

**ADMINISTRATIVE REVIEW TRIBUNAL LEGISLATION CONSEQUENTIAL  
AMENDMENTS (2024 MEASURES NO. 1) REGULATIONS 2024**

**EXPLANATORY STATEMENT**

Issued by authority of the Attorney-General

in compliance with section 15J of the *Legislation Act 2003*

**GENERAL OUTLINE**

The *Administrative Review Tribunal Act 2024* (the ART Act) establishes the Administrative Review Tribunal (Tribunal) as a fit-for-purpose federal administrative review body which will replace the Administrative Appeals Tribunal (AAT). The Act received Royal Assent on 3 June 2024 and has been proclaimed to commence on 14 October 2024.

This instrument makes minor consequential amendments to regulations across the Commonwealth statute book to align with the ART Act. The purpose of the Amending Regulations is to:

- Update terminology, such as repealing outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* (AAT Act) and replacing them with references to the Administrative Review Tribunal, the ART and the ART Act.
- Update and replace references to provisions of the AAT Act with references to the equivalent, or broadly equivalent provisions under the ART Act. This includes updating provisions with legislative references in respect of notification requirements, jurisdiction provisions, timeframe, fees, among others.

The Amending Regulations are made pursuant to, and operate under, 74 Commonwealth Acts. It includes amendments to regulations in 14 portfolios:

- Department of Agriculture, Fisheries and Forestry
- Attorney-General's Department
- Department of Employment and Workplace Relations

- Department of Climate Change, Energy, the Environment and Water
- Department of Defence
- Department of Finance
- Department of Health and Aged Care
- Department of Home Affairs
- Department of Industry, Science and Resources
- Department of Infrastructure, Transport, Regional Development and the Arts
- Department of Social Services
- Department of the Prime Minister and Cabinet
- Department of Veterans' Affairs
- Services Australia, and
- the Treasury.

The Amending Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the Amending Regulations are set out in **Attachment A**.

## CONSULTATION

Before the instrument was made, the Attorney-General considered the general obligation to consult required by section 17 of the *Legislation Act 2003*.

In developing the Amending Regulations, the Attorney-General's Department consulted with the departments administering the legislation being amended. As the instrument only makes small technical changes to the text of the law and does not affect the interpretation of the law, it was not considered necessary to consult further outside of those departments.

The following Portfolios were consulted:

- Department of Agriculture, Fisheries and Forestry
- Attorney-General's Department
- Department of Employment and Workplace Relations
- Department of Climate Change, Energy, the Environment and Water

- Department of Defence
- Department of Finance
- Department of Health and Aged Care
- Department of Home Affairs
- Department of Industry, Science and Resources
- Department of Infrastructure, Transport, Regional Development and the Arts
- Department of Social Services
- Department of the Prime Minister and Cabinet
- Department of Veterans' Affairs
- Services Australia, and
- the Treasury.

All agencies supported the amendments to regulations within their portfolio. Two (2) of the 91 Regulations are subject to consultation requirements as agreed to in intergovernmental agreements:

- The Gene Technology Ministers Meeting (GTMM), comprised of Ministers with responsibility for gene technology from every State, Territory and the Commonwealth, has considered and endorsed the amendments to the *Gene Technology Regulations 2001*.
- The New Zealand Ministry of Justice were consulted on, and agreed to, the amendments to the *Trans-Tasman Proceedings Regulation 2012*, consistent with the *Agreement Between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement*.

## **IMPACT ANALYSIS**

The Office of Impact Analysis advised that a Regulatory Impact Statement is not required as the Amending Regulations are unlikely to have more than a minor regulatory impact, as the changes will not affect businesses, individuals or community organisations (OBPR22-03440).

## **STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

The Amending Regulations are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Regulations**

The Amending Regulations will support the reform to Australia's federal system of administrative review by making consequential amendments to 91 Commonwealth regulations administered by 14 portfolios.

The Statements of Compatibility with Human Rights in the Explanatory Memorandum for the ART Act, the Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024 (Consequential Act 1), and the Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024 (Consequential Act 2) (together, the ART legislative package) outline the human rights impacts of Australia's framework for administrative review.

The Amending Regulations will enable the efficient and effective operation of the administrative review framework. The Amending Regulations ensure that legal frameworks reflect the terminology, concepts, structure and other policy settings in the ART Act or are otherwise consistent with the ART Act. This will ensure that existing laws continue to apply as intended.

To promote consistency, simplicity and modernise drafting, the Amending Regulations repeal special arrangements that overlap, duplicate or unnecessarily displace core provisions of the ART Act, with the effect that the default provisions in the ART Act would apply.

### **Human rights implications**

The Amending Regulations only makes minor consequential amendments to Regulations across the statute book to align with the ART Act, hence, the Amending Regulations do not engage any of the applicable rights or freedom.

### **Conclusion**

The Amending Regulations are compatible with human rights as it does not raise any human rights issues.

## **NOTES ON SECTIONS**

### **Section 1 – Name**

This section will provide that the title of the Regulations is the (Amending Regulations).

### **Section 2 – Commencement**

This section will provide for the commencement of the Amending Regulations.

Subsection 2(1) will provide that each provision of the instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

The effect of this provision is that the Amending Regulations commence on the later of the day after the Amending Regulations are registered on the Federal Register of Legislation, or the day the ART Act commences (14 October 2024).

The note to subsection (1) explains that the table relates only to the provisions of the Amending Regulations as originally made. The table will not be amended to deal with any later amendments of the Amending Regulations.

Subsection (2) will provide that any information in column 3 of the table is not part of the instrument. Information may be inserted in column 3, or information in it may be edited, in any published version of the instrument.

### **Section 3 – Authority**

This section will provide that the Amending Regulations are made under 74 different Acts, as follows:

- *Agricultural and Veterinary Chemicals (Administration) Act 1992*
- *Agricultural and Veterinary Chemicals Code Act 1994*
- *Air Navigation Act 1920*
- *Airports Act 1996*
- *Air Services Act 1995*

- *Antarctic Marine Living Resources Conservation Act 1981*
- *Archives Act 1983*
- *AusCheck Act 2007*
- *Australian Radiation Protection and Nuclear Safety Act 1998*
- *Australian Security Intelligence Organisation Act 1979*
- *Aviation Transport Security Act 2004*
- *Bankruptcy Act 1966*
- *Child Support (Assessment) Act 1989*
- *Child Support (Registration and Collection) Act 1988*
- *Civil Aviation Act 1988*
- *Corporations (Aboriginal and Torres Strait Islander) Act 2006*
- *Customs Act 1901*
- *Defence Act 1903*
- *Defence Trade Controls Act 2012*
- *Designs Act 2003*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Explosives Act 1961*
- *Fair Work Act 2009*
- *Family Law Act 1975*
- *Federal Circuit and Family Court of Australia Act 2021*
- *Federal Court of Australia Act 1976*
- *Fisheries Management Act 1991*
- *Gene Technology Act 2000*
- *Great Barrier Reef Marine Park Act 1975*
- *Hazardous Waste (Regulation of Exports and Imports) Act 1989*
- *Health Insurance Act 1973*
- *International Air Services Commission Act 1992*
- *Judiciary Act 1903*
- *Jury Exemption Act 1965*
- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

- *Maritime Transport and Offshore Facilities Security Act 2003*
- *Marriage Act 1961*
- *Maternity Leave (Commonwealth Employees) Act 1973*
- *Medical Indemnity Act 2002*
- *Migration Act 1958*
- *National Consumer Credit Protection Act 2009*
- *National Environment Protection Measures (Implementation) Act 1998*
- *National Greenhouse and Energy Reporting Act 2007*
- *National Health Act 1953*
- *National Library Act 1960*
- *National Measurement Act 1960*
- *National Museum of Australia Act 1980*
- *National Portrait Gallery of Australia Act 2012*
- *National Rental Affordability Scheme Act 2008*
- *National Vocational Education and Training Regulator Act 2011*
- *Native Title Act 1993*
- *Occupational Health and Safety (Maritime Industry) Act 1993*
- *Offshore Electricity Infrastructure Act 2021*
- *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*
- *Papua New Guinea (Staffing Assistance) Act 1973*
- *Patents Act 1990*
- *Plant Breeder's Rights Act 1994*
- *Primary Industries Levies and Charges Collection Act 1991*
- *Proceeds of Crime Act 2002*
- *Public Service Act 1999*
- *Renewable Energy (Electricity) Act 2000*
- *Retirement Savings Accounts Act 1997*
- *Superannuation Industry (Supervision) Act 1993*
- *Sydney Harbour Federation Trust Act 2001*
- *Tax Agent Services Act 2009*

- *Telecommunications Act 1997*
- *Telecommunications (Interception and Access) Act 1979*
- *Therapeutic Goods Act 1989*
- *the Trade Marks Act 1995*
- *the Trans-Tasman Proceedings Act 2010*
- *Veterans' Entitlements Act 1986*
- *Water Act 2007*
- *Water Efficiency Labelling and Standards Act 2005, and*
- *Work Health and Safety Act 2011.*

#### **Section 4 – Schedules**

This section clarifies the interaction of amendments to legislation within Schedules to the Amending Regulations. Where legislation is amended in a Schedule in the Amending Regulations, those amendments (including any repeal) has effect as is contained in the Schedule. Any other item in a Schedule has effect according to its terms.



