# Maurice Blackburn Oration

## An Issue of Equity: Is it fair and just that there are 230,000 second-class citizens in the Northern Territory?

**Professor Clare Martin.**

It's a great privilege to be invited to give the Maurice Blackburn Oration and to be the first from the Northern Territory to do so.

My thanks to the Moreland City Council for the invitation and I pay my respects to the Wurundjeri people on whose land we meet tonight.

Being the first Northern Territorian to deliver this prestigious oration, I thought it only appropriate to bring a Northern Territory perspective with me – a perspective that comes from living and working in the north for nearly 30 years and being a member of the Territory Parliament for 13 of those years, including six as Chief Minister.

So my choice of subject tonight and one that I hope would be thoroughly approved of by both Maurice and Doris Blackburn is: An Issue of Equity: Is it fair and just that Northern Territorians, all 230,000 of us, are second-class citizens? And if, as I contend, we are second-class citizens, what does that actually mean? How have those lesser rights affected the course of Territory history; what affect has there been on our political institutions, our political effectiveness and engagement and importantly what effect on our community, especially Aboriginal Territorians who make up a third of our population?

**So some context about the Northern Territory to start**

For much of our history since European settlement the Territory has been unloved: a bit of an orphan. From the 1820s we were first under the control of the Colony of NSW; then in 1863 we were handed to the South Australians. For 48 years we were 'the northern territory of South Australian' but eventually proved too much for them and were traded in 1911 to the Commonwealth in exchange for a railway to Darwin and payment of some Territory debts.

From a Territory point of view there's little affection for the Commonwealth and its period of direct administration. Being governed remotely from Canberra just didn't work. It didn't work for Aboriginal Territorians who resented the Welfare Ordinance of 1953 and wanted recognition of their land rights, just as it didn't work for white and Chinese Territorians. The agitation for a greater say in governing ourselves grew rapidly following the end of World War Two.

Jump forward to the 1970s: Gough Whitlam and a most welcome commitment from the Federal Labor Party to self-government for the Northern Territory. But that self-government could have been statehood. Campaigning in Darwin in 1975, Malcolm Fraser, then federal Opposition leader, offered the Territory 'statehood in five years' if he won the coming election. It was an offer that caught our politicians by surprise. Their energy was focused on establishing all aspects of the first Territory administration – revenue, legislation and a public service. Statehood seemed a bridge too far and the offer wasn't taken up.

Looking back and with the wisdom of hindsight it was such a lost opportunity. Instead of more than 30 years of the lesser status of territory, we would have begun our self-governing life as Australia's seventh state with the full powers of a state in managing our land, people and resources.

So why did Territorians 20 years after the Fraser offer, vote NO in the 1998 referendum for statehood? A most pertinent question - and yes we did, by a small margin, vote NO to something that the majority of us wanted in principle. Put simply, too many questions about the detail of what it would mean were left unanswered; the move to a referendum was rushed and dominated by the then Chief Minister; the community was left behind and expressed their discontent by voting NO.

Again, for Territorians another lost opportunity and the result: we'd stayed, in a constitutional sense, second- class citizens.

**So what does second class actually mean?**

Well, it's like this. As a Territory, we're a creation of the Federal Parliament and only exist through its good will and delegated powers. It can disallow Territory legislation if it so chooses and has done that a number of times in the last fifteen years – the first and most controversial disallowance was the Rights of the Terminally Ill legislation in 1997.
The Federal Parliament also determines the number of senators we have. The states have 12 each. We have 2. Tasmania, for example, has just twice over our population but six times the number of senators. We also have a much-reduced role in referenda. Like our cousins in that other territory, the ACT, our votes only contribute to the national total.

So being a territory means our legislation can be overturned, we don't equal senate numbers in Canberra and our vote is just about invisible in referenda. But there's more.

