s22 (Out of Scope)



Eligibility for Paid Parental Leave (PPL) for children born or entering care on or after 1 July 2023 007-23020217

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Background

s22 (Out of Scope)

PPL details for customers with children born or entering care on or after 1 July 2023 only.

This document outlines the eligibility criteria to receive Parental Leave Pay (PPL) as a claimant under the Paid Parental Leave scheme for children born or entering care on or after 1 July 2023. PPL is paid at a rate based on the national minimum wage and can be paid after a stillbirth or after the death of a child.

PPL eligibility criteria

To receive PPL in normal circumstances, a person must:

- have care of a child of <u>Parental Leave Pay (PPL) child</u> on their PPL days. Exception: this
 does not apply:
 - o after a child has died or was stillborn, or
 - o if care of the child is lost without legal authority
- meet the work test (birth mother also needs to meet work test if birth mother's partner, biological father or biological father's partner claims)
- meet the individual or family income test. For the PPL income test thresholds, see <u>Parental Leave – income limits</u>
- notify they have applied to register the child's birth. Exception: This does not apply if the child is:
 - o adopted
 - stillborn
 - o born outside of Australia, or
 - o entrusted to care as part of a surrogacy arrangement
- meet <u>Australian residence requirements</u>

- not be working on a PPL day, unless an allowable exception applies
- if another claimant in normal circumstances claims PPL (anyone other than the birth mother or 1st adoptive parent to claim), they will require approval to claim from the birth mother and shared PPL days

Note: birth mothers giving up the child as part of a surrogacy or adoption may receive the maximum entitlement of PPL days, however will be only payable over the first 20 weeks (140 calendar days) after the birth. See: Claiming payments for children leaving care as part of the process of adoption, surrogacy arrangement, or a child removed by state/territory child protection agency.

PPL is not payable for children in a customer's care as part of a <u>formal foster care</u> or kinship care arrangement.

PPL can be payable:

- for formal foster carers who have had the child come into their care as part of the adoption process, where the placement is for the purpose of the adoption
- in <u>an informal foster care</u> relationship where the child <u>has entered care in exceptional</u> <u>circumstances</u>

Who can claim PPL

The Paid Parental Leave scheme has changed for children born or entered care **on or after 1 July 2023**. A PPL claim can be made by:

- birth mother
- adoptive parent of the child
- the other parent of the child
- the partner of the birth mother
- the partner of the other parent
- the partner of the adoptive parent
- a person claiming in <u>exceptional circumstances</u> (E.g., a <u>gaining parent</u> in a surrogacy arrangement)
- the partner of a person claiming in <u>exceptional circumstances</u> (E.g., a partner of a gaining parent in a surrogacy arrangement)

Primary, secondary and tertiary claimant types have been removed for children born or entered care on **or after 1 July 2023**, this means either claimant in a family can claim PPL first.

PPL can be taken before, after or at the same time as:

- employer-provided paid or unpaid maternity or parental leave, or
- other leave entitlements (such as annual leave or long service leave)

Customers can claim up to <u>the maximum entitlement of PPL days</u> without days being reserved for their partner or other parent to claim if they are:

- · single at date of claim lodgement
- the birth mother relinquishing care of the child
- the child is stillborn or deceased (these customers need to request to receive all of the PPL days)
- claimant is in exceptional circumstances (excluding gaining parent in a surrogacy)

Customer who are partnered at date of claim lodgement will have 10 days reserved on a 'use it or lose it' basis for their partner, or the other parent to claim.

Care of a child

Claimants must have care of a PPL child on the day/s they claim PPL. Some exceptions may apply, for example, birth mothers relinquishing care as part of a surrogacy or adoption.

As more than one carer can have care on a day, multiple claimants can receive PPL on the same day (up to a limit of 10 concurrent days, some exceptions may apply. See <u>Paid Parental Leave</u> (PPL) exemptions to the reserved entitlement and concurrency limit.

A Primary carer determination will only be required where a customer claims PPL in exceptional circumstances. The customer must be, or expected to be the primary carer before the child's 1st birthday/anniversary of care. However, they do not need to be primary carer on a PPL day, just have care on that day.

Period of entitlement

For children born or adopted on or after 1 July 2024, the maximum entitlement of PPL days for a child is 110 days.

For children born or adopted between 1 July 2023 and 30 June 2024, the maximum entitlement of PPL days for a child is 100 days.

All PPL days are treated as flexible days and can be accessed:

- in a single block
- all scattered days
- any combination of smaller blocks and scattered days

PPL days can be received for any day of the week (Monday to Sunday).

A nominated start date for the PPL period is not required for a PPL claim for a child born or entering care on or after 1 July 2023.

The initial claimant to claim PPL for a child must lodge a claim before the:

- · child's first birthday, or
- first anniversary of care

Subsequent claimants (if applicable) for a child must lodge a claim before the child's second birthday or secondary anniversary of care.

Reserved 'use it or lose it' entitlement

No more than the maximum entitlement of PPL days can be paid for a child.

Birth mothers, first adoptive parents, or first gaining parent in a surrogacy arrangement who are partnered on the date of claim lodgement, are subject to the reserved entitlement. They can:

- receive the maximum entitlement of PPL days, with the reserved entitlement being set aside for their partner or other parent to claim on a 'use it or lose it' basis
- share their PPL days with their partner or other parent, as long as no member of the couple receives more than the maximum entitlement of PPL days

Both parents need to claim and be eligible. If only one parent in the couple is eligible for payment, the reserved 'use it or lose it' provision still applies, even if the claimant and their partner separate after the date of claim lodgement, unless an exemption applies (see below).

Note: the birth mother is still required to provide approval to claim and share the 'reserved' PPL days.

For example: Birth mother has lodged a PPL claim and has advised they are partnered on 10 July 2024. As the birth mother is partnered on the date of claim lodgement, the reserved entitlement will apply. This means, the birth mother can have access to a maximum of 100 PPL days and their partner will have access to 10 PPL days. The birth mother can choose to share more days with the other parent, as long as no member of the couple receives more than 100 days.

If the 10 reserved days are not used before the child's second birthday or anniversary into care, they will be lost.' I.e. 'Use it or lose it'.

Reserved 'entitlement does not apply if the claimant is:

- not partnered on date of claim lodgement, even if they become partnered at a later date, or
- the birth mother relinquishing care of the child, or
- a person claiming in exceptional circumstances. Note: PPL claimants in exceptional circumstances who are claiming for a child born under a surrogacy arrangement are subject to the reserved 'use it or lose it' entitlement provisions

In these cases the customer can take the maximum entitlement of all PPL days.

