

Presentation to Rotary Alice Springs
Monday 26 February 2007
Statehood – Securing the Territory's Future.

The first thing I want to do is ask the following question –

Should the Northern Territory, as a new State, have exactly the same powers and equal representation as the States of Australia have under the Australian Constitution?

Before you answer that think about the following:

We live in a fortunate and relatively peaceful country.

We often take our citizenship and rights for granted, even remembering that people have fought in wars to protect the way of life we hold dear to us, our freedoms seem to come fairly easily to us.

It is very easy to be complacent and take it all for granted, it is pretty much the Australian way.

In 1911 the Northern Territory was surrendered by South Australia and became a Territory of the Commonwealth.

Immediately we lost all representation in the Commonwealth and South Australian parliaments.

It was not until 1922 we were given a representative in the Commonwealth Parliament.

It was not until 1968 that our representative in the Commonwealth parliament was finally given full speaking and voting rights like any other Member of Parliament.

In 1975 NSW, Queensland and Western Australia objected to the Northern Territory having any Senate representation at all.

We currently have two Senators by a simple Act of the Commonwealth Parliament.

States have a constitutionally guaranteed right to equal Senate representation.

In response to those States' objections about Territory Senators, the High Court said Territories may have senators so long as the Commonwealth Parliament wants us to, by the same token they can remove them tomorrow.

Another thing to consider –

No resident of the Northern Territory had the ability to vote in a national referendum on constitutional change in any of the referendums held between 1911 and 1984.

Territorians had voted in referendums in 1906 and again in 1910 as South Australian electors.

At a referendum in May 1977, which is incidentally the last time there was a yes vote to a referendum question, the voters in the Australian States voted to allow electors in Territories, in addition to those already allowed in the States, to vote in constitutional referendums.

Very gracious of them, but still today, so long as we are not a state we are counted only in the pool of all electors, not in the second count of the majority of electors in the majority of States.

In this year, the 40th anniversary of the landmark 1967 referendum which deleted the discriminatory section of the Constitution that prevented Aboriginal people being counted in an Australian census and gave the Commonwealth a specific power to make laws for the benefit of Aboriginal people, not one elector who was resident in the Northern Territory on 27 May 1967 was entitled to vote on the questions put at that referendum.

Today the Northern Territory has joined the States as a member of a new national body called the Council for the Australian Federation, yet it cannot do so as a truly equal partner.

The states may want us to be part of the team, but our legal status means we will never have the same powers so long as we are a Territory.

This body has been established to assert the views of the States at a time the Commonwealth has become very active in centralising power.

Some may think it is too little too late, or that it is irrelevant in the context of globalism, others think we should abolish the states and that we are over-governed.

But remember the third sphere of Government, the Commonwealth, is actually a creation of the States.

Federation is a partnership, with constitutional arrangements giving powers to different members of the partnership.

But we are not a partner.

The Commonwealth under s. 122 of the Australian Constitution has a plenary, that is an absolute power, to do what it wants with its territories and last year it did just that with Norfolk Island.

To secure our future we need to be a partner not a servant.

Norfolk Island was on notice from the beginning of last year that the Commonwealth was going to change their governance arrangements.

After lengthy discussions the Commonwealth pulled back but has left the door open – the Minister for Territories said on 20 December last year:

Change to the governance arrangements of Norfolk Island could impose significant disruption to the fragile economy of the island and this would not be in the interests of Norfolk Island at this time.

The Australian Government has accepted the assurances of the Norfolk Island Government that it will continue its program of economic and financial reform.

The key words in that statement are of course 'at this time'

Three weeks ago I accompanied the Minister for Statehood Syd Stirling and the Shadow Minister for Statehood Terry Mills to Canberra to call on Phillip Ruddock and Jim Lloyd, the Attorney General and the Minister for Territories.

As a territory it is only the Commonwealth that can make us a State. We have to ask and they (do not) have to give.

It is no secret that the response three weeks ago was not a warm enthusiastic embrace.

The Commonwealth are clear – they will tell us the terms and conditions of Statehood if we can prove we really want it.

In response we have to come up with some bottom lines. What would we accept as Territorians?

Will we for example take two Senators in perpetuity?

Is it OK to have two senators in one hundred years time in a jurisdiction with great resources and wealth whilst Tasmania retains twelve as their relative population continues to decline?

Statehood provides us with two great opportunities for the Northern Territory

1. Is to secure our Territory's future in the federal partnership, so that a capricious Commonwealth can not deal with us in a way different from States that disadvantages us
2. Is to write our own constitution, devising the rules that govern us. Rules that suit the Territory in the 21st century.

Developing our own constitution is the subject of a paper the Committee is releasing in the second quarter of this year.

The paper looks at the basic structures of a body politic such as the executive and the judiciary, but it also looks at specific issues of relevance to the Northern Territory such as land rights and the Territory electoral system.

How many people realise that at the last election the CLP received 38% of the vote?

Whilst the Statehood Steering Committee holds no interest in who is in Government it has an interest in talking about the institutions that create a government.

Is it a reflection of that vote that the CLP hold 16% of the seats in the Northern Territory Legislative Assembly?

Is there capacity under a Statehood constitution to look at our system and for example examine Tasmania's Hare Clark system or New Zealand's mixed member proportional system to see if we want to do things differently?

These are the things Statehood is asking us to think about.

A constitution is for us and for future generations, what is the legacy we leave the children of the Territory today?

With Statehood we have a real opportunity to look at ourselves and look at our system of government and decide to do it better.

Getting back to the question I asked at the beginning here today:

Should the Northern Territory, as a new State, have exactly the same powers and equal representation as the States of Australia have under the Australian Constitution?

Only you can answer that question. It is a question we are taking to the people of the Northern Territory this year.

At the Shows we will be teaming up with the Electoral Commission and will run a mock referendum with a published **yes** case and **no** case.

You will see us with ballot boxes and polling booths at the July Show so if you have a view on this, come along to vote.

My talk today has been necessarily brief. Please have a look at the information in our fact packs and on our website: www.statehood.nt.gov.au

Statehood is about securing a future for a place that is unique and beautiful.

With its mineral wealth, tourism and recreation opportunities and a young dynamic smart population it can be a strong partner in the Australian federation, but as the Commonwealth has told us; only if you want it to be.