

PUBLIC MEETING

NGUIU —Thursday, 11 May 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 Stan TIPILOURA

Mr Bernard TIPILOURA

Mr Jimmy TIPUNGWUTI

Mr Walter KERINAIUA

Mrs Hyacinth TUNGATULUM

Mr John Baptist PUPANGAMIRRI

NOTE: This is a verbatim transcript that has been tape-checked. However, due to poor recording, or many people speaking at the same time, some of the recordings were inaudible and unable to be transcribed.

FINAL EDIT: 15 MARCH 1991

Mr HATTON: Thank you very much for coming today to give us a chance to talk to you. If I may, I will introduce myself and the people that are with me. My name is Steve Hatton. I am the chairman of this committee of the Northern Territory parliament which is called the Select Committee On Constitutional Development. Our job is to work with the community to write a special law, a law called a constitution. We have come here today to talk to you about what we are doing and what this law means, and to try to encourage you to be part of making this law, to make sure it is a law that will represent you and your community properly.

With me I have this man here, Mr Brian Ede, who is the deputy chairman of the committee. This is Mr Colin Firmin, the member for Ludmilla in Darwin, and he is a member of the committee. This is Mr Rick Setter, the member for Jingili, and he is a member of the committee and, of course, you know your own Stanley Tipiloura. He has come along with us today because this is his electorate.

In those books we gave out, you will see in the back the names of all the members of the committee. This committee is

different to other committees of the parliament, because this one has equal numbers of members from the Labor Party and the Country Liberal Party. There are 3 from the government, from the CLP, and 3 from the Labor Party, the opposition. That is because, on this job, the Labor Party and the CLP are working together. For once, we are not fighting about something. We are working on it together because we believe this job is so important we should not fight about it but should work together as Territorians to do this job. I hope that at least explains a bit about how important we think this is for the people.

What is a constitution? That is what we have come to talk about. A constitution is a special law made by the people. It sets the rules and sets the law on where the Northern Territory goes. This is one time the people make a law that sits over the top of the government and which the government cannot change. It tells the government which way they have to go and it says that there are some things, some rights, that are so important no government should be allowed to muck around with them. When you want to protect those rights so the government cannot touch them, you put them inside this constitution. That way, the government has to do what that says. It cannot change that.

We have never had a law like this in the Northern Territory before. Always, the government comes and says that it wants to go this way or, later on, it says that we are going to go over that way. It does not matter whether it is a government in Darwin or whether it is a government in Canberra, the same thing happens. They keep coming to you and they say: 'Now we want to go down that road there' and then something changes, and they say: 'No, we are going to go over this way now'. Everything goes backwards and forwards. Never have the people said: 'We want to go that way. You can go and make it like that, but you have to go down that road'. That is what people do when they write this law. They make that road, and they say to the government: 'You have to go down that road. You cannot come over here and muck around with this and you cannot go over there and muck around with that. You have to go down that road'.

This is the way the people can say how you want your parliament to be made. How do you go about electing people for parliament? How big should it be? You have the right to say that in this law. How do the courts work and the judges? The Administrator or Governor, what can he do? What do you want to let him do? Well, you, the people, can make those decisions. You can protect your rights. It might be to protect your right to vote, so that no government can take away the right to vote. It could be other things that are really important to you. It might be to provide protection in this law so that people cannot take your land off you, to protect land rights, sacred sites, Aboriginal law or culture. Those sort of things can be written into a constitution, if all the people agree, and the government has to follow that, because this law becomes the boss that sits over the top of the government. It does not change. This law can only be changed if all the people say that they agree to the change.

You know that the federal government in Canberra has a constitution sitting over the top of it. It is the federal constitution. You will remember that last year you were asked to vote for a referendum. You had to say 'yes' or 'no' to amend the constitution. You see, the government wanted to change some things in that, but they had to go and ask the people. When they asked the people, the people had a look at it and they were not happy, so they said 'no'. So the government could not change it then, because that is the people's law, not the government's law, and only the people can say what can be done about that.

So, Canberra has one of those laws over the top of them. Each of the state governments has one too.

Queensland, Western Australia, South Australia, New South Wales, Victoria and Tasmania each has a constitution. Only the Northern Territory does not have a law from the people, does not have a constitution, and the government can do what it likes. The government in Canberra, the federal government, can do anything it likes to do, because you have not got any rights protected. No rights are protected.

By changing an act in the parliament in Canberra, they could take away your right to vote. They could take away all government in the Northern Territory if they wanted to. I do not think they will, but they have the power to do that because the people are not protected by a constitution. They can take away - but I do not believe they would do this either - but just by taking away one act of parliament, they could take away all land rights. They have that power. They could take us right back to the way it was in the welfare days, just by changing an act.

They could change a law in Canberra, and they could take away the right for our members in the parliament even to vote or speak, as it was before, in 1968. We have got rights here only because the government says it will let us have them, and what the government gives to you, the government can take away from you. What the people take for themselves in this constitution, the government cannot touch.

We believe it is time now for all the people of the Northern Territory to start to think about what is important. Where do you want this Northern Territory to go? How do you want it to work? How are we going to get Aboriginal people and non-Aboriginal people - white people, Chinese, the lot - to work side by side? How are we going to get over the fights? How are we going to make sure people can live together with respect, as equals? How are we going to make a law of direction to do that for our children, our grandchildren, and our grandchildren's grandchildren, for the future people? How do we want this Northern Territory to go in the future? What sort of rights are so important that no government is allowed to touch them, that we should lock up? It might be the right to vote. It might even be the right to meet like this, to talk. You say: 'That is my right and no government can touch that'. It is those sort of rights you put in a constitution.

We are coming around now and we have been going all over the Territory. We have been down to Docker River and Kintore, at Finke and in the desert country. We have been over in Arnhem Land and in the VRD, the Gulf and the Barkly, and in Alice Springs, Tennant Creek and Katherine and, later on, we are going to talk in Darwin. We are saying the same thing to people. We are going to 60 communities saying the same thing: you have got to start working to make this law to protect your rights, so for once the people say how they want this Northern Territory to go. In white man's law, that is the way the people have the power and not the government. That is our way of making sure the people say where their community goes. That is the peak of democracy: the people's power.

This law is very much like Aboriginal law, you know. You have got your law that has been going on the same way and it keeps going the same way all the time. It does not change. This law is like that. It keeps going the same way. Okay, you might wander around on that road somewhere, but you have got to stay on that road that the people make. That stays there and gives some direction, some stability to where we want to go, and it is the way the people want to go. It is not what all the governments are saying. The people say: 'Okay, you are going go around like that if you like, but you have got to go down that road. If you want to go on the left-hand side of the road, that is okay, or the right-hand side of the road or down the middle, but you have got to go down that road'. That is what the people say with a constitution.

That is the job we are saying we want you to start thinking about. I do not want you to tell me today. This is too important. All I am saying is: please, we want you to start thinking about this, and talking about it. If there are things you are not sure about that you want to know more about, ring us up and we will come across. We will talk to you about it and we will send you information that you want. But, think about it and talk about it. Get your ideas together and, later on, maybe this year or early next year, we will come back and then, when you have had a good chance to think about it and talk about, come and tell us what you think and make sure that this law, this really important law, says what you want. We have got to get this one right because, this law, when you make it, is there. It will not change, or not much, and the government will not change it. It will keep going. It is going to send the Territory in one way, and it has to make a future for the children, and their children, and their children's children. The people have to make that future, through that law, through that constitution.

