

The Hon Julia Gillard MP  
Deputy Prime Minister  
Minister for Employment & Workplace Relations  
Minister for Education  
Minister for Social Inclusion  
House of Representatives  
Parliament House  
Canberra ACT 2600

14 October 2009

Dear Julia

I am writing to you in my capacity as a current Local Government Councillor for the City of Ryde and also the Executive Convenor of the Paid Parental Leave Campaign for the Australian Local Government Women's Association (NSW).

I spoke with your office earlier today regarding concerns that I have over what appears to be a clear attempt by the NSW Local Government Shires Association (LGSA) to manipulate the pending Federal Paid Parental Leave scheme as a way of diminishing its future responsibilities under the NSW Local Government Employees Award for the continuation (or expansion of) employer based paid maternity leave.

To provide some context, at the October 2008 NSW Local Government Association (LGA) Conference in Broken Hill the following motion was unanimously adopted by Conference delegates:

*“That the Conference support the provision of 18 weeks paid maternity leave and 2 weeks paid paternity leave, as a standard condition for all NSW Local Government employees.”*

This historic decision was the highlight of the Conference and many Conference Delegates thought that it would be instrumental in positioning the NSW Local Government sector as a leader nationally in the implementation of family friendly HR policies. A key motivator for the motion was the desire to attract and retain quality staff within the NSW Local Government sector. A cost benefit analysis revealed that the increased paid parental leave proposal would effectively be cost neutral and in terms of reducing costs associated with recruiting and retraining staff, would actually save Councils money over the longer term.

The current NSW Local Government Employees Award (which expires in November 2010) provides for nine weeks paid maternity leave. One of the reasons cited to ALGWA for the drift of women from the local government sector to other Government (State and Federal) agencies is their more generous paid maternity leave provisions. As such, the motion at the 2008 LGA Conference sought to redress this and to firmly position the NSW Local Government sector legitimately as an Employer of Choice and a leader nationally in progressing increased paid parental leave provisions.

Following the October 2008 LGA Conference, the decision for increased parental leave provisions was reflected in the LGA's "Record of Decisions". But, the LGSA staff then produced another document, called "Policy Statements arising from the 2008 Conference" and this document was silent in relation to the Paid Parental Leave decision of the 2008 Conference.

When I made urgent inquiries as to why the most significant policy decision of the Conference had been left out I was informed in no uncertain terms by the LGSA that it had been deliberately omitted.

The reality is that LGSA has not made any attempt to implement the LGA Conference decision of October 2008 (see attached article from the Northern Star, Lismore).

In fact, in June of this year when ALGWA women were talking to delegates at the NSW Shires Conference, the LGSA called the police and had us rounded up like common criminals. Our "crime?" Talking quietly to Shire Conference delegates about the motion that had been moved at the LGA Conference the previous October and urging Shire delegates to support it at their Conference as well.

This year, the 2009 LGA Conference will be held in Tamworth (25-28 October), and the business papers were published on the LGSA website last week. The LGA Executive has put forward a motion that effectively seeks to significantly wind back the 2008 LGA Conference decision on increased paid parental leave. Specifically the motion says:

*“That the Local Government Association supports an increase in the future Award’s paid maternity leave provisions to 18 weeks on full pay or 36 weeks on half pay where such increase in the Award entitlement does not apply in addition to the benefits provided by the Federal Government’s paid maternity leave scheme.”*

This motion is a clear departure from the 2008 LGA Conference decision, which related only to the NSW Local Government Employees Award and made no reference to the Federal Government’s Family Assistance Policies (existing or proposed).

I have read the documentation provided by the Federal Government on the proposed Paid Parental Leave scheme and it is made clear that the intent of the Federal Government’s Paid Parental Leave is not to create a situation where an organisation can wind back its existing paid parental leave provisions. However what is alarming about the LGA Executive motion on the 2009 Conference Business paper is that if it is carried, it could mean that in the renegotiation of the NSW Local Government Employees Award negotiations (which is imminent) not only will the 18 weeks paid maternity leave and 2 weeks paid paternity leave provisions endorsed at the 2008 LGA Conference get scuttled, we might actually see the existing nine weeks of the paid maternity leave (in the current Award) totally removed as an employee entitlement. The LGSA could argue that the retention of the existing nine weeks (let alone anything greater) would be in conflict with the caveat in the proposed 2009 LGA Executive motion which says that the increased parental leave provisions in the Award “*does not apply in addition to the benefits provided by the Federal Government’s paid maternity leave scheme*”

ALGWA is campaigning strongly to defeat the proposed 2009 LGA Executive motion and ensure that the 2008 LGA decision is implemented as part of the NSW Local Government Employee Award negotiations.

