



New South Wales

# Local Government (General) Amendment (Tenders) Regulation 2008

under the

Local Government Act 1993

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

BARBARA PERRY, M.P.,  
Minister for Local Government

## Explanatory note

Section 55 of the *Local Government Act 1993* requires a council to invite tenders before entering into certain contracts. The object of this Regulation is to amend the *Local Government (General) Regulation 2005* to require a person who submits a tender for the provision of domestic or other waste management services to provide information about the continued employment or engagement by the successful tenderer of persons employed or engaged under pre-existing contracts for provision of the same kind of services. Clause 178 (2) of the Regulation requires a council to take this information into account in considering tenders for contracts for the provision of domestic or waste management services.

This Regulation is made under the *Local Government Act 1993*, including section 748 and clause 5 of Schedule 6.

## **2008 No 459**

Clause 1            Local Government (General) Amendment (Tenders) Regulation 2008

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## **Local Government (General) Amendment (Tenders) Regulation 2008**

under the

Local Government Act 1993

### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Tenders) Regulation 2008*.

### **2 Amendment of Local Government (General) Regulation 2005**

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 170 Tender documents**

Insert after clause 170 (1) (d):

, and

- (e) if the proposed contract is for the performance of domestic or other waste management services of the same kind as those performed under a contract in force immediately before the tenders are invited (an *existing contract*)—specify the information which must be submitted about the continuity of employment of workers employed or engaged by the contractor under the existing contract to perform the domestic or other waste management services (the *existing workers*).

**[2] Clause 170 (1A)**

Insert after clause 170 (1):

- (1A) Without limiting subclause (1) (e), information that must be submitted is:
  - (a) a statement as to whether or not the proposed contractor intends to offer the existing workers employment or engagement with the contractor if the tender is accepted, and
  - (b) if employment or engagement is offered—relevant details of the terms and conditions of employment or engagement that will be offered (including details of remuneration, preservation of accrued or accruing leave and other entitlements, hours of work, working conditions and rights to negotiate working conditions under the *Industrial Relations Act 1996*, the conduct of training with respect to industrial rights and occupational health and safety, duration of the employment or engagement and rights with respect to trade union membership).

**[3] Clause 170 (3) and (4)**

Insert after clause 170 (2):

- (3) Subclause (1) (e) does not apply to tender documents issued before the commencement of this subclause.

## 2008 No 459

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Schedule 1 Amendments

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- (4) In this clause:  
*domestic or other waste management services* means the storage, treatment, processing, collecting, removal, disposal, destruction, sorting or recycling of domestic waste and other waste.

### [4] Clause 178 Acceptance of tenders

Insert after clause 178 (1):

- (1A) Without limiting subclause (1), in considering the tenders submitted for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of clause 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender was submitted.

BY AUTHORITY

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