



Ararat Rural City

your location of choice

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Our Ref : IFW/jdw

29 November 2012

Mr Glen Worthington
Secretary
Joint Select Committee on the
Constitutional Recognition of Local Government
PO Box 6021
Parliament House
CANBERRA ACT 2601

Email: jsclg@aph.gov.au

Dear Mr Worthington,

RE: CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Ararat Rural City Council at its 20 November 2012 Council Meeting discussed Constitutional Recognition of Local Government, and resolved that Council prepare a submission to the Joint Parliamentary Committee – Constitutional Recognition reinforcing the following:

- 1 *Support for financial recognition;*
- 2 *Support of the Federal Government having the power to be able to provide funding directly to Local Government where this is in the national interest;*
- 3 *That the Council needs certainty of funding so that programs like Roads to Recovery can continue;*
- 4 *Support of 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";*
- 5 *That bi-partisan support is an essential precondition if a referendum is to have the best chance of success;*
- 6 *Support of a referendum being held at a time which maximises its chance of success; and*
- 7 *Support of a publicly funded national education and awareness campaign to inform the public about the Constitution, how to change it, and about the question being asked before the referendum.*

A submission was forwarded on 21 October 2011 to the Expert Panel on Constitutional Recognition of Local Government, the submission stated:

"On behalf of Ararat Rural City Council I present a submission regarding "Recognition of Local Government in the Australian Constitution.

Following the National General Assembly of Local Government held in Canberra in June 2011, the following outline was presented to Council, and I now forward to the Expert Panel for information.

1 *Briefly the issues are -*

"Local Government is an essential part of Australia's system of government. Its contribution to our national wellbeing can be measured in economic and social terms, and more intangibly by the way it enhances our democratic way of life. It should be recognised in our national Constitution, alongside state, territory and commonwealth governments." (ALGA Newsletter). It is with inclusion to the constitution that local government and its role as the primary institution of local democracy will eventually be recognised.

The legality of direct funding local government is challenged within the constitution as section 96 of the constitution does not identify funding to local government only the States. The recent decision in the High Court of Australia (PAPE V

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Commissioner of Taxation 2009) clearly indicated that the Federal Government does not have the power to directly fund Local Government. This places funding sources such as the Roads to Recovery and the recent National Stimulus Package into serious question.

In addition to support for constitutional recognition of Local Government, Council supports the second part of the proposed referendum - recognition of Indigenous Australians in the constitution as follows -

2 Recognition of Indigenous Australians in the Australian Constitution

The Second part to the proposed referendum is the Recognition of Indigenous Australians in the Australian Constitution - which no one could deny our indigenous brothers and sisters this right to be treated as all other Australians thus rightly recognising the first Australians within our constitution.

In fact it is critical for the long term financial sustainability of Local Government this constitutional reform is successful, furthermore it is also critical in the ongoing efforts for reconciliation of our indigenous peoples are also acknowledged as being the first inhabitants of Australia.

Ararat Rural City Council has moved a resolution to become part of the Australian Local Government Association (ALGA) signatories for constitutional reform."

Furthermore, the Ararat Rural City Council at the ordinary Council Meeting held on 19 April 2011 adopted the following resolution:

That Ararat Rural City Council:

- 1 declares its support for the recognition of Local Government in the Australian Constitution, in order that future Federal Governments have the power to fund Local Government directly;
- 2 support the inclusion of Local Government in any new Preamble to the Constitution, if one is proposed;
- 3 call on all political parties to support a referendum; and
- 4 a copy of this recommendation be referred to Federal Local Member of Parliament - Dan Teban, Prime Minister - Julia Gillard and Federal Leader of the Opposition - Mr Tony Abbott.

Ararat Rural City Council reinforces its support for the recognition of Local Government in the Australian Constitution along with Recognition of Indigenous Australians in the Australian Constitution.

Yours sincerely,

CR IAN WILSON
MAYOR