





# **Fair Work Amendment Act 2012**

**No. 174, 2012**

**An Act to amend the law relating to workplace relations, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Fair Work Amendment Act 2012

No. 174, 2012

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## An Act to amend the law relating to workplace relations, and for related purposes

[Assented to 4 December 2012]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Fair Work Amendment Act 2012*.

### 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

**Schedule 1** Default superannuation  
**Part 1** Variation etc. of modern awards

column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 December 2012
2. Schedule 1	The later of: (a) 1 January 2014; and (b) the commencement of item 1 of Schedule 4 to the <i>Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Act 2012</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
3. Schedule 2	The later of: (a) 1 July 2013; and (b) the commencement of item 1 of Schedule 4 to the <i>Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Act 2012</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
4. Schedules 3 to 8	A single day to be fixed by Proclamation.  However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
5. Schedule 9, Parts 1 and 2	At the same time as the provision(s) covered by table item 4.	
6. Schedule 9,	The later of:	

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
Part 3, items 1339 to 1383	(a) the same time as the provision(s) covered by table item 4; and (b) immediately after the commencement of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
7. Schedule 9, Part 3, item 1384	The later of: (a) the same time as the provision(s) covered by table item 4; and (b) immediately after the commencement of Part 2 of Schedule 1 to the <i>Fair Work (Registered Organisations) Amendment Act 2012</i> .	
8. Schedule 9, Part 3, item 1385	The later of: (a) the same time as the provision(s) covered by table item 4; and (b) immediately after the commencement of the <i>Fair Work Amendment (Transfer of Business) Act 2012</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
9. Schedule 9, Part 4	At the same time as the provision(s) covered by table item 4.	
10. Schedule 10	At the same time as the provision(s) covered by table item 4.	
11. Schedule 11	The day this Act receives the Royal Assent.	4 December 2012

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Default superannuation

### *Fair Work Act 2009*

#### **1 Section 12**

Insert:

*corporate MySuper product*: see subsection 23A(3).

#### **2 Section 12**

Insert:

*default fund term*: see subsection 149C(2).

#### **3 Section 12**

Insert:

*Default Superannuation List*: see subsection 156B(1).

#### **4 Section 12**

Insert:

*first stage criteria*: see section 156F.

#### **5 Section 12**

Insert:

*generic MySuper product*: see subsection 23A(1).

#### **6 Section 12**

Insert:

*second stage test*: see subsection 156H(2).

#### **7 Section 12**

Insert:

*superannuation fund* means a superannuation fund or a superannuation scheme.

## 8 Section 12

Insert:

*tailored MySuper product*: see subsection 23A(2).

## 9 At the end of Division 4 of Part 1-2

Add:

### 23A Terms relating to superannuation

- (1) A *generic MySuper product* is a MySuper product that is not a tailored MySuper product or a corporate MySuper product.
- (2) A *tailored MySuper product* is a MySuper product in relation to which section 29TB of the *Superannuation Industry (Supervision) Act 1993* is satisfied.
- (3) A *corporate MySuper product* is a MySuper product that is offered by a superannuation fund that:
  - (a) is a standard employer-sponsored fund (within the meaning of the *Superannuation Industry (Supervision) Act 1993*); and
  - (b) is not a public offer superannuation fund (within the meaning of that Act); and
  - (c) has:
    - (i) one standard employer-sponsor (within the meaning of that Act); or
    - (ii) 2 or more standard employer-sponsors (within the meaning of that Act) that are associates of each other for the purposes of that Act.
- (4) A reference in this Act to a superannuation fund doing a thing in relation to a matter (for example, offering a MySuper product or making an application or submission) is a reference to the RSE licensee (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) of the fund doing that thing.

## 10 Section 132 (paragraph relating to Division 4)

After “reviews of modern awards”, insert “(other than in relation to default fund terms of modern awards)”.

## 11 Section 132 (after the paragraph relating to Division 4)

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Insert:

Division 4A provides for the FWC to conduct 4 yearly reviews of default fund terms of modern awards.
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## **12 Section 149A**

Repeal the section.

## **13 At the end of Subdivision C of Division 3 of Part 2-3**

Add:

### **149B Term requiring avoidance of liability to pay superannuation guarantee charge**

A modern award must include a term that requires an employer covered by the award to make contributions to a superannuation fund for the benefit of an employee covered by the award so as to avoid liability to pay superannuation guarantee charge under the *Superannuation Guarantee Charge Act 1992* in relation to the employee.

### **149C Default fund terms**

- (1) A modern award must include a default fund term that complies with section 149D.
- (2) A *default fund term* is a term of a modern award that requires, permits or prohibits an employer covered by the award to make contributions to a superannuation fund for the benefit of an employee (a *default fund employee*) who:
  - (a) is covered by the award; and
  - (b) has no chosen fund (within the meaning of the *Superannuation Guarantee (Administration) Act 1992*).

**149D Default fund term must provide for contributions to be made to certain funds**

*Specified superannuation fund offering generic MySuper product*

- (1) A default fund term of a modern award must require an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund that:
  - (a) offers a generic MySuper product; and
  - (b) is specified in the default fund term of the award in relation to that product;if:
  - (c) the employer will be liable to pay superannuation guarantee charge under the *Superannuation Guarantee Charge Act 1992* in relation to the employee if the employer does not make contributions to a superannuation fund for the benefit of the employee; and
  - (d) the employer is not making contributions to a superannuation fund referred to in subsection (2), (3), (4) or (5) for the benefit of the employee.

*Defined Benefits Scheme*

- (2) A default fund term of a modern award must permit an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund in relation to which a default fund employee is a defined benefit member.

*Exempt public sector superannuation scheme*

- (3) A default fund term of a modern award must permit an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund that is an exempt public sector superannuation scheme.

*State public sector superannuation scheme*

- (4) A default fund term of a modern award must permit an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund that:
  - (a) is a public sector superannuation scheme (within the meaning of the *Superannuation Industry (Supervision) Act 1993*); and

- (b) a law of a State requires the employer to make contributions to for the benefit of the employee.

*Transitionally authorised superannuation fund*

- (5) A default fund term of a modern award must permit an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund in relation to which a transitional authorisation is in operation under section 156K.

**14 Section 155A**

Repeal the section.

**15 At the end of subsection 156(2)**

Add:

- ; and (c) must not review, or make a determination to vary, a default fund term of a modern award.

**16 Subsection 156(2) (note)**

Omit “Note”, substitute “Note 1”.

**17 At the end of subsection 156(2)**

Add:

Note 2: For reviews of default fund terms of modern awards, see Division 4A.

**18 After Division 4 of Part 2-3**

Insert:

## **Division 4A—4 yearly reviews of default fund terms of modern awards**

### **Subdivision A—4 yearly reviews of default fund terms**

#### **156A 4 yearly reviews of default fund terms**

##### *Timing of 4 yearly reviews*

- (1) The FWC must conduct a 4 yearly review of default fund terms of modern awards starting as soon as practicable after each 4th anniversary of the commencement of this Part.

Note: The President may give directions about the conduct of those reviews (see section 582).

##### *Two stages of the 4 yearly reviews*

- (2) There are 2 stages of the 4 yearly review.
- (3) In the first stage, the FWC must make the Default Superannuation List for the purposes of the review.

Note: For the first stage, the FWC must be constituted by an Expert Panel (see subsections 617(4) and (5)).

- (4) In the second stage, the FWC:
  - (a) must review the default fund term of each modern award; and
  - (b) must make a determination varying the term in accordance with section 156H; and
  - (c) if section 156J applies—must make a determination varying the term in accordance with that section.

Note: For the second stage, the FWC must be constituted by a Full Bench (see subsections 616(2A) and (3A)).

### **Subdivision B—The first stage of the 4 yearly review**

#### **156B Making the Default Superannuation List**

- (1) In the 4 yearly review, the FWC must make and publish the *Default Superannuation List*.

- (2) The Default Superannuation List must specify each generic MySuper product that the FWC has determined under section 156E is to be included on the list.
- (3) The Default Superannuation List must not specify any other product.

### **156C Applications to list a MySuper product**

- (1) Before making the Default Superannuation List, the FWC must publish a notice that invites superannuation funds that offer a generic MySuper product to apply to the FWC to have the product included on the list.
- (2) The notice must specify the period in which an application may be made.
- (3) After the notice is published, a superannuation fund that offers a generic MySuper product may make a written application to have the product included on the list.
- (4) The application must:
  - (a) be made in the period specified in the notice; and
  - (b) be accompanied by any fees that are prescribed by the regulations; and
  - (c) provide information relating to the first stage criteria.
- (5) The FWC must publish any application made under subsection (3).
- (6) However, if an application includes information that is claimed by the superannuation fund to be confidential or commercially sensitive, and the FWC is satisfied that the information is confidential or commercially sensitive:
  - (a) the FWC may decide not to publish the information; and
  - (b) if it does so, it must instead publish a summary of the information which contains sufficient detail to allow a reasonable understanding of the substance of the information (without disclosing anything that is confidential or commercially sensitive).
- (7) A reference in this Act (other than in this section) in relation to an application made under subsection (3) includes a reference to a summary referred to in paragraph (6)(b).

### **156D Submissions on applications to list a MySuper product**

- (1) The FWC must ensure that all persons and bodies have a reasonable opportunity to make written submissions to the FWC in relation to an application made under subsection 156C(3).
- (2) If:
  - (a) a person or body makes a written submission in relation to an application made under subsection 156C(3); and
  - (b) the person or body has an interest in relation to:
    - (i) the superannuation fund that made the application; or
    - (ii) if the person or body refers to another superannuation fund in the submission—that superannuation fund;then the person or body must disclose that interest in the submission.
- (3) The FWC must publish any submission that is made.

### **156E Determining applications to list a MySuper product**

- (1) If an application is made under subsection 156C(3) to have a generic MySuper product included on the Default Superannuation List, the FWC must make a determination about whether to include the product on the list.
- (2) The FWC must not determine that the product is to be included on the list unless, taking into account:
  - (a) the information provided in the application; and
  - (b) the first stage criteria; and
  - (c) any submissions that were made in relation to the application;the FWC is satisfied that including the product on the list would be in the best interest of default fund employees to whom modern awards apply or a particular class of those employees.

### **156F First stage criteria**

The *first stage criteria* are as follows:

- (a) the appropriateness of the MySuper product's long term investment return target and risk profile;

- (b) the superannuation fund's expected ability to deliver on the MySuper product's long term investment return target, given its risk profile;
- (c) the appropriateness of the fees and costs associated with the MySuper product, given:
  - (i) its stated long term investment return target and risk profile; and
  - (ii) the quality and timeliness of services provided;
- (d) the net returns on contributions invested in the MySuper product;
- (e) whether the superannuation fund's governance practices are consistent with meeting the best interests of members of the fund, including whether there are mechanisms in place to deal with conflict of interest;
- (f) the appropriateness of any insurance offered in relation to the MySuper product;
- (g) the quality of advice given to a member of the superannuation fund relating to the member's existing interest in the fund and products offered by the fund;
- (h) the administrative efficiency of the superannuation fund;
- (i) any other matters the FWC considers relevant.

### **Subdivision C—Second stage of the 4 yearly review**

#### **156G Review of the default fund term of modern awards**

- (1) As soon as practicable after the Default Superannuation List is made, the FWC must review the default fund term of each modern award.
- (2) The FWC must ensure that the following persons have a reasonable opportunity to make written submissions (including submissions requesting that a particular superannuation fund be specified in the term in relation to a generic MySuper product) to the FWC in relation to the default fund term of the award:
  - (a) an employee and employer that are covered by the modern award;
  - (b) an organisation that is entitled to represent the industrial interests of one or more employees or employers that are covered by the award;

- (c) if the award includes an outworker term—an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the outworker term relates.
- (3) If:
- (a) a person or body (whether or not a person referred to in subsection (2)) makes a written submission in relation to the default fund term of a modern award; and
  - (b) the person or body refers to a particular superannuation fund in the submission; and
  - (c) the person or body has an interest in relation to that superannuation fund;
- then the person or body must disclose that interest in the submission.
- (4) The FWC must publish any submission that is made.

### **156H Default fund term must specify certain superannuation funds**

- (1) After reviewing the default fund term of a modern award, the FWC must make a determination varying the term:
- (a) to remove every superannuation fund that is specified in the term in relation to a generic MySuper product; and
  - (b) to specify at least 2, but no more than 10, superannuation funds in relation to generic MySuper products that satisfy the second stage test.
- Note: See subsection (3) for when the default fund term may specify more than 10 superannuation funds.
- (2) A generic MySuper product satisfies the *second stage test* if:
- (a) it is on the Default Superannuation List; and
  - (b) the FWC is satisfied that specifying a superannuation fund in relation to the product in the default fund term of the modern award would be in the best interests of the default fund employees to whom the modern award applies, taking into account:
    - (i) any submissions that were made in relation to the default fund term of the award; and
    - (ii) any other matter the FWC considers relevant.

- (3) The default fund term may specify more than 10 superannuation funds in relation to generic MySuper products that satisfy the second stage test if, taking into account the range of occupations of employees covered by the modern award, the FWC is satisfied it is warranted.

#### **156J Variation to comply with section 149D**

If, at the time of the 4 yearly review, the default fund term of a modern award does not comply with section 149D, the FWC must make a determination varying the term so that it does.

#### **156K Transitional authorisation for certain superannuation funds**

- (1) The FWC may make a transitional authorisation in relation to a superannuation fund (other than a superannuation fund referred to in subsection 149D(1), (2), (3) or (4)) if, at the time of the 4 yearly review, the FWC is satisfied that it is appropriate to make the authorisation.
- (2) The transitional authorisation comes into operation on the day it is made and ceases to be in operation on the day specified in the authorisation.

#### **156L Publishing documents under this Division**

If the FWC is required by this Division to publish a document, the FWC must publish the document on its website or by any other means that the FWC considers appropriate.

#### **19 Paragraph 157(1)(a)**

After “wages”, insert “or to vary a default fund term of the award”.

#### **20 After section 159**

Insert:

#### **159A Variation of default fund term of modern award**

- (1) The FWC may make a determination varying the default fund term of a modern award in relation to a superannuation fund specified in the term in relation to a generic MySuper product (the *specified product*) in the following circumstances:

- (a) to reflect a change in the name of the fund or the specified product;
  - (b) if the fund has ceased to exist—to omit the name of the fund and the specified product;
  - (c) if the specified product has ceased to exist and no other MySuper product is specified in relation to the fund—to omit the name of the fund and the specified product;
  - (d) if the specified product has ceased to exist and another MySuper product is specified in relation to the fund—to omit the name of the specified product;
  - (e) if the Australian Prudential Regulation Authority gives the FWC notice under subsection 29U(4) of the *Superannuation Industry (Supervision) Act 1993* that the fund no longer offers the specified product and no other MySuper product is specified in relation to the fund—to omit the name of the fund and the specified product;
  - (f) if the Australian Prudential Regulation Authority gives the FWC notice under subsection 29U(4) of the *Superannuation Industry (Supervision) Act 1993* that the fund no longer offers the specified product and another MySuper product is specified in relation to the fund—to omit the name of the specified product.
- (2) The FWC may make a determination under this section:
- (a) in any case—on its own initiative; or
  - (b) on application by an employee, employer, organisation or outworker entity covered by the modern award.

## Schedule 2—Expert Panel

### *Fair Work Act 2009*

#### **1 Section 12**

Insert:

*Expert Panel* means an Expert Panel constituted under section 620.

#### **2 Section 12**

Insert:

*Expert Panel Member* means an Expert Panel Member of the FWC.

#### **3 Section 12 (definition of *FWC member*)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

#### **4 Section 12 (definition of *Minimum Wage Panel*)**

Repeal the definition.

#### **5 Section 12 (definition of *Minimum Wage Panel Member*)**

Repeal the definition.

#### **6 Section 282**

Omit “the Minimum Wage Panel” (wherever occurring), substitute “an Expert Panel”.

#### **7 Subsection 285(1) (note 1)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

#### **8 Subparagraph 290(2)(a)(i)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

#### **9 Subparagraph 290(2)(a)(ii)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**10 Subparagraph 290(2)(a)(iii)**

Omit “Minimum Wage Panel Members”, substitute “Expert Panel Members”.

**11 Paragraph 290(2)(b)**

Repeal the paragraph, substitute:

- (b) must require the report to be given to the Expert Panel that is constituted to conduct the annual wage review, unless the direction is given to that Expert Panel.

**12 Subsection 296(1) (note)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**13 Subsection 302(4) (heading)**

Omit “*of the Minimum Wage Panel*”, substitute “*made in annual wage reviews*”.

**14 Paragraph 302(4)(a)**

Omit “the Minimum Wage Panel”, substitute “the FWC”.

**15 At the end of subsection 302(4)**

Add:

Note: The FWC must be constituted by an Expert Panel in annual wage reviews (see section 617).

**16 Section 573 (paragraph relating to Division 2)**

Omit “Minimum Wage Panel Members”, substitute “Expert Panel Members”.

**17 Section 573 (paragraph relating to Division 4)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**18 Paragraph 575(2)(d)**

Repeal the paragraph, substitute:

- (d) 6 Expert Panel Members.

**19 Paragraph 582(2)(c)**

Repeal the paragraph, substitute:

(c) an Expert Panel;

**20 Paragraph 582(4)(a)**

After “awards”, insert “under Division 4 of Part 2-3”.

**21 After paragraph 582(4)(a)**

Insert:

(aa) a direction about the conduct of 4 yearly reviews of default fund terms of modern awards under Division 4A of Part 2-3;

**22 Paragraph 590(2)(e)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**23 Subsection 592(2)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**24 Paragraph 604(1)(a)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**25 Subsection 605(1)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**26 Paragraph 607(3)(c)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**27 Subdivision A of Division 4 of Part 5-1 (heading)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**28 Subsection 612(1)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**29 Subsection 616(2)**

After “under”, insert “Division 4 of”.

**30 After subsection 616(2)**

Insert:

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(2A) A 4 yearly review of default fund terms of modern awards must be conducted under Division 4A of Part 2-3 by a Full Bench.

**31 Subsection 616(3)**

After “awards” (first occurring), insert “conducted under Division 4 of Part 2-3”.

**32 Subsection 616(3) (note)**

Repeal the note, substitute:

Note: A determination that varies or revokes a modern award may be made by a single FWC Member under Division 5 of Part 2-3.

**33 After subsection 616(3)**

Insert:

(3A) A determination that varies a default fund term of a modern award made in a 4 yearly review conducted under Division 4A of Part 2-3 must be made by a Full Bench.

Note: A determination that varies a default fund term of a modern award may be made by a single FWC Member under Division 5 of Part 2-3.

**34 Section 617 (heading)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**35 Before subsection 617(1)**

Insert:

*Expert Panel for annual wage reviews*

**36 Subsection 617(1)**

Omit “the Minimum Wage Panel” (first occurring), substitute “an Expert Panel constituted for the purposes of the review”.

**37 Subsection 617(1) (note)**

Repeal the note, substitute:

Note: For the constitution of an Expert Panel for the purposes of an annual wage review, see section 620.

**38 Subsections 617(2) and (3)**

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Omit “the Minimum Wage Panel”, substitute “an Expert Panel constituted for the purposes of the review”.

**39 At the end of section 617**

Add:

*Expert Panel for Default Superannuation List*

- (4) A Default Superannuation List for a 4 yearly review of default fund terms of modern awards must be made by an Expert Panel constituted for the purposes of the review.

Note: For the constitution of an Expert Panel for the purposes of determining the Default Superannuation List for a 4 yearly review, see section 620.

- (5) A determination under section 156E on an application to have a generic MySuper product included on the Default Superannuation List for a 4 yearly review must be made by an Expert Panel constituted for the purposes of the review.

**40 Subdivision B of Division 4 of Part 5-1 (heading)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**41 Subsection 618(1) (note)**

Omit “A Minimum Wage Panel Member”, substitute “An Expert Panel Member”.

**42 Section 620 (heading)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**43 Subsection 620(1)**

Repeal the subsection, substitute:

*Constitution of an Expert Panel for annual wage reviews*

- (1) An Expert Panel constituted under this section for the purpose of an annual wage review conducted under Part 2-6 consists of 7 FWC Members (except as provided by section 622), and must include:
- (a) the President; and
  - (b) 3 Expert Panel Members who have knowledge of, or experience in, one or more of the following fields:

- (i) workplace relations;
- (ii) economics;
- (iii) social policy;
- (iv) business, industry or commerce.

*Constitution of an Expert Panel for Default Superannuation List*

- (1A) An Expert Panel constituted under this section for the purpose of determining the Default Superannuation List for a 4 yearly review under Division 4A of Part 2-3 consists of 7 FWC Members (except as provided by section 622), and must include:
- (a) the President, or a Vice President or Deputy President appointed by the President to be the Chair of the Panel; and
  - (b) 3 Expert Panel Members who have knowledge of, or experience in, one or more of the following fields:
    - (i) finance;
    - (ii) investment management;
    - (iii) superannuation.

**44 Subsection 620(2)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**45 Subsection 620(3)**

Repeal the subsection, substitute:

- (3) The following person is responsible for managing an Expert Panel in performing the functions and exercising the powers referred to in section 617:
- (a) if paragraph (b) does not apply—the President;
  - (b) if the President has appointed a person to be the Chair of the Expert Panel under paragraph 620(1A)(a)—the Chair.

**46 Subsection 620(4)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**47 Subsection 620(5)**

Repeal the subsection, substitute:

- (5) However, if there is no majority, the decision of:
- (a) if paragraph (b) does not apply—the President; or

(b) if the President has appointed a person to be the Chair of the Expert Panel under paragraph 620(1A)(a)—the Chair; prevails.

