




Speech By  
**Hon. David Crisafulli**

**MEMBER FOR MUNDINGBURRA**

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## MINISTERIAL STATEMENT

### Local Government, Constitutional Recognition

 **Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (9.51 am): On 14 September this year Australians have a very important decision to make—and I am not talking about the federal election. I think most people have made their minds up about that one. What I am referring to is the proposed amendment to section 96 of the Commonwealth Constitution, which we know to be the question mark raised over constitutional recognition of local government.

The Newman government took a very clear position on constitutional recognition to the election that we would support any change that only allows direct funding to our councils. Indeed, this side of the House understands local government, with more than a dozen former mayors and councillors, including six in cabinet, having served their community at the grassroots level. We want our councils to be recognised in this nation's Constitution, to secure direct funding from the federal government and to get the legal protection that such a simple change could effect.

When the Gillard government rushed this decision, our immediate concern was that the question could put local governments under the thumb. Sadly, the state's legal advice has proven this to be correct. As it is currently proposed, if the Commonwealth government decides to fund a local government road, for example, it can tell the council it will do so as long as it installs pink bats in every council building or solar panels on every council roof or even declare a marine park in the local weir. That is the effect of this change. This government recognises the need of local governments to be funded directly by the federal government but not to be controlled by it. Currently the proposed amendment reads—

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State, or local government body formed by a law of a State, on such terms and conditions as the Parliament thinks fit.

We respectfully request that the federal government includes the following wording—

The terms and conditions of a grant of financial assistance to a State or to a local government body formed by a law of a State are subject to the laws of the State. An entity formed by a law of a State is a local government body for the purposes of subsection (1) if, and only if, the State's law so provides.

Yesterday the Premier wrote to the federal minister to convey this message. Today I have outlined this government's earnest wish to help local governments, the problem with the proposed wording and the solution that will protect local governments. It is now up to the Prime Minister. After failed votes in 1974 and 1988, this may be the last chance to get it right.