**Powers not transferred by the Commonwealth**

In 1978, and in subsequent years, the Commonwealth didn't hand over full administrative powers to the new Territory Government. The Aboriginal Land Rights Act that only applied in the Territory was held as Commonwealth legislation; our two best known parks, Uluru and Kakadu were managed by the Commonwealth's Australian National Parks and Wildlife Service; we didn't control uranium mining and we didn't have our own industrial relations system –they both stayed with the Commonwealth.

Not surprisingly, the Commonwealth's decision to reserve those specific powers was resented by successive Territory governments. Why when the Territory was building its own parks estate could it not be trusted to manage Uluru and Kakadu? Why when the Territory was controlling mining of minerals such as bauxite and manganese could it not do so with uranium, as the South Australians did – especially since the Commonwealth controlled all uranium export permits?

And why, when the Territory ran its own land administration and sacred sites legislation could it not administer that iconic and unique piece of legislation, the 1976 Aboriginal Land Rights Act? It was and still is legislation unique to the Territory because Bob Hawke's attempts to establish national land rights in the 1980s were rejected by the states. The Territory government argued that the Land Rights Act could be both Commonwealth and Territory legislation – identical acts – but that its administration should be done in the Northern Territory. It was a good argument because it would have made the Territory government a participant rather than a bystander in the land claim process and put it properly

at the table with the land councils and the federal government. However, the proposal fell on unreceptive ears.

From the Territory's point of view, those reserved powers reinforced a second-class status and were the cause of some of the worse outbreaks of hostilities between successive Territory governments and the Commonwealth. Think the return of Uluru to the traditional owners in the early 80s; think of Kakadu, its establishment as a national park, of Coronation Hill, world heritage listing and uranium resources; Think of the Aboriginal Land Rights Act and Territory governments year after year having to put what was called the 'detriment' case on each and every land claim to the Commonwealth's Land Commissioner and earning an unflattering reputation for being both anti-Aboriginal and anti-land rights.

I'm not arguing that Territory politicians always behaved well. They didn't. The Country Liberal Party who governed the Northern Territory for first 23 years of Self-Government was often seen as acting like a bunch of cowboys, making racist comments and behaving intransigently. Sadly, it was a reputation often well deserved, but to be fair a significant part of its cause was that on these important issues the Territory Government was sidelined.

**Getting on with the job of government**

But put those particular issues aside, in all other respects the Territory functioned and ran as a state and was expected to by the Commonwealth. The Territory's first minister might have had the title Chief Minister but the requirements and demands of the job were no different to that of a state premier. Legislation had to be developed, passed and administered, budgets managed, revenue raised, a full range of services delivered to the community and economies developed. The Territory's particular challenge was its size – a sixth of Australia, its very small population, more than a quarter of which was Aboriginal and the very poor condition of most of the infrastructure inherited after nearly 70 years of Commonwealth administration. The first Chief Minister Paul Everingham described the state of the Aboriginal communities he inherited as 'pretty disgraceful'.

**The Commonwealth disallows legislation: Rights of the Terminally Ill**

For nearly 20 years, the Territory Parliament got on with its task of developing, debating and passing the full suite of legislation demanded of a contemporary jurisdiction, most of it uncontroversial or at least not controversial enough to trigger disallowance by the Commonwealth.

That changed after our parliament passed the Rights of the Terminally Ill Act in May 1995. It took the country by surprise when such groundbreaking legislation emerged from the Northern Territory but the man responsible, then Chief Minister Marshall Perron, believed the terminally ill should at least have a choice about how and when they died. It was a tough issue for the Territory parliament, a conscience vote that produced passionate and angry debate. The bill only passed by one vote but it was legislation that was careful, considered, conservative and strongly supported by a majority of Territorians and by a majority of Australians.

Opponents of the legislation didn't give up. They challenged the law in the Supreme Court but lost. Next, they asked Prime Minister Paul Keating to exercise his executive veto power to overturn a Territory law within its first six months. He refused, saying the legislation was a matter for the Territory, not the federal government.

So, the legislation beat its first two challenges but the third, going to the heart of the Territory's constitutional weakness, proved fatal for the Rights of the Terminally Ill Act. Our ability to pass such legislation was overridden by an amendment to our Self-Government Act.

