

15 Determination on primary and secondary claims made jointly— secondary claimant to get all the parental leave pay

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) the primary claimant:
 - (i) satisfies the work test and income test on that day; and
 - (ii) satisfied the Australian residency test on the day the child was born; and
 - (iii) is, if the day the child was born is in a newly arrived resident's waiting period the primary claimant is subject to under section 31A, a person to whom subsection 31A(7) or (7A) applies on the day the child was born; and
 - (b) the secondary claimant was or will be eligible for parental leave pay on each day in the secondary claimant's PPL period; and
 - (c) if the secondary claimant's PPL period starts after the day the child was born—subsection (4) applies to the period that:
 - (i) starts on the day the child was born; and
 - (ii) ends on the day before the start of the secondary claimant's PPL period.

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

- (4) This subsection applies to the period referred to in paragraph (3)(c) if:
- (a) the primary claimant was or will be eligible for parental leave pay on each day in that period; or
 - (b) the secondary claimant was or will be eligible for parental leave pay on each day in that period; or
 - (c) both of the following are satisfied:
 - (i) the primary claimant was or will be eligible for parental leave pay on each day in the first part of that period;
 - (ii) the secondary claimant was or will be eligible for parental leave pay on each day in the last part of that period.

Secondary claimant's PPL period

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

11 The determination must specify the person's *PPL period*

- (2) A person's PPL period must be the same as, or within, the maximum PPL period for the child.
- (3) The ***maximum PPL period*** for a child is the period that:
 - (a) starts on the child's maximum PPL period start day; and
 - (b) ends on the child's maximum PPL period end day.
- (4) The ***maximum PPL period start day*** for a child is:
 - (a) if, on or before the day (the ***relevant day***) that is 28 days after the day the child was born, the primary claimant both made an effective claim for parental leave pay for the child and verified the child's birth—the later of the following days:
 - (i) the day the child was born;
 - (ii) the primary claimant's nominated start date; and
 - (b) if, on or before the relevant day, the primary claimant made an effective claim for parental leave pay for the child but did not verify the child's birth—the later of the following days:
 - (i) the day the primary claimant verifies the child's birth;
 - (ii) the primary claimant's nominated start date; and
 - (c) if the primary claimant makes an effective claim for parental leave pay for the child after the relevant day—the later of the following days:
 - (i) the day the claim is made;
 - (ii) the primary claimant's nominated start date.
- (5) The ***maximum PPL period end day*** for a child is the earlier of the following days:
 - (a) the day that is 125 days after the maximum PPL period start day (which is 18 weeks from (and including) that start day);
 - (b) the day before the child's first birthday.