

PUBLIC MEETING

ADELAIDE RIVER — Thursday 30 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 Ian LANCASTER

Mr Bruce ROSS

Mr John FAWCETT

Ms Maureen ROBERTS

Mr Lewis WILKES

Mr Leigh BROWN

Mr Peter RUZSICKA

Ms Patsy FAWCETT

Also present:

Mr John WHATLEY

Ms Juliet LEWIS

Mr Malcolm PASSMORE

R. HARDING

A. PAZNIEWSKI

NOTE: Edited Transcript

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Mr HATTON: May I have your attention please? Thank you for coming along tonight. It is obviously always preferable to have as many people as possible in attendance but I certainly am not going to let this sway me and I know it will not sway the committee members. First of all I would like to take the opportunity to introduce myself and the members and talk about what our committee is doing and how we are going about the job that we have been set. We are here to hear anything you want to tell us or to answer questions that you want to put to us.

Before we start I would like to make 2 things very clear. Firstly we are not asking you whether or not you support statehood. That is not the question. We are asking you to think about, talk about and give us your views about what you think should go into a Northern Territory constitution. Our committee, which is known as the Select Committee on Constitutional Development, has been established by the Legislative Assembly. It comprises 6 members - 3 from the Country Liberal Party and 3 from the Labor Party - and is unique in that respect. It is the only committee of the Legislative Assembly that has equal representation from the government side and the opposition side and it reflects very much the very bipartisan approach that we are taking on this whole issue of constitutional development in the Northern Territory.

Our job is to prepare a draft constitution for the Northern Territory. You know there has been a lot of debate about the Northern Territory becoming a state, and that debate will continue. Some people would like the Northern Territory to become a state very quickly and others would like it to take longer. I would ask you all to recognise that whether it happens next year, in 5 years or in 10 or 20 years, one day the Northern Territory will become a state. That is something that inevitably is going to happen.

When we become a state, we are going to need to have in place our own constitution. Every state in Australia has its own constitution. Australia as a nation has its own constitution. The Northern Territory does not. The closest we have to a constitution is the Northern Territory Self-Government Act. Until we have worked out, as a community, what sort of a place we want the Northern Territory to be, what sort of a society we want to have, how we want the processes of government and administration to operate, how we want the courts to work and what rights and obligations people should have, we cannot even consider the question of progressing to statehood. Before we even think about when we should become a state, we need to work out what we want that new state to be like. That is what the process of developing a constitution involves and it certainly will not be a quick job.

Basically, there are 3 steps. The first step, which our committee has been working on, was to conduct research and provide background information, which eventually found its way into a booklet called 'A Discussion Paper on a Proposed New State Constitution for the Northern Territory'. That took nearly 3 years of preparation, of research into constitutions around Australia, the Self-Government Act, the federal act and a range of overseas constitutions and different models from around Australia and the world. The aim was to provide a range of ideas to put to the people to think about.

Our second job is to take information to the community, as we are doing now, and say: 'Hey, we want you to think about this, talk about it and come and give us your views. Maybe we have got some of our ideas wrong in here. Maybe there are things we have not thought about. Maybe you think we have got it spot on. Whatever it is, we would like to hear from you. We want to know, during the next few months and ideally some time this year, what your views are.

We will then take those ideas, together with our own research and will present a draft constitution to the Legislative Assembly. We will also make recommendations to the Assembly on how we go about setting up what is called a constitutional convention, which would be like a giant drafting committee comprised of Territory people. Who should be on it? How do we go about selecting them or electing them? What sort of representation should it take into account? Should there be local government representation, Aboriginal representation, regional representation, women, ethnic communities? What sort of mix? Business, trade unions? What sort of representation do you think would be appropriate for that convention, which will have the task of taking our work, going through it, accepting, rejecting or varying particular aspects, and coming up with a proposed constitution as the second step in the process? The third step involves putting the proposed constitution to the people of the Northern Territory, for acceptance or rejection, by way of a referendum.

You will appreciate that we have taken basically the first shuffling step of the first shuffling stride down a very long track towards our objective. If we are quick, maybe we will get it done in 2 or 3 years. It could well take longer. What is important is that the work we do in this constitutional development process is done properly and properly involves and reflects the broad views of the people of the Northern Territory so that, at the end of the day, it will be very much a people's constitution, not a politician's constitution or a lawyer's constitution. If that occurs, it will be something you and I and all of the people of the Northern Territory can be proud of. It will be something we can use as a foundation stone to

build for the future of the Northern Territory. There can be nothing more important than that, because that foundation stone will set the general direction for the Northern Territory well into the next century. It will be the basis for the sort of society we want for our children and our grandchildren and their children. It is not a thing we can take lightly and it is not a thing we can do quickly. It is a thing we all must get involved in to do it properly.

Having said that, I might ask whether any other members of the committee would like to raise any points.

Mr SETTER: Thanks, Steve. My name is Rick Setter, MLA for Jingili in Darwin. Just to follow on from what Steve said, I suppose one could ask the question: 'Why don't we just take the other constitutions - the Commonwealth Constitution the other state constitutions - and go through them to develop the Territory constitution?' Of course, we could do that. But you have got to understand that it is a long time since the last constitution was written in this country. In fact, that would have been the Australian Constitution, which is now something like 90 years old. Times have changed in this country since 1901. We have changed a lot.

Whilst the other states and the Commonwealth operate reasonably successfully with their existing constitutions, we believe that the situation in the Northern Territory is quite different and unique and that we owe it to the people of the Territory to consult with them in order to come up with a constitution that is relevant in today's society. The Northern Territory's society is different to society in the states. For example, a large percentage of our population, something in the vicinity of 25%, is Aboriginal. Aboriginal people have quite unique needs and desires which have to be addressed. There is no question about that. That situation does not exist to the same extent in the states. Even apart from that, we have a very multicultural society. For example, Darwin has 50 or 60 different nationalities; a large percentage of our population is made up of people from other countries. A whole range of such issues make it necessary, we believe, to consult with the people of the Northern Territory.

At the end of the day, when we put the draft constitution to a referendum, it will have to be approved by at least the majority of people in the Northern Territory. If they have not been involved in the process of developing the constitution, it is reasonable to expect that they will not understand it and would most likely reject it. That is why we are going to spend a lot of time visiting many communities, probably more than once, in order to consult with the local people and to seek their views. All of those views will then be taken back to the constitutional convention which will have the task of developing the draft constitution.

Mr LANHUPUY: My name is Wes Lanhupuy. As a member of this committee, I would just like to endorse what Steve said earlier in terms of Labor Party support and cooperation in terms of the very important right of the people of the Northern Territory to be involved in the development of their constitution.

We are encouraging that involvement by going out to major communities throughout the Northern Territory. In fact, we will be visiting over 59 communities in the Territory, making people aware of the fact that one of these days the Northern Territory will become a state and that, before that happens, we need to have a constitution that we can be proud of, a constitution that has been made up by the people of the Territory. As Steve said earlier, we do not want it to be a politician's document nor specifically for one interest group in the Territory. We would certainly like it to be a constitution made by the people of the Territory for the people.

