

Thursday 30th May 2024

Pages Total: (5) Five

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Ms Hawley / Mr Sloan / Ms Marshall / Mr Crosdale

RE: PORT STEPHENS COUNCIL

– Your Ref: PSC 23003 – THREAT OF LEGAL ACTION - DEFAMATION

Firstly, this letter responds to both your letter of 16th May 2024 and following email of 28th May 2025.

I reply to each independently for your assistance.

Having considered the Act you refer to in your email of 28th May 2024, it is evident both your communications fail to meet the criteria of Section 12A and as such any threat of legal action is disqualified.

Secondly, this letter formally advises your letter of 16th May 2024, whilst titled confidential, will not be treated so as neither Lindsay Taylor Lawyers or Port Stephens Council has any power to demand it is treated with any level of confidentiality, and most particularly as none of those listed has any power to decide where and from whom I seek legal advice or comment about any issue requiring a legal response.

In this regard, in one way or another your letter is considered published to the world at large as it has been shared, firstly by you over the internet, and secondly by me also over the internet.

The same approach has been taken to your email of 28th May 2024.



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This matter of bullying, intimidation and threatening with legal action is considered to be harassment and abuse of power of the highest order, with public servants clearly using public monies for personal use to do so. This is not the first time this conduct of public servants using public monies for personal use has been documented.

Third, and on the assumption you somehow force the impression of having issued some degree of a Concerns Notice, this letter also confirms I am exercising my rights under the Defamation Act 2005 Section 12B, seeking your further particulars on these matters which you / Council are obliged to reply to within (14) fourteen days, that is by 13th June 2024 (on the basis of your letter of 16th May 2024).

Your reply to this letter may still not be sufficient to qualify your communications as complying with the Act.

Your letter of 16th May 2024

Re Your Paragraph 7:

I formally request Council disclose how the publications referred to could possibly cause ordinary reasonable members of the public to think less of Lisa Helene Marshall and Tony Leslie Wickham.

Until such time as that disclosure is provided I am unable to properly respond to your Paragraph 7 of your letter of 16th May 2024.

Re Your Paragraph 8:

8.1 Repeatedly published Council records, inclusive of documentation provided to the NSW judiciary and numerous NSW government agencies, evidence Tony Wickham has repeatedly made false allegations against members of the public, and that he did exercise his powers as Governance Manager for an improper purpose.

Until such time as Council provides documentation to the contrary I am unable to properly respond to your Paragraph 8.1 of your letter of 16th May 2024.

8.2 Repeatedly published Council records, inclusive of documentation provided to the NSW judiciary and numerous NSW government agencies, evidence Tony Wickham did write a false and misleading letter to the IPC, and that he did also enter into an unlawful agreement with a member of the public to conceal government records. It is also noted Council's solicitor of Lindsay Taylor Lawyