


Leading the way  **Avant**

MIIAA Annual Forum 2012
Does the National Scheme operate in a transparent, accountable, efficient, effective and fair way? Commentary on decision making processes from a practical perspective.

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- Does the National Scheme operate in a transparent, accountable, efficient, effective and fair way?

 **Avant**

- Good decision makers have;

- Skills
- Attitude
- Trust

Queensland Ombudsman-Good decision-Making Guide 2007



- Skills

'Decision makers must be able to gather and analyse relevant information, observe any legal requirements and properly apply any relevant policy'.

Queensland Ombudsman-Good decision-Making Guide 2007

Problems

- Anonymous complaints
- Placing inappropriate weight on evidence
- Mismatched peers
- Delayed investigations
- Using the investigation report as evidence
- Failing to apply thresholds
- Lack of review



- Attitude

'Having the right attitude can also have a direct impact on the decision-making process'.

Queensland Ombudsman-Good decision-Making Guide 2007

Problems

- Non consultative approach
- Reluctant attitude
- Rigid adherence to policies/guidelines
- bias



- Trust

'An open, consultative approach is important, especially where the decision may adversely affect the interests of particular members of the community'.

Queensland Ombudsman-Good decision-Making Guide 2007

Problems

- Not keeping the parties informed
- Not giving appropriate notice
- Failing to provide relevant documents
- Paraphrasing complaints
- Use of FOI



Benefits for Investigators

'An investigator or decision-maker should not regard such obligations [procedural fairness] as a burden or impediment to an investigation or decision-making process'.

Benefits are:

- 'Important means of checking facts and identifying major issues'.
- 'Expose any weaknesses in an investigation, decision-making process ... which avoids later embarrassment'.
- 'Provides advance learning on the basis on which the investigation report/administrative decision is likely to be attached'.

NSW Ombudsman Good Conduct and Administrative Practice Guidelines (2nd Edition)



'People are generally far more likely to accept a decision that may not be favourable to their interests if they believe it was made fairly'.

NSW Ombudsman Good Conduct and Administrative Practice Guidelines (2nd Edition)



Thank you for your attendance

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