



Australian Government
**Department of Employment and
Workplace Relations**

Facsimile

GPO Box 9879 CANBERRA ACT 2601

To: The President	
Organisation: Australian Industrial Relations Commission	
Fax number: 03 9655 0401	Phone number:

From: Louise McDonough	
Fax number: 02 6276 9099	Phone number: 02 6121 5584
Date: Monday, 2 August 2004	No. pages: 3 (Including this one)

Message

Re: C2003/4198 and others – Family Provisions Case

As per attached correspondence.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Louise McDonough'.

Louise McDonough
A/Assistant Secretary
Wages and Conditions Policy Branch
Workplace Relations Policy Group

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Australian Government
**Department of Employment and
Workplace Relations**

National Office

GPO Box 9879 CANBERRA ACT 2601

The Hon Justice Giudice
President
Australian Industrial Relations Commission
80 Collins Street
MELBOURNE VIC 3000

Dear Justice Giudice

Re: C2003/4198 and others – Family Provisions Case

This letter provides the Commonwealth's response to the carer's leave model clause put forward by the ACTU, AiG and ACCI on 2 July 2004 following a conciliation process before Senior Deputy President Marsh. This response is in accordance with the agreed amendment by the parties to the President's directions of 20 April 2004 that all intervenors file responses on carer's leave on 2 August 2004.

Yours sincerely

A handwritten signature in black ink that reads "Louise McDonough".

Louise McDonough
A/g Assistant Secretary
Wages and Conditions Policy Branch
Workplace Relations Policy Group
2 August 2004

Commonwealth Contentions - Carer's Leave

1. The Commonwealth considers that the proposed model carer's leave clause is an example of a workable agreement between employers and unions on a worthwhile change which is not inconsistent with the existing award safety net.
2. In this regard the Commonwealth notes that the new provisions will operate within current award entitlements. They will not involve an increase in the quantum of aggregate leave entitlements, but will provide employees with greater flexibility in accessing those entitlements to provide care and support for their household and immediate family, while imposing little or no additional costs or other adverse effects on businesses.
3. The Commonwealth notes importantly that the carer's leave approach differs markedly from the ACTU's claims in other areas of the Family Provisions Case, which potentially involve the introduction of new employee rights and greater award entitlements. These claims would inappropriately increase the level of the award safety net, discourage bargaining on these issues and increase costs for employers.
4. The Commonwealth restates its firm view that the awards should provide a safety net of minimum entitlements. Claims for new and/or increased entitlements of the type sought by the unions in these other areas should be addressed through agreement making between employers and employees at the enterprise and workplace level.