



New South Wales

Industrial Relations (Child Employment) Regulation 2006

under the

Industrial Relations (Child Employment) Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations (Child Employment) Act 2006*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the manner and form in which records are to be kept for the purposes of section 7 (Record-keeping requirements) of the *Industrial Relations (Child Employment) Act 2006*, and
- (b) to provide for the transfer of such records to the successor of an employer to whom section 7 applies.

This Regulation is made under the *Industrial Relations (Child Employment) Act 2006*, including sections 7 (2) and (4) and 21 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature, and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Industrial Relations (Child Employment) Regulation 2006*.

2 Commencement

This Regulation commences on 1 December 2006.

3 Definitions

- (1) In this Regulation:
the Act means the *Industrial Relations (Child Employment) Act 2006*.
- (2) Notes included in this Regulation do not form part of this Regulation.

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Part 2 Records relating to child employment

Part 2 Records relating to child employment

4 Manner and form of keeping records: section 7 (2) of Act

- (1) For the purposes of section 7 (2) of the Act, records must be:
 - (a) in legible form in the English language, or
 - (b) in computerised or other form that is readily accessible and is convertible into a legible form in the English language.
- (2) For the purposes of enabling an inspector or other person to exercise any power conferred by the Act to inspect any records kept in the form referred to in subclause (1) (b), the relevant part of the records are to be converted into legible form in the English language.

5 Transfer of records to successor employers

- (1) In this clause:

transfer of business means the transfer, transmission, conveyance, assignment or succession, whether by agreement or by operation of law, of the whole or any part of a business, undertaking or establishment.

transferred child employee means a child to whose employment section 4 of the Act applies who becomes an employee of an employer (*the new employer*) as a result of the transfer of business to that employer from another employer (*the former employer*).
- (2) The former employer must transfer to the new employer all records relating to the transferred child employee that, at the date of transfer, the former employer is required to keep under section 7 of the Act.
- (3) The new employer is to keep those transferred records as if they had been made by the new employer at the time they were made by the former employer.
- (4) The former employer is required to keep a copy of the transferred records for a period of at least 6 years after those records were made.
- (5) The new employer is not required to make records of anything occurring in the course of the transferred child employee's employment with the former employer.

BY AUTHORITY