



**THE HON JULIA GILLARD MP**  
**DEPUTY PRIME MINISTER**

Parliament House  
Canberra ACT 2600

Senator Gavin Marshall  
Chair  
Senate Education, Employment and Workplace Relations Committee  
Parliament House  
CANBERRA ACT 2600

09 FEB 2009

*Gavin*  
Dear ~~Senator~~

I am writing to advise the Committee of an amendment to the Fair Work Bill that the Government intends to introduce into the Senate. The amendment relates to the notice of termination provisions of the National Employment Standards (the NES).

As currently drafted, the notice of termination provisions of the NES do not apply to an employee who has not completed a minimum period of continuous service with his or her employer immediately before the time of termination or the time the employee was given notice (whichever happened first). The minimum periods are 6 months (if the employer is not a small business employer) or 12 months (if the employer is a small business employer).

The *Workplace Relations Act 1996* also contains exclusions from notice of termination obligations. The exclusions in the Workplace Relations Act are linked to probationary periods.

While the exclusion was drafted to ensure consistency of entitlements across the Bill, it differs from the form of the NES that was published on 16 June 2008 and provided to the AIRC as part of the award modernisation process. The Government intends to amend the Bill to make clear that all ongoing employees with less than 12 months' service are entitled to one week's notice of termination.

Yours sincerely

**Julia Gillard**  
**Minister for Employment and Workplace Relations**