



# Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No. 1)<sup>1</sup>

Select Legislative Instrument 2011 No. 144

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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 4 August 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS EVANS  
Minister for Tertiary Education, Skills, Jobs and Workplace Relations

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**1 Name of Regulations**

These Regulations are the *Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No. 1)*.

**2 Commencement**

These Regulations commence on 1 October 2011.

**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 Amendments**

(regulation 3)

**[1] After regulation 3.03**

*insert*

**3.03A Prescribed employers**

For paragraph 43 (2) (b) of Schedule 3 to the Act, an employer mentioned in Part 1 of Schedule 1 is prescribed.

**3.03B Prescribed source pay equity order**

For paragraph 43 (4) (d) of Schedule 3 to the Act, *Queensland Services, Industrial Union of Employees AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (A/2008/5)* is prescribed.

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**3.03C Modification of Schedule 3 to Act — payment of back pay**

For subitem 8 (1) of Schedule 2 to the Act, Schedule 3 to the Act is modified by inserting the following subitems after subitem 43 (7):

- ‘(7A) An amount payable by the employer to an affected employee relating to the period:
- (a) commencing when the transitional pay equity order takes effect; and
  - (b) ending immediately before the commencement of this subitem;

is payable in accordance with the table of payments in the regulations made for this subitem.

- (7B) However, if:

- (a) a person:
  - (i) is an affected employee on the Division 2B referral commencement; or
  - (ii) becomes an affected employee after the Division 2B referral commencement but before the commencement of this subitem; and
- (b) the person ceases to be employed by the employer at any time before 1 October 2014;

the full amount payable to the person by the employer is payable on the later of the cessation of the person’s employment and the commencement of this subitem.’

**[2] After Part 4**

*insert*

**Part 4A Transitional provisions for  
Schedule 16 to Act  
(compliance)**

**4A.01 Modification of item 7A of Schedule 16 to Act —  
prescribed employers**

For subitem 8 (1) of Schedule 2 to the Act, Schedule 16 to the Act is modified by substituting the note at the foot of subitem 7A (1) with the following:

*Note 1* This subitem is a civil remedy provision (see item 16, and Part 4-1 of the FW Act).

*Note 2* This subitem applies to an employer on and after the date on which the employer is prescribed for paragraph 43 (2) (b) of Schedule 3.’

**[3] Regulation 5.12**

*omit*

Schedule 1

*insert*

Schedule 2

**[4] Schedule 1***substitute***Schedule 1 Prescribed employers and payment of back pay**

(regulations 3.03A and 3.03C)

**Part 1 Prescribed employers**

<b>Item</b>	<b>Name of employer</b>
1	139 Club Inc Welfare Centre
2	4 Walls Ltd
3	Aboriginal & Torres Strait Islander Women's Legal and Advocacy Service NQ Inc
4	Aboriginal and Islander Community Resource Agency Aboriginal Corporation
5	Aboriginal and Islanders Development and Recreational Women's Association Mount Isa and District Inc
6	Abused Child Trust Inc
7	Acacia Ridge Community Support Inc
8	Access Arts Inc
9	Access Community Housing Company Limited
10	Access Recreation Inc
11	ACRO Australian Community Safety and Research Organisation Inc
12	Alcohol and Drug Foundation Queensland
13	Alzheimer's Association of Queensland
14	Anglicare – Central Queensland Limited
15	Anglicare – North Queensland Limited
16	ARAFMI Queensland Inc
17	Australian Red Cross Queensland
18	Autism Queensland Inc

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<b>Item</b>	<b>Name of employer</b>
19	Avenues Lifestyle Support Assoc Inc
20	Bahloo Women's Youth Shelter Association Inc
21	Bamagau Kazil Torres Strait Islander Corporation
22	Barambah Accommodation Support Service Inc
23	Bay Islands Community Services Inc
24	Bay Support Services Group Inc
25	Bayside Adolescent Boarding Inc
26	Bayside Respite Care Association Inc
27	Beaudesert Shire Health and Welfare Association Inc
28	Beenleigh District Community Development Association Inc
29	Better Hearing Australia Inc
30	Booval Community Services Inc
31	Born Free Club Ltd
32	Bowen Community Council Inc
33	BoysTown
34	Brain Injury Assoc Qld Inc
35	Breakaway Inc
36	Bribie Island and District Neighbourhood Centre Association Inc
37	BRIC Housing
38	Brisbane Youth Service Inc
39	Bundaberg Area Youth Service Inc
40	Burdekin Community Association Inc
41	Burnett Respite Services Inc
42	Caboolture Community Care Inc
43	Caboolture Family Haven Inc
44	Cairns Community Legal Centre
45	Cairns Regional Domestic Violence Service Inc

