

The Senate

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Community Affairs  
Legislation Committee

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Fairer Paid Parental Leave Bill 2016 [Provisions]

February 2017

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# MEMBERSHIP OF THE COMMITTEE

## 45<sup>th</sup> Parliament

### Members

Senator Jonathon Duniam, Chair	Tasmania, LP
Senator Rachel Siewert, Deputy Chair	Western Australia, AG
Senator Sam Dastyari	New South Wales, ALP
Senator Linda Reynolds	Western Australia, LP
Senator Dean Smith	Western Australia, LP
Senator Murray Watt	Queensland, ALP

### Participating members for this inquiry

Senator Skye Kakoschke-Moore	South Australia, NXT
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# Inquiry into the provisions of the Fairer Paid Parental Leave Bill 2016

## Introduction

1.1 On 10 November 2016, the Senate referred the provisions of the Fairer Paid Parental Leave Bill 2016 (the Bill) to the Community Affairs Legislation Committee (the committee) for inquiry and report by 15 February 2017.<sup>1</sup>

## Key provisions and purpose of the Bill

1.2 The Bill seeks to amend the *Paid Parental Leave Act 2010* (PPL Act) to provide that government-funded paid parental leave (PPL) will be 'targeted at individuals who have no employer-provided paid primary carer leave, or whose employer-provided paid primary carer leave is for a period less than 18 weeks or is paid at a rate below the full-time National Minimum Wage.'<sup>2</sup>

1.3 The Bill also contains a number of minor amendments to provide more flexible backdating provisions, amend the work test to take into account hazardous circumstances, and extend the period of a permissible break from eight weeks to 12 weeks.<sup>3</sup>

1.4 In addition, the Bill seeks to remove the obligation for employers to act as paymaster and administer government-funded PPL payments to their employees.<sup>4</sup>

1.5 Under the proposed Bill, payments of PPL would be made by the Department of Human Services, unless an employer opts in to manage the payment of PPL to their employees, and their employee agrees to the employer paying them.<sup>5</sup>

## Conduct of the inquiry

1.6 Details of the committee's inquiry, including a link to the Bill and associated documents, were placed on the committee's website.<sup>6</sup> The committee wrote to 74 organisations and individuals inviting submissions by 16 December 2016. Submissions continued to be accepted after that date.

1.7 The committee received 106 submissions to the inquiry and held a public hearing in Melbourne on 1 February 2017. Submitters and witnesses are listed at Appendices 1 and 2.

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1 *Journals of the Senate*, No. 15, 10 November 2016, p. 448.

2 Fairer Paid Parental Leave Bill 2016, Explanatory Memorandum (EM), p. 2.

3 Fairer Paid Parental Leave Bill 2016, EM, p. 2.

4 Fairer Paid Parental Leave Bill 2016, EM, p. 3.

5 Fairer Paid Parental Leave Bill 2016, EM, p. 28.

6 See: Community Affairs Legislation Committee, [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Fairer\\_ParentalLeave2016](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Fairer_ParentalLeave2016) (accessed 3 February 2017).

1.8 In addition, the committee received correspondence from 250 individuals. The committee has noted the views expressed in relation to the Bill and has accepted these short, personal statements as unpublished correspondence.

1.9 The committee thanks those individuals and organisations that made submissions to the inquiry and gave evidence at its public hearing.

### **Committee view**

1.10 The committee notes that Schedules 17 and 18 of the Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017 (Omnibus Bill), introduced into the House of Representatives on 8 February 2017<sup>7</sup>, contain similar provisions to this Bill.

1.11 The key variations between the provisions of the Fairer Paid Parental Leave Bill 2016 and Schedules 17 and 18 of the Omnibus Bill are summarised below:

<b>Provision</b>	<b>Fairer Paid Parental Leave Bill 2016</b>	<b>Omnibus Bill</b>
<b>Commencement date</b>	The first 1 January, 1 April, 1 July or 1 October after the day the Act receives Royal Assent.	The first 1 January, 1 April, 1 July or 1 October after the end of the period of 9 months beginning on the day the Act receives Royal Assent.
<b>Maximum period of government-funded PPL</b>	18 weeks	20 weeks
<b>Title of schedule</b>	Schedule 2 – Employer opt-in	Schedule 18 - Removal of parental leave pay mandatory employer role

1.12 The provisions of the Omnibus Bill were referred to the committee on 9 February 2017 for inquiry and report by 20 March 2017.<sup>8</sup>

1.13 The Explanatory Memorandum to the Omnibus Bill states that the Fairer Paid Parental Leave Bill 2016 will be withdrawn following the introduction of the revised PPL scheme arrangements contained in the Omnibus Bill.<sup>9</sup>

1.14 The committee proposes to consider the concerns raised and the evidence received in the committee's inquiry into the Fairer Paid Parental Leave Bill 2016 in conjunction with its consideration of the provisions of the Omnibus Bill.

