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PRODUCTIVITY COMMISSION

**INQUIRY INTO PAID MATERNITY, PATERNITY
AND PARENTAL LEAVE**

**MR R. FITZGERALD, Presiding Commissioner
MS A. MacRAE, Commissioner**

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 29 MAY 2008, AT 9.04 AM

Continued from 28/5/08 in Adelaide

MR FITZGERALD: Just a couple of very brief formal opening comments. This is the ninth day of hearings that we have conducted in relation to the inquiry into paid maternity, paternity and parental leave and it's a joy to be back in Perth, and Western Australia more generally. This inquiry is an important one as it affects the families of over 250,000 to 260,000 newborns each year in Australia and the high level of interest in this inquiry indicates the importance with which the Australian community views and regards these issues.

In relation to the hearings, they're reasonably informal in nature, although a couple of things, whilst participants are not required to be on oath, they are required to be truthful in the evidence that they provide, and I am sure they will be. Secondly, all of the presentations are recorded and the transcriptions will be available on the web site. If anybody doesn't wish to have portions of their evidence recorded, then they need to advise us in advance. In relation to the media, the media is entitled to be here all day and are able to take visual recordings, but they are not able to take audio recordings for the purposes of rebroadcast. They are entitled, of course, to hold press conferences or door steps with individuals, subject to their consent.

Finally, the written submissions in relation to this inquiry are due next week, 2 June. I am quite sure everybody will be on time. We will then be preparing a draft report which will be released by the Productivity Commission to the Australian community in September and then there will be a further series of written submissions, public hearings and consultations that will take place after that draft, with the final report being delivered to the Australian government on the last day of February next year. So we have a while to go and certainly we have been very grateful for the early submissions that we have received and for the participants that have attended the public hearings.

So without any further words from me we might get started with our first participants. If you could give your full name and the position you hold and the organisation that you represent.

MR ROBINSON (UWA): Yes. My name is Dave Robinson and I am secretary of Unions WA and I have with me Ms Simone McGurk who is the assistant secretary of Unions WA.

MR FITZGERALD: Okay. If you can give us your opening comments and then we will have a discussion.

MR ROBINSON (UWA): I will deal with a relatively brief submission which essentially is in support of the ACTU's submissions and, Simone - when I've concluded - will deal with some comments in relation to pay equity and how this might impact on pay equity. There is a slogan that was around in the 1970s that is very useful here and that is, "It's time". I guess our position is that it is well and truly

time for the establishment of a universal paid maternity leave scheme. We certainly at Unions WA believe that it is now right for the establishment of a federally-funded scheme for all Australian women. I guess many submissions will argue the point for a paid maternity leave scheme and we won't go into much detail in relation to the statistics. We will make some comments more generally in relation why we think this important.

It is an important benefit, we believe, for both employer and employee in that it enables an employee to remain with their existing employer and does reduce, in our view, the cost burden on an employer for recruitment, training and the like. It is also important for industry as, at the moment, we are well aware of the acute labour and skill shortage that we are experiencing and any measure, in our view, that retains an employee's connection with the workplace and the employer is something to be supported wholeheartedly and is very valuable. Of course, it is also important to establish Australia as a nation of choice for migrating workers and I think we are seriously deficient in not having at the moment a paid maternity leave scheme that will support families in bringing their kids into the world at a time when they need it most, at the time of the birth of their children.

So our submission basically outlines Unions WA's views on key issues in relation to paid maternity leave which we strongly support. As a minimum position we believe the leave should be paid at the rate of the federal minimum wage and include a payment of 9 per cent, but we would also argue to the commission that the commission recommend a scheme that requires top-up of salary for working women. Paid maternity leave is an essential addition in our view and should be an addition to the minimum safety net of employment-related entitlements and social benefits. We would argue that paid maternity leave should be provided for as a safety net and therefore as part of the new national employment standards for adoption in 2009.

So there's a question that's often put to us in respect to maternity leave as to whether our argument is for paternity leave; at this point in time it is not. We unequivocally support at first instance the establishment of a paid maternity leave scheme. We acknowledge that many fathers seek to contribute to the early care of their child, but the burden falls fairly and squarely on women, particularly in the first few months following birth, to be the primary caregiver and to its shame I think Australia remains as one of only two OECD countries or nations that does not have a paid maternity leave scheme so it is a priority for us to argue that a scheme should apply.

Obviously we support the ILO Convention, Maternity Protection Convention number 183. We accept that the provision of parental leave is prevalent in many awards and agreements. That should continue to be the case. Parental leave may be bargained for until such time as paid maternity leave has been well and truly established as a universal scheme and then, of course, we would argue that the

universal scheme should include at some stage in the future paid paternity leave.

With respect to any provisions for maternity leave or parental leave that employees currently enjoy through their awards and agreements, this should continue to be provided and paid for by the employer. In other words, we submit that any universal scheme must sit alongside and be additional to any existing rights and entitlements of employees. In terms of components of the scheme, as I have already said, we believe the duration should be at first instance 14 weeks, which is quite consistent with the ILO Convention and is an acceptable minimum entitlement for paid leave for the birth of a child.

It should, I guess, be noted though that even providing 14 weeks' paid leave sets Australia at a significantly lower level of maternity leave protection than many other OECD nations. Unions WA would recommend that following the establishment of a minimum base case of 14 weeks, a further review be carried out with a view to extending the period available on paid leave. Any period of paid maternity leave should be able to be taken at half pay for double the term, ie, 28 weeks in this instance. The scheme should cover all women, irrespective of whether they are in waged employment or not. Accordingly, there's no need to have established a qualifying period which has usually been 12 months of service and that is the case in many awards and agreements. We would note that this would also clearly provide that the scheme is available to all categories of workers, irrespective of their employment contract, ie, whether they're part-time, casual, on piecework, et cetera. We also propose that the scheme should include an adopting mother, where the adoption of the child is younger than five years of age.

In terms of payment in support of the universal national paid maternity leave scheme, that should be, of course, funded by the federal government. It should be paid at sufficient level so as to adequately meet the financial needs of new mothers and recognise to some degree - only to some degree, because it is minimum wage that we're arguing - the loss of earnings, service and career path, albeit only sometimes a temporary loss of earning and career path, but certainly one that only women experience. The level of payment for the scheme should be no less than the current level at the relevant time, federal minimum wage with the 9 per cent. But we do believe some thought must be given to the appropriate rate for working women whose work is outside of the home and who earn more than the minimum wage. The ILO Convention states that women in these circumstances should be paid no less than two-thirds of the rate of their previous earnings.

Unions WA would support that as a minimum and supports the proposal that such a payment beyond the minimum wage be paid for by the employer. Indeed, we would argue that there must be a requirement for employers to top up wages to the same rate as women were earning before their maternity leave commenced. We would urge the commission to recommend that. Ideally a scheme of this nature

should impose as little significant additional administrative cost burden as is possible, and in proposing a national universal scheme it makes sense for payments to be made through a federal government agency and it would seem that Centrelink might be best placed or ideally placed to manage that. Where an employer top-up is mandated, then perhaps the ATO might be able to play a role in managing those payments along with the employer.

Finally, some question might arise as to whether the minimum wage should be discounted for juniors who might receive the payment. A junior, of course, is typically defined as any person below the age of 21 in relation to the federal minimum wage, with a junior only receiving a percentage of the adult minimum wage. It is our very strong view that there should be no discounting of the rate payable for maternity leave, irrespective of age. The financial impact of having a child is not determined by the age of the woman having the child and therefore discounting is irrelevant. Thank you, that is all that I want to say at the moment, and I will just ask Simone to say a few words.

MS McGURK (UWA): I just wanted to make a comment on the pay gap that exists in Australia and also, in particular, in Western Australia. Nationally the pay gap between working men and women currently sits at around 16 per cent, and over about the last 20 years, since about 1987, that hasn't changed very much; it hasn't improved but it hasn't got worse either. That's in contrast to the situation in Western Australia where, over the last 20 years, the pay gap has increased so that it now sits at around 27 per cent earnings difference between men and women.

I notice that the Office of Women's Policy is here today from the state government so they might be able to talk in a bit more detail about those statistics, but our comment is that a scheme of paid leave would go some way towards addressing that gap, not only in the immediate sense for that period that is granted for paid leave, that women would be earning money where they might not otherwise, but also as an incentive for women to stay in the workforce, to not resign their job when they have children, to try and maintain the balance between work and family. So we think this is an important step where not many other steps have been able to reduce that gap despite legislation federally, and the legislation and the industrial relations' rulings on paid equity has changed over time, but there has certainly been a sentiment amongst government and industry and unions that the pay equity gap should be reduced, but that's been very difficult to achieve in practice. I think paid maternity leave would be one step towards addressing that gap.

MR FITZGERALD: Thank you very much. I should have introduced ourselves before, I'm Robert Fitzgerald and my co-commissioner is Angela MacRae.

MS MacRAE: Just in relation to the scheme that you're proposing, can I just be clear about - you mentioned the international conventions about the two-thirds as a

minimum of replacement wage, but is your position going for full replacement?

MR ROBINSON (UWA): We say that that should be the absolute minimum.

MS MacRAE: The two-thirds is a minimum?

MR ROBINSON (UWA): The two-thirds is an absolute minimum and we would prefer a top-up to the full rate.

MS MacRAE: Okay. In relation to the juniors, you were saying that your position was that there was no discounting.

MR ROBINSON (UWA): Absolutely, yes.

MS MacRAE: Just to take that a little bit further then, the idea that, as you said, the costs of raising a child don't vary, what's the rationale then - I mean, aside from that minimum - going for full or up to two-thirds' replacement for people that are in the workforce? If the cost of raising a child is the same for all of those, why are you choosing to do something different?

MR ROBINSON (UWA): It is important that employers contribute and see that they have an investment in their workforce and are prepared to do that. It is a forced break for women, as you will heard have many times and it is, in our view, not appropriate that women should suffer financially in terms of that break in their career simply because they're the only ones that can give birth to a child. So it is our view that the employer should contribute to that.

MS MacRAE: Just in relation to the top-ups, I understand that your position is that women inside and outside the paid workforce would all be entitled to the minimum amount that the federal government would pay.

MR ROBINSON (UWA): Yes.

MS MacRAE: Who would actually be eligible for the top-up? Would you have a qualifying period and things for that or not?

MR ROBINSON (UWA): We prefer no qualifying period at all. Actually we haven't canvassed that, but I would tend to think that we would not think there was a need for any qualifying period in relation to top-up.

MS MacRAE: You would base that just on the wage rate at the time of taking the leave?

MR ROBINSON (UWA): Yes, just prior to taking leave.

MS MacRAE: Okay. It's just that that can be quite problematic obviously for casuals and part-timers, or casuals in particular where their hours might vary a bit and choosing a rate that would apply to them. I was just interested in a view on that.

MR ROBINSON (UWA): So often there's a calculation of, say, four weeks prior to the average wage and four weeks prior to going on leave or something of that order.

MR FITZGERALD: Can I go right back, I suppose, through some broad principles. One of the things that we hear in Australia is that the market itself is starting to move to providing voluntary or collectively-bargained paid maternity and paternity leave arrangements and about 44, 45 per cent give or take of women in the paid workforce are currently covered. In WA where you have both a skill shortage and a labour shortage which has been experienced in a number of other states, some would say that in a sense we don't actually need to go through a statutory based scheme, that over time, because of the market dynamics many more women, in fact the majority will be covered over time, so that's one point.

The second point is in relation to the mandatory top-up. Employer groups - and we're hearing from some later today - have consistently said that they now support a paid maternity leave scheme on the basis that it's wholly funded by the government and have opposed rigorously so far in all of our hearings any mandatory contribution. The second question that is related is, what's the basis that you're arguing that they should be responsible for the top-up when clearly they have a view that whilst they're happy to look at it voluntarily or part of a collective bargaining arrangement, they're certainly opposed to a statutory based or mandatory scheme, so just two questions.

MR ROBINSON (UWA): Do you want to take anything?

MS McGURK (UWA): Can I just address the first question. I don't have any statistics to give to the commission and I don't know whether we could perhaps seek to provide some, but it would be interesting to look at the breakdown of those women that do receive paid parental leave at the moment through either collective bargaining or through any common law contracts that they have. It would certainly be our experience that that would be not common amongst low income earners, particularly those that don't have any collective bargaining power and if you look, for instance, in the care industries, whether it's aged care, child care, some health care areas, but also in areas like hospitality, for instance, a number of service industries, that women working in those areas have found it almost impossible to collectively bargain for any pay increase above the award minimums that they're entitled to. Even with market forces being what they are in Western Australia or Australia at the moment, it's been very difficult for them to get any of those entitlements.

So job security is difficult for them, collective bargaining is difficult for them, so expecting that they could rely on those sort of market forces to deliver paid leave is just not going to happen.

MR FITZGERALD: Could I just take that point before you move to the next one. Some might say, therefore, that if there is a particular part of the labour market that is unlikely to be able to obtain paid maternity leave either through bargaining or other means, then any government scheme should be targeted to that group; either that is small business or it's to relevantly low income earners. So the question that arises from that is, in public policy terms, what would be the rationale for providing a universal scheme when in fact - and you're probably right - that there is a group of workers that are unlikely to get a voluntary scheme and they're either in particular parts of the labour market, that is, small business or they're of particular wage brackets.

So I am just wondering if that is so and one wanted to ensure that they were covered, why would we have a universal scheme as distinct from a more targeted scheme?

MS McGURK (UWA): I guess the same argument could be put for any sort of entitlements that we've argued very strongly, and I think a number of the submissions put to you or the public debate has been that it is time to establish a standard of paid leave for Australian women. So we would argue that it's important to establish that standard. Secondly, the claim that we have put forward, the ACTU claim as well talks about absorbing the baby bonus. So it is designed to make that scheme - any scheme - affordable for both the federal government. The minimums that are achievable under that scheme is I think important that by transferring the baby bonus into the minimal entitlement then it has minimal cost on the federal government. It establishes a paid standard for all Australian women, so I think that's important. I guess I'm saying that the baby bonus didn't make that distinction either and that was argued that that was justified, the same with the family benefits.

MR ROBINSON (VWA): I think we probably had very similar arguments from the employers around the introduction of superannuation, compulsory superannuation. I don't think there's any doubt now or any lack of acceptance that that is an incredibly important right and entitlement so that the nation in fact supports its retiring workforce and people in retirement. I think we will always get arguments from the employer about whether or not they should contribute. As Simone has just said, a substantial amount of the cost will be taken up by absorption of the baby bonus. We do argue for a top-up on the basis that - a number of things - an employer will have invested, quite often, substantially in their workforce. The evidence is there in terms of the cost of recruitment, retraining and all the rest. That is an enormously high cost to an employer.

I would have thought it was very much in the employers' interests to, one, be an employer of choice or present themselves as an employer of choice wanting to both attract and retain skilled women in their workforce; secondly, that there is a broader social role, if you like, or requirement on all of us that is about supporting where there is absolutely no room for another decision for women. They have to leave the workforce. They have to have their babies. They will lose their pay and will lose their career progression to some extent. Then we should all contribute to that.

MR FITZGERALD: But they would argue that if they want to be employers of choice then that's where the voluntary nature or the negotiated component comes in. Some of the employers in WA provide paid maternity leave, clearly on the basis that they wish to be employers of choice. Once you mandate it, they would argue that in fact you no longer have an employment of choice provision, you just simply have a universal provision and that advantage is lost. Now, of course they can voluntarily top up over and above the minimum, but I was just wondering whether you think there's any validity in that.

MR ROBINSON (VWA): It would always be our preference that an employee's wages are maintained at the same level, as they are for annual leave, as they are for long service leave, as they are for sick leave. Why would this be any different, I guess, would be the argument. We all know that we will set our household budgets on the basis of the income that we've been receiving and we would hope to continue and, of course, when children arrive there's a greater impost on the household budget. But we would argue that it is no different in that sense to the provision of those other leave requirements.

MR FITZGERALD: Yes. Can I just ask a question about paternity and then Angela might have some questions. I'm intrigued that you're not proposing a quarantine period for paternity leave. I'm just wondering why that is not part of your submission at this stage. If I can just put that in some context. We've had submissions from a number of groups, but including one of the larger unions, the CFMEU, which has argued strongly in relation to the construction and mining industries in particular that unless there is a quarantine period for paternity leave, neither the employer will encourage nor will the employee take it. So their view has been very strongly that unless you quarantine - I think it's two weeks or some such period - those industries which are obviously male dominated industries, are unlikely to ever really promote fathers taking time off.

What we do know is fathers won't take unpaid leave. What we don't know is whether fathers will take paid leave. But their view is that if you don't call it paternity leave they definitely won't take it. I don't know whether you have a view about that.

MR ROBINSON (VWA): Look, I think there are steps to go to. Men do pretty well out in the workforce. The reason we've got a pay gap is because it is men will be in the sort of occupations that generate high income, particularly in Western Australia when you look at the resource sector and so on. Men do very well. Women tend to be, as we know, disadvantaged in terms of their wage structure. They are forced to take the time off. First and foremost it is important to establish the rights for women and then move on at some stage in the future. We say the rights for women are paramount in the first instance. They are the primary caregivers. Let's not full ourselves about this. As much as I love taking some time off, it wasn't me that did all the work. I was just their as support but I wasn't the primary caregiver.

I think we need to recognise - first and foremost establish a scheme for women. After that, certainly, we would argue that we then need to review where we're at and perhaps look at the establishment of a two-week paternity leave period. I accept that in some industries it's difficult for men to take the leave. It's not the sort of macho thing to do, but I don't know that that changes simply by the provision of a two-week payment.

MR FITZGERALD: Yes, just yet. Angela.

MS MacRAE: I was just interested in the pay gap issue and it being so much a bigger issue here in Western Australia, and I'm assuming that's because, as you've said, men tend to get the higher-paid jobs in the mining sector in particular, I suppose. I would be interested in your views about whether or not you thought if a scheme, such as the one you were proposing, was introduced whether it would make those jobs sufficiently more attractive, that you might attract more women into those, or are there other barriers that are so big that you wouldn't get that effect. That's part of a bigger question overall in terms of workplace attachment and workplace participation with a scheme such as this; what sort of behavioural change might we see. How would you rate it in terms of its success? Would you be looking at higher participation rates and would you expect that sort of thing out of a scheme, such as you're proposing?

MS McGURK (VWA): As I said, I think in the first instance it would be a practical measure, so for 14 weeks, people would be getting paid, women would be getting paid where they wouldn't otherwise be getting paid, so there is some contribution. It has been very, very difficult to make any other impact on that pay gap. There's been legislation in place and industrial relations laws and principles in place - wage-setting principles in place for some time that has sought to address those gaps and had real difficulty. I know here today - but I'm sure addressing you generally through your sittings - that there are going to be people who are more expert on that point. I guess as a practical measure for those 14 weeks, or however

long the paid entitlement is for, there's also a general message that I think it sends out to women about their participation in the workforce as you said, about their general levels of participation and trying to juggle work and family, and that they're supported in that. It's not something where they have to choose. That's a practical support, not only the message but it will enable them to try and maintain a foot in the workplace.

