

Our Ref: (14.3.2) RJT:SBS  
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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

**Submission Number: 232**  
**Date Received: 06/02/2013**



Dear Sir/Madam

## **SUBMISSION ON THE CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

I refer to the formation of the Joint Select Committee to consider the constitutional recognition of Local Government.

The Council is aware that both the Australian Local Government Association (ALGA) and the Local Government Association of NSW and Shires Association of NSW (the Associations) have also made submissions. This Council strongly supports ALGA's and the Association's submissions to the Joint Select Committee.

Local Government plays a significant and important role in the delivery of services to local communities.

As you would be aware, the existing funding arrangements between State Government and Local Government are deficient. The State Government continually "cost-shifts" onto Local Government without providing corresponding resources. Councils have, over the years, been forced to do "more" with less resources.

It is imperative that Local Government continues to receive direct funding from the Federal Government. Of concern to Local Government is the observation by ALGA that it "*has strong legal advice and informed commentary from leading constitutional academics that the constitutional validity of the direct federal funding of local government is uncertain*". This view is supported by the recent High Court decision in the Pape case and the Williams case.

The amended wording of Section 96 of the Constitution is critical to removing uncertainty around the continued direct Federal funding of Local Government to ensure that successful and important regional programs such as *Roads to Recovery* can continue without the possibility of another High Court challenge as to the validity of direct payments to Local Government

We wish to thank you for the opportunity to provide comments on this important issue.

Yours sincerely

James Davis  
General Manager