



Administrative Review Tribunal Act 2024

No. 40, 2024

**An Act to establish an Administrative Review
Tribunal and an Administrative Review Council
and provide for matters relating to information
about administrative decisions, and for related
purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

Part 1—Preliminary	2
1 Short title	2
2 Commencement.....	2
3 Simplified outline of this Act.....	2
4 Definitions.....	4
5 Other Acts can change how some provisions in this Act apply	14
6 Extension to external Territories.....	15
Part 2—Establishment of Administrative Review Tribunal	16
Division 1—Preliminary	16
7 Simplified outline of this Part	16
Division 2—Establishment of Tribunal	17
8 Establishment	17
9 Objective	17
10 Members of Tribunal.....	17
Part 3—Starting a review	18
Division 1—Preliminary	18
11 Simplified outline of this Part	18
Division 2—Key concepts for review of decisions	19
12 Reviewable decisions	19
13 Instruments may provide for application to Tribunal for review.....	19
14 Decision-maker	19
15 Organisation or association whose interests are affected by a decision	21
16 Decision is taken to be made if timeframe expires	21
Division 3—Applying for review of decision	22
17 Who can apply.....	22
18 When to apply—general rule	22
19 Exception—Tribunal may extend period	23
20 Exception—no prescribed period applies	24
Division 4—After an application is made	25
Subdivision A—Parties to proceeding	25
21 Parties and potential parties to be notified of application	25
22 Parties to proceeding for review	25

Subdivision B—Provision of reasons and documents	26
23 Decision-maker must give Tribunal reasons and documents—general rule	26
24 Decision-maker must give Tribunal additional statement if Tribunal requires—general rule	26
25 Decision-maker must give Tribunal additional documents within 28 days—general rule	27
26 Decision-maker must give Tribunal additional documents on request—general rule	27
27 Decision-maker must give copies of reasons and documents to other parties—general rule.....	28
28 Exceptions—Tribunal may adjust requirements.....	28
29 Exception—while resolving whether to restrict publication or disclosure of information	29
30 Privilege and public interest.....	30
Subdivision C—Effect of application for review on decision	30
31 Decision cannot be altered outside Tribunal process	30
32 Reviewable decision continues to operate unless Tribunal orders otherwise	31
Part 4—Proceedings	33
Division 1—Preliminary	33
33 Simplified outline of this Part	33
Division 2—Applications to Tribunal	35
34 How to apply	35
35 Applications may be made on behalf of a person	35
Division 3—Practice directions	36
36 President may make practice directions.....	36
Division 4—Constitution of Tribunal for a proceeding	38
Subdivision A—Constituting the Tribunal	38
37 President may constitute Tribunal for purposes of a proceeding	38
38 President must consult before including Judicial Deputy President.....	39
Subdivision B—Proceedings generally	39
39 General rules for constitution of Tribunal.....	39
Subdivision C—Guidance and appeals panel	40
40 Exception—President refers application for review that raises issue of significance	40

41	Exception—President, on appeal, refers Tribunal decision that raises issue of significance	40
42	Exception—President, on appeal, refers Tribunal decision for material error	41
Subdivision D—Reconstitution		43
43	Reconstitution—before hearing starts	43
44	Reconstitution—after hearing starts if member unavailable etc.	43
45	Reconstitution—involvement in dispute resolution process	44
46	Reconstitution—after hearing starts for conflict of interest or bias	44
47	Reconstitution—as guidance and appeals panel after hearing starts	44
48	After Tribunal is reconstituted	45
Division 5—Tribunal procedure		46
Subdivision A—General principles		46
49	Tribunal has discretion in relation to procedure	46
50	Tribunal is to act informally etc.	46
51	Tribunal to be accessible	46
52	Tribunal is not bound by rules of evidence	46
53	Tribunal controls scope of review of decision	46
54	Tribunal can exercise powers of decision-maker	47
55	Right to present case	47
56	Parties and their representatives to assist Tribunal	48
57	Sittings of Tribunal	48
58	Resolving disagreements between Tribunal members	49
Subdivision B—Parties and representation		49
59	Attorney-General of the Commonwealth may become a party	49
60	Decision-makers may elect not to participate in kind of proceeding or Tribunal case event	50
61	Decision-maker who elects not to participate may be a non-participating party to proceeding or Tribunal case event	51
62	Tribunal may allow non-participating party to participate ..	52
63	Non-participating party may give submissions or be required to participate	53
64	Rules may deal with elections in relation to participation ...	53
65	Certain parties may seek to withdraw from being a party ...	54
66	Representation before Tribunal	54
67	Tribunal may appoint litigation supporter	55

68	Tribunal may appoint interpreter	58
Division 6—Tribunal powers		60
Subdivision A—Hearings and evidence		60
69	Hearings to be in public unless practice directions or Tribunal order requires otherwise	60
70	Tribunal may restrict publication or disclosure of information	60
71	Requirements for Tribunal orders about hearings, publication and disclosure	61
72	Tribunal must notify parties of Tribunal case event	62
73	How a party may appear at a Tribunal case event	62
74	Tribunal may summon person to give evidence or produce documents	63
75	Tribunal may take evidence	64
76	Taking evidence on oath or affirmation	64
77	Payment of witness fees and allowances	65
78	Inspection of documents produced under summons	65
Subdivision B—Management of proceedings		66
79	Tribunal may give directions in relation to procedure for proceeding	66
80	Tribunal may hold directions hearing	67
81	Tribunal may proceed without absent party	68
82	Tribunal may adjourn Tribunal case event	68
83	Tribunal may remove party from proceeding if party fails to appear or does not comply	68
84	If applicant dies or is bankrupt, wound up or in liquidation or administration	69
85	Tribunal may remit decision to decision-maker for reconsideration	70
86	Tribunal may vary or revoke Tribunal order	71
Subdivision C—Dispute resolution processes		72
87	Tribunal may refer to dispute resolution process	72
88	Evidence in dispute resolution process not admissible elsewhere	72
89	Eligibility of person conducting dispute resolution process to sit as a member	73
90	Engagement of persons to conduct dispute resolution processes	74
Division 7—Public interest certificates and interventions		75
91	Disclosure of information—public interest certificate	75

92	Attorney-General may intervene for public interest reasons	77
93	Attorney-General is party to proceeding	78
94	Public interest decisions made by Tribunal	79
Division 8—Decision		81
Subdivision A—Withdrawing and dismissing applications		81
95	Applicant may withdraw application	81
96	Tribunal may dismiss application if parties consent	81
97	Tribunal must dismiss application if decision is not reviewable decision	81
98	Tribunal may dismiss application if fee is not paid	81
99	Tribunal may dismiss application if applicant does not appear	81
100	Tribunal may dismiss application if applicant fails to comply with order etc.....	82
101	Tribunal may dismiss application if frivolous, vexatious etc.	82
102	Reinstatement of application	83
Subdivision B—Decisions agreed by parties		84
103	If parties reach agreement—review of decisions only	84
Subdivision C—Decision on review of reviewable decision		86
104	When this Subdivision applies	86
105	Tribunal decision on review of reviewable decision.....	86
106	Circumstances in which Tribunal may reach decision without hearing—review of decisions only	86
107	When Tribunal’s decision on review comes into operation.	88
108	Effect of Tribunal decision to vary or substitute a reviewable decision	90
Division 9—Tribunal guidance decisions		92
109	Tribunal guidance decisions.....	92
110	Tribunal must have regard to Tribunal guidance decisions	93
Division 10—After proceeding ends		94
111	Notice of decision and statement of reasons—review of reviewable decision.....	94
112	Notice of decision and statement of reasons—other proceedings	95
113	Tribunal may publish decisions	96
114	Tribunal may correct error in decision or statement of reasons.....	97
115	Taxing costs	97

Division 11—Offences	99
116 Offence—failure to comply with summons	99
117 Offence—failure to take oath, make affirmation or answer question	99
118 Offence—giving false or misleading evidence	99
119 Offence—breach of non-publication or non-disclosure order	100
120 Offence—contempt of Tribunal	100
Part 5—Guidance and appeals panel	101
Division 1—Preliminary	101
121 Simplified outline of this Part	101
Division 2—President may refer application on own initiative	103
122 President may refer application for review of decision to guidance and appeals panel	103
Division 3—Party may apply to refer Tribunal decision to guidance and appeals panel	104
Subdivision A—Application for referral to guidance and appeals panel	104
123 Application may be made to refer certain Tribunal decisions to guidance and appeals panel	104
124 How to apply	105
125 When to apply to refer Tribunal decision	105
Subdivision B—After application to refer decision is made	106
126 Parties to be notified of application	106
127 Tribunal decision continues to operate unless Tribunal orders otherwise	106
128 President decides whether to refer Tribunal decision to guidance and appeals panel	108
129 Notice of President’s decision	109
Subdivision C—Review after Tribunal decision is referred to guidance and appeals panel	109
130 Application for review proceeds if President refers Tribunal decision to guidance and appeals panel	109
131 Tribunal may have regard to records and documents from earlier proceeding	111
Part 5A—Second review for certain social services decisions	112
Division 1—Preliminary	112
131A Simplified outline of this Part	112

131B	How this Part applies	112
131C	Meaning of <i>eligible social services decision</i>	112
Division 2—General rules for second review		114
131D	Who can apply.....	114
131E	Operation of this Act and other laws.....	114
Division 3—Modifications for second review		116
131F	References to the decision-maker	116
131G	Giving reasons and documents to Tribunal.....	116
131H	Who can apply—claimant decisions	116
131J	When to apply	116
131K	Parties to proceeding	117
131L	Limits on applying to become a party to proceeding— claimant decisions	117
131M	Decision cannot be altered outside Tribunal process	117
131N	No automatic election notice for decision-maker	117
131P	Tribunal may have regard to records and documents from earlier proceeding	118
131Q	Care percentage determinations reviewed under other Acts	118
131R	Date of effect provisions	119
131S	Treating events as having occurred.....	120
131T	Remitting decisions for reconsideration.....	120
131U	Legal or financial assistance	120
131V	Operation and implementation of decision on second review	121
131W	Guidance and appeals panel	121
131X	Time and manner for making appeals	121
Part 6—Proceedings in Intelligence and Security jurisdictional area		122
Division 1—Preliminary		122
132	Simplified outline of this Part	122
133	How this Part applies	123
134	Proceedings to be conducted in Intelligence and Security jurisdictional area	123
135	Operation in relation to decision-maker.....	124
136	Reasons for decisions.....	125
137	Meaning of <i>relevant body</i>	125
Division 2—Starting a review		127
Subdivision A—Applications and notice of applications		127

138	Limits on who can apply for certain reviews	127
139	Additional persons to be notified of applications for review	127
140	Applications for decisions to be reviewed again.....	128
	Subdivision B—Information to be provided by agency head	128
141	Information to be provided by agency head.....	128
	Subdivision C—Provision of security clearance standards	130
142	When this Subdivision applies	130
143	Director-General of Security may provide standards.....	131
144	Disclosure of standards	131
	Division 3—Proceedings	133
145	Constitution of Tribunal—general rule	133
146	Constitution of Tribunal—preventative detention decisions	134
147	Parties to proceedings	135
148	Certain hearings must be held in private.....	136
149	Persons entitled to be present at hearings	136
150	Relevant bodies may adduce evidence and make submissions	137
151	Order of evidence and submissions.....	138
152	Opportunity for further evidence and submissions	138
153	Tribunal may invite person to give evidence	139
154	Certain processes not available	139
155	Guidance and appeals panel	139
	Division 4—Disclosure of information	141
156	Duty of Tribunal in relation to security and law enforcement information	141
157	Restricting publication or disclosure of information	141
158	Security certificates—responsible Minister	142
159	Sensitive information certificates—Director-General of Security	144
160	Protecting identities of persons giving evidence.....	145
161	Public interest certificates—responsible Minister	146
162	Non-disclosure certificates under other Acts	148
	Division 5—Decisions on review	150
	Subdivision A—Limits on certain decisions	150
163	Security clearance decisions	150
164	Preventative detention decisions	150
	Subdivision B—Recording and communicating decisions	151

165	When this Subdivision applies	151
166	Making and recording findings	151
167	Communicating decisions	152
168	Findings relating to procedures or practices of agency	153
169	Applicant may publish findings	153
Part 7—Appeals and references of questions of law to Federal Court		
		154
Division 1—Preliminary		
		154
170	Simplified outline of this Part	154
171	Part applies whether Tribunal’s power is conferred by Commonwealth, State or Territory law	154
Division 2—Appeals on questions of law		
		156
Subdivision A—Appeals on questions of law		
		156
172	Party may appeal	156
173	Decisions about standing	156
174	Time and manner for making appeals	156
175	Constitution of Federal Court	157
Subdivision B—Jurisdiction and powers of Federal Court		
		158
176	Federal Court has jurisdiction	158
177	Court may make findings of fact	158
178	Operation and implementation of Tribunal’s decision	159
Division 3—Transfer of appeals to Federal Circuit and Family Court of Australia (Division 2)		
		160
179	Transfer of appeals	160
180	No appeal from decision to transfer	161
181	Federal Court Rules	161
Division 4—Matters remitted to Tribunal		
		162
182	When this Division applies	162
183	Constitution of Tribunal	162
184	Tribunal may rely on previous proceedings	162
Division 5—Referring questions of law		
		163
185	Referring questions of law	163
Division 6—Sending and disclosing documents		
		164
186	When this Division applies	164
187	Sending documents	164
188	Returning documents	165
189	Disclosure contrary to public interest	165

190	Disclosure of security clearance documents	166
191	Disclosure to officers of the court	167
Part 8—Members and staff of Tribunal		168
Division 1—Preliminary		168
192	Simplified outline of this Part	168
Division 2—Members of Tribunal		170
Subdivision A—Members and functions		170
193	Functions of President	170
194	Functions of Deputy Presidents	171
195	Functions of senior and general members	172
Subdivision B—Jurisdictional areas and lists		172
196	Jurisdictional areas and lists	172
197	Jurisdictional area leaders	173
198	Assignment of members to lead lists	175
199	Assignment of members to jurisdictional areas	176
Subdivision C—Performance and conduct of members		177
200	President may give directions to members	177
201	Code of conduct	177
202	Performance standard	178
203	President may investigate conduct of members	178
204	Protection of persons involved in investigating conduct of members etc.	179
Division 3—Member appointment provisions		181
Subdivision A—Appointment of members		181
205	Appointment of President	181
206	Appointment of Judicial Deputy Presidents	182
207	Appointment of Non-Judicial Deputy Presidents	183
208	Appointment of senior members and general members	185
209	Minister must establish assessment panel	187
210	Appointment of a Judge not to affect tenure etc.	187
211	Extension of appointment	187
212	Acting appointments	188
213	Oath or affirmation of office	190
Subdivision B—Members’ terms and conditions		191
214	Remuneration	191
215	Leave	191
216	Other paid work	192
217	Appearances before Tribunal	192

218	Disclosure of interests	192
219	Register of interests	193
220	Resignation	194
221	Termination of appointment	194
222	President must notify Minister about grounds for termination	195
223	Additional terms and conditions	195
Division 4—Management of Tribunal		196
Subdivision A—Management functions of President		196
224	Management of administrative affairs of Tribunal	196
Subdivision B—Appointment and functions of Principal Registrar		196
225	Principal Registrar	196
226	Functions of Principal Registrar	196
227	Appointment of Principal Registrar	197
228	Acting appointments	198
229	Remuneration	199
230	Leave	199
231	Other paid work	199
232	Disclosure of interests	199
233	Resignation	200
234	Termination of appointment	200
235	Additional terms and conditions	201
Subdivision C—Leadership of Tribunal		201
236	Tribunal Advisory Committee	201
Division 5—Staff and consultants		203
237	Appointment of registrars	203
238	Staff	203
239	APS employees and others made available	203
240	Consultants	204
Division 6—Application of finance law and reporting requirements		205
241	Application of finance law	205
242	Report by President	205
Division 7—Other matters concerning management		208
243	Registries	208
244	Proceedings arising out of management of Tribunal	208
Part 9—Administrative Review Council		209

Division 1—Preliminary	209
245 Simplified outline of this Part	209
Division 2—Establishment	210
246 Administrative Review Council	210
247 Membership of Council	210
248 Application of finance law	210
Division 3—Council functions etc.	211
249 Functions and powers of Council	211
250 Reports by Council	212
251 Meetings of Council	212
Division 4—Appointment	214
252 Appointment of certain Council members	214
253 Appointment of Chair of Council	214
254 Qualification for appointment	214
255 Period of appointment	215
256 Acting appointments	216
257 Remuneration	216
258 Leave	216
259 Disclosure of interests	216
260 Resignation	217
261 Termination of appointment	217
262 Additional terms and conditions	218
Division 5—Staff to assist Council	219
263 Arrangements relating to staff of the Department	219
Division 6—Annual report	220
264 Annual report	220
Part 10—Notice and information about administrative decision	221
Division 1—Preliminary	221
265 Simplified outline of this Part	221
Division 2—Decision-makers to give notice of decisions	222
266 Decision-maker to give notice of decision and review rights	222
267 Decision-maker must have regard to rules when giving notice of decision	223
Division 3—Decision-makers to give reasons for decisions	225
268 Requesting reasons for reviewable decision from decision-maker	225

269	Decision-maker to give statement of reasons.....	225
270	Applying to Tribunal to obtain reasons for reviewable decision	227
271	Applying to Tribunal to obtain adequate statement of reasons	228
272	Public interest certificate in relation to statement of reasons	229
Part 11—Miscellaneous		230
Division 1—Preliminary		230
273	Simplified outline of this Part	230
Division 2—Confidentiality		231
274	Protected information and documents.....	231
275	Evidence about Tribunal proceedings.....	231
276	Application of confidentiality provisions in other Acts and instruments	232
Division 3—Delegation		233
278	Delegation by Minister.....	233
279	Delegation by President	233
280	Delegation by Principal Registrar	235
Division 4—Performing and exercising functions and powers of Tribunal		236
Subdivision A—Performance and exercise of functions and powers		236
281	Who may perform or exercise functions or powers	236
282	How functions or powers must be performed or exercised	237
Subdivision B—Authorisations to perform and exercise functions and powers of Tribunal		237
283	Authorisations for Principal Registrar	237
284	Authorisations for members.....	237
285	Authorisations for registrars.....	239
286	Authorisations for staff members.....	241
287	Authorisations are subject to conditions	242
Division 5—Other matters		243
288	Tribunal may give advisory opinion	243
289	Certain things required to be done in writing may be done electronically	243
290	Giving documents	244
291	Giving documents etc. to decision-maker	244
292	Calculation of short periods of time.....	245

293	Protection and immunity	245
294	Legal or financial assistance	246
294A	Review of operation of this Act	248
294B	Minister and Commonwealth entities to inform Council of action on systemic issues	248
Division 6—Rules and regulations		250
295	Rules.....	250
296	Tribunal may charge fees	251
297	Regulations.....	252



Administrative Review Tribunal Act 2024

No. 40, 2024

**An Act to establish an Administrative Review
Tribunal and an Administrative Review Council
and provide for matters relating to information
about administrative decisions, and for related
purposes**

[Assented to 3 June 2024]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Administrative Review Tribunal Act 2024*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the first day of the first calendar month to start after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Simplified outline of this Act

A large number of Acts and legislative instruments allow people to apply to the Administrative Review Tribunal for review of decisions made under them. The Tribunal is established to review these decisions (known as reviewable decisions).

The Tribunal has a President, Deputy Presidents, senior members and general members. There is also a Principal Registrar and staff. This Act deals with their appointment, functions and terms and conditions.

This Act contains the standard provisions applying to Tribunal processes. Other legislation can include provisions that apply in addition to, or instead of, these standard provisions.

Broadly, a Tribunal process for review of a reviewable decision includes the following stages:

- (a) a person whose interests are affected by a reviewable decision applies to the Tribunal for review;
- (b) the applicant, the decision-maker and potentially other persons become parties to the proceeding for the review;
- (c) the President constitutes the Tribunal for the purposes of the proceeding by deciding which member or members will exercise the Tribunal's powers for the proceeding;
- (d) the Tribunal conducts the proceeding, including obtaining evidence and holding hearings, directions hearings and dispute resolution processes;
- (e) the Tribunal makes its decision.

Tribunal powers in relation to the proceeding are exercised by the Tribunal constituted for the purposes of the proceeding or, in some circumstances by the President or by members, the Principal Registrar, registrars and staff members authorised by the President.

The Tribunal reviews decisions on their merits. It may affirm, vary or set aside a decision-maker's decision. If the Tribunal sets aside a decision, it may make a substitute decision or remit the matter to the decision-maker to reconsider as ordered or recommended by the Tribunal.

After the Tribunal makes its decision:

- (a) in some circumstances, a party may apply to refer the matter to the guidance and appeals panel for another review; and

Section 4

- (b) a party may appeal to the Federal Court, on a question of law, from the Tribunal's decision.

Special rules apply when the Tribunal's powers in relation to a proceeding are exercised in the Intelligence and Security jurisdictional area. This occurs if the proceeding relates to an intelligence and security decision or the President otherwise directs (for example where the President is satisfied national security information would be involved).

There are requirements for decision-makers in relation to giving notice of decisions and review rights and providing statements of reasons. These apply whether or not an application has been made to the Tribunal for review of the decision.

This Act also establishes the Administrative Review Council, with functions relating to the Commonwealth administrative law system. The Council consists of the President, the Commonwealth Ombudsman, the Australian Information Commissioner and other members appointed by the Governor-General. This Act deals with the appointed members' appointment, functions and terms and conditions.

4 Definitions

In this Act:

accessible, in relation to the Tribunal, means enables persons to apply to the Tribunal and to participate effectively in proceedings in the Tribunal.

Note: Examples of areas where arrangements may be made in relation to accessibility include the following:

- (a) premises, facilities and technology;
- (b) ease of locating and understanding information about the Tribunal and documents relating to proceedings;
- (c) adjustments that can reasonably be made to accommodate a person's needs, such as interpreter services for hearings.

adduce, in relation to evidence, includes give.

administrative affairs, in relation to the Tribunal, has a meaning affected by subsection 224(2).

AFP Commissioner means the Commissioner of Police (within the meaning of the *Australian Federal Police Act 1979*).

agency head:

- (a) in relation to a criminal intelligence assessment, means the Chief Executive Officer of the Australian Crime Commission; or
- (b) in relation to an exempt security record decision that is a decision of a kind mentioned in subsection 57A(1) of the *Freedom of Information Act 1982* in respect of an exempt document (within the meaning of that Act), means the principal officer of the agency, or the Minister, to whom the request for access to the document concerned was made; or
- (c) in relation to an exempt security record decision that is a decision of the National Archives of Australia, means the Director-General of the National Archives of Australia; or
- (d) in relation to a foreign acquisitions and takeovers decision, means the Treasurer; or
- (e) in relation to a preventative detention decision, means the AFP Commissioner; or
- (f) in relation to a security assessment, means the Director-General of Security; or
- (g) in relation to a security clearance decision, means the Director-General of Security; or
- (h) in relation to a security clearance suitability assessment, means the Director-General of Security.

agency within the national intelligence community has the same meaning as in the *Office of National Intelligence Act 2018*.

appear, in relation to a Tribunal case event, has a meaning affected by section 73.

appointed member means a member of the Council mentioned in paragraph 247(1)(d).

ART social services decision: see subsection 131D(3).

Section 4

ASIO means the Australian Security Intelligence Organisation.

ASIO Act means the *Australian Security Intelligence Organisation Act 1979*.

ASIO Minister means the Minister administering the ASIO Act.

authorised person, in relation to the performance or exercise of a function or power of the Tribunal, means a person authorised under Subdivision B of Division 4 of Part 11 to perform or exercise the function or power.

code of conduct means the code of conduct determined under section 201.

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

corporate and registry services, of the Tribunal: see subsection 226(2).

Council means the Administrative Review Council.

Council member means any member of the Council including the Chair of the Council.

criminal intelligence assessment means an adverse criminal intelligence assessment within the meaning of Division 2A of Part II of the *Australian Crime Commission Act 2002*.

decision includes the following:

- (a) making, suspending, revoking or refusing to make an order or determination;
- (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;
- (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument;
- (d) imposing a condition or restriction;
- (e) making a declaration, demand or requirement;
- (f) retaining, or refusing to deliver up, an article;
- (g) doing or refusing to do any other act or thing.

decision-maker: see section 14.

Deputy President means a Judicial Deputy President or a Non-Judicial Deputy President.

dispute resolution process means a procedure or service for the voluntary resolution of disputes, and includes:

- (a) conferencing; and
- (b) mediation; and
- (c) neutral evaluation; and
- (d) conciliation; and
- (e) a procedure or service specified in the practice directions;

but does not include:

- (f) arbitration; or
- (g) court procedures or services.

election notice: see subsection 60(1).

eligible social services decision: see section 131C.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

entrusted person means a person who is or has been:

- (a) a member; or
- (b) the Principal Registrar; or
- (c) a staff member; or
- (d) a person engaged to provide services to the Tribunal.

exempt security record decision means:

- (a) a decision of a kind mentioned in subsection 57A(1) of the *Freedom of Information Act 1982* in respect of a document that is an exempt document (within the meaning of that Act) because of section 33 of that Act; or
- (b) a decision of the National Archives of Australia in respect of access to:
 - (i) a record claimed to be an exempt record under the *Archives Act 1983* because it contains information or

Section 4

matter of a kind mentioned in paragraph 33(1)(a) or (b) of that Act; or

- (ii) a record of ASIO.

Federal Court means the Federal Court of Australia.

foreign acquisitions and takeovers decision means a decision under section 79A of the *Foreign Acquisitions and Takeovers Act 1975* that a national security risk exists in relation to an action.

general member means a person appointed as a general member under section 208.

guidance and appeals panel: the Tribunal is constituted for the purposes of a proceeding by the ***guidance and appeals panel*** if the Tribunal is constituted for the purposes of the proceeding in accordance with Subdivision C of Division 4 of Part 4.

guidance and appeals panel application means an application taken to be made under subsection 130(2).

guidance and appeals panel proceeding: a proceeding in the Tribunal in relation to an application is a ***guidance and appeals panel proceeding*** if:

- (a) the application is a guidance and appeals panel application; or
(b) the President refers the application to the guidance and appeals panel.

hearing of a proceeding: the ***hearing of a proceeding*** in the Tribunal does not include a directions hearing in relation to the proceeding.

intelligence and security decision means:

- (a) a criminal intelligence assessment; or
(b) an exempt security record decision; or
(c) a foreign acquisitions and takeovers decision; or
(d) a preventative detention decision; or
(e) a security assessment; or
(f) a security clearance decision; or

(g) a security clearance suitability assessment.

Judge means a Judge of a court created by the Parliament.

Judicial Deputy President means a person appointed as a Judicial Deputy President under section 206.

jurisdictional area means a jurisdictional area of the Tribunal established by subsection 196(1).

jurisdictional area leader:

- (a) in relation to a jurisdictional area—means a person assigned under subsection 197(1) to be a leader of the jurisdictional area; and
- (b) in relation to a list—means the jurisdictional area leader of the jurisdictional area within which the list is established.

law enforcement interests has the same meaning as in Division 2A of Part II of the *Australian Crime Commission Act 2002*.

legal practitioner means a barrister, a solicitor, a barrister and solicitor or a legal practitioner of the High Court or of the Supreme Court of a State or Territory.

list means a list established within a jurisdictional area by the President under subsection 196(2).

litigation supporter, in relation to a party to a proceeding, means a person appointed to be a litigation supporter for the party under section 67.

made under an Act: an instrument is **made under an Act** if it is made under a provision of an Act or made under a provision of an instrument that is made under an Act.

member means any of the following members of the Tribunal:

- (a) the President;
- (b) a Deputy President;
- (c) a senior member;
- (d) a general member.

Section 4

merit-based: an assessment process for an appointment to an office is ***merit-based*** only if:

- (a) an assessment is made of the comparative suitability of the candidates for the duties of the office, using a competitive selection process; and
- (b) the assessment is based on the relationship between the candidates' skills, expertise, experience and knowledge and the skills, expertise, experience and knowledge required for the duties of the office; and
- (c) the assessment takes into account the need for a diversity of skills, expertise, lived experience and knowledge within the Tribunal.

national security information has the same meaning as in the *National Security Information (Criminal and Civil Proceedings) Act 2004*.

Non-Judicial Deputy President means a person appointed as a Non-Judicial Deputy President under section 207.

non-judicial member means a member who is not a Judge.

non-participating party: see section 61.

Norfolk Island enactment means:

- (a) an enactment (within the meaning of the *Norfolk Island Act 1979*); or
- (b) an instrument (including rules, regulations or by-laws) made under such an enactment;

and includes a Norfolk Island enactment as amended by another Norfolk Island enactment.

official has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

paid work means work for financial gain or reward (whether as an employee, a self-employed person or otherwise), other than service in the Australian Defence Force.

parliament means:

- (a) a House of the Parliament of the Commonwealth, of a State or of a Territory; or
- (b) a committee of a House or the Houses of the Parliament of the Commonwealth, of a State or of a Territory.

participation notice: see section 62.

performance standard means the performance standard determined under section 202.

person whose interests are affected by a decision has a meaning affected by section 15.

practice directions means practice directions made under section 36.

President means the person appointed as the President under section 205.

presiding member, in relation to a proceeding, means the member the President directs under subsection 37(2) is to preside for the purposes of the proceeding.

preventative detention decision means:

- (a) a decision by an issuing authority under section 105.8 or 105.12 of the *Criminal Code* to make a preventative detention order; or
- (b) a decision by an issuing authority under section 105.10 or 105.14 of the *Criminal Code* to extend or further extend the period for which a preventative detention order is in force.

Principal Registrar means the person appointed as the Chief Executive Officer and Principal Registrar under section 227.

proceeding, in relation to the Tribunal, includes a proceeding in the Tribunal in relation to any of the following:

- (a) an application for review of a reviewable decision;
- (b) an application under subsection 270(2) (applying to Tribunal to obtain reasons for reviewable decision);
- (c) an application under subsection 271(2) (applying to Tribunal to obtain adequate statement of reasons);

Section 4

- (d) any other application to the Tribunal under this Act, any other Act or any instrument made under an Act;
- (e) any matter referred to the Tribunal for inquiry or review under this Act, any other Act or any instrument made under an Act;
- (f) an incidental application to the Tribunal made in the course of, or in connection with, an application or proposed application, or a matter, mentioned in a preceding paragraph.

produce includes permit access to.

protected document: see subsection 274(3).

protected information: see subsection 274(4).

reconstitute the Tribunal, in relation to a proceeding, means revoke the direction made under subsection 37(1) in relation to the proceeding and make another direction under that subsection in relation to the proceeding.

registrar means a person appointed as a registrar under section 237.

relevant body: see subsection 137(2).

responsible Minister, in relation to an intelligence and security decision, means the Minister, or any of the Ministers, administering the provision under which the decision is made.

reviewable decision: see section 12.

review pathway: see subsection 266(3).

rules means the rules made under section 295.

salaried member means a member who is appointed on a salaried basis.

second review: see subsection 131D(1).

security assessment means:

- (a) an adverse security assessment within the meaning of Part IV of the ASIO Act; or

(b) a qualified security assessment within the meaning of Part IV of the ASIO Act.

security clearance decision has the same meaning as in the ASIO Act.

security clearance suitability assessment has the same meaning as in the ASIO Act.

security vetting agency has the same meaning as in Part IVA of the ASIO Act.

senior member means a person appointed as a senior member under section 208.

serious misconduct includes, but is not limited to, the following:

- (a) conduct that constitutes unlawful discrimination (within the meaning of the *Australian Human Rights Commission Act 1986*);
- (b) serious or repeated bullying or harassment of a person.

sessional member means a member who is appointed on a sessional basis.

sponsoring agency has the same meaning as in Part IVA of the ASIO Act.

staff member means:

- (a) a member of the staff of the Tribunal; or
- (b) a person whose services are made available to the Tribunal under section 239.

statement of reasons, for a decision, means a written statement in relation to the decision that:

- (a) sets out the findings on material questions of fact; and
- (b) refers to the evidence or other material on which the findings are based; and
- (c) explains the reasons for the decision.

State or Territory government entity means:

- (a) a Department of a State or Territory; or
-

Section 5

- (b) a body (whether incorporated or not) established for a public purpose by or under a law of a State or Territory.

Tribunal means the Administrative Review Tribunal established by section 8.

Tribunal Advisory Committee means the Tribunal Advisory Committee established by section 236.

Tribunal case event, in relation to a proceeding in the Tribunal, means:

- (a) the hearing, or part of the hearing, of the proceeding; or
- (b) a directions hearing, or part of a directions hearing, in relation to the proceeding; or
- (c) a dispute resolution process, or part of a dispute resolution process, under Subdivision C of Division 6 of Part 4 in relation to the proceeding.

Tribunal guidance decision: see subsection 109(1).

5 Other Acts can change how some provisions in this Act apply

General rules

- (1) The application of a provision of this Act is subject to a contrary intention in another Act.

Note: For example, the Act under which a reviewable decision is made may contain provisions that apply to review of the decision in addition to, or instead of, provisions in this Act.

- (2) If an Act provides that an instrument made under that Act can contain provisions that apply:

- (a) in addition to; or
- (b) instead of; or
- (c) contrary to;

this Act, the application of a provision of this Act is subject to a contrary intention in the instrument.

Note: Instruments may contain provisions that apply to review of a reviewable decision in addition to, or instead of, provisions in this Act if that is permitted by the Act under which the instrument is made.

Exceptions

- (3) However, subsections (1) and (2) do not apply in relation to:
- (a) Part 2 (establishment of Administrative Review Tribunal); or
 - (b) Part 8 (members and staff of Tribunal); or
 - (c) Part 9 (Administrative Review Council).

6 Extension to external Territories

This Act extends to the external Territories.

Part 2 Establishment of Administrative Review Tribunal

Division 1 Preliminary

Section 7

Part 2—Establishment of Administrative Review Tribunal

Division 1—Preliminary

7 Simplified outline of this Part

The Administrative Review Tribunal is established with the objective of providing an independent mechanism of review.

The Tribunal consists of the President, Deputy Presidents, senior members and general members. The President and Judicial Deputy Presidents are Judges. For detail relating to appointments and roles, see Divisions 2 and 3 of Part 8.

The Tribunal also has a Principal Registrar and staff. For detail regarding management of the Tribunal, see Part 8.

Division 2—Establishment of Tribunal

8 Establishment

The Administrative Review Tribunal is established by this section.

9 Objective

The Tribunal must pursue the objective of providing an independent mechanism of review that:

- (a) is fair and just; and
- (b) ensures that applications to the Tribunal are resolved as quickly, and with as little formality and expense, as a proper consideration of the matters before the Tribunal permits; and
- (c) is accessible and responsive to the diverse needs of parties to proceedings; and
- (d) improves the transparency and quality of government decision-making; and
- (e) promotes public trust and confidence in the Tribunal.

10 Members of Tribunal

- (1) The Tribunal consists of the following members:
 - (a) the President;
 - (b) Deputy Presidents;
 - (c) senior members;
 - (d) general members.
- (2) A Judge who is to be appointed as a member must be appointed as the President or as a Judicial Deputy President.

Part 3—Starting a review

Division 1—Preliminary

11 Simplified outline of this Part

A large number of Acts and legislative instruments allow people to apply to the Tribunal for review of decisions made under them.

A person whose interests are affected by a reviewable decision may apply to the Tribunal for review of the decision. Timeframes apply to applications, but may be extended in some circumstances.

If a person applies for review of a decision, the person and the decision-maker are parties to the proceeding for the review. Other people whose interests are affected by the decision may apply to the Tribunal to become a party.

For the purposes of the review of a decision, the decision-maker must generally give copies of a statement of reasons for the decision and relevant documents to the Tribunal and the other parties to the proceeding for the review.

An application for review of a decision does not affect the operation of the decision unless the Tribunal orders otherwise.

This Part contains the standard provisions for these matters. Other legislation can include provisions that apply in addition to, or instead of, these standard provisions.

Part 10 contains other provisions assisting persons affected by decisions. These deal with when decision-makers are required to give notice of decisions and review rights and provide statements of reasons.

Division 2—Key concepts for review of decisions

12 Reviewable decisions

- (1) A decision is a **reviewable decision** if an Act or a legislative instrument provides for an application to be made to the Tribunal for review of the decision.

Note: To find out whether a decision is a reviewable decision, start by looking at the Act or legislative instrument under which the decision is made.

- (2) In addition, if an Act or a legislative instrument provides for an application to be made to the Tribunal for review of a decision of a person under a power, a decision under the power is a **reviewable decision**, whether or not it is made by the person.

Note: Under subsection (2), the decision is a reviewable decision even if made by a person who is not authorised to make the decision.

13 Instruments may provide for application to Tribunal for review

- (1) A legislative instrument may provide for an application to be made to the Tribunal for review of a decision made under the instrument.
- (2) Subsection (1) does not limit any other Act or instrument made under an Act.

14 Decision-maker

General rule

- (1) The **decision-maker** for a decision is the person who makes the decision.

Note: For when Tribunal decisions are taken to be made by the decision-maker, see subsection 108(2).

Exception—person ceases to hold office, appointment or position

- (2) Despite subsection (1), if:
- (a) a person makes a decision as the holder or occupier of an office, appointment or position; and

Part 3 Starting a review

Division 2 Key concepts for review of decisions

Section 14

(b) the person ceases to hold or occupy the office, appointment or position;

the **decision-maker** for the decision is:

(c) the person who holds or occupies the office, appointment or position; or

(d) if there is no person who holds or occupies the office, appointment or position—the person specified by the President.

Exception—any other circumstance

(3) If subsections (1) and (2) do not apply in relation to a decision, the **decision-maker** for the decision is the person specified by the President.

Specifying a decision-maker

(4) The President must not specify a person under paragraph (2)(d) or subsection (3) unless the President considers that the person is the person most able to satisfy the requirements imposed by this Act on decision-makers of reviewable decisions.

(5) If the President specifies the person in writing, the specification is not a legislative instrument.

Extension—unincorporated decision-maker is treated as if it were a person

(6) If a board, committee or other unincorporated body constituted by 2 or more persons is empowered by an Act or an instrument made under an Act to make a decision, this Act applies as if that board, committee or other body were a person empowered to make the decision.

Clarification—decisions made by delegates

(7) Subject to this Act, if an Act or an instrument made under an Act confers power on a person or body (the **authority**) to delegate a function or power in relation to a decision, a function or power so delegated, when performed or exercised by the delegate, is, for the

purposes of this Act, taken to have been performed or exercised by the authority.

15 Organisation or association whose interests are affected by a decision

An organisation or association of persons, whether incorporated or not, is taken to be a person whose interests are affected by a decision if:

- (a) the decision relates to a matter included in the objects or purposes of the organisation or association at the time the decision is made; and
- (b) the matter has not been removed from the objects or purposes of the organisation or association.

16 Decision is taken to be made if timeframe expires

If:

- (a) a decision of a person not to do a thing is a reviewable decision; and
- (b) an Act or an instrument made under an Act provides for a quantified period within which the person is required or permitted to do the thing; and
- (c) the person does not do the thing within the period;

the person is taken, for the purposes of this Act and the Act or instrument that provides for an application to be made to the Tribunal for review of the decision, to have made a decision at the end of the period not to do the thing.

Note: If there is no quantified period within which the person is required or permitted to do the thing, see section 10 of the *Ombudsman Act 1976*.

Division 3—Applying for review of decision

17 Who can apply

- (1) A person whose interests are affected by a reviewable decision may apply to the Tribunal for review of the decision.

Note 1: For which decisions are reviewable decisions, see section 12.

Note 2: For when an organisation's or association's interests are taken to be affected, see section 15.

Note 3: Section 173 provides a right of appeal to the Federal Court if the Tribunal decides that a person's interests are not affected by a reviewable decision.

- (2) To avoid doubt, a person may apply even if the person is the Commonwealth or an authority, tribunal or other body (whether incorporated or not) that is established by an Act or an instrument made under an Act.

18 When to apply—general rule

- (1) An application to the Tribunal for review of a decision must be made within the period prescribed by the rules.

Note: The legislation under which a reviewable decision is made may specify a different period for applying for review of that type of decision.

- (2) Subsection (1) is subject to section 19 (exception—Tribunal may extend period).
- (3) Rules made for the purposes of subsection (1) must not prescribe a period ending before the day that is 28 days after the day the decision is made.
- (4) Rules made for the purposes of subsection (1) may prescribe different periods for different classes of application.

19 Exception—Tribunal may extend period

Application to extend period

- (1) A person (the **applicant**) may apply to the Tribunal to extend the period during which the applicant may apply to the Tribunal for review of a decision.
- (2) The Tribunal may, by order, extend the period if the Tribunal considers that it is reasonable in all the circumstances to do so.
- (3) The Tribunal may extend the period even if it has expired.

Exception—where reinstatement is available or has been refused

- (4) The Tribunal must not extend the period if:
 - (a) section 102 permits the applicant to apply to the Tribunal to reinstate an application by the applicant for review of the decision; or
 - (b) the Tribunal refuses an application by the applicant under section 102 to reinstate an application for review of the decision.

Notice to affected persons may be required

- (5) The Tribunal may:
 - (a) give notice of the application to extend the period (the **extension application**); or
 - (b) require the applicant to give notice of the extension application;to any other person the Tribunal considers is affected by the extension application.

Affected persons may oppose extension application

- (6) A person notified under subsection (5) may notify the Tribunal within 14 days that the person wishes to oppose the extension application.
- (7) If a person notifies the Tribunal under subsection (6), the Tribunal must not extend the period unless the Tribunal has given the

Section 20

applicant and any person who notified the Tribunal under subsection (6) a reasonable opportunity to adduce evidence and make submissions to the Tribunal in relation to the extension.

20 Exception—no prescribed period applies

- (1) If:
 - (a) an application for review of a decision is made to the Tribunal; and
 - (b) the application is not required by law to be made within any particular period; and
 - (c) the Tribunal considers that the application was not made within a reasonable time after the making of the decision; the Tribunal must dismiss the application.
- (2) However, subsection (1) does not apply if the Tribunal considers that there are special circumstances that justify the Tribunal reviewing the decision.
- (3) In considering the matter in paragraph (1)(c):
 - (a) the Tribunal must have regard to the following:
 - (i) the time at which the applicant became aware of the making of the decision;
 - (ii) if the application would have been required by law to be made within a particular period if the application had been made by someone other than the applicant—that period; and
 - (b) the Tribunal may have regard to any other matters that it considers relevant.

Division 4—After an application is made

Subdivision A—Parties to proceeding

21 Parties and potential parties to be notified of application

- (1) This section applies if an application is made to the Tribunal for review of a decision.
- (2) The Tribunal must give written notice of the application to:
 - (a) the applicant; and
 - (b) the decision-maker; and
 - (c) any other person who is made a party to the proceeding for the review by an Act or an instrument made under an Act.
- (3) If the Tribunal considers that another person's interests may be affected by the decision, the Tribunal may:
 - (a) give to the person; or
 - (b) require the applicant to give to the person;written notice of the application and the person's right to apply to become a party to the proceeding for the review.

22 Parties to proceeding for review

Parties to proceeding

- (1) Each of the following are parties to a proceeding for review by the Tribunal of a decision:
 - (a) the applicant for the review;
 - (b) the decision-maker;
 - (c) any other person, if:
 - (i) the person applies to the Tribunal to become a party to the proceeding; and
 - (ii) the Tribunal is satisfied that the person's interests are affected by the decision; and
 - (iii) the Tribunal considers it appropriate that the person become a party to the proceeding.

Part 3 Starting a review

Division 4 After an application is made

Section 23

Note: In addition, the Attorney-General of the Commonwealth or of a State or Territory is a party to a proceeding in certain circumstances (see sections 59 and 93).

- (2) This section is subject to sections 65 (certain parties may seek to withdraw from being a party) and 83 (Tribunal may remove party from proceeding if party fails to appear or does not comply).

Notice to other parties

- (3) If a person becomes a party to a proceeding under paragraph (1)(c), the Tribunal must give written notice to the other parties to the proceeding.

Subdivision B—Provision of reasons and documents

**23 Decision-maker must give Tribunal reasons and documents—
general rule**

Within 28 days after the Tribunal notifies the decision-maker for a decision of an application for review of the decision, the decision-maker must give the Tribunal:

- (a) a statement of reasons for the decision; and
- (b) a copy of every other document that is:
 - (i) in the possession or under the control of the decision-maker; and
 - (ii) relevant to the Tribunal's review of the decision.

Note: A decision-maker may, but is not required to, give the Tribunal the same statement of reasons given to an applicant (whether under section 269 or 270 or otherwise).

**24 Decision-maker must give Tribunal additional statement if
Tribunal requires—general rule**

- (1) This section applies if a decision-maker for a decision has given the Tribunal a statement of reasons for the decision under section 23.

- (2) The Tribunal may order the decision-maker to give the Tribunal, within the period specified in the order, a statement containing further information in relation to any one or more of the following:
 - (a) findings on material questions of fact in relation to the decision;
 - (b) evidence or other material on which the findings were based;
 - (c) reasons for the decision.

25 Decision-maker must give Tribunal additional documents within 28 days—general rule

If:

- (a) at any time during the Tribunal’s review of a decision, a document that is relevant to the review comes into the possession or under the control of the decision-maker; and
- (b) the document has not been given to the Tribunal for the purposes of the review;

the decision-maker must give a copy of the document to the Tribunal within 28 days after the day on which the document came into the possession or under the control of the decision-maker.

26 Decision-maker must give Tribunal additional documents on request—general rule

- (1) If, at any time during the Tribunal’s review of a decision, the Tribunal is satisfied that a document that may be relevant to the review is in the possession or under the control of the decision-maker, the Tribunal may request the decision-maker to give a copy of the document to the Tribunal within a specified period.
- (2) The request may relate to a particular document or documents in a class of documents.
- (3) If the document is in the possession or under the control of the decision-maker, the decision-maker must give the Tribunal a copy of the document within the specified period.

Section 27

27 Decision-maker must give copies of reasons and documents to other parties—general rule

- (1) If a decision-maker for a decision is required to give the Tribunal a statement or copy of a document under this Subdivision within a period, the decision-maker must give a copy of the statement or document to each other party to the proceeding for review of the decision within the same period.
- (2) Subsection (1) does not apply if there is a certificate under section 91 (disclosure of information—public interest certificate) that relates to the disclosure of the statement or document in the proceeding.

28 Exceptions—Tribunal may adjust requirements

When this section applies

- (1) This section applies if the decision-maker for a decision is required to give the Tribunal or a party to a proceeding a statement or copy of a document under this Subdivision within a period.
- (2) This section applies despite any other provision in this Subdivision (other than section 29).

Shorten period to comply

- (3) A party to the proceeding for review of the decision may apply to the Tribunal to shorten the period within which the decision-maker must give the statement or copy.
- (4) On application under subsection (3) or on the Tribunal's own initiative, the Tribunal may, by order, shorten the period within which the decision-maker must give the statement or copy if it appears to the Tribunal that a party to the proceeding for review of the decision could suffer hardship if the period is not shortened.

Extend period to comply

- (5) The decision-maker may apply to the Tribunal to extend the period within which the decision-maker must give the statement or copy.

- (6) On application under subsection (5) or on the Tribunal's own initiative, the Tribunal may, by order, extend the period within which the decision-maker must give the statement or copy.
- (7) The Tribunal may extend the period even if it has expired.

Tribunal orders otherwise

- (8) The decision-maker does not need to give the statement or copy if the Tribunal orders the decision-maker not to give the statement or copy.

Practice directions provide otherwise

- (9) The decision-maker does not need to give the statement or copy in the circumstances specified in the practice directions.

Number of copies

- (10) The Tribunal may, by order, require the decision-maker to give a specified number of copies of the statement or document.

29 Exception—while resolving whether to restrict publication or disclosure of information

- (1) This section applies if the decision-maker for a decision is required to give the Tribunal or a party to a proceeding a statement or copy of a document under this Subdivision.
- (2) This section applies despite subsection 27(1) and section 28.
- (3) If:
 - (a) a person applies to the Tribunal for an order under section 70 prohibiting or restricting the publication or other disclosure of information in the statement or copy; and
 - (b) the person gives the Tribunal the statement or copy; and
 - (c) the person gives a copy of the application for the order to each party to the proceeding for review of the decision (other than the person);

Part 3 Starting a review

Division 4 After an application is made

Section 30

the decision-maker does not need to give the statement or copy unless the Tribunal, after making its decision on the application for the order, orders the decision-maker to do so.

30 Privilege and public interest

This Subdivision (other than section 25) has effect despite any rule of law relating to legal professional privilege, without prejudice privilege or the public interest in relation to the production of documents.

Subdivision C—Effect of application for review on decision

31 Decision cannot be altered outside Tribunal process

General rule

- (1) After an application is made to the Tribunal for review of a reviewable decision, the decision may not be altered otherwise than by the Tribunal.

Exceptions

- (2) However, the decision may be altered if:
 - (a) both of the following apply:
 - (i) the parties to the proceeding for the review consent to the alteration;
 - (ii) the Tribunal, by order, consents to the alteration; or
 - (b) the decision is remitted to the decision-maker under section 85.

Definitions

- (3) In this section:

alter a decision means:

- (a) vary the decision; or
 - (b) set the decision aside; or
 - (c) set the decision aside and make a decision in substitution for the decision.
-

32 Reviewable decision continues to operate unless Tribunal orders otherwise

General rule

- (1) The making of an application to the Tribunal for review of a reviewable decision does not affect the operation of the decision or prevent the taking of action to implement the decision.

Exception—Tribunal may stay operation or implementation

- (2) However, on application by a party to a proceeding for review of a reviewable decision, the Tribunal may make an order staying or otherwise affecting the operation or implementation of the decision if the Tribunal considers that it is desirable to do so for the purpose of ensuring the effectiveness of the review.
- (3) The order is subject to any conditions specified in the order.
- (4) The order has effect until the decision of the Tribunal on the application for review comes into operation.
- (5) Despite subsection (4), if:
 - (a) the order states that it applies for a period; and
 - (b) the period ends before the decision of the Tribunal on the application for review comes into operation;the order has effect until the end of the period.
- (6) On application by a party to the proceeding, the Tribunal may, by order, vary or revoke the order.

Preconditions to making, varying or revoking an order

- (7) The Tribunal must not make, vary or revoke an order staying or otherwise affecting the operation or implementation of a reviewable decision unless:
 - (a) the Tribunal has given the parties to the proceeding for review of the decision a reasonable opportunity to make submissions to the Tribunal in relation to the making, variation or revocation of the order; and

Part 3 Starting a review

Division 4 After an application is made

Section 32

- (b) the Tribunal has taken into account the interests of any person who may be affected by the review of the decision.
- (8) However, paragraph (7)(a) does not prevent the Tribunal making, varying or revoking an order without giving a party an opportunity to make a submission to the Tribunal if the Tribunal is satisfied that it is not practicable to give the party the opportunity.
- (9) If the Tribunal makes, varies or revokes an order without giving a party an opportunity to make a submission as mentioned in subsection (8), the order, variation or revocation does not take effect until a notice setting out the terms of the order, variation or revocation is given to the party.

Part 4—Proceedings

Division 1—Preliminary

33 Simplified outline of this Part

This Part deals with the process the Tribunal follows when an application is made. It contains the standard provisions for Tribunal proceedings. Other legislation can include provisions that apply in addition to, or instead of, these standard provisions. For example, standard requirements apply to applications to the Tribunal, but other legislation may specify additional or alternative requirements.

Practice directions made by the President also deal with various matters relating to Tribunal proceedings and operations. Practice directions must be published.

The President decides which member or members will exercise the Tribunal's powers for a specific proceeding. This is referred to as constituting the Tribunal for the purposes of the proceeding. There are different requirements for constituting the Tribunal for different kinds of proceedings. For other ways the Tribunal's powers can be exercised, see Division 4 of Part 11.

General principles (for example in relation to accessibility and informality) apply to how the Tribunal runs proceedings. Specific requirements also apply to the Tribunal, applicants, decision-makers and other parties to proceedings. There are provisions dealing with the following:

- (a) participating in proceedings, including representation;
- (b) ways for parties to stop participating;
- (c) hearings, directions hearings and dispute resolution processes (together known as Tribunal case events);
- (d) obtaining and managing evidence and information, including public interest certificates;
- (e) orders the Tribunal may make in relation to proceedings.

Section 33

The Tribunal may dismiss an application without making a decision in some circumstances. Otherwise, in a review of a reviewable decision, the Tribunal must affirm, vary or set aside the decision. If the Tribunal sets aside the decision, it may make a substitute decision or remit the matter to the decision-maker to reconsider as ordered or recommended by the Tribunal.

The timing and effect of some Tribunal decisions is set out. Once decisions are made, requirements apply to the Tribunal in relation to giving notice, giving statements of reasons and publishing decisions.

Some guidance and appeals panel decisions are specified to be Tribunal guidance decisions. The Tribunal must have regard to these decisions in some future proceedings.

There are a number of offences applying to giving evidence, non-publication and non-disclosure orders and contempt.

Division 2—Applications to Tribunal

34 How to apply

Manner of applying

- (1) An application to the Tribunal may be made in writing or in any other manner specified for the application in the practice directions.

Information to include

- (2) An application to the Tribunal must include the information specified for the application in the practice directions.

Note 1: A fee may be payable in respect of the application (see rules made for the purposes of section 296). An application may be dismissed if the fee is not paid within the time prescribed by the rules (see section 98).

Note 2: The legislation under which a reviewable decision is made may contain other requirements for applications for review of that type of decision.

- (3) A failure to comply with subsection (2) does not affect the validity of the application.

35 Applications may be made on behalf of a person

To avoid doubt, if this Act, another Act or an instrument made under this Act or another Act allows a person to make an application to the Tribunal, the application may be made on the person's behalf by someone else.

Division 3—Practice directions

36 President may make practice directions

President may make practice directions

- (1) The President may make practice directions in relation to any or all of the following:
 - (a) the operations of the Tribunal;
 - (b) the procedure of the Tribunal;
 - (c) the conduct of proceedings by the Tribunal;
 - (d) the arrangement of the business of the Tribunal;
 - (e) the places at which the Tribunal may sit;
 - (f) the use of technology that allows a person to participate in a proceeding, or part of a proceeding, in the Tribunal without being physically present;
 - (g) giving information or producing or giving documents or things to the Tribunal for any purpose, including:
 - (i) the form and manner in which information, documents or things may be produced or given; and
 - (ii) producing or giving additional copies of documents;
 - (h) giving information or producing or giving documents or things to persons for the purposes of a proceeding in the Tribunal, including:
 - (i) the form and manner in which information, documents or things may be produced or given; and
 - (ii) producing or giving additional copies of documents;
 - (i) dispute resolution processes under Subdivision C of Division 6;
 - (j) the sorting, prioritisation, allocation and treatment of applications for review and related matters;
 - (k) the accessibility of the Tribunal and the responsiveness of the Tribunal to the diverse needs of parties to proceedings;
 - (l) any other matter that is required or permitted by this Act to be specified in the practice directions.
 - (2) Practice directions must be made in writing.
-

Consultation before practice directions are made

- (3) Before making a practice direction, the President must consult the Tribunal Advisory Committee.

Regulations and rules prevail over practice directions

- (4) Practice directions that are inconsistent with the regulations or rules have no effect to the extent of the inconsistency, but practice directions are taken to be consistent with the regulations and rules to the extent that the practice directions are capable of operating concurrently with the regulations and rules.

Failure to comply does not invalidate

- (5) A failure by the Tribunal to comply with the practice directions does not affect the validity of anything done by the Tribunal.

Compliance is sufficient

- (6) If the Tribunal deals with a proceeding in a way that complies with the practice directions, the Tribunal is not required to take any other action in dealing with the proceeding.

Publishing

- (7) The Tribunal must publish practice directions.

Practice directions not legislative instruments

- (8) A practice direction made under subsection (1) is not a legislative instrument.

Division 4—Constitution of Tribunal for a proceeding

Subdivision A—Constituting the Tribunal

37 President may constitute Tribunal for purposes of a proceeding

President directs how Tribunal is constituted

- (1) The President may direct that a member or members constitute the Tribunal for the purposes of a proceeding in the Tribunal.

President directs which member presides

- (2) If the Tribunal is constituted by more than one member for the purposes of a proceeding, the President must direct which member is to preside for the purposes of the proceeding.

Requirements for directions

- (3) In making a direction under subsection (1) or (2), the President must comply with:
 - (a) the requirements specified in this Act; and
 - (b) any other requirements specified in the practice directions.
- (4) If a direction under subsection (1) or (2) is made in writing, the direction is not a legislative instrument.

President must notify parties to proceeding

- (5) If the President makes a direction under subsection (1) or (2) in relation to a proceeding, the President must give written notice to each party to the proceeding (other than a non-participating party to the proceeding).
- (6) The notice does not need to specify:
 - (a) the member or members constituting the Tribunal; or
 - (b) the member who is to preside.
- (7) If the Tribunal is constituted for the purposes of the proceeding by the guidance and appeals panel, the notice must state this.

38 President must consult before including Judicial Deputy President

Before the President directs that a Judicial Deputy President constitutes, or members at least one of whom is a Judicial Deputy President constitute, the Tribunal for the purposes of a proceeding, the President must consult the Chief Justice of the court of which the Judicial Deputy President is a Judge.

Subdivision B—Proceedings generally

39 General rules for constitution of Tribunal

General rules

- (1) The Tribunal must be constituted for the purposes of a proceeding by a single member, 2 members or 3 members.
- (2) The Tribunal may be constituted by 2 or 3 members only if the President considers that it is appropriate to do so:
 - (a) because the proceeding raises a complex issue; or
 - (b) because one or more of the members have particular expertise relevant to the proceeding; or
 - (c) in the interests of justice.
- (3) The Tribunal constituted must have no more than one member who is a Judge.

Exceptions

- (4) This section is subject to Subdivision C (guidance and appeals panel).

Subdivision C—Guidance and appeals panel

40 Exception—President refers application for review that raises issue of significance

When this section applies

- (1) This section applies instead of section 39 in relation to a proceeding in the Tribunal in relation to an application referred to the guidance and appeals panel by the President under section 122.

Note: The President may refer an application for review of a decision to the guidance and appeals panel if the President is satisfied that the application raises an issue of significance to administrative decision-making (see section 122).

General rules

- (2) The Tribunal must be constituted for the purposes of the proceeding by 2 or 3 members.
- (3) One of the members must be the President or a Deputy President.

41 Exception—President, on appeal, refers Tribunal decision that raises issue of significance

When this section applies

- (1) If:
 - (a) a proceeding relates to a guidance and appeals panel application taken to be made because the President refers a decision of the Tribunal (the ***Tribunal decision***) to the guidance and appeals panel; and
 - (b) the President is satisfied that the Tribunal decision raises an issue of significance to administrative decision-making;the President must constitute the Tribunal for the purposes of the proceeding in accordance with this section instead of section 39.

Note: Under section 128, the President may refer a decision of the Tribunal to the guidance and appeals panel if the President is satisfied of either or both of the following:

- (a) the decision raises an issue of significance to administrative decision-making;
- (b) the decision may contain an error of fact or law materially affecting the decision.

General rules

- (2) The Tribunal must be constituted for the purposes of the proceeding by 2 or 3 members.
- (3) One of the members must be the President or a Deputy President.
- (4) Unless the parties to the proceeding agree otherwise, none of the members can be a person who constituted, or was one of the persons who constituted, the Tribunal for the purposes of the proceeding in which the Tribunal decision was made.

42 Exception—President, on appeal, refers Tribunal decision for material error

When this section applies

- (1) If:
 - (a) a proceeding relates to a guidance and appeals panel application taken to be made because the President refers a decision of the Tribunal (the ***Tribunal decision***) to the guidance and appeals panel; and
 - (b) the President is not satisfied that the Tribunal decision raises an issue of significance to administrative decision-making;the President must constitute the Tribunal for the purposes of the proceeding in accordance with this section instead of section 39.

Note: Under section 128, the President may refer a decision of the Tribunal to the guidance and appeals panel if the President is satisfied of either or both of the following:

- (a) the decision raises an issue of significance to administrative decision-making;
- (b) the decision may contain an error of fact or law materially affecting the decision.

Section 42

General rules

- (2) The Tribunal must be constituted for the purposes of the proceeding by a single member, 2 members or 3 members.
- (3) Unless the parties to the proceeding agree otherwise, none of the members can be a person who constituted, or was one of the persons who constituted, the Tribunal for the purposes of the proceeding in which the Tribunal decision was made.
- (4) If the Tribunal is constituted for the purposes of the proceeding by a single member, the member must be more senior than the most senior person involved in making the Tribunal decision (see subsections (6) and (7)).
- (5) If the Tribunal is constituted for the purposes of the proceeding by 2 or 3 members, the presiding member must be:
 - (a) if a Non-Judicial Deputy President constituted, or was one of the persons who constituted, the Tribunal for the purposes of the proceeding in which the Tribunal decision was made—equal in seniority to, or more senior than, the most senior person involved in making the Tribunal decision (see subsections (6) and (7)); or
 - (b) in any other case—more senior than the most senior person involved in making the Tribunal decision (see subsections (6) and (7)).
- (6) For the purposes of subsections (4) and (5), the most senior person involved in making the Tribunal decision is:
 - (a) if the Tribunal decision was made by the Tribunal constituted for the purposes of a proceeding by a single member—that member; or
 - (b) if the Tribunal decision was made by the Tribunal constituted for the purposes of a proceeding by 2 or more members—the most senior of those members.
- (7) For the purposes of subsections (4), (5) and (6), the order of seniority of members is as follows:
 - (a) the President;
 - (b) Judicial Deputy Presidents;

- (c) Non-Judicial Deputy Presidents;
- (d) senior members;
- (e) general members.

Subdivision D—Reconstitution

43 Reconstitution—before hearing starts

At any time before the start of the hearing of a proceeding in the Tribunal, the President may reconstitute the Tribunal.

44 Reconstitution—after hearing starts if member unavailable etc.

President may reconstitute Tribunal

- (1) At any time after the start of the hearing of a proceeding in the Tribunal, the President may reconstitute the Tribunal if:
 - (a) the member, or one of the members, who constitutes the Tribunal for the purposes of the proceeding:
 - (i) stops being a member; or
 - (ii) is for any reason unavailable; or
 - (iii) is directed by the President not to take part in the proceeding; or
 - (b) the President considers that reconstituting the Tribunal is in the interests of achieving the quick and efficient conduct of the proceeding.
- (2) However, the President must not reconstitute the Tribunal under this section unless the President:
 - (a) considers that it is in the interests of justice to do so; and
 - (b) consults each member who would cease to be a member of the Tribunal as constituted for the purposes of the proceeding if it is reasonably practicable to do so.

President may direct member not to take part

- (3) The President may direct that a member not take part in a proceeding in the Tribunal if:

Section 45

- (a) the President considers that it is in the interests of justice to do so; and
- (b) the President has consulted the member if it is reasonably practicable to do so.

45 Reconstitution—involvement in dispute resolution process

At any time after the start of the hearing of a proceeding in the Tribunal, the President may reconstitute the Tribunal if section 89 (eligibility of person conducting dispute resolution process to sit as a member) applies in relation to the member, or one of the members, who constitutes the Tribunal for the purposes of the proceeding.

46 Reconstitution—after hearing starts for conflict of interest or bias

At any time after the start of the hearing of a proceeding in the Tribunal, the President may reconstitute the Tribunal if the President is satisfied that the member, or one of the members, who constitutes the Tribunal for the purposes of the proceeding:

- (a) has a conflict of interest in relation to the proceeding; or
- (b) has an actual or apprehended bias in relation to the proceeding.

47 Reconstitution—as guidance and appeals panel after hearing starts

The President must reconstitute the Tribunal for the purposes of a proceeding if, at any time after the start of the hearing of the proceeding, the application to which the proceeding relates is referred to the guidance and appeals panel by the President under section 122.

Note: The President may refer an application for review of a decision to the guidance and appeals panel if the President is satisfied that the application raises an issue of significance to administrative decision-making (see section 122).

48 After Tribunal is reconstituted

If the President reconstitutes the Tribunal for the purposes of a proceeding, the Tribunal as reconstituted:

- (a) must continue the proceeding; and
- (b) may have regard to:
 - (i) any record of the proceeding before the Tribunal as previously constituted (including a record of any evidence taken in the proceeding); and
 - (ii) any document or thing relating to the proceeding given to the Tribunal as previously constituted.

Division 5—Tribunal procedure

Subdivision A—General principles

49 Tribunal has discretion in relation to procedure

- (1) The procedure of the Tribunal in a proceeding is within the discretion of the Tribunal.
- (2) In exercising its discretion, the Tribunal must have regard to the circumstances of the proceeding.
- (3) Subsections (1) and (2) are subject to this Act and the rules.

50 Tribunal is to act informally etc.

- (1) In a proceeding, the Tribunal must act with as little formality and technicality as a proper consideration of the matters before the Tribunal permits.
- (2) Subsection (1) is subject to this Act and the rules.

51 Tribunal to be accessible

- (1) As far as practicable, the Tribunal must conduct each proceeding in the Tribunal in a way that is accessible for the parties to the proceeding, taking into account the needs of the parties.
- (2) Subsection (1) is subject to this Act and the rules.

52 Tribunal is not bound by rules of evidence

The Tribunal is not bound by the rules of evidence, but may inform itself on any matter in such manner as it considers appropriate.

53 Tribunal controls scope of review of decision

In a proceeding for review of a decision, the Tribunal may determine the scope of the review by limiting the questions of fact, the evidence and the issues that it considers.

54 Tribunal can exercise powers of decision-maker

For the purposes of reviewing a reviewable decision, the Tribunal may exercise all the powers and discretions that are conferred on the decision-maker by an Act or an instrument made under an Act.

55 Right to present case

General rule

- (1) The Tribunal must ensure that each party to a proceeding in the Tribunal is given a reasonable opportunity to:
 - (a) present the party's case; and
 - (b) access any information or documents to which the Tribunal proposes to have regard in reaching a decision in the proceeding; and
 - (c) make submissions and adduce evidence.

Exceptions

- (2) Subsection (1) does not apply in relation to a non-participating party to the proceeding.
- (2A) If a party to the proceeding is a non-participating party to a Tribunal case event in relation to the proceeding, subsection (1) does not apply in relation to that party in relation to that Tribunal case event.
- (3) Subsection (1) is subject to:
 - (a) section 69 (hearings to be in public unless practice directions or Tribunal order requires otherwise); and
 - (b) section 70 (Tribunal may restrict publication or disclosure of information); and
 - (c) section 78 (inspection of documents produced under summons); and
 - (d) section 91 (disclosure of information—public interest certificate); and
 - (e) Part 6 (proceedings in Intelligence and Security jurisdictional area).

Section 56

- (4) This section does not limit section 53 (Tribunal controls scope of review of decision).

56 Parties and their representatives to assist Tribunal

Decision-makers and their representatives

- (1) In a proceeding for review of a decision, the decision-maker and any person representing the decision-maker must use their best endeavours to assist the Tribunal to:
- (a) make the correct or preferable decision in relation to the proceeding; and
 - (b) achieve the objective in section 9.

Other parties and their representatives

- (2) A party to a proceeding in the Tribunal (other than the decision-maker in a proceeding for review of a decision) and any person representing the party must use their best endeavours to assist the Tribunal to achieve the objective in section 9.

Obligation is limited for non-participating party

- (3) The obligation of a non-participating party to a proceeding or a Tribunal case event in relation to a proceeding, and any person representing the party, to use best endeavours to assist the Tribunal in relation to the proceeding only applies in relation to action the party is required to take by this Act or the Tribunal in relation to the proceeding.

57 Sittings of Tribunal

Sittings of the Tribunal are to be held from time to time as required, in such places in Australia or an external Territory as are convenient or in the interests of justice.

58 Resolving disagreements between Tribunal members

2 members

- (1) If 2 members constitute the Tribunal for the purposes of a proceeding and they do not agree about any matter, the view of the presiding member prevails.

3 members

- (2) If 3 members constitute the Tribunal for the purposes of a proceeding and they do not agree about any matter:
 - (a) if the majority agree—the view of the majority prevails; or
 - (b) in any other case—the view of the presiding member prevails.

Subdivision B—Parties and representation

59 Attorney-General of the Commonwealth may become a party

Becoming a party

- (1) If the Attorney-General of the Commonwealth gives written notice to the Tribunal that the Attorney-General wishes to be a party to a proceeding in the Tribunal, the Attorney-General is a party to the proceeding.

Ceasing to be a party

- (2) If:
 - (a) the Attorney-General of the Commonwealth is a party to a proceeding because of a notice under subsection (1); and
 - (b) the Attorney-General gives written notice to the Tribunal that the Attorney-General wishes to cease being a party to the proceeding;the Attorney-General ceases being a party to the proceeding.

Section 60

Costs

- (3) If the Attorney-General of the Commonwealth is a party to a proceeding because of a notice under subsection (1), the Attorney-General may authorise the Commonwealth to pay another party to the proceeding any costs that the Attorney-General considers the party reasonably incurred as a result of the Attorney-General being a party to the proceeding.
- (4) To avoid doubt, the power of the Commonwealth to make a payment, or to make, vary or administer an arrangement or grant, under this section must be disregarded for the purpose of paragraph 32B(1)(a) of the *Financial Framework (Supplementary Powers) Act 1997*.

Note: The effect of this subsection is to make clear that this section does not effectively limit the operation of section 32B of the *Financial Framework (Supplementary Powers) Act 1997*. The Commonwealth has the power to make, vary or administer an arrangement or grant under that section whether the Commonwealth also has the power to do so under this section.

60 Decision-makers may elect not to participate in kind of proceeding or Tribunal case event

- (1) A person who is the decision-maker for a reviewable decision may give the Tribunal written notice (an *election notice*) that the person does not wish to participate in:
 - (a) a kind of proceeding in the Tribunal; or
 - (b) a kind of Tribunal case event (other than a directions hearing or part of a directions hearing) in relation to a kind of proceeding in the Tribunal.
- (2) However, subsection (1) does not apply in relation to a kind of proceeding or Tribunal case event prescribed by the rules.
- (3) An election notice is not a legislative instrument.

61 Decision-maker who elects not to participate may be a non-participating party to proceeding or Tribunal case event

Person who has given election notice

- (1) A person is a ***non-participating party*** to a proceeding if:
- (a) the person is a party to the proceeding (other than the applicant); and
 - (b) the proceeding relates to a decision for which the person is the decision-maker; and
 - (c) the proceeding is of a kind for which the person has given an election notice under paragraph 60(1)(a); and
 - (d) the proceeding is not a guidance and appeals panel proceeding; and
 - (e) any conditions prescribed by the rules for the purposes of this paragraph are satisfied; and
 - (f) the Tribunal has not decided under section 62 that the person is to participate in the proceeding; and
 - (g) the Tribunal has not ordered the person to participate in the proceeding under section 63.
- (1A) A person is a ***non-participating party*** to a Tribunal case event in relation to a proceeding if:
- (a) the person is a party to the proceeding (other than the applicant); and
 - (b) the proceeding relates to a decision for which the person is the decision-maker; and
 - (c) the Tribunal case event and proceeding are of a kind for which the person has given an election notice under paragraph 60(1)(b); and
 - (d) the proceeding is not a guidance and appeals panel proceeding; and
 - (e) any conditions prescribed by the rules for the purposes of this paragraph are satisfied; and
 - (f) the Tribunal has not decided under section 62 that the person is to participate in the Tribunal case event; and

Section 62

- (g) the Tribunal has not ordered the person to participate in the Tribunal case event under section 63.

Note: A non-participating party remains a party to the proceeding and still needs to comply with this Act and orders of the Tribunal in relation to the proceeding. However, certain requirements do not apply to the party (see, for example, section 83 which deals with removal of a party for failure to appear or non-compliance).

- (2) To avoid doubt, once the Tribunal decides under section 62 that a person is to participate in a proceeding or Tribunal case event, or orders the person to participate in a proceeding or Tribunal case event under section 63, the person is no longer a non-participating party to the proceeding or Tribunal case event and a new election notice does not affect this.

Prescribed circumstances

- (3) A person is also a ***non-participating party*** to a proceeding or Tribunal case event in the circumstances prescribed by the rules.

62 Tribunal may allow non-participating party to participate

- (1) If a non-participating party to a proceeding gives the Tribunal written notice (a ***participation notice***) that the party wishes to participate in the proceeding, the Tribunal must decide whether or not the party is to participate in the proceeding.

Note: An election notice relates to a kind of proceeding. A participation notice relates to a particular proceeding of that kind. The election notice continues to apply to other proceedings of that kind.

- (1A) If a non-participating party to a Tribunal case event gives the Tribunal written notice (a ***participation notice***) that the party wishes to participate in the Tribunal case event, the Tribunal must decide whether or not the party is to participate in the Tribunal case event.

Note: An election notice relates to a kind of Tribunal case event in relation to a kind of proceeding. A participation notice relates to a particular Tribunal case event of that kind. The election notice continues to apply to other Tribunal case events of that kind in relation to proceedings of that kind.

- (2) A participation notice is not a legislative instrument.
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63 Non-participating party may give submissions or be required to participate

Written submissions may be provided

- (1) A non-participating party to a proceeding may give the Tribunal written submissions in relation to the proceeding.
- (1A) A non-participating party to a Tribunal case event may give the Tribunal written submissions in relation to the Tribunal case event.

Tribunal may order non-participating party to participate, appear or provide written submissions

- (2) The Tribunal may order a non-participating party to a proceeding or Tribunal case event in relation to a proceeding to do any one or more of the following, if the Tribunal considers it would assist in progressing the proceeding or in making the correct or preferable decision:
 - (a) appear before the Tribunal at a Tribunal case event in relation to the proceeding;
 - (b) give the Tribunal written submissions in relation to the proceeding or a Tribunal case event in relation to the proceeding;
 - (c) participate in the proceeding.

64 Rules may deal with elections in relation to participation

- (1) The rules may provide for or in relation to:
 - (a) the operation of sections 60 to 63; and
 - (b) the operation of this Part in relation to parties who are or who have been non-participating parties to proceedings or Tribunal case events.
- (2) Without limiting the scope of rules that may be made for the purposes of subsection (1), the rules may provide for the following:
 - (a) requirements for giving election notices or participation notices;
 - (b) publication of election notices or participation notices;

Section 65

- (c) matters relating to steps in a proceeding taken while a person is a non-participating party to the proceeding or a Tribunal case event in relation to the proceeding.

65 Certain parties may seek to withdraw from being a party

General rule

- (1) The Tribunal may order that a party to a proceeding in the Tribunal ceases to be a party to the proceeding if the party gives written notice to the Tribunal that the party wishes to cease being a party to the proceeding.

Exceptions—applicant and decision-maker

- (2) However, subsection (1) does not apply in relation to the following parties:
 - (a) in any case—the applicant;
 - (b) if the proceeding relates to a decision—the decision-maker.

Note: The applicant may withdraw the application (see section 95).

66 Representation before Tribunal

General rules

- (1) A party to a proceeding in the Tribunal may choose another person to represent the party in the proceeding.
- (2) A person who is required or permitted to appear before the Tribunal may, with the permission of the Tribunal, choose another person to represent the person before the Tribunal.

Exception

- (3) However, the Tribunal may order that a person is not to be represented by the person's representative if the Tribunal considers that:
 - (a) the representative has a conflict of interest in representing the person; or

- (b) the representative is not acting in the best interests of the person; or
- (c) representation of the person by the representative presents a safety risk to any person; or
- (d) representation of the person by the representative presents an unacceptable privacy risk to any person; or
- (e) the representative is otherwise impeding the Tribunal.

Note: A party to the proceeding can choose another representative. A person required or permitted to appear before the Tribunal can seek the Tribunal's permission to choose another representative.

67 Tribunal may appoint litigation supporter

Appointment of litigation supporter

- (1) The Tribunal may, by order, appoint a person to be a litigation supporter for a party to a proceeding in the Tribunal if the Tribunal considers that:
 - (a) the party does not have decision-making ability; and
 - (b) the appointment is necessary, taking into account the availability and suitability of other measures that would allow the party to participate in the proceeding.
- (1A) In considering whether to make an order under subsection (1), it is to be presumed that a party to a proceeding has decision-making ability.
- (1B) The presumption is not rebutted solely on the basis that a party has a disability.
- (2) In appointing a person to be a litigation supporter for a party to a proceeding, the Tribunal must take into account:
 - (a) the party's will and preferences, or likely will and preferences, in relation to:
 - (i) whether the Tribunal should appoint a person to be a litigation supporter; and
 - (ii) who the Tribunal should appoint to be a litigation supporter; or

Section 67

- (b) if the party's will and preferences, or likely will and preferences, cannot be ascertained—the personal and social wellbeing of the party.
- (3) The Tribunal may appoint a person to be a litigation supporter for a party to a proceeding only if:
 - (a) the person is at least 18 years old; and
 - (b) the person has no conflict of interest in representing the party; and
 - (c) the person consents to the appointment; and
 - (d) the Tribunal considers that the person is able to meet the requirements in subsections (6) to (8); and
 - (e) any conditions prescribed by the rules for the purposes of this paragraph are satisfied.
- (4) The Tribunal may appoint a person to be a litigation supporter for a party whether or not the party has a guardian or representative appointed under another law.

Role of litigation supporter

- (5) If a party to a proceeding in the Tribunal has a litigation supporter:
 - (a) the party may participate in the proceeding:
 - (i) wherever possible—with the support of the litigation supporter; or
 - (ii) otherwise—by the litigation supporter; and
 - (b) the litigation supporter must do anything required to be done by the party in relation to the proceeding by an Act or an instrument under an Act; and
 - (c) the litigation supporter may do anything permitted to be done by the party in relation to the proceeding by an Act or an instrument under an Act.

Duty of litigation supporter

- (6) If a party to a proceeding in the Tribunal has a litigation supporter, the litigation supporter must give effect to the party's will and preferences, or likely will and preferences, in relation to the proceeding.

- (7) However, if to do so would pose a serious risk to the party's personal and social wellbeing, the litigation supporter must instead act in a manner that promotes the personal and social wellbeing of the party.
- (8) If the party's will and preferences, or likely will and preferences, cannot be ascertained, the litigation supporter must act in a manner that promotes the personal and social wellbeing of the party.

Resignation and removal of litigation supporter

- (9) A litigation supporter may resign by giving the Tribunal a written resignation.
- (10) The Tribunal may, by order, remove a party's litigation supporter if:
 - (a) the party requests a different person be appointed to be a litigation supporter for the party; or
 - (b) the Tribunal considers that the party has decision-making ability; or
 - (c) the Tribunal considers that:
 - (i) the litigation supporter has a conflict of interest in representing the party; or
 - (ii) the litigation supporter has not complied with subsections (6) to (8); or
 - (iii) representation of the party by the litigation supporter presents a safety risk to any person; or
 - (iv) representation of the party by the litigation supporter presents an unacceptable privacy risk to any person; or
 - (v) the litigation supporter is otherwise impeding the Tribunal.

Rules

- (11) The rules may provide for matters relating to litigation supporters.
 - (12) Without limiting the scope of rules that may be made for the purposes of subsection (11), the rules may provide for or in relation to the following:
 - (a) costs relating to litigation supporters;
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Section 68

- (b) giving documents to a litigation supporter or a party who has a litigation supporter.

68 Tribunal may appoint interpreter

Tribunal may appoint interpreter on request

- (1) A person appearing at a Tribunal case event may request the Tribunal to appoint an interpreter for the person.
- (2) The Tribunal must comply with the request unless the Tribunal considers that the person does not require an interpreter for the purposes of:
 - (a) communication with the Tribunal; or
 - (b) understanding evidence and submissions given to the Tribunal.

Tribunal must appoint interpreter in certain circumstances

- (3) If:
 - (a) the Tribunal considers that a person appearing at a Tribunal case event requires an interpreter for the purposes of:
 - (i) communication with the Tribunal; or
 - (ii) understanding evidence and submissions given to the Tribunal; and
 - (b) the person does not request the Tribunal to appoint an interpreter;the Tribunal must, on its own initiative, appoint an interpreter for the purposes of communication between the person and the Tribunal.

Conflict of interest

- (4) The Tribunal may appoint a person to be an interpreter for another person only if the person has no conflict of interest in acting as an interpreter for the other person.

