



DETERMINATION

Fair Work Act 2009

Sch 1, cl 101—Variation of modern awards to resolve an uncertainty or difficulty

Variation on the Commission’s own initiative—Casual employment terms (AM2024/29)

RESTAURANT INDUSTRY AWARD 2020

[MA000119]

Restaurants

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT GIBIAN
COMMISSIONER CRAWFORD

SYDNEY, 26 AUGUST 2024

Variation on the Commission’s own initiative – Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024 (Cth) – casual employment terms – award varied.

A. Further to the decision issued by the Fair Work Commission on 26 August 2024 [[2024] FWCFB 316], the above award is varied as follows:

1. By inserting a note below the definition of “casual employee” in clause 2 as follows:

NOTE: Section 15A of the Act was amended with effect from 26 August 2024. Under clause 102(3) of Schedule 1 to the Act, an existing employee who was a casual employee of an employer under section 15A as it was immediately before that date is taken to be a casual employee of the employer for the purposes of section 15A after that date.

2. By deleting paragraph (ba) of the extract of s 61 of the *Fair Work Act 2009* that appears in clause 2 under the definition of “National Employment Standards” and inserting the following:

(ba) casual employment (Division 4A);

3. By deleting clause 11.6 and inserting the following:

11.6 Changes to casual employment status

A pathway for employees to change from casual employment to full-time or part-time employment is provided for in the NES. See sections 66A to 66MA of the Act.

NOTE: Disputes about changes to casual employment status may be dealt with under sections 66M and 66MA of the Act and/or under clause 34—Dispute resolution.

4. By deleting the table appearing in the note at the end of clause 34 and inserting the following:

For a dispute about rights under the Act to	Section
Request flexible working arrangements	65B
Change casual employment status	66M
Request an extension to unpaid parental leave	76B
Exercise an employee’s right to disconnect	333N

B. This determination comes into operation on and takes effect from 27 August 2024.



PRESIDENT

Printed by authority of the Commonwealth Government Printer