

PUBLIC MEETING

BELYUEN — Wednesday 29 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 John SINGH

Ms Lorna TENNANT

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

Mr GRAY: My name is Rick Gray. I am the secretary to a committee of the Assembly of the Northern Territory. The committee has come here today to talk to your community about a constitution for the Northern Territory. I would like to introduce the committee to you. Steve Hatton is the chairman of the committee and the members with him are Wes Lanhupuy, Col Firmin and Rick Setter. Mr Hatton will talk to you now.

Mr HATTON: Thank you very much. Our apologies for the delay in starting but it really is very pleasing to see so many people have come to hear us and I hope to talk to us today about this question. Our committee is a committee from the Northern Territory Legislative Assembly. At the back of this book that we gave you, you will see that it has all the people who are members of this committee. There are 6 members and this is a special committee unlike any other one of the Assembly because it is the only one that has got the same number of Labor and CLP members. It has got equal numbers from government and from the opposition. That is because, in what we are talking about, there are no arguments between the government and the Labor Party. We are both saying the same thing and trying to get the same thing worked out so we are working together. It is not a political thing. It is just all of us working for the Northern Territory.

Our committee has got a job to do and that is to start work to write a constitution for the Northern Territory. You have heard a lot of talk about statehood, about whether the Northern Territory should be a state or whether it should not be a state. There are lots of arguments about that question. We are not asking you if you believe it should be a state or not be a state yet. That is another question. What I ask everyone to think about is to recognise that one day, whether it is next year or in 5 years time or 10 years time or 20 years time, the Northern Territory will become a state. It is only a question of when.

Before we can even think about becoming a state, we are going to need to work out what sort of a place we want and we do that by writing a constitution. Just the same as if you want to set up community government in a community like this,

the first thing you have got to do is to work out the constitution: how it is going to work, how the council will be elected, what it can do, what it cannot do and what rights the people have to a say about what happens. It is the same thing with a state, with the Territory. It is the same thing with the whole of Australia. Before they could make one country for Australia, they had to write a constitution. They did that 100 years ago. We have not got a constitution for the Northern Territory and what we are doing is going around talking to the people all over the Northern Territory saying: 'What sort of things would you put into a constitution? What sort of a parliament do you think we should have? What should be in there to protect your rights? What sort of a society, what sort of a place do you think the Northern Territory should be for yourself, for your children and for your grandchildren? How do we make our place, the Northern Territory, a place that is a society that we all want to live in, that is good for everyone and recognises the needs of all the people?' You do that through your constitution. And we are going around explaining to people what we are doing, providing the information you might want and we are asking you to have a think about it, to talk about it among yourselves and tell us what you think should go into a constitution for the Northern Territory so that we can start our work, our part of the job in making this constitution.

There are 3 parts to this job. Our committee is doing the first part. We are preparing what will be known as a draft constitution. We are also making recommendations on the formation of a committee which is called a constitutional convention. That is like a giant drafting committee of representatives from all over the Northern Territory. Those people will take our work, they will take our suggestions and they will think about them, talk about them and argue about them. They might accept some. They might change other ones and they will work up a document that they think should be the constitution as the next stage. That is stage 2. When they finish their work, that constitution will be put to all the people to vote on in a referendum.

So there are 3 steps and we are only right at the first little shuffle in the first step by going around and saying: 'Please, think about it now and start looking at some of these questions'. When you have thought about what you think should go into this constitution, we will come back. Would you please think about it so you can tell us what you think to make sure that you have your say and to make sure, when this job is finished, it is a constitution that is very much the law of the all the people of the Northern Territory. It is going to take a long time. It is not going to happen quickly but it is important that you become involved and have your say. It is a great chance to have your say on how the Northern Territory should be in the future. I might ask Mr Lanhupuy if he would like to add anything before we open up the meeting.

Mr LANHUPUY: I think Steve has covered most of the important things about this constitution and this committee. We are going around a lot of communities in the Northern Territory asking people to try and talk about this paper that he has just given you. I think it is important because it will involve a lot of us. This will be like land rights for Territory people, not only Yolgnu people. This paper will be like land rights, the Land Rights Act for the Northern Territory. It will give us that right to do what we want in the Northern Territory and the way we want to develop our land.

