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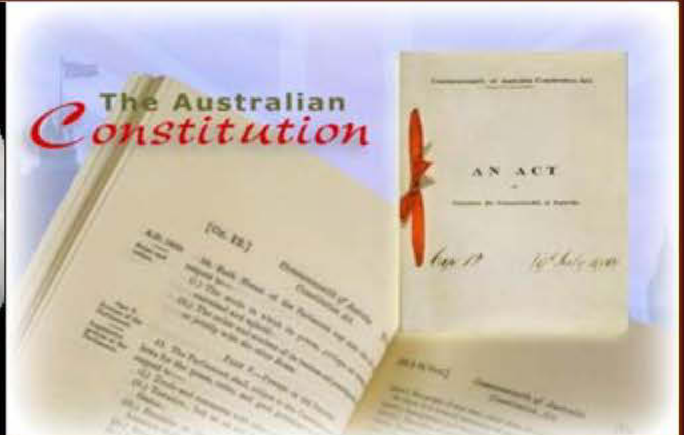
CONSTITUTIONAL RECOGNITION

Submission to Federal Parliamentary Committee on Constitutional
Recognition



CHARTERS TOWERS
REGIONAL COUNCIL

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CONSTITUTIONAL RECOGNITION

SUBMISSION FOR RECOGNITION OF LOCAL GOVERNMENT IN THE AUSTRALIAN CONSTITUTION

Charters Towers Regional Council is located in North Queensland and covers an area of 68,571.2 sq. km. The estimated resident population as at 30 June 2011 of the region is 12,461 persons.

Council strongly supports constitutional recognition as an important and essential step in ensuring local communities receive the services and infrastructure they deserve. Council believes that the Federal Government should be able to provide funding directly to Councils to meet the local community needs and the funding provided through the "Roads to Recovery" program is a great example of this work which helps to maintain, and in some cases improve, the road networks that a majority of our communities rely on.

The importance of local government securing financial recognition in the Constitution has been highlighted in stark term by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raised legal doubt over the Commonwealth's power to fund local governments directly. This can be resolved once and for all with the financial recognition of local government in the Australian Constitution and the federal government should be legal able to provide funding direct to local government when it is in the national interest to do so.

Charters Towers Regional Council applauds the Federal Government's decision to establish the Joint Select Committee on the Constitutional Recognition of Local Government and welcomes the opportunity to lodge a submission.



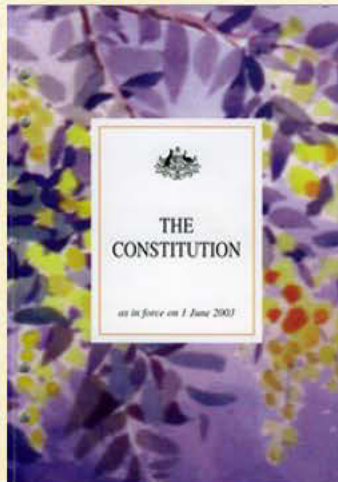
4 December 2013

CONSTITUTIONAL RECOGNITION

SUBMISSION TO THE JOINT SELECT COMMITTEE ON CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT.

Important points:-

- Support for financial recognition; and
- Support for Federal Government powers to provide funding directly to Local Government; and
- Seeking certainty of funding for programs similar to the Roads to Recovery program; and
- Support for amendment to Section 96 of the Constitution; and
- Precondition requirement for bi-partisan support before the referendum; and
- Support for the timing to allow for maximum chance of success; and
- Support for publicly funded education and awareness campaign.



Constitutional Recognition

SUPPORT FOR FINANCIAL RECOGNITION.

Charters Towers Regional Council passed a resolution at its General Meeting of 9 March 2011 declaring its support for recognition of local government in the Australian Constitution. Local Government elections were held during 2012 in Queensland and the current Council continues to support the financial recognition of local government in the Australian Constitution.

FEDERAL GOVERNMENT POWERS TO ALLOW PROVISION OF FUNDING DIRECTLY TO LOCAL GOVERNMENT

Council supports an ability of the federal government to provide funding directly to local government where it is in the national interest, but due to recent high court cases cannot see how this can be guaranteed without financial recognition in the Australian Constitution.

ROADS TO RECOVERY FUNDING

Charters Towers Regional Council has a large road network to maintain due to its large geographical size, like most other large rural Councils and has seen huge benefit in the Roads to Recovery Program. Council needs certainty of funding so that programs like this may continue without legal challenge.

AMENDMENT TO SECTION 96

Council strongly supports an amendment to Section 96 of the Constitution so it would read: "Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory".

BI-PARTISAN SUPPORT

Council supports that it is essential that bi-partisan support is obtained before any referendum is held. Also this is an essential precondition if the referendum is to have any chance of success. History demonstrates that referendum with broad support from both the Government and Opposition has the best chance of success.

TIMING SUPPORT

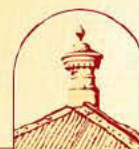
Council urges the Committee to ensure that the timing and the conditions for the referendum are such that it has its best chance of success. On this issue no referendum is better than a lost referendum.

PUBLICLY FUNDED NATIONAL EDUCATION AND AWARENESS CAMPAIGN

The Charters Towers Regional Council supports a publicly funded national education and awareness campaign.

It is of the utmost importance that the Australian public is informed about the Constitution, how it can be changed and the issue about Constitutional recognition of local government, ensuing voters are casting informed votes based on facts.

Local government's financial recognition in the Australian Constitution is of the utmost importance for the long term sustainability of the sector and something Charters Towers Regional Council strongly supports.





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