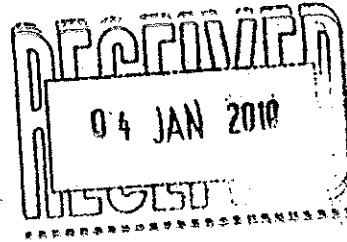




Minister for Local Government

Ref CMIN015352

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Dear Cr Iser

WORKCOVER FOR COUNCILLORS

Thank you for your email of 27 October 2009 regarding WorkCover and local government councillors and for our discussions of this matter when we recently met.

The issues you raised and the feedback reported from the local government sector helped inform my consideration of the draft of the *Accident Compensation Amendment Bill 2009* (the Bill).

As you are aware the Bill has now been introduced in the Parliament and is available for viewing on the Parliament website at www.parliament.vic.gov.au (follow the legislation links on Bills under "Parliamentary Documents").

The Bill provides that Guidelines will be prepared to clarify, for the purposes of the application of WorkCover to Councillors, the circumstances in which Councillors will be eligible or otherwise for compensation. I anticipate that consultation will begin on the Guidelines early in the New Year.

The deeming of Councillors as workers (and likewise Councils as employers) will not affect the status of Councillors under other legislation.

An issue not specifically raised in your email but addressed by the Bill relates to the exclusion of entitlement that applies to workers regarding claims for mental injury arising out of "reasonable management actions". The Bill provides that a s81B action under the *Local Government Act 1989* with respect to Councillor Conduct Panels effectively allows the deliberations of a Panel regarding a Councillor's conduct to fall under the umbrella of what is to be regarded as "reasonable management actions".

With respect to management of return to work, and employer obligations in this area, I believe the Bill is sufficiently flexible regarding the application of the requirements of the process to elected representatives. However, I appreciate that there are a range of practical issues regarding this and other matters that have been raised by both the Victorian Local Governance Association (VLGA) and the Municipal Association of Victoria (MAV), particularly in the Members Brief to Councils circulated by MAV that you refer to in your email.

These will need to be addressed concurrent with the passage of the legislation and resolved before implementation. I understand that the proposed implementation date of new provisions affecting Councils will be 1 July 2010.



I have noted your suggestion that a discussion by stakeholder groups be convened and have asked that Local Government Victoria (LGV) arrange an independently facilitated session early in 2010 to bring representative bodies together.

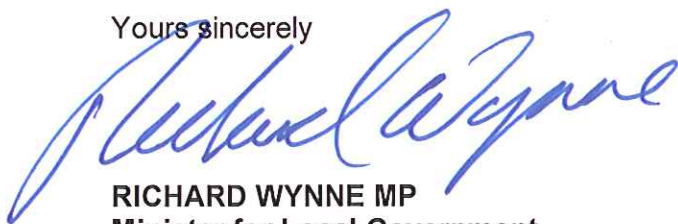
I am pleased to advise that Ms Liz Roadley, Chair of the former Local Government (Councillor Remuneration Review) Panel has agreed to facilitate this workshop. This will provide the opportunity to discuss and work towards a consensus on a reasonably uniform approach to the key implementation issues that have been identified to date.

The forum will also provide for stakeholder input to the Guidelines which are to be prepared by WorkSafe's Implementation Team in association with LGV.

LGV will consult with the VLGA and key stakeholders to discuss the timing and objectives of the workshop and to ensure it complements any separate consultation activities that are planned by the representative bodies directly with Councils.

Thank you for bringing the key issues and proposals to my attention. Now that the Bill is before Parliament, I look forward to working with you on a constructive transition towards implementation.

Yours sincerely



RICHARD WYNNE MP
Minister for Local Government

28 / 12 / 2009