

Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill

Government Bill

Explanatory note

General policy statement

Overview

This Bill implements Government policy to extend the paid parental leave scheme to self-employed individuals, who are not currently covered by the Parental Leave and Employment Protection Act 1987 (the Act).

These amendments to the Act further a number of objectives supporting the birth or adoption of a child. These include—

- ensuring that the scheme is accessible to a wider number of individuals:
- enhancing equity by allowing employed people to access paid parental leave irrespective of whether they are employees or self-employed:
- enabling a self-employed parent to take leave with a period of income replacement:
- supporting the health and wellbeing of new mothers and babies.

Extension of paid parental leave to the self-employed

The Bill amends the Act to provide that self-employed mothers are eligible for paid parental leave. Self-employed mothers who have been working an average of 10 hours per week, during either the previous 6 or 12 months before the expected date of delivery of a child, will be entitled to 14 weeks' paid parental leave.

The extension of eligibility to paid parental leave also applies in the case of adoption. A self-employed person who assumes the care of a child (with a view to adoption) and has been working for an average of 10 hours per week, during either the previous 6 or 12 months before the adoption of a child, will be entitled to 14 weeks' paid parental leave.

Consecutive and concurrent self-employment activities in one or more different types of work are treated as a single period of self-employment for the purposes of determining eligibility provided that any break between consecutive types of work is 30 days or less.

Transferability of parental leave payments and sharing of leave

Parental leave payments may be transferred by a self-employed mother to an eligible partner who may be either an eligible employee or an eligible self-employed person. Similarly, an eligible mother who is an employee may transfer some or all of her parental leave payments to a partner or spouse who may be either self-employed or an employee.

In the case of adoption, consistent with existing provisions relating to employees, there is no requirement to transfer the entitlement from a mother to her partner. Instead, if a self-employed person is nominated as the person primarily entitled to the parental leave payments (where two eligible partners are adopting a child jointly), that person will be entitled to 14 weeks' parental leave payments, which may be shared with an eligible partner.

As is the case with an employee, a self-employed person is entitled to take paid parental leave at the same time as an eligible partner takes partner's/paternity leave or extended leave or both.

Eligibility

To be eligible for parental leave payments, the Bill provides that, similar to an employee, a self-employed person is required to take a break from his or her work while receiving parental leave payments. However, it provides that a self-employed person, unlike an employee, can maintain a level of oversight of his or her business during the parental leave period. A self-employed person will not lose his or her entitlement by continuing to receive income for work or carrying out occasional administrative tasks performed during the parental leave payment period. Parental leave payments will cease,

however, if a self-employed person returns to work or ceases self-employment.

Level of parental leave payments

Parental leave payments are payable at a rate equal to a self-employed person's average weekly earnings, up to a maximum consistent with that payable to employees (currently \$357.30 per week before tax). This amount will be indexed annually in line with that payable to employees. Currently, the rate of parental leave payment that applies to employees must be adjusted by Order in Council, as at 1 July each year, by any percentage movement upwards in average ordinary-time weekly earnings as determined by the Quarterly Employment Survey published by Statistics New Zealand.

Self-employed people who earn less than the minimum wage for a minimum of 10 hours per week (currently \$95 per week before tax) will be entitled to parental leave payments at a flat rate equivalent to 10 hours per week paid at the rate of the minimum wage. The Bill provides that this amount must be indexed annually, consistent with any rise in the minimum wage that applies under the Minimum Wage Act 1983, at 1 July each year.

Other amendments to the Act

The Bill includes amendments to provide that, to be entitled to a subsequent period of parental leave and parental leave payments on the birth or adoption of a subsequent child, an employee must work for an employer for 6 months following a previous period of parental leave (rather than 12 months as at present). Employees who meet the criteria for parental leave (but have less than 12 months' service with the same employer) will be entitled to all the rights and benefits of parental leave, except that they may not access extended leave. To be entitled to additional extended leave, an employee must work for a further 12 months with the same employer.

To be entitled to subsequent parental leave payments, a self-employed person must work a further 6 months following previous parental leave payments.

The Bill includes a new provision that provides the department with the power to accept an application for parental leave payments despite an irregularity in the application. This applies to both

employees and self-employed persons. The department will, however, have no power to approve an irregular application if the irregularity is disputed between an employer and employee.

The Bill also includes a new provision that provides that an employee or a self-employed person may apply to the Employment Relations Authority for a review of a decision made by the department about that person's eligibility for a parental leave payment.

As is the case for employees, the Bill provides for regulations prescribing what information self-employed persons must provide for the purposes of applying for parental leave payments and that self-employed people cannot receive both paid parental leave and the parental tax credit.

Transitional arrangements

Transitional provisions allow a self-employed person or employee to whom the Bill applies, whose expected date of delivery is 1 July 2006 or later, to apply for parental leave payments before this date as if the legislation is already in force.

Additional transitional provisions will enable the minimum and maximum rates of parental leave payments for self-employed persons to be adjusted by regulations prior to the legislation coming into force on 1 July 2006.

By extending paid parental leave to the self-employed, it is estimated that approximately 2 173 more new mothers per year will be able to take advantage of the paid parental leave scheme.

Clause by clause analysis

Clause 1 is the Title provision. The Bill is called the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill ("the Bill"). The Act being amended is the Parental Leave and Employment Protection Act 1987 ("the principal Act").

Clause 2 brings most of the Bill into force on 1 July 2006. *Clause 4* comes into force on the day after Royal assent so that parents of children due to be born on or after 1 July 2006 but who are born early are able to receive entitlements under the Bill. *Clauses 35 and 42(2)* come into force on the day after Royal assent to enable the maximum and minimum rates of parental leave payment for self-

employed persons to be updated to reflect any annual adjustment to the minimum wage or the rate payable to employees, so that any new rate can apply on 1 July 2006.

Clause 3 sets out the purpose of the Bill, which is primarily to entitle certain self-employed persons to parental leave payments.

Clause 4 specifies the persons to whom the Bill applies. It applies to self-employed persons who are expecting a child on or after 1 July 2006. It also applies to self-employed persons whose child is born on or after 1 July 2006 or who assume the care of their adopted child on or after that date.

Clause 5 repeals the Long Title of the principal Act.

Clause 6 inserts a purpose provision (*new section 1A*) into the principal Act, to the same effect as the repealed Long Title, except that it is updated to refer to self-employed persons.