The important thing is that we are going around and asking you people to talk to us and express to us what you mob think. I think it is important that we in the Northern Territory, one time or another, should control our own lives, the way we live, what laws we want and what government we want looking after us. Should we have an Administrator appointed by the federal government or what sort of law system do we want in the Northern Territory? What kind of land management do we want? Do we want Canberra looking after our land like the parks that we have? Those sorts of things. Do we want land rights under federal government? Those sorts of things. And like I said at Bagot the other day, it is important for Yolgnu people to put your views to this committee because it is no use us mob arguing 5 years later that we did not talk to you. Your chance is there now to talk to this committee and put it to them and say: 'We want land rights in that constitution'. If you want that, you tell us mob now. And, hopefully, we will put that to this committee which will be made up of a lot of people that will draft the law for the Northern Territory.

It is important now because it has not been done for over about 100 years. The last one was in Tasmania and the Northern Territory is just starting to gain recognition. Because Yolgnu people make up 30% of the Territory's population, it is important that you talk to this committee and make sure that we hear your views. Whatever you think: whether we should put land rights into the constitution of the Northern Territory and whether it should recognise the rights of religion. Those sort of things. It is important because, once the constitution is ready, your children and my children are going to have to live under it and the decision we make now is crucial for us mob's future children. Therefore, like I said at Bagot the other day, it is important. It is no use you and me arguing 5 years later down the track when the constitution is made, when everything has been agreed to. Your views and arguments, whatever you want, put them to this committee. We can only listen to you, write it down and then present it to this big meeting that is going to happen hopefully in about 2 or 3 years time.

The important thing to remember is that we are not pushing for a time limit. The committee is going around saying to people: 'Start talking about it. It is going to happen regardless what you mob think'. It will happen. We will get a constitution in the Northern Territory and we will get statehood in the end. And if us mob, Yolgnu people, want to achieve anything in the Territory, we have got to have our say in it and be a part of it. The constitution will be no good if part of the Territory such as Yolgnu people say: 'Sorry, we do not want to have anything to do with it'. It will be nothing. So that is why we are saying that we want to hear from you. Talk to us, write, ring up. If you want us mob to come back, we will come back to talk to you mob further about it. We are visiting as many communities as we can throughout the Northern Territory and asking views about what you mob want in this constitution. Hopefully, in the end, we want this constitution to be the people's constitution, not for us mob, for politicians. We want the constitution to be a constitution made for and by the people in the end so that it will bring us all together in the Territory. That is why it is important that we put our views in and that people like us mob listen to those views expressed by Yolgnu people or women's liberation mob - the whole lot.

Mr HATTON: As Wesley said, it is very important that this constitution has got what is good for the Yolgnu people. When they think about that, Yolgnu people also need to think about the balanda as well so that we work out how everyone, Aboriginal and non-Aboriginal people, can live together. I said the same thing when I spoke in Palmerston last night. Everybody in the Northern Territory has to start thinking about it for ourselves but also for the other person and how we can find a way that we can all live together with respect. If we can do that, we might make something really good for all of us. That is what we must work for but we need you to be involved and we need you to think, talk and tell us what your worries are, what your concerns are, and things that you think are important for you. Have you got any questions that you would like to ask on anything about this?

Mr LANHUPUY: I might just explain something that might be much closer to home for us mob. At the moment, the Northern Territory government here in the Territory only works by an act of parliament that they call a Self-Government Act. That federal government in Canberra can wipe us right out just like that. The Land Rights Act is involved in that process. It is just an act of parliament. It is not in the constitution. If John Howard and his mob get into parliament and, if they do not want land rights, they can wipe it out just like that, by a motion in parliament because it is not in the constitution. If we want land rights in this kind of paper now, that is what we are trying to get you to tell us. Do you want land rights in that constitution?

If it is in the constitution, the people of the Northern Territory have to vote, not only us who work in parliament. We do not make that decision. It is important that the whole lot of us talk about it and understand what we are going to go for. It is going to affect us. We may make the decision over the next 3 or 4 years or whatever, but our children and our children's children will be involved and will have to live under this new law. It is not only the Land Rights Act for the Northern Territory Yolgnu people but a Land Rights Act for the Territory. It will affect our land, it will affect our rights, how much tax we pay, the whole lot, because every other state has got a constitution except the Northern Territory. We are the last one and the parliament in the Northern Territory has decided to say that we are going to push for our constitutional rights to be able to make sure that we fight for the same type of money and everything from the federal government and have the same sort of rights on a whole lot of matters whether it be tax, funding, education - everything.

Some of those things we do now. The Territory government looks after education, health and a whole lot of things exactly like Queensland, Western Australia or South Australia. But, we are not a state yet and, if the federal government wanted to just take us off, they can do that by an act of parliament. It is important for us mob to put our views. Sometimes you might not trust us mob, the Northern Territory government or parliament. You might not trust us concerning land rights and everything else but is it better for you mob to deal with a government here or down there? They are the sort of things that you are going to have to think about and talk about.