I stress that your views are important and that you should feel free, if you wish, to get in touch with the committee's executive officer who can make arrangements for myself, Steve or another member of the committee to come to Adelaide River to address specific issues which may be of concern in this community. It is important that people start talking about the issues, so that we will end up with a constitution that is broadly acceptable. I believe we can do that without a political fight. The Labor Party and the CLP have agreed to approach this issue on a bipartisan basis and if we can do that, I think the Northern Territory people ought to be able to do that.

Mr HATTON: Thank you very much Wes. Basically, what we are saying is very simple. We do not expect people to have a million ideas, to have considered all the clauses of the constitution and to make written submissions to us. What we would like to think is that we can stimulate your interest so that you will start to think about the issues and talk about them amongst yourselves or within your community. We are more than willing to come back, either individually from time to time, or later as a full committee when the community can come forward with its views.

For example, I will put several questions to you. Should there be an upper house and a lower house in the new stateparliament or should there be only one house as is the case now with the Legislative Assembly? Should the governor

be able to sack the parliament and, if so, under what conditions? How much should electoral provisions, such as who has the right to vote and who has the right to stand for parliament, be written into the constitution? How much should the courts have a role to interfere with the work of the parliament or the government and how should the judiciary operate? Should certain rights be entrenched in the constitution? The issue of the possible inclusion of a bill of rights has been raised. Earlier this week we discussed the possible provision of constitutional guarantees of freedom of information or the alternative of dealing with such matters through legislation. Should there be some provision, as a number of Aboriginal communities have suggested, for entrenchment through constitutional guarantees of Aboriginal land rights or the concept of Aboriginal land rights?

All of those questions are being asked. We have brought along copies of a booklet which has been prepared as an introduction to some of the issues in developing a constitution and you are welcome to take copies. The booklet gives more detail in relation to various issues and will help you to consider them. If you want further information, we have a toll-free telephone number which will connect you to the executive officer in the Legislative Assembly, who can provide you with additional information. Other documents have been prepared and can be sent to you. One deals with land matters on statehood, including the questions of federal land, Aboriginal land, national parks, and the other with the matters of mining and minerals and energy on statehood. Other documents are being produced on topics such as industrial relations and financial arrangements. As far as the constitution is concerned, they might provide some interesting additional information.

The important working document, particularly in the initial stages as you consider the issues, is the one we have brought along tonight. It poses some of the questions we have been asking people as we have moved around the Territory. For example, do you agree that the parliament should have the same powers, privileges and rights as existing state parliaments? That is a valid question to ask. Should there be less rights or more rights? Do you think the governor should have to give assent to legislation? Should the number of members of the new state parliament be fixed by the constitution or by ordinary legislation? You will find a lot of questions like that. This is your chance, as the people of the Northern Territory, to set the ground rules. For the first time in our history, this is the people's chance to set the ground rules for the politicians instead of the other way around. Please do not miss the opportunity to have your say.

Would anybody like to comment?

Mr LANCASTER: What role would a constitution play before the achievement of statehood, once it has been drafted?

Mr HATTON: Once it has been drafted and approved by the Northern Territory people, it would almost certainly be sitting, ready to come into operation as soon as the Territory becomes a constitutional state. The advantage of doing the preparatory work now is that the constitution will be ready, rather than having to be prepared at or close to the time statehood is granted. If we do it now, we have time to do it carefully and properly.

Mr SETTER: Steve, if I could just enlarge on that point, it is very important that we do the groundwork ourselves and do it now because the reality is that, under the federal Constitution, the Commonwealth has the right to impose statehood on the Northern Territory or any other new state. I understand that there has not been any new state formed since federation in 1901, but nevertheless the Commonwealth has the authority to develop or establish a state under rules as it thinks fit. I will just read to you from section 121 of the Commonwealth Constitution which, together with section 128, sets out one of the ways of granting statehood. It says: 'A new state can be created by an act of the Commonwealth parliament under section 121 of the Commonwealth Constitution, under which statehood may be granted on terms and conditions, including the extent of representation in either house of parliament, as it thinks fit. That means that the Commonwealth parliament is the sole authority in establishing a new state. It can establish that state under any terms and conditions that it wishes. If we have not done our homework, and if we have not already put in place a constitution that we want and established the guidelines, we could have something quite unacceptable imposed on us.

For example, although this might not happen again, there was recently a referendum in the ACT on the question of whether or not the ACT should have self-government. The people of the ACT rejected that proposition. They said that they did not want self-government. Nevertheless, the federal government decided that it would go ahead and give the ACT self-government, which has now occurred in spite of the views of the people. So the Commonwealth, if it chose, could easily impose statehood on the Territory under any terms and conditions that it wishes.

The other option is that statehood be achieved under section 128 of the Commonwealth Constitution, by way of referendum. The record of referenda in this country is very poor, and the committee therefore recommends that the

Northern Territory seek statehood under section 121; in other words, an act of the Australian parliament when the time is appropriate.

Mr HATTON: These matters are covered in the publication I mentioned a while ago. To drive the message home, and I am sure that our legal adviser can confirm this, I will point out that if we do not have a constitution in place at the time of statehood then it is arguable that the federal government, after statehood, would have the power to amend the new state's constitution. If the constitution exists before statehood, the Commonwealth loses the right to amend it. It is purely the responsibility of the state and its people. If we have the constitution in place before statehood, it provides us with a protection. The constitution is very much the property of the people of the Northern Territory and there is no way the federal government can impose its rules upon it.

Mr LANCASTER: Can I ask about the economic consequences of statehood and whether the constitution has anything to do with them? We all know that the Northern Territory has a very low population and is supported by the southern states, so what will the economic consequences be?

Mr HATTON: I am always delighted to receive this question because it gives me an opportunity to kill some of the biggest furrphies about the whole issue of statehood. Everyone says that we are funded by the Commonwealth and asks how we can afford statehood. That seems to be what is on your mind.

Mr LANCASTER: Yes, exactly.

Mr HATTON: Think about it. We already have in place a parliament. We already have in place the full court and judicial system, right through to the court of appeal. We already have in place the entire trappings of a state administration: the public servants, police, hospitals, schools and so forth. All the infrastructure is in place now and we are paying for it now. That is the first point: there are not many additional things to be added on.

Secondly - and this is what most people do not realise - every state in Australia receives the majority of its money from the Commonwealth at the Premiers Conference every year.

Mr LANCASTER: Some more than others.

Mr HATTON: Yes but the average is 60%.

Mr LANCASTER: New South Wales and Victoria are the supporting states of Australia.

Mr HATTON: No. New South Wales and Victoria get approximately 60% of their funding from the Commonwealth. We get about 70%, as does Tasmania. It is important to realise that, as of 1 July last, the amount of money we get comes out of the same pot of money as that supplied to that states, the same Commonwealth state tax-sharing pool. Our share of that pool is calculated by the same body that calculates it for the states, which is the Grants Commission, and it does it at the same time as it does the states, through the relativities review. It uses exactly the same formula and factors that it uses for the states. In other words, the amount of money we are getting from the Commonwealth now, as a territory, is what we would be entitled to get as a state, not a cent more or a cent less.