Clause 7 amends the interpretation section of the principal Act as follows:

- the definition of parental leave is amended to also mean a period during which a self-employed person stops work temporarily because of the birth or adoption of a child;
- definitions of self-employed and self-employed person are included to distinguish self-employed persons from employees.

Clause 8 inserts *new section 2AD* into the principal Act to make it clear that, for a person who works both as an employee and a self-employed person, entitlements in respect of parental leave payments are based on either the person's work as an employee or as a self-employed person but not both.

Clause 9 amends section 2B of the principal Act, which provides that a person who gives birth to, or adopts, 2 children is to be treated for the purposes of the Act as having given birth to or adopted 1 child. The amendment extends the provision to cover self-employed persons.

Clause 10 amends section 6 of the principal Act. The effect of the amendment is that subsequent parental leave entitlements are available to an employee after 6 months have elapsed since the end of a previous period of parental leave, rather than after 12 months, which is the current requirement.

Clause 11 inserts *new section 6A* into the principal Act. The new section makes it clear that, for the purposes of determining entitlements to parental leave in respect of a subsequent child, an employee who returned to work with his or her same employer is treated as having commenced employment on the day after the date that the previous period of parental leave ended.

Clause 12 inserts *new section 19AB* into the principal Act. The new section is similar to section 19A except that it relates to self-employed persons. It extends a spouse's or partner's partner's/paternity leave to match the period of parental leave payments transferred to him or her by a self-employed person.

Clause 13 amends section 26 of the principal Act, relating to the duration of extended leave, to make it consistent with other sections of the Act that contemplate a mother being entitled, by way of 6 months' service, to maternity leave but not to extended leave.

Clause 14 amends section 28 of the principal Act so that an employee may take extended leave consecutively or concurrently with the period of parental leave payments received by his or her spouse or partner.

Clause 15 repeals section 39A of the principal Act, which relates to the succession of a spouse or partner to parental leave entitlements. These provisions are moved to *new sections 72B and 72C* of the principal Act.

Clause 16 amends section 68 of the principal Act to allow self-employed persons to get relief from the Employment Relations Authority or the Employment Court in respect of an irregularity that relates to non-compliance with the formal requirements of the principal Act.

Clause 17 makes minor amendments to section 70A of the principal Act to aid the reader.

Clause 18 inserts a *new heading and section 70G* into the principal Act. The new section gives a Labour Inspector the power, if requested by the Department of Labour, to determine—

- whether a self-employed person has worked for at least an average of 10 hours a week for 6 or 12 months in order to be eligible for a parental leave payment; and

- a self-employed person's average weekly earnings for the purpose of calculating the amount of parental leave payment payable to the person.

A Labour Inspector may require a self-employed person to provide relevant information on the matter being determined by the Labour Inspector.

This new section is similar in effect to section 70A, which relates to employees.

Clause 19 substitutes new sections 71A and 71B.

New section 71A outlines the purpose of Part 7A, which provides for parental leave payments. The new section reflects the inclusion of self-employed persons in Part 7A.

New section 71B is an updated overview of Part 7A so that it reflects the other changes in the Bill.

Clause 20 amends section 71C of the principal Act, which sets out various definitions for interpreting the parental leave payment provisions. A definition of self-employed person's average weekly earnings is inserted and the equivalent definition relating to employees is moved here from section 71M so that the relevant definitions are all in one place.

Clause 21 inserts *new sections 71CA to 71CD* into the principal Act.

The definition of eligible employee, for the purpose of determining entitlements to a parental leave payment, is moved from section 71D to *section 71CA*.

Section 71CB includes a new definition of eligible self-employed person. An eligible self-employed person is a person who has been self-employed for at least an average of 10 hours a week over the 6 months or the 12 months immediately preceding the expected date of delivery of the child or the date on which that person, with a view to adoption, first assumes care of the child.

Section 71CC clarifies the entitlement of a self-employed person to a parental leave payment if the person is engaged in more than 1 type of work. Concurrent types of work are to be treated as a single period of self-employment, and consecutive types of work are also to be treated as 1 period of self-employment provided that the break between the engagements is 30 days or shorter.

Section 71CD provides that a self-employed person on parental leave is not to be treated as having returned to work merely because the person receives income for work performed by other persons or before the period of parental leave payments commenced, or carries out oversight or occasional administrative tasks in the business in which the person is self-employed.

Clause 22 amends section 71D of the principal Act to make it clear that a parental leave payment entitlement under that section applies only to employees.

Clause 23 inserts *new section 71DA* into the principal Act. The section provides that the following self-employed persons are entitled to parental leave payments:

- an eligible self-employed person (as defined in *new section 71CB*);
- a self-employed person to whom an entitlement to a parental leave payment has been transferred by his or her spouse or partner;
- a self-employed person who has succeeded to the entitlement on the death of his or her spouse or partner or the assumption of sole guardianship of the child.

Clause 24 substitutes *new section 71E* and inserts *new section 71EA* into the principal Act.

New section 71E extends the ability to transfer an entitlement to a parental leave payment both by and to self-employed persons. In order for a self-employed person to be eligible to have a parental leave payment transferred, the person must have been self-employed for at least an average of 10 hours a week over the 6 months or the 12 months immediately preceding the expected date of delivery of the child or the date on which he or she, with a view to adoption, first assumes care of the child.

Section 71EA sets out the effect of a transfer of an entitlement to a parental leave payment. The effect of this section is the same as the repealed section 71E(3).

Clause 25 amends section 71F of the principal Act, which restricts subsequent parental leave payments. Similar restrictions to those provided for employees are included for self-employed persons, namely that—

- 6 months must elapse after the end of parental leave payments before more payments will be made in respect of another child; and
- adoptive parents cannot receive parental leave payments for the same child as both a birth parent and an adoptive parent.

Clause 26 amends section 71G of the principal Act so that, like employees, self-employed persons cannot receive both a parental leave payment and a parental tax credit.

Clause 27 amends section 71H of the principal Act, which, in the case of joint adoptions, provides for the nomination of 1 person who is primarily entitled to the parental leave payment. The section is amended to include references to self-employed persons.

Clause 28 amends section 71I of the principal Act so that the application procedure for a parental leave payment is the same for self-employed persons as for employees.

