



Mediation and Employment Relations Service

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MEMBER UPDATE DECEMBER 2019

Public Holidays

In South Australia, the following dates have been proclaimed Public Holidays:-

1. Christmas Eve – 7.00pm to 12.00pm midnight.
2. Christmas Day.
3. Proclamation Day (26th December 2019).
4. New Year's Eve – 7.00pm to 12.00pm midnight.
5. New Year's Day

The Pastoral Award 2010 enables an employer and employee to agree to substitute another day for the Public Holiday under the provisions of the National Employment Standards. This includes the part days on Christmas Eve and New Year's Eve.

Backpacker Tax Update

Recently the Federal Court decided that the Working Holiday Makers (WHMS) enabled a "backpacker's tax" of 15 percent of all earnings up to \$37,000.00. The Court found that this is a form of discrimination based upon nationality because the tax threshold for Australians is \$18,200.00. This matter may be appealed by ATO which will result in amendments to the current legislation.

Farmers employing WHMS's should continue to withhold the tax in accordance with the current "Working Holiday Maker" requirements.

Quad Bikes

The Federal Government has announced that it is seeking to improve the safety of quad bikes and a new standard will apply to all quad bikes from 11th October 2020. In the meantime, all new quad bikes will need to have information affixed to it about the degree of slope at which they start to overturn. The standard does not apply to second-hand quad bikes other than those imported into Australia. To meet these requirements after 11th October 2020 all quad bikes will be required to:-

- (a) meet the specified requirements of the US standard ANSI/SVIA1/2-017 or the European standard EN15997; 2011.
- (b) have a roll over warning label fixed so that when the quad bike is used, it will be clearly visible and legible.
- (c) provide information in the owner's manual or information handbook on the risk of roll over.
- (d) be tested for lateral static stability, and display the angle at which the quad bike tips onto two wheels on a hand tag at the point of sale.
- (e) within the next 2 years, all general used quad bikes will need to conform with minimum standards for stability on slopes.

Work Health & Safety Guide

As we approach the quieter part of the year, now be a good time to review their Work Health Safety Policies in the workplace. In 2016 SafeWork SA and the Primary Producers SA created the Farmers' Guide Book to Work Health & Safety. This can be accessed at

Fair Work Handbook

A handy reference to assist employers with the Fair Work Act 2009 is available at <https://www.fairwork.gov.au/ArticleDocuments/712/Fair-Work-Handbook.pdf.aspx?Embed=Y>

Christmas & Social Events

As Christmas celebrations are around the corner employers need to make employees aware that they are to remain safe both during the Christmas party and subsequently. Employers should ensure that alternative transport arrangements will be provided to discourage drink driving.

We wish you and your families and employees a happy Christmas and a safe and healthy New Year.

Chas Cini