



DEPARTMENT OF PUBLIC WORKS

Submission NU 46
Spec 3.4

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25 SEP 1998
LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

Office of the
Director-General

Ref: DG7224

25 SEP 1998

ATTACHMENTS NOT TABLED

Mr G Fenlon MLA
Chair
Legal, Constitutional and Administrative Review Committee
Legislative Assembly of Queensland
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Fenlon

I refer to your letter of 10 August 1998 advising that the Legal, Constitutional and Administrative Review Committee has resolved to complete the inquiry commenced by the former committee, which resulted in the "Interim Report on the Consolidation of the Queensland Constitution". You have invited comments on the draft legislation which forms part of the Interim Report.

I note that Part 6 of the draft *Constitution of Queensland Act 1998* sets out the powers of the State to carry out commercial activities. This is expressed in terms equivalent to the current Part 12 of the *Acts Interpretation Act 1954*.

Part 12 of the *Acts Interpretation Act 1954* was inserted following an opinion dated 15 August 1994 by the Solicitor-General provided to the Administrative Services Department (as this department was formerly known), expressing doubt concerning the extent to which the State could carry out commercial activities without explicit legislative sanction. For your information I enclose a copy of the Solicitor-General's opinion, together with an opinion by Messrs Minter Ellison Morris Fletcher, Solicitors dated 21 February 1994 on the same topic.

It would appear appropriate that in any review of the Queensland Constitution, provision be made in the Constitution in terms similar to those contained in Part 6 of the draft *Constitution of Queensland Act 1998*.

By way of general comment, this department supports any move which would enable the public of Queensland to obtain easier access to, and better understanding of the Queensland Constitution.

I thank you for the opportunity to comment in relation to this most important matter.

Yours faithfully

Mal Grierson
A/Director-General