7 *House of Representatives Votes and Proceedings*, No. 39, 8 February 2017, p. 497.

8 *Journals of the Senate*, No. 26, 9 February 2017, p. 881.

9 Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017, EM, p. 5.

**Senator Jonathon Duniam**

**Chair**



# **APPENDIX 1**

## **Submissions and additional information received by the Committee**

### **Submissions**

- 1** Dr Sabrina Pit
- 2** Ms Julie Davies
- 3** Name Withheld
- 4** Confidential
- 5** Confidential
- 6** Confidential
- 7** Confidential
- 8** Name Withheld
- 9** Miss Felicia Richards
- 10** Women's Health Victoria
- 11** Council of Single Mothers and their Children Victoria
- 12** Union of Australian Women
- 13** Confidential
- 14** Confidential
- 15** Name Withheld
- 16** Ms Kate Ravenscroft
- 17** Dr Diann Rodgers-Healey
- 18** Confidential

- 19 Ms Leah Walsh
- 20 International Women's Development Agency
- 21 Queensland Nurses' Union
- 22 Name Withheld
- 23 Name Withheld
- 24 Soroptimist International Fremantle
- 25 Name Withheld
- 26 Top End Women's Legal Service Inc.
- 27 National Foundation for Australian Women
- 28 Mr Metui Tongatua
- 29 Mr Leighton Marriage
- 30 Name Withheld
- 31 Soroptimist International Griffith Inc
- 32 Diversity Council Australia
- 33 Catholic Commission for Employment Relations
- 34 Community and Public Sector Union, State Public Service Federation
- 35 Victorian Women's Trust
- 36 Fair Agenda
- 37 Australian Women Lawyers
- 38 Victorian Women Lawyers
- 39 Health Workers Union (plus a supplementary submission)
- 40 Maternity Consumer Network

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- 41 BPW Australia
  - 42 Australian Manufacturing Workers' Union
  - 43 Australian Nursing and Midwifery Federation Victorian Branch
  - 44 Soroptimist International Torrens
  - 45 Soroptimist International Devonport
  - 46 Australian Education Union
  - 47 Community and Public Sector Union, PSU Group
  - 48 Department of Social Services
  - 49 Australian Services Union
  - 50 United Voice (plus an attachment)
  - 51 Police Federation of Australia
  - 52 Shop, Distributive and Allied Employee's Association
  - 53 Law Council of Australia
  - 54 Law Institute of Victoria
  - 55 Financial Services Institute of Australasia
  - 56 Pharmacy Guild of Australia
  - 57 South Australian Premier's Council for Women
  - 58 Australian Christian Lobby
  - 59 Australian Chamber of Commerce and Industry (plus an attachment)
  - 60 Australian Industry Group
  - 61 YWCA Adelaide
  - 62 Chamber of Commerce and Industry of Western Australia

- 63 Queensland Law Society
- 64 Northern Territory Anti-Discrimination Commission
- 65 University of Sydney Business School Women and Work Research Group
- 66 Finance Sector Union
- 67 National Tertiary Education Union
- 68 Australian Council of Trade Unions
- 69 National Alliance of Working Women's Centres
- 70 Australian Council of Social Service
- 71 Ms Krystal Wynne
- 72 Name Withheld
- 73 Name Withheld
- 74 Professor Andrew Scott
- 75 Name Withheld
- 76 Name Withheld
- 77 Mrs Nicole Slack
- 78 Mrs Sally Walker
- 79 Name Withheld
- 80 Name Withheld
- 81 Confidential
- 82 Name Withheld
- 83 Name Withheld
- 84 Name Withheld

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- 85** Ms Bronwyn Tilbury
- 86** Ms Emma Dardick
- 87** Ms Rianna Goodwin
- 88** Ms Sarah Wilson
- 89** Ms Skye McFee
- 90** Ms Hannah Gorman
- 91** Ms Melissa Cachia
- 92** Dr Sue Packer
- 93** Joint submission: Equality Rights Alliance and 28 other organisations
- 94** Women on Boards
- 95** Professors Guyonne Kalb and Abigail Payne
- 96** Early Childhood Australia
- 97** Work and Family Policy Roundtable (plus an attachment)
- 98** Workplace Gender Equality Agency
- 99** National Council of Single Mothers and their Children
- 100** Australian Nursing and Midwifery Federation
- 101** Australian Nursing and Midwifery Federation (SA Branch)
- 102** Unions Tasmania
- 103** Australian Nursing and Midwifery Federation (Tasmanian Branch)
- 104** Australian Human Rights Commission (plus an attachment)
- 105** The Parenthood
- 106** ThoughtWorks

