



Submission No. VL/11

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Law Reform Committee

Office of the Victorian Privacy Commissioner

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Chair
Parliament of Victoria Law Reform Committee
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Dear Mr Scheffer,

Inquiry into Vexatious Litigants

Thank you for the opportunity to make submissions to the Law Reform Committee's inquiry into vexatious litigants.

Although this office does not have experience of vexatious litigants in the context of their impact on the court or tribunal system, we do have experience of complainants and enquirers who may display some characteristics of persons considered vexatious. I therefore provide the following comments.

Since its inception in 2001, the Office of the Victorian Privacy Commissioner has received enquiries from many thousands of Victorians seeking information or assistance in relation to perceived breaches of their privacy. Despite the large number of enquiries received, I do not consider that my office has experienced any vexatious litigants as defined in the *Supreme Court Act* 1986. Section 29 of the *Information Privacy Act* 2000 (the IPA) allows me to decline to entertain complaints for a number of reasons, one of which is if I consider that a complaint is vexatious. To date there have been no complaints declined for this reason.

We have however experienced numerous repeat callers, especially those with matters that fall outside the jurisdiction of the IPA. Whilst several of these repeat callers appear to demonstrate signs of mental illness, none of these individuals consume such significant resources of my staff in assisting them where possible to warrant refusal to deal with them. These callers are managed in accordance with internal enquiry handling policies. Staff receive training to assist people with both challenging and difficult behaviour, and those presenting with symptoms of mental illness.

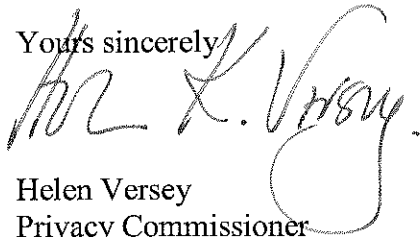
My view is that any complaint handling body should both expect, and have the skills and resources, to deal with a certain level of persistent and difficult people. The policies and strategies I have introduced have proved successful to date in assisting staff to provide quality advice where the enquirer has been difficult to manage.

As mentioned, my view is that organisations should be able to cater for difficult people in a professional and supportive manner. I therefore believe that lowering the threshold to have an individual declared a vexatious litigant may in turn reduce the responsibility of organisations to assist certain individuals with a variety of challenging behaviours. There is potential for some organisations to treat difficult people as vexatious when displaying symptoms of mental illness in circumstances where that individual has a genuine complaint. There is a need to be cautious about making generalisations about people.

In the event that an individual is declared a vexatious litigant, my view is that there should always be a right of review of that decision.

Thank you again for the opportunity to provide my views to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Versey', written over the typed name below.

Helen Versey
Privacy Commissioner