

**YUENDUMU — Wednesday 6 June 1990**

**PUBLIC MEETING**

**PRESENT:-**

**Committee:**Mr Ede (Deputy Chairman)

Mr Setter

**Officers assisting the committee:**

Mr R Gray (Executive Officer)

Mr H Nelson (Interpreter)

**Appearing before the committee:**

Rex Granites

Lindsay Turner

**NOTE:**Edited transcript.

Issued: 11 January 1991.

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Mr NELSON speaking in Aboriginal language.

Mr EDE: I am Brian Ede. I am the Deputy Chairman of the committee and I will be saying a few things about what we are doing here today. After that, Rick Setter, who is from the CLP and is another member of the committee, will be saying a few words. We also have our staff with us who will be recording what is said. After we have said a few things, people may wish to ask questions or to say what they think should be done.

Mr NELSON interpreting.

Mr EDE: Many people might know that, when you set up things like the housing association or the Walpiri Media Association or whatever, these are set up under an act of parliament - the Associations Incorporation Act or the Local Government Act or some other act. There is an act of the Northern Territory parliament or the Commonwealth parliament that says that you can set up those organisations. That is how they are all started.

Mr NELSON interpreting.

Mr EDE: When a government starts, it cannot start from nothing. The government in the state of Queensland or the government of Australia or the government of the Northern Territory must have something, such as an act of parliament, that allows it to start.

Mr NELSON interpreting.

Mr EDE: All the state governments, like Queensland, Victoria and South Australia, were started by an act of parliament in England. When England was sending out all the convicts and white fellows were coming from there, the state governments were set up under acts of the parliament in England. The Northern Territory came along later because it used to be run from South Australia. Later, it came under an act in Canberra because, at that time, Canberra was already set up as the boss for all Australia.

Mr NELSON interpreting.

Mr EDE: The government of Australia, the Commonwealth government, has a law which says what it can do. That law is called the Constitution of Australia. The government in England cannot change that law and the government in Canberra cannot change that law. Only the people can change the Constitution of Australia. It can be done only by what is called a referendum. You might remember that, last year, there was a referendum to try to change a little bit of that law. However, the people said no. The people have the right to say yes or no. That law is the boss of the government. The government is not the boss of that law. The people are the boss of that law.

Mr Nelson interpreting.

Mr EDE: We do not have a constitution for the Northern Territory. The Northern Territory goes under a law in Canberra. That Canberra mob can change that at any time. People in the Northern Territory do not have power over what the law is for the Northern Territory government. What we are talking about is how to change that so that the people of the Northern Territory have the power to say what the powers of the Territory government should be. They should have the power to say what the Northern Territory government should or should not be able to do.

Mr NELSON interpreting.

Mr EDE: All those big laws are in Canberra and we do not know what might happen in Canberra. A different mob may get into power there or some of the mob there might not agree with the way things are run now and want to change them all. We do not have power over that. We have only 1 person who goes to Canberra. We are saying that, if we can start working on a constitution for the Northern Territory on which everybody agrees, we can put in our constitution the things that are really important to the people of the Northern Territory. We would make it so that no matter who is in government - the CLP, the ALP, the Nationals or whoever - they would have to obey that big law, that constitution for the Northern Territory.

Mr NELSON interpreting.

Mr EDE: When they wrote those constitutions everywhere else in Australia, a couple of politicians and lawyers got together in an office and wrote them up. They said: 'We will give ourselves all this power'. We do not think that it should be done that way in the Northern Territory. Therefore, we are going out and talking to the people in order to explain to them what this thing is about. We want to hear the people's own ideas about what are the really important things that should be written into the constitution. If we do it that way, it is the people who are really doing it because it is their ideas that will be going into that constitution.

Mr NELSON interpreting.

Mr EDE: If the people do not set out in their constitution how things have to be and say that they are the only ones who can change it, the government could change it itself. That constitution puts a rope around the government and holds it back. It says: 'You can do all the things that are written in here, but you cannot go too far. If you want to change something or do something that is not in this constitution, you will have to ask the people. The people will have to vote yes or no for that change'.

Mr NELSON interpreting.

Mr EDE: Let us take the example of the Land Rights Act. That is a law of the federal parliament. It could change that at any time. It does not have to ask the people or talk to the people; it could simply change it in Canberra.

Mr NELSON interpreting.

