnel in relation to the rest of the community. When the committee was represented on the show circuit, I believe that attracted much greater interest. I think that, as we come closer to things beginning to happen, the wider non-Aboriginal community will become far more interested. I must say that many non-Aboriginal people have contributed, particularly people from the legal profession and other administratively interested people - I am not sure of a word to describe them, but those people who have a major interest in legal and political issues. I am sure that, as we develop it, more people will become interested.

Finally, I take this opportunity to place on the record my support for the member for Stuart. This is

his last day in parliament. He has contributed significantly to the political development of the Northern Territory. I believe his contributions, within the Sessional Committee on Constitutional Development as a member, within the committee as Leader of the Opposition, and externally through his interest in constitutional development, have been enormous. His interest in the political development of the Northern Territory has been great. I do not believe anyone in this Chamber could criticise his motives or what he has been trying to achieve. You may not always like what he wants to achieve, you may not always like how he goes about achieving it, but you cannot criticise his genuineness and his hard work in trying to achieve his outcomes. His concern for his constituents, in particular, has been outstanding.

As we heard yesterday, when looking at the Public Accounts Committee's report into Aboriginal education, many people in his constituency have lived for many years in appalling conditions. In many ways, I have it easy in my compact urban electorate. The issues that arise there are nothing compared with the complicated issues and the dilemmas faced by people representing some of the remote communities where education, health, housing, transport and job opportunities are desperately deficient and life expectancy is low.

I wish the member for Stuart, my colleague, all the best in his future exploits. I am sure that the word 'retirement' is inappropriate to describe what he will be doing. I believe he is a person who does not know what it is to sit down and do nothing. He will be growing grapes and nuts. I wish he and Anne and the kids all the best in their future, as I am sure all the members of this Chamber do.

I commend the final draft constitution to honourable members and urge them to read it.

Debate adjourned.

08/10/96 Parliamentary Record No. 26: 9217

Topic: MEMBERSHIP OF COMMITTEES
Subject: Membership of Committees
Date: 09/10/96
Member: Mr COULTER (Leader of Government Business)

Status:

Information:

Mr Speaker McCarthy took the Chair at 10 am.

Mr COULTER (Leader of Government Business): Mr Speaker, I move that the membership of the Assembly committees be varied as follows: the member for Stuart, Mr Toyne, be appointed as a member of the Public Accounts Committee and the Sessional Committee on Constitutional Development.

Motion agreed to.

PLEASE NOTE - THIS IS A DRAFT COPY AND IS SUBJECT TO CORRECTION

15/10/96 Parliamentary Record No: 27

Topic: TABLED PAPER

Subject: Draft Constitution - Additional Documentation

Date: 16/10/96

Member: Mr HATTON (Correctional Services) (by leave)

Status:**Information:**

Mr HATTON (Correctional Services) (by leave): Mr Speaker, I table some additional documentation relating to the final draft constitution prepared by the Sessional Committee on Constitutional Development and tabled in this House on 22 August 1996.

Honourable members will be aware of the sessional committee's final draft constitution, already tabled in this House prior to the finalisation of the committee's report on this aspect of its work. There is a motion before this House to note that tabled document. The committee has been fortunate to secure the services of the former Parliamentary Counsel for the Northern Territory, Mr Jim Dorling, who is currently working with the Irish government in Dublin. The final draft constitution was referred by e-mail to Mr Dorling for his comments but, unfortunately, these comments were not available in time for incorporation into the document as tabled. The committee has now met and considered Mr Dorling's comments, and has adopted a schedule of amendments as a result. I table a copy of this schedule for the information of members. It will be noted that the changes are largely of a drafting nature, and seek to make the document more consistent throughout. It is proposed that these changes will

be incorporated into the final draft constitution that is to be attached to the report of the committee on this aspect of its work, which is to be tabled in this House at the next sittings. I look forward to the participation of members in the ongoing debate on the Northern Territory constitution and on the constitutional development generally of the Northern Territory.