Single customers and those who claim in exceptional circumstances can still choose share PPL days with another eligible person. Birth mothers relinquishing care of the child cannot share their PPL days.

Exemption to the reserved entitlement

Exemptions to the reserved entitlement allow customers who are partnered at the time of the claim to receive the additional days that are normally reserved for their partner. See <u>Paid</u> <u>Parental Leave (PPL) exemptions to the reserved entitlement and concurrency limit, for:</u>

- information about the exemption criteria, and
- to view, update and manage exemptions to the reserved entitlement

Concurrency limit

PPL days can be claimed at a maximum of 10 concurrent days per child. This means customers can take a PPL day for the same child on the same day, up to 10 times.

For example; Mila gave birth to their first child, Zoe, on 5 July 2024. Adam wants to spend the first 2 weeks at home to help the family settle in. Mila and Adam can both claim 10 days of PPL, to be able to share the first 10 days at home together with Zoe. Both parents can claim a maximum of 10 concurrent PPL days each. This is subject to all claimants being eligible and the birth mother giving approval to claim and sharing PPL days.

Exemption to the concurrency limit

Exemptions to PPL days concurrency limits can apply to PPL claimants. See <u>Paid Parental Leave</u> (<u>PPL</u>) exemptions to the reserved entitlement and concurrency limit, for:

- information about the exemption criteria, and
- to view, update and manage exemptions to the concurrency limit

Approval to claim and sharing PPL days

Approval to claim will be required from the <u>Approval Giver</u> for an <u>Approval Seeker</u> to lodge a claim for PPL.

An Approval Giver is the:

- Birth mother
- First adoptive parent to claim PPL, or
- PPL claimant in exceptional circumstances (E.g., first gaining parent in a surrogacy arrangement to claim PPL)

An Approval Seeker is anyone other than the birth mother, first adoptive parent or PPL claimant in exceptional circumstances who wishes to claim PPL or access PPL days for a child. The Approval Giver must give their approval for any other claimant to claim or share PPL days for the child, including the reserved entitlement.

The approval/sharing process can be completed via the following methods:

- via an online claim task, sent to the Approval Giver's record as a part of the Approval Seeker's claim. In this task the Approval Giver will be asked if they give the relevant claimant approval to claim and the number of PPL days to be shared, or
- In cases of adoption:
 - where there is one adoptive parent, the adoptive parent will need to provide approval to claim and approval to share PPL days to any other claimant (i.e. partner of adoptive parent)
 - where there are two adoptive parents, the first adoptive parent to claim will need to provide approval to share PPL days to the other adoptive parent, however approval to claim is not required

In exceptional circumstances the PPL claimant will not require approval to claim from the birth mother. However, if they are partnered and their partner wishes to claim PPL, they will need to provide approval to claim and share PPL days (for example the grandmother's partner). Where

the payment is being shared, the initial PPL claimant in exceptional circumstances (Approval Giver) claim needs to be finalised before their partners (Approval Seekers) claim. This applies to pre-birth, post birth and add newborn activities.

For information about the approval process, viewing and managing Approval Giver and Approval Seeker details, see <u>Paid Parental Leave (PPL) approval to claim and share PPL days</u>.

Withdrawing approval to claim and sharing PPL days

Where the Approval Giver withdraws approval to claim for another person, that person:

- will not be able to make effective claims for the child
- any claimed future PPL days will no longer be available, and
- their claim will be cancelled

For example, a birth mother may decide to withdraw approval to claim for their former partner for PPL days, as they have separated and the former partner no longer has care of the child. The other person keeps any PPL days paid in the past. Past days will not be raised as a debt.

The birth mother may decide to reduce the number of PPL days shared with their partner (or another carer). The birth mother will have the ability to remove any future PPL days, however not past days.

Work Test

The work test period is the 392 days immediately before the expected or actual date of birth.

To meet the work test, a customer must have:

- performed at least 330 hours of qualifying work for a period spanning at least 295 consecutive days (10 months), and
- had a break of no more than 84 consecutive days (12 weeks) between 2 qualifying working days during the 295 days

Note: customers can have a gap of more than 12 weeks between workdays during the 392 day (about 13 months) work test period. They just cannot have this gap during their 295 day (about 10 months) qualifying period.

<u>Evidence to support</u> the PPL work test has been met may be requested from either the birth mother, PPL claimant or both.

If a birth mother or adoptive parent claims, only they need to meet the work test (or satisfy an exception).

All other claimants in normal circumstances will need to meet the work test in addition to the birth mother. If the birth mother claims first, the work test information will be stored in the system and used to assess subsequent claimants. If the other parent claims PPL first, then work test information will be requested from the birth mother. The request will form part of the online task generated asking for approval/shared PPL days.

In cases of adoption, the partner of an adoptive parent is not payable unless an adoptive parent meets the work test requirements. Where there are two adoptive parents there will be no requirement for them both to meet the work test requirements.

Working on a PPL Day

A customer can return to work without losing eligibility for PPL.

However, PPL cannot be paid on a day the customer is performing more than one hour of paid work on this date, unless an <u>allowable exception</u> applies.

Permissible purpose provisions, including keeping in touch provisions, do not apply.

PPL can be taken:

- before
- after, or
- at the same time as:
 - o employer-provided paid or unpaid maternity leave, or
 - o parental leave, or
 - o other leave entitlements (such as annual leave or long service leave)

Income Test

The income test rules will be the same for all claimant types when determining the relevant financial year. This is the financial year:

- before the date of claim, or
- the date the child was born or entered care, whichever is earlier

There are **two** income tests which may apply – an individual income test and a family income test.

If the customer's <u>Adjusted Taxable Income (ATI)</u> is over the individual income limit, they will be tested under the family income limit. The income limits are indexed annually.

A single customer will be assessed under the PPL individual income limit. If their income is over the individual income limit, they will be assessed under the family income limit.

For example, a single customer, whose child was born on 1 June 2024 has an individual ATI income for the relevant financial year is \$200,000. As the customer does not meet the individual income test, they will be assessed under the family income test. The customer is assessed as meeting the PPL income test, as their ATI is under the family income limit of \$350,000.

