

Topic : MINISTERIAL STATEMENT

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Member : Mr STONE

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Mr STONE (Chief Minister): Mr Speaker, today I rise to make an important ministerial statement on the proposal that the Northern Territory become the seventh state of the Commonwealth of Australia. Since the election of the new Coalition government, there has been a marked shift in support for the aspirations of Territorians at both state and Commonwealth level. As recently as Monday 12 August, the Prime Minister has advised me in writing that:

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The Commonwealth remains committed to facilitating statehood for the Northern Territory according to a negotiated timetable, which I reaffirmed to the Council of Australian Governments meeting on 14 June 1996.

Thus, Australia's Northern Territory is poised to become the seventh state of the Commonwealth of Australia. It is the stated aim of the Northern Territory government that a grant of statehood be achieved by the year 2001 to coincide with the centenary of Australian federation. It is important however that, before examining the more intricate details of constitutional development, I canvass the historical perspective of where we have come from in our quest for equality as Australians.

The evolution of constitutional development in the Northern Territory has no parallel within the Australian federation. From 1788 to 1828, part of what is now

the Northern Territory was included in the colony of New South Wales. From 1828 to 1863, the whole of the Northern Territory formed part of that colony and was administered from Sydney. Due mainly to a lack of interest in the north by New South Wales, responsibility for administration of the Northern Territory passed to South Australia in 1863 and, from the time of federation until 1911, the Northern Territory formed part of the original state of South Australia. The Northern Territory was surrendered to the Commonwealth by South Australia in 1911. In 1996, it still holds the status of a territory of the Commonwealth.

Throughout the 85 years of Commonwealth control, constitutional development in the Northern Territory has been a halting and begrudging process. Thirty-six years were to pass before a Legislative Council was created in 1947. Even then, the balance of power was firmly held by unelected bureaucrats. A fully-elected Legislative Assembly was eventually formed in 1974. The vesting of certain minor statelike powers in members of the Assembly occurred in 1977. A limited form of self-government was granted in 1978 and was followed soon after by the transfer of responsibility for the health and education functions, the Supreme Court and judicial appointments. The Northern Territory was not empowered to establish its own Court of Appeal until 1986.

The version of self-government conferred on the Territory by the Commonwealth, under section 122 of the Australian Constitution, continues to be limited in comparison with the legislative and executive authority held by the states. Unlike the states, laws passed in the Territory parliament can be reserved and disallowed by the Commonwealth executive. The Commonwealth parliament can legislate at any time to overturn any law of the Northern Territory. A case in point is the proposed introduction into the Commonwealth parliament of a private member's bill framed specifically to overturn the Northern Territory's Rights of the Terminally Ill Act.

It is one thing for legislation to be challenged in a court on constitutional grounds. That is the proper role of a court and is fundamental to the doctrine of the rule of law. It is quite another thing for laws validly enacted and within the power of this democratically-elected parliament to be able to be overturned on the whim and personal predilection of a member of another parliament. In the event that the Commonwealth parliament passes this legislation, I would view that as an affront to the sovereignty of the Legislative Assembly and the people of the Northern Territory. It is a course of action that could not occur in relation to any state in the federation.

The Commonwealth can acquire the property of the Territory and its citizens without the payment of compensation on just terms. This is a power that has been extensively used by the Commonwealth in the Territory. The underlying title to significant areas of our land belongs to the Commonwealth, as well as the minerals on that land. All Northern Territory uranium is owned by the Commonwealth. Administration of 2 major Territory assets, the Uluru-Kata Tjuta and Kakadu National Parks, is vested in the Commonwealth. Many Commonwealth laws have an extended application in the Northern Territory beyond that in the states, or apply only in the Territory and not in the states. They impose corresponding limitations on the legislative and executive authority of the Territory.

The ability and the right of the Territory to manage its resources for the benefit of current and future Territorians has been eroded by overriding Commonwealth legislation that dominates the Territory's land administration regime. Only 50% of the Territory's estate now remains within the direct sphere of influence of the Territory yet our practical and moral responsibilities for the wellbeing of all Territorians remains undiminished. We have become a testing ground for social policies conceived by southern politicians who have little regard or concern for the long-term impact of their experiments at the end of the day. For example, witness the federal Aboriginal land policies which, although having iconic status, have achieved little in real terms to advance the lot of the majority of the intended beneficiaries - Aboriginal Territorians. In comparison with the states, the citizens of the Northern Territory do not have equal representation in the federal parliament, and there is no constitutional guarantee of representation or of the continued existence of the Northern Territory as an entity in its own right. In 1996, all Territorians, of whatever persuasion or origin, lack full equality within the Australian federation.

In the 18 years since 1978, self-government has been viewed consistently by the CLP government as an interim step along the road to equality with the existing states and statehood. The sentiment has been expressed in this parliament. On 28 August 1986, the former Chief Minister, Hon Steve Hatton MLA, stated:

Statehood is essential if we are to take our place as equal Australians. Statehood alone will ensure that we have the same rights, privileges and responsibilities ... the same degree of

self-determination ... [as] other Australians.

The Northern Territory government has been persistent in pursuing the legitimate aspirations of Territorians for an equal place in the federation. Since self-government, that pursuit has been long and arduous.

The public position of the Hawke Labor government was that it had no set view on statehood, and that it would consider the issue only when it had received a comprehensive, formal submission. Such a submission for full self-government was presented by the Territory in 1989. It sought the transfer to the government of the Northern Territory of those statelike powers reserved currently for the Commonwealth. That submission fell on deaf ears. The federal Labor government was not prepared to concede on any of the issues that the submission raised, not even those of a technical and inconsequential nature.

Nevertheless, our efforts continued. The issue was again raised by the former Chief Minister, Marshall Perron, in an address to the Centenary of Federation Advisory Committee.

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The committee was, and still is, chaired by Hon Joan Kirner AM, the former Premier of Victoria. That committee was somewhat more alive to the issues, and recommended the formation of a COAG subcommittee to discuss the possible terms on which the Territory could become a state. Despite the Kirner committee's recommendations, the then Prime Minister, Hon Paul Keating, maintained the Commonwealth line that further constitutional development for the Northern Territory was not appropriate at this time. This was a view that the federal Labor Minister for Territories, Senator John Faulkner, continued to maintain, despite the agreement by state Premiers at the Leaders' Forum in November 1994 to support the establishment of such a COAG subcommittee.

In April 1995, the persistence of former Chief Minister Marshall Perron finally paid off. Agreement was reached between him and then Prime Minister Keating at the meeting of COAG on the establishment of a joint Commonwealth/Northern Territory working party to consider and report on issues relating to the possible grant of statehood to the Northern Territory. The Commonwealth was not an enthusiastic participant in the process, and its involvement was stated to be 'without commitment to the outcome'. Sadly, the federal Labor government's

peremptory dismissal of constitutional development for the Territory continued. The then Northern Territory Labor federal member, Warren Snowdon, told 8DDD radio on 9 June 1995: 'The process of proceeding towards statehood for the Northern Territory is incidental to the process for getting to a republic, and that has been made very clear'.

On the same station, on 17 August 1995, the current leader of the federal Labor opposition, the then Deputy Prime Minister and Finance Minister, Hon Kim Beazley, wrongly claimed that the Territory would be financially disadvantaged if it were treated like a state. The Territory had already been funded as a state by the federal Labor government for 7 years at that stage. Sadly, the best that Mr Beazley could do was to trivialise the achievements of Territorians and the importance that all Australians attach to the fundamental principles of fairness and equality by observing that, if we became a state, we would have 'about the best state flag'.

Mrs Hickey: He is right.

Mr STONE: He is right, but I would have hoped for something more substantial by way of comment than that.

The working group on Northern Territory statehood was to report to Prime Minister Keating and the Chief Minister by the end of 1995. Completion of the report, however, was delayed until after the federal election. In the interim, there was a change of Chief Minister. The final report of the working group was subsequently submitted to the Prime Minister and myself in May this year, and was tabled at the June meeting of COAG.

The historical significance of that meeting for the Northern Territory cannot be overstated. Its outcome is a milestone in the Territory's quest for statehood. The report, which outlines the mechanisms for a transition to statehood and the issues that need to be addressed, received the support of all state Premiers and Chief Ministers except Premier Carr of New South Wales. Prime Minister Howard has maintained a personal interest and involvement in the Territory's quest for statehood. The Prime Minister was supportive in that he committed the federal Coalition government to facilitating statehood for the Northern

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Territory although, to date, he has declined to be drawn on a firm commitment to

the date 2001. State Premiers and the Chief Minister of the ACT will continue to be consulted. Hence the move of the constitutional development portfolio to the Chief Minister.

