

AMOONGUNA — Friday 14 April 1989

PUBLIC MEETING

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 Vince FORRESTER

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

ISSUED:20 July 1989.

Mr HATTON: Thank you for coming along this morning. I know everybody is very busy. It is a Friday and a work day and it is very difficult. You get sick and tired of people coming out to the community all the time, wanting to speak on this subject or that subject, but we would like to take advantage of what opportunity we have to talk to you about the work of our committee, and we hope to convince you to start thinking about this matter of getting our constitution for the Northern Territory.

Our committee is a committee of the Northern Territory Legislative Assembly. It has 6 members on it and, at the back of this book, you will see the pictures of the 6 members. There are 3 from the Labor Party and 3 from the CLP. It is equal numbers. This is the only committee ever made up in the Legislative Assembly that has the same number of members from the government and opposition. That is because, on this particular job, we are in fact working together. You know in politics most of the time it seems the CLP and the Labor Party are fighting about this or that or something else and always arguing and saying the other bloke is wrong or we are right.

This time this job goes beyond that. It is bigger than that. It is as if sometimes you have to say: 'Hey, let's stop playing politics and let's start thinking about being Territorians. Let's start working for something that is more important than just playing politics'. We, as the parties on the 2 sides of the parliament, think this job is so important that we will work together on it and work with the community to write this constitution, or to help the community to write this constitution.

To explain who we have here today, my name is Steve Hatton. I am the chairman of this committee. Brian Ede you know. Brian is the deputy chairman, and Colin Firmin, who is the member for Ludmilla, is also one of the members of the committee. We have been travelling around the Centre here for the last 2 weeks. Before that, we had a week up at the VRD. Next week we go up to Tennant Creek, the Barkly, and Gulf country and then back up to Darwin. Later we will go to Arnhem Land and across the Daly. We will be covering the whole of the Territory, all the major towns, 59 communities throughout the Territory, saying the same thing to them as we are saying to you and that is, have a look at this and start

thinking about it. I know everyone says: 'Oh crikey, what's this? A constitution, what is that all about?' Well, I would like to talk to you about that if I can.

The constitution is a law made by the people, and it is not like your normal laws. This is a law that people make to control the governments and the courts and to say how you protect your rights as a community, how you want your Territory to live and work. The law, when it is made, becomes the boss over the government and the courts. It is something the government has to work under and something the government cannot muck around with. They cannot change it. This can only be changed by the people. It is made by the people and it can only be changed by the people, so it becomes a very strong law. It is the way the people say they want the place to be run. They are going to tell the politicians what they can do and what they cannot do. The people make these rules and they say that this is how they want our Territory to work.

Every government in Australia has a constitution controlling it. In Queensland, Western Australia, South Australia, New South Wales, Victoria, Tasmania and even over the federal government there is a constitution that says they can do this and they cannot do that. The only place that does not have that is the Northern Territory. Our people have never been asked to make the rules on how they want their place to work. This time, we are saying let's start doing that.

You have heard a lot of talk about statehood. This time, we are not asking you whether you think statehood is a good idea or a bad idea. We are not asking you if you want to support statehood or whether you are opposed to it. That is a separate question. Before you could even think about statehood, you want to know what you will have, and how do you know what you will have if you have not written the rules? It is a big enough job just to write the rules to set your constitution in place and get that right. Then maybe, after that, you can start asking whether we should be a state or not.

But I do ask you to remember one thing. Whether it happens next year, in 5 years, 10 years or 20 years, one day the Northern Territory will become a state.

A person: When?

Mr HATTON: I do not know when, but one day it will, but that constitution is the first thing that you have to do and then you will know what you are talking about.

How we are going about doing this is, first of all, we are going around now telling the people this job has to start. We need to start on this job. It will be a long, long hard job. It has to involve everybody in the Territory. It has to involve Aboriginal people, white people, the migrant communities that come into the Territory, the Chinese people, the Top Enders, people in the Centre, the bush people and the town people. It has to involve the lot.

