

No 21

**RECEIVED**  
- 3 JUN 2002  
LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE



**Queensland  
Government**

Our ref EDCG DMS P1722  
Your ref

Enquiries Gerard Sammon  
Telephone +61 7 3237 9942  
Facsimile +61 7 3237 9858

Main Roads  
Queensland Transport

**FAXED**  
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31 MAY 2002

Ms Karen Struthers MP  
Chair  
Legal, Constitutional and Administrative Review Committee  
Legislative Assembly of Queensland  
Parliament House  
George Street, Brisbane Qld 4000

Dear Ms Struthers

**Issues of Constitutional Reform**

Thank you for your letter dated 18 April 2002. Your committee is currently conducting an inquiry into matters of substantive constitutional reform to the laws comprising the Queensland Constitution. You have provided us with a copy of an issues paper (April 2002) which discusses the matters presently being considered by your committee. You have extended to Queensland Transport and Main Roads the opportunity to lodge submissions in response to the issues paper by 31 May 2002.

Queensland Transport and Main Roads have previously responded to earlier reports issued by the predecessor to your committee, and have supported changes which have modernised the laws concerning the Queensland Constitution albeit that those changes have not been substantive.

The current issues paper of April 2002 discusses matters of more substantive change to the laws concerning Queensland's Constitution.

It does not appear to us that the matters discussed in the issues paper will affect Queensland Transport or Main Roads to any greater extent than any other government department.

Office of the Director-General  
Capital Hill Building 85 George Street (cnr Mary Street)  
Telephone +61 7 3237 9801 Facsimile +61 7 3237 9648  
Email director-general.qt@transport.qld.gov.au  
GPO Box 1549 Brisbane Queensland 4000  
ABN 13 200 330 520

Queensland Transport and Main Roads offer comments below on some of the changes which would have the effect of modernising the laws comprising Queensland's Constitution. We have not commented on some of the other changes discussed in the issues paper which are matters of more substantive policy. These do not seem to have particular reference to Queensland Transport and Main Roads and seem appropriate to be decided upon by the elected parliamentary representatives, and perhaps even the voters at referenda.

**Issue 6** *Should the Constitution provide that ministers must be members of the Legislative Assembly?*

Response – Yes.

*If so, should they be allowed a period of three months (or some other period) from their appointment as a minister to be elected to parliament?*

Response – Yes. Ministers should be allowed a period of three months to be elected to parliament, consistently with s.64 of the Commonwealth Constitution.

**Issue 24** *Should s.30 of the Constitution Act 1867(Qld) be retained?*

Response – No. Section 30 merely gives the Queensland Parliament law-making power in relation to the “waste lands of the Crown in Queensland”. The State of Queensland already possesses this power anyway and there is no need for specific reference to such a power in the laws concerning the Queensland Constitution.

**Issue 25** *Should s.40 of the Constitution Act 1867(Qld) be retained?*

Response – No. Similarly to s.30, this provision vests particular rights in relation to the waste lands of the Crown in Queensland in the Parliament. It seems that this provision is also unnecessary.

**Issue 30** *Should the Constitution retain the requirement for a recommendation by a message from the Governor before the Legislative Assembly is able to originate or pass a vote, resolution or bill for the appropriation of an amount from, or an amount required to be paid to, the consolidated fund?*

Response – This requirement seems antiquated and unnecessary.

**Issue 44** *Should the Constitution make reference to the principle of an impartial and independent judiciary? If so, how should such a principle be incorporated in the Constitution?*

Response – Such a principle should be incorporated in the Constitution. The appropriate wording would be a matter for Parliamentary Counsel and parliament itself.

**Issue 48** *Should provision for compulsory retirement of supreme and district court judges at age 70 be retained?*

Response – Yes, consistently with the Commonwealth Constitution.

We hope that these comments are of assistance, and thank you for the opportunity to make submissions on the issues paper.

Yours sincerely



Bruce Wilson  
**Director-General**  
**Queensland Transport**



Steve Golding AM RFD  
**Director-General**  
**Main Roads**