

House of Assembly—No 106

As introduced under suspension of standing orders and read a first time, 6 February 2024.

South Australia

**Statutes Amendment (Industrial Relations
Portfolio) Bill 2024**

A BILL FOR

An Act to amend the *Fair Work Act 1994*, the *Public Holidays Act 2023* and the *Work Health and Safety Act 2012*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Fair Work Act 1994*

- 3 Amendment of section 4—Interpretation
- 4 Amendment of section 92—Retrospectivity
- 5 Amendment of section 100—Adoption of principles affecting determination of remuneration and working conditions

Part 3—Amendment of *Public Holidays Act 2023*

- 6 Amendment of section 3—Days fixed as public holidays
- 7 Amendment of section 4—Part-day public holidays

Part 4—Amendment of *Work Health and Safety Act 2012*

- 8 Amendment of section 117—Entry to inquire into suspected contraventions
 - 9 Amendment of section 277—Reviews
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Industrial Relations Portfolio) Act 2024*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Fair Work Act 1994*

3—Amendment of section 4—Interpretation

- 10 Section 4(1), definition of *Fair Work Australia*—delete the definition and substitute:
Fair Work Commission means the Fair Work Commission established under the Commonwealth Act (or an industrial authority that takes the place of the Fair Work Commission under Commonwealth law);

4—Amendment of section 92—Retrospectivity

- 15 Section 92(2)(c)—delete "Fair Work Australia" and substitute:
the Fair Work Commission

5—Amendment of section 100—Adoption of principles affecting determination of remuneration and working conditions

Section 100(1)—delete "Fair Work Australia" and substitute:
the Fair Work Commission

Part 3—Amendment of *Public Holidays Act 2023*

6—Amendment of section 3—Days fixed as public holidays

(1) Section 3(1)(a)—after "1 January" insert:

(New Year's Day)

(2) Section 3(1)(b)—after "26 January" insert:

(Australia Day)

(3) Section 3(1)(c)—after "March" insert:

(Adelaide Cup Day)

(4) Section 3(1)(d) to (g)—delete paragraphs (d) to (g) (inclusive) and substitute:

(d) the Friday publicly observed as Good Friday (*Good Friday*);

(e) the day after Good Friday (*Easter Saturday*);

(f) the Sunday following Good Friday (*Easter Sunday*);

(g) the Monday following Good Friday (*Easter Monday*);

(5) Section 3(1)(h)—after "25 April" insert:

(Anzac Day)

(6) Section 3(1)(i)—after "June" insert:

(the *Sovereign's Birthday*)

(7) Section 3(1)(j)—after "October" insert:

(Labour Day)

(8) Section 3(1)(k)—after "25 December" insert:

(Christmas Day)

(9) Section 3(1)(l)—after "26 December" insert:

(Proclamation Day holiday)

(10) Section 3(2)—delete "25 December or 1 January" and substitute:

Christmas Day or New Year's Day

(11) Section 3(3)—delete "26 December" and substitute:

Proclamation Day holiday

(12) Section 3(4)—delete "26 January" and substitute:

Australia Day

7—Amendment of section 4—Part-day public holidays

(1) Section 4(a)—after "24 December" insert:

(Christmas Eve)

(2) Section 4(b)—after "31 December" insert:

(New Year's Eve)

5

Part 4—Amendment of *Work Health and Safety Act 2012*

8—Amendment of section 117—Entry to inquire into suspected contraventions

Section 117—delete "Executive Director" wherever occurring and substitute in each case:

regulator

10

9—Amendment of section 277—Reviews

Section 277(2)—delete "Executive Director" and substitute:

regulator