Whether it will assist in women moving into other sectors of the workforce, I couldn't comment on that. It has been a very difficult area to address. I think there are systematic problems, there are structural problems. There are a whole lot of issues. There are certainly work value problems in terms of how we value different forms of work. I couldn't really comment on that but I think it's not often that we hear a really practical measure that could start to address earnings for women, straight as that, and, secondly, that we have sent a positive message about women's participation in the workforce.

MR FITZGERALD: Just in relation to the superannuation - and I understand it's the ACTU's position that they want 9 per cent superannuation, and also I understand that you want the continued entitlement, the accrual of annual leave and long service leave during those periods of time. Can I just ask this question: are you proposing that the government pays the superannuation levy or is that rightfully something that the employer should continue to pay? Whilst I understand the view that you don't want women to be disadvantaged because of the period of time off work - the 14 weeks' period is a minimal period of time given the lifecycle of work - I'm just wondering how strong your view is that the government should pick that up or rather if you believe that it is important that it be retained, whether that's something the employer and the employee should continue.

MR ROBINSON (VWA): Yes. Look, I must confess I haven't thought that through. But the contribution is a contribution made by the employer and I wouldn't see that changing, I think. I think in fact the administrative burden to try and change that would be very difficult and in fact you would need legislative change as well in the CIS Act. In fact, as I think about it, it would actually need to be a continuing contribution by the employer, yes.

MS MacRAE: So the government would have to make the payment for those outside the paid workforce?

MR ROBINSON (VWA): Yes, yes.

MR FITZGERALD: The second issue is, in relation to the design of the scheme, one of the objectives that people have put to us is either workplace attachment - and more broadly workforce attachment, but workplace attachment. In the United Kingdom you may be aware that the employer makes the payments - both the

maternity leave and paternity leave payments - and the government reimburses the employer. One of the arguments for that is that it enhances the attachment between the employer and the employee. I was wondering whether you have a view about that because you were talking about the payment scheme being either through FaCSIA or through ATO. In the New Zealand case it is through their equivalent of the ATO.

Going back to that, do you see merit in the employer being required to make the payment and reimbursed by the government on the basis that it may enhance the attachment between that worker and that employer or, frankly, does it make very little difference when you're talking about a period, in your case, a scheme of 14 weeks or so? I might say employers seem indifferent about it and some hostile to it on the basis that it's an administrative burden for almost no benefit. Clearly, other jurisdictions, including the UK, have taken a different view, although they do have a social insurance model which changes the nature of the scheme a bit.

MR ROBINSON (VWA): I think it's really important in introducing a scheme like this - I'm assuming that - that the administrative burdens are in fact reduced on employers, particularly there would be a lot of outcry from small businesses about doing their job and not all the rest of it. So I think it is really important to make any scheme that is introduced as administratively easy as possible. However, I do think that in terms of the attachment issue that the ongoing relationship with the employer is also important. I guess that can be maintained through other ways. When I come down to it I think it would be easier for government to in fact make those payments rather than perhaps the other way around. But I have not a fixed view on that particularly.

MS MacRAE: We were thinking, in particular, of the case if the employer is having to calculate a mandatory top-up it's probably going to be the calculation more than the physical payment that's going to be the admin burden. If they have got to report that amount to the ATO and then have it paid, it may not be very different from actually just directly paying the employee.

MR ROBINSON (VWA): Doing it themselves, that's right, yes.

MS MacRAE: One other alternative which you might just want to think about, some countries allow employers to opt in so they can choose to make a payment or they can have the government do it, and in cases where the employer wants to keep that connection it might be a good thing to allow them to do that if they chose to.

MS McGURK (VWA): I just wanted to make one comment, it was back on a question that was asked early on about, why should the employers be responsible for paying, it was kind of a threshold question, I guess, about why should they be obliged to pay for any sort of scheme and there didn't seem to be any support from

any employer organisations. I don't know if that's right.

MR FITZGERALD: There's no support for mandatory contributions by employers.

MS McGURK (VWA): Yes, for mandatory schemes. I wonder at what stage they would ever support a scheme - I guess that's the question we would look at. They would say that it should be left to the market entirely and if that's the case, what does it mean for low-paid workers. I just wanted to make a point that the proposal we put forward, that unions have put forward, is a good balance between employer and government contributions. It doesn't put the whole burden on the taxpayer, but it eases the questioning, I guess. I think that's a really important component of what we're proposing. It is not cost-prohibitive, we don't believe, for the employer. It's the principle that they are worried about in terms of that mandatory scheme, but I wonder at what point they would ever support some sort of additional paid scheme across the board.

MR FITZGERALD: I won't put their case for them, other than to say I suspect it comes down to where they believe the benefit lies in the scheme. One employer group yesterday from the mining and minerals sector put the view that this was a social and public benefit. Whilst there were some benefits to business for employers, the substantial benefit for maternity leave was to society as a whole and, as a consequence, society should pay for it, being taxpayers. They did concede that there were benefits to employers generally and to specific employers because of that attachment but only at the margins. I suppose there was some basis for that.

MS McGURK (VWA): This is a sector that has been arguing to open the doors from just importing skilled labour to importing semi-skilled and unskilled labour as well, so we do need some of those structural adjustments in our economy to start to change women's perception of work and then move them into these areas where they have found it difficult for lots of reasons, some of them quite complicated - into sectors. There are some social reasons that we need to look at increasing women's participation in the workforce.

MR FITZGERALD: Can I ask a final question as we're going to run out of time, but just in relation to WA specifically - and you may not wish to answer this. How would you rate the valuing of female employees within the workplace in the WA context? You've talked about the wage gap but more generally do you believe that the employment of females in this state has improved over time or has reached a plateau or is in fact going backwards, and to what extent do you think the paid maternity leave is central to making a change? That's a very large question but I thought, given that WA is different in some of its statistics I'm intrigued to hear your view.

MS McGURK (VWA): I would be interested to see whether some of the other people presenting before you today have a view on that, and I don't have in front of me the WA participation rates and how they compare nationally or how WA compares internationally. But my understanding of that on the figures in front of me was that we don't compare in Australia that well as participation, compared to similar economies. Without any statistics it's difficult to say. The wage gap does speak volumes really about the value of the work that women are doing. As I said, there's the work they're doing and there's the participation rates, so it's difficult to say.

I guess it would also be worth saying that one of the issues that would be before the commission is what the public perception of these issues is and whether people believe that it's about time that the government stepped up and addressed the issue of paid maternity leave. It would be our view that there is a general view in the community that practice is starting to overtake policy and that policy needs to step up on that issue.

MR ROBINSON (VWA): I think it would be fair to say that Western Australia is a bloke's world. When you look at the resource sector it is, of course, substantially men. Having said that though, because of the labour shortage, the skill shortage, there are more women in the north-west driving trucks and so on, but it's not at a great rate, I don't think. I mean, we do seem to be very dominated by males.

MR FITZGERALD: Right, okay. Any other questions?

MS MacRAE: No, that's fine.

MR FITZGERALD: Any other final comments you'd like to make before we conclude?

MR ROBINSON (UWA): No, I think that's fine, thank you.

MR FITZGERALD: Good. All right. Thank you very much.

MR FITZGERALD: Barbara, if you could give your full name, the position and the organisation you represent and then some opening comments and we'll have a discussion.

PROF POCOCK (CWL): Thank you, commissioner. It's a pleasure to be here. Barbara Anne Pocock, convenor of the Work and Family Policy Roundtable and a director of the Centre for Work and Life at the University of South Australia. I'm appearing with both roles.

MR FITZGERALD: Okay. Great. Over to you.

PROF POCOCK (CWL): Thank you. I wanted to begin by saying that I welcome the inquiry, and especially its focus on not whether but how to proceed with a paid maternity, paternity and parental leave scheme, and to focus on the cost benefit consequences. Thank you for the opportunity to appear. I'm representing a group of academics in the form of the Work and Family Policy Roundtable. I'm very sorry that they're not here with me, but I would like to put their names on record: Elizabeth Hill, who is the co-convenor with me; Marion Baird from the University of Sydney; Deborah Brennan from the University of New South Wales; John Buchanan from the University of Sydney; Bettina Cass, University of New South Wales; Sarah Charlesworth, RMIT; Eva Cox from the University of Technology; Sarah Maddison, University of New South Wales; Alison Preston, Curtin University, and Gillian Whitehouse from the University of Queensland. We have sent our submission to you yesterday, I don't know if you've received it.

MR FITZGERALD: Yes.

MS MacRAE: We did, and I had a very quick look but I can't say I've read it in detail.

PROF POCOCK (CWL): I'm glad to hear that. So I'd like to make some preliminary points and then take you through the skeleton of our proposal.

MR FITZGERALD: Yes.

PROF POCOCK (CWL): I think it's very important to link paid maternity leave, parental leave and paternity leave to productivity directly. They do have a profound direct connection. But I also think the issues before us are much more profound and fundamentally important than simply a linking to productivity. Social reproduction is a precursor and an essential, necessary preliminary form of production before any other type of production. I was very interested in the previous comments about the mining industry and how it sees its role and the question of women's employment in a state like Western Australia. There wouldn't be a mining industry in this state if there wasn't a health industry, and there are 30 to 40 thousand workers, most of them

women, in this state.

We're doing field work here at present and these issues are of work and the links between work and maternity particularly are pivotal to their participation in the labour market. Certainly workers in that sector are being begged in this state to return to the labour market quickly after they have children and to stay a long time and to increase the hours that they do when their children are young. So questions of maternity leave are pivotal across the industry sectors in states like South Australia and Western Australia. We can do social reproduction on better or worse terms. I see this form of leave that we're discussing as pivotal to providing a civilised form, terms of social reproduction in our society.

The second issue around paid maternity leave is that we need to provide leave which gives substantive reality to a quality of opportunity for women. That's really why the ILO in 1919 moved to recommend a form of paid leave for working women. Women cannot have equality in the labour market unless the physicality of their difference from men is recognised in the form of paid leave. That's the physical materiality of their late pregnancy, recovery from birth and early feeding.

I'd also like to mention a third reason why I think beyond productivity it's really important to think about leave, and that is around fairness between women. At the moment we have a really inequitable system where highly-paid women like myself get Rolls-Royce leave of an extended period at full earnings replacement; the woman who comes in as a casual cleaner with a contract company and cleans my office has no leave; no paid leave at all and no unpaid leave. It's incredibly inequitable and I can't think of another labour market condition which is so unfairly distributed between women.

The fourth point I'd make is that paid maternity leave is not a welfare benefit; it's an employment benefit. I think that's a pivotal, conceptual aspect to the discussion that we need to have in this country. The baby bonus, for example -and it's recognised in the documentation of the bonus - is about the costs of having a baby in a household. It's not about labour market attachment. It's not about the links to the labour market. It's recognition of cost. Every household that has a child faces additional special costs; low income and high income. I think the bab bonus is an appropriate recognition of costs.

But paid maternity leave and paid parental and paternity leave are quite different: they're about labour market attachment in a similar way to paid annual leave or paid sick leave. They're about recognising real physical events in people's life cycles that affect their employment and attempt to iron out the great inconveniences, discomfort, physical acts which are associated with illness, or maternity and paternity.

The system that we have now and that we need to establish also needs I think to recognise the principle that there's enormous transition now in our labour market by workers, between jobs but also between forms of employment. If you look at the increase in self-employment, for example, a great number of women circulate between casual employment, permanent employment and between employers and between employee status and small business self-employment status. Now, that's growing and that will grow again in the future, I think. Everyone who is looking at the labour market says there's going to be more of that. So we really need to make sure we don't set up a system which creates barriers in the labour market sufficiency by just tagging payments to forms of labour market status like permanent employment which clog up and make it more difficult to move about.

So now the bare bones of our proposal. We aspire to 52 weeks' paid leave shared between parents. We believe that's an aspiration which a wealthy country like Australia could meet by 2016. But we are realists. We would suggest that in the near future - and nearly 90 years after the international community thought it was a basic right in a civilised society - we think our country can afford a 26-week payment of which two weeks should be corralled for fathers on a use it or lose it basis. We find the evidence of increased use by men where there's corralled leave and it's use it or lose it, results in a significant increase in the rates of use. We're convinced by that evidence.

We think it should be a government-funded basic payment and we've been arguing that way as researchers for quite some time, with top-up by employers. In our submission we argue that the payment should be at average weekly ordinary time earnings, not minimum wage. We recognise that there are significant submissions before you which are pitched at minimum wage, and we see that as certainly desirable for many, many women. Minimum wage will be more than the current earnings of many Australian women, given that 44 per cent of women are part-time. So really they're nowhere near minimum wage in their weekly take-home before tax income.

However if you look at the way other forms of payment to people taking leave from work - and we find the defence reservists' payment very instructive here - that's a payment, as we observe from the material on the web site of the Defence Department, that is made at average weekly ordinary time earnings to employers regardless of the earnings of the worker who is taking leave to join the defence reserve for, I think, an initial period of training of two weeks, an initial period of seven weeks, an annual possibility of leave for two weeks, a regular special payments of around 12 weeks and up to 18 months at average weekly ordinary time earnings for participation in defence reserve activities.

We ask the question in our submission, why is it that our country can afford to pay a man who is learning - in most cases it will be men - to operate military

equipment, to hold a gun, more than we would pay a woman holding a newborn. Where is the policy rationale for that kind of difference? We also wonder, where was the 10-year debate about what level of payment should be made to men or women who do defence service? I mean, this is my third appearance and I know many of my colleagues who are researchers have many appearances at inquiries over the years about paid maternity leave. Why are we still debating something when in other spheres of activity and in economic policy life there's not a bit of cost benefit study about whether we should do it. We think it's the right thing.

So we think average weekly ordinary time earnings is probably not an impossible aspiration for working women and men. We support the principle of additionality; that is, existing paid leave should be on top of anything that the government provides. We think eligibility should be probably around six months' tenure before the payment is made. It should be available to self-employed, to casuals and to permanents, it should be available to those who adopt, and sole parents should get the total payment. There will be very few of them but where they exist they deserve the full gamut of support.

We are also very concerned at the research evidence about unpaid leave and its availability to working women. If you look at the turnover statistics, it looks like over half of Australian women actually are not eligible for any unpaid leave. Now, that's really quite a significant problem in a labour market when nearly one in two workers now are women. There are many women who don't get an opportunity to have any return to work because their tenure isn't - they are either a genuine short-term casual or they have recently changed employment. So we would like to see an unpaid leave provision made for all Australian women in the workforce of around 14 weeks.

We're very keen to see research and evaluation of any scheme that's introduced and to have that recommended as a part of any scheme, and we're very keen also on the complementary policies, like a fair and effective tax system, a good early childhood education and care system and robust flexibilities at work. Paid maternity leave is no magic bullet but it will sort out a number of significant inequities that are there now. So I might complete my comments there and say that our submission has been made. I've got some personal views that are actually provoked by the earlier discussion which we might come back to. Thank you.

MR FITZGERALD: Thanks very much, Barbara. I might ask Angela to start off and then I'll come back with some questions.

MS MacRAE: Can I just ask - I'm just always trying to make sure I've got the scheme that you're proposing correct. The eligibility you were saying should be for six months' tenure. You used the word "tenure". Are you looking at workplace attachment rather than workforce or are you saying it could be with any employer?

You'd need to have six months' work with any employer to be eligible or be with your current employer?

PROF POCOCK (CWL): I don't think we're very specific about that in our submission but I think six months' labour market attachment would be preferable, because once again we don't want to tie people - if it's a government payment - to one employer. We want to encourage flexibility in the labour market.

MS MacRAE: Right. With the unpaid leave you would you be looking at a similar attachment requirement there or not?

PROF POCOCK (CWL): No. We're saying all women, if they're in the labour market, should get a period of unpaid leave when they have a baby, because we do have evidence of women who return to work, including after a caesarean section - and we have a high rate of caesarean sections in Australia - very quickly after that because of the change of employer just before they became pregnant or whatever or because they're casual.

MS MacRAE: Okay. Just in relation to the period that you've chosen. In the ideal world you're talking about 52 weeks. I just wondered if you could give us a bit of background about what made you choose that period and what were the main drivers for that choice.

PROF POCOCK (CWL): If you look at the gamut of international practice, there are now a number of countries that do 52 weeks; indeed some who do considerably better, in the Nordic area in particular. We think coming to the party many decades after most developed countries have, it's no time to start at the bottom. So we'd like to be aiming for the middle or upper end. We're a very wealthy developed country. We've got a \$22 billion national surplus at present. I think Australian working women deserve support. It's also at a moment when our participation rate is straining to respond to the level of labour market demand. We're encouraging women to enter the labour market. We've got a growing proportion of young women coming into the labour market who expect to have a labour market attachment. We want to foster it and grow it and I think sending signals is a very important thing, and this scheme can do that.

MS MacRAE: Did you look at the child development and child health issues as part of that as well?

PROF POCOCK (CWL): Yes. In our submission we summarise the material which I think is absolutely compelling, that maternal health, neonatal survival rates, a whole range of wellbeing indicators strongly support maternal and child dividends from a decent rest. There's also quite interesting evidence from the economic record which says that a maternity leave payment has distinctive benefits on top of a cash

payment, in that it ensures that leave is actually taken. Anyone who has mothered a child knows that time is the issue. Poverty is definitely a problem but the rest is very, very vital to early settlement of a new baby.

MR FITZGERALD: Just a couple of questions, broad questions, if I might. Well, I might start with an obvious one, and that is, yes, you're right, we've had many participants that have already participated in previous inquiries. The Human Rights and Equal Opportunity's sex discrimination commissioner neatly produced all of the records. So I put them on the table for dramatic effect. My question to her was, why? I suppose the question is that in a sense Australia wasn't completely indifferent in that it took a different route. It continued to amend the social transfer schemes. So we do in fact have reasonable benefits in relation to children, be it through the family tax benefits, child care rebates, parenting allowance and, more latterly, the baby bonus.

But I was wondering, given the research you've done, as to why, 30 years on from when this was first discussed, we've either taken an alternative route, taking a more positive approach to what's happened, or we've ignored this problem whereas other nations have responded. So what is it in Australia's history, recent and past, that has led to where we are today?

PROF POCOCK (CWL): Well, it's not a question, I hope, that's very relevant to the inquiry in a way but it is really fascinating. I think there are several reasons because of complex phenomena we're looking at. But at the top of my brain is - and I have no research about this because we don't have it. But I think if those who had babies had been more represented in the areas that made these decisions, we would have the Nordic standard. We have better than the Nordic standard on long service leave. We led the world on the length of the working week. We led the world on vacation care, holiday leave. We are delinquents in relation to the support we give working mothers, and I think that's to do with the fact that our Industrial Relations Commission, our trade unions and our employer organisations were led by people who had never had the experience of maternity, and it's a sobering experience and it does change your mind about the value of rest.

Now, I'm not arguing that everyone has to have had a baby to come around to the argument, but I think that's historically part of the reason. I think the other reason is I believe in Australia that there has been a resistance to really coming to grips with the fact that mothers work and acceptance that mothers work. I think there is a kind of lingering discomfort with the participation of mothers in paid labour. For all that we might - and many Australians have got diverse feelings about this. Is it morally right to go back to work when you've got an infant? The fact is it doesn't matter what you think about that issue morally any more because hundreds of thousands of women are. We've doubled the number of women with a child under six months who are back at work in Australia in the last 20 years.

