

Application for Review Form

PPL employer decisions

Contact details

Telephone: 1800 228 333
International applicants: + 61 2 9276 5101
Website: www.art.gov.au
Teletypewriter service (TTY): 133 677

Information in other languages

For information in another language, call 131 450 from anywhere in Australia and +61 3 9203 4038 from outside of Australia. The Translating and Interpreting Service can call us on your behalf.

The ART is independent

The Administrative Review Tribunal (ART) is not a part of Centrelink, or Services Australia. It is an independent Tribunal with members who have expertise in law, welfare, accounting, medicine, or public administration.

The ART can change Centrelink decisions

The ART has the power to change some Centrelink decisions regarding paid parental leave if the decision has been reviewed by either a Centrelink Authorised Review Officer (ARO), or in most circumstances a Centrelink Subject Matter Expert (SME), and the ART finds that the decision does not accord with the law. The employer decisions which the ART can review are:

- An employer determination decision
- An employer funding amount decision

Applying to the ART is free

There is no cost to an employer who wishes to have the ART review an employer decision made under the *Paid Parental Leave Act 2010*.

The ART hearing

ART hearings are conducted in an informal manner and legal representation is not necessary. If the employer wishes to be represented by a legal practitioner, the employer must arrange and pay for that representation. The ART cannot make an order for costs. Centrelink is unlikely to be represented by anyone at the hearing.

Has the employer Paid Parental Leave (PPL) decision been reviewed by a Centrelink Authorised Review Officer or a Centrelink SME?

Yes Date of decision

No A Centrelink Authorised Review Officer or Subject Matter Expert must review the decision before you can apply to the ART. Please contact Centrelink immediately as there is a time limit for making an application for internal review.

Time limits on an application to the ART

IMPORTANT: An employer **MUST** make an application for review by the ART within 14 days after the date of the Centrelink Authorised Review Officer or Subject Matter Expert decision.

Making an application

You **MUST** make your application for review of the decision made by a Centrelink Authorised Review Officer or Subject Matter Expert in writing. This form is available on the ART's website at www.art.gov.au. You can:

- post the completed form to the ART (Reply Paid 9955 in your capital city. No stamp required if posted within Australia); or
- fax it to your nearest ART office; or
- take it to your nearest ART office.

Employer details

Name of firm, company or partnership:

This form should be completed and signed by a director or senior officer of a company or by a partner.

Title: Mr: Ms: Mrs: Miss: Other:

Last name:

First name:

Your position in the firm, company or partnership:

Contact address:

Postcode:

Telephone: Mobile:

Your Child Support reference number, if known:

Would you like the ART to correspond with you by email? Yes No

Email:

Type of employer application

Please tick one of the following boxes to indicate the type of decision you want reviewed:

What is the child support decision that you would like the ART to review? *(Please tick)

- An employer determination decision* An employer funding amount decision

* The *Paid Parental Leave Act 2010* requires an employer applying to the ART for review of an employer determination decision to specify the condition or conditions that the employer believes are not satisfied. If your application is about an employer determination decision you **MUST** indicate which of the following conditions you believe are **NOT** satisfied:

the instalments are likely to be payable for at least 40 consecutive PPL days that are weekdays;
or

the person has made the PPL claim before the birth of the child and the person will have been employed by the employer for at least 12 months immediately before the expected date of birth; **or**

the person has made the PPL claim after the birth of the child and the person will have been employed by the employer for at least 12 months immediately before the expected date of birth or the actual date of birth of the child (whichever is later); **or**

AND the employer has not elected (under section 109 of the *Paid Parental Leave Act 2010*) to voluntarily pay instalments to the person claiming the PPL payment; **or**

the person claiming the PPL payment is an Australian-based employee for the person's PPL period or the period for which PPL is likely to be payable; or

the employer has an ABN.

Reasons for application (optional)

The employer may set out briefly why it considers the decision of the Centrelink Authorised Review Officer or Subject Matter Expert is incorrect.

Do you have a representative (other than a company officer or employee)?

Do you want letters from the ART sent to a representative such as a lawyer or accountant? If so, please write that person's name and contact details here:

Representative's name:

Their postal address:

Their telephone number:

You MUST sign here to authorise the ART to disclose information about you to your nominated representative.