## SCHEDULE 1—AGRICULTURE, FISHERIES AND FORESTRY

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Agriculture and Veterinary Chemicals (Administration) Regulations 1995*

#### **Items 1, 2 and 3: Subregulation 3.515(2), regulation 3.520 (heading) and regulation 3.520**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### *Agricultural and Veterinary Chemicals Code Regulations 1995*

#### **Items 4 and 5: Regulation 47AB and regulation 78C (heading)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### *Fisheries Management Regulations 2019*

#### **Item 6: Section 106**

##### Terminology changes

This item will omit references to *Administrative Appeals Tribunal Regulation 2015* (AAT Regulation) and the Administrative Appeal Tribunal, and will substitute with a reference to *Administrative Review Tribunal Rules 2024* (ART Rules) and the Tribunal.

Section 106 of the Fisheries Management Regulations 2019 provides that a person summoned to give evidence before the Statutory Fishing Rights Allocation Review Panel is entitled to be paid the same fees and allowances as prescribed for a person summoned to appear before the AAT under the AAT Regulation.

In accordance with modern drafting practice, section 295 of the ART Act provides that the Minister may make rules prescribing matters that are required or permitted to be prescribed by the rules, or necessary or convenient for carrying out or giving effect to the ART Act. The ART Rules largely replicate the arrangements for witness fees in the AAT as prescribed by the AAT Regulation, with some minor modifications and clarifications (such as a new maximum amount for certain fees for attending the Tribunal).

This amendment is technical in nature, and will ensure that section 106 of the *Fisheries Management Regulations 2019* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Primary Industries Levies and Charges Collection Regulations 1991***

#### **Item 7: Various provisions in the Primary Industries Levies and Charges Collection Regulations 1991**

This item includes a table which makes bulk amendments to provisions in the *Primary Industries Levies and Charges Collection Regulations 1991*.

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

Table items 1, 2 and 27 will repeal and substitute references to the “AAT under the AAT Act” with a reference to the Tribunal. This amendment is technical in nature and will ensure that the provisions in the *Primary Industries Levies and Charges Collection Regulations 1991* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998***

#### **Item 8: Subregulation 23(1)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 9: Subregulation 23(2)**

##### Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that section 23(2) of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* will continue to operate in substantively the same way in relation to the Tribunal.

### **Item 10: Subregulation 23(3)**

#### Updating legislative references

This item will update a legislative reference to subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 269(7). Consistent with section 28(4) of the AAT Act, under section 269(7) a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature and will ensure that subsection 23(3) of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* continues to operate in substantively the same way in relation to the Tribunal.

### **Item 11: Subregulation 123(1)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### **Item 12: Subregulation 123(2)**

#### Updating legislative references

This item will repeal and substitute subregulation 123(2) and insert new subregulation 123(2A).

New subregulation 123(2) will provide that a notice given about a decision made under regulation 114 of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* must include a statement that a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker. The

amendment will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268.

New subregulation 123(2A) will provide that subregulation (2) does not apply where section 269(7) of the ART Act applies. Consistent with section 28(4) of the AAT Act (currently referred to in subregulation 123(2)), under section 269(7) a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature and will ensure that subregulation 123(2) of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* continues operate in substantively the same way in relation to the Tribunal.

## SCHEDULE 2—ATTORNEY-GENERAL

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Australian Security Intelligence Organisation Regulation 2016*

#### Item 1: Section 9

##### Repeal and substitute section

This item will repeal and substitute section 9, which provides that, for the purposes of subsections 38(1) and 38A(2) of the *Australian Security Intelligence Organisation Act 1979*, Schedule 1 to the Australian Security Intelligence Organisation Regulation 2016 sets out the information that must be given to a person in relation to the person's right to apply to the AAT under Part IV of the *Australian Security Intelligence Organisation Act 1979* for review of an adverse or qualified security assessment.

New section 9 will set out the information currently contained in Schedule 1, with some amendments.

Section 9 will provide that notice to a person of an adverse or qualified security assessment in respect of the person must include a statement that the Australian Security Intelligence Organisation is an exempt agency under subsection 7(1) of the *Freedom of Information Act 1982* and that the person is not able to obtain access to documents or information about the assessment under that Act. This will reflect the requirements set out in sections 10, 11 and 12 of these regulations in relation to internally reviewable decisions and decisions reviewable by the AAT under other provisions of the *Australian Security Intelligence Organisation Act 1979*.

Section 9 will provide that the notice must also include information about the following matters:

- how the person may seek review, by the Tribunal, of the assessment, including how the application for that review is to be made
- whether there are any time limits for seeking that review and, if so, what those time limits are
- whether or not a fee is payable for that review and, if so, the amount of the fee and when it is payable
- whether the Tribunal is required to conduct the review within a particular period and, if so, what that period is, and
- any procedures of the Tribunal that the Australian Security Intelligence Organisation considers that the person should be made aware of, including whether the person may be contacted by the Tribunal.

Schedule 1 currently prescribes the exact wording that must be included in the notice. By contrast, new section 9 will set out the kinds of information that must be included. This allows a more flexible approach to giving notices (without reducing or removing requirements for what information should be included), and reflects changes to the requirements for notices of decision as set out in sections 266 and 267 of the ART Act.

Section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. Section 267 of the ART Act provides that a decision-maker must have regard to the matters prescribed in the ART Rules when giving notice of any decision in the review pathway.

## **Item 2: Subparagraphs 11(b)(i), (iv) and (v)**

### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### **Item 3: Schedule 1**

#### Repeal and substitute schedule

This item will repeal Schedule 1. The Schedule is no longer required, consequential to the amendment at item 1 above.

### ***Bankruptcy Regulations 2021***

**Item 4, 5, 6, 7, 8, 9, 10 and 11: Section 46 (heading), paragraph 46(1)(c), section 50, section 77 (table item 3, column 1), subparagraph 80(3)(b)(ii), section 81 (heading), section 81 and section 112**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Family Law (Family Dispute Resolution Practitioners) Regulations 2008***

**Items 12 and 13: Regulation 24 (heading) and regulation 24**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Family Law (Fees) Regulations 2022***

**Items 14, 15, 16 and 17: Subsections 2.05(2), 2.06(3), 2.10(5) and 2.12(7) (note), section 2.14 (heading), subparagraph 2.14(3)(b)(i) and subsection 2.14(5)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Federal Court and Federal Circuit and Family Court Regulations 2022***

**Item 18: Subsections 2.06(2) and 2.06A(3) (note)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 19: Paragraph 2.08(2)(g)**

#### Repeal and substitute paragraph

This item will repeal and substitute paragraph 2.08(2)(g) to update legislative references.

Existing paragraph 2.08(2)(g) provides that a fee mentioned in Schedule 1 to these

regulations is not payable in relation to an appeal to the Federal Court of Australia (FCA) on a question of law from a decision of the AAT in a child support first review, within the meaning of the AAT Act, under subsection 44(1) of that Act.

This amendment is consequential to item 58 of Schedule 3 of the Consequential Act 1, which inserts the definition of *ART review* into the *Child Support (Registration and Collection) Act 1988*.

This item will update legislative references to subsection 44(1) of the AAT Act to instead refer to an equivalent provision of the ART Act, subsection 172(1). Consistent with subsection 44(1) of the AAT Act, under subsection 172(1) a party to a proceeding can appeal to the Federal Court of Australia, on a question of law, from the decision of the Tribunal in a proceeding.

This amendment is technical in nature and will ensure that paragraph 2.08(2)(g) of the *Federal Court and Federal Circuit and Family Court Regulations 2022* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 20: Paragraph 2.08(3)(b)**

Terminology changes

This item will update a reference in this paragraph from the Taxation and Commercial Division of the AAT to the Taxation and Business jurisdictional area of the ART, consistent with section 196 of the ART Act.

