

Australia⁵¹

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April 2025

Australia is a federation of 6 states and 2 territories. In the Australian federation, minimum employment conditions for most employees are set by national (Federal) legislation (i.e., unpaid Parental leave, Parental leave pay). Terms and conditions of employment are also set through 'awards' which are industrial instruments covering specific industries or occupations determined by industrial tribunals. In addition, conditions may be extended in collective agreements (called Enterprise Agreements) and in employer or company policies.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

In Australian national legislation, 'Parental leave' is an overarching, gender-neutral term for leave entitlements in association with the birth or adoption of a child, and there are no specific and separate entitlements to Maternity and/or Paternity leave. The terms 'primary carer', 'secondary carer', 'tertiary carer', or 'universal carer' are also used in legislation and in some employer schemes. Primary carer usually refers to the birth parent (mother), secondary carer to the other parent (usually

⁵¹ Please cite as: Baird, M., Hamilton, M., Heron, A. and Stevens, E. (2025) 'Australia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2025*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

the father or same sex partner) and tertiary carer to a grandparent or other person who has taken on the care of the infant. Universal carer refers to all parents.

a. Maternity leave

- In the Australian national system, the term 'Maternity leave' is not used and there is no separate statutory entitlement to 'Maternity leave' (see above).

b. Paternity leave

- As with Maternity leave, there is no separate 'Paternity leave' entitlement in Australian national legislation.

c. Parental leave

- Parental leave (for both mothers and fathers/same-sex partners and for single parents) is comprised of two separate components: 'unpaid Parental leave' provided through Australia's National Employment Standards; and a separate payment of 'Parental leave pay' that is provided through the social security system.

Length of leave

- A National Employment Standard in the Fair Work Act 2009 provides each working parent who meets the eligibility requirements with an entitlement to 12 months' *unpaid* job protected Parental leave. This is an individual entitlement that (apart from the exception noted below) cannot be taken by both parents simultaneously. If both parents are entitled to this leave, they could each take 12 months sequentially, with a maximum of 24 months available for a working couple per birth. If one parent takes less than their entitlement, the other parent can request to extend their leave by an equivalent amount (up to 12 months extra, if their partner takes no leave). Such an extension is only possible if the employer agrees. An employer has the right to refuse if the additional leave does not fit with the operational requirements of the business. Any agreement for an additional period of leave beyond the first 12 months will reduce the other parent or partner's entitlement by an equivalent amount. All leave must be taken within 24 months of the child's birth. For the mother, the leave can start from the date of the birth or adoption of the child, or from up to 6 weeks before the expected date of birth of the child, or earlier if the employer agrees.⁵²

⁵² The Fair Work Act 2009, at section 80, also provides for 'unpaid special maternity leave', which is available to an employee with a pregnancy-related illness or whose pregnancy ends after 12 weeks of gestation otherwise than in the birth of a living child, although not with a 'stillbirth' as defined in the Act (other provisions apply in cases of stillbirth). For further details, see 1c, Variation in leave due to child or family reasons.

- When both members of a couple are entitled to unpaid Parental leave under the National Employment Standard, they can take 8 weeks of this leave at the same time.
- Employers are able to provide their own paid parental leave schemes on top of or in addition to the government scheme. The duration of these employer schemes varies considerably between organisations.

Payment, funding and taxation

- 22 weeks (110 days) of Parental leave pay is available under the Paid Parental Leave Act 2010. This is legislated to rise to 24 weeks (120 days) on 1 July 2025 and 26 weeks (130 days) on 1 July 2026. Changes introduced in 2023 abolished the separate 2 week (10 days) earmarked Dad and Partner Pay for fathers/partners and combined it with the parental leave pay for primary carers.
- Parental leave pay is paid to eligible parents at a rate based on the national minimum wage (AUD\$915.90 per week [€514.98] /AUD\$24.10 [€13.55]⁵³ per hour as of April 2025)
- Parental Leave Pay is taxed at the recipient's regular income tax rate.
- Parental leave pay can be received during unpaid leave or while on paid leave, such as employer-paid Parental leave or paid annual leave. The majority of mothers (or designated primary carers) receive the government Parental leave pay via their employer,⁵⁴ while others receive it directly from the government.
- Employers can opt to top up an employee's statutory Parental leave pay to their full wage, but few employers do.⁵⁵
- Funded by general taxation.

