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**District Council of Franklin Harbour**  
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10.3.5

20 November 2012

Mr Thomas Gregory  
Committee Secretary  
Joint Select Committee on the Constitutional Recognition of Local Government  
PO Box 6021  
Parliament House CANBERRA ACT 2600  
Email: [jsclg@aph.gov.au](mailto:jsclg@aph.gov.au)

Dear Mr Gregory

The District Council of Franklin Harbour represents a community of approximately 1100 people. The Council is democratically elected under the Local Government Act 1999 (SA) to represent and provide infrastructure and services to our community.

The Council formally resolved to support the option of financial recognition of Local Government in the Australian Constitution in resolution No. 21950 dated 15 June 2011.

This Council area relies on Federal funding for roads under the Roads to Recovery program and the Council is proud to have supported nation building under the Regional and Local Community Infrastructure Program. Both of these programs have delivered funding to our community efficiently and effectively through direct transfer from the Commonwealth.

Recent High Court judgments have raised considerable uncertainty regarding direct funding to Councils from the Australian Government. This uncertainty is creating a lack of confidence in the sorts of partnerships which Councils can forge with the Commonwealth.

This Council supports an amendment to Section 96 of the Constitution so that it would read: "Parliament may grant financial assistance to any State or Local Government body formed by or under a law of a State or Territory." This amendment would validate programs such as Roads to Recovery without creating any broader capacity for the Commonwealth to legislate about Local Government. Council values the relationship it has with the SA Government but is aware State funding for Councils in SA is the lowest per capita in the nation.

Council supports a referendum being held at a time most likely to achieve a successful result. The current support from all political parties and independents in the Federal Parliament is an important factor in giving a referendum the best chance of success.

Another key factor in the success of a referendum is likely to be the level of understanding in the community about the Australian Constitution, the role it plays in society today and how it can be amended. Council supports a publicly funded national education and awareness campaign to support an informed vote in the community.

Finally Council is a member of the Local Government Association of SA and supports its work and that of the Australian Local Government Association (ALGA) in representing Local Government on this issue.

Yours sincerely

**T.D. Barnes**  
**Chief Executive Officer**