This amendment is technical in nature and will ensure that paragraph 2.08(3)(b) of the *Federal Court and Federal Circuit and Family Court Regulations 2022* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 21: Paragraph 2.08(3)(c) (note)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Item 22: Paragraph 2.09(2)(e)**

Terminology changes and updating legislative references



This item will repeal and substitute paragraph 2.09(2)(e) to update legislative references. Existing paragraph 2.09(2)(e) provides that a fee mentioned in Schedule 1 to these regulations is not payable in relation to an appeal to the Federal Circuit and Family Court of Australia (FCFCOA) on a question of law from a decision of the AAT in a child support first review, within the meaning of the AAT Act, under subsection 44(1) of that Act.

This amendment is consequential to item 58 of Schedule 3 of the Consequential Act 1, which inserts the definition of *ART review* into the *Child Support (Registration and Collection) Act 1988*.

This item will update legislative references to subsection 44(1) of the AAT Act to instead refer to an equivalent provision of the ART Act, subsection 172(1). Consistent with subsection 44(1) of the AAT Act, under subsection 172(1) a party to a proceeding can appeal to the Federal Court of Australia, on a question of law, from the decision of the Tribunal in a proceeding.

This amendment is technical in nature and will ensure that paragraph 2.09(2)(e) of the *Federal Court and Federal Circuit and Family Court Regulations 2022* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 23, 24, 25, 26 and 27: Subsections 2.15(5) and 2.19(7) (note), section 2.21 (heading), subparagraph 2.21(3)(b)(i), subsection 2.21(5) and Part 1 of Schedule 1 (table item 108, column headed “Document or service”)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 28: Part 2 of Schedule 1 (table item 201A, column headed “Document or service”, subparagraph (b)(i))**

Updating legislative references

This item will update a legislative reference to section 44AA of the AAT Act to instead refer to the equivalent provision of the ART Act, section 179. Consistent with section 44AA of the AAT Act, under section 179 of the ART Act, if an appeal under Subdivision A of Division 2 of the ART Act is pending in the FCA, the FCA may, by order, transfer the appeal to the

FCFCOA (Division 2) either on its own initiative or on the application of a party to the appeal.

This amendment is technical in nature, and will ensure that table item 201A of Part 2 of Schedule 1 of the *Federal Court and Federal Circuit and Family Court Regulations 2022* continues to operate in substantively the same way in relation to the Tribunal.

### ***High Court of Australia (Fees) Regulations 2022***

**Items 29, 30, 31 and 32: Subsection 12(2) (note), section 17 (heading), subparagraph 17(3)(b)(i) and subsection 17(4)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Jury Exemption Regulations 2019***

**Item 33: Paragraph 8(g)**

#### Repeal and substitute paragraph

This item will update references to positions within the Tribunal to provide that a member, the Principal Registrar or a member of the staff of the Tribunal are exempt from jury service.

This amendment is technical in nature and will ensure that paragraph 8(g) of the *Jury Exemption Regulations 2019* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Marriage Regulations 2017***

**Item 34: Subsection 51(2)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***Native Title (Tribunal) Regulations 2024***

**Items 35 and 36: Paragraph 12(4)(b) and subsection 12(5)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

## ***Proceeds of Crime Regulations 2019***

### **Item 37: Subsection 18(1)**

#### Repeal subsection

This item will repeal subsection 18(1), which is no longer required consequential to the amendment to subsection 183(5) of the *Proceeds of Crime Act 2002* by item 100 of Schedule 2 of the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024* (Consequential Act 2).

Subsection 18(1) of the *Proceeds of Crime Regulations 2019* provides that, for the purposes of paragraph 183(5)(a) of the *Proceeds of Crime Act 2002*, the Minister may appoint as an approved examiner:

- the President or a Deputy President of the AAT, or
- a senior member or member of the Tribunal who is enrolled as a legal practitioner in the High Court or another federal court or the Supreme Court of a State or Territory and has been so enrolled for at least 5 years.

Section 183(5), as amended by the Consequential Act 2, provides that the Minister may appoint as an approved examiner:

- the President or a Deputy President of the Tribunal, or
- a senior member or general member of the Tribunal who is enrolled as a legal practitioner in the High Court or another federal court or the Supreme Court of a State or Territory and has been so enrolled for at least 5 years.

This amendment will ensure clarity in relation to the powers of the Minister to appoint approved examiners for the purposes of the *Proceeds of Crime Act 2002*.

## ***Telecommunications (Interception and Access) Regulations 2017***

### **Item 38: Forms 1 to 5D in Schedule 1**

#### Terminology changes

This item will update references to nominated AAT member to instead refer to nominated ART member.

This is consistent with the amendments to subsection 5(1) of the *Telecommunications (Interception and Access) Act 1979* by item 165 of Schedule 2 of the Consequential Act 2.

***Trans-Tasman Proceedings Regulation 2012***

**Item 39: Paragraphs 9(2)(a), 12(aa), 13(2)(a) and 14(2)(a)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

## SCHEDULE 3—CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Antarctic Marine Living Resources Conservation Regulations 1994*

#### Item 1: Regulation 10

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### *Environment Protection and Biodiversity Conservation Regulations 2000*

#### Item 2: Regulation 14.15 (definition of *decision*)

##### Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

#### Item 3: Paragraph 14.16(1)(b)

##### Updating legislative references

This item will update a legislative reference to subsection 43(6) of the AAT Act to instead refer to the equivalent provision of the ART Act, subsection 108(2).

Consistent with subsection 43(6) of the AAT Act, under subsection 108(2) of the ART Act a decision of the Tribunal is taken to be a decision of the original decision-maker. This amendment is technical in nature, and will ensure paragraph 14.16(1)(b) of the *Environment*

*Protection and Biodiversity Conservation Regulations 2000* will continue to operate in substantively the same way in relation to the Tribunal.

**Items 4 and 5: Subregulation 14.16(7) and subregulations 14.16(7) and (8)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Great Barrier Reef Marine Park Regulations 2019***

**Items 6, 7, 8, 9, 10, 11, 12: Paragraph 69(6)(b), section 74, section 140, subparagraph 213(2)(b)(ii), section 235, paragraph 238(1)(b) and paragraph 238(1)(b)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Hazardous Waste (Regulation of Exports and Imports) (OECD Decision) Regulations 1996***

**Items 13 and 14: Regulation 43 and regulation 43**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Environment Protection Measures (Implementation) Regulations 1999***

**Item 15: Paragraph 7(2)(h)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

***National Greenhouse and Energy Reporting Regulations 2008***

**Items 16 and 17: Regulation 6.73 (heading) and regulation 6.73**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Offshore Electricity Infrastructure Regulations 2022***

**Items 18 and 19: Subsection 20(3) and subsection 23(3)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

**Items 20, 21, 22, 23, 24 and 25: Regulation 6A, regulation 6A, regulation 125, regulation 238, regulation 245 and regulation 317**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Renewable Energy (Electricity) Regulations 2001***

**Item 26: Subregulation 49(3) (note)**

#### Updating legislative references

This item will update the note to subregulation 49(3), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. This amendment is technical in nature and will ensure the note remains accurate.

**Item 27: Subregulation 49(5)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***Sydney Harbour Federation Trust Regulations 2021***

**Items 28, 29 and 30: Subsection 12(4), subsection 19(4) and subsection 30(6)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Water Efficiency Labelling and Standards Regulations 2005***

**Items 31 and 32: Regulation 4 and regulation 4 (note)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Water Regulations 2008***

**Item 33: Regulation 10AA.01 (note 2)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.



## SCHEDULE 4—DEFENCE

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Defence Regulation 2016*

#### **Item 1: Subsection 6(1) (definition of *decision*)**

##### Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

#### **Items 2, 3, 4 and 5: Section 68T (heading), section 68T, section 78 (heading) and section 78**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### *Defence Trade Controls Regulation 2013*

#### **Items 6, 7 and 8: Paragraph 22(6)(d), subsection 22(8) (heading) and subsection 22(8)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### *Explosives Regulations 2024*

#### **Items 9 and 10: Section 20 (heading) and Section 20**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

## **SCHEDULE 5—EMPLOYMENT AND WORKPLACE RELATIONS**

### **General terminology changes**

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### ***Fair Work Regulations 2009***

#### **Item 1: Schedule 5.3 (Forms 1, 2 and 3)**

##### Updating definition

This item will repeal the defined term 'AAT presidential member' and replaces it with the new defined term 'ART President or Deputy President'.

