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# FACT SHEET

## Paid Parental Leave Scheme

The *Paid Parental Leave Act 2010* (the 'Act') introduced a paid parental leave ('PPL') scheme funded by the Commonwealth Government. The Act encompasses two forms of paid parental leave, one form, PPL, is specifically for the Primary Care Giver of the child and the other form is for Dads and Partners ('D&PP').

This Fact Sheet provides a summary of the main elements of the PPL scheme in regard to the two forms of paid parental leave listed above (Primary Care Giver and Dad and Partner).

This Fact Sheet also contains a sample Paid Parental Leave Policy which may be adapted for use in hospitality workplaces. It has been drafted in the same style as the policies and procedures contained in the QHA HR Manual.

### WHAT IS THE PAID PARENTAL LEAVE SCHEME?

#### **PRIMARY CARE GIVER**

The Government's PPL scheme provides eligible primary carers of a newborn child or adopted child with a legal entitlement to 18 weeks' paid parental leave whilst they are providing care for their newborn or adopted child.

The weekly payment payable to eligible persons on PPL will be the National Minimum Wage ('NMW') which may be increased in July of each year. As at 1 July 2017, the NMW is \$694.90 per week per week, and this will be paid to any eligible person on PPL, regardless of whether their employment status is full-time, part-time or casual.

Eligible persons are able to make an application for PPL to the Department of Human Services ('DHS'). Please note the application for PPL is not made with the employer and the employer is not responsible for assessing whether a person is eligible for PPL. Eligible persons can make an application up to three months prior to the expected date of the birth or adoption.

The DHS approves the PPL application and the person seeking PPL must provide the necessary information such as a group certificate or other pay summary document to the DHS to enable eligibility assessment. It is not expected that an employer will be contacted to provide information.

PPL is not a form of leave for an employee. It operates in conjunction with parental leave entitlements provided in the National Employment Standards ('NES') as enshrined in the *Fair Work Act 2009* and provides for the payment of up to 18 continuous weeks during the NES provided parental leave. PPL must be taken prior to the completion of 12 months after the birth or adoption of a child.

### WHAT IS THE DAD AND PARTNER PAY SCHEME?

The Dad and Partner Pay Scheme (D&PP) is an extension to the current PPL scheme for primary care givers as discussed above, and has introduced a two week parental leave payment for eligible working fathers and partners (including adoptive parents and same sex couples) caring for children born or adopted from 1 January 2013.

The D&PP scheme is provided for under the *Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012* which has amended the *Paid Parental Leave Act 2010*.

The payment for an eligible person on D&PP will be the National Minimum Wage ('NMW') which may be increased in July of each year. As at 1 July 2016, the NMW is \$672.70 per week. For a person to be eligible for D&PP they must have worked at least 330 hours in a permanent or casual capacity in 10 of the 13 months before the birth of their baby and must have earned less than \$150,000 (excluding superannuation) per annum.

Further, for a person to be eligible for D&PP, the Father or Partner of the child must be caring for the child (whether this is as the primary care giver or as a joint care giver) and must be on a period of unpaid leave when they receive the D&PP payment.

Members should note that D&PP is not funded by an employer and like the PPL scheme eligible fathers and partners must make an application for D&PP to the DHS who will then assess their eligibility via a set income test, work test and residency requirements.

Additionally, fathers and partners will not be eligible for the D&PP payment unless an application is made within the first 12 months after the birth or adoption of the child.

Please note that in this Fact Sheet, reference to 'parental leave' means the NES parental leave scheme and reference to 'PPL' means the Government's Paid Parental Leave scheme.

## **EMPLOYEE ELIGIBILITY**

PPL and D&PP differ from the NES parental leave scheme, therefore, eligibility for parental leave under the NES does not necessarily mean eligibility for PPL, D&PP or vice versa. A person will only be eligible for PPL or D&PP if they satisfy the criteria listed below. There are 5 criteria that must be satisfied for an employee to be entitled to PPL or D&PP. Members should note that criteria 1, 2, 3 and 5 are the same for each form of parental leave (e.g. D&PP and PPL). However, Criteria 4 enacts the care giving arrangements and thus will be different depending on the form of leave (e.g. D&PP or PPL).