As a Labor Councillor, it pains me greatly to admit that anything Joe Hockey says might be accurate... But I noted his comments in relation to the Federal Government’s Paid Parental Leave proposal, when he said,

*“My fear about this being stretched out to 2011 is that the employers that want to continue, or do implement maternity schemes, will just simply pull up stumps... Because now they know that the Rudd government with taxpayers money is going to step into the breach, they don’t need to do anything.” (Sun Herald 10 May 2009)*

I think that the LGSA intends to do precisely that.... to use the Federal PPL scheme as a mechanism for winding back existing Award conditions and stopping future consideration of any increased provisions.

Julia, this is a very serious issue and given the short timeframe before the 2009 LGA Conference, ALGWA NSW would welcome your urgent clarification that the proposed Federal Paid Parental Leave scheme cannot be used to dismantle or over-ride existing policy decisions on employer based paid parental leave provisions.

ALGWA NSW intends to highlight this issue in the media ahead of the 2009 LGA Conference and we would very much welcome a public statement of support from yourself, that congratulates the NSW LGA Conference for its visionary 2008 decision in relation to increased paid parental leave provisions - and notes the importance of these binding LGA Conference decisions in relation to future NSW Local Government Employees Award negotiations.

If you require any additional information please feel free to contact me

Thank you very much for your time and I look forward to your response.

Yours sincerely,

**Cr Nicole Campbell**

Convenor – Paid Parental Leave campaign

Australian Local Government Women’s Association (NSW)



Local Government Women's Association united on paid parental leave

# 'Sweeping' changes

By MELISSA GULBIN

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PAID parental leave was on top of the agenda at the Australian Local Government Women's Association (ALGWA) meeting, hosted by Lismore City Council at the weekend.

The executive meeting attracted 12 women councillors and council workers from across NSW, united in their passion to see 18 weeks paid parental leave and two weeks paid paternity leave for council staff implemented throughout the state.

Penrith councillor Nicole Campbell said there were shadowy figures within the Shire

Associations (LGSA) who were keen to 'sweep the decision aside'.

"The motion has been passed so the focus should now be on getting staff to take this seriously," Cr Campbell said.

Her sentiments were shared by Association State Secretary of the ALGWA and Penrith City councillor Karen McKeown. "We need to retain workers in our councils and one way to do that is to establish family-friendly policies and work practices," Cr McKeown said.

She said the all-woman meeting differed from the unisex variety.

"There was rarely any need for a vote," she said.

The women discussed how paid parental leave was unanimously supported at the Local Government Association Conference in Broken Hill last year.

However, when the motion was put to the Shires Conference, after many delegates had left, it was lost by two votes.

The motion succeeded weeks later when put to the National Local Government Conference in Canberra.

The ALGWA aimed to support women to aspire to leadership and encourage more women to nominate for coun-

cils, Cr McKeown said.

Mayor Jenny Dowell addressed the gender imbalance within Lismore City Council.

"At the moment we have two women on council. We'd like to see that figure doubled."

Cr Dowell said women made excellent councillors as "most tend to be very connected to the community, organised and efficient and understood the need for a work/family balance."

The executive took in the new Goonellabah Sports and Aquatic Centre and heard plans for the proposed Olley Arts Centre.



UNITED FRONT: National President of the ALGWA Darrlea Turley (front left), Lismore Mayor Jenny Dowell and ALGWA secretary Karen McKeown join members of the ALGWA at the Lismore Council Chambers on Saturday.

