



New South Wales

Industrial Relations (General) Amendment Regulation 1998

under the

Industrial Relations Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1996*.

JEFFREY SHAW, Q.C., M.L.C.,

Minister for Industrial Relations

Explanatory note

The object of this Regulation is to declare that certain security industry workers who are engaged as subcontractors are to be employees (and to declare the contractors to be their employers) for the purposes of the *Industrial Relations Act 1996*.

This Regulation is made under the *Industrial Relations Act 1996*, including clause 1 (m) of Schedule 1 and section 407.

Industrial Relations (General) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Industrial Relations (General) Amendment Regulation 1998*.

2 Commencement

This Regulation commences on 1 July 1998.

3 Amendment of Industrial Relations (General) Regulation 1996

The *Industrial Relations (General) Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Part 7A

Insert after Part 7:

Part 7A Additional persons deemed to be employees

35A Additional persons prescribed by regulation

- (1) The persons described in this Part as employees are taken to be employees for the purposes of the Act.
- (2) A person described in this Part as the employer of any such employee is taken to be the employer for the purposes of the Act.

Note. Clause 1 (m) of Schedule 1 to the Act authorises the making of regulations prescribing additional categories of deemed employees and their deemed employer.

35B Security industry workers

- (1) Any person (other than a bona fide contractor employing labour for that purpose) who performs security officer work, or security transport work, under a contract with another person is taken to be an employee.
- (2) In such a case, the other person is taken to be the employer of the person who performs that work.
- (3) For the purposes of this clause, *security officer work* is work for which a rate of pay is fixed by the Security Industry (State) Award when performed by an employee, being the work of security officers in the security or watching industries:
 - (a) including the work of persons engaged in control rooms to monitor, respond to or act on security alarm systems, but
 - (b) not including the work of persons engaged solely as general office or clerical workers.

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Schedule 1 Amendment

- (4) For the purposes of this clause, *security transport work* is work for which a rate of pay is fixed by the Transport Industry—Armoured Cars, &c. (State) Award when performed by an employee, being the work of transporting cash or other valuables by armoured vehicle (whether as an armoured vehicle operator, a despatch hand or an armoured vehicle escort).