

Decision-Making Policy and Procedure

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1. Policy Statement

The Queensland Rural and Industry Development Authority (QRIDA) is committed to ensuring due administrative processes are undertaken with the decisioning of applications for Government assistance.

2. Purpose

This Policy and Procedure outlines the processes for decisioning officers in relation to the decision-making of applications, as well as the internal review of a decision. An internal review of a decision is an independent decision-making process based on all available information, in order to decide the outcome of an application for assistance.

3. Principles

As a public sector entity, QRIDA is dedicated to the highest ethical standards which are fundamental to good public administration:

- Integrity and impartiality – being honest, fair and respectful and ensuring decisions are unprejudiced, unbiased and just;
- Promoting the public good – delivering the programs and services that benefit the people of Queensland;
- Commitment to the system of government – respecting the government and its institutions, and upholding the law; and
- Accountability and transparency – taking responsible actions and decisions that can be explained and easily understood.

4. Scope

This Policy and Procedure applies to all QRIDA employees who have a role in the delivery and management of approved assistance schemes.

Matters outside the scope of this Policy and Procedure include applicant dissatisfaction which involves the alleged misconduct or fraudulent behaviour of a QRIDA employee. These matters will be managed under separate internal policy, such as the QRIDA Complaints Management Framework.

5. Context

The *Rural and Regional Adjustment Act 1994* (Part 3, Section 12) defines QRIDA's role in administering schemes and assessing and deciding applications for assistance under those approved schemes.

Part 3A of the *Rural and Regional Adjustment Act 1994* details the legislative authority to undertake internal review of decisions including:

- Which of QRIDA's decisions are subject to requests for an internal review;
- How a person may apply for an internal review; and
- The review decision.

The Administrative Review Policy is a guiding policy for decisions made by all Queensland Government agencies.

6. Responsibilities

6.1 Chief Executive Officer

The Chief Executive Officer (CEO) is responsible for:

- (a) Approving this Policy and Procedure.

6.2 Executive Leadership Team

The Executive Leadership Team (ELT) is responsible for:

- (a) Supporting the implementation of this Policy and Procedure throughout the organisation.

6.3 Senior Managers and Managers

The QRIDA Senior Managers and Managers are responsible for:

- (a) Informing employees under their supervision or management of this Policy and Procedure and ensuring it is complied with on an ongoing basis.

6.4 Policy Owner - Manager, Compliance, Assurance and Fraud Management

The Manager, Compliance, Assurance and Fraud Management is responsible for:

- (a) Reviewing this Policy and Procedure triennially to ensure it remains current;
- (b) Recommending amendments to this Policy and Procedure as required; and
- (c) Managing the independent internal review of decisions (appeals) process and ensuring recommendations are provided to the Chief Executive Officer (CEO) or delegate.

6.5 Employees

QRIDA employees are responsible for:

- (a) Familiarising themselves with the requirements of this Policy and Procedure; and
- (b) Acting in accordance with this Policy and Procedure and the QRIDA Code of Conduct.

7. Delegation Authority

All decision-makers must abide by the delegation authority appointed to their position. The CEO is empowered by the QRIDA Board of Directors to review application decisions and sub-delegate those powers.

The QRIDA financial and program delegation schedules define that:

- Incumbents in positions may not approve or decline their own recommendations;
- Incumbents in positions cannot review their own decisions;
- Role titles must be accurately reflected for audit purposes; and
- Incumbents must declare there is no conflict of interest in any decision or review undertaken.

8. Natural Justice and Procedural Fairness

Natural Justice is a common law doctrine that provides for fairness in decision-making. The term procedural fairness, an administrative law principle, is used interchangeably with natural justice and is based upon the same principles of ensuring that decision-making is unbiased and based on evidence.

Applicants are entitled to natural justice (or procedural fairness) in decisions made by QRIDA.