It was the Kevin Andrews Private Members Bill and in a conscience vote it passed both houses of federal parliament. Not even the Senate, supposedly the states house, supported the Territory's right to enact such legislation.

Territorians, even those who did not support voluntary euthanasia, were irked that legislation passed legitimately in our parliament could be overturned in Canberra. It turned attention to our second-class constitutional status and revitalized the interest in Territory statehood.

**Mandatory Sentencing for Property Crime**

Not long after that, another piece of legislation caught the attention of the federal parliament – mandatory sentencing for property crime. Under this legislation, a first conviction for a property crime offence meant a mandatory 14 days in gaol, with a second and third offence, three months and a year. Concern about the legislation and its disproportionate impact on Aboriginal Territorians again raised the possibility of federal intervention to disallow the law.

The majority of public opinion in the Territory and in most of Australia, except here in Victoria, supported this one strike legislation, but moves to overturn it grew in the federal parliament led by Labor and a small number of Liberal backbenchers. The trigger for federal action was the suicide in gaol of a 15-year-old Aboriginal youth who was serving time for a minor property offence. Prime Minister Howard called in Chief Minister Denis Burke and worked out a compromise that exempted juveniles from the legislation and funded juvenile diversion programs. It was a compromise that satisfied the federal politicians who'd been moving to disallow the legislation. John Howard said at the time that it was important to respect the rights of the Territory Parliament, those same rights that had been trampled only a few years before over voluntary euthanasia.

I was the Opposition leader when the debate was raging about mandatory sentencing. It was a difficult time for Labor because although we strongly opposed the legislation, we were equally strongly against any interference in our laws from federal parliament. I remember arguing with my federal colleagues that the best way to remove the legislation was to remove the Country Liberal Party Government. Some of them laughed, believing I was deluded and that since Labor had never been in government in the Territory, it never would be. As you can imagine, it was a seriously memorable day for the Territory's first Labor government when we repealed mandatory sentencing. No sense of being second-class that day.

**A nuclear waste facility**

But it wasn't long before that lesser status emerged again. This time it was over a national nuclear waste facility, which although all jurisdictions agreed was needed, no one wanted in their backyard.

From the 1980s, federal governments had been trying to find an appropriate location. The search had bi-partisan support and for twelve years there was a thorough scientific assessment made of various locations across the country. A decision was finally made that an area near Woomera in South Australia was the most appropriate. It didn't go down well in South Australia; the state government quickly declared a national park and then challenged the Commonwealth decision in the High Court and won.

So with the Woomera solution defeated, the Howard government needed to find somewhere else to store nuclear waste. Time was running out. The suspicion grew that the Northern Territory would be targeted and it became an election issue in the 2005 federal campaign. However, there was relief when the Coalition promised that the country's nuclear waste would not be forced on us. As Chief Minister I wasn't ideologically opposed to it being built in the Territory but always argued that science should determine the best site and if that was

in my jurisdiction, so be it.

But that's not how it unfolded. Post-election, any pretense at science was thrown away, along with that very temporary election promise, and the Howard government just headed for the place they could safely constitutionally bully. Three Territory locations were identified, not for their suitability as safe sites for nuclear waste but because the Commonwealth owned the land and that land was in the Northern Territory. Gone was the careful science, abandoned because it was so much easier to force the country's nuclear waste on us.

The decision was an affront to the Territory and our response was a piece of legislation that banned the transport and storage of nuclear waste in the Territory – other than the nuclear waste we generated locally which we have always stored appropriately. The Howard government responded with an appalling piece of federal legislation that took overriding the Territory to a new level. The legislation allowed them to establish a nuclear waste facility and be able to ignore any local or Commonwealth legislation that might get in the way – environmental, heritage, even the Aboriginal Land Rights Act, and removed any right we might have had to appeal.

