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# Administrative Review Tribunal Rules 2024

This document provides an overview of the draft Administrative Review Tribunal Rules 2024 (the Rules), which have been published for public consultation. This document should be read in conjunction with the Rules.

## Summary

Subsection 295(1) of the *Administrative Review Tribunal Act 2024* (the ART Act) provides that the Minister may make rules prescribing matters required or permitted to be prescribed in rules, or necessary or convenient to be prescribed for carrying out or giving effect to the ART Act.

The Rules deal with several matters, which are required to support the operation of the Administrative Review Tribunal (the Tribunal) and are required or permitted to be made under the ART Act. This includes matters that are currently dealt with in the *Administrative Appeals Tribunal Act 1975* (AAT Act), the *Administrative Appeals Tribunal Regulation 2015* (AAT Regulation) and *Administrative Appeals Tribunal (Code of Practice) Determination 2017* (Code of Practice), such as:

- timeframes for making applications to the Tribunal
- matters which decision-makers must have regard to when giving notices of decision
- witness fees and allowances, and
- application fees.

The Rules dealing with these matters are broadly equivalent to current provisions, with updates to reflect modern drafting practices.

Rules specifying additional Tribunal powers and functions which the President may authorise members, registrars or staff members to exercise or perform reflect changes to the way that powers and functions of the Tribunal are dealt with under the ART Act. This is in order to facilitate the timely and efficient resolution of matters by allowing members and staff to undertake tasks that are most suited to their qualification, experience and skills.

Rules prescribing matters in relation to the giving of election and participation notices, and application fees to the guidance and appeals panel are entirely new, reflecting that this is a new feature of the legislation.

# Overview of the Rules

## Part 1: Preliminary

Part 1 of the Rules sets out preliminary matters for the Rules, including in relation to its commencement.

**Section 2** provides that the Rules will commence on 14 October 2024. The ART Act will also commence on 14 October 2024. **Section 3** provides that the Rules are made under the ART Act.

**Section 4** sets out defined terms used throughout the Rules.

## Part 2: Applying for review of a decision

This Part of the Rules sets out the approach to calculating the relevant timeframes to apply for review of a reviewable decision where section 18 of the ART Act applies.

Subsection 18(1) of the ART Act provides that an application to the Tribunal for review of a decision must be made within a period prescribed by the Rules. The ART Act provides that rules made for the purpose of subsection 18(1) must not prescribe a period ending before the day that is 28 days after the day the decision is made. **Section 5** is broadly equivalent to subsection 29(2) of the AAT Act and **section 6** is broadly equivalent to subsection 29(3) of the AAT Act, with updates to reflect modern drafting practices, and a simplified, more user-friendly structure.

These Rules do not apply to matters for which specific timeframes to apply for review are set out in other legislation. For example, timeframes to apply for reviewable migration decisions and reviewable protection decisions are set out in the *Migration Act 1958* (Migration Act). Timeframes to apply in social security matters are generally set out in the relevant legislation, such as decisions to which section 147 of the *Social Security (Administration) Act 1999* applies which do not have a timeframe for applying for review.

### Section 5: When to apply – notice of decision given in writing

This section applies in relation to an application for review of a decision other than decision taken to be made by the operation of section 16 of the ART Act or a provision of another Act or legislative instrument, if the applicant is given notice of the decision in writing.

This section restructures the current approach taken by the AAT Act by tying the calculation of timeframes to apply for review to the provision of notice of the decision as a common starting point for all prospective applicants, with other scenarios representing extensions to this timeframe. The effect is that this section is structured in a broadly chronological manner from the point of notice of a decision. Accordingly, **subsection 5(3)** prescribes that the timeframe to apply for review is to begin on the day that the decision under review is made, and end on the day that is 28 days after the day the applicant is given notice.

