

Self Government and Statehood – What's The Difference?

- A Northern Territory Government only exists because of law made by the Federal Parliament. A law that can be changed in Canberra but not directly by Territorians.
- The Northern Territory Legislative Assembly has a limited ability to make laws for Territorians.
- Statehood means Territorians have the final say on how our government works. We can have our own constitution and the ability to make laws like any other state.
- Statehood means that so long as the laws comply with the Australian Constitution they are valid laws and cannot be changed by Canberra.
- Self Government means that politicians in Canberra can abolish the Territory Legislative Assembly and our government at any time.
- Statehood means that outsiders cannot change the way Territorians are governed; only Territorians can.
- Self Government means that every time the Territory Legislative Assembly passes a new law the Territory has to check the Self Government Act to see if it complies with our limited ability to make effective laws.
- Statehood means when a Territory law is passed it must be in accordance with the constitution of the State.
- Self Government means that politicians in Canberra can disallow any NT made law
- Statehood means politicians in Canberra cannot change valid NT law; only Territorians can.
- Self Government means unequal status and treatment compared with the States.
- Statehood means a fair go for all, Territorians equal to all other Australians at last.

How the Territory is not equal to the States

- **Law Making Powers**

States are guaranteed broad powers under the Australian Constitution. The Northern Territory has no such powers apart from those given to it by the federal government in the Self Government Act which can be changed or repealed at any time in Canberra.

- **The Executive**

The Administrator of the Northern Territory is appointed by the Governor General. State Governors are appointed by the Crown on the recommendation of a Premier. The Executive authority of the Territory is limited and may be changed by the Commonwealth at any time.

- **National Referendum Questions**

The Northern Territory is not counted for the purpose of determining whether a majority of States has been achieved for a referendum proposal.

- **Senate Membership**

The Australian Constitution guarantees all the original states the same number of Senators in the Federal Parliament. For example Tasmania as one of the original states has 12 Senators. This is equal to the number representing the most populous state, New South Wales.

In 1974, the Northern Territory was granted two Senate seats. This grant was twice unsuccessfully challenged by the states. There is no constitutional guarantee that the Territory will always retain two Senate seats or indeed any Senate seats.

State Senators serve a term of six years. Territory Senators serve a term of three years.

- **House of Representatives Membership**

There are 150 members of the House of Representatives. The Australian Constitution guarantees all original states at least five members of the Commonwealth House of Representatives (MHRs). Beyond this level, the number depends upon the population of the State. Tasmania has 5 Representatives whilst the most populous state, NSW, has 49. At the next Federal election this will be reduced to 48 and the lost seat will move to Queensland reflecting the shift in population.

The Northern Territory has two MHRs. The number of MHRs for the Northern Territory is based on population. In the past it has been proposed that the Territory could be returned to having just one MHR. There is no guarantee of any federal parliamentary representation for the Northern Territory.

Who decides we are not a State?

- South Australia decided in 1902 to begin discussions with the Federal Government to transfer the Northern Territory from South Australia to the Commonwealth.
- In 1911 the transfer was completed and the Northern Territory became a Commonwealth Territory.
- As a result, the people of the Northern Territory lost their representation at the Commonwealth level because we were no longer a part of the State of South Australia.
- In 1922, the Commonwealth decided to give the Northern Territory a member in the House of Representatives but with no right to vote on anything.
- In 1947 the Commonwealth established a Northern Territory based Legislative Council; the majority of its members were appointed.
- From 1958 the Territory Member of the House of Representatives was permitted to vote but only on laws with a direct impact on the Territory.
- From 1968 the Territory member was given full voting rights on all matters considered by the Commonwealth Parliament.
- In 1974 the Commonwealth allocated two Senate seats to the Northern Territory. As well, it provided for a fully elected Legislative Assembly in the Territory.
- In 1978, the Territory received limited responsible self government from the Commonwealth.
- In 1996 the Prime Minister and the states expressed 'in-principle' support for Northern Territory Statehood.
- In 1998 Territory voters rejected Statehood on the terms being offered by a majority of 51.3%.
- In 2004 the Territory parliament established the Statehood Steering Committee to examine Statehood for the Territory on terms to suit the overwhelming majority of Territorians and in a timeframe to suit all Territorians.

Will Statehood give us a bigger voice in Canberra?

- Sometime in the near future, Territorians will be asked to decide on what terms they would accept Statehood.
- Statehood for the Territory could, for example, be conditional upon guarantees of a minimum level of representation in Canberra.
- To some extent, the voice a State has in Canberra depends upon its population.
- The existing States have guaranteed minimum representation, so that they have the same number of senators each and a guaranteed minimum of five members in the House of Representatives.
- The conditions the Northern Territory, the Commonwealth and the states agree to for Northern Territory's entry into the Commonwealth as a state will determine the voice we have in Canberra.
- Historically the Northern Territory has had a very small voice in Canberra.
- This voice has grown over time as we have achieved Self Government and Territory representatives have been allowed to participate fully in all Commonwealth law making.
- By becoming a State on terms that cannot be changed by the Commonwealth without Territory approval we can have a stronger voice in Canberra.
- It is only by becoming a State that Territorians can achieve equality with all other Australians.
- Statehood means as the Territory grows and develops we get a bigger, louder, stronger voice in Canberra.

Will we be an equal State? (Federal Representation)

- Representation in the House of Representatives depends on our population.
- The existing states have a guaranteed minimum of five members of the House of Representatives. Tasmania has five members; the Northern Territory has two.
- No new state has been made since the existing states were formed from colonies in 1901.
- The guaranteed minimum does not apply to a new state. The Northern Territory may ask for a guaranteed minimum as a condition of entry as a State.
- Existing states have an equal number of Senators; the number of Senators for each of the existing states is 12.
- The Northern Territory has two Senators.
- Senators are the members of the Commonwealth Parliament who represent every person in a state or territory.
- The number of Senators the Northern Territory will have upon Statehood will be a matter for negotiation with the existing states.
- To be fair, we should one day have the same number of Senators as every other state.
- It may be agreed with the states that the Northern Territory will have fewer Senators as a condition of becoming a state.
- It may be agreed the Northern Territory has fewer Senators at first and then an equal number later on.

What do Territorians want?

- Some Territorians have said they support Statehood but not on any terms.
- Some Territorians support Statehood accepting compromises at first to start the process and eventually achieve full equality.
- No matter how many Senators, Statehood means a bigger voice for Territorians running their own affairs.

What is the impact of Statehood on financial relations with the Commonwealth?