There are two rules of natural justice:

1. 'Bias rule' – the decision-maker must be impartial, and must have no personal interest in the matter to be decided; and
2. 'Hearing rule' – a person who may be adversely affected by a proposed decision should be given the opportunity to make submissions and comment on any material that is adverse to their case.

All QRIDA employees must abide by the QRIDA Code of Conduct which requires that they demonstrate the principles of procedural fairness (natural justice) when making decisions.

9. Conflict of Interest

Any QRIDA employee involved with the assessment and decisioning on an application must declare if they have a conflict of interest relating to the application.

10. Decision-Making Procedure

10.1 Assessing and Deciding Applications

It is essential that the assessment and decision-making of applications follow due process and include the following:

10.1.1 QRIDA Process

Preliminary steps considered by QRIDA assessing officers:

- What are the relevant timeframes for the decision-making process?
- Are there specific policies and guidelines that need to be followed or taken into account?
- What are the relevant eligibility criteria to be considered for the decision or recommendation required?
- Who is undertaking what role in the decision-making process? (e.g. assessing officer/recommendation officer/decision-maker).
- Is there any actual, perceived or potential conflict of interest with the applicant? (if yes, a declaration of interest is made to the appropriate line manager).
- Does the decision-maker have the appropriate delegation to make the decision?

Considerations for recommendation officers and decision-makers:

- Is the evidence sufficient to make a recommendation/decision?
- Does the evidence raise any adverse issues that would require the provision of procedural fairness to any party?
- Have the necessary findings of fact on all key issues been made?
- Have all relevant eligibility criteria been considered?
- Have the merits of the decision been considered, and subsequent conclusions documented?
- Have the reasonings for the final decision been recorded?

10.1.2 Facts and Findings

The facts and supporting evidence on which the decision is based must be included in the decision. These could consist of:

- Self-evident or uncontroverted facts (e.g. information provided in the application); or
- Drawing inferences or resolving conflicting views as to the true facts (e.g. form an opinion about the viability of a proposal or the relevance or weight attributed to evidence provided).

10.1.3 Statement of Reasons

All decisions are to be clearly outlined and include the following:

- Clearly state reasons for making the decision;
- The evidence relied on; and
- Findings based on material facts.

The reviewing officer must consider the relevant legislation, criteria or guidelines which have been made available to the applicant (e.g. on a Government Department information page or the QRIDA website, and during the application process).

10.1.4 Consultation During Assessment

To support procedural fairness and objectivity, it may be necessary to seek additional information from the applicant or a third party (if appropriate).

The following factors will be considered when undertaking consultation:

- Ensure a reasonable timeframe is provided for response from the applicant or third party;
- Records will be kept of the name of the party and date of discussion;
- Discussions will centre around additional information, however advice or opinions on the outcome will not be provided;
- Matters raised will be included in the assessment or recorded in file comments;
- An assessment is kept free of emotive issues to remove any potential bias from the decision-making process; and
- Adverse material, where identified, will be raised and clarified.

10.2 Recommendation and Decision

The assessing officer must determine a final recommendation and detail the statement of reasons taken into consideration. This may include chronology of events; scheme guidelines; findings of fact; and reasoning, evidence, supporting information and other material.

The decision maker will take these factors into consideration in addition to the completeness of the assessment, ensuring natural justice (procedural fairness) has been afforded to applicant.

10.3 Decision Notice

QRIDA must give the applicant written notice of the decision as soon as practicable after a decision is made. The written reasons should be clear about the relevant issues and processes which led to the decision.

If the decision made is not the decision sought by the applicant, the written notice will include information for how to apply for an internal review of the decision.

11. Internal Review of a Decision Procedure

11.1 Request for an Internal Review of a Decision

In accordance with the *Rural and Regional Adjustment Act 1994*, application may be made to the CEO for an internal review of an application decision which the applicant finds dissatisfactory.

An application for an internal review must:

- Be made via the QRIDA application portal or in writing to QRIDA, and contain the reasons why an internal review is sought, including any additional information to be taken into consideration; and
- Be made within 20 business days from the date stated on the written notice of decision or a further time permitted by QRIDA.

