



Instrument of Authorisation (Employer Support Payment Scheme) 2023

I, GENERAL ANGUS JOHN CAMPBELL, Chief of the Defence Force, make this Instrument of Authorisation under section 58B of the *Defence Act 1903*.

Dated *Eighteenth July 2023*

Angus J Campbell
General
Chief of the Defence Force

Contents

1 Name	1
2 Commencement.....	1
3 Definition	1
4 Authorisations	1
5 Direction.....	2
6 Exceptions	2

1 Name

This instrument is the *Instrument of Authorisation (Employer Support Payment Scheme) 2023*.

2 Commencement

This instrument commences the day after signature.

3 Definition

Determination means Defence (Employer Support Payment Scheme) Determination 2023, made under section 58B of the *Defence Act 1903*, as in force from time to time.

4 Authorisations

1. I authorise the persons holding, occupying or performing the duties of the following offices to exercise, for and on my behalf, all my powers specified in the Determination other than those powers listed in section 6 of this Instrument:
 - a. Vice Chief of the Defence Force;
 - b. Chief of Navy;
 - c. Chief of Army;
 - d. Chief of Air Force;
 - e. Chief of Personnel;
 - f. Deputy Chief of Navy;
 - g. Deputy Chief of Army;
 - h. Deputy Chief of Air Force;
 - i. Head Joint Support Services Division;
 - j. Director General Navy People;
 - k. Director General Career Management – Army;
 - l. Director General Personnel – Air Force; and
 - m. Director General Workforce Design and Reserves – Air Force.
2. I authorise the persons or class of persons holding, occupying, or performing the duties of the offices listed for an item in the Schedule to this Instrument to exercise the powers specified in the item for and on my behalf.
3. For the purposes of subsection 2, the persons or class of persons holding, occupying, or performing the duties of the offices listed that specifies a rank or minimum rank in an item in the Schedule to this Instrument includes a member holding an equivalent rank to the rank specified.

5 Direction

For the purpose of decisions under any of the following sections a decision maker must not make a decision under if the decision being reviewed was made by a person holding the same or higher rank as the decision maker.

- a. A decision made under section 7.3.1 or section 7.3.5.
- b. A decision made under section 7.2.3 as a result of section 7.3.6.

6 Exceptions

For the purpose of subsection 4.1, this Instrument does not authorise a person to exercise any of the following powers under the Determination:

- a. subsection 3.7.2.3;
- b. subsection 3.7.2.4;
- c. subsection 3.7.3.2;
- d. subsection 3.7.3.3;
- e. subsection 3.7.4.4; and
- f. subsection 3.7.4.5.

Schedule—Defence (Employer Support Payment Scheme) Determination 2023

1. For the purpose of subsection 4.2, the following offices are authorised to exercise the powers listed in the following table.
 - a. Director Navy Career Management.
 - b. Navy Employer Support Payment Scheme Officer.
 - c. Director Career Management Support – Army.
 - d. Army Employer Support Payment Scheme Officer.
 - e. Director Workforce Integration – Air Force.
 - f. Deputy Director Employer Support Payment – Air Force.

Item	Provision	General description
2.1	Section 2.1.2, <i>definition of assessment period</i>	Be satisfied that it is reasonable that a member's assessment period ends on a day more than 3 months before the member commences defence service relating to a claim period.
	Section 2.1.2, <i>definition of employment arrangement</i>	Be satisfied that a person is employed to perform full-time work or part-time work under another employment agreement.
	Paragraph 2.1.3.1.b	Be satisfied that a member has completed a period of defence service for a rostered shift cycle for a period of 4 consecutive days.
	Paragraph 2.1.3.2.b	Be satisfied that a member was prevented from completing at least 6 hours of service due to illness or injury suffered by the member, a Defence requirement or an exceptional circumstance.
	Paragraph 2.1.3.2.d	Be satisfied that a member was unable to render defence service due to illness or injury suffered by the member, a family emergency or any other exceptional reason.
	Subsection 2.1.4.1	Be satisfied that a member has met the average number of hours required to be recognised as employed in full-time work or part-time work or as a regular casual employee.
3.1	Subsection 3.2.2.2	Be satisfied that exceptional circumstances justify the acceptance of an application that is made after the 12 month application period.
	Subsection 3.3.2.3	Request additional information from an employer applicant in relation to an application.
	Subsection 3.4.2.1	Be satisfied the member applicant received more income from their business than any other source of employment.
	Subsection 3.4.3.1	Be satisfied the member's principal source of employment is that which the member has worked the greater amount of time in the applicant's business than in any other type of employment.
	Paragraph 3.4.3.3.b	Be satisfied that there are exceptional circumstances which prevents the member applicant from establishing their principal source of income under section 3.4.2.