Clause 29 inserts *new section 71IA* into the principal Act to allow the Department of Labour discretion to approve irregular applications. Irregularity is narrowly defined to include only minor discrepancies in the form of application. The department has no discretion to approve an irregular application if the matter giving rise to the irregularity is disputed between an employer and employee.

Clause 30 amends section 71J(b) of the principal Act, which relates to the duration of a parental leave payment, to cover self-employed persons. The maximum duration of parental leave payments is currently 13 weeks but will increase to 14 weeks on 1 December 2005 (Parental Leave and Employment Protection Amendment Act 2004 (2004 No 89)).

Clause 31 amends section 71K of the principal Act to specify that a parental leave payment is payable for a self-employed person from the earliest of the commencement of parental leave, the date of confinement, or the date on which the person assumes care of a child with a view to adoption.

Clause 32 amends section 71L of the principal Act, which specifies when parental leave payments end, to make it clear that its provisions are limited to employees.

Clause 33 inserts *new section 71LA* into the principal Act. The section is the equivalent of section 71L except that it concerns self-employed persons. A parental leave payment ends 14 weeks after the

commencement of the parental leave or earlier if the self-employed person returns to work or ceases self-employment.

Clause 34 makes a number of amendments to section 71M of the principal Act.

Drafting amendments are made to subsection (1) to aid the reader.

New subsection (1A) is inserted, which sets out the means for determining the rate of parental leave payment for a self-employed person. In simple terms, the rate of payment is the lesser of \$357.30 per week (subject to annual adjustment in regulations) and the self-employed person's average weekly earnings, subject to a minimum amount to be set in regulations.

Subsection (2) is repealed because the contents of this subsection are now included in section 71C of the principal Act.

Clause 35 amends section 71N(1) of the principal Act to require the maximum amount of parental leave payment for self-employed persons to be annually adjusted by regulations, as happens for the rate for employees.

Clause 36 amends section 71O(1) of the principal Act to allow the maximum rate of parental leave payment payable to self-employed persons to be increased by regulations as a result of Ministerial discretion, as is the case for employees.

Clause 37 inserts *new section 71OA* into the principal Act. The section provides for the minimum amount of parental leave payment for a self-employed person to be set by regulations each year. The amount is to be a weekly amount equivalent to 10 hours' work at the adult minimum wage.

Clause 38 inserts *new section 71U(1A)* into the principal Act. The subsection requires self-employed persons receiving parental leave payments to notify the department if they return to work early or if they cease to be self-employed.

Clause 39 amends section 71W of the principal Act to allow the Department of Labour to request information from a self-employed person relating to his or her application for a parental leave payment. The self-employed person must provide the information within a reasonable period set by the department.

Clause 40 inserts *new section 71ZB* into the principal Act. The new section allows both employees and self-employed persons to apply to the Employment Relations Authority for a review of a decision

made by the Department of Labour relating to a parental leave payment.

Clause 41 inserts *new sections 72B to 72D* into the principal Act.

Sections 72B and 72C provide for succession to a spouse's or partner's entitlements relating to parental leave. They have the same effect as the repealed section 39A but are extended to cover self-employed persons as well as employees.

Section 72D makes it clear that the relevant provisions of the Employment Relations Act 2000 are modified as necessary for the purposes of applications made in respect of self-employed persons to the Employment Relations Authority or Employment Court under the principal Act.

Clause 42 consequentially amends section 73 of the principal Act to provide for the making of regulations to support *sections 71OA and 71W(1A)*.

Clause 43 makes a number of amendments to headings and inserts new headings into the principal Act to aid the reader.

Regulatory impact statement and business compliance cost statement

Background

The Parental Leave and Employment Protection Act (the **Act**) currently provides for unpaid leave from work for birth mothers or adoptive parents and their spouses or partners either on the birth of a child or the adoption of a child 5 years or under. An employee is entitled to up to 12 months' parental leave if they have worked for their employer for 12 months and at least an average of 10 hours each week, including at least one hour per week or 40 hours per month. Employers, in most cases, are required to hold an employee's job open while the employee is on parental leave.

The Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002 came into force in July 2002. Currently it provides 13 weeks' taxpayer-funded paid parental leave (rising to 14 weeks on 1 December 2005) to employees who have either 6 or 12 months' service with the same employer and meet the minimum hours of work requirement during this period. Under the scheme, an eligible mother is able to transfer some or all of her paid parental leave to her eligible spouse or partner.

Self-employed individuals are not entitled to paid parental leave under the Act. The benefits of the scheme are therefore not available to self-employed individuals, despite the fact that, through their tax payments, the self-employed help to fund the scheme.

Statement of the nature and magnitude of the problem and the need for government action

An evaluation of paid parental leave completed in 2003 identified that the benefits of paid parental leave are not able to be accessed by the self-employed. The evaluation showed that—

- self-employed parents face the same difficulties as employed parents in combining work with childcare;
- self-employed parents did not receive parental leave payments despite helping to fund the scheme through their tax payments.

It is estimated that 66 412 women of fertile age in New Zealand are self-employed and therefore not currently eligible for paid parental leave. These women will not be able to enjoy the benefits of the scheme, such as improved health benefits and income replacement immediately after childbirth, unless the Act is amended.

Regulatory action is needed to address these problems as there are limited incentives for market forces to address them. Self-employed parents have to bear the costs of time away from work on the birth or adoption of a baby.

Statement of public policy objective

The objective is to ensure that the benefits of parental leave payments are accessible to a wide range of parents in the workforce, regardless of their different forms of work and economic positions.

Statement of feasible options to achieve the desired objective

Preferred option

The status quo does not sufficiently meet the policy objectives, as self-employed individuals will not be capable of accessing paid parental leave payments. The key features of the proposed amendments are that from 1 July 2006 self-employed mothers, who have income from self-employment for the previous 6 or 12 months, will be entitled to—

- 14 weeks' income replacement payments upon the birth or adoption of a child, paid at a rate equalling their average weekly earnings from the previous 6 or 12 months, with a maximum payment equivalent to that payable to employees (currently \$357.30 before tax per week):
- a minimum payment of the minimum wage paid at a rate of 10 hours (currently \$95 before tax per week) if they earn less than this amount or are operating at a loss:
- transfer their entitlement to an eligible partner who could be either self-employed or an employee.

Government

The cost of the preferred option is estimated at \$1.147 m for 2005/2006, \$6.790 m for 2006/2007, and \$7.060 m for 2007/2008 and out years net fiscal expenditure (including administration and set-up costs).