**48 Paragraph 621(1)(a)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**49 Section 622 (heading)**

Omit “**the Minimum Wage Panel**”, substitute “**an Expert Panel**”.

**50 Paragraph 622(1)(a)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**51 Subsection 622(2)**

Omit “the Minimum Wage Panel” (first, second and third occurring), substitute “the Expert Panel”.

**52 Paragraph 622(2)(a)**

Omit “Minimum Wage Panel Members”, substitute “Expert Panel Members”.

**53 Subsection 622(3)**

Omit “the Minimum Wage Panel” (wherever occurring), substitute “the Expert Panel”.

**54 Section 624**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

**55 Subsection 626(2)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**56 Paragraph 626(4)(a)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

**57 Subsection 627(4)**

Repeal the subsection, substitute:

*Expert Panel Members*

- (4) Before the Governor-General appoints a person as an Expert Panel Member, the Minister must be satisfied that the person is qualified for appointment because the person has knowledge of, or experience in, one or more of the following fields:
- (a) workplace relations;
  - (b) economics;
  - (c) social policy;
  - (d) business, industry or commerce;
  - (e) finance;
  - (f) investment management;
  - (g) superannuation.

**58 Subsection 628(3)**

Repeal the subsection, substitute:

*Expert Panel Members*

- (3) An Expert Panel Member holds office on a part-time basis.

**59 Subsection 629(4)**

Repeal the subsection, substitute:

*Expert Panel Members*

- (4) An Expert Panel Member holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

Note: An Expert Panel Member is eligible for reappointment (see subsection 33(4A) of the *Acts Interpretation Act 1901*).

**60 Subsection 633(3)**

Repeal the subsection, substitute:

*Expert Panel Members*

- (3) An Expert Panel Member must not engage in any paid work that, in the President's opinion, conflicts or may conflict with the proper performance of his or her duties.

**61 Subsection 644(2)**

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Repeal the subsection, substitute:

*Expert Panel Members*

- (2) The Governor-General must terminate the appointment of an Expert Panel Member if the Expert Panel Member engages in paid work that, in the President’s opinion, conflicts or may conflict with the proper performance of his or her duties (see subsection 633(3)).

***Fair Work (Registered Organisations) Act 2009***

**62 Section 6 (definition of FWC member)**

Omit “a Minimum Wage Panel Member”, substitute “an Expert Panel Member”.

***Road Safety Remuneration Act 2012***

**63 Paragraph 20(1)(e)**

Omit “the Minimum Wage Panel”, substitute “an Expert Panel”.

## **Schedule 3—Modern awards**

### **Part 1—Variation etc. of modern awards**

#### *Fair Work Act 2009*

#### **1 At the end of subsection 160(2)**

Add:

- ; or (c) on application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award; or
- (d) if the modern award includes outworker terms—on application by an organisation that is entitled to represent the industrial interests of one or more outworkers to whom the outworker terms relate.

## **Part 2—Applications to vary etc. modern awards**

### *Fair Work Act 2009*

#### **2 At the end of subsection 158(1)**

Add:

Note: The FWC may dismiss an application to vary, revoke or make a modern award in certain circumstances (see section 587).

**Schedule 4** Enterprise agreements

**Part 1** Enterprise agreements covering a single employee

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## **Schedule 4—Enterprise agreements**

### **Part 1—Enterprise agreements covering a single employee**

#### *Fair Work Act 2009*

#### **1 At the end of section 172**

Add:

*Requirement that there be at least 2 employees*

- (6) An enterprise agreement cannot be made with a single employee.

## **Part 2—Bargaining representatives**

### *Fair Work Act 2009*

#### **2 Subsection 176(3)**

Repeal the subsection, substitute:

(3) Despite subsections (1) and (2):

(a) an employee organisation; or

(b) an official of an employee organisation (whether acting in that capacity or otherwise);

cannot be a bargaining representative of an employee unless the organisation is entitled to represent the industrial interests of the employee in relation to work that will be performed under the agreement.

#### **3 Subsection 176(4)**

After “doubt”, insert “and despite subsection (3),”.

## **Part 3—Unlawful terms**

### *Fair Work Act 2009*

#### **4**After paragraph section 194(b)

Insert:

- (ba) a term that provides a method by which an employee or employer may elect (unilaterally or otherwise) not to be covered by the agreement; or

## **Part 4—Scope orders**

### *Fair Work Act 2009*

#### **5 Subsection 238(3) (heading)**

Omit “*must have given*”, substitute “*to give*”.

#### **6 Paragraph 238(3)(a)**

Repeal the paragraph, substitute:

- (a) has taken all reasonable steps to give a written notice setting out the concerns referred to in subsection (1) to the relevant bargaining representatives for the agreement; and

## **Part 5—Notice of employee representational rights**

### *Fair Work Act 2009*

#### **7 Section 174 (heading)**

After “Content”, insert “and form”.

#### **8 After subsection 174(1)**

Insert:

##### *Notice requirements*

- (1A) The notice must:
- (a) contain the content prescribed by the regulations; and
  - (b) not contain any other content; and
  - (c) be in the form prescribed by the regulations.
- (1B) When prescribing the content of the notice for the purposes of paragraph (1A)(a), the regulations must ensure that the notice complies with this section.

#### **9 Subsection 174(6)**

Repeal the subsection.

## **Schedule 5—General protections**

### **Part 1—Time limits for making applications**

#### *Fair Work Act 2009*

#### **1 Paragraph 366(1)(a)**

Omit “60”, substitute “21”.

## **Part 2—The persons protected by the general protections**

### ***Fair Work Act 2009***

#### **2 Section 336**

Before “The objects”, insert “(1)”.

#### **3 At the end of section 336**

Add:

- (2) The protections referred to in subsection (1) are provided to a person (whether an employee, an employer or otherwise).

## **Schedule 6—Unfair dismissal**

### **Part 1—Time limits for making applications**

#### *Fair Work Act 2009*

#### **1 Paragraph 394(2)(a)**

Omit “14”, substitute “21”.

## Part 2—Power to dismiss applications

### *Fair Work Act 2009*

#### 2 After section 399

Insert:

##### **399A Dismissing applications**

- (1) The FWC may, subject to subsection (2), dismiss an application for an order under Division 4 if the FWC is satisfied that the applicant has unreasonably:
  - (a) failed to attend a conference conducted by the FWC, or a hearing held by the FWC, in relation to the application; or
  - (b) failed to comply with a direction or order of the FWC relating to the application; or
  - (c) failed to discontinue the application after a settlement agreement has been concluded.
- Note 1: For another power of the FWC to dismiss applications for orders under Division 4, see section 587.
- Note 2: The FWC may make an order for costs if the applicant's failure causes the other party to the matter to incur costs (see section 400A).
- (2) The FWC may exercise its power under subsection (1) on application by the employer.
- (3) This section does not limit when the FWC may dismiss an application.

#### 3 At the end of subsection 587(1)

Add:

- Note: For another power of the FWC to dismiss an application for a remedy for unfair dismissal made under Division 5 of Part 3-2, see section 399A.

## **Part 3—Costs orders against parties**

### *Fair Work Act 2009*

#### **4 After section 400**

Insert:

#### **400A Costs orders against parties**

- (1) The FWC may make an order for costs against a party to a matter arising under this Part (the *first party*) for costs incurred by the other party to the matter if the FWC is satisfied that the first party caused those costs to be incurred because of an unreasonable act or omission of the first party in connection with the conduct or continuation of the matter.
- (2) The FWC may make an order under subsection (1) only if the other party to the matter has applied for it in accordance with section 402.
- (3) This section does not limit the FWC's power to order costs under section 611.

#### **5 Section 402**

Before "401", insert "400A or".

#### **6 Paragraph 403(1)(b)**

Before "401", insert "400A or".

#### **7 Subsection 403(2)**

Before "401", insert "400A or".

#### **8 Subsection 611(2) (note)**

After "under sections 376,", insert "400A,".

## Part 4—Costs orders against lawyers and paid agents

### *Fair Work Act 2009*

#### 9 Subsection 401(1)

Repeal the subsection, substitute:

(1) This section applies if:

- (a) an application for an unfair dismissal remedy has been made under section 394; and
- (b) a person who is a party to the matter has engaged a lawyer or paid agent (the *representative*) to represent the person in the matter; and
- (c) under section 596, the person is required to seek the FWC's permission to be represented by the representative.

(1A) The FWC may make an order for costs against the representative for costs incurred by the other party to the matter if the FWC is satisfied that the representative caused those costs to be incurred because:

- (a) the representative encouraged the person to start, continue or respond to the matter and it should have been reasonably apparent that the person had no reasonable prospect of success in the matter; or
- (b) of an unreasonable act or omission of the representative in connection with the conduct or continuation of the matter.

## **Schedule 7—Industrial action**

### **Part 1—Electronic voting in protected action ballots**

#### *Fair Work Act 2009*

##### **1 Section 12**

Insert:

*ballot paper*: see subsection 455(2).

##### **2 Paragraph 450(2)(b)**

After “used”, insert “(which cannot be a method involving a show of hands)”.

##### **3 Subsection 450(2) (before the note)**

Insert:

Note 1: For the purposes of paragraph (2)(b), examples of voting methods are attendance voting, electronic voting and postal voting.

##### **4 Subsection 450(2) (note)**

Omit “Note”, substitute “Note 2”.

##### **5 Paragraph 451(2)(b)**

After “ballot”, insert “(which cannot be a method involving a show of hands)”.

##### **6 At the end of subsection 451(2)**

Add:

Note: For the purposes of paragraph (2)(b), examples of voting methods are attendance voting, electronic voting and postal voting.

##### **7 Section 455**

Before “The”, insert “(1)”.

##### **8 At the end of section 455**

Add:

(2) **Ballot paper** means:

- (a) for a voting method that is not an electronic voting method—a paper ballot paper; and
- (b) for an electronic voting method—an electronic ballot paper.

### 9 Paragraph 462(1)(h)

Repeal the paragraph, substitute:

- (h) fraudulently put a paper ballot paper or other paper:
  - (i) into a repository that serves to receive or hold paper ballot papers; or
  - (ii) into the post;
- (ha) fraudulently deliver or send an electronic ballot paper or other document to a repository that serves to receive or hold electronic ballot papers;

### 10 Paragraph 462(1)(i)

After “deliver”, insert “or send”.

### 11 Paragraph 462(1)(o)

Omit “the ballot paper is being marked or after it has been marked”, substitute “the vote is being made, or after the vote has been made, on the ballot paper”.

### 12 Paragraph 462(1)(p)

Omit “ballot box or other ballot receptacle”, substitute “repository that serves to receive or hold ballot papers”.

## **Part 2—Employees to be balloted in protected action ballots**

### ***Fair Work Act 2009***

#### **13 Paragraph 437(5)(b)**

Repeal the paragraph, substitute:

(b) either:

- (i) are represented by a bargaining representative who is an applicant for the protected action ballot order; or
- (ii) are bargaining representatives for themselves but are members of an employee organisation that is an applicant for the protected action ballot order.

#### **14 Paragraph 453(b)**

Repeal the paragraph, substitute:

(b) the employee is included in a group of employees specified in the order and either:

- (i) is represented by a bargaining representative who was an applicant for the order; or
- (ii) is the bargaining representative for himself or herself but is a member of an employee organisation that was an applicant for the order.

## **Part 3—Conducting protected action ballots**

### *Fair Work Act 2009*

#### **15 After subsection 443(3)**

Insert:

- (3A) For the purposes of paragraph (3)(c), the FWC must specify a date that will enable the protected action ballot to be conducted as expeditiously as practicable.

#### **16 Subsection 449(2)**

Before “in accordance with”, insert “expeditiously and”.

## **Schedule 8—The Fair Work Commission**

### **Part 1—Stay orders**

#### *Fair Work Act 2009*

##### **1 Paragraph 606(2)(b)**

Repeal the paragraph, substitute:

- (b) the President; or
- (c) a Vice President; or
- (d) a Deputy President.

## **Part 2—Conflicts of interest**

### *Fair Work Act 2009*

#### **2 Subsections 640(2) and (3)**

Repeal the subsections, substitute:

- (2) The FWC member must disclose the potential conflict to:
  - (a) a person who has made, or will make, a submission for consideration in the matter; and
  - (b) a person who the FWC member considers is likely to make a submission for consideration in the matter; and
  - (c) the President.

#### **3 Subsection 640(5)**

Repeal the subsection.

#### **4 Paragraph 643(b)**

Omit “months; or”, substitute “months.”

#### **5 Paragraph 643(c)**

Repeal the paragraph.

## **Part 3—Referral of matters to Full Bench etc.**

### *Fair Work Act 2009*

#### **6 Section 615 (heading)**

Repeal the heading, substitute:

#### **615 The President may direct a Full Bench to perform function etc.**

#### **7 After section 615**

Insert:

#### **615A When the President must direct a Full Bench to perform function etc.**

- (1) The President must direct a Full Bench to perform a function or exercise a power in relation to a matter if:
  - (a) an application is made under subsection (2); and
  - (b) the President is satisfied that it is in the public interest to do so.

Note: The President gives directions under section 582.

- (2) The following persons may apply to the FWC to have a Full Bench perform a function or exercise a power in relation to a matter:
  - (a) a person who has made, or will make, submissions for consideration in the matter;
  - (b) the Minister.

#### **615B Transfer to a Full Bench from an FWC member**

- (1) This section applies if:
  - (a) the President gives a direction referred to in section 615 or 615A that a function be performed or a power be exercised by a Full Bench; and
  - (b) before the President gave the direction, the President had given a direction (the *earlier direction*) to an FWC member to perform the function or exercise the power.

- (2) The President is taken to have revoked the earlier direction.
- (3) The Full Bench must, when performing the function or exercising the power, take into account:
  - (a) everything that occurred before the FWC; and
  - (b) everything that the FWC did;in relation to the matter before the Full Bench began to perform the function or exercise the power.

**615C Transfer to the President from an FWC member or a Full Bench**

- (1) This section applies if:
  - (a) the President decides to perform a function or exercise a power; and
  - (b) before the President made that decision, the President had given a direction (the *earlier direction*) that the function be performed or the power be exercised by a Full Bench or an FWC member.
- (2) The President is taken to have revoked the earlier direction.
- (3) The President must, when performing the function or exercising the power, take into account:
  - (a) everything that occurred before the FWC; and
  - (b) everything that the FWC did;in relation to the matter before the President began to perform the function or exercise the power.

## **Part 4—Appointing acting Commissioners**

### *Fair Work Act 2009*

#### **8 Section 648 (heading)**

Repeal the heading, substitute:

#### **648 Appointment of acting Deputy Presidents and Commissioners**

#### **9 After subsection 648(1)**

Insert:

- (1A) The Governor-General may, by written instrument, appoint a person who is qualified for appointment as a Commissioner to act as a Commissioner for a specified period (including a period that exceeds 12 months).

Note: See also section 33A of the *Acts Interpretation Act 1901*, which contains extra rules about acting appointments.

#### **10 Subsection 648(2)**

Omit “to act as a Deputy President”, substitute “under subsection (1) or (1A)”.

#### **11 Subsection 648(4)**

Omit “to act as a Deputy President under subsection (1)”, substitute “under subsection (1) or (1A)”.

## **Part 5—Appointing the General Manager**

### *Fair Work Act 2009*

#### **12 At the end of subsection 660(1)**

Add “on the nomination of the President”.

#### **13 Subsection 668(1)**

After “person”, insert “who is nominated by the President”.

#### **14 Section 669**

Omit all the words after “President”, substitute “before terms and conditions are determined under section 667”.

## **Part 6—Vice Presidents**

### *Fair Work Act 2009*

#### **15 Section 12 (definition of *FWA Member*)**

Repeal the definition.

#### **16 Section 12**

Insert:

*FWC member* means the President, a Vice President, a Deputy President, a Commissioner or a Minimum Wage Panel Member.

#### **17 Section 12**

Insert:

*Vice President* means a Vice President of the FWC.

#### **18 Subsection 508(1) (note)**

After “Only a”, insert “Vice President,”.

#### **19 Section 573 (paragraph referring to Division 2)**

After “the President,”, insert “Vice Presidents,”.

#### **20 After paragraph 575(2)(a)**

Insert:

(aa) 2 Vice Presidents; and

#### **21 Subsection 584(1)**

After “delegate to”, insert “a Vice President or”.

#### **22 Subsection 612(2)**

After “taken by”, insert “a Vice President or”.

#### **23 Section 613 (heading)**

Repeal the heading, substitute:

## **613 Appeal of decisions**

### **24 Subsection 613(2)**

After “The President,”, insert “a Vice President”.

### **25 Paragraph 613(2)(b)**

Omit “if President”, substitute “if the President, the Vice President”.

### **26 Subsection 618(1)**

After “one”, insert “FWC Member who is the President, a Vice President or a”.

### **27 After paragraph 619(1)(a)**

Insert:

- (aa) the Vice Presidents, according to the days on which their appointments as Vice Presidents took effect;
- (ab) if 2 appointments as Vice Presidents took effect on the same day—the Vice Presidents, according to the precedence assigned to them in their instruments of appointment;

### **28 Paragraph 622(2)(b)**

After “one”, insert “FWC Member who is the President, a Vice President or a”.

### **29 Subsection 626(2)**

After “the President,”, insert “a Vice President,”.

### **30 Subsection 626(3)**

Repeal the subsection, substitute:

- (3) The instrument of appointment must assign a precedence to the FWC Member if:
  - (a) the FWC Member and one other FWC Member are appointed as Vice Presidents on the same day; or
  - (b) the FWC Member and one or more other FWC Members are appointed as Deputy Presidents on the same day.

Note: Precedence is relevant to the seniority of Vice Presidents and Deputy Presidents (see paragraphs 619(1)(ab) and (c)).

**31 Paragraph 626(4)(b)**

After “the President,”, insert “a Vice President,”.

**32 Subsection 627(1) (heading)**

Repeal the heading, substitute:

*President and Vice Presidents*

**33 Subsection 627(1)**

After “the President”, insert “or a Vice President”.

**34 Subsection 628(1) (heading)**

After “*President*,”, insert “*Vice Presidents*,”.

**35 Subsection 628(1)**

After “The President,”, insert “a Vice President,”.

**36 Subsection 629(1) (heading)**

After “*President*,”, insert “*Vice Presidents*,”.

**37 Subsection 629(1)**

After “The President,”, insert “a Vice President,”.

**38 Subsection 633(1) (heading)**

Before “*Deputy*”, insert “*Vice Presidents*,”.

**39 Subsection 633(1)**

After “A”, insert “Vice President,”.

**40 Section 644 (heading)**

Before “*Deputy*”, insert “*Vice Presidents*,”.

**41 Subsection 644(1)**

Before “Deputy President,” (wherever occurring), insert “Vice President,”.

**42 Section 647 (heading)**

Repeal the heading, substitute:

## **647 Appointment of acting President and Vice President**

### **43 Subsection 647(1)**

Omit “a person who is qualified for appointment as the President”, substitute “a Vice President”.

### **44 After subsection 647(1)**

Insert:

(1A) The Governor-General may, by written instrument, appoint a Deputy President to act as a Vice President:

- (a) during a vacancy in the office of a Vice President (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when a Vice President is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: See also section 33A of the *Acts Interpretation Act 1901*, which contains extra rules about acting appointments.

### **45 Subsection 647(3)**

Omit “to act as the President under subsection (1)”, substitute “under subsection (1) or (1A)”.

## ***Fair Work (Registered Organisations) Act 2009***

### **46 Section 6**

Insert:

*Vice President* means a Vice President of the FWC.

### **47 Section 33 (heading)**

After “by **President**”, insert “, a **Vice President**”.

### **48 Sections 33, 37, 155 and 162**

After “the **President**”, insert “, a **Vice President**”.

### **49 Subsection 163(12) (paragraph (a) of the definition of *appropriate authority*)**

After “the President”, insert “, a Vice President”.

**50 Section 279**

After “the President”, insert “, a Vice President”.

**51 Subparagraphs 340(1)(b)(i) and (ii)**

After “the President”, insert “, a Vice President”.

**52 Section 368**

After “the President”, insert “, a Vice President”.

***Road Safety Remuneration Act 2012***

**53 Subsection 97(2)**

After “be a”, insert “Vice President or”.

**54 Subsection 97(3)**

After “also be”, insert “Vice Presidents,”.

**55 Subsection 107(1)**

After “be a”, insert “Vice President or”.

**56 Subsection 107(2)**

After “be a”, insert “Vice President,”.

## Part 7—Handling complaints

### *Fair Work Act 2009*

#### 57 Section 12

Insert:

***complaint about an FWC Member*** means a complaint referred to in paragraph 581A(1)(a) or section 641A.

#### 58 Section 12

Insert:

***complaint handler*** means:

- (a) the President; or
- (b) a person who is authorised by the President under subsection 581A(3); or
- (c) a person who is a member of a body that is authorised by the President under subsection 581A(3).

#### 59 Section 12

Insert:

***handle*** a complaint about an FWC Member means do one or more of the following acts relating to the complaint:

- (a) consider the complaint;
- (b) investigate the complaint;
- (c) report on an investigation of the complaint;
- (d) deal with a report of an investigation of the complaint;
- (e) dispose of the complaint;
- (f) refer the complaint to a person or body.

