



## **Fair Work Amendment (Christmas Island and Cocos (Keeling) Islands) Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 March 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Craig Laundry  
Minister for Small and Family Business, the Workplace and Deregulation

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## 1 Name

This instrument is the *Fair Work Amendment (Christmas Island and Cocos (Keeling) Islands) Regulations 2018*.

## 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	1 May 2018.	1 May 2018

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Fair Work Regulations 2009*

#### 1 Regulation 1.15B

Insert:

**WA government employer** means a public sector body (within the meaning of the *Public Sector Management Act 1994* (WA) as in force at the commencement of Schedule 1 to the *Fair Work Amendment (Christmas Island and Cocos (Keeling) Islands) Regulations 2018*). However, to avoid doubt, the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands are not WA government employers.

#### 2 After regulation 1.15D

Insert:

##### 1.15DA Modification of application of Act—Christmas Island and Cocos (Keeling) Islands

For the purposes of section 32 of the Act, the Act applies in relation to the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands as if:

- (a) paragraph 14(1)(f) of the Act did not apply to the extent it would make a WA government employer a national system employer; and
- (b) Part 3-1 of the Act did not apply to action taken in the Territory by or in relation to:
  - (i) a WA government employer that would be a national system employer but for paragraph (a); or
  - (ii) an individual so far as he or she is employed, or usually employed, by a WA government employer mentioned in subparagraph (i); and
- (c) paragraph 789FD(3)(b) of the Act did not apply to a business or undertaking conducted in the Territory by a WA government employer.

Note 1: Paragraph (a) does not prevent provisions of the Act applying in relation to a WA government employer as a non-national system employer (see for example Parts 6-3 and 6-4 of the Act).

Note 2: Paragraph (c) does not prevent Part 6-4B of the Act applying in relation to a business or undertaking conducted by a WA government employer that is a constitutional corporation: see subparagraph 789FD(3)(a)(i) of the Act.