Paid parental leave is one component of government policy to support the achievement of high quality working lives. It is government policy to ensure that the benefits of paid parental leave are available to a maximum number of workers in the best and fairest manner. The proposal aims to—

- enhance equity between employed people concerning paid parental leave irrespective of whether they are employees or self-employed:
- enable a self-employed parent to take leave with a period of income replacement:
- support positive health outcomes for both the mother and the child from the mother taking a period of leave.

Society/self-employed

The benefits of the proposal for society are that parental leave payments will be able to be accessed by self-employed people currently not covered by the scheme (an estimated annual increase in eligibility for 2 716 new mothers), equity with employed parents will be improved, and the costs to self-employed people of taking leave will be reduced.

These outcomes have the potential to enhance the health and well-being of new parents and their children.

As leave is funded from taxation, there are no direct costs to society or employees from the proposal other than costs related to decisions on the use of current taxation.

Consultation

The Treasury, Ministry of Social Development, Department of the Prime Minister and Cabinet, Ministry of Justice, Te Puni Kokiri, Ministry of Pacific Island Affairs, Ministry of Women's Affairs, Ministry of Agriculture and Forestry, and the Inland Revenue Department have been consulted on the proposals.

Hon Ruth Dyson

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**Schedule
Consequential amendments to
principal Act**

The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Act **2005**.

(2) In this Act, the Parental Leave and Employment Protection Act 1987¹ is called “the principal Act”. 5

¹ 1987 No 129

2 Commencement

(1) **Sections 4, 35, and 42(2)** come into force on the day after the date on which this Act receives the Royal assent.

(2) The rest of this Act comes into force on **1 July 2006**. 10

Part 1 Preliminary provisions

3 Purpose

- (1) The main purpose of this Act is to entitle certain self-employed persons to parental leave payments and provide for the administration of those payments. 5
- (2) This Act also makes other amendments to the principal Act including—
- (a) reducing, from 12 months to 6 months, the minimum period before an employee is entitled to a subsequent period of parental leave and a parental leave payment; and 10
 - (b) adding a power for the department to accept an application for parental leave payments despite an irregularity in the application; and 15
 - (c) allowing a right of review by the Employment Relations Authority in respect of entitlement to a parental leave payment.

4 Application of this Act

- (1) This Act applies to an employee or a self-employed person who takes parental leave in respect of a child if— 20
- (a) the expected date of delivery of the child is on or after 1 July 2006; or
 - (b) the child is born on or after 1 July 2006; or
 - (c) in the case of adoption, the date on which the person or the person's spouse or partner, with a view to adoption, assumes the care of the child is on or after 1 July 2006. 25
- (2) An employee or a self-employed person to whom this Act applies may, before 1 July 2006, apply for a parental leave payment under Part 7A of the principal Act or apply to have an entitlement to a payment transferred to him or her, as if this Act were already in force. 30

Part 2 Amendments to principal Act

5 Title repealed

The principal Act is amended by repealing the Title. 35

6 New section 1A inserted

The principal Act is amended by inserting, after section 1, the following section:

“1A Purpose

The purpose of this Act is to—

“(a) set minimum entitlements with respect to parental leave for male and female employees; and

“(b) protect the rights of employees during pregnancy and parental leave; and

“(c) entitle certain employees and self-employed persons to up to 14 weeks of paid parental leave.”

7 Interpretation

(1) The definition of **parental leave** in section 2(1) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) means, for an employee,—

“(i) maternity leave to which the employee is entitled in accordance with this Act:

“(ii) partner’s/paternity leave to which the employee is entitled in accordance with this Act:

“(iii) extended leave to which the employee is entitled in accordance with this Act:

“(ab) means, for a self-employed person, a period during which the self-employed person temporarily does not work because of the birth of a child or the assumption of care of a child by the person or the person’s spouse or partner (subject to **section 71CD**):”.

(2) Section 2(1) of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

“**self-employed** means working in 1 or more of the following types of work, other than as an employee:

“(a) providing goods or services for hire or reward under a contract for services:

“(b) carrying on a business (including a profession, trade, manufacture, or undertaking carried on for pecuniary profit), including in partnership with another person:

“(c) working for a trust in a business (as defined in paragraph (b)) carried on by the trust

“**self-employed person** means a person who is self-employed”.

8 New section 2AD inserted

The principal Act is amended by inserting, after section 2AC, the following section:

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“2AD Concurrent employment and self-employment

A person who is an employee and a self-employed person may have his or her rights and benefits in respect of parental leave payments determined on the basis of his or her work as an employee or as a self-employed person but not both.”

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9 Interpretation: multiple births or adoptions

(1) The heading to section 2B of the principal Act is amended by omitting the word “**Interpretation:**”.

(2) Section 2B(1)(b) of the principal Act is amended by inserting, after the word “employees”, the words “and self-employed persons”.

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10 Restriction on taking of parental leave within 12 months of end of previous period of parental leave in respect of another child

(1) The heading to section 6 of the principal Act is amended by omitting the expression “**12 months**”, and substituting the expression “**6 months**”.

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(2) Section 6(b) of the principal Act is amended by omitting the expression “12 months”, and substituting the expression “6 months”.

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11 New section 6A inserted

The principal Act is amended by inserting, after section 6, the following section:

“6A Treatment of employment with same employer for purposes of determining subsequent parental leave entitlements

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“(1) This section applies if an employee resumes service with the same employer—

“(a) at the end of a period of parental leave; or

- “(b) while the employee is entitled, following parental leave, to preference in obtaining employment with the employee’s employer.
- “(2) For the purposes of determining subsequent entitlements to parental leave under this Act, the employee’s period of employment with the employer must be treated as beginning on the day that the employee resumes service with the employer. 5
- “(3) This section overrides section 43.”
- 12 New section 19AB inserted 10**
The principal Act is amended by inserting, after section 19A, the following section:
- “19AB Extension of partner’s/paternity leave entitlements for spouses or partners of self-employed persons in certain circumstances 15**
- “(1) This section applies if—
- “(a) a self-employed person is entitled to a parental leave payment under **section 71DA**; and
- “(b) the self-employed person’s spouse or partner is entitled to partner’s/paternity leave under section 17(c)(ii) or section 18(1)(b)(ii); and 20
- “(c) the self-employed person transfers all or part of his or her entitlement to parental leave payments to the spouse or partner under **section 71E**.
- “(2) The spouse’s or partner’s entitlement to partner’s/paternity leave is extended so that it is the same as the period of parental leave payments transferred to him or her.” 25
- 13 Duration of extended leave**
- Section 26(2) of the principal Act is amended by omitting the words “who is entitled to both maternity leave and extended leave in accordance with this Act,”. 30
- 14 Extended leave may be taken consecutively or concurrently with any leave taken by other parent**
- (1) The principal Act is amended by omitting the heading to section 28, and substituting the heading “**Extended leave** 35

may be taken consecutively or concurrently with other parent’s leave or parental leave payments”.

