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Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Reference: Balancing work and family

WEDNESDAY, 31 MAY 2006

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Wednesday, 31 May 2006

Members: Mrs Bronwyn Bishop (*Chair*), Mrs Irwin (*Deputy Chair*), Mr Cadman, Ms Kate Ellis, Mrs Elson, Mr Fawcett, Ms George, Mrs Markus, Mr Quick and Mr Ticehurst

Members in attendance: Mrs Bronwyn Bishop, Mr Cadman, Ms Kate Ellis, Ms George, Mrs Irwin and Mrs Markus

Terms of reference for the inquiry:

To inquire into and report on:

How the Australian Government can better help families balance their work and family responsibilities. The committee is particularly interested in:

1. the financial, career and social disincentives to starting families;
2. making it easier for parents who so wish to return to the paid workforce; and
3. the impact of taxation and other matters on families in the choices they make in balancing work and family life.

WITNESSES

**GREENING, Mr Malcolm, Assistant Secretary, Wages and Conditions Policy Branch,
Department of Employment and Workplace Relations..... 1**

**INNES, Ms Helen, Director, Workplace Flexibility Section, Department of Employment and
Workplace Relations 1**

**MOREHEAD, Dr Alison, Assistant Secretary, Parent Policy Branch, Working Age Policy
Group, Department of Employment and Workplace Relations..... 1**

Committee met at 10.32 am

GREENING, Mr Malcolm, Assistant Secretary, Wages and Conditions Policy Branch, Department of Employment and Workplace Relations

INNES, Ms Helen, Director, Workplace Flexibility Section, Department of Employment and Workplace Relations

MOREHEAD, Dr Alison, Assistant Secretary, Parent Policy Branch, Working Age Policy Group, Department of Employment and Workplace Relations

Witnesses were then sworn or affirmed—

CHAIR (Mrs Bronwyn Bishop)—I declare open this public hearing of the House of Representatives Standing Committee on Family and Human Services for its inquiry into balancing work and family. Today the committee will take evidence from the Department of Employment and Workplace Relations. The department has significant portfolio responsibilities for one half of the work and family collision—the world of paid work in Australia, including workplace conditions and minimum entitlements for employees. It also has responsibility for encouraging economic growth and social self-efficiency through workforce participation. As one of the inquiry's terms of reference directs committee members to examine the barriers that parents face in returning to paid work, I look forward to the department's contribution.

This hearing is open to the public and a transcript of what is said will be made available via the committee's website. If you would like further details about the inquiry or the transcript, please ask any of the committee staff here at the hearing.

I welcome the representatives of the Department of Employment and Workplace Relations to give evidence. We have your original submission that came to us prior to the Work Choices legislation, so we are most interested in hearing what the present position is. We received a supplementary submission from you this morning.

It is proposed that the supplementary submission be received by the committee and authorised for publication. There being no objection, that is so ordered. Mr Greening, as we have only just received your supplementary submission we might ask you to speak to it now so that we are familiar with it.

Mr Greening—I am more than happy to. I will just make some opening remarks. The department's submission to the inquiry in April 2005 sought to explain the department's programs and initiatives to support the workforce participation of parents. In that submission, the support that is provided to employers and employees to adopt flexible workplace arrangements was outlined. Since that time the Australian government has made a number of significant reforms in workplace relations and workforce participation. The Australian government recognises that flexible working arrangements are critical in assisting the workforce participation of all working age Australians. The need for more flexibility in Australian workplaces is a key to the government's workplace relations and welfare changes.

The workplace relations reforms came into effect in March 2006. The reforms aim to increase workplace productivity and flexibility while maintaining a legislative minimum safety net. A key feature of the reforms is the new Australian Fair Pay and Conditions Standard, which legislates minimum entitlements of family friendly leave entitlements, including parental leave and personal carers leave, as well as minimum wages, annual leave and maximum ordinary hours of work. The legislation retains protections which prevent unlawful termination or discrimination on certain grounds, including family responsibilities.

The Welfare to Work reforms announced in the 2005-06 budget are designed to help parents, mature age workers, people with disabilities and the long-term unemployed to gain employment that suits their needs and allows them to balance paid work with their individual priorities, such as caring responsibilities. It includes changes to income support eligibility, participation requirements and employment and related services.

For the purposes of today, we are happy to answer questions on the workforce participation of mothers and fathers, the initiatives and programs that are designed to assist parents to balance work and family responsibilities and the role of workplace relations reform in helping workers and their families.

CHAIR—Would either Dr Morehead or Ms Innes like to make an opening statement?

Dr Morehead—I work on the Welfare to Work side. Malcolm and Helen come from the workplace relations side of the department. Mr Greening's opening statement was from the three of us.

CHAIR—How does the new Work Choices legislation differ from the previous situation in terms of how it impacts on families?

Mr Greening—The essential difference is the provision of a minimum, of the Australian Fair Pay and Conditions Standard. The Australian Fair Pay and Conditions Standard sets out a range of minimum entitlements for the benefit of all employees, a number of which are particularly designed for workers with family responsibilities. In particular, they provide for unpaid parental leave, including maternity, paternity and adoption leave, and they extend coverage of parental leave to eligible casual employees.

CHAIR—Where is that in the submission?

Mr Greening—It is about halfway down the second page.

CHAIR—'Standard personal carers leave consists of ...'?

Mr Greening—Yes. Then it goes on to talk about the other aspects of the Australian Fair Pay and Conditions Standard.

CHAIR—You mentioned adoption leave. In our previous report on overseas adoptions the committee made a recommendation to the minister—and I am going from memory now, but I am sure the committee made a suggestion—that adopting parents should be treated the same as natural parents and that, where there is a time limit that runs, it should run from the time the

child entered the country as distinct from when it was born. Did Work Choices pick that up at all?

Mr Greening—No, it did not pick it up specifically. However, that issue is with the minister and with the government for consideration. We are aware of that recommendation on adoption—

CHAIR—Are you part of the IDC that has been established?

Mr Greening—Yes, and which is being led by Attorney-General's.

CHAIR—Is it on the agenda as part of that?

Mr Greening—Definitely. If I can add one point to the original question in terms of changes from the previous legislation to the current: a further change is to ensure that all awards contain provisions for regular part-time work.

CHAIR—That is existing awards?

Mr Greening—That is correct.

CHAIR—To contain—

Mr Greening—Provisions for regular part-time work.

