



House of Representatives Standing Committee
on Legal and Constitutional Affairs

INFORMATION PAPER

INQUIRY INTO NORTHERN TERRITORY STATEHOOD –
RECENT DEVELOPMENTS AND FEDERAL IMPLICATIONS

Background

- 1.1 On 9 May 2005 the Commonwealth Attorney-General, the Hon Philip Ruddock MP, asked the House of Representatives Standing Committee on Legal and Constitutional Affairs ('the Committee') to investigate recent developments on Northern Territory statehood and any emerging issues which could have federal implications.
- 1.2 The issue of Northern Territory statehood came to national prominence in 1978 with the announcement of the Fraser Government that statehood would follow Northern Territory self-government in five years. This did not eventuate, but during the 1980s and 1990s the issue was considered and developed by a number of government and parliamentary bodies. This process culminated in October 1998 with a referendum in the Northern Territory posing the question of whether the Territory should become a state. The referendum was voted down with a majority 'No' vote of 51.3%.
- 1.3 In 2003 the Northern Territory Chief Minister, the Hon Clare Martin MLA, announced a new campaign to achieve statehood. The Chief Minister announced that the process would be community-based and proposed 1 July 2008, the 30th anniversary of Northern Territory self-government, as a desirable date for a second referendum.¹ As part of this process, a Northern Territory Statehood Steering Committee was established in April 2005 to undertake community consultation and education on statehood and to advise the Northern Territory Parliament on the statehood process. The Steering Committee reported to the Northern Territory Legislative Assembly in February 2006 and continues to

¹ Media Release by the Northern Territory Chief Minister, 22 May 2003.

conduct meetings, consultations, forums and presentations around the Territory.²

Reasons for statehood

- 1.4 The main reasons advanced in support of Northern Territory statehood include the following:
- Statehood would place the Northern Territory on an equal footing with the other States under the Australian Constitution.
 - Statehood would mean that the Commonwealth Government could no longer legislate for the Northern Territory as is currently possible under section 122 of the Australian Constitution.
 - Statehood would enable the Northern Territory to attain more autonomous self-government (as with other States) in place of the current limited form of self-government.

The Committee's inquiry

- 1.5 The question of Northern Territory statehood raises complex issues for the people and the Government of the Northern Territory. The Committee is conscious that many of these issues are specific to the Territory and need to be worked through by Territorians. Accordingly, the Committee will not be seeking to promote any particular formulations or schemes regarding statehood. Rather, the Committee's aim will be to gather information on recent developments surrounding statehood and consider implications that statehood may have for the Commonwealth Government and its relationship with the Northern Territory.
- 1.6 Specific areas where statehood could have an impact on the Commonwealth Government and its relationship with the Northern Territory include the constitutional implications of statehood and the involvement of the Australian Constitution in the statehood process, the representation of a new state in the Federal Parliament, and the financial relations between a new state and the Commonwealth Government. The Committee will also consider specific sectoral issues such as the future status of Commonwealth uranium resources in the Northern Territory, the future status of relevant Commonwealth National Parks and Commonwealth Marine Protected Areas, and Aboriginal land rights. The terms of reference for the Committee's inquiry are set out below.
- 1.7 In 2003 the federal Joint Standing Committee on Electoral Matters conducted an inquiry into increasing the minimum representation of the Australian Capital Territory and the Northern Territory in the federal House of Representatives. The results of this inquiry are detailed in the Committee's 2003 report, *Territory Representation: Report of the Inquiry into increasing the minimum representation of the*

² Further information on the Steering Committee can be found at: <http://www.statehood.nt.gov.au>.

*Australian Capital Territory and the Northern Territory in the House of Representatives.*³
In its report the Electoral Matters Committee noted that the outcome of the planned 2008 referendum on statehood could have implications for the future representation of the Northern Territory in the Federal Parliament, but did not consider the issue of statehood beyond this.

Terms of reference

1.8 The terms of reference for the Committee's inquiry are as follows:

The Attorney-General, the Hon Philip Ruddock MP, has referred the matter of a two-day seminar in Darwin to the Committee for the purpose of obtaining information about:

- 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.

Proposed seminar

1.9 The Committee's principal means of gathering information for its inquiry will be a seminar to be held in Darwin on 2 and 3 August 2006. Further information on the seminar is available on the Committee's website (link below).

Relevant internet sites

1.10 The following internet sites may be of assistance for those seeking further information on the Committee's inquiry and on Northern Territory statehood:

- House of Representatives Standing Committee on Legal and Constitutional Affairs: <http://www.aph.gov.au/house/committee/laca/index.htm>
- Northern Territory Statehood Steering Committee: <http://www.statehood.nt.gov.au>
- Northern Territory Legislative Assembly Standing Committee on Legal and Constitutional Affairs (includes a link to information on the Committee's 1998-1999 Inquiry into Appropriate Measures to Facilitate Statehood): <http://www.nt.gov.au/lant/parliament/committees/lca/lca.shtml>

³ This report can be accessed at: <http://www.aph.gov.au/house/committee/em/territories/report.htm>.