



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 “mother” 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

	MOTHER EMPLOYED AND MEETS THE 12 MONTH CRITERIA FOR PARENTAL LEAVE	MOTHER EMPLOYED AND MEETS THE 6 MONTH CRITERIA FOR PARENTAL LEAVE	MOTHER SELF-EMPLOYED AND MEETS CRITERIA FOR PARENTAL LEAVE PAYMENT	MOTHER EMPLOYED AND DOESN'T MEET 12 OR 6 MONTH CRITERIA FOR PARENTAL LEAVE
Partner employed meets the 12 month criteria for parental leave	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave • 26 weeks parental leave payment • 52 weeks unpaid extended leave (including up to 26 weeks of primary carer leave taken). 	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • up to 26 weeks primary carer leave • 26 weeks parental leave payment 	Mother entitled to: <ul style="list-style-type: none"> • 26 weeks parental leave payment if not working to care for the child • no entitlement to primary carer or extended leave, but takes time off self-employment. 	Mother entitled to: <ul style="list-style-type: none"> • no special leave • no primary carer or extended leave • may apply for negotiated carer leave • parental leave payment available only if meets employee parental leave payment test.
	Mother can transfer up to 26 weeks of parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks parental leave payment to partner if partner is the primary carer for this time.	If mother meets parental leave payment test, mother can transfer up to 26 weeks parental leave payment if partner is the primary carer for this time.
	Partner may share remaining extended leave up to a total of 52 weeks (including 26 weeks primary carer leave).	Partner may share remaining extended leave up to a total of 52 weeks (including 26 weeks primary carer leave).	Partner entitled to take extended leave up to a total of 52 weeks.	Partner entitled to take extended leave up to a total of 52 weeks.
	Partner entitled to 2 weeks additional unpaid partner’s leave.	Partner entitled to 2 weeks additional unpaid partner’s leave.	Partner entitled to 2 weeks additional unpaid partner’s leave.	Partner entitled to 2 weeks additional unpaid partner’s leave.
Partner employed and meets the 6 month criteria for parental leave	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave • 26 weeks parental leave payment • 52 weeks unpaid extended leave (including up to 26 weeks of primary carer leave). 	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave • 26 weeks parental leave payment 	Mother entitled to: <ul style="list-style-type: none"> • 26 weeks parental leave payment if not working to care for the child • no entitlement to leave, but takes time off self-employment. 	Mother entitled to: <ul style="list-style-type: none"> • no special leave • no primary carer or extended leave • may apply for negotiated carer leave • parental leave payment available only if meets employee parental leave payment test.
	Mother can transfer up 26 weeks parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks parental leave payment to partner if partner is primary carer for this time.	If mother meets parental leave payment test, mother can transfer up to 26 weeks parental leave payment if partner is the primary carer for this time.
	Partner may share leave up to a total of 26 weeks	Partner may share leave up to a total of 26 weeks	Partner can take up to 26 weeks extended leave.	Partner can take up to 26 weeks extended leave.
	Partner entitled to 1 week unpaid partner’s leave.	Partner entitled to 1 week unpaid partner’s leave.	Partner entitled to 1 week unpaid partner’s leave.	Partner entitled to 1 week unpaid partner’s leave.
Partner meets the self-employed criteria for parental leave payment	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave and 26 weeks parental leave payment • 52 weeks unpaid extended leave (including 26 weeks primary carer leave). 	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave and 26 weeks parental leave payment 	Mother entitled to: <ul style="list-style-type: none"> • 26 weeks parental leave payment if not working to care for the child. • no entitlement to leave, but can take time off self-employment. 	Mother entitled to: <ul style="list-style-type: none"> • no special leave • no primary carer or extended leave • may apply for negotiated carer leave • parental leave payment available if meets employee parental leave payment test.
	Mother can transfer up to 26 weeks parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks of parental leave payment to partner if partner is the primary carer for this time.	Mother can transfer up to 26 weeks parental leave payment to partner if partner is the primary carer for this time.	If mother meets parental leave payment test, mother can transfer up to 26 weeks parental leave payment if partner is the primary carer for this time.
	Partner no entitlement to leave, but can take time off self-employment.	Partner no entitlement to leave, but can take time off self-employment.	Partner no entitlement to leave, but can take time off self-employment.	Partner no entitlement to leave, but can take time off self-employment.
Partner doesn't meet the 6 or 12 month criteria for parental leave, or the self-employed criteria for parental leave payments	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave • 26 weeks parental leave payment • 52 weeks unpaid extended leave (including 26 weeks primary carer leave). 	Mother entitled to: <ul style="list-style-type: none"> • 10 days special leave (if pregnant) • 26 weeks primary carer leave • 26 weeks parental leave payment 	Mother entitled to: <ul style="list-style-type: none"> • 26 weeks parental leave payment. • no entitlement to leave, but can take as much time from self-employment as needed. 	Mother entitled to: <ul style="list-style-type: none"> • no special leave • no primary carer or extended leave • may apply for negotiated carer leave • parental leave payment available if meets employee parental leave payment test.
	Mother can transfer up to 26 weeks parental leave payment only if partner meets the employee parental leave payment test and partner is the primary carer for this time. Partner can apply for negotiated carer leave if needs time off work to be the primary carer.	Mother can transfer up to 26 weeks parental leave payment only if partner meets the employee parental leave payment test and partner is the primary carer for this time. Partner can apply for negotiated carer leave if needs time off work to be the primary carer.	Mother can transfer up to 26 weeks parental leave payment only if partner meets the employee parental leave payment test and partner is the primary carer for this time. Partner can apply for negotiated carer leave if needs time off work to be the primary carer.	Mother can transfer up to 26 weeks parental leave payment only if mother and partner both meet the employee parental leave payment test and partner is the primary carer for this time. Partner can apply for negotiated carer leave if needs time off work to be the primary carer.
	No leave available to partner.	No leave available to partner.	No leave available to partner.	No leave available to partner.



Stillbirth or death of a child

Paid parental leave (primary carer leave and parental leave payments)

Primary carer leave and parental leave payments enable the birth mother to look after a newborn baby as well as to recover from giving birth. If the birth mother is eligible for primary carer leave and parental leave payments, then she will remain eligible regardless of whether the baby unfortunately dies before or after the birth.

The birth mother would still be eligible for 26 weeks of parental leave payments provided that she:

- › meets the relevant eligibility work test as an employee or self-employed person
- › has not transferred the entitlement to parental leave payments
- › has not returned to work since her payment period begins (this begins when she starts parental leave or when she gives birth, whichever is earlier).

This allows the birth mother to take time away from work to attend to her health and wellbeing.

Paid parental leave can be transferred to a spouse or partner if they have (or intend to have) primary responsibility for the day-to-day care of the child and are eligible. However, it cannot be transferred if the mother or spouse/partner no longer have care of the child, e.g. after the death of the child or removal from care. If it has been transferred prior to the loss of care, then it ends on the date of the loss of care.

Unpaid extended leave

The entitlement to extended leave requires an employee to care for a child, which means this eligibility requirement is no longer met if the child they are caring for or intend to care for unfortunately dies. In this case the employee would need to discuss their circumstances with their employer in good faith. The parties could still agree to bereavement leave or other contractual time off. In the event the employee will return to work earlier than the date they originally specified to their employer, they would still need to give 21 days' notice.

How to use this table

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.

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.