#### 60 Section 12

Insert:

***relevant belief***: a person has a ***relevant belief*** in relation to a complaint about an FWC Member if:

- (a) the person believes that if one or more of the circumstances that gave rise to the complaint were substantiated, the circumstances would justify considering:
  - (i) terminating the appointment of the FWC Member in accordance with section 641; or
  - (ii) (other than if the FWC Member is the President) suspending the FWC Member from office in accordance with section 642; or
- (b) the person believes that if one or more of the circumstances that gave rise to the complaint were substantiated, the circumstances may:
  - (i) adversely affect, or have adversely affected, the performance of duties by the FWC Member; or
  - (ii) have the capacity to adversely affect, or have adversely affected, the reputation of the FWC.

Note: Sections 641 and 642 deal with termination of appointment and suspension on the grounds of misbehaviour or incapacity.

## **61 At the end of section 580**

Add:

Note: See also section 584B (which deals with protection of persons involved in handling etc. complaints about FWC Members).

## **62 After section 581**

Insert:

### **581A Dealing with a complaint about an FWC Member**

- (1) Without limiting section 581 (which deals with the functions of the President), the President may:
  - (a) deal, in accordance with subsection (2) of this section, with a complaint about the performance by another FWC Member of his or her duties; and
  - (b) take any measures that the President believes are reasonably necessary to maintain public confidence in the FWC, including (but not limited to) temporarily restricting the duties of the FWC Member.

Note 1: The complaint is a *complaint about an FWC Member* (see section 12).

Note 2: The Minister may also handle complaints about FWC Members (see section 641A).

- (2) The President may deal with a complaint about an FWC Member referred to in paragraph (1)(a) by doing either or both of the following:
- (a) deciding whether or not to handle the complaint and then doing one of the following:
    - (i) dismissing the complaint;
    - (ii) handling the complaint if the President has a relevant belief in relation to the complaint;
    - (iii) arranging for any other person to assist the President to handle the complaint if the President has a relevant belief in relation to the complaint;
  - (b) arranging for any other complaint handlers to decide whether or not to handle the complaint and then to do one of the following:
    - (i) dismiss the complaint;
    - (ii) handle the complaint if each of the complaint handlers has a relevant belief in relation to the complaint.

Note 1: A complaint handler (other than the President) may handle a complaint by referring it to the President. The President may then do either or both of the things referred to in paragraph (2)(a) or (b) in respect of the complaint.

Note 2: For protections for persons involved in relation to handling a complaint about an FWC Member, see section 584B.

*Authorisation of persons or bodies*

- (3) The President may authorise, in writing, a person or a body to do one or more of the following in relation to a complaint about an FWC Member referred to in paragraph (1)(a) (whether in relation to a specific complaint or generally):
- (a) assist the President to handle the complaint or complaints;
  - (b) decide whether or not to handle the complaint or complaints;
  - (c) dismiss the complaint or complaints;
  - (d) handle the complaint or complaints.

*Referral to Minister*

- (4) The President must refer a complaint about an FWC Member referred to in paragraph (1)(a) to the Minister if, after the complaint
-

has been handled in accordance with subsection (2), the President is satisfied that:

- (a) one or more of the circumstances that gave rise to the complaint have been substantiated; and
- (b) each House of the Parliament should consider whether to present to the Governor-General an address praying for the termination of the appointment of the FWC Member.

Note: The appointment of an FWC Member may be terminated under section 641 if each House of the Parliament presents such an address to the Governor-General.

- (5) The Minister must consider whether each House of the Parliament should consider the matter referred to in paragraph (4)(b).

### **581B Code of Conduct**

- (1) After consulting the other FWC Members, the President may determine a Code of Conduct for FWC Members.
- (2) Subsection (1) does not limit section 582 (which deals with directions by the President).
- (3) The Code of Conduct must be published on the FWC's website or by any other means that the President considers appropriate.
- (4) A determination under subsection (1) is not a legislative instrument.

### **63 Before paragraph 584(1)(a)**

Insert:

- (aa) paragraph 581A(1)(b) (which deals with taking measures to maintain public confidence in the FWC); or

### **64 At the end of Division 2 of Part 5-1**

Add:

### **Subdivision C—Protection of persons involved in handling etc. complaints about FWC Members**

#### **584B Protection of persons involved in handling etc. complaints about FWC Members**

- (1) A person who is exercising powers or performing functions under or for the purposes of paragraph 581A(1)(a), subsections 581A(2) to (5), or section 641A, in relation to a complaint about an FWC Member, or assisting in exercising those powers or performing those functions, has the same protection and immunity as a Justice of the High Court.
- (2) A witness requested to attend, or appearing, before a complaint handler or any other person, in relation to a complaint about an FWC Member, has the same protection, and is subject to the same liabilities in proceedings, as a witness in a case tried by the High Court.
- (3) A lawyer assisting, or appearing on behalf of a person before, a complaint handler or any other person, in relation to a complaint about an FWC Member, has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

#### **65 After section 641**

Insert:

#### **641A Minister may handle complaints about FWC Members**

The Minister may handle a complaint about the performance by an FWC Member of his or her duties:

- (a) for the purpose of considering whether each House of the Parliament should consider whether to present to the Governor-General an address praying for the termination of the appointment of the FWC Member; and
- (b) for the purpose of considering whether to advise the Governor-General to suspend the FWC Member.

Note 1: The appointment of an FWC Member may be terminated under section 641 if each House of the Parliament presents such an address to the Governor-General.

- Note 2: The FWC Member may be suspended under section 642.
- Note 3: The complaint is a *complaint about an FWC Member* (see section 12).
- Note 4: For protections for persons involved in relation to handling a complaint about an FWC Member, see section 584B.

## Part 8—Engaging in outside work

### *Fair Work Act 2009*

#### **66 Section 12**

Insert:

*paid work* means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

#### **67 Section 633 (heading)**

Omit “employment”, substitute “work”.

#### **68 Subsections 633(1) and (2)**

Omit “employment”, substitute “work”.

#### **69 Section 644 (heading)**

Omit “employment”, substitute “work”.

#### **70 Subsection 644(1)**

Omit “employment”, substitute “work”.

#### **71 Section 663 (heading)**

Omit “employment”, substitute “work”.

#### **72 Section 663**

Omit “employment”, substitute “work”.

#### **73 Paragraph 666(2)(c)**

Omit “employment”, substitute “work”.

#### **74 Section 690 (heading)**

Omit “employment”, substitute “work”.

#### **75 Section 690**

Omit “employment”, substitute “work”.

**76 Paragraph 693(2)(c)**

Omit “employment”, substitute “work”.

***Road Safety Remuneration Act 2012***

**77 Section 4**

Insert:

*paid work* means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

**78 Section 99 (heading)**

Omit “employment”, substitute “work”.

**79 Section 99**

Omit “employment”, substitute “work”.

**80 Section 106 (heading)**

Omit “employment”, substitute “work”.

**81 Section 106**

Omit “employment”, substitute “work”.

## Schedule 9—Changing the name of Fair Work Australia

### Part 1—Amendments to Fair Work legislation

#### *Fair Work Act 2009*

##### **1 Paragraph 4(1)(d)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

##### **2 Subsection 5(6)**

Omit “FWA”, substitute “the FWC”.

##### **3 Subsection 8(1)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

##### **4 Subsection 8(2)**

Omit “FWA” (first occurring), substitute “the Fair Work Commission”.

##### **5 Paragraphs 8(2)(a) and (b)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

##### **6 Section 12 (definition of *approved by FWA*)**

Repeal the definition.

##### **7 Section 12**

Insert:

*approved by the FWC*, in relation to an enterprise agreement,  
means approved by the FWC under section 186 or 189.

##### **8 Section 12 (definition of *Commissioner*)**

Omit “FWA”, substitute “the FWC”.

##### **9 Section 12 (definition of *Deputy President*)**

Omit “FWA”, substitute “the FWC”.

**10 Section 12 (definition of *Fair Work Australia* or *FWA*)**

Repeal the definition.

**11 Section 12**

Insert:

*Fair Work Commission* or *FWC* means the body continued in existence by section 575.

**12 Section 12 (paragraph (d) of the definition of *fair work instrument*)**

Repeal the paragraph, substitute:

(d) an FWC order.

**13 Section 12 (definition of *Full Bench*)**

Omit “FWA”, substitute “the FWC”.

**14 Section 12 (definition of *FWA*)**

Repeal the definition.

**15 Section 12**

Insert:

*FWC*: see *Fair Work Commission*.

**16 Section 12 (definition of *General Manager*)**

Omit “FWA”, substitute “the FWC”.

**17 Section 12 (definition of *general protections FWA application*)**

Repeal the definition.

**18 Section 12**

Insert:

*general protections FWC application*: see subsection 727(2).

**19 Section 12 (paragraphs (a), (b) and (c) of the definition of *industrial body*)**

Omit “FWA”, substitute “the FWC”.

**20 Section 12 (definition of *Minimum Wage Panel*)**

Omit “FWA”, substitute “the FWC”.

**21 Section 12 (definition of *Minimum Wage Panel Member*)**

Omit “FWA”, substitute “the FWC”.

**22 Section 12 (definition of *paid agent*)**

Omit “FWA”, substitute “the FWC”.

**23 Section 12 (definition of *President*)**

Omit “FWA”, substitute “the FWC”.

**24 Section 12 (definition of *procedural rules*)**

Omit “FWA”, substitute “the FWC”.

**25 Section 12 (definition of *unlawful termination FWA application*)**

Repeal the definition.

**26 Section 12**

Insert:

*unlawful termination FWC application*: see subsection 730(2).

**27 Subsection 21(1) (note)**

Omit “FWA”, substitute “the FWC”.

**28 Paragraph 40(2)(b)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**29 Subsection 48(2) (heading)**

Omit “FWA”, substitute “FWC”.

**30 Paragraphs 48(2)(b) and (3)(b)**

Omit “FWA”, substitute “FWC”.

**31 Subsection 49(2)**

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Omit “FWA” (first occurring), substitute “the FWC”.

**32 Subsection 49(2)**

Omit “FWA” (second occurring), substitute “The FWC”.

**33 Paragraph 53(2)(a)**

Omit “FWA”, substitute “the FWC”.

**34 Subsection 53(3) (heading)**

Omit “FWA”, substitute “FWC”.

**35 Paragraphs 53(3)(b) and (4)(b)**

Omit “FWA”, substitute “FWC”.

**36 Subsection 54(1)**

Omit “FWA”, substitute “the FWC”.

**37 Subsection 87(1) (note)**

Omit “FWA”, substitute “the FWC”.

**38 Subsections 113(6), 120(2) and 122(4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**39 Paragraph 124(2)(e)**

Omit “FWA”, substitute “the FWC”.

**40 Section 126 (note)**

Omit “FWA”, substitute “the FWC”.

**41 Section 132**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**42 Section 132**

Omit “FWA’s”, substitute “the FWC’s”.

**43 Subsection 134(1)**

Omit “FWA”, substitute “The FWC”.

**44 Subsection 134(2)**

Omit “FWA’s” (wherever occurring), substitute “the FWC’s”.

**45 Subsection 134(2) (note)**

Omit “FWA” (first occurring), substitute “The FWC”.

**46 Subsection 134(2) (note)**

Omit “FWA” (second occurring), substitute “the FWC”.

**47 Subsections 135(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**48 Subsection 141(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**49 Subsection 141(3)**

Omit “FWA”, substitute “The FWC”.

**50 Subsection 141(4)**

Omit “FWA”, substitute “the FWC”.

**51 Subsection 141(5)**

Omit “FWA”, substitute “The FWC”.

**52 Section 146 (note)**

Omit “FWA”, substitute “The FWC”.

**53 Section 149**

Omit “FWA”, substitute “the FWC”.

**54 Subsection 154(3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**55 Subsection 156(1)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**56 Subsections 156(2), (3) and (5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**57 Section 157 (heading)**

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Omit “FWA”, substitute “FWC”.

**58 Subsection 157(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**59 Subsection 157(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**60 Subsection 157(1) (note 1)**

Omit “FWA”, substitute “The FWC”.

**61 Subsection 157(1) (note 3)**

Omit “FWA”, substitute “the FWC”.

**62 Subsection 157(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**63 Subsection 157(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**64 Subsection 157(2) (note)**

Omit “FWA”, substitute “the FWC”.

**65 Subsections 157(3), 159(1) and (2), 160(1) and (2) and 161(1)**

Omit “FWA”, substitute “The FWC”.

**66 Subsections 161(2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**67 Section 162**

Omit “FWA’s”, substitute “the FWC’s”.

**68 Section 162 (paragraph (b) of the note)**

Omit “FWA’s”, substitute “the FWC’s”.

**69 Section 162 (paragraph (c) of the note)**

Omit “FWA”, substitute “the FWC”.

**70 Subsection 163(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**71 Subsection 163(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**72 Subsection 163(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**73 Subsection 163(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**74 Subsection 163(3)**

Omit “FWA”, substitute “The FWC”.

**75 Section 164**

Omit “FWA” (first occurring), substitute “The FWC”.

**76 Section 164**

Omit “FWA” (second occurring), substitute “the FWC”.

**77 Paragraph 165(2)(b)**

Omit “FWA”, substitute “the FWC”.

**78 Subsection 166(2) (heading)**

Omit “FWA”, substitute “FWC”.

**79 Subsection 166(2)**

Omit “FWA” (first occurring), substitute “the FWC”.

**80 Subsection 166(2)**

Omit “FWA” (second occurring), substitute “The FWC”.

**81 Paragraph 166(3)(b)**

Omit “FWA”, substitute “the FWC”.

**82 Subsection 166(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**83 Subsection 166(4)**

Omit “FWA” (second occurring), substitute “the FWC”.

**84 Subsection 167(2)**

Omit “FWA”, substitute “the FWC”.

**85 Subsection 168(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**86 Subsection 168(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**87 Subsection 168(2)**

Omit “FWA”, substitute “the FWC”.

**88 Subsection 168B(1)**

Omit “FWA”, substitute “The FWC”.

**89 Subsection 168B(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**90 Subsections 168C(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**91 Subsection 168C(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**92 Subsection 168C(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**93 Subsection 168C(4)**

Omit “FWA”, substitute “the FWC”.

**94 Subsection 168D(1)**

Omit “FWA”, substitute “The FWC”.

**95 Subsection 168D(2)**

Omit “FWA”, substitute “the FWC”.

**96 Subsection 168F(1)**

Omit “FWA”, substitute “The FWC”.

**97 Subsection 168F(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**98 Subsection 168G(1)**

Omit “FWA”, substitute “The FWC”.

**99 Subsection 168G(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**100 Subsection 168G(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**101 Subsections 168G(4) and 168K(1)**

Omit “FWA”, substitute “The FWC”.

**102 Subsection 168K(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**103 Subsection 168K(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**104 Subsection 168K(3)**

Omit “FWA”, substitute “the FWC”.

**105 Subsections 168L(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**106 Subsection 168L(3)**

Omit “FWA”, substitute “the FWC”.

**107 Section 169**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**108 Paragraph 171(b)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**109 Subsection 172(1) (note 2)**

Omit “FWA”, substitute “the FWC”.

**110 Paragraph 174(2)(b)**

Omit “FWA”, substitute “the FWC”.

**111 Subdivision A of Division 4 of Part 2-4 (heading)**

Omit “FWA”, substitute “the FWC’s”.

**112 Subsection 183(1)**

Omit “FWA”, substitute “the FWC”.

**113 Subsection 183(2)**

Omit “FWA” (first and second occurring), substitute “the FWC”.

**114 Subsection 183(2) (note)**

Omit “FWA”, substitute “The FWC”.

**115 Section 185 (heading)**

Omit “FWA”, substitute “the FWC’s”.

**116 Subsection 185(1)**

Omit “FWA”, substitute “the FWC”.

**117 Paragraph 185(3)(b)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**118 Subdivision B of Division 4 of Part 2-4 (heading)**

Omit “FWA”, substitute “the FWC”.

**119 Section 186 (heading)**

Omit “FWA”, substitute “the FWC”.

**120 Subsection 186(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**121 Subsection 186(1) (note)**

Omit “FWA”, substitute “The FWC”.

**122 Subsections 186(2) and (3)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**123 Subsection 186(3A)**

Omit “FWA”, substitute “the FWC”.

**124 Subsections 186(4) and (4A)**

Omit “FWA”, substitute “The FWC”.

**125 Subsection 186(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**126 Paragraph 186(5)(b)**

Omit “FWA”, substitute “the FWC”.

**127 Subsection 186(6)**

Omit “FWA” (first occurring), substitute “The FWC”.

**128 Paragraph 186(6)(a)**

Omit “FWA”, substitute “the FWC”.

**129 Subsection 186(6) (note 1)**

Omit “FWA”, substitute “The FWC”.

**130 Subsection 186(6) (note 2)**

Omit “FWA”, substitute “the FWC”.

**131 Section 187 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**132 Subsection 187(1)**

Omit “FWA”, substitute “the FWC”.

**133 Subsection 187(2)**

Omit “FWA”, substitute “The FWC”.

**134 Subsection 187(3)**

Omit “FWA”, substitute “the FWC”.

**135 Subsection 187(4)**

Omit “FWA”, substitute “The FWC”.

**136 Subsection 187(5)**

Omit “FWA”, substitute “the FWC”.

**137 Section 188**

Omit “FWA”, substitute “the FWC”.

**138 Section 189 (heading)**

Omit “FWA”, substitute “FWC”.

**139 Paragraphs 189(1)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**140 Subsection 189(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**141 Subsection 189(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**142 Subsection 189(2) (note)**

Omit “FWA”, substitute “The FWC”.

**143 Subsections 189(3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**144 Section 190 (heading)**

Omit “FWA”, substitute “FWC”.

**145 Paragraph 190(1)(b)**

Omit “FWA”, substitute “the FWC”.

**146 Subsection 190(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**147 Subsection 190(2)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**148 Subsection 190(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**149 Subsection 190(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**150 Subsection 190(4) (heading)**

Omit “FWA”, substitute “FWC”.

**151 Subsection 190(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**152 Subsection 190(4)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**153 Paragraphs 191(1)(a) and (2)(a)**

Omit “FWA”, substitute “the FWC”.

**154 Section 192 (heading)**

Omit “FWA”, substitute “the FWC”.

**155 Subsections 192(1) and (3) and 193(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**156 Subsection 193(2) (heading)**

Omit “FWA”, substitute “FWC”.

**157 Subsections 193(2), (3) and (6)**

Omit “FWA”, substitute “the FWC”.

**158 Subsection 193(7) (heading)**

Omit “FWA”, substitute “FWC”.

**159 Subsection 193(7)**

Omit “FWA”, substitute “the FWC”.

**160 Subsections 196(2), 197(2), 198(2), 199(2) and 200(2)**

Omit “FWA”, substitute “The FWC”.

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**161 Subsections 201(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**162 Subparagraphs 207(1)(a)(ii) and (b)(ii)**

Omit “FWA”, substitute “the FWC”.

**163 Subsection 207(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**164 Subsection 207(3)**

Omit “FWA”, substitute “the FWC”.

**165 Section 210 (heading)**

Omit “FWA”, substitute “**the FWC’s**”.

**166 Subsection 210(1)**

Omit “FWA”, substitute “the FWC”.

**167 Paragraph 210(3)(b)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**168 Section 211 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**169 Subsection 211(1) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**170 Subsection 211(1)**

Omit “FWA” (first, second, third, fourth, fifth and sixth occurring), substitute “the FWC”.

**171 Subsection 211(1) (note)**

Omit “FWA”, substitute “The FWC”.

**172 Subsection 211(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**173 Paragraph 211(3)(b)**

Omit “FWA”, substitute “the FWC’s”.

**174 Subsections 211(5) and (6)**

Omit “FWA”, substitute “the FWC”.

**175 Section 212 (heading)**

Omit “FWA”, substitute “FWC”.

**176 Paragraph 212(1)(b)**

Omit “FWA”, substitute “the FWC”.

**177 Subsection 212(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**178 Subsection 212(2)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**179 Subsection 212(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**180 Subsection 212(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**181 Paragraphs 213(1)(a) and (2)(a)**

Omit “FWA”, substitute “the FWC”.

**182 Section 214 (heading)**

Omit “FWA”, substitute “the FWC”.

**183 Subsections 214(1) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**184 Section 215**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**185 Subsection 217(1)**

Omit “FWA”, substitute “The FWC”.

**186 Subsection 217(2)**

Omit “FWA”, substitute “the FWC”.

**187 Section 217A (heading)**

Omit “FWA”, substitute “FWC”.

**188 Subsection 217A(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**189 Subsection 217A(3)**

Omit “FWA”, substitute “The FWC”.

**190 Subsection 218(1)**

Omit “FWA”, substitute “The FWC”.

**191 Subsections 218(2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**192 Subsection 219(2) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**193 Subsection 219(2)**

Omit “FWA”, substitute “the FWC”.

**194 Section 222 (heading)**

Omit “FWA”, substitute “**the FWC’s**”.

**195 Subsections 222(1) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**196 Section 223 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**197 Sections 223 and 225**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**198 Section 226 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**199 Section 226**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**200 Division 8 of Part 2-4 (heading)**

Omit “FWA’s”, substitute “FWC’s”.

**201 Subsection 229(1)**

Omit “FWA”, substitute “the FWC”.

**202 Subsection 229(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**203 Subsection 229(5)**

Omit “FWA” (second occurring), substitute “the FWC”.

**204 Section 230 (heading)**

Omit “FWA”, substitute “the FWC”.

**205 Subsection 230(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**206 Paragraph 230(1)(c)**

Omit “FWA”, substitute “the FWC”.

**207 Subsections 230(2) and (3)**

Omit “FWA”, substitute “The FWC”.

