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
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]