Mr SETTER: Mr Chairman, there is another matter that I think would be of great interest to Aboriginal people too and that is community government. I assume that you have community government operating in this community? You are just fixing it up at the moment. Obviously, it is something that you have considered and thought about quite a lot. Community government or what we would call local government is a matter that could also be included in the constitution. The recognition of community government can be protected. It could be written in so that it is there forever, locked into the constitution and no future government could ever take it away. That is another issue that is of great interest to you, I would think. That is a further evolution of responsibility so that you are making your own decisions locally in the community about the things that you want within your own community. I personally think that it is a very good thing.

Mr SINGH: What happen here to people who come up and say, 'No, we don't want that new law. We want the same old law. We want the land rights to be in that paper'.

Mr HATTON: In this one?

Mr SINGH: We just want to have our own law, not to change our law, like Aboriginal law. To make sure that it is put in that paper also ... (Inaudible).

Mr HATTON: You can do that. That is one sort of thing that a constitution can do. The good thing about a constitution is that the politicians cannot change it. It is like the people's law. You can write into the people's law that you want to have some protection for your rights, for your culture, for your Aboriginal law. You can write that in and that will give it strength, more strength than it has got now because then the federal government cannot touch it and the Northern Territory government cannot touch it. It is safe. The only way that it can be changed is if everybody in the Northern Territory votes to change it and you have got a vote then too, you have got a say. That is the importance of this sort of law.

The same thing with, as we said in other communities, land rights, and Wesley raised that. The truth is that Aboriginal people are very worried about land rights with statehood. They do not trust us a lot. Well, the constitution is one way to provide protection for your land rights. It would be stronger protection than you have now because now, if Bob Hawke wants to, he can take away your land. He can just take away the act of parliament. He will not do it. I am not saying that he will do it. Please do not get me wrong, I do not think he will. I do not think either side will.

Mr SETTER: No, neither will.

Mr HATTON: John Howard will not either. No one is saying that they will take your land away. We are not saying that, but it is a question of saying that, no matter what I say to you, if I have not got the power to do it, you are in a stronger position, aren't you? That is what a constitution can do for you. That is the difference. It is what they call entrenching your rights because it is a stronger right. It is important for you to think about it. Among the books I gave you, there is a simple, small book and there is a big thick one, thicker than that one. We will leave copies behind for you. If you want to know more about what something means, you will find more about it in there, in that one. There are 11 pages of questions that that book asks you. There are lots of things to think about.

There are other books that we have got. One on how you go about forming what we call a constitutional convention. We want you to tell us who you think should be represented on that. We are asking that question too, so it makes sure that it represents properly the people right across the Northern Territory, from everywhere, and all the different people in the Northern Territory. We are also asking how big it should be and there is another one there on how you go about becoming a state and that is there for your information. There are other books that are available on land matters and that has got a lot of things about land rights and ways of protecting your land rights. There are ones on national parks, mining and minerals and energy. Those books are available to you too. Take the time to read about it, think about it and talk among yourself about it. Form your own ideas, what you think, then make sure you come and tell us about it so you really do have your say. That is what is important.

Mr LANHUPUY: The most important thing is that we are about 25% to 30% of the Territory population. What this committee is saying is that, if one part of the community does not like what we are saying, please talk about it so that when this book is made, this constitution is written, it will be a constitution for the people of the Northern Territory. If us mob decide 5 years later and say, 'Sorry, we do not want it', it will be too late. Our chance is here now to tell this committee what us mob want, whether we want land rights in the constitution, whether we want our bilingual education - you name it, the whole lot, Aboriginal law, customary law - in this constitution. Now is the chance for us mob to put it to them because it is important, otherwise if we sit back and let other people talk about it, we will lose once again.

It is crucial that Yolgnu organisations like land councils be involved in it. We are not going to seek organisations one, one, one, like that and say: 'Come and talk to us'. What we are saying is that we are a committee established by the parliament to talk to everyone. We are not seeking views from one specific organisation. If they do not want to put in their views, that is their problem. We are here to take views from the community as a whole regardless of whether you are balanda or Yolgnu. That is why this committee has been made up to try to come up with something that hopefully will be the people's law in the end, made up by the people of the Territory for the people living here. And you might want custom in it, you might want customary law in it, land rights entrenched and land management or whatever. They are the sort of things. That is why these other papers will give you more information about it.

Mr HATTON: And different ways of looking at those problems. You should think about different ways.

