

Australia¹

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N.B. Australia is a federal state.

Note on federal and state industrial relations systems and awards: In Australia, the employment conditions of most employees are set by federal legislation in combination with awards, collectively negotiated enterprise agreements, and employer or company policies. Federal (Commonwealth) legislation and modern awards (which are prescriptive documents covering specific industries and determined by the national industrial tribunal) form the safety net of terms and conditions of work. In addition, unions and individual employees may negotiate conditions above this safety net, and companies may also provide employment conditions above the safety net. Terms and conditions for public service employees in each of the states of Australia (except from Victoria) are set by the relevant state legislatures, as well as relevant state awards and agreements. The Fair Work Act 2009 (Commonwealth) provides ten National Employment Standards that prescribe the minimum set of entitlements for employees. One of these standards relates to unpaid Parental leave. This has been an entitlement under federal industrial relations legislation since 1994. Another standard is the right to request flexible working arrangements (see below).

Note on terminology:

In Australian legislation 'Parental leave' is used as an overarching, gender-neutral term for leave entitlements in association with the birth or adoption of a child, rather than a separate entitlement in addition to Maternity and Paternity leave.

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

¹ Please cite as: Whitehouse, G., Baird, M. and Baxter, J.A. (2021) 'Australia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

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

a. Maternity leave

- In Australia, there is no statutory entitlement to specially designated 'Maternity' leave. Maternity (and Paternity) leave both fall under the definition of Parental leave (see 1c for details of the unpaid Parental leave entitlement under the Fair Work Act 2009). Entitlements to payment under the Paid Parental Leave Act 2010 are also covered in 1c.
- Specific entitlements to Maternity leave payments may, however, be provided by employers. Employer-paid Maternity leave, usually at wage replacement level, is available to many female employees through industrial instruments, company policies, or legislation covering public sector employees in Australia's federal, state, or territory jurisdictions.
- Surveys vary on whether questions are asked specifically about Maternity, Paternity, or Parental leave at the workplace, and employer terminology is not consistent. While earlier country notes have included estimates from various surveys on the prevalence of employer-paid Maternity leave, we only report estimates for employer-paid Parental leave here (see 1c).

b. Paternity leave

- As with Maternity leave, there is no specifically designated 'Paternity' leave in Australia, with provisions for unpaid leave incorporated into the Parental leave entitlement (see 1c for details).
- An entitlement to 'Dad and Partner Pay' was introduced in 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' Dad and Partner Pay at a rate based on the national minimum wage: currently AUD\$19.84 [€12.54]² per hour or AUD\$753.80 [€476.46] per 38-hour week (before tax). This payment must be taken while on unpaid leave (such as the unpaid Parental leave available under the Fair Work Act) or while not working and is not transferrable to the mother. Dad and Partner Pay is therefore effectively ring-fenced for fathers or same-sex partners.

² Conversion of currency undertaken for 21 June 2021, using: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-aud.en.html

- Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments, or legislation covering public sector employees in Australia's various jurisdictions. As noted above, we only report estimates for employer-paid Parental leave in this year's country note (see 1c).

c. Parental leave

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 but (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 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 birth date or adoption of the child, or from up to six weeks before the expected date of birth of the child, or earlier if the employer agrees. When both members of a couple are entitled to unpaid Parental leave under the National Employment Standard, they can take eight weeks of this leave at the same time; this leave has to be taken within 12 months of the birth or adoption, and can be taken by the partner who is not the primary carer in separate periods, provided that each period is no shorter than two weeks (a stipulation that can be waived if the employer agrees).
- Paid leave entitlements, such as employer-provided Parental leave if available to employees through their employment conditions, and other forms of paid leave, such as annual leave, can also be used. However, for each period of paid leave used, the unpaid Parental leave entitlement is reduced by the same amount, so that the maximum time available for Parental leave per working couple is still two years. The government-funded 18 weeks' Parental Leave Pay does not reduce or extend the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