- (2) Section 28 of the principal Act is amended by inserting, after the word “partner,”, the words “or any period for which the employee’s spouse or partner receives a parental leave payment,”. 5

15 Section 39A repealed

Section 39A of the principal Act is repealed.

16 Non-compliance with formal requirements

- (1) Section 68 of the principal Act is amended by repealing subsection (3), and substituting the following subsection: 10

“(3) An employee, employer, or self-employed person, or a person acting on behalf of an employee, employer, or self-employed person, may apply to the Employment Relations Authority or the Court for relief in respect of an irregularity.” 15

- (2) Section 68 of the principal Act is amended by repealing subsection (6), and substituting the following subsection:

“(6) The Employment Relations Authority or the Court may grant relief—

“(a) by amending or waiving the irregularity, extending the time within which anything is to be or may be done, confirming the right of an employee or self-employed person to exercise rights in respect of parental leave or a parental leave payment (as applicable), or granting other relief as is reasonable: 20
25

“(b) subject to terms, if any, that the Authority or the Court, in the circumstances of each case, thinks fit.”

17 Role of Labour Inspectors

- (1) The principal Act is amended by omitting the heading to section 70A, and substituting the heading “**Labour Inspectors may make determinations in respect of employees**”. 30

- (2) Section 70A(1)(b) of the principal Act is amended by omitting the expression “71M”, and substituting the expression “71M(1)”.

18 New heading and section 70G inserted

The principal Act is amended by inserting, after section 70F, the following heading and section:

*“Role of Labour Inspectors in relation to self-
employed persons*

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“70G Labour Inspectors may make determinations in respect of self-employed persons

“(1) A Labour Inspector may, if requested by the department,—

“(a) determine whether a self-employed person will have been self-employed for at least an average of 10 hours a week during a 6-month or 12-month period for the purpose of eligibility for a parental leave payment; and

10

“(b) determine a self-employed person’s average weekly earnings for the purpose of **section 71M(1A)**.

“(2) The department may, for the purposes of obtaining a determination under this section, supply to the Labour Inspector any information provided by the self-employed person.

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“(3) The Labour Inspector may, for the purposes of carrying out the Inspector’s functions under this section, request the self-employed person to provide any further information relevant to the matter being determined by the Labour Inspector.

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“(4) A Labour Inspector must, as soon as practicable after making a determination, serve a copy on the self-employed person and the department.

“(5) The consequences of a determination are that it is prima facie evidence of the matter determined.”

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19 New sections 71A and 71B substituted

The principal Act is amended by repealing sections 71A and 71B, and substituting the following sections:

“71A Purpose

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The purpose of this Part is to entitle certain employees and self-employed persons to up to 14 weeks of parental leave payments out of public money when they take parental leave.

“71B Overview

“(1) Section 71A and this section are preliminary provisions relating to the parental leave scheme.

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- “(2) Sections 71C to **71CD** are interpretation provisions for this Part.
- “(3) Sections 71D and **71DA** confer entitlements to parental leave payments, primarily on female employees and self-employed persons respectively.
- “(4) **Section 71E** enables employees and self-employed persons to transfer their entitlements under sections 71D and **71DA**, in certain circumstances, to their spouse or partner. 5
- “(5) Sections 71F to 7H contain restrictions on entitlements to parental leave payments.
- “(6) Sections 71I and **71IA** cover the making of an application for payment and provide the department with a discretion to approve irregular applications. 10
- “(7) Sections 71J to 71P relate to the duration and amount of parental leave payments.
- “(8) Sections 71Q to **71ZB** relate to the administration of the parental leave payment scheme. 15
- “(9) This section is intended only as a guide to the general scheme and effect of this Part.”

20 Interpretation of this Part

- (1) Section 71C of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions: 20
- “**eligible self-employed person** has the meaning given in **section 71CB**
- “**employee’s average weekly earnings** means the total of the amounts in respect of all the employments from which the employee takes parental leave as an eligible employee and is determined as follows: 25
- “(a) for an employee to whom—
- “(i) section 7(b)(i), 8(1)(b)(i), 17(c)(i), or 18(1)(b)(i) applies, it means one fifty-second of the employee’s gross earnings during the year ending with the expected date of delivery (or, in the case of adoption, the date on which the employee assumes the care of the child with a view to adoption); or 30
- “(ii) section 7(b)(ii), 8(1)(b)(ii), 17(c)(ii), or 18(1)(b)(ii) applies, it means one twenty-sixth of 35

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- the employee's gross earnings during the 6 months ending with the expected date of delivery (or, in the case of adoption, the date on which the employee assumes the care of the child with a view to adoption); but
- “(b) if section 72A also applies to the employee, the divisor of 52 or 26 must be reduced by the number of complete weeks during which the employee was absent from work on leave without pay in a circumstance described in subsection (2) of that section
- “**net income** has the same meaning as in section OB1 of the Income Tax Act 2004
- “**ordinary weekly pay** means the total of the amounts of ordinary weekly pay in respect of all the employments from which the employee takes parental leave as an eligible employee and is determined on the basis of section 8 of the Holidays Act 2003
- “**self-employed person's average weekly earnings** means the total of the net income in respect of all the work from which the self-employed person takes parental leave as an eligible self-employed person and is determined as follows:
- “(a) for a self-employed person who has been self-employed for at least an average of 10 hours a week over—
- “(i) the 12 months immediately preceding the expected date of delivery (or, in the case of adoption, the date on which the self-employed person assumes the care of the child with a view to adoption), it means one fifty-second of the self-employed person's net income during that period; or
- “(ii) the 6 months immediately preceding the expected date of delivery (or, in the case of adoption, the date on which the self-employed person assumes the care of the child with a view to adoption), it means one twenty-sixth of the self-employed person's net income during that period; but
- “(b) the divisor of 52 or 26 must be reduced by the number of complete weeks during which the self-employed person is—