A partnered customer will also be assessed under the PPL individual income test limit. If their individual income is over this limit, they will also be assessed using the family income test. This combines the ATI incomes of the customer and their partner at the time of claim lodgement, for the relevant financial year, even if they were not partnered during the relevant financial year.

Evidence to support the customer's declaration of income may be required.

Residence requirements for PPL

A PPL claimant will need to meet residency requirements on the date of birth, adoption or entry to care on all claimed PPL days. There is no requirement for a claimant to meet the residency requirements between PPL days.

Fathers and partners may be payable for PPL where the birth mother does not meet the residency requirements or is serving a Newly Arrived Residents Waiting Period (NARWP).

Timeframes to claim

Customers are encouraged to lodge an <u>early claim for family assistance and Parental Leave Pay</u> (PPL).

Early claims can be lodged up to 97 days before a child's expected date of birth or entrustment to care date.

The initial claimant to claim PPL for a child must lodge a claim before the:

- · child's first birthday, or
- first anniversary of the day:
 - the claimant becomes the primary carer for exceptional circumstances
 - o the child becomes entrusted to the customer's care for adoptions, or
 - o the child enters care for a <u>surrogacy arrangement</u>

Subsequent claimants (if applicable) for a child must lodge a claim before the child's second birthday or secondary anniversary of care.

PPL days can be backdated up to 100 days in the past but not before the child's date of birth or entrustment to care date.

Effect of PPL on other payments

Multiple birth

For a **multiple birth**, PPL can only be paid for one child and the higher rate of NBS/NBU may be paid for the other children. However, if there was a significant delay between the births of the children from the same pregnancy, for example twins delivered 5+ days apart, the births may be considered separate birthing events and not part of a multiple birth. If approved these cases may qualify to be payable for each child.

Where multiple children are **adopted** as part of the same adoption process, PPL is only payable for one child.

Assessable income

Parental Leave Pay is:

- taxable income and is included in a customer's adjusted taxable income for family assistance payments
- treated as ordinary income for calculating the rate of payment for income support payments

Note: Service Officers **do not** code the PPL income on the customer's record. It will be automatically included for assessment when the PPL claim is actioned. See <u>Coding income and assets for Centrelink payments and services</u> for more information.

Any PPL payments are taken into consideration as income for customers claiming or renewing a Low Income Health Care Card.

Eligibility for other payments

Customers (and/or their partner) cannot receive Family Tax Benefit (FTB) Part B at the same time as PPL.

One customer can receive PPL for two children (different birth events).

Customers cannot receive PPL and NBS/NBU for the same child. However, customers may change their claim choice and claim PPL after NBS/NBU has been paid. Any NBS/NBU paid to the customer will have to be repaid.

After a stillbirth, customers who are not eligible for PPL may claim Stillborn Baby Payment (SBP).

PPL claim types

There are four types of PPL claims, dependent of the circumstances:

- PPL claimant in normal circumstances (PNC) Claimants without exceptional circumstances
- PPL claimant in exceptional circumstances (PEC) Claimants with exceptional circumstances who meet the income and work test
- Special claimant (SPC) The claimant's partner has claimed with exceptional circumstances
- Special claimant in exceptional circumstances (SPE) Claimants with exceptional circumstances who do not meet the income and work test

The <u>Resources</u> page contains a table outlining PPL claimant rules for a child born or adopted on or after 1 July 2023.

PPL claimant in normal circumstances

If exceptional circumstances **do not** exist, a PPL claimant in normal circumstances (PNC) can include a:

- birth mother
- · partner of the birth mother
- biological father
- partner of the biological father
- adoptive parent
- Partner of the adoptive parent

A PPL claim in normal circumstances can be made by either the initial claimant or any subsequent claimants.

The family can share up to the <u>maximum entitlement of PPL days</u>. The birth mother or first adoptive parent to claim PPL is the Approval Giver for the other parent. They are subject to

the <u>reserved entitlement</u> (if they are partnered at the time of claiming) and concurrency limits unless an exemption applies.

Before the other claimant can apply for PPL for the child, they require approval to claim from the Approval Giver (birth mother or first adoptive parent).

PPL claimant in exceptional circumstances

If <u>exceptional circumstances</u> exist someone else may be eligible as a **PPL claimant in exceptional circumstances** (for example, gaining parents in a surrogacy arrangement, or where the parents of the child are incapacitated and the grandmother becomes the primary carer of the child).

A PPL claimant in exceptional circumstances can only claim after the circumstance has occurred (except for gaining parents in a surrogacy arrangement).

If the PPL claimant in exceptional circumstances meets all PPL eligibility criteria:

- they can receive up to the maximum entitlement of PPL days:
 - PPL claimants in exceptional circumstances can receive the maximum entitlement of PPL days, regardless of any entitlement received by previous customers for the child. They are not subject to the reserved 'use it or lose it' provisions
 - Individuals cannot receive more than the maximum entitlement of PPL days for a child. If a PPL claimant in exceptional circumstances (PEC) received PPL days as a PPL claimant in normal circumstances (PNC) for the same child, their maximum entitlement of PPL days will be reduced by the number of days they have already received for the child
 - Note: PPL claimants in exceptional circumstances who are claiming for a child entering their care under a surrogacy arrangement are subject to the reserved 'use it or lose it' provisions.
- the claimant has the authority to give approval for their partner to claim PPL days for the child as a Special PPL claimant (partner of a PPL claimant in exceptional circumstances)

Birth mothers, and partners of gaining parents in a surrogacy arrangement **cannot claim PPL in exceptional circumstances**.

Special PPL claimant (Partner of a PPL claimant in exceptional circumstances)

If a couple is caring for a child in exceptional circumstances, the member of the couple who claims first is a PPL claimant in exceptional circumstances. The other member of the couple then claims as a Special PPL claimant (partner of a PPL claimant in exceptional circumstances).

Once exceptional circumstances have been met by the PPL claimant, the special PPL claimant does not need to be assessed for exceptional circumstances again.

The Special PPL claimant must, however:

lodge a claim to be assessed for any PPL days, and

 have approval from their partner who claimed first (i.e. from the PPL claimant in exceptional circumstances) to claim PPL days

Special PPL claimant in exceptional circumstances

Customers who do not meet all of the eligibility to be paid PPL under the exceptional circumstances provisions may still be eligible as a **Special PPL claimant in exceptional circumstances** if there was a previous claimant who is no longer capable of caring for the child.