Tribunal may appoint interpreters in other situations

- (5) Subsections (2) and (3) do not limit the power of the Tribunal to appoint an interpreter.

Oath or affirmation for interpreter

- (6) The Tribunal may require an interpreter appointed by the Tribunal to take an oath or make an affirmation. A member or a staff member may administer an oath or affirmation to the interpreter.
- (7) The oath or affirmation is an oath or affirmation that the interpretation the interpreter will give will be true.

Division 6—Tribunal powers

Subdivision A—Hearings and evidence

69 Hearings to be in public unless practice directions or Tribunal order requires otherwise

General rule

- (1) The hearing of a proceeding in the Tribunal must be in public.

Note: The hearing of a proceeding is the substantive hearing of the matter before the Tribunal. Directions hearings do not need to be in public (see the definition of *hearing of a proceeding* in section 4).

Exception—practice directions may require private hearing

- (2) Despite subsection (1), in the circumstances specified in the practice directions:
- (a) the hearing or part of the hearing is to take place in private; and
 - (b) only the persons specified in the practice directions may be present.

Exception—Tribunal may require private hearing

- (3) Despite subsection (1), the Tribunal may, by order:
- (a) direct that the hearing or part of the hearing is to take place in private; and
 - (b) give directions in relation to the persons who may be present.

Note: The power must be exercised in accordance with section 71.

70 Tribunal may restrict publication or disclosure of information

Information about parties, witnesses and others

- (1) The Tribunal may, by order, give directions prohibiting or restricting the publication or other disclosure of:
- (a) information tending to reveal the identity of:
 - (i) a party to or witness in a proceeding in the Tribunal; or

- (ii) any person related to or otherwise associated with any party to or witness in a proceeding in the Tribunal; or
- (b) information otherwise concerning a party, witness or other person mentioned in paragraph (a).

Note 1: The power must be exercised in accordance with section 71.

Note 2: Breach of a non-publication or non-disclosure order is an offence (see section 119).

Information relating to proceeding

- (2) The Tribunal may, by order, give directions prohibiting or restricting the publication or other disclosure of information that:
 - (a) relates to a proceeding in the Tribunal; and
 - (b) is any of the following:
 - (i) information that comprises evidence or information about evidence;
 - (ii) information given to the Tribunal.

Note 1: The power must be exercised in accordance with section 71.

Note 2: Breach of a non-publication or non-disclosure order is an offence (see section 119).

- (3) Without limiting subsection (2), the order may prohibit or restrict the publication or other disclosure to some or all of the parties to the proceeding.

Order can be made on application or on Tribunal's initiative

- (4) The Tribunal may make an order under this section on application by a person or on its own initiative.

71 Requirements for Tribunal orders about hearings, publication and disclosure

Practice directions

- (1) In making an order under subsection 69(3) or section 70, the Tribunal must comply with the requirements (if any) specified in the practice directions.

Section 72

Considerations

- (2) In considering whether to make an order under subsection 69(3) or section 70 in relation to a proceeding, the Tribunal must have regard to the following:
- (a) the principle that it is desirable that hearings of proceedings in the Tribunal are held in public;
 - (b) the principle that it is desirable that evidence given before the Tribunal is made available to the public;
 - (c) the principle that it is desirable that evidence given before the Tribunal and the contents of documents given to the Tribunal are made available to all the parties to the proceeding;
 - (d) any reasons in favour of making an order, including the following:
 - (i) in any case—the circumstances of the parties to the proceeding and other persons connected to the proceeding;
 - (ii) in any case—the harm (if any) that is likely to occur to a person if the order is not made;
 - (iii) in relation to an order under section 70—the confidential nature (if any) of the information;
 - (e) any other matters that the Tribunal considers relevant.

72 Tribunal must notify parties of Tribunal case event

General rule

- (1) Before a Tribunal case event in relation to a proceeding, the Tribunal must give written notice to the parties to the proceeding of the date, time and place of the Tribunal case event.

Exception—non-participating party

- (2) Subsection (1) does not apply in relation to a non-participating party to the proceeding or Tribunal case event.

73 How a party may appear at a Tribunal case event

- (1) Parties to proceedings may appear at Tribunal case events:
-

- (a) themselves; or
 - (b) unless subsection (2) applies—through a representative.
- (2) The Tribunal may order a party to a proceeding to appear at a Tribunal case event in relation to the proceeding personally, whether or not the party's representative also appears.
- (3) Subsection (2) does not apply in relation to the decision-maker in a proceeding that relates to a decision.

74 Tribunal may summon person to give evidence or produce documents

Power to issue summons

- (1) If the Tribunal has reasonable grounds to believe that a person has information, or a document or thing, relevant to a proceeding in the Tribunal, the Tribunal may, in writing, summon the person to do either or both of the following, on the day, and at the time and place, specified in the summons:
- (a) appear before the Tribunal to give evidence;
 - (b) produce any document or thing specified in the summons.
- (2) Except with the consent of the person being summoned, the day specified in the summons must be at least 14 days after the day the summons is given to the person.
- (3) The Tribunal may summon the person:
- (a) at the request of a party to the proceeding; or
 - (b) on its own initiative.
- (4) The Tribunal may refuse a request for a person to be summoned.

Early compliance with summons

- (5) A person may comply with a summons to produce a document or thing by producing the document or thing to the Tribunal before the day specified in the summons.
- (6) If the person does so, the person is not required to appear before the Tribunal unless:

Section 75

- (a) the summons or another summons requires the person to appear before the Tribunal; or
- (b) the Tribunal orders the person to appear before the Tribunal.

Note 1: A person might commit an offence by failing to comply with a summons (see section 116).

Note 2: A person summoned under this section may be entitled to be paid fees or allowances under section 77. However, the person is not excused from complying with a summons only because the person thinks that an amount paid to the person under that section is not sufficient.

75 Tribunal may take evidence

The Tribunal may take evidence, including on oath or by affirmation, inside or outside Australia.

76 Taking evidence on oath or affirmation

- (1) At the hearing of a proceeding or a directions hearing in relation to a proceeding:
 - (a) the Tribunal may require a person appearing before the Tribunal to give evidence to take an oath or make an affirmation; and
 - (b) a member or a staff member may administer an oath or affirmation to the person.

Note 1: Failure to take an oath or make an affirmation is an offence (see section 117).

Note 2: The hearing is a *judicial proceeding* for the purposes of Part III of the *Crimes Act 1914*, which creates various offences in relation to such proceedings.

- (2) The oath or affirmation is an oath or affirmation that the evidence the person will give will be true.
- (3) The Tribunal may allow a person appearing before the Tribunal at the hearing of a proceeding, or a directions hearing in relation to a proceeding, who has taken an oath or made an affirmation, to give evidence by tendering a written statement and verifying it by oath or affirmation.

Note: A person might commit an offence if the person provides false or misleading evidence (see section 118).

77 Payment of witness fees and allowances

Entitlement to fees and allowances

- (1) A person required by this Act, another Act or an instrument made under an Act to give information or produce or give a document or thing to the Tribunal is to be paid, in accordance with the rules, any fees, and any allowances for expenses, prescribed by the rules for compliance with the requirement.

Rules concerning fees and allowances

- (2) Without limiting the scope of rules that may be made for the purposes of subsection (1), those rules may prescribe, or prescribe matters relating to, any or all of the following:
 - (a) the circumstances in which a person is to be paid;
 - (b) the circumstances in which a person is not to be paid;
 - (c) who must pay;
 - (d) the time when payment is required.
- (3) Rules made for the purposes of subsection (1) may do any or all of the following:
 - (a) prescribe the amount of, or a method for working out the amount of, a fee or allowance;
 - (b) make provision in relation to the whole or a part of a fee or allowance;
 - (c) provide for the Tribunal to make orders relating to the payment of a fee or allowance in relation to a proceeding.

78 Inspection of documents produced under summons

General rule

- (1) A party to a proceeding may inspect or take a copy of a document or thing produced under a summons under section 74 in relation to the proceeding:
 - (a) in the circumstances specified in the practice directions; or
 - (b) if the Tribunal permits.

Section 79

Exception—public interest certificate applies

- (2) This section does not apply if there is a certificate under section 91 that relates to disclosure of the document or thing in the proceeding.

Exception—disclosure prohibited by law

- (3) Subsection (1) does not apply if the inspection or copying of the document or thing would result in a disclosure of information which is prohibited or restricted by or under this Act, another Act or an instrument made under an Act.

Note: The disclosure of information may be prohibited or restricted by Tribunal order under section 70.

Exception—person objects

- (4) The person required to produce the document or thing, or any party to the proceeding, may give the Tribunal notice that the person or party objects to the document or thing being inspected or copied.
- (5) A notice under subsection (4):
- (a) may be made in writing or in any other manner specified in the practice directions; and
 - (b) must contain reasons for the objection.
- (6) If a notice is given under subsection (4), the Tribunal must decide whether the document or thing may be inspected or copied by a party to the proceeding.

Subdivision B—Management of proceedings

79 Tribunal may give directions in relation to procedure for proceeding

- (1) The Tribunal may, by order, give directions in relation to the procedure to be followed for a proceeding in the Tribunal.
- (2) The order may do any of the following:

- (a) require a party to the proceeding to give information or documents to the Tribunal or another party to the proceeding for the purposes of the proceeding;
 - (b) require a party to the proceeding to give a statement of matters or contentions on which the party intends to rely in the proceeding to the Tribunal or another party to the proceeding;
 - (c) limit the issues on which expert evidence may be given;
 - (d) limit the number of experts to report on an issue;
 - (e) require parties to the proceeding to appoint a single person to provide expert evidence;
 - (f) limit the number of persons to be called to give evidence (either generally or on a specified matter);
 - (g) limit the number of persons to appear at a dispute resolution process in relation to the proceeding;
 - (h) require expert witnesses to give evidence at the same time;
 - (i) limit the time for giving evidence or making oral submissions;
 - (j) limit the length of written submissions;
 - (k) limit the ability of a party to the proceeding to give information or documents to the Tribunal and any other party to the proceeding for the purposes of the proceeding within a period before the start of the hearing of the proceeding.
- (3) If the proceeding is for review of a decision, the order may require the decision-maker to give the Tribunal or another party to the proceeding a statement setting out the grounds the decision-maker considers support the decision-maker's position in relation to the review.
- (4) Subsections (2) and (3) do not limit this section.
- (5) Section 55 (right to present case) does not prevent the Tribunal making an order under this section.

80 Tribunal may hold directions hearing

The Tribunal may hold a directions hearing in relation to a proceeding in the Tribunal.

Section 81

81 Tribunal may proceed without absent party

The Tribunal may proceed with a Tribunal case event that relates to a proceeding in the absence of a party to the proceeding if the Tribunal is satisfied that the party received appropriate notice of the date, time and place of the Tribunal case event.

82 Tribunal may adjourn Tribunal case event

The Tribunal may adjourn a Tribunal case event that relates to a proceeding in the Tribunal from time to time.

83 Tribunal may remove party from proceeding if party fails to appear or does not comply

Tribunal may remove party who fails to appear

- (1) If:
- (a) a party to a proceeding in the Tribunal fails to appear at a Tribunal case event that relates to the proceeding; and
 - (b) the Tribunal is satisfied that the party received appropriate notice of the date, time and place of the Tribunal case event;
- the Tribunal may order that the party ceases to be a party to the proceeding.

Note 1: Tribunal case events include hearings, directions hearings and dispute resolution processes (see the definition of *Tribunal case event* in section 4).

Note 2: For how to appear at a Tribunal case event, see section 73.

- (2) However, subsection (1) does not apply if the party is:
- (a) the applicant; or
 - (b) a non-participating party to the proceeding or Tribunal case event.

Tribunal may remove party who fails to comply with Act or order

- (3) If a party to a proceeding in the Tribunal fails to comply with this Act or an order of the Tribunal in relation to the proceeding within

a reasonable time, the Tribunal may order that the party ceases to be a party to the proceeding.

- (4) However, subsection (3) does not apply if the party is the applicant.

Reinstatement

- (5) If a person ceases to be a party to a proceeding under subsection (1) or (3), the person is a party to the proceeding again if the Tribunal, on application by the person or on its own initiative, orders that the person is a party to the proceeding.

84 If applicant dies or is bankrupt, wound up or in liquidation or administration

When this section applies

- (1) This section applies in relation to a proceeding in the Tribunal in relation to an application (the *substantive application*) for review of a decision if:
- (a) the applicant:
 - (i) dies; or
 - (ii) becomes bankrupt; or
 - (iii) is wound up or otherwise ceases to exist; or
 - (iv) becomes subject to any form of liquidation or administration (however described); and
 - (b) the Tribunal considers that the applicant cannot continue with the substantive application because of the event mentioned in paragraph (a).

Another person may apply to continue with substantive application

- (2) The following persons may apply to the Tribunal to continue with the substantive application:
- (a) a legal personal representative, executor, administrator, liquidator or trustee of the applicant for the substantive application;
 - (b) a person whose interests are affected by the decision.

Section 85

- (3) If a person applies to continue with the substantive application, the Tribunal may, on request or on its own initiative, give such orders as appear to the Tribunal to be appropriate in the circumstances.

Tribunal may dismiss substantive application

- (4) The Tribunal may dismiss the substantive application if:
- (a) the Tribunal considers that there is no person mentioned in subsection (2) who can continue with the substantive application; or
 - (b) no application to continue with the substantive application is made within 3 months after the Tribunal becomes aware of the event mentioned in paragraph (1)(a).

85 Tribunal may remit decision to decision-maker for reconsideration

Tribunal may remit decision to decision-maker

- (1) At any time during a proceeding for review of a reviewable decision, the Tribunal may remit the decision to the decision-maker and ask the decision-maker to reconsider the decision.

Decision-maker must reconsider decision

- (2) If the Tribunal remits the decision to the decision-maker, the decision-maker must reconsider the decision and do one of the following:
- (a) affirm the decision;
 - (b) vary the decision;
 - (c) set aside the decision and make a new decision in substitution for the decision set aside.

After reconsideration

- (3) After the decision-maker complies with subsection (2), the proceeding resumes.
- (4) The applicant may:
- (a) proceed with the application; or

(b) withdraw the application under section 95.

Review continues in relation to decision as updated by decision-maker

- (5) If the decision-maker varies the decision, the application for review of the decision is taken to be an application for review of the decision as varied instead.
- (6) If the decision-maker sets aside the decision and makes a new decision in substitution for the decision set aside, the application for review of the decision is taken to be an application for review of the new decision instead.

Timeframes for reconsideration

- (7) The decision-maker must comply with subsection (2) within the period specified by the Tribunal when remitting the decision to the decision-maker.
- (8) However, the Tribunal may, on the application of the decision-maker, extend the period within which the decision-maker must comply with subsection (2).
- (9) The decision-maker is taken to have affirmed the decision if the decision-maker does not comply with subsection (2) within the period specified by the Tribunal.
- (10) For the purposes of subsection (9), take into account any extension under subsection (8) of the period that occurs before the period would otherwise expire.

86 Tribunal may vary or revoke Tribunal order

Subject to this Act, a power of the Tribunal to make an order includes the power to revoke or vary the order.

Subdivision C—Dispute resolution processes

87 Tribunal may refer to dispute resolution process

General rules

- (1) At any time during a proceeding, the Tribunal may, by order:
 - (a) direct that the proceeding, or any part of or matter arising out of the proceeding, be referred to a dispute resolution process; and
 - (b) direct any of the following persons to conduct the dispute resolution process:
 - (i) a member;
 - (ii) a registrar;
 - (iii) a person engaged under subsection 90(1).

Note: A non-participating party to the proceeding or a Tribunal case event of that kind is not required to appear at the dispute resolution process unless the Tribunal orders the party to do so under section 63.

- (2) The parties to the proceeding appearing at the dispute resolution process must act in good faith in relation to the conduct of the dispute resolution process.

Exception—guidance and appeals panel proceedings

- (3) Despite subsection (1), the Tribunal must not direct that a guidance and appeals panel proceeding, or any part of or matter arising out of a guidance and appeals panel proceeding, be referred to a dispute resolution process other than conferencing.

88 Evidence in dispute resolution process not admissible elsewhere

General rule

- (1) Evidence of anything said, any act done or any information disclosed at or for the sole purpose of a dispute resolution process is not admissible:
 - (a) in a proceeding in the Tribunal; or
 - (b) in any court; or

- (c) in any proceedings before a person authorised by a law of the Commonwealth or of a State or Territory to hear evidence; or
- (d) in any proceedings before a person authorised by the consent of the parties to hear evidence.

Exception—agreement of parties

- (2) Subsection (1) does not prevent the admission, at a proceeding in the Tribunal, of particular evidence if each party to the proceeding to which the dispute resolution process relates (other than a non-participating party to that dispute resolution process or that proceeding) agrees to the evidence being admitted.

Exception—certain reports admissible

- (3) Subsection (1) does not prevent the admission, at a proceeding in the Tribunal, of a report prepared by a person conducting a dispute resolution process in the form of a neutral evaluation.
- (4) However, subsection (3) does not apply if, before the start of the hearing of the proceeding, a party to the proceeding to which the dispute resolution process relates notifies the Tribunal that the party objects to the report being admitted.

89 Eligibility of person conducting dispute resolution process to sit as a member

A member of the Tribunal as constituted for the purposes of a proceeding must no longer take part in the proceeding if:

- (a) the member conducts a dispute resolution process in relation to the proceeding; and
- (b) a party to the proceeding notifies the Tribunal as soon as practicable after the dispute resolution process that the party objects to the member participating in the proceeding.

Note: The President may reconstitute the Tribunal for the purposes of the proceeding (see sections 43 and 45).

Section 90

90 Engagement of persons to conduct dispute resolution processes

- (1) The Principal Registrar may, on behalf of the Commonwealth, engage a person to conduct a kind of dispute resolution process.
- (2) The Principal Registrar must not engage a person under subsection (1) unless the Principal Registrar is satisfied, having regard to the person's qualifications and experience, that the person is a suitable person to conduct the relevant kind of dispute resolution process.

Division 7—Public interest certificates and interventions

91 Disclosure of information—public interest certificate

Public interest certificate—Attorney-General of the Commonwealth

- (1) The Attorney-General of the Commonwealth may certify, in writing, that the disclosure of specified information, or the content of a specified document, in a proceeding in the Tribunal would be contrary to the public interest for one or more of the following reasons:
 - (a) the disclosure would prejudice the security, defence or international relations of the Commonwealth;
 - (b) the disclosure would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet;
 - (c) any other reason that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information or the matter contained in the document should not be disclosed.

Public interest certificate—Attorney-General of State, Australian Capital Territory or Northern Territory

- (2) The Attorney-General of a State, the Australian Capital Territory or the Northern Territory may certify, in writing, that the disclosure of specified information, or of the content of a specified document, in a proceeding in the Tribunal would be contrary to the public interest for one or more of the following reasons:
 - (a) the disclosure would involve the disclosure of deliberations or decisions of the Cabinet, or of a Committee of the Cabinet, of the State or Territory;
 - (b) any other reason that could form the basis for a claim by the Crown in right of the State or Territory in a judicial proceeding that the information or the matter contained in the document should not be disclosed.

Section 91

Effect of certificate

- (3) If a certificate is given under this section in relation to information or a document in relation to a proceeding, a person is not excused from disclosing the information, or giving the document, to the Tribunal for the purposes of the proceeding if the person is required by or under this Act to do so.
- (4) However, the Tribunal must do all things necessary to ensure that:
 - (a) subject to subsection (6), the information or document is not disclosed or given to any person other than:
 - (i) a member in the course of the performance of the member's duties; or
 - (ii) the Principal Registrar in the course of the performance of the Principal Registrar's duties; or
 - (iii) a staff member in the course of the performance of the staff member's duties; and
 - (b) in the case of a document given to the Tribunal—the document is returned, to the person who gave it to the Tribunal, as soon as practicable after the Tribunal has finished considering the document.
- (5) A certificate under subsection (1) or (2) is not a legislative instrument.

Tribunal may allow disclosure in limited cases

- (6) The Tribunal may decide to make the information or document available to any or all of the parties to the proceeding if either of the following applies:
 - (a) the certificate was given by the Attorney-General of the Commonwealth other than for the reason set out in paragraph (1)(a) or (b);
 - (b) the certificate was given by the Attorney-General of a State or Territory other than for the reason set out in paragraph (2)(a).
- (7) In deciding whether to make the information or document available, the Tribunal must:

- (a) take into account as a primary consideration the principle that it is desirable, in the interest of ensuring the effective performance of the Tribunal's functions, for the parties to the proceeding to be made aware of all relevant matters; and
 - (b) have regard to any reason specified in the certificate.
- (8) For the purposes of making a decision under subsection (6), the Tribunal must be constituted:
- (a) as if the making of the decision were a separate proceeding; and
 - (b) by a member who is, or by members at least one of whom is, a Judge or a Deputy President.

Exclusion of other laws

- (9) This section excludes the operation of any law that relates to the public interest and would otherwise apply in relation to the disclosure of information, or of the content of documents, in a proceeding in the Tribunal.

92 Attorney-General may intervene for public interest reasons

Attorney-General may intervene

- (1) If a person is asked a question in the course of giving evidence at the hearing of a proceeding in the Tribunal:
- (a) the Attorney-General of the Commonwealth may inform the Tribunal that, in the opinion of the Attorney-General, the answering of the question would be contrary to the public interest for a reason mentioned in subsection 91(1); or
 - (b) the Attorney-General of a State, the Australian Capital Territory or the Northern Territory may inform the Tribunal that, in the opinion of the Attorney-General, the answering of the question would be contrary to the public interest for a reason mentioned in subsection 91(2).

General rule

- (2) If an Attorney-General so informs the Tribunal, the person is excused from answering the question.

Section 93

Exceptions

- (3) However, the person must answer the question if:
 - (a) for a reason covered by paragraph 91(1)(c) or (2)(b)—the Tribunal decides that the answering of the question would not be contrary to the public interest; or
 - (b) in any case—the Federal Court, on an appeal under section 172 or a reference under section 185, decides that answering the question would not be contrary to the public interest.
- (4) For the purposes of making a decision under paragraph (3)(a), the Tribunal must be constituted:
 - (a) as if the making of the decision were a separate proceeding; and
 - (b) by a member who is, or by members at least one of whom is, a Judge or a Deputy President.

93 Attorney-General is party to proceeding

Public interest certificates

- (1) The Attorney-General of the Commonwealth or of a State, the Australian Capital Territory or the Northern Territory is a party to a proceeding in the Tribunal if:
 - (a) that Attorney-General gives a certificate under section 91 in relation to the proceeding; and
 - (b) the certificate does not specify a reason set out in paragraph 91(1)(a) or (b) or (2)(a); and
 - (c) that Attorney-General would not otherwise be a party to the proceeding.

Attorney-General intervening

- (2) The Attorney-General of the Commonwealth or of a State, the Australian Capital Territory or the Northern Territory is taken to be a party to a proceeding in the Tribunal if that Attorney-General:
 - (a) informs the Tribunal under subsection 92(1) that the answering of a question at the hearing of the proceeding would be contrary to the public interest; and

(b) would not otherwise be a party to the proceeding.

94 Public interest decisions made by Tribunal

When this section applies

- (1) This section applies if, in relation to a proceeding (the **primary proceeding**):
 - (a) an Attorney-General certifies under section 91 that the disclosure of specified information, or the content of a specified document, would be contrary to the public interest; and
 - (b) the Tribunal makes a decision (the **public interest decision**) under subsection 91(6) in relation to the information, or the content of the document.
- (2) This section also applies if, in relation to a proceeding (the **primary proceeding**):
 - (a) an Attorney-General informs the Tribunal under section 92 that the answering of a question would be contrary to the public interest; and
 - (b) the Tribunal makes a decision (the **public interest decision**) under paragraph 92(3)(a) in relation to the answering of the question.

Tribunal must give reasons for decision

- (3) The Tribunal must, as soon as practicable after making the public interest decision, give each party to the primary proceeding a statement of reasons for the decision.

Appeals to Federal Court

- (4) For the purposes of section 172 (party may appeal), the public interest decision is to be treated as:
 - (a) the decision of the Tribunal in a separate proceeding; and
 - (b) made by the Tribunal constituted for the purposes of the public interest decision.

Part 4 Proceedings

Division 7 Public interest certificates and interventions

Section 94

Referral to Federal Court

- (5) For the purposes of section 185 (referring questions of law), a question of law in relation to the public interest decision that is referred to the Federal Court is to be treated as:
- (a) a question arising in the primary proceeding; but
 - (b) referred by the Tribunal constituted for the purposes of the public interest decision.

Division 8—Decision

Subdivision A—Withdrawing and dismissing applications

95 Applicant may withdraw application

- (1) The applicant may, at any time, by:
 - (a) giving written notice to the Tribunal; or
 - (b) notifying the Tribunal in any other manner specified for the application in the practice directions;withdraw an application made to the Tribunal.
- (2) If the applicant withdraws the application, the Tribunal is taken to have dismissed the application.

96 Tribunal may dismiss application if parties consent

The Tribunal may, at any time, dismiss an application made to the Tribunal if the Tribunal has the consent of the parties to the proceeding in relation to the application (other than any non-participating party to the proceeding).

97 Tribunal must dismiss application if decision is not reviewable decision

The Tribunal must dismiss an application if:

- (a) the application is made for review of a decision; and
- (b) the Tribunal is satisfied that the decision is not reviewable by the Tribunal.

98 Tribunal may dismiss application if fee is not paid

The Tribunal may dismiss an application if a fee payable by the applicant to the Tribunal in respect of the application is not paid by the time prescribed by the rules.

99 Tribunal may dismiss application if applicant does not appear

If:

Section 100

- (a) the applicant fails to appear at a Tribunal case event that relates to a proceeding in relation to an application; and
- (b) the Tribunal is satisfied that the applicant received appropriate notice of the date, time and place of the Tribunal case event;

the Tribunal may dismiss the application.

Note 1: Tribunal case events include hearings, directions hearings and dispute resolution processes (see the definition of *Tribunal case event* in section 4).

Note 2: For how to appear at a Tribunal case event, see section 73.

100 Tribunal may dismiss application if applicant fails to comply with order etc.

The Tribunal may dismiss an application made to the Tribunal if the applicant fails to do either of the following within a reasonable time:

- (a) proceed with the application;
- (b) comply with this Act or an order of the Tribunal in relation to the proceeding in relation to the application.

101 Tribunal may dismiss application if frivolous, vexatious etc.

- (1) The Tribunal may, at any time, dismiss an application made to the Tribunal if the Tribunal is satisfied that the application:
 - (a) is frivolous, vexatious, misconceived or lacking in substance; or
 - (b) has no reasonable prospects of success; or
 - (c) is otherwise an abuse of the process of the Tribunal.
- (2) If the Tribunal dismisses an application (the *substantive application*) under subsection (1), the Tribunal may, on application by a party to the proceeding in relation to the substantive application or on its own initiative, order that the applicant for the substantive application must not, without leave of the Tribunal, make a subsequent application to the Tribunal of a specified kind or kinds.

- (3) The order has effect despite any other provision of this Act or any other Act.

102 Reinstatement of application

When this section applies

- (1) This section applies if the Tribunal dismisses an application.

Note: An application may be dismissed in specified circumstances (see sections 20, 84 and 96 to 101). In addition, an application is taken to have been dismissed if the applicant withdraws it (see section 95).

Tribunal may reinstate on own initiative

- (2) If the Tribunal considers that the application was dismissed in error, the Tribunal may on its own initiative reinstate the application and make such orders as appear to the Tribunal to be appropriate in the circumstances.
- (3) Despite subsection (2), the Tribunal must not reinstate an application under subsection (2) if the application was dismissed under section 96 (Tribunal may dismiss application if parties consent).
- (4) Despite subsection (2), if more than 28 days have passed since an application was dismissed, the Tribunal must not reinstate the application under subsection (2) unless the Tribunal is satisfied that special circumstances justify reinstating the application.

Party may apply for reinstatement if application dismissed in error

- (5) A party to the proceeding in relation to the application may apply to the Tribunal for reinstatement of the application on the grounds of error within 28 days after the party receives notice that the application is dismissed (or such longer period as the Tribunal, in special circumstances, allows).
- (6) If a party applies under subsection (5) and the Tribunal considers that the application was dismissed in error, the Tribunal may reinstate the application and make such orders as appear to the Tribunal to be appropriate in the circumstances.

Section 103

Parties can apply for reinstatement in other specified circumstances

- (7) If the application is dismissed under:
- (a) section 95 (applicant may withdraw application); or
 - (b) section 99 (Tribunal may dismiss application if applicant does not appear); or
 - (c) section 100 (Tribunal may dismiss application if applicant fails to comply with order etc.);
- a party to the proceeding in relation to the application may apply to the Tribunal for reinstatement of the application within 28 days after the party receives notice that the application is dismissed (or such longer period as the Tribunal, in special circumstances, allows).
- (8) However, the applicant cannot apply if the application is dismissed under section 95 (applicant may withdraw application).
- (9) If a party applies under subsection (7) and the Tribunal considers it appropriate to reinstate the application, the Tribunal may reinstate the application and make such orders as appear to the Tribunal to be appropriate in the circumstances.

Subdivision B—Decisions agreed by parties

103 If parties reach agreement—review of decisions only

Tribunal may make decision agreed by parties

- (1) If, at any time:
- (a) the parties to a proceeding for review of a decision agree on the terms of a decision of the Tribunal:
 - (i) in the proceeding; or
 - (ii) in relation to a part of the proceeding; or
 - (iii) in relation to a matter arising out of the proceeding; that would be acceptable to the parties; and
 - (b) the terms of the agreement are reduced to writing, signed by or on behalf of the parties and given to the Tribunal; and

- (c) if the terms of the agreement are signed in a dispute resolution process under Subdivision C of Division 6—7 days pass after the terms of the agreement are given to the Tribunal and none of the parties has notified the Tribunal in writing that the party wishes to withdraw from the agreement; and
 - (d) the Tribunal is satisfied that a decision in the terms of the agreement or consistent with those terms would be within the powers of the Tribunal;
- the Tribunal may act in accordance with subsection (2) or (3).

Decision agreed by parties

- (2) If the agreement reached is an agreement on the terms of a decision of the Tribunal in the proceeding, the Tribunal may, without holding or completing the hearing of the proceeding, make a decision in accordance with those terms.

Tribunal does not need to deal with agreed part or matter

- (3) If the agreement relates to:
 - (a) a part of the proceeding; or
 - (b) a matter arising out of the proceeding;the Tribunal may, in its decision in the proceeding, give effect to the terms of the agreement without dealing (or further dealing) with that part or that matter at the hearing of the proceeding.

Variation or revocation of decision

- (4) The Tribunal may vary or revoke a decision in relation to a proceeding, to the extent the decision is made in accordance with subsection (2) or (3), if:
 - (a) the parties to the proceeding reach agreement on the variation or revocation; and
 - (b) the terms of the agreement are reduced to writing, signed by or on behalf of the parties and given to the Tribunal; and
 - (c) in the case of a variation—the Tribunal is satisfied that it would have been within the powers of the Tribunal to have made the decision as varied.

Subdivision C—Decision on review of reviewable decision

104 When this Subdivision applies

This Subdivision applies in relation to an application for review of a reviewable decision.

105 Tribunal decision on review of reviewable decision

In relation to the reviewable decision, the Tribunal must make a decision:

- (a) affirming the reviewable decision; or
- (b) varying the reviewable decision; or
- (c) setting aside the reviewable decision and:
 - (i) making a decision in substitution for the reviewable decision; or
 - (ii) remitting the matter to the decision-maker for reconsideration in accordance with any orders or recommendations of the Tribunal.

106 Circumstances in which Tribunal may reach decision without hearing—review of decisions only

Tribunal may make decision without hearing in certain circumstances

- (1) The Tribunal may make its decision in the proceeding in relation to the application after considering the documents and things given to the Tribunal and without holding the hearing of the proceeding if any of subsections (2) to (5) applies.

Parties consent

- (2) This subsection applies if:
 - (a) all of the parties to the proceeding consent to the proceeding being determined without the hearing of the proceeding; and
 - (b) it appears to the Tribunal that the issues for determination in the proceeding can be adequately determined in the absence of the parties to the proceeding.
-

Where only parties are applicant and non-participating party to the proceeding or hearing

- (3) This subsection applies if:
- (a) the only parties to the proceeding are the applicant and a non-participating party to the proceeding or the hearing of the proceeding; and
 - (b) either:
 - (i) the decision is wholly in favour of the applicant; or
 - (ii) the applicant requests the Tribunal to make its decision without holding the hearing of the proceeding; and
 - (c) it appears to the Tribunal that the issues for determination in the proceeding can be adequately determined in the absence of the parties to the proceeding.

Party fails to comply

- (4) This subsection applies if:
- (a) a party to the proceeding fails to comply with this Act or an order of the Tribunal in relation to the proceeding within a reasonable time; and
 - (b) it appears to the Tribunal that the issues for determination in the proceeding can be adequately determined in the absence of the parties to the proceeding.

Party fails to appear

- (5) This subsection applies if:
- (a) a party to the proceeding fails to appear at a Tribunal case event that relates to the proceeding; and
 - (b) the party is not a non-participating party to the proceeding or Tribunal case event; and
 - (c) the Tribunal is satisfied that the party received appropriate notice of the date, time and place of the Tribunal case event; and
 - (d) it appears to the Tribunal that the issues for determination in the proceeding can be adequately determined in the absence of the parties to the proceeding.

Section 107

Note 1: Tribunal case events include hearings, directions hearings and dispute resolution processes (see the definition of *Tribunal case event* in section 4).

Note 2: For how to appear at a Tribunal case event, see section 73.

107 When Tribunal’s decision on review comes into operation

General rule

- (1) A decision of the Tribunal in the proceeding in relation to the application comes into operation when it is given to the parties to the proceeding.

Exception—Tribunal specifies a later date

- (2) Despite subsection (1), if the Tribunal specifies in a decision that the decision comes into operation at a time after the decision is given to the parties, the decision comes into operation at the specified time.

Exception—Tribunal ordered stay of reviewable decision

- (3) Despite subsections (1) and (2), if an order under section 32 staying or otherwise affecting the operation of:
 - (a) in any case—the reviewable decision; or
 - (b) if the application is a guidance and appeals panel application taken to be made because of the referral of a decision of the Tribunal—the decision affirmed, varied or set aside by the decision of the Tribunal;is in force immediately before the Tribunal makes a decision under section 105 (Tribunal decision on review of reviewable decision) on the application, the operation of the Tribunal’s decision is stayed until:
 - (c) if a relevant appeal is made—the later of the following:
 - (i) the end of the appeal period;
 - (ii) the completion of the relevant appeal; or
 - (d) in any other case—the end of the appeal period.

Section 107

- (4) For the purposes of paragraph (3)(c), do not take into account any relevant appeal that is made after the end of the period within which the relevant appeal may be made.
- (5) Subsection (3) does not apply if the Tribunal's decision is made in accordance with subsection 103(2) (decision agreed by parties).

Exception—Tribunal or court order

- (6) Despite subsection (3):
 - (a) the Tribunal may order that a decision of the Tribunal comes into operation at a different time; and
 - (b) the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) may order that a decision of the Tribunal comes into operation at a different time.

Definitions

- (7) In this section:

completion:

- (a) the **completion** of a court appeal occurs when:
 - (i) in any case—the court appeal is determined, discontinued, dismissed or disposed of; or
 - (ii) if a panel appeal is also made and the President refers the Tribunal's decision to the guidance and appeals panel—the decision of the Tribunal on the guidance and appeals panel application taken to be made because of the referral comes into operation; and
- (b) the **completion** of a panel appeal occurs when:
 - (i) if the President refers the Tribunal's decision to the guidance and appeals panel—the decision of the Tribunal on the guidance and appeals panel application taken to be made because of the referral comes into operation; or
 - (ii) in any other case—the panel appeal is refused.

court appeal means an appeal from the Tribunal's decision to the Federal Court under Division 2 of Part 7 (appeals on questions of law).

Section 108

end of the appeal period means:

- (a) if a panel appeal may be made—the later of the following:
 - (i) the end of the period within which court appeals may be made;
 - (ii) the end of the period within which panel appeals may be made; or
- (b) in any other case—the end of the period within which court appeals may be made.

panel appeal means an application to refer the Tribunal’s decision to the guidance and appeals panel under section 123.

relevant appeal means:

- (a) if a panel appeal may be made—a court appeal or a panel appeal; or
 - (b) in any other case—a court appeal.
- (8) For the purposes of subsection (4) and the definition of ***end of the appeal period*** in subsection (7), take into account:
- (a) any extension under section 125 of the period within which panel appeals may be made that occurs before the period would otherwise expire; and
 - (b) any extension under subsection 174(2) of the period within which court appeals may be made that occurs before the period would otherwise expire.

108 Effect of Tribunal decision to vary or substitute a reviewable decision

When this section applies

- (1) This section applies if the Tribunal:
 - (a) varies the reviewable decision; or
 - (b) sets aside the reviewable decision and makes a decision in substitution for the reviewable decision.

Decision is taken to be decision of decision-maker

- (2) The reviewable decision as varied, or the decision made in substitution for the reviewable decision, is taken to be a decision of the decision-maker for all purposes other than:
- (a) section 16 (decision is taken to be made if timeframe expires); or
 - (b) Division 3 of Part 3 (applying for review of decision); or
 - (c) Divisions 2 and 4 of Part 7 (appeals and references of questions of law to Federal Court); or
 - (d) Part 10 (notice and information about administrative decision).

No application for review of varied or substituted decision

- (3) Application may not be made to the Tribunal for review of the reviewable decision as varied or the decision made in substitution for the reviewable decision.

Note 1: In some circumstances, application may be made to refer to the guidance and appeals panel a decision of the Tribunal to affirm, vary or set aside a decision (see section 123).

Note 2: This subsection does not apply in relation to ART social services decisions (see Part 5A).

Timing

- (4) When the decision of the Tribunal to vary or set aside the reviewable decision comes into operation, the reviewable decision as varied, or the decision made in substitution for the reviewable decision, has effect, or is taken to have had effect, from the time at which the reviewable decision has or had effect.
- (5) Subsection (4) does not apply if the Tribunal orders otherwise.

Division 9—Tribunal guidance decisions

109 Tribunal guidance decisions

General rule

- (1) A decision of the Tribunal is a ***Tribunal guidance decision*** if:
 - (a) the decision is made by the Tribunal constituted for the purposes of a proceeding in accordance with:
 - (i) section 40 (exception—President refers application for review that raises issue of significance); or
 - (ii) section 41 (exception—President, on appeal, refers Tribunal decision that raises issue of significance); and
 - (b) the decision is:
 - (i) made under section 105 (Tribunal decision on review of reviewable decision); and
 - (ii) not made in accordance with subsection 103(2) (decision agreed by parties); and
 - (c) the decision is not declared under subsection (2) of this section to be an excluded decision.

Exception—declared by President

- (2) The President may, in writing, declare that a decision made under section 105 by the Tribunal constituted for the purposes of a proceeding in accordance with section 40 or 41 is an excluded decision.
- (3) A declaration made under subsection (2) is not a legislative instrument.
- (4) The President must publish declarations made under subsection (2).

110 Tribunal must have regard to Tribunal guidance decisions

General rule

- (1) When making a decision in a proceeding in the Tribunal, the Tribunal must have regard to Tribunal guidance decisions that the Tribunal considers raise:
 - (a) facts similar to the facts raised by the proceeding; or
 - (b) issues similar to the issues raised by the proceeding.

Exception—member who is a Judge

- (2) Subsection (1) does not apply to:
 - (a) a member who is a Judge; or
 - (b) the Tribunal constituted for the purposes of a proceeding by a member who is, or members at least one of whom is, a Judge.

Effect of failure to comply

- (3) A failure by the Tribunal to comply with subsection (1) does not affect the validity of the decision.

Division 10—After proceeding ends

111 Notice of decision and statement of reasons—review of reviewable decision

When this section applies

- (1) This section applies if the Tribunal makes a decision under section 105 in a proceeding for review of a reviewable decision, other than a decision made in accordance with subsection 103(2) (decision agreed by parties).

General rules—Tribunal must give decision and statement of reasons

- (2) The Tribunal must give each party to the proceeding the following things in writing:
 - (a) the Tribunal’s decision;
 - (b) a statement of reasons for the Tribunal’s decision;
 - (c) if the party has a right to apply to refer a decision of the Tribunal to the guidance and appeals panel under Division 3 of Part 5—notice of that right;
 - (ca) if the party has a right to apply for second review of the Tribunal’s decision under Part 5A—notice of that right;
 - (d) notice of the right of the party to appeal to the Federal Court under Division 2 of Part 7.
 - (3) Each thing must be given by the time specified in the practice directions. If the practice directions do not specify a time, the thing must be given within 28 days after the day the Tribunal’s decision is made.
 - (4) The Tribunal may give a decision and the reasons for the decision orally before giving them in writing.
- (4A) A failure by the Tribunal to provide the things mentioned in paragraphs (2)(c) to (d) by the time required by subsection (3) does not affect the validity of the Tribunal’s decision.

Exceptions

- (5) This section is subject to sections 70 (Tribunal may restrict publication or disclosure of information) and 91 (disclosure of information—public interest certificate).

112 Notice of decision and statement of reasons—other proceedings

When this section applies

- (1) This section applies if the Tribunal makes a decision finalising a proceeding in the Tribunal, other than:
 - (a) a public interest decision mentioned in subsection 94(1) or (2) (public interest decisions made by Tribunal); or
 - (b) a decision under section 96 (Tribunal may dismiss application if parties consent); or
 - (c) a decision under subsection 103(2) (decision agreed by parties); or
 - (d) a decision under section 105 (Tribunal decision on review of reviewable decision).
- (2) To avoid doubt, this section does not apply in relation to a decision under section 128 (President decides whether to refer Tribunal decision to guidance and appeals panel).

Notice of decision

- (3) The Tribunal must give each party to the proceeding notice of the Tribunal's decision orally or in writing.

General rule—Tribunal must give statement of reasons on request

- (4) The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.
- (5) If the Tribunal has not given a party to the proceeding a statement of reasons for the Tribunal's decision, the party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal to give the party a statement of reasons for the Tribunal's decision.

Section 113

- (6) The request must be given to the Tribunal in writing.
- (7) Within 28 days after receiving the request, the Tribunal must give the party a statement of reasons for the Tribunal's decision.

Exception

- (8) This section is subject to sections 70 (Tribunal may restrict publication or disclosure of information) and 91 (disclosure of information—public interest certificate).

113 Tribunal may publish decisions

General rules

- (1) The Tribunal may publish its decisions and the reasons for them.
- (2) The Tribunal must publish a decision (and the reasons for it) if:
 - (a) the President considers that the decision:
 - (i) involves a significant conclusion of law; or
 - (ii) has significant implications for Commonwealth policy or administration; or
 - (b) the decision is:
 - (i) made by the Tribunal constituted for the purposes of a proceeding by the guidance and appeals panel; and
 - (ii) made under section 105 (Tribunal decision on review of reviewable decision); and
 - (iii) not made in accordance with subsection 103(2) (decision agreed by parties).
- (3) Publication of Tribunal decisions, and the reasons for them, must be in accordance with any requirements specified in the practice directions.

Exception—where disclosure prohibited or restricted by law

- (4) However, this section does not authorise the Tribunal to publish information the disclosure of which is prohibited or restricted by or under this Act, another Act or an instrument made under an Act.

Note: The disclosure of information may be prohibited or restricted by Tribunal order under section 70. For example, while the Tribunal can publish reasons for a decision in a proceeding that was not heard in public, the reasons cannot include information covered by a Tribunal order under section 70.

114 Tribunal may correct error in decision or statement of reasons

- (1) If, after the Tribunal makes a decision, the Tribunal considers that there is an obvious error in the text of:
- (a) the decision; or
 - (b) the statement of reasons for the decision;
- the Tribunal may alter the text of the decision or statement.

Note: The following are examples of obvious errors in the text of a decision or statement:

- (a) an obvious clerical or typographical error in the text of the decision or statement;
 - (b) an inconsistency between the decision and the statement of reasons for the decision.
- (2) If the text of a decision is altered under subsection (1), the altered text is taken to be the decision. If the text of a statement is altered under subsection (1), the altered text is taken to be the statement.

115 Taxing costs

When this section applies

- (1) This section applies if the Tribunal orders a party to a proceeding in the Tribunal to pay costs incurred by another party to the proceeding.

Note: The Tribunal's power to order a party to a proceeding to pay costs is set out in other legislation.

Party may apply for costs to be taxed

- (2) If the parties cannot agree on the amount of the costs, the Tribunal may, on application by either party, tax the costs.

Part 4 Proceedings

Division 10 After proceeding ends

Section 115

Amounts are recoverable as debts

- (3) An amount that a party (the *first party*) is ordered by the Tribunal to pay to another party (the *second party*) is recoverable by the second party as a debt due to the second party by the first party.

Division 11—Offences

116 Offence—failure to comply with summons

- (1) A person commits an offence if:
 - (a) the person is given a summons under section 74; and
 - (b) the person fails to comply with the summons.

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

- (2) Subsection (1) does not apply if it is not reasonably practicable for the person to comply with the summons by the time specified in the summons or within such further period as the Tribunal allows.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

117 Offence—failure to take oath, make affirmation or answer question

A person appearing before the Tribunal to give evidence at the hearing of a proceeding or a directions hearing in relation to a proceeding commits an offence if the person:

- (a) fails to take an oath or make an affirmation when required to do so (see section 76); or
- (b) fails to answer a question that the Tribunal requires the person to answer.

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

118 Offence—giving false or misleading evidence

- (1) A person appearing before the Tribunal to give evidence commits an offence if the person:
 - (a) gives evidence; and
 - (b) does so knowing that the evidence:
 - (i) is false or misleading; or
 - (ii) omits any matter or thing without which the evidence is misleading.

Section 119

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

Note: Giving false testimony is also subject to the offence under section 35 of the *Crimes Act 1914*.

- (2) Subsection (1) does not apply if the evidence is not false or misleading in a material particular.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

119 Offence—breach of non-publication or non-disclosure order

A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct contravenes an order under section 70 (Tribunal may restrict publication or disclosure of information) or subsection 157(3) (orders restricting publication or disclosure of findings).

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

120 Offence—contempt of Tribunal

- (1) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct obstructs or hinders the Tribunal or an authorised person in the performance of the functions of the Tribunal.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

- (2) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct would, if the Tribunal were a court of record, constitute a contempt of that court.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

Part 5—Guidance and appeals panel

Division 1—Preliminary

121 Simplified outline of this Part

The guidance and appeals panel is a way of constituting the Tribunal at a more senior level to:

- (a) review some decisions made by decision-makers; or
- (b) re-review some decisions that have been reviewed by the Tribunal.

Broadly, the circumstances in which the Tribunal may be constituted as a guidance and appeals panel are as follows:

- (a) there is an issue of significance to administrative decision-making;
- (b) a Tribunal decision may contain an error of fact or law materially affecting the Tribunal decision.

The first way a guidance and appeals panel proceeding can start is that an application to the Tribunal may be referred to the guidance and appeals panel by the President.

The second way is that, after the Tribunal has affirmed, varied or set aside a decision made by a decision-maker, a party to the Tribunal proceeding may apply to the President to refer the matter to the guidance and appeals panel. Timeframes apply to applications, but may be extended in some circumstances. The application to refer the matter does not affect the operation of the Tribunal decision unless the Tribunal orders otherwise.

If the President decides to refer the matter to the guidance and appeals panel, the Tribunal constituted as the guidance and appeals panel reviews the decision of the decision-maker, as affected by the earlier Tribunal review. Some different Tribunal powers and procedures apply in relation to guidance and appeals panel proceedings.

Part 5 Guidance and appeals panel

Division 1 Preliminary

Section 121

Only some kinds of Tribunal decisions can be referred to the guidance and appeals panel. For these decisions, a party to the proceeding in which the Tribunal decision is made can choose to apply to refer the matter to the guidance and appeals or to appeal on a question of law to the Federal Court under Part 7.

This Part contains the standard provisions for guidance and appeals panel proceedings. Other legislation can include provisions that apply in addition to, or instead of, these standard provisions.

Division 2—President may refer application on own initiative

122 President may refer application for review of decision to guidance and appeals panel

- (1) If:
- (a) an application for review of a decision is made to the Tribunal (other than a guidance and appeals panel application); and
 - (b) the President is satisfied that:
 - (i) the application raises an issue of significance to administrative decision-making; and
 - (ii) it is appropriate in the interests of justice that the Tribunal be constituted by the guidance and appeals panel for the purposes of the proceeding in relation to the application;

the President may refer the application to the guidance and appeals panel.

Note 1: The Tribunal will be constituted by the guidance and appeals panel for the purposes of the proceeding (see section 40).

Note 2: If the Tribunal is already constituted for the purposes of the proceeding, it may be reconstituted (see sections 43 and 47).

- (2) For the purposes of subparagraph (1)(b)(ii), the President must have regard to the circumstances of the parties to the proceeding.

Division 3—Party may apply to refer Tribunal decision to guidance and appeals panel

Subdivision A—Application for referral to guidance and appeals panel

123 Application may be made to refer certain Tribunal decisions to guidance and appeals panel

General rule

- (1) Application may be made to the President to refer a decision of the Tribunal under section 105 (Tribunal decision on review of reviewable decision) to the guidance and appeals panel.

Note: If the President refers a Tribunal decision to the guidance and appeals panel, the Tribunal will be constituted by the guidance and appeals panel for the purposes of the proceeding (see sections 41 and 42).

- (2) An application may be made under subsection (1) by a person who was at any time a party to the proceeding in which the decision of the Tribunal is made.

- (3) To avoid doubt, the decision of the Tribunal is not a reviewable decision.

Note: If the President refers a Tribunal decision to the guidance and appeals panel, the review relates to the decision affirmed, varied or set aside by the Tribunal decision (see subsection 130(2)).

Exception—Tribunal decision made by guidance and appeals panel or Judge

- (4) Subsection (1) does not apply in relation to a decision made by the Tribunal constituted for the purposes of a proceeding by:
- (a) the guidance and appeals panel; or
 - (b) a member who is, or members at least one of whom is, a Judge.

Exception—decision by agreement of parties

- (5) Subsection (1) does not apply if the decision is made in accordance with subsection 103(2) (decision agreed by parties).

Exception—decision of a kind prescribed by the rules

- (6) Subsection (1) does not apply in relation to a decision of a kind prescribed by the rules.

124 How to apply

Manner of applying

- (1) An application to refer a decision of the Tribunal to the guidance and appeals panel may be made in writing or in any other manner specified for the application in the practice directions.

Information to include

- (2) An application by a person to refer a decision of the Tribunal to the guidance and appeals panel must:
- (a) include the information specified for the application in the practice directions; and
 - (b) explain why the person considers that:
 - (i) the decision raises an issue of significance to administrative decision-making; or
 - (ii) the decision may contain an error of fact or law materially affecting the decision.
- (3) A failure to comply with subsection (2) does not affect the validity of the application.
- (4) Without limiting section 128, the President may refuse the application if the application does not comply with subsection (2) of this section.

125 When to apply to refer Tribunal decision

An application to refer a decision of the Tribunal to the guidance and appeals panel must be made within the period of 28 days after

Section 126

the Tribunal gives a statement of reasons for the decision to the parties to the proceeding in which the decision is made (or such longer period as the President, in special circumstances, allows).

Subdivision B—After application to refer decision is made

126 Parties to be notified of application

- (1) This section applies if an application is made to refer a decision of the Tribunal (the *Tribunal decision*) to the guidance and appeals panel.
- (2) The Tribunal must give written notice of the application to the following:
 - (a) the applicant;
 - (b) the decision-maker for the decision affirmed, varied or set aside by the Tribunal decision;
 - (c) any other party to the proceeding in which the Tribunal decision is made.

127 Tribunal decision continues to operate unless Tribunal orders otherwise

General rule

- (1) The making of an application (the *referral application*) to refer a decision of the Tribunal (the *Tribunal decision*) to the guidance and appeals panel does not affect the operation of the Tribunal decision or prevent the taking of action to implement the Tribunal decision.

Exception—Tribunal may stay operation or implementation

- (2) However, on application by a party to the proceeding in which the Tribunal decision is made, the Tribunal may make an order staying or otherwise affecting the operation or implementation of the Tribunal decision if the Tribunal considers that it is desirable to do so for the purpose of ensuring the effectiveness of the referral application.

- (3) The order is subject to any conditions specified in the order.
 - (4) The order has effect until:
 - (a) if the President refers the Tribunal decision—14 days after the President refers the Tribunal decision; or
 - (b) in any other case—the Tribunal refuses the referral application.
- Note: If the President refers the Tribunal decision, an application is taken to be made for review of a reviewable decision (see subsection 130(2)). The Tribunal may stay the operation or implementation of the reviewable decision for the purpose of ensuring the effectiveness of the review (see section 32).
- (5) Despite subsection (4), if:
 - (a) the order states that it applies for a period; and
 - (b) the period ends before the time the order would cease to have effect under subsection (4) if the period were not stated;the order has effect until the end of the period.
 - (6) The Tribunal may, by order, vary or revoke the order on application by a party to the proceeding in which the Tribunal decision is made.

Preconditions to making, varying or revoking an order

- (7) The Tribunal must not make, vary or revoke an order staying or otherwise affecting the operation or implementation of the Tribunal decision unless:
 - (a) the Tribunal has given the parties to the proceeding in which the Tribunal decision is made a reasonable opportunity to make submissions to the Tribunal in relation to the making, variation or revocation of the order; and
 - (b) the Tribunal has taken into account the interests of any person who may be affected by the decision affirmed, varied or set aside by the Tribunal decision.
- (8) However, paragraph (7)(a) does not prevent the Tribunal making, varying or revoking an order without giving a party an opportunity to make a submission to the Tribunal if the Tribunal is satisfied that it is not practicable to give the party the opportunity.

Section 128

- (9) If the Tribunal makes, varies or revokes an order without giving a party an opportunity to make a submission as mentioned in subsection (8), the order, variation or revocation does not take effect until a notice setting out the terms of the order, variation or revocation is given to the party.

128 President decides whether to refer Tribunal decision to guidance and appeals panel

President's decision

- (1) If a person applies to refer a decision of the Tribunal (the ***Tribunal decision***) to the guidance and appeals panel, the President may refer the Tribunal decision to the guidance and appeals panel or refuse the application.

Requirements for decision

- (2) The President may refer the Tribunal decision to the guidance and appeals panel if the President is satisfied that:
- (a) the Tribunal decision raises an issue of significance to administrative decision-making; or
 - (b) the Tribunal decision may contain an error of fact or law materially affecting the Tribunal decision.
- (3) However, the President must not refer the Tribunal decision to the guidance and appeals panel in any of the following circumstances:
- (a) a fee payable in relation to the application is not paid by the time prescribed by the rules;
 - (b) a circumstance prescribed by the rules.
- (4) In deciding whether to refer the Tribunal decision to the guidance and appeals panel or refuse the application under this section, the President must have regard to:
- (a) the circumstances of the parties to the proceeding in which the Tribunal decision is made; and
 - (b) any other matters that the President considers relevant.
- (5) To avoid doubt, the President is not required to refer any decision of the Tribunal to the guidance and appeals panel.
-

129 Notice of President's decision

- (1) This section applies if:
 - (a) a person applies to refer a decision of the Tribunal (the ***Tribunal decision***) to the guidance and appeals panel; and
 - (b) the President decides to refer the Tribunal decision to the guidance and appeals panel or refuse the application.
- (2) The President must give notice of the President's decision orally or in writing to the following:
 - (a) the person;
 - (b) the decision-maker for the decision affirmed, varied or set aside by the Tribunal decision;
 - (c) any other party to the proceeding in which the Tribunal decision is made.

Subdivision C—Review after Tribunal decision is referred to guidance and appeals panel

130 Application for review proceeds if President refers Tribunal decision to guidance and appeals panel

When this section applies

- (1) This section applies if the President refers to the guidance and appeals panel under section 128 a decision made by the Tribunal (the ***Tribunal decision***) to affirm, vary or set aside a decision (the ***original decision***).

Applicant is taken to have applied for review of decision

- (2) The person who applied to refer the Tribunal decision to the guidance and appeals panel is taken to have applied to the Tribunal for review of the following decision:
 - (a) if the Tribunal decision is to affirm the original decision—the original decision;
 - (b) if the Tribunal decision is to vary the original decision—the original decision as varied (an ***updated decision***);

Part 5 Guidance and appeals panel

Division 3 Party may apply to refer Tribunal decision to guidance and appeals panel

Section 130

- (c) if the Tribunal decision is to set aside the original decision and make a new decision in substitution for it—the new decision (also an *updated decision*);
- (d) if the Tribunal decision is to set aside the original decision and remit the matter to the decision-maker for reconsideration—the original decision.

Note 1: The decision-maker for the original decision is the decision-maker for the purposes of the review (see section 108).

Note 2: The Tribunal will be constituted by the guidance and appeals panel for the purposes of the proceeding for the review (see sections 41 and 42).

Parties to Tribunal decision proceeding are parties to review proceeding

- (3) In addition to the persons who are parties to the proceeding for the review under section 22, any other party to the proceeding in which the Tribunal decision is made is a party to the proceeding for the review.
- (4) Subsection (3) is subject to section 65 (certain parties may seek to withdraw from being a party) and 83 (Tribunal may remove party from proceeding if party fails to appear or does not comply).

This Act applies differently in relation to the review

- (5) The following provisions do not apply in relation to an updated decision:
 - (b) section 24 (decision-maker must give Tribunal additional statement if Tribunal requires—general rule);
 - (c) Part 10 (notice and information about administrative decision).
- (6) The following provisions do not apply in relation to a guidance and appeals panel application:
 - (aa) Division 3 of Part 3 (applying for review of decision);
 - (a) section 21 (parties and potential parties to be notified of application);
 - (b) section 23 (decision-maker must give reasons and documents to Tribunal—general rule).

- (7) This Act applies in relation to an updated decision or a guidance and appeals panel application subject to any modifications prescribed by the regulations.

131 Tribunal may have regard to records and documents from earlier proceeding

In a proceeding in relation to a guidance and appeals panel application taken to be made because the President refers a decision of the Tribunal to the guidance and appeals panel, the Tribunal may have regard to:

- (a) any record of the proceeding (the *earlier proceeding*) in which the decision of the Tribunal is made (including a record of any evidence taken in the earlier proceeding); and
- (b) any document or thing relating to the earlier proceeding given to the Tribunal; and
- (c) any order or recommendation of the Tribunal in the earlier proceeding.

Part 5A—Second review for certain social services decisions

Division 1—Preliminary

131A Simplified outline of this Part

A person may apply to the Tribunal for review of an ART social services decision.

Most ART social services decisions are decisions made by the Tribunal on review of social services decisions. However, some ART social services decisions are made originally by the Tribunal.

In general, the Tribunal must deal with an application for review of an ART social services decision in the same way as it would deal with a reviewable decision of that kind.

However, this general rule is modified by Division 3 of this Part, and may also be modified by regulations made under this Part.

An application cannot be made under section 123 to refer a decision of the Tribunal on review of a social services decision, or a decision of the Tribunal on second review, to the guidance and appeals panel.

131B How this Part applies

This Part applies despite subsection 108(3) (no application for review of varied or substituted decision).

131C Meaning of *eligible social services decision*

Each of the following is an *eligible social services decision*:

- (a) a reviewable decision made under the *A New Tax System (Family Assistance) Act 1999*;

Section 131C

- (b) a reviewable decision made under the *A New Tax System (Family Assistance) (Administration) Act 1999*, other than a child care provider decision (within the meaning of that Act);
- (c) a decision under section 92 of the *Child Support (Registration and Collection) Act 1988* to refuse an extension application;
- (d) a reviewable decision made under the *Child Support (Registration and Collection) Act 1988* that is a care percentage decision (within the meaning of that Act);
- (e) a decision under subsection 95N(2) of the *Child Support (Registration and Collection) Act 1988* to make, or not to make, a determination;
- (f) a reviewable decision made under the *Paid Parental Leave Act 2010* that is a claimant decision (within the meaning of that Act);
- (g) a reviewable decision made under the *Social Security Act 1991*;
- (h) a reviewable decision made under the *Social Security (Administration) Act 1999*;
- (i) a reviewable decision made under the *Student Assistance Act 1973*.

Section 131D

Division 2—General rules for second review

131D Who can apply

- (1) A person whose interests are affected by an ART social services decision may apply to the Tribunal for review (the *second review*) of the decision.
- (2) However, an application cannot be made for second review if the ART social services decision was made in accordance with subsection 103(2) (decision agreed by parties).
- (3) An *ART social services decision* is:
 - (a) for an eligible social services decision that has been affirmed by the Tribunal—the decision as affirmed; or
 - (b) for an eligible social services decision that has been varied by the Tribunal—the decision as varied; or
 - (c) for an eligible social services decision that has been set aside and remade by the Tribunal—the decision as remade; or
 - (d) for an eligible social services decision that has been set aside and remitted to the decision-maker by the Tribunal—the decision as set aside; or
 - (e) for an eligible social services decision made under section 92 or subsection 95N(2) of the *Child Support (Registration and Collection) Act 1988*—the decision as made.

131E Operation of this Act and other laws

- (1) This Act applies in relation to an ART social services decision as if the decision were a reviewable decision.
- (2) If the review of an eligible social services decision under this Act was subject to provisions with a contrary intention in another Act, any second review relating to the decision is subject to those provisions in the same way.
- (3) This section has effect subject to:
 - (a) the modifications set out in Division 3; and

Section 131E

- (b) any modifications of this Act prescribed by the regulations for the purposes of second review.

Section 131F

Division 3—Modifications for second review

131F References to the decision-maker

A reference in this Act, as it would apply for the purposes of second review, to the decision-maker for an ART social services decision is taken to be a reference to the decision-maker for the related eligible social services decision.

131G Giving reasons and documents to Tribunal

Section 23 (decision-maker must give reasons and documents to Tribunal—general rule) does not apply in relation to an application for second review.

131H Who can apply—claimant decisions

Despite section 17 (who can apply), an application for second review in relation to a claimant decision (within the meaning of the *Paid Parental Leave Act 2010*) may not be made by a person in the person's capacity as an employer.

131J When to apply

- (1) Despite a contrary intention in any other law, an application for second review must be made within the time prescribed under section 18 (when to apply—general rule).
- (2) However, an application for second review of a child care decision (within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999*) about an individual's entitlement to be paid CCS for a week may also be made after the time prescribed under section 18 (when to apply—general rule) if the application is made:
 - (a) because of a review, by the Commissioner of Taxation, of a previous decision by the Commissioner about the taxable income of the individual or another person in relation to whom the individual has met the CCS reconciliation conditions for the income year in which the CCS fortnight that includes the week starts; and

- (b) within the time prescribed under that section after the individual or other person was notified by the Commissioner of the outcome of the review.

131K Parties to proceeding

- (1) The parties to a proceeding for second review include the persons who were parties to the proceeding for review of the related eligible social services decision.
- (2) However, subsection (1) has effect subject to:
 - (a) section 65 (certain parties may seek to withdraw from being a party); and
 - (b) section 83 (Tribunal may remove party from proceeding if party fails to appear or does not comply).

131L Limits on applying to become a party to proceeding—claimant decisions

- (1) This section applies to a proceeding for a second review that relates to a claimant decision (within the meaning of the *Paid Parental Leave Act 2010*).
- (2) Despite paragraph 22(1)(c), a person may not apply to be a party to the proceeding in the person's capacity as an employer.

131M Decision cannot be altered outside Tribunal process

Despite a contrary intention in any other law, section 31 (decision cannot be altered outside Tribunal process) has effect in relation to a second review.

131N No automatic election notice for decision-maker

Despite a contrary intention in any other law, a decision-maker is not taken to have given the Tribunal an election notice in relation to a second review.

Section 131P

131P Tribunal may have regard to records and documents from earlier proceeding

In a proceeding for second review, the Tribunal may have regard to:

- (a) any record of the proceeding (the *earlier proceeding*) in which the ART social services decision was made (including a record of any evidence taken in the earlier proceeding); and
- (b) any document or thing relating to the earlier proceeding given to the Tribunal; and
- (c) any order or recommendation of the Tribunal in the earlier proceeding.

131Q Care percentage determinations reviewed under other Acts

Family assistance care percentage decisions

- (1) Section 123 of the *A New Tax System (Family Assistance) (Administration) Act 1999* does not apply in relation to a second review of a family assistance care percentage decision.
- (2) If:
 - (a) the Tribunal has reviewed an ART social services decision made on review of a decision on application referred to in section 89 of the *Child Support (Registration and Collection) Act 1988*; and
 - (b) the review of the ART social services decision involved (wholly or partly) a review of a determination to which a family assistance care percentage decision relates;then, despite section 54 of this Act, the Tribunal must not, on second review of the family assistance care percentage decision, vary or substitute the decision in a way that would have the effect of varying or substituting the determination referred to in paragraph (b).

Child support care percentage decisions

(3) Section 95M of the *Child Support (Registration and Collection) Act 1988* does not apply in relation to a second review of a child support care percentage decision.

(4) If:

(a) the Tribunal has reviewed an ART social services decision made on review of a decision on application referred to in section 111 of the *A New Tax System (Family Assistance) (Administration) Act 1999*; and

(b) the review of the ART social services decision involved (wholly or partly) a review of a determination to which a child support care percentage decision relates;

then, despite section 54 of this Act, the ART must not, on second review of the child support care percentage decision, vary or substitute the decision in a way that would have the effect of varying or substituting the determination referred to in paragraph (b).

Definitions

(5) In this section:

child support care percentage decision means a care percentage decision within the meaning of the *Child Support (Registration and Collection) Act 1988*.

family assistance care percentage decision means a care percentage decision within the meaning of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

131R Date of effect provisions

The following provisions do not apply in relation to second review:

(a) section 125 of the *A New Tax System (Family Assistance) (Administration) Act 1999*;

(b) section 95N of the *Child Support (Registration and Collection) Act 1988*.

Section 131S

131S Treating events as having occurred

- (1) Paragraph 127(a) of the *A New Tax System (Family Assistance) Act 1999* has effect as if the reference in that paragraph to ART review of a decision included a reference to second review of an ART social services decision made on ART review.
- (2) Paragraph 183(a) of the *Social Security (Administration) Act 1999* has effect as if the reference in that paragraph to ART review of a decision included a reference to second review of an ART social services decision made on ART review.
- (3) Paragraph 319(a) of the *Student Assistance Act 1973* has effect as if the reference in that paragraph to ART review of a decision included a reference to second review of an ART social services decision made on ART review.

131T Remitting decisions for reconsideration

Despite a contrary intention in any other law, section 85 (Tribunal may remit decision to decision-maker for reconsideration) applies in relation to a second review.

131U Legal or financial assistance

Despite a contrary intention in any other law (other than section 122 of the *A New Tax System (Family Assistance) Act 1999*):

- (a) subsection 294(1) (legal or financial assistance for applicants) applies in relation to a person who applies, or proposes to apply, to the Tribunal for second review; and
- (b) subsection 294(3) (legal or financial assistance for other parties) applies in relation to a proceeding for second review; and
- (c) subsection 294(4) (legal or financial assistance for court proceedings) applies in relation to a matter that relates to a proceeding for second review.

131V Operation and implementation of decision on second review

Despite a contrary intention in any other law, subsection 32(2) (Tribunal may stay operation or implementation) applies in relation to a second review.

131W Guidance and appeals panel

An application cannot be made under section 123 to refer any of the following to the guidance and appeals panel:

- (a) a decision of the Tribunal on review of an eligible social services decision;
- (b) a decision of the Tribunal on second review.

Note: However, the President may, on the President's own initiative, refer an application for review of an eligible social services decision or for second review to the guidance and appeals panel under section 122.

131X Time and manner for making appeals

- (1) This section applies:
 - (a) if a person applies for second review of an ART social services decision; and
 - (b) for the purposes of counting the 28 days mentioned in paragraph 174(1)(a), (b) or (c) within which an appeal to the Federal Court from the decision may be made.
- (2) Do not take into account any day in the period between:
 - (a) the day the application for second review is made; and
 - (b) the day the person is given:
 - (i) notice under subsection 37(5) that the Tribunal has been constituted for the purposes of the second review; or
 - (ii) notice of a decision by the Tribunal that the person's interests are not affected by the ART social services decision.

Part 6—Proceedings in Intelligence and Security jurisdictional area

Division 1—Preliminary

132 Simplified outline of this Part

Special rules apply when the Tribunal's powers in relation to a proceeding are exercised in the Intelligence and Security jurisdictional area. This occurs if the proceeding relates to an intelligence and security decision or the President otherwise directs (for example where the President is satisfied national security information would be involved).

The standard Tribunal process is adjusted, including in relation to applicants, decision-makers, parties, constitution of the Tribunal, dispute resolution processes and Tribunal decisions. Some adjustments apply to all intelligence and security decisions, others only apply to some kinds of decisions.

Referral to the guidance and appeals panel is not available in relation to intelligence and security decisions. However, for some kinds of intelligence and security decisions reviewed by the Tribunal, the applicant may apply to the Tribunal for the decision to be reviewed again.

Special rules are also in place to protect information. These deal with:

- (a) whether statements of reasons can be given; and
- (b) what information is to be provided to the Tribunal and parties to proceedings; and
- (c) how the information is to be provided; and
- (d) how the information is to be used and protected.

For example, different requirements apply to information covered by certificates issued on public interest grounds.

133 How this Part applies

Interaction with other provisions

- (1) This Part:
 - (a) applies despite any other provision of this Act, the regulations, the rules or the practice directions; but
 - (b) unless this Part provides otherwise—does not limit the operation of any such provision to the extent that the provision is capable of operating concurrently with this Part.
- (2) To avoid doubt, this Part does not limit Division 6 of Part 7 (sending and disclosing documents).

Assessments to be treated as decisions

- (3) To avoid doubt, this Act applies in relation to criminal intelligence assessments, security assessments and security clearance suitability assessments as if:
 - (a) those assessments were decisions; and
 - (b) the making of those assessments were the making of decisions.

134 Proceedings to be conducted in Intelligence and Security jurisdictional area

Reviews of intelligence and security decisions

- (1) The Tribunal's powers in relation to a proceeding that relates to an intelligence and security decision are to be exercised in the Intelligence and Security jurisdictional area.

Other proceedings involving national security information

- (2) If the President is satisfied that any other proceeding in the Tribunal would involve national security information, the President may direct that the Tribunal's powers in relation to the proceeding are to be exercised in the Intelligence and Security jurisdictional area.

Section 135

- (3) The President may do so:
- (a) on application by a party to the proceeding; or
 - (b) on the President's own initiative.

Other proceedings generally

- (4) To avoid doubt, this section does not limit the President's power under subsection 196(4) to direct that the powers of the Tribunal in relation to any other proceeding are to be exercised in the Intelligence and Security jurisdictional area.

135 Operation in relation to decision-maker

When this section applies

- (1) This section applies:
- (a) in relation to a proceeding for review of an intelligence and security decision, other than an exempt security record decision; and
 - (b) for the purposes of the operation of this Act in relation to the decision.

Person taken to be decision-maker—general rule

- (2) For a decision mentioned in column 1 of an item in the following table, the decision-maker is taken to be the person mentioned in column 2 of the item.

Who is taken to be the decision-maker

Item	Column 1 Decision	Column 2 Person taken to be decision-maker
1	Criminal intelligence assessment	The Chief Executive Officer of the Australian Crime Commission
2	Foreign acquisitions and takeovers decision	The Treasurer
3	Preventative detention decision	The AFP Commissioner
4	Security assessment	The Director-General of Security
5	Security clearance decision	The Director-General of Security

Who is taken to be the decision-maker		
Item	Column 1 Decision	Column 2 Person taken to be decision-maker
6	Security clearance suitability assessment	The Director-General of Security

Exceptions

- (3) Subsection (2) does not apply in relation to:
- (a) section 54 (Tribunal can exercise powers of decision-maker); or
 - (b) section 85 (Tribunal may remit decision to decision-maker for reconsideration); or
 - (c) section 105 (Tribunal decision on review of reviewable decision); or
 - (d) section 108 (effect of Tribunal decision to vary or substitute a reviewable decision); or
 - (e) section 163 (security clearance decisions).

136 Reasons for decisions

When this section applies

- (1) This section applies in relation to an intelligence and security decision.

Reasons for decisions

- (2) Division 3 of Part 10 (decision-makers to give reasons for decisions) does not apply in relation to the decision.

137 Meaning of *relevant body*

When this section applies

- (1) This section applies in relation to a proceeding in the Intelligence and Security jurisdictional area.

Section 137

Meaning of relevant body

- (2) The **relevant body** for a decision mentioned in column 1 of an item in the following table is the Commonwealth entity or the part of a Commonwealth entity, or the State or Territory government entity, mentioned in column 2 of the item.

Meaning of relevant body		
Item	Column 1 Decision	Column 2 Relevant body
1	Criminal intelligence assessment	The entity to which the assessment was given
2	Foreign acquisitions and takeovers decision	The agency within the national intelligence community that provided advice to the Treasurer in relation to the decision
3	Preventative detention decision	The agency within the national intelligence community (if any) that provided advice to the Australian Federal Police in relation to the preventative detention order concerned
4	Security assessment	The entity to which the assessment was given
5	Security clearance decision	The sponsoring agency in relation to the security clearance
6	Security clearance suitability assessment	Both: (a) the security vetting agency to which the assessment was given; and (b) the sponsoring agency in relation to the security clearance concerned if that agency was given the assessment by ASIO

Division 2—Starting a review

Subdivision A—Applications and notice of applications

138 Limits on who can apply for certain reviews

When this section applies

- (1) This section applies in relation to an intelligence and security decision, other than:
 - (a) an exempt security record decision; or
 - (b) a preventative detention decision.

Persons who can apply for review

- (2) Section 17 (who can apply) does not apply in relation to the decision.

Note: The persons who may apply for review of these decisions are specified in the Acts under which the decisions are made.

139 Additional persons to be notified of applications for review

When this section applies

- (1) This section applies:
 - (a) in relation to an intelligence and security decision; and
 - (b) in addition to section 21 (parties and potential parties to be notified of application).

Notice of application

- (2) If a person applies to the Tribunal for review of the decision:
 - (a) the Tribunal must give the agency head written notice of the application; and
 - (b) the agency head must then give written notice of the application to each relevant body.

Section 140

140 Applications for decisions to be reviewed again

When this section applies

- (1) This section applies in relation to an intelligence and security decision, other than:
 - (a) an exempt security record decision; or
 - (b) a preventative detention decision.

Application for decision to be reviewed again

- (2) If the Tribunal has reviewed the decision, the person who applied for the review may apply to the Tribunal for the decision to be reviewed again.
- (3) The Tribunal must dismiss the application unless the Tribunal is satisfied that:
 - (a) further evidence of material significance has become available; and
 - (b) the further evidence was not available at the time of the initial review.

Subdivision B—Information to be provided by agency head

141 Information to be provided by agency head

When this section applies

- (1) This section applies:
 - (a) in relation to an intelligence and security decision, other than an exempt security record decision; and
 - (b) instead of Subdivision B of Division 4 of Part 3 (provision of reasons and documents).

Information to be provided by agency head

- (2) If the agency head is given notice of an application for review of the decision, the agency head must give the Tribunal:
 - (a) in any case—all the relevant information that:
 - (i) was used to make the decision; and
-

Section 141

- (ii) is available to the agency head; and
- (b) if the decision is a security clearance decision—a copy of the statement of grounds prepared for the decision under section 83C of the ASIO Act; and
- (c) if the decision is a foreign acquisitions and takeovers decision:
 - (i) a copy of the notice given to the person concerned under subsection 79B(1) of the *Foreign Acquisitions and Takeovers Act 1975*; and
 - (ii) a copy of the whole of the notice (without redactions).

Non-disclosure certificates

- (3) If the application is for review of a decision mentioned in column 1 of an item in the following table, and a certificate mentioned in column 2 of the item has been made in relation to the decision, the agency head must also give the Tribunal the documents mentioned in column 3 of the item.

Non-disclosure certificates—documents to be given to Tribunal			
Item	Column 1 Decision	Column 2 Certificate	Column 3 Documents to be given
1	Criminal intelligence assessment	Certificate under subsection 36C(5) of the <i>Australian Crime Commission Act 2002</i>	The following: (a) a copy of the certificate; (b) a copy of the whole assessment (without redactions)
2	Security assessment	Certificate under paragraph 38(2)(b) of the ASIO Act	The following: (a) a copy of the certificate; (b) a copy of the whole assessment (without redactions)
3	Security clearance decision	Certificate under subsection 83C(6) of the ASIO Act	A copy of the certificate
4	Security clearance suitability assessment	Certificate under paragraph 83A(4)(b) of the ASIO Act	The following: (a) a copy of the certificate; (b) a copy of the whole assessment (without redactions), including a

Section 142

Non-disclosure certificates—documents to be given to Tribunal

Item	Column 1 Decision	Column 2 Certificate	Column 3 Documents to be given
			copy of the statement of grounds prepared for the assessment under section 82G of the ASIO Act

Prohibition on disclosure of subsection 79B(1) notices

- (4) The Tribunal must not, at any time, permit an applicant to have access to:
- (a) any copy or particulars of a notice (without redaction) given under subsection 79B(1) of the *Foreign Acquisitions and Takeovers Act 1975*; or
 - (b) any matter to which the notice (without redaction) relates.

General rules

- (5) Information or a document required under this section must be given to the Tribunal within 28 days after the agency head is given notice of the application, or within such further period as the Tribunal allows.
- (6) To avoid doubt, this section applies whether or not the information or documents are favourable or unfavourable to the applicant.

Subdivision C—Provision of security clearance standards

142 When this Subdivision applies

This Subdivision applies in relation to the review of:

- (a) a security clearance decision; or
- (b) a security clearance suitability assessment.

143 Director-General of Security may provide standards

Providing standards

- (1) The Director-General of Security may give the Tribunal either or both of the following:
 - (a) a copy of any standard (or a part of a standard) certified in writing by the Director-General as a standard relating to the Commonwealth's highest level of security clearance that was used to make the security clearance decision or the security clearance suitability assessment;
 - (b) a copy of any standard (or a part of a standard) certified in writing by the Director-General as a current standard relating to the Commonwealth's highest level of security clearance.

Note: A standard relating to the Commonwealth's highest level of security clearance is part of the Australian Government's framework of protective security policy.

Applying standards

- (2) If a copy of only one standard (or part) is given, the Tribunal must apply the standard (or part) in its review of the decision.
- (3) If copies of more than one standard (or part) are given, the Tribunal must, in its review of the decision, apply the standard (or part) certified by the Director-General as being a current standard.

144 Disclosure of standards

General rule

- (1) The Tribunal must do all things necessary to ensure that a copy of a standard (or a part of a standard) given to the Tribunal under section 143, or any information contained in the copy, is not disclosed to the applicant or any person other than:
 - (a) the Director-General of Security or the Director-General's representative; or
 - (b) a member in the course of the performance of the member's duties; or

Section 144

- (c) the Principal Registrar in the course of the performance of the Principal Registrar's duties; or
- (d) a staff member in the course of the performance of the staff member's duties.

Exception

- (2) However, subsection (1) does not apply in relation to disclosure to the applicant or a person representing the applicant to the extent that the information:
 - (a) has already been lawfully disclosed to the applicant; or
 - (b) is disclosed to the applicant with the consent of the Director-General of Security.

Division 3—Proceedings

145 Constitution of Tribunal—general rule

When this section applies

- (1) This section applies:
 - (a) in relation to a proceeding for review of a decision in the Intelligence and Security jurisdictional area, other than a proceeding for review of a preventative detention decision; and
 - (b) instead of section 39 (general rules for constitution of Tribunal).

Note: Section 39 continues to apply in relation to incidental and ancillary proceedings, such those dealing with costs and extensions of time.

Constitution of Tribunal—general rule

- (2) The Tribunal must be constituted for the purposes of the proceeding by:
 - (a) the President; or
 - (b) a Deputy President; or
 - (c) 3 members, at least one of whom is the President or a Deputy President.

Note: For constitution of the Tribunal, see Division 4 of Part 4 (constitution of Tribunal for a proceeding), and for reconstitution of the Tribunal, see Subdivision D of that Division.

