



Australian Capital Territory

# Parental Leave Legislation Amendment Act 2008

A2008-27

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Applicants and employees New section 10 (3) and (4)	2
5 Repeal of Parental Leave (Private Sector Employees) Act 1992	3





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An Act to amend the *Discrimination Act 1991* to make it clear that parents in same-sex relationships cannot be discriminated against in relation to benefits associated with employment, and to repeal the *Parental Leave (Private Sector Employees) Act 1992*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Parental Leave Legislation Amendment Act 2008*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Discrimination Act 1991*.

*Note* This Act also repeals the *Parental Leave (Private Sector Employees) Act 1992* (see s 5).

**4 Applicants and employees  
New section 10 (3) and (4)**

*insert*

- (3) To remove any doubt, an employer discriminates against an employee if the employer denies the employee access to a benefit associated with employment because the employee is in a same-sex relationship.

**Example of discrimination**

denying an employee who is in a same-sex relationship access to parental leave that is available to other parents

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) Subsection (3) is in addition to, and does not limit, any other provision of this Act that provides what is, or is not, discrimination under this Act.

**5 Repeal of Parental Leave (Private Sector Employees) Act 1992**

The *Parental Leave (Private Sector Employees) Act 1992* (A1992-59) is repealed.

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 June 2008.

**2 Notification**

Notified under the Legislation Act on 12 August 2008.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Parental Leave Legislation Amendment Bill 2008, which was passed by the Legislative Assembly on 5 August 2008.

Clerk of the Legislative Assembly