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The Commissioner for Children is an independent, statutory office responsible to the Parliament of Tasmania. The Commissioner's functions include promoting the rights and well-being of children and young people, examining and advising Government on policies, practices and services provided for children and laws affecting their health, welfare, care, protection and development.

Community Affairs Legislation Committee  
Parliament House  
CANBERRA ACT 2600

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Dear Ms Blesser

**RE: INQUIRY INTO THE EXPOSURE DRAFT OF LEGISLATION IMPLEMENTING THE GOVERNMENT'S ANNOUNCED PAID PARENTAL LEAVEScheme**

I write to thank you for your invitation to comment on the above Exposure draft Bill and Explanatory Memorandum Exposure Draft containing details of the Government's proposed paid parental leave scheme.

Because of the short timeframe I will limit my comments to matters that are of particular concern from my perspective as Commissioner for Children in Tasmania. I make no comment on any of the technical drafting issues or other policy matters raised by the Exposure Draft Bill and Explanatory Memorandum.

**Duration of PPL**

.Although the Government's proposal for parental leave to be paid to an eligible carer for up to 18 weeks is a step in the right direction, I reiterate my strong view that a scheme of at least 12 months'

duration is required to achieve optimum health and development outcomes for children. Government's policy purpose should be clear and if the Scheme is designed for the developmental benefit of babies rather than the economic "return to work" needs of parents or employers, than a longer period of eligibility is indicated.

#### Eligibility – Draft Clause 54

The scheme makes provision for payment to eligible "primary carers"(in most cases, the mother), "secondary carers" and to other carers but in the last case, only in exceptional circumstances. The Explanatory Memorandum Exposure draft states<sup>1</sup>:

*If a primary carer returns to work before they have received all of their parental leave pay entitlement, the person's partner (usually the father) may receive the unused part of their parental leave pay, provided the partner meets the eligibility criteria and is the primary carer of the child.*

*People may become eligible in exceptional circumstances, where the mother or both parents are unable to care for the baby, based upon criteria prescribed by subordinate legislation, the PPL rules.*

I applaud inclusion of adoptive parents within the scheme of statutory eligibility for "primary claim" eligibility.

However I submit it is inappropriate to omit from the statutory classes of eligible claimant State-registered foster parents and the child's natural grandparents, instead relegating them to the "exceptional circumstances" regime of the PPL Rules.

In my submission this is insufficient recognition of the crucial role of service these people play in both social cohesion and in the lives and development of babies.

There may be other persons who in exceptional circumstances become eligible and the Rules will define their eligibility. However foster parents and natural grandparents are sufficiently well-defined and readily identifiable classes of common substitute carer to be included into the Statute itself.

It is appropriate that the precise qualifying circumstances that define the natural parents' incapacity be the subject of subordinate legislation.

In the alternative to expressly referring to foster cares and grandparents, some further description of the relevant "exceptional

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<sup>1</sup> Page 2 of the Background in the Explanatory Memorandum Exposure Draft.

circumstances" should be provided in the legislation itself in a non-exhaustive list.

I thank you for the opportunity to comment and look forward to the Committee's Report.

Yours sincerely,

Paul Mason  
Commissioner