	Subsection 3.4.3.4	Be satisfied that there are exceptional reasons which prevents the member applicant from establishing their principal source of income under section 3.4.2.
	Subsection 3.4.4.4	Request additional information from a member applicant in relation to an application.
	Paragraph 3.4.5.2.f	Be satisfied that any payment made under the determination is not counted towards income for a member unless there is documentary evidence that meets one of the conditions.
	Subsection 3.5.2.c	Be satisfied that a member performed significant work for the applicants business on a day when they performed at least 6 hours of defence service.
	Subsection 3.8.1.1	Decide to accept or refuse payment following the consideration of an application of a support payment.
	Subsection 3.8.1.2	Decide to make payment or refuse an application if the applicant has permanently ceased to operate or trade after an application if made but before a support payment has been made.
4.1	Section 4.3.1	Be satisfied that an applicant meets specified conditions is eligible for an extended support payment.
	Section 4.3.2	Approve an employer applicant being paid an extended support payment from the date of approval until the earliest time-specified date.
	Subsection 4.3.3.2	Approve a member applicant being paid an extended support payment from the date of approval until the earliest time-specified date.
	Subsection 4.5.1.1	Accept or refuse an application for an extended support payment following consideration.
	Subsection 4.5.1.2	Decide to pay a portion of or refuse an application made on behalf of a business that is related to the member concerned and has permanently ceased to operate or trade after the applicant has applied for an extended support payment.
5.1	Section 5.3.2	Approve an application for an additional support payment.
	Subsection 5.4.1.1	Accept or refuse an application for an additional support payment following consideration.
6.1	Subsection 6.1.4.2	Substitute a new decision that a support payment may be increased because of change in circumstances in relation to a claim period that has ended.
	Subsection 6.1.4.3	Provide the applicant written notice of a substituted decision, including the reasons for substituting the decision.
	Subsection 6.1.5.2	Substitute a new decision that a support payment may be decreased because of change in circumstances in relation to a past claim period, requiring the repayment of all or a specified part of a support payment.
	Subsection 6.1.5.3	Provide the applicant written notice of a substituted decision, including the reasons for substituting the decision.

7.1	Subsection 7.2.2.2	Accept a request for a review of a decision from an applicant after 30 days if satisfied that exceptional circumstances justify doing so
	Section 7.2.3	Confirm the decision or substitute a decision with a new decision to authorise payment or repayment of a support payment, extended support payment or additional support payment.
	Section 7.2.4	Provide the person who requested a review of a decision written notice of any decision made after concluding the review.
	Section 7.3.3	Notify the applicant and provide an opportunity for the applicant to make a submission about the review.
	Subsection 7.3.4.1	Request in writing that the applicant provide further information about the application, reviewable decision or substituted decision concerned.
	Section 7.3.6	Provide the applicant written notice of any decision made after concluding the review.

2. For the purpose of subsection 4.2, the following offices are authorised to exercise the powers listed in the following table.
- a. Director Navy Career Management.
 - b. Director Career Management Support – Army.
 - c. Director Workforce Integration – Air Force.

Item	Provision	General description
3.2	Subsection 3.6.3.2	Increase the application limit if satisfied a support payment would facilitate the provision of a capability required by the Defence Force.
	Subsection 3.6.4.3	Approve the payment of support allowance to an applicant if it is considered reasonable that the member has not spent a period of 3 months working in the applicants business.