



Australian Capital Territory

Parental Leave (Private Sector Employees) Act 1992

A1992-59

Republication No 2

Effective: 12 April 2007 – 13 August 2008

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Parental Leave (Private Sector Employees) Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Parental Leave (Private Sector Employees) Act 1992

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Australian Capital Territory

Parental Leave (Private Sector Employees) Act 1992

An Act to make provision for parental leave in respect of certain employees

1 Name of Act

This Act is the *Parental Leave (Private Sector Employees) Act 1992*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*award*—see the *Workplace Relations Act 1996* (Cwlth), section 4.' means that the term '*award*' is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Persons to whom Act applies

This Act applies to—

- (a) an employee of a relevant employer whose employment is not subject to an industrial award; and
- (b) an employee of a relevant employer whose employment is subject to an industrial award that—
 - (i) does not confer an entitlement to parental leave on employees to whom it applies; and
 - (ii) does not preclude such an entitlement.

5 Parental leave

An employee to whom this Act applies is entitled to the same entitlements in respect of parental leave as those provided for in the draft parental leave clause set out in the parental leave case decision, attachment A.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- ACT
- Commonwealth
- State
- the Territory.

authority means—

- (a) a body (whether incorporated or not) established for a public purpose by or under a law of the Commonwealth, the Territory, a State or another Territory; or
- (b) the holder of an office established for a public purpose by or under a law of the Commonwealth, the Territory, a State or another Territory; or
- (c) an incorporated company over which the Commonwealth, the Territory, a State, another Territory or a body referred to in paragraph (a) is in a position to exercise control.

award—see the *Workplace Relations Act 1996* (Cwlth), section 4.

employee means a person who is employed—

- (a) under a contract of service or apprenticeship on a full-time or part-time basis; or
- (b) under a contract for services.

parental leave means an entitlement in respect of maternity leave, paternity leave or adoption leave, as the case requires, including an entitlement to engage in part-time employment in connection with the birth or adoption of a child, being an entitlement of the kind provided for in the parental leave case decision.

parental leave case decision means the decision of the Full Bench of the Australian Industrial Relations Commission given in Melbourne on 26 July 1990 in the Parental Leave Test Case.

relevant employer means a natural person, or a body or association (whether incorporated or not) that employs 1 or more employees in the ACT, but does not include the Commonwealth, the Territory, a State, another Territory or an authority.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Parental Leave (Private Sector Employees) Act 1992 No 59

notified 28 October 1992 (Gaz 1992 No S174)
 s 1, s 2 commenced on 28 October 1992 (s 2 (1))
 remainder commenced 3 December 1992 (s 2 (2) and Gaz 1992 No S226)

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 272

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 272 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.74

notified LR 22 March 2007
 s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
 sch 3 pt 3.74 commenced 12 April 2007 (s 2 (1))

4 Amendment history

Name of Act

s 1 sub A2007-3 amdt 3.398

Dictionary

s 2 om 2001 No 44 amdt 1.3091
 ins A2007-3 amdt 3.400

Notes

s 3 defs reloc to dict A2007-3 amdt 3.399
 sub A2007-3 amdt 3.400

Dictionary

dict ins A2007-3 amdt 3.401
 def **authority** reloc from s 3 A2007-3 amdt 3.399
 def **award** reloc from s 3 A2007-3 amdt 3.399
 def **employee** reloc from s 3 A2007-3 amdt 3.399
 def **parental leave** reloc from s 3 A2007-3 amdt 3.399
 def **parental leave case decision** reloc from s 3 A2007-3 amdt 3.399
 def **relevant employer** reloc from s 3 A2007-3 amdt 3.399

Endnotes

5 Earlier republishings

5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 14 Feb 2002	14 Feb 2002– 11 Apr 2007	A2001-44	new Act and amendments by A2001-44

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