Constitution Alteration (Local Government) Bill 1988

Date Introduced: 10 May 1988
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P., Attorney-General

Digest of Bill

Purpose

To amend the Commonwealth of Australia Constitution Act 1900 (the Constitution), to constitutionally entrench systems of local government in Australia.

Background

On 28 April 1988, the Government announced that it would introduce four referendum Bills to enable the people to decide whether the Constitution should be changed. This Bill is one of the proposed four Bills. The Government announced the proposed referenda following consideration of a summary of recommendations received from the Constitutional Commission.

There is no reference to local government in the Constitution. At present, local government bodies are constituted in accordance with the laws of the States or Territories. There are in Australia, 836 local government bodies, with about 8000 elected members and some 170,000 employees.¹

Victoria, Western Australia, South Australia and New South Wales have formally recognised local government in their Constitutions. The Constitution (Local Government) Act 1979 (Vic.), specifically requires the existence of a system of elected local bodies, and makes provision for local government franchise.² However, the State Constitutions, unlike the federal Constitution, can be altered by an ordinary Act of the State Parliament.

The proposal to constitutionally recognise local government was considered at numerous Constitutional Conventions prior to the establishment of the
Constitutional Commission in 1985. The Constitutional Commission recommended in favour of a constitutional amendment in similar terms to the proposed section 119A of this Bill. 3

Main Provisions

Clause 2 inserts in the Constitution a new section 119A which requires that each State must provide for the establishment and continuance of a system of local government.

Proposed section 119A also provides that local government bodies be elected in accordance with the laws of the State, and the local government bodies be empowered to administer, and to make by-laws for their respective areas in accordance with the laws of the State.

References

2. Constitution (Local Government) Act 1979 (Vic.), Part IIIA.

For further information, if required, contact the Law and Government Group.

11 July 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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