

## PUBLIC MEETING

**WADEYE —Friday, 12 May 1989**

PRESENT: —

**Committee:**

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

**Officers assisting the Committee:**

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

**Appearing before the Committee:**

Mr Felix BUNDUCK

Mr Bernard JABNEE

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

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Mr HATTON: Thank you very much for gathering to give us a chance to speak with you today. My name is Steve Hatton and I am the chairman of a special committee of the Northern Territory parliament. I have with me 2 members of that committee, Colin Firmin, who is the member for Ludmilla, and Rick Setter, the member for Jingili. I am the member for Nightcliff. We are here today to talk to you about a job that the Legislative Assembly is starting to do. We have come to explain to you what that job is and why we think it is really important for you to start thinking about this.

At the back of this book, you will see the photos of all the members of our committee. There are 6 members on our committee, 3 members from the government side, the CLP side, and 3 members from the opposition, the ALP side. There are equal numbers. The reason for that is that the ALP and the CLP are working together on this job of making this special law. You know that we spend lots of time arguing with each other. This time, however, we are working together because we think this job is so important that we cannot be fighting. We have all got to work together as Northern Territory people to get it right for future generations of people in the Northern Territory.

You have probably heard a lot of talk about whether the Northern Territory should be a state or not be a state. I have got to say that I do not want to ask you about that. I do not want to talk to you about statehood today because that is a thing for the future. Before you can even think about statehood, before you can even ask whether you think that is a good thing or a bad thing, you have to know what you want. What do you want the Northern Territory to be like in 10 years time, in 20 years time and in 100 years time? How do you want the Northern Territory to go in the future? What sort of a place do you want this to be for your children, for your grandchildren and for their grandchildren? How do you want this place to work so that everyone can live together as equals and with respect? How can you create a place that you will be proud to leave

for future generations of Northern Territorians? Until you know what you want and how to get there, you cannot even talk about statehood because you do not know what you want.

What we have to start doing, as Northern Territory people, is thinking about how we want this Northern Territory to be. How do we want to go about electing the government or the parliament? What sort of things are really important? How are we going to overcome the fights between people and write a law about how people should live together? We must make a law that does not keep changing all the time but keeps going the same way.

That is what we have come to talk about today. We are going to start doing the job of writing a special law that is made by the people, not by the government. It is the people's law. You make this law to determine the way the people want the Northern Territory to go. When you make that law, you put it over the government and it becomes like the boss over the government. It makes the government go the way the people want it to go. In the white man's way of doing things, that is the way that the people can tell the government the way to go. The power is with the people.

We have been going all over the Northern Territory talking about the same thing. We have been down to Finke, Kintore, Docker, the VRD, in the Gulf and over in Arnhem Land. We have been to Alice Springs, Tennant Creek, Katherine, Darwin, the Tiwi islands and all over. We have been talking to people about how important it is for everyone to start thinking about making a law to set the direction of our future. You must ensure that the Northern Territory goes the way that you want it to go and not leave this job to the government. For once, the people should say the direction that the Territory will take. We have come here to talk about that.

A constitution is the people's law. It is a very special law. You know that Aboriginal law has been there for thousands of years, back to the dreamtime, and it keeps going the same way all the time. It goes straight and does not change. It says how people live together, where they can go, what they can do. It is the law and it is always going that way. However, the white man's law, and many Aboriginal people tell us this, keeps on going backwards and forwards, keeps changing. The law changes with changes of government, and then back again. This confuses people. Sometimes the Aboriginal law and white man's law bump into one another and there are arguments. What we are going to try to do is work out how we can make the laws come side by side and how we can live side by side with respect for each other. But, how are we going to do that? I cannot write that, not by myself. How are you going to work out what sort of rights you have that should not change? There are some things that you think that the government should not be allowed to touch. It might be your right to vote. It might be land rights. How can you prevent the government from taking away your land rights? It might be protection for sacred sites or traditional law or culture.

It might be the right to meet like this and talk about things. Some things are so important to you that you do not want the government to be able to muck around with them.

But, how are you going to stop the government mucking around with them? You do that through this people's law. This is a law whereby the people say to the government: 'You can do that but you are not allowed to touch this thing'. You make those laws and you put them over the top of the government so that it has to go the way you are saying. That is what we are here to talk about because, if we are going to make this law, it will be a strong law that will not change unless the people want it to change. It is really hard to change it and that is the closest that white man's law comes to being like Aboriginal law. You put it in place and the government has to walk along that road. It might come over to this side of the road or that side of the road, but it has to stay on that road that the people have made. Every government around Australia, including the government in Canberra, has a constitution over the top of it. All the states - Queensland, Western Australia, South Australia, New South Wales, Victoria and Tasmania - have all got a constitution over the top of them whereby the people say: 'That is what you can do'. But, the Northern Territory does not have a constitution. We do not have a constitution over the top of the government. That means that the government in Canberra can do anything it likes here because we have no protection from a constitution.