To be eligible to claim as a Special PPL claimant in exceptional circumstances, someone else must:

- have claimed PPL
- met eligibility and payability, and
- now be incapable of caring for the child

A Special PPL claimant in exceptional circumstances:

- needs to meet the exceptional circumstance rules
- · meet the residency rules,
- does not need to meet the work test or the income test.

A Special PPL claimant in exceptional circumstances is only entitled to the remaining PPL days not already claimed.

For example, birth mother was receiving PPL and is now unable to care for the child due to a medical condition. The birth mother had not claimed all their Parental Leave Pay days. The grandparent now has primary care of the child but does not meet the work test. The grandparent:

- can claim as a Special PPL claimant in exceptional circumstances, and
- claim any remaining days that were not paid to the birth mother

A special claimant in exceptional circumstances can also include:

- a previous claimant who lost eligibility to a claimant in exceptional circumstances and
- has regained care due to either
- the exceptional circumstances of the previous claimant no longer existing
- previous claimant is unable to care for the child for 26 weeks

For example, birth mother who has claimed and received some PPL days and stops caring for the child before all days are taken. Another person claims in exceptional circumstances for the child and receives some PPL days. The care of the child returns to the birth mother as exceptional circumstances have ceased and they are now re-claiming PPL as a special claimant in exceptional circumstances. For these claimants an override is required. See Recording overrides for Paid Parental Leave scheme claims.

The <u>Resources</u> page contains an attachment outlining PPL claimant rules for a child born or adopted on or after 1 July 2023.

The <u>Resources</u> page contains a link to the PPL entry hub, Direct Referral SSO web form, Level 2 Policy Helpdesk and scenarios

Related links

Delivery of Parental Leave Pay (PPL)

Process

PPL details for customers with children born or entering care on or after 1 July 2023 only.

This document outlines the eligibility criteria to receive Parental Leave Pay (PPL) as a claimant under the Paid Parental Leave scheme for children born or entering care on or after 1 July 2023. PPL is paid at a rate based on the national minimum wage and can be paid after a stillbirth or after the death of a child.

On this page:

PPL claimant or Special PPL claimant

PPL eligibility - residency, care, work and income tests

PPL days for children

PPL claimant or Special PPL claimant

Table 1

Step	Action
1	PPL eligibility + Read more
	To be eligible for PPL, a customer must lodge an effective PPL claim and have care of a PPL child on their PPL day(s).
	A PPL claimant can be either a:
	 PPL claimant in normal circumstances (e.g. birth mother, partner of birth mother, other parent/partner of other parent, adoptive parent/partner of adoptive parent)
	 PPL claimant in <u>exceptional circumstances</u> (e.g. gaining parent in a surrogacy, partner of birth mother, other parent/partner of other parent, second adoptive parent/partner of adoptive parent), grandparent or relative)
	A Special PPL claimant can be either a:
	Special PPL claimant (partner of a PPL claimant in exceptional circumstances) (e.g. subsequent or partner of gaining parent in a surrogacy)
	 Special PPL claimant in exceptional circumstances (All relationship types, these claims very rare)

A PPL claimant in normal circumstances:

- can claim up to <u>maximum entitlement of PPL days</u> if single at date of claim lodgement, or:
 - o the birth mother relinquishing care of the child
 - the child is stillborn or deceased (these customers need to request to receive all of the PPL days)
 - claimant is in exceptional circumstances (excluding gaining parent in a surrogacy)
- if partnered at date of claim lodgement some PPL days will be <u>reserved</u> on a 'use it or lose it' basis for their partner to claim

Where the customer is partnered, the partner still need to lodge a claim to access the reserved days.

Approval to claim will be required from the Approval Giver for an Approval Seeker to lodge a claim for PPL.

An Approval Giver for a PPL claimant in normal circumstances is the:

- Birth mother
- First adoptive parent to claim PPL

An Approval Seeker is anyone other than the birth mother, or first adoptive parent who wishes to:

- claim PPL, or
- access PPL days for a child

The Approval Giver must give their approval for any other claimant to claim or share PPL days for the child, including the reserved PPL days.

A PPL claimant in exceptional circumstances:

- can generally claim the <u>maximum entitlement of PPL days</u> without any days being reserved for their partner
- who is claiming for a child entering their care under a surrogacy arrangement if they are partnered at the time of their initial claim are subject to the <u>reserved entitlement</u> for their partner
- can share PPL days with their partner, who must then claim as a special PPL claimant (partner of a PPL claimant in exceptional circumstances)

A PPL claimant in exceptional circumstances can only claim after the circumstance has occurred (except for gaining parents in a surrogacy arrangement).

For a PPL claim in exceptional circumstances, the:

Approval Giver is the PPL claimant in exceptional circumstances

 Approval Seeker is their partner, that is, the special PPL claimant (partner of a PPL claimant in exceptional circumstances)

A PPL claimant in exceptional circumstances who does not meet the work test or income test may be considered under the rules for a special PPL claimant in exceptional circumstances.

Note: birth mothers and the partner of the gaining parent in a surrogacy cannot be a PPL claimant in exceptional circumstances.

A special PPL claimant (partner of a PPL claimant in exceptional circumstances)

If one member of a couple claims PPL first as a PPL claimant in exceptional circumstances, and is eligible, their partner can claim PPL as a special PPL claimant (partner of a PPL claimant in exceptional circumstances). They:

- must receive approval to claim and share days from their partner (i.e. receive approval from the PPL claimant in exceptional circumstances)
- do not need to be assessed for exceptional circumstances. Exceptional
 circumstances have already been assessed as part of their partner's claim
 (i.e. the PPL claimant in exceptional circumstances)

A special PPL claimant in exceptional circumstances may receive PPL if:

- they meet the exceptional circumstance rules (including primary care), and
- they meet the residency rules, and
- there was a previous claimant who was receiving PPL but is now incapable of caring for the child

A special PPL claimant in exceptional circumstances does not need to meet the work test or income test, but they can only receive the remainder of the PPL that has not been claimed by the previous claimants. They cannot share with someone else.

Is the customer a PPL claimant in normal circumstances (including a claimant of an adopted child) or a special PPL claimant (partner of a PPL claimant in exceptional circumstances)?

- Yes, see Step 1, Table 2
- No, go to Step 2

2 Child expected to remain in care 26 weeks + Read more ...

For a customer who is to be assessed as a PPL claimant in exceptional circumstances, or special PPL claimant in exceptional circumstances the child is expected to be in their care for at least 26 weeks.