Mr EDE: The Canberra government could give the Land Rights Act to the Northern Territory government and it could then change it in whatever way it wanted. However, if the people say that they want things from the Land Rights Act put in that constitution and they are put in the constitution, the government would not be able to change them. All the people would have to vote on whether they wanted to change them or not.

Mr NELSON interpreting.

Mr EDE: What we have to do is to find out the sorts of things that the people want in the constitution. They might say that they want some parts of the Land Rights Act and some protection for sacred sites put in that constitution. They might want

everybody's right to vote in elections written into the constitution. If things like that are put in the constitution, the only way they can be changed is to ask all the people to vote to change them.

Mr NELSON interpreting.

Mr EDE: We are asking the people what they think. We have been out once already. This is our second time and we are going around talking to the Aboriginal communities. We are also talking to the white fellows in the towns about what they want in it. It is important that the Aboriginal people tell us what their ideas are because other people are telling us their ideas too. For example, the mining companies might say that they do not think that things like land rights should be put in the constitution. If the Aboriginal people are not talking out and saying what they want in it and we only hear from the other side, that is the way it might happen. It is very important for people to tell the committee the things that they want to have in the constitution. The people can then see which things that they agree on and which things they do not agree on. If we do not agree, we have to talk more about it until we have something that everybody agrees on.

Mr NELSON interpreting.

Mr EDE: There will be many things in the constitution. We have to talk about things such as whether we should write in the constitution who can vote. Should only people over 18 years be able to vote? Should we say that everyone can vote provided they are not in jail and are not mad? Are we going to say that everybody can stand for parliament? We have to talk about such things and decide what people think should be in there.

Mr NELSON interpreting.

Mr EDE: Last time, we sent out these books. Some people might have had a look at them. We would like people to keep thinking about the things in there because they contain some of the things that we have to talk about. Will the new parliament in the Northern Territory have the same power as the parliaments in Queensland or Western Australia or South Australia, or will it be more or less? How much power will our parliament have.

Mr NELSON interpreting.

Mr EDE: In Canberra, we have the House of Representatives and the Senate. One stands on top of the other. In the Northern Territory at the moment, we have only 1 House in the parliament. Should we have 2 Houses of parliament? That is another thing that we have to think about.

Mr NELSON interpreting.

Mr EDE: There is another thing that we have to think about. Should we have special seats for Aboriginal people in the new parliament? At the moment, Aboriginal people and white people all vote together and decide on who will be elected. In some places, they voted for an Aboriginal person to go to parliament and in other places they voted for a white person to go. Should we leave it like that or should we have some seats for which only Aboriginal people can vote and some for which only white people can vote?

Mr NELSON interpreting.

Mr EDE: We will have to talk about the Administrator. The Administrator used to be Commodore Johnston and now is Justice Muirhead. What power should he have? Should he be able to sack the government or should he be able to do only what the ministers tell him? Those are things that we have to think about.

Mr NELSON interpreting.

Mr EDE: We have to think about how we set up our whole court system. We must think about whether we should put something in the constitution about local government. Should we put something in the constitution about basic rights such as freedom of speech and that sort of thing?

Mr NELSON interpreting.

Mr EDE: As well as those things, there are special things such as land rights, sacred sites, protection of culture and so on. We have to decide about all of those things. Which ones should we put in the constitution? How can they be changed? How many people would have to vote yes in order for them to be changed?

Mr Nelson interpreting.

Mr EDE: You have those books and we also have some cassette tapes. The tapes are in language so that the people can hear about the ideas and think about them. We have to work out some way of getting the message from the people about what they think.

Mr NELSON interpreting.

Mr EDE: I do not want to keep talking for too long. I will stop there and let Rick say a few words. After that, people can ask questions or perhaps give some of their ideas about what should be put in the constitution or what we should do.

Mr NELSON interpreting.

Mr SETTER: Brian has explained the purpose of our visit very well and I am not going to go over exactly the same ground. However, I will perhaps put it in a slightly different way. For a long time now, we have always had a government in the Northern Territory. There was a time when the federal government in Canberra controlled everything here. However, in 1978, we established a fully-elected Northern Territory government. Brian, myself and other people like Steve Hatton and Wesley Lanhupuy are all members of the Northern Territory government.

Mr NELSON interpreting.

