

Handbook of ART Legal Procedure

Chapter 4: Decisions

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1 Introduction

This chapter will detail Division 8, 9 and 10 of Part 4 the *Administrative Review Act 2024* (Cth) (the Act)¹ as they relate to the following:

- application withdrawn or dismissed
- decision on review of an application
- date of effect of decisions
- correcting decisions
- guidance decisions
- notification of a decision
- publication of decisions

These Divisions may have a limited or modified application to particular jurisdictions, such as migration and protection, social security, and child support.

2 Withdrawing applications

An applicant may, at any time, withdraw an application by giving written notice to the Tribunal, or notifying the Tribunal in any other manner specified in the practice directions.² Currently, none of the Administrative Review Tribunal Practice Directions contain any directions regarding withdrawing applications.³ Accordingly, the applicant can only withdraw their application by giving written notice to the Tribunal. There are no statutory or prescribed forms for this purpose.

If the application is withdrawn, the Tribunal is taken to have dismissed it.⁴ This dismissal occurs by operation of the law and does not require a decision by the Tribunal.⁵ The dismissal takes effect on the date when the application is withdrawn.⁶ Whether an application has been withdrawn so as to trigger s 95 is a question of fact.

¹ All references to legislation in this chapter are to the *Administrative Review Tribunal Act 2024* (Cth) (No. 24, 2024) (ART Act) unless otherwise specified.

² s 95(1). This provision is equivalent to ss 42A(1A), (1AA) and (1B) of the repealed *Administrative Appeals Act 1975* (Cth) (Act No. 91 of 1975) (AAT Act) (repealed by item 1, sch 17 to the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* (Cth) (Act No.38, 2024)). It applies to all jurisdictional areas.

³ Administrative Review Tribunal (Common Procedures) Practice Direction 2024; Administrative Review Tribunal (Child Support) Practice Direction 2024; and Administrative Review Tribunal (Migration, Protection and Character) Practice Direction 2024.

⁴ s 95(2).

⁵ Revised Explanatory Memorandum to the *Administrative Review Tribunal Bill 2024*, (Revised Explanatory Memorandum, Act No.40 of 2024, p 93.

⁶ Revised Explanatory Memorandum, Act No.40 of 2024, p 93.

Given the dismissal occurs by operation of law and is not a decision of the Tribunal there are no statutory requirements to provide a statement of reasons.⁷

Unlike some other dismissals under the ART Act, there is no provision for the *applicant* to seek re-instatement, it is expressly disallowed by s 102(8). Other parties to the proceedings may apply for reinstatement within 28 days after the party receives notice that the application is dismissed.⁸ More information on reinstatement is set out [below](#).

An application for review of a decision cannot be withdrawn once the Tribunal has proceeded to review the decision and made its decision on review. The Tribunal is then *functus officio*.⁹

Note that the Tribunal may also order that a party (apart from the applicant and decision-maker) ceases to be a party if they give written notice to the Tribunal that they wish to cease being a party.¹⁰

3 Dismissing applications

The Tribunal can dismiss an application without making a decision in the following circumstances:

- the parties consent
- there is no reviewable decision
- the application fee is not paid
- the applicant does not appear
- the applicant fails to comply
- the application is frivolous, vexatious etc
- the application has not been made in a reasonable time
- the applicant dies, is bankrupt, wound up, in liquidation or administration.

Before dismissing an application, the Tribunal ensures the applicant is on notice of the relevant basis for dismissal, and the Tribunal's discretion or obligation (set out below) to dismiss on that basis. This is to comply with the Tribunal's procedural fairness obligations, and s 55 of the ART Act (Right to present case).

⁷ s 111 and 112 of the Act set out when a notice of decision and statement of reasons is required. Neither provision applies to s 95 dismissals. Section 111 does not apply to Part 5 Migration Act matters. Section 368 of the Migration Act which applies to Part 5 Migration Act matters, requires the Tribunal to make a written statement if the Tribunal makes a decision on a review. As this is not a decision on the review, the requirements of s 368 do not apply.

⁸ s 102(7). The time for applying for reinstatement may be extended for such longer period as the Tribunal, in special circumstances, allows.

⁹ *Re ADPA v MIBP* [2015] AATA 603.

¹⁰ s 65. There is no equivalent provision to this in the repealed AAT Act.

3.1 Parties consent

Pursuant to s 96 of the Act, the Tribunal may at any time dismiss an application with the consent of the parties to the proceedings other than a non-participating party.¹¹

The Tribunal does not need the consent of a non-participating party to a proceeding, as they have elected to not exercise this degree of participation in the proceeding.¹² Non-participating party is defined in s 61 of the Act – for more information see [Chapter 1](#).

This provision may have limited or no application in matters where proceedings only have one participating party, including social security decisions on first review and migration and protection decisions.¹³

Consent dismissals are different from consent decisions that are made pursuant to s 103 of the Act (see below).

In limited circumstances, the Tribunal can reinstate an application dismissed by consent pursuant to s 102 of the Act (see below).

3.2 No reviewable decision

Pursuant to s 97 of the Act, the Tribunal must dismiss an application if satisfied that the decision is not reviewable by the Tribunal.¹⁴ This is intended to cover not only those circumstances where legislation does not provide for the Tribunal to review a particular type of decision, but also where the application is made out of time (and no extension is granted), or the person seeking review does not have standing (because for example they are not affected by the decision).¹⁵

The dismissal power in s 97 can only be enlivened where an application for review is properly made. It does not apply to a review of a migration or protection decision.¹⁶ The provisions in Part 5 of the *Migration Act 1958 (Cth)* (Migration Act) make clear that for a review application of reviewable migration decision or reviewable protection decision, the applicable conditions in Part 5 of that Act (relating to fees, standing and reviewable decision) must be met.¹⁷

Under s 285 of the Act, a Registrar can be authorised to exercise this dismissal power.

Where the Tribunal dismisses a matter under s 97, the Tribunal must give each party to the proceeding notice of the Tribunal's decision in writing.¹⁸ The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.¹⁹ This requirement for reasons is not mandatory. If the Tribunal does not give

¹¹ This provision is equivalent to ss 42A(1) and (1AAA) of the repealed AAT Act.

¹² Revised Explanatory Memorandum, Act No.40 of 2024, p 93.

¹³ While technically it appears that a single participating party may consent to dismissal under this provision, withdrawal under s 95 of the Act would have the same effect.