Additional information for applicants:

1. An application for internal review cannot be made until the written decision from the authority is sent.
2. There is no fee for internal review applications.
3. The QRIDA website 'Reviewing a Decision' page details the additional information to submit when requesting a review of decision. When emailing a written request, applicants should provide QRIDA with adequate information outlining reasons for requesting a review, including:
 - a. Reasons for dissatisfaction;
 - b. Commentary on how the specific scheme eligibility criteria referenced within the written decision have been met;
 - c. Any critical information that was not included in the original application or that which it is believed has been overlooked by QRIDA; and
 - d. Any additional information that supports reasoning and allows QRIDA's CEO, or delegate, to decide the request.
4. The CEO may extend the time for applying for an internal review, subject to the advice of reasonable grounds warranting such an extension; and
5. An application for internal review can be made regardless of whether a scheme has closed, provided it is within the 20-business day timeframe.

11.2 QRIDA Employee Involvement

QRIDA employees can provide guidance as to scheme eligibility criteria and check a request for an internal review for completeness.

However, QRIDA employees must not:

- Prepare any part or all of a request for an internal review on behalf of an applicant; or
- Espouse their perceived shortcomings of an initial decision; or
- Lend their support or endorsement to a request for an internal review.

In discussing the preparation of a request for an internal review with an applicant, QRIDA staff will direct the person to the QRIDA 'Reviewing of a Decision' website page.

11.3 Assessment Process

The review application must be undertaken by an assessment officer who is independent to the initial application assessment and decision-making processes.

The assessment officer conducting the internal review must make a new decision recommendation as if the reviewable decision had not been made, meaning all pre-existing and new documents will be included in the assessment process.

11.4 Preliminary Findings

If the assessment process indicates a likelihood that the original decision to decline the application will be upheld, QRIDA may issue Preliminary Findings correspondence detailing the reasoning for an expected decision and a prescribed timeframe for the applicant to respond with information addressing this reasoning. This process is undertaken in the interests of procedural fairness and giving each application its best chance of success, as part of a dedicated communication strategy with the applicant.

11.5 Decision Recommendation

The recommendation summary should include at least one option for consideration by the CEO or delegate:

- Option 1: Uphold the original decision; or
- Option 2: Overturn the original decision; or
- Other options: Amend the original decision.

A recommendation is determined by selecting one of the options and detailing the statement of reasons the reviewer took into consideration.

11.6 Management Review

The recommendation will then be reviewed by an independent manager before proceeding to final decision. This manager will not have been involved in the initial application assessment and decision-making processes.

The independent manager will make a recommendation on the options detailed by the assessment officer prior to its submission to the CEO or delegate, by taking into consideration:

1. Eligibility criteria, guidelines and supporting information provided;
2. Completeness of the assessment in respect to the extent that it addresses the reasons leading to the decision recommendation, as stated in the decision notice; and
3. Compliance to the regulation for the scheme and to the *Rural and Regional Adjustment Act 1994*.

This independent manager will then endorse or appropriately amend one of the recommendations, which will be documented in writing at the conclusion of the review assessment.

11.7 Timeframe for Review Process

QRIDA must decide an internal review application as soon as practicable and within 30-business days of receiving the application for a review.

The applicant must be provided with a written notice of the internal review decision.

If the applicant is not notified of a decision within 30 business days of their internal review application being made, then QRIDA is deemed to have confirmed the original decision.

11.8 Decision of an Internal Review Application

An internal review must not be decided by the original decision-maker nor by an officer who is less senior than the original decision-maker.

It is important to ensure the decision-maker has the appropriate delegation to make an internal review decision.

A written decision will be provided to the applicant noting one of the following options available to the decision-maker:

- Uphold the original decision – the date of the decision is then deemed to be the date the original decision was made; or
- Overturn the original decision – the date of the decision is deemed to be the date of the Internal review decision; or
- Amend the original decision – the date of the decision is the date of the amended decision.