- Statehood for the Northern Territory will not change the current financial arrangements with the Commonwealth.
- The Commonwealth provides grants to the States and Territories in the form of tied grants called Specific Purpose Payments and untied grants called General Purpose Payments which mainly come from GST revenue.
- The Northern Territory receives Commonwealth revenue in the same way as the states and has been doing so since the late 1980s.
- Specific Purpose Payments are grants made by the Commonwealth to be spent under the terms and conditions set by the Commonwealth. Those funds are generally to be spent on Health and Education.
- General Purpose Payments can be spent in the way a state or territory wishes.
- General Purpose Payments are distributed to the states and territories on the basis of 'per capita relativities' calculated by the Commonwealth Grants Commission.
- The calculation seeks to ensure that each state and territory has the capacity to provide services at national average levels of efficiency.
- According to these calculations the smaller jurisdictions such as the Northern Territory receive more than their per capita share of GST revenue.
- Despite moves by some of the larger states seeking a change to the way GST revenue is allocated, the Commonwealth is unlikely to make any changes without the agreement of all the states.
- The current formula recognises the unique circumstances of the Northern Territory. Statehood will not jeopardise the existing formula.
- Statehood for the Northern Territory will preserve the right of the Northern Territory to receive Specific Purpose Payments under S.96* of the Australian Constitution and will entrench the right of the Northern Territory to be treated fairly for the purposes of the allocation of GST revenue.

*S.96 states - The (Commonwealth) Parliament may grant financial assistance to any **State** on such terms and conditions as the Parliament thinks fit.

Will defence forces still be based in the Territory?

- The Commonwealth has the exclusive power under the Australian Constitution to make laws for places acquired by the Commonwealth for public purposes such as military bases and quarantine stations.
- The Northern Territory has a proud tradition of being a home to Australia's defence forces.
- Northern Australia is the only part of mainland Australia to be attacked repeatedly during a time of war.
- Territorians have a unique perspective on the importance of a strong local military presence.
- There is a significant military presence in existing Australian states and there is no reason why the presence of military bases would not continue upon a grant of Statehood for the Northern Territory.
- A continuing military presence would remain a part of Territory life upon Statehood.
- Our significance as a regional access point for Asia and a training location for exercises will not be reduced by Statehood.
- The Northern Territory has served as an essential staging post for Australian operations in South East Asia in recent times.
- The Bali Bombing in 2002 saw Darwin as a focal point for emergency assistance.
- The independence of East Timor saw Darwin used as a major regional centre for assistance to the world's newest nation.
- The Boxing Day 2004 Tsunami resulted in troops being deployed out of Darwin to assist with the clean up of Aceh in Indonesia.
- The April 2009 explosion on a vessel near Ashmore Reef saw evacuation to Darwin for many of the casualties and the critically injured.
- The Northern Territory has shown itself to be an essential part of Australia's military strategy in the region.

A new name for a new State?

- The name of the Northern Territory as a State is a matter for all Territorians.
- Becoming a State does not require a change of name.
- Some Territorians may wish to keep the name 'Northern Territory'; some may want to change it.
- Names often reflect our history. Just like the State of Victoria was named after a queen and Melbourne after a British prime minister, both who have long since passed, the Northern Territory's name reflects the history of how we came to be what we are today.
- During consultation about Statehood, the Statehood Steering Committee is interested in your views and suggestions on this issue.
- It may require a question at a referendum to determine if the name stays the same or changes upon Statehood.
- What do you think?
- You may contact the Statehood Steering Committee by visiting our website to comment on this and other matters.
- Informal polling conducted by the committee at the 2005 and 2006 Territory Show Circuits indicated that the majority of Territorians would prefer to retain the current name.
- The name of the Northern Territory will not change unless Territorians want it to.

How would Statehood affect the everyday cost of living?

- Statehood should not cost Territorians a cent extra.
- Territorians would benefit from the fairness of Statehood without any additional burden upon them.
- The everyday cost of living in the Northern Territory is influenced by a variety of factors.
- These factors include international economic movements, the health and stability of the Australian economy, policies of both the Federal and Territory Governments and special circumstances we experience in the Territory such as distance and remoteness.
- Your everyday cost of living will still be something that you consider when you vote in local, state and federal elections; the only difference is that it will be a State election not a Territory election where these issues can be decided by you.
- A strong State Government means that the government in power in the Northern Territory will be even more accountable to its electors as the buck will have to stop in Darwin rather than be passed to Canberra for a range of responsibilities.
- Statehood affects your everyday life because it would make you more equal as an Australian citizen, it does not affect the everyday cost of living.

Australians voting to change the Australian Constitution – why Territorians don't count

- Territorians are Australian citizens, but Territorians do not have the same rights as those in the states when changing the Australian Constitution.
- The Australian Constitution can only be changed by a referendum.
- A referendum is a question put to all voters. The rules require a majority of voters in a majority of states, plus a majority of voters Australia wide to record a *YES* vote (the 'double majority' rule).
- Territorians as residents of South Australia in 1906 could vote and be counted in the first Australian referendum (A *YES* result about the timing of Senate elections).
- When South Australia surrendered the Northern Territory to the Commonwealth in 1911 Territorians lost their vote in a federal referendum and lost their vote at a federal election.
- *YES* votes were carried in referenda in 1928, 1946, 1967 and 1977 therefore changing the Australian Constitution. Territorians had no vote.
- *NO* votes were returned in 1911, 1913, 1919, 1926, 1937, 1944, 1948, 1951, 1967, 1973, and 1974. Territorians had no say then either.
- The most recent referendums were in 1984, 1988 and 1999. Although Territorians voted in these referendums, their votes still did not count in the same way that those cast in the States did.
- In 1977 a referendum question asked if electors in territories, as well as electors in the states should be allowed to vote at referendums on proposed laws to alter the Constitution.
- The result was a *YES* vote. At last Territorians could vote again, but remember, the rules require the double majority - a majority of Australians in a majority of states to record a *YES* vote.
- The Northern Territory is not a State.
- For example, if there was a question that resulted in a majority of Australian voters saying *YES*, but only three states and the Northern Territory made up the majority, the result would be *NO* because it needs four states to say *YES*. If the Territory were a State in this example the result would be *YES*.

Is the Territory population too small for Statehood?

- Population is not a barrier to equality and fairness.
- The population of the Northern Territory is now over 220 000 people.
- The population is expected to be 320 000 by 2036.
- The population of the Northern Territory represents approximately 1% of the Australian population.
- The population of Tasmania on attaining Statehood in 1901 was recorded as less than 172 000.
- The population of Western Australia on attaining Statehood in 1901 is recorded as around 188 000.
- The population of Australia in 1901 is recorded as 3.78 million people.
- The population of Tasmania was approximately 4% of the Australian population at the time it attained Statehood.
- The Northern Territory's recorded population has increased about 40 fold since 1901.
- Proportionally that is a much faster growth rate than many of the States.
- The population of the US Territory of Alaska was approximately 138 000 in 1950.
- Alaska became the 49th United State in 1959.
- The population of Alaska today is over 630 000 representing about one quarter of one percent of a total US population of around 300 million people.
- The Northern Territory has a young dynamic population of energetic people living across 1.3 million square kilometres of land mass occupying one sixth of Australia.
- The people of the Northern Territory should not be denied Statehood on the basis of how many people may live here.

