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Committee Secretary  
House of Representatives Standing Committee on  
Education and Employment  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

email: [ee.reps@aph.gov.au](mailto:ee.reps@aph.gov.au)

Dear Secretary,

Thank you for the opportunity to make a submission to the House of Representatives Inquiry into the Fair Work Amendment (Better Work/Life Balance) Bill 2012 (the Inquiry).

I write as the Chairperson of the Committee of Management of the Working Women's Centre of South Australia (WWC SA) with the support of the Committee and of the WWC Director Ms Sandra Dann in accordance with the Objects of the WWC SA, including *to influence government policy and legislation and promote improvements in industrial and employment practice for working women.*

Ms Dann represents WWC SA on the Work Life Balance Advisory Committee (the WLB Committee) which was established in 2010, as part of the South Australian Government response to the South Australian Strategic Plan Target 13: *Improve the quality of life of all South Australian through maintenance of a healthy work life balance.* This committee advises the Hon Russell Wortley, Minister for Industrial Relations.

I note that South Australia is the only state in Australia which has articulated a commitment to Work Life Balance in our state Strategic Plan. The lead government agency for the WLB target is SafeWork SA (SWSA) and the SWSA Work Life Balance Strategy was established in 2007 to support work addressing the WLB target.

A component of the work of the SWSA WLB Strategy has been to promote minimum standards and legislation which support WLB. The establishment of a 'right to request' flexible work arrangements as part of the Fair Work Act (FW Act) National Employment Standards (NES) has been an important part of this work and a welcome beginning to promoting active negotiation between employers and employees on this issue.

Our experience in the promotion of this provision to both employers and employees has indicated a frustration with the current weakness of the 'right' both in terms of providing a clear legal obligation to employers and the limited application and lack of enforcement or appeal rights for employees. We therefore welcome the Fair Work Amendment (Better Work/Life Balance) Bill 2012, particularly the strengthened provision for carers requesting flexible work arrangements.

The WWC of SA is aware that the Australian Government has proposed amendments to the flexible working arrangements provisions of the FW Act as part of the National Carer Strategy. The Government is also seeking the views of stakeholders to expand the right to request flexible working arrangements to include eligible employees with care responsibilities for children under the age of 16. This has the potential to provide more options for parents with caring responsibilities to balance work and family responsibilities.

A consultation process on the proposed amendments was initiated as part of the National Carer Strategy, the second element of the recently developed National Carer Recognition Framework, which encompasses the *Carer Recognition Act 2010* (Cth). The National Carer Strategy was jointly developed by the Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Nicola Roxon MP, Minister for Health and Ageing and was publicly released on 3 August 2011.

The Australian Government committed to leading the development of a National Carer Recognition Framework (the Framework) to better recognise carers as part of its response to the report: *Who Cares? Report on the inquiry into better support for carers* by the House of Representatives Standing Committee on Family, Community, Housing and Youth. The National Carer Recognition Framework comprises two pillars. The first of these is the *Carer Recognition Act 2010* (the Act) which commenced on 18 November 2010. The second element of the Framework is the National Carer Strategy.

The National Carer Strategy outlines a number of recommendations to increase the economic independence and workforce participation of carers, including access to flexible work arrangements and the proposed extension to the NES.

The South Australian Work Life Balance Strategy has an established partnership with the Office of Carers within the South Australian Department of Communities and Social Inclusion. The state office is very supportive of the extension of legislation that assists carers negotiate flexible work and has regularly worked with the Strategy in promoting the issue in National Carers Week in October of each year.

The Australian 'right to request' provision is based on the United Kingdom Employment Act 2002, which in April 2003 introduced the right for parents of young and disabled children to apply to work flexibly. From April 2007 this right has been extended to cover carers of adults and children under 17 years of age. An application to work flexibly can cover hours of work, times of work and place of work

(as between home and place of business only) and must be taken seriously by the employer.

Under the current provisions, employers are only able to refuse a request on genuine business grounds and provide a written response to the request within 21 days, stating whether they grant or refuse the request. If a request is refused, the written response must include the reasons for the refusal.

The FW Act empowers FW Australia or some other person to deal with a dispute about whether an employer had reasonable business grounds for refusing a request if this has been agreed in an employment contract, enterprise agreement or other written agreement. The Fair Work Amendment (Better Work/Life Balance) Bill 2012 addresses the issue of the need for a clear process for employers to deal with requests, and strengthens the ability of FW Australia to hear appeals and where appropriate, make flexible working arrangement orders.

I commend the initiative taken by the Standing Committee on Education and Employment in proposing the Fair Work Amendment (Better Work/Life Balance) Bill 2012 and look forward with interest to the report of the Inquiry.

Yours sincerely

Max Adlam  
Chair, Committee of Management of the Working Women's Centre SA