



## **Administrative Appeals Tribunal (Code of Practice) Determination 2017**

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I, George Brandis QC, Attorney-General, make the following determination.

Dated 19 December 2017

George Brandis QC  
Attorney-General

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## Part 1—Preliminary

### 1 Name

This instrument is the *Administrative Appeals Tribunal (Code of Practice) Determination 2017*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	3 January 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsection 27B(1) of the *Administrative Appeals Tribunal Act 1975*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

In this instrument:

*Act* means the *Administrative Appeals Tribunal Act 1975*.

*affected person* means a person whose interests are affected by a reviewable decision.

*decision-maker* means a person who makes a reviewable decision.

*decision notice* means a notice in relation to a reviewable decision that is given under subsection 27A(1) of the Act.

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*reviewable decision* has the meaning given by subsection 27A(4) of the Act.

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## Part 2—Code of Practice

### 6 Purpose of this Part

The purpose of this Part is to facilitate the operation of subsection 27A(1) of the Act which requires a decision-maker to take such steps as are reasonable in the circumstances to give any affected person in relation to a reviewable decision notice, in writing or otherwise, of:

- (a) the making of the reviewable decision; and
- (b) the right of the affected person to have the reviewable decision reviewed.

### 7 Content etc. of decision notices

- (1) A decision-maker must take reasonable steps to ensure that a decision notice in relation to a reviewable decision:
  - (a) is written in plain English and is as clear and simple as possible; and
  - (b) complies with subsection (2).
- (2) A decision notice in relation to a reviewable decision must contain the following information:
  - (a) information about how an affected person in relation to the reviewable decision may obtain further information about the decision, including:
    - (i) how a person who can provide information in relation to the decision may be contacted; and
    - (ii) whether an affected person is able to ask for the reasons for the decision (if those reasons have not already been given) and if so, how an affected person may ask for them; and
    - (iii) whether an affected person is able to obtain access to documents or information about the decision under the *Freedom of Information Act 1982* or any other Act and if so, how that access may be obtained;
  - (b) whether an affected person is able to seek either or both of the following:
    - (i) internal merits review of the reviewable decision;
    - (ii) external merits review of the reviewable decision;
  - (c) if an affected person is able to seek review of such a kind—information about the following matters to the extent that it is practicable to provide the information:
    - (i) the nature of that review;
    - (ii) whether there are any prerequisites or conditions for seeking that review and if so, what those prerequisites or conditions are;
    - (iii) how an affected person may seek that review, including whether an application for review needs to be made and if so, how the application is to be made;
    - (iv) whether there are any time limits for seeking that review;
    - (v) whether or not a fee is payable for that review and if so, the amount of the fee and when it is payable;
    - (vi) whether a full or partial waiver of any such fee may be sought and if so, how that waiver may be sought and on what basis;

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- (vii) whether a refund of any such fee may be sought and if so, how the refund may be sought and on what basis;
- (viii) how the person or body (the *reviewer*) that may conduct that review may be contacted;
- (ix) whether the reviewer is required to conduct the review within a particular period and if so, what that period is;
- (x) any procedures of the reviewer that the decision-maker considers that an affected person should be made aware of, including whether an affected person may be required to attend hearings;
- (d) information about how an affected person may make a complaint in relation to the reviewable decision;
- (e) information about any legal, financial or other forms of advice and assistance (including, but not limited to, translation and interpretation services) that may be available to an affected person;
- (f) any other information that the decision-maker considers appropriate in all the circumstances.

### **8 Publication of decision notices in certain circumstances**

- (1) A decision-maker must publish, on the internet or in any other way the decision-maker considers appropriate, a decision notice in relation to a reviewable decision if:
  - (a) one or more of the affected persons in relation to the reviewable decision are not readily identifiable; or
  - (b) there is a large number of affected persons in relation to the reviewable decision; or
  - (c) the cost of giving a decision notice to each affected person in relation to the reviewable decision would be substantial.
- (2) Nothing in subsection (1) prevents the decision-maker from also giving a decision notice to an affected person in relation to the reviewable decision.



## **Schedule 1—Repeals**

### ***Code of Practice for Notification of Reviewable Decisions and Rights of Review (F2006B11660)***

#### **1 The whole of the instrument**

Repeal the instrument.