



A U S T R A L I A N
L O C A L
G O V E R N M E N T
A S S O C I A T I O N

Constitutional Recognition for Local Government

A U S T R A L I A N L O C A L G O V E R N M E N T A S S O C I A T I O N A L G A

Structure of Presentation

- Background
- What is the Constitution?
- Status of local government
- Changing the Constitution - how it is amended
- Previous efforts
- Arguments for recognition
- Local government's aspirations from recognition
- ALGA's process for 2008 and beyond



Background

- Long held goal – ‘Constitutional Recognition’
- ALGA Board and State Association priority
- Federal Labor’s policy
- The sector must lead
- The sector must be prepared



What is the Constitution?

- Blueprint
- Commonwealth / States relationship
- If not mentioned 'it' remains the responsibility of the states



Status of Local Government

- 3rd Sphere of Government
- Established by State and Territory legislation
- State Constitutions
- Not included in the Australian Constitution



Amending the Australian Constitution

- Section 128 of the Constitution sets out the process
- Complex and expensive
- Commonwealth Parliament takes the lead
- Referendum
- Double Majority



History of changing the Constitution

- 44 Referendums since 1906
- 8 Successful
- 36 Unsuccessful
- Usually more than one referendum put on polling day
- 25 Referendums since World War 2
- 16 ALP
- 9 Coalition
- Last successful referendum in 1977



Previous efforts at Constitutional Recognition

1974

- The Question
- Result by State
- Position of the Major Parties

1988

- The Question
- The Result
- Position of Major Parties



Why should Local Government be recognised

- The Constitution should reflect reality
- Local government is important
- Previous Constitutional Conventions thought it important



Local Government aspirations from recognition or styles of recognition

- Symbolic Recognition – inclusion in the Preamble
- Institutional Recognition - guarantee of a system of local government, and/or protection for Councils, eg ensuring no local body sacked without due process
- Financial Recognition – direct federal funding



Local Government Constitutional Summit

- 9 – 11 December 2008
- Melbourne, Victoria
- Open registration
- Agreeing a position if possible
- **What next?**



How you can be involved

- Council Conversations & feedback
- State wide consultation
- August Experts Forum
- Register for the Local Government Constitutional Summit