The report of the working party on statehood does not argue any particular line or conclusion. Rather, it attempts to set out clearly the implications of statehood, the issues it raises and options that may be available on some matters. While the report indicates that there are some issues to be resolved, it is significant that no substantial impediments to statehood were identified. In particular, there are no financial impediments attached to statehood. The report lays to rest, once and for all, the myth that the Territory might be financially disadvantaged if it were to become a state. This will not occur. The arrangements governing Commonwealth/Northern Territory financial relations do not change because of a change in the Territory's status.

Simply put, statehood is financially neutral - that is, the financial arrangements between the Commonwealth and the Northern Territory are fundamentally the same as those that apply to the states and the ACT. The powers and obligations of the Territory in its financial affairs are the same as those of the states. The Territory has been included in the pool of Commonwealth general revenue assistance to the states since 1988. The Territory is a full member of the Loan Council and is a party to the Commonwealth/states financial agreement. The distribution of the general revenue assistance pool is determined at the annual financial Premiers Conference, having regard to the per capita relativities recommended by the Commonwealth Grants Commission. I quote the report, which was jointly prepared by the Commonwealth and Northern Territory Treasuries, in respect of the financial and **economic** implications:

The relativities are based on the achievement of a measure of horizontal fiscal equalisation as between the states, and take into account the significant cost disabilities faced by the Northern Territory in those areas of expenditure covered by the horizontal fiscal equalisation process.

Provided the current horizontal fiscal equalisation arrangements remain in force, the Northern Territory's per capita share of Commonwealth general revenue assistance will continue to be calculated on the same basis irrespective of its status as either a self-governing territory or a state.

This is a crucial consideration for the people of the Northern Territory. It is widely believed that the Territory receives favoured treatment from the Commonwealth. As was detailed in the report from the working group, this is a fallacy. It has been dispelled once and for all. The strong support for Territory statehood, which was received at COAG, is finally in step with both national and Territory public opinion. News polls released in April 1995 showed that the overwhelming majority of Australians, 86%, supported the move to statehood 'if most Territorians were in favour'. The majority, 68%, of Territorians polled were in favour of statehood.

In the 4 short months since the federal election, I am pleased to say that we have achieved more with the federal Coalition government on the issue of Territory statehood than we did in 13 years of a federal Labor government. However, to give credit where credit is

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due, to date, the Territory branch of the ALP, has given bipartisan support to statehood. That support is warmly welcomed. The Northern Territory government's target is for a grant of statehood by the year 2001. With the national support that we now have, I believe that we can achieve that outcome.

I have written to the Prime Minister seeking the establishment of a joint Commonwealth and Northern Territory steering committee that will be charged with responsibility for the overall carriage of the Northern Territory's transition to statehood. This will include the coordination and implementation of the actions necessary for the phased and orderly transfer to the Northern Territory of those statelike powers currently reserved to the Commonwealth, in accordance with a timetable which I have suggested, leading up to a grant of statehood. It will also be the responsibility of the steering committee to negotiate those matters outlined in the working group report that need to be resolved for agreement between the Territory and Commonwealth governments. Now that we have a firm target for statehood, we need to complete the task of developing a constitution for the Northern Territory as a new state in the 21st century. Our new constitution must be home-grown - prepared for Territorians by Territorians.

Members will recall that, in 1985, this Assembly established a select committee, now the Sessional Committee on Constitutional Development, to address the issue of statehood. Its terms of reference included reporting and recommending to the

Assembly on a constitution for the new state, the issues and conditions pertinent to a grant of statehood, and promoting awareness of the related constitutional issues to the Northern Territory and Australian populations.

The sessional committee has consulted widely since that time. It has travelled throughout the Territory, visiting over 90 centres and communities, and has consulted with Territorians from all walks of life. It has embraced several initiatives in cross-cultural communication. As a result, there now exists a substantial body of material. An authoritative and comprehensive series of discussion papers and reports, produced by the committee, addresses the key issues relating to a grant of statehood. In addition, the sessional committee has actively and extensively promoted awareness, consideration and discussion of issues related to statehood throughout the Northern Territory community. The sessional committee has produced an exposure draft of parts of a new constitution for the Northern Territory, and subsequent additional provisions to that exposure draft. Both have been tabled in this Assembly and a final draft and the report of the sessional committee is to be tabled today. Debate by the Assembly on this document is likely to result in a draft constitution for public discussion and consideration.

There are a number of ways in which the draft constitution can be advanced before it is considered finally by the parliament. Options range between an elected constitutional convention, an enhanced convention that would provide for even wider public consultation, or no convention, with the matter being left to the Northern Territory parliament. The sessional committee has recommended the establishment of a constitutional convention comprising about 74 members - 50 elected, up to 16 appointed and 8 ex officio. The proposal is for the convention to settle a draft constitution for consideration by the Assembly and submission to a referendum of Territory electors.

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The concept of an elected convention is a simple enough proposition at first blush. The devil is in the detail. At the last sittings of the Assembly, I posed a series of questions about this proposal that needed to be considered. For example, would voting for candidates be voluntary or compulsory? Would voting be proportional or preferential? Would there be any restriction in terms of the candidates who could nominate? What would a convention of this type achieve beyond the exposure draft of the sessional committee? How long would the process take? Will

it assist in achieving statehood by the year 2001? How much would it cost? Is a formal process, located primarily in the precincts of the Legislative Assembly, the most effective method of consultation with the people of the Northern Territory and, in particular, Aboriginal Territorians living in remote communities? Would the convention format, which was recommended by the sessional committee, allow widespread public participation and comment? Finally, would real public participation be limited merely to electing representatives from those who choose to nominate, and would this format allow all Territorians to be heard if they wished?

One option would be to have no constitutional convention, with the decision-making role remaining with the Legislative Assembly of the Northern Territory. Those who urge this path argue that parliaments are elected to govern and that the prospect of 74 additional salaried members debating a constitution would be difficult to justify. I have been provided with preliminary estimates by the Department of the Chief Minister and by Treasury. The bottom line of such an elected convention would be in the vicinity of \$6m to \$10m.

Perhaps the middle path is the option of an expanded convention that would ensure wide community discussion of the specific proposals and the options contained in the draft. Consultations and surveys throughout the Territory have made it clear that people want to know and understand exactly what it is that is being proposed, how it will affect them, and whether their rights and interests will be protected. Such an expanded convention, under the auspices of the sessional committee, could follow on from the extensive education process that has occurred to date. It would be for the committee to convene a series of public forums throughout the Territory and encourage participation by all Territorians to discuss the draft constitution. I envisage this process as including discussion and input from specific interest groups, such as Aboriginal representative groups, industry and community organisations.

One other option is that modelled on the Constituent Assembly of the new South African Republic. This model would involve all existing members of the Legislative Assembly and a number of appointed representatives of the wider community. For example, under such a proposal, the president of the Trades and Labor Council would take his place next to the Territory president of the Chamber of Commerce and Industry. Land councils, ATSIC and the Business Council could also expect to be represented. My list is not exclusive by any means. It would be the task of the parliament to set the parameters for the appointments, who would be

appointed and the charter of the convention. In any event, it is my view that ultimately the Northern Territory parliament must be the final determiner of what comprises the constitution before any consideration is given to a referendum of Territory electors on the issue.

In the process of constitutional development, we have not overlooked, and will not overlook, the fact that the Northern Territory is unique. Over one quarter of our population is comprised of Aboriginal people, many of whom maintain their traditional lifestyle, culture and language. They are integral to the development of the Northern Territory and look to a secure

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place upon a grant of statehood. Our aim is to achieve a free, harmonious and united society, based on the equality of all our citizens before the law but, at the same time, reflecting and preserving the special situation of the Northern Territory's indigenous inhabitants and giving them the capacity to share in the benefits of development. The Northern Territory is the only jurisdiction in modern times that has actively pursued the involvement of Aboriginal people in constitutional development and which is specifically addressing the Aboriginal issues. A grant of statehood, with the adoption of an entrenched new state constitution reflecting the needs and aspirations of all Territorians, provides a unique opportunity to lay down the framework for a genuinely culturally-diverse society for the future.

I do not propose to comment in detail on the draft constitution. That is the work of the sessional committee and it would unfairly pre-empt the tabling of that draft constitution that will follow on from this ministerial statement. However, I do expect that to be a robust debate, particularly given that the committee will be foreshadowing a number of options plus a range of issues.

As the year 2001 approaches, many Australians now believe that a review of the federal system, with appropriate constitutional reform, should occur contemporaneously with the centenary of federation as a demonstration of Australia's maturity as a nation. Equally, as self-government in the Northern Territory enters its 18th year, many Territorians believe that it is now appropriate for the Northern Territory to take its place as a full and equal partner in the Australian federation. Later this year, I intend to introduce legislation that will provide for one of the options for a convention set out in the statement. I move that

the Assembly take note of the statement.