Does the customer expect the child to remain in their care for at least 26 weeks?

- Yes, go to Step 3
- No, the customer would not be eligible for PPL.
 - Check if NBS/NBU need to be assessed with the customer's (or their partner's) FTB. See <u>Changing claim choice for a newborn or adopted</u> <u>child</u>
 - Otherwise, their claim for PPL will reject ACN (additional circumstances not met)
 - o Procedure ends here

3 Formal Foster Care + Read more ...

Formal Foster carers are not eligible to receive PPL for a child entrusted to their care by a State or Territory welfare authority or approved agency (e.g. Barnados, Anglicare).

An exception to this rule applies when:

- the child is placed in the customers care as part of an adoption process, and
- the customer is expected to become the child's adoptive parent

Note: generally, the adoptive parents do not have the child's birth certificate or the biological parent's information. There will be pre-adoption court or agency documents confirming the customer is in the process of adopting the child.

If:

- the child been placed in the customers care as part of a formal foster care arrangement, and it was:
 - part of the process of an adoption, the customer must provide evidence of the adoption. See <u>Step 1 Table 2</u>
 - not part of the process of an adoption, the customer is not eligible for PPL for the child. Invite the customer to claim FTB
- this is not a formal foster care arrangement, go to Step 4

4 Exceptional circumstances - Commissioning parents in Surrogacy arrangements + Read more ...

Customer may have entered into an Australian <u>altruistic surrogacy arrangement</u> or an overseas surrogacy arrangement, which could be <u>commercial</u> or <u>altruistic</u>. Depending where the arrangement was made will determine what evidence is required.

Australian Surrogacy arrangement

A surrogacy arrangement entered into in Australia must meet the relevant state or territory law. In all Australian states and territories (excluding the Northern Territory who do not acknowledge surrogacy), the surrogacy agreement must be:

- altruistic (the <u>surrogate</u> does not receive any financial payment or other reward for acting as a surrogate)
- signed and finalised by all parties, generally through solicitors prior to the surrogate becoming pregnant

<u>Gaining parents</u> have to apply for a parentage order before the child is 6 months of age (12 months for South Australia). Most commissioning parents won't have the parentage order completed before claiming PPL. The surrogacy agreement and confirmation the surrogate has relinquished care of the child is acceptable evidence.

Overseas surrogacy arrangement

Overseas surrogacy arrangements are generally commercial. This means the <u>surrogate</u> is financially compensated for carrying the child for the <u>gaining</u> <u>parents</u>.

All parties involved are required to sign the finalised surrogacy agreement prior to the surrogate becoming pregnant.

Following the birth, the gaining parents will have the child's birth certificate, passport, and court documents confirming the child has been placed into their care as part of a surrogacy arrangement.

Whether the surrogacy arrangement was made in Australia or overseas, if the customer does not have formal evidence as set out above, the arrangement could be a change of care and not a surrogacy arrangement. In these cases, the customer may have a permanent care order or parenting order for the child. These orders are not the same as a parentage orders and the arrangement and exceptional circumstances must been proven before the new customer is eligible for PPL.

Proof of entry to care for surrogacy

After reviewing all of the information available, if the Service Officer cannot make a determination, refer the case to the Service Support Officer (SSO) via the Direct Referral to SSO webform. The SSO may then determine a referral to the Level 2 Policy Helpdesk via the Online Form is required.

Note: before completing the referral ensure all details of the surrogacy arrangement and any relevant documentation have been provided by the customer.

The <u>Resources</u> page contains links to the Direct Referral to SSO webform and the Level 2 Policy Helpdesk Online Query form.

lf:

- the child was entrusted to the customers care as part of a formal surrogacy arrangement, have they provided the surrogacy agreement and/or court documents to confirm?
 - o Yes, go to Step 8
 - No, see <u>Information requests for FTB and PPL claims</u>, and Add
 Newborn and PPL change of circumstances activities
- this is not a formal surrogacy arrangement, go to Step 5

5 **Exceptional circumstances - Court Order +** Read more ...

Where exceptional circumstances have resulted in the customer becoming the carer of the child, acceptable evidence such as a court order (i.e. parentage order) or other documents must be provided.

Has the customer provided evidence to confirm exceptional circumstances exist?

- Yes, go to Step 8
- No, ask the customer to provide the evidence:
 - for more information see <u>Information requests for FTB and PPL</u> <u>claims</u>, and <u>Add Newborn and PPL change of circumstances</u> activities
 - o collect all documentation the customer has available to confirm the exceptional circumstance, go to Step 6

6 **Exceptional circumstances - Birth mother incapable of care +** Read more ...

The birth mother (or first adoptive parent to claim PPL in the case of adoption) must be incapable of caring for the child for an expected period of at least 26 weeks.

For the purposes of PPL, incapable of caring means:

- there is a parenting order that removes care of the child from the birth mother (or first adoptive parent in the case of adoption), or
- the birth mother (or first adoptive parent in the case of adoption):
 - has died, or
 - o is in prison or institutionalised, or
 - whereabouts are unknown and all reasonable efforts have been made to locate them, or
 - o suffers a medical condition, or
- another reason, beyond the birth mothers (or first adoptive parent in the case of adoption) control that prevents them being able to care for the child

Where the birth mother (or first adoptive parent in the case of adoption) voluntarily chooses not to care for the child, it would not be considered an exceptional circumstance.

Is the birth mother (or first adoptive parent in the case of adoption) incapable of caring for the child for at least 26 weeks?

- **Yes**, the customer must provide evidence to confirm the reason why the birth mother (or first adoptive parent in the case of adoption) is incapable of caring for the child i.e. hospitalised. If the customer is:
 - the partner of the birth mother, adoptive parent or the other legal parent, go to Step 8
 - not the partner of the birth mother, adoptive parent or the other legal parent, go to Step 7
- No, the customer would not be eligible for PPL.
 - Check if NBS/NBU need to be assessed with the customer's (or their partner's) FTB. See <u>Changing claim choice for a newborn or adopted</u> child
 - Otherwise, their claim for PPL will reject ACN (additional circumstances not met)
 - o Procedure ends here

7 Exceptional circumstances - Birth mother/first adoptive parent and partner (if they have one) both incapable of care + Read more ...

