

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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