The new term 'ART President or Deputy President' covers the equivalent roles to those covered by the term 'AAT presidential member'. This amendment is technical in nature, and will ensure that the *Fair Work Regulations 2009* will continue to operate in substantively the same way in relation to the Tribunal.

### ***National Vocational Education and Training Regulator Regulations 2011***

#### **Item 2: Subregulation 15A(11) (table item 7, column headed “Event”)**

##### Updating legislative references

This item will update a legislative reference to subsection 44(1) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 172(1). Consistent with subsection 44(1) of the AAT Act, under section 172 of the ART Act a party to a proceeding can appeal to the FCA, on a question of law, a decision of the Tribunal in a proceeding.

This amendment is technical in nature, and will ensure subsection 15A(11) (table item 7, column headed “Event”) of the *National Vocational Education and Training Regulator*

*Regulations 2011* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 3: Paragraph 15A(12)(b)**

Updating legislative references

This item will update a legislative reference to subsection 41(2) of the AAT Act to instead refer to the equivalent provision of the ART Act, subsection 32(2). Consistent with subsection 41(2) of the AAT Act, under subsection 32(2) of the ART Act the Tribunal may make an order staying or otherwise affecting the operation of implementation of the reviewable decision.

This amendment is technical in nature, and will ensure paragraph 15A(12)(b) of the *National Vocational Education and Training Regulator Regulations 2011* will continue to operate in substantively the same way in relation to the Tribunal.

***Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003***

**Items 4 and 5: Regulation 2.10 and regulation 2.10**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Work Health and Safety Regulations 2011***

**Items 6, 7, 8 and 9: Paragraph 105(5)(b), paragraph 280(5)(b), paragraph 519(5)(b) and paragraph 599(3)(b)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 10: Subregulation 683(1)**

Consequential amendment

This item will make an amendment consequential to the amendment at item 13 below. As item 12 repeals subregulation 683(2), subregulation numbers are no longer required.

**Item 11: Subregulation 683(1)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### **Item 12: Subregulation 683(2)**

#### Repealing provisions beyond legal power

This item will repeal subregulation 683(2), which provides that an application to the Tribunal for review of specified reviewable decisions must be made within 28 days after the day on which the decision first came to the eligible person's notice. This is contrary to the general rule provided for by section 18 of the ART Act, which stipulates that an application to the Tribunal for review of a decision must be made within the period prescribed by the rules, and that the rules must not prescribe a period ending before the day that is 28 days after the day the decision is made.

Section 5 of the ART Act provides that instruments may only contain provisions that apply to review of a reviewable decision in addition to, or instead of, provisions in that ART Act if that is permitted by the Act under which the instrument is made. The *Work Health and Safety Act 2011* does not contain such an enabling provision. The repeal of subregulation 683(2) will prevent the provision from becoming 'ultra vires' upon commencement of the ART Act, meaning beyond legal power.

The effect of this amendment is that applications for Tribunal review made under regulation 683 must be made within the period prescribed by the ART Rules, as provided for by section 18 of the ART Act. More consistent and standardised timeframes promote clarity, consistency and accessibility of review by simplifying application processes and promoting efficiency within the Tribunal. It is notable that the standard timeframe provided for by the ART Act differs marginally from that provided by subregulation 683(2), and this amendment should not have substantial practical impacts for Tribunal users.

## SCHEDULE 6—FINANCE

### General terminology changes

This Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### ***Superannuation Legislation (Public Sector Superannuation Schemes) Amendment Regulations 2011 (No. 1)***

#### **Item 1: Subregulation 8(3)**

##### Repeal and substitute subregulation

This item will amend terminology. See explanation of general terminology changes above.

This item will repeal and substitute subregulation 8(3), including the note, with new subregulations 8(3) and (4) to ensure that references to the AAT and the AAT Act are taken to mean, in relation to the review of a decision made by the Commissioner for Superannuation, a reference to the Tribunal and the ART Act.

New subregulation 8(3) will ensure that, despite the repeal of regulation 8B of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973, applications may be made to the Tribunal for review of a decision of the Commissioner for Superannuation that as made before the day on which the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973 were repealed. The note to subregulation 8(3) will clarify that timeframes for applying for review are set out under the ART Act.

New subregulation 8(4) will provide that section 8B of the *Papua New Guinea (Staffing Assistance) (Superannuation Regulations 1973)* will continue to have effect, as continued in force by subregulation 8(3), in relation to the Tribunal as if references to the AAT and the AAT Act are references to the Tribunal and the ART Act respectively.

## SCHEDULE 7—HEALTH AND AGED CARE

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Australian Radiation Protection and Nuclear Safety Regulations 2018*

#### **Item 1: Section 82 (paragraph beginning “Controlled persons”)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 2: Subsection 86(3)**

##### Updating legislative references

This item will repeal and substitute the note to subsection 86(3), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266, and replacing a reference to the *Administrative Appeals Tribunal (Code of Practice) Determination 2017* (Code of Practice) with a reference to the ART Rules.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. Section 267 of the ART Act provides that a decision-maker must have regard to the matters prescribed in the ART Rules when giving notice of any decision in the review pathway. This amendment is technical in nature and will ensure the note remains accurate.

### **Item 3: Subsection 86(5)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***Gene Technology Regulations 2001***

### **Item 4: Subregulation 21(2) (note)**

#### Updates legislative references

This item will update the note to subsection 21(2), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266, and replacing a reference to the Code of Practice with a reference to the ART Rules.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. Section 267 of the ART Act provides that a decision-maker must have regard to the matters prescribed in the ART Rules when giving notice of any decision in the review pathway. This amendment is technical in nature and will ensure the note remains accurate.

### **Items 5 and 6: Regulation 38 and regulation 38**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Health Insurance (Diagnostic Imaging Services Table) Regulations (No. 2) 2020***

### **Item 7: Subparagraph 1.2.12(4)(b)(i) of Schedule 1**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Item 8: Subclause 1.2.12(4) of Schedule 1 (note)**

Updating legislative references

This item will update a legislative reference to paragraph 29(1)(d) and subsection 29(2) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 18. Consistent with paragraphs 29(1)(d) and subsection 29(2) of the AAT Act, under section 18 of the ART Act the timeframe for applying for a review of a reviewable decision cannot be less than 28 days from the date of the decision.

This amendment is technical in nature, and will ensure subparagraph 1.2.12(4) of the *Health Insurance (Diagnostic Imaging Services Table) Regulations (No. 2) 2020* will continue to operate in substantively the same way in relation to the Tribunal.

**Items 9 and 10: Clause 1.2.13 of Schedule 1 (heading) and clause 1.2.13 of Schedule 1**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Medical Indemnity Regulations 2020***

**Items 11 and 12: Section 58 (heading) and section 58**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Health (Pharmaceutical Benefits) Regulations 2017***

**Items 13 and 14: Paragraph 27(2)(a) and paragraph 27(2)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 15: Paragraph 27(2)(b)**

Updating legislative references

This item will update a legislative reference to subsection 28(4) and section 28 of the AAT Act to instead refer to the equivalent provisions of the ART Act, subsections 269(7) and section 268. Consistent with subsection 28(4) and section 28 of the AAT Act, under subsections 269(7) and section 268 of the ART Act a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.



Subsection 269(7) provides that a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature, and will ensure paragraph 27(2)(b) of the *National Health (Pharmaceutical Benefits) Regulations 2017* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 16: Section 28**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

***National Health (Pharmaceuticals and Vaccines—Cost Recovery) Regulations 2022***

**Items 17, 18, 19 and 20: Section 70, section 76 (heading), subsections 76(1) and (2) and paragraph 83(2)(d)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Therapeutic Goods (Medical Devices) Regulations 2002***

**Item 21: Subregulation 10.7(1) (definition of *decision*)**

Updating definitions

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

**Item 22: Subparagraph 10.7(5)(b)**

Updating legislative references

This item will update a legislative reference to subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 269(7). Consistent with subsection 28(4) of the AAT Act, under subsection 269(7) of the ART Act a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature, and will ensure paragraph 10.7(5)(b) of the *Therapeutic Goods (Medical Devices) Regulations 2002* will continue to operate in substantively the same way in relation to the Tribunal.

**Items 23, 24, 25 and 26: Subparagraph 10.7(5)(b)(ii), paragraph 10.7(7)(b), paragraph 10.7(7)(b) and subregulation 10.7(9)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 27: Subregulation 10.7(9) (note)**

Updating legislative references

This item will update the note to regulation 10.7(9), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266, and replacing a reference to the Code of Practice with a reference to the ART Rules.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. Section 267 of the ART Act provides that a decision-maker must have regard to the matters prescribed in the ART Rules when giving notice of any decision in the review pathway. This amendment is technical in nature and will ensure the note remains accurate.

