2 March 2017

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

By email:

Dear Committee Secretary,

Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017 (Omnibus Bill)

Thank you for your letter dated 16 February 2017 which advised that the committee had tabled its report on the Fairer Paid Parental Leave Bill 2016.

We note that the committee’s report found that Schedules 17 and 18 of the Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017 (Omnibus Bill), contain similar provisions to those in the Fairer Paid Parental Leave Bill 2016. We note that the committee is now conducting an inquiry into the Omnibus Bill.

The Society reiterates the points raised in our submission on the Fairer Paid Parental Leave Bill 2016, dated 23 December 2016 (a copy of this submission is enclosed). We believe that the issues raised therein, in respect of the proposed amendments to the Paid Parental Leave Act 2010, should be given serious consideration by the committee in its current inquiry into the Omnibus Bill.

Please do not hesitate to contact our Policy Solicitor, Kate Brodnik on (07) 3842 5871 or k.brodnik@qls.com.au if you wish to discuss the content of this letter.

Yours faithfully

[Signature]
Christine Smyth
President
23 December 2016

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

By email:

Dear Committee Secretary,

**Fairer Paid Parental Leave Bill 2016**

Thank you for allowing a short extension of time for the Queensland Law Society to make a submission on this very important legal and social issue.

By way of background, the Society is the peak professional body for the Queensland’s legal practitioners. We advocate for good law and good lawyers. The Society is an independent, apolitical representative body upon which government and Parliament can rely to provide advice which promotes good, evidence-based law and policy.

This submission does not purport to address all of the matters raised in the Bill. We have had the advantage of reading the submission by the Law Institute of Victoria and the letter from the Law Council of Australia supporting same.

Like the Law Council, we take the opportunity to support the submission of the Law Institute of Victoria. In addition, we wish to make the following comments by way of opposing the clauses of the Bill that seek to restrict the entitlement to Paid Parental Leave (PPL) provided by the Government.

Firstly, the Society considers that the current system under the *Paid Parental Leave Act 2010* is not “unfair”. To the contrary, it provides an entitlement to the same amount of PPL for every primary carer. In this regard we note that employee entitlements already vary across industry, role, length of service and individual performance. While there are some minimum entitlements and conditions set, an employee, or group of employees, ought to be able to negotiate entitlements such as paid parental leave and ought to be able to do so with certainty.

The Society’s main concern with the Bill relates to certainty. That is, that clauses Bill will make potentially drastic changes to the leave entitlements that were available to an employee at the time an employment contract was entered into. The effect of these changes will be to
undermine the employment contract and possibly the relationship between the employer and employee.

Further, many employer contracts and policies have been designed to include and reference the Government's PPL scheme. There will be a significant cost to employers who, if the Bill is passed by the Parliament, will need to rewrite their contracts and policies.

The Queensland Law Society is committed to equalising opportunities in the law for everyone. We note the Productivity Commission's report which was the genesis of the Government's Paid Parental Leave Scheme and the work done and referenced by the Law Council in its submission. The clauses in this Bill which adversely affect a scheme designed to achieve equality and improve workforce participation and productivity are therefore opposed by the Society and should be removed from the Bill.

Please do not hesitate to contact our Policy Solicitor, Kate Brodник on (07) 3842 5871 or k.brodnik@qls.com.au if you wish to discuss the content of this letter.

Yours faithfully

Bill Potts
President