We are going to get the ideas, not just from here, but from all over, where we have been before and where we are going. People are going to have different ideas, aren't they?. We are going to try to put them together and look at all those different ideas, and try to say what we think the people are saying. But, again, you cannot trust us. Do not leave the job to us. You have to write this law. It has to be your law. You have got to feel: 'I own that. That is mine. That belongs to the people'. The way we do that is that we will get some ideas down. We will write down what we think the people are saying, but then we want to make a big committee, and it is called a constitutional convention.

What that is is a big group of people, representatives, from all over the Northern Territory. It will have people from the Centre, people from the Top End, people from the islands, people from the towns, and people from the bush who are representatives of all the different sorts of people in the Territory. The people you know who you trust and who can speak honestly for you and say what you are thinking. We are going to bring all of them together in a big meeting and their job will be to look through this work and read all the things the people have been telling us, and they will go through all that and see whether we have done our job properly. If they do not think we have, they will change it and fix it up to try and get it right to what the people are saying.

Probably, they will have a lot of arguments, won't they? You know how one person says he wants to do this and somebody else wants to do that. They are going to have to talk that through and find ways by which they can agree on it, a way to go. When they have done all that and they have a book written, then it has to go back to the people for the people to vote on. If the people are not sure about it, they vote 'no', and we start again. We go back and talk again, and fix it up, and we will keep going back and going back until we get it right, and we get what the people want.

When we have that, and the people vote and say 'yes', then that law becomes the law that will sit over the top of the government and make the government go that way. That is what that law is about. That is the way you can make a future for this Northern Territory, make a future for the children. It is a way the people say where we are to go. But we have got to get together and talk and find answers to the problems that the people are fighting each other over, and make a law to make them go down the one road, together, as equals.

Now, you can say: 'Oh, this job is too hard. I don't want to know about that one', and put it over there. You can do that. But, what are those babies going to say when they are old people? They will look back and say: 'Why didn't those people do that job? Why didn't they take their responsibility to make this place go? Why didn't they work to make this a place that is good for us?' If we do this job properly, they will look back and say: 'Those old people, they did a good job. They made this Northern Territory a good place for us to live in'.

That is our responsibility. That is our job, our duty, not just to ourselves but for future generations. And that is why we really have to work hard to try and get this one right. Because, if we do not get it right, we are going to leave more problems behind us. A hundred years ago, when they wrote the constitutions in the states, they did not go and talk to the people and that is why, in a lot of the states, a lot of the problems are there, because they did not try to sort them out 100 years ago, when they should have. They left them there, and they just get worse and worse. They do not get better. You have got to work to make problems get better. You know that, and this is a way that you can do that. So, we have come here to ask you to start working on this job.

I have said enough now. I am going to ask Brian Ede to say a couple of words, and then we are going to ask if anyone wants to ask any questions or say anything, because it is important for you to try to understand what we are talking about. If you want to tell us some things you think are important, please tell us. That is what this is about. We are here to explain. Later on, when we come back again, then we will be here particularly for you to say: 'Right, this is what we think we want and what we think should go there'.

Thank you very much for listening to me. I will ask Brian if he will say a couple of words.

Mr EDE: The first thing I want to say is what we are not here about. We are not here to talk about statehood. Statehood is something which may come later on. It might be 5, 10, 20 or 30 years away. We are here to talk about a constitution. It is a law.

My electorate is down in the desert country. It covers that area around Lajamanu, Yuendumu over on the western side, all the Warlpiri mob, all the Anmatjira mob and Alyawarra mob right over to the Queensland side over on Lake Nash, past Utopia and Ali Curung. Over there, people tell me the same as people tell me in the Top End. They say: 'Aboriginal people have got the law. We have got Aboriginal law. We have got that same law that came right back from the Dreamtime and it came right up to now, and it is going ahead the same way, for our children, grandchildren and great grandchildren. It is the same, never changing, all the way right through'. They say: 'When you whitefellows come along, you have laws and you change them every week. One time it is going this way. Another mob comes along, and they have got another law going that way'. They say: 'How can we understand that law? How do we know where you are going? How do we know where we fit in there?'. We are trying to stand on this ground. It is like our law. It is there. It stays. It does not move around. It is the law. But you whitefellows, you are all over the place'.

But, there is one thing we try and do, in lots of countries with whitefellow law, and that is to make one law that does not change so much, that goes a little bit like Aboriginal law. It is the one that the people put on top of the government. They put it on top of politicians, on top of the public service, on top of the council and on top of the Administrator. That one is the one that says how they can run everything. It says what they can do and what they cannot do, in the same way that Aboriginal law says you can do this but you cannot do that, you cannot go over that country there, and you have got to do that. It does not cover all the same things as Aboriginal law, but it covers lots of things about how government can run. And we can work that so that it is very hard to change. It is not as strong as Aboriginal law, which cannot change at all, but a little bit like that so that it is really hard for it to be changed. Only the people can change it. Governments cannot change it.

That law, that constitution, they have one in Australia, for all over Australia. They have them in Queensland, Western Australia, South Australia and all those other places, but the Northern Territory has not got one yet. Now, people say 2 things about that. They say: 'Righto, you say Queensland has a constitution. What about Aboriginal people over in Queensland? They are not doing too good. They have not got land rights'. So they say they do not want to be like

Queensland. I tell them that that is fair enough. It is true, but the problem in Queensland is that, when they did that constitution, they just had a couple of politicians and a couple of lawyers who got away in a corner of a room somewhere down in Brisbane, and they wrote it themselves. They said: 'Oh, we reckon this one will do. One page. Just set them up and let them go'. They did not go out talking to everybody. They did not go up to Cape York and around to Mt Isa talking to all the Kalkadu mob and everybody else, no way. They just did it themselves and wrote down what they thought.

Now, we do not want to do it like that in the Northern Territory. In the Northern Territory, we want to make sure all the people are involved, that all the people are talking about how we are going to sit down together, and how we can have this law and make it run properly so we can all be really good for the future. That is why we have come to talk here today, just to start it off and to start everybody thinking about these ideas.

Another thing people say to me is that I am in the Labor Party. I am Deputy Leader for the Labor Party in the Northern Territory. Some people say: 'This mob, them, they are CLP. What are you and Stanley doing going around with all the CLP mob?' We do it because there is one thing that we all agree on. We might still be arguing which road to take to get to the end. We say we should go this way, and they say we should go that way. We have these arguments - Labor Party, Country Party and National Party. We believe the Labor Party way is the right way and they say we should go this way. Okay, we still have those arguments, but we all believe that up there, where we are trying to get to, is the same place. We are all trying to get to a place where everybody can sit down and be equal, where people can have a fair share.

We might think that place is a bit different to what they think, but we are all trying to see how much we can agree on. We will be working together as long as we can agree and work it out and see how we can write this thing out, and get it going. Because, one thing that people in my electorate keep telling me is: 'We do not want it like this. We don't want Aboriginal people down here and whitefellow mob up here'. They say: 'But we don't want to turn them around like that. We don't want Aboriginal people up here and whitefellow mob down there. We want square, equal. We want a fair share so people can be equal'. That means equal for getting good education, for good health, for housing, for jobs, and for sitting down here in the Northern Territory country. I say that that is a good way for people to be thinking.

Then they say: 'Another worry about that one is that that law of ours, going like that, going straight ahead like that, we want you mob to pull your law up to go alongside like that. Not the same one, but to go like that. We do not want them to go bumping each other, because when one comes up against the other, we cannot change, and then we end up with an argument going on about it. It might be about sacred sites, or land rights, or something like that'. So they say: 'We want you mob to pull them up so they can both go ahead like that'.

That is why I am backing this constitution because, if we can write into that constitution those really important things from that Aboriginal way of thinking like that, and put them into that constitution and make them strong, we can stop having arguments because whitefellow law keeps moving all the time. That is why we have to talk about how we are going to put in some things about land rights, how are we going to put in things about sacred sites, and about law and language. What other things are we going to put in there? What about putting in things about everybody having a proper equal right to good health, for health services and for education, so everybody can get equal education, so they can go out and find equal jobs?

