



**Mareeba**  
SHIRE COUNCIL

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Council Ref: HUM-REL/PF

Your Ref:

18 May 2015

Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Madam/Sir

**Mareeba Shire Council submission to the Parliamentary Committee for Finance and Administration - Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015**

Mareeba Shire Council is concerned about the proposed changes to the legislation. Due to the short time available for submissions we request that, with due respect for the importance of this legislation, and the effect on the staff and the organisation that timeframes be extended to ensure both employees and employers are properly represented and to allow for better consultation and consideration.

However below is our submission covering what is possible with our existing resources and the short timeframes.

The Mareeba Shire Council has always worked fairly and ethically in its discussions and negotiations with staff and unions. Council wants to continue this process and to do this Council needs flexibility to be responsive to current and future impacts on Local Government.

Council has recently entered into an Employee based Certified Agreement, noting that 4 of the 5 Unions representing staff at Mareeba Shire, were present and fully participated in the negotiations. This agreement was put to the staff for a vote and 76% of the staff voted to adopt the agreement. It should be noted that less than 20% of Council's employees are union members.

As opposed to the larger Councils with a much larger population there is a much stronger community spirit and employees of all levels and the Councillors interact regularly in non-work situations. External interference in what is seen as local dynamics is not well received. This was borne out by the fact that Council management was approached by staff to have an Employee based agreement as they felt the Unions were not representing theirs and the community's best interests. That said there was no objection to having the Unions present at the negotiations and their input was valued by all.



### **Clause 6: Removal of non-allowable provisions**

#### **Omission of 71LB**

Council has no objection to the removal of non-allowable provisions.

Council does however require that when these matters are considered (as part of the certified agreement) that they do not restrict Council's efficiency of operation as any provision that prohibits the effective operation of the Council may in turn effect security of employment. In Council's Certified Agreement there are provisions that allow Council to be responsive to a changing environment such as:

- Flexibility in workplace practices including individual flexibility arrangements;
- Productivity improvements;
- Management's ability to change and update policy that is appropriate for the organisation;
- Consultation with staff and unions once Council has made a decision (Council has always considered feedback prior to finalising the decision).

Council's financial position is limited now that grants have decreased and the cost of de-amalgamation has been borne by the community. Council requires flexibility in order to move forward in an ever changing environment and as a small employer (with a limited rates base) has a limit to its capacity that is individual to this entity.

### **Clause 31: Right of Entry Provisions for Union Representatives**

Our reading of this section is that it allows inspection by a union representative of payroll records of any employee (union or non-union) and allows the industrial officer to make a copy of the time and wages record. Further proposed section 373 (8) allows an officer to discuss matters during working or non-working time with an employer or member or eligible member. Council has not had any notifications from Unions or employees that the current provisions have impeded unions to enhance members' interests and in fact Council has work in well with the Unions on this matter.

For the section about inspecting employee records Council requires that it be the exception rather than the norm and requests that the clause be reversed to say that a Union representative may inspect a payroll record on any staff member only with their permission in writing.

Council also requires that any discussion by an industrial officer not interrupt the normal working operations of the organisation and as such the industrial officer should seek approval from the CEO or their delegate. Council understands and is happy for a clause to be included that directs that Council should not unreasonably deny access of union officials to staff. Council needs the capability to ensure the number, time and cumulative effect of discussions does not adversely impact Council's operational requirements.

To this end we see that at least a 24 hour notice be provided except in cases of demonstrated emergency.

### **Modern Award Provisions - Dispute Resolution**

**Proposed Clause 844: Review of Existing Modern award to consider if the number of awards for Local Government should be increased.**

### **Modern Award Provisions**

Our understanding is that this provision allows multiple modern awards to apply to Local Government.

Mareeba Shire Council works with employees as a whole and to have multiple awards applying to the workforce unnecessarily complicates matters for employees and the employer. This is one part of the previous changes that Council saw as favourable for both employees and employer. Under the previous negotiations there have always been discussions with employees and unions regarding equalising the different awards applying to local government employees and it makes sense to have all local government employees on the same award. It is Council's preference that one award apply to all local government employees to provide equity across the workforce.

### **Union encouragement**

Our understanding is that proposed provisions will expect local government as employers to encourage union membership.

Mareeba Shire Council believes in the freedom of association and supports each employee's right to become or not become members of a Union. Council has no issue in supporting Unions who wish to recruit members but do not see it as Council's role to encourage this one way or another.

Previously Council has agreed to and would continue to support "encouragement" limited to notification to new employees and provision of contact details on request by an employee.

Council has no objection to payroll deductions for union membership.

### **Union Delegates - Trade union leave**

Our understanding is that this provision will reintroduce training for union representatives which will be provided in Council time.

Mareeba Shire Council does not support this however believes that should this be included there should be severe limitations on the amount of time available. As a smaller Council with a community that is far from affluent it is difficult to justify that the Ratepayers should have to fund this training.

### **Termination, change and redundancy**

Our understanding is that this will reinstate previous provisions.

Mareeba Shire Council believes that Local Government needs to be responsive and have a flexible approach to change. The Council is faced with a situation where it is constantly going to have to carefully monitor every expense if it is to remain financially viable. Every Council is different and the situations change rapidly. By making the proposed changes and having these included in Certified Agreements reduces Councils ability to respond to change.

Redundancy payments need to be affordable to the community and alternative options should be considered such as transition to retirement, redeployment and training within the capacity of the individual Local Government rather than just financial provisions mandated as a one size fits all.

### **Re-establishing the independence of the QIRC**

Our understanding is that these provisions aim to remove the requirement of the QIRC to consider the Council's financial position and fiscal strategy when considering wage arbitration matters and when modernising awards.

Council requires consideration of its financial position. Council's main source of income is rates from the community. The community has a limited capacity to pay and this has already been challenged due to:

- Decreasing Federal and State Grants to Local Government;
- Limited population growth in this region;
- Decreasing opportunities to earn income through third party works;
- Increasing legislative and reporting requirements;
- Increasing costs of operations in the areas of wages, construction costs, funding of new, renewal and replacement of assets.

### **General Matters**

#### **Consultation**

The explanatory notes to the Bill note that consultation was conducted with each individual union and the Local Government Association of Queensland (LGAQ). It is important to note that although the LGAQ provides general representation for local Councils, each local government finds itself in different circumstances and a one size fits all option is not suitable or effective.

#### **Cost implications for Local Government**

The movement to re-introduce job security, protections against contracting out and other measures included in the Bill will have a significant financial impact on the Mareeba Shire Council. Pending how far these measures are taken they will have detrimental effects. As the community is unable to pay more through rates the only alternative would be to actually reduce service levels and hence staff numbers, which we believe to be counterproductive.

Mareeba Shire Council appreciates the opportunity to make a submission and would be happy to provide further information should it be required.

Yours faithfully



Peter Franks  
Chief Executive Officer

