



## **Paid Parental Leave**

### **Who is eligible?**

You may be eligible for Paid Parental Leave if you:

- are the mother of a newborn child
- are the initial primary carer of a recently adopted child
- have met the Paid Parental Leave work test before the birth or adoption occurs
- have an individual income of \$150,000 a year or less, and
- are living in Australia and you are an Australian citizen or permanent resident.

### **When will it start?**

The Government's scheme will commence on 1 January 2011 for babies born or children under 16, who are adopted on or after 1 January 2011. If your child is born or adopted before 1 January 2011, you may be able to get the Baby Bonus.

### **If I take Paid Parental Leave, can I still get the Baby Bonus?**

Generally, parents receiving Paid Parental Leave will not receive the Baby Bonus. In cases of multiple births, for example twins or triplets, the Baby Bonus will be paid for the second and subsequent children, subject to eligibility requirements.

Parents who are not eligible for Paid Parental Leave, or choose not to take it, may still be able to get the Baby Bonus and other family assistance, under the usual rules.

### **How will new entitlement work with existing entitlements?**

The government's Paid Parental Leave (PPL) scheme will not overturn or replace any existing entitlement to paid parental or maternity leave that exists under current enterprise agreements.

### **Can I get both?**

Yes. The government's scheme can be received before, after, or at the same time as your employer provided leave.

The government PPL must be taken in the twelve months following the birth or adoption of the child. Each individual will need to decide when the best time within that twelve months to receive their government PPL. This means that you will need your government PPL to commence no later than week 34 after the birth to receive the full 18 weeks of payment.

For example, you have 14 weeks paid maternity leave through your collective agreement and four weeks of annual leave, all of which you intend to take at half pay, giving you 36 weeks of paid leave. If you commenced your government PPL at the end of your employer provided leave, you would only be eligible for 16 weeks of government PPL. In this instance, you would have to receive 2 weeks of government PPL at the same time as your employer provided leave to receive your full 18 weeks entitlement of government PPL.

### **Can employers take existing entitlements away?**

No, current employer provided maternity leave is guaranteed through existing enterprise agreements, and through the *Maternity Leave (Commonwealth Employees) Act 1973*.



The *Maternity Leave Act* provides Commonwealth employees with a 12 week entitlement to paid maternity leave, this is reflected as a minimum standard in existing enterprise agreements. Under current enterprise agreements, employees receive between 12 to 18 weeks of paid maternity leave, with the most agreements providing 14 weeks.

Having recently won at the Australian Bureau of Statistics and the Fair Work Ombudsman for superannuation to be paid on periods of unpaid parental leave, the CPSU will continue to bargain for an increase in parental leave entitlements for its members through the core bargaining claim and the Better Way to Bargain campaign.

### **How do I get my PPL payments?**

In order to receive your government PPL you must apply through the Family Assistance Office shopfront or online at <http://www.familyassist.gov.au>.

You will receive your government PPL from either the Family Assistance Office or your employer. If you have been employed by your current employer for:

- less than twelve months, you will receive your government PPL from the Family Assistance Office.
- for more than twelve months, you will receive your government PPL from your employer.

### **Is the government's PPL scheme a certainty?**

Yes, the legislation for the Paid Parental Leave scheme was passed by the Australian Parliament on Thursday 18 June 2010.

### **Can I still work whilst receiving Paid Parental Leave?**

No. You will not be able to work while receiving government PPL, but you may engage with the workplace under the 'Keeping in Touch' provisions.

### **What are 'Keeping in Touch' provisions?**

Keeping in Touch allows for your employer and you to agree to complete up to 10 days of work whilst receiving government PPL. You cannot be compelled to work and must agree to work, you must also be paid for the work completed. This pay will be in addition to the government PPL, so you should receive 2 payments, much like receiving employer leave and government PPL at the same time.

Keeping in Touch should only be used for one off events such as specialist training or planning days, and **should not** be used to cover workforce shortages or for busy periods.

### **What if I have to return to work before the end of the 18 weeks?**

If you return to work before you have received all of your 18 weeks of government PPL, your payments will stop. Your partner may be able to receive any unused government PPL.

Further information is available at the Family Assistance Office website [http://www.familyassist.gov.au/New/2010/paid\\_parental\\_leave/Pages/default.aspx](http://www.familyassist.gov.au/New/2010/paid_parental_leave/Pages/default.aspx)