

**Parental Leave and Employment Protection Amendment  
Bill**

Government Bill

As reported from the committee of the whole House



**Parental Leave and Employment Protection  
Amendment Bill**

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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

text inserted



*Hon Iain Lees-Galloway*

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

Government Bill

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**The Parliament of New Zealand enacts as follows:**

<b>1</b>	<b>Title</b>	
	This Act is the Parental Leave and Employment Protection Amendment Act <b>2017</b> .	
<b>2</b>	<b>Commencement</b>	5
(1)	<b>Part 1</b> and <b>Part 1 of Schedule 2</b> come into force on <b>1 July 2018</b> .	
(2)	<b>Part 2</b> and <b>Part 2 of Schedule 2</b> come into force on <b>1 July 2020</b> .	
(3)	The rest of this Act comes into force on the day after the date on which it receives the Royal assent.	
<b>3</b>	<b>Principal Act</b>	10
	This Act amends the Parental Leave and Employment Protection Act 1987 (the <b>principal Act</b> ).	
<b>4</b>	<b>Schedule 1AA amended</b>	
	In Schedule 1AA, after Part 3, insert the <b>Parts 4 and 5</b> set out in <b>Schedule 1</b> of this Act.	15

**Part 1**

**Amendments to come into force on 1 July 2018**

<b>5</b>	<b>Section 1A amended (Purpose)</b>	
	In section 1A(c), replace “18 weeks” with “22 weeks”.	

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- 6 Section 1B amended (Outline)**  
In section 1B(3)(a)(i) and (iii), (b)(i) and (iii), (c)(ii), and (d)(ii), replace “18 weeks” with “22 weeks”.
- 7 Section 9 amended (Duration of primary carer leave)**  
(1) In section 9(1) and (3), replace “18 weeks” with “22 weeks”. 5  
(2) In section 9(2), replace “12 weeks” with “16 weeks”.
- 8 Section 26 amended (Duration of extended leave)**  
In section 26(3), replace “18 weeks” with “22 weeks”.
- 9 Section 32 amended (Requirements where extended leave sought)**  
In section 32(2)(a), replace “18 weeks” with “22 weeks”. 10
- 10 Section 45 amended (Early ending and extension of parental leave)**  
In section 45(4)(a), replace “18 weeks” with “22 weeks”.
- 11 Section 71A amended (Purpose)**  
In section 71A(a), replace “18 weeks” with “22 weeks”.
- 11A Section 71CE amended (Keeping-in-touch days)** 15  
In section 71CE(1) and (3)(b), replace “40 hours” with “52 hours”.
- 12 Section 71J amended (Duration of parental leave payment)**  
In section 71J(1)(a) and (b), replace “18 weeks” with “22 weeks”.
- 13 Section 71L amended (End of parental leave payment)**  
In section 71L(1)(a), replace “18 weeks” with “22 weeks”. 20
- Consequential amendments*
- 14 Amendments to Parental Leave and Employment Protection Regulations 2016**  
Amend the Parental Leave and Employment Protection Regulations 2016 as set out in **Part 1 of Schedule 2**. 25

## Part 2

### Amendments to come into force on 1 July 2020

- 15 Section 1A amended (Purpose)**  
In section 1A(c), replace “22 weeks” with “26 weeks”.

- 16 Section 1B amended (Outline)**  
In section 1B(3)(a)(i) and (iii), (b)(i) and (iii), (c)(ii), and (d)(ii), replace “22 weeks” with “26 weeks”.
- 17 Section 9 amended (Duration of primary carer leave)**
- (1) In section 9(1) and (3), replace “22 weeks” with “26 weeks”. 5
- (2) In section 9(2), replace “16 weeks” with “20 weeks”.
- 18 Section 26 amended (Duration of extended leave)**  
In section 26(3), replace “22 weeks” with “26 weeks”.
- 19 Section 32 amended (Requirements where extended leave sought)**
- In section 32(2)(a), replace “22 weeks” with “26 weeks”. 10
- 20 Section 45 amended (Early ending and extension of parental leave)**  
In section 45(4)(a), replace “22 weeks” with “26 weeks”.
- 21 Section 71A amended (Purpose)**  
In section 71A(a), replace “22 weeks” with “26 weeks”.
- 21A Section 71CE amended (Keeping-in-touch days)** 15  
In section 71CE(1) and (3)(b), replace “52 hours” with “64 hours”.
- 22 Section 71J amended (Duration of parental leave payment)**  
In section 71J(1)(a) and (b), replace “22 weeks” with “26 weeks”.
- 23 Section 71L amended (End of parental leave payment)**
- In section 71L(1)(a), replace “22 weeks” with “26 weeks”. 20
- Consequential amendments*
- 24 Amendments to Parental Leave and Employment Protection Regulations 2016**
- Amend the Parental Leave and Employment Protection Regulations 2016 as set out in **Part 2 of Schedule 2**. 25



