

Explanatory Note (which does not form part of the Code)

A. When This Code Applies:

This Code covers decisions made under Australian Capital Territory laws that are subject to review by the ACT Administrative Appeals Tribunal, either immediately or after the completion of prior review procedures (i.e., internal review by a person or body within the decision making agency and/or external review by a body other than the Administrative Appeals Tribunal which is separate from the agency). These decisions are called 'reviewable decisions'.

When you make a reviewable decision you must take reasonable steps to give notice to persons affected by the decision of the making of the decision and the right of the person to have the decision reviewed. In doing so, you must have regard to this Code: see section 25A of the Act.

NB: There are exceptions, set out in subsection 25A(2) of the Act, namely, where the decision-

- (a) is deemed to have been made because of the operation of subsection 24(5) of the Act (this covers the situation where the decision maker has failed to do an act or thing within the time prescribed); or
- (b) does not impose a liability, penalty or any kind of limitation on a person and the decision does not adversely affect the interests of any other person.

B. Purpose of This Code:

The Code is designed to ensure that affected persons are advised of reviewable decisions and are aware of their rights to seek review of those decisions on the merits. You should be aware of the contents of this Code and must have regard to its requirements. As the Code establishes minimum standards of practice, you are encouraged to supplement the Code within your own area of operation.

Note though that any supplementation must not conflict with the provisions of the Act. Those provisions are legally binding, and they must therefore be followed. Nor should any supplementation conflict with this Code.