Mr SETTER: As you know, even now the Northern Territory is only a territory. It is not a state. As Brian explained, we have the federal government, state governments like Victoria and NSW, and the Northern Territory government. However, the Northern Territory government is like a small child. The federal government is like our father and the states are like our adult brothers and sisters.

Mr NELSON interpreting.

Mr SETTER: We say that it is time for the Northern Territory to start growing up and become the same as its brothers and sisters. However, to help us grow up and become an adult, we need some rules. We need what is called a constitution. Once we grow up and have that constitution, it will not matter which government comes into power in the Northern Territory because they will all have to obey the same rules - the constitution.

Mr NELSON interpreting.

Mr SETTER: The problem is how to draw up a constitution. In order to make a constitution, the Northern Territory parliament has established this committee of which Brian, myself and others are members. There are 3 members from the CLP government and 3 members from the Labor Party. We are working together to make that constitution.

Mr NELSON interpreting.

Mr SETTER: How do we make a constitution? Brian and myself and the other members of the committee could sit down and write one. It would be easy because we could look at the constitutions of all the states and the Commonwealth. We could copy the others.

Mr NELSON interpreting.

Mr SETTER: We have decided that that would be no good and that we need to go out and talk to the people. The state and federal constitutions are almost 100 years old. We are writing one today and the circumstances are very different than they were 100 years ago. Our committee has already been working for over 3 years on the constitution. We have written these 2 books. This one is called a discussion paper on a new constitution for the Northern Territory and it contains a whole range of different ideas. We are not fixed on any of those ideas. You should read all the ideas and decide which ones you think are good.

Mr NELSON interpreting.

Mr SETTER: Some 12 months ago, we left many copies of this other book here. It explains what we are trying to do in language that most people can understand.

Mr NELSON interpreting.

Mr SETTER: These books are designed to give you ideas. We are coming to talk to you because we want to hear your ideas. We want you to tell us what you would like put in the new constitution. It is very important that Aboriginal people have the opportunity to have their say and to tell the politicians what they want in the constitution.

Mr NELSON interpreting.

Mr SETTER: It is very important that you think about it, talk about it, have some meetings and tell us what you want put in there. Perhaps you could set up a committee to talk about it. When we come back, you could tell us what you think or you could write to us and tell us what you want in there.

Mr NELSON interpreting.

Mr SETTER: Aboriginal people make up almost 25% of the population of the Northern Territory. It is very important that the issues that are special to you, like land rights and sacred sites, should be talked about. As Brian said, perhaps provision for special seats in parliament for Aboriginal people should be made in the constitution. However, you must talk about it now and tell us fairly soon what your ideas are. We are also talking to white people in Darwin, Tennant Creek, Alice Springs and Katherine. They are telling us what they want and we are listening to them too. We want to hear what you think.

Mr NELSON interpreting.

Mr SETTER: I think I have explained enough about why we are here. What Brian and I have said should have given you some idea of what we are trying to do. You might like to ask us some questions now.

Mr NELSON interpreting.

Mr NELSON: I would like to ask a question. When is the constitution likely to come into place. I believe that it will be in about another 18 months or 2 years. That is just a rumour that I heard.

Mr EDE: At this stage, no time has been set. It might take a couple more years going around getting ideas together. When we have enough ideas, we will write what is called a draft constitution. Even then, people will have different ideas on how it should work. That draft constitution will go to a body which will be called a constitutional convention. We will have to work out who will be on this convention because we do not want it to be just a mob of politicians. We are looking at having something that is bigger than parliament which includes people who are not politicians. These people will have a look at what we have written and argue about it. They will come up with a constitution which they will ask the people to vote on. That one will be put to a referendum of the people. The people will be able to vote yes or no. If they vote yes, we will then ask Canberra if it is okay for that to be our constitution. If the people vote no, we will have to start again. We will have to go through it all again until we come up with something for which the people will vote yes.

Mr SETTER: There is no time limit on it. Naturally, we would like to complete the exercise within a reasonable time. However, it is like climbing stairs and we have to take one step at a time. We cannot move on to the next step until we have finished the one we are on. This step is coming out and talking to the people.

Mr GRANITES: In relation to this proposal for a state constitution for the Northern Territory, if we Aboriginal people, especially the older ones, are to be dealing with these kinds of things, I think there should be more time available for all the people who do not understand. The government should put some money towards translating these things into language. That would be better because, when politicians come out, the people forget about it as soon as they are gone. If you could provide the money, we could do it ourselves in our own communities. We could work towards these kinds of things.

