



## DECISION

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

**Brophy Family and Youth Services Incorporated t/as Brophy Family and Youth Service**  
(AG2023/4693)

### **BROPHY FAMILY AND YOUTH SERVICES AND AUSTRALIAN SERVICES UNION ENTERPRISE AGREEMENT 2007-2010**

Health and welfare services

DEPUTY PRESIDENT WRIGHT  
DEPUTY PRESIDENT SLEVIN  
DEPUTY PRESIDENT GRAYSON

SYDNEY, 15 FEBRUARY 2024

*Application to extend the default period for the Brophy Family and Youth Services and Australian Services Union Enterprise Agreement 2007-2010*

[1] Brophy Family and Youth Services Incorporated t/as Brophy Family and Youth Service applies pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), to extend the default period for the *Brophy Family and Youth Services and Australian Services Union Enterprise Agreement 2007-2010* (the **Agreement**).

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

[3] The Full Bench in *ISS Health Services Pty Ltd*<sup>1</sup> 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. The applicant has commenced bargaining for a replacement agreement and we consider that an extension until 6 June 2024 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 6 June 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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<sup>1</sup> [\[2023\] FWCFB 122](#)