Ms GEORGE—Isn't it the case though, Malcolm, that the new legislative conditions have far fewer protections because of the removal of the no-disadvantage test against which individual agreements will assist? For example, how can it be friendly to families when there is no guarantee of such things as penalty rates? There are no controls on the spread of hours. You have the 38-hour week being able to be averaged over a considerable period of time. In my judgment the only condition relating to family friendly policies is 12 months unpaid parental leave, which is hardly nirvana. As far as the carers leave is concerned, that is part and parcel of the 10 days personal sick leave. In fact, by a reduced safety net you have legislated away protections that families had been able to rely on because previously their award, which specified a range of protections, was to be the no-disadvantage test. That is no longer the case. We have not got a range of minimum entitlements but in fact five pretty ordinary minimum entitlements by comparison to a lot of other OECD countries.

Mr Greening—It is correct to say that we have moved to a lodgment-only system, rather than having a no-disadvantage test apply. However, I believe that the government was mindful of this and provided for a range of protected award conditions, some of which are just as you mentioned.

Ms GEORGE—What do you mean by that?

Mr Greening—If the award is more generous than the standard in terms of the application of a particular award condition, then that award condition will apply.

Ms GEORGE—Not to new employees.

Mr Greening—No.

Ms GEORGE—So anyone going to work for the first time, say, a mum returning to work who has been out of the workforce, can be offered an individual contract and providing it satisfies the very minimum legislated five conditions then that contract of employment is legal.

Mr Greening—Yes, as long as the standard is met.

Ms GEORGE—How do you justify that the changes are producing better family friendly outcomes than the system that applied prior to Work Choices?

Mr Greening—I am not in a position to answer that question directly.

Ms GEORGE—But you made the point in your evidence that part of these changes is to ensure flexible arrangements, to enhance productivity and to provide the scope for family friendly policies.

Mr Greening—We would argue that included amongst the changes is a push to make agreements more readily available and to make negotiating a more central feature of the workplace relations system. To the extent that the facilitation of employees and employers getting together is enhanced, then we would argue that it is more likely that arrangements specific to the needs of the employee will be arrived at or will be negotiated.

Ms GEORGE—I understand the argument about making it easier to negotiate, but the making it easier to negotiate does not necessarily lead to good outcomes. For example, if you take your own department's data, the analysis of AWAs in 2002-03 when there were in place some better protections showed the following: of all the AWAs that were examined in that analysis, eight per cent had paid maternity leave; five per cent had paid paternity leave; four per cent had unpaid purchased leave; and only a quarter had some form of parental leave, be it paid or unpaid. I think the evidence disproves your assertion about the ability to be able to negotiate between employee and employer leading to flexibility in a range of family friendly provisions. It does not work for a lot of women who have no bargaining power.

Mr Greening—I am not aware directly of the data you are referring to.

Ms GEORGE—I can send it to you—it is from your department.

Mr Greening—If it is in relation to AWAs, it is the responsibility of the Office of the Employment Advocate to report on those sort of conditions. I guess we would say, though, that in recent times there has been a fairly significant increase of people with access to conditions such as paid maternity leave. There is just one statistic which I will mention. The proportion of female employees with access to paid maternity leave has increased from 31.8 per cent in 2004 to 41 per cent in 2005. As a trend, those sorts of provisions are becoming more common.

Ms GEORGE—That is very positive, but when you disaggregate that a lot of that is in the public sector and for higher paid women. If you look at the spread of paid maternity leave in the private sector among the average female workers, the latest data I saw said it was 27 per cent,

which is hardly earth shattering. I think you do need to disaggregate to see what impact it is actually having for the average working woman in the private sector.

Mrs IRWIN—Have you done any analysis of AWAs, say, within the business community, that shows that there is a range of conditions which would indicate that an individual employee has negotiated family friendly conditions?

Mr Greening—Again, we do not have that data readily at hand because it is the responsibility of the OEA. Unfortunately, the latest data that may shed some light on that is fairly dated now.

Mrs IRWIN—You are virtually saying that there is no analysis. How can you say in your submission that the use of leave and flexible working arrangements are common among employees? How can you say it is flexible when you have not done any analysis of it? Let us be honest. AWAs have been around for eight years. I am hearing from my own electorate such things as: ‘Here is your AWA. Take it or leave it.’ And you are saying the department has not done any analysis on this.

Mr Greening—In relation to AWAs, as I noted, the data dates back to 2001. However, that 2001 data did show that upwards of around 70 per cent of AWAs—and please correct me if I am wrong, Helen—had some sort of family friendly arrangement. That was in the 2001 data. In relation to collective agreements—which we are more familiar with and do have responsibility for—in the latest data something like 95 per cent of employees covered by collective agreements do have access to at least one family-flexible working condition.

CHAIR—Those collective agreements, once they come to an end, will have no standing. They will be renegotiated de novo, won’t they?

Mr Greening—That is right.

CHAIR—Equally, you mentioned in your evidence that all awards are to include provisions for regular part-time employment and remove award restrictions on part-time employment. That only applies to people who remain under an award, and at any time someone who is under an award can be offered an AWA, can they not?

Mr Greening—Certainly, a person can be offered an AWA; however—

CHAIR—Can they refuse?

Mr Greening—If they are an existing employee, yes.

CHAIR—Yes. If they are an existing employee they can say, ‘No, I would prefer to stay under the award.’

Mr Greening—That is right.

CHAIR—If you are a new employee, then the award does not have to be an option. The AWA, if offered, needs to be the only offer that is made?

Mr Greening—The employer has the right to offer an AWA, and if the applicant is unwilling to accept it, then—

CHAIR—There is no contract.

Mr Greening—Yes.

CHAIR—Are you monitoring the occurrence of that at all? Do you know what percentage of people who are going into new employment are being offered an AWA, what percentage are being offered award terms, and, thirdly, what percentage are being offered collective agreements?

Mr Greening—The point I would make is that it is still only a couple of months since the legislation has come into being.

CHAIR—Yes, I realise that.

Mr Greening—However, we are doing some monitoring of collective agreements and their prevalence, and the OEA, likewise. We will be doing some monitoring, the exact details of which I am not across, I am sorry.

CHAIR—So really you are only collecting because it says, in your submission:

WorkChoices also provides that a clause in a workplace agreement which discriminates against an employee or employees is void. In addition, an employer could be liable for a penalty for lodging a workplace agreement containing prohibited content.

Presumably, that applies to an individual workplace agreement as well? They have to be lodged.

Mr Greening—That is right.

CHAIR—How many agreements, both collective and individual, have been lodged since the commencement of the new legislation?

Mr Greening—I am happy to take that question on notice.

CHAIR—Okay. That will be fine. Is it a lot?

Mr Greening—Yes. AWAs, post Work Choices, are certainly in the 80,000s.

CHAIR—Over 80,000?

Mr Greening—Let us check that, and correct the record if need be.

CHAIR—That is fine. That, in a way, would answer the concerns of the deputy chair, in that, because you will have registration of all those agreements, you will be able to assess the nature of family friendly conditions negotiated in those outside the formal standards. Will you be watching out for that?

