

TRANSCRIPT OF PROCEEDINGS

PRODUCTIVITY COMMISSION

PUBLIC HEARINGS

CARER INQUIRY

MONDAY, 20 MARCH 2023

PRODUCTIVITY COMMISSION, L8, 2MQ, 697 COLLINS STREET, MELBOURNE

BEFORE:

**COMMISSIONER CATHERINE DE FONTENAY
COMMISSIONER MARTIN STOKIE
MR GEORGE STEEL**

COUNSEL APPEARING:

**MS ALISON BROOK
MS SUE ELDERTON
MS NATALIE BIRD
MS SHARON LAWN**

COMMISSIONER DE FONTENAY: We would like to begin by acknowledging the traditional owners of the lands on which we variously meet, in our case, that the Wurundjeri people of the Kulin nation. (Indistinct words) I believe that's the Ngunnawal and Ngambri people. So, we pay our respects to elders past and present. Thank you so much for taking the time to talk with us, we're really grateful that you're participating in these hearings. We are very keen to have you on the draft, and it has been all quiet on the western front thus far, so it would be great to get some of your impressions. So, maybe we can start just by hearing from you, but then we - we obviously have some more specific questions for you.

MS BROOK: Yes, thank you. So, could I also pay my respect to the Ngunnawal and Ngambri people, who are the traditional owners around the ACT, and pay my respect. Also, a week ago we lost a very prominent elder in the community, she has been the real backbone of the Ngunnawal people for many, many decades, and she died in her nineties last week, and the community is really hurting about that, so I just wanted to acknowledge Auntie Agnastay.

COMMISSIONER DE FONTENAY: Auntie Agnastay?

MS BROOK: Yes. So, I just wanted to say that.

COMMISSIONER STOKIE: Indeed, perhaps we can recognise that in our notes as well.

MS BROOK: That would be lovely, thank you. So, I would just like to make a really brief opening statement referring to a number of things that we would like to tease out with you, and that may overlap with what you wanted to ask us about anyway.

COMMISSIONER STOKIE: Yes.

MS BROOK: So, thank you for the opportunity, we appreciate - - -

MR STEEL: Sorry, for the transcript can you introduced yourself.

MS BROOK: Sure.

MR STEEL: Because we're making a recording, and we're going to prepare a written transcript to go up on our website, and so, I think to help the transcribers if you can introduce yourself.

COMMISSIONER DE FONTENAY: Sorry, we should probably say who's over here. So, over at our end it's Catherine De Fontenay, Martin Stokie, and George Steel. We're (indistinct words) enquiry, and we have a number of members of the enquiry who are dialled in.

MS BROOK: Thank you, thanks. It's Allison Brook, I am the CEO of Carers Australia, and my colleague is with me, Sue Elderton, who is the national senior policy manager for - - -

MS ELDERTON: I am not anymore, I am senior policy officer, sorry.

MS BROOK: For Carers Australia, thank you. So, we appreciate this opportunity to respond to the position paper, although as I am sure you will understand, we are disappointed that the

commission seems to have concluded that reform is not worth the effort on the grounds of the comparatively small number of carers who are likely to take up such leave, and it would have a negative impact on some employers. As far as the impact on employers is concerned, most new benefits incorporated into Fair Work Act determinations, which benefit employees, are considered by organisations representing employers as making life harder for them.

We would like to highlight some particular issues raised in the position paper, which include some of the matters covered under information requests. The first relates to the proposition that flexible work practices provide a substitute for extended leave. The second is to propose that extended leave could be included in the NES as a right to request, which as is the case with flexible work arrangements, provides a right of refusal by an employee on business grounds, which they must justify. And a process for advancing the issue through Fair Work Commission conciliation and arbitration processes in cases where a dispute cannot be resolved between the carer and the employer.

Third, there are arguments raised in submissions which almost amount to sophistry, in our view, and on which we would at least like to comment. Fourth, we would like to better understand the data and modelling related to the projected uptake of an extended leave entitlement. And finally, we note that there are only a couple of lived experience submissions to the issues paper, and we are wondering if it would be possible to have a lived experience roundtable to feed into your deliberations. That's the extent of our opening statement, thank you, and we have certainly got plenty to say on those five issues, but it may come up within the context of the conversation, so I will leave it to you to lead that conversation.

COMMISSIONER DE FONTENAY: No, that's great, let's start with your points, and then we'll see if there's anything that we want to discuss that doesn't get - doesn't come up in the course of that. So, yes, we would love for you to expand upon those points.

MS BROOK: Okay, so, I have got something to say on each of those, do you want me to just go through them, Sue?

MS ELDERTON: Do you want to do it one at a time?

COMMISSIONER DE FONTENAY: Yes, let's do them one at a time, I think is probably best, thanks.

MS BROOK: Okay. So, the first one is flexible working arrangements not being a substitute for extended leave. We agree that flexible working arrangements are highly valued by carers, those arrangements are limited - sorry, those arrangements include but are not limited to changes to working hours, and working days, job sharing, working from home, shift swapping, or a combination of these. However, flexible arrangements and extended carers leave serve different circumstances and purposes. The aged care royal commission recommended leave equivalent to parental leave, because it was a model already in place.

However, carer leave, and parental leave do differ in some key respects. In addition to looking after a child who is totally dependent on a parent, it is to allow time for the child and the parents to bond. This is not the same for carers leave, unless of course the person being cared for is an infant child. As we identified in our response to the productivity

commission's issues paper, carers who would most benefit from long leave are likely to be those who are coming into a new and intensive carer role, or would have a sudden escalation in their existing carer role. These circumstances may involve changing their housing arrangements in order to be with the person requiring care, finding out about supports available - - -

(Audio malfunction 10.05.55 to 10.07.00)

COMMISSIONER DE FONTENAY: for the varying responsibilities for a brief period of time, or essentially full time, or because their parents are overseas. You can imagine circumstances where flexible work is not going to meet their needs. It would be helpful to us, but I guess - so, I guess there's three points. One is simply how - how big is this group, and so, that is a question that we're still trying to identify. Do you - do you have feedback from carers as to how many have resigned from work, or asked their employer for extended leave because - because of their need for flexible work.

You know, there is a group of people who are kind of in that overlap between flexible work and unpaid leave, and for some of those, they might prefer flexible work, but they might take unpaid leave if that was the only option on the table. Do you have any sense of how many people feel like their needs could be met by flexible work if flexible work were available, but they end up having to resign, or they end up having to ask for extended unpaid leave? Do you have a sense of - of how many people fall into the long term break from work simply because their employers are not offering flexible work?

MS BROOK: Not in that detail. I mean, what we do have is the data that we put in our response to the issues paper from our national carers survey conducted by Carers New South Wales.

COMMISSIONER DE FONTENAY: Yes.

MS BROOK: Which tracks certainly more want flexible working conditions and have sought it, but there are a large number of people who have resigned because of their caring role.

COMMISSIONER DE FONTENAY: Yes.

MS BROOK: But you know, all others in the absence of an entitlement.

COMMISSIONER DE FONTENAY: Right, right.

MS BROOK: And as you have commented on in your report, the question you have got to ask people is if you were entitled to extended leave, and - would you take it? And how many months might you take it for? We don't have that, and I don't know that anyone does, really. I mean, there are big data gaps.

COMMISSIONER DE FONTENAY: The survey of disability, aging, and carers asks people whether they would take more unpaid leave if it were available to them, and that's part of how we arrived at our estimate. But that is in the context of the current flexible work arrangements.

MS BROOK: Yes.

COMMISSIONER DE FONTENAY: So, what we don't know is if that's critically 4000 and 8000 people a year is our estimate, and what we don't know is how many of those people would have their needs met by flexible work.

MS BROOK: Yes. And once again, the SDAC question is against the background where there's no entitlement. So, what people have in their minds when they answer those questions is current opportunities, really, in the absence of - - -

COMMISSIONER DE FONTENAY: Right, yes.

MS BROOK: Yes.

COMMISSIONER DE FONTENAY: But the question does ask them if you had more unpaid leave available to you, would you take it?

MS BROOK: That's what I say.

COMMISSIONER DE FONTENAY: Yes, and a small number of people answer that question.

MS BROOK: And the type of - the duration of unpaid leave isn't identified. So, once again, you don't know what's in their minds, and whether they're thinking a month, whether they're thinking 12 months, whether they're thinking six months. Yes.

COMMISSIONER STOKIE: And there's an important element, so, one is - I think - hopefully it came through in the report, we actually - we agree with you that there is a distinct cohort of people for which flexibility just won't work.

MS BROOK: Yes.

COMMISSIONER STOKIE: And that's the area that we focused a lot of attention on, at least initially, in trying to put some numbers around that, based on the best available information.

MS BROOK: Yes.

COMMISSIONER STOKIE: There's limitations in survey work, what were people when they answered, but that survey does - and it's a little bit out of date as well, we would have loved to have seen the 2000 - well, the most recent - - -

MS BROOK: 23? 24? We'd like the same.

COMMISSIONER STOKIE: Exactly. And that might have a greater insight, because you know, quite a lot happened in Australia and globally in between that time, so, perhaps we need to think about from your response around have we made it sufficiently clear that they are distinct groups? It was something that we're trying - and you can help in this in your response, which is, well, how distinct are they? And that's - so, Catherine's point around the

survey questions, it's actually up to six months. So, we don't know whether - and of unpaid leave, would have you preferred to - and so, we don't know whether - was that three days?

MS BROOK: Yes.

COMMISSIONER STOKIE: On top of the two that you already get, that would accord with what the UK is - before their house of lords at the moment, is looking to put in five days of unpaid leave for carers of older - or for carers. Or is it, you know, closer to the six month period, which is then equivalent to some of the other jurisdictions.

MS ELDERTON: I actually thought that that had gone through in the UK, are they still - are they still to decide?

COMMISSIONER STOKIE: I will stand corrected.

MS ELDERTON: Yes.

COMMISSIONER STOKIE: I haven't seen - I know it had passed the house of representatives, or the house of commons, sorry, I beg your pardon.

MS ELDERTON: Yes.

COMMISSIONER STOKIE: I don't know whether it had passed the house of lords, so, it may well have.

MS ELDERTON: But still on - --

COMMISSIONER STOKIE: I know only two weeks it had had - - -

COMMISSIONER DE FONTENAY: Yes, all right. So, let's - - -

MS ELDERTON: Can I just ask a minor question about the SDAC data? When you came up with those numbers on the basis of the SDAC, were you - did you - were you whittling down working age carers of older people, or were you talking about all carers?

COMMISSIONER DE FONTENAY: Two exercises, yes, sorry. We did two exercises, one was just working aged - working age carers of older - sorry, let me - the SDAC numbers say - the SDAC question simply asks - it looked at working aged people and asks would you have liked to take unpaid leave for caring. It does not specify whether that would be to care for an older person, or to care for somebody else. Based on how many carers do resign from work to care for an older person, we've estimated that about half of that would be to care for an older person, and half of that would be to care for someone who is - in other circumstances.

MS ELDERTON: Under 65, yes.

COMMISSIONER DE FONTENAY: Yes. So, we do the two empirical exercises in the - in the position paper, and essentially our estimate is roughly that it would be twice as many people were the entitlement to be extended to - if the entitlement existed, and it were

extended to all carers, not just carers of older Australians, we think that it would roughly double the number of people who took up the entitlement.

MS ELDERTON: All right.

COMMISSIONER STOKIE: So, if I was to say we've tried as best we can to look only focus on those carers who would be looking after somebody over 65.

MS ELDERTON: Yes.

COMMISSIONER DE FONTENAY: And one final thing - - -

COMMISSIONER STOKIE: (Indistinct) but again, it's based off the best information that we can get.

COMMISSIONER DE FONTENAY: All right. Okay. Now, let's talk a little bit more about the group who - whose needs would not be met by flexible work, so the people who extended unpaid leave would be most suitable to their circumstances, again, as you describe, mum has had a fall, and is in hospital, she needs to go into aged care, there's a huge amount that needs to be done to make that happen, for an example, those types of circumstances, or palliative care for a short period of time. So, you know, a normal person has a situation, as you can imagine, where it's going to be very intensive, very full time, but perhaps not forever, but foreseeable future.

MS ELDERTON: And it might not be residential care, it may be mum needs to get a much higher-level homecare package.

COMMISSIONER DE FONTENAY: Yes.

MS ELDERTON: which - - -

COMMISSIONER DE FONTENAY: Which takes a while, you're on the waiting list, or it takes a while to set up all of those carer relationships.

MS ELDERTON: Yes.

COMMISSIONER DE FONTENAY: And so on. So, for that group, so thinking about what the extended unpaid leave delivers to that group, essentially what it delivers is the ability to get back to work in a seamless way, because you might have to search for work after your caring relationship has settled down to a new lower level or has ended in the case of palliative care. So, one of the reasons that informed our thinking for why this might not be a top priority is that the data seems to suggest that the people who do search for work, a lot of them are able to find work relatively - most of them are able to find work.

So, of the approximately - so, we estimate that these people, that in the absence of an entitlement, don't - we assume that people who don't quit their jobs in the absence of an entitlement, we assume that they would all like to go back to work. And we find that of the people that quit their jobs to care, about 25 per cent of them seek work after a while - after - once their caring responsibilities have calmed down. And our findings that - the team can

jump in if I am saying this incorrectly, but of the people that search - that kind of search for work during the - over the next year, we find that most of them are able to find work again.

MS ELDERTON: So, that's just based on the HILDA data, is it?

COMMISSIONER DE FONTENAY: On the HILDA data, yes, yes.

MS ELDERTON: So, the HILDA data is finding work, I think, within two years after.

COMMISSIONER DE FONTENAY: So, 90 per cent, I believe it is, who look for work find work within two years. But - - -

MS ELDERTON: I thought it was 60 per cent found work within two years, and then you added those who were still diligently looking for work, but they hadn't found it yet. I think that's what the report says.

COMMISSIONER DE FONTENAY: Yes.

MS ELDERTON: And that's how you get to 90 per cent.

COMMISSIONER DE FONTENAY: I'll just pull it up while we're chatting, but the team can jump in. But I believe that it's - I believe that it's - I will try and find it while we're working. Okay, so -

COMMISSIONER STOKIE: (Indistinct) if I ask a question while we look? Is that - - -

COMMISSIONER DE FONTENAY: Sure. Yes, go for it.

