

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

AUSTRALIAN CAPITAL TERRITORY (PROTECTION OF THE NATIONAL
INTEREST) 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 propositions that:

- (a) the people of the ACT should have the maximum degree of autonomy consistent with the national interest in the Capital Territory;
- (b) circumstances may nevertheless arise on rare occasions in which intervention in ACT affairs by national authorities is necessary in the National interest;
- (c) intervention in the affairs of one legislature should, in principle and (to the greatest degree possible) in practice, be only by another legislature, not by an executive arm of government; and
- (d) account should nevertheless be taken of the possibility,

however unlikely in practice, that effluxion of time, before the Australian Parliament meets, might mean that opportunity to deal with a particular matter has for practical purposes disappeared.

The Bill is also based on the view that addressing of the way in which the national interest and the territorial interest is to be balanced in the case of the ACT should be the subject of self-standing legislation dealing expressly with this matter.

The Bill therefore seeks to declare the intentions of the Parliament in these regards and to ensure that these intentions will prevail. It does this, inter alia, by providing that where necessary a fall-back mechanism will operate to protect the rights of the Parliament.

This fall-back mechanism will apply where practical circumstances might, through the effluxion of time, remove opportunities the Parliament would otherwise have, and will take the form of a short-life Ordinance made by the Governor-General.