Mr Greening—Again, that is a function for the OEA, rather than the department.

CHAIR—The OEA?

Mr Greening—That is right—the Office of the Employment Advocate.

CHAIR—Isn't he going to report to you?

Ms GEORGE—Let us get the Office of the Employment Advocate in here and ask them the question.

CHAIR—But isn't he going to report to you?

Mr Greening—He reports to the minister. As part of our responsibilities we do do reports on agreement making. There is a report on the agreement making due, but not until July next year, which would go into a lot of the sort of detail you are asking.

CHAIR—Your annual report is due in August or September. What are we going to see in that?

Mr Greening—I do not think that, to date, we have reflected this sort of data in our annual reporting. However, the report on the agreement making, which comes out every two or so years, is next due in July 2007 and will go to the heart of some of these issues.

CHAIR—You say in the submission:

Under WorkChoices, casual loadings are removed from awards and set and adjusted by the Australian Fair Pay Commission as part of the Standard.

Has that occurred?

Mr Greening—No, the Fair Pay Commission is expected to make its first decision in around October or November this year.

CHAIR—And the submission goes on:

Casual employees who enter into workplace agreements are entitled to receive a casual loading of at least 20 per cent on top of their hourly rate of pay.

Mr Greening—That is correct.

CHAIR—How do we determine the hourly rate of pay applicable to any casual job that attracts the 'at least 20 per cent'?

Mr Greening—Currently, awards have pay and classification scales.

CHAIR—Yes, but this is somebody who is not going under an award. This is a new casual employee taking an AWA. How do we determine the hourly rate to which 20 per cent must be added?

Mr Greening—For an employer who is hiring an employee on a basic basis, the basic periodic rate of pay will be set out in what are called the Australian pay and classification scales.

CHAIR—Which are determined by?

Mr Greening—Which are already determined as at the safety net adjustment late last year.

CHAIR—So we are keeping the safety net adjustment?

Mr Greening—From late last year; that is correct. The wage guarantee that the government announced as part of Work Choices guarantees that the wages that were set in place at that time are preserved.

CHAIR—So it is a category. It says industry by industry what the category is.

Mr Greening—At this point in time it is award by award.

CHAIR—So the award is still relevant to gauging the hourly rate of pay for someone offering casual employment by way of AWA?

Mr Greening—That is correct. Those wage provisions will be taken out of the award and provided to the Australian Fair Pay Commission and preserved as what is called the Australian pay and classification scales.

CHAIR—But he may vary them, if he sees fit?

Mr Greening—He may, but he cannot push them below that which was set at the 2005 safety net adjustment.

CHAIR—On one reading of the way it works, if you are a new full-time or permanent part-time employee the award conditions are irrelevant. But if you are a casual employee the award is still relevant because it establishes the basis of the Australian pay and classifications scales.

Mr Greening—It establishes the basis of the periodic rate of pay you referred to earlier.

Ms GEORGE—It is only the rate of pay that remains; no other condition in the award would apply.

CHAIR—The award is the relevant reference point.

Ms GEORGE—It is for all employees. The minimum wage applies across the board to everybody. It cannot be lower than that.

CHAIR—Yes, but if you are entering into a full-time job as a bank teller with an AWA, are you going to just negotiate as you see fit, or do the award provisions still apply?

Ms GEORGE—If you are a new employee, the minimum five standards is the only test. Providing the employer meets that, it is legal.

CHAIR—I know that. I am trying to establish whether it is only for casual employees that the award based payment is applicable.

Ms GEORGE—No. The award based payment is applicable to everyone who is at work. It cannot be lower than \$12.75 an hour.

Mr Greening—That is correct.

CHAIR—I know that. If you are going to be a teller you are not going to be paid \$12.75.

Ms GEORGE—You might be, if that is all the employer offers. That is what we say—it is ‘take it or leave it’.

Mrs IRWIN—That is right.

CHAIR—But is there an award condition that says what the base pay for a casual teller is?

Mrs IRWIN—Bank tellers do not have AWAs. What about factory workers?

CHAIR—Hang on. Does it come under an Australian pay and classification scale?

Mr Greening—Section 182 of the act does guarantee those basic rates of pay.

CHAIR—What do you mean by ‘those basic rates of pay’?

Mr Greening—Those basic rates of pay that are currently set out in awards are transferred over as Australian pay and classification scales to the Australian Fair Pay Commission.

CHAIR—Do you have a copy of the Australian pay and classification scales?

Mr Greening—There are thousands upon thousands of them.

CHAIR—Yes, I accept that.

Mr Greening—I do not have one with me.

CHAIR—Could we have one? I think it would be useful to see.

Mr Greening—Yes.

Mrs IRWIN—As soon as possible; that would be great.

Ms KATE ELLIS—I just want to follow up on the question about monitoring. During the course of this inquiry, a large number of people have raised concerns about Work Choices and the negative impact it will have on Australians balancing their work and family. But we have also heard from a number of people that we should be monitoring how this is affecting work and family. Pru Goward said it was very important that somebody monitor specifically how Work Choices affects work and family. Some of the working women's centres have said a similar thing. Who has been given the job of monitoring the effect of Work Choices on work and family?

Mr Greening—Family-workplace flexibility is one of our responsibilities and it is certainly something we will have an interest in. But, to my knowledge, no one agency has been specifically tasked with that responsibility.

Ms KATE ELLIS—So, if some of the presumed effects that we have been hearing about do come about, there will not be an agency to monitor that and report to the government?

Mr Greening—I am not really in a position to answer that directly.

Ms KATE ELLIS—Not to your knowledge?

Mr Greening—No.

Mrs IRWIN—Kate has asked a very good question, so can you take that on notice and get back to us?

Mr Greening—Yes.

Ms Innes—One of the aspects of the report on agreement making, which is due in July next year, goes to reporting on groups, including women. Usually, as part of that section of the report, we have data on flexible working arrangements specifically relating to work and family.

Ms KATE ELLIS—But that probably would not go as far as, for example, the effect on families of averaging out the ordinary hours in a week. It would not look any further than what is in the agreements. It would not look at what is happening on the ground.

Ms Innes—It would look at access to specific flexible working arrangements under agreements.

Mr Greening—The sort of information we would be looking at is really more a data compilation of what is there in agreements. I think the question you are getting to about is the effect, and that is difficult for us to judge.

Ms KATE ELLIS—You have spoken about the 12 months unpaid parenting leave. We have heard from different organisations, including the ACTU, that a lot of new parents want to spend the first couple of years of their child's life with their child before going back to work and, as you would be aware, they are pushing for two years unpaid leave. Can you explain why that is not something that the department or the government would support?

