

Legal, Constitutional and Administrative Review Committee

THE ACCESSIBILITY OF ADMINISTRATIVE JUSTICE

RESPONSE FORM

This form can be used to send your views to the committee. Please send it to:

The Research Director Legal, Constitutional and Administrative Review Committee Parliament House George Street Brisbane Qld 4000

Or fax it to: 07 3406 7070

Or email it to: |carc@parliament.qld.qov.au

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Submissions close on Friday, 17 March 2006

Extensions to the closing date may be given. If you need more time to make a submission, or if you require further information, contact the committee's secretariat on (07) 3406 7307

Copies of this paper and all other LCARC publications are available on the Internet via the committee's home page at: www.parliament.qld.gov.au/committees/legalrev.htm

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The committee's discussion paper identifies five key issues for discussion and response. Please send the committee your views about those key issues – by filling out this form; or by sending the committee a letter or email.

Key issue 1: What is the effect, if any, of the fees and charges regime under the FOI Act on access to information and the amendment of documents? Is amendment of the FOI Act and/or administrative reform necessary?

Factors for consideration include:

- processing charges (impact of introduction, amount, whether applicants are encouraged to specify information they
 require, appropriateness of two-hour threshold, effect on timely release of information)
- assistance provided by agencies to applicants (consultation with applicants to reduce charges)
- agency filing systems (effect of processing charges, safeguard on access charges regarding documents lost or misplaced)
- access charges (possible capping, internal reviews of decisions on charges, accuracy of preliminary assessments)
- quantum of access charges for different classes of information/applicants (e.g. commercial information, public interest applicants)
 - deposits (possible refunds, consistency in requirement for payment of deposit)
- reduction or waiver of charges (circumstances in which available, application process)
- · review of decisions regarding FOI fees and charges
- the reporting requirements contained in section 108
- benefits/deficiencies of current regime

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Key issue 2: Do costs associated with an application under the Judicial Review Act affect genuine challenges to administrative decisions and actions? If so, can this be addressed?

Factors for consideration include:

- alternate and less expensive processes (alternate dispute resolution, alternative methods of case management such as problem-solving judicial case management)
- legal representation (assistance required by litigants in person, ways in which an apparent high level of unmet demand for legal assistance might be met)
- section 49 costs orders (width of discretion for appropriate costs orders, legislative guidance regarding the courts' discretion, 'upfront' orders for 'public interest' applicants)
- · standing and costs
- public interest matters (costs funding)

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Key issue 3: Is information relevant to, and about, government decisions and actions adequate and accessible? How can it be improved?

Factors for consideration include:

- · the adequacy of written statements of reasons under Part 4 of the Judicial Review Act
- the availability of information and preliminary advice about administrative justice mechanisms
- information and assistance about procedural requirements
- · government information available free of charge
- co-ordination between agencies in the provision of information
- compliance by agencies with statutory requirements, such as the publication of statements of affairs

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