¹⁴ s 97. This provision is equivalent to subsection 42A(4) of the former AAT Act.

¹⁵ Revised Explanatory Memorandum, Act No.40 of 2024, p 93.

¹⁶ s 336P(2)(i)(ia) of the Migration Act as inserted by item 114 of Part 12 of Schedule 2 to the *Administrative Review Tribunal (Miscellaneous Measures) Act 2025 (Cth)* (Act No. 14 of 2025).

¹⁷ s 347 of the Migration Act.

¹⁸ s 112(3).

¹⁹ s 112(4).

a statement of reasons, a party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal give a statement of reasons for the Tribunal's decision.²⁰

3.3 Unpaid fee

Pursuant to s 98 of the Act, the Tribunal may dismiss an application if the applicant fails to pay the application fee in the time prescribed by the rules (if any).²¹

The time by which the fee must be paid is at the end of six weeks starting on the day the application is made.²²

The dismissal power in s 98 can only be enlivened where an application for review is properly made. It does not apply to a review of a migration or protection decision.²³ The provisions in Part 5 of the *Migration Act 1958 (Cth)* (Migration Act) make clear that for a review application of reviewable migration decision or reviewable protection decision, the applicable conditions in Part 5 of that Act (relating to fees, standing and reviewable decision) must be met.²⁴

Additionally, this provision has limited application in the social security and child support jurisdictions where there is no fee for a first review, and an application fee is only payable for a second review of Paid Parental Leave decisions.²⁵

Under s 285 of the Act, a Registrar can be authorised to exercise this dismissal power.

Where the Tribunal dismisses a matter under s 98, the Tribunal must give each party to the proceeding notice of the Tribunal's decision in writing.²⁶ The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.²⁷ This requirement for reasons is not mandatory. If the Tribunal does not give a statement of reasons, a party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal give a statement of reasons for the Tribunal's decision.²⁸

3.4 Failure to appear

Pursuant to s 99 of the Act, an application may be dismissed if the applicant fails to appear at a Tribunal case event and the Tribunal is satisfied that the applicant received appropriate notice of the date, time and place of the Tribunal case event.²⁹

²⁰ s 112(5).

²¹ This provision is equivalent to s 69C of the repealed AAT Act.

²² Rules 24(2), 25(4) and 26(4) Administrative Review Tribunal Rules 2024.

²³ s 336P(2)(i)(ib) of the Migration Act as inserted by item 114 of Part 12 of Schedule 2 to Act No. 14 of 2025.

²⁴ s 347 of the Migration Act. In addition Rule 21 Administrative Review Tribunal Rules 2024 notes that the rules relating to fees payable do not apply to a review of a migration and protection decision.

²⁵ Rule 30 Administrative Review Tribunal Rules 2024. This rule is equivalent to reg 22 *Administrative Appeals Tribunal Regulation 2015*.

²⁶ s 112(3).

²⁷ s 112(4).

²⁸ s 112(5).

²⁹ This provision is equivalent to s 42A(2) of the former AAT Act.

'Tribunal case event' is defined in s 4 of the Act to include hearings or part of hearings; directions hearings or part of directions hearings; and dispute resolution processes or part of dispute resolution processes.

In accordance with s 73 of the Act, a party may appear at a Tribunal case event themselves or through a representative. The Tribunal may also order a party (other than the decision maker) to appear personally, whether or not their representative appears.

For decisions other than reviewable protection decision and reviewable migration decisions, ss 160 and 161 of the *Evidence Act 1995* (Cth) provide for a rebuttable presumption as to when such notice are taken to be received.³⁰ For a reviewable migration or protection decision, s 379C of the Migration Act sets out when an applicant is taken to have received an invitation to a Tribunal case event' However, 'appropriate notice' is not defined in the Act and may vary depending on the circumstances of the case.

If an application is dismissed under s 99 an applicant may seek re-instatement. For applications relating to decisions other than reviewable migration decisions and reviewable protection decisions, an applicant may apply under s 102 of the Act to have the application re-instated (see below). For reviewable migration decisions and reviewable protection decisions, re-instatement may be sought under s 368C of the Migration Act see below).

Where the Tribunal dismisses a matter under s 99, other than a matter relating to a reviewable migration or reviewable protection decision, the Tribunal must give each party to the proceeding notice of the Tribunal's decision in writing.³¹ The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.³² This requirement for reasons is not mandatory. If the Tribunal does not give a statement of reasons, a party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal give a statement of reasons for the Tribunal's decision.³³

Notification of a s 99 dismissal decision in relation to a reviewable migration or protection decision is required by s 368B of the Migration Act. In accordance with s 368B Migration Act, the Tribunal must make a written statement that sets out the decision and records the day and time the statement is made. There is no legislative requirement for the Tribunal to give reasons. The Tribunal must notify the applicant of the decision by giving the applicant a copy of the written statement within 14 days after the day on which the decision is taken to have been made and by one of the methods specified in s 379A of the Migration Act.³⁴ A copy of the written statement must also be given to the Secretary within 14 days.³⁵

³⁰ Revised Explanatory Memorandum, Act No.40 of 2024, p 94.

³¹ s 112(3).

³² s 112(4).

³³ s 112(5).

³⁴ s 368B(5) of the Migration Act.

³⁵ s 368B(6).

3.5 Failure to comply

Pursuant to s 100 of the Act, an application may be dismissed if the applicant fails, within a reasonable time, to proceed with the application or comply with the Act or an order of the Tribunal.³⁶

What constitutes 'reasonable time' must be assessed taking into considerations the circumstances of the case before the Tribunal.

According to the Explanatory Memorandum, the power to dismiss for failure to proceed with the application aims to promote the efficient use of Tribunal resources, so the Tribunal may dismiss – rather than endlessly following on – applications where the applicant makes no efforts to progress their matter.³⁷

Section 100 essentially replicates s 42A(5) of the repealed AAT Act. The Federal Court has indicated in relation to s 42A(5) that the following principles were applicable to the decision to be reached:

- the discretionary power is only enlivened if an applicant fails to proceed with the application and fails to do so 'within a reasonable time'
- the discretion is to be used 'sparingly and as a matter of 'last resort'
- the applicant must be afforded procedural fairness
- the explanations and arguments put forward by the applicant are mandatory relevant considerations.³⁸

In relation to the power to dismiss for failure to comply with a direction, previous decisions of the (former) AAT have indicated that the discretion to dismiss should be exercised sparingly and only in the clearest cases, such as where the applicant has been advised both of the need to comply with a direction and given an opportunity to explain why they had not complied with that direction.³⁹

This authority, and the decisions applying should, however, also be considered in light of the relevant re-instatement powers and obligations that apply to a matter that has been dismissed under s 100. Re-instatement could previously have been sought in respect of dismissal under s 42A(5) of the AAT Act, but only on the arguably narrower ground that the application had been dismissed in error.⁴⁰

For applications other than those relating to a reviewable migration decision or reviewable protection decision, application may be made for re-instatement under s.102, not only on

³⁶ This provision is equivalent to subsection 42A(5) of the AAT Act.

