

1. INTERGOVERNMENT RELATIONS

PRINCIPLE

As integral parts of Australia's tripartite system of government, Local, State and Commonwealth Governments should respect each other's mandate and co-operate to ensure maximum benefit to the community.

1.1 COMMONWEALTH CONSTITUTION

1.1.1 There should be an acknowledgment of Local Government in the Constitution Act of the Commonwealth of Australia as a means of recognising the existence and importance of Local Government as a sphere of responsible government in Australia.

1.2 STATE CONSTITUTION

1.2.1 The South Australian Constitution Act 1934 should continue to provide recognition of the existence and status of Local Government. Such recognition should also provide safeguards which will ensure the continuance of Local Government.

1.3 LOCAL GOVERNMENT CONSTITUTION

1.3.1 Local Government's existence and status should be recognised by a Local Government Constitution Act.

1.4 ENTRENCHMENT OF LOCAL GOVERNMENT IN THE CONSTITUTION ACT

1.4.1 The acknowledgment of Local Government in the Constitution Acts should be entrenched so as to be incapable of alteration without an absolute majority of both Houses.

1.4.2 No sphere of government should have the right to dismiss another sphere of government.

1.5 GENERAL COMPETENCE

1.5.1 A general competence power should be granted to all Councils in the Local Government Act so that Councils may respond to the needs of their communities and provide the services required. Such general competence power should be accompanied by the removal of restrictive and unnecessary conditions and approvals imposed by State Government on the performance of Council activities.

1.6 REVIEW OF LOCAL GOVERNMENT LEGISLATION

1.6.1 Any review of legislation involving or impacting on Local Government should have regard to and be consistent with the following Objects of Local Government

- (a) to provide a system of Local Government which is open, responsive and accountable; and
- (b) to provide for the good rule and government of the area in recognition of the autonomy, independence and capacity for self-management of Local Government; and
- (c) to ensure that democratic decision-making is made as close as possible to the communities affected by the decision; and
- (d) to co-ordinate the provision of required services and facilities to the community by encouraging co-operation between all levels of government and other service providers; and
- (e) to participate in decision-making relating to the determination of the appropriate level of government to exercise functional responsibility in order to achieve maximum benefit to the community through efficient and effective service delivery; and
- (f) to participate in and contribute to the development of Local, State and Federal objectives and strategies; and
- (g) to represent and promote the interests of the local community to the wider community.

1.6.2 Adequate consultation should be undertaken with Local Government prior to the progression of any legislative changes which either involve or may impact on Local Government consistent with the Legislative Protocol (see Appendix C)

1.7 POLICY AND PRINCIPLES FOR INTERGOVERNMENTAL RELATIONS

1.7.1 Local, State and Commonwealth Government should respect each other's mandate and co-operate to ensure maximum benefit to the community with minimum duplication.

1.7.2 Each Council is a partner in local governance but should have the right to function as an autonomous unit of Local Government.

1.7.3 Relationships between State and Local Government should utilise the mechanisms for negotiation as set out in both State and Local Government Association policy.

1.8 CONSISTENCY IN APPLICATION OF LEGISLATION

1.8.1 Local, State and Commonwealth Governments should be bound by the same legislation, controls and requirements as the rest of the community.

1.9 INTERGOVERNMENT AGREEMENTS

- 1.9.1 The State/Local Relations Agreement should be observed by Local Government and all agencies of the State Government and together with protocols should form the basis for the partnership of the State and Local Government. (see Appendix B)
 - 1.9.2 A subsidiary agreement dealing with financial issues between State and Local governments should be negotiated between the State Government and the LGA.
 - 1.9.3 An intergovernmental agreement (IGA) involving the Commonwealth, the States and the Australian Local Government Association (ALGA) should establish a framework for governments to work more productively for the benefit of communities.
- 1.10 PROTOCOLS
- 1.10.1 Protocols for communication, consultation and negotiation should be negotiated between the Commonwealth Government and all Commonwealth Government agencies and the Australian Local Government Association.
 - 1.10.2 Established Protocols between the State Government and the LGA should be observed by State and Local Government. (see Appendix C)
- 1.11 SELF-MANAGEMENT
- 1.11.1 In determining the appropriate responsibilities of Local Government, the desirability of maximising Local Government autonomy, independence and the sector's capacity for self-management should be recognised by the other spheres of government in legislation and policy.
 - 1.11.2 The LGA supports a voluntary approach to the amalgamation of Councils.
 - 1.11.3 State Government intervention should only occur when a Council is effectively unable to govern.
- 1.12 WHOLE OF GOVERNMENT APPROACH
- 1.12.1 The State and Commonwealth Governments should establish 'whole of government' mechanisms for the co-ordination of their agencies in approaches to Local Government, especially in relation to legislation affecting Local Government.
 - 1.12.2 The unit of staff responsible to the Minister primarily responsible for State/Local Government relationships should be a part of the Department for Premier and Cabinet and should have a clear co-ordination role in relation to improving relationships with Local Government.

1.12.3 Submissions to the State Cabinet should incorporate an assessment of impact on Local Government and where appropriate advise on outcomes of consultation with the LGA and Councils, within a framework negotiated with the LGA.

1.12.4 An agreed legislative framework should be provided for the establishment of agreements between State Government and the LGA.

1.12.5 An agreed legislative framework should be provided for a forum for high-level negotiations between the State Government and the LGA.

1.13 NEGOTIATED PROGRAM AGREEMENTS

1.13.1 The revenue sources available to Local Government should be appropriate to fund its responsibilities.

1.13.2 Where financial or functional transfers occur between spheres of government, the objectives, amounts to be transferred, management and evaluation mechanisms should be negotiated and embodied in formal agreements, together with the broadbanding of funding.

1.14 LOCAL AREA PLANNING

1.14.1 State and Commonwealth Government agencies should participate in local area planning processes based in the local community where appropriate, to facilitate improved service delivery and the reduction of duplication, overlap and service gaps.

1.15 SERVICE DELIVERY

1.15.1 Where Local Government shares in the provision of services with another sphere of government, Local Government's role should be recognised. Consequently, sharing in the provision of services should automatically entitle Local Government to a proportionate share in the direction and administration of the service.

1.16 JOINT VENTURES

1.16.1 Ventures in which Local Government is a joint party with State and/or Commonwealth Governments should incorporate agreed methods of consultation with Local Government in the planning process, and should be based on contractual arrangements setting out responsibilities and resource allocations and appropriate Local Government representation in any advisory or management structures.

1.17 REPRESENTATION

1.17.1 Local Government should be given the opportunity to be represented on all appropriate State committees, Commissions, working groups etc where the subject matter affects or is likely to affect, Local Government.

1.17.2 The State Government should be given the opportunity to be represented on all appropriate Local Government committees etc where the subject matter affects or is likely to affect State Government responsibilities.

1.17.3 Where Local Government representation is required on any committee, advisory body or any other form of committee, the representative should be a formal nominee of the LGA.

1.18 UNITED CITIES AND LOCAL GOVERNMENTS

1.18.1 The LGA supports the World Wide Declaration on Local Self Government and calls on the Commonwealth Government to continue its support for the declaration.

1.18.2 The LGA supports the Australian Local Government Association's membership of United Cities and Local Governments.