So there are going to be mothers that work when their babies are eight weeks and four weeks old. The question for us is, can we do better to get the rest which we know the evidence tells us will make a difference? I do think that the employers and employee representative organisations like trade unions have responsibility for the history in a sense because I think there are still men leading trade unions, for example, who have a discomfort about paid maternity leave, and some of them are leading unions with a lot of women members. So I think the reasons are complex and some of us have felt more comfortable about a benefits-related approach which didn't mean we had to confront the reality of working mothers.

MR FITZGERALD: The second more specific point, you mentioned that this is not a welfare payment, that it's about workforce attachment, workforce participation, those issues. Just in relation to the baby bonus, whilst it is true that some of the rhetoric around the baby bonus was acknowledging the cost of children, there's also no doubt at all that in one sense, it was a means by which a paid maternity leave scheme would not be introduced. There are mixed objectives in the baby bonus. The truth is it's a political contrivance, but not without some merit. It's universal, it's a reasonable level of payment - - -

PROF POCOCK (CWL): No longer universal.

MR FITZGERALD: Yes, right at this moment, until the bill goes through. In fact one evaluator of the New Zealand scheme who is very prominent and significant has actually said that our system may be better, that is, you've got an unpaid entitlement, you know, return to work, plus you've got, I should say, a near universal scheme at a reasonable rate. So the question we've asked people is, if the issue was largely about income replacement or income support which I know yours is more than just that, you could achieve that by simply increasing the baby bonus. The question is - and whilst you said right at the beginning it's not about whether we should have a scheme, it's about what the scheme should look like - there is a fundamental question: can you achieve what you want to achieve without necessarily introducing a paid maternity leave scheme; in other words, is there an alternative that gives you the same outcome? Some people have suggested, although not many, that you could achieve that by simply topping up a revamped baby bonus.

PROF POCOCK (CWL): I think the policy objectives should be equality of opportunity for women, a physical recovery time for mothers, opportunities to bring about the best outcomes for babies and to increase the participation rate of those who choose to return to work early. If they're your objectives, the baby bonus can't deliver them. A cash payment cannot deliver them. It cannot give the rest. It sends a very negative signal to women about their reconciliation of maternity with their paid employment. It doesn't go to the core question which is we rely on women now as workers and if we want them to be serious participants as equals alongside men in

the labour market, we must recognise the material physicality of birth. A baby bonus, a big cheque, can be a dangerous thing for a family. I'm glad we've broken it down into smaller payments. I'm not here to critique the baby bonus, but it cannot deliver the policy objectives.

If we thought that was the case, why wouldn't we pay people in terms of retirement income in big cheques? We don't. We have an accumulation of a payment at 9 per cent presently over the life cycle and we do it as a percentage payment, so it embeds in your retirement income the differences in your lifetime earnings, so it has a very significant, expansive effect on inequality in the labour market. That's the way we deliver retirement incomes by and large. We've moved away from the cash payment pension system. We don't take that approach to the defence force's leave, for example. We see labour market attachment in terms of accumulating retirement earnings and other forms of leave as an employment issue. Attachment to the labour market is what we're talking about.

A paid maternity leave scheme is about not disturbing the employment trajectory of women. It's about continuity of income, continuity of accrual of leave, tenure, service, seniority and I think cash payments potentially - especially if they were targeted, say, at small business or at low-income workers - introduce distortions into the labour market potentially. So that if you're about to have a baby and you think there's going to be some kind of cash payment especially targeted to you as a worker in small business, you may be very unlikely to be mobile in the labour market out of small business or out of industry or out of low income, so I think targeting your payment based on income and sector is I think a particularly dangerous impediment to introduce.

MR FITZGERALD: Can I ask one other question, and I'm sure Angela has got some questions arising from that. I just need to clarify: in your scheme, clearly there would be the continuation of a baby bonus of some description to women outside of the paid workforce. Is it your proposal that that also applies to people in the paid workforce or are you prepared to have the baby bonus rolled into the maternity leave, as proposed by the ACTU and other unions?

PROF POCOCK (CWL): I think it's fair to say that we've wrestled with that issue because I think the level of scrutiny about the bottom-line costs of this scheme is going to be and is and has been excessive. I think it's very interesting that there is such a level of scrutiny about cost issues on this scheme when there isn't on many other parts of our labour market. However, that said, we've wrestled with "which way". Do you roll it in? Do you treat them separately? I think as a policy framework, if you're going to be clear and clean about what your policy objectives are, then there is a really strong argument for separating the payment. If there is a cost issue related to a new baby, which we all recognise is the case, let's meet that cost issue. As a community, we think people should get support, and mothers in and

outside the labour market should be treated the same, and it's not mothers, it's families who incur that cost. We need clarity about the role and function of the paid maternity leave scheme which we see as quite distinctive. So we have separated them in our budgeting and our thinking and we think that really, that is the way to go.

MS MacRAE: If I understand it correctly, you were saying that even if we got to the 52-week stage, the government would be paying up to average weekly ordinary time earnings and that the employer would be responsible for the top-up to full earnings' replacement. Can I just ask on what basis you made the decision about how much should be government funded and how much should be employer funded because I guess the variations that we've seen tend to put slightly less weight on the government and slightly more on employers on most of the schemes we've seen to date.

PROF POCOCK (CWL): 52 weeks is aspirational and there may well be - and if I can speak in my own right around that because I haven't talked about this in detail with the other members of the roundtable - I noticed that the sex discrimination commissioner had an opportunity for review before extension and we think there are moments for review. We think we could do four yearly increments up to 52 and there may be opportunities to consider whether employers can make a more significant contribution to a rising cost. At the point of 26 weeks, we think a government payment is sustainable with a top-up from employers. We recommend average weekly ordinary time earnings and we recognise that many others are suggesting a lower rate.

MS MacRAE: You wouldn't be saying, "We'll pay that or the lesser of a full top-up," for people that are getting less at the time of - - -

PROF POCOCK (CWL): Our (indistinct) is that it's the replacement of current earnings. So if a woman is \$300 a week at present, then if you're going to be true to your policy frame, which is about recognising and not disturbing the employment arrangement, then she would take the lesser of either her current earnings or the government payment.

MS MacRAE: Right, okay.

MR FITZGERALD: Bruce Chapman and his colleague presented in Canberra at the very early start of these hearings and put forward a HECS-type scheme for additional benefit over and above that what - his point was once government has decided the level that it wishes to fund, over and above that could be funded by a HECS-type arrangement, his view being that in fact there were private benefits to the individuals and would also facilitate a much larger payment than would be provided by a pure government scheme.

Secondly, we've heard a number of participants talk about the fact that there are joint benefits for employers, employees and the community and as a consequence, the notion of a social insurance scheme should be introduced, at least for the top-up components over and above a minimum provided by the government. Both of those are basically saying there are benefits to employers, employees and the community and it's a matter of juggling how those benefits accrue, and once you've decided that, then how it should be funded flows from that, whereas I think in your proposal, it's a simpler proposal. But nevertheless, what's your reaction to those sorts of schemes where there is a view that the employee does in fact need to be a contributor over time?

PROF POCOCK (CWL): Employees are contributors to a government-funded scheme, they're taxpayers, and so are self-employed workers. The tax scheme has the virtue of drawing on all productive members of our society - employer, employees. So I think it has a contributory approach which draws on a broad range of our society. It doesn't individualise the contribution. We know from the costings, and they're in our submission, that it's a very expensive operation for lifetime earnings for women. It's a huge penalty on lifetime - women are making a contribution financially to the costs of having a baby, and their partners are too where they are present.

I've read the proposal in relation to a HECS-like scheme and I don't support it. I think it is a very unfortunate thing and it will not be attractive to many people to take on additional debt at the time of maternity in particular. You aren't looking at a lifetime earnings as a doctor or an engineer or an economist, as you make a decision to enter higher education. You're facing a lifetime trajectory of big payments, as any new parent knows. So I think it would quite possibly have the effect of not being taken up very widely. I think it would be not very useful to low income workers who have a disincentive to take on debt, and I would be concerned about transaction costs, and similarly in relation to a social insurance approach. I once again go back to the defence services model. We don't use that model. We have a Rolls Royce system of income support when people take that form of leave. Why can't we build from that model towards a modest but historically appropriate approach?

MS MacRAE: So do you see then that the top-ups would be paid not into a pool that was then used to provide for those top-ups but would be paid by the individual employer to the individual employees?

PROF POCOCK (CWL): Yes.

MS MacRAE: Because I guess the main issue we've heard about that is whether or not that then becomes a disincentive to employee women of child-bearing age, that you've got a risk there that you're going to take that person on and you're going to be slugged with the top-up. Alternatively, if you had an arrangement where all

employers contributed, say, a percentage of payroll and then any top-ups would come out of the pool, that you would remove that possibility of discrimination against female employment.

PROF POCOCK (CWL): Well, I won't repeat the point about everyone contributing to tax. I think many Australian employers already recognise the value of full income replacement for women when they have maternity leave. 37 per cent of women have access to such an arrangement at present. You mentioned a figure of 44 per cent.

MR FITZGERALD: Yes.

PROF POCOCK (CWL): That's the entitlement, of course.

MR FITZGERALD: Yes.

PROF POCOCK (CWL): But the actual presence of women who actually take it is more around - - -

MR FITZGERALD: Yes. No, I know. We're talking about entitlement rather than take-up rate.

PROF POCOCK (CWL): Yes. So I think many employers already demonstrate that they see a value in being able to personally link that work and retain that work as attachment to their workplace. So I think there are benefits for the employer to have a level of direct contribution to the income. I would point out, I think really it's important to look at the profile of earnings of women and the fact that many, many women will be caught by a payment already at minimum wage, let alone at average weekly ordinary time earnings.

MS MacRAE: Yes.

PROF POCOCK (CWL): If you actually look at what people are earning, there are people who are paid more. Many of them are in the public sector and in larger companies and they already have full income replacement for periods of eight, 12, 26 weeks.

MR FITZGERALD: Just in relation to objectives, I suppose, if I can just go back to them, the view that I think some people are putting is that you can achieve your objectives without necessarily the funding that you're proposing. In other words, if you wanted to achieve 52 weeks for women to be able to make a choice to be able to stay at home with the child based on child and maternal wellbeing issues, people would say, "Well, in fact, you can get there by in fact, for example, funding 13 weeks because most people will double the time that they're paid for." Certainly

the evidence around the world and in Australia is that if the period of payment is X, then most women will in fact extend that period. What is not clear, and may be, is that if you're on very low wages that's not so. We want to have a look at that in the evidence.

So I suppose the question from a public policy point of view is, can you achieve the objectives that you've set out but in a more affordable way, because there's no doubt at all that families are extending the period of paid leave very substantially, but again we just want to analyse who's doing that and who's not doing that.

PROF POCOCK (CWL): Well, you have to weigh up the costs and the equity of the system. Someone like me on a high income can take a very extended leave, potentially, and bring great benefit to a child and a mother and a household. But I do a lot of research with low income workers - cleaners, childcare workers, aged care workers, hotel attendants. They're not taking leave because they can't afford it. Many of them, a disproportionate number of them, are casual. They don't have any entitlement to unpaid leave. I mean, I think we have to, as all economic policy, weigh up efficiency with equity. What we have at the moment is a system that doesn't deliver for two-thirds of women, most of whom are much more likely to be low paid or in insecure employment, and their families in particular need a calm, rested parent and that's what they're not getting.

MR FITZGERALD: Can I just go to the issue of paternity leave. You've indicated, as I understand it - and correct me if I'm wrong - that you believe that two weeks could be quarantined for paternity leave, and I presume that's broadly defined to include other alternative primary carers. I'm just wondering what's your view about the rationale for providing paternity leave. We've heard a number of different views about that. Some have been that paternity leave has to be taken concurrently with the mother in the first few weeks to have any significant effect because of the bonding between the father and the child at that point; others say it can be taken sequentially. Others, as you would be aware, are saying, "Well, you know, it's shared leave and there shouldn't be any quarantine." So whilst it's a relatively small number of weeks relative to the rest of the paid leave that you're talking about, I'm just wondering what your philosophy and thought is behind paternity leave.

PROF POCOCK (CWL): Well, should the commission elect - and God forbid - to go for the bargain basement system of 14 weeks, for example, at minimum wage and there were some hard decisions to be made about whether mothers or fathers got it, I think the case for equal opportunity for participation and for child and maternal health is strongly in favour of the mother first, at this moment, if it's only 14 weeks. That said, I think there is very good evidence that paid paternity leave can encourage men to be more involved with significant long-term benefit for the household. I think it's important to say that fathers bond with their children anyway. They don't

need paid leave to do any more than mothers do. Mothers bond with their children too.

I think it's important we don't develop a language or a discourse which is, "Only paid leave allows parents to bond," because parents cope. But I think the thing about paid paternity leave is it really - and we use the language of "supporting parent". We prefer that language because it doesn't introduce further discrimination against same-sex partners - it can be very helpful. There's no doubt that applying it on a use it or lose it basis, there is a very convincing case that's that the way to go, and not allow it to be transferred to the mother. We similarly argue that paid maternity leave of a 14-week minimum provision, for example, shouldn't be able to be transferred to the father because it's about the physicality of birth, except in the case of adoption.

On the point of simultaneous leave, we don't see any reason to require the leave to be taken by parents at any time. Why can't parents take leave simultaneously if they want to, or put it end on, or stage it, whatever they think is appropriate. I've got no idea what is the right leave for my own sister and family, let alone what's right for other women in our society and parents.

MR FITZGERALD: Therefore, are you saying that the 26-weeks - apart from the two weeks which you might provide for the supporting partner or supporting parent - can be taken by either or is that purely a maternity leave payment?

PROF POCOCK (CWL): Right. Well, our submission is rather opaque on that but my personal view is that the 14 weeks should be quarantined for mothers.

MR FITZGERALD: 14 weeks, yes.

PROF POCOCK (CWL): Quarantine, minimum. Perhaps the UN breastfeeding - I can't remember the proper title of the code, but it encourages 26 weeks' paid leave because of the higher incidence of breastfeeding that follows from that. So there's quite a good case also for making a larger portion of it quarantined for women. But if we're looking at staging the increases over time, up to 20:16 - say we got to 52 weeks - there certainly is a significant portion of that that should be available for parents to choose. But a portion should definitely be quarantined somewhere between 14 and 24 weeks for the mother and two weeks for the father.

MS MacRAE: Could I just go back to the point you were talking earlier about, the casuals that are on very low wages and that they're the ones that are currently missing out. Where they were getting average weekly ordinary time earnings or the lesser - they would be getting the lesser presumably, and it's a general question and I've put it to the previous participants - how much difference to you think it will make in terms of their labour force participation and attachment because, you know, they're on a

low wage, their replacement - it's going to help them in an income support sort of situation, but do you think it will make much difference to their participation?

Then if I could go one step further and say: is that something that you'd be looking for as part of your scheme, or are you saying that it's really about choice and whether labour force participation goes up or down as a result of any scheme, that's really not the goal. The goal should be that people have a choice about whether they return to the labour market or not in that - - -

PROF POCOCK (CWL): I'm a strong believer in choice for parents, but a choice is framed by policy contexts. While many households in Australia, low income households, have relatively low numbers of hours - and high income households also - those hours and the income that arises from them are absolutely vital to those households and their welfare.

MS MacRAE: Yes.

PROF POCOCK (CWL): A 14 or 26-week payment will make a very big difference to the welfare of those households at the time of a child's arrival. So I think the decisions about participation rate will be affected not only by whether there's a maternity leave payment but also about flexibility. That's incredibly important. People are under-participating in this labour market, and I can introduce you to the people who say, "I would be working longer hours if I had flexibility around start and finish time or roster control." These are issues which, alongside paid maternity leave, together shape decisions about participation. So I don't think a paid maternity leave will have a measurable, identifiable kick-up in participation rates.

But I think it will contribute to a very significant signal of a cultural change and recognition about women's employment. If you look at the econometric analysis out of the OECD - we use Jamo. Her analysis shows that if Australia did a better job on provision of equality of early childhood education and care and paid maternity leave and forms of leave and remove the penalties in the tax system to second earners, its participation rate could jump by eight percentage points. So she runs it for Australia as well as the OECD. So it's hard to disentangle a single policy measure and attribute a participation effect to it.

MS MacRAE: Yes.

PROF POCOCK (CWL): But I think it will make a difference to the perception about the labour market, and for some women it will certainly cement their attachment. At present a huge number of Australian women when they have their baby resign the job, step back, come back in. They may have been a lawyer before; they come back in quite a different function because of the stress and pressure of the

legal practice or whatever the job is, so they come in at part-time. At the moment they have to change workplace, in some cases occupation and certainly hours. We lose a really significant productive contribution of a skilled worker because we don't attach them to the workforce or to their occupation. I think that's something which paid maternity leave can make a difference for. It will make the opportunity to step back from your job and step back into that workplace easier for lots of women.

MR FITZGERALD: Can I just ask a final question, if I might. The overall scheme, you're right, there is a signalling device or there is a signalling aspect to this arrangement that is almost over and above the detail of the actual proposal itself. I suppose this inquiry is more than just the paid maternity leave arrangements, as you'd be aware. It's about support for parents of newborns up to the age of two. So some people have said to us that why this is so important is that it will facilitate a number of other things that are also necessary. This inquiry is broader than leave, although 90 per cent of its focus at the moment seems to be on leave itself. I was just wondering, in a very short period, if you could tell us, what would be the other couple of priorities that you think for parents of newborn children up to the age of two that are also essential co-policy initiatives over and above this? Maybe it's in your submission as well.

PROF POCOCK (CWL): No, we refer to the need to think of it in the context. I think the international expert I like best on this issue is Jane Waldfogel and we refer to her. She has a book 'What Children Need'. She comes at it from a child welfare perspective, but also not so much a labour market analysis. But reading her analysis - and she has given considerable advice to the British government - she is an advocate for up to two weeks' paid and unpaid leave in combination; 52 weeks paid leave with a quarantined portion for the mother, but extended opportunities for paid leave. As you know, it's government support essentially at base level in the UK; after that, an excellent quality early childhood education and care system which the Brits don't have. We've got better than that, but we still need to improve.

The other thing I think is very important is we do need good care options for infants. There are many women who, given the policy context of their so-called choice, do have needs for early child care for children under one, and children who are one to two. All the international evidence is absolutely unequivocal: it's quality of care that's critical. In lots of cases children do better when they're in early childhood care, which is especially if their home environment is poor in social or economic resources. So they're two critical measures: paid leave, unpaid leave, early childhood services.

The other thing that parents talk about all the time in all of the research that we're doing at our centre is about fitting time, actual time worked, to preference for time worked. So in a household if a mother can get the hours she wants configured around the needs that she perceives for her children and the father, then the outcomes

for mother, father and child are much superior. So I think we need policy initiatives like right to request changes in working time, right to request work from home; very, very important. The international evidence says many employers of course already do this; many of them have no problem with it, it's not a costly initiative. It does require careful management and a change of culture.

MR FITZGERALD: Thank you very much, Barbara. Are there any final comments you'd like to make or add to?