³⁷ Revised Explanatory Memorandum, Act No.40 of 2024, pp 94-95.

³⁸ *Charara v Commissioner of Taxation* (2016) [2016] FCA 451 at [78]–[82]. See also *Guse v Comcare* [1997] FCA 961 affirmed in [1997] FCA 1406

³⁹ See *Re McGrath and Inspector-General in Bankruptcy* (2011) 119 ALD 439; *Re Lewtas and Comcare* [2017] AATA 1804; and *Re De Simone and Commissioner of Taxation* [2017] AATA 1005.

⁴⁰ s 42A(10) of the AAT Act

similar grounds to s 42A(5) (error) of the Act but also on broader grounds ins s 102(7), which permits the Tribunal to re-instate the application if it considers it appropriate to do (see below).

For applications relating to a reviewable migration decision or reviewable protection decision, application may be made for re-instatement under s 386C. Like s.102(7), the Tribunal may re-instate the application if it consider appropriate to do so (see below).

The requirements for the notice of decision and statement of reasons is the same for those set out in the previous section, noting the differences for applications in relation to reviewable migration decisions and reviewable protection decisions.

3.6 Application frivolous, vexatious etc

Pursuant to s 101 of the Act, the Tribunal may, at its own initiative or on application by a party, dismiss an application if satisfied that the application is:⁴¹

- frivolous, vexatious, misconceived or lacking in substance, or
- has no reasonable prospects of success, or
- is otherwise an abuse of the process of the Tribunal.

Additionally, the Tribunal may order that the applicant must not make a subsequent application to the Tribunal of a specified kind or kinds without leave. The Tribunal may make such an order on its own initiative or on application by a party to the proceedings.⁴² The order has effect despite any other provision of the Act or any other Act.⁴³

The requirements for the notice of decision and statement of reasons is the same for those set out [above](#), noting the differences for applications in relation to reviewable migration decisions and reviewable protection decisions.

See the section [below](#) in relation an applicant's ability to seek reinstatement of a dismissal made under this section.

3.7 Application not made in a reasonable time

Pursuant to s 20 of the Act, the Tribunal must dismiss an application if the application is not required to be made within a particular period and the Tribunal considers that the application was not made within a reasonable time.⁴⁴ However, the application does not have to be dismissed if the Tribunal considers that there are special circumstances that justify a review of the decision.⁴⁵

⁴¹ This provision is equivalent to s 42B(2) of the repealed AAT Act with the an extended operation allowing the Tribunal to make the order on its on initiative.

⁴² s 101(2).

⁴³ s 101(3).

⁴⁴ This provision is equivalent to ss 29(4), (5) and (6) of the repealed AAT Act.

⁴⁵ s 20(2).

In determining whether an application was made within a reasonable time, the Tribunal must have regard to:⁴⁶

- when the applicant became aware the decision was made
- if the application would have to be made within a certain time period by law by anyone other than the applicant, that time period.

Additionally, the Tribunal may have regard to any other matter it considers relevant.

Where the Tribunal dismisses a matter under s 20, other than a matter relating to a reviewable migration or reviewable protection decision,⁴⁷ the Tribunal must give each party to the proceeding notice of the Tribunal's decision in writing.⁴⁸ The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.⁴⁹ This requirement for reasons is not mandatory. If the Tribunal does not give a statement of reasons, a party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal give a statement of reasons for the Tribunal's decision.⁵⁰

3.8 Applicant dies, is bankrupt, wound up, in liquidation or administration

Pursuant to s 84 of the Act, if an applicant dies, becomes bankrupt, is wound up or otherwise ceases to exist, or becomes subject to liquidation or administration, the Tribunal may dismiss the substantive application in either of the following circumstances:⁵¹

- there is no legal representative, executor, administrator, liquidator or trustee of the applicant, or a person who would have been entitled to apply for review of the decision at the time the substantive application was made,⁵² who can continue with the substantive application
- no application to continue with the substantive application is made within three months of the Tribunal becoming aware that the applicant died, became bankrupt, was wound up or otherwise ceased to exist, or became subject to liquidation or administration.

This dismissal power applies to all jurisdictional areas. However, the notification requirements and requirement for reasons differ. For a dismissal under this section, other than a matter relating to a reviewable migration or reviewable protection decision,⁵³ the Tribunal must give

⁴⁶ s 20(3).

⁴⁷ It is noted that s 20 does not apply to reviewable migration and reviewable protection decisions because the application is required to be made within specified periods: see s 347(3) of the Migration Act.

⁴⁸ s 112(3).

⁴⁹ s 112(4).

⁵⁰ s 112(5).

⁵¹ s 84(2) and (4). There is equivalent provision in the repealed AAT Act.

⁵² s 84(2)(b) as amended by item 3 of Schedule 4 to Act No. 14 of 2025 with effect from 21 February 2025. Before the amendment, s 84(2)(b) referred to 'a person whose interests are affected by the decision'. The purpose of the amendment is to ensure that only persons who originally had standing to apply for review of the decision may apply to continue the application ((in addition to the persons mentioned in paragraph 84(2)(a)): Explanatory Memorandum, *Administrative Review Tribunal (Miscellaneous Measures) Bill 2024 (Cth)*, p 49.

