

William J. Fraser

B.Com PhD FCPA MAICDAMusA

13 March 2011

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

Dear Secretary:

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

I am writing in relation to this bill proposed by Senator Bob Brown, which aims to give more power to the ACT Legislative Assembly. I am concerned about the extent of existing powers of the ACT Legislative Assembly and the intention of some politicians to use the proposed wider powers to introduce or at least provide the means to enact certain much publicized contentious legislation.

If the ACT Legislative Assembly is to be seriously be compared with a state parliament, I would point out that all states except Queensland have three levels of Government, i.e. two houses of Parliament and a Governor. Constituents dissatisfied with proposed legislation can appeal to each of the three levels of Government to seek appropriate redress.

I come from Queensland, and regard the situation there as most unsatisfactory. The Labor Government abolished the upper house of the Queensland Parliament, the Legislative Council, in 1922 as it often opposed their legislation, probably with good reason. The Premier, Ted Theodore, waited until the Governor went on leave, and then installed a "puppet" who would do his bidding in abolishing the chamber. Since then, power has been concentrated among a small number of people, and Government is largely by the executive with Parliament, i.e. representatives of the people, in a weak position.

Power in the ACT Legislative Assembly resides in as few as 10 people, and is currently dominated by the political left, which is seeking enhanced powers for its members in the Legislative Assembly. However it is unrealistic to imagine that these 10 people will provide good and responsible legislation every time. They

will be prone to error on at least some occasions. To ensure that hasty or ill-conceived legislation is not enacted, an effective process of legislative review and appeal is required.

The only current level of appeal by concerned Canberrans is to the Commonwealth to override ACT Legislation, a process which some people see as offensive. Perhaps this process needs to be made simpler, rather than abolished. Possibly some other means of reconsideration could be adopted such as a citizens initiated referendum for contentious legislation. However something is required, the people of Canberra being surely entitled to similar protection to people in the states. Otherwise an extremely dangerous situation will pertain and there is a need for checks and balances to be established to guard against the implementation of extremist or harmful legislation.

While some politicians clamor for more power for the ACT Legislative Assembly, I would prefer an improved system of Territory Government that will benefit everyone, not just those of a particular political persuasion seeking more power. I hope you will reject Bob Brown's bill.

Yours sincerely

William J. Fraser