Flexibility in use

- **Unpaid** Parental leave under the National Employment Standards in the Fair Work Act can be taken in one continuous period or flexibly, in periods of one day or more.
- The period of unpaid parental leave may start up to 6 weeks before the expected date of birth of the child, or earlier, if the employer and employee agree.
- If the child was born or adopted after 1 July 2024 the parent can take up to 110 days flexibly (this aligns with the Parental leave pay component).
- Where both parents are eligible for the 12 months unpaid Parental leave entitlement, they cannot access leave at the same time except for a period of up to eight weeks, when the parent who is not the primary carer can take leave concurrently with the primary carer. These eight weeks may be taken in separate periods any time during the first 12 months.

⁵³ Conversion of currency undertaken for 16 July 2025, using: <https://data.ecb.europa.eu/currency-converter>.

⁵⁴ Employers are required to deliver the payment when it is for Australia-based employees who have worked with them for 12 months before the expected date of birth or adoption, who will be with them for their Parental Leave Pay period and who are expected to receive at least eight weeks of Parental Leave Pay.

⁵⁵ Baird, M., Hamilton, M., & Constantin, A. (2021) 'Gender equality and paid parental leave in Australia: A decade of giant leaps or baby steps?', *Journal of Industrial Relations*, Vol.63, 4: 546–567

- For Parental leave **pay**, within couples, 10 days or 2 weeks is reserved for each parent on a 'use it or lose it' basis.
- Each parent can only take up to 10 days of the Parental Leave Pay concurrently, that is, at the same time as the other parent. In exceptional circumstances (e.g. medical care, illness, multiple birth, stillbirth) application can be made to take more days concurrently.
- Partners can only access a share of Parental leave pay if they themselves are eligible.

Eligibility (e.g., related to employment or family circumstances)

- For **unpaid** Parental leave:
 - Employees in permanent positions and on fixed-term contracts (full- or part-time) are eligible for the unpaid statutory leave provisions under the Fair Work Act 2009 and to return to that same job, provided they have 12 months' continuous service with the same employer immediately before the date or expected date of birth, or the date of placement in the case of adoption. However, workers on fixed-term contracts are not entitled to return to the same job if their contract ends while they are on leave – that is, the employer is not required to extend the contract period by the amount of leave taken.
 - Casual (hourly paid and not permanent) employees are also eligible for the above entitlements if they have been employed on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing regular employment.
 - Self-employed workers (not classified as employees) and the unemployed are not covered by the provisions of the Fair Work Act 2009 and therefore do not receive unpaid Parental leave under the Act.
 - Spousal, de-facto relationships (both heterosexual and same sex)⁵⁶ are recognised for unpaid Parental leave entitlements under the Fair Work Act 2009.
- For Parental leave **pay**:
 - Parental Leave Pay eligibility is decided by an income test, a work test and a residency test.
 - Solo parents are eligible for the whole amount of parental leave pay, subject to the same tests as couples.
 - The income test is calculated on either a single income of the primary carer (usually the mother) or, if that is too high, the family/couple income can be used. (See below for income thresholds).
 - The parent with primary care of the child (usually the mother) must be an Australian resident and meet the requirements of a work test. The work test requires engagement in work continuously, with no more than a 12-week gap between any two consecutive working days, for at least ten of the 13 months prior to the expected birth or adoption of the child, with at least 330 hours of paid work undertaken in the ten-month period. This work can be in permanent, fixed-term or casual positions. If the other

⁵⁶ Co-residency is not specified as a requirement in the legislation. However, as leave cannot be taken simultaneously and must be taken in a continuous block (apart from the exceptions noted earlier) it would be difficult for a non-co-resident couple to share the leave.

parent wants to claim parental leave pay, they must also meet the work test.