⁵³ It is noted that s 20 does not apply to reviewable migration and reviewable protection decisions because the application is required to be made within specified periods: see s 347(3) of the Migration Act.

each party to the proceeding notice of the Tribunal's decision in writing.⁵⁴ The Tribunal may give reasons for the Tribunal's decision to the parties to the proceeding orally or by giving a statement of reasons for the decision.⁵⁵ This requirement for reasons is not mandatory. If the Tribunal does not give a statement of reasons, a party may, within 28 days after the day the Tribunal's decision is made, request the Tribunal give a statement of reasons for the Tribunal's decision.⁵⁶

Notification of a s 84 dismissal decision in relation to a reviewable migration or protection decision is required by s 368B of the Migration Act. In accordance with s 368B Migration Act, the Tribunal must make a written statement that sets out the decision and records the day and time the statement is made. There is no legislative requirement for the Tribunal to give reasons. The Tribunal must notify the applicant of the decision by giving the applicant a copy of the written statement within 14 days after the day on which the decision is taken to have been made and by one of the methods specified in s 379A of the Migration Act.⁵⁷ A copy of the written statement must also be given to the Secretary within 14 days.⁵⁸

For more information about another person continuing with the substantive application in these circumstances, see [Chapter 2](#).

4 Reinstatement of applications

4.1 Reinstatement under the ART Act

With some exceptions, an application that has been dismissed can be reinstated under s 102 of the Act.⁵⁹ Section 102 of the Act does not apply to migration and protection matters. Instead s 368C of the Migration Act provides for re-instatement of certain types of dismissals (see below).

An application may be dismissed in the circumstances outlined above in accordance with ss 95 to 101, 20 and 84. This includes where an application is withdrawn under s 95 and is taken to be dismissed.

The power to reinstate a matter can be exercised by any member who is an authorised person and does not need to be exercised by the Tribunal as constituted in relation to the proceeding that was dismissed.⁶⁰ This is because it may not always be appropriate for the Tribunal as constituted to consider whether a matter should be reinstated if it was dismissed in error.⁶¹

Reinstatement under s 102 may be on the Tribunal's own initiative, or at the request of the parties.

⁵⁴ s 112(3).

⁵⁵ s 112(4).

⁵⁶ s 112(5).

⁵⁷ s 368B(5) of the Migration Act.

⁵⁸ s 368B(6).

⁵⁹ This provision is equivalent to paragraphs 42A(8), (8A), (9), (10) and (11) of the repealed AAT Act but altered to allow the Tribunal to reinstate an application on its own motion.

⁶⁰ s 281(1)(e).

⁶¹ Revised Explanatory Memorandum, Act No.40 of 2024, p 98.

4.1.1 Tribunal's initiative

The Tribunal may reinstate an application on its own initiative if it considers that the application was dismissed in error. The Tribunal may also make such orders as appear to be appropriate in the circumstances.⁶²

However, an application that was dismissed by consent pursuant to s 96 of the Act cannot be reinstated on the Tribunal's initiative.⁶³

Additionally, the Tribunal must not reinstate an application if more than 28 days have passed since the dismissal *unless* satisfied there are specific circumstances justifying reinstatement.⁶⁴

'Error' in the context of s 102(2) is not defined in the Act however, in the context of the similar power in the repealed AAT Act (s42A(10)) the Federal Court has held that the error is not confined to an error on the part of the Tribunal; the fault may lie elsewhere as long as it induced the error.⁶⁵

4.1.2 Party may apply if application dismissed in error

A party to the proceeding may also apply for an application to be reinstated on the grounds of error.⁶⁶

The application for reinstatement must be made within 28 days after receiving notice that the application is dismissed or, if there are special circumstances, such longer period as the Tribunal allows.⁶⁷

If the Tribunal considers the application was dismissed in error, it may reinstate it and make such orders as it considers appropriate in the circumstances.⁶⁸

4.1.3 Party may apply in other specified circumstances

A party to the proceeding may apply for an application to be reinstated under the Act if the application was dismissed in the following circumstances:⁶⁹

- the applicant withdrew the application (s 95)
- the applicant did not appear (s 99)
- the applicant failed to comply (s 100).

⁶² s 102(2).

⁶³ s 102(3).

⁶⁴ s 102(4).

⁶⁵ *Goldie v MIMA* [2002] FCAFC 367 at [29].

⁶⁶ s 102(5).

⁶⁷ s 102(5).

⁶⁸ s 102(6).

⁶⁹ s 102(7).

However, an *applicant* who withdrew an application pursuant to s 95 cannot then apply for the application to be reinstated. In that scenario, only another party who is not the applicant can apply for reinstatement.⁷⁰

The application for reinstatement under s 102(7) must be made within 28 days after receiving notice that the application is dismissed or, if there are special circumstances, such longer period as the Tribunal allows.⁷¹

Like the other re-instatement powers under s 102 the power under s 102(7) is discretionary. Unlike the other re-instatement powers, there is no requirement for Tribunal to be satisfied there was an error. Rather the Tribunal may reinstate the application if it considers it appropriate to do so. If it does consider it appropriate to re-instate the application, it may make such orders as it considers appropriate in the circumstances.⁷²

4.2 Migration and Protection

To reinstate an application relating to a reviewable migration decision or reviewable protection decision, s 368C of the Migration Act applies instead of s 102 of the Act. This is intended to ensure that the reinstatement powers operate consistently with the relevant visa frameworks.⁷³

However, unlike the reinstatement power under s 102, only certain types of dismissals of applications relating to reviewable migration decisions or reviewable protection decisions are eligible for re-instatement.⁷⁴ If the Tribunal dismisses an application for review, the applicant may apply for reinstatement of the application within 28 days of being notified of the dismissal only in the following circumstances:⁷⁵

- the applicant did not appear (s 99 of the Act)
- the applicant failed to comply (s 100 of the Act)
- the application was frivolous, vexatious, misconceived or lacking in substance (s 101 of the Act).

The Tribunal, on application for reinstatement, must decide whether to reinstate the application or confirm the dismissal.⁷⁶ As with the s 102 reinstatement powers, re-instatement under the Migration Act is discretionary and dependent on whether the Tribunal considers it appropriate.⁷⁷

⁷⁰ s 102(7). The applicant is not, however, prohibited from apply for reinstatement pursuant to s 102(5) on the basis the application was withdrawn in error: Revised Explanatory Memorandum, Act No.40 of 2024, p 96.

⁷¹ s 102(7).

⁷² s 102(9).

⁷³ Revised Explanatory Memorandum, Act No.38 of 2024, p 97.

⁷⁴ s 368C(1) Migration Act.

⁷⁵ s 368C(2) Migration Act.

⁷⁶ s 368C(3) Migration Act.

⁷⁷ S 368C(3)(a) Migration Act.

