



Enquiries: Mr Darren Simmons
Our Reference: GR.SL.34
Date: 11 January 2013

Committee Secretary
Joint Standing Committee on the Constitutional Recognition of Local Government
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Submission Number: 134
Date Received: 17/01/2013

Dear Sir or Madam

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

The Parliament's establishment of a Joint Select Committee (the Committee) to inquire into and report on the majority finding (financial recognition) of the Expert Committee on Constitutional Recognition of Local Government including by amending section 96 of the Australian Constitution is welcomed by the Shire of Irwin.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disaster.

I am writing to advise you of a resolution passed by the Council of the Shire of Irwin supporting the constitutional recognition of local government and to seek the Committee's support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commission of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution at its meeting held on 22 March 2011.

That the Council of the Shire of Irwin:

- 1. Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed; and*
- 2. Authorises the Shire President to request the Prime Minister, Federal Leader of the Opposition and the Local Member of Federal Parliament to support a referendum by 2013 to change the Australian Constitution to achieve local government recognition.*

In support of Council's resolution, the Shire of Irwin supports the Federal Government having the power to be able to provide funding directly to local government, where this is in the national interest. It therefore 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"*.

Furthermore, the Shire of Irwin Council further supports the view that, if a referendum is to be successful:

- bi-partisan support is important;
- the referendum should be held at a time which maximises its chance of success; and
- a publicly-funded national education and awareness campaign should be held prior to the referendum to inform the public about the Constitution, how to change it, and about the question being asked.

Thank you for the opportunity to comment on this important issue.

Yours sincerely

Darren Simmons
Chief Executive Officer