

**THE POLITICS OF NORTHERN TERRITORY STATEHOOD,
2003-2007**

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There was surprise among observers of Northern Territory politics when Labor Chief Minister Clare Martin at the very first Charles Darwin Symposium on 21 May 2003 announced a new, community based, campaign for the Territory to become a state in the Australian federation.¹ The unsuccessful 1998 statehood referendum showed that statehood needed very delicate handling, the political scientist Alistair Heatley arguing that due to the involvement of ‘partisan and other political factors’ with the task of constitution-making, any second referendum was likely to face considerable obstacles to success.² The Chief Minister indicated that consensus on the matter – within the Northern Territory government, between the Commonwealth and Northern Territory governments, between the major political parties and, as far as possible, in the wider Territory community – was essential. She spoke of statehood being part of ‘a maturing, the development of a more inclusive Territory, the sense of taking the political tension that was here out of the place.’³ In order for that to occur, however, agreement was likely to be needed on matters such as the ownership of parks, uranium mining and Indigenous affairs that had previously aroused considerable political antagonisms. This paper explains that in spite of Clare Martin’s 2003 observations, the tension to which she referred did not abate during the following four years and the achievement of statehood continued to experience formidable challenges.

The often tortuous campaign for statehood for the Territory until 2003 that is well documented elsewhere⁴ is not discussed here. A few brief observations about the pre-2003 situation, however, are necessary. First, while the Territory developed into a ‘quasi-state’ after 1978, the Commonwealth of Australia retained control of

¹ For further details on the announcement and its context see David Carment, ‘Clare Martin: The “Discreet Revolutionist”’, in John Wanna and Paul Williams (eds), *Yes, Premier: Labor Leadership in Australia’s States and Territories*, University of New South Wales Press, Sydney, 2005, p 159.

² Alistair Heatley, ‘The Rise and Fall of Statehood for the Northern Territory’, in Xavier Pons (ed), *Departures: How Australia Reinvents Itself*, Melbourne University Press, Melbourne, 2002, p 104.

³ *The Weekend Australian*, 28-29 June 2003.

⁴ See Ted Dunstan, ‘From Go to Woe: The Northern Territory’s Failed First Statehood Bid’, PhD thesis, Charles Darwin University, 2006, Alistair Heatley, *Almost Australians: The Politics of Northern Territory Self-Government*, North Australia Research Unit, The Australian National University, Darwin, 1990 and Heatley, ‘The Rise and Fall of Statehood for the Northern Territory’.

Aboriginal land, the ownership of the two most significant national parks and the ownership of uranium resources. Second, with only two Senators, the Territory did not have the same parliamentary representation in the federal upper house as the states. Third, and of crucial importance, the Territory provided Aboriginal people, who comprised about 30 per cent of the population, and their organisations with greater political influence than in the states. It is widely agreed that these organisations' opposition to the 1998 statehood proposal was the main factor in its narrow referendum defeat.⁵

It was not until August 2004 that the Territory's Legislative Assembly established the 15-member Northern Territory Statehood Steering Committee. As the Committee's Co-Chair, Sue Bradley, is also a speaker today, I will say little about its work here but I argue elsewhere that it has been commendably energetic and proactive.⁶ In particular, the Committee takes the sensible view that education remains the essential key to an understanding of statehood.⁷

In spite of its hard work, the Committee faces some considerable challenges, perhaps the most significant of which is the need to not just inform but also enthuse Territory residents about statehood. As Heatley observed, a good education program and a better process than in 1998 were unlikely in themselves to produce a successful outcome.⁸ In spite of various Territory governments' indefatigable attempts from 1978 to create and strengthen a clear sense of local identity,⁹ there is quite widespread community indifference to or misunderstanding of notions of local separateness and the related question of whether or not the Territory ought to become a state.

⁵ It needs, though, to be acknowledged that Chief Minister Shane Stone's handling of the statehood campaign also antagonised a minority of non-Aboriginal voters in 1998.

⁶ David Carment, 'Northern Territory Statehood: An Unfinished History', submitted to *Australian Journal of Politics and History*.

⁷ *Ibid.*

⁸ Heatley, 'The Rise and Fall of Statehood for the Northern Territory', pp 103-104.

