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/)

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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:

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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 *Administrative Review Tribunal Act 2024* commences. However, the provisions do not commence at all if that Act does not commence.	14 October 2024
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.	14 October 2024
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.	14 October 2024
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.	14 October 2024

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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.	14 October 2024

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;

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(d) the Principal Registrar of the Administrative Review Tribunal.

(3) Subsection (2) is subject to a contrary intention.

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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:

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(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.

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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.

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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:

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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

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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*".

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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".

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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

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(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.

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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:

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(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.

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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.

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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

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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*.

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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).

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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.

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(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.

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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.

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(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.

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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).

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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.

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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.

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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

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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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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

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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

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Amendments		
Provision	**Omit**	**Substitute**
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*.

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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***.

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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;

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(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.

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(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.

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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".

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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:

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(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).

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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".

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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**".

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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".

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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.

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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.

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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".

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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:

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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);

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(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;

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(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.

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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);

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(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:

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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.

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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.

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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.

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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:

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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);

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(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".

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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:

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(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

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(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

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(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:

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(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:

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(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

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(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—reinstate 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

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(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:

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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**".

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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:

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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:

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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:

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(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".

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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.

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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.

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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):

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(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;

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(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".

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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:

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(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".

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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:

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(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".

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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".

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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".

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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".

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304 Subsection 503B(14) (table item 4)

Omit "Administrative Appeals Tribunal" (wherever occurring), substitute "Administrative Review Tribunal".

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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

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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

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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.

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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".

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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***)".

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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.

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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

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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:

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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:

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(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***)".

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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.

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(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

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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

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(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*.

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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".

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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)".

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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.

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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

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(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;

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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:

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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

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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:

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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;

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(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

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(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.

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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.

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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.

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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;

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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.

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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.

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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

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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

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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:

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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:

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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;

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(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")".

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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:

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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)

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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)

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

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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

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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

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

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(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.

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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,

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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

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(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***;

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(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".

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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:

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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.

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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.

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(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:

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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.

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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*".

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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.

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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".

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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.

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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

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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

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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.

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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.

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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

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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

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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*.

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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:

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(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) subsection56(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).

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(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

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(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*".

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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

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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).

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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

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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

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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

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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.

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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

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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

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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.

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Amendments		
Provision	**Omit**	**Substitute**
45 (heading)	Administrative Appeals Tribunal	Administrative Review Tribunal
45	Administrative Appeals Tribunal	Administrative Review Tribunal

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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

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(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).

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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.

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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.

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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)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal

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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

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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.

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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.

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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

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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

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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.

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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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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".

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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*".

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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

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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

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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

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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.

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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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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".

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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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

Amendments		
Provision	**Omit**	**Substitute**
27(1)	Administrative Appeals Tribunal	Administrative Review Tribunal
27(4)	Administrative Appeals Tribunal Act 1975	Administrative Review Tribunal Act 2024

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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*".

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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:

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(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*".

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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 34ZZZC(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*".

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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*".

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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".

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

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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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

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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

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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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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*".

Replaced Authorised Version registered 06/09/2024 C2024A00038

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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

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.

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

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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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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

Replaced Authorised Version registered 06/09/2024 C2024A00038

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)	Administrative Appeals Tribunal (second occurring)	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)	Administrative Appeals Tribunal (second occurring)	Administrative Review Tribunal

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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

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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

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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

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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

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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;

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(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".

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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".

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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)".

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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.

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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:

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(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);

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(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

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(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".

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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.

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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

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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.

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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

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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

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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

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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

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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

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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.

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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.

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(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:

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(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:

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(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.

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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

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(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.

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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.

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(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.

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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.

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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.

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(2) Anything the court could have done in relation to the AAT before the transition time may be done in relation to the ART.

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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.

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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

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(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:

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(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:

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(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:

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(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

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(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.

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(10) Subitem (9) ceases to be in force 1 month after the transition time.

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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).

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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

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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.

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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.

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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.

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(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).

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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.

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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)

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