

Submission Number: 168
Date Received: 6/02/2013



6 February 2013

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

Dear Mr Worthington

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

On behalf of Strathfield Council I would like to re-affirm our support for the Australian Local Government Association's campaign for local government to be financially recognised in the Australian Constitution.

At the meeting on 4 December 2012, Strathfield's Councillors unanimously resolved:

1. That Council support amendment to Section 96 of the Constitution that 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".
2. That Council makes a submission to the Joint Select Committee for constitutional recognition of local government.

Strathfield Council has a long standing commitment to the campaign for constitutional recognition of local government and has considered this issue on numerous occasions over time. Council considers the proposed amendment to Section 96 would have no adverse impact on how local governments work or on their relationship with state or territory governments.

Council has consistently supported the fight for recognition of local government in the Australian Constitution especially in view of the decision in the High Court of *Pape v Commissioner of Taxation* (2009) which clearly indicated the Federal Government does not have a general power to directly fund local government. This decision puts at risk the validity of programs such as Roads to Recovery and undermines possible programs for funding and supporting community infrastructure and activities.

In January 2013, the Prime Minister Julia Gillard MP took the unusual step in declaring the date of the Federal election well in advance of the election. This affords the rare opportunity to plan the referendum campaign with some certainty as the date of the election has been set.

In summary, Strathfield Council supports:

- Constitutional and financial recognition of local government.
- 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".
- The Federal Government having the power to provide funding directly to local government, where this is in the national interest, so that there is certainty of funding for essential programs for roads and infrastructure such as Roads to Recovery and Regional and Local Community Infrastructure Programs.
- The referendum being held at a time which maximises its chance of success. As part of this the Federal Government would need to reach a position on constitutional recognition that achieves bipartisan support so that the referendum is to have the best chance of success.
- 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.

I would be grateful for Council's position to be considered in the deliberations of the Joint Select Committee on Constitutional Recognition of Local Government.

If you require any further information, please contact Cathy Jones, Corporate Strategy Coordinator on _____ or email:

~~Yours~~/faithfully

DAVID BAGKHOUSE
GENERAL MANAGER