Ms Innes—I understand that, in the family provisions case, one of the decisions related to a right to request up to two years unpaid parental leave. That was considered not appropriate for the standard because it is a conditional right and it was considered that it would give rise to too much uncertainty to have a conditional right in the standard. However, my understanding is that around 405 awards have been varied pre-Work Choices to take account of the family provisions case decision and that the right to request up to two years unpaid parental leave will continue in those awards as a preserved entitlement.

Ms KATE ELLIS—I want to include Alison while I still have the call and touch on Welfare to Work. You were talking about some of the conditions in existing awards and where a different employee was offered an AWA—for example, the Spotlight case that we are all talking so much about where we see penalty rates, overtime and paid meal breaks lost. As you mentioned, an existing employee could say no to taking on an AWA; a new employee could not. From the point of view of Welfare to Work, will someone moving from welfare into the workforce be treated just as new employees if they are faced with that AWA? Are they allowed to say no to that and keep getting their benefit? What would be the consequences of them saying no to such an AWA with 2c in return for all of those conditions?

Dr Morehead—Parents moving from Welfare to Work have tests of suitability applied to the jobs that they are offered, and one of the tests of suitability is it meets the minimum standards. So they would not be required to accept a job that offered, for example, a wage below the federal minimum of \$12 75 an hour.

Ms KATE ELLIS—I understand that, but, going a step further, we have seen at least one case where an AWA does meet the minimum standard. The Spotlight AWA meets the minimum standards, yet at the same time parents are being asked to give up their penalty rates, overtime and paid meal breaks. My question is: does a parent who will be subject to the Welfare to Work legislation have a right to say no to such an AWA because they want to be recognised for overtime or for the time that they are spending away from their family? Can they say no on those grounds and, if not, what happens to them?

Dr Morehead—Those parents are not giving up conditions. They are new employees, so they are not giving up things that they previously had access to. They are coming in as new employees.

Ms KATE ELLIS—Your answer is, yes, they would have to take that AWA. The Spotlight AWA—

CHAIR—If it complies with the five principles, they have to take it.

Ms KATE ELLIS—We are saying it does. What would be the consequence if they said no to that?

Mrs IRWIN—Especially a sole parent who is virtually asked to work on a weekend. If they say, ‘Look, I can’t’—

CHAIR—No, there is a reasonable test, is there not?

Ms KATE ELLIS—That is the minimum standard. The Spotlight AWA passes those.

CHAIR—No, because they are not a reasonable test—

Dr Morehead—There is a range of tests for the suitability of a job offer. On the workplace relations side, it is about minimum standards, but there are other tests that also apply to parents. For example, can they reasonably carry out their caring responsibilities and still work? The major component of that test is on the availability of outside school hours care. If there is no approved outside school hours care available for the times that the parent is expected to work, they do not have to accept the job offer.

Mrs MARKUS—Is it the parent's decision whether the care is available or not?

Dr Morehead—If there is an approved child-care place available—that is, one that attracts child-care benefit by having met the quality standards and passes some of the other tests for being a suitable child-care place—they have to accept that place.

CHAIR—Don't they also have to take into account the cost of that approved child-care place vis-a-vis the amount of money that is being offered? If the person returning from welfare to work is going to end up with less than—

Dr Morehead—That is another test of suitability. There are multiple tests of suitability.

CHAIR—There is a given amount; they have got to end up at least so much better off.

Dr Morehead—Fifty dollars a week.

Mrs MARKUS—The other point to make is that, if there is no available approved child care, the parent decides if there is no alternative. It does not rest with Centrelink; it rests with the parent if they say there is no alternative.

Dr Morehead—That is right, I will run through the suitability test more generally. If there is an approved child-care place available for the times the parent is expected to be at work, they are required to take up that place so long as the child can be supervised getting to and from the place of care. If there is no approved child-care place available at the time that the parent needs to work, the parent decides whether other care arrangements are available, and the parent alone makes that decision. We have now a financial suitability test applied to the job, which means that parents do not have to accept the job if it means that, after costs of employment are taken into account, the parent is not at least \$50 a fortnight better off compared to if they did not accept the job.

CHAIR—Fortnight or week?

Dr Morehead—A fortnight.

Mrs IRWIN—It is \$25 a week. You are taking what, child care?

Dr Morehead—The components of that test include the income tax, so let us assume the parent is on federal minimum wages for 15 hours a week, that is the minimum requirement for them to work, so they would be getting \$191.75 or something a week. From that, you deduct the income tax, which is roughly \$17. Then you deduct the amount of income support that is lost by taking up the job and then you are left with a certain amount of money. From that, you deduct the child-care costs which, for single parents or for parents on income support returning to work, is about \$2 per session of child care used. If they required that every day, for example, if their 15 hours a week was for three hours each day between the hours of three and six, which is after school time, the maximum they would be paying is \$10 a week. For the first six months of being in their job, you would deduct that.

If the parent is required to pay for transport, then you deduct the transport costs as well from that. If the transport costs alone are 10 per cent or more of the gross wage, the job is unsuitable, full stop, just on the transport test alone. If it is below that, say it is \$15 a week, then you would deduct that as well. If the parent is on Newstart allowance or parenting payment partnered and they are in public housing, you also take into account the amount that their public housing rent increases as a result of them having earned income. After all of that is applied, we say if they are not at least \$50 a fortnight better off, then the parent can say that the job does not pass the financial suitability test and they do not have to accept the job.

Ms GEORGE—Is it possible to get your explanation in written form?

Mr CADMAN—It is on the back sheet we were given this morning.

CHAIR—That will all be in the *Hansard*.

Ms GEORGE—Yes, I know but by the time we get that.

Dr Morehead—It is also in the Minister Andrews's press release of last week.

Mrs IRWIN—What is the procedure then that if someone—I am going to use Spotlight because that is the focus at the moment with what they are doing to the workers—goes there, they are offered the job: 'Here is your AWA. You have to sign it.' When they have taken all this into account, they are going to be \$50 better off a fortnight, but when they see that they are going to find it very hard to get child care, or they are going to be asked to do weekend work or I am sorry we say they can work nine till three, but there will be some times they might have to work Thursday night from 3 o'clock until 9 o'clock. If it is not suitable to them because they are concerned about their kids, what procedure do they then follow? Do they then go back to Centrelink and fill in a form?

Dr Morehead—There is a broad test of suitability of a job that takes into account your broad caring responsibilities. If it means, for example, that you are asked to work night shift and the child-care arrangements are fairly tenuous, you do not know if you are going to be asked to work that weekend, you would look at what the first fortnight of that job would involve, and you would apply that test of suitability based on the caring responsibilities. So that is a broad test of the suitability of the job, that concept of being able to cope with your caring commitments. If you were required to knit together various types of care that may include some approved child care but other types of care would also be required and you said, 'I am not confident that I can

uphold this knitting together of the patterns of care' over, say, the first fortnight of that job then the job would fail the test just on that criterion.