Mrs HICKEY (Opposition Leader): Mr Speaker, the Chief Minister has described the ministerial statement he has delivered in the Assembly today as an important one. There is no doubt that the issue is important. Members on this side were looking forward to the statement with some anticipation. Unfortunately, his statement falls far short of his description. Only in the last sentence did he flag his intention of pursuing, before the end of the year, one or other of the options that he detailed. What the Chief Minister has delivered today is a ministerial statement that has failed miserably to progress the debate on statehood. I say that more in sadness than in anger. Only on the issue of a constitutional convention has he said anything that we have not heard before and, on that matter, he has not progressed the debate but set it back.

I will deal with the substance of the Chief Minister's statement a little later. First I want to deal with 2 issues: the position of Territory Labor and the constitutional history of the Northern Territory. Whether the Country Liberal Party administration likes it or not, the 2 issues are fundamentally linked. To ensure that my remarks cannot be misinterpreted or twisted in any way, let me state the position of Territory Labor very clearly. Territory Labor supports statehood. We support the achievement of statehood by the year 2001. Territory Labor believes that statehood is the final step in a long constitutional struggle that has occurred over almost 100 years. We believe that statehood is a central issue to the future of the Northern Territory. We are adamant that the primary focus now must be on the development and finalisation of a Territory constitution. That constitution must be a document that guarantees the rights of all Territorians. Territory Labor strongly believes that the people of the Northern Territory must be integrally and intimately involved in the writing of a Territory

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constitution. We believe the best way to achieve this is through a constitutional convention. Territory Labor believes that, if necessary, statehood can be granted without 12 Senators. We recognise that this would reduce our power in Canberra, but we accept the reality that it is highly unlikely that statehood will ever be forthcoming if we insist on having 12 Senators at the outset.

I hope I have made the position of the opposition in this House absolutely clear. Let me turn now to the second issue that I flagged - the history of constitutional

development in the Northern Territory. I do so because this history is a source of considerable pride to Territory Labor. Frank Alcorta, who is well-known to all members and is no friend of the Labor Party, said that the history of the Territory is largely the history of Territory Labor. He is right. The constitutional struggles fought right through this century have had Territory Labor at their centre.

From 1863 until 1911, the Northern Territory was administered by South Australia. In 1908, Mr Tom Crush, a Territory Labor member, was elected to the South Australian parliament. He began immediately to agitate for greater autonomy for the Northern Territory even then. When the Commonwealth decided to resume control of the Territory in 1911, it denied the Territory an opportunity to be represented in the new parliament. Immediately, Territory Labor and Labor movement members took up the cudgels to fight that decision. Harold Nelson, the Labor leader, led that fight. Along the way, they ousted a Territory Administrator, Gilruth, and were jailed for their struggle. They used the catchcry of 'no taxation without representation'.

In 1921, the Commonwealth gave in. In 1922, the Territory was represented in the Commonwealth parliament. Harold Nelson was elected overwhelmingly and continued as a member of that parliament until 1934. On achieving representation, he did not give up the fight for a better Territory say. The Territory's representative was limited by 2 constraining factors. Firstly, he was allowed to speak only on matters relevant to the Territory. Secondly, he was not given a vote. He immediately set about trying to change that form of representation. In 1930, Nelson successfully moved in the House of Representatives for the establishment of a Territory Legislative Council. The motion was defeated in the Senate by the Country Party.

The next significant movement on constitutional development came in the 1940s, this time led by Jock Nelson, Harold's son, and by the respected Territory leader, Dick Ward. In 1947, Ben Chifflery, the Labor Prime Minister, established a Legislative Council that was partially elected and partially appointed. Both Nelson and Ward were on that council. In 1949, Jock Nelson was elected to represent the Territory in Canberra. He began a new push for greater Territory representation. He gained the Territory a vote in the House of Representatives and, had history been a little different, he would have achieved a great deal more than that.

In 1963, the Labor Party nationally included in its election platform a commitment to the establishment of a fully-elected Legislative Assembly, self-government and

Senate representation. Unfortunately, Labor did not win that election and Jock Nelson was unable to achieve this dream. The next major movement on the constitutional front came about with the election of the Whitlam Labor government. Senate representation was won. The Northern

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Territory gained a fully-elected Legislative Assembly and plans were set in place for the establishment of self-government. Malcolm Fraser delivered on those Labor commitments after his election in 1975, and I congratulate him on that. As we all know, self-government occurred in 1978.

It has been a long and dedicated struggle by my side of politics to achieve constitutional progress in the Territory, and we are totally in support of it now. I place this on the record because it is apparent to all and sundry that the Country Liberal Party government ignores the role of Territory Labor in constitutional development. It does so for its own short-sighted political purposes. It is continuing to do so in a way that I believe threatens the progress of statehood rather than assists it, and it is very deliberate. However, I can tell the Chief Minister that this tactic will not work.

I turn now to the position of the federal government and those of other state leaders. The Chief Minister seeks to make much of the federal Labor government's feet-dragging in relation to statehood, but it was not so opposed to statehood as the Chief Minister likes to pretend. After all, as he has admitted, the Commonwealth/state paper before COAG was largely prepared during the time of a federal Labor government. However, I must admit that there have been difficulties, and I and my predecessors have not shirked the task of educating federal Labor members about the issues that are of importance to Territorians. There is now a new federal government and one which I believe is not as committed to statehood as the Chief Minister would have us believe. I too have written to the Prime Minister about statehood. I seek leave to table a copy of the letter that I sent to Hon John Howard.

Leave granted.

Mrs HICKEY: Mr Speaker, the letter sets out the history of the Sessional Committee on Constitutional Development and the concerns that I had in relation to the constitutional development process. I have watched the comments on

television from the Prime Minister, and I have seen snippets of correspondence that the Chief Minister has revealed between himself and the Prime Minister. It is evident that John Howard is not prepared to commit himself to a timetable, but is prepared to commit himself only to the inevitability of statehood. I seek leave to table a copy of the response that I received from Hon John Howard to my letter about statehood on 17 May.

Leave granted.

Mrs HICKEY: Mr Speaker, the Prime Minister states that the Council of Australian Governments meeting on 14 June reaffirmed his government's commitment to working with the Northern Territory to achieve statehood for the Territory. He went through some of the processes and stated in his last paragraph:

Until the Commonwealth government has been able to consider these issues in the round, I am not in a position to say what might be the best approach to developing a constitution for the Territory. I am, however, grateful to you for letting me know your views on these issues.

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That is hardly a ringing endorsement of statehood. I believe the Chief Minister has overstated the case in relation to the Prime Minister and understated the case in relation to the Labor Party. There is a long way to go with this federal government, as there was with the previous federal government.

On the issue of other state leaders, I would like to report to this Assembly that, in May this year, I and one of my staff and the Territory Labor Party secretary attended a meeting of Labor leaders in Sydney. All 3 of us raised the issue of statehood in our respective sessions at that meeting. Later, I raised the issue at the plenary session of the meeting. On all occasions, we did not meet the resistance that the Chief Minister claims exists in Labor ranks. Premier Carr was quite willing to listen to the arguments that I put forward and understood the position of Territory Labor. He is not the great resister that the Chief Minister makes him out to be. I suspect the Chief Minister is guilty of playing politics on this issue. In Premier Carr, he has the only Labor Premier that he can have a shot at, and he is painting him as the bogeyman to be overcome. I believe that tactic is immature and does the Chief Minister's cause no good at all.

He had a shot at the federal Leader of the Opposition, Kim Beazley, about his comments on statehood. There is no doubt that Kim Beazley got it wrong in relation to the finances accruable to the Northern Territory. However, I believe he made a very valid point about the flag. It is the best flag, as I am sure members agree. To set the record straight, I will read from the response that I had from Mr Beazley to letters that I sent to all state leaders and the federal opposition on 20 May 1996:

I refer to your letter of 20 May concerning the processes leading to the grant of statehood for the Northern Territory, and the makeup of a constitutional convention to draft a constitution. The prospect of statehood for the Territory is an exciting one and I appreciate you keeping me informed of the progress of this debate.

It would seem that a representative convention is the most sensible way for a constitution to be drafted. A constitution dominated by the government in power at the time of its enactment could never withstand the tests of its impartiality that would surely come in the years following the grant of statehood. For a constitution to be representative of the people, not the government, and a truly impartial document, it would need to be drafted by a bipartisan and representative process. I hope the Australian Labor Party in the Northern Territory will continue to demand the process of bipartisan development of a draft constitution, and I am sure the people of the Northern Territory will support that. The Northern Territory ALP will certainly enjoy my support in doing so.

