1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CONSTITUTION ALTERATION (LOCAL GOVERNMENT) BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Attorney-General,
the Hon Lionel Bowen MP)

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GENERAL OUTLINE

This Bill proposes that the Constitution be amended so as to give recognition in the Constitution to local government in the States.

NOTES ON INDIVIDUAL CLAUSES

Clause 1:   Short title

Clause 2:   Local Government

2.   This clause inserts in the Constitution a new section (section 119A) obliging each State to 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.

3.   The constitutional obligation will be to establish and continue a system of local government. The essential elements of the system will be elected local government bodies empowered to administer and to make by-laws for their respective areas. It will be a matter for State Parliaments to determine the manner of elections, the area to be covered by each local government body, the manner of administration and the manner of exercise and the extent of the power to make by-laws. Section 119A is not intended to preclude a State from providing for particular local government bodies to be amalgamated with other such bodies. Nor is it intended to preclude laws providing for the dismissal of a local council in appropriate circumstances, subject to a new local government body being elected within a reasonable period.

4.   Section 119A is not intended to oblige a State to establish local government bodies throughout the whole of the State. A State would be free to determine that, having regard to the nature of a particular region and other relevant circumstances, it would not be appropriate for the region to be administered by a local government body.