



## **An open letter to the Minister for Local Government and the Office of Local Government**

The Hon Shelley Hancock  
Minister for Local Government

Mr Tim Hurst  
CEO  
Office of Local Government

Dear Minister and Mr Hurst

### **Protecting the work of local government during COVID-19**

I'm writing to you both, rather than individually, because of the desperate straits in which local government will shortly find itself before the end of the pandemic and our return to something approaching normality. And I'm writing to you both because I don't want my pleas to fall between the cracks, or be seen by one as the responsibility of the other, amongst the usual sorts of confusion that ensures that nothing gets done. This is not my normal area of expertise but I felt obliged to do something, please pardon any presumptuousness.

LGNSW and the three local government unions, the USU, LGEA and depa, are very closed to finalising the negotiation of what we hope to be the 2020 Local Government State Award. Those discussions overlap with anxieties about COVID-19 and how councils can or should react protecting staff, getting those who can do so working from home and other safe ways they can continue operating. You will have seen the two Joint Statements prepared by the employer and employee organisations and you understand the level of cooperation unique to our industry. More Joint Statements will follow.

Yesterday's announcement by the Prime Minister of the \$130 billion JobKeeper program is targeted at protecting 6 million Australian workers in small, medium and large businesses. Some businesses so large that they would have a turnover of \$1 billion. If local governments were businesses they would be eligible for the allowances, but they are not. It may be that some corporations or other stand-alone business units of councils may be eligible, and I'm expecting that it would be the role of one or both of you to determine how councils can be eligible. How's that going?

Certainly, councils fall within the size of the businesses targeted but in the absence of an expressed and explicit undertaking, the money appears not to be available.

The announcement of JobKeeper made no mention of employees of the Crown either but we know that, consistent with circular *C2020-01 Employment Arrangements during COVID-19*, employees whose workplace is closed "*where work is unable to be provided to these employees, they are to be paid as normal and are placed on paid special leave*", without any specified maximum. So, from our position in local government, we see assistance to the 6 million Australian workers through

JobKeeper, and a commitment by the NSW Government for their employees whose workplace is closed *"to be paid as normal and are placed on paid special leave"*. We've fallen between the cracks.

Local government functions such as swimming pools, leisure centres, gymnasiums, cultural centres, etc have been closed by order of your government and last week we saw attempts by Sutherland Shire Council to end the employment of more than 300 purported "casuals". Other councils are already looking at standing staff down if they can't be gainfully employed and there is no consensus yet in the industry about how this should be managed.

The NSW Government now must step in with grants and other forms of funding to provide employment protection matching that provided to employees of the Crown and to ensure that the valuable activities of councils across the state can continue while we all ride this crisis out.

The Government needs to force open financial reserves held by all councils to continue employment. If the continuation of employment during a pandemic doesn't satisfy the *"rainy day"* trigger, nothing ever will.

We know of councils that say they can't afford to have staff on special leave beyond the twenty days, they can't afford to make staff redundant, nor require that they take and be paid accumulated leave. There are no other alternatives.

Something needs to be done and it needs to be done by you two. Why can't you do things like this:

- whatever is required to make available councils' financial reserves/"unrestricted assets",
- provide grants to continue employment to encourage councils to initiate *"shovel-ready projects"* and provide meaningful work to employees across the state as well as making improvements to local communities and community facilities,
- commit to allowing councils funding continuing work and services to the community with the guarantee that these monies can be recouped with rate levels beyond the pegging limits,
- pursue the Federal Government to extend JobKeeper to local government - which, as businesses, can satisfy the requirements,
- do whatever is required to encourage councils to retain their staff levels and services to the community with the authority that only the Minister for Local Government can provide, and
- find ways to ensure that local government employees can be guaranteed the protections of special leave where a workplace is closed *"to be paid as normal and are (sic) placed on paid special leave"*.

The JobKeeper program aims to restore a buoyant workforce in small, medium and large businesses that satisfy the tests so that when COVID-19 is beaten we can more easily and quickly return to our normal lives. Local government needs that psychological and financial boost as well, and we see you as the way of providing it.

Regards



Ian Robertson  
Secretary