Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
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Our Reference: A539353
Your Reference:
Contact: John Davies
Phone: 02 4428 4139

Dear Administrator/Interim General Manager

The purpose of this letter is to remind you of your council's obligations under the employment protection provisions of the *Local Government Act 1993* (the Act) which apply to staff of councils that are affected by mergers or boundary alterations.

The employment protections conferred on staff of councils affected by mergers or boundary alterations under the Act apply to individual staff members and not to the position they hold. This means that irrespective of the position they hold at the time of a merger or boundary alteration, or subsequently hold in a new council, non-senior staff:

- cannot be made redundant as a result of the transfer without their agreement for three years following the merger or boundary alteration;
- must continue to be employed under the same terms and conditions unless they voluntarily consent to the alteration of their terms and conditions (this is **not** time limited); and
- cannot be transferred to a work base outside the former council's local government area unless:
    - they give their written consent to the transfer; or
    - the transfer would not cause them to suffer unreasonable hardship because of the distance they would be required to travel to their new work base.

In the three years following a merger or boundary alteration, general managers proposing to make appointments to positions in the organisational structure of the council must comply with sections 354G and 354H of the Act. The Office of Local Government expects councils to act fairly, reasonably and in good faith when proposing to appoint staff to positions within a new organisational structure of a council.

I hope that this information clarifies the situation.

Yours sincerely

Tim Hurst
Acting Chief Executive
Office of Local Government

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