



# **Fair Work and Other Legislation Amendment Regulations 2021**

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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 13 May 2021

David Hurley  
Governor-General

By His Excellency's Command

Michaelia Cash  
Attorney-General and the Minister for Industrial Relations

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## 1 Name

This instrument is the *Fair Work and Other Legislation Amendment Regulations 2021*.

## 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.	15 May 2021

Note: This table relates only to the provisions of this instrument as originally made.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 following:

- (a) the *Fair Work Act 2009*;
- (b) the *Federal Circuit Court of Australia Act 1999*;
- (c) the *Federal Court of Australia Act 1976*.

## 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Division 12 of Part 2-2 (heading)**

Repeal the heading, substitute:

#### **Division 12—Fair Work Ombudsman to prepare and publish statements**

#### **2 At the end of Division 12 of Part 2-2**

Add:

##### **2.02A Fair Work Ombudsman to prepare and publish Casual Employment Information Statement—manner of giving Statement to casual employees**

- (1) For subsection 125A(4) of the Act, each of the following is a manner in which an employer may give the Casual Employment Information Statement to an employee.
- (2) The employer may give the Statement to the employee personally.
- (3) The employer may send the Statement by pre-paid post to:
  - (a) the employee’s residential address; or
  - (b) a postal address nominated by the employee.
- (4) The employer may send the Statement to:
  - (a) the employee’s email address at work; or
  - (b) another email address nominated by the employee.
- (5) The employer may send to the employee’s email address at work (or to another email address nominated by the employee):
  - (a) an electronic link to the page of the Fair Work Ombudsman’s website on which the Statement is located; or
  - (b) an electronic link that takes the employee directly to a copy of the Statement on the employer’s intranet.
- (6) The employer may fax the Statement to:
  - (a) the employee’s fax number at work; or
  - (b) the employee’s fax number at home; or
  - (c) another fax number nominated by the employee.
- (7) Subregulations (2) to (6) do not prevent the employer from using another manner of giving the Statement to the employee.

#### **3 Subregulation 4.01(1)**

Omit “For paragraph 548(1)(c)”, substitute “For the purposes of paragraphs 548(1)(c) and (1B)(b)”.

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***Federal Court and Federal Circuit Court Regulation 2012*****4 Part 2 of Schedule 1 (after table item 212)**

Insert:

212A	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> if the applicant indicates that the applicant wants the small claims procedure under section 548 of that Act to apply and the proceedings relate to one or more of the matters mentioned in paragraph 548(1B)(a) of that Act (other than a proceeding mentioned in item 212)	\$245
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