



## **Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 April 2020

David Hurley  
Governor-General

By His Excellency's Command

Christian Porter  
Minister for Industrial Relations

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## 1 Name

This instrument is the *Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	17 April 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Fair Work Act 2009*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Fair Work Regulations 2009*

#### 1 After regulation 2.09A

Insert:

#### **2.09B Modification of application of Act—access period for variation of an enterprise agreement**

- (1) This regulation is made for the purposes of subsection 211(6) of the Act.
- (2) For the purposes of the FWC deciding whether it is satisfied of the matter referred to in paragraph 211(1)(a) of the Act, subsections 180(2) and (3) of the Act have effect, despite subsection 180(4) of the Act, as if the references in those subsections to the access period were modified to refer to the 1-day period ending immediately before the start of the voting process referred to in subsection 181(1) of the Act.
- (3) This regulation is repealed:
  - (a) at the end of the period of 6 months starting on the day this regulation commences; or
  - (b) if, before the end of the period referred to in paragraph (a), a later time is prescribed by these Regulations—at that later time.

Note: This regulation was inserted by Schedule 1 to the *Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020*.

#### 2 In the appropriate position in Chapter 7

Insert:

### **Part 7-4—Amendments made by the Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020**

#### **7.04 Application of amendments—variation of enterprise agreements**

- (1) Regulation 2.09B, as inserted by Schedule 1 to the *Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020*, applies, for the purposes of the FWC deciding whether it is satisfied of the matter referred to in paragraph 211(1)(a) of the Act, in relation to an access period under subsections 180(2) and (3) of the Act that starts on or after the commencement of that Schedule.
- (2) Despite the repeal of regulation 2.09B under subregulation 2.09B(3), that regulation continues to apply, for the purposes of the FWC deciding whether it is satisfied of the matter referred to in paragraph 211(1)(a) of the Act, in relation to an access period under subsection 180(2) and (3) of the Act that starts before that repeal.

Note: Subregulation 2.09B(3) provides for the repeal of regulation 2.09B 6 months after the commencement of that regulation, or at a later time prescribed by these Regulations.

### **7.05 Repeal of Part 7-4—6 months after repeal of regulation 2.09B**

This Part is repealed at the end of the period of 6 months starting on the day regulation 2.09B is repealed.