Mr EDE: At the moment, the Institute of Aboriginal Development is using interpreters to put the same story into different languages. It is being put on tapes which will be sent out to the people. The people will be able to listen to what the whole story is about. In about a month or so, we will begin sending the tapes out to people right across the Northern Territory.

Mr NELSON: Rex referred to our people making this kind of tape here instead of the Institute of Aboriginal Development. The people would know who is talking. Some of the interpreters in Alice Springs do not live out here and are not very well liked by other people. They may not be able to get the message across. If it could be translated here, the people would

know who is talking. That is what I think Rex was talking about.

Mr EDE: We would have to go back to the committee to talk about that. You are lucky here because you have the Walpiri Media Association which has equipment. Other communities do not have anything like that. We could speak to the committee about the possibility of finding money to put some more material on those tapes. It would be great if people like Francis here could broadcast something on the television so that people could see their own people talking about it.

Mr NELSON (?): We have television and radio. (Speaks in Aboriginal language).

Mr SETTER: We are also producing a video, but have not yet decided whether it will be in language or in English with subtitles in different Aboriginal languages. When the video is completed, it will be available for telecast by Imparja. I would think that it would also be distributed to the communities so that people can watch it on their own televisions.

Mr NELSON translating.

Mr SETTER: One thing that we would like you to consider is whether you would like to establish your own committee so that you can think about it and talk about it.

Mr NELSON interpreting.

Mr TURNER: I am the Deputy Chairman of the Yuendumu Community Council. This is very short notice. You are saying that there are 18 months to do this?

Mr EDE: No. There is no time limit for the future. We have been going around for about 18 months now.

Mr TURNER: The Northern Territory government should organise someone from the Office of Local Government or the Chief Minister's Department to talk to the council or the community. I do not know whether or not the council has been talking with the community here ... people not turning up from Anningie, Willowra and Mount Allan today points to a lack of communication probably between the Northern Territory government and the community council. In the near future, the community government council presidents or people like that should meet in town with the government and go through once again what has been said today. They can go back to their communities and tell the people what has been said at that conference and explain it to them.

Mr EDE: Yes. I think that is another way. I believe the people at Willowra and Anningie decided to attend the meeting at Ti Tree when it occurs. They will have their say there. I think that you are probably right and that we might have to bring people together from bigger areas. If, as Rick suggested, there was a committee that covered here and Nyirripi, people could talk generally about these things. They might decide later that they are merely a few people and go to another meeting, perhaps in Alice Springs, which brings together people, say, from the northern part of the Stuart area. There might be another one for the MacDonnell area and so on. They could come together in Alice Springs and talk more about it. People will want to know what other Aboriginal people are talking about so that everyone can share ideas, backwards and forwards.

Mr NELSON: Are there any more questions?

Mr EDE: Perhaps you might like to have a break for about 10 minutes so that you can talk about it among yourselves. People might like to talk about it first before they put it on the tape.

Mr NELSON: Is this the final round of your trip?

Mr EDE: No, it is not the final round. This time, we have not been going to so many of the smaller places. We have been going to the larger places. We might decide that we should go back more often to some places than to others. We have to keep working at it until we are happy that we know what people's ideas are. We do not want to say that we are going to finish this in 1 year. On the other hand, we do not want it to drift on and on with nothing happening because the other people would be doing their thing and the Aboriginal people would miss out.

Mr NELSON interpreting.

Mr NELSON: What I just said is that, when all our people come back from town and excursions, we can have a community discussion on this and follow on from that.

Mr EDE: We can certainly do it that way. Also, if the people want to talk more about it at other times, you can ask Rick, our executive officer, to come down. That is another way of getting the message across.

Mr NELSON interpreting.

Mr NELSON: Dave Woods suggests that, on the Tuesday after the Walpiri sports weekend, the people could get together for a discussion. I believe that you may be available at that time, Brian?

Mr EDE: I am pretty sure that I will be here for the sports weekend. That is not a bad idea because that is the time when everyone comes together.

Mr NELSON: We can get all the Walpiri mob together and have a discussion.

Mr SETTER: We will have to look at our diary and talk to the committee. We will write to you or advise you in some way. I would think that Brian would be here. We will advise you soon whether the other members of the committee will be able to come.