

*Your responses suggest that you have not completed the required 12 months continuous service by the date your UPL would start. So, you could not be entitled for UPL.*

## **70 Entitlement to unpaid parental leave**

An employee is entitled to 12 months of unpaid parental leave if:

- (a) the leave is associated with:
  - (i) the birth of a child of the employee or the employee's spouse or de facto partner; or
  - (ii) the placement of a child with the employee for adoption; and
- (b) the employee has or will have a responsibility for the care of the child.

*Note: The employee's entitlement under this section may be affected by other provisions of this Division.*

## **67 General rule—employee must have completed at least 12 months of service**

### *Employees other than casual employees*

- (1) An employee, other than a casual employee, is not entitled to leave under this Division (other than unpaid pre-adoption leave or unpaid no safe job leave) unless the employee has, or will have, completed at least 12 months of continuous service with the employer immediately before the date that applies under subsection (3).
- (1A) For the purposes of applying subsection (1) in relation to an employee who has had their employment converted under Division 4A of Part 2-2, any period for which the employee was a regular casual employee of the employer is taken to be continuous service for the purposes of that subsection.

### *Date at which employee must have completed 12 months of service*

- (3) For the purpose of subsections (1) and (2), the date that applies is:
  - (a) unless paragraph (b) or (c) applies:
    - (i) if the leave is birth-related leave—the date of birth, or the expected date of birth, of the child; or
    - (ii) if the leave is adoption-related leave—the day of placement, or the expected day of placement, of the child; or
  - (b) for an employee taking a period of unpaid parental leave that is to start within 12 months after the birth or placement of the child under subsection 71(6)—the date on which the employee's period of leave is to start; or
  - (c) for a member of an employee couple taking a period of unpaid parental leave that is to start under paragraph 72(3)(b) or 72(4)(b) after the period of unpaid parental leave of the other member of the employee couple—the date on which the employee's period of leave is to start.