



Paid Parental Leave Amendment (COVID-19 Work Test) Act 2021

No. 99, 2021

**An Act to amend the *Paid Parental Leave Act 2010*,
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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No. 99, 2021

**An Act to amend the *Paid Parental Leave Act 2010*,
and for related purposes**

[Assented to 3 September 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Paid Parental Leave Amendment (COVID-19 Work Test) Act 2021*.

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	The day after this Act receives the Royal Assent.	4 September 2021

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Paid Parental Leave Act 2010

1 Section 6

Insert:

COVID-19 Australian Government payment: see subsection 34(6).

COVID-19 Australian Government payment period: see subsection 34(5).

2 Paragraph 11(4)(c)

Omit “and the primary claimant is not a COVID-19 affected claimant in relation to that claim”, substitute “, the primary claimant is not a COVID-19 affected claimant in relation to that claim and paragraph (e) does not apply in relation to that claim”.

3 At the end of subsection 11(4)

Add:

- ; and (e) if the primary claimant makes an effective claim for parental leave pay in relation to the maximum PPL period for the child after the relevant day and paragraph 34(1)(f) applies in relation to the primary claimant and the claim—the later of the following days:
- (i) the day the child was born;
 - (ii) the primary claimant’s nominated start day.

4 Section 30 (paragraph beginning “Division 3”)

After “jobkeeper payment period”, insert “or COVID-19 Australian Government payment period”.

4A Section 30 (paragraph beginning “Division 3”)

After “(see section 36A)”, insert “, in special circumstances (see section 36AA)”.

4B Section 32 (after note 1)

Insert:

Note 1A: A person may also satisfy the work test in special circumstances: see section 36AA.

5 Section 32 (note 3)

After “paragraph (e)”, insert “or (f)”.

6 At the end of section 32

Add:

Note 5: If the person performs qualifying work on a day because of paragraph (f) of the definition of *qualifying work* in subsection 34(1), the number of hours of qualifying work the person is taken to have performed on that day is determined in accordance with the PPL rules (see section 35C).

7 At the end of subsection 34(1)

Add:

; (f) the day is in a COVID-19 Australian Government payment period for the person.

8 At the end of section 34

Add:

- (5) A *COVID-19 Australian Government payment period* for a person is a period for which the person is entitled to a COVID-19 Australian Government payment.
- (6) A *COVID-19 Australian Government payment* is:
 - (a) a payment or grant of financial assistance covered by item 492 of the table in Part 4 of Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997*; or
 - (b) a payment or grant of financial assistance by the Commonwealth that is prescribed by the PPL rules for the purposes of this paragraph.

9 After section 35B

Insert:

35C Hours of qualifying work on a day in a COVID-19 Australian Government payment period

- (1) For the purposes of step 5 of the method statement in section 32, if a person performs qualifying work on a day because the day is in a COVID-19 Australian Government payment period for the person, the person is taken to have performed on that day the number of hours of work determined in accordance with the PPL rules.
- (2) Subsection (1) has effect:
 - (a) even if the person also performs qualifying work on that day because of paragraph 34(1)(a), (b), (c), (ca) or (d); and
 - (b) despite section 35A.

9A After section 36A

Insert:

36AA Special circumstances

A person also satisfies the *work test* on a day if:

- (a) the Secretary is satisfied that special circumstances of a kind prescribed by the PPL rules for the purposes of this paragraph exist in relation to the person on the day; and
- (b) the Secretary is satisfied that the person would have satisfied the work test on the day in accordance with section 32 if those circumstances had not existed.

10 Application provisions

- (1) The amendments made by this Schedule apply in relation to a claim for parental leave pay or for dad and partner pay that is made on or after the commencement of this item.
- (2) Subsection 34(5) of the *Paid Parental Leave Act 2010*, as added by this Schedule, applies in relation to a period beginning on or after 3 June 2021.
- (3) Section 36AA of the *Paid Parental Leave Act 2010*, as inserted by this Schedule, applies in relation to working out if a person satisfies the work test on a day that is on or after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 25 August 2021
Senate on 1 September 2021]*

(103/21)

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