- Self-employed workers who meet the same criteria as employed parents have access to Parental leave pay under the national scheme.
- For the income test, to be eligible, the primary carer must earn AUD\$175,788 [€98,840.60] adjusted taxable income or less in the 2023-24 financial year. If ineligible under the single income test, the couple or family income test applies. The family income limit is AUD\$364,350 [€204,863.65] or less in the 2023-24 financial year adjusted taxable income.
- The government-funded Parental leave pay can be taken in addition to other forms of paid leave to which the employee may be eligible (annual/vacation leave, long service leave, or employer-funded Parental leave).
- Parents who are not in work, or in work but do not meet the work test, are not eligible for Parental leave pay but may be eligible for the Newborn Upfront Payment which is a lump sum payment of AUD\$667 [€375.04] per child and is not taxable. A Newborn supplement paid for up to 13 weeks is also available (dependent on family income and number of children, with a current maximum payment of AUD\$2,003.82 [€1,126.69] over 13 weeks for a first child). Neither of these payments are taxable.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the parents

- Employees who would have been eligible in the case of a live birth retain the entitlement to 12 months' unpaid Parental leave in the case of a stillbirth. The definition of a stillborn child in the Act includes a period of gestation of at least 20 weeks.
- Special unpaid Parental leave may be taken in cases of pregnancy-related illness or if the pregnancy ends after a period of gestation of at least 12 weeks other than by the birth of a live child, but is not stillborn (as defined in the Act). Mothers who use special Parental leave (for example, due to a pregnancy-related illness) are still entitled to the full 12 months' unpaid Parental leave under the Fair Work Act.
- In exceptional circumstances where one or both parents are unable to care for the infant and the infant is in the primary care of another family member for a period of 26 weeks or more, some or all of the Parental leave pay may be transferred with the parents' authority to the third party (tertiary carer).

Regional or local variations in leave policy

- Not applicable.

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- **Employer-paid** Parental leave, sometimes called 'Universal Carer Leave' or differentiated as paid Maternity, Paternity or Primary and Secondary Carer

Leave, is available in some collectively negotiated enterprise agreement and company policies. This is generally paid at wage replacement rates.

- The Australian Workplace Gender Equality Agency (WGEA) records provision of 'Universal Carer', 'Primary Carer' and 'Secondary Carer' paid Parental leave by private sector organisations with 100 or more employees. It reported that in 2023-24 68 per cent of these organisations provided paid Parental leave for an average duration of 12.3 weeks. Just 4 per cent of employers offer primary carer's paid parental leave to women only. A majority (83 per cent) of employer-funded primary carer leave providers pay their employees' superannuation (or government mandated, employer-funded contributions to personal retirement incomes accounts) while they are on employer-funded leave.⁵⁷
- There are no current or trend data available for organisations with fewer than 100 employees.
- Flexibility is sometimes available with employer-paid Parental leave: while this is usually paid at the employee's normal pay rate, in some cases there are provisions to double the duration of their leave by taking the leave at half pay.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- The same statutory rights to unpaid Parental leave and Parental leave pay apply when a child under 16 years old is adopted, however Parental leave pay may not be available in cases where a child has been living with the adoptive parents prior to the adoption (for example, with the formal adoption of a step-child).

Time off for the care of dependants

- Under the National Employment Standards of the Fair Work Act 2009 all employees (except casuals) have access to up to ten days of paid **personal/carers' leave** per year of service, reduced for employees with fractional appointments on a pro rata basis. It accrues with service and accumulates annually with the same employer. Paid personal/carers' leave includes both 'sick' and 'carer' leave and may be taken because of a personal illness, or to provide care or support to a member of the employee's immediate family or household who is ill or injured, or in the case of an unexpected emergency.
- In addition, all employees (including casuals) can access up to two working days of **unpaid carer's leave** for each 'permissible occasion,' of the sort outlined above, provided paid personal leave has been exhausted. Unpaid

⁵⁷https://www.wgea.gov.au/sites/default/files/documents/Australia%27s%20Gender%20Equality%20Scorecard%202023-24_V10_0.pdf Accessed 14 March 2024

carer's leave may be taken to provide care for an immediate family or household member due to illness, injury, or an emergency.

