

Co-Chair's Speech to the NT Women's Network
Thursday 22 February 2007

**STATES AND TERRITORIES : GROWING INTO A STATE OF
EXCITEMENT.**

According to your website NT Women's Network is a grass roots organisation, in tune with the needs and values of Territory Women. You listen closely to your members and aim to influence decision making in the Territory so that the outcomes are positive for Territory women and girls. Women's Network is about sharing information and educating and advancing the interests of members.

The aims of Women's Network are very similar to the aims of the Statehood Steering Committee except we have a broader target audience – all Territorians and eventually all Australians.

The Statehood Steering Committee is made up of a somewhat disparate range of people from around the NT who aim to understand and represent the needs and values of Territorians, listen closely to them and influence both Northern Territory and indirectly Commonwealth Parliaments towards a positive outcome- Statehood- for the NT. A key role of the Statehood Steering Committee is sharing information with and educating Territorians with a view to advancing their interests via constitutional equality with other Australians.

Statehood is about inspiring all Territorians to reach their full potential as equal citizens within the federation of Australia. Statehood is about equality and about using our collective power to ensure a strong future for us and our children on the basis of guaranteed rights.

WHAT'S THE DIFFERENCE BETWEEN A STATE AND TERRITORY?

States are sovereign by virtue of their constitutions which can only be changed by the people. The original states yielded some of their sovereignty to the Commonwealth in the Australian constitution. The aim was to build a strong federation for the benefit of all members. Within that federation of Australia the states have clearly defined areas of responsibility – the commonwealth cannot interfere in those areas (although it tries)

The NT is not a state. It has no sovereignty. The basis for NT government is the Self Govt Act – an ordinary act of the federal parliament which can be amended or repealed at any time. We are only permitted representation in that federal parliament by the grace of that parliament - not as of right like the states. We have no guarantees of any continuing representation in either house of the Federal parliament. We have no sovereignty.

Is sovereignty important? An example will illustrate. The people of Norfolk Island have no sovereignty but felt secure under their Self Government Act - but only last year the Federal Government, without any consultation with the people of Norfolk Island, threatened to repeal the Act. There was outrage by the Islanders and a year later their Self Government Act is still in place but the Island's elected members are on notice to do what the Commonwealth wants them to do or the Islands status as a self governing territory will be reviewed. This could happen to us!

If we were to become an equal state (and I will speak about equality later);

1. The responsibility for territory laws, so long as they were valid laws, would remain with the Territory and not be subject to the current possibility of
 - no assent by Administrator or
 - disallowance by the Governor General within 6 months of assent
 - being overturned by Australian Parliament if it so chooses.

Many of you will recall the fate of the “Rights of the Terminally Ill” legislation, passed after much soul searching by the Territory Parliament in 1996 only to be overturned by the Australian Parliament following a private members bill introduced by Kevin Andrews, the member for Menzies in Victoria. Further, as we have no guaranteed rights, Mr Andrews, with no electoral accountability to any person in the NT, was able to sponsor an amendment to our Self Government Act to ensure that we are prohibited from legislating about this matter in the future.

2. We would have guaranteed representation in Federal Parliament. The extent of that representation is something for you to think about. Under S 121 of the Australian Constitution the Commonwealth has the power to impose terms and conditions, particularly as to representation in the federal parliament on a new state. The original states had a guaranteed minimum of five members in the H of R and equal number of senators (originally 6 and now 12). My strong personal view is that the current 2 Hof R seats based on our population is fair but that we should never accept statehood without a guarantee of eventual senate equality with the other states
3. We would have more control over land within our borders. Presently, the commonwealth can acquire property in NT without payment of any compensation. State land can only be acquired with fair compensation.

4. The state would own uranium, but would be subject to Commonwealth law, as are all the states, regarding sale, transport and waste storage.
5. We would have equal voting rights in Commonwealth referenda. Does that matter?

This year Aboriginal Australians will be celebrating the 40th anniversary of the increased rights provided by the 1967 referendum to include Aboriginal people as full Australians under our Constitution. How many of you realise that no voter in the Territory voted at that referendum?

Although Aboriginal Australians were granted voting rights via Commonwealth legislation in 1962 it was not until 1977 that Australians in the states amended the Australian Constitution to allow Territorians to vote on future referenda questions. The first time we had an opportunity to vote in a referendum was in 1984!

But even today, our voice is less as referenda require a majority of voters in a majority of states to pass- and we are not a state!

6. We would control all the national parks within our boundaries. Many question why, when the NT has a good history of management of our national parks under the *Territory Parks and Wildlife Conservation Act*, particularly with recent Indigenous Land Use agreements showing we have the capacity to sensibly manage our parks, the Commonwealth would wish to retain control of Kakadu and Uluru – Kata Tjuta?