**Subsection 5(4)** provides for an extension of the timeframe in subsection (3) when a statement of reasons is given for the decision under review. This includes a number of scenarios in which an applicant may receive a statement of reasons, including:

- with the decision
- in accordance with a request under section 268 of the ART Act
- other than in accordance with a request under section 268 of the ART Act, and
- after proceedings under section 270 of the ART Act.

**Subsections 5(5) and 5(6)** reflect the intent that prospective applicants should understand the reasons for the making of reviewable decisions which affect them, and not be unfairly prejudiced should they wish to obtain adequate reasons. They respectively provide extensions of the timeframe to apply where an applicant requests a statement for reasons under section 268 of the ART Act and are given written notice that the request is refused, and when the Tribunal decides that a statement of reasons does not contain adequate information about a matter following an application being made under section 271 of the ART Act.

#### Section 6: When to apply – decisions taken to be made because timeframe expires

This section applies to applications for review of a decision that is taken to be made by operation of section 16 of the ART Act or a provision of another Act or legislative instrument. This section applies to decisions deemed to have been made due to the expiration of a timeframe within which a decision-maker is required to make a decision. This section is a centralised articulation of the applicable timeframes for such decisions.

**Subsection 6(3)** replicates the timeframe to apply for review of deemed decisions as per paragraph 29(3)(a) of the AAT Act by prescribing that the period commences on the day the decision is taken to be made, and ends on the day 28 days after the day the decision is taken to be made.

**Subsection 6(4)** prescribes the applicable timeframe where a decision is made or purported to be made subsequent to the deemed decision, and the applicant is given notice of the subsequent decision in writing. This subsection provides that the period commences on the day the deemed decision is taken to be made, and ends at the end of the period that would apply to the subsequent decision as calculated in accordance with section 5. Subsection (4) complies with subsection 18(3) of the ART Act as the subsequent decision is made after the deemed decision, such that that the minimum timeframe for review cannot be shorter than 28 days after the decision is taken to have been made.

## Part 3: Proceedings

### Division 1: Elections not to participate in kind of proceeding or Tribunal case event

The purpose of this Division is to prescribe matters in relation to the new election and participation notice framework, set out in sections 60 to 64 of the ART Act. While recognising the important role that parties to a proceeding can play in resolving a matter, the ART Act provides greater flexibility in the participation of decision-makers before the Tribunal. This recognises that some proceedings benefit from a less formal and less adversarial process of review and reflects that some decision-makers do not currently participate in matters in the AAT.

Section 60 of the ART Act provides that decision-makers may elect not to participate in a kind of proceeding or in certain kinds of Tribunal case event in relation to a kind of proceeding in the Tribunal, subject to certain conditions being met as set out in section 61. Sections 62 and 63 provide that a non-participating party may be allowed, or ordered, to participate by the Tribunal in individual proceedings, in certain circumstances. In accordance with the rule-making power at section 64, the Rules may provide for the operation for this new framework.

#### Section 7: Election notices

**Section 7** of the Rules sets out the requirements for giving election notices. **Subsection 7(2)** provides that an election notice must identify the kind of proceeding to which it relates and, if the proceeding is for review of a reviewable decision, the legislative provision under which the decision is made and who the decision-maker is. The note to **subsection 7(2)** clarifies that a kind of proceeding may be identified by reference to the period

within which the proceeding starts. This means that a decision-maker may nominate proceedings that commence after a certain date as being a 'kind of proceeding' which they elect to not participate in, rather than relying on the 14-day timeframe prescribed in **section 8**.

Should decision-makers elect not to participate in certain kinds of Tribunal case events in a kind of proceeding, identification of the Tribunal case event, or part of the Tribunal case event to which the election notice is intended to apply is required. A decision-maker may elect, for example, not to participate in certain parts of the dispute resolution process, such as conferences, but wish to participate in other parts of the process, such as conciliations. This is intended to maximise the flexibility of the framework.

The Rules otherwise clarify that election notices issued for proceedings that are reviews of a reviewable decision must apply to any incidental applications made in the course of, or in connection with the review proceeding.

