



Jeff Seeney MP
 Leader of the Opposition
 Leader of The Nationals

28 September 2007

Mrs D Reilly MP
 Chair
 Legal, Constitutional and Administrative Review Committee
 Parliament House
 George Street
BRISBANE QLD 4000

Dear Mrs Reilly

The Accessibility of Administrative Justice

I refer to your letter of 16 August 2007, inviting submissions on the supplementary issues raised by the Legal, Constitutional and Administrative Review Committee ('LCARC') in its review of the *Accessibility of Administrative Justice* in Queensland.

The Queensland Coalition *prima facie* supports any initiative which would genuinely enhance government accountability and transparency, and which would improve access to administrative justice in this State. The Coalition has long been concerned by the culture of concealment and secrecy affecting the Executive branch of the Queensland Government, in particular, which is unfortunately entrenched by the lack of genuine, independent avenues of appeal against government decision-making.

With respect to the accessibility of administrative justice, some general issues of concern to the Queensland Coalition are:

- the unworkable state of Queensland's *Freedom of Information* (FOI) laws. The findings of the Davies' Commission of Inquiry of a 'culture of concealment' within the Queensland Government appear to have made no practical difference to the application and administration of those laws. The *Freedom of Information Act* 1992 (Qld) is framed and applied in favour of government, meaning that applicants frequently suffer considerable expense and delay, only to be ultimately denied the information sought;
- the independence of the public service, and the education and resourcing of FOI officers to enable the efficient, fair and proper handling of applications;
- the independence and adequate resourcing of Queensland's accountability agencies, such as the Office of the Information Commission and the Crime and Misconduct Commission;

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LEGAL, CONSTITUTIONAL AND
 ADMINISTRATIVE REVIEW
 COMMITTEE

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- the increasing use of privative clauses in Queensland legislation, which prevent or limit appeals of government decision-making. The amendments recently passed to the *Local Government Act 1993* (Qld) (particularly s 159X), and the consequential forced council amalgamations, are a case in point as to the injustice suffered by the broad use of such clauses;
- the lack of transparency in the Queensland Government's contracts with the private sector;
- the cost of seeking administrative justice;
- the lack of consistency and meaning in the reporting of government information, particularly in the Budget Ministerial Portfolio Statements and the annual reports of government agencies; and
- the narrow ambit of the State's Whistleblower laws and the uncertainty as to how persons apply for protection.

I look forward to the findings of LCARC's review. Any initiatives to enhance accountability and transparency in Queensland will be welcomed.

Yours faithfully



JEFF SEENEY MP
Leader of the Opposition