These things, these rights for people, they are the things we can write into a constitution, but we have all got to be part of it. It cannot be just a couple of lawyers and politicians sitting down in Darwin doing it, no way. If it goes like that, we will get it wrong. We have got to get this one right.

That is the last thing I want to say. The first time you hear about this one we will come around, people will put up their ideas and put them all together, and then you can have a look at it. When they come and ask you to vote or say if it is all right, you have a good look. Look really carefully at it. If you are not happy or you think something is not quite clear, that is when you can say 'no'. Say: 'No. Go back and do it again'. That is what this one is about. Everybody is going to have a right to say 'yes' or 'no'. If you are not really altogether happy, your best way is to say 'no'.

What we have got to realise is that everybody has been here for thousands and thousands of years, 50 000 years. Right back from the Dreamtime Aboriginal people have been here. People are going to be around the Northern Territory for thousands of years to come. We do not have to rush this one. We do not have to say that we have to finish it next month, or this year or next year. It does not matter.

We have got to get it right. If it takes us 5 years or 10 years, that is all right, as long as in the end we get it right, get it done

properly. But it is no good if everybody says: 'Oh well, 5 or 10 years, I will go out and I will not have anything to do with it. And then come back in 5 years'. No. If you do that, somebody else will take it and they will run with it. So, that is why everybody has got to be in on this, thinking about it, talking about it and working out what sort of things can be in there. When you are talking in the council meetings, talk about what things you will send in messages about the most important things for that constitution. When you are in school council meetings, talk about it then. How it is going to work. When you are in meetings for business or meetings for adult education, or anything, talk about it, keep talking about what it is important to have in there.

Those books have come out. If anybody has any questions, they can send them into us later on. If people have got questions now, they can ask us now. If people have got questions, they can ask Stanley. Stanley is over here. Stanley can help everybody. We will just keep on going and work them up, work them up. We might try a first time and it is no good, so we will try a second time, a third time and a fourth time and so on until we can get it right.

That is all I want to say. I will hand over to someone else. Thank you.

Mr TIPILOURA: (Tiwi language)

Awu, arnapa kayi nuwa lijini properly kayi. Awuta kapinaki murruntawi punuwuriyi, api wuta committee awarra naki ngini naki committee ngini constitution development awarra wurimamula awarra naki punkaringini ngingingaji Law, law wayana law, law. Api awarra kuriyuu awarra kuriyuu awarra. Ngarra Karluwu awarra parliament law ngarra kaga awarra nyoni awarra, ngarra different awarra. Ngawa awarra Tiwi ngawa Law awarra ngingingawula awarra. (can't hear) kapinaki. Ngawa awarra naki waki naki, patrolling everywhere ngini community visiting, community tunuwuwi, murruntawi awunganuwanga, small town. Api ngajiwanga kayi take time awarra nayi paper nayi ridim nyirraami properly. (Can't hear) It must take us five, maybe ten years for awarra naki to go through. But kayi it's not for ngawa for ngamirampi, nga-mampi wayana, ngarra different awarra law naki. So you got to make sure properly everybody understand law naki awarra niyi kapi niyi book niyi. Ngaji every ngaji Mother's Club Meeting or Association meeting or Council meeting yangwarri, bring it up awunganuwanga. Nimarra nyirraami ngaji once every three or four months. Amongst yourselves. Pili, if you don't understands awarra niyi, wuta kapinaki, you can write to them, kiyi come back wunirimi, wunipakupawurli tuwawanga, nimarra wurimi tuwawanga ngini nuwa nyimpitimarti awarra. Or Mother's Club (can't hear) ngini nuwa karluwu understand nuwa mamirnukuwi, wuta come back tuwawanga kapinaki, come back wurimi tuwawanga, wuta awarra waki awarra, wuta awarra payday wunga awarra. Api kayi properly understand nyirraami properly awarra niyi. We've got to get involve. Ngini karluwu, wuta murruntawi, they'll just chuck us other side like they do like other states. Only Territory, ngawa ninganuwanga state ninganuwanga. But before we become a state, we've got to have constitution pakinya (can't hear). You got to have nimini naki ngingingaji ngingingawula murrakupupuni, land rights, culture. You've got to be all taken there, about courts, how they elect government. Awarra everything awarra. Karluwu kapinaki politician, karluwu lawyers. They don't write the peoples law. But before that comes in ngaji convention wiya. Constitute ngamamanta tunuwuwi, mwanari yangwarri, murruntawi from around the territory. Wuta nimarra wurimi wiya. Kiyi about awarra naki awarra law niyi. But kayi don't rush. There are alot of question awunganuwanga. Yingarti awarra question awunganuwanga. Lot about murrakupupuni awunganuwanga. But about health, education, about jarrumwaka yangwarri, kurrampali, you know all that it's all in there to awunganuwanga about mining about naki ngingingawula fishing licence, driving licence yangwarri, everything awarra question awungarruwu. And about local government, it's all in there. So ngajuwanga take note nyirraami, pili kayi if you don't get involve ngawulamiya, wuta murruntawi wangata wupakuturramiya. Api ajuwanga properly understand nyirraami awarra, pili kayi, kapi waya pirripangiraga, we got to get involve awarra naki to have a say, ngini kutakamini ngawurtimarti, wayana. You don't have to ask them now, but you can come back ngingingaji kapinaki wuta ngaji twelve months time tuwawanga. Kiyi ask them tuwawanga question. If you want to ask them now, ask them tuwawanga question ngini kutakamini nyimpirtimarti. If you not sure kutakamini awarra ngini kapi pirripangiraga api ask them awarra awunganuwanga. Like I said kayi, understand nyirraami properly, wayana. Because it's important for ngawa. Pili wiya pirriminjakinya, they might take our murrakupupuni. (Can't hear) funding for kurrampali yangwarri or wiya pirriminjakinya ngawa wiya murruntawi. Everything ngawa wiya look karrikamini left. We might go back ngaji fifty or twenty, thirty years ago. So ngajuwanga think nyirraami awarra marri. Api kayi if you got question api nyirrawayorri kapinaki, ngini kutakamini nyimpirtimarti anything nyirrawayorri kapinaki, wayana.

Wait and listen. These people are from the the Committee on Constitutional Development and they are here to talk about laws, the highest of laws. These papers here are about laws, not parliament laws - they are different. We have our Tiwi laws. We are visiting Aboriginal communities and European towns in the Northern Territory talking about these laws, so read these papers properly.

This process (constitutional development) might take us five or even ten years for this to go through. It's not only for us but it's for our children and grand-children. This law is different. So you've got to make sure that everybody understands these laws that are talked about in this book. You need to talk about it in Mother's Club meetings, (can't hear) Association meetings and Council meetings. Meet together every three or four months amongst yourselves and talk about it. If you don't understand you can write to this committee and they will return and talk to you again about what you need to know. Their job is to make sure you understand these papers, this law. We've got to get involved, everyone. If we don't these Europeans will throw us to the side like they have done in other states. We are only a Territory, we are not a state. Before we can become a state, we've got to have a constitution first. We've got to have our land rights and culture put into these laws, how to elect government and all of those (not clear). Politicians don't write these laws, lawyers do. Before this happens we will have a convention (constitutional convention) where Aboriginal people, half castes and Europeans from around the Territory will meet to discuss these laws. We shouldn't rush with this one. There will be a lot of questions about land, health, education, roads, houses, mining, fishing licences and driving licence. So take note, listen to this committee and try and understand and ask them what you need to know. If you do not understand, then they'll come back in twelve months time and you can ask them more questions about anything. If we don't look at this carefully they could take our land away from us or our funding for housing etc. We might end up with nothing left like fifty, thirty or twenty years. So think about this.

