

**A Submission to the Senate Legal and Constitutional Affairs Committees' Inquiry into
the Australian Capital Territory (Self-Government) Amendment (Disallowance and
Amendment Power of the Commonwealth) Bill 2010**

I, Peter Robert Rose, _____, make this submission to the Senate Legal and Constitutional Affairs Committees' Inquiry into the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010, on this tenth day of March 2011.

This submission reflects my own opinions, resulting from my experience residing intermittently in the Australian Capital Territory from 1965 to 1990 and then continuously since 1991. I am a constituent of the Electoral Division of Fraser.

Having lived in most of the States of Australia while serving in the Australian Defence Force, I regard myself as an Australian who just happens to reside in that part of Australia which is within the Australian Capital Territory's border.

I hold the view that the *Australian Capital Territory (Self Government) Act 1988* should **not** be amended at this time 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. Any amendment to the *Australian Capital Territory (Self Government) Act 1988* should be considered only in the context of a review of the arrangements pertaining to Australia's Federation as a whole, so that provisions for the governance of the Australian Capital Territory are considered along with provisions for the governance of all six States and other Territories within the Commonwealth of Australia.

I am conscious of the historical reasons for the Federation of six States, each of which at the time of Federation had two Houses in its Parliament. That Queensland dispensed with its Upper House in 1922 was of its own volition. States entered the Federation with their own extant Constitutional arrangements to review all legislation before State Parliaments.

I am conscious too of the historical reasons for locating the nation's capital in a Territory rather than forming that capital city within an existing State. That the Northern Territory and the Australian Capital Territory have Legislative Assemblies, but no Upper House or chamber of review, is noteworthy; provision for the review of Territories' legislation exists through the formal relationship of each Territory with the Parliament of the Commonwealth of Australia.

The Australian Capital Territory was formed for the sole reason of being the location of the nation's capital. Regardless of the future size of Canberra, its purpose is and will always be to host the Federal Parliament, together with some of the institutions of national government.

As the Australian Capital Territory's people have inherited a distinct legal system, it is necessary that some law-making be undertaken by the Australian Capital Territory's Legislative Assembly. I hold the view, however, that the people of the Australian Capital Territory should not ask of their Legislative Assembly that it make laws which would have a novel social impact beyond the borders of the Australian Capital Territory

The laws of the Australian Capital Territory should neither be inconsistent with Federal legislation, nor exercise involuntarily an impact on residents elsewhere in Australia. The laws of the Australian Capital Territory should not be of such a nature that residents from

elsewhere in Australia use Australian Capital Territory legislation for the purpose of achieving legal status for activities not afforded legal status in their own places of residence.

While it remains a responsibility of the people and of the Legislative Assembly of the Australian Capital Territory to refrain from enacting legislation which would have a novel social impact beyond the Australian Capital Territory's borders, there is evidence that legislators have disregarded this responsibility in the recent past. I consider it is because of the need to monitor such legislation that the provision for Commonwealth review of Australian Capital Territory legislation must remain as it currently stands.

Peter Robert Rose
10 March 2011