Territory Way of Life: Firecrackers and Speed Limits

- Some people have told the Statehood Steering Committee they do not want Statehood if it impacts on their existing way of life in the Northern Territory.
- Becoming a State will have no impact on the existing ability of the Territory Government to make laws about speed limits, demerit points on licences or fireworks.

Speed Limits In 2006, the Northern Territory Government introduced a 130kph speed limit on the Stuart, Barkly, Victoria and Arnhem Highways with 110kph applying on all other roads unless otherwise signposted.

- The Territory Government is a signatory to the Australian Road Rules which commenced on 1 December 1999.
- The aim of the Australian Road Rules is to provide certainty for drivers no matter where they are driving. Road signs have been standardised, but not all States and Territories use all the signs.
- The Northern Territory is the only place in Australia with a 130kph speed limit.
- As demonstrated by the announcement of the Northern Territory Government, Statehood is irrelevant to the policy decision to change the road rules in the Northern Territory.

Firecrackers The sale and display of fireworks is regulated in the Northern Territory.

- Fireworks can only be purchased in certain circumstances, during a limited period and let off on a prescribed date.
- For specific information on the rules regarding the purchase of fireworks, NT Worksafe publishes material which can be easily viewed at www.nt.gov.au/deet/worksafe/corporate/fireworks
- The regulation of fireworks is a matter for each State or Territory to decide. Statehood will not threaten our ability to have firecrackers and staying as a Territory does not guarantee we will be able to purchase fireworks. In 2009 the ACT banned the sale of fireworks.
- Statehood will not threaten the unique things in the Northern Territory that make us different from the existing states. Statehood offers an opportunity for us to promote our identity and difference on equal terms.

Statehood and the Aboriginal Land Rights (Northern Territory) Act 1976

- The *Aboriginal Land Rights (Northern Territory) Act* is a law of the Commonwealth Parliament. The Northern Territory Parliament cannot change the *Land Rights Act*.
- Whenever changes are proposed like those in October 2005 where the Commonwealth proposed changes to the *Act* to provide for a Northern Territory based Authority to approve long term leases of land for the purposes of developing commercial and residential interests in towns and creating new towns on Aboriginal land with the permission of traditional owners it is relevant to us.
- The changes are relevant to Territory power and Statehood because a change to the way land in the Northern Territory is administered under this *Act* is the responsibility of the Commonwealth.
- Legislation is debated and passed by a parliament with just two representatives from the Territory in each house, two out of 150 in the House of Representatives and two of 76 in the Senate.
- Administration of the *Land Rights Act* by Canberra has previously been supported by many traditional owners; with changes in the political landscape is this still the case? The following information provides some background to the *Act*.
- The *Act* came about as a response to a Commission of Inquiry by Justice Woodward completed in 1974 to examine appropriate ways to recognise Aboriginal land rights in the Northern Territory.
- In his report Justice Woodward found that land was an essential part of peoples' economic wealth and their identity.
- As a result, the *Land Rights Act* says that decisions about mining and other development on Aboriginal land must be made by the traditional Aboriginal owners.
- The *Land Rights Act* also establishes the land councils in the Northern Territory and provides for the management of Aboriginal land.
- The functions of a Land Council are:
 1. To find out and express the wishes and the opinions of Aboriginals living in their area about the management of Aboriginal land and;
 2. To protect the interests of traditional Aboriginal owners, and other Aboriginals interested in Aboriginal land in the area and to assist in the protection of sacred sites on land (whether or not Aboriginal land) in the area.
- *The Act* also outlines a process for land claims and provides for the Aboriginal Benefits Account which funds the four Northern Territory Land Councils for operations and to support Aboriginals in areas affected by mining.
- The Future of the *Land Rights Act* as either a Commonwealth or a Northern Territory Act is an important Statehood issue.

Some Important Historical Dates for Aboriginal Peoples of the Northern Territory

- Aboriginal peoples had been living in the Northern Territory practising their laws and customs, trading with their neighbours and forming their governments since time immemorial.
- In 1824 the first Europeans to arrive in the Northern Territory established a short lived military camp on Melville Island.
- In 1872 the discovery of gold and building of the telegraph line connecting Darwin and Alice Springs to England resulted in opening up Territory land to more Europeans. In many cases, Aboriginal people fought to repel the new comers.
- In 1928 a famous incident occurred, 300 kilometres northwest of Alice Springs when up to 100 Aboriginal people are reported to have been killed in the *Coniston Massacre*.
- In 1962 Aboriginal people were given the right to vote, sixty years after it had been taken away by Commonwealth legislation in 1902.
- In 1963 the Yolngu people of north-east Arnhem Land presented a 'petition' to the Australian Parliament in the form of a bark painting calling for their land rights.
- In 1966 the Gurindji people led 200 Aboriginal cattle workers and their families in a walk off from Wave Hill Station over unpaid and unequal wages. The strike lasted nine years and eventually contributed to the recognition of the Gurindji land claim.
- In 1967 a referendum result allowed for Aboriginal people to be counted in the census and for the Commonwealth to enact any specific legislation for people of any race including Aboriginal people.
- In 1971 traditional land owners lost their case at Gove when the Supreme Court declared Australia had been uninhabited land when Europeans arrived.
- In 1976, the new *Aboriginal Land Rights (Northern Territory) Act* established the Northern, and Central Land Councils and new systems of land management for Aboriginal Territorians. The Tiwi Land Council was gazetted in 1978 and the Anindilyakwa Land Council was incorporated in 1991.
- In 1992 the landmark *Mabo* decision of the High Court found that Australia had not been uninhabited land after all and recognised native title for the first time.
- In 1993 the *Native Title Act* was passed to recognise the findings of *Mabo* and set up a process for determining native title claims.
- In 1996 the High Court found in the *Wik* decision that native title can still exist with other land interests like pastoral leases.
- In 1998 the Land Councils declared their opposition to Statehood until such time as the NT Government negotiated Aboriginal interests in regard to Statehood.
- In 2005 the Statehood Steering Committee recommenced consultations with Aboriginal Territorians about Statehood.
- In 2007, as part of 'The Intervention', the Commonwealth Government took control of laws relating to Aboriginal people and land in remote parts of the Northern Territory.