For the first time, we have all got to sit down and start saying, 'How do we want this place to work?' Let's talk to each other about that. Let's make some rules on how we are going to live together. Let's come to terms with the reality of the Northern Territory and work out how we can start to make some rules where we can live together with mutual respect. As a people you can do that, if you write this constitution properly. When you do that and put it there, that will be your gift, your legacy to your children and to your grandchildren and their children. If we do it well, they will look back on us and they will say, 'Our people did a good job for us. They left us something that is good and strong'. If we walk away from this job, our grandchildren will ask say we did not have the courage to stand up and do this job when it had to be done. They will ask: 'Why did they leave us in a mess?' We cannot avoid it. We have to make these rules - not for us now but for our children and our grandchildren, to give them a a Territory that they will want to live in and will be happy to live in. We can do that by us working together all over the Territory to write this constitution.

As I say, we are talking about this today. We are not asking you even to tell us now what you think should be in there. If you want to tell us, if you can, we are happy to hear it, but we are not asking you that question now. We think it is important that you think about it, and talk about it amongst your community and with your friends. Work out your ideas. Have a look at some of the books we have got. Look at the different things about it. Think about it and talk about it. If you are not sure about something, ring us up and say you want us to come back and talk to you about this subject or that subject. Start to learn more about it. When you get your ideas together, we will come back and then you can tell us what you think should go in this constitution.

We are going to do that same thing all over the Northern Territory, from Gove right down to Docker River and all over. When we get everybody's ideas back, our job will be to sit down and start to try and write out some basic ideas about what we think the people are saying. We call it the first draft. We will have all the views that have come forward to us, the work that we have done, all the submissions that people have given us, and we will put those together and we will prepare a

draft constitution.

But you cannot trust just us to do the job. You do not want a bunch of politicians or lawyers writing this thing. It has to be written by the people. So, the second thing that we are going to ask you is to help us work out how we can put together what is called a constitutional convention. That is like a big committee of people from all over the Northern Territory, representative people from all over the Territory, who will come together, and keep coming together, to look at the work we have done. They will look at all of the things that people have been saying and look at all the stuff, check it out and see whether they are happy that that is what should go forward to become a constitution.

They might change what we do. They might wipe it out and start again, or they might say it was a good job. That constitutional convention, that committee, will prepare that document and then, when they have finished it, that document then goes forward to the people to vote 'yes' or vote 'no' on in a referendum. If the people vote 'no', we will go back and start again. We will start talking again, and we will keep doing it and doing it until we get it right. We have got to get this one right, because this will set the rules and set the way we want the Northern Territory to go in the future.

It is so important because it must be the property of the people. It must be something that people say: 'That is mine. That is where my rights are protected. That is where I set the rules and I tell the government what they can do and what they cannot do'. People are going to feel they own that, and that only the people can muck around with that and the governments cannot touch it.

You must start to think about it and, because it has to happen, you have to start thinking about it now and you have to make sure you have your say about what goes into this book. You have your say. It is not a frightening task. It is your law that is going to come forward. It is a law that is going to be there into the future, basically unchanged in the future. It is the way we, as the Northern Territory, are going to grow up and take control of our own lives. Just as a young people grow up to be adults and take control of their lives, so the Northern Territory will when our people work out amongst themselves how they think this place should run and they make the rules for themselves.

That is our job. We ask you please, get involved in it. It is for your good. It is important that you have your say in this job so that, when it comes out in the end, you are happy with it.

I will ask Brian if he would like to say a few words.

Mr EDE: A couple of nights ago, very strong Labor man was at my place and he said to me: 'Well, what the hell are you doing out there in a meeting of this sort, going along with Steve Hatton? You are the Deputy Leader of the Labor Party and he is that ex-Chief Minister CLP bloke, and you know full well that when you get back into parliament, there are 16 of them or something and about 6 of you, so they have got the number on you. What is the point of being involved in it. Why don't you get out and just let them do their thing and then throw rocks at it?'

