

# Anglican Deaconess Ministries Limited

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## SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

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

This submission is made on behalf of Anglican Deaconess Ministries Limited. The company has a long history in the provision of health services, palliative care and ministry to the dying.

As a Senator from 1991-1993, I was a member of this Committee and its predecessors.

The bill being considered by the Committee concerns amendments to the ACT Self Government Act, but similar amendments are proposed for the Northern Territory (Self Government) Act 1978 and the Norfolk Island Act 1979.

The substantial questions raised by these bills cannot be properly addressed in Senate inquiry of such short duration. They are more properly the responsibility of an extensive yet separate investigation.

There are two main points:

#### **1. The bills raise important questions about the nature of self-government, the autonomy of the territories and even issues of statehood.**

The question of statehood, particularly for the Northern Territory, and changes to the nature of self-government, are properly a separate national debate, and should not be introduced through this backdoor method of a private member's bill.

#### **2. Passage of the Bills will make it harder for the Federal Government to intervene in legislation of local and national concern passed by territory legislatures.**

The legislation under consideration sets a higher test of disallowance by requiring the agreement of both Houses of Federal Parliament to overturn a law passed by a territory legislature. Given that over the last thirty years, most governments of the day have not controlled the Senate, it cannot be assumed that support from both Houses will be forthcoming, particularly if a matter is politically charged.

It also places the Federal Government in a situation where a decision could be made by a territory legislature, yet it would have no powers to intervene on the matter, even if it were in the government's direct interest as a local stakeholder, or in the national interest. Such a matter may arise if the territories regained the right to legislate in favour of euthanasia. As such, these bills should be read in conjunction with recent moves by the Australian Greens to restore the rights of

the territories to legalise voluntary euthanasia (Restoring Territory Rights [Voluntary Euthanasia Legislation] Bill 2010). It would be wrong for the territories, with their relatively small populations, to drive such far-reaching social change that would affect the rest of the country.

In relation to the ACT, it is the seat of national government and the headquarters of all its bureaucracies. The Federal Government has a key stake in the management and running of the ACT, and is indeed intimately bound with the welfare of the region. To remove the Federal Government from the checks and balances of the ACT parliamentary equation is a negative step in a unicameral jurisdiction. Indeed, the continued key stake in the ACT of the Federal Government and the Federal Parliament is illustrated by the existence of the Joint Standing Committee on the National Capital and External Territories.

In relation to the Northern Territory, a stronger case can be made for greater autonomy, given its distance from Canberra and particular factors of size, history and geography. However, until a change in its constitutional status, altering the powers of the Federal Government in relation to legislation passed in the NT is not warranted.

No case has been made for changing the existing provisions in relation to Norfolk Island. The Norfolk Island Legislative Assembly represents little more than 1800 permanent residents. It seems odd that a bill changing the current arrangements would be promoted at this time, given recent discussions about winding back self-government and in a climate of potentially increased financial dependence on the Commonwealth.

In conclusion, these Bills make it more difficult for the Federal Government to intervene in territory governance in the local or national interest, and raise other substantial questions of statehood and self-governance. I would urge that the Bill, and related amendments to the Northern Territory (Self Government) Act 1978 and the Norfolk Island Act 1979, be rejected. However, the questions raised should be the subject of a further more extensive inquiry by a Senate or Joint House Committee.

**DR KARIN SOWADA**  
**Chief Executive Officer**