PROF POCOCK (CWL): I would like to address just briefly the question of whether the market will deliver. It won't. It hasn't in a hundred years and it will deliver for women with bargaining power and men with bargaining power, but it can't deliver for hundreds of thousands of low income workers, and actually even for many higher income women who want to be mobile in the labour market but also want to have children. Many of them are doing it at 30, 35 years old and they really need a signal from the country that their employment is valued.

MR FITZGERALD: Thank you very much for that, Barbara.

MS MacRAE: Thank you.

MR FITZGERALD: Marcia, if you could give your full name, the position you hold and the organisation that you represent and then some opening comments, and then we'll have a chat.

MS KUHNE (CCWA): My name is Marcia Helen Kuhne and I'm the manager of the Workplace Relations Policy Unit at the Chamber of Commerce and Industry (WA).

MR FITZGERALD: Okay. Go on.

MS KUHNE (CCWA): Thank you. So just a very brief run down on CCI. CCI is the largest of the peak business organisations in WA. It has over 5000 members and those members are spread across the full gamut of industry in Western Australia and throughout the breadth of Western Australia. It has traditionally had an extensive involvement in workplace relations and industrial relations sorts of issues. CCI is also a member of the Australian Chamber and takes an active part in policy deliberations, specifically in relation to workplace relations issues, but in the wider social and policy context.

But CCI does promote a workplace relations system whereby employers and employees are able to arrange to make agreements that suit them. It does believe that employers and employees should be able to voluntarily make those arrangements between themselves. In terms of the current inquiry we have noted the government's pre-election commitment to ensure that it didn't impose additional financial burdens on business and also administrative complexity. It made that commitment specifically in relation to small business. We, of course, would like to see that extended across the board.

One of the key issues in terms of the current inquiry is really about the benefits of any paid scheme. We say that the benefits of paid leave can't actually be automatically assumed to be universal. We do know there is some evidence, but it's largely anecdotal, of the benefits of paid parental leave on the part of large employers. We do acknowledge that there are benefits and we have looked at the 2003 survey by the Equal Opportunity Commission here in WA that found I think it was 67 per cent of organisations that provided paid parental leave found that it had a benefit in terms of retention of staff. We know that among our members, and more widely, that many businesses do provide many different types of paid parental leave.

What we find is that there has been no comprehensive study, particularly in Australia, that actually demonstrates what the benefits are. In terms of the Western Australian context we have a particularly tight labour market, and finding and replacing employees during a period of parental leave is a very difficult task. It's a particularly difficult task at the moment. We say that the government must ensure that any scheme that might be introduced doesn't act as a disincentive for the

employment of women and doesn't exacerbate the current labour shortages that employers are currently already facing.

CCI has done some work in this particular area in the recent past in its recent report that it completed last year on building human capital, found that Western Australia will need an additional 400,000 workers over the next 10 years. We have that as a backdrop, if you like, to the situation that employers are placed as they look at issues such as a scheme that might be adopted by the government, resulting from an inquiry like this.

We, of course, acknowledge really the two dimensions of both labour shortage and positive impacts. We acknowledge there are positives. Employers do use parental leave - paid parental leave - as a tool, as an incentive to attracting and retaining staff. We do know that that is currently happening. We have a fear, if you like, that if there is a universal scheme that is adopted that applies across the board, that will then create a level playing field which will then remove the incentive that employers might have in terms of providing a form of paid parental leave. I guess that's one issue that we think needs to be addressed.

In terms of the negatives, the significant negative is as I think summarised, and that is in relation to small business. The Office for Women report surveyed 1800 small to medium enterprises and, of course, they are not necessarily all that small - up to 200 employees. They found that only 19 per cent of businesses that size were providing any form of paid parental leave. At the moment it is quite clear. We think there is a lack of data as to what the impact of a scheme would be on small business. There aren't enough small businesses already that are providing such schemes, so of course there is very little data to assess what the impacts would be.

We do know from feedback from our small business members - and we have a significant number of them, of our 5000 members about 80 per cent are small businesses - already, as I say, they are having significant difficulty replacing employees. Now, they have difficulty at the moment in the current legislative environment where employees have access to 12 months' unpaid leave. Small businesses are already finding trouble recruiting staff. What they fear is that with a paid scheme it is more likely that more employees will take more leave. As I think we've already heard this morning, it's more likely that those employees will take more of the 12 months that they have access to and that will create an additional burden on small business employers who will have to then find temporary employees for longer periods. That is possibly the most critical issue that faces business, and small business in particular in Western Australia.

We have noticed, in having a look at the New Zealand model of parental leave, that nearly half of the women who were surveyed in their evaluation who weren't eligible for the payment of the scheme, said that they would have taken a longer

period if they'd known about it. So it appears that the scheme had not anyway in the past been widely publicised, so a lot of employees didn't take advantage of the scheme. It appears that it hasn't been widely utilised. In any event, CCI does support a scheme. We support the payment of 14 weeks of paid parental leave, subject to it being fully government-funded and administered. Subject to there being a full examination of any impacts to ensure that there aren't unintended consequences that arise, we also pose the question, we wonder about whether paid parental leave is in fact the most efficacious means of meeting the social good of having children.

This is where we have had a little bit of difficulty in terms of approaching the inquiry, in terms of it being both a social policy issue and also a workplace relations issue. We think that other ideas, other schemes, other matters need to be fully explored. In terms of the employment situation we think it's appropriate that tax relief be looked at and that child care be looked at, initiatives to assist employers provide for child care and so on. We simply say there isn't enough evidence at the moment to demonstrate that paid parental leave is the panacea, is going to provide benefits.

There has been a bit of publicity about top-up schemes. We would say that any scheme that might be introduced should not mandate top-up payments. We know that the Equal Opportunity Commission WA data shows that about 48.9 per cent of medium to large businesses do provide parental leave and that the ABS stats in WA show that about 40.9 per cent of females have access to some form of paid leave. But employers are concerned as to what the effect of a government-funded scheme will be on all of the current entitlements. Employers are concerned about double dipping. If employers are currently already applying a form of payment and the government mandates an amount of money, where does the employer's obligation sit there? Clearly they will still have contractual obligations that they already have with those employees, but how far might they be extended?

So we've noticed that the New Zealand model adopts the position where an employee can choose between schemes where if an employer for example already has a scheme and the government now has this mandated scheme, the employee is free to choose as to whether they will take the more beneficial entitlement that the employer might provide as opposed to the government model, which is not to say of course that every employer will provide something that's more beneficial than the government's scheme.

As I've said, there will be many employers who will agree that they will provide their own arrangements, that they may enter into arrangements with the employee, with all of their employees as to how they will make the arrangements and whether they might transfer the money into some other type of scheme, I don't know. But the employer should be able to make their own arrangements as to what they might do in relation to any top-up or they may be able to do nothing.

I thought I would just, too, mention a couple of aspects of the Workplace Relations Act just to suggest to the commission that any aspects of a scheme that relate to return-to-work guarantees and eligibility requirements and so on. Those sorts of things should be left to the Workplace Relations Act. We say that the Workplace Relations Act already sorts out a number of those issues. We think that those sorts of issues should remain as they are. We say there's no need for any further regulation in terms of those aspects that are already dealt with.

Then just to mention to you some work that we're doing, that CCI is doing. CCI is at the moment doing a comprehensive survey of women who are employed by our members, so it's a survey of our members. It ranges across the board. We're trying to assess what are the issues, what are the needs of female employees in terms of their workforce participation. So we're at an early stage. The survey has been sent out and results are being analysed at the moment. We're quite prepared to share the results of our analysis with the commission when that happens. It won't be for a little while, but we're certainly very happy to share the results with you.

We did notice that in one of the focus groups that was conducted as part of this survey that the issue of paid parental leave was not something that was raised by female employees, part of the survey group, as being a key issue that would retain them in the workforce, so we thought that was interesting. But we're certainly prepared to do that. We do think that there needs to be a lot more work done, a comprehensive study done in terms of the impact of the costs and the benefits on small business in particular.

MR FITZGERALD: Good. Thanks very much for that, Marcia. The issue that you raise in relation to the replacement - finding replacement workers during the period of time that a woman may be out of the workforce is an issue, clearly. Some people have said to us that firstly that issue was already there because of the unpaid parental leave provisions or the right to return to work, which is 52 weeks and potentially is looking like it's going to go longer than that.

The second thing is, they would say that in fact small business employers would prefer a longer period of time of absence because it is easier to fill a longer time than it is a short time. Now, I'm sure this varies from industry to industry. But in fact some of the message is that if you have very short periods of time it's actually quite difficult to fill; if you have longer periods of time it might be easier. Now, again that would vary on the industry and what have you.

But I suppose the broader question is, there is this tension: on the one hand we have a large number of women who are out of the paid workforce which we would desire to have back into the workforce in order to meet both the labour and skills shortages that are emerging; on the other hand if we don't provide adequate support

to those people, they are likely to leave their current employment and in fact not return or not return for a very long period of time because that seems to be a pattern that's emerging.

So I'm just wondering how you're balancing this, because it seems to us a twin problem: one, a short-term problem of replacement of workers which is no doubt significant, but a much longer-term problem that if you don't allow women to be able to exercise both their maternal role as well as their worker role, you may lose them for a very long time from the workforce.

MS KUHNE (CCWA): Well, it's true that it is a difficult conundrum. But just in terms of the longer period of time away from the workforce being easier to fill than a shorter term, of course as you mention it is dependent to a large degree on the industry sector. but it's also dependent on how much certainty there is in how much the employer knows about what the employee's intentions are. So for example if the employer knows that an employee is going to go on two years of unpaid leave then, yes, the employer is much more able to find an employee for that two-year time period. However that's not the way it works normally - and of course there's not the option of the two years at the moment but there will be, as you foreshadow.

Even at the moment which is likely to happen is that the employee signals an intention to take 12 months' leave. A little bit prior to that the employee might decide that they want to return to work a little bit earlier, and then the employer has to work out what they do with the employee who has replaced that person for a 12-month period. So then they have that situation arise, "Well, what do we do with the person who's already there?"

Equally if you have someone who is off for a 12-month period and that person, under the new arrangements that are ahead of us in terms of the National Employment Standard and so on, the employee can go off on the 12 months' leave, apply for a further 12 months of leave but then won't have an obligation to advise the employer as to whether they want to take the extended leave or change the leave until four weeks before they're expected back. Now, that is a very, very short time-frame for an employer and places a bit of a burden on them in terms of, "Well, what do we do? We had this person for a 12-month period. Now we need the person for another" - anyway. Those sorts of mechanics make it quite complex for employers to manage in the area. If there was certainty in terms of the time span, it would be a lot easier.

But just in terms of the broader question, I don't think there's any panacea or answer. It is a difficult issue. We're certainly encouraging the government both at state and federal levels to look globally at how we introduce schemes to encourage more workers into the system. We're encouraging greater levels of immigration and so on.

MR FITZGERALD: Sure.

MS KUHNE (CCWA): We certainly encourage business to develop arrangements that suit themselves; develop arrangements that they work out between themselves and their employees.

MR FITZGERALD: Can I just deal with the top-up for a moment. Your organisation is opposed to a mandatory top-up, as is the Australian Chamber of Commerce and Industry, yet you acknowledge that there are benefits: there are benefits both directly and indirectly to employers specifically and to the employers more generally. Why is it not fair for employers to share a direct contribution in relation to this scheme, given that they are a beneficiary of the scheme; society is and women employees and families are but so too are employers. So those that have recommended to us a mandatory top-up say, "Look, this is just a fair way of sharing." The second thing is, clearly it would disproportionately impact certain businesses, so people have put forward a model of either a levy on payroll or a social insurance model or some way to flatten the effect.

But the broad notion is, why is it not appropriate for employers to be requested to make a mandatory contribution over and above what the government would do? We're not talking about the whole figure but over and above that.

MS KUHNE (CCWA): Because it's forcing employers to make decisions that they have no control over. It's forcing employers to make decisions to make a certain level of payment when they have no ability to influence the decision-making or how any impacts might be brought to their business. You take away the employer's ability to - - -

MR FITZGERALD: But is it any different from the statutory requirements that employers have in relation to annual leave, long service leave, sickness leave, compassionate leave, much of which is either in awards or in law or just good practice and we accept it as part of the individual arrangements and agreements that might be in place.

MS KUHNE (CCWA): Which have been developed over a long period of time and so on.

MR FITZGERALD: Sure.

MS KUHNE (CCWA): I mean, that's another aspect, I suppose, of any paid scheme, that if there were to be any - timing is an important aspect of whatever scheme is introduced. We would simply say that it's simply putting another impost on business. Sure, they have factored into their working operations, to their

budgetary and financial requirements, the need to meet all of their social and legal obligations over many years. This would simply be another impost.

MR FITZGERALD: But is it just another impost or do you think that employers see it as an arrangement that is fundamentally different in character? I understand the impost but some people seem to say this is of a different nature, of a different order. It must be in some ways different because everyone is asking for the government to fund it which we don't leave in terms of long service leave or annual leave or anything else, but that doesn't seem to be a strong point in your submission.

MS KUHNE (CCWA): That's why I mentioned a little bit earlier that there is this interplay between workplace relations and social policy. We do say that ultimately it's about what the community expects. The community expects that there should be a standard applied that is beyond what the current standards are, then the community, the government, should be required to foot the bill for that responsibility, to meet the responsibility. That is certainly where the provision of any scheme for paid parental leave is quite different to what the current mandating standards are.

MS MacRAE: Just in relation to the discussion we've had with some of the participants this morning, do you think that the coverage under the voluntary arrangements is likely to be much extended beyond the existing arrangements? We have talked a lot about the skills and labour shortages in Western Australia, and to some extent we might have expected that the reach of voluntary arrangements for parental leave might have been somewhat stronger even than it has been. Do you have a view about that? If we were to say, "Look, we'll take your suggestion and we'll go with the federal minimum wage," would you expect that the market would adapt and grow further into a wider range of employment situations for coverage?

MS KUHNE (CCWA): We do see that it's growing all the time. We do see that employers are making a range of different arrangements all over the place. I think that is the case but that is probably largely at the larger business end of the market.

MS MacRAE: You would probably accept the proposition we had from the speaker, that if one of the ideals of the scheme was to get more equitable arrangements across the full range of women in the workforce that you're ultimately going to require something from government or that the market isn't going to solve that problem for us if we see that as a goal.

MS KUHNE (CCWA): I would say, if we're looking across the board, the market may not, but I do see and we hear - and we hear it in the media - that there are new schemes operating all the time. Employers are making new arrangements all the time. We think that the market will gradually over a period of time sort it out, but I don't think that it will end up with universal coverage.

MR FITZGERALD: My question then is just on that. Some proponents have said to us - I might say not many - that in fact if you're going to provide government support it should be targeted to those areas where there is least likely to be voluntary or negotiated schemes - small businesses, some of the hospitality areas - or targeted to those on lowest incomes. Your association and other business groups are supporting a universal government payment. In other areas, business has been indicating that targeting is a better approach for government expenditure. I'm just wondering what's the rationale for supporting a universal scheme when in fact it appears there are certain areas within the employment market where the need for such a scheme might be greater than in other areas, that being where they can bargain.

MS KUHNE (CCWA): We've looked at it from the point of view of what will affect business. So our proposal, our model of the 14-week payment at the federal minimum wage, is what we think is a reasonable response, taking into account what is already extant in the international covenants. We've looked at article 9. We see that that is the most reasonable model to adopt.

MR FITZGERALD: Yes.

MS MacRAE: Do I understand you correctly that where you talk about the requirements for paid parental leave reflecting the current provisions for unpaid leave, that that 14-week minimum government payment would only go to those who are currently entitled to unpaid leave? Is that right? Your recommendation 5? The ACTU proposal, for example, says that the minimum payment that government would make would go to all mothers and you wouldn't even have to have any workplace attachment. I've got that right, haven't I?

MR FITZGERALD: I think so.

MS MacRAE: Is that proposal because it looked to me like you were saying that if you were eligible for paid parental leave that would be the basis on which you were then eligible to - - -

MS KUHNE (CCWA): The Workplace Relations Act talks about eligibility and we're saying that in terms of eligibility for the scheme it's really about the primary caregiver. It's those sorts of issues. We're saying that the primary caregiver is the person who should be able to access any such paid leave, that it's about those issues.

MR FITZGERALD: Just to try and clarify it. At the moment, as I understand it, the unpaid leave or the right to return to work is only available to people that have a reasonable connectedness to a particular employer, that being full-time, part-time or significant casual in the 12-month period prior to the taking of the leave. That's the eligibility criteria that you would also be applying to the paid leave?

MS KUHNE (CCWA): Yes.

MR FITZGERALD: All right. The dilemma for us arises that that eligibility excludes a very significant number of those that have marginal attachment to the workplace. They may in fact have employment with different employers, they may be in a number of casual roles. They're currently and logically excluded from unpaid leave because unpaid leave is attached to the employer-employee relations. The question is, should the eligibility criteria be extended because this is really about workforce attachment, rather than workplace attachment, or attachment to a specific employer. I was just wondering whether you've given considerable thought to that because it seems to us that the eligibility may need to be a little different, but I'm not sure. What's your view on that?

MS KUHNE (CCWA): Yes, I understand the point, and it is a difficult one. It's all about, in a way, the disconnect between the workplace relations environment and the social policy environment and where does it start and end, or where does it all start. In terms of social policy, yes, we say the responsibility for any change to social policy is government responsibility and government accountability. Clearly, paid leave wouldn't apply to someone who's not in the workforce at the moment. However, we also believe that there are difficulties in terms of funding too. We say that the baby bonus, for example, should probably be absorbed into the costs, but that family benefits should perhaps be reviewed to take account of access to those who might lose the baby bonus.

MR FITZGERALD: Yes.

MS KUHNE (CCWA): That's not a major part of our submission. But in terms of eligibility, we say that you can't provide leave to someone who's not employed.

MR FITZGERALD: No, but taking the case of a person that may have two or three casual jobs, none of which currently would entitle them to unpaid leave - and there's a logic in that - nevertheless - - -

MS KUHNE (CCWA): Well, that might not be the case. Under the Workplace Relations Act the casual employee can have access to - - -

MR FITZGERALD: Provided they're attached to an employer, rather than several.

MS KUHNE (CCWA): Yes, correct.

MR FITZGERALD: Look, it's just an issue for us. It seems to us that a central issue to any design of the scheme is about eligibility. At the moment if you simply applied the eligibility for unpaid leave, a significant number of women would be

excluded from that. What the number is, I don't know at this stage. You're right, there is an issue as to whether they should be covered or not, and if they're not covered then what happens. That's just an issue we need to look at.

MS KUHNE (CCWA): Yes.

MR FITZGERALD: I'm conscious of the time - and we have been going for a while - but, Angela, have you got any other questions?

MS MacRAE: I don't think so.

MR FITZGERALD: Have you any other points you'd like to leave us with, Marcia?

MS KUHNE (CCWA): No, no.

MR FITZGERALD: Thank you very much for that. We'll now break for 15 minutes and resume at 11.30.

MR FITZGERALD: We might now resume. If you could, Shona, give your name and any organisation you represent, or if not just yourself. Then we'll have some comments or thoughts and then we'll have a chat.