Aboriginal Citizenship and the Right to Vote

- All men including Aboriginal men in South Australia had the right to vote from 1857. The Northern Territory became a Territory administered by South Australia from 1863. Aboriginal women under South Australian law had the right to vote from 1894.
- The Northern Territory was administered as part of South Australia until 1911. The rights of people living in the State of South Australia applied to all Territorians.
- In places like South Australia Aboriginal voting rights were protected in the Australian Constitution by Section 41 which provides that all people who have the legal right to vote in State elections automatically have the right to a Commonwealth vote.
- Even when the Commonwealth enacted a law in 1902 to set up uniform voting rights across Australia which banned Aboriginal people from being enrolled to vote, Section 41 meant Aboriginal people already enrolled in a State could vote in a Commonwealth election.
- However, the interpretation of this 1902 Act by the Commonwealth Solicitor General meant only Aboriginal people enrolled in States *prior* to the new Commonwealth law in 1902 were still allowed to vote in Commonwealth elections.
- This meant that when Territorians could finally vote again in a federal election in 1922 as the first Territory representative was elected to Federal Parliament, Aboriginal Territorians were excluded.
- The *1948 Nationality and Citizenship Act* in theory made Aboriginal people Australian citizens, because they were born in Australia. There was still no right to vote in Commonwealth elections and in the Northern Territory no right for Aboriginals to vote in the newly implemented Legislative Council elections.
- In the Northern Territory the Federal Government had responsibility for the electoral roll for the House of Representatives and the Territory's Legislative Council. The *Electoral Regulations* provided that Aboriginals could not enrol *or* vote if they were wards as defined by the *Welfare Ordinance*. In the *Territory Gazette* nearly all Aboriginals were declared wards before they attained voting age. In August 1960 the Minister for Territories, advised that 15 277 persons had been declared wards, all except one being Aboriginal.
- In October 1961 a Select Committee on voting rights of Aboriginals, reported that some 17 000 Aboriginal people were declared wards in the Northern Territory. It recommended that the *Commonwealth Electoral Act* be amended to provide that the right to vote at Federal elections be accorded to all Aboriginal and Torres Strait Islander adults.
- The right to vote finally came in 1962 for all Aboriginal Australians.
- In 2009 the Northern Territory Legislative Assembly has 5 members with Aboriginal heritage out of a total of 25 Members.

The 1998 Indigenous Constitutional Conventions

- During August 1998 the Central Land Council organised a conference at Kalkaringi in anticipation of the October 1998 Northern Territory referendum on Statehood.
- From that convention, a document known as the *Kalkaringi Statement* was published.
- Following that convention another was held at Batchelor; this time the other Land Councils participated.
- The result was the production of a combined document called the Indigenous Constitutional Strategy.
- The document states *The Aboriginal Nations of the Northern Territory are governed by our own constitutions (being our systems of Aboriginal law and Aboriginal structures of law and governance, which have been in place since time immemorial). Our constitutions must be recognised on a basis of equality, co-existence and mutual respect with any constitution of the Northern Territory.*
- The Strategy also notes the Aboriginal peoples represented will: *Withhold our consent (to Statehood) until there are good faith negotiations between the Northern Territory Government and the freely chosen representatives of the Aboriginal peoples of the Northern Territory leading to a Constitution based upon equality, co-existence and mutual respect.*
- The Strategy outlines a range of issues that Aboriginal people considered vitally important in the context of Statehood in 1998.
- Many Aboriginal people see Statehood as an opportunity to realise some long held goals in terms of recognition of traditional laws and culture.
- The Statehood Steering Committee is seeking the views of Aboriginal peoples as part of the consultation process. Some have already told us practical outcomes from Statehood are important to them.
- It is only with the participation of ALL Territorians that we will be able to move together toward Statehood.
- During 2010 the Statehood Steering Committee will conduct a road-show across the Northern Territory to talk about the basis and contents of a new constitution.

Political Development of the Northern Territory

- Since self government in 1978 there have been nine general elections in the Northern Territory.
- Each Territorian of voting age (18 and over) has the opportunity to participate in choosing their government.
- According to a 2005 Report for the Australian Electoral Commission the participation rates for electors in the Northern Territory on the Electoral Roll is 97.19%. The same report indicates that the accuracy rate for enrolments in the Northern Territory is the worst in Australia at only 80%. This is partly attributable to the NT having the highest mobility rate (over 26%) in the country.¹
- One challenge to Statehood is engaging Territorians who may not intend to reside permanently in the Territory. No matter if people are here for the short or long term their political voice is lessened by virtue of living in the Territory.
- Some people have said that because we are a young jurisdiction with limited self government for just 30 years we may be 'politically immature'.
- The *Northern Territory (Self Government) Act* (See Fact Sheet 1) is legislation of the Commonwealth Parliament in Canberra.
- The *Self Government Act* provides for limited self government. Its limitations do not reflect the maturity of the Northern Territory electorate but are a reflection of Canberra's previous unwillingness to provide for equal status of the Northern Territory with the States.
- At the 2008 election, the Northern Territory electorate voted for five Aboriginal members (making up 20% of MLAs) seven women members (30% of MLAs) and other members from non English speaking backgrounds. The diversity of our parliament reflects a diverse community.
- The Statehood Steering Committee provides all Territorians with an opportunity to participate in the process to determine how we want to be governed if we become a State.
- During 2010 the Statehood Steering Committee will conduct a road-show across the Northern Territory to talk about the basis and contents of a new constitution that establishes how our parliament works.

Visit our website - www.statehood.nt.gov.au Email us - statehood@nt.gov.au

¹ *Measuring the Accuracy of the Electoral Rolls and Testing the Effectiveness of Continuous Roll Updates* - Australian Electoral Commission 19 April 2005. Page 30.

Territorians and a Process toward Statehood

- Statehood has been on the agenda for the Northern Territory for a long time.
- The Launch Edition of the Centralian Advocate Newspaper in 1947 mentioned Statehood as a goal.
- In 1975 former Prime Minister Fraser indicated Statehood would be attained in ‘five years’.
- Between 1985 and 1996 successive committees of the Northern Territory Legislative Assembly undertook detailed examination of Statehood related issues, including the development of a draft State constitution for the Northern Territory.
- The Northern Territory Statehood Steering Committee was formed and met for the first time in April 2005. Its role is to advise the Parliament about a process toward Statehood in a timeframe to suit Territorians.
- The process may be as fast or as slow as Territorians want. The process is not fixed, the views of Territorians guide the process as we go.
- The Chief Minister speaking in May 2003 indicated obtaining Statehood by 1 July 2008 may be desirable. However, the Chief Minister has made it clear that neither the Government nor the Parliament will be setting a firm timeframe; it will remain a matter for Territorians if and when we want Statehood.
- Statehood is not inevitable and will not happen without community participation.
- A community awareness and education process has been in place since 2005.
- It is expected that, during 2010 and 2011, Territorians will be taking part in constitutional development through a series of public forums and a constitutional convention.
- Recommendations to the Parliament will follow, then a referendum asking Territorians to decide about Statehood. Only then and if Territorians agree, the Commonwealth will need to enact laws to allow us to become a State.
- This process is taking time because our surveys show us that about half of all Territorians want to know a lot more about Statehood before they will support Statehood.
- We visit schools and communities to promote discussion on Statehood.
- We are conducting public forums and producing materials to help you decide. The Statehood Steering Committee is your place to talk about Statehood.