Mr HATTON: Well, we have said what we need to say. Now, if anybody has any questions and anyone wants to say anything, please ask us, or tell us what you are thinking.

Mr Bernard TIPILOURA: How strong is our Land Rights Act in there? Is it much better than the old one?

Mr HATTON: Okay. Bernard asked how strong would the Land Rights Act be. It is like this. Right now, the Land Rights Act is a federal act. It is under the federal government in Canberra. It is an act of parliament. Now, when you make an act of parliament, the government makes that, and the government can also, if they are strong enough in the government and they want to do it, they can take that away. They just repeal it. Because, that is the way governments work. If you have an act of parliament, the government can take away that act.

Say, for example, that the people in Sydney, Melbourne and Brisbane became really anti against land rights, so, when the people are standing up to vote for the federal parliament, the person says: 'If I get in there, I am going to take away that Land Rights Act'. If the people vote for them in Sydney and Melbourne, and they get strong enough in the parliament, they can take that away. And, then you have nothing. You have got no protection, no rights.

If you put it in the Northern Territory, and you have a thing in the constitution that says the government cannot take away your land rights, then the government cannot change the law, no matter what. That can only happen if all of the people in the Northern Territory vote to change it. So, the government does not have the right to change it then, if it is in the constitution.

That is the difference. Do you understand the difference?. That is what we mean when we say it can be stronger if it is inside a constitution. Do you understand?.

It is not in the constitution in Canberra, it is only an act, just the same as the Liquor Act is here, or to get a driver's licence. It is the same sort of law.

Mr Jimmy TIPUNGWUTI: Steve, just going back to what you said. You said that the Northern Territory people make the decision, and that is part of the (inaudible) comes into the government. Now, when you say that, I think it (inaudible) back to the numbers of population. If you look at the population in Darwin and you look at the population of the Aboriginal people all over the states and the Territory, we do not have that number. And, when you say it has got to go back to the government, the power still does not exist because the power always wins.

Mr HATTON: The power is still with the people. And, if the people in total vote in a referendum to change it, they can.

Now, when you make that law, you write into that constitution the rules on how you can change it. It is called 'entrenchment'. It might be that you say that more than half of the people have to vote for the change. With some things, you might have to have three-quarters of the people agree before they can change it. They call that 'the level of entrenchment'. That is one of the things that you have got to talk through.

But what I am saying, and what I think is most important is - you see, I do not know anyone who wants to take away land rights. Okay, there are a couple of people, what I call a couple of crazy people. They just do not understand and they think that land rights are wrong and those couple of people want to take it away. But, that is not the CLP and it is not the National Party, and it is not the Labor Party. It is not our parties. We do not want to take it away. We want to protect it. What I am saying is, if you do not trust us, that is when you put something inside the constitution.

But I cannot speak for people in 100 years time. I cannot speak for people in 50 years time. I can only speak for now, and you can too. But you can try and make the rules, the laws, that help for the future. And most importantly, in writing this constitution, why don't we make people sit down together and explain to the other people why the land rights are so important, so they understand. And, equally, let those people tell you what the things about it are that they do not like and that make them angry. Why not talk about it, and see if you can find a way where everyone can agree and understand? If you can do that, from understanding comes respect, and from respect, you get strength as a community. I think the way we go about it is as important as what we end up with.

Mr Bernard TIPILOURA: You say it is going to take 10 years. And, then when they are going to change the act, we will have nothing.

Mr HATTON: To write this law might take 3 years or 5 years. We don't know. However long this takes, it has got to be done properly. That is all I am saying. It is how hard we want to work at it that says how quickly it will be done. If you want to just take it slowly, slowly, slowly, it will stretch out. If you want to get to work on it and are prepared to talk hard to other people, and listen to other people, and try and to make a law for everyone, it will get a bit quicker. But what is important is that we do it properly, not that we do it quickly. That is the important thing.

Mr TIPUNGWUTI: Steve, how long will your members be in office. How long will you be in there?.

Mr HATTON: Me?

Mr TIPUNGWUTI: Yes. All of you, I mean, elected.

Mr HATTON: I have been there since 1983.

Mr TIPUNGWUTI: And the rest of them too?.

Mr HATTON: 1983, 1983, 1984, 1987.

Mr TIPUNGWUTI: The point I am asking that is because every year, or whenever the year terms come up ...

Mr HATTON: Every 4 years.

Mr TIPUNGWUTI: ... a different government always changes in and different people have different ideas.

Mr HATTON: Yes.

Mr TIPUNGWUTI: We may put in the constitution to your office now but you may not be there in about 3 years time. A new body will come in and probably chuck it away and it is a waste of time and taxpayers money here. So this is ...

Mr HATTON: That is always possible. But, one thing you have got to know is that we are both saying the same thing. Whether it is the Labor Party, or the CLP, or all the people in our party, or all the people in the Labor Party, we are all saying the same thing. We are all working for the same purpose. Now, that is a pretty strong thing to have, isn't? It does not matter which one is in or out. We all agree that we want to do it this way, and it does not matter who is in government, we still want to go down that road, in the way we go about doing this. That is why also we are saying that the people write this one, not the politicians. The people write this law.

Mr Walter KERINAUIA: So, all the things that we want to put in the constitution, can that be guaranteed to be carried out?

Mr HATTON: Yes. But you have got to argue that out with the other people in the Northern Territory, not just with me. My job is to get you and other people together, and to get you talking together. You have got to convince those people in Alice Springs and the people out in the Pitjantjatjara country, the people over in Arnhem Land and in Darwin, and they have got to convince you what they are thinking about. You have got to talk. The people have to talk together. That is the

way you make the law.

Mr KERINAUIA: Do we have any representative in that government?.

Mr HATTON: In the what?

Mr KERINAUIA: Do we have any representative?

Mr HATTON: Well, you see that is what that convention is about. What we want you to do is not just think about what laws you want, we want you also to tell us how we should go about making that constitutional convention. Who should be on it? How do we go about picking them to make sure we get that right? Because those representatives are going to be the most important group and they have got to be able to speak properly for the people.

Mr TIPUNGWUTI: I think it is about time we had Aboriginal people in the government. We may put a lot of our views and it is the whites (inaudible) there is no one there to represent us.

Mr HATTON: Yes. There is one thing in there that is talked about, and that is that, maybe, you have special guarantees of Aboriginal representation in the parliament.

Mr TIPUNGWUTI: I think that is not enough.

Mr HATTON: Pardon?

Mr TIPUNGWUTI: That is not enough.

Mr HATTON: No, it may not be. You see, I think there are other problems with that too. They do that in New Zealand with the Maoris. Did you know that?

Mr TIPUNGWUTI: Yes.

Mr HATTON: But what the Aboriginal people have to do then is to say: 'Well, do I go on that roll there to vote for the Aboriginal member, or do I go on a general roll, like now, to vote for my local member?' You do not get 2 votes. You go that way or that way. That is what you have got to talk over. For every good part, there is another side to it. You have to draw a balance.

Mr KERINAUIA: What if the Aboriginal people stick to the federal Land Rights Act?

Mr HATTON: That is an option to be argued about, but even that thing is down the road for the future. The issue of whether the Land Rights Act changes is not so much with this constitution. You can put it in a constitution, but this law stands over the top of the Northern Territory government, not the federal government. Do you understand that? So, if the Land Rights Act is still in Canberra and you had in the constitution that, for example, the Northern Territory government cannot touch land rights, that is not going to change. It is a separate argument whether the Land Rights Act goes federal or comes to the Northern Territory. That is another argument. Don't confuse the statehood arguments and the transfer of powers arguments, don't confuse those with this one, of writing this constitution.