I move that the Assembly take note of the paper.

Mr BAILEY (Wanguri): Mr Speaker, I would like to put a couple of brief comments on the record in relation to this, and to say that the opposition members of the committee support the amendments to the completed draft constitution. I suppose it is a little embarrassing that the committee brings in its final copy, and then amends it. However, it is much better for everybody that, where there were minor technical corrections required, we try to have them included. It is my recollection that some 500 copies of that first draft document were originally printed, and that the vast majority of those have already been distributed. There is a great interest in the constitution of the Northern Territory. I

understand that the committee's position will be that by tabling this now, any future print run - luckily, the way the Government Printer operates it is quite easy to correct the existing electronic document - will be the 'final final' draft copy of the constitution, to go out to anyone who is interested.

I heard on radio earlier today that the CLP Senator for the Northern Territory has tabled it, or he was to do it later on today. Unfortunately, due to committee privileges issues, we were not in a position to ring him up and tell him that there will be a few amendments. We may be able to pass on to the federal parliament the amended version so that they can slip it in before it gets to their tabled papers and printer. It would be good for the federal members to have the one with all the i's dotted and t's crossed.

It is a minor correction, but I think it is important again to place on the record that there has been an incredible amount of work done not only by the parliamentary members of the Constitutional Development Committee but more particularly by the staff, Rick Gray, Yoga Harichandram, Graham Nicholson and also of course Jim Dorland in Ireland. I thank all of those people for the work that they have done in getting all the papers together. Without breaking any confidences, I think the next one that we table is about this big.

Mr Hatton: It comes to about 1.8 million words, I believe.

Mr BAILEY: I put it to this parliament that all members should be looking at and going through our draft copies of the constitution. Hopefully, in the not-too-distant future, the Chief Minister will give us all an insight as to how he is thinking on the development of the constitution and the move towards statehood for the Northern Territory.

I have a number of concerns about issues that the Chief Minister has raised in recent times. I was out of town for a few days a couple of weeks back. Looking back through the newspapers, I notice that the Chief Minister was interviewed about an early election. It may have come up in relation to the redistribution. He did say that he was not necessarily ruling out an early election. Then he said the basis on which he would go to the electorate would be the issue of statehood.

I have raised my concern at times, with other members at the Constitutional Development Committee, about the use of statehood by either side as a political tool to divide the community and somehow or other get an electoral edge. My understanding of how the Northern Territory will achieve statehood, with its own constitution is for all Territorians to work together, to have a common goal as to what will be for the common benefit of all

Territorians. Territorians will be calling on the rest of Australia to support our aspirations for statehood and constitutional change.

Perhaps the Chief Minister would like to correct the record, or explain what he meant by saying that he would be having the next general election on statehood. I thought that both sides of politics were largely saying the same thing about statehood. I thought that we were looking now to move to a constitutional convention or something similar to get an overall, general consensus of approval of our constitution so that we can go to the federal government and the states for their acceptance of our constitution, followed by a referendum within the Territory and a grant of statehood.

I will be really worried if the Chief Minister intends to campaign for a general election by somehow saying: 'The CLP's agenda on statehood is different from the ALP's. I am curious to know what he meant. Is he saying: 'We are going to get everyone to vote for us so that we can tell the federal government that everyone supported us?'

I hope that the Chief Minister was misquoted and the use of this as a divisive local electoral issue will not come to pass. It would significantly divide the Territory community. That is what politics is about at election times. Worse, it would make it so much harder for the Territory to achieve its goal of statehood.

If the Chief Minister had said: 'I will win the election. I really do not care about statehood', fine. That may be his political agenda. But if he is honest, and his political agenda is to achieve statehood for the Northern Territory, trying to run a Territory general election on statehood would do nothing other than put the cause of statehood back significantly.

Motion agreed to; paper noted.