



29 May 2008

Mr Robert Scheffer MLC
Chair,
Law Reform Committee
Parliament of Victoria
Parliament House
Spring Street
EAST MELBOURNE 3002

Dear Mr Scheffer,

INQUIRY INTO VEXATIOUS LITIGANTS

I have read the issues paper, which provides a sensible overview of the law. My only comments, which come with the hindsight of considerable discussion with judges and public officials over the years, are simple. They are:

1. Vexation is clearly increasing and so is the awareness of it. It is, therefore, important that procedures to both detect and manage vexatious people exist.
2. The number of vexatious people is relatively low but the amount of work and stress they cause is enormous.

3. The problem of vexation extends well beyond the courts. Government departments, Ombudsmen and complaints bodies more generally all experience significant problems with vexation. In my view, the widespread nature of the problem of vexation means that procedures to detect and manage vexatious people should, as far as possible, endeavour to ensure that they are not simply moved from one place to another but are instead “managed out of the system” so that they are no longer a problem.
4. There is very little systematic research or record keeping about the effect of vexatious people across the courts and government agencies (particularly the latter). It might be useful to refer this issue to the Department of Justice for consideration.
5. Any policy or procedure that restricts the right of access to the courts of public complaint mechanisms clearly raises issues relevant to the *Charter of Rights and Responsibilities*. In my view, the current procedures that apply under the *Supreme Court Act* to declare a person a vexatious litigant clearly comply with the requirements of the *Charter* because of the judicial hearing that must be held before a person may be declared a vexatious litigant. Any attempt to curtail rights for people perceived as vexatious outside the procedure adopted by the Supreme Court would require careful scrutiny for compliance with the *Charter*.

I hope these brief comments are of some assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Groves', with a stylized flourish at the end.

Dr Matthew Groves