Signature:

Date:

Statutory declaration

This application must be accompanied by a statutory declaration (as required by paragraph 224(3) (b) of the *Paid Parental Leave Act 2010*) to verify the application. The attached statutory declaration must be made by a person authorised by the employer and witnessed by one of the persons before whom a statutory declaration may be made (see further below).

Other documents

The employer must attach a copy of any document relevant to the application for review.

Please sign here

To be signed by a person authorised to make the application on behalf of the employer.

Signature:

Date:

(Director, Company Secretary, other Senior Officer, Partner, etc)

Privacy and your personal information

We collect information from you and others to process your application and carry out the review.

- In making this application, you consent to the collection of personal information about you from Centrelink, another party to the review, relevant person or body, where collecting the information is reasonably necessary to carry out the review.
- Some or all of the personal information we collect from you or others may be disclosed to Centrelink, another party to the review, relevant person or body, for the purpose of the review.
- The information may be used for the purpose of another review involving you, if it is reasonably necessary to do so, or to improve our services.
- The Tribunal may make orders restricting disclosure or use of information about you or others.

Our Privacy Policy explains how you can access information we hold about you and how to make privacy complaints. More information, including our Privacy Policy and how to apply for a non-disclosure order, is available on our website www.art.gov.au or by calling 1800 228 333

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1. Insert the name,
address and occupation of
person making the declaration

I, name]
..... [occupation]
of address]
in the State / Territory of

make the following declaration under the *Statutory Declarations Act 1959*:

2. Set out matter declared to in
numbered paragraphs

The statements made in the attached Employer Application are true.

I understand that a person who intentionally makes a false statement in a
statutory declaration is guilty of an offence under section 11 of the *Statutory
Declarations Act 1959*, and I believe that the statements in this declaration
are true in every particular.

3. Signature of person making
the declaration

.....

4. Place

Declared at ⁴

5. Day

.....

6. Month and year

on ⁵ of ⁶

7. Signature of person before whom
the declaration is made (see over)

.....

8. Full name, qualification and
address of person before whom
the declaration is made (in printed
letters)

Before me⁷

8..... name]

..... qualification]

of address]

Note 1 A person who intentionally makes a false statement in a statutory
declaration is guilty of an offence, the punishment for which is
imprisonment for a term of 4 years — see section 11 of the *Statutory
Declarations Act 1959*.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the
Statutory Declarations Act 1959 — see section 5A of the *Statutory
Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Medical practitioner	Patent attorney	Psychologist
Dentist	Nurse	Pharmacist	Trade marks attorney
Legal practitioner	Optometrist	Physiotherapist	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
Bailliff
Bank officer with 5 or more continuous years of service
Building society officer with 5 or more years of continuous service
Chief executive officer of a Commonwealth court
Clerk of a court
Commissioner for Affidavits
Commissioner for Declarations
Credit union officer with 5 or more years of continuous service
Employee of the Australian Trade Commission who is:
(a) in a country or place outside Australia; and
(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
(c) exercising his or her function in that place
Employee of the Commonwealth who is:
(a) in a country or place outside Australia; and
(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
(c) exercising his or her function in that place
Fellow of the National Tax Accountants' Association
Finance company officer with 5 or more years of continuous service
Holder of a statutory office not specified in another item in this list
Judge of a court
Justice of the Peace
Magistrate
Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
Master of a court
Member of Chartered Secretaries Australia
Member of Engineers Australia, other than at the grade of student
Member of the Association of Taxation and Management Accountants
Member of the Australasian Institute of Mining and Metallurgy
Member of the Australian Defence Force who is:
(a) an officer; or
(b) a non-commissioned officer within the meaning of the Defence Force *Discipline Act 1982* with 5 or more years of continuous service; or
(c) a warrant officer within the meaning of that Act
Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
Member of:
(a) the Parliament of the Commonwealth; or
(b) the Parliament of a State; or
(c) a Territory legislature; or
(d) a local government authority of a State or Territory
Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
Notary public
Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
Permanent employee of:
(a) the Commonwealth or a Commonwealth authority; or
(b) a State or Territory or a State or Territory authority; or
(c) a local government authority;
with 5 or more years of continuous service who is not specified in another item in this list
Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
Police officer
Registrar, or Deputy Registrar, of a court
Senior Executive Service employee of:
(a) the Commonwealth or a Commonwealth authority; or
(b) a State or Territory or a State or Territory authority
Sheriff
Sheriff's officer
Teacher employed on a full-time basis at a school or tertiary education institution