



# **Paid Parental Leave Amendment Rules 2011 (No. 1)**

*Paid Parental Leave Act 2010*

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I, JENNY MACKLIN, Minister for Families, Housing, Community Services and Indigenous Affairs, make these Rules under section 298 of the *Paid Parental Leave Act 2010*.

Dated 21<sup>st</sup> June 2011

J Macklin  
Minister for Families, Housing, Community Services and Indigenous Affairs

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**1 Name of Rules**

These Rules are the *Paid Parental Leave Amendment Rules 2011 (No. 1)*.

**2 Commencement**

Schedule 1 of these Rules commences on 1 July 2011.

**3 Amendment of *Paid Parental Leave Rules 2010***

Schedule 1 amends the *Paid Parental Leave Rules 2010*.

**Schedule 1 Amendments commencing on 1 July 2011**  
(rule 3)

[1] **Subrule 2.5(a)**

*After “defence force member”, insert “or a law enforcement officer”.*

[2] **Subrule 2.11(a)**

*After “defence force member”, insert “or a law enforcement officer”.*

[3] **Subrule 2.21(a)**

*After “defence force member”, insert “or a law enforcement officer”.*

[4] **Part 6-3**

*substitute*

**Part 6-3 Extension of Act to persons who are not employees and employers**

**Division 6.3.1 Extension of Act to law enforcement officers — specified States and Territories**

**6.1 Application of Division 6.3.1**

This Division applies in relation to the following States and Territories:

- (a) New South Wales;
- (b) Victoria;
- (c) Western Australia;
- (d) South Australia;
- (e) Tasmania;
- (f) Northern Territory.

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**6.2 Definitions for Division 6.3.1**

In this Division:

*Commissioner of Police*, for a specified State or Territory, means the person holding the office of Commissioner of Police (however titled) in relation to the police force of that specified State or Territory.

*designated law enforcement officer*, in relation to a specified State or Territory, means:

- (a) a member of the police force of that State or Territory; or
- (b) a person appointed to a position for the purpose of being trained as a member of the police force of that State or Territory; or
- (c) a person who has the powers and duties of a member of the police force of that State or Territory;

and, without limiting paragraphs (a), (b) and (c), includes a police reservist, a police recruit, a police cadet, a junior constable, a police medical officer, a special constable, an ancillary constable or a protective services officer.

*specified State or Territory* means a State or Territory that is mentioned in rule 6.1.

**6.3 Extension of Act to persons who are not employees and employers — law enforcement officers (specified States and Territories)**

For subsection 299 (1) of the Act, the Secretary may make an employer determination under Part 3-5 of the Act for the Commissioner of Police for a specified State or Territory and a person who is a designated law enforcement officer in relation to that State or Territory.

**6.4 Modification of Act — law enforcement officers (specified States and Territories)**

For a person who is a designated law enforcement officer in relation to a specified State or Territory, the Act is modified as follows:

- (a) the Commissioner of Police for that State or Territory is taken to be the employer of the designated law enforcement officer;
- (b) the designated law enforcement officer is taken to be an employee of the Commissioner of Police for that State or Territory (other than for paragraph 49(1)(a) of the Act);
- (c) a reference to the employment or engagement of the designated law enforcement officer is taken to be a reference to that officer's role, functions or duties, however described, as a designated law enforcement officer;
- (d) paragraph 101(1)(e) is omitted.

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## **Division 6.3.2          Extension of Act to law enforcement officers — Queensland**

### **6.5          Definitions for Division 6.3.2**

In this Division:

*Crown* means the Crown in right of the State of Queensland.

*law enforcement officer of Queensland* means:

- (a) a member of the police force of Queensland; or
- (b) a person appointed to a position for the purpose of being trained as a member of the police force of Queensland; or
- (c) a person who has the powers and duties of a member of the police force of Queensland;

and, without limiting paragraphs (a), (b) and (c), includes a police reservist, a police recruit, a police cadet, a junior constable, a police medical officer, a special constable, an ancillary constable or a protective services officer.

