

*Your responses suggest that your absence is beyond the permitted limits. You do not pass the Australian residency test for PPL purposes, so you may not be eligible to claim PPL.*

#### **46 Effect of absence from Australia on Australian residency test**

- (1) Despite section 45, a person does not satisfy the ***Australian residency test*** on a day (the ***relevant day***) if:
- (a) before the relevant day, the person left Australia; and
  - (b) on the relevant day, the person has been absent from Australia for more than 56 weeks since the day the person left Australia.

*Effect of a person's return to Australia within 56 weeks*

- (2) If:
- (a) a person who has been absent from Australia for more than 6 weeks, but not more than 56 weeks, returns to Australia; and
  - (b) the person leaves Australia again less than 6 weeks later;
- then the person is taken not to have returned to Australia for the purposes of subsection (1).

*Effect of a person's return to Australia after 56 weeks*

- (3) If:
- (a) a person satisfies the Australian residency test while the person is absent from Australia; and
  - (b) the person then ceases to satisfy the Australian residency test because of the application of subsection (1) or a previous application of this subsection; and
  - (c) the person returns to Australia; and
  - (d) the person leaves Australia again less than 6 weeks later;
- then, despite section 45, the person does not satisfy the ***Australian residency test*** at any time during:
- (e) the person's return to Australia referred to in paragraph (c); or
  - (f) the person's absence from Australia referred to in paragraph (d).

*Extension of 56 week period for Australian Defence Force and Australian Federal Police deployments*

- (4) The Secretary may extend the 56 week period referred to in subsection (1) or (2), to a period of no more than 3 years, if the Secretary is satisfied that the person is unable to return to Australia within the 56 week period because the person is:
- (a) deployed outside Australia as a defence force member, under conditions specified in a determination made under the *Defence Act 1903* that relates to such deployment; or
  - (b) deployed outside Australia, for the purpose of capacity-building or peacekeeping functions, as:
    - (i) a member or a special member of the Australian Federal Police; or
    - (ii) a protective service officer within the meaning of the *Australian Federal Police Act 1979*.

*Extension of 56 week period for events or circumstances prescribed in the PPL rules*

- (5) The Secretary may extend the 56 week period referred to in subsection (1) or (2), to a period of no more than 3 years, if the Secretary is satisfied that:
- (a) the person is unable to return to Australia within the 56 week period because of an event prescribed by the PPL rules; or
  - (b) a circumstance prescribed by the PPL rules applies.

**45 When a person satisfies the *Australian residency test***

- (1) A person satisfies the *Australian residency test* on a day if, on that day, the person:
- (a) is an Australian resident; or
  - (b) is a special category visa holder residing in Australia; or
  - (c) satisfies subsection (2).