

From: [REDACTED]
To: [FeedbackRTIandprivacy](#)
Subject: Review - RTI ACT 2009 AND IP ACT 2009 - Due 3.2.17 - Submission From Greg and Joan Darlington.
Date: Saturday, 28 January 2017 6:52:38 PM
Attachments: [12.4.16.rtf](#)

Dear Sir/Madam

The following is our Submission re your Review into the RTI and IP Acts of 2009 in accordance with "Consultation Paper December 2016".

We will be presenting it from a "layperson" perspective, we have been fighting for our RTI Rights since April 2010. Our submission will be our "journey" to obtain our Right to Information via Queensland Government Departments. Our journey contradicts your comments in the Consultation Paper Page 5 "Dot Points".

Our submission will cover the period from when we first sought Right to Information when we "saved" a neighbour from a brutal bashing (6 persons onto one) on the evening of 9.4.10. Four of the assailants were closely related to [REDACTED]. For our efforts we were both awarded an Australian Governor Generals Bravery Award and deemed "Victims of Crime".

Between 9.4.10 and the present time 30.1.17, what we have endured beggars belief. We have applied to the QPS/PSBA/OIC and 6 visits to QCAT and we are currently awaiting our Application to Appeal to the Supreme Court of Appeal to be actioned (it is currently with the Premiers and Attorney Generals Departments) in our endeavours to obtain RTI information as a result of Alleged Criminal activities directed at us by the QPS/PSBA.

This journey by Greg and Joan Darlington has been documented and attached to this email are the relevant submissions which we have provided in Open Forums (available to the public) i.e. Public Forum by the Crime and Corruption Commission 6-7 Oct 16, Final Hearing at QCAT 25.8.15 - Justice Carmody.

It is our intention that this submission be used as a Factual Case Study of what can happen to citizens i.e. Greg and Joan Darlington under the current RTI Act Laws especially the Exemption Laws and even the Exemption to the Exemption Laws that currently exist. Please read our Submission (and especially our Oral and Written submissions to the CCC Forum on 6-7 Oct 16) and try and imagine what we have endured in our attempts to get some JUSTICE and am still trying (we intend to continue until some satisfactory resolution is reached.)

King Regards

Greg and Joan Darlington

Enclosed Attachments.

1. Our submission/evidence presented to the QCAT Hearing 25.8.15. (the lot)
2. Determination by Justice Carmody dated 3.12.15.
3. Video and Hard Copy of our Presentation to the CCC Forum of 6-7 Oct 16.
4. Ministerial Complaint to the Premier and The Attorney General dated 13.4.16. (12.4.16 rtf).

<http://archive.sclqld.org.au/qjudgment/2015/QCATA15-167.pdf>

<http://www.ccc.qld.gov.au/research-and-publications/publishing-allegations/transcripts-video>

[Transcripts and videos from the public forum — Crime and ...](#)

www.ccc.qld.gov.au

The CCC has published the transcripts and videos from the public forum held on 6 and 7 October 2016. The forum examined whether it is in the public interest to ...

- Reference 1. QCAT Web Site, "Appealing a QCAT Decision made by a Judicial Member" (Last updated 3.8.15)
- Reference 2. GJ and JM Darlington's Application for Appeal to the Supreme Court of Appeal (Form 64) dated 15.12.15.
- Reference 3. GJ and JM Darlington's Request for an Appointment with SRL Services Staff re our Lodgement of 17.12.15.
- Reference 4. Supreme Court of Qld Practice Directions 3 of 2013 - Calculation of Time - Chapters 3 and 4.
- Reference 5. Practice Directions 19 of 2015.
- Reference 6. Telephone Call from [REDACTED] (Deputy Registrar SRL Services) at 10.30AM on 6.1.16.
- Reference 6. Email from [REDACTED] at 3.30PM on 6.1.16.
- Reference 7. Official Complaint to SRL Services dated 8.1.16.
- Reference 8. Complaint to the Premiers Office dated 7.1.16.
- Reference 9. Two Unreferenced Letters dated 27.1.16 and 4.2.16 from [REDACTED], Office of the Executive Director, Supreme, District and Land Court Service Brisbane.
- Reference 10. Letter from the Office of the Attorney Generals Department - 573051/1, 3159627 dated 8.4.16.

Dear Addressee's

This is an Official Complaint from GJ and JM Darlington against the handling of our Application to Appeal to the Supreme Court of Appeal. It is directed at the staff of the Registry of the District and Brisbane Supreme and District Courts registry (SRL Service) and the personnel who dealt with our Complaints via SRL Services, The Premiers Department and the Office of the Attorney-General.

Our primary purpose of lodging this complaint is to show how we were denied Natural Justice. A copy of the Main Principles of Natural Justice are as follows:-

QUOTE: FIRST PRINCIPLE - The Principles require that something should not be done to a person that will deprive the person of some right, interest or legitimate expectation of a benefit without the person being given an adequate opportunity to present the person's case to the decision maker.