Well, I suppose it would save me a lot of time if I did it that way. I would not be travelling all around the bush and working on the things that we have been doing. But, basically, the reason why I am working together at the start is that the only way this constitution can get off the ground, the only way it can be a success is if, at the other end, we are together. We have to find a position where, at the end of the day, there is very substantial agreement amongst all Territorians about what is in this constitution. If we do not achieve that, it will be a failure and it will not work. It will not get off the ground. The only way that we can get to a situation in the end where we are agreement with each other is if we start off together.

When we look around, there are lots of things that, as Territorians, we all agree on. We all want a place here in the Territory where we have security for ourselves, for our children, for our families. We all want to have a reasonable chance at our kids getting a decent education and having decent health and being able to grow up strong and fit and with a chance for a decent job. They are things that we all share. If we share those things, which are fundamental issues, we can start working from a basis of things that we agree on.

As we go on, it is not going to be easy. There will be times when we are arguing and it will seem as though we will never get back together again, because we will be arguing some very fundamental issues as we go along. But, in the process of that arguing as we go along, we will get to develop an understanding of each other and each other's point of view. People from the towns will start to understand why things like land rights, sacred sites, culture and language are so incredibly important for Aboriginal people and why they want things like that entrenched in the constitution to ensure that those laws do not keep changing. Aboriginal people will start to understand why it is that there are things in white culture which seem to be absolutely unexplainable but that, in fact, are important for white fellows. So we will have communities starting to

grow together, starting to understand each other. That is the process that we have got to go through in the constitution.

When we have got that constitution together, if we get a very substantial majority at the end of it, we will then be in a position where we can go to the rest of Australia and we can say: 'We have worked this out in our own backyard. You have seen the results of the referendum. You have seen the very substantial agreement that we have got on these points. Now we want you to agree to it'. And then we can start talking about a date for statehood. Until then, we cannot talk about a date for statehood, because statehood is just a word. You cannot eat it, you cannot see it, you cannot feel it - it is just a name. It is not until you have got a constitution written down that you can read that you can say that that is what we are talking about. That that is the Territory and this is what it means. It means respect for each other. It means these principles that we hold to with regard to respect, with regard to sacred sites, with regard to land and with regard to recognition of the people of where they came from and where they want to go - the type of society mapped up out of that constitution.

When we have got that, then we can ask ourselves if that is something that we want to back or if it is not. Until that day, we cannot talk about statehood. It is so fundamentally important because it is not just for the next 10, 20, 50 years, it is important for generations and generations to come. That is why I am here working on this committee and why I am going to stick with it and try my damndest to see if we can find agreement on the issues and work through them so that we get to that other end.

There is one thing that I say all the time. If, when it comes back to the people, you say: 'Look 20 pages of it are great but I do not like the 21st page', say 'no' to the lot. Let's fix up that 21st page. Let us make sure that everything is okay, that we get it okay, because Aboriginal people have been around here for thousands of years. There will be people in the Territory for thousands of years to come. We have the time to get it right. Don't let's have a half-baked job. That is what they did in the other states. Over 100 years ago, a couple of lawyers and a couple of politicians got together in a room in Brisbane or Sydney or Melbourne and said 'Okay, let's draw ourselves up a constitution and we will go over and talk to the Queen about it and see if she will say it is all right'. They did not go out and talk to the people. They did not go and talk to Aboriginal people about the things that were important to them.

That is why we want to do it differently in the Northern Territory. We want to do it properly so that it really is the people's law; it really is the law that stands over government, over administrators, over the courts, over everybody and says this is how you will operate, this is how you will deal with each other in the Northern Territory. If we get it right, it will be something to be extremely proud of and the fight for it is well worth doing. So, I plead with you: don't walk away from it when times get hard and it looks as though we cannot see that light at the end of the tunnel. Keep in there and keep going, and keep going until we do find that place where we have that agreement and that unity in the Northern Territory which will allow us to be a greater and better society.