**Schedule 1**  
**New Parts 4 and 5 inserted into Schedule 1AA**

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<b>Part 4</b>	
<b>Provisions relating to Part 1 of Parental Leave and Employment Protection Amendment Act 2017</b>	<b>5</b>
<b>4 Application of Part 1 of Parental Leave and Employment Protection Amendment Act 2017</b>	
(1) This Act, as amended by <b>Part 1</b> of the Parental Leave and Employment Protection Amendment Act <b>2017</b> , applies to a person who takes parental leave or applies for a parental leave payment in respect of a child if,—	10
(a) in the case of a child born to the person or to the person’s spouse or partner,—	
(i) the expected date of delivery of the child is on or after 1 July 2018; or	15
(ii) the child is born on or after 1 July 2018; or	
(b) in any other case, the person or his or her spouse or partner becomes the primary carer in respect of a child on or after 1 July 2018.	
(2) A person referred to in <b>subclause (1)</b> may, before 1 July 2018,—	
(a) give notice of a request to take parental leave, in which case the person may begin the parental leave before 1 July 2018 as if those amendments were already in force; and	20
(b) apply for a parental leave payment under Part 7A as if those amendments were already in force.	
<b>Part 5</b>	
<b>Provisions relating to Part 2 of Parental Leave and Employment Protection Amendment Act 2017</b>	<b>25</b>
<b>5 Application of Part 2 of Parental Leave and Employment Protection Amendment Act 2017</b>	
(1) This Act, as amended by <b>Part 2</b> of the Parental Leave and Employment Protection Amendment Act <b>2017</b> , applies to a person who takes parental leave or applies for a parental leave payment in respect of a child if,—	30
(a) in the case of a child born to the person or to the person’s spouse or partner,—	

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- (i) the expected date of delivery of the child is on or after 1 July 2020; or
- (ii) the child is born on or after 1 July 2020; or
- (b) in any other case, the person or his or her spouse or partner becomes the primary carer in respect of a child on or after 1 July 2020. 5
- (2) A person referred to in **subclause (1)** may, before 1 July 2020,—
- (a) give notice of a request to take parental leave, in which case the person may begin the parental leave before 1 July 2020 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. 10

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**Schedule 2**  
**Amendments to Parental Leave and Employment Protection**  
**Regulations 2016**

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**Part 1**

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**Amendments to come into force on 1 July 2018**

**Regulation 9**

In regulation 9(2)(a)(v), replace “18 weeks” with “22 weeks”.

**Regulation 10**

In regulation 10(2)(a)(iv), replace “18 weeks” with “22 weeks”.

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**Regulation 15**

In regulation 15(3)(e), replace “18 weeks” with “22 weeks”.

**Schedule 2**

In Schedule 2, form 2, notes 3 and 4, replace “18 weeks” with “22 weeks”.

**Part 2**

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**Amendments to come into force on 1 July 2020**

**Regulation 9**

In regulation 9(2)(a)(v), replace “22 weeks” with “26 weeks”.

**Regulation 10**

In regulation 10(2)(a)(iv), replace “22 weeks” with “26 weeks”.

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**Regulation 15**

In regulation 15(3)(e), replace “22 weeks” with “26 weeks”.

**Schedule 2**

In Schedule 2, form 2, notes 3 and 4, replace “22 weeks” with “26 weeks”.

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**Legislative history**

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Committee of the whole House (Bill 1–2)

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