

MAIN ROADS AND PUBLIC TRANSPORT AUTHORITY —  
"VEXATIOUS" COMMUNICATION POLICY

2192. Hon Ken Travers to the Minister for Transport

- (1) Can the Minister advise whether Main Roads or the Public Transport Authority have a policy of refusing to respond to people who they consider to be vexatious?
- (2) If yes to (1), in the last 12 months —
  - (a) how many people have been declared as vexatious; and
  - (b) how many written or verbal contacts did the Department and/or Agency receive from each of these people in the preceding 12 months?
- (3) Can the Minister advise what subject matter and/or frequency of correspondence to his Department is considered as vexatious?
- (4) Once a person is considered vexatious, is their future correspondence reviewed or considered in any way by Main Roads and/or the Public Transport Authority?
- (5) If no to (4), why not?

Hon SIMON O'BRIEN replied:

Public Transport Authority

- (1) Yes, in accordance with the Public Transport Authority's (PTA) Complaints Handling Policy, which has been active since November 2007, section 5.6 of the policy states the following —

"A Complaint may not be dealt with by the PTA where the relevant General Manager or nominated representative is satisfied at any time after receiving the Complaint that the Complaint is Frivolous or Vexatious or is being pursued by the Complainant for an improper purpose. As a general principle, in considering whether the Complaint is Frivolous or Vexatious, or is being pursued by the Complainant for an improper purpose, the PTA will have regard to past dealings from the Complainant and the circumstances of the Complaint."
- (2)
  - (a) Two.
  - (b) The exact number of communications with the PTA is not able to be obtained as the vexatious complainants chose to make independent contact with several different members of staff in both cases. However, in one case, the number of complaints over the past 18 months is in excess of 50, and in the other, the number of complaints exceeds 20 over the past 12 months.
- (3) A vexatious communication is considered to be one where the subject matter is frivolous, a repeated abuse of the process and where it is found the motive and intent of the communication is to harass, annoy, to cause delay or to achieve another wrongful purpose.
- (4) Yes.
- (5) Not applicable.

Main Roads

- (1) No.
- (2)
  - (a) Main Roads does not keep a register of vexatious people or contacts.
  - (b) Please refer to part (2) (a).
- (3) Main Roads does not keep a listing of vexatious correspondence.
- (4) Main Roads does not label any correspondence as vexatious. All correspondence to Main Roads is considered on its merits and is responded to in accordance with its Customer Service Charter obligations. The Charter provides avenues for complaints against Main Roads to be reconsidered. Any correspondents who believe their correspondence is not being attended to can raise the matter in accordance with Charter obligations.
- (5) Please refer to part (4).