



# QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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*Watching Them While They're Watching You*

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

egc@parliament.qld.gov.au

Dear Madam/Sir

## **Draft Local Government (Dissolution of Ipswich City Council) Bill 2018**

The QCCL thanks the Committee for the opportunity to make a submission in relation to this draft Bill.

Consistently with our position over many years, we oppose this Bill.

We oppose the Bill because the effect of it will be to bring to an end proceedings which Ipswich City Councillors have commenced in the Supreme Court of Queensland. For many years, we have opposed legislation which has the effect of depriving individuals of their accrued legal rights. We do so again.

In addition, the Bill purports to shield the decision of the Minister under the legislation from judicial review. This is perhaps, not such an unusual provision. However, once again the QCCL has consistently opposed such provisions. If the government believes its decision justifiable, it should be prepared to have it subject to judicial review.

In other words, as recognized by the explanatory notes, this legislation violates fundamental individual rights and liberties.

In the explanatory notes, the legislation is justified on this basis:

It is considered that the situation at ICC, given the longstanding and growing governance and corruption concerns, merits a decisive approach to ensure future stability for the community. The Bill reflects this need for community certainty in Ipswich, providing the community with confidence that the ICC is operating in a manner which reflects sound decision-making and strong governance and integrity. It is anticipated that the decisive nature of the Bill will support business confidence in Ipswich and will restore community confidence generally.

However, it is not clear to us what this justification means. Does it mean the government has evidence that some or all of the continuing Ipswich City Councillors are corrupt or incompetent?

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If the allegation is that they are corrupt, why have they not been charged?

We do not have access to the notice to show cause served on the Councillors. Media reports suggest it deals with issues of incompetence or maladministration.

On 23 July 2018 the Minister tabled in Parliament reports by McGrath Nicol. Unfortunately despite repeated attempts on different devices, I have been unable to open those documents.

Media reports indicate that those reports find losses by Council related entities, breaches of the *Corporations Act* and poor financial management practices.

On the face of it these are serious matters, which are of legitimate concern to the Minister.

However there are other fundamental rights and processes at stake. Since the 1980s the QCCL has opposed legislation which has had the effect of terminating Court actions which involve the rights of individuals. We have also consistently opposed legislation that has shielded government decisions from Judicial Review.

These are important points of principle that must be defended again in this case, lest it be used as a precedent in the future. In our view fundamental rights should not be set aside by the legislature in this fashion.

These concerns are reinforced by the fact that the Councillors are democratically elected. State governments everywhere in this country and of all political persuasions have a tendency to treat local government simply as another arm of the State Government. Whilst in a legal sense there may be some truth in that, it ignores the fundamental difference between the dismissal of a local council and the dismissal of a statutory authority. The Council is not a Water Board. A Water board is not elected. The local council is.

In our view the provision allowing the administrator to stay in place until the next election, ie for almost another 2 years is inappropriate. We note that section 123 of the *Local Government Act*, contemplates that when a Council is dissolved, elections should occur "as soon as practicable". We do not understand why this provision does not apply to this case. The citizens of Ipswich should not have to be governed by an unelected person(s) for any longer than is necessary to call fresh elections.

We trust this is of assistance to you in your deliberations.

Yours faithfully



Michael Cope  
President

For and on behalf of the  
Queensland Council for Civil Liberties  
25 July 2018