



House of Representatives

Supplementary Order Paper

Tuesday, 17 February 2004

Volunteers Employment Protection Amendment Bill

Proposed amendments

Hon Mark Burton, in Committee, to move the following amendments:

Clause 1A

To omit subclause (3) (all the words in lines 9 and 10 on page 3), and substitute the following subclause:

- (3) The rest of this Act comes into force on 1 April 2004.

Clause 3

To omit this clause (all the words in lines 22 to 24 on page 6), and substitute the following clause:

3 Commencement

This Part and **Schedules 1 to 4** come into force on 1 April 2004.

Clause 13

To omit the new sections 14P and 14Q (all the words in lines 23 to 35 on page 22 and in lines 1 to 37 on page 23, and in lines 1 to 4 on page 24), and substitute the following sections:

“14P Employer’s obligations in respect of remuneration and holiday pay

“(1) Subject to **subsection (2)**, the employer of an employee who takes leave under **Part 2 or Part 3** is not obliged to pay that employee any remuneration for—

“(a) any period of the employee’s leave under **Part 2 or Part 3**;
or

“(b) any period during which the employee is entitled under this Act, following any period of leave under **Part 2 or Part 3**, to preference in obtaining employment with the employer.

“(2) If an employee becomes entitled to an annual holiday on pay during—

“(a) a period of leave under **Part 2 or Part 3**; or

“(b) a period of preference in obtaining employment; or

“(c) the period of 12 months commencing with the date on which the employee returns to work after a period of leave under **Part 2 or Part 3** or a period of preference in obtaining employment,—

the employee is, despite anything in section 21 of the Holidays Act 2003, entitled to holiday pay for that holiday only at the rate of the employee’s average weekly earnings for the 12 months immediately before the end of the last pay period before the annual holiday.

Compare: 1987 No 129 s 42

“14Q **Power to increase entitlement to holiday pay**

Any employment agreement may, in addressing the matter of holiday pay for an employee taking any period of leave under **Part 2 or Part 3**, provide that the employee is entitled to holiday pay in respect of annual holidays, at the same rate as, or at a higher rate than, the rate referred to in **section 14P(2)**.

Compare: 1987 No 129 s 72

Clause 19

To omit this clause (all the words in lines 8 to 10 on page 42), and substitute the following clause:

19 Commencement

This Part comes into force on 1 April 2004.

Clause 23

To omit from line 29 on page 44 the word “others”, and substitute the word “other”.

Schedule 2

To omit the words “this Act” wherever they appear in lines 8 and 21 on page 48 and in lines 1, 2, 12, and 25 on page 49, and substitute in each case the words “the Volunteers Employment Protection Amendment Act **2004**”.

Schedule 3

To omit the item relating to the Holidays Act 1981 (all the words in lines 12 to 17 on page 51), and substitute the following item:

Holidays Act 2003 (2003 No 129)

Omit from section 14(b)(iii) the words “protected voluntary service or training” and substitute the words “volunteers leave”.

Repeal section 16(2)(a)(iii) and substitute:

“(iii) on volunteers leave within the meaning of the Volunteers Employment Protection Act 1973; or”

Explanatory note

The proposed amendments to *clauses 1A, 3 and 19* bring the provisions of the Bill into force on 1 April 2004 (the date of the commencement of the Holidays Act 2003).

The proposed amendments to *clause 13* and *Schedule 3* are consequential on the enactment of the Holidays Act 2003 and, in particular, on the amendments made to the Parental Leave and Employment Protection Act 1987 by section 91(2) of the Holidays Act 2003.

The other amendments proposed in this Supplementary Order Paper are of a tidying-up nature.
