

## Application for Review of Decision (Individual)

You **cannot** use this form if you want to apply for a review of a:

- Migration & Protection decision
- ART Review (first review) of a Centrelink, Paid Parental Leave, or child support decision.

Please read the *Guide to applying for review* before completing this form. You must complete the fields and answer questions marked with an asterisk (\*).

### SECTION 1 APPLICANT

**Personal details\*** Mr  Mrs  Ms  Miss  Other:

Family name:

Given name(s):

Female  Male  Unspecified  Date of Birth

Are you of Aboriginal or Torres Strait Islander origin? Yes:  No:

**Street address\***

State:  Postcode:

**Postal address\***

'As above' if also your street address

State:  Postcode:

**Email**

**Telephone\*** Landline:  Mobile:  Fax:

**Preferred method for receiving correspondence \*** Email:  Fax:  Post:   
 Please select one

**Representative** Name:

If you have a representative, please fill in these details. Organisation:

Postal address:

State:  Postcode:

**Email**

**Telephone** Landline:  Mobile:  Fax:

**Preferred method for receiving correspondence** Email:  Fax:  Post:   
 Please select one

**Interpreter\*** Does any person need an interpreter? Yes:  No:

If yes, for which language or dialect?

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**Assistance**

The Tribunal will make appropriate adjustments to enable you to effectively participate in the review process. Do you require any accommodations to be made to participate in Tribunal proceedings (for example wheelchair access or access to a hearing loop)?

Physical (e.g. wheelchair user)

Sensory (e.g. hearing or visual)

Other, please specify:

**SECTION 2 DECISION**

Date you received the decision you want reviewed

Are you sending us a copy of this decision?  Yes Go to section 3 – **Attach a copy of the decision**

No Complete all of section 2, then go to section 3

**Briefly describe the decision**

**Who made the decision?** Name:

Name and address of organisation Address:

State:  Postcode:

Date the decision was made  Decision reference

**SECTION 3 REASONS FOR THE APPLICATION**

**Why do you claim the decision is wrong?\***

Please read the 'Reasons you are making an application' section in the *Guide to applying for review* before answering this question.

\* Mandatory field/question

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## SECTION 4 TAX DECISIONS ONLY

Please answer both of these questions if you are applying to us for review of a tax decision.

Please refer to the 'Tax Decisions' and 'Application Fees' sections in the *Guide to applying for review* for more information before answering these questions.

1. Does the decision relate to a small business entity?  Yes  No
2. Is the amount of tax in dispute less than \$5,000?  Yes  No

If yes, please state the amount of tax in dispute:

## SIGNATURE

Signature

Date

Print Name

# Guide to applying for review

The Administrative Review Tribunal (ART) can review a wide range of decisions made under Commonwealth laws by the Australian Government and some non-government bodies. We also review decisions made under Norfolk Island laws.

The five parts of this guide will:

- help you choose which application form to use (Part 1)
- help you complete the application form (Part 2)
- help you work out if you must pay an application fee and, if so, how much (Part 3)
- give you some other information about applying to the ART (Part 4) and
- show you where to send your form and how to contact the ART (Part 5).

If you want to apply for a review of a Migration and Protection decision or ART Review (first review) of a Centrelink, Paid Parental Leave, or child support decision go to [www.art.gov.au](http://www.art.gov.au) and follow the links on the website.

## Part 1: Choosing which application form to use

### Application for Review of Decision (Individual)

Use the Application for Review of Decision (Individual) form if you are an individual unless you want to apply for a second review of a decision by the Tribunal.

### Application for Review of Decision (Organisation)

Use this form if you are an organisation.

### Application for Second Review of Decision

Use the Application for Second Review of Decision form if you want to apply for a second review of a decision made by the Tribunal about a:

- Centrelink decision (except an employer-related paid parental leave decision)
- Decision to refuse an extension of time to apply for a child support review
- Decision about a percentage of care for a child in a child support review.

For information about completing this form, see Part 2 of this guide.

## Part 2: Completing the application form

Read this guide and the form carefully. If you need more space to answer a question, continue your answer on another sheet of paper and attach it to the form.

If you need help filling out the form or if you need more information, ask us. When you have completed the form, you can bring it to the Tribunal in person or send it to us by post, email. Our contact details are at the end of this guide.

### APPLICANT

#### Contact Details

The form asks you to give us your address, phone numbers, and any email addresses or fax numbers. Please tell us your preferred method for receiving written information from us by ticking the box. If you have given us an email address and you do not tick a box, we will email the documents to you.