HOW HAVE WE GROWN TO BE WHERE WE ARE NOW? LETS LOOK AT SOME HISTORY.

In 1863 Queen Victoria signed off on a letters patent that separated the physical jurisdiction we now know as the Northern Territory from the colony of

New South Wales and annexed it to the colony of South Australia to become the Northern Territory of South Australia.

1901 Territorians became members of the Commonwealth of Australia as citizens of South Australia with two local members elected to SA Parliament and the same political rights as all Australians.

Soon after Federation, South Australia engaged in discussions with the Commonwealth to hand the Northern Territory to the Commonwealth to administer. It was considered an administrative burden for the State at the time.

1st of January 1911 saw the transfer of the Northern Territory to the Commonwealth and the Australian Capital Territory was also created on the same day. These Territories were able to be created as S.111 of the Constitution allows a State to hand over land to the Commonwealth to administer as a Territory.

The Australian Constitution has not applied equally throughout Australia since that date over 96 years ago.

1911 onwards we were administered from Canberra with no parliamentary representation of any kind.

In 1919 HAROLD NELSON was active in the so called Darwin Rebellion which saw the end of the administration of Administrator Gilruth. Mr Nelson had been gaoled for not paying taxes as he had taken up the issue, also popular during the American Revolution of 'no taxation without representation'. History tells us he was a popular local figure with the town locals playing music to him over the walls of Fannie Bay Gaol whilst he was in custody there.

1922 the Northern Territory was granted the right by the Commonwealth Parliament to send a representative to that parliament. The representative

had neither the right to speak in Parliament nor any right to vote on any bills.
He had observer status only.

Our first Member of the House of Representatives was the former felon Harold Nelson !

In 1936 our single representative in Canberra was given the right to speak in parliament and vote but only on matters specific to the Northern Territory.

1947 saw the election of the first six elected members to the Northern Territory Legislative Council. They took office in 1948, but as there were six of them and seven Commonwealth appointed members they could be easily outvoted by the appointees.

1948 saw the passage of Commonwealth law making all people in Australia at the time Australian citizens rather than British subjects. This citizenship law however did not apply to Aboriginal peoples. And all Territorians still remained unequal 'citizens' in their level of representation.

It was not until 1968 that our representative had the same rights as other members of the federal parliament – except for one critical element -the constitutional guarantee that the Northern Territory would always retain representation in the Commonwealth which is a right accorded to all States.

In 1974 the first fully elected Legislative Assembly with 19 members with very limited powers replaced the Legislative Council.

The Commonwealth allowed the Territory two Senators in 1975. Some States challenged the ability of Territories to have senators. Our Territory senators are not constitutionally guaranteed, The High Court determined Territory senators could exist so long as the Commonwealth Parliament legislated for them to exist. They could be gone tomorrow.

As mentioned earlier it was not until 1977 that Territorians were granted the right to vote in federal referenda.

The Northern Territory was granted self government under conditions of the Self Government Act in 1978. Some USUAL State like powers were retained by (and remain with) the Commonwealth such as control over uranium mining, land rights, industrial laws and some national parks.

From 1978 until 1988 the Territory received beneficial financial arrangements from the commonwealth. However from 1988 the Northern Territory has been treated identically to the States for the purpose of financial arrangements with the Commonwealth. We are subject to the same formula the Grants Commission applies to all the States and it is only by virtue of our size and sparse population relative to the States we get more per capita. The question to ask is do we really get more or better services than the States because of that? There is no special relationship that allows the Territory to be granted more money. Commonwealth policy decisions outside of the normal grants formula may benefit any individual jurisdiction from time to time, but the Commonwealth constitutionally cannot discriminate between the States. They can discriminate with a Territory but by adopting the same formula there has not been 'positive' discrimination since 1988.

In 1998 the people of the Northern Territory voted by 51.5% against Statehood on the terms offered at the time. The referendum was held in conjunction with a Commonwealth general election. The referendum asked a multi faceted question which was -

Now that a constitution for a state of the Northern Territory has been recommended by the statehood convention and endorsed by the Northern Territory parliament, do you agree that we should become a state?

The question assumed support for the proposed constitution (most citizens had little idea of its ramifications), support for the convention process (many of you recall that there was much unrest about the process of appointing members – with none being democratically elected by the populace), support of the parliament's endorsement of the process (where there had been little or no input by the people), support for Statehood when the terms and conditions of that were absolute unknowns. As mentioned earlier, S121 of the Australian

constitution gives the federal parliament power to determine terms and conditions for entry of a new state into the federation. Those terms and conditions had never been determined or agreed upon so in 1998 people were really voting in a vacuum.

