

[2024] FWCFB 55 [Note: A copy of the zombie agreement to which this decision relates ([AC329268](#)) is available on our website.]



## 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

**Bayblue Management Pty Ltd T/A Beerwah Hotel, Palmwoods Hotel,  
Glasshouse Tavern**  
(AG2023/4790)

### **BAYBLUE MANAGEMENT PTY LTD COLLECTIVE AGREEMENT 2009**

Hospitality industry

DEPUTY PRESIDENT ROBERTS  
DEPUTY PRESIDENT SLEVIN  
COMMISSIONER ALLISON

SYDNEY, 7 FEBRUARY 2024

*Application to extend the default period for the Bayblue Management Pty Ltd Collective Agreement 2009*

#### **Introduction**

[1] Pursuant to subitem 20A(4) of Sch 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* Bayblue Management Pty Ltd T/A Beerwah Hotel, Palmwoods Hotel, Glasshouse Tavern has applied to extend the default period for the Bayblue Management Pty Ltd Collective Agreement 2009. 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.<sup>1</sup> 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 21 December 2023.

[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> [\[2023\] FWCA 4298](#).