



Paid Parental Leave Amendment (Work Test Special Circumstances) Rules 2021

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

Dated 26 October 2021

Anne Ruston
Minister for Families and Social Services

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1 Name

This instrument is the *Paid Parental Leave Amendment (Work Test Special Circumstances) 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	4 September 2021.	4 September 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 At the end of section 8

Add:

Further, Division 3 also prescribes special circumstances for the purposes of a person satisfying the work test on a day.

2 At the end of Division 3 of Part 2

Add:

24B Special circumstances—satisfying the work test on a day

- (1) For the purposes of paragraph 36AA(a) of the Act, this section prescribes special circumstances for the purposes of a person satisfying the work test on a day.
- (2) The special circumstances are:
 - (a) the person is experiencing family and domestic violence, or is dealing with the impact of family and domestic violence, that prevents the person from performing paid work; or
 - (b) the person is affected by a severe medical condition that prevents the person from performing paid work; or
 - (c) the person is caring for a family member who is affected by a severe medical condition and providing such care prevents the person from performing paid work; or
 - (d) the person is severely affected by a natural disaster that:
 - (i) has been declared by the Commonwealth, a State or Territory or a Commonwealth, State or Territory authority responsible for managing responses to natural disasters; and
 - (ii) prevents the person from performing paid work.
- (3) For the purposes of paragraph (2)(c), family member, of the person providing care, means:
 - (a) the person's partner; or
 - (b) the person's natural child, adoptive child or stepchild; or
 - (c) the person's natural parent, adoptive parent or step-parent; or
 - (d) the person's sibling or step-sibling; or
 - (e) the parent, adoptive parent or step-parent of the person's partner; or
 - (f) if the person has legal custody or guardianship over another person—that other person; or
 - (g) if the person is related to another person according to Aboriginal or Torres Strait Islander kinship rules—that other person.