I seek leave to table a copy of that letter. I have read it in its entirety. There are no hidden messages that he is not in favour of statehood.

Leave granted.

Mrs HICKEY: Let us start putting some truth into this argument. I return to the

standpoint of the Prime Minister and his National Party colleagues. I single out the National

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Party because, historically, it has been a sizeable obstruction in the path to the Territory's constitutional development, and I suspect that it continues to be so.

I believe that the Prime Minister and his colleagues - and, for that matter, my colleagues nationally - would find the will of the people of the Northern Territory impossible to resist if that will were expressed in an open and clear way. The best way for this to occur is through a constitutional process where the future blueprint for our state is written by the people of the proposed new state. To my mind, that means a constitutional convention. My colleagues and I are committed to that process. I believe the Sessional Committee on Constitutional Development is committed to that process. The main enemy in this House to the process of a constitutional convention is the Chief Minister. For this reason, the Chief Minister removed the portfolio of constitutional development from the member for Nightcliff. He wants to hijack the process. The member for Nightcliff is committed to a constitutional convention. If he has any intestinal fortitude, he will stand up in this Assembly today and say so.

The Chief Minister has attempted to cloud his opposition to a constitutional convention by raising 10 questions about its processes, but most of those questions are furrphies. The real basis of the Chief Minister's opposition is buried in the paragraphs in 8444his statement following those questions. The first reason for his opposition to a constitutional convention is the fact that he believes that this parliament is the forum that should determine statehood without resort to the people. It is typical of the Chief Minister's arrogant attitude to consultation and negotiation. In his view, all wisdom resides in his own head. It does not. I put him on notice now that we will oppose this approach stridently because Territory Labor believes that the people of the Northern Territory have a right to be involved in the debate on our constitution and in the writing of that constitution. A constitutional convention, not some watered-down version that he is proposing as another option, is the mechanism that will best provide that opportunity.

Territory Labor has been involved in a consultation process, both within our own party and with the people of the Northern Territory. We recently held forums in each of the major centres of the Territory on these issues. We have been involved

with the Sessional Committee on Constitutional Development Committee since day one. We believe that one of the clearest messages given in all of these forums is that the people want a say in the contents of the constitution. I believe that, without that opportunity, there will be unnecessary resistance to the issues involved in statehood.

The Chief Minister's second reason for opposing a constitutional convention is the cost. He puts the figure at \$6m to \$10m. Dalway cost Territory taxpayers more than that! The Sheraton in Darwin alone cost the taxpayers many times that figure. The Sheraton at Yulara fiasco, as a whole, cost 100 times that figure. The Country Liberal Party's meek acceptance of cuts from Canberra, just yesterday, has cost us all many times that figure. The money must be made available for this process. After all, what price is the Chief Minister prepared to put on statehood? Clearly, his price limit is \$10m. I can assure him that my commitment, and the commitment of Territory Labor, is much more than that.

It is quite clear that the Chief Minister is committed to a statehood process, but locks out the people of the Northern Territory. I hope his view does not prevail with his colleagues on that side because, if it does, the cause of statehood will suffer. This placing of a price on

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statehood today reminds me of the previous Chief Minister's stance. During the early 1990s, at a time when consultation on statehood was critical, the previous Chief Minister and the Cabinet, of which this Chief Minister was a member, slashed the funds available to the Sessional Committee on Constitutional Development. It set back the consultation process significantly. That was a mistake of significant proportion. The Chief Minister now seems intent on compounding that mistake. He will do so against the strenuous objections of Territory Labor.

The final issues I wish to address today are the financial arguments and the euthanasia argument. Of course, we had much debate surrounding those issues this morning. I hope this paper will see the burial of the financial arguments against statehood. I am very pleased that the joint Territory/Commonwealth report puts the last nail in the coffin of opposition to statehood based on financial arguments. Indeed, they have been furrphies from start to finish. To be sure, there are many arguments and discussions in front of us, but we do not need the distraction of that one.

The second issue is equally a furphy and is being peddled by the Chief Minister and his deputy for very different political purposes. This is the argument about euthanasia. I do not believe that euthanasia will affect the issue of statehood. I believe that Kevin Andrews's private member's bill strengthens the arguments for statehood. I have said so in letters to the Prime Minister, and publicly at rallies in the Northern Territory. I believe the issue of euthanasia will not figure in the consideration of members of the Commonwealth parliament when deciding their positions on our constitutional future.

I believe the Chief Minister has failed to progress the issues of statehood in his statement today. I believe his clear opposition to a constitutional convention will set back the progress of statehood. I put him on notice that I and Territory Labor will fight him on this issue. I am certain that the majority of Territorians will support us in that regard. The Chief Minister has given us a clear indication today that he is prepared to abandon the bipartisan intent of the Sessional Committee on Constitutional Development whose members worked long and hard in the clear understanding that they were working towards a constitutional convention being established in the Northern Territory.

I note that the member for Nightcliff is picking up his pen and making a note. I will be very interested to hear his arguments in that regard. If it is his intention to support his Chief Minister on this, I will be disappointed indeed. More than any member of this parliament, it is fair to say that the member for Nightcliff has put in enormous effort and time on this matter. On occasion, he has had to put his reputation with his colleagues on the line in order to argue the case for proper and orderly progression towards statehood through a proper constitutional development process and a constitutional convention. If the member for Nightcliff says today that he has backed away from that position, for whatever reason, I believe that people are entitled to be disappointed in him. I know he is in a difficult position because he has a Chief Minister who wants to rush this process through in a cheap way and in a way that will not provide a proper consultation process for the people.

The Chief Minister is afraid of losing power in this situation. He is afraid of letting the reins slip from him and providing them to the people of the Northern Territory. It will not do. A constitution is for the people, by the people. The Chief Minister's comment in his statement

that the committee has consulted widely is true. However, my observation of many of those meetings is that it has been largely an information process. People have asked questions, but they have not really had the opportunity to get into the nitty-gritty of the issues, clause by clause, in the documents that we have produced over the years. You cannot do it in the space of a meeting of 2 or 3 hours. You have to sit down, consider, read the papers, have briefings provided to you, go away, talk to your colleagues about it and come back again. It is a very long, complex process. Certainly, if we have a constitutional convention, it will take time and it will cost money. The Chief Minister's figure of between \$6m and \$10m is very likely to be right.

Mr Stirling: That is cheap.

Mrs HICKEY: As my colleague says, if that is the price of getting it right, of involving the people and securing their commitment to it so that, at the time of the referendum, there is a document that people believe in, agree with and own, so be it. Unless we do that, we will fail Territorians now and in the future. It is a vital issue that is central and pivotal to this matter.

The Chief Minister, in what he is proposing to do - and it is fairly clear from the tenor of this statement what course of action he wants to take - is breaking faith with the members of this House, with those who have worked on the constitutional development committee over the years, and with Territorians. In effect, he is saying: 'I know what is best for you. When it comes down to it, this matter will be dealt with in the Territory parliament. I do not want to let go of the reins of power in relation to this matter. I do not want to let go because something that I do not like or do not believe in might be slipped into the constitution. I am not willing to take that risk, and I am not willing to pay for it'.

Let me put him on notice that, if he persists down that path, he will experience opposition from Territory Labor. It will not be opposition to statehood or to constitutional development, but opposition to a Chief Minister's attitude towards this process that is flawed. I hope his colleagues opposite will have the fortitude to say that the Chief Minister is wrong in this and that the processes that we have all been working through for a decade or more should be adhered to. I have no more to say on this, but I will be very interested to know what other members have to say. This is an extremely important and serious issue. I urge them to search their consciences, as well as their political beliefs, before they speak and before they

make a decision so vital to the Northern Territory.

Mr REED (Deputy Chief Minister): Mr Speaker, as a Territorian, I am proud to take part in this debate today on the ministerial statement by the Chief Minister on the Territory as Australia's seventh state. Progress has been made today on the democratic maturity of the Northern Territory. The progress to date has been from a fully-appointed Legislative Council, to a partly-appointed and partly-elected Legislative Council and, in 1974, to a fully-elected Assembly and self-government in 1978. We now march towards statehood. This is a unique position to be in as an Australian - to have the opportunity to participate in the processes that we are now discussing in response to the Chief Minister's statement.

The opportunities lie ahead, but it will still be a long road. No doubt, some of the going will be tough and there will be testing times. However, I believe we can be a little more assured now that we have a federal government that is more agreeable to the granting of statehood to

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the Northern Territory and a Prime Minister who is certainly supportive. I can say that from personal experience, having sat in now on 2 Premiers Conferences and COAG meetings over the last 2 years, 1994 and 1995. I have seen a major shift from where we were with the federal Labor government, in trying to promote and achieve statehood for the Northern Territory, to the outcome of meetings that I have been at this year with a new Coalition government. There is a stark contrast in the attitudes of those 2 governments and their feelings related to the achievement of statehood by the Northern Territory.

