



# Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2010 (No. 2)<sup>1</sup>

**Select Legislative Instrument 2010 No. 113**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

Dated 3 June 2010

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

JULIA GILLARD  
Minister for Employment and Workplace Relations

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**1 Name of Regulations**

These Regulations are the *Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2010 (No. 2)*.

**2 Commencement**

These Regulations commence on 1 July 2010.

**3 Amendment of *Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009***

Schedule 1 amends the *Fair Work (Transitional Provisions and Consequential Amendments) Regulations 2009*.

**Schedule 1 Amendment**

(regulation 3)

**[1] After regulation 5.12**

*insert*

**5.13 FW Act small claims procedures to apply to actions under WR Act**

- (1) This regulation is made for item 13 of Schedule 2 to the Act.
- (2) The operation of section 724 of the WR Act, as it continues to apply under item 11 of Schedule 2 to the Act, is modified as if the section read as follows:

**‘724 Plaintiffs may choose small claims procedure**

- (1) An action under section 720 or 721 is to be dealt with as small claims proceedings under section 548 of the *Fair Work Act 2009* if:

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- (a) the action is started in a magistrate's court or the Federal Magistrates Court; and
- (b) the person starting the action indicates, in a manner prescribed by regulations under the *Fair Work Act 2009* or by the rules of the court, that he or she wants the small claims procedure to apply to the proceedings.
- (2) In regulations mentioned in paragraph (1)(b), a reference to paragraph 548 (1)(c) of the *Fair Work Act 2009* is taken to be a reference to paragraph (1)(b).'

*Note* Item 25 of Schedule 17 to the Act confers jurisdiction on the Federal Magistrates Court in relation to any civil matter arising under the WR Act as it continues to apply because of the Act.

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### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.