Picture: JAY CRONAN

See Street Talk Page 12



**OFFICE OF THE HON JULIA GILLARD MP  
DEPUTY PRIME MINISTER**

Parliament House  
Canberra ACT 2600

Councillor Nicole Campbell  
Convenor – Paid Parental Leave Campaign  
Australian Local Government Women's Association (NSW)

**25 NOV 2009**

Dear Councillor Campbell

Thank you for your email of 14 October 2009 to the Hon Julia Gillard MP, Minister for Workplace Relations, concerning paid parental leave and the NSW Local Government Employees Award. The Minister has asked me to reply on her behalf.

The Australian Government is committed to supporting all parents in the workforce and was proud to announce the introduction of Australia's first comprehensive paid parental leave scheme from 1 January 2011.

The Government's proposed Paid Parental Leave scheme is largely modelled on the recommendations of the Productivity Commission (PC) in its 2009 Inquiry Report. The PC considered that a wholesale withdrawal from existing employer-funded paid parental leave schemes is unlikely, given that employers with existing schemes differentiate themselves as 'employers of choice' (PC Final Report p.2.18).

Currently over half of all female employees in Australia have access to employer-provided paid parental leave. This demonstrates that employers recognise the considerable benefits of supporting their employees around the time of the birth or adoption of a child. These benefits include higher return to work rates, increased ability to attract staff and higher productivity through reduced hiring costs and protecting the significant investment made in training and developing employees.

The Government encourages all employers to see the value in family friendly working conditions. An employer who withdraws their existing paid parental leave entitlement sends a signal to its workforce that it is not 'family friendly' and devalues their reputation as an employer of choice.

In relation to your concerns over the NSW Local Government Employees Award, you may already be aware that the NSW Government continues to regulate workplace relations for the NSW public sector. As a result, the bargaining framework established by the Government's *Fair Work Act 2009* does not apply.

Awards can only be varied by the relevant industrial tribunal after considering the merits of a particular case. The impact of a proposed variation on employees would be an important consideration. I would encourage you to contact the NSW Office of Industrial Relations to seek more information about the circumstances under which a NSW award may be varied.

The behaviour of employers operating existing employer-provided paid parental leave schemes will be monitored by the Department of Education, Employment and Workplace Relations and may be considered as part of the review of Government paid parental leave scheme that will occur in 2013.

Thank you for bringing your concerns to the Minister's attention.

Yours sincerely

**Amanda Lampe**  
**Chief of Staff**



# AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION NEW SOUTH WALES BRANCH INC.

FOUNDED AT CANBERRA, 1951

The Hon Barbara Perry MP  
Minister for Local Government  
Level 32  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

22 February 2010

Dear Minister Perry,

We are writing to update you on the progress of the Australian Local Government Women's (ALGWA) NSW's campaign for increased paid parental leave for NSW Local Government employees.

As you would be aware at the 2009 Local Government Association (LGA) Conference in Tamworth there was strong recognition by Delegates of the historic decision taken unanimously at the October 2008 LGA Conference in Broken Hill regarding increased paid parental leave provisions. The wording of the 2008 motion passed was:

*"That the Conference support the provision of 18 weeks paid maternity leave and 2 weeks paid paternity leave, as a standard condition for all NSW Local Government employees."*

The 2009 LGA Conference Delegates endorsed that this historic decision was to be reflected in the Local Government Association Policy Statements (refer Resolution – Motion 12, 2009 LGA Conference).

However this important recognition of the 2008 decision was almost immediately overlooked by the LGSA Executive - as a consequence of their proposed Executive motion #45 which said:

*"That the Local Government Association supports an increase in the future Award's paid maternity leave provisions to 18 weeks on full pay or 36 weeks on half pay where such increase in the Award entitlement does not apply in addition to the benefits provided by the Federal Government's paid maternity leave scheme."*

It should be noted that this Executive motion was not debated nor voted on at the Conference – it was referred to the Executive. Since the Conference there has been no feedback to the 2009 LGA Conference Delegates as to what, if any, further actions have been agreed by the LGSA Executive in relation to this matter. However, it is clear that the intent of the Executive motion was a clear departure from the 2008 LGA Conference decision, which related only to the NSW Local Government Employees Award and made no reference to the Federal Government's Family Assistance Policies (existing or proposed).

