

05/01/2015

PH [REDACTED]

HEALTH AND COMMUNITY SERVICES

PARLIAMENT HOUSE

BRISBANE

DEAR COMMITTEE.

HAVING BEEN A VICTIM OF A JUSTICES EXAMINATION ORDER CREATED ON 15-02-2007, SIGNED BY A J.P. (QUALIFIED) ON 15-02-2007. AND SERVED ON ME ON 19-02-2007, I HAVE AS EXPECTED, HAD A LOT OF INTERACTION WITH THE GOVERNMENTS OF QUEENSLAND.

I SUPPLIED THE MENTAL HEALTH ACT REVIEW WITH MANY PAGES OF PROOF, THAT MY FAILED J.P.C SHOWED A LAW BEING USED INAPPROPRIATELY AND VEXATIONOUSLY, COULD AND DID DAMAGE LIVES.

THE MINISTER FOR HEALTH IN THE CURRENT GOVERNMENT IS MY LOCAL MEMBER, AND WITH NINE YEARS OF MY PERSISTANT ADJITATIONS REGARDING THE MENTAL HEALTH ACT 2000 UPON HIS FILES.

I CONGRATULATE MINISTER SPRINGBORG FOR MAKING A DIFFERENCE. FOR HEARING THE VOICES OF THOSE WHO CRIED OUT FOR HELP FROM THE FORMER GOVERNMENT, BUT WERE REJECTED, AND IGNORED.

I HAVE SPENT DAYS RESEARCHING MY FILES AND COPYING LETTERS FROM THE PREVIOUS GOVERNMENT AND NOTATING THEIR UNBELIEVABLE AROGANCE AND DISGRACEFUL PROTECTION. OF THE MENTAL HEALTH ACT 2000, BUT HAVE A CONCERN THAT TIME WAS THEN.

I HAVE DECIDED AGAINST SUBMITTING THESE LETTERS TO YOUR COMMITTEE, HOWEVER TWO OF THEM.

PLUS "STATE OF IN JUSTICE" BY MADONNA KING ARE BEING INCLUDED, AS OPINIONS THAT MUST BE YOUR GUIDE TO COMMUNITY SERVICES IN THE FUTURE.

WHEN CHANDLER J. CAME UNINVITED TO MY DOOR, I WAS TO WELCOME THE FIRST AND ONLY VISITORS WHO SAW MY HOME, MY GARDEN, MY SELF, AND STAYED THREE HOURS IN JUDGEMENT OF ME. I HAD NO NOTICE OF THEIR ARRIVAL HOWEVER THE MEDIA HAVE DONE FOR ME, WHAT YOUR GOVERNMENTS AND COMMUNITY SERVICES FAILED TO DO, VISITED AND JUDGED ACCORDINGLY!

2

THE WORK OF DR. DAVID SALOMON CAME ABOUT WHEN I PLACED A SUBMISSION WITH HIS OFFICE WHILST HE WAS ENGAGED IN WRITING THE R.T.I ACT. THE WORK HE DID WAS AGAIN OF OUTSTANDING QUALITY. HE CALLED IN MY RECORDS BEFORE ANNOUNCING CHANGES TO THE ACT. I STATE THIS AND SUPPLY DOCUMENTS TO YOUR COMMITTEE FOR ONE REASON ONLY, FAIRNESS BY STUDY. THE BEATTIE AND BUSH GOVERNMENTS DID NOT DO WHAT THEY SHOULD HAVE DONE, BUT BLINDLY FOLLOWED THEIR MENTAL HEALTH ACT, GUILTY AS CHARGED.