#### [Section 8: Conditions to be satisfied for a person to be a non-participating party](#)

**Section 8** requires that an election notice in relation to either a proceeding (**subsection 8**) or a kind of Tribunal case event in relation to a kind of proceeding (**subsection 8**) be given at least 14 days before the start of the proceeding to ensure that matters which are already on foot before the Tribunal to which the election notice would otherwise apply are not affected by the issuing of the notice. This will also enable the Tribunal to adjust its procedure and prepare for changes in how matters will progress as a result of the election notice being issued.

#### [Section 9: Additional circumstances in which a person is a non-participating party](#)

This section outlines when the withdrawal of an election notice is taken to have effect. This rule means that decision-makers are taken to be participating in proceedings or Tribunal case events to which the election notice would have otherwise applied, in proceedings that are commenced at least 14 days (the minimum notice period prescribed in Section 8) following the date of the withdrawal of the election notice. This will enable the Tribunal to adjust its procedure and prepare for changes in how matters will progress as a result of the election notice being withdrawn, and maintain transparency and clarity by ensuring that other parties in affected proceedings understand how proceedings before the Tribunal will be conducted.

#### [Section 10: Publication](#)

**Section 10** of the Rules provides that the Tribunal is responsible for the publication of validly given election notices. Publication is mandated to ensure there is clarity and transparency for users of the Tribunal and the general public as to the kinds of matters for which a decision-maker has elected not to participate. The mode of publication is not prescribed. This does not preclude decision-makers from communicating their intention not to participate in certain kinds of proceedings or Tribunal case events by way of publication on their websites, or in their communication with individual prospective applicants.

#### [Section 11: Participation notices](#)

A non-participating party in a kind of proceeding may request to participate in individual proceedings to which the election notice would otherwise apply by issuing a participation notice. **Subsection 11(1)** of the Rules prescribe that validly given participation notices must identify the reason why the non-participating party wishes to participate. This is because the Tribunal is required to make a decision about whether or not the party is to participate in the proceeding under section 62 of the ART Act. The giving of reasons is intended to assist the Tribunal in making this decision on the face of the notice.

**Subsection 11(2)** requires that a copy of the participation notice should also be provided to the other parties to the proceeding. This is to ensure that other parties to the proceeding have adequate notice of the decision-maker's intention to participate, and to give them the opportunity to be heard in relation to the notice, if they wish to do so. The Rules are not prescriptive in either mandating that the applicant be heard, or the manner in which they are to be heard. It is intended that the Rules retain flexibility in allowing the Tribunal to exercise its discretion on a case-by-case basis as to the case management of individual proceedings.

#### Section 12: Participation of non-participating parties

**Subsections 12(1) and 12(2)** prescribe a list of illustrative, non-exhaustive factors that the Tribunal may consider when deciding whether or not to allow or order a decision-maker to participate in a proceeding or Tribunal case event in relation to a proceeding under section 62 or section 63 of the ART Act. Decision-makers are expected to rarely seek to participate in a proceeding for which they have provided an election notice, and the Tribunal is expected to carefully consider the potential impact on and the needs of the applicant (and other parties) prior to allowing the decision maker to participate. The Tribunal may consider whether participation would assist the Tribunal in achieving its objectives as per section 9 of the ART Act, the timeliness of the giving of the notice and the circumstances of the parties. These provisions also provide that the Tribunal may consider whether the proceeding is likely to be complex, potentially significant, or likely to be resolved by way of dispute resolution processes.

**Subsection 12(3)** of the Rules also requires that the Tribunal give written notice of its decision under section 62 or section 63 of the ART Act to either allow or not allow a non-participating party to participate, and any order for a non-participating party to participate under section 63 to the parties in the proceeding.

**Subsection 12(4)** provides that a failure to comply with this subsection 12(3) does not invalidate the decision or order.