CHAIR—What about where the single parent is the carer of a disabled child? Is that person excused?

Dr Morehead—The carer payment, which is a full-time income support payment to people who are caring for dependent children—

CHAIR—But there are people who are carers who do not get it.

Dr Morehead—That has been expanded since Welfare to Work was introduced, so more parents will be able to claim that payment for highly disabled children.

CHAIR—There will still be people outside it because the carers allowance still exists, doesn't it?

Dr Morehead—Yes.

CHAIR—If they are looking after a disabled parent and they are only on the carers allowance, what is the situation?

Dr Morehead—Say they have a disabled child and they do not meet the new expanded eligibility for the carers payment, which will include, for example, more children who have intellectual disabilities. The parent will be able to go onto that full-time income support payment, which means they do not have participation requirements. But just say they fall out—

CHAIR—But what if they are only on the carers allowance?

Dr Morehead—The carers allowance is just a top-up payment to pay for the costs associated with disability.

CHAIR—If they are on the carers allowance, do they fall under the Welfare to Work?

Dr Morehead—They will have participation requirements, but they are eligible to ask for an exemption from participation requirements of up to 12 months at a time, and that will be assessed on a case-by-case basis by Centrelink. There are a number of exemptions for parents from participation requirements. The whole logic around exemptions for parents is about how busy or time committed the parent is—do they have time for a job? If the disabled child is taking up so much of the parent's time that the parent cannot—

CHAIR—What if it is a parent who has a child and a carer allowance because they are also looking after an aged parent?

Dr Morehead—I will quickly finish on the disabled child then I will move on to the disabled parent. With the disabled child, if they have documentation from a treating health professional and the school saying that the parent's caring commitments for that child are such that they need to be constantly on call even during school hours and the parent is able to show that to

Centrelink, they can seek a case-by-case exemption. If they have a frail aged or disabled parent that they are caring for, once again they can seek a case-by-case exemption from Centrelink. There are a whole range of other special family circumstances where a parent will seek exemption.

CHAIR—I do not follow that bit. If you get a letter from the school that says that this parent needs to be on call for this child, is that an automatic exemption or does the Centrelink person still have the discretion to say no?

Dr Morehead—If it is just a letter from the school, Centrelink would say, ‘We also need a letter from the treating health professional.’

CHAIR—If you have both those letters, is it automatic?

Dr Morehead—They are not called automatic exemptions. They are called ‘case by case’ because they have to be considered by Centrelink.

CHAIR—That means someone has a discretion—they can be in a bad mood, having had a bad breakfast, and could say no.

Dr Morehead—It will be written in the guide as to whether the case meets the definition for granting the exemption. I will just explain the difference between a case by case and an automatic, because they are different concepts.

CHAIR—Let me stop here. We will come back to this question. I am relieved of quorum responsibilities in the House of Representatives, but my colleagues, who have just returned from a quorum, are not, so I will let them ask some questions.

Mrs MARKUS—In my electorate, there are a number of small businesses. I know a single mum, for example, who runs her own business. Her children are teenagers. She has a number of employees—a mix of permanent, part time and casual—and all those employees work and negotiate with her around caring for their retired parents and a whole range of other, different family needs. Do you have evidence, cases or situations where you can demonstrate that Work Choices is actually encouraging that kind of arrangement between a small business employer and employees?

Mr Greening—We certainly have anecdotal evidence of those sorts of arrangements coming up, and I think one example is that the minister recently launched a retail website that has anecdotal evidence of some of those sorts of flexible working provisions. The Work Choices legislation certainly puts in place the framework to enable those sorts of circumstances you are referring to to occur.

Mrs MARKUS—I have anecdotal evidence from people working in my electorate that most people on AWAs are earning far above—often up to two times or nearly three times—the award.

Mrs IRWIN—That is not happening in my electorate.

Ms GEORGE—Have a look at Spotlight—it is 2c an hour.

Mrs MARKUS—Do you have figures that demonstrate that people on AWAs are earning more than they would on an award? If you do, and you could present them today, great. If you cannot, could that be a question on notice.

Mr Greening—I will mention one lot of data that does support the proposition you are making but we will also take the question on notice and come back with more detailed information. Certainly, ABS data shows that AWA employees on average are 13 per cent better off than those on collective agreements.

Ms GEORGE—Perhaps you need to qualify that by saying that it includes CEOs and managers.

Mrs MARKUS—My anecdotal evidence is based on shiftworkers.

Ms GEORGE—You cannot compare apples with oranges.

Mrs MARKUS—Under Welfare to Work there is a great deal of flexibility for single mums who have to step into employment. There are several exemptions. Are there any exemptions you have not yet mentioned?

Dr Morehead—There are a range of exemptions. Parents will be automatically exempt if they are also foster caring or if they have four or more school-age children. If they are home schooling or distance educating a child they will automatically get an exemption for up to 12 months at a time. There are a full range of other exemptions available.

CHAIR—Could we have that list?

Dr Morehead—I will supply it.

Mrs MARKUS—The purpose of Welfare to Work is to create more jobs, which will benefit families. In my electorate from December till now the unemployment rate has dropped from 4.8 to 4.5 per cent. Is that a trend across the nation?

Mr Greening—We will take that question on notice. We have that data at hand and will be able to get it to you quickly.

Ms GEORGE—Can you go back to the issue of casual employees that the chair raised. One thing I thought was missing in your analysis. You spent a considerable amount of time pointing out the option of part-time work, which I think a lot of women like and want, providing it is quality part-time work. But my understanding is that 60 per cent of part-time employees are employed on a casual basis. In Australia over a million women now work as casuals. How is the Work Choices legislation going to assist these million casual women workers achieve a good balance between their work and family life when my reading of the legislation indicates that the only protection they will have is the minimum hourly rate, together with their casual loading? There are no legislative safeguards, other than unpaid parental leave. There is no paid maternity leave or flexible hours. What is the government's intention? How will we monitor whether the million workers who work casually are able to achieve a balance between their work and family life?

Ms Innes—If I go back to some of the figures around casual work, casual incidence has increased from 18.2 per cent of the workforce in 1988 to 24.4 per cent in 1996. Since then it is around the same level—it has increased 0.1 of a percentage point and is now 24.5 per cent. We understand that there are around 1.9 million casual workers. A Productivity Commission report released last week shows that most people who work casually prefer to work casually. They say that casual employment has many of the job attributes that are sought by people seeking to achieve a balance between work and family. As you point out, under Work Choices there are parental leave provisions which are extended under the legislation to eligible casuals. Also, carers leave has been extended to casuals—two days unpaid leave per occasion, which is a new entitlement for casuals under the legislation.

