

Weston Creek Sub-Branch
Australian Labor Party, ACT Branch

Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Re: Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010

Dear Madam

I am writing to advise you of a motion passed by the Weston Creek Sub branch of the ACT Labor Party at its meeting on 14 March 2011. A copy of the motion is attached.

In supporting this motion, members believe that citizens of the ACT, unlike citizens in the states are, through the mechanism of section 122 of the constitution subjected to excessive Federal Government interference in their affairs. Being on an equal footing as all other Australians in all other respects, ACT residents should have the same rights and responsibilities as Australians living in the states.

In particular, the ACT should have the right to have laws made by its elected Legislative Assembly stand without interference by the Federal Government. Being subject to the legal interference of the Australian parliament makes the ACT (and the Northern Territory) effectively colonies within Australia. Citizens of the ACT and the Northern Territory are subject to a double disadvantage – not only being subject to the Australian parliament, but also less of a voice in that Parliament, thereby making us less able to argue for our rights in that forum.

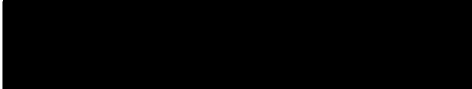
We find this situation to be unfair and no longer tolerable especially since the ACT Legislative Assembly has now a proven track record of responsible government.

In a country with a democratic tradition of longstanding it is untenable that citizens in territories should be subjected to such a double standard as now exists within its borders. Indigenous Australians living in the territories could be said to be living in a triple disadvantage unable to present their issues because the level of representation afforded them is less.

The bill proposed by Senator Brown may appear on the surface to be an improvement to the democratic rights of the people living in the territories but it is not. We believe that current Federal parliamentarians have little interest in changing the status of Australians living in the territories while they can have an influence over possible law making such as those in relation to same sex marriage and voluntary euthanasia. They will not give up their current legal right to interfere in the democratic decision making of the territories. In fact they have shown an active concern to attack their legal rights through *The Euthanasia Laws Act 1997*.

There should be no difference for Australians living anywhere in Australia in the level of government they receive. Governance of people living in the states and the territories should be the same. While specific legal power, as stated in Section 122 of the constitution, resides with the Federal government to make laws for peoples in the territories this will never be the case. We believe that a referendum would appeal to the decency of ordinary Australian voters living in the states to help their fellow citizens to overturn this inequitable, undemocratic state of affairs.

We the Weston Creek Sub branch of the ACT Labor Party therefore call on the committee to recommend that a referendum be called to amend the Constitution so that equality of governance is established in the territories. The next Federal election will be in 2013 one hundred years after the establishment of Canberra. It would be timely to have a referendum to ensure such equality and fairness throughout Australia.



Secretary
Weston Creek sub branch
ACT Labor Party

7 April 2011

Attachment**Weston Creek Sub Branch
Australian Labor Party, ACT Branch Meeting 14 March 2011****Motion for forwarding to**

The Senate Committee called to investigate the proposal by Senator Bob Brown to refer laws made by the territories to the Australian Parliament rather than the Federal Territories minister.

The Motion

Weston Creek sub branch of the ACT Labor Party calls on the Senate committee to recommend to Federal Parliament that at the next election a referendum be held to amend the constitution to ensure that Australians living in the territories are accorded the same legal status as Australians living in the states.

The sub branch asks the secretary to write a letter to the Senate Committee advising of this motion, and outlining briefly our reasons for this motion.