Mr KERINAUIA: But, would you give us a guarantee of this land ownership?

Mr HATTON: I could give you a guarantee. The question is whether you believe me.

Mr TIPUNGWUTI: It is a bad way really. It is a bad way really.

Mr HATTON: Yes, that is right. That is what we are saying.

Mr EDE: Could I just talk about that federal land rights business? One of the ones that ...

Mr KERINAUIA: That is the more important to us.

Mr EDE: Exactly. That is why one of the ones I have been looking at with that one is whether it might be possible and ...

Mr PUPANGIMIRRI: (Tiwi language)

Awi, awi, awi nyirrawunjawurli.

Hey, hey everybody keep quiet.

Mr TIPUNGWUTI: (Tiwi language)

Nyirramuwuyala, nyuntayawayorri kapinaki murruntawi.

Everybody sit down and ask these Europeans questions.

Mr EDE: The most important one that everybody is really worried about is land rights. Everybody knows that one came up in the federal government. It came through and still it is going and everybody is frightened about what happens if that Northern Territory government gets hold of land rights. That is one of the main ones we are going to have to work out as we go through this one.

I will tell you one thing I am frightened about. I will get frightened if the Labor Party gets chucked out in Canberra. What is the other mob going to do with land rights? I do not think they are going to chuck them out, but they might make them real weak. I don't know. I am worried about that. That is why, every time I work on land rights, every time I talk about it, I try and make another one to block it up, to put something around it and lock it up to make it stronger all the time. That is why before, when they were talking about national land rights, I tried to talk about seeing if we could get what I called national non-uniform land rights, so we could have a Land Rights Act in Canberra, and land rights acts in each of the states all saying the same things. I thought, if we got them in both levels like that then, if this mob wanted to change them, this mob could hold. If this mob tried to change them, this mob could hold. So, one mob would go backstop for the other. I was looking at that way.

But one of the things I am looking at now is maybe that, as I was saying, if we put them in the Northern Territory constitution as well, that might be another way we can lock them up, and hold them. We have got to try and find every way we can to try and lock up land rights, so that they are strong and so that no one can change them. We might be able to do it this way. These are the things we have got to work our way through, and argue and talk about. We will have to get lawyers in, talk to the federal government and the Northern Territory government and everybody to work that out.

Maybe, we might be able to make it that we can have federal legislation there and another one with the main points from all of the Land Rights Act in the constitution for the Northern Territory, and make it that maybe 75% or 80% or something has got to vote before they can change those principles, and then having the other legislation locked in as well, into here, and then the act as well. Perhaps we could put them into all the different parliaments so if they knock off from one side, we have another side holding us together. If they knock off that one, then we have another one holding us together. Like that, you know?

That is one of the reasons why I am looking at this one. The constitution may be able to be another one we put them in, another thing to hold them up, lock them in. If, at the end of it, if when we are going along with this and you turn around and say: 'Hang on, no. I do not believe that is making it stronger. I think that is making it weaker'. That is the time to say: 'No. I don't want it'. Walk away and say: 'No, we will stay where we are now'. So you only work for changing if you reckon it is making it stronger. That is why everybody has got that power to say 'yes' or 'no'.

I know one of the things people keep getting worried about. They say: 'Look here in the Northern Territory. We have something like 70% or 75% whitefellows, and only 25% or 30% Aboriginal people. How are we going to be able to win in that vote?' Well, we have got to remember that we have still got that federal government backstop down there, because we have got to go and work with the federal government about getting this constitution sorted out, and getting it put into the Northern Territory for it to run. If it turns out that all the Aboriginal people are saying one way and all the other people are saying the other way, that is when we go down to Canberra and say: 'Come on, you too. You have got a responsibility under your constitution for looking after Aboriginal people'. And we go and we petition them like that. We work it out like that to get them to hold it off until we can get it all together, and we have got Aboriginal people and non-Aboriginal people agreeing how this constitution is going to work.

Because, if we end up at the end with this constitution and we have put something in that constitution where whitefellows are up here and Aboriginal people are down there, it is finished. It is no good. We have got to chuck it out, and keep

working until it is both together, like that. Until we can say that, right, it is the fair way. Aboriginal people will be able to hold their culture and their land, and whitefellows will be able to do the things they want to work together on with Aboriginal people here in the Northern Territory for thousands and thousands of years, coming down the line like that.

Mr PUNPANGANIRRI: Like you were saying earlier, Brian ...

Mr EDE: First-first - the same way around.

Mr PUNPANGANIRRI: What you were saying earlier, about what those people tell you down in the Centre about laws and cultures, and ours never changing. We don't change it?

Mr EDE: You don't want to change it. That is right.

Mr PUNPANGANIRRI: We don't change it.

Mr EDE: We don't want to change it. That is right.

Mr PUNPANGANIRRI: Those laws have been there all the time with our forefathers. No one can change it.

Mr EDE: Yes, that is right. That one has been working up from 50 000 years, way back in the time of the dreaming it all started to come together. Everybody worked it up. They got it right. They got it done right, and it came through that way. That is because they got it right. They could all fit in the land. Everybody knows. Everything has a place for it. It all fits properly. That is why with this one we have got to make it fit.

Mr Hyacinth TUNGATULUM: It never changes, our law.

Mr EDE: That is right. It never changes.

Mr PUNPANGANIRRI: Why don't you set up a committee throughout the Northern Territory with Aboriginal involvement in it. Have a committee. Can you set up a committee?

Mr EDE: That is what we want to do. But we want to know how to get people on that committee, who we are going to pick. So that is something we want to just start talking about now. How can we set up that committee from Aboriginal people and non-Aboriginal people, all over the Northern Territory, to come together to get all the ideas the people put in, to get all those ideas and argue them out. People who will say: 'Okay, this is what we are talking about'. We must get people to talk face to face, like that, in a meeting, men, women, all sides, getting in there talking it out, saying: 'That is why we have got to hold on to this one'. Then you can explain it to all them whitefellows, and say ...

Mr PUNPANGANIRRI: When can you set up this committee?

Mr EDE: When we finish going our round. Because what we want to do is to talk to everybody, get those ideas together, and then, it might be towards the end of this year or it might be next year.

Mr TIPUNGWUTI: Can you also give us a rough idea of what numbers you are looking at of representatives?

Mr HATTON: Perhaps I can. We have got these books. Stanley was telling you about these green books. We are thinking on that committee - there is a book here about it which has some ideas in it. We think maybe 50 or 60 people from across the Territory might be on that committee. But we are not fixed on that. We are saying to you: how many people do you reckon should go on that? And how do we go about getting those people? Do we just have a vote like for the Legislative Assembly or do we say that there have to be representatives of the different communities? Do we say that you vote here for somebody to speak for you? Maybe. It maybe someone from community government. You have got to give us your ideas on that. Now we can give you some thoughts, but we want to hear what you are thinking too. That will give you some ideas there.

I do not know how quick this is going to be, this job. We would like to get that committee together maybe next year, late next year. But I cannot do that job for you. If you do not talk and do not sort it out amongst the people, it might take longer. If people can get ideas in quickly, and all agree, we can do it quicker. But it is not just for the government and the parliament to do this job. The people have got to do it. I could sit down tomorrow and I could say that I think we should do it this way, and write it out. I could decide that we elect people this way, that we will pick those ones and we will put it all

together like that. I can do that. I have been thinking about this for 3 years. I started working on this in 1986. I have lots of ideas. But I am not going to tell you because I do not want to try to push you down the line. Right? I do not want to push you down that line. I want you to think without my influence. That is the only way to get what the people really say. I could write it down, but I bet that, the moment I did, they would say: 'Oh, he rigged that. He fixed it up so it gives the answer he wants'. Wouldn't you say that?

