

Our reference: 250220 / 7187889

22 October 2024



Department of  
Justice and Attorney-General

Bob

[foi+request-12175-dae71d9a@righttoknow.org.au](mailto:foi+request-12175-dae71d9a@righttoknow.org.au)

Dear Bob

I refer to your request under the *Right to Information Act 2009* (RTI Act) which was received by the Department of Justice and Attorney-General (DJAG) on 16 October 2024. I have interpreted the terms of your request as follows:

*Any documents, legislation or policy that allows a Queensland Court employee, Court Registrar, Court Chief Justice and Court Official to:*

- 1) *Deny or defer a man or woman access to a court venue to prosecute a claim in common law, the law of the land*
- 2) *Deny a man or woman a right*
- 3) *To change the status of a man or woman in common law, to that of a legal entity*

I am writing to advise you that as it currently stands your application is noncompliant with the relevant application requirements of section 24 of the RTI Act. This means we cannot process your application as it currently stands. In order for us to process your application you will need to make it compliant by providing the following:

1. Complete, check and return the enclosed Right to Information and Information Privacy Access Application form ensuring all mandatory sections are completed, including:
  - section three and if relevant question four;
  - section 5 (the agency you are seeking information from); and
  - the declaration on the last page of the form (signed and dated).
2. Provide payment of the \$55.75 application fee as set out in the RTI Act. Applications that do not concern the applicant's personal information attracts this application fee and should be paid at the time the application is made. As your request does not seek information about yourself, the application fee is payable. This can be paid by credit card, cheque or money order.

If you wish to pay by credit/debit card, please see the URL below:

<https://www.smartservice.qld.gov.au/services/bill/rtidjag?form.reference1=250220&form.reference2=Bob&form.amount=55.75>

**Privacy Notice**

The Department of Justice and Attorney-General (DJAG) is authorised to collect personal information under the *Information Privacy Act 2009* (IP Act) and the *Right to Information Act 2009*. This information will be used to process your application and may be disclosed to various officers within the department or to consulted entities to obtain their views. The information may also be disclosed to other agencies where it is necessary to transfer the application. You will be advised if a transfer or consultation occurs. DJAG may use your contact details to obtain feedback to improve service delivery. Your personal information will not be disclosed to any third party without your consent, unless authorised or required by law and will be handled in accordance with the IP Act.

Right to Information and Privacy  
State Law Building  
50 Ann Street Brisbane QLD 4000  
GPO Box 149 Brisbane QLD 4001  
Telephone (07) 3738 9853  
Email [RTIAdministration@justice.qld.gov.au](mailto:RTIAdministration@justice.qld.gov.au)  
Website [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

If you wish to pay by cheque or money order, please make it payable to the Department of Justice and Attorney-General and return to:

Right to Information and Privacy  
 Department of Justice and Attorney-General  
 GPO Box 149  
 BRISBANE QLD 4001

3. As the scope of your application is broad, the documents you are seeking to access are not able to be determined by DJAG. To clarify the scope of your application please provide DJAG with more specific information about the scope of your application. This information will assist DJAG to identify the relevant documents.
  - the name of the business area in DJAG likely to hold relevant documents; and
  - the court or tribunal where the matter was heard and the relevant date/s.
4. DJAG business units provide Right to Information or Information Privacy documents responding to an access application. Based on the current scope of your application, a business unit which may hold relevant documents will have to make a value judgement about which documents are responsive to your application.

If the scope of an application requires the decision maker to choose what documents the applicant should receive, or to undertake detailed investigation or analysis to identify the documents the applicant wants to access, the application will not be compliant.

Guidelines, published by the Office of the Information Commissioner, provide further information about "[Where the scope requires the decision maker to identify the documents that the applicant seeks to access](#)".

Please amend the scope of your application to remove the need for DJAG officers to exercise a value judgment when identifying potentially relevant documents. This will help ensure that all relevant documents which fall within the scope of your application are returned to the decision-maker for processing.

Right to Information and Privacy accept electronic copies of documents (excluding those containing credit card details) by email at [RTIAdministration@justice.qld.gov.au](mailto:RTIAdministration@justice.qld.gov.au).

You will need to reply by **6 November 2024** otherwise, under the legislation, your application will be deemed to be noncompliant.

### **Additional Information**

Section 32 of the RTI Act excludes from the operation of the RTI Act certain entities and documents of entities. As a result, there are some types of documents which the community may not access through an application under the RTI Act.

One of these types of documents are documents which relate to a court, or the holder of a judicial office or other office connected with a court, in relation to the court's judicial functions.

Schedule 2, Part 2 section 1 of the RTI Act reads as follows:

#### **Entities to which his Act does not apply in relation to a particular function**

1. *a court, or the holder of a judicial office or other office connected with a court, in relation to the court's judicial functions.*

Requests for documents, which relate to a courts judicial functions must be made to the relevant court.

## 1. **Supreme Court**

Access to Supreme or District Court (SDC) criminal and civil records is governed by the provisions of the *Criminal Practice Rules 1999* and the *Uniform Civil Procedure Rules 1999*. Further information about accessing documents and records from court files is available on the Queensland Courts website at: <https://www.courts.qld.gov.au/services/search-for-a-court-file/search-and-copy-court-documents>.

All enquiries regarding access to SDC records should be directed to the Records Management Search and Copy team:

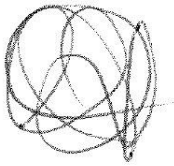
- by telephone 1800 497 117;
- via email to [SDCSearchxxxxxxx@xxxxxxx.xxx.gov.au](mailto:SDCSearchxxxxxxx@xxxxxxx.xxx.gov.au) or
- in writing to Records Administrator, Brisbane Supreme and District Courts, PO Box 15167, CITY EAST QLD 4002.

## 2. **Magistrates Court**

Access to Magistrates Courts records is governed by the provisions of the *Justices Act 1886* and the *Justices Regulation 2014*. The *Criminal Practice Rules 1999* may also apply. Further information about accessing documents and records from court files is available on the Queensland Courts website at: [Search and copy court documents | Queensland Courts](https://www.courts.qld.gov.au/services/search-for-a-court-file/search-and-copy-court-documents) ([courts.qld.gov.au/services/search-for-a-court-file/search-and-copy-court-documents](https://www.courts.qld.gov.au/services/search-for-a-court-file/search-and-copy-court-documents)) or by writing to the Registrar - Listings and Records Management, Brisbane Magistrates Court, GPO Box 1649, BRISBANE QLD 4001.

For further enquiries please contact this office on telephone number (07) 3738 9893, or via email at [RTIAdministration@justice.qld.gov.au](mailto:RTIAdministration@justice.qld.gov.au), quoting reference number **250220**.

Yours sincerely



Michelle Duckworth  
**Director**  
**Right to Information and Privacy**