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Senator Trish Crossin  
Chair, Senate Standing Committee on  
Legal and Constitutional Affairs  
Parliament House Canberra

### **Submission to Senate Legal and Constitutional Affairs Committee**

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

Section 35 of the *Australian Capital Territory (Self-Government) Act 1988* affords the Governor-General the power to disallow an enactment of the Australian Capital Territory (ACT) Legislative Assembly by legislative instrument within 6 months after it is made.

Because state parliaments are not subject to the same limitation, this limits the power of the ACT Legislative Assembly to legislate on behalf of all Canberrans. Its practical effect is that an ACT law may be overturned by the Governor-General (acting on advice of the executive), even though it is supported by a majority of Canberrans.

Citizens of the ACT deserve a better deal. After more than two decades of self-government, the ACT Legislative Assembly has proven itself to be a mature debating chamber, which stands the equal of any other state or territory legislature in Australia.

Without a constitutional change, the Australian Parliament will still have the right to overturn territory laws. But this power should only be exercised in the most extreme cases. Overturning territory law should require a decision of the federal parliament, and not remain the prerogative of the executive.

Moving the veto power from the executive to the Australian Parliament will ensure that an open debate takes place, in which every Australian Parliamentarian – including the ACT's MPs and Senators – has the opportunity to speak out.

We encourage the committee to support the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010 and the repeal of section 35 of the *Australian Capital Territory (Self-Government) Act 1988*.

Yours sincerely,

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