

<b>Topic:</b>	MINISTERIAL STATEMENT
<b>Subject:</b>	MINISTERIAL STATEMENT -Territory Statehood - Motion agreed to; statement noted.
<b>Date:</b>	17/09/2008
<b>Member:</b>	Ms McCARTHY
<b>Other Speakers:</b>	Ms PURICK; Dr BURNS; Mr ELFERINK; Mr CHANDLER; Ms ANDERSON; Mr GUNNER; Mr HENDERSON; Mr KNIGHT; Mr MILLS
<b>Status:</b>	Statehood

**Ms McCARTHY (Statehood):** Madam Speaker, in this the 30th anniversary year of self-government, I share with the people of the Northern Territory the progress of the Northern Territory parliament towards statehood. Before I begin I would like to acknowledge the presence of Harry Nelson, a member of the Statehood Steering Committee, and the Executive Officer, Carolynne James.

Thirty years ago, we were granted self-government by an act of the Commonwealth. Ten years ago, the people of the Northern Territory voted 'no' to statehood, just over 51% voted no. As I have stated in this House on previous occasions, people voted no largely because they felt excluded and uninformed of what the process was all about.

The Statehood Steering Committee, which reports to the Legal and Constitutional Affairs Standing Committee of the parliament, has spent the past 3½ years educating and informing Territorians about statehood. It is a bipartisan process of the Northern Territory parliament, and I take this opportunity to thank the Leader of the Opposition for his role in ensuring such a positive and constructive partnership with the Henderson Labor government.

I also welcome the member for Nightcliff, the member for Fannie Bay, the member for Brennan, and the member for Goyder, who was a Statehood Steering Committee member prior to becoming a parliamentarian. I welcome you to the Legal and Constitutional Affairs Committee.

We have learned a valuable lesson from 1998, and that is, we, as the political representatives, must rise above politics if we are to ensure the future for the children of the Northern Territory in becoming the seventh state in the Australian federation.

In studying our constitutional status, I have come to explore the deeper reality of what it means to the ordinary Territory person; to the business owner working long hours to cover their overheads and pay their staff; to the bus driver who transports schoolchildren every day to and from school; to the long grasser who chooses between the beach camp or airport camp to rest for the night; or the CDEP worker who has to choose between travelling to town for a music concert with the family or wait until next time; to the new refugees from Africa or Asia, who are trying to settle into their new country; and to the pastoralists who have to decide how many trailers they need to transport the cattle for export. Do not forget the mango growers who struggle for hired hands, and the artist who immerses him or herself in their work of art, or the able or disabled athletes, determined to excel in their sporting dreams.

How do we as a parliament tap into the lives of each of these diverse Territorians about our right to join our fellow Australians across the country as full citizens in this country? How do we as a parliament overcome the legacy of a failed attempt and renew and reinvigorate hearts to believe in it again?

On 21 June 2007, the then Howard government announced its federal intervention into the Northern Territory. It changed dramatically the lives of thousands of Aboriginal people - Territorians - immediately. I say to the House, put aside for now the rights and wrongs about the intervention, and put aside even the reasons for it. Just reflect on this: if ever we needed

to be reminded of our constitutional vulnerability as Australian citizens, then surely the intervention has done just that - reminded us, as parliamentarians, that we have some serious work ahead of us in tackling our constitutional inequality. Many Aboriginal people have approached me with an even greater understanding of their own constitutional vulnerability because of the intervention. We already knew the Territory constitutional power was limited under the *Northern Territory (Self-Government) Act*. The actions of June last year further restricted the Territory's capacity to address its own problems.

The Commonwealth has treated Territory law in a way that could not happen in a state. In reflecting on the reasons for the intervention on 21 June 2007, the former Prime Minister said: 'Why just in the Northern Territory and why only now? Because we can, given our constitutional powers'. That was in the *Sydney Morning Herald* online on 26 June 2007. Because they can, Madam Deputy Speaker, because they can.

It is the Northern Territory government's intention that our ongoing commitment to statehood should also aim to heal the rifts that came from these recent actions and let us reconcile our role in a federal system of government, at the same time as we look to statehood as an important part of our ongoing program for reconciliation between Aboriginal and all other Territorians.

The challenge for this parliament is how do we plan for the future, where the rights of each and every Territorian is guaranteed to live a full life with access to opportunities, not at the expense of one's cultural identity or religious beliefs or even their geographic location. We have the opportunity in the Northern Territory to do what our constitutional forefathers could never do, and that is to write a new constitution for a new state that recognises and respects the men and women of the Northern Territory, black and white, refugees, mango growers, and pastoralists.

In the words of the Statehood Steering Committee campaign, 'Walking Together Towards Statehood', is very appropriate. For the people who read or hear this speech, even they may feel some affinity with such searching. Is this dream of constitutional equality a dream shared by others? Has it become a recurring dream, a fixated dream, an obsessive dream that no one wants to know about? Will it be known only as this elusive dream, where many have tried and failed?

It is when we here in this House believe we are worthy to join our brothers and sisters at the seat of Federation as equal citizens, not second class citizens, only then will other parliaments across the country believe in it too – I mean really believe in it. Do we believe we should be equal citizens under the Australian Constitution? A simple yes or no.

Forget about the constitutional passages, the legal jargon, the hundreds of pages to read, and goodness me, do not get bogged down thinking about the numbers of senators or trying to intellectualise like a game of chess who moves where in the Upper and Lower House of the Commonwealth if we enter as a state. Speak with your hearts and let the people decide.

Members of the parliament, think about this some more while I turn to the statistical reality of our status under the *Northern Territory (Self-Government) Act*. Under the Australian Constitution, the Commonwealth parliament has a very broad power to determine the future of any new state using section 121 of the Constitution. The Constitution says at section 121:

*The parliament may admit to the Commonwealth or establish new states, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.*

There has been considerable academic and political speculation concerning the meaning and interpretation of section 121, but until a new state comes into existence it will remain untested, that is until now. It is now that we will in the Northern Territory have the opportunity to become the seventh state in the Australian Federation.

It would appear from a simple reading of the Australian Constitution that it is open to the Commonwealth to decide that the only term and condition would be absolute equality with the existing states. Indeed, the Northern Territory government may seek the Commonwealth to agree to such a proposal in the first instance, however, we are also aware that previous discussions between the Territory and the Commonwealth indicate the Commonwealth may wish to impose some terms and conditions other than absolute equality with the existing states, which may differentiate the Northern Territory from the original states.

The Northern Territory public should be able to discuss this prospect in an open and informed way. However, what is clear is that many people across the Northern Territory want eventual equality.

As I have mentioned in the past, the Commonwealth has expressed reservations on statehood for two reasons. First, the Commonwealth has sought a stronger demonstration of the Northern Territory's desire for statehood. At the 1998 Referendum, the Commonwealth had not prepared a formal policy position of its own on the terms and conditions of statehood for the Territory. Rather, it indicated it would take an interest and be informed by what the Northern Territory might put forward.

Can the people of the Northern Territory really be expected to demonstrate support for statehood without knowing what the Commonwealth's policy position is on what the new state would look like? Some Territorians, who, for example, indicate support for statehood only on the same constitutional basis as the existing states, may withhold agreement all together if the model is unknown ...

**Mr ELFERINK:** A point of order, Madam Speaker! I draw your attention to the state of the House. We have to ring the bells because there are not enough people to form a quorum, Madam Speaker.

**Madam SPEAKER:** Ring the bells. We now have a quorum. Please continue, minister.

**Ms McCARTHY:** Some Territorians who, for example indicate support for statehood only on the same constitutional basis as the existing states may withhold agreement altogether if the model is unknown. But they may be swayed if the compelling argument is put from a model with initial unequal entry along with the later guarantees of equality.

The Statehood Steering Committee has argued to both the Territory government as well as to the Commonwealth House of Representatives Committee of Inquiry that this is the key dilemma to the future success of a statehood referendum. During 2006, the Statehood Steering Committee wrote to the Territory government expressing this view, as well as making a submission along the same lines to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into the Federal Implications of Northern Territory Statehood. The House of Representatives committee has recognised this dilemma and has made a single, clear recommendation to the Commonwealth government which was:

*... that the Australian government update and refine its position on Northern Territory statehood and recommence work on an unresolved federal issues.*

This recommendation is vital. The Commonwealth committee inquiry recognises the stalemate which the federal government must break. The Commonwealth must make clear which roles and responsibilities come to the Territory upon statehood, and which will remain with the Commonwealth. The Commonwealth government's response to the 2007 inquiry is still outstanding. We will be pressing the federal government, seeking the release of the Commonwealth's response as the first step in discussions on terms and conditions. The Northern Territory parliament sees statehood as inevitable. However, statehood will not just happen. The Australian government has said it supports statehood. Nonetheless, Territorians need to work hard to overcome any reservations the Commonwealth may have.

Despite the election of a federal Labor government, there will still be a need to demonstrate we are ready and have earned our constitutional place. I am pleased to point out that the new federal government is encouraging the statehood process.

