

# Constitutional conference encouraging for year 2001

The Sessional Committee on Constitutional Development of the Northern Territory Legislative Assembly hosted a very fine conference at the Beaufort Hotel in October last year.

I was honoured to attend as the Law Society's representative to chair the forum on *The Role of the Constitution in Accountability of Government*.

Among the plethora of outstanding contributions, two papers stand out as required reading for lawyers: Justice John Toohey on *A Government of Laws, and not of Men?* and Graham Nicholson on *Reconciling Diversity - A Personal View*.

I could not help noting that only one other practising lawyer that I know in Darwin sat through the entire conference.

This was amazing as it seems plain to me that on 1 January 2001, Australia will become a republic and the Northern Territory could, if it then wishes, achieve statehood.

## Schisms

While the conference addressed very substantively, and indeed in a most learned way, the principal issues surrounding constitutional change between now and the republic, the conference was most notable for the schisms which plainly exist between the Northern Territory government and Aboriginal people and their organisations.

The Chief Minister opened the conference by stating that the Northern Territory wanted statehood so that we would no longer be second class Australians.

In particular, he wanted the full suite of state-like powers, especially the return of the two federal national parks (Kakadu and Uluru) and the repatriation of the responsibility for Land Rights to the Northern Territory.

by LEX SILVESTER

No specifics were given which would enable anyone to comprehend just what was intended if these powers were transferred.

In local media reporting the *ABC* and the *NT News* both based their coverage on Aboriginal calls for a Black State.

As one who attended I can assure you that no such calls surfaced at any time during the conference and, indeed, Wesley Lanhupuy made a point of saying that in all his travels and work as an Aboriginal member of the Legislative Assembly, no such calls had ever surfaced.

Leaders of the Aboriginal lobby were at the conference, in force, with well thought out positions.

Their position basically is that they regard statehood as inevitable. They regard it as an opportunity to entrench the rights of not just indigenous Aboriginal people, but all Territorians, in relation to land, the environment, services and other basic rights, in our new Constitution.

But above all, they would seek, along with other elements of our community, to define and work through constructive ways to reconcile the diversity of race, creed colour and viewpoints that exist. In other words, they have been thinking seriously about statehood. I was encouraged by this.

## Draft Constitution

In the meantime, it seems to me that the next step to statehood is for the Legislative Assembly to engage someone to do a first draft of a state Constitution.

This will, of necessity, involve the draftsman talking extensively to Aboriginal people and various commu-

nity organisations to determine what it is they want to see in a Constitution.

All this could appear in the first draft. That way there can be no further misinformation and the position of our indigenous minority can be perfectly well understood from the outset.

Concurrently, a Constitutional Convention independent of the Legislative Assembly to steer the process should be established.

## Local Talent

I heard talk that the Government might bring in an overseas constitutional expert to provide the first draft of the Constitution.

That would seem to me to be a strange thing to do, given the depth of talent residing in the legal profession in the Northern Territory.

Statehood by 2001 seems to me to be a thoroughly desirable and achievable objective.

The recent creation of a portfolio of Aboriginal Advancement presents an opportunity, hitherto impossible, for the Government to move towards close working relationships with Aboriginal people and a reconciliation of those differences which have previously driven them to believe their future is safer in the hands of federal departments and authorities such as DEET, the NLC, CLC, ANPWS, ATSIC, etc.

If a full reconciliation can be effected, there should remain nothing in the way of statehood on terms which meet the reasonable aspirations of all Territorians.

In any event, the politics must stop and the hard work must start. Now!

For those who are interested, a set of papers is available from Mildrens for the cost of photocopying (\$205.80).