



THE OFFICE OF THE MAYOR

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TO:hh

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

Via email jsclg@aph.gov.au

Dear Sir

**RE: SUBMISSION TO THE JOINT SELECT COMMITTEE ON THE
CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

Queanbeyan City Council welcomes the establishment of the Joint Select Committee on the Constitution Recognition of Local Government and the opportunity to make this submission to the Joint Select Committees deliberations.

On 28 July 2012 Queanbeyan City Council unanimously resolved that "*Council support a national referendum to recognise Local Government in the Australian Constitution*" and that "*The Queanbeyan community be made aware of Council's support for recognition of Local Government in the Australian Constitution*".

At its meeting of Council on 28 November 2012, Council unanimously resolved to lodge a submission to the Joint Select Committee on the Constitutional Recognition of Local Government in the following terms:

- Queanbeyan City Council strongly supports financial recognition so as to ensure that the Commonwealth can continue to fund local government directly, by removing any doubts about the constitutional validity of such funding. The Commonwealth already directly funds local government for example the Roads to Recovery program, the Regional and Local Community Infrastructure Fund and the Regional Development Australia Fund.

The High Court decision in *Pape v Commissioner of Taxation* (2009) cast doubt on the Commonwealth's power to provide this funding directly to local government. There is no general power in the Constitution which allows the Commonwealth to provide direct funding to local government to maintain services and infrastructure, including roads, and because of this, the validity of this funding is not certain. Local government requires certainty if it is to remain financially sustainable in the long-term and to be able to deal with the growing needs of its communities. The High Court decision clearly signals a need for change and change cannot occur without amending the Australian Constitution

- Queanbeyan City Council supports the Federal Government having the power to be able to provide funding directly to local government where this is in the national interest.
- Queanbeyan City Council needs certainty of funding so that programs like Roads to Recovery can continue.
- Queanbeyan City 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 law of a state or territory**".
- That bi-partisan support is an essential precondition if a referendum is to have the best chance of success.
- Queanbeyan City Council supports the referendum being held at a time which maximises its chance of success.
- Queanbeyan City Council supports 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. An informed voter is more likely to cast an informed vote, which is based on facts rather than misinformation.

Yours sincerely

Cr Tim Overall
Mayor

5 December 2012