**208 Subsections 231(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**209 Subparagraph 232(b)(ii)**

Omit “FWA”, substitute “the FWC”.

**210 Section 234**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**211 Section 235 (heading)**

Omit “FWA”, substitute “the FWC”.

**212 Subsection 235(1)**

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Omit “FWA” (first occurring), substitute “The FWC”.

**213 Paragraph 235(1)(b)**

Omit “FWA”, substitute “the FWC”.

**214 Subsection 235(2) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**215 Subsection 235(2)**

Omit “FWA”, substitute “The FWC”.

**216 Subsection 235(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**217 Subsections 235(3) and 236(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**218 Section 237 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**219 Subsection 237(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**220 Paragraph 237(1)(b)**

Omit “FWA”, substitute “the FWC”.

**221 Subsection 237(2) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**222 Subsection 237(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**223 Subparagraph 237(2)(a)(i)**

Omit “FWA”, substitute “the FWC”.

**224 Subsections 237(3) and (3A)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**225 Subsection 238(1)**

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Omit “FWA”, substitute “the FWC”.

**226 Subsection 238(4) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**227 Subsection 238(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**228 Subsection 238(4)**

Omit “FWA” (second occurring), substitute “the FWC”.

**229 Subsection 238(4A) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**230 Subsection 238(4A)**

Omit “FWA”, substitute “the FWC”.

**231 Subsection 238(7) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**232 Subsection 238(7)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**233 Subparagraph 239(b)(ii)**

Omit “FWA”, substitute “the FWC”.

**234 Subdivision D of Division 8 of Part 2-4 (heading)**

Omit “FWA”, substitute “FWC”.

**235 Section 240 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**236 Subsection 240(1) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**237 Subsections 240(1) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**238 Paragraph 241(d)**

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Omit “FWA”, substitute “the FWC”.

**239 Subsection 242(1)**

Omit “FWA”, substitute “the FWC”.

**240 Section 243 (heading)**

Omit “FWA”, substitute “the FWC”.

**241 Subsection 243(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**242 Paragraph 243(1)(b)**

Omit “FWA”, substitute “the FWC”.

**243 Subsection 243(2) (heading)**

Omit “FWA”, substitute “FWC”.

**244 Subsection 243(2)**

Omit “FWA”, substitute “the FWC”.

**245 Subsection 243(3) (heading)**

Omit “FWA”, substitute “FWC”.

**246 Subsections 243(3) and 244(1), (2), (3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**247 Section 245**

Omit “FWA”, substitute “The FWC”.

**248 Section 246 (heading)**

Omit “FWA”, substitute “FWC’s”.

**249 Subsection 246(2) (heading)**

Omit “FWA”, substitute “FWC’s”.

**250 Subsection 246(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**251 Paragraphs 246(2)(a) and (b)**

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Omit “FWA”, substitute “the FWC”.

**252 Subsection 246(2) (note)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**253 Subsection 246(3) (heading)**

Omit “FWA”, substitute “FWC”.

**254 Subsection 246(3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**255 Subsection 246(4)**

Omit “FWA’s”, substitute “the FWC’s”.

**256 Subsection 248(1)**

Omit “FWA”, substitute “the FWC”.

**257 Section 249 (heading)**

Omit “FWA”, substitute “the FWC”.

**258 Subsection 249(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**259 Paragraph 249(1)(b)**

Omit “FWA”, substitute “the FWC”.

**260 Subsections 249(2) and (3), 250(2), 251(1), (2), (3) and (4) and 252(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**261 Subsection 252(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**262 Subsection 252(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**263 Section 255 (heading)**

Omit “FWA”, substitute “the FWC”.

**264 Subsection 255(1)**

Omit “FWA”, substitute “the FWC”.

**265 Subsection 255(2)**

Omit “FWA” (first occurring), substitute “the FWC”.

**266 Subsection 255(2) (note)**

Omit “FWA”, substitute “The FWC”.

**267 Section 258**

Omit “apply to FWA”, substitute “apply to the FWC”.

**268 Section 258**

Omit “FWA must make” (wherever occurring), substitute “The FWC must make”.

**269 Section 258**

Omit “FWA must take”, substitute “the FWC must take”.

**270 Subsections 260(2) and (4)**

Omit “FWA”, substitute “the FWC”.

**271 Section 261 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**272 Section 261**

Omit “FWA” (first occurring), substitute “The FWC”.

**273 Paragraph 261(b)**

Omit “FWA”, substitute “the FWC”.

**274 Section 261 (note)**

Omit “FWA”, substitute “The FWC”.

**275 Section 262 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**276 Subsections 262(1), (2), (3), (4) and (5)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**277 Section 263 (heading)**

Omit “FWA”, substitute “the FWC”.

**278 Subsection 263(1)**

Omit “FWA”, substitute “the FWC”.

**279 Subsections 263(2) and (3)**

Omit “FWA”, substitute “The FWC”.

**280 Subsection 264(1) (note)**

Omit “FWA”, substitute “the FWC”.

**281 Subsection 264(3)**

Omit “FWA”, substitute “the FWC”.

**282 Section 266 (heading)**

Omit “FWA”, substitute “the FWC”.

**283 Subsection 266(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**284 Subsection 266(1) (note)**

Omit “FWA”, substitute “The FWC”.

**285 Subparagraph 266(3)(b)(ii)**

Omit “FWA”, substitute “the FWC”.

**286 Subsection 266(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**287 Paragraph 266(4)(a)**

Omit “FWA”, substitute “the FWC”.

**288 Subsection 267(1) (note)**

Omit “FWA”, substitute “the FWC”.

**289 Subsection 267(3)**

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Omit “FWA”, substitute “the FWC”.

**290 Section 269 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**291 Subsection 269(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**292 Subsection 269(1) (note 2)**

Omit “FWA”, substitute “The FWC”.

**293 Subparagraph 269(2)(b)(ii)**

Omit “FWA”, substitute “the FWC”.

**294 Subsection 269(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**295 Paragraph 269(3)(a)**

Omit “FWA”, substitute “the FWC”.

**296 Subsection 270(1) (note)**

Omit “FWA”, substitute “the FWC”.

**297 Subsection 270(3)**

Omit “FWA”, substitute “the FWC”.

**298 Subsection 272(5)**

Omit “FWA”, substitute “the FWC”.

**299 Subsections 273(3), (4) and (5)**

Omit “FWA”, substitute “the FWC”.

**300 Section 275 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**301 Section 275**

Omit “FWA”, substitute “the FWC”.

**302 Subsection 277(2) (heading)**

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Omit “FWA”, substitute “FWC”.

**303 Paragraphs 277(2)(b) and (3)(b)**

Omit “FWA”, substitute “FWC”.

**304 Section 282**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**305 Subsection 284(1)**

Omit “FWA”, substitute “The FWC”.

**306 Paragraphs 284(2)(a) and (b)**

Omit “FWA’s”, substitute “the FWC’s”.

**307 Subsection 284(2) (note)**

Omit “FWA” (first occurring), substitute “The FWC”.

**308 Subsection 284(2) (note)**

Omit “FWA” (second occurring), substitute “the FWC”.

**309 Subsection 285(1)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**310 Subsections 285(2) and (3)**

Omit “FWA”, substitute “the FWC”.

**311 Subsection 286(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**312 Subsection 286(4)**

Omit “FWA”, substitute “The FWC”.

**313 Paragraphs 287(2)(a), (3)(a) and (4)(a)**

Omit “FWA”, substitute “the FWC”.

**314 Section 288**

Omit “FWA’s” (wherever occurring), substitute “the FWC’s”.

**315 Section 288 (paragraph (c) of the note)**

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Omit “FWA”, substitute “the FWC”.

**316 Subsection 289(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**317 Subsection 289(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**318 Subsection 289(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**319 Subsection 289(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**320 Subsection 289(3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**321 Subsection 289(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**322 Subsection 289(5)**

Omit “FWA” (second occurring), substitute “the FWC”.

**323 Subsection 289(6)**

Omit “FWA’s”, substitute “the FWC’s”.

**324 Subsection 289(6)**

Omit “FWA”, substitute “the FWC”.

**325 Subsection 291(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**326 Subsection 291(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**327 Subsection 291(2)**

Omit “FWA”, substitute “the FWC”.

**328 Subsection 292(1)**

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Omit “FWA” (first and second occurring), substitute “the FWC”.

**329 Subsection 292(1) (note)**

Omit “FWA”, substitute “The FWC”.

**330 Subsection 292(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**331 Subsection 292(2)**

Omit “FWA”, substitute “the FWC”.

**332 Subsection 296(1)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**333 Subsection 296(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**334 Subsection 297(2)**

Omit “FWA”, substitute “the FWC”.

**335 Section 300**

Omit “FWA”, substitute “the FWC”.

**336 Section 302 (heading)**

Omit “FWA”, substitute “FWC”.

**337 Subsections 302(1) and (3)**

Omit “FWA”, substitute “The FWC”.

**338 Subsection 302(4) (heading)**

Omit “FWA”, substitute “FWC”.

**339 Subsections 302(4) and (5)**

Omit “FWA”, substitute “the FWC”.

**340 Subsection 303(1)**

Omit “FWA”, substitute “the FWC”.

**341 Section 304**

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Omit “FWA”, substitute “the FWC”.

**342 Section 306 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**343 Section 306**

Omit “FWA”, substitute “FWC”.

**344 Section 307**

Omit “FWA”, substitute “the FWC”.

**345 Paragraph 312(1)(a)**

Omit “FWA”, substitute “the FWC”.

**346 Subsections 313(3) and 314(3)**

Omit “FWA”, substitute “FWC”.

**347 Paragraphs 315(2)(d) and (3)(a)**

Omit “FWA”, substitute “FWC”.

**348 Division 3 of Part 2-8 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**349 Section 317 (heading)**

Omit “FWA”, substitute “FWC”.

**350 Section 317**

Omit “FWA”, substitute “the FWC”.

**351 Subsection 318(1) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**352 Subsections 318(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**353 Subsection 318(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**354 Subsection 318(3)**

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Omit “FWA”, substitute “the FWC”.

**355 Subsection 319(1) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**356 Subsections 319(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**357 Subsection 319(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**358 Subsection 319(3)**

Omit “FWA”, substitute “the FWC”.

**359 Subsection 320(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**360 Subsection 320(2)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**361 Subsection 320(3)**

Omit “FWA”, substitute “The FWC”.

**362 Subsection 320(4) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**363 Subsection 320(4)**

Omit “FWA”, substitute “the FWC”.

**364 Paragraph 324(1)(c)**

Omit “FWA”, substitute “FWC”.

**365 Section 334**

Omit “FWA”, substitute “the FWC”.

**366 Paragraph 341(2)(a)**

Omit “FWA”, substitute “the FWC”.

**367 Section 365 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**368 Section 365**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**369 Paragraph 366(1)(b)**

Omit “FWA”, substitute “the FWC”.

**370 Subsection 366(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**371 Subsection 366(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**372 Paragraph 367(2)(a)**

Omit “FWA”, substitute “the FWC”.

**373 Subsection 368(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**374 Subsection 368(1) (note 2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**375 Subsection 368(1) (note 2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**376 Subsection 368(2)**

Omit “FWA”, substitute “the FWC”.

**377 Section 369**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**378 Subsection 370(1)**

Omit “FWA”, substitute “the FWC”.

**379 Subsection 371(1) (heading)**

Omit “FWA”, substitute “FWC”.

**380 Subsection 371(1)**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**381 Section 372 (heading)**

Omit “FWA”, substitute “the FWC”.

**382 Sections 372 and 373**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**383 Subsection 374(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**384 Subsection 374(1) (note 2)**

Omit “FWA”, substitute “The FWC”.

**385 Subsection 374(2)**

Omit “FWA”, substitute “the FWC”.

**386 Section 375**

Omit “FWA”, substitute “the FWC”.

**387 Subsection 376(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**388 Subsection 376(2)**

Omit “FWA”, substitute “The FWC”.

**389 Subsection 376(3)**

Omit “FWA’s”, substitute “the FWC’s”.

**390 Section 377**

Omit “FWA”, substitute “the FWC”.

**391 Sections 379 and 385**

Omit “FWA”, substitute “the FWC”.

**392 Section 387**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**393 Section 390 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**394 Subsection 390(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**395 Subsection 390(2)**

Omit “FWA”, substitute “The FWC”.

**396 Subsection 390(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**397 Paragraphs 390(3)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**398 Subsections 391(2), (3) and (4) and 392(2), (3), (4) and (5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**399 Section 393**

Omit “FWA”, substitute “the FWC”.

**400 Subsection 394(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**401 Paragraph 394(2)(b)**

Omit “FWA”, substitute “the FWC”.

**402 Subsection 394(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**403 Subsection 394(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**404 Subsections 395(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**405 Sections 396 and 397**

Omit “FWA”, substitute “The FWC”.

**406 Subsections 398(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**407 Subsection 398(3)**

Omit “FWA”, substitute “The FWC”.

**408 Subsection 398(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**409 Subsection 398(4)**

Omit “FWA” (second occurring), substitute “the FWC”.

**410 Subsection 399(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**411 Subsection 399(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**412 Subsection 399(2)**

Omit “FWA”, substitute “the FWC”.

**413 Subsection 399(3)**

Omit “FWA”, substitute “The FWC”.

**414 Subsections 400(2) and 401(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**415 Subsection 401(2)**

Omit “FWA”, substitute “The FWC”.

**416 Subsection 401(3)**

Omit “FWA’s”, substitute “the FWC’s”.

**417 Paragraph 402(a)**

Omit “FWA”, substitute “the FWC”.

**418 Subsection 403(2)**

Omit “FWA”, substitute “the FWC”.

**419 Section 406**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**420 Subsections 409(5) and 410(2)**

Omit “FWA”, substitute “FWC”.

**421 Paragraph 417(1)(a)**

Omit “FWA”, substitute “the FWC”.

**422 Division 4 of Part 3-3 (heading)**

Omit “FWA”, substitute “FWC”.

**423 Section 418 (heading)**

Omit “FWA”, substitute “FWC”.

**424 Subsection 418(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**425 Subsection 418(2)**

Omit “FWA”, substitute “The FWC”.

**426 Subsection 418(3)**

Omit “FWA”, substitute “the FWC”.

**427 Subsection 418(4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**428 Section 419 (heading)**

Omit “FWA”, substitute “FWC”.

**429 Subsection 419(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**430 Subsection 419(2)**

Omit “FWA”, substitute “The FWC”.

**431 Subsections 419(3) and 420(1), (2), (3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**432 Division 6 of Part 3-3 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**433 Section 423 (heading)**

Omit “FWA”, substitute “**FWC**”.

**434 Subsection 423(1)**

Omit “FWA”, substitute “**The FWC**”.

**435 Subsections 423(2), (3), (4) and (5)**

Omit “FWA”, substitute “**the FWC**”.

**436 Subsections 423(6) and (7)**

Omit “FWA”, substitute “**The FWC**”.

**437 Section 424 (heading)**

Omit “FWA”, substitute “**FWC**”.

**438 Subsection 424(1)**

Omit “FWA” (first occurring), substitute “**The FWC**”.

**439 Subsection 424(1)**

Omit “FWA” (second occurring), substitute “**the FWC**”.

**440 Subsection 424(2)**

Omit “FWA”, substitute “**The FWC**”.

**441 Subsection 424(3)**

Omit “FWA”, substitute “**the FWC**”.

**442 Subsection 424(4)**

Omit “FWA” (wherever occurring), substitute “**the FWC**”.

**443 Section 425 (heading)**

Omit “FWA”, substitute “**FWC**”.

**444 Subsection 425(1)**

Omit “FWA” (first occurring), substitute “**The FWC**”.

**445 Subsection 425(1)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**446 Subsection 425(2)**

Omit “FWA”, substitute “The FWC”.

**447 Section 426 (heading)**

Omit “FWA”, substitute “FWC”.

**448 Subsections 426(1), (2) and (3)**

Omit “FWA”, substitute “The FWC”.

**449 Subsection 426(4)**

Omit “FWA”, substitute “the FWC”.

**450 Subsection 426(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**451 Paragraph 426(5)(b)**

Omit “FWA”, substitute “the FWC”.

**452 Subsection 426(6)**

Omit “FWA”, substitute “The FWC”.

**453 Section 427 (heading)**

Omit “FWA”, substitute “FWC”.

**454 Subsection 427(1)**

Omit “FWA”, substitute “the FWC”.

**455 Subsection 427(2)**

Omit “FWA”, substitute “The FWC”.

**456 Subsection 427(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**457 Subsection 427(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**458 Subsection 428(1)**

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Omit “FWA” (first occurring), substitute “The FWC”.

**459 Paragraphs 428(1)(b) and (c)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**460 Subsection 428(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**461 Paragraph 430(2)(b)**

Omit “FWA”, substitute “the FWC”.

**462 Subsection 432(3)**

Omit “FWA”, substitute “the FWC”.

**463 Section 435**

Omit “FWA”, substitute “the FWC”.

**464 Subsection 437(1)**

Omit “FWA”, substitute “the FWC”.

**465 Subsection 437(4) (note)**

Omit “FWA”, substitute “the FWC”.

**466 Subsection 441(1)**

Omit “FWA”, substitute “The FWC”.

**467 Subsection 441(2)**

Omit “FWA”, substitute “the FWC”.

**468 Section 442**

Omit “FWA” (first occurring), substitute “The FWC”.

**469 Paragraph 442(b)**

Omit “FWA”, substitute “the FWC”.

**470 Section 443 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**471 Subsection 443(1)**

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Omit “FWA” (first occurring), substitute “The FWC”.

**472 Paragraph 443(1)(b)**

Omit “FWA”, substitute “the FWC”.

**473 Subsection 443(2)**

Omit “FWA”, substitute “The FWC”.

**474 Subsection 443(4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**475 Subsection 443(5)**

Omit “FWA”, substitute “the FWC”.

**476 Section 444 (heading)**

Omit “FWA”, substitute “FWC”.

**477 Subsection 444(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**478 Paragraphs 444(1)(b) and (2)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**479 Subsection 444(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**480 Paragraphs 444(3)(a), (b) and (c)**

Omit “FWA”, substitute “the FWC”.

**481 Section 445**

Omit “FWA”, substitute “the FWC”.

**482 Paragraphs 446(1)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**483 Subsection 446(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**484 Subsection 446(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**485 Subsections 447(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**486 Paragraph 447(3)(b)**

Omit “FWA”, substitute “the FWC”.

**487 Subsection 447(4)**

Omit “FWA”, substitute “the FWC”.

**488 Subsections 448(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**489 Paragraph 449(2)(d)**

Omit “FWA”, substitute “the FWC”.

**490 Subsection 450(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**491 Paragraph 450(2)(e)**

Omit “FWA”, substitute “the FWC”.

**492 Subsection 450(2) (note)**

Omit “FWA”, substitute “the FWC”.

**493 Subsection 450(4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**494 Subsection 451(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**495 Paragraph 452(1)(b)**

Omit “FWA”, substitute “the FWC”.

**496 Subsection 452(1) (note)**

Omit “FWA”, substitute “the FWC”.

**497 Subsection 454(1)**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**498 Subparagraph 457(1)(b)(iii)**

Omit “FWA”, substitute “the FWC”.

**499 Subsection 457(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**500 Subsection 457(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**501 Subsections 458(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**502 Subsection 458(3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**503 Subparagraph 459(1)(d)(ii)**

Omit “FWA”, substitute “the FWC”.

**504 Subsection 459(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**505 Paragraph 459(3)(a)**

Omit “FWA”, substitute “the FWC”.

**506 Subparagraph 460(1)(c)(ii)**

Omit “FWA”, substitute “the FWC”.

**507 Paragraph 461(b)**

Omit “FWA”, substitute “the FWC”.

**508 Paragraph 463(1)(b)**

Omit “FWA”, substitute “the FWC”.

**509 Subsection 463(2)**

Omit “FWA”, substitute “the FWC”.

**510 Subsection 467(2) (notes 1 and 2)**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**511 Paragraph 471(2)(b)**

Omit “FWA”, substitute “the FWC”.

**512 Section 472 (heading)**

Omit “FWA”, substitute “the FWC”.

**513 Subsections 472(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**514 Subsections 472(3) and (4)**

Omit “FWA”, substitute “the FWC”.

**515 Section 478**

Omit “FWA”, substitute “the FWC”.

**516 Subsection 481(1) (note 2)**

Omit “FWA”, substitute “The FWC”.

**517 Section 483AA (heading)**

Omit “FWA”, substitute “the FWC”.

**518 Subsection 483AA(1)**

Omit “FWA”, substitute “the FWC”.

**519 Subsection 483AA(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**520 Subsection 483AA(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**521 Subsection 483AA(3)**

Omit “FWA”, substitute “the FWC”.

**522 Subsections 487(1) and (4)**

Omit “FWA”, substitute “the FWC”.

**523 Subparagraph 489(3)(b)(ii)**

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Omit “FWA”, substitute “the FWC”.

**524 Section 491 (note)**

Omit “FWA”, substitute “The FWC”.

**525 Subsection 492(1) (note)**

Omit “FWA”, substitute “The FWC”.

**526 Section 499 (note 2)**

Omit “FWA”, substitute “The FWC”.

**527 Division 5 of Part 3-4 (heading)**

Omit “FWA”, substitute “the FWC”.

**528 Section 505 (heading)**

Omit “FWA”, substitute “FWC”.

**529 Subsections 505(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “The FWC”.

**530 Subsections 505(4) and (5)**

Omit “FWA”, substitute “the FWC”.

