

FIRST PRINT

**GOVERNMENT CLEANING SERVICE RETENTION BILL  
1993**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to ensure that the Government Cleaning Service (the "GCS") is retained in government hands by preventing the proposed privatisation of the GCS. The GCS is currently part of the Commercial Services Group and it provides a cleaning service to government schools, TAFE colleges, police stations, court houses and other government buildings throughout the State.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act commences on the date of assent.

**Clause 3** defines relevant terms for the purposes of the proposed Act. The "undertaking of the GCS" means the assets (including any rights and liabilities) of the GCS relating to its provision of cleaning services in the State, and includes Government contracts and arrangements relating to the provision of those services.

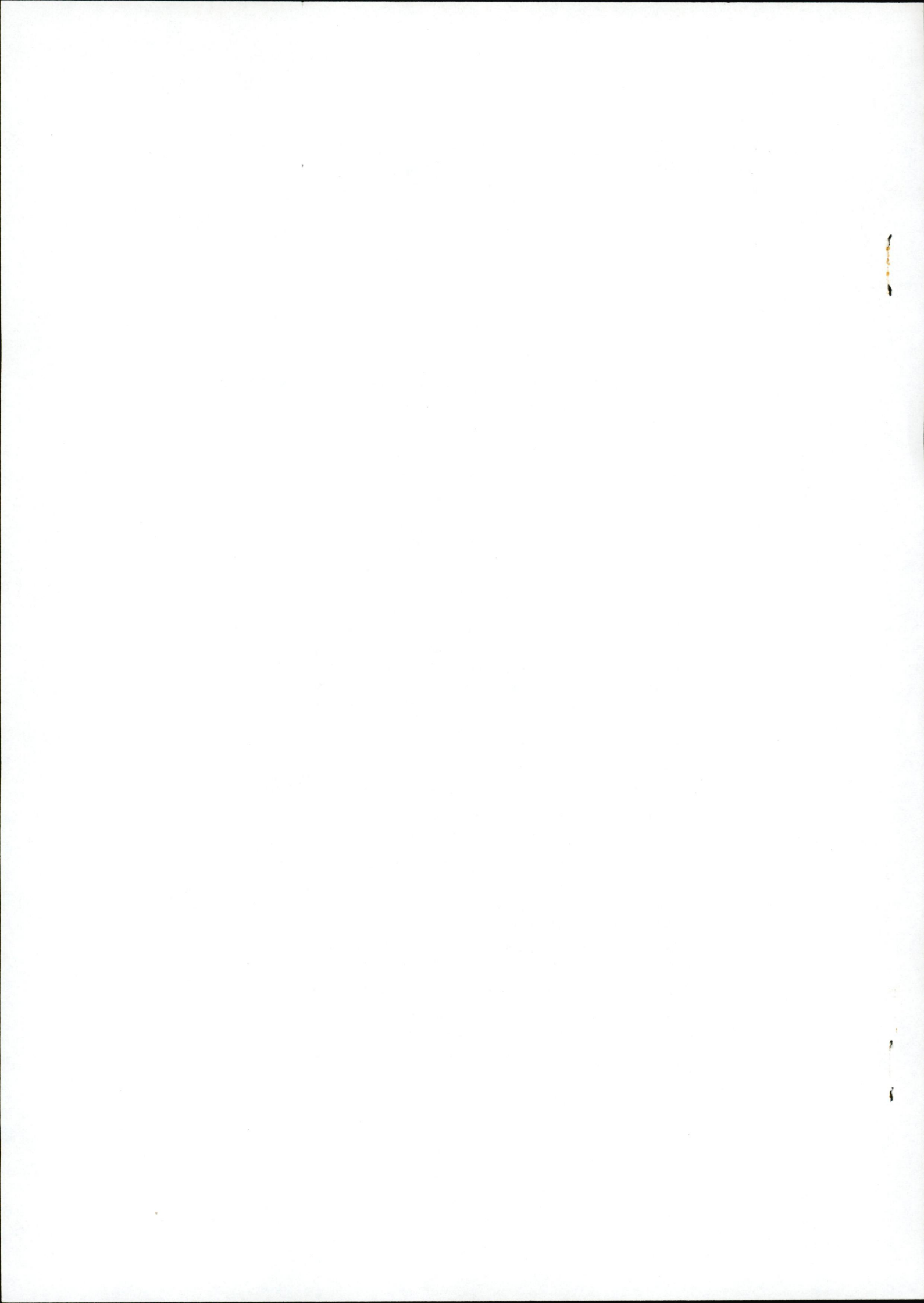
**Clause 4** defines the expression "privatisation" as a transaction or series of transactions by which the undertaking of the GCS is transferred to the private sector or by which the management of the GCS's undertaking is taken over by the private sector.

**Clause 5** prevents the privatisation of the GCS and provides that any agreement or transaction which proposes to privatise the GCS is void.

**Clause 6** provides that the proposed Act binds the Crown.

**Clause 7** provides that the effect or operation of the proposed Act cannot be altered by any other legislation or by any agreement or arrangement.

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**GOVERNMENT CLEANING SERVICE RETENTION BILL  
1993**

NEW SOUTH WALES



No. , 1993

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**A BILL FOR**

An Act to prevent the privatisation of the Government Cleaning Service.

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*Government Cleaning Service Retention 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Government Cleaning Service Retention Act 1993.

**5 Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. In this Act:

“assets” includes rights and liabilities;

10 “Government” includes the State, the Crown or a Minister of the Crown;

15 “Government Cleaning Service” means the branch of the Government (whether described as the Government Cleaning Service or otherwise) which provides cleaning services to government schools, TAFE colleges, police stations, court houses and other government buildings in the State;

20 “private person” means any person other than the Government, a public or local authority or a public servant or other person acting in an official capacity on behalf of the government or any such public or local authority;

“privatisation” is defined by section 4;

25 “undertaking of the Government Cleaning Service” means the assets of the Government Cleaning Service relating to its provision of cleaning services in the State, and includes any Government contracts and arrangements relating to the provision of those cleaning services.

**Definition of “privatisation”**

30 4. (1) For the purposes of this Act, the **privatisation** of the Government Cleaning Service is any transaction or series of transactions by which:

(a) all or any part of the undertaking of the Government Cleaning Service is transferred to any private person for operation by that or any other private person; or

35 (b) any private person is charged with the management of the provision of all or any part of the undertaking of the Government Cleaning Service.

*Government Cleaning Service Retention 1993*

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(2) The Government Cleaning Service is not taken to be privatised merely because the undertaking of the Government Cleaning Service is transferred to, or it becomes, a state owned corporation, so long as all the issued shares of the corporation are held for and on behalf of the State.

**Privatisation of Government Cleaning Service not to proceed** 5

5. (1) The Government Cleaning Service must not be privatised.

(2) Any agreement, arrangement, instrument or other transaction of any kind entered into or made in contravention of this section after the date on which the Bill for this Act was introduced into Parliament is void.

**Act binds Crown** 10

6. This Act binds the Crown.

**This Act prevails**

7. (1) An Act enacted (or an instrument made under an Act) after the commencement of this Act is not to be interpreted as amending or repealing, or otherwise altering the effect or operation of, this Act. 15

(2) Subsection (1) does not affect the interpretation of an Act (or of an instrument made under an Act) so far as that Act provides expressly for that Act or instrument (as the case may be) to have effect despite a specified provision, or despite any provision, of this Act.

(3) This Act applies regardless of the terms of any agreement or arrangement. 20

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