**Answers to Questions on Notice**

- 1** Answers to Questions taken on Notice during 1 February public hearing, received from Department of Social Services, 6 February 2017
- 2** Answers to Questions taken on Notice during 1 February public hearing, received from Australian Human Rights Commission, 6 February 2017
- 3** Answers to Questions taken on Notice during 1 February public hearing, received from Workplace Gender Equality Agency, 7 February 2017
- 4** Answers to Questions taken on Notice during 1 February public hearing, received from Pharmacy Guild of Australia, 9 February 2017
- 5** Answers to Questions taken on Notice during 1 February public hearing, received from Australian Chamber of Commerce and Industry, 9 February 2017

**Tabled Documents**

- 1** Analysis of the Impact of the Government's MYEFO Cuts to Paid Parental Leave, tabled by Women and Work Research Group University of Sydney Business School, at Melbourne public hearing 1 February 2017

# **APPENDIX 2**

## **Public hearing**

*Wednesday, 1 February 2017*

*Parliament of Victoria, Melbourne*

### **Witnesses**

#### **Women, Work and Leadership Group, the University of Sydney Business School**

HERON, Ms Alexandra, Research Associate

BAIRD, Professor Marian

**SCOTT, Professor Andrew, Private capacity**

**KALB, Professor Guyonne, Private capacity**

**PAYNE, Professor A Abigail, Private capacity**

#### **The Parenthood**

BRISKEY, Ms Jo, Executive Director

#### **Work and Family Policy Roundtable, Social Policy Research Centre, University of New South Wales**

HAMILTON, Dr Myra, Member

#### **Australian Chamber of Commerce and Industry**

BARKLAMB, Mr Scott Cameron, Director, Workplace Relations

MATHESON, Ms Alana, Deputy Director, Workplace Relations

#### **Australian Industry Group**

SMITH, Mr Stephen Thomas, Head of National Workplace Relations Policy

VACCARO, Ms Genevieve, Senior Adviser Workplace Relations Policy

#### **Pharmacy Guild of Australia**

LODHIA, Mr Jayesh, Pharmacist Member

FOWLER, Ms Natalie, Workplace Relations Manager

HARRIS, Mr Scott Phillip, Workplace Relations Manager

#### **Australian Nursing and Midwifery Federation**

BELLINO, Ms Sue, ANMF Political Director

BLAKE, Mr Nicholas, Senior Industrial Officer

McDONAGH, Ms Phoebe, Registered Nurse, Neonatal Intensive and Special Care Unit

### **Australian Services Union**

WHITE, Ms Linda, Assistant National Secretary

CASSAR, Ms Carolyn, Member

RABICH, Mrs Cassandra, Member

TYRRELL, Ms Kristy Lee, Member

### **Shop, Distributive and Allied Employees Association**

BIDDLESTONE, Ms Katie, National Women's Officer

DWYER, Mr Gerard, National Secretary/Treasurer

### **Australian Council of Trade Unions**

KEARNEY, Ms Ged, President

TKALCEVIC, Ms Belinda, Director, Social and Economic Policy

### **Police Federation of Australia**

BURGESS, Mr Mark, Chief Executive Officer

RILL, Ms Emma, Acting Industrial Relations Manager, Victorian Branch

MERLO, Ms Kelly, Member

GRIFFITH, Mrs Alexandra, Member

### **Australian Education Union**

HAYTHORPE, Ms Correna, Federal President

THOMPSON, Ms Sally, Federal Women's Officer

### **Early Childhood Australia**

PAGE, Ms Samantha, Chief Executive Officer

HEWITT, Dr Belinda, University of Melbourne

### **National Foundation for Australian Women**

COLEMAN, Mrs Marie, Chair, Social Policy Committee

MacDERMOTT, Dr Kathleen, Member, Social Policy Committee

### **Women on Boards**

BRAUND, Ms Claire, Executive Director

### **Australian Centre for Leadership for Women**

RODGERS-HEALEY, Dr Diann, Director

### **Australian Human Rights Commission**

JENKINS, Ms Kate, Sex Discrimination Commissioner

HALL, Mr Matthew, Special Adviser

**Workplace Gender Equality Agency**

LYONS, Ms Libby, Director

BREDEHOEFT, Ms Janin, Senior Research Advisor

**Department of Social Services**

BAXTER, Ms Roslyn, Group Manager, Families Group

CALA, Ms Kris, Branch Manager, Children's Policy

BICKNELL, Ms Tracey, Director, Paid Parental Leave