Payment and funding

- 18 weeks of Parental Leave Pay is available under the Paid Parental Leave Act 2010, but this is a payment only and does not extend leave duration.
- Parental Leave Pay is paid to eligible mothers at a rate based on the national minimum wage (currently AUD\$19.84 [€12.54] per hour or AUD\$753.80 [€476.46] per week) for up to 18 weeks following the birth or adoption of a child. In circumstances where the father or the other primary carer provides the majority of daily care for the baby, the payment can be transferred. It represents 48.3 per cent of average full-time, adult, ordinary-time female earnings as of November 2020, and 41.8 per cent of average full-time, adult, ordinary-time male earnings.³ Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Parental leave or annual leave. Payment is funded from government general revenue, with the majority of mothers (or designated primary carers) receiving it via their employer⁴ and others receiving it directly from the government. In the 2019-20 financial year, 68.7 per cent of Parental Leave Pay recipients received this government-funded payment via their employer.⁵
- Dad and Partner Pay is paid to eligible fathers/partners at the same rate as Parental Leave Pay (i.e. based on the national minimum wage). Unlike Parental Leave Pay, the two weeks' Dad and Partner Pay cannot be taken concurrently with other paid leave; it must be taken while on unpaid leave (such as the statutory entitlement to unpaid Parental leave) or while not working. Employers can supplement Dad and Partner Pay (for example, to employees' normal wage) and this does not affect eligibility for the payment.
- As noted in 1a and 1b, some employees also have access to employer-provided paid leave. The Australian Workplace Gender Equality Agency (WGEA), which records provision of 'Primary Carer' and 'Secondary Carer' paid Parental leave by private sector organisations with 100 or more employees, reported that 52.4 per

³ Australian Bureau of Statistics (2021) *Average Weekly Earnings, Australia, November 2020*, Cat. No. 6302.0. Available at: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia>

⁴ 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.

⁵ Australian Government Department of Social Services (2020) *Annual Report, 2019-20*, 76. Available at: https://www.dss.gov.au/sites/default/files/documents/10_2020/01720_dss_ar_2020.pdf

cent of these organisations provided paid primary carers' leave to women and men for an average duration of 10.9 weeks in 2020.⁶ The majority (83.6 per cent) offered full pay in addition to the government scheme.⁷ The same survey showed that 46.4 per cent of these organisations provided secondary carers' leave for women and men, for an average duration of 2 weeks.⁸

- For earlier estimates of access to employer-provided Parental and primary carer leave not limited to large employers, see 2016 and 2017 country notes, which cite data from a survey of employers conducted in 2012.
- In Australia, retirement benefits are based on superannuation (paid by a mix of employee and employer contributions) and a publicly funded Age Pension. It is compulsory for employers to make contributions to eligible employees' superannuation funds and additional voluntary contributions are encouraged through tax concessions. These contributions continue when employees take most forms of paid leave. However, no superannuation contributions are made by the government while parents are on paid Parental leave; and employers are not required to make superannuation contributions for parents on unpaid leave. These arrangements disadvantage women, the main recipients of Parental leave and pay entitlements.

Flexibility in use

- Unpaid Parental leave under the National Employment Standard in the Fair Work Act must be taken in one continuous period, except as noted in the following.
- 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.
- Prior to 1 July 2020, Parental Leave Pay had to be taken in one continuous period (see section 3 for new arrangements).
- Parental Leave Pay can be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes and the recipient meets the eligibility criteria. This includes, in the case of separated parents, being able to transfer an unused portion of the Parental Leave Pay to the child's other legal parent or the partner of that other parent, should they also meet the eligibility criteria.

⁶ Workplace Gender Equality Agency (WGEA), Data Explorer. Available at: http://data.wgea.gov.au/industries/1#carers_content

⁷ Ibid.

⁸ Ibid.

- 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 by taking the leave at half pay.