11.9 Further Review Options

The QRIDA internal review process is final, meaning an applicant is unable to request a further internal review. The legislative provisions limit this capacity to a single (once only) review request in the instance of each assistance application.

Should the person wish to pursue the matter further, information will be included within the written decision noting an external review can be requested through the Queensland Ombudsman or the Supreme Court of Queensland under the *Judicial Review Act 1991*.

12. Human Rights Act 2019 (Qld)

QRIDA is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019* (Qld), QRIDA has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision, to give proper consideration to human rights. When making a decision about this Policy and Procedure, decision-makers must comply with that obligation.

13. Glossary

Term	Definition
Appeal	An appeal is a client request to review a decision made by QRIDA regarding their application for financial assistance, also known as 'Internal Review of a Decision'.
CEO	Chief Executive Officer of QRIDA.
Compliance	Meeting the requirements of laws, organisational policies and codes, principles of good governance, and accepted community and ethical standards.
Employee	Award and senior executive positions engaged on a full-time, part-time, permanent, temporary or casual basis (not including agency staff).
Document	Recorded information in any format which may or may not be needed as an official record of business.
Manager	An employee of QRIDA who is in charge of a QRIDA business unit and has staff reporting to him/her and exercises a financial or human resource delegation in accordance with QRIDA's Financial Delegation Procedure or Human Resource Delegations Procedure.
Natural Justice Fairness/ Procedural Fairness	<p>Natural Justice is an administrative law principle that provides for fairness in decision-making. Natural justice has two rules:</p> <p>(a) Rule against bias: decision-makers are to be objective, free of bias, and have no personal interest in the matter being decided; and</p> <p>(b) Hearing rule: an individual is to be informed of the substance of any allegations against them and have the opportunity to present their case prior to a decision being made.</p> <p>The term procedural fairness is used interchangeably with natural justice and is based upon the same principles of ensuring that decision making is unbiased and based on evidence.</p>
Record	Recorded information, in any format, that is required as official evidence of business.

14. Legislative context

- (a) [Rural and Regional Adjustment Act 1994 \(Qld\)](#)
- (b) [Rural and Regional Adjustment Regulation 2011 \(Qld\)](#)
- (c) [Statutory Bodies Financial Arrangements Act 1982 \(Qld\)](#)
- (d) [Human Rights Act 2019 \(Qld\)](#)
- (e) [Public Sector Act 2022 \(Qld\)](#)
- (f) [Judicial Review Act 1991 \(Qld\)](#)
- (g) [Acts Interpretation Act 1954 \(Qld\)](#)
- (h) [Legislative Standards Act 1992 \(Qld\)](#)
- (i) [Public Sector Ethics Act 1994 \(Qld\)](#)

15. Associated Documentation

QRIDA Code of Conduct
 QRIDA Board Delegation Policy
 QRIDA Delegations Framework
 QRIDA Financial Delegations Schedule
 QRIDA Access to Information Framework
 QRIDA Conflict of Interest – Guidelines and Management Plan
 QRIDA Complaints Management Framework

16. References

Clayton Utz Publication: Good Decision-Making for Government

[Queensland Government Administrative Review Policy](#)

Office of the Queensland Ombudsman

17. Executive Endorsement

Name: Cameron MacMillan	Position: Chief Executive Officer
Signature: Signed	Date: 9 October 2024

18. Version History

Date	Version	Review
21 June 2022	1.0	N/a
September 2024	2.0	<p>Scheduled review of Procedure with updated template standards and document taxonomy, updating the proposed Policy and Procedure to be an operational Policy held within the formal register and approved by CEO.</p> <p>Decision-Making Process (Annexure A) incorporated into P&P content. Preliminary Findings process included in internal review procedure.</p> <p>Updated alignment with government decision-making principles and legislation.</p>