**531 Section 507 (heading)**

Omit “FWA”, substitute “FWC”.

**532 Subsection 507(1)**

Omit “FWA”, substitute “The FWC”.

**533 Subsection 507(2)**

Omit “FWA”, substitute “the FWC”.

**534 Section 508 (heading)**

Omit “FWA”, substitute “FWC”.

**535 Subsection 508(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**536 Subsection 508(1)**

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Omit “FWA” (second occurring), substitute “the FWC”.

**537 Subsection 508(2)**

Omit “FWA”, substitute “the FWC”.

**538 Subsection 508(3)**

Omit “FWA”, substitute “The FWC”.

**539 Subdivision D of Division 5 of Part 3-4 (heading)**

Omit “FWA”, substitute “the FWC”.

**540 Section 510 (heading)**

Omit “FWA”, substitute “the FWC”.

**541 Subsection 510(1) (heading)**

Omit “FWA”, substitute “the FWC”.

**542 Subsection 510(1)**

Omit “FWA”, substitute “The FWC”.

**543 Subsection 510(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**544 Subsection 510(3)**

Omit “FWA”, substitute “the FWC”.

**545 Paragraphs 510(4)(a), (b) and (c)**

Omit “FWA”, substitute “the FWC”.

**546 Subsection 510(5)**

Omit “FWA”, substitute “the FWC”.

**547 Section 511**

Omit “FWA”, substitute “the FWC”.

**548 Section 512 (heading)**

Omit “FWA”, substitute “FWC”.

**549 Section 512**

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Omit “FWA” (first occurring), substitute “The FWC”.

**550 Section 512**

Omit “FWA” (second occurring), substitute “the FWC”.

**551 Subsections 513(1) and (2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**552 Section 514 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**553 Section 514**

Omit “FWA”, substitute “The FWC”.

**554 Subsection 515(1)**

Omit “FWA”, substitute “The FWC”.

**555 Subsection 515(2)**

Omit “FWA”, substitute “the FWC”.

**556 Subsection 515(3)**

Omit “FWA”, substitute “The FWC”.

**557 Subsections 515(4) and (5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**558 Subsection 516(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**559 Paragraph 516(2)(c)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**560 Subsection 516(3)**

Omit “FWA”, substitute “the FWC”.

**561 Subsection 516(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**562 Paragraphs 516(4)(a) and (c)**

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Omit “FWA”, substitute “the FWC”.

**563 Section 517 (heading)**

Omit “FWA”, substitute “the FWC”.

**564 Subsection 517(1) (heading)**

Omit “FWA”, substitute “the FWC”.

**565 Subsection 517(1)**

Omit “FWA”, substitute “the FWC”.

**566 Subsection 517(2) (heading)**

Omit “FWA”, substitute “FWC”.

**567 Subsection 517(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**568 Subsection 519(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**569 Paragraph 519(1)(b)**

Omit “FWA”, substitute “the FWC”.

**570 Subsection 520(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**571 Subsection 520(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**572 Paragraph 520(2)(d)**

Omit “FWA”, substitute “the FWC”.

**573 Section 522**

Omit “FWA”, substitute “the FWC”.

**574 Section 526 (heading)**

Omit “FWA”, substitute “FWC”.

**575 Subsections 526(1), (2) and (3)**

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Omit “FWA” (wherever occurring), substitute “The FWC”.

**576 Subsection 526(4)**

Omit “FWA”, substitute “the FWC”.

**577 Section 527 (heading)**

Omit “FWA”, substitute “FWC”.

**578 Section 527**

Omit “FWA”, substitute “FWC”.

**579 Section 528**

Omit “FWA”, substitute “the FWC”.

**580 Section 531 (heading)**

Omit “FWA”, substitute “FWC”.

**581 Subsection 531(1)**

Omit “FWA”, substitute “The FWC”.

**582 Section 532 (heading)**

Omit “FWA”, substitute “the FWC”.

**583 Subsections 532(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**584 Section 533 (heading)**

Omit “FWA”, substitute “an FWC”.

**585 Section 533**

Omit “FWA”, substitute “The FWC”.

**586 Subsection 539(2) (table)**

Omit “Part 5-1—Fair Work Australia”, substitute “Part 5-1—The Fair Work Commission”.

**587 Subparagraph 570(2)(c)(i)**

Omit “FWA”, substitute “the FWC”.

**588 Part 5-1 (heading)**

Repeal the heading, substitute:

**Part 5-1—The Fair Work Commission**

**589 Section 573**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**590 Section 573**

Omit “FWA” (first occurring), substitute “the FWC”.

**591 Section 573**

Omit “FWA” (second occurring), substitute “The FWC”.

**592 Section 573**

Omit “FWA” (third occurring), substitute “the FWC”.

**593 Section 573**

Omit “FWA’s decisions”, substitute “the FWC’s decisions”.

**594 Section 573**

Omit “FWA” (fourth and fifth occurring), substitute “the FWC”.

**595 Section 573**

Omit “FWA’s functions”, substitute “the FWC’s functions”.

**596 Section 573**

Omit “FWA Members”, substitute “FWC Members”.

**597 Section 573**

Omit “FWA’s seal”, substitute “the FWC’s seal”.

**598 Section 573**

Omit “FWA” (seventh, eighth, ninth, tenth and eleventh occurring), substitute “the FWC”.

**599 Division 2 of Part 5-1 (heading)**

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Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**600 Subdivision A of Division 2 of Part 5-1 (heading)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**601 Section 575 (heading)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**602 Subsection 575(1)**

Repeal the subsection, substitute:

- (1) The body known immediately before the commencement of this subsection as Fair Work Australia is continued in existence as the Fair Work Commission.

Note: See also subsection 25B(1) of the *Acts Interpretation Act 1901*.

**603 Subsection 575(2)**

Omit “Fair Work Australia” (wherever occurring), substitute “The Fair Work Commission”.

**604 Section 576 (heading)**

Omit “FWA”, substitute “the FWC”.

**605 Subsection 576(1)**

Omit “FWA”, substitute “The FWC”.

**606 Subsection 576(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**607 Paragraphs 576(2)(ca) and (d)**

Omit “FWA”, substitute “the FWC”.

**608 Subsection 576(2) (note)**

Omit “FWA”, substitute “the FWC”.

**609 Section 577 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**610 Section 577**

Omit “FWA” (first occurring), substitute “The FWC”.

**611 Section 577 (note)**

Omit “FWA”, substitute “the FWC”.

**612 Section 578 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**613 Section 578**

Omit “FWA”, substitute “the FWC”.

**614 Section 579 (heading)**

Omit “FWA”, substitute “**FWC**”.

**615 Section 579**

Omit “FWA”, substitute “The FWC”.

**616 Section 580 (heading)**

Omit “FWA”, substitute “**FWC**”.

**617 Section 580**

Omit “FWA” (wherever occurring), substitute “**FWC**”.

**618 Section 581**

Omit “FWA”, substitute “the FWC”.

**619 Subsection 582(1)**

Omit “FWA”, substitute “the FWC”.

**620 Paragraph 582(2)(a)**

Omit “FWA”, substitute “**FWC**”.

**621 Subsection 582(3)**

Omit “FWA”, substitute “the FWC”.

**622 Paragraph 582(4)(c)**

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Omit “FWA”, substitute “FWC”.

**623 Paragraph 582(4)(d)**

Omit “FWA” (first occurring), substitute “FWC”.

**624 Paragraph 582(4)(d)**

Omit “FWA” (second occurring), substitute “the FWC”.

**625 Paragraph 584(1)(b)**

Omit “FWA”, substitute “the FWC”.

**626 Division 3 of Part 5-1 (heading)**

Omit “FWA”, substitute “the FWC”.

**627 Subdivision A of Division 3 of Part 5-1 (heading)**

Omit “FWA”, substitute “the FWC”.

**628 Section 585**

Omit “FWA” (first occurring), substitute “the FWC”.

**629 Section 585 (note 2)**

Omit “FWA”, substitute “The FWC”.

**630 Section 586**

Omit “FWA” (first occurring), substitute “The FWC”.

**631 Paragraphs 586(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**632 Subsections 587(1) and (2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**633 Subsection 587(3)**

Omit “FWA”, substitute “The FWC”.

**634 Section 588**

Omit “FWA”, substitute “the FWC”.

**635 Subdivision B of Division 3 of Part 5-1 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**636 Subsections 589(1), (2) and (3)**

Omit “FWA”, substitute “The FWC”.

**637 Subsection 589(4)**

Omit “FWA’s”, substitute “the FWC’s”.

**638 Section 590 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**639 Subsection 590(1)**

Omit “FWA”, substitute “The FWC”.

**640 Subsection 590(2)**

Omit “FWA” (first, second, third and fourth occurring), substitute “the FWC”.

**641 Paragraph 590(2)(e)**

Omit “FWA”, substitute “FWC”.

**642 Section 591 (heading)**

Omit “FWA”, substitute “FWC”.

**643 Section 591**

Omit “FWA” (first occurring), substitute “The FWC”.

**644 Section 591**

Omit “FWA” (second occurring), substitute “the FWC”.

**645 Subsection 592(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**646 Subsection 592(2)**

Omit “FWA” (first occurring), substitute “FWC”.

**647 Subsection 592(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**648 Subsection 593(1)**

Omit “FWA”, substitute “The FWC”.

**649 Subsection 593(2)**

Omit “FWA”, substitute “the FWC”.

**650 Subsection 593(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**651 Subsection 593(3)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**652 Subsection 593(4)**

Omit “FWA”, substitute “the FWC”.

**653 Subsection 594(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**654 Subsection 594(1)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**655 Paragraphs 594(1)(a), (b) and (c)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**656 Subsection 594(2)**

Omit “FWA”, substitute “the FWC”.

**657 Section 595 (heading)**

Omit “FWA’s”, substitute “FWC’s”.

**658 Subsection 595(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**659 Subsection 595(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**660 Subsection 595(2)**

Omit “FWA”, substitute “The FWC”.

**661 Subsection 595(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**662 Subsection 595(3)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**663 Subsection 595(4)**

Omit “FWA” (first occurring), substitute “the FWC”.

**664 Subsection 595(4) (example)**

Omit “FWA”, substitute “The FWC”.

**665 Subsection 595(5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**666 Subsection 596(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**667 Subsection 596(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**668 Subsection 596(2)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**669 Subsection 596(3)**

Omit “FWA’s”, substitute “The FWC’s”.

**670 Subsections 597(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**671 Subsections 597A(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**672 Subdivision D of Division 3 of Part 5-1 (heading)**

Omit “FWA”, substitute “the FWC”.

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**673 Section 598 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**674 Subsection 598(1)**

Omit “FWA” (first, second and third occurring), substitute “the FWC”.

**675 Subsection 598(1)**

Omit “FWA’s”, substitute “the FWC’s”.

**676 Subsection 598(1) (note)**

Omit “FWA”, substitute “the FWC”.

**677 Subsection 598(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**678 Subsection 598(2)**

Omit “FWA’s”, substitute “the FWC’s”.

**679 Subsections 598(3) and (4)**

Omit “FWA”, substitute “the FWC”.

**680 Section 599 (heading)**

Omit “FWA”, substitute “**FWC**”.

**681 Section 599**

Omit “FWA”, substitute “the FWC”.

**682 Section 600**

Omit “FWA”, substitute “The FWC”.

**683 Section 601 (heading)**

Omit “FWA’s”, substitute “**the FWC’s**”.

**684 Subsection 601(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**685 Subsection 601(2)**

Omit “FWA”, substitute “The FWC”.

**686 Subsection 601(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**687 Subsection 601(4)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**688 Subsection 601(4)**

Omit “FWA” (fifth occurring), substitute “The FWC”.

**689 Subsection 601(6)**

Omit “FWA’s”, substitute “the FWC’s”.

**690 Section 602 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**691 Subsection 602(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**692 Subsection 602(1)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**693 Subsection 602(1) (note 2)**

Omit “FWA”, substitute “The FWC”.

**694 Subsection 602(2)**

Omit “FWA”, substitute “The FWC”.

**695 Section 603 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**696 Subsection 603(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**697 Subsection 603(1)**

Omit “FWA” (second, third and fourth occurring), substitute “The FWC”.

**698 Subsection 603(2)**

Omit “FWA”, substitute “The FWC”.

**699 Subsection 603(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**700 Subsection 603(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**701 Subsection 603(3) (note)**

Omit “FWA”, substitute “The FWC”.

**702 Subsections 604(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**703 Subsection 605(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**704 Subsection 605(2)**

Omit “FWA” (first, second and third occurring), substitute “the FWC”.

**705 Subsection 605(2) (note)**

Omit “FWA”, substitute “The FWC”.

**706 Subsections 605(3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**707 Subsection 606(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**708 Subsection 607(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**709 Subsection 607(2)**

Omit “FWA”, substitute “The FWC”.

**710 Subsection 607(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**711 Paragraph 607(3)(c)**

Omit “FWA” (first, second and third occurring), substitute “FWC”.

**712 Subparagraph 607(3)(c)(ii)**

Omit “FWA” (second occurring), substitute “the FWC”.

**713 Subsection 608(1)**

Omit “FWA”, substitute “the FWC”.

**714 Subsection 608(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**715 Subsection 608(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**716 Subsections 608(4) and (5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**717 Subsection 609(1)**

Omit “FWA” (first occurring), substitute “FWC”.

**718 Paragraphs 609(1)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**719 Subsections 609(2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**720 Section 610 (heading)**

Omit “FWA”, substitute “**any FWC**”.

**721 Subsection 611(1)**

Omit “FWA”, substitute “the FWC”.

**722 Subsection 611(2)**

Omit “FWA” (first, second, third and fourth occurring), substitute “the FWC”.

**723 Subsection 611(2) (note)**

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Omit “FWA”, substitute “The FWC”.

**724 Division 4 of Part 5-1 (heading)**

Omit “FWA”, substitute “the FWC”.

**725 Subdivision A of Division 4 of Part 5-1 (heading)**

Omit “FWA”, substitute “FWC”.

**726 Section 612 (heading)**

Repeal the heading, substitute:

**612 FWC’s functions etc. may generally be performed by single  
FWC Member**

**727 Subsection 612(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**728 Subsection 612(1)**

Omit “FWA” (second occurring), substitute “FWC”.

**729 Subsection 612(3)**

Omit “FWA”, substitute “the FWC”.

**730 Subsection 615(1)**

Omit “FWA”, substitute “the FWC”.

**731 Section 616 (heading)**

Omit “FWA”, substitute “FWC’s”.

**732 Subsection 616(3) (note)**

Omit “FWA”, substitute “FWC”.

**733 Section 617 (heading)**

Omit “FWA”, substitute “FWC’s”.

**734 Subdivision B of Division 4 of Part 5-1 (heading)**

Repeal the heading, substitute:

**Subdivision B—Constitution of the FWC by a single FWC  
Member, a Full Bench or the Minimum Wage Panel**

**735 Subsections 618(1), (2), (3) and (4)**

Omit “FWA”, substitute “FWC”.

**736 Section 619 (heading)**

Omit “FWA”, substitute “FWC”.

**737 Subsection 619(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**738 Subsection 619(1)**

Omit “FWA” (second occurring), substitute “FWC”.

**739 Subsection 619(2)**

Omit “FWA” (first occurring), substitute “FWC”.

**740 Subsection 619(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**741 Subsection 619(2) (note)**

Omit “FWA”, substitute “FWC”.

**742 Subsections 620(1), (2) and (4)**

Omit “FWA”, substitute “FWC”.

**743 Section 621 (heading)**

Repeal the heading, substitute:

**621 Reconstitution of the FWC when single FWC Member becomes  
unavailable**

**744 Paragraphs 621(1)(a) and (b)**

Omit “FWA”, substitute “FWC”.

**745 Subsection 621(2)**

Omit “FWA” (first occurring), substitute “FWC”.

**746 Subsection 621(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**747 Subsection 621(2) (note)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**748 Section 622 (heading)**

Repeal the heading, substitute:

**622 Reconstitution of the FWC when FWC Member of a Full Bench  
or the Minimum Wage Panel becomes unavailable**

**749 Subsections 622(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**750 Section 623 (heading)**

Omit “FWA”, substitute “FWC”.

**751 Section 623**

Omit “FWA” (first and second occurring), substitute “FWC”.

**752 Section 623**

Omit “FWA” (third and fourth occurring), substitute “the FWC”.

**753 Section 623**

Omit “FWA” (fifth occurring), substitute “FWC”.

**754 Section 624 (heading)**

Omit “FWA’s”, substitute “FWC’s”.

**755 Section 624**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**756 Subdivision C of Division 4 of Part 5-1 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**757 Section 625 (heading)**

Omit “FWA”, substitute “the FWC”.

**758 Subsection 625(1)**

Omit “FWA” (first and second occurring), substitute “the FWC”.

**759 Paragraph 625(1)(b)**

Omit “FWA’s”, substitute “the FWC’s”.

**760 Subsections 625(2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**761 Division 5 of Part 5-1 (heading)**

Omit “FWA”, substitute “FWC”.

**762 Subdivision A of Division 5 of Part 5-1 (heading)**

Omit “FWA”, substitute “FWC”.

**763 Section 626 (heading)**

Omit “FWA”, substitute “FWC”.

**764 Subsections 626(1) and (2)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**765 Section 627 (heading)**

Omit “FWA”, substitute “FWC”.

**766 Section 628 (heading)**

Omit “FWA”, substitute “FWC”.

**767 Section 629 (heading)**

Omit “FWA”, substitute “FWC”.

**768 Subdivision B of Division 5 of Part 5-1 (heading)**

Omit “FWA”, substitute “FWC”.

**769 Subsections 630(1) and (2)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**770 Paragraph 632(b)**

Omit “FWA”, substitute “FWC”.

**771 Section 633 (heading)**

Omit “FWA”, substitute “FWC”.

**772 Section 634**

Omit “FWA”, substitute “FWC”.

**773 Section 637 (heading)**

Omit “FWA”, substitute “FWC”.

**774 Subsection 637(1) (heading)**

Omit “FWA”, substitute “FWC”.

**775 Subsections 637(1) and (2)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**776 Subsection 637(5) (heading)**

Omit “FWA”, substitute “FWC”.

**777 Subsections 637(5) and (6)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**778 Section 639 (heading)**

Omit “FWA”, substitute “FWC”.

**779 Subsections 639(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**780 Section 640 (heading)**

Omit “FWA”, substitute “FWC”.

**781 Subsections 640(1) and (4)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**782 Section 641**

Omit “FWA” (wherever occurring), substitute “FWC”.

**783 Subsection 642(1) (heading)**

Omit “FWA”, substitute “an FWC”.

**784 Subsections 642(1), (2), (3), (5) and (6)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**785 Section 643**

Omit “FWA” (wherever occurring), substitute “FWC”.

**786 Section 645 (heading)**

Omit “FWA”, substitute “FWC”.

**787 Subsection 645(1)**

Omit “FWA”, substitute “FWC”.

**788 Section 646 (heading)**

Omit “FWA”, substitute “FWC”.

**789 Section 646**

Omit “FWA”, substitute “FWC”.

**790 Subsections 648(2) and 649(1)**

Omit “FWA”, substitute “the FWC”.

**791 Paragraphs 650(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**792 Subsection 651(1)**

Repeal the subsection, substitute:

*Seal of the FWC*

- (1) The FWC must have a seal on which are inscribed the words “The Seal of the Fair Work Commission”.

**793 Subsections 651(2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**794 Subsection 651(4) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**795 Subsection 651(4)**

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Omit “FWA”, substitute “the FWC”.

**796 Subsection 651(5) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**797 Paragraph 651(5)(a)**

Omit “FWA”, substitute “the FWC”.

**798 Subsection 652(1)**

Omit “FWA”, substitute “the FWC”.

**799 Section 653A**

Omit “FWA”, substitute “the FWC”.

**800 Paragraphs 654(2)(a) and (b)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**801 Section 655 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**802 Subsections 655(1) and (2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**803 Section 656**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**804 Subsection 657(1)**

Omit “FWA”, substitute “the FWC”.

**805 Paragraphs 658(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**806 Subsection 670(1)**

Omit “FWA”, substitute “the FWC”.

**807 Paragraphs 671(1)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**808 Section 672 (heading)**

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Omit “FWA”, substitute “**the FWC**”.

**809 Section 672**

Omit “FWA” (first occurring), substitute “The FWC”.

**810 Section 672**

Omit “FWA” (second occurring), substitute “the FWC”.

**811 Section 673**

Omit “FWA”, substitute “the FWC”.

**812 Division 9 of Part 5-1 (heading)**

Omit “Fair Work Australia”, substitute “**the Fair Work Commission**”.

**813 Section 674 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**814 Subsection 674(1) (heading)**

Omit “FWA”, substitute “FWC”.

**815 Paragraphs 674(1)(b) and (2)(c)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**816 Subsection 674(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**817 Paragraphs 674(3)(b) and (4)(c)**

Omit “FWA”, substitute “the FWC”.

**818 Subsection 674(5) (heading)**

Omit “FWA”, substitute “FWC”.

**819 Paragraph 674(5)(b)**

Omit “FWA” (first occurring), substitute “FWC”.

**820 Paragraph 674(5)(b)**

Omit “FWA” (second occurring), substitute “the FWC”.

**821 Subsection 674(6)**

Repeal the subsection, substitute:

*Delegates of the FWC*

- (6) A reference in subsections (1) to (5) to the FWC or an FWC Member includes a delegate of the FWC.

**822 Subsection 674(7) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**823 Paragraphs 674(7)(b) and (c)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**824 Paragraph 674(7)(d)**

Omit “FWA”, substitute “the FWC”.

