

Group of Eight Ltd. answers to Questions on Notice

SENATE - COMMUNITY AFFAIRS LEGISLATION COMMITTEE

Reference: Paid Parental Leave Bill 2010

WEDNESDAY, 19 MAY 2010, CANBERRA

Senator FISHER—If this bill was passed, I heard you suggesting that any payments that would flow as a result of this bill should be able to be offset by employers in the education sector.

Mr Dover—No, that is not what I was actually suggesting. What I was suggesting was that the payment made by the Family Assistance Office for this new paid parental leave scheme be paid directly by the Family Assistance Office for those employers that demonstrated best practice in their current comprehensive paid parental schemes. We are not suggesting that that be discounted.

Senator FISHER—**So it is your view that it should not be, as against existing entitlements—**
noting that future entitlements are for the future?

Mr Dover—I think that is a matter for each institution to negotiate in their enterprise agreements.

Senator FISHER—And that is your organisation's position, is it?

Mr Dover—I can only comment on ANU's current agreement and we have in fact incorporated a clause that will enable the ANU to pay their full entitlements in addition to what this scheme delivers.

Senator FISHER—So are you representing the Group of Eight or ANU today?

Mr Dover—I am just giving that as an example of one university out of the Group of Eight, but perhaps my colleague, Bernadine—

Senator FISHER—**Does the Group of Eight have a position on that question?**

Ms Caruana—Given the brevity of time to actually respond to the legislation, we have not had a chance to canvass all Group of Eight institutions and get a common view on that. And given that a lot of them are currently in the process of negotiating enterprise bargaining agreements, it is a little bit sensitive for us to actually—

Senator FISHER—Could you please take that question on notice—what is the Group of Eight's view on that?

Ms Caruana—Sure.

ANSWER: The Group of Eight member universities would meet their obligations under their current workplace agreements.

Senator FISHER—**Secondly, as pointed out by Professor Stewart, with the disparity between any leave entitlements under this bill—which are none—and leave entitlements**

under the National Employment Standards in the Fair Work legislation, what is the Group of Eight's position in that respect? Are you able to answer that today?

Ms Caruana—No.

ANSWER: The Group of Eight does not see a problem with the differences in leave entitlements under the draft Paid Parental Leave Bill and the National Employment Standards as we understand they have different purposes. Though we do see value in the PPL Bill reflecting the minimum definition for casual as specified in the NES, that is, to increase the period of the permissible break from eight weeks up to 12 weeks. See answer below for more detail.

Senator FISHER—Particularly, are you of the view that the legislation—that we have had confirmed by

Professor Stewart, for example—in this paid parental leave legislation is just about money and not about

leave? Should legislation that is about money be used in anyway to drive what happens in workplace relations outcomes under the Fair Work legislation? What are the implications of that in other areas of workplace relations law for your membership?

Mr Dover—I think that is another one we will take on notice.

Senator FISHER—You may want to; it is part of what has come out from Professor Stewart earlier today.

ANSWER: The access to financial support provided by this bill will allow parents the opportunity to extend the time they can spend with their new child. The Group of Eight agrees with our NTEU colleagues that the definition of casual used in this legislation reflect the minimum definition of casual as specified in the National Employment Standard (NES). That the definition of casual in this legislation goes beyond the NES definition is consistent with the intent of the bill, and the fact the Government parental leave payment is not contingent on an ongoing relationship with the person's current employer.