In June this year, the federal Territory's minister, Bob Debus, joined and co-launched the Statehood Committee's 'Walking Together Towards Statehood' campaign. At this event, the federal minister committed to active engagement and dialogue with the Territory government on outstanding federal issues. As any constitutional student is aware, statehood potentially changes the current makeup of the Commonwealth parliament. If there will be more Territory senators, it will mean more representatives under the nexus provision of the Australian Constitution.

Getting the Commonwealth to act in our favour may not be easy. The move toward statehood is something that needs groundwork from the Statehood Steering Committee. It also requires a helping hand from government. But government must avoid a heavy-handed approach. The Statehood Steering Committee has a crucial community role in educating people, discussing statehood and consulting independently of government.

Some may say the government must keep out of statehood altogether to let the committee get on with its work. The committee's role in work is not in doubt - the committee's work is separate and essential work. If we are to seriously advance statehood, there are also distinct roles for the Northern Territory government and this parliament along the road to statehood. I pay tribute to all the pioneers of statehood.

I pay particular tribute to Harold Nelson, the early-day Harold Nelson who took the fight to the Commonwealth in order to obtain that first House of Representatives seat in Commonwealth parliament in 1922. However, despite this historic event, Mr Nelson's work remains unfinished because we know that, unlike a state, the Northern Territory still has no constitutionally entrenched right whatsoever to any representation in the Australian parliament. At the national level, our representation remains at the pleasure of the Commonwealth parliament of the day. Our self-government attained 30 years ago remains today a limited construct, with the Legislative Assembly vulnerable to dissolution by the Commonwealth government without consent or consultation with the Northern Territory people, hence the continued push for statehood in the 1980s by then Chief Minister, Steve Hatton.

In 1986, the Hatton government had adopted three broad statehood objectives. These were:

1. constitutional equality with the existing states;
2. political representation in both Houses of the federal parliament that enables the same political consideration as the people of the states; and
3. the determination of secure financial arrangements with the Commonwealth like those of the states.

Of these goals, only the third has been realised in the subsequent 22-year period and, even then, while the Territory is treated the same as the states in terms of financial arrangements, the existing arrangements with the Commonwealth mean that the Territory and the states may be held hostage to a range of agendas dictated by the Commonwealth. The first two goals expressed in 1986 are goals shared by the Territory government in 2008.

A central theme of my statement today is learning from the past. We know that constitutional change in Australia takes a very long time. We also know that if people feel rushed or bullied, they will react against it. Setting targets and end dates can be perilous, but also may be a necessary objective in what could otherwise end up being a process that could just meander on for several more generations.

This leads to what the government is doing now. First, the Northern Territory government is taking its message to Canberra and to the nation. The government, together with the opposition and the steering committee, will soon visit Canberra to promote interest in

statehood and specifically request federal government action. One clear message we will be taking to Canberra is that the Territory should, ultimately, be an equal state in the Federation. However, there are two other messages we need to impress upon our national colleagues. First, statehood for the Northern Territory completes the Federation and embodies the vision set in place over 100 years ago. As the seventh state of Australia, we will break free of our outdated Territory status. Over the last 100 years, Territorians have proven themselves and earned the right to operate with the same state autonomy available to other Australians.

The time for statehood is now. The Northern Territory, with its population and economic growth, is taking the lead in the development of Australia's north. The Territory government takes a preliminary view that equality must be the platform for entry into the Federation as a new state. It is a view shared by this parliament. The people of the Northern Territory do not deserve anything less. People who ask if that means 12 new Territory Senators from day one, should be assured we are talking about equality in the foundations of statehood. We must not be so naïve as to think we can negotiate on an all or nothing basis, but we must also stay strong to our principles. Maybe the Territory, as a new state, may not start off with immediate absolutely equality, but it is about eventual equality.

If we get the process right, we should kick off statehood with the confidence and understanding that eventual equality is built into the foundation as a guarantee to future generations, so that the Northern Territory transitions to full equal status relatively soon.

The previous Legislative Assembly sessional committee identified two concurrent forces of action for a grant of statehood. The first was the preparation and adoption by Territorians of a constitution for the new state, and the second was the negotiation of a memorandum of understanding between the Territory government and the Commonwealth government on the terms and conditions of the new state for the Commonwealth parliament to implement under section 121 of the Australian Constitution.

The government today recommits the Northern Territory to that process. These actions should be concurrent, so while we develop a constitution the Territory and the Commonwealth must be discussing the terms and conditions of entering this state.

The outcome from the process should be a draft Commonwealth/Territory memorandum of understanding or informal agreement between the two governments on all these issues. It is critical so that on the day the next statehood referendum takes place, Territorians will be voting for or against statehood, knowing the proposed content of the future state constitution and, most importantly, the terms and conditions upon which statehood is made available to the Northern Territory. It was the terms and conditions that were not available in the 1998 referendum.

To deliver these outcomes, key tasks are required that need to commence right now. I am pleased to announce that the Northern Territory government will undertake a project to identify positions and implications of statehood matters within the Northern Territory. Some of the key issues that have been identified previously are: financial arrangements; uranium mining; national parks; Aboriginal land; island territories; representation; trade and commerce; industrial relations; executive powers and the head of state; as well as the process for giving effect to statehood.

The second task for the Northern Territory government will be to urge the Commonwealth to establish a Commonwealth interdepartmental committee to consider these matters.

I am also pleased to announce that, in 2009, the Statehood Steering Committee will commence specific consultations, asking Territory residents their views on the future control of these matters upon statehood. These consultations will be called Constitutional Workshops. They differ from the previous education and awareness activities undertaken by the committee in the past 3½ years. These workshops will ask for and record specific views and feedback on statehood issues, including the potential content of the constitution and preferences on Commonwealth terms and conditions. The workshops will be well advertised,

open to all Territorians and provided in as many parts of the Territory as possible. The committee's goal is to make sure that the public is well informed about statehood and feels comfortable to make an informed decision on statehood issues.

The outcomes of the workshops will be threefold:

1. to hear from as many Territorians as possible about statehood at a grassroots level;
2. to inform both the Territory and Commonwealth governments of Territorians' views to assist in the development of their positions; and
3. to provide a starting point on constitutional options to take to a 2010 Constitutional Convention with a possible statehood referendum to follow in 2011.

I must point out that these dates are dependent on the Commonwealth coming to the party. We are not going to experience the pain of another referendum like 1998 in the absence of knowing the terms and conditions of statehood.

Whether we reach the 2011 target date is up to each and every one of us, and we must be active in our communities.

I make special mention of the four Aboriginal land councils – the Northern Land Council, the Central Land Council, Tiwi Land Council and Anindilyakwa Land Council. Your knowledge and passion in the pursuit of a better life for the Territory's Indigenous population will be essential in the workshops in communities across the Northern Territory, and I look forward to your input on how these workshops should be undertaken.

Prime Minister Kevin Rudd and the federal Labor government are under no illusion about the need for constitutional recognition for Aboriginal Australians. This was evident at the gathering in Yirrkala a few months ago for the Rudd Community Cabinet. I say to the Prime Minister: while we in the Northern Territory will do all we can to advance our process towards statehood, there must be serious discussion at the highest levels in Canberra also, for we will not be kept busy here for the sake of just being busy on statehood.

As I mused earlier, is statehood an elusive dream? No, it is not. Too many people have given so much, and will give even more this next 18 months, as we embark on the workshops leading up to the Constitutional Convention. A national campaign strategy will also be run in parallel to the Territory-wide workshops.

All 25 members of this Assembly have a role to play. All members must energise our communities to encourage effective democracy and fairness in our walk together towards statehood. I say to all here, the members of the 11th Parliament of the Northern Territory, your leadership role in your respective electorates in the next 18 months, will be an important one as constitutional workshops occur across the Territory.

I also remind this House of the 3½ years of work undertaken by the Statehood Steering Committee members. I thank each and every Statehood Steering Committee member for their ongoing commitment and dedication to statehood and it is, indeed, an honour to work with you.

I also thank the staff of the Statehood Secretariat, in particular Nora Kempster, who has continuously travelled and will continue to travel across the Northern Territory with the education and awareness campaign. I say thank you, Nora, for your absolute dedication to the process towards statehood. To Marise Riddell and Poppy Lelekis, thank you for the tremendous work you have put into the July campaign for the 30th Anniversary of Statehood. I am encouraged by your efforts and your team efforts of continuing on this path.

I also take this opportunity to thank two people who left the committee earlier this year, the former Co-Chair, Sue Bradley and former Executive Officer, Michael Tatham. Both Sue and Michael can be proud of the strong foundations they have built in their respective roles on the

Statehood Steering Committee. I know they wish the new Co-Chair, Fran Kilgariff, and new Executive Officer, Carolynne James, all the best in this next 18 months of important work leading up to the Constitutional Convention in 2010.

Madam Speaker, I say, in closing, that this is about harnessing the hearts of our fellow Australians around the country to encourage us to join them at the seat of Federation as the seventh state in the Federation.

Madam Speaker, I move that the Assembly take note of the statement.

**Members:** Hear, hear!

**Ms PURICK (Goyder):** Madam Speaker, I thank the Minister for Statehood for her statement and support her in all the comments that have been put before the House today.