⁹ See David Carment, 'Unfurling the Flag: History, Historians, Identity and Politics in Australia and the Northern Territory', in *Journal of Northern Territory History*, no 16, 2005.

Michael Kilgariff, a well known member of a pioneering Territory family, commented in July 2005 that, ‘The degree to which people even want the Territory to be that different from the rest of Australia is changing...In 2001 nearly 25 per cent of Territorians did not even live in the NT only five years earlier...The old mantra of “this is the Territory and we do things different up here” ...is viewed as parochial, slightly humorous and maybe even quaint’.¹⁰ A Charles Darwin University classroom discussion on Northern Territory statehood in an Australian politics unit that took place later in 2005 showed that almost all the 20 or so students present had little, if any, interest in or commitment to statehood. In explaining this, several said that they only saw themselves as temporary Territory residents. Others said that they were happy with the status quo.¹¹ The web poll conducted in association with this symposium revealed that 55 per cent of the 600 respondents favoured statehood. Charles Darwin University’s Ken Parish in commenting on the result observed that it cast doubt on the widespread view that Territory residents strongly favoured the principle or idea of statehood.¹²

For many Aboriginal residents, the sense of being ‘Territorian’, a word used with great repetition among Territory politicians and in the local media, is not of great importance. Some associate the word with non-Aboriginal people and view successive Territory governments as incapable of properly understanding Aboriginal aspirations, rights and needs. Aboriginal people in the Territory often have no reason to base their identity on a political entity that emerged as a colonial construct during the nineteenth century. Their sense of belonging is grounded in much longer established ancestral

¹⁰ *Northern Territory News*, 16 July 2005.

¹¹ The author was present during this discussion.

¹² ‘Web Poll Suggests Community Split Over Bill of Rights, 02 May 2007’, Charles Darwin University, <http://www.cdu.edu.au/newsroom/story.php?nID=1955>.

links.¹³ As the Central Australian Aboriginal Congress argued in late 2006, “Territorian” is an expression...often used in pursuit of non-Aboriginal interests or agendas’.¹⁴ The prominent Aboriginal leader Galarrwuy Yunupingu noted in July 2003 that his people greeted the Chief Minister’s statehood announcement with ‘fear and trepidation. The rallying cry of “Statehood!” has often been the first sound in a battle to defeat our rights’.¹⁵ Even a former Country Liberal Party Chief Minister, Steve Hatton, conceded in November 2006 that the Territory’s Aboriginal people ‘have been left out of the benefits of self-government’.¹⁶

The arguments during late 2005 on a proposed radioactive waste management facility in the Northern Territory further complicated statehood discussions. The Commonwealth decision to locate the facility in the Territory was at least in part because the latter was not a state.¹⁷ The federal government’s proposed sites, though, were on Commonwealth land. The Territory government chose an ultimately unsuccessful focus on ‘Territory rights’ in its campaign against the facility. In an open letter that was very widely circulated and advertised, the Chief Minister on 19 October 2005, urged Territory residents to sign a petition in which ‘absolute opposition to the Federal Government’s attack on Territorians’ rights’ was expressed.¹⁸ The debate on the issue within the Territory that I describe in more detail

¹³ These statements are based on the author’s observations of and conversations with Aboriginal people in various parts of the Northern Territory over a 25 year period.

¹⁴ ‘Statehood, Politics and Aboriginal Health: Central Australian Aboriginal Congress Submission to The House of Representatives Standing Committee on Legal and Constitutional Affairs, The Northern Territory Standing Committee in Legal and Constitutional Affairs and The Northern Territory Statehood Steering Committee’, 13 November 2006, in Parliament of Australia, House Standing Committee on Legal and Constitutional Affairs. Committee Activities (Inquiries and Reports). Federal Implications of Statehood for the Northern Territory, <http://www.aph.gov.au/house/committee/laca/statehood/subs/sub005.pdf>.

¹⁵ Galarrwuy Yunupingu, AM, ‘Land Rights, the Northern Territory and “Development” into the 21st Century’, unpublished seminar paper, Charles Darwin University, 18 July 2003.

¹⁶ *Northern Territory News*, 18 November 2006.

¹⁷ See the persuasive *Northern Territory Statehood Steering Committee Fact Sheet 22 Statehood and the Proposed Radioactive Waste Management Facility*, Darwin, 2005.

