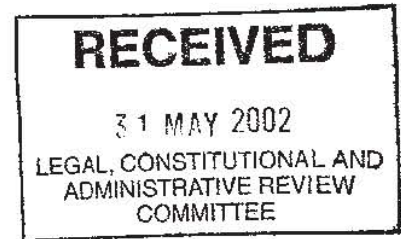


The Research Director
Legal, Constitutional and Administrative
Review Committee.
Parliament House, George Street
BRISBANE QLD 4000



Dear Ms. Newton and Committee members,
Although there are many issues that need addressing within the Specific Content Issues paper, I will limit my submission to the "**Restoration of a Local Government after Suspension**" issue, and the "**Indicative Plebiscites**" issue.

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Restoration of a Local Government after Suspension.

Taken on it's own, the speedy re-election of Local Government *seems at face value*, a very democratic and praiseworthy idea, **but** in view of the results of the **1988 Federal referendum proposal 119A**, "*Each State shall provide for the establishment and continuance of a system of local government, with local government bodies elected in accordance with the laws of the State and empowered to administer, and to make by-laws, for their respective areas in accordance with the laws of the State*", which was **resoundingly defeated by a vast majority of Australian voters**,* I think perhaps the issue needs to be looked at a little more closely.

* One report gives the figure at over 87% of the people of Australia, and the "*Report on the Possible Reform and Changes to the Acts and laws that relate to the Queensland Constitution*," gives the figure at 61.7% of the Queensland voters.

Section 109 of the Australian Constitution calls for Commonwealth laws to prevail over any of the State laws, which become null and void in the event of a conflict, it would seem that "*Local Government with the power to make By-laws*" should not exist as such at all if the results of the referendum were taken into consideration!

Local Governments have been growing stronger and larger, and more despotic, with amalgamations and ability to make "Local Laws". This principle of a **Third Tier of Government** has been rejected by the people, and yet it continues at an accelerated pace! (The Gold Coast Council amalgamated with the Albert Council since the 1988 referendum!)

Large, powerful Local or Regional Governments, called "Soviets", with a strong Central Government is the Soviet system, which failed miserably in Russia. Why imitate a failed system? Are the powers of the States to be whittled away and shared between Local Governments and a strong centralist Commonwealth Government?

Section 99 of the Australian Constitution calls for uniformity of laws between States, and parts thereof, regarding any law or regulation of trade, commerce or revenue.

Lack of uniformity of laws within a State is most undesirable.

Some Local Governments have come up with "Local Laws" which clearly are in conflict with this principle, such as, for instance, the Gold Coast Local Government's "Rental Accommodation Licence" Local Law, which puts impositions upon Gold Coast property owners, which property owners in other municipalities are exempt from.

Other "local laws", such as the Logan Council's controversial tree laws are causing much pain and anguish among the Logan ratepayers, the ones who foot the bill for these impositions.

I am sure that there are many "Local Laws" which fall into this category.

To have reference at all to "Local Government" in the Queensland Constitution seems to fly in the face of the plainly stated wishes of the people.

As "Local Government, with the power to make Local Laws" was rejected by the people of Australia and Queensland, to "***Restore a Local Government after a suspension***" would be against the clearly visible results of the 1988 referendum, and all Local Governments should, in my opinion, be ***suspended indefinitely*** forthwith, and replaced with Local Councils.

Perhaps "Local Councils, ***without*** the right to make and enforce Local Laws" would be more to the liking of the people of Queensland, who appear to be ***thoroughly tired of being over-governed.***

Another possibility is to restrict the subject matter of by-laws to parking etc.

Some say that "As the Australian Constitution is silent on the matter of ***Local Government*** then the States can do as they please", but the Australian Constitution is silent ***because the question was rejected!***

Another (and more democratic) way of looking at the result of the 1988 referendum is that "***The people rejected the right of the States to create and continue Local Government with the power to make and enforce Local Laws***"!!

Given the above, I feel that I must strongly object to the inclusion in the Queensland Constitution any paragraph which tends to entrench or consolidate the powers of Local Governments.

Indicative Plebiscites

This seems a very good and democratic idea, and I support this wholeheartedly!

Of the particular issues involved it would be better to seek those methods which would best reflect and indicate the true will of the people.

In view of the above I feel that, in regard to issue 15, "should the Referendums act 1997 (Qld) provide for indicative plebiscites prior to a referendum to enable citizens to be involved in the formulation of a referendum question?" The answer is a resounding **yes!**

In regard to 16, "If provision for indicative plebiscites is not introduced, are there any alternative mechanisms by which the QCRC's concerns might be addressed?" The answer might be found in Citizens Initiated Referenda!

In regard to 17, "If provision for indicative plebiscites were to be introduced"

(a) should there be restrictions on the subject matter, etc...." NO!

(b) Should voting be compulsory etc...." I feel that if people are not interested enough to vote, their compulsory input might serve to 'muddy the waters' and the results be not a true indication of the will of the people, so the answer to this is NO!

(c) "Should the results be binding etc....?" Why ask the people if you do not take any notice of them? The answer is YES!

(d) "Should there be provision to be held by post?" The only objection to that is one of cost, and it is preferable to hold these things at election times accordingly, but postal referenda should not be prohibited.

Governments seem to throw the taxpayer's money around in a profligate manner like chook food, but over all it would be best to have provision to enable plebiscites to be held by post. The answer is again YES!

I hope you find this short submission to be helpful.

John Walter.