Well, I am not going to let you do that to me. You have got to do some thinking. You tell us what you are thinking. You make that your committee, your convention. Our job is to come out and encourage you to talk, encourage you to think, and get you and other people talking together. That is our job, so that, in the end it is all the people talking together that makes that law.

Mr TIPUNGWUTI: Steve, our main biggest problem, especially in this community is - can you tell me how effective this community government is?

Mr HATTON: How effective community government is?

Mr TIPUNGWUTI: Yes.

Mr HATTON: I think it is very effective. What do you think?

Mr TIPUNGWUTI: No, I want you to tell me. You are the one that made community government.

Mr HATTON: I think it is a very effective form of government. I think it is a stage towards full local government. But that is a decision again, like - you took the decision here to go to community government. You made the decision yourself to do that and you set up the rules for it and you wrote a constitution for it, didn't you?

Mr TIPUNGWUTI: Can you tell us what that community government covers please? I know all about it, but it is just for the interest of the others, please, if you do not mind.

Mr HATTON: There are 3 levels of government in Australia. There is a federal government, which looks over things that are for the whole country, like the army, defence, and doing things with other countries, things that affect the whole country together.

Then underneath that, there are governments in each state and in the Northern Territory. We are a bit different, because we are not a state. But those state governments they look after things that just affect that state. That might be like building roads through the Northern Territory or health and education, just for the state or for the Northern Territory.

Then, down underneath that, there are some things that are really just important for a community. So you form that third level of government which is called local government. And that local government decides on things that just affect that community.

That is basically the levels. What it says is, if this particular decision only affects that group of people, then it should be made by the representatives elected just by that group of people. So you do not have people in Alice Springs working out things for this town here. That has nothing to do with them. Let them look after their own town. Is that right? So that is where you have the local government level, for those sort of decisions.

You know some of the things that you do here in the community government. There are arguments backwards and forwards all the time about what should be done by community government and what should be done by the Northern Territory government, just as there are arguments about what the Northern Territory should be doing and what the federal government should be doing. Isn't that right? It is sorting out those different jobs, different powers.

Mr TIPUNGWUTI: Steve, the point I am trying to make is we made the council under the community government. Now, we are talking about constitutions today. Now we have a community government body here representing the whole Tiwi nation in this community, just this community. We have been going through a whole lot of difficulty in this community because we have 3 organisations that are different, independent individuals. We are trying to get through a lot of the things that we want to say but a lot of these people are being split.

Mr HATTON: Through different organisations?

Mr TIPUNGWUTI: Right. We have the Catholic Mission here, we have community government there and we have the Housing Association. This is why this community here is 100% different, and it is hard. That is why we cannot get anything done here. Everyone is just going the way everyone thinks because half of these people here, my people, are being brainwashed. A lot of white people in this community are putting ideas into Aboriginal ideas, and they are being brainwashed. I do not think this constitution will help if they keep listening to the white people. If there is going to be Aboriginal people having their own say, then it is about time for these people to back off and leave us alone.

Mr HATTON: Well, I am not going to buy into that particular fight because I do not know what it is about. You can say that to other people and talk it out there, but let me say this. I agree, I think there are too many organisations ...

Mr TIPUNGWUTI: But if we talk about a constitution, we are trying to do something we think is best for our people and for our children, and there is a lot of interference. That is why we cannot get through. No matter what you try and ask us, to make a policy or a constitution or whatever, we try to get into it, but there are always some bureaucratic people around the community who will stop it.

Mr HATTON: That is always a danger. How strong are you?

Mr TIPUNGWUTI: It is dangerous.

Mr HATTON: How strong are you? Tell them to go away, that you want to think for yourself.

I agree on one thing. I think there are just too many organisations in Aboriginal communities. In Darwin, we do not have housing associations and this and that and everything else. We have a council. We have the Northern Territory government and we have the federal government, and that is enough.

Mr TIPUNGWUTI: What I am saying is that we cannot make any decisions amongst ourselves because we are all split, we are all divided. That is our biggest problem.

Mr HATTON: Maybe, in the process of writing a constitution in the Northern Territory, you may work out a way to sort out whether you should have a lot of different organisations or whether you want to bring them all together.

Mr TIPUNGWUTI: This is why I think we should have more - you know, we should lay back a bit and talk a bit more about this constitution.

Mr HATTON: I think you ought to. I do not want decisions now. I just want to get your mind going.

Mr TIPUNGWUTI: Sure.

Mr KERINAUIA: To come back on land rights again, Brian mentioned that people have to work together. But what happened to the people who own the pastoral areas? I think Aboriginal people and white people will have a lot of confrontations.

Mr HATTON: Yes, I think there has been a lot more confrontation than there needs to be. Let's be honest about it. There is a lot of land, like the pastoral land, where white people are living now and they say that they bought that land off someone else and someone else. Now maybe, way back there, it was taken away and maybe that was wrong. But that happened and, as this white man says: 'Okay, I think this is my home too'. For example, I live in Darwin and that was Aboriginal land before, wasn't it?

Mr KERINAUIA: Yes, but ...

Mr HATTON: And I would not want to walk away from my house. It is my home. I cannot change that. I cannot change that.

Mr KERINAUIA: Yes, but what I am saying is ...

Mr HATTON: It is the living areas you are talking about. Yes, I understand that. I talk to everyone and they want to find an answer to the excisions and living areas, and that includes the pastoralists. But the people do not trust each other. The cattleman, he does not trust the land councils. He thinks those land councils are going to go behind his back and keep coming from behind his back all the time.

Mr KERINAUIA: But how can they work together?

Mr HATTON: I tried when I was Chief Minister, as you know. We had talks with Gerry Hand, with the cattlemen and the land councils, with everyone. We thought we were going to get it sorted out, and we got a long way, we covered a lot of ground. But then ...

Mr KERINAUIA: But (inaudible) never get into it.

Mr HATTON: It keeps breaking down, but it keeps breaking down also because, out there on the ground, I have to tell you that there is an awful lot of politics that goes on out there. There is a lot of pushing and shoving around.

If people are prepared to be honest and were prepared to sit down and talk honestly, I reckon that could be fixed up, and it would not take too long. But as long as people want to play silly political games out there, it will not be fixed up. The people are suffering.

Mr KERINAUIA: I know. That is not because ...

Mr HATTON: It is not because the cattleman wants to keep them down, and it is not because the governments do not want to do something about it. It is because too many people are playing politics out there. That is the problem. And I have been in the middle of that fight for about 3 or 4 years so I can tell you.

Mr KERINAUIA: (Tiwi language)

Ngajiti wangintajirri, ajuwanga nuwatuwu awungaji punyipunyi. Ngajiti karri ampirimirrawuli awungarri yingarti money wuntayamangi nyimpirimamuliya.

Do not separate, even though you 've all got brains. Do not think you somebody when you are drunk, when there's a lot of money.

Mr HATTON: There is a lot of concern about the sacred sites and what the Northern Territory government is doing now. That is true. You know that the minister is going around trying to talk to people about what we are trying to do and hearing from people what they are saying.

Mr KERINAUIA: And who is going to make the final decision?

Mr HATTON: That is going to happen in the parliament because that is where it is now. You have no constitution.

Mr KERINAUIA: Yes, but how come they are taking the sacred sites committee off?

Mr HATTON: They are changing the sacred sites committee. That is what they are trying to do.

Mr KERINAUIA: That will be lesser power.