We are going around telling the people of the Northern Territory that they must start talking and thinking about this. They must decide what direction they want the Territory to take and how they want to make it a good place for the future. We must start working to make this law. There are lots of things in there and it is not going to be easy. It is not going to be quick. We are not going to rush you. We want to give you time to think about it and talk about it as a community. Talk about what you think should go in that law. Talk to other mobs and, bit by bit, as a Territory people, we will start to work out how we are going to go. We will sort out the arguments and go the right way. However, you have to do this one properly because, when it is finished and in place, it will be there for a long time.

The last time they did this job in Australia was 100 years ago - in Queensland, NSW and the other states - and they did not ask the people. A group of politicians like us sat down and wrote it out. When they did that, they did not talk about things that are important to Aboriginal people. They did not talk about things that are important to other people either. And that law is still there, but it does not think about Aboriginal law or culture or language. They have problems in those states because they did not do this job properly. You have a chance to ensure that you make that law properly and take into account the important things so that they do not change. You make sure you put that inside that law so that the government cannot muck around with it.

That is the job that we have. If we do that job well, we will make a good place for future generations. They will know where they are going. They will have their culture, language and history and will go forward with that. If you do not do this and walk away saying that it is too hard, the Territory will be like the rest of the place and get worse and worse with more and more fights. You will leave a mess behind for other people. We have got to do this one properly. That is why we are coming around asking you to start thinking about this and about what we are saying. Look at it and have a talk about it. If there are things that you do not understand or are not sure about, give us a ring or write to us and we will come out and explain things to you. Then, when we come back at the end of this year or early next year, you can tell us what you think and have your say in this job.

However, it will not finish there. That is only the first part. The second part is that we have to set up a big committee of representatives of all the people in the Territory, people that you can trust to speak honestly for your communities. These representatives will come together and their job will be to look at what we have done. They will accept it or change it as they think necessary. They will argue out all the problems and, bit by bit, they will write it up. Because you will have people from Alice Springs, people from here and people from everywhere else in the Territory, they will have different ideas. They will have to talk and talk until they find an answer that everyone can agree with. When they have done that, they will have to take it to the people to vote yes or no in a referendum. If the people say yes, that will become the law. If the people say no, we will have to start working again and keep on working until we come up with a law to which the people will say yes.

When that is done, we will have a law that belongs to the people. It will be a strong law that you put over the top of the government. It will become the boss of the government and tell it that it has to go the way the people say. The government cannot change that law. Only the people can change that law. That is how you have your rights protected. That has never happened before in the Northern Territory. It is your chance to do something good for the future. And if we do it well and argue out all the problems, we can make a good place for the future. If we put it aside and say that it is too hard, our children and grandchildren will look back and say: 'Those old people did not do the right thing. They left a mess for us'.

Therefore, we might have a chance now, but we also have a responsibility to fix up the problems and work for the future. It does not matter if it takes 3 years, 5 years or 10 years. We must do it properly and make a good, strong law that will create a good place for the future. We have come here to ask you to be part of it and have your say. You must ensure that this law is right for your people as well as for other people. We want you to work with us on this. We want all the people to make this law.

I do not want to say any more. That is what I have come to say. Maybe my friends might want to say something and then, if you have any questions or you want to say something, please feel free to do so. We have come here to explain and to answer any questions that you might have.

Mr JABNEE: Can I ask you first?

Mr HATTON: Yes.

Mr JABNEE: You said a while ago that we have got to check the government. The rule for Aboriginal people, when we put our own way, don't change very much. Not like the government. As you just say, the government changes every rule, law and all that. We have got to track you people. It is a long way to catch you mob up, to try to understand and all that. Give us the time to think and talk about it and we will know then about this new rule. You mob making it now.

Mr HATTON: Yes, we are not going to do this one quickly.

Mr JABNEE: Yes, give it time.

Mr HATTON: Yes, there has to be time. That is why we have come now to say that we have to start walking down this

road. At the moment, we are just taking that first step and telling people that we are going down the road.

But, it will take a long time. But, please, you have to start thinking now and take the time. We are not going to rush you.

Mr JABNEE: Taking a chance.

Mr HATTON: Yes, we will all take a chance.

Mr SETTER: We will come back next year and talk to you again.

Mr HATTON: If you look at that and say, 'I do not understand what that means; it is too hard to think about', you can ring us up and we will get one of our people to come down and talk about it, bit by bit. When he has explained it to you and you understand, he will go away and let you have a think about it. There is no rush, but it has to be done properly. The women will have a talk about the women's things and so on.

Have a think not just about what should go in that law but also about how we should pick the people to go on that constitutional convention. How should we go about picking that group or electing them? That is important too. They have to be the right people.

This book here has some basic ideas in it and some questions. How should you elect the parliament? What should the courts do? Those are the sorts of things to think about. After you have read that and you want some more material, there is also this book which we will leave with you. This green book, this discussion paper, took us 3 years to prepare. We looked at constitutions all over the world and all over Australia. We found different ideas and they are all in there. There are things in there that we think are good and things that we do not like. There are some things that you will like and some that you will not like. Have a think about them and make up your mind what you believe in. Maybe you can think of some things that we forgot. We will leave that with you to think about.

