



Paid Parental Leave Amendment (More Support for Working Families) Act 2024

No. 7, 2024

An Act to amend the law relating to paid parental leave, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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An Act to amend the law relating to paid parental leave, and for related purposes

[Assented to 20 March 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Paid Parental Leave Amendment (More Support for Working Families) Act 2024*.

No. 7, 2024 Paid Parental Leave Amendment (More Support for Working Families) 1
Act 2024

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	26 March 2024.	26 March 2024

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Paid Parental Leave Act 2010

1 Section 4 (paragraph beginning “Parental leave pay is payable”)

Omit “generally cannot exceed 100”, substitute “is limited”.

2 Section 7 (paragraph beginning “If the Secretary”)

Omit “generally cannot exceed 100”, substitute “is limited”.

3 Subsection 15(3) (note 1)

Repeal the note, substitute:

Note 1: The maximum number of flexible PPL days for a child that is payable is worked out under sections 31AB and 31ABA.

4 Paragraph 21(1)(a)

Omit all words after “a total of”, substitute:

- “: (i) if the child is born before 1 July 2025—10 flexible PPL days; or
- (ii) if the child is born on or after 1 July 2025—20 flexible PPL days; and”.

5 Subsection 21(2)

Omit “of 10”, substitute “number of”.

6 Section 30 (paragraph beginning “Division 2 sets out”)

Omit “Section 31AB sets”, substitute “Sections 31AB and 31ABA set”.

7 Section 30 (paragraph beginning “Division 2 sets out”)

Omit “10”.

8 Before subsection 31AA(2)

Insert:

Main eligibility rule

9 Paragraph 31AA(2)(e)

Repeal the paragraph, substitute:

- (e) both of the following apply:
 - (i) the person satisfies the Australian residency test on the day the child was born;
 - (ii) if the day the child was born is in a newly arrived resident's waiting period that the person is subject to under section 31A—subsection 31A(7) or (7A) applies to the person on the day the child was born.

10 Before subsection 31AA(3)

Insert:

When child is stillborn or has died

11 Subsections 31AA(4) and (5)

Repeal the subsections, substitute:

When person meets prescribed conditions—persons other than special PPL claimants in exceptional circumstances

- (4) A person is eligible for parental leave pay on a flexible PPL day for a child if:
 - (a) the person satisfies the Australian residency test on that day; and
 - (b) if the person has not previously satisfied the work and income tests in relation to the child—the person satisfies the work test and the income test on that day; and
 - (c) both of the following apply:
 - (i) the person satisfies the Australian residency test on the day the child was born;
 - (ii) if the day the child was born is in a newly arrived resident's waiting period that the person is subject to under section 31A—subsection 31A(7) or (7A) applies to the person on the day the child was born; and

- (d) the person does not satisfy the circumstances prescribed by the PPL rules as being exceptional circumstances in which a special PPL claim can be made; and
- (e) on that flexible PPL day, the person satisfies the conditions prescribed by the PPL rules for the purposes of this paragraph.

When person meets prescribed conditions—special PPL claimants in exceptional circumstances

- (5) A person is eligible for parental leave pay on a flexible PPL day for a child if:
 - (a) the person satisfies the Australian residency test on that day; and
 - (b) both of the following apply:
 - (i) the person satisfies the Australian residency test on the day the child was born;
 - (ii) if the day the child was born is in a newly arrived resident's waiting period that the person is subject to under section 31A—subsection 31A(7) or (7A) applies to the person on the day the child was born; and
 - (c) the person satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a special PPL claim can be made; and
 - (d) on that flexible PPL day, the person satisfies the conditions prescribed by the PPL rules for the purposes of this paragraph.

12 Section 31AB

Repeal the section, substitute:

31AB When a person is not eligible for parental leave pay on a flexible PPL day for a child

When a person is not eligible

- (1) A person (the **relevant claimant**) is not eligible for parental leave pay on a day that is a flexible PPL day for a child if subsection (2), (3), (4), (5), (6), (7) or (8) applies to the relevant claimant on that day.

Flexible PPL days exceed maximum amounts—total limit in relation to child

- (2) This subsection applies to the relevant claimant on a flexible PPL day if:
- (a) one or more determinations under section 13 or 14 that parental leave pay is payable to a person are in force in relation to the number of flexible PPL days for the child specified in subsection 31ABA(1); and
 - (b) neither the relevant claimant nor the relevant claimant's partner (if any) satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a PPL claim can be made.

When flexible PPL days exceed maximum amounts—claimant limit when partnered (reserved period)

- (3) This subsection applies to the relevant claimant on a flexible PPL day if:
- (a) the relevant claimant has a partner at the time the relevant claimant makes their first effective claim in relation to the child; and
 - (b) one or more determinations under section 13 that parental leave pay is payable to the relevant claimant are in force in relation to the number of flexible PPL days for the child specified in subsection 31ABA(2); and
 - (c) neither the relevant claimant nor the relevant claimant's partner (if any) satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a PPL claim can be made; and
 - (d) the relevant claimant does not satisfy the conditions prescribed by the PPL rules for the purposes of this paragraph.