COMMISSIONER STOKIE: I was just interested, Alison, in the list that you, sort of, wanted to go through earlier on, the right to request, you made the comment that you wanted to talk about that, which is, it's not - I just wondered if you could expand on your perspective around perhaps why - why you didn't think that was perhaps a - a substitute, the changes, and particularly around the changes that have come through in the Fair Work Act review or reforms last year. I was interested in your perspective about how - perhaps how effective those are, because that right to request now can be subject to appeal, and there's actually quite detailed requirements on the employer, more so than was previously there about the sorts of things that you must do with the employee. So I was just wondering, from your perspective, how would - it's due; hasn't come into effect yet - but how do you think carers would react or respond to that? And would you say there's a cohort of people who might be in the category of wanting extended leave, who might think that flexibility could now work for them?

MS BROOK: I might get Sue to respond to that.

MS ELDERTON: Yes. So there are two things about the right to right to request. So there's now the right to request flexible working conditions, which we were really pleased to see (indistinct) new changes, because our problem was always that, before these amendments - have they come into force yet, the amendments? I'm not sure.

COMMISSIONER STOKIE: They've passed, but they coming in, in either June or July. Yes.

MS ELDERTON: Yes. But before these amendments, there was no right of appeal, really.

COMMISSIONER STOKIE: Yes.

MS ELDERTON: Now there is a right of appeal, and I think it does two things. It further legitimises the concept of flexible working conditions, and that's important. In terms of how many carers would take advantage of going through the entire process if their employer continued to refuse, and they got a response in writing from their employer, the Commission offered, you know, conciliation and mediation, could offer recommendations about resolving the dispute. The number then, if it was still not resolved, who'd push it through to arbitration, we're not sure. Some people would, but the two things I guess I have in mind when I think of that is, you know, carers are very time-poor and getting involved in that sort of process is stressful and does use up time. And then you have to think - sorry.

COMMISSIONER STOKIE: No, no. Please go ahead (indistinct).

MS ELDERTON: Then you have to think, you know, if I was in that position and I wanted to push it through to arbitration, I'd think - I wonder what my working relationship's going to be like with this employer.

COMMISSIONER STOKIE: Yes.

MS ELDERTON: Having said that, some would go that far; but how many, I don't know.

COMMISSIONER STOKIE: Do you think it'll change employers' behaviour, in the sense that most laws are, sort of, enforced in the breach rather than in the norm, and this kind of merged some way to try and change the onus a little bit more, back onto the employer, to genuinely consider, have engaged with the employee to actually think through how could flexibility work. Do you think that is likely to change the behaviour so that nobody has to actually go all the way through to the Fair Work Commission? That would be an extreme situation.

MS ELDERTON: Yes, I do. I do think it would change the employers' behaviour. You know, the - the threat that this could go on, and on, and on, and on, and lawyers might become involved and they might lose in the end, and yes. I think it could.

COMMISSIONER STOKIE: Is it a reasonable proposition that if we have - we can debate the data and there are some, sort of, limitations to what we've looked at - but if we had a cohort of people that we think would take up extended unpaid leave, and there's two cohorts of that: those that have stayed in work but in fact would have liked to have taken leave if there was this right, and there's those that - who actually need to look after their family member or a close relative is so great, they've resigned, and they're two different cohorts. But do you think - and we don't find that that's a very large number, and we can debate whether that's true or not, or how accurate, and we'd love to have your feedback on, well, you know, perhaps the survey results aren't (indistinct). But do you think, in principle, that that cohort would be smaller, going forward, on the basis of the actual changes that came into

effect mid-way through this inquiry (indistinct) in Fair Work? You know, there will be some where the new flexibility actually - you know, we've got a proposition there which is, well, we're not too sure. We think it might actually work for some of that cohort, and those reforms are set to be reviewed in - by 2025, I think. So there is a theme in some of that work to say, well, maybe we should at least wait and see what comes of that. Is that - would that be consistent with your views?

MS ELDERTON: Yes. Yes. I mean, it - it remains the case that flexible working conditions aren't going to do the job in some circumstances, but flexible - it's not a guarantee, a better case for getting flexible working conditions is one of the things that carers who are in crisis need to have time to find out about, and consider, in all the considerations that they're dealing with about, 'Oh my god, I've got to look after Mum or Dad, I really don't know what's out there, I really don't know how I'm going to organise my life around this'. Flexible working conditions is something that they might think, 'Yes, I can actually manage this if I wasn't working these hours, these days'.

COMMISSIONER STOKIE: Yes. I suppose maybe it's a comment that I've had, and I hopefully (indistinct) this, and it goes back to your very, very first point, Alison, I haven't taken our work, but this is - you're telling us this is how you'd interpret it - that we don't think that this is worthwhile. What we're saying is that, for that cohort, it would be certainly incredibly valuable, and we think that cohort's relatively small compared to the full spectrum of carers, from those who are caring and no longer in the workforce, to which the National Employment Standards won't do anything for them, but they still have great needs, to those people who are staying in the workforce, to which they don't intend to take extended unpaid leave because they either can't afford to do so, or maybe their caring needs just aren't as intense as requiring, you know, an extended period of time away from work, and I suppose what was something I'd love to hear, maybe in the five things that you've sort of listed out is, we're sort of saying, 'Well, yes, you could do that, but in fact, maybe there are other things that are more important for carers across the board', and that's kind of the theme that we're trying to put forward in the position paper, and so, notwithstanding any headline news that might have been in newspapers, that's - and if that's not coming through, it'd be good for you to - and I think you are reflecting that back to us to hear that, so.

MS BROOK: Thank you. So I hear what you say, and there certainly was a palpable level of disappointment in the office when the paper came out and - and it was rapidly consumed, and there was a real disappointment, I have to say. So we are honestly feeding that back, and we'll obviously be clear about what it is we're disappointed about when we write back in response. So - yes. Well - yes. So my general impression about what was coming out of the position paper was - the term I put in Alison's briefing notes on the weekend - that I find that I may be the only person left in the world who knows it, which is - there was a sense of, the game is not worth the candle. Are you not familiar with that phrase?

COMMISSIONER DE FONTENAY: No.

MS ELDERTON: Been with me all my life. So it's - it comes from - it's been around for centuries.

COMMISSIONER STOKIE: We've been playing - we're playing the game in the pre-electricity time, I presume, Sue.

MS ELDERTON: Exactly.

COMMISSIONER STOKIE: Is that right?

MS ELDERTON: Exactly. And - and - and the take isn't worth the wax.

COMMISSIONER STOKIE: Yes. Look - - -

MS ELDERTON: So there was that kind of vibe.

COMMISSIONER DE FONTENAY: Certainly, if, you know, seven people in Australia were going to benefit from this (indistinct) it would not be worth amending the National Employment Standards for their sake, however great the benefit to them. That's not what we're saying; it's definitely a non-trivial number of people who would benefit from this. But, without knowing how many of those people would have their needs met by flexible work arrangements, and better access to flexible work, it is hard to know how big this group is who (indistinct) only unpaid leave - extended unpaid leave - will meet their needs.

Second of all, it's - I guess, the best data that we've got suggests that the benefit to those people is not unlimited, simply from the fact that they are paid such a huge cost to take extended unpaid leave - you know, financial cost; you've mentioned superannuation. So the - it is certainly true that their circumstances are really difficult. But it's also true that extended unpaid leave - the best empirical estimates that are out there do not suggest that the benefit of that is unlimited. And that's because the - because the costs are - to you are very large, in terms of giving up income; and it's because, for people who want to return to work, a lot of them are able to find work, even in the absence of the provision.

So the only sort of formal estimate of this is a paper by (indistinct) mentioned it in supporting paper 2, which estimates that if the United States had an extended - had unpaid leave available, up to two years, that that would benefit people about \$US28,000. So being able to take unpaid leave: you would value that at about 28,000 US.

Now, that needs to be balanced against the income of the people that are taking the leave. So, for some of them, that says that it's really important to them. But it's not - it's not, sort of, unlimited value, if you will. And so it is an important thing, but we do wonder whether policy - government policy efforts should focus first on things that are - that deliver more benefits to a broader set of carers.

MS ELDERTON: Yes, and I - and I would say, in terms of the limited numbers you're referring to, they're the numbers of carers looking after people in aged care, and I understand that that's the terms of your reference. From our perspective, if carers of older people were to have the benefit of some changes in the NES, we would be advocating strongly that that would apply to all carers, so that the numbers would expand - - -

COMMISSIONER DE FONTENAY: No, the numbers would (indistinct) kind of as a rule of - as a rule of thumb.

MS ELDERTON: But also, in terms of - - -

COMMISSIONER STOKIE: But (indistinct) come through - - -

MS ELDERTON: Sorry - hang on. Sorry.

COMMISSIONER STOKIE: I'm sorry; I was just going to say - and (indistinct) I will be brief - I was just going to say, hopefully that has come through in some of the latter parts of the position paper, where we're talking about, well, what else could be done. We do look at, as Catherine has indicated, well, should we - if this was to be extended, who else would wish to take the unpaid extended leave, and those numbers are approximately twice the number here. And there are some themes around consistency with the Carers Recognition Act, and not having distinct groups of carers for - by something like age as relevant.

That's as a suggestion in anything you might want to put (indistinct) more formally. This is an opportunity - if, for instance - and let's just take as given in the position paper - we're saying, it's limited here, but there are other things you could do for the wider cohort of carers. Maybe this is an opportunity, again, for you to either continue to advocate, and/or dust off some of your ideas that fit within that theme, because we are happy to take on board the sort of perspective of - Sue, I cut you off; I'm sorry.

MS ELDERTON: No, that's fine. Well, one thing about saying this is going to come at great cost to carers, as a position - and so, maybe we should think twice about it - is that it's their choice, right? It's the choice that matters. And that - and they all know the cost that it - - -

COMMISSIONER DE FONTENAY: Right, so if they make that choice, the benefit to them is positive. I'm just saying that the benefit - to the best of our abilities to estimate - the benefit is not infinite. The one paper that has made this estimate is kind of allowing for the fact that, if you see somebody not working, it could be because they've become discouraged. So they're taking a kind of much broader look at who might be - they might be finding it difficult to get back to work.

Let me just circle back to the HILDA estimates, just because you had also asked for a clarification on how we are coming up with our estimates. So, again, some of the challenge here is that HILDA is an annual survey, and so you're not getting very precise timing information from HILDA. I'm going to ask (indistinct) to jump in if I say this incorrectly, but essentially what you're talking about is, you're talking about three data points. So there's a data point where someone has quit their job and is caring; and then, in the following year, they're looking for work; and in the following year, they are still looking for work.

And so, the point is that the set of people who are still looking for work in that second year - there is a very tiny fraction. Most people are either retired or have found work. So the people who are looking for work are the people who have quit their job, and we find them in caring roles after they've quit their job, and then they're looking for work. We find that most of those people have found work. And so it's just a tiny fraction who answer, "I quit my job. I then was looking for work, and I'm still looking for work another year later." Okay, so it is - we are framing it as two years, but essentially, the information we have on timing - that's about all the information we have on timing.

MS ELDERTON: So I couldn't find - I only looked at the public - you know - public-facing HILDA reports. I couldn't find any of that information. So, I guess, it's stuff that's done behind the scenes. And the only data we've got to put against that, I suppose - and it doesn't quite match up - is, PricewaterhouseCoopers did a massive report for the Department of Social Services - I think it was some years back, 2017 maybe; I don't know. When Christian Porter was in office; that's all I remember. But - he was Minister for Social Services.

And they found that most carers who are on the carer payment for any length of time, when they came off, were likely to go onto another working age pay - if they were of that age. So they would go onto Jobseeker, or maybe even DSP. So that - I don't think you can compare the data, because - because, if - it depends on the amount of time they were on the carer payment.

COMMISSIONER DE FONTENAY: Yes. So I think the hard part is, it's difficult to separate - yes - in that data, which I thought is - you mentioned it in your report, and it's fascinating. But, yes, the tricky part is, we don't know how long those people were carers, and obviously, the longer you spend out of the workforce, caring, the more your skills erode, and the harder it is to find work afterwards. So that is certainly a consideration.

But do you - just on this point - do you think that there are - what sorts of policies would you like to see to facilitate (indistinct) carers returning to work beyond - so the - extended unpaid leave will - again, it will meet the needs of those people who need to be out of their work for a short period of time, but, as we've discussed, that isn't all carers, by any stretch.

MS ELDERTON: No.

COMMISSIONER DE FONTENAY: What types of policies would you like to see to facilitate carers returning to work?

MS BROOK: I think we're working up to some of that at the moment. Maybe we can include some in the written submission.

MS ELDERTON: Well, look, the main thing is, I think, if carers are taking off three, six - three to six months, or even a year, and they've had to resign, I can't think of any special policies other than - it's just going to employment services. And the case we're working out is in - is actually with respect to people on the carer payment getting back to work. And then we - there are some policies we're advocating that with Job Services - it's not Job Services Australia any more, is it? Workforce Australia - that carers need, sort of, special help, special support - - -

COMMISSIONER DE FONTENAY: Yes. Yes.

MS ELDERTON: - - - in finding work. But that - again, we're focusing on carers who've been out of the workforce longer.

COMMISSIONER STOKIE: Yes. And this is something we've been internally having a conversation about: are there other alternatives? So one is, do you amend the National Employment Standards to give a right to return?

MS ELDERTON: Yes.

COMMISSIONER STOKIE: And that - because of the nature of the National Employment Standards, it needs to be prescribed; it needs to be defined; it's enforceable, et cetera. So we need to set - if you did change it, you need to set (indistinct) timeframe; we need to have the eligibility, et cetera. And the proposition that we put forward in the position paper, we've then gone to try and say, well, okay, if you defined it that way - you can define it any other way, in various iterations, but if you define it that way - how many do we think would be there?

Your comments are around, well, you know - assistance programs to get people back into work having been out of work can apply to a much broader cohort of people - and carers - could apply to people who have taken time away from the workplace to be caring for much longer. So, you know, for (indistinct) the internal thinking was, well, is that an alternative? Is that a different proposition, another option, rather than changing the NES, that is useful? And where would changing the National Employment Standards be most valued, if it was to be done?

I think, you're kind of highlighting some of the steps of the internal conversation we've had ourselves. And, Alison, you rightly point out, we're asked a very tight question: should we give extended unpaid leave entitlement in the National Employment Standard? We're almost reverse-engineering that back to, what would work best for carers.

MS BROOK: I don't know that it has to be an either-or.

COMMISSIONER STOKIE: Well, indeed. Indeed, and that's a theme that I'm hearing from yourselves, and we will hear back. And that's very helpful for us to reflect on that.

