



THE HON JULIA GILLARD MP
DEPUTY PRIME MINISTER

Parliament House
Canberra ACT 2600

20 APR 2010

The Hon John Robertson MLC
Minister for Industrial Relations
GPO BOX 5341
SYDNEY NSW 2001

Dear Minister *John*

I am writing to notify you of the Australian Government's intention to commence consultation under clause 2.11(a) of the Multilateral Intergovernmental Agreement for a National Workplace Relations System for the Private Sector regarding proposed amendments to the *Fair Work Act 2009* (Fair Work Act). The proposed amendments to the Fair Work Act will be required as a result of the introduction of the Australian Government's Paid Parental Leave (PPL) scheme.

The Government intends to introduce PPL legislation into the Australian Parliament in the Winter 2010 parliamentary sittings commencing on 11 May 2010. The Government's fully funded scheme will provide greater financial support to working families, encourage greater workforce participation by parents and enhance maternal and child health and development.

As a result of the PPL legislation, I anticipate that consequential amendments will be required to the Fair Work Act.

Keeping in touch (KIT) provision

Under the PPL legislation, employees will generally lose their entitlement to Parental Leave pay if they return to work prior to completion of the 18 week PPL period. The PPL legislation will provide that workers in receipt of Parental Leave pay may participate in activities at the workplace for the purposes of 'keeping in touch' for up to 10 days where there is mutual consent between the employee and employer. Activities undertaken as part of KIT would not constitute a return to work and hence would not result in the loss of PPL.

Under the National Employment Standards (NES), eligible employees are entitled to access 12 months' unpaid parental leave following the birth or adoption of a child. This leave must be taken in a single continuous period.

In order for both the PPL legislation and the Fair Work Act to operate independently, and having regard to the different characteristics of the PPL scheme and the NES, it is desirable that the KIT provisions are also included in the NES.