SUBMISSION TO SENATE COMMITTEE ENQUIRY REGARDING DRAFT

"DRAFT PAID PARENTAL LEAVE BILL 2010"

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1. Personal Information

I am a school teacher, father, husband, Australian History scholar, Shakespeare scholar, and long-term community activist in pro-family causes.

I have an ANU Master's degree in Australian History, and an ANU PhD in Shakespearean literature. I am the author of *The Campion Society and Catholic Social Militancy in Australia, 19929-1939*, which has a Foreword by Manning Clark. My occupation has been variously Secondary-School Teacher (in both government and non-government schools) and full-time scholar since 1969.

2. The Purpose of This Submission

My purpose in this submission is to point out injustices and anomalies in the "Draft Parental Leave Bill 2010", and to suggest amendments.

A. My Basic Propositions and Proposals

1. The Bill's title, "Draft Parental Leave Bill 2010", does not accurately reflect its contents.

In reality, the Bill's provisions constitute an untidy amalgam of two maternity-payment sub-schemes which are to be available for mothers of new-born or newly adopted children who have demonstrated a commitment to protracted participation in the paid work-force, as judged by criteria specified in the Bill. Only one of these sub-schemes involves genuine maternity-leave payments. (Neither scheme is accessible to mothers with incomes exceeding $150,000.)

i. The **first sub-scheme** is a fully government-subsidised, genuine paid maternity leave scheme, whereby the employer of a qualifying long-term employee who gives birth will be required to give her eighteen weeks' maternity leave at the basic wage rate – although only after receiving full advance Government compensation for this expenditure.

ii. The **second sub-scheme** is a government maternity pension of eighteen weeks' payment at the basic wage rate for mothers who have demonstrated a protracted commitment to the paid work-force according to the Bill's criteria, but who

- are not long-term employees, or are not employees at all, at the time of giving birth, or

- are long-term employees, but for whatever reason do not receive from their employer the full prescribed maternity payment.

I therefore propose that, in the interests of accuracy, the Bill be retitled, "Employment-Related Parental Payments Bill 2010".

2. The Bill confines its benefits to mothers who have demonstrated a commitment to protracted participation in the paid work-force by having been in continuous employment for ten of the thirteen months preceding the birth, and having done at least 330 hours paid work within the ten months.

   330 hours equates to 8.7 weeks for a 38-hour working week – roughly two months. Thus for having done two months' paid work, a mother can gain access to more than four months' of maternity-payment at the basic-wage rate.

   Yet many mothers-to-be are in situations where they cannot do wage-work, or where there is none available. Typical instances are women whose doctors require them to rest continuously to avoid a miscarriage; women on farms; women in low-employment country towns; wives of servicemen or policemen stationed in low-employment areas; women doing full-time studies. It is obviously unjust that such women should be excluded from the Bill's benefits, given especially that these benefits will be so easy to access for women in other situations.

   I therefore propose that the requirement that 330 hours of paid work, or any specified number of hours at all, be performed to gain access to the Bill's benefits be removed from the Bill.

3. As regards the requirement that the 330 hours be worked as part of a ten months' period of continuous employment, the only possible reason for the ten months is to prevent women who are not in paid employment from gaining access to the Bill's benefits by doing the 330 hours, or indeed any number of hours, after they find they are pregnant. This is a despicable provision, indefensible by any standard of justice.

   I therefore propose that even if the Bill continues (unjustly) to require 330 hours of paid work within the thirteen months preceding a birth as a precondition for access to its benefits, the requirement that the 330 hours be worked over a continuous period, whether ten months or any other period, be removed.

4. The two-stream method of payment of mandated maternity pay prescribed by the Bill, with one stream going through employers and others through the federal social security system, is pointless and vastly wasteful of both government resources and employers' time and resources. Given that all the funds will be provided by the government, despite the absurd fiction intended to disguise the payments made through employers as payments made by employers, there is absolutely no sensible reason for all payments not to be made through the social security system.

   A huge proportion of the Bill is given to prescribing the technicalities for payment-through employers, and it is obvious from the prescriptions that a very large bureaucracy will be needed to deal with the basic paperwork, enquiries and submissions by employers, appeals by employers against rulings, investigation and policing of employers, and prosecutions of employers.

   No reason for this enormously costly and wasteful bureaucratic circus is given in the Bill's Explanatory Memorandum. However, the rationale is found in a 2009 Government Brochure, *Paid Parental Leave*. This declares that "in most cases employers should

make the payments to their employees to ensure primary carers (predominantly women) stay connected with the workplace".

In other words, the reason is ideological and pseudo-psychological. Where possible, employers are be compelled to pay the maternity-leave employment to qualifying employees simply so that the employees will continued to feel attached to the employment, and will thus feel less inclined than otherwise to resign from the employment at the end of the leave period in order to continue in full-time motherhood.

No evidence whatsoever has been presented which shows that payment-by-employer is likely to have the effect posited. Even if it did have that effect, this would be far too trivial to justify the establishment of a large bureaucracy, the expenditure of considerable ongoing government funds, the imposition of large expenses and responsibilities on employers, which the Bill intends simply as a means to make payment-by-employer possible.

I therefore propose that the Bill be amended to disburden employers of all responsibilities except to provide the prescribed period of leave for qualifying mothers; and that all payments be made through the federal social security system.

B. Arguments Against the Bill's Discrimination against Mothers Who Do Not Meet the "Committment to Protracted Paid Work" Provision

1. The Bill is based on highly tendentious and discriminatory assumptions, as presented partly in the Explanatory Memorandum, but mainly in the "Paid Parental Leave" Brochure and the Productivity Commission report which underlies the Bill. Some of these are:

- That women who give full-time care to their children are not **"working women"**, and so the term "working women" and "working families" are used simply for women in the paid work-force, and families the mother in which is in the paid work-force. This terminological usage and the attitudes expressed through it are highly offensive to women.

- **National productivity** is defined purely in terms of paid work, and full-time raising of children is represented as being a contribution to national productivity only when it is done in child-care centres. This is absurd: in every nation the greatest contribution any generation can make to the productivity of the next is by raising the children who will be the adults of that generation.

- In the brochure *Paid Parental Leave*, the contention is made that six months' full-time maternal care for an infant is beneficial; twelve months of possible benefit; and the clear implication is made that **more than twelve month's full-time maternal care for an infant is detrimental to the infant**. This is gratuitous nonsense which runs against all reputable studies into the effect on children of protracted exposure to various kinds of day-care.

- The Bill's provisions constitute a **strong incentive to women to have abortions**. Implicit in the Bill is the threat to any woman that if she becomes pregnant while she is not in the paid work-force, or becomes pregnant after being in the paid work-force for less than a month, unless she has an abortion and delays becoming pregnant again until she has been a month in the paid work-force she will be heavily financially punished.

- In the case of a **stillborn child** or a child which dies at birth, to give the benefits of the Bill only to the mother is irrational and insulting to fathers. Since obviously there can be no bonding with the lost child during the leave-period, the period can only serve as a grief-assuaging period, and there is no reason to suppose that the father is not as grieved as the mother. Therefore in that circumstance the benefits of the Bill should be **divided equally** between the mother and the father.

- Under the wording of the Bill, a woman who has a late-term elective abortion will be entitled to the full benefits of the Bill. This is obscene and abhorrent. *It **is imperative that the Bill be re-worded to ensure that no woman who has an elective late-term abortion should be entited to its benefits.***

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