



New South Wales

Industrial Relations Amendment (Council Swimming Centres) Act 2000 No 74

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Industrial Relations Amendment (Council Swimming Centres) Act 2000 No 74

Act No 74, 2000

An Act to amend the *Industrial Relations Act 1996* with respect to persons engaged to manage or supervise swimming activities at swimming centres under the care and control of local councils. [Assented to 8 November 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial Relations Amendment (Council Swimming Centres) Act 2000*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Industrial Relations Act 1996 No 17

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Schedule 1 Persons deemed to be employees

Omit clause 1 (j). Insert instead:

- (j) **Council swimming centre manager or supervisor.** Any person (other than an excluded person) who performs the work of managing or supervising swimming activities at a swimming centre under the care and control of a local council pursuant to a contract with the local council. (In such a case, the local council is taken to be the employer).

[2] Schedule 1

Insert after clause 2 (1):

(1A) For the purposes of clause 1 (j):

- (a) ***excluded person*** means:
 - (i) a bona fide contractor employing labour for the purpose of performing the work referred to in clause 1 (j), or
 - (ii) a person who performs that work as a partner in a bona fide partnership (whether or not employing labour for the purpose), or
 - (iii) an employee of any such contractor or partnership.
- (b) ***contract*** includes any lease, licence or arrangement.
- (c) ***swimming centre*** means any public facility used predominantly for the purpose of swimming.
- (d) a swimming centre does not cease to be under the care and control of a local council or councils because it is

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Schedule 1 Amendments

managed on behalf of the council or councils by a committee appointed by the council or councils under the *Local Government Act 1993*.

[Minister's second reading speech made in—
Legislative Council on 12 October 2000
Legislative Assembly on 31 October 2000]

BY AUTHORITY