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<b>Item</b>	<b>Name of employer</b>
46	Capricornia Respite Care Assn Inc
47	Caravan and Manufactured Home Residents Association of Queensland Incorporated
48	Care Goondiwindi Association Inc
49	Carina Youth Agency Inc
50	Caxton Legal Centre Inc
51	Central Queensland Community Legal Centre Inc
52	Chameleon Regional Community Housing, Accommodation and Welfare Association Inc
53	Charleville and District Community Support Association Inc
54	Charters Towers Neighbourhood Centre Inc
55	Children By Choice Association Inc
56	Chisholm Inc
57	Churches of Christ in Queensland
58	Coalition on Criminal Assault in the Home (North Queensland) Inc
59	Coastal Accommodation Support Services Incorporated
60	CODA South Carers Of Disabled Adults Assoc Inc
61	Collinsville Community Association Inc
62	Community Access & Transition Serv Inc
63	Community Access Respite Service Inc
64	Community Action in Carole Park Inc
65	Community Connection Inc
66	Community Development Services Inc
67	Community Emergency Support Centre Inc
68	Community Housing and Information Centre Incorporated
69	Community Lifestyle Support Inc

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<b>Item</b>	<b>Name of employer</b>
70	Community Rent Scheme Association Townsville Incorporated
71	Community Solutions Inc
72	Compass Whitsundays Inc
73	Cooloola Youth Service Inc
74	Cooroy Family Support Centre Inc
75	Cystic Fibrosis Queensland Ltd
76	Darumbal Community Youth Service Inc
77	Deaf Services Queensland
78	Deception Bay Neighbourhood Centre Inc
79	Diabetes Australia – Queensland
80	Domestic Violence Prevention Centre Gold Coast Inc
81	Domestic Violence Resource Centre Inc
82	Domestic Violence Resource Service (Mackay and Region) Inc
83	Douglas Shire Community Services Assoc Inc
84	Dundalli Aboriginal and Torres Strait Islanders Corporation for Youth
85	Dvconnect Ltd
86	Dysart Community Support Group Inc
87	Eacham Community Help Organisation Inc
88	Eagleby Community Association Inc
89	EDON Place Women’s Domestic Violence Service Inc
90	Emergency and Long Term Accommodation Moranbah Inc
91	Enhanced Care Assoc Inc
92	Epilepsy Queensland Inc
93	Erin House Inc
94	Family Emergency Accommodation Townsville Inc



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<b>Item</b>	<b>Name of employer</b>
95	Family Planning Queensland
96	First Contact Aboriginal Corporation for Youth
97	Foundation for Independence Recreation & Social Training Inc
98	Fraser Coast Family Networks Inc
99	Fraser Coast Housing Services Inc
100	FSG Australia
101	Gallang Place Aboriginal and Torres Strait Islanders Corporation
102	Gateway Community Group Inc
103	George Street Neighbourhood Centre Association Inc
104	Girls Time Out Young Women's Support Service Inc
105	Girudala Community Co-Operative Society Limited
106	Gladstone & District Respite Care Association Incorporated
107	Gladstone Community Linking Agency Inc
108	Gold Coast Drug Council Inc
109	Gold Coast Project for Homeless Youth Inc
110	Gold Coast Recreation & Sport Inc
111	Gold Coast Youth Service Inc
112	Goobidi-Bamanga Community Advancement Cooperative Society Ltd
113	Goodna Youth Services Inc
114	Greek Orthodox Community of St George Brisbane
115	Guide Dogs For The Blind Association of Queensland
116	Gympie and District Community Centreplace Inc
117	Handihome Sunnybank Inc
118	Hannah's House

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<b>Item</b>	<b>Name of employer</b>
119	Headway Gold Coast Inc
120	Help Handicapped Enter Life Project (HHELP) Darling Downs Inc
121	Hinchinbrook Community Support Centre Inc
122	Home Support Association Inc
123	Homelife Assoc Inc
124	Homes West Association Inc
125	Horizon Foundation Inc
126	ICYS Ipswich Community Youth Service Inc
127	Inala Community House
128	Inala Family Accommodation and Support Service Inc
129	Inala Youth Care Community Inc
130	Inclusion Works Association Inc
131	Independent Advocacy In The Tropics Inc
132	Ingham Parents Support Group Inc
133	Injilinj Aboriginal and Torres Strait Islander Corporation for Children and Youth Services
134	Inner Northern Community Housing Brisbane Association Incorporated
135	Innisfail District Flexi Respite Assoc Inc
136	Innisfail Youth and Family Care Inc
137	Integrated Family And Youth Service Incorporated
138	Intellectually Handicapped Persons Association Qld
139	Ipswich & West Moreton Clubhouse Association Incorporated
140	Ipswich Independent Youth Service Inc
141	Ipswich Women's Shelter Inc
142	Jabiru Community Youth and Children's Services Association Inc

