

FROM YOUR EDITOR

Jennifer Aldred

This issue carries three articles on various topics dealing with governance in the Australian Capital Territory (ACT). 2013 marks 100 years since Canberra was founded as the nation's capital. The site was chosen for the federal capital after a long search process and entrenched by the *Seat of Government (Acceptance) Act 1909*, matching NSW surrender legislation. For several decades after, it was administered by sections of Melbourne-based departments, with gradual movement towards an elected representative institution for the ACT and a distinctive set of administrative arrangements. The Commonwealth parliament moved to Canberra in 1927, and the city's population grew rapidly after World War II as the government moved many of its departments from Melbourne to Canberra: this increased pressure for a more conventional governance system. Self-government for the ACT came with the passing of the *Australian Capital Territory (Self-Government) Act* in 1988. The new territorial governance system settled in with a small (17 member) unicameral legislature, a ministerial executive (or cabinet), a fully fledged judiciary, a separate public service comprising a number of ministerial departments and a population of non-departmental bodies similar to those operating in the states. Some differences remained. Notably, as with the Northern Territory, the ACT did not have its own constitution or the constitutional protections that go with it, so that it was consequently possible for the Commonwealth to intervene directly in its legislative process by annulling ACT legislation. Another notable difference was that the ACT did not have a local government system of its own, so that its legislature and administrative apparatus had a responsibility for a wide range of services which was, in the states, divided between central and local governments. There is strong argument in Canberra's centenary year that the Legislative Assembly needs enlarging for two main reasons. First is that the central-plus-local range of responsibilities places a very heavy load on the small band of Assembly members. Secondly, that — irrespective — more are needed to allow for the effective working of government and opposition front and back benches and a committee system, all seen as vital ingredients of a Westminster-style legislature. We will wait and see. I am grateful to Roger Wettenhall for his article on arm's length bodies in the ACT and for his contribution to this potted history of the jurisdiction.

Also in this issue George Williams and Anne Twomey write on separate issues dealing with constitutional matters. George examines the place of race in Australia's Constitution and what it means for recognising Aboriginal peoples. Anne considers the various dilemmas involved in drafting a new state Constitution for the Northern Territory. Of particular interest is the balance between entrenchment and flexibility.

Queensland's Integrity Commissioner, David Solomon, examines the range of developments in the enforcement of ethical standards for MPs in both Australia and the UK. He considers their impact on ministers and backbenchers and the relationship they have with the parliament and the government.

Alex Stedman raises questions, through the NSW experience, of whether the proclamation device can be abused by an executive to undermine parliament. Change is supported. Executive accountability — again in the NSW context — is discussed by Merrin Thompson. She considers the impact on the independence of the house of review of ministerial references to upper house committees.

The articles conclude with Abel Kinyondo's paper examining the effectiveness of strategies to strengthen parliaments in the Pacific. Using the case study of Tonga, he argues that strategies in place, such as parliamentary training and various democratic reforms, will be of limited success without deeper and more specific constitutional reforms. In Tonga's case, reforms should necessarily seek to significantly and positively transform the make-up, leadership structure and the role of the parliament in discharging its functions independently of the monarchy. Some of the recommendations drawn in this piece have wider relevance to jurisdictions facing similar challenges elsewhere around the world.

Robyn Smith and Harry Phillips chronicle various happenings around the parliaments for the past six months and the issue finishes with reviews of an interesting mix of recently released books. My thanks go to all who have given their time to contribute to APR in this way.

The 2013 annual conference of the Australasian Study of Parliament Group is to be held in Perth on 2–4 October. The topic is: 'Oversight: Parliamentary Committees, Corruption Commissions and Parliamentary Statutory Officers'. Further information is available on the ASPG website www.aspg.org.au.

Remember readers, views and comments on the content of the journal are always most welcome. Email me at jennifer@aldred.com.au.

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