I do not want to say any more about it now. There are fundamental issues that we will have to address, things like entrenchment. What proportion of the people will have to agree before we say that we have got substantial agreement? Are we talking half? Are we talking two-thirds or are we talking about three-quarters? To what degree do we entrench things like land rights and sacred sites? What are the important principles that we have to get fully entrenched and what ones can we allow to be entrenched to a lesser degree.? Those are issues that we will have to tackle in the coming months and years.

It will not be me that lays them down and puts out a position. I want to hear what people have got to say in the coming months and years. It is your law. We are only sitting here to kick it on. We are opening it up. It has opened up now. This is it, this is the first step. If you are going for a walk into town, you cannot just stand there and say, 'Oh, it is too far'. If you have got to go you have got to go. You have to go, so you start. Well, this is what we are doing. We are starting and, hopefully, we will get to the other end, some day.

Mr HATTON: Thanks Brian.

You have heard most of the sort of stuff we are talking about. As Brian said, some of the important things we know from Aboriginal people are there. That book you have there is like a beginner's book, if you like. It has a fair bit in it anyway. That is to give you some idea of the sort of things that might go into a constitution and some of the questions to think about. If you look at that and think you would like to know a bit more about what this mob talking about, we have another book which we put together. That one took about 3 years to write. We looked all over the world. We looked in America and the West Indies, Canada, New Zealand, New Guinea and Africa and all around Australia at all the different constitutions and the sort of things put in them.

There are things in there we do not agree with and things we do agree with. There will be things in there that you do not agree with and things that you do agree with, and we have put them all in there so you can think about them. We are not trying to hide anything from people. We will give you everything to look at and think about. We have come up with some ideas on what you can do, and different ideas, but you have to look at that and decide that you like this or you do not like that or, if you think this mob forgot something else, tell us about that, because that way we will get in the final law what you think.

These books are to help you think about different subjects and, if we have forgotten something, you make sure you tell us about it. It is only if you tell us about it that we can look and see whether other people think the same way. And remember, other communities will be doing the same thing. We will be getting stuff from them, and what they tell us we will tell you, so it will go backwards and forwards all over the place. We will have grey hair by the time this is finished, I can tell you, but the people will understand this. That is what we have to do. It is our job, but you tell us what you are thinking.

Most importantly, tell us who you think should be on the constitutional convention. How should we put that together. How do you choose Aboriginal people to go on there? Which Aboriginal people should go on there? Should there be pastoralists? Should there be business people from town? Should the miners be there? Should there be women's representation as well as men? Top End, Centre, all over, local government, community government, all sorts of different ways - think about that. There are some ideas in that book about that to think about too to help you get your own ideas. Have a talk amongst your community about how you think it should be done and then come and tell us about it. That is the only way we will get this together, because that committee has to be right too. If we get that mix wrong, it will not be really representative of the people, so it will be harder to get a good job done by them for the constitution.

That is what we have there. It is the information that we have got. It is really up to you. I am not going to say any more now except, please, if you have any questions, ask them. I know a couple of people there have got questions. Ask any questions you like about how we are going about this.

Mr FORRESTER: I would like to say something on this.

First off, this little book here, you mob, that has got kangaroo and that has got eagle and that has got paintings from some Top End mob. I do not know what that painting means, but I can understand my grandfather's kangaroo here which we own sovereignty about - and that is what these fellows are talking about, sovereignty. They are coming along to us black fellows and they talking about something that white fellows call sovereignty of the state, so they can make laws and all that sort of thing. Like before the white man came, this was our grandmothers' and grandfathers' country. That is what they are talking about.

Now they want to give the Northern Territory government powers over sovereignty. They can tell you they give you piece of land, like they give us piece of land out there. Before, we knew this was all our country, and this is what they are doing when they are talking with this book here. They have to answer our claim to sovereignty. We owned this land before the white man ever came here, and this is what they are talking about.

On 1 January 1901, they passed that constitution. They gave Australia a white fellow government down in Canberra. They gave them their sovereignty. This mob of people are talking about a different form of sovereignty now, at a statehood level, but they still have to answer the question: who owns the stories for that emu, 2 kangaroos and eagle hawk? That is the basic thing that they have got to listen to when they talk about that, because otherwise we have to protect our rights as indigenous peoples.

