

Terms of Reference

Review of the Maternity Leave (Commonwealth Employees) Act 1973

The Review will consider:

Reducing administrative burden

1. How to draft terms in plain, modern language.
2. How to reduce unnecessary prescription, process and complexity.

Provision of appropriate support to new parents

3. Whether current entitlements are consistent with Government Policy.
4. How current entitlements compare to those offered by private sector employers, state and territory public services.
5. Whether to take a holistic approach in providing other parental leave entitlements and arrangements, such as:
 - a. provisions for parents other than birth mothers – such as adoptive parents, long-term foster parents, supporting partners and other permanent carers
 - b. consideration of enterprise agreement terms which impact on people on parental leave, or preparing to go on parental leave, including arrangements for salary increments and availability of leave for obstetric appointments, and
 - c. payment of superannuation during maternity or parental leave.

Promotion of gender equality and inclusion

6. How to provide parents with more choice in dividing their caregiving roles.
7. How to balance women's economic empowerment and choice with considerations around maternal and child health.

Providing flexibility

8. How to facilitate flexible interaction of entitlements provided by the *Maternity Leave (Commonwealth Employees) Act 1973* with agency industrial instruments, the National Employment Standards, the Paid Parental Leave scheme and other relevant legislation.
9. How to provide agencies with greater discretion to apply entitlements in individual circumstances, including situations of miscarriage, stillbirth, premature birth and other circumstances of serious neonatal health concerns.
10. How eligibility criteria for Commonwealth employee entitlements interact with part-time and casual work and periods of leave without pay.
11. Whether steps could be taken to make using leave more flexible, including to whether leave could be used to facilitate part-time work arrangements, or taken in broken periods over a longer period than 52 weeks.