IF YOUR COMMITTEE IS TO BE COMPETENT, THEY WILL LISTEN CAREFULLY, NOT FOLLOW BLINDLY, THE OFTIMES WASTE FILLED OPINIONS OF THOSE WHO CREATE WORDS OF UNBELIEVABLE MISINFORMATION TO GAIN ADVANTAGE, OVER THEIR CHOSEN VICTIM. HOW WOULD IT WORKED FOR THEM! THERE ARE MANY PAGES OF OPINIONS FROM POLITICIANS THAT I HAVE CHOSEN TO NOT SUBMIT TO YOUR TEAM, HOWEVER EVEN THE CHIEF MAGISTRATE OF QUEENSLAND STATED "HE DID NOT HAVE THE RESPONSIBILITY FOR THE J.P.s ISSUING J.E.O.s" AND SIMILARLY MAGISTRATES HAVE NO SUCH RESPONSIBILITY" SO WHO WAS, IS, RESPONSIBLE? WHO IS THE NIGHT WATCHMAN?

IT WAS THE HOPELESSNESS OF ANYONE BEING "IN CHARGE" THAT ANGERED ME ON THE WAY TO THE MENTAL HEALTH ACT REVIEW. THANKFULLY, WE CAN START AGAIN. YOUR COMMITTEE THEREFORE HAS TO SAIL THE NEW MENTAL HEALTH ACT WITH A CAPTAIN AT THE HELM. THERE HAS TO BE A WAY TO SEE JUSTICE IS NOT FOR THE MOST VOCAL AS I WAS FORCED TO BE. THE COMMUNITY WOULD BE SERVED WELL IF THERE WERE MORE BOBBIE GUGSONS ON WATCH. I WISH TO CONGRATULATE THIS OUTSTANDING VOICE ON THE END OF MY TELEPHONE FOR BEING THE ONE AND ONLY HOPE FOR THE FUTURE.

PLEASE COMPREHEND THE HORRORS OF HELPLESSNESS THAT GOVERNMENT CAN INFLECT UPON THE VOICELESS. THERE MUST BE APOLOGIES OWED TO SO MANY OUT HERE.

YOURS SINCERELY

PLEASE RETURN

Freedom of Information Review

Queensland
Government

COPY

13 February 2008

Professor Andrew Wilson
Acting Director-General
Department of Health
GPO Box 48
BRISBANE QLD 4001

Freedom of Information

Independent Review Panel

Chair Dr David Solomon AM

Panel Members Simone Webbe, Dominic McGann

Secretariat Catherine O'Malley

Dear Professor Wilson

I refer to the attached correspondence from [REDACTED] which was received by the FOI Independent Review Panel on 5 February 2008.

Please note that [REDACTED] has consented to the provision of her correspondence to your department.

Whilst it is acknowledged that it is not the role of the Panel to consider the specific circumstances of [REDACTED]' freedom of information application, the Panel's Terms of Reference do require it to consider ways that the administration of the Act in Queensland may be improved and modernised.

In this respect, and in response to a pattern of experience as outlined by [REDACTED] in her letter, and by an article in the Courier Mail (26 November 2007) concerning the circumstances of [REDACTED] (also attached), the Panel is interested to learn what scope there is to respond to the valid grievances of these individuals?

Specifically, the Panel is inquiring into why [REDACTED]' experience was such as it was; and why her interests have not been protected in any way, particularly as in her case, on assessment it was found that she did not require hospital admission.

The Panel is aware that the government is obliged to protect the identities of third parties in circumstances relating to the issue of Justice Examination Orders (JEO).

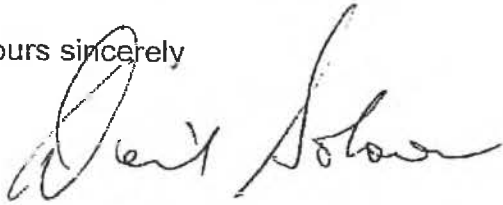
However it does appear that, from the perspective of those on whom the JEO's operate, their rights are not protected at all, particularly in circumstances where the order does not result in either an assessment or hospital admission.

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In such circumstances, it would not be unreasonable for them to form the belief that they have been the victim of a malicious misinformation campaign and that the government is protecting the identity of the perpetrator of that campaign.

Your earliest advice would be greatly appreciated.

