



Allocation of Business to Divisions of the AAT

This Direction is given under section 18B for the purposes of section 17B of the *Administrative Appeals Tribunal Act 1975* (AAT Act).

1. About this Direction

- 1.1 This Direction has effect on and from 1 March 2019.
- 1.2 The previous Direction titled 'Allocation of Business to Divisions of the AAT' dated 9 October 2017 is revoked and replaced by this Direction.
- 1.3 The Administrative Appeals Tribunal (AAT) exercises its powers in Divisions. This Direction sets out the Division in which the AAT's powers must be exercised in relation to a proceeding before the AAT.

2. Allocation of business

- 2.1 The AAT's powers in relation to a proceeding specified in column two of the following table must be exercised in the Division of the AAT specified in column one.

Column one	Column two
Freedom of Information Division	Any application in relation to a decision made under: (a) the <i>Archives Act 1983</i> that is not required by this direction or an enactment to be dealt with in the Security Division; (b) the <i>Freedom of Information Act 1982</i> ; (c) the <i>Privacy Act 1988</i> ; or (d) section 92 of the <i>Australian Small Business and Family Enterprise Ombudsman Act 2015</i> .
Migration and Refugee Division	Any application in relation to a Part 5-reviewable decision or a Part 7-reviewable decision within the meaning of the <i>Migration Act 1958</i> .
National Disability Insurance Scheme Division	Any application in relation to a decision made under the <i>National Disability Insurance Scheme Act 2013</i> .

Column one	Column two
Security Division	<p>Any application that is:</p> <p>(a) related to an application in relation to an adverse or qualified security assessment made under the <i>Australian Security Intelligence Organisation Act 1979</i> (security assessment application); and</p> <p>(b) to be heard at the same time as a security assessment application.</p>
Social Services and Child Support Division	<p>Any application for, or any application made in connection with an application for, AAT first review within the meaning of:</p> <p>(a) subsection 111(1) of the <i>A New Tax System (Family Assistance) (Administration) Act 1999</i>;</p> <p>(b) section 89 of the <i>Child Support (Registration and Collection) Act 1988</i>;</p> <p>(c) subsection 216(1) or 224(1) of the <i>Paid Parental Leave Act 2010</i>;</p> <p>(d) subsection 142(1) of the <i>Social Security (Administration) Act 1999</i>; or</p> <p>(e) subsection 311(1) of the <i>Student Assistance Act 1973</i>.</p>
Small Business Taxation Division	<p>Any application:</p> <p>(a) in relation to a small business taxation decision (within the meaning of the <i>Administrative Appeals Tribunal Regulations 2015</i>), other than an application in relation to a decision made under the <i>Tax Agent Services Act 2009</i> and legislative instruments made under that Act; or</p> <p>(b) made under a taxation law (within the meaning of the <i>Income Tax Assessment Act 1997</i>) that the Tribunal has decided to hear at the same time as a small business taxation decision.</p>
Taxation and Commercial Division	<p>Any application in relation to a decision:</p> <p>(a) of the Australian Prudential Regulation Authority (other than a decision made under the <i>Freedom of Information Act 1982</i>);</p> <p>(b) of the Australian Securities and Investments Commission (other than a decision made under the <i>Freedom of Information Act 1982</i>);</p>

Column one	Column two
<i>Taxation and Commercial Division (cont.)</i>	<p>(c) of the Commissioner of Taxation made under a taxation law within the meaning of the <i>Income Tax Assessment Act 1997</i> (other than a decision in relation to a small business entity within the meaning of that Act);</p> <p>(d) of the Companies Auditors Disciplinary Board (other than a decision made under the <i>Freedom of Information Act 1982</i>);</p> <p>(e) made under the <i>A New Tax System (Australian Business Number) Act 1999</i> (other than a decision in relation to a small business entity within the meaning of the <i>Income Tax Assessment Act 1997</i>);</p> <p>(f) made under the <i>Australian Charities and Not-for-profits Commission Act 2012</i>;</p> <p>(g) made under the <i>Bankruptcy Act 1966</i> and legislative instruments made under the Act;</p> <p>(h) made under the <i>Customs Act 1901</i> and legislative instruments made under the Act;</p> <p>(i) made under the <i>Customs Tariff Act 1995</i> and legislative instruments made under the Act;</p> <p>(j) made under the <i>Industry Research and Development Act 1986</i> and legislative instruments made under the Act;</p> <p>(k) made under the <i>Personal Property Securities Act 2009</i>;</p> <p>(l) made under the <i>Primary Industries (Customs) Charges Act 1999</i> and legislative instruments made under the Act;</p> <p>(m) made under the <i>Tax Agent Services Act 2009</i> and legislative instruments made under that Act; or</p> <p>(n) made under the <i>Telstra Corporation Act 1991</i>.</p>
Veterans' Appeals Division	<p>Any application in relation to a decision made under the:</p> <p>(a) <i>Military Rehabilitation and Compensation Act 2004</i> and legislative instruments made under that Act;</p> <p>(b) <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i>; or</p> <p>(c) <i>Veterans' Entitlements Act 1986</i> and legislative instruments made under that Act.</p>

- 2.2 Unless covered by a specific requirement set out in the *Administrative Appeals Tribunal Act 1975*, the AAT's powers in relation to any other proceeding must be exercised in the **General Division**.

Justice D. G. Thomas
President

28 February 2019