Presiding member

- (3) If the Tribunal is constituted for the purposes of the proceeding by 3 members, the presiding member must be:
 - (a) if the President is one of the members—the President; or
 - (b) if the President is not one of the members but one or more Judges are—the most senior (or only) Judge; or
 - (c) if paragraphs (a) and (b) do not apply—a Deputy President.

Section 146

Avoiding conflicts of interest—members who were agency heads

- (4) However, none of the members can be a person who is, or was, the head of an agency within the national intelligence community if:
- (a) in any case—the agency is a party to the proceeding; or
 - (b) if the review relates to an exempt security record decision—the document or record concerned originated with, or was received from, the agency.

Avoiding conflicts of interest—members who were certain Ministers

- (5) In addition, none of the members can be a person who was:
- (a) in any case—the Treasurer; or
 - (b) the Minister responsible for an agency within the national intelligence community if:
 - (i) the agency is a party to the proceeding; or
 - (ii) if the review relates to an exempt security record decision—the document or record concerned originated with, or was received from, the agency.

146 Constitution of Tribunal—preventative detention decisions

When this section applies

- (1) This section applies:
- (a) in relation to a proceeding for review of a preventative detention decision; and
 - (b) instead of section 39 (general rules for constitution of Tribunal).

Note: Section 39 continues to apply in relation to incidental and ancillary proceedings, such those dealing with costs and extensions of time.

Constitution of Tribunal—preventative detention decisions

- (2) The Tribunal must be constituted for the purposes of the proceeding by a single member who must be:
- (a) the President; or
 - (b) a Judicial Deputy President.

Note: For constitution of the Tribunal, see Division 4 of Part 4 (constitution of Tribunal for a proceeding), and for reconstitution of the Tribunal, see Subdivision D of that Division.

147 Parties to proceedings

When this section applies

- (1) This section applies:
 - (a) in relation to a proceeding for review of an intelligence and security decision; and
 - (b) instead of the following provisions:
 - (i) unless the decision is an exempt security record decision—section 22 (parties to proceeding for review);
 - (ii) section 60 (decision-makers may elect not to participate in kind of proceeding or Tribunal case event);
 - (iii) section 61 (decision-maker who elects not to participate may be a non-participating party to proceeding or Tribunal case event);
 - (iv) section 65 (certain parties may seek to withdraw from being a party);
 - (v) section 83 (Tribunal may remove party from proceeding if party fails to appear or does not comply).

Parties to proceedings

- (2) The parties to a proceeding for review of a decision mentioned in column 1 of an item in the following table are the persons mentioned in column 2 of the item.

Parties to proceedings		
Item	Column 1 Decision	Column 2 Parties to proceeding
1	Criminal intelligence assessment	The applicant The Chief Executive Officer of the Australian Crime Commission
2	Foreign acquisitions and takeovers decision	The applicant The Treasurer

Section 148

Parties to proceedings		
Item	Column 1 Decision	Column 2 Parties to proceeding
3	Preventative detention decision	The applicant The AFP Commissioner
4	Security assessment	The applicant The Director-General of Security
5	Security clearance decision	The applicant The Director-General of Security
6	Security clearance suitability assessment	The applicant The Director-General of Security

148 Certain hearings must be held in private

When this section applies

- (1) This section applies in relation to a proceeding that relates to an intelligence and security decision, other than an exempt security record decision.
- (2) This section applies subject to:
 - (a) section 149 (persons entitled to be present at hearings); and
 - (b) section 158 (security certificates—responsible Minister).

Hearings to be held in private

- (3) The hearing of the proceeding must be held in private.
- (4) The Tribunal may, by order, give directions in relation to the persons who may be present at the hearing.

149 Persons entitled to be present at hearings

When this section applies

- (1) This section applies:
-

- (a) in relation to a proceeding for review of an intelligence and security decision; and
- (b) subject to section 158 (security certificates—responsible Minister).

Persons entitled to be present

- (2) The applicant, and the applicant's representative, are entitled to be present at the hearing of the proceeding when the Tribunal hears submissions made, or evidence adduced by:
 - (a) the agency head (or representative); or
 - (b) a relevant body.
- (3) The following are entitled to be present at the hearing of the proceeding when the Tribunal hears submissions made, or evidence adduced by the applicant (or representative):
 - (a) the agency head (or representative);
 - (b) a relevant body.

150 Relevant bodies may adduce evidence and make submissions

When this section applies

- (1) This section applies in relation to a proceeding for review of an intelligence and security decision.

Relevant bodies may adduce evidence and make submissions

- (2) A relevant body:
 - (a) is entitled to adduce evidence and make submissions in the proceeding; and
 - (b) for the purposes of the following sections, is taken to be a party to the proceeding:
 - (i) section 56 (parties and their representatives to assist Tribunal);
 - (ii) section 66 (representation before Tribunal);
 - (iii) section 79 (Tribunal may give directions in relation to procedure for a proceeding);
 - (iv) section 151 (order of evidence and submissions);

Section 151

- (v) section 152 (opportunity for further evidence and submissions).

151 Order of evidence and submissions

When this section applies

- (1) This section applies in relation to a proceeding for review of an intelligence and security decision.

Order of presentation

- (2) Unless it determines otherwise, the Tribunal must hear initial evidence and submissions from the parties to the proceeding in the following order:
- (a) first—evidence adduced and submissions made by the agency head;
 - (b) second—evidence adduced and submissions made by relevant bodies;
 - (c) third—evidence adduced and submissions made by the applicant.

152 Opportunity for further evidence and submissions

When this section applies

- (1) This section applies in relation to a proceeding for review of an intelligence and security decision.

Further evidence and submissions

- (2) The Tribunal must give a party to the proceeding an opportunity to adduce further evidence and make further submissions in relation to the further evidence if:
- (a) the party presents the party's case to the Tribunal; and
 - (b) after that case is presented, another party adduces evidence; and
 - (c) the Tribunal considers that, because of evidence adduced by the other party, the first-mentioned party should be further heard.

- (3) To avoid doubt, the Tribunal must not give the applicant particulars of evidence or a submission in contravention of another provision of this Act that prohibits or restricts the disclosure of those particulars.

153 Tribunal may invite person to give evidence

When this section applies

- (1) This section applies in relation to a proceeding in the Intelligence and Security jurisdictional area.

Tribunal may invite person to give evidence

- (2) The Tribunal may, on its own initiative and at any stage of the proceeding, invite a person to give evidence.

154 Certain processes not available

When this section applies

- (1) This section applies in relation to an intelligence and security decision, other than an exempt security record decision.

Dispute resolution

- (2) Subdivision C of Division 6 of Part 4 (dispute resolution processes) does not apply in relation to a proceeding for review of the decision.

155 Guidance and appeals panel

When this section applies

- (1) This section applies in relation to an intelligence and security decision.

Guidance and appeals panel

- (2) Part 5 (guidance and appeals panel) does not apply in relation to:
 - (a) an application for review of the decision; or
-

(b) a decision of the Tribunal on review of the decision.

Division 4—Disclosure of information

156 Duty of Tribunal in relation to security and law enforcement information

When this section applies

- (1) This section applies in relation to a proceeding in the Intelligence and Security jurisdictional area.

Duty to protect security and law enforcement information

- (2) It is the duty of the Tribunal, even though there may be no relevant certificate under this or any other Act, to ensure, so far as possible, that information is not communicated or made available to a person if that communication or availability would prejudice:
 - (a) the security, defence or international relations of the Commonwealth; or
 - (b) law enforcement interests.

157 Restricting publication or disclosure of information

When this section applies

- (1) This section applies:
 - (a) in relation to a proceeding in the Intelligence and Security jurisdictional area; and
 - (b) in addition to:
 - (i) section 70 (Tribunal may restrict publication or disclosure of information); and
 - (ii) section 71 (requirements for Tribunal orders about hearings, publication and disclosure).

Orders restricting publication or disclosure of information

- (2) In considering whether to make an order under section 70 restricting publication or other disclosure of information, the Tribunal must:

Section 158

- (a) in any case—have regard to the necessity of avoiding the disclosure of national security information; and
- (b) if the proceeding is for review of an intelligence and security decision—give particular weight to any submission made by, or on behalf of, the agency head.

Orders restricting publication or disclosure of findings

- (3) The Tribunal may, by order, give directions prohibiting or restricting the publication or other disclosure of the whole or any part of its findings in the proceeding.

Note: Breach of a non-publication or non-disclosure order is an offence (see section 119).

158 Security certificates—responsible Minister

When this section applies

- (1) This section applies in relation to a proceeding for review of an intelligence and security decision, other than an exempt security record decision.
- (2) This section applies in relation to evidence to be adduced or a submission to be made by or on behalf of any of the following:
 - (a) the agency head;
 - (b) a relevant body;
 - (c) an officer or employee of the agency head’s agency;
 - (d) an officer or employee of a relevant body;
 - (e) a person connected with the agency or a relevant body.

Security certificates by responsible Ministers

- (3) The responsible Minister may certify, in writing, that disclosing the evidence or making the submission would be contrary to the public interest because it would prejudice:
 - (a) in any case—the security, defence or international relations of the Commonwealth; or
 - (b) in the case of a criminal intelligence assessment decision—law enforcement interests.

- (4) If the responsible Minister so certifies, when the evidence is adduced or the submission is made:
- (a) the applicant must not be present; and
 - (b) the applicant's representative must not be present except with the consent of the responsible Minister.
- (5) A certificate under this section is not a legislative instrument.

Delegation—security clearance decisions and security clearance suitability assessments

- (6) The ASIO Minister may, in writing, delegate the ASIO Minister's power under subsection (3) in relation to a security clearance decision or a security clearance suitability assessment to:
- (a) the Director-General of Security; or
 - (b) an ASIO employee (within the meaning of the ASIO Act), or an ASIO affiliate (within the meaning of that Act), who holds, or is acting in, a position in ASIO that is equivalent to or higher than a position occupied by an SES employee.
- (7) In exercising a power under the delegation, the delegate must comply with any written directions of the ASIO Minister.

Offence

- (8) An applicant's representative commits an offence if:
- (a) a certificate is given under subsection (3) in relation to evidence or a submission; and
 - (b) the representative is present when the evidence is adduced or the submission is made; and
 - (c) the representative discloses the evidence, or any information that was part of the submission, to the applicant or to any other person.

Penalty: Imprisonment for 2 years.

Section 159

159 Sensitive information certificates—Director-General of Security

When this section applies

- (1) This section applies in relation to a proceeding for review of:
 - (a) a security clearance decision; or
 - (b) a security clearance suitability assessment.

Sensitive information certificates

- (2) The Director-General of Security or a person authorised by the Director-General under this section may certify, in writing, that, in the opinion of the Director-General or authorised person, disclosure of information (the *sensitive information*) contained in a document given to the Tribunal by the Director-General in relation to a proceeding:
 - (a) would be contrary to the public interest for one or more of the following reasons:
 - (i) the disclosure would prejudice the security, defence or international relations of the Commonwealth;
 - (ii) the disclosure would reveal information that has been disclosed to the Australian Security Intelligence Organisation in confidence;
 - (iii) any other reason that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the sensitive information or the matter contained in the document should not be disclosed; or
 - (b) could reveal the methodology underlying a psychological assessment of the person who applied for the decision or assessment.
- (3) A certificate under subsection (2) is not a legislative instrument.

Effect of certificate

- (4) If a certificate is given under subsection (2), the Tribunal must do all things necessary to ensure that the sensitive information is not disclosed to the applicant or any person other than:

- (a) the Director-General of Security or the Director-General's representative; or
 - (b) a member in the course of the performance of the member's duties; or
 - (c) the Principal Registrar in the course of the performance of the Principal Registrar's duties; or
 - (d) a staff member in the course of the performance of the staff member's duties.
- (5) However, subsection (4) does not apply in relation to disclosure to the applicant or a person representing the applicant to the extent that the information:
- (a) has already been lawfully disclosed to the applicant; or
 - (b) is disclosed to the applicant with the consent of the Director-General of Security.

Authorisations

- (6) The Director-General of Security may, in writing, authorise a person for the purposes of this section if the person is an ASIO employee (within the meaning of the ASIO Act), or an ASIO affiliate (within the meaning of that Act), who holds, or is acting in, a position in ASIO that is equivalent to or higher than a position occupied by an SES employee.

160 Protecting identities of persons giving evidence

When this section applies

- (1) This section applies in relation to a proceeding in the Intelligence and Security jurisdictional area.

Protecting identities

- (2) The Tribunal must do all things necessary to ensure that the identity of a person is not revealed if:
- (a) the person gives, or is to give, evidence on behalf of an agency within the national intelligence community; and
 - (b) the head of the agency requests that the identity of the person is not revealed.

Section 161

161 Public interest certificates—responsible Minister

When this section applies

- (1) This section applies:
 - (a) in relation to a proceeding for review of an intelligence and security decision, other than an exempt security record decision; and
 - (b) instead of the following provisions:
 - (i) section 91 (disclosure of information—public interest certificate);
 - (ii) section 92 (Attorney-General may intervene for public interest reasons);
 - (iii) section 112 (notice of decision and statement of reasons—other proceedings) to the extent that it would apply in relation anything done under this section.

Public interest certificate

- (2) The responsible Minister may certify, in writing, that the disclosure of specified information, or the content of a specified document, in the proceeding would be contrary to the public interest for one or more of the following reasons:
 - (a) the disclosure would prejudice the security, defence or international relations of the Commonwealth;
 - (b) the disclosure would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet;
 - (c) if the proceeding is for review of a criminal intelligence assessment—the disclosure would prejudice law enforcement interests;
 - (d) any other reason that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information or the matter contained in the document should not be disclosed.
- (3) A certificate under subsection (2) is not a legislative instrument.

Effect of certificate

- (4) If a certificate is given under subsection (2) in relation to information or a document, a person is not excused from disclosing the information, or giving the document, to the Tribunal for the purposes of the proceeding if the person is required by or under this Act to do so.
- (5) However, the Tribunal must do all things necessary to ensure that:
 - (a) subject to subsection (6), the information or document is not disclosed or given to any person other than:
 - (i) a member in the course of the performance of the member's duties; or
 - (ii) the Principal Registrar in the course of the performance of the Principal Registrar's duties; or
 - (iii) a staff member in the course of the performance of the staff member's duties; and
 - (b) in the case of a document given to the Tribunal by an agency head—the document is returned, to the agency from which it came, as soon as practicable after the Tribunal has finished considering the document.

Tribunal may allow disclosure in limited cases

- (6) The Tribunal may decide to make the information or document available to any or all of the parties to the proceeding if the certificate does not specify the reason set out in paragraph (2)(a), (b) or (c).
- (7) In deciding whether to make the information or document available, the Tribunal must:
 - (a) take into account as a primary consideration the principle that it is desirable, in the interest of ensuring the effective performance of the Tribunal's functions, for the parties to the proceeding to be made aware of all relevant matters; and
 - (b) have regard to any reason specified in the certificate.

Responsible Minister is party to proceeding

- (8) The responsible Minister is a party to the proceeding if:
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Section 162

- (a) the certificate does not specify a reason set out in paragraph (2)(a), (b) or (c); and
- (b) the responsible Minister would not otherwise be a party to the proceeding.

Notice of public interest decisions

- (9) If the Tribunal decides to make the information or document available under subsection (6), the Tribunal must, as soon as practicable, give each party to the proceeding reasons for the decision.

Exclusion of other laws

- (10) This section excludes the operation of any other law that relates to the public interest and would otherwise apply in relation to the disclosure of information, or of the content of documents, in a proceeding in the Tribunal.

Delegation—security clearance decisions and security clearance suitability assessments

- (11) The ASIO Minister may, in writing, delegate the ASIO Minister's power under subsection (2) in relation to a security clearance decision or a security clearance suitability assessment to:
 - (a) the Director-General of Security; or
 - (b) an ASIO employee (within the meaning of the ASIO Act), or an ASIO affiliate (within the meaning of that Act), who holds, or is acting in, a position in ASIO that is equivalent to or higher than a position occupied by an SES employee.
- (12) In exercising a power under the delegation, the delegate must comply with any written directions of the ASIO Minister.

162 Non-disclosure certificates under other Acts

When this section applies

- (1) This section applies in relation to a proceeding for review of a decision mentioned in column 1 of an item in the following table if

a certificate made under the provision mentioned in column 2 of the item has been given in relation to the decision.

When this section applies

Item	Column 1 Decision	Column 2 Provision under which certificate is made
1	a criminal intelligence assessment	subsection 36C(5) of the <i>Australian Crime Commission Act 2002</i>
2	a security assessment	paragraph 38(2)(b) of the ASIO Act
3	a security clearance decision	subsection 83C(6) of the ASIO Act
4	a security clearance suitability assessment	paragraph 83A(4)(b) of the ASIO Act

Effect of certificate

- (2) The certificate does not excuse a person from disclosing information, or giving a document, to the Tribunal for the purposes of the proceeding if the person is required by or under this Act to do so.
- (3) However, the Tribunal must do all things necessary to ensure that:
 - (a) the information or document is not disclosed or given to any person other than:
 - (i) a member in the course of the performance of the member's duties; or
 - (ii) the Principal Registrar in the course of the performance of the Principal Registrar's duties; or
 - (iii) a staff member in the course of the performance of the staff member's duties; and
 - (b) in the case of a document given to the Tribunal by an agency head—the document is returned, to the agency from which it came, as soon as practicable after the Tribunal has finished considering the document.

Division 5—Decisions on review

Subdivision A—Limits on certain decisions

163 Security clearance decisions

When this section applies

- (1) This section applies:
 - (a) in relation to the review of a security clearance decision; and
 - (b) instead of the following provisions:
 - (i) section 105 (Tribunal decision on review of reviewable decision);
 - (ii) section 112 (notice of decision and statement of reasons—other proceedings).

Possible decisions

- (2) The Tribunal must make a decision:
 - (a) affirming the security clearance decision; or
 - (b) setting aside the security clearance decision and remitting the matter to the decision-maker for reconsideration in accordance with any orders or recommendations of the Tribunal.

When Tribunal's decision on review comes into operation

- (3) However, section 107 (when Tribunal's decision on review comes into operation) applies as if the Tribunal's decision on the review were made under section 105.

164 Preventative detention decisions

When this section applies

- (1) This section applies in relation to the review of a preventative detention decision.

Decision on review

- (2) The following sections do not apply in relation to the review:
- (a) section 105 (Tribunal decision on review of reviewable decision);
 - (b) section 112 (notice of decision and statement of reasons—other proceedings).

Note: For the decisions the Tribunal can make on review of a preventative detention decision, see subsection 105.51(7) of the *Criminal Code*.

Notice of decision and statement of reasons

- (3) However, section 111 (notice of decision and statement of reasons—review of reviewable decision) applies as if the Tribunal's decision on the review were made under section 105.

Subdivision B—Recording and communicating decisions

165 When this Subdivision applies

This Subdivision applies:

- (a) in relation to the review of an intelligence and security decision, other than:
 - (i) an exempt security record decision; or
 - (ii) a preventative detention decision; and
- (b) instead of section 111 (notice of decision and statement of reasons—review of reviewable decision).

166 Making and recording findings

- (1) The Tribunal:
 - (a) must make and record its findings in relation to the decision; and
 - (b) in relation to those findings—may state the opinion of the Tribunal as to the correctness of, or justification for, any opinion, advice or information contained in the decision.
- (2) The Tribunal must not make findings in relation to the decision that would have the effect of superseding any information that is

Section 167

(or is taken to be) part of the decision unless those findings state that, in the Tribunal's opinion, the information:

- (a) is incorrect; or
- (b) is incorrectly represented; or
- (c) could not reasonably be relevant to the requirements of security; or
- (d) could not reasonably be relevant for the purposes of having regard to whether there is intelligence or information that suggests that the person:
 - (i) may commit a serious and organised crime; or
 - (ii) may assist another person to commit a serious and organised crime.

167 Communicating decisions

Written notice of decisions and findings

- (1) The Tribunal must give written notice of its decision on the review, and copies of its findings made under section 166, to:
 - (a) the applicant; and
 - (b) the agency head; and
 - (c) the responsible Minister.
- (2) The notice must include notice of the right of the party to appeal to the Federal Court under Division 2 of Part 7.
- (3) The agency head must give the notice and findings to each relevant body.

Oral notice of decisions and findings

- (4) The Tribunal may give its decision and findings orally before giving them in writing.

Directions about disclosure

- (5) The Tribunal may, by order, direct that the whole or a particular part of its findings, so far as they relate to a matter that has not

already been disclosed to the applicant, is not to be given to the applicant or a relevant body.

Time for giving written notice and findings

- (6) The written notice and findings must be given by the time specified in the practice directions. If the practice directions do not specify a time, the written notice and findings must be given within 28 days after the day the Tribunal's decision is made.

Effect of failure to comply

- (7) A failure to comply with this section does not affect the validity of the Tribunal's decision.

Effect of non-disclosure provisions

- (8) To avoid doubt, this section is subject to other provisions of this Part that prohibit or restrict the disclosure of information or documents.

168 Findings relating to procedures or practices of agency

The Tribunal may provide, with the findings given to the agency head and the responsible Minister, any comments the Tribunal wishes to make on matters relating to procedures or practices of the agency that have come to the Tribunal's attention as a result of the review.

169 Applicant may publish findings

Subject to any order of the Tribunal, the applicant is entitled to publish the following, in any manner the applicant thinks fit:

- (a) the Tribunal's decision on the review;
- (b) the findings of the Tribunal so far as they have been given to the applicant.

Part 7—Appeals and references of questions of law to Federal Court

Division 1—Preliminary

170 Simplified outline of this Part

A party to a proceeding in the Tribunal may appeal to the Federal Court, on a question of law, from the decision of the Tribunal in the proceeding. A decision that a person's interests are not affected by a reviewable decision may also be appealed. Timeframes apply to making appeals, but may be extended. An appeal does not affect the operation of a Tribunal decision unless the Court orders otherwise.

This Part contains the standard provisions for how the Court operates when dealing with an appeal. Other legislation can include provisions that apply in addition to, or instead of, these provisions.

The Federal Court may transfer some kinds of appeal to the Federal Circuit and Family Court of Australia (Division 2).

There are provisions facilitating remittal of matters to the Tribunal to be decided again.

In some circumstances, the Tribunal may refer a question of law to the Federal Court.

There are requirements (including some non-disclosure obligations) relating to sending documents between the Tribunal and the courts.

171 Part applies whether Tribunal's power is conferred by Commonwealth, State or Territory law

- (1) This Part applies in relation to a proceeding before the Tribunal under power conferred on it by or under:

- (a) an Act or an instrument made under an Act; or
 - (b) a law of a State, the Australian Capital Territory or the Northern Territory.
- (2) This Part has effect in relation to a proceeding before the Tribunal under power conferred on it by or under a law of a State, the Australian Capital Territory or the Northern Territory as if a reference in this Part to a provision of this Act that is not in this Part were a reference to that provision as applying as a law of the State or Territory.

Section 172

Division 2—Appeals on questions of law

Subdivision A—Appeals on questions of law

172 Party may appeal

- (1) A party to a proceeding in the Tribunal may appeal to the Federal Court, on a question of law, from the decision of the Tribunal in the proceeding.

Note 1: A party to a proceeding for review of a decision of the Child Support Registrar, or second review that relates to the decision, may in some instances appeal instead to the Federal Circuit and Family Court of Australia (Division 2) (see section 99 of the *Child Support (Registration and Collection) Act 1988* and section 131E of this Act).

Note 2: For when a party to a proceeding for review of a decision under the *Migration Act 1958* can make an application to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2), see sections 476 and 476A of the *Migration Act 1958*.

- (2) To avoid doubt, subsection (1) does not apply in relation to a decision under section 128 (President decides whether to refer Tribunal decision to guidance and appeals panel).

Note: A decision under section 128 is not a decision of the Tribunal.

173 Decisions about standing

A person may appeal to the Federal Court from a decision of the Tribunal that the person's interests are not affected by a reviewable decision.

174 Time and manner for making appeals

- (1) The appeal must be made:
 - (a) if either of the following applies—no later than 28 days after the Tribunal gives the party or person its statement of reasons for the decision:
 - (i) the Tribunal is required to give a statement of reasons for the decision;
 - (ii) the party or person has a right to request a statement of reasons for the decision and exercises the right; or

- (b) if the party or person has a right to request a statement of reasons for the decision and does not exercise the right—no later than 28 days after the last day on which the party or person could have requested a statement of reasons for the decision; or
 - (c) in any other case—no later than 28 days after the party or person is given the decision.
- (2) However, the Federal Court may extend the period within which the appeal must be made.
 - (3) If a person applies to refer the decision to the guidance and appeals panel, for the purposes of counting the 28 days mentioned in paragraph (1)(a), (b) or (c), do not take into account any day in the period between the day the application is made and the day the President refers the decision or refuses the application.
 - (4) The appeal must be made in the manner prescribed by the Rules of Court made under the *Federal Court of Australia Act 1976*.

175 Constitution of Federal Court

- (1) The appeal must be heard by a Full Court if the decision is given by:
 - (a) a member who is a Judge; or
 - (b) the Tribunal constituted for the purposes of a proceeding by a member who is, or members at least one of whom is, a Judge.
- (2) The appeal may be heard by a Full Court if:
 - (a) subsection (1) does not apply; and
 - (b) the decision is given by:
 - (i) a member who is a Non-Judicial Deputy President; or
 - (ii) the Tribunal constituted for the purposes of a proceeding by a member who is, or members at least one of whom is, a Non-Judicial Deputy President; or
 - (iii) the Tribunal constituted for the purposes of a proceeding by the guidance and appeals panel; and
 - (c) the Chief Justice of the Court, following consultation with the President, thinks it appropriate.

Section 176

Subdivision B—Jurisdiction and powers of Federal Court

176 Federal Court has jurisdiction

- (1) If an appeal is made under Subdivision A, the Federal Court:
 - (a) has jurisdiction to hear and determine the appeal; and
 - (b) must hear and determine the appeal; and
 - (c) may make any order it considers appropriate because of its decision.
- (2) Without limiting the orders it may make, the Federal Court may:
 - (a) affirm or set aside a decision of the Tribunal; or
 - (b) remit a matter to be decided again by the Tribunal, either with or without the taking of further evidence, in accordance with the directions of the Court.

177 Court may make findings of fact

- (1) In hearing the appeal, the Federal Court may make findings of fact if:
 - (a) the findings of fact are not inconsistent with findings of fact made by the Tribunal (other than findings made by the Tribunal as the result of an error of law); and
 - (b) it appears to the Court that it is convenient to do so.
- (2) In deciding whether it is convenient, the Court must have regard to:
 - (a) the extent (if any) to which it is necessary to make findings of fact; and
 - (b) the means by which those facts might be established; and
 - (c) the quick and efficient resolution of the whole of the matter; and
 - (d) the relative expense and delay (if any) to the parties if the Court, rather than the Tribunal, makes the findings of fact; and
 - (e) whether any of the parties considers that it is appropriate for the Court, rather than the Tribunal, to make the findings of fact; and
 - (f) any other matters that the Court considers relevant.

- (3) For the purposes of this section, the Court may:
 - (a) have regard to the evidence given in the proceeding in the Tribunal; and
 - (b) receive further evidence.

178 Operation and implementation of Tribunal's decision

General rule—operation or implementation not affected

- (1) An appeal to the Federal Court from a decision of the Tribunal does not affect the operation of the decision or prevent the taking of action to implement the decision.

Exception—Court may stay operation or implementation

- (2) However, for the purpose of ensuring the effectiveness of the hearing and determination of the appeal, the Court or a Judge of the Court may make an order staying or otherwise affecting the operation or implementation of either or both of the following:
 - (a) the decision of the Tribunal, or a part of that decision;
 - (b) the reviewable decision to which the decision of the Tribunal relates, or a part of that reviewable decision.
- (3) The order is subject to any conditions specified in the order.
- (4) The order remains in force until the decision on the appeal is given.
- (5) Despite subsection (4), if:
 - (a) the order states that it applies for a period; and
 - (b) the period ends before the decision on the appeal is given;the order has effect until the end of the period.
- (6) The order may be varied or revoked by the Court or a Judge of the Court.

**Division 3—Transfer of appeals to Federal Circuit and
Family Court of Australia (Division 2)**

179 Transfer of appeals

General rule—Federal Court may transfer appeal

- (1) If an appeal under Subdivision A of Division 2 is pending in the Federal Court, the Federal Court may, by order, transfer the appeal to the Federal Circuit and Family Court of Australia (Division 2).
- (2) The Federal Court may do so:
 - (a) on the application of a party to the appeal; or
 - (b) on its own initiative.

Matters to which Federal Court must have regard

- (3) In deciding whether to transfer the appeal, the Federal Court must have regard to the following:
 - (a) any Rules of Court made for the purposes of section 181;
 - (b) whether proceedings in respect of an associated matter are pending in the Federal Circuit and Family Court of Australia (Division 2);
 - (c) whether the resources of the Federal Circuit and Family Court of Australia (Division 2) are sufficient to hear and determine the appeal;
 - (d) the interests of the administration of justice.

*Jurisdiction and powers of Federal Circuit and Family Court of
Australia (Division 2)*

- (4) If the Federal Court transfers the appeal, Subdivision B of Division 2 (jurisdiction and powers of Federal Court) applies in relation to the Federal Circuit and Family Court of Australia (Division 2) in the same way as it applies in relation to the Federal Court.

Exception—certain appeals must not be transferred

- (5) However, the Federal Court must not transfer the appeal if it:
- (a) relates to a decision given by the Tribunal constituted by a member who is, or by members at least one of whom is, a Judge or a Non-Judicial Deputy President; or
 - (b) is of a kind prescribed by the rules.

180 No appeal from decision to transfer

No appeal lies in relation to a decision of the Federal Court to transfer an appeal under this Division.

181 Federal Court Rules

- (1) Rules of Court made under the *Federal Court of Australia Act 1976* may make provision in relation to the transfer of appeals under this Division.
- (2) In particular, the Rules of Court may set out factors that are to be taken into account in deciding whether to transfer an appeal.
- (3) Before Rules of Court are made for the purposes of this section, the Federal Court must consult the Federal Circuit and Family Court of Australia (Division 2).

Section 182

Division 4—Matters remitted to Tribunal

182 When this Division applies

This Division applies if:

- (a) an appeal is made to the Federal Court from a decision of the Tribunal; and
- (b) either:
 - (i) the Federal Court remits the matter to the Tribunal to be decided again; or
 - (ii) if the Federal Court transfers the appeal to the Federal Circuit and Family Court of Australia (Division 2)—that court remits the matter to the Tribunal to be decided again.

183 Constitution of Tribunal

- (1) The Tribunal does not need to be constituted for the review by the person or persons who made the decision.
- (2) To avoid doubt, constituting the Tribunal for the review is not a reconstitution for the purposes of Subdivision D of Division 4 of Part 4 (reconstitution).

184 Tribunal may rely on previous proceedings

The Tribunal may have regard to:

- (a) any record of the proceeding in the Tribunal prior to the appeal (including a record of any evidence taken in the proceeding); and
- (b) any document or thing relating to the proceeding given to the Tribunal prior to the appeal;

unless doing so would be inconsistent with the directions of the court.

Division 5—Referring questions of law

185 Referring questions of law

- (1) The Tribunal may, with the agreement of the President, refer a question of law arising in a proceeding in the Tribunal to the Federal Court for decision.
- (2) The Tribunal may do so:
 - (a) at the request of a party to the proceeding; or
 - (b) on its own initiative.
- (3) The Federal Court has jurisdiction to hear and determine a question of law referred to it under this section.
- (4) If, after consulting the President, the Chief Justice of the Court considers it appropriate, that jurisdiction is to be exercised by the Court constituted as a Full Court.
- (5) If a question of law arising in any proceeding has been referred to the Federal Court under this section, the Tribunal must not, in that proceeding:
 - (a) give a decision to which the question is relevant while the reference is pending; or
 - (b) proceed in a manner, or make a decision, that is inconsistent with the opinion of the Court on the question.

Division 6—Sending and disclosing documents

186 When this Division applies

This Division applies if:

- (a) a party to a proceeding in the Tribunal appeals to the Federal Court from a decision of the Tribunal (see sections 172 and 173); or
- (b) the Tribunal refers a question of law arising in a proceeding to the Federal Court (see section 185).

187 Sending documents

- (1) The Tribunal must send to the Federal Court all documents that:
 - (a) were before the Tribunal in connection with the proceeding; and
 - (b) are relevant to the appeal or reference.
- (2) If the Federal Court transfers an appeal to the Federal Circuit and Family Court of Australia (Division 2):
 - (a) the Federal Court must send the documents concerned to the Federal Circuit and Family Court of Australia (Division 2); and
 - (b) sections 189 (disclosure contrary to public interest) and 190 (disclosure of security clearance documents) apply in relation to that court in the same way as they apply in relation to the Federal Court.
- (3) To avoid doubt, paragraph (2)(a) has effect despite:
 - (a) section 91 (disclosure of information—public interest certificate); and
 - (b) any provision of Part 6 (proceedings in Intelligence and Security jurisdictional area); or
 - (c) a certificate made under a provision mentioned in column 2 of the table in subsection 162(1) (non-disclosure certificates under other Acts); or
 - (d) section 272 (public interest certificate in relation to statement of reasons).

188 Returning documents

- (1) At the conclusion of the proceeding before the Federal Court in relation to the appeal or reference, the Court must return to the Tribunal the documents sent to the Court under this Division.
- (2) However, if the Federal Court sends the documents to the Federal Circuit and Family Court of Australia (Division 2), the Federal Circuit and Family Court of Australia (Division 2) must return the documents to the Tribunal at the conclusion of the proceeding before the Federal Circuit and Family Court of Australia (Division 2) in relation to the appeal or reference.

189 Disclosure contrary to public interest

When this section applies

- (1) This section applies if:
 - (a) a document is sent to the Federal Court under this Division;
and
 - (b) a certificate in force under one of the following provisions certifies that disclosure of a matter contained in the document would be contrary to the public interest:
 - (i) subsection 91(1) or (2) (disclosure of information—public interest certificate);
 - (ii) subsection 161(2) (public interest certificates—responsible Minister);
 - (iii) a provision mentioned in column 2 of the table in subsection 162(1) (non-disclosure certificates under other Acts);
 - (iv) subsection 272(1) (public interest certificate in relation to statement of reasons).

General rule

- (2) The Federal Court must do all things necessary to ensure that the matter is not disclosed to any person other than a member of the court as constituted for the purposes of the appeal or reference.

Section 190

Exception

- (3) However, the Federal Court must permit the parties to the proceeding in the Tribunal to inspect the part of the document that contains the matter if:
- (a) the document is covered by a certificate mentioned in paragraph (b); and
 - (b) a reason specified in the certificate in relation to the matter is not a reason mentioned in:
 - (i) for a certificate in force under subsection 91(1)— paragraph 91(1)(a) or (b); or
 - (ii) for a certificate in force under subsection 91(2)— paragraph 91(2)(a); or
 - (iii) for a certificate in force under subsection 161(2)— paragraph 161(2)(a), (b) or (c); or
 - (iv) for a certificate in force under subsection 272(1)— paragraph 272(1)(a) or (b); and
 - (c) a question for decision by the Court is whether the matter should be disclosed to some or all of the parties to the proceeding in the Tribunal; and
 - (d) the Court decides that the matter should be so disclosed.

190 Disclosure of security clearance documents

When this section applies

- (1) This section applies if a document sent to the Federal Court under this Division:
- (a) is a copy of a standard (or part of a standard) mentioned in subsection 143(1); or
 - (b) contains sensitive information as mentioned in subsection 159(2).

General rule

- (2) The Federal Court must do all things necessary to ensure that the copy of the standard (or part) and any information contained in it, or the sensitive information, is not disclosed to any person other than:
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- (a) a member of the court as constituted for the purposes of the proceeding; or
- (b) the Director-General of Security or the Director-General's representative.

Exception

- (3) However, subsection (2) does not apply in relation to a disclosure to the person who was the applicant, or a person representing the person who was the applicant, in the proceeding in the Tribunal to the extent that the information:
 - (a) has already been lawfully disclosed to the person; or
 - (b) is disclosed to the person with the consent of the Director-General of Security.

191 Disclosure to officers of the court

Nothing in this Division prevents the disclosure of a document, information or a matter contained in a document to an officer of a court who is performing duties as such an officer.

Part 8—Members and staff of Tribunal

Division 1—Preliminary

192 Simplified outline of this Part

The Tribunal has different jurisdictional areas. Lists may be established as sub-areas within jurisdictional areas. The President, or some Non-Judicial Deputy Presidents, may lead a jurisdictional area. A Deputy President or senior member may lead a list. Members may be assigned to one or more jurisdictional areas.

Members of the Tribunal have different functions and obligations. Generally, before a person is appointed as a member (other than a Judicial Deputy President) the Minister must be satisfied that the person was assessed as suitable for the appointment through a merit-based assessment process.

The President must determine a code of conduct and performance standard for non-judicial members. The President may investigate some conduct of non-judicial members, and must notify the Minister if the President reasonably believes there are grounds for termination of a non-judicial member.

One of the President's functions is to inform relevant Ministers, relevant Commonwealth entities and the Council of identified systemic issues. Jurisdictional area leaders are to inform the President of systemic issues identified in relation to their jurisdictional areas.

The President is responsible for managing the administrative affairs of the Tribunal.

The Principal Registrar's functions include:

- (a) assisting the President in managing the administrative affairs of the Tribunal; and
- (b) providing the corporate and registry services of the Tribunal.

Section 192

There are provisions related to the terms and conditions on which members and the Principal Registrar hold office.

The Tribunal Advisory Committee is established. The Committee consists of the President, the Principal Registrar, the jurisdictional area leaders and other nominated members.

The staff of the Tribunal must be persons engaged under the *Public Service Act 1999*. Staff members may be appointed as registrars.

Division 2—Members of Tribunal

Subdivision A—Members and functions

193 Functions of President

The President has the following functions:

- (a) to participate as a member of the Tribunal, particularly in proceedings involving complex, significant or sensitive matters;
- (b) if assigned under section 197 to be a jurisdictional area leader—to perform the functions of a jurisdictional area leader;
- (c) to manage the business of the Tribunal;
- (d) to manage the performance and conduct of members;
- (e) to ensure that the Tribunal operates efficiently and effectively and continually pursues the objective in section 9;
- (f) to provide intellectual leadership to the Tribunal, including by promoting best practice in decision-making by the Tribunal;
- (g) to provide leadership and guidance to, and engender cohesiveness and collaboration among, members and staff members;
- (h) to promote the training, education and professional development of members;
- (i) to inform relevant Ministers, relevant Commonwealth entities and the Council of any systemic issues related to the making of reviewable decisions that have been identified in the caseload of the Tribunal;
- (j) any other functions conferred on the President by this Act or another Act;
- (k) to engage with civil society in relation to the performance of any of the above functions;
- (l) to do anything incidental or conducive to the performance of any of the above functions.

194 Functions of Deputy Presidents

Judicial Deputy President

- (1) A Judicial Deputy President has the following functions:
 - (a) to participate as a member of the Tribunal, particularly in proceedings involving complex, significant or sensitive matters;
 - (b) to ensure that the Tribunal continually pursues the objective in section 9;
 - (c) to provide intellectual leadership to the Tribunal, including by promoting best practice in decision-making by the Tribunal;
 - (d) any other functions conferred on a Judicial Deputy President by this Act or another Act;
 - (e) to do anything incidental or conducive to the performance of any of the above functions.

Non-Judicial Deputy President

- (2) A Non-Judicial Deputy President has the following functions:
 - (a) to participate as a member of the Tribunal, particularly in proceedings involving complex, significant or sensitive matters;
 - (b) to ensure that the Tribunal continually pursues the objective in section 9;
 - (c) to provide intellectual leadership to the Tribunal, including by promoting best practice in decision-making by the Tribunal;
 - (d) to assist the President in the performance of the President's functions;
 - (e) if assigned under section 197 to be a jurisdictional area leader—to perform the functions of a jurisdictional area leader;
 - (f) any other functions conferred on a Non-Judicial Deputy President by this Act or another Act;
 - (g) to do anything incidental or conducive to the performance of any of the above functions.

Section 195

195 Functions of senior and general members

Senior members

- (1) A senior member has the following functions:
 - (a) to participate as a member of the Tribunal, particularly in proceedings involving more complex matters;
 - (b) to assist each jurisdictional area leader of each jurisdictional area to which the senior member has been assigned in the performance of the jurisdictional area leader's functions;
 - (c) to promote best practice in decision-making by the Tribunal;
 - (d) any other functions conferred on a senior member by this Act or another Act;
 - (e) to do anything incidental or conducive to the performance of any of the above functions.

General members

- (2) A general member has the following functions:
 - (a) to participate as a member of the Tribunal;
 - (b) any other functions conferred on a general member by this Act or another Act;
 - (c) to do anything incidental or conducive to the performance of any of the above functions.

Subdivision B—Jurisdictional areas and lists

196 Jurisdictional areas and lists

- (1) The following jurisdictional areas of the Tribunal are established:
 - (a) General;
 - (b) Intelligence and Security;
 - (c) Migration;
 - (d) National Disability Insurance Scheme;
 - (e) Protection;
 - (f) Social Security;
 - (g) Taxation and Business;
 - (h) Veterans' and Workers' Compensation.
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- (2) The President:
 - (a) may establish one or more lists as subareas within a jurisdictional area; and
 - (b) may abolish any such list.
- (3) Before establishing or abolishing a list, the President must consult the Tribunal Advisory Committee.
- (4) The Tribunal's powers in relation to a proceeding are to be exercised in the jurisdictional area or list that the President directs.
- (5) If a direction is made in writing, the direction is not a legislative instrument.

197 Jurisdictional area leaders

Assignment of jurisdictional area leaders

- (1) The Minister may, in consultation with the President, assign either or both of the following to be a leader of one or more jurisdictional areas:
 - (a) the President;
 - (b) a Non-Judicial Deputy President appointed on a salaried basis.
- (2) The Minister may, on the recommendation of the President, vary or revoke an assignment under subsection (1).
- (3) The President must not make a recommendation to the Minister to vary or revoke an assignment under subsection (1) unless:
 - (a) the assignment has been in effect for more than 6 months; and
 - (b) the President is satisfied that the variation or revocation would meet the operational needs of the Tribunal.
- (4) If an assignment under subsection (1) is made in writing, the assignment is not a legislative instrument.

Functions of jurisdictional area leaders

- (5) A jurisdictional area leader has the following functions:
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Section 197

- (a) to provide intellectual leadership to members assigned to the jurisdictional area, including by promoting best practice in decision-making by those members;
- (b) to assist the President to ensure that the Tribunal operates efficiently and effectively and continually pursues the objective in section 9 across all jurisdictional areas;
- (c) to oversee, and respond to issues and trends in, the caseload strategy of the jurisdictional area in consultation with the President;
- (d) to assist the President to manage the performance and conduct of members assigned to the jurisdictional area;
- (e) to provide training, education and professional development opportunities to members assigned to the jurisdictional area;
- (f) to identify systemic issues related to the making of reviewable decisions arising in the caseload of the jurisdictional area and to inform the President of those issues.

Acting jurisdictional area leaders

- (6) The Minister may, in consultation with the President, assign a Non-Judicial Deputy President appointed on a salaried basis or a senior member appointed on a salaried basis to act, for a period of no more than 3 months, as a jurisdictional area leader in relation to a jurisdictional area:
 - (a) during a vacancy in the position of a jurisdictional area leader in relation to the jurisdictional area (whether or not an assignment has previously been made to the position); or
 - (b) during any period, or during all periods, when a jurisdictional area leader in relation to the jurisdictional area:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the position.

Note: For rules that apply to a person acting as a jurisdictional area leader, see section 33A of the *Acts Interpretation Act 1901*.

198 Assignment of members to lead lists

Assignments

- (1) The President may assign a Deputy President or senior member to lead one or more lists.
- (2) Subject to subsection (4), the President may vary or revoke an assignment under subsection (1).

Acting assignments

- (3) The President may assign a Deputy President or senior member to act as the leader of a list:
 - (a) during a vacancy in the position of leader of that list (whether or not an assignment has previously been made to the position); or
 - (b) during any period, or during all periods, when the leader of that list:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the position.

Note: For rules that apply to a person acting as the leader of a list, see section 33A of the *Acts Interpretation Act 1901*.

Consultation

- (4) The President must not make, vary or revoke an assignment under subsection (1) or (3) unless the President has consulted each jurisdictional area leader of each list affected by the making, variation or revocation.

Assignment not a legislative instrument

- (5) If an assignment under subsection (1) or (3) is made in writing, the assignment is not a legislative instrument.

199 Assignment of members to jurisdictional areas

Deputy Presidents

- (1) A Deputy President is assigned to every jurisdictional area.

Senior member leading a list

- (2) A senior member assigned to lead a list is assigned to the jurisdictional area within which the list is established.

Assignment by President

- (3) The President may, in writing, assign a member (other than the President or a Deputy President) to one or more jurisdictional areas.
- (4) However, the President must not do so if an assignment under subsection (8) in relation to the member has been made and has not been revoked.
- (5) Before assigning a member to a jurisdictional area, the President must be satisfied that the member has the appropriate skills, qualifications and experience.
- (6) The President may vary or revoke an assignment under subsection (3) at any time.
- (7) An assignment under subsection (3) is not a legislative instrument.

Assignment by Governor-General

- (8) The Governor-General may, on the recommendation of the Minister, assign a member (other than the President or a Deputy President) to one or more jurisdictional areas by specifying the assignment in the member's instrument of appointment.
 - (9) However, the Governor-General must not do so if an assignment under subsection (8) in relation to the member has been made and has been revoked.
 - (10) Before the Governor-General assigns a member to a jurisdictional area, the Minister must be satisfied that:
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- (a) there are exceptional circumstances that justify the assignment; and
 - (b) the member has the appropriate skills, qualifications and experience.
- (11) The Governor-General may at any time, by varying a member's instrument of appointment:
- (a) assign the member to one or more additional jurisdictional areas; or
 - (b) revoke the member's assignment to each of the jurisdictional areas.

Subdivision C—Performance and conduct of members

200 President may give directions to members

- (1) The President may give a written direction to a non-judicial member relating to the performance of the member's duties.
- (2) The member must comply with the direction.
- (3) A direction given under subsection (1):
 - (a) must be consistent with the President's functions; and
 - (b) must not relate to a particular proceeding in the Tribunal.
- (4) A direction under subsection (1) is not a legislative instrument.

201 Code of conduct

- (1) The President must, in writing, determine a code of conduct for non-judicial members.

Note: A serious breach of the code of conduct may lead to termination of a non-judicial member's appointment (see section 221).

- (2) Without limiting subsection (1), the code of conduct must make provision for the taking of action by the President or a jurisdictional area leader in relation to non-judicial members upholding the code of conduct.

Section 202

- (3) Subsection (1) does not limit section 36 (President may make practice directions).
- (4) The President must publish the code of conduct.
- (5) The code of conduct is not a legislative instrument.

202 Performance standard

- (1) The President must, in writing, determine a performance standard for non-judicial members.

Note: A serious breach of the performance standard may lead to termination of a non-judicial member's appointment (see section 221).

- (2) Without limiting subsection (1), the performance standard must make provision for the taking of action by the President or a jurisdictional area leader in relation to non-judicial members meeting the performance standard.
- (3) Subsection (1) does not limit section 36 (President may make practice directions).
- (4) The President must publish the performance standard.
- (5) The performance standard is not a legislative instrument.

203 President may investigate conduct of members

- (1) This section applies if the President forms the opinion that a non-judicial member may have engaged in conduct that:
 - (a) may constitute a breach of the code of conduct; or
 - (b) may constitute a breach of the performance standard; or
 - (c) may constitute a ground for terminating the appointment of the member in accordance with section 221; or
 - (d) may adversely affect, or may have adversely affected, the performance of official duties by the member; or
 - (e) may adversely affect, or may have adversely affected, public trust and confidence in the Tribunal.

Note: For example, the President may form the opinion because of a complaint made to the Tribunal in relation to the conduct.

- (2) The President may:
- (a) do one or more of the following:
 - (i) investigate the conduct;
 - (ii) report on an investigation of the conduct;
 - (iii) deal with a report of an investigation of the conduct;
 - (iv) refer the conduct to a person or body;
 - (v) direct a person or body to investigate the conduct;
 - (vi) authorise, in writing, a person or body to do any of the above;
 - (vii) take any measures in relation to the member that the President believes are reasonably necessary to maintain public trust and confidence in the Tribunal; or
 - (b) take no action, or no further action, in relation to the conduct.

Note 1: The President is also required to notify the Minister if the President reasonably believes that there are grounds for terminating the member's appointment under section 221 (see section 222).

Note 2: For protections for persons involved in investigating conduct of members, see section 204.

- (3) The President may, at any time after forming the opinion mentioned in subsection (1), temporarily restrict the member's duties if the President reasonably believes that doing so is in the public, or the Tribunal's, interest.

204 Protection of persons involved in investigating conduct of members etc.

- (1) A person who is performing or exercising functions or powers under or for the purposes of section 203 in relation to conduct that was, or may have been, engaged in by a member, or assisting in performing or exercising those functions or powers, has the same protection and immunity as a Justice of the High Court.
- (2) A person appearing before a person who is performing or exercising functions or powers under or for the purposes of section 203 in relation to conduct that was, or may have been, engaged in by a member has the same protection, and is subject to the same liabilities, as a witness in proceedings in the High Court.

Part 8 Members and staff of Tribunal

Division 2 Members of Tribunal

Section 204

- (3) A legal practitioner assisting, or appearing on behalf of a person before, a person who is performing or exercising functions or powers for the purposes of section 203 in relation to conduct that was, or may have been, engaged in by a member has the same protection and immunity as a barrister appearing for a party in proceedings in the High Court.

Division 3—Member appointment provisions

Subdivision A—Appointment of members

205 Appointment of President

Appointment by Governor-General

- (1) The President is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.
- (2) Before the Minister makes a recommendation to the Governor-General, the Minister must:
 - (a) consult the Chief Justice of the Federal Court; and
 - (b) be satisfied that the person was assessed, by a panel established under section 209, as suitable for the appointment through an assessment process that:
 - (i) was merit-based; and
 - (ii) included public advertising of the position; and
 - (iii) complied with the requirements (if any) prescribed by the regulations.

Qualification for appointment

- (3) A person must not be appointed as the President unless the person is a Judge of the Federal Court.

Period of appointment

- (4) The President holds office for a period of 5 years unless a shorter period is specified in the instrument of appointment.
- (5) If the instrument of appointment specifies a shorter period, the instrument must state the reasons why the shorter period is specified.

Basis of appointment

- (6) The President must be appointed on a salaried basis.

Section 206

Reappointment

- (7) A person may be reappointed as the President by written instrument made within 6 months before the end of the period specified in the person's instrument of appointment.
- (8) Paragraph (2)(b) does not apply in relation to the reappointment of a person who, immediately before the start of the period of reappointment, holds office as the President under a previous appointment under subsection (1).

206 Appointment of Judicial Deputy Presidents

Appointment by Governor-General

- (1) A Judicial Deputy President is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.
- (2) Before the Minister makes a recommendation to the Governor-General, the Minister must:
 - (a) consult the Chief Justice of the court of which the person is a Judge; and
 - (b) seek, and take into account, the advice of the President in relation to:
 - (i) whether the appointment would meet the operational needs of the Tribunal; and
 - (ii) the effect of the appointment on the number of Judicial Deputy Presidents relative to the number of Non-Judicial Deputy Presidents, senior members and general members.

Qualification for appointment

- (3) A person must not be appointed as a Judicial Deputy President unless the person is:
 - (a) a Judge of the Federal Court; or
 - (b) a Judge of the Federal Circuit and Family Court of Australia (Division 1).

Period of appointment

- (4) A Judicial Deputy President holds office for a period of 5 years unless a shorter period is specified in the instrument of appointment.
- (5) If the instrument of appointment specifies a shorter period, the instrument must state the reasons why the shorter period is specified.

Basis of appointment

- (6) A Judicial Deputy President must be appointed on a sessional basis.

207 Appointment of Non-Judicial Deputy Presidents

Appointment by Governor-General

- (1) A Non-Judicial Deputy President is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.
- (2) Before the Minister makes a recommendation to the Governor-General, the Minister must:
 - (a) seek, and take into account, the advice of the President in relation to:
 - (i) whether the appointment would meet the operational needs of the Tribunal; and
 - (ii) the financial capacity of the Tribunal for the appointment; and
 - (iii) the effect of the appointment on the number of Non-Judicial Deputy Presidents relative to the number of senior members and general members; and
 - (b) be satisfied that the person was assessed, by a panel established under section 209, as suitable for the appointment through an assessment process that:
 - (i) was merit-based; and
 - (ii) included public advertising of the position; and

Section 207

- (iii) complied with the requirements (if any) prescribed by the regulations.

Qualification for appointment

- (3) A person must not be appointed as a Non-Judicial Deputy President unless:
 - (a) the person is enrolled as a legal practitioner and has been so enrolled for at least 10 years; and
 - (b) either:
 - (i) the person is a former Judge; or
 - (ii) the Minister is satisfied that the person has substantial expertise in one or more areas relevant to the jurisdiction of the Tribunal.

Period of appointment

- (4) A Non-Judicial Deputy President holds office for a period of 5 years unless a shorter period is specified in the instrument of appointment.
- (5) If the instrument of appointment specifies a shorter period, the instrument must state the reasons why the shorter period is specified.

Basis of appointment

- (6) A Non-Judicial Deputy President may be appointed on a salaried or sessional basis.

Reappointment

- (7) A person may be reappointed as a Non-Judicial Deputy President by written instrument made within 6 months before the end of the period specified in the person's instrument of appointment.
- (8) Before a person is reappointed as a Non-Judicial Deputy President, the Minister must seek, and take into account, the advice of the President in relation to the person's performance against the performance standard.

- (9) Paragraph (2)(b) applies only in relation to every second reappointment of a person after the person's first appointment under subsection (1).

208 Appointment of senior members and general members

Appointment by Governor-General

- (1) A senior member or general member is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.
- (2) Before the Minister makes a recommendation to the Governor-General, the Minister must:
- (a) seek, and take into account, the advice of the President in relation to:
 - (i) whether the appointment would meet the operational needs of the Tribunal; and
 - (ii) the financial capacity of the Tribunal for the appointment; and
 - (iii) the effect of the appointment on the number of senior members and general members relative to the number of Non-Judicial Deputy Presidents; and
 - (b) be satisfied that the person was assessed, by a panel established under section 209, as suitable for the appointment through an assessment process that:
 - (i) was merit-based; and
 - (ii) included public advertising of the position; and
 - (iii) complied with the requirements (if any) prescribed by the regulations.

Qualification for appointment—senior member

- (3) A person must not be appointed as a senior member unless:
- (a) the person is enrolled as a legal practitioner and has been so enrolled for at least 7 years; or
 - (b) the Minister is satisfied that the person has at least 7 years' specialised training or experience in a subject matter relevant to the jurisdiction of the Tribunal.

Section 208

Qualification for appointment—general member

- (4) A person must not be appointed as a general member unless:
- (a) the person is enrolled as a legal practitioner and has been so enrolled for at least 5 years; or
 - (b) the Minister is satisfied that the person has at least 5 years' specialised training or experience in a subject matter relevant to the jurisdiction of the Tribunal.

Period of appointment

- (5) A senior member or general member holds office for a period of 5 years unless a shorter period is specified in the instrument of appointment.
- (6) If the instrument of appointment specifies a shorter period, the instrument must state the reasons why the shorter period is specified.

Basis of appointment

- (7) A senior member or general member may be appointed on a salaried or sessional basis.

Reappointment

- (8) A person may be reappointed as a senior member or general member by written instrument made within 6 months before the end of the period specified in the person's instrument of appointment.
- (9) Before a person is reappointed as a senior member or general member, the Minister must seek, and take into account, the advice of the President in relation to the person's performance against the performance standard.
- (10) Paragraph (2)(b) applies only in relation to every second reappointment of a person to an office after the person's first appointment to that office under subsection (1).

209 Minister must establish assessment panel

- (1) The Minister must, from time to time, establish one or more panels (*assessment panels*) of persons for the purposes of assessing whether a candidate or candidates are suitable for appointment under section 205, 207, 208 or 227.
- (2) The regulations may make provision for and in relation to assessment panels.
- (3) Without limiting subsection (2), the regulations may make provision for and in relation to the following:
 - (a) the establishment of assessment panels;
 - (b) the composition of assessment panels;
 - (c) the operation and procedures of assessment panels;
 - (d) the methodology to be used by assessment panels in assessing candidates for appointment as a member;
 - (e) the provision of assistance by the Department to assessment panels, including secretariat services and clerical assistance.

210 Appointment of a Judge not to affect tenure etc.

- (1) The appointment of a Judge as a member, or service by a Judge as a member, does not affect:
 - (a) the Judge's tenure of office as a Judge; or
 - (b) the Judge's rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as the holder of the Judge's office as a Judge.
- (2) For all purposes, the Judge's service as a member is taken to be service as a Judge.
- (3) A member who is a Judge ceases to hold office as a member if the member ceases to be a Judge.

211 Extension of appointment

- (1) The Minister may, at the request of the President and by written instrument, extend a member's appointment if, apart from this

Section 212

section, the member's appointment would cease to have effect (other than under section 220 or 221) on a day (the *cessation day*).

- (2) The extension must be made before the cessation day.
- (3) The extended appointment has effect until the earliest of the following:
 - (a) the end of the period of 3 months after the cessation day;
 - (b) if the member gives a resignation under section 220—the time when that resignation takes effect;
 - (c) if the extended appointment is terminated under section 221—the time when that termination takes effect.
- (4) An instrument made under subsection (1) is not a legislative instrument.

212 Acting appointments

President

- (1) The Minister may, by written instrument, appoint a person to act as the President:
 - (a) during a vacancy in the office of President (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the President:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

- (2) A person must not be appointed to act as the President unless:
 - (a) the person is qualified, as mentioned in subsection 205(3), to be appointed as the President; and
 - (b) the Minister has consulted the Chief Justice of the Federal Court.

Other members

- (3) The Minister may, at the request of the President and by written instrument, appoint a person to act as a member other than the President:
- (a) during a vacancy in the office of a member other than the President (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when a member other than the President:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

- (4) A person must not be appointed to act as a member other than the President unless:
- (a) if the person is to act as a Judicial Deputy President:
 - (i) the person is qualified, as mentioned in subsection 206(3), to be appointed as a Judicial Deputy President; and
 - (ii) the Minister has consulted the Chief Justice of the court of which the person is a Judge; or
 - (b) if the person is to act as a Non-Judicial Deputy President—the person is qualified, as mentioned in subsection 207(3), to be appointed as a Non-Judicial Deputy President; or
 - (c) if the person is to act as a senior member—the person is qualified, as mentioned in subsection 208(3), to be appointed as a senior member; or
 - (d) if the person is to act as a general member—the person is qualified, as mentioned in subsection 208(4), to be appointed as a general member.

Extension of acting appointment

- (5) If a person has been appointed under this section to act as a member, the Minister may extend the person's appointment if the

Section 213

Minister is satisfied that it is necessary to do so by reason of a pending proceeding or other special circumstances.

- (6) The extension must be made:
 - (a) in writing; and
 - (b) before the day that the member who was absent or unable to perform the duties of the member's office returns to perform those duties.
- (7) The extension must not be for more than 12 months.

213 Oath or affirmation of office

- (1) A person who is appointed or reappointed as a member or to act as a member must, before beginning to discharge the duties of the member's office, take an oath or affirmation.
- (2) The oath or affirmation is an oath or affirmation that the person will well and truly serve in the office, and do right to all manner of people according to law without fear or favour, affection or ill-will.
- (3) An oath or affirmation to be taken by the President must be taken before:
 - (a) the Governor-General; or
 - (b) a Justice of the High Court; or
 - (c) a Judge of the Federal Court; or
 - (d) a Judge of the Supreme Court of a State or a Territory.
- (4) An oath or affirmation to be taken by a member other than the President must be taken before:
 - (a) the Governor-General; or
 - (b) a Justice of the High Court; or
 - (c) a Judge of the Federal Court; or
 - (d) a Judge of the Supreme Court of a State or a Territory; or
 - (e) the President.

Subdivision B—Members’ terms and conditions

214 Remuneration

- (1) A non-judicial member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Remuneration Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the rules.
- (2) A non-judicial member is to be paid the allowances that are prescribed by the rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

215 Leave

Salaried members

- (1) A salaried member has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant the President leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.
- (3) The President may grant a salaried member (other than the President) leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the President determines.

Sessional members

- (4) The President may grant leave of absence to a sessional member on the terms and conditions that the President determines.

Section 216

216 Other paid work

Salaried non-judicial members

- (1) A non-judicial member appointed on a salaried basis must not engage in paid work outside the duties of the member's office without the President's approval.

Sessional non-judicial members

- (2) A non-judicial member appointed on a sessional basis must not engage in any paid work that conflicts or could conflict with the proper performance of the member's duties.

217 Appearances before Tribunal

- (1) A person covered by subsection (2) must not appear in a proceeding in the Tribunal:
- (a) as a representative of a party to the proceeding; or
 - (b) as an expert witness in the proceeding.
- (2) The following persons are covered by this subsection:
- (a) a member;
 - (b) a person who ceased to be a member during:
 - (i) the 12 months before the day of the appearance; or
 - (ii) if a law of a State or Territory has the effect of prescribing a longer period before the day of the appearance—that longer period.
- (3) Subsection (1) does not apply if the person has permission to appear in the proceeding from:
- (a) if the person is the President—the Minister; or
 - (b) in any other case—the President.

218 Disclosure of interests

General duty to disclose interests

- (1) If a member has an interest, pecuniary or otherwise, that conflicts or could conflict with the proper performance of the member's
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duties, the member must disclose the nature of the interest to the President (or, if the member is the President, the Minister).

Disclosure of interests relating to proceedings

- (2) If a member who is:
- (a) a member of the Tribunal as constituted for the purposes of a proceeding; or
 - (b) performing or exercising a function or power of the Tribunal in relation to a proceeding;
- has an interest, pecuniary or otherwise, that conflicts or could conflict with the proper performance of the member's duties in the proceeding, the member:
- (c) must disclose the nature of the interest to:
 - (i) the parties to the proceeding; and
 - (ii) the President (or, if the member is the President, the Minister); and
 - (d) must not take part in the proceeding or exercise any powers in relation to the proceeding unless the parties and the President (or, if the member is the President, the Minister) consent.

Timing of disclosure

- (3) A disclosure under this section must be made as soon as possible after the relevant facts have come to the member's knowledge.

219 Register of interests

- (1) The President must keep a register of disclosures made under section 218.
- (2) The President may keep the register by electronic means.
- (3) The register must contain, for each disclosure:
 - (a) the nature of the interest disclosed; and
 - (b) any action taken as a result of the disclosure.
- (4) The register is not a legislative instrument.

Section 220

220 Resignation

- (1) A member may resign the member's appointment by giving the Governor-General a written resignation.
- (2) The member must also give a copy of the written resignation to the President.
- (3) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

221 Termination of appointment

- (1) The Governor-General may, on the recommendation of the Minister, terminate the appointment of a non-judicial member if:
 - (a) the member is convicted of an indictable offence; or
 - (b) the member is unable to perform the duties of the member's office because of physical or mental incapacity; or
 - (c) the member's conduct or behaviour amounts to serious misconduct by the member; or
 - (d) the member is a salaried member and is absent, except on leave of absence, for 5 consecutive days or for 10 days in any 12 months; or
 - (e) the member is a sessional member and is unavailable, except on leave of absence, to perform the duties of the member's office for more than 3 months; or
 - (f) the member engages in conduct that constitutes a serious breach of the code of conduct; or
 - (g) the member engages in conduct that constitutes a serious breach of the performance standard; or
 - (h) the member is a salaried member and engages, except with the President's approval, in paid work outside the duties of the member's office (see subsection 216(1)); or
 - (i) the member is a sessional member and engages in paid work that conflicts or could conflict with the proper performance of the member's duties (see subsection 216(2)); or
 - (j) the member fails, without reasonable excuse, to comply with section 218 (disclosure of interests).
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- (2) Without limiting the kinds of conduct that may constitute a serious breach of the code of conduct or performance standard for the purposes of paragraph (1)(f) or (g), such conduct includes:
- (a) repeatedly breaching the code of conduct or performance standard; and
 - (b) breaching the code of conduct or performance standard in a way that is having, or is likely to have, a damaging effect on public trust and confidence in the Tribunal; and
 - (c) breaching the code of conduct or performance standard and failing to comply with a direction under subsection 200(1) in relation to the breach.
- (3) The Governor-General must terminate the appointment of a non-judicial member if the member:
- (a) becomes bankrupt; or
 - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (c) compounds with the member's creditors; or
 - (d) makes an assignment of the member's remuneration for the benefit of the member's creditors.

222 President must notify Minister about grounds for termination

If the President reasonably believes that there are grounds for terminating a non-judicial member's appointment under section 221, the President must notify the Minister as soon as possible.

223 Additional terms and conditions

A non-judicial member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 4—Management of Tribunal

Subdivision A—Management functions of President

224 Management of administrative affairs of Tribunal

- (1) The President is responsible for managing the administrative affairs of the Tribunal.
- (2) The *administrative affairs* of the Tribunal do not include the corporate and registry services of the Tribunal.

Subdivision B—Appointment and functions of Principal Registrar

225 Principal Registrar

There is to be a Chief Executive Officer and Principal Registrar of the Administrative Review Tribunal.

226 Functions of Principal Registrar

- (1) The Principal Registrar has the following functions:
 - (a) to assist the President in managing the administrative affairs of the Tribunal;
 - (b) to assist the Tribunal to pursue the objective in section 9;
 - (c) to provide the corporate and registry services of the Tribunal;
 - (d) any other function conferred on the Principal Registrar by this Act or another Act;
 - (e) to do anything incidental or conducive to the performance of any of the above functions.

Note: The Principal Registrar is also responsible for matters relating to the Tribunal under the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999* (see sections 238 and 241).

- (2) The following matters relating to the Tribunal are the *corporate and registry services* of the Tribunal:
 - (a) communications;

- (b) finance;
 - (c) human resources;
 - (d) the work health and safety of members, staff members and other persons interacting with the Tribunal;
 - (e) information technology;
 - (f) libraries;
 - (g) records management;
 - (h) administrative and case management support for proceedings in the Tribunal;
 - (i) procurement and contract management;
 - (j) property;
 - (k) risk oversight and management;
 - (l) security;
 - (m) statistics;
 - (n) any other matter prescribed by the rules.
- (3) The Principal Registrar is not subject to direction by the President in relation to the Principal Registrar's performance or exercise of functions or powers under:
- (a) the *Public Governance, Performance and Accountability Act 2013*; or
 - (b) the *Public Service Act 1999*.

227 Appointment of Principal Registrar

Appointment by Governor-General

- (1) The Chief Executive Officer and Principal Registrar is to be appointed by the Governor-General, by written instrument, on the recommendation of the Minister.
- (2) Before the Minister makes a recommendation to the Governor-General, the Minister must:
 - (a) be satisfied that the person has appropriate qualifications, knowledge or experience; and
 - (b) be satisfied that the person was assessed, by a panel established under section 209, as suitable for the appointment through an assessment process that:

Section 228

- (i) was merit-based; and
 - (ii) included public advertising of the position; and
 - (iii) complied with the requirements (if any) prescribed by the regulations; and
- (c) obtain the agreement of the President to the appointment.

Period of appointment

- (3) The Principal Registrar holds office for a period of 5 years.

Basis of appointment

- (4) The Principal Registrar must be appointed on a salaried basis.

Reappointment

- (5) Paragraph (2)(b) does not apply in relation to the reappointment of a person who, immediately before the start of the period of reappointment, holds office as the Principal Registrar under a previous appointment under subsection (1).

228 Acting appointments

The President may, by written instrument, appoint a person to act as the Principal Registrar:

- (a) during a vacancy in the office of Principal Registrar (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Principal Registrar:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

229 Remuneration

- (1) The Principal Registrar is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Remuneration Tribunal is in operation, the Principal Registrar is to be paid the remuneration that is prescribed by the rules.
- (2) The Principal Registrar is to be paid the allowances that are prescribed by the rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

230 Leave

- (1) The Principal Registrar has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The President may grant the Principal Registrar leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

231 Other paid work

The Principal Registrar must not engage in paid work outside the duties of the Principal Registrar's office without the President's approval.

232 Disclosure of interests

- (1) A disclosure by the Principal Registrar under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the President.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the Principal Registrar

Section 233

is taken not to have complied with section 29 of that Act if the Principal Registrar does not comply with subsection (1) of this section.

233 Resignation

- (1) The Principal Registrar may resign the Principal Registrar's appointment by giving the Governor-General a written resignation.
- (2) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

234 Termination of appointment

- (1) The Governor-General may, on the recommendation of the Minister, terminate the appointment of the Principal Registrar if:
 - (a) the Principal Registrar is convicted of an indictable offence; or
 - (b) the Principal Registrar is unable to perform the duties of the Principal Registrar's office because of physical or mental incapacity; or
 - (c) the Principal Registrar's conduct or behaviour amounts to serious misconduct by the Principal Registrar; or
 - (d) the Minister is satisfied that the performance of the Principal Registrar has been unsatisfactory for a significant period; or
 - (e) the Principal Registrar is absent, except on leave of absence, for 5 consecutive days or for 10 days in any 12 months; or
 - (f) the Principal Registrar engages, except with the President's approval, in paid work outside the duties of the Principal Registrar's office (see section 231); or
 - (g) the Principal Registrar fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section.
 - (1A) Before the Minister makes a recommendation to the Governor-General, the Minister must consult the President.
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- (2) The Governor-General must terminate the appointment of the Principal Registrar if the Principal Registrar:
- (a) becomes bankrupt; or
 - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (c) compounds with the Principal Registrar's creditors; or
 - (d) makes an assignment of the Principal Registrar's remuneration for the benefit of the Principal Registrar's creditors.

235 Additional terms and conditions

The Principal Registrar holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Subdivision C—Leadership of Tribunal

236 Tribunal Advisory Committee

- (1) The Tribunal Advisory Committee is established by this section.

Membership

- (2) The Tribunal Advisory Committee consists of:
- (a) the President; and
 - (b) the Principal Registrar; and
 - (c) the jurisdictional area leaders; and
 - (d) such other members or staff members as are nominated in writing by the President.
- (3) The President is the Chair of the Tribunal Advisory Committee.

Functions

- (4) The Tribunal Advisory Committee has the following functions:
- (a) to promote the Tribunal's objective in section 9;
 - (b) to promote the training, education and professional development of members;

Section 236

- (c) to oversee the caseload of the Tribunal;
 - (d) to review the performance of the Tribunal, including its financial performance;
 - (e) to oversee trends and patterns across, and systemic issues arising in, the jurisdictional areas;
 - (f) to advise the President and the Principal Registrar on any matter relating to the above functions;
 - (g) to advise the President on any matter relating to the code of conduct, the performance standard or the practice directions;
 - (h) to do anything incidental to the performance of the above functions.
- (5) In performing the functions of the Tribunal Advisory Committee, the members of the Committee (other than a member of the Committee who is a Judge) must have regard to any views expressed by stakeholders.
- (6) Subsection (5) does not apply if the matter relates to a particular proceeding in the Tribunal.

Meetings

- (7) The President must convene such meetings of the Tribunal Advisory Committee as are necessary for the performance of the Committee's functions.
- (8) The President must preside at all meetings at which the President is present.
- (9) If the President is unable to attend a meeting, the President must nominate another member of the Tribunal Advisory Committee to preside at the meeting.

Division 5—Staff and consultants

237 Appointment of registrars

Appointment by Principal Registrar

- (1) A registrar is to be appointed by the Principal Registrar by written instrument.

Qualification for appointment

- (2) A person must not be appointed as a registrar unless:
 - (a) the person is a staff member; and
 - (b) the person:
 - (i) has obtained a degree from a university, or an educational qualification of a similar standing, in the field of law; or
 - (ii) has obtained an educational qualification, or has training or experience, related to dispute resolution; or
 - (iii) has, in the opinion of the Principal Registrar, experience related to one or more functions or powers of the Tribunal.

238 Staff

- (1) The staff of the Tribunal must be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the Principal Registrar and the APS employees assisting the Principal Registrar together constitute a Statutory Agency; and
 - (b) the Principal Registrar is the Head of that Statutory Agency.

239 APS employees and others made available

- (1) The Tribunal may be assisted by the following persons, whose services are made available to the Tribunal in connection with the

Section 240

performance or exercise of any of the Tribunal's functions or powers:

- (a) an employee of an Agency (within the meaning of the *Public Service Act 1999*);
 - (b) an officer of the Supreme Court of Norfolk Island.
- (2) When performing services for the Tribunal under subsection (1), a person is subject to the directions of the Principal Registrar.

240 Consultants

The Principal Registrar may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Tribunal's functions.

Division 6—Application of finance law and reporting requirements

241 Application of finance law

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

- (a) the following group of persons is a listed entity:
 - (i) the Principal Registrar;
 - (ii) the staff members;
 - (iii) persons engaged under subsection 90(1);
 - (iv) consultants engaged under section 240; and
- (b) the listed entity is to be known as the Administrative Review Tribunal; and
- (c) the Principal Registrar is the accountable authority of the listed entity; and
- (d) the persons mentioned in paragraph (a) are officials of the listed entity; and
- (e) the purposes of the listed entity include the functions of the Principal Registrar mentioned in section 226.

242 Report by President

- (1) As soon as practicable after 30 June in each financial year, the President must prepare a report on the management of the administrative affairs of the Tribunal during the financial year.
- (2) The report for a financial year must include:
 - (a) a description of any measures taken by the Tribunal during that year to pursue the objective in section 9; and
 - (b) an assessment of the operation of each jurisdictional area during that year; and
 - (c) an assessment of the operation of the Tribunal constituted by the guidance and appeals panel for the purposes of proceedings during that year; and
 - (d) the number of applications made during the year to the Tribunal for review of decisions; and

Section 242

- (e) particulars of the results of reviews of decisions by the Tribunal during the year; and
- (f) the number of guidance and appeals panel proceedings in the Tribunal during that year, and particulars of the results of those proceedings; and
- (g) the number of proceedings in the Tribunal involving non-participating parties during that year; and
- (h) a summary of any actions taken by the Tribunal under section 185 (referring questions of law) during that year; and
- (ha) the number of decisions made in accordance with section 103 (if parties reach agreement—review of decisions only) during that year in each jurisdictional area and by the Tribunal as constituted by the guidance and appeals panel for the purposes of proceedings; and
- (hb) the number of Tribunal decisions affirmed by a federal court during that year; and
- (hc) the number of Tribunal decisions overturned by a federal court during that year; and
- (i) a summary of any actions taken by the President or jurisdictional area leaders during that year to:
 - (i) identify systemic issues related to the making of reviewable decisions arising in the caseload of the Tribunal; and
 - (ii) inform relevant Ministers, relevant Commonwealth entities and the Council of those issues; and
- (j) an overview of any actions taken during that year (including any actions taken under section 203) in relation to:
 - (i) non-judicial members upholding the code of conduct; or
 - (ii) non-judicial members meeting the performance standard; or
 - (iii) the training, education and professional development of members; and
- (k) a description of any measures taken by the President during that year to engage with:
 - (i) civil society; or
 - (ii) persons whose interests are affected by reviewable decisions; and

- (1) any other information prescribed by the rules.
- (3) A report prepared under this section after 30 June in a year must be given to the Minister by 15 October of that year.
- (4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.
- (5) A report prepared under this section may be included in a report prepared and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* in relation to the Tribunal.

Division 7—Other matters concerning management

243 Registries

The Minister may establish such registries of the Tribunal as the Minister thinks fit.

244 Proceedings arising out of management of Tribunal

Any judicial or other proceeding relating to a matter arising out of the management of the administrative affairs of the Tribunal, including any proceeding relating to anything done by the President or the Principal Registrar under Divisions 4 to 7, may be instituted by or against the Commonwealth.

Part 9—Administrative Review Council

Division 1—Preliminary

245 Simplified outline of this Part

This Part establishes the Administrative Review Council. The Council is separate from the Tribunal.

The Council does not review individual decisions. Its functions relate to the Commonwealth administrative law system. Those functions include matters relating to:

- (a) monitoring the integrity and operation of the Commonwealth administrative law system; and
- (b) inquiring into and reporting on matters related to the making of administrative decisions and the exercise of administrative discretions; and
- (c) supporting education and training in relation to the Commonwealth administrative law system, the making of administrative decisions and the exercise of administrative discretions.

The Council consists of the President, the Commonwealth Ombudsman, the Australian Information Commissioner and other members appointed by the Governor-General. To be appointed, a member must have knowledge or experience in a specified area, or be a senior official of a Commonwealth entity. The Governor-General appoints one of the members to be the Chair of the Council.

The staff assisting the Council are to be APS employees in the Department whose services are made available to the Council. For the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Council is part of the Department.

The Council must report annually in relation to its operations and some systemic issues related to the making of reviewable decisions.

Division 2—Establishment

246 Administrative Review Council

The Administrative Review Council is established by this section.

247 Membership of Council

- (1) The Administrative Review Council consists of the following members:
 - (a) the President;
 - (b) the Commonwealth Ombudsman;
 - (c) the Australian Information Commissioner;
 - (d) at least 3, but not more than 10, other members.
- (2) The performance or exercise of the functions or powers of the Council is not affected by reason of the number of appointed members falling below 3 for less than 6 months.

248 Application of finance law

- (1) For the purposes of paragraph (a) of the definition of *Department of State* in section 8 of the *Public Governance, Performance and Accountability Act 2013*, the Administrative Review Council is prescribed in relation to the Department.
- (2) If a Council member is an official of a Commonwealth entity other than the Department, then, for the purposes of the *Public Governance, Performance and Accountability Act 2013*, the Council member is not an official of the Department merely because they are a Council member.

Division 3—Council functions etc.

249 Functions and powers of Council

- (1) The Council has the following functions:
 - (a) to monitor the integrity and operation of the Commonwealth administrative law system;
 - (b) to:
 - (i) inquire into the adequacy of procedures used in relation to the making of administrative decisions and the exercise of administrative discretions; and
 - (ii) consult and advise in relation to those procedures;
 - (c) to inquire into systemic issues related to the making of administrative decisions and the exercise of administrative discretions;
 - (d) to inquire into the availability, accessibility and effectiveness of review of administrative decisions and administrative discretions;
 - (e) to develop and publish guidance in relation to the making of administrative decisions and the exercise of administrative discretions;
 - (f) to support education and training for officials of Commonwealth entities in relation to:
 - (i) making administrative decisions and exercising administrative discretions; and
 - (ii) the Commonwealth administrative law system;
 - (g) any other function conferred on the Council by this Act or another Act;
 - (h) to do anything incidental or conducive to the performance of any of the above functions.
- (2) The Council may, on its own initiative or at the request of the Minister, do any or all of the following:
 - (a) inquire into;
 - (b) prepare a report relating to;
 - (c) make recommendations to the Minister in relation to;a matter relating to any of the Council's functions.

Section 250

- (3) The Council may do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (4) A reference in this Division to an administrative decision or an administrative discretion includes a reference to an administrative decision made, or administrative discretion exercised, otherwise than under an enactment.

250 Reports by Council

- (1) When the Council concludes its consideration of a matter in respect of which the Council has determined a report is to be prepared, the Council must prepare a report on the matter and give the report to the Minister.
- (2) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

251 Meetings of Council

Convening meetings

- (1) The Council must hold such meetings as are necessary for the efficient performance of its functions.
- (2) The Chair of the Council may convene a meeting at any time.

Presiding at meetings

- (3) The Chair of the Council must preside at all meetings at which the Chair is present.
- (4) If the Chair is not present at a meeting, the Council members present must elect one of themselves to preside at the meeting.

Quorum

- (5) At a meeting of the Council, a quorum is constituted by 5 Council members.

Voting at meetings

- (6) A question arising at a meeting of the Council is to be determined by a majority of the votes of the Council members present and voting.
- (7) The person presiding at a meeting of the Council has a deliberative vote and, if the votes are equal, a casting vote.

Conduct of meetings

- (8) The Council may, subject to this Part, regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* contains further information about the ways in which Council members may participate in meetings.

Division 4—Appointment

252 Appointment of certain Council members

- (1) Appointed members are to be appointed by the Governor-General by written instrument.
- (2) An appointed member holds office on a part-time basis.

