

PRINCIPLES OF GOOD ADMINISTRATION



Protecting rights
Ensuring fairness
Standing for justice
Fostering good governance

JUNE 2025

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OFFICE OF THE
PARLIAMENTARY OMBUDSMAN OF MALTA

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FOREWORD



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PARLIAMENTARY OMBUDSMAN OF MALTA

The Organisation for Economic Co-operation and Development (OECD) is the forum and knowledge hub for data, analysis and best practices in public policy. It works with over 100 countries across the world to build stronger, fairer and cleaner societies, helping countries to shape better policies for better lives. In 2017, the OECD put forward a Recommendation on Open Government, which frames open government around key principles. Likewise, in that same year, it issued its Recommendation on Public Integrity, setting standards for upholding ethics in public affairs and placing public integrity in line with ethical values in pursuit of the public interest. Through its joint initiatives with other international

bodies, including the EU, and through its recommendations, the OECD provides a common framework that is available to individual countries to use as benchmarks to improve public-sector governance.

Here in Malta, ever since it was established in 1995, the Office of the Parliamentary Ombudsman has served as an independent and impartial investigator and overseer of administrative justice. Over the years, the Office has proved itself to be on the frontline in ensuring that all persons – physical or moral – receive, as of right, fair and equitable treatment by the public service and the public administration. The Office has consistently advocated its belief that good administration is not a mere aspiration, but a right that persons should enjoy when dealing with the State in its administrative functions.

In my opening address at the Malta Conference of October 2023, I stated that the right to good administration is *“not a myth but rather it subsists as a fundamental right, even when it is not articulated in law.”* While Article 41 of the Charter of Fundamental Rights of the European Union expressly recognises this right to good administration within the context of a person’s relationship with the EU institutions, its constitutive elements are universal values that should apply for domestic purposes in any modern and democratic State, including Malta. In that presentation, two significant questions were raised: *“What constitutes good administration?”* and *“Are good governance and good administration synonymous and interchangeable?”*

The Public Administration Act (Chapter 595 of the Laws of Malta) does refer to good administration by public bodies. However, more needs to

be done. Unlike other EU Member States, Malta has not yet embodied in law the right of persons to be heard in matters arising from public administration functions. Nor is there a legal obligation for public administration to give reasons for its decisions, and there is no structured entitlement to financial redress in the face of administrative failures. The public administration must do its fair share to respond to an increasingly interconnected global scenario, influenced by complex challenges and disruptions of all sorts, including changes in the social fabric. These are among the current realities that test the ability of public administration to remain innovative and effective in its dealings with service users.

A real challenge — but also an opportunity — for public bodies is the emergence of Artificial Intelligence (AI). When AI is used with care, when it places the dignity of the person at the centre, and when its applications respect the rights of all, it can become a powerful tool for improving public sector efficiency and service quality. However, AI must never be allowed to reinforce discriminatory practices or to take decisions that negatively affect people's lives. AI is no exception to the rule of law. This must be affirmed clearly, because AI systems depend on data — and if that data is biased or discriminatory, the consequences will be negative. When algorithms are designed or deployed without adequate safeguards to protect human dignity, the result can lead to real human suffering. Technological innovation must not outrun ethical and legal accountability. This is why the right to good administration must remain central when machines make or influence decisions. AI must operate in full adherence to domestic and international human rights standards, treaties and conventions. The European Union's Artificial Intelligence Act

and the Council of Europe's Framework Convention on AI and Human Rights are concrete steps forward — international legal instruments intended to provide regulation and prevent discrimination through AI.

However, there is also an urgent need for significant investment in awareness strategies and educational projects to help the public understand not only how AI operates, but also its impact on daily life. We must equip people with the knowledge they need to understand and assert their rights in this evolving technological landscape.

In light of these developments, the role of the Ombudsman becomes ever more essential. As an institution that oversees the systemic workings of the public service and public administration, it is well placed to detect recurring failures and to advocate for reform. The principles of good administration are there to assist everyone. They are concrete, achievable benchmarks derived from international best practice and adapted to the Maltese context. They are intended to serve as guidance for public bodies, helping them to improve their services in the interest of the common good.



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THE OVERRIDING PRINCIPLE: THE RULE OF LAW

Administrative actions must be compliant with the law. Good administration cannot subsist without respect for the rule of law.

According to the Malta Ombudsman Act (1995), there is maladministration if the act or omission of public authorities **even appears** to be contrary to law. At a minimum, for the purpose of their administrative functions, public officials should not only understand what the law requires of them, but also how that knowledge must be applied in their day-to-day dealings with the recipients of their services.