**825 Section 675 (heading)**

Omit “FWA”, substitute “FWC”.

**826 Paragraph 675(1)(a)**

Omit “FWA”, substitute “the FWC”.

**827 Section 676**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**828 Section 677 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**829 Paragraphs 677(1)(a), (2)(a) and (b) and (3)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**830 Subsection 677(5)**

Repeal the subsection, substitute:

- (5) A reference in this section to the FWC or an FWC Member includes a delegate of the FWC.

**831 Paragraphs 678(1)(b) and (2)(a)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**832 Paragraphs 682(1)(d) and (f)**

Omit “FWA”, substitute “the FWC”.

**833 Subsection 682(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**834 Subsection 721(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**835 Subsection 721(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**836 Section 722**

Omit “FWA” (first occurring), substitute “The FWC”.

**837 Section 722**

Omit “FWA” (second occurring), substitute “the FWC”.

**838 Subsection 724(1)**

Omit “FWA”, substitute “The FWC”.

**839 Subsections 724(2) and (3)**

Omit “FWA”, substitute “the FWC”.

**840 Section 727 (heading)**

Omit “FWA”, substitute “FWC”.

**841 Paragraph 727(1)(a)**

Omit “FWA”, substitute “FWC”.

**842 Subparagraph 727(1)(b)(iii)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**843 Subsection 727(2)**

Omit “FWA”, substitute “FWC”.

**844 Subsection 727(2)**

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Omit “FWA”, substitute “the FWC”.

**845 Subparagraph 729(1)(b)(iii)**

Omit “FWA”, substitute “the FWC”.

**846 Section 730 (heading)**

Omit “FWA”, substitute “FWC”.

**847 Paragraph 730(1)(a)**

Omit “FWA”, substitute “FWC”.

**848 Subparagraph 730(1)(b)(iii)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**849 Subsection 730(2)**

Omit “FWA”, substitute “FWC”.

**850 Subsection 730(2)**

Omit “FWA”, substitute “the FWC”.

**851 Section 735**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**852 Section 739 (heading)**

Omit “FWA”, substitute “the FWC”.

**853 Subsection 739(1)**

Omit “FWA”, substitute “the FWC”.

**854 Subsection 739(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**855 Subsection 739(2)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**856 Subsection 739(3)**

Omit “FWA”, substitute “the FWC”.

**857 Subsection 739(4)**

Omit “FWA” (first and second occurring), substitute “the FWC”.

**858 Subsection 739(4) (note)**

Omit “FWA”, substitute “The FWC”.

**859 Subsection 739(5)**

Omit “FWA”, substitute “the FWC”.

**860 Subsection 739(6)**

Omit “FWA”, substitute “The FWC”.

**861 Section 740 (heading)**

Omit “FWA”, substitute “the FWC”.

**862 Subsection 740(1)**

Omit “FWA”, substitute “the FWC”.

**863 Section 769**

Omit “FWA”, substitute “the FWC”.

**864 Section 773 (heading)**

Omit “FWA”, substitute “the FWC”.

**865 Section 773**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**866 Paragraph 774(1)(b)**

Omit “FWA”, substitute “the FWC”.

**867 Subsection 774(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**868 Subsection 774(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**869 Paragraph 775(2)(a)**

Omit “FWA”, substitute “the FWC”.

**870 Subsection 776(1)**

Omit “FWA” (first occurring), substitute “the FWC”.

**871 Subsection 776(1) (note 2)**

Omit “FWA”, substitute “The FWC”.

**872 Subsection 776(2)**

Omit “FWA”, substitute “the FWC”.

**873 Section 777**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**874 Subsection 778(1)**

Omit “FWA”, substitute “the FWC”.

**875 Subsection 779(1) (heading)**

Omit “FWA”, substitute “FWC”.

**876 Subsections 779(1) and 780(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**877 Subsection 780(2)**

Omit “FWA”, substitute “The FWC”.

**878 Subsection 780(3)**

Omit “FWA’s”, substitute “the FWC’s”.

**879 Section 781**

Omit “FWA”, substitute “the FWC”.

**880 Section 786 (heading)**

Omit “FWA”, substitute “FWC”.

**881 Subsection 786(1)**

Omit “FWA”, substitute “The FWC”.

**882 Section 787 (heading)**

Omit “FWA”, substitute “the FWC”.

**883 Subsections 787(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**884 Section 788 (heading)**

Omit “FWA”, substitute “the FWC”.

**885 Section 788**

Omit “FWA”, substitute “The FWC”.

**886 Paragraph 796A(a)**

Omit “FWA”, substitute “the FWC”.

***Fair Work (Building Industry) Act 2012***

**887 Subsection 4(1) (definition of FWA)**

Repeal the definition.

**888 Subsection 4(1)**

Insert:

*FWC* means the Fair Work Commission.

**889 Paragraphs 10(d) and (f)**

Omit “FWA”, substitute “the FWC”.

**890 Subsection 65(8) (paragraph (f) of the definition of *designated official*)**

Omit “FWA”, substitute “the FWC”.

**891 Section 72 (heading)**

Omit “FWA”, substitute “FWC”.

**892 Section 72**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**893 Section 74 (heading)**

Omit “FWA”, substitute “the FWC”.

**894 Section 74**

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Omit “FWA” (wherever occurring), substitute “the FWC”.

**895 Subsection 77(2) (paragraph (j) of the definition of *protected person*)**

Omit “FWA”, substitute “the FWC”.

***Fair Work (Registered Organisations) Act 2009***

**896 Subsection 5(5) (note)**

Omit “FWA”, substitute “the Fair Work Commission”.

**897 Section 6 (definition of *Deputy President*)**

Omit “FWA”, substitute “the FWC”.

**898 Section 6 (definition of *FWA*)**

Repeal the definition.

**899 Section 6 (definition of *FWA member*)**

Repeal the definition.

**900 Section 6**

Insert:

*FWC* means the Fair Work Commission.

*FWC member* has the same meaning as in the Fair Work Act, but does not include a Minimum Wage Panel Member (within the meaning of that Act).

**901 Section 6 (definition of *General Manager*)**

Omit “FWA”, substitute “the FWC”.

**902 Section 6 (definition of *prescribed*)**

Omit “FWA”, substitute “the FWC”.

**903 Section 6 (definition of *President*)**

Omit “FWA”, substitute “the FWC”.

**904 Section 13 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**905 Subsection 13(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**906 Section 17**

Omit “FWA”, substitute “the FWC”.

**907 Subsection 19(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**908 Paragraph 19(1)(e)**

Omit “FWA”, substitute “the FWC”.

**909 Subsections 19(2), (3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**910 Subsection 19(5)**

Omit “FWA”, substitute “The FWC”.

**911 Subsection 20(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**912 Paragraphs 20(1)(d) and (g)**

Omit “FWA”, substitute “the FWC”.

**913 Subsection 20(1A)**

Omit “FWA” (first occurring), substitute “the FWC”.

**914 Subsection 20(1A) (note)**

Omit “FWA”, substitute “The FWC”.

**915 Subsection 20(2)**

Omit “FWA”, substitute “the FWC”.

**916 Paragraph 21(4)(c)**

Omit “FWA”, substitute “the FWC”.

**917 Subsection 25(1)**

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Omit “FWA” (first occurring), substitute “The FWC”.

**918 Subsection 25(1)**

Omit “FWA” (second and third occurring), substitute “the FWC”.

**919 Subsection 26(1)**

Omit “FWA”, substitute “the FWC”.

**920 Subparagraphs 28(1)(a)(i) and (ii)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**921 Subsection 30(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**922 Paragraph 30(1)(b)**

Omit “FWA”, substitute “the FWC”.

**923 Paragraph 30(1)(c)**

Omit “FWA’s”, substitute “the FWC’s”.

**924 Subparagraph 30(1)(c)(i)**

Omit “FWA”, substitute “the FWC”.

**925 Subsection 30(2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**926 Subsection 30(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**927 Paragraphs 30(3)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**928 Paragraph 30(4)(c)**

Omit “FWA’s”, substitute “FWC’s”.

**929 Paragraph 30(6)(c)**

Omit “FWA”, substitute “the FWC”.

**930 Subsection 30(6)**

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Omit “FWA” (second occurring), substitute “The FWC”.

**931 Subsection 30(6)**

Omit “FWA” (third occurring), substitute “the FWC”.

**932 Paragraphs 32(c) and (d)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**933 Part 4 of Chapter 2 (heading)**

Omit “FWA’s”, substitute “FWC’s”.

**934 Sections 33 and 34**

Omit “FWA”, substitute “the FWC”.

**935 Subsections 36(2), (3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**936 Section 37 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**937 Sections 37 and 38**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**938 Subsections 43(1), (3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**939 Subsection 43(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**940 Subsection 43(5)**

Omit “FWA” (second occurring), substitute “the FWC”.

**941 Subsection 43(6)**

Omit “FWA” (first occurring), substitute “The FWC”.

**942 Subsection 43(6)**

Omit “FWA” (second occurring), substitute “the FWC”.

**943 Subsection 43(7)**

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Omit “FWA”, substitute “the FWC”.

**944 Subsection 43(9)**

Omit “FWA” (first occurring), substitute “The FWC”.

**945 Subsection 43(9)**

Omit “FWA” (second occurring), substitute “the FWC”.

**946 Subsection 43(10)**

Omit “FWA”, substitute “the FWC”.

**947 Sections 44, 46, 47, 52, 53 and 54**

Omit “FWA”, substitute “the FWC”.

**948 Subsections 55(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**949 Subsection 55(5) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**950 Subsections 55(5) and (6)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**951 Subsection 55(7) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**952 Subsections 55(7) and (8)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**953 Subsections 56(1) and (2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**954 Subsection 56(4)**

Omit “FWA”, substitute “The FWC”.

**955 Subsections 57(1), (2) and (3)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**956 Subsection 57(6) (heading)**

Omit “*FWA*”, substitute “*FWC*”.

**957 Subsections 57(6) and (7)**

Omit “*FWA*” (wherever occurring), substitute “the *FWC*”.

**958 Subsection 57(8) (heading)**

Omit “*FWA*”, substitute “*the FWC*”.

**959 Subsections 57(8) and (9) and 58(1) and (2)**

Omit “*FWA*” (wherever occurring), substitute “the *FWC*”.

**960 Subsection 58(4)**

Omit “*FWA*”, substitute “The *FWC*”.

**961 Section 59**

Omit “*FWA*”, substitute “the *FWC*”.

**962 Subsections 60(1) and (2)**

Omit “*FWA*”, substitute “the *FWC*”.

**963 Subsection 60(3)**

Omit “*FWA*”, substitute “The *FWC*”.

**964 Subsection 60(5)**

Omit “*FWA*” (wherever occurring), substitute “the *FWC*”.

**965 Subsection 60(6) (heading)**

Omit “*FWA*”, substitute “*FWC*”.

**966 Subsection 60(6)**

Omit “*FWA*”, substitute “The *FWC*”.

**967 Subsection 60(7) (heading)**

Omit “*FWA*”, substitute “*the FWC*”.

**968 Subsection 60(7)**

Omit “*FWA*”, substitute “the *FWC*”.

**969 Subsection 61(1)**

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Omit “FWA”, substitute “The FWC”.

**970 Subsection 61(4) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**971 Subsections 61(4) and (5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**972 Subsections 62(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**973 Subsection 62(3)**

Omit “FWA”, substitute “The FWC”.

**974 Sections 63, 64, 65, 67, 73, 75, 76 and 79**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**975 Section 94 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**976 Subsections 94(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**977 Subsections 95(2) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**978 Subsections 96(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**979 Subsection 96(3)**

Omit “FWA”, substitute “The FWC”.

**980 Subsections 97(1) and (2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**981 Subsection 97(3)**

Omit “FWA”, substitute “The FWC”.

**982 Subsection 98(1)**

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Omit “FWA”, substitute “the FWC”.

**983 Subsection 98(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**984 Subsection 98(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**985 Subsection 100(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**986 Subsection 100(1)**

Omit “FWA” (second occurring), substitute “the FWC”.

**987 Subsections 100(2) and (3)**

Omit “FWA”, substitute “the FWC”.

**988 Sections 104 and 108**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**989 Section 108A (heading)**

Omit “FWA”, substitute “**the FWC**”.

**990 Section 108A**

Omit “FWA”, substitute “the FWC”.

**991 Section 113 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**992 Subsection 113(1)**

Omit “FWA”, substitute “the FWC”.

**993 Section 132**

Omit “FWA”, substitute “the FWC”.

**994 Subsection 133(1)**

Omit “FWA”, substitute “the FWC”.

**995 Subsection 133(2)**

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Omit “FWA”, substitute “The FWC”.

**996 Section 134**

Omit “FWA” (first occurring), substitute “The FWC”.

**997 Section 134**

Omit “FWA” (second occurring), substitute “the FWC”.

**998 Section 135 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**999 Section 135**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1000 Subsection 137A(1)**

Omit “FWA”, substitute “the FWC”.

**1001 Subsection 137A(2)**

Omit “FWA”, substitute “The FWC”.

**1002 Subsection 137A(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1003 Subsection 137A(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1004 Subsections 137A(5), (6) and (7)**

Omit “FWA”, substitute “The FWC”.

**1005 Section 137B (heading)**

Omit “FWA”, substitute “**the FWC**”.

**1006 Sections 137B and 137C**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1007 Section 137F (heading)**

Omit “FWA”, substitute “**FWC**”.

**1008 Subsection 137F(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1009 Section 138 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1010 Sections 138, 138A, 141, 142 and 144**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1011 Subsections 151(2) and (4)**

Omit “FWA”, substitute “the FWC”.

**1012 Subsection 151(5)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1013 Subsection 151(5)**

Omit “FWA” (second, third and fourth occurring), substitute “the FWC”.

**1014 Subsections 151(8), (9) and (11)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1015 Subsections 152(3) and (5)**

Omit “FWA”, substitute “the FWC”.

**1016 Subsection 152(6)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1017 Subsection 152(6)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1018 Section 155 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1019 Section 155**

Omit “FWA”, substitute “the FWC”.

**1020 Section 157 (heading)**

Omit “FWA”, substitute “FWC”.

**1021 Subsection 157(1)**

Omit “FWA”, substitute “the FWC”.

**1022 Subsection 157(1)**

Omit “FWA’s”, substitute “the FWC’s”.

**1023 Subsection 157(2)**

Omit “FWA”, substitute “The FWC”.

**1024 Subsection 158(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1025 Subsection 158(2)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1026 Subsection 158(2)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1027 Subsection 158(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1028 Subsection 158(3)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1029 Subsection 158(4)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1030 Subsection 158(4)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1031 Subsection 158(5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1032 Subsection 158(6)**

Omit “FWA”, substitute “The FWC”.

**1033 Subsection 158(7)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1034 Paragraph 158(7)(a)**

Omit “FWA”, substitute “the FWC”.

**1035 Subsections 158(8), (9) and (10)**

Omit “FWA”, substitute “the FWC”.

**1036 Subsection 158A(1) (note)**

Omit “FWA”, substitute “the FWC”.

**1037 Subsections 159(1) and (2)**

Omit “FWA”, substitute “the FWC”.

**1038 Section 162 (heading)**

Omit “FWA”, substitute “the FWC”.

**1039 Sections 162, 166, 180, 183, 187, 189, 192, 198, 203**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1040 Section 233 (heading)**

Omit “FWA”, substitute “the FWC”.

**1041 Sections 233, 237 and 261**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1042 Section 268 (heading)**

Omit “FWA”, substitute “the FWC”.

**1043 Sections 268, 269 and 270**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1044 Subsection 273(1)**

Omit “FWA”, substitute “the FWC”.

**1045 Subsections 273(2) and (3)**

Omit “FWA”, substitute “The FWC”.

**1046 Subsection 273(4)**

Omit “FWA”, substitute “the FWC”.

**1047 Sections 274, 275 and 276**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1048 Section 278 (heading)**

Omit “FWA”, substitute “FWC”.

**1049 Section 278**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1050 Section 279 (heading)**

Omit “FWA”, substitute “the FWC”.

**1051 Sections 279, 281, 294, 297, 298, 299, 300, 301, 302, 303, 303A, 305, 317, 332, 333, 335C**

Omit “FWA”, substitute “the FWC”.

**1052 Subparagraph 337A(b)(ii)**

Omit “FWA” (first occurring), substitute “FWC”.

**1053 Subparagraph 337A(b)(ii)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1054 Part 4B of Chapter 11 (heading)**

Omit “FWA”, substitute “the FWC”.

**1055 Section 337F**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1056 Section 337G**

Omit “FWA”, substitute “The FWC”.

**1057 Sections 337H and 337J**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1058 Subsection 337K(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1059 Subsection 337K(2)**

Omit “FWA”, substitute “The FWC”.

**1060 Subsection 337K(5)**

Omit “FWA” (first and second occurring), substitute “FWC”.

**1061 Paragraph 337K(5)(a)**

Omit “FWA” (first occurring), substitute “the FWC”.

**1062 Paragraphs 337K(5)(a) and (b)**

Omit “FWA member”, substitute “FWC member”.

**1063 Subsection 337K(5)**

Omit “seal of FWA”, substitute “seal of the FWC”.

**1064 Subsection 337K(5)**

Omit “FWA” (last occurring), substitute “FWC”.

**1065 Sections 343A, 347, 349, 353, 355 and 356**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1066 Paragraph 359(2)(e)**

Omit “FWA”, substitute “the FWC”.

**1067 Subsection 359(2) (note)**

Omit “FWA’s”, substitute “the FWC’s”.

**1068 Subsection 362(3)**

Omit “FWA”, substitute “The FWC”.

**1069 Section 363 (heading)**

Omit “FWA”, substitute “**the FWC**”.

**1070 Subsection 363(1)**

Omit “FWA”, substitute “the FWC”.

**1071 Subsection 363(2)**

Omit “FWA”, substitute “The FWC”.

**1072 Subsection 363(3)**

Omit “FWA”, substitute “the FWC”.

**1073 Subsection 367(2)**

Omit “FWA”, substitute “the FWC”.

**1074 Subsection 367(5)**

Omit “FWA”, substitute “The FWC”.

**1075 Subsections 367(8) and (9)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1076 Subsection 367(10)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1077 Subsection 367(10)**

Omit “FWA” (second occurring), substitute “the FWC”.

**1078 Division 5 of Part 7 of Chapter 11 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1079 Section 368 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1080 Section 368**

Omit “FWA”, substitute “the FWC”.

**1081 Clause 4 of Schedule 1**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1082 Subclause 5(1) of Schedule 1**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1083 Subclause 5(5) of Schedule 1 (heading)**

Omit “FWA”, substitute “the FWA”.

**1084 Subclause 5(5) of Schedule 1**

Omit “FWA” (first occurring), substitute “The FWC”.

**1085 Paragraph 5(5)(b) of Schedule 1**

Omit “FWA”, substitute “the FWC”.

**1086 Subparagraphs 6(1)(c)(ii) and (iii) of Schedule 1**

Omit “FWA”, substitute “the FWC”.

**1087 Subclause 6(2) of Schedule 1**

Omit “FWA” (first occurring), substitute “The FWC”.

**1088 Subclause 6(2) of Schedule 1**

Omit “FWA” (second occurring), substitute “the FWC”.

**1089 Subclause 6(3) of Schedule 1**

Omit “FWA” (first occurring), substitute “The FWC”.

**1090 Subclause 6(3) of Schedule 1**

Omit “FWA” (second occurring), substitute “the FWC”.

**1091 Subparagraphs 3(1)(a)(i) and (ii) of Schedule 2**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1092 Subclause 3(5) of Schedule 2 (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1093 Subclause 3(5) of Schedule 2**

Omit “FWA” (first occurring), substitute “The FWC”.

**1094 Paragraph 3(5)(b) of Schedule 2**

Omit “FWA”, substitute “the FWC”.

***Fair Work (Registered Organisations) Amendment Act 2012***

**1095 Subitem 39(1) of Schedule 1**

Omit “FWA”, substitute “the FWC”.

***Fair Work (Transitional Provisions and Consequential  
Amendments) Act 2009***

**1096 Item 2 of Schedule 2**

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Insert:

*FWA*: see Fair Work Australia.

**1097 Item 2 of Schedule 2**

Insert:

*Fair Work Australia* or *FWA* means the body referred to in section 575 of the FW Act, as in force immediately before the commencement of Part 1 of Schedule 9 to the *Fair Work Amendment Act 2012*.

**1098 Item 2 of Schedule 2**

Insert:

*FWA member* has the same meaning as in the FW Act, as in force immediately before the commencement of Part 1 of Schedule 9 to the *Fair Work Amendment Act 2012*.

**1099 Item 12 of Schedule 2 (heading)**

Omit “FWA”, substitute “FWC”.

**1100 Items 12 and 13 of Schedule 2**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1101 Subitems 6(1) and (2) of Schedule 3**

Omit “FWA”, substitute “the FWC”.

**1102 Paragraphs 8A(2)(b), (c) and (d) of Schedule 3**

Omit “FWA”, substitute “the FWC”.

**1103 Subitems 10(1), 11(1) and 12(1) of Schedule 3**

Omit “FWA”, substitute “the FWC”.

**1104 Subitem 12(2) of Schedule 3**

Omit “FWA”, substitute “The FWC”.

**1105 Paragraphs 12(3)(b) and 12A(1)(a) of Schedule 3**

Omit “FWA”, substitute “the FWC”.

**1106 Subitem 12A(3) of Schedule 3**

Omit “FWA”, substitute “The FWC”.