***Therapeutic Goods Regulations 1990***

**Item 28: Subregulation 48(1) (definition of *decision*)**

Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

**Item 29: Subregulation 48(5)**

### Updating legislative references

This item will update a legislative reference to subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 269(7). Consistent with subsection 28(4) of the AAT Act, under subsection 269(7) of the ART Act a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature, and will ensure subregulation 48(5) of the *Therapeutic Goods Regulations 1990* will continue to operate in substantively the same way in relation to the Tribunal.

### **Items 30, 31, 32 and 33: Subregulation 48(5), paragraph 48(6)(b), paragraph 48(6)(b) and subregulation 48(8)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

## SCHEDULE 8—HOME AFFAIRS

### **General terminology changes**

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *AusCheck Regulations 2017*

#### **Items 1 and 2: Section 26 (heading) and section 26**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### *Aviation Transport Security Regulations 2005*

#### **Item 3: Subregulation 3.01C(1) (note)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 4: Subregulations 6.07(6), 6.10(3) and 6.19(5) (note)**

##### Updating legislative references

This item will update the notes to subregulations 6.07(6), 6.10(3) and 6.19(5) replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. These amendments are technical in nature and will ensure the notes remain accurate.

#### **Item 5: Paragraph 6.23(2)(j)**

### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### **Item 6: Subregulations 6.27AC(5) and 6.29(3) (note)**

#### Updating legislative references

This item will update the notes to subregulations 6.27AC(5), and 6.29(3) replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. These amendments are technical in nature and will ensure the notes remain accurate.

### **Item 7: Subregulation 6.32(5)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### **Item 8: Subregulations 6.43(6) and 6.43F(7) (note)**

#### Updating legislative references

This item will update the notes to subregulations 6.43(6) and 6.43F(7) replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. These amendments are technical in nature and will ensure the notes remain accurate.

### **Item 9: Subregulation 6.58(3) (note)**

### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 10: Regulation 8.01**

##### Updating definitions and terminology changes

This item will repeal the definitions of *AAT Act*, *decision* and *Tribunal* and will substitute new definitions, as follows:

- *ART*
- *ART Act*
- *decision*, to refer to its meaning under the ART Act, and
- *Tribunal*.

See explanation of general terminology changes above.

#### **Items 11, 12 and 13: Subregulations 8.02(2) and (5), regulations 8.03, 8.03A, 8.04, 8.05, 8.06 and subregulation 8.07(5) (heading)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### ***Customs (International Obligations) Regulation 2015***

##### **Item 14: Subsection 21(2)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### ***Customs (Prohibited Exports) Regulations 1958***

##### **Items 15 and 16: Subregulations 3(8) and (9) and paragraph 3(15)(a)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

##### **Item 17: Paragraph 3(15)(b)**

##### Updating legislative references

This item will repeal and substitute a legislative reference to subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 269(7).

Consistent with section 28(4) of the AAT Act, under section 269(7) a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature and will ensure that paragraph 3(15)(b) of the *Customs (Prohibited Exports) Regulations 1958* will continue to operate in substantively the same way in relation to the Tribunal.

### **Items 18 and 19 Subregulation 8(8) and paragraph 8(9)(a)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### **Item 20: Paragraph 8(9)(b)**

#### Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 8(9)(b) of the *Customs (Prohibited Exports) Regulations 1958* will continue to operate in substantively the same way in relation to the Tribunal.

### **Items 21 and 22: Subregulation 8A(6) and paragraph 8A(7)(a)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### **Item 23: Paragraph 8A(7)(b)**

#### Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 8A(7)(b) of the *Customs (Prohibited Exports) Regulations 1958* will continue to operate in substantively the same way in relation to the Tribunal.

**Items 24 and 25: Subregulation 9AB(11) and paragraph 9AB(12)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 26: Paragraph 9AB(12)(b)**

Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 9AB(12)(b) of the *Customs (Prohibited Exports) Regulations 1958* will continue to operate in substantively the same way in relation to the Tribunal.

**Items 27 and 28: Subregulation 10F(1) and paragraph 10F(2)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 29: Paragraph 10F(2)(b)**

Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 10F(2)(b) of the *Customs (Prohibited Exports) Regulations 1958* will continue to operate in substantively the same way in relation to the Tribunal.



**Items 30, 31 and 32: Paragraph 13EE(7)(c), regulation 13EF (heading) and regulation 13EF**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Customs (Prohibited Imports) Regulations 1956***

**Items 33 and 34: Subregulations 4A(4) and (5) and paragraph 4A(11)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 35: Paragraph 4A(11)(b)**

Updating legislative references

This item will repeal and substitute the note to paragraph 4A(11)(b) replacing the legislative reference to subsection 28(4) of the AAT Act with a reference to the equivalent provision in the ART Act. Consistent with subsection 28(4) of the AAT Act, under subsection 269(7) a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature and will ensure that paragraph 4A(11)(b) of the *Customs (Prohibited Imports) Regulations 1956* will continue operate in substantively the same way in relation to the Tribunal.

**Items 36 and 37: Subregulation 4W(11) and paragraph 4W(12)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 38: Paragraph 4W12(b)**

Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 4W(12)(b) of the *Customs (Prohibited Imports) Regulations 1956* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 39: Subregulation 5HA(1) (definition of *decision*)**

Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

**Item 40: Paragraph 5HA(5)(b)**

Updating legislative references

This item will update a legislative reference to subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act, subsection 269(7). Consistent with subsection 28(4) of the AAT Act, under subsection 269(7) a decision-maker does not have to provide a statement of reasons to a person if the person has already been given a statement of reasons for the decision.

This amendment is technical in nature and will ensure that paragraph 5HA(5)(b) of the *Customs (Prohibited Imports) Regulations 1956* will continue operate in substantively the same way in relation to the Tribunal.

**Items 41, 42 and 43: Paragraph 5HA(6)(b), subregulations 5HA(8) and 5L(6) and paragraph 5L(7)(a)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 44: Paragraph 5L(7)(b)**

Updating legislative references

This item will update a legislative reference to section 28 of the AAT Act to instead refer to the equivalent provision of the ART Act, section 268. Consistent with section 28 of the AAT Act, under section 268 of the ART Act, a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker.

This amendment is technical in nature, and will ensure that paragraph 5L(7)(b) of the *Primary Customs (Prohibited Imports) Regulations 1956* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Customs Regulation 2015***

**Items 45, 46, 47 and 48: Subsection 109(2) (table item 8, column headed “Circumstance”, subparagraph (b)(v)), paragraph 111(6)(a), paragraph 111(6)(c) and clause 1 of Schedule 6 (table item 8, column headed “Circumstances”)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Maritime Transport and Offshore Facilities Security Regulations 2003***

**Item 49: Subregulations 6.07R(6), 6.07T(3), 6.07W(4), 6.08BC(5) and 6.08F(3) (note)**

#### Updating legislative references

This item will update the notes to subregulations 6.07R(6), 6.07T(3), 6.07W(4), 6.08BC(5) and 6.08F(3) replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway.

This amendment is technical in nature and will ensure the notes remain accurate.

**Item 50: Subregulation 6.08I(4)**

#### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Items 51, 52 and 53: Subregulations 6.08LF(2) and 6.08M(2) (note), subregulation 6.08MB(4) (note 1) and subregulation 6.08MC(2) (note)**

#### Updating legislative references

These items will update the notes to subregulations 6.08LF(2), 6.08M(2), 6.08MB(4) (note 1) and 6.08MC(2), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway.

This amendment is technical in nature and will ensure the notes remain accurate.

**Item 54: Paragraph 6.08T(2)(ja)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above

**Item 55: Regulation 6.08W**

Updating definitions and terminology changes

This item will repeal the definitions of *AAT Act*, *decision* and *Tribunal* and will substitute new definitions, as follows:

- *ART*
- *ART Act*
- *decision*, to refer to its meaning under the ART Act, and
- *Tribunal*.

See explanation of general terminology changes above.

**Items 56, 57 and 58: Regulation 6.08Z (heading), regulation 12.01 (heading) and regulation 12.01 (heading)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Migration Agents Regulations 1998***

**Items 59 and 60: Subparagraph 3V(e)(ii) and paragraph 7B(4)(d)**

### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### **Item 61: Subregulation 7B(4) (note)**

##### Consequential amendment

This item will repeal the note to subregulation 7B(4), which referred to the definition of Tribunal in the *Migration Act 1958*. This item is consequential to the repeal of the definition of Tribunal in the *Migration Act 1958* by item 12 of Schedule 2 of the *Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024* (the Consequential Act 1).

