

16 Determination on a secondary claim made after the primary claim

When a claim is to be determined under this section

- (1) If:
- (a) a primary claimant makes an effective primary claim for parental leave pay for a child; and
 - (b) a secondary claimant makes an effective secondary claim for parental leave pay for the child at a later time;
- the Secretary must make a determination on the secondary claim under this section.
- (2) However, the Secretary cannot make a determination on the secondary claim under this section until the Secretary has first made a determination on the primary claim.

When parental leave pay is payable to secondary claimant

- (3) The Secretary must determine that parental leave pay is payable to the secondary claimant for the secondary claimant's PPL period if, when making the determination, the Secretary is satisfied that:
- (a) a determination under section 13 or 14 that parental leave pay is payable to the primary claimant was or will be in force on the day before the start of the secondary claimant's PPL period; and
 - (b) the secondary claimant was or will be eligible for parental leave pay for the child on each day in the secondary claimant's PPL period.

Note: The Secretary is prevented from making a determination under this subsection in certain circumstances: see Division 3.

Secondary claimant's PPL period

- (4) The Secretary must specify in the determination under subsection (3) that the secondary claimant's PPL period:
- (a) starts on the first day after the primary claimant's PPL period ends; and
 - (b) ends on:
 - (i) if the Secretary is satisfied that the secondary claimant was or will be eligible on each day that remains in the child's maximum PPL period—the child's maximum PPL period end day; or
 - (ii) otherwise—the last day in the child's maximum PPL period that the Secretary is satisfied the secondary claimant was or will be eligible.

When parental leave pay is not payable to secondary claimant

- (5) The Secretary must determine that parental leave pay is not payable to the secondary claimant if the Secretary is not satisfied of the matters in subsection (3).