

13 Determination on a primary claim made alone

When a claim is to be determined under this section

(1) If:

- (a) a primary claimant has made an effective primary claim for parental leave pay for a child; and
- (b) another person has not made an effective secondary claim for parental leave pay for the child at the same time;

the Secretary must make a determination on the primary claim under this section.

When parental leave pay is payable to primary claimant

- (2) The Secretary must determine that parental leave pay is payable to the primary claimant for the primary claimant's PPL period if, when making the determination, the Secretary is satisfied that the primary claimant was or will be eligible for parental leave pay on each day in the period that:
- (a) starts on the day the child was born; and
 - (b) ends on the last day of the primary claimant's PPL period.

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

Primary claimant's PPL period

- (3) The Secretary must specify in the determination under subsection (2) that the primary claimant's PPL period:
- (a) starts on the child's maximum PPL period start day; and
 - (b) ends on:
 - (i) if the Secretary is satisfied that the primary 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 primary 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 primary claimant was or will be eligible.

When parental leave pay is not payable to primary claimant

- (4) The Secretary must determine that parental leave pay is not payable to the primary claimant if the Secretary is not satisfied of the matters in subsection (2).