### **CRITERIA**

#### **1. Work Test**

The primary care giver/or dad and partner must have worked at least 330 hours in 10 of the 13 months before the birth, or adoption of the child, with no break longer than 56 consecutive days between two working days. Please note that qualifying work can include a period of authorised paid leave, such as annual leave or personal/carer's leave.

#### **2. Income Test**

Parents employed in a full-time, casual or part-time capacity are eligible, as well as the self-employed. However a salary cap for eligibility has been imposed. As at March 2016, the employee must not have an adjustable taxable income that exceeds \$150,000 (excluding superannuation) per annum.

Adjustable taxable income for family assistance purposes includes:

- Taxable Income
- Reportable fringe benefits
- Reportable superannuation contributions
- Total net investment losses
- Tax-free pensions or benefits
- Foreign income
- Tax exempt foreign income

But does not include employer superannuation contributions and deductible child maintenance expenditure.

### **3. Australian Residency Test**

The employee must be residing in Australia and be one of the following:

- An Australian citizen;
- A NZ citizen who arrived in Australia on a NZ passport;
- The holder of a permanent visa;
- The holder of a temporary visa subclass; or
- The holder of a Criminal Justice Stay visa issued specifically for the purpose of assisting in the administration of criminal justice in relation to the offense of people trafficking, sexual servitude or deceptive recruiting.

### **4. Primary Care Giver and Eligible Partner Test**

#### **a) Primary Care Giver**

The person seeking PPL must be the child's primary care provider. This does not necessarily have to be the mother in all cases. A primary carer is the person who is meeting the child's physical needs more than anyone else.

Please note that the transfer of PPL from one carer to another carer is permissible in certain circumstances.

#### **b) Dad and Partner – Eligible Partner Test**

The person seeking D&PP does not need to be the primary care provider, however must be caring for the child in one of the following capacities as the:

- biological father of the child;
- partner of the birth mother;
- adopting parent;
- partner of the adopting parent;
- parent in a surrogacy arrangement;
- partner of a parent in a surrogacy arrangement; or
- same-sex partner of the birth mother, biological father or the adopting parent.

### **5. No Work Test**

To be entitled to PPL or D&PP the employee must be on leave and not working during the period they receive PPL or D&PP payments. Please note that there are some exceptions to this rule and an employee on a period of PPL may be able to access the keeping in touch days as provided for in the NES parental leave scheme. An employee on a period of D&PP will not be entitled to access keeping in touch days.

Keeping in Touch is defined as:

- *performing work to enable the person to keep in touch with his or her employment or engagement in order to facilitate a return to that employment or engagement after the end of the period of leave; and*
- *both the person and the entity consent to the person performing work for the entity on that day; and*
- *if the person suggested or requested that he or she perform work for the entity on that day, the day is not within 14 days after the day the child was born; or otherwise – the day is not within 42 days after the day the child was born.*

Please note that more information is contained below in relation to keeping in touch days.

### **IMPACT OF PPL ON OTHER GOVERNMENT BABY SCHEMES**

PPL and D&PP are both voluntary schemes that a person may seek to opt-in to and apply for. Equally, they may elect not to apply for PPL or D&PP.

Where a person is on PPL or D&PP they generally will not receive the following for the period of the PPL:

- Family Tax Benefit Part B;
- Newborn Upfront Payment and Newborn Supplement;

- Child Housekeeper; or
- Housekeeper Tax Offsets

It should be noted that in the event of a multiple birth or adoption, for example, twins, D&PP will only be paid for one child.

### **HOW DOES A PERSON APPLY?**

A person seeking PPL or D&PP lodges their application with the Department of Human Services ('DHS'). The employer does not assess applications, and it is the employee's sole responsibility to lodge their claim. An employee claim will be accepted once the proof of the child's birth or adoption is provided to the DHS and the other criteria have been satisfied. Once proof is provided to the DHS the DHS will then notify the employer of acceptance of the claim.