When flexible PPL days exceed maximum amounts—exceptional circumstances persons (other than persons that meet prescribed conditions)

- (4) This subsection applies to the relevant claimant on a flexible PPL day if:

- (a) one or more determinations under section 13 or 14 that parental leave pay is payable to the relevant claimant or the relevant claimant's partner (if any) are in force in relation to the number of flexible PPL days for the child specified in subsection 31ABA(1); and
- (b) the relevant claimant or the relevant claimant's partner (if any) satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a PPL claim can be made; and
- (c) the relevant claimant does not satisfy the conditions prescribed by the PPL rules for the purposes of paragraph (5)(c).

When flexible PPL days exceed maximum amounts—exceptional circumstances persons that meet prescribed conditions (total limit)

- (5) This subsection applies to the relevant claimant on a flexible PPL day if:
 - (a) one or more determinations under section 13 or 14 that parental leave pay is payable to the relevant claimant or the relevant claimant's partner (if any) are in force in relation to the number of flexible PPL days for the child specified in subsection 31ABA(1); and
 - (b) the relevant claimant or the relevant claimant's partner (if any) satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a PPL claim can be made; and
 - (c) the relevant claimant satisfies the conditions prescribed by the PPL rules for the purposes of this paragraph.

When flexible PPL days exceed maximum amounts—exceptional circumstances persons that meet prescribed conditions (reserved period)

- (6) This subsection applies to the relevant claimant on a flexible PPL day if:
 - (a) the relevant claimant has a partner at the time the relevant claimant makes their first effective claim in relation to the child; and

- (b) one or more determinations under section 13 or 14 that parental leave pay is payable to the relevant claimant are in force in relation to the number of flexible PPL days for the child specified in subsection 31ABA(2); and
- (c) the relevant claimant or the relevant claimant's partner satisfies the circumstances prescribed by the PPL rules as being exceptional circumstances in which a PPL claim can be made; and
- (d) the relevant claimant satisfies the conditions prescribed by the PPL rules for the purposes of paragraph (5)(c).

Claimant deceased

- (7) This subsection applies to the relevant claimant on a flexible PPL day if the relevant claimant is deceased on that day.

Newly arrived resident's waiting period

- (8) This subsection applies to the relevant claimant on a flexible PPL day if that day is in a newly arrived resident's waiting period for the relevant claimant (see section 31A).

31ABA Maximum number of flexible PPL days

Total limit in relation to child

- (1) For the purposes of subsections 31AB(2), (4) and (5), the number of flexible PPL days for a child is:
 - (a) for a child born before 1 July 2024—100 flexible PPL days for the child; or
 - (b) for a child born between 1 July 2024 and 30 June 2025—110 flexible PPL days for the child; or
 - (c) for a child born between 1 July 2025 and 30 June 2026—120 flexible PPL days for the child; or
 - (d) for a child born on or after 1 July 2026—130 flexible PPL days for the child.

Note 1: Under section 31AB, a claimant is not eligible for parental leave pay for a flexible PPL day if the maximum number of flexible PPL days for the child specified in this section has been reached.

Note 2: Where certain claimants have a partner, the maximum number of flexible PPL days for the claimant is limited to the number specified in subsection (2) of this section. The difference between the number of days specified in this subsection and the number of days specified in subsection (2) is reserved for other claimants (see section 31AB).

Claimant limit when partnered—reserved period

- (2) For the purposes of subsections 31AB(3) and (6), the number of flexible PPL days for a child is:
- (a) for a child born before 1 July 2024—90 flexible PPL days for the child; or
 - (b) for a child born between 1 July 2024 and 30 June 2025—100 flexible PPL days for the child; or
 - (c) for a child born between 1 July 2025 and 30 June 2026—105 flexible PPL days for the child; or
 - (d) for a child born on or after 1 July 2026—110 flexible PPL days for the child.

13 Before subsection 31A(6A)

Insert:

Exemptions

14 Subsections 31A(7) and (7A)

Omit “31AB(7)”, substitute “31AB(8)”.

15 Section 36A

Repeal the section, substitute:

36A Premature birth or pregnancy-related complications or illness

- (1) A person also satisfies the *work test* on a day if:
- (a) the Secretary is satisfied that either or both of the following circumstances existed:
 - (i) if the person is covered by subsection (2)—the child was born prematurely;
 - (ii) if the person is the child’s birth mother—while the person was pregnant with the child, the person had

- complications or illness related to the pregnancy which prevented the person from performing paid work; and
- (b) the Secretary is satisfied that the person would have satisfied the work test on the day in accordance with section 32 if that circumstance, or those circumstances, had not existed.
- (2) For the purposes of subparagraph (1)(a)(i), the following persons are covered:
- (a) the child's birth mother;
 - (b) a person who:
 - (i) is a parent of the child; and
 - (ii) is not the child's birth mother;
 - (c) the partner of the child's birth mother.