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<b>Item</b>	<b>Name of employer</b>
143	Jupiter Mossman Community Cooperative Society Ltd
144	Juwarki Kapu-Lug Aboriginal and Torres Strait Islanders Corporation
145	Kalyan Youth Service Inc
146	Keppel Community Care Association Inc
147	Kingston East Neighbourhood Group Inc
148	Kith And Kin Association Limited
149	Koongoora Inc
150	Kummara Association Inc
151	Kyabra Community Association Inc
152	Laidley Crisis Care and Accommodation
153	Leisure Connections Assn Inc
154	Lifestyle Options Inc
155	Link In Association Sunshine Coast Inc
156	Link-Up (Qld) Aboriginal Corporation
157	Lions Emergency Accommodation Centre Inc
158	Logan Women's Health & Wellbeing Centre Inc
159	Lutheran Church of Australia Queensland District – Lutheran Community Care
160	Lyons House Inc
161	Mackay Aboriginal and Torres Strait Islander Corporation for Alternative Care and Foster Care Service
162	Mackay Advocacy Inc
163	Mackay And District Respite Care Association Inc
164	Mackay Family Care & Community Support Inc
165	Mackay Women's Centre Inc
166	Mackay Youth Support Service Inc
167	Mainstream Community Assoc Inc

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<b>Item</b>	<b>Name of employer</b>
168	Mamre Association Inc
169	Mangrove Housing Association Incorporated
170	Marlin Coast Neighbourhood Centre Inc
171	Maroochy Neighbourhood Centre Inc
172	Marsden Families Program
173	Maybanke Association Inc
174	Micah Projects Inc
175	Migrant Women's Emergency Support Service Inc
176	Mobile Attendant Care Service Inc
177	MontroseAccess
178	Mount Isa Community Development Association Incorporated
179	Mount Isa Youth Shelter Inc
180	Mt Gravatt District Community Support Inc
181	Multicap
182	Multilink Community Services Inc
183	Multiple Sclerosis Society of Queensland
184	Mundubbera Community Development Association Inc
185	Murilla Community Centre Inc
186	Nambour Community Centre Inc
187	National Heart Foundation of Australia (Q'ld Division)
188	Neighbourhood Centre Caboolture Inc
189	Nerang Neighbourhood Centre Inc
190	New Farm Neighbourhood Centre Inc
191	North Queensland Aboriginal & Torres Strait Islanders Aged & Disabled Care
192	North Queensland Combined Women's Services Inc
193	North Queensland Prisoners Aid Society

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<b>Item</b>	<b>Name of employer</b>
194	North Queensland Women's Legal Service
195	North Townsville Community Hub Inc
196	North West Youth Accommodation Service Inc
197	North-East Community Support Group Inc
198	Nundah Community Support Group Inc
199	Older Women's Network (Queensland) Inc
200	Open Minds Australia
201	Othila's – Young Women's Housing and Support Service Inc
202	Ozcare
203	Peace Lutheran Church Gatton
204	Peirson Services
205	Phoenix House Association Inc
206	Playgroup Association of Queensland Inc
207	Port Douglas Community Services Network Inc
208	Port Kennedy Association Incorporated
209	Pregnancy Help Queensland Inc
210	Prison Fellowship of Australia Queensland Council
211	Prison Transport Group Inc
212	Prisoners Legal Service
213	Protect All Children Today (PACT) Inc
214	Qld Rec & Sport Assn For People With Intellectual Disability
215	Quality Lifestyle Alliance Inc
216	Quality Lifestyle Support Pty Ltd
217	Queensland Advocacy Incorporated
218	Queensland Aged & Disability Advocacy
219	Queensland Association for Healthy Communities Inc
220	Queensland Injectors Health Network Limited

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<b>Item</b>	<b>Name of employer</b>
221	Queensland Lifestyle Services
222	Queensland Program of Assistance for Survivors of Torture & Trauma Assn Inc
223	Queensland Youth Services Inc
224	Ravenshoe Community Centre Inc
225	Redland Community Centre Inc
226	Redland Respite Care Committee Inc
227	Refugee & Immigration Legal Service
228	Regional Housing Limited
229	Rockhampton Women's Shelter Inc
230	Roma Community Legal Service
231	Roseberry Community Services Inc
232	Royal Queensland Bush Children's Health Scheme
233	Rural Lifestyle Options Association Inc
234	Ruth's Women's Shelter Cairns Inc
235	Sandgate And Bracken Ridge Action Group Incorporated
236	Save the Children Australia – Queensland Division
237	Sera's Women's Shelter Inc
238	Share Bayside Incorporated
239	Sharehouse Youth Accommodation Program Inc
240	Sherwood Neighbourhood Centre Inc
241	Silky Oaks Children's Haven
242	Sisters Inside Inc
243	Southside Community Care Inc
244	Speaking Up For You Group Inc
245	Spinal Injuries Association Inc
246	St Vincent de Paul Society Queensland
247	Stepping Stone Clubhouse Inc

