



Office of Senator Chris Evans
Leader of the Government in the Senate
Minister for Tertiary Education, Skills, Jobs
and Workplace Relations

Hon Justice Giudice AO
President
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3000

Dear Justice Giudice

I am writing to you inform you that when the Full Bench proceedings in the Equal Remuneration Case (C2010/3131) resume tomorrow morning the Government will be seeking an adjournment. The purpose of the adjournment is to enable further discussions involving the Australian Municipal, Administrative, Clerical and Services Union (ASU) and other applicants, key parties and the Government to occur.

As you know, the Government was a consistent and strong supporter of the conciliation process overseen by Commissioner Smith. In the Government's view it provided an important opportunity to explore the scope for agreement on the key outstanding issues.

While agreement was unable to be reached during conciliation, the Government considers that useful progress was made in discussions between the Government and the ASU as part of that process. An adjournment of the Full Bench proceedings would provide an opportunity to build on the positive issues canvassed in those discussions.

It is the Government's view that agreement is possible on potential methodologies for assessing the level of gender undervaluation in this sector if the parties were given more time to further discuss these issues.

In parallel with the conciliation process, the Government has been analysing the likely cost implications of the case and considering possible sector reforms. The work on the fiscal implications of the case is now almost concluded, with the most recent analysis only having become available late last week after the conclusion of the conciliation proceedings. The Government also sees merit in canvassing possible sector reforms in the proposed discussions with the applicants and providers in the sector. Neither of these issues was substantively explored in conciliation.

I am advised that the ASU is supportive of an adjournment to enable further discussions to occur. A number of other parties have also been informed of the Government's intention to seek an adjournment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Evans', written in a cursive style.

CHRIS EVANS

23.10.2011.