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

- 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) 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. Self-employed workers, however, do have access to government-funded Parental Leave Pay.
- Unpaid leave can be accessed for up to 24 months by an employed couple in a spousal or de-facto relationship⁹: same sex relationships are recognised for unpaid Parental leave entitlements under the Fair Work Act 2009.
- To be eligible for the government-funded 18-week Parental Leave Pay, the primary carer (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, and includes self-employment. The permitted gap between working days was increased from eight to 12 weeks from 1 January 2020, allowing more parents employed casually, seasonally or with breaks in employment (such as teachers,

⁹ 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.

academics, jockeys, journalists) to meet the eligibility criteria for Parental Leave Pay.

- Fathers' or partners' eligibility for the government-funded two weeks' Dad and Partner Pay is based on the same requirements as Parental Leave Pay and is similarly available to those in self-employment.
- For children born or adopted after 1 March 2014, claimants can count any Paid Parental Leave or Dad and Partner Pay periods taken in the 13 months prior to the birth or adoption towards the work test.
- Government-funded Parental Leave Pay is restricted to those individuals earning less than AUD\$150,000 [€94,810.69] per year, equivalent to 1.85 times the average full-time, adult, ordinary-time female earnings in November 2020.¹⁰
- 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 leave, long service leave, or employer-funded Parental leave) but must be taken before the employee returns to work and before the child's first birthday.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a partner who is not a biological parent, including a same-sex partner) if they also meet the eligibility criteria; or in exceptional circumstances (such as a sole parent mother being unable to care for a child) the payment could be transferred to another primary carer, such as a grandparent. The unused portion can also be transferred to the child's other parent or their partner, if they meet eligibility requirements, in the case of separated families.
- Where employees are covered by an existing industrial instrument that includes employer-paid Parental leave, that entitlement cannot be withdrawn during the life of the agreement; the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Parents who are not in work are not eligible for Parental Leave Pay or Dad and Partner Pay, but may be eligible for the Newborn Upfront Payment (currently AUD\$570 [€360.28] and a Newborn supplement paid for up to 13 weeks (dependent on family income and number of children, with a current maximum payment of AUD\$1,709.89 [€1,080.77] for a first child).

¹⁰ Australian Bureau of Statistics (2021) *Average Weekly Earnings, Australia, November 2020*, Cat. No. 6302.0. Available at: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia>.

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

- Special unpaid Maternity leave may be taken in cases of pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of delivery otherwise than by the birth of a live child. Mothers who use special Maternity 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.

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

- Employer-paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary and Secondary Carer leave, is available in some industrial instruments and company policies. As explained earlier, these provisions are usually at full replacement salary and on this measure exceed statutory entitlements.

d. Statutory childcare leave or career breaks

- No statutory entitlement.

e. Other statutory employment-related measures

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 ten days of paid personal/carer's leave per year of service. Paid personal/carer's leave includes 'sick' 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 family emergency.
- In addition, all employees (including casuals) can access up to two working days' unpaid carer's leave for each 'permissible occasion,' provided paid personal leave has not been exhausted. Unpaid

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

Flexible work arrangements

- One of the ten National Employment Standards contained in the Fair Work Act 2009 provides eligible parents with a statutory right to request flexible working arrangements. The range of employees entitled to request such arrangements currently includes employees with caring responsibilities, that is parents or guardians of children who are school age or younger, as well as employees with a guardian or child with a disability, employees aged 55 years or over, and employees experiencing family violence or caring for a family or household member who is experiencing family violence. An employer must respond to a request within 21 days and may refuse the request only on 'reasonable business grounds.' While examples of 'reasonable business grounds' are provided in the legislation, these do not limit what might be included. The request is ultimately not enforceable by any third-party body.
- Modern awards and enterprise 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 on their family and caring responsibilities.

