



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

Application by RR Private Limited T/A Royal Rehab Private Petersham
(AG2023/4646)

THE METROPOLITAN REHABILITATION HOSPITAL UNION COLLECTIVE AGREEMENT 2008-2010

HEALTH AND WELFARE SERVICES

DEPUTY PRESIDENT WRIGHT
DEPUTY PRESIDENT SLEVIN
DEPUTY PRESIDENT GRAYSON

SYDNEY, 19 FEBRUARY 2024

Application to extend the default period for the Metropolitan Rehabilitation Hospital Union Collective Agreement 2008 - 2010

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)(the **Act**), RR Private Limited T/A Royal Rehab Private Petersham has applied to extend the default period for the *Metropolitan Rehabilitation Hospital Union Collective Agreement 2008 - 2010* (the **Agreement**).

[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.

[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 (7) are met and that it is appropriate to extend the default period. The Applicant has commenced bargaining for a replacement agreement. The Applicant initially sought an extension of twelve months, until 6 December 2024, but has subsequently advised the Commission that an extension of six months, until 6 June 2024, would be sufficient to enable bargaining to be concluded. We have considered the information and submissions filed by the Applicant in support of that contention

and 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) of the Act, on the Fair Work Commission's website.



DEPUTY PRESIDENT

Printed by authority of the Commonwealth Government Printer

<AC316352 PR771610>

¹ [\[2023\] FWCFB 122](#) at [4]