MS BROOK: That's - the right to - - -

COMMISSIONER DE FONTENAY: Hang on - sorry.

MS BROOK: Sorry.

COMMISSIONER DE FONTENAY: Sorry. Well, just - given that - given that we're going to rapidly run out of time, I was wondering if we could talk about, kind of, priorities more generally. So we did talk about the fact that we thought policy priorities other than extended unpaid leave would be around reviewing financial support for carers; better access to quality formal carer services; better access to, and awareness of, the right to request flexible work arrangements; and making the definition of "carer" in the National Employment Standards more inclusive of a wider range of caring relationships.

From your point of view, did we miss anything in terms of what the priorities should be? Are there other things that would be on your top of the list that are not there?

MS BROOK: I think all those things are brilliant. Yes, those are the things that most help - replacement formal care. And that - but that - that's a great thing to recommend, but that kind of brings you back to what's happening in the aged care space anyway at the moment, where we're asking for - and will get - we will get - - -

COMMISSIONER DE FONTENAY: Yes.

MS BROOK: That carers' needs are taken into account in the ACAT assessments. So - and by providers, in terms of when they make that formal care available, and how much, and all that sort of stuff. So, yes, that's - and - but - and then you've got to - then you've got the other problem, that there actually aren't enough home care packages - - -

COMMISSIONER DE FONTENAY: Yes.

MS BROOK: - - - and where you do have home care packages, there aren't enough available at the right level.

COMMISSIONER DE FONTENAY: Correct level, yes.

MS BROOK: Yes.

COMMISSIONER DE FONTENAY: Okay, so we are trying to make that point as strongly as we can. Your original submission mentioned paid leave, though, as something that you thought was a top priority, was giving people access to more paid leave. Is that, in your view, a priority for carers, or are there other - - -

MS BROOK: Well, I think - - -

COMMISSIONER DE FONTENAY: (Indistinct words.)

MS BROOK: - - - (indistinct) paid care leave, as an option, was about smaller periods of leave. We're not suggesting that the - - -

COMMISSIONER DE FONTENAY: Yes.

MS BROOK: - - - extended leave is on a paid basis. But, for instance, if you're - if you've got an entitlement of 10 days' personal leave, cumulative, and that includes carer's leave, sick leave, and so on, you're likely to put your own health as a secondary consideration, and save up those days for when you've got an episodic situation where you have to escalate the care, and therefore, your own health gets - I mean, that's what carers do, anyway. We know that their physical and their mental health is much poorer than those without caring responsibilities, because they put their own wellbeing last.

And so, this was about, what about - you know, I'm just making these numbers up - you know, what about you had 10 days of personal leave for your own health, and then you had a small number of days, additionally, for carer's leave, for those episodic, you know, days or - few days from hell that carers have from time to time?

MS ELDERTON: I mean, I care for my son, who has got multiple disabilities. And this is not good from Alison's point of view, but I accumulate as much annual leave and as much personal leave as I can. I've got months stacked up, because I'm waiting for the day when I'm going to have to use it (indistinct) care - - -

MS BROOK: And so you know, as - you know - as an employer, you know that people who have a lot of accumulated leave - and we're always encouraging Sue to take something - that's a good example. And Sue - you know, she's stretched. She's a carer, who cares very deeply, and her own needs are put aside in the interests of the needs of her son. That's not an unusual story. And - - -

COMMISSIONER DE FONTENAY: Yes, absolutely. We've also - have heard the suggestion that extending the short-term unpaid leave could be really beneficial to some people. So Martin mentioned the five days that the UK is considering possibly passing. Do you have a view on the short-term unpaid leave?

MS ELDERTON: Well, ideally, it would be good to have another 10 days' paid leave - a separate carer's leave and a separate sick leave, if you want to look at it that way.

COMMISSIONER DE FONTENAY: Yes.

COMMISSIONER STOKIE: Do you have a view on the current two days unpaid, where the - it seems quite unusual to us, but the requirement is that you must have exhausted your personal leave before you can take the two days. Do you have a view on that? Is that useful or is that a hindrance?

MS ELDERTON: It's kind of nothing, you know, two days is nothing.

COMMISSIONER STOKIE: Right. But the requirement to have used your personal leave first before you - - -

MS ELDERTON: Yes, yes. Well - - -

COMMISSIONER DE FONTENAY: We're considering looking at whether that rule should be changed that you have to have used up all your paid leave before you can take the two days of unpaid leave. What's your view on whether that's good or bad?

MS BROOK: I'd put as much flexibility in it as possible so that carers can make that choice.

COMMISSIONER DE FONTENAY: Okay, okay. So we were trying to speculate as to why that existed, that rule that you had to use up your paid leave before you could access unpaid leave. One hypothesis, and it was just a hypothesis - we have absolutely no data on this - was that employers might pressure workers to take unpaid leave rather than paid leave for caring if both were - you know. So if you had some personal leave days still in the bank, and you wanted to take time off to care, could workers be pressured into taking unpaid leave rather than paid leave. Does that seem likely to you or can you think of any reason why - - -

MS BROOK: It does actually, yes.

COMMISSIONER DE FONTENAY: - - -It should be set out that way?

MS BROOK: Yes.

MS ELDERTON: Yes, it's possible.

COMMISSIONER DE FONTENAY: So if we eliminated this rule that you had to have used up all of your personal leave first, could that have negative consequences?

MS BROOK: If you have to use all your personal leave - I think that you can't specify circumstances for carers, and that's why I think - yes, if you took out the requirement that you had to use up all your paid leave first I just think it leaves too little choice. I mean, I just don't think you could anticipate what pressures and factors might be in the mind of the carer.

COMMISSIONER DE FONTENAY: Yes, okay. Thanks that was super helpful. The other thing I want - - -

MS ELDERTON: I think - - -

COMMISSIONER DE FONTENAY: Sorry, go ahead.

MS ELDERTON: So when - we're a very small organisation here, but - and most, you know, you're drawn to the type of work that is important in your life. And so most of us now are here in Carers Australia are carers. And so we've started going through policies and procedures to say well, you know, what is going to give the staff the best chance at being a really good carer? And there are often some tweaks you can make. And honouring the perspective of the carer the pressures that they have which are unique to them, I think is a really important thing to do. And so, yes, I just wanted to make that point that there are small tweaks you can make that can make a difference.

COMMISSIONER DE FONTENAY: Okay, all right, thanks. I also wanted to ask you about our recommendation which came initially from our mental health inquiry that for people on the carer payments, at the moment they have a cap of the maximum of 25 hours a week of work or study. And we've recommended that that be changed to a 100 hours a week of work - sorry, 100 hours a months of work and no cap on study. Do you think that that is likely to make a material difference to carers?

MS ELDERTON: To some it will. And actually we've been asking for that since about 2010. Yes, it can make a difference if you take into account people who can seize more work, and can find somebody to replace them in their caring role, it might be another family member of whatever, you know for a month or so. It could make a difference to carer's who are on contract, they can - they know they can't get contract work all year. But something really good is coming up, but they'd have to - they're going to have to devote the next month to that fulltime. So those are the circumstances in which it can help. But I mean we do recognise that there has to be some limitation on work to qualify for the carer payment. You're getting it because you can't work enough, basically.

COMMISSIONER DE FONTENAY: Yes.

MS ELDERTON: So, we appreciate that. We also - yes?

COMMISSIONER DE FONTENAY: What about restriction on - no restrictions on study? Because the carer payments is for people who are - have full time caring responsibilities, but full time study can be a fairly time commitment as well. We do note from the SDAC that

there are people receiving the carer payment who, when you're asked how many hours of care they're providing, the amount they are is a lot lower than what - than the amount of care they need to be providing to qualify for the carer - - -

MS ELDERTON: Mind you, if you're on 10 hours, and if you're doing 10 hours a week you won't qualify for the carer payment. Because you have to be providing daily care equivalent to a normal working week. But you can do that in different hours. But the thing that's changed since that provision was introduced - since they said, you know, there's a restriction on volunteering, caring and studying is the fact that so much study is done online now.

MS BROOK: At hours of your choice.

MS ELDERTON: Yes.

COMMISSIONER DE FONTENAY: Yes, yes.

MS ELDERTON: Yes.

COMMISSIONER DE FONTENAY: Have you had feedback on how work from home - how many carers are able to access work from home since that has become more of a viable option?

MS ELDERTON: We've had a lot of feedback, but we haven't got survey results.

COMMISSIONER DE FONTENAY: Okay.

MS ELDERTON: Yes. I think working from home will make a big difference.

COMMISSIONER DE FONTENAY: Okay.

MS ELDERTON: To some, yes.

COMMISSIONER DE FONTENAY: Yes. And in our last three minutes, I wanted to raise the issues - and you've raised a really important issue of keeping with carers, and the fact that people are unaware that they're carers or uncomfortable with that identification means that they miss out on some supports that they desperately need. Do you have any views on how to identify and support those hidden carers? What should the government policy be to sort of make sure those people get the help they need?

MS BROOK: Well, sorry Sue will have a very considered view, and I've got a view from having been in the carer space for less than a year. But I think we need to be able to build a literacy about caring. Literacy, so I think that the term carer is a western construct that could be understood equally say in the UK and in Australia say.

MS ELDERTON: Or any European.

MS BROOK: Or any European country, or some European countries, maybe western European. I think that the idea of care in some cultures for instance is about it's just what we do. So I - a former manager in my previous role, an Aboriginal woman, rang me and said,

“What are you doing again with your job?” And I said it’s carer Australia, you know, gave her a bit of a description, she said, “Gosh you white fellas are funny.” She said, “We just care for our mob.” You know, what’s the big deal? That’s what we do. And so I kind of learnt a lesson from that, that was really early on. And then I started to think about, you know, collectivist versus individual cultures, you know, the role of women in the family in different cultures and so on. So I think that we need to be able to be nuanced in what - in how we describe what caring is and be able to talk about it in the frame of different cultural contexts. So that’s kind of one of my takeaways over the last few months as I’ve understood caring better and understood where the gaps are. And I think you’re absolutely right in pointing out that not everybody does see themselves as carer, even within the construct of - you know - the western construct. I think there are still gaps there, but there are certainly gaps in terms of cultural difference.

MS ELDERTON: Yes, and what we do, what the government does, to some extent, is to raise awareness in different contexts. So, you know, Centrelink, Services Australia, is going out of its way after Robodebt to be as friendly as possible, and so now there’s a question, when they’re talking to somebody who’s applied offender JobSeeker, for example, they’ll ask a question about caring responsibilities, and then say, ‘Are you aware there’s this thing called the carer payment or the carer gateway’, and that - and I also think that once people become aware that it’s a financial benefit - people become more aware when there’s a financial benefit. So (indistinct) and organisations like that keep saying to us, ‘(indistinct) carers don’t identify as carers’, but they do when they find out there’s a carer payment, because the percentage on the carer payment is bigger than the percentage of the (indistinct) population. So at some point, they see a benefit.

COMMISSIONER DE FONTENAY: Got it. Okay, thanks. That’s really helpful. We do have another media (indistinct) so we are going to have to wrap up, but we would love to continue the conversation. So if you feel like there’s points that you’d like to elaborate on, we’d love to hear more from you. So we can definitely make a time to continue the conversation and we’re really grateful that you’ve given so much thought to our report, and so much of your time. So thank you so very much.

MS ELDERTON: Thank you very much, very appreciated.

COMMISSIONER STOKIE: Just before you do go, we’ll have an internal conversation about your earlier suggestion around some discussion with those with lived experience, and I think - personally, I think we’d like to take that up, but let us internally have that conversation. And perhaps, Sue, if there was a more detailed question you wanted to have around the data, we’d be more than happy to, sort of, talk that through.

MS ELDERTON: I think that you’ve addressed the principles of where we were going with that, so it’s probably okay, but we’ll have an internal conversation about that, too. So thanks, let us know about that round table, if that will be helpful to you.

COMMISSIONER STOKIE: Okay.

COMMISSIONER DE FONTENAY: Yes, thank you so much.

MS ELDERTON: Thank you.

MS BROOKS: Thank you.

SHORT ADJOURNMENT

[11.02 am]

RESUMED

COMMISSIONER DE FONTENAY: So, Natalie, welcome. I'd like to begin by acknowledging the traditional owners of the lands on which we're meeting. For us, it's the Wurundjeri people of the Kulin nation, and pay my respects to elders, past and present.

Natalie, we really want to thank you for taking the time to participate in the public hearings, it means a lot to us. It's a real privilege to hear from people who have lived experience of caring, and it will have a big impact, so we're really grateful for your time.

MS BIRD: Thank you. Thanks for the opportunity. It's good to be here. I must apologise, I'm getting over a head cold. So if I sound very nasally, that's the reason why.

COMMISSIONER DE FONTENAY: Well, then we're extra grateful. Natalie, maybe we could start with you telling us a bit of your story, but could you also - as you tell us your story, could you particularly tell us about the employment side of it? So, sort of, when you stopped work, when you were looking for work, what was hard in looking for work, all of that side of things.

MS BIRD: Sure.

COMMISSIONER DE FONTENAY: So, over to you. We'd love to hear from you.

COMMISSIONER STOKIE: Well, actually - sorry, just before you do so, perhaps for your benefit, Natalie, my name is Martin Stokie, I'm working with Catherine as one of the commissioners on this inquiry. We were also joined by a number of people who were on our team, so they're all the faceless names that you might see on your screen at the side. We have Kira, who's transcribing for the public hearings, and so perhaps for the benefit of the transcription, it'd be good if you just spoke your name, who you are, and where you're from, and then we can launch into it. But I wanted to at least let you know that that's what's happening.

MS BIRD: Thank you.

COMMISSIONER STOKIE: And (indistinct).

MS BIRD: Always nice to know who you're talking to.

COMMISSIONER DE FONTENAY: Well, the last person in the room is George Steel, one of the economists on our - the inquiry.

MS BIRD: Hi, nice to meet you.

COMMISSIONER DE FONTENAY: Thanks.

MS BIRD: No problem.

COMMISSIONER STOKIE: Over to you, Nat.

MS BIRD: Well, my name's Natalie Jane Bird, I'm calling in today from Cairns in regional far-north Queensland, so hello from all of us Queenslanders. My caring journey has been one that started well over 20 years ago now, and it came along with - well, the first part of my caring journey was - started with my eldest son, Mitchell, who turns 21 this year. He was diagnosed with an autism spectrum disorder just before he turned three, and at that point, I was already pregnant with a second child, Dylan, who turns 18 this year, which is kind of scary now, saying that out loud. My babies are getting bigger. And yes, so at that point I was very focused. I had been to university, I completed an undergraduate degree in media, and then was just in the process of finishing a post-graduate degree in journalism when - yes.

