**Regulator decisions – Your rights**

INFORMATION SHEET 2

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paymenttimes.gov.au

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# Decisions by the Regulator

## Our decisions

We make decisions in administering the [*Payment Times Reporting Act 2020*](https://www.legislation.gov.au/C2020A00091/latest/text)(the **Act**) including decisions:

* about publication and removal of certain information from payment times report(s) (**report**);
* on applications for extension(s) of time to give a report;
* on applications (and revocations) for volunteer reporting entities, subsidiary reporting entities, reporting nominees and exempt entities;
* to determine that a reporting entity has ceased being a reporting entity;
* to exclude an entity from the list of fast small business payers;
* to give a slow small business payer direction, if delegated by the Minister;
* to publish details of non-compliance to the Payment Times Reports Register; and
* about 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 and the Regulator must have regard to any written submission received. 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 will 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.

You may also request documents regarding a decision under the [*Freedom of Information Act 1982*.](https://www.legislation.gov.au/Details/C2022C00154) For information on making a freedom of information request visit the [Freedom of Information](https://treasury.gov.au/the-department/accountability-reporting/foi) 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 reconsideration of the decision. The following decisions made by the Regulator are reviewable decisions:

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| **Decision** | **Provision** |
| A decision not to determine that an entity is a reporting entity | Subsection 10B(1) |
| A decision to revoke a determination under subsection 10B(1) that an entity is a reporting entity | Subsection 10D(3) |
| A decision not to determine that an entity is a subsidiary reporting entity | Subsection 10E(1) |
| A decision to revoke a determination under subsection 10E(1) that an entity is a subsidiary reporting entity | Subsection 10G(1) |
| A decision to determine that a reporting entity is to cease to be a reporting entity | Subsection 10K(1) |
| A decision not to determine that an entity is a reporting nominee | Subsection 10L(1) |
| A decision to revoke a determination that an entity is a reporting nominee | Subsection 10N(1) |
| A decision not to determine that an entity is an exempt entity | Subsection 10P(1) |
| A decision to revoke a determination under subsection 10P(1) that an entity is an exempt entity | Subsection 10R(1) |
| A decision not to allow further time to give a payment times report | Subsections 13A(4) and 13B(4) |
| A decision to publish the identity of an entity or details of non‑compliance | Subsection 22(1) |
| A decision to give a slow small business payer direction, if the decision was made by the Regulator in accordance with a delegation under section 55B | Subsection 22B(1) |
| A decision to exclude an entity from the list of fast small business payers | Subsection 22K(3) |

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

* the individual occupying the statutory role of Payment Times Reporting Regulator, or
* 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, or
* 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 reason for the decision.

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

## Applying for reconsideration

You must 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.

Your application for reconsideration of a decision must be made via the [Payment](https://portal.paymenttimes.gov.au/) [Times Reporting Portal](https://portal.paymenttimes.gov.au/) through the **Submit and View Applications** menu. If you do not have portal access, contact us at support@paymenttimes.gov.au.

## Independent review

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

* affirm the decision,
* vary the decision, or
* set the decision aside and substitute a new decision.

Applications for an ART review must be made in writing, usually within 28 days of receiving the decision that you want the ART to review. You may need to pay an [application fee.](https://www.aat.gov.au/apply-for-a-review/other-decisions/fees) For more information visit the [ART](https://www.art.gov.au/) [website.](https://www.aat.gov.au/)

# 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.](https://paymenttimes.gov.au/contact) 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.](https://www.ombudsman.gov.au/)

# Document History

This information sheet version was published in December 2024 based on the [*Payment Times Reporting Act 2020*](https://www.legislation.gov.au/C2020A00091/latest/text)and [*Payment Times Reporting Rules 2024*](https://www.legislation.gov.au/F2024L01148/asmade/text) as of that date.

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| **Date published**  | **Status**  | **Details of change**  |
| 16/12/24 | Active  | Updated to reflect new powers in the amended *Payment Times Reporting Act 2020* |
| 22/06/22 | Superseded | Original version |