



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

Seventh-day Adventist Schools (Northern Australia) Limited
(AG2023/4799)

TEACHERS SEVENTH-DAY ADVENTIST SCHOOLS (NORTHERN AUSTRALIA) LTD AGREEMENT 2008-2011

Educational services

DEPUTY PRESIDENT ROBERTS
DEPUTY PRESIDENT SLEVIN
COMMISSIONER ALLISON

SYDNEY, 7 FEBRUARY 2024

Application to extend the default period for the Teachers Seventh-Day Adventist Schools (Northern Australia) Ltd Agreement 2008-2011

Introduction

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* Seventh-day Adventist Schools (Northern Australia) Limited has applied to extend the default period for the *Teachers Seventh-Day Adventist Schools (Northern Australia) Ltd Agreement 2008-2011* (the Agreement). Under subitem 20A(1) the Agreement was to terminate on 6 December 2023.

[2] The application was made, in accordance with subitem (6)(b), on the grounds that it is reasonable in the circumstances to extend the default period where an enterprise agreement has been made under the *Fair Work Act 2009* that covers the same, or substantially the same, group of employees as are covered by the Agreement. At the time this application was made, the replacement agreement had not yet been approved by the Commission.

[3] The Commission has since approved the replacement agreement.¹ The purpose of the extension is to ensure the Agreement continued to apply until the replacement enterprise agreement was approved.

[4] We are satisfied for the purpose of subitem (6)(b) that it is reasonable to extend the default period for the Agreement.

[5] Pursuant to item 20A(4) of Sch 3 to the Transitional Act, we order that the default period for the Agreement is extended until 7 days after the approval decision of the new replacement agreement on 4 January 2024.

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



DEPUTY PRESIDENT

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¹ [\[2023\] FWCA 4485](#).