

19/04/2011

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**4.2: CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

<b>Proponent</b>	: City of Albany
<b>Attachment</b>	: Letter from the Western Australian Local Government Association (WALGA) re: Campaign for Constitutional Recognition dated 22 March 2011 (ICR1133084)
<b>Responsible Officer</b>	: Chief Executive Officer (F James)

**IN BRIEF**

- The Western Australian Local Government Association (WALGA) has requested Council to support a resolution to recognise local government in the Australian Constitution.

**9.59PM Councillor Paver left the Chamber.**

## ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION

## VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the request from Australian Local Government Association requesting Council's support of calling for a referendum to recognise local government in the Australian Constitution and move a motion in response.

**This Responsible Officer Recommendation was not moved or seconded. The CEO advised that the Mayor has advised that he will propose a Motion in response for the May 2011 Ordinary Council Meeting.**

**BACKGROUND**

During 2008 Australian Local Government Association (ALGA) took steps to secure a referendum:

- Production of initial resource materials to assist Local Governments to conduct a conversation at the local level on the need for Constitutional recognition
- Zone or region level discussions, where appropriate, based on WALGA agenda items
- Statewide forum to determine a State Local Government position (resolved at Local Government Convention)
- A national experts forum a National Constitution Summit (Melbourne December 2008)

In 2009/10 ALGA focused advocacy around national political forums, political parties and key influential academics, while State Associations built up state profiling campaigns to improve the image and perception of their local government jurisdictions.

The ALGA Board further refined the national position in 2010 to focus specifically on financial recognition and the WALGA position was also aligned to this focus.

ALGA's position is that:

- The Federal Government has committed to a referendum on Constitutional recognition for Local Government, likely to be held in conjunction with the 2013 election.
- A national position was developed at the Local Government Constitutional Summit to be held in Melbourne in December 2008, and has been refined by the Australian Local Government Association (ALGA) Board to focus the referendum on financial recognition.
- ALGA has requested that all Local Governments formally resolve to support the conduct of the referendum.

**DISCUSSION:**

On 24 March 2011, WALGA President, Mayor Troy Pickard, wrote to Council and requested Council:

- Support the ALGA campaign for the Constitutional recognition of local government;
- Call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;
- Develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;
- Acknowledge that funding implications need to be considered as part of the ongoing financial planning process.

A copy of the correspondence is attached.

**GOVERNMENT CONSULTATION**

No state government consultation has been conducted in response to this request.

**PUBLIC CONSULTATION / ENGAGEMENT**

No public consultation has been conducted in response to this request.

**STATUTORY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

*4. Governance. The City of Albany will be an industry leader in good governance and service delivery.*

*4.1 The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.*

**POLICY IMPLICATIONS**

WALGA's position is that the national policy position is consistent with the WALGA position and adoption of the recommendations will formalise Council's policy position and align it with the national campaign.

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**RISK IDENTIFICATION & MITIGATION**

The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Risk Rating</b>	<b>Mitigation</b>
Activity not costed in current Budget.	Low	A budget line is allocated so Council clearly defines the City's costed involvement in this activity, which could include the items listed under Financial Implications.
Lack of community engagement	Low	Community consultation is conducted by the Federal Government as part of any referendum.

**FINANCIAL IMPLICATIONS**

The costs associated with any local level campaign will be contingent on its extent and complexity. Expenditures could involve expenses such as forum consultant, catering and administrative charges (i.e. telephone calls, printing) if the Council thinks necessary.

**LEGAL IMPLICATIONS**

There are no immediate legal implications related to this item; however, if the referendum was successful there would be a change to the Australian Constitution.

**ALTERNATE OPTIONS**

Council can either support, or not, the WALGA request.

**SUMMARY CONCLUSION**

The City of Albany is a member of the WA Local Government Association (WALGA).

<b>Consulted References</b>	Nil
<b>File Number (Name of Ward)</b>	GR.LRL.1 (All Wards)
<b>Previous Reference</b>	Local Government News Issue No. 7.11 - 21 February 2011

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22 March 2011



Doc Ref: 05-074-03-0001\TP:VH



Mayor Milton Evans JP  
City of Albany  
(DX 60810) PO Box 484  
ALBANY WA 6331

City of Albany Records  
Doc No: ICR1133084  
File: GR-STL 2  
Date: 24 MAR 2011  
Officer: MAYOR1

Attach:  
Box: D3  
Vol: 5  
Box+Vol: D3\*5

Dear Mayor Evans

Recently your Local Government will have received correspondence from ALGA President Cr Genia McCaffery inviting you to become directly engaged in the campaign for constitutional recognition by carrying resolutions supporting a 2013 referendum on financial recognition of our sector. She has outlined a number of avenues through which Councils can offer their support, including resolutions of Council and discussions with State and Federal members of parliament.

I encourage you to accept Cr McCaffrey's invitation and begin your local campaign as part of the broader national campaign effort.

I believe it is important that we make it very clear that this is not a campaign to encourage the Commonwealth to take over responsibility for Local Government, nor will constitutional recognition affect the current rights of the State Government regarding our sector.

Our campaign for constitutional recognition is about making sure that the Federal Government has the continuing legal capacity to do what it has been doing for a number of years – provide funding directly to Local Governments. Its ability to do so has been placed in serious doubt by the 2009 challenge by Mr Bryan Pape to the validity of the Commonwealth retail stimulus package. Although this challenge was defeated, it is seen by many legal experts to have effectively narrowed the Federal Government's power to act in this way, restricting its efforts to situations of national or international emergency. Clearly regular payments to Local Governments would have difficulty in meeting this threshold requirement. Therein lies the importance of achieving recognition for Local Government in the Australian Constitution.

Local Government in WA already receives, on average, approximately \$90million in direct Federal funding through the Roads 2 Recovery program and the Community Infrastructure Fund. The importance and effectiveness of this funding to the lives of people in West Australian communities is undeniable.

Local Government Hous  
15 Altona Street  
West Perth WA 600  
PO Box 154  
West Perth WA 687  
Telephone: (08) 9213 200  
Facsimile: (08) 9322 261  
Email: info@walga.asn.a  
Website: www.walga.asn.a

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Not only does direct Federal funding benefit Local Governments, it effectively benefits the State Government too, by enabling a greater spend of the national tax take within WA - extra funds that would not come to WA if it wasn't for the direct Local Government funding programs that make it possible.

An effective national "Yes" campaign will be built on the back of local and state based campaigns that raise the profile of Local Government within the broader community. It is these initial campaign efforts that will highlight the importance of Local Government to people's daily lives and underpin the logic of securing a fair share of the national tax take directly to those communities. We are in an enviable position here, with awareness amongst West Australian communities already increasing as a result of the television based promotional campaigns WALGA has been running over the past five years.

Local Governments can contribute to this important stage of the constitutional recognition campaign by passing a council resolution supporting the call for a 2013 referendum and continuing to raise awareness of the services delivered by Local Government and the benefits achieved for all communities from the current direct funding relationship with the Federal Government.

I urge you to carry an appropriate resolution and proclaim the case for constitutional recognition in your local community, and encourage you to contact Wayne Scheggia, Deputy Chief Executive Officer at the Association on 9213 2024 or at [wscheggia@walga.asn.au](mailto:wscheggia@walga.asn.au) should you need advice or assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "Troy Pickard", is written over a circular stamp or seal.

Mayor Troy Pickard  
President