



# Fair Work Amendment Regulations 2011 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2011 No. 23

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fair Work Act 2009*.

Dated 10 March 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS EVANS  
Minister for Tertiary Education, Skills, Jobs and Workplace  
Relations

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**1 Name of Regulations**

These Regulations are the *Fair Work Amendment Regulations 2011 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Fair Work Regulations 2009***

Schedule 1 amends the *Fair Work Regulations 2009*.

**Schedule 1 Amendment**

(regulation 3)

**[1] Regulation 1.16**

*substitute*

**1.16 Interaction between fair work instruments and public sector employment laws**

For paragraph 40 (2) (b) of the Act, a fair work instrument or a term of a fair work instrument (other than an FWA order or a term of an FWA order) is prescribed for the purposes of the following laws:

- (a) an ordinance made under the *Seat of Government (Administration) Act 1910* that:
  - (i) deals with public sector employment; and
  - (ii) was, immediately before the repeal of the *Workplace Relations Act 1996*, inconsistent with that Act or an agreement, award order or determination made under that Act;

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- (b) an enactment, within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, that:
    - (i) deals with public sector employment; and
    - (ii) was, immediately before the repeal of the *Workplace Relations Act 1996*, inconsistent with that Act or an agreement, award order or determination made under that Act;
  - (c) a determination mentioned in paragraph 53 (6) (b) of the *Northern Territory (Self-Government) Act 1978* that was, immediately before the repeal of the *Workplace Relations Act 1996*, inconsistent with an award or workplace agreement (within the meaning of the *Workplace Relations Act 1996*).

*Note* Under subsection 40 (2) of the Act, fair work instruments, or terms of fair work instruments, that deal with public sector employment prevail over the public sector employment laws as described in that subsection.

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## Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.