House of Assembly—No 23A
As reported with amendments, report agreed to and passed remaining stages,
15 October 2026

South Australia

Work Health and Safety (Health and Safety Fund) Amendment Bill 2026

A BILL FOR

An Act to amend 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

This Act may be cited as the *Work Health and Safety (Health and Safety Fund) Amendment Act 2026*.

2—Commencement

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

Part 2—Amendment of *Work Health and Safety Act 2012*

3—Insertion of Part 1 Division 6

After section 12G insert:

Division 6—Health and Safety Fund

12H—Health and Safety Fund

(1) The *Health and Safety Fund* is established.

(2) The Fund is subject to the management of the Regulator.

(3) The Fund consists of—

(a) money provided by Parliament for the purposes of the Fund; and

(b) any amounts recovered by way of fines or expiation fees under this Act, the *Dangerous Substances Act 1979* and the *Explosives Act 1936*; and

(c) any amounts paid into the Fund as part of a WHS undertaking under Part 11; and

(d) any money paid into the Fund under any other Act; and

(e) other money prescribed by the regulations.

(4) A deficiency in the Fund will be met from the Consolidated Account.

12I—Payments from Fund

(1) Subject to this section, the Fund may be applied for the following purposes:

(a) activities that improve work, health and safety outcomes;

(b) activities for the provision of advocacy, education and support services to individuals and families affected by work related injuries or illnesses (including fatalities);

(c) any other purpose prescribed by the regulations.

(2) The Regulator should seek to ensure that the Fund is applied to a range of recipients, including employer organisations, employee organisations, professional or industry bodies and research bodies (and the Regulator should, so far as is reasonably practicable, achieve a balance in the application of the Fund to employer organisations and employee organisations).

(3) The Regulator should, so far as is reasonably practicable, apply a proportion of the Fund (taking into account money paid into the Fund from fines and expiation fees under the *Dangerous Substances Act 1979* and the *Explosives Act 1936*) for the purposes of safety initiatives relating to dangerous substances and explosives.

(4) Subject to subsection (7), the Fund may be used for special projects or initiatives undertaken by the Regulator with the approval of the Minister that improve work, health and safety.

(5) The Regulator must, in applying the Fund, take into account guidelines prepared and maintained by the Regulator in consultation with the SafeWork SA Advisory Committee.

(6) Guidelines under subsection (5) will relate to the activities and purposes referred to in subsection (1) that the Committee considers are a priority for the application of money from the Fund.

(7) The Fund must not be used to finance the ordinary administrative or operational costs of the Regulator or the Department, other than the cost of the administration and operation of the Fund.