8.2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT – SUBMISSION TO THE JOINT SELECT COMMITTEE

Submitting Councillor: Jieh-Yung Lo

**MOTION**

That the Council makes a submission to the Joint Select Committee on Constitutional Recognition of Local Government, as follows:

1. It reinforces its 22 February 2011 resolution declaring its support for the financial recognition of Local Government in the Constitution and the Federal Government’s ability to directly fund Local Government.
2. It supports the amendment to Section 96 of the Constitution so that it reads “Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory.”
3. It states that Local Government needs certainty of funding, so that national programs such as ‘Roads To Recovery’ can continue.
4. Reinforces that bi-partisan support is an essential pre-condition if a referendum is to have the best chance of success.
5. Supports the timing of a referendum so that it has the best possible chance of success.
6. Supports a publicly-funded national education and awareness campaign about the Constitution, how to amend it and about the question being asked before the constitution.

**INTRODUCTION**

The purpose of this report is to gather Council’s support for the development of a submission to the Federal Government’s Joint Select Committee on Constitutional Recognition of Local Government.

**BACKGROUND**

In support of the Australian Local Government Association’s (ALGA) campaign for the inclusion of Local Government in the Australian Constitution, the Council, on 22 February 2011, resolved to declare its support for the financial recognition of Local Government in the 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. The Council also called on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
DISCUSSION

ALGA has written to Councils urging them to make submissions to the Joint Select Committee on Constitutional Recognition of Local Government. The involvement of Councils is vital, to ensure that the sector presents a strong and unified voice to the Select Committee.

It is in the best interests for local communities that Federal Governments, whatever their political persuasion, have the unambiguous legal capacity to fund councils directly to achieve national objectives. ALGA’s preference is for a pragmatic and simple change to the Constitution (to section 96) which would allow direct funding to continue.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by all state and territory local government associations. It is also important to stress that any referendum question would not seek to undermine the powers of state governments and would not impede their ability to regulate or reform local government.

As the establishment of the Committee took longer than anticipated, there is an urgency to meet the deadlines relating to the Committee’s findings (interim report in December 2012 and final report by end of February 2013).

It is proposed that the Council makes a submission to the Select Committee, on the following basis:

1. It reinforces its 22 February 2011 resolution declaring its support for the financial recognition of Local Government in the Constitution and the Federal Government’s ability to directly fund Local Government.
2. It supports the amendment to Section 96 of the Constitution so that it reads “Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory.”
3. It states that Local Government needs certainty of funding, so that national programs such as ‘Roads To Recovery’ can continue.
4. Reinforces that bi-partisan support is an essential pre-condition if a referendum is to have the best chance of success.
5. Supports the timing of a referendum so that it has the best possible chance of success.
6. Supports a publicly-funded national education and awareness campaign about the Constitution, how to amend it and about the question being asked before the constitution.
The Australian Local Government Association has prepared a publication, “The Case For Change: Why Local Government Needs To Be In The Australian Constitution”.

This publication is available on the Association’s dedicated constitutional website www.councilreferendum.cm.au.

It is also important that the Council promotes its support of constitutional recognition of Local Government, in its community.

**FINANCIAL IMPLICATIONS**

There is no cost to Council associated with supporting the ALGA’s campaign and the development of a submission.

**CONCLUSION**

There is a need for the City of Monash to work together with the broader local government sector to overcome obstacles and engage the community on changing the Constitution and improving the way that the different levels of government operate. This report recommends that Council provides a submission to the Joint Select Committee to achieve this goal in the interests of all Monash residents and ratepayers.