I agree. It is now a matter of getting on with some serious action and our biggest challenge is not going to be the people of the Northern Territory. Our biggest challenge is going to be the people in the southern states, particularly in some strange place called Canberra, where a species inhabits some of the year. That is the biggest challenge, getting the federal politicians to fully understand what statehood means and what it means to the Northern Territory.

Like the minister, whilst I was not born in the Northern Territory, I grew up here and I share the vision with the minister for us to get the grant of statehood and bring fairness and equity to the Northern Territory, which we currently do not have.

I was around when self-government was granted to the Northern Territory and there are probably only a few members in the parliament who were around at that time. I was also around when we had the first push for statehood under the then Chief Minister, Steve Hatton, which involved going on show circuits and having major displays. That was our first public foray and it was reasonably successful at the time, albeit many people did not fully understand the implications of statehood.

I was also around, as was the minister, for the second push involved for statehood, which also included the convention in which I was a participant. Whilst it was well intentioned, it was probably not managed as well as it could have been.

I have seen firsthand, as have members of this parliament, how the Commonwealth has at times treated the Northern Territory with disdain and, some would argue, disrespect.

We have had the famous overturning of our Northern Territory legislation, the *Rights of the Terminally Ill Act*, and all that has fallen out of that. Some time before that, some members in the House may recall that we also had other Northern Territory legislation overridden by the Commonwealth, which was the proposal to put a mitigation dam in the Charles River, so that the Todd River did not flood all the time. The minister may recall that, that was the *Heritage Act* which was enacted to override the Northern Territory government at that time.

Of course, we have seen the upheaval and the controversy around the proposal for a low level nuclear waste facility in the Northern Territory and, more recently, the intervention.

What is more, apart from those things that have gone by us, which is in the past and we have to move forward, is that the Commonwealth at any point in time can dissolve this parliament - a parliament that has been elected by the people. Quite frankly, I do not think that is good enough for the people of the Northern Territory. There are many things that we do not control as a consequence of the *Northern Territory (Self-Government) Act* and the fact that we are only a self governing territory. It is time now that the Northern Territory was granted statehood and given full rights to manage our own affairs. What is within our borders and land management issues should be the purview of this parliament.

We do a lot of administrative work for the Commonwealth and yet we are not receiving some of the benefits from the work that we do. Classic amongst this is Ashmore and Cartier Islands where the Northern Territory handles all the administration, but we do not get any of the direct benefits from the activities in that area.

We are treated as second class citizens. The time has come, as the minister has outlined, for us to have fairness and equity; to put aside some of the differences that may have existed in the past between us and the Commonwealth and, perhaps, between industry and land councils as well as between the different sides of politics. Yes, we learn from the past but it is now time for us to move forward in a cohesive manner. It is not going to be an easy task. We know that. We know there will be items we will not be able to agree on, we know there is going to be a fairly difficult and complicated transfer, patriation of the *Aboriginal Land Rights Act* to the Northern Territory. It is a matter now of getting down and trying to work through our differences.

We know there will be issues with some of the other legislation; there are approximately 29 pieces of legislation that either pertain fully to the Northern Territory or pertain in part to the Northern Territory that have to be negotiated across to the Northern Territory parliament on the granting of statehood.

We know that representation is going to be a stickler, as well, particularly with the Commonwealth and those curious beasts that reside in Canberra. Again, it is about fairness and equity. We have to work on those issues and with those curious beasts to try to get proper and fair representation.

Madam Speaker, I commend the minister on her statement. I know on our side of the parliament we do believe it has bipartisan support. We have to work together, not only with our fellow Territorians but also to get it into the thick heads of those federal parliamentarians that it is time for us to have statehood.

**Members:** Hear, hear!

**Dr BURNS (Justice and Attorney-General):** Madam Deputy Speaker, I am pleased to rise today to support the Minister for Statehood's first ministerial statement. Congratulations. It is an extremely important topic.

Statehood has been on the agenda for many years, as far back as 1947 when it was mentioned as a goal in the launch edition of the *Centralian Advocate* newspaper. It has not only been on the Territory's agenda but also the Commonwealth's. Even then Prime Minister, Malcolm Fraser, indicated that statehood was only a few short years away.

Much work was achieved in the late 1980s and early 1990s culminating in the 1998 referendum. While the result deferred the process of statehood, it has not defeated it. What that result clearly demonstrated, is that we have to bring the people of the Northern Territory with us if we wish to achieve the goal of statehood. That is the most important step in this process; only by energising and educating people to the potential benefits of becoming a state can we establish a general consensus for change.

It is a big step. No one is pretending otherwise. There are major legal, social and constitutional implications. Importantly, two years ago, in September 2006 the then Chief Minister created the portfolio of Minister for Statehood to help guide this process. It was pleasing to see the Opposition Leader followed suit and appointed a shadow minister for Statehood, the member for Blain.

Much work has been undertaken by many people over the years in an effort to attain statehood for the Territory. It is vital that we learn from the experiences of the past. The minister mentioned that statehood will not just happen by default, nor should it. It is up to the Territory government to continue providing support to the Statehood Steering Committee so



they can get on with the job of educating and communicating with Territorians about all aspects of the Territory becoming a state.

Statehood will only happen if the people of the Northern Territory want it. I look forward to being involved personally and recognise that when steps are taken to implement statehood the Attorney-General will have an active role in the process of providing advice to government. We need to engage with the Commonwealth to ensure the terms and conditions of statehood suit us. I am pleased to note the minister's views on the positive engagement and encouragement provided by the federal government on this issue.

Today is an appropriate day to be debating the issue; the day Senator Brown re-introduced his bill regarding euthanasia. Putting the very important subject matter that is within that bill to one side, it is important to remember that the original incarnation of this bill aimed to automatically re-impose legislation upon the Territory with no consultation as to its effect and implications for Territorians.

Whilst I acknowledge Senator Brown's current amendments to this bill, federal parliament makes very important legal changes like this for one reason - it can. Federal politicians, if they so choose, can use the Territory as an experimental petri dish. Federal imposition remains a constant shadow over our heads as long as we remain a Territory. It is a basic fact - and I am not saying this in any partisan way - that Territorians will never have the final say in policy directions of laws in this jurisdiction. That needs to change.

Our law-making powers are not guaranteed like those of the Commonwealth and can be taken away by the Commonwealth should it decide to do so. Freedom to legislate is of fundamental importance. We have seen several examples, both here and in the ACT, where the Commonwealth can intervene and laws passed by Assemblies can be overturned - or laws that may have been passed were not, simply because the Commonwealth indicated they were not immediately moved to overturn them. At heart, we do not have the same rights as people in the states. This includes our role and contribution to the content of the very basis of our democracy - the constitution.

Territorian votes in a referendum have less value as they are not counted to determine whether a majority of states have agreed to a referendum proposal. Until 1977, Territorians did not even have the right to vote in a referendum and, for many years, did not have a say in changes to the Australian Constitution. Statehood means that Territorians will finally have equality and a clear legislative ability without Commonwealth interference, and a guaranteed future.

Madam Deputy Speaker, I congratulate the minister for setting out how far we have come, how far we have to go, and what steps will take us there. I commend the statement to the House.

**Mr ELFERINK (Port Darwin):** Madam Deputy Speaker, I listened with interest to the Health minister and his comments in relation to statehood. There is a part of his statement that I wish to pick up on.

It is interesting - and I suspect not many Territorians or many Australians realise this - that the Australian Constitution is a bill or an act of the British parliament. It is England which passed the *Australian Constitution Act*, and it was England that constituted Australia as a self-governing federation as a result of a long and drawn-out process in which Australian citizens took their colonies and submitted to the Crown, and to the British parliament, that those colonies should be combined into a Commonwealth of colonies under a particular set of arrangements. They went to England with a proposal in mind, and that proposal became the Constitution of Australia.

The Northern Territory does have a constitution. The constitution of the Northern Territory is the *Northern Territory (Self-Government) Act (Commonwealth) 1978*. This legislation

constitutes us as a self-governing Territory. That is really at the heart of this particular argument.

I would be impressed if our political masters in Canberra were to subordinate themselves to England today in such a way as to accept a decision to - for argument's sake - repeal legislation that the English do not like in Australia. I suspect that if the British parliament and the Commons and the Lords conspired to take away our constitutional rights by repealing legislation that establishes the Constitution of Australia, we would be a republic in about 25 seconds of that announcement being made. Australia would not stomach nor tolerate such an outrageous imposition of legislative authority from such a far-flung place, and such a remote society as England, as compared to ours today.

Let us place that into the context in which Canberra, with relentless and dreadful disregard, quite happily turns over legislation and interferes in our jurisdiction in ways that would be unconstitutional in this country, and we have to stomach it. I get very passionate about this particular issue, because I actually have a mandate of the people of the Northern Territory to stand here and make laws on their behalf. The quality of that mandate is not diminished by the fact that our electorates are smaller here. The quality of that mandate is not diminished by any other factor than some legislative instrument that presides over us from afar. If the quality of the mandate of the Prime Minister of Australia was diminished by England, he would be screaming from the rafters, and I would join him as part of the chorus of 20 million people who would tell England to go and stick it right up their nose.