**1107 Subitems 12A(4) and (5) of Schedule 3**

Omit “FWA”, substitute “the FWC”.

**1108 Item 16 of Schedule 3 (heading)**

Omit “FWA”, substitute “the FWC”.

**1109 Subitems 17(2), (3) and (4) of Schedule 3**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1110 Subitem 18(7) of Schedule 3**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1111 Item 19 of Schedule 3 (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1112 Paragraphs 19(2)(b), (3)(b) and (c) of Schedule 3**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1113 Subitem 19(4) of Schedule 3**

Omit “FWA” (first occurring), substitute “The FWC”.

**1114 Subitem 19(4) of Schedule 3**

Omit “FWA” (second occurring), substitute “the FWC”.

**1115 Subitem 19(5) of Schedule 3**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1116 Subitem 22(2) of Schedule 3 (note)**

Omit “FWA”, substitute “the FWC”.

**1117 Subitems 23(1A) and 26(1) of Schedule 3**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1118 Subitem 8(2) of Schedule 3A (note)**

Omit “FWA”, substitute “the FWC”.

**1119 Paragraph 8(2A)(b) of Schedule 3A**

Omit “FWA”, substitute “the FWC”.

**1120 Subitem 8(3) of Schedule 3A**

Omit “FWA”, substitute “The FWC”.

**1121 Items 13, 19 and 20 of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1122 Item 23 of Schedule 3A (heading)**

Omit “FWA”, substitute “the FWC”.

**1123 Items 24 and 25 of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1124 Item 26 of Schedule 3A (heading)**

Omit “FWA’s”, substitute “the FWC’s”.

**1125 Subitems 26(2) and (3) of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1126 Subitem 26(4) of Schedule 3A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1127 Subitem 26(4) of Schedule 3A**

Omit “FWA” (second occurring), substitute “the FWC”.

**1128 Subitem 26(5) of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1129 Subitems 32(1) and (2) of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1130 Subitem 32(3) of Schedule 3A**

Omit “FWA”, substitute “The FWC”.

**1131 Subitem 32(4) of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1132 Subitem 33(1) of Schedule 3A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1133 Paragraphs 33(1)(a) and (b) of Schedule 3A**

Omit “FWA”, substitute “the FWC”.

**1134 Subitem 33(2) of Schedule 3A**

Omit “FWA”, substitute “The FWC”.

**1135 Subitem 37(2) of Schedule 3A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1136 Subitem 40(1) of Schedule 3A**

Omit “FWA”, substitute “the FWC”.

**1137 Subitem 3(1) of Schedule 5**

Omit “FWA” (first occurring), substitute “The FWC”.

**1138 Paragraphs 3(1)(a) and (b) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1139 Subitems 3(2) and (3) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1140 Subitem 3(4) of Schedule 5**

Omit “FWA”, substitute “The FWC”.

**1141 Subitem 3(5) of Schedule 5**

Omit “FWA” (first occurring), substitute “The FWC”.

**1142 Subitem 3(5) of Schedule 5**

Omit “FWA” (second occurring), substitute “the FWC”.

**1143 Subitem 3(6) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1144 Subitem 3(6) of Schedule 5**

Omit “FWC’s”, substitute “the FWC’s”.

**1145 Subitem 5(1) of Schedule 5**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1146 Subitem 5(2) of Schedule 5**

Omit “FWA”, substitute “The FWC”.

**1147 Subitems 6(1), (2) and (2A) of Schedule 5**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1148 Subitem 6(3) of Schedule 5**

Omit “FWA” (first occurring), substitute “The FWC”.

**1149 Subitem 6(3) of Schedule 5**

Omit “FWA” (second occurring), substitute “the FWC”.

**1150 Subitem 6(4) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1151 Subitem 6(5) of Schedule 5**

Omit “FWA” (first occurring), substitute “The FWC”.

**1152 Subitem 6(5) of Schedule 5**

Omit “FWA” (second occurring), substitute “the FWC”.

**1153 Subitem 6(6) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1154 Subitem 6(6) of Schedule 5**

Omit “FWA’s”, substitute “the FWC’s”.

**1155 Subitem 7(1) of Schedule 5**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1156 Subitems 9(1) and (2) of Schedule 5**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1157 Subitem 9(3) of Schedule 5**

Omit “FWA”, substitute “The FWC”.

**1158 Subitem 9(4) of Schedule 5**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1159 Subitem 10(1) of Schedule 5**

Omit “FWA” (first occurring), substitute “The FWC”.

**1160 Paragraphs 10(1)(a) and (b) of Schedule 5**

Omit “FWA”, substitute “the FWC”.

**1161 Subitem 10(2) of Schedule 5**

Omit “FWA”, substitute “The FWC”.

**1162 Subitems 4(2), (5) and (5A) of Schedule 6**

Omit “FWA”, substitute “the FWC”.

**1163 Item 5 of Schedule 6 (heading)**

Omit “FWA”, substitute “the FWC”.

**1164 Items 5, 6 and 7 of Schedule 6**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1165 Subitem 9(1) of Schedule 6**

Omit “FWA”, substitute “the FWC”.

**1166 Subitem 9(2) of Schedule 6**

Omit “FWA”, substitute “The FWC”.

**1167 Subitems 9(3), (3A) and (5) of Schedule 6**

Omit “FWA”, substitute “the FWC”.

**1168 Subitems 10(1) and (2) of Schedule 6**

Omit “FWA”, substitute “The FWC”.

**1169 Subitem 10(3) of Schedule 6**

Omit “FWA”, substitute “the FWC”.

**1170 Subitem 10(3) of Schedule 6**

Omit “FWA’s”, substitute “the FWC’s”.

**1171 Subitem 12(1) of Schedule 6**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1172 Subitem 12(2) of Schedule 6**

Omit “FWA”, substitute “The FWC”.

**1173 Subitem 12(3) of Schedule 6**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1174 Subitem 13(1) of Schedule 6**

Omit “FWA” (first occurring), substitute “The FWC”.

**1175 Paragraphs 13(1)(a) and (b) of Schedule 6**

Omit “FWA”, substitute “the FWC”.

**1176 Subitem 13(2) of Schedule 6**

Omit “FWA”, substitute “The FWC”.

**1177 Subitem 4(1) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1178 Subitem 4(4) of Schedule 6A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1179 Subitem 4(4) of Schedule 6A**

Omit “FWA” (second occurring), substitute “the FWC”.

**1180 Subitem 5(1) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1181 At the end of subitem 5(1) of Schedule 6A**

Add:

Note: The Commission ceased to exist on 31 December 2009: see item 7 of Schedule 18.

**1182 Subitem 5(3) of Schedule 6A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1183 Subitem 5(3) of Schedule 6A**

Omit “FWA” (second occurring), substitute “the FWC”.

**1184 Subitems 5(4), (5) and (6) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1185 Subitem 5(6) of Schedule 6A (note)**

Repeal the note.

**1186 Item 6 of Schedule 6A (heading)**

Omit “FWA”, substitute “the FWC”.

**1187 Item 6 of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1188 Subitems 7(1) and (2) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1189 Subitem 10(2) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1190 Subitem 11(1) of Schedule 6A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1191 Paragraph 11(1)(b) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1192 Subitem 11(2) of Schedule 6A**

Omit “FWA”, substitute “The FWC”.

**1193 Subitem 11(3) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1194 Subitem 11(3) of Schedule 6A**

Omit “FWA’s”, substitute “the FWC’s”.

**1195 Subitem 14(1) of Schedule 6A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1196 Subitem 14(2) of Schedule 6A**

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Omit “FWA”, substitute “The FWC”.

**1197 Subitem 14(3) of Schedule 6A**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1198 Subitem 15(1) of Schedule 6A**

Omit “FWA” (first occurring), substitute “The FWC”.

**1199 Paragraphs 15(1)(a) and (b) of Schedule 6A**

Omit “FWA”, substitute “the FWC”.

**1200 Subitem 15(2) of Schedule 6A**

Omit “FWA”, substitute “The FWC”.

**1201 Paragraphs 18(2)(a) and (b) and (3)(a) and (b) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1202 Subitem 18(4) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1203 Subitem 18(4) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1204 Subitems 19(2) and (3) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1205 Subitem 19(4) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1206 Subitem 19(4) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1207 Subitem 19(5) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1208 Subitem 19(5) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1209 Item 20 of Schedule 7 (paragraphs (a) and (b) of the definition of *test time*)**

Omit “FWA”, substitute “the FWC”.

**1210 Paragraphs 20A(2)(a) and (b) and (3)(a) and (b) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1211 Subitem 20A(4) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1212 Subitem 20A(4) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1213 Subitems 20B(2) and (3) of Schedule 7**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1214 Subitem 20B(4) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1215 Subitem 20B(4) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1216 Subitem 20B(5) of Schedule 7 (heading)**

Omit “FWA”, substitute “FWC”.

**1217 Subitem 20B(5) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1218 Item 20C of Schedule 7 (paragraphs (a) and (b) of the definition of *test time*)**

Omit “FWA”, substitute “the FWC”.

**1219 Subitems 22(2) and (3) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

**1220 Paragraph 28(1)(b) of Schedule 7**

Omit “FWA”, substitute “the FWC”.

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**1221 Subitem 10(1) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1222 Item 14 of Schedule 9 (heading)**

Omit “FWA”, substitute “FWC”.

**1223 Subitem 14(1) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1224 Subitem 14(2) of Schedule 9**

Omit “FWA”, substitute “The FWC”.

**1225 Subitem 14(3) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1226 Item 18 of Schedule 9 (heading)**

Omit “FWA”, substitute “FWC”.

**1227 Subitem 18(1) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1228 Subitem 18(2) of Schedule 9**

Omit “FWA”, substitute “The FWC”.

**1229 Subitem 18(3) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1230 Subitem 20(1) of Schedule 9**

Omit “FWA”, substitute “the FWC”.

**1231 Subitem 4(2) of Schedule 10**

Omit “FWA”, substitute “the FWC”.

**1232 Paragraph 5(2)(c) of Schedule 10**

Omit “FWA”, substitute “FWC”.

**1233 Subitem 16(7) of Schedule 11**

Omit “FWA”, substitute “the FWC”.

**1234 Subitem 4(3) of Schedule 13**

Omit “FWA”, substitute “the FWC”.

**1235 Item 18 of Schedule 13 (heading)**

Omit “FWA”, substitute “FWC”.

**1236 Subitem 18(2) of Schedule 13**

Omit “FWA”, substitute “the FWC”.

**1237 Paragraphs 6(c) and (d) of Schedule 14**

Omit “FWA”, substitute “the FWC”.

**1238 Subitem 7(3) of Schedule 14**

Omit “FWA”, substitute “the FWC”.

**1239 Subitem 3(2) of Schedule 16**

Omit “FWA”, substitute “the FWC”.

**1240 Subitem 4B(2) of Schedule 16**

Omit “FWA”, substitute “the FWC”.

**1241 Subitem 12(2) of Schedule 16 (notes 1 and 2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1242 Subitem 13(2) of Schedule 16 (note 2)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1243 Item 4 of Schedule 18**

Repeal the item, substitute:

**4 Seniority of FWA members who become FWC members**

For the purposes of section 619 of the FW Act, the seniority of persons who:

- (a) are taken to have been appointed as Deputy Presidents of FWA under item 1 of this Schedule; and
- (b) continue to hold office as Deputy Presidents of the FWC under Part 9 of Schedule 3 to the FW Act;

is to be determined in accordance with the precedence assigned to them as members of the Commission under section 65 of the WR Act.

**1244 Item 9 of Schedule 18**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1245 Item 11 of Schedule 18 (heading)**

Repeal the heading, substitute:

**11 Performance of functions etc. after cessation time**

**1246 Item 11 of Schedule 18**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1247 Item 20A of Schedule 18**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1248 Item 2 of Schedule 19 (heading)**

Omit “FWA”, substitute “the FWC”.

**1249 Item 2 of Schedule 19**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1250 Paragraph 2(1)(a) of Schedule 20**

Omit “FWA”, substitute “the FWC”.

**1251 Paragraph 2(1)(b) of Schedule 20**

Omit “FWA”, substitute “FWC”.

**1252 Paragraphs 2(1)(c), (d), (e), (f), (g) and (h) of Schedule 20**

Omit “FWA”, substitute “the FWC”.

**1253 Item 3 of Schedule 20 (heading)**

Omit “FWA”, substitute “the FWC”.

**1254 Subitems 3(1) and (2) of Schedule 20**

Omit “FWA’s”, substitute “the FWC’s”.

**1255 Subitem 7(1) of Schedule 20**

**Schedule 9** Changing the name of Fair Work Australia  
**Part 1** Amendments to Fair Work legislation

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Omit “FWA”, substitute “the FWC”.

**1256 At the end of subitem 621(1) of Schedule 22**

Add:

Note: For how the thing has effect after the commencement of Part 1 of Schedule 9 to the *Fair Work Amendment Act 2012* (which changes the name of Fair Work Australia to become the Fair Work Commission, etc.), see Part 10 of Schedule 3 to the FW Act.

**1257 At the end of subitem 622(1) of Schedule 22**

Add:

Note: For how the instrument has effect after the commencement of Part 1 of Schedule 9 to the *Fair Work Amendment Act 2012* (which changes the name of Fair Work Australia to become the Fair Work Commission, etc.), see section 25B of the *Acts Interpretation Act 1901*.

**1258 Item 624 of Schedule 22**

Omit “FWA”, substitute “the FWC”.

## **Part 2—Other amendments**

### ***Australian Crime Commission Act 2002***

#### **1259 Subsection 19A(8) (definition of *prescribed agency*)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

### ***Australian Human Rights Commission Act 1986***

#### **1260 Section 46PW (heading)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

#### **1261 Subsections 46PW(3) and (5)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

### ***Coal Mining Industry (Long Service Leave) Administration Act 1992***

#### **1262 Subsection 4(1) (definition of *FWA*)**

Repeal the definition.

#### **1263 Subsection 4(1)**

Insert:

*FWC* means the Fair Work Commission.

#### **1264 Subdivision A of Division 4 of Part 5A (heading)**

Omit “FWA”, substitute “The Fair Work Commission”.

#### **1265 Section 39D (heading)**

Omit “FWA”, substitute “FWC”.

#### **1266 Section 39D**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1267 Paragraph 52C(2)(h)**

Omit “FWA”, substitute “the FWC”.

***Defence Act 1903***

**1268 Section 58F**

Insert:

*AIRC* means the Australian Industrial Relations Commission referred to in section 61 of the *Workplace Relations Act 1996*, as in force immediately before the commencement of Schedule 1 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

**1269 Section 58F (definition of *Commission*)**

Repeal the definition.

**1270 Section 58F (definition of *Fair Work Australia*)**

Repeal the definition.

**1271 Section 58F (definition of *FWA*)**

Repeal the definition.

**1272 Section 58F**

Insert:

*FWC* means the Fair Work Commission.

**1273 Subsection 58G(4)**

Omit “FWA”, substitute “the FWC”.

**1274 Subsection 58K(7)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1275 Paragraph 58K(7)(b)**

Omit “Commission”, substitute “AIRC”.

**1276 Subsection 58KB(4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

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**1277 Paragraph 58KB(4)(b)**

Omit “Commission”, substitute “AIRC”.

**1278 Paragraph 58L(2)(c)**

Omit “FWA”, substitute “the FWC”.

***Judges’ Pensions Act 1968***

**1279 Paragraph 20(2)(a)**

Omit all the words after “Commission”, substitute “, the President of Fair Work Australia or the President of the Fair Work Commission—to the General Manager of the Fair Work Commission;”.

***Jury Exemption Act 1965***

**1280 The Schedule**

Omit “Members of Fair Work Australia”, substitute “Members of the Fair Work Commission”.

***Legislative Instruments Act 2003***

**1281 Subsection 7(1) (table item 19)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***National Health Act 1953***

**1282 Subsection 98A(4)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1283 Subsection 98B(5)**

Omit all the words after “have regard”, substitute “to national minimum wage orders of the Fair Work Commission, and, in particular, any statements by the Commission about the effect of wage increases on productivity, inflation and levels of employment”.

**1284 Subsection 99A(2)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1285 Subsection 99B(1)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1286 Subsection 99D(1)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1287 Subsection 99D(10)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Northern Territory (Self-Government) Act 1978***

**1288 Subsection 53(3)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1289 Subsection 53(4)**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

***Occupational Health and Safety (Maritime Industry) Act  
1993***

**1290 Section 4 (definition of *reviewing authority*)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Offshore Petroleum and Greenhouse Gas Storage Act 2006***

**1291 Section 694 (heading)**

Omit “Fair Work Australia”, substitute “Fair Work Commission”.

**1292 Section 694**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

**1293 Clause 3 of Schedule 3 (definition of *reviewing authority*)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Paid Parental Leave Act 2010***

**1294 Subparagraph 65(3)(b)(i)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Remuneration Tribunal Act 1973***

**1295 Paragraph 3(4)(j)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1296 Subsection 5(1)**

Omit all the words after “having regard”, substitute “to national minimum wage orders made by the Fair Work Commission”.

**1297 Subsection 7(4B)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Road Safety Remuneration Act 2012***

**1298 Section 4 (definition of *dual FWA member*)**

Repeal the definition.

**1299 Section 4**

Insert:

***dual FWC member*** means a member of the Tribunal appointed under paragraph 79(2)(a) or (b).

Note: See subsections 97(2) and (3), which require that members appointed under paragraphs 79(2)(a) or (b) must also be members of the Fair Work Commission.

**1300 Section 4 (definition of *Fair Work Australia*)**

Repeal the definition.

**1301 Section 4**

Insert:

***Fair Work Commission*** means the body continued in existence by section 575 of the *Fair Work Act 2009*.

**1302 Section 4 (definition of *FWA order*)**

Repeal the definition.

**1303 Section 4**

Insert:

*FWC order*: see subsection 12(2).

**1304 Subsection 12(1)**

Omit “FWA”, substitute “FWC”.

**1305 Subsection 12(2) (definition of *FWA order*)**

Repeal the definition.

**1306 Subsection 12(2)**

Insert:

*FWC order* means an order of the Fair Work Commission made under the *Fair Work Act 2009*.

**1307 Paragraph 20(1)(e)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1308 Section 39 (heading)**

Omit “FWA”, substitute “FWC”.

**1309 Paragraph 39(a)**

Omit “FWA”, substitute “FWC”.

**1310 Section 45 (heading)**

Omit “FWA”, substitute “FWC”.

**1311 Section 45**

Omit “FWA”, substitute “FWC”.

**1312 Subsection 87(2)**

Omit “FWA”, substitute “FWC”.

**1313 Subsection 92(1)**

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Omit “FWA” (wherever occurring), substitute “FWC”.

**1314 Paragraph 94(3)(c)**

Omit “FWA”, substitute “FWC”.

**1315 Subsection 96(1)**

Omit “FWA” (wherever occurring), substitute “FWC”.

**1316 Subsections 97(2) and (3)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1317 Section 98 (note)**

Omit “FWA”, substitute “FWC”.

**1318 Subsection 100(1)**

Omit “FWA”, substitute “FWC”.

**1319 Section 101**

Omit “FWA”, substitute “FWC”.

**1320 Section 107**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

**1321 Section 112 (heading)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1322 Subsections 112(1) and (6)**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

***Seat of Government (Administration) Act 1910***

**1323 Section 5**

Omit “Fair Work Australia” (wherever occurring), substitute “the Fair Work Commission”.

***Social Security Act 1991***

**1324 Paragraph 553A(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1325 Paragraph 596(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1326 Paragraph 660XBE(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1327 Paragraph 729AA(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1328 Paragraph 759(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1329 Paragraph 771HB(4)(b)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1330 Subparagraph 1067A(10)(c)(ii)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Superannuation Guarantee (Administration) Act 1992***

**1331 Section 5B (heading)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1332 Paragraph 5B(1)(a)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

***Work Health and Safety Act 2011***

**1333 Section 4 (definition of *authorising authority*)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1334 Section 4 (definition of *Fair Work Australia*)**

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Repeal the definition.

**1335 Section 4**

Insert:

*Fair Work Commission* means the body continued in existence under section 575 of the *Fair Work Act 2009*.

**1336 Subsection 229(1)**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

**1337 Subsection 229(3)**

Omit “Fair Work Australia”, substitute “The Fair Work Commission”.

**1338 Paragraph 14(c) of Schedule 3**

Omit “Fair Work Australia”, substitute “the Fair Work Commission”.

## Part 3—Contingent amendments

### *Fair Work Act 2009*

**1339 Subsection 768AM(3)**

Omit “FWA”, substitute “FWC”.

**1340 Paragraph 768AN(4)(b)**

Omit “FWA”, substitute “FWC”.

**1341 Subsection 768AN(4) (example)**

Omit “FWA”, substitute “The FWC”.

**1342 Paragraph 768AN(5)(b)**

Omit “FWA”, substitute “FWC”.

**1343 Paragraphs 768AO(2)(b) and (3)(a)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1344 Subsection 768AS(3)**

Omit “FWA”, substitute “FWC”.

**1345 Subsection 768AT(3) (heading)**

Omit “FWA”, substitute “FWC”.

**1346 Subsections 768AT(3) and 768AU(3)**

Omit “FWA”, substitute “FWC”.

**1347 Subsection 768AX(1)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1348 Paragraph 768AX(1)(a)**

Omit “FWA”, substitute “the FWC”.

**1349 Subsection 768AX(2)**

Omit “FWA”, substitute “The FWC”.

**1350 Subsection 768AX(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1351 Subsections 768AX(3) and (4)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1352 Division 6 of Part 6-3A (heading)**

Omit “FWA”, substitute “FWC”.