All over the world they have different laws, but they also have different laws in a place called United Nations. They have every sort of law to protect human rights and that there and, in those international laws, they say people have the right to self determination. Everybody knows, from experience, that we do not have self determination here, as Aboriginal people and as indigenous owners of Australia, and these are some of the questions that they have got to talk about.

I would just like to say to Steve and to the other people that it was very disappointing last Friday night to go along to a meeting that was advertised at 7 pm, 5 pm and 6 pm and, when we arrived there at 7 pm, nobody was there. It was very disappointing, you know, when you are talking about something like this. As you say, this will affect our grandchildren. I am only a young man and I have no grandchildren yet, and this is the sort of thing that we are talking about. If you make your appointments, I believe you mob should turn up, because you get paid by the taxpayer.

We own land under the Northern Territory Lands Right Act in the Northern Territory, yet we derive very, very little

benefit from the mining that takes place on our land and the exploitation by the tourist industry and so on. So, we could look at those questions about the dollars and how are we going to get equality out of this. We have got to look at education, educating our children. This present day in the Northern Territory, our children mainly only get taught one way, and that is the white fellow way. Very little Aboriginal culture and maintenance of language is done in the schools in the towns and all of that sort of thing.

How are we going to look at proposing the constitution? Do we have a Bill of Rights? Will we look at a Bill of Rights. Looking at using the United Nations covenants, you are doing a Bill of Rights before you get to doing a constitution. These questions have to be addressed, and we have to get the best legal advice throughout the world, not forgetting that the Prime Minister of Australia has committed the Australian government to a treaty between Aboriginals and non-Aboriginals of Australia. You are in a strongest position here in the Northern Territory because you hold the largest population of blacks throughout Australia, per head of capita. They say that we are one-third, but I believe we are more because a lot of people won't fill in the census forms.

We derive very, very little benefit from the distribution of money on an equal footing here in the Northern Territory. You all know, everybody knows that we have things like our health problems and all that and their liking of putting band-aids on instead of treatment - providing people with water, stopping them getting excisions and these types of things. But that is the political side. That is the CLP political side, fighting for the pastoralists and that. We cannot get excisions. A lot of people live here on Amoonguna. They can have excisions at that place. They could have been getting excisions, but the Northern Territory government has that right and so they have not been providing us with excisions or basic things like water. You have to prove that you can live on the excisions for years before you can get basic things like water.

Education is very, very important. We have none of that at the present time. But, I believe the Aboriginal people of the Northern Territory are in a position to negotiate, not consult. We should be in a position to negotiate. You have to negotiate this thing with us and not just consult, and we have to be in a position to develop up our own positions on what we want in here. It is very, very important. It will take a long time. You know, you are going to be spending a lot of money on these highfalutin' lawyers and things like that, as an Aboriginal community, but there are some questions that we have to address. If they roll over the top of us without negotiating with us and giving us our indigenous rights and giving us rights which have been agreed to and ratified within the United Nations, we might as well go home. I would recommend that all Aboriginal people, coming along to the conferences such as this, don't walk away. You have got to talk. If you walk away, you are going to have nothing. So you have to get in and talk to these lads and make sure that they pull their finger out and do the job around the countryside instead of not turning up for meetings when they arrange meetings. These are some of the things that we have to demand.

But ...

Mr HATTON: Vince, before you go on, let's get this clear. That meeting last Friday was advertised on television, on Imparja, for 6 pm for 2 weeks beforehand.

Mr FORRESTER: Yes, and then we heard at 5 to 7.

Mr HATTON: And we were there from 5 till after 7 o'clock and nobody had turned up. We were there at 5 o'clock and we left after 7 o'clock.

Mr FORRESTER: I was there at 7.

Mr HATTON: You had better check your watch because we were there until after 7 o'clock and nobody was there.

We had a meeting again last night, from 6 o'clock. We were there until 7.45, at the Youth Centre, and that was well advertised. You didn't come there either. Just a few people came. We have been at meetings all over the Centre now, up and down the Track and across east and west in the communities everywhere.

