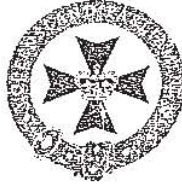
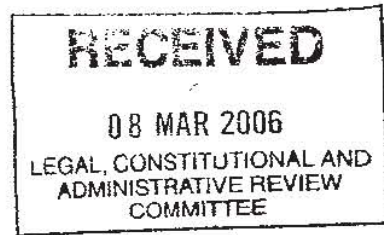


No ||



## Legal, Constitutional and Administrative Review Committee

# THE ACCESSIBILITY OF ADMINISTRATIVE JUSTICE

### RESPONSE FORM

This form can be used to send your views to the committee. Please send it to:

The Research Director  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
Or fax it to: 07 3406 7070  
Or email it to: [lcarc@parliament.qld.gov.au](mailto:lcarc@parliament.qld.gov.au)

*Your details*

Name: LYNNE SUMMERS

Address: \_\_\_\_\_

Contact number: \_\_\_\_\_

Email: \_\_\_\_\_

Submissions close on Friday, 17 March 2006

Extensions to the closing date may be given. If you need more time to make a submission, or if you require further information, contact the committee's secretariat on (07) 3406 7307

Copies of this paper and all other LCARC publications are available on the Internet via the committee's home page at: [www.parliament.qld.gov.au/committees/legalrev.htm](http://www.parliament.qld.gov.au/committees/legalrev.htm)



Legal, Constitutional and Administrative Review Committee.

Response Form  
Submissions close on Friday 17 March 2006.

Key issue 3: Is information relevant to, and about, government decisions and actions adequate and accessible?

Factors for consideration include:

- \* The adequacy of written statements of reasons under Part 4 of the Judicial Review act
- \* The availability of information and preliminary advice about administrative justice mechanisms
- \* Information and assistance about procedural requirements
- \* Government information available free of charge
- \* Co-ordination between agencies in the provision of information
- \* Compliance by agencies with statutory requirements, such as the publication of affairs.

I state my submission is that there should be no exemptions in personal files other than people's personal home addresses and home telephone numbers and we the public should have access to all our files in government departments when they are our personal files with our names attached to them.

**No - information is not adequate and accessible. When information is placed in a member of the public's personal government file it is relevant to that person, and any government decisions and actions should be accessible to that person / us members of the public when placed in our personal government files.**

**As we the public read "Personal Government file"**

**This is put across to us members of the public that the Government part of the file is the only part that is important or has rights that the personal member of the public has no rights to their personal file and they shouldn't apply for their personal file.**

**I have had information exempted which I believe is not adequate or accessible and definitely not acceptable.**

Fact:

Information is placed in a government file on members of the public with our names attached e.g.: Lynne Summers department of housing file - then I should be allowed to have access to all documents in my file excluding **ONLY** people's personal home addresses and home telephone numbers ( what they need to be in our personal files for - I don't know).



**Professional and personal opinions are two (2) separate issues.**

Personal opinions should not be brought into Government Departments and placed in members of the public's personal files for any reason what so ever.

A Professional person cannot have a personal opinion and place it in a member of the public's personal file. If they need to have a personal opinion (which they shouldn't) and they don't want that person (whose name is on the file) or any other person to read their personal opinion then why is that public servant making / stating and placing their personal opinion in a person's personal file knowing that person has the legal right to access the public servant's personal opinion?

This just causes heartache, trauma, health issues and unwarranted and unwanted stress in a member of the public's life.

No-one is professional in the Department of Housing **medically** yet these public servants seem to think it is acceptable and adequate to make / have Medically / personal opinions on members of the public's lives and place them in our personal files and **then know** that they will be **protected** from Legal and Contractual to **exempt** their personal / medical opinions which they should not have been able to have / state / make in members of the public's personal Government files..

They cannot be professional opinions medically because they are not qualified to be professional in the medical profession.

Exempting files, paragraphs / pages - just shows us public that people in positions of power can do what they like with our lives.

**What are they hiding when they exempt pages from us members of the public when we apply for our own personal files?.**

As I have stated my submission is that there should be no exemptions in personal files other than people's personal home addresses and home telephone numbers and we should have access to all our files in government departments when they are our personal files with our names attached to them.

Key issue 3: Is information relevant to, and about, government decisions and actions adequate and accessible?

When I was not satisfied with a decision made by the Ombudsman's office I went to the Parliamentary Review Committee only to be told that it cannot do anything about the matter as it has no jurisdiction over the Ombudsman's office - I was told by a staff member of the Ombudsman's office to go to the Review Committee. Being sent to a Government Department / Agency where I should not have been sent, for what reason did this staff member send me to the Review Committee when knowing the Review Committee had no jurisdiction on the matter in hand yet I have been told that the Review Committee is the correct Agency to go to.

Key issue 3: Is information relevant to, and about, government decisions  
and actions adequate and accessible?

and

Topic 5: Is access to administrative justice effective and efficient?  
Is reform necessary?

