

SUBMISSION

FROM: Ipswich City Council

TO: Legal, Constitutional and Administrative Review Committee, Legislative Assembly of Queensland

PURPOSE: This Submission is made as the result of an invitation to do so contained in the Committee's paper "The Queensland Constitution: Entrenchment - Proposals for comment (August 2002)"

Submission

Local government is a legitimate third tier of government in Australia, after the Commonwealth and State governments.

Local government operates and interacts with citizens at the "grass roots" level in many domestic and elementary basic levels.

In recent times many areas which had been handled by the state government have now been given to local government such as certain liquor administration matters, preservation of the environment, abating noise nuisances etc.

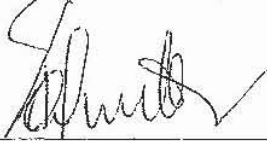
It is just, reasonable and jurisprudentially desirable that the role of local government should be recognised and preserved. In pursuance of this concept, local governments should be enshrined by:-

- (i) Referendum entrenchment of Section 70 of the Constitution of Queensland 2001 which deals with the system of local government in the same manner and form as set forth in Section 53 of the *Constitution Act 1867*. The Ipswich City Council endorses, in this regard, the comments made in the Consultation Paper of the committee dealing with entrenchment (August 2002) under the heading "General" at page 31 of that paper and on pages 40 and 41 where reference is made to Section 70 of the Constitution of Queensland 2001.
- (ii) Parliamentary entrenchment of (by a two-thirds majority of the Legislative Assembly) Sections 71 to 77 of the Constitution of Queensland 2001 as mentioned in page 41 of the Consultation Paper relating to entrenchment (August 2002).
- (iii) The insertion and Parliamentary entrenchment of a provision in the Constitution of Queensland 2001 that a fresh election of the Councillors of a local government that has been dissolved should be held as soon as possible after the dissolution of the local government. This is mentioned in page 47 of the Consultation Paper.

With reference to (i) above, there is strong opposition to any suggestion that the vital Section 70 of the Constitution of Queensland 2001 which deals with the system of local government should be entrenched by Parliamentary entrenchment. The view is held that it is essential that this very important provision can only be suitably entrenched by Referendum entrenchment.

This Submission is made by resolution of the Ipswich City Council at its meeting held on 16 October 2002.

Dated at Ipswich this *sixteenth* day of October 2002



R. Rapinette
Acting Chief Executive Officer
Ipswich City Council

As requested by the Committee:-

- (1) The Submission is being forwarded to the Research Director, Legal, Constitutional and Administrative Review Committee;
- (2) Address of Ipswich City Council, 50 South Street, Ipswich Qld 4305
- (3) Daytime telephone number of contact - Mr R Rapinette, 3810 6219.