If the Tribunal reinstates the application, it is taken to never have been dismissed.⁷⁸ The decision under review is taken to be affirmed if the Tribunal confirms the dismissal.⁷⁹

If no application for reinstatement has been received within 28 days, the Tribunal must confirm the dismissal.⁸⁰

5 Decisions agreed by parties

If the parties at any time reach an agreement on the terms of a decision, the Tribunal may make a decision in accordance with those terms without holding or completing the hearing if the following circumstances are all met:⁸¹

- the parties agree on the terms of the decision in the proceeding, or in relation to a part of the proceeding, or in relation to a matter arising out of the proceeding; and
- the terms of the agreement are in writing, signed by or on behalf of the parties, and given to the Tribunal, and
- if the agreement is signed in a dispute resolution process under Division 6, sub-div C of the Act then seven days have passed since the agreement was given to the Tribunal and none of the parties have notified the Tribunal in writing that they wish to withdraw from the agreement, and
- the Tribunal is satisfied that the decision in the terms of the agreement or consistent with those terms would be within its powers.

If the above circumstances are all met, then the Tribunal may in its decision give effect to the terms of an agreement that relates to a matter or part of a matter arising from the proceedings without dealing or further dealing with that agreed part or matter.⁸²

The Tribunal may vary or revoke a decision made in accordance with an agreement between the parties if the following circumstances are all met:⁸³

- the parties reach an agreement on the variation or revocation, and
- the terms of the agreement are in writing, signed by or on behalf of the parties, and given to the Tribunal, and
- in the case of a variation, the Tribunal is satisfied that it would have been within its powers to have made the decision as varied.

⁷⁸ s 368C(4) Migration Act.

⁷⁹ s 368C(6) Migration Act.

⁸⁰ s 368C(5) Migration Act.

⁸¹ ss 103(1) and (2). This provision is equivalent to ss 34D and 42C of the repealed AAT Act.

⁸² s 103(1) and (3).

⁸³ s 103(4).

Pursuant to s 336P(2) of the Migration Act, this provision does not apply to reviewable migration decisions or reviewable protection decisions.

6 Decision on review of reviewable decision

When reviewing a reviewable decision, subject to exceptions for security clearance decisions and preventative detention decisions,⁸⁴ the Tribunal must make a decision to:⁸⁵

- affirm the decision, or
- vary the decision, or
- set aside the decision and:
 - substitute a new decision, or
 - remit the matter for reconsideration in accordance with any orders or recommendations of the Tribunal.

For more information on what is a reviewable decision, see [Chapter 1](#).

The remittal power under the ART Act does not apply in relation to reviewable migration decisions and reviewable protection decisions.⁸⁶ However, a similar power exists under s 349(2) of the Migration Act if the decision relates to a prescribed matter. The orders or recommendations that may be made in these cases must be one permitted by the *Migration Regulations 1994 (Cth)*. The prescribed matters and permissible directions or recommendations for the purposes of the remittal power in s 349(2) are set out in reg 4.15 of those regulations.

At any time during a proceeding for review of a reviewable decision (apart from reviews of reviewable migration and reviewable protection decisions made under Part 5 of the Migration Act⁸⁷ and reviews of decisions of Services Australia and the Child Support Registrar under social services legislation (with the exception of a second review)⁸⁸), the Tribunal may remit the decision to the primary decision-maker and ask them to reconsider the decision.⁸⁹ If this occurs the decision-maker is then required to affirm, vary or set aside the decision and make a new decision in substitution for the decision set aside.⁹⁰ The proceeding then resumes unless the applicant withdraws. If the decision is varied or set aside and substituted with a new decision, the review application is taken to be an application for review of the varied or new decision.⁹¹

⁸⁴ ss 163 and 164.

⁸⁵ ss 104 and 105, and s 349 (1) of the Migration Act.

⁸⁶ s 349(1) of the Migration Act.

⁸⁷ s 336P(2)(i) of the Migration Act.

⁸⁸ s 112A of the *A New Tax System (Family Assistance) (Administration) Act 1999 (Cth)*; s 95AA of the *Child Support (Registration and Collection) Act 1988 (Cth)*; s 225A of the *Paid Parental Leave Act 2010 (Cth)*; s 147B of the *Social Security (Administration) Act 1999 (Cth)*; and s 313A of the *Student Assistance Act 1973 (Cth)*.

⁸⁹ s 85(1). This provision is equivalent to s 42D of the repealed AAT Act.

⁹⁰ s 85(2).

⁹¹ ss 85(5) and (6).

7 Decision without a hearing

The Tribunal may make a decision after considering the documents and things before it but without holding a hearing in the following circumstances:⁹²

- the parties consent, or
- the only parties are the applicant and non-participating party and the decision is wholly in favour of the applicant or the applicant requests the Tribunal make its decision without holding a hearing, or
- a party fails to comply, or
- a party fails to appear.

In all of the above circumstances, the Tribunal can only proceed without a hearing if it appears to the Tribunal that the issues can be adequately determined in the parties' absence. This means that the Tribunal cannot exercise these powers if there are issues that they consider they cannot resolve without seeking further evidence or submissions from the parties. The Explanatory Memorandum sets out that the Tribunal cannot exercise these powers if there are issues that they consider they cannot resolve without seeking further evidence or submissions from the parties.⁹³

The power in s106 to proceed without a hearing is a discretionary one and must be exercised reasonably, having regard to the circumstances of the case.

7.1 Parties consent

The Tribunal may make a decision in the proceedings without a hearing if:⁹⁴

- all the parties consent to the proceedings being determined without a hearing, and
- it appears to the Tribunal that the issues in the proceeding can be adequately determined in the absence of the parties.

7.2 Only parties are applicant and non-participating party

The Tribunal may make a decision without a hearing if:⁹⁵

- the only parties are the applicant and a non-participating party, and

⁹² s 106. Subsection 106(2) is broadly equivalent to section 34J of the repealed AAT Act, however, unlike s 34J which is expressed to apply only where the parties consent, s 106 extends the operation of the power by providing an additional three circumstances where the Tribunal may decide a matter without holding a hearing.

⁹³ Explanatory Memorandum to the ART Bill, Act No. 40 of 2024, paragraph 670.

⁹⁴ s 106(2).

⁹⁵ s 106(3).

- it appears to the Tribunal that the issues in the proceeding can be adequately determined in the absence of the parties, and
- either the decision is wholly in favour of the applicant or the applicant requests that a decision is made without a hearing.

Non-participating party is defined in s 61 of the Act – for more information see [Chapter 1](#).