Upon the granting of statehood, some additional functions may come across to us. These might include some form of industrial relations control. Perhaps they might include the management of Uluru and Kakadu National Parks through the Conservation Commission. In such cases, the Grants Commission assessment would take those additional responsibilities into account in calculating our needs. That is the whole purpose of the Grants Commission: to provide an equality of opportunity in the provision of services and facilities right across Australia. That is why the per capita funding in rural areas is higher than in urban areas. That is why our small population, our rural population, the fact that 25% of our population is Aboriginal, and other such factors, are taken into account. The Grants Commission looks at the cost of services and compares that with what we can raise through taxes levied at the same rates as the states. Already we have in place the full range of taxes which apply in the states. In fact, whilst we currently have all the functions and responsibilities of a state, we do not have the constitutional rights of a state. Does that answer your question?

Mr LANCASTER: Yes, that is fine.

Mr SETTER: Steve, a couple of other points arise from that and you can probably expand on them. Because a number of mines such as Gemco on Groote Eylandt, Nabalco at Gove and Ranger at Jabiru were established under Commonwealth

agreements, the Territory receives very little in the way of royalties from their operations. Those royalties go to the Commonwealth. If those mines came under our control at statehood, we would receive the royalties, thereby increasing our capacity to generate income locally.

The other point that needs to be mentioned relates to the per capita income in terms of wealth generated by the Northern Territory by way of mines, oil or whatever. That figure, on a per capita basis, is greater in the case of the Northern Territory than most of the other states.

Mr HATTON: Net international earnings from the Northern Territory are about 2½ or 3 times the national average, per head of population. We are earning about \$4500 per head of population ...

Mr SETTER: We are not getting benefit of that.

Mr HATTON: In respect of mines, that is true. The Commonwealth has retained control over uranium mining and receives all the royalties. The Nabalco operation is controlled by a Commonwealth act and the royalties are paid to the federal government. The royalties from the pre-self-government mines operated by Gemco are paid to the Commonwealth. Because the Commonwealth took over the radical title to the whole of Kakadu, any royalties from operations which might start at Coronation Hill would go to the Commonwealth. On statehood, all those royalties would come to us. On the other hand, because we would be collecting the money ourselves rather than from the Commonwealth, the net effect would be zero. We would be shifting the cargo in the ship rather than providing increased cargo. The advantage will be in terms of having more say over our own lives through the opportunity to develop in such a way that we will provide our own tax base controlled by ourselves.

Mr LANCASTER: Will the decision-making in terms of existing mines and the opening of new mines be handed over?

Mr HATTON: That is a critically important issue. I would ask you to read the paper on mining and minerals and energy. It deals specifically with the case that we would be putting to the Commonwealth in relation to the terms and conditions of statehood. Of course, the Commonwealth will retain control over export licensing powers. That applies throughout Australia. We do not want more power than the states. What we want is equality.

Mr ROSS: So statehood does not give us any additional powers in relation to mining.

Mr HATTON: It does give us additional powers. Mining activity would be covered by our own act, with all the environmental approvals and other processes. The Commonwealth control, as in the other states, would apply through its power over the issue of export licences.

Mr ROSS: So it does not give us any great advantage.

Mr HATTON: It will certainly overcome about 90% of the administrative disasters that the mining industry has had to deal with here.

Mr FAWCETT: What will happen to parks and wildlife?

Mr HATTON: The proposal is that, upon statehood, all Territory parks should be managed by the Northern Territory Conservation Commission just as all the parks everywhere else in Australia are managed by state authorities. That means, in effect, that Kakadu and Uluru will be returned to management by the Northern Territory Conservation Commission. As you know, those parks are on Aboriginal land. It is proposed that the parks would be leased back to the Conservation Commission instead of ANPWS.

Mr LANCASTER: Kakadu is federally run at the moment, isn't it?

Mr HATTON: Yes. That is part of our statehood proposal as set out in the booklets I have mentioned.

Mr ROSS: So statehood does not mean that we automatically get control of Kakadu National Park. The federal government has to give it to us.

Mr HATTON: Yes, we have to go and fight for it.

Mr ROSS: Even if we want it, we may not get it.

Mr HATTON: There are some fairly complex legal arguments around that. We are sailing into uncharted waters on the whole issue of making a new state. It has never been done before.

Mr ROSS: Have you had any reaction from the federal government on that?

Mr HATTON: No.

Ms ROBERTS: Mr Setter mentioned that there have been no new constitutions since 1901. Isn't there a chance that once we could put forward all our ideas and draft a constitution only to be told that New South Wales and the other states do not have constitutions like that and that, if the Northern Territory has, there might be effects on the other states. People in New South Wales might say that, if the Northern Territory has it, they should have it.

Mr HATTON: That is a matter for New South Wales people.

Ms ROBERTS: Isn't there a chance that the federal government will say that, because the rest of the states do not have it, the Northern Territory should not?

Mr HATTON: It would take a very brave government of any persuasion to stand against the will of the people on something as fundamental as their democratic right to frame their own constitution.

Mr ROSS: They did that in relation to the ACT.

Mr HATTON: That is very different. If the people of the Northern Territory voted to have a constitution ...

Mr ROSS: Like Canberra did.

Mr HATTON: They did not vote for a constitution.

Mr ROSS: Rick just told us that they voted against self-government.

Mr HATTON: But they got self-government.

Mr FAWCETT: Without a constitution?

Mr HATTON: Yes. There is no constitution.

Ms ROBERTS: Does each state have a definite constitution?

Mr HATTON: Yes. Each of the states, when they became self-governing colonies, set up their own constitutions. They were all in existence when federation occurred in 1901. At federation, each of those states handed up some powers and formed Australia by drafting the Australian Constitution. Effectively, the colonies had existed as 6 separate nations and then came together to form a single nation.

We were part of South Australia then, as you know. In 1911, we were excised from South Australia and handed to the Commonwealth as a Commonwealth Territory. At that point, we lost the rights that we had as citizens of Australia. There is so much of the Australian Constitution that is built around the states. The rights are there. They are the rights of the citizens of the states, states rights. Section 122 of the Commonwealth Constitution basically says that in the case of a territory, the Commonwealth can virtually do what it wants. Even as a self-governing territory, the Northern Territory only derives its powers because of a federal act of parliament. The powers of your Territory government are set out in the regulations under an act of parliament, and the Commonwealth can amend regulations and change the powers of the government. It can wipe out all forms of government in the Northern Territory by repealing the Northern Territory (Self-Government) Act.

Mr WILKES: Where do all our basic laws come from? Which state do we follow?

Mr HATTON: We have our own set of laws in the Northern Territory.

Mr WILKES: Even though we are not a state we can still make our own laws?

Mr HATTON: Yes. Because of the Self-Government Act.

Mr WILKES: Right.

Mr HATTON: That gave us the power to do that. It formed what is called a body politic.

Mr WILKES: Now just where do you draw your basis for these laws from?

Mr HATTON: From the Self-Government Act. The federal act of parliament.

Mr WILKES: Do you draw from ideas used in other places?