Democracy Denied in the Northern Territory

- When South Australia gave the Northern Territory to the Commonwealth in 1911, Territorians lost their democratic representation in Federal Parliament.
- The Territory was ruled directly by an Administrator appointed from Canberra.
- In 1918 the residents of Darwin marched in protest through the city to Government House demanding the removal of the Administrator and an investigation into his administration. Many were angry because they had no say in who ruled them; *no taxation without representation* was a common catchcry.
- The *Northern Territory Representation Act 1922* granted the Northern Territory one member in the House of Representatives. One of the key critics of taxation without representation, Harold Nelson, took up the first seat allocated to the Territory in the House of Representatives, however, he had no right to vote in Parliament.
- In 1936 our Territory member in the House of Representatives obtained the right to vote *on matters relevant to the Northern Territory only*.
- In 1947 a Legislative Council was created in the Territory with six elected members and seven members appointed by the government in Canberra. Appointed members could outvote the six Territorians at any time!
- From 1922 to 1968 the Territory member of the House of Representatives did not have the same rights as other members. Amendments in 1968 finally provided the full right to vote on all matters before the Federal Parliament.
- In 1974 the Northern Territory Legislative Council was replaced by the *Northern Territory (Administration) Act* giving the Territory a 19 member fully elected Legislative Assembly with limited powers.
- During 1975, Western Australia and New South Wales challenged a 1973 Commonwealth law allowing for the Northern Territory to have representation in the Senate. In 1977 Queensland also challenged our Senate representation.
- The Northern Territory had no direct say; it was a fight about our representation between those States and the Commonwealth and it was decided in the High Court.
- The High Court decided the Territory is permitted Senate representation if provided for by the Parliament in Canberra.
- Territory residents had no vote in national constitutional referenda until 1977. Since then Territorian votes count only towards the overall majority (See Fact Sheet 10)
- In 1978 the Commonwealth *Northern Territory Self Government Act* gave limited self-government to the Territory. Until we are a State admitted with a right of Federal representation, we have no guarantee of ongoing Federal representation in either the Senate or the House of Representatives.

Statehood - What does it Mean for Me?

- Statehood means some differences that I may not notice in my everyday life.
- It means that the Federal Parliament will have agreed to a level of representation for the new State in the Federal Parliament that won't be changed without consent.
- It means the Federal Parliament cannot abolish my elected State Government and Opposition.
- It means that when I vote at national referenda my vote will be counted exactly the same as the other States instead of the current situation where it only counts in the overall majority (See Fact Sheet 10).
- It also means my government can get on with the business of governing - they do not have to keep checking their competence with reference to the limitations of the *Self Government Act*.
- Statehood means I can be assured valid laws enacted by the new State Parliament can only be overturned by the new State Parliament.
- Statehood does not have to mean more regulation or bureaucracy in my life.
- The process toward Statehood may be an opportunity for relationship building between me and other Territorians. We may come together to decide on a modern constitution that suits us all as Territorians.
- Statehood is a rare opportunity for all of us to have a say in how we are governed into the future. Having a say in what forms our constitution and our shape as a State is a legacy for future generations and an opportunity that does not come about very often.
- Fairness and taking my place as an equal Australian can be the hallmarks of Northern Territory Statehood.

Does Statehood Mean Another Layer of Government?

- Statehood for the Northern Territory does not mean an additional layer of government.
- Statehood would mean we replace the *Self Government Act*, a law of the Federal Parliament, with our own constitution.
- It would mean the Chief Minister would be like the Premier of a State and he or she would probably be called *Premier*.
- It means the Administrator would be replaced by a Governor representing the Queen of Australia as our head of State.
- All States in Australia except for Queensland have a legislative council. This is sometimes called the 'upper house' of parliament. In the Federal Parliament in Canberra it is called the Senate.
- An upper house reviews and comments on legislation coming from the Legislative Assembly and has a limited capacity to introduce its own legislation.
- Statehood does not mean we must have an additional house of parliament.
- The Statehood Steering Committee does not promote nor does it oppose the Northern Territory having an upper house of parliament.
- An upper house could be a matter for consideration as part of the Statehood debate or at a later time. It may be something we think about in relation to population increase or other factors.
- Local Government already exists in the Northern Territory. Some people think Local Government should be recognised in a constitution. Local Government is separate to Territory Parliament representation and Federal Parliament representation.
- Statehood will not change the existing spheres of government.

Statehood and the Proposed Radioactive Waste Management Facility

- The Northern Territory has a law called the *Nuclear Waste Transport, Storage and Disposal Prohibition Act 2004*. This law prohibits a nuclear or radioactive waste facility in the Northern Territory.
- South Australia and Western Australia have similar laws.
- The Territory law cannot prevent the Commonwealth deciding to place a radioactive waste facility in the Northern Territory because Australian law overrides Territory law and in the case of some radioactive waste laws the Commonwealth will prevail.
- What if we were a State? The relevant Commonwealth law is the *Australian Nuclear Science and Technology Organisation (ANSTO) Act 1987* which says certain State and Territory laws do not apply to ANSTO activities.
- The ANSTO Act deals only with the activities of ANSTO. ANSTO activities include the nuclear reactor at Lucas Heights in New South Wales. Waste from ANSTO may be stored in any State or Territory.
- However, valid State laws could still prohibit radioactive waste storage facilities that are not from ANSTO.
- **This is where Statehood is relevant.** States will have an advantage if they want to prohibit other sources of radioactive waste (not generated by ANSTO), because they can enact valid laws to prevent that waste being stored in their State. Remember Commonwealth laws will always prevail over Territory laws but only *sometimes* over State laws.
- Some people have said that South Australia being a State prevented the placement of a radioactive waste facility at Woomera. **This is not correct.**
- In the South Australia case, the Federal Court ruled there was 'no urgent necessity for the acquisition' of the privately owned land under the *Land Acquisition Act 1989* and rejected the Federal Government's argument that it would have been contrary to public interest for the purchase to be delayed.
- The Commonwealth's intentions in 2009 are not known. Since the 2007 election the Commonwealth has a policy to repeal the legislation introduced by the previous government. This has not yet occurred.
- The Statehood Steering Committee provides this information as factual advice for all Territorians. It does not have a view on the merits or otherwise of a radioactive waste facility. This is a matter for Territorians and for the Northern Territory Government to discuss with the Commonwealth.