7.3 Party fails to comply

The Tribunal may make a decision without a hearing if:⁹⁶

- a party fails in a reasonable time to comply with the ART Act or an order from the Tribunal in relation to the proceeding, and
- it appears to the Tribunal that the issues in the proceeding can be adequately determined in the absence of the parties.

7.4 Party fails to appear

The Tribunal may make a decision without a hearing if:⁹⁷

- a party fails to appear at a Tribunal case event, and
- the party is not a non-participating party, and
- the Tribunal is satisfied that the party received appropriate notice of the date, time and place of the Tribunal case event, and
- it appears to the Tribunal that the issues in the proceeding can be adequately determined in the absence of the parties.

Tribunal case event and non-participating party are defined in ss 4 and 61 of the Act respectively. How to appear at a Tribunal case event is provided for in s 73. For more information on these terms, see [Chapter 1](#).

8 When a decision comes into operation

As a general rule (with the exception of reviewable migration decisions and reviewable protection decisions), pursuant to s 107 of the Act, the Tribunal's decision on an application comes into operation when it is given to the parties.⁹⁸ In addition, there are a number of exemptions to this general rule that apply to reviews of other reviewable decisions.

⁹⁶ s 106(4).

⁹⁷ s 106(5).

⁹⁸ This provision is equivalent to ss 43(5A), (5B) and 5(C) of the repealed AAT Act and has been extended to deal with applications made under s 203 to have a decision referred to the guidance and appeals panel.

This general rule applies to all decisions that finalise a matter, including decisions to dismiss an application, or one made with the consent of the parties.

8.1 Exception: Tribunal specifies later date

The general rule does not apply if the Tribunal states in the decision that the decision comes into operation at a specified time after the decision is given to the parties. The decision will then come into operation at that specified time.⁹⁹

8.2 Exception: Tribunal ordered stay of reviewable decision

The general rule does not apply if there is an order already in force under s 32 of the Act staying or otherwise affecting the operation of the original decision.¹⁰⁰

The order under s 32 must be in force immediately before the Tribunal makes a decision under s 105 of the Act in order for this exemption to apply. The Tribunal's decision will then only come into operation:¹⁰¹

- if a party appeals to a court or applies to have the decision referred to the guidance and appeals panel, at the later of the end of the appeal period or the completion of the relevant appeal; or
- in any other case, at the end of the appeal period.

Any appeal made after the end of the appeal period should not be taken into account when determining when the decision comes into effect. However, the appeal period includes any extension of time for making an appeal that is granted prior to the appeal period ending (see s 125 or 174(2) of the Act).¹⁰²

This exemption only applies to decisions made under s 105 (i.e. to affirm, vary or set aside and substitute or remit) . It does not apply if the Tribunal makes a decision agreed to by the parties pursuant to s 103(2) of the Act.¹⁰³

Sections 107(7)-(8) of the Act define key terms for the purpose of interpreting this provision including completion, court appeal, end of the appeal period, panel appeal and relevant appeal.

⁹⁹ s 107(2).

¹⁰⁰ s 107(3)(a)-(b).

¹⁰¹ s 107(3)(c)-(d).

¹⁰² s 107(4) and (8).

¹⁰³ s 107(5).

8.3 Exception: Tribunal or court order

Regardless of whether there is a stay of the original decision as per the exemption describe above at 8.2, the Tribunal or relevant court may still order that its decision comes into operation at a different time.¹⁰⁴

9 Migration and protection: when a decision comes into operation

The general rule in s 107 of the Act does not apply to reviewable migration decisions or reviewable protection decisions.¹⁰⁵ A decision in relation to these cases is taken to have been made by the making of the written statement of the decision at the day and time it is made,¹⁰⁶ or if the decision is given orally, at the date and time that it is given orally to the applicant.¹⁰⁷ There is no power to postpone or stay the date of operation of a decision under Part 5 of the Migration Act.

10 Decision to vary or substitute

Where the Tribunal varies a decision or sets it aside and makes a substitute decision, s 108 of the Act provides that the Tribunal decision is taken to be the decision of the original decision-maker unless a prescribed exemption applies.¹⁰⁸

The prescribed exemptions include:¹⁰⁹

- where a decision is deemed to be made if a timeframe expires pursuant to s 16 of the Act. The Tribunal cannot be deemed to have made a decision in the same way.
- for the purpose of applying to the Tribunal for a review of a decision pursuant to Part 3, Division 3 of the Act. This prevents a person from applying to the Tribunal for a review of the Tribunal's decision.
- for the purpose of appeals and references of questions of law to the Federal Court pursuant to Part 7, Divisions 2 and 4 of the Act. This ensures that any decision appealed on a question of law would be the decision of the Tribunal and not the decision of the original decision-maker.

With the exception of social security matters, an application cannot be made to the Tribunal for review of a decision by the Tribunal to vary or set aside a decision.¹¹⁰

Sections 108(4) and (5) of the Act, unless the Tribunal order others, the Tribunal's varied or substituted decision has effect or is taken to have had effect from the time that the original

¹⁰⁴ s 107(6).

¹⁰⁵ s 336P(2)(k) Migration Act.

¹⁰⁶ s 368(6) Migration Act.

¹⁰⁷ s 368(7) Migration Act.

¹⁰⁸ s 108(1). This provision is equivalent to s 43(6) of the repealed AAT Act. It does not apply if the Tribunal remits the decision back to the decision-maker or affirms the decision as neither of these actions involve the Tribunal making a substantive decision – see the Revised Explanatory Memorandum, Act No.40 of 2024, p 104.

¹⁰⁹ s 108(2).

¹¹⁰ s 108(3).

decision has or had effect.¹¹¹ For particular social security decisions, these sections of the Act have been modified by social security legislation such that different date of effect provisions apply.¹¹² For more information, see [Date of Effect commentary](#).

11 Tribunal guidance decisions

Pursuant to s 109 of the Act, a decision is considered a Tribunal guidance decision where it is:

- made by the Tribunal constituted as a guidance and appeals panel under s 40 or 41 (that is, the matter contains an issue of significance to administrative decision-making), and
- is a substantive decision of the Tribunal made under s 105 and is not a decision agreed by the parties pursuant to s 103(2).