Mr HATTON: Well, I don't agree with that.

Mr KERINAUIA: Yes, I think so.

Mr HATTON: Well, I do not agree with that.

Mr KERINAUIA: Well, I agree with it.

Mr HATTON: Well, okay, we can disagree on that one. I know what the government is trying to do ...

Mr KERINAUIA: Because he is a delegate.

Mr HATTON: Okay. What the government is trying to do is to get it so that the sites authority does not have to identify the site, register it and declare it, and give all the stories about it.

Mr PUNPANGANIRRI: They do not do that. I am in the committee. They do not do that.

Mr HATTON: I know - I am saying ...

Mr PUNPANGANIRRI: People ask for them to go out and have a look (inaudible) at their country, those people what to do ...

Mr HATTON: If you are on the committee, well you tell me then, of the Sacred Sites Authority, why is it that the Sacred Sites Authority charges Northern Territory government departments to do surveys for sites, they charge the mining companies to do surveys for sites, and they do it for free for the land councils?

Mr PUNPANGANIRRI: They do not do that, I reckon.

Mr HATTON: They do.

Mr PUNPANGANIRRI: No, I do not think so.

Mr HATTON: Yes, they do. You go and talk to Mr Ellis about that.

Mr PUNPANGANIRRI: I know Bob Ellis. I mean, still ...

Mr HATTON: So do I. And I can tell you it is true. They do it.

Mr PUNPANGANIRRI: People have to ask for them to help them.

Mr HATTON: I believe that, before anyone can go onto country, they should go to the people who are responsible and ask permission about what they can do and what they cannot do.

Mr PUNPANGANIRRI: That is what they do.

Mr HATTON: And they should seek to avoid the sites. They should be making sure they get - they should go and talk to the people who can speak for the country.

Mr PUNPANGANIRRI: Right, that is what they do.

Mr HATTON: Not a government committee. They should go and talk to the people on the ground, people who can speak for the country. That is what I believe.

Several people talking together.

Mr PUNPANGANIRRI: What change has been made (inaudible). I do not think people wanted that.

Mr EDE: We are going to have an argument about that one in the parliament, I think, unless they change it. But one thing they want to talk about first is about the mob living on cattle stations, because that is all my mob. The biggest mob of that mob are down in my area there. And the thing that I keep getting cranky about is that I keep hearing this mob arguing between the federal government, the Territory government, the pastoralists and the land council, but everybody forgets about old Quartpot Corbett down there. He is an old man. He built up that cattle station. All he says is: 'All I want is this little matchbox, a little matchbox about from over there down the council chambers over to the boys' school over there, back over there and back to here'. He says: 'I just want this place so I can sit down and I can die, when I get old. I will be all right for a few more years, but I am nearly old. I just want to know that I am going to be all right in my own land, in my own little matchbox', he says. And people keep forgetting about that one.

They are up here. They are talking around here and fighting. They forget about that poor old man. He has got no water. He has got to get up there and get people to bring a drum of water and put it down there for him.

A person: (inaudible).

Mr EDE: He has nothing.

That is the sort of thing that we have got to make sure about, that when we get this constitution, we think about that poor old man, and we think about all those people that everybody has forgotten about. They are out there. They have not got

houses like this. They cannot put down a bore. They cannot put a tank on it.

Mr PUNPANGANIRRI: They should be out the (inaudible). It is a pity job.

Mr EDE: The business there - what I am saying is these are the things that we work through in the process of developing a constitution. We look at those people who are in that situation and we say: 'How do we develop this into our area? Because they have got rights too'. I was saying earlier, there are land rights and sacred sites and those things, but there are rights for people to have proper health. There are rights for people to have proper education, and all that. These are things that we can build in, and they are rights that a lot of people do not have at the moment.

We are having an argument now about the sacred sites over in the parliament. If it was in the constitution, it would not be us up there in the parliament who would be arguing about. We could have it locked away there, so people could know they were safe. How far we can lock them in is something that we have got to argue about, negotiate on and talk about in this committee. If we can get it done properly, it will be better. If we do not get it done better, we say no. And then we say start again.

Mr TIPUNGWUTI: Excuse me, mate. Steve, how far we do have this Tiwi Islands freehold title? How far does that go to?

Mr HATTON: Your title?

Mr TIPUNGWUTI: Yes.

Mr HATTON: Oh gosh, look I could not answer that, honestly. Do you know? You own the land rights title?

Mr TIPUNGWUTI: Yes. The whole overall title, yes.

Mr HATTON: For Bathurst Melville, is it? For Bathurst and Melville.

A person: Yes.

Mr TIPUNGWUTI: We have a freehold title now.

Mr HATTON: Plus 2 km out.

Mr TIPUNGWUTI: How far does that go?

Mr HATTON: The Tiwi land title is all of Bathurst Island, all Melville Island, and for 2 km outside, in the water.

Mr TIPUNGWUTI: Now when I say that, is every asset on these 2 islands owned by Tiwi?

Mr HATTON: That is one of the difficulties with the Land Rights Act. What do you do if the government puts - say the government put a school over here.

Mr TIPUNGWUTI: Let us use an airstrip.

Mr HATTON: Okay, an airstrip. Let's use that. Now, that is one of the things that has never been sorted out with the Land Rights Act, has it?

Mr TIPUNGWUTI: No. But, I would like you to tell me about that.

Mr HATTON: I think. Graham, legally, can you confirm the situation? Legally, I would think that, if it came to a legal battle, it would be your airstrip.

Mr TIPUNGWUTI: Because it is on Aboriginal land, isn't it?.

Mr HATTON: Because it is on Aboriginal land.

Mr Graham NICHOLSON: There is a section of the Land Rights Act that says where there is (inaudible) public use, that public use is (inaudible).

Mr HATTON: That is right. Yes, under the Land Rights Act there is a clause that says that where there is something that has been in pre-existing public use, it will continue to have public use. Where it exists when the land right was given. So, I guess the airstrip would be one of those situations.

But, if the Northern Territory government came in now, say, and was going to build a hospital here or a police station on a block of land, if they do not organise a lease or something over that land then, technically, you could say, yes, that belongs to the community, because it is on their land. That is where a lot of difficulty can arise. It came up a couple of times with power stations. They said that that power station is on Aboriginal land, therefore, it is our power station. And the government said: 'All right, you run it'. They said: 'No, we want you to run it'. But, of course, you cannot have it both ways.

That is why I think you have got to sort out a way you can get leases on Aboriginal land so, when the government puts a power station or water treatment plant or whatever there, they have rights to it, legal rights. Now that has to be sorted out one day, hasn't it?

Mr KERINAUIA: Yes. Going back to that airstrip. Lately, we have had a lot of problems with aviation.

Mr HATTON: Graham, can you ... ?

Mr NICHOLSON: I do not know of that problem.

Mr KERINAUIA: No, but he said that there was a clause about public use.

Mr HATTON: I am not a lawyer. Please understand, I am not a lawyer.

Mr TIPUNGWUTI: No, no! But, Steve, like you said, we have to tell you what we think is best for us.

Mr HATTON: Yes.

Mr TIPUNGWUTI: But we can only come up to a point.

Mr HATTON: Could I suggest that, if you want to talk about problems with the airstrip or interpretations of the Land Rights Act, when we finish this meeting, we can sit down together and talk with you about that, because I think that is the way to do it properly. And let us talk about the constitution now and deal with those other things later. I would like to have a lawyer there because I do not even know what - I am not a lawyer. I am not going to walk into saying things here which might give me big mobs of trouble.

Mr PUNGANGANIRRI: They reckon that airstrip does not belong to us, and it is our land.

