

Legislative Council—No 137

As received from the House of Assembly and read a first time, 7 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*.

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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)

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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

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9—Amendment of section 277—Reviews

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

regulator