- “(i) entitled to a payment of weekly compensation under the Injury Prevention, Rehabilitation, and Compensation Act 2001; or
- “(ii) unable to work because of any other circumstances that are considered by a Labour Inspector not to disrupt the normal pattern of the person’s self-employment.” 5
- (2) Section 71C of the principal Act is amended by repealing the definitions of **eligible employee** and **parental leave**, and substituting the following definitions: 10
- “**eligible employee** has the meaning given in **section 71CA**
- “**parental leave**, in relation to an employee, includes non-statutory parental leave”.
- 21 New sections 71CA to 71CD inserted** 15
- The principal Act is amended by inserting, after section 71C, the following sections:
- “71CA Definition of eligible employee**
- “(1) In this Part, **eligible employee** means—
- “(a) a female employee who meets the criteria for maternity leave for the child under section 7; or 20
- “(b) an employee who meets the criteria for parental leave for the adopted child under section 8 or section 18 or section 24; or
- “(c) an employee to whom all or part of an entitlement to a parental leave payment is transferred under **section 71E**; 25
or
- “(d) an employee who succeeds to all or part of an entitlement to a parental leave payment under **section 72B**.
- “(2) Rights and benefits to non-statutory parental leave (and section 4) are ignored when considering whether a person is 30
an eligible employee under this section.
- “71CB Definition of eligible self-employed person**
- “(1) In this Part, **eligible self-employed person** means—
- “(a) a female self-employed person who—
- “(i) becomes pregnant; and 35
- “(ii) at the expected date of delivery, will have been self-employed for at least an average of 10 hours

- a week over the immediately preceding 6 months
or the immediately preceding 12 months; and
- “(iii) takes parental leave from self-employment in
respect of the child; or
- “(b) a self-employed person who— 5
- “(i) assumes (with a view to adoption by that self-
employed person or by that person and that per-
son’s spouse or partner jointly) the care of a child
who is not more than 5 years of age; and
- “(ii) at the date on which he or she, with a view to 10
adoption, first assumes the care of the child, will
have been self-employed for at least an average
of 10 hours a week over the immediately preced-
ing 6 months or the immediately preceding 15
12 months; and
- “(iii) takes parental leave from self-employment in
respect of the child.
- “(2) However, by virtue of **subsection (1)(b)**, a self-employed person
is not entitled to parental leave payments in respect of a child 20
if he or she has previously received parental leave payments in
respect of that child.
- “71CC Multiple self-employment**
- “(1) This section applies for the purposes of determining the rights,
in relation to a parental leave payment, of a person who is 25
engaged in more than 1 type of work on a self-employed basis.
Those rights include the right of a self-employed person to
have a parental leave payment transferred to him or her under
section 71E.
- “(2) If the self-employed person is engaged in more than 1 type of 30
work—
- “(a) concurrently during a 6-month or 12-month period, the
work must be treated as 1 period of self-employment:
- “(b) consecutively during a 6-month or 12-month period the 35
work must be treated as 1 period of self-employment, if
the break between the types of work is no greater than
30 days.

“71CD Return to work by self-employed person

In this Part, a self-employed person is not to be treated as having returned to work because he or she—

- “(a) receives income for work done before the period of parental leave; or 5
- “(b) receives income because of work done by other people during the period of parental leave; or
- “(c) carries out work in the nature of oversight or occasional administrative tasks in the business in which the person is self-employed.” 10

22 Entitlement to parental leave payment

- (1) The heading to section 71D of the principal Act is amended by adding the words “**for employees**”.
- (2) Section 71D of the principal Act is amended by repealing subsections (2) to (4), and substituting the following subsection: 15
- “(2) This section is subject to sections 71F to **71IA** (restrictions on parental leave payments and making an application for payment).”

23 New section 71DA inserted 20

The principal Act is amended by inserting, after section 71D, the following section:

“71DA Entitlement to parental leave payment for self-employed persons

- “(1) A self-employed person is entitled to a parental leave payment under this Part if the person is— 25
 - “(a) an eligible self-employed person; or
 - “(b) a self-employed person to whom all or part of an entitlement to a parental leave payment is transferred under **section 71E**; or 30
 - “(c) a self-employed person who succeeds to all or part of an entitlement to a parental leave payment under **section 72B**.
- “(2) This section is subject to sections 71F to **71IA** (restrictions on parental leave payments and making an application for payment).” 35

24 New sections 71E and 71EA substituted

The principal Act is amended by repealing section 71E, and substituting the following sections:

“71E Entitlement may be transferred to spouse or partner

- “(1) An eligible employee (within the meaning of section 71CA(1)(a) or (b)) or an eligible self-employed person may transfer all or part of his or her entitlement to a parental leave payment in respect of a child to his or her spouse or partner if any of subsections (2) to (4) applies to the spouse or partner. 5**
- “(2) The spouse or partner is an employee who— 10**
- “(a) has given written notice to his or her employer of his or her wish to take parental leave (in accordance either with this Act or with the alternative provision under which the leave is taken); and**
 - “(b) takes parental leave from his or her employment in respect of a child; and 15**
 - “(c) meets the criteria for parental leave under any of sections 7(b), 8(1)(b), 17(c), 18(1)(b), 23(b), or 24(1)(b).**
- “(3) The spouse or partner is a self-employed person who—**
- “(a) assumes or intends to assume the care of a child to whom the person’s spouse or partner gives birth (in the case of the spouse or partner of either a female employee to whom section 7 applies or a female self-employed person); and 20**
 - “(b) takes parental leave from his or her self-employment; and 25**
 - “(c) at the expected date of delivery, will have been self-employed for at least an average of 10 hours a week over the immediately preceding 6 months or the immediately preceding 12 months. 30**
- “(4) The spouse or partner is a self-employed person who—**
- “(a) assumes (with a view to adoption by the self-employed person’s spouse or partner or the self-employed person’s spouse or partner and the self-employed person jointly) the care of a child who is not more than 5 years of age (in the case of the spouse or partner of either a person to whom section 8 or section 18 or section 24 applies or a self-employed person); and 35**
 - “(b) takes parental leave from his or her self-employment; and 40**