#### Division 2: Witness fees and expenses

Division 2 of Part 3 sets out the fees and allowances that are payable to a person who is issued a summons relevant to a proceeding before the Tribunal. The Rules largely replicate the existing arrangements for witness fees in the AAT, with some minor modifications and clarifications (such as a new maximum amount for certain fees for attending the Tribunal).

The ART Act establishes the framework for summonses in the Tribunal. Section 74 of the ART Act allows the Tribunal to issue a summons to a person to provide information, or produce a document or thing, that is relevant to a proceeding in the Tribunal. Section 77 of the ART Act provides that a person required to give information or produce or give a document or thing to the Tribunal is to be paid, in accordance with the Rules, any fees, and any allowances for expenses, prescribed by the Rules.

The AAT Regulations also prescribe the fees and allowances for compliance with a summons issued under certain provisions of the Migration Act. Those provisions of the Migration Act will be repealed by the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024*, as the Tribunal will instead rely on the summons power in section 74 of the ART Act. Accordingly, it is not necessary for the Rules to deal with a summons issued under the Migration Act.

#### Section 13: Entitlement to fees and allowances

**Subsection 13(1)** prescribes fees for compliance with a summons to give evidence, issued under subsection 74(1) of the ART Act. The following fees are prescribed:

- if a person has an occupation and is paid by wages, salary, or fees – the fee is equivalent to the amount of wages, salary or fees lost due to attendance before the Tribunal, or
- in any other case – the fee is a reasonable amount, up to a maximum of \$75 for each day on which the person appears before the Tribunal. The maximum amount is a new feature, designed to ensure there is certainty and consistency in fees that are paid on this basis. It is equivalent to the fee payable to a lay witness who is required to attend the Federal Circuit and Family Court of Australia for a family court proceeding.

**Subsection 13(2)** prescribes allowances for compliance with a summons issued under subsection 74(1) of the ART Act. The allowances are:

- a reasonable amount for travel between the person’s usual place of employment or residence and the place where the person appears before the Tribunal, and
- where overnight travel is required—a reasonable amount for meals and accommodation.

The allowance for compliance with a summons to produce a document or a thing to the Tribunal is an amount equivalent to the person’s reasonable expenses in producing the document or thing.

#### Section 14: Fees and allowances

**Subsection 14(1)** identifies circumstances in which a person is not to be paid a fee or allowance. In particular:

- no fee or allowance is payable to a person is a party to the proceeding, unless the Tribunal orders otherwise, and
- meal or accommodation allowances under **paragraph 14(2)(a)** are not payable if the person is given the equivalent in kind (such as access to pre-paid travel, meals or accommodation).

**Subsection 14(2)** identifies who must pay the fees and allowances. It has the effect that if the person summoned was summoned at the request of a party, the party is responsible for paying the fee or allowance. In any other case, the Commonwealth must pay the fee or allowance.

**Subsection 14(3)** clarifies that, despite paragraph 14(2)(a), the Tribunal may order that a fee or allowance be paid, in whole or in part, by the Commonwealth.

**Subsection 14(4)** sets out the time when fees and allowances must be paid.

- Fees for compliance with a summons must be paid as soon as practicable after the person has complied.
- Allowances for compliance with the summons must be paid:
  - when the person is given the summons, or
  - within a reasonable time before the day the person is required to comply with the summons.

**Subsection 14(5)** provides for the Tribunal to determine how much a fee or allowance should be if the person summoned to the Tribunal and the party who requested the summons cannot agree on the amount.

## Part 4: Requirements for giving notices of decision

This Part prescribes the matters which decision-makers must have regard to when giving a notice of decision.

The ART Act imposes a requirement on decision-makers to give notice of reviewable decisions to anyone whose interests are affected by the decision. Notices must include notice of any review rights and decision-makers must have regard to matters prescribed by the Rules.