Specific provision for (breast)feeding

- Neither federal nor state/territory laws provide an explicit right to paid breaks for breastfeeding or to express milk at work. However, rights not to be discriminated against on the basis of sex exist in all Australian jurisdictions, so explicitly or implicitly cover breastfeeding.¹¹
- A survey of private organisations with 100 or more employees indicated that 72 per cent reported providing breastfeeding facilities in 2020 but did not provide details on the nature of the facilities.¹²
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers either from treating women less favourably because of their breastfeeding or expressing of milk, or the imposition of an unreasonable condition or practice by an

¹¹ 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_2014.pdf

¹² Workplace Gender Equality Agency (WGEA), Data Explorer: http://data.wgea.gov.au/industries/1#carers_content

employer (affecting all employees but likely to disadvantage such women).

Transfer to safe job

- 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'.
- From 1 January 2020, a Dangerous Jobs provision has been introduced for women working in areas such as mining or heavy manufacturing, so that the date they stop work is no longer 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.

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

The maximum period of post-natal leave available for mothers and fathers/partners combined in Australia is 24 months, including up to 20 weeks paid by the government at a flat rate based on the national minimum wage (this is made up of the 18 weeks' Paid Parental Leave entitlement and the two weeks' Dad and Partner Pay entitlement). There is no entitlement to ECEC.

Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; however, they are well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

Improving access to 15 hours of quality nursery education for children in the year before compulsory schooling (i.e. from around age five) has been a government priority over recent years, through the National Partnerships Agreements.¹³

In July 2018, a new Childcare Subsidy (CCS) came into effect, with a key objective being to simplify the previous subsidy system that comprised of two different payments. This is a separate payment to Parental Leave Pay. Eligibility to CCS depends on family income, the

¹³ For information about universal access, the national partnerships and links to information about jurisdictional approaches to child care see <https://www.dese.gov.au/universal-access-early-childhood-education>

activity level of both parents, and the type of service used. Family income determines how much of the childcare fee is subsidised, with the subsidy rate highest (85 per cent) for lower income families (up to AUD\$69,390 [€43,859.43]), increasing in steps up to a subsidy rate of zero for the highest income families (family income of AUD\$353,680 [€223,550.98] or more). Using this 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 the level of subsidy; 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.¹⁴

There are exemptions to the activity test as part of the Child Care Safety Net. Through this, low income families (less than AUD\$69,390 [€43,859.43] per year) can access 24 hours of subsidised care per child per fortnight, without having to 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.¹⁵

3.Changes in policy since April 2020 (including proposals currently under discussion)

Following changes introduced in February 2020, from 1 July 2020 recipients of Parental Leave Pay were able to split the 18-week

¹⁴ Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-activity-test>. For more information about the childcare package, see <https://www.education.gov.au/new-child-care-package-families-2-july-2018>

¹⁵ Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-combined-family-income>

entitlement into one block of 12 weeks (the Paid Parental Leave period to be taken in the first 12 months after the birth or adoption), with the remaining 6 weeks (30 Flexible Paid Parental Leave days) available for use at any time within the first two years. Flexible Paid Parental Leave days can be used singly or in blocks of the recipient's choosing. They can also be transferred to another eligible carer, with more than one transfer permitted.

Policy response to the Covid-19 pandemic up to end April 2021

Childcare and schools

- There have been no mandated national closures of ECEC services, however underutilisation of services related to Covid-19 led to some services closing. There were significant concerns about the viability of the ECEC sector as a whole, which led to changes in federal government funding of the ECEC sector. The temporary funding changes are described below.
- Responsibility for schools lies with the six state and two territory governments in the Australian federation. Schools largely remained open in some form across all these jurisdictions during Covid-19. In some but not all jurisdictions, parents were asked to keep children at home where possible and school lessons were conducted online, with schools only open for children in certain circumstances (e.g. in the state of New South Wales, schools were open for children whose "parents who had no other options"). Some short-term closures were managed through extending school holidays (e.g. the state of Victoria extended school holidays by one week to allow children to remain at home from 24 March 2020). Approaches varied across jurisdictions and continue to change with ongoing responses to the pandemic.

