

**To: The Committee Secretary,  
Legal and Constitutional Affairs Legislation Committee,  
Parliament House,  
Canberra ACT 2600**

**From: The Australian Family Association,  
35 Whitehorse Road,  
Balwyn,  
Victoria 3103  
Ph: (03) 9816 0800**

**SUBMISSION TO INQUIRY INTO THE AUSTRALIAN CAPITAL TERRITORY  
(SELF-GOVERNMENT) AMENDMENT (DISALLOWANCE AND  
AMENDMENT POWER OF THE COMMONWEALTH) BILL 2010**

- 1. The objective of the Bill to repeal the relevant sections of the ACT, the NT and Norfolk Island self-government Acts repealing the power of federal ministerial veto of Territory legislation is opposed.**
- 2. The ACT, the NT and Norfolk Island (the Territories) are creations of the Commonwealth of Australia. It is reasonable for the Commonwealth to have what powers of oversight of the Territories it decides. The present proposal to simply repeal the relevant sections of the Territories' self-government Acts to require that territory legislation can only be overruled by an Act of the Commonwealth and not by Executive decision, is a very ad hoc way of changing the law governing the Commonwealth's power over its own territories.**
- 3. The Bill raises serious and complex legal and constitutional issues and the time allowed for the present inquiry and report does not represent sufficient time for such issues to be raised much less be given adequate consideration.**
- 4. The ACT has a population of about 350,000, comparable to the size of a local government and its citizens voted not to have a local government Assembly in the 1990s but the federal government insisted on the creation of such an Assembly.**
- 5. The NT has a population of only 230,000 and rejected becoming a state in a referendum in the 1990s.**
- 6. Norfolk Island as at 25 February, 2011 had only 1353 permanent residents, vastly smaller than any local government in Australia. In 2010 80% of the population voted in an online poll in favour of new governance by Australia allowing the federal government ministerial veto powers, the right to**

introduce its own legislation into the Island's Assembly and Executive authority for summary dismissal of ministers and of the Assembly itself and to be part of the Australian taxation system. The economy has collapsed and relies on a \$3.9million loan from the Australian government to provide vital services for this financial year. Chief Minister, David Buffett, said in February that a Commonwealth-funded survey of the population and its economy is planned for this month designed to assess the need for further Commonwealth funding and that this will include funding of wider business activity. Norfolk Island is hardly in a position to take on the responsibilities of a state.

7. Bob Brown's Bill is to replace Ministerial veto of legislation in such small Territories with the requirement that only the federal parliament be able to overturn such legislation. This means any number of legislative issues raised by a Territory Assembly may then have to be considered by the federal parliament.
8. Potentially, this could involve the federal parliament spending much of its time dealing with legislation in one, two or three Territories.
9. Given that many local councils are bigger than any of these Territories (Brisbane City Council has a population of over 1 million), are we next going to advocate giving local councils the same rights as Bob Brown advocates for the Territories?

**The proposal is ridiculous and should be rejected.**

**And the Committee is asked to consider this submission.**

**Terri M. Kelleher,  
Secretary,  
Victorian Branch,  
Australian Family Association**