In addition, ALGWA notes with concern that the Policy Statements arising from the 2009 LGA Conference (which was held nearly four months ago) have not yet been provided.

Since the LGA Conference in Broken Hill ALGWA endorsed a stronger motion at its AGM at Queanbeyan in 2009. We have continued to liaise with Councils to encourage them to adopt the 18 weeks paid maternity leave and the two weeks paid paternity leave. In the course of these interactions ALGWA has received alarming feedback from a number of NSW Councillors regarding the provision of misleading information by the LGSA to Council staff and Councillors on the Federal Government's proposed paid parental leave campaign and its interface with the Local Government Employees Award negotiations.

I am aware of a power-point presentation (copy attached) developed by the Local Government Workplace Solutions (an organisation auspiced by the LGSA) that has been widely distributed to Councils by the LGSA).

This presentation suggests that existing family friendly policies for Local Government employees are sufficient. There is no reference in the presentation to the unanimously adopted 2008 conference decision. Further, it does not highlight the ability of councils to independently resolve to implement above award provisions. Rather the presentation suggests that councils should rely on the LGSA to consider this matter through award negotiations.

ALGWA has also been informed that LGSA staff are advising Councils they should hold off making any decisions relating to increasing parental leave provisions until after the Federal Government election and also after the Local Government Employee Award negotiations have concluded.

The distribution of the power-point presentation to Councils, and the 2009 Executive Notice of Motion 45 would seem to indicate that the LGSA (Executive and staff) are intent on manipulating the proposed Federal Paid Parental Leave scheme as a way of diminishing its future responsibilities under the NSW Local Government State Award for the continuation (or expansion of) employer based paid maternity leave.

That the LGSA would initiate actions that appear to seek to undermine the decision of the 2008 LGA Conference in this the Year of Women in Local Government is acutely disappointing. ALGWA is also dismayed by the public and strident opposition to our 18 weeks Paid Parental Leave campaign by the current President of the LGA. ALGWA notes that this individual frequently holds herself out as a being progressive voice for women and gender equity issues – however her actions in opposition to our Paid Parental Leave campaign certainly do not reflect this.

The thrust of the LGSA's communication to Councils appears to suggest that the LGSA intends to use the Federal Paid Parental Leave scheme as a mechanism for winding back existing Award conditions and stopping future consideration of any increased provisions.

The role of elected Councillors in relation to setting industrial policies was clarified in a joint letter provided by the former Minister for Local Government, the Hon. Paul Lynch MP and the former Minister for Industrial Relations, the Hon. John Della Bosca MLC (also distributed as a DLG Circular). These statements advised that industrial relations policies for individual Councils are the responsibility of the elected Councillors of that Council; not the Council's General Manager, not Council's Human Resources managers or other staff - and certainly not the LGSA Executive or any of its unelected staff.

Late last year ALGWA wrote to the Deputy Prime Minister, the Hon. Julia Gillard MP to identify our concerns and I have enclosed her comprehensive response for your reference. In it, the position of the Federal Government is very clear that the proposed Federal Paid Parental Leave scheme cannot be used to dismantle or over-ride existing policy decisions on employer based paid parental leave provisions. The other significant point made in the response highlights the fact that NSW Local Government employees remain under the NSW State Government Industrial Relations Commission.

We have written to the Hon. John Hatzistergos to alert him to the LGSA's actions and seek his support in ensuring that the Local Government State Award negotiations are not compromised by the LGSA seeking to 'muddy the waters' by introducing a potential Federal Government social welfare payment as an element in a NSW Industrial Agreement.

ALGWA NSW remains very grateful for your strong support in highlighting the importance of women in local government and your support for our 18 weeks paid parental leave campaign. We would welcome your assistance in also raising this issue with Minister Hatzistergos and we would be pleased to brief you both formally on this matter. If you require any additional information please feel free to contact either of us via the details provided below.

Thank you very much for your time and we look forward to your response.

Yours sincerely,

**Cr Karen McKeown**  
President ALGWA (NSW)

**Cr Nicole Campbell**  
Convenor – Paid Parental Leave campaign