Ms GEORGE—When you say that people choose to work on a casual basis, I think sometimes they do so willing and, as you point out from the HILDA data, 62 per cent of mums with children under two are not looking for work. But how do we know that people are not opting for precarious employment because the workplace does not provide family friendly provisions? The government often takes note of OECD reports. Recent reports from the OECD in looking at Australia's rate of women's participation at work, which is lower than comparable countries, as you would know, say of Australia that we have a low penetration of family friendly workplaces. They also say that motherhood has a particularly marked dampening effect on women's workforce participation. What can you point to to say that the one million women who work casually have done that as a free choice, rather than the women who are working on a casual basis having no other choice because the workplace does not accommodate their needs for that balance and that is the only way they can do it. Do you have any interesting research or data on that?

Dr Morehead—One of the reasons, for example, that Australia has a low employment rate amongst, for example, single mothers is the very generous family payments and income support system that Australia has.

Ms GEORGE—I am talking about couple families.

Dr Morehead—And couple families, for example, on welfare. We have 600,000 children in Australia who live in jobless families where no parent has a job. For example, a single mother with a nine-year-old and a 13-year-old child receives around \$26,600 a year in government income payments.

Ms GEORGE—Can we just take the typical dad at work, mum a part-time worker who makes the decision to work as a casual.

Dr Morehead—You are talking about middle-income families here, because we are talking about—

Ms GEORGE—I am talking about the 35 per cent of couple families that are the norm where dad is the breadwinner and mum is the secondary earner. Can we just look at that?

Dr Morehead—If we can look at those, this is a situation where household income is relatively high and they would probably, as long as it is not too high, also be receiving substantial family payments via the family tax benefit system. I think it is important to keep in

mind the interaction of that family tax benefit system and employment rates when we are comparing ourselves with other countries, and also participation of clients.

Ms GEORGE—Is it a good idea that the tax and family interaction, according to many authoritative commentators, acts as a disincentive to women's workforce participation?

Dr Morehead—Certainly in Australia where we have the situation where up until Welfare to Work single mothers were not required to participate in the workforce—

Ms GEORGE—I am talking about single mothers.

Dr Morehead—or mothers on parenting payment partnered who are in low-income families.

Ms GEORGE—I am talking about the average family that I represent.

Dr Morehead—But in other countries they are required to go back to work when the child is one.

Ms GEORGE—Can I take a typical case study where mum is at home getting family tax benefit. She says to me, 'I don't think it's really worth while my returning to paid employment because of the fact of the taper and the effective marginal tax rates.' To some extent our current policies are acting as a disincentive to greater workforce participation, which we need to have with an ageing population.

Dr Morehead—That speaks to the generosity of the family payment system. If you want to now move onto the impact of Work Choices, that is fine.

Ms GEORGE—No, I was asking what are the explanations for our lower rate of women's participation compared to—

Dr Morehead—My contribution to that answer is we have a very generous family payment and welfare system with very lenient participation requirements, and Welfare to Work is a step towards ensuring that mothers on welfare have labour force participation earlier than when their dependent child turns 16.

Ms GEORGE—Do you accept the proposition that it might be also because workplaces are not family friendly?

CHAIR—I think they are entitled to give the answer they have given and I think that is fair.

Dr Morehead—In terms of family-friendliness, for example, with the Welfare to Work reforms, the financial aim of that policy is that the mother on welfare receiving \$26,600 a year from government payments increases that to around \$31,100 a year by contributing labour of 15 hours a week on the federal minimum wage to her overall earnings—and encouraging parents into the workforce is what the policy is all about. We had a situation before awards had part-time provisions in them, looking back, say, 20 years ago, where mothers were actively excluded from being able to work. We know that the weight of their family commitments is such that they cannot operate as men or as fathers do in the labour market, so the whole interaction of the Work

Choices and the Welfare to Work reforms does assist mothers to participate in the labour market as their family commitments allow. We do not want to go back to a system where we have women trying to do in full-time work as men do. Under that sort of system, we had situations where awards did not even allow people to work in part-time jobs.

Ms GEORGE—I am not trying to be difficult, but all the evidence we have had shows that our rates of participation are much lower.

CHAIR—Jennie, could we come back to that and let Alan have a question before he has to race off on another quorum? And then we will come back to you.

Mr CADMAN—I would like to get into some of the family friendly stuff, a before-and-after sort of thing. I notice in your submission you say:

... greater use of working arrangements for caring purposes was higher among employees working in the public sector than the private sector.

You also say:

Pressure from bosses or other workers was a relatively minor concern ...

That is on your page 10 or the committee's page 22 of 54; you can take your pick. There are a group of pages there with some fascinating statistical information about families and women in the workforce. I am just wondering whether it is your intention in July next year to match some of that information, or is this Bureau of Statistics information that you will not necessarily have access to?

Ms Innes—This material does come from the Australian Bureau of Statistics. The July report next year will focus on data from the workplace agreements database, which is maintained by the department, so they are not directly comparable.

Mr CADMAN—Because amongst these figures, on page 11, it says:

Only 8 per cent of mothers who work part-time do so because they could not find full-time work or because they prefer their current job and part-time hours are a requirement of the job.

Is there going to be a shift in that statistic? Where does that fit into historical practice? I would like to see something that compares the situation before and after the reforms come in. But I would like to see long-term trends also, because unless we are looking at long-term trends we do not know whether or not the description you have given us of family friendly consideration is accurate. They seem to me to be extremely well thought through and comprehensive, considering that women with younger children demonstrably want part-time work. The great majority are seeking part-time work rather than full-time work. Will that change, will it improve, will it lessen—those are the sort of statistics that would be very useful next year some time.

Ms Innes—We have had a look at some of the statistics in the submission since April last year and we have noted that there has been little change in workforce participation rates since February 2005—around 95 per cent of men and 64 per cent of women with children aged under

15 are in the labour force. There has been a steady increase in, particularly, mothers' labour force participation since the late 1970s. The labour force participation rate for people aged between 25 and 44 years has increased from 75 per cent in 1978 to 82 per cent in 2005. There is a very steady increase in women's participation rates and a slight decrease in men's participation rates over that time.

Mr CADMAN—I noticed that. Do we have to wait for Bureau of Statistics surveys to get an update on those figures in that format?

Ms Innes—Most of these figures can be tracked reasonably regularly. Some of them are from the ABS labour force survey, which comes out monthly, and some are from more irregular publications, which are either ANU or occasional publications.

Mr CADMAN—On parents returning to the paid workforce, if I may say so I think your description was very helpful, particularly the exemptions part of that process. On what you say, I cannot see how people are going to strike difficulties. Are there any areas that you think may require more attention than others?

