
The Parliament of the Commonwealth of Australia

The long road to statehood

**Report of the inquiry into the federal implications of statehood for
the Northern Territory**

House of Representatives
Standing Committee on Legal and Constitutional Affairs

May 2007
Canberra

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Foreword

There is no question about the significance of the Northern Territory in the story of Australia. Historically, the Territory gained prominence as the Australian front line in the Second World War and the national stage of the Aboriginal land rights movement. The national importance of the Northern Territory has also emerged as the home to some of the key mineral resource regions in the country, its proximity to Asia, its world heritage environment and its growing and diverse population. The Northern Territory faces a number of state-like issues.

It seems to be an anomaly that the Territory does not have the status of statehood. Despite a level of self-government, the Northern Territory is ultimately subject to the legislative control of the Commonwealth. By contrast, the Australian Constitution outlines a number of powers for states in relation to the Commonwealth. The Northern Territory is represented by two Senators in the Commonwealth Parliament whereas each state is represented by twelve Senators. Territorians are also in a different position in that their votes in national referenda are counted only once, in the overall tally, but not counted towards a state tally, which is the second criteria for a successful referendum. Some state-like responsibilities, such as control over uranium mining, remain, to some degree, in Commonwealth control.

In 1998, the people of the Northern Territory rejected a proposal for statehood at a referendum. Yet many Territorians seem to be in favour of statehood. However, the main stumbling block for statehood appears to be the process and strategy required to achieve it.

In 2003, the Northern Territory Chief Minister Hon Clare Martin MLA, announced a new campaign for statehood. Now that statehood is back on the agenda, it is timely for this Committee to consider the federal implications of this important development. The establishment of the first new state in the constitutional history of Australia is no simple matter. The prospect of statehood raises a host of unresolved constitutional, policy and administrative issues that may impact on current federal arrangements. These issues include Commonwealth land and Aboriginal land rights, representation and legislative arrangements, industrial

relations, financial relations, mining and uranium resource issues and national parks and marine protected areas.

The aim of this report is to identify and highlight some of the major issues surrounding statehood and the associated federal implications. The Committee believes that statehood should be something that unites Territorians. There is a long road ahead. The evidence before the Committee indicates that Territorians hold a variety of views on statehood issues. Territorians themselves will need to come to a community decision on whether they want statehood and, if so, on what basis. Once Territorians have determined their own position on statehood and their approach to the associated issues, they will be in a position to engage meaningfully with the Commonwealth in discussions on the terms and conditions. The Commonwealth also has a role to play in helping to shape discussions on the terms and conditions of the potential new state.

The primary source of information for this report was a seminar on Northern Territory statehood convened by the Committee in Alice Springs on 14 November 2006 and in Darwin on 15-16 November 2006. The seminar was supplemented by a public hearing with Commonwealth government departments in Canberra on 6 February 2007.

I would like to thank the members of the Committee who worked so conscientiously during the course of the inquiry. On behalf of the Committee I would also like to express my great appreciation for the contribution and assistance of the Northern Territory Statehood Steering Committee and the Legislative Assembly Standing Committee on Legal and Constitutional Affairs, and, in particular, Ms Barbara McCarthy MLA who Chairs both Committees. I would also like to convey my thanks to the staff of the Committee Secretariat.

The Committee hopes that the statehood seminar and this report will assist Territorians in continuing their discussions and developing their approach to statehood issues. The Committee also trusts that this report will play a role in opening up the dialogue between the Territory and Commonwealth Governments in discussing the possible way forward on the road to statehood.



Membership of the Committee

Chairman The Hon Peter Slipper MP

Deputy
Chairman Mr John Murphy MP

Members Mr Michael Ferguson MP
(from 09/02/2006)

Mrs Kay Hull MP

The Hon Duncan Kerr SC MP

Mr Daryl Melham MP

Mrs Sophie Mirabella MP

Ms Nicola Roxon MP
(to 11/01/2007)

Mr Patrick Secker MP

Mr David Tollner MP

Mr Malcolm Turnbull MP
(to 07/02/2006)

The Hon Malcolm Turnbull MP
(from 07/02/2006 to 09/02/2006)

Mr Kelvin Thomson MP
(from 11/01/2007)

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Ms Joanne Towner

(to 11/08/2006 and from 8/01/2007)

Ms Cheryl Scarlett

(A/g from 11/08/2006 to 08/01/2007)

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(to 16/02/2007)

Mr Michael Crawford

(from 19/02/2007)

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Dr Mark Rodrigues

Administrative Officers

Ms Melita Caulfield

Ms Kate Tremble

Ms Jazmine De Roza



Terms of reference

On 9 May 2005 the Attorney-General, the Hon Philip Ruddock MP, referred to the Committee the question of Northern Territory statehood, focusing on:

- recent developments in the Northern Territory on the question of statehood, including any proposals to advance statehood; and
- emerging issues which may have implications for federal arrangements.



List of abbreviations

ACT	Australian Capital Territory
AEC	Australian Electoral Commission
ALRA	<i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cwlth)</i>
ANSTO	Australian Nuclear Science and Technology Organisation
EL	Exploration licence
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i>
IDC	Inter-Departmental Committee
ILUA	Indigenous Land Use Agreement
LCAC	Legal and Constitutional Affairs Committee (Northern Territory)
NT	Northern Territory
SSC	Statehood Steering Committee (Northern Territory)



Recommendation

Recommendation (paragraph 3.63)

The Committee recommends that the Australian Government update and refine its position on Northern Territory statehood and re-commence work on unresolved federal issues.