Mr HATTON: Some were ordinances that existed before self-government and we amended them. Most of our laws actually come about as a result of representations from people in the Territory. It is your government, and if people have a hassle about something they put arguments to the government that we should have a law for this or a law for that or we should be repealing that law or changing some other law.

Mr WILKES: So this is where the constitution comes in for us as citizens off the street.

Mr HATTON: What are your rights to tell us? That is what a constitution does. It sets out your basic rights and it sets out things that we cannot change.

Mr WILKES: Once it is written down in black and white, that is it, eh?

Mr HATTON: Once it is in the constitution, the politicians have to live with it. It provides the foundation stone and the framework.

Mr WILKES: No matter who gets in from whatever party from time to time.

Mr HATTON: They cannot change it. The only way you can change it is in accordance with its own rules. You have a constitution for your club, right? The committee cannot change the club rules because the club has something called a membership. The membership has to approve an amendment to the constitution. You are looking at community government here and are in the process of developing a constitution for your community council. If you want to change that constitution, you will have to go through a great rigmarole of all of the people involved. It is the same with a state constitution, which is the set of rules which you give to politicians, judges and the Administrator.

Mr LANCASTER: Once the constitution is drafted, it goes to the people for their vote on whether or not to accept it.

Mr HATTON: That is our undertaking.

Mr LANCASTER: What are the processes when it possibly is not accepted? Do you just keep trying until you can get the ...

Mr HATTON: We go back and find out what is wrong with it, work it out and keep going back until we arrive at what the people want.

Mr LANCASTER: That would be an interesting process because Australians are pretty lethargic and staid in their attitude to change. It is very hard to get anything passed in a referendum.

Mr HATTON: That is right and that is why it is so important, at this very early stage, that we get the people involved, talking about the issues and feeding in early.

Mr FAWCETT: Steve, there is one thing that has got me a bit beat. I am only a buffalo catcher and never had much education. You ask whether the governor should have the right to sack the government. Well, that is a bit deep for me.

Mr HATTON: You do not have to tell me whether you want to or not.

Mr FAWCETT: I reckon it might be a good idea, to keep you honest.

Mr HATTON: If you want to think about it, having an education is not important. Most of us are going to work from a gut feeling about what we think is right, what we think is wrong, what we think is fair or not fair, aren't we? At the end of the day, the lawyers and our advisors will tell us whether it is technically right or technically wrong.

UNIDENTIFIED: And make a million dollars.

Mr HATTON: If you are interested in a particular issue, you can pick up this book and it will give you all the different arguments, for and against, to think about.

UNIDENTIFIED: He can't read Steve. He can't see out of his glasses either.

Mr HATTON: That is what it is for. You can talk about it amongst yourselves over a few beers one night.

UNIDENTIFIED: That is what he needs so he can understand it.

Ms ROBERTS: Don't you think a lot of it will be knocked back because of technicalities?

Mr HATTON: The booklet also explains where the technicalities are in terms of restricting how far we can go. For example, we have to have a monarch. You cannot set up a Northern Territory republic because Australia operates under a monarchical system and the states have to fit into that. It limits what you can do. We are going to have to have a Governor, who will be the Queen's representative. He will be the head of state, like the Governors in the other states. The question is how important a role should he play? Do we want our constitution to say that he can only act on the advice of the Cabinet?

Mr LANCASTER: Can we annul his powers effectively via a constitution?

Mr HATTON: You can control, limit and direct those powers, yes.

Mr BROWN: So we have to have an actual Queen's representative?

Mr HATTON: Yes.

Mr BROWN: It cannot be a body of people appointed by, say, popular opinion in the Northern Territory or the new state.

Mr HATTON: No. Another question is, of course, is who has the right to appoint the Governor as the Queen's representative? I don't think you can have it as an elected representative.

Mr BROWN: The Governor-General does it now, does he not?

Mr HATTON: The Governor-General appoints our Administrator.

Mr BROWN: Or our Governor in a new state.

Mr HATTON: No. Let us just understand the difference between what we have now as a territory and how a state operates. We have an Administrator, who is the Governor-General's representative. He is appointed by the Governor-General on the advice of the Prime Minister and the federal Cabinet. The states, because they are sovereign constitutional entities, have direct links to the Crown. They make direct recommendations on who will be their Governors. They do not have to go to the federal parliament. We are a subsidiary of the federal parliament. The states are not. Their rights are set out under the Australian Constitution. We have none of that, which is one of the reasons we are seeking statehood.

Statehood is not a matter of how much money you have or do not have. It is a matter of constitutional rights. I have described it to other people by likening it to a child growing up. When you are a child, someone guides you all the way, helping you and nursing you along. As you move into your teens and adolescence, you start to stretch your wings and try out things. But you still have someone to fall back on. One day you have to stand up and make decisions for your own life. I use that analogy because everyone understands it. The same things apply to a community. Before self-government, we were like the child. We are now going through our adolescence as a self-governing territory. One day, we will take the step to adulthood on constitutional terms. We will set our own destiny. That is effectively what statehood is about. However, before we can even think of achieving that goal, or when or how or under what conditions, we need to work out what we want our society to be like. The constitution provides the framework for that.

Mr ROSS: I would like to register my support for a couple of things. One of them is freedom of information. I think that too much is kept secret at the moment and I would like to see freedom of information in the constitution rather than at the whim of the government of the day. The other thing, in relation to the terms of parliament, is that terms should be 4 years long. I would like to reduce the ability of the Chief Minister or the Premier to manipulate the length of the term of the parliament. I think that a 4-year term would be nice and that a government should have to serve at least 3 years or, say, 3 years and 3 months.

Mr HATTON: It is interesting because that is exactly what the committee has recommended: constitutionally entrenched 4-year terms with a minimum of 3 years. The only option would occur in the case of an inability to form an effective government because you cannot find anyone who has the support of the House. It is interesting because that is one of the issues that we have thrown up and are asking for comment on. You seem to like what we have recommended.

Mr SETTER: The Northern Territory currently has a 4-year term.

Mr ROSS: That is right but that is unusual, isn't it?

Mr SETTER: Yes. There is no limit on the length of time we have got to run.

Mr ROSS: Yes. That is also unusual, isn't it?

Mr SETTER: I do not think there is a limit on the length of time in any state, is there?

Mr HATTON: Yes, I think there is in a couple of states.

Mr ROSS: Most states are 3 years.

Mr HATTON: Some have to serve a minimum of 2 years.

Mr FAWCETT: I disagree with you. I reckon it is 3 years.

UNIDENTIFIED: Too long?

Mr FAWCETT: No, 3 years is right. If you have 4 years, it just drags on further.

Mr ROSS: But with 3-year terms, they usually only serve 2 years anyway.

Mr HATTON: That is true. History shows that, where there are 3-year terms, there tends to be an election about every 2 years. Where they have 4-year terms, they tend to have elections about every 3 years.

Mr ROSS: If it is going to be a 3-year term, I reckon you should make them serve the 3 years.

Mr HATTON: That is the matter we are asking for your opinions on. In fact, our recommendation is for a 4-year term with a minimum of 3 years ...

Mr ROSS: It costs too much money.

Mr HATTON: ... to be written into the constitution so that parliaments cannot fiddle with it.