For some reason, where they would be so precious in such circumstances, they are not so precious in these circumstances to inflict upon us a treatment that they would find unacceptable, and they do it very readily and with little regard to the outcomes of that decision. I heard the Minister for Health makes his observations in relation to the *Rights of the Terminally Ill Act*, and I will not enter into the debate about the *Rights of the Terminally Ill Act* because there is a more fundamental and important principle underlying this - and that is our right to make that decision.

I note that when Senator Bob Brown, of the Australian Greens, recently introduced a bill to overturn the effect of the Andrews bill, which amended self-government legislation, all self-government legislation in Australia, to the effect that self-governing territories, be they Norfolk Island, the Australian Capital Territory, or the Northern Territory, cannot legislate in relation to the issue of voluntary euthanasia. That bill by Senator Brown will have the effect, and only the effect, of repealing the Andrews bill which put those terms into place.

I checked that very carefully. I read the legislation, and I thought: Hurrah! I could actually agree with Senator Bob Brown on something. What an unusual circumstance. However, I do agree with the senator, not because I support euthanasia particularly, but rather because he is attempting to remit to this House the capacity for us to fully and freely exercise the mandate which we have been given by the people who voted for us in the Northern Territory. That I support.

The bill that Bob Brown introduced went off to a Senate Committee, as so many Senate bills do for some investigation, and a very nasty side effect has been identified, which I am very surprised that the minister has not mentioned to date. Because that bill was remitted to the Senate committee it invited comments from the public. I was always under the impression, as were so many other Territorians, that section 109 of the Australian Constitution dealing with inconsistent legislation between the states and the Commonwealth, applied to the Northern Territory.

Section 109 of the Constitution basically says where a state law and a Commonwealth law are at odds with each other, the Commonwealth law, I think the language goes something like 'shall prevail to the extent of the inconsistency only', which means where there is a Commonwealth law that overrides a state law, and there is an inconsistency between that Commonwealth law and that state law, the state law is nullified, or held in abeyance, it is not even nullified, to the extent of the inconsistency only. So should the Commonwealth law

change, the state law on the statutory books would then be resurrected by virtue of the fact that the inconsistency had disappeared.

I was always under the impression, and I recently checked again, that the *Rights of the Terminally III Act* is still in our statute books. I was always under the impression that section 109 would apply to us. However, section 109 says: 'When a law of a state is inconsistent ...'

Section 109 refers to states, not territories, and that is a very serious complication – I did some homework on this – the University of New South Wales Centre for Public Law, Professor George Williams and Andrew Lynch made a submission to the Senate Inquiry into the Brown bill and they made an observation, and I will quote that observation:

*While the repeal of the Commonwealth Act in its entirety restores the legislative capacity to the territories for future use, it cannot, at least not without some clearer expression than found in the draft provision, retrospectively reinstate that power to the Northern Territory so that the 1995 Act was, albeit inoperative, still sustained by the legislative power of the Northern Territory between 1997 and now.*

Now, it took me a while to figure out what they were talking about. The reference is to a rather arcane doctrine and that is called the doctrine of repugnancy. The doctrine of repugnancy comes out of the time when the superior legislature in the British Empire had ascendancy over all other subordinate legislatures. So, consequently, if India legislated something which was inconsistent with a decision made inside the Palace of Westminster, the effect was that the Indian legislation was nullified, because it was repugnant to the legislation passed by the Commons and the Lords.

That is different to the parameters of section 109 of the Constitution and it is different in this important way. It is that the courts of time held by the Privy Council, as I understand it, said that the doctrine of repugnancy had the effect of actually nullifying or rendering completely void or, more importantly, repealing the legislation made by the subordinate legislature. The effect of that then is that the subordinate legislation is repealed. It is gone. It is expunged.

Because section 109 of the Australian Constitution does not apply to the Territory and its arrangements with the Commonwealth, it therefore reasonably defaults back to the doctrine of repugnancy. There is now an extremely large question mark hanging over the *Rights of the Terminally III Act* as a consequence of the operation of the doctrine of repugnancy.

I had cause to speak to one of the authors of that particular submission, Professor Williams. I was concerned that Professor Williams said that case law on the retrospective nature of the doctrine of repugnancy is next to non-existent, so it cannot be said with any degree of certainty that the *Rights of the Terminally III Act* has effectively been rendered permanently inoperable. Consequently, it is unclear as to whether the *Rights of the Terminally III Act* actually operates or not, but all of the expert opinions that I have seen on this particular issue, suggest that in every likelihood it is.

The reason this is important is that this now raises another issue for us in the Northern Territory, because we can now compare our self-government act to the self-government act which operates in the Australian Capital Territory. That self-government act has a provision in it which, although not mirroring the effects of section 109 of the Australian Constitution, does have the effect of interpreting legislation in such a way that when there is an inconsistency with the federal legislature, the Australian Capital Territory's legislation is not nullified.

As a consequence, we are not first class citizens in this country. We are not second class citizens in this country. We are third class citizens and we are third class politicians. The reason that we are third class politicians is because if we pass a law and Canberra passes a law which contradicts it, our law is expunged. If Canberra passes a law - and I am talking about the Legislative Assembly of the ACT - and it is inconsistent with federal law, at least it is not expunged, it is merely held in abeyance.

I have commenced discussions with the Senator for the Northern Territory, Senator Nigel Scullion, on this particular issue. We are going to have ongoing discussions in relation to this because it opens the opportunity to amend the constitution of the Northern Territory, which is the *Northern Territory (Self-Government) Act* in its current form.

The capacity to change and amend the *Northern Territory (Self-Government) Act*, to enhance it in a whole bunch of ways, may be something that we, as legislators, want to visit over time because it actually provides us with a back door to enhance the quality of the rights we have available to us. So, rather than relying necessarily on the operation of section 121 of the Australian Constitution, we can start to enhance our constitutional strength by at least looking at the legislation that constitutes us as an operational jurisdiction at the moment.

Consequently, there is any number of things that we might want to look at in terms of improved circumstances and seeing if we can, through some bipartisan process, actually talk to each other about going to the federal government and, over time, improving the quality of the self-government act with amendments as we approach statehood.

Madam Deputy Speaker, that may be the piecemeal way of approaching the issue, but for somebody who has been a second and now third class citizen in the country in which he lives for the entire time he has lived in this country, I am prepared to desperately apply almost any approach to improve the quality of my citizenship, which is substantially diminished by the current administrative arrangements here in the Northern Territory.

**Mr CHANDLER (Brennan):** Madam Deputy Speaker, I wish I could speak so eloquently, but this will be short. I congratulate the minister for her ministerial statement today.

I appreciate the opportunity to use a bipartisan approach, it is very refreshing. I appreciate the opportunity to be involved in making history and, more importantly, achieving equality for all Territorians.

Equality is important for many reasons, no more so than this House's ability to make laws for Territorians without fear of intervention from the Commonwealth. The member for Goyder touched on the difficulties we may face in Canberra. Let me tell you, the member for Fannie Bay and I are already working on a plan of influence, you might say.

At the moment our legislation is toyed with by some southern senator. This strikes at the very heart of the issue. I recall the legislation in regard to voluntary euthanasia and no matter what side of the fence you sit on that argument, the fact is that another jurisdiction toyed with our legislation. Until we can all stand here with the absolute certainty that what happens here, stays here and cannot be tampered with, this bipartisan support will not end.

Freedom to introduce laws, to ensure good governance is very important to everyone in this room. I look forward to working with the committee.

Madam Deputy Speaker, I commend the minister for taking Statehood forward into the future.

**Ms ANDERSON (Natural Resources, Environment and Heritage):** Madam Deputy Speaker, I welcome the statement by the Minister for Statehood. Her statement is a clear indication of her passion and how the drive is about moving all Territorians forward. It is about the rights of Territorians, it is about protecting the rights of Territorians, not just in the present day but Territorians in the future.

This is such an important issue for the Territory, it goes to the very heart of who we are as Territorians.

As I said earlier in my statement on the eco-link, we are a bowl, a fruit salad bowl - we have Greeks, Asians, Aboriginals, old Territorians, young Territorians, we really are a multicultural society. It is a journey of recognising our rights, a journey of involvement, and statehood will

mould us altogether as the seventh state.

I pay tribute to the Minister for Statehood. She deserves great credit for the fantastic work she has done in bringing the statehood issue back onto the local and national agenda in such an inclusive and informed manner. She will do a marvellous job as the Minister for Statehood in the future. She is young and the future is hers and every person her age, and it is good to see young people driving the Territory into a new light. She is also doing it with the full support of her Chief Minister and the Labor team.

I thank the Chief Minister for his comments on statehood. The Chief Minister spent time in his Address-in-Reply to the Administrator reiterating his personal commitment, and the commitment of this government, to achieving statehood. That binds the Chief Minister with the Minister for Statehood, members on this side, the bipartisan approach we have had from the opposition as leaders and duly elected members of the Legislative Assembly. We are the drivers of statehood, carrying Territorians of the past, present and future, with us and having one vision: striving to ensure that we maintain our rights as the seventh state.

