

**House of Representatives**  
**Supplementary Order Paper**

**Tuesday, 24 June 2014**

**Parental Leave and Employment Protection (Six  
Months' Paid Leave) Amendment Bill**

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*Proposed amendments*

Sue Moroney, in Committee, to move the following amendments:

*Clause 2*

Replace *clause 2* (page 1, lines 4 to 6) with:

**2 Commencement**

- (1) Except as provided in **subsections (2) and (3)**, this Act comes into force on the day after the date on which it receives the Royal assent.
- (2) **Sections 5(1), 6(1) and (3), and 7(1)** come into force on 1 July 2015.
- (3) **Sections 5(2), 6(2) and (4), and 7(2)** come into force on 1 July 2017.

*Clause 4*

In *clause 4*, after “duration of” (page 2, line 2), insert “maternity leave, paternity leave, extended leave, and the”.

*Clause 5*

Replace *clause 5* (page 2, lines 4 to 14), with:

**5 Section 71J amended (Duration of parental leave payment)**

- (1) In section 71J(a) and (b), replace “16 weeks” with “22 weeks”.
- (2) In section 71J(a) and (b), replace “22 weeks” with “26 weeks”.

*New clause 6*

After *clause 5* (page 2, after line 14), insert:

**6 Consequential amendments**

- (1) Replace “16 weeks” with “22 weeks” in the following provisions:
  - (a) section 1A(c):
  - (b) section 9(1) and (3):
  - (c) section 19A(3):
  - (d) section 19B(2)(a):
  - (e) section 26(2):
  - (f) section 27(2)(c):
  - (g) section 32(d)(i):
  - (h) section 45(4)(a) and (c)(i):
  - (i) section 71A:
  - (j) section 71L:
  - (k) section 71LA(1)(a).
- (2) Replace “22 weeks” with “26 weeks” in the following provisions:
  - (a) section 1A(c):
  - (b) section 9(1) and (3):
  - (c) section 19A(3):
  - (d) section 19B(2)(a):
  - (e) section 26(2):
  - (f) section 27(2)(c):
  - (g) section 32(d)(i):
  - (h) section 45(4)(a) and (c)(i):
  - (i) section 71A:
  - (j) section 71L:
  - (k) section 71LA(1)(a).
- (3) In section 9(2), replace “10 weeks” with “16 weeks”.
- (4) In section 9(2), replace “16 weeks” with “20 weeks”.
- (5) In Schedule 1AA, replace Part 2 with:

**“Part 2**

**“Transitional provision relating to amendments to  
this Act made by sections 5(1), 6(1) and (3), and  
7(1) of Parental Leave and Employment Protection  
(Six Months’ Paid Leave) Amendment Act 2014**

**“2 Application of sections 5(1), 6(1) and (3), and 7(1) of  
Parental Leave and Employment Protection (Six Months’  
Paid Leave) Amendment Act 2014**

- “(1) The amendments made by sections 5(1), 6(1) and (3), and 7(1) of the Parental Leave and Employment Protection (Six Months’ Paid Leave) Amendment Act 2014 apply to an em-

- ployee or self-employed person who takes parental leave in respect of a child if—
- “(a) the expected date of delivery of the child is on or after 1 July 2015; or
  - “(b) the child is born on or after 1 July 2015; or
  - “(c) in the case of adoption, the date on which the employee or self-employed person, or his or her spouse or partner, with a view to adoption, assumes the care of the child is on or after 1 July 2015.
- “(2) An employee or self-employed person to whom the amendments referred to in **subclause (1)** apply may, before 1 July 2015,—
- “(a) give notice of a wish to take parental leave, in which case the employee may begin his or her parental leave before 1 July 2015 as if those amendments were already in force; and
  - “(b) apply for a parental leave payment under Part 7A as if those amendments were already in force.

### “Part 3

#### “Transitional provision relating to amendments to this Act made by sections 5(2), 6(2) and (4), and 7(2) of Parental Leave and Employment Protection (Six Months' Paid Leave) Amendment Act 2014

- “3 **Application of sections 5(2), 6(2) and (4), and 7(2) of Parental Leave and Employment Protection (Six Months' Paid Leave) Amendment Act 2014**
- “(1) The amendments made by sections 5(2), 6(2) and (4), and 7(2) of the Parental Leave and Employment Protection (Six Months' Paid Leave) Amendment Act 2014 apply to an employee or self-employed person who takes parental leave in respect of a child if—
- “(a) the expected date of delivery of the child is on or after 1 July 2017; or
  - “(b) the child is born on or after 1 July 2017; or
  - “(c) in the case of adoption, the date on which the employee or self-employed person, or his or her spouse or partner, with a view to adoption, assumes the care of the child is on or after 1 July 2017.
- “(2) An employee or self-employed person to whom the amendments referred to in **subclause (1)** apply may, before 1 July 2017,—
- “(a) give notice of a wish to take parental leave, in which case the employee may begin his or her parental leave

before 1 July 2017 as if those amendments were already in force; and

“(b) apply for a parental leave payment under Part 7A as if those amendments were already in force.”

## **7 Regulations amended**

(1) In the Parental Leave and Employment Protection Regulations 2002, replace “16 weeks” with “22 weeks” in the following provisions:

- (a) regulation 8(1)(d)(iii) and (1A)(b):
- (b) regulation 9(2)(b):
- (c) regulation 11(3)(b):
- (d) regulation 12(2)(b):
- (e) Schedule, form 1.

(2) In the Parental Leave and Employment Protection Regulations 2002, replace “22 weeks” with “26 weeks” in the following provisions:

- (a) regulation 8(1)(d)(iii) and (1A)(b):
- (b) regulation 9(2)(b):
- (c) regulation 11(3)(b):
- (d) regulation 12(2)(b):
- (e) Schedule, form 1.

## **8 Consequential amendments to Parental Leave and Employment Protection Amendment Act 2014**

(1) This section amends the Parental Leave and Employment Protection Amendment Act 2014.

(2) Repeal sections 19 to 31.

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### **Explanatory note**

This Supplementary Order Paper amends the commencement clause, specifies the increase in the duration of parental leave payments and related leave entitlements, and makes consequential amendments to the principal Act. *Clause 2* is amended to change the date of commencement from 1 April to 1 July in the relevant years, so that there is alignment with the annual adjustment to the maximum rate of paid parental leave. This is adjusted on 1 July each year in line with any increase in average weekly earnings. *Clause 4* is amended to clarify that the Bill aligns maternity, paternity, and extended leave with the increased paid parental leave. *New clauses 6 and 7* deal with consequential amendments by replacing the terms 16 weeks and 22 weeks in other sections of the principal Act and in the Parental Leave and Employment Protection Regulations 2002. *Clause 6* also replaces Part 2 of Schedule 1AA inserted by the Parental Leave and Employment Protection Amendment Act 2014 with new Parts 2 and 3, that

contain transitional provisions aligning with the amendments proposed by the Bill. *New clause 8* repeals sections 19 to 31 of the Parental Leave and Employment Protection Amendment Act 2014 because those sections are superseded by the new paid parental leave provisions established by the Bill.

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