

Submission from:

Civil Liberties Australia 

To: Senate Legal and Constitutional Affairs Committee

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

CLA supports all the arguments made in other submissions which highlight the fact that the current situation is discriminatory against the citizens of the ACT and NT. Territorians are second-class Australians.

CLA supports this bill to give Territorians some of the rights they are entitled to (but clearly, not all). We believe that the Bill is merely a first step, and that the next referendum conducted in Australia should include a question or questions relating to giving full voting rights to Australians living in the Territories: that would include, in simple terms, that even a vote of the Australian Parliament could not overturn validly-enacted Territory legislation.

Rather than repeat the arguments undoubtedly canvassed well elsewhere, we would like to make two points of comparison for consideration by MPs:

Firstly, the breath-taking movements sweeping the Middle East are powered by the citizen demand, particularly by younger people, for civil liberties and freedoms – including voting rights – equal to those enjoyed by citizens of other countries. Conceptually and philosophically, there is no difference between the passionate demand for greater democracy throughout the ME and what the citizens of Australia's Territories are seeking under this bill.

Secondly, MPs might consider this bill in a relevant hypothetical context. The current situation of Territory legislatures is as if laws enacted by the Australian Parliament could be overturned by the UN Secretary-General simply on his say-so, or by a majority vote of the full UN body. The reason for this second-class status, as successfully argued in a winning vote by some UN delegates, would have been that Australia has just 22m people (far fewer than some other countries), is differently educated and possibly less financially independent than, say, the large countries of USA and China. For those reasons, Australia's MPs would be of second-class quality and not to be trusted. Australia would not deserve nor should it have full democratic rights.

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