Tribunal guidance decisions are intended to provide internal guidance to the Tribunal and have a normative effect on the decision-making of the Tribunal, and administrative decision-making more broadly.¹¹³

The President may declare that a decision is an excluded decision and therefore not a Tribunal guidance decision. Any such declaration must be published but is not considered a legislative instrument.¹¹⁴

Pursuant to s 110 of the Act, the Tribunal must have regard to Tribunal guidance decisions that raise similar facts or issues to those raised in the proceedings before it.¹¹⁵ However, the Tribunal is not required to follow the guidance decisions.

Whether the Tribunal considers that the guidance decision raises facts or issues similar to those in the proceeding is a matter for the Tribunal. According to the Explanatory Memorandum to the Bill introducing these provisions, the Tribunal is not expected to have to comprehensively distinguish each Tribunal guidance decision from the matter at hand.¹¹⁶

This provision does not apply to a member who is a Judge or to the Tribunal constituted for the purpose of a proceeding by a member or members where one is a judge.¹¹⁷ However, judges may, at their discretion, have regard to Tribunal guidance decisions.

¹¹¹ s 108(4) and (5).

¹¹² s 147 *Social Security (Administration Act) 1991* (Cth) and s 125 *New Tax System (Family Assistance) (Administration) Act 1999* (Cth).

¹¹³ Revised Explanatory Memorandum, Act No.40 of 2024, p 105.

¹¹⁴ s 109(2).

¹¹⁵ This provision is modelled on repealed ss 353B and 420B of the Migration Act, which provided for the President or Division Head of the Migration and Refugee Division in the former AAT to declare decisions to be guidance decisions which must be followed in cases with similar facts or circumstances.

¹¹⁶ Revised Explanatory Memorandum, Act No.40 of 2024, p 105.

¹¹⁷ s 110(2).

Failure by the Tribunal to have regard to a Tribunal guidance decision does not invalidate the decision.¹¹⁸

12 Notice of decision and statement of reasons

12.1 Generally

12.1.1 Review of reviewable decision

When the Tribunal makes a decision (with the exception of migration and protection decisions¹¹⁹) under s 105 of the Act (to vary, set aside and substitute, remit or dismiss), it must provide the parties in writing with the following information:¹²⁰

- the Tribunal's decision
- statement of reasons for the decision
- where applicable, notice of the party's right to refer a decision to the Tribunal's guidance and appeals panel
- where applicable, notice of the party's right to apply for a second review of the Tribunal's decision under Part 5A of the Act
- notice of the party's right to appeal to the Federal Court under Part 7, Division 2 of the Act.

The Tribunal must provide this information within 28 days of the decision being made, or within the time specified in the practice directions for that kind of decision.¹²¹ Currently, the Administrative Review Tribunal Practice Directions do not provide any specified time frames for providing the information.¹²²

Failure by the Tribunal to notify parties of their appeal rights within the 28 days or other specified timeframe does not affect the validity of the Tribunal's decision.¹²³

The Tribunal is not required to provide the information if it is adopting a decision agreed by the parties pursuant to s 103(2) of the Act.¹²⁴ This provision still applies to decisions affected by s 103(3), where some of the issues might have been agreed by the parties, but others

¹¹⁸ s 110(3).

¹¹⁹ See s 368(9) of the Migration Act.

¹²⁰ s 111(2). This provision is equivalent to ss 43(2), (2A), (2B) and (3) of the repealed AAT Act, however, has been extended to require written reasons for all decision made under s 105.

¹²¹ s 111(3).

¹²² Administrative Review Tribunal (Common Procedures) Practice Direction 2024; Administrative Review Tribunal (Child Support) Practice Direction 2024; and Administrative Review Tribunal (Migration, Protection and Character) Practice Direction 2024.

¹²³ s 111(4A).

¹²⁴ s 111(1).

would need to be determined by the Tribunal. The Tribunal would then only need to provide reasons for the parts of the decision not agreed.¹²⁵

The Tribunal may give a decision and its reasons orally before providing it in writing.¹²⁶

When providing the Tribunal's decision and reasons to the parties, the Tribunal must not disclose any information which is subject to a non-disclosure or non-publication order (s 70) or a public interest certificate (s 91).¹²⁷

12.1.2 Other proceedings

The Tribunal must give notice of its decision on the proceedings (with the exception of migration and protection decisions¹²⁸) orally or in writing where the Tribunal makes a final decision other than:¹²⁹

- a public interest decision mentioned in s 94(1) or (2)
- a decision to dismiss the application based on the parties' consent under s 96
- decision to adopt a decision made by agreement by the parties under s 103(2)
- a decision on review of a reviewable decision under s 105
- a decision by the President whether or not to refer the Tribunal decision to the guidance and appeals panel under s 128.

For those decisions covered by s 112 the Tribunal may choose to give reasons for the decision orally or in writing,¹³⁰

but is only required to provide reasons for its decision if the party requests it. The request must be made in writing within 28 days of the decision being made.¹³¹ If a request is made, the Tribunal must provide a statement of reasons within 28 days.¹³²

If reasons are requested under this provision, the timeframe for making an appeal from the Tribunal decision commences when reasons are provided pursuant to s 174 of the Act.

When providing the Tribunal's decision and reasons to the parties, the Tribunal must not disclose any information which is subject to a non-disclosure or non-publication order (s 70) or a public interest certificate (s 91).¹³³

¹²⁵ Revised Explanatory Memorandum, Act No.40 of 2024, p 107.

¹²⁶ s 111(4).

¹²⁷ s 111(5).

¹²⁸ See s 368(9) and 368A(5) of the Migration Act.

¹²⁹ ss 112(1) and (2).

¹³⁰ s 112(4).

¹³¹ ss 112(5) and (6).

¹³² s 112(7).

¹³³ s 112(8).

12.2 Migration and Protection

12.2.1 Tribunal decision and written statements

Section 368 of the Migration Act provides that if the Tribunal makes a decision on review of a reviewable migration decisions or reviewable protection decision, the Tribunal must make a written statement that:

- sets out the Tribunal's decision
- includes a statement of reasons for the decision
- in the case of a decision to confirm the dismissal of an application (see s 368C(3)(b) or 368C(5) of the Migration Act), indicates the decision under review is taken to be affirmed
- records the day and time the statement is made.

