



DECISION

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009
Sch. 3, Item 20A(4) - Application to extend default period for agreement-based transitional instruments

Australian Municipal, Administrative, Clerical and Services Union (052V)
(AG2023/3234)

COMMUNITY LEGAL CENTRES 2006-2009 MULTI BUSINESS AGREEMENT

Social, community, home care and disability services industry

DEPUTY PRESIDENT WRIGHT
DEPUTY PRESIDENT ROBERTS
DEPUTY PRESIDENT SLEVIN

SYDNEY, 26 FEBRUARY 2024

Application to extend the default period for the Community Legal Centres 2006-2009 Multi Business Agreement

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), the Australian Municipal, Administrative, Clerical and Services Union (**ASU**) has applied to extend the default period for the *Community Legal Centres 2006-2009 Multi Business Agreement* (the **Agreement**). The Agreement covers a large number of community legal centres in Victoria.

[2] The application is made in accordance with subitem 20A(6)(a) on the ground that bargaining is occurring for a proposed enterprise agreement that will cover the same, or substantially the same, group of employees as are covered by the Agreement and that it is appropriate to do so. The application was made after the notification time for the proposed enterprise agreement. Eighteen employers are involved in bargaining for a new agreement.

[3] The Full Bench in *ISS Health Services Pty Ltd*¹ described the requirements that must be met for an application to extend the default period where bargaining for a replacement agreement is relied upon.

[4] We are satisfied on the material provided that the requirements in subitem (6)(a) are met and that it is appropriate to extend the default period. Bargaining for a replacement agreement has been ongoing for some time. Given that eighteen employers are involved in bargaining, we consider that a nine-month extension is warranted. We have determined that extending the Agreement until 6 September 2024 will provide sufficient time for a replacement agreement to be made and approved.

[5] Pursuant to item 20A(6) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), we order that the default period for the Agreement is extended until 6 September 2024.

[6] The Agreement is published, in accordance with subitem 20A(10A), on the Fair Work Commission's website.



DEPUTY PRESIDENT

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¹ [\[2023\] FWCFB 122](#)