

**MEMORANDUM OF**  
**UNDERSTANDING**

**BETWEEN**

**New South Wales Local Government,  
Clerical, Administrative, Energy, Airlines  
and Utilities Union (USU)**

**The Development and Environmental  
Professionals Association (depa)**

**Local Government Engineers Association  
(LGEA)**

**AND**

**Bayside Council**

**DATED**

**This**

**day of**

**2018**

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## **Memorandum of Understanding**

**DATED** This            day of                            2018

**BETWEEN** New South Wales Local Government, Clerical, Administrative,  
Energy, Airlines and Utilities Union (USU)  
  
The Development and Environmental Professionals Association  
(depa)  
  
Local Government Engineers Association (LGEA)

**AND** Bayside Council (444 – 446 Princes Highway, Rockdale, NSW)    **(Council)**

### **Definitions**

**Act**                            NSW Local Government Act 1993

**Award**                        Local Government (State) Award 2017 or its successor

### **Recital**

- A. On 9 September 2016 the Minister for Local Government announced the proclamation of Bayside Council through the amalgamation of the City of Botany Bay and Rockdale City.

### **THIS MEMORANDUM OF UNDERSTANDING WITNESSES**

#### **1.            Statement of Intent**

- 1.1            Council recognises the concerns of some staff regarding the potential employment impacts of the proclamation of Bayside Council on 9 September 2016.
- 1.2            Council also recognises the high performance culture that has developed at Bayside Council and is committed to ensuring this high performance culture is maintained.
- 1.3            To this end, it is Council's intent to provide employment protections for its workforce in excess of those currently available under the NSW Local Government Act 1993.

## **2. Proposed Employment Protections**

- 2.1 Section 354F of the NSW Local Government Act 1993 currently states:  
**354F No forced redundancy of non-senior staff members for 3 years after transfer**  
If a staff transfer occurs, the employment of:  
(a) a transferred staff member, and  
(b) in the case of a boundary alteration:  
    (i) a remaining staff member of the transferor council, and  
    (ii) an existing staff member of the transferee council,  
other than a senior staff member, must not be terminated, without the staff member's agreement, within 3 years after the transfer day on the ground of redundancy arising from the staff transfer.
- 2.2 The above employment protection of three (3) years under Section 354F of the Act is extended by two (2) years to a total of five (5) years by this Agreement from the date of proclamation.
- 2.3 This agreement only applies to permanent employees of both former Councils as at the date of proclamation.
- 2.4 This Agreement does not alter any other employment conditions contained within the Act or the Award.

## **3. Severability**

- 3.1 If a provision of this Memorandum of Understanding is invalid, illegal or unenforceable it must, to the extent that it is invalid or unenforceable, be treated as severed from this Memorandum of Understanding. Severance of the provision will not affect the validity and enforceability of the remaining provisions.

## **4. Term of Agreement**

- 4.1 This agreement shall commence when approved by the parties and will remain in force until 10 September 2021.
- 4.2 This agreement will terminate after this date.

**EXECUTED** on this                      day of                      2018 by the parties.

**SIGNED** by

.....  
Name

.....  
Title

**ON BEHALF OF**

New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union (USU)

**IN THE PRESENCE OF**

.....  
Witness Signature

.....  
Witness Name

.....  
Name

.....  
Title

**ON BEHALF OF**

The Development and Environmental Professionals Association ("depa")

**IN THE PRESENCE OF**

.....  
Witness Signature

.....  
Witness Name

.....  
Name

.....  
Title

**ON BEHALF OF**

Local Government Engineers Association ("LGEA")

**IN THE PRESENCE OF**

.....  
Witness Signature

.....  
Witness Name

**SIGNED** by

.....  
Name

.....  
Title

**ON BEHALF OF**

Bayside Council

.....  
Signature

**IN THE PRESENCE OF**

.....  
Witness Signature

.....  
Witness Name