

1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Industrial Relations)

**Parental Leave (Private Sector Employees)
Bill 1992**

**A BILL
FOR**

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

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 **1.** This Act may be cited as the *Parental Leave (Private Sector Employees) Act 1992*.

Commencement

- 10 **2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
- (2)** The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 Interpretation

3. In this Act, unless the contrary intention appears—

“authority” means—

- 10 (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;
- (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; and
- 15 (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” has the same meaning as in section 4 of the *Industrial Relations Act 1988* of the Commonwealth;

“employee” means a person who is employed—

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

25 “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;

30 “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 one or more employees in the Territory but does not include the Commonwealth, the Territory, a State, another Territory or an authority.

35 Persons to whom Act applies

4. 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—
 - 5 (i) does not confer an entitlement to parental leave on employees to whom it applies; and
 - (ii) does not preclude such an entitlement.

Parental leave

- 10 5. 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 Attachment "A" to the Parental Leave Case decision.