I acknowledge the bipartisan approach that has been taken, to date, by the opposition and, in particular, the Leader of the Opposition. As the minister stated, without a bipartisan approach, statehood will not occur. I pay tribute to the Leader of the Opposition for his support and his commitment to a vision of unity and people walking together on this journey. This is not about whether you are in the Labor Party or the CLP. This is fighting for the rights of Territorians. That is why bipartisanship is appreciated.

I now pick up on some of the key points raised by the minister in her statement and express my support for them.

First, the minister said we are committed to statehood but we will not do it in the divisive way it was attempted in the past - an act that set back the process many years. I remember that time. I was one of the people, with my grandfather, Harry Nelson, who is sitting in the gallery today, and others from the Central Land Council area who took up the fight with the then Northern Territory government because there was lack of consultation and lack of involvement. We felt, as Indigenous people, that we were not involved in the decision-making or part of walking this journey together. That is partly why we protested against it.

I strongly support this point: we need to involve everyone in the statehood process and not leave anyone behind. That is the key point here. If we stop talking to people and not involving everyone - whether they be Indigenous people or other groups - then we will get the blockade we had back then.

The minister's message is very clear: she will consult with everybody. There will be workshops to make sure that everyone is included, and she wants everyone to feel included in this journey.

Second, the minister said the Statehood Steering Committee has a crucial community role in educating people, discussing statehood, and consulting independently of government. That has been highlighted. The independence of the steering committee is very important so people know there is no connection or involvement from either side of government, or anyone else, driving statehood. I commend the government and the minister for that.

Third, the minister said we know that constitutional change in Australia takes a long time. We also know if people feel rushed or bullied, they will react against that, but I think Territorians are prepared for that long journey now. When we have people like the Minister for Statehood at the front, the Opposition Leader, members of the steering committee and the member for Goyder as shadow minister for statehood, I think Territorians feel confident that our rights will be looked after. And that is crucial to Aboriginal people understand statehood, as well. I believe Aboriginal people have felt left out and feel they do not understand it, therefore they say: if we are not informed and we do not know what is going on, then we do not want to

be part of it.

The initiatives that the steering committee has taken in education strategies and making sure that everyone is involved, minister, is a key driver in people feeling informed, and they will follow. People can see, through the education strategies and the meetings being planned and prepared, that they are being included, and I think there will be high level of participation in these meetings.

Minister, as the Minister for Central Australia, and speaker of several Aboriginal languages, I will commit to you and the steering committee that, wherever I can help with my language skills, and as the Minister for Central Australia, I will do so.

It is very important that the key message of where statehood is going and our rights as Territorians is given to Indigenous people in their own language so they feel fully informed and know we are travelling the road to achieving this goal together.

Madam Speaker, I commend the minister's statement to the House.

**Mr GUNNER (Fannie Bay):** Madam Speaker, I support the minister's statement on our journey to becoming the seventh state of Australia. This journey is critical to our future, our identity, and to the evolution of the Territory as a modern, independent state.

It is a journey that started, nearly 100 years ago with the loss of representation in 1911. That was when the land we know as the Northern Territory was excised from South Australia and came under Commonwealth control. Our identity and the reputation of Territorians as having a fierce, independent spirit was forged during those times, by our early Territorians who took strident action against taxation without that representation. We do not like being told what to do by people down south, and that is an attitude I think is still common today. Our independent spirit has helped build this place and forged our identity.

The story of the demise of the controversial Administrator, John Gilruth, shortly after World War I, helped illustrate this emerging identity. I thank Alan Powell and Frank Alcorta. Their work informed some of my comments on Gilruth and our early Territorians and is a story I am sure has been told in this House before.

The Darwin Rebellion has been compared to the Rum Rebellion and the Eureka Stockade, and it all started with what an official from down south might perceive as a trivial issue.

In 1918, everyone celebrated the end of the war, and it seemed only fair that the women working in the state hotels should have a few hours off to join the celebrations. Everyone down at the pub thought it was a good idea and they were more than happy to dine somewhere else. However, Gilruth in his wisdom, refused to grant leave - the women took it anyway - and when they came to work the next day, they found themselves locked out by order of the Administrator.

Closing a pub is never a good idea, especially when alcohol prices are already a problem and kept rising. A closed pub with expensive beer led to a significantly angry crowd of between 400 and 1000 people - depending on the reports you read - marching from Parap to Government House. When they arrived, Mr Gilruth did not help his case by releasing a statement declaring he was answerable only to the federal minister; he did not recognise the citizens of Darwin as having any authority over him. A red rag to a bull, you could say. To his credit, he came out after a few minutes and repeated his statement to the crowd, in person. However, his courage backfired. The crowd swarmed him and, although he managed to escape, windows were broken and his effigy was burnt.

The story has a postscript. Gilruth admitted in a letter to the Prime Minister that he knew reducing the price of beer would have ensured a peaceful end to the march, but he decided against it - because Treasury would not have been pleased.

There are a couple of lessons from the Darwin Rebellion: always watch the price of beer, limit the power of Treasury and, most importantly, Territorians should govern themselves. Their fight, independent spirit and sheer bloody mindedness has been passed down the generations. I know I carry a responsibility to continue that fight, not just as a fourth generation Territorian, but as a member of this Legislative Assembly.

We are here today as members in this Chamber under a self-government act that is limited in its ability to allow us to govern ourselves. We are aware of its limitations because we have had our laws overturned. All members in this House would agree that a fierce independent spirit still exists in the Northern Territory; the member for Nelson is living proof of that. Despite this spirit, the last step on this journey, the one to statehood, has been our most difficult.

The member for Arnhem explained that people voted no largely because they felt excluded and uninformed. In tackling the problem of exclusion, in trying to inform people about statehood we must understand why Territorians might feel we are not ready to take the last step.

There are three reasons I believe this last step has been our most difficult. We have struggled to accept that we have the confidence and ability to engage with the rest of Australia on an equal footing. We have struggled to accept that we have the ability to engage in our region as a full partner in the Australian Commonwealth. We have struggled to accept we have the maturity to govern ourselves and control our future.

In a nutshell, these are the reasons why, I feel, the majority of Territorians felt we were not ready to take that last hard step in 1998. Perhaps they were right. But we have moved on since then. We now have one of the nation's strongest and most vibrant economies. We have a steadily growing population. We are now a key player in our region, respected and self assured. We have one of the nation's great lifestyles. In short, we have matured and we have grown. While the vote did not lose by much last time, lose it did. But as this country's journey to federation at the turn of the last century, independence is never easy, and it rarely happens without setbacks.

The next time the Territory votes, we must not settle for just winning. We need to have garnered massive support right across the Northern Territory. That is why the task of the Statehood Steering Committee is so vital; that is why their work in engaging Territorians is so vital.

I take this opportunity to recognise the efforts of previous members on the Legal and Constitutional Committee: James Burke, Fay Miller, the member for Stuart and the member for Blain. And last, but not least, the member for Arnhem, whose work as Chair of the Legal and Constitutional Affairs Committee, Chair of the Statehood Steering Committee and now as the Minister for Statehood, has been instrumental in leading this process. I look forward to working with the member for Goyder, the member for Brennan, the member for Arnhem and the member for Nightcliff on the new Legal and Constitutional Affairs committee.

From this parliamentary committee, three members are elected to be on the 19 strong, Statehood Steering Committee. Before the last election, the member for Goyder was an important member of the Statehood Steering Committee and she will continue her work in a different role and I look forward to working with her, the member for Arnhem and all other members of the Statehood Steering Committee.

We have important work ahead of us and it is work that we can not take lightly. We are new shoulders at a wheel that has been pushed for nearly 100 years. Over the next 18 months the work of the Statehood Steering Committee will change direction - from a focus on education and information distribution to active discussion with Territorians through constitutional workshops.

The focus will be about what type of state we want to be apart of. The discussion needs to be broad, taking in all Territorians, from people versed in constitutional law to those with a passion for the Territory, who believe we should be the best we can be.

It is important that these meetings are robust, that they are well attended and that everyone has a chance to have their say. I am sure there will be lively debate at times, but the purpose of these workshops is to listen and learn, not to criticise anyone's opinion, but to encourage all to participate fully. The workshops will start early next year and run right through until the end of the year. Our journey to statehood needs to be driven by the community and it needs to be supported by the community.

I have spoken with the member for Arnhem, and, other members of the constitutional committee agree that as we change step from education to active discussion we need to make sure we involve young Territorians, not just those over 18 with the right to vote today, but our young Territorians now in high school and middle school. We need to respect and include their thoughts in our journey to statehood. They should be a part of the shaping of our and their future.

Statehood will only work if it is genuinely wanted by a large majority of Territorians and genuinely supported by all political parties. The 25 members of Legislative Assembly are some of our most important community leaders. I encourage all members of this Chamber to get behind these workshops; to encourage their constituents to attend and to back this consultative and inclusive approach. The Statehood Secretariat is happy to work with you if you want to organise meetings in your own areas with local schools, seniors groups, community organisations or the general community. Collaboration is the key. For example, I would be very happy to work with the member for Port Darwin to get community members in our two electorates to meetings and even create specific communities of our own.

