Parental Leave and Payment Eligibility table

Summary of paid and unpaid leave benefits

This table provides a summary of the paid and unpaid parental leave benefits available to eligible parents, including those who choose to share any of their parental leave payments or extended leave. There are different entitlements available to parents depending on whether they are employees and they meet the 6 or 12 month eligibility criteria, or self-employed people. For the purposes of this table, “Partner” means the birth mother or the nominated primary carer in situations where neither of the parents has given birth to the child, regardless of whether that person is male or female. “Partner” means the spouse or partner of the mother or nominated primary carer, regardless of whether they are male or female.

Learn more on how to use this table on the following page.

Key:
- Mother / primary carer’s entitlements
- If a mother / primary carer can transfer parental leave payments to their partner
- Partner’s entitlement to partner’s leave
- If a partner can share / take extended leave

<table>
<thead>
<tr>
<th>Mother employed and meets the 12 month criteria for parental leave</th>
<th>Mother employed and meets the 6 month criteria for parental leave</th>
<th>Mother self-employed and meets the criteria for parental leave</th>
<th>Mother employed and doesn’t meet 12 or 6 month criteria for parental leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner meets the 12 month criteria for parental leave</td>
<td>Partner meets the 6 month criteria for parental leave</td>
<td>Partner meets the self-employed criteria for parental leave payment</td>
<td>Partner doesn’t meet the 6 or 12 month criteria for parental leave, or the self-employed criteria for parental leave payments</td>
</tr>
<tr>
<td>Mother entitled to:</td>
<td>Mother entitled to:</td>
<td>Mother entitled to:</td>
<td>Mother entitled to:</td>
</tr>
<tr>
<td>10 days special leave (if pregnant)</td>
<td>10 days special leave (if pregnant)</td>
<td>10 days special leave (if pregnant)</td>
<td>10 days special leave (if pregnant)</td>
</tr>
<tr>
<td>26 weeks primary carer leave</td>
<td>26 weeks primary carer leave</td>
<td>26 weeks primary carer leave</td>
<td>26 weeks primary carer leave</td>
</tr>
<tr>
<td>52 weeks unpaid extended leave (including up to 26 weeks of primary carer leave taken)</td>
<td>26 weeks parental leave payment</td>
<td>26 weeks parental leave payment</td>
<td>26 weeks parental leave payment</td>
</tr>
<tr>
<td>No leave available to partner</td>
<td>No leave available to partner</td>
<td>No leave available to partner</td>
<td>No leave available to partner</td>
</tr>
</tbody>
</table>

Key:
- No special leave
- No primary carer or extended leave
- Apply for negotiated carer leave
- Parental leave payment available if meets employee parental leave payment test.
Before you begin
You need to determine who will be the primary carer.

If you (or your partner) are giving birth to the child, the birth mother will be the primary
carer in the first instance, however she can transfer all or some of her parental leave
payment entitlement to her partner if:
› they both meet the parental leave payment test for either employees or
self-employed people, and
› the partner will be stopping work to have the primary responsibility for the day
to day care of the child, while receiving the parental leave payment
› If you or your partner are not giving birth to the child, you will need to decide who
will be the primary carer.

Notes and Key
All entitlements in the table are the maximum entitlements, e.g. an employee who can
take up to 26 weeks’ primary carer leave, doesn’t have to take all or any of the 26 weeks.
This table does not include additional parental leave payments that may be entitled if
a baby is born before 37 weeks’ gestation.
In this table, mother means the primary carer.

6 month employment criteria
An employee meets the 6 month criteria for parental leave if they will have been
employed by the same employer for at least an average of 10 hours a week in the
6 months just before the due date of the baby or the date they or their partner
becomes the primary carer of the child under 6 permanently.

12 month employment criteria
An employee meets the 12 month criteria for parental leave if they will have been
employed by the same employer for at least an average of 10 hours a week in the
12 months just before the due date of the baby or the date they or their partner
becomes the permanent primary carer of the child under 6.

How to use this table
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You need to determine who will be the primary carer.

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This table does not include additional parental leave payments that may be entitled if
a baby is born before 37 weeks’ gestation.
In this table, mother means the primary carer.

6 month employment criteria
An employee meets the 6 month criteria for parental leave if they will have been
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6 months just before the due date of the baby or the date they or their partner
becomes the primary carer of the child under 6 permanently.

12 month employment criteria
An employee meets the 12 month criteria for parental leave if they will have been
employed by the same employer for at least an average of 10 hours a week in the
12 months just before the due date of the baby or the date they or their partner
becomes the permanent primary carer of the child under 6.

Employee parental leave payment test
An employee meets the test if they will have been employed as an employee for at least
an average of 10 hours a week for any 26 of the 52 weeks just before the due date of the
baby or the date they or their partner becomes the primary carer of the child under 6
permanently. The employment for this test can be with more than one employer and
doesn’t have to be continuous employment.

Self-employed parental leave payment test
A self-employed person meets the parental leave payment threshold test if they will
have been self-employed for at least an average of 10 hours a week for any 26 of the
52 weeks just before the due date of the baby or the date they or their partner becomes
the primary carer of the child under 6 permanently. The self-employment for this test
can be of more than 1 type and doesn’t have to be continuous.

Primary carer means:
› a female who is pregnant or has given birth to a child; or
› her partner, if she has transferred all or part of her entitlement to a parental leave
payment to her partner (or if they have succeeded it) in which case the partner is
the primary carer for the period of time in relation to which the entitlement is
transferred; or
› a person, other than the birth mother or her partner, who takes permanent primary
responsibility for the care, development, and upbringing of child who is under the
age of 6 years, (and if there is more than 1 person, the person nominated).
Partner means the spouse or partner of the mother or nominated primary carer,
male or female, same sex or different sex.