



Australian Government

What is procedural fairness?

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Review applicants may argue their agency did not give them procedural fairness or 'natural justice'. Usually this means they think they did not have sufficient opportunity to state their case before an employment decision was made.

Procedural fairness is a legal principle that ensures fair decision making. It has developed over time as a result of decisions by the courts in administrative law cases. Some decision making processes, such as Code of Conduct decisions, have codified procedural fairness obligations, meaning that the legislation expressly provides for procedural fairness.

Generally, procedural fairness requires decisions to be consistent with:

- **the bias rule**— free from bias or apprehension of bias by the decision-maker.
- **the evidence rule**—rational or based on evidence that is logically capable of supporting the facts.
- **the hearing rule**—providing people likely to be adversely affected by decisions an opportunity to:
 - present their case and
 - have their response taken into consideration **before** the decision is made.