



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

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

Dated 4 September 2021

Minister for Families and Social Services

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1 Name

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

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.	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 2021

1 Section 8 (paragraph beginning “Division 3”)

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

2 After section 24

Insert:

24A Calculating hours of qualifying work on a day in a COVID-19 Australian Government payment period

- (1) For the purposes of subsection 35C(1) of the Act, this section prescribes the method for determining the number of hours of work a person is taken to have performed on a day in a COVID-19 Australian Government payment period for the person.
- (2) If a person performs qualifying work on a day only 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:
 - (a) if the day is a week day—7.6 hours of work; or
 - (b) if the day is a Saturday or Sunday—no hours of work.
- (3) If a person performs qualifying work on a day because both:
 - (a) the person performs at least 1 hour of paid work on the day; and
 - (b) 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 greater of:
 - (c) the hours of work the person would be taken to have performed if subsection (2) applied; and
 - (d) the number of hours of paid work performed by the person on that day.
- (4) If a person performs qualifying work on a day because both:
 - (a) the person takes a period of paid leave of at least 1 hour on the day; and
 - (b) 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 greater of:
 - (c) the hours of work the person would be taken to have performed if subsection (2) applied; and
 - (d) the number of hours of paid leave taken by the person on that day.