SECOND PRINCIPAL - The decision maker MUST be unbiased.

THIRD PRINCIPLE - The Principles require procedural fairness involving a flexible obligation to adopt fair procedures that are appropriate and adapted to the circumstances of the particular case. UNQUOTE.

SEQUENCE OF EVENTS

9.4.2010 Greg and Joan Darlington intervened in an assault in our street involving 6 persons brutally bashing a neighbour. 5 persons were charged - 4 of the 6 persons involved were closely related to [REDACTED]

[REDACTED] The persons charged either pleaded guilty or were found guilty bar one (she was found not guilty of Assault).

Because of our actions we were deemed "Victims of Crime" and the Australian Governor General on 1.9.13 awarded Greg and Joan Darlington a Bravery Award for our actions of saving a mans life or preventing more serious injury, presented at Queensland Government House by the Governor on 25.5.14.

From 9.4.10 until 25.8.15 we have been going through a process to obtain personal information (RTI Request) held on our files via Queensland Police Service (including an internal review) , Officer of the Information Commissioner and finally a Tribunal Hearing at the Queensland Civil and Administrative Tribunal on 25.8.15 (before Judge Tim Carmody).

3.12.15 Judge Carmody made the decision that our case to obtain RIGHT TO INFORMATION be dismissed - NOTE This judgment had a time period of 90 days but was delivered after 100 days, no notification was given to us as to why it was delayed or late.

3.12.15 to 15.12.15 After serious thought and advice we made the decision to Appeal to the Supreme Court - Court of Appeal on a matter of Law in Judge Carmody's determination.

17.12.15 We completed a Form 64 and with a covering letter we mailed it

"Registered" mail to the Court Registry - on our "tracking" it arrived at its destination on 22.12.15. With the letter we sent an Online request for an Interview with an Officer of the SRL Services prior to the "cut off date" to lodge our claim (on our estimation "cut off" was 18.1.16). SEE REFERENCES 4 AND 5 ABOVE. Was [REDACTED] given the authority to change these "Practice Directions" issued by the Chief Justice, and would it comply with the Main Principles of Natural Justice.??

6.1.16 We had up to this day had no response from SRL Services re our Appeal Application or any notification of an appointment with SRL Staff. At 10.30 am 6.1.16 we had a phone call from a [REDACTED] (SRL) who stated that we had until 4.00pm that day to lodge a payment of \$1292.00 with her registry or our Claim for an Appeal would be denied. We disputed this assessment and asked to speak to a Supervisor - we were connected with a [REDACTED] who re-iterated the statement made by [REDACTED].

3.33pm 6.1.16 We received an email from [REDACTED] (a copy of that email is attached to this email) This email cancelled, illegally, our Appeal "out of time". We also received an email advising that our request for an interview with SRL Staff was cancelled.

7.1.16 We lodged an "online" complaint to the Premier. (After three months) on 8.4.16 we received a response from [REDACTED] Chief of Staff from the office of the Attorney General and Minister for Justice Minister for Training and Skills. He upheld the decision that we were at fault and we had to complete a Form 69 to re-instate our Appeal.

8.1.16 We lodged an Official Complaint to SRL Services (this was passed on to [REDACTED] and finalised by [REDACTED] with 2 unreferenced letters dated 27.1.16 and 4.2.16), from the office of The Executive Director Supreme, District & Land Courts Service. These letters also supported [REDACTED] email and directions (although not correct).

References 4 and 5 above clearly show that the actions of [REDACTED] and her email of 6.1.16 are not legal or follow the correct procedure. What concerns us most here is the Queensland Government Staff's total disregard to our Right to Natural Justice and processing our rightful entitlement to Appeal a decision of the

QCAT Tribunal. See Reference 1 above.

We understand that we all make mistakes but when [REDACTED] erred in her processing of our Appeal and after we complained, it was upheld by more senior personnel. Our MAIN complaint is "Why must we be required to complete a Form 69 purely on the grounds that an SRL Officer made an incorrect assessment of our appeal."?? Why complain to "Higher" authority when it appears they also do not know the correct procedure re "Court Directions", dealing with time limits.

We were advised to seek legal aid vide references 9 and 10 above - we contacted Legal Aid Scarborough St Southport and Gold Coast Community Legal Centre, Bay Street Southport (in person) and both clearly informed us that we are not entitled to Legal Aid in our circumstances. Not that we thought we needed this - what have we done wrong??? and why do we have to pay to get legal aid to cover a mistake by a Qld Government Employee??

What we require now> Under the circumstances we feel we are entitled to some form of an apology and that our Claim to Appeal lodged on 17.12.15 be processed (as it should have been) on our calculation prior to 18.1.16 not cancelled on 6.1.16 - we have a Fee Reduction Form completed and a Payment of \$116.20 ready to personally deliver to the Registry when requested. We do not intend to lodge a Form 69 because of [REDACTED] (SRL Services) mistake.

GJ and JM Darlington
13.4.16