Yours sincerely



Dr David Solomon AM
Chair
FOI Independent Review Panel

DR DAVID SOLOMON CHANGED THE F.O.I LAWS ON
J.E.Cs AFTER INVESTIGATING MY CASE. HE CALLED IN
MY CORRESPONDENCE FROM THE GOVERNMENT, AND
FOUND EXACTLY THE TRUTH AS UNDERLINED ABOVE.
HE WENT ON FURTHER AND SPOKE TO THE GOVERNMENT
ON MY BEHALF, UNFORTUNATELY IN VAIN.
THIS BARRISTER ALONG WITH CHANNEL 7 WHO CAME
UN INVITED TO MY HOME TO STAY FOR 3 HOURS, FROM
THE BACKGROUND OF MY QUESTION TO YOU!
WHO WILL INVESTIGATE THOSE WHO WILL CORRUPT THE
NEW MENTAL HEALTH ACT? FOR MANY WILL TRY TO!

Transcript of Channel 7 Today Tonight programme 11 July 2008

Coren: Anna Coren
 M [REDACTED]: [REDACTED]
 Langbroek: John-Paul Langbroek
 McKinnon: Marguerite McKinnon
 D [REDACTED]: [REDACTED]

THIS DOCUMENT SPEAKS FOR ITSELF.
 HOWEVER, THIS NOW MINISTER FAILED IN
 HIS DUTY OF CARE, KNOWING THE FACTS HE
 DID NOTHING!

*****NOTATION BY [REDACTED]*****

Coren: Mental as anything? Not old [REDACTED]. But the crazy law that saw her taken from her home because someone complained she was mad.

...

Coren: It's a frightening nightmare. Dragged from your home and forced to prove you're not insane. Not an isolated event either. This outrage has happened to thousands in Queensland. Marguerite McKinnon with the amazing story of one woman who was a victim and is now determined to track down whoever is behind it all.

M [REDACTED]: It's just scandalous.

Langbroek: It could happen to you or me or to our parents or to other members of our family.

D [REDACTED]: I was outraged and it was unbelievable.

M [REDACTED]: Remove me from my home in this way. It's unconscionable. It's wrong.

McKinnon: You won't believe this could happen in Australia in 2008. Neither could [REDACTED].

M [REDACTED]: I have no idea why I've been targeted.

McKinnon: [REDACTED] has a mind like a steel trap. A prolific writer, social commentator, creator of exquisite tapestries; and one of the most ordered people you will ever meet. Imagine her surprise when police, two psychiatric officers and a driver arrived on her door; telling her she was mentally ill.

M [REDACTED]: I said, "Who are you people? And what are you doing here?"

McKinnon: Then the abuse began.

M [REDACTED]: And she's screaming, "You've got five minutes to pack. You've got five minutes to pack. You get in there and pack you're going into a... we're taking you, you'll be away for two weeks at least. You're going into an institution, a mental institution or a mental home of some sort."

M [REDACTED]: I said, "Who are you people. And I'll pack nothing."

McKinnon: It was no use; [REDACTED] was taken to hospital and put in a room for three hours with no explanation.

M [REDACTED]: I said I'm categorically telling you now I'm refusing. I'm perfectly well. "You've got no choice." They forced me to have blood tests, urine test, weight test.

McKinnon: A psychiatrist questioned her for another three hours before declaring her normal.

M [REDACTED]: "My assessment of you doesn't resemble the JEO document in any way and you are discharged."

McKinnon: Under Queensland's Mental Health Act a justice of the peace can order anyone to be brought in by force for a mental assessment under a so called Justices Examination Order, or JEO. Shadow Health Minister, John-Paul Langbroek

Langbroek: We should all be worried because this is the sort of thing that could happen to any Queenslanders going about their business.

McKinnon: A new report's found in just over two years this has happened to more than two and a half thousand people and more than half were later found to be perfectly normal.

Langbroek: Here we have patients who don't need treatment who are taken away against their will and it turns there's nothing wrong with them at all.

McKinnon: Queensland barrister David Solomon has included [REDACTED]' case in his report into freedom of information legislation, finding it is "...unreasonable to deprive someone of their liberty and refuse to tell them what allegations preceded the action."

McKinnon: [REDACTED] has been a justice of the peace for [REDACTED] years and CEO of [REDACTED]

McKinnon: Is [REDACTED] crazy?

