



# **Parental Leave and Employment Protection Amendment Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 26th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 73 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 (made after consultation with the persons or organisations that the Minister considered appropriate), makes the following regulations.

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## **Regulations**

- 1 Title**

These regulations are the Parental Leave and Employment Protection Amendment Regulations 2010.
- 2 Commencement**

These regulations come into force on 1 July 2010.
- 3 Principal regulations amended**

These regulations amend the Parental Leave and Employment Protection Regulations 2002.
- 4 Interpretation**

Regulation 4 is amended by inserting the following definition in its appropriate alphabetical order:  
“**tax advisor** has the meaning given to it in section 20B(4) of the Tax Administration Act 1994 ”.
- 5 Documents that must be provided with application if mother is self-employed**

Regulation 8A(2)(a) is amended by inserting “or a tax advisor” after “chartered accountant”.
- 6 Documents that must be provided with transfer application if spouse or partner is self-employed**

Regulation 11A(a) is amended by inserting “or a tax advisor” after “chartered accountant”.

**7 New form 5 of Schedule substituted**

The Schedule is amended by revoking form 5 and substituting the form set out in the Schedule of these regulations.

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**Schedule**

r 7

**New form 5 substituted**

Form 5

rr 8A(2), 11A

Statement and declaration to be made by  
chartered accountant or tax advisor in respect of  
self-employed persons

This form or form 6 must be completed and accompany the following applications:

- (a) an application for paid parental leave if the person applying is self-employed:
- (b) an application for the transfer of a parental leave payment if the mother's spouse or partner to whom all or part of the entitlement to a parental leave payment is to be transferred is self-employed.

**Information to be provided in respect of self-employed person**

[*Name of self-employed person*] of [*address, occupation*]—

- (a) is self-employed because he or she is working, other than as an employee, doing 1 or more of the following:
  - \*(i) providing goods or services for hire or reward under a contract for services:
  - \*(ii) carrying on business (including a profession, trade, manufacture, or undertaking carried on for pecuniary profit), including in partnership with another person:
  - \*(iii) working for a trust in a business (as defined in paragraph (ii)) carried on by the trust; and
- (b) his or her net income in the \*6 months/\*12 months immediately preceding the \*expected date of delivery of his or her child (or children)/\*date on which he or she will assume the care of a child (or children) with a view to adoption is or will be \$[*amount*]; and

Form 5—*continued*

- (c) his or her average weekly earnings in the \*6 months/\*12 months immediately preceding the \*expected date of delivery of his or her child (or children)/\*date on which he or she will assume the care of a child (or children) with a view to adoption are or will be \$[*amount*].

\*Delete if inapplicable.

**Declaration by \*chartered accountant/\*tax advisor**

I, [*name*], am a \*chartered accountant/\*tax advisor for the person named above and I declare that I have nothing in my knowledge or possession to suggest that the information provided above is incorrect.

\*Delete if inapplicable.

Date:

Signature:

(\*chartered accountant/\*tax advisor)

Name of \*chartered accountant/\*tax advisor

\*Delete if inapplicable.

**Note**

This statement and declaration must be completed by a person who is—

- (a) a chartered accountant; or  
(b) a tax advisor as defined in section 20B(4) of the Tax Administration Act 1994.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **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 2010, amend the Parental Leave and Employment Protection Regulations 2002 to widen the range of professional organisations whose members may verify applications for parental leave payments in relation to self-employed persons to include members of an organisation that is an approved advisor group under the Tax Administration Act 1994.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 April 2010.  
These regulations are administered by the Department of Labour.

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