On approval of PPL eligibility, an employee will nominate the period for which they wish to receive PPL.

### **EMPLOYER OBLIGATIONS – PAYMASTER FUNCTION**

#### **Primary Care Giver**

*NOTE: Reference to an employer 'providing' PPL is reference to providing the payment made to them by the DHS, not the employer needing to make payments from their own funds.*

Employers may be required to act as the DHS's 'paymaster'. In this context an employer acting as a paymaster will be required to forward PPL payments made from the DHS to the employer to the employee.

#### **Notice to Act as Paymaster**

The DHS will advise an employer in writing of their need to act as paymaster. The details that will be provided are:

- The employee's name;
- That the employee is eligible for PPL;
- The period of time the employer is to provide the PPL; and
- The employer's obligations with respect to PPL including appeal rights in the event the employer disagrees with the requirement to provide PPL.

In addition, the DHS will request necessary details to allow the DHS to pay the PPL amounts to the employer. The DHS will also require written notice that the employer accepts their PPL obligations.

The notice and acceptance may be provided electronically.

#### **Exceptions to Paymaster Function**

In certain circumstances an employer will not be required to act as the DHS's paymaster. In the following circumstances an employer will not have to provide PPL:

1. To a short term employee. A short term employee is an employee with less than 12 months service;
2. To an independent contractor;
3. Where the employee resigns prior to their period of PPL; or
4. Where an employee will receive less than eight weeks of PPL.

Where an employee resigns part way through their period of PPL, the DHS will provide the remaining PPL payments to the person.

#### **Payment of Funds to the Employer**

The DHS requires certain information from employers to enable PPL payments to be forwarded to them. The DHS will therefore work with employers with respect to timing and payment in advance.

The DHS can make up to nine fortnightly payments, however an employer can elect to receive the payments in three payments (ie each six week period).

Funds will be transferred electronically to the employer's nominated bank account, and a payment notice will be provided with each payment.

An employer is not obliged to make payments to an employee on approved PPL in advance of receiving the funds from the DHS.

### **General Obligations**

Where an employer is to act as paymaster, the employer is required to provide the required details including bank account and pay cycle details to enable the DHS to provide PPL payments to the employer.

In addition, an employer has a number of other obligations to advise the DHS:

- When an employee on PPL returns to work;
- If the employee is no longer employed with the employer;
- If the employer has changed their bank account details;
- If the employer has changed its pay cycle;
- If the employer has been overpaid an amount of PPL;
- If the employer sells the business; or
- If the employer becomes unable to provide PPL payments to an employee for another reason such as they cease to trade, transfer ownership or merge with another business.

Where an eligible employee has multiple employers, the employee must nominate which employer is to act as paymaster.

### **Dad and Partner Pay**

Employers should note that D&PP is not the employer's responsibility and the DHS will pay the employee directly. As such, there is no paymaster function like the PPL scheme as noted above. It is still important to be aware of Dad and Partner Pay because an employee may approach an employer about taking unpaid leave so that they can receive Dad and Partner Pay.

The DHS will pay an employee who makes a claim for D&PP directly after the child is born or adopted and once the claim is finalised. Where a claim for D&PP is finalised prior to the authorised period of leave, the payment from the DHS will be processed on the first day of the employee's leave.

### **EMPLOYER OBLIGATIONS – RETURN TO WORK OF THE EMPLOYEE**

Where an employee seeks to return to work prior to the conclusion of the approved PPL period, PPL payments will cease. As an employee is required under the Parental Leave provisions in the NES to provide notice of their intention to return to the workplace, employers must advise the DHS of such an intention.

### **Keeping In Touch Provisions**

Employees who are receiving payment in accordance with the PPL scheme are able to access 'keeping in touch' days. However this will be subject to the agreement between the employer and employee and in accordance with the provisions the *Paid Parental Leave Act 2010*. If the employer and employee agree to 'keeping in touch' days whilst an employee is on a period of PPL, this will not affect the employee's ability to access unpaid parental leave entitlements under the NES.