When Mitchell was diagnosed, we had no idea that we had, you know, any child with disabilities up until that point, so we were completely unprepared for the journey ahead. My husband was also working, luckily, but pretty much as soon as Mitchell was diagnosed, it meant that I had to look at what the future was for me, as far as working goes, and at that point there was very little in the way of support, and so I pretty much had to squash the dreams of going into the journalism side of things and put that on the backburner, and family became my focus. And I suppose the reason for that was pretty much that my husband had a stable job at that time, he was on a pretty good income, so it made sense, you know, for me to take on the caring responsibilities.

And pretty much, that was my life then, for the next few years. Knowing that we had another child on the way, we were very cognisant of the fact that he may well also have developmental issues, and so there was a lot of stress in those first few years, dealing with Mitchell, and then watching Dylan's development, and yes. It was really hard. It was a really big change, as far as our economic situation went, as far as our social life went, just everything was turned on its head, suddenly having a child with disabilities.

We stayed - we were living in Mareeba, which is about an hour's drive away from Cairns at that point. But due to the lack of family support, we ended up pulling up stumps and moving back down to Cairns, because I had my mother that was living here, that was offering us some informal support. As I said, support for having a child with a disability back then was even more challenging than it is now. So yes, I really relied on that informal support. I pretty much didn't work for the next little bit. The children grew up, they both started school, and that's another whole Productivity Commission session, into the challenges of education when you have a child with disabilities, especially autism, that doesn't (audio malfunction) the norm is.

And so, yes, I was pretty much an unpaid home carer. I got involved with the local parent support group, and sort of did a bit of informal advocacy in trying to help other families in a similar situation for those first few years. As the kids progressed through the education system and had horrendous challenges with that, and lots of really bad stuff that went on, I

became more interested in the education side of things and wanting to know how the system worked, because that's just how I am. So I ended up taking a childhood teaching degree, which I did externally, in between managing the two children, which was a challenge in itself, but I believe in life-long learning and empowering myself, so that was a very important thing for me to do, and it also helped to balance out that caring role that I had in my life, because it is all-consuming, especially for those first few years until you find the right pathways and the right supports, hopefully. So it made me feel connected, still, with the working world and with the outside world, and I felt more empowered, then, as a mother, as a parent, to try and deal with the education system and, you know, negotiating their learning, or their lack of learning.

So I pretty much did that, and that was a good few years of part-time study and helping the children. Not long after that, I had a bit of a health crisis at the age of 38, I was diagnosed with breast cancer, and I had no family history, that threw another spanner in the works as far as getting back into employment. I think some of that was certainly due to the amount of stress that I was under, and yes, again, I had to pull in that informal network of my mother especially. My husband's family wasn't as available to assist with the informal caring. And I think it's often really challenging to call on other people to help you when you're a carer, because a lot of people don't understand it, or they're not sure how to offer support, and often they take two steps backwards instead of two steps towards you and opening their arms.

So, you tend to lose, over time, a lot of those connections, and you find yourself, even though you don't want to be, often very isolated. And you're just trying to exist and get through the day, and the week, without really - yes, being able to maintain those very important connections, especially with work, but also very much with social side and relationships. So, we were just kind of existing in our own little world and just trying to manage. My husband was still working, I suppose he had a lot of pressure in his own way because he felt that he couldn't necessarily change jobs to something that he would find personally more enjoyable because he felt the pressure of being the only income earner for the family.

And especially during tax time, we still feel that we kind of get hit over the head for the fact that he is the primary income earner, and that there's no understanding of the fact that I've had to spend so much time out of the workforce to enable him to remain in the workforce. And there's just that lack of understanding of the blending between the caring economy, and the working economy, and that they're the same thing.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: And so, even now I have discussions with, especially my 17 year old, who's the typical cocky teenager who talks about, you know, when we go out shopping that we're spending dad's money, and I'm like, well, you know, dad couldn't earn the money that he earns if it wasn't for me doing all the other stuff, so, you know, don't kind of just view the paid work as being real work. That all the years that I've sacrificed to help educate, and raise them, and you know, bring them up is also very important, but has also brought with it a lot of - yes, a lot of sacrifice, especially for things like superannuation, which I am sure you're well aware of, and just career opportunities. So, yes, so, the kids are now, as I said, late teens, early twenties, my situation is that I've continued to take on the learning journey.

This year I am due to graduate as a social worker, and part of me completing my masters has been this lived experience of caring, and wanting to advocate for especially mothers in this space that often feel very unheard, and you know, not supported in what they do. But as I also said, I think often there's a lot of struggling partners and husbands as well that are trying to do their bit that also feel like that they are not being often supported by the system.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: So yes, it's been challenging. Finance wise I am now looking to re-enter the workforce. I think the other part of my journey was that in the last few years my mother was diagnosed with frontotemporal dementia, so I am now classed as what they call a sandwich carer, as in I am sandwiched between caring for an elderly parent and also for children that have disabilities. I should say, my second son was also diagnosed later on, on the autism spectrum, but that only came about when he was about eight years of age. So, although he has the same diagnosis as my elder son, they have very different needs, and how it effects both of them, because it's a brain based condition.

Yes, they both have different needs, different outcomes. We are now, finally, getting some more support through things like the NDIS, and especially for my elder son. And I have to say, this year, doing Mitchell's NDIS plan was a complete joy compared to previous times. It is the first time I have ever been asked in an interview situation like that about what my needs are as a carer, and how I could be supported to get back into the workforce. Previous to that I was always told do not mention your needs, do not mention that you're a carer. They are not interested in you, it's not about you, it's about your child, you know, with no kind of understanding that if you don't support the people around the participant, then it all comes crashing down, and it doesn't matter how much money or funding they're provided, you know, the family is a unit, and we operate as a unit.

And you can't just, you know, completely leave a major part of that unit out. And also the fact that, you know, my existence is very dependent on the support that I get for my mother, and that I get for my children, and that without that support I am completely left abandoned. So, I have been trying to care within two systems, so, navigating the aged care system in the most recent years, my mum did live with us in a granny flat at the back of our home for a number of years, and as I said, she was the main informal support I had with the children, she was the only one that was able to give us some respite, because before NDIS we had four hours a week of support, that was all we were eligible for under the state system.

And now this year, finally, I have got support Monday through Friday, you know, we've got some access to some regular respite and things now, which makes a huge amount of difference, just being able to plan things, just to know that you're going to have a break. Yes, so, had the first night off in two years just about three weeks ago, which was good. Yes, which certainly helps when you're married, to maintain the relationship. But yes, my mum lived with us, we couldn't get enough hours of an in home package, and you know, we were basically told that until somebody higher up the list with another package passes away, you are pretty much stuck with what you've got, and it was only a couple of hours a week.

So, yes, she ended up having an accident and badly burning herself one night, and it was at that point that I said look, I can't manage between caring for the children and caring for mum, and we had to look at her going into an aged care home, which she has now been in for

about two and a half years. So, yes, my caring journey has changed a bit with mum, and it is more supportive, it is definitely still advocacy, because as you would be aware, aged care has its own challenges.

So, yes, it's been a big process, a big journey, and that is why I am very passionate about bringing my story, and letting other people hear about how complex it is, and how important it is to support women like myself that have got lots of skills, that have got three degrees, that are, you know, chomping at the bit to get out there and have a bit more life balance, but we need some more support, and I think the biggest barrier - bless you. I hope I am not passing my head cold onto you over the internet.

I think the reason that I put in a small submission was that I wanted to make it clear that I think there's a lack of support to employ active carers with caring duties still out there, that we are still being seen as a liability, and not as a model citizen, or as an example of the blended lives that we're going to have to lead in the 21st century, and that there's still a lack of bargaining power for carers to actually get back into the workforce, let alone then negotiating flexible hours once they're in. I am finding it really challenging just to be able to let - get employers to take me on when I say that I have also got caring responsibilities. As I said, it is still being seen as a liability, and not as a positive, you know, attribute.

We are getting, as carers, a lot more support and access to job skills and training, and things like that, but again, I think without that support of our loved ones, or the people that we're caring for, it's kind of useless. You know, it's like training up for what, if you can't actually then go out and be employed, it's a lot of money to spend on, you know, on nothing with no real outcomes. So, I think moving forward I personally would like to see that carers have more rights, more access to rights, not just recognition, so that we can level up the playing field, because it's still very challenging. And it's all right to be told that you're very altruistic, and that you're very lovely, and I don't know how you do it, and all those kinds of things, but that doesn't help me get into employment at the end of the day.

At the end of the day, I need someone on my side that will say, yes, here's Natalie, she's got some great skills, she has also got that empathy, she's got that world experience, and this is the world that we live in, that we have parents that are elderly, that are going to get sick. You know, we have children that may not develop as we anticipated, that are going to need more support. But through that, through their support, you know, my mum's employing support people in the aged care home to care for her, you know, through the NDIS my sons are employing companions and support staff to support them to get out into the world.

So, you know, there are costs, but there are huge benefits as well, and you know, we need more women back in the workforce. I don't want to be one of those women at age 55 that's potentially looking at living in my car, you know, as a homeless middle aged woman. If perhaps that should happen, if my husband decided tomorrow, he'd had enough, and he wanted to, you know, upgrade, or whatever.

COMMISSIONER DE FONTENAY: Natalie, can you hear us, you just jumped out for a second? Natalie, can you hear us? We'll just give her a second to reconnect. If anyone on the team has got Natalie's mobile number, maybe you could just send her a text saying to log out and try again, and if she still has trouble then just ring us instead of doing it by video call.

COMMISSIONER STOKIE: You've re-joined, Natalie.

MS BIRD: Sorry.

COMMISSIONER STOKIE: That's okay.

MS BIRD: The wonders of the internet. I was pretty much wrapping up anyway, I think, but yes, I was just saying that I think we need more support to actually help us get into the workforce, that you know, extended leave would be good, but for me it is not really the highest issue at this time. It's getting that support to actually get back into the workforce, I think, negotiating with employers once you're in is a whole different ball game. But you know, I think once you're in, hopefully, they get to see the advantages of having hired you as an employee. But yes, it is very difficult at the outset to actually get into employment, and to have people that are willing to take you on when they know that potentially, you know, you may get called away, or something might happen.

But like I said, I think it's the real world, it is no good burying our heads in the sand and saying, well, you know, you have to make a choice, it's either caring or it's paid employment. That's not a realistic option for many people, and I think that often childcare, young childcare is seen as being, society wise, that that's a more acceptable form of caring for young children, but we have also got to widen our viewpoint of caring for people with disabilities, and caring for our elderly parents, and older people, that that's just as meaningful as childcare for young children, and that we are going to have times in our lives when we're going to need to dip in and out of our caring responsibilities.

Because you know, at the end of the day we all need to be cared for at some point in our lives, either when we first enter the world or when we leave it. So, it's just part of life, and I think that's - you know, it just requires a change, and I think that's just all part of, yes, the century that we're moving into, and the fact that a lot of our systems have still been set up thinking that we're still back in the time when, you know, the husband would often go off to work, and mum would stay home and rear the children, and it's just not realistic these days that women can't afford to do that, or they don't wish to do that, or they would like to have a blend of caring responsibilities and also, you know, paid employment outside of the home.

So yes, so thank you for looking into the area, and thanks for your time.

COMMISSIONER DE FONTENAY: Thanks Natalie.

COMMISSIONER STOKIE: Indeed, thank you for sharing your personal story. Are you happy if we just explore a few of the things that you've raised.

MS BIRD: Sure.

COMMISSIONER STOKIE: And then we can ask any follow up questions. I was interested from your perspective, you've given this a lot of thought, you mentioned a number of times more support for somebody like yourself, particularly managing sort of sandwich caring responsibilities of younger and older. Do you have a view as to what specifically that support would look like? What, if you could have your magic wand, what would you be asking for?

MS BIRD: I think some of it is a society cultural attitude. I think we need some - we need government especially to promote that this is an acceptable part of life, and it's a normal part of life, caring. And the more that we see people, you know, successfully blending a paid employment life and a caring life, people get to normalise that, and see that as being normal. It shouldn't just be a binary choice that you either have to work or you have to care. So, I think we need, you know, more examples, more positive examples, especially for community to start to understand that this is normal. And then as part of that, hopefully employers will also see that as, you know, as a positive thing, and that it's not a negative to get someone who has also got caring responsibilities back into the workforce.

So, I think some of it is, you know, cultural, so any kind of positive changes we can see there, I think often the other thing is that, you know, caring is a two sided coin, we only ever see kind of the negative, and the bad things about it but we don't play up and we don't advertise all the good things about it, and the skills that you can achieve as part of your caring duties, and the empathy that you have then that you can bring back into a paid employment position, that lived experience is so powerful, and is so worthwhile. And I think, you know, we're caught up on the dollar value of things, and yes, we don't - we're just not supportive enough, I think. And it's just - a lot of it is just because it's been such a private, hidden thing for so many years.

But now we've kind of got to, you know, remove the veil and start to show the complexity of Australian life, and families in Australian life, and that it's okay - yes, that if you're employed, that if suddenly you do have a parent that becomes ill, that your employer will support you for, perhaps, you know, temporarily, you may need a little bit more time off to get them sorted out if they're going into aged care, or something like that, but you're not sort of told or made to feel that what you are asking for is an imposition, or it's a, you know, it's an extra burden upon the employer. Because if you feel supported in a job, you know, you're going to stay there, you are going to give your all.

If you feel that your employer has got your back, and that they're understanding that, yes, you have also got a life outside of the job which influences positively and negatively on your paid employment, then you know, it's worthwhile, it is worthwhile cultivating that because you're going to get people that want to stay employed with you. You know, if I get a job, I am going to love that job. I am going to love that that employer has taken me on, has got enough sense to see all of the skills that I've got, and you know, the worthwhile values that I am going to be able to bring to a position.

And I think, yes, there's a lot of other women that are out there that are like that, but they're just so - the day to day struggle is so difficult, and they're so worn down, oftentimes, that it's very difficult to come forward to something like this and actually say what I am saying. So, I am trying to speak on behalf of, you know, a lot of women that feel the same way. So, support getting into employment, as I said, I think is a big thing. And we need more noise to be able to do that.