MS GUILFOYLE: Thank you. I'm Shona Guilfoyle and I'm representing myself as a mum. I work in the power industry. So I've worked for large government, small business and large private business as a mum, and watching this issue. So hopefully I'll bring a slightly different perspective, as me, my friends and sister have tried to make one and one make three, because right now it doesn't add up.

MR FITZGERALD: Terrific. Okay, over to you.

MS GUILFOYLE: On the point of maternity leave I guess I'm speaking here as myself but I'm also speaking for my two daughters. I want it to be better for them and all babies, and I want to make sure babies are part of this discussion, not just mothers and fathers. So maternity leave is about giving a mother and baby - sometimes a primary carer but mostly a mother - the space for that really critical time for them to bond, in their decades of working, decades and decades of working. Our society is wealthy enough for babies and mothers to spend time together with the support of the community. It is the community's job to support mothers and babies in that primary bonding time.

Now, the unions can say whatever the theory is, and I'm just speaking as myself. I know the reality is - and from many friends I have from other countries, if you require employers to top up, you will prevent the next generation of women having those secure, permanent, professional jobs before they have babies that give them the credits to come back part-time, with the boss who gives it to them as a favour. That is the reality. That is the reality. Now, the unions can say what they like about what employers should do, but they won't do it and it's not their job. It is the community's job to support babies and mothers in that short window.

Now, we talk here about workforce attachment. What about a baby's attachment to its mother? Where does that get valued? I started this submission with the issue that is my current issue, because I'm past the baby stage, that I live in a parallel universe. I don't understand why babies that are six months old, it is acceptable for us to institutionalise a generation of babies in long day care, but a six-year-old or a 16-year-old can only tolerate six hours of school. Am I missing something? Babies deserve to be with mothers. Our community, in 20 or 30 years' time, will pay the price for structurally encouraging women to separate from their babies too early.

I personally would advocate that mothers and babies, in or out of the workforce, should receive government support for the most important job they will ever do, which is raising babies. A baby has a right to its mother, not to be structured

into long day care potentially at six months old. That baby has a right to it, and we are a wealthy enough community to keep babies and mothers together.

Now, I know a lot of families are struggling. What you are doing in setting up the 50 per cent discount to go to private industries to put babies with strangers. We've had the stolen generation. I see what happens at the front line of the trauma of mothers in a financial dilemma putting them into long day care. Hasn't the research been done? I'm not the researcher but it's obvious; small children and mothers, the community needs to fund and support them being together. Then when the children are older, at school age, can we talk about the elephant in the lounge room. The elephant in the lounge room is that school sucks. School sucks. Speak to any mother I know, anyone I know. Why is every child in my daughter's class in care until 4.30? Because that's a sensible day, that's a workable day, because it works.

Unions will rally on endlessly about the workplace. Every workplace I know - small, large, everywhere - has flexed. School hasn't moved a muscle, not a millimetre. Are the unions - I have no axe to grind here but I ask why hasn't school changed? Why is it all right for a six-month-old child to be in long day care but a 16-year-old can only tolerate six hours of school? This is ridiculous. Now, there are big questions. I have emailed this to anyone I can think about. Maybe the Productivity Commission is the one for the real discussion to start.

Because I'm going to tell the truth, okay. Day care is a parking lot. You ask any woman who works there; they would not want their own child to be there. It is not the solution and our children deserve better. My daughters deserve better and my grandchildren deserve better. I don't want the solution to be government-funded day care. Let mothers be at home with small children. Government support that universally, because mothering is a job. Mothering is a job. If feminists haven't worked that out, they haven't done base one.

Now, I work at a professional level. That's all recognised by society. But I have no doubt the most important job I do is being a mother. I never got any maternity pay or whatever. It should be universal because every mother, whether she works in the deli or the top end of town, is doing the most important job that she'll ever do, and that is the community's job, our job, to all fund. Then when the children are older, help those women get back to work.

You want to talk about workforce attachment, workforce participation? They are in the suburbs. Every mother I know would like to open the paper and be able to have a job that adds up. My day does not add up. My holidays do not add up. There is four weeks' leave and 14 weeks' holiday of school. If you want women to be in the workforce, help us make it add up. Make school and work add up. Work has flexed. Everywhere I've gone work has flexed. School and schoolteachers and someone brave enough to take on the system is where it needs to start.

One more point: okay, you say children can't tolerate a longer day. Absolute rubbish, if you think a six-month-old baby can. Here are two things to research, two easy things for a federal government body to research: how many of our children are home unsupervised and from what age; how often because mum is at work? Let me tell you, I've got a babysitter now, but my sister has got a 10-year-old and a teenager is not going to put up with a babysitter. A teenager needs serious adult supervision.

How many are home unsupervised? At least start with a high school, making a high school sensible hours. If they are at home, what percentage of, what amount of the day are they in front of the television because the backyard is a luxury, and if it hasn't vanished now, it is vanishing in front of our eyes. Put on half an hour of physical activity every day for children and do the sums of reducing obesity and the health saving you will achieve. It is simple. It is not complicated. Put on half an hour of physical activity in priority suburb areas. My old babysitter teaches at a school called Hainsworth and the contents of those children's lunchboxes should make every one of us hang our head in shame. The local tuckshop sells a packet of chips and fizzy drink as those children's lunch. Tell me that community doesn't need a paid lunch.

As Australians we can afford to support our children. Get rid of the baby bonus; it's a complete joke. It's trivial. It's in the noise. Even maternity pay is in the noise, but I support it in principle. It should be supported by government, by our community and all of us, everyone in this room, should sit and think, "Can I look a child in the face in 20 years' time who says, 'My parents weren't that well off. Why was I in long day care for my entire baby and toddler years? Why couldn't I have my mother?'" What other communities with a straight face would propose that, "Help us get back to the workforce when our children are in school," even by the age of three. That's my point. You can see I've been thinking about that for a while.

MR FITZGERALD: No, that's fine. It's very good of you to present to us. As I said to somebody else previously, we're very keen to get people's individual submissions in this inquiry and we've been very lucky that that's happened in most of the hearings. I might ask Angela to start off and then I'll come back with a couple of questions.

MS MacRAE: I guess one of the first questions I have is that I take it from your comments that you're seeing the care and wellbeing of children being a community issue, which I think clearly it is to some extent - - -

MS GUILFOYLE: I think it is completely.

MS MacRAE: - - - but where would you draw the line between private

responsibility for looking after a child and community responsibility?

MS GUILFOYLE: As a community, we say pensioners deserve the pension. We say carers of handicapped children deserve a carer's allowance or an adult who is the same. I say that looking after children at a base level, not an extravagant level or not even a percentage of your former salary but a base level, goes to every mother for a short window of that baby's life, which all the research has shown how critical it is. There's no debate about how critical that window is.

MS MacRAE: How long is the window though?

MS GUILFOYLE: I'm not the absolute researcher. I would say at a minimum one year, ideally two years.

MS MacRAE: Although you said get rid of the baby bonus and it's in the noise and maternity leave is in the noise - - -

MS GUILFOYLE: Compared to the child's life.

MS MacRAE: - - - what sort of level of assistance would you look for? I mean, I'm assuming you're saying that there should be a government payment for all mothers - - -

MS GUILFOYLE: Yes.

MS MacRAE: - - - regardless of workplace attachment.

MS GUILFOYLE: Absolutely.

MS MacRAE: That ideally you would see a sum going from the government to every mother at some sort of flat rate amount?

MS GUILFOYLE: Yes.

MS MacRAE: Okay. Would you have a view on that? We've heard minimum earnings, minimum wage, we've heard average weekly earnings. Have you got a view on how much that might need to be?

MS GUILFOYLE: I'm not across all the details of what those different amounts are; an amount that if you said as a community, "We recognise the job you're doing is a job." It's a real job and it's the most important job in the community.

MS MacRAE: Do you feel that the choice that some mothers make to have their children in care at an earlier age - and I must say we've pretty much heard in general

I think from almost everybody that in the first three to six months at least that most people, if they didn't have financial stress, would prefer not to have their children in care - but extending that to two years would not be many people's choice, and in fact we see, on current patterns, that quite a proportion, for example, have returned to at least part-time work after 12 months. Do you consider that society should be making that choice for them and forcing them or are you saying we should just not be subsidising child care and at least make it a cost to the parent that they should bear? How do you see that?

MS GUILFOYLE: Okay. Again, this is anecdotal, so I don't know if it's true, but my understanding is that in Sweden, when women were given the choice about, "You can receive day care subsidy or you can get that subsidy to look after your child," they wanted to look after their child. Women return after six months because it's structurally acceptable and socially acceptable, yet the research shows that that six-month-old still needs its mother. It's not because they're dying to leave their child. I have never met a mother who was dying to leave their child at six months old. They go back because of financial reasons for the family. Honestly, I've met a lot of mothers; they don't go back because they're sick of the child - - -

MS MacRAE: So one option you've just described there would be that you would say, "There's a community benefit in children being in our society, we recognise that, and we're prepared to subsidise some of the costs of that and it will either be through" - and presumably in your case you would say the mother could choose, "Do you want that subsidy to go towards a payment to you as a stay-at-home mother for that job you're doing or do you want a subsidy on child care?"

MS GUILFOYLE: Which I actually wasn't, to make the point. I actually wasn't.

MS MacRAE: Sorry?

MS GUILFOYLE: I actually wasn't. I worked part-time the whole time, so - - -

MS MacRAE: Right, okay. In that case then, what happened to your children while you were working part-time?

MS GUILFOYLE: I did the shuffle of my mother before she died and mother-in-law before she got sick, and then at great personal expense to me - because I refused to do day care because I see what it is, and so does every other mother who uses it, by the way - I had a babysitter. It was a very good job for her and for my children and that's the choice that I made - possibly my superannuation or whatever. I resent that I don't get that government subsidy from the day care. I think that the money should follow the child. I choose to spend a higher proportion than going to Bali or buying a fancy car and I'm financially penalised for putting my children first, my children's welfare first. I give a good job to a university student, safe, secure,

around their exams, flexible, reliable and I'm penalised for making that choice. As a taxpayer, I have paid tens of thousands of dollars of tax. That's how I did it.

How do you grade people who want to go back part-time? I haven't got the final word on it but I think that women should have a right for at least that first year, if not the two years, to a base salary as a mother, and in the community, that's the job they're doing. I think if you line that up where they get their 12 months' leave, you would see them all stay home for a year or 90 per cent of them. That's to the benefit of the community long term for babies to be brought up by mothers, not institutions. Surely we don't need to park our children in institutions. Women will get back to work when their children get older. They are champing at the bit in the suburbs to get back to work. Help us by making school add up. Don't force us back so early, when our babies need us.

MR FITZGERALD: Some would say that obviously the financial strain that's placed on women in the first six to 12 months of a baby's life is a significant reason why people go back to work, because of those pressures.

MS GUILFOYLE: Yes.

MR FITZGERALD: Most people would say that if that pressure was eased, they would stay at home longer, so I agree. Some would say though that there is a tension now, and that is that if a person is out of the workforce for too long, be it the mother or the father, then in fact there are real detriments beyond the income.

MS GUILFOYLE: Yes.

MR FITZGERALD: It's actually disrupted a career and so on. So in an environment where there is a desirability to have both men and women in the workforce, there are other factors now at play. It's not just the financial - - -

MS GUILFOYLE: I'll very strongly speak to those points.

MR FITZGERALD: Yes, because that's what people would say, in the second year after that 12 months, women are more likely to return to work not just because they have to but because there are real reasons why - for career and other reasons - they might do so. In that case we do need to invest in quality child care, particularly for over 12 months.

MS GUILFOYLE: Agreed. I went back part-time. I think part-time allows you to keep your skills up. I would strongly support that not a cent of my taxpayer money goes to a child being in day care any more than 20 years a week. Don't you think five hours a day is enough. The 16-year-old can't stand more than six hours a day at school. I think five hours a day for a child is enough; 20 hours a week cap. We say

for the benefit of the next generation of our children they deserve their mother and their parents - my husband took time off as well. We juggled it. We were fortunate enough to juggle because I had earned those brownie points in the permanent position before I had babies. Those jobs will be ruled out. Be in no doubt that will be the consequence of forcing employers to pay. Our daughters will not get those permanent jobs that give them the credit to get back.

I agree about your point of needing to keep your skills up. My daughters are aged five and seven. I talk to those mothers every day that have lost their skills, lost their confidence. Help them - by whatever structural means there are - to get back part-time, absolutely. I strongly support that. Then when they hit school, when they are rearing to go, when the workplaces are champing for them - where I work, there are 70 people on the floor and two women who have managed to eke out continuity of employment. Why do I see women walk away from the workforce in despair because it doesn't add up.

You want workplace participation. If you go to all this effort of keeping up continuity, what is happening right now is they get to you - three, five, seven, nine - and they go, "I can't do it any more. I can't patch over these gaps any more. I surrender all my skills, all my potential to pay tax, super, support myself, be a role model. I give in." I couldn't tell you how many women I've seen do that. I would rather work at the corner deli and be there to pick up my child.

MR FITZGERALD: You made very clear your view about long day care and child care for very young children. Some would say to us that the problem we have in the system, apart from the pressure that is placed on women to return to work because of financial difficulties and other reasons, is that there is a big difference between quality child care and child care that we have; that is, they would argue that the ratio of five babies to one worker by nature means that the quality of the care is less than what you'd want. I'm just wondering how you would respond to people that say, "Look, whilst we recognise that most mothers would want to stay home with children, the issue about child care is that it's about the quality of the child care, not child care in and of itself." I'm just wondering how you would respond to that.

MS GUILFOYLE: I think there's a valid point in there. When you say five to one, here's a little insight. They are allowed - the workers, and absolutely fair enough - an hour's lunch break. The first day care I went to and explored you have two shifts having an hour's lunch break, that means the ratio is about one to 10 for two hours over the lunch period. Now, that's just ridiculous, and they said, "That's completely within the books." I said, "Well, my child is not there. This is a parking lot." On my understanding - and you're the researcher, so I ask you to go away and research - Sweden looked at the cost of quality day care and went, "It is cheaper for that subsidy to follow the mother if she so chooses."

Quality day care is really expensive because, my God, mums do a good job, you know. Quality day care costs. Yes, it could be a lot better, I would like to see it a lot better. I would also like to see that subsidy be available to me if I make the choice to give, as I have at the moment, two uni students a great job to help them support themselves and me stay employable and pay tax, to pay government jobs.

MR FITZGERALD: Yes, I know what you're talking about.

MS GUILFOYLE: I would prefer to pay that nanny or that babysitter than go to Bali, but I really don't understand why I don't get my taxpayer slice.

MR FITZGERALD: I suspect there's an issue about it, that if you were to pay it to a nanny, for the purposes of a nanny or a babysitter, one of the issues that does arise - and this conversation is not new, this issue has been around for some time - is how that system gets rorted and whether or not you should then pay other relatives and so on for that purpose.

MS GUILFOYLE: Would that be rorting? Does a grandmother deserve a payment?

MR FITZGERALD: No.

MS GUILFOYLE: Quite possibly.

MR FITZGERALD: But it's a system that I think people have always been cautious about because it's very hard to control.

MS GUILFOYLE: So is negative gearing, and we do it.

MR FITZGERALD: Yes, all the tax arrangements are tricky but there were, I remember, substantial concerns about extending child care payments to in-home child care, which is what you're saying.

MS GUILFOYLE: Every mother I know that uses a babysitter does it because she puts her children before her holidays or her handbag.

MR FITZGERALD: Yes, sure.

MS GUILFOYLE: You can trust us with government money, and perhaps a little more than anybody who negative gears their rental house.

MR FITZGERALD: I'm not completely sure the government would agree with that.

MS GUILFOYLE: I'm sure they wouldn't but perhaps they should go through the rental lists.

MR FITZGERALD: They have just changed the baby bonus because of that in some part.

MS GUILFOYLE: You don't give people lumps of money, for God's sake. Blind Freddy can see that.

MR FITZGERALD: Yes, I know the point. Angela, any other questions?

MS MacRAE: I don't think so.

MR FITZGERALD: Are there any other final comments you would like to make? I mean, I think you've made them very strongly and very clearly, so we have no doubt about that view, and I might say that other people have expressed similar views to you and I'm sure we'll see that in the submissions. You're right, that in some of the other countries that have had a paid maternity leave scheme, they have come to a view that they should invest further in parental leave rather than extensive further investment in very early child care - under six months, under 12 months. Your point about other countries is true and we're looking at that, and to why they have decided to do what you have just said - - -

MS GUILFOYLE: Because we do a really good job as mothers and it's really hard to replace us. We're really ready to get back to the workforce when they're in school. Can I ask, is there any chance of the Productivity Commission looking at that question? It is the core, fundamental issue of workforce participation.

MR FITZGERALD: Not in this inquiry. The terms of reference are restricted to children up to the age of two.

MS GUILFOYLE: Next, please. It is what matters.

MR FITZGERALD: Let's get through this one. I hear the point and it's a serious point about how school education aids or doesn't aid in family work arrangements.

MS GUILFOYLE: I don't know how they got left off the radar but I'm going to get them on the radar.

MR FITZGERALD: That's fine. Thank you very much for that, Shona.

MS GUILFOYLE: Thank you.

MR FITZGERALD: Sheena, if you could give your full name, and I understand you're representing yourself.

MS REGAN: Yes.

MR FITZGERALD: Maybe you're representing all mothers. I'm not quite sure. But as long as you can give the name and any organisation or group that you represent.

MS REGAN: I am Sheena Regan and I am a mother and I have a very long career of being a mother. I have a 21-year-old daughter who is studying law at UWA, I have a 19-year-old son who is doing law again at UWA and I have 14-year-old twins that are at school and I have a new addition who is two years old. My first little family, that first little grouping of children - and I've remarried and have another little family starting, so sometimes it's good to see where someone is coming from before you actually speak.

I've never been paid maternity leave. I have spent the last 20 years raising children. My qualifications - I fell pregnant when I was at UWA, as it turns out, with my daughter. I was studying. I did a bachelor of science and then I did a masters in science again and had two children whilst doing the masters degree. I was not in a position to get maternity leave, maternity pay, help with child care, anything like that.

Then I tried to go back to work part-time, be that as it may, and my husband at the time said, "Well, there's no point going back to work because it will just be all taken up in tax," so there was no incentive for me to start my career, so I really didn't. I scratched around and didn't really get anywhere, even though I had very good qualifications. I did work for free at a number of places because I couldn't actually get paid work: one was the Western Australian Institute of Sport and another was the Women in Sport Commission - something like that - in WA.

At the moment I've gone back to work with a two-year-old and I'm working a day and a half as a casual sessional lecturer at ECU, one of the universities here, and I'm teaching first-year nurses in science and I'm being paid very poorly, I might add. Universities have worked out that instead of having full-time lecturers that they would have to pay properly, they get in sessional workers - \$33 an hour which I think is not a lot for someone qualified. After my marriage broke up I needed to re-educate myself. With my masters degree I couldn't get work in that particular area because I'd lost contact with the workforce so I needed to re-educate myself. I was on a single parent pension and I tried to get some help from the government to re-educate myself and I thought I'd do teaching because if I do teaching then I'll be able to look after the children on the holidays, the hours would be the same. So I

planned to get some assistance and I couldn't get a brass razoo off the government to help me, even though I was a single parent pension, because they said I already had a masters degree so that should do. I said, "Well, it's 16 years old, how can I use that? No-one wants to employ me on the grounds of that." They said, "Well, that's what it is."