We had a second meeting there because people said they wanted to come to us. We held a second meeting and you didn't come to that one, but you caught up with us here because we have another meeting here, and you will have more chances in the future. You spoke to us last year too, when we were down here last year. You have got heaps of chances to talk to us. We are not trying to keep away from people.

Mr FORRESTER: Because you asked people and don't turn up in Alice Springs.

Mr HATTON: But we were there for 2 hours waiting for people to arrive, all right?

Mr FORRESTER: Anyway, we will get more into this. Are you blokes going to write up a Bill of Rights before you do the constitution?

Mr HATTON: The question is raised in that book about whether there should be or should not be. We are not saying you will or will not do this. It is not our job to do that. It is up to the people to tell us what they want in their constitution.

Mr FORRESTER: What about indigenous rights? How are we going to get a fair deal from the Northern Territory government?

Mr HATTON: That is raised there too. Should they be put in there? We are asking people if they think it should be or should not be. We are not going to say you must do this or must do that. It has to come from the people, Vince. We are going to put the questions out, and you have to come and tell us, right? I am not going to tell you what you have to have, neither is Brian neither is Colin. The people have got to say what they want to have.

Mr FORRESTER: Say, if we did ask for a Bill of Rights, would that go through Territory legislation or Commonwealth legislation?

Mr EDE: It would have to, if we were talking about a Bill of Rights. If you compare some constitutions, for example, the Queensland Constitution is 1 page. It says it is open, that's it, let's go. The Papua New Guinea Constitution runs to some 200 pages. The decision that we are going to develop in the process of this is how much we put in the constitution and how much we leave for ordinary legislation.

If the feeling of the people is that we should have all those principles which are in the United Nations Declaration of Human Rights, the ones that are in the Bill of Rights, all the ones about indigenous rights, the Almata declaration - that one on the rights of people towards health etc - if people say that all those things should be in there, they will be in there, but it is up for grabs. People have got to be involved and they have got to say that these are the things that they want in there. If people don't say it, if they say 'No, we will leave that out' it does not get in.

I was saying to people the other day, you can use an analogy. It is a bit like if you have a cheeky dog that goes out and bites people and you don't trust it. What you do is you put it on a bit of rope or a chain. Now you might decide how long that rope is depending on how cheeky the dog is. You might let it just whirl about inside your own yard, or you might close it up somehow.

That is what the constitution is. The constitution is the rope that you put around the neck of the government saying it can go that far and it cannot go any further. How long that rope is will depend on how much control the people decide is needed. If people say: 'Look, we are going to put in all these areas, the whole lot, and they are areas which only we have control of, not the government', that will be the decision and that is the way it will go.

Mr FORRESTER: Just on this point, a lot of Aboriginal people distrust the Northern Territory government right now.

Mr EDE: Yes.

Mr FORRESTER: That is the politics you blokes play in the House up there. You have this rope called the Australian Constitution but take, for instance, the changes to the Sacred Sites Act, they give white fellows power to tell us black fellows what a sacred site is. White fellows know nothing about sacred site - only we. That is the type of thing. That is our religion.

Mr EDE: Exactly. That is the situation as it is now.

The argument that we have to develop during the period of developing the constitution is whether sacred sites - to what degree the law of sacred sites is to be entrenched in the constitution.

If a majority of the people agree that those things should be put into the constitution and entrenched there for all time, that is what will happen. But the people have to get together and work out how that is going to be done.

Mr FORRESTER: It is not ...

Mr HATTON: Can I just say something ,Vince. Could I just raise ...?

Mr FORRESTER: ...for white fellows to tell us what our religion is.

Mr HATTON: The trouble is, Vince, at the moment they have got that power. Right now they have that power because there is no constitutional protection, even in the Australian Constitution.

Mr FORRESTER: Oh yes there is, mate.

Mr HATTON: No, there is not, sorry.

Mr FORRESTER: There is on that point.