#### Representative

You can represent yourself at the Tribunal or any person you choose can represent you. If you tell us that you have a representative, we will send the letters and other documents about your case to your representative instead of sending them to you.

#### Interpreter

If you need an interpreter, we will arrange for a qualified interpreter to assist you free of charge. If you speak a particular dialect, please include this in the form.

#### Disability

The Tribunal will make appropriate adjustments to enable you to effectively participate in the review process. Our offices (known as registries) have portable hearing loops and are wheelchair accessible.

### DECISION

#### Date you received the decision

We ask you to tell us on the form when you received the decision. We need this information so we can check if your application has been lodged within the time limit.

The time limit for lodging an application for a review of a decision is usually 28 days after you receive the decision. For some types of decisions, the time limit is longer and for others it is shorter. The time limit is usually stated in the information given to you by the decision-maker about your review rights.

If the time limit has expired, you can apply for an extension of time to make your application. We can extend most, but not all, time limits. You can use the *Application for an Extension of Time for Making an Application for Review of Decision* form which is on our [website](#).

#### Send us a copy of the decision

If you can, send us a copy of the decision you want us to review. If you cannot, describe the decision briefly, for example: 'The Tax Office decided that I have to pay a tax debt'.

#### Who made the decision

If you are not sending us a copy of the decision, you need to tell us the name and address of the department or organisation that made the decision.

## **Date the decision was made and decision reference**

If you are not sending us a copy of the decision, please tell us on the form when the decision was made and to give us a decision reference number. You will usually find a reference number on a covering letter or in the decision itself. Giving us these details helps us to identify the decision quickly.

## **REASONS YOU ARE MAKING AN APPLICATION**

You must tell us briefly why you want to have the decision reviewed. For example, you may think the decision is wrong and a different decision should be made, or the information you provided was not taken into account, or the law was not applied correctly. We cannot start the review if you do not answer this question.

## **TAX DECISIONS**

If you are applying for review of a tax decision, we need additional information to decide how the Tribunal will handle your application and the application fee you must pay.

The application fee you must pay depends on:

- the type of tax decision you want us to review, and
- the amount of tax in dispute, and
- whether the decision relates to a small business entity.

Please read the next section to find out what fee you must pay.

## Part 3: Application fees and refunds

You do not have to pay a fee when you apply to us for review of some types of decisions, such as applications about Commonwealth workers' compensation, family assistance or social security payments, military compensation, the National Disability Insurance Scheme or veterans' pensions.

For the review of other types of decisions, you must pay an application fee.

### Standard application fee

The standard application fee is \$1,121.

### Application fees for review of tax decisions

A lower fee of \$111 is payable for the review of the following tax decisions:

- the amount of tax in dispute is less than \$5,000
- the ATO has refused your request to be released from paying a tax debt (regardless of the amount involved)
- the ATO has refused to extend the time for you to lodge an objection.

If the decision relates to a small business entity and you are not eligible to pay the lower fee of \$111, the application fee is \$602.

For other applications for review of tax decisions, the standard application fee of \$1,121 is payable.

### Concessional fee

You can pay a reduced fee of \$100 instead of the \$1,121 fee, the \$602 fee or the lower fee of \$111 if:

- you have been granted legal aid for your application
- you hold a health care card, pensioner concession card or Commonwealth seniors health card
- you are in prison or lawfully detained in a public institution
- you are under 18 years of age or receiving youth allowance, Austudy or ABSTUDY, or
- we decide that paying the full fee would cause you financial hardship.

To apply for a fee reduction on the grounds of financial hardship, you must fill out the *Request for Fee Reduction* form, which is on our [website](#), and send it to us.

### Applications for review of more than one decision

If the same person (an individual, organisation or other entity) applies for review of more than one decision that relates to them and we decide that the applications can be dealt with together, we can order that you only have to pay one fee.

If you are applying for review of more than one tax decision and different application fees would be payable if the applications were handled separately, you must usually pay the highest of the fees. However, if one of the fees is the \$1,121 fee and the other is the \$602 fee, you pay the \$602 fee.

### When the fee must be paid

Application fees must be paid when the application is lodged. The Tribunal may dismiss your application if you do not pay the fee within six weeks after lodging the application.

## **How to pay a fee**

You can pay a fee in cash or by cheque, money order, EFTPOS or credit card. We accept payment by MasterCard and Visa.

All payment types are accepted at our registries. Credit card payments can also be made by phone.