Adherence to the rule of law is in the interest of the public administration itself. When public officials respect both the letter and the spirit of the law, people feel protected from arbitrary measures. Faithful observance of the rule of law helps build and maintain **public trust in the institutions of the State**, without reserve.

While lawfulness is fundamental, it is not always sufficient to establish whether maladministration has occurred. According to the Ombudsman Act (1995), maladministration exists even when an act or omission is legally valid but nevertheless wrong — and that says a great deal. The *stricto jure* doctrine provides no comfort when poor administration is plainly evident. The Ombudsman is not a Court of Justice but a forum for the resolution of administrative justice, founded on the principles of equity. Even equitable behaviour gives substance and meaning to the rule of law. The Ombudsman's standard of review goes beyond strict legality, recognising that ethical considerations and fairness are vital components of sound public decision-making.

Public officials must act with **impartiality and fairness** in all their dealings. Being impartial means exactly that: **what you are, not who you know**. Equality in treatment is a corollary to impartiality: there must be no discrimination on improper grounds. Improper discrimination, in fact, constitutes maladministration under the Ombudsman Act (1995).



The Ombudsman is not a Court of Justice but a forum for the resolution of administrative justice, founded on the principles of equity



Recipients of public services have a right to fair and equal treatment, free from bias or discrimination of any kind. A public service and public administration that uphold the universal values of impartiality and equality are better positioned to shield themselves from **patronage**, and to sustain **meritocracy** in their operations.

A corollary of the rule of law is the **principle of proportionality**, which requires that when the administration takes action — especially when it adversely affects a person — heavy-handed measures must be avoided, unless clearly necessary and as a last resort. To achieve legitimate objectives, public administration should always adopt a **balanced and measured approach**. Public offices cannot risk implementing decisions that disregard proportionality.

For the rule of law to be meaningful in practice, it must be accompanied by consistency in decision-making and legal certainty. Even in legal systems where the doctrine of precedent does not formally apply, people have a right to expect coherent and predictable decisions, particularly from public authorities. Similar situations of fact and circumstance require a uniform and reasoned approach — one that prioritises substance over detail, while avoiding erratic or contradictory decisions.

The Code of Good Administration of the Council of Europe places **legal certainty** as a core principle, alongside **lawfulness** and **impartiality**. Legal certainty requires that legislation be **clear, stable, and accessible** to the public.



The rule of law is meaningful only when
accompanied by consistency in decision-
making and legal certainty





THE SIX CORE PRINCIPLES OF GOOD ADMINISTRATION

- ✓ Transparency
- ✓ Accountability
- ✓ Integrity
- ✓ Responsiveness
- ✓ Efficiency and Effectiveness
- ✓ Inclusiveness

01

TRANSPARENCY

The European Code of Good Administrative Behaviour lists transparency as one of the core values guiding public service.

Public authorities have an obligation to justify the decisions they take and to provide access to clear and comprehensible information. Government actions and decisions should be open and visible. Transparent conduct by public bodies enables persons and oversight institutions to understand the basis—factual, legal, or otherwise—on which decisions are made, thereby improving external scrutiny.



By providing information and explaining their actions, public officials foster trust and reduce the risk of corruption or maladministration



In practice, this principle calls for clear communication: documenting administrative decisions in writing, especially when they adversely affect persons; publishing rules and criteria to ensure public awareness; and proactively sharing information about policies and services. By providing information and explaining their actions, public officials do not make themselves more vulnerable to criticism—on the contrary, they foster trust and reduce the risk of corruption or maladministration.

Transparency must be balanced with confidentiality where necessary—for instance, in the protection of personal data, which requires strict privacy, or in matters involving sensitive State information. Otherwise, as a matter of principle, persons should have access to their personal records held by public bodies.

02

ACCOUNTABILITY

Public Officials and institutions must be answerable for their decisions, providing clear explanations and justifications to the public or to supervisory authorities. No public authority is exempt from review. Clear accountability procedures ensure that power is exercised responsibly and that there are consequences for misconduct or failure to perform.

Public authorities must be accountable for their conduct and decisions. Accountability entails answerability—explaining and justifying actions to oversight bodies and the public—and also responsibility, by taking corrective action and facing consequences when things go wrong. Oversight and integrity bodies are in place to ensure that public entities, including in their administrative functions, act appropriately, take reasonable decisions, and treat all persons equitably.

Good administration presupposes that public authorities cooperate with oversight bodies not reluctantly, but because it is the right thing to do. Such cooperation enables those bodies to move beyond the status quo and remedy mistakes. Maladministration affects the lives of real people—and must be addressed earnestly.