While I was Chief Minister, all the state and territory leaders were Labor. We were quite a cohesive team, worked together well, supported and rallied around for each other. Not this time. If the federal government –even a Coalition government – could insist that a nuclear waste facility be built in the Northern Territory, then what a relief. A problem conveniently solved for the state colleagues. They all supported statehood for us, in theory, but were pleased our continuing territory status had solved a tricky issue for them. It was not going to be in their backyards.

So what happened to the nuclear waste facility? Well, the initial three sites were not suitable; the Commonwealth cast around for new possibilities and a group of traditional owners outside Tennant Creek – at Muckaty Station – offered their land. That offer has caused much local grief because other traditional owners of the same land are strongly objecting. It's currently in the courts.

The sadness in the tale of the nuclear waste facility is that such a site needs to be determined by the best science and not political opportunity. Traditional owners in Central Australia shouldn't be fighting over it. It should be scientists with good evidence presenting the decision makers with the most appropriate and safest site. Tennant Creek just happens to be one of this country's most earthquake prone locations.

**John Howard's Emergency Response 2007**

Fairness, justice and good scientific sense continue to be cast aside over the nuclear waste facility, but those actions pale into insignificance when compared with John Howard in 2007 with his Northern Territory Emergency Response. Again a serious issue – this time of child sexual abuse in the Northern Territory's Aboriginal communities – was turned into a political opportunity to try an save a failing federal government; Aboriginal people became convenient pawns in this electoral game and fairness and good policy ended up as collateral damage.

There's been much written and discussed about the Howard emergency response, but tonight in this oration, given to celebrate the work of two champions of human rights, I'd like to give you my reflections about what took place, why it took place and what has been the impact on Aboriginal Territorians.

In June 2007 I had been Chief Minister of the Northern Territory for six years. I had worked with John Howard as Prime Minister for all that time, and although we disagreed on a number of issues I always thought that our relationship was workable and had some level of respect.

So when John Howard rang me on June 21 and told me he had just come from a media conference where he announced he was putting in place an emergency response to a national crisis around protection of children in the Northern Territory, I was totally shocked. Without any forewarning or consultation at all, the Prime Minister was intending to implement a range of measures that would dramatically affect Aboriginal Territorians.

When I asked why he was taking such unilateral action, he simply repeated it was a national crisis. When I said that if that was the case then I needed to speak with him about the detail as soon as possible and would fly to Canberra that day, he told me not to bother, he was too busy and that maybe he would have some time available in a couple of weeks.

I was gob smacked. Major decisions had been made and were being made about the Northern Territory, about Aboriginal Territorians, without any consultation with us and now the Prime Minister was telling me he wouldn't make time to talk about it. Talk about being second-class.

However, I quickly realized why John Howard didn't want to talk to me about his emergency response. He had told the Australian people that his intervention in the Northern Territory was in response to the outcomes of a report I had commissioned into child sexual abuse in our Aboriginal communities. It was called Little Children are Sacred and had been released just a few weeks before. The report honestly spelled out the extent of the problem that we faced. Its recommendations – all 97 of them – were wide ranging, covering many aspects of government operation and called for additional expenditure of hundreds of millions of dollars.

However, the overriding recommendation that wound its way through all though that report was that the only viable way to tackle child sexual abuse was to engage Aboriginal people in implementing change; that it was all about consultation and partnership, not arbitrary government implementation.

But even though John Howard said he was responding to the Little Children are Sacred Report, he ignored both the report and its recommendations. Instead, over the period of a few days in Canberra, a very different response was put together - a grab bag of measures. Consultation and partnership were thrown away and a bold 'quick fix' approach was devised to the very complex issues around child abuse.

The first that Aboriginal Territorians knew about the response was when teams led by soldiers in uniform entered their communities with the stated mission of 'stabilise, normalise and exit'. You can imagine how Aboriginal people reacted to what appeared to be an invasion by the army. Many hid their children, many simply fled their communities, went bush. Many talked about the fear they felt and their concern that their children would be taken, another stolen generation.

So why did John Howard take the actions he did?

