

South Australia

Fair Work (Assignment of Judge as Senior Judge) Proclamation 2018

under section 18 of the *Fair Work Act 1994* and section 16(2a) of the *Acts Interpretation Act 1915*

Preamble

- 1 The Industrial Relations Court was dissolved on 1 July 2017 and its proceedings transferred to the South Australian Employment Tribunal (SAET). In *Kronen v Commercial Motor Industries Pty Ltd (trading as CMI Toyota)* [2018] FCAFC 136, the Federal Court determined that SAET does not have jurisdiction to hear and determine proceedings commenced in the Court under Commonwealth legislation (*Commonwealth proceedings*) before 1 July 2017.
- 2 The Industrial Relations Court is to be reconstituted in order for Commonwealth proceedings to be heard and determined.
- 3 Section 16(2a) of the *Acts Interpretation Act 1915* provides that a court or tribunal continues in existence for the purpose of continuing or enforcing any legal proceeding or remedy, despite the fact that the court or tribunal would, but for that section, cease to exist by reason of a repeal or amendment of an Act. It also provides for the making of new appointments to the court or tribunal.
- 4 This proclamation assigns a Senior Judge to the Industrial Relations Court under section 18 of the *Fair Work Act 1994* as in force before its repeal by Part 4 of the *Statutes Amendment (South Australian Employment Tribunal) Act 2016*.

1—Short title

This proclamation may be cited as the *Fair Work (Assignment of Judge as Senior Judge) Proclamation 2018*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Assignment of Judge as Senior Judge

Steven Peter Dolphin, a Judge of the District Court of South Australia, is assigned to be Senior Judge of the Industrial Relations Court of South Australia.

Made by the Governor

after consultation by the Attorney-General with the Chief Judge of the District Court of South Australia and with the advice and consent of the Executive Council
on 8 November 2018

AGO0123-18CS