



Burdekin Shire Council

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FROM THE OFFICE OF THE MAYOR

Our ref. 1/7/8 JH

Submission Number: 102

Date Received: 21/12/2012

20 December 2012

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

Dear Sir

Constitutional Recognition of Local Government

I write to provide this Council's support for the constitutional recognition of local government.

To reinforce Council's support, the following resolution was passed at its meeting held on Tuesday 8 March 2011 – *"Burdekin Shire Council declares its support for 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 in 2013 to change the Constitution to achieve this recognition"*.

Recent decisions in the High Court have cast doubt on the Federal Government's ability to provide direct funding to councils. The Constitution does not mention local government, nor does it provide for Federal Government to fund councils directly. A simple change is required to the Constitution to allow the Federal Government to continue to provide direct funding to councils so they can continue to meet community needs. The Constitutional change to allow the Federal Government to directly fund local government is simple. There is already a section in the Constitution (Section 96) which allows the Federal Government to fund state governments and this Council supports the change to add in local government. Section 96 should be amended to read: *"Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory"*.

Because most of the tax paid by Australians goes to the Federal Government (more than \$4 out of every \$5 in tax is collected by Federal Government) it is important that the Federal Government can provide funding directly to councils to meet local community needs. The Federal Government has been doing so now for more than 10 years, since the Howard Government established the Roads to Recovery program to help maintain local roads. The

Rudd and Gillard Governments have continued and increased that direct funding and have also provided funds for other local community infrastructure. This has allowed billions of dollars to be invested by councils in local infrastructure and services.

The Roads to Recovery program is one of the most successful partnerships between the Commonwealth and local councils. Established in 2001, this program has delivered national objectives directly through local government, benefiting local communities and enhancing economic capacity and road safety, particularly in rural and regional areas.

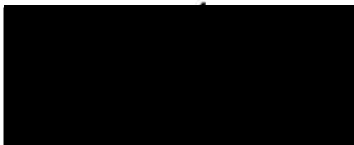
Local government is one of the oldest forms of government in Australia. It has proven itself to be competent, reliable, innovative, adaptable and flexible in changing policy environments and is committed to progressing national objectives in collaboration with the other levels of government. Its growing role in the Federation needs to be supported through constitution reform to provide the capacity for direct funding from the Commonwealth so that it can continue to meet the needs and expectations of local and regional communities.

After 110 years it is time to include local government in the Constitution as the third sphere of government. Constitutional recognition will protect what Australians already take for granted and give local government the funding security to better deliver the services that the community needs and deserves.

This Council has welcomed the decision to establish a Joint Select Committee on Constitutional Recognition of Local Government and supports a referendum being held. A parliamentary committee is the most effective way of engaging with all sides of politics, and making considered recommendations on the proposed change to the Constitution.

This Council also supports a publicly funded national education and awareness campaign to inform the public about the Constitution, and about the question being asked before the referendum. An informed voter is more likely to cast an informed vote.

Yours faithfully



Bill Lewis
MAYOR