SO WHY, IN 2007 DO WE CONTINUE TO ADVOCATE FOR STATEHOOD?
WHAT MIGHT IT ACHIEVE?

1. GUARANTEED SOVEREIGNTY VIA A CONSTITUTION DEVELOPED
AND ENDORSED BY THE PEOPLE

We have an opportunity to ensure as many people as possible get a say on how they want this place we live in to be governed and to become a State. It is a chance for people to understand government and to make an informed decision.

It is about looking at what we want in a constitution, that document which binds the parliament about how things must be run on behalf of all Territorians.

2. CONSTITUTIONAL STRUCTURES TO SUIT OUR NEEDS.

Just because we gain equal freedoms and responsibilities with other states in the federation does not mean we have to be the same. Our population mix does not mirror any of the states and it is reasonable to assume that different populations may desire different institutions or electoral systems. Should a new state have a bill of rights? multi member electorates? A house of review? Compulsory voting? These issues are up to you to determine!

3. POLITICAL VOICE AT THE NATIONAL LEVEL.

Earlier I mentioned my personal view that we should not settle for less than equal senate representation. This is my view – not that of the SSC. In the end it will be your view that must prevail.

I would be happy for a guarantee of future equality at the establishment of the new state – but the parameters must be set- parameters may be time, population, GDP or whatever you think is right. For example we may start off with say four senators, but be guaranteed the same numbers as Tasmania when we reach that state's population. We must not, in my view, ever settle for a "lesser equality". Ever allow our people to have a lesser voice- for that would be a lesser voice for the foreseeable future.

I will use the controversial issue of the proposed nuclear waste facility planned for the NT to explain my view.

I am advised that under the ANSTO Act the Commonwealth is able to store its waste in any State or territory. There are few constitutional issues here - BUT there are clear POLITICAL issues with our lack of a strong political voice at the federal level.

The federal government has more to lose by becoming unpopular in the states where they hold a significant majority of 86 out of 150 seats in the House of Representatives and a majority of one seat in the 76 seat senate,

Even if Territorians became 100% outraged the Government stands to lose ONE of those 86 reps seats and ONE senate seat. The political stakes for any government are much higher in a State, even the smaller states. Tasmania, has 17 seats, and South Australia, has 23 seats that could be lost. Who would you choose to antagonise if you were the Commonwealth Government?

So whilst it may be understandable that Territorians did not demonstrate wholesale outrage by the Commonwealth using its valid laws to provide for nuclear waste, they might and in my view should be outraged by their continuing lack of a strong political voice at the federal level: a situation that can only be changed by demanding a model of Statehood bringing eventual equality with the States.

4. STATEHOOD OFFERS AN OPPORTUNITY TO DETERMINE MORE WORKABLE PRACTICAL RELATIONSHIPS WITH THE COMMONWEALTH

It is an opportunity for our representatives to come to better agreements about administration and responsibility as we agree on the terms and conditions of statehood for the Northern Territory.

For example, the 1967 referendum gave the Commonwealth special powers over Aboriginal people – 30% of the population of the NT and growing. I think every one agrees that the dual systems are convoluted, leading to duplication, neglect, confusion and buck passing. With goodwill on both sides the Statehood process should lead to more efficient arrangements leading to better services on the ground.

WHY A STATE OF EXCITEMENT?

Because we are young and growing and our future looks good. And Statehood is for the future. As we grow the Territory will take its place as a key partner in the federation.

We are adjacent to some of the worlds larger energy reserves- the impact of that proximity on Darwin's harbour is already obvious.

We are active players in a resources boom being fuelled this year by China – in a decade or so by India- the opening up of large uranium deposits near Alice Springs for exploration has been in the news.

Our north has a more reliable water supply than much of the country and we have already heard murmurs about the possibility of increased agriculture in the north from water starved southern farmers.

We are growing as a transport hub to Asia and beyond.

We have demonstrated for the past thirty years that we are capable of stable government under the SGA.

We have a bright future . Why would we not seek constitutional equality with other Australians and become an exciting state?

This is an opportunity for communities to come together to build relationships with each other as we talk about statehood issues. Talk about land, talk about water, talk about our future growth and development together.

Admission as other than an original state has never been achieved before – there is no clear path to follow and the path will not be easy. It will never be achieved without the collective support of the people of the northern territory.

It is up to you! Together towards a state of excitement with constitutional sovereignty and guaranteed rights and freedoms or remain content to rely on

the future goodwill of others, not of this Territory, with the power to determine your future.