### **6.6          Extension of Act to persons who are not employees and employers — law enforcement officers (Queensland)**

For subsection 299 (1) of the Act, the Secretary may make an employer determination under Part 3-5 of the Act for the Crown and a person who is a law enforcement officer of Queensland.

### **6.7          Modification of Act — law enforcement officers (Queensland)**

For a person who is a law enforcement officer of Queensland, the Act is modified as follows:

- (a) the Crown is taken to be the employer of a law enforcement officer of Queensland;
- (b) a law enforcement officer of Queensland is taken to be an employee of the Crown (other than for paragraph 49(1)(a) of the Act);
- (c) a reference to the employment or engagement of a law enforcement officer of Queensland is taken to be a reference to that officer's role, functions or duties, however described, as a law enforcement officer of Queensland;
- (d) paragraph 101(1)(e) is omitted.

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**Division 6.3.3            Extension of Act to law enforcement officers —  
Australian Federal Police****6.8            Definitions for Division 6.3.3**

In this Division:

*Australian Federal Police Commissioner* means the Commissioner of the Australian Federal Police within the meaning of the *Australian Federal Police Act 1979*.

*federal law enforcement officer* means:

- (a) a member of the Australian Federal Police; or
- (b) a person appointed to a position for the purpose of being trained as a member of the Australian Federal Police; or
- (c) a person who has the powers and duties of a member of the Australian Federal Police;

and, without limiting paragraphs (a), (b) and (c), includes a police reservist, a police recruit, a police cadet, a junior constable, a police medical officer, a special constable, an ancillary constable or a protective services officer.

**6.9            Extension of Act to persons who are not employees and employers —  
law enforcement officers (Australian Federal Police)**

For subsection 299 (1) of the Act, the Secretary may make an employer determination under Part 3-5 of the Act for the Australian Federal Police Commissioner and a person who is a federal law enforcement officer.

**6.10          Modification of Act — law enforcement officers (Australian Federal  
Police)**

For a person who is a federal law enforcement officer, the Act is modified as follows:

- (a) the Australian Federal Police Commissioner is taken to be the employer of a federal law enforcement officer;
- (b) a federal law enforcement officer is taken to be an employee of the Australian Federal Police Commissioner (other than for paragraph 49(1)(a) of the Act);
- (c) a reference to the employment or engagement of a federal law enforcement officer is taken to be a reference to that officer's role, functions or duties, however described, as a federal law enforcement officer;
- (d) paragraph 101(1)(e) is omitted.

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## **Division 6.3.4          Extension of Act to defence force members**

### **6.11          Definitions for Division 6.3.4**

In this Division:

*Chief of the Defence Force* is a reference to the Chief of the Defence Force appointed under section 9 of the *Defence Act 1903*.

*Defence Force Ombudsman* is a reference to the person who holds the office of the Defence Force Ombudsman under the *Ombudsman Act 1976*.

*Fair Work Inspector* has the same meaning as in the *Fair Work Act 2009*.

*Fair Work Ombudsman* is a reference to the person who holds the office of the Fair Work Ombudsman under the *Fair Work Act 2009*.

### **6.12          Extension of Act to persons who are not employees and employers — Defence force members**

For subsection 299 (1) of the Act, the Secretary may make an employer determination under Part 3-5 of the Act for the Chief of the Defence Force and a person who is a defence force member.

### **6.13          Modification of Act — Defence force members**

For a person who is a defence force member, the Act is modified as follows:

- (a) the Chief of the Defence Force is taken to be the employer of a defence force member;
- (b) a defence force member is taken to be an employee of the Chief of the Defence Force (other than for paragraph 49(1)(a) of the Act);
- (c) a reference to the employment or engagement of a defence force member is taken to be a reference to the service of a member of the defence force;
- (d) the Fair Work Ombudsman is taken to be a reference to the Defence Force Ombudsman;
- (e) the Fair Work Inspector is taken to be a reference to the Defence Force Ombudsman;
- (f) paragraph 101(1)(e) is omitted.