Really, that brings you up to date as to where I am. The points I'd like to talk about are that maternity pay should be paid to all women having children. I agree with the previous speaker and I think the role of the woman doing her particular job of raising children is undervalued in our community and I think that all women who are having children should be paid a mothering payment for the work that she's doing. Women wanting to return to work; gender equity in pay is an area I want to speak on; productivity pay, which might be quite interesting; and the brain drain which I'd like to briefly cover. It's not a very long submission.

In society, the worth of the man is directly related to the pay packet he receives each week. The worth of a woman is directly related to what? When she is at home working on raising a family she gets paid nothing and has to rely on the positive acknowledgments of her partner and family to feel validated. Very little acknowledgment of her worth is from outside the home. She returns to work and is immediately validated - just something I've experienced. I'm at work and my power and my status is huge compared to when I'm a mother and I go down to the shops. It's very different.

She can kid herself that the money her partner earns is half hers, which it is, however, she is sharing it with him and not actually earning it herself. Financially it is a change in earning capacity of the partnership which needs to be addressed. That introduction is why I think maternity pay shouldn't be means tested. What it does is it means that the partner's financial standing, I feel, is separate to the woman's financial standing. We means test it on the grounds of financial need, whereas what that really does to a woman is insults her that the work she does at home is actually worth nothing because of her husband, which is not her, she's not actually earning that. Her worth gets diminished. I think that is something which has affected me in that sense.

I believe that a lump sum is preferable for that baby bonus. I don't actually agree that it should be spoon-fed to you. I think, as opposed to some of the other speakers who have said that Veterans Affairs do it in small amounts of pay; the pension does it in small amounts of pay, when you have children you need to buy big purchases all at once and that is why the baby bonus I feel should be in a lump sum because it gives women a position of power to decide how she wants to spend it. Some items require, as I said, a large sum which doesn't really happen when you retire or things like that.

The responsibility for financial planning is part of building self-esteem and self-worth for a woman. When I had my son I got the baby bonus. It was the first time I felt a worth, that, "Gee, I've done something really good," and I got this little cheque in the mail and I'm going, "That was just for me for what I did," and I'd never been recognised like that before and that was a very important thing. A lot of people say, "18-year-old girls, well, they'll just go and spend it on a plasma TV or whatever." There's always other people that will be affected in a different way.

The baby bonus did encourage women to have children and it gave motherhood some credibility as a worthwhile contribution to the community. This is a form of direct marketing. Direct marketing works. If you look at society, for instance, the government has said, "If you're about to retire and you pull a whole heap of money into your superannuation you get taxed at a lower bracket." I know heaps of people have just gone pouring money into their superannuation because it works as a marketing tool and I think it has worked for the government and I'm sure there are statistics out there which show that the baby bonus has had an effect on people wanting to go into the worthwhile pursuit of having children.

You want to encourage all levels of society to produce, not just the poorly paid. At the moment, as far as steering our community, as the government is doing, you have to also steer the more educated, clever mums out there as well into having children. I did mention earlier that you may not be in paid work when you are at uni or between jobs or not have worked for a very long time at one particular job, and I thought some of the other submissions covered that very well. I've never had a huge affinity to any particular job. I've never stayed long enough working for them to be in that category of being paid maternity leave. I did work for one year as a physics teacher at Trinity and I just didn't take the maternity leave because I knew I wouldn't go back to that particular job.

The second point was women wanting to return to work. This should be encouraged but not demanded. The opportunity and the flexibility needs to be there. Her needs change frequently on a month to month basis, snowed under in nappies and at home. The next month, the child is toilet-trained and talking. This is different for each woman. We don't want to be pushed back to work. The government needs to understand that they are direct marketing when they offer you incentives. It does cause social change and you have to be very careful of how you push women back into the workforce, because if you do it this way then we think about it and you calculate it and you discuss it. I think it was extremely valid what the previous speaker said about babies going into day care before six months. I have my son at a child care centre and it is a fabulous child care centre, community run, and I see babies there and I wouldn't want that for my little one either. It is sad, they sit there and they cry, and no-one picks them up.

When I come in to drop in my little boy who is still in the babies' room, I just

pick them up and hold them and play with them until the carers have some time to come back to them. It is sad, and I completely agree that in 20 years' time we are going to have a whole generation of kids that have spent those early years, the first six months at least, in child care and it's sad. It's really sad. What are they going to be like? I mean, my little boy, you play with and you cuddle and you nurture that affection, that touch all the time that you're getting. You don't see that. The little kids sit on a mat on lie or the floor and they don't get touched and that's a huge part of mothering, is to touch and care for your children. I do worry about the consequences of that.

I have associations with playgroups and mothers' groups and speak to a lot of women as well, and there's a common catch-cry at home that, "I may as well stay at home because my hubby's income makes it that I don't get child care support, baby bonus," et cetera, "so my wages barely cover the costs of going back to work." So at the moment that's what mothers and family units are looking at: is it worthwhile for me to go back to work or not? So the government has a huge responsibility to balance the pushing of women back to work and the encouragement of getting them still attached to the workforce. There's a huge balancing act that you need to do so that you don't have the detrimental effects of having kids in day care for extended periods of time and very early.

The third point is gender equity and pay. I think it looks like it's been covered, but my personal view on it, that when you have a look at the disparity between the pay of women it's quite clear - and I think the National Press Club conference or whatever it was had a panel on it just recently. I'm not sure if people have seen that, but the difference in pay is there and they were trying to work out why is there such a difference in pay between men and women still and how can we close the gap and what can government do, work industry do?

It has a lot to do with the time that women spend out of the workforce and the fact that they go back to work as a part-timer and you don't get the same credibility in your profession as a part-timer. I experience that myself: I'm not a lecturer, I'm a casual sessional employee at ECU and I won't have the same opportunities that I would if I was a lecturer, and yet I do the same job. It's actually the same job, but I won't get that. I also won't get paid maternity leave from them either because I'm casual. I'll move on from that.

The fourth point, and I have only one point after this. The fourth point is the productivity pay. Now, I'm not sure whether this has come up before. The productivity pay, seeing as we are the Productivity Commission, is my own term. When we talk about direct marketing, that the government steers the community in this way and this way, and the recognition of the work that a woman does in raising her children either staying home, the juggling act of work and home, she does that for 18 years. Yes, there are all the other circumstances of the man being the primary

carer and two women raising children, you've got all of that, but I'll just deal with the female who is usually the one that sticks by the children and raises them to 18 years.

Now, my productivity payment, which I want you to know about, is a bonus system. Why are women not recognised after 18 years of raising children? Where is their golden handshake, their balloon payment? Where is their, "You've done a very good job"? Where is your recognition for it? At the moment the recognition women get is a fluffy pair of slippers at Mother's Day. That is the recognition you get, and that is supposed to be enough.

As a community, why are we not valuing - and I'm not saying all women should get this, it should be on a productivity, you know. One system I thought is, have a look at the TER scores. I mean, you need to have some - if you've done a good job in your work, you get acknowledged for it. As a woman who has spent the last 20 years and has sacrificed her career, where is her recognition for two law students with TERs in the 99s? Where is her recognition for doing a damn good job? It comes from within. It comes from within your family, within yourself. Yes, I raised my children to be contributing people to society, working in the higher end of society or in the job scale. I think it's important to possibly consider that.

The last point is basically the brain drain. The brain drain, there's two things that go to it. First of all, the clever, high-achieving women need to be encouraged to have children in the first place. My daughter, who is 21, has said to me, "Mum, how do I get to be a partner in a law firm, and when do I have the children? How do I do both? How am I going to do this? Do I have them when I'm 20 like you did, or do I have them later when I'm 40 like you've just done? What do I do?" I'm being asked that now.

What's happening is, women are leaving it - professional women working in the higher end of the pay scale or professions are going, "Well, I'll just put it off until" - until they get to 35 and they all end up at IVF clinics going, "Oh, it won't work, I can't have children." I'm not sure again what research has been done in that area, but your clever women in the high end - you want children from all your areas. Are the women who are in that higher end who do take on the professional roles, who do spend years and years at universities getting somewhere; are they having the children? I would say my daughter is going, "Oh, I'll wait until I'm about your age to have children," and she might not have them.

I'm saying you need to encourage. Two things must happen: first of all you need to encourage women who are also clever to have children and you do that by making it - or steering the community to valuing motherhood as an important role. A 20-year-old says, "Oh, well, I can be a highfalutin lawyer or I can stay home and be a mum like mum," it's all to do with role-modelling in society. I think the government has a huge opportunity to sway community opinion and give value to things by some

of these things like paid maternity leave and stuff like that.

The second thing is that the clever, high-achieving women need to be encouraged to return to work - not being pushed back to work but encouraged to return to work. My point for both of these is if you means test everything and attach it to the family unit, the clever women have married clever men who have got clever jobs and they are means tested out of every bonus, every stamp of, "You've done a good job," or it's been recognised you're mothering, your skills like that, because of the bloke in her life. She never gets valued as a single person: "You've done a good job. We understand and recognise that instead of being a lawyer or an engineer you're now at home with these children and the job of raising those little children is very important." If we means test everything, they never, ever get recognition. That is me: I've never been recognised. So that was my fifth point. I might leave it there.

MR FITZGERALD: Good. Thanks very much, Sheena. It's very valuable to us. Can I just, in the last part a little bit, just a fundamental, I suppose, tension for governments in this is some years ago we would have said that the most important unit within society is the family and everything was premised on the family: family income and the welfare system is to some degree based on that, sort of that notion. You've just indicated, and others have also done so, that we need to look at them as separate partners within that family. So in fact your point about not means testing was to say in a sense that you need to recognise the two partners as separate.

MS REGAN: Yes.

MR FITZGERALD: So that is a fundamental shift in the way we look at that unit. I suppose it just raises an issue as to whether or not we should in fact move from income support related to the family unit, however that is configured, to treating the family in a slightly different way for the purposes of benefits or payments or what have you. I'm just wondering whether you've reflected on that. Why from your position do you think that's so important? You've indicated about valuing you as the individual but - - -

MS REGAN: I don't think it's so important. For instance, when you take the family unit as a whole, you leave out all those other families - which I've got friends in my mothers group who have not got a bloke in the family anyway. So I suppose that is her family, just her. Okay, but what happens in a family is, when you pool it together, then you take his income and hers, which fluctuates, and she will then say, "Well, if I go back to work, really I'll be working and all my pay will actually just go on child care, new suits and petrol. So I might as well just stay home and not do that." That's a catch-cry that happens all the time. It's not unusual. Because people as a unit, as a family, go, "Oh, well, it's not worth it to go back to work," and then they get dislodged from work. What happens then, her career gets sacrificed because she's not having the work attachment.

Now, I'm not sure what the divorce rate is but it's up there, about half. I'm not sure what it is at the moment, 30 per cent, 50 per cent. She goes through a 10-year family unit. The family unit goes along and she's - because they're being assessed as a family all the way through. 10 years later and he's still got his career intact and she hasn't, she's got a patchwork quilt. You take your CV to a prospective employer and they go, "Mm, what have you been doing? Oh, mothering, mm, okay." That's why, because I think that you having men working out there, you should have women treated separately and treated not - you know, there's a saying, "Don't drink from the same cup." Have separate cups.

The whole idea of women's self-esteem, it shouldn't be reflected from her husband, that reflected glory of, you know, the 1920s and 50s. We're way past that and that model has changed. We need to be viewing women as separate entities and not putting the two pay packets together. It can be quite detrimental. I mean, you've got, say, 30 per cent at best women are divorcing and then they are by themselves. Do they need to go and find another man to support their income?

MS MacRAE: Just in relation to that recognition issue, I have heard it said - and I think you'll probably vehemently disagree, but there has been a view - and I think it's more in materials I've read than things that we've heard from participants - that motherhood is extremely valuable and to put a dollar amount on it is offensive. So if you pay someone an amount for mothering, it's never going to be enough, because if I paid you \$5000 a week you would say, "But it's the most valuable job I'll ever do. It's worth much more to me than that." We've heard it about the baby bonus. In fact, people have said, "That's offensive that you would give us a sum that's small and you're telling us that that's what my baby is worth." How would you come at that sort of issue?

To the extent that I understand your position would be that you see a mothering payment as something that would be paid for - we haven't really talked about a time frame but I imagine at least the first couple of years - what sort of amounts would you be talking that would give that sort of status and recognition to a mother's role in - - -

MS REGAN: Well, the first part of your question - you know when you win something in a little raffle, you win this little fold-up chair or something small and you go, "This is my prize. I won that," you get the sense - it's not much, it is a little token gesture. You can put it in those terms. "It's a token gesture of appreciation of the community for the work that you've done. Value it as you wish but it is the community at least acknowledging the work that you're doing." I've been in little competitions of windsurfing and stuff and I've won a pair of sunglasses. They were my best little pair of sunglasses ever I won, rather than the ones that I paid for because it was a recognition of the fact that I could go fast on a windsurfer.

You know, it's a little tiny appreciation, or a big appreciation; it doesn't matter. The size or the amount of money for the women who come from - so you were saying the mothering could be worth anything. Yes, you're not going to be able to pay infinity to something which has that infinitesimal amount of appreciation, but recognising it is the important part. That gives status to women and mothering skills. The second part of your question was - now, what was it?

MS MacRAE: Over what period do you think that payment should be made, and you've given a bit of clarity about the size.

MS REGAN: I did have a little bit n that. I didn't want to come up with a scheme. I wanted to say to you, from this point of view you need to improve the status of women having children and the status of mothering. But after hearing a few things, I thought it would be quite simple to, for instance, have a maternity payment for, say, the first year - a year or six months, I'm not sure. I think definitely six months but you could push it out to a year.

Have a maternity payment and then, slightly different from that, switch it over to a mothering payment. That mothering payment, as the previous speaker said, would be taking over - for instance, "If you don't have your kids in child care and you have them at home, here's a mothering payment for you." Not necessarily base it on the child-care centre but base it on, "If you're not going to be working, we are going to recognise the work you do at home in giving you a mothering payment," which might pay for the nappies for that week, I don't know, that particular value that you would have for it.

But recognising that she is actually doing a job at home which has never been valued before in a monetary sense, and have that going for the whole time. I'm not saying for a year or two years, I'm saying the whole time she's mothering at home. I'm saying that while she's mothering, that work should be recognised, possibly stopping once the child actually goes to school, because then a lot of that is taken over by - I think school age is probably - but you could have that one after the maternity payment finished, have a mothering payment.

MR FITZGERALD: Can I ask you a question, just a personal one? Given that you have a large range in terms of the age of your children and, as you say, you've been mothering for 20 years very actively, your starting point, in a sense, was that the work of a woman as mother is simply not valued, nor validated, and it's only when you go to work that that validation takes place.

MS REGAN: Yes.

MR FITZGERALD: Do you think that that's a more recent phenomenon? If we

go back - and it's a different world where that wasn't the case. Do you think over that 20 years that you've been actively mothering and having children there has been any change? Do you think today, as a mother of a two-year-old, you are treated or perceived as being in a different way than when you had your child 20 years ago, your first child, or is it roughly the same? I mean, 20 years is not a long time but, you know, it's a fair distance.

MS REGAN: Fair whack, yes. Back in 1986 I had a discussion - which would represent the period of the time - with a brother-in-law. I said, "Well, women need to have work and go to work," and it was actually the statement of the day, which I thought was typical or typified, that women should not be taking the jobs from the men. This was by a young man. He would have been maybe 27, 28 at the time, 20 years ago. He said, "Women are taking the jobs off the men." How are they supposed to support their families if women are taking jobs? The women should not be working once they're mothers. That was the view then.

When was it? On the weekend I went to dinner, another dinner, and there was another gentleman who was an engineer and he said, "What are you working as now?" It was assumed, even though he knew I had a two-year-old - he said, "What are you doing now?" I said, "Well, I'm working a day and a half," and he sat back and he went, "Day and a half? A day and a half? Why are you working a day and a half?" He actually expected me to be in full-time work. I think that would show you how it has changed. It's changed. You're now expected to be at work and, "What are you doing sitting on your bum at home with those children?"

It is still not valued enough, and I think especially in those first two years. We might have problems in the future. As you quite rightly said, those kids that are in day care - and that could be solved. I have a little idea. You could solve that issue. If you look at the ratios, I think it needs to be a two to one for babies six months and under.

MR FITZGERALD: The problem with that model is, without actually exploring it, the enormous costs of providing that. So people are saying that you would be better - - -

MS REGAN: I don't think so.

MR FITZGERALD: No. People are saying for children under the age of 12 months, it's been put to us that you may be better to expend those resources on an improved paid parental leave scheme than trying to increase the quality of child care for very early children. Others would disagree with that scenario entirely; they would believe that you do both.

MS REGAN: I think you should have the choice to do either. I think that some

women might need to put their children at six months into child care or even earlier and some of those women might fall into the category of your postnatal depression type of women. They might not be able to cope with a screaming three-month-old baby. They still want to have their children but once they get older, then they can manage. You've got a lot of variations and that choice should not be stamped out, "No, you can't have your kids in child care before six months." The choice still needs to be there.

MR FITZGERALD: We're just about out of time. Are there any final questions, Angela? Any other final comments, Sheena?

MS REGAN: No.

MR FITZGERALD: That's terrific. Thank you very much for that and we very much appreciate that personal experience, as we did with Shona.

MR FITZGERALD: If we could now move to the Equal Opportunity Commission. We're very pleased to have the equal opportunity commissioner from WA. If you could give your full name, the position you hold, the organisation you represent, some comments and then we'll have some discussion.

MS HENDERSON (EOC): Thanks very much, Yvonne Henderson, equal opportunity commissioner from the Equal Opportunity Commission. I would propose to just go through some written comments I've made first and then I understand you might want to ask some further questions.

MR FITZGERALD: Yes, thanks.

MS HENDERSON (EOC): The Western Australian Equal Opportunity Act of 1984 was enacted in part to fulfil Australia's international obligations as a party to two international documents relevant to paid maternity leave. The Convention on the Elimination of All Forms of Discrimination Against Women, article 11(2)(b), stipulates that parties will take steps to introduce paid maternity leave with pay and with comparable social benefits without the loss of former employment, seniority or social allowances.

Whilst Australia has a reservation on this article, as I know you'd be aware, opting out of introducing it to domestic law, we note the commitment of the federal attorney-general and the minister for the status of women to commence national consultations on signing the optional protocol to the international convention and we welcome this announcement. We urge the government to remove Australia's reservation in relation to paid maternity leave pursuant to article 11(2)(b).

The International Labour Organisation Maternity Protection Convention 2000 outlines a base standard of maternity leave of not less than 14 weeks. The Equal Opportunity Act makes it unlawful to discriminate against a person in certain areas of public life. Discrimination in employment in particular is unlawful on the grounds of sex, pregnancy and family responsibilities, all of which are relevant to your inquiry.