For another person (i.e. grandparent, extended family member) to receive PPL for the child in exceptional circumstances both the birth mother (or first adoptive parent in the case of adoption) and their partner (if they have one) must be incapable of caring for the child for a period of at least 26 weeks.

The customer must provide evidence to confirm:

- they are the carer of the child such as a court order, medical evidence etc. the birth mother (or first adoptive parent in the case of adoption) is incapable of caring for the child
- the birth mother's (or first adoptive parent in the case of adoption) partner (if they have one) is incapable of caring for the child.

Where the birth mother (or first adoptive parent in the case of adoption) and their partner (if they have one) voluntarily choose not to care for the child, it would not be considered an exceptional circumstance.

Is the birth mother (or first adoptive parent in the case of adoption) and their partner (if they have one) both incapable of caring for the child for at least 26 weeks?

Yes, if the customer has provided evidence to confirm the exceptional circumstance, go to Step 8 o not provided evidence, request more information. See <u>Information</u> requests for FTB and PPL claims, and Add Newborn and PPL change of circumstances activities No, the customer would not be eligible for PPL. o Check if NBS/NBU need to be assessed with the customer's (or their partner's) FTB. See Changing claim choice for a newborn or adopted child o Otherwise, their claim for PPL will reject ACN (additional circumstances not met) Procedure ends here 8 Exceptional circumstances met + Read more ... Based on the evidence provided has the customer met the eligibility for PPL under the exceptional circumstances criteria? Yes, the customer can be paid up to the maximum entitlement PPL days. If no one has received PPL for the child, see <a>Step 1, <a>Table 2 No, the customer would not be eligible for PPL. o Check if NBS/NBU need to be assessed with the customer's (or their partner's) FTB. See Changing claim choice for a newborn or adopted child o Otherwise, their claim for PPL will reject ACN (additional circumstances not met)

PPL eligibility - residency, care, work and income tests

Procedure ends here

Table 2

Step	Action
1	Care of the child + Read more
	To receive PPL, a person must be the carer of a PPL child (or would have been the carer had the child not been stillborn or died).
	A birth mother who no longer provides care can only be eligible for PPL if care is not provided from a date within:

- 20 weeks immediately after the birth, for children born between 1 July 2023 and 30 June 2024
- 22 weeks immediately after the birth for children born on or after 1 July 2024
- In addition to this, the birth mother must be:
 - o relinquishing care of the child as a part of the process of adoption
 - o relinquishing care of the child as a part of a surrogacy arrangement
 - the child was removed from care by a state or territory child protection authority, acting under child protection legislation
- If the **birth mother is in prison** they can meet the carer rule if they gave birth in prison and can care for their child in prison or, if imprisoned after the birth, they continue to care for the child in prison
- If the carer is temporarily unable to care for the child, they may remain eligible if it is due to circumstances beyond their control and the period is expected to be less than 26 weeks
- If the carer loses care of the child, they may remain eligible if care is:
 - o lost without legal authority, or
 - disputed, and the customer takes reasonable steps to have the child returned to their care. This includes periods before a claim has been made
- Adoptive and gaining parents in surrogacy arrangements can be eligible for 20 weeks of PPL regardless of any PPL the birth mother received. In these cases, the child will have 2 separate CRN's:
 - o one with the birth mother, and
 - o another one with the adoptive/gaining parent

Temporary absences from caring for the child may be permitted, but are limited to the time necessary for respite care or other reasonable purposes.

Are the care requirements met?

- Yes, go to Step 2
- **No**, the customer would not be eligible for PPL. Check if NBS/NBU need to be assessed with the customer's (or their partner's) FTB. See <u>Changing</u> claim choice for a newborn or adopted child. Procedure ends here

2 PPL work test + Read more ...

Claimants must generally meet the <u>PPL scheme work test</u>. Exceptions and exemptions may apply. For example:

medical conditions

- premature births
- natural disasters
- special circumstances
- special PPL claimants in exceptional circumstances

If a birth mother or adoptive parent claims, only they need to meet the work test (or satisfy an exception).

All other claimants in normal circumstances will need to meet the work test in addition to the birth mother/adoptive parent.

In cases of adoption, the partner of an adoptive parent is not payable unless an adoptive parent meets the work test requirements. Where there are two adoptive parents there will be no requirement for them both to meet the work test requirements.

The birth mother/adoptive parent, PPL claimant or both may be requested to provide evidence to support the PPL work test.

Does the birth mother/adoptive parent and PPL claimant satisfy (or are exempt from) the PPL work test?

- Yes, go to Step 3
- No, the customer is not eligible for PPL. See <u>Eligibility for Family Tax Benefit</u>
 (FTB) and <u>Eligibility for Newborn Supplement (NBS)/Newborn Upfront</u>
 Payment (NBU). Procedure ends here

3 **PPL income test** + Read more ...

The customer must meet the PPL income test. If the customer does not meet the individual income test, the family income test limit applies. This applies to both single and partnered customers. For the PPL income test threshold, see Paid Parental Leave - income limits.

A single customer will be assessed under the PPL individual income limit. If their income is over individual income limit, they will assessed under family income limit.

If the actual adjusted taxable income exceeds the income limit in the financial year prior to the date of claim, a second claim may be lodged. For example, if a customer lodged prior to the child's birth in the existing financial year and the baby is born in a new financial year, eligibility can be tested for both financial years.

The customer may be required to provide evidence to support the PPL income test.

For more information, see <u>Paid Parental Leave income test and previous financial</u> year income estimate.

A special PPL claimant in exceptional circumstances is exempt from the income test.

Does the customer satisfy the PPL income test?

- Yes, go to Step 4
- No, the customer is not eligible for PPL. Procedure ends here

4 **Residence requirements** + Read more ...

The customer must meet the <u>Australian residence requirements</u> to be eligible for PPL.

All claimants must meet the residency test on the date of birth/date of entry into care and on their PPL days in order to be eligible.

Father and partner payability is not dependent on the birth mother meeting the residency requirements.

Newly Arrived Residence Waiting period (NARWP)

New Australian residents claiming PPL are subject to a <u>NARWP</u> if their first permanent resident or partner provisional visa (309 or 820) is granted on or after 1 January 2019. This means before the customer becomes payable they must meet one or more waiting period/s totalling at least 104 weeks before the child's date of birth/adoption.

To be eligible for PPL a customer must either have served the NARWP or be exempt from the NARWP.

Fathers and partners may be payable for PPL where the birth mother does not meet the residency requirements, or is serving a NARWP.