Parental leave

- Parents retained pre-existing entitlements to parental leave; no additional support measures were adopted.
- Changes to the implementation of the Paid Parental Leave Scheme were made to allow time spent on the JobKeeper Payment scheme (which ends 28 March 2021, see below) to count towards the Paid Parental Leave work test.¹⁶

¹⁶ Australian Government Department of Social Services (2020), 55.

Other measures for parents and other carers

- No specific regulations for parents/carers to work reduced/flexible hours were adopted. However, during the Covid-19 closedown, working from home was encouraged for all non-essential workers. A survey conducted by the Australian Institute of Family Studies (AIFS) in May-June 2020 showed that the proportion of people who always worked from home increased from 7 per cent (pre Covid-19) to 60 per cent.¹⁷
- While there are no specific regulations on time off work for carers due to Covid-19, Australia's Fair Work Commission introduced temporary provisions in industrial instruments to allow employees who are prevented from working due to a requirement to self-isolate or government restrictions on non-essential businesses to access up to 2 weeks' unpaid pandemic leave, or longer if the employer agrees. The leave applies to all employees including casuals: there is no accrual period required, and no pro-rata reduction for part-time employees. Additionally, employees covered by these temporary provisions can take their accrued annual leave at half-pay to double their time away from work, provided their employer agrees.¹⁸ A claim to provide paid pandemic leave to health and community workers required to self-isolate during the coronavirus crisis was adjourned by the Fair Work Commission.
- Regarding income replacements, there were no specific provisions made for parents. However, the federal government implemented two temporary schemes, both initially due to end in September 2020: a 'Coronavirus supplement' for those receiving income support payments¹⁹; and a program through which businesses adversely affected by Covid-19 could receive funds to pay eligible employees \$AUD1,500 [€948.11] / fortnight (JobKeeper).²⁰ The Coronavirus supplement was extended to December 2021, and then again to March 2021 although at lesser amounts and subject to tightening eligibility conditions. The JobKeeper payment was also extended to

¹⁷ Hand, K., Baxter, J., Carroll, M. and Budinski, M. (2020) *Families in Australia Survey: Life during COVID-19. Report No.1: Early Findings*. Melbourne: Australian Institute of Family Studies. Available at: <https://aifs.gov.au/publications/families-australia-survey-life-during-covid-19>

¹⁸ Further information on these provisions is available at: <https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards>

¹⁹ Further information on the Coronavirus supplement is available at: <https://www.servicesaustralia.gov.au/individuals/services/centrelink/coronavirus-supplement>

²⁰ Further information on the JobKeeper scheme is available at: <https://www.business.gov.au/Risk-management/Emergency-management/Coronavirus-information-and-support-for-business/JobKeeper-Payment-for-employers-and-employees>.

- early January and then March 2021, also paid at lesser amounts each extension. In addition, some local governments facilitated food supplies to vulnerable populations impacted by Covid-19 restrictions.
- The dramatic fall in numbers of children in ECEC led to some service closures and widespread concern about the viability of the sector. Measures taken by the Government were included in the Relief Package (6 April to 12 July), the Transition Payment (13 July to 27 September 2020), and the Recovery Package (28 September to 31 January 2021).
 - The Relief Package suspended the usual form of child care assistance (the Child Care Subsidy and Additional Child Care Subsidy) that is paid to services to subsidise families' ECEC use based on each child's eligibility. Services were subsidised through weekly payments – the amount services received was based on fees charged in a fortnight in February 2020. It was intended services would also access other measures in place to support ECEC services, or businesses more generally, through the pandemic. **Through these arrangements, services were to provide ECEC to families free of charge.** To receive Government assistance, ECEC services needed to remain open, and they were advised to prioritise care to children of essential workers, vulnerable and disadvantaged children, and previously enrolled children.
 - During the period of the Transition Payment, ECEC services returned to normal funding arrangements, such that parents were to again pay for child care subsidised through the Child Care Subsidy. Services also received a Transition Payment equal to 25 per cent of the average weekly fees charged by their services during a reference fortnight. The Recovery Package (28 September to 31 January 2021) involved the extension of access to the Transition Payment for jurisdictions with continuing Covid-19 impacts.
 - With the reintroduction of the Child Care Subsidy, and paid child care from July 2020, parents' subsidy entitlement was again subject to the income and activity test, but activity test exemptions are in place until April 2021 for those whose work has continued to be impacted by Covid-19.

