



Office of the Mayor

Our ref: 3797272

26 November 2012

Mr Glenn Worthington
Secretary
Joint Parliamentary Committee into Constitutional Recognition of Local
Government
(via email to jsclg@aph.gov.au)

Dear Mr Worthington,

SUPPORT FOR CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Council has been advised by the Australian Local Government Association that your Committee has been established by Federal Parliament to examine the report of the Expert Panel into the constitutional recognition of Local Government, the level of support for the proposal by the States and Territories, and the potential consequences for Local Government and the States and Territories of such an amendment.

Council welcomes this initiative and strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. This support is reflected in a resolution passed by Council in March 2011.

Two recent High Court decisions known as the *Pape Case* and the *Williams Case* delivered in the space of three years, have handed down judgements that challenge the Commonwealth's ability to fund activities that it believes are in the national interest. These decisions have important ramifications for Local Government, as both cases have rejected the Commonwealth's position that it has the capacity to spend money on whatever subject it wishes, for example continued funding for important programs like Roads to Recovery.

Council is supportive of the Federal Government having the power to be able to provide funding directly to Local Government where this is in the national interest and, accordingly, 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".

Council also supports a publicly funded national education and awareness campaign to inform the public about the Constitution, how to change it, and about the questions being asked before the referendum, so that voters are fully informed and will cast their vote based on facts rather than misinformation.

Bi-partisan support is an essential precondition if a referendum is to have the best chance of success and Council supports the referendum being held at a time which maximises its chance of success.

Council urges you to support the constitutional recognition of Local Government and trusts that its views will be taken into consideration by your Committee when examining the report of the Expert Panel.

Yours sincerely

Bob Manning
Mayor