PPL may be paid while the customer is overseas during a temporary absence. See <u>Australian residence requirements</u> for more information.

Does the customer satisfy the residence requirements for PPL?

- Yes, go to Step 5
- No, the customer is not eligible for PPL. Procedure ends here

5 **Return to work** + Read more ...

PPL customers will be able to return to work without losing eligibility.

To be paid a PPL day, an individual cannot be performing more than one hour of paid work on this date (they can be receiving paid leave).

Permissible purpose provisions, including keeping in touch provisions, do not apply.

Allowable exceptions to the requirement not performing more than one hour of paid work on a PPL day will continue to apply, apart from the exception relating to 'transitioning care arrangements', as the expectation is the customer would not claim PPL for that day.

Go to Step 6.

6 Receipt of other payments + Read more ...

Has the customer (or their partner) been paid NBU/NBS for the child with FTB Part A?

Note: FTB Part B is not payable at the same time as PPL. If the customer has already been paid FTB Part B and is now being granted PPL for the same period, the FTB Part B will be a recoverable debt. See <u>Assessing Parental Leave Pay (PPL)</u> <u>claims</u> for more information on FTB Part B.

- Yes, the customer cannot be paid PPL and NBU/NBS for the same child.
 However, customers can choose to claim PPL after NBS has been paid. If the customer chooses to change their claim choice, the NBS and Newborn Upfront Payment (NBU) already paid will be a recoverable debt. Go to Step 7
- No, go to Step 7

7 **Approval to claim** + Read more ...

Approval to claim from a birth mother is required for the other parent, the partner of the birth mother or the partner of the other parent. For an effective claim for PPL for children born or adopted on or after 1 July 2023, approval to claim is needed for claimants (Approval Seekers) who are not the:

- birth mother
- first adoptive parent, or
- a PPL claimant in exceptional circumstances

Before an Approval Seeker can submit their PPL claim, they must provide details of the <u>Approval Giver</u>. An approval task then creates in the Approval Giver's online account.

Once the Approval Giver completes and submits the approval task, the Approval Seeker can then submit their online claim. See the <u>Resources</u> page for a scenario.

In cases of adoption:

- where there is one adoptive parent, the adoptive parent will need to provide approval to claim to any other claimant (i.e. partner of adoptive parent)
- where there are two adoptive parents, approval to claim is not required

Approval to claim from a PPL claimant in exceptional circumstances is required for the partner of a PPL claimant in exceptional circumstances.

Where the Approval Giver withdraws approval to claim for another person, that person:

will not be able to make effective claims for the child,

- any claimed future PPL days will no longer be available, and
- their claim will be cancelled

For example, a birth mother may decide to withdraw approval to claim for their former partner for PPL days, as they have separated and the former partner no longer has care of the child.

Where approval to claim is withdrawn, PPL will be cancelled from date of notification. Any PPL days paid in the past will be not raised as a debt.

For information about the approval process, viewing and managing Approval Giver and Approval Seeker details, see <u>Paid Parental Leave (PPL) approval to claim and share PPL days</u>.

8 **Proof of birth or entry to care +** Read more ...

Advise the customer they must provide proof of the child's birth or verification of the child entering the customer's care if this has not already been given to Services Australia. This includes proof of a stillborn child.

Multiple birth

PPL can only be paid for one child in a multiple birth.

Exception: PPL can be paid if there is a significant delay between the separate birth events for each child.

In these cases:

- the customer must provide a letter from the doctor/midwife who attended the births confirming the children were:
 - o of the same pregnancy, and
 - o born in two distinctly separate birthing events
- refer the case with the letter from the doctor/midwife. Use the Direct Referral to SSO webform and the Level 2 Policy Helpdesk Online Query form. The <u>Resources</u> page contains links to the webform and Level 2 Policy Helpdesk

The separate birthing events would be confirmed by medical evidence from a doctor/midwife stating whether the children were born during the same multiple birth or in separate birth events. Ideally, this would be from a medical professional who presided at the birth of the children.

Birth registration

To be eligible for a newborn child, parent(s) must notify Services Australia they have registered, or have applied to register, the child's birth with the State/Territory Births registry. Customers may notify this verbally.

Exception: This does not apply to:

stillborn children
adoptions (adoptive parents)
children born overseas, or
children entrusted to care as part of a surrogacy arrangement
children entrusted to care as part of a surrogacy arrangement

PPL days for children

Table 3

Item	Description
1	Claiming PPL days + Read more
	All PPL days are to be treated as flexible PPL days where they can be accessed:
	In a single block
	All scattered days
	Any combination of smaller blocks and scattered days.
	PPL days can be received for any day of the week (Monday to Sunday). A nominated start date for the PPL period is not required for a PPL claim for a child born or entering care on or after 1 July 2023.
	The initial claimant to claim PPL for a child must lodge a claim before the:
	child's first birthday, or
	first anniversary of the day:
	 the claimant becomes the primary carer for exceptional circumstances
	 the child becomes entrusted to the customer's care for adoptions, or
	o the child enters care for a <u>surrogacy arrangement</u>
	Subsequent claimants (if applicable) for a child must lodge a claim before the child's second birthday or secondary anniversary of care.
	PPL days can be backdated up to 100 days in the past but not before the child's date of birth or adoption.
2	Eligibility to claim PPL on a day + Read more
	Customers will tell Services Australia when they want to claim PPL days in their
	initial claim for PPL or at a later time online, by phone, or in person.
	To be eligible to get PPL on a day the customer must:

- have care of the PPL child (Exception: this does not apply:
 - o after a child has died or was stillborn,
 - o if care of the child is lost without legal authority or
 - where the birth mother has relinquished care of the child as part of an adoption, surrogacy arrangement or removed by an authorised state/territory child protection agency)
- not be working more than one hour of paid work on this date (they can be on paid or unpaid leave)
- meet Australian residence requirements
- meet the PPL income test and work test

Customers cannot be paid PPL on any day that:

- is before the child's date of birth/adoption
- is after the child's second birthday/anniversary of adoption

PPL days can be backdated up to 100 days in the past but not before the child's date of birth or adoption.

3 Sharing PPL days + Read more ...

In order to be payable for PPL days, the following approval requirements must be met:

- Approval from a birth mother for the other parent, partner of the birth mother or partner of the other parent
- Approval from the initial claimant adoptive parent (where there is one) for the other adoptive parent or partner of one of the adoptive parents
- Approval from a PPL claimant in exceptional circumstances for their partner

Birth mothers relinquishing care of the child cannot share their PPL days.