**1353 Section 768AZ**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1354 Section 768BA (heading)**

Omit “FWA”, substitute “FWC”.

**1355 Subsection 768BA(1) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1356 Subsections 768BA(1) and (2)**

Omit “FWA”, substitute “The FWC”.

**1357 Subsection 768BA(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1358 Subsection 768BA(3)**

Omit “FWA”, substitute “the FWC”.

**1359 Section 768BB (heading)**

Omit “FWA”, substitute “FWC”.

**1360 Subsection 768BB(1)**

Omit “FWA”, substitute “The FWC”.

**1361 Subsections 768BB(2) and (3)**

Omit “FWA”, substitute “the FWC”.

**1362 Division 7 of Part 6-3A (heading)**

Omit “FWA”, substitute “FWC”.

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**1363 Section 768BC**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1364 Section 768BD (heading)**

Omit “FWA”, substitute “FWC”.

**1365 Subsection 768BD(1)**

Omit “FWA”, substitute “The FWC”.

**1366 Subsection 768BD(2)**

Omit “FWA”, substitute “The FWC”.

**1367 Subsection 768BD(3) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1368 Subsection 768BD(3)**

Omit “FWA”, substitute “the FWC”.

**1369 Section 768BF**

Omit “FWA”, substitute “the FWC”.

**1370 Subsection 768BG(1)**

Omit “FWA”, substitute “The FWC”.

**1371 Subsection 768BG(3)**

Omit “FWA”, substitute “The FWC”.

**1372 Subsection 768BG(4) (heading)**

Omit “FWA”, substitute “*the FWC*”.

**1373 Subsection 768BG(4)**

Omit “FWA”, substitute “the FWC”.

**1374 Sections 768BI and 768BJ**

Omit “FWA”, substitute “the FWC”.

**1375 Subsections 768BO(3) and 768BS(1)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

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**1376 Subsection 768BS(2)**

Omit “FWA”, substitute “The FWC”.

**1377 Subsection 768BS(3)**

Omit “FWA” (first occurring), substitute “The FWC”.

**1378 Paragraphs 768BS(3)(a) and (b)**

Omit “FWA”, substitute “the FWC”.

**1379 Subsection 768BS(4)**

Omit “FWA”, substitute “The FWC”.

**1380 Subsection 768BS(5)**

Omit “FWA” (wherever occurring), substitute “the FWC”.

**1381 Paragraph 768BW(a)**

Omit “FWA”, substitute “FWC”.

**1382 Subsection 768BY(2) (table item 7, column 2)**

Omit “FWA”, substitute “the FWC”.

**1383 Subsection 768BY(2) (table item 10, column 2)**

Omit “FWA”, substitute “the FWC”.

***Fair Work (Registered Organisations) Act 2009***

**1384 Subsection 148D(1)**

Omit “FWA”, substitute “the FWC”.

**1385 Subparagraphs 6(1A)(c)(ii) and (iii) of Schedule 1**

Omit “FWA”, substitute “the FWC”.

## Part 4—Transitional provisions

### 1386 Transitional provision—the *Fair Work (Registered Organisations) Act 2009*: identity cards

- (1) This item applies in relation to an identity card that was:
  - (a) issued to a member of the staff of FWA under section 203 of the *Fair Work (Registered Organisations) Act 2009*; and
  - (b) in force immediately before the day this item commences.
- (2) The card continues in force (and may be dealt with) on and after the day this item commences as if it had been issued to the member of staff as a member of the staff of the FWC under that section, as amended by this Schedule.

### 1387 Transitional provision—the *Remuneration Tribunal Act 1973*: meaning of *public office*

The reference in paragraph 3(4)(j) of the *Remuneration Tribunal Act 1973*, as amended by Part 2 of this Schedule, to the office of President of the Fair Work Commission is taken to include a reference to an office of member (other than President) of the Fair Work Commission, but only in relation to persons who were taken to have been appointed to the office of FWA member under item 1 of Schedule 18 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

### 1388 Transitional provision—the *Remuneration Tribunal Act 1973*: travelling allowances

The reference in subsection 7(4B) of the *Remuneration Tribunal Act 1973*, as amended by Part 2 of this Schedule, to the President of the Fair Work Commission is taken to include a reference to the other members of the Fair Work Commission, but only in relation to persons who were taken to have been appointed as an FWA member under item 1 of Schedule 18 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

### 1389 Transitional provision—the *Road Safety Remuneration Act 2012*: dual FWA members

- (1) A person holding office as a dual FWA member under the *Road Safety Remuneration Act 2012* immediately before commencement continues to hold office as a dual FWC member.
- (2) If, before commencement, a thing was done by, or in relation to a dual FWA member, then, for the purposes of the operation of any law on or after commencement, the thing is taken to have been done by, or in relation to, a dual FWC member.
- (3) For the purposes of subitem (2), a thing done before commencement under a provision amended by Part 1, 2 or 3 of this Schedule has effect from that time as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (4) The Minister may, by writing, determine that subitem (2):
  - (a) does not apply in relation to a specified thing done by, or in relation to, a dual FWA member; or
  - (b) applies as if the reference in that subitem to a dual FWC member were a reference to the Road Safety Remuneration Tribunal.A determination under this subitem has effect accordingly.
- (5) A determination made under subitem (4) is not a legislative instrument.
- (6) In this item:  
**commencement** means the day this item commences.

## **Schedule 10—Other amendments**

### **Part 1—Costs orders in court proceedings**

#### *Fair Work Act 2009*

##### **1 Subsection 570(1)**

Omit “exercising jurisdiction under this Act”, substitute “in relation to a matter arising under this Act”.

## **Part 2—Technical correction**

### *Fair Work Act 2009*

#### **2 Subparagraph 84A(b)(ii)**

Omit “unpaid personal leave”, substitute “unpaid parental leave”.

## Schedule 11—Application, transitional and saving provisions

### *Fair Work Act 2009*

#### 1 At the end of the Act

Add:

### Schedule 3—Amendments made by the Fair Work Amendment Act 2012

Note: See section 795A.

#### Part 1—Preliminary

##### 1 Definitions

In this Schedule:

*amending Act* means the *Fair Work Amendment Act 2012*.

*doing a thing* includes making an instrument.

*FWA* (short for Fair Work Australia) means the body referred to in section 575, as in force immediately before the commencement of Part 1 of Schedule 9 to the amending Act.

#### Part 2—Default superannuation (Schedule 1)

##### 2 Schedule 1 to the amending Act

- (1) Section 149B, subsection 149C(1) and section 149D (as inserted by Schedule 1 to the amending Act) apply in relation to a modern award that:
  - (a) is made on or after 1 January 2014; or
  - (b) is made before 1 January 2014 and that is varied on or after that day under Division 4A of Part 2-3 (as inserted by Schedule 1 to the amending Act).

- (2) Despite the repeal of sections 149A and 155A made by Schedule 1 to the amending Act, those sections continue in force in relation to a modern award that:
  - (a) is made before 1 January 2014; and
  - (b) is not varied on or after that day under Division 4A of Part 2-3 (as inserted by Schedule 1 to the amending Act).
- (3) The amendments made by items 15, 18, 19 and 20 of Schedule 1 to the amending Act apply in relation to a modern award that is in operation on or after 1 January 2014, whether or not the award was made before that day.

## **Part 3—Modern awards (Schedule 3)**

### **3 Part 1 of Schedule 3 to the amending Act**

- (1) This clause applies if, before the commencement of Part 1 of Schedule 3 to the amending Act (which is about variation etc. of modern awards):
  - (a) a determination was made under subsection 160(1) (about varying a modern award); or
  - (b) an application was made under subsection 160(2) (about varying a modern award).
- (2) The determination and the application are as valid, and are taken always to have been as valid, as they would have been if paragraphs 160(2)(c) and (d) (as inserted by Part 1 of Schedule 3 to the amending Act) had been in force at the time the determination or application was made.

## **Part 4—Enterprise agreements (Schedule 4)**

### **4 Part 1 of Schedule 4 to the amending Act**

The amendment made by Part 1 of Schedule 4 to the amending Act (which is about enterprise agreements covering a single employee) applies in relation to enterprise agreements that are purportedly made after the commencement of that Part.

### **5 Part 2 of Schedule 4 to the amending Act**

The amendments made by Part 2 of Schedule 4 to the amending Act (which is about bargaining representatives) apply in relation to appointments of bargaining representatives that are made after the commencement of that Part.

### **6 Part 3 of Schedule 4 to the amending Act**

- (1) The amendment made by Part 3 of Schedule 4 to the amending Act (which is about unlawful terms) applies in relation to enterprise agreements that are made before or after the commencement of that Part.
- (2) However, if:
  - (a) an enterprise agreement that was made before the commencement of that Part included a term referred to in paragraph 194(ba) (as inserted by Part 3 of Schedule 4 to the amending Act); and
  - (b) a person made an election in accordance with that term before the commencement of that Part;then the amendment does not apply in relation to that person.

### **7 Part 4 of Schedule 4 to the amending Act**

The amendment made by Part 4 of Schedule 4 to the amending Act (which is about scope orders) applies in relation to applications for a scope order that are made after the commencement of that Part.

### **8 Part 5 of Schedule 4 to the amending Act**

- (1) The amendments made by Part 5 of Schedule 4 to the amending Act (which is about notice of employee representational rights) apply in relation to notices of employee representational rights that are given after the commencement of that Part.
- (2) Regulations that:
  - (a) were made for the purposes of subsection 174(6) before the commencement of Part 5 of Schedule 4 to the amending Act; and
  - (b) were in force immediately before that commencement;

continue in force (and may be dealt with) after that commencement as if they had been made for the purposes of subsection 174(1A) (as inserted by Part 5 of Schedule 4 to the amending Act).

## **Part 5—General protections (Schedule 5)**

### **9 Part 1 of Schedule 5 to the amending Act**

The amendment made by Part 1 of Schedule 5 to the amending Act (which is about time limits for making applications) applies in relation to dismissals that take effect after the commencement of that Part.

## **Part 6—Unfair dismissal (Schedule 6)**

### **10 Part 1 of Schedule 6 to the amending Act**

The amendment made by Part 1 of Schedule 6 to the amending Act (which is about time limits for making applications) applies in relation to dismissals that take effect after the commencement of that Part.

### **11 Part 2 of Schedule 6 to the amending Act**

The amendments made by Part 2 of Schedule 6 to the amending Act (which is about the power to dismiss applications) apply in relation to dismissals that take effect after the commencement of that Part.

### **12 Part 3 of Schedule 6 to the amending Act**

The amendments made by Part 3 of Schedule 6 to the amending Act (which is about costs orders against parties) apply in relation to dismissals that take effect after the commencement of that Part.

### **13 Part 4 of Schedule 6 to the amending Act**

The amendment made by Part 4 of Schedule 6 to the amending Act (which is about costs orders against lawyers and paid agents)

applies in relation to dismissals that take effect after the commencement of that Part.

## **Part 7—Industrial action (Schedule 7)**

### **14 Part 1 of Schedule 7 to the amending Act**

The amendments made by Part 1 of Schedule 7 to the amending Act (which is about electronic voting in protected action ballots) apply in relation to applications for protected action ballot orders that are made after the commencement of that Part.

### **15 Part 2 of Schedule 7 to the amending Act**

The amendments made by Part 2 of Schedule 7 to the amending Act (which is about employees to be balloted in protected action ballots) apply in relation to applications for protected action ballot orders that are made after the commencement of that Part.

### **16 Part 3 of Schedule 7 to the amending Act**

The amendments made by Part 3 of Schedule 7 to the amending Act (which is about conducting protected action ballots) apply in relation to protected action ballot orders that are made after the commencement of that Part.

## **Part 8—The Fair Work Commission (Schedule 8)**

### **17 Part 1 of Schedule 8 to the amending Act**

The amendment made by Part 1 of Schedule 8 to the amending Act (which is about stay orders) applies in relation to orders under subsection 606(1) that are made after the commencement of that Part.

### **18 Part 2 of Schedule 8 to the amending Act**

The amendments made by Part 2 of Schedule 8 to the amending Act (which is about conflicts of interest) apply in relation to

matters that an FWC member begins to deal with before or after the commencement of that Part.

**19 Part 4 of Schedule 8 to the amending Act**

The amendments made by Part 4 of Schedule 8 to the amending Act (which is about appointing acting Commissioners) apply in relation to appointments that are made after the commencement of that Part.

**20 Part 5 of Schedule 8 to the amending Act**

The amendments made by Part 5 of Schedule 8 to the amending Act (which is about appointing the General Manager) apply in relation to appointments and acting appointments that are made after the commencement of that Part.

**21 Part 6 of Schedule 8 to the amending Act**

The amendments made by Part 6 of Schedule 8 to the amending Act (which is about Vice Presidents) apply in relation to appointments that take effect after the commencement of that Part.

**22 Part 7 of Schedule 8 to the amending Act**

The amendments made by Part 7 of Schedule 8 to the amending Act (which is about handling complaints) apply after the commencement of that Part in relation to a complaint about an FWC Member, regardless of whether:

- (a) the complaint is made before or after that commencement; or
- (b) the circumstances that give rise to the complaint occur before or after that commencement.

**23 Part 8 of Schedule 8 to the amending Act**

The amendments made by Part 8 of Schedule 8 to the amending Act (which is about engaging in outside work) apply in relation to paid work that is engaged in after the commencement of that Part.

## **Part 9—Changing the name of Fair Work Australia(Schedule 9)**

### **24 Transitional provision—President**

- (1) The person holding office as the President of FWA immediately before the commencement of Part 1 of Schedule 9 to the amending Act continues to hold office as the President of the FWC.
- (2) If, before that commencement, a thing was done by, or in relation to, the President of FWA, then, for the purposes of the operation of any law on or after that commencement, the thing is taken to have been done by, or in relation to, the President of the FWC.
- (3) For the purposes of subclause (2), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (4) The Minister may, by writing, determine that subclause (2):
  - (a) does not apply in relation to a specified thing done by, or in relation to, the President of FWA; or
  - (b) applies as if the reference in that subclause to the President of the FWC were a reference to the FWC; or
  - (c) applies as if the reference in that subclause to the President of the FWC were a reference to another FWC member.A determination under this subclause has effect accordingly.
- (5) A determination made under subclause (4) is not a legislative instrument.

### **25 Transitional provision—Deputy President**

- (1) Subject to subclause (2), a person holding office as a Deputy President of FWA immediately before the commencement of Part 1 of Schedule 9 to the amending Act continues to hold office as a Deputy President of the FWC.
- (2) If, immediately before that commencement, a person:

- (a) is a member of a prescribed State industrial authority; and
  - (b) holds office as a Deputy President of FWA;
- the person continues to hold office as a Deputy President of the FWC for the balance of the person's term of appointment that remains immediately before that commencement.
- (3) If, before that commencement, a thing was done by, or in relation to, a Deputy President of FWA, then, for the purposes of the operation of any law on or after that commencement, the thing is taken to have been done by, or in relation to, a Deputy President of the FWC.
  - (4) For the purposes of subclause (3), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
  - (5) The Minister may, by writing, determine that subclause (3):
    - (a) does not apply in relation to a specified thing done by, or in relation to, a Deputy President of FWA; or
    - (b) applies as if the reference in that subclause to the Deputy President of the FWC were a reference to the FWC; or
    - (c) applies as if the reference in that subclause to the Deputy President of the FWC were a reference to another FWC member.A determination under this subclause has effect accordingly.
  - (6) A determination made under subclause (5) is not a legislative instrument.

## **26 Transitional provision—Commissioner**

- (1) Subject to subclause (2), a person holding office as a Commissioner of FWA immediately before the commencement of Part 1 of Schedule 9 to the amending Act continues to hold office as a Commissioner of the FWC.
- (2) If, immediately before that commencement, a person:
  - (a) is a member of a prescribed State industrial authority; and
  - (b) holds office as a Commissioner of FWA;

the person continues to hold office as a Commissioner of the FWC for the balance of the person's term of appointment that remains immediately before that commencement.

- (3) If, before that commencement, a thing was done by, or in relation to, a Commissioner of FWA, then, for the purposes of the operation of any law on or after that commencement, the thing is taken to have been done by, or in relation to, a Commissioner of the FWC.
- (4) For the purposes of subclause (3), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (5) The Minister may, by writing, determine that subclause (3):
  - (a) does not apply in relation to a specified thing done by, or in relation to, a Commissioner of FWA; or
  - (b) applies as if the reference in that subclause to a Commissioner of the FWC were a reference to the FWC; or
  - (c) applies as if the reference in that subclause to a Commissioner of the FWC were a reference to another FWC member.A determination under this subclause has effect accordingly.
- (6) A determination made under subclause (5) is not a legislative instrument.

## **27 Transitional provision—Minimum Wage Panel Member**

- (1) A person holding office as a Minimum Wage Panel Member of FWA immediately before the commencement of Part 1 of Schedule 9 to the amending Act continues to hold office:
  - (a) as a Minimum Wage Panel Member of the FWC; and
  - (b) for the balance of the person's term of appointment that remains immediately before that commencement.
- (2) If, before that commencement, a thing was done by, or in relation to, a Minimum Wage Panel Member of FWA, then, for the purposes of the operation of any law on or after that

commencement, the thing is taken to have been done by, or in relation to, a Minimum Wage Panel Member of the FWC.

- (3) For the purposes of subclause (2), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (4) The Minister may, by writing, determine that subclause (2):
  - (a) does not apply in relation to a specified thing done by, or in relation to, a Minimum Wage Panel Member of FWA; or
  - (b) applies as if the reference in that subclause to a Minimum Wage Panel Member of the FWC were a reference to the FWC; or
  - (c) applies as if the reference in that subclause to a Minimum Wage Panel Member of the FWC were a reference to another FWC member.A determination under this subclause has effect accordingly.
- (5) A determination made under subclause (4) is not a legislative instrument.

## **28 Operation of laws—things done by, or in relation to, FWA**

- (1) If, before the commencement of Part 1 of Schedule 9 to the amending Act, a thing was done by, or in relation to, FWA, then, for the purposes of the operation of any law on or after that commencement, the thing is taken to have been done by, or in relation to, the FWC.
- (2) For the purposes of subclause (1), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
- (3) The Minister may, by writing, determine that subclause (1):
  - (a) does not apply in relation to a specified thing done by, or in relation to, FWA; or

- (b) applies as if the reference in that subclause to the FWC were a reference to the President of the FWC; or
  - (c) applies as if the reference in that subclause to the FWC were a reference to another FWC member.
- A determination under this subclause has effect accordingly.
- (4) A determination made under subclause (3) is not a legislative instrument.

## **29 Transitional provision—General Manager and staff of FWA**

### *General Manager*

- (1) The person holding office as the General Manager of FWA immediately before the commencement of Part 1 of Schedule 9 to the amending Act continues to hold office:
    - (a) as the General Manager of the FWC; and
    - (b) for the balance of the person's term of appointment that remains immediately before that commencement.
  - (2) If, before that commencement, a thing was done by, or in relation to, the General Manager of FWA, then, for the purposes of the operation of any law on or after that commencement, the thing is taken to have been done by, or in relation to, the General Manager of the FWC.
  - (3) For the purposes of subclause (2), a thing done before that commencement under a provision amended by Part 1, 2 or 3 of Schedule 9 to the amending Act has effect from that commencement as if it were done under that provision as amended. However, this is not taken to change the time at which the thing was actually done.
  - (4) The Minister may, by writing, determine that subclause (2):
    - (a) does not apply in relation to a specified thing done by, or in relation to, the General Manager of FWA; or
    - (b) applies as if the reference in that subclause to the General Manager of the FWC were a reference to the Commonwealth.
- A determination under this subclause has effect accordingly.

- (5) A determination made under subclause (4) is not a legislative instrument.

*Staff*

- (6) A person who, immediately before that commencement, was a member of the staff of FWA, continues, on and after that commencement, as a member of the staff of the FWC.

**30 Operation of section 7 and subsection 25B(1) of the Acts Interpretation Act 1901 not limited**

This Part and Schedule 9 to the amending Act do not limit the operation of section 7 or subsection 25B(1) of the *Acts Interpretation Act 1901*.

**Part 10—Other amendments (Schedule 10)**

**31 Part 1 of Schedule 10 to the amending Act**

The amendment made by Part 1 of Schedule 10 to the amending Act (which is about costs orders in court proceedings) applies in relation to proceedings commenced after the commencement of that Part.

**Part 11—Regulations**

**32 Regulations about application, transitional and saving matters**

- (1) The regulations may prescribe matters of an application, transitional or saving nature relating to the amendments and repeals made by the amending Act.
- (2) Without limiting subclause (1), the regulations may:
- (a) provide that Part 9 of this Schedule or Part 4 of Schedule 9 to the amending Act applies with specified modifications; or
  - (b) provide that the Transitional Act applies with specified modifications.

**Schedule 11** Application, transitional and saving provisions  
**Part 2** Technical correction

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- (3) The provisions referred to in subclause (2) have effect subject to regulations made for the purposes of this clause.
  - (4) Despite subsection 12(2) of the *Legislative Instruments Act 2003*:
    - (a) regulations relating to the amendments and repeals made by Schedule 9 to the amending Act; and
    - (b) regulations made for the purposes of subclause (2);may be expressed to take effect from a day before the regulations are registered under that Act.
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*[Minister's second reading speech made in—  
House of Representatives on 30 October 2012  
Senate on 1 November 2012]*

(201/12)

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*192 Fair Work Amendment Act 2012 No. 174, 2012*