#### **Item 62: Subregulation 7H(1)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 63: Subregulation 7H(2) (notes 1 and 2)**

##### Terminology changes

This item will repeal and substitute note 1 and note 2 to subregulation 7H(2) to replace references to the AAT with a reference to the ART and to replace references to ‘Part 5 decisions’ and ‘Part 7 decisions’ to ‘reviewable migration decisions’ and ‘reviewable protection decisions’. This amendment is consequential to the repeal and substitution of those definitions in items 10, 11 and 12 of Schedule 2 of the Consequential Act 1.

## SCHEDULE 9— INDUSTRY, SCIENCE AND RESOURCES

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Designs Regulations 2004*

#### **Item 1: Paragraph 11.13(1B)(a)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### **Item 2: Subregulation 11.31(1) (definition of *decision*)**

##### Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

#### **Item 3: Subregulation 11.31(1) (definition of *Tribunal*)**

##### Updating definition

This item will update the definition of *Tribunal* so that it refers to the Tribunal instead of the AAT. See explanation of general terminology changes above.

#### **Item 4: Subregulation 11.31(3)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***National Measurement Regulations 1999***

#### **Items 5, and 6: Paragraph 85(6)(b), and regulation 86**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Patents Regulations 1991***

#### **Items 7 and 8: Subregulation 1.3(1) (definition of *AAT*) and subregulation 1.3(1)**

##### Updating definitions

These items will repeal the definition of *AAT*, consequential to the repeal of the *AAT* Act by the Consequential Act 1 and will insert the definition of *ART*, consequential to the establishment of the Tribunal by the *ART* Act. See explanation of general terminology changes above.

#### **Items 9, 10, 11, 12 and 13: Subparagraph 6.2(1)(b)(i), paragraphs 10.6(4)(a) and (b), paragraph 13.4(1)(h), subparagraph 13.4(1)(j)(ii) and paragraph 22.11(1B)(a)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### **Item 14: Subregulation 22.26(1) (definition of *decision*)**

##### Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the *ART* Act rather than its meaning under the *AAT* Act. See explanation of general terminology changes above.

#### **Items 15, 16, 17 and 18: Subregulation 22.26(2), subregulation 22.26(3), subregulation 22.26(3) and subregulation 22.26(5)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Plant Breeder's Rights Regulations 1994***

#### **Items 19, 20, 21 and 22: Subregulation 3A(4), subregulation 3A(4), subregulation 5(5) and subregulation 5(5)**

##### Terminology changes

These items will amend amend terminology. See explanation of general terminology changes above.

### ***Trade Marks Regulations 1995***

#### **Items 23 and 24: Regulation 2.1 (definition of *AAT*) and regulation 2.1**

##### Updating definitions

These items will repeal the definition of *AAT*, consequential to the repeal of the *AAT Act* by the Consequential Act 1 and will insert the definition of *ART*, consequential to the establishment of the Tribunal by the *ART Act*. See explanation of general terminology changes above.

#### **Items 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35: Paragraph 4.13(2)(c), subparagraph 4.14(3)(g)(ii), subregulation 5.8(6), subregulation 7.1(2), paragraph 16.7(b), paragraph 16.7(b), subsection 16.10(5), subsection 16.10(5), paragraph 17A.21(2)(c), subparagraph 17A.22(3)(h)(ii) and subregulation 17A.34B(6)**

##### Terminology changes

These items will amend amend terminology. See explanation of general terminology changes above.

#### **Item 36: Subregulation 21.35(1) (definition of *decision*)**

##### Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the *ART Act* rather than its meaning under the *AAT Act*. See explanation of general terminology changes above.

#### **Item 37: Subregulation 21.35(2)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.



## **SCHEDULE 10— INFRASTRUCTURE, REGIONAL DEVELOPMENT, COMMUNICATIONS AND THE ARTS**

### **General terminology changes**

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### ***Air Navigation (Aircraft Engine Emissions) Regulations***

#### **Items 1, 2 and 3: Regulation 9 (heading), subregulation 9(1) and subregulation 9(1)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Air Navigation (Aircraft Noise) Regulations 2018***

#### **Item 4: Section 23**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***Air Navigation (Gold Coast Airport Curfew) Regulations 2018***

#### **Item 5: Section 20**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

### ***Air Navigation Regulation 2016***

#### **Items 6 and 7: Section 42 and section 42 (note)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Airports (Building Control) Regulations 1996***

**Items 8, 9 and 10: Regulation 6.01 (heading), regulation 6.01 and regulation 6.01**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

*Airports (Control of On-Airport Activities) Regulations 1997*

**Items 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29:**

**Subregulation 4AL(5) (note), subregulation 4AP(2) (note 1), subregulation 4AS(3) (note), subregulation 4AT(4) (note), subregulation 4AW(5) (note), subregulation 4AX(6) (note), subregulation 4BC(5) (note to the definition of *decision period*), subregulation 4BE(2) (note), subregulation 4BH(5) (note), subregulation 4BJ(3) (note), subregulation 4BR(4) (note), subregulation 4CM(8) (note), regulation 4CN (heading), subregulations 4CN(1) and (2), subregulation 124(3), subregulation 124(3), regulation 135, regulation 139G and regulation 139K**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

*Airports (Environment Protection) Regulations 1997*

**Items 30 and 31: Subregulation 5.05(3) (note) and Division 2 of Part 9 (heading)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 32: Regulation 9.04 (definition of *decision*)**

Updating definition

This item will update the definition of *decision* so that it refers to its meaning under the ART Act rather than its meaning under the AAT Act. See explanation of general terminology changes above.

**Items 33, 34, 35, 36 and 37: Subregulation 9.05(1), subregulation 9.05(1), regulation 9.06 (heading), regulation 9.06 and regulation 9.06**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

*Airports (Ownership) Regulations 2024*

**Items 38, 39, 40, 41, 42 and 43: Paragraph 18(5)(b), paragraph 20(6)(b), paragraph 24(10)(b), paragraph 26(4)(b), section 27 and subsections 28(1) and (2)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Airports (Protection of Airspace) Regulations 1996***

**Items 44, 45, 46 and 47: Subregulation 17(1), subregulation 17(1), subregulation 17(2) and subregulation 17(2)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Air Services Regulations 2019***

**Items 48, 49, 50, 51, 52, 53, 54, 55 and 56: Subparagraph 12(3)(b)(ii), subparagraph 12(3)(b)(ii), subparagraph 26(5)(b)(ii), subparagraph 26(5)(b)(ii), subparagraph 37(3)(b)(ii), subparagraph 37(3)(b)(ii), paragraph 39(4)(c), subsection 39(5) (heading) and subsection 39(5)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Archives Regulations 2018***

**Item 57: Subsection 13(4)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

***Civil Aviation (Buildings Control) Regulations 1988***

**Items 58, 59 and 60: Subregulation 9(1), subregulation 9(2) and subregulation 9(2)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 61: Subregulation 9(2)**

Updating legislative references

This item will update legislative references to section 28 and subsection 28(4) of the AAT Act to instead refer to the equivalent provision of the ART Act. Consistent with section 28 of the AAT Act, under section 268 of the ART Act a person whose interests are affected by a reviewable decision may request a statement of reasons from the decision-maker. Section 269 of the ART Act automatically applies in relation to requests for reasons under section 268, which means that a decision-maker may refuse a request for a statement of reasons if a statement of reasons has already been provided (subsection 269(7)).

This amendment is technical in nature, and will ensure subregulation 9(2) of the *Civil Aviation (Buildings Control) Regulations 1988* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Civil Aviation Regulations 1988***

#### **Items 62 and 63: Subregulations 42ZW(2) and (3) (note), subregulation 42ZX(1) (note)** Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### **Item 64: Subregulation 297A(1) and (2)**

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

Subregulation 297A(2) will ensure that decisions made by an ‘authorised person’ pursuant to Regulation 201.001 of the Civil Aviation Safety Regulations 1998 are reviewable by the Tribunal. This will clarify that some decisions will not be made by the Civil Aviation Safety Authority, but nonetheless ought to be reviewable. This will ensure that it remains consistent with the operation of subsection 12(2) of the ART Act.

#### **Item 65: Subregulation 297A(2) (note 1)**

##### Consequential amendment

This item will make an amendment consequential to the amendment in item 67 below. This item will omit ‘Note 1’ and will substitute with ‘Note’.

