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Mr Thomas Gregory  
Committee Secretary  
Joint Select Committee on the Constitutional Recognition of Local  
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**Submission Number: 138**  
**Date Received: 18/01/2013**



Dear Mr Gregory

**Submission re Constitutional Recognition for Local Government**

The Adelaide Hills Council represents a community of around 40,000 people. The Council is democratically elected under the Local Government Act 1999 (SA) to represent and provide infrastructure and services to our community.

At the Council meeting held on 9 August 2011, Council formally resolved to support the option of financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund local government directly. Council also supported the inclusion of local government in any new Preamble to the Constitution if one is proposed.

Council calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

This Council area relies on Federal funding for roads under the Roads to Recovery program and the Council is proud to have supported nation building under the Regional and Local Community Infrastructure Program. Both of these programs have delivered funding to our community efficiently and effectively through direct transfer from the Commonwealth.

Recent High Court judgments have raised considerable uncertainty regarding direct funding to Councils from the Australian Government. This uncertainty is creating a lack of confidence in the sorts of partnerships which Councils can forge with the Commonwealth.

This Council supports an amendment to Section 96 of the Constitution so that 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." This amendment would validate programs such as Roads to Recovery without creating any broader capacity for the Commonwealth to legislate about Local Government. Council values the relationship it has with the SA Government, at the same time recognising the constraints that State Governments have in providing limited funds to Councils.

Council supports a referendum being held at a time most likely to achieve a successful result. The support from all political parties and independents in the Federal Parliament is an important factor in giving a referendum the best chance of success.

Another key factor in the success of a referendum is likely to be the level of understanding in the community about the important role local government plays in this country and the benefits in having local government recognised in the Australian Constitution. Council supports a publicly funded national education and awareness campaign to support an informed vote in the community.

Finally Council is a member of the Local Government Association of SA and supports its work and that of the Australian Local Government Association (ALGA) in representing Local Government on this issue.

Yours sincerely

**Bill Spragg**  
**Mayor**