The Chief Minister spoke of some of the processes that we have been through. The working group on Northern Territory statehood that was supposed to report to Prime Minister Keating was put in place at the Premiers Conference in Canberra in 1994. I remember that meeting well because that working party was established virtually by accident. There was a very good representation by the then Chief Minister, Marshall Perron, and Deputy Chief Minister, Barry Coulter. I was there as assistant Treasurer. I witnessed Prime Minister Keating's tardiness and reluctance even to discuss the matter at the Premiers Conference. It was an achievement to have any discussion and a big achievement, almost by default, to have the working party established. It was a minute-to-midnight decision at the end of the conference.

Worse still, it was quite clear very early in the piece that the riding instructions given to the Canberra bureaucrats stated that the matter did not have a very high priority. Bureaucrats were neither particularly aggressive nor running at full pace to progress the working party. It took considerable effort from senior public servants in the Northern Territory to work with the Canberra bureaucrats in the knowledge that frustrations lay ahead of them. The attitude of the federal bureaucracy reflected the directions that had come from the federal government. Against that background, we set out on the course that saw the establishment of the working group and the report that was eventually brought down and discussed further.

The meeting in Canberra in 1995 and the meeting in Canberra this year were light-years apart. The attitude was completely different. We had a Prime Minister who was not only familiar with, but sympathetic to, the principles of federation and the opportunity that exists to establish Australia's seventh state - the Northern Territory. There was a commitment from him to the Chief Minister and myself that he would cooperate with our efforts to achieve statehood. The Chief Minister has set the date as 2001. I think that it would be a most appropriate celebration of the birthday of the federation.

Mr Bailey: A space odyssey.

Mr REED: We have a comment from one of the great interjectors of our time. They are back from lunch, as disruptive and as flippant as ever. It is again a clear indication - and I will put it on the record - from members opposite that they do not take their jobs seriously. They do not have a commitment to matters that Territorians consider to be serious. They do not apply themselves to the task at hand.

The Prime Minister and the COAG meeting this year were quite different from those of the previous year. It was interesting to note that the degree of support from the Premiers was vastly different from that in the year before. In particular, the strong support in the peak national forum by the Premiers of Victoria, South Australia and Western Australia of the

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Territory's efforts to achieve statehood will be recognised in the future as one of

the milestones in our march towards statehood. I believe it was a watershed. Clearly, without the strong support of the states, our efforts to achieve statehood would be that much more difficult. We can be grateful that Premiers Kennett, Court, Borbidge and Brown came out so publicly and so strongly, in that peak national forum of Chief Ministers, Premiers and the Prime Minister, in support of the Northern Territory's drive for statehood. It is a pity that there was a reluctance on the part of Premier Carr from New South Wales. Obviously, he is not so fond of the principle of federation - that all Australians not only experience the same standards of service, but also have the same rights. However, I am hopeful that even Premier Carr will lend his full support one day to the achievement of statehood for the Northern Territory.

I was disappointed to hear comments by the Leader of the Opposition about what has transpired in the past. Clearly, she does not understand the complexity of the issue or the difficulty that has been experienced in trying to progress the statehood process through a federal Labor government that had no interest in seeing it fulfilled. That created great difficulty. The single flagpole on which the Leader of Opposition could hoist her pennant today was a letter from the office of the Leader of the Opposition, Kim Beazley. He said that the 'prospect of statehood for the Territory is an exciting one'. He went on to say to the Leader of the Opposition: 'I appreciate you keeping me informed of the progress of this debate'. If the alternative Prime Minister were at all interested in a grant of statehood to the Northern Territory, he would not have to be kept informed by the Leader of the Opposition in the Northern Territory. Not only would he be up with the debate, but one would like to think that he would be leading the push to bring Territorians into the full family of the federated states so that they had the same rights as other Australians.

The federal Leader of the Opposition, Kim Beazley, is a Rhodes scholar. Our Leader of the Opposition says that this letter defines his support as the alternative Prime Minister of Australia. She is hoisting her flag on a very tenuous and very rusty flagpole. This Rhodes scholar who talks about 'the prospect of statehood' being 'an exciting one' does not give me much excitement at all. It is not so much a matter of what the federal Leader of the Opposition said, but what he did not say. We must bear in mind that he is a Rhodes scholar. He knows the words to use when he wants the highest level of weasel clauses that he can obtain in any letter that he writes. This is classic weaselly Beazley. You will never find a better weasel clause than this. This is a Rhodes scholar weasel clause from weaselly Beazley. That is what the Leader of the Opposition lends her support to, claiming that the

federal Labor Party supports our drive towards statehood. What a load of nonsense! If that is the level of support that the Labor Party in the Territory and the Labor Party nationally can offer to our drive towards statehood, they may as well stay at home. They will not progress our cause at all.

The sessional committee has produced an exposure draft of parts of the new constitution for the Northern Territory. The Leader of the Opposition implied that it was a holistic draft, and conjured up the view that it would be warmly embraced by everyone in the Territory. I must say that quite a few people have come to me with the cold shivers in relation to certain aspects of the exposure draft. That is not a criticism of the exposure draft or of the committee. The committee prepared the exposure draft for that very purpose - to obtain a response from people about their views. I am pleased to say that some people have come forward to express

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their views. The debate in this Assembly on this document is likely to result in a draft constitution for public discussion and ...

Mr Bailey: Tell us the areas that give you the cold shivers. Give us an example.

Mr REED: Do I hear an interjection? Oh, it is the member for Wanguri! How out of character it is for him to be interjecting in such a way!

Mr Bailey: You make broad statements like that.

Mr REED: And again! Do you want another interjection auction, or will you be a little better mannered and let me continue with my remarks?

As the Chief Minister has said, there are a number of options in relation to a constitutional convention. One of them, which was flagged previously and recommended by the sessional committee, is the establishment of a large constitutional convention. I believe that would be a little cumbersome but, in earlier times, I thought it might have been of benefit. Previously, when we were battling with a federal government that was not particularly conducive to the grant of statehood, a large constitutional convention of that kind might have generated in it some level of interest and awareness of what Territorians wanted. I believe we should consider the makeup of a constitutional convention in the light of

contemporary circumstances. The circumstances that existed at the time of the initial constitutional convention proposal were quite different. There was a federal government to convince as well as the people of the Northern Territory, although there was strong support from Territorians and from Australians generally for statehood for the Territory. Circumstances have changed substantially. The current federal government does not need convincing that statehood is worth while and achievable for the Territory. I believe that can simplify dramatically the processes that we put in place to advance the constitutional discussions and frame a constitution with community input.

The Leader of the Opposition indicated that she is a strong proponent of the constitutional convention that is currently proposed by the committee. However, I believe it pays to re-evaluate circumstances from time to time. If they have changed and there is a somewhat simplified road ahead, as there now appears to be with the attitude of the new federal government, the constitutional convention as currently proposed by the committee perhaps could be amended to something more appropriate to the current circumstances. There are questions of logistics in terms of the ability to select a large convention and have it travel around the Northern Territory. There is also the matter of cost. All aspects need to be considered.

In any event, as the Chief Minister has indicated, the decisions as to the format of the constitutional convention, its role and the time for which it will be in place will be a matter for discussion and resolution in this parliament. I believe that is an appropriate course of action to take, and one that will see a style of convention put in place that will serve Territorians well. We have the capacity to do it. Over the period of self-government since 1974, it has been proven that Territorians have confidence in this parliament to put in place a process that will further progress the Territory towards statehood in a way that is both orderly and appropriate for the contemporary circumstances that we face and the hurdles that we have to clear.

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There are exciting times ahead, but I believe they will be somewhat easier under the new federal government. I would like to see a much greater commitment from the federal opposition. Federal Labor has been very tardy, as I have illustrated in relation to the federal Leader of the Opposition's letter. That is not an expression of support for statehood. It is simply a weasel clause that will enable him to do precisely what he wants at any given time. There is no indication as to what that might be. He may be a weasel of small proportions or he may be a weasel of

extraordinarily large proportions. We will not know until we are bitten. We cannot afford to be in that position. The federal Labor Party has to be much more open with Territorians in terms of putting its intentions on the table and letting them know that it does strongly support our march towards statehood.

I strongly support the Chief Minister's statement and look forward to working, as a Territorian and as a member of this parliament, towards our achievement of statehood.

Mr BAILEY (Wanguri): Mr Speaker, I am sure the ferret from Katherine would be an expert on weasel clauses.

Mr SPEAKER: Order! That is not appropriate. The honourable member will withdraw his remark.