Most Western Australian workers are entitled to unpaid maternity leave and many also to some paid leave, particularly in the public sector and in some areas of the private sector. In Western Australia, women workers are entitled to 12 months' unpaid maternity leave on the completion of 12 months' employment service under the Minimum Conditions of Employment Act 1993. Western Australian public servants will be entitled to 14 weeks' paid maternity leave from 1 July this year, 2008. They are currently entitled to 12 weeks' paid leave. This is available to all public servants who have completed 12 months' service, whether they're permanent, fixed term, full-time or part-time. Partners can also take one-week unpaid leave at the time of the birth. However, the paid and the unpaid leave may be shared between

the partners and this leave also applies for adoption.

Western Australian public servants are entitled to 12 months' unpaid parental leave which may be extended with approval by the employer for a further two years. An officer may substitute accrued annual leave or long service leave for any of these periods of unpaid leave. Thus, female public servants may substantially increase their period of paid leave after the birth of a baby through the use of accumulated other leave and they may take the paid leave at half pay, doubling the period for which the leave is able to be paid.

Commonwealth public servants in Western Australia have long been entitled to paid maternity leave of 12 weeks, with some areas getting 14 weeks. The provision of paid maternity leave is a key measure to enable women to successfully combine motherhood with maintaining a position in the workforce. Lack of a universal scheme of paid maternity leave has created wide discrepancies between the working conditions for women in sectors where this leave is available, for example, universities, the public sector and some large corporations, and women employed in industries where there is little or no paid maternity leave, particularly the retail and hospitality industries.

Paid maternity leave has long been nominated by women as essential to provide them with real choices as to when they return to work after the birth of a child. Opportunities to recover from the birth and spend time caring for a newborn baby, as well as retaining a position in the workforce are currently often determined by economic factors rather than a choice based on the needs of the mother and her child. We noted a survey reported yesterday of some 15,000 women by a women's magazine which found that 75 per cent of women responded that paying bills was in fact the driving force that made them return to work within 12 months of giving birth.

The Equal Opportunity Commission receives many complaints relating to difficulties associated with negotiating a return to work with an employer. Some of these complaints arise where a woman has accessed a period of unpaid maternity leave but then finds she needs to return to work earlier, often for financial reasons. These reasons could relate to the loss of a partner's job, medical reasons and other unexpected circumstances. In many cases, the difficulties associated with unexpected earlier return to work and the consequent problems for employers where a replacement worker has already been engaged could be reduced by the certainty that would be associated with a period of paid leave rather than unpaid leave.

The Equal Opportunity Commission notes that many countries with economies similar to that of Australia have provided extended periods of paid maternity leave to their employers for many decades. The Equal Opportunity Commission is not aware that the provision of such leave has led to increased discrimination against women

when applying for employment or to adverse effects on industry. While some countries are more generous than others in their provision of the opportunity to shared paid parental leave, nevertheless the principle of paid maternity leave appears to be well established across the OECD with little argument about its economic benefits.

The Western Australian Equal Opportunity Commission believes it is the nature of maternity leave as unpaid for many Western Australian women that contributes to the problems associated with the return to work. Women report a feeling of estrangement from the workplace, often associated with little or no contact that places them in a weaker position when negotiating a return to work. The Equal Opportunity Commission believes that the absence of work on paid leave could maintain a stronger link with the workplace and is possibly likely to result in a stronger attachment to and a greater likelihood of return to work.

The Equal Opportunity Commission is aware that various studies have reported greatly increased rates of retention and loyalty following a period of paid maternity leave as compared with unpaid leave. We note the comments of Anna McPhee from the Equal Opportunity in the Workplace organisation. In order for the community generally and employers in particular to benefit from the retention of skilled and experienced female employees, there appears to be little doubt that paid maternity leave has a strong part to play in this.

The commission is aware of various proposals that have been suggested involving the abolition of the baby bonus and its conversion into a form of maternity; weekly payments for all women. The commission does not oppose this suggestion. However the commission believes that maternity leave is normally understood to relate to a period of paid or unpaid leave for women in the workforce who are temporarily exiting from the workforce to give birth and care for a child.

In relation to these women, the commission believes that the time is well overdue for all women in the workforce to have access to a period of paid leave of at least the ILO standard of 14 weeks. However, in view of the prosperity of Australia in comparison with many other countries that currently provide paid maternity leave, the commission believes a period of six months' paid leave is achievable in Australia. The commission supports paid leave of this length to allow a real choice to women in terms of their ability to successful breastfeed their babies and to spend a period of time caring for their child on a full-time basis.

The commission notes that the ILO standard calls for women to be paid at a rate of not less than two thirds of their previous earnings. The commission also notes that currently 119 countries meet the ILO standard of 12 weeks' paid maternity leave, with 62 of those countries providing 14 weeks or more. The commission notes that around the world, schemes exist that provide either a social security type payment for

maternity leave, an employer-funded payment or a mixture of these two. The level of payment as a percentage of the woman's wage varies from 50 per cent to 100 per cent, with the exception of Australia, the US and Papua New Guinea, which are shown on those tables as zero.

I'm just going to mention four countries which we believe are roughly comparable to Australia in terms of their economies. Germany provides 14 weeks' paid leave at 100 per cent of the woman's pre-birth wages and that is provided by a social security contribution topped up by the employer. Italy provides a period of five months' paid leave at 80 per cent of the woman's former wage, provided by social security arrangements.

The United Kingdom provides between 14 and 18 weeks, paid at 90 per cent of the woman's wage for six weeks and then a flat rate afterwards, also paid exclusively by a social security arrangement. The Netherlands provides 16 weeks at 75 per cent of the woman's former wage, paid by social security, and Sweden, of course, probably tops the chart with 14 weeks' paid maternity leave and an additional 450 days of paid parental leave, 360 days at 90 per cent of the wage and 90 days at a flat rate, and that's also paid by a form of social security arrangement.

The Equal Opportunity Commission is not in a position to detail exactly how a maternity leave scheme should be funded, but the commission does urge the Productivity Commission to keep the following principles in mind in relation to the funding: (1) the need to promote a scheme that is universal and provides a sufficient length of time to promote breastfeeding and give women a real choice in relation to retaining their employment; (2) that no women who are currently entitled to periods of extended paid maternity leave should have that reduced; (3) that employers should be encouraged to recognise the benefits of paid maternity leave and to provide schemes accordingly; (4) that the federal government should be encouraged to provide a long-term funding scheme for a minimum period of extended paid parental leave, as compared to maternity leave at the level of the federal minimum wage, by a mechanism which could resemble that put in place for superannuation; (5) that any qualifying period of employment for paid maternity leave should be able to be accumulated across more than one employer; (6) that paid maternity leave should be available to part-time and casual workers as well as full-time permanent workers, and; (7) that paid parental leave of at least two weeks should be available to the partner of the woman at the time of the birth.

It's now more than 30 years since Commonwealth public servants became entitled to 12 weeks' paid maternity leave. This was intended to provide a model for the private sector. Some private sector employers provide paid maternity leave well in excess of 12 weeks. However, many others provide no paid leave at all. We believe it is not now unreasonable for the period of paid maternity leave to be established as 26 weeks. This should be able to be taken at a half rate for a period of

12 months. It could be argued that it is easier for an employer to replace an employee on maternity leave by recruiting a new employee for six to 12 months, than for 14 weeks.

Employers in WA are accustomed to the practice of recruiting a replacement employee for 12 months, where the woman takes unpaid maternity leave. There's no question that the lack of paid maternity leave impacts adversely on the careers of many working women. It has a serious effect both on their career and their job security. The Equal Opportunity Commission continues to receive complaints from women of discrimination at work as a result of pregnancy, the taking of unpaid maternity leave, and family responsibilities.

Lack of paid maternity leave results in a form of systemic discrimination against female workers who choose to have children, compared with male workers who have children. This is not only reflected in the continuing concentration of women in lower paid positions, but at the other end of their working lives, it results in less superannuation accumulated and lower retirement incomes. Lack of paid maternity leave undoubtedly contributes to the ongoing problem of lack of pay equity in almost all sectors of the economy, and the lower numbers of women in managerial positions.

Until women have a real opportunity to combine child-bearing and rearing with work in the paid workforce without disadvantage through job loss and career stalling, as the result of periods out of the workforce, all of the many measures designed to improve the position of women in the workforce will continue to be frustrated. Paid parental leave as an entitlement, rather than an optional extra, will bring significant benefits to the community, to families attempting to balance work and family and to employers. We believe paid parental leave will continue to the reduction of discrimination against women at work, the promotion of the health and wellbeing of families, including recovery of mothers after birth, enabling breastfeeding, enabling parents to share the care of young children, and also maintain family financial security.

We believe it will encourage increased participation by women in the workforce in an era of high employment with an ageing population and skill shortages. We believe individual employers benefit from retaining valued staff members, minimising recruitment and retraining costs, and lifting productivity, and we believe that industries with staff shortages may find paid parental leave assists them in attracting and keeping staff as well as gaining maximum returns on education and training costs.

I'd now like to make some brief comments about the return-to-work issue. Despite all Western Australian workers on unpaid maternity leave enjoying the right to return to their previous position or a position most comparable in status and pay,

under the Minimum Conditions of Employment Act, the Equal Opportunity Commission continues to receive complaints about difficulties that women experience negotiating return to work. Section 38(b) of the Minimum Conditions of Employment Act, together with case law, provides the right to request the return to work for fewer hours or fewer days per week, and the employer is required to agree to the request, unless there are grounds that would satisfy a reasonable person that agreeing to such a request would have an adverse effect on the conduct of the business or the operation.

The employer is required to give written reasons for refusing such a request. Despite this, one of the most common reasons women complain to the Equal Opportunity Commission in relation to return to work after maternity leave relates to blanket refusals by employers to consider part-time work or flexible hours. For some women, unfortunately, a full-time or nothing response leads to abandonment of employment. There are, of course, on the other hand, many employers who do accommodate these requests.

Decisions in the equal opportunity tribunals around the country have seen the establishment of a right to return to part-time work, where this can be reasonably provided by the employer, and I refer you to four cases which I've listed in this document, including an early key Western Australian case, *Bogle v Metropolitan Health Service Board*, but to more recent cases, including *Mayer and Reddy*.

The Equal Opportunity Commission believes that a nationally legislated right to request part-time or flexible work arrangements on return from maternity leave would greatly assist in this area, as well as a public education campaign promoting the availability of this right. So in conclusion, the Equal Opportunity Commission urges the Productivity Commission to recommend a reasonable and realistic period of paid maternity leave for all women workers. The EOC believes this should be 26 weeks for the reasons outlined above, with paid partner leave, at the time of the birth, of two weeks. I have written copies of those.

MR FITZGERALD: Good, thanks very much, Yvonne. We appreciate the paper. This is your formal submission or are you sending it separately as well?

MS HENDERSON (EOC): I might leave that in abeyance.

MR FITZGERALD: All right. Good. Angela, do you want to start?

MS MacRAE: Yes. We've heard quite a lot about the return-to-work issues and in some respects that's slightly outside our terms of reference, although we are interested in leave, so the return to work is really part of that. You did make some comment about, maybe that a paid scheme would help with some of those return-to-work issues by keeping a link going between the employer and the

employee on the period of leave. Would that then lead you to a conclusion that however the scheme was designed that it would be good if the employer could actually make that payment, rather than it coming from the government, if the government was to fund it?

MS HENDERSON (EOC): I think anything that promotes the attachment during the period of maternity leave with the employer can only be beneficial, and however that was arranged, whether it was arranged by a government-funded scheme being paid through the employer, it might be one way that promoted that attachment. Certainly I think that if women had been absent for an extended period and then they approached the employer, particularly where they are approaching the employer to end the unpaid leave early, that seems to present a lot of problems where the employer has already engaged someone on a 12-month contract to replace the worker.

It's often that interchange where there may be some altercation over the return to work that then eats at the employment relationship and eats away at what might have been a very good relationship previously, and may in fact result in a situation where the employment relationship breaks down. I think anything that can promote an ongoing positive relationship - and I do think that a longer period of paid leave would add certainty because I think that it would be unlikely the woman would seek to return during that 26 weeks of paid leave.

MS MacRAE: That paid leave you're proposing would be at full replacement rate - or you're not?

MS HENDERSON (EOC): No, I'm suggesting at the rate of the federal minimum wage.

MS MacRAE: Federal minimum wage, okay. Sorry, I missed that part.

MR FITZGERALD: This morning, the Chamber of Commerce and Industry in WA was highlighting an issue which you have raised, and that is the cost or the burden, as they describe it, of replacing employees that are on paid maternity or paternity leave or parental leave or generally. You made a comment that you said that WA employers are used to being able to replace workers for a 12-month period. Can you just expand on that because the comment this morning - one of their major concerns, even though they are supportive of a 14-week government-paid scheme - seemed to be saying that this was a major issue, and the impacts were not well understood and the costs to the employers is probably, in a sense, underestimated of that disruption. Your comment was a little bit different from their perspective.

MS HENDERSON (EOC): I think there's two issues: based on some of the complaints we receive, it seems to me that a significant number of women at the

beginning would like to be able to take the 12 months, the full period that's available, and that's usually what they opt for and it's usually what they advise the employer they intend to. Other things then may happen during that period which then requires the woman to return to work and they may reflect current economic circumstances, rises in interest rates, all those sorts of things which then make it so that the woman has to approach the employer to return to work early. I agree that does provide difficulties for the employer where they have entered into a contract with the replacement person.

I also think that in the current economic climate where there are skill shortages - and it's quite difficult to recruit in any event - I imagine it would be harder to recruit for 14 weeks, if not impossible, unless it was the most unskilled position perhaps occupied previously by a casual worker. But for a skilled person going on leave it might be more likely that the employer would seek to redistribute the work or whatever because the possibility of getting someone for 14 weeks might be quite difficult. That's why I would imagine that 26 weeks would be a more viable option.

MR FITZGERALD: Yes. That's a view that's been put by others. I'm not quite sure what the evidence is just yet but some have put to us that a longer period is in fact more beneficial to a company or a business than a shorter period, but that's something we want to flesh out just a little bit. In relation to the active discrimination against women in the workforce which comes to your commission, we've now had a number of presentations by lawyers and/or people in similar positions to yourself that highlight case studies of discrimination for women who become pregnant and so on.

A question that we have asked each of those people has been, to what extent you believe that the level of discrimination against women who fall pregnant or who have already had a child would diminish or change in character as a consequence of a paid parental leave scheme? Do you think there would be a significant change or decrease in discrimination and why would that occur? If I can just preface that: at the moment, employers don't have to pay for people taking leave and yet they still discriminate. Under any scheme, particularly if you take the union scheme which has a compulsory employer top-up, they would in fact have to make some contribution. Just giving that context, I'm wondering what your view might be.

MS HENDERSON (EOC): I can't say that I think it would eliminate it completely, I don't believe it would, and I think it's disappointing that in 2008 we still receive numbers of complaints, particularly from younger women, who are discriminated from the point at which they advise the employer they're pregnant. I suggest that the benefits of a paid scheme is the certainty. I think that would be the major benefit. With unpaid leave, one could argue that it's up to the woman to decide at the point where she leaves, how long she's going to be absent, and there's as much certainty in that as there would be in, say, 26 or 14 weeks' paid leave.

I don't think that is the case. I think many women going on maternity leave, particularly if it's their first child, they have really no idea what to expect. All kinds of things intervene which they wouldn't have anticipated. In some cases that might mean they determine that they can't return to full-time work, they want part-time work. They want to work between particular hours, they want to work on particular days to fit in with care arrangements that their family can assist with. There's a whole range of reasons why they might not want to return to the same arrangements they had before.

But on the other side there are also reasons why they might need to return, as I said, earlier than they had anticipated. I think that does present a problem for employers. So because of all that uncertainty that surrounds maternity leave, and possibly some of the figures I've seen seem to suggest that where it is a period of paid leave there is that greater loyalty, that greater likelihood of return to the employer. I suspect some employers may well feel resentful if there's a period of unpaid leave. They recruit someone, they go through that whole process and then the person doesn't return anyway. They just take the leave and then they don't come back.

If the paid leave were to lead to a greater proportion returning and the employer would retain the skills and the training and the knowledge of those workers, then I would imagine there would be great benefits and one would hope there would be then less discrimination, in answer to your question.

MR FITZGERALD: Yes.

MS MacRAE: Can I just ask in relation to the suggestions around the partner leave that, as I understood it, you were suggesting that the partner could have up to two weeks' leave but it would have to be taken early, around the time of the birth of the child, and I just wondered what had drawn you to that conclusion because we have had quite a number of views around partner leave, as to whether or not you would even have a quarantine part, and if you did whether you should leave that as a completely open option for the couple to decide about when that's taken. So I was interested in what had driven you to the idea that it needed to be taken early in the piece and why you would quarantine part of it for the partner.

MS HENDERSON (EOC): There wasn't any particularly strong reason for that. It was probably more that where it has been available in the past, it's been available at that time to provide support to the mother, and some form of bonding for the father to be involved at the point at which the child is taken home from hospital and all those sorts of things. But I can't see any reason why we would object to it being at the discretion of the couple involved as to when that leave was taken. It's certainly our suggestion as part of the submission that that first period of 26 weeks would be

maternity, because we are linking it to breastfeeding and health benefits and all those sorts of things, but then there should be a further extended period and that's where we're saying we believe the government should look at a longer-term proposal that might be funded by something similar to a superannuation levy.

The first period would be universally available and would be immediate, if you like, and would be publicly-funded. The latter parental leave which might be able to be taken by either parent would be something that would be more akin to some of these overseas schemes where people contribute in a different way to social security in some workplaces overseas than they do in Australia.

MR FITZGERALD: Just in relation to the payment levels, as I understand it, your scheme is to the federal minimum wage, and part of the funding of that would be the baby bonus that would otherwise have been paid to those women into the paid workforce. In relation to women who are not attached to the paid workforce or who are not otherwise eligible for that scheme, have you thought about what you believe should continue there?

MS HENDERSON (EOC): Well, in terms of what we would call maternity leave, we've linked it to workplace attachment, but in terms of suggestions that have been made about the baby bonus being converted into a fortnightly payment and made universally to everybody - for however many weeks that comes out, I guess around 10 or something - then we would certainly not object to that. We think that would be a good thing.

MR FITZGERALD: You accept in that scenario that there would be a differential in payment between the baby bonus at whatever level it is at the moment and what might be paid to a person in the workforce - clearly a minimum wage is higher than the baby bonus over that time. Some people have said that they have to be identical, that is, the same payment; others have said that there's a differential. I was just wondering how you perceive that and how one would be guided as to what would be the appropriate design.

At the moment, many countries don't have the equivalent of baby bonus or if they do it's very small. For example, New Zealand has a payment of about \$1200, so it's a much smaller payment than we now have. But the notion of a differential payment, I just wonder what is your view about that.

MS HENDERSON (EOC): My view would be that they are intrinsically different payments; that one would be a social security type payment and one could look at, I guess, throughout Australian history things like child endowment and various other payments have been made in recognition of expenses associated with having children. I think some overseas countries do have payments that are based on those sorts of social security type arrangements, but they are separate from payments that

are linked to participation in the workforce. I don't think it would be possible to equate them because if, for example, we are saying that women who are in the workforce, currently entitled to paid maternity leave, should be able to retain it at that level, and we would hope that the kinds of campaigns that we've talked about where employers would effectively be encouraged to top up this government-funded scheme.

