

### 31 When a person is *eligible* for parental leave pay

- (1) This section sets out when a person is eligible for parental leave pay for a child on a day.

#### *Eligible*

- (2) First, a person is *eligible* for parental leave pay for a child on a day if, on that day:
- (a) the person satisfies the work test (see Division 3); and
  - (b) the person satisfies the income test (see Division 4); and
  - (c) the person satisfies the Australian residency test (see Division 5); and
  - (d) the person is the primary carer of the child (see Division 6); and
  - (e) the person has not returned to work (see Division 7).

#### *Not eligible—excess days*

- (4B) Despite subsections (2), (3) and (4), if:
- (a) there is in force a payability determination that dad and partner pay is payable to a person for a child for the person's DAPP period; and
  - (b) combined, the total days in the DAPP period and the reference period for the person's claim for parental leave pay for the child exceed 126;
- then:
- (c) the Secretary must exclude from the reference period the excess number of days; and
  - (d) the person is not *eligible* for parental leave pay for the child on a day excluded by the Secretary.