

Division 2—When parental leave pay is payable to a person

8 A determination must be made for parental leave pay to be payable to a person

Parental leave pay is payable to a person for a child for a period if a determination of the Secretary that parental leave pay is payable to the person for that period is in force under section 13, 14, 15, 16 or 17.

Note: See Part 2-2 for the rules about when the Secretary can make a determination that parental leave pay is, or is not, payable to a person.

9 For the determination to be made, the person must be eligible

The Secretary cannot make a determination that parental leave pay is payable to a person for a child for a period unless the person was or will be eligible for parental leave pay during the period.

Note: See Part 2-3 for the rules about when a person is eligible for parental leave pay.

10 For the determination to be made, the person must claim

The Secretary cannot make a determination that parental leave pay is payable to a person for a child for a period unless the person has made:

- (a) an effective primary claim for the child (in which case the person is the primary claimant); or
- (b) an effective secondary claim for the child (in which case the person is the secondary claimant); or
- (c) an effective tertiary claim for the child (in which case the person is the tertiary claimant).

Note: See Part 2-4 for the rules about how to make an effective claim.

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

- (1) If the Secretary makes a determination that parental leave pay is payable to a person for a child, the Secretary must specify, in the determination, the period for which parental leave pay is payable to the person. That period is the person's ***PPL period***.

Note: For a primary claimant's PPL period, see subsections 13(3) and 14(3). For a secondary claimant's PPL period, see subsections 14(6), 15(5) and 16(4). For a tertiary claimant's PPL period, see subsection 17(3).

- (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

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| | <ul style="list-style-type: none">(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:<ul style="list-style-type: none">(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:<ul style="list-style-type: none">(i) the day the claim is made;(ii) the primary claimant's nominated start date. <p>(5) The <i>maximum PPL period end day</i> for a child is the earlier of the following days:</p> <ul style="list-style-type: none">(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. |
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