D [REDACTED]: No, definitely not. Saner than the people that put the JEO in.

McKinnon: A friend of [REDACTED], he says her treatment belongs under a dictatorship.

D [REDACTED]: Oh, definitely has to be changed. I think it was designed for a purpose and I think it was aimed at the elderly.

McKinnon: Until the law is changed victims are restricted from finding out who reported them as mentally ill.

McKinnon: What will you do when you find out who did this to you?

M [REDACTED]: I will hunt them down. I don't care how long it takes. I don't care how much it costs me. For the sake of these people out there who haven't got the fight in them that I've got in them [sic], these laws are going to be changed. They've got to be changed so people can't hide.

Coren: And so they should. Marguerite McKinnon reporting.



ON SATURDAY

IMAGINE police knocking on your door some time today, involuntarily removing you from your home, speeding you off to the nearest hospital, and demanding that you undergo a psychiatric examination.

The results come back and you are declared in perfect mental health.

You may then try to find out what prompted such drastic action and why you were targeted.

But at every turn, you are denied information.

You are not allowed to know the name of the Justice of the Peace who ordered the investigation, under something called a justices examination order (JEO).

You are not allowed to know what prompted the order, or who accused you of mental illness.

That's Queensland, circa 2008, and it's a true story.

In fact, in the past three years, 2542 such orders were made — and more than half of them did not result in further action once a doctor conducted an assessment.

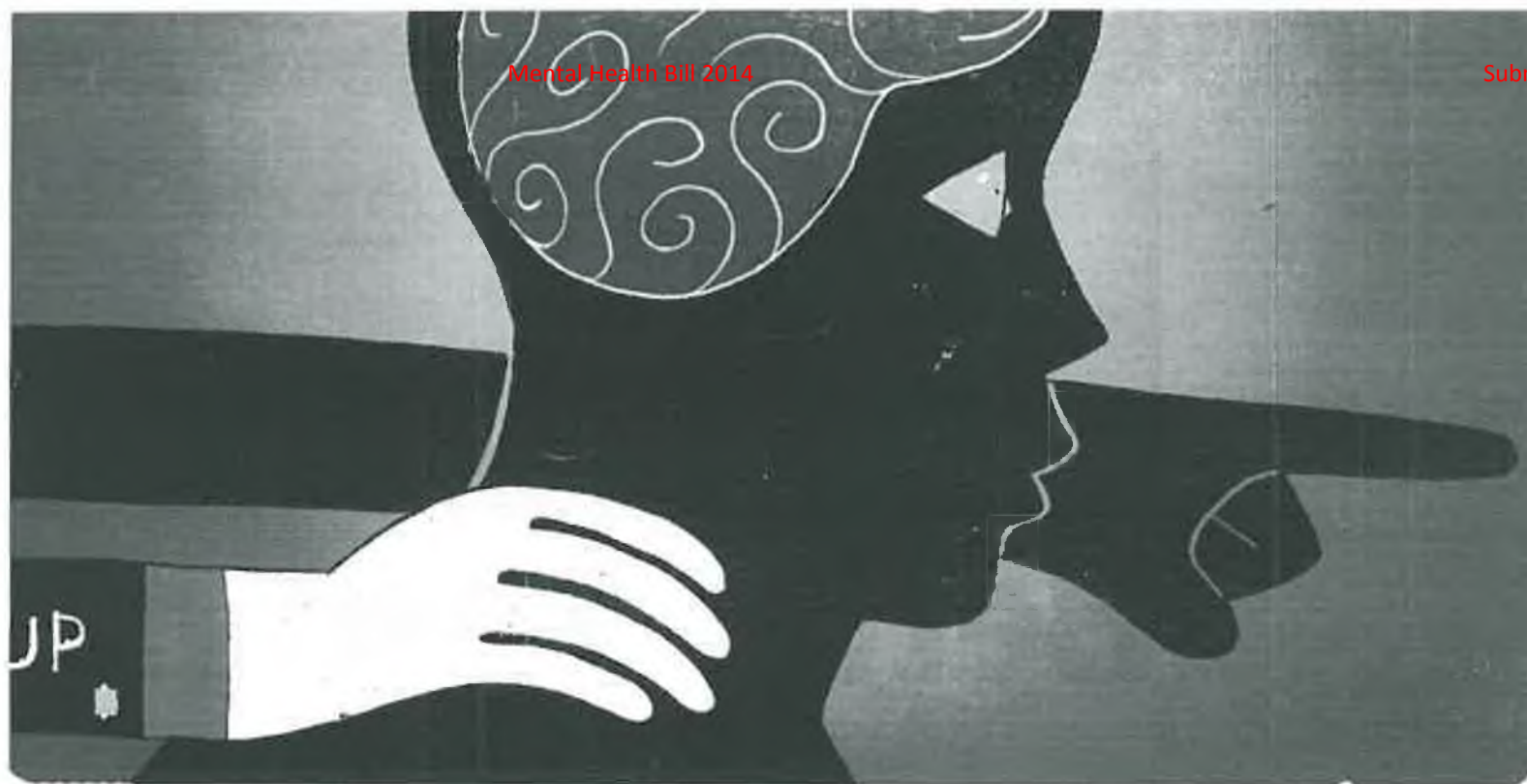
These details are included in a report handed to the Bligh Government; a report that leaves little doubt that your rights are being infringed by an unfair system, operated by people without the relevant qualifications.

