

SADA MEMBERS' INDUSTRIAL RELATIONS ADVICE SEPTEMBER 2025

What's happening in October 2025?

1. SAFEWORK SA AND SAFETY MONTH.

Starting 1 October 2025, SafeWork SA will launch a 12-month farm safety campaign aimed at reducing workplace deaths and injuries by enforcing Work Health and Safety laws.

Inspectors will visit multiple farms, focusing on those with high rates of injury claims.

Farms will be audited for WHS compliance, focusing on:

1. Safe use and upkeep of equipment (tractors, ATVs)
2. Proper guarding of machinery (augers, conveyers)
3. Prevention of falls
4. Electrical safety
5. Use of personal protective gear
6. Chemical management
7. Worker induction and training
8. Safe work in confined spaces (silos)

Very soon you may wish to visit <https://www.safework.sa.gov.au/> to find pending events in your area, webinars and other information.

Is your farm compliant? If you're unsure, check out the access [Farmers' Guidebook to work health and safety\(PDF\)](#), developed by farming groups and SafeWork SA.

2. Flat Rate of Wages Decision and impact

Earlier this month the Federal Court dealt with a decision involving the Fair Work Ombudsman case against Woolworths and Coles.

Before you read the rest of this article it is hoped that Woolworths and Coles will appeal this decision as it will have a huge impact on their operations.

The current decision will affect workplaces with “*all-in*”; “*flat rate*” and salary pay arrangements. These salaries, which meet the Better off Overall Test (BOOT), may combine overtime, allowances, and regular wages into a single fixed payment. However, this decision means that the BOOT must be applied per pay period, including during peak and non-peak entitlements.

A complication for the Award system including the Pastoral Award, limits pay periods to only weekly or fortnightly but prescribe overtime payments to be calculated on hours worked in addition to 152 hours over 4 consecutive weeks. That may be an issue for testing at a later day.



Mediation and *Employment* Relations Services

239 Magill Rd Maylands SA 5069
E:info@mers.com.au Ph:08 8331 2422

The decision addresses "set off" arrangements that require reconciliation each pay period and recognises that underpayments may occur in certain periods, restricting their offset. Consequently, in every pay period:

The Court found the following:

Flat rate or over award payments cannot be used to offset underpayments in other pay periods.

Employees, regardless of salary arrangement, must keep time records for hours worked and overtime. Failure to do so exposes employers to high risk of wage and entitlement claims and breaches of the Fair Work Act 2009.

Whilst this decision is inconsistent with another decision earlier this year, you may wish to keep this decision in mind in case it is not appealed in the next few weeks or is unsuccessfully appealed.

Finally, it is time to sign off (not goodbye).

I will now be entering the next phase of my life by transitioning into retirement but not without a touch of mixed emotions. I am looking forward to spending time with my family, hobbies, and other interest. I am pleased that whilst my services will officially cease from 1st October 2025, that SADA has approved this service will continue by another provider.

Looking back, we manoeuvred through copious challenges, most of which complicated life for farmers and other employers. The two Pastoral Awards, one federal and one South Australian, were replaced by one "modern" award which has seen considerable changes in the past 15 years. The bygone WorkChoices and Industrial Relations Act era to the current one of the Fair Work Act 1999 which has seen additional changes and costs of production. The introduction of Domestic Violence Leave including paid leave for casual employees, Flexible Working Arrangements, increased superannuation contributions, changes from Collective Agreements to Enterprise Agreements processes, replacing the No Disadvantage Test with the Better Off Overall Test, and pathways for casual employment conversions to name of those events.

If that wasn't enough there was South Australian legislation replaced, such as the Workers Rehabilitation and Compensation Act 1986, which was then replaced by the Return to Work Act 2014; the Occupational Health and Safety Act 1986 was replaced by the Work Health and Safety Act 2012; and amendments to the Long Service Leave Act 1987.

Most importantly we have managed to rarely visit the Fair Work Commission and the SA Employment Tribunal, with almost negligible contact with the Fair Work Ombudsman.



Mediation and *E*mployment Relations Services

239 Magill Rd Maylands SA 5069
E:info@mers.com.au Ph:08 8331 2422

It is impossible for me to thank each one of you personally especially those who I had contact with during the past 25 years or so but wish to take this opportunity to thank you all and SADA for the support and patronage.

I wish you and your families all the best wishes.

I will have more spare time, so if you are in Adelaide, please do not hesitate to call me (0417 855 700) and to share a yarn and a drink (or 2).

Recent Member Updates will remain on the MERS website www.mers.com.au