

Reprint
as at 18 March 2016



Parental Leave and Employment Protection Amendment Act 2014

Public Act 2014 No 27
Date of assent 19 May 2014
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parental Leave and Employment Protection Amendment Act 2014.

2 Commencement

- (1) Sections 6 to 18 and Schedule 2 come into force on 1 April 2015.
- (2) Sections 19 to 31 and Schedule 3 come into force on 1 April 2016.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Parental Leave and Employment Protection Act 1987 (the **principal Act**).

Amendments to come into force on day after date of Royal assent

4 New section 2C inserted (Transitional, savings, and related provisions)

Before section 3, insert:

2C Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

5 New Schedule 1AA inserted

Before the Schedule, insert the Schedule 1AA set out in Schedule 1 of this Act.

Amendments to come into force on 1 April 2015

6 Section 1A amended (Purpose)

In section 1A(c), replace “14 weeks” with “16 weeks”.

7 Section 9 amended (Duration of maternity leave)

- (1) In section 9(1) and (3), replace “14 weeks” with “16 weeks”.
- (2) In section 9(2), replace “8 weeks” with “10 weeks”.

8 Section 19A amended (Extension of partner’s/paternity leave entitlements for spouses or partners of employees in certain circumstances)

In section 19A(3), replace “14 weeks” with “16 weeks”.

9 Section 19B amended (Extension of partner’s/paternity leave of adoptive parent)

In section 19B(2)(a), replace “14 weeks” with “16 weeks”.

- 10 Section 26 amended (Duration of extended leave)**
In section 26(2), replace “14 weeks” with “16 weeks”.
- 11 Section 27 amended (Extended leave to be shared between parents)**
In section 27(2)(c), replace “14 weeks” with “16 weeks”.
- 12 Section 32 amended (Requirements where extended leave sought)**
In section 32(d)(i), replace “14 weeks” with “16 weeks”.
- 13 Section 45 amended (Early ending and extension of parental leave)**
In section 45(4)(a) and (c)(i), replace “14 weeks” with “16 weeks”.
- 14 Section 71A amended (Purpose)**
In section 71A, replace “14 weeks” with “16 weeks”.
- 15 Section 71J amended (Duration of parental leave payment)**
In section 71J(a) and (b), replace “14 weeks” with “16 weeks”.
- 16 Section 71L amended (End of parental leave payment for employees)**
In section 71L(1)(a), replace “14 weeks” with “16 weeks”.
- 17 Section 71LA amended (End of parental leave payment for self-employed persons)**
In section 71LA(1)(a), replace “14 weeks” with “16 weeks”.
- 18 Regulations amended**
The Parental Leave and Employment Protection Regulations 2002 are amended in the manner set out in Schedule 2.

Amendments to come into force on 1 April 2016

- 19 Section 1A amended (Purpose)**
In section 1A(c), replace “16 weeks” with “18 weeks”.
- 20 Section 9 amended (Duration of maternity leave)**
- (1) In section 9(1) and (3), replace “16 weeks” with “18 weeks”.
- (2) In section 9(2), replace “10 weeks” with “12 weeks”.
- 21 Section 19A amended (Extension of partner’s/paternity leave entitlements for spouses or partners of employees in certain circumstances)**

[Repealed]

Section 21: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

22 Section 19B amended (Extension of partner’s/paternity leave of adoptive parent)

[Repealed]

Section 22: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

23 Section 26 amended (Duration of extended leave)

[Repealed]

Section 23: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

24 Section 27 amended (Extended leave to be shared between parents)

[Repealed]

Section 24: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

25 Section 32 amended (Requirements where extended leave sought)

[Repealed]

Section 25: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

26 Section 45 amended (Early ending and extension of parental leave)

In section 45(4)(a), replace “16 weeks” with “18 weeks”.

Section 26: amended, on 18 March 2016, by section 82(3) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

27 Section 71A amended (Purpose)

[Repealed]

Section 27: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

28 Section 71J amended (Duration of parental leave payment)

In section 71J(a) and (b), replace “16 weeks” with “18 weeks”.

29 Section 71L amended (End of parental leave payment for employees)

[Repealed]

Section 29: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

30 Section 71LA amended (End of parental leave payment for self-employed persons)

[Repealed]

Section 30: repealed, on 18 March 2016, by section 82(2) of the Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8).