Was it because the Northern Territory had been too slow to act on the problem of child sexual abuse? That was argued at the time, but it doesn't hold true when you look at the facts. We had a weighty report with nearly a hundred recommendations. Sensibly we needed to work through them all, how to implement them – especially since consultation and partnership with Aboriginal Territorians was vital - and then find the resources required. We did this quickly within three months and when we compared our response with that of other states to their own reports or inquiries on child abuse we discovered we had responded both more quickly and with greater investment.

Did John Howard simply think the recommendations of the Little Children are Sacred Report were wrong or misguided? Did he think that his emergency response measures, put together

in a few days, were a better solution than those in a report that had taken twelve months to prepare and was written with expert input and after wide consultation with Aboriginal communities?

John Howard was never questioned about that at the time. There was an acceptance particularly in the media that his measures must have been on the right track because he sounded so committed to tackling child sexual abuse in the remote Northern Territory. There was lots of talk about the Little Children are Sacred Report, but no one asked about whether its recommendations were being followed. I even asked one senior journalist who was expressing her concern about the protection of Aboriginal children had she read the report? With some embarrassment she said no.

The Northern Territory Emergency Response required 500 pages of legislation; complex legislation significantly affecting the rights of Aboriginal Territorians. Yet very few voices were raised in the Federal Parliament as major changes were made to legislation such as the Aboriginal Land Rights Act. Even the setting aside of the Racial Discrimination Act caused little outrage. My federal Labor colleagues were desperate to avoid being wedged over the issue with an election soon to be called and ducked out of the way.

But the central reason that John Howard created his own emergency response rather than working with the Northern Territory on the recommendations of the Little Children are Sacred Report was cheerfully revealed later that year, on 25 November, the day after the Howard Government had lost office. Speaking on the ABC's Insiders program, the former Foreign Affairs Minister, Alexander Downer said- and I'm paraphrasing his words – that the emergency response was designed to win votes. The Coalition thought that taking bold and unilateral action on child sexual abuse in the Northern Territory would appeal to voters and so lift the flagging performance of the their government. Downer said in a very matter of fact way that it was disappointing that the strategy hadn't worked.

The cynicism of his words that morning appalled me. That the Howard Ministry could take a most serious problem like child abuse in the Northern Territory and decide on a course of action that was more dictated by electoral considerations than concern for Aboriginal Territorians was a disgrace. That my federal Labor colleagues did nothing to stop it was just as bad.

I felt like a lone voice in the political wilderness. The Howard publicity machine was in full force, so any attempt to point out that the emergency response measures were not in line with the recommendations of the Little Children are Sacred Report was futile. I felt I had no option but to commit to working with the Howard package, while trying to get my views heard about the elements of it that were totally unacceptable.

It was a difficult task, especially since some of the measures included were most welcome, if long overdue. Hundreds of millions of dollars were committed to building new homes in our communities and refurbishing existing ones. Funding was made available to extend police presence into small remote communities, along with extra health specialists and teachers.

But hand in hand with this welcome financial investment came some most unfair and punitive measures –mandatory income quarantining for all Aboriginal people on a Centrelink payment; the abolition of important community employment programs; government demanding leases over Aboriginal communities before houses would be built; and new alcohol restrictions that were essentially window-dressing.

**No fairness in these measures income quarantining**

So what does it mean to be income quarantined?

John Howard put this initiative in place on all Aboriginal Territorians receiving a payment from Centrelink- an aged pension, disability support or unemployment benefit. His reason was that there were Aboriginal people neglecting their children and wasting money on alcohol and gambling. Half of that welfare payment would be quarantined for what the Commonwealth determined as basic requirements. Sounds reasonable you might say. The problem was it was not selective, targeting those who were neglecting children or abusing alcohol. It was a blanket measure that covered all Aboriginal people on some form of benefit, even those who didn't touch alcohol or gamble and who were good money managers.