The PPL scheme allows an employee on approved PPL to work in paid work for up to 10 days during their parental leave period without it affecting their PPL entitlements. It should be noted that a keeping in touch day does not extend the PPL period. For example, if an employee accesses two (2) 'keeping in touch' days, this will not extend the period of PPL or NES unpaid parental leave by 2 days.

An employee accessing a 'keeping in touch' day will be regarded as engaging in paid work and therefore will be entitled to be paid in accordance with their contract of employment or industrial instrument for such time worked. Time work will also be counted for attracting employment entitlements and conditions including leave accruals, and superannuation contributions.

Section 79A of the NES, which works in conjunction with the *Paid Parental Leave Act 2010*, provides that there is no obligation for an employer to grant the employee a 'keeping in touch day'. However, if the employer and employee agree to a 'keeping in touch' day, the employer must note the following;

- An employee cannot request to attend work on a 'keeping in touch' day within 14 days after the date of birth or day of placement of the child;
- An employer cannot request an employee to attend work on a 'keeping in touch' day within 42 days after the date of birth or day of placement of the child; and
- If the parental leave is extended to beyond the initial 12 month entitlement, both parties may agree to arrange a further 10 'keeping in touch' days.

The purpose of a 'keeping in touch' day is to enable the employee to keep in touch with his or her employment in order to facilitate a return to that employment once the period of unpaid parental leave ends. In line with this purpose, a 'keeping in touch' day may be used by the employee to:

- Refresh their skills;
- Become familiar with new or updated processes;
- Participate in on-the-job training;
- Be involved in planning discussions or meetings that may affect their roles. Please note, if the employee's position or role function changes or no longer exists, the employer will have the obligation to consult with the employee as they would if the employee was in the workplace as discussed above.

Where an employee exercises their ability to return to work under the keeping in touch provisions, an employer needs to keep a record of the days the employee does access to ensure no more than 10 days are used, as well as for the above mentioned employment matters.

### **Replacement Employees**

Where an employer engages a replacement employee for the purpose of covering the duties of the employee taking paid parental leave, section 84A of the NES requires the employer to ensure that the replacement employee is aware of the fact that the position of the replacement employee is temporary. Additionally, the employer must advise the employee in relation to the rights of both the employer and employee on parental leave with respect to:

- cancelling leave where the pregnancy ends other than by the birth of a living child or if the child dies after birth but prior to the end of the unpaid parental leave period;
- early termination of the parental leave period; and
- the return to work guarantee to which the employee on parental leave is entitled; and
- the effect on the replacement employee's employment if the employee on leave ceases to have responsibility for the care of the child.

\*Section 84A of the NES has had effect since 23 July 2012.

### **Consultation Requirements While on Parental Leave**

The NES requires employers to ensure employees on paid parental leave are informed about decisions that will have a significant effect on the status, pay or location of their pre-parental leave position – that is the position the employee held prior to starting parental leave, or the position held before they transferred to a safe job.

The employer must take all reasonable steps to keep the employee informed about, and provide an opportunity to discuss, the effect of any decision that will affect the employee's pre-parental leave position.

## **INTERACTION OF PPL WITH EMPLOYMENT ENTITLEMENTS**

PPL is not viewed as wages or ordinary time earnings for workers' compensation purposes. Other employment entitlement interactions include:

- Leave entitlements do not accrue for periods of PPL;
- Personal/carer's leave cannot be accessed during a period of PPL;
- Superannuation is not payable on PPL; and
- Payroll tax is not payable on PPL.

### **Annual Leave Whilst on PPL**

An employee on PPL may seek to take annual leave during the PPL period. Where on annual leave, the annual leave payment is 'ordinary time earnings' for superannuation purposes and contributions will need to be made. Such leave will be ordinary leave for the purposes of workers' compensation and payroll tax.

### **Employer Funded Paid Parental Leave Scheme**

With regard to an employer funded paid parental leave scheme, there may be obligations under the terms of the employer scheme with regard to superannuation etc. Note that an employee can be on PPL at the same time as an employer scheme, therefore, notation of the separate payments will be necessary.

