

New Legislation in South Australia

The Rann Government in South Australia has secured passage of its proposed amendments to the *Industrial and Employee Relations Act 1994* (SA) (see Creighton & Stewart, para [6.84]).

One key change was the reversion of the amending Bill to its original title, so that as passed it became the *Industrial Law Reform (Fair Work) Act 2005*. When it takes effect, the existing statute will in turn be renamed the *Fair Work Act 1994*.

Other changes from what was referred to in Creighton & Stewart as the Industrial Law Reform (Enterprise and Economic Development – Labour Market Relations) Bill 2004 include the following:

- While the Commission will still be required to set new “minimum standards” on remuneration and severance pay (see paras [13.06], [15.47]), it will not now have a general power to set further standards (see paras [6.84], [12.27]). The exception is paid parental leave, for which the Commission will have the capacity to set a new standard if it sees fit after a test case on the matter.
- The “best endeavours” bargaining provisions (see para [7.22]) remain, but the Commission will not now have a specific power to arbitrate in the event of negotiations for an enterprise agreement breaking down.
- One of the most innovative proposals, to allow dismissed labour hire workers to bring a claim against both the agency that engaged them and the “host” firm at which they worked (see paras [11.28], [16.51]), was removed from the Bill during its passage through Parliament.