Mr BAILEY: Mr Speaker, I withdraw. The member for Katherine is quite happy to use the same derogatory comment about the federal Leader of the Opposition. It seems that there are different standards on the government's side as to the way they refer to ...

Mr SPEAKER: Order! Without comment.

Mr BAILEY: Mr Speaker, it is disappointing, following the Chief Minister's ministerial statement, that the Deputy Chief Minister has cut the ground from underneath him. He did the same thing last night in relation to euthanasia. He runs a totally different line.

The Chief Minister has presented a statement on statehood. As the Leader of the Opposition has already commented, it did not have the detail that we had expected. Since becoming Chief Minister, he has been saying that everything has been accelerated. As a member of the sessional committee - now almost a senior member - I can say that it has had its ups and downs, its go-slows and its periods of moving along reasonably quickly. It moved very quickly for a time in order to ensure that the draft constitution was completed for tabling in this Chamber. The committee had time-lines. It stated that the draft needed to be tabled at this point to enable preparation for the convention and the necessary stages leading to a final constitution approved by referendum so that the Territory could move to statehood by 2001.

Over the years, the current Chief Minister and the previous Chief Minister have had varying degrees of success with the federal government and the states in terms of their attitude to statehood. There have been a number of issues. One that arises regularly and has major constitutional implications is the number of Senators that the Territory would have at statehood. Different messages have been emerging from both sides of politics in the Northern Territory and from federal sources on the question of whether the Territory will have 12 Senators or 2. This has been one area where it has been difficult to obtain any agreement.

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In my years on the sessional committee, the committee has operated largely on an agenda of what is best for the Territory and how constitutional development may be obtained. I must say that differences of opinion within that committee have been small. In its search for light at the end of the tunnel, all its members have been heading in exactly the same direction. At times, there have been slight changes, but I must say that I have felt that it has worked quite well. Without anticipating the debate, members are aware that the chairman of the committee will table the final draft constitution later today. Basically, that document has been agreed on by the entire committee. A great deal of good work has been done in that regard.

Unfortunately, all sides of politics - conservative, Labor, local, federal and state - have played games over the years with this. We all must accept some blame for that. The games have related to what people want in terms of outcomes. What I believe has been most damaging is the use of the issue of statehood as a means of criticising the other side. When there was a federal Labor government and a CLP Territory government, part of the political game was that the Territory government felt it had to attack that federal government over constitutional or simply general issues. How would one expect a federal Labor Prime Minister to respond to CLP governments that do nothing in the Northern Territory except bag his federal government? Territory governments then expressed surprise or anger because the Prime Minister did not agree with everything they said. If no effort is made to establish cooperative arrangements, it is only to be expected that, at times, **cooperation** will not be forthcoming. If you do not cooperate, why should others? I believe that has been a criticism from all sides.

Another factor is that some occurrences in the Territory over the years have left the Territory open to criticism from people elsewhere. I am very happy to criticise some of the things that the CLP government has done. However, like Senator Bob

Collins, I believe that the Territory has a right to govern itself. I may not agree with the way it governs itself but, overall, it will govern itself better than it will be governed by Canberra. Last night, the Deputy Chief Minister highlighted an area of dispute that is approaching. That turkey from Menzies, Mr Andrews, is saying that the Territory has passed a law that he does not like and that he will seek to use federal powers to get rid of it. The Deputy Chief Minister has not been using the vitriol towards Mr Andrews that he has used towards previous Labor people who have commented on actions that they did not agree with, whether that has been related to land rights, native title or whatever. A point that has been made on many occasions - and I am on the public record as saying it in this Chamber - is that the only way the Territory will achieve statehood is by all Territorians working for that common goal. As politicians, we are the single most influential group in the Northern Territory seeking to implement statehood. If all 25 of us are working for a common goal, we are much more likely to achieve it than if we are divided on party lines and we want to throw mud at each other, locally in the Territory or on the federal scene.

The Chief Minister said that it is great that John Howard has said that the Territory can have statehood. When we examine that, it amounts to his saying that his government agrees that, at some time in the future, the Territory can be called a state. There are no categorical assurances of the conditions that would apply. In fact, to all intents and purposes, our circumstances could continue exactly as they are under self-government. The Territory could be called a 'state' and still be inferior to the rest of Australia. The Territory could be created a

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state under a state self-government act that did not grant full powers. Thus, it is crucial that the Territory achieve statehood and is endowed with equal status with the other states.

One of the main sticking-points is Senate representation and the effect that may have on the federal balance of power. If we have a population in the Territory equal to that of another state, which I am sure will occur - it is likely that we will catch up with Tasmania in the not-too-distant future - I would consider Territorians to be treated unequally if that state had 12 Senators and we had only 2 and the Territory had a much greater landmass and made a significantly greater financial contribution to Australia. That would not be fair. It is my understanding that our financial contribution is already as great as Tasmania's or pretty close to it. That

results from our mining sector, tourism etc. Even though our population is smaller, our gross domestic product is as great. No matter whom you talk to, be they Territorians or other Australians, people find it almost impossible to understand the proposition that, within 4 years, the Territory could have 12 Senators. I agree with them. It is a very difficult concept to understand. However, when the Territory's population is as great as Tasmania's, unless the formula for the numbers of Senators has been changed, the Territory should have as many as Tasmania does. If it does not, it will be a second-class state.

The Chief Minister made some suggestion that the number of Territory Senate seats could increase progressively. That is one solution. Another potential solution, if you want to leave the rest of the system in place, is to say that the smallest existing state has enough people for a full quota of Senators, and any other new state would receive a number of Senators proportionate to the smallest state. Therefore, with a population one-third as great as Tasmania's, the Territory would have 4 Senators. When our population reached half that of Tasmania's, it would have 6 Senators. It would increase to enable the Territory to argue that, proportionately, it was as well-represented as the smallest state and, when its population equalled that of the smallest state, it would have representation that was equal to that of that state. Unless there was any other major reshuffle of the rest of the federation, I believe that would be fair. I have no great difficulty with the Chief Minister's suggestion of an increase to be phased in, provided the Territory is treated equally. Matters such as Mr Andrews's bill are ones that all members have to work together on to gain support from the states and from our colleagues on both sides of politics, and to explain to federal members that the issue that they are discussing in Canberra is not euthanasia. The issue is state rights versus Commonwealth rights and, on that issue, the Commonwealth is wrong.

The other crucial issue in the debate, and one that the Leader of the Opposition spent some time on, is our concern at the government's move away from a constitutional convention elected by the people. It is a concern that I have had for some time and have expressed within the committee. A constitution is the legal document that controls politicians. It is my concern that, while a committee of politicians has produced a draft constitution that it believes is almost the only process to use, at the end of the day more than politicians will be needed to determine exactly what is in the constitution. My concern is that, no matter how hard I try to be detached from my role as a politician in assessing the content of the constitution, I may find myself assessing something as a politician rather than as a citizen, and lose objectivity. We have specific viewpoints on how politicians

should respond and how one way of doing things as a politician may be better than another. It is important that the people of the Northern Territory not only be involved in the passing of the constitution through a referendum, but also be significantly involved in that input.

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I have concerns that the argument that the cost of a convention is the main reason for not having one is a case of politicians dominating the process. Politicians may well consult and work with a reference group, but the fact remains that they are dominating the process. In drafting a constitution, a political party may be inclined to follow its own philosophies too closely. The 2 parties may suggest that they command a large area of support in the community. By the very nature of our single-member electorates, support of a significant majority group must be gained within the community for a person to be elected. The smaller groups throughout the wider community, with 5%, 10% or 15% support, are not represented in the parliamentary process as it is today. It is important, therefore, that we maintain the push for a constitutional convention that includes a group of people who have a specific interest in the constitutional development process.

I give the Chief Minister credit for acknowledging Territory Labor's support in relation to statehood and for not playing party politics. We have been concerned in recent years that much of the agenda on statehood was being used as a political issue. We have concerns that the government sees constitutional development as an executive government decision and an executive government role whereby it makes the decisions on how the Northern Territory should move towards statehood. I have said this to the Chief Minister in other forums and I repeat it here. It is crucial that the parliament of the Northern Territory works toward statehood in a bipartisan way. That means that its members must work together to define that direction. Bipartisanship is not the government indicating the way it wants to go and saying that, if the Labor members agree, there will be a bipartisan agreement. Bipartisanship involves the 2 sides working together to forge the direction to a common goal. It is not the government with the opposition on the side, but a matter of working together.