Specific provision for (breast)feeding

- Neither national nor state/territory laws provide an explicit right to all workers for paid breaks for breastfeeding nor to express milk at work.⁵⁸ However, the right not to be discriminated against on the basis of sex exists in all Australian jurisdictions, explicitly or implicitly covering breastfeeding.⁵⁹
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers from treating women less favourably because of their breastfeeding or expressing of milk, and from imposing a condition or practice likely to have the effect of disadvantaging such women.
- The Fair Work Act (2009) includes breastfeeding, gender identity, intersex status and facing family and domestic violence as protected attributes of an employee, making it unlawful for employers to treat these employees differently. Complaints can be heard by the Fair Work Commission.
- A survey of private organisations with 100 or more employees indicated that 68.8 per cent reported providing breastfeeding facilities in 2021 but did not provide details on the nature of the facilities.⁶⁰ The proportion increased significantly from 2013-14, when only 45 per cent of organisations reported such arrangements.⁶¹

Flexible work arrangements

- One of the National Employment Standards contained in the Fair Work Act 2009 provides a statutory right for employees (including regular ongoing casuals) to request flexible working arrangements from an employer, in relation to hours of work, location of work (e.g. a closer business location or working from home) and pattern of work (e.g. job sharing, shift arrangements, etc), on certain specified grounds.
- The range of employees entitled to request such arrangements includes employees who are pregnant, have a disability, those with caring responsibilities, that is parents or guardians of children who are school age or younger, as well as employees caring for a family member with a disability, medical condition, mental illness or who is frail and aged, employees aged 55 years or over, and employees experiencing family violence or supporting or caring for a family or household member who is experiencing family violence.
- The employee and employer must follow a statutory process. This includes that if an employer refuses a request (on reasonable business grounds after genuinely seeking agreement to meet the employee's needs), the Fair Work

⁵⁸ In the state of New South Wales, public servants who work 4 hours or more per day have a right to two 30-minute breaks and those working less than 4 hours per day have a right to one 30-minute break.

⁵⁹ Australian Human Rights Commission (2014) 'Supporting Working: Pregnancy and Return to Work', *National Review - Report*: 116. Available at: https://www.humanrights.gov.au/sites/default/files/document/publication/SWP_Report_2_014.pdf

⁶⁰ WGEA, Data Explorer: http://data.wgea.gov.au/industries/1#carers_content

⁶¹ WGEA (2022) *Australia's gender equality scorecard*, 29.

Commission (the national industrial relations tribunal) will mediate, conciliate, or arbitrate if a solution cannot be found.⁶²

- Awards and collective agreements are required to include provisions for employers to consult with employees over any proposed changes to rosters and ordinary working hours, and to consult genuinely with employees about the impact of changes including on their family and caring responsibilities.

Antenatal appointments and care

- None reported.
- All pregnant employees, regardless of period of service, have the entitlement to be transferred to a safe job. If no safe job is available, an entitlement to 'paid no safe job leave' is available for those eligible for unpaid Parental leave, while those not eligible for unpaid Parental leave are entitled to 'unpaid no safe job leave'.
- Under Dangerous Jobs provision for women working in areas such as mining or heavy manufacturing, the date they stop work is not calculated as the expected date of birth, but as the date at which work stopped due to safety reasons. Parental leave pay recipients still have to meet the work requirements prior to the date of stopping work.

Other provisions

- **Domestic and Family Violence Leave.** One of the National Employment Standards of the Fair Work Act is paid domestic and family violence leave. All employees (full-time, part time and casual) are entitled to 10 days paid domestic and family violence leave per year. To be eligible they must be experiencing family or domestic violence. As with annual leave, or paid sick leave, it is paid by the employer at the employee's normal salary or wage level. The leave can be taken as a continuous 10 day period, in periods of one day, or less by agreement between the employee and the employer. It is available from the first day of employment but does not accumulate annually.
- **Compassionate leave** is available for a death or life-threatening illness or injury of an immediate family or household member and for a stillbirth where a child would have been an immediate family or household member, or if the employee or their partner has a miscarriage. Up to 2 days for each 'permissible occasion' of this sort is available. It is paid by the employer at the employee's normal salary or wage level, except for casual employees, for whom unpaid compassionate leave is available for the same reasons and periods.

