

Cribb, Peter

From: Cribb, Peter
Sent: Monday, 13 August 2007 5:22 PM
To: Gill, Allan
Subject: FOI-07-245 (Jolanda and Peter Challita)

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Allan

I am dealing with the abovementioned Freedom of Information application which seeks, amongst other things:

"... documentation relating to and supporting the decision to deem me [the application is made in the names Jolanda and Peter Challita ("the applicant")] vexatious and/or to present me as vexatious"

By means of previous Freedom of Information applications, the applicant has gained access to departmental documents which say things like:

"... Mrs Challita has been classified as a vexatious correspondent and has been advised that further letters to the Ministry will be filed without response" [dated 4 March 2004]

"... She has been told by the Minister that 'no further correspondence will be entered into' because of the vexatious nature of her communications. There was another ministerial reply not long before that however [referring to a letter - RML 03/5996 - dated 4 August 2003 signed by Minister Refshauge], which indicated that Chris Carroll would investigate her 'complaint' and get back to her" [dated 6 August 2004]

"... Mrs Challita has written 13 times to the relevant Ministers and has had each of her concerns fully and repeatedly answered until she was declared a vexatious correspondent" [dated 6 December 2005]

"... Mrs Challita has been declared a vexatious correspondent for the purposes of Ministerial correspondence" [dated January 2006]

"... She was declared vexatious for purposes of ministerial correspondence and any subsequent Ministerial correspondence from her is filed without response ..." [dated March 2006]

but all those documents are reporting the "vexatious" decision, having already been made - apparently sometime between August 2003 and March 2004 - and are therefore secondary evidence only of the decision.

The irony in the applicant applying for access to documents that evidence the applicant as being vexatious has not escaped me but do you have access to any document that evidences the applicant as having been "declared vexatious for purposes of Ministerial correspondence"? If so, could you please provide it with a copy of that document together with any documents you have which the person who made that decision had regard to at the time of the making of the decision.

Regards



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