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COMMITTEE

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From: webmaster@parliament.qld.gov.au  
Sent: Tuesday, March 28, 2006 4:23 PM  
To: LCARC  
Subject: Online Submission - The accessibility of administrative justice

**SUBMISSION FROM**

Name : CAIRNS CITY COUNCIL submitted by the Legal Services Branch pursuant to a delegation to the Chief Executive Officer by resolution of Council  
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**SUBMISSION**

**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?**  
Processing charges The impact of introduction is still being accommodated by system changes at Council. To date officers implementing the current regime have used informal approaches to applicants about the size of the search and likely costs as the means of narrowing the search. This is now being formalised to letter form. The two hour threshold appears appropriate for applications of a public interest or commercial in nature (including applications for the purpose of litigation). Insufficient data is available to determine whether the two hour threshold is appropriate for personal applications. Possible capping and accuracy of preliminary assessments Capping of all types of application would be inappropriate. From the information held by Council to compile the 2004 - 2005 Annual Report under s108 of the Act: 50% of applications were obviously for commercial or public interest purposes; of those 52% involved 50 or more documents; 44% required copies of 50 or more pages and 18.5% incurred charges for time in excess of 2 hours (and only one of this last category was for public interest purposes). Of all other applications in that period (i.e. that were not obviously for commercial or public interest purposes) only 28% involved 50 or more documents; 28% required copies of 50 or more pages and 7.8% incurred charges for time in excess of 2 hours. The current regime requires officers undertake the search for documents to estimate the charges. This is non value adding work and regarded as a deficiency. It also reduces the transparency of charging as fees cannot be estimated up front.

**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?**  
Council does not have enough data to comment due to low numbers of judicial review applications involving Council in last 6 years. However, Council is concerned that these applications are dealt with in the Supreme Court at a level of expense, degree of formality and in a long list of cases before that jurisdiction that anecdotely is not warranted by the nature of decisions challenged. For example in the last 6 years Council has been involved in 3 judicial review applications - 2 being public interest cases regarding development (ordinarily dealt with at District Court level) and 1 a dangerous dog order review (more appropriately at Magistrates Court level).

**Key issue 3: Is information relevant to, and about, government decisions and actions adequate and accessible? How can it be improved?**  
The public perception has not been surveyed by Council.

**Key issue 4: Can a diversity of people access administrative justice? If not, how can this be improved?**  
Council does not collect data about this issue.

**Key issue 5: Is access to administrative justice effective and efficient? Is reform necessary?**  
The public perception of the suitability of access is not known to Council.