

Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Rules 2025

I, Tanya Plibersek, Minister for Social Services, make the following rules.

Dated 27.06.2025

Tanya Plibersek

Minister for Social Services

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1 Name

This instrument is the *Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Rules 2025*.

2 Commencement

(1) Each provision of this instrument 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 instrument | The day after this instrument is registered. | 1 July 2025 |

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Paid Parental Leave Act 2010*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Paid Parental Leave Rules 2021

1 Section 5 (after the paragraph beginning “Part 4”)

Insert:

Part 5 provides for matters relating to the payment of PPL superannuation contributions.

2 Section 6 (at the end of the note)

Add:

; (g) PPL superannuation contribution.

3 Section 6

Insert:

***concessional contribution*** has the meaning given by the *Income Tax Assessment Act 1997*.

***eligible account***, for a person, has the meaning given by section 6A.

***eligible personal superannuation contribution*** has the meaning given by the *Superannuation (Government Co‑contribution for Low Income Earners) Act 2003*.

4 After section 6

Insert:

6A Meaning of *eligible account*

Complying superannuation fund

(1) In this instrument, an account held by a person with a complying superannuation fund is an ***eligible account*** for the person if:

(a) the account has not commenced paying a pension or an annuity; and

(b) there is at least one condition of release for the account that is not mentioned in any of the following items of the table in Part 1 of Schedule 1 to the *Superannuation Industry (Supervision) Regulations 1994*:

(i) item 102 (death);

(ii) item 102A (terminal medical condition);

(iii) item 103 (permanent incapacity);

(iv) item 109 (temporary incapacity).

RSA

(2) In this instrument, an account held by a person with an RSA is an ***eligible account*** for the person if:

(a) the account has not commenced paying a pension or an annuity; and

(b) there is at least one condition of release for the account that is not mentioned in any of the following items of the table in Schedule 2 to the *Retirement Savings Accounts Regulations 1997*:

(i) item 102 (death);

(ii) item 102A (terminal medical condition);

(iii) item 103 (permanent incapacity);

(iv) item 108 (temporary incapacity).

Exceptions

(3) Despite subsections (1) and (2), an account is only an ***eligible account*** if the Commissioner has not been advised that the account will not accept one or more of the following:

(a) PPL superannuation contributions;

(b) Government co‑contributions within the meaning of the *Superannuation (Government Co‑contribution for Low Income Earners) Act 2003*;

(c) low income superannuation tax offsets within the meaning of the *Superannuation (Government Co‑contribution for Low Income Earners) Act 2003*.

5 After Part 4

Insert:

Part 5—Paid Parental Leave Superannuation Contributions

Division 1—Simplified outline of this Part

35 Simplified outline of this Part

This Part provides for matters relating to the payment of PPL superannuation contributions.

Division 2 prescribes the method for working out the multiplier amount used to calculate the nominal interest rate amount that forms part of a person’s PPL superannuation contribution.

Division 3 prescribes the timeframe within which the Commissioner must determine the amount of a PPL superannuation contribution payable. It also prescribes how the Commissioner must determine where a PPL superannuation contribution is to be directed, and the timeframes for making that determination and the associated payment.

Division 3 also prescribes the information that the Commissioner must provide to the trustee or provider if a PPL superannuation contribution is paid to a complying superannuation fund or RSA.

Division 4 deals with underpayments and overpayments of PPL superannuation contributions, including how the Commissioner must determine where an underpaid amount is to be directed, and the timeframes for making that determination and the associated payment. Division 4 also prescribes the content of written notices that the Commissioner must provide when taking certain actions to recover overpaid amounts of PPL superannuation contributions.

Division 2—Method for working out multiplier amount

36 Method

For the purposes of subsection 115C(5) of the Act, the amount for an income year for the person is worked out as follows:

Calculation of multiplier amount

Step 1. Calculate the number of days (***elapsed days***) in the period:

(a) beginning on the first day in the income year that:

(i) a PPL funding amount for the person is paid to the person’s employer; or

(ii) an instalment is payable and paid to the person as referred to in paragraph 115B(1)(b) of the Act; and

(b) ending on the day that the Commissioner makes a determination for the person for the income year under section 115D of the Act.

Note: The period of time may end in the income year or in a subsequent income year: see subsection 115H(3) of the Act.

Step 2. Divide the number of elapsed days by 365.

Step 3. Multiply the amount worked out at step 2 by 10% (rounded to 4 decimal places and rounding up if the fifth decimal place is 5 or more).

Example: Alex is eligible for a PPL superannuation contribution for the 2026‑2027 income year. Alex’s first PPL payment was made on 1 December 2026. On 1 October 2027 the Commissioner makes a section 115D determination of the PPL superannuation contribution payable to Alex, which includes Alex’s nominal interest rate amount for the 2026‑2027 income year. To work out the multiplier amount needed to calculate Alex’s nominal interest rate amount, the number of elapsed days (305) is divided by 365. Multiplying the result by 10% produces a multiplier amount, rounded to 4 decimal places, of 0.0836.