253 Appointment of Chair of Council

- (1) One Council member is to be appointed by the Governor-General by written instrument as the Chair of the Council.
- (2) An appointed member whose instrument of appointment contains a statement of the kind mentioned in subsection 255(2) (exception—appointment for specified project) cannot be appointed as the Chair of the Council.

254 Qualification for appointment

- (1) A person is not to be appointed as an appointed member unless the person:
 - (a) has an extensive knowledge of administrative law or public administration; or
 - (b) has extensive experience providing legal services related to administrative law; or
 - (c) has direct experience, and has direct knowledge, of the needs of people, or groups of people, significantly affected by government decisions; or
 - (d) is an official of a Commonwealth entity who:
 - (i) is an Agency Head (within the meaning of the *Public Service Act 1999*); or
 - (ii) is an SES employee; or
 - (iii) holds a position that is equivalent to, or higher than, a position occupied by an SES employee.

Note: The expression *SES employee* is defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) Before a person is appointed as an appointed member, the Minister must:
- (a) take into account the need for a diversity of skills, expertise, experience and knowledge within the Council; and
 - (b) be satisfied that:
 - (i) there will be at least 2 appointed members who were not officials of a Commonwealth entity immediately before their appointment; and
 - (ii) there will be at least one appointed member of the kind mentioned in subparagraph (i) who is qualified as mentioned in paragraph (1)(c).

255 Period of appointment

General rule

- (1) An appointed member holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

Exception—appointment for specified project

- (2) An instrument appointing an appointed member may state that the member is appointed for the purpose of taking part in a project specified in the instrument that is being, or is to be, undertaken by the Council.
- (3) If an instrument appointing an appointed member contains such a statement:
- (a) the member is to take part in the project and has the rights of a Council member only for the purposes of taking part in the project; and
 - (b) despite subsection (1), if the appointment has not ceased under subsection (1) and has not been terminated under section 261—the appointment ceases when the Chair of the Council certifies, in writing, that the Council has finished the project.

Section 256

256 Acting appointments

The Minister may, by written instrument, appoint a Council member to act as the Chair of the Council:

- (a) during a vacancy in the office of the Chair of the Council (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Chair of the Council:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

257 Remuneration

- (1) An appointed member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Remuneration Tribunal is in operation, the appointed member is to be paid the remuneration that is prescribed by the rules.
- (2) An appointed member is to be paid the allowances that are prescribed by the rules.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

258 Leave

The Minister may grant leave of absence to an appointed member on the terms and conditions that the Minister determines.

259 Disclosure of interests

- (1) A Council member who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the Council must disclose the nature of the interest to a meeting of the Council.

- (2) The disclosure must be made as soon as possible after the relevant facts have come to the Council member's knowledge.
- (3) The disclosure must be recorded in the minutes of the meeting of the Council.
- (4) Unless the Council otherwise determines, the Council member:
 - (a) must not be present during any deliberation by the Council on the matter; and
 - (b) must not take part in any decision of the Council with respect to the matter.
- (5) For the purposes of making a determination under subsection (4), the Council member:
 - (a) must not be present during any deliberation of the Council for the purpose of making the determination; and
 - (b) must not take part in making the determination.
- (6) A determination under subsection (4) must be recorded in the minutes of the meeting of the Council.

260 Resignation

- (1) An appointed member may resign the appointed member's appointment by giving the Governor-General a written resignation.
- (2) The Chair of the Council may resign the Chair's appointment as the Chair without resigning the Chair's appointment as a Council member by giving the Governor-General a written resignation.
- (3) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

261 Termination of appointment

Termination of appointed members

- (1) The Governor-General may, on the recommendation of the Minister, terminate the appointment of an appointed member if:

Section 262

- (a) the appointed member is convicted of an indictable offence;
or
 - (b) the appointed member is unable to perform the duties of the appointed member's office because of physical or mental incapacity; or
 - (c) the appointed member's conduct or behaviour amounts to serious misconduct by the appointed member; or
 - (d) the appointed member is absent, except on leave of absence, from 3 consecutive meetings of the Council; or
 - (e) the appointed member fails, without reasonable excuse, to comply with section 259 (disclosure of interests).
- (2) The Governor-General must terminate the appointment of an appointed member if the appointed member:
- (a) becomes bankrupt; or
 - (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (c) compounds with the appointed member's creditors; or
 - (d) makes an assignment of the appointed member's remuneration for the benefit of the appointed member's creditors.

Termination of members appointed for a specified project

- (3) The Governor-General may at any time terminate the appointment of an appointed member whose instrument of appointment contains a statement of the kind mentioned in subsection 255(2) (exception—appointment for specified project).

262 Additional terms and conditions

An appointed member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 5—Staff to assist Council

263 Arrangements relating to staff of the Department

- (1) The staff assisting the Council are to be APS employees in the Department whose services are made available to the Council, by the Secretary of the Department, in connection with the performance or exercise of any of the Council's functions or powers.

Note: The expression *APS employee* is defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) The Secretary of the Department must consult the Chair of the Council before making staff available to the Council.
- (3) When performing services for the Council, the staff are subject to the directions of the Council.

Division 6—Annual report

264 Annual report

- (1) After the end of each financial year, the Council must prepare and give a report to the Minister for presentation to the Parliament on the operations of the Council during that financial year.
 - (2) The report for a financial year must include:
 - (a) a description of any systemic issues related to the making of reviewable decisions that the President has informed the Council of during that year; and
 - (b) a description of any information given to the Council under section 294B during that year.
- Note 1: One of the President's functions is to inform relevant Ministers, relevant Commonwealth entities and the Council of any systemic issues related to the making of reviewable decisions that have been identified in the caseload of the Tribunal: see paragraph 193(i).
- Note 2: Section 294B requires Ministers and Commonwealth entities to inform the Council of action taken or proposed to be taken in relation to some systemic issues.
- (3) The report for a financial year may include a description of any actions taken by the Council during that year in response to a systemic issue related to the making of reviewable decisions.

Part 10—Notice and information about administrative decision

Division 1—Preliminary

265 Simplified outline of this Part

Generally, decision-makers must take reasonable steps to give notice of reviewable decisions to anyone whose interests are affected. This requirement also applies to some decisions that are related to reviewable decisions. Notices must include notice of any review rights and decision-makers must have regard to matters prescribed by the rules.

A person whose interests are affected by a reviewable decision may request the decision-maker to give a statement of reasons for the decision. Applications can be made to the Tribunal if a statement of reasons is not given or is inadequate.

This Part contains the standard provisions for these matters. Other legislation can include provisions that apply in addition to, or instead of, these standard provisions.

Division 2—Decision-makers to give notice of decisions

266 Decision-maker to give notice of decision and review rights

When this section applies

- (1) If any decision in a review pathway is or would be a reviewable decision, this section applies in relation to every decision in the review pathway.
- (2) However, this section does not apply in relation to a decision by a court or a decision by the Tribunal under this Act.
- (3) A **review pathway** is a decision and any decision on review or further review of the decision.

General rules

- (4) The decision-maker must take reasonable steps to give notice of the decision to any person whose interests are affected by the decision.
- (5) The notice must include notice of the right (if any) to have the decision reviewed, including, for a reviewable decision, the right to apply to the Tribunal for review of the decision.

Exceptions

- (6) However, subsection (4) does not require the decision-maker to give notice if:
 - (a) another Act or an instrument made under an Act requires notice to be given of review rights for the decision; or
 - (b) the decision is taken to have been made by:
 - (i) section 16 of this Act (decision is taken to be made if timeframe expires); or
 - (ii) section 10 of the *Ombudsman Act 1976* (unreasonable delay in exercising power); or
 - (c) the decision is:
 - (i) a decision not to impose a liability, penalty or any kind of limitation on a person; or

- (ii) a decision making an adjustment to the level of periodic payments to be made to a person as a member of a class of persons where a similar adjustment is being made to the level of such payments to the other members of the class; or
 - (iii) a decision that determines a person to be in the most favourable of several categories of entitlement to a monetary benefit established by an Act or an instrument made under an Act;
- and does not adversely affect the interests of any other person.

Effect of failure to comply

- (7) A failure to comply with this section does not affect the validity of the decision.

267 Decision-maker must have regard to rules when giving notice of decision

When this section applies

- (1) If any decision in a review pathway is or would be a reviewable decision, this section applies in relation to every decision in the review pathway.
- (2) However, this section does not apply in relation to a decision by a court or a decision by the Tribunal under this Act.

General rule

- (3) In giving notice of the decision to a person whose interests are affected by the decision, the decision-maker must have regard to the matters (if any) prescribed by the rules.
- (4) Subsection (3) does not apply if the decision-maker has had regard to the matters in giving notice of a decision of the same kind.
- (5) Subsection (3) applies in relation to a notice given under:
 - (a) subsection 266(4); or

Part 10 Notice and information about administrative decision

Division 2 Decision-makers to give notice of decisions

Section 267

(b) another Act or an instrument made under an Act.

Effect of failure to comply

(6) A failure to comply with this section does not affect the validity of the decision.

Division 3—Decision-makers to give reasons for decisions

268 Requesting reasons for reviewable decision from decision-maker

- (1) A person whose interests are affected by a reviewable decision may request the decision-maker to give the person a statement of reasons for the decision.

Note 1: For which decisions are reviewable decisions, see section 12.

Note 2: For when an organisation's or association's interests are taken to be affected, see section 15.

Note 3: For what must be included in a statement of reasons, see the definition of *statement of reasons* in section 4.

- (2) The request must be given to the decision-maker in writing.

Note: Requests may be refused if made outside specified timeframes (see subsection 269(8)).

269 Decision-maker to give statement of reasons

When this section applies

- (1) This section applies if a person requests the decision-maker for a reviewable decision to give the person a statement of reasons for the decision under section 268.

General rules

- (2) Within 28 days after receiving the request, the decision-maker must give the person a statement of reasons for the decision.
- (3) Before giving the statement of reasons to the person, the decision-maker may remove from the statement any information that concerns another person.
- (4) Before giving the statement of reasons to the person, the decision-maker may remove from the statement any information specified in a certificate under section 272 (public interest certificate in relation to statement of reasons).

Section 269

- (5) If the decision-maker removes information from a statement of reasons under subsection (3) or (4), the decision-maker must, when giving the statement, notify the applicant of the removal and the reasons for it.

Exception—person is not affected

- (6) Despite subsection (2), the decision-maker must refuse the request if the person's interests are not affected by the decision.

Exception—person has already been given reasons

- (7) Despite subsection (2), the decision-maker may refuse the request if the person has already been given a statement of reasons for the decision.

Note: A statement of reasons for a decision may be given in the document setting out the decision or separately.

Exception—timeframes

- (8) Despite subsection (2):
- (a) if the decision was set out in a document given to the person, the decision-maker may refuse the request if the request is not made within 28 days after the document was given to the person; and
 - (b) if the decision was not set out in a document given to the person, the decision-maker may refuse the request if the request is not made within a reasonable time after the decision is made.

Exception—would disclose information that concerns another person

- (9) Despite subsections (2) and (3), the decision-maker may refuse the request if:
- (a) giving the statement of reasons to the person would disclose information that concerns another person; and
 - (b) it is not reasonably practicable for the decision-maker to remove the information from the statement.

Exception—public interest certificate

- (10) Despite subsections (2) and (4), the decision-maker may refuse the request if:
- (a) giving the statement of reasons would disclose information specified in a certificate under section 272 (public interest certificate in relation to statement of reasons); and
 - (b) the statement would be false or misleading if the information were removed.

Decision-maker must explain refusal to give statement of reasons

- (11) If the decision-maker refuses to give a statement of reasons for the decision (other than under subsection (7)), the decision-maker must give the person written notice that the request is refused.
- (12) The notice must:
- (a) explain the reason for the refusal; and
 - (b) be given within 28 days after receiving the request.

270 Applying to Tribunal to obtain reasons for reviewable decision

When this section applies

- (1) This section applies if a person requests the decision-maker for a reviewable decision to give the person a statement of reasons for the decision under section 268 and:
- (a) the person is given notice that the request is refused; or
 - (b) the person is not given a statement in response to the request within 28 days after the request is received.

Tribunal may require decision-maker to give statement of reasons

- (2) The person may apply to the Tribunal for a decision about whether the decision-maker should give the person the statement of reasons.
- (3) The Tribunal must decide whether the decision-maker should give the person the statement of reasons.
- (4) If the Tribunal decides that the decision-maker should give the person the statement of reasons, the decision-maker must give the
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Section 271

person the statement of reasons within 28 days after the Tribunal notifies the decision-maker of the Tribunal's decision.

271 Applying to Tribunal to obtain adequate statement of reasons

When this section applies

- (1) This section applies if:
 - (a) both of the following apply:
 - (i) a person requests the decision-maker for a reviewable decision to give the person a statement of reasons for the decision under section 268;
 - (ii) the person is given a statement of reasons for the decision under section 269 or 270; or
 - (b) a person applies to the Tribunal for review of a reviewable decision for which the decision-maker has given the person a statement of reasons.

Tribunal may require decision-maker to give adequate information

- (2) The person may apply to the Tribunal for a decision about whether the statement contains adequate information about any of the following matters in relation to the decision:
 - (a) the findings on material questions of fact;
 - (b) the evidence or other material on which the findings are based;
 - (c) the reasons for the decision.
- (3) The Tribunal must decide whether the statement contains adequate information about the matter.
- (4) If the Tribunal decides that the statement does not contain adequate information about the matter, the decision-maker must give the person an additional statement containing adequate information about the matter within 28 days after the Tribunal notifies the decision-maker of the Tribunal's decision.

272 Public interest certificate in relation to statement of reasons

- (1) The Attorney-General of the Commonwealth may certify, in writing, that the disclosure of specified information in a statement of reasons for a decision would be contrary to the public interest for one or more of the following reasons:
 - (a) the disclosure would prejudice the security, defence or international relations of the Commonwealth;
 - (b) the disclosure would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet;
 - (c) any other reason that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information should not be disclosed.
- (2) If an application is made under subsection 270(2) or 271(2) in relation to the decision, the Attorney-General of the Commonwealth is taken to have certified under subsection 91(1) that the disclosure of the specified information in the proceeding in relation to the application would be contrary to the public interest for the reason specified in the certificate.
- (3) If an application is made for review of the decision, the Attorney-General of the Commonwealth is taken to have certified under subsection 91(1) that the disclosure of the specified information in the proceeding for the review would be contrary to the public interest for the reason specified in the certificate.
- (4) A certificate under subsection (1) is not a legislative instrument.

Part 11—Miscellaneous

Division 1—Preliminary

273 Simplified outline of this Part

Limitations apply to production and disclosure of some documents and information by entrusted persons. An entrusted person is any person who is, or has been, a member, the Principal Registrar, a staff member or engaged to provide services to the Tribunal.

Some functions and powers of the Minister, President and Principal Registrar may be delegated.

Functions or powers of the Tribunal in relation to a proceeding may be performed or exercised by the Tribunal constituted for the purposes of the proceeding under Division 4 of Part 4. In some circumstances, Tribunal functions or powers may also be performed or exercised by a member, the Principal Registrar, a registrar or a staff member authorised by the President to do so. The President may also perform or exercise Tribunal functions or powers in some circumstances.

Matters dealt with in Division 5 include advisory opinions, communicating electronically, giving documents, calculating short periods of time, immunities, fees, legal or financial assistance and review of the operation of this Act. There is also a requirement that Ministers and Commonwealth entities inform the Council of action taken or proposed to be taken in relation to some systemic issues.

Rules and regulations may be made relating to this Act.

Division 2—Confidentiality

274 Protected information and documents

General rule

- (1) An entrusted person must not be required to produce or disclose a protected document or protected information to a court, tribunal, authority or person (other than a parliament) that has the power to require the production of documents or the answering of questions.

Exception

- (2) However, subsection (1) does not apply to the extent that the production or disclosure is necessary for the purposes of:
 - (a) this Act; or
 - (b) another Act or instrument made under an Act conferring power on the Tribunal.

*Meaning of **protected document***

- (3) A document is a **protected document** if the document:
 - (a) concerns another person; and
 - (b) was obtained by the entrusted person in the performance or exercise of the entrusted person's functions or powers under this Act, another Act or an instrument made under an Act.

*Meaning of **protected information***

- (4) Information is **protected information** if the information:
 - (a) concerns another person; and
 - (b) was obtained by the entrusted person in the performance or exercise of the entrusted person's functions or powers under this Act, another Act or an instrument made under an Act.

275 Evidence about Tribunal proceedings

An entrusted person must not be required to give evidence to a court, tribunal, authority or person (other than a parliament) in relation to any Tribunal proceeding.

Section 276

276 Application of confidentiality provisions in other Acts and instruments

- (1) If:
- (a) a provision of an Act (other than this Act) or an instrument made under an Act prohibits the disclosure of information by persons who:
 - (i) are included in a particular class of persons; and
 - (ii) obtain the information in the performance or exercise of functions or powers under the Act or instrument; and
 - (b) an entrusted person obtains any such information in the performance or exercise of the entrusted person's functions or powers as an entrusted person;
the provision applies to the entrusted person as if the entrusted person:
 - (c) were included in the particular class of persons; and
 - (d) obtained the information in the performance or exercise of functions or powers under the Act or instrument.
- (2) Paragraph (1)(a) applies whether the provision prohibits the disclosure of information absolutely, in certain circumstances only or subject to conditions.

Division 3—Delegation

278 Delegation by Minister

General rule

- (1) The Minister may, in writing, delegate the Minister's functions or powers under this Act to:
 - (a) the Secretary of the Department; or
 - (b) the President.

Exception—functions and powers that must not be delegated

- (2) Despite subsection (1), the Minister must not delegate a function or power the Minister has under section 295 (rules).

Secretary of the Department must comply with directions

- (3) In performing or exercising a function or power delegated under this section, the Secretary of the Department must comply with any written directions of the Minister.

279 Delegation by President

General rule

- (1) The President may, in writing, delegate the President's functions or powers under this Act, another Act or an instrument made under an Act to:
 - (a) a member; or
 - (b) the Principal Registrar; or
 - (c) a registrar; or
 - (d) a staff member.

Exception—functions and powers that must not be delegated

- (2) Despite subsection (1), the President must not delegate:
 - (a) a function or power the President has because the President is:

Part 11 Miscellaneous

Division 3 Delegation

Section 279

- (i) a member of the Tribunal as constituted for the purposes of a proceeding; or
 - (ii) a Council member; or
 - (iii) authorised under section 281 to perform or exercise the function or power; or
- (b) a function or power under a provision listed in the following table.

Functions and powers the President must not delegate		
Item	Column 1 Provision	Column 2 Summary of topic of provision
1	section 14	decision-maker
2	Division 3 of Part 4	practice directions
3	subsection 109(2)	Tribunal guidance decisions
4	Division 5 of Part 7	referring questions of law
5	section 196	jurisdictional areas and lists
6	section 197	jurisdictional area leaders
7	section 199	assignment of members to jurisdictional areas
8	section 200	President may give directions to members
9	section 201	code of conduct
10	section 202	performance standard
11	subsection 203(3)	President may restrict member's duties
12	section 222	President must notify Minister about grounds for termination
13	Subdivision B of Division 4 of Part 8	appointment and functions of Principal Registrar

Delegates must comply with directions

- (3) In performing or exercising a function or power delegated under this section, the delegate must comply with any written directions of the President.

280 Delegation by Principal Registrar

General rule

- (1) The Principal Registrar may, in writing, delegate the Principal Registrar's functions or powers under this Act, another Act or an instrument made under an Act to a registrar or staff member.

Exception—functions and powers that must not be delegated

- (2) Despite subsection (1), the Principal Registrar must not delegate a function or power that the Principal Registrar has because the Principal Registrar is authorised under section 283 to perform or exercise the function or power.

Delegates must comply with directions

- (3) In performing or exercising a function or power delegated under this section, the delegate must comply with any written directions of the Principal Registrar.

Division 4—Performing and exercising functions and powers of Tribunal

Subdivision A—Performance and exercise of functions and powers

281 Who may perform or exercise functions or powers

- (1) A function or power of the Tribunal in relation to a proceeding may be performed or exercised as follows:
 - (a) by the Tribunal as constituted for the purposes of the proceeding;
 - (b) before the start of the hearing of the proceeding—by:
 - (i) the President; or
 - (ii) an authorised person;
 - (c) after the start of the hearing of the proceeding—by an authorised person, but only as approved by the Tribunal as constituted for the purposes of the proceeding;
 - (ca) for a function or power under subsection 114(1) to alter the text of a decision or statement of reasons for a decision—by the person who made the decision;
 - (d) for a function or power under subsection 114(1) to alter the text of a decision or statement of reasons for a decision—by an authorised person, but:
 - (i) only as approved by the President; and
 - (ii) not if the Tribunal as constituted for the purposes of the proceeding or the person who made the decision is available;
 - (e) for a function or power under section 102 (reinstatement of application), subsection 115(2) (taxing costs) or a provision mentioned in paragraph 286(a)—by an authorised person at any time.
 - (2) To avoid doubt, the paragraphs of subsection (1) do not limit each other.
 - (3) For the purposes of paragraph (1)(c) and subparagraph (1)(d)(i), an approval does not need to be in writing.
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282 How functions or powers must be performed or exercised

Authorised person must comply with President's directions

- (1) In performing or exercising a function or power of the Tribunal, an authorised person must comply with any directions given by the President under this section.
- (2) If the direction is made in writing, the direction is not a legislative instrument.

Applying opinion, belief or state of mind

- (3) If performing or exercising a function or power of the Tribunal depends on the Tribunal's opinion, belief or state of mind in relation to a matter, the President or an authorised person may perform or exercise the function or power on the opinion, belief or state of mind of the President or authorised person in relation to the matter.

Subdivision B—Authorisations to perform and exercise functions and powers of Tribunal

283 Authorisations for Principal Registrar

The President may, in writing, authorise the Principal Registrar to perform or exercise a function or power of the Tribunal if:

- (a) the President could authorise:
 - (i) a registrar to perform or exercise the function or power of the Tribunal (see section 285); or
 - (ii) a staff member to perform or exercise the function or power of the Tribunal (see section 286); or
- (b) the rules prescribe that the Principal Registrar may be authorised to perform the function or exercise the power.

284 Authorisations for members

- (1) The President may, in writing, authorise a member to perform or exercise a function or power of the Tribunal if:
 - (a) the President could authorise:
-

Part 11 Miscellaneous

Division 4 Performing and exercising functions and powers of Tribunal

Section 284

- (i) a registrar to perform or exercise the function or power (see section 285); or
- (ii) a staff member to perform or exercise the function or power (see section 286); or
- (b) the rules prescribe that a member may be authorised to perform or exercise the function or power; or
- (c) the function or power is a function or power under a provision listed in the following table.

Authorisations for members

Item	Column 1 Provision	Column 2 Summary of topic of provision
1	Part 3	starting a review
2	Division 5 of Part 4	Tribunal procedure
3	section 69	hearings to be in public unless practice directions or Tribunal order requires otherwise
4	section 70	Tribunal may restrict publication or disclosure of information
6	section 78	inspection of documents produced under summons
7	Subdivision B of Division 6 of Part 4	management of proceedings
8	Subdivision A of Division 8 of Part 4	withdrawing and dismissing applications
9	section 105	Tribunal decision on review of reviewable decision
10	section 107	when Tribunal's decision on review comes into operation
10A	section 108	effect of Tribunal decision to vary or substitute a reviewable decision
11	Division 10 of Part 4	after proceeding ends
12	section 127	Tribunal decision continues to operate unless Tribunal orders otherwise
13	Part 6 (other than section 161)	proceedings in Intelligence and Security jurisdictional area

Section 285

Authorisations for members

Item	Column 1 Provision	Column 2 Summary of topic of provision
14	Division 5 of Part 7	referring questions of law

- (2) However, a function or power of the Tribunal under section 54, 105, 107, 108, 111 or 163 may be performed or exercised by a member if and only if it relates to the performance or exercise of a function or power by the member under section 103.

285 Authorisations for registrars

- (1) The President may, in writing, authorise a registrar to perform or exercise a function or power of the Tribunal if:
- (a) the President could authorise a staff member to perform or exercise the function or power (see section 286); or
 - (b) the rules prescribe that a registrar may be authorised to perform or exercise the function or power; or
 - (c) the function or power is a function or power under a provision listed in the following table.

Authorisations for registrars

Item	Column 1 Provision	Column 2 Summary of topic of provision
1	Division 3 of Part 3	applying for review of decision
2	Subdivision A of Division 4 of Part 3	parties to proceeding
3	section 24	decision-maker must give Tribunal additional statement if Tribunal requires—general rule
4	section 26	decision-maker must give Tribunal additional documents on request—general rule
5	section 28	Exceptions—Tribunal may adjust requirements

Part 11 Miscellaneous

Division 4 Performing and exercising functions and powers of Tribunal

Section 285

Authorisations for registrars

Item	Column 1 Provision	Column 2 Summary of topic of provision
6	section 31	decision cannot be altered outside Tribunal process
7	section 54	Tribunal can exercise powers of decision-maker
8	section 65	certain parties may seek to withdraw from being a party
9	subsection 66(2)	representation before Tribunal
10	section 68	Tribunal may appoint interpreter
11	section 73	how a party may appear at a Tribunal case event
12	section 74	Tribunal may summon person to give evidence or produce documents
12A	section 75	Tribunal may take evidence
12B	section 76	taking evidence on oath or affirmation
13	subsection 78(1)	inspection of documents produced under summons
14	Subdivision B of Division 6 of Part 4	management of proceedings
15	Subdivision C of Division 6 of Part 4	dispute resolution processes
16	section 96	Tribunal may dismiss application if parties consent
17	section 97	Tribunal must dismiss application if decision is not reviewable decision
18	section 98	Tribunal may dismiss application if fee is not paid
19	section 100	Tribunal may dismiss application if applicant fails to comply with order etc.
20	Subdivision B of Division 8 of Part 4	decisions agreed by parties
21	section 105	Tribunal decision on review of reviewable decision

Authorisations for registrars		
Item	Column 1 Provision	Column 2 Summary of topic of provision
22	section 107	when Tribunal's decision on review comes into operation
22A	section 108	effect of Tribunal decision to vary or substitute a reviewable decision
23	section 111	notice of decision and statement of reasons—review of reviewable decision
24	section 112	notice of decision and statement of reasons—other proceedings
25	section 115	taxing costs
26	section 166	making and recording findings
27	section 167	communicating decisions
28	section 168	findings relating to procedures or practices of agency
29	Division 3 of Part 10	decision-makers to give reasons for decisions

(2) However:

- (a) a function or power of the Tribunal under paragraph 22(1)(c) or section 83 must not be performed or exercised in relation to a proceeding by a registrar after the start of the hearing of the proceeding; and
- (b) a function or power of the Tribunal under section 54, 105, 107, 108 or 111 may be performed or exercised by a registrar if and only if it relates to the performance or exercise of a function or power by the registrar under section 103.

286 Authorisations for staff members

The President may, in writing, authorise a staff member to perform or exercise a function or power of the Tribunal if:

- (a) it is a function or power of the Tribunal under:
 - (i) subsection 21(2) (parties and potential parties to be notified of application); or
 - (ii) subsection 22(3) (parties to proceeding for review); or
-

Part 11 Miscellaneous

Division 4 Performing and exercising functions and powers of Tribunal

Section 287

- (iii) section 72 (Tribunal must notify parties of Tribunal case event); or
 - (iv) section 126 (parties to be notified of application); or
 - (v) section 139 (additional persons to be notified of applications for review); or
- (b) the rules prescribe that a staff member may be authorised to perform or exercise the function or power.

287 Authorisations are subject to conditions

An authorisation by the President under this Subdivision is subject to any conditions specified in the authorisation.

Division 5—Other matters

288 Tribunal may give advisory opinion

If another Act or an instrument made under an Act so provides, the Tribunal may give an advisory opinion on a matter or question referred to it in accordance with the Act or instrument and, for the purpose of giving such an opinion, the Tribunal may hold such hearings and inform itself in such manner as it considers appropriate.

289 Certain things required to be done in writing may be done electronically

- (1) A requirement in any of the following provisions of this Act that a thing be done in writing is taken to have been met if the thing is done by electronic communication (within the meaning of the *Electronic Transactions Act 1999*) in the manner specified in the practice directions:
 - (a) Division 4 of Part 3 (after an application is made);
 - (b) Part 4 (proceedings);
 - (c) Part 5 (guidance and appeals panel);
 - (d) Part 6 (proceedings in Intelligence and Security jurisdictional area);
 - (e) section 270 (applying to Tribunal to obtain reasons for reviewable decision);
 - (f) section 271 (applying to Tribunal to obtain adequate statement of reasons);
 - (g) this Division.
 - (2) A requirement in another Act or an instrument under an Act that information be given in writing to the Tribunal or a person for the purposes of a proceeding in the Tribunal is taken to have been met if the information is given by electronic communication (within the meaning of the *Electronic Transactions Act 1999*) in the manner specified in the practice directions.
 - (3) Subsection (1) or (2) does not apply if Division 2 of Part 2 of the *Electronic Transactions Act 1999* applies to the requirement.
-

Section 290

290 Giving documents

- (1) A document or thing that is required or permitted by this Act or any other law to be produced or given to the Tribunal must be produced or given in accordance with the requirements (if any) in:
 - (a) the practice directions; and
 - (b) the rules.
- (2) A document or thing that is required or permitted by this Act or any other law to be produced or given to a person for the purposes of a proceeding in the Tribunal must be produced or given in accordance with the requirements (if any) in:
 - (a) the practice directions; and
 - (b) the rules.

291 Giving documents etc. to decision-maker

When section applies

- (1) This section applies if the Tribunal or any person is permitted or required under this Act to give a document or thing in relation to a decision to the decision-maker for the decision.

Giving documents etc. to Secretary

- (2) The Tribunal or person may instead give the document or thing to the Secretary of the Department administered by the Minister who administers:
 - (a) the Act under which the decision was made; or
 - (b) if the decision was made under an instrument—the Act under which the instrument is made.

Giving documents etc. to holder of office

- (3) If the holder of a particular office is prescribed by the rules, an Act or an instrument made under an Act as a person to whom documents or things may be given under this Act in relation to a class of decisions that includes the decision, the Tribunal or person may instead give the document or thing to the holder of that office.

Note: Sections 28A and 29 of the *Acts Interpretation Act 1901* deal with the manner in which the documents may be given.

292 Calculation of short periods of time

If the period of time for doing anything:

- (a) under this Act, any other Act or an instrument made under an Act; or
 - (b) in accordance with an order of the Tribunal;
- in relation to a proceeding in the Tribunal is less than 7 days, do not count any day on which the registry of the Tribunal concerned is not open to the public in working out whether the period has ended.

293 Protection and immunity

Tribunal personnel

- (1) Each of the following has the same protection and immunity as a Justice of the High Court:
 - (a) a member, in the performance of the member's duties;
 - (b) the Principal Registrar, in the performance of the Principal Registrar's duties under Part 3 (starting a review), Part 4 (proceedings), Part 5 (guidance and appeals panel), Part 6 (proceedings in Intelligence and Security jurisdictional area) or Part 7 (appeals and references of questions of law to Federal Court);
 - (c) an authorised person, in the performance of the person's duties as an authorised person;
 - (d) a person conducting a dispute resolution process under this Act, in conducting the dispute resolution process.

Representatives

- (2) A legal practitioner or other person appearing before the Tribunal on behalf of a party has the same protection and immunity as a barrister appearing for a party in proceedings in the High Court.

Section 294

Witnesses

- (3) Subject to this Act, a person appearing before the Tribunal to give evidence has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, as a witness in proceedings in the High Court.

294 Legal or financial assistance

Applicants to Tribunal

- (1) A person who applies, or proposes to apply, to the Tribunal for review of a reviewable decision may apply to the Attorney-General of the Commonwealth for assistance in respect of the proceeding in relation to the application to the Tribunal.
- (2) A person who makes an application, or proposes to make an application, to refer a decision of the Tribunal to the guidance and appeals panel (a *leave application*) may apply to the Attorney-General of the Commonwealth for assistance in respect of the leave application and the proceeding in relation to the guidance and appeals panel application (if any) taken to be made because of the referral.

Other parties to Tribunal proceedings

- (3) A person who is, or proposes to become, a party to a proceeding in the Tribunal may apply to the Attorney-General of the Commonwealth for assistance in respect of the proceeding.

Court proceedings

- (4) A person who:
 - (a) institutes, or proposes to institute; or
 - (b) is, or proposes to become, a party to;a proceeding in a court in respect of a matter arising under this Act may apply to the Attorney-General of the Commonwealth for assistance in respect of the proceeding.

Exceptions—proceedings prescribed by the rules

- (5) Subsections (1) to (4) do not apply in relation to a kind of proceeding prescribed by the rules.
- (6) Subsection (2) does not apply in relation to a kind of leave application prescribed by the rules.

Provision of assistance

- (7) If the Attorney-General of the Commonwealth considers that:
 - (a) it would involve hardship to the person to refuse the person's application; and
 - (b) in all the circumstances, it is reasonable that the person's application should be granted;the Attorney-General may authorise the provision by the Commonwealth to the person of legal or financial assistance determined by the Attorney-General in respect of the proceeding.
- (8) The legal or financial assistance is subject to any conditions determined by the Attorney-General of the Commonwealth.

Time for making applications not affected

- (9) Nothing done under, or for the purposes of, this section extends a period for making an application to the Tribunal.

Other assistance

- (10) To avoid doubt, the power of the Commonwealth to make a payment, or to make, vary or administer an arrangement or grant, under this section must be disregarded for the purpose of paragraph 32B(1)(a) of the *Financial Framework (Supplementary Powers) Act 1997*.

Note: The effect of this subsection is to make clear that this section does not effectively limit the operation of section 32B of the *Financial Framework (Supplementary Powers) Act 1997*. The Commonwealth has the power to make, vary or administer an arrangement or grant under that section whether the Commonwealth also has the power to do so under this section.

Section 294A

294A Review of operation of this Act

- (1) The Minister must cause to be conducted a review into the operation of this Act and any Act dealing with consequential or transitional matters arising from the enactment of this Act.
- (2) Without limiting subsection (1), the review must include consideration of:
 - (a) whether the Tribunal is achieving the objective in section 9; and
 - (b) any other matters relating to the operation of this Act determined by the Minister.
- (3) The review must start within the 3 months before the fifth anniversary of the commencement of this Act.
- (4) The review must be undertaken by one or more persons (the *reviewers*) who, in the Minister's opinion, have appropriate expertise in administrative review.
- (5) The review must include consultation with the Council, members of the public, Tribunal users and any other person or organisation the reviewers consider appropriate.
- (6) The reviewers must give the Minister a written report on the review within 12 months after the fifth anniversary of the commencement of this Act.
- (7) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

294B Minister and Commonwealth entities to inform Council of action on systemic issues

Within 3 months after the President informs a Minister or Commonwealth entity in writing of a systemic issue related to the making of reviewable decisions that has been identified in the caseload of the Tribunal, the Minister or entity must inform the Council of the action the Minister or entity has taken or proposes to take in relation to the systemic issue.

Section 294B

Note: For the President's functions in relation to systemic issues, see paragraph 193(i). For the Council's functions and reports in relation to systemic issues, see paragraph 249(1)(c) and section 264.

Division 6—Rules and regulations

295 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) Rules that are inconsistent with the regulations have no effect to the extent of the inconsistency, but rules are taken to be consistent with the regulations to the extent that the rules are capable of operating concurrently with the regulations.
- (4) The rules may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, a matter contained in the practice directions:
 - (a) as in force or existing at a particular time; or
 - (b) as in force or existing from time to time.
- (5) Subsection (4) has effect despite anything in subsection 14(2) of the *Legislation Act 2003*.
- (6) Before making rules affecting the practice, procedure or operations of the Tribunal, the Minister must consult the President.

296 Tribunal may charge fees

- (1) The Tribunal may, on behalf of the Commonwealth, charge fees in accordance with the rules.
- (2) The rules may provide for fees to be payable in respect of the following:
 - (a) applications to the Tribunal (including applications taken to be made to the Tribunal);
 - (b) applications to the President;
 - (c) taxation of costs by the Tribunal;
 - (d) proceedings in the Tribunal;
 - (e) services provided by the Tribunal.
- (3) Without limiting the scope of rules that may be made for the purposes of subsection (2), those rules may prescribe, or prescribe matters relating to, any or all of the following:
 - (a) the circumstances in which a fee is to be paid;
 - (b) who must pay;
 - (c) the time when payment is required;
 - (d) remittal, refund and waiver of fees.
- (4) Rules made for the purposes of subsection (2) may do any or all of the following:
 - (a) prescribe fees in respect of a particular class or classes of applications, costs, proceedings or services;
 - (b) prescribe different fees in respect of different classes of applications, costs, proceedings or services;
 - (c) prescribe the amount of, or a method for working out the amount of, a fee;
 - (d) make provision in relation to the whole or a part of a fee;
 - (e) provide for the Tribunal to make orders relating to the payment of a fee in relation to a proceeding.
- (5) A fee must not be such as to amount to taxation.
- (6) A fee charged under subsection (1):
 - (a) is a debt due to the Tribunal, on behalf of the Commonwealth; and

Section 297

- (b) is recoverable by the Tribunal, on behalf of the Commonwealth, in a court of competent jurisdiction.

297 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the regulations; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Norfolk Island enactments

- (2) The regulations may provide for:
 - (a) applications to be made to the Tribunal for review of decisions made in the exercise of powers conferred by a Norfolk Island enactment; and
 - (b) such modifications to the operation of this Act as are necessary to provide for, and in relation to, the review of those decisions in like manner to the review of equivalent reviewable decisions under this Act; and
 - (c) the Tribunal to give an advisory opinion on a matter or question referred to it under a Norfolk Island enactment.

*[Minister's second reading speech made in—
House of Representatives on 7 December 2023
Senate on 25 March 2024]*

(150/23)



Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024

No. 38, 2024

**An Act to deal with consequential and transitional
matters arising from the enactment of the
Administrative Review Tribunal Act 2024, and for
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	3
4	References to the <i>Administrative Appeals Tribunal Act 1975</i> etc.....	3
Schedule 1—Treasury		5
Part 1—Main amendments		5
	<i>Australian Charities and Not-for-profits Commission Act 2012</i>	5
	<i>Australian Securities and Investments Commission Act 2001</i>	11
	<i>Competition and Consumer Act 2010</i>	12
	<i>Corporations Act 2001</i>	12
	<i>Excise Act 1901</i>	13
	<i>Fringe Benefits Tax Assessment Act 1986</i>	14
	<i>Income Tax Assessment Act 1936</i>	14
	<i>Income Tax Assessment Act 1997</i>	15
	<i>National Consumer Credit Protection Act 2009</i>	16
	<i>Payment Times Reporting Act 2020</i>	16
	<i>Petroleum Excise (Prices) Act 1987</i>	16
	<i>Retirement Savings Accounts Act 1997</i>	17
	<i>Small Superannuation Accounts Act 1995</i>	18
	<i>Superannuation Industry (Supervision) Act 1993</i>	19
	<i>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</i>	19
	<i>Taxation Administration Act 1953</i>	20
Part 2—Bulk amendments		29
	<i>A New Tax System (Australian Business Number) Act 1999</i>	29
	<i>ASIC Supervisory Cost Recovery Levy (Collection) Act 2017</i>	29
	<i>Australian Small Business and Family Enterprise Ombudsman Act 2015</i>	29
	<i>Business Names Registration Act 2011</i>	30

<i>Business Names Registration (Transitional and Consequential Provisions) Act 2011</i>	30
<i>Commonwealth Registers Act 2020</i>	30
<i>Competition and Consumer Act 2010</i>	31
<i>Corporations Act 2001</i>	32
<i>Crimes (Taxation Offences) Act 1980</i>	33
<i>Excise Act 1901</i>	33
<i>Financial Regulator Assessment Authority Act 2021</i>	33
<i>Financial Sector (Transfer and Restructure) Act 1999</i>	34
<i>Income Tax Assessment Act 1936</i>	34
<i>Income Tax Assessment Act 1997</i>	34
<i>National Consumer Credit Protection Act 2009</i>	35
<i>Payment Times Reporting Act 2020</i>	36
<i>Petroleum Excise (Prices) Act 1987</i>	36
<i>Petroleum Resource Rent Tax Assessment Act 1987</i>	36
<i>Retirement Savings Accounts Act 1997</i>	37
<i>Small Superannuation Accounts Act 1995</i>	37
<i>Superannuation Industry (Supervision) Act 1993</i>	38
<i>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</i>	39
<i>Tax Agent Services Act 2009</i>	39
<i>Taxation Administration Act 1953</i>	40
<i>Taxation (Interest on Overpayments and Early Payments) Act 1983</i>	40
Schedule 2—Home Affairs	42
Part 1—Main amendments	42
<i>Immigration (Guardianship of Children) Act 1946</i>	42
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	42
<i>Migration Act 1958</i>	42
Part 2—Bulk amendments	95
<i>Immigration (Guardianship of Children) Act 1946</i>	95
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	95

Schedule 3—Social Services	97
Part 1—Main amendments	97
<i>A New Tax System (Family Assistance) Act 1999</i>	97
<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	97
<i>Australian Hearing Services Act 1991</i>	108
<i>Child Support (Assessment) Act 1989</i>	108
<i>Child Support (Registration and Collection) Act 1988</i>	109
<i>Disability Services Act 1986</i>	119
<i>Marriage Act 1961</i>	119
<i>National Disability Insurance Scheme Act 2013</i>	119
<i>Paid Parental Leave Act 2010</i>	120
<i>Social Security Act 1991</i>	129
<i>Social Security (Administration) Act 1999</i>	130
<i>Student Assistance Act 1973</i>	139
Part 2—Bulk amendments	146
<i>A New Tax System (Family Assistance) Act 1999</i>	146
<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	146
<i>Australian Hearing Services Act 1991</i>	151
<i>Child Support (Assessment) Act 1989</i>	152
<i>Child Support (Registration and Collection) Act 1988</i>	153
<i>Disability Services Act 1986</i>	159
<i>Marriage Act 1961</i>	159
<i>National Disability Insurance Scheme Act 2013</i>	160
<i>Paid Parental Leave Act 2010</i>	160
<i>Social Security Act 1991</i>	163
<i>Social Security (Administration) Act 1999</i>	164
<i>Student Assistance Act 1973</i>	166
Schedule 4—Amendments relating to the Security Division	170
<i>Archives Act 1983</i>	170
<i>Australian Crime Commission Act 2002</i>	172
<i>Australian Security Intelligence Organisation Act 1979</i>	175

<i>Foreign Acquisitions and Takeovers Act 1975</i>	179
<i>Freedom of Information Act 1982</i>	180
Schedule 5—Agriculture, Fisheries and Forestry	186
Part 1—Main amendments	186
<i>Pig Industry Act 2001</i>	186
Part 2—Bulk amendments	187
<i>Biological Control Act 1984</i>	187
<i>Horse Disease Response Levy Collection Act 2011</i>	187
<i>Pig Industry Act 2001</i>	187
<i>Torres Strait Fisheries Act 1984</i>	188
Schedule 6—Attorney-General	189
Part 1—Main amendments	189
<i>Copyright Act 1968</i>	189
<i>Disability Discrimination Act 1992</i>	189
<i>Ombudsman Act 1976</i>	189
<i>Sex Discrimination Act 1984</i>	190
Part 2—Bulk amendments	191
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	191
<i>Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011</i>	191
<i>Copyright Act 1968</i>	192
<i>Disability Discrimination Act 1992</i>	192
<i>Law Officers Act 1964</i>	192
<i>Modern Slavery Act 2018</i>	193
<i>Ombudsman Act 1976</i>	193
<i>Sex Discrimination Act 1984</i>	193
Schedule 7—Climate Change, Energy, the Environment and Water	195
Part 1—Main amendments	195

<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	195
<i>Recycling and Waste Reduction Act 2020</i>	195
<i>Sea Installations Act 1987</i>	195
Part 2—Bulk amendments	197
<i>Antarctic Marine Living Resources Conservation Act 1981</i>	197
<i>Australian National Registry of Emissions Units Act 2011</i>	197
<i>Building Energy Efficiency Disclosure Act 2010</i>	197
<i>Clean Energy Legislation (Carbon Tax Repeal) Act 2014</i>	198
<i>Environment Protection (Sea Dumping) Act 1981</i>	198
<i>Fuel Security Act 2021</i>	198
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	199
<i>Liquid Fuel Emergency Act 1984</i>	199
<i>National Environment Protection Measures (Implementation) Act 1998</i>	200
<i>Offshore Electricity Infrastructure Act 2021</i>	200
<i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>	201
<i>Recycling and Waste Reduction Act 2020</i>	201
<i>Sea Installations Act 1987</i>	201
<i>Sydney Harbour Federation Trust Act 2001</i>	202
<i>Underwater Cultural Heritage Act 2018</i>	202
<i>Water Act 2007</i>	202
Schedule 8—Defence	204
<i>Defence Force (Home Loans Assistance) Act 1990</i>	204
<i>Defence Force Retirement and Death Benefits Act 1973</i>	204
<i>Defence Home Ownership Assistance Scheme Act 2008</i>	205
<i>Defence Reserve Service (Protection) Act 2001</i>	205
<i>Defence Trade Controls Act 2012</i>	206
Schedule 9—Employment and Workplace Relations	207
Part 1—Main amendments	207

<i>Coal Mining Industry (Long Service Leave) Administration Act 1992</i>	207
<i>Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992</i>	207
<i>Student Identifiers Act 2014</i>	208
Part 2—Bulk amendments	209
<i>Coal Mining Industry (Long Service Leave) Administration Act 1992</i>	209
<i>Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992</i>	209
<i>Student Identifiers Act 2014</i>	210
Schedule 10—Finance	211
<i>Data Availability and Transparency Act 2022</i>	211
<i>Federal Circuit and Family Court of Australia Act 2021</i>	211
<i>Governor-General Act 1974</i>	212
<i>Papua New Guinea (Staffing Assistance) Act 1973</i>	212
<i>Parliamentary Business Resources Act 2017</i>	212
<i>Superannuation Act 1922</i>	213
Schedule 11—Foreign Affairs and Trade	214
Part 1—Main amendments	214
<i>Chemical Weapons (Prohibition) Act 1994</i>	214
<i>Export Market Development Grants Act 1997</i>	214
<i>Registration of Deaths Abroad Act 1984</i>	214
Part 2—Bulk amendments	215
<i>Chemical Weapons (Prohibition) Act 1994</i>	215
<i>Export Market Development Grants Act 1997</i>	215
<i>Registration of Deaths Abroad Act 1984</i>	215
Schedule 12—Health and Aged Care	217
Part 1—Main amendments	217
<i>Aged Care Act 1997</i>	217
<i>Aged Care (Transitional Provisions) Act 1997</i>	217

<i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	217
<i>Dental Benefits Act 2008</i>	218
<i>Hearing Services Administration Act 1997</i>	218
<i>Medical Indemnity Act 2002</i>	219
<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i>	221
<i>National Health Security Act 2007</i>	222
<i>Private Health Insurance Act 2007</i>	222
<i>Tobacco Advertising Prohibition Act 1992</i>	222
Part 2—Bulk amendments	223
<i>Aged Care Act 1997</i>	223
<i>Aged Care (Transitional Provisions) Act 1997</i>	223
<i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	223
<i>Dental Benefits Act 2008</i>	224
<i>Healthcare Identifiers Act 2010</i>	224
<i>Hearing Services Administration Act 1997</i>	224
<i>Major Sporting Events (Indicia and Images) Protection Act 2014</i>	225
<i>Medical Indemnity Act 2002</i>	225
<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i>	226
<i>My Health Records Act 2012</i>	227
<i>National Health Security Act 2007</i>	227
<i>Private Health Insurance Act 2007</i>	228
Schedule 13—Industry, Science and Resources	229
Part 1—Main amendments	229
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	229
<i>Tradex Scheme Act 1999</i>	229
Part 2—Bulk amendments	230
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	230
<i>Space (Launches and Returns) Act 2018</i>	230
<i>Tradex Scheme Act 1999</i>	230

Schedule 14—Infrastructure, Transport, Regional Development, Communications and the Arts	232
Part 1—Main amendments	232
<i>Adelaide Airport Curfew Act 2000</i>	232
<i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i>	232
Part 2—Bulk amendments	233
<i>Adelaide Airport Curfew Act 2000</i>	233
<i>Aircraft Noise Levy Collection Act 1995</i>	233
<i>Air Navigation Act 1920</i>	233
<i>Air Services Act 1995</i>	234
<i>Interactive Gambling Act 2001</i>	234
<i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i>	235
<i>National Transmission Network Sale Act 1998</i>	236
<i>Navigation Act 2012</i>	236
<i>Protection of Cultural Objects on Loan Act 2013</i>	236
<i>Protection of Movable Cultural Heritage Act 1986</i>	237
<i>Protection of the Sea (Civil Liability) Act 1981</i>	237
<i>Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008</i>	238
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	238
<i>Public Lending Right Act 1985</i>	238
<i>Resale Royalty Right for Visual Artists Act 2009</i>	239
<i>Shipping Reform (Tax Incentives) Act 2012</i>	239
<i>Shipping Registration Act 1981</i>	240
<i>Sydney Airport Curfew Act 1995</i>	240
<i>Telstra Corporation Act 1991</i>	241
Schedule 15—Veterans’ Affairs	242
Part 1—Main amendments	242

<i>Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006</i>	242
<i>Compensation (Japanese Internment) Act 2001</i>	242
<i>Military Rehabilitation and Compensation Act 2004</i>	242
<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	246
<i>Treatment Benefits (Special Access) Act 2019</i>	247
<i>Veterans' Entitlements Act 1986</i>	247
Part 2—Bulk amendments	252
<i>Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006</i>	252
<i>Defence Service Homes Act 1918</i>	252
<i>Military Rehabilitation and Compensation Act 2004</i>	253
<i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>	253
<i>Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007</i>	255
<i>Treatment Benefits (Special Access) Act 2019</i>	255
<i>Veterans' Entitlements Act 1986</i>	256
<i>Veterans' Entitlements (Clarke Review) Act 2004</i>	258
Schedule 16—Transitional provisions	259
Part 1—Preliminary	259
Part 2—Establishment of the ART	260
Part 3—Notice, review rights and reasons	264
Part 4—Rights to apply	266
Part 5—Proceedings in progress	269
Part 6—Other things done by, or in relation to, the AAT	271
Part 7—Members of the Tribunal and Chief Executive Officer and Principal Registrar	272
Part 8—Matters specific to particular Acts	279

Division 1—Migration	279
Division 2—Social services	282
Part 9—Transitional rules	283
Part 10—Consultation before transition time	285
Schedule 17—Repeals	286
<i>Administrative Appeals Tribunal Act 1975</i>	286



Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024

No. 38, 2024

**An Act to deal with consequential and transitional
matters arising from the enactment of the
Administrative Review Tribunal Act 2024, and for
related purposes**

[Assented to 31 May 2024]

The Parliament of Australia enacts:

*No. 38, 2024 Administrative Review Tribunal (Consequential and Transitional
Provisions No. 1) Act 2024 1*

1 Short title

This Act is the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	31 May 2024
2. Schedules 1 to 15	At the same time as the <i>Administrative Review Tribunal Act 2024</i> commences. However, the provisions do not commence at all if that Act does not commence.	
2A. Schedule 16, item 1	The day after this Act receives the Royal Assent.	1 June 2024
3. Schedule 16, items 2 to 30	At the same time as the provisions covered by table item 2.	
4. Schedule 16, item 31	The day after this Act receives the Royal Assent.	1 June 2024
4A. Schedule 16, items 32 and 33	At the same time as the provisions covered by table item 2.	
4B. Schedule 16, item 33A	The day after this Act receives the Royal Assent.	1 June 2024
5. Schedule 16, items 34 to 51	At the same time as the provisions covered by table item 2.	

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
5A. Schedule 16, item 52	The day after this Act receives the Royal Assent.	1 June 2024
6. Schedule 17	At the same time as the provisions covered by table item 2.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 References to the *Administrative Appeals Tribunal Act 1975* etc.

- (1) This section applies if, on or after the commencement of the *Administrative Review Tribunal Act 2024*, another Act refers to:
- (a) the *Administrative Appeals Tribunal Act 1975*; or
 - (b) a provision of that Act; or
 - (c) the Administrative Appeals Tribunal; or
 - (d) the Registrar of the Administrative Appeals Tribunal.
- (2) The reference is taken, on and after that commencement, to be a reference to the following (as the case requires):
- (a) the *Administrative Review Tribunal Act 2024*;
 - (b) an equivalent, or nearly equivalent, provision of that Act;
 - (c) the Administrative Review Tribunal;

(d) the Principal Registrar of the Administrative Review Tribunal.

(3) Subsection (2) is subject to a contrary intention.

Schedule 1—Treasury

Part 1—Main amendments

Australian Charities and Not-for-profits Commission Act 2012

1 Subsection 160-10(7)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

2 Paragraph 160-25(a)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

3 Division 165 (heading)

Omit “AAT”, substitute “ART”.

4 Sections 165-5 to 165-45

Repeal the sections, substitute:

165-5 ART Act applies subject to this Division

- (1) The ART Act applies in relation to:
 - (a) the review of objection decisions; and
 - (b) the review of extension of time refusal decisions; and
 - (c) ART extension applications;subject to this Division.
- (2) Subsection (3) applies if the ART President refers to the guidance and appeals panel under section 128 of the ART Act a decision made by the ART to affirm, vary or set aside either of the following decisions (each of which is an *original decision*):
 - (a) an objection decision;
 - (b) an extension of time refusal decision.
- (3) The ART Act, as modified by this Division (other than by the provisions mentioned in subsection (4)), applies in relation to:

- (a) the application for review that is taken to be made under subsection 130(2) of that Act; and
 - (b) the review of the decision made by the ART;
in the same way as it applies to the review of, and the application for review of, the original decision.
- (4) The provisions are:
- (a) subsections 165-10(1), (2) and (3); and
 - (b) section 165-15; and
 - (c) subsections 165-25(1) and (2).

165-10 Special rules for objection decisions or extension of time refusal decisions

- (1) Sections 17 (who can apply) and 18 (when to apply—general rule) of the ART Act do not apply in relation to:
 - (a) an objection decision; or
 - (b) an extension of time refusal decision.
 - (2) The President of the ART may allow a longer period to make an application to refer a decision of the ART on the review of an objection decision or an extension of time refusal decision to the guidance and appeals panel under section 125 (when to apply to refer Tribunal decision) of the ART Act only if the period for making the application has not expired.
 - (3) If the President of the ART decides to allow a longer period under section 125 of the ART Act (as modified by subsection (2) of this section), the President of the ART must notify the Commissioner as soon as practicable after making the decision.
 - (4) Section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the ART Act does not apply in relation to:
 - (a) an objection decision; or
 - (b) an extension of time refusal decision.
 - (5) Section 127 (Tribunal decision continues to operate unless Tribunal orders otherwise) of the ART Act does not apply in relation to an objection decision or an extension of time refusal decision.
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- (6) Section 178 (operation and implementation of Tribunal’s decision) of the ART Act does not apply in relation to an objection decision.

165-15 When and how to apply to the ART

- (1) Despite section 18 (when to apply—general rule) of the ART Act, an application to the ART for review of a decision must be made within 60 days after the person making the application is served with notice of the decision.

Note: A person may, under section 19 of the ART Act, apply to the ART to extend the period.

- (2) Despite subsection 34(1) of the ART Act, an application to the ART for a review of a decision must be in writing.
- (3) An application to the ART for a review of a decision must set out a statement of the reasons for the application.
- (4) Subsection (3) applies in addition to subsection 34(2) of the ART Act.

Note: Subsection 34(2) of the ART Act requires applications to include the information specified for the application in practice directions made by the President of the ART.

- (5) A failure to comply with subsection (3) does not affect the validity of the application.

165-20 Parties to proceedings for review

Despite paragraph 22(1)(c) of the ART Act:

- (a) a person (the *affected person*) whose interests are affected by an objection decision or an extension of time refusal decision may apply to become a party to a proceeding for review of the decision; and
- (b) the ART may make the affected person a party to the proceeding only if the ART is satisfied that the applicant for review of the decision consents.

165-25 Giving documents to the ART

- (1) Section 23 (decision-maker must give Tribunal reasons and documents—general rule) of the ART Act does not apply in relation to an application for review of an objection decision.
 - (2) Instead, the decision-maker of an objection decision must give the ART the following documents within 28 days after the ART notifies the decision-maker of the application for review of the decision:
 - (a) a statement giving the reasons for the decision;
 - (b) the notice of the administrative decision concerned;
 - (c) the objection concerned;
 - (d) the notice of the objection decision;
 - (e) every other document that is:
 - (i) in the Commissioner’s possession or under the Commissioner’s control; and
 - (ii) considered by the Commissioner to be necessary to the review of the objection decision concerned;
 - (f) a list of the documents (if any) being given under paragraph (e).
 - (3) Section 25 (decision-maker must give Tribunal additional documents within 28 days—general rule) of the ART Act does not apply in relation to the ART’s review of an objection decision.
 - (4) Instead, if:
 - (a) at any time during the ART’s review of an objection decision a document that is necessary to the review comes into the possession or under the control of the decision-maker; and
 - (b) the document has not been given to the ART for the purposes of the review;the decision-maker must give a copy of the document to the ART within 28 days after the day on which the document came into the possession or under the control of the decision-maker.
 - (5) In addition to subsection (4), if, at any time during the ART’s review of an objection decision, the ART is satisfied that documents that may be relevant to the review are in the possession or under the control of the decision-maker of the objection
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decision, the Tribunal may require the decision-maker to give a list of those documents to the Tribunal within a specified period.

- (6) To avoid doubt, the ART's power in subsection (5) of this section is in addition to the ART's power in section 26 (decision-maker must give Tribunal additional documents on request—general rule) of the ART Act.
- (7) For the purposes of the ART Act:
- (a) the requirement to give a statement giving the reasons for the decision under paragraph (2)(a) of this section is taken to be the requirement to give a statement of reasons for the decision under paragraph 23(a) of that Act; and
 - (b) the requirement to give other documents under subsection (2), (4) or (5) of this section is taken to be the requirement to give other documents under Subdivision B of Division 4 of Part 3 of that Act; and
 - (c) a statement giving the reasons for a decision, given under subsection (2) of this section, is taken to have been given under paragraph 23(a) of that Act; and
 - (d) any other document, given under subsection (2), (4) or (5) of this section, is taken to have been given under Subdivision B of Division 4 of Part 3 of that Act.

Note: As a result of this subsection, the decision-maker must, under section 27 of the ART Act, give a copy of the statement or documents to each other party to the proceedings within the relevant period. Also, exceptions under sections 28 and 29 of that Act in relation to giving documents might apply, and under section 24 of that Act the ART may order the decision-maker to give the ART further information.

165-30 Grounds of objection and burden of proof

On an application for review of an objection decision:

- (a) the applicant is, unless the ART orders otherwise, limited to the grounds stated in the objection to which the objection decision relates; and
- (b) the applicant has the burden of proving that the administrative decision concerned should not have been made or should have been made differently.

165-35 Implementation of ART decisions

- (1) When the decision of the ART on the review of an objection decision or an extension of time refusal decision becomes final, the Commissioner must, within 60 days, take such action as is necessary to give effect to the ART's decision.
- (2) For the purposes of subsection (1), if:
 - (a) no appeal is lodged against the ART's decision within the period for lodging an appeal; and
 - (b) no application to refer a decision of the ART to the guidance and appeals panel is made within the period for making the application;the decision becomes final at the end of the period.

5 Section 165-55

Repeal the section, substitute:

165-55 Reviews may be combined

- (1) This section applies if:
 - (a) an entity may apply to the ART for review of:
 - (i) an objection decision; and
 - (ii) one or more other decisions (whether or not of the Commissioner); and
 - (b) the decisions are related, or it would be efficient for the ART to consider the decisions together.
- (2) Subject to the requirements of this Act or any other law relating to review of the decisions:
 - (a) the entity may apply for review of the decisions together; and
 - (b) the ART may deal with the decisions together.

6 Section 300-5 (definitions of *AAT Act* and *AAT extension application*)

Repeal the definitions.

7 Section 300-5

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART extension application means an application under section 19 of the ART Act to extend the period during which an application may be made to the ART for review of an objection decision or an extension of time refusal decision.

Australian Securities and Investments Commission Act 2001

8 Section 244 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

9 Subsection 244(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

10 Subsection 244(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

11 Paragraph 244A(2)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Subsection 244A(5)

Omit “subsection 29(6) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 20(2) of the *Administrative Review Tribunal Act 2024*”.

13 At the end of section 244A

Add:

- (6) To avoid doubt, this section, instead of section 266 (decision-maker to give notice of decision and review rights) of the *Administrative Review Tribunal Act 2024*, applies to the

requirement to give notice of the making of a decision to which subsection 244(2) of this Act applies.

Competition and Consumer Act 2010

14 Paragraph 10.85(1)(b)

Omit “Administrative Appeals Tribunal for review of a decision may, under section 28 of that Act, request a statement that includes reasons for the decision”, substitute “Administrative Review Tribunal for review of a decision may, under section 268 of that Act, request a statement of reasons (within the meaning of that Act)”.

15 Subsection 10.85(2)

Omit “in relation to a case to which subsection 28(4) of the *Administrative Appeals Tribunal Act 1975* applies”, substitute “if the person has been given a statement of reasons under the *Administrative Review Tribunal Act 2024* (see subsection 269(7) of that Act)”.

Corporations Act 2001

16 After subsection 798G(1)

Insert:

- (2) Without limiting subsection (1), the market integrity rules may:
- (a) provide for applications to be made to the Administrative Review Tribunal for review of decisions made under the rules; and
 - (b) contain provisions that apply:
 - (i) in addition to the *Administrative Review Tribunal Act 2024*; or
 - (ii) instead of that Act; or
 - (iii) contrary to that Act.

17 Subsection 1297(1)

Omit “to sections 41 and 44A of the *Administrative Appeals Tribunal Act 1975*”, substitute “sections 32 and 178 of the *Administrative Review Tribunal Act 2024*”.

18 Subsection 1299K(1)

Omit “to sections 41 and 44A of the *Administrative Appeals Tribunal Act 1975*”, substitute “sections 32 and 178 of the *Administrative Review Tribunal Act 2024*”.

19 Subsection 1317D(5)

Omit “subsection 29(6) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 20(2) of the *Administrative Review Tribunal Act 2024*”.

20 At the end of section 1317D

Add:

- (6) To avoid doubt, this section, instead of section 266 of the *Administrative Review Tribunal Act 2024*, applies to the requirement to give notice of the making of a decision to which section 1317B of this Act applies.

21 Section 1621 (heading)

After “**Administrative Appeals Tribunal**”, insert “**or Administrative Review Tribunal**”.

22 Subsection 1621(1)

After “Administrative Appeals Tribunal”, insert “or Administrative Review Tribunal”.

23 Subsection 1621(4)

After “Administrative Appeals Tribunal”, insert “or Administrative Review Tribunal”.

Excise Act 1901

24 Subsection 165A(13)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

25 Subsection 165A(14)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

26 At the end of section 165A

Add:

- (15) For the purposes of subsection (14), if:
- (a) an application is made to the Administrative Appeals Tribunal before the day the *Administrative Review Tribunal Act 2024* commences; and
 - (b) the application has not been finally determined by the Administrative Appeals Tribunal or a Court before that day;
- subsection (14) applies as if the application had been made to the Administrative Review Tribunal on the day the application was made to the Administrative Appeals Tribunal.

Fringe Benefits Tax Assessment Act 1986

27 Subsection 123B(5)

Repeal the subsection.

28 Subsection 136(1) (definition of *Tribunal*)

Repeal the definition.

Income Tax Assessment Act 1936

29 Subsection 202F(2)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* staying or otherwise affecting the operation or implementation of the decision”.

30 Subsection 202FA(1)

Omit all of the words after “application”, substitute “may, subject to the *Administrative Review Tribunal Act 2024*:

- (a) be made to the Tribunal for review of the decision; and

- (b) include a statement to the effect that the person may request a statement of reasons under that Act.”.

Income Tax Assessment Act 1997

31 Subsection 34-33(5)

Repeal the subsection, substitute:

- (5) There must also be a statement to the effect that a request may be made under section 268 of that Act by (or on behalf of) such an entity for a statement of reasons.

32 Paragraph 355-710(3)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

33 At the end of section 355-710

Add:

- (4) For the purposes of subsection (3), paragraph (3)(b) applies as if a reference to a decision under the *Administrative Review Tribunal Act 2024* that varies or sets aside a decision covered by paragraph (3)(a) included a reference to a decision of that kind made under the *Administrative Appeals Tribunal Act 1975*.

34 Subsection 376-250(4)

Repeal the subsection, substitute:

- (4) There must also be a statement to the effect that a request may be made under section 268 of that Act by (or on behalf of) such an entity for a statement of reasons.

35 Subsection 378-85(4)

Repeal the subsection, substitute:

- (4) There must also be a statement to the effect that a request may be made under section 268 of that Act by (or on behalf of) such an entity for a statement of reasons.

36 Subsection 995-1(1) (definition of AAT)

Repeal the definition.

37 Subsection 995-1(1)

Insert:

ART means the Administrative Review Tribunal.

National Consumer Credit Protection Act 2009

38 Subsection 327(1)

Omit “the Administrative Appeals Tribunal for review of a decision (within the meaning of the *Administrative Appeals Tribunal Act 1975*)”, substitute “the Administrative Review Tribunal for review of a decision (within the meaning of the *Administrative Review Tribunal Act 2024*)”.

39 Subsection 327(1A)

Omit “the Administrative Appeals Tribunal for review of a decision (within the meaning of the *Administrative Appeals Tribunal Act 1975*)”, substitute “the Administrative Review Tribunal for review of a decision (within the meaning of the *Administrative Review Tribunal Act 2024*)”.

40 Subsection 327(2)

Repeal the subsection.

Payment Times Reporting Act 2020

41 Subsection 53(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Petroleum Excise (Prices) Act 1987

42 Subsection 12(7)

Repeal the subsection, substitute:

- (7) If, because of the operation of subsection (4), a decision is deemed to be confirmed, the period within which an application for review of the decision must be made is 28 days beginning on the day on which the decision is deemed to be confirmed.
- (8) Subsection (7) applies despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*.

Retirement Savings Accounts Act 1997

43 Subsections 189(8) and (9)

Repeal the subsections, substitute:

Period for making certain ART applications

- (8) If a decision is taken to be confirmed because of subsection (5), then, despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*, an application to the Administrative Review Tribunal must be made within 28 days beginning on the day on which the decision is taken to be confirmed.

Note: A person may, under section 19 of that Act, apply to the Administrative Review Tribunal to extend the period.

Continued operation of decision despite request for review

- (9) If a request is made under subsection (1) in respect of a reviewable decision, section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the *Administrative Review Tribunal Act 2024* applies as if the making of the request to the Regulator were the making of an application to the Tribunal for a review of that decision.
- (10) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

Small Superannuation Accounts Act 1995

44 After subsection 58(3)

Insert:

- (3A) For the purposes of subsection (3), a reference to the Administrative Review Tribunal is taken to include a reference to the Administrative Appeals Tribunal.

45 Section 84

Repeal the section, substitute:

84 Application of the *Administrative Review Tribunal Act 2024*

Period for making certain Administrative Review Tribunal applications

- (1) If a decision is taken to be confirmed because of subsection 82(5) of this Act, then, despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*, an application to the Administrative Review Tribunal must be made within 28 days beginning on the day on which the decision is taken to be confirmed.

Note: A person may, under section 19 the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal to extend the period.

Continued operation of decision despite request for review

- (2) If a request is made under subsection 82(1) of this Act in respect of a reviewable decision, section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal for a review of that decision.
- (3) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

Superannuation Industry (Supervision) Act 1993

46 Subsections 344(9) and (10)

Repeal the subsections, substitute:

Period for making certain Administrative Review Tribunal applications

- (9) If a decision is taken to be confirmed because of subsection (5) then, despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*, an application to the Administrative Review Tribunal must be made within 28 days beginning on the day on which the decision is taken to be confirmed.

Note: A person may, under section 19 the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal to extend the period.

Continued operation of decision despite request for review

- (10) If a request is made under subsection (1) in respect of a reviewable decision, section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal for a review of that decision.
- (11) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

Superannuation (Self Managed Superannuation Funds) Taxation Act 1987

47 Subsections 16(7) to (9)

Repeal the subsections, substitute:

- (7) If a decision is deemed to be confirmed because of subsection (4), then, despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*, an application to the

Administrative Review Tribunal must be made within 28 days beginning on the day on which the decision is deemed to be confirmed.

Note: A person may, under section 19 the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal to extend the period.

- (8) If a request is made under subsection (1) in respect of a reviewable decision, section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Tribunal for a review of that decision.
- (9) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.
- (10) Despite section 69 (hearings to be in public unless practice directions or Tribunal order requires otherwise) of the *Administrative Review Tribunal Act 2024*, the hearing of a proceeding relating to a reviewable decision before the Administrative Review Tribunal is to be in private if the party who made the application requests that it be in private.

Taxation Administration Act 1953

48 Section 14ZQ

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT extension application*.

49 Section 14ZQ

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART extension application means an application under section 19 of the ART Act to extend the period during which an application may be made to the ART for review of a reviewable objection decision or an extension of time refusal decision.

50 Sections 14ZZA to 14ZZM

Repeal the sections, substitute:

14ZZA ART Act applies subject to this Division

- (1) The ART Act applies in relation to:
 - (a) the review of reviewable objection decisions; and
 - (b) the review of extension of time refusal decisions; and
 - (c) ART extension applications;subject to this Division.
- (2) Subsection (3) applies if the ART President refers to the guidance and appeals panel under section 128 of the ART Act a decision made by the ART to affirm, vary or set aside either of the following decisions (each of which is an **original decision**):
 - (a) a reviewable objection decision;
 - (b) an extension of time refusal decision.
- (3) The ART Act, as modified by this Division (other than by the provisions mentioned in subsection (4)), applies in relation to:
 - (a) the application for review that is taken to be made under subsection 130(2) of that Act; and
 - (b) the review of the decision made by the ART;in the same way as it applies to the review of, and the application for review of, the original decision.
- (4) The provisions are:
 - (a) subsections 14ZZB(1) to (4); and
 - (b) section 14ZZC; and
 - (c) subsections 14ZZF(1) and (2).

14ZZB Special rules for reviewable objection decisions and extension of time refusal decisions

- (1) Section 268 (requesting reasons for reviewable decision from decision-maker) of the ART Act does not apply in relation to a reviewable objection decision that has been taken to have been made under subsection 14ZYA(3) or 14ZYB(2) of this Act.
- (2) Sections 17 (who can apply) and 18 (when to apply—general rule) of the ART Act do not apply in relation to:
 - (a) a reviewable objection decision; or
 - (b) an extension of time refusal decision.
- (3) The President of the ART may allow a longer period to make an application to refer a decision of the ART on the review of a reviewable objection decision or an extension of time refusal decision to the guidance and appeals panel under section 125 (when to apply to refer Tribunal decision) of the ART Act only if the period for making the application has not expired.
- (4) If the President of the ART decides to allow a longer period under section 125 of the ART Act (as modified by subsection (4) of this section), the President of the ART must notify the Commissioner as soon as practicable after making the decision.
- (5) Section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the ART Act does not apply in relation to:
 - (a) a reviewable objection decision; or
 - (b) an extension of time refusal decision.
- (6) However, despite subsection (5), section 32 (reviewable decision continues to operate unless Tribunal orders otherwise) of the ART Act applies in relation to a reviewable objection decision that relates to a small business taxation assessment decision, subject to the modifications set out in section 14ZZH of this Act.
- (7) Section 127 (Tribunal decision continues to operate unless Tribunal orders otherwise) of the ART Act does not apply in relation to a reviewable objection decision or an extension of time refusal decision.

- (8) Section 178 (operation and implementation of Tribunal's decision) of the ART Act does not apply in relation to a reviewable objection decision.

14ZZC When and how to apply to the ART

- (1) Despite section 18 (when to apply—general rule) of the ART Act, an application to the ART for review of a reviewable objection decision must be made within 60 days after the person making the application is served with notice of the decision.

Note: A person may, under section 19 of the ART Act, apply to the ART to extend the period.

- (2) Despite subsection 34(1) of the ART Act, an application to the ART for a review of a decision must be in writing.
- (3) An application to the ART for a review of a decision must set out a statement of the reasons for the application.
- (4) Subsection (3) of this section applies in addition to subsection 34(2) of the ART Act.

Note: Subsection 34(2) of the ART Act requires applications to include the information specified for the application in practice directions made by the President of the ART.

- (5) A failure to comply with subsection (3) does not affect the validity of the application.

14ZZD Parties to proceedings for review

Despite paragraph 22(1)(c) of the ART Act:

- (a) a person (the *affected person*) whose interests are affected by a reviewable objection decision or an extension of time refusal decision may apply to become a party to a proceeding for review of the decision; and
- (b) the ART may make the affected person a party to the proceeding only if the ART is satisfied that the applicant for review of the decision consents.

14ZZE Hearings before ART to be held in private if applicant so requests

Despite section 69 (hearings to be in public unless practice directions or Tribunal order requires otherwise) of the ART Act, the hearing of a proceeding before the ART for:

- (a) a review of a reviewable objection decision; or
- (b) a review of an extension of time refusal decision; or
- (c) an ART extension application;

is to be in private if the party who made the application requests that it be in private.

14ZZF Giving documents to the ART

- (1) Section 23 (decision-maker must give Tribunal reasons and documents—general rule) of the ART Act does not apply in relation to an application for review of a reviewable objection decision.
- (2) Instead, the decision-maker of a reviewable objection decision must give the ART the following documents within 28 days after the ART notifies the decision-maker of the application for review of the decision:
 - (a) a statement giving the reasons for the decision;
 - (b) the notice of the taxation decision concerned;
 - (c) the taxation objection concerned;
 - (d) the notice of the objection decision;
 - (e) every other document that is:
 - (i) in the Commissioner's possession or under the Commissioner's control; and
 - (ii) considered by the Commissioner to be necessary to the review of the objection decision concerned;
 - (f) a list of the documents (if any) being given under paragraph (e).
- (3) Section 25 (decision-maker must give Tribunal additional documents within 28 days—general rule) of the ART Act does not apply in relation to the ART's review of a reviewable objection decision.

- (4) Instead, if:
- (a) at any time during the ART’s review of a reviewable objection decision a document that is necessary to the review comes into the possession or under the control of the decision-maker; and
 - (b) the document has not been given to the ART for the purposes of the review;
- the decision-maker must give a copy of the document to the ART within 28 days after the day on which the document came into the possession or under the control of the decision-maker.
- (5) In addition to subsection (4), if, at any time during the ART’s review of a reviewable objection decision, the ART is satisfied that documents that may be relevant to the review are in the possession or under the control of the decision-maker of the reviewable objection decision, the Tribunal may require the decision-maker to give a list of those documents to the Tribunal within a specified period.
- (6) To avoid doubt, the ART’s power in subsection (5) of this section is in addition to the ART’s power in section 26 (decision-maker must give Tribunal additional documents on request—general rule) of the ART Act.
- (7) For the purposes of the ART Act:
- (a) the requirement to give a statement giving the reasons for the decision under paragraph (2)(a) of this section is taken to be the requirement to give a statement of reasons for the decision under paragraph 23(a) of that Act; and
 - (b) the requirement to give other documents under subsection (2), (4) or (5) of this section is taken to be the requirement to give other documents under Subdivision B of Division 4 of Part 3 of that Act; and
 - (c) a statement giving the reasons for a decision, given under subsection (2) of this section, is taken to have been given under paragraph 23(a) of that Act; and
 - (d) any other document, given under subsection (2), (4) or (5) of this section, is taken to have been given under Subdivision B of Division 4 of Part 3 of that Act.

Note: As a result of this subsection, the decision-maker must, under section 27 of the ART Act, give a copy of the statement or documents to each other party to the proceedings within the relevant period. Also, exceptions under sections 28 and 29 of that Act in relation to giving documents might apply, and under section 24 of that Act the ART may order the decision-maker to give the ART further information.

14ZZH Limitation on orders staying or affecting reviewable objection decisions relating to small business taxation assessment decisions

- (1) This section applies if:
 - (a) a party to a proceeding for review of a reviewable objection decision that relates to a small business taxation assessment decision applies for:
 - (i) an order staying or otherwise affecting the operation or implementation of the decision; or
 - (ii) an order varying or revoking such an order; and
 - (b) the party requesting the order is not the Commissioner of Taxation.
- (2) Despite the ART Act, the ART must not make the order unless the party satisfies the ART that, when considered in the context of both the particular circumstances of the decision under review and the overall taxation system, the application for review and the request for making the order are not frivolous, vexatious, misconceived, lacking in substance or otherwise intended to unduly impede, prejudice or restrict the proper administration or operation of a taxation law.

Note 1: The kind of orders that the ART may make include the following:

- (a) an order directing the Commissioner not to sue in a court to recover a specified amount relating to the reviewable objection decision (see subsection 255-5(2) of Schedule 1 to this Act);
- (b) an order directing the Commissioner to offer or accept payment of a liability relating to the reviewable objection decision by instalments under a specified arrangement (see section 255-15 of Schedule 1 to this Act);
- (c) an order directing the Commissioner not to issue one or more written notices to specified third parties who owe or may later owe money to the applicant as a means of recovering a liability relating to the reviewable objection decision (see section 260-5 of Schedule 1 to this Act).

- Note 2: However, an order that would materially and permanently alter the decision under review would not be an order staying or otherwise affecting the operation or implementation of such a decision for the purpose of securing the effectiveness of the hearing and determination of the application for review. For example:
- (a) an order directing the Commissioner to defer the time at which a tax liability becomes due and payable; or
 - (b) an order directing the Commissioner to remit the imposition of interest charges on unpaid liabilities that are due and payable.

14ZZJ Publishing ART decisions

- (1) This section applies in relation to:
 - (a) a review of a reviewable objection decision; and
 - (b) a review of an extension of time refusal decision; and
 - (c) an ART extension application.
- (2) If:
 - (a) a hearing of a proceeding for the review of the decision or the application is not conducted in public; and
 - (b) a notice of appeal has not been lodged with the Federal Court;the ART must ensure, as far as practicable, that its decision and the reasons for it are framed so as not to be likely to enable the identification of the person who made the application.

14ZZK Grounds of objection and burden of proof

- On an application for review of a reviewable objection decision:
- (a) the applicant is, unless the ART orders otherwise, limited to the grounds stated in the taxation objection to which the decision relates; and
 - (b) the applicant has the burden of proving:
 - (i) if the taxation decision concerned is an assessment—that the assessment is excessive or otherwise incorrect and what the assessment should have been; or
 - (ii) in any other case—that the taxation decision concerned should not have been made or should have been made differently.

14ZZL Implementation of ART decisions

- (1) When the decision of the ART on the review of a reviewable objection decision or an extension of time refusal decision becomes final, the Commissioner must, within 60 days, take such action, including amending any assessment or determination concerned, as is necessary to give effect to the decision.
- (2) For the purposes of subsection (1), if:
 - (a) no appeal is lodged against the ART's decision within the period for lodging an appeal; and
 - (b) no application to refer a decision of the ART to the guidance and appeals panel is made within the period for making the application;the decision becomes final at the end of the period.

14ZZM Pending review not to affect implementation of taxation decisions

- (1) The fact that a review is pending in relation to a taxation decision does not in the meantime interfere with, or affect, the decision and any tax, additional tax or other amount may be recovered as if no review were pending.
- (2) However, the application of subsection (1) in relation to a small business taxation assessment decision is subject to any order made under subsection 32(2) of the ART Act.

Note: An order made under subsection 32(2) of the ART Act is subject to section 14ZZH (limitation on orders staying or affecting reviewable objection decisions relating to small business taxation assessment decisions) of this Act.