¹⁸ Clare Martin, Chief Minister, open letter to Senator Scullion, 19 October 2005. The letter, delivered to the author’s Darwin mail box, was very widely circulated to Territory residents and appeared as an advertisement in various publications.

elsewhere¹⁹ revealed that the community was deeply divided on the facility and that many people on both sides of the argument regarded relevant environmental and scientific matters as being far more important than the powers of the Territory parliament in relation to those of the federal parliament. The Northern Land Council supported a waste management facility in the Territory, with its chief executive, Norman Fry, declaring in late October as part of the debate that ‘Territorians can kiss statehood goodbye while Clare Martin is Chief Minister’.²⁰ The Chief Minister conceded in June 2006 that momentum for statehood had not developed as she hoped it would as a consequence of the debate on the facility.²¹

It was appropriate in the context that I have already discussed that the Commonwealth Attorney-General, Philip Ruddock, asked the House of Representatives Standing Committee on Legal and Constitutional Affairs to advise him on the federal implications of statehood for the Northern Territory. The Commonwealth Minister for Territories, Jim Lloyd, said on 14 November 2006 that he wanted to wait for the Standing Committee’s findings before committing to a timetable for another referendum. ‘I don’t’, he revealed, ‘see that Northern Territorians are disadvantaged at all by the current arrangements’.²² The Committee’s chair, Peter Slipper, however, a day later had a different perspective. ‘Deep down’, he believed, most Australians ‘would say, ultimately, the Territory should become a state...It is bad for the Northern Territory to be a poor relation in the Australian Federation’.²³ As part of its inquiry the Committee received submissions and held a seminar in Alice Springs and Darwin

¹⁹ David Carment. ‘The Politics of Nuclear Waste in the Northern Territory’, November 2005, in *Democratic Audit of Australia*,

http://democratic.audit.anu.edu.au/papers/20511_carment_nucl.waste_nt.pdf.

²⁰ *The Weekend Australian*, 29-30 October 2005.

²¹ *The Weekend Australian*, 18 June 2006.

²² ABC News Online, 14 November 2006,

<http://www.abc.net.au/news/newsitems/200611/s1788175.htm>.

²³ *Northern Territory News*, 16 November 2006.

during November 2006.²⁴ Hardly surprisingly, these provided more evidence of the diversity, predictability and sometimes the impracticality of opinions within the Territory on statehood.

The Statehood Steering Committee argued that the Territory ought to have the same representation in the Commonwealth parliament as other states. Conceding that the Territory only had about one per cent of Australia's population, the Committee Executive Officer, Michael Tatham, contended on 14 November that 'there's nothing in the Constitution that says size is important, so if we become a state, why shouldn't we become one of those equal states?'²⁵ A representative of the Central Australian Aboriginal Congress, John Liddle, proposed on the same day that only long-term Territory residents should be able to vote in a statehood referendum and on any future Territory constitution. Allowing only long-term residents to vote, he claimed, 'would give Aboriginal people better political representation equal to their genuine interest in the Territory's future'.²⁶ 'The voices of Territorians', Minister for Statehood Syd Stirling declared on 15 November, 'will be paramount in determining whether the Territory should become a state...History has taught us that Territorians want to know what the terms and conditions will be before they vote in a referendum'.²⁷ The Northern Land Council's chair, John Daly, on 16 November condemned the Territory government's handling of recent changes to the Commonwealth's land rights legislation. 'When considering statehood', he continued, 'governments must include Aboriginal people...It is in the interests of all Territorians and Australians that they do

²⁴ Parliament of Australia House of Representatives. House Standing Committee on Legal and Constitutional Affairs. Committee Activities (Inquiries and Reports). Federal Implications of Statehood for the Northern Territory, <http://www.aph.gov.au/house/committee/laca/ntstatehood/tor.htm>, accessed 13 October 2006.

²⁵ ABC News Online, 14 November 2006, <http://www.abc.net.au/news/newsitems/200611/s1787761.htm>.

²⁶ ABC News Online, 14 November 2006, <http://www.abc.net.au/news/newsitems/200611/s1788621.htm>.

