

## States Referral of IR Powers

South Australia has reached in-principle agreement with the Federal Government for a 'text-based' referral of its remaining private sector industrial relations ("IR") powers to the Commonwealth.

This will make SA the second State to do so after Victoria, which referred its IR powers back in 1996.

The text-based referral will mean that SA will give to the Commonwealth the power to extend the Federal Fair Work Act 2009 to cover SA's unincorporated employers and their employees (excluding the public sector and local government). The non-government community service sector remains under consideration. This will bring all such SA private sector employers (not just constitutional corporations) under the Rudd Government's new IR laws.

Under the proposal, SA agencies such as SafeWork SA and the SA IR Commission and Court would provide supplementary services within the national IR system, including education, compliance and enforcement services by means of local SafeWork SA inspectors and dual appointments of the SA Commission and Court to Fair Work Australia.

The intention is to have the legislation passed to enable the remainder of South Australian employers to enter the national system on 1 January 2010, commensurate with the commencement of the National Employment Standards and modern awards.

Tasmania and Queensland have similarly since given their in-principal support to joining the national IR system, but the details and timing at this stage are less clear.

Meanwhile, New South Wales is continuing 'productive' discussions with Canberra to refer their IR powers however, Western Australia has not committed to joining the national system, preferring to simply conduct a review of its own IR system at this stage.

For further information regarding these developments please contact your local EMA Consulting office.

### South Australia

Level 1, 82 Waymouth Street  
Adelaide SA 5000  
Ph (08) 8221 6665  
Fax (08) 8221 6660

### Victoria

Level 5, 189 Flinders Lane  
Melbourne VIC 3000  
Ph (03) 9650 2800  
Fax (03) 9650 8226

acn 078 829 517  
abn 17 078 829 517  
[www.emaconsulting.com.au](http://www.emaconsulting.com.au)