Let me introduce you to Andrea, a mother of three who lives in Katherine, 300 kilometres south of Darwin. In 2007 Andrea was income quarantined simply because she was Aboriginal, was receiving a disability support pension and lived at an Aboriginal living area in the town. All of a sudden, half her income had to go into the new basics card and be spent on food, medicine or clothing. The other half of her income came to her in cash and from that rent and utilities were paid. If Andrea wanted to buy furniture for her home or school photos for the children, she had to get quotes and take them to Centrelink for approval. If approved, Centrelink would then authorise payment.

Andrea had always managed her income pretty well and says that so have many others. She said that when quarantining first started it was all the sober mums and the elderly who were first in the line at Centrelink. It wasn't the ones who were misusing their money. It was all the good people, she said. And those people felt shame and anger at having to stand in line. Income quarantining took from Andrea an independence that she valued, managing her money. She felt unjustly targeted and unfairly treated: Aboriginal, Territorian and second-class.

Another measure of the emergency response was abruptly ending a community work program called CDEP that employed thousands of Aboriginal people across the Territory and had been in operation since the late 1970s.

This is how its abolition affected one small group of women in Central Australia. They were the community's artists and their part time wages were paid through CDEP. From time to time they would supplement that wage by the sale of their art. Overnight they were reclassified as unemployed and as unemployed could be income quarantined. They were outraged to lose their jobs and outraged that they were now welfare dependent. Talk about unfair. The irony was that a number of those women were already using an equivalent but voluntary money management scheme set up by Tangentyere Council in Alice Springs.

**Township leasing**

Mandatory township leasing was yet another major plank of the emergency response. Aboriginal communities were told that no new housing would be built until they had agreed to lease their townships to government for five years. Now that might sound a simple straightforward proposition, but it wasn't. Under the Aboriginal Land Rights Act, Aboriginal people had won inalienable freehold title to their land. For many, the idea of having to lease the land they owned to government was unreasonable, and for many it was deeply resented. But the communities were over a barrel. No lease, no new housing.

**New alcohol restrictions**

The emergency response also included much publicized new measures around alcohol consumption and alcohol abuse. The Little Children are Sacred Report clearly identified the link between alcohol abuse and child abuse and called for a greater effort to reduce this terrible problem: in the report it was described as 'rivers of grog'. But the measures

introduced were not well considered and did little more than just add another layer of restriction to those already in place right across the Territory.

Most Aboriginal communities are dry: alcohol is banned and has been banned for decades. There are only a handful of communities with a social club or bar. As a result, those community members who want to consume alcohol do so outside the community's boundaries in bush drinking areas or at the closest roadhouse, town or city. Much of the alcohol purchased is takeaway that means it's mostly drunk in public places – parks, shopping centres, along the verges of major roads or in the bush. Over the years, substantial resources and strategies have been employed to reduce the damage of this drinking behavior - police patrols, Aboriginal community patrols, declaring public places alcohol free, reducing hours of takeaway, reducing what alcohol can be purchased and controlling who can make those purchases. Decades of strategies and intervention that affected all in the Territory.

The most significant measure of the emergency response in relation to alcohol and its consumption was not to take a new approach but simply to extend the dry areas around communities. While such a measure might look strong on paper, in practice all it did was to cause those who wanted to drink to congregate further from their communities, often in unsafe and isolated locations.

Let me give you an example. One community in Arnhem Land had their no alcohol boundaries extended by 50 kilometres. The intention was make it more difficult for those who wanted to consume alcohol. But that's not how it turned out. Community members who wanted a beer at the end of a working day would drive the 50 kilometres to do so and often not return for work the next day. Families in the community would worry about safety at this distant drinking area and local police had their workload increased with the extra kilometres they regularly had to travel.

One of the senior men from this community told me he couldn't see how these new restrictions were going change anything. Further prohibition, he said, wasn't ever going to promote a responsible drinking culture within his community. He said his grandson was an example. That he'd soon be having his first beer and that it would probably be a warm one down the road at the local drinking area. Its time, he told me, to stop sending the whole issue of the consumption of alcohol down the road or into the nearest town. He wants his community to end prohibition and take the first careful steps towards opening a social club. He thinks the current situation continues to make Aboriginal people second-class.