Mr WILKES: Yes, but it is no use keeping them in there for 4 years if the state is going down the tube, mate. You have to look at the economics of it.

Mr ROSS: I think the power of the press and everything like that would soon get them out.

Mr LANCASTER: Yes. That is where the no-confidence motion comes in.

Mr ROSS: If you want a 3-year term, fair enough, but I reckon you should make them serve 3 years rather than 2 years.

Mr LANCASTER: Will that issue be entrenched in the constitution regardless?

Mr HATTON: It is up to you, the people, to make those decisions. This is your constitution we are talking about. I can tell you what the committee has recommended but it is up to you to say what you want.

Mr WILKES: I came in late. You might have talked about this point earlier. What about the funding from the federal government? Once we achieve complete statehood, what will happen?

Mr HATTON: I did go through it. I was asked the question earlier.

Mr WILKES: Oh, right.

Mr HATTON: I will just deal with it very quickly. Some of the other people can you fill you in on the details or I will do so later. The reality is that we are now funded exactly as if we were a state, from exactly the same pile of money.

Mr WILKES: So once we achieve ...

Mr HATTON: There will be no change to the basis of funding.

Mr WILKES: Once we get this constitution up and running, the actual base of funding and the running of the Territory, which will become a state, will not change.

Mr HATTON: There are things, such as the structure of the parliament, which might change if people want them to. The funding, however, will not change.

Mr WILKES: Okay. The funding will not change. But what about the government departments in Darwin?

Mr HATTON: We have all the state structure of different departments now. We are set up as if we were a state. We have all the departments, the department heads, the schools, the hospitals, the public servants, the parliament, the courts. They are all in place.

Mr WILKES: Well, why aren't we a state now? That is probably the basic question.

Mr HATTON: That is the question I keep asking. People are not really sure about what they are walking into. That is why we are not a state.

Mr WILKES: We could look at the Territory as a big company. If the big company is running smoothly now, why are we not independent? That is what I am trying to ask you?

Mr HATTON: On a personal level, as you know, I am a very strong advocate for statehood as soon as possible. My job as chairman of this committee is to talk to you about a constitution. That is why I am reticent about this. I am not trying to push the statehood line too hard in this role. After the meeting is over, I will be happy to give you a good run-down. I have got to be very careful about what I say here because the committee's job is to talk about the constitution. It is not my role or our committee's role to say: 'Are you for or against statehood'? I just ask you to accept the reality that one day we will be a state. It is a question of when, not if.

Mr WILKES: You have just convinced me that the Territory has been running more or less as a state for the last 4 or 5 years. I am just trying to get out of you what is the actual hold up. Why don't they just sign on the dotted line?

Mr HATTON: When all the people of the Northern Territory stand up, or the vast majority of them, and say that they want statehood, and we can demonstrate that support to the federal government, it will come about as a result of the expressed will of the people. It will not come any other way. They will not give it to us. We have to go and take it.

Mr WILKES: Well, what do the books show as far as you know?

Mr HATTON: Money?

Mr WILKES: Exactly. Can we survive on our own?

Mr HATTON: Yes. We are now, aren't we?

Mr WILKES: Well, I am not quite sure.

Mr HATTON: We go through good times and bad times but everyone does.

Mr WILKES: I don't live in the Treasury so I do not really know.

Mr HATTON: We have consistently had a balanced budget. We have never run a deficit budget since self-government. Our level of borrowing is low by national standards. If I can put it in company terms, our assets are backed by \$3 for every \$1 of borrowing. That is contingent and actual liabilities. From memory, we have over \$3000m worth of assets.

Mr ROSS: Is our level of borrowings rising or falling?

Mr HATTON: It has been rising but not as a proportion of budget. Our borrowings have been used to provide infrastructure. The bulk of our borrowing is in areas like the power generation system, which is to be paid off over a 20 or 30-year period. It is a commercial borrowing, or a company buying something on a lease basis.

Mr BROWN: Are they offshore loans or from within Australia?

Mr HATTON: I am not sure about the current situation because I am not in Cabinet but, to the best of my knowledge, we only went offshore for money once and that was for part of the loan for Yulara.

Mr BROWN: That would not be a very large percentage of your borrowing.

Mr HATTON: We have deliberately kept out of the overseas borrowing area so that we would not have to hedge against the fluctuating exchange rates.

Mr FAWCETT: How would you suggest the voting go? One vote one person, Queensland style, or what?

Mr HATTON: Again, the committee has made recommendations which are discussed in the booklet. We have recommended one person one vote. We are proposing 1-member electorates, as we have now. As far as tolerances are concerned, we have a 20% tolerance arrangement in the Territory now and there is dispute as to whether it should remain at that level or be reduced to 10% and set down in the constitution.

Mr LANCASTER: What do you mean by tolerance?

Mr HATTON: You have an average level. Say the average electorate size is 3000. Tolerance is the percentage allowed above or below that figure.

Mr LANCASTER: So it is worked on population rather than size.

Mr HATTON: Yes, on population.

Mr SETTER: That is why we have some electorates that are very small in area and some that are huge.

Mr HATTON: My electorate is just over 2 km². You can literally walk around it in an afternoon.

Ms SETTER: That is the difference between our electorates and Wesley's.

Mr WILKES: Next time we go to vote, for each electorate that we are voting for, we only have to put a tick for the candidates that we want.

Mr HATTON: No. That is the difference between first past the post voting, which is that sort of thing, versus a preferential voting system.

Mr WILKES: I do not agree with that preferential voting.

Mr HATTON: You have to be careful about putting those sorts of things in a constitution or whether you write them into an electoral act. People's attitudes change. There might be a period when everyone says that preferential voting is the way to go whilst, 5 or 10 years later, they might want to try optional preferential or first past the post. They might try it and say

that it does not work too well and decide to go back to what they had in the first place. If you want that sort of flexibility, it is better to have it in an act of parliament than in the constitution.

Mr WILKES: I do not see how, if I believe in something, my views are going to change. Nobody is going to convince me or change my views on that.

Mr HATTON: The broad community does change its mind. That is why laws keep getting changed.

Mr WILKES: Yes, but you have to see my point from ...

Mr HATTON: The argument is between first past the post and preferential voting. I will just explain the differences. First past the post voting occurs when you have, say, 3 candidates. You mark your favoured candidate with a tick or a number 1. The candidate who gets the most votes wins the election.

Mr WILKES: Exactly.

Mr HATTON: However, if that candidate only has 35% of the vote, that means that just over a third of the people want him. The other two thirds wanted one of the other candidates. The way preferential voting works is such that, at the end of the day, more than half the people would prefer that candidate to the others. That is what preferential voting is about.

Mr WILKES: I know. That is where it is wrong.

Mr HATTON: Some people say that is a better reflection of the views of the community.

Mr WILKES: Well, the way I see, and I am just a basic person ...

Mr HATTON: As a politician, I would love to have it. I would ask that this not be put in Hansard ...(not recorded).

Ms ROBERTS: You have said that we are operating as a state although we do not have statehood. Could you tell me where our laws and system came from for self-government. Did they come from Adelaide?