### **PPL and Taxation / Payment Documentation**

The scheme provides for the payment of the National Minimum Wage for up to 18 weeks. With regard to taxation and payment documentation:

- The PPL payment is taxable (at the appropriate rate applying for the amount of the PPL and any other payments), therefore an employer is required to withhold tax under the usual PAYG withholding arrangements;
- While an employer does not need to separately identify PPL in annual financial statements, PPL amounts will need to be distinguished from any other amounts that attract superannuation, payroll tax and workers' compensation;
- Employers must also include PPL payments in the total amounts on an employee's annual or part-year payment summary;
- Payment details must be provided to an employee, and this can be done by including payment details on an employee's pay slip (remembering a pay slip must be provided).

### **Other Financial Statements**

Employers are required to maintain financial records regarding PPL payments for a period of seven years. Payment details should be kept in the same manner as other payroll data.

### **Existing Paid Parental Leave Policies**

Section 99A of the Act confirms PPL is in addition to other entitlements provided by an employer. This means that where employers have an existing paid parental leave scheme, they must continue to provide entitlements in line with their existing scheme. PPL does not alter existing entitlements guaranteed to employees.

### **Transfer of PPL**

An eligible employee may seek to transfer their PPL part way through the approved period. An example where this may occur is where the birth mother wishes to return to the workplace and transfers the balance of their PPL to their spouse who will become the primary carer. In this circumstance the employer of the birth mother will cease to provide the PPL payments at the time the birth mother completes their period of PPL.

Payments then payable to an eligible spouse to whom the PPL has been transferred shall be made by their employer, or, if the period of PPL is less than eight weeks (or other exclusions apply), by the DHS.

An employer will need to inform the DHS upon notice the employee wishes to return to work from parental leave.

## **DISPUTE RESOLUTION**

In the event an employer does not agree with a decision of the DHS that they (the employer) must provide PPL payments, the employer may seek a review of the decision. An example of this may be where the employee has not completed 12 months' service (which means an employer does not have to provide the payments). Appeals of reviews may be made to the ***Social Services & Child Support Division of the Administrative Appeals Tribunal***.

Where an employer and the employee in receipt of PPL are in dispute the DHS has a role to seek resolution of the matter. However, if the DHS is unable to reach a resolution, the matter will be referred to the Fair Work Ombudsman for investigation. An example of a dispute is that the employer is making unauthorised deductions from the PPL payment (within the meaning of Part 3-1 of the Act), or the employer has received a payment from the DHS and has not provided it to the employee.

## **Preparing for PPL in your Workplace**

The QHA recommends that employers familiarise themselves with the PPL scheme and undertake the following in preparation for PPL:

1. Review current payroll software to ensure it is appropriate for the circumstance of providing, and reporting, PPL payments;
2. Assess internal workplace policies as they relate to parental leave. Update those policies to include PPL scheme information and employee requirements ie. while the employee does not have to advise the employer of their application for PPL (as distinct from the notice requirements under the NES), it may be valuable to encourage employees to advise their employer so that the employer can make the necessary arrangements for the 'paymaster' requirement;
3. Ensure policies are implemented for Flexible Work Requests (which may be made under the National Employment Standards), and other return to work support requirements;
4. Update any existing Leave Application form to incorporate notation of whether an employee intends to apply to the DHS – this will allow the employer advance notice of PPL to make the necessary arrangements;
5. Educate key persons in the workplace who will be implementing and complying with PPL requirements and employer obligations. Such persons will include HR and other persons with staffing responsibilities;
6. Consider pre-registering your business details with the DHS.

Please note this is not an exhaustive list.

## **MORE INFORMATION**

For more information at the Paid Parental Leave Scheme:

- visit [humanservices.gov.au/pplemployers](http://humanservices.gov.au/pplemployers)
- call the National Business Gateway on 131 158
- email:
  - [national.business.gateway@humanservices.gov.au](mailto:national.business.gateway@humanservices.gov.au) if your enquiry is about registering your business
  - [pplinfo@humanservices.gov.au](mailto:pplinfo@humanservices.gov.au) for all other enquiries.
- mail your enquiry to:  
PPL Employer Processing Team  
PO Box 2400  
Hobart TAS 7001

For more information about employer-provided schemes and the Paid Parental Leave scheme:

- visit [wgea.gov.au](http://wgea.gov.au)

For more information about small business:

- visit [business.gov.au](http://business.gov.au)
- call 1800 777 275.