Part 2—Bulk amendments

A New Tax System (Australian Business Number) Act 1999

51 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
30(3)(c)(iv)	Administrative Appeals Tribunal	Administrative Review Tribunal

ASIC Supervisory Cost Recovery Levy (Collection) Act 2017

52 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
22 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
22	Administrative Appeals Tribunal	Administrative Review Tribunal

Australian Small Business and Family Enterprise Ombudsman Act 2015

53 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
92 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
92	Administrative Appeals Tribunal	Administrative Review Tribunal

Business Names Registration Act 2011

54 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
58(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
58(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Business Names Registration (Transitional and Consequential Provisions) Act 2011

55 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
29(1), Schedule 1,	Administrative Appeals Tribunal	Administrative Review Tribunal
29(3), Schedule 1,	Administrative Appeals Tribunal	Administrative Review Tribunal

Commonwealth Registers Act 2020

56 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4	Administrative Appeals Tribunal	Administrative Review Tribunal
22(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Competition and Consumer Act 2010

57 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
53ZD(1)(e)(iii))	Administrative Appeals Tribunal	Administrative Review Tribunal
56BH(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
56BH(4) (note)	AAT review	review by the Administrative Review Tribunal
56BJ(d)	Administrative Appeals Tribunal	Administrative Review Tribunal
56CB	Administrative Appeals Tribunal	Administrative Review Tribunal
56CB (note)	AAT review	review by the Administrative Review Tribunal
56GD(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
95ZC(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
10.84(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
10.84(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
10.85(1)(a)	Administrative Appeals Tribunal under	Administrative Review Tribunal under
10.85(1)(a)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Corporations Act 2001

58 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
9(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
164(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
164(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
164(7) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
656A(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
657C(2) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
657EA(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
Part 9.4A (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
1317A (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
1317B(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
1349(5)(d)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
1577(3) (definition of relevant body)	Administrative Appeals Tribunal	Administrative Review Tribunal
20-1, Schedule 2	Administrative Appeals Tribunal	Administrative Review Tribunal
40-1, Schedule 2	Administrative Appeals Tribunal	Administrative Review Tribunal

Crimes (Taxation Offences) Act 1980

59 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
14(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
15(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
17(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
18(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
19(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
20(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Excise Act 1901

60 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
162C(5)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Financial Regulator Assessment Authority Act 2021

61 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
45(4)	Administrative Appeals Tribunal	Administrative Review Tribunal

Financial Sector (Transfer and Restructure) Act 1999

62 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
45	Administrative Appeals Tribunal	Administrative Review Tribunal

Income Tax Assessment Act 1936

63 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
6(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal

Income Tax Assessment Act 1997

64 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
34-33(4)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
34-33(4)	*AAT	*ART
34-40 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
34-40	*AAT	*ART
40-675	*AAT	*ART
40-675	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Amendments		
Provision	Omit	Substitute
40-1010(7)	*AAT	*ART
40-1010(7)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
376-245(6)(b)	*AAT	*ART
376-250(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
376-250(3)	*AAT	*ART
376-255 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
376-255	*AAT	*ART
378-70(4)(b)	*AAT	*ART
378-85(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
378-85(3)	*AAT	*ART
378-90 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
378-90	*AAT	*ART
415-85	*AAT	*ART

National Consumer Credit Protection Act 2009

65 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
212	Administrative Appeals Tribunal	Administrative Review Tribunal
323	AAT	ART
327 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
327(1)(i)	Administrative Appeals Tribunal	Administrative Review Tribunal
328(2)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal

Payment Times Reporting Act 2020

66 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
54 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
54	Administrative Appeals Tribunal	Administrative Review Tribunal

Petroleum Excise (Prices) Act 1987

67 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
12(6)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
12(6)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
13(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
13(1)(b)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
13(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
13(2)	Administrative Appeals Tribunal for	Administrative Review Tribunal for

Petroleum Resource Rent Tax Assessment Act 1987

68 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
2 (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
20(10)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Retirement Savings Accounts Act 1997

69 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
67AA(5)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
189(7) (heading)	AAT	ART
189(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
190(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
190(1)(b)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
190(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
190(2)	Administrative Appeals Tribunal for	Administrative Review Tribunal for

Small Superannuation Accounts Act 1995

70 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 1 Treasury
Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
58(3)(b)(ii)	Administrative Appeals Tribunal	Administrative Review Tribunal
80	Administrative Appeals Tribunal	Administrative Review Tribunal
83 (heading)	AAT	ART
83	Administrative Appeals Tribunal	Administrative Review Tribunal
85(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
85(1)(b)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
85(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
85(2)	Administrative Appeals Tribunal for	Administrative Review Tribunal for

Superannuation Industry (Supervision) Act 1993

71 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
126L(5)(c)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
130F(7)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
131(4B)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
131EE(1) (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
131EE(1)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
344(8) (heading)	AAT	ART
344(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
345(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Amendments

Provision	Omit	Substitute
345(1)(b)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
345(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
345(2)	Administrative Appeals Tribunal for	Administrative Review Tribunal for

***Superannuation (Self Managed Superannuation Funds)
Taxation Act 1987***

72 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
16(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
17(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
17(1)(b)	Administrative Appeals Tribunal for	Administrative Review Tribunal for
17(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
17(2)	Administrative Appeals Tribunal for	Administrative Review Tribunal for

Tax Agent Services Act 2009

73 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
70-1	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 1 Treasury
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
70-10	Administrative Appeals Tribunal	Administrative Review Tribunal
70-30(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Taxation Administration Act 1953

74 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
2(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
14Y(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
Division 4, Part IVC (heading)	AAT	ART
265-115(2)(b)(i), Schedule 1	*AAT	*ART
284-15(3)(c), Schedule 1	*AAT	Administrative Appeals Tribunal, the *ART

Taxation (Interest on Overpayments and Early Payments) Act 1983

75 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
3(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
3(1) (paragraph (b) of the definition of	the Tribunal	the Tribunal or the Administrative Appeals Tribunal

Amendments

Provision	Omit	Substitute
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decision to which this Act applies)		
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Schedule 2—Home Affairs

Part 1—Main amendments

Immigration (Guardianship of Children) Act 1946

1 At the end of subsection 11A(6)

Add:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires a decision-maker to take reasonable steps to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

2 Section 11B

Repeal the section.

Maritime Transport and Offshore Facilities Security Act 2003

3 Section 201 (note)

Repeal the note, substitute:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed.

Migration Act 1958

4 Subsection 5(1) (definition of *AAT Act migration decision*)

Repeal the definition.

5 Subsection 5(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART Act migration decision: see section 474A.

ART member means a member of the ART.

ART practice directions means practice directions made under section 36 of the ART Act.

ART Principal Registrar means the Principal Registrar within the meaning of the ART Act.

6 Subsection 5(1)

Repeal the following definitions:

- (a) definition of *excluded fast track review applicant*;
- (b) definition of *fast track applicant*;
- (c) definition of *fast track decision*;
- (d) definition of *fast track reviewable decision*;
- (e) definition of *fast track review applicant*.

7 Subsection 5(1) (definition of *finally determined*)

Repeal the definition, substitute:

finally determined: for when an application under this Act is *finally determined*, see section 11A.

8 Subsection 5(1) (definition of *Immigration Assessment Authority*)

Repeal the definition.

9 Subsection 5(1) (paragraph (d) of the definition of *migration decision*)

Repeal the paragraph, substitute:

- (d) an ART Act migration decision.

10 Subsection 5(1)

Repeal the following definitions:

- (a) definition of *Part 5-reviewable decision*;
- (b) definition of *Part 7-reviewable decision*;
- (c) definition of *referred applicant*.

11 Subsection 5(1)

Insert:

reviewable migration decision: see section 338.

reviewable protection decision: see section 338A.

12 Subsection 5(1) (definition of *Tribunal*)

Repeal the definition.

13 Subsections 5(1AA), (1AB), (1AC) and (1AD)

Repeal the subsections.

14 Subsections 5(9), (9A) and (9B)

Repeal the subsections.

15 After section 11

Insert:

11A When applications under this Act are finally determined

- (1) An application under this Act is *finally determined* when:
 - (a) a decision that has been made in respect of the application is not, or is no longer, subject to any form of review by application to the ART under Part 5; or
 - (b) a decision that has been made in respect of the application was subject to some form of review by application to the ART under Part 5 but the period within which such a review could be instituted has ended without a review having been instituted as prescribed.
- (2) If a review of a decision that has been made in respect of an application under this Act is instituted by application to the ART under Part 5 as prescribed, the application is *finally determined* when a decision on review in respect of the application is taken to have been made as provided by the following provisions:
 - (a) if the decision on review is made under section 105 of the ART Act or paragraph 368C(3)(b) or subsection 368C(5) of this Act—section 368 of this Act;

(b) if the application for review is dismissed under the ART Act and an application for reinstatement cannot be made under section 368C of this Act—section 368B of this Act.

(3) However, subsection (2) does not apply in relation to a decision of the ART to remit a reviewable migration decision or a reviewable protection decision under subsection 349(2).

16 Paragraph 57(1)(a)

Repeal the paragraph, substitute:

(a) would be the reason, or part of the reason for refusing to grant a visa; and

17 Subsection 57(1) (note)

Repeal the note.

18 Subsection 65(1) (note 3)

Repeal the note.

19 Paragraph 66(2)(d)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

20 Subparagraph 66(2)(d)(iv)

Omit “made;”, substitute “made.”.

21 Paragraphs 66(2)(e) and (f)

Repeal the paragraphs.

22 Paragraph 66(3)(b)

Omit “or 7”.

23 At the end of section 66 (after the note)

Add:

(6) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notifications given under this section.

- (7) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to decisions to refuse to grant a visa.

24 Paragraph 91G(2)(a)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

25 Section 99

Omit “Tribunal, or the Immigration Assessment Authority”, substitute “ART”.

26 Section 103

Omit “, the Immigration Assessment Authority, or the Tribunal”, substitute “or the ART”.

27 Paragraph 109(3)(c)

Repeal the paragraph.

27A Paragraph 109(3)(d)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

27B At the end of section 109

Add:

- (6) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notifications given under subsection (3) of this section.
- (7) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to decisions to cancel a visa under this section.

28 Subsection 114(1)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

29 Paragraph 127(2)(b)

Repeal the paragraph.

30 Paragraph 127(2)(c)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

31 Subparagraph 127(2)(c)(i)

After “reviewed”, insert “by the ART”.

32 At the end of section 127

Add:

- (4) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notifications given under this section.
- (5) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to decisions to cancel a visa.

33 Subsection 133A(1)

Omit “Administrative Appeals Tribunal or the former Migration Review Tribunal or former Refugee Review Tribunal”, substitute “ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

34 Paragraph 133A(5)(c)

Omit “Administrative Appeals Tribunal or the former Migration Review Tribunal or former Refugee Review Tribunal”, substitute “ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

35 Subsection 133A(9)

Omit “a Tribunal”, substitute “the ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

36 Subsection 133C(1)

Omit “Administrative Appeals Tribunal or the former Migration Review Tribunal or former Refugee Review Tribunal”, substitute “ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

37 Paragraph 133C(5)(c)

Omit “Administrative Appeals Tribunal or the former Migration Review Tribunal or former Refugee Review Tribunal,” substitute “ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

38 Subsection 133C(10)

Omit “a Tribunal”, substitute “the ART, former Administrative Appeals Tribunal, former Migration Review Tribunal or former Refugee Review Tribunal”.

39 Subsection 134(6)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

40 Paragraph 134(7)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

41 After subsection 134(7A)

Insert:

(7B) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notices given under subsection (7).

42 Subsection 134(8)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “ART”.

43 Section 136

Omit “Application may be made to the Administrative Appeals Tribunal”, substitute “An application may be made to the ART”.

44 Subparagraph 137M(2)(b)(i)

Omit “under Part 5”, substitute “by the ART”.

45 At the end of section 137M

Add:

- (4) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notices given under this section.
- (5) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision to not to revoke a cancellation under section 137L.

46 Paragraph 137S(1)(b)

Repeal the paragraph.

47 Paragraph 137S(1)(c)

After “reviewable”, insert “by application”.

48 At the end of section 137S

Add:

- (3) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notices given under this section.
- (4) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision to cancel a visa under section 137Q.

49 Subsection 137T(2)

Omit “under Part 5”, substitute “under the ART Act”.

49A At the end of section 140N

Add:

- (4) If the regulations provide for notification by the Minister of the decision to take action under section 140M, then the following provisions of the ART Act do not apply to the decision:
 - (a) section 267 (decision-maker must have regard to rules when giving notice of decision);
 - (b) section 268 (requesting reasons for a reviewable decision from decision-maker).

50 Paragraph 178(2)(b)

Omit “, 351 or 417”, substitute “or 351”.

51 Paragraph 197D(4)(c)

Omit “under Part 7”, substitute “by the ART”.

52 Paragraph 197D(6)(a)

Omit “Part 7”, substitute “Part 5”.

53 Paragraph 197D(6)(a)

Omit “a valid application for review having been”, substitute “an application for review having been properly made”.

54 Paragraph 197D(6)(b)

Omit “a valid application for review of the decision under Part 7 was”, substitute “an application for review of the decision under Part 5 was properly”.

55 Paragraph 197D(6)(c)

Omit “under Part 7”, substitute “by the ART”.

56 At the end of section 197D

Add:

- (7) Section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision under subsection (2) of this section.

57 Paragraph 202(2)(c)

Omit “Tribunal for a review of the security assessment before the end of 30 days after the receipt by the non-citizen of notice of the assessment and the Tribunal”, substitute “ART for a review of the security assessment and the ART”.

58 Paragraph 202(3)

Omit “Tribunal” (wherever occurring), substitute “ART”.

59 Subsection 202(5)

Repeal the subsection, substitute:

- (5) Section 19 (ART may extend period) of the ART Act does not apply in relation to an application to the ART for a review of an adverse security assessment made for the purposes of subsection (1) of this section.

60 Paragraph 261AKD(2)(c)

Omit “the Tribunal or another tribunal, or the Immigration Assessment Authority,”, substitute “the ART or another tribunal.”.

61 Section 268AA (definition of *tribunal member*)

Repeal the definition.

62 Section 268BP (heading)

Omit “tribunal member”, substitute “ART member”.

63 Subsection 268BP(1)

Omit “tribunal member”, substitute “ART member”.

64 Paragraph 268BP(2)(b)

Omit “tribunal member”, substitute “ART member”.

65 Section 268BQ (heading)

Omit “tribunal member”, substitute “ART member”.

66 Subsection 268BQ(1)

Omit “tribunal member”(wherever occurring), substitute “ART member”.

67 Subsections 268CD(1) and (2)

Omit “tribunal member”, substitute “ART member”.

68 Section 268CE (heading)

Omit “tribunal member”, substitute “ART member”.

69 Section 268CE

Omit “tribunal member”, substitute “ART member”.

70 Section 268CF (heading)

Omit “tribunal member”, substitute “ART member”.

71 Subsection 268CF(1)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

72 Subsection 268CF(3)

Omit “tribunal member”, substitute “ART member”.

73 Subsection 268CQ(1)

Omit “tribunal member”, substitute “ART member”.

74 Paragraph 268CT(1)(b)

Omit “tribunal member”, substitute “ART member”.

75 Subsection 268CT(2)

Omit “tribunal member”, substitute “ART member”.

76 Section 268CU (heading)

Omit “tribunal member”, substitute “ART member”.

77 Subsection 268CU(1)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

78 Subsections 268CZC(1) and (2)

Omit “tribunal member”, substitute “ART member”.

79 Section 268CZD (heading)

Omit “tribunal member”, substitute “ART member”.

80 Subsection 268CZD(1)

Omit “tribunal member” (first occurring), substitute “ART member”.

81 Paragraph 268CZD(1)(b)

Omit “tribunal member”, substitute “ART member”.

82 Subsection 268CZD(2)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

83 Subsection 268CZE(1)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

84 Subsection 268CZE(2)

Omit “tribunal member”, substitute “ART member”.

85 Paragraph 268CZE(3)(a)

Omit “tribunal member”, substitute “ART member”.

86 Paragraph 268CZE(3)(b)

Omit “tribunal member’s”, substitute “ART member’s”.

87 Subsection 268CZF(1)

Omit “tribunal member”, substitute “ART member”.

88 Subsection 268CZF(3)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

89 Section 268CZH

Omit “tribunal member”, substitute “ART member”.

90 Subsection 271(4) (paragraphs (b) and (c) of the definition of *migration proceedings*)

Repeal the paragraphs, substitute:

- (b) proceedings in the ART for the review of a decision under this Act, including a decision to make a deportation order.

91 Section 275 (definition of *review authority*)

Repeal the definition.

92 Paragraphs 276(1)(c) and (d)

Omit “review authority”, substitute “the ART”.

93 Paragraph 276(2)(c)

Omit “review authority”, substitute “the ART”.

94 Paragraph 276(2A)(a)

Omit “, 417”.

95 Subsection 278A(10) (heading)

Omit “*Administrative Appeals Tribunal*”, substitute “ART”.

96 Subsection 278A(10)

Omit “Applications may be made to the Administrative Appeals Tribunal”, substitute “An application may be made to the ART”.

97 Subsection 278A(10) (note)

Repeal the note, substitute:

Note: The ART Act requires that reasonable steps be taken to notify people whose interests are affected by reviewable decisions of the Authority of their rights to seek review of the decision.

98 Paragraph 282(4)(e)

Omit “, 417”.

99 Paragraph 288(6A)(c)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “ART Act”.

100 Section 295 (note)

Repeal the note, substitute:

Note: The applicant may apply to the ART for review of the decision: see section 306 of this Act. The ART Act requires that reasonable steps be taken to notify people whose interests are affected by the Authority’s decision of their rights to seek review of the decision.

101 Paragraphs 300(2)(b) and (3)(a) and (b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

102 Section 306

Repeal the section, substitute:

306 Review by the ART

Subject to the ART Act, an application may be made to the ART for review of a decision by the Migration Agents Registration Authority made under this Division.

103 Section 306AA

Omit “Administrative Appeals Tribunal”, substitute “ART”.

104 Section 311F

Repeal the section, substitute:

311F Review by the ART

Subject to the ART Act, an application may be made to the ART for review of a decision by the Migration Agents Registration Authority under subsection 311A(1).

105 Subsection 312B(1)

Omit “review authority concerned”, substitute “ART”.

106 Subsection 312B(3) (definition of *review application*)

Omit “a review authority”, substitute “the ART”.

107 Paragraph 321A(1)(b)

Repeal the paragraph, substitute:
(b) the ART.

108 Subsection 332F(1)

Omit “a review authority”, substitute “the ART”.

109 Subsection 332F(3)

Omit “review authority”, substitute “ART”.

110 Section 332G (heading)

Omit “a review authority”, substitute “the ART”.

111 Subsection 332G(1)

Omit “A review authority”, substitute “The ART”.

112 Subsections 332G(2) and (4)

Omit “a review authority”, substitute “the ART”.

113 Subsection 332G(4)

Omit “the review authority”, substitute “the ART”.

114 Subsection 332G(5) (definition of *review application*)

Omit “a review authority”, substitute “the ART”.

115 Paragraph 336E(2)(f)

Omit “the Tribunal or another tribunal, or the Immigration Assessment Authority,”, substitute “the ART or another tribunal,”.

116 Subsection 336F(5) (note)

Omit “subsection 5(9)”, substitute “section 11A”.

117 Part 5 (heading)

Repeal the heading, substitute:

**Part 5—Reviewable migration decisions and
reviewable protection decisions**

118 Division 1 of Part 5 (heading)

Repeal the heading, substitute:

Division 1—Preliminary

119 Section 336M

Repeal the section, substitute:

336M Simplified outline of this Part

This Part provides for the review of reviewable migration decision and reviewable protection decisions by the ART (short for the Administrative Review Tribunal).

Such decisions relate to the grant or cancellation of visas in some circumstances and to decisions under subsection 197D(2) (decision that protection finding would no longer be made). They do not include decisions in relation to which the Minister has given a conclusive certificate.

120 Section 336N

Repeal the section, substitute:

336N Scope of this Part

This Part applies in relation to the review by the ART of reviewable migration decisions and reviewable protection decisions.

Note: ART stands for Administrative Review Tribunal (see subsection 5(1)).

336P Interaction with the ART Act

- (1) Subject to section 357A of this Act, the ART Act applies in relation to a review by the ART of reviewable migration decisions and reviewable protection decisions unless this Part expressly provides otherwise.
- (2) The following provisions of the ART Act do not apply in relation to the review by the ART of reviewable migration decisions or reviewable protection decisions:
 - (a) paragraph 21(2)(b) (notice of application to decision-maker);

- (b) paragraph 21(2)(c) (notice of application to other persons made a party to the proceedings);
- (c) subsection 21(3) (notice of application and right to apply to become a party);
- (d) section 23 (decision-maker must give Tribunal reasons and documents—general rule);
- (e) section 24 (decision-maker must give Tribunal additional statement if Tribunal requires—general rule);
- (f) section 25 (decision-maker must give Tribunal additional documents within 28 days—general rule);
- (g) section 27 (decision-maker must give copies of reasons and documents to other parties—general rule);
- (h) section 32 (reviewable decision continues to operate unless Tribunal orders otherwise);
- (i) section 85 (tribunal may remit decision to decision-maker for reconsideration);
- (j) section 103 (if parties reach agreement—review of decisions only);
- (k) section 107 (when Tribunal’s decision on review comes into operation);
- (l) section 294 (legal or financial assistance), unless the review is of a decision referred to the guidance and appeals panel by the President of the ART under section 122 of the ART Act.

Note: Other provisions of this Part turn off or otherwise modify the operation of other provisions of the ART Act.

121 Section 337 (definition of *decision on a review*)

Repeal the definition, substitute:

decision on a review means any of the following decisions of the ART in relation to an application for review of a reviewable migration decision or a reviewable protection decision:

- (a) a decision under section 105 of the ART Act to affirm the decision;
- (b) a decision under section 105 of the ART Act to vary the decision;
- (c) a decision under subsection 349(2) of this Act to remit a matter in relation to the decision for reconsideration;

- (d) a decision under section 105 of the ART Act to set the decision aside and substitute a new decision;
- (e) a decision under paragraph 368C(3)(b) or subsection 368C(5) of this Act to confirm a decision to dismiss the application.

122 Section 337

Repeal the following definitions:

- (a) definition of *member*;
- (b) definition of *officer of the Tribunal*;
- (c) definition of *Part 5-reviewable decision*;
- (d) definition of *Registrar*.

123 Section 337 (note)

Repeal the note.

124 Division 2 of Part 5

Repeal the heading.

125 Section 338 (heading)

Repeal the heading, substitute:

338 Meaning of *reviewable migration decision*

126 Subsection 338(1)

Omit “*Part 5-reviewable decision*”, substitute “*reviewable migration decision*”.

127 Paragraph 338(1)(b)

Repeal the paragraph, substitute:

- (b) the decision is a reviewable protection decision; or

128 Paragraph 338(1)(c)

Omit “visa; or”, substitute “visa.”.

129 Paragraph 338(1)(d)

Repeal the paragraph.

130 Subsections 338(2) to (3A)

Omit “*Part 5-reviewable decision*”, substitute “*reviewable migration decision*”.

131 Subsection 338(4)

Omit “*Part 5-reviewable decisions*”, substitute “*reviewable migration decisions*”.

132 Subsections 338(5) to (9)

Omit “*Part 5-reviewable decision*”, substitute “*reviewable migration decision*”.

133 After section 338

Insert:

338A Meaning of *reviewable protection decision*

- (1) Subject to subsection (2), the following decisions are *reviewable protection decisions*:
- (a) a decision, made before 1 September 1994, that a non-citizen is not a refugee under the Refugees Convention as amended by the Refugees Protocol (other than such a decision made after a review by the Minister of an earlier decision that the person was not such a refugee);
 - (b) a decision, made before 1 September 1994, to refuse to grant, or to cancel, a visa, or entry permit (within the meaning of this Act as in force immediately before that date), a criterion for which is that the applicant for it is a non-citizen who has been determined to be a refugee under the Refugees Convention as amended by the Refugees Protocol (other than such a decision made under the Migration (Review) (1993) Regulations or under the repealed Part 2A of the Migration (Review) Regulations);
 - (c) a decision to refuse to grant a protection visa, other than a decision that was made relying on:
 - (i) subsection 5H(2), or 36(1B) or (1C); or
 - (ii) paragraph 36(2C)(a) or (b);

- (d) a decision to cancel a protection visa, other than a decision that was made because of:
 - (i) subsection 5H(2) or 36(1C); or
 - (ii) an assessment by the Australian Security Intelligence Organisation that the holder of the visa is directly or indirectly a risk to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*); or
 - (iii) paragraph 36(2C)(a) or (b);
 - (e) a decision under subsection 197D(2) that an unlawful non-citizen is no longer a person in respect of whom a protection finding within the meaning of subsection 197C(4), (5), (6) or (7) would be made.
- (2) The following decisions are not ***reviewable protection decisions***:
- (a) decisions in relation to which the Minister has issued a conclusive certificate under section 339;
 - (b) any decision to cancel a protection visa that is made personally by the Minister;
 - (c) decisions made in relation to a non-citizen who is not physically present in the migration zone when the decision is made.

134 Section 339 (note)

Omit “***Part 5-reviewable decision*** (see subsections 338(1) and 348(2))”, substitute “***reviewable migration decision*** (see paragraph 338(1)(a)) or a ***reviewable protection decision*** (see paragraph 338A(2)(a))”.

135 Division 3 of Part 5 (heading)

Repeal the heading, substitute:

Division 2—ART review

136 Sections 347 to 349

Repeal the sections, substitute:

347 Application for ART review

Making an application

- (1) An application may be made to the ART for review of a reviewable migration decision or a reviewable protection decision.
- (2) The application must:
 - (a) include the prescribed information (if any); and
 - (b) be accompanied by the prescribed documents (if any); and
 - (c) be accompanied by the prescribed fee (if any).

Time for making an application

- (3) An application must be made:
 - (a) if the applicant is in immigration detention on the day the applicant is notified of the decision—within 7 days after the day the applicant is notified of the decision; or
 - (b) otherwise—within 28 days after the day the applicant is notified of the decision.

Certain provisions of the ART Act do not apply

- (4) Subsection (3) applies despite section 18 (when to apply—general rule) of the ART Act.
- (5) Section 19 (ART may extend period) of the ART Act does not apply in relation to reviewable migration decisions or reviewable protection decisions.
- (6) Subsections 34(2) and (3) (information to include in applications and validity) of the ART Act do not apply to an application to the ART for review of a reviewable migration decision or a reviewable protection decision.
- (7) Paragraph (2)(c) has effect despite any rules made for the purposes of section 296 (Tribunal may charge fees) of the ART Act to the extent those rules relate to applications to the ART for review of reviewable migration decisions or reviewable protection decisions.

347A Who can apply for ART review etc.

- (1) An application for review of a reviewable migration decision may only be made by:
 - (a) for a decision covered by subsection 338(2), (3), (3A), (4) or (7A)—the non-citizen who is the subject of that decision; or
 - (b) for a decision covered by subsection 338(5) or (8)—by the sponsor or nominator referred to in the subsection concerned; or
 - (c) for a decision covered by subsection 338(6) or (7)—by the relative referred to in the subsection concerned; or
 - (d) for a decision covered by subsection 338(9)—by the person prescribed in respect of the kind of decision in question prescribed for the purposes of that subsection.

Note: Section 5G may be relevant for determining family relationships for the purposes of paragraph (c) of this subsection.

- (2) If the reviewable migration decision is covered by subsection 338(2), (3), (3A) or (4), an application for review may only be made by a non-citizen who is physically present in the migration zone when the application for review is made.
- (3) If the reviewable migration decision is covered by subsection 338(7A), an application for review may only be made by a non-citizen who:
 - (a) was physically present in the migration zone at the time when the decision was made; and
 - (b) is physically present in the migration zone when the application for review is made.
- (4) An application for review of a reviewable protection decision may only be made by the non-citizen who is the subject of the decision.
- (5) An application for review of a reviewable protection decision may only be made by a non-citizen who is physically present in the migration zone when the application for review is made.
- (6) This section has effect despite section 17 (who can apply) and section 35 (applications may be made on behalf of a person) of the ART Act.

348 ART to review reviewable migration decisions and reviewable protection decisions

- (1) If an application to the ART for review of a reviewable migration decision or a reviewable protection decision is properly made under sections 347 and 347A, the ART must review the decision.

Note: The ART has no jurisdiction to review a decision if the application for review is not properly made.

- (2) However, the ART must not review, or continue to review, a reviewable migration decision or a reviewable protection decision in relation to which the Minister has issued a conclusive certificate under section 339.

348A Parties to a proceeding for review

- (1) The Minister is taken to be a non-participating party to a proceeding for review of a reviewable migration decision or a reviewable protection decision for the purposes of the ART Act.
- (2) Despite paragraph 22(1)(c) of the ART Act, a person cannot apply to the ART to become a party to the proceeding for review of a reviewable migration decision or a reviewable protection decision.
- (3) The Minister:
- (a) cannot give a notice to the ART under section 62 (Tribunal may allow non-participating party to participate) of the ART Act; and
 - (b) cannot give written submissions in relation to the proceeding under subsection 63(1) of the ART Act.
- (4) An order under subsection 63(2) of the ART Act can only be made by the President or a Deputy President of the ART in relation to a proceeding for review of a reviewable migration decision or a reviewable protection decision.
- (5) Rules made for the purposes of subsection 64 (rules may deal with elections in relation to participation) of the ART Act do not apply in relation to a proceeding for review of a reviewable migration decision or a reviewable protection decision.
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349 Remittal

- (1) Subparagraph 105(c)(ii) of the ART Act does not apply in relation to a reviewable migration decision or a reviewable protection decision.
- (2) If a reviewable migration decision or reviewable protection decision relates to a prescribed matter, the ART may, under this subsection:
 - (a) set aside the decision; and
 - (b) remit the matter for reconsideration in accordance with such orders or recommendations of the ART as are permitted by the regulations.
- (3) Paragraph (2)(a) of this section applies despite subsection 31(1) (decision cannot be altered outside Tribunal process) of the ART Act.

137 Subsection 350(1)

Omit “Tribunal” (wherever occurring), substitute “ART”.

138 Subsection 350(2)

Omit “Tribunal” (wherever occurring), substitute “ART”.

139 Subsection 351(1)

Omit “Tribunal under section 349”, substitute “ART referred to in subsection (1A)”.

140 Subsection 351(1)

Omit “Tribunal had”, substitute “ART had”.

140A After subsection 351(1)

Insert:

- (1A) For the purposes of subsection (1), the decisions are as follows:
 - (a) a decision under section 349 of this Act;
 - (b) a decision under section 368C of this Act;
 - (c) a decision under section 105 of the ART Act.

141 Paragraph 351(4)(a)

Omit “Tribunal”, substitute “ART”.

142 Subsection 351(5)

After “subsection (4)”, insert “in relation to a reviewable migration decision”.

143 After subsection 351(5)

Insert:

(5A) A statement made under subsection (4) in relation to a reviewable protection decision is not to include:

- (a) the name of the applicant; or
- (b) any information that may identify the applicant; or
- (c) if the Minister thinks that it would not be in the public interest to publish the name of another person connected in any way with the matter concerned—the name of that other person or any information that may identify that other person.

144 Section 352 (heading)

Repeal the heading, substitute:

352 ART to notify Secretary of application for review

145 Subsection 352(1)

Omit “is made to the Tribunal, the Registrar”, substitute “of a reviewable migration decision or a reviewable protection decision is made to the ART, the ART”.

146 Subsections 352(2) and (4)

Omit “Registrar”, substitute “ART”.

147 Division 4 of Part 5 (heading)

Repeal the heading, substitute:

Division 3—ART powers

148 Sections 353 and 353B

Repeal the sections, substitute:

353 ART may require Secretary to arrange for investigations etc.

- (1) For the purpose of the review of a decision, the ART may require the Secretary to arrange for the making of any investigation, or any medical examination, that the ART considers necessary with respect to the review, and to give to the ART a report of that investigation or examination.
- (2) This section applies in addition to, and does not limit, the ART's powers under the ART Act (as modified by this Act).

149 Division 5 of Part 5 (heading)

Repeal the heading, substitute:

Division 4—Conduct of ART review

149A Subsection 357A(1)

Omit “This Division is”, substitute “The relevant provisions are”.

149B Subsection 357A(1)

Omit “it deals”, substitute “they deal”.

150 Subsection 357A(2)

Repeal the subsection.

151 After subsection 357A(2)

Insert:

- (2A) If there is any inconsistency between the relevant provisions and any of the following provisions of the ART Act, the relevant provisions prevail to the extent of the inconsistency:
 - (a) section 49 (Tribunal has discretion in relation to procedure);
 - (b) section 50 (Tribunal is to act informally etc.);
 - (c) section 53 (Tribunal controls scope of review of decision);

(d) section 55 (right to present case).

Note: The ART Act generally applies in relation to reviews by the ART (see subsection 336P(1)).

(2B) Without limiting subsection (2A), paragraph 55(1)(b) of the ART Act does not apply in relation to a review of a reviewable migration decision or a reviewable protection decision.

(2C) As an exhaustive statement of the requirements of the natural justice hearing rule, the relevant provisions do not require the ART to observe any principle or rule of common law relating to the matters the relevant provisions deal with.

(2D) In this section, the *relevant provisions* are:

(a) this Division; and

(b) sections 374, 375, 375A and 376 and Division 7, in so far as they relate to this Division.

152 Subsection 357A(3)

Omit “Tribunal”, substitute “ART”.

153 Sections 358 to 359AA

Repeal the sections.

154 Section 359A (heading)

Repeal the heading, substitute:

359A Information and invitation given by ART

155 Subsection 359A(1)

Omit “subsections (2) and (3), the Tribunal”, substitute “subsection (2), the ART”.

156 Paragraph 359A(1)(a)

Omit “Tribunal” (wherever occurring), substitute “ART”.

157 Paragraph 359A(1)(c)

Omit “or respond to”.

158 Subsection 359A(2)

Omit “The information and invitation must be given to the applicant”, substitute “If the information or invitation is given to the applicant in writing, the information and invitation must be given”.

159 Subsection 359A(3)

Repeal the subsection.

160 At the end of subsection 359A(4)

Add:

- ; or (d) that was included, or referred to, in the written statement of the decision that is under review; or
- (e) that is prescribed by regulation for the purposes of this paragraph.

161 After subsection 359A(4)

Insert:

- (4A) The ART is not required to give particulars of information mentioned in subsection (4) to the applicant before making a decision on the application under section 105 of the ART Act or section 349 of this Act.

162 Subsection 359A(5)

Omit “subsection 362B(1F)”, substitute “subsection 368C(6)”.

163 Sections 359B to 362

Repeal the sections.

164 Subsection 362A(1)

Omit all the words after “and 376,”, substitute “the applicant is entitled to request the Department provide access to any written material, or a copy of any written material, given or produced to the ART by the Department for the purposes of the review”.

164A After subsection 362A(1)

Insert:

- (1A) If an applicant makes a request under subsection (1), the Department must provide the applicant with access to the material.

165 Subsection 362A(3)

Omit “Tribunal”, substitute “ART”.

166 Sections 362B and 362C

Repeal the sections.

167 Section 363

Repeal the section, substitute:

363 Reviews may be combined

The ART may combine the reviews of 2 or more reviewable migration decisions or reviewable protection decisions made in respect of the same person.

168 Sections 363A to 366C

Repeal the sections.

168A Section 366D

Omit “Tribunal”, substitute “ART”.

169 Subsections 367(1) and (2)

Omit “Tribunal”, substitute “ART”.

170 At the end of Division 5 of Part 5

Add:

367A How ART is to deal with new claims or evidence in review of reviewable protection decisions

- (1) This section applies if, in relation to an application for review of a reviewable protection decision (the *primary decision*), the applicant:
- (a) raises a claim that was not raised before the primary decision was made; or

- (b) presents evidence in the application that was not presented before the primary decision was made.
- (2) In making a decision on the application, the ART is to draw an inference unfavourable to the credibility of the claim or evidence if the ART is satisfied that the applicant does not have a reasonable explanation why the claim was not raised, or the evidence was not presented, before the primary decision was made.

367B Certain ART proceedings must be in private

The hearing of a proceeding (within the meaning of the ART Act) for the review of a reviewable protection decision must be in private.

Note: Section 69 of the ART Act, which generally requires hearings to be in public, applies to hearings of proceedings for the review of reviewable migration decisions.

171 Division 6 of Part 5

Repeal the Division, substitute:

Division 5—ART decisions

368 ART's decision and written statement etc.

Written statement must be made

- (1) If the ART makes a decision on a review, the ART must make a written statement that:
 - (a) sets out the decision of the ART on the review; and
 - (b) includes a statement of reasons (within the meaning of the ART Act) for the ART's decision; and
 - (c) in the case of a decision under paragraph 368C(3)(b) or subsection 368C(5) to confirm the dismissal of an application—indicates that, under subsection 368C(6), the decision under review is taken to be affirmed; and
 - (d) records the day and time the statement is made.
- (2) Subsection (1) is subject to:
 - (a) paragraphs 375A(2)(b) and 376(3)(b) of this Act; and

- (b) sections 70 (Tribunal may restrict publication or disclosure of information) and 91 (disclosure of information—public interest certificate) of the ART Act.

Certain decisions may be given orally before written statement made

- (3) Subject to subsection 368C(7), the ART may give a decision on a review and the reasons for the decision orally before making the written statement.

Note: Decisions made under paragraph 368C(3)(b) or subsection 368C(5) cannot be given orally (see subsection 368C(7)).

- (4) If subsection (3) applies, the ART must identify, and make a written record of, the day and time the decision is given orally.

Decision cannot be changed

- (5) The ART has no power to vary or revoke the decision after:
- (a) if the decision on a review is given to the applicant orally before making the written statement—the day and time the decision is given orally; or
 - (b) otherwise—the day and time the written statement under subsection (1) is made.

When decision taken to have been made

- (6) If the decision is not given to the applicant orally before the written statement is made, the decision is taken to have been made:
- (a) by the making of the written statement; and
 - (b) on the day, and at the time, the written statement is made.
- (7) If the decision is given to the applicant orally before the written statement is made, the decision is taken to have been made, and notified to the applicant, on the day and at the time the decision is given orally to the applicant.

Validity etc. not affected by procedural irregularities

- (8) The validity of a decision on a review, and the operation of subsection (5), are not affected by:
-

- (a) a failure to record, under paragraph (1)(d), the day and time when the written statement was made; or
- (b) a failure to identify or record, under subsection (4), the day and time when the decision was given orally.

Interaction with the ART Act

- (9) This section applies despite sections 111 (notice of decision and statement of reasons—review of reviewable decision) and 112 (notice of decision and statement of reasons—other proceedings) of the ART Act.

368A Notification of ART’s decision

- (1) The ART must notify the applicant of a decision on a review by giving the applicant a copy of the written statement made under subsection 368(1).
- (2) The copy must be given to the applicant:
 - (a) within 14 days after the day on which the decision is taken to have been made; and
 - (b) by one of the methods specified in section 379A.
- (3) A copy of that statement must also be given to the Secretary within 14 days after the day on which the decision is taken to have been made.
- (4) A failure to comply with this section in relation to a decision on a review does not affect the validity of the decision.
- (5) This section applies despite subsection 111(3) and section 112 (notice of decision and statement of reasons—other proceedings) of the ART Act.

368B Notice of dismissal and reinstatement decisions and when taken to have been made

Decisions to which this section applies

- (1) This section applies in relation to the following decisions:

- (a) a decision under the ART Act to dismiss an application for review of a reviewable migration decision or a reviewable protection decision;
- (b) a decision under 368C of this Act to reinstate an application.

Written statement

- (2) The ART must make a written statement that:
 - (a) sets out the decision of the ART; and
 - (b) records the day and time the statement is made.
- (3) The decision is taken to have been made:
 - (a) by making the written statement; and
 - (b) on the day and at the time the written statement is made.
- (4) The ART has no power to vary or revoke the decision after the day and time the written statement is made.

Note: However, if the application is reinstated, the application is taken never to have been dismissed (see subsection 368C(4)).

Notice to applicant

- (5) The ART must notify the applicant of the decision by giving the applicant a copy of the written statement made under subsection (2). The copy must be given to the applicant:
 - (a) within 14 days after the day on which the decision is taken to have been made; and
 - (b) by one of the methods specified in section 379A.

Notice to Secretary

- (6) A copy of the written statement made under subsection (2) must also be given to the Secretary within 14 days after the day on which the decision is taken to have been made

Validity etc. not affected by procedural irregularities

- (7) The validity of a decision to which this section applies, and the operation of subsection (4), are not affected by:
 - (a) a failure to record, under paragraph (2)(b), the day and time when the written statement was made; or

- (b) a failure to comply with subsection (5) or (6).

Interaction with ART Act

- (8) This section applies despite section 112 (notice of decision and statement of reasons—other proceedings) of the ART Act.

368C Reinstatement of application or confirmation of dismissal

- (1) This section, instead of section 102 of the ART Act, applies if the ART dismisses an application for review of a reviewable migration decision or a reviewable protection decision.
- (2) If the dismissal is made under one of the following provisions of the ART Act, the applicant may, within 28 days after receiving notice of the decision under subsection 368B(5), apply to the ART for reinstatement of the application:
 - (a) section 99 (Tribunal may dismiss application if applicant does not appear);
 - (b) section 100 (Tribunal may dismiss application if applicant fails to comply with order etc.);
 - (c) section 101 (Tribunal may dismiss application if frivolous, vexatious etc.).

Note: Section 379C sets out when a person is taken to have received a document from the ART for the purposes of this Part.

- (3) On application for reinstatement in accordance with subsection (2), the ART must:
 - (a) if it considers it appropriate to do so—reinstatement the application by written statement under 368B; or
 - (b) confirm the decision to dismiss the application, by written statement under section 368.

Note 1: The ART must, under section 368B, notify the applicant of the decision to reinstate the application.

Note 2: The ART must, under section 368A, notify the applicant of the decision to confirm the decision to dismiss the application.

- (4) If the ART reinstates the application:
 - (a) the application is taken never to have been dismissed; and

- (b) the ART must conduct (or continue to conduct) the review accordingly.
- (5) If the applicant fails to apply for reinstatement within the 28-day period mentioned in subsection (2), the ART must confirm the decision to dismiss the application, by written statement under section 368.
- Note: Under section 368A, the ART must notify the applicant of a decision to confirm the dismissal of the application.
- (6) If the ART confirms the decision to dismiss the application, the decision under review is taken to be affirmed.
- (7) The ART cannot give a decision orally under subsection (3) or (5).

369 Identifying information relating to reviewable protection decisions not to be published

- (1) This section applies to reviewable protection decisions.
- (2) The ART must not publish information under section 113 of the ART Act which may identify:
- (a) an applicant for review of a decision; or
 - (b) any relative or other dependant of an applicant for review of a decision.

172 Division 7 of Part 5

Repeal the Division.

173 Division 8 of Part 5 (heading)

Repeal the heading, substitute:

Division 6—Other matters

174 Before section 375

Insert:

374 How the ART must give certain notices and directions to an applicant

Notification of case event

- (1) If the ART gives a written notice to an applicant for review of a reviewable migration decision or a reviewable protection decision under subsection 72(1) of the ART Act, the ART must give the notice to the applicant:
 - (a) except where paragraph (b) applies—by one of the methods specified in section 379A; or
 - (b) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

Directions in relation to procedure

- (2) If the ART gives a direction in relation to the procedure to be followed for a proceeding for review of a reviewable migration decision or a reviewable protection decision under subsection 79(1) of the ART Act:
 - (a) the direction must be given to the applicant in writing; and
 - (b) the ART must give the direction to the applicant:
 - (i) except where subparagraph (ii) applies—by one of the methods specified in section 379A; or
 - (ii) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

175 Section 375

After “this Act”, insert “or the ART Act”.

176 Section 375

Omit “Tribunal”, substitute “ART”.

177 Section 375A (heading)

Omit “**Tribunal**”, substitute “**ART**”.

178 Paragraphs 375A(1)(a) and (b)

Omit “Tribunal”, substitute “ART”.

179 Subsection 375A(2)

After “this Act”, insert “or the ART Act”.

180 Subsection 375A(2)

Omit “to the Tribunal”, substitute “to the ART”.

181 Paragraph 375A(2)(a)

Omit “Tribunal”, substitute “ART”.

182 Paragraph 375A(2)(b)

Omit “a member of the Tribunal”, substitute “an ART member of the ART”.

183 Section 376 (heading)

Omit “Tribunal’s”, substitute “ART’s”.

184 Subparagraph 376(1)(a)(ii)

Omit “Tribunal”, substitute “ART”.

185 Subsection 376(2)

After “this Act”, insert “or the ART Act”.

186 Subsection 376(2)

Omit “Tribunal” (wherever occurring), substitute “ART”.

187 Subsection 376(3)

Omit “Tribunal” (wherever occurring), substitute “ART”.

188 Section 378

Repeal the section, substitute:

378 Protected information and documents

- (1) An entrusted person must not be required to produce or disclose a protected document, or protected information, to a parliament if:
 - (a) the document or information relates to a reviewable protection decision; and
 - (b) the production or disclosure is not necessary for the purposes of carrying into effect the provisions of the ART Act or another enactment conferring powers on the ART.

(2) Subsection (1) applies despite subsection 274(1) of the ART Act.

(3) In this section:

entrusted person has the same meaning as in the ART Act.

parliament means:

- (a) a House of the Parliament of the Commonwealth, of a State or of a Territory; or
- (b) a committee of a House or the Houses of the Parliament of the Commonwealth, of a State or of a Territory.

protected document has the same meaning as in the ART Act.

protected information has the same meaning as in the ART Act.

189 Division 8A of Part 5 (heading)

Repeal the heading, substitute:

Division 7—Giving and receiving documents

190 Section 379AA (heading)

Repeal the heading, substitute:

379AA Giving documents by ART where no requirement to do so by specified method

191 Paragraph 379AA(1)(a)

Omit “Act or the regulations requires or permits the Tribunal”, substitute “Act, regulations made under this Act, or the ART Act (as modified by this Act) requires or permits the ART”.

192 Paragraph 379AA(1)(a)

After “person”, insert “(other than the Secretary)”.

193 Subparagraph 379AA(1)(b)(i)

Omit “or 379B”.

194 Subsection 379AA(1)

Omit “the Tribunal may”, substitute “the ART may”.

195 Subsection 379AA(1) (note 2)

Omit “Tribunal”, substitute “ART”.

196 At the end of subsection 379AA(1)

Add:

Note 3: ART practice directions apply in relation to the giving of documents to the Secretary.

197 Subsection 379AA(2)

Omit “Tribunal may give a document to an individual who is at least 18 years of age if a member or an officer of the Tribunal”, substitute “ART may give a document to an individual who is at least 18 years of age if an ART member, the ART Principal Registrar or a member of the staff of the ART”.

198 Subsection 379AA(3)

Omit “Tribunal” (wherever occurring), substitute “ART”.

199 At the end of section 379AA

Add:

- (4) If a provision of the ART Act (other than section 79) permits or requires the ART to make an order, the provision is taken, for the purposes of this section, to be a provision of the ART Act that requires or permits the ART to give a document to a person.

Note: Orders given under section 79 (Tribunal may give directions in relation to procedure for proceeding) of the ART Act are dealt with by section 374 of this Act.

200 Section 379A (heading)

Repeal the heading, substitute:

379A Methods by which ART gives documents to a person

201 Paragraph 379A(1)(a)

Omit “Tribunal”, substitute “ART”.

202 Paragraph 379A(1)(b)

Omit “Tribunal”, substitute “ART”.

203 Subsection 379A(1A)

Omit “Tribunal” (first occurring), insert “ART”.

204 Paragraph 379A(1A)(b)

Omit “a member or an officer of the Tribunal”, substitute “an ART member, the ART Principal Registrar or a member of the staff of the ART (each of whom is an *ART official*)”.

205 Subsection 379A(1A) (note)

Omit “Tribunal”, substitute “ART”.

206 Subsections 379A(2) and (3)

Omit “a member or an officer of the Tribunal, or a person authorised in writing by the Registrar.”, substitute “an ART official or a person authorised by the ART Principal Registrar”.

207 Paragraph 379A(3)(a)

Omit “Tribunal”, substitute “ART”.

208 Subsection 379A(4)

Omit “a member or an officer of the Tribunal”, substitute “an ART official”.

209 Subparagraphs 379A(4)(c)(i) and (ii)

Omit “Tribunal”, substitute “ART”.

210 Subparagraph 379A(4)(c)(iii)

Omit “the member or officer”, substitute “the ART official”.

211 Subsection 379A(5)

Omit “a member or an officer of the Tribunal”, substitute “an ART official”.

212 Paragraph 379A(5)(d)

Omit “Tribunal”, substitute “ART”.

213 Paragraph 379A(5)(e)

Omit “the member or officer”, substitute “the ART official”.

214 Subsection 379A(6)

Omit “Tribunal” (wherever occurring), substitute “ART”.

215 Section 379B

Repeal the section.

216 Section 379C (heading)

Omit “**Tribunal**”, substitute “**ART**”.

217 Subsections 379C(1) to (5)

Omit “Tribunal”, substitute “ART”.

218 Subsection 379C(7)

Omit “Tribunal” (wherever occurring), substitute “ART”.

219 Section 379D

Repeal the section.

220 Section 379EA (heading)

Omit “**Tribunal**”, substitute “**ART**”.

221 Section 379EA (note 1)

Omit “**Tribunal**”, substitute “**ART**”.

222 Section 379F

Repeal the section.

223 Paragraph 379G(1)(a)

Omit “**Part 5-reviewable decision**”, substitute “**reviewable migration decision or a reviewable protection decision**”.

224 Subsection 379G(1)

Omit “**Tribunal**” (wherever occurring), substitute “**ART**”.

225 Paragraph 379G(1A)(a)

Omit “**Part 5-reviewable decision where the application is not properly made under section 347**”, substitute “**reviewable migration decision or a reviewable protection decision where the application is not properly made under section 347 or 347A**”.

226 Paragraph 379G(1A)(b)

Omit “**that section**”, substitute “**either or both of those sections**”.

227 Subsections 379G(2) and (5)

Omit “**Tribunal**” (wherever occurring), substitute “**ART**”.

228 Parts 7 and 7AA

Repeal the Parts.

229 Subsection 474(2) (definition of *privative clause decision*)

After “**subsection 474(4)**”, insert “, (4A)”.

230 Subsection 474(4) (table items 23 and 28)

Repeal the items.

231 After subsection 474(4)

Insert:

- (4A) For the purposes of subsection (2), a decision under subsection 185(1) of the ART Act to refer a question of law arising in a proceeding for review of a reviewable migration decision or a reviewable protection decision to the Federal Court for decision is not a privative clause decision.

232 Subsection 474(5)

After “instrument under this Act,”, insert “or under the ART Act,”.

233 Subsection 474(6)

Omit “474(4)”, substitute “(4) or (4A)”.

234 Subsection 474(6)

Omit “474(5)”, substitute “(5)”.

235 Subsection 474(7)

Omit “474”.

236 Paragraph 474(7)(a)

Omit “, 351 or 417”, substitute “or 351”.

237 After Division 1 of Part 8

Insert:

Division 1A—Interaction with the ART Act

474AA Interaction with the ART Act

- (1) Part 7 of the ART Act does not apply to an application in relation to, or a proceeding for the review of, any of the following:
- (a) a privative clause decision;
 - (b) a purported privative clause decision;
 - (c) an ART Act migration decision.
- (2) Despite subsection (1):

- (a) section 185 (referring questions of law) of the ART Act applies to an application in relation to, or a proceeding for the review of, a reviewable migration decision or a reviewable protection decision; but
 - (b) the ART does not have a duty to consider a request to refer a question of law at the request of a party to a proceeding.
- (2A) To avoid doubt, if the ART refers a question of law under section 185 of the ART Act, Division 6 of Part 7 of that Act applies in relation to the proceeding before the Federal Court in relation to the reference.
- (3) Subdivision A of Division 2 of Part 7 of the ART Act (appeals on questions of law) does not apply to a decision of the ART under section 185 of that Act (referring questions of law) in relation to proceedings for review of a reviewable migration decision or a reviewable protection decision.

238 Section 474A

Repeal the section, substitute:

474A Definition of ART Act migration decision

- (1) A decision under a provision of the ART Act mentioned in subsection (2) is an **ART Act migration decision**, to the extent that the decision is made in relation to any of the following:
- (a) a review of a particular reviewable migration decision or a particular reviewable protection decision;
 - (b) a function of the ART in relation to the exercise of its jurisdiction to review reviewable migration decisions or reviewable protection decisions;
 - (c) an ART member in the Migration jurisdictional area;
 - (d) an ART member in the Protection jurisdictional area.

Note: An ART Act migration decision is a **migration decision** (see paragraph (d) of the definition of migration decision in subsection 5(1)).

- (2) The provisions of the ART Act are as follows:
- (a) Division 3 of Part 4;
 - (b) Subdivisions A, B and D of Division 4 of Part 4;

- (c) section 58;
- (d) sections 197 to 199;
- (e) Subdivision A of Division 3 of Part 8;
- (f) sections 214 to 216;
- (g) section 218;
- (h) section 221;
- (i) section 227;
- (j) sections 237 to 239;
- (k) section 243.
- (l) Divisions 3 and 4 of Part 11.

239 Paragraph 476(2)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

240 After paragraph 476(2)(c)

Insert:

- (ca) a non-privative clause decision mentioned in subsection 474(4A);

241 Subsection 476(3)

Omit “section 44AA of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 179 of the ART Act”.

242 Subsection 476(4) (paragraph (a) of the definition of *primary decision*)

Omit “under Part 5 or 7 or section 500”, substitute “by application under Part 5 or section 500”.

243 Subsection 476(4) (paragraph (b) of the definition of *primary decision*)

Omit “period; or”, substitute “period.”.

244 Paragraph 476(4)(c)

Repeal the paragraph.

245 Paragraph 476A(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

246 Paragraph 476A(1)(d)

Omit “subsection 44(3) or 45(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 176 (Federal Court has jurisdiction) or subsection 185(3) (referring questions of law) of the ART Act”.

247 Subsection 476A(1) (note)

Repeal the note, substitute:

Note: The Federal Court’s jurisdiction referred to in paragraph (d) is limited: see section 474AA.

248 Subsection 477(3) (definition of *date of the migration decision*)

Repeal the definition, substitute:

date of the migration decision means:

- (a) in the case of a migration decision made under section 105 of the ART Act (other than a decision made by the ART in relation to an application under Part 5)—the day the decision is made under that section; or
- (b) in the case of a migration decision made by the ART in relation to an application under Part 5—the day the decision is taken to have been made under subsection 368(6) or (7) or 368B(3); or
- (c) in any other case—the date of the written notice of the decision or, if no such notice exists, the date that the Court considers appropriate.

249 Paragraph 478(a)

Repeal the paragraph, substitute:

- (a) if the migration decision concerned is made on review by application under Part 5 or section 500—the applicant in the review by the ART; or

250 Paragraph 478(aa)

Repeal the paragraph.

251 Paragraph 479(a)

Repeal the paragraph, substitute:

- (a) if the migration decision concerned is made on review by application under Part 5 or section 500—the applicant in the review by the ART; or

252 Paragraph 479(aa)

Repeal the paragraph.

253 Subsection 486D(5) (definition of *tribunal decision*)

Repeal the definition, substitute:

tribunal decision means a privative clause decision, or purported privative clause decision, made on review by the ART by application under Part 5 or section 500.

253A Paragraph 494B(5)(d)

After “Minister”, insert “by the recipient”.

254 Subsection 500(1)

Omit “Applications may be made to the Administrative Appeals Tribunal”, substitute “An application may be made to the ART”.

255 Subsection 500(1) (note)

Repeal the note.

256 After subsection 500(1)

Insert:

- (1A) Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a review by the ART of a decision referred to in subsection (1).

258 Subsection 500(3)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

260 Subsections 500(4) and (4A)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

261 Subsection 500(6)

Omit “Tribunal” (first occurring), substitute “ART”.

262 Paragraph 500(6)(a)

Repeal the paragraph, substitute:

- (a) the ART (for example, an order under subsection 32(2) (ART may stay operation or implementation) of the ART Act); or

263 Paragraph 500(6)(c)

Omit “section 44A”, substitute “subsection 178(2)”.

264 Paragraph 500(6)(d)

Omit “section 44A of that Act”, substitute “subsection 178(2) of that Act, as it applies because of subsection 179(4) of that Act”.

265 Subsection 500(6A)

Omit “section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 268 (requesting reasons for a reviewable decision from decision-maker) of the ART Act”.

266 Subsection 500(6B)

Omit “the Tribunal” (wherever occurring), substitute “the ART”.

267 Subsection 500(6B)

Omit “paragraph 29(1)(d) and subsections 29(7), (8), (9) and (10) of the *Administrative Appeals Tribunal Act 1975*”, substitute “sections 18 and 19 of the ART Act”.

268 Subsection 500(6C)

Omit “Tribunal”, substitute “ART”.

269 After subsection 500(6C)

Insert:

(6CA) Subsection (6C) applies despite subsection 34(2) of the ART Act.

(6CB) A failure to comply with subsection (6C) in relation to an application does not affect the validity of the application.

270 Subsection 500(6D)

Repeal the subsection, substitute:

(6D) If an application is made to the ART for a review of a decision under section 501, or a decision under subsection 501CA(4) not to revoke a decision to cancel a visa, that relates to a person in the migration zone:

- (a) the ART must give written notice of the application to:
 - (i) the applicant; and
 - (ii) the Secretary; and
- (b) sections 21 and 23 of the ART Act do not apply to the decision or the application.

271 Paragraphs 500(6F)(a), (c) and (d)

Omit “Tribunal”, substitute “ART”.

272 Subsection 500(6FA)

Omit “Tribunal”, substitute “ART”.

273 After subsection 500(6FA)

Insert:

(6FB) Sections 24 and 26 of the ART Act do not apply in relation to an application to the ART for a review of a decision under section 501 or subsection 501CA(4) of this Act.

274 Paragraph 500(6G)(a)

Omit “Tribunal”, substitute “ART”.

275 Subsection 500(6G)

Omit “Tribunal must”, substitute “ART must”.

276 Paragraph 500(6G)(d)

Omit “section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 105 of the ART Act”.

277 Subsections 500(6H), (6J) and (6K)

Omit “Tribunal” (wherever occurring), substitute “ART”.

278 Paragraphs 500(6L)(a) and (c)

Omit “Tribunal”, substitute “ART”.

279 Paragraph 500(6L)(c)

Omit “section 42A, 42B, 42C or 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “the provisions of the ART Act mentioned in subsection (6M)”.

280 Subsection 500(6L)

Omit “Tribunal”, substitute “ART”.

281 Subsection 500(6L)

Omit “section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 105 of the ART Act”.

282 After subsection 500(6L)

Insert:

- (6M) For the purposes of paragraph (6L)(c), the provisions of the ART Act are as follows:
- (a) section 95 (applicant may withdraw application);
 - (b) section 96 (Tribunal may dismiss application if parties consent);
 - (c) section 97 (Tribunal must dismiss application if decision is not reviewable decision);
 - (d) section 98 (Tribunal may dismiss application if fee is not paid);
 - (e) section 99 (Tribunal may dismiss application if applicant does not appear);
 - (f) section 100 (Tribunal may dismiss application if applicant fails to comply with order etc.);
 - (g) section 101 (Tribunal may dismiss application if frivolous, vexatious etc);
 - (h) section 103 (if parties reach agreement—review of decisions only);
 - (i) section 105 (Tribunal decision on review of reviewable decision).

283 Paragraph 500(7)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “ART Act”.

284 After section 500

Insert:

500AA Applications generally cannot be made to the ART guidance and appeals panel

- (1) An application cannot be made under section 123 of the ART Act to refer a decision of the ART to the guidance and appeals panel in relation to an application for review of a decision under this Act.
- (2) Subsection (1) does not apply in relation to an application for review of a decision under Part 3.

285 Paragraph 501A(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

286 Subsection 501A(1)

Omit “or Tribunal” (wherever occurring), substitute “or the ART”.

287 Subsection 501A(7) (heading)

Omit “*under Part 5 or 7*”, substitute “*by application under Part 5*”.

288 Subsections 501A(7) and 501B(4)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

289 Subsection 501B(5)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

290 Paragraph 501BA(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

291 Subsection 501BA(5) (heading)

Omit “*under Part 5 or 7*”, substitute “*by application under Part 5*”.

292 Subsections 501BA(5), 501C(11), 501CA(7) and 501F(5)

Omit “under Part 5 or 7”, substitute “by application under Part 5”.

293 Paragraph 501G(1)(f)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

294 Subparagraph 501G(1)(f)(i)

Omit “Tribunal”, substitute “ART”.

295 Paragraph 501G(2)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

296 At the end of section 501G

Add:

- (5) Section 267 (decision-maker must have regard to rules when giving notice of decision) of the ART Act does not apply in relation to notices given under subsection (1) of this section.

297 Subsection 501J(1)

Omit “AAT”, substitute “ART”.

298 Subsection 501J(1)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

299 Subsection 501J(2)

Omit “AAT”, substitute “ART”.

300 Subsection 501J(2)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

301 Paragraph 501J(5)(a)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

302 Section 501K (heading)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

303 Subsections 501K(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

304 Subsection 503B(14) (table item 4)

Omit “Administrative Appeals Tribunal” (wherever occurring),
substitute “Administrative Review Tribunal”.

Part 2—Bulk amendments

Immigration (Guardianship of Children) Act 1946

305 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
11A(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
11A(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Maritime Transport and Offshore Facilities Security Act 2003

306 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4	Administrative Appeals Tribunal	Administrative Review Tribunal
51(4) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
52A(7) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
70(4) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
71A(6) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
100K(4) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 2 Home Affairs
Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
100LA(7) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
201 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
201	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 3—Social Services

Part 1—Main amendments

A New Tax System (Family Assistance) Act 1999

1 Subsection 85CE(4)

Repeal the subsection.

2 Subsection 85CH(5)

Repeal the subsection.

A New Tax System (Family Assistance) (Administration) Act 1999

3 Subsection 3(1)

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;
- (d) definition of *AAT second review*;
- (e) definition of *AAT single review*.

4 Subsection 3(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART child care provider review has the meaning given by section 138.

ART Principal Registrar means the Chief Executive Officer and Principal Registrar of the ART.

ART review has the meaning given by section 111.

5 Subsection 3(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “ART Act”.

6 Subsection 3(1)

Insert:

guidance and appeals panel has the same meaning as in the ART Act.

guidance and appeals panel proceeding has the same meaning as in the ART Act.

7 Paragraphs 73(a) to (c)

Repeal the paragraphs, substitute:

- (a) a person applies to the ART for ART review or ART child care provider review of a decision; and
- (b) the ART makes an order under subsection 32(2) (ART may stay operation or implementation) of the ART Act; and
- (c) as a result of the order or the operation of subsection 107(3) (when ART’s decision on review comes into operation) of the ART Act, the amount that has in fact been paid to the person under the family assistance law is greater than the amount that should have been paid to the person under the family assistance law;

8 Subparagraph 105D(2)(b)(ii)

Omit “13 weeks”, substitute “90 days”.

9 Paragraph 109D(1)(a)

Omit “13 weeks”, substitute “90 days”.

10 Subparagraphs 109D(4)(b)(ii) and (c)(ii)

Omit “13 weeks”, substitute “90 days”.

11 Subsection 109D(5A)

Omit “13 weeks” (wherever occurring), substitute “90 days”.

12 Subparagraphs 109E(3)(b)(ii) and (c)(ii)

Omit “13 weeks”, substitute “90 days”.

13 Section 110

Omit “AAT for review of the decision (an “AAT first review”)", substitute “ART for review of the decision (an “ART review”)".

14 Section 110 (paragraph beginning “If a person is dissatisfied with a decision of the AAT”)

Repeal the paragraph, substitute:

If a decision has been reviewed by the ART, in some circumstances the ART Act allows a person to apply to refer the matter to the ART as constituted by the guidance and appeals panel for further review.

In other circumstances, application may be made for review (a “second review”) of the decision by the ART on ART review. Applications for second review are made under the ART Act.

15 Section 110 (paragraph beginning “Certain decisions”)

Repeal the paragraph.

16 Section 110 (paragraph beginning “The rules”)

Omit “AAT” (wherever occurring), substitute “ART”.

17 Section 110 (paragraph beginning “The AAT Act”)

Repeal the paragraph, substitute:

The ART Act allows a person to appeal to the Federal Court on a question of law from a decision of the ART.

18 Subsection 111(1)

Omit “AAT for review (*AAT first review*)”, substitute “ART for review (*ART review*)”.

19 Subsection 111(1A)

Omit “AAT for review (also *AAT first review*)”, substitute “ART for review (also *ART review*)”.

22 Subsection 111A(1) (heading)

Omit “13 week”, substitute “90 day”.

23 Subsections 111A(1) to (2A)

Omit “13 weeks” (wherever occurring), substitute “90 days”.

24 After section 111B

Insert:

111C Decision-maker taken to have elected not to participate in ART review proceeding

For the purposes of ART review of a decision, the decision-maker for the decision is taken to have given the ART an election notice (within the meaning of the ART Act) in relation to a kind of proceeding that is a proceeding for ART review of the decision.

25 Section 112

Repeal the section, substitute:

112 Operation and implementation of decision under ART review

Subsection 32(2) (ART may stay operation or implementation) of the ART Act does not apply in relation to a proceeding for ART review.

112A Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART review.

112B Requesting reasons for decision

Section 268 (requesting reasons for reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision for which an application for ART review may be made.

112C Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
 - (a) a person who proposes to apply to the ART for ART review; or
 - (b) a person who applies to the ART for ART review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.
- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter that relates to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.

26 Subsection 115(2)

Repeal the subsection, substitute:

- (2) However, if the President of the ART refers the application to the guidance and appeals panel under section 122 of the ART Act, section 31 (decision cannot be altered outside Tribunal process) of that Act applies to the decision after the referral is made.

27 Subsection 116(1)

Repeal the subsection, substitute:

- (1) The ART may, in relation to an application for ART review, request the Secretary to lodge with the ART the statement and other documents referred to in section 23 (decision-maker must

give ART reasons and documents—general rule) of the ART Act before the end of the period that otherwise applies.

28 Subsection 119(1)

Repeal the subsection, substitute:

- (1) If the ART reasonably believes that a person has information that is relevant to an ART review and the person is not a party to the review, the ART may, by written notice given to the person, require the person to give to the ART, within the period and in the manner specified in the notice, any such information.

Note: Section 74 of the ART Act deals with the ART’s power to summon a person to give evidence or produce documents.

29 Subsection 119(2) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

30 Section 120 (heading)

Repeal the heading, substitute:

120 ART may require Secretary to obtain information for ART review

31 Subsection 120(1)

Omit “If the AAT reasonably believes that a person will be able to give information, or produce a document or records, relevant to an AAT first review, the AAT may”, substitute “If the ART reasonably believes that a person will be able to give information, or produce a document or records, relevant to an ART review, the ART may”.

32 Section 121

Repeal the section, substitute:

121 Hearing of certain ART reviews in private

- (1) This section applies in relation to a proceeding for ART review if the ART is constituted for the purposes of the proceeding otherwise than by the guidance and appeals panel.
- (2) The hearing of the proceeding must be in private.
- (3) The ART may give directions, in writing or otherwise, as to the persons who may be present at the hearing of the proceeding.
- (4) In giving directions, the ART must have regard to the wishes of the parties and the need to protect their privacy.
- (5) Section 69 (hearings to be in public unless practice directions or ART order requires otherwise) of the ART Act does not apply in relation to the hearing of the proceeding.

32A Subsection 122(1)

After “subsection (4)”, insert “and the outcome of any application under section 294 of the ART Act”.

33 Subsection 122(3)

Omit “If the AAT arranges for the provision of a medical service in relation to a party to an AAT first review, the AAT may”, substitute “If the ART arranges for the provision of a medical service in relation to a party to an ART review, the ART may”.

33A Paragraph 123(a)

Repeal the paragraph, substitute:

- (a) the ART has reviewed:
 - (i) a decision (a *child support decision*) on application referred to in section 89 of the *Child Support (Registration and Collection) Act 1988*; or
 - (ii) a decision on application referred to in section 131D of the ART Act in relation to a child support decision; and

34 Subsection 124(1)

Omit all the words before paragraph (a), substitute:

- (1) If, on ART review of a decision, the ART sets the decision aside under section 105 of the ART Act and substitutes for it a decision that a person is entitled to have a payment made under this Act, the ART must:

36 Paragraph 125(1)(b)

Omit “13 weeks”, substitute “90 days”.

37 Subsection 125(2)

Omit “13 weeks” (wherever occurring), substitute “90 days”.

38 Section 126

Repeal the section.

39 Section 127 (heading)

Repeal the heading, substitute:

127 Secretary or ART may treat event as having occurred if decision set aside on ART review

40 Paragraph 127(a)

Repeal the paragraph, substitute:

- (a) on ART review of a decision, the ART sets the decision aside under section 105 of the ART Act; and

41 Subdivisions D and E of Division 2 of Part 5

Repeal the Subdivisions.

42 Subdivision F of Division 2 of Part 5 (heading)

Repeal the heading.

43 Subparagraph 137B(2)(b)(ii)

Omit “13 weeks”, substitute “90 days”.

44 Subsection 138(1)

Omit “AAT for review (*AAT single review*)”, substitute “ART for review (*ART child care provider review*)”.

45 Subsection 138(3)

Omit “AAT for review (also an *AAT single review*)”, substitute “ART for review (also an *ART child care provider review*)”.

46 After subsection 138(3)

Insert:

Referral to guidance and appeals panel

- (3A) If a guidance and appeals panel application is taken to have been made because the ART’s decision on ART child care provider review is referred to the guidance and appeals panel, review of the decision to which that application relates is also an *ART child care provider review*.

47 After section 138

Insert:

138A Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART child care provider review unless the proceeding is in relation to a guidance and appeals panel application.

138B Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
- (a) a person who proposes to apply to the ART for ART child care provider review; or
 - (b) a person who applies to the ART for ART child care provider review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART child care provider review unless the proceeding is a guidance and appeals panel proceeding.

- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter that relates to a proceeding for ART child care provider review unless the proceeding is a guidance and appeals panel proceeding.

48 Subsection 139(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not apply if the application is a guidance and appeals panel application.
- (3) If:
- (a) a person makes an application (the *referral application*) under section 123 of the ART Act to refer the ART's decision on ART child care provider review to the guidance and appeals panel; and
 - (b) the person is taken to have made a guidance and appeals panel application because the ART's decision is referred to the guidance and appeals panel; and
 - (c) an officer varies or substitutes the decision (the *reviewable decision*) to which the guidance and appeals panel application relates:
 - (i) after the referral application is made; and
 - (ii) before the ART is constituted for the purposes of the proceeding in relation to the guidance and appeals panel application;
- the guidance and appeals panel application is taken to be a guidance and appeals panel application in relation to the reviewable decision as varied or substituted by the officer.

49 Paragraph 140(a)

Repeal the paragraph, substitute:

- (a) on ART child care provider review of a decision, the ART sets the decision aside under section 105 of the ART Act; and

50 After paragraph 152D(1)(a)

Insert:

- (aa) the application for review of the original decision is not a guidance and appeals panel application; and
-

51 Paragraph 152D(1)(c)

Omit “13 weeks”, substitute “90 days”.

52 Subsection 152D(3)

Omit “13 weeks”, substitute “90 days”.

52A After subsection 161(1A)

Insert:

Publishing reasons for ART decisions

- (1B) Nothing in this Division prevents the ART from publishing in written or electronic form the reasons for a decision of the ART on ART review if the publication does not identify:
- (a) a party to the review concerned (other than the Secretary or the Child Support Registrar); or
 - (b) a person (other than the Secretary or the Child Support Registrar) who is related to, or associated with, a party to the review concerned or is, or is alleged to be, in any other way concerned in the matter to which the review concerned relates; or
 - (c) a witness in the review concerned.
- (1C) Without limiting subsection (1B), a publication of reasons for a decision of the ART is taken to identify a person if it contains any particulars of:
- (a) the name, title, pseudonym or alias of the person; or
 - (b) the address of any premises at which the person resides or works, or the locality in which any such premises are situated; or
 - (c) the physical description or the style of dress of the person; or
 - (d) any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person; or
 - (e) the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person; or

- (f) the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; or
 - (g) any real or personal property in which the person has an interest or with which the person is otherwise associated;
- and the particulars are sufficient to identify that person to a member of the public, or to a member of the section of the public to which the publication is disseminated, as the case requires.

Australian Hearing Services Act 1991

53 Paragraph 65(1)(e)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

54 Subsection 65(3)

Omit “Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “Subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

Child Support (Assessment) Act 1989

55 Subsection 5(1)

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*.

56 Subsection 5(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

Child Support (Registration and Collection) Act 1988

57 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;
- (d) definition of *AAT second review*.

58 Subsection 4(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART Principal Registrar means the Chief Executive Officer and Principal Registrar of the ART.

ART review has the meaning given by section 89.

59 Subsection 4(1) (paragraph (a) of the definition of *final*)

Omit “AAT”, substitute “ART”.

60 Subsection 4(1)

Insert:

guidance and appeals panel has the same meaning as in the ART Act.

guidance and appeals panel application has the same meaning as in the ART Act.

guidance and appeals panel proceeding has the same meaning as in the ART Act.

second review has the same meaning as in the ART Act.

61 Subsection 72T(2) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “ART Act”.

62 Section 79D

Omit “the AAT for review of the decision (an “AAT first review”)", substitute “the ART for review of the decision (an “ART review”)"

63 Section 87A

Omit “reviewable by the AAT. A person may apply to the AAT for review of such a decision (an “AAT first review”)", substitute “reviewable by the ART. A person may apply to the ART for review of such a decision (an “ART review”)"

64 Section 87A (paragraph beginning “The person may”)

Repeal the paragraph, substitute:

If a decision has been reviewed by the ART, in some circumstances the ART Act allows a person to apply to refer the matter to the ART as constituted by the guidance and appeals panel for further review.

In other circumstances, application may be made for review (a “second review”) of the decision by the ART on ART review, or as the original decision-maker. Applications for second review are made under the ART Act.

65 Section 87A (paragraph beginning “The rules”)

Omit “AAT” (wherever occurring), substitute “ART”.

66 Section 87A (paragraph beginning “The AAT Act”)

Repeal the paragraph, substitute:

Subject to the modifications in this Part, the ART Act allows a person to appeal to a court on a question of law from a decision of the ART.

67 Section 89

Before “An”, insert “(1)”.

68 Section 89

Omit “AAT for review (*AAT first review*)”, substitute “ART for review (*ART review*)”.

69 At the end of section 89

Add:

- (2) If a guidance and appeals panel application is taken to have been made because the ART’s decision on ART review is referred to the guidance and appeals panel, review of the decision to which that application relates is also an *ART review*.

70 Subsection 90(1) (note)

Repeal the note, substitute:

Note: Section 18 of the ART Act generally requires an application for review of a decision to be made within the period prescribed by rules made under that Act.

71 At the end of section 90

Add:

- (3) Subsection (2) does not apply in relation to an application for ART review that is a guidance and appeals panel application.

72 At the end of section 91

Add:

- (4) This section does not apply in relation to an application for ART review that is a guidance and appeals panel application.

73 Subsection 92(4)

Repeal the subsection, substitute:

- (4) If the ART refuses the extension application, the notice under subsection (3) must include, or be accompanied by, a statement to the effect that:
 - (a) subject to this Act and the ART Act, the person may apply to the ART for second review of the decision; and
 - (b) the person may, under section 268 of the ART Act, request a statement of reasons for the decision.

74 Before section 95A

Insert:

94 Decision-maker taken to have elected not to participate in ART review proceeding

For the purposes of ART review of a decision, the decision-maker for the decision is taken to have given the ART an election notice (within the meaning of the ART Act) in relation to a kind of proceeding that is a proceeding for ART review of the decision.

75 Section 95A

Repeal the section, substitute:

95A Operation and implementation of decision under ART review

Subsection 32(2) (ART may stay operation or implementation) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is in relation to a guidance and appeals panel application.

95AA Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is in relation to a guidance and appeals panel application.

95AB Requesting reasons for decision

Section 268 (requesting reasons for reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision for which an application for ART review may be made.

95AC Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
 - (a) a person who proposes to apply to the ART for ART review;
 - or

- (b) a person who applies to the ART for ART review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.
- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter that relates to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.

76 After subsection 95B(1)

Insert:

- (1AA) However, if the President of the ART refers the application to the guidance and appeals panel under section 122 of the ART Act, section 31 (decision cannot be altered outside Tribunal process) of that Act applies to the decision after the referral is made.
- (1A) Subsections (1) and (1AA) do not apply if the application is a guidance and appeals panel application.
- (1B) If:
 - (a) a person makes an application (the **referral application**) under section 123 of the ART Act to refer the ART's decision on ART review to the guidance and appeals panel; and
 - (b) the person is taken to have made a guidance and appeals panel application because the ART's decision is referred to the guidance and appeals panel; and
 - (c) the Registrar varies or substitutes the decision (the **reviewable decision**) to which the guidance and appeals panel application relates:
 - (i) after the referral application is made; and
 - (ii) before the ART is constituted for the purposes of the proceeding in relation to the guidance and appeals panel application;

the guidance and appeals panel application is taken to be a guidance and appeals panel application in relation to the reviewable decision as varied or substituted by the Registrar.

77 Subsection 95B(3)

Repeal the subsection.

78 Subsection 95C(1)

Repeal the subsection, substitute:

- (1) The ART may, in relation to an application for ART review (other than a guidance and appeals panel application), request the Registrar to lodge with the ART the statement and other documents referred to in section 23 (decision-maker must give ART reasons and documents—general rule) of the ART Act before the end of the period that otherwise applies.

79 Subsection 95H(1)

Repeal the subsection, substitute:

- (1) If the ART reasonably believes that a person has information that is relevant to an ART review and the person is not a party to the review, the ART may, by written notice given to the person, require the person to give to the ART, within the period and in the manner specified in the notice, any such information.

Note: Section 74 of the ART Act deals with the ART's power to summon a person to give evidence or produce documents.

80 Subsection 95H(2) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

81 Section 95J (heading)

Repeal the heading, substitute:

95J ART may require Registrar to obtain information for ART review

82 Subsection 95J(1)

Omit “If the AAT is satisfied that a person has information, or custody or control of a document, that is relevant to an AAT first review, the AAT may”, substitute “If the ART is satisfied that a person has information, or custody or control of a document, that is relevant to an ART review, the ART may”.

83 Section 95K

Repeal the section, substitute:

95K Hearing of certain ART reviews in private

- (1) This section applies in relation to a proceeding for ART review if the ART is constituted for the purposes of the proceeding otherwise than by the guidance and appeals panel.
- (2) The hearing of the proceeding must be in private.
- (3) The ART may give directions, in writing or otherwise, as to the persons who may be present at the hearing of the proceeding.
- (4) In giving directions, the ART must have regard to the wishes of the parties and the need to protect their privacy.
- (5) Section 69 (hearings to be in public unless practice directions or ART order requires otherwise) of the ART Act does not apply in relation to the hearing of the proceeding.

83A Paragraph 95M(a)

Repeal the paragraph, substitute:

- (a) the ART has reviewed:
 - (i) a decision (a *family assistance decision*) on application referred to in section 111 of the Family Assistance Administration Act; or
 - (ii) a decision on application referred to in section 131D of the ART Act in relation to a family assistance decision; and

84 Subsection 95N(1)

Repeal the subsection, substitute:

(1) If:

- (a) on ART review, the ART varies or substitutes a decision on an objection to a care percentage decision; and
- (b) the application for ART review was made more than 28 days, or, if the applicant is a resident of a reciprocating jurisdiction, 90 days, after notice of the decision was given; and
- (c) the application for ART review was not a guidance and appeals panel application;

then, despite subsections 108(4) and (5) of the ART Act, the decision as varied or substituted by the ART has or is taken to have had effect on and from the day the application for ART review was made.

85 Subsection 95N(3) (note)

Repeal the note.

86 Sections 95P and 95Q

Repeal the sections.

87 Divisions 4 and 5 of Part VIIA

Repeal the Divisions.

88 Division 6 of Part VIIA (heading)

Repeal the heading.