Mr HATTON: No, until 1863 they came from Britain. From 1863 to 1911, they came from South Australia. From 1911 till 1978, there was a mixture of Territory ordinances through the federal parliament. After 1978, we converted a lot of those across into our own laws and, certainly since 1983, there has been a significant effort to go through our old ...

Ms ROBERTS: (inaudible).

Mr HATTON: Yes. All the existing ordinances then became Northern Territory acts of parliament. That formed the basis of our laws. We have gone through some of the very old laws since then and repealed a lot of them. The Adelaide Tramway Drivers Act was repealed.

Ms ROBERTS: So, if we achieve statehood, those laws will remain and there will be a constitution on top of that.

Mr HATTON: Yes. There would be a provision that they would continue.

Ms ROBERTS: We cannot change those laws now. It is just the constitution that we are making up.

Mr HATTON: Yes. The process of changing laws is a process of lobbying government.

Mr SETTER: Over the past 4 years or so, we have removed many hundreds of old irrelevant laws in the Northern Territory. Some of them came from as far back as the time when New South Wales was the source of our legislation and many of them also came from South Australia.

Ms ROBERTS: Once you get all the information together, all the submissions from all over the Northern Territory ...

Mr HATTON: What we are talking about tonight will actually become part of the permanent public record of the committee.

Ms ROBERTS: And you will then set up a committee of representatives from all over the Northern Territory and go

through them. How will you then decide whether you will go by vote on so many issues?

Mr HATTON: That is a good question. That is another thing that we asking you. How do you think we ought to do it? We have some views and we have set some of them out in the booklet. Do you think that they should be elected people or should they be appointed? How much do you ensure that there is representation from particular interest groups or sections of the community?

Ms ROBERTS: I think it should be elected from the community because people on the committee might know people who are appointed.

Mr HATTON: How large should that convention be?

Ms ROBERTS: It should go by population I suppose.

Mr HATTON: Should there be 50 or 60 people forming the convention? Should there be representation from the trade union movement? Should there be representation from industry, Aboriginal representation, local government representation?

Ms ROBERTS: If they are not represented, they will shout loud enough.

Mr HATTON: That is what we are asking. We could probably sit down and map out what we think is a representative cross-section of the Territory but we might not think of everyone.

Mr FAWCETT: Steve, there might be 50 little communities in the electorate of Victoria River. You would have 50 different people. There might be 30 Aboriginal men in that, 1 from each community, and you end up with 2 representatives, 1 from the Aboriginal side and 1 from the white side.

Mr HATTON: Or do you have a collegiate system where each community elects one person and they come forward into some sort of a conference which elects its preferred representative and so on up the ladder?

Mr FAWCETT: It would be good if they could get 1 person.

Mr HATTON: Remember that there are a whole lot of areas which need to be covered. Do you think that there is a need to ensure that there is expert legal advice on the convention, representation of the Law Society or the Bar Association for example? Maybe the form of representation you have suggested might be the way to go, at least for a percentage of the representatives on the convention, with other specialist representation as well. That is another way to think about it. Have a think about how large it will be so that it does not become so large that it will be unwieldy and unworkable.

Mr ROSS: I think we have to get the grass roots people, not all unionists or whatever.

Mr HATTON: You cannot exclude them either because they could do an awful lot of damage if they are not part of it.

Mr ROSS: One of everybody.

Mr HATTON: How do you get the mixes together to get something that is going to be workable, not too big and not too small, and the people feel that it is representative.

Mr BROWN: Has your committee got a recommendation on that?

Mr HATTON: Not a clear recommendation.

Mr BROWN: Is that why you are still asking for submissions on that?

Mr HATTON: Yes. Very much.

Mr BROWN: Getting back to some of the basics and taking a quantum leap, let us suppose that we have reached the point at which we have a constitution in place and everybody agrees to go to statehood. This is getting to something that Rick was onto earlier. In that situation, who decides what steps we take or how we approach the federal government on which way to go? I do not think that they are going to push it on us until we ask for it so ...

Mr HATTON: I think we are going to have to scratch and bite to get it.

Mr BROWN: Given that there are 2 ways of being granted statehood, would the constitution direct which of those ways was the avenue chosen?

Mr HATTON: No. That would not be something which would be included in a constitution. Obviously we would be happy to get your views on the matter, but I urge you to read the paper called 'Options for a Grant of Statehood'. I will tell you why we are opting to use what is called the section 121 route. It is this. Section 121 says that the federal parliament can accept a new state under such terms and conditions as it sees fit. The argument which we have to put is that those terms and conditions are equality with the rest of Australia. To achieve statehood via that route, the federal parliament would have to enact legislation which would become an entrenched act of parliament because it creates a constitutional state.

If we wanted to use another route to statehood, we would have to use section 128, which means physically amending the Australian Constitution to incorporate the Northern Territory. That requires a referendum like the one last year and, before it can be held, the federal parliament has to agree to put forward an act of parliament to have a referendum. Either way, you need an act of the federal parliament.

Mr BROWN: That was the question I wanted answered.

Mr HATTON: We have to work out what we want, to develop our log of claims or put our case together so that we can take it to the federal parliament and maybe even to the states. That, of course, would come after we have adopted our constitution.

Mr BROWN: Yes, that is right.

Mr HATTON: At that stage, you know what you want and you sell that concept to the Australian community and the federal parliament and negotiate the arrangements. Of course, that is a fair way down the road.

Mr FAWCETT: Steve, after we have done all that work, Canberra might just say: 'See you later'. What happens if we get in first and say we want statehood? What are they going to say? That Bob is going to sort it out?

Mr HATTON: The Prime Minister has said, I think in late 1986, that if the people of the Northern Territory say they want statehood then he will work towards achieving it. Certainly the coalition parties have both said they support Northern Territory statehood and support the basis of cases put by the Northern Territory government in relation to the handover of powers to put us on an equal footing.

Mr FAWCETT: You don't see any hiccups?

Mr HATTON: I see a million hiccups but we have to remember that some things are really powerful political weapons. If you can walk in with a referendum mandate showing that 70% of the people of the Northern Territory have said they want statehood on certain conditions, you have the mandate of the people and it is an almost irresistible political force. That sort of thing has the political force to push through.

Mr LANCASTER: So once the constitution has been accepted you are on the move.

Mr HATTON: Then the issue of statehood starts.

Mr LANCASTER: That could take as long as getting a constitution.

Mr HATTON: It could. It is a long hard road and we have to start walking down that road one day. Why not today?

Mr WILKES: When do we get a vote on this constitution?

Mr HATTON: When we have gone through this first stage, hopefully we will have people actively involved in talking. We will be in a position, hopefully, to present our recommendations to the parliament in April or May next year, although that is only our recommendations.

Mr WILKES: Sorry for interrupting. Before you go any further, will that be the majority of the people that you have spoken to in this tour?

Mr HATTON: This is only the first round. We will be back again.

Mr WILKES: Yes, what I am saying is that, if we take this group as an example, you have not got the majority of the population here tonight. Right?

Mr HATTON: I hope I am stimulating you and encouraging you so that you will go and stir up the other people to think about it.

