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11 March 2024

By Email: info@nswfreedomofinformation.net

Telina Webb

NSW Freedom of Information

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Not for publication

Dear Ms Webb

Goulburn Mulwaree Council – Your defamatory posts on NSW Freedom of Information website

We act for the Goulburn Mulwaree Council.

1. We refer to the following “media releases” posted on the website nswfreedomofinformation.net (**Website**):
 - 1.1 Goulburn-Mulwaree Shire Council First to Receive Multiple Community Awards as a Stand-Out NSW Government Agency, dated 13 March 2023;
 - 1.2 Local Council Manager Governance Exposed Acting to Simultaneously Breach State Records Act & Privacy Legislation When Colluding with Agencies Against Oblivious Member of the Public, dated 25 July 2023;
 - 1.3 Goulburn-Mulwaree Shire Council Continues to Procrastinate Valid Access Applications by Unethically Imposing Inapplicable Advance Deposits, dated 24 November 2023,(together, the **Articles**).
- 1.4 We also refer to our firm’s letter to you dated 31 March 2023.
- 1.5 We note that you are listed as the “site administrator” of the Website, such that you have the ultimate control and responsibility over, and liability for, the content of the website including the Articles.
- 1.6 Each of the Articles includes content that is factually incorrect, misleading and highly defamatory of Maria Timothy and Amanda Keegan, employees of our client. We set out the below by way of example only.
2. **Goulburn-Mulwaree Shire Council First to Receive Multiple Community Awards as a Stand-Out NSW Government Agency, dated 13 March 2023**
 - 2.1 This Article contains the statement that Ms Timothy acted “*in contempt of the NCAT*” by failing to attend a NCAT case conference on 13 March 2023. As set out in our firm’s letter dated 31 March 2023, Ms Timothy attempted to appear at the case conference, however did not have the correct listing details.

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2.2 Consequently, these serious accusations of contempt are completely unwarranted and are highly defamatory of Ms Timothy. We note that you have not complied with our firm's previous demand that you remove this Article.

3. Local Council Manager Governance Exposed Acting to Simultaneously Breach State Records Act & Privacy Legislation When Colluding with Agencies Against Oblivious Member of the Public, dated 25 July 2023

3.1 This Article alleges that Ms Timothy:

3.1.1 Breached the *State Records Act 1998* (NSW) by:

- (a) failing to keep accurate minutes of a meeting where she was required to do so; and
- (b) unlawfully sharing the personal information of Mr Allan Powell.

3.2 The Article suggests that the above was "*inadvertently confirm[ed]*" by the decision of NCAT in *Webb v Goulburn-Mulwaree Shire Council* [2023] NSWCATAD 194 (**NCAT Decision**).

3.3 The Article contains several further comments about Ms Timothy, including that she:

3.3.1 "*has no hesitation in breaching the legislation, abusing her position, and actually working with other agencies to do that*"; and

3.3.2 "*collude[ed] [with Deborah Ferguson and William Warne] to the detriment of the public and breaching fundamental legislation*".

3.4 The above statements are factually incorrect. The NCAT Decision made no findings regarding Ms Timothy's conduct, inadvertently or otherwise. On the contrary, the Tribunal expressly stated at paragraph 33 that it "*is not empowered under the GIPA Act to review the Council's record keeping processes or to determine whether there has been compliance with its record management policy*".

3.5 The contents of this Article are highly defamatory of Ms Timothy, amongst others.

3.6 Further:

3.6.1 the way that this Article has been written clearly implies that Ms Timothy was contacted in relation to the Article for comment, which is patently untrue; and

3.6.2 this Article lists Ms Timothy's and Ms Keegan's direct phone numbers, along with the direct phone number of several other employees of other NSW Councils, which are not publicly available, as contact information.

3.7 Such conduct is extremely inappropriate and highly distressing to Ms Timothy. We note that the Commonwealth Government is in the process of preparing legislation to criminalise such conduct, referred to as "doxxing".

4. Goulburn-Mulwaree Shire Council Continues to Procrastinate Valid Access Applications by Unethically Imposing Inapplicable Advance Deposits, dated 24 November 2023

4.1 This Article states that Ms Timothy took actions to "*deliberately breach the public's privacy*" and that she "*had no hesitation in breaching ... legislation*". It is apparent that these references are to the same factual circumstances as the 25 July 2023 Article. For the reasons set out at paragraphs 3.1 to 3.7 above, these statements are again plainly factually incorrect and highly defamatory.

