

OFFICE OF THE MAYOR & COUNCILLORS
CITY HALL, GHERINGHAP STREET
PO BOX 104
GEELONG 3220 AUSTRALIA

TELEPHONE 03 5272 4869
FACSIMILE 03 5272 4275
www.geelongaustralia.com.au



Mr Glenn Worthington
Secretary, Joint Select Committee
Constitutional Recognition of Local Government
Australian Parliament House
PO Box 6021
CANBERRA ACT 2600

14 December 2012

Ref: CrKF:jb
Doc No: 5151856

Submission Number: 96
Date Received: 21/12/2012

A small, handwritten mark or signature in the right margin.

Dear Glenn

Re: Constitutional Recognition of Local Government

The City of Greater Geelong welcomes the establishment of a Joint Federal Parliamentary Committee as the next step to Constitutional Recognition of Local Government.

From coast to coast, in the bush and in cities all over Australia, councils play a vital role in the provision of infrastructure and essential services. Whether it is community facilities such as libraries, health centres, neighbourhood centres, swimming pools, recreational parks, sport facilities or critical physical infrastructure such as roads, bridges, stormwater drains, footpaths and waste collection, local government is involved. Local government also provides various community services, including aged care, welfare, health services and children's services. Its importance is particularly evident during times of natural disaster.

Although the Commonwealth Government has provided direct funding to local government for many years, the 2009 High Court decision of *Pape v Commissioner of Taxation* casts doubt over this ability to directly fund local government. The Commonwealth Government can only spend money where there is specific power under the Constitution, thereby presenting a compelling reason for altering the Constitution.

The City of Greater Geelong has previously demonstrated support for recognition of local government in the Australian Constitution by means of Council Resolution (see below), submissions to the Expert Panel and also in writing to all levels of government. Council believes that bipartisan support and the timing of a referendum by 2013 is essential.

In March 2011 Council adopted the following motion:

That Council:

- 1) *declares its support for recognition of Local Government in the Australian Constitution, particularly having regard to power for the Federal Government to directly fund Local Government,*
- 2) *declares its support for the inclusion of Local Government in any new preamble to the Constitution if one is proposed,*

- 3) *authorises the Mayor to write to the Prime Minister, Leader of the Opposition and Federal Members for Corio and Corangamite requesting their support for a referendum by 2013 to change the Constitution to allow financial recognition of Local Government.*

Having previously declared our support, particularly in relation to the Federal Government having the power to directly fund local government, we wish to reinforce that this is in the national interest and enables programs such as Roads to Recovery to remain fully funded and viable. With this in mind, Council supports an amendment to section 96 of the Constitution to read, "Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory" along with the inclusion of local government in any new preamble of the Constitution if one is proposed.

Council commends the Australian Local Government Association's publication "The Case for Change" as a vital resource for this constitutional recognition campaign and we are grateful to the Joint Federal Parliamentary Committee for the opportunity to express our views in relation to Constitutional Recognition of Local Government.

Yours sincerely

CR KEITH FAGG
MAYOR

mayor@geelongcity.vic.gov.au