89 Before section 98D

Insert:

Division 4—Appeals and references of questions of law

90 At the end of Part VIIA

Add:

99 Appeals to Federal Circuit and Family Court of Australia (Division 2)

- (1) A party to a proceeding for ART review may appeal to the Federal Circuit and Family Court of Australia (Division 2), on a question of law, from the decision of the ART in the proceeding.
- (2) Subsection (1) does not apply if the decision is made by the ART constituted by a member who is, or members at least one of whom is, a Judge or a Deputy President (within the meaning of the ART Act).
- (3) The following provisions of the ART Act apply in relation to any such appeal as if the appeal were an appeal under section 172 (party may appeal) of that Act and in relation to the Federal Circuit and Family Court of Australia (Division 2) in the same way as they apply in relation to the Federal Court of Australia:
 - (a) section 107 (when ART's decision on review comes into operation);
 - (b) section 174 (time and manner for making appeals);
 - (c) Subdivision B of Division 2 of Part 7 (jurisdiction and powers of Federal Court);
 - (d) Division 4 of Part 7 (matters remitted to ART), other than subparagraph 182(b)(ii);
 - (e) Division 6 of Part 7 (sending and disclosing documents), other than paragraph 186(b) and subsections 187(2) and 188(2).
- (4) Subsection 174(4) of the ART Act applies in relation to any such appeal as if the reference in that subsection to Rules of Court made under the *Federal Court of Australia Act 1976* were a reference to Rules of Court made under Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*.
- (5) This section does not affect the operation of section 172 of the ART Act in relation to a proceeding for ART review.

91 Paragraphs 110P(2)(b) and (c)

Repeal the paragraphs, substitute:

- (b) subsection 32(2) of the ART Act;

- (c) subsection 127(2) of the ART Act;
- (d) subsection 178(2) of the ART Act, including that subsection as it applies because of section 99 of this Act.

92 Paragraphs 110Q(b) to (d)

Repeal the paragraphs, substitute:

- (b) an application to the ART for ART review of that objection or second review of a decision on that ART review;
- (c) an appeal to a court from such a review under Part 7 of the ART Act;
- (d) an appeal to another court from that appeal under Division 2 of Part VIII of this Act, and any subsequent appeals under that Division.

93 Paragraph 110W(1)(b)

Repeal the paragraph, substitute:

- (b) no application may be made under the ART Act for second review of the decision or to refer the decision to the guidance and appeals panel; and

94 Paragraph 110W(1A)(b)

Repeal the paragraph, substitute:

- (b) an application may be made under the ART Act for second review of the decision or to refer the decision to the guidance and appeals panel; and

95 After subparagraph 110W(4)(b)(ii)

Insert:

- (iia) an application may be made under section 123 of the ART Act to refer the decision of the ART on review of that decision to the guidance and appeals panel;

96 Subsection 110X(7) (definition of *designated review proceedings*)

Repeal the definition, substitute:

designated review proceedings means proceedings:

- (a) in the ART for ART review or second review; or

- (b) in a court under Part 7 of the ART Act in relation to such a review.

98 Section 111A

Omit “decisions subject to AAT second review, for which the AAT Act makes provision”, substitute “decisions subject to ART review by the guidance and appeals panel or second review, for which the ART Act makes provision”.

99 Paragraph 111C(1)(c)

Repeal the paragraph, substitute:

- (c) in the ART for ART review, other than a proceeding in relation to a guidance and appeals panel application; or

Disability Services Act 1986

100 Subsection 26(5) (note)

Repeal the note, substitute:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires a decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed. In so notifying, the decision-maker must have regard to the matters (if any) prescribed by rules made under that Act.

Marriage Act 1961

101 Subsection 34(1)

Omit all the words before paragraph (a), substitute:

- (1) An application may be made to the Administrative Review Tribunal for a review of a decision of a Registrar:

National Disability Insurance Scheme Act 2013

102 Subsection 103(1) (note)

Repeal the note.

103 After subsection 103(1)

Insert:

- (1A) An application under subsection (1) may be made only by, or on behalf of, a person directly affected by the decision.
- (1B) Sections 266 (decision-maker to give notice of decision and review rights) and 268 (requesting reasons for reviewable decision from decision-maker) of the *Administrative Review Tribunal Act 2024* apply only in relation to a person directly affected by the decision.

104 Paragraph 103(2)(c)

Omit “despite subsection 26(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “despite subsection 31(1) of the *Administrative Review Tribunal Act 2024*”.

Paid Parental Leave Act 2010

105 Section 4 (paragraph beginning “Part 5-2”)

Repeal the paragraph, substitute:

Part 5-2 allows a person to apply to the Administrative Review Tribunal (ART) for review of certain decisions made under this Act. This review is called ART review.

106 Section 4 (paragraph beginning “Part 5-3”)

Repeal the paragraph, substitute:

If a decision has been reviewed by the ART, in some circumstances the ART Act allows a person to apply to refer the matter to the ART as constituted by the guidance and appeals panel for further review.

In other circumstances, application may be made for review (a “second review”) of the decision by the ART on ART review. Applications for second review are made under the ART Act.

107 Section 6

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;
- (d) definition of *AAT reviewable claimant decision*;
- (e) definition of *AAT reviewable employer decision*;
- (f) definition of *AAT second review*.

108 Section 6

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART Principal Registrar means the Chief Executive Officer and Principal Registrar of the ART.

ART review:

- (a) in relation to an ART reviewable claimant decision—see section 216; and
- (b) in relation to an ART reviewable employer decision—see section 224.

ART reviewable claimant decision: see subsection 215(3).

ART reviewable employer decision: see subsection 223(2).

109 Section 6 (definition of *decision*)

Omit “AAT Act”, substitute “ART Act”.

110 Section 6

Insert:

guidance and appeals panel has the same meaning as in the ART Act.

guidance and appeals panel application has the same meaning as in the ART Act.

guidance and appeals panel proceeding has the same meaning as in the ART Act.

110A After subsection 126(1)

Insert:

Publishing reasons for ART decisions

- (1A) Nothing in this Division prevents the ART from publishing in written or electronic form the reasons for a decision of the ART on ART review if the publication does not identify:
- (a) a party to the review concerned (other than the Secretary); or
 - (b) a person (other than the Secretary) who is related to, or associated with, a party to the review concerned or is, or is alleged to be, in any other way concerned in the matter to which the review concerned relates; or
 - (c) a witness in the review concerned.
- (1B) Without limiting subsection (1A), a publication of reasons for a decision of the ART is taken to identify a person if it contains any particulars of:
- (a) the name, title, pseudonym or alias of the person; or
 - (b) the address of any premises at which the person resides or works, or the locality in which any such premises are situated; or
 - (c) the physical description or the style of dress of the person; or
 - (d) any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person; or
 - (e) the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person; or
 - (f) the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; or
 - (g) any real or personal property in which the person has an interest or with which the person is otherwise associated;

and the particulars are sufficient to identify that person to a member of the public, or to a member of the section of the public to which the publication is disseminated, as the case requires.

No effect on operation of the Freedom of Information Act 1982

111 Section 213 (paragraph beginning “This Part”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

112 Section 213 (paragraph beginning “This Part”)

Omit “AAT first reviews”, substitute “ART reviews”.

113 Section 213 (paragraph beginning “AAT first review is available”)

Repeal the paragraph, substitute:

ART review is available for certain claimant decisions (called ART reviewable claimant decisions). People whose interests are affected by ART reviewable claimant decisions may apply for ART review of those decisions.

A person may also apply to the ART for second review if the person is dissatisfied with the decision of the ART on review of an ART reviewable claimant decision. Applications for second review are made under the ART Act.

114 Section 213 (paragraph beginning “AAT first review is also available”)

Repeal the paragraph, substitute:

ART review is also available for certain employer determination decisions and employer funding amount decisions (called ART reviewable employer decisions). Employers may apply for ART review of ART reviewable employer decisions.

115 Section 213 (paragraph beginning “The rules”)

Repeal the paragraph, substitute:

The rules relating to review by the ART are mainly in the ART Act, but this Part modifies the operation of that Act in some ways for the purposes of ART reviews.

117 Subsection 224(1)

Omit “AAT for review (*AAT first review*) of an AAT reviewable employer decision”, substitute “ART for review (*ART review*) of an ART reviewable employer decision”.

118 After subsection 224(1)

Insert:

- (1A) If a guidance and appeals panel application is taken to have been made because the ART’s decision on review of an AAT reviewable employer decision is referred to the guidance and appeals panel, review of the decision to which that application relates is also an *ART review*.

119 Paragraphs 224(5)(a) and (b)

Repeal the paragraphs, substitute:

- (a) sections 18 and 19 of the ART Act (which deal with when applications for review may be made); and
- (b) subsection 34(1) of the ART Act (which deals with the manner of applying for review).

120 After section 224A

Insert:

224B Decision-maker taken to have elected not to participate in ART review proceeding

For the purposes of ART review of a decision, the decision-maker for the decision is taken to have given the ART an election notice (within the meaning of the ART Act) in relation to a kind of proceeding that is a proceeding for ART review of the decision.

121 Section 225

Repeal the section, substitute:

225 Operation and implementation of decision under ART review

Subsection 32(2) (ART may stay operation or implementation) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is in relation to a guidance and appeals panel application.

225A Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is in relation to a guidance and appeals panel application.

225B Requesting reasons for decision

Section 268 (requesting reasons for reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision for which an application for ART review may be made.

225C Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
 - (a) a person who proposes to apply to the ART for ART review; or
 - (b) a person who applies to the ART for ART review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.
- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter

that relates to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.

122 Subsection 226(2)

Repeal the subsection, substitute:

- (1A) However, if the President of the ART refers the application to the guidance and appeals panel under section 122 of the ART Act, section 31 (decision cannot be altered outside Tribunal process) of that Act applies to the decision after the referral is made.
- (2) Subsections (1) and (1A) do not apply if the application is a guidance and appeals panel application.
- (3) If:
- (a) a person makes an application (the *referral application*) under section 123 of the ART Act to refer the ART's decision on ART review to the guidance and appeals panel; and
 - (b) the person is taken to have made a guidance and appeals panel application because the ART's decision is referred to the guidance and appeals panel; and
 - (c) an officer varies or substitutes the decision (the *reviewable decision*) to which the guidance and appeals panel application relates:
 - (i) after the referral application is made; and
 - (ii) before the ART is constituted for the purposes of the proceeding in relation to the guidance and appeals panel application;
- the guidance and appeals panel application is taken to be a guidance and appeals panel application in relation to the reviewable decision as varied or substituted by the officer.

123 Subsection 227(1)

Repeal the subsection, substitute:

- (1) The ART may, in relation to an application for ART review (other than a guidance and appeals panel application), request the Secretary to lodge with the ART the statement and other documents referred to in section 23 (decision-maker must give
-

ART reasons and documents—general rule) of the ART Act before the end of the period that otherwise applies.

124 Subsection 227(3)

Omit “subsection 37(1A) of the AAT Act (which allows the AAT”, substitute “subsection 28(4) of the ART Act (which allows the ART”.

125 Section 230 (heading)

Repeal the heading, substitute:

230 ART’s power to obtain information for ART review

126 Subsection 230(1)

Repeal the subsection, substitute:

- (1) If the ART reasonably believes that a person has information that is relevant to an ART review and the person is not a party to the review, the ART may, by written notice given to the person, require the person to give to the ART, within the period and in the manner specified in the notice, any such information.

Note: Section 74 of the ART Act deals with the ART’s power to summon a person to give evidence or produce documents.

127 Paragraph 230(2)(a)

Omit “AAT”, substitute “ART”.

128 Subsection 230(2) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

129 Section 231 (heading)

Repeal the heading, substitute:

231 ART may require Secretary to obtain information for ART review

130 Subsection 231(1)

Omit “If the AAT reasonably believes that a person will be able to give information, or produce a document, that is relevant to an AAT first review, the AAT may”, substitute “If the ART reasonably believes that a person will be able to give information, or produce a document, that is relevant to an ART review, the ART may”.

131 Section 232

Repeal the section, substitute:

232 Hearing of certain ART reviews in private

- (1) This section applies in relation to a proceeding for ART review if the ART is constituted for the purposes of the proceeding otherwise than by the guidance and appeals panel.
- (2) The hearing of the proceeding must be in private.
- (3) The ART may give directions, in writing or otherwise, as to the persons who may be present at the hearing of the proceeding.
- (4) In giving directions, the ART must have regard to the wishes of the parties and the need to protect their privacy.
- (5) Section 69 of the ART Act does not apply in relation to the hearing of the proceeding.

Note: Section 69 of the ART Act deals with when hearings of proceedings in the ART are in public or private.

132 Subsection 233(3)

Omit “If the AAT arranges for the provision of a medical service in relation to a party to an AAT first review, the AAT may”, substitute “If the ART arranges for the provision of a medical service in relation to a party to an ART review, the ART may”.

133 Subsection 234(3)

Repeal the subsection, substitute:

ART Act

- (3) Subsections (1) and (2) apply despite subsections 108(4) and (5) of the ART Act (which deal with when ART decisions take effect).

134 Section 235

Repeal the section.

135 Part 5-3

Repeal the Part.

Social Security Act 1991

136 Subsection 23(1)

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;
- (d) definition of *AAT second review*.

137 Subsection 23(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART review has the same meaning as in the Administration Act.

138 Subsection 23(1) (definition of *decision*)

Repeal the definition, substitute:

decision has the same meaning as in the ART Act.

Note: Section 4 of the ART Act defines *decision* to include the following:

- (a) making, suspending, revoking or refusing to make an order or determination;
- (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;
- (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument;

- (d) imposing a condition or restriction;
- (e) making a declaration, demand or requirement;
- (f) retaining, or refusing to deliver up, an article;
- (g) doing or refusing to do any other act or thing.

139 Subsection 1061ZZFL(2)

Repeal the subsection, substitute:

- (2) A notice of the decision must include a statement to the effect that:
 - (a) if the applicant is dissatisfied with the decision of the Commissioner on the application, an application may, subject to the ART Act, be made to the ART for review of the decision; and
 - (b) the applicant may, under section 268 of that Act, request a statement of reasons for the decision.

140 Paragraphs 1223AB(a) and (b)

Repeal the paragraphs, substitute:

- (a) a person applies for ART review of a decision; and
- (b) the ART makes an order under subsection 32(2) (ART may stay operation or implementation) of the ART Act; and

Social Security (Administration) Act 1999

141 Subsection 138D(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the ART Act”.

142 Subsection 138F(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the ART Act”.

143 Section 139

Omit “AAT for a review (an “AAT first review”)”, substitute “ART for a review (an “ART review”)”.

144 Section 139 (paragraph beginning “If a person is dissatisfied with a decision of the AAT”)

Repeal the paragraph, substitute:

If a person is dissatisfied with a decision of the ART on ART review, the person may apply to the ART for second review.

145 Section 139 (paragraph beginning “The rules”)

Omit “AAT” (wherever occurring), substitute “ART”.

146 Section 139 (paragraph beginning “The AAT Act”)

Repeal the paragraph, substitute:

The ART Act allows a person to appeal to the Federal Court on a question of law from a decision of the ART.

147 Subsection 142(1)

Omit “AAT for review (*AAT first review*)”, substitute “ART for review (*ART review*)”.

149 After section 142A

Insert:

142B Decision-maker taken to have elected not to participate in ART review proceeding

For the purposes of ART review of a decision, the decision-maker for the decision is taken to have given the ART an election notice (within the meaning of the ART Act) in relation to a kind of proceeding that is a proceeding for ART review of the decision.

150 Subdivision C of Division 2 of Part 4A (heading)

Repeal the heading, substitute:

Subdivision C—ART review: relationship with ART Act

151 Section 147

Before “For”, insert “(1)”.

152 Section 147 (table heading)

Omit “AAT Act”, substitute “ART Act”.

153 Section 147 (table, heading to column headed “Provision of AAT Act”)

Omit “AAT Act”, substitute “ART Act”.

154 Section 147 (table, heading to column headed “Application or modification of provision of AAT Act”)

Omit “AAT Act”, substitute “ART Act”.

155 Section 147 (cell at table item 1, column headed “Provision of AAT Act”)

Repeal the cell, substitute:

Section 18 (when to
apply for review)

156 Section 147 (table item 1, column headed “Application or modification of provision of AAT Act”)

Omit “paragraph”, substitute “section”.

157 Section 147 (table items 2 and 4)

Repeal the table items.

158 Section 147 (cell at table item 5, column headed “Provision of AAT Act”)

Repeal the cell, substitute:

Section 54 (ART
can exercise powers
of decision-maker)

159 Section 147 (table item 5, column headed “Application or modification of provision of AAT Act”)

Omit “subsection”, substitute “section”.

160 Section 147 (cell at table item 6, column headed “Provision of AAT Act”)

Repeal the cell, substitute:

Section 54 (ART
can exercise powers
of decision-maker)

161 Section 147 (cell at table item 6, column headed “Application or modification of provision of AAT Act”)

Repeal the cell, substitute:

The section does not apply

162 Section 147 (after table item 6)

Insert:

6A	An employment pathway plan decision	Section 105 (ART decision on review of reviewable decision)	The section has effect as if the following were omitted: (a) paragraph (b); (b) subparagraph (c)(i)
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163 Section 147 (table item 7)

Repeal the item.

164 Section 147 (table item 8, column headed “Decision or matter”)

Omit “AAT first review, other than an AAT”, substitute “ART review, other than an ART”.

165 Section 147 (cell at table item 8, column headed “Provision of AAT Act”)

Repeal the cell, substitute:

Subsections 108(4)
and (5) (time of

effect for ART
decision)

**166 Section 147 (cell at table item 8, column headed
“Application or modification of provision of AAT Act”)**

Repeal the cell, substitute:

The subsections have effect as
if the reviewable decision had
taken effect on the day a person
made the first review
application in relation to the
decision, if:

- (a) the person is given written
notice of the decision under
the social security law; and
- (b) the person makes the first
review application more
than 13 weeks after the
notice was given; and
- (c) on ART review, the ART
varies the decision or sets
the decision aside; and
- (d) the effect of the ART’s
decision is:
 - (i) to grant the person’s
claim for a social
security payment or a
concession card; or
 - (ii) to direct the making
of a payment of a
social security
payment to the
person or the issue of
a concession card to
the person, as the
case may be; or
 - (iii) to increase the rate
of the person’s social
security payment

167 Section 147 (at the end of the table)

Add:

9	A decision to which this Division applies	Section 268 (requesting reasons for reviewable decision from decision-maker)	The section does not apply
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168 At the end of section 147

Add:

- (2) For the purposes of item 8 of the table in subsection (1), the *first review application* in relation to a reviewable decision is:
- (a) the application for ART review of the reviewable decision; or
 - (b) if more than one such application has been made—the application that was made first.

169 At the end of Subdivision C of Division 2 of Part 4A

Add:

147A Operation and implementation of decision under ART review

Subsection 32(2) (ART may stay operation or implementation) of the ART Act does not apply in relation to a proceeding for ART review.

147B Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART review.

147C Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
- (a) a person who proposes to apply to the ART for ART review; or

- (b) a person who applies to the ART for ART review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.
- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter that relates to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.

170 Subsection 148(1)

Repeal the subsection, substitute:

- (1) The ART may, in relation to an application for ART review, request the Secretary to lodge with the ART the statement and other documents referred to in section 23 (decision-maker must give ART reasons and documents—general rule) of the ART Act before the end of the period that otherwise applies.

171 Section 165A (heading)

Repeal the heading, substitute:

165A ART’s power to obtain information for ART review

172 Subsection 165A(1)

Repeal the subsection, substitute:

- (1) If the ART reasonably believes that a person has information that is relevant to an ART review and the person is not a party to the review, the ART may, by written notice given to the person, require the person to give to the ART, within the period and in the manner specified in the notice, any such information.

Note: Section 74 of the ART Act deals with the ART’s power to summon a person to give evidence or produce documents.

173 Subsection 165A(2) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

174 Section 168

Repeal the section, substitute:

168 Hearing of certain ART reviews in private

- (1) This section applies in relation to a proceeding for ART review if the ART is constituted for the purposes of the proceeding otherwise than by the guidance and appeals panel.
- (2) The hearing of the proceeding must be in private.
- (3) The ART may give directions, in writing or otherwise, as to the persons who may be present at the hearing of the proceeding.
- (4) In giving directions, the ART must have regard to the wishes of the parties and the need to protect their privacy.
- (5) Section 69 (hearings to be in public unless practice directions or ART order requires otherwise) of the ART Act does not apply in relation to the hearing of the proceeding.

175 Section 178

Repeal the section.

176 Division 3 of Part 4A

Repeal the Division.

177 Division 4 of Part 4A (heading)

Repeal the heading.

178 Subsections 182(2) and (3)

Repeal the subsections, substitute:

- (2) However, if the President of the ART refers the application to the guidance and appeals panel under section 122 of the ART Act,

section 31 (decision cannot be altered outside Tribunal process) of that Act applies to the decision after the referral is made.

179 Subsection 183(1)

Omit “(1)”.

180 Subsection 183(2)

Repeal the subsection.

180A After subsection 201(1)

Insert:

Publishing reasons for ART decisions

- (1A) Nothing in this Division prevents the ART from publishing in written or electronic form the reasons for a decision of the ART on ART review if the publication does not identify:
- (a) a party to the review concerned (other than the Secretary); or
 - (b) a person (other than the Secretary) who is related to, or associated with, a party to the review concerned or is, or is alleged to be, in any other way concerned in the matter to which the review concerned relates; or
 - (c) a witness in the review concerned.
- (1B) Without limiting subsection (1B), a publication of reasons for a decision of the ART is taken to identify a person if it contains any particulars of:
- (a) the name, title, pseudonym or alias of the person; or
 - (b) the address of any premises at which the person resides or works, or the locality in which any such premises are situated; or
 - (c) the physical description or the style of dress of the person; or
 - (d) any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person; or
 - (e) the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person; or

- (f) the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; or
 - (g) any real or personal property in which the person has an interest or with which the person is otherwise associated;
- and the particulars are sufficient to identify that person to a member of the public, or to a member of the section of the public to which the publication is disseminated, as the case requires.

181 Subclause 1(1) of Schedule 1

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;
- (d) definition of *AAT second review*.

182 Subclause 1(1) of Schedule 1

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART Principal Registrar means the Chief Executive Officer and Principal Registrar of the ART.

ART review has the meaning given by section 142.

guidance and appeals panel has the same meaning as in the ART Act.

guidance and appeals panel proceeding has the same meaning as in the ART Act.

Student Assistance Act 1973

183 Subsection 3(1)

Repeal the following definitions:

- (a) definition of *AAT*;
- (b) definition of *AAT Act*;
- (c) definition of *AAT first review*;

(d) definition of *AAT second review*.

184 Subsection 3(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

ART Principal Registrar means the Chief Executive Officer and Principal Registrar of the ART.

ART review has the meaning given by section 311.

guidance and appeals panel has the same meaning as in the ART Act.

guidance and appeals panel proceeding has the same meaning as in the ART Act.

185 Subsection 12ZQ(2)

Repeal the subsection, substitute:

- (2) A notice under subsection 12ZP(3) must include a statement to the effect that:
- (a) if the person is dissatisfied with the decision of the Commissioner on the application under section 12ZP, application may, subject to the ART Act, be made to the ART for review of the decision; and
 - (b) the person may, under section 268 of that Act, request a statement of reasons for the decision.

186 Subsection 43X(3) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “ART Act”.

187 Paragraph 304(2)(a)

Omit “3 months”, substitute “90 days”.

188 Subsection 308D(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the ART Act”.

189 Subsection 308F(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the ART Act”.

192 Section 309

Omit “AAT for review of the decision (an “AAT first review”)", substitute “ART for review of the decision (an “ART review”)"

193 Section 309 (paragraph beginning “If a person is dissatisfied with a decision of the AAT”)

Repeal the paragraph, substitute:

If a person is dissatisfied with a decision of the ART on ART review, the person may apply to the ART for second review.

194 Section 309 (paragraph beginning “The rules”)

Omit “AAT” (wherever occurring), substitute “ART”.

195 Section 309 (paragraph beginning “The AAT Act”)

Repeal the paragraph, substitute:

The ART Act allows a person to appeal to the Federal Court on a question of law from a decision of the ART.

196 Subsection 311(1)

Omit “AAT for review (*AAT first review*)”, substitute “ART for review (*ART review*)”.

198 After section 311A

Insert:

311B Decision-maker taken to have elected not to participate in ART review proceeding

For the purposes of ART review of a decision, the decision-maker for the decision is taken to have given the ART an election notice (within the meaning of the ART Act) in relation to a kind of proceeding that is a proceeding for ART review of the decision.

199 Paragraph 312(1)(a)

Omit “3 months”, substitute “90 days”.

200 Subsection 312(2)

Repeal the subsection, substitute:

- (2) Subsection (1) applies despite sections 18 and 19 of the ART Act (which deal with when applications for review may be made).

201 Section 313

Repeal the section, substitute:

313 Operation and implementation of decision under ART review

Subsection 32(2) (ART may stay operation or implementation) of the ART Act does not apply in relation to a proceeding for ART review.

313A Remitting decisions for reconsideration

Section 85 (ART may remit decision to decision-maker for reconsideration) of the ART Act does not apply in relation to a proceeding for ART review.

313B Requesting reasons for decision

Section 268 (requesting reasons for reviewable decision from decision-maker) of the ART Act does not apply in relation to a decision for which an application for ART review may be made.

313C Legal or financial assistance

- (1) Subsection 294(1) (legal or financial assistance for applicants) of the ART Act does not apply in relation to:
 - (a) a person who proposes to apply to the ART for ART review;
or
 - (b) a person who applies to the ART for ART review, unless the proceeding in relation to the application is a guidance and appeals panel proceeding.
- (2) Subsection 294(3) (legal or financial assistance for other parties) of the ART Act does not apply in relation to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.
- (3) Subsection 294(4) (legal or financial assistance for court proceedings) of the ART Act does not apply in relation to a matter that relates to a proceeding for ART review unless the proceeding is a guidance and appeals panel proceeding.

202 Subsection 315(2)

Repeal the subsection, substitute:

- (2) However, if the President of the ART refers the application to the guidance and appeals panel under section 122 of the ART Act, section 31 (decision cannot be altered outside Tribunal process) of that Act applies to the decision after the referral is made.

202A After section 315

Insert:

315A Hearing of certain ART reviews in private

- (1) This section applies in relation to a proceeding for ART review if the ART is constituted for the purposes of the proceeding otherwise than by the guidance and appeals panel.
- (2) The hearing of the proceeding must be in private.
- (3) The ART may give directions, in writing or otherwise, as to the persons who may be present at the hearing of the proceeding.

- (4) In giving directions, the ART must have regard to the wishes of the parties and the need to protect their privacy.
- (5) Section 69 (hearings to be in public unless practice directions or ART order requires otherwise) of the ART Act does not apply in relation to the hearing of the proceeding.

203 Section 317

Omit all the words before paragraph (a), substitute:

If, on ART review of a decision, the ART sets the decision aside under section 105 of the ART Act and substitutes for it a decision that the person is entitled to financial supplement, the ART must:

204 Section 318

Repeal the section.

205 Section 319 (heading)

Repeal the heading, substitute:

319 Secretary or ART may treat event as having occurred if decision set aside on ART review

206 Paragraph 319(a)

Repeal the paragraph, substitute:

- (a) on ART review of a decision, the ART sets the decision aside under section 105 of the ART Act; and

207 Subdivision C of Division 2 of Part 9

Repeal the Subdivision.

207A Section 350

Before “Nothing in”, insert “(1)”.

207B At the end of section 350

Add:

Publishing reasons for ART decisions

- (2) Nothing in this Division prevents the ART from publishing in written or electronic form the reasons for a decision of the ART on ART review if the publication does not identify:
- (a) a party to the review concerned (other than the Secretary); or
 - (b) a person (other than the Secretary) who is related to, or associated with, a party to the review concerned or is, or is alleged to be, in any other way concerned in the matter to which the review concerned relates; or
 - (c) a witness in the review concerned.
- (3) Without limiting subsection (2), a publication of reasons for a decision of the ART is taken to identify a person if it contains any particulars of:
- (a) the name, title, pseudonym or alias of the person; or
 - (b) the address of any premises at which the person resides or works, or the locality in which any such premises are situated; or
 - (c) the physical description or the style of dress of the person; or
 - (d) any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person; or
 - (e) the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person; or
 - (f) the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; or
 - (g) any real or personal property in which the person has an interest or with which the person is otherwise associated;
- and the particulars are sufficient to identify that person to a member of the public, or to a member of the section of the public to which the publication is disseminated, as the case requires.

Part 2—Bulk amendments

A New Tax System (Family Assistance) Act 1999

208 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
35U(2)(a)	AAT	ART
35U(2)(a)	section 89 or paragraph 96A(b)	section 89
85CE(3) (note)	section 27A of the AAT Act	section 266 of the ART Act
85CF(2) (note)	section 27A of the AAT Act	section 266 of the ART Act
85CH(4) (note)	section 27A of the AAT Act	section 266 of the ART Act
85CI(1) (note)	section 27A of the AAT Act	section 266 of the ART Act

A New Tax System (Family Assistance) (Administration) Act 1999

209 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
67EB(2) (table item 3, column headed “Fee reduction decision”)	AAT Act	ART Act

Amendments		
Provision	Omit (wherever occurring)	Substitute
67EB(2) (table item 4, column headed "Fee reduction decision")	AAT Act	ART Act
73 (heading)	AAT	ART
100(2) (heading)	AAT	ART
100(2)	AAT	ART
102R(1)	Administrative Appeals Tribunal	ART
103(b)	AAT Act	ART Act
105(2) (heading)	AAT	ART
105(2)	AAT	ART
106B (heading)	AAT	ART
106B(1)	to the AAT	to the ART
106B(1)	Registrar of the AAT	ART Principal Registrar
109A(4)	AAT	ART
109H(1)(a)	AAT Act, apply to the AAT	ART Act, apply to the ART
Division 2 of Part 5 (heading)	Administrative Appeals Tribunal	ART
Subdivision B of Division 2 of Part 5 (heading)	AAT first review	ART review
111 (heading)	AAT first review	ART review
111(2)(e)	AAT	ART
111(2A)	AAT first review	ART review
111A (heading)	AAT first review	ART review
111A(1)	AAT first review	ART review
111A(2)	The AAT	The ART
111A(2)	AAT first review	ART review
111A(2)	the AAT	the ART
111A(2A)	AAT first review	ART review

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
111A(3)	paragraph 29(1)(d) and subsections 29(7) to (10) of the AAT Act	sections 18 and 19 of the ART Act (which deal with when applications for review may be made)
111A(3A)	AAT first review	ART review
111A(3B)	paragraph 29(1)(d) and subsections 29(7) to (10) of the AAT Act	sections 18 and 19 of the ART Act (which deal with when applications for review may be made)
111A(4)	Paragraph 29(1)(d) of the AAT Act does not apply in relation to an application for AAT first review	Section 18 (when to apply for review) of the ART Act does not apply in relation to an application for ART review
Subdivision C of Division 2 of Part 5 (heading)	AAT first review	ART review
111B	AAT first review of a decision, a reference in the AAT Act to the person who made	ART review of a decision, a reference in the ART Act to the decision-maker for
113 (heading)	AAT first review	ART review
113(1)(c)	AAT first review	ART review
113(4)(b)(i)	the AAT dismisses the application for AAT first review	the ART dismisses the application for ART review
113(4)(b)(ii)	the AAT determines the AAT first review	the ART determines the ART review
114 (heading)	AAT first review	ART review
114	AAT first review has been made, the President of the AAT	ART review has been made, the President of the ART
115 (heading)	AAT first review	ART review
115(1)	AAT first review	ART review
116 (heading)	AAT first review	certain ART reviews

Amendments		
Provision	Omit (wherever occurring)	Substitute
116(2)	AAT	ART
116(3)	subsection 37(1A) of the AAT Act	subsection 28(4) of the ART Act (which allows the ART to shorten the period for giving documents)
116A (heading)	AAT first review	ART review
116A	AAT first review	ART review
116A	subsection 30(1) of the AAT Act	subsection 22(1) of the ART Act
119 (heading)	AAT first reviews	ART reviews
119(2)(a)	AAT	ART
122 (heading)	AAT first review	ART review
122(1)	AAT first review	ART review
122(2)	The AAT	The ART
122(2)(a)	AAT first review	ART review
122(4)	AAT	ART
123 (heading)	AAT first review	ART review
123	despite subsection 43(1) of the AAT Act, the AAT must not, on AAT first review	despite section 54 of the ART Act, the ART must not, on ART review
124 (heading)	AAT first review	ART review
124(2)	the AAT must	the ART must
124(2)	of the AAT	of the ART
124(2)(a)	on AAT first review, the AAT	on ART review, the ART
124(2)(b)	on AAT first review, the AAT	on ART review, the ART
125 (heading)	AAT first review	ART review
125(1)(a)	AAT first review	ART review

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
125(1)(c)	the AAT makes a decision under subsection 43(1) of the AAT Act	the ART makes a decision under section 105 of the ART Act
125(1)(d)	AAT	ART
125(1)	despite subsection 43(6) of the AAT Act, the date of effect of the decision of the AAT	despite subsections 108(4) and (5) of the ART Act, the date of effect of the decision of the ART
125(2)	AAT	ART
125A (heading)	AAT first review	ART review
125A(a)	the AAT makes a decision on AAT first review	the ART makes a decision on ART review
125A(b)	AAT's	ART's
125A	AAT's	ART's
127(b)	or the AAT	or the ART
127	AAT may	ART may
136 (heading)	AAT	ART
136(1)	AAT first review or AAT second review	ART review
137 (heading)	AAT	ART
137(1)	AAT if the proceedings are an AAT first review or AAT second review	ART if the proceedings are an ART review
137(2)	AAT	ART
137A (heading)	AAT	ART
137A(1)	AAT first review or AAT second review	ART review
137A(1)(c)(iii)	AAT	ART
137A(4)	AAT first review or AAT second review	ART review
137A(4)(c)(iii)	AAT	ART
137B (heading)	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
137B(1)	AAT first review or AAT second review	ART review
137B(3)	AAT first review or AAT second review	ART review
Subdivision G of Division 2 of Part 5 (heading)	AAT single review	ART child care provider review
138 (heading)	AAT single review	ART child care provider review
139 (heading)	AAT single review	ART child care provider review
139(1)	AAT for AAT single review	ART for ART child care provider review
139(1)	application for AAT single review	application for ART child care provider review
140 (heading)	AAT single review	ART child care provider review
141 (heading)	AAT	ART
141(1)	AAT if the proceedings are an AAT single review	ART if the proceedings are an ART child care provider review
141(2)	AAT	ART
152D (heading)	AAT reviews	certain ART reviews
152D(1)(a)	AAT	ART
235(4)(b)	Administrative Appeals Tribunal	ART

Australian Hearing Services Act 1991

210 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
65 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
65(4) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Child Support (Assessment) Act 1989

211 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
33(4)(b)	AAT	ART
34(2)(b)(ii)	AAT	ART
44(6)(b)	AAT	ART
54L(2)(a)	AAT	ART
54L(2)(a)	section 111 or 128	section 111
63AB(2)(b)	AAT	ART
63AD(5)(b)	AAT	ART
63AE(3)(b)	AAT	ART
64AB(3)(b)	AAT	ART
64AH(3)(b)	AAT	ART
66C(2)(b)	AAT	ART
70(1A)(a)	AAT first review or AAT second review	ART review
70(1A)(b)	Part IVA of the AAT Act	Part 7 of the ART Act
72	AAT first review or AAT second review	ART review
72	Part IVA of the AAT Act	Part 7 of the ART Act
75(3)(c)	AAT	ART
75(4)(f)	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
76(3)(a)(ii)	AAT	ART
80G(4)(b)	AAT	ART
96(2)(b)	AAT	ART
98JA(2)(b)	AAT	ART
98RA(2)(b)	AAT	ART
139(2A)(e)	AAT	ART
139(2B)(b)	to the AAT for an AAT first review	to the ART for an ART review
139(2B) (note)	AAT	ART
146B(5)(c)	AAT	ART
146C(4)(a)	to the AAT for AAT first review	to the ART for ART review
146E(6)(b)	AAT	ART
151C(5)(b)	AAT	ART

Child Support (Registration and Collection) Act 1988

212 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
7(3)	AAT	ART
16(2AA)	AAT	ART
16(2AB)	the AAT	the ART
16(2AB)	AAT first review or AAT second review	ART review
16(2AC)	AAT	ART
16(3A)	AAT	ART
42C(4)(b)	AAT	ART

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
54(4)(b)	AAT	ART
68(3)(b)	AAT	ART
71E(3)(b)	AAT	ART
72T(1)	Administrative Appeals Tribunal	ART
79B (heading)	AAT	ART
79B(1)(a)	AAT Act	ART Act
79B(1)(b)	Part IVA of the AAT Act	Part 7 of the ART Act
79B(3)(b)(i)	AAT	ART
79E	AAT	ART
83(4)(b)	AAT	ART
87(3)(b)	AAT	ART
87AA(4)(b)	AAT	ART
Part VIIA (heading)	Administrative Appeals Tribunal	ART
Division 2 of Part VIIA (heading)	AAT first review	ART review
89 (heading)	AAT first review	ART review
90 (heading)	AAT first review	ART review
90(1)	Paragraph 29(1)(d) of the AAT Act	Section 18 of the ART Act
90(1)	AAT first review	ART review
90(2)	paragraph 29(1)(d) of the AAT Act	section 18 of the ART Act
90(2)	AAT first review	ART review
91 (heading)	AAT first review	ART review
91(1)	AAT first review has ended	ART review has ended
91(1)	AAT first review that	ART review that
91(1)	the AAT	the ART
91(1)	AAT first review despite	ART review despite

Amendments		
Provision	Omit (wherever occurring)	Substitute
91(3)	Subsections 29(7) to (10) of the AAT Act do	Section 19 (ART may extend period for making application) of the ART Act does
91(3)	AAT first review	ART review
92 (heading)	AAT first review	ART review
92(1)	AAT first review, the AAT	ART review, the ART
92(1)(b)	AAT	ART
92(1)(c)	AAT first review	ART review
92(1A)	AAT	ART
92(3)	AAT	ART
92(6)	AAT Act	ART Act
92(6)	AAT first review	ART review
93 (heading)	AAT first review	ART review
93(1)	Section 29AC of the AAT Act	Section 21 (parties and potential parties to be notified of application) of the ART Act
93(1)	AAT first review	ART review
93(1)	unless the AAT	unless the ART
93(2)	If the AAT	If the ART
93(2)	with the AAT	with the ART
93(2)	AAT first review	ART review
93(2)	subsection 37(1) of the AAT Act	section 23 of the ART Act
Division 3 of Part VIIA (heading)	AAT first review	ART review
95B (heading)	AAT first review	ART review
95B(1)	AAT first review	ART review
95B(2)	Registrar of the AAT	ART Principal Registrar
95C (heading)	AAT first review	certain ART reviews

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
95C(2)	AAT	ART
95C(3)	subsection 37(1A) of the AAT Act	subsection 28(4) of the ART Act (which allows the ART to shorten the period for giving documents)
95D (heading)	AAT first review	ART review
95D	AAT first review	ART review
95D	subsection 30(1) of the AAT Act	subsection 22(1) of the ART Act
95E (heading)	AAT for purposes of AAT first review	ART for purposes of ART review
95E	Despite subsection 43(1) of the AAT Act, the AAT must not, for the purposes of an AAT first review	Despite section 54 of the ART Act, the ART must not, for the purposes of an ART review
95H (heading)	AAT first review	ART review
95H(2)(a)	AAT	ART
95L (heading)	AAT first review	ART review
95L(1)	to the AAT	to the ART
95L(1)	subsection 35(3) or (4) of the AAT Act (order for non-publication or non-disclosure)	section 70 of the ART Act (ART may restrict publication or disclosure of information)
95L(1)	AAT first review	ART review
95L(2)	subparagraph 37(1AF)(b) (ii) of the AAT Act	paragraph 29(3)(c) of the ART Act
95M (heading)	AAT first review	ART review
95M	the AAT must not, on AAT first review	the ART must not, on ART review
95N (heading)	AAT first review decision	certain ART review decisions
95N(2)	If the AAT	If the ART
95N(2)	AAT first review	ART review

Amendments		
Provision	Omit (wherever occurring)	Substitute
95N(2)	AAT may	ART may
95N(2)(a)	AAT	ART
95N(2)(b)	AAT	ART
95N(3)	AAT	ART
98A (heading)	AAT first reviews and AAT second reviews	ART reviews
98A	AAT first review or AAT second review	ART review
98B (heading)	AAT first reviews and AAT second reviews	ART reviews
98B(1)	subsection 35(3) or (4) of the AAT Act in relation to an AAT first review or AAT second review	section 70 of the ART Act in relation to an ART review
98B(2)	subsection 35(3) or (4) of the AAT Act in relation to an AAT first review or AAT second review	section 70 of the ART Act in relation to an ART review
98B(2) (note)	subsection 35(3) or (4) of the AAT Act (see section 62C of that Act)	section 70 of the ART Act (see section 119 of that Act)
98C (heading)	AAT first reviews and AAT second reviews	ART reviews
98C(1)	subsection 35(3) or (4) of the AAT Act in relation to an AAT first review or AAT second review	section 70 of the ART Act in relation to an ART review
98C(2)	AAT	ART
98D (heading)	AAT first review or AAT second review	ART review
98D	If a party to an AAT first review or AAT second review appeals under Part IVA of the AAT Act	If a party to an ART review appeals under Part 7 of the ART Act
98D	the Tribunal	the ART

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
103ZB	AAT	ART
110N	AAT or	ART or
110N	in the AAT for AAT first review or AAT second review	in the ART for ART review
110V	AAT	ART
110W(1) (heading)	AAT	ART
110W(1)(a)	AAT on AAT first review or AAT second review	ART on ART review
110W(1)(c)	AAT	ART
110W(1A) (heading)	AAT decisions for which AAT second review	ART decisions for which further ART review
110W(1A)(a)	AAT on AAT first review	ART on ART review
110W(4)(b)(ii)	AAT	ART
110W(4)(b)(iii)	Part IVA of the AAT Act	Part 7 of the ART Act
110X(3)(a)(ii)	AAT	ART
110X(4)(e)	AAT	ART
110Y(5)(b)	AAT	ART
110Z (heading)	AAT first reviews	certain ART reviews
110Z(1)(a)	AAT first review	ART review
110Z(5)(b)	AAT	ART
111C(5)(b)(ii)	AAT	ART
116(1A)	in the AAT for an AAT first review or AAT second review or in a court under Part IVA of the AAT Act	in the ART for an ART review or in a court under Part 7 of the ART Act
116(1B)	in the AAT for an AAT first review or AAT second review or in a court under Part IVA of the AAT Act	in the ART for an ART review or in a court under Part 7 of the ART Act

Disability Services Act 1986

213 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
26(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
26(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Marriage Act 1961

214 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
34(5)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
39FA(1A)(b)(ii)	Administrative Appeals Tribunal	Administrative Review Tribunal
39J(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
39J(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
39J(2A)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

National Disability Insurance Scheme Act 2013

215 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
50J(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
103 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
103(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
103(2)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
194(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Paid Parental Leave Act 2010

216 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
108(6) (heading)	AAT	ART
108(6)(a)	AAT first review	ART review
108(6)(b)	AAT	ART
108(6)	Registrar of the AAT	ART Principal Registrar
130A (heading)	AAT	ART
130A	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
166(3) (note)	subsection 41(2) of the AAT Act	subsection 32(2) of the ART Act
198(2) (heading)	AAT	ART
198(2)	AAT	ART
198(2) (note)	section 263 (which deals with settlement of proceedings before the AAT)	section 273A (which deals with settlement of proceedings before the ART)
200R(1)	Administrative Appeals Tribunal	ART
203(3)(b)	AAT	ART
204	Registrar of the AAT	ART Principal Registrar
204	AAT for	ART for
205(2)	section 263 (settlement of proceedings before the AAT)	section 273A (settlement of proceedings before the ART)
211(4)	AAT	ART
211(5) (note)	AAT	ART
212(5)	AAT	ART
Part 5-2 (heading)	AAT first review	ART review
Division 2 of Part 5-2 (heading)	AAT first review	ART review
215(2)(d)	section 263 to settle proceedings before the AAT	section 273A to settle proceedings before the ART
215(3)	AAT	ART
216 (heading)	AAT first review	ART review
216(1)	AAT for	ART for
216(1)	AAT first review	ART review
216(1)	an AAT	an ART
216(3)	subsection 30(1A) of the AAT Act	paragraph 22(1)(c) of the ART Act

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
216(3) (note)	Subsection 30(1A) of the AAT Act	Paragraph 22(1)(c) of the ART Act
Division 3 of Part 5-2 (heading)	AAT first review	ART review
223(2)	AAT	ART
224 (heading)	AAT first review	ART review
224(2)	AAT	ART
224(4)	AAT	ART
Division 4 of Part 5-2 (heading)	AAT first reviews	ART reviews
224A	AAT first review of a decision, a reference in the AAT Act to the person who made	ART review of a decision, a reference in the ART Act to the decision-maker for
226 (heading)	AAT first review	ART review
226(1)	AAT first review	ART review
227 (heading)	AAT first review	certain ART reviews
227(2)	AAT	ART
233 (heading)	AAT first review	ART review
233(1)	AAT first review	ART review
233(2)	The AAT	The ART
233(2)(a)	AAT first review	ART review
233(4)	AAT	ART
234 (heading)	AAT decision on AAT first review	ART decision on ART review
234(1)	AAT on AAT first review	ART on ART review
234(1)(a)	AAT	ART
234(1)(b)	AAT	ART
234(1)	of the AAT.	of the ART.
234(2)	AAT on AAT first review	ART on ART review
234(2)(a)	AAT	ART
234(2)(b)	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
272(1)	AAT	ART
273(1)	AAT	ART
273(2)	AAT Act	ART Act
273A (heading)	AAT	ART
273A(1)	the AAT if the proceedings are an AAT first review or AAT second review	the ART if the proceedings are an ART review
273A(2)	AAT	ART

Social Security Act 1991

217 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
27(2)	AAT	ART
27(4)	AAT	ART
1061ZZFM (heading)	Administrative Appeals Tribunal	ART
1061ZZFM	Administrative Appeals Tribunal	ART
1184L(2)(a)	AAT first review	ART review
1222(2) (table item 4, column 2)	AAT	ART
1223AB (heading)	AAT	ART
1237AAB(2) (heading)	AAT	ART
1237AAB(2)	AAT	ART

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
1255(1)	Administrative Appeals Tribunal	ART

Social Security (Administration) Act 1999

218 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
8(f)	Administrative Appeals Tribunal	ART
126(2)(b)	AAT	ART
128 (heading)	AAT Registrar	ART Principal Registrar
128	AAT for	ART for
128	Registrar of the AAT	ART Principal Registrar
137(1)(f)	AAT	ART
137(3)(f)	AAT	ART
138(1)(a)	AAT	ART
138(3)	AAT	ART
138E (heading)	AAT Registrar	ART Principal Registrar
138E(b)	Administrative Appeals Tribunal	ART
138E	Registrar of the Administrative Appeals Tribunal	ART Principal Registrar
138H (heading)	AAT	ART
138H	Administrative Appeals Tribunal	ART
138J (heading)	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
138J(1)	Administrative Appeals Tribunal	ART
138J(2)	Administrative Appeals Tribunal	ART
Part 4A (heading)	AAT	ART
Division 2 of Part 4A (heading)	AAT first review	ART review
140(1)	the AAT	the ART
140(1) (note)	AAT first review	ART review
Subdivision B of Division 2 of Part 4A (heading)	AAT first review	ART review
142A	AAT first review of a decision, a reference in the AAT Act to the person who made	ART review of a decision, a reference in the ART Act to the decision-maker for
143	The AAT	The ART
143	AAT first review	ART review
144	AAT	ART
145(1)(c)	AAT first review	ART review
145(4)(b)(i)	AAT first review	ART review
145(4)(b)(ii)	the AAT makes a decision on AAT first review	the ART makes a decision on ART review
145(4)(b)(ii)	AAT's	ART's
145(5A)	AAT first review has been made, the President of the AAT	ART review has been made, the President of the ART
147 (heading)	AAT	ART
147	AAT first review under this Division, a provision of the AAT Act	ART review under this Division, a provision of the ART Act
Subdivision D of Division 2 of Part 4A (heading)	AAT first review	ART review

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
148 (heading)	AAT first review	certain ART reviews
148(2)	AAT	ART
148(3)	subsection 37(1A) of the AAT Act	subsection 28(4) of the ART Act (which allows the ART to shorten the period for giving documents)
165A(2)(a)	AAT	ART
166(1)	The AAT	The ART
166(1)	the AAT	the ART
166(1)	AAT first review	ART review
176(1)	AAT first review	ART review
176(2)	AAT	ART
176(3)	AAT	ART
176(4)	AAT	ART
177	AAT first review	ART review
177	the AAT	the ART
181 (heading)	AAT	ART
181	AAT	ART
182 (heading)	AAT	ART
182(1)	AAT for AAT first review	ART for ART review
183 (heading)	AAT	ART
183(1)(a)	on AAT first review of a decision, the AAT	on ART review of a decision, the ART
183(1)(b)	AAT	ART
183(1)	AAT may	ART may

Student Assistance Act 1973

219 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

166 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* No. 38, 2024

Amendments		
Provision	Omit (wherever occurring)	Substitute
5C(e)	Administrative Appeals Tribunal	ART
12ZQ(1)	Administrative Appeals Tribunal	ART
12ZU(6)	Administrative Appeals Tribunal	ART
43E(2) (heading)	Administrative Appeals Tribunal	ART
43E(2)	Administrative Appeals Tribunal	ART
43X(1)	Administrative Appeals Tribunal	ART
303(2)	Administrative Appeals Tribunal	ART
303(3) (heading)	AAT	ART
303(3)	AAT	ART
303(6) (heading)	AAT Registrar	ART Principal Registrar
303(6)	to the AAT	to the ART
303(6)	Registrar of the AAT	ART Principal Registrar
304(5)	AAT	ART
308(1)(a)	the AAT Act, apply to the AAT	the ART Act, apply to the ART
308E (heading)	AAT Registrar	ART Principal Registrar
308E(b)	Administrative Appeals Tribunal	ART
308E	Registrar of the Administrative Appeals Tribunal	ART Principal Registrar
308H (heading)	AAT	ART
308H	Administrative Appeals Tribunal	ART
308J (heading)	AAT	ART

Schedule 3 Social Services
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
308J	Administrative Appeals Tribunal	ART
Division 2 of Part 9 (heading)	Administrative Appeals Tribunal	ART
310(2)	AAT	ART
Subdivision B of Division 2 of Part 9 (heading)	AAT first review	ART review
311 (heading)	AAT first review	ART review
311A	AAT first review of a decision, a reference in the AAT Act to the person who made	ART review of a decision, a reference in the ART Act to the decision-maker for
312 (heading)	AAT first review	certain ART reviews
312(1)	AAT first review	ART review
312(1)(b)	AAT	ART
314 (heading)	AAT first review	ART review
314(1)	AAT first review	ART review
314(4)(b)(i)	the AAT dismisses the application for AAT first review	the ART dismisses the application for ART review
314(4)(b)(ii)	the AAT determines the AAT first review	the ART determines the ART review
315 (heading)	AAT first review	ART review
315(1)	AAT first review	ART review
316 (heading)	AAT for purposes of AAT first review	ART for purposes of ART review
316	Despite subsection 43(1) of the AAT Act, the AAT must not, for the purposes of an AAT first review	Despite section 54 of the ART Act, the ART must not, for the purposes of an ART review
317 (heading)	AAT first review	ART review
319(b)	AAT	ART

Amendments		
Provision	Omit (wherever occurring)	Substitute
319	AAT may	ART may
Subdivision D of Division 2 of Part 9 (heading)	both AAT first review and AAT second review	reviews by the ART
327 (heading)	AAT	ART
327(1)	the AAT if the proceedings are an AAT first review or AAT second review	the ART if the proceedings are an ART review
327(2)	AAT	ART

Schedule 4—Amendments relating to the Security Division

Archives Act 1983

1 Subsection 43(4)

Omit “section 29 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 18 of the *Administrative Review Tribunal Act 2024*”.

2 Subsection 43(6)

Omit “Section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 268 of the *Administrative Review Tribunal Act 2024*”.

3 Subsection 52(1)

Omit “subsection 35(2), (3) or (4) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 69(3) or 70(1) or (2) of the *Administrative Review Tribunal Act 2024*”.

4 Subsection 52(1)

Omit all the words after “the Tribunal” (second occurring), substitute:

must have regard to:

- (a) the necessity of avoiding the disclosure to the applicant of matter contained in a record to which the proceedings relate, being matter by reason of which the record is an exempt record; and
- (b) the necessity of avoiding the disclosure to the applicant of information of the kind referred to in subsection 39(1).

5 Paragraphs 52(2)(a) and (b)

Omit “paragraph (1)(a)”, substitute “paragraph (1)(a) or (b)”.

6 Subsection 53(1)

Omit “Sections 37 and 38AA of the *Administrative Appeals Tribunal Act 1975*”, substitute “Sections 23, 25 and 26 of the *Administrative Review Tribunal Act 2024*”.

7 After subsection 53(1A)

Insert:

- (1B) If the Tribunal is satisfied as mentioned in subsection (1A), section 27 of the *Administrative Review Tribunal Act 2024* does not apply in relation to the document.

8 Subsection 53(5)

Omit “section 46 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 187 of the *Administrative Review Tribunal Act 2024*”.

9 Subsection 53(6)

Omit “subparagraph 46(1)(c)(i) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 187(2) of the *Administrative Review Tribunal Act 2024*”.

10 Subsection 53(7)

Omit “subparagraph 46(1)(c)(i) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 187(2) of the *Administrative Review Tribunal Act 2024*”.

11 Subsection 55A(5)

Repeal the subsection, substitute:

- (5) Nothing in this section:
- (a) prevents a person making from an application under section 123 of the *Administrative Review Tribunal Act 2024* for the decision of the Tribunal to be referred to the guidance and appeals panel; or
 - (b) affects the power of the Federal Court of Australia or the Federal Circuit and Family Court of Australia (Division 2) to make orders under section 178 of the *Administrative Review Tribunal Act 2024* in relation to matters other than staying the decision of the Tribunal.

12 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
3(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
43 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
43(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
50	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
52(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Australian Crime Commission Act 2002

13 Paragraph 19A(6)(a)

Repeal the paragraph, substitute:

- (a) a relevant request in relation to the Administrative Review Tribunal has been served on a person who is, or has been, a member or officer of the Tribunal; and

14 Subsection 19A(8)

Insert:

officer of the Tribunal means:

- (a) the Principal Registrar within the meaning of the *Administrative Review Tribunal Act 2024*; or
- (b) a staff member within the meaning of that Act.

15 Subsection 19A(8) (paragraphs (c), (d) and (e) of the definition of *prescribed officer*)

Omit “Security Appeals”, substitute “Administrative Review”.

16 Subsection 19A(8) (paragraph (e) of the definition of *prescribed officer*)

Omit “that tribunal”, substitute “the Administrative Review Tribunal”.

17 Section 36A (definition of AAT Act)

Repeal the definition.

18 Section 36A

Insert:

ART Act means the *Administrative Review Tribunal Act 2024*.

19 Section 36A (definition of authorised member)

Repeal the definition.

20 Section 36A (definition of officer of the Tribunal)

Repeal the definition, substitute:

officer of the Tribunal means:

- (a) the Principal Registrar within the meaning of the ART Act;
- or
- (b) a staff member within the meaning of that Act.

21 Section 36A (definition of President)

Repeal the definition.

22 Section 36A (definition of presidential member)

Repeal the definition.

23 Section 36A (definition of Registrar)

Repeal the definition.

24 Section 36A (definition of Tribunal)

Repeal the definition, substitute:

Tribunal means the Administrative Review Tribunal.

25 Subsection 36F(1) (note)

Repeal the note, substitute:

Note: Section 18 of the ART Act generally requires an application for review of a decision to be made within the period prescribed by rules made under that Act.

26 Subsections 36F(3) to (5)

Repeal the subsections.

27 Subsection 36F(6)

Repeal the subsection, substitute:

Interaction with the ART Act

(6) Subsection (2) has effect despite subsection 17(1) of the ART Act.

28 Sections 36G to 36N

Repeal the sections.

29 Subsection 36Q (note 2)

Omit “Section 66 of the AAT”, substitute “Section 276 of the ART”.

30 Subsection 36R(2)

Omit “section 69A of the AAT Act”, substitute “section 115 of the ART Act”.

31 Section 36S

Repeal the section.

32 Schedule 1

Omit “*Administrative Appeals Tribunal Act 1975*, section 36”, substitute “*Administrative Review Tribunal Act 2024*, section 91”.

33 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
36A (definition of member)	AAT	ART
36R(2)	AAT	ART

Australian Security Intelligence Organisation Act 1979

34 Paragraph 34AD(1)(b)

Repeal the paragraph, substitute:

- (b) a person who holds an appointment to the Administrative Review Tribunal as President or Deputy President; or

35 Subsection 54(2)

Repeal the subsection, substitute:

- (2) The application may be made by the person in respect of whom the assessment was made and who has been given notice of the assessment under section 38 or 38A.

36 At the end of subsection 65(2)

Add “of the Tribunal”.

37 Subsection 65(3)

Omit “Sections 43 and 43AAA of the *Administrative Appeals Tribunal Act 1975*”, substitute “Sections 54, 105, 107, 108, 111 and 112 and Subdivision B of Division 5 of Part 6 of the *Administrative Review Tribunal Act 2024*”.

38 Subsection 81(3)

Insert:

officer of the Tribunal means:

- (a) the Principal Registrar within the meaning of the *Administrative Review Tribunal Act 2024*; or
- (b) a staff member within the meaning of that Act.

39 Subsection 83B(1) (note)

Repeal the note.

40 Subsection 83B(2)

Repeal the subsection, substitute:

- (2) The application may be made by the person in respect of whom the security clearance decision or security clearance suitability

assessment was made and who has been given notice of the decision or assessment under subsection 82L(5) or 83A(1).

41 Subsection 83C(1)

Omit “Part IV of the *Administrative Appeals Tribunal Act 1975* of an application to the Administrative Appeals Tribunal”, substitute “section 139 of the *Administrative Review Tribunal Act 2024* of an application to the Administrative Review Tribunal”.

42 Subsection 83C(2) (note)

Omit “Administrative Appeals Tribunal (see subsection 38A(1B) of the *Administrative Appeals Tribunal Act 1975*)”, substitute “Administrative Review Tribunal (see paragraph 141(2)(b) of the *Administrative Review Tribunal Act 2024*)”.

43 After section 83C

Insert:

83CA Access to security clearance standards

- (1) This section applies if:
 - (a) an application is made to the Administrative Review Tribunal for review of a security clearance decision or a security clearance suitability assessment that is an externally reviewable decision; and
 - (b) for the purposes of the review, the Director-General of Security gives the Tribunal a copy of a standard (or a part of a standard) certified in writing by the Director-General as a standard relating to the Commonwealth’s highest level of security clearance.
- (2) Despite section 149 of the *Administrative Review Tribunal Act 2024*, the applicant and any person representing the applicant must not be present when the Tribunal is hearing submissions made or evidence adduced in relation to any part of the copy unless:
 - (a) that part of the copy has already been disclosed to the applicant; or
 - (b) the Director-General of Security consents to the applicant being present.

44 At the end of subsection 83F(6)

Add “of the Tribunal”.

45 Paragraph 83F(7)(b)

Omit “sections 43 and 43AAB of the *Administrative Appeals Tribunal Act 1975*”, substitute “sections 54, 105, 107, 108, 111, 112 and 163 and Subdivision B of Division 5 of Part 6 of the *Administrative Review Tribunal Act 2024*”.

46 Before section 93

Insert:

93A Costs in certain ART reviews

(1) If:

- (a) a person makes an application under section 54 or 83B to the Administrative Review Tribunal for a review of a security assessment, security clearance decision or security clearance suitability assessment in respect of the person; and
- (b) the applicant was, in the opinion of the Tribunal, successful, or substantially successful, in the application for review; and
- (c) the Tribunal is satisfied that it is appropriate to do so in all the circumstances of the case;

the Tribunal may order that the costs reasonably incurred by the applicant in connection with the application, or any part of those costs that is determined by the Tribunal, be paid by the Commonwealth.

- (2) For the purposes of section 115 of the *Administrative Review Tribunal Act 2024*, the Commonwealth is taken to be a party to the proceeding referred to in subsection (1) of this section.

47 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 4 Amendments relating to the Security Division

Amendments		
Provision	Omit	Substitute
35(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
82B (wherever occurring)	Administrative Appeals Tribunal	Administrative Review Tribunal
82C(2) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
82L(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
Subdivision B of Division 3 of Part IVA (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
83A(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
83B (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
83B(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
83D (wherever occurring)	Administrative Appeals Tribunal	Administrative Review Tribunal
83E(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
Division 4 of Part IVA (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
83F(8)	Administrative Appeals Tribunal	Administrative Review Tribunal

Foreign Acquisitions and Takeovers Act 1975**48 Section 4 (definition of AAT Act)**

Repeal the definition.

49 Section 4

Insert:

ART Act means the *Administrative Review Tribunal Act 2024*.

50 Subsections 130A(3) to (5)

Repeal the subsections, substitute:

Interaction with the ART Act

(3) Subsection (2) applies despite section 17 of the ART Act.

51 Sections 130B to 130K

Repeal the sections.

52 Subsection 130M(2)

Omit “section 69A of the AAT Act”, substitute “section 115 of the ART Act”.

53 Section 130N

Repeal the section.

54 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4 (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
79A(2) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal

Amendments		
Provision	Omit	Substitute
116	Administrative Appeals Tribunal	Administrative Review Tribunal
116	AAT Act	ART Act
130A (heading)	AAT	ART
130M(2) (heading)	AAT	ART

Freedom of Information Act 1982

55 Subsection 57A(1) (note 1)

Omit “see section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “see section 17 of the *Administrative Review Tribunal Act 2024*”.

56 Subsection 57A(1) (note 2)

Repeal the note, substitute:

Note 2: For the time period for making an application, see sections 18 to 20 of the *Administrative Review Tribunal Act 2024*.

57 Subsection 57A(2)

Omit “subsection 29(2) of the *Administrative Appeals Tribunal Act 1975*, for the purposes of paragraph 29(1)(d) of that Act, the prescribed time for a person to lodge”, substitute “section 18 of the *Administrative Review Tribunal Act 2024*”.

58 Subsection 57A(2)

Omit “is the”, substitute “must be made within the”.

59 Paragraph 57A(2)(b)

Repeal the paragraph, substitute:

(b) ending at the end of the period prescribed for the purposes of subsection 18(1) of the *Administrative Review Tribunal Act 2024*.

60 At the end of section 57A

Add:

No referral to guidance and appeals panel

- (3) Part 5 (guidance and appeals panel) of the *Administrative Review Tribunal Act 2024* does not apply in relation to:
- (a) an application under subsection (1) for review of a decision; or
 - (b) the decision of the Tribunal on the review.

61 Sections 58B and 58D

Repeal the sections.

62 Subsection 58E(1)

Omit “section 64, section 37 or 38AA of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 64 of this Act or section 23, 25 or 26 of the *Administrative Review Tribunal Act 2024*”.

63 At the end of section 58E

Add:

- (4) If the Tribunal is satisfied as mentioned in subsection (3), section 27 of the *Administrative Review Tribunal Act 2024* does not apply in relation to the document.

64 Paragraph 60(3)(d)

Omit “subsection 30(1A) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 22(1)(c) of the *Administrative Review Tribunal Act 2024*”.

65 Subsection 60AA(2) (note 3)

Omit “subsection 30(1A) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 22(1)(c) of the *Administrative Review Tribunal Act 2024*”.

66 Subsection 61A(1)

Repeal the subsection, substitute:

- (1) The *Administrative Review Tribunal Act 2024* applies to proceedings under this Part as if a reference to the decision-maker in the following provisions of that Act were a reference to the agency or Minister who made the IC reviewable decision:
- (a) paragraph 21(2)(b) (parties and potential parties to be notified of application);
 - (b) section 23 (decision-maker must give Tribunal reasons and documents—general rule);
 - (c) subsections 28(4) and (6) (exceptions—Tribunal may adjust requirements);
 - (d) section 29 (exception—while resolving whether to restrict publication or disclosure of information);
 - (e) paragraph 31(2)(b) (decision cannot be altered outside Tribunal process);
 - (f) section 54 (Tribunal can exercise powers of decision-maker);
 - (g) subsection 56(1) (parties and their representatives to assist Tribunal);
 - (h) subsection 56(2) (parties and their representatives to assist Tribunal);
 - (i) section 60 (decision-makers may elect not to participate in kind of proceeding or Tribunal case event);
 - (j) section 61 (decision-maker who elects not to participate may be made a non-participating party to proceeding or Tribunal case event);
 - (k) section 65 (certain parties may seek to withdraw from being a party);
 - (l) subsection 79(3) (Tribunal may give directions in relation to procedure for proceeding);
 - (m) section 85 (Tribunal may remit decision to decision-maker for reconsideration);
 - (n) section 105 (Tribunal decision on review of reviewable decision);
 - (o) section 108 (effect of Tribunal decision to vary or substitute a reviewable decision);
 - (p) section 126 (parties to be notified of application);
 - (q) paragraph 129(2)(b) (notice of President’s decision).

(1A) In addition, the *Administrative Review Tribunal Act 2024* applies to proceedings under this Part as if a reference to the decision-maker in section 291 (giving documents etc. to decision-maker) were a reference to the person who made the decision or an agency.

67 Subsection 61A(2)

Omit “paragraph 37(1)(a) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 23(a) of the *Administrative Review Tribunal Act 2024*”.

67A Subsection 61A(2)

Omit “AAT”, substitute “Tribunal”.

68 Subsection 61A(3)

Omit “the powers of the Tribunal under section 38 or 38AA of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 24 or 25 of the *Administrative Appeals Review Act 2024*”.

69 Section 62 (heading)

Omit “**section 28 of Administrative Appeals Tribunal Act**”, substitute “**section 268 of Administrative Review Tribunal Act**”.

70 Subsection 62(1)

Omit “section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 268 of the *Administrative Appeals Review Act 2024*”.

71 Subsection 63(1)

Omit “subsection 35(2), (3) or (4) of the *Administrative Appeals Tribunal Act 1975*” (wherever occurring), substitute “subsection 69(3) or 70(1) or (2) of the *Administrative Review Tribunal Act 2024*”.

72 Subsection 63(1)

Omit all the words after “the Tribunal” (second occurring), substitute:

must have regard to:

- (a) the necessity of avoiding the disclosure to the applicant of exempt matter contained in a document to which the proceedings relate; and

(b) the necessity of avoiding the disclosure to the applicant of information of the kind referred to in subsection 25(1).

73 Paragraphs 63(2)(a) and (b)

Omit “paragraph (1)(a)”, substitute “paragraph (1)(a) or (b)”.

74 Subsection 64(1)

Omit “Sections 37 and 38AA of the *Administrative Appeals Tribunal Act 1975*”, substitute “Sections 23, 25 and 26 of the *Administrative Review Tribunal Act 2024*”.

75 Subsection 64(6)

Omit “section 46 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 187 of the *Administrative Review Tribunal Act 2024*”.

76 Subsections 64(7) and (8)

Omit “subparagraph 46(1)(c)(i) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 187(2)(a) of the *Administrative Review Tribunal Act 2024*”.

77 Subsection 67(5)

Omit “section 44A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 178 of the *Administrative Review Tribunal Act 2024*”.

78 Section 89N (note 1)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

79 Section 89N (note 2)

Omit “Subsection 29(2) of the *Administrative Appeals Tribunal Act 1975* sets out”, substitute “Section 18 of the *Administrative Review Tribunal Act 2024* deals with”.

80 Section 89N (note 3)

Omit “Section 30 of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 22 of the *Administrative Review Tribunal Act 2024*”.

81 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
54F	Administrative Appeals Tribunal	Administrative Review Tribunal
57	Administrative Appeals Tribunal	Administrative Review Tribunal
60(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
61A (heading)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
63(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Schedule 5—Agriculture, Fisheries and Forestry

Part 1—Main amendments

Pig Industry Act 2001

1 Subsection 2(1)

Omit “(1) Subject to this section, this”, substitute “This”.

2 Subsections 2(2) and (3)

Repeal the subsections (including the notes).

Part 2—Bulk amendments

Biological Control Act 1984

3 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
56(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
56(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Horse Disease Response Levy Collection Act 2011

4 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
9(5)	Administrative Appeals Tribunal	Administrative Review Tribunal

Pig Industry Act 2001

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
39(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Torres Strait Fisheries Act 1984

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
15A(13) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Schedule 6—Attorney-General

Part 1—Main amendments

Copyright Act 1968

1 Paragraph 195B(3)(b)

Repeal the paragraph, substitute:

- (b) a statement to the effect that the objector or importer, as the case may be, may request a statement of reasons under section 268 of the *Administrative Review Tribunal Act 2024*.

Disability Discrimination Act 1992

2 Paragraphs 57(1)(a) to (d)

Repeal the paragraphs, substitute:

- (a) containing a statement of reasons (within the meaning of the *Administrative Review Tribunal Act 2024*) for the decision; and
- (b) containing a statement to the effect that, subject to that Act, application may be made to the Administrative Review Tribunal for a review of the decision to which the notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Ombudsman Act 1976

3 Subsection 3(1) (paragraph (e) of the definition of *chief executive officer*)

Repeal the paragraph, substitute:

- (e) in relation to the Administrative Review Tribunal—the Chief Executive Officer and Principal Registrar of the Tribunal; or

4 Paragraph 3(18)(b)

Repeal the paragraph, substitute:

- (b) in the case of the Chief Executive Officer and Principal Registrar of the Administrative Review Tribunal, the

reference is to be read as a reference to the President of the Administrative Review Tribunal;

5 Paragraphs 10(1)(b) and (1A)(b)

After “prescribes a”, insert “quantified”.

6 Paragraph 16(5)(b)

Repeal the paragraph, substitute:

- (b) if the report relates to the Chief Executive Officer and Principal Registrar of the Administrative Review Tribunal—a reference to the Prime Minister is to be read as a reference to the President of the Administrative Review Tribunal;

Sex Discrimination Act 1984

7 Paragraphs 46(1)(a) to (d)

Repeal the paragraphs, substitute:

- (a) containing a statement of reasons (within the meaning of the *Administrative Review Tribunal Act 2024*) for the decision; and
- (b) containing a statement to the effect that, subject to that Act, application may be made to the Administrative Review Tribunal for a review of the decision to which the notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Part 2—Bulk amendments

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

8 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
233A	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
233D(1) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
233E(4)(d)	Administrative Appeals Tribunal	Administrative Review Tribunal
233F (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
233F	Administrative Appeals Tribunal	Administrative Review Tribunal

Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011

9 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
15 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
15	Administrative Appeals Tribunal	Administrative Review Tribunal

Copyright Act 1968

10 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
195B(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
195B(8)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Disability Discrimination Act 1992

11 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
56 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
56	Administrative Appeals Tribunal	Administrative Review Tribunal

Law Officers Act 1964

12 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
16(11)	Administrative Appeals Tribunal	Administrative Review Tribunal

Modern Slavery Act 2018

13 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
16A(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Ombudsman Act 1976

14 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
3(18)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
10(3)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
10A (heading)	AAT	Administrative Review Tribunal
10A(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
11 (heading)	AAT	Administrative Review Tribunal
11(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
16(5)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal

Sex Discrimination Act 1984

15 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 6 Attorney-General

Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
45 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
45	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 7—Climate Change, Energy, the Environment and Water

Part 1—Main amendments

Hazardous Waste (Regulation of Exports and Imports) Act 1989

1 Paragraphs 58(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a statement to the effect that application may be made to the Administrative Review Tribunal under the *Administrative Review Tribunal Act 2024* for review of the decision; and
- (b) a statement to the effect that a person who is entitled to apply to the Administrative Review Tribunal for the review of a decision may, under section 268 of that Act, request a statement of reasons (within the meaning of that Act).

2 Subsection 58(2)

Repeal the subsection.

Recycling and Waste Reduction Act 2020

3 Subsection 154(3)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

Sea Installations Act 1987

4 Paragraphs 76(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application may be made by or on behalf of that person to the Administrative Review Tribunal for review of that decision; and

- (b) application may be made in accordance with section 268 of that Act by or on behalf of that person for a statement of reasons (within the meaning of that Act).

Part 2—Bulk amendments

Antarctic Marine Living Resources Conservation Act 1981

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
23(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
23(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Australian National Registry of Emissions Units Act 2011

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
81	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
86 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
86(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
86(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Building Energy Efficiency Disclosure Act 2010

7 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
69	Administrative Appeals Tribunal	Administrative Review Tribunal

Clean Energy Legislation (Carbon Tax Repeal) Act 2014

8 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
357(3) of Schedule 1	Administrative Appeals Tribunal	Administrative Review Tribunal

Environment Protection (Sea Dumping) Act 1981

9 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
24(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Fuel Security Act 2021

10 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
77 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
77(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
77(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

***Hazardous Waste (Regulation of Exports and Imports) Act
1989***

11 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
57	Administrative Appeals Tribunal	Administrative Review Tribunal

Liquid Fuel Emergency Act 1984

12 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
44(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
44(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
44(7)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
44(7)(b) (second occurring)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 7 Climate Change, Energy, the Environment and Water
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
44(8)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
44(8)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal

***National Environment Protection Measures
(Implementation) Act 1998***

13 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
34 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
34(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
34(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Offshore Electricity Infrastructure Act 2021

14 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
297	Administrative Appeals Tribunal	Administrative Review Tribunal

***Ozone Protection and Synthetic Greenhouse Gas
Management Act 1989***

15 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
65W	Administrative Appeals Tribunal	Administrative Review Tribunal
65ZC (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
65ZC	Administrative Appeals Tribunal	Administrative Review Tribunal

Recycling and Waste Reduction Act 2020

16 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
5	Administrative Appeals Tribunal	Administrative Review Tribunal
96	Administrative Appeals Tribunal	Administrative Review Tribunal
154 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
154(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Sea Installations Act 1987

17 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 7 Climate Change, Energy, the Environment and Water
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
75(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
75(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Sydney Harbour Federation Trust Act 2001

18 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
65B(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Underwater Cultural Heritage Act 2018

19 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
49	Administrative Appeals Tribunal	Administrative Review Tribunal

Water Act 2007

20 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

202 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* No. 38, 2024

Amendments		
Provision	Omit	Substitute
77(7) (heading)	AAT	Administrative Review Tribunal
77(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
83(8) (heading)	AAT	Administrative Review Tribunal
83(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
222G(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 8—Defence

Defence Force (Home Loans Assistance) Act 1990

1 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
34 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
34(1)(c)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
34(1)(c)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
34(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
34(3)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
34(4)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Defence Force Retirement and Death Benefits Act 1973

2 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
3 (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Amendments

Provision	Omit	Substitute
Division 3 of Part XI (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
107 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
107	Administrative Appeals Tribunal	Administrative Review Tribunal

Defence Home Ownership Assistance Scheme Act 2008**3 Amendments of listed provisions**

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
75(2) (note)	Administrative Appeals Tribunal (first occurring)	Administrative Review Tribunal
75(2) (note)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
76 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
76(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
76(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Defence Reserve Service (Protection) Act 2001**4 Amendments of listed provisions**

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
71 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
71	Administrative Appeals Tribunal	Administrative Review Tribunal

Defence Trade Controls Act 2012

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
3	Administrative Appeals Tribunal	Administrative Review Tribunal
62A	Administrative Appeals Tribunal	Administrative Review Tribunal
64(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
65 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
65	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 9—Employment and Workplace Relations

Part 1—Main amendments

Coal Mining Industry (Long Service Leave) Administration Act 1992

1 Paragraph 39BC(4)(b)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992

2 Paragraphs 8(5)(a) and (b)

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application may be made by or on behalf of the person who made the request to the Administrative Review Tribunal for review of the decision; and
- (b) that person may request a statement of reasons for the decision under that Act.

3 Subsection 8(7)

Omit “Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “Subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

Student Identifiers Act 2014

4 Subsection 13(2)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 17(1) of the *Administrative Review Tribunal Act 2024*”.

Part 2—Bulk amendments

Coal Mining Industry (Long Service Leave) Administration Act 1992

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
39BC(4) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
44(2) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
52B (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
52B(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
8(8) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Student Identifiers Act 2014

7 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
13 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
13(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 10—Finance

Data Availability and Transparency Act 2022

1 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
117	Administrative Appeals Tribunal	Administrative Review Tribunal
118(1) (note)	AAT	ART
118(2) (note)	AAT	ART
122 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
122	Administrative Appeals Tribunal	Administrative Review Tribunal

Federal Circuit and Family Court of Australia Act 2021

2 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
122(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
125(10)	Administrative Appeals Tribunal	Administrative Review Tribunal
126(9)	Administrative Appeals Tribunal	Administrative Review Tribunal
127(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Governor-General Act 1974

3 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4B	Administrative Appeals Tribunal	Administrative Review Tribunal

Papua New Guinea (Staffing Assistance) Act 1973

4 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
3(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
Division 3 of Part IX (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
55G (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
55G	Administrative Appeals Tribunal	Administrative Review Tribunal

Parliamentary Business Resources Act 2017

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
41(3)(j)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Superannuation Act 1922**6 Amendments of listed provisions**

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
4(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
Division 3 of Part XIA (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
133B (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
133B	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 11—Foreign Affairs and Trade

Part 1—Main amendments

Chemical Weapons (Prohibition) Act 1994

1 Subsection 26(3)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

Export Market Development Grants Act 1997

2 Subsection 98(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Registration of Deaths Abroad Act 1984

3 Subsection 27(2)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

Part 2—Bulk amendments

Chemical Weapons (Prohibition) Act 1994

4 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
27(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
27(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Export Market Development Grants Act 1997

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
6	Administrative Appeals Tribunal	Administrative Review Tribunal
99 (heading)	AAT	ART
99	Administrative Appeals Tribunal	Administrative Review Tribunal

Registration of Deaths Abroad Act 1984

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 11 Foreign Affairs and Trade
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
27(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
27(4)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

216 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* No. 38, 2024

Schedule 12—Health and Aged Care

Part 1—Main amendments

Aged Care Act 1997

1 Subsection 85-4(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

2 Subsection 85-5(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Aged Care (Transitional Provisions) Act 1997

3 Subsection 85-4(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

4 Subsection 85-5(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Australian Radiation Protection and Nuclear Safety Act 1998

5 Subsection 40(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

6 Subsection 42(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

7 Subsection 80C(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Dental Benefits Act 2008

8 Subsection 56D(9)

Omit “Despite paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*”.

9 Subsection 56G(5)

Omit “Despite paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*”.

Hearing Services Administration Act 1997

10 Subparagraphs 30(1)(b)(i) and (ii)

Repeal the subparagraphs, substitute:

- (i) subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal for review of the decision on that reconsideration; and
- (ii) the person may, under section 268 of that Act, request a statement of reasons for the decision on that reconsideration.

11 Paragraphs 34(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a statement to the effect that a person whose interests are affected by the decision so affirmed or varied may, subject to the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal for review of the decision; and
- (b) a statement to the effect that the person may, under section 268 of that Act, request a statement of reasons for the decision so affirmed or varied.