COMMISSIONER STOKIE: You have a unique perspective, Natalie, which is very interesting for us. Because not only have you been a carer for your job, and for a very long period of time, but a carer for your mother, and you would have seen our position paper, and part of what we're looking at is (indistinct) coming out of the Royal Commission into aged care quality and safety, and so there was an older Australian's perspective. But you have a

unique view, and I was interested, is there a distinction from a carer, and something that perhaps we need to take on board, which is maybe different from caring for younger children as it is to an older family member. Is there a perspective that you wanted to share about the distinction or the differences between those that you think we need to take on board?

MS BIRD: I think both of them require a real understanding of government systems, which is really tricky for a lot of parents. It is not easy, it is not easy for anyone who is not sort of in the caring role. And like I said, often you're in such a treadmill just trying to get through each day to get what you need for your loved one, that to then have the energy or the mental capacity to try and learn about systems is really tricky.

And that's why I think I have particularly been drawn to social work, because I think that that is a space that can really add value moving forward for the caring economy to actually act as a support person, often for these carers, and to help them to navigate these systems, and to be able to advocate and understand what their rights are as far as employment, and you know, asking for flexibility in the workplace, and things like that. I think the advocacy side of caring is huge, and it is hugely underrated.

And I found that even with aged care, yes I am not there on a day to day basis, you know, changing mum, or feeding mum, doing those things, I am mostly providing that social connection for her now, but there is still a hell of a lot of advocacy every time when I go in there to make sure that she's actually receiving the type of care that she needs.

COMMISSIONER STOKIE: Yes.

MS BIRD: That's the stuff that's in her care plan, you know, what her entitlements are. You know, I am sure the aged care home thinks I'm a real pain in the butt, but you know, I'm in there all the time advocating on behalf of the other residents and saying, you know, this is - this is their home, this is what they're entitled to, this is what they need. So, yes, the advocacy side of things is very important. When you're working within systems where you rely on a lot of support provision, then to be able to have a life of your own. So, like I said earlier, a carer's life is very wrapped up in the participant, the person that they're caring for. And if they can't access the supports that they need, it really - it stymies your own life choices, and your decisions. It's like a, you know, symbiotic relationship.

The better that my son's life is, the more support that he is able to access to live a good life, means that then my life opens up, and my choices are so much more, you know, powerful, and it leaves me then to be able to use those skills and to get back into the workforce, and you know, to have a better quality of life, and to feel better as a carer then. You know, I don't feel like I am having to give everything of myself to provide support when it hasn't been a choice. You know, at the end of the day, this wasn't a life choice that I wanted to make. So, yes, I think systems are huge, advocacy is huge, access to planned breaks is huge for carers, opening up what our - what care and what being a carer looks like, you know, is also different in different cultures.

Because some cultures it's just what you do, it's part of the culture is that you care for your mum and dad. So, you know, you may not even access services because you don't see yourself as a carer. You know, what does that mean? The language has got so many different terms in it, but I think a lot of it is negative, and we've got to turn that around, and

turn it around into a positive that this is a part of our economy, it's an important part, it's worth a lot of money, it enables a lot of other people to go out and create value for our economy, like my husband, and like I said, all those support workers and things that come with supporting either the elderly person, or the young person.

And it is not a short-term thing, caring, it doesn't come with a timeline. You know, I don't know how long my mum has still got, I don't know what is going to happen with my eldest son. Even with the funding, you know, there is no guarantee he is going to get the same amount next year, my life might change again. And it was really kind of sad, that even after I had such a wonderful experience with the NDIS that as soon as I came out of there I immediately started to think about, okay, but that's only for 12 months, then what's going to happen in another year? Have I got certainty that I am still going to be able to look at getting employment, or am I going to be back in the same boat again?

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: You know?

COMMISSIONER DE FONTENAY: Natalie, thank you for this, it's such a privilege to hear your story and we're just really grateful. Just on the point that you're raising, some research has said that, you know, there's kind of two things going on when you're a carer, there's the number of hours it takes, and then there's what they call carer strain, and sometimes, you know, carer strain impinges more on your ability to work than just the number of hours that it takes up. It sounds like that is kind of your experience as well, that the straining really weighs on your ability to think about working, to take on work, to - did you find that it impinged on your studies too, when there was more carer strain?

MS BIRD: Definitely, and even just completing this masters of social works required two 500 hour unpaid placements. I mean, I did my first one last year, to do that, the amount of family juggling it required I can't tell you, it was incredibly difficult. My husband had to then approach his employer and say, look, my wife is doing this, we really want to do this, you know, can you please be supportive of me for the fact that, you know, for the next four months I am going to be working from home until, you know, 10 o'clock in the morning, until our son - until his support worker turns up to look after him, which will then enable him to go into the office for four hours, which will enable me to go and do the placement, and then he can do four hours in the office, and then he'll have to come home so that he can be here for when the support person finishes.

You know, the domino, the cascading effects, yes, they're huge. They make incredibly - yes - challenging situations even more challenging. And yes, for me now to look for an employer, it's not just the job it's, yes, how am I going to blend this, am I going to be able to successfully integrate this into my caring, because that's who I am. You know, it's not something - - -

COMMISSIONER DE FONTENAY: Can you tell us more about your current job search and what you're thinking about? So, maybe just - well, what are you thinking about how you're going to manage at home, because it sounds hugely challenging - - -

MS BIRD: Well, I have applied for a - - -

COMMISSIONER DE FONTENAY: What sort of jobs are you looking for?

MS BIRD: Just excuse that phone going in the background. I have applied for a couple of positions, and I haven't - so far I haven't been successful. The main thing, I think, was that they wanted fulltime capacity, and I said that - a couple of jobs I applied before Mitchell got his latest NDIS plan, and at that point I only had support for six hours a day, from 9 till 3, and we had to go to the tribunal to even get that, but that's another story, to go from four hours a day to six hours a day of support of a 20 year old took me eight months through the Administrative Appeals Tribunal to fight that, and to show that that extra two hours a day was actually, yes, worthwhile.

But yes, I said look, I've got capacity to come in and work, you know, I have got someone for my son between 9 and 3, and they came back and basically said even though in the advertisement it said we are flexible, we want to - I am trying to think of the exact wording. You know, the way it was worded led me to believe that they would have some compassion towards people coming back into the workforce with the home office working situation, but when it came down to it they said, no, we want someone who can be in the office at least two days a week, 8.30 to 5.30, which of course I couldn't do.

So, that one - I had to let that one go. And more recently we had an interview just last week, and I said I can do - I can now do three full days in the office, but no, they wanted five days. So, again, I got passed over for that one. So, yes, so, I keep trying, and like I said, I know it's not because of my lack of skills, it's just trying to find the right fit. But yes, as I said, it is difficult. And it's hard, because there does seemingly seem to be a lot of jobs out there, it's like, come on, you know, there's heaps of work, you should be able to find a job easy. But yes, trying to find something for my skillset and to balance that around the caring hours is still difficult. So, at the moment I would still like to work three days fulltime, but I don't want to do five days.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Because I've still got - you know, my caring duties haven't changed that much.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: I have still got, you know, two young men at home, I have still got the support that my mum needs, and yes, I just can't - I just can't imagine working fulltime as well as doing that. I know that then I would end up with, you know, possible health implications.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: But you know, I am - I turned 50 a couple of weeks ago, and I am mindful that I am getting to that point where it is also going to get harder because I am getting older, I am an older female, and I have been out of the workforce for some time, and yes, the fact that 20 years of caring is not necessarily valued as working.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: That I have just been out of the workforce. So, I think that's another thing, it's just really sad when you're a carer, you feel really - you can feel very down about it, because it's - it's got very negative connotations, you know, you're seen as a - what is it that they famously once said, as a leaner? A leaner not a lifter.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: You know, and the carer allowance that I get is not a lot. So, yes, as I said, we do feel hard done by as a family, we still struggle, we still live on one income, we're still - you know, my husband still gets taxed as if he's a very high income earner, but there's no understanding that, yes, we've still got two adult children at home, and you know, that I haven't been able to get back into the workforce.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: So, I am not sure whether that answered your question, I'm sorry, I tend to - - -

COMMISSIONER DE FONTENAY: No, no, that was good.

MS BIRD: All right.

COMMISSIONER DE FONTENAY: Yes, that is - it is really tough. Do you think that the kind of hours that jobs are advertised for is also making it really difficult? Or are there - being a social worker, is there more understanding that a lot of people - because you're not the only person who has (indistinct). So, at the moment it sounds like you're able to work fulltime hours, but you can well imagine that you might want 10 to 3, or 9 to 3, and do you see any ads where they're looking for hours like that?

MS BIRD: I think if I was going to go into that type of work, then I would probably end up back within the caring industry. So, I would either be working as a support person and supporting someone else's child with a disability, or I would probably end up in aged care.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Because the experience that I have is valued within those industries, and that lived experience would be valued.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: The pay is incredibly bad, I mean, let's face it.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: But yes, the skills that I have would definitely match those particular industries. I am the kind of person that they're looking for.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: The reason I went into social work was because I felt that it had more ability to blend the caring and the work life that I could perhaps, if it came down to it, set up my own business, you know, operate as a solo social worker and work with parents and carers, and then I could determine the hours that I wanted to work.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: And that definitely had some appeal. I found when I did the teaching degree that that was incredibly unhelpful to be a carer, they really didn't want part-time teachers. I tried to do a blended teaching position, and was told no, that that wouldn't work. They didn't like having, you know, two teachers sharing a job. And the casual work with teaching was also incredibly difficult, because you don't get a phone call until 6 or 6.30 in the morning to say that can you go and fill in at a certain school. I couldn't do that because I needed to know what my roster was going to be for the kids, you know, for the support for them. So, I couldn't just suddenly say, sure, I will be there in an hour when I couldn't organise support for my own - you know, my own son. So again, although I really loved the early childhood work and that space, it was just it didn't work well. They weren't realistic with the people that they - and so, now, you know, now they've got this massive shortage in teachers and I'm like well, you know, kind of what do you expect, you're not realistic with the people that are out there that maybe want work, but they can't fit around those very narrow margins that you've set, because you just see - like, you still see school as being 9 to 3.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Life is not 9 to 3 anymore, or 9 to 5 anymore. So, yes.

COMMISSIONER DE FONTENAY: Yes. We've been wanting to do some work leading up to our final report on kind of what kinds of flexibility carers need. Because as you know, the right to request flexible work has been strengthened, and those changes are going to be given midyear this year. But flexibility can mean a lot of different things, can't it? So, flexibility could mean the ability to work very set hours that are more part time, so three days a week, or shorter work days, or days that start earlier and end earlier.

MS BIRD: Yes.

COMMISSIONER DE FONTENAY: Flexibility could also mean taking up and having a very different schedule every week, but with a lot of advanced notice, as you said, so no advanced notice isn't really feasible for a carer.

MS BIRD: Yes.

COMMISSIONER DE FONTENAY: Flexibility could also mean having completely normal hours, but being able to drop your work at a moment's notice and go attend to an emergency.

MS BIRD: Yes.

COMMISSIONER DE FONTENAY: Do you have some ideas to sort of - for most carers what are the kinds of flexibility that are going to be really important to them?

MS BIRD: I think all those things that you've mentioned are incredibly important, because as I said earlier, caring isn't just one - there isn't just one stereotypical carer. There's so much variety within the caring world, and you know, I am just one example of a carer.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: So, what it looks like for me is very different, but I think just overall flexibility, this overall understanding that you know, work isn't just Monday to Friday 9 to 5, that we can get things done in different ways, and there's no one right way to work these days. And I think that definitely the flexibility to feel empowered enough that you can try and negotiate a roster, or some work hours, is very important, but I think a lot of carers are probably just so - feel so lucky to have a job that they're probably too scared to try and rock the boat.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Because as soon as you're seen as rocking the boat, you become a bit of a problem, you know, that's the problem staff member, she always needs time off, or she always wants, you know, one day a month off to do something. And because it's not normalised enough, it is seen as being a negative and as an imposition on the employer. So, I think, yes, we need to do a lot of work around how it's perceived, how caring is perceived, and that it's not - as I said, it's not a negative. But for me, as I said, I think a big thing that's not looked at, at the moment, is that initial getting back into the workforce, and having that support to be able to do that and not being seen as, you know, we don't want to hire her, she's got great skills, but she's also a carer, so she goes to the bottom of the pile automatically. And that's how I kind of feel the system is at the moment. Yes, so, it's challenging.

COMMISSIONER DE FONTENAY: Yes. Mr Stokie?

COMMISSIONER STOKIE: Was there anything else that you wanted to talk about today, Natalie?

MS BIRD: No, I don't think so, I think we've covered the main points that I wanted to put across. Just that, yes, I hope that this is seen as part of a much bigger discussion.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Yes, that there is a lot of complexity around caring and carers, and that what's the private and what's now in the public divide, and that we've got a shift. Some of that is gender based, but it is also just - also providing flexibility for men so that they don't always feel like, you know, they don't have the option to step in and be a carer either. That caring for family members is - or neighbours, or whoever, I mean, that's even the other thing is, you know, how we define caring. You might be caring for a neighbour, or for a friend, that's just as important as caring for, you know, a blood relative.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: So, we've got to be much more broader in, you know, our definitions of things. But definitely we can try and provide more positive - you know, more positive

advertisements for carers and what they bring, rather than just what it's costing. I think that's the most effective - - -

COMMISSIONER DE FONTENAY: Absolutely.

MS BIRD: Yes. So, hopefully in a few more years we'll get there. But yes, definitely if we can get more rights to support carers, I think rights over recognition is what I would like to say.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Yes. Because I think at the end of the day, that's the only thing that is going to cut through. You know, no matter how much nice stuff I say, at the end of the day what you need is - is more - yes, citizenship rights to be able to go in and say, look, you know, I am entitled to this, or I am entitled to ask for a bit of flexibility. But language is very important, as I have learnt, with what's reasonable and necessary, you know, within the NDIS, all those kinds of things. If it's too vague, there's too much wriggle room for people to get out of it. So - - -

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: - - - whatever comes in, it needs to be pretty solid as - you know, what it actually means for people at the coalface. And, yes, all the best for the work of the Commission.

COMMISSIONER DE FONTENAY: Thanks. I just have one final question, if that's okay.

MS BIRD: Sure.

COMMISSIONER DE FONTENAY: So imagine that, you know, one of these not so reasonable employers (indistinct) were to offer you a job tomorrow. What sorts of leave and flexibility do you think - just - so just imagine that things were to continue as is for the next couple of years. So your mum is still - - -

MS BIRD: Yes.

