



Our Ref: D4217712

30 November 2012

Mr Glenn Worthington, Secretary
Joint Select Committee on the Constitutional Recognition of Local Government
PO Box 6021
Parliament House
CANBERRA ACT 2601
(via email to jsclg@aph.gov.au)

Dear Mr Worthington,

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

On behalf of South Gippsland Shire Council, I would like to express Council's support for the recommendations of the Expert Panel that considered the issue of Constitutional Recognition of Local Government. The Panel recommended to the Federal Government that a referendum on financial recognition of Local Government be considered.

Council is pleased to hear of the recent appointment by the Federal Parliament of a 'Joint Select Committee on Constitutional Recognition of Local Government'. Given the short timelines for the inquiry, including an initial report by the end of 2012 and a final report by February/March 2013, I would like to take this opportunity to express Council's support for financial recognition of Local Government and for recognition of Local Government as a distinct and essential tier of Government.

Council passed a resolution on 24 October 2011 demonstrating its support for Local Government including the need for:

1. **Symbolic recognition** to affect the approach the High Court may take in interpreting provisions of the constitution in regard to Local Government;
2. **Financial recognition** to strengthen Local Government's ability to share directly in Commonwealth funded programs on behalf of their communities;
3. **Democratic recognition** to ensure the democratic rights of a community to elect their own representatives cannot be easily removed by State Government or individual Ministers; and
4. **Recognition through federal cooperation** to provide Local Government with an opportunity to comment on any proposed laws that would affect their status, powers or functions.

There have been significant changes in the role and community perception of Local Government since the Australian Constitution was formed. Councils contribute significantly to the economic sustainability of the nation, are amongst the largest employers in most communities, provide a wide range of services and are the tier of government most closely connected to local communities.

Recognition of Local Government within the Australian Constitution would provide a more cooperative approach to the reallocation of responsibilities and resources, advocate the



interests of their communities through enhanced collaboration with other tiers of Government and play an integral part in the development of the Australian Federation.

To achieve appropriate recognition of Local Government, an amendment to Section 96 of the Constitution would be necessary.

To this end the Joint Parliamentary Committee is encouraged to:

- consider an amendment to the Constitution to include, "Parliament may grant financial assistance to any State or Local Government body formed by or under a law of a State or Territory";
- seek bipartisan support to ensure that a referendum regarding any changes to the wording of the Constitution, has the best chance of success;
- manage the timing of a referendum to maximise the chance of success;
- ensure the public are well informed about the proposed changes to the Constitution and how this change would benefit communities. This should be a publicly funded national education and awareness campaign.

If you require clarification regarding any of the matters contained in this submission, please contact June Ernst, Director Corporate Services on phone _____ or email _____

Yours sincerely

Cr Kieran Kennedy
Mayor