



**Cr Cheryl Bromage**  
**Ipswich City Council**  
**Councillor for Division 6**



24 July 2018

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Secretary,

Inquiry into the Draft Local Government (Dissolution of Ipswich City Council) Bill 2018  
I write in regard to the inquiry into the Draft Local Government (Dissolution of Ipswich City Council) Bill 2018.

The action that the Labor State Government is undertaking to remove the elected Councillors is quite clearly unfair dismissal based on the fact that there is no factual foundation connecting any sitting Councillor with any matter or charge. Many members of the house ran on a platform to stamp out "Work Choices" which was designed to dispense with unfair dismissal laws and removing the "no disadvantage test" which had sought to ensure people were not left disadvantaged by changes in legislation. And currently they are also out there promoting the "Change the Rules" campaign where they are pushing for job security. Seems "Change the Rules" means different things to Minister Stirling Hinchliffe who is introducing a new law that is changing the rules in an unjust and unfair way. By the passing of this standalone Bill we can no longer predict or plan that of our family's lives. One of the key principles of the Labor Movement is having a job you can count on which is a key foundations of the Australian way of life.

On the day I received the first notice under Section 120, which set out the number of Proposed Actions from the Minister for Local Government, Minister for Racing, and Minister for Multicultural Affairs the Honourable Stirling Hinchliffe MP I prepared the first of my 2 submissions. The first notice was defeated as it contained falsehoods and the Government could not back up their statements within the notice. A fresh notice was issued with the change being using the public interest test as a reason for the sacking of the elected members. Council took the Minister to the Supreme Court to obtain an independent umpire in this matter.

Acting on legal advice, ICC challenged this second Show Cause in the Supreme Court on June 28. Our argument was that the Minister did not have the jurisdiction to dismiss or suspend

Council. The Minister, requesting additional time to prepare his response to the injunction, agreed not to act on this Show Cause notice until the court had its say on July 31. It seems that the Minister was not prepared to respect the decision of the Supreme Court of Queensland as on Monday July 9, Local Government Minister Stirling Hinchliffe took the extraordinary and unprecedented action of announcing that he will introduce a new law on August 21 when Cabinet next meets – without any right of appeal – to dismiss Ipswich Council. What should also be noted is that the first hearings of charges laid by the CCC are due to be finalised in the magistrates' court in mid-September. This means the government needs to take action against council in August to avoid embarrassment if charges are dismissed.

The matters within the Bill that are concerning apart from the Dissolution of Ipswich City Council is the inclusion of number 6 that the decision is not reviewable. Even people who have committed the most heinous of crimes are allowed the right of appeal. A basic human right has been denied to the Councillors. Also section 2(b) within 7 state that a Councillor cannot run at any other local government election until the period mentioned in subsection (1) end, which is 2020. If an administrator is in place and the Bill states that no election will be held in Ipswich until 2020 so why has this provision been included, remembering that the 10 Councillors have not been charged with any disqualifying offence. I am concerned that as Springfield are now calling themselves a city, will this now give the Government a trigger to separate by Springfield from Ipswich City and form their own Council area and an election held before 2020?

I have concerns over how the staff of the Department have gone about misleading the public and the members of the Government. I refer to comments made at the public hearing for this bill by Ms Josie Hawthorne Legislation Services, Department of Local Government, Racing and Multicultural Affairs. Ms Hawthorne in her address to the committee states "The draft explanatory notes state that over the past 12 months a number of Ipswich City councillors, council contractors and former council officers have been charged by the Crime and Corruption Commission with a variety of misconduct and corruption . Approximately 15 people, including the current mayor and the former mayor, are facing in excess of 75 charges." In fact 15 people are not correct and this was highlighted in a media release by Mr Allan Mc Sporrn "Of the 15 people charged, seven are either current or former staff members or councillors. This includes two Mayors, two CEOs and a Chief Operating Officer." (Attached media release) This number has continued to be perpetuated by the Ministers Media advisor Martin Phillips who continues with the number 15. Council has written to the department to ask them to correct the record and to accurately portray the correct information to the community.

The action that is being taken against us is quite clearly an unfair dismissal based on the fact that there is no factual foundation connecting any sitting Councillor with any matters or charges. This needs to be highlighted to the members of the committee and house, because

the effect of this Bill will certainly ruin the reputations and career prospects of all Councillors. The people who have been charged will have their day in court to deal with their matters, we remaining with no charges have no opportunity to clear the tarnish that the government want to paint on us.

Is the State going to follow its own rules regarding the award of compensation following a finding of unfair dismissal. Or in ordering compensation in lieu of reinstatement after a finding of unfair dismissal or if the charges that are yet to be tested are dismissed? The compensation for unfair dismissal should include a component representing compensation for "shock, distress or humiliation" arising out of the manner of dismissal or other analogous hurt, caused to the Councillor by the manner of terminating their employment.

By enacting this Bill the State and Minister has removed our common law rights. What they have done so far is to restrict access to the courts to deny procedural fairness to persons affected by the exercise of public power as well as the disregard of common law protection of personal reputation.

I ask that the members of the committee undertake careful consideration of all the submissions from the Councillors. I find that this Bill is unjust and its ramifications go far beyond political beliefs and party lines. It strikes at the very heart of one of the most valued Australian traits, that everyone deserves a fair go.

In view of the above I would request that I be invited to attend and speak for no longer than 20 minutes, at the public hearings of the committee set down for Monday 30 July 2018 so that I can more fully point out the deficiencies in this particular piece of legislation.

Yours sincerely,



Cheryl Bromage

Councillor for Division 6

Chairperson – Infrastructure & Emergency Management Committee

*Working with you to build a stronger community.*