- “(c) at the date on which he or she, with a view to adoption, first assumes the care of the child, will have been self-employed for at least an average of 10 hours a week over the immediately preceding 6 months or the immediately preceding 12 months. 5
- “(5) Rights and benefits to non-statutory parental leave (and section 4) are ignored when considering whether a spouse or partner meets the criteria for parental leave for the purpose of this section.
- “71EA **Effect of transfer of entitlement to spouse or partner** 10
To the extent that an employee or a self-employed person transfers all or part of his or her entitlement to a parental leave payment to his or her spouse or partner under **section 71E**,—
- “(a) references in this Part to the employee’s or self-employed person’s entitlement to a parental leave payment are references to the spouse’s or partner’s entitlement to a parental leave payment; and 15
- “(b) references in this Part to the period of parental leave are references to the period of parental leave taken by the spouse or partner; and 20
- “(c) the amount of the parental leave payment is calculated according to the earnings of the spouse or partner; and
- “(d) the entitlement that is transferred is deducted from the transferring employee’s or self-employed person’s entitlement to a parental leave payment.” 25
- 25 Subsequent parental leave payments**
- (1) Section 71F(a) of the principal Act is amended by omitting the expression “12 months”, and substituting the expression “6 months”.
- (2) Section 71F of the principal Act is amended by adding, as subsection (2), the following subsection: 30
- “(2) A self-employed person is not entitled to a parental leave payment in respect of a child if—
- “(a) less than 6 months have elapsed after the end of the period for which the person received a parental leave payment; or 35

“(b) **section 71CB(2)** applies (restriction on adoptive parents receiving parental leave payments if they have previously received parental leave payments for the same child as a birth parent).”

- 26 Parental tax credit** 5
- (1) Section 71G(1) of the principal Act is amended by omitting the words “employees do”, and substituting the words “an employee or a self-employed person does”.
- (2) Section 71G of the principal Act is amended by repealing subsection (2), and substituting the following subsection: 10
- “(2) An employee or self-employed person loses his or her entitlement to a parental leave payment under this Part if the employee or self-employed person, or his or her spouse or partner, or both of them, has received any payment of parental tax credit in respect of the child.” 15
- 27 Joint adoptions**
- Section 71H(1)(b) of the principal Act is amended by omitting the expression “71D(2)(b)”, and substituting the words “**71CA(1)(b)** or the eligible self-employed person for the purpose of section **71CB(1)(b)** (as the case may be)”. 20
- 28 Applications for payment**
- (1) Section 71I(1) of the principal Act is amended by inserting, after the word “employee”, in both places where it occurs, the words “or self-employed person”.
- (2) Section 71I(2)(a) and (d) of the principal Act is amended by inserting, after the word “employee”, the words “or self-employed person”. 25
- (3) Section 71I of the principal Act is amended by adding the following subsection:
- “(4) This section is subject to **section 71IA**.” 30
- 29 New section 71IA inserted**
- The principal Act is amended by inserting, after section 71I, the following section:

“71IA Discretion to approve irregular applications

- “(1) The department may approve the making of a parental leave payment to an employee or a self-employed person despite an irregularity in his or her application for the payment.
- “(2) However, the department may not exercise its discretion under this section if the matter giving rise to the irregularity is disputed between an employee and an employer. 5
- “(3) In this section, **irregularity** means—
- “(a) failing to make the application for payment before the relevant date in section 71I; or 10
 - “(b) applying in a manner other than that prescribed in the regulations; or
 - “(c) failing to specify all the matters or include all the documents prescribed in the regulations; or
 - “(d) failing to state whether the employee wishes to transfer all or part of the entitlement under **section 71E**; or 15
 - “(e) otherwise applying irregularly in matter of form.”

30 Duration of parental leave payment

Section 71J(b) of the principal Act is amended by inserting, after the word “employee”, the words “or self-employed person”. 20

31 Start of parental leave payment

Section 71K of the principal Act is amended by adding, as subsection (2), the following subsection:

- “(2) A parental leave payment is payable to a self-employed person for a period that begins on the earliest of— 25
- “(a) the date the person commences parental leave; or
 - “(b) the date of confinement; or
 - “(c) in the case of adoption, the date on which the person assumes (with a view to adoption by that person or by that person and that person’s spouse or partner jointly) the care of the child.” 30

32 End of parental leave payment

(1) The heading to section 71L of the principal Act is amended by adding the words “for employees”. 35

- (2) Section 71L(3)(b) of the principal Act is amended by omitting the expression “section 39A”, and substituting the expression “**section 72B**”.
- 33 New section 71LA inserted** 5
The principal Act is amended by inserting, after section 71L, the following section:
- “71LA End of parental leave payment for self-employed persons**
- “(1) A parental leave payment is payable to a self-employed person for a period that ends on the earlier of— 10
- “(a) 14 weeks after the date of commencement of his or her parental leave; or
- “(b) the date on which the self-employed person returns to work; or
- “(c) the date on which the self-employed person ceases self-employment. 15
- “(2) The period does not end earlier than the date referred to in **subsection (1)** even though the self-employed person’s parental leave may end earlier because—
- “(a) the self-employed person is declared bankrupt or the business in which the person is self-employed goes into liquidation: 20
- “(b) the self-employed person has a miscarriage or ceases to have the care of the child:
- “(c) the self-employed person or the child dies. 25
- “(3) The period ends earlier than the date referred to in **subsection (1)** if the person’s spouse or partner succeeds to the parental leave payment entitlement under **section 72B**, in which case the payment to the person stops on the date of succession.”
- 34 Amount of parental leave payment** 30
- (1) Section 71M(1)(a) of the principal Act is amended by omitting the word “; or”, and substituting the word “; and”.
- (2) Section 71M(1)(b)(i) of the principal Act is amended by omitting the word “; or”, and substituting the word “; and”.
- (3) Section 71M of the principal Act is amended by inserting, after subsection (1), the following subsection: 35

