

Referendum on Local Government

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Rob Lundie

The Budget provides \$55.6 million over two years for the conduct of the referendum on the constitutional recognition of local government which will be held on the same day as the federal election, 14 September 2013. The Australian Electoral Commission (AEC) will receive \$44.0 million over two years to conduct the referendum (\$3.0 million in 2012–13 and \$41.0 million in 2013–14). The Department of Regional Australia, Local Government, Arts and Sport received \$11.6 million (\$1.1 million in 2012–13 and \$10.5 million in 2013–14) to undertake a national civics education campaign to provide information to the general public on the referendum and reform process.^[1]

The referendum will be the third attempt to have local government recognised in the Australian Constitution following failed attempts in 1974 and 1988. The decision to hold the referendum supports the recommendations of the Expert Panel on Constitutional Recognition of Local Government and the Joint Select Committee on Constitutional Recognition of Local Government.^[2] Both reports supported the financial recognition of local government so that direct Commonwealth funding of local government activities is given greater legal certainty. The Government has released the wording of the proposed changes to section 96 of the Constitution and the exposure-draft of the *Constitution Alteration (Local Government) 2013 Bill* which provides for ‘financial assistance to states and local government bodies’.^[3]

With only eight of the 44 previous referenda questions being successful, it is important that the referendum has bipartisan support. The Opposition spokesperson Senator Barnaby Joyce has indicated the Coalition will support the referendum but some of its members have voiced opposition to the proposal.^[4] Mr Abbott has said that in order to allow proper debate on the Bill it is his intention to allow at least two members to vote against it so that they can prepare a ‘no’ case.^[5] Local government bodies have also urged support for the referendum.^[6]

In addition to the budget measure above, the House of Representatives has received additional funding over two years of \$0.7 million.^[7] This is in part to support the work of the Joint Committee on Constitutional Recognition of Local Government as well as other operations. The Department of the Senate also received additional funding of \$3.6 million over four years in part to support the operations of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples as it inquires into and reports on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition.^[8]

[1]. Australian Government, [Budget measures: budget paper No. 2: 2013–14](#), p. 246, accessed 16 May 2013.

[2]. Expert Panel on Constitutional Recognition of Local Government, [Final report](#), September 2011. Joint Select Committee on Constitutional Recognition of Local Government, [Report](#), accessed 16 May 2013.

[3]. A Albanese (Minister for Regional Development and Local Government) and M Dreyfus (Attorney-General), [Release of draft constitutional amendment to recognise local government](#), joint media statement, 16 May 2013, accessed 16 May 2013. Note that the words ‘on such terms and conditions as the Parliament thinks fit.’ are part of Section 96 but do not appear in this press release. This is made clearer in the exposure-draft of the *Constitution Alteration (Local Government) 2013 Bill* a link to which is included in the joint media statement.

[4]. Senator B Joyce (Shadow Minister for Regional Development, Local Government and Water), [Local Government Referendum](#), media doorstep, 16 May 2013, accessed 16 May 2013.

[5]. A Abbott (Leader of the Opposition), [Joint press conference with Joe Hockey \(Shadow Treasurer\) and Jamie Briggs \(Coalition spokesman on scrutiny of government waste\)](#), transcript, 13 May 2013, accessed 17 May 2013.

[6]. Australian Local Government Association, [Local government welcomes Bill to allow 2013 referendum](#), media release, 16 May 2013, accessed 17 May 2013; Council of Capital City Lord Mayors, [Constitutional recognition legislation moves referendum closer](#), media release, 15 May 2013, accessed 17 May 2013.

[7]. Australian Government, [Portfolio budget statements 2013–14: budget related paper no. 1.19A: Department of the House of Representatives](#), p. 8, accessed 16 May 2013.

[8]. Australian Government, [Budget measures: budget paper no. 2: 2013–14](#), p. 229, accessed 16 May 2013.

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