## **Refunds**

We will refund:

- the entire application fee if you were not required to pay it
- the difference between the fee you paid and a smaller fee if the smaller fee was payable
- if you pay the \$1,121 fee, the \$602 fee or the lower fee of \$111 and the application is resolved in your favour, the difference between the fee you paid and \$100. There is no refund if you pay the reduced fee of \$100.

For more information about fees, including when there is no fee and whether you are eligible to pay a reduced fee, go to our [website](#) or contact your local Administrative Review Tribunal registry.



## Part 4: Other information about applying to the Administrative Review Tribunal

### Applying to suspend a decision

In general, a decision continues to operate while we are reviewing it. In some cases, we can order that the decision be suspended while the review is taking place.

If you want to ask us to suspend the operation of the decision, you must complete a *Request for Stay Order* form, which is on our [website](#), and send it to us.

### Steps in a review

More information about the steps in a review is available on our [website](#).

## PRIVACY AND YOUR PERSONAL INFORMATION

We collect information about you from you and others to process your application and carry out the review under the *Administrative Review Tribunal Act 2024* or the law under which the decision was made.

In making an application for review, you consent to the collection of personal information about you from the organisation or person who made the decision, any other party to the review, or a relevant person or body, where collecting the information is reasonably necessary to carry out the review.

We will give a copy of your application form to the organisation or person who made the decision and any other party to the review. We may also inform a person whose interests are affected by the decision about your application.

We will usually give a copy of any relevant document given to us by you, or anyone else, to the other parties to the review for the purposes of the review.

The information we collect may also be used for the purpose of another review involving you, if it is reasonably necessary to do so, or to improve our services.

### **Information available to the public**

Limited information about cases before the Tribunal can be accessed using *eCase Search* on our [website](#) and may be made available to the public on request, unless a law or Tribunal order requires the information to be kept confidential. This information includes the names of the parties and any representatives, the type of application, dates of case events, a list of key documents lodged by the parties and the outcome of the application.

Where a review requires a Tribunal hearing, the hearing will usually be open to the public. The Tribunal may, on request, give members of the public access to evidence (exhibits) given to the Tribunal for a hearing.

If the Tribunal makes a written decision with a statement of reasons, it will usually be made public and published on the internet, including on the [AustLII website](#). For more information about the decisions we publish, see our *Publication of Decisions Policy* on our [website](#).

### **Orders and laws restricting publication or disclosure**

The Tribunal may make orders restricting disclosure or publication of information about you or others or evidence in a review, if it considers an order is appropriate in the circumstances.

You can apply for an order by writing to us stating what information you want kept confidential and why.

In some cases, a law or the Tribunal's Practice Directions require that certain information be kept confidential or that hearings be held in private. This includes information about certain Intelligence and Security proceedings, the identity of parties in certain Taxation proceedings and the identity of children in National Disability Insurance Scheme cases.

For more information, including how you can access information we hold about you and how to make privacy complaints, see our Privacy Policy on our [website](#), or call us on 1800 228 333.

## Part 5: Contact the Administrative Review Tribunal

### HOW DO I SUBMIT THIS FORM?

You can submit this form online, in person at your local registry, or by email or post.

**Email:** [reviews@art.gov.au](mailto:reviews@art.gov.au)

**Post:** Administrative Review Tribunal, GPO Box 9955, Your capital city (*Northern Territory residents should write to Adelaide*) or

Administrative Review Tribunal, c/- Supreme Court of Norfolk Island Registry,  
Kingston, Norfolk Island 2899

#### In person:

##### ADELAIDE

Level 2  
1 King William St  
Adelaide SA 5000

##### BRISBANE

Level 6  
295 Ann St  
Brisbane QLD 4000

##### CANBERRA

Level 8  
14 Moore St  
Canberra City ACT 2600

##### HOBART

Edward Braddon Building  
Commonwealth Law Courts  
39–41 Davey St  
Hobart TAS 7000

##### MELBOURNE

Level 4  
15 William St  
Melbourne VIC 3000

##### NORFOLK ISLAND

Supreme Court of Norfolk Island  
Kingston  
Norfolk Island 2899

##### PERTH

Level 13  
111 St Georges Terrace  
Perth WA 6000

##### SYDNEY

Level 6  
83 Clarence St  
Sydney NSW 2000

If you want more information or assistance, call us on **1800 228 333** (calls are free from landline phones, however calls from mobiles may be charged).

If you do not speak English, call the Translating and Interpreting Service on 131 450 and ask them to call the Administrative Review Tribunal.

If you are deaf or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit [www.accesshub.gov.au](http://www.accesshub.gov.au)

**Website:** [www.art.gov.au](http://www.art.gov.au)