Dr Morehead—Parents are busy parenting their children. Once the youngest child reaches school age, which is when the Welfare to Work policy requires that parents start having participation requirements, they have already had a lot of time at home when parenting is most time intensive. Some of those parents do take on additional caring responsibilities, over and above the parenting, and it is those parents that the government has been particularly mindful of when it does its exemptions.

Mr CADMAN—What sorts of things do you mean?

Dr Morehead—Foster caring, home schooling, distance educating their children, if they have four or more children of school age, if they have a long-term sick child, if they have a disabled child, if they are caring for a frail aged adult, if they are subject to domestic violence—

CHAIR—You said the disabled child exemption had a whole lot of conditions attached to it. That is not an automatic exemption. You said earlier that the automatic exemption was only for foster care, four or more children of school age, home schooling or long distance.

Dr Morehead—If you provide the evidence that I outlined earlier, in relation to a disabled child—

CHAIR—No, you still said it was case by case, and I said to you that if someone had had a bad morning that Centrelink person could say, 'No—

Dr Morehead—I was just in the middle of explaining, Madam Chair, that it will be set out in the guidelines for Centrelink that the exemption shall be granted if the right evidence is produced in relation to the disabled child.

CHAIR—Therefore it is automatic.

Dr Morehead—You could call it automatic, but it is dependent on having those particular forms of documentation. Conceptually we would treat that as a case-by-case exemption because it requires a Centrelink officer verifying particular pieces of information. It is not enough to say, ‘My child is disabled.’ You have to show how that impacts on your time and your availability for a job.

CHAIR—What degree of disability do you allow? Do you have a test about that?

Dr Morehead—It is not based on a list of disabilities of the child, because the major test is the impact of whatever the child has on the parent’s time, hence it being separated out from an automatic exemption. For example, if you are foster caring, if you show documentation that you are active and registered you get the exemption. With a disabled child it is not enough to come in and say: ‘I have a disabled child. Here’s my child’; you have to show how that impacts on your time. So there is something additional and above that has to be taken into account, which is your availability to work.

CHAIR—Why is a foster parent treated more leniently than the parent of an adopted child or the parent of a natural child?

Dr Morehead—That was a government decision—that foster carers would get automatic exemption in recognition of the additional caring responsibilities that they had for those children.

CHAIR—Some people could say it is less, because they get paid for it.

Dr Morehead—That was a government decision.

Mr CADMAN—A way to fix that is to pursue our inquiry on adoption.

CHAIR—We will go there, yes.

Ms GEORGE—I will quote directly from Pru Goward’s report *Striking the balance* to try and explain the point I am making:

Australia’s female participation rate of 56.6 per cent is only moderate by the Organisation for Economic Co-operation and Development (OECD) standards and is particularly low among mothers ...

The author goes on:

... it might be that Australians consider such a low participation rate desirable for happy family life. In this sense this low participation rate represents a choice willingly made. However, it is crucial to look at the possible constraints behind such choices and the consequences of those constraints on the decisions made. For example, a shortage of suitable childcare, long hours of work or inflexible welfare provisions will discourage potential second income earners from entering employment.

The point I was trying to make is that the rate of participation in the workforce by mothers of dependent children is comparatively low by OECD standards. Sometimes it is a choice freely made; sometimes it is a choice that is imposed because of a range of difficulties in making that transition. What is the department’s and the government’s views about our current rates of

participation, what are your objectives in terms of lifting those rates and how do you go about doing that?

Dr Morehead—As I have said with Welfare to Work there is a very direct policy now about lifting those rates for mothers on welfare, as we just heard.

Ms GEORGE—Let us forget about the welfare and look at just the traditional family model.

Ms Innes—Could I speak about my point about the OECD data?

Ms GEORGE—Yes, sure.

Ms Innes—Some of the difference in Australia's labour force participation rate for mothers, particularly those with two children can be explained by differences in measurement between most OECD countries and the way the ABS presents data about women with children. The way the ABS presents data and the way that the OECD reads that data is collected into a group where the youngest child is zero to four years old. In most OECD countries that group is zero to five years old, and that picks up a lot of mothers who have school aged children. We know that that is a big trigger for a lot of women to enter the labour force when their youngest child goes to school, so the Australian labour force data does not actually pick up that group of mothers whose youngest child has gone to school.

Ms GEORGE—That is interesting, I was not aware of that.

CHAIR—Yes.

Ms GEORGE—Could you send us some more details?

Ms Innes—Sure, it is a tiny footnote in that graph, the OECD workforce.

CHAIR—It is quite an important point though.

Ms GEORGE—It is an important point.

Ms Innes—That does explain not all the difference but some of the difference, particularly where Australia looks very, very low for those sets of figures.

Ms GEORGE—Would you agree with the conclusions made by Professor McDonald from the ANU:

There is strong international evidence that a good work-family balance has a positive effect on a nation's birth rate. Today, countries with higher employment rates for mothers have higher fertility rates because these countries provide a range of policies to support a more positive work-family balance.

Ms Innes—We made the point about the difference in OECD data in the family provisions case and Professor McDonald acknowledged that that was a fair point to make.

CHAIR—I would like to follow up on that one, because I think it is very real because again from Professor McDonald and more so Bob Birrell, the big difference between the birth rate in European OECD countries and Japan and Australia is the availability of part-time work. I wonder if you have got any stats that show the prevalence of or lack of part-time work, in specifically Spain, Italy, Japan, Germany as well, for women? The evidence that we have had is that those countries just do not have part-time work and so women are walking away from having children altogether and marriage.

Ms Innes—It is definitely true that Australian women tend to use part-time work as one of the ways to balance their work and family responsibilities to a greater extent than many other countries.

CHAIR—Yes, but that is because the jobs are there. If there is no part-time work available and you want to work part time, you are out of luck.

Ms Innes—That is right.

Ms GEORGE—Doesn't Spain have the highest rates of precarious employment, part-time and casual employment, of any country?

CHAIR—I do not know, I am asking.

Ms GEORGE—I think it does but anyhow we will get your advice on it.

Ms Innes—It is true that those countries do not have high levels of part-time work available to them.

CHAIR—Do you have figures?

Ms Innes—I believe we have done some analysis on that so we could get those.

Mr Greening—We will take that on notice.

CHAIR—At the same time, could you tell me how many mothers in couple relationships receive family tax benefit part B, because it is part of government policy to make that payment—that is, to encourage them to stay at home. That would also make a difference in the participation rate, wouldn't it?

Mr Greening—Okay.