Division 3—Administration and payment

37 Timeframes for determining the amount of a PPL superannuation contribution payable

For the purposes of subsection 115D(2) of the Act, the Commissioner must make a determination for a person for an income year as soon as reasonably possible after:

(a) the Commissioner has sufficient information to determine the amount of a PPL superannuation contribution that is payable for the person for the income year; and

(b) a determination under section 115F of the Act about where the PPL superannuation contribution is to be directed could be made in accordance with the requirements of section 39 of this instrument.

38 Determining where PPL superannuation contribution is to be directed

(1) For the purposes of subsection 115F(3) of the Act and subject to subsection (3) of this section, the Commissioner must determine that a PPL superannuation contribution for a person for an income year is paid in accordance with the following table.

| Item | Column 1 Person’s circumstances | Column 2 Where PPL superannuation contribution is to be paid |
| --- | --- | --- |
| 1 | The Commissioner is satisfied that the person is deceased | The person’s legal personal representative |
| 2 | The person has nominated an eligible account to the Commissioner for the purpose of receiving a PPL superannuation contribution | The eligible account |
| 3 | The person has one or more eligible accounts and has not nominated an eligible account to the Commissioner for the purpose of receiving a PPL superannuation contribution | (a) if one, and only one, of the eligible accounts has received a PPL superannuation contribution in the current or preceding income year—that eligible account; or  (b) if paragraph (a) does not apply—the eligible account:  (i) with the greatest amount of eligible personal superannuation contributions; or  (ii) with the greatest amount of concessional contributions;  in the most recent financial year for which the Commissioner has received a statement in respect of the person under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953*; or  (c) if paragraphs (a) and (b) do not apply—the person’s eligible account with the most recently opened account date; or  (d) if paragraphs (a), (b) and (c) do not apply—the person’s eligible account with the highest account balance in the most recent financial year for which the Commissioner has received a statement in respect of the person under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953*; or  (e) if paragraphs (a), (b), (c) and (d) do not apply—the eligible account determined by the Commissioner |
| 4 | The person does not have an eligible account | An account of the person in the Superannuation Holding Accounts Special Account |

(2) If the person nominates an eligible account for the purpose of item 2 of the table in subsection (1), the nomination has effect until:

(a) the person nominates another eligible account; or

(b) the nominated account stops accepting PPL superannuation contributions for the person; or

(c) the nominated account ceases to be an eligible account.

(3) A paragraph in column 2 of item 3 of the table in subsection (1) does not apply to a payment if the Commissioner is reasonably satisfied that the eligible account mentioned in that paragraph will not or cannot accept the payment.

(4) For the purposes of paragraphs (b), (c) and (d) in column 2 of item 3 of the table in subsection (1), disregard an eligible account (the ***first account***) if:

(a) the Commissioner has never received a statement under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953* in respect of the person and the first account; or

(b) the Commissioner has received a statement under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953* in respect of the person that:

(i) relates to any other eligible account of the person; and

(ii) relates to a period that ends later than the most recent such statement received by the Commission in respect of the person and the first account.

(5) If 2 or more items of the table in subsection (1) apply to a PPL superannuation contribution, only the item that is earliest in the table is to be used.

39 Timeframes for determining where a PPL superannuation contribution is to be paid

(1) For the purposes of subsection 115F(5) of the Act, the Commissioner must make any determinations required under section 115F of the Act in relation to a PPL superannuation contribution payable for a person for an income year as soon as reasonably possible after the Commissioner has sufficient information to determine where the contribution is to be paid.

(2) Despite subsection (1), the Commissioner must not make a determination under paragraph 115F(1)(d) of the Act (about payments to the Superannuation Holding Accounts Special Account) for the person for the income year before the end of the 2 year period beginning on the first day that one of the following occurs:

(a) a PPL funding amount for the person was paid to the person’s employer for the first time in the income year;

(b) an instalment referred to in paragraph 115B(1)(b) of the Act was payable and paid to the person for the first time in the income year.

40 Payment dates for PPL superannuation contributions

For the purposes of subsection 115H(2) of the Act, the payment date for a PPL superannuation contribution is the day 60 days after the Commissioner makes a determination under section 115F of the Act in relation to where the contribution is to be paid.

41 Information to be given by Commissioner where PPL superannuation contribution is paid to trustee or provider

For the purposes of subsection 115J(3) of the Act, the Commissioner must give the following information to the trustee or provider:

(a) the following information in relation to the trustee or provider:

(i) name;

(ii) tax file number;

(iii) ABN (if applicable);

(iv) superannuation provider product identification number (if applicable);

(v) address;

(b) the following information in relation to the person:

(i) name;

(ii) date of birth;

(iii) account number;

(iv) tax file number (if quoted to the trustee or provider);

(c) the amount of the PPL superannuation contribution.