The ART Act imposes a requirement on decision-makers to take reasonable steps to give notice of a reviewable decision to any person whose interests are affected by the decision. The notice must include notice of the right to have the decision reviewed, including the right to apply to the Tribunal (see subsection 266(4) of the ART Act). In giving a notice of a decision, the decision-maker must have regard to the matters prescribed by the Rules (see subsection 267(3) of the ART Act). This requirement applies for all notices of decision, regardless of whether the notice is given under subsection 266(4) of the ART Act or through requirements set out in other legislation.

**Part 4** of the Rules prescribes the matters that a decision-maker must have regard to in giving a notice of decision. The Rules largely replicate with some minor modifications the matters currently set out in the Code of Practice, which is made under subsection 27B(1) of the AAT Act and identifies the reasonable steps which a decision-maker must take when giving a notice of decision under the AAT Act.

It is important to note that the Rules do not set out mandatory requirements for decision-makers. Rather, the Rules set out best-practice considerations that a decision-maker must *have regard to* in giving a notice of decision. A decision-maker will still satisfy the requirement to have regard to the prescribed Rules where the decision-maker considers the Rules and decides that the Rules are not appropriate to adopt for certain notices.

#### [Section 15: Decision-maker must have regard to matters when giving notice of decisions in certain review pathways](#)

**Subsection 15(2)** provides that a notice of decision should be in plain language and be as clear and simple as possible.

**Subsection 15(3)** is a new requirement. It provides that a notice of decision should be given in an accessible manner.

**Subsection 15(4)** sets out the type of information that a notice should include so that the applicant understands the decision and next steps. This includes information about:

- who made the decision, and what legislative provision the decision was made under
- where the person can obtain more information or make a complaint about the decision, including the relevant contact information, and
- how the person can seek review of the decision, including in the Tribunal.

**Subsection 15(5)** is a new provision. It clarifies that it is possible for a notice of decision to identify the information or material referred to above by providing an electronic link that can be used to access the information or the material. For example, a notice could provide a link to a website which sets out further information that will be relevant to the recipient. Whether or not it is appropriate for a notice to identify information or materials by providing an electronic link will depend on the circumstances (for example, a decision-maker could consider that this would not be appropriate for certain kinds of notices, having regard to the subject matter of the decision or circumstances of the recipient).

**Subsection 15(6)** sets out the circumstances where a decision-maker should give public notice of the decision notice. Those circumstances are if people affected by the decision are not readily identifiable, a large number of people are affected, or there would be substantial cost in notifying each affected person.

## Part 5: Miscellaneous

### Division 1: Performing and exercising functions and powers of the Tribunal

**Division 1 of Part 5** of the Rules identifies certain functions and powers conferred on the Tribunal under Commonwealth legislation which the President may authorise members, registrars or staff members of the Tribunal to perform or exercise.

These Rules flow from a new feature of the ART Act which makes significant improvements to the authorisation arrangements that currently exist in the AAT. Where an Act confers a function or power on the 'Tribunal', the function or power is conferred on the Tribunal as constituted for a particular matter. However, the ART Act gives the President an ability to authorise members, registrars or staff members to perform or exercise functions and powers conferred on the Tribunal (see Division 4 of Part 11 of the ART Act). This recognises that, although the Tribunal as constituted will generally have control over how a proceeding is conducted, there may be circumstances where it is appropriate to draw on other members, registrars or staff to resolve a matter as efficiently as possible. In addition, it may be appropriate and convenient for members, registrars or staff to perform or exercise certain functions and powers before the start of a hearing of a matter, when the Tribunal may not yet have been constituted or taken carriage of the matter. This is consistent with the overall objective of improving the efficiency of the Tribunal.

The ART Act identifies the Tribunal functions and powers under *that Act* which the President **may** authorise members, registrars or staff to perform. The Rules identify Tribunal functions and powers under *other legislation* which the President may authorise members, registrars or staff to perform. The Rules cover functions and powers under 19 Commonwealth Acts.

