

Letter of Agreement Between Australia Post and the CEPU Regarding the Medical Restrictions Board of Reference

RECEIVED
18 JUL 2006
BY: 6/02/

Background

The Medical Restrictions Board of Reference (BOR) was appointed by Senior Deputy President Marsh by Order dated 25 November 2002 (AW766599 PR 925041) as part of the terms of settlement in matter C2002/3762 and the application for a Board of Reference by Australia Post and the CEPU (BOR 2002/78). The appointment was in relation to decisions made by Australia Post to direct an employee onto sick leave in accordance with its Non Work Related Medical Restrictions (NWRMR) policy.

The Medical Restrictions Board of Reference presided over by Ms Lyndall Soetens, has operated pursuant to the terms of the above-mentioned Order since its inception under the auspices of the Australian Industrial Relations Commission.

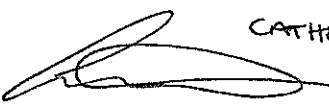
The new Work Choices legislative reforms called into question the status of the Board of Reference and in particular its power to arbitrate in these cases and to hand down a binding decision (refer s 524(4) of the *Workplace Relations Act 1996*). As a result, the parties, namely Australia Post and the CEPU agree to enter into the following agreement.

Agreement Between Australia Post and the CEPU

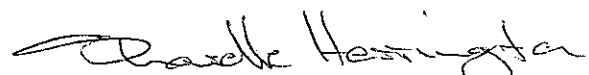
The terms of the Agreement between Australia Post and the CEPU which is to be effective immediately are as follows:

1. Ms Lyndall Soetens, formerly appointed as Board of Reference pursuant to s131 of the *Workplace Relations Act 1996* and the Order of SDP Marsh dated 25 November 2002 (ref AW766599 PR 925041) (the Order) be appointed as a private arbitrator.
2. Ms Soetens in her role as a private arbitrator continue to be bound by the terms of reference set out in the Order (refer copy at Annexure 1) and the Statement issued by Commissioner Blair dated 20 December 2002 (AW766599 PR926114) (refer copy at Annexure 2).
3. The Board of Reference continue to be referred to as the "Medical Restrictions Board of Reference" by the parties so as to distinguish it from the standing Board of Reference.
4. The terms of reference in the Order shall remain unchanged save that the two (2) exceptions in relation to the prescribed timeframe for the lodgement of an appeal to the Board of Reference cited on page 3 of the Order, namely (a) and (b) no longer apply.
5. If either of the parties wishes to vary the terms of reference in the Order, the party seeking the variation must advise the other party in writing of the variation sought.

The parties commit to discussing and trying to reach agreement on the variation sought within two weeks of the date of the initial notification of the requested change.


CATHERINE WALSH
MANAGER, EMPLOYEE
RELATIONS
for and on behalf of
Australian Postal Corporation

18 July 2006


SHARELLE HERINGTON
ACTING DIVISIONAL SECRETARY
CEPU - COMMUNICATIONS DIVⁿ
18 July 2006