COMMISSIONER DE FONTENAY: - - - in residential care, and your sons have about the same needs that they have now, and the NDIS come through with about the same amount of support as you have now. What do you visualise would be the kinds of flexibility and leave that you would - so, would you make regular use of the two days of unpaid leave? Would you be using a lot of your personal leave to take care of some things that you're not - so how - how would it play out, in - - -

MS BIRD: I think - - -

COMMISSIONER DE FONTENAY: - - - your mind?

MS BIRD: I think, in the day to day, for me, it would be a bit of an understanding that if, say, perhaps, there's a breakdown or an issue with my sons' support workers not being able to turn up, that I may have to, maybe, potentially, come in to work a little bit later, and - you

know, while they found someone else that could fill in; or a bit of an understanding that - perhaps the support, you know, is ill - that they couldn't come in today, which then impacts on me, so I might need to work from home for that day, if it's possible, or take a leave day. With my mum, it might be that, you know, I get a phone call saying that she has fallen out of bed and she has broken her hip, or that something unforeseen has happened.

I think the unforeseen things are the trickier ones for carers, that we're often really good at being able to maintain the normal daily rhythm, but it's when you get something unforeseen that gets thrown in. And, obviously, yes, the more moving parts, the more other people become involved in providing those supports, then you can get changes that happen.

So, yes, it would be being able to - just to say - and it wouldn't be something that - I mean, I - yes - it wouldn't be something I would want to do, as a carer, is to say, "Oh, you know, mum's fallen out of bed", or, "this has happened. I need to take time off." It's not something that I would enjoy doing. But it would be useful to have that relationship with an employer, that they would say, "Sure", you know, "No worries. I know you will make it up at a later time", or, "I'll know" - you know, "You can work from home, and we can" - that there's a bit of give and take there.

COMMISSIONER STOKIE: The flexibility would be incredibly valuable.

MS BIRD: Yes.

COMMISSIONER STOKIE: Flexibility.

MS BIRD: Incredibly - - -

COMMISSIONER STOKIE: Just - - -

MS BIRD: Incredibly valuable, yes. Because it's not - you know, you feel bad if you have to take time off, especially if you're okay. But, you know, you don't have control over those other things in life. So, yes, being able to say, "Look, I do need to take - I do need to come in, maybe, an hour later tomorrow", or - "but I will stay back a bit later", or, "I just need to do this. There's an appointment."

You know, often a lot of the supports and the appointments, for aged care - you know, with my mum, I've found, even, you know, getting her glasses done, getting podiatry, things that - dental work - things that I thought would be handled within the home, as a group: no, they don't do that. I've got to organise that myself. I've got to try and get mum out of the home, or find an optician that will come into the home, to actually provide those services.

So - and that's the same with my son. It might be, he has got a psychologist appointment, or an occupational therapist. And they're often between - you know, they're Monday to Friday, 9 to 5 hours. So it's then, well, okay, well, how do I - do they come and provide the support, or do that session with him, in the home, while I'm not there, and let the support worker handle that? Or do we just skip that appointment, because I'm going to be at work that day? Or how do we - you know - how do we navigate those kinds of issues?

When those supports are very needed for them, then it impacts upon - yes - my ability to be outside of the home. And there's still a bit of that, that they expect that as a parent, as a carer, even as a child carer of your parent, that you will just fit it in; you just have capacity; you just have to do it. You're the carer, you know. You have to - - -

COMMISSIONER DE FONTENAY: It's interesting that the carers have to have all the flexibility, and the podiatrist has none.

MS BIRD: Yes. Yes, that's right.

COMMISSIONER DE FONTENAY: (Indistinct) seem quite fair, does it?

MS BIRD: Yes, it's - it is difficult, yes.

COMMISSIONER DE FONTENAY: Yes.

MS BIRD: Yes, a lot of flexibility on all sides would be helpful. Yes.

COMMISSIONER DE FONTENAY: Absolutely. Well, thank you, Natalie. This has been so helpful. And, again, just really a privilege, so we - we are really very (indistinct) you taking the time. I know it's very personal, sharing your story with something as public as the Productivity Commission, but it really means a lot to our work.

MS BIRD: Not a problem. Thanks for the time today. And, yes, I hope it has some really good positive outcomes for all carers, including regional Queenslanders.

COMMISSIONER DE FONTENAY: Including regional Queenslanders.

MS BIRD: Yes. All right. Thanks very much.

COMMISSIONER DE FONTENAY: Thanks very much, Natalie, and best wishes from us.

COMMISSIONER STOKIE: Thank you.

MS BIRD: Yes, thank you. Bye.

SHORT ADJOURNMENT

[11.55 am]

RESUMED

[12.57 pm]

COMMISSIONER STOKIE: Hello, Sharon. How are you?

MS LAWN: Hello. How are you?

COMMISSIONER STOKIE: Very good, thank you.

MS LAWN: Thank you for inviting me to the hearing.

COMMISSIONER STOKIE: That's all right. I don't think we're waiting on anybody else; is that correct?

COMMISSIONER DE FONTENAY: No.

COMMISSIONER STOKIE: Okay. (Indistinct) okay. Well, first of all, Sharon, thank you. I would like to just acknowledge the traditional custodians of the land on which we're meeting today. For us, that's the Wurundjeri people in the Kulin nation in Melbourne. We have a couple of members in Canberra (indistinct) the Ngunnawal people. And just pay respects to elders past and present. I'm not quite sure where you're located, Sharon, but - - -

MS LAWN: I'm in Adelaide.

COMMISSIONER STOKIE: Well, there you go. Well, I apologise; I don't quite - I don't know the traditional custodians in Adelaide. But - I probably should. But, anyway, pay respects to elders past and present.

For your benefit, we have a scribe, who will just take down the official transcript for today, and - so just thought to let you know. We have a number of our team members, including my colleague, Catherine de Fontenay, and George, in the room here in Melbourne, and a couple of others who are on the call but in the background, so they're kind of the faceless names that you see just in the background. But they're just our team members who have worked on the draft position paper, and it's often easier and better to hear first-hand from you than filtered through either Catherine or myself what we thought we heard from Sharon, and then we can have those conversations.

We have about an hour. And so - we're a little bit in your hands as to what you would like to talk about. We've obviously received your submission, so thank you very much for taking the time to prepare the material, but also to come and talk today. And also I wanted to, perhaps, throw to yourself for any opening comments, and you can take as long or as little as you like. And then we can delve into either the general or the specific of the position paper, and we're very open to hear (indistinct) and to receive the feedback and comments and potentially improve the work that we've got today. So, if you're happy, I might throw to yourself.

MS LAWN: Yes, thank you, everyone. I'm Sharon Lawn. I'm on Kaurna land. It's pronounced with a G, but it actually is spelt K as the first letter, which is a bit confusing for people.

So I'm the chair and executive director for Lived Experience Australia. I'm also a person with lived experience, and living experience, of mental health issues myself; and the primary and only carer, informally, for my husband, who has multiple mental health and physical health conditions.

So, probably my - my opening comment would be, obviously, in the context of mental health areas in particular, that we are, obviously, in a very essential part of - of a whole system of support. I regard myself as the invisible magic fairy, who does lots of the navigating that is

the glue between a lot of systems that just simply are siloed and fragmented, correcting lots of errors of communication, connecting the dots, et cetera. So - - -

COMMISSIONER STOKIE: There's a very (indistinct) - - -

MS LAWN: It's - yes.

COMMISSIONER STOKIE: - - - virtue of informal carers to help navigate what shouldn't be but clearly are very complex systems, whether it be the health system - - -

MS LAWN: Yes.

COMMISSIONER STOKIE: - - - disability services, through to - as we've been asked to look at, but not exclusively - aged care.

MS LAWN: Yes. And I'm very pleased that you're looking at this. You know, often, as a mental health carer, we're sources of information; we're seen, really, just for the task that we provide, whereas the role itself - you know, it's deeply embedded, and there are real consequences for carers - - -

COMMISSIONER STOKIE: Yes.

MS LAWN: - - - you know, which interact with the desire to maintain careers and jobs and employment, and all the burdens that come with, sometimes, being the main breadwinner of a household, as well. So, thank you for the focus on this.

It's not a choice that we make; it's our family, would be the other key comment. Most carers, as you've picked up in the report, are disproportionately women, although the needs of male carers are particularly interesting and an important set of concerns, which are possibly, sometimes, different.

It's a very diverse role. Particularly in mental health, it's not an episodic role, would be the other big comment I would make. It's very much a - ebb and flow of the day, every day, long-term. Many mental health carers have been caring for decades.

So I appreciate the challenge of the task that you have in trying to formulate steps for this process, because it's just simply not going to meet the needs of all carers. And for mental health carers in particular, it's a very nuanced group. It's - you know, not that it takes away from other carers of, for example, people with quadriplegia, or other types of conditions. It's just, there's a few more dynamics in the mix for mental health carers; a little bit more unpredictability, perhaps, arguably; and - yes - there are different stresses in the role, which make work more or less burdensome at different times.

So - yes, they would be my opening comments. I've got some specific comments about the overall feel of the - of the document, and the approach, but I will - I will make those, probably, in the context of some questions that you might have.

COMMISSIONER STOKIE: Sure. Well, thank you, first of all, Sharon, for your personal story and the perspective. The nuance of - and I think it's what you're alluding to, which is,

changing the National Employment Standards to allow for greater access to forms of leave or flexibility will suit some carers, but not all. And, as we've seen - and hopefully it comes through in the report - there are many carers who are already outside the workforce: they're looking after a spouse; they've retired; they're not intending to go back into the workforce. And other carers who can't - and I don't want to use the word "choose", but who can't undertake that caring responsibility on a full-time basis away from the workforce, for all the reasons that you've - you've outlined.

And it's a complicated environment, of which we've been trying to think about the exam question, I suppose, for us, which is, if you were to change the National Employment Standards to allow for extended unpaid leave, what would that look like and feel like? And - or, alternatively, what are the other options open to Government, and that we should think about, in terms of supporting carers in their informal role?

If - how would you like to proceed, Sharon? There's a number of points that you've raised with us, and we've got a couple of questions. Do you want to, sort of, launch into the specific things that you - are top of mind for yourself? How would you like to - - -

MS LAWN: Okay. So, I guess, the - - -

COMMISSIONER STOKIE: Take your time.

MS LAWN: Yes. I guess, you know, the big comment - and it relates to, you know, what - what the report doesn't do - - -

COMMISSIONER STOKIE: Right.

MS LAWN: What the document doesn't do, around the - and I know it's a significant challenge for anyone doing this type of work - is to really capture the - you know, you proposed an idea, a model, and then you're giving people - you know, you're asking, "What do you think of this?" So it's difficult for people to answer, because all of the contextual challenges that go into a person's decision about whether this is useful to them or not haven't been acknowledged or flagged in the - in the document.

So - so the idea of - so, for example, the idea of - it would be great, you know, if - if, for example, you know, there was a situation where the carer needed to step away for one month, two months, three months, six months. But then, as people who are juggling a lot already, who are tired, stressed, what are the implications of that choice? So we make very - we're very pragmatic people, carers. We have to be. And we make choices about how we're managing a whole lot of responsibilities.

So, for me, I would think, you know, "Oh, well, what does that mean for the paperwork? What paperwork do I have to do?" Let alone, you know, the issues around the economics of it. So, you know, am I - am I the only income provider in the house? What does that actually mean for me? And I know, this particular document and process hasn't really gone into that. Carers are all treated - or the - implicitly, there's a feeling in the document that that diversity hasn't been picked up, where - so you can - you can offer me something, but if I'm a sole carer, and I'm bringing in all the income, and then you're telling me, "Oh, well, you can take three months off", I'm seriously thinking, well, how can I do that?

COMMISSIONER STOKIE: Yes.

MS LAWN: You know, do I - does that mean I have to actually try and survive, you know, the Centrelink system to support my income? You know, do I really want to go there, you know, and - and spend weeks in a process, which may or may not have the outcome that I even need? for example.

So - and equally, with the, you know, NDIS system, you know, people - people are very caught in these systems. And - and I think - so the offer of - you know, the context for this document is saying, "This is what is potentially on offer", but it misses all those other things that are implicated in that mix of - in making that decision about whether to take up that offer, if that makes sense.

COMMISSIONER DE FONTENAY: So you would like us to be more careful to emphasise that different carers have very different circumstances, and that some would be in a position to check this out, perhaps they've already done the paperwork to get - to have the caring relationship (indistinct). So, you know, that people are going to be in very different circumstances; you'd like us to be emphasising that more in the document?

MS LAWN: Particularly, I think, because - you know, for me, like, I - you know, I have a reasonable job, I - you know, I - you know, if I absolutely had to, I could take unpaid carer leave and just, you know, draw on savings. Should I have to do that, it probably feels a bit unfair, but, you know, if I'm - if I'm someone in a different type of role, a different sort of job, where normally I would be having to turn up at an office or turning up at a shop, or at a factory, or - and I am - I am the income earner. That absolutely is fundamentally going to be a completely different decision. It means that I may well have to, for - if I, you know, have to take six months, that I will have to then go down to the local Centrelink and try and find out - and, you know, what will the regulations be, given that I've just stepped out of employment? So what are the communications between these systems that even recognise, 'This person has taken up this unpaid carer leave option', you know? It's bad enough for people who are looking for employment where they have to show, you know, that they're looking for work; will I be caught up in that system? What will be the implications of the bureaucracies that are - they're not separate, they're actually - they get drawn into this, if you know what I mean? They're not siloed.

COMMISSIONER DE FONTENAY: I just want to make sure I'm understanding what you're saying to us, Sharon. So are you saying that we need to help government have more of a thought to, if they were to roll out extended unpaid leave, the integration between the Centrelink processes and the - getting permission from your workplace to take unpaid leave, we have - we have discussed it a little bit, just in the context of evidence, so if you were to apply for the - if you were applying for the carer payment or the carer allowance - so let's say that you - you know, and again, this is going back to this point that everybody's circumstances are different, but if you were in the circumstances where you could see that your caring needs were increasing and you were going to have to step out and work for a while, you could first apply for the carer allowance, and then evidence that you were receiving the carer allowance would be sufficient evidence for your employer that you needed to take unpaid - you know, that when you came to them and said, 'I need to take unpaid carer's leave', that would be evidence that you are a carer and someone - you know,

where someone is - is depending on you in a significant way. But we can certainly have more of a mind as to how those systems will interact. Is that the point you're making?

