



## **Fair Work Amendment (Jobkeeper Payments) 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 17 September 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 (Jobkeeper Payments) 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.	19 September 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Fair Work Regulations 2009*

#### 1 After Part 6-4B

Insert:

### Part 6-4C—Coronavirus economic response

#### Division 1—Introduction

##### 6.07B 10% decline in turnover test—modification

- (1) This regulation is made for the purposes of paragraph 789GCB(1)(d) of the Act.
- (2) The decline in turnover test, as applied under paragraph 789GCB(1)(b) of the Act, is modified by providing that current GST turnover is to be calculated in the same way as current GST turnover is calculated for the purposes of the actual decline in turnover test within the meaning of the jobkeeper payment rules.

#### Division 5A—Flexibility provisions relating to employers previously entitled to jobkeeper payment

##### 6.07C Jobkeeper enabling stand down—employer previously entitled to jobkeeper payment for employee

For the purposes of subparagraph 789GJA(1)(b)(ii) of the Act, for each employee of an employer in a class of employees specified in column 1 of the following table, the number of ordinary hours of work for the purposes of that subparagraph are those specified in column 2 of the following table.

<b>Employees—ordinary hours of work</b>		
<b>Item</b>	<b>Column 1 Class of employee</b>	<b>Column 2 Ordinary hours of work</b>
1	Employees whose ordinary hours of work for the employer have changed on or after 1 March 2020 for reasons ( <i>non-COVID reasons</i> ) that are attributable to neither: (a) the COVID-19 pandemic; nor (b) government initiatives to slow the transmission of COVID-19	The ordinary hours of work of the employee as most recently changed for non-COVID reasons, disregarding the effect of any jobkeeper enabling stand down direction applying to the employee
2	Employees not employed by the employer on 1 March 2020	Either: (a) the ordinary hours of work of the employee when the employee started employment with the employer; or (b) if those hours of work have changed for non-COVID reasons—those hours of work as most recently changed for non-COVID reasons;

<b>Employees—ordinary hours of work</b>	
<b>Item</b>	<b>Column 2</b>
<b>Column 1</b>	<b>Ordinary hours of work</b>
<b>Class of employee</b>	
	disregarding the effect of any jobkeeper enabling stand down direction applying to the employee