That is the way the committee has operated in the time that I have been a member of it. In the first instance, ideas come from all sides. Even within the 2 parties, there will be significant variations. In fact, members from opposing parties may find common ground. Working through that and finding the common agenda that

we all agree on, with a little give or take, will lead to the constitutional entrenchment of statehood in the Territory. It is important for the Chief Minister to take opposition members more into his confidence and work with them for constitutional development rather than simply saying that he will provide us with copies of his statement a week earlier than we would normally receive them. While that is helpful in preparing for the debate, and possibly providing feedback to him, I do not believe that is true bipartisanship. In the not-too-distant future, the Chief Minister should decide to use the sessional committee as a bipartisan working group to define the direction of statehood and even to set goals on how we should be lobbying the states and the federal government. When he plans on going to Canberra, maybe he should suggest that the Leader of the Opposition join him in lobbying. Maybe that is what we need to do in relation to Mr Andrews - go down there and show him that the Territory is standing together and that it is not a party political issue.

Those are issues that I believe need to be sorted out soon. We do not want to end up in a situation where one side or the other becomes committed to a fixed view without allowing it to be debated. The moment we start to have a division on this issue within the Territory, we can kiss goodbye to statehood and constitutional development in the time-frame that is envisaged at the moment. There is not enough support across the rest of Australia to give us

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constitutional development unless everyone in the Territory wants it. I support the Chief Minister's statement.

Mr HATTON (Correctional Services): Mr Speaker, I rise to support the Chief Minister's statement and to make a few comments on it. Members know that, later today, as chairman of the Sessional Committee on Constitutional Development, I will be tabling the final draft constitution for the Northern Territory and speaking extensively to that. I will not debate the constitutional issues now, but save them for that later debate.

This statement by the Chief Minister addresses 2 things: firstly, where we are going on statehood and how we are going about it and, secondly, our future direction in terms of taking the work of the sessional committee on the constitution and progressing it through to the stage where it will become the Northern Territory constitution in its final form. On the first point, the Chief Minister's statement

outlined again the history of the struggle of the people and notables of the Northern Territory in striving towards some semblance of democratic justice and equality vis-a-vis other Australians. We have heard it reiterated today - and I have a sense of turning on a tape-recorder when I hear myself discussing these issues, they demand continuous reminders - that we have never really had full political rights or representation in the Northern Territory. The Territory was stripped of everything in 1911 when it became a Commonwealth territory. In a series of struggles, up to and including today, it has gradually clawed back some of the rights. In many respects, one would say the Territory is coming close to being the perfect Clayton's state. It looks like a state, it smells like a state, but it is not a state. All the rights and privileges that Territorians have at the moment, as citizens of Australia, are potentially transient. None is constitutionally entrenched or guaranteed. That is the goal of statehood.

The Chief Minister referred to the work of the COAG committee and the debunking of many of the myths related to the Northern Territory becoming a state. That report addressed a number of the issues that needed to be addressed in progressing towards statehood. Essentially, there has to be a process of negotiation between the Northern Territory parliament, the Northern Territory government, the federal parliament and the federal government. Under section 121 of the Australian Constitution, that process of negotiation will determine the conditions under which the Territory achieves statehood.

No Territorian would argue other than that the Territory should be granted statehood with a range of powers and functions and representation equivalent to those of the other states. Interestingly, during the formation of the 49th state of the United States, Alaska, the issue of Senate representation was taken to the Supreme Court of the United States. It determined the principle that a state is a state is a state, and there should be equal representation. One cannot have statehood without it. Admittedly, each state in the United States has only 2 Senators, compared with 12 in Australia.

Mr Ede: That is interesting.

Mr HATTON: Yes. The state of Wyoming, with a population of 310 000, has 2 Senators - the same as the state of California with a population of 25 million. That was done to provide geographic representation. In Australia, a unique federation was created which was the amalgam of 2 democracies: the British parliamentary system, which we call the

Westminster system of representative democracy, and a federation based on the United States' structure of specified powers granted to the central government and all residual powers resting with the states. Thus, it is not without relevance to refer to new states in the United States.

It was with great interest and some pride that I read the COAG report on a variety of issues. It is interesting to note that the ministerial statement 'Towards Statehood' of 28 August 1986 and the background papers on constitutional disadvantage and others - albeit updated in respect of matters such as membership of the Loan Council - remain the reference documents used by COAG's working group in identifying the issues. The papers from the sessional committee's working party on a number of issues were also used as reference documents. The work of the sessional committee is taking on a significant national relevance among constitutional, legal and academic people throughout Australia. The Northern Territory has given far more considered thought to many modern constitutional issues than one would find generally elsewhere in Australia.

I make that point because the COAG report has debunked myths that we cannot afford it, our population is too small etc. As a result of the COAG report, those issues are dead. It is now down to the hard graft of negotiation as to what is to be done in relation to national parks, uranium royalties, the Land Rights Act, the transfer of a range of powers etc. Those negotiations on the conditions of statehood need to be continued. Certainly, a bipartisan approach to achieving equality as far as is physically possible will be critical in the immediate future. The time is upon us to begin addressing those issues.

The Leader of the Opposition seemed concerned that we might be saying that Labor had always been against constitutional development for the Territory. The history of Labor in the Northern Territory this century, like the history of the conservative politicians, is studded with notables who struggled for what the Territory has gained already. I do not disparage the work of Harold Nelson, Jock Nelson, Dick Ward etc, any more than I could disparage the work of Bernie Kilgariff, Joe Fisher, Sam Calder etc. Over the years, all of them have been in there battling.

The Leader of the Opposition missed one significant event. She referred to the

Gilruth riots in, I think, 1923. These led to our gaining some federal representation in parliament although our representative did not gain the right to speak or vote on all matters until 1967. She did not mention what was called the 'remonstrance' in 1959 when the elected members of the Legislative Council pressed for self-government. When the federal government said the Territory was not ready for it, they resigned en masse from the Legislative Council. They all stood for re-election and were returned unopposed on the platform that they would not pass one money bill until the Northern Territory achieved self-government. That is why, in 1977 and 1978, we were still paying 1½ stamp duty on our cheques and \$1 per year for a driver's licence. That was the Boston Tea Party to top all Boston Tea Parties in the Northern Territory. It was a classic case of 'no taxation without representation'. The corollary was that, once the Territory parliament achieved self-government, it had to call off the war and get down to the business of being responsible and self-financing. However, if it had rejected self-government, it would have rejected the argument against increasing taxes as well. It could not have it both ways.

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I have said on many occasions that the bipartisan approach to the processes leading to statehood by the ALP and the CLP, particularly in the last decade, has been a major contributing factor to community understanding and the high level of community support for statehood. There is only one little black spot in Labor's history, and I am sure the Leader of the Opposition remembers it. I refer to the 1977 election when Jon Isaacs ran a campaign against self-government. Paul Everingham was running a 'can of beer a day' or a 'packet of cigarettes a day' campaign and Jon Isaacs was running a financial fears argument, to his eternal discredit. I am sure his Labor colleagues of today wish he had never opened his mouth on those issues at that time. If we can put those matters behind us and focus on the future, we may achieve our goal.

The Leader of the Opposition seems to think that the conservative parties are not entirely committed to the processes of statehood. I led a debate at the National Party federal conference in Canberra 2 or 3 years ago. I gained a resolution from the National Party in full support of Northern Territory statehood. I put the date of 2001 in the motion. The only objection I had from the floor of the National Party conference, which included representation from every branch in Australia, was: 'Why wait until 2001?' The motion was passed unanimously by the National Party federal council. A similar resolution was passed by the Liberal Party at about the same time.

Now that the Coalition is in power, it is pleasing to note the support coming from the Prime Minister. I am pleased to hear from the Leader of the Opposition of the support, or at least non-opposition, gained at national gatherings of her party. I understand the difference because we have had to go through the same processes on our side of politics with some of our people. Premier Carr in New South Wales may not be the great resister. At the May 1996 COAG meeting, he made a significant shift from being a vehement opponent to declaring 'non-opposition'. That is fine from a New South Wales Premier of any political colour. It is major progress. Let us push ahead and negotiate the conditions of statehood that need to be progressed.

The other issue the Chief Minister raised - and it is pleasing that people are starting to focus their attention on it - is how we will progress the development of the Northern Territory's constitution. I was challenged by the Leader of the Opposition to state my position. I am amazed that she thinks I need to repeat my position on this. It has been very clear for many years. I refer members to a ministerial statement that I made on 28 August 1986:

The new state constitution must be developed within the Territory and not imposed from outside by the Commonwealth. Moreover, it must be acceptable to, and accepted by, the majority of Territorians. To those ends, the constitution-making process will consist of 3 stages, all of which will involve wide participation of Territorians. First, the select committee will prepare a draft constitution which will then, as the second stage, be submitted for ratification to a convention representing a broad cross-section of community interests and opinions. The details of the composition and role of the convention are still to be finalised. Finally, it will be put before the Territory electorate in a referendum. No one, therefore, should doubt our allegiance to full and open consultation in the

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formulation of the constitutional centrepiece of our future state. It will be demonstrably the Northern Territory people's constitution.

