

RICHMOND SHIRE COUNCIL



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Please address all
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A020/A MLC

24 August 2007

Committee Secretary
Senate Finance and Public Administration Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam,

SUBMISSION – FEDERAL SENATE INQUIRY COMMONWEALTH ELECTORAL AMENDMENT (DEMOCRATIC PLEBISCITES) BILL 2007

The Richmond Shire Council would like to congratulate the Commonwealth Government for its initiative to introduce the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007.

Richmond did not suffer the same fate as some of our neighbouring western Shires in being forced to amalgamate, however we feel compelled to stand up for the rights of all Queenslanders who have been denied the right to a referendum as entrenched in the Local Government Act, and the denial of natural justice through the removal of appeal and the threat of dissolution of councils without the need to show cause.

The *Local Government Act, 1993* requires all Councils to consult with its community on a whole range of issues and the State and Federal Governments are the first to question whether a Council has met these requirements and to provide evidence. The Queensland Government have now removed the right to dismiss a Council for consulting with their community – however the whole process that the Queensland Government have taken is contrary to the Local Government Act and a Councillor's role to represent the interests of the people of the local government area.

The Queensland Government have acted contrary to the objects of the Local Government Act that says local government should have jurisdiction sufficient to allow autonomous responsibility for the good rule and government of its area with a minimum of intervention by the State.

In addition the Queensland Constitution states that a Bill affecting local government must, if the member considers it practicable, arrange for a summary of the Bill to be given to a body representing local governments in the State a reasonable time before the Bill is introduced in the Legislative Assembly. This has not occurred at any stage of the State Government's radical plan to force amalgamation of Shires or the more recent decision to make radical changes to the Local Government Act – that affect local government.

Democracy is defined as a government by the people and where supreme power is vested in the people it is exercised by them directly or indirectly through a system of representation. The Bill denies the people of Queensland and those that represent them, at a local level, the right to a say in legislation that affects them at a local level.

The proposed Federal bill to allow democratic plebiscites without fear or favour should not be necessary if a State Government was subject to the jurisdiction of the Human Rights Commission. I refer to the Bill's reference to Articles 19 and 25 of the International Covenant on Civil and Political Rights set out in Schedule 2 of the Human Rights and Equal Opportunity Commission Act 1986.

The Queensland Constitution acknowledges the existence of the Legislative Assembly, the Executive Council, the position of Governor, the Supreme Court and its independence, and recognition of local government as appropriate subjects that should have entrenched protection by referendum. The Local Government Reform Implementation Bill completely ignores the Queensland Constitution, the objects of the Local Government Act, the role of a Councillor and the democratic system of Australian Government.

Richmond at the outset of the Queensland Government's proposal requested the Human Rights Commission to investigate the refusal of our community's right to free speech. It is suggested that the Senate Inquiry make recommendations to look at jurisdiction of the Human Rights Commission where a citizen of Australia would appear to have no right of appeal over a State Government that is prepared to enforce its laws at any cost and willing to deny its people a say.

Australian citizens should have the right to vote or appeal on any issue that directly affects them to ensure that a majority government cannot change and amend legislation to block the views of those they represent.

A further example of just how far the Queensland Government is prepared to go to with its legislative powers is evident in the true reason for amalgamations in Queensland. In its attempt to avoid Work Choices at all costs Union bodies in this State agreed to ignore the concerns of local government employees arising from amalgamation because the State has stated it is committed to an exclusive State system for all local government employees.

The Federal Government must now protect the rights of all local government employees to have the CHOICE to join a union or not. Compulsory bargaining fees has been kept quiet by the Federal Opposition Kevin Rudd but that is what will be on the table if a Labour Government wins at Federal Level. Even so the State Labour Party in Queensland are heading towards a centralised state system of local government employees to ensure Work Choices does not apply.

Richmond Shire Council has only 10% of its workforce in union membership. They recently agreed they would be happy to negotiate an AWA with us. The Queensland State Government then threatened all Councils with legal action if Councils pursued Work Choices. Now it is likely the Queensland State Government will ram through more legislation under the guise of Local Government Reform to abolish the system of local government as we know it against the Queensland Constitution and most likely without referendum.

Attached is a copy of a circular from the ASU to confirm the above concerns.

The Richmond Shire Council on behalf of its community and staff request that the Senate Inquiry recommend the adoption of the proposed Federal Bill and that the Commonwealth take further steps to ensure that all Australian citizens have the right to appeal or to vote on issues that affect them.

Yours faithfully



Michelle Clarke
CHIEF EXECUTIVE OFFICER



Qld Local Government and ASU – for the community – with the community – one of the community

23 August 2007

Local Government Reform Process Update 15

Members may have heard about the Ilfracombe Shire Council claiming that the state government has been secretly developing a proposal whereby Queensland Councils move out of the federal industrial relations system into the state industrial relations system in which council workers would become employees of statutory authorities.

The Ilfracombe Shire Council is represented by the LGAQ on the State Transition Committee and the Staff Support Sub Committee who have been negotiating local government employment matters with all stakeholders including the Department representatives from the state government, the Local Government Managers Association and Unions since May 2007 to support the reform process.

It is clear that the LGAQ have not been keeping their Council members informed as the proposal to move council employees to become employees of statutory authorities was presented to the Staff Support Sub Committee on 8 August 2007. The LGAQ have even been involved in discussions with government representatives prior to this about the proposal.

It is also clear that it is not the state government who are working under a veil of secrecy – but the LGAQ who have been aware of the proposal for 2 weeks and have not informed the Ilfracombe Shire Council.

The ASU together with other unions have called upon the state government to implement measures to ensure that local government employee's conditions of employment are protected in the best possible way which is under the state industrial relations system. A move into the state system will ensure that the Local Government Workforce Transition Code of Practice applies to all council employees so that there is a uniform practice about how employment matters will be dealt with during the local government reform process and employees are not disadvantaged as a result of the reform process.

The LGAQ know that unless all councils are bound by the Code of Practice employees will be treated differently and potentially inequitably. In not supporting the ASU in the move to the state based central system the LGAQ are not supporting council workers.

Please direct your enquires about local government reform to lgreform@asuqld.asn.au or your local ASU Organiser.

If you are not a member of the ASU and work in the areas of administration, technical, professional and community services within Council you are eligible to join our union. You can download a membership form from our website www.asuqld.asn.au and join today.