#### **Further Assistance**

Financial QHA members are encouraged to contact the QHA's Employment Relations Department (refer the contact details at the bottom of this page) for a confidential discussion about the information in this Fact Sheet, or to discuss any queries relating to specific workplace matters.

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## ATTACHMENT A

### INSTRUCTIONS FOR COMPLETING / TAILORING THIS SAMPLE POLICY

1. Place this policy document on letterhead / make identifiable as the specific hotel policy.
2. Fill in the applicable text where requested via the “<” and “>” sections in red.
3. Where required below, insert the name of the existing parental leave policy that reflects requirements for unpaid parental leave provided in the NES. In the event there is no existing parental leave policy in place, a template policy can be purchased from the QHA’s Employment Relations Department. This template is also contained in the HR Manual.
4. Where the business already provides for a paid parental leave scheme, PPL is in addition to the employer scheme and this will need to be reflected in the below policy, particularly with respect to notice requirements, differing eligibility and administrative processes.
5. Tailor the style or other concepts in the policy document to suit the workplace. Note that any changes made to this document will not be guaranteed by the QHA as correct and/or legally compliant.
6. Update any existing Application for Leave forms to provide an area where an employee can indicate whether they intend to apply for PPL (this enables the employer to be forewarned of any DHS contact).
7. Ensure a copy of this policy is provided to all employees with documentation confirming they received a copy. To confirm awareness of the policy and what it means, provide training on it and maintain records of this training and who attended.

## PAID PARENTAL LEAVE POLICY

Paid parental leave (‘PPL’) is a Commonwealth Government funded scheme providing eligible persons with paid parental leave of up to 18 weeks. The scheme is compulsory for all Australian.

PPL does not extend an employee’s parental leave entitlements as per the National Employment Standards (‘NES’) in the *Fair Work Act 2009*. PPL provides for up to 18 weeks’ pay at the National Minimum Wage during the NES provided parental leave entitlement.

<Insert name of the employer> supports the PPL scheme.

This policy does not cover all aspects of PPL, rather, it provides guidance on the administrative elements of the scheme and employee obligations with regard to notifications to <insert name of the employer>.

### APPLICATION PROCESS

#### **Unpaid Parental Leave**

In line with the NES, an eligible employee is entitled to up to 12 months of unpaid parental leave, however, employees may, with the agreement of <insert name of the employer> seek to extend this period by up to 12 months.

Please refer to the <insert name of existing parental leave policy> for more details of eligibility, notice and evidence requirements and the application process.

#### **PPL Scheme**

The Government’s Department of Human Services (“DHS”) has responsibility for assessing and approving PPL. Applications for PPL should be made directly to the DHS, and may be made up to three months prior to the expected date of birth or date of adoption of a child.

Employees making an application to the DHS are requested to notify their manager of the application so that **<insert name of the employer>** is aware the DHS may be in contact regarding the employee's eligibility (as it relates to the Work Test). Notification should be in writing to the manager, and should be provided at the same time as applying for parental leave under the NES (as per the Leave Application form).

## **PPL ELIGIBILITY**

The DHS will assess eligibility for the purposes of PPL using the following five tests:

1. *Primary Carer Test – the employee must be the primary carer of a newborn child or adopted child born or adopted after 1 January 2011.*
2. *Work Test – the employee must have worked at least 10 of the last 13 months continuously prior to the date of the birth or adoption of the child, and have worked at least 330 hours without a break of more than 56 consecutive days between work shifts.*
3. *Income Test – the employee does not have an individual taxable income of more than \$150,000 (in the last financial year).*
4. *Residency Test – the employee is considered an Australian resident for taxation purposes.*
5. *No Work Test – the employee is on leave and is not working during the period of the PPL, except for utilising any Keeping in Touch provisions.*

*Keeping In Touch* allows an employee on approved PPL to work for up to 10 days during their NES provided parental leave period without it affecting their PPL. It is anticipated that 'keeping in touch' may be used for work activities such as planning sessions, meetings and training. An employee seeking to utilise this provision must first seek **<insert name of the employer>** approval.