Mr JABNEE: We can make a rule from ourselves? We can put law in through the government?

Mr HATTON: Yes, that is what this is about. You can set the whole thing up. However, but you have to work with everyone else in the Northern Territory too. People have different ideas, but you must start talking about it together. Bit by bit, you start to understand each other better and come to a direction that you can take side by side. Understanding what the other man wants and working out how you are going together is a big job.

Mr JABNEE: It is a big job all right.

Mr HATTON: It is bit frightening too but, if we get it right, it will be a good place, won't it?

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **So who else has something to say?**

Unknown: (Murrinh-Patha language).....

(English Translation) **Hey men, just like we curse (repeatedly) and talk when we're drinking, so speak up.**

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **He (the chairman who is speaking) has there that which he has named a constitution. We all have to work on this one (the constitution). We will make it for the Northern Territory. It's a big thing.**

Unknown: (Murrinh-Patha language).....

(English Translation) **That's right.**

Mr BUNDUCK: At the moment they have got 7 states.

Mr HATTON: 6.

Mr FIRMIN: We would become the seventh if we became a state.

Mr HATTON: We would be number 7, but that is for the future. Once we do this job and we have worked all this out and we know where we want to go and what we want, then we can ask if we want to become a state and, if so, when. But, we cannot do that until we have done this job because, until then, we will not know what we want.

Mr FIRMIN: You must have rules set down.

Mr HATTON: You have to make the rules. The people have got to make those rules. That is the first job. After you have done that, then you can start talking about the other things. But, you can take that extra step later. Right now, the federal government can do anything it likes with us. I do not believe that it would, but it could take us right back to the old Welfare days. It has that power because there is no constitution to protect us.

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **Okay, it is a big thing. So we especially should prepare ourselves for it. It (the constitution) will not turn us around (or point us in another direction), it will not destroy our culture. People ... We should prepare ourselves for this constitution?**

Mr HATTON: You want to talk about any other things?

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **Come on speak up.**

Mr BUNDUCK: Can I speak in language?

Mr HATTON: Yes.

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **This talk is for all of us. We are now just astonished by this constitution. This constitution is from Katherine, Melbourne, Canberra, Sydney, Queensland, Adelaide, from all over Australia and now it's coming to the Northern Territory. Only six states have it here (in Australia). It has not come to us yet. From this time on it will come to us just like he (the chairman) has proposed to us. This Constitution will come to us when we have made it. We will then be the same (all over Australia). We will not have to worry about Canberra (i.e we won't have to worry about what they say as we will have our own constitution) because the Northern Territory will have its own constitution also. That is why these men have come to talk to us.**

**That is right. We will all take part in this constitution. We will enter into it. We now have that ability and the same rights to be like the rest of Australia. This constitution is a big thing and we all need to look at it and face up to it. The constitution is not here yet. We will have to wait, it is on its way.**

I spoke in language but what I said is that, at the moment, we have 6 states and we are waiting till we get this constitution properly so we will be making 7 then. That is what I have said - that we are looking forward to dealing with the government people if we put a straight constitution from the community.

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **Well you know that all of us will have to speak straight (when we're ready for this constitution) here at this place. Yes, that's what we'll do. But, now, not yet (ie We don't have a constitution yet) .**

Mr HATTON: What is important is that the people have to start talking about this to make this law for the future.

Mr BUNDUCK: (Murrinh-Patha language).....

(English Translation) **We will all sit down and talk about this constitution like other people (i.e. local Aboriginal groups), those who understand this sort of thing, and we will talk and we'll talk about this constitution for the Northern Territory and how we will make it.**

**We will make this constitution for the Northern Territory and we will make a deal with them (i.e. work it out together) with these men, or if others come (i.e. men representing the committee), if they come and do it in a wrong (unsatisfactory) way then we will say, "No, we do not want that, this is what we want". That's the way we'll do it, not just us here but for all over the Northern Territory wherever these men travel with this word of the constitution - this word they have brought to us here today.**

Mr HATTON: Perhaps you can explain to them that what I am saying is that they must not trust politicians or lawyers or academics to do this job. The people have to do this job. We have come here to tell the people that they have to do this job themselves and that we cannot do it for them.

Mr JABNEE: If we have any problems, we will give you mob a ring.

Mr HATTON: If you look in the back of this book, you will find the telephone number and the address. It is a free telephone. Just ring up and speak to this man here, Rick Gray, or Joan if you want anything or you want someone to come out to talk to you.

Are there any other questions?

Mr BUNDUCK: These other people are not sure what it is all about. We will explain.

Mr FIRMIN: It is the same all around the Territory. People are all saying the same thing: 'We do not understand it yet but we must think about what we need to do'. We will come back and talk to you again when you have had a chance to think about it. It is serious business.

Mr HATTON: It is not a little job. It is a big one. Thank you.