The authorisations are organised so that the functions and powers that a person can perform or exercise steadily increase in accordance with the person's level of seniority. Functions and powers which are administrative in nature could be exercised by staff generally. Functions and powers which are more complex, or involve an exercise of discretion, can be performed by registrars. Functions and powers which involve a greater degree of analysis or a significant exercise of discretion should only be exercisable by members.

These Rules do not automatically authorise persons to perform these functions or exercise these powers. For a person to do so there must also be a valid authorisation by the President in place.

#### [Authorisations for members](#)

**Subsection 16(1)** lists Tribunal functions and powers which the President may authorise members to perform or exercise.

For example, members could be authorised to exercise the power to reinstate certain migration-related applications to the Tribunal following a request from an applicant (under subsection 368C(3) of the Migration Act). This is consistent with the ability for the President to authorise members to exercise the power to reinstate other kinds of applications under the ART Act.

**Subsection 16(2)** deals with a particular power under the Migration Act. It has the effect that a member may be authorised to determine whether certain types of applications to the Tribunal made under the Migration Act have been properly made.



**Subsection 16(3)** lists Tribunal functions and powers which the President may authorise a member to perform or exercise, but only if the member is making a decision agreed to by the parties, under section 103 of the ART Act. When making a decision under section 103, the Tribunal must have received the terms of the decision as agreed between the parties in writing and must be satisfied that the decision is within the power of the Tribunal to make. It is not necessary to conduct a hearing to make a decision under section 103. Procedurally, however, section 103 requires the Tribunal to make a decision on the review. As such, the exercise of the power under section 103 requires, or may require, a performance or exercise of the functions or powers specified in subsection 16(2) of the Rules. It is appropriate, and efficient, for members to exercise these functions and powers in accordance with an authorisation where the decision is as agreed by the parties.

#### Authorisations for registrars

**Subsection 17(1)** lists Tribunal functions and powers which the President may authorise registrars to perform or exercise. For example, registrars could be authorised to exercise the power in paragraph 14ZZD(b) of the *Taxation Administration Act 1953* to make a person whose interests are affected by certain reviewable decisions a party to the proceeding, if satisfied that the applicant consents.

**Subsection 17(2)** has the effect that a registrar may be authorised to determine whether certain types of applications to the Tribunal made under the Migration Act have been properly made.

**Subsection 17(3)** lists Tribunal functions and powers which the President may authorise a registrar to perform or exercise, but only if the registrar is making a decision agreed to by the parties, under section 103 of the ART Act.

#### Authorisations for staff members

**Section 18** lists Tribunal functions and powers which the President may authorise staff members to perform or exercise. For example, staff members could be authorised to perform the function of notifying the Department of Home Affairs when certain types of review applications have been made to the Tribunal (for example under subsections 352(1) and 500(6D) of the Migration Act).

### Division 2: Fees

Division 2 of Part 5 of the Rules sets out the fees for making applications to the Tribunal (other than fees for certain applications made under the Migration Act, which will continue to be dealt with under the *Migration Regulations 1994*). These Rules are made under subsection 296(1) of the ART Act, which enable the Tribunal to charge fees in accordance with the Rules.

The Rules largely replicate the equivalent fee arrangements in the AAT, including in relation to fee amounts and their indexation, concessional fees, fee exemptions, the timeframe for paying fees, and refunds. There are some minor updates to the existing arrangements, particularly for fee arrangements dealing with multiple applications.

The Rules have also set out fees relating to a new kind of application that a person can make under the ART Act, being an application to the President to refer a decision of the Tribunal to the guidance and appeals panel (the GAP) under subsection 123(1) of the ART Act. These fees will be very similar to the fees for other kinds of applications to the Tribunal, with some minor differences which are highlighted below.

### Fee amounts

The fees for applying to the Tribunal will be consistent with the fees for applying to the AAT as at 1 July 2024, and will index annually according to the existing formula.

