

THE PUBLIC RECORDS REVIEW COMMITTEE PURSUING PROCEDURAL FAIRNESS

The Public Records Review Committee (PRRC) was established in March 2003 under the Public Records Act 2002.

The PRRC has an obligation as a statutory entity to carry out its functions in accordance with the Act and to pursue procedural fairness in its dealings with all parties.

Statutory Functions

The PRRC's statutory functions, set down in Section 29 of the Act, are:

- to advise the Minister and the State Archivist about issues affecting the administration or enforcement of the Act;
- to decide disputes, referred to the Committee, about restricted access notices for some public records; and
- to review decisions of the State Archivist not to authorise the disposal of public records, where a public authority asks for such a review.

Parties

Parties include:

- public authorities in Queensland (as defined in the Act)
- the State Archivist
- any third party whose rights the PRRC considers may be adversely affected by a PRRC decision.

Avoiding Bias or Perceptions of Bias

The PRRC strives to remain unbiased and impartial and avoids forming opinions on disputes before fully considering submissions from all parties. Members who have a conflict of interest in a particular matter cannot participate in deliberating or deciding that matter. The PRRC also maintains an appropriate relationship with the State Archivist, who may be a party to a dispute or whose disposal decision may be subject to review by the PRRC.

Procedural Fairness

While the Act contains some provisions for how the PRRC carries out its functions, the PRRC is obliged to pursue procedural fairness in its dealings with all parties, particularly when deciding disputes or reviewing decisions.

In pursuit of procedural fairness, the PRRC will:

- advise all relevant parties in writing if the PRRC is to decide a dispute or review a decision
- call for written submissions from all relevant parties (unless a written submission has already been provided)
- give parties an opportunity to comment on other parties' submissions and any adverse material the PRRC is likely to consider in making its decision
- establish reasonable timeframes for parties to take various actions
- inform all relevant parties in writing of the date it plans to make its decision
- supplement written submissions with oral hearings only if the Committee considers it necessary
- allow parties legal representation only if the Committee considers a need for this has been demonstrated
- make decisions based only on relevant and logically probative evidence
- keep official records of its decisions and all relevant material
- advise parties in writing of its decisions and the reasons for its decisions
- be consistent in its decision-making
- advise parties of their right to seek judicial review of PRRC decisions in certain circumstances.

Administrative Resolution

As recommended in Queensland State Archives' brochure *The Public Records Review Committee – A brief guide*, public authorities should, in cooperation with the State Archivist, seek administrative resolution of issues before referring matters to the PRRC.