#### **Item 66: Subregulation 297A(2) (note 1)**

##### Updating legislative references

This item will update the note to subregulation 297A(2), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266.

Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interest are affected by a reviewable decision of the making of the decision, and their rights to have the decision reviewed. Section 266 of the ART Act also requires a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway. This amendment is technical in nature and will ensure the notes remain accurate.

**Item 67: Subregulation 297A(2) (note 2)**

Consequential amendment

This item will repeal note 2 of subregulation 297A(2). This amendment is consequential the abolishment of the AAT and the establishment of the ART and will ensure that the provision will continue to operate consistently with regulation 201.004 of the *Civil Aviation Safety Regulations 1998*.

**Item 68: Subregulation 298A(4) (note)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Items 69 and 70: Paragraph 298D(1)(a) and subregulation 299(2) (note)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Civil Aviation Safety Regulations 1998***

**Item 71: Subregulation 11.060(1) (note)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Item 72: Subregulation 11.060(1) (note)**

Updating legislative references

This item will update the note to subsection 11.060(1), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway.

This amendment is technical in nature and will ensure the note remains accurate.

**Items 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95: Regulation 13.380, subregulation 21.006(2) (note), subregulation 21.006A(2) (note), subregulation 21.007(2) (note), subregulation 21.435(4) (note), subregulation 21.437(4) (note), subregulation 42.235(2) (note 2), subregulation 42.250(2) (note 2), subregulation 42.515(1) (note), subregulation 42.540(1) (note), subregulation 42.590(1) (note), subregulation 42.615(1) (note), regulation 42.980 (note 2), regulation 42.1025 (note 2), regulation 42.1050 (note 2), regulation 42.1060 (note 2), subregulation 60.030(2) (note), subregulation 60.055(1A) (note), subregulation 65.080(1) (note), subregulation 65.085(2) (note), subregulation 65.130(1) (note), subregulation 65.140(1A) (note) and regulation 65.225 (note)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### **Item 96: Subregulation 67.045(1)**

##### Drafting update

This item will omit the numbering within regulation 67.045, to reflect that there is a single provision in that regulation. This amendment does not change the effect or operation of the regulation.

**Items 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116: Subregulation 67.045(1) (note 2), subregulation 67.065(1) (note), subregulation 67.095(3) (note), subregulation 67.190(3) (note), subregulation 99.445(3) (note 2), subregulation 101.155(5) (note 1), subregulation 101.275(1B) (note 1),**

**subregulation 101.295(2) (note), subregulation 101.315(6) (note), subregulation 101.320(3) (note 2), subregulation 101.335(1A) (note), subregulation 101.360(6) (note), subregulation 101.365(3) (note 2), subregulation 101.374E(1) (note), subregulation 101.374H(5) (note), subregulation 101.374J(3) (note 2), subregulation 139.965(1) (note), subregulation 139.1005(1) (note), regulation 139.1010 (note) and regulation 143.175 (note)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 117: Subregulation 143.220(1) (note)**

Repeal and substitute note

This item will repeal and substitute the note to subregulation 143.220(1) to replace references to the AAT and AAT Act with references to the Tribunal and the ART Act, respectively. See explanation of general terminology changes above.

This item will update a reference to regulation 201.4 to refer to regulation 201.004 to correct a typographical error. This amendment is technical in nature and will ensure the note remains accurate.

**Items 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 and 129: Regulation 143.225 (note), subregulation 145.030(1) (note), subregulation 145.055(1) (note), subregulation 147.030(1) (note), subregulation 147.055(1) (note), subregulation 171.027(2) (note), subregulation 171.220(1) (note), subregulation 171.230 (note), subregulation 172.260(2) (note), subregulation 172.310(1) (note), regulation 172.315 (note) and regulation 173.335 (note)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 130: Subregulation 173.380(2) (note)**

Repeal and substitute note

This item will repeal and substitute the note to subregulation 173.380(2) to replace references to the AAT and AAT Act with references to the Tribunal and ART Act, respectively. See explanation of general terminology changes above.

This item will update a reference to regulation 201.4 to refer to regulation 201.004 to correct a typographical error. This amendment is technical in nature and will ensure the note remains accurate.

**Item 131: Subregulations 201.004(2) and (3)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Item 132: Subregulation 201.004(5) (note)**

Updating legislative references

This item will update the note to subregulation 201.004(5), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway.

This amendment is technical in nature and will ensure the note remains accurate.

**Items 133 and 134: Subregulation 202.702(7) (note) and subregulation 202.702(9)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

**Item 135: Subregulation 202.702(9) (note)**

Repeal and substitute note

This item will repeal and substitute the note to subregulation 202.702(9), replacing legislative references to sections 29 and 41 of the AAT Act with the equivalent references under the new law, the ART Rules and section 32 of the ART Act.



The existing note provides information about the timeframes in which an application for tribunal review must be made (provided for in section 29 of the AAT Act) The equivalent timeframes are now set out in the ART Rules.

The existing note also draws attention to the AAT's ability to stays on the effect of decisions (section 41 of the AAT Act). Consistent with section 41 of the AAT Act, subsection 32 of the ART Act provides that the Tribunal may make an order staying or otherwise affecting the operation of implementation of the reviewable decision.

This amendment is technical in nature and will ensure the note remains accurate.

***International Air Services Commission Regulations 2018***

**Items 136, 137 and 138: Subsection 11(2), subsection 11(3) and subsection 11(3)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013***

**Items 139, 140 and 141: Section 49 (heading), section 49 and section 49 (note)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Library Regulations 2018***

**Items 142, 143, 144, 145 and 146: Subsection 13(2) (note), subsection 21(1) (note), section 22 (note), section 34 (heading) and section 34**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Museum of Australia Regulations 2019***

**Items 147, 148 and 149: Subsection 13(2) (note), section 32 (heading) and section 32**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Portrait Gallery of Australia Regulations 2023***

**Items 150 and 151: Section 28 (heading) and section 28**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***Telecommunications Regulations 2021***

**Item 152: Subsection 43(4) (note)**

Updating legislative references

This item will update the note to subsection 43(4), replacing the legislative reference to section 27A of the AAT Act with a reference to the equivalent provision in the ART Act, section 266. Consistent with section 27A of the AAT Act, section 266 of the ART Act requires a decision-maker to notify persons whose interests are affected by a reviewable decision of the making of the decision, and their right to have the decision reviewed. Section 266 of the ART Act also requires that a decision-maker give a notice of decision and review rights for the decision in relation to any decision in the review pathway.

This amendment is technical in nature and will ensure the note remains accurate.

**Items 153 and 154: Section 45 (heading) and section 45**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

## SCHEDULE 11— PRIME MINISTER AND CABINET

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017*

#### Item 1: Clause 1 of Schedule 2 (table item 132)

##### Terminology changes

These items will amend amend terminology. See explanation of general terminology changes above.

### *Maternity Leave (Commonwealth Employees) Regulations 2017*

#### Item 2: Schedule 1 (cell at table item 2, column headed “Person”)

##### Updating legislative references

This item will repeal and substitute ‘Full-time member (within the meaning of the *Administrative Appeals Tribunal Act 1975*) of the Administrative Appeals Tribunal’ with ‘Salaried member (within the meaning of *the Administrative Review Tribunal Act 2024*) of the Administrative Review Tribunal’.

Schedule 1 of the *Maternity Leave (Commonwealth Employees) Regulations 2017* outlines persons to whom the *Maternity Leave (Commonwealth Employees) Act 1973* applies. Under the ART Act, salaried members are equivalent to full-time members under the AAT Act. This amendment is technical in nature and will ensure that Schedule 1 of the *Maternity Leave (Commonwealth Employees) Regulations 2017* will continue to operate in substantively the same way in relation to the Tribunal.

***Native Title (Prescribed Bodies Corporate) Regulations 1999***

**Items 3, 4 and 5: Subsection 25(4), paragraph 26(1)(b) and paragraph 26(2)(b)**

Terminology changes

These items will amend amend terminology. See explanation of general terminology changes above.

***Public Service Regulations 2023***

**Item 6: Subparagraph 8(4)(c)(iii)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

## SCHEDULE 12— SOCIAL SERVICES

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Child Support (Assessment) Regulations 2018*

#### Item 1: Paragraph 8(f)

##### Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

#### Item 2: Paragraph 8(g)

##### Repeal and substitute paragraph

This item will repeal and substitute paragraph 8(g) to update legislative references. Existing paragraph 8(g) provides that an overseas authority of a reciprocating jurisdiction can, subject to Part IVA of the AAT Act, appeal a question of law from a decision of the AAT. New paragraph 8(g) provides that an overseas authority of a reciprocating jurisdiction can, subject to section 99 of the *Child Support (Registration and Collection Act) 1988* and Part 7 of the ART Act.

