

**Submission Number: 144**  
**Date Received: 22/01/2013**



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Mr Glenn Worthington Secretary  
Joint Select Committee on Constitutional Recognition of Local Government  
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Canberra ACT 2600

Dear Mr Worthington,

INQUIRY INTO CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

I refer to the inquiry above and to the report of the Expert Panel on *Constitutional Recognition of Local Government* with respect to the proposed amendments to section 96 of the Constitution: Financial assistance to States.

Notwithstanding the Expert Panel's aggregation of views related to *elected* local council bodies, and while there is no doubt merit in its position, it would on balance be unfortunate in this context to endorse and publicly fund bodies that were not elected by the local constituents. The Expert Panel's formulation would also appear to promote a centralisation of power in preference, in some instances, contrary to the wishes of local voters. It is posited that to do this is arguably to diminish, to whatever extent, the legitimacy of democratically elected local government bodies. Elections are an expression in our system of governance, our way of affirming our democratic rights, and to neglect express mention of this requirement (for popular election as a precondition) does not appear to sit comfortably with contemporary morés.

Further, it appears that the use of the word 'by' in the Expert panel's proposed amendment is not entirely apt. It could in some cases, lead to problems of interpretation.

It is submitted for the JSC's consideration therefore, that the following words be considered to replace the current section 96:

The Parliament may grant financial assistance to any State or to any *elected* local government body formed *by* under State or Territory Legislation on such terms and conditions as the Parliament sees fit.

Yours faithfully,

A. Wood  
21 January 2013