A culture of accountability requires public officials to acknowledge errors, rather than hide them and hope they go unnoticed. When maladministration occurs, corrective action should be taken without waiting for an oversight body to identify exactly what went wrong.

Systemic faults or dysfunctions that come to light during investigations should prompt institutional changes to prevent repetition. That too, is accountability at its best.



A culture of accountability requires public officials to acknowledge errors rather than hide them away



03

INTEGRITY

Ethical conduct and honesty are universal values that place the public interest above personal gain. They should be the hallmark of any public service and any public administration. When integrity is embedded in the values of a State, legitimacy and public confidence are strengthened. Good administration depends on government operating to the highest ethical standards—as a matter of course, not by way of exception.



An integrity-driven public service should not require external pressure to do what is right



Ethical conduct is demonstrated when public finances are managed with care, avoiding waste or misuse; when public officials are transparent, as far as possible; and when they have the moral strength to oppose wrongdoing. Ethical performance ensures that human dignity and rights are respected in all dealings, including the handling of sensitive information.

An integrity-driven public service should not require external pressure to do what is right. Well-tested internal procedures—such as codes of conduct, ethics training, and strong direction from those entrusted with leadership—are effective tools, but only if there is the will to make them work.

04

RESPONSIVENESS

A good administration must place the needs of the public at its centre. For this to happen, public administration must listen to the public, gather feedback, and respond effectively. In simple terms, responsiveness is the ability of public institutions to understand what people want—and to act on it. This principle implies that policies and services should also be shaped by public input, and that complaints must be addressed and resolved promptly.

Responsiveness, whether through trained personnel providing proper customer service or through structured public consultation, helps ensure that government institutions remain aligned with community needs and expectations. If a public administration is not service-oriented—for instance, when people must wait indefinitely for answers or for redress—then it cannot be said to uphold good administration.

Quality of service delivered by public officials must not depend on the personal attitudes of individual employees; it must be the norm. The public service exists to serve the public.

Public officials are obliged to treat the public with courtesy, empathy, and professionalism.

Good administration is customer-centred. Service procedures should be designed to be user-friendly and accessible, taking into account the diversity of users. In practice, this means having helpful front-office staff, providing information clearly and simply, and ensuring that people are not sent on a frustrating run-around between departments just to obtain information.

Not everything can or should be resolved by machines or automated systems. Mistakes or misunderstandings do occur. However, when they do, a well-established culture of courtesy and service should ensure that issues are explained and resolved—not shifted onto the user.

By treating members of the public as valued clients rather than inconveniences, the public administration not only resolves problems more effectively but also upholds the fundamental rights and dignity of persons.



**Good administration
is customer centred.
The public must be treated
as valued clients, not inconveniences**



05

EFFICIENCY AND EFFECTIVENESS

Public services should be delivered efficiently. Undue delays or bureaucratic inertia can amount to a denial of justice. Timeliness is therefore a core element of good administration.

In practical terms, correct administrative behaviour by public authorities requires the ability to avoid unnecessary red tape and to streamline procedures in order to serve the public promptly. Meeting the legitimate needs of persons is a fundamental expectation. It also encourages the simplification of procedures and drives productivity.

Efficiency involves the optimal use of resources—human, financial, and technological—to achieve intended goals, especially when these goals impact public well-being. Efficiency is closely tied to effectiveness, as it enables policies and services to achieve their intended outcomes.

In day-to-day practice, public officials should comply with any applicable statutory or administrative deadlines. Where no specific timelines exist, reasonable timeframes based on the circumstances should apply.

Modern digital tools and procedural improvements support the delivery of high-quality public services. However, efficiency must be balanced with fairness. Speed in the provision of public services is important—but not at the expense of careful and considered decision-making. The goal must always be to be both fast and fair.



**Efficiency must be balanced with fairness—
the goal is to be both fast and fair**



06

INCLUSIVENESS

Everyone in society should have a voice and benefit from public services. Inclusiveness involves the fair and equal treatment of all groups, as well as providing opportunities for the public to participate in decision-making—ensuring that policies do not exclude or disadvantage anyone. Inclusiveness strengthens social cohesion and reinforces public trust in institutions.

Good administration requires listening to those affected by decisions. Persons have the right to participate and be heard in administrative proceedings that may impact them adversely. Wherever practicable and in the public interest, public bodies should consult stakeholders and the wider public during the development of policies or major projects that concern the common good.



By embracing participation,
the administration protects individual rights
and makes better-informed decisions



By embracing participation, the administration not only protects individual rights but also often makes better-informed decisions. Public input can shed light on practical issues or solutions that officials may otherwise overlook—enhancing both legitimacy and effectiveness in public governance.



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