That was then, and is now, my view on the process of developing our Northern Territory constitution. Towards that end, in 1987, the select committee, as it was then, tabled a discussion paper on representation in a Territory constitutional convention. It proposed 3 options for the convention which were not mutually exclusive: fully elected, partially elected and partially nominated, or fully nominated. That paper called for public debate and comment. Similarly in 1987, in Information Paper No 1, Options for a Grant of Statehood, in paragraph 5 at page 6, the same process was outlined. Unfortunately, despite wide-ranging community consultation by the committee, which involved visits to more than 90 Territory communities, the sessional committee received only 25 submissions and these addressed only those 3 options. These were recorded in Hansard transcripts. The submissions, which were received either in writing or by way of comment at those public meetings, were not unanimous in their views. Some advocated a fully-nominated convention, some a mixed convention and some a fully-elected convention. The broad view was some mixture of elected and nominated people.

In February 1995, the committee tabled an interim report and recommendations on a Northern Territory constitutional convention. Subsequently, 4 submissions were received by the committee in similar terms to the previous ones. Nobody suggested other options. When the report was debated in this House on 2 March 1995, the total debate took up 16 pages of Hansard, 7 of which were devoted to my tabling statement and my reply to the debate. A significant other part was debate between the then Chief Minister and the member for Wanguri about how well he went at COAG.

The point I am making is that, to date, very few people have focused their minds on the question of how to establish a constitutional convention. While our committee had to work hard to try to encapsulate what it believed was the view of the community, people should not regard this document or this detail as wholly written. They should not say that this is the combined product of wide-ranging community consultation or community input. It clearly is not. It is not an issue that has been effectively and properly debated in this House by any members here. That is the job we have in front of us now.

The Chief Minister picked up these recommendations and suggested other options. He raised a series of questions that need to be answered. If one analyses each of his points, they state that, essentially, the procedures ensure that there is genuine involvement, consultation and input from the broad Northern Territory community.

That is a view that I fundamentally support. If this is to be the Northern Territory people's constitution, it must be a constitution that is accepted by and internalised by the people of the Northern Territory. They must have a say in it.

Mr EDE (Stuart): Mr Speaker, I have always held the view that statehood is the natural progression from our position today. It is a natural right of Territorians. This was not a view that enjoyed broad acceptance on my side of politics, particularly in the earlier years of this debate. We still had many 'unreconstructed Whitlamites' who believed it was the last chance to do away with the states and establish some form of regional government around

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Australia. I believe that is totally unrealistic and simply becomes a means to divert attention from the real issue.

As I have said in these debates, I believe that statehood itself is the end of a process. The process is that of getting a constitution that has the depth and breadth of support of all Territorians. The process of developing that consensus demonstrates the maturity of the Northern Territory and is the best case that can be put to southerners for statehood for the Northern Territory. We have had problems with people at the federal level and with their attitudes towards the Northern Territory. John Kerin once referred to us as 'nothing but an Apex Club'. He told me the other day he was bombarded with letters and telephone calls of complaint from Apex Clubs around Australia. My brother-in-law has never made any bones about his reliance on a book called *The Northern Myth*. It is about the Northern Territory and its development as a polity. We have heard the remarks made by Kim Beazley and, certainly, I had some difficulties with the former leader, Paul Keating, in this regard.

The foundation of that antipathy is, in fact, fear of the Senate. It developed over the period during which Labor was in government, having to deal with what it saw as a recalcitrant Senate with a number of minor parties making it difficult to legislate policy. The fear is that a significant number of Senators from a place the size of the Northern Territory would include a substantial representation of various minority groups. In such a situation, the Senate is far and away the best pork-barrelling pit in existence. People are able to negotiate special deals for their area on the basis of passage of the budget or some particularly important piece of legislation. The member for Nightcliff used the example of the United States, and the major

imbalance in numbers between various states in that country. It is interesting that Alaska was able to establish the legal principle that a state is a state. Part of the fear that exists in Canberra, I believe, is that something similar could result from a court challenge by the Northern Territory.

I am on the record as saying I believe we deserve 12 Senators, and voicing my concern about our being a second-class state. As I worked through that debate down south, I found that that was the essential sticking-point. The others are red herrings - the discussions about our ability to raise money etc. I now accept that it would damage our cause enormously if we were to maintain, as a fundamental negotiating point, a demand for 12 Senators. However, I do believe it is necessary for us to have a formula in place at the time that we make the move so that the second-class status does not become the permanent nature of things.

Members opposite referred to the working group that was put in place by the previous Prime Minister. It was supposed to report at the end of 1995. In fact, it was to report earlier than that. I found out what was in that report and made a big fuss about it. It was particularly damaging to our cause in its initial draft. I was able to have it withdrawn and reviewed. It was not an easy battle. As I said, whenever I went to senior ministers or spoke to other people in Canberra who had some say in this matter, I encountered their horror at the notion of 12 Senators for the Northern Territory. To succeed in this regard, we have to set a formula in place that will not scare the horses.

I know members opposite believe that they have support from the new government. Remember that, despite the defection of Mal Colston, the numbers are still extremely tight in the Senate. There is a real possibility that, when the Coalition develops its experience in

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working with a recalcitrant Senate, the same fears that developed on the Labor side of politics during its long period in government, may develop on the Coalition side.

It is necessary to take into account the need to ensure that the support for the constitution is strong both in breadth and in depth. It is not enough simply to be able to win a majority in a referendum if there is entrenched and massive opposition from a sector of Northern Territory society. This is why we need a number of things to progress this argument. Legislation will eventually have to

pass not only the House of Representatives, but also the Senate. There is a real problem of getting it through unless we are able to demonstrate that we have been through a process that has provided us with a constitution that has broad and deep support right across the Northern Territory.

It requires bipartisan support and restraint. All members must be very careful in the way that we use this issue for political ends. There is an old saying about trying to put dogs into a wheelbarrow. I know that both of the major parties in the Northern Territory have this problem. We have people wanting to jump in, then immediately jumping out because of some part of the constitution or the process. We have to work together on this to ensure that we have that broad and deep support. That is why I believe the constitutional convention is absolutely essential to this process.

The member for Nightcliff is correct in saying that not a vast number of submissions were received on this matter. The reason is, in its deliberations and visits the constitutional development committee - and this was certainly the case when I was on it in the early days and we travelled extensively in the bush - told people that the process would involve the committee preparing a draft constitution that would then go to a constitutional convention of people picked from right across the community. We did not specify whether it would be elected or selected, but we did say that there would be a constitutional convention with broad representation and that the proposed constitution would be put to a referendum. It was only after making that commitment to people that we started to have feedback on the various issues that are taken up in the constitution.

Any move away from the constitutional convention, however it is established, would be seen by many as a betrayal of a commitment that they believe they had from the constitutional development committee, and may result in many of people jumping out of the wheelbarrow. In order to maintain trust and maintain faith with the people of the Northern Territory, it is important that we have that constitutional convention as a stage at which the constitution can be debated so that it can be demonstrated that the support for the final article is right across the Territory community and that all sectors have put their imprimatur on the final draft that goes to the referendum. The referendum will then establish the depth of support. You establish the breadth of support through the constitutional convention, and the depth of support through the referendum that follows.

If we move through both of those processes, we will then have an unanswerable case to take to the federal government. We can present a modern constitution, one

which demonstrates how Territorians want to live together, work together and develop their laws together. We can show that all the people of the Northern Territory feel secure in proceeding in that direction. It will not take years of effort. An enormous amount of work has been done already on the constitution, as members will see when the draft is tabled later on today. I

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believe the process of working through that is the important part. That is where you get people locked into the constitution, and you then have a very broad group of people who sell it for the referendum.

I thank the Chief Minister for his speech and the member for Nightcliff for his comments. I will not go into depth on the constitution because we are to have a debate on that later today. One of the things that makes me feel most privileged to have been in politics in the Northern Territory was my involvement in the political development process of the movement towards a constitution and statehood. I will not be part of the final stage of that process, but I believe that it now has the necessary momentum. Provided we can keep the dogs in the wheelbarrow as we move down the next path, and politicians show restraint and involve the people to obtain that depth and breadth of support, the process will go relatively smoothly. There will be hiccups here and there and various people will have to be brought back in to be soothed and persuaded. That is part of the process.

Provided we are totally honest about where we are going with it and what we are doing with it, and nobody plays political games with it and tries to divide the Territory over the issue, provided everybody tries to unite the Territory over the issue, I am certain that we will obtain an excellent result.

Motion agreed to.

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