Part 2—Application of amendments

16 Definitions

In this Part:

commencement day means 26 March 2024.

new law means the PPL Act, as amended by this Act.

old law means all of the following, as in force immediately before commencement day:

- (a) the PPL Act;
- (b) instruments (whether legislative or administrative) made under the PPL Act.

PPL Act means the Paid Parental Leave Act 2010.

PPL rules means the rules made by the Minister under section 298 of the PPL Act.

transition period means the period starting on 26 March 2024 and ending on 30 June 2024.

17 Application of amendments to claims

Pre-commencement claim—child born before commencement

- (1) Despite the amendments made by this Act, the old law continues to apply on and after commencement day in relation to a claim for parental leave pay for a child if:
- (a) the claim was made before the commencement day; and
 - (b) the child was born before that day.

Pre-commencement claim—unborn child with expected date of birth before 1 July 2024

- (2) Despite the amendments made by this Act, the old law continues to apply on and after commencement day in relation to a claim for parental leave pay for a child if:
- (a) the claim was made before the commencement day; and
 - (b) the child was not born at the time of the claim; and
 - (c) the expected date of birth for the child is before 1 July 2024.

- (3) However, if on 1 July 2024 a child in respect of whom a claim referred to in subitem (2) has been has not been born, then on and after that day the claim is taken to be a claim for parental leave pay under the new law, and the new law applies in relation to the claim on and after that day.

Transitional period claim—child born before claim is made

- (4) Despite the amendments made by this Act, a claim for parental leave pay for a child may be made during the transition period in relation to a child born before 1 July 2024, and the old law continues to apply to the claim as if those amendments had not been made.

Transitional period claim—unborn child with expected date of birth before 1 July 2024

- (5) Despite the amendments made by this Act, a claim for parental leave pay for a child may be made during the transition period, and the old law continues to apply to the claim as if those amendments had not been made, if:
- (a) the child has not been born at the time of the claim; and
 - (b) the expected date of birth of the child is before 1 July 2024.

- (6) However, if on 1 July 2024 a child in respect of whom a claim referred to in subitem (5) has been made has not been born, then on and after that day the claim is taken to be a claim for parental leave pay under the new law, and the new law applies in relation to the claim on and after that day.

Transitional period claim—unborn child with expected date of birth on or after 1 July 2024

- (7) Despite the amendments made by this Act, a claim for parental leave pay for a child may be made during the transition period, and the old law continues to apply to the claim as if those amendments had not been made, if:
- (a) the child has not been born at the time of the claim; and
 - (b) the expected date of birth of the child is on or after 1 July 2024.

- (8) However, if on 1 July 2024 a child in respect of whom a claim referred to in subitem (7) has been made has not been born, then on and after
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that day the claim is taken to be a claim for parental leave pay under the new law, and the new law applies in relation to the claim on and after that day.

Post 1 July 2024 claim—child born before 1 July 2024

- (9) Despite the amendments made by this Act, a claim for parental leave pay may be made on or after 1 July 2024 for a child born before 1 July 2024, and the old law continues to apply to the claim as if those amendments had not been made.

Post 1 July 2024 claim—child born on or after 1 July 2024

- (10) The new law applies in relation to a claim for parental leave pay made on or after 1 July 2024 if:
- (a) the child is born at the time of the claim; and
 - (b) the child was born on or after 1 July 2024.

Post 1 July 2024 claim—unborn child

- (11) The new law applies in relation to a claim for parental leave pay made on or after 1 July 2024 for a child if the child has not been born at the time the claim is made.

18 Adopted children and exceptional circumstances

The following provisions of the PPL Act, as in force on the commencement day, apply in relation to Part 2 of Schedule 1 of this Act as if it were a provision of that Act:

- (a) section 275 (which deals with how that Act applies to an adopted child);
- (b) section 276 (which deals with how that Act applies to claims made in exceptional circumstances).

19 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals of this Act.

Schedule 1 Amendments

Part 2 Application of amendments

- (2) Without limiting subitem (1), rules made under this item before 1 July 2025 may provide that provisions of any of the following have effect with any modifications prescribed by the rules:

- (a) this Act;
- (b) the PPL Act;
- (c) the PPL rules.

Those provisions then have effect as if they were so modified.

- (3) To avoid doubt, the rules may not do the following:

- (a) create on offence or civil penalty;
- (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
- (c) impose a tax;
- (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
- (e) directly amend the text of this Act.

- (4) This Part (other than subitem (3)) does not limit the rules that may be made for the purposes of subitem (1) or (2).

*[Minister's second reading speech made in—
House of Representatives on 19 October 2023
Senate on 8 February 2024]*

(133/23)