Mr HATTON: On your sacred sites? You are wrong

Mr FORRESTER: On your freedom of religion.

Mr HATTON: Freedom of religion, yes

Mr FORRESTER: You shall not make it law to interpret religion

Mr HATTON: In the federal constitution?

Mr NICHOLSON: There is a section 116 ...

Mr FORRESTER: 116.

Mr NICHOLSON: ... but it is doubtful if it applies in the Northern Territory.

Mr HATTON: Vince, you need to understand this ...

Mr FORRESTER: But we are supposed to be part of the federation of Australia.

Mr HATTON: No, this is your problem, Vince. It is because we are not a state. Australia is what they call a federation of states. That constitution is written for the federation of states. We are outside that.

The federal government can do what it likes in the Northern Territory, because we are only a Territory. We do not have the protection of the Australian Constitution, because we are a Territory. There is section 119 which says the federal government can do what it likes in the Northern Territory, and I'll tell you this ...

Mr FORRESTER: It's all right, you mob. We are just talking about the different points of the Australian Constitution.

Mr HATTON: I'll tell you this. The Land Rights Act is really important to Aboriginal people, but you need to know that the federal government has the power, if they wanted to, they can just repeal that act and wipe out land rights tomorrow.

Mr FIRMIN: They can repeal the Northern Territory Self-Government Act.

Mr HATTON: They can wipe out all government in the Northern Territory by repealing an act of parliament. They could take away any right to vote on anything, tomorrow. They have that power.

Build a constitution and put it in there, and you take the power out of the government and put the power in the hands of the people. You can do that with land rights, you can do that with sacred sites ...

Mr FIRMIN: The ability to vote.

Mr HATTON: ... you can do that with the right to vote. You can do that with the right to protect your religion and your culture.

Mr FORRESTER: Representation?

Mr HATTON: Representation? You can do that in a constitution but, without a constitution, the government is all powerful; it can do what it likes.

Mr FORRESTER: At the present time, we have the Self-Government Act leading the way to statehood, but we have only got 2 Senators.

Mr HATTON: Yes.

Mr FORRESTER: Us black fellows have no Senators, and we are saying: 'Hang on a minute. We might want 6 out of that 12 if you are going to go for it, if you are going to a state'.

Mr HATTON: That might be true. That might be something you can talk about, Vince. You might look at the New Zealand situation, and that is one thing that has to be talked about. In New Zealand, they have a special thing where there is guaranteed Maori representation in their parliament, but you have to look at the other side of that coin. That does not mean that Aboriginal people get 2 votes. They have to choose. They have to be on the Aboriginal roll or the general roll. If you go on the Aboriginal vote roll, you would then vote for the Aboriginal representative. If you go on the general roll, you vote like you do now for the local member. You cannot vote for 2 of them.

Mr FORRESTER: There are some dangers in that.

Mr HATTON: That is right. That is why you have to talk it through, but the opportunity is there to talk about that in a constitution. Is that all right?

Mr FORRESTER: Yes.

Mr HATTON: But, without these things, you have no rights except what the government gives you, and what the government gives you the government can take away.

Mr FORRESTER: They make laws in that parliament up there.

Mr HATTON: And in Canberra.

Mr FORRESTER: And in Canberra. You look at the criminal law or something like that at the moment. They are holding a Royal Commission about deaths in custody. They are slaughtering us in their prisons. That is the white man's law. They are slaughtering us in those prisons and they are holding that law. We have our own legal system in the Aboriginal community. We have our own legal system. We have our own laws. Now these are some of the things. These white people that are going to be sitting in the Legislative Assembly, are they going to give us rights to discipline our own community ...

Mr FIRMIN: This may be part of it, Vince.

Mr FORRESTER: ... under our own laws, or what? Or are they going to keep on killing us in prisons by using their judicial sorts of things? These are the questions that we have to ask ourselves.

Mr HATTON: Sure, all those things can be talked about in this.

Mr FIRMIN: That is why, as we said earlier, it is a long way to go and we are just taking the first step. We have got a lot of walking through to do.