31 Regulations amended

The Parental Leave and Employment Protection Regulations 2002 are amended in the manner set out in Schedule 3.

Schedule 1
**New Schedule 1AA inserted in Parental Leave and Employment
Protection Act 1987**

s 5

Schedule 1AA
**Transitional provisions relating to amendments to this Act coming
into force on and after 1 April 2015**

s 2C

Part 1
**Transitional provision relating to amendments to this Act made by
sections 6 to 18 of Parental Leave and Employment Protection
Amendment Act 2014**

**1 Application of sections 6 to 18 of Parental Leave and Employment
Protection Amendment Act 2014**

- (1) The amendments made by sections 6 to 18 of the Parental Leave and Employment Protection Amendment Act 2014 apply to an employee or self-employed person who takes parental leave in respect of a child if—
- (a) the expected date of delivery of the child is on or after 1 April 2015; or
 - (b) the child is born on or after 1 April 2015; or
 - (c) in the case of adoption, the date on which the employee or self-employed person, or his or her spouse or partner, with a view to adoption, assumes the care of the child, is on or after 1 April 2015.
- (2) An employee or self-employed person to whom the amendments referred to in subclause (1) apply may, before 1 April 2015,—
- (a) give notice of a wish to take parental leave, in which case the employee may begin his or her parental leave before 1 April 2015 as if those amendments were already in force; and
 - (b) apply for a parental leave payment under Part 7A as if those amendments were already in force.

Compare: 2004 No 89 ss 4, 26

Part 2**Transitional provision relating to amendments to this Act made by sections 19 to 31 of Parental Leave and Employment Protection Amendment Act 2014****2 Application of sections 19 to 31 of Parental Leave and Employment Protection Amendment Act 2014**

- (1) The amendments made by sections 19 to 31 of the Parental Leave and Employment Protection Amendment Act 2014 apply to an employee or self-employed person who takes parental leave in respect of a child if—
 - (a) the expected date of delivery of the child is on or after 1 April 2016; or
 - (b) the child is born on or after 1 April 2016; or
 - (c) in the case of adoption, the date on which the employee or self-employed person, or his or her spouse or partner, with a view to adoption, assumes the care of the child is on or after 1 April 2016.
- (2) An employee or self-employed person to whom the amendments referred to in subclause (1) apply may, before 1 April 2016,—
 - (a) give notice of a wish to take parental leave, in which case the employee may begin his or her parental leave before 1 April 2016 as if those amendments were already in force; and
 - (b) apply for a parental leave payment under Part 7A as if those amendments were already in force.

Compare: 2004 No 89 ss 4, 26

Schedule 2
Amendments to Parental Leave and Employment Protection
Regulations 2002 that come into force on 1 April 2015

s 18

Regulation 8

In regulation 8(1)(d)(iii) and (1A)(b), replace “14 weeks” with “16 weeks”.

Regulation 9

In regulation 9(2)(b), replace “14 weeks” with “16 weeks”.

Regulation 11

In regulation 11(3)(b), replace “14 weeks” with “16 weeks”.

Regulation 12

In regulation 12(2)(b), replace “14 weeks” with “16 weeks”.

Schedule

In the Schedule, form 1, notes, replace “14 weeks” with “16 weeks” in each place.

Schedule 3
Amendments to Parental Leave and Employment Protection
Regulations 2002 that come into force on 1 April 2016

s 31

Regulation 8

In regulation 8(1)(d)(iii) and (1A)(b), replace “16 weeks” with “18 weeks”.

Regulation 9

In regulation 9(2)(b), replace “16 weeks” with “18 weeks”.

Regulation 11

In regulation 11(3)(b), replace “16 weeks” with “18 weeks”.

Regulation 12

In regulation 12(2)(b), replace “16 weeks” with “18 weeks”.

Schedule

In the Schedule, form 1, notes, replace “16 weeks” with “18 weeks” in each place.

Reprints notes

1 *General*

This is a reprint of the Parental Leave and Employment Protection Amendment Act 2014 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Parental Leave and Employment Protection Amendment Act 2016 (2016 No 8): section 82