Now, all of these lead to clear disparities between women who are at home looking after a child. We don't believe that the amount that's being paid is a recognition of the value of performing the task of being a mother because obviously that task is equally valuable, whoever performs it. We think maternity leave is more akin to an industrial benefit associated with employment and links back to employment. We would hope that ultimately Australia would be able to be in a position similar to other OECD countries where the period that is paid is more akin to the woman's wage than to a social security benefit linked to a welfare system.

But as an interim measure, because we recognise the 30-year period that's gone on since the introduction - and I remember the fanfare well when federal public servants got maternity leave, "This is a great model and the private sector should now come on board and follow," and it just hasn't happened to any great degree. I think the two systems are separate and I don't think there should be confusion between them.

MR FITZGERALD: Some might say - just pushing that point, and given your position as equal opportunity commissioner - that in fact sets up an inequality between the two groups of mothers. We've assiduously tried to avoid in this inquiry the setting-up of adversarial positions between anybody. But it has been put to us that that's the consequence of the schemes that are being promoted where there is a significant differential, it does set up that inequality. Your distinction is one of an industrial payment related to employment and is of a different character and scale to that of the care of the child at home. Clearly, some people disagree with that argument. I wonder how you might counter that from those who see it as setting up a systemic inequality.

MS HENDERSON (EOC): Yes. I think there's some very good comparison in relation to if someone is injured at work and they are then paid while they are recovering and they are paid a workers compensation payment which will be related to their earnings. Someone who is injured on the weekend, not related to work, they might be paid a sickness benefit which is a social security type benefit. It's at a much lower level. The injuries might be just as severe. They might be just as much in need of income and have as many expenses and all those things as the first person, but it has historically always been recognised as intrinsically different. They could be in adjacent beds in a rehabilitation hospital with exactly identical injuries, and one could be receiving workers compensation payments and the other a sickness benefit

or some kind of insurance, a weekly payment under some kind of scheme that they might have self-insured under, and they wouldn't be the same. I'm not aware of any move towards saying that people who are injured on the weekend should get the equivalent of, say, workers compensation payments.

MS MacRAE: Just in relation to the 26-week period, you've talked a little bit about the importance of breastfeeding, but were there other reasons why you chose that period? I appreciate that it's a first stopping point for you and it would go beyond that, but is there a reason that you've chosen the 26 weeks as your sort of first point?

MS HENDERSON (EOC): I think there has been fairly widespread agreement that it seems to be a minimum period for a good bonding experience. It's recommended as a period for breastfeeding and it seems to me that it is contradictory for us to be going around promoting the benefits of things like breastfeeding and nurturing and bonding and all this if we in fact allow a period which research shows does not actually allow for the optimum benefit of those processes. Also it does seem to me if we were able to grant to some people in the workforce 12 weeks, 30 years ago, then by now we should be able to grant something that is - and there is more research available now, there's more evidence to show us that the first six months is very important.

MR FITZGERALD: Just on that, you mentioned 30 years and I've mentioned 30 years. It's a common thing. I did ask one or two of the participants this morning - and we have elsewhere asked them - this question, but given your position, why do you think that has been the case? Why do you think 30 years on this is still an issue that seems unresolved? People have given us slightly different views as to why that might be the case but in your experience why do you think we are where we are, and not where people 30 years ago thought we might be?

MS HENDERSON (EOC): I think it has been because until fairly recently it has not been particularly difficult to replace people who were on leave. Because women have been predominantly in a lot of skilled positions within the workforce, then to replace them while they're on maternity leave with someone else or to replace them at all if they just abandoned work, I don't think was seen as a major problem for employers. I think too that because it was a benefit that was seen as only applying to women, I think a lot of men weren't in there campaigning and arguing for it, and I think a lot of women felt uncomfortable campaigning for it because it was so clearly a benefit for them. Whilst women were struggling to assert their equality in the workplace, it was difficult for them to do that and at the same time seeking something that was seen as a benefit peculiar available to them.

I think that is also reflected in this notion that having children is a very personal decision, it only benefits the persons - the parents - involved, and a lack really of any widespread debate about the benefit to the community of women having

children and spending time caring for them on a one-to-one basis, I don't think there's been a huge amount of debate about that over that 30 years; I think in recent time there has, but going back, I don't think there has been.

MR FITZGERALD: That reflects much of the thinking. I might say that we did meet an economist the other day. There are many economists in the Productivity Commission but this was an external one who put the proposition quite strongly that having children is a private benefit with only marginal public benefit and I thought maybe we had moved a little bit beyond that, but clearly this inquiry has to countenance all these views. So I'm not quite sure how far we have come on some of that. At the end of the day, I suppose the question we've put to people, particularly in public policy areas, is if the scheme that you've recommended was introduced - you've outlined a number of benefits that would arise from that - what do you think the most fundamental shift or change would be, either in relation to motherhood and/or the workplace as a consequence of that scheme? If we were to look at that scheme five years on if it were fully implemented, what would be the fundamental thing we would see that is different from where we are today?

MS HENDERSON (EOC): I would hope we would see women distributed over the workplace and in the workforce more in keeping with their numbers at all levels within the workforce because I think what happens now is at the prime age at which men are moving up the ladder, if you like, women are having children and so going out of the workforce for multiple times or extended periods of time, I don't think women ever really catch up. They lose very valuable time out of the workforce and when they come back, they often come back part-time and I think that work is not as valued as it should be which is I guess another question, and so I think that when people say, "Why is it that women's position in the workforce hasn't improved in the way we might have expected 30 years ago?" then I think some people will say the women don't really want these levels of responsibility, they don't want to apply for these positions, they don't want to take on extra managerial responsibility or whatever.

But I think, looking behind that, we have to see that in fact a lot of women are juggling raising children and working and there are a whole host of reasons why women are not progressing. The community and the economy generally suffers as a result of women who now are showing their capacities in the education system and elsewhere and are graduating from universities, TAFE colleges, everywhere in terms of skills and qualifications in ever greater numbers and every time those skills are lost because an employment relationship breaks down at the point at which the woman has a child, I think the community generally loses the benefit of all that skill and knowledge that the woman has learned, absorbed and so on.

MR FITZGERALD: Thanks very much for that. Are there any final comments you'd like to make before we conclude, Yvonne?

MS HENDERSON (EOC): No, there aren't, but I was a bit concerned, cutting and pasting this document, if I've left out the bit which said that we were linking it to the federal minimum wage.

MS MacRAE: You might have said it and I just missed it but I didn't - - -

MS HENDERSON (EOC): No, but I don't actually remember saying it to you this morning either.

MS MacRAE: Right.

MR FITZGERALD: We'll treat this as a draft and then you can have a look at it and - - -

MS HENDERSON (EOC): Yes, we might send you one that makes sure that's clear. Thanks very much.

MR FITZGERALD: Thanks very much for that.

MR FITZGERALD: Our final participant is Mike Ward. Mike, if you could give your full name, the organisation you represent, then some opening comments and we'll have a discussion.

MR WARD (MC): The name is Mike Ward. I'm convenor of the Men's Confraternity which has been in existence for over 23 years, believe it or not. Our main platform is that we believe the pendulum has gone too much against the men right across the board. One of our problems is over the years, we have been denied access for our point of view to be expressed in a lot of commission hearings covering a lot of issues, and the reason is our views are contrary to the feminist views, so I'm speaking from that perspective.

This is the MC submission. I don't agree with much of it or some of it, so I'm speaking really - although convenor of Men's Confraternity - from my own personal perspective. I'll just read a couple of pages. It is the belief of the Men's Confraternity that any proposed legislative changes to bring compulsory maternity leave is not warranted for the following reasons: (1) it will undermine the family unit in which the mother's role is so important and should be everlasting, especially in children's early age; (2) the cost to society will be a tremendous burden on taxpayers and the country, and the burden will no doubt increase in time; (3) the proposed legislation will make employers very reluctant to hire women who could become pregnant.

The hiring of a woman of child-bearing age can create the following dilemma for employers: on becoming pregnant, she can inform him or her that she intends to terminate her employment because of her condition. The employer then has to hire and train her replacement, or the mother-to-be can state she intends to work for as long as possible, perhaps even up to eight months of her pregnancy. If perchance the employer decides to terminate her employment under duty of care concerns, he or she can be charged under the Sex Discrimination and Equal Opportunity Acts which can involve great cost and financial problems.

Another factor for employers to be taken into account is that if the mother-to-be does return to work, her replacement may have to be retrenched - extra staff. Add the possible fact that once she returns to work, the mother may find her working hours do not suit her new family situation and her work time disrupted by baby's arrival, and expect her hours of hiring to be taken into consideration, which may be to the dissatisfaction of other staff members.

There are a percentage of mothers who, after the birth of their child and who have received the maternity leave payments, do not return to work. Many of them - "many" might be a loose word - after their baby has arrived decide that staying home is more important for the said baby's wellbeing. However, a percentage of mothers on receiving the last maternity payments have no intention of going back to work at

all. It can be said that such action could, in our view, be considered criminal actions; those who say, "I want maternity leave, I'm receiving maternity leave, I'm being paid maternity leave," and after the time to go back arrives, they say, "I'm not going back to work." So basically they're receiving a wage for jobs not done and they have deceived the employer into believing that she will go back to work. It is in my view a form of deception.

Repayment of the said maternity leave should be made compulsory. The fact is the average employer out there could say, "Can I have my maternity money back?" and the mother-to-be can say "no". Now, what does that employer do? He lets it go because the time taken with the issue going to court et cetera is too time-consuming and expensive, so that should be taken into account. Most employers will not take any action recouping their maternity leave.

It's very hard to find statistics as regards what percentage of mothers who take maternity leave don't go back to work. Now, many of them don't go back to work because, as I said, they'd rather stay home. Many don't go back to work for other reasons. Our view is 40 per cent of them do not go back to their original employer and I think that's something that should be borne in mind.

I'd just like to say before I move on, I'm glad I'm here because as I repeated earlier, there's been a deliberate, designed campaign to stifle any opposition to feminist ideology. All commissions in the past, whether they're under law or any issue that has a deciding effect on society, have been feminist driven and in my view it's about time the men, the male point of view, should be accepted as a general comment instead of the derisive comments that we get along the way. Now, somebody said to me the other day, "You speak in a very abrupt, brusque manner," and I said, "Well, that's the way I speak." I may be sitting here looking like a silent volcano or something but that's not really me. There's a bit of frustration insofar that no anti-feminist point of view is put across on issues. I heard Ms Henderson here and I felt like getting up sometimes and interrupting but that wouldn't do me any good or the cause.

So that is briefly what I'm saying. Another comment - you may ask for one later - but when women say to me, "I want a career, I want to be a mother, in fact I want it all" - that's what they're saying - I say, "Well, there's an old Indian saying that goes, 'You can't chase two rabbits at once.'" You can't have it all. You would like to have it all. The 85 per cent of women who work part-time, they do it because they want to work part-time. They don't want to be a high executive woman and the stress that that involves, and because the 85 per cent of people who work part-time are women is because they want to. When we hear the cry, "Well, there's not many women in high positions on executive boards," and that, it's because generally - and don't forget all comments are generalisations - they do not have the drive and ambition to get to the top. So that's a brief statement.

MR FITZGERALD: Thanks very much for your comments. As I said to you prior to you starting, one of the things the commission seeks is in fact the widest diversity of views, genuinely, because all issues in public policy are contested. There is no right view but there seems to be a lot of wrong views. One of the things we've learnt is that it's the contestability of ideas that's so important. Can I just go back to one point though: the world in which we now live in Australia requires us to look very seriously at the workforce issues and all of the analysis done now indicates that into the future, we will need higher levels of participation by women and by older Australians if we wish to sustain the current level of economic growth and prosperity.

So in a sense, whilst you say that it's a bit like people choosing to have both and they can't, society as a whole is actually now saying, "We do need to do that. We need to have both women as workers within the paid workforce and women as mothers as well," similarly for fathers as well. So I just wonder whether or not, whilst it may be true that some people do use the expression that people want everything, in a sense, society is now saying, "Well, we do want that. We do in fact want women and men to be workers and also parents," and the either/or is much less clear now. I was just wondering how that sits with your thinking.

MR WARD (MC): I think you're right in saying that I'm saying the women want everything, but the point is it's the amount of taxpayers' money that's going for them to live their dreams. When they talk about social payments, they're talking about taxpayers' money. I heard Ms Henderson say it about three times, "Social Security will pay." Social Security may pay, but it's the taxpayer who pays and it's as simple as that.

MR FITZGERALD: Mike, do you think the taxpayer should be paying some contribution in order to achieve that dual goal of increasing the workforce participation of, in this case, women, and also ensuring that we continue to have high-quality parenting for the children? So in a sense, given that that's an objective we need to meet, do you think that there is a role for some - and you're right - taxpayer funding to achieve that end?

MR WARD (MC): It doesn't go as far as paying women a wage for doing nothing. That's basically what it is. They stay home, Ms Henderson says, 26 weeks and she wants them to be paid two-thirds of what their wage was. Now, there's quite a few women out there who are earning over \$100,000 a year. Are they going to stay home for 26 weeks and get two-thirds of their wages? That's what she's advocating.

MR FITZGERALD: Although it would be true to say that we're not advocating as a society that we pay for people to do nothing, the view would be we pay people in order to be able to care for children in those very early and formative years.

MR WARD (MC): Caring for children is basic human motherhood. I mean, my view is "if you breed 'em you feed 'em", right? Don't let society do it for you. The fact is, any idiot can become a parent. I mean, there's some silly, foolish, idiotic parents around. Any idiot can be a parent and any fool can get married. They're the two main institutions in this country that unite a country. Once you start undermining it - undermining, like I say, marriage, and undermining women in the workforce and giving them preferential treatment - you are in my view undermining society as a whole.

MS MacRAE: Could I just return to your opening statement - and it was very brief, so I'd just be interested in you expanding a little bit more - about undermining the mother's role and I just wonder if you could describe to me - were you saying there that you thought a paid maternity leave scheme would undermine a mother's role, and if so, how would that occur?

MR WARD: Well, it undermines, in my view, yes. Motherhood is the most important part of a person's upbringing. I mean, how that child comes out into the world to a large degree depends on the mother, and by paying her maternity leave to stay home, that is good, but once that maternity leave is over, then she's more inclined to go out to work. Therefore, she doesn't stay home and look after the children, and from that point of view, in my view, the children don't benefit.

MS MacRAE: So your counter view would be that because the period out of the workforce may be longer because it's a paid period. If they're not paid, income pressures may mean that the mother goes back sooner, rather than later. So in fact you might find that the converse is true.

MR WARD: Yes, I understand what you're saying. I may not be able to express myself. Maternity leave undermines the mother's contact with the child. Although she's got it while maternity leave is there, when it's over, then she's encouraged to go back to work because she's being paid to stay at work, and therefore, when she goes back to work, the child does not have that motherly influence again.

MS MacRAE: Do you feel that there is an ideal period then in which women should be home with their child?

MR WARD: My personal view? Taking my own personal circumstances, my beloved didn't go to work until the last child was at school. Then she went to work, and that, in my view, is the way to go. Once the last child is at school, then the women can, you know, take up part-time work or something.

MS MacRAE: Would you regard that as an entirely sort of private decision, or would you say, well, there's benefits to society as a whole in having those mothers

stay home, and as a result of that, it's worth paying for something to do that?

MR WARD: There's no absolutes in anything. Every comment I make, you can always find an argument against it, you see. That's all I can see. A child's rights and the mother. It's very interesting to note that we talk about, "The most important people in this country are the children," and yet, we're passing legislation and spending millions of dollars of taxpayers' money keeping them apart from their mother. The mother is the most important part of a child's upbringing, and by breaking it up in any way you want to, I don't think you're doing the children a benefit or society as a whole.

MR FITZGERALD: One of the other issues, of course, is this inquiry is also about support of the father or the other partner, and I was wondering whether you have a view about that. The converse of what you're saying is that there is a desire by society that men spend more time with their children, particularly at the very young age, and again, the view has been put to us that some form of paid leave - a couple of weeks or whatever it might be - would be an incentive and a means by which that could be achieved for a number of reasons. I wonder whether you have any view about that aspect of this inquiry.

MR WARD: You'll notice I haven't used the word "paternity". In my notes, I never use the word, "paternity", and the reason they put in the word "maternity and paternity" is to give the impression that they want the father's role to be treated equally to the mother's. When the kids are young, it's not the case. The mother's role is more important. By putting paternity in there, they're saying, "We're looking after the father as well."

MR FITZGERALD: Perhaps that's true, but it may also be true that we as a community are starting to acknowledge the importance of having the father not only there to support the mother in the caring role but also to have the father there in a direct caring relationship with the child. So it may be more than, you know, just as you think, a sort of putting it there to look like you're interested. It may be a genuine desire to bring about some change in practice.

MR WARD: When they set up these commissions - and no offence to you two - they're designed to get a specific outcome, and that specific outcome is a feminist-oriented outcome. It's the feminists who are chasing this issue; people like Ms Henderson. When they do any commission on any issue - and I'll give you an example. A couple of years ago we put in a submission on the paternity testing run by the Australian Law Reform Commission. They're always headed by high-ranking radical feminists. So what they do, they call for submissions, get them, but they have already written out which ones to reject and which ones to accept, and they've already written out a feminist agenda, and that's how they work. So when I first thought about coming here, I thought, "I wonder what these two are like." Actually,

you're all right. The bottom line is the pendulum has gone too much against the men. This is just another example of how it's going to go more against the men.

MR FITZGERALD: Can I just ask a brief final question, I suspect is in relation to the child wellbeing issue? Our inquiry is about supporting parents of newborn children up to the age of two. Leave is only one part of our inquiry's terms of reference, although it's a very important part of that. I was wondering whether you or the Confraternity has a view as to what in public policy terms we need to do in order to enhance the wellbeing of children under the age of two in this case, because the inquiry is slightly broader than just on leave, although that's what we've called it?

MR WARD: What you've got to do is give the rights back to the parents. The parents' rights have been taken off them. They can't chastise their children. They can't shout at them or try and put some sort of discipline on them. They're accused of 101 horrendous crimes. The parents should be given the responsibility, not society, in my view.

MR FITZGERALD: Are there any other issues that you'd like to put on the table before we conclude today? We'll obviously look forward to reading the submission from the Men's Confraternity.

MR WARD: I just appreciate being accepted as a speaker in 23 years of operation, I mean, you could say two or three times, when invited to comment on issues, out of 23 years? The reason is the media is so feminist-orientated before the state. It will give a feminist point of view on issues. It won't give the opposite point of view, and I think that's sad. They breach every code of journalistic evidence, you know, when you're supposed to give fair comment on issues. I know in Western Australia they don't - but the West Australian we buy every morning.

MS MacRAE: You're always welcome to Productivity Commission hearings, always. We don't exclude anyone.

MR WARD: I thank you once again.

MS MacRAE: Thank you.

MR FITZGERALD: That concludes our formal hearing. Unless anyone else would like to put any other statements on the record? Thank you very much. We stand adjourned until we reconvene public hearings next Thursday in Brisbane.

MS MacRAE: Thank you.

AT 1 PM THE INQUIRY WAS ADJOURNED UNTIL
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