

*Your responses suggest that the partner of the parent is not incapable to care for the child, so you may not be able to make an effective primary claim for PPL.*

Parental leave pay is paid to a person for a particular period. That period is called the person's PPL period. The maximum period for which any person may be paid parental leave pay is 18 weeks. A person's PPL period may be the full 18 weeks or a lesser period (e.g. where the person is not eligible for parental leave pay for that full period).

## **54 Who can make a primary claim, secondary claim or tertiary claim**

### *Primary claim*

- (1) Only the following people can make a primary claim for a child:
  - (a) the child's birth mother;
  - (b) an adoptive parent of the child;
  - (c) a person who satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a primary claim can be made.

## **2.28 Exceptional circumstances for primary claimants — general**

- (1) Subject to rule 2.30, the circumstances are that the person:
  - (d) if rule 2.29 applies to the person — satisfies the circumstances mentioned in subrule 2.29 (2).

(Paid Parental Leave Rules 2010)

## **2.29 Exceptional circumstances — primary claimants who have no specific relationship with child**

- (1) This rule is made for paragraph 2.28 (1) (d) and applies to a person who is not:
  - (a) the partner of the birth mother of the child; or
  - (b) for an adopted child — the partner of the adoptive parent of the child; or
  - (c) for parents who are divorced or separated:
    - (i) the other legal parent of the child; or
    - (ii) the partner of the other legal parent of the child.
- (2) For a person to whom this rule applies, the circumstances are as follows:
  - (a) the partner of the birth mother, or of the adoptive parent, is incapable of caring for the child;
  - (b) the child was not entrusted to the care of the person, or to the care of the person's partner, under a decision by a State or Territory child protection agency under legislation dealing with child protection in the State or Territory;

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|  | <p>(c) the Secretary is satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"><li>(i) the person became the primary carer of the child in special circumstances; and</li><li>(ii) it would be unreasonable for the partner of the child's birth mother, or the partner of the child's adoptive parent, to care for the child; and</li><li>(iii) it is in the interests of the child for the person to care for the child.</li></ul> |
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*Note* For what is unreasonable and in the interests of the child, see rule 2.31.