

Response to the Productivity Commission's draft report: Paid Parental Leave: Support for Parents with Newborn Children

(Note these questions were prepared by the NFAW)

The WLC is a Community Legal Centre accredited by the National Association of Community Legal Centres (NACLC). The WLC has been operating in Canberra since 1996. The goal of the Women's Legal Centre is to improve women's access to justice. Its objectives are to:

- provide accessible, timely and accurate information, advice and assistance on legal and related matters to women in the ACT and region;
- raise awareness in the community about the law and the legal system as it affects women;
- identify and challenge barriers to women's access to justice; and
- ensure the professional and accountable management and functioning of the Women's Legal Centre.

Over the past 12 years, the Centre has gained a reputation for providing quality legal advice, assistance and referrals to some of Canberra's most disadvantaged women. The Centre also undertakes Community Legal Education and Law Reform work. In 2007, the Centre received an International Women's Day Award from the ACT Government for its work in the community.

Thank you for the opportunity to make a submission on this important issue. The Women's Legal Centre has a very busy practice, and we have not had the opportunity to make a comprehensive submission. However, we would be grateful if you would consider these comments as part of your overall response to this issue.

The WLC practices in areas which affect women who have children. These areas include employment and discrimination law, and family law.

In the experience of the WLC, there is a long way to go before our community can say that it supports women who are expecting to have a child, or who have a child (or children), either as mothers or as people in paid employment. The basic issue, in the experience of the Centre, is that there is still a lack of value placed on the role of parenting.

This is a serious issue for the Australian community because continuing to undervalue the contribution of women as mothers does two main things: first, it fails to support women to make a sustained input into Australia's workforce. Second, it fails to identify the contribution of women as parents. These two things have a detrimental long term effect on Australia's economic, political and community flourishing, both because it hampers the contribution of women to Australia's family and public life, and because it hampers the capacity of Australians to raise strong, flourishing and diverse children.

The first issue is that the continuing undervaluing of women's contribution as mothers is that it fails to allow women to meaningfully contribute to Australia's workforce. The WLC has first-hand experience in dealing with cases of discrimination against pregnant women in our community. There is plenty of evidence to suggest that pregnant women may be denied employment, may be denied opportunities for professional development, and may be marginalised in the workplace. This discrimination is short-sighted in that it fails to allow for the fact that women who may have the (perhaps shared) care of children are able to make a very valuable contribution to the workforce – both at the time of their pregnancy and into the future. This is a problem for our community in that it prohibits women from fully participating in Australia's economic, political and corporate life.

Appropriate paid maternity leave will go a long way to alleviating this problem. This may seem a counter-intuitive argument at first, but the fact is that paying a person for their work has long been considered an indication of the value of that work. It is critical that, as a society, we move away from the assumption that women's work in parenting is of no value at all (or of no value in the workplace). Moving towards holding women's contribution in high regard means recognising that contribution in the way recognised by our society – with payment.

The way that the payment is figured out will, no doubt, involve a series of discussions and compromises. In the view of the WLC, the greater the level of financial support that can be made to parents, the better. This is because the level of value to our community of the work will be reflected in the level of financial support.

At the end of the day, the WLC is of the view that it is the responsibility of our community to support families to appropriately parent their children. By this, we mean that it is a 'public good' for people to have children, and the public needs to take responsibility for supporting this activity. In our view, it is appropriate for the government to financially support people who choose to raise their children at home.

In relation to this, there is clear evidence to suggest that the first twelve months of a child's life is very important in terms of development, bonding, and personality. There is a clear link between parenting and a whole range of issues such as alcohol and drug use, criminal behaviour, personality disorders and other difficulties. The WLC believes that it is important that parents be empowered to make the best decisions for their children. The WLC believes that there is a clear role for government to support parents to be in a position to make these decisions as unconfined by financial necessity as possible and having regard to the best interests of the child (or children).

The WLC is not currently in a financial position to pay our own workers appropriate maternity leave. This is clearly an issue as there must be many other small businesses, charities, community organisations in the same position. In the view of the WLC, it is the responsibility of government to create an appropriate scheme whereby workers for smaller private organisations are not disadvantaged compared with government employees. Considering that parenting is a community 'good,' there needs to be a considered, holistic approach to this question for all parents.

The WLC does not support the idea of a 'loan' to parents. We are of the view that the very idea generates some serious social policy questions about the way in which our society values children and what a child is worth. We are of the view that a 'loan' creates the idea that parenting can be bought and paid for. The WLC is of the view that parenting is work which should be *paid* rather than *paid for*. There is a very significant policy message in this, which we think is likely to be detrimental to the valuing of women and our role in the community.

In the view of the WLC, there are some problems with the 'baby bonus' in its current form. It does not, in our view, clearly place a value on the contribution of parenting. Nor does it assist parents who might need it, to be able to use the money wisely in a way which is going to support the caring parent to *parent*. It fails to send a message about the value of parenting.