This change of approach needs to be matched by a new way of engaging with other Australians, both in Canberra and with ordinary Australians around the country: a decision of the Territory's transition to statehood be made by all Australians. If the denial of representation started our drive for self determination, then surely equality of independence of other states should be enough motivation for us now. In other words, we are Australian and should have the rights and independent governance all other Australians take for granted.

We should not be content with the facsimile of independence, some might say, that the *Northern Territory (Self-Government) Act* provides today. Gilruth learned a harsh lesson about the independence of Territorians 90-odd years ago. We are still an independent mob, but unlike those early days, we now look outward and engage confidently with a rapidly changing world. Our constitutional arrangements must reflect this independence and they must reflect our place in the world.

Madam Speaker, I look forward to working with all members on our journey from a territory to a state. I commend the statement to the House.

**Members:** Hear, hear!

**Mr HENDERSON (Chief Minister):** Madam Speaker, I am in whole-hearted support of the Minister for Statehood's statement in the House today. I am fully aware, listening to the debates of the total, on-going bipartisan commitment to statehood. I thank all members of this House for that bipartisan commitment. As the member for Fannie Bay so eloquently said in the preceding speech, without total bipartisan political support for statehood across the Northern Territory, we are doomed not to achieve what we aspire to. It is fantastic to hear this continued bipartisan support.

Statehood means Territorians will enjoy the same political and constitutional right as other Australians - the right to govern ourselves. We are elected to this parliament. We have just recently had an election in the Northern Territory and our constituents, who put that faith in us to represent them here, to make laws for the people of the Northern Territory, have every



confidence in this parliament to make good laws and govern well. They do not want to be represented and over-ruled by politicians in Canberra who have absolutely no connection or affiliation with this place.

That is not why we are elected to this parliament. Whether it is in the member for Macdonnell's home communities of Papunya and Hermannsburg, or my communities of Wanguri and Leanyer, those people do not want people sitting in Canberra making laws, over-turning laws passed in this House by members of parliament who have been elected in the Northern Territory.

It is a very simple equation to put to Territorians. It is simple in that terminology and understanding, but obviously very complicated in terms of the constitutional issues that need to be addressed: the terms and conditions for the Northern Territory to become a state. This debate has to be generated from within the people of the Northern Territory and demanded by the people of the Northern Territory.

Currently, we do not have the same level of decision-making as our cousins in the states. The reality is, constitutionally, we are second-class citizens. When we think about not this parliament, but the people of the Northern Territory, it is the people of the Northern Territory who are, constitutionally within the Federation of Australia, second-class citizens.

I find that offensive because Territorians create, deliver and contribute so much to the great nation of Australia. That our citizens should be constitutionally second-class, given all that we contribute to this great nation of Australia, is offensive. Look at the professional people who live and work amongst us. We have some of the best professional people in the country - doctors, lawyers, engineers, teachers, scientists; you can run through all the professions - constitutionally, they are second-class citizens compared to their colleagues in the other states.

Look at our Indigenous people in the Northern Territory, custodians of a 40 000-year-old - maybe longer - living culture; creators of globally renowned and highly sought-after arts; custodians and carers of over half of the land mass of the Northern Territory. Our Indigenous Territorians, constitutionally, are second-class citizens of this country compared to their cousins who live across the border in South Australia and Western Australia and have fewer constitutional rights. It is offensive.

Look at our business people, some of whom are the greatest business people in Australia. Why are the people who are running the major mining companies in the Northern Territory second class, compared to other people?

It is an absolute absurdity as to why, in 2008, Territorians cannot take their place as constitutional equals with our cousins, our brothers, our sisters, the family of the rest of the Australian population. It is also illogical, as well as offensive.

One group of Australians, say, the residents of Kununurra get to vote in a constitution referendum and they have twice the votes as somebody in Timber Creek just across the border. It is absolutely illogical. Why does a soldier based at Laverack Barracks in Townsville have a greater constitutional status, as a citizen, than a soldier at Robertson Barracks in Palmerston? It does not make any sense; it is absolutely illogical. This issue should be resolved in the near to immediate future.

However, I think all we agree - and this is not being political - that the attempt we made a decade ago, obviously did not work. The majority of people voted against that and, in spite of support from both sides of politics, there were clear messages to both sides of politics regarding the way it was attempted last time. When you look at the booth-by-booth results, as to the referendum question that was put 10 years ago, for the CLP heartland, the question was lost in Alice Springs, Tennant Creek and Katherine - centres of CLP support since the birth of the party.

For the Labor Party, the question went down in every single one of the predominantly Indigenous electorates. On both our sides, we all lost the opportunity in the way the question was put and the climate in which the question was put the last time. Neither political party came out of it unscathed. Look at some of the booth-by-booth results in the northern suburbs of Darwin as well. It is quite fascinating to go to the Electoral Commission website - all the data is still there - and look booth-by-booth at what did happen with that question across the Northern Territory.

In the Labor heartland and the CLP heartland, essentially, the vote was reflected. It was lost because a majority of Territorians did not trust the politicians. That was why it was lost; it came down to the trust equation. The age-old Australian suspicion of authority and power came through, and the majority of Territorians who voted no did not trust the politicians and the body politic of the day in what they being asked to do and decided that they would continue to trust the Australian parliament in Canberra over this parliament here. It came down to a trust equation, and I believe, fundamentally, there has to be a different climate this time.

The people who go to the polls, whenever they go to the polls to vote on the referendum, have to feel that they trust the people in this parliament to take those issues forward to take that big step. That is why the next campaign has to be a genuine push from the people of the Territory. It must be a grassroots community campaign for statehood; it was a grassroots community campaign that delivered the no vote for statehood. We must have a grassroots community campaign demanding statehood and calling for statehood. That is where we have to move to.

I believe one of the great failures of the 1998 campaign was the lack of an articulated Commonwealth position on statehood. Territorians were asked to vote to be granted statehood, but what were the terms and conditions of the Commonwealth government and parliament's grant of statehood? What were those terms and conditions going to be? Those questions were not answered, so Territorians went to the polling booth, not really understanding what they were voting for. Those issues have to be addressed and determined well before the question is put next time so Territorians really understand what it is they are voting for.

I am still being asked, when I talk about statehood to constituents of the Northern Territory: 'Won't we be worse off? Won't they take money from us?' I am astounded at the number of times I am asked that question. Fundamentally, people do not understand that since, I think it was February 1996, we have been treated, through the Grants Commission, as an equivalent to the states. People somehow think if we are going to become a state, we are going to be worse off financially, and we do not want a bar of that.

The terms and conditions for statehood have to be defined and determined before we ask the question again. Quite clearly, one of the significant tasks of the Statehood Steering Committee and the Legal and Constitutional Affairs Committee of this Northern Territory parliament, is to win the hearts and minds of both sides of politics in Canberra in the campaign for statehood.

It is a grant of the Commonwealth parliament that admits us into the Federation as a state. So, ultimately, we have to convince all sides. It is a complex political scenario in Canberra now, where you have the Greens in the Senate, you have two independents, and you have the traditional parties - the Labor Party, the Liberal Party and the Nationals. We have a complex environment in Canberra where must win the hearts and minds of federal representatives, at a political level, as to why the Northern Territory should be granted statehood, and the terms and conditions.

I have spoken with the Minister for Statehood about this on many occasions. We, as a parliament, and I know the Steering Committee and the Legal and Constitutional Affairs Committee are going to work this out; we actually have to go to Canberra and lobby room by

lobby room, door by door, party room by party room articulate our case for statehood, . That is going to be a big body of work for me as Chief Minister of the Northern Territory, as well.

I have had a number of discussions with the Prime Minister about statehood and, in principle he supports statehood for the Northern Territory, as long as it is overwhelmingly supported in the Northern Territory and those terms and conditions, those issues, are identified and determined.

Given that we are politicians and we all understand the numbers game and how numbers work, ultimately, it is going to come down to the number of senators, I believe, in regards to the terms and conditions for the grant of statehood by the Commonwealth parliament. That is an issue that we have to work through.

As well as the Territory having rights, we also have to be pragmatic and understand that there is a political side to this, and we have to be mature enough to be able to engage with our Canberra colleagues on this question. At the end of the day, politics is about vision and aspirations and a belief in a better place and a better world for the citizens we represent. But, as politicians, we understand that it has to be politically achievable, it has to be delivered with regard to the numbers in the parliaments, and that is a body of work we need to do. For it to be politically achievable it must be bipartisan and bipartisan not only in this parliament, but also in the Commonwealth parliament.

Our constitutional development toward statehood is certainly necessary. I find it, as I said, offensive that Territorians do not have the same rights politically and constitutionally as other Australians. It is totally illogical that we don't, but I do not believe it is inevitable. We have to get this right. A vote for statehood cannot merely be assumed. It must be won through sensible and rational arguments. Statehood cannot be something that benefits sectional interests or narrow groupings. It must benefit all Territorians, and it must be supported by a substantial majority.

I do not think we would get a grant of statehood if last time 51% said no and next time 51% said yes. I think if it is 51%, 52% or 55% of the vote we will not get there. We need 80% to 90% support for statehood.