4. Take-up of leave

Take-up rates for Australia's government-funded Paid Parental Leave and Dad and Partner Pay schemes are presented below for the most recent year, based on data from the Australian Government Department of Social Services. Take-up rates for the unpaid Parental leave entitlement under the National Employment Standard in the Fair Work Act are based on estimates from a 2017 Australian Bureau of Statistics survey. Given limited data on take-up rates for employer-paid Parental leave, this is not included here (see 2018 and earlier country notes for estimates based on surveys conducted between 2010 and 2015).

a. Maternity leave

As explained earlier (1a), the term 'Maternity leave' is not used in Australia for the legislated entitlements to unpaid Parental leave or Parental leave payments. It is still used in some instances in employer-paid schemes but (as noted above) we are not reporting the take-up of employer-paid arrangements due to data limitations.

b. Paternity leave

As with employer-paid Maternity leave, we are not reporting the take-up of employer-paid Paternity leave schemes due to data limitations. Regarding the government-funded Dad and Partner Pay scheme, the Australian Government has reported that in the 2019-20 financial year 92,343 fathers or partners received payment under this scheme, with the vast majority (96.9 per cent) taking the full two weeks' payment.²¹ The number of fathers taking advantage of the Dad and Partner Pay scheme represents an estimated 27 per cent of all fathers in the same year.²²

c. Parental leave

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to and utilised by most mothers working as employees. A 2017 survey conducted by the Australian Bureau of Statistics (the Pregnancy and Employment Transitions survey) showed that among women with a child under two years of age, who were working as an employee while pregnant and did not permanently leave their job before the birth, 65 per cent took unpaid leave, with a median duration of 18 weeks.²³ (This survey has been conducted every sixth year since 2005, hence the 2017 figures are the most recent available.)

Available data on Parental Leave Pay indicates that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. Government figures indicate that in the 1 July 2019 to 30 June 2020 financial year, 51.1 per

²¹ Australian Government Department of Social Services (2020), 76.

²² This estimate is based on projections of persons aged 0 for June 2020 from Australian Bureau of Statistics (2013) *Population Projections, Australia, 2012 (base) to 2101*, Cat. No. 3222.0, Table B9. It follows the method of estimating mothers' uptake of Parental Leave Pay in Australian Government Department of Social Services (2020), 76.

²³ Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia, Nov 2017* Cat. No. 49130. Available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4913.0>

cent of all mothers with new-borns received some Parental Leave Pay (an decrease from 53.8 per cent the previous year), and 96.6 per cent of families who accessed Parental Leave Pay took the full 18 weeks (the same percentage as the previous two years).²⁴

d. Other employment-related measures

The Australian Bureau of Statistics Pregnancy and Employment Transitions survey conducted in 2017 also provides some information on the use of flexible working arrangements by women with a child under two years of age, who had returned to the same employer after the birth of a child and were working at the time of the survey. Among this group, 83 per cent had used flexible arrangements to assist with the care of a child. The most frequently accessed arrangement was part-time work (58 per cent), while 29 per cent reported having worked from home.²⁵

²⁴ Australian Government Department of Social Services (2020), 76.

²⁵ Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia*, Cat. No. 49130. Available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4913>