Mr HATTON: What is so important that you get involved in it, because this is the way you can take power - as the people, black and white all together - take power from the government back to the people on things that are really important to the people and that you are not going to let the government fiddle around with.

Mr FORRESTER: But the question has to be answered of our indigenous claims to this land.

Mr HATTON: Yes and ...

Mr FORRESTER: That has to be answered.

Mr HATTON: ... that is one of the questions that we have raised in there. On page 93 of that book you have got there, it is

one of things that has been talked about there. We ask the question, and I said the same thing last night with the meeting in town. I have been saying it in the white communities: 'Look, you cannot just think for yourself. You have also got to think about the rights of Aboriginal people'. It is the same thing so I say to the Aboriginal people: 'You can think about your rights, but also think about the rights of the other person and together work out a way we can live together in this Territory with respect for each other's culture and ways and a common future'. We are all equal.

Mr FORRESTER: So that means to us Aboriginal people we look at this and we prepare our position on this, but the most important thing that we do, before we go into statehood in the Northern Territory, our negotiation point, we have got to work out our treaty.

Mr HATTON: That treaty is a federal government thing.

Mr FORRESTER: I say it now, it affects us because we are Aboriginal people. They are not going to give us statehood. In looking for statehood for the Northern Territory, the treaty must come first.

Mr HATTON: Hang on, that treaty thing is a federal government thing.

Mr FORRESTER: We are black fellows, not Territorians. We are (Gives group name in own language), we are ? mob from this country. We are not Territorians. That is Johnny-come-lately stuff. We are black fellows.

Mr HATTON: You are saying something different to a lot of Aboriginal people out there in the bush, I can tell you.

Mr FORRESTER: The treaty comes first. I say, the treaty must come first. The community of Croker Island has also said the treaty must come first.

Mr HATTON: That is wrong.

Mr FIRMIN: That is quite wrong.

Mr HATTON: Let's get it clear.

Mr FORRESTER: That is a quote.

Mr FIRMIN: The Minjilang President did not say that at all.

Mr HATTON: He was quite angry with whoever put that release out.

Mr FIRMIN: He was very angry about it actually, very angry that somebody said it in his name.

Mr EDE: What might be the case though, if we were talking about the treaty? The treaty has some principles and agreements, and it may be that, in developing those principles and agreements with regard to the treaty, some of the ideas about what will be in the constitution will become clearer. It may be that both of those things can be developed side by side so that the principles of the treaty, to the extent that they are recognition of rights as regards land, culture, religion, language and education rights etc ...

Mr FORRESTER: But that is not sovereign rights.

Mr EDE: 'Sovereign rights' has a lot of different meanings to different people.

Mr FORRESTER: Yes. We are the sovereign people.

Mr EDE: Right. Well, it means different things to different people. As regards a whole lot of the other issues that are involved in them, those things can be addressed in the development of the constitution as well as being addressed in the development of the treaty.

Mr HATTON: This job is not going to happen in 5 minutes. It is going to take us years to get this constitution sorted out, as a people, and I do not know what the federal government is doing on this treaty or their timetable for it. They said they were going to have it done by 1991 or something, didn't they?

Mr FORRESTER: What are you looking at? 2001?

Mr HATTON: I don't know.

Mr FIRMIN: When we get it right.

Mr HATTON: It is for the people to tell us that.

Mr FIRMIN: When we get it right.

Mr HATTON: I reckon, if we can get this done in 3 to 5 years, we will have done a really quick job. I think there are too many big questions in here for it to happen really quickly.

Does anybody else want to raise any points or ask any questions?

A person: We will have a look at these. We will have a good look at it.

Mr FIRMIN: Fine. Have a bit of a think about it, eh.

A person: It is the first one we have seen.

Mr HATTON: I think we have pretty well covered it all up.

Mr FORRESTER: Thanks very much.

Mr HATTON: Thank you very much for having us along.

Mr FORRESTER: Don't forget about who owns them stories on your coat of arms.

Mr HATTON: Thank you.