



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

Jesuit Social Services Limited (AG2023/3934)

Health and welfare services

DEPUTY PRESIDENT WRIGHT
DEPUTY PRESIDENT ROBERTS
DEPUTY PRESIDENT SLEVIN

SYDNEY, 1 FEBRUARY 2024

Application to extend the default period for the Jesuit Social Services Collective Agreement (2006 – 2009)

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), Jesuit Social Services Limited (the **Applicant**) has applied to extend the default period for the *Jesuit Social Services Collective Agreement (2006 – 2009)* (the **Agreement**).

[2] The application is made in accordance with subitem 20A(6)(a) on the ground that the 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.

[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 made.

[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 commenced on 21 September 2023. We consider that an extension until the end of June 2024, as sought by the Applicant, is 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 30 June 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](#)