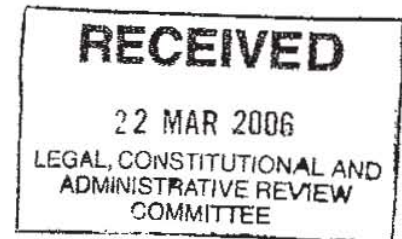


20 March 2006

No 21



Dr Lesley Clark MP  
Chair  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
BRISBANE Q 4000

Dear Dr Clark

#### **The accessibility of administrative justice in Queensland**

Thank you for the opportunity for the Office of the Information Commissioner to provide input into the committee's review of the accessibility of administrative justice mechanisms in the *Freedom of Information Act 1992 (Qld)* and the *Judicial Review Act 1991 (Qld)*.

The following comments are provided in relation to External Reviews of decisions made under the *Freedom of Information Act 1992 (Qld)* (the FOI Act).

This office is experiencing a sustained increase in the number of applications for external review of FOI decisions. In 2002-03, 212 applications were received, in 2003-04 287 applications were received, in 2004-05 307 applications were received and on current indications the number of applications received in 2005-06 will exceed 350.

Applicants for external review in 2004-05 included individuals from rural and regional areas of Queensland, pensioners, students, and prisoners.

There is no fee or charge for an external review conducted by this Office.

In conducting external reviews, staff of this Office endeavour to achieve informal resolution of the matters in dispute and this minimises the cost burden on all parties. During informal resolution, applicants frequently are referred to Information Sheets and past decisions of the Information Commissioner on topics relevant to their external review, and these are available at no cost either accessed directly from the Office website or mailed to the applicant. Information about a range of FOI matters is also available at no cost from the Department of Justice and Attorney General's website: [www.foi.qld.gov.au](http://www.foi.qld.gov.au)

During the conduct of an external review, applicants can communicate with this Office via telephone, facsimile, email or post. Telephone calls to the Office from outside the Brisbane metropolitan area can be made via the Smart Service Queensland number 13 13 04 at the cost of a local call.

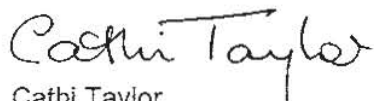
Most applicants for external review do not retain legal representation. In 2004-05, approximately eight per cent of external review applicants had legal representation and many of these were companies or other organisations with a commercial interest in the outcome of the review.

Clearly, a lengthy delay in obtaining documents to which an applicant is entitled under the FOI Act can represent significant costs to the applicant. This Office is committed to enhancing the timeliness of external reviews and over the past twelve months has achieved some success in reducing the backlog of old cases and improving the timeliness of resolution of current reviews.

Only fifteen of the 307 applications for external review received in 2004-05 (4.8 per cent) related to fees and charges. The majority of these reviews related to whether the documents in issue concerned the personal affairs of the applicant.

I look forward to the committee's findings in relation to the accessibility of administrative justice mechanisms in Queensland.

Yours sincerely

A handwritten signature in black ink that reads "Cathi Taylor". The signature is written in a cursive, flowing style.

Cathi Taylor  
**Information Commissioner**