⁶² Australian Fair Work Ombudsman (2025) *Flexible Working Arrangements*. Available at: <https://www.fairwork.gov.au/employment-conditions/flexibility-in-the-workplace/flexible-working-arrangements#who-can-request>

2. Relationship between leave policy and early childhood education and care policy

There is no formal or legislated relationship between leave policy and ECEC policy in Australia. Parental leaves are legislated by governments and implemented by employers independently of ECEC policy.

There is no universal entitlement for children to an ECEC place. ECEC providers operate in the private, community and government sectors, with approved providers delivering childcare that can be subsidised through the (national) Child Care Subsidy, described below.

Different supports and funding concern preschool (nursery) education in the one or two years before full-time school, with arrangements varying by jurisdiction. An agreement between all Australian states and territories (the Preschool Reform Agreement 2022-2025, previously the Universal Access National Partnership agreements) focuses on improving access to 15 hours of quality preschool education for children in the year before compulsory schooling (i.e., from around age 5 years).

For those using an approved ECEC service, eligibility for the Child Care Subsidy (CCS) depends on family income, the activity level of both parents, the type of service used and the number of children aged 5 years or younger. The standard subsidy rate is highest (90 per cent) for lower income families (family income up to AUD\$82,280 [€46,263.71] per year), decreasing by 1 per cent for every AUD\$5,000 [€2,811.36] over that amount, to a subsidy rate of zero for the highest income families (family income of AUD\$533,280 [€299,848.19] or more per year). Families with multiple children aged 5 or under and earning less than AUD\$365,611 [€205,572.67] may receive a higher rate of CCS for their second and younger children. If families have more than one child aged 5 or under using an ECEC service, higher subsidy rates apply.

Using the subsidy rate, CCS is calculated as a percentage of childcare fees, up to a maximum rate cap established for each service type. With some exceptions, both parents (or a single parent) are required to meet an activity threshold of at least eight hours per fortnight in order to receive CCS. Further, the number of hours of activity beyond this threshold determines how many hours are subsidised. In two parent families it is the lower of the two parents' activity hours that matters. For example, a total of eight to 16 hours of approved activity per fortnight is associated with a maximum of 36 hours of care being subsidised per child per fortnight. If the approved activity total is more than 48 hours per fortnight, the child's care can be subsidised for up to 100 hours per fortnight. Parents can use more than the amount of care they are subsidised, but they will pay the full fee to the child care service for amounts beyond what is subsidised.

Being in paid work is an 'approved activity'. Being on paid or unpaid Parental leave also counts as an approved activity. However, parents who have left work but are not on any form of leave need to meet the activity test through other means in order to access CCS, for example through study or volunteering. Other approved

activities include working unpaid in a family business, being self-employed, looking for work, volunteering, or studying.⁶³

There are exemptions to the activity test as part of the Child Care Safety Net. Through this, low-income families (up to AUD\$83,280 [€46,825.98] per year) can access 24 hours of subsidised care per child per fortnight, without having to meet the activity test. Aboriginal and Torres Strait Islander children can also access at least 36 hours of CCS per fortnight when parents do not meet the activity test. There are some other exemptions to the activity test through the Child Care Safety Net that give vulnerable families access to up to 100 hours of subsidised care per fortnight.⁶⁴

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2024 (including proposals currently under discussion)

After the change of government in May 2022, the new Labor Government announced a strong policy focus on improving gender equality and increasing women's workforce participation. As a consequence, the Paid Parental Leave scheme has undergone a significant reconfiguration, as discussed above, and further change is legislated to occur each year until 2026.⁶⁵

In relation to Parental leave pay, changes in legislation came into effect from 1 July 2023 and the amount of Parental Leave Pay will increase by two weeks (10 days) each 1 July to 130 days/26 weeks in 2026. The portion reserved for each parent will be increased by one week each year. From 1 July 2025 it will be 15 days/3 weeks and from 1 July 2026 it will be 20 days/4 weeks. The days that can be taken concurrently by parents will be 20 days/4 weeks from 1 July 2025. From 1 July 2025, the government will also pay a 12 per cent contribution to superannuation (individual retirement account) for parents claiming Parental Leave Pay for children born or adopted after 1 July 2025.