Ms GEORGE—Thank you for your detailed explanation on the Welfare to Work changes. I can see that some concessions have been made to accommodate people, but I do find it incredibly inconsistent that people who happen by luck to be married to millionaires and who receive a direct welfare payment of over \$3,000 can stay at home and face no test of Welfare to Work because of chance of marriage and wealth. It seems to me to stand in sharp contrast to the forced participation of sole parents. That is an issue that I certainly would want to see addressed in our report.

Dr Morehead—The issue there is that the women who have married the millionaires are not raising children in a jobless family and that the Welfare to Work policies are aimed at creating families where an adult in the household has a job. In those sort of situations we are not putting participation requirements on mothers who have married millionaires, and that household has designed the paid work situation in a particular way that meets their work and family needs. The issue here is where you have people who are excluded from the work and family debate because they are in a jobless situation where no adult in the house has a job.

Mrs IRWIN—The \$3,000 will help pay their tennis club fees. I want to go back to Welfare to Work. Just say we have a single mum who has two children. She has finally got herself a job. She has signed the AWA, in which the entitlement might be, say, five sick days per year. What happens to that woman—and it happened to me many, many moons ago when my children were a lot younger—when they get chickenpox? The first child has got chickenpox and you have to have two weeks off work before they can go to school. Then you think, ‘Thank God, they’re over that, I can go back to work now,’ and the next child comes down with chickenpox and you have another two weeks off work. They will lose their job because they will be told: ‘Look, I’m sorry, there’s the AWA. You’ve used up your five days. We’ve got to get someone else. Goodbye.’ How long will it take them to then go back onto, say, a Newstart payment? What we are seeing sometimes now is that, when someone loses their job, it can take up to six weeks to get that payment. Would they automatically go back onto a payment in those circumstances?

Ms Innes—It is unlawful to terminate someone’s employment on the grounds of their family responsibilities.

Mrs IRWIN—If someone has signed an AWA and they were given the sack because of the example I have given—they had to have three to four weeks off work—how can they overcome that? You are saying it is unlawful. Where do they go from there? What is their next point of call?

Ms Innes—They can apply to the Industrial Relations Commission.

CHAIR—For conciliation. If they do not get it conciliated they have the right to go to the Federal Magistrates Court or the Federal Court.

Mrs IRWIN—But in the meantime would they automatically go back onto a payment?

Dr Morehead—Yes, through Centrelink. They would ring Centrelink.

Mrs IRWIN—They would not have to wait the four to six weeks?

Dr Morehead—They would do the normal tests that get done in terms of assets to see whether or not they meet the eligibility for Centrelink payments. In a Welfare to Work situation, if a mother accepts a job because it was suitable at the time, the job can become unsuitable over time and the mother can then leave the job with no penalty and return to the full income support payment.

CHAIR—But that is not Julia’s situation. Julia put a position where the mother literally had a month off because of the illness of the children. She would like to go back but she has been

working for a small business person who cannot afford to have somebody off for a month—so what happens there?

Ms Innes—Under the Fair Pay and Conditions Standard a person can use up to 10 days of their personal leave as carers leave, and then—

CHAIR—We are talking about a month here.

Ms Innes—after the person has used up their paid leave they can use another two days per occasion unpaid leave instead of using their—

CHAIR—What is an ‘occasion’?

Ms Innes—It can be per new event, I guess. If another child came down sick you would use two days of unpaid leave under the standard to care for that child.

CHAIR—But that is not a month. So far we have got up to two weeks—so what happens? She might agree and say, ‘I can’t cope,’ so she can go back. Dr Morehead, if the mother in Julia’s example says, ‘I just can’t cope; it is all too much,’ it would be open to Centrelink to say, ‘Well, I am sorry, in my judgment it is not too much.’

Dr Morehead—I think what we should do in this situation is draw up that scenario for you and outline what will happen and submit that to you.

CHAIR—That will be very good.

Mrs IRWIN—In your submission you stated that over 70 per cent of AWAs approved in 2002-03 contained at least one provision relating to either family friendly leave or family friendly work arrangements. What does the department see as family friendly leave?

Ms Innes—We measure family friendly leave arrangements as those arrangements where the employee relates in some way to work and family. I have a list—would you like me to table that at a later date perhaps?

Mrs IRWIN—Is it a very long list?

Mr Greening—There are about 15 provisions there which we describe as family friendly.

Ms GEORGE—Madam Chair, I have circulated the table produced by the department in terms of the evidence about the limited scope of family friendly provisions in AWAs back in 2002-03.

Ms Innes—This is a list used by the Office of the Employment Advocate. The list that we use to measure family friendly provisions in certified agreements on the department’s workplace agreements database is slightly different.

Mr CADMAN—Let us have it. What can we lose by getting information?

Mrs IRWIN—If you could, thank you very much.

Ms Innes—We divide it into two lots of provisions: one is family friendly provisions, the other is flexible working hours provisions. We do not include all flexible working hours provisions but only where there is evidence of some employee control over their flexible hours. Under family friendly provisions we have: flexible use of annual leave, access to single days leave, purchased leave, unlimited sick leave, all-purpose paid leave, paid family leave, other paid leave for caring purposes, unpaid family leave, extended unpaid parental leave, paid maternity leave, paid paternity leave, paid adoption leave, part-time work, job sharing, home based work and child care.

Under the flexible working hours provisions, we include: make-up time, time off in lieu at ordinary rates, time off in lieu at penalty rates, hours averaged over an extended period, compressed hours, flexible start and finish times, flexitime system, negotiable hours of work, hours decided by majority of employees and banking accrual of rostered days off. However, we only include in the flexible hours, as I said, those provisions where there is a degree of employee control over their working hours.

CHAIR—On page 12 of your original submission you have full-time and part-time status of employed mothers by age of the youngest child, and it says of partnered mothers that 21.5 per cent of them with a child under one are in the full-time workforce, and 25.9 per cent of single mothers are in full-time employment. I find those numbers really quite high and very interesting. Do we have numbers attached to the percentages? Could we get them to see just how many people we are talking about?

Mr CADMAN—They would be ABS figures. They would be available, wouldn't they?

Mr Greening—We can have a look at the data for you.

Ms GEORGE—You probably have more recent data.

Mrs IRWIN—That is 2001.

Mr CADMAN—That is what I meant when I mentioned longitudinal information on some of these areas. I would like to see trends.

Ms GEORGE—The high rate of full-time could be women returning to their place of employment—the job guarantee of right of return—and that might distort the figure. They might go back for a short time—sometimes they have to go back to get their paid maternity leave—and then depart.

Mr CADMAN—That is true.

Ms GEORGE—It is high. I was surprised at how high that was.

CHAIR—As there are no further questions at this point, thank you very much for your very frank evidence today. It has been very helpful. The information that we have asked for will be equally helpful for us as we proceed with our inquiry.

Resolved (on motion by **Mrs Irwin**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 11.56 am