So there is much work to be done. It needs to be methodical and it needs to be diligent. We, as members of this parliament, need to encourage, as the member for Fannie Bay said, people to come to the workshops and really engage, and this, will be hard. We know Territorians lead very busy lives, they are working, they are delivering for their families and they are engaged in communities. For our Indigenous Territorians, many people are struggling from day-to-day. This a very busy and complex world that we live in and people, apart from the time they are asleep, are living and working and playing very hard. Trying to engage Territorians on the importance of statehood, and cut through on those issues, is a hard thing to do. That is why the work needs to be methodical and diligent.

I congratulate the work of the Statehood Steering Committee. I know most of the people on the committee personally and they are committed to statehood, they are hard-working and they are visionary. It will be hard work to get out there across the Territory and put this case. I thank each and every one of those 19 people and congratulate them on the work they are doing.

The constitutional workshops to be rolled out are a big step forward. Let us, through those constitutional workshops, have the debate about the terms and conditions for statehood and what Territorians would agree to, and put those issues on the table, outside the political environment, and move those issues forward.

I also thank the new Legal and Constitutional Affairs Committee of this House. We have some new members to the parliament on this committee and it is a bipartisan committee. In spite of all of the argy bargy that goes on in here, and it has been a very robust start to the 11th

Assembly of the Northern Territory, it is good to see that we can have the arguments on issues of substance that we have to have. However, we need to put the political issues aside, for the benefit of the people of the Northern Territory, whilst we work with them to progress the citizens of the Northern Territory to be equal before the constitution with the rest of Australia.

I thank the Statehood Secretariat staff who contribute so much to the running of the Statehood Steering Committee: Nora Kempster, Marise Riddell, Poppy Lelekis and Carolynne James – all of those people – and some of them are in the gallery. They do an enormous amount of work with the Steering Committee, and I thank you for your commitment to statehood.

This is a very exciting time. I have lived in the Northern Territory for just over 25 years now; my children were born here and my wife is from here. This is the best place on earth to raise a family. I believe the Territory has come a long way since I first came here. There are many members in this parliament who were born here. I can only talk about my experience over the half of my life I have lived here.

The maturity of this place is shown by the fact that we are coming together - whether it is people from Central Australia, the Top End, Indigenous, non-Indigenous - that multicultural aspect is there. This is a much more mature body politic than it was 25 years ago. Our time is coming. We can work through those issues. We can present a united case to Canberra and we can convince our colleagues in Canberra.

I am very hopeful, with the work of the Statehood Steering Committee and the Legal and Constitutional Affairs Committee and the bipartisan support of everybody in this House, we can achieve the dream of statehood.

Madam Speaker, I commend the minister on her statement. I thank the minister for her absolute commitment, contribution, dedication and belief in statehood. She is doing a fantastic job and is absolutely the right person in my Cabinet to take this forward.

**Members:** Hear! Hear!

**Mr KNIGHT (Local Government):** Madam Speaker, I would like to add a few comments to this statement. I congratulate the minister and the committee for bringing it forward. It is carried by the minister, but I am sure she would acknowledge it is the committee that is really driving this. It is a bipartisan approach, and that is the way I treat this very important subject.

My experience with the statehood debate goes back to the 1998 vote when I was living at Timber Creek. When it went down, people, friends of mine from interstate were asking the question: 'What happened?' I believe it was a question of maturity and, far from us saying we were not ready for it, we were saying we understood what was required but we were not going to accept something we were not comfortable with. The model developed did not have the support of people and they were not going to accept what was put forward. At that point, the Territory was a very mature jurisdiction and they were saying they wanted to get it right and to have something that could go forward to the Commonwealth parliament to gain statehood. It was something that I was proud of the Territory for doing; they did not accept an inferior type of model.

Around the communities to which I travelled at the time, because it was done during the federal election, from my memory, there was a great deal of confusion out bush. People really did not know what it all meant, what it was all about, what they were voting for. A member of the Timber Creek community was chosen to be part of the conference which developed the model. I do not think she was from our side of politics, but she was contacting the organisation I worked for, asking for advice because people came to Darwin to participate in this conference and were given a set of books the night before the start of conference, and expected to make decisions. So, that person, who supported statehood very strongly, was

very confused about the process undertaken.

This approach of steady, solid work going on through the communities really is the way to go. I must acknowledge the work of my current electorate officer, Sharon McAlear, who is a passionate supporter of statehood. She was born in the Territory and she really wants to see it through. She works on the stalls and goes to all the shows. Any chance she gets to talk about it, she certainly does.

As I said, people from interstate ask me what happened. When I travel, people recognise the Territory as being a legitimate jurisdiction; it promotes itself, you do business with the government and other bodies in the Territory, and it is generally seen, in other parts of Australia, as a legitimate jurisdiction. So, in time, it would follow that they would be supportive of the Territory having legitimacy within the Federation.

At a personal level, I will be trying to get my friends and family from interstate, and any fellow parliamentarians I come into contact with, giving them statehood badges from the Territory and making them aware of where we want to go and why they should also spread the message that the Northern Territory is ready for statehood, that we are working at producing a model and will be taking it to the Commonwealth government to seek recognition within the Commonwealth.

It is worthwhile remembering, that Federation was a long and arduous process. At the time of Federation, Western Australia was not a part of the original states. It was in the constitution if they wanted to come in and, from my recollection, New Zealand was as well. There has been an evolution of governance within Australia, and this is another part of it. The whole debate about becoming a republic is all part of that evolution of Australia standing on its own two feet, and that is reflected in the Northern Territory wanting to stand on its own two feet and have some real legitimacy.

Recently, there was discussion about the flag and whether we should have the Union Jack in the corner of our flag. What I was looking at in the flag was the Commonwealth star which is made up of seven points: six for the states and one for the territories. I am wondering, if we become a state, do we get our own star? It would give us more legitimacy, and we could see where we actually sit on the Australian flag.

It is little things like that. When you watch the weather on the news, sometimes we are on, sometimes we are off. In reports about the economic development of Australia or anything like that, sometimes we are on, sometimes we are off. We are sometimes treated in very different ways because of our status as a territory.

With this move ahead to statehood, I will, at every opportunity - at ministerial council meetings or visits to interstate parliaments and the Commonwealth parliament - be lobbying fellow parliamentarians about our desire and readiness to become a state, and try to get those members, whether they be in state parliament or federal parliament, to come on board. They come here and they enjoy their time here; they realise we do a lot for the economy of Australia and we should be given some legitimacy. We are a very legitimate jurisdiction. We engage, not only interstate, but at a regional level. The Minister for Asian Relations is often out of the country talking with other governments and businesses, and when those businesses come to the Northern Territory, they engage with the Northern Territory government, whoever it may be at the time. We are treated as a legitimate government, a legitimate jurisdiction, and we just need to go that extra step forward.

The last referendum was quite contentious. The Chief Minister has just talked about the actual vote, and the numbers were very strange. Some places, you would think, are more conservative than others, but it was strange the way the votes went. People were really split down the middle; it cut across gender lines, age groups, ethnic groups, and it should not have been that way. We should all be moving together with this debate. We should not be divided on it.

It is not about the politics. It is about us, the people of the Northern Territory, having some legitimacy as we move forward; we cannot accept that we will be a Territory for the rest of our time. The Territory is ready. It has a larger population than Tasmania and Western Australia when they came into the Federation. The Territory's population is growing, and growing very quickly. As Territorians, whether you have been here a month or your whole life, we need that recognition.

I congratulate the minister on her efforts, and I encourage the committee to keep on with their work.

There are many people, I am sure, who would want to become ambassadors, who want to talk to their families who live in southern states, or friends who come to visit, to get the message and go back and tell other people: their parliamentary colleagues, their workmates or their business colleagues, that the Northern Territory is ready. That the Territory will be going to the Commonwealth parliament to ask for legitimate recognition as the next state.

Madam Speaker, I congratulate the minister, and I look forward to further updates.

**Mr MILLS (Opposition Leader):** Madam Speaker, I support this very important statement. I acknowledge you, member for Arnhem, Minister for Statehood, for bringing this statement forward at this time, and the Chief Minister for his comments that reinforced the need to take a bipartisan approach in this. I acknowledge those who are listening to our debate here, who support the important work of the Legal and Constitutional Affairs Committee and the Statehood Steering Committee.

It is good to be in the company of those who are close to this activity, to monitor it and to see whether we are going through the motions or whether we are going somewhere. I was elected in 1999, the same time as the member for Wanguri, the Chief Minister, the same day, in fact. The first day I entered the parliament, I was given the position by my colleagues on the Legal and Constitutional Affairs Committee. That was some time ago, and I have been to many, many meetings. We have had a number of talks in this parliament, and not a lot has changed. There was a referendum; we commented on that. I came into the Legal and Constitutional Affairs Committee in the aftermath of that referendum, and we spent about four-and-a-half years talking about that and where we would go now. There was a change of government and now we are resetting the agenda and we are working towards it. I do not think we need to convince each other that statehood is something we desire. The arguments are sound. It is a legitimate call now.

