

## **14 Determination on primary and secondary claims made jointly—claimants sharing parental leave pay**

*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) a secondary claimant has made an effective secondary claim for parental leave pay for the child at the same time; and
  - (c) in the primary claim, the primary claimant requested that parental leave pay that is or may be payable for the child be shared between the primary claimant and the secondary claimant;
- the Secretary must make a determination on the primary claim and the secondary 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 the last day in the child's maximum PPL period that the Secretary is satisfied 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).

*When parental leave pay is payable to secondary claimant*

- (5) The Secretary must determine that parental leave pay is payable to the secondary claimant for the secondary claimant's PPL period if, when making the determination, the Secretary is satisfied that:
- (a) a determination has been made under subsection (2) for the primary claimant; and
  - (b) the secondary claimant was or will be eligible for parental leave pay on each day in the secondary claimant's PPL period.

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

*Secondary claimant's PPL period*

- (6) The Secretary must specify in the determination under subsection (5) that the secondary claimant's PPL period:
- (a) starts on the first day after the primary claimant's PPL period ends; and
  - (b) ends on:
    - (i) if the Secretary is satisfied that the secondary claimant was or will be eligible on each day that remains in the child's maximum PPL period—the child's maximum PPL period end day; or
    - (ii) otherwise—the last day in the child's maximum PPL period that the Secretary is satisfied that the secondary claimant was or will be eligible.

*When parental leave pay is not payable to secondary claimant*

- (7) The Secretary must determine that parental leave pay is not payable to the secondary claimant if the Secretary is not satisfied of the matters in subsection (5).