The fee amounts are set out in **section 21**. The standard fee to apply to the Tribunal will be \$1,121. As is the case in the AAT, there will be a reduced fee for some taxation matters.

The fee for making an application to the President to refer a decision of the Tribunal to the GAP will also be \$1,121. This is a new fee, owing to the fact that the GAP is a new feature of the ART Act, and is set out in **section 26**. This fee relates to the President's consideration of the application. If the President decides to refer the decision to the GAP, no additional fees will apply.

### Concessions

An applicant will be eligible for a concessional fee of \$100 if they fall into certain 'concessional circumstances', as set out in **section 28** (for example, the applicant has been granted legal aid, holds certain concessions cards, receives certain government payments, or if paying the fee would cause financial hardship). These are the same concessional circumstances that apply in the AAT, although the drafting in the Rules has been modernised.

The same concessions will be available for applications to the President to refer a decision of the Tribunal to the GAP.

### Fee exemptions

There are some kinds of applications to the Tribunal which are exempt from application fees. **Paragraph 29(a)** sets out a list of decisions for which there will be no fee for an application for review. This list largely reflects the existing fee exemptions in the AAT (for example, applications for review of most Centrelink decisions about social security pensions, benefits and allowances, concession and health care cards, and family assistance payments; decisions made by the National Disability Insurance Agency; and decisions relating to veterans' entitlements and military compensation), with a few additions (see items 10 and 21 of the table).

The same exemptions apply for applications to the President to refer a decision of the Tribunal to the GAP.

### Timeframes for paying fees

If an application is not accompanied by the prescribed fee, the Tribunal or the President is not required to deal with the application until the fee is paid.

A fee for an application to the Tribunal must be paid within 6 weeks of making the application. The Tribunal may dismiss the application if the fee is not paid by that time. This is set out in **section 23**.

A fee for an application to the President to refer a decision of the Tribunal to the GAP must be paid within 28 days of making the application (or a longer period, if the President allows it). If the fee is not paid by this time, the President must not refer the decision to the GAP. This is set out in **section 27**.

### Dealing with multiple applications

As in the AAT, if a person makes multiple applications to the Tribunal, there will be an ability for the Chief Executive Officer and Principal Registrar (Principal Registrar) to order that only one fee is payable, if the applications can be conveniently heard together. There are equivalent arrangements for applications to the President. This is set out in **section 30**.

A new feature is that the Rules clarify that the Principal Registrar can order that only one fee is payable in relation to multiple applications made by *different applicants*, if the Principal Registrar considers that it is reasonable to treat the applications as relating the same applicant (for example, because the applications were made by an individual and their small business) and it would be convenient to hear the applications together.

### Refunds

In some circumstances, a person who has paid a fee will be entitled to a full or partial refund. These circumstances are set out in **section 31**.

Refunds will be available for fees for applications to the Tribunal on the same basis as they are currently available in the AAT (for example, if the person made a deficient application or paid the wrong amount, or if the Principal Registrar certifies that a proceeding in respect of the application has terminated in a manner favourable to the applicant).

Refunds will also be available for fees for applications to the President, on a broadly equivalent basis to fees for applications to the Tribunal. The main distinction is for refunds that depend on the outcome of a proceeding. If a person applies to the President to refer a decision of the Tribunal to the GAP, the entitlement for a refund arises not when the President decides to *refer* the decision to the GAP but rather if, following such a referral, the *proceeding in the GAP* terminates in a manner favourable to the applicant. The exception is that agency parties are not entitled to refunds. (See items 12 and 13 in the table under subsection 31(1)).

### Review of fee decisions

A person can seek review of certain fee-related decisions made by the Principal Registrar under the Rules, as set out in **section 33**. In particular, a person may seek review of:

- a decision *not* to make an order that the Principal Registrar considers that the payment of a fee would cause, or has caused, financial hardship to the applicant, and
- a decision *not* to order that only one fee is payable.