Time worked under the keeping in touch provisions will be counted as normal work and will attract employment entitlements and conditions including pay and leave accruals.

Upon approval of PPL, the DHS will notify **<insert name of the employer>** of this and the administrative requirements with regard to processing payments.

## **IMPACT OF PPL ON OTHER GOVERNMENT BABY SCHEMES**

PPL is a voluntary scheme that a person may seek to opt into. Where an employee is on PPL, they will generally not receive:

- Family Tax Benefit B
- The Dependant Spouse
- Child Housekeeper Offset, or
- Housekeeper Tax Offsets for the period of the PPL.

## **PPL PAYMENTS**

Upon approval of PPL eligibility, the DHS will forward the value of the PPL payments to **<insert name of the employer>**. Payments from the DHS will be made on a regular basis, as agreed between the DHS and **<insert name of the employer>**.

**<Insert name of the employer>** will provide the PPL payment to the approved employee in accordance with the normal pay cycle in place at **<insert name of the employer>**. Payments will be made after the **<insert name of the employer>** has received payment from the DHS, and in the event the DHS has not provided the PPL payment in time for the pay cycle, an employee will be informed of this. **<Insert name of the employer>** is not obliged to provide a PPL payment in advance of receiving the DHS payment.

In certain circumstances, **<insert name of the employer>** will not make the payments on behalf of the DHS, and the DHS will make the payments directly to the employee. Those circumstances are where:

- The employee is a short term employee. A short term employee is an employee with less than 12 months' service;
- The person is an independent contractor;

- The employee resigns prior to their period of PPL;
- An employee will receive less than eight weeks of PPL

In addition, where an employee resigns part way through their period of PPL, the DHS will provide the remaining PPL payments to the person.

### **PRIMARY CARER – TRANSFER OF PPL**

The primary carer may transfer their PPL payments to another eligible primary carer. A primary carer is defined as the person who is meeting the child’s physical needs.

In the event of an employee no longer being the primary carer, for example, the employee wishes to return to work prior to the expiration of the 18 week period, the employee must notify **<insert name of the employer>** immediately as the DHS must be informed.

### **RETURN TO WORK REQUIREMENTS**

When an employee intends to return to work from parental leave and the employee is in receipt of PPL, the PPL payment will stop upon return to work.

Notice of an employee’s intention to return to work from NES parental leave should have been provided at the time parental leave was applied for, however, in the event an employee seeks to change their return to work date, they may do so by:

#### ***Extending the Parental Leave Period***

Where an employee seeks to extend their NES parental leave period, the employee must give the employer notice of the extension at least 4 weeks prior to the original return to work date. The notice must specify the new return to work date.

A second or subsequent extension of NES parental leave must be approved by **<insert name of the employer>**.

Note: any employee sought extensions to NES parental leave cannot exceed the period of leave provided for by the NES.

#### ***Reducing the Parental Leave Period***

With the agreement of **<insert name of the employer>**, an employee can seek to reduce their period of parental leave. Should the reduction result in the employee returning to work prior to the expiration of 18 weeks’ PPL, PPL payments will cease. **<insert name of the employer>** has a legal obligation to inform the DHS of when an employee is returning to work.

### **MORE INFORMATION**

An employee seeking more information about PPL should contact Centrelink by visiting [www.centrelink.gov.au](http://www.centrelink.gov.au) and searching for Paid Parental Leave.

### **Acknowledgement**

I, \_\_\_\_\_ (full name) have read and understood the above information relating to this Paid Parental Leave Policy. I understand that this policy is binding on me but does not form part of my employment contract.

Signature of employee \_\_\_\_\_ Date \_\_\_\_\_

Signature of supervisor/manager \_\_\_\_\_ Date \_\_\_\_\_

*Copy to personal file*