

## Good decision-making

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Today people expect organisations will operate consistently and fairly and that there are systems throughout organisations to ensure that this happens. Good administrative decision-making is integral in this process.

Good decision-making lies at the heart of good administration. Even a decision about a seemingly simple matter can have a serious impact on the community. So it is important that organisations have systems in place to support fair and consistent decision-making.

Here is a quick ten step guide to good decision making. To learn more about becoming a great decision-maker, [register for our Good decisions training](#).

### 1. Maintain a document trail

Comprehensive and timely record-keeping is central to good decision-making.

The *Public Records Act 2002* requires public agencies to make and keep full and accurate records of their activities.

Decision-making is a key agency activity. All information relevant to a decision-making process should be recorded.

Records should be made simultaneously or as soon as practicable. If this is not done, the reliability of the record may be called into question.

Good records:

- provide decision-makers with detailed information
- explain decisions
- help decision-makers prepare a statement of reasons
- enhance accountability and transparency.

### 2. Identify the power to make a decision

Clear legislative authority is necessary for a decision that may adversely affect someone's rights or interests.

The legislative power to make a decision may be limited by specified factors including time. Even if legislation or your organisation's policy does not specify a timeframe, the decision-maker must take action as soon as practicable.

Check you have identified the source and limits of the power to make the decision.

### 3. Consider the authority and suitability of the decision-maker

Legislation usually establishes who is authorised to make a decision.

An authorised person or body must exercise the decision-making power personally. An exception is the express power of delegation. This is where legislation provides for delegation of authority.

The *Acts Interpretation Act 1954* sets out the rules for exercising delegated authority. Delegations must be in writing and signed by the authorised body or person delegating the power.

A decision-maker should not be involved in a decision where a conflict of interests exists, even if the decision-maker has the proper delegation or authority.

A conflict of interests occurs when private interests interfere or appear to interfere with official duties. It may arise from financial or personal interests. There can be an actual, perceived or potential conflict of interest.

A conflict of interest should be recorded and reported to management to be resolved in the public interest.

Check your authority and suitability to make the decision by considering delegations and any conflict of interests.

## **4. Identify relevant matters**

Decision-makers must identify all relevant matters at the outset.

If the relevant matters aren't correctly identified and considered, the decision-maker is more likely to make a poor decision.

Check you have identified relevant matters by considering the legislation and organisations policy.

## **5. Follow procedures**

Following procedures is a vital part of good decision-making.

Procedures are the steps needed to achieve a specific legislative or policy purpose and may be directed to gathering relevant information.

Statutory procedures are set out in legislation. Strict compliance is usually required.

Administrative procedures are developed by organisations. The procedures must be consistent with the law, reasonable in the particular circumstance and not based solely on cost or convenience.

Check you have complied with all applicable statutory or administrative procedures.

We provide [free advice](#) to help your organisation improve their administrative practices, decision-making and complaint handling.

## **6. Gather all relevant information**

Gathering all the relevant information allows the decision-maker to determine the facts. Information is relevant if it is reasonably related to a relevant matter.

Legislation may give a decision-maker express powers to gather information for specific purposes. However, even if legislation does not give express powers, the decision-maker may request information.

Decision-makers should make reasonable and practical inquiries to collect the best and most current information available. This may include verbal accounts, documents, site inspections and expert opinion.

Check you have gathered and recorded all relevant information.

## **7. Provide procedural fairness**

Procedural fairness is about providing a person who might be adversely affected by a decision a 'fair hearing' before the decision is made.

Generally, a fair hearing involves disclosure, a reasonable opportunity to respond and impartiality.

The affected person should be notified of the key issues and given enough information to participate meaningfully in the decision-making process. Reasonable steps should be taken to notify the affected person.

The affected person should be given a reasonable opportunity and time to respond. The decision-maker should genuinely consider the affected person's submission in making their decision.

The decision-maker should be seen to be impartial and open to persuasion on the information and arguments presented.

Check that you have provided a fair hearing to anyone who may be affected by the decision.

## **8. Determine the facts**

Decisions should be based on facts. So it is important that sound factual findings related to the relevant matters are made.

The decision-maker should determine the facts by considering information that is relevant, reliable and sufficient.

All relevant information should be considered and should not be dismissed without good reason.

Not all information is equal in value or reliability. The decision-maker should analyse the information gathered and weigh it up reasonably.

Unless legislation requires otherwise, the balance of probabilities applies to administrative decision-making. The more serious the issue and outcome, the stronger the evidence required to meet this standard.

Each factual finding should be clearly recorded including the information considered and the reason for the finding.

Check that your factual findings are based on sufficient, relevant and reliable information. Your findings should be clearly identified and explained.

## **9. Evaluate the facts to make the decision**

Evaluating the facts is the final step in reaching a decision.

One important consideration in evaluating the facts is whether the decision to be made is non-discretionary or discretionary.

A non-discretionary decision is one where the legislation sets out what must be considered and how it is to be decided. The decision-maker does not have any flexibility.

Decision-makers need to identify the legislative provisions that relate to their decision. Legislation should be interpreted in a way that achieves the purpose and objectives of the relevant Act. Court and tribunal decisions, legal advice and agency policy can provide guidance about the meaning and application of legislation.

The decision-maker should apply the law to the facts to make the decision.

In contrast, a discretionary decision allows the decision-maker some flexibility. The legislation does not impose a duty on the decision-maker to exercise their power in a particular way. It is usually indicated by the use of the word 'may'.

No one matter or combination of matters is necessarily determinative in making a discretionary decision. When making a discretionary decision, the decision-maker must ensure that all relevant matters through the factual findings are considered and given appropriate weighting.

The decision-maker may also consider agency policy and relevant previous decisions in reaching the decision. However, irrelevant matters must be excluded from consideration and agency policy and practice must not be inflexibly applied. The decision and reasons should be recorded.

Check you have properly evaluated the facts in reaching your decision.

## **10. Give meaningful and accurate reasons for your decision**

It is important that people affected by organisation a decisions are informed of the decision, the reasons for that decision and any right of review or appeal.

Reasons are defined in the *Acts Interpretation Act 1954* and the *Judicial Review Act 1991*. Reasons are the logical explanation for a decision and should refer to the factual findings and the information on which the findings are based. Failing to expressly refer to a factual finding may indicate a relevant matter was not considered.

Providing reasons for a decision also helps avoid misunderstandings, promote acceptance of adverse outcomes and reduce the likelihood of ill-informed complaints, reviews and appeals.

Even where a decision-maker is not required to give reasons, it is good administrative practice to do so. Also, an affected person may be able to request a statement of reasons under the *Judicial Review Act 1991*.

Decision-makers should also offer advice about any right of appeal, including the time allowed to apply for the appeal and how to apply.

If there is no statutory review or appeal process, the affected person should be advised about the organisation's complaint management system.

## **Training courses**

We deliver the following training:

- Good decisions training is a program designed to help officers make better decisions. The training is suitable for all public sector decision-makers, including supervisors and managers.
- Complaints management training helps officers who deal with complaints, including officers who

internally review complaints.

- Public sector ethics training focuses on the guiding principles of the Code of Conduct for the Queensland Public Service introduced in 2011. The program is supported by a suite of scenario-based activities.
- Managing unreasonable conduct training is a half-day course designed to help officers manage unreasonable conduct they may encounter when delivering services to the public.