

13/7/20



## Premier of Western Australia

Our Reference: 59-202393/NC

Mr Andrew Johnson  
Secretary  
LGRCEU  
PO Box 183  
LEEDERVILLE WA 6007

Dear Mr  Johnson

Thank you for your letter dated 19 May 2020 concerning the impact of the COVID-19 coronavirus on local government employees in Western Australia. I apologise for the delay in my response.

The Western Australian Government supports measures to protect the job security and wages of all Western Australian workers during these difficult and unprecedented times. I am disappointed that some local governments moved to stand down employees so quickly in response to the effects of the COVID-19 pandemic. Local governments are significant employers in this State and I would expect them to exhaust all other options before standing down employees without pay.

I note the options proposed in your letter to help local government employees who have been stood down.

With respect to the first option, I am able to advise that drafting of the *Industrial Relations Legislation Amendment Bill 2020* is currently being undertaken. It is the Government's intention to progress the Bill, which includes amendments which will enable the State to declare Western Australian local government employers not to be national system employers for the purposes of the *Fair Work Act 2009* (FW Act) (Cth), as a matter of priority. As you would be aware, any such declaration requires the written endorsement of the Federal Minister for Industrial Relations to take effect under the FW Act.

As local government is integral to the functioning of the State, it is my strong view that local government employers and employees should be regulated by the State industrial relations system. I understand that your organisation has provided input into the Bill as a member of the Local Government Taskforce. The Minister for Industrial Relations, the Hon Bill Johnston MLA, will continue to seek the input of the Taskforce to assist with implementation of the proposed reforms.

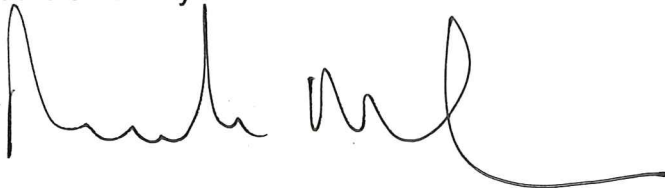
With respect to amending local government awards, I note that in New South Wales the Local Government (COVID-19) Splinter Award 2020 was made by consent by Local Government NSW, Aged and Community Services Australia and a number of unions. While local governments in New South Wales are regulated by the State industrial relations system, most local governments in Western Australia currently operate in the national system. As modern awards under the FW Act are not permitted to contain State-specific terms, it may be difficult to obtain the consent of local government associations and unions across Australia to achieve a similar outcome in the national system to that in New South Wales.

While local government employees who have been stood down under the FW Act are excluded from the Federal Government's JobKeeper payment, they may be entitled to the JobSeeker payment including the Coronavirus Supplement. Eligibility for the JobSeeker payment has been temporarily expanded to include permanent employees who have been stood down.

The Western Australian Government is committed to not only protecting jobs, but creating jobs and stimulating the economy in the wake of the COVID-19 pandemic. To this end, I have established a top-level State Recovery Advisory Group including representatives from local government. Local government will play a crucial part in the State's recovery.

Thank you for taking the time to raise your concerns with me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark McGowan', with a long horizontal flourish extending to the right.

Mark McGowan MLA  
**PREMIER**

- 3 JUL 2020