

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PARENTAL LEAVE LEGISLATION AMENDMENT BILL 2008

EXPLANATORY STATEMENT

**Presented by
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Minister for Industrial Relations**

Parental Leave Legislation Amendment Bill 2008

OUTLINE

On 21 June 2007 the Human Rights and Equal Opportunity Commission (HREOC) tabled its final report from its national inquiry into discrimination against people in same-sex relationships related to financial and work-related entitlements and benefits. The report, *Same-Sex: Same Entitlements*, was critical of the ACT's *Parental Leave (Private Sector Employees) Act 1992* because it does not enable same-sex parents to access parental leave.

These amendments make it clear that it is unlawful to discriminate against same-sex parents in relation to their employment entitlements.

The Bill also repeals the *Parental Leave (Private Sector Employees) Act 1992* as it is no longer operational due the current provisions of the *Workplace Relations Act 2006*

Parental Leave Legislation Amendment Bill 2008

Detail

Clause 1 — Name of Act

This is a technical clause that names the Act. The name of the Act is the *Parental Leave Legislation Amendment Bill 2008*.

Clause 2 — Commencement

The Act commences on the day following the day the Act is notified on the ACT's Legislation Register.

Clause 3 — Legislation amended

This clause identifies the Act to be amended, namely the *Discrimination Act 1991*.

Clause 4 — Applicants and employees New section 10 (3) and (4)

This clause will make clear that employers are not able to deny people an employment benefit because they are in a same-sex relationship. The example notes that this would apply to parental leave that is available to other parents.

Clause 5 - Repeal of Parental Leave (Private Sector Employees) Act 1992

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