Mr WILKES: Yes I know. That is why I am trying to ...

Mr HATTON: I want you to go out and stir up the other people to think about it. We will be in Batchelor tomorrow lunchtime.

Mr WILKES: You are going to compile all the information which you gather here tonight and from the communities rightaround the Territory and then you will sit down and compile that, making ...

Mr HATTON: Recommendations on a draft constitution

Mr WILKES: Then you will come back to the people and say: 'Here it is. This is what you mob have recommended'.

Mr HATTON: We also want recommendations relating to the constitutional convention, that giant drafting committee, and our work will go to it.

Mr WILKES: And it just ...

Mr HATTON: It will work through and say yes it likes this or does not like that or wants to change it. The convention could accept or change or vary it.

Mr WILKES: Now where does that committee come from?

Mr HATTON: That is the second question I am asking you. How do you want us to put it together? How big should it be? Who should be on it?

Mr WILKES: That is the people Tommy was talking about before, the key people who have to come from all of the communities around the place.

Mr HATTON: That is right.

Mr WILKES: So it could be me, it could be him, it could be ...

Mr HATTON: That is right.

Mr WILKES: Any which one of us type of thing, right?

Mr HATTON: And when that committee has worked through it all, it comes back with a proposed constitution, which goes to the people at a referendum to say yes or no.

Mr WILKES: Is that a vote on statehood?

Mr HATTON: No. It is a vote on the constitution.

Mr WILKES: Oh right. What is the next step after that?

Mr HATTON: Then we start talking about statehood.

Mr WILKES: I am with you now - a bit thick but it got through.

Mr RUZSICKA: It does not make any difference to the federal government whether we are a state or a Territory. They do not really ...

Mr HATTON: It does. It limits their powers.

Mr RUZSICKA: I mean for us.

Mr HATTON: The great fight we have with the federal parliament is because, quite frankly, it lost a lot of power and influence when we achieved self-government. It lost a playground and an area for social experimentation and when we become a state we will take even more power away from Canberra. A lot of people in sitting in Canberra do not want to lose that and they are going to fight us.

Mr RUZSICKA: If the community gets a body representing the majority of the Territory and puts this constitution forward to the federal government which then turns around and says: 'No, we will not accept that ...'

Mr HATTON: Well then we have a war. Not a shooting war but a political war.

Mr RUZSICKA: It is like what we have seen in the past, with the differences between Labor and Liberal.

Mr HATTON: In the Territory, Labor and the CLP are not fighting about this.

Mr RUZSICKA: I am talking about the federal level. I am not saying that this is right or wrong but, while the Labor Party is in power, it appears that the Liberal-run states tend to suffer. To me it is like the national parks being run by the Australian National Parks and Wildlife Service. That is not what the majority of Territorians want but we have no say in it at all. It is obvious that they know that we do not want that but they continue to do it. It is the same with the handing back of Ayers Rock and a number of other issues.

Mr HATTON: This is where, on statehood, political representation becomes really important. You have heard all of the arguments about how many politicians we should have in relation to the size of the population. This is the other question. Forget the House of Representatives. The House of Representatives is what is called the people's house, where each electorate is about the same size. We all think that that is how it should stay. If we only have enough people for 1 or 2 seats in the House of Representatives, that is all we should have because that is the house which proportionally represents the population.

You know and I know that 80% of the people live in the south-eastern corner of the country. It was like that at federation and all the small states said: 'Hey, this is a bit unbalanced, politicians being what they are. If all of you guys are coming from down there, you are going to look after your own electorates and the rest of Australia is going to be left to rot'. That was their real concern. They decided that they wanted a way to counterbalance that and they said: 'We want a Senate, where it will not matter how big a state is. All of the states will have equal representation in the Senate and that will stop you throwing all the money in where all the people are and force you to look at the whole of the nation'. That is why there is equal representation in the Senate, the states house.

Mr BROWN: But how many Senators would we have to have from the northern state?

Mr HATTON: To be equal, we would have 12 Senators. I know that is frightening and in my view it could and should be changed. I think the only reason there are 12 Senators in every state now is because of a clause in the Australian Constitution that says you have 2 House of Representatives seats for every 1 Senator - the 2 to 1 ratio. The growth in the Australian population led to the creation of more House of Representatives seats and that led in turn to more Senators. That is why the number of Senators keeps growing. It has gone from 6 to 8 to 10 to 12, simply so that we can have enough seats in the House of Representatives. The 2 to 1 nexus should be broken so that every state can have 6 Senators. It would not matter because all states would be equal.

Mr BROWN: So how many House of Representatives ...

Mr HATTON: You would be interested in telling all those federal Senators that they will be gone.

Mr FAWCETT: We are going to run out of brains up here, aren't we? It is costing us enough now.

Mr HATTON: I made this comment before. There are 14 500 people in the Northern Territory Public Service now. The cost of a Senator is about equivalent, if not actually cheaper than the cost of employing an E4 in the public service. If we employed an extra 10 E4's in the Northern Territory Public Service, the populace would not even notice it.

Mr FAWCETT: It does not mean that it is right.

Mr HATTON: No it does not. The point I am making is that if you think of it in terms of cost, the effect of 10 Senators on the people of the Northern Territory and the political power of the Northern Territory far outweighs the contribution of 10 E4s, no matter how bright they are. That is the point that I am making. Frankly, I think that it would be a very good investment, particularly given that the federal government has to pay their wages.

Mr FAWCETT: Steve, would you accept statehood without equal representation in the Senate?

MR HATTON: I would not accept statehood without eventual equal representation. Although we should have equal representation from day 1, I think the political reality is that a phasing in of the transfer of powers would occur. The constitutional shift to statehood and the phasing in of representation should be on a pre-arranged fixed schedule based on extra representation every Senate election or every second Senate election. It might take 10 or 15 years to get equal representation but the steps to achieve that would be fixed. It should not be based on population or any other strange criteria. It should be based on a time frame. If that is the path we have to take, I think it should be done that way.

Mr FAWCETT: And would it be possible to get such a deal from the Commonwealth, taking into consideration the possibility of a change in government?

Mr HATTON: I think so. I am pretty sure that I would have a lot better chance of negotiating that than 12 Senators up front.

Mr LANCASTER: So long as you were certain that the federal government would not back down after agreeing to it.

Mr HATTON: You would write it into the statehood act, right?

Mr SETTER: There is a very strong political consideration as far as the other states and the Commonwealth are concerned. I have discussed this with a lot of federal and state politicians. Let me explain it to you this way. If we went immediately to 12 Senators, given that we already have 2, we would have an additional 10 Senators. That addition of 10 Senators would automatically create something like an additional 20 seats in the House of Representatives.

Mr HATTON: Which puts extra seats in New South Wales and Victoria.

Mr SETTER: Right. You ask yourself: 'Where are they going to be?' Obviously, in the population centres of Brisbane, Sydney and Melbourne. They will not be here. If we are lucky, we might get 1 extra member of the House of Representatives and the other 19 would be distributed around the states. When the major political parties sit down and do their sums, they say: 'These seats will generally be in metropolitan areas. Which political party is going to be advantaged?'

