



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)

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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 3.1 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 clause 10.3 and inserting the following:

10.3 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 9—Dispute resolution.

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



PRESIDENT

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