This senior man's views dovetail with those of many Aboriginal residents in that nearest town. They also agree that their countrymen living in surrounding communities need to find a sensible way to deal with alcohol and its consumption, not just export the problem to town. They want respect for country to work both ways – in town and in the communities.

But these views are not widely held. Many Aboriginal people equally strongly believe that prohibition has to continue; that having dry communities is the only way for Aboriginal women and children to have protection from the worst of alcohol abuse. They don't want change and would certainly not agree with the senior man from Arnhem Land and his hopes for a new alcohol paradigm for his grandson.

Alcohol consumption and its abuse and what new and effective strategies can be put in place remains a very difficult issue in the Northern Territory.

**The emergency response stereotyping**

I'd just like to make one final point about the unfairness of the emergency response and that's the damaging stereotyping of all Aboriginal Territorians that it allowed. In the public

discussion, no distinction was made between offenders and non-offenders when it came to child abuse; no distinction between alcohol abusers and the many Aboriginal people who have never consumed alcohol; no distinction between those whose children were well cared for and attended school and those children who were neglected. Blanket and punitive measures were casually applied to thousands of Aboriginal Territorians.

I won't forget the visit by a delegation of Aboriginal men who complained bitterly that the emergency response was categorizing all countrymen as child abusers and drunks. They wanted to let the politicians and other Australians know there were many Aboriginal men who were good fathers and sober. They thought I as Chief Minister could stop it. I had to tell I didn't have the power to stop this federal government action. It was humiliating to have to tell them I was powerless to stop this injustice.

Territorians were hopeful that a change of federal government in November 2007 would put an end to the unfair measures of the Howard emergency response. But that didn't happen. They continued under the Rudd Government even following the recommendations of the Review Board headed by West Australian Aboriginal leader Peter Yu in 2008. It wasn't even until 2010 that the Racial Discrimination Act was reinstated for Aboriginal people in the Northern Territory.

A Northern Territory election was held in August this year. The Labor government led by Paul Henderson lost office because thousands of Aboriginal Territorians decided this time not to vote Labor as they had traditionally done. They voted conservative, for the Country Liberal Party. And why? One of my Aboriginal friends summed it up succinctly. He said, it's been reform, after reform, after reform, after reform for Aboriginal people and they're simply tired of it.

The election gave many a timely opportunity to voice their discontent about two major government policies. Both had Labor Party tags on them: the wide ranging measures of Howard's emergency response, now continued by Federal Labor and the Territory Labor initiated local government reforms. It didn't matter that over the past five years more money had been spent in the bush than ever before: an historic investment in hundreds of new houses and infrastructure, greater police presence and more teachers, or that local government reform was necessary to unpin better governance in the communities. As my friend said too much reform, too often, too much disturbance of lives. It was a vote that said we've had enough.

**The end of the short history**

And so with that clear protest from many Aboriginal Territorians about what they consider is unfair treatment, I'll finish this short history of the Northern Territory and our time of Self-Government. Thank you for coming on the journey with me.

Looking back over the last 34 years, there's no doubt that we have been challenged and frustrated by our second-class constitutional status. There's no question our political institutions have been affected by the power of the federal parliament to overturn our legislation, or impose legislation; no question that from time to time our political effectiveness circumscribed; or that Territorian lives have been unfairly targeted by thoughtless federal policies. Being a state would have meant I had a different story to tell to you tonight.

However, I do hope that I haven't sounded like some terrible northern whinger just because I'm talking about some of the deficits of being a Territorian. There are many, many positives about being a Territorian and I'm proud of our achievements in the Top End. It's just that I strongly believe that we are entitled to the same constitutional status as other Australians. We might be smaller in numbers and younger in terms of experience of government but that

should not diminish our rights. That's simply unfair and if Maurice and Doris Blackburn were here tonight I'm certain they'd be strong supporters of my arguments for Territory equity.

Thank you.

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