If a person claims a number of days that is greater than the days they have approval for they are only payable for the number of days they have approval for. The claimant will be given the option to request approval for more days. If this approval is granted, the claimant will have to re-claim for days found not payable.

If a person has been paid for a day and later found not to have been eligible (i.e. because they were working or not caring for the child), the claimant will have approval to claim that day on a different date.

The birth mother, initial claimant adoptive parent or PPL claimant in exceptional circumstances may decide to reduce the number of PPL days or remove all PPL days (even ones that have been found payable), shared with another claimant.

Approval for days may be removed for future days (even ones that have been found payable), but not for past days.

References

Policy

Paid Parental Leave Guide, 1.2, PPL scheme - description

Paid Parental Leave Guide, 4.1, Claims for PLP

Paid Parental Leave Guide, 2.1, PLP eligibility overview

Paid Parental Leave Guide, 2.4.2, Absences from Australia for PLP

Legislation

Links to the Federal Register of Legislation site go to a 'Series' page. Select the 'Latest' version.

Eligibility and Claims information

Paid Parental Leave Act 2010

- Part 2-3, Eligibility for parental leave pay
- Part 2-4, Claims for parental leave pay
- Section 53, Types of claims
- Section 54, Who can make a PPL claim or special PPL claim

Paid Parental Leave Rules 2021

- Section 6, Definitions
- Part 2, Eligibility for PLP
- Part 3, Division 2, Claims for PLP

Resources

Entry hub

Paid Parental Leave scheme

PPL claimant rules

This attachment details the different claimant rules depending on the claimant's relationship to the child where the child is born or adopted on or after 1 July 2023.

Do not share this attachment externally. See <u>Freedom of Information - Information Publication</u> Scheme.



PPL claimant rules for a child born/adopted on or after 1 July 2023

Intranet links

Level 2 Policy Help Desk requests

Social Security and Welfare Quality Team

Webform

Direct referral to SSO

Contact details

Families and Child Care Business Processing team

Scenarios - Claiming and change of circumstances

Table 1

Item	Description
1	Claim lodged by partner of birth mother. Birth mother intends to not claim PPL as does not meet the residency test
	Sally has a baby on 10 August 2024, Sally's partner Jack, lodges a claim for PPL the following day.
	Within the claim, Jack provides information about residency, work test and income test. As Sally intends not to claim, Jack advises Sally is the birth mother and intends to share 100 PPL days with Jack.
	Jack's claim cannot be submitted until:
	the approval to claim task has been provided by Sally, and
	the amount of PPL days Sally intends to share is confirmed
	At 'next steps' an online task is sent to Sally's online record.
	Sally logs online and confirms they are sharing 100 PPL days with Jack. Sally also advises work test details.
	Jack receives an online notification the claim can be submitted. Jack uploads the Newborn Child Declaration (FA081) as proof of birth and submits the claim.
	Jack's claim is assessed and meets the eligibility requirements. As Jack is self-employed PPL will be paid via Services Australia.
2	Claim lodged by partner of birth mother. Birth mother's PPL claim rejected due to not meeting the income test.
	Louise lodged a prebirth claim for their baby due to be born on 14 September 2024. Within the claim, Louise provided information about residency, work test and income test. Louise met the residency and work tests. However as Louise's

individual income was over both the individual and family income limit, the claim was rejected due to not meeting the income test.

Louise has a baby on 16 September 2024. Louise's partner Brett, lodges a claim for PPL the following day.

Within the claim, Brett provides information about residency, work test and income test. Brett's individual income for the relevant PPL income year is \$50,000. As Louise is not eligible for PPL due to income, Brett advises Louise is the birth mother and intends to share 100 PPL days with Brett.

Brett's claim cannot be submitted until:

- the approval to claim task has been provided by Louise, and
- the amount of PPL days Louise intends to share is confirmed

Louise completes the online task and Brett receives an online notification that the claim can be submitted. Brett uploads the Newborn Child Declaration (FA081) as proof of birth and submits the claim.

Brett's claim is assessed and meets the eligibility requirements as Brett's income is under the individual income limit.

Claim lodged by birth mother and shares 20 PPL days with partner

Lauren commences a pre-birth PPL claim with an expected date of birth of 10 August 2024.

Within the claim Lauren provides information about residency, work test and income test. Lauren nominates an 90 day (Monday to Friday) PPL block commencing from expected date of birth. Lauren's partner also claims PPL and Lauren approves the 20 PPL days to be claimed.

A Service Officer assesses the claim. An employer determination is made and Laurens employer will deliver PPL.

Baby Jack is born on 12 August 2024, Lauren completes the Add Newborn service and uploads the back page of newborn child declaration form (FA081).

The claim is assessed and payments are distributed to the employer for delivery.

4 Claim lodged by customer in exceptional circumstances (after receiving some PPL days as a claimant in normal circumstances)

Ella had a baby on 10 July 2024, Ella's partner James, lodges a claim for PPL the following day.

Within the claim, James declares to meeting the residency, work test and income test. As Ella intends to claim, James advises Ella is the birth mother and intends to share 20 PPL days with James.

James's claim cannot be submitted until:

- the approval to claim task has been provided by Ella, and
- the number of PPL days Ella intends to share is confirmed

At 'next steps' an online task is sent to Ella's online record.

Ella logs online and confirms sharing 20 PPL days with James. Ella also advises work test details.

James receives an online notification the claim can be submitted. James uploads the Newborn Child Declaration (FA081) as proof of birth and submits the claim.

James's claim is assessed and meets the eligibility requirements. As James is selfemployed PPL will be paid via Services Australia.

Six weeks later James contacts and advises that Ella has passed away. James is advised to lodge a new claim for PPL in exceptional circumstances.

James completes the claim and provides evidence to confirm the exceptional circumstance. As James is single at the time of claim James' maximum entitlement to PPL days is 110.

However, as James received 20 PPL days from Ella's claim for the same child, the maximum number of PPL days that James can be paid is 90 days (20+90 = 110 the maximum PPL entitlement).

Training & Support

Add the course number to the **Search** filed in the <u>Learning Portal</u> (LMS) in Essentials:

- CLK01541 PPL scheme changes from 1 July 2023
- CLK01556 PPL scheme changes from 1 July 2023 Phase 2