

ADMINISTRATIVE REVIEW COUNCIL RELEASES BEST PRACTICE GUIDES FOR ADMINISTRATIVE DECISION-MAKERS

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Jillian Segal AM, the Hon Philip Ruddock MP and the Secretary of DIAC, Andrew Metcalfe at the launch of the Best Practice Guides at Parliament House, Canberra on 10 August 2007.

The Administrative Review Council recently released a series of five *Best Practice Guides* for administrative decision-makers in government departments and agencies.

Content of the *Guides*

The *Guides* follow on from a 2004 Council publication, *Legal Training for Primary Decision Makers: a curriculum vitae*, designed to help Commonwealth departments and agencies develop suitable administrative training programs.

Using the curriculum guideline as a foundation, the *Guides* provide a step by step outline of the issues that need to be taken into account in making an administrative decision.

Each *Guide* addresses one of the key elements of the decision-making process. The topics covered by the *Guides* are:

- lawfulness
- natural justice
- evidence, facts and findings
- reasons; and
- accountability.

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As a result of support from the Department of Immigration and Citizenship (DIAC), the Council was able to engage the services of Monash University academic, Associate Professor Pam O'Connor, to assist with the development of the *Guides*.

Written in clear and succinct terms, the *Guides* provide a valuable benchmark for administrative decision-making across government. The Council anticipates that that they will be incorporated into departmental and agency internal training programs and on-line training resources.

The *Guides* will allow government decision makers to acquire and retain a fundamental knowledge of good decision making. This knowledge they will be able to take with them as they move within the Australian Public Service.

The legal framework in which State and Territory and local government agencies operate is broadly similar, but the guides do draw attention to areas where there are important differences. It is therefore anticipated by the Council that the *Guides* will also be of assistance to decision-makers in State and Territory departments and agencies.

Supplementing the *Guides*

Importantly, the *Guides* can be used as building blocks that can be supplemented to meet the specific legislative needs of individual departments and agencies.

In recognition of this potential, DIAC has worked with the Council to produce DIAC-supplemented versions of the *Guides* for internal departmental use.

The Office of the Commonwealth Ombudsman and a number of other agencies are also in the course of producing their own supplemented versions of the *Guides*.

If you would like copies of the *Guides* or should you wish to speak further with the Council about the *Guides*, you are invited to contact the Council's Executive Director on tel (02) 6250 5800 or by e-mail at arc.can.ag.gov.au. The *Guides* are also available on the Council's website at: www.law.gov.au/arc.

The Administrative Review Council

The Administrative Review Council is an advisory body established under the *Administrative Appeals Tribunal Act 1975* (Cth) to provide advice to Government, through the Attorney-General, in relation to Commonwealth administrative law.