I have contacted the Ombudsman's office on several issues to do with the department of housing "negligence" - the only answer I get back from the Ombudsman is that I am frivolous and vexatious and trivial yet the Ombudsman contacts the Department of Housing and tells them to execute the work orders that I have complained about on numerous occasions. On one Issue I placed 6 work orders for the same issue over a 10 month period time frame with not one work order executed and the Ombudsman tells me I am vexatious and trivial but tells the Housing Department to execute the work order.

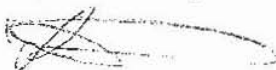
I believe many decisions made from many government departments agencies are inadequate and definitely unacceptable to us members of the public.

I believe that grievances are not resolved by government or agencies in an effective and timely way e.g.: some grievances are deemed to be trivial vexatious and frivolous and us members of the public are sent letters telling us this. i.e.: in words not written that we are annoying you and just go away. Yet the department / agency is told to execute the work order. Our grievances are genuine to us members of the public - live in our shoes for a while see whether they would be genuine grievances if they were your grievances.

I look forward to the outcome of this Submission of the Review Committee's Discussion Paper and can only hope that decisions will change to protect us members of the public more when decisions are made with the Freedom of Information and the Ombudsman's office.

I would like to thank the person whom chose my case to be put forward and that I have been given this opportunity to have my say and put my views forward for the Submission. I also thank Julie Copley Acting Research Director for her assistance with explanation when I contacted her after I had received the first letter for the invite for submission.

Yours sincerely



Lynne Summers

Key issue 2: Do costs associated with an application under the Judicial Review Act affect genuine challenges to administrative decisions and actions? If so, can this be addressed?

Factors for consideration include:

- alternate and less expensive processes (alternate dispute resolution, alternative methods of case management such as problem-solving judicial case management)
- legal representation (assistance required by litigants in person, ways in which an apparent high level of unmet demand for legal assistance might be met)
- section 49 costs orders (width of discretion for appropriate costs orders, legislative guidance regarding the courts' discretion, 'upfront' orders for 'public interest' applicants)
- standing and costs
- public interest matters (costs funding)
- model litigant principles

Key issue 3: Is information relevant to, and about, government decisions and actions adequate and accessible? How can it be improved?

Factors for consideration include:

- the adequacy of written statements of reasons under Part 4 of the Judicial Review Act
- the availability of information and preliminary advice about administrative justice mechanisms
- information and assistance about procedural requirements
- government information available free of charge
- co-ordination between agencies in the provision of information
- compliance by agencies with statutory requirements, such as the publication of statements of affairs

NO IT IS NOT ADEQUATE AND ACCESSIBLE.

I HAVE HAD INFORMATION EXEMPTED WHICH I BELIEVE IS NOT ADEQUATE OR ACCEPTABLE.

INFORMATION IS PLACED IN A GOVT FILE ON MEMBERS OF THE PUBLIC WITH OUR NAMES ATTACHED EG'S LYME SUMMERS DEPT OF HOUSING FILE THEN I SHOULD BE ALLOWED TO HAVE ACCESS TO ALL DOCUMENTS IN MY FILE. EXCLUDING PEOPLE'S PERSONAL HOME ADDRESSES & HOME TELEPHONE NUMBERS.

PROFESSIONAL & PERSONAL OPINIONS ARE TWO (2) DIFFERENT THINGS A PROFESSIONAL REASON CANNOT HAVE



Key issue 4: Can a diversity of people access administrative justice? If not, how can this be improved?

Factors for consideration include:

- people who may have difficulty accessing administrative justice
- factors which may affect access to administrative justice by those people (socio-economic disadvantage, cultural background, remoteness from mainstream legal services)
- assistance provided to access administrative justice
- persistent applications to courts
- persistent applications to agencies

Topic 5: Is access to administrative justice effective and efficient? Is reform necessary?

Factors for consideration include:

- the complexity and changed nature of government
- the interrelationship of the FOI Act and Judicial Review Act with other administrative law mechanisms
- the response of administrative justice 'remedies' to grievances
  - time limits imposed by the FOI Act
- time limits imposed by the Judicial Review Act

I BELIEVE THAT GRIEVANCES ARE <sup>NOT</sup> RESOLVED BY GOVERNMENT OR AGENCIES IN AN EFFECTIVE AND TIMELY WAY.

SOME GRIEVANCES ARE DEEMED <sup>TO BE</sup> TRIVIAL, VEXATIOUS, FRIVOLOUS AND US MEMBERS ARE SENT OFFERS TELLING US THIS - I.E. THAT WE ARE ANNOYING YOU AND JUST GO AWAY. (in words not written)

YET THE DEPT/AGENCY IS TOLD TO EXCLUDE THE WORK OF OUR GRIEVANCES ARE GENUINE TO US MEMBERS OF THE PUBLIC - LIVE IN OUR SHOES FOR A WHILE

\* see whether they would be GENUINE GRIEVANCES IF THEY WERE