MS LAWN: Yes. I think, you know, it is an integration issue. And, of course, there would be a whole raft of people that may or may not identify themselves, or not until that point, identify themselves as carers. So particularly, you know, I know this is focused on older people, but you know, in the broader sense of the question of, would this be relevant for all carers, you know, there are younger carers, some in their teens, who you know? And certainly, their employment situations are likely much more precarious. So - and they're not even mentioned, you know? And they wouldn't be, because the focus here has been on older carers. But you did put the question, you know, more broadly, what would be the implication for the broader sector. So people that, say for example, are not even known in that system of carer allowance, carer payment, you know, it's still a nightmare to navigate even getting - you know, it takes time, it takes paper work. There are various frustrations and hurdles that, you know, it's - you know, medical appointments for people to fill in forms, except, you know, it's not just - it's not something that's simple. You know? Yes. So - and it'd be great if people - - -

COMMISSIONER DE FONTENAY: One area where you mentioned that there's a bit of a difference between people is in terms of how much notice they have of caring needs and also maybe how long they need. So you pointed out that the four-months notice - four weeks, sorry, four weeks - giving four weeks' advance notice that you need to take leave is not practicable in a lot of circumstances. And we can certainly imagine that, in a lot of circumstances, something happens in a very abrupt way, so thinking more now to the case of older Australians, lots of us tend to have our head in the sand about how our parents are deteriorating - I certainly did - and then something happens, like a fall, and a whole bunch of things have to be dealt with in a very abrupt way. What we have suggested is that it'd be a little bit like parental leave. It'd be four weeks, or as soon as practicable, so that if an emergency comes up, that falls in the category of, you just weren't able to give four weeks' notice, because you - you know it was an accident. So does that type of, four weeks' notice or as soon as possible - that seems more reasonable?

MS LAWN: Absolutely. I think - you know, that would be - yes, it would be much more amenable. Particularly, you know, I absolutely recognise for older people particularly, where, you know, there's been a fall, they're in hospital, the news is that there's placement needed in aged care, and so family are scurrying around, you know? Visiting sites, doing paperwork, cleaning, you know? Putting houses on the market, cleaning residence, whatever. You know, all of that. But equally, for mental health, you know, it may be that - yes. It's interesting, because often, crises lead to admission to hospital, in which case some of us carers actually have a nice rest during that time. But it's more the - that's why there are some aspects where the leave wouldn't mean anything, and I think I put that in the earlier submission. It's more - it's more insidious, particularly, you know, whether the person lives with you or whether they live down the road, or whether they live interstate. It's more just - it's the ongoing prompting and supporting, and transport provision, and emotional support, you know? It's just - it's just there all the time. So.

COMMISSIONER DE FONTENAY: Yes, it's a sort of, drip-drip-drip (indistinct).

MS LAWN: Yes. So taking particular leave is not going to - you know, it might be nice for a brief rest, but it's not going to actually alter the overall carer role. Yes.

COMMISSIONER STOKIE: So, Sharon, I don't know whether it's your specific circumstances or the general sort of circumstances, but am I hearing you correctly, which is that flexibility is more valued than an extended period of away-from-work? Is - is (audio malfunction) to balance time, work, with the episodic nature of - is that - is that more your perspective? And do you think that's representative for all carers, or - - -

MS LAWN: I think - I think many carers would say that the flexibility is important to them. Absolutely, there would be times when this idea of taking a block of time away from an employer would be valuable, but certainly I know many carers - when they are at work, they are good workers. You know, they - because they are absolutely purposeful in being there; they're pragmatic people, who juggle many things, has been my experience.

COMMISSIONER STOKIE: Yes.

MS LAWN: So they're the people that take the least sick leave of their own accord, has been my experience. They turn up consistently - - -

COMMISSIONER STOKIE: Yes.

MS LAWN: So - but equally, you know, if they do take - you know, they're using their annual leave, potentially; you know, they're not getting rest in that period. So having flexibility is important.

COMMISSIONER STOKIE: Yes. Well, that's the theme - - -

MS LAWN: And - - -

COMMISSIONER STOKIE: - - - hopefully, that's coming through in our work, Sharon, around the need for flexibility. Obviously, extended unpaid leave - - -

MS LAWN: Yes.

COMMISSIONER STOKIE: - - - we think, will be important for some, but not a very large number of carers; is that - - -

MS LAWN: Yes.

COMMISSIONER STOKIE: - - - consistent with your - - -

MS LAWN: It is a - you know - it is a dilemma, because, you know, I absolutely - I - like, since the pandemic, for example, and - I've been largely, you know - like, I've got a job where I can work from home, pretty much, which is okay. But, of course, many people can't. And it's often, as I think I've put - you know, particularly in the lower paid jobs, where you actually have to be physically - and, ironically, many, many informal carers are in caring jobs in their jobs, which equally are gendered and lower paid. So, you know, all of these sort of

rolling consequences of having unpaid leave disproportionately impact, potentially, the very people that you're wanting to try and support in the caring role.

But, you know, there are downsides, as I think I've flagged, of working flexibly from home - you know, that aspect of flexibility. Flexibility in start and finish times, how you spread your hours over a week, if you do work in a location outside the home: I think, all of those things are very, very useful to carers - - -

COMMISSIONER DE FONTENAY: Yes. Yes.

MS LAWN: - - - because they tend to be good workers; they're not - you know, they're going to put in the time and the hours; you don't have to - I think the - COVID showed us that people will - you know, they don't skive off when they're working from home, or - you know, they actually - you get more out of them.

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: Sharon, one of our goals during this time, up to the final report, is to put a little bit more meat on what flexibility means for people who aren't as familiar with the experiences of carers. And again, because of the diversity of experience, it's hard to know what kind of flexibility all carers need.

But from our mental health inquiry, one of the challenges for people caring for someone with mental health challenges is that there can be a sort of step up, step down kind of process, where someone might have an acute - a period where they're really very bad, and it's really hard for their carer to do - to do much work during that period; but then they might have a step down, and have very light caring needs, in the period where they're going better.

So, at the moment, we've been thinking about flexibility as mainly a kind of a set of rules that applies all of the time: you know, so you can work part time; or you can start early; or you can finish early and start early; or you have the right, if an emergency comes up, to leave work at short notice and make up the hours later. Is there a particular kind of flexibility that's needed for that step up, step down kind of pattern for mental health carers?

So do - rather than, kind of, having to make up the hours some time this week, do people need the ability to, sort of, be on lighter hours for a period of time when their care recipient's needs are acute, and then make up the hours over the months to come? Is that the kind of thing people need? Or do they need to be able to take leave during that acute period?

What sorts of things do you think mental health carers would say they need if they're experiencing that - "I'm caring for someone with schizophrenia. They're okay, kind of, 10 months out of the year, but then there's a really bad episode, and the bad episodes last for - a bad episode lasts for two months, and it happens every couple of years." What particular types of flexibility are needed in those very - those are very special circumstances, that other disability carers don't necessarily have a similar experience.

MS LAWN: Yes. Yes, so, because it's - you know, unlike other types of caring roles - it's not that the person, you know, physically needs more - you know, more actual personal care, for example, although they may well; it's more - it's more that they, for example, may need to work from home, where they previously had to be in an office. So - so I'm going through this at the moment. My husband is - - -

COMMISSIONER DE FONTENAY: Okay.

MS LAWN: My husband is unwell, and he is - he is psychotic at the moment. And - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: And he may or may not end up in hospital. He has been like - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: He has been like this for the last month or two.

COMMISSIONER DE FONTENAY: I'm sorry.

MS LAWN: So I - I can't - I can't tell you if and when - if he will get any worse, if he will get better tomorrow, or if it will be next week, or if it will be next month. I'm just putting my head down, beavering on with my work, but I'm present. I'm present in the house.

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: So - so being - being available to the person, if and when, is easier for me when I'm in the house than if I'm having to leave the person, because their emotional needs are - you know, I can keep an eye on what's going on a bit better - - -

COMMISSIONER DE FONTENAY: Right.

MS LAWN: - - - if I'm here, and - - -

COMMISSIONER DE FONTENAY: Okay.

MS LAWN: Because things could escalate very quickly - - -

COMMISSIONER DE FONTENAY: Right.

MS LAWN: - - - or not. So - - -

COMMISSIONER DE FONTENAY: Okay.

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: So - - -

MS LAWN: But - - -

COMMISSIONER DE FONTENAY: - - - what I'm hearing is that for a lot of - a lot of people in those types of circumstances, if they have a role that can be done from home - and that's a big if, as you pointed out - the ability to, sort of, work from home, no questions asked - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - when it's a bad time - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - would be a very helpful type of flexibility - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - for most of those carers. And it sounds like - I'm so sorry that you're going through this, but it sounds like respite would be an important part of the equation, as well, that respite - - -

MS LAWN: Absolutely.

COMMISSIONER DE FONTENAY: Community respite, where it can be in the home, sounds like it's - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - probably pretty necessary in those circumstances, too.

MS LAWN: Absolutely, because, you know, being - you know, being present is not enough, if I'm just on a computer all day, and not with him. So - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: But, equally, you know, completely stopping work is not an option, either - you know, to take - - -

COMMISSIONER DE FONTENAY: No.

MS LAWN: - - - two months off - I - I've got no guarantee whether, you know, his situation may still deteriorate, whether - you know, there's an unpredictability to that.

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: So my taking time off could just mean that I, you know, get two months behind at work, which then - you know, the consequence for me is that, you know, well, that will make it harder. You know, there will just be a few more - - -

COMMISSIONER DE FONTENAY: Yes, absolutely. Absolutely.

MS LAWN: You know, several hundred emails that I will just have to catch up on. So it gives - you know, there's no benefit - there's no - - -

COMMISSIONER DE FONTENAY: No, absolutely.

MS LAWN: - - - benefit, you know, in it.

COMMISSIONER DE FONTENAY: Absolutely.

MS LAWN: So, you know - - -

COMMISSIONER DE FONTENAY: Sharon, have you heard from - so, obviously, you, you know - given the nature of the organisation, you guys (indistinct) hear about what's going on with the carers who are living through these experiences. Given the new availability of work from home, have you seen that more carers have said, "Okay, well, I was working as a personal carer", or, "I was working in a café, but now that there's some work from home (indistinct) available, I'm applying for some jobs where work from home is an option, because it's a better match for my skills and it's a better fit with my caring responsibilities"? So has there been - has there been, sort, of uptake of different jobs that allow for more work from home since that has kind of come on the table as an option?

MS LAWN: I don't have any clear evidence of that shift, you know, in sheer numbers. So you know anecdotally I don't really get that sense, I think people are in the job that people have. You know, the jobs that people choose to do are important to them, you know they're not going to switch career or job potentially, you know, it's the job that they have and for whatever reason. So I don't have any evidence that that shift has occurred, there may be people that have gone down that path but it's not a - I wouldn't say it's a common shift.

COMMISSIONER DE FONTENAY: You're not hearing about it otherwise, but the phenomenon okay.

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: And that's - and we don't really know if that's because of habit, or because of their love of the type of work that they do, or because of - I imagine there would be, to use an economics term, and apologies if this sounds - a bit of risk aversion, you know, that if you know that you're able to handle your current job and your caring responsibilities, you would feel very nervous about taking a different job where you don't actually know the management, you don't actually know, you know, how it might play out in practice.

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: So often - - -

COMMISSIONER DE FONTENAY: So there might be a little bit of unwillingness to take risk.

MS LAWN: Yes, and many people you know they're of course the full spectrum of people can be mental health carers. But you know certainly the people that are in the jobs where they're having to leave the home, they're already navigating their shifts that fit in with what they're doing. You know, they're managing their work life around their carer needs already, so and as you said you know they're negotiating with - you know they have hopefully some of them have understanding employers that already accommodate some of those need to do particular afternoon shifts, or morning shifts, or night shifts or particular days of the week because they've got the medical appointments that they're navigating people to, or you know. So there's that fluidity of several people anyway already.

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: Okay.

COMMISSIONER STOKIE: Sharon, you rightly mentioned around the very significant costs that taking unpaid leave imposes on carers, particularly females if the choice - or the decision rather than - choice is gendered. You talk about career and promotion, superannuation, et cetera, I'm just wondering if you'd given thought to how would you design an unpaid leave provision that gave the option to the worker to make that decision that obviated or addressed some of those concerns? Because its occupied our mind and at one level if you grant the entitlement, and people choose it, it comes with pretty significant consequences. And just, you know, you've raised this to us and is it a case that we just need to more formally acknowledge this, that we haven't done enough about it, or is there some design element of unpaid leave that could be made in your mind that we haven't articulated?

MS LAWN: Yes, so I think you know in this latest submission I offered up a couple of thoughts. You know obviously the actual financial or economic one is the best thing is for people not to have to take unpaid leave if at all possible. And the only way that that's going to happen is if there are the other systems of support. You know, so for example just - - -

COMMISSIONER STOKIE: And that's a really good point I think that needs to be made. I think we need to make more of that if we haven't.

MS LAWN: Yes.

COMMISSIONER STOKIE: But as Catherine was alluding to I think we've made enough of that important connection that if somebody is taking this up there almost needs to be an automatic capacity to - or at least to streamline the application process.

MS LAWN: Yes, yes.

COMMISSIONER STOKIE: Payments of carers allowance, et cetera.

MS LAWN: Yes. And, you know, integration with other systems. So although, you know, NDIS for example is - it's a big mess being sorted out these days, and it nowhere near includes all people with disability or a psychosocial disability, and carers. And there's no provision really - it's about the person it's not about respite. Although people find ways of supporting the person and thereby giving - give the person respite. But, you know, the carers are still left with all the navigation of the medical appointments, the physical health issues, you know, so that system - there are gaps in these integrations.

COMMISSIONER STOKIE: Yes, so it's not the design per se, it's the supporting services around that leave that is critical?

MS LAWN: Yes. yes, absolutely.

COMMISSIONER STOKIE: Are there specific elements to the design? Like you did mention the four week, but - and notice period and potentially that needs to have more flexibility, but are there another aspects say like the length of leave?

MS LAWN: Yes, the other thing I guess and it would apply to all carers, is that ability to - you know it's that it's not fixed at the other end. Because you know for example we know a family could take - the person could take three months or six months off to care for an elderly family member and then the person passes away two months in. You know, absolutely they should have that ability to return to work if and when - sooner than the time period, so that's an obvious one. And that would apply for any type of carer.

