



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



## **THE SENATE**

### **BILLS**

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

## **Second Reading**

### **SPEECH**

**Thursday, 18 August 2011**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 18 August 2011  
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**Questioner**  
**Speaker** Brandis, Sen George

**Source** Senate  
**Proof** No  
**Responder**  
**Question No.**

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (09:42): The opposition has always been a strong proponent of the rights of people who live in the territories and, in particular, the rights of people who live in the three territories affected by this bill—the Australian Capital Territory, the Northern Territory and Norfolk Island. We note in particular that the Northern Territory has resumed a movement towards statehood. That was a movement which, in the 1990s, although ultimately defeated, was strongly supported by the then coalition government led by John Howard. I recently met with a bipartisan delegation of parliamentarians from the Northern Territory to discuss the movement towards statehood for the Northern Territory with them.

Equally, the coalition has always been represented in this place by ACT senators—my distinguished friend Senator Gary Humphries, a former Chief Minister of the ACT, and his predecessor, Senator Margaret Reid—who have been very, very ardent advocates for the rights and interests of citizens of the ACT. The issue of statehood for the ACT does not generally arise in these discussions because of the peculiarity of the ACT's constitutional position.

So respecting the rights of citizens who live in Australia's territories, particularly the two territories represented in the Commonwealth parliament, is core business for us in the coalition. What this bill purports to do is to bring about a fundamental constitutional change to the status of those territories and the relationship of those territories to this parliament. Those of us who take the interests of territorians seriously have grave concerns that, because of the piecemeal, haphazard and sloppy manner in which this is presented to the Senate by the Greens, by Senator Brown, passage of the bill in this form will in fact retard and set back the recognition of the rights of territorians. In particular, having regard to the fact that the process in the Northern Territory is proceeding towards statehood in a methodical and careful way, those who would like to see statehood for the Northern Territory do not want this bill in this form. This is by no means easy. I know Senator Brown enjoys the luxury of pontificating about issues without having the responsibility to put those views into effect. But if Senator Brown had met with voters who are seeking to prosecute the case for Northern Territory statehood—

**Senator Crossin interjecting—**

**Senator BRANDIS:** I know you have, Senator Crossin. I do not doubt your interest in and commitment to this issue. If Senator Brown had met with those people, he would understand better than he does how constitutionally and politically difficult this is. Those who seek to advance the cause of Northern Territory statehood need a gratuitous intervention like this from the Senate like they need a hole in the head. So we will not be supporting this bill. We support the wisdom of the observation made by the Senate Legal and Constitutional Affairs Legislation Committee when it reviewed the legislation and cautioned against a piecemeal approach to issues of self-government. My distinguished colleague Senator Humphries will shortly be moving a second reading amendment and addressing this issue and elaborating further upon what the Senate committee report found.

There is another reason why the coalition opposes this legislation. We look with a very sceptical eye on anything that comes from Senator Bob Brown and the Greens. With a deeply sceptical eye, we have followed through the media the debate about gay marriage that has riven the Australian Labor Party and the concerns expressed, in particular by former Senator Mike Forshaw and former Senator Steve Hutchins—reflected, by the way, in their dissenting comments in the committee report—that this bill, although on its face a constitutional bill, is in fact being sought to be used as a vehicle for gay marriage to be introduced in the Australian Capital Territory. In forming that sceptical, dare I say somewhat cynical, view of Senator Bob Brown's purposes here, we are emboldened by comments that the former ACT Chief Minister Mr Jon Stanhope made in the context of this debate when Mr Stanhope belled the cat and made it perfectly clear that he would like to use this legislation, were it to be passed, as a vehicle to introduce gay marriage in the ACT. Mr Stanhope—who was a dreadful Chief Minister, a real no-hoper and one of the worst heads of government I have ever come across, on either side of politics, in any state or territory—revealed the purpose and the thinking behind this bill. Whether that purpose

is continued by the current ACT Chief Minister I do not know, but at the time this bill was being shaped in the mind of Senator Brown we know what Mr Stanhope thought it would lead to and what he wanted it to lead to.

We know, as I said a moment ago, that on the issue of gay marriage the Labor Party is riven between those who are proponents of that issue and those—particularly the more conservative elements in the Labor Party—who are trenchantly opposed to it. We have no such division on our side of politics. We in the Liberal Party and the National Party support the Howard government's amendments to the Marriage Act; we do not support gay marriage. We are not having the argument among ourselves about gay marriage that is tearing the Labor Party to shreds at the moment. We are perfectly prepared to watch from the sidelines as the Labor Party tears itself apart. But anybody who thinks that there are not some in the Labor Party who see this bill as a step towards the enactment of gay marriage within the ACT is either deluded or dishonest. There are many—not all, perhaps not most—in the Australian Labor Party who do see this bill as a pathway to that outcome.

We do not accept the good faith of Senator Brown's public assurances that this bill is purely about the rights of territorians. On its face, as I said before, it is a constitutional bill. On its face, it is a bill of general application, but we know that it is also part of this move to achieve an outcome in relation to the Marriage Act to which we in the coalition are resolutely opposed. For that reason as well, we will be opposing this bill and we will be supporting the second reading amendment which I foreshadowed and which Senator Humphries will outline in his contribution.