What Territorians said they understood about Statehood in 2005 and what now?

- During the 2005 Show circuit, the Statehood Steering Committee visited Fred's Pass Rural Show, Alice Springs, Tennant Creek, Katherine, Darwin and Borroloola Shows where we surveyed 1457 people on their understanding of Statehood.
- A survey was developed with ten quick questions to prompt Territorians to consider how much they knew about Statehood and identify issues they may want to know more. We intentionally did not ask people whether or not they support Statehood, although some people indicated they do already and some said they do not.

Key Findings of Survey Results

- The Statehood Steering Committee is mindful that this was a sample of people with access to major centres and it may not reflect the views of Territorians in more remote areas.
- More than half of people surveyed are either not comfortable, or not sure if they are comfortable, about what Statehood means. Just 47% indicated they are comfortable with this issue.
- 42% indicated there are issues concerning Statehood about which they want more information before they would support Statehood. 20% of those want information on financial and tax issues.
- This indicates some people are concerned that Statehood may mean the Territory would be disadvantaged financially or that taxes could increase. The Statehood Steering Committee has developed a Fact Sheet on financial relationships with the Commonwealth. (Fact Sheet 6)
- 66% of people are of the view that we do not have the same rights as a State with a further 20% unsure.
- 51% of people surveyed are not sure of our Territory constitutional status. The *Northern Territory Self Government Act 1978* is an Act of the Commonwealth Parliament.
- The survey asked people about how they want to receive information. The most popular was 30% surveyed prefer to receive information on Statehood by direct mail.
- The second most popular means of receiving information was television with 19% of participants wanting to view information on Statehood this way. 10% want to listen to it on the radio and 13% want to receive information from a variety of media.
- The information collected tells us how we should talk to Territorians about Statehood.
- These surveys are not conclusive. The Statehood Steering Committee has a lot more work to do.
- What has changed in five years?
- In 2010 The Committee will conduct a series of public forums leading to a possible constitutional convention 2011.

The Commonwealth Constitution and the Northern Territory

- The Territory Government produced a document in 1986 entitled *Northern Territory Constitutional Disadvantages – Overview*. Most of the content of that document remains current. The document is available from the Statehood Steering Committee.
- Some points from that document have been selected to illustrate the types of things that people can take for granted if they live in a State.
- The Commonwealth of Australia Constitution refers to ‘*The States*’ throughout the document. The guarantees for the States do not apply to the Northern Territory.
- *Significant examples include the requirement the Commonwealth may not **discriminate between the States**: the Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof (S.99).*
- The Commonwealth Parliament has the right to make laws regarding **taxation** but those laws cannot discriminate between States or parts of States (S51 (ii)). Nothing about the Territory in there.
- **Trade, commerce, and intercourse** among the States, must also be absolutely free (S91). No mention of the Territory here either!
- These are just a few of the important references to the Commonwealth and the States in the Constitution that excludes the Territory and Territorians by the very fact the Northern Territory is not a State.
- The Commonwealth has no power to **acquire land** in States except for Commonwealth purposes on just terms, whereas Territory land can be used by the Commonwealth as they wish and acquired on the terms they see fit. A recent High Court decision is important on this matter, but Statehood could provide more clarity.
- The Northern Territory has no guarantee of **Federal representation** unlike the States which have a guaranteed minimum representation.
- There is no constitutional recognition of the existence of our Supreme Court. Territory residents in disputes with State residents cannot use the inherent jurisdiction of the **High Court** that State residents in dispute with other State residents can.
- **Uranium** deposits remain the property of the Commonwealth, whereas States own their own uranium.
- The Territory has no direct control over **Industrial Laws, National Parks or Land Rights** legislation as the States have.
- These issues have the potential to impact upon Territorians and will remain as they are until Statehood.

Why some people may NOT support Statehood

- Some Territorians have asked the Statehood Steering Committee what the disadvantages of Statehood may be.
- When people raise their concerns we try to answer them. One way is by Fact Sheets.
- Some Territorians have raised concerns about financial relationships with the Commonwealth. Fact Sheet 6 provides a brief outline of the current financial arrangements and concludes that there is no reason these should change because of Statehood.
- Some Territorians have noted that most States have more regulations when it comes to speed limits and the banning of fireworks. Fact Sheet 12 discusses this and concludes Statehood is not relevant to these laws. The Territory has the ability to make similar laws now. Statehood does not mean the Parliament would suddenly decide to make such laws.
- Other Territorians have concerns about the size of our population. Fact Sheet 11 examines the statistics on population for other States on entry to the Commonwealth of Australia and concludes population is irrelevant to whether or not we become a State.
- Some people have told us they moved here and became Territorians to get away from over regulation and big government. They embrace the 'Territory Lifestyle' because it is unique and different. There is no reason any of that has to change on Statehood.
- Territorians will make up their own minds about Statehood.
- It is the job of the Statehood Steering Committee to present the facts as fairly as possible to assist Territorians making up their minds. If you think we are not doing this in a fair way let us know.
- The Statehood Steering Committee welcomes positive and negative views about Statehood.
- We will listen to arguments and present the facts where we can. We encourage Territorians to present a *NO* case if they believe there is one.
- If it is a persons' opinion that they prefer the status quo because they do not recognise benefits and advantages in Statehood, that is their choice.
- The Committee hopes all Territorians will have an opportunity to become more informed by the existence of and work of the Statehood Steering Committee and make up their own minds.

Uranium Mining in the Northern Territory

- Unlike the States, the *Atomic Energy Act 1953* provides that the Commonwealth owns uranium where it occurs in the Northern Territory. .
- What happens in the States?
- South Australia is currently the only State with operating uranium mines. Western Australia proposes to mine uranium in the future.
- The South Australian Government can issue mining licenses for uranium under their *Mining Act 1971* where: *An authorisation to carry out mining operations for the recovery of a radioactive mineral may be granted by the (State) Minister. (S.10A (2))*
- In the Northern Territory, the Ranger Mine operates under a Commonwealth authority to mine. The former Nabarlek Mine lease was granted in 1980 after Self Government began. It had a special mining lease under the *Northern Territory Mining Act*.
- New uranium mines could operate under Northern Territory mining legislation. But approval of new uranium mines is subject to the Northern Territory acting on the advice of the Commonwealth when setting the terms and conditions of these leases.
- Uranium mined in Australia is not to be used to make nuclear weapons. Australia sells only to countries where there are arrangements in place, including verifiable international agreements, to ensure that it is used only for peaceful purposes. International supervision and auditing of material is routine.
- Australia does not have any nuclear power plants. It does, however, have a research reactor at Lucas Heights in Sydney, which is used to produce radioisotopes for medicine, agriculture and industry.
- The Northern Territory Government controls exploration and mining for any mineral other than uranium through the *Mining and Mining Management Acts*.
- Who would control ownership of uranium and its mining in the Northern Territory?
Upon the grant of Statehood, would Territorians want the Territory to control uranium mining or leave it to the Commonwealth to own and make decisions about?

