

PUBLIC MEETING

BAGOT — Tuesday 28 March 1989

PRESENT: —

Committee:

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

Officers assisting the committee:

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

Appearing before the committee:

Mr Norm BUDBY

Mr Dick NIKI

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

Mr HATTON: I formally declare this meeting of the Select Committee on Constitutional Development open at 10.30 am at the Bagot Community. Thank you very much for coming along today. My name is Steve Hatton. I am a member of the Legislative Assembly and I am the chairman of this committee. The other members of the committee who are with me today are Rick Setter, the member for Jingili, Wesley Lanhupuy, the member for Arnhem, and Col Firmin, the member for Ludmilla. We are all members of a special committee of the Legislative Assembly which has the job of preparing a draft of a new constitution for the Northern Territory. Our committee is different from any other committee that the Assembly has ever had because this one has equal numbers from the government and the opposition: 3 members from the CLP and 3 members from the Labor Party. It is one issue that the CLP and the Labor Party are not arguing about and that makes it different again. We seem to be arguing about everything else in the country but not this one.

The second thing I would like to say is that we are not asking you whether or not you think the Territory should become a state. That is a separate question. But please accept and recognise that one day, whether it is next year or in 5 years time or in 10 years time or in 20 years time, the Northern Territory will become a state. If you can accept that, and I am not thinking about when, you will understand that, before we can even think about that question, we have to work out what sort of a state we want to have, how we want it to run, how we want our parliament to go, what rights people should have protected and how we want our society to go in the future. We do that by writing a constitution. If you wanted to set up your Bagot Community Incorporated, before you could do that, you would have to work out how you wanted it to run, your committee, what rights the committee would have, how you would change the committee and all the general rules about how you wanted to run your community.

It is the same thing with the whole Northern Territory. Before Australia could become one nation, they had to write up a constitution to make that happen and that is the job we are working on. If we are going to do it properly, we need to make sure that it is something that all the people of the Territory want. And that is why we are going out as a committee around

the community talking to as many people as possible, saying: 'Please have a look at this. Have a think about it. Get your ideas worked out as a community and come and tell us what you think should be in the constitution'. Only by doing that can we make sure that we write a law, a constitution, that is one that expresses the views, the feelings, of all the people. It really is important for you to have your say and bring forward your ideas on what you think should go into that constitution. It is not going to be a quick job. We are not just walking in now, talking for 10 minutes and then going away to write it up. At this time, we are asking you to have a think about it. Ask us any questions you want about it and have a talk among yourselves later. Think about it. If you have any questions later, you can ring us up and ask us. You can ask one of us to come out and talk to you more about it. Think it through and then, when you have got your ideas worked out, come and tell us. And we would like to get that done at some time this year so that, over Christmas and in the New Year, we can sit down and start to write up the constitution. But that will not be the end of the story.

After we have done that, we go to the next stage and that is the second thing we want you to think about. We are only preparing a stage 1. We also want to form what is called a constitutional convention, which is a big drafting committee. It has got to have people from all over the Northern Territory whose job will be to take our work and have a look at it and say they like this, they do not like that, they want to change this or they will not accept that. They will prepare a final document which will then go to all the people in the Northern Territory to vote on. There are 3 steps. We are doing step 1, preparing a draft. Step 2 is a convention of Territory people and step 3 is a referendum, a vote of all the Territory people. You can see it is going to take a long time. It is not going to happen quickly and it is going to involve the people so it really will be the people's law. It must be the people's law. And it is important for you and for your children and your grandchildren that you really think carefully about it and you come and you make sure you tell us exactly what you are thinking about it because it is the most important law in any country and in any state. It must reflect everyone's views. We cannot just think for ourselves. We have got to think, 'Okay what is good for me but what is also good for the other man, the other person?', because it is important that we get a community that we all want to live in and we can all live together with mutual respect into the future. We have got to work on that by means of this document.