Medical Indemnity Act 2002

12 Subsection 27(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

13 Subsection 34E(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

14 Subsection 34K(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

15 Subsection 34L(5) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

16 Subsection 34W(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

17 Subsection 34ZM(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

18 Subsection 34ZZK(5) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

19 Subsection 34ZZQ(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

20 Subsection 34ZZR(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

21 Subsection 34ZZC(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

22 Subsection 37A(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

23 Subsection 65(5) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

***Midwife Professional Indemnity (Commonwealth
Contribution) Scheme Act 2010***

24 Subsection 11(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

25 Subsection 15(6) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

26 Subsection 18(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

27 Subsection 28(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

28 Subsection 40(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

29 Section 57 (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

30 Subsection 60(5) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

31 Subsection 76(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

National Health Security Act 2007

32 Subsection 83(1)

Omit “Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “Subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

Private Health Insurance Act 2007

33 Section 230-1 (paragraph (h) of the paragraph beginning “This Chapter”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Tobacco Advertising Prohibition Act 1992

34 Section 30

Omit “Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “Subject to the *Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

Part 2—Bulk amendments

Aged Care Act 1997

35 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
85-8 (heading)	AAT	ART
85-8	Administrative Appeals Tribunal	Administrative Review Tribunal

Aged Care (Transitional Provisions) Act 1997

36 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
85-8 (heading)	AAT	ART
85-8	Administrative Appeals Tribunal	Administrative Review Tribunal

Australian Radiation Protection and Nuclear Safety Act 1998

37 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
40(5)	Administrative Appeals Tribunal	Administrative Review Tribunal

Amendments

Provision	Omit	Substitute
42(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
80C(5)	Administrative Appeals Tribunal	Administrative Review Tribunal

Dental Benefits Act 2008

38 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
56D(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
56G(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
58AA(14)	Administrative Appeals Tribunal	Administrative Review Tribunal

Healthcare Identifiers Act 2010

39 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
9AA	Administrative Appeals Tribunal	Administrative Review Tribunal
9C(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
9C(8)	Administrative Appeals Tribunal	Administrative Review Tribunal

Hearing Services Administration Act 1997

40 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
28	Administrative Appeals Tribunal	Administrative Review Tribunal
35 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
35	Administrative Appeals Tribunal	Administrative Review Tribunal

Major Sporting Events (Indicia and Images) Protection Act 2014

41 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
31(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Medical Indemnity Act 2002

42 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
27(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
34E(4) (heading)	AAT	ART
34E(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
34K(6) (heading)	AAT	ART
34K(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 12 Health and Aged Care
Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
34L(5) (heading)	AAT	ART
34L(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
34W(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
34ZM(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
34ZZK(5) (heading)	AAT	ART
34ZZK(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
34ZZQ(6) (heading)	AAT	ART
34ZZQ(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
34ZZR(7) (heading)	AAT	ART
34ZZR(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
34ZZZC(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
37A(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
65(5)	Administrative Appeals Tribunal	Administrative Review Tribunal

***Midwife Professional Indemnity (Commonwealth
Contribution) Scheme Act 2010***

43 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
11(7) (heading)	AAT	ART
11(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
15(6) (heading)	AAT	ART

Amendments		
Provision	Omit	Substitute
15(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
18(4) (heading)	AAT	ART
18(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
28(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
40(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
57 (heading)	AAT	ART
57	Administrative Appeals Tribunal	Administrative Review Tribunal
60(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
76(4)	Administrative Appeals Tribunal	Administrative Review Tribunal

My Health Records Act 2012

44 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
97(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
97(8)	Administrative Appeals Tribunal	Administrative Review Tribunal

National Health Security Act 2007

45 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 12 Health and Aged Care
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
83 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
83(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Private Health Insurance Act 2007

46 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
328-1	Administrative Appeals Tribunal	Administrative Review Tribunal
328-5 (heading)	AAT	ART
328-5	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 13—Industry, Science and Resources

Part 1—Main amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1 Section 747 (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

2 Section 747A (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

Tradex Scheme Act 1999

3 Section 40 (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

Part 2—Bulk amendments

Offshore Petroleum and Greenhouse Gas Storage Act 2006

4 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
744	Administrative Appeals Tribunal	Administrative Review Tribunal
745 (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
747	Administrative Appeals Tribunal	Administrative Review Tribunal
747A	Administrative Appeals Tribunal	Administrative Review Tribunal

Space (Launches and Returns) Act 2018

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
61	Administrative Appeals Tribunal	Administrative Review Tribunal

Tradex Scheme Act 1999

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
39(8) (note 2)	Administrative Appeals Tribunal	Administrative Review Tribunal
40 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
40	Administrative Appeals Tribunal	Administrative Review Tribunal
40 (note)	the Code of Practice determined under section 27B of that Act	the matters (if any) prescribed by the rules made under that Act

Schedule 14—Infrastructure, Transport, Regional Development, Communications and the Arts

Part 1—Main amendments

Adelaide Airport Curfew Act 2000

1 Subsection 9(7) (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

2 Subsection 11(7) (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

3 Subsection 16(3)

Repeal the subsection, substitute:

- (3) For the purposes of this section, the *Administrative Review Tribunal Act 2024* has effect as if a corresponding State-Territory law were an Act.

Part 2—Bulk amendments

Adelaide Airport Curfew Act 2000

4 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
9(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
9(7) (note)	Code of Practice determined under section 27B of that Act	matters (if any) prescribed by the rules made under that Act
11(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
11(7) (note)	Code of Practice determined under section 27B of that Act	matters (if any) prescribed by the rules made under that Act

Aircraft Noise Levy Collection Act 1995

5 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
10(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Air Navigation Act 1920

6 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 14 Infrastructure, Transport, Regional Development, Communications and the Arts

Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
23A (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
23A(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
23A(2)(a)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
23A(2)(a)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
23A(2)(b)	under section 28 of that Act	of reasons (within the meaning of that Act)

Air Services Act 1995

7 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
73(6)	Administrative Appeals Tribunal	Administrative Review Tribunal

Interactive Gambling Act 2001

8 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
61(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
61(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
61(5)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
61PB(4)	Administrative Appeals Tribunal	Administrative Review Tribunal

234 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* No. 38, 2024

Amendments

Provision	Omit	Substitute
68(7)	Administrative Appeals Tribunal	Administrative Review Tribunal

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

9 Amendments of listed provisions—Act

The provisions of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
16(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
16(2)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal

10 Amendments of listed provisions—National Law

The provisions of the *Marine Safety (Domestic Commercial Vessel) National Law* listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
141 (heading)	AAT	ART
141	Administrative Appeals Tribunal	Administrative Review Tribunal
141 (note)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
142(b)	Administrative Appeals Tribunal	Administrative Review Tribunal

National Transmission Network Sale Act 1998

11 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
18(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
22(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Navigation Act 2012

12 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
313(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
313(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
313(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Protection of Cultural Objects on Loan Act 2013

13 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
18 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
18	Administrative Appeals Tribunal	Administrative Review Tribunal

Protection of Movable Cultural Heritage Act 1986**14 Amendments of listed provisions**

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
48 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
48(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
48(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
48(2) (second occurring)	Administrative Appeals Tribunal	Administrative Review Tribunal

Protection of the Sea (Civil Liability) Act 1981**15 Amendments of listed provisions**

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
19(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
19(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
19(2) (second occurring)	Administrative Appeals Tribunal	Administrative Review Tribunal

Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008

16 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
24	Administrative Appeals Tribunal	Administrative Review Tribunal

Protection of the Sea (Prevention of Pollution from Ships) Act 1983

17 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
26FEQ(8)	Administrative Appeals Tribunal	Administrative Review Tribunal

Public Lending Right Act 1985

18 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
20(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Amendments		
Provision	Omit	Substitute
20(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
21(1)(b)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
21(1)(b)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
21(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
21(2)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal

Resale Royalty Right for Visual Artists Act 2009

19 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
49 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
49	Administrative Appeals Tribunal	Administrative Review Tribunal

Shipping Reform (Tax Incentives) Act 2012

20 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
24 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 14 Infrastructure, Transport, Regional Development, Communications and the Arts

Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
24	Administrative Appeals Tribunal	Administrative Review Tribunal

Shipping Registration Act 1981

21 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
78 (heading)	AAT	ART
78(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
78(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
78(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
78(3)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal

Sydney Airport Curfew Act 1995

22 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
12(7)	Administrative Appeals Tribunal	Administrative Review Tribunal

Telstra Corporation Act 1991

23 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
8CA (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
8CA(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
8CA(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
8CA(2)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
8CA(4) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Schedule 15—Veterans' Affairs

Part 1—Main amendments

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006

1 Section 27 (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Compensation (Japanese Internment) Act 2001

2 Section 3 (definition of *Review Tribunal*)

Repeal the definition.

3 Section 3

Insert:

Tribunal means the Administrative Review Tribunal.

4 Subsection 7(2)

Omit “Review”.

Military Rehabilitation and Compensation Act 2004

5 Subsection 354(1A)

Repeal the subsection, substitute:

(1AA) The *Administrative Review Tribunal Act 2024* applies to an application for review of a reviewable determination by the Board under Part 4 of this Act as if references in the following provisions of that Act to the decision-maker for the decision the subject of the application were instead references to the Commission:

- (a) section 56;

- (b) section 60;
- (c) paragraph 61(1)(b);
- (ca) paragraph 61(1A)(b);
- (d) paragraph 65(2)(b);
- (e) subsection 73(3);
- (f) subsection 79(3);
- (g) paragraph 126(2)(b);
- (h) paragraph 129(2)(b).

Note: The provisions of the *Administrative Review Tribunal Act 2024* mentioned in this subsection apply normally in respect of other kinds of reviewable determinations.

(1A) The *Administrative Review Tribunal Act 2024* applies to an application for review of a reviewable determination by the Board under Part 4 of this Act as if references in the following provisions of that Act to the decision-maker for the decision the subject of the application were instead references to whichever of the Commission or the Chief of the Defence Force made the original determination:

- (a) paragraph 21(2)(b);
- (b) Subdivision B of Division 4 of Part 3;
- (c) paragraph 31(2)(b);
- (d) section 54;
- (e) section 85 (subject to subsection (1B) of this section);
- (f) paragraph 105(c);
- (g) subsection 108(2).

Note: The provisions of the *Administrative Review Tribunal Act 2024* mentioned in this subsection apply normally in respect of other kinds of reviewable determinations.

6 Subsection 354(1B)

Omit all the words after “then section”, substitute “85 of the *Administrative Review Tribunal Act 2024* applies in relation to the review by the Tribunal of the reviewable decision as if references in that section to the decision-maker were instead references to the Commission”.

7 Subsection 354(1C)

Repeal the subsection, substitute:

- (1C) If, under subsection 85(1) of the *Administrative Review Tribunal Act 2024* (as modified by subsection (1B) of this section), the Tribunal remits the reviewable decision to the Commission for reconsideration of that decision by the Commission:
- (a) subsections 85(2), (7), (8), (9) and (10) of that Act do not apply in relation to that remittal; and
 - (b) the Commission must reconsider that decision, and do one of the following things, within the period of 28 days beginning on the day on which that decision was remitted to the Commission:
 - (i) affirm that decision;
 - (ii) vary that decision;
 - (iii) set aside that decision and make a new decision in substitution for the decision set aside; and
 - (c) if the Commission has not reconsidered that decision, and done one of those things, within that 28-day period, the Commission is taken to have affirmed that decision; and
 - (d) after the Commission complies with paragraph (b) of this subsection, or is taken to have affirmed that decision under paragraph (c) of this subsection, the proceeding for review of that decision in the Tribunal resumes; and
 - (e) subsections 85(3), (4), (5) and (6) of that Act apply in relation to that remittal.

Note: Section 85 of the *Administrative Review Tribunal Act 2024* applies normally in respect of other kinds of reviewable determinations.

8 Section 355 (table heading)

Omit "*Administrative Appeals Tribunal Act 1975*", substitute "*Administrative Review Tribunal Act 2024*".

9 Section 355 (cell at table item 1, column headed "Provision")

Omit "Section 18C", substitute "Section 57".

10 Section 355 (cell at table item 2, column headed "Provision")

Omit "Section 27", substitute "Section 17 and subsection 123(2)".

11 Section 355 (cell at table item 3, column headed "Provision")

Omit "Subsection 29(2)", substitute "Subsection 18(1)".

12 Section 355 (cell at table item 4, column headed "Provision")

Omit "Subsection 29(7)", substitute "Subsections 19(1) and (2)".

13 Section 355 (cell at table item 5, column headed "Provision")

Omit "Subsection 30(1)", substitute "Subsection 22(1)".

14 After section 355

Insert:

355A Applications cannot be made to the Tribunal guidance and appeals panel

Despite section 123 of the *Administrative Review Tribunal Act 2024*, an application cannot be made under that section to refer a decision of the Tribunal in relation to an application for review of a reviewable determination by the Board under Part 4 of this Act.

15 Subsection 357(7)

Omit "the Registrar or an officer", substitute "the Principal Registrar (within the meaning of the *Administrative Review Tribunal Act 2024*) or an authorised person (within the meaning of that Act)".

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

16 Subsection 64(3)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*, a person may not make an application to the Administrative Appeals Tribunal”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*, a person may not make an application to the Administrative Review Tribunal”.

17 Subsection 65(3)

Omit “Section 18C”, substitute “Section 57”.

18 Subsection 65(4)

Repeal the subsection, substitute:

- (4) Despite section 18 of the Act, an application to the Administrative Review Tribunal for review of a decision must be made within 60 days after the claimant is served a notice under section 63 of this Act in relation to the decision.

19 Subsection 67(13)

Omit “the Registrar or an officer”, substitute “the Principal Registrar (within the meaning of the *Administrative Review Tribunal Act 2024*) or an authorised person (within the meaning of that Act)”.

20 Subsection 67(14)

Repeal the subsection, substitute:

- (14) For the purposes of section 115 of the *Administrative Review Tribunal Act 2024*, the Commonwealth is taken to be a party to the proceeding before the Administrative Review Tribunal.

Treatment Benefits (Special Access) Act 2019

21 Section 36 (note)

Omit "Section 27A of the *Administrative Appeals Tribunal Act 1975*", substitute "Section 266 of the *Administrative Review Tribunal Act 2024*".

Veterans' Entitlements Act 1986

22 Section 35J (note)

Repeal the note, substitute:

Note: This provision also applies to a decision of the Administrative Review Tribunal that a person has rendered qualifying service. This is because subsection 108(2) of the *Administrative Review Tribunal Act 2024* provides that the Tribunal's decision is taken to be the decision of the original decision-maker (in this case, the Commission).

23 At the end of section 115B

Add:

Timing of applications for review to the Administrative Review Tribunal

- (12) The Veterans' Vocational Rehabilitation Scheme may modify the operation of sections 18 and 19 of the *Administrative Review Tribunal Act 2024* as it applies in relation to a decision made under the Veterans' Vocational Rehabilitation Scheme.

24 Subsection 155A(2)

Omit all the words after "subject to the", substitute "*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal for review of the decision and also include a statement to the effect that the person may request a statement under section 268 of that Act".

25 Subsection 175(2E)

Repeal the subsection, substitute:

(2E) A person's right to apply to the Administrative Review Tribunal under any of subsections (1A) to (2D) is subject to section 34 of the *Administrative Review Tribunal Act 2024*.

Note: Section 34 of the *Administrative Review Tribunal Act 2024* deals with how to apply for review.

26 Subsection 175(4)

Omit "section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal", substitute "section 34 of the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal".

27 Subsection 175(5)

Omit "section 29 of the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal", substitute "section 34 of the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal".

28 Subsection 176(1)

Repeal the subsection, substitute:

- (1) The *Administrative Review Tribunal Act 2024* applies to an application for review of a reviewable decision by the Board under Division 3 of Part IX of this Act as if references in the following provisions of that Act to the decision-maker for the decision the subject of the application were instead references to the Commission:
 - (a) paragraph 21(2)(b);
 - (b) Subdivision B of Division 4 of Part 3;
 - (c) paragraph 31(2)(b);
 - (d) section 54;
 - (e) section 56;
 - (f) section 60;
 - (g) paragraph 61(1)(b);
 - (ga) paragraph 61(1A)(b);
 - (h) paragraph 65(2)(b);
 - (i) subsection 73(3);
 - (j) subsection 79(3);

- (k) section 85;
- (l) paragraph 105(c);
- (m) subsection 108(2);
- (n) paragraph 126(2)(b);
- (o) paragraph 129(2)(b).

29 Subsection 176(2)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

30 Subsection 176(3)

Omit “Section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 268 of the *Administrative Review Tribunal Act 2024*”.

31 Subsection 176(4)

Repeal the subsection, substitute:

- (4) Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application to the Administrative Review Tribunal for review of a decision must be made within the period of 3 months after the applicant is given a document setting out the terms of the decision.
- (4A) Despite section 19 of the *Administrative Review Tribunal Act 2024*, the Administrative Review Tribunal must not extend the period during which an application may be made beyond the period of 12 months after the day on which the document setting out the terms of the decision was given to the applicant.

32 Subsections 176(5) and (6)

Repeal the subsections, substitute:

- (5) Despite subsection 22(1) of the *Administrative Review Tribunal Act 2024*, the parties to a proceeding before the Administrative Review Tribunal for a review of a reviewable decision are:
 - (a) if the person who has applied for a review of the decision is a person other than the Commission:
 - (i) the person who has so applied; and
 - (ii) the Commission; or

(b) in any other case:

- (i) the Commission; and
- (ii) the veteran, or dependant of a deceased veteran, affected by that decision.

33 Subsection 176(7)

Omit “Notwithstanding subsection 43(1) of the *Administrative Appeals Tribunal Act 1975*, where the Administrative Appeals Tribunal”, substitute “Despite section 105 of the *Administrative Review Tribunal Act 2024*, where the Administrative Review Tribunal”.

34 Subsection 176(8)

Omit “Notwithstanding subsection 43(1) of the *Administrative Appeals Tribunal Act 1975*, where the Administrative Appeals Tribunal”, substitute “Despite section 105 of the *Administrative Review Tribunal Act 2024*, where the Administrative Review Tribunal”.

35 Subsection 176(9)

Omit “Despite subsection 43(1) of the *Administrative Appeals Tribunal Act 1975*, if the Administrative Appeals Tribunal”, substitute “Despite section 105 of the *Administrative Review Tribunal Act 2024*, where the Administrative Review Tribunal”.

36 At the end of section 176

Add:

- (10) Despite section 123 of the *Administrative Review Tribunal Act 2024*, an application cannot be made under that section to refer a decision of the Tribunal in relation to an application for review of a reviewable decision by the Board under Division 3 of Part IX of this Act.

37 Subsection 177(1)

Omit “any of the provisions of section 43 of the *Administrative Appeals Tribunal Act 1975* in their application to proceedings for a review by the Administrative Appeals Tribunal”, substitute “section 107 of the *Administrative Review Tribunal Act 2024* in its application to proceedings for a review by the Administrative Review Tribunal”.

38 Section 216

Before “The Governor-General”, insert “(1)”.

39 At the end of section 216

Add:

- (2) The regulations may modify the operation of section 18 of the *Administrative Review Tribunal Act 2024* (when to apply—general rule) as it applies in relation to a decision made under the regulations.

Part 2—Bulk amendments

Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006

40 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
Division 2 of Part 4 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
29 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
29	Administrative Appeals Tribunal	Administrative Review Tribunal

Defence Service Homes Act 1918

41 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
44 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
44(1)(e)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
44(1)(e)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
44(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Amendments

Provision	Omit	Substitute
44(3)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
44(4) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Military Rehabilitation and Compensation Act 2004

42 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
5(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
344	Administrative Appeals Tribunal	Administrative Review Tribunal
351(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
355 (heading)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
355	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988

43 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Schedule 15 Veterans' Affairs**Part 2** Bulk amendments

Amendments		
Provision	Omit	Substitute
4(12)	Administrative Appeals Tribunal	Administrative Review Tribunal
28(4)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
60(1) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
63(c)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
63(c)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal
64 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
64(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
65 (heading)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
65(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
66 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
66(1)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
66(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
66(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
67 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(3)(e)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(4)(e)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(8A)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(9)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(10)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(11)	Administrative Appeals Tribunal	Administrative Review Tribunal
67(12)	Administrative Appeals Tribunal	Administrative Review Tribunal

Amendments

Provision	Omit	Substitute
67(13)	Administrative Appeals Tribunal	Administrative Review Tribunal

***Social Security and Veterans' Affairs Legislation
Amendment (One-off Payments and Other 2007
Budget Measures) Act 2007***

44 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
Schedule 5, 5(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Treatment Benefits (Special Access) Act 2019

45 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments

Provision	Omit	Substitute
3	Administrative Appeals Tribunal	Administrative Review Tribunal
32	Administrative Appeals Tribunal	Administrative Review Tribunal
Division 3 of Part 5 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
38 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
38	Administrative Appeals Tribunal	Administrative Review Tribunal

Veterans' Entitlements Act 1986

46 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
13(8)(a)	or the Administrative Appeals Tribunal	, the Administrative Review Tribunal or the former Administrative Appeals Tribunal
13(8)(b)	or the Administrative Appeals Tribunal	, the Administrative Review Tribunal or the former Administrative Appeals Tribunal
13(8A)(a)	Administrative Appeals Tribunal	former Administrative Appeals Tribunal
13(8A)(b)	Administrative Appeals Tribunal	former Administrative Appeals Tribunal
18(2)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
29(4)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
31(2)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
31(6)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
31(6B)	Administrative Appeals Tribunal	Administrative Review Tribunal
31(10)	Administrative Appeals Tribunal	Administrative Review Tribunal
31(11)	Administrative Appeals Tribunal	Administrative Review Tribunal
31(12)	Administrative Appeals Tribunal	Administrative Review Tribunal
54(1)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
54A(1)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
54AA(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
57E(1)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
64F(1)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal

Amendments

Provision	Omit	Substitute
70(11)(a)	or the Administrative Appeals Tribunal	, the Administrative Review Tribunal or the former Administrative Appeals Tribunal
70(11)(b)	or the Administrative Appeals Tribunal	, the Administrative Review Tribunal or the former Administrative Appeals Tribunal
79W(1)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
93ZE(1)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
115R(3)	Administrative Appeals Tribunal	Administrative Review Tribunal
116D(5)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
118ZX(1)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
127(1)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
132(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
132(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
140(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
154(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
155A (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
155A(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
Part X (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
174(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(1A)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(2A)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(2B)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(2C)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(2D)	Administrative Appeals Tribunal	Administrative Review Tribunal
175(3)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 15 Veterans' Affairs

Part 2 Bulk amendments

Amendments		
Provision	Omit	Substitute
176 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
176(7)	Administrative Appeals Tribunal (last occurring)	Tribunal
176(8)	Administrative Appeals Tribunal (last occurring)	Tribunal
177(2)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(3)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal
177(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(5)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(5A)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(5B)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(5C)	Administrative Appeals Tribunal	Administrative Review Tribunal
177(6)	Administrative Appeals Tribunal	Administrative Review Tribunal
178 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
178(1)	Administrative Appeals Tribunal (wherever occurring)	Administrative Review Tribunal

Veterans' Entitlements (Clarke Review) Act 2004

47 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
8(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Schedule 16—Transitional provisions

Part 1—Preliminary

1 Definitions

In this Schedule:

AAT means the Administrative Appeals Tribunal.

ART means the Administrative Review Tribunal.

new Act means the *Administrative Review Tribunal Act 2024*.

new law means the law of the Commonwealth as in force from time to time after the transition time.

old Act means the *Administrative Appeals Tribunal Act 1975* as in force immediately before the transition time.

old law means the law of the Commonwealth as in force from time to time before the transition time.

reporting period has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

rules means the rules made under item 51.

transition time means the time the new Act commences.

2 Application of Parts 3 to 6

Parts 3 to 6 of this Schedule have effect subject to provisions in Part 8 of this Schedule.

Part 2—Establishment of the ART

3 President's report for period ended before transition time

- (1) This item applies if:
 - (a) the transition time occurs after the end of a financial year; and
 - (b) the annual report referred to in section 24R of the old Act had not been prepared for the financial year before the transition time.
- (2) The President of the ART must, as soon as reasonably practicable, prepare the report in accordance with the old Act as if the old Act had not been repealed.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament as soon as practicable.

4 Registrar's report for period ended before transition time

- (1) This item applies if:
 - (a) the transition time occurs after the end of a reporting period for the AAT; and
 - (b) the annual report referred to in section 46 of the *Public Governance, Performance and Accountability Act 2013* for the AAT for the reporting period had not been prepared before the transition time.
- (2) The Chief Executive Officer and Principal Registrar of the ART must prepare the report.

5 President's report for period in which transition time occurs

- (1) This item applies:
 - (a) if the transition time occurs during a financial year; and
 - (b) in relation to the matters that would have been covered by the annual report referred to in section 24R of the old Act for the part of the financial year before the transition time if the old Act had not been repealed.

- (2) The first annual report prepared by the President of the ART under section 264 of the new Act must cover those matters.

6 Registrar's report for period in which transition time occurs

- (1) This item applies:
- (a) if the transition time occurs during a reporting period for the AAT; and
 - (b) in relation to the matters that would have been covered by the annual report referred to in section 46 of the *Public Governance, Performance and Accountability Act 2013* for the AAT for the part of the reporting period before the transition time if the old Act had not been repealed.
- (2) The first annual report prepared by the Chief Executive Officer and Principal Registrar of the ART under section 46 of the *Public Governance, Performance and Accountability Act 2013* must cover those matters.

7 Records

- (1) This item applies to records and documents that were in the possession of the AAT before the transition time.
- (2) The records and documents are to be transferred to the ART after the transition time.

8 Return of documents by courts

- (1) This item applies if:
- (a) immediately before the transition time, a court was in possession or control of a document; and
 - (b) at a time (the **return time**) after the transition time, if the old Act had not been repealed, the court would have had to return the document to the AAT.
- (2) At the return time, the court must return the document to the ART.

9 Return of documents by AAT

- (1) This item applies if:
-

- (a) immediately before the transition time, the AAT was in possession or control of a document; and
 - (b) at a time (the *return time*) after the transition time, if the old Act had not been repealed, the AAT would have had to return the document to a person or body.
- (2) At the return time, the ART must return the document.

10 Pending proceedings

- (1) This item applies to any proceedings:
 - (a) that were pending in any court or tribunal immediately before the transition time; and
 - (b) to which the AAT was a party.
- (2) The ART is, after the transition time, substituted for the AAT as a party to the proceedings.

11 Staff

- (1) This item applies to a person who, immediately before the transition time, was engaged as a staff member of AAT under section 24N of the old Act.
- (2) The person is taken, at the transition time, to be engaged as a member of the staff of the ART under section 238 of the new Act on the same terms and conditions.
- (3) The repeal of the old Act does not affect the continuity of employment of the person.

12 Registries

- (1) This item applies if a registry established under section 64 of the old Act was in existence immediately before the transition time.
- (2) At the transition time, the registry exists as if it had been established by the Minister under section 243 of the new Act.

13 References in instruments

- (1) This item applies if an instrument in force immediately before the transition time:
-

- (a) refers to the old Act; or
 - (b) refers to a provision of the old Act; or
 - (c) refers to the AAT.
- (2) The reference is taken, after the transition time, to be a reference to the following (as the case requires):
- (a) the new Act;
 - (b) an equivalent, or nearly equivalent, provision of the new Act;
 - (c) the ART.
- (3) The rules may provide that subitem (2) does not apply in relation to a specified instrument, or a particular reference in a specified instrument.
- (4) To avoid doubt, this item does not prevent the instrument from being amended or repealed after the transition time.

Part 3—Notice, review rights and reasons

14 Notice of decisions

- (1) This item applies if:
 - (a) a decision (other than a decision of the AAT) was made under the old law; and
 - (b) the old law required notice of the decision to be given to a person; and
 - (c) the notice was not given before the transition time.
- (2) The notice must be given:
 - (a) as if the old law continued to apply in relation to the time for giving the notice; but
 - (b) otherwise—as if the decision had been made under the new law.

15 Notice of review rights

- (1) This item applies if:
 - (a) a decision (other than a decision of the AAT) was made under the old law; and
 - (b) the old law required notice of review or appeal rights in relation to the decision to be given to a person; and
 - (c) the notice was not given before the transition time.
- (2) The notice must be given:
 - (a) as if the old law continued to apply in relation to the time for giving the notice; but
 - (b) otherwise—as if the decision had been made under the new law.

16 Reasons for decisions—mandatory

- (1) This item applies if:
 - (a) a decision (other than a decision of the AAT) was made under the old law; and
 - (b) the old law required reasons for the decision to be given to a person; and
-

- (c) the reasons were not given before the transition time.
- (2) The reasons must be given:
- (a) as if the old law continued to apply in relation to the time for giving the reasons; but
 - (b) otherwise—as if the decision had been made under the new law.

17 Reasons for decisions—on request

- (1) This item applies if:
- (a) a decision (other than a decision of the AAT) was made under the old law; and
 - (b) the old law provided for a person to request reasons for the decision; and
 - (c) the person had not made the request before the transition time.
- (2) The person may make the request after the transition time:
- (a) as if the old law continued to apply in relation to the time for making the request; but
 - (b) otherwise—as if the decision had been made under the new law.

18 Reasons requested but not received

- (1) This item applies if:
- (a) a decision (other than a decision of the AAT) was made under the old law; and
 - (b) the old law provided for a person to request reasons for the decision; and
 - (c) before the transition time:
 - (i) the person had made the request; but
 - (ii) the reasons had not been given.
- (2) The reasons must be given:
- (a) as if the old law continued to apply in relation to the time for giving the reasons; but
 - (b) otherwise—as if the decision and the request had been made under the new law.

Part 4—Rights to apply

19 Notice of right to apply

- (1) This item applies if:
 - (a) a notice was made under the old law before the transition time; and
 - (b) the notice was given, in accordance with the old law, to a person before, on or after the transition time; and
 - (c) the notice includes a statement to the effect that the person is entitled to apply for review of a decision to the AAT; and
 - (d) the period for making the application ends after the transition time (or there is no period for making the application); and
 - (e) the person has not made the application.
- (2) The notice is taken:
 - (a) to include a statement to the effect that the person is entitled to apply for review of the decision to the ART; and
 - (b) to have been made under, and given in accordance with, the new law.

20 Applications to AAT

- (1) This item applies if, immediately before the transition time, a person was entitled to make an application to the AAT.
- (2) The person may make the application to the ART:
 - (a) as if the old law continued to apply in relation to the time for making the application; but
 - (b) otherwise—in accordance with the new law.
- (3) The ART must deal with the application in a manner that the ART considers is efficient and fair.
- (4) For the purposes of subitem (3), the ART must have regard to the impact of the following in relation to the application:
 - (a) the repeal of the old Act;
 - (b) the enactment of the new Act;
 - (c) the effect (including the operation) of this Act.

- (5) The ART must, as far as possible, deal with the application under the new law.
- (6) To avoid doubt, subitem (5) has effect subject to subitem (3).

21 No duplicate applications

- (1) This item applies if, before the transition time:
 - (a) a person made an application to the AAT for review of a decision (the *initial decision*); and
 - (b) the AAT made a decision on the application or dismissed the application.
- (2) This item also applies if:
 - (a) a person made an application to the AAT for review of a decision (the *initial decision*) before the transition time; and
 - (b) immediately before that time, the AAT had not made a decision on the application or dismissed the application.
- (3) The person is not entitled to apply to the ART for review of the initial decision.

22 AAT decisions made before transition time

Requests for written reasons

- (1) If, immediately before the transition time, a person was entitled to request reasons in writing for a decision made by the AAT, the person may make the request to the ART.
- (2) The old law continues to apply in relation to the request.

Notice of decision and statement of reasons

- (3) To avoid doubt, section 111 of the new Act does not apply in relation to a decision made by the AAT.

Guidance and appeals panel

- (4) To avoid doubt, Part 5 (guidance and appeals panel) of the new Act does not apply in relation to a decision made by the AAT.

23 Applications to courts

- (1) This item applies if, immediately before the transition time, a party to a proceeding before the AAT was entitled to appeal or make an application to a court in relation to a decision in the proceeding.
- (2) The party may appeal or make the application to the court after the transition time:
 - (a) as if the old law continued to apply in relation to any time for making the appeal or application; but
 - (b) otherwise:
 - (i) in accordance with the new law; and
 - (ii) as if the decision had been made by the ART.
- (3) For the purposes of the appeal or application, anything the court could have done in relation to the AAT before the transition time may be done in relation to the ART.

Part 5—Proceedings in progress

24 AAT proceedings

- (1) This item applies if a proceeding in the AAT is not finalised (however described) before the transition time.
- (2) The proceeding must be continued and finalised by the ART in a manner that the ART considers is efficient and fair.
- (3) For the purposes of subitem (2), the ART must have regard to the impact of the following on the parties to the proceeding:
 - (a) the repeal of the old Act;
 - (b) the enactment of the new Act;
 - (c) the effect (including the operation) of this Act.
- (4) The ART must, as far as possible, continue the proceeding under the new law.
- (5) To avoid doubt, subitem (4) has effect subject to subitem (2).

Effect of things done before the transition time

- (6) Anything done in, or in relation to, the proceeding before the transition time continues to have effect for the purposes of, or in relation to, the proceeding (as the case requires) after the transition time.
- (7) Anything done in, or in relation to, the proceeding before the transition time that was valid under, or done in accordance with, the old law is taken to be valid under, or to have been done in accordance with, the new law for the purposes of the proceeding after the transition time.
- (8) Anything done in, or in relation to, the proceeding before the transition time by the AAT is taken, after that time, to have been done by the ART.

25 Court proceedings

- (1) This item applies to a proceeding in a court that:
 - (a) relates to a decision made, or other thing done, by the AAT;
and
 - (b) is not finalised before the transition time.
-

Schedule 16 Transitional provisions

Part 5 Proceedings in progress

- (2) Anything the court could have done in relation to the AAT before the transition time may be done in relation to the ART.

Part 6—Other things done by, or in relation to, the AAT

26 General rule

- (1) The new law applies in relation to a thing done by, or in relation to, the AAT as if the thing had been done by, or in relation to, the ART.
- (2) This item has effect subject to other items of this Schedule.

27 Protection of information and documents

- (1) This item applies if:
 - (a) information or a document was given to the AAT; and
 - (b) either:
 - (i) the AAT gave a direction, made an order or did any other thing to prohibit disclosure or publication of the information or document; or
 - (ii) the old law otherwise provided for the protection of the information or document (including by prohibiting disclosure or publication).
- (2) The old law (including any offences under the old law) continues to apply in relation to the disclosure, publication or other protection of the information or document.

Part 7—Members of the Tribunal and Chief Executive Officer and Principal Registrar

28 President of the Tribunal

The person who was the President of the AAT immediately before the transition time:

- (a) becomes the President of the ART at the transition time; and
- (b) holds office as the President of the ART for the remainder of the term for which the person was appointed as President of the AAT.

29 Deputy Presidents who are judges

A person who was both a judge and a Deputy President of the AAT immediately before the transition time:

- (a) becomes a Judicial Deputy President of the ART at the transition time; and
- (b) holds office as a Judicial Deputy President for the remainder of the term for which the person was appointed as Deputy President of the AAT.

30 AAT members—certain appointments on or after 1 January 2023

- (1) This item applies if:
 - (a) a person was a member of the AAT immediately before the transition time; and
 - (b) the person is not covered by a previous provision of this Part; and
 - (c) the person was appointed as a member of the AAT:
 - (i) on or after 1 January 2023; and
 - (ii) as a result of a selection process conducted in accordance with the Guidelines for appointments to the Administrative Appeals Tribunal.
- (2) At the transition time, the person becomes:
 - (a) if the person was a Deputy President but not a judge—a Non-Judicial Deputy President of the ART; or

- (b) if the person was a senior member (level 1 or 2)—a senior member of the ART; or
 - (c) if the person was a member (level 1, 2 or 3)—a general member of the ART.
 - (3) If the person was a full-time member, the person becomes a salaried member of the ART.
 - (4) If the person was a part-time member, the person becomes a sessional member of the ART.
 - (5) The person is taken to be appointed to the ART for the remainder of the term for which the person was appointed as a member of the AAT.
 - (6) For the remainder of that term, the terms and conditions (including remuneration) of the person's appointment to the ART must be equal to, or better than, the terms and conditions that applied to the person as a member of the AAT immediately before the transition time.
- Note: The person's remuneration will not be better than their remuneration as a member of the AAT unless a higher level of remuneration is determined by the Remuneration Tribunal.
- (7) If, immediately before the transition time, the person was a member of the AAT, the person may be reappointed as a member of the ART as if the person's appointment as a member of the AAT were an appointment as a member of the ART.
 - (8) To avoid doubt, any leave entitlements the person had accrued immediately before the transition time as a member of the AAT continue in effect for the person as member of the ART.

31 AAT members appointed as ART members

- (1) This item applies if:
 - (a) a person was a full-time member of the AAT immediately before the transition time; and
 - (b) the person is not covered by a previous provision of this Part; and
 - (c) the person is (or is to be) appointed as a member of the ART commencing at, or immediately after, the transition time.
- (2) The person's remuneration:

- (a) if the remainder of the term for which the person was appointed as a member of the AAT is 4 months or more—for the first 4 months as a member of the ART must not be less than the amount of remuneration the person would have received if the person had continued as a member of the AAT for those 4 months; or
 - (b) if the remainder of the term for which the person was appointed as a member of the AAT is less than 4 months—for the period of that remaining term after the transition time as a member of the ART must not be less than the amount of remuneration the person would have received as a member of the AAT for that period.
- (3) No other compensation is payable by the Commonwealth in relation to the person's appointment as a member of the AAT.
- (4) Any leave entitlements the person had accrued immediately before the transition time as a member of the AAT continue in effect for the person as member of the ART.
- (5) Subitem (4) has effect:
 - (a) despite subsection 30(3) of the *Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination (No. 2) 2023*; but
 - (b) subject to subitem (6).

Election to have leave paid

- (6) The person may elect to have any leave entitlements the person had accrued immediately before the transition time as a member of the AAT paid out in accordance with subsection 30(3) of the *Remuneration Tribunal (Judicial and Related Offices—Remuneration and Allowances) Determination (No. 2) 2023*.
 - (7) The election must be:
 - (a) in writing; and
 - (b) signed by the person; and
 - (c) given to the Registrar of the AAT no later than 21 days before the transition time.
 - (8) To avoid doubt:
-

- (a) the amount mentioned in subitem (2) is to be calculated by reference to the person's remuneration immediately before the transition time; and
- (b) the *Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018* does not apply in relation to the person's appointment as a member of the AAT.

32 AAT members not appointed as ART members

- (1) This item applies if:
 - (a) a person was a full-time member of the AAT immediately before the transition time; and
 - (b) the person is not covered by a previous provision of this Part.
- (2) The Commonwealth must pay the person compensation as follows:
 - (a) if, at the transition time, the remainder of the term for which the person was appointed as a member of the AAT is 4 months or more—an amount equal to 4 months remuneration;
 - (b) if, at the transition time, the remainder of the term for which the person was appointed as a member of the AAT is less than 4 months—the amount the person would have received as remuneration for the remainder of that term.
- (3) No other compensation is payable by the Commonwealth in relation to the person's appointment as a member of the AAT.
- (4) To avoid doubt:
 - (a) the amount mentioned in paragraph (2)(a) or (b) is to be calculated by reference to the person's remuneration immediately before the transition time; and
 - (b) the *Remuneration Tribunal (Compensation for Loss of Office for Holders of Certain Public Offices) Determination 2018* does not apply in relation to the person's appointment as a member of the AAT.

33 Compensation

- (1) If:
-

- (a) apart from this item, the operation of this Part would result in the acquisition of property from a person otherwise than on just terms; and
 - (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;
- the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia or the Supreme Court of a State or Territory for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
 - (3) In this item:
acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.
just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

33A Appointments to commence at or shortly after the transition time

AAT President to be consulted on member appointments before transition time

- (1) Subitems (2) and (3) apply to any appointment of a person made in the exercise before the transition time of a power conferred by section 206, 207 or 208 of the new Act.
- (2) Paragraphs 206(2)(b), 207(2)(a) and 208(2)(a) of the new Act do not apply to the appointment of the person.
- (3) Before the Minister makes a recommendation to the Governor-General to appoint the person, the Minister must seek, and take into account, the advice of the President of the AAT in relation to:
 - (a) whether the appointment would meet the operational needs of the Tribunal; and
 - (b) unless the appointment is as a Judicial Deputy President—the financial capacity of the Tribunal for the appointment; and

- (c) the effect of the appointment on the relative numbers of Judicial Deputy Presidents, Non-Judicial Deputy Presidents, senior members and general members.

Members assessed before the transition time

- (4) Paragraphs 207(2)(b) and 208(2)(b) of the new Act do not apply to the appointment of a person assessed as suitable for the appointment through a selection process that:
 - (a) is conducted in accordance with the Guidelines for appointments to the Administrative Appeals Tribunal; and
 - (b) commences on or after 1 July 2023.

Note: For appointment of non-judicial members, the Guidelines require public advertising of the position and an assessment, by a panel of persons, of candidates' suitability for the appointment against core selection criteria.

- (5) Subitem (4) ceases to be in force 6 months after the transition time.

AAT President's agreement required for appointment of Chief Executive Officer and Principal Registrar before transition time

- (6) Subitems (7) and (8) apply to any appointment of a person made in the exercise before the transition time of the power conferred by section 227 of the new Act.
- (7) Paragraph 227(2)(c) of the new Act does not apply to the appointment of the person.
- (8) Before the Minister makes a recommendation to the Governor-General to appoint the person, the Minister must obtain the agreement of the President of the AAT to the appointment.

Chief Executive Officer and Principal Registrar assessed before the transition time

- (9) Paragraph 227(2)(b) of the new Act does not apply to the appointment of a person assessed, by a panel of persons, as suitable for the appointment through a selection process that:
 - (a) is merit-based; and
 - (b) includes public advertising of the position; and
 - (c) commences on or after 1 February 2024.

Schedule 16 Transitional provisions

Part 7 Members of the Tribunal and Chief Executive Officer and Principal Registrar

- (10) Subitem (9) ceases to be in force 1 month after the transition time.

Part 8—Matters specific to particular Acts

Division 1—Migration

34 Definitions

In this Division:

IAA means the Immigration Assessment Authority.

Minister means the Minister administering the *Migration Act 1958*.

35 Part 7AA fast track review—decision on protection visa application not made before transition time

- (1) Subitem (2) applies if:
 - (a) immediately before the transition time, a person was a fast track applicant; and
 - (b) immediately before that time, a decision under section 65 of the *Migration Act 1958* on the person's application for a protection visa had not been made; and
 - (c) after the transition time, a decision is made to refuse to grant a protection visa to the person, other than a decision to refuse to grant such a visa:
 - (i) because the Minister or a delegate of the Minister is not satisfied that the person passes the character test under section 501 of that Act; or
 - (ii) relying on subsection 5H(2) or 36(1B) or (1C) or paragraph 36(2C)(a) or (b) of that Act.
- (2) The Minister must refer the decision to refuse to grant the protection visa to the ART as soon as reasonably practicable after the decision is made.
- (3) If the Minister refers a decision to the ART under subitem (2):
 - (a) the person is taken to have made an application to the ART under section 347 of the *Migration Act 1958* (as amended by Schedule 2 to this Act) for a review of a reviewable protection decision; and
 - (b) the application is taken to have been properly made under sections 347 and 347A of that Act (as amended by Schedule 2 to this Act).

36 Part 7AA fast track review—decision not made by IAA before transition time

- (1) This item applies if:
 - (a) before the transition time, a fast track reviewable decision had been referred or remitted to the IAA for review; and
 - (b) immediately before that time, the IAA had not made a decision on the review.
- (2) The proceeding for review of the decision must be continued and finalised by the ART.
- (3) For the purposes of subitem (2), the proceeding is taken to be a proceeding for review of a reviewable protection decision.

37 Part 7AA fast track review—excluded fast track review applicants

- (1) Subitem (2) applies if:
 - (a) before the transition time:
 - (i) a person was an excluded fast track review applicant; and
 - (ii) a decision had been made to refuse to grant a protection visa to the person, other than a decision to refuse to grant such a visa on the grounds mentioned in subparagraph 35(1)(c)(i) or (ii); and
 - (b) after the transition time:
 - (i) a court remits the decision to the Minister; and
 - (ii) a decision has been made to refuse to grant a protection visa to the person, other than a decision to refuse to grant such a visa on the grounds mentioned in subparagraph 35(1)(c)(i) or (ii).
- (2) The Minister must refer the decision to refuse to grant the protection visa to the ART as soon as reasonably practicable after the decision is made.
- (3) If the Minister refers a decision to the ART under subitem (2):
 - (a) the person is taken to have made an application to the ART under section 347 of the *Migration Act 1958* (as amended by

Schedule 2 to this Act), for a review of a reviewable protection decision; and

- (b) the application is taken to have been properly made under sections 347 and 347A of that Act (as amended by Schedule 2 to this Act).

38 Minister may substitute a more favourable decision

The Minister may exercise a power conferred by section 351 of the *Migration Act 1958* on or after the transition day in relation to a decision made by the AAT before the transition day under section 349 or 415 of that Act.

39 Date of migration decision

- (1) This item applies if, immediately before the transition time, a particular date was, for a migration decision, the date of the migration decision for the purposes of section 477, 477A or 486A of the *Migration Act 1958*.
- (2) That particular date continues to be the date of the migration decision for the purposes of the relevant section on and after the transition time, despite the amendment of the definition of ***date of the migration decision*** in subsection 477(3) of the *Migration Act 1958* made by Schedule 2 to this Act.

40 Section 486D of the *Migration Act 1958*

For the purposes of the operation of section 486D of the *Migration Act 1958* on and after the transition time, a reference to a tribunal decision includes a reference to a decision made before the transition time by:

- (a) the AAT under Part 5 or 7 or section 500 of that Act; or
- (b) the Immigration Assessment Authority under Part 7AA of that Act.

41 Delegation

For the purposes of section 496 (delegation) of the *Migration Act 1958*, the Minister's powers under this Schedule are taken to be powers under that Act.

42 Applications that are finally determined

The amendments made by Schedule 2 to this Act do not apply in relation to an application under the *Migration Act 1958* if the application was finally determined before the transition time.

Division 2—Social services

43 Definitions

In this Division:

AAT second review has the same meaning as in the old law.

ART social services decision has the meaning given by the new Act.

second review has the meaning given by the new Act.

44 No second review following AAT second review

- (1) This item applies if:
 - (a) a person applied for AAT second review of an ART social services decision under the old law; and
 - (b) the AAT second review has begun or has been completed.
- (2) The person is not entitled to apply to the ART for second review in relation to the decision.

Part 9—Transitional rules

51 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the amendments or repeals made by this Act; or
 - (b) the enactment of the new Act.
- (3) Without limiting subitem (2), rules made for the purposes of that subitem may do either or both of the following:
 - (a) modify provisions of this Act or the new Act, or provide for the application (with or without modifications) of provisions of this Act or the new Act to matters to which they would otherwise not apply;
 - (b) modify the operation of this Act (including in respect of specified matters only).
- (4) Despite subsection 12(2) of the *Legislation Act 2003* and subject to subitem (5), the rules may be expressed to take effect from a date before the rules are registered under that Act.
- (5) If:
 - (a) the rules are expressed to take effect from a date before the rules are registered under the *Legislation Act 2003*; and
 - (b) a person engaged in conduct before the registration date; and
 - (c) but for the retrospective effect of the rules, the conduct would not have contravened a provision of an Act;then a court must not convict the person of an offence, or order the person to pay a pecuniary penalty, in relation to the conduct on the grounds that it contravened a provision of that Act.

Schedule 16 Transitional provisions
Part 9 Transitional rules

- (6) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund;
 - (e) directly amend the text of this Act or the new Act.
- (7) This Schedule does not limit the rules that may be made for the purposes of subitem (1).

Part 10—Consultation before transition time

52 Consultation in relation to rules before the transition time

- (1) This item applies to rules made in the exercise before the transition time of the power conferred by section 295 of the new Act.
- (2) Subsection 295(6) of the new Act does not apply to the making of the rules.
- (3) Before making rules that would affect the practice, procedure or operations of the Tribunal, the Minister must consult the President of the AAT.

Schedule 17—Repeals

Administrative Appeals Tribunal Act 1975

1 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
House of Representatives on 7 December 2023
Senate on 25 March 2024]*

(162/23)



Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024

No. 39, 2024

**An Act to deal with consequential and transitional
matters arising from the enactment of the
Administrative Review Tribunal Act 2024, and for
other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	2
2	Commencement.....	2
3	Schedules.....	2
Schedule 1—Agriculture, Fisheries and Forestry		3
	<i>Export Control Act 2020</i>	3
	<i>Fisheries Management Act 1991</i>	4
	<i>Horticulture Marketing and Research and Development Services Act 2000</i>	5
	<i>Illegal Logging Prohibition Act 2012</i>	6
	<i>Imported Food Charges (Collection) Act 2015</i>	6
	<i>Imported Food Control Act 1992</i>	6
	<i>Primary Industries Levies and Charges Collection Act 1991</i>	7
	<i>Wine Australia Act 2013</i>	8
Schedule 2—Attorney-General		11
	<i>Administrative Decisions (Judicial Review) Act 1977</i>	11
	<i>Age Discrimination Act 2004</i>	11
	<i>Australian Information Commissioner Act 2010</i>	12
	<i>Bankruptcy Act 1966</i>	12
	<i>Civil Dispute Resolution Act 2011</i>	15
	<i>Court Security Act 2013</i>	15
	<i>Crimes Act 1914</i>	16
	<i>Federal Proceedings (Costs) Act 1981</i>	19
	<i>Foreign Influence Transparency Scheme Act 2018</i>	20
	<i>Inspector-General of Intelligence and Security Act 1986</i>	21
	<i>Inspector of Transport Security Act 2006</i>	21
	<i>National Anti-Corruption Commission Act 2022</i>	22
	<i>Privacy Act 1988</i>	23
	<i>Proceeds of Crime Act 2002</i>	23
	<i>Public Interest Disclosure Act 2013</i>	23
	<i>Surveillance Devices Act 2004</i>	24

<i>Telecommunications (Interception and Access) Act 1979</i>	29
Schedule 3—Climate Change, Energy, the Environment and Water	39
<i>Antarctic Treaty (Environment Protection) Act 1980</i>	39
<i>Carbon Credits (Carbon Farming Initiative) Act 2011</i>	39
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	40
<i>Fuel Quality Standards Act 2000</i>	41
<i>Great Barrier Reef Marine Park Act 1975</i>	41
<i>Industrial Chemicals Environmental Management (Register) Act 2021</i>	43
<i>National Greenhouse and Energy Reporting Act 2007</i>	43
<i>Nature Repair Act 2023</i>	44
<i>Renewable Energy (Electricity) Act 2000</i>	45
<i>Water Efficiency Labelling and Standards Act 2005</i>	46
Schedule 4—Defence	47
<i>Defence Act 1903</i>	47
Schedule 5—Education	49
<i>Education Services for Overseas Students Act 2000</i>	49
<i>Higher Education Funding Act 1988</i>	50
<i>Higher Education Support Act 2003</i>	52
<i>Tertiary Education Quality and Standards Agency Act 2011</i>	54
Schedule 6—Employment and Workplace Relations	56
<i>Australian Apprenticeship Support Loans Act 2014</i>	56
<i>Fair Entitlements Guarantee Act 2012</i>	58
<i>Safety, Rehabilitation and Compensation Act 1988</i>	59
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	61
<i>VET Student Loans Act 2016</i>	65
Schedule 7—Finance	66
<i>Commonwealth Electoral Act 1918</i>	66
<i>Judges’ Pensions Act 1968</i>	67
<i>Lands Acquisition Act 1989</i>	68

<i>Parliamentary Contributory Superannuation Act 1948</i>	73
Schedule 8—Foreign Affairs and Trade	75
<i>Australian Passports Act 2005</i>	75
<i>Foreign Passports (Law Enforcement and Security) Act 2005</i>	76
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	77
Schedule 9—Health and Aged Care	79
<i>Aged Care Quality and Safety Commission Act 2018</i>	79
<i>Biosecurity Act 2015</i>	79
<i>Food Standards Australia New Zealand Act 1991</i>	83
<i>Health and Other Services (Compensation) Act 1995</i>	84
<i>Health Insurance Act 1973</i>	85
<i>Industrial Chemicals Act 2019</i>	91
<i>Narcotic Drugs Act 1967</i>	91
<i>National Health Act 1953</i>	93
<i>Therapeutic Goods Act 1989</i>	98
Schedule 10—Home Affairs	100
<i>AusCheck Act 2007</i>	100
<i>Australian Citizenship Act 2007</i>	100
<i>Aviation Transport Security Act 2004</i>	100
<i>Commerce (Trade Descriptions) Act 1905</i>	101
<i>Counter-Terrorism (Temporary Exclusion Orders) Act 2019</i>	102
<i>Customs Act 1901</i>	102
Schedule 11—Industry, Science and Resources	104
<i>Australian Jobs Act 2013</i>	104
<i>Designs Act 2003</i>	104
<i>Industry Research and Development Act 1986</i>	105
<i>National Measurement Act 1960</i>	106
<i>Offshore Minerals Act 1994</i>	107
<i>Patents Act 1990</i>	107
<i>Plant Breeder’s Rights Act 1994</i>	108

<i>Pooled Development Funds Act 1992</i>	112
<i>Trade Marks Act 1995</i>	113
<i>Venture Capital Act 2002</i>	114
Schedule 12—Infrastructure, Transport, Regional Development, Communications and the Arts	115
<i>Airports Act 1996</i>	115
<i>Broadcasting Services Act 1992</i>	116
<i>Civil Aviation Act 1988</i>	118
<i>Classification (Publications, Films and Computer Games) Act 1995</i>	119
<i>Coastal Trading (Revitalising Australian Shipping) Act 2012</i>	120
<i>Online Safety Act 2021</i>	122
<i>Radiocommunications Act 1992</i>	122
<i>Telecommunications Act 1997</i>	124
Schedule 13—Prime Minister and Cabinet	127
<i>Aboriginal and Torres Strait Islander Act 2005</i>	127
<i>Aboriginal and Torres Strait Islander Commission Amendment Act 2005</i>	127
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	128
Schedule 14—Treasury	129
<i>Banking Act 1959</i>	129
<i>Financial Institutions Supervisory Levies Collection Act 1998</i>	130
<i>Financial Sector (Collection of Data) Act 2001</i>	131
<i>Insurance Acquisitions and Takeovers Act 1991</i>	133
<i>Insurance Act 1973</i>	135
<i>Life Insurance Act 1995</i>	136
<i>Private Health Insurance (Prudential Supervision) Act 2015</i>	137
<i>Product Grants and Benefits Administration Act 2000</i>	139
Schedule 15—Acts with State and Territory consultation requirements	140
Part 1—Main amendments	140

<i>Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994</i>	140
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	140
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	141
<i>Australian Education Act 2013</i>	141
<i>Criminal Code Act 1995</i>	141
<i>Fair Work Act 2009</i>	142
<i>Gene Technology Act 2000</i>	142
<i>Greenhouse and Energy Minimum Standards Act 2012</i>	142
<i>Mutual Recognition Act 1992</i>	143
<i>National Vocational Education and Training Regulator Act 2011</i>	143
<i>Research Involving Human Embryos Act 2002</i>	143
<i>Trans-Tasman Mutual Recognition Act 1997</i>	143
Part 2—Bulk amendments	145
<i>Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994</i>	145
<i>Agricultural and Veterinary Chemicals Act 1994</i>	145
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	145
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	146
<i>Australian Education Act 2013</i>	146
<i>Fair Work Act 2009</i>	147
<i>Gene Technology Act 2000</i>	148
<i>Greenhouse and Energy Minimum Standards Act 2012</i>	149
<i>Mutual Recognition Act 1992</i>	149
<i>National Vocational Education and Training Regulator Act 2011</i>	150
<i>Personal Property Securities Act 2009</i>	150
<i>Research Involving Human Embryos Act 2002</i>	151
<i>Trans-Tasman Mutual Recognition Act 1997</i>	152
Schedule 16—Amendment of the Administrative Review Tribunal Act 2024	153
<i>Administrative Review Tribunal Act 2024</i>	153



Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024

No. 39, 2024

**An Act to deal with consequential and transitional
matters arising from the enactment of the
Administrative Review Tribunal Act 2024, and for
other purposes**

[Assented to 31 May 2024]

The Parliament of Australia enacts:

*No. 39, 2024 Administrative Review Tribunal (Consequential and Transitional
Provisions No. 2) Act 2024 1*

1 Short title

This Act is the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	31 May 2024
2. Schedules 1 to 15	At the same time as the <i>Administrative Review Tribunal Act 2024</i> commences. However, the provisions do not commence at all if that Act does not commence.	
3. Schedule 16	Immediately after the commencement of the <i>Administrative Review Tribunal Act 2024</i> .	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Agriculture, Fisheries and Forestry

Export Control Act 2020

1 Section 4

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Section 380

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

3 Paragraph 383(6)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 Subsection 383(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

5 Section 385 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

6 Subsection 385(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

7 Subsection 385(3)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

8 Subsection 385(3) (note)

Omit “subsection 43(1) of the *Administrative Appeals Tribunal Act 1975* in its application”, substitute “section 54 or 105 of the *Administrative Review Tribunal Act 2024* in their application”.

9 Subsection 386(3)

Omit “subsection 43(1) of the *Administrative Appeals Tribunal Act 1975* in its application”, substitute “section 54 or 105 of the *Administrative Review Tribunal Act 2024* in their application”.

10 Subsection 386(3) (note)

Repeal the note, substitute:

Note: If the rules prescribe modifications of section 54 or 105 of the *Administrative Review Tribunal Act 2024*, then the modified section has effect in relation to applications for review referred to in subsection 385(1) of this Act subject to those modifications (see section 5 of the *Administrative Review Tribunal Act 2024*).

Fisheries Management Act 1991

11 Subsection 19(5)

Omit “an enactment for the purposes of the *Administrative Appeals Tribunal Act 1975*”, substitute “a legislative instrument for the purposes of the *Administrative Review Tribunal Act 2024*”.

12 Subsections 50(2) and 57B(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Subsections 57H(4) and 157(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

14 Section 165 (heading)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

15 Subsection 165(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

16 Subsection 165(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

17 Subsections 165(8) to (10)

Repeal the subsections.

18 Paragraph 165(11)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

19 Paragraph 165(11)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

20 Subsection 165(12)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

21 Subsection 165(12)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Horticulture Marketing and Research and Development Services Act 2000

22 Subsection 35(1)

Omit “(1)”.

23 Subsection 35(5)

Repeal the subsection.

Illegal Logging Prohibition Act 2012

24 Paragraph 86(2)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Imported Food Charges (Collection) Act 2015

25 Paragraph 17(6)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

26 Section 19 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

27 Subsection 19(1)

Omit “(1)”.

28 Subsection 19(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

29 Subsections 19(2) and (3)

Repeal the subsections.

Imported Food Control Act 1992

30 Subsection 42(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

31 Subsection 42(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

32 Paragraph 42(8)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

33 Paragraph 42(8)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

34 Subparagraph 42(9)(b)(i)

Repeal the subparagraph, substitute:

- (i) the applicant may, under section 268 of the *Administrative Review Tribunal Act 2024*, request a statement of reasons for the decision on reconsideration; and

35 Subparagraph 42(9)(b)(ii)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

36 Subsection 42(11)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Primary Industries Levies and Charges Collection Act 1991

37 Subsection 28(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

38 Paragraph 28(6)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

39 Paragraph 28(6)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

40 Subsection 28(7)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

41 Subsection 28(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

42 Subsection 31(6)

Repeal the subsection.

Wine Australia Act 2013

43 Paragraph 8(2C)(a)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

44 Paragraph 8(2C)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

45 Paragraph 8(2C)(b)

Repeal the paragraph, substitute:

- (b) the person may, under section 268 of that Act, request a statement of reasons for the determination.

46 Subsection 8(2E)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

47 Subsection 8(2F)

Repeal the subsection, substitute:

- (2F) Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal for review of a determination made under paragraph 8(2)(aa), (ac) or (ad) of this Act must be made within 28 days after notice of the determination is published in accordance with subsection 8(2B) of this Act.

(2FA) Despite section 19 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal to extend the period during which an applicant may apply to the Tribunal in respect of a determination made under paragraph 8(2)(aa), (ac) or (ad) of this Act must be made within 28 days after notice of the determination is published in accordance with subsection 8(2B) of this Act.

48 Paragraph 8(2G)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

49 Paragraph 40X(2)(a)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

50 Paragraph 40X(2)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

51 Paragraph 40X(2)(b)

Repeal the paragraph, substitute:

(b) the person may, under section 268 of the *Administrative Review Tribunal Act 2024*, request a statement of reasons for the determination; and

52 Paragraph 40X(2)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

53 Subsection 40Y(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

54 Subsection 40Y(2)

Repeal the subsection, substitute:

(2) Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal for review of a final determination

must be made within 28 days after notice of the final determination is published in accordance with section 40X of this Act.

- (3) Despite section 19 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal to extend the period during which an applicant may apply to the Tribunal in respect of a final determination must be made within 28 days after notice of the final determination is published in accordance with section 40X of this Act.

55 Paragraph 40Z(1)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

56 Section 40ZAH (heading)

Omit “AAT”, substitute “**Administrative Review Tribunal**”.

57 Subsection 40ZAH(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

58 Subsections 40ZAH(2) and (3)

Repeal the subsections, substitute:

- (2) Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal for review of a determination under section 40ZAF of this Act must be made within 28 days after notice of the determination is published in accordance with section 40ZAG of this Act.
- (3) Despite section 19 of the *Administrative Review Tribunal Act 2024*, an application to the Tribunal to extend the period during which an applicant may apply to the Tribunal in respect of a determination under section 40ZAF must be made within 28 days after notice of the determination is published in accordance with section 40ZAG of this Act.

59 Paragraphs 40ZAI(1)(a), 40ZAQ(2)(d) and 40ZAT(2)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 2—Attorney-General

Administrative Decisions (Judicial Review) Act 1977

1 Paragraph 13(11)(a)

Omit “section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 268 of the *Administrative Review Tribunal Act 2024*”.

2 Paragraph (y) of Schedule 1

Repeal the paragraph, substitute:

- (y) decisions of the Administrative Review Tribunal made on a review that is required by subsection 134(1) of the *Administrative Review Tribunal Act 2024* to be conducted by the Intelligence and Security jurisdictional area of the Tribunal, except for decisions made on a review of exempt security record decisions (within the meaning of the *Administrative Review Tribunal Act 2024*);

3 Paragraph (yaa) of Schedule 1

Repeal the paragraph.

Age Discrimination Act 2004

4 Section 45 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

5 Section 45

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

6 Paragraph 46(1)(d)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

7 Schedule 1 (table item 6, column headed “Law”)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

Australian Information Commissioner Act 2010

8 Paragraph 31(1)(g)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Bankruptcy Act 1966

9 Subsections 55(3AC) and 57(3AC)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Subsections 128H(7) and (8)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

11 Subsections 139ZE(3) and (4)

Omit “*Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal”.

12 Section 139ZF

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Paragraph 139ZG(2)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

14 Subsection 139ZIS(3) (heading)

Omit “AAT”, substitute “ART”.

15 Subsections 139ZIS(3) and (4)

Omit “*Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal”.

16 Section 139ZIT (heading)

Omit “AAT”, substitute “ART”.

17 Section 139ZIT

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

18 Paragraph 149N(2)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

19 Subsections 149P(3) and (4)

Omit “*Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal”.

20 Section 149Q

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

21 Subsections 185E(4), 185ED(4) and 185M(2C)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

22 Subsections 185MD(4) and 185PD(4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

23 Subsections 186C(8) and (11)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

24 Subsection 186C(12) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

25 Subsection 186H(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

26 Subsection 186H(7) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

27 Subsections 186K(8), 186L(8) and 186LB(9)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

28 Paragraph 282(2)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

29 Subsection 282(2) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

30 Paragraph 283(2)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

31 Subsection 283(2) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

32 Paragraph 305(1)(aa)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

33 Section 20-1 of Schedule 2 (paragraph beginning “A decision of a committee”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

34 Section 40-1 of Schedule 2 (paragraph beginning “A decision about the suspension”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

35 Section 96-1 of Schedule 2 (heading)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

36 Section 96-1 of Schedule 2

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Civil Dispute Resolution Act 2011

37 Subparagraph 15(c)(i)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Court Security Act 2013

38 Section 5 (table item 8)

Repeal the item, substitute:

8	Administrative Review Tribunal	Principal Registrar (within the meaning of the <i>Administrative Review Tribunal Act 2024</i>)
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39 Section 5 (paragraph (c) of the definition of court)

Repeal the paragraph, substitute:

(c) the Administrative Review Tribunal; or

40 Section 5 (paragraph (d) of the definition of *member*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

41 Section 51 (table item 7)

Repeal the item, substitute:

7	Administrative Review Tribunal	staff member (within the meaning of the <i>Administrative Review Tribunal Act 2024</i>)
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Crimes Act 1914

42 Section 3UA (definition of *nominated AAT member*)

Repeal the definition.

43 Section 3UA

Insert:

nominated ART member means a person in relation to whom a nomination is in force under section 3UJE.

44 Paragraph 3UJC(1)(b)

Omit “AAT”, substitute “ART”.

45 Subsection 3UJC(3) (note)

Repeal the note, substitute:

Note: A member of the Administrative Review Tribunal has the same protection and immunity as a Justice of the High Court (see subsection 293(1) of the *Administrative Review Tribunal Act 2024*).

46 Section 3UJE (heading)

Omit “AAT”, substitute “ART”.

47 Subsection 3UJE(1)

Omit “*Administrative Appeals Tribunal Act 1975* (the **AAT Minister**) may, by writing, nominate a person who holds one of the following appointments to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024* (the **ART Minister**) may, by writing, nominate a person who holds one of the following appointments to the Administrative Review Tribunal”.

48 Paragraph 3UJE(1)(b)

Repeal the paragraph, substitute:

(b) a senior member appointed on a salaried basis.

49 Subsection 3UJE(2)

Omit “AAT Minister must not nominate a person who holds an appointment as a full-time senior member”, substitute “ART Minister must not nominate a person who holds an appointment as a senior member on a salaried basis”.

50 Paragraphs 3UJE(3)(a) and (b)

Omit “AAT”, substitute “ART”.

51 Section 3ZZAC (definition of *nominated AAT member*)

Repeal the definition.

52 Section 3ZZAC

Insert:

nominated ART member means a person in relation to whom a nomination is in force under section 3ZZAF.

53 Paragraph 3ZZAD(1)(b)

Omit “AAT”, substitute “ART”.

54 Subsection 3ZZAD(3) (note)

Repeal the note, substitute:

Note: A member of the Administrative Review Tribunal has the same protection and immunity as a Justice of the High Court (see subsection 293(1) of the *Administrative Review Tribunal Act 2024*).

55 Section 3ZZAF (heading)

Omit “AAT”, substitute “ART”.

56 Subsection 3ZZAF(1)

Omit “*Administrative Appeals Tribunal Act 1975* (the *AAT Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024* (the *ART Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Review Tribunal”.

57 Paragraph 3ZZAF(1)(b)

Repeal the paragraph, substitute:

(b) a senior member appointed on a salaried basis.

58 Subsection 3ZZAF(2)

Omit “AAT Minister must not nominate a person who holds an appointment as a full-time senior member”, substitute “ART Minister must not nominate a person who holds an appointment as a senior member on a salaried basis”.

59 Paragraphs 3ZZAF(3)(a) and (b)

Omit “AAT”, substitute “ART”.

60 Subsection 3ZZBD(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

61 Section 15GG (heading)

Omit “AAT” (wherever occurring), substitute “ART”.

62 Subsection 15GG(1)

Omit “*Administrative Appeals Tribunal Act 1975* (the *AAT Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024* (the *ART Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Review Tribunal”.

63 Paragraphs 15GG(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) a senior member;
- (c) a general member.

64 Subsection 15GG(2)

Omit “AAT”, substitute “ART”.

65 Subsection 15GG(2)

Omit “part-time senior member or a member”, substitute “senior member appointed on a sessional basis or a general member”.

66 Paragraph 15GG(3)(b)

Omit “AAT”, substitute “ART”.

Federal Proceedings (Costs) Act 1981

67 Title

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

68 Subsection 3(1) (paragraph (g) of the definition of *Federal appeal*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

69 Subsection 3(1) (subparagraph (ga)(i) of the definition of *Federal appeal*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

70 Section 10A (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

71 Subsection 10A(1)

Omit “Administrative Appeals Tribunal of a decision has to be reheard because of paragraph 19D(2)(a) of the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal of a decision has to be reheard because of paragraph 44(1)(a) or section 45, 46 or 47 of the *Administrative Review Tribunal Act 2024*”.

72 Subsection 18(2A)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

73 Schedule (table item dealing with the Administrative Appeals Tribunal)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Foreign Influence Transparency Scheme Act 2018

74 Section 14H

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

75 Subsection 14J(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

76 Subparagraph 43(2A)(a)(i)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

77 Paragraph 43(2A)(b)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

Inspector-General of Intelligence and Security Act 1986

78 Subparagraph 8(1)(c)(ii)

Omit “Security Division of the Administrative Appeals Tribunal”, substitute “Intelligence and Security jurisdictional area of the Administrative Review Tribunal”.

79 Paragraph 9AA(c)

Omit “Security Division of the Administrative Appeals Tribunal”, substitute “Intelligence and Security jurisdictional area of the Administrative Review Tribunal”.

Inspector of Transport Security Act 2006

80 Section 3 (definition of *nominated AAT member*)

Repeal the definition.

81 Section 3

Insert:

nominated ART member means a member of the Administrative Review Tribunal in respect of whom a nomination is in force under section 79.

82 Subsection 77(1)

Omit “nominated AAT member”, substitute “nominated ART member”.

83 Paragraph 77(5)(a)

Omit “AAT”, substitute “ART”.

84 Subparagraphs 77(5)(a)(i) and (ii)

Omit “AAT”, substitute “ART”.

85 Paragraphs 77(5)(b) and (c)

Omit “AAT”, substitute “ART”.

86 Subsection 77(6)

Omit “nominated AAT member”, substitute “nominated ART member”.

87 Paragraph 77(6)(a)

Omit “AAT”, substitute “ART”.

88 Subsections 77(8) and (9)

Omit “AAT”, substitute “ART”.

89 Subsection 77(10)

Omit “AAT” (wherever occurring), substitute “ART”.

90 Subsection 77(11)

Omit “AAT”, substitute “ART”.

91 Section 79 (heading)

Omit “AAT”, substitute “ART”.

92 Subsection 79(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

93 Paragraph 79(1)(c)

Omit “(of any level)”.

94 Paragraph 79(3)(a)

Omit “AAT”, substitute “ART”.

95 Subsection 79(4)

Omit “AAT” (wherever occurring), substitute “ART”.

National Anti-Corruption Commission Act 2022

96 Subsection 12(2) (table item 7)

Repeal the item, substitute:

7	The Administrative Review Tribunal	Each of the following: (a) a non-judicial member (within the meaning of the <i>Administrative Review Tribunal Act 2024</i>);
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(b) a staff member (within the meaning of that Act)

Privacy Act 1988

97 Paragraph 62(5)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

98 Section 96 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

99 Subsection 96(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Proceeds of Crime Act 2002

100 Before paragraph 183(5)(a)

Insert:

- (aa) the President or a Deputy President of the Administrative Review Tribunal; or
- (ab) a senior member or general member of the Administrative Review Tribunal who:
 - (i) is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory; and
 - (ii) has been so enrolled for at least 5 years; or

Public Interest Disclosure Act 2013

101 Section 8 (paragraph (h) of the definition of *designated publication restriction*)

Omit “subsection 35(3), 35(4) or 35AA(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 70(1) or (2) or 157(3) of the *Administrative Review Tribunal Act 2024*”.

102 Paragraph 73(2)(e)

Repeal the paragraph, substitute:

- (e) the Chief Executive Officer and Principal Registrar of the Administrative Review Tribunal is the *chief executive officer* of the Administrative Review Tribunal; and

Surveillance Devices Act 2004

103 Subsection 6(1) (definition of *nominated AAT member*)

Repeal the definition.

104 Subsection 6(1)

Insert:

nominated ART member means a person in respect of whom a nomination under section 13 is in force.

105 Section 11

Omit “AAT” (wherever occurring), substitute “ART”.

106 Section 13 (heading)

Omit “Nominated AAT members”, substitute “Nominated ART members”.

107 Subsection 13(1)

Omit “the *Administrative Appeals Tribunal Act 1975* (the *AAT Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Appeals Tribunal”, substitute “the *Administrative Review Tribunal Act 2024* (the *ART Minister*) may, by writing, nominate a person who holds one of the following appointments to the Administrative Review Tribunal”.

108 Paragraphs 13(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) a senior member;
 - (c) a general member.
-

109 Subsection 13(2)

Omit “AAT Minister must not nominate a person who holds an appointment as a part-time senior member or a member”, substitute “ART Minister must not nominate a person who holds an appointment as a senior member on a sessional basis, or as a general member.”.

110 Paragraphs 13(3)(a) and (b)

Omit “AAT”, substitute “ART”.

111 Subsection 13(4)

Omit “AAT” (wherever occurring), substitute “ART”.

112 Subsection 14(4)

Omit “AAT”, substitute “ART”.

113 Paragraph 14(7)(a)

Omit “AAT”, substitute “ART”.

114 Subsection 15(2)

Omit “AAT”, substitute “ART”.

115 Section 16

Omit “AAT” (wherever occurring), substitute “ART”.

116 Paragraph 17(1)(a)

Omit “AAT”, substitute “ART”.

117 Subsection 19(2)

Omit “AAT”, substitute “ART”.

118 Section 20

Omit “AAT” (wherever occurring), substitute “ART”.

119 Subsection 21(4)

Omit “AAT”, substitute “ART”.

120 Section 22

Omit “AAT” (wherever occurring), substitute “ART”.

121 Subsection 23(2)

Omit “AAT”, substitute “ART”.

122 Section 24

Omit “AAT” (wherever occurring), substitute “ART”.

123 Paragraph 25(1)(a)

Omit “AAT”, substitute “ART”.

124 Sections 27 and 27A

Omit “AAT” (wherever occurring), substitute “ART”.

125 Subsection 27B(2)

Omit “AAT”, substitute “ART”.

126 Section 27C

Omit “AAT” (wherever occurring), substitute “ART”.

127 Paragraph 27D(1)(a)

Omit “AAT”, substitute “ART”.

128 Subsection 27E(2)

Omit “AAT”, substitute “ART”.

129 Section 27F

Omit “AAT” (wherever occurring), substitute “ART”.

130 Section 27G

Omit “AAT” (wherever occurring), substitute “ART”.

131 Subsection 27H(8)

Omit “AAT”, substitute “ART”.

132 Section 27KA

Omit “AAT” (wherever occurring), substitute “ART”.

133 Subsection 27KB(2)

Omit “AAT”, substitute “ART”.

134 Section 27KC

Omit “AAT” (wherever occurring), substitute “ART”.

135 Paragraph 27KD(1)(a)

Omit “AAT”, substitute “ART”.

136 Subsection 27KE(2)

Omit “AAT”, substitute “ART”.

137 Section 27KF

Omit “AAT” (wherever occurring), substitute “ART”.

138 Section 27KG

Omit “AAT” (wherever occurring), substitute “ART”.

139 Subsection 27KH(3)

Omit “AAT”, substitute “ART”.

140 Section 27KK

Omit “AAT” (wherever occurring), substitute “ART”.

141 Subsection 27KL(2)

Omit “AAT”, substitute “ART”.

142 Section 27KM

Omit “AAT” (wherever occurring), substitute “ART”.

143 Paragraph 27KN(1)(a)

Omit “AAT”, substitute “ART”.

144 Subsection 27KP(2)

Omit “AAT”, substitute “ART”.

145 Section 27KQ

Omit “AAT” (wherever occurring), substitute “ART”.

146 Section 27KR

Omit “AAT” (wherever occurring), substitute “ART”.

147 Paragraph 27KS(3)(b)

Omit “AAT”, substitute “ART”.

148 Section 33

Omit “AAT” (wherever occurring), substitute “ART”.

149 Section 34

Omit “AAT” (wherever occurring), substitute “ART”.

150 Section 35 (heading)

Omit “AAT”, substitute “ART”.

151 Section 35

Omit “AAT” (wherever occurring), substitute “ART”.

152 Section 35A (heading)

Omit “AAT”, substitute “ART”.

153 Section 35A

Omit “AAT” (wherever occurring), substitute “ART”.

154 Section 35B (heading)

Omit “AAT”, substitute “ART”.

155 Section 35B

Omit “AAT” (wherever occurring), substitute “ART”.

156 Section 42

Omit “AAT” (wherever occurring), substitute “ART”.

157 Section 43A

Omit “AAT” (wherever occurring), substitute “ART”.

158 Section 43C

Omit “AAT” (wherever occurring), substitute “ART”.

159 Subsection 43E(1)

Omit “AAT” (wherever occurring), substitute “ART”.

160 Paragraph 44(2)(a)

Omit “AAT”, substitute “ART”.

161 Paragraph 53(2)(b)

Omit “AAT”, substitute “ART”.

162 Section 64A

Omit “AAT” (wherever occurring), substitute “ART”.

163 Section 64B

Omit “AAT” (wherever occurring), substitute “ART”.

Telecommunications (Interception and Access) Act 1979

164 Subsection 5(1) (definition of *nominated AAT member*)

Repeal the definition.

165 Subsection 5(1)

Insert:

nominated ART member (except when used in Schedule 1) means a member of the Administrative Review Tribunal in respect of whom a nomination is in force under section 6DA to issue warrants under Part 2-5.

166 Section 6DA (heading)

Omit “AAT”, substitute “ART”.

167 Subsection 6DA(1)

Omit “Appeals”, substitute “Review”.

168 Paragraph 6DA(1)(b)

Omit “(of any level)”.

169 Paragraph 6DA(1)(c)

Omit “member (of any level)”, substitute “general member”.

170 Subsection 6DA(2)

Omit “must not nominate a person who holds an appointment as a part-time senior member or a member”, substitute “must not nominate a person who holds an appointment as a senior member on a sessional basis or a general member”.

171 Paragraph 6DA(3)(a)

Omit “AAT”, substitute “ART”.

172 Subsection 6DA(4)

Omit “AAT”, substitute “ART”.

173 Subparagraph 6DB(1)(b)(i)

Omit “to the Administrative Appeals Tribunal as Deputy President, senior member (of any level) or member (of any level)”, substitute “to the Administrative Review Tribunal as Deputy President, senior member or general member”.

174 Subparagraph 6DC(1)(b)(i)

Omit “to the Administrative Appeals Tribunal as Deputy President, full-time senior member, part-time senior member or member”, substitute “to the Administrative Review Tribunal as Deputy President, senior member or general member”.

175 Section 6H

Omit “AAT” (wherever occurring), substitute “ART”.

176 Subsection 7(7)

Omit “AAT”, substitute “ART”.

177 Paragraph 39(1)(b)

Omit “AAT”, substitute “ART”.

178 Sections 43, 44, 44A, 45, 46, 46A, 48, 49, 50 and 51

Omit “AAT” (wherever occurring), substitute “ART”.

179 Section 52 (heading)

Omit “AAT”, substitute “ART”.

180 Subsection 52(1)

Omit “AAT”, substitute “ART”.

181 Sections 81A, 81C, 94A and 103

Omit “AAT” (wherever occurring), substitute “ART”.

182 Section 103A

Repeal the section.

183 Clause 2 of Schedule 1 (definition of *nominated AAT member*)

Repeal the definition.

184 Clause 2 of Schedule 1 (definition of *nominated AAT Security Division member*)

Repeal the definition.

185 Clause 2 of Schedule 1

Insert:

nominated ART Intelligence and Security member means a member of the Administrative Review Tribunal in respect of whom a nomination is in force under clause 17 to issue international production orders under Part 4 of this Schedule.

186 Clause 2 of Schedule 1

Insert:

nominated ART member means a member of the Administrative Review Tribunal in respect of whom a nomination is in force under clause 15 to issue international production orders under Division 2 of Part 2, and Division 2 of Part 3, of this Schedule.

187 Clause 15 of Schedule 1 (heading)

Omit “AAT”, substitute “ART”.

188 Subclause 15(1) of Schedule 1

Omit “Appeals”, substitute “Review”.

189 Paragraph 15(1)(b) of Schedule 1

Omit “(of any level)”.

190 Paragraph 15(1)(c) of Schedule 1

Repeal the paragraph, substitute:
(c) general member.

191 Subclause 15(2) of Schedule 1

Omit “part-time senior member or a member”, substitute “senior member appointed on a sessional basis or a general member”.

192 Subclauses 15(3) and (4) of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

193 Subparagraph 16(1)(b)(i) of Schedule 1

Omit “to the Administrative Appeals Tribunal as Deputy President, senior member (of any level) or member (of any level)”, substitute “to the Administrative Review Tribunal as Deputy President, senior member or general member”.

194 Clause 17 of Schedule 1 (heading)

Omit “Nominated AAT Security Division member”, substitute “Nominated ART Intelligence and Security member”.

195 Paragraph 17(1)(a) of Schedule 1

Omit “Appeals”, substitute “Review”.

196 Subparagraph 17(1)(a)(ii) of Schedule 1

Omit “(of any level)”.