COMMISSIONER DE FONTENAY: We've suggested that you be able to return to work with one month notice, have I got that right George?

COMMISSIONER STOKIE: Yes.

MS LAWN: Yes, so that the employer can prepare for your return day.

COMMISSIONER DE FONTENAY: The other dimension of it that we were exploring was sort of the minimum amount of time that you could take. So at the moment we were proposing a minimum of three months, maximum of 12. But we're also exploring the possibility of a minimum one month because for some people what they really need is two or three months to settle someone into residential care, or just to deal with in in terms of a period of rehab, or something kind of more short term. Do you think that the minimum time of one month would be more appropriate?

MS LAWN: Yes, I do. You know often for many types of carer the actual crisis time, as I think I said before, for some it's easier. Sometimes it's easier because the person - particularly if the person normally would live with the carer, or they have a lot of contact - often a crisis time, for example when the person is in a hospital, is actually the time when the carer gets a rest. So, it's what happens after the person comes - leaves hospital or they're then settling into an aged care facility, or some - or a supported residential facility, or some other major alteration that happens. But, yes, yes, most of it we get a much - we get a good night's sleep for a change once the crisis period - you know, while that's happening. And that may well be the same for older, you know, carers in those situations, yes.

COMMISSIONER DE FONTENAY: So it's giving them a bit more support when there's a team at a hospital sort of attending to the various issues?

MS LAWN: Yes. The other aspect around - so the economic consequences, but also I think I flagged this idea of, you know, people have taken a reasonable amount of time in that role away from their job and then other people have moved into that role in the interim and then they return to work but the job that they were doing has somehow changed or no longer exists. Or they're expected to step into a more, you know, a job that is not at the level that they were previously. Or you know the assumption is that there'd need to be protections around some of those things within the conditions. So that's why, you know the enterprise bargaining issues comes into play, I guess, and the interactions with the things that you're, probably, most interested in, around regulations around employment, and what that means. So, you know, I'm sure - and different employers, you know, are friendly to this process or not so friendly to the process. It's inconvenient, and certainly in some jobs, it's just too hard for people.

It's like when people have an injury, and return to a work environment. Although there's the legislation that's meant to play out, the reality can be quite different in some employment situations. So - and I suspect that some carers may get caught up in that sort of process, as well. So - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: Yes, so there would need to be clear - you know, about the return to work, and what that actually looks like for the person.

COMMISSIONER DE FONTENAY: Yes. I mean, I think, because of parental leave, it's pretty clear what the legislation means by getting to return to your job, but it's certainly true that some employers are not fully abiding by the letter of the law.

Some - it has been raised to us in these hearings, also, that there can be discrimination against carers by employers. So you've raised the issue of, perhaps, people not getting promotions because the organisation views them as not being fully available to, kind of - sort of, on call, as it were - you know, sort of, a manager - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - who can be there for any and every occasion. A previous respondent has raised the issue of discrimination in - discrimination in hiring, sort of concerns about - from the time of hiring, as to whether someone is going to - someone is going to be able to - whether someone is going to be a good employee if they have caring responsibilities.

So, obviously, certain things can be legislated. Do you have views as to, sort of, what, if anything - you know, again, a right to return, if someone is granted leave - a right to return is fairly explicit that you have to return to the job that you had before, and you can't receive a demotion while you're away. Some employers - you know, some employees may have to involve Fair Work in order to actually have that fair - properly - properly lived out in their

workplace. But the more implicit forms of discrimination, of being passed over for promotion or just not getting the job, are much harder to deal with.

MS LAWN: Yes, and the - - -

COMMISSIONER DE FONTENAY: Do you have any thoughts as to how to prevent, sort of, tacit discrimination against - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - carers?

MS LAWN: Yes. So the problem - it may not even be discrimination. There are - you know - there are some jobs for which being present each day that that job is - you know - that that company or business is open actually does need people present, there, who - you know, if you're a supervisor, supervising the whole staff team, you have to be there.

It's not a - it's not a discrimination issue; it's literally part of your role that, you know, if there's an incident at work, and you're the responsible person, and it happens on a day - "Oh, well", you can't just say, "well, you know, so and so is only part time. They're" - you know - "They can't respond if it happens on a Thursday and Friday, because they're their days off." You know, it's - so, you know, I absolutely understand, from the employer's perspective, there are some roles that having - the senior person has to be present to be able to perform that role properly.

So the idea of, you know - it's - you know, we've come this far in thinking how many more people can work from home, because of COVID, and we've shown that it can be done. And it doesn't impact - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: So maybe, you know - maybe it's that thinking needs to shift around - you know, does a - does a supervisor or senior person always have to be someone who's there every day of the week that the business is open? Can it be job-shared? How would that happen? You know, how would they allocate responsibilities that - that equate with that higher position? It's about businesses getting clever, in the same way that they got clever with all these people now working from home, in some respects. So - - -

COMMISSIONER DE FONTENAY: Yes. I get the feeling - - -

MS LAWN: But - - -

COMMISSIONER DE FONTENAY: - - - they haven't quite cracked the nut with work-share. I haven't - this isn't an issue I've looked at in any great detail, but job-sharing seems to be a little bit more challenging to - I'm not saying that it can't be done, but it doesn't (indistinct) as though corporations are satisfied yet that they've figured out how to do that very effectively. But - - -

MS LAWN: They do it for - yes - they certainly do it for lower pay - you know - for the lower paid jobs, where - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: - - - people may be admin, and share - you know, many roles in admin areas are part-timers in - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: - - - job share, for example, and they seem to work that out - - -

COMMISSIONER DE FONTENAY: Yes.

MS LAWN: - - - okay. So, you know, it can be done; it's just the will to think a bit more laterally about what it means - - -

COMMISSIONER STOKIE: What it means for these type of work, where you can define the nature of the work, and it doesn't actually just have to be low income; it could be, you know, dentists, or doctors: people who have very specific things that they can do in a period of time that can be compartmentalised. It's really challenging for either cognitive skills, that require somebody to think, because you can't easily transfer what's in Catherine's head into mine as seamlessly as if it was just Catherine.

MS LAWN: Yes. Yes.

COMMISSIONER STOKIE: And you wouldn't be held liable with my encumbrances. But - yes, that challenge about how do we get - and how do you define, I suppose - there's an ambition in what you're saying, Sharon, around how this type of workplace that we would like - and how do you enshrine that in either the - how do you codify that into the National Employment Standards, that's then lived up to? Or is it just simply a case of continuing to promote and champion the type of workplace and work accountability and relationships that are helpful and useful as - - -

MS LAWN: Yes. Yes, because the other dilemma of, you know, part-time roles, depending on what they are, is that, you know, there are many people in part-time roles, but they're not set days, so they end up being spread across the week, and being called - - -

COMMISSIONER STOKIE: Yes.

MS LAWN: - - - because, you know, working - - -

COMMISSIONER STOKIE: (Indistinct) work is particularly (indistinct) yes, that's right.

MS LAWN: Yes, yes. And - - -

COMMISSIONER STOKIE: Or - - -

MS LAWN: - - - particularly the - - -

COMMISSIONER STOKIE: - - - where you don't know your caring responsibilities, or they're not as defined.

MS LAWN: Yes, or it's so flexible that it happens across the week, and they end up getting better value out of you, even though you're employed - - -

COMMISSIONER DE FONTENAY: That's right. Paid for three days, working five, and bits and bobs over the weekend.

COMMISSIONER STOKIE: Yes.

MS LAWN: Yes. Like, you know, you - "I know you don't - you say you're not working on a Friday, but we've got this really important meeting, and we - you know - we really think you should be there." So, you know - so all of the above happens. And on the - you know - the - acknowledging people's service, and for promotion thing, I gave the example of the - a role that I'm very familiar with, because it's one of my other half of life - speaking of half-time roles - as a researcher. So the NHMRC example, where they've attempted to address the gender equity issue, because far fewer women are, you know, represented in the grants process, leading grants, and they think it - - -

COMMISSIONER DE FONTENAY: And that is a great example of where - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - you know, it's quite hard to fix the discrimination. So, for example, in tenure practices, top departments have started making adjustments for parental leave. So, if someone has taken time off to have a baby, then their - - -

MS LAWN: Yes.

COMMISSIONER DE FONTENAY: - - - tenure (indistinct) is extended. So making allowances for promotions for the fact that people have taken time off to have a baby. And, ironically, the data actually shows that this has benefited men rather than women, in the sense that if Martin and I were going up for - were applying for tenure in a few years, and we both had a baby, we both put that in in terms of our paperwork, and I lose a lot of time for parenting in that period, and Martin does, shall we say, less, and - and as a result, Martin has a significant advantage at the time that we come up for (indistinct). So ironically, they've been able to show that something that was there in order to reduce the disparity in gender is (audio malfunction) a negative effect. So (indistinct) discrimination, but it's certainly an issue we need to think about. I wanted to - there was an issue I wanted to ask you about (indistinct).

COMMISSIONER STOKIE: Well, just while you're thinking about what it is, I think that example highlights the challenge, which is, by even including - we've heard from some stakeholders that the option for extended, unpaid leave is going to exacerbate the gender bias, and the disadvantage, and the low - poor socioeconomic outcomes for - and the mental health challenges that that imposes, which is just the sheer imposition that that has on being a

carer, which are some of the points that you were raising. Which is, it's actually very challenging, it's never-ending, and so we're cognisant - I don't know whether we've got the balance right in the document, and I think some of your feedback is, perhaps we haven't reflected enough on the lived experience and personal nuance for the individuals whom this impacts. It's not just numbers on a page; it's people and their - it's their real lives.

MS LAWN: Yes. I think it's that linking, you know? It's the linking of the - what does - you now? Leaving, like, the impact of unpaid, the impact of going part-time, the - you know, what that then means for those other systems, and the superannuation. Yes, the superannuation was particularly one that - yes, it wasn't - the dialog with that wasn't as prominent as what - you know, I saw some of the other submissions and particularly the nursing and midwifery one, I think, it was barely mentioned, that issue around - yes.

COMMISSIONER STOKIE: It's not easy to see how you could solve it, other than either paying for it - but that's your point, is that we haven't sufficiently acknowledged that the mere taking of unpaid leave exacerbating particularly a gendered challenge around the accumulation of retirement funds for - in this instance - for females, so - - -

MS LAWN: And you would think, you know, it's - ask, you know, are there particular structural things around those systems that should actually recognise portions of carer's leave? But then, you don't want to overcomplicate those systems, that are already complicated. You know, are there tax offsets? Are there, you know, whatever. But, you know, it can all get very messy. I understand. Yes.

COMMISSIONER DE FONTENAY: Yes. So, more broadly, Sharon, so I guess we haven't quite - we haven't talked enough about gender issues, you pointed out, at the risk of reinforcing our representation for being Neanderthals. And so I guess it would just be helpful to know, from your perspective, what would you like to see in the document about gender issues that was - that was missing?

MS LAWN: I think it's there, it's mentioned. It's just that it's mentioned, but then - it's not then - it's not integrated across the other consequences and implications. So the narrative isn't that these things compound each other, somehow.

COMMISSIONER DE FONTENAY: Okay. All right.

MS LAWN: And, you know, so it is that dialog - more with - yes, that carers are diverse, the employment situations are diverse, that women particularly are likely to be in these particular types of circumstances with - with pay levels, with types of jobs, et cetera, which - which mean they're less likely to be able to take up these - this offering, because of the nature of them being disproportionately represented, perhaps. You know, I don't know the actual stats, but my sense of it is that, yes, they're disproportionately - we know they're disproportionately represented in caring jobs like nursing, in support work, in - you know, in hair dressing, in - you know, whatever it is, where they physically cannot work from home. They're already potentially in casualised work, you know? So there's something about the nuance of how those things actually compound and impact each other, potentially, in a gendered way. Because, you know, in - - -

COMMISSIONER DE FONTENAY: Yes. You mentioned a really interesting point, which we definitely need to explore some more, which is this idea that it's hard to unpack the causal side of all of this. So are people in casualised, low-paid employment, because of their caring responsibilities that meant that they were not able to continue with a more demanding - a job with longer hours, but then, that type of work, you know, while it's shifts, it's incredibly inflexible in many ways. Often have limited choice of your shifts, often, if you have a short-term emergency that just cannot be accommodated, there's just a number of things about low-paying shift work that are not flexible, and so the new - the new legislation coming in, in the middle of the year, that will strengthen the right to request flexible work arrangements, may give us some insight into, you know, is there a group of people who probably could retain a job with - that was better suited to caring, if it had a bit more flexibility worked into the job, rather than end up in these - in these occupations that are not amenable to caring? Or is it just the fact that, because being a personal carer or a nurse or a teacher or a hair dresser is a highly gendered occupation, and then - and then that means that people in those industries really struggle when caring comes up. (Audio malfunction) a little bit (audio malfunction) but (audio malfunction).

MS LAWN: Absolutely, I suspect it is a bit of a - - -

COMMISSIONER DE FONTENAY: Yes. It'd be good to get a handle on those challenges. Yes.

MS LAWN: Yes. And then, you know, recognising that if it is a bit of both, then are there different aspects that need to be considered as a result of that. So yes. I'm certainly conscious of the time, but certainly, what I can say to close is that there's not a day that goes by that I don't think about, can I keep maintaining full-time employment every day when I wake up? It's a question I ask - I have to keep going, and - yes, thinking about - it's something that carers think about every day, is juggling the employment and the caring role.

COMMISSIONER DE FONTENAY: Yes. And we need to acknowledge the tremendous pressure that people are under. So we really thank you for your feedback, Sharon, and we'll try and do a better job of incorporating people who have the experience in our final report.

MS LAWN: Thank you, and thank you for the opportunity to talk to you today. It's been a pleasure.

COMMISSIONER DE FONTENAY: Thank you very much.

COMMISSIONER STOKIE: Thank you, Sharon.

COMMISSIONER DE FONTENAY: All right, this concludes the empathy hearings for today. Natalie, if that's - Natalie Bird, thanks very much for joining us for this part of the hearings. We'll resume again at - is it nine or 10?

COMMISSIONER STOKIE: It's nine.

COMMISSIONER DE FONTENAY: 9 am tomorrow, we're going to hear from the Australian Chamber of Commerce of Industry, and then I think that's our final person who's attending the hearing. So do feel free to join us for that, Natalie, if you're interested.

COMMISSIONER STOKIE: Thank you.

**MATTER ADJOURNED AT 1.59 pm
UNTIL TUESDAY, 21 MARCH 2023**