Our immediate task is to let people understand what it is. When you put the simple argument to any Territorian, in fact any Australian, they accept the logic of the argument. How could this great nation have within it a group who are, in many ways regarded as a state but, in fact, constitutionally inferior? That needs to be corrected.

The argument – I have heard it in the comments that have been made in the Chamber – is compelling. However, we do not need to convince each other as much as we need to convince Canberra, because we could continue talking in here for the next 10, 15, 20 years and make not a jot of difference to those who hold our destiny in their hands and that is, the federal parliament. It is a Commonwealth act.

Consider it this way. If the opposition were to raise a proposition and present a bill to the Territory parliament - and I do not recall in my time any bill proposed by the opposition which has been accepted by the government because there are all sorts of issues attached to accepting what comes from the opposition - in a very similar way, for the Territory to propose to the Commonwealth that we become the next state, it has a lot of complications in the minds of those who are going to give that consent. The power is in their hands. How we move their hand is the issue. Not to continue our arguments and discussions amongst each other. It is edifying to some degree, but how do we move the hand of the one who has the power to

change our constitutional status? That is the challenge.

The first part of is to ensure that our community understands it. We can keep that fire going for some time, but you cannot keep it going indefinitely. We need to keep that dialogue going because there are issues that come and go and attract people's attention and hold it for some time, and then fade away.

It is difficult to maintain a strong position on statehood in the wider community, because it is abstract. That is why reaching the schools to help them understand their status and their rights and responsibilities as Australian citizens and the constitutional deficiency in the Northern Territory is so important. It is very important that schools be supported through good curriculum material and presentations from MLAs to keep that message going. We have an obligation to keep talking about it. If it is left to others, if it is left just to the committee, we will not have enough energy to keep the fire going. We all need to be involved in it, all saying it, all taking the opportunity, putting it in your newsletters, keeping it going – keep banging the drum, about that initiative. I am very pleased this initiative has been devised, that we go to Canberra and make a noise there - bang the drum in Canberra.

**Members:** Hear, hear!

**Mr MILLS:** If we do not bang the drum in Canberra and mean what we say, we will just be making noises and no one will listen to us. It is like kids playing outside. No one is going to take us seriously. So we really have to ramp it up and recognise we have a serious fight on our hands. That fight is to prevail upon those in Canberra who have the power in their hands to make that decision. How do we move the hand? That is the issue.

The argument is compelling, but how do we move the hand of the one who has the power - the federal parliament. Words have been spoken, again and again. I have heard Malcolm Fraser's name being mentioned here. He made assurances. There have been assurances forever and a day about this. It is like a kid going to a parent and saying: 'Can we? Can we? Can we?' 'Yes, you can, but just not yet. Not just yet. Why don't you just go away?' 'But we are really serious'. 'Well, just go away and do this, that and the other, then come back'. Then you come back and they say: 'Oh, very good, you are nearly there, but you should go off and do this, this and this' – and it goes on for 20 or 30 years.

We have to recognise what is going on. Here is an opportunity to cut through and go to Canberra. Those who go to Canberra from this Chamber and those who go to support us, our obligation is to make a noise and continue that fight and take it to Canberra. Do not for a moment forget - they have the power. We have to be able to present the case in such a way that their hand is moved.

Two things, lobbying when we get there, but behind that lobbying is a sustained energy in our own communities. Each MLA, 25 seats in here, has a job to do in our own communities to keep that fire burning, to maintain that energy to back-up our efforts in Canberra.

I am pleased to hear the member for Daly talking about the opportunity he has to speak to those who come from interstate, to tell them our story. Just keep it going. Tell them all. They have probably all left now because the build up has started. But you wait. Next Dry Season they all will be coming back, and when they come, tell them our story. Tell them again and again and again. It is simple as that. That is our job. The Statehood Steering Committee: keep up the good work. It is a difficult road because it seems to be a long and winding road.

We had an opportunity when the euthanasia issue was raised by Senator Brown. I was disappointed that opportunity was not taken by government, to recognise behind that euthanasia proposition was the issue of statehood, not euthanasia. I am not a supporter of euthanasia. I am happy to say that, but behind it was the capacity for this parliament to make a decision that reflects the will of its people. That was the underlying issue. If you did a bit of work you could see that was the story behind the story; Senator Brown recognised that. There

was an opportunity.

When we see these opportunities we must bang that drum again. Without going into the contentious political aspects of the nuclear waste facility, we have a similar story there: an opportunity to bang that drum; recognising the constitutional inferiority the Territory has compared to South Australia, for example. There is an opportunity to bang the drum together. Let us separate the politics from the underlying constitutional issue. Bang that drum and do not be distracted or fall into the temptation of playing politics alone and forgetting the underlying message - the constitutional inferiority deficiency. Bang that drum - as Australians we have an obligation to do that.

If all the talk and passion from the Steve Hattons and John Baileys, and those who have gone before us, is to come to anything, we have to take the baton which has fallen to us and we have to run with it - and continue to bang that drum, here in our community and in Canberra

Madam Speaker, I support the statement.

**Ms McCARTHY (Statehood):** Madam Speaker, I pay tribute to everyone who has contributed to the statement.

I will begin with the Leader of the Opposition as the final speaker. Bang that drum, Leader of the Opposition, I like it. I believe we will be taking that. I am sure the staff who are listening from the secretariat will take on that on board, too. I like it very much. Your comments regarding how we move the hand of the one who has the power to change our constitutional status - I believe the answer is - we do it together. We do it together, we stay together. We stick together as the people, one people of the Northern Territory who are one voice in Canberra. That is how we have to do it.

That will be the next step for us as we prepare for the national strategy and we embark on the trip to Canberra in November to visit both houses of parliament. I will be pleased to report in the New Year on how that one voice in Canberra went, banging that drum, Leader of the Opposition.

The Member for Goyder and shadow for statehood - you are right - the biggest challenge is getting the southern states, Canberra in particular, to support us. It is our southern counterparts and people across Australia we have to tap into. I use the words 'harness the hearts' of our fellow Australians because that is what we must do.

As the member for Daly said, it is through tapping into the expertise and networks of our own ambassadors - the well-known Territory personalities such as our footballers and high profile athletes who live in Sydney, Victoria and Queensland - that we 'harness the hearts' of fellow Australians who, we hope, will ask their local politicians: 'How come you are not listening to the people of the Northern Territory? Why are they not full citizens of this country like we are?'

The member for Johnston spoke about statehood being on the agenda since 1948. The member for Johnston raised some important issues regarding the need to have the same rights and the fact we have only half a vote in the referendums.

Member for Port Darwin, I was interested to hear your knowledge of England ...

**Mr Elferink:** Ah, just making it up.

**Ms McCARTHY:** Sorry, what was that?

**Mr Elferink:** I was just making it up.

**Ms McCARTHY:** Oh, goodness, I will have to check it now. Carolynne is in the gallery; she



will double check. It was a real eye-opener to look at the relationship with the Australian Constitution as an act of the British parliament - I thought that was interesting - and the relationship we have with England as a country, and the relationship our federal parliament has with us.

I was very pleased to hear the member for Fannie Bay, who was the speaker after you, offer bipartisan support ...

**Mr Elferink:** Already been accepted. We have an appointment to meet tomorrow.

**Ms McCARTHY:** Excellent. ... of working together with the workshops that will be occurring across the Territory. It is that kind of relationship, the bipartisan support outside this Chamber in the communities, in the electorates, where you can be part of the education and awareness program for statehood - and yourselves, ambassadors. Thank you.

Member for Brennan, I welcome your contribution and look forward to working closely with you on the Legal and Constitutional Affairs Committee. The trip to Canberra will be a special one for those of us who are able to go.

To the member for Macdonnell, it is a journey of recognising our rights. How right is that? Your observations and storytelling of what it was like in 1998 and how the people felt, is valid. That is part of the reason we need to have these workshops, because Aboriginal people, in particular, voted no because they felt excluded and did not understand. The importance of interpretation, the use of language, the use of pictures, the way we describe it, enables all people to understand - whether they are Aboriginal, from non-English-speaking background, refugees or ordinary Territorians. Governance is not the easiest issue to talk about.

The Statehood Steering Committee, the Secretariat, my role as minister, and my staff, acknowledge the enormity of the task before us, but we also embrace it, being completely aware that we do not have a select audience. Everyone is our audience and we have to encourage every single person across the Northern Territory, from the age of 15 upwards. As the member for Fannie Bay said, we must not forget the youth because they are the ones who are going to be the future leaders of the Northern Territory.

Chief Minister, I appreciate your support and your confidence in my ability to continue in this role. The issue that needs to be kept out in the community is: the votes of Territorians, who elect every member in this House and expect their vote to be accepted and solid, can be overturned by one single member of parliament in Canberra.

Member for Daly, you spoke about being in Timber Creek at the time of the vote, and the confusion in the bush, and I take that on board. The workshops will be very much a part of the open dialogue and inclusive process. However, it requires the effort of every single person in this House.

Madam Speaker, I thank every member who contributed, and all those members who are very much a part of statehood. This parliament accepts we are walking together toward statehood.

Motion agreed to; statement noted.

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The sitting suspended.

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