



# Administrative Appeals Tribunal

# Application for Review of Decision (Individual)

This form is for use in the AAT's General Division, Freedom of Information Division, National Disability Insurance Scheme Division, Security Division, Small Business Taxation Division, Taxation & Commercial Division and Veterans' Appeals Division.

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

## SECTION 1 APPLICANT (INDIVIDUAL)

**Personal details \***

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other:		
Family name:		
Given name(s):		
Female <input type="checkbox"/>	Male <input type="checkbox"/>	Unspecified <input type="checkbox"/>
Date of birth	dd / mm / yyyy	
Are you of Aboriginal or Torres Strait Islander origin?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Street address \***

State:		Postcode:
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**Postal address \***

'As above' if also your street address

State:		Postcode:
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**Email**

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**Telephone \* / Fax**

Landline: (    )	Mobile:	Fax: (    )
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**Preferred method for receiving correspondence**  
Please select one \*

Email: <input type="checkbox"/>	Fax: <input type="checkbox"/>	Post: <input type="checkbox"/>
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**Representative**

If someone will represent you, please fill in these details

Name:		
Organisation:		
Postal address:		
State:		Postcode:

**Email**

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**Telephone / Fax**

Landline: (    )	Mobile:	Fax: (    )
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**Preferred method for receiving correspondence**  
Please select one

Email: <input type="checkbox"/>	Fax: <input type="checkbox"/>	Post: <input type="checkbox"/>
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**Interpreter \***

Do you need an interpreter?	Yes <input type="checkbox"/>	If yes, for which language or dialect?
	No <input type="checkbox"/>	

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**Assistance**

If you have a disability or other special need and would like some assistance, please indicate the type of disability/need and assistance you require:		
Physical (e.g. wheelchair user)	<input type="checkbox"/>	
Sensory (e.g. hearing or sight)	<input type="checkbox"/>	
Other, please specify	<input type="checkbox"/>	

**SECTION 2 DECISION**

Date you received the decision you want reviewed \*

Are you sending us a copy of this decision? *	Yes <input type="checkbox"/>	Go to section 3 – <b>attach a copy of the decision</b>
	No <input type="checkbox"/>	Complete all of section 2, then go to section 3

**Briefly describe the decision**

<b>Who made the decision?</b> Name and address of organisation	Name:		
	Address:		
	State:	Postcode:	

<b>Date the decision was made</b>	<input type="text" value="dd / mm / yyyy"/>	<b>Decision reference</b>	<input type="text"/>
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**SECTION 3 REASONS FOR THE APPLICATION**

**Why do you claim the decision is wrong? \*** Please read the 'Reasons you are making an application' section in the *Guide to applying for review* before answering this question.

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**SECTION 4 TAX DECISIONS ONLY**

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

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

1. Does the decision relate to a small business entity?

Yes

No

2. Is the amount of tax in dispute less than \$5,000?

Yes

No

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

\$
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**SIGNATURE**

**Signature**

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**Date**

dd / mm / yyyy

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**Print name**

\_\_\_\_\_

\* Mandatory field/question

# GUIDE TO APPLYING FOR REVIEW

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

You should use this guide if you want to apply for a review of a decision in the AAT's General Division, Freedom of Information Division, National Disability Insurance Scheme Division, Security Division, Small Business Taxation Division, Taxation & Commercial Division or Veterans' Appeals Division.

The five parts of this guide will:

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

If you want to apply for a review of a decision in the AAT's Migration & Refugee Division or Social Services & Child Support Division, go to [www.aat.gov.au](http://www.aat.gov.au) and follow the links on the website.

## PART 1: CHOOSING WHICH APPLICATION FORM TO USE

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The AAT has three application forms to apply for a review of a decision in the AAT's General Division, Freedom of Information Division, National Disability Insurance Scheme Division, Security Division, Small Business Taxation Division, Taxation & Commercial Division or Veterans' Appeals Division.

### ***Application for Review of Decision (Individual)***

Use this form if you are an individual, unless you want to apply for a second review of a decision of the AAT's Social Services & Child Support Division.

### ***Application for Review of Decision (Organisation)***

Use that form if you are an organisation.

### ***Application for Second Review of Decision***

Use that form if you want to apply for a second review of a decision made by the AAT's Social Services & Child Support Division:

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

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

## PART 2: COMPLETING THE APPLICATION FORM

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

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

## APPLICANT

### CONTACT DETAILS

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

### REPRESENTATIVE

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

### INTERPRETER

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

### DISABILITY

If you have a disability or special need and would like some assistance, we will try to make appropriate arrangements for you. Our offices (known as registries) have portable hearing loops and are wheelchair accessible.

## DECISION

### DATE YOU RECEIVED THE DECISION

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

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

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

### SEND US A COPY OF THE DECISION

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

### WHO MADE THE DECISION

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

### DATE THE DECISION WAS MADE AND DECISION REFERENCE

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

## REASONS YOU ARE MAKING AN APPLICATION

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

## TAX DECISIONS

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

If the tax decision relates to a small business entity, we will handle the review in our Small Business Taxation Division. In general, you are a small business entity if you were carrying on a business and your aggregated turnover was less than \$10 million. In most cases, the letter from the Australian Taxation Office (**ATO**) telling you about its decision will state whether or not they consider you are a small business entity. For more information, please read the AAT's *Guide to the Small Business Taxation Division* which can be found on our website.

If the decision does not relate to a small business entity, we will handle your review in our Taxation & Commercial Division.

The application fee you must pay depends on:

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

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

## PART 3: APPLICATION FEES AND REFUNDS

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

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

### STANDARD APPLICATION FEE

The standard application fee is \$1,121.

### APPLICATION FEES FOR REVIEW OF TAX DECISIONS

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

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

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

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

### CONCESSIONAL FEE

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

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

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

### **APPLICATIONS FOR REVIEW OF MORE THAN ONE DECISION**

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

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

### **WHEN THE FEE MUST BE PAID**

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

### **HOW TO PAY A FEE**

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

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

### **REFUNDS**

We will refund:

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

For more information about fees, including when there is no fee and whether you are eligible to pay a reduced fee, go to the AAT website or contact your local AAT registry.

## **PART 4: OTHER INFORMATION ABOUT APPLYING TO THE AAT**

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### **APPLYING TO SUSPEND A DECISION**

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

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

### **STEPS IN A REVIEW**

In most cases, we use alternative dispute resolution (ADR) to help the parties – you and the department or organisation that made the decision you want reviewed – try to reach agreement about how the case should be resolved. Many cases are resolved at this stage. ADR processes are held in private.

If agreement cannot be reached, we will hold a hearing and make a decision. Hearings are usually open to the public.

Our procedures and the time needed to complete the review vary from case to case. We aim to have cases finalised within 12 months.

## PRIVACY – WHAT DO WE DO WITH INFORMATION GIVEN TO US?

We collect information from you to process your application and to carry out the review under the *Administrative Appeals Tribunal Act 1975*.

We give a copy of the form to the department or organisation that made the decision you want reviewed. We may also give a copy to any other person that is a party to the review.

If you give us other information during the review that another party does not have, we will usually give them a copy.

Limited information about cases in the AAT's General Division, Freedom of Information Division, National Disability Insurance Scheme Division, Small Business Taxation Division, Taxation & Commercial Division or Veterans' Appeals Division is usually made available to the public on request and can be accessed using *eCase Search* on our website. This information includes the names of the parties and any representatives, the type of application, dates of conferences, hearings or other case events, the types of key documents lodged by the parties and the outcome of an application.

More information is usually made publicly available if we hold a hearing and make a decision. If we prepare a written statement of the reasons for our decision in your case, it will usually be made public and published on the internet, including on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)). For more information about the decisions we publish, see our *Publication of Decisions Policy* on our website.

We can order that information be kept confidential if we believe there is good reason to do so. You can apply for an order by writing to us stating what information you want kept confidential and why. In some cases, legislation requires that information be kept confidential.

For more information see our fact sheet, *Privacy and confidentiality at the AAT*, and our Privacy Policy. Our Privacy Policy includes information about how you can access and seek correction of your personal information, make a complaint about the way we have handled your personal information and how we will deal with such a complaint. *Privacy and confidentiality at the AAT* and our Privacy Policy are on our website or are available from your local AAT registry.

### **MORE INFORMATION ABOUT THE AAT**

For more information about the AAT and how we conduct reviews go to our website or call us. Our staff can give you information about procedures but cannot give you legal advice.



## PART 5: CONTACT THE AAT

### How do I submit this form?

You can send us your form by email, post, or fax, or deliver it to a registry.

**Email:** [generalreviews@aat.gov.au](mailto:generalreviews@aat.gov.au)

**Post:** AAT, GPO Box 9955, Your capital city (*Northern Territory residents should write to Adelaide*) or *Norfolk Island residents: AAT, c/- Supreme Court of Norfolk Island Registry, Kingston, Norfolk Island 2899*

#### In person or by fax:

<b>ADELAIDE</b> Level 2 1 King William St ADELAIDE SA 5000  <b>FAX (08) 8128 8099</b>	<b>BRISBANE</b> Level 6 295 Ann St BRISBANE QLD 4000  <b>FAX (07) 3052 3001</b>	<b>CANBERRA</b> Level 8 14 Moore St CANBERRA CITY ACT 2600  <b>FAX (02) 6243 4600</b>	<b>HOBART</b> Edward Braddon Building Commonwealth Law Courts 39–41 Davey St HOBART TAS 7000  <b>FAX (02) 9276 5597</b>
<b>MELBOURNE</b> Level 4 15 William St MELBOURNE VIC 3000  <b>FAX (03) 9454 6998</b>	<b>NORFOLK ISLAND</b> Supreme Court of Norfolk Island KINGSTON Norfolk Island 2899  <b>TEL +61 2 9391 2400</b> <b>FAX +61 2 9283 4881</b>	<b>PERTH</b> Level 13 111 St Georges Terrace PERTH WA 6000  <b>FAX (08) 6222 7299</b>	<b>SYDNEY</b> Level 6 83 Clarence St SYDNEY NSW 2000  <b>FAX (02) 9276 5599</b>

If you want more information or assistance, call us on **1800 228 333** (calls are free from landline phones, however calls from mobiles may be charged). Residents of northern NSW (postcodes 2460–2490) will be connected to the Brisbane registry and residents of the Northern Territory will be connected to the Adelaide registry.

Non-English speakers can call the Translating and Interpreting Service on 131 450 and ask them to call the AAT.

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

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