This amendment is consequential to items 89 and 90 of Schedule 3 of the Consequential Act 1, which inserts section 99 into the *Child Support (Registration and Collection Act) 1988*, and provides that:

- a party to a proceeding for ART review may appeal the Tribunal decision to the FCFCOA (Division 2) on a question of law.
- a party may not appeal a Tribunal decision to the FCFCOA if the decision was made by the Tribunal constituted by a Judge or Deputy President.

- that certain provisions of the ART Act operate in the same way as they would if the appeal were under section 172 of the ART Act to appeal on a question of law to the FCA.

This amendment was made to the *Child Support (Registration and Collection Act) 1988* because, its equivalent, section 44AAA of the AAT Act, was repealed by the Consequential Act 1 and not replicated in the ART Act. This reflects the policy to relocate necessary special procedures or provisions for particular cohorts of applicants from the AAT Act to relevant portfolio legislation.

This amendment is technical in nature and will ensure that paragraph 8(g) of the *Child Support (Assessment) Regulations 2018* will continue to operate in substantively the same way in relation to the Tribunal.

### ***Child Support (Registration and Collection) Regulations 2018***

#### **Item 3: Section 6**

##### Reference to first review

This item will omit ‘AAT must not exercise for the purposes of an AAT first review’ from section 6 of the *Child Support (Registration and Collection) Regulations 2018* and will substitute ‘ART must not exercise for the purposes of an ART review’.

Section 54 of the ART Act allows the Tribunal to exercise “all powers and discretions that are conferred on the decision-maker by an Act or instrument made under that Act”.

Section 95E of the *Child Support (Registration and Collection) Act 1988* modifies this, allowing regulations under that Act to prescribe particular powers that the Tribunal may not exercise in certain reviews. Section 6 of the *Child Support (Registration and Collection) Regulations 2018* provides that Schedule 3 to the prescribes the relevant powers and discretions.

The item will update a terminology in section 6 to reflect changes to terminology introduced by the ART Act and amendments made to the *Child Support (Registration and Collection) Act 1988* by items 58, 67-69 of Consequential Act 1.

This amendment is technical in nature and will ensure that section 6 of the *Child Support (Registration and Collection) Regulations 2018* will continue to operate in substantively the same way in relation to the Tribunal.

**Item 4: Part 6 (heading)**

Terminology changes

This item will amend terminology. See explanation of general terminology changes above.

**Items 5 and 6: Section 25 (heading) and schedule 3 (heading)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

***National Rental Affordability Scheme Regulations 2020***

**Items 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24: Subsection 12(2) (note), subsection 13(9) (note), subsection 15(2) (note), subsection 19(1) (note), subsection 22(1) (note), subsection 24(1) (note), section 25 (note), section 26 (note 3), subparagraphs 32(1)(b)(i) and (ii), subsection 50(3) (note), subsection 50(5) (note), subsection 51(8) (note), subsection 56(1) (note), subsection 58(1) (note 2), subsection 59(1) (note), section 71 (heading), section 71 and subsection 78(4) (note)**

Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

## SCHEDULE 13— TREASURY

### **General terminology changes**

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### ***National Consumer Credit Protection (FinTech Sandbox Australian Credit Licence Exemption) Regulations 2020***

#### **Items 1, 2 and 3: Subsection 8(2), subsection 11(3) and subsection 18(3)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***National Consumer Credit Protection Regulations 2010***

#### **Items 4 and 5: Subregulation 23B(6) and Subregulation 23C(6)**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Retirement Savings Accounts Regulations 1997***

#### **Items 6, 7 and 8: Paragraph 6.01(3)(b), regulation 6.03 (heading) and regulation 6.03**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### ***Superannuation Industry (Supervision) Regulations 1994***

#### **Items 9, 10 and 11: Paragraph 13.24(3)(b), regulation 13.26 (heading) and regulation 13.26**

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.



## ***Tax Agent Services Regulations 2022***

### **Items 12 and 13: Section 5 and section 5**

#### Updating definitions

These items will repeal and substitute definitions of *AAT* and *AAT Act* so that it refers to the ART and the ART Act. See explanation of general terminology changes above.

### **Items 14, 15, 16, 17, 18, 19 and 20: Section 18, section 25L (heading), paragraph 25L(1)(c), paragraph 25L(2)(b), subsection 25L(3), subsection 25L(5) and subsection 25L(6) (heading)**

#### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

### **Item 21: Subsection 25L(6)**

#### Updating legislative references

This item will update a legislative reference to subsections 35(3) and (4) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 70. Consistent with subsections 35(3) and 35(4) of the AAT Act, under section 70 of the ART Act the Tribunal can make an order to restrict the publication or disclosure of certain information.

This amendment is technical in nature, and will ensure subsection 25L(6) of the *Tax Agent Services Regulations 2022* will continue to operate in substantively the same way in relation to the Tribunal.

### **Items 22 and 23: Subsection 25L(7) (definition of *decision on review*) and subparagraph 25M(3)(b)(i)**

#### Updating legislative references

These items will update legislative references to section 43(1) of the AAT Act to instead refer to the equivalent provision of the ART Act, section 105. Consistent with section 43(1) of the AAT Act, under section 105 of the ART Act, when reviewing a reviewable decision, the Tribunal must either:

- affirm the decision which means to confirm the decision was the correct or preferable decision

- vary the decision, which means to change part of the decision
- set aside the decision, and substitute a new decision for the original, or
- remit the matter to the decision-maker to reconsider it in accordance with any orders or recommendations of the Tribunal.

These amendments are technical in nature, and will ensure subsection 25L(7) and subparagraph 25M(3)(b)(i) of the *Tax Agent Services Regulations 2022* will continue to operate in substantively the same way in relation to the Tribunal.

## SCHEDULE 14— VETERANS’ AFFAIRS

### General terminology changes

A number of items in this Schedule will make simple terminology changes, such as updating outdated references to the Administrative Appeals Tribunal, the AAT and the *Administrative Appeals Tribunal Act 1975* and replacing them with references to the Administrative Review Tribunal, ART and the *Administrative Review Tribunal Act 2024* (respectively). These amendments will ensure that the Tribunal has jurisdiction to review decisions that are reviewable by the AAT, and that the relevant provisions will continue to operate in substantively the same way in relation to the new Tribunal.

### *Veterans’ Entitlements Regulations 1986*

#### Items 1 and 2: Regulation 9AL (heading) and subregulation 9AL(1)

##### Terminology changes

These items will amend terminology. See explanation of general terminology changes above.

#### Item 3: Subregulation 9AL(2)

##### Period for applying for making application for review to the Tribunal

This item will repeal and substitute subregulation 9AL(2) to maintain the existing timeframe for applying for review of a decision.

Section 18 of the ART Act replaces section 29 of the AAT Act by providing that the general timeframe for making an application for review under the ART Act will be prescribed by rules. This item will substitute a new subregulation 9AL(2) which provides that, despite section 18 of the ART Act, applications made under subsection 9AL(1) of the *Veterans’ Entitlement Regulations 1986* must be made within 3 months after the day on which the person seeking review was notified of the Commission's decision.

This amendment is technical in nature and will ensure that subregulation 9AL(2) of the *Veterans’ Entitlement Regulations 1986* will continue to operate in substantively the same way in relation to the Tribunal.

#### Item 4: Regulation 12

##### Terminology changes

This item will omit references to *Administrative Appeals Tribunal Regulation 2015* (AAT Regulation) and the Administrative Appeal Tribunal, and will substitute with a reference to ART Rules and the Tribunal.

Regulation 12 of the *Veterans' Entitlements Regulations 1986* provides that a person summoned to give evidence before the Veterans' Review Board is entitled to be paid the same fees and allowances as prescribed for a person summoned to appear before the AAT under the AAT Regulation.

In accordance with modern drafting practice, section 295 of the ART Act provides that the Minister may make rules prescribing matters that are required or permitted to be prescribed by the rules, or necessary or convenient for carrying out or giving effect to the ART Act. The ART Rules largely replicate the arrangements for witness fees in the AAT as prescribed by the AAT Regulation, with some minor modifications and clarifications (such as a new maximum amount for certain fees for attending the Tribunal).

This amendment is technical in nature, and will ensure that regulation 12 of the *Veterans' Entitlements Regulations 1986* will continue to operate in substantively the same way in relation to the Tribunal.