Mr FIRMIN: In the process of thinking about those things, we also would like you to think about not only just the things that you would like to see in the constitution, that you believe you would like as your rights, but also to think in general terms. In the broad sense, we are all Territorians and we all have a responsibility to the Northern Territory so we also need to look at the responsibilities that we have to each other so that, when we talk about customary law and the way in which you want your law entrenched, you must think also how that affects everybody else, not just you, but all of the rest of the Territorians. It is going to be very important for us to get a balance and it is worth sitting down and looking at how everybody relates to each other, how we can all live together or work together and make the Territory a strong place where, as Wes says, his children, my children, Rick's children and Steve's children and your children all are proud of being in the Northern Territory and want to stay here and work here and raise their children here. It has to be something that they can live with for a long time so we all have to be able to live together. When we think about the things that we want in the constitution, we not only have to think about the things that we want for ourselves, we have to think of how it is going to affect the rest of the Northern Territory as well.

Mr LANHUPUY: Like the Land Rights Act from our point of view and from your point of view. The Land Rights Act is the best thing that we have had going for us so far. What we are talking about now is like land rights. That will affect land rights. What we are talking about now will affect land rights. If we do not have any input to this paper, we are going to be left behind. Apart from land rights, this is the next most important thing for us mob to talk about because it will affect us, our daily lives and our children's lives for the years to come. You people now have got that opportunity to put that view across. Our children will not and our children's children will not. They will have to live under this law. Our children's children will have to live under this law so what we put into this law is going to affect them for a long time until such time when the whole of the Territory votes against it. So it is important that you talk about it throughout the community and put your views to this committee. There is a bloke here that you can ring back and tell him or you can put your views through the Office of Local Government.

Mr HATTON: If you want us to come out again, we will come out again.

Mr LANHUPUY: We can always come back again and talk to you mob further about it. People at Bagot the other day said to us: 'Thank you very much for your information. We will look at it, talk about it in the community at our meeting and we will ask you to come back again'. We are not pushing you mob to make a decision next year or the year after. We are saying to the Territory community: 'Start talking about it. Come back to us'. It will happen. That is the important thing. It will happen.

Mr HATTON: You talk among your community about what you are thinking. Other communities are doing the same thing and they will tell us what they are thinking. We can tell you what the other mob are thinking about. You might not agree with them or you may agree with them. By talking around, getting information around the place, we will start to develop something and we all will be happy. That is what we have got to work towards. It is not going to happen quickly, is it? There must be a lot of talk. Any questions?

Mr LANHUPUY: If there are no questions, we can always come back and talk to you mob. If you want Steve or me just to come out and talk to the community as a whole, or Col or Rick, we are available to come out and talk to you and just explain this thing further to you mob. The important thing is that I personally would like us mob, Yolgnu people, to have some input into the whole thing because, if the whitefellas want it and Yolgnu people do not want it, it is not a constitution. It is not going to work for us mob. And if we are going to fight against that mob for land and everything else, it is not going to work and this constitution is supposed to be for everyone: your rights, this one's rights, my children's rights and my children's children's rights for years to come. It is important that we now make an input to this committee. Like I said earlier, what we are going through now has not happened for the last 100 years.

Mr HATTON: It never happened up here.

Mr LANHUPUY: It happened in Tasmania about 100 years ago and it might be a new thing for the whole lot of us but it is part of, I suppose, what we in the Territory believe. It is like you mob asking Health and Community Services to have your local government here. Johnny Singh might want his own outstation. That is like cutting strings from this community Belyuen and having an outstation. That is what the Territory is doing. We are cutting that string from Canberra so that we can make our own law here. It is important, if we want this law here in the Territory for us mob, Territory people, we have got to have that input in there. I and all this mob here, we all believe that, one of these days, we will have a state here but

statehood is a long way away from us. If we do not get this constitution right, I believe statehood will not happen.

Mr HATTON: It will not happen well.

Mr LANHUPUY: It will happen with some disagreements but the constitution is important.

Mr HATTON: I think we have talked enough.

Ms TENNANT: Yes, I think so. Sorry to have to say that. I am Lorna Tennant who manages the council office and I think it would be better if we had some more meetings of our own to discuss this further. Coming like this now and putting that in front of the people who do not quite understand how it works, I think it would be better if we met among ourselves and discussed it at a further meeting. Maybe good things will come out of it and I do not know how long you expect it will be before you come back

Mr HATTON: I do not think it will happen quickly. When you are ready.

Ms TENNANT: I was reading through the material the other day to see if I can understand it myself. We need a few more meetings to go through it a bit further. The people may be a bit shy because ... (Inaudible).

Mr HATTON: I appreciate that. If we can leave with the people of the community saying that they will go away and talk among themselves, we are really happy. That is what we came out here to try to get you to do. Thank you very much.