

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

AUSTRALIAN CAPITAL TERRITORY (ESTABLISHMENT AND AMENDMENT OF NEW  
CONSTITUTION) BILL 1988

EXPLANATORY MEMORANDUM

OUTLINE

The Bill forms part of a package of three Bills designed to address matters which are either not dealt with at all in the Government's ACT self-government package or are dealt with inadequately.

The Bill is based on the proposition that the citizens of the ACT should have a mechanism available to them by which the ACT Constitution can be "repatriated", after which it would be amendable by local decision.

The Bill provides, in essence, that:

- (i) after full consultation with the ACT community, the ACT legislature may draft a proposed ACT Constitution;
- (ii) such draft is to be made available to the ACT

community for further input and discussion;

- (iii) following both such processes, the ACT legislature may endorse the draft Constitution for tabling in both Houses of Parliament;
- (iv) either House may, within 21 sitting days, resolve not to accept the constitution;
- (v) if neither House so resolves, and if the Governor General is satisfied that there has been full consultation within the Territory, she or he may approve the constitution on behalf of the Commonwealth;
- (vi) the Constitution so approved shall then function as the Constitution of the ACT, and shall replace any provision of the self-government legislation inconsistent with it.