

**Reprint
as at 1 July 2012**



**Parental Leave and Employment
Protection (Rate of Parental Leave
Payment) Regulations 2011**

(SR 2011/181)

Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2011: revoked, on 1 July 2012 (continuing to apply in relation to the period commencing on 1 July 2011 and ending on 30 June 2012 as if they had not been revoked), by regulation 5(1) of the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2012 (SR 2012/104).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of May 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 73(1)(ac) of the Parental Leave and Employment Protection Act 1987, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Labour after complying with section 73(3) of that Act, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Labour.

Contents

		Page
1	Title	3
2	Commencement	3
3	Amount of parental leave payment adjusted	3
4	Minimum amount of payment for self-employed person	3
5	Revocation and saving	3

Regulations

1 Title

These regulations are the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2011.

2 Commencement

These regulations come into force on 1 July 2011.

3 Amount of parental leave payment adjusted

For the purposes of section 71M(1)(a) and (1A)(a) of the Parental Leave and Employment Protection Act 1987, the adjusted amount is set at \$458.82.

4 Minimum amount of payment for self-employed person

For the purposes of section 71M(1A)(b)(ii) of the Parental Leave and Employment Protection Act 1987, the minimum amount of parental leave payment for a self-employed person is \$130.00.

5 Revocation and saving

- (1) The Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2010 (SR 2010/126) are revoked.
- (2) However, the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2010 continue to apply in relation to the period commencing on 1 July 2010 and ending on 30 June 2011 as if they had not been revoked.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2011, adjust the amount specified in section 71M(1)(a) and (1A)(a) of the Parental Leave and Employment Protection Act 1987 (the **Act**).

Under section 71M(1) of the Act, the rate of parental leave payment payable to an employee is the lesser of—

- \$441.62 per week (as from 1 July 2010); and
- the greater of—
 - 100% of the employee’s ordinary weekly pay before the commencement of the parental leave; and
 - 100% of the employee’s average weekly earnings.

Under section 71M(1A) of the Act, the rate of parental leave payment payable to a self-employed person is the lesser of—

- \$441.62 per week (as from 1 July 2010); and
- the greater of—
 - 100% of the self-employed person’s average weekly earnings; and
 - the minimum amount set under section 71OA of the Act.

The amount of \$441.62 per week must be adjusted by 1 July 2011 by any percentage movement upwards in average ordinary time weekly earnings. These regulations adjust the amount to \$458.82.

These regulations also set, for the purposes of section 71M(1A)(b)(ii) of the Act, the minimum amount payable to a self-employed person. The amount is set at \$130.00 per week.

The amounts apply to parental leave payments payable on and after 1 July 2011.

Reprinted as at
1 July 2012

**Parental Leave and Employment
Protection (Rate of Parental Leave
Payment) Regulations 2011**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 May 2011.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 General**

This is a reprint of the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2011. The reprint incorporates all the amendments to the regulations as at 1 July 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2012 (SR 2012/104): regulation 5
