



Paid Parental Leave Amendment (Coronavirus Economic Response) Rules 2020

I, Anne Ruston, Minister for Families and Social Services, make the following rules.

Dated 15 June 2020

Anne Ruston
Minister for Families and Social Services

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1 Name

This instrument is the *Paid Parental Leave Amendment (Coronavirus Economic Response) Rules 2020*.

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. Sections 1 to 4.	Immediately after this instrument is registered.	
2. Item 1 of Schedule 1	Immediately after this instrument is registered.	
3. Items 2 to 11 of Schedule 1.	12 March 2020.	

Note: This table relates only to the provisions of this instrument as originally made.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 section 298 of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 2010

1 At the end of Division 2.3.2 of Part 2-3

Add:

Subdivision 2.3.2.3—Jobkeeper payment

2.26A Purpose

This Subdivision is made for section 35B of the Act and prescribes the method for calculating hours of work a person is taken to have performed on a day in a jobkeeper payment period.

2.26B Calculating hours of qualifying work on a day in a jobkeeper payment period

- (1) For the purposes of step 5 of the method statement in section 32 of the Act, if a person performs qualifying work on a day only because the day is in a jobkeeper payment period for the person, the person is taken to have performed on that day:
 - (a) 7.6 hours of work, if the day is a week day; and
 - (b) no hours of work, if the day is a Saturday or Sunday.
- (2) For the purposes of step 5 of the method statement in section 32 of the Act, if a person performs qualifying work on a day because both:
 - (a) the person performs at least one hour of paid work on the day; and
 - (b) the day is in the person’s jobkeeper payment period;the person is taken to have performed on that day the greater of:
 - (c) the hours of work the person would be taken to have performed if subrule (1) applied; and
 - (d) the number of hours of paid work performed by the person on that day.
- (3) For the purposes of step 5 of the method statement in section 32 of the Act, if a person performs qualifying work on a day because both:
 - (a) the person takes a period of paid leave of at least one hour on the day; and
 - (b) the day is in the person’s jobkeeper payment period;the person is taken to have performed on that day the greater of:
 - (c) the hours of work the person would be taken to have performed if subrule (1) applied; and

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- (d) the number of hours of paid leave taken by the person on that day.

2 Subrule 2.2(1A)

Repeal the subrule, substitute:

- (1A) For the purposes of paragraph 2.2(1)(b), disregard a return to work in any of the following circumstances:
- (a) if the person satisfies rule 2.4—a return to work on one or more days in the period the child is not in the person’s care;
 - (b) if the person satisfies rule 2.5—a return to work on a day referred to in paragraph 2.5(b);
 - (c) if the person satisfies rule 2.5A—a return to work on a day referred to in rule 2.5A;
 - (d) if the person satisfies rule 2.5B—a return to work on one or more days in the period that starts on the day that is 14 days after the day the child is born and ends on the day the child is discharged from hospital;
 - (e) if the person satisfies rule 2.5C—a return to work on a day referred to in rule 2.5C;
 - (f) if paragraph 2.6(b) applies to the person—a return to work on one or more days to which paragraph 2.6(b) applies.

3 After rule 2.5B

Insert:

2.5C Work requirements for primary claimants – return to work due to state, territory or national emergency

- (1) For paragraph 2.2(1A)(e), the requirements are that the person:
- (a) is a health professional, emergency services worker or other essential worker; and
 - (b) has performed paid work on a day because the person has returned to work in response to a state, territory or national emergency (including in response to the Coronavirus known as COVID-19).
- (2) For the purposes of this rule, a person is an *essential worker* if the person has specific skills, or is involved in the production of goods or the delivery of services, where the skills, goods or services are essential in responding to an emergency.

4 After paragraph 2.8(2A)(d)

Insert:

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- ; (e) if the person satisfies rule 2.11C—a return to work on a day referred to in rule 2.11C.

5 After rule 2.11B

Insert:

2.11C Work requirements for secondary claimants – return to work due to state, territory or national emergency

- (1) For paragraph 2.8(2A)(e), the requirements are that the person:
- (a) is a health professional, emergency services worker or other essential worker; and
 - (b) has performed paid work on a day because the person has returned to work in response to a state, territory or national emergency (including in response to the Coronavirus known as COVID-19).
- (2) For the purposes of this rule, a person is an *essential worker* if the person has specific skills, or is involved in the production of goods or the delivery of services, where the skills, goods or services are essential in responding to an emergency.

6 After paragraph 2.12(2A)(d)

Insert:

- ; (e) if the person satisfies rule 2.16B—a return to work on a day referred to in rule 2.16B.

7 After rule 2.16A

Insert:

2.16B Exceptional circumstances work requirements for secondary claimants – return to work due to state, territory or national emergency

- (1) For paragraph 2.12(2A)(e), the requirements are that the person:
- (a) is a health professional, emergency services worker or other essential worker; and
 - (b) has performed paid work on a day because the person has returned to work in response to a state, territory or national emergency (including in response to the Coronavirus known as COVID-19).
- (2) For the purposes of this rule, a person is an *essential worker* if the person has specific skills, or is involved in the production of goods or the delivery of services, where the skills, goods or services are essential in responding to an emergency.

8 After paragraph 2.18(1A)(d)

Insert:

- ; (e) if the person satisfies rule 2.22AA—a return to work on a day referred to in rule 2.22AA.

9 After rule 2.22A

Insert:

2.22AA Work requirements for tertiary claimants – return to work due to state, territory or national emergency

- (1) For paragraph 2.18(1A)(e), the requirements are that the person:
 - (a) is a health professional, emergency services worker or other essential worker; and
 - (b) has performed paid work on a day because the person has returned to work in response to a state, territory or national emergency (including in response to the Coronavirus known as COVID-19).
- (2) For the purposes of this rule, a person is an *essential worker* if the person has specific skills, or is involved in the production of goods or the delivery of services, where the skills, goods or services are essential in responding to an emergency.

10 After paragraph 3A.3(1A)(b)

Insert:

- ; (c) if the person satisfies rule 3A.7A – a person working on a day referred to in rule 3A.7A;

11 After rule 3A.7

Insert:

3A.7A Work requirements for DAPP claimants – return to work due to state, territory or national emergency

- (1) For paragraph 3A.3(1A)(c), the requirements are that the person:
 - (a) is a health professional, emergency services worker or other essential worker; and

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- (b) has performed paid work on a day because the person has returned to work in response to a state, territory or national emergency (including in response to the Coronavirus known as COVID-19).
 - (2) For the purposes of this rule, a person is an essential worker if the person has specific skills, or is involved in the production of goods or the delivery of services, where the skills, goods or services are essential in responding to an emergency.