In December 2024, the Labor Government proposed the implementation of a 'three-day childcare guarantee', which would see the abolition of the activity test for subsidised childcare. This proposal, which was legislated in February 2025, will provide families earning under AUD\$530,000 [€298,003.94] with access to subsidised ECEC regardless of participation in work and other activities. This means that all families will have access to at least 72 hours of subsidised childcare per fortnight without needing to pass the work test. This policy will come into effect in January 2026.

⁶³ For evaluation of the Child Care Package, including information on the introduction of the Child Care Subsidy and findings related to the activity test, see Australian Institute of Family Studies (2022) *Child Care Package Evaluation: Final Report*. Available at: <https://aifs.gov.au/publications/child-care-package-evaluation-final-report>

⁶⁴ [Exemptions for Child Care Subsidy - Child Care Subsidy - Services Australia](#)

⁶⁵ <https://www.servicesaustralia.gov.au/parental-leave-pay-for-child-born-or-adopted-from-1-july-2023>

4. Take-up of leave

Information on take-up rates is limited in Australia. The number of recipients of Parental Leave Pay is published in the annual reports of the Australian Government Department of Social Services (see 4b and 4c). These reports no longer include an estimate of take-up.

Take-up rates for the unpaid Parental leave entitlement under the National Employment Standard in the Fair Work Act 2009 are not regularly estimated either. The figures presented in 4c are based on recently published research using administrative data linked to the 2021 Australian Census of Population and Housing ("the Census", 10 August 2021) data.⁶⁶

a. Maternity leave

As explained above (1a), the term 'Maternity leave' is not used in Australia for the national statutory entitlements to unpaid Parental leave or Parental leave payments. It is still used in rare instances in employer-paid schemes and the terms primary and secondary carer leave or universal leave, rather than maternity and paternity leave, are more common. However, (as noted above) take-up estimates are precluded by data limitations.

b. Paternity leave

As with employer-paid Maternity leave, the take-up of employer-paid Paternity leave schemes is not reported in this country note due to data limitations.

c. Parental leave

Available data on take-up rates for Parental leave pay are limited, although Government figures indicate that in the financial year 1 July 2023 to 30 June 2024, 97 per cent of eligible Parental Leave Pay families accessed the payment.⁶⁷

Drawing on 2021 Census and Australian Taxation Office data on Parental Leave Pay and the former Dad and Partner Pay (DaPP), Baxter et al. (2024)⁶⁸ estimated that 74 per cent of eligible mothers claimed the Parental leave payment and 40 per cent of eligible fathers claimed DaPP. Take up among mothers was higher in professional and managerial jobs. Take up among fathers was highest among technical and trades jobs. Detailed data on take up rates under the amended scheme's arrangements is not yet available.

⁶⁶ [Baxter, J. and Budinski, M. \(2023\). *Parental Leave Pay and Dad and Partner Pay: Patterns of Use*. Melbourne: Australian Institute of Family Studies. Available at: \[Parental Leave Pay and Dad and Partner Pay: Patterns of use | Australian Institute of Family Studies \\(aifs.gov.au\\)\]\(#\)](#)

⁶⁷ <https://www.dss.gov.au/system/files/documents/2024-11/dss-annual-report-2023-24.pdf>, p33. Accessed 31 March 2025

⁶⁸ Baxter, J., Budinski, M. and Stevens, E. (2024) *Take-up of Parental Leave Pay and Dad and Partner Pay among Australian parents: Analysis using the Person Level Integrated Data Asset*, Southbank VIC: Australian Institute of Family Studies. Available at: [Take-up of Parental Leave Pay and Dad and Partner Pay among Australian parents](#)

Further insights come from the gender breakdown of users of employer-funded primary carer's leave in private sector organisations with 100 or more employees, as provided by WGEA: in 2023-24, 17 per cent of users were men and it is assumed that 83 per cent of users were women.⁶⁹

⁶⁹ WGEA (2024)
https://www.wgea.gov.au/sites/default/files/documents/Australia%27s%20Gender%20Equality%20Scorecard%202023-24_V10.pdf. Accessed 31 March 2025. It was not explicitly reported how many women used employer provided paid Parental leave.