

Request for access to documents under S134A Evidence Act 1977 (Qld)



What does s134A Evidence Act 1977 (Qld) allow?

Section 134A of the *Evidence Act 1977 (Qld)* provides:

(1) A person who is a party to a civil proceeding may make written application to the principal officer of an agency to produce for inspection a document that—

- (a) is in the possession of, or under the power of, the agency; and
- (b) is relevant to an issue in the proceeding;

if the agency, the principal officer, or a member, officer or employee of the agency, could be ordered, on the application of the person, to produce the document in the proceeding.

(2) The principal officer may permit the person, on payment of the prescribed fee, to inspect the document, and take a copy of, or an extract from, the document, at a time and place nominated by the principal officer.

What can I ask for?

If you are a party to a current civil proceeding, you can make a written application to Council for inspection of a document which is in the possession of or under the power of Council, if that document is relevant to an issue in the civil proceeding and it is a document that the Council could be ordered by a court or tribunal to produce.

A “document” can be a paper file, microfiche, printout, computer record and file, visual material (e.g. x-rays, films, photograph, audio and audio-visual material including CD's and DVDs, CCTV footage).

What do I have to include in my application?

Your application must be in writing, and must clearly state that you are making the application under s134A of the *Evidence Act 1977 (Qld)*.

Proof of the civil proceeding

The application must be accompanied by the court or tribunal document which is proof of the civil proceeding to which the application relates, such as the Statement of Claim, Defence, Originating Application or QCAT Application. The relevant court or tribunal document must be sealed (stamped) by the court or tribunal.

Proof of Identity

You will also need to provide proof of your identity. Documents that provide sufficient evidence of identity include:

- Current driver's licence
- Identifying page of current passport
- Birth certificate
- Copy of a prisoner's identity card certified by the corrective services officer
- A statutory declaration of an individual who has known the applicant for at least one year

You can either arrange a time to come in to Council to have your proof of identity sighted by an officer or you can provide a certified copy of the document.

A certified copy is a true and correct copy of the original document, which has been signed by a lawyer or notary public, a Commissioner for Declarations or a Justice of the Peace who must sight the original document and be able to say that the certified copy is a true and correct copy of the original document. A digital copy or photocopy of the certified copy cannot be accepted. The certified copy itself must be provided.

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How do I lodge my application?

Your application may be lodged via any of the following methods:

1. In person at one of Council's customer service centres

Administration Centre – 150 Wembley Road, Logan Central
Beenleigh Customer Service Centre – 105 George Street, Beenleigh
Jimboomba Customer Service Centre – 18-22 Honora Street, Jimboomba

2. Via email to council@logan.qld.gov.au
3. By post to Logan City Council, PO Box 3226, Logan Central QLD 4114

What happens next?

Once your application is received, Council will generally take 14 business days to process the application and provide a decision.

During the course of your application the case officer may need to contact you to clarify what you are after and to keep you aware of progress. For this reason it is very helpful if you can supply a phone number or email address for easy contact.

Am I guaranteed access to the documents I apply for?

Not necessarily. Section 134A(2) of the *Evidence Act 1977 (Qld)* is discretionary – it provides that Council may permit you to inspect a document or take a copy of or extract from a document.

Council may decide not to permit you access to a document for several reasons, including that the document contains the private information of another person, is subject to legal professional privilege, is not relevant to an issue in the civil proceeding, is subject to an exemption under other legislation such as the *Right to Information Act 2009*.

Where we do not permit you access to a document, we will explain why in our decision letter to you.

Do I have to pay for this?

There is no application fee for an *Evidence Act* application, but there is a prescribed access fee to inspect or be provided with copies of documents.

The prescribed fee is the total of the amount for inspecting a document (\$49.15 for each hour or part hour, plus the reasonable cost of making audio or visual material available) and copying documents (\$2.80 per A4 page up to a maximum of \$72.45, or for large volumes of material, the amount Council considers reasonable).

How do I pay?

Payment of the relevant prescribed fee can be made by credit card, cheque, cash or money order.

You may choose to pay for these charges either by telephone, by post or in person at one of our customer service centres.

Logan City Council is registered for GST and has been issued with an Australian Business Number (ABN) 21 627 796 435

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Further information

For details and information on how to make an *Evidence Act* application or for further information, please contact:

Integrity & Information Program, Corporate Governance
Logan City Council
PO Box 3226
LOGAN CITY DC QLD 4114

Business hours: 8:00am - 5:00pm Monday – Friday
Telephone: (07) 3412 3412
Email: council@logan.qld.gov.au

Privacy Collection Notice

By making an application, you acknowledge that Logan City Council is collecting your personal information for the purposes of assessing your application. Your personal information may be accessed by employees, contractors, and/or Councillors of Logan City Council, and other Government agencies. Your personal information will be handled in accordance with the Information Privacy Act 2009 (Qld) and may be released to other parties where Logan City Council is required or authorised by law to do so. For more information on Council's Privacy Policy, see <https://www.logan.qld.gov.au/about-council/contact-us/privacy>