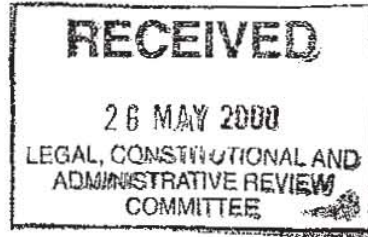


**Redland**

16 May 2000

Submission No 11
Spec 29.1.

Redland Shire Council

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File No: **190/005/010**

Contact: Gary Pholinos

The Honorable Gary Fenlon MLA
Chair
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Fenlon

Thank you for the invitation to comment on the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution.

Council by resolution at its general meeting on 24 May 2000 delegated me, the authority to prepare a submission on Council's behalf. Our submission will deal only with QCRC recommendation R11.3, *"That superfluous words in s 69(4) be deleted (p66) namely, "and a person or persons appointed to perform the functions and exercise the powers of the local government as an administrator", as it is deemed inappropriate.*

Council in its submission to the Commission on 30 September 1999, adopted the position that where a State Government could dissolve a Local Government with the approval of the Legislative Assembly, it could do so only where a process of investigation and suspension precedes it.

A properly elected Local Government can therefore be suspended if a report of properly constituted investigation so recommends and only where a Local Government has been afforded the opportunity to respond to such a report. It would be under these circumstances that a parliamentary instrument would appoint an administrator. Where such instrument is not required, then a duly elected Local Government must then be reinstated as soon as possible and *no later than six months from the time of suspension.*

Council supports the current recommendations that the current words are superfluous, however in deleting them, it should be recognised that provisions will still need to be made to limit the appointment of an administrator to guard against any overly long suspension of elected government. Whether this can be achieved in the wording of the instrument is not known, however Local Government would be best served by having provisions which sets limitations on the administrator included in the Constitution of Queensland 2000 bill.

Yours sincerely

HAYDEN WRIGHT
CHIEF EXECUTIVE OFFICER