Mr HATTON: I am not a lawyer. I will talk about it later on, when we finish this meeting, and I will find out. But I am not a lawyer, and I am not going to say something that is going to get me into big mobs of trouble when I don't know what I am talking about.

Mr TIPUNGWUTI: Yes, excuse me, Steve ...

A person: Steve, we could be made up (inaudible).

Mr HATTON: Let's get back to the constitution.

A person speaking language.

Mr KERINAUIA: Yes, But if we talk about a constitution, we want that answer as part of the Tiwi responsibility under the constitution. That is what we want to talk about. Instead of the government controlling it. That is what I am trying to get at.

A person speaking in language.

Mr KERINAUIA: If it is on Aboriginal land, we should have a say on who comes here and who cannot come here. That is what we want to put in the constitution too.

Mr HATTON: For every right there comes a responsibility, and you must understand that. Every right carries with it a responsibility. If you have the right to say what happens there, do you accept the responsibility for maintaining it and running it?

A person: (indecipherable).

Mr HATTON: Understand that. You do not get it one way and not the other. For every right there is a responsibility too. It is the same in your way.

Mr KERINAUIA: Well, that is what we are here for, to find out where we are going, which way we are going.

Mr HATTON: Right. Mr TIPUNGWUTI: If we are going to have a constitution, then you have to give us all those facts.

Mr HATTON: I cannot say that it is going to go this way or that way. I am saying now that I want you to go away as a community and talk. When we come back later on, then you tell us, after you have had a think through all of it. Read the books, read the stuff, and then tell us. I cannot answer every question you have got now. I can only give you ideas on how to go about doing it.

Mr TIPUNGWUTI: Oh well, we will speak to you about that.

Mr HATTON: That is a separate thing to the constitution. We will talk about that after the meeting.

Mr KERINAUIA: Steve, when can you set up this committee?

Mr HATTON: I can set the committee up once we have gone through - probably next year, late next year maybe. It will take at least that time to hear from all the people around the Territory.

Several people speaking at once.

Mr TUNGATULUM: You said it is around a figure of 60, is it?

Mr HATTON: Maybe. That is a suggestion. It could be 100 or it could be 20. I don't know. It is up to the people to tell us that.

Mr PURUNTATANERI: Steve, what would happen if we talk about a constitution like land rights, sacred sites, and (inaudible). They think that the constitution goes in your office, in your committee, and automatically you have 2 or 3 weeks meeting and you change it. Then it comes in the media, in the papers, people read news about Aboriginals lost their culture and all of that, and what would happen? Now, at the moment, we ...

Mr HATTON: You don't know.

Mr PURUNTATANERI: ... are walking on the straight road. The time you come and you change it all right then we are walking in straight road and you can get someone walking the other road. Then the next time, when you come back 1 year later, we report to you that people want to go on the other one, because you change it altogether. It might happen that way.

Mr HATTON: It cannot happen that way.

Mr PURUNTATANERI: Well, I give my point of view out.

Mr HATTON: It cannot happen that way. It should not happen that way. The people would say 'no'. If we tried to do that, there would be big arguments about it and people would say: 'No, we have not got it right'.

Mr PURUNTATANERI: Well, the government made the promises ...

Mr HATTON: This is not one for the government to do. Can you understand? I am saying that the government is not going to write this one. This committee is not a government committee. It is your committee.

Mr PURUNTATANERI: Well, you are part in the government yourself, aren't you?

Mr HATTON: Yes, I sit in the government. But I am saying that I will help the people make their own committee.

Mr KERINAIUA: (Tiwi language)

Ngarra Government naki constitution will be up. Ngarra more power wutatuwu Government underneath.

This constitution will have more power, the government are underneath it.

Mr HATTON: Please, let me say this. I believe that, when you start talking about the things we are talking about now - now I know, and you know, that there will be other people, maybe in Alice Springs and in Darwin maybe, who will say that that is bad. They will think something different, and there will be arguments about that, won't there? I know that and you know that. You know people are not going to sit down and say: 'Oh yes, that is all wonderful. Let's go that way'. You have got to work at it. You have got to be prepared to work to explain, to make sure those other people understand what is important.

One thing I do know. Everywhere I go, in the white communities and in the black communities, they all say the same thing: they want equality. Now, a lot of white people think that, with the land rights and sacred sites, and the DAA and ABTA, the Aborigines are up there. And Aboriginal people say: 'Hey, look, we haven't got any jobs, we haven't got decent health, schooling or housing, and we think the white man is up there'. They both think that, but for different reasons.

What you have to do is talk. You have to sit down and talk, and explain what is important. As you explain what is important, let them learn, so they understand, because from understanding comes respect. Then you will get it right. You will not get it right just by standing over the other side of the road chucking stones. You have got to work at this one. And it will not happen easily.

Mr KERIAIUA: (Tiwi language)

Waya juwana, pili wiyi ngawatuwu wuta kakirijuwi wupawumi dinner wutatuwu nga-mirampi wanga.

Is that all, because we want to cook our meal for our children.

Mr PURUNTATAMERI: (Tiwi language)

Wutatuwu (can't hear) meeting kapinaki ngawamamanta. Explain wurami kangawula kapinaki ngini, karri kuta awunganari wunga, ngampawuriji kapinaki kapi ngawa own tiwi kapinaki. Kuta awunganari ngini wupawurinji. Kuta awunganari ngajingatawa Northern Territory kapi ngawa tunuwuwi, kuta awunganari wupawuriji wiyi, wupawuriji yirripilayini wuriyi awungarruwu. Wuta wiyi awarra nimarra wurimi ngini ka-ngawa naki murrakupupuni. Wuta wiyi awarra nimarra awarra kapinaki kapi wupawuriji kuta awunganari. Wuta awuta try explain wurimi ka-ngawa, naki anything ngini kapi ngawa apalamiya ka-ngawa pungintaga ngini ngirramini awarra kiyija ngini complain ngawujingimi waya. Ngarra wiyi awarra waya karri ngapawuriji. Ngarra wujingimi kayi, ngimpirtimarti yatipili, api nyimpirtimarti arrami maybe next week tuwawanga. Partuwa kiyi write down nyirrakirimi letter or (can't listen) straight away. Waya juwa awarra wurtimarti. Karri wupangi j i k u t a awunganari. Wuta waya awuta nimarra wurimi, nimarrajirri wurimi awungarruwu kapi karri committee wupangaji nga-mamanta kutawunganari. Partuwa, kiyi wuta wiyi awungarruwu nimarra wurimi, ngini about nginaki airstrip, ngini about nginaki nginingawula murrakupupuni nayi. Kapi ngawa waya ngatumujingimi, kapi worry, worries about our land, api wiyi wumatawuriyi, kiyi nimarra wurimi wiyi awungarruwu. Kiyi wunimaja wiyi awarra ngirramini, paper yangwarri, kiyi show'em wurimi ngawa. Waya juwa, wuta wurtimarti awarra. That's all they want.

We want to see how many Tiwi will attend the meeting to discuss anything that we need to talk about such as our land, airstrip and where we live. Then they'll come back and try to explain to us again. If we need anything we ask the Constitution Development Committee.

Mr KERINAIUA: (Tiwi language)

Api kayi, thank you for all. Wuta waya wutipila ngam irampi wutatuwu yinkiti kakirijuwi. "Arnapa, arnapa, arnapa. Thank you for coming. Api kayi wiyi set the date next week, ngini tuwawanga meeting. Marri, pili yingwampa karluwu understand. Right through meeting awarra.

We are now going to get food for our children Wait! Listen Thank for coming. We'll set the date next week about the meeting again because some people do not understand.

Mr PUPANGIMIRRI: (Tiwi language)

Ngajiti nyimpajangiliparra awarra.

Don't forget that.