

# House of Representatives

# Supplementary Order Paper

**Tuesday, 14 November 2017**

## **Parental Leave and Employment Protection Amendment Bill**

### *Proposed amendments*

Hon Amy Adams, in Committee, to move the following amendments:

*New clause 6A*

After *clause 6* (page 3, after line 3), insert:

**6A Section 7 amended (Meaning of primary carer)**

- (1) In section 7(1)(b)(ii), replace “the primary carer” with “a primary carer”.
- (2) After section 7(3), insert:
- (4) A person and their spouse or partner may both be primary carers simultaneously if—
  - (a) the person meets the criteria in subsection (1)(a) or (1)(c);  
and
  - (b) the person has transferred part of their entitlement to a parental leave payment to the spouse or partner under section 71E;  
and
  - (c) the person and their spouse or partner decide to take parental leave in concurrent or overlapping periods in accordance with **section 9A**.

*New clause 7A*

After *clause 7* (page 3, after line 6), insert:

**Proposed amendments to  
Parental Leave and Employment Protection  
Amendment Bill**

SOP No 3

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**7A New section 9A inserted (Primary carer leave may be taken consecutively or concurrently with primary carer leave taken by partner)**

After section 9, insert:

**9A Primary carer leave may be taken consecutively or concurrently with primary carer leave taken by partner**

- (1) This section applies if—
- (a) an employee takes a period of primary carer leave; and
  - (b) the employee transfers part of their entitlement to a parental leave payment to their spouse or partner under section 71E.
- (2) The employee’s primary carer leave may be taken for a period that is consecutive, concurrent, or overlapping with the spouse or partner’s primary carer leave.

**Example**

Abby is entitled to 22 weeks of primary carer leave. Abby transfers 6 weeks of her entitlement to a parental leave payment to her partner Blair under section 71E. Blair may take 6 weeks of primary carer leave. That 6 weeks may be taken—

- (a) for the period that immediately follows Abby’s 16 weeks of primary carer leave; or
- (b) for a period that is during Abby’s 16 weeks of primary carer leave (for instance, Blair may choose to take primary carer leave for the first 6 weeks following the birth of the child, with Abby taking primary carer leave for the last 2 weeks before the birth and the first 14 weeks following the birth); or
- (c) for a period that overlaps with Abby’s 16 weeks of primary carer leave (for instance, Blair may choose to take the first week of primary carer leave during Abby’s last week of primary carer leave).

*Clause 12*

In *clause 12*, insert as subclause (2) (page 3, after line 16):

- (2) In section 71J(1)(b), after “per person”, insert “(which, in accordance with **section 9A**, may be consecutive, concurrent, or overlapping)”.

*New clause 17A*

After *clause 17* (page 4, after line 3), insert:

**17A Section 9A amended (Primary carer leave may be taken consecutively or concurrently with primary carer leave taken by partner)**

In the example in **section 9A**—

- (a) replace “22 weeks” with “26 weeks”; and
- (b) replace “14 weeks” with “18 weeks”; and
- (c) replace “16 weeks” with “20 weeks” in each place.

**Explanatory note**

This Supplementary Order Paper amends the Parental Leave and Employment Protection Amendment Bill and will ensure that paid parental leave can be split between spouses or partners who are caring for the child and taken at the same time, provided that the total paid parental leave taken by the couple does not exceed the maximum provided for a single primary carer.

It is important as part of building strong families that where more than one parent or other carer will be involved in raising the child, both parents or carers should have an opportunity to bond with the child, and support each other, during the critical first few months to improve short- and long-term child and societal outcomes.

The amendments in this Supplementary Order Paper are designed to increase the flexibility of arrangements available to families and as they do not increase the total paid parental leave available to a family unit, they will not increase the operating costs of providing paid parental leave.