



New South Wales

Industrial Relations Amendment (Council Swimming Centres) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to revise the provisions of Schedule 1 to the *Industrial Relations Act 1996* that deem the managers or supervisors of public baths under the care and control of a local council to be employees of the local council even though they are not engaged by the local council under a contract of employment.

The Bill:

- (a) provides that contractors and others engaged by a local council are not deemed to be employees if they are bona fide contractors who employ labour to perform the work or if they are partners in a partnership engaged to perform the work, and
- (b) describes the facilities concerned as swimming centres rather than public baths (that is, public facilities used predominantly for the purpose of swimming), and

- (c) ensures that the deeming provision continues to apply only to persons managing or supervising swimming activities at the centre (and not to persons who are only engaged in connection with other activities at the centre), and
- (d) makes it clear that the deeming provision applies to swimming centres under the care and control of local councils even if they are managed by a committee representing the local council or councils concerned.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Industrial Relations Act 1996* set out in Schedule 1.

Schedule 1 contains the amendments outlined above.



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Industrial Relations Act 1996 No 17	2
Schedule 1 Amendments	3

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Clerk of the Parliaments

Legislative Council
2000



New South Wales

Industrial Relations Amendment (Council Swimming Centres) Bill 2000

Act No , 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.

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*.