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<b>Item</b>	<b>Name of employer</b>
248	Sunshine Coast Children's Therapy Centre Inc
249	Sunshine Coast Independent Living Service
250	Sunshine Coast Link Family Scheme Inc
251	Sunshine Coast Regional Housing Council Inc
252	Sunshine Cooloola Services Against Sexual Violence Inc
253	Sunshine Welfare & Remedial Association Inc
254	Supported Options In Lifestyle And Access Services Inc
255	Supporting People in Respite And Lifestyles Inc
256	Surfers Paradise Anglican Crisis Care Inc
257	Tableland Community Housing Association Incorporated
258	Tableland Community Link Association Incorporated
259	Tableland Respite Care Association Inc
260	Tableland Women's Centre Inc
261	Tablelands Rape & Incest Crisis Centre Inc
262	Tara and District Family Support Committee Inc
263	Teen Challenge International Queensland Inc
264	The Advocacy And Support Centre Inc
265	The Baptist Union of Queensland Community Services Group – Queensland Baptist Care
266	The Brook Recovery Empowerment & Development Centre Inc
267	The Corporation of the Roman Catholic Diocese of Toowoomba Centacare
268	The Corporation of the Synod of the Diocese of Brisbane – Spiritus\Kinectons\Anglicare
269	The Corporation Of The Trustees Of The Order Of The Sisters Of Mercy In Queensland
270	The Haven Association Inc

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<b>Item</b>	<b>Name of employer</b>
271	The Lodge Youth Support Service Inc
272	The Richmond Fellowship Of Queensland
273	The Salvation Army (Qld) Property Trust
274	The Schizophrenia Fellowship Of Queensland Inc
275	The Spot Community Services Ltd
276	The Uniting Church in Australia (Q) – Blair Athol Accommodation and Support Programme
277	The Women’s Community Aid Association (Qld) Ltd
278	The Women’s Legal Service Inc
279	Toowoomba and District Youth Service Inc
280	Toowoomba Community Housing Service Incorporated
281	Townsville Aboriginal and Islanders Health Services Ltd
282	Townsville Community Legal Service
283	Townsville Independence Program For Adult Community Living
284	Tully Support Centre Inc
285	United Synergies Limited
286	WWILD – Sexual Violence Prevention Association Inc
287	Warringu Aboriginal and Torres Strait Islander Corporation
288	Weipa Community Care Association Inc
289	Welfare Rights Centre
290	Wesley Mission Brisbane
291	West End Family Care Services Inc
292	Whitsunday Community Services Inc
293	Whitsunday Crisis and Counselling Service Inc
294	Wide Bay Sexual Assault Association Inc



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<b>Item</b>	<b>Name of employer</b>
295	Wide Bay Women's Health Centre Incorporated
296	Windana Support Centre Inc
297	Womens Centre Cairns Inc
298	Women's Health Awareness Group of Gladstone Inc
299	Women's Health Information and Referral Service Central Queensland Inc
300	Women's Health Queensland Wide Inc
301	Working Against Violence Support Service Inc
302	Xavier Children's Support Network
303	Yarrabah Aboriginal Corporation for Women
304	Yoorana Women's Domestic Violence and Resource Service Inc
305	Young Parents Program Inc
306	Young Women's Place Inc
307	Youth & Family Service (Logan City) Inc
308	Youth Emergency Services Inc
309	Youth Empowered Towards Independence Inc
310	Youth Housing Project Association Inc
311	Youth Service Providers Inc
312	Youthcare Hervey Bay Inc
313	Youthcare Pine Rivers Inc
314	Yuenmanda (Elder Clan Women) Aboriginal Corporation
315	Yumba-Meta Housing Association Ltd
316	Zig Zag Young Women's Resource Centre Inc

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## Part 2 Table of payments

### Table 2

Item	Date of payment	Amount payable as percentage of total amount owed
1	1 October 2011	35%
2	1 October 2012	30%
3	1 October 2013	20%
4	1 October 2014	15%

## Schedule 2 Modification of Act — redundancy or redeployment

(regulation 5.12)

### [1] Schedule 4 to the Act, after subitem 5 (4)

*insert*

(5) In this item:

*an entitlement to redundancy pay* includes an entitlement for an employee to enter into a retention or redeployment period.

*retention or redeployment period* means a period of employment (however described) performed by an employee for an employer as an alternative to:

- (a) the employment of the employee being terminated immediately due to redundancy; and
- (b) the employee receiving redundancy pay from the employee's employer.

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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>.