



# DRAFT DETERMINATION

*Fair Work Act 2009*

s.157, s.160 and cl.48 of Schedule 1—Variations to modern awards

## Casual terms award review 2021

(AM2021/54)

## HOSPITALITY INDUSTRY (GENERAL) AWARD 2020

[MA000009]

Hospitality industry

JUSTICE ROSS, PRESIDENT  
VICE PRESIDENT HATCHER  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT EASTON  
COMMISSIONER BISSETT

MELBOURNE, 27 SEPTEMBER 2021

*Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021 — casual amendments — review of modern awards—award varied.*

A. Pursuant to s.157, s.160 and clause 48 of Schedule 1 to the *Fair Work Act 2009* (Act) and the decision issued by the Full Bench on 16 July 2021 [[2021] FWCFB 4144], the above award is varied as follows:

1. By inserting in alphabetical order in clause 2 a definition of 'casual employee' as follows:

**casual employee** has the meaning given by section 15A of the Act.

2. By deleting the definition of 'long term casual employee' where it appears in clause 2.
3. By inserting the following after paragraph (b) in the extract of s.61 of the Act that appears in clause 2 under the definition of 'National Employment Standards':

(ba) offers and requests for casual conversion (Division 4A);

4. By inserting in alphabetical order in clause 2 a definition of 'regular casual employee' as follows:

**regular casual employee** has the meaning given by section 12 of the Act.

5. By deleting clause 11.1.

6. By deleting clause 11.7.
7. By renumbering clauses 11.2 to 11.6 as clauses 11.1 to 11.5.
8. By inserting the following:

**11.6 Offers and requests for casual conversion**

Offers and requests for conversion from casual employment to full-time or part-time employment are provided for in the NES.

NOTE: Disputes about offers and requests for casual conversion under the NES are to be dealt with under clause 40—Dispute resolution.

9. By replacing the words ‘regular and systematic casual employee’ where they appear in clause 19.5(c) with the words ‘regular casual employee’.
10. By updating the cross references accordingly.

B. This determination comes into operation on 27 September 2021. Paragraphs 1–2 and 4–10 of this determination take effect on 27 September 2021. Paragraph 3 of this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 27 September 2021.

PRESIDENT