Mr HATTON: Because the redistribution ...

Mr ROSS: It does not really matter, does it, as long as the states have the power?

Mr SETTER: Oh, of course. You have to convince the political party in power at the time.

Mr HATTON: That is why, if we have a big jump up front, we will find ourselves in a very large political minefield. By phasing it in on a controlled basis, you minimise the disruption throughout the entire nation.

Mr LANCASTER: You are saying that situation would be avoided using a phase-in program.

Mr HATTON: It would minimise the effect. The other problem with doing it suddenly, with 10 additional Senators, is the possibility of changing the balance of power in the Senate. If the new Senate positions are created gradually, the potential for that is reduced.

Mr WILKES: What you are saying is that, during the phase-in period, we have more chance of getting more representatives from the Territory into the House of Representatives rather than from the populated areas down south.

Mr HATTON: There is a potential to get an extra seat. There are 154 federal seats at present. They allocate so many seats to each state, based on the proportion of the population. So, if 50% of the population lives in New South Wales, New South Wales gets 50% of the seats. In the Northern Territory, they only look at the number of people who are registered to

vote, to see whether where we come up or down on the quota for an electorate, because the Northern Territory is 1 electorate at the moment. So all the kids who are under the voting age, all the people who are not Australian citizens or not on the electoral roll but are part of the population, are not counted.

Mr WILKES: That is a bit rude isn't it?

Mr HATTON: That is because we are an electorate. We are not a state.

Mr BROWN: And if we were a state, would that change?

Mr HATTON: We are at the stage where we need an extra half quota to entitle us to a second seat.

Mr BROWN: As everyone knows, we are a very young community. The average age in Darwin is 21.

Mr HATTON: You can argue that we are technically under-represented in the House of Representatives because we are a Territory and not a state.

Mr LANCASTER: Getting back to economics, what sort of economic restraints does your committee have in terms of getting this constitution in place?

Mr HATTON: It is a budgetary constraint, as always, but I must say that the government has been good. When we set this program in place, we needed more money than we had allocated in the budget. We were able to get additional funding provided through the first budget review to enable us to do this, produce the advertisements, get the extra booklets produced for distribution and so on. We have to make bids for our budget, just as everyone else in government does.

Mr ROSS: Are any of the other states talking about reducing the numbers in the federal Senate? I don't suppose they are.

Mr HATTON: No. The politics of it are pretty hot.

Mr ROSS: So that is not an option.

Mr HATTON: It is an interesting argument, isn't it? Why have the 2 to 1 ratio?

Mr ROSS: There is no move at all to break that nexus.

Mr HATTON: No, not that nexus. They tried to change some rules in respect of the Senate in last year's referendum but they linked it in with so many other things that you could not pick out the good things and put them through whilst throwing the bad things away.

Mr ROSS: So to get equal representation, with the staged process you are talking about, by the time we get it we might have 14 or 16 Senators.

Mr HATTON: That is quite possible.

Mr ROSS: Bloody ridiculous, isn't it.

Mr LANCASTER: When the vote is put in terms of accepting the constitution or not, will there be lobbying from the political parties like there is in a federal referendum? To my way of thinking, that is ridiculous, the parties taking opposite points of view just for the sake of it.

Mr HATTON: I would hope not, and Wes could speak on this too.

Mr LANCASTER: I realise that you have a bipartisan approach and hopefully the input will all be positive.

Mr HATTON: We have been taking a bipartisan approach on this task for 3 years now and we have a very clear objective. There are some things that go beyond politics. It is important to the community that this matter go beyond party politics. The major political parties recognise that.

Mr BROWN: In terms of eligibility to vote once we became a state, would that be under the control of the Electoral Act or

would it be in the constitution?

Mr HATTON: That is one of the questions we are asking: how much do you put in the constitution and how much do you leave as the province of an electoral act? We are recommending here that the constitution contain the basic provisions, such as single-member electorates with universal suffrage, the right for every adult to vote by secret ballot, voting eligibility based on Australian citizenship and so forth, like it is in the Self-Government Act now.

We are recommending one change. At the moment, a person who is a public servant, a policeman or an alderman in local government, must resign in order to be able to stand for the Legislative Assembly. We are recommending that the constitution contain a provision which states that such a person can nominate for election to the Assembly on the basis that, if elected, their previous employment will be automatically terminated from the moment of declaration of the polls. In other words, the current situation would be reversed. Instead of having to resign and automatically get your job back if you lose, we are saying that you will automatically lost your job if you get elected. Such a change will clean up a lot of the administrative problems we had with all the aldermen resigning at the last Assembly elections. Remember? We had the problem throughout the Territory at the last election and and the local government by-elections after it.

Mr WILKES: Did they all get their jobs back?

Mr HATTON: No. Most of them did not get re-elected. That is the risk you take.

Mr FAWCETT: Will you still have to be an Australian citizen to run for parliament?

Mr HATTON: Yes. And you cannot be currently in jail. It is important to write that in. You cannot be an undischarged bankrupt, things like that. Again, you will find those things set out in the booklet. It was actually printed in October 1987. We had a lot of difficulty getting people to pick it up and read it.

Ms FAWCETT: Yes, but now we can understand what it is about.

Mr HATTON: Right. That is why we are coming around now. They are free too.

Mr SETTER: That is why we will be back to talk to you again.

Ms FAWCETT: We will have some more questions to fire at you.

Mr HATTON: Hopefully you will not only have questions but you will have ideas.

Mr LANCASTER: Will there be a lot of meetings in Darwin? That is where a large part of the population lives.

Mr HATTON: There certainly will. We have had formal hearings there and we will do so again. At the moment, we are considering a suggestion that we hold a series of meetings in each of the electorates in Darwin.

Mr FAWCETT: It is going to be a bit hard in Darwin. You come down to Adelaide River at night and it is a big night out.

Mr SETTER: We have already met for 2 full days in Darwin, 2 full days of public hearings.

Mr FAWCETT: We were just wondering if you were getting to the grass roots.

Mr HATTON: We are working down. You have to come down through the layers. In my electorate, I have raised it in a couple of community meetings. Some of the people in my electorate are talking about getting discussion groups going within neighbourhoods and we will just go along and sit down and talk about it, like we are doing here. We can set up vehicles like that, get discussion going through the schools, through parents, school councils and other avenues. You have to use different techniques in the bigger places. There are similar problems in Alice Springs for the same reasons.

Well, we have covered a fair bit of ground. We can go on for a bit longer if you like or close the formal part of the meeting and engage in informal discussion.

Mr ROSS: No, I am happy to leave it there. Thanks for coming down.

Ms FAWCETT: We might understand a bit more now.

Mr HATTON: We would welcome the opportunity to come down again to speak to groups or answer questions. If you have any queries you can ring the toll-free number and if you want any extra information we will get it to you. If you would like somebody to come down to talk about particular matters, let us know and we will organise it as far as we possibly can to give you a chance to think it through and work it through. I urge you to encourage other people in the area or district to get involved. I cannot stress enough how important it is for all of us.

Mr WILKES: You have to have the majority, don't you.

Mr HATTON: Thank you very much for having us. I formally declare this meeting closed.