A compulsory order for an examination, or JEO, can be made only when a magistrate or a Justice of the Peace reasonably believes that "the person about whom the application is made has a mental illness".

With more than 50 per cent of orders not going anywhere after a doctor becomes involved, surely that raises serious questions about how JEOs are carried out; who should properly authorise them; and whether the system under which JPs are granted extensive powers should be reconsidered.

More than 96 per cent of the JEOs, or psychiatric assessment orders, in the past three years were issued by a JP, not a magistrate.

So while a JP is not required to hold any medical qualification, they have the power to make a decision on



Mental Health Bill 2014

Submission 011

State of injustice

C.M. 05-07-08

whether someone else might be suffering a mental illness!

That power needs to be removed from JPs, just as the operation of justices examination orders needs to be revisited.

But that's not the only problem here, as pointed out by David Solomon in his recent review of Freedom of Information laws in Queensland.

Why shouldn't someone wrongfully accused of being mentally ill — after being dragged out of their home and taken to a hospital — have access to the name of the JP who ordered the examination, or the complainant who requested it?

Why shouldn't someone who was put in this situation be given the details or accusations behind the JP's decision

to order a compulsory medical test. Wouldn't you be angry if this were to happen to your child?

Or your father? Or you?

Certainly Solomon and his FOI review team thought so. "Where JPs are making adverse and detrimental assessments of the state of people's mental health with an error rate of more than 50 per cent, then the state's access to information regime must, in the public interest, enable a citizen's right to know at least the alleged behaviour of concern," his report says.

Solomon was also alerted to a case of child-abuse allegations levelled against adoptive parents. But those parents were not allowed access to the information which would have shown what they were alleged to have done.

Of course it is reasonable for the identity of the complainant to remain anonymous, but that doesn't mean the substance of the accusation needs to be a secret.

The person facing the JEO should be given the right to address the accusations he or she is facing.

That's what happens in some other agencies. The person making the accusations is warned of the penalties a false accusation might carry — and the target of the allegations is given an invitation to respond to them.

And nowhere is that more important than when a JP, with no medical knowledge, makes an order for police to detain someone and have them assessed by a psychiatrist. And that's especially the case when that forced

order is later found not to be justified. Solomon's review for the Bligh Government found it "difficult to understand how it could ever be concluded that it is not in the public interest for the person the subject of the JEO to be given no information at all".

"The person was deprived of their liberty and also suffered damage to their reputation but cannot discover what was alleged against them," Solomon said.

It's hard to believe that's the state of play in Queensland in 2008. But it will be even harder to believe if the State Government, with this now brought to its attention, chooses not to address it.

Madonna King presents *Mornings* weekdays from 6.30am on 612 ABC Brisbane. madonnak@bigpond.net.au