Tell us what you think. Log onto www.statehood.nt.gov.au and have your say.

Northern Territory Mines & Minerals

- Mining earns more income than any other industry in the Northern Territory.
- According to the Minerals Council, the Territory's mining and mineral processing industries contribute at least \$4.1 billion in value of production each year.
- Royalties to the NT Government have been around \$48 million in recent years and a further \$3.1 million is paid by the Commonwealth Government as a grant in lieu of uranium royalties. Offshore oil and gas falls under the Commonwealth Government's taxation jurisdiction.
- The vast majority of the Territory's exports are from the resource industry. Contribution from the resource industry to Gross State Product was around 19% in 2005/2006 compared to cattle 4% and tourism at 4.9%.
- Mining in the Territory provides direct employment for over 5000 people. Indirectly, mining is estimated to provide jobs for another 10,000 people.
- Should the Northern Territory control all its resources? Any change to current arrangements may not follow automatically upon Statehood.
- The *Mineral Royalty Act* (NT) levies a royalty on mineral commodities and applies to most mines and mineral commodities in the Northern Territory with the exception of quarries for extractive minerals, uranium mines and mines operating under specific royalty agreements.
- Royalties paid from mining on Aboriginal land are first paid to the Commonwealth and then returned to the Territory.
- Current arrangements allow for royalties to be paid directly to the Northern Territory Government, and an equivalent amount paid by the Commonwealth Government to the Aboriginal Benefit Trust Account. The Aboriginal Benefit Trust is distributed according to a formula set out in the Commonwealth *Land Rights Act*.
- The control and development of our minerals is important to Territorians. Through the Statehood process the Commonwealth and the Territory will be deciding who owns and controls what minerals in the Northern Territory. Your views on this are important too.

What is a Constitution?

- A State Constitution is the binding instruction book that sets up the parliament, the judiciary and the executive.
- Many Territorians are familiar with what a constitution does through being members of clubs and associations.
- The *Northern Territory Self Government Act* is similar to a constitution because it sets up the system of NT Government BUT it is not the same because the *Self Government Act* can be changed at any time, by the Australian Parliament, and not by the people or parliament of the Northern Territory.
- A Northern Territory State Constitution should come from the people agreeing to its creation. It will include rules about how it can be changed.
- In Australia, we have the Australian Federal Constitution establishing the parliament, the courts and the executive for the entire country and which makes the rules for the relationship between the Commonwealth and the States.
- The Australian Constitution came into force on January 1 1901 when the original colonies agreed to become states of a new federation.
- The political system we use in Australia is described as the “Westminster system” and comes from the British system.
- Existing State constitutions invariably came from colonial acts of parliament of more than 100 years ago. The creation of a brand new State offers a chance for Territorians to participate in the writing of a modern constitution that is uniquely our own.
- A new constitution for the Northern Territory must contain provisions for:
 - An elected parliament
 - A Governor and an Executive Government
 - The Courts and the judiciary
 - Financial provisions making sure the government is accountable for spending of money
- Two draft constitutions were developed and published in the Northern Territory during the 1990s. One was adopted by a Committee of the Parliament and another was adopted by a Constitutional Convention.
- Together with the principles in the *Northern Territory Self Government Act*, these can assist us decide what we want in a future constitution.

What is a Bill of Rights?

- A Bill of Rights is a binding law spelling out specific rights that is either part of the constitution of the country or state, or is a law by itself.
- There is no Bill of Rights for Australia. The Commonwealth Government undertook consultations on this issue during 2009.
- The Australian Capital Territory (ACT) has a Charter of Rights which is an act of the ACT Legislative Assembly. It is not part of a constitution and it can be changed by the Legislative Assembly at any time.
- On 4 May 2006 Victoria was the first Australian State to introduce legislation to bring in a Charter of Rights.
- These models do not give citizens the right to challenge a law in court; instead they make the Government consider rights during the writing of a law.
- In the United States a citizen can take the government to court and argue the government has breached their rights. Some people say this is necessary, others say it creates too much litigation (legal action in court).
- The US Bill of Rights is made up of the first ten amendments to the US Constitution. The rights are enshrined in the Constitution for the whole of the United States.
- There are many international treaties on human rights. Some of these have been signed by the Australian Government.
- When Australia agrees to these treaties the Government is often obliged to make new laws. For example, the *Racial Discrimination Act* and the *Sex Discrimination Act* were written because of international agreements entered by Australia.
- When people think of a Bill of Rights they often think of the famous 'rights' like *Freedom of Speech* or the *Right to Silence*.
- Rights like these can be either implied or expressed (written down as law). Some people say they must be written down for certainty and clarity. Others prefer the existing system where the courts develop laws to recognise rights over time.
- In 1995 a Committee of the Northern Territory Legislative Assembly produced a Discussion Paper called *A Northern Territory Bill of Rights?* It provides examples from other countries and looks at possible contents for a Northern Territory Bill of Rights under the following categories:
 - Political and civil rights
 - Economic and social rights
 - Community and cultural rights
- In 2007 the Committee co-hosted a symposium at Charles Darwin University where many participants discussed this issue.

Northern Territory Industrial Relations?

- The *Northern Territory (Self Government) Act 1978* provides that Commonwealth law applies to industrial disputes in the Northern Territory.
- The Legislative Assembly of the Northern Territory has no ability to change either the *Self Government Act* or the *Fair Work Act 2009*. The *Self Government Act* does not allow the Northern Territory to have its own Industrial Relations System.
- The Commonwealth uses the authority of the *Corporations Power* in the *Australian Constitution* (S.51(xx)) to make laws that apply to the vast majority of Australian workers and limit the industrial relations law making power of the States.
- The *Workplace Relations Act* and the *Self Government Act* were amended in 2005 to implement a system called Work Choices (*Workplace Relations Amendment (Work Choices) Act 2005*).
- This has been changed by the passage of the *Fair Work Act* which came into effect on July 1 2009.
- A new Commonwealth body called Fair Work Australia sets the minimum and the award wages for the Northern Territory.
- Information on Fair Work Australia and wage setting is available at www.deewr.gov.au.
- The Statehood Steering Committee has no view on either the *Workchoices* or the *Fair Work* laws.
- If the Northern Territory were to become a State what would the situation be?
- The recent history of Commonwealth law-making on Industrial Relations suggests that it is unlikely to agree to the Northern Territory establishing its own Industrial Relations system when it becomes a State. The Commonwealth can do this under its power to decide the terms and conditions for admission to Statehood (S.121).
- If that is the case, Statehood may not make any difference to the industrial relations powers currently available to the Northern Territory.

