



enquiries refer
Cr David Wright
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ALGA (256)



17 December 2012

Glenn Worthington
Secretary
Joint Select Committee on the Constitutional
Recognition of Local Government
PO Box 6021
Parliament House
CANBERRA ACT 2601
jsclg@aph.gov.au

Dear Mr Worthington

Re: Constitutional Recognition of Local Government

The Federal Government's announcement to hold a referendum into the constitutional recognition of local government by 2013 is welcomed by Ballina Shire Council. We all agree that councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation*, which raises legal doubt over the Commonwealth's powers to fund local government directly.

In respect to these issues I wish to advise you of a resolution passed by Council supporting the constitutional recognition of local government. In summary Council strongly supports constitutional recognition as an essential step in ensuring the local communities receive the services and infrastructure they deserve. The Council resolution supporting this position states as follows:

That Council declares its support for the financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

In conclusion Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours faithfully

Cr David Wright
Mayor