I have probably talked too much already so I will not say any more. However, I will ask the other committee members if they wish to add anything. Perhaps Wesley would like to start.

Mr LANHUPUY: Thanks Steve. Thanks a lot, Mr Chairman, for giving us the time to come here to talk to you mob. I personally think, like Steve said earlier, it is important that the people in the Northern Territory come round and talk about this paper that we have given to you because it is going to involve a lot of talking. Decisions will be made that will affect both white people and black people in the Northern Territory. What we are asking you to do is to look at that paper and at least start talking about it and thinking about it because it is important to make sure that you come and talk to us and tell us what you think and what we should have in this new constitution for the Northern Territory. It is important that we as a committee know about your views on it so that, when we have this big meeting, whenever that is on, to talk about how we should have our law in the Territory framed, we have your views.

It is no good some time after for you to argue to us: 'But we weren't consulted'. It is important that you talk about it now, give us your views, write it down, ring the office. There is a bloke in the office who will always be available to talk to you. If you want us to come out to talk to you again, we will do that. We do not want to rush it. We want this law to be the Territory people's law so that every one of us has a say in it and that we are happy with it - not just one side of the Northern Territory people are happy but the whole lot of us. That is why it is important that we as a committee are going around to as many communities as possible - white and black - to say to them: 'Look here is this paper. One of these days the Territory hopefully will become a state but, at this stage, let us start talking about making a law that will suit us'. That is why it is important from this committee's point of view that you talk to us and give us your views so that, whenever we have a law, it will be for the whole lot of us, for people throughout the Northern Territory, and we will be happy instead of having arguments and fights among us about what should be in it.

From this committee's point of view, it is important that we go around and talk to as many people as possible. We will be doing that for the next 3 or 4 months. We will be visiting places like Alice Springs, right down the centre, Groote Eylandt, Nhulunbuy, to get people's views. I of course want Aboriginal people to make sure that our voice is heard in this constitution, that what we want for the Territory is placed in this paper so that, when the parliament looks at it, it will know what the Aboriginal people want and hopefully it will listen to us. That is why it is important from my point of view to make sure that Aboriginal people put their views to this committee and to the parliament.

Mr HATTON: Thanks, Wes. Col, would you like to add anything?

Mr FIRMIN: Thank you, Steve. I reiterate what Wes said. It is very important that you read all the documents that you have before you. They are guidelines of things and questions that you might like to ask. From talking to Norm in the past on various matters about Bagot in particular, I know you have some ideas about how Bagot wishes to fit in the scheme of things. You are a little different and perhaps unique in your land ownership and management here. You may want to talk about those things and how you relate even into your local community as much as you do into the wider community of the Northern Territory.

As Wesley said, it is important that there are no fights at the end of our discussions in several months time. It is something unique in Australia for a group of people to be able to sit down and talk about what they want for their future. For every other state in Australia, whilst there has been some discussion on their constitution, their constitution was put in place in the very early part of their development and they had very little history to go on. The constitution was drawn up basically by learned people and by legal people. Here I think we are unique. We are a unique mix of people in the Northern Territory and we need to reflect the things that are important to us. I think the fact that we have had such a long history of living together before we come to a point in deciding what our laws will represent is very important to us and I think it is important to you. I am your local member here and, if you have any problems that you wish to discuss about constitutional development, you can talk to Norm and Norm will ask me to come from my office down the road and talk to you again at some time in the future. I will be very happy to do that when I am here in Darwin and not travelling with the committee.

Mr HATTON: Thank you, Col. Rick?