²⁷ Northern Territory Government Media Release. Syd Stirling, Minister for Statehood, 15 November 2006. Minister Welcomes Federal Committee on Statehood, emailed to author, 15 November 2006.

so, and until they do so the Northern Land Council will continue to say no to statehood'.²⁸

Syd Stirling's remarks following the seminar realistically indicated that statehood was unlikely to emerge quickly. His government, he conceded, had abandoned 1 July 2008, the thirtieth anniversary of self government, as the desirable date for the beginning of the new state and was no longer working on a specified timeframe. 'We know', he said, 'there are lots of questions...there are a range of opinions here in the Territory, but there needs to be discussion, there needs to be consensus'.²⁹ Federal Attorney-General Ruddock added in February 2007 that he was unaware of 'any objective evidence that Northern Territorians are behind a push for statehood'.³⁰

The fundamental question was one that Stirling, Slipper and Ruddock did not directly address: whether, given the approaches and problems discussed here, the Territory can ever achieve statehood. My own view, which I share with many others, is that after almost 30 years of self government, statehood is the obvious and logical next step in the Territory's political and social evolution. The Territory for the most part functions as a state and it is, surely, anomalous that its constitutional status is much the same as that of the Australian Capital Territory. I also support the contention that it is hard for Territory residents to respond knowledgeably to the statehood issue until the Commonwealth reveals its terms and conditions for statehood. But even if the Commonwealth provides these, there remain two factors likely to seriously impede statehood's progress.

²⁸ ABC News Online, 16 November 2006, <http://www.abc.net.au/news/newsitems/200611/s1790439.htm>.

²⁹ *Northern Territory News*, 18 November 2006.

³⁰ ABC News Online, 7 February 2007, <http://www.abc.net.au/newsitems/200702/s1841951.htm>.

The first is that while the most frequently used ‘official’ argument favouring statehood, which asserts that the Territory is not democratically governed under its present constitutional arrangements, can be best understood as part of a long history of anti-Commonwealth rhetoric in the Territory, it is misleading and counter-productive. Syd Stirling, for example, maintained in November 2006 that statehood was ‘an important issue in terms of fundamental democratic rights’. The only evidence, however, he offered to substantiate this was that just twice since 1978 the Commonwealth had overturned Territory legislation and that the Territory vote in federal referenda was not ‘the same as a Queensland or NSW vote’.³¹ The two Territory Acts to which he referred, one allowing voluntary euthanasia in certain circumstances and the other preventing a radioactive waste management facility in the Territory, may, at least in the case of the euthanasia legislation, have had majority local support but were also strongly opposed by quite large and influential components of the Territory electorate and, more importantly, by a majority of the federal parliamentary representatives of all Australians. Few Territory residents appear at all worried about their voting status in federal referenda. The most important criteria for democracy, freedom of speech, free and fair elections and governments that are responsible to elected parliaments, operate in the Territory to much the same extent as in the Australian states.

The second, and crucially significant, factor remains, as Alistair Heatley argued in explaining the defeat of the 1998 referendum, that key elements of ‘the Aboriginal leadership’ see ‘no need to change the constitutional order’. They feared, he continued, ‘that any form of statehood will serve to undermine their objectives of self-government and self-determination...it is unlikely that their now firmly entrenched resistance to statehood will dissipate’.³² That this fear continues in spite of the fact

³¹ *Ibid.*

³² Heatley, ‘The Rise and Fall of Statehood for the Northern Territory’, p 104.

that the Statehood Steering Committee has an enthusiastic and able Aboriginal Co-Chair and other Aboriginal members must be of particular concern to statehood advocates. Central Australian Aboriginal Congress director Stephanie Bell in November 2006 probably reflected the views of many other Aboriginal leaders when she said that her organisation could not support statehood without knowing how it might improve Aboriginal lives.³³

The Northern Territory is a region where important elements of Aboriginal culture survived European colonisation and Aborigines own many of their traditional lands. The issues examined here reveal the difficulties of achieving statehood when the ideas and institutions of the Aboriginal inhabitants and those of the non-Aboriginal colonisers need accommodation and there are clear divisions among both groups. Chief Minister Clare Martin's very worthy hope in 2003 that statehood could alleviate the Territory's tensions was, subsequent events showed, premature.

³³ *Centralian Advocate*, 14 November 2006.