



*Dedicated to a better Brisbane*

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Mr Glenn Worthington  
Secretary  
Joint Committee into the Constitutional Recognition of Local Government  
Parliament of Australia  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600  
(via email to [jsclg@aph.gov.au](mailto:jsclg@aph.gov.au))

Dear Mr Worthington

On behalf of Brisbane City Council, I am pleased to provide this submission of support for the constitutional recognition of local government for the consideration of your committee.

Council passed a resolution of support for the constitutional recognition of local government on 7 September 2010 and remains committed to that support.

It is Council's view that constitutional recognition is an essential next step in the evolution of local government in Australia. The Australian Government should have the right to directly allocate funds in line with its priorities without the threat of legal action which could jeopardise this. With the significant increase in the roles and responsibilities of local government in recent years, it is imperative that local government is able to serve the community with confidence there will be financial stability without the threat of legal challenge.

Council supports the Australian Government having the power to be able to provide funding directly to local government where this is in the national interest. Recent High Court decisions (*Pape v Commissioner of Taxation* in 2009 and *Williams v The Commonwealth* in 2012) have provided weight and urgency to this need for change to allow direct federal funding of local government.

Such a change will resolve the uncertainty surrounding the Australian Government's ability to continue to provide direct funding and allow councils to continue providing essential services to the community through Australian Government grants programs, such as the highly successful Roads to Recovery Program.

The funds in this Program are provided in the form of grants directly to local governments for the renewal of local roads. This Program is therefore important to urban councils, such as Brisbane, but even more so for rural councils, which have to rely heavily on these funds for essential local road works. As such, this Program is a crucial element of Australia's social and economic infrastructure and must remain exempt from uncertainty or legal challenge.

Council agrees with the Australian Local Government Association (ALGA) that constitutional recognition of local government should be financial and is most appropriately made by amending Section 96 of the Australian Constitution to read:

96. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State **or local government body formed by or under a law of a state or territory.**

A successful referendum needs support from the major parties at the Commonwealth level. It also needs broad support from the major parties at the State level. When political parties are united, the message to the people is clear. This message is crucial, because a lack of knowledge can translate into a misunderstanding of a proposal and may impact on the success of a referendum. There currently is bipartisan political support in Queensland for a referendum on this issue.

Council also supports a publicly funded national education and awareness campaign. Such a campaign would need to inform the public about the Constitution and its function in our democracy, how to change the Constitution, and about the referendum question itself.

This means the referendum must be held at a time which maximises its chance of success; a time when the message is clear, the public is informed and there is agreement on what the change to the constitution will look like.

Council looks forward to being part of this historic effort to change to the Australian Constitution to provide local government with the funding security necessary for the ongoing delivery of services and infrastructure the community both expects and needs.

Yours sincerely

**Colin Jensen**  
Chief Executive Officer