



Submission to Parliamentary Inquiry on Constitutional Recognition

All Australians live in local communities and use local facilities every day. They use local roads, footpaths and cycle-ways, parks, playing fields, swimming pools and libraries. Their rubbish gets collected regularly and every time it rains the water drains away through a stormwater system. Australians pay for, manage and own these services through their local council and they elect their councillors to make sure local government meets their needs. Each community is unique, with different needs and different capacities and each council is different. But they all share one thing in common getting the best outcome for their local communities.

Of course, councils can't do the job of meeting the community's needs on their own. Local government must work in partnership with the other two levels of government, the Federal Government and the States and Territories to deliver services and infrastructure at the local level. Providing the increasing range of services expected by the community is often beyond the limited resources of local communities, local ratepayers and therefore most councils. Grants from other levels of government are critical. And it is reasonable to expect that some of the taxes paid to the State and the Federal Government will be used to provide services and infrastructure at the local level.

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 funding for other local community infrastructure. This has allowed many billions of dollars to be invested by councils in local infrastructure and services and it is difficult to know how many communities would have coped without this funding.

Recent decisions in the High Court have, however, cast doubt on the Federal Government's ability to provide this direct funding to councils. The Constitution does not mention local government, nor does it provide for the Federal Government to fund councils directly. To fix this problem we need a simple change to the Constitution to allow the Federal Government to continue to provide direct funding to councils so they can continue to meet community needs. It won't change the way councils are elected or how they work, or the State Government's ability to make changes to councils if they think that is necessary, but it will help to make sure that communities get the local services and infrastructure they need and deserve.

Lane Cove Council has passed three separate resolutions supporting the constitutional recognition of local government, as shown below:-

6 June 2011

SUBJECT: Constitutional Recognition of Local Government

201 RESOLVED on the motion of Councillors Tudge and Gaffney that Council:-

1. Support the Australian Local Government Association's position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution.
2. Write to the Prime Minister, the Leader of the Opposition, local Federal Members of Parliament and the Australian Local Government Association to advise them of Council's support for constitutional recognition.

17 October 2011

MAYORAL MINUTE NO. 3

SUBJECT: EXPERT PANEL DISCUSSION ON CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

354 RESOLVED on the motion of Councillors Mcilroy and Smith that Council register their support for Constitutional change by endorsing the ALGA's submission to the Expert Panel on Constitutional Recognition of Local Government.

19 November 2012

MAYORAL MINUTE

SUBMISSION ON CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

322 RESOLVED on the motion of Councillors Bennison and Brooks-Horn that with reference to the letter dated 9 November 2012 from Australian Local Government Association that:-

1. Council draft a submission and make a copy of this draft available to Councillors for comment one (1) week prior to the due date; and
2. The Mayor sign the submission and circulate a copy to Councillors.

In summary Lane Cove Council supports:-

- Constitutional and financial recognition of local government;
- 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";
- The Federal Government having the power to provide funding directly to local government, where this is in the national interest, so that there is certainty of funding for essential programs for roads and infrastructure such as Roads to Recovery and Regional and Local Community Infrastructure Programs;
- The referendum being held at a time which maximises its chance of success. As part of this the Federal Government would need to reach a position on constitutional recognition that achieves bi-partisan support so that the referendum is to have the best chance of success; and
- A publicly funded national education and awareness campaign to inform the public about the Constitution, how to change it, and about the question being asked before the referendum. An informed voter is more likely to cast an informed vote, which is based on facts rather than misinformation.