Mr SETTER: Thanks, Steve. I think it is important to understand what we are talking about when we say that we are here to discuss with you the development of the constitution for the Northern Territory. As you probably know, the Commonwealth of Australia and all of the other states already have their own constitutions, but we do not have one. That means that our relationship with the Commonwealth is like a child to a parent. In other words, if the parent says, 'This is what you will do', then that is what we have to do. In a state, that is different. The relationship between the state and the Commonwealth is quite different because the state has its own constitution. A constitution, of course, is a set of rules, a set of guidelines, like a bible if you like. What we are trying to do is to develop our own set of rules, our own guidelines, our own bible, and that is very important because that is the first step. You must have a set of guidelines, a constitution, before you take any further constitutional steps. Of course, we will be discussing a number of things with you in the months ahead. How will the constitution affect land rights, if at all? How will it affect community government? Should we entrench in the constitution the recognition of community government? Many people would say that is a good thing, and I believe it is a good thing.

Those are the sorts of issues that we want to discuss with you and we would like to hear your point of view. We would like to hear what you have got to say about that. It would be simple enough for our committee to sit down and draft a constitution without even discussing it, but there would be no point in doing that. It is very important that we talk to all of the people in the Northern Territory to seek their views before we write the draft constitution, otherwise it would not have the support of the people, and that is one of the reasons why we are here talking to you today.

Mr HATTON: Thanks, Rick. We have done a lot of talking. A lot of this obviously is to explain to you what we are doing. Mr Chairman, perhaps you have some questions that you would like to ask us.

Mr BUDBY: Not as yet perhaps. I think it would be better for us to have a meeting ourselves and then we can call Mr Firmin or somebody to come out and we can explain what we think. Perhaps we could have a meeting ourselves within the next week or two.

Mr HATTON: You do not necessarily have to do it in one go. You can have quite a few goes.

Mr BUDBY: No, over a period of time. Certainly.

Mr HATTON: We can leave some extra material behind for you also.

Mr BUDBY: Yes, I would like that.

Mr HATTON: There are other things that have come out. The book that we gave you is what I would call the everyman's guide to the constitution. It is an introduction on what sort of things go into it and what sort of questions we are asking. But, if you want more information, there is a book like that. This book here was actually written as a simple summary of the stuff that is in here, but this has more of the arguments for and against different things in here. If you see something in

here that you would like to know more about, you will find more about it in this book.

Don't just tell us what you want in the constitution. We also need you to tell us who you think should be in what we call the constitutional convention. What should be the Aboriginal representation? How big should the committee be? Should there be women as well as men represented? Should there be representation from Central Australia as well as the Top End. Should there be local government and community government representation? How do you think we should put that committee together to make sure it is going to represent Territory people right across the spectrum? I am asking a lot of big questions and that is why I do not expect any quick answers.

Mr BUDBY: That is something that will have to be thought about pretty thoroughly before anybody could commit themselves to something like that.

Mr HATTON: I think so. We have been talking about it for 3 years now and I guess we have got a bit of a head start on you. There are also other books on some of the general issues on statehood which we can leave for the community. One that I know will be important to you is on land matters. I know that is important for Aboriginal people particularly. It gives some of the ideas on ways that might be able to be handled. There are ones on national parks and mines and energy matters. They are available for you too. If I can come out today and feel that I have encouraged you to think about it, talk about it, discuss it among yourselves so you come back and tell us what you are thinking, then it has been successful for me.

Mr BUDBY: Yes. (Inaudible) ... do that with all the communities. I think that is fair all around.

Mr HATTON: Because you will not find a more important thing than this one.

Mr BUDBY: That is right.

Mr HATTON: As Wesley said, we argue about lots of different things in the government, in politics, don't we? We fight about these things and fight about those things. Sometimes something comes along that is really deeply important. It does not just affect you and me today. It is going to affect our children and our grandchildren and their children. When you think about something like that, you have really got to take your time and do it properly. That is why we are not arguing about how we go about doing this. It is really important. It is important for you to really make sure you think about it. Anything else you want to raise?

Mr BUDBY: I have got nothing more to say.

Mr SETTER: Maybe somebody else would like to ask a question.

Mr NIKI: My point of view is that I reckon it will be better for us to have a meeting here and tell you what we would develop, like today's meeting, so hopefully, when next time comes along, we might have all the community together.

Mr HATTON: Thank you. I formally close these proceedings.