



# Regulator decisions – Your rights

## INFORMATION SHEET 2

December 2023

## Decisions by the Regulator

### Our decisions

We make decisions in administering the *Payment Times Reporting Act 2020* (the **Act**) including decisions about:

- registration of payment times reports (reports), including revised reports
- redaction of reports
- applications for extensions of time to give a report
- applications to cease to be a reporting entity
- publication of non-compliance to the Payment Times Reports Register
- other matters in administering the Act.

Before we decide to publish information about an entity's non-compliance with its obligations under the Act on the Payment Times Reports Register, we must invite the entity to make a written submission. Where appropriate, we may also contact affected entities prior to making other decisions to seek additional information.

### Information about a decision

We must provide reasons for certain decisions under the Act. We aim to give written reasons for a decision whenever the decision may have adverse impacts on a reporting entity.

If you have been affected by a decision of the Regulator without being given the reasons for the decision, you may be entitled to ask for this information in writing. You can submit a request for the reasons in writing to [support@paymenttimes.gov.au](mailto:support@paymenttimes.gov.au).

You may also request documents regarding a decision under the *Freedom of Information Act 1982*. For information on making a freedom of information request visit the [Freedom of Information](#) page on the Treasury website.

## Review of decisions

### Reviewable decisions under the Act

Subsection 52(2) of the Act gives persons who are affected by a **reviewable decision** the right to apply for an internal review of the decision. The following are reviewable decisions:

- a decision not to determine that an entity has ceased to be a reporting entity
- a decision not to allow further time to give a payment times report
- a decision to publish the identity of an entity or details of non-compliance.

Reconsideration of a reviewable decision is an internal review by either:

- the individual occupying the statutory role of Payment Times Reporting Regulator
- a delegate of the Regulator who was not involved in the original decision and occupies a position that is at least the same level as the person who made the original decision.

The individual reviewing the decision must do one of the following:

- affirm the decision
- vary the decision
- set the decision aside and substitute a new decision.

We will provide notice of the review decision in writing, including the date it takes effect and the reasons for the decision.

If you do not receive notice within 90 days of applying for a review decision, the original decision is deemed to have been affirmed.

### Applying for reconsideration

You may apply in writing for reconsideration of a reviewable decision within 14 days after being notified of the decision. The application must set out the reasons for seeking reconsideration of the decision.

- You may apply for reconsideration of a decision to publish the identity of an entity or details of non-compliance by emailing [compliance@paymenttimes.gov.au](mailto:compliance@paymenttimes.gov.au)
- You may apply for reconsideration of a decision not to determine that an entity has ceased to be a reporting entity, or a decision not to allow further time to give a payment times report via the [Payment Times Reporting Portal](#) through the **Submit and View Applications** menu.

## Independent review

Our decisions may be reviewable by the Administrative Appeals Tribunal (**AAT**). The AAT may do one of the following:

- affirm the decision
- vary the decision
- set the decision aside and substitute a new decision.

Applications for an AAT review must be made in writing, usually within 28 days of receiving the decision that you want the AAT to review. You may need to pay an [application fee](#). For more information visit the [AAT website](#).

## Decision queries and complaints

If you have queries regarding a decision or a complaint about the handling of a matter, we encourage you to [contact us](#). This may result in escalation of your matter to a more senior member of staff.

You may also make a complaint to the [Commonwealth Ombudsman](#).