

CHAPTER 1

INTRODUCTION

Background

1.1 On 2 March 2011, the Senate referred the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010 (Bill)—together with proposed amendments applying to the Northern Territory (NT) and Norfolk Island—to the Legal and Constitutional Affairs Legislation Committee (committee) for inquiry and report by 21 March 2011.¹ On 21 March 2011, the Senate agreed to extend the reporting date until 28 March 2011.² On 25 March 2011, the Senate again extended the reporting date until 4 May 2011.³

1.2 The Bill was introduced into the Senate by Senator Bob Brown on 29 September 2010. The stated objects of the Bill are to:

- remove the Governor-General's power under the *Australian Capital Territory (Self-Government) Act 1988* to disallow or amend any Act of the Legislative Assembly for the Australian Capital Territory (ACT Legislative Assembly); and
- ensure that the ACT Legislative Assembly has exclusive legislative authority and responsibility for making laws for the Australian Capital Territory (ACT).⁴

1.3 Proposed amendments by Senator Brown were circulated on 1 March 2011. These amendments would make similar changes to the *Northern Territory (Self-Government) Act 1978* and the *Norfolk Island Act 1979*.

1.4 Senator Brown introduced a similar bill into Parliament in 2006, entitled the Australian Capital Territory (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006.⁵ That bill was a response to the Governor-General's disallowance of the *Civil Unions Act 2006* (ACT): it would have retained the Governor-General's power to recommend amendments of ACT laws, but would have repealed his or her power to disallow ACT laws. The bill was debated in the Senate on

1 *Journals of the Senate*, 2 March 2011, p. 642.

2 *Journals of the Senate*, 21 March 2011, p. 699.

3 *Journals of the Senate*, 25 March 2011, p. 790.

4 Australian Capital Territory (Self Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010, clause 4.

5 *Journals of the Senate*, 19 June 2006, pp 2285–6.

14 September 2006,⁶ but ultimately lapsed. Another similar bill, the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2009, was introduced by Senator Brown on 26 November 2009,⁷ but lapsed in 2010.

Conduct of inquiry

1.5 Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 47 organisations and individuals inviting submissions. Submissions were invited by 10 March 2011, but continued to be accepted until the reporting date for the inquiry.

1.6 The committee received 209 submissions, which are listed at Appendix 1. Submissions were placed on the committee's website.

1.7 The committee held public hearings in Canberra on 16 and 21 March 2011. A list of witnesses who appeared at the hearing is at Appendix 2, and copies of the *Hansard* transcript are available online at <http://www.aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee *Hansard* are to proof *Hansard*: page numbers may vary between the proof and the official *Hansard* transcript.

6 *Senate Hansard*, 14 September 2006, pp 90–121.

7 *Journals of the Senate*, 26 November 2009, p. 2891.