Division 4—Underpayments and Overpayments

42 Determining where an underpaid amount of PPL superannuation contribution is to be directed

(1) For the purposes of subsection 115K(6) of the Act and subject to subsection (3) of this section, the Commissioner must determine that an underpaid amount of PPL superannuation contribution for a person for an income year is paid in accordance with the following table.

| Item | Column 1 Person’s circumstances | Column 2 Where the underpaid amount is to be paid |
| --- | --- | --- |
| 1 | The Commissioner is satisfied that the person is deceased | The person’s legal personal representative |
| 2 | The person has nominated an eligible account to the Commissioner for the purpose of receiving a PPL superannuation contribution | The eligible account |
| 3 | The person has one or more eligible accounts and has not nominated an eligible account to the Commissioner for the purpose of receiving a PPL superannuation contribution | (a) if one, and only one, of the eligible accounts has received a PPL superannuation contribution in the current or preceding income year—that eligible account; or  (b) if paragraph (a) does not apply—the eligible account:  (i) with the greatest amount of eligible personal superannuation contributions; or  (ii) with the greatest amount of concessional contributions;  in the most recent financial year for which the Commissioner has received a statement in respect of the person under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953*; or  (c) if paragraphs (a) and (b) do not apply—the person’s eligible account with the most recently opened account date; or  (d) if paragraphs (a), (b) and (c) do not apply—the person’s eligible account with the highest account balance in the most recent financial year for which the Commissioner has received a statement in respect of the person under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953*; or  (e) if paragraphs (a), (b), (c) and (d) do not apply—the eligible account determined by the Commissioner |
| 4 | The person does not have an eligible account | An account of the person in the Superannuation Holding Accounts Special Account |

(2) If the person nominates an eligible account for the purpose of item 2 of the table in subsection (1), the nomination has effect until:

(a) the person nominates another eligible account; or

(b) the nominated account stops accepting PPL superannuation contributions for the person; or

(c) the nominated account ceases to be an eligible account.

(3) A paragraph in column 2 of item 3 of the table in subsection (1) does not apply to a payment if the Commissioner is reasonably satisfied that the eligible account mentioned in that paragraph will not or cannot accept the payment.

(4) For the purposes of paragraphs (b), (c) and (d) in column 2 of item 3 of the table in subsection (1), disregard an eligible account (the ***first account***) if:

(a) the Commissioner has never received a statement under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953* in respect of the person and the first account; or

(b) the Commissioner has received a statement under section 390‑5 in Schedule 1 to the *Taxation Administration Act 1953* in respect of the person that:

(i) relates to any other eligible account of the person; and

(ii) relates to a period that ends later than the most recent such statement received by the Commission in respect of the person and the first account.

(5) If 2 or more items of the table in subsection (1) apply to a PPL superannuation contribution, only the item that is earliest in the table is to be used.

43 Timeframes for underpayment determinations

For the purposes of subsection 115K(8) of the Act, the Commissioner must make any determinations required under section 115K of the Act in relation to an underpaid PPL superannuation contribution amount for a person for an income year as soon as reasonably possible after the Commissioner has sufficient information to determine:

(a) that the underpaid amount is to be paid for the person for the income year; and

(b) where the underpaid amount is to be paid.

44 Payment dates for underpaid amounts

For the purposes of subsection 115M(2) of the Act, the payment date for an underpaid amount is the day 60 days after the Commissioner makes a determination under section 115K of the Act in relation to where the underpaid amount is to be paid.

45 Information for recovery of overpayment

Notice of proposed recovery—legal personal representative

(1) For the purposes of item 3 of the table in subsection 115P(3) of the Act, the notice given to the person’s legal personal representative must include the following information:

(a) the person’s name;

(b) the person’s tax file number;

(c) the amount of the PPL superannuation contribution;

(d) the amount to be recovered;

(e) the date by which the amount to be recovered must be paid;

(f) the right to apply for a review under section 115ZF of the Act;

(g) the reason that the PPL superannuation contribution was overpaid.

Notice of proposed recovery—superannuation provider

(2) For the purposes of item 4 of the table in subsection 115P(3) of the Act, the notice given to the superannuation provider must include the following information:

(a) the person’s name;

(b) the person’s account number;

(c) the person’s date of birth;

(d) the person’s tax file number (if quoted to the superannuation provider);

(e) the amount to be recovered;

(f) the date by which the amount to be recovered must be paid.

Notice of deduction or debit

(3) For the purposes of subsection 115P(7) of the Act, the notice given to the person must include the following information:

(a) the person’s name;

(b) the person’s tax file number;

(c) the amount of the PPL superannuation contribution that included the overpayment;

(d) the income year for which that PPL superannuation contribution was paid;

(e) the amount of the overpayment;

(f) the amount of the deduction or debit;

(g) in the case of a deduction from a PPL superannuation contribution—the income year for which that PPL superannuation contribution is or was payable;

(h) the right to apply for a review under section 115ZF of the Act.

6 In the appropriate position in Part 12

Insert:

Division 5—Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Rules 2025

90 Application of amendments

The amendments made by Schedule 1 to the *Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Rules 2025* apply in relation to PPL funding amounts and instalments paid on or after 1 July 2025 for a child who is born on or after that day.

Note: Sections 275 and 276 of the Act deal with its application to an adopted child and claims made in exceptional circumstances.