197 Subparagraph 17(1)(a)(iii) of Schedule 1

Repeal the subparagraph, substitute:

(iii) general member; and

198 Paragraph 17(1)(b)

Omit “Security Division of the Administrative Appeals Tribunal”, substitute “Intelligence and Security jurisdictional area of the Administrative Review Tribunal”.

199 Subclause 17(2) of Schedule 1

Omit “must not nominate a person who holds an appointment as a part-time senior member or a member of the Administrative Appeals”, substitute “must not nominate a person who holds an appointment as a senior member on a sessional basis of the Administrative Review”.

200 Paragraph 17(3)(b) of Schedule 1

Omit “Security Division of the Administrative Appeals Tribunal”, substitute “Intelligence and Security jurisdictional area of the Administrative Review Tribunal”.

201 Subclauses 17(3A) and (3B) of Schedule 1

Omit “Appeals”, substitute “Review”.

202 Subclause 17(4) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

203 Subclause 17(5) of Schedule 1

Repeal the subclause, substitute:

- (5) For the purposes of this clause, a person is a *member of the Intelligence and Security jurisdictional area of the Administrative Review Tribunal* if the person:
- (a) is assigned to be a leader of the Intelligence and Security jurisdictional area of the Administrative Review Tribunal under section 197 of the *Administrative Review Tribunal Act 2024*; or
 - (b) is assigned to the Intelligence and Security jurisdictional area of the Administrative Review Tribunal under section 199 of the *Administrative Review Tribunal Act 2024*.

204 Paragraph 22(1A)(b) of Schedule 1

Omit “AAT”, substitute “ART”.

205 Clause 26 of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

206 Clause 27 of Schedule 1 (heading)

Omit “AAT”, substitute “ART”.

207 Clauses 27, 28 and 29 of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

208 Subclauses 30(1) and (2) of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

209 Subclause 30(5) of Schedule 1 (heading)

Omit “AAT”, substitute “ART”.

210 Subclauses 30(5), (6) and (7) of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

211 Clause 31 of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

212 Paragraph 52(1A)(b) of Schedule 1

Omit “AAT”, substitute “ART”.

213 Clause 56 of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

214 Clause 57 of Schedule 1 (heading)

Omit “AAT”, substitute “ART”.

215 Clauses 57, 58 and 59 of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

216 Subclauses 60(1) and (2) of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

217 Subclause 60(5) of Schedule 1 (heading)

Omit “AAT”, substitute “ART”.

218 Subclauses 60(5), (6), (7) and (8) of Schedule 1

Omit “AAT” (wherever occurring), substitute “ART”.

219 Subclause 61(2) of Schedule 1

Omit “AAT”, substitute “ART”.

220 Subclause 83(1) of Schedule 1

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

221 Clause 87 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

222 Clause 88 of Schedule 1 (heading)

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

223 Clause 88 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

224 Subclauses 89(1) and (2) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

225 Subclause 89(5) of Schedule 1 (heading)

Omit “*nominated AAT Security Division member*”, substitute “*nominated ART Intelligence and Security member*”.

226 Subclauses 89(5), (6) and (7) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

227 Subclause 90(2) of Schedule 1

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

228 Subclause 92(1) of Schedule 1

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

229 Clause 96 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

230 Clause 97 of Schedule 1 (heading)

Omit “**nominated AAT Security Division member**”, substitute “**nominated ART Intelligence and Security member**”.

231 Clause 97 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

232 Subclauses 98(1) and (2) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

233 Subclause 98(3) of Schedule 1 (heading)

Omit “*nominated AAT Security Division member*”, substitute “*nominated ART Intelligence and Security member*”.

234 Subclause 98(3) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

235 Clauses 99, 101 and 105 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

236 Clause 106 of Schedule 1 (heading)

Omit “**nominated AAT Security Division member**”, substitute “**nominated ART Intelligence and Security member**”.

237 Clause 106 of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

238 Subclauses 107(1) and (2) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

239 Subclause 107(5) of Schedule 1 (heading)

Omit “*nominated AAT Security Division member*”, substitute “*nominated ART Intelligence and Security member*”.

240 Subclause 107(5) of Schedule 1

Omit “nominated AAT Security Division member” (wherever occurring), substitute “nominated ART Intelligence and Security member”.

241 Subclause 108(2) of Schedule 1

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

242 Clause 173 of Schedule 1 (heading)

Omit “**nominated AAT Security Division member**”, substitute “**nominated ART Intelligence and Security member**”.

243 Clause 173 of Schedule 1

Omit “nominated AAT Security Division member”, substitute “nominated ART Intelligence and Security member”.

Schedule 3—Climate Change, Energy, the Environment and Water

Antarctic Treaty (Environment Protection) Act 1980

1 Subsections 28(1) and (1A)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Subsection 28(1A)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024*”.

3 Subsection 28(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

Carbon Credits (Carbon Farming Initiative) Act 2011

4 Subsection 164(3)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

5 Section 239

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

6 Section 244 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

7 Subsections 244(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

8 Paragraphs 245(1)(e) and 2(b)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

***Environment Protection and Biodiversity Conservation Act
1999***

**9 Subsections 206A(1), 221A(1), 243A(1), 263A(1) and
303GJ(1)**

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Paragraph 472(2)(a)

Omit “*Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal”.

11 Paragraph 472(2)(b)

Omit “section 28 of”.

12 Section 473 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

13 Subsection 473(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

14 Subsection 473(2)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “sections 17 and 35 of the *Administrative Review Tribunal Act 2024*”.

Fuel Quality Standards Act 2000

15 Subsection 35(4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

16 Subsections 70(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

17 Subsection 70(2)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

Great Barrier Reef Marine Park Act 1975

18 Subsection 3(1) (definition of AAT)

Repeal the definition.

19 Subsection 3(1)

Insert:

ART means the Administrative Review Tribunal.

20 Section 39M (heading)

Omit “AAT”, substitute “ART”.

21 Subsection 39M(1)

Omit “AAT”, substitute “ART”.

22 Subsection 39M(2)

Omit “section 29 of the *Administrative Appeals Tribunal Act 1975* applies as if the prescribed time for making application for review of the decision were the period”, substitute “then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period”.

23 Subsection 39M(3)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the AAT”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the ART”.

24 Paragraph 39N(1)(b)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision made by the Authority upon that reconsideration confirming, revoking or varying the first-mentioned decision, apply to the AAT”, substitute “subject to the *Administrative Review Tribunal Act 2024*, if dissatisfied with the decision made by the Authority upon that reconsideration confirming, revoking or varying the first-mentioned decision, apply to the ART”.

25 Subsection 39N(2)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision so confirmed, revoked or varied, apply to the AAT”, substitute “subject to the *Administrative Review Tribunal Act 2024*, if dissatisfied with the decision so confirmed, revoked or varied, apply to the ART”.

26 Section 59G (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

27 Subsection 59G(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

28 Subsection 59G(2)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the ART”.

29 Paragraph 59G(3)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the ART”.

30 Subsection 64(6) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

31 Section 64A (heading)

Omit “AAT”, substitute “ART”.

32 Section 64A

Omit “AAT” (wherever occurring), substitute “ART”.

Industrial Chemicals Environmental Management (Register) Act 2021

33 Subsection 47(7) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

34 Section 48 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

35 Section 48

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

National Greenhouse and Energy Reporting Act 2007

36 Subsection 22XNG(2)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

37 Paragraph 22XNN(1)(e)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

38 Subsection 22XNN(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

39 Section 56 (heading)

Omit “AAT”, substitute “ART”.

40 Section 56

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Nature Repair Act 2023

41 Section 4 (paragraph beginning “This Act also contains”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

42 Subsection 176(3)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

43 Section 211

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

44 Subsection 213(2) (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

45 Section 217 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

46 Subsections 217(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

47 Subsection 217(2) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

Renewable Energy (Electricity) Act 2000

48 Subsection 57(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

49 Paragraph 60(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

50 Section 60 (note)

Repeal the note, substitute:

Note: Time limits for making applications to the Administrative Review Tribunal, and matters related to procedures before that Tribunal are set out in the *Administrative Review Tribunal Act 2024*.

51 Section 61

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

52 Subsection 66(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

53 Subsection 66(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Water Efficiency Labelling and Standards Act 2005

54 Subsection 17(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

55 Paragraph 17(2)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

56 Subsection 17(3)

Repeal the subsection, substitute:

- (3) For the purposes of this section, the *Administrative Review Tribunal Act 2024* has effect as if a corresponding State-Territory law were an Act.

57 Section 72 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

58 Subsection 72(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

59 Subsection 72(3)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

Schedule 4—Defence

Defence Act 1903

1 Subsection 4(1) (definition of AAT)

Repeal the definition.

2 Subsection 4(1) (definition of AAT Act)

Repeal the definition.

3 Subsection 4(1)

Insert:

ART means the Administrative Review Tribunal.

4 Subsection 4(1)

Insert:

ART Act means the *Administrative Review Tribunal Act 2024*.

5 Section 61CZB

Omit “AAT”, substitute “ART”.

6 Section 61CZC (heading)

Omit “AAT”, substitute “ART”.

7 Subsection 61CZC(1)

Omit “AAT”, substitute “ART”.

8 Subsections 61CZC(2), (3) and (4)

Repeal the subsections, substitute:

(2) Despite section 22 of the ART Act, the parties to a proceeding before the ART for a review of a determination of a Conscientious Objection Tribunal are:

(a) the person in relation to whom the determination was made;
and

(b) the Commonwealth.

- (3) Paragraph 22(1)(c), section 59 and sections 172 to 178 of the ART Act do not apply in relation to such a review.
- (4) Division 6 of Part 7 of the ART Act applies in relation to such a review in the circumstances specified in paragraph 186(b) of that Act, but not in the circumstances specified in paragraph 186(a) of that Act.

9 Section 61CZD (heading)

Omit “AAT”, substitute “ART”.

10 Subsections 61CZD(1) and (2)

Omit “AAT” (wherever occurring), substitute “ART”.

11 Subsection 61CZD(3)

Omit “and that jurisdiction must be exercised by the Court constituted as a Full Court”.

12 Subsection 61CZD(4)

Omit “AAT” (wherever occurring), substitute “ART”.

13 Section 61CZE

Omit “AAT” (wherever occurring), substitute “ART”.

14 Subsection 72TM(4) (heading)

Omit “AAT”, substitute “ART”.

15 Subsection 72TM(4)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

16 Subsection 110XC(5)

Omit “section 67 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 77 of the ART Act”.

Schedule 5—Education

Education Services for Overseas Students Act 2000

1 Section 5

Insert:

ART member means a member of the Administrative Review Tribunal.

2 Section 5 (definition of *tribunal member*)

Repeal the definition.

3 Paragraph 53B(3)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 Subsection 128(1)

Omit “tribunal member”, substitute “ART member”.

5 Paragraph 128(2)(b)

Omit “tribunal member”, substitute “ART member”.

6 Subsection 128A(1)

Omit “tribunal member”, substitute “ART member”.

7 Paragraph 128A(2)(b)

Omit “tribunal member”, substitute “ART member”.

8 Section 129 (heading)

Omit “**tribunal member**”, substitute “**ART member**”.

9 Subsection 129(1)

Omit “tribunal member” (wherever occurring), substitute “ART member”.

10 Section 169AA

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

11 Subsection 169AD(1) (note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Paragraph 169AE(4)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Section 169AG (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

14 Subsection 169AG(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Higher Education Funding Act 1988

15 Subsection 50(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

16 Subsection 50(2)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024*”.

17 Subsection 51(1)

Omit “may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Tribunal for review of the decision and, except where subsection 28(4) of that Act applies”, substitute “may, subject to the *Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal for review of the decision and, except where subsection 269(7) of that Act applies”.

18 Subsection 51(1)

Omit “section 28”, substitute “section 268”.

19 Subsection 78(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

20 Subparagraph 106L(5)(b)(ii)

Omit “subject to the *Administrative Appeals Tribunal Act 1975*, make application to the Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, make application to the Administrative Review Tribunal”.

21 Section 106M (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

22 Paragraph 106M(4)(b)

Omit “within 28 days after receiving the notification, and subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Tribunal”, substitute “subject to the *Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

23 Subsection 106M(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

24 Paragraph 106MA(1)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

25 Subsection 106MA(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

26 Subsection 106MA(2)

Omit “the Registrar of”.

27 Subsection 106MA(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

28 Subsection 106MA(5)

Omit “the Registrar of”.

29 Paragraph 106MA(6)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

30 Subsection 106X(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

31 Paragraph 106X(2)(a)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

32 Paragraph 106X(2)(b)

Omit “28(4)”, substitute “269(7)”.

33 Paragraph 106X(2)(b)

Omit “section 28”, substitute “section 268”.

Higher Education Support Act 2003

34 Paragraph 179-20(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

35 Section 203-1

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

36 Section 209-5 (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

37 Section 209-10 (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

38 Division 212 of Part 5-7 (heading)

Omit “AAT”, substitute “ART”.

39 Section 212-1 (heading)

Omit “AAT”, substitute “ART”.

40 Subsection 212-1(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

41 Paragraph 75(b) of Schedule 1A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

42 Clause 90 of Schedule 1A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

43 Clause 95 of Schedule 1A (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

44 Clause 96 of Schedule 1A (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

45 Subdivision 16-D of Schedule 1A (heading)

Omit “AAT”, substitute “ART”.

46 Clause 97 of Schedule 1A (heading)

Omit “AAT”, substitute “ART”.

47 Clause 97 of Schedule 1A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Tertiary Education Quality and Standards Agency Act 2011

48 Section 183 (notes 1 and 2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

49 Section 187 (heading)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

50 Section 187

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

51 Section 187C (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

52 Section 187D (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

53 Section 187E (heading)

Omit “AAT”, substitute “ART”.

54 Subsection 187E(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 6—Employment and Workplace Relations

Australian Apprenticeship Support Loans Act 2014

1 Section 76

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Section 80 (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

3 Paragraph 81(2)(b)

Repeal the paragraph, substitute:

- (b) even if an application has been made to the Administrative Review Tribunal for review of the decision.

4 Subsection 81(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

5 Section 82

Repeal the section, substitute:

82 Notice to Administrative Review Tribunal and applicant for review

- (1) This section applies if:
 - (a) a reviewer makes a decision under subsection 81(3); and
 - (b) at the time of the reviewer’s decision, a person has applied to the Administrative Review Tribunal for review of the decision reviewed by the reviewer.

- (2) The reviewer must give the following written notice of the reviewer's decision under subsection 81(3):
- (a) the Administrative Review Tribunal;
 - (b) the person who applied to the Administrative Review Tribunal for review of the decision.

6 Subsection 85(1) (note)

Omit "Section 27A of the *Administrative Appeals Tribunal Act 1975*", substitute "Section 266 of the *Administrative Review Tribunal Act 2024*".

7 Division 3 of Part 4.2 (heading)

Omit "Administrative Appeals Tribunal", substitute "Administrative Review Tribunal".

8 Section 86 (heading)

Omit "AAT", substitute "Administrative Review Tribunal".

9 Section 86

Omit "Administrative Appeals Tribunal", substitute "Administrative Review Tribunal".

10 Section 87 (heading)

Omit "AAT", substitute "Administrative Review Tribunal".

11 Subsections 87(1) and (2)

Omit "Administrative Appeals Tribunal", substitute "Administrative Review Tribunal".

12 Section 88 (heading)

Omit "AAT", substitute "Administrative Review Tribunal".

13 Subsections 88(1) and (2)

Omit "Administrative Appeals Tribunal", substitute "Administrative Review Tribunal".

Fair Entitlements Guarantee Act 2012

14 Subsection 37(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

15 Subsection 37(7) (heading)

Omit “*Administrative Appeals Tribunal*”, substitute “*Administrative Review Tribunal*”.

16 Subsection 37(7)

Omit “Registrar of the Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

17 Subdivision C of Division 2 of Part 6 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

18 Section 40 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

19 Subsection 40(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

20 Subsection 40(2)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 17(1) of the *Administrative Review Tribunal Act 2024*”.

21 Subsection 40(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

22 Subsection 41(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

23 Subsection 41(4)

Omit “subsection 43(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 54 of the *Administrative Review Tribunal Act 2024*”.

24 Subparagraph 50(2)(c)(iii)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Safety, Rehabilitation and Compensation Act 1988

25 Subsection 4(12)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

26 Subsection 28(4)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

27 Subsection 34R(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

28 Subsection 34R(2) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

29 Subsection 60(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

30 Paragraph 63(c)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

31 Section 64 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

32 Subsection 64(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

33 Subsection 64(3)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*, a person may not make an application to the Administrative Appeals Tribunal”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*, a person may not make an application to the Administrative Review Tribunal”.

34 Section 65 (heading)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

35 Subsection 65(1)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

36 Subsection 65(3)

Omit “Section 18C”, substitute “Section 57”.

37 Subsection 65(4)

Repeal the subsection, substitute:

- (4) Despite section 18 (when to apply—general rule) of the Act, an application to the Administrative Review Tribunal for review of a reviewable decision must be made within 60 days after the person making the application is served with notice of the decision.

Note: A person may, under section 19 of the Act, apply to the Administrative Review Tribunal to extend the period.

38 Section 66 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

39 Paragraph 66(1)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

40 Subsections 66(2) and (3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

41 Section 67 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

42 Paragraphs 67(3)(e) and (4)(e)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

43 Subsections 67(7) to (12)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

44 Subsection 67(13)

Repeal the subsection.

45 Subsection 67(14)

Repeal the subsection, substitute:

- (14) For the purposes of section 115 of the *Administrative Review Tribunal Act 2024*, the responsible authority is taken to be a party to the proceeding before the Administrative Review Tribunal.

Seafarers Rehabilitation and Compensation Act 1992

46 Section 3 (definition of AAT)

Repeal the definition.

47 Section 3

Insert:

ART means the Administrative Review Tribunal.

48 Subsection 42(4)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

49 Section 74

Omit “AAT”, substitute “ART”.

50 Part 6 (heading)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

51 Subsection 76(1) (definition of AAT Act)

Repeal the definition.

52 Subsection 76(1) (definition of AAT extension application)

Repeal the definition.

53 Subsection 76(1)

Insert:

ART Act means the *Administrative Review Tribunal Act 2024*.

ART extension application means an application under section 19 of the ART Act that relates to a review of a reviewable decision or an extension of time decision.

54 Subsection 76(1) (definition of decision)

Omit “AAT Act”, substitute “ART Act”.

55 Section 80

Omit “AAT”, substitute “ART”.

56 Paragraph 87(c)

Omit “AAT” (wherever occurring), substitute “ART”.

57 Section 88 (heading)

Omit “AAT”, substitute “ART”.

58 Subsection 88(1)

Omit “AAT”, substitute “ART”.

59 Subsection 88(2)

Omit “section 27 of the AAT Act”, substitute “section 17 of the ART Act”.

60 Division 3 of Part 6 (heading)

Omit “AAT”, substitute “ART”.

61 Section 89 (heading)

Omit “AAT”, substitute “ART”.

62 Subsection 89(1)

Omit “AAT” (wherever occurring), substitute “ART”.

63 Subsection 89(2)

Omit “18C of the AAT Act”, substitute “57 of the AAT Act”.

64 Subsection 89(3)

Repeal the subsection, substitute:

- (3) Despite section 18 (when to apply—general rule) of the ART Act, an application to the ART for review of a reviewable decision must be made within 60 days after the person making the application is served with notice of the decision.

Note: A person may, under section 19 of the ART Act, apply to the ART to extend the period.

65 Subsection 89(4)

Repeal the subsection, substitute:

- (4) If:
- (a) the ART has not made a decision under section 105 of the ART Act; and

(b) the Fund has become the employer of an employee because of subsection 4(3);

then:

(c) paragraph 22(1)(b) and subsection 268(1) of the ART Act have effect as if a reference to the person who made the decision were a reference to the Fund; and

(d) the ART must:

(i) if the ART has begun hearing the proceedings but not completed the hearing of the proceedings—adjourn the proceedings for a period of at least 28 days beginning on the day the ART becomes aware of the default event in relation to the actual employer; and

(ii) if the ART has not begun hearing the proceedings—not begin hearing the matter for a period of at least 28 days beginning on the day the ART becomes aware of the default event in relation to the actual employer.

66 Section 90 (heading)

Omit “AAT”, substitute “ART”.

67 Subsection 90(1)

Omit “AAT” (wherever occurring), substitute “ART”.

68 Subsections 90(2) and (2A)

Omit “AAT”, substitute “ART”.

69 Subsection 90(3)

Omit “AAT” (wherever occurring), substitute “ART”.

70 Section 91 (heading)

Omit “AAT”, substitute “ART”.

71 Paragraphs 91(3)(e) and (4)(e)

Omit “AAT”, substitute “ART”.

72 Subsection 91(6)

Omit “AAT”, substitute “ART”.

73 Section 92 (heading)

Omit “AAT”, substitute “ART”.

74 Subsections 92(1) to (5)

Omit “AAT” (wherever occurring), substitute “ART”.

75 Subsections 92(6) and (7)

Repeal the subsections.

76 Paragraph 130(4)(b)

Omit “Administrative Appeals Tribunal”, substitute “ART”.

VET Student Loans Act 2016

77 Paragraph 77(2)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

78 Section 80 (heading)

Omit “AAT”, substitute “**Administrative Review Tribunal**”.

79 Subsection 80(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

80 Subsection 80(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

Schedule 7—Finance

Commonwealth Electoral Act 1918

1 Paragraph 104(9)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Subsection 120(5) (note)

Omit “Administrative Appeals Tribunal (see section 121). Under the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal (see section 121). Under the *Administrative Review Tribunal Act 2024*”.

3 Section 121 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

4 Subsection 121(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

5 Subsection 121(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

6 Section 127

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

7 Subsection 141(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

8 Subsection 141(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

9 Subsection 141(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Paragraph 141(8)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the Commission upon that review make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with a decision made by the Commission upon that review make application to the Administrative Review Tribunal”.

11 Subsection 141(9)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision, make an application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with the decision, make an application to the Administrative Review Tribunal”.

12 Section 202AK (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

13 Section 202AK

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Judges’ Pensions Act 1968**14 Section 4 (subparagraph (b)(ii) of the definition of *period of exempt service*)**

Omit “being a presidential member of the”, substitute “having been a presidential member of the former”.

15 Section 17A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

16 Paragraph 20(2)(b)

Repeal the paragraph, substitute:

- (b) in so far as those functions and powers are to be exercised in relation to persons who were presidential members of the former Administrative Appeals Tribunal—to the Chief Executive Officer and Principal Registrar, or any staff member, of the Administrative Review Tribunal;

Lands Acquisition Act 1989

17 Section 6 (definition of *Tribunal*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

18 Paragraph 22(6)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

19 Subsection 28(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

20 Subsections 28(3) to (5)

Repeal the subsections, substitute:

- (3) Despite subsections 19(2) and (3) of the *Administrative Review Tribunal Act 2024*, the Tribunal must not extend the period within which a person may apply to the Tribunal for review of the declaration after the period expires.

21 Section 29 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

22 Subsection 29(1)

Omit “*Administrative Appeals Tribunal Act 1975* applies”, substitute “*Administrative Review Tribunal Act 2024* applies”.

23 Subsection 29(1)

Omit “Administrative Appeals Tribunal for”, substitute “Administrative Review Tribunal for”.

24 Subsection 29(2)

Repeal the subsection, substitute:

- (2) Sections 17, 32, 54 and 105 of that Act do not apply in relation to such an application.

25 Subsection 30(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

26 Subsection 31(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

27 Paragraph 31(1)(g)

Repeal the paragraph, substitute:

- (g) matters contained in a statement given to the applicant under subsection 269(2) or 270(4) of the *Administrative Review Tribunal Act 2024* or given to the Tribunal under section 23 or 24 of that Act;

28 Section 33 (heading)

Omit “**Administrative Appeals Tribunal’s**”, substitute “**Administrative Review Tribunal’s**”.

29 Subsection 33(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

30 Paragraphs 43(4)(a) and (5)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

31 Subsection 47(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

32 Section 71 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

33 Subsection 71(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

34 Subsection 71(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

35 Subsection 71(3)

Omit “Section 29 of the *Administrative Appeals Tribunal Act 1975* applies to the application as if the prescribed time for the lodging of the application with the Tribunal were the period of 3 months commencing on”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application for review of the decision must be made within 90 days after”.

36 Paragraph 72(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

37 Paragraph 74(1)(a)

Omit “3 months after notice under subsection 70(2) has been, or is to be taken to have been, given to the claimant, or within such further time as the Minister allows, make an application to the Administrative Appeals Tribunal”, substitute “90 days after the day on which notice under subsection 70(2) was, or is to be taken to have been, given to the claimant, or within such further time as the Minister allows, make an application to the Administrative Review Tribunal”.

38 Section 81 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

39 Subsection 81(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

40 Subsection 81(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

41 Subsection 81(3)

Omit “Section 29 of the *Administrative Appeals Tribunal Act 1975* applies to the application as if the prescribed time for the lodging of the application with the Tribunal were the period of 3 months commencing on”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application for review of the decision must be made within 90 days after”.

42 Paragraph 87(2)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

43 Section 99 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

44 Subsection 99(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

45 Subsection 99(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

46 Subsection 99(3)

Omit “Section 29 of the *Administrative Appeals Tribunal Act 1975* applies to the application as if the prescribed time for the lodging of the application with the Tribunal were the period of 3 months commencing on”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application for review of the decision must be made 90 days after”.

47 Paragraph 100(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

48 Section 107 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

49 Subsection 107(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

50 Subsection 107(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

51 Subsection 107(3)

Omit “Section 29 of the *Administrative Appeals Tribunal Act 1975* applies to the application as if the prescribed time for the lodging of the application with the Tribunal were the period of 3 months commencing on”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application for review of the decision must be made within 90 days after”.

52 Subsection 121(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

53 Subsection 121(6)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

54 Subsections 121(7) and 129(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

55 Section 131 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

56 Subsection 131(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

57 Subsection 131(1)

Omit “subsection 30(1A) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 22(1)(c) of the *Administrative Review Tribunal Act 2024*”.

58 Subsection 131(2)

Omit “paragraph 42B(1)(a) of the *Administrative Appeals Tribunal Act 1975*”, substitute “paragraph 101(1)(a) of the *Administrative Review Tribunal Act 2024*”.

59 Paragraph 139(2)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Parliamentary Contributory Superannuation Act 1948

60 Subsection 25(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

61 Subsection 25(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 8—Foreign Affairs and Trade

Australian Passports Act 2005

1 Section 48 (note)

Repeal the note, substitute:

Note: Except in cases described in section 48A of this Act, under section 266 of the *Administrative Review Tribunal Act 2024*, the decision-maker must give to persons whose interests are affected by the decision a notification of the making of the decision and of their right to have the decision reviewed. In notifying any such persons, the decision-maker must have regard to any matters prescribed by rules made for the purposes of section 267 of that Act.

2 Subsection 48A(7) (heading)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

3 Subsection 48A(7)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

4 Subsection 48A(7) (note)

Omit “section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 266 of the *Administrative Review Tribunal Act 2024*”.

5 Subsection 49(4) (note)

Repeal the note, substitute:

Note: Under section 266 of the *Administrative Review Tribunal Act 2024*, the decision-maker must give to persons whose interests are affected by the decision a notification of the making of the decision and of their right to have the decision reviewed. In notifying any such persons, the decision-maker must have regard to any matters prescribed by rules made for the purposes of section 267 of that Act.

6 Section 50 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

7 Subsection 50(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

8 Subsection 50(3)

Omit “Despite section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “Despite section 105 of the *Administrative Review Tribunal Act 2024*”.

9 Subsection 50(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Paragraph 50(3)(b)

Omit “directions”, substitute “orders”.

Foreign Passports (Law Enforcement and Security) Act 2005

11 Subsection 16(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Subsection 23(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Subsection 23(2)

Omit “section 27 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

14 Subsection 23(4)

Omit “Despite section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “Despite section 105 of the *Administrative Review Tribunal Act 2024*”.

15 Subsection 23(4)

Omit “Administrative Appeals Tribunal may”, substitute “Administrative Review Tribunal may”.

16 Paragraph 23(4)(b)

Omit “directions”, substitute “orders”.

Nuclear Non-Proliferation (Safeguards) Act 1987

17 Subsection 13(8)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

18 Subsection 13(8)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

19 Subsection 16(7)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

20 Subsection 16(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

21 Subsection 18(5)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

22 Subsection 18(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

23 Subsection 22(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

24 Subsections 22(2), (4) and (5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

25 Subsection 22(10)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

26 Subsection 73(7)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

27 Subsection 73(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 9—Health and Aged Care

Aged Care Quality and Safety Commission Act 2018

1 Paragraph 74GI(1)(g)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Subsection 74L(3) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

3 Subsection 74M(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

4 Section 74N (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

5 Section 74N

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Biosecurity Act 2015

6 Subparagraph 61(1)(i)(iii)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

7 Subsection 72(5) (note 2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

8 Paragraph 73(e)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

9 Subdivision D of Division 2 of Part 3 of Chapter 2 (heading)

Omit “AAT”, substitute “ART”.

10 Section 75 (heading)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

11 Paragraph 75(1)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Subsection 76(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Subsection 76(2)

Omit “paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 18(1) of the *Administrative Review Tribunal Act 2024*”.

14 Paragraph 76(3)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

15 Paragraph 76(4)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

16 Subsection 76(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

17 Subsection 77(1)

Omit “Section 28 (obtaining reasons for decision) and subsections 37(1) to (1D) (lodging documents) of the *Administrative Appeals Tribunal Act 1975*”, substitute “Sections 23 (decision-maker must give Tribunal reasons and documents—general rule) and 268 (requesting reasons for reviewable decision from decision-maker) of the *Administrative Review Tribunal Act 2024*”.

18 Subsection 77(2)

Omit “subsection 29AC(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 21 of the *Administrative Review Tribunal Act 2024*”.

19 Subsections 77(2), (3) and (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

20 Subsections 78(1) to (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

21 Subsection 78(4)

Omit “section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 105 of the *Administrative Review Tribunal Act 2024*”.

22 Subsection 78(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

23 Section 79 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

24 Section 79

Omit “subsections 41(2) to (6) of the *Administrative Appeals Tribunal Act 1975*, the Administrative Appeals Tribunal”, substitute “subsections 32(2) to (9) of the *Administrative Review Tribunal Act 2024*, the Administrative Review Tribunal”.

25 Section 469

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

26 Section 573

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

27 Paragraph 576(6)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

28 Subsection 576(7)

Omit “AAT”, substitute “ART”.

29 Section 578 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

30 Subsection 578(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

31 Subsection 578(1) (note 1)

Omit “AAT”, substitute “ART”.

32 Subsection 578(3)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

Food Standards Australia New Zealand Act 1991**33 Subsection 109(8)**

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

34 After subsection 109(8)

Insert:

(8A) If an application is made under section 123 of the *Administrative Review Tribunal Act 2024* for the President of the Administrative Review Tribunal to refer a decision to the guidance and appeals panel for review, the consideration period does not include the period:

- (a) beginning on the day on which the application is made; and
- (b) ending on the day on which the President refers the decision to the guidance and appeals panel or refuses the application, as the case may be.

35 Subsection 143(1)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

36 Subsection 143(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

37 Paragraph 144(1)(c)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

38 Paragraph 144(1)(d)

Omit “except where subsection 28(4) of that Act applies, application may be made in accordance with section 28 of that Act”, substitute “application may be made in accordance with section 268 of that Act”.

39 Paragraphs 152(1)(q) and (r)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Health and Other Services (Compensation) Act 1995

40 Subsection 18(10)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

41 Subsection 18(10) (note)

Repeal the note, substitute:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed. In so notifying, the decision-maker must have regard to any matters prescribed by rules made for the purposes of section 267 of that Act.

42 Section 23D (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

43 Subsection 23D(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

44 Subsection 23D(1) (note)

Repeal the note, substitute:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed. In so notifying, the decision-maker must have regard to any matters prescribed by rules made for the purposes of section 267 of that Act.

45 Subsection 23D(2)

Omit “subsection 43(6) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsections 108(4) and (5) of the *Administrative Review Tribunal Act 2024*”.

Health Insurance Act 1973**46 Section 3AAB (heading)**

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

47 Section 3AAB

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

48 Subsection 19ABD(5) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

49 Subsection 19ABD(6) (heading)

Omit “*Administrative Appeals Tribunal*”, substitute “*Administrative Review Tribunal*”.

50 Subsections 19ABD(6) and 19AC(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

51 Subsection 19CA(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

52 Paragraph 19CA(5)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

53 Subsection 19CA(8)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

54 Subsection 20AB(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

55 Subsection 20AC(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

56 Subsection 20AD(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

57 Subsection 20AD(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

58 Subsection 20AD(6) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

59 Subsections 21C(2) and (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

60 Subsections 22B(2) and (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

61 Paragraph 23DC(10)(d)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

62 Paragraph 23DC(11)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

63 Paragraph 23DF(11)(d)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

64 Paragraph 23DF(12)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

65 Subsections 23DL(9), 23DN(7) and 23DO(4)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

66 Subsection 23DO(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

67 Subsection 23DO(6) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

68 Section 23DZD

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

69 Subsection 23DZE(1)

Omit “*Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision and, except where subsection 28(4) of that Act applies, also include a statement to the effect that the person may request a statement under section 28”, substitute “*Administrative Review Tribunal Act 2024*, be made to the Administrative Review Tribunal for review of the decision and, except where subsection 269(7) of that Act applies, also include a statement to the effect that the person may request a statement under section 268”.

70 Section 23DZZE (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

71 Subsection 23DZZE(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

72 Section 23DZZZD (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

73 Subsection 23DZZZD(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

74 Subsection 124Q(2)

Omit “*Administrative Appeals Tribunal Act 1975*, make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, make application to the Administrative Review Tribunal”.

75 Section 124R (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

76 Section 124R

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

77 Subsections 124S(1) and 124T(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

78 Subsection 124ZL(4)(note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

79 Paragraph 124ZM(1)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

80 Paragraph 124ZM(2)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

81 Subsection 124ZM(2)

Before “the Secretary”, insert “the application to the Administrative Review Tribunal is taken to be an application for review of the decision as so varied or set aside, and”.

82 Subsection 124ZM(2)

Omit “Registrar of the Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

83 Section 124ZN (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

84 Section 124ZN

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

85 Subsection 129AAJ(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

86 Subsection 129AAJ(9)

Omit “paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 18(1) of the *Administrative Review Tribunal Act 2024*”.

87 Subsection 129ACB(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

88 Subsection 129ACB(9)

Omit “paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 18(1) of the *Administrative Review Tribunal Act 2024*”.

89 Subsection 129AEC(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

90 Subsection 129AEC(4)

Omit “paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 18(1) of the *Administrative Review Tribunal Act 2024*”.

91 Subsection 129AEG(13)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Industrial Chemicals Act 2019

92 Section 9 (definition of AAT)

Repeal the definition.

93 Section 9

Insert:

ART means the Administrative Review Tribunal.

94 Section 165

Omit “AAT”, substitute “ART”.

95 Subsection 166(8) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

96 Subsection 166(9)

Omit “AAT”, substitute “ART”.

Narcotic Drugs Act 1967

97 Subsection 4(1) (paragraph (b) of the definition of *issuing officer*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

98 Subsection 4(1) (paragraph (c) of the definition of *issuing officer*)

Omit “a non-presidential member of the Administrative Appeals Tribunal”, substitute “a senior member or general member of the Administrative Review Tribunal”.

99 Subsection 13J(4) (heading)

Omit “*and non-presidential*”, substitute “, *senior members and general*”.

100 Subsection 13J(4)

Omit “or non-presidential member of the Administrative Appeals Tribunal”, substitute “, senior member or general member of the Administrative Review Tribunal”.

101 Paragraph 15J(1)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

102 Subsection 15J(2)

Omit “AAT”, substitute “ART”.

103 Section 15L (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

104 Subsection 15L(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

105 Subsection 15L(2)

Omit “subsections 27(2) and 30(1A) of the *Administrative Appeals Tribunal Act 1975*”, substitute “the *Administrative Review Tribunal Act 2024*”.

106 Section 15M (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

107 Subsection 15M(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

108 Subsection 15M(2)

Repeal the subsection, substitute:

- (2) The Secretary may, at any time, apply to the Administrative Review Tribunal to make an order under subsection 69(3) or 70(1)
-

or (2) of the *Administrative Review Tribunal Act 2024* in relation to the review including, but not limited to, an order in relation to information identified as sensitive law enforcement information under subsection 14LA(1) or (2) of this Act.

109 Subsection 15M(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

110 Subsection 15N(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

111 Subsection 15N(2)

Omit “under subsection 28(1) of the *Administrative Appeals Tribunal Act 1975*, in relation to the decision, merely because a document or statement referred to in subsection 28(4)”, substitute “under section 268 of the *Administrative Review Tribunal Act 2024*, merely because a document or statement referred to in subsection 269(7)”.

112 Subsection 15N(3)

Omit “despite subsection (2), the applicant is entitled to make a request under subsection 28(1) of the *Administrative Appeals Tribunal 1975*”, substitute “despite subsection (2), the applicant is entitled to make a request under section 268 of the *Administrative Review Tribunal Act 2024*”.

National Health Act 1953**113 Subsection 12(4)**

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

114 Subparagraph 14(4)(c)(ii)

Omit “, within 28 days after receiving the notice, the person may apply to the Administrative Appeals Tribunal”, substitute “the person may apply to the Administrative Review Tribunal”.

115 Subsection 14(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

116 Subparagraph 15(4)(c)(ii)

Omit “, within 28 days after receiving the notice, the person may apply to the Administrative Appeals Tribunal”, substitute “the person may apply to the Administrative Review Tribunal”.

117 Subsection 15(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

118 Subsection 84AAB(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

119 Subsection 84AAC(4) (note)

Omit “Section 27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “Section 266 of the *Administrative Review Tribunal Act 2024*”.

120 Subsection 84AAD(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

121 Subsection 84AAD(5) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

122 Subsection 84AAF(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

123 Subsection 84AAG(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

124 Subsection 84AAH(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

125 Subsection 84AAH(5) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

126 Subsection 84AAJ(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

127 Subsection 84AAK(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

128 Subsection 84AAL(4) (note)

Omit “27A of the *Administrative Appeals Tribunal Act 1975*”, substitute “266 of the *Administrative Review Tribunal Act 2024*”.

129 Subsection 84AAL(5) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

130 Subsections 84H(4) and 90A(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

131 Subsection 90A(8)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

132 Paragraph 90B(3)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

133 Subparagraph 90B(3)(b)(i)

Omit “Administrative Appeals Tribunal’s”, substitute “Administrative Review Tribunal’s”.

134 Paragraph 90B(3)(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

135 Subparagraph 90B(3)(c)(i)

Omit “Administrative Appeals Tribunal’s”, substitute “Administrative Review Tribunal’s”.

136 After subsection 90B(3)

Insert:

(3A) Despite subsection (3), if:

- (a) the pharmacist makes an application under section 123 of the *Administrative Review Tribunal Act 2024* for the President of the Administrative Review Tribunal to refer a decision on review of the Secretary’s decision to the guidance and appeals panel for review; and

- (b) the President refuses the application;

the pharmacist may make a request under subsection (1) within 30 days of the day on which the pharmacist is notified of the refusal under section 129 of the *Administrative Review Tribunal Act 2024*.

137 Subsections 90C(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

138 Subsection 99ABD(8)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

139 Subsection 99ABD(10)

Omit “Despite paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*”, substitute “Despite subsection 18(1) of the *Administrative Review Tribunal Act 2024*”.

140 Subsection 99ABG(4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

141 Subsection 99ABG(6)

Omit “Despite paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975*,”, substitute “Despite subsection 18(1) of the *Administrative Review Tribunal Act 2024*,”.

142 Subsection 99ABJ(14)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

143 Part VIIA (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

144 Section 105AA (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

145 Section 105AA (definition of *Tribunal*)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

146 Subsection 105AB(7) (note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

147 Subsection 105AC(1)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Tribunal”.

148 Paragraph 105AD(3)(d)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Tribunal”.

149 Paragraph 105AD(3)(e)

Omit “, except where subsection 28(4) of that Act applies, the applicant may request a statement under section 28”, substitute “the applicant may request a statement under section 268”.

150 Subsection 105AE(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Therapeutic Goods Act 1989

151 Subsection 6B(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

152 Paragraph 6B(2)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

153 Subsection 6B(3)

Omit “*Administrative Appeals Tribunal Act 1975* has effect as if a corresponding State law were an enactment”, substitute “*Administrative Review Tribunal Act 2024* has effect as if a corresponding State law were an Act”.

154 Subsection 44A(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

155 Subsection 60(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

156 Subsection 60(5)

Omit all the words from and including “may, except” to and including “Tribunal”, substitute “may apply for a statement setting out the reasons for the decision on reconsideration in accordance with section 268 of the *Administrative Review Tribunal Act 2024* and may, subject to that Act, make an application to the Administrative Review Tribunal”.

157 Paragraph 60(6)(b)

Repeal the paragraph, substitute:

- (b) subject to the *Administrative Review Tribunal Act 2024*, if the person is dissatisfied with the decision upon reconsideration, make an application to the Administrative Review Tribunal for review of that decision.

158 Subsection 60(8)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

159 Section 60A

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

Schedule 10—Home Affairs

AusCheck Act 2007

1 Subparagraph 8(3)(a)(v)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Subparagraph 10(3)(a)(v)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Australian Citizenship Act 2007

3 Subsection 52(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 At the end of subsection 52(1)

Add:

; (g) a decision under section 37 to refuse to give a person a notice stating that the person is an Australian citizen at a particular time.

5 Subsection 52(3)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Aviation Transport Security Act 2004

6 Section 4

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

7 Subsection 19(4) (note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

8 Section 126 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

9 Subsections 126(1) and (2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Subsection 126(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

11 Subsection 126(3) (note)

Repeal the note, substitute:

Note: Section 266 of the *Administrative Review Tribunal Act 2024* requires the decision-maker to notify persons whose interests are affected by the decision of the making of the decision and their right to have the decision reviewed. In so notifying, the decision-maker must have regard to the matters (if any) prescribed by rules made under that Act.

Commerce (Trade Descriptions) Act 1905

12 Subsection 15(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Subsection 15(2) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

14 Subsection 15(2) (note)

Repeal the note.

Counter-Terrorism (Temporary Exclusion Orders) Act 2019

15 Subparagraph 23(1)(d)(i)

Omit “Administrative Appeals Tribunal as Deputy President or senior member (of any level)”, substitute “Administrative Review Tribunal as Non-Judicial Deputy President or senior member”.

16 Paragraph 23(5)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Customs Act 1901

17 Paragraph 67EM(5)(b)

Repeal the paragraph, substitute:

- (b) if the special reporter applies to the Administrative Review Tribunal for a review of the decision of the Comptroller-General of Customs—when:
 - (i) the Tribunal affirms the decision of the Comptroller-General of Customs; or
 - (ii) the application for review is withdrawn by the special reporter or dismissed by the Tribunal.

18 Paragraph 269N(1)(b)

Omit “Appeals”, substitute “Review”.

19 Paragraph 269SD(2)(b)

Omit “Appeals”, substitute “Review”.

20 Section 269SHA (heading)

Omit “**Appeals**”, substitute “**Review**”.

21 Subsection 269SHA(1)

Omit “Appeals”, substitute “Review”.

22 Subsection 269SHA(3)

Omit “under subsection 30(1A) of the *Administrative Appeals Tribunal Act 1975*”, substitute “under the *Administrative Review Tribunal Act 2024*”.

23 Subsection 269SHA(5)

Omit “Administrative Appeals Tribunal intends to rely must, subject to the provisions of the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal intends to rely must, subject to the provisions of the *Administrative Review Tribunal Act 2024*”.

24 Subsection 273GA(1)

Omit “Appeals”, substitute “Review”.

25 Subsection 273GA(8)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

26 Subsection 273H(1)

Omit “Appeals”, substitute “Review”.

27 Subsection 273H(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

28 Subsection 273K(1)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review”.

Schedule 11—Industry, Science and Resources

Australian Jobs Act 2013

1 Section 112 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

2 Section 112

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Designs Act 2003

3 Section 129

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 Section 136 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

5 Subsection 136(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

6 Subsections 136(1A) and (2)

Omit “to the Administrative Appeals Tribunal” (wherever occurring), substitute “to the Administrative Review Tribunal”.

7 Subsection 136(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

8 Subsection 136(4) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

Industry Research and Development Act 1986

9 Section 30

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Subsection 30D(2) (note)

Omit “Administrative Appeals Tribunal (see section 30E). Under the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal (see section 30E). Under the *Administrative Review Tribunal Act 2024*”.

11 Subsection 30D(3) (note)

Repeal the note.

12 Paragraph 30D(4)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

13 Section 30E (heading)

Omit “AAT”, substitute “**Administrative Review Tribunal**”.

14 Subsection 30E(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

15 Subsection 30E(2)

Omit “Subsection 43(6) of the *Administrative Appeals Tribunal Act 1975* has”, substitute “Subsections 108(2) and (4) of the *Administrative Review Tribunal Act 2024* have”.

16 Paragraph 30E(2)(a)

Omit “section 43 of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 105 of the *Administrative Review Tribunal Act 2024*”.

17 Subsection 30E(3)

Repeal the subsection, substitute:

- (3) If an internal review decision is taken to be made under subsection 30D(3), then, despite section 18 (when to apply—general rule) of the *Administrative Review Tribunal Act 2024*, an application to the Administrative Review Tribunal must be made within the period:
- (a) beginning on the day on which the decision is taken to be made; and
 - (b) ending 28 days after the day on which the decision is taken to be made.

18 Subsection 30E(4)

Repeal the subsection.

19 Subparagraph 31E(1)(b)(ii)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

National Measurement Act 1960

20 Paragraph 18QC(3)(a)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

21 Paragraph 18QC(3)(b)

Omit “on determination or abandonment of the application, unless the Administrative Appeals Tribunal”, substitute “when the application is withdrawn or finally determined, unless the Administrative Review Tribunal”.

22 Section 19J (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

23 Section 19J

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Offshore Minerals Act 1994

24 Section 406 (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

25 Section 406 (note to the definition of *decision*)

Repeal the note.

26 Paragraph 407(6)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

27 Paragraph 407(6)(c)

Omit “under section 28 of the *Administrative Appeals Tribunal Act 1975*”, substitute “under the *Administrative Review Tribunal Act 2024*”.

28 Subsection 407(9)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Patents Act 1990

29 Subsection 224(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

30 Subsection 224(1A)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

31 Subsection 224(2)

Omit “Administrative Appeals Tribunal for review of a decision and a written notice of the decision is given to a person whose interests are affected by the decision, the notice must include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal for review of a decision and a written notice of the decision is given to a person whose interests are affected by the decision, the notice must include a statement to the effect that, subject to the *Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

32 Subsection 224(4) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

33 Subsections 227AB(3) and (4)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

34 Subsection 228(4C)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Plant Breeder’s Rights Act 1994

35 Subsection 3(1) (definition of *AAT*)

Repeal the definition.

36 Subsection 3(1) (definition of *AAT Act*)

Repeal the definition.

37 Subsection 3(1)

Insert:

ART means the Administrative Review Tribunal.

ART Act means the *Administrative Review Tribunal Act 2024*.

38 Subsection 3(1) (definition of *relevant proceedings*)

Omit “or in the AAT”, substitute “; or proceedings (within the meaning of the ART Act) in the ART,”.

39 Subsection 19(7) (note)

Omit “AAT”, substitute “ART”.

40 Subsection 19(10) (note)

Omit “AAT”, substitute “ART”.

41 Subsection 19(11) (note)

Omit “AAT”, substitute “ART”.

42 Subsection 21(5) (note 2)

Omit “AAT”, substitute “ART”.

43 Subsection 30(5) (note)

Omit “AAT”, substitute “ART”.

44 Subsection 31(6) (note)

Omit “AAT”, substitute “ART”.

45 Subsection 34(1) (note)

Omit “AAT”, substitute “ART”.

46 Subsection 37(1) (note)

Omit “AAT”, substitute “ART”.

47 Subsection 37(2B) (note)

Omit “AAT”, substitute “ART”.

48 Subsection 38(5) (note)

Omit “AAT”, substitute “ART”.

49 Subsection 39(2) (note)

Omit “AAT”, substitute “ART”.

50 Subsection 39(3)

Omit “AAT” (wherever occurring), substitute “ART”.

51 Paragraph 39(5)(a)

Omit “subsection 44A(2) of the AAT Act”, substitute “subsection 178(2) of the ART Act”.

52 Paragraph 39(5)(b)

Omit “subsection 44A(2A) of that Act”, substitute “subsection 178(2) of the ART Act (as it applies because of subsection 179(4) of that Act)”.

53 Subsection 39(5)

Omit “AAT”, substitute “ART”.

54 Subsection 40(8) (note)

Omit “AAT”, substitute “ART”.

55 Subsection 40(12) (note 2)

Omit “AAT”, substitute “ART”.

56 Subsection 41(1A) (note)

Omit “AAT”, substitute “ART”.

57 Subsection 41A(5) (note)

Omit “AAT”, substitute “ART”.

58 Subsection 41B(3) (note)

Omit “AAT”, substitute “ART”.

59 Subsection 41D(1) (note 1)

Omit “AAT”, substitute “ART”.

60 Paragraph 41D(7)(b)

Omit “AAT” (wherever occurring), substitute “ART”.

61 Subsection 41E(1) (note)

Omit “AAT”, substitute “ART”.

62 Subsection 44(12) (note)

Omit “AAT”, substitute “ART”.

63 Paragraph 48(2)(b)

Omit “AAT”, substitute “ART”.

64 Subsection 49(3) (note)

Omit “AAT”, substitute “ART”.

65 Paragraph 50(6)(a)

Omit “AAT”, substitute “ART”.

66 Paragraph 50(6)(b)

Omit “Tribunal”, substitute “ART”.

67 Paragraph 50(7)(a)

Omit “subsection 44A(2) of the AAT Act”, substitute
“subsection 178(2) of the ART Act”.

68 Paragraph 50(7)(b)

Omit “subsection 44A(2A) of that Act”, substitute “subsection 178(2)
of the ART Act (as it applies because of subsection 179(4) of that
Act)”.

69 Subsection 50(10) (note)

Omit “AAT”, substitute “ART”.

70 Section 62A

Omit “AAT” (wherever occurring), substitute “ART”.

71 Section 76B (note)

Omit “subsection (4) may be reviewable by the AAT”, substitute “subsection (3) may be reviewable by the ART”.

72 Subsection 77(1)

Omit “AAT”, substitute “ART”.

73 Subsection 77(1A)

Omit “AAT” (wherever occurring), substitute “ART”.

74 Subsection 77(2)

Omit “AAT does not have power under subsection 29(7) of the AAT Act”, substitute “ART does not have power under subsection 19(2) of the ART Act”.

75 Subsection 77(3)

Omit “AAT” (wherever occurring), substitute “ART”.

76 Subsection 77(4) (definition of *decision*)

Omit “AAT Act”, substitute “ART Act”.

Pooled Development Funds Act 1992

77 Paragraph 55(7)(c)

Omit “Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal under the *Administrative Review Tribunal Act 2024*”.

78 Section 56 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

79 Subsection 56(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Trade Marks Act 1995

80 Subsections 99A(2), 136B(3), 175(5), 178(5), 180(4) and 180A(4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

81 Subsection 222A(4)

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

82 Subsection 224(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

83 Section 227 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

84 Subsection 227(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

85 Paragraph 227(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

86 Subsection 227(3) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

87 Subsection 228A(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

88 Paragraph 231(3)(d)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Venture Capital Act 2002

89 Paragraph 29-10(6)(c)

Omit “Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act 1975*”, substitute “Administrative Review Tribunal under the *Administrative Review Tribunal Act 2024*”.

90 Section 29-15 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

91 Subsection 29-15(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 12—Infrastructure, Transport, Regional Development, Communications and the Arts

Airports Act 1996

1 Section 241

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

2 Section 242 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

3 Subsection 242(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 Subsection 242(3)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

5 Subsection 242(5) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

6 Subsection 242(6) (heading)

Omit “*Administrative Appeals Tribunal*”, substitute “*Administrative Review Tribunal*”.

7 Subsection 242(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Broadcasting Services Act 1992

8 Subparagraph 61AN(4C)(b)(ii)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

9 Paragraph 61AN(4C)(e)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

10 Subsection 61AZ(5) (heading)

Omit “AAT/court”, substitute “ART/court”.

11 Subparagraph 61AZ(5)(b)(ii)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Subsection 61AZ(7)

Repeal the subsection, substitute:

(7) For the purposes of subsection (5), if:

- (a) a person applied to the Administrative Review Tribunal for a review of a decision; and
- (b) the Administrative Review Tribunal makes a decision on the application;

the application is taken not to have been finalised during the period within which a person may appeal to the Federal Court under section 172 of the *Administrative Review Tribunal Act 2024* from the decision mentioned in paragraph (b).

13 Paragraphs 61AZ(8)(a) and (b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

14 Subsection 61AZ(12)

Omit “28-day”.

15 Part 14 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

16 Section 204 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

17 Subsections 204(1) to (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

18 Paragraph 205(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

19 Clause 1 of Schedule 4

Omit “AAT”, substitute “ART”.

20 Clause 2 of Schedule 4 (definition of AAT)

Repeal the definition.

21 Clause 2 of Schedule 4

Insert:

ART means the Administrative Review Tribunal.

22 Clause 62 of Schedule 4 (heading)

Omit “AAT”, substitute “ART”.

23 Subclauses 62(5), (7) and (9) of Schedule 4

Omit “AAT”, substitute “ART”.

24 Paragraph 63(a) of Schedule 4

Repeal the paragraph, substitute:

(a) a statement of reasons for the decision (within the meaning of the *Administrative Review Tribunal Act 2024*); and

25 Paragraph 63(b) of Schedule 4

Omit “AAT”, substitute “ART”.

26 Paragraph 57(5)(a) of Schedule 6

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

27 Paragraph 57(5)(b) of Schedule 6

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024*”.

28 Clause 58 of Schedule 6 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

29 Clause 58 of Schedule 6

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

30 Paragraph 59(b) of Schedule 6

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Civil Aviation Act 1988

31 Paragraph 30DV(c)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

32 Section 30EB (example)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

33 Subsection 31(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

34 Subsection 31(2)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

35 Subsection 31(3)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

36 Subsection 31A(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

37 Subsections 31A(4) and (5)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024*”.

***Classification (Publications, Films and Computer Games)
Act 1995***

38 Subsection 6H(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

39 Paragraph 14B(4)(f)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

40 Section 17D (heading)

Omit “AAT”, substitute “ART”.

41 Section 17D

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

42 Section 22G (heading)

Omit “AAT”, substitute “ART”.

43 Section 22G

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

44 Section 22J (heading)

Omit “AAT”, substitute “ART”.

45 Section 22J

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

46 Paragraph 31(3)(f)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

47 Subsection 91(3)

Omit “*Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, an application may be made to the Administrative Review Tribunal”.

48 Subsection 91(5) (heading)

Omit “AAT”, substitute “ART”.

49 Subsection 91(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Coastal Trading (Revitalising Australian Shipping) Act 2012

50 Section 5

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

51 Subsection 25(3) (note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

52 Subsection 59(3) (note)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

53 Section 107 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

54 Subsections 107(1) to (4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

55 Subsection 107(4) (note)

Omit “process, see section 41 of the *Administrative Appeals Tribunal Act 1975*”, substitute “process unless the Tribunal orders otherwise, see section 32 of the *Administrative Review Tribunal Act 2024*”.

56 Subsection 107(5)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

57 Subsection 107(5) (note)

Omit “process, see section 41 of the *Administrative Appeals Tribunal Act 1975*”, substitute “process unless the Tribunal orders otherwise, see section 32 of the *Administrative Review Tribunal Act 2024*”.

58 Subsections 107(6) and (7)

Repeal the subsections (including the note).

Online Safety Act 2021

59 Section 220 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

60 Section 220

Omit “Administrative Appeals Tribunal” (wherever occurring), substitute “Administrative Review Tribunal”.

Radiocommunications Act 1992

61 Section 5 (definition of AAT)

Repeal the definition.

62 Section 5

Insert:

ART means the Administrative Review Tribunal.

63 Paragraph 116(4)(b)

Omit “AAT”, substitute “ART”.

64 Subsection 231(7)

Omit “AAT”, substitute “ART”.

65 Paragraph 287(1)(b)

Omit “subject to the *Administrative Appeals Tribunal Act 1975* be made to the AAT”, substitute “subject to the *Administrative Review Tribunal Act 2024* be made to the ART”.

66 Paragraph 291(1)(a)

Omit “*Administrative Appeals Tribunal Act 1975*, if he or she is dissatisfied with the decision so affirmed or varied, apply to the AAT”, substitute “*Administrative Review Tribunal Act 2024*, if the person is dissatisfied with the decision so affirmed or varied, apply to the ART”.

67 Paragraph 291(1)(b)

Omit “statement under section 28 of”, substitute “statement of reasons under”.

68 Section 292 (heading)

Omit “AAT”, substitute “ART”.

69 Section 292

Omit “AAT”, substitute “ART”.

70 Paragraph 3(2)(b) of Part 1 of the Schedule

Omit “AAT” (wherever occurring), substitute “ART”.

71 Paragraph 3(2)(c) of Part 1 of the Schedule

Omit “AAT”, substitute “ART”.

72 Paragraph 2(1)(c) of Part 2 of the Schedule

Omit “AAT”, substitute “ART”.

73 Clause 7 of Part 2 of the Schedule (heading)

Omit “AAT”, substitute “ART”.

74 Subclause 7(1) of Part 2 of the Schedule

Omit “AAT”, substitute “ART”.

75 Subclause 7(2) of Part 2 of the Schedule

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

76 Subclause 7(3) of Part 2 of the Schedule

Omit “Section 29 of that Act applies to the application as if the prescribed time for lodging the application with the AAT were the period of 90 days beginning on”, substitute “Despite section 18 of the *Administrative Review Tribunal Act 2024*, an application for review of the decision must be made within 90 days after”.

77 Subclauses 7(4) and (5) of Part 2 of the Schedule

Omit “AAT”, substitute “ART”.

78 Subclauses 8(3) and 9(4) of Part 2 of the Schedule

Omit “AAT”, substitute “ART”.

Telecommunications Act 1997

79 Subparagraphs 56AA(7)(b)(iii) and (iv)

Repeal the subparagraphs, substitute:

- (iii) if, during the 28-day period last mentioned in subparagraph (ii), the body corporate makes an application under section 562 to the Administrative Review Tribunal for review of the refusal decision—the end of the period (the *first appeal period*) within which an appeal from the decision of the Administrative Review Tribunal may be made to the Federal Court under section 172 of the *Administrative Review Tribunal Act 2024*;
- (iv) if, during the first appeal period, the President of the Administrative Review Tribunal refers the decision on the application mentioned in subparagraph (iii) to the guidance and appeals panel of the Tribunal—the end of the period (the *second appeal period*) within which an appeal from the decision of the guidance and appeals panel may be made to the Federal Court under section 172 of the *Administrative Review Tribunal Act 2024*;
- (v) if, during the first appeal period or the second appeal period, the body corporate appeals to the Federal Court under section 172 of the *Administrative Review Tribunal Act 2024* from the decision of the Administrative Review Tribunal mentioned in subparagraph (iii), or the decision of the guidance and appeals panel—when the appeal is determined.

80 Paragraph 58A(3)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

81 Subsection 314A(5C)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

82 Section 554

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

83 Subparagraph 557(1)(b)(i)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

84 Subparagraph 557(1)(b)(ii)

Omit “a statement under section 28”, substitute “a statement of reasons under section 268”.

85 Paragraph 561(1)(a)

Omit “*Administrative Appeals Tribunal Act 1975*, if he or she is dissatisfied with the decision so affirmed or varied, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if the person is dissatisfied with the decision so affirmed or varied, apply to the Administrative Review Tribunal”.

86 Paragraph 561(1)(b)

Omit “a statement under section 28”, substitute “a statement of reasons under section 268”.

87 Section 562 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

88 Section 562

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

89 Clause 35 of Schedule 3 (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

90 Subclause 35(1) of Schedule 3

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

91 Subclause 35(2) of Schedule 3

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

92 Subclause 35(4) of Schedule 3 (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

93 Paragraph 57A(3)(b) of Schedule 3A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

94 Paragraph 72A(3)(b) of Schedule 3A

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 13—Prime Minister and Cabinet

Aboriginal and Torres Strait Islander Act 2005

1 Subsection 143R(2)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

2 Section 181B

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

3 Section 196A (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

4 Subsection 196A(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

5 Subsection 196A(2)

Omit “*Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, application may be made to the Administrative Review Tribunal”.

Aboriginal and Torres Strait Islander Commission Amendment Act 2005

6 Subitem 208(1) of Schedule 1

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

***Corporations (Aboriginal and Torres Strait Islander) Act
2006***

7 Subsection 404-15(7)

Omit “AAT”, substitute “Administrative Review Tribunal”.

8 Subsection 404-15(7)

Omit “AAT’s” (wherever occurring), substitute “Tribunal’s”.

9 Section 614-1 (paragraph beginning “Division 620”)

Omit “AAT”, substitute “Administrative Review Tribunal”.

10 Section 614-1 (paragraph beginning “Division 623”)

Omit “AAT”, substitute “Administrative Review Tribunal”.

11 Subsection 617-10(5)

Omit “subsection 29(6) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 20(2) of the *Administrative Review Tribunal Act 2024*”.

12 Division 623 (heading)

Repeal the heading, substitute:

**Division 623—Review of reviewable decisions by
Administrative Review Tribunal**

13 Section 623-1 (heading)

Repeal the heading, substitute:

**623-1 Review of reviewable decisions by Administrative Review
Tribunal**

14 Section 623-1

Omit “AAT”, substitute “Administrative Review Tribunal”.

15 Section 700-1 (definition of AAT)

Repeal the definition.

Schedule 14—Treasury

Banking Act 1959

1 Paragraph 22A(5)(c)

Repeal the paragraph, substitute:

(c) the *Administrative Review Tribunal Act 2024*.

2 Section 51A (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

3 Subsection 51C(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

4 Subsection 51C(2)

Repeal the subsection, substitute:

(2) If a decision is taken, because of the operation of subsection 51B(4), to be confirmed, then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:

- (a) beginning on the day on which the decision is taken to be confirmed; and
- (b) ending 28 days after the day on which the decision is taken to be confirmed.

5 Subsection 51C(3)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

6 After subsection 51C(3)

Insert:

- (4) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

7 Paragraph 51D(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

8 Paragraph 51D(1)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

9 Subsection 51D(4)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

10 Subsection 51D(4)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

***Financial Institutions Supervisory Levies Collection Act
1998***

11 Subsection 27(6)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

12 Subsection 27(7)

Repeal the subsection, substitute:

- (7) If a decision is taken to be confirmed under subsection (4), then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:

- (a) beginning on the day on which the decision is taken to be confirmed; and
- (b) ending 28 days after the day on which the decision is taken to be confirmed.

13 Subsection 27(8)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

14 Subsection 27(9)

Repeal the subsection, substitute:

- (9) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

15 Paragraph 28(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

16 Subsection 28(2)

Omit “*Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, apply to the Administrative Review Tribunal”.

Financial Sector (Collection of Data) Act 2001**17 Paragraph 25A(2)(b)**

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

18 Paragraph 25A(2)(b)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

19 Paragraphs 25C(3)(b) to (d)

Repeal the paragraphs, substitute:

- (b) include a statement of reasons for the decision (within the meaning of the *Administrative Review Tribunal Act 2024*); and

20 Subparagraph 25C(3)(e)(ii)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with the decision, apply to the Administrative Review Tribunal”.

21 Section 25D (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

22 Subsection 25D(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

23 Subsection 25D(2)

Omit “section 29 of the *Administrative Appeals Tribunal Act 1975* applies as if the prescribed time for making an application for review of the decision were the period”, substitute “then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period”.

24 Paragraph 25D(2)(b)

Omit “later”, substitute “after the day on which the decision is taken to be confirmed”.

25 Subsection 25D(3)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

26 Subsections 25D(4) and (5)

Repeal the subsections.

27 Subsection 25D(6)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975* in respect of a decision except by the Administrative Appeals Tribunal”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a decision except by the Administrative Review Tribunal”.

28 Section 31 (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

Insurance Acquisitions and Takeovers Act 1991**29 Section 67 (heading)**

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

30 Subsection 67(1)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

31 Subsection 67(2)

Repeal the subsection, substitute:

- (2) If, because of the operation of subsection 66(4), a decision is taken to be confirmed, then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:
- (a) beginning on the day on which the decision is taken to be confirmed; and
 - (b) ending 28 days after the day on which the decision is taken to be confirmed.

32 Subsection 67(3)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

33 Subsection 67(5)

Repeal the subsection.

34 Subsection 67(6)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975* in respect of a reviewable decision except by the Administrative Appeals Tribunal”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal”.

35 Subsection 67(7)

Repeal the subsection.

36 Paragraph 68(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the Minister upon that reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with a decision made by the Minister upon that reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Review Tribunal”.

37 Subsection 68(2)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision so confirmed or varied, make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with the decision so confirmed or varied, make application to the Administrative Review Tribunal”.

Insurance Act 1973**38 Paragraph 26A(5)(c)**

Repeal the paragraph, substitute:

(c) the *Administrative Review Tribunal Act 2024*.

39 Subsection 63(1) (definition of *decision*)

Omit “*Administrative Appeals Tribunal Act 1975*”, substitute “*Administrative Review Tribunal Act 2024*”.

40 Subsection 63(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

41 Subsection 63(8)

Repeal the subsection, substitute:

- (8) Where a decision is deemed, by reason of the operation of subsection (5), to be confirmed, then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:
- (a) beginning on the day on which the decision is deemed to be confirmed; and
 - (b) ending 28 days after the day on which the decision is deemed to be confirmed.

42 Subsection 63(9)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

43 Subsections 63(12) and (12A)

Repeal the subsections.

44 Subsection 63(13)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975* in respect of a reviewable decision except by the Administrative Appeals Tribunal”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal”.

45 Paragraph 64(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by the decision maker upon that reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with a decision made by the decision maker upon that reconsideration confirming or varying the first-mentioned decision, make application to the Administrative Review Tribunal”.

46 Subsection 64(2)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision so confirmed or varied, make application to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with the decision so confirmed or varied, make application to the Administrative Review Tribunal”.

47 Subparagraph 93(6)(c)(ii)

Omit “*Administrative Appeals Tribunal Act 1975* and, if no appeal in the matter is made under section 44”, substitute “*Administrative Review Tribunal Act 2024* and, if no appeal in the matter is made under section 172”.

Life Insurance Act 1995

48 Subsection 236(8)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

49 Subsection 236(9)

Repeal the subsection, substitute:

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- (9) If a decision is taken to be confirmed because of subsection (6), then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:
- (a) beginning on the day on which the decision is taken to be confirmed; and
 - (b) ending 28 days after the day on which the decision is taken to be confirmed.

50 Subsection 236(10)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

51 Subsection 237(3)

Repeal the subsection.

52 Subsection 237(4)

Omit “subsection 41(2) of the *Administrative Appeals Tribunal Act 1975* in respect of a reviewable decision except by the Administrative Appeals Tribunal”, substitute “subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal”.

53 Paragraph 245C(5)(b)

Repeal the paragraph, substitute:

- (b) the *Administrative Review Tribunal Act 2024*.

Private Health Insurance (Prudential Supervision) Act 2015

54 Paragraph 122(5)(c)

Repeal the paragraph, substitute:

- (c) the *Administrative Review Tribunal Act 2024*.

55 Subsection 168(7) (heading)

Omit “AAT”, substitute “ART”.

56 Subsection 168(7)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

57 Subsection 168(8)

Repeal the subsection, substitute:

- (8) If a decision is taken, by subsection (5), to be confirmed, then (despite section 18 of the *Administrative Review Tribunal Act 2024*) an application for review of the decision must be made within the period:
- (a) beginning on the day on which the decision is taken to be confirmed; and
 - (b) ending 28 days after the day on which the decision is taken to be confirmed.

58 Subsection 168(9)

Omit “section 41 of the *Administrative Appeals Tribunal Act 1975* applies as if the making of the request were the making of an application to the Administrative Appeals Tribunal”, substitute “section 32 of the *Administrative Review Tribunal Act 2024* applies as if the making of the request were the making of an application to the Administrative Review Tribunal”.

59 At the end of section 168

Add:

- (10) An order must not be made under subsection 32(2) of the *Administrative Review Tribunal Act 2024* in respect of a reviewable decision except by the Administrative Review Tribunal.

60 Paragraph 169(1)(b)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with a decision made by APRA upon that reconsideration confirming or varying the first-mentioned decision, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with a decision made by APRA upon that reconsideration confirming or varying the first-mentioned decision, apply to the Administrative Review Tribunal”.

61 Subsection 169(2)

Omit “*Administrative Appeals Tribunal Act 1975*, if dissatisfied with the decision so confirmed or varied, apply to the Administrative Appeals Tribunal”, substitute “*Administrative Review Tribunal Act 2024*, if dissatisfied with the decision so confirmed or varied, apply to the Administrative Review Tribunal”.

Product Grants and Benefits Administration Act 2000**62 Subsection 24A(4) (paragraph (b) of the definition of *decision to which this section applies*)**

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

Schedule 15—Acts with State and Territory consultation requirements

Part 1—Main amendments

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

1 Subsection 18(9)

Omit “section 29 of the *Administrative Appeals Tribunal Act 1975* applies as if the prescribed time”, substitute “section 18 of the *Administrative Review Tribunal Act 2024* applies as if the prescribed period”.

2 Subsection 18(10)

Repeal the subsection, substitute:

- (10) If a request is made under subsection (1) in respect of an assessment, section 32 of the *Administrative Review Tribunal Act 2024* (reviewable decision continues to operate unless Tribunal orders otherwise) applies as if the making of the request were the making of an application to the Administrative Review Tribunal for a review of the assessment.

Agricultural and Veterinary Chemicals (Administration) Act 1992

3 Paragraphs 69D(1C)(a) and (b)

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application may be made by or on behalf of a person whose interests are affected by the decision to which the notice relates to the Administrative Review Tribunal for review of the decision; and
- (b) a person whose interests are affected by the decision may, under section 268 of that Act, request a statement of reasons for the decision.

Agricultural and Veterinary Chemicals Code Act 1994

4 Paragraphs 168(1)(a) and (b) of the Code set out in the Schedule

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application may be made by or on behalf of a person whose interests are affected by the decision to the Administrative Review Tribunal for review of the decision; and
- (b) a person whose interests are affected by the decision may, under section 268 of that Act, request a statement of reasons for the decision.

Australian Education Act 2013

5 Subsection 122(4)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “section 17 of the *Administrative Review Tribunal Act 2024*”.

Criminal Code Act 1995

6 Section 72.30 of the *Criminal Code* (heading)

Omit “**Administrative Appeals Tribunal**”, substitute “**Administrative Review Tribunal**”.

7 Subsections 72.30(1) and (2) of the *Criminal Code*

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

8 Paragraph 105.47(2)(f) of the *Criminal Code*

Omit “or that the Administrative Appeals Tribunal has declared to be void”.

9 Subsections 105.51(5) to (9) of the *Criminal Code*

Repeal the subsections.

Fair Work Act 2009

10 Section 12 (definition of AAT presidential member)

Repeal the definition.

11 Section 12

Insert:

ART President or Deputy President means the President, a Judicial Deputy President or a Non-Judicial Deputy President of the Administrative Review Tribunal.

Gene Technology Act 2000

12 Subsection 19(3)

Repeal the subsection, substitute:

- (3) For the purposes of this section, the *Administrative Review Tribunal Act 2024* has effect as if a corresponding State law were an Act.

Greenhouse and Energy Minimum Standards Act 2012

13 Section 3 (paragraph beginning “Decisions about registration”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

14 Section 163 (paragraph beginning “Reviewable decisions made by”)

Omit “Administrative Appeals Tribunal”, substitute “Administrative Review Tribunal”.

15 Subsection 167(3)

Omit “subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*”, substitute “subsection 17(1) of the *Administrative Review Tribunal Act 2024*”.

Mutual Recognition Act 1992

16 Paragraphs 34(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application for review of the decision may be made to the Tribunal by a person whose interests are affected by the decision; and
- (b) the person may, under section 268 of that Act, request a statement of reasons for the decision.

National Vocational Education and Training Regulator Act 2011

17 Subsection 59(2)

Omit “appeal is finally determined or otherwise disposed of”, substitute “decision of the Tribunal comes into operation”.

18 Subsection 197(3)

Repeal the subsection, substitute:

- (3) For the purposes of subsection (1), the *Administrative Review Tribunal Act 2024* has effect as if a corresponding State law were an Act.

Research Involving Human Embryos Act 2002

19 Subsection 45(3)

Repeal the subsection, substitute:

- (3) For the purposes of this section, the *Administrative Review Tribunal Act 2024* has effect as if a corresponding State law were an Act.

Trans-Tasman Mutual Recognition Act 1997

20 Subsection 4(1) (definition of *Australian Tribunal*)

Repeal the definition, substitute:

Australian Tribunal means the Administrative Review Tribunal.

21 Paragraphs 33(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) subject to the *Administrative Review Tribunal Act 2024*, application for review of the decision may be made to the Australian Tribunal by a person whose interests are affected by the decision; and
- (b) the person may, under section 268 of that Act, request a statement of reasons for the decision.

22 Subsection 35(3)

Omit “paragraph 19A(1)(a) of the *Administrative Appeals Tribunal Act 1975*, direct that the persons who are to constitute the Australian Tribunal for the purposes of that review”, substitute “subsection 37(1) of the *Administrative Review Tribunal Act 2024*, direct that the persons who are to constitute the Australian Tribunal for the purposes of the proceeding for that review”.

23 Subsection 35(5)

Repeal the subsection, substitute:

- (5) A reference in any of the following provisions of the *Administrative Review Tribunal Act 2024* to a member includes a reference to a person included in a direction under subsection (3) of this section:
 - (a) Part 4;
 - (b) Part 5;
 - (c) Subdivision B of Division 2 of Part 8;
 - (d) Division 4, 5, 6 or 7 of Part 8;
 - (e) Part 11.

Part 2—Bulk amendments

Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994

24 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
16(11)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
18(7)	Administrative Appeals Tribunal	Administrative Review Tribunal
18(8)	Administrative Appeals Tribunal	Administrative Review Tribunal
33 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
33	Administrative Appeals Tribunal	Administrative Review Tribunal

Agricultural and Veterinary Chemicals Act 1994

25 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
18(1)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal

Agricultural and Veterinary Chemicals (Administration) Act 1992

26 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

No. 39, 2024 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024* 145

Schedule 15 Acts with State and Territory consultation requirements
Part 2 Bulk amendments

Amendments

Provision	Omit	Substitute
69D(1B)	Administrative Appeals Tribunal	Administrative Review Tribunal

Agricultural and Veterinary Chemicals Code Act 1994

27 Amendments of listed provisions

The provisions of the Code (set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*) listed in the following table are amended as set out in the table.

Amendments

Provision	Omit (wherever occurring)	Substitute
166(1)(b)	Administrative Appeals Tribunal	Administrative Review Tribunal
166(1A)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
167 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
167(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
167(2A)	Administrative Appeals Tribunal	Administrative Review Tribunal
167(2B)	Administrative Appeals Tribunal	Administrative Review Tribunal
167(3)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
167(4) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Australian Education Act 2013

28 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

146 *Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024* No. 39, 2024

Amendments		
Provision	Omit	Substitute
52(5)(d)	Administrative Appeals Tribunal	Administrative Review Tribunal or former Administrative Appeals Tribunal
114	Administrative Appeals Tribunal	Administrative Review Tribunal
120(8)(c)	Administrative Appeals Tribunal	Administrative Review Tribunal
122 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
122(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Fair Work Act 2009

29 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit (wherever occurring)	Substitute
712A (heading)	AAT presidential members	ART President or Deputy President
712A	AAT presidential member	ART President or Deputy President
712AA (heading)	AAT presidential member	ART President or Deputy President
712AA(1)	AAT presidential member	ART President or Deputy President
712AA(6)	AAT presidential member	ART President or Deputy President
712AA(6)	the presidential member	the ART President or Deputy President
712AB(1)	AAT presidential member	ART President or Deputy President
712AB(1)	the presidential member	the ART President or Deputy President

Schedule 15 Acts with State and Territory consultation requirements
Part 2 Bulk amendments

Amendments		
Provision	Omit (wherever occurring)	Substitute
712AB(2)	AAT presidential member	ART President or Deputy President
712AB(4)	AAT presidential member	ART President or Deputy President
712AC(e)	AAT presidential member	ART President or Deputy President
712AD(1)	AAT presidential member	ART President or Deputy President
712E (1)(b)(iii)	AAT presidential member	ART President or Deputy President

Gene Technology Act 2000

30 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
19(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
19(2)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
183 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
183(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
183(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Greenhouse and Energy Minimum Standards Act 2012

31 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
167 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
167(1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Mutual Recognition Act 1992

32 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
4(1) (definition of Tribunal)	Administrative Appeals Tribunal	Administrative Review Tribunal
31(3)	Registrar	Chief Executive Officer and Principal Registrar
34(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
34(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

***National Vocational Education and Training Regulator Act
2011***

33 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
59(2)(aa)	Administrative Appeals Tribunal	Administrative Review Tribunal
197(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
197(2)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal
201(4)	Administrative Appeals Tribunal	Administrative Review Tribunal
203 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
203(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
203(2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Personal Property Securities Act 2009

34 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
150 (note 3)	Administrative Appeals Tribunal	Administrative Review Tribunal
168 (note 2)	Administrative Appeals Tribunal	Administrative Review Tribunal
170 (note 1)	Administrative Appeals Tribunal	Administrative Review Tribunal
175 (note 1)	Administrative Appeals Tribunal	Administrative Review Tribunal

Amendments		
Provision	Omit	Substitute
176(1) (note 1)	Administrative Appeals Tribunal	Administrative Review Tribunal
178(2) (note 1)	Administrative Appeals Tribunal	Administrative Review Tribunal
181 (note 3)	Administrative Appeals Tribunal	Administrative Review Tribunal
184(1) (note 2)	Administrative Appeals Tribunal	Administrative Review Tribunal
184(2) (note)	Administrative Appeals Tribunal	Administrative Review Tribunal
188 (note 2)	Administrative Appeals Tribunal	Administrative Review Tribunal
191	Administrative Appeals Tribunal	Administrative Review Tribunal
334 (note 2)	Administrative Appeals Tribunal	Administrative Review Tribunal

Research Involving Human Embryos Act 2002

35 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
31 (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
32(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
32(2)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
45(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
45(2)(a)	Administrative Appeals Tribunal	Administrative Review Tribunal

Trans-Tasman Mutual Recognition Act 1997

36 Amendments of listed provisions

The provisions listed in the following table are amended as set out in the table.

Amendments		
Provision	Omit	Substitute
30(3)	Registrar	Chief Executive Officer and Principal Registrar
33(1)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024
33(2) (definition of decision)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

Schedule 16—Amendment of the Administrative Review Tribunal Act 2024

Administrative Review Tribunal Act 2024

1 Section 4 (paragraph (e) of the definition of *agency head*)

Repeal the paragraph.

2 Section 4 (paragraph (d) of the definition of *intelligence and security decision*)

Repeal the paragraph.

3 Section 4 (definition of *preventative detention decision*)

Repeal the definition.

4 Subsection 135(2) (table item 3)

Repeal the item.

5 Subsection 137(2) (table item 3)

Repeal the item.

6 Subsection 138(1)

Repeal the subsection, substitute:

When this section applies

- (1) This section applies in relation to an intelligence and security decision, other than an exempt security record decision.

7 Subsection 140(1)

Repeal the subsection, substitute:

When this section applies

- (1) This section applies in relation to an intelligence and security decision, other than an exempt security record decision.

8 Paragraph 145(1)(a)

Omit “, other than a proceeding for review of a preventative detention decision”.

9 Section 146

Repeal the section.

10 Subsection 147(2) (table item 3)

Repeal the item.

11 Section 164

Repeal the section.

12 Paragraph 165(a)

Repeal the paragraph, substitute:

- (a) in relation to the review of an intelligence and security decision other than an exempt security record decision; and

*[Minister’s second reading speech made in—
House of Representatives on 7 February 2024
Senate on 25 March 2024]*

(7/24)