



## 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

**Pierre Properties Pty Ltd T/A Cactus Jacks and IMC Steakhouse**  
(AG2024/2024)

### **CACTUS JACK'S RESTAURANTS – QUEENSLAND – CERTIFIED AGREEMENT 2004-2007**

Fast food industry

DEPUTY PRESIDENT WRIGHT  
DEPUTY PRESIDENT ROBERTS  
DEPUTY PRESIDENT SLEVIN

SYDNEY, 22 AUGUST 2024

*Application to extend the default period for the PILCH Staff Agreement 2008*

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), Pierre Properties Pty Ltd T/A Cactus Jacks and IMC Steakhouse applied to extend the default period for the *Cactus Jack's Restaurants – Queensland – Certified Agreement 2004-2007* (the 2004 Agreement).

[2] An earlier application seeking to extend the default period of the Agreement was granted extending it to 6 June 2024<sup>1</sup>. The Applicant sought a further extension to allow a replacement agreement to be finalised. The extension sought was until 6 December 2024.

[3] The Applicant explained that on 21 May 2024 it conducted a ballot of employees for approval of a replacement enterprise agreement and obtained a valid majority in favour of approval. The Applicant filed an application for the Commission for approval of the agreement on 21 July 2024. The application was dismissed due to concerns that it did not meet the better off overall test<sup>2</sup>.

[4] The Applicant has decided not to seek a replacement agreement and no longer presses its application to extend the 2004 Agreement.

[5] In circumstances where the Applicant no longer intends to negotiate a replacement agreement or pursue the application to extend the default period for the 2004 Agreement, it is neither appropriate to extend the Agreement under item 20A(6)(a) nor reasonable to do so under subitem 20A(6)(b) and the application is dismissed.

[6] As our decision is made after the Agreement was to terminate in accordance with the first extended default period, we must extend the default period to the day of this decision or specify a day that is not more than 14 days after the date of this decision.

[7] The Applicant sought that the Agreement be extended by 14 days from our decision. We have decided that to enable the Applicant to make the necessary administrative arrangements to give effect to the sunseting of the Agreement the default period is extended until 29 August 2024. The Agreement is published, in accordance with subitem 20A(10A), on the Fair Work Commission's website.



DEPUTY PRESIDENT

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<sup>1</sup> [\[2024\] FWCFB 128](#)

<sup>2</sup> [\[2024\] FWC 2114](#)