- “(1A) The rate of parental leave payment payable to any self-employed person is the lesser of—
- “(a) \$357.30 per week (or any adjusted amount set under section 71N or any other amount set under section 71O); and 5
 - “(b) the greater of—
 - “(i) 100% of the self-employed person’s average weekly earnings; and
 - “(ii) the minimum amount of parental leave payment for a self-employed person set under **section 710A.**” 10
- (4) Section 71M of the principal Act is amended by repealing subsection (2).
- 35 Annual adjustment of maximum rates of parental leave payment** 15
Section 71N(1) of the principal Act is amended by inserting, after the expression “section 71M(1)(a)”, the words “and **section 71M(1A)(a)**”.
- 36 Discretionary increases in payment amount by Order in Council** 20
Section 71O(1) of the principal Act is amended by adding the words “and **section 71M(1A)(a)**”.
- 37 New section 710A inserted** 25
The principal Act is amended by inserting, after section 71O, the following section:
- “**710A Annual adjustment of minimum rates of parental leave payment for self-employed persons**
The minimum rate of parental leave payment that applies under section **71M(1A)(b)(ii)** must be set, by Order in Council, as at 1 July each year, as a weekly amount that is equivalent to 10 hours’ work at the highest rate of minimum wage that applies under the Minimum Wage Act 1983 at that date.” 30
- 38 Obligation to notify early return to work, etc** 35
Section 71U of the principal Act is amended by inserting, after subsection (1), the following subsection:

- “(1A) A self-employed person must give notice if, during the period for which the person is receiving a parental leave payment under this Part,—
- “(a) the self-employed person returns to work; or
 - “(b) the person ceases self-employment.” 5
- 39 Obligation to supply information**
- (1) Section 71W of the principal Act is amended by inserting, after subsection (1), the following subsection:
- “(1A) The department may, by written notice, request a self-employed person who has applied for a parental leave payment to supply to the department any information in the self-employed person’s possession relating to that person’s entitlement or continued entitlement to payment under this Part.” 10
- (2) Section 71W(2) of the principal Act is amended by omitting the words “or the employer”, and substituting the words “, employer, or self-employed person”. 15
- 40 New section 71ZB inserted**
- The principal Act is amended by inserting, after section 71ZA, the following section:
- “71ZB Review of department’s decisions about parental leave payment 20**
- “(1) An employee or a self-employed person may apply to the Employment Relations Authority for a review of a decision made by the department relating to—
- “(a) the person’s entitlement to a parental leave payment: 25
 - “(b) whether a parental leave payment may be transferred to the person under **section 71E**:
 - “(c) the amount of parental leave payment made to the person:
 - “(d) the deduction or recovery of overpayments by the department under section 71X. 30
- “(2) An application for review must be made within 12 months after the date on which the decision is notified to the employee or self-employed person.
- “(3) The Authority may confirm, modify, or reverse the decision of the department. 35

“(4) An application for review under this section may be made in respect of a decision described in subsection (1) that is notified to the employee or self-employed person after the commencement of this section.”

41 New sections 72B to 72D inserted

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The principal Act is amended by inserting, after section 72A, the following sections:

“**72B Succession to spouse’s or partner’s entitlements**

“(1) A spouse or partner of an employee may succeed to the employee’s rights to parental leave and to a parental leave payment under this Act if, at any time after the employee gives notice to his or her employer of a wish to take parental leave,—

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“(a) the employee dies; or

“(b) the spouse or partner becomes the sole guardian of the child, to the exclusion of the employee.

15

“(2) The spouse or partner of a self-employed person may succeed to the self-employed person’s rights to a parental leave payment under this Act if, at any time after the self-employed person commences parental leave,—

20

“(a) the self-employed person dies; or

“(b) the spouse or partner becomes the sole guardian of the child, to the exclusion of the self-employed person.

“(3) However, the spouse or partner may succeed only if he or she is—

25

“(a) an employee, and—

“(i) meets the criteria for parental leave under any of sections 7(b), 8(1)(b), 17(c), 18(1)(b), 23(b), or 24(1)(b); and

“(ii) gives reasonable notice to his or her employer, and to the department (if the employee had applied for a parental leave payment under Part 7A), of his or her wish to succeed under this section; or

30

“(b) an eligible self-employed person under **section 71CB** and gives reasonable notice to the department of his or her wish to succeed to a parental leave payment under this section.

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“(4) A succession under this section is treated, for the purpose of Part 7A, as if it were a transfer under **section 71E**, and that Part applies with necessary modifications.

“72C Date of succession to spouse’s or partner’s entitlements

“(1) The date of succession to the entitlements of an employee or self-employed person is the later of— 5

“(a) the date of the death of the employee or self-employed person or the date when the spouse or partner becomes sole guardian, as the case may be; and

“(b) the date on which the bereavement leave of the spouse or partner expires (if any). 10

“(2) The first payment of parental leave payment to the spouse or partner includes an amount for the period from the date of succession if the notice to the department referred to in **section 72B(3)** is received on or after that date. 15

“72D Application of Employment Relations Act 2000 in case of self-employed persons

Part 10 of the Employment Relations Act 2000 applies to the extent applicable and with all necessary modifications to an application in respect of a self-employed person made to the Employment Relations Authority or Employment Court under this Act.” 20

42 Regulations

(1) Section 73(1) of the principal Act is amended by inserting, after paragraph (ab), the following paragraph: 25

“(aba) prescribing the information that self-employed persons must give in, or the documents that self-employed persons must attach to, an application for, or other notices relating to, a parental leave payment:”.

(2) Section 73(1) of the principal Act is amended by inserting, after paragraph (ad), the following paragraph: 30

“(ada) setting the amount under **section 710A**, including the amount that applies on 1 July 2006:”.

43 Consequential amendments

The principal Act is consequentially amended in the manner indicated in the Schedule.

Schedule Consequential amendments to principal Act

New heading above section 2 Insert the heading “ <i>Interpretation</i> ”.	5
Heading to section 2A Omit the word “ Interpretation: ”.	
Heading to section 2AB Omit the word “ Interpretation: ”.	
Heading to section 2AC Omit the word “ Interpretation: ”.	10
New heading above section 3 Insert the heading “ <i>Application of Act</i> ”.	
New heading above section 5 Insert the heading “ <i>Restrictions on parental leave</i> ”.	15
Heading to section 19A Insert, after the word “ entitlements ”, the words “ for spouses or partners of employees ”.	
Heading above section 70A Add the words “ <i>in relation to employees</i> ”.	20
New heading above section 71 Insert the heading “ <i>State employees</i> ”.	
New heading above section 71C Insert the heading “ <i>Interpretation</i> ”.	
New heading above section 71I Insert the heading “ <i>Applications for parental leave payment</i> ”.	25