Does Statehood Mean State Taxes?

- Territory taxes are similar to the taxes raised by the States.
- Neither State nor Territory Governments impose an income tax; that is now seen as the responsibility of the Federal Government.
- The Northern Territory Government receives funds generated by the Commonwealth imposed Goods and Services Tax (GST) as well as raising its own revenue.
- A typical State or Territory tax is payroll tax.
- Payroll tax is a general purpose tax. In the Northern Territory it is currently assessed at a rate of 5.9 per cent of taxable wages paid by an employer for services rendered by employees. This is payable when the employer pays over \$1250 000 in wages.
- For detailed information on Territory Taxes, Royalties and Duties visit the Treasury website at www.nt.gov.au/ntt/revenue/
- Taxes and duties vary from State to State. Some states have Land Tax. NSW, for example, levies a tax on land valued by the Valuer General as exceeding the threshold value of \$368 000.
- Taxation depends on Government policy and agreements with the Commonwealth about the GST.
- In the Northern Territory, the Home Owner Assistance Scheme is an NT Government example of how taxes may be varied by governments according to their policy priorities.
- Statehood for the Northern Territory does not require that the Territory Government introduce new taxes.
- It is your choice who you elect to the Territory Parliament. When the Territory becomes a State you will retain the ability to choose the politicians with the tax policy that most closely agrees with your own views.

Consultation on Statehood - The Territory and its Mobile Population

- A 2004 Audit Report on enrolments for the Australian Electoral Commission shows that the Northern Territory has the highest population movement rate of any Australian State or Territory.
- The movement rate of 26.39% in the electoral rolls¹ creates a challenge for the Statehood Steering Committee to provide information on Statehood that will reach Territory voters who may leave the Territory before a vote on the Statehood question, or perhaps arrive and enrol just in time for the vote.
- There is however, a constant and growing population in the Northern Territory; Aboriginal Territorians.
- Aboriginal Territorians comprise approximately 30% of the total Northern Territory Population².
- According to the Australian Bureau of Statistics, the Northern Territory's population is the most youthful of all States and Territories and the Aboriginal population continues to increase.
- The Terms of Reference for the Northern Territory Statehood Steering Committee require the Committee to educate Territorians in a fair and balanced manner about Statehood: *The process is to take into account respect for and proper recognition of the Indigenous people of the Territory and Indigenous people are to be involved in all stages of the process.*
- This approach reflects the fact that Aboriginal peoples in the Northern Territory are an increasingly large proportion of the community and also are the Territorians most likely to remain living here generation after generation.
- Studies indicate the *No* vote reflected a lack of clarity as to what Statehood means for Aboriginal Territorians and a general lack of trust in Governments seeking to change the current structure.
- A key task of the Statehood Steering Committee is to promote Statehood, to everyone in the Territory, as an opportunity to participate in a type of nation building.

¹ Australian Electoral Commission Sample Audit Field Work Report April 2004 page 30

² ABS figures from 1996 show the Aboriginal population of the Territory was 28.5% with a 2.3% annual growth rate for Aboriginal Australians. 56 875 Aboriginal Territorians were recorded in the 2001 census. The next census will be held in 2006.

Flags and Emblems of Statehood

- Some people have asked the Statehood Steering Committee if the Northern Territory flag would change if we became a State.
- The Northern Territory flag came into existence with Northern Territory Self Government and was first raised on 1 July 1978, the day the Northern Territory received limited self-government from the Commonwealth of Australia.
- Territorians are proud of our flag for its unique symbolism of the people and the land. There is no reason to change the flag.
- Self-government was a step toward Statehood. If the Northern Territory becomes a State it will cement our flag rather than create any need to replace it. It will also make our flag unique in the Australian States as the only State flag not including an image of the British union flag in its design.
- The Northern Territory flag contains the famous image of Sturt's Desert Rose. Where this flower occurs naturally, it comprises five petals. On our flag, it was given seven petals to show our coming of age as a self-governing territory, and one day, a State, along with the six existing Australian States.
- You can find more information about the Northern Territory flag and our floral emblem, Sturt's Desert Rose, on the web at www.nt.gov.au/ntg/symbols/ntflag.html
- The Australian coat of arms contains images of each of the six State badges on its shield. What would happen if the Northern Territory becomes Australia's seventh State?
- The shield is a symbol for the federation of the States, which took place in 1901; it remains open to discussion as to whether the shield should be updated to include new States added since federation or whether it should remain as a symbol of that important date in Australian history.
- More information about the Australian coat of arms is available on the web at www.dfat.gov.au/facts/coat_of_arms.html

What is an Upper House?

- In the Australian Parliament the upper house is the Senate; in the Australian States it is called the Legislative Council; in the United Kingdom it is called the House of Lords. In the Northern Territory we do not have an upper house.
- An upper house can have different functions and limitations.
- For example the Australian Senate cannot originate bills to appropriate money or impose taxes; only the House of Representatives can do that.
- The Australian Senate was established as the States' House; the place in the Commonwealth Parliament where an equal number of members come from each State and so have an equal voice despite population differences. But, the modern political party system can be said to have eroded the role of the States' House so that its main function in the political system is as a 'house of review'.
- The Australian Constitution provides a method for resolving deadlocks which might arise in the event of a disagreement between the two houses. If the Senate twice fails to pass a bill from the House of Representatives, under certain specified conditions, the Governor-General may simultaneously dissolve both houses. In such a case elections are held for all seats in both houses.
- This is called a Double Dissolution and the procedure is the only exception to the rule of fixed terms for senators. If the deadlock persists after the elections, the Governor-General may convene a joint sitting of the two houses to resolve the matter.
- Does the Northern Territory want or need an upper house? Sometimes people say that the Commonwealth Parliament is our upper house but this is not a correct interpretation of the role of an upper house. At this time, the Commonwealth can override any Northern Territory Law and even abolish self government; an upper house could not do that.
- The Statehood Steering Committee discussion paper called *Constitutional Paths to Statehood* asks Territorians to think about Bicameralism. Bicameralism means the idea of a parliament with an upper and lower house. You can comment on this issue in response to the Discussion Paper even if you read this after submissions closed in December 2008. The Paper is available on the Statehood website.
- Maybe an upper house for the Northern Territory could be a part-time body that meets regularly but not as often as the Legislative Assembly. Maybe it would have as few as five or seven members with a function to ask questions of the Bills coming from the Assembly. These options are worth considering, what do you think?