

10 March 2011

Committee Secretary  
Senate Legal and Constitutional Committees

Dear Secretary

Thank you for the opportunity to comment on the bill currently before the Committee: *Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010*, and the amendments circulated by Senator Brown (which extend the Bill's operation to the Northern Territory and Norfolk Island). This Private Senator's Bill would amend the *Australian Capital Territory (Self-Government) Act 1988* to repeal the provision which enables the Governor-General to disallow and recommend amendments to any Act made by the Australian Capital Territory Legislative Assembly, amended to include other Territories.

Please find below my submission in relation to this matter. Given the short time frame of the inquiry, I have taken the liberty of quoting from a relevant article by Paul Kelly in the Australian, of 9 March 2011:

"The ACT is not a state. It is the creation of the national government and parliament, and its reason for existence is to provide the seat of national administration. The ACT lacks many privileges of the states guaranteed by the Constitution. The ACT has no claim to statehood. It never will be a state. Its constitutionally inferior status is enshrined for good reason. ... It means that while Australian citizens living in the ACT should be accorded the same political rights as other citizens, this does not gainsay the more limited nature of the ACT as a self-governing entity whose originating purpose as a territory still remains." [Hence the veto power available to the Executive under section 35 of the *ACT (Self-Government) Act 1988*.]

I would make the following points:

1. Why would we move from an executive to a parliamentary process? Is there any good reason to do so? What is the current motivation? Is it linked to the upcoming balance of power being given to the Greens in the Senate?
2. Given that the ACT is a small jurisdiction, with a lack of resources to mount major inquiries, and no upper house, it is appropriate that the Commonwealth Executive acts as a check on the Territory's powers.
3. If the main motivation is to introduce the agenda of a particular political party (in this case the Greens) into a Territory, we would have to query whether this is appropriate. Is it a short-sighted political move, rather than a thought-through vision?

4. As a long-term resident of the Territory, I am particularly concerned that we do not have a Parliament which has a particular agenda having power over the Territory (such as the Greens self-stated agenda of homosexual marriage and euthanasia)

5. If the main motivation of the Greens is to introduce euthanasia and homosexual marriage into the ACT (and thereby with precedential value into the rest of Australia), this is an inappropriate use of power, and must be rejected. In the euthanasia area alone, every State, with the resources available to it, has rejected this proposition, as being something in relation to which it is impossible to legislate and provide adequate safeguards.

Thanking you again for the opportunity to comment