



# **Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 24th day of May 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 after complying with section 73(3) of that Act, makes the following regulations.

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## **Regulations**

### **1 Title**

These regulations are the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2010.

### **2 Commencement**

These regulations come into force on 1 July 2010.

### **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 \$441.62.

### **4 Minimum amount of payment for self-employed persons**

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 \$127.50.

### **5 Revocation and saving**

- (1) The Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2009 (SR 2009/161) are revoked.
- (2) However, the Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2009 continue to apply in relation to the period commencing on 1 July 2009 and ending on 30 June 2010 as if they had not been revoked.

Michael Webster,  
for 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, 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—

- \$429.74 per week (as from 1 July 2009); 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—

- \$429.74 per week (as from 1 July 2009); 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 \$429.74 per week must be adjusted by 1 July 2010 by any percentage movement upwards in average ordinary time weekly earnings. These regulations adjust the amount to \$441.62.

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 \$127.50 per week.

The amounts apply to parental leave payments payable on and after 1 July 2010.

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These regulations are administered by the Department of Labour.

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