The decision is taken to be made by the making of the written statement and on the day and at the time of the written statement.¹³⁴

The Tribunal may give an oral decision before providing the written statement.¹³⁵ However, a decision to confirm a decision to dismiss an application pursuant to either s 36C(3)(b) or 368C(5) cannot be given orally and must be provided in writing.¹³⁶

An oral decision is taken to be made and notified at the day and at the time that the oral decision is given.¹³⁷

The validity of the Tribunal's decision is preserved regardless of any deficiencies in recording the time and day the decision was made.¹³⁸

The Tribunal has no power to vary or revoke a decision once it is made.¹³⁹

Section 368 of the Migration Act applies despite ss 111 and 112 of the Act.¹⁴⁰ The Migration Act prevails as it provides heightened requirements around the time and date of decisions.¹⁴¹

12.2.2 Notification of the Tribunal decision

Pursuant to s 368A of the Migration Act, the Tribunal must notify the applicant and the Secretary of the Department of Home Affairs of its decision on the review by giving a copy of the written statement within 14 days after it is taken to have been made. It must be given by

¹³⁴ s 368(6) Migration Act.

¹³⁵ ss 368(3) and (4) Migration Act.

¹³⁶ Note under s 368(3) Migration Act.

¹³⁷ s 368(7) Migration Act.

¹³⁸ s 368(8) Migration Act.

¹³⁹ s 368(5) Migration Act.

¹⁴⁰ s 368(9) Migration Act.

¹⁴¹ Revised Explanatory Memorandum, Act No.38 of 2024, p 96.

one of the methods specified in s 379A of the Migration Act.¹⁴² A failure to comply does not invalidate the decision.¹⁴³

Section 368A of the Migration Act applies despite ss 111(3) and 112 of the Act.¹⁴⁴ The effect of this is to shorten the timeframe in which notification must be given – that is, 14 days in the Migration Act, as opposed to 28 days under the Act.¹⁴⁵

12.2.3 Notice of dismissal and reinstatement decisions

Section 368B of the Migration Act requires that the Tribunal make a written statement and notify the parties of a decision to dismiss an application or a decision to reinstate an application of a reviewable migration decision and reviewable protection decision.

The Tribunal must make a written statement of its decision that also sets out the day and time the decision is made.¹⁴⁶ There is no requirement to give reasons for the decision to decision or the decision to reinstate. If the Tribunal decided not to reinstate the dismissal, it must confirm the dismissal and provide a written statement under s 368 (see above)

The decision to dismiss / reinstate is taken to have been made at the time and on the day the written statement was made.¹⁴⁷ The Tribunal cannot vary or revoke the statement once it has been made.¹⁴⁸ The validity of the decision is not affected by any procedural irregularities in the written statement or provision of notice.¹⁴⁹

The written statement must be given to the applicant and Secretary within 14 days after it is taken to have been made.¹⁵⁰ Section 368B of the Migration Act applies despite s 112 of the Act. The effect of this is to shorten the timeframe in which notification must be given – that is, 14 days in the Migration Act, as opposed to 28 days under the Act.¹⁵¹

13 Publication of decisions

As a general rule, the Tribunal may choose whether to publish its decisions and reasons for them pursuant to s 113 of the Act.¹⁵²

However, certain decisions and reasons must be published if:¹⁵³

- the President considers the decision involves a significant conclusion of law or has significant implications for Commonwealth policy or administration, or

¹⁴² ss 368A(1), (2) and (3) Migration Act.

¹⁴³ s 368A(4) Migration Act.

¹⁴⁴ s 368A(5) Migration Act.

¹⁴⁵ Revised Explanatory Memorandum, Act No.38 of 2024, p 96.

¹⁴⁶ s 368B(2) Migration Act.

¹⁴⁷ s 368B(3) Migration Act.

¹⁴⁸ s 368B(4) Migration Act.

¹⁴⁹ s 368B(7) Migration Act.

¹⁵⁰ ss 368B(5) and (6) Migration Act.

¹⁵¹ Revised Explanatory Memorandum, Act No.38 of 2024, p 97.

¹⁵² This provision is equivalent to s 66B of the former AAT Act.

¹⁵³ s 113(2).

- the decision is made by the guidance and appeals panel, is made under s 105, and is not made in accordance with an agreement of the parties under s 103(2).

The Tribunal must not disclose any information which is prohibited or restricted by the Act, another Act or an instrument under an Act.¹⁵⁴ For example, the disclosure of information may be subject to a non-disclosure or non-publication order (s 70) or a public interest certificate (s 91).

The Migration Act does not permit the Tribunal to publish any information of a person, or a relative or other dependent of a person, who has applied for a protection visa (including a protection-related bridging visa); or is seeking review of the cancellation of a protection visa (including a protection-related bridging visa).¹⁵⁵

The publication of decisions and reasons should also follow any requirements specified in practice directions.¹⁵⁶ The Administrative Review Tribunal (Common Procedures) Practice Direction 2024 provides for a party to apply to the Tribunal for an order prohibiting or restriction publication of particular information.¹⁵⁷ The Tribunal may also make such an order on its own volition.¹⁵⁸

Any protection decision, character decision or bridging visa decision relating to a protection visa, or any social security decision that is published will be given a pseudonym, and relevant identifying information omitted.¹⁵⁹

The Tribunal may publish reasons for decision on review of a social security decision that does not include information that may identify a party to review, or a person related or associated with a party, or a witness in the review.¹⁶⁰ This does not apply to the Secretary or Child Support Registrar.

14 Correct error in decision or statement of reasons

Pursuant to s 114 of the Act, the Tribunal may correct the text of a decision or statement where it considers there is an obvious error.¹⁶¹ This applies to all jurisdictions of the Tribunal.

Examples of obvious errors include obvious clerical or typographical errors, or and inconsistency between the decision and the statement of reasons.

If the decision or statement is altered under this provision, the altered text is taken to the decision or statement respectively.¹⁶²

¹⁵⁴ s 113(4).

¹⁵⁵ s 369 Migration Act.

¹⁵⁶ s 113(3).

¹⁵⁷ Direction 6.6, *Administrative Review Tribunal (Common Procedures) Practice Direction 2024*.

¹⁵⁸ Direction 6.7, *Administrative Review Tribunal (Common Procedures) Practice Direction 2024*.

¹⁵⁹ Direction 6.1, *Administrative Review Tribunal (Common Procedures) Practice Direction 2024*.

¹⁶⁰ Note 1, Direction 6.1, *Administrative Review Tribunal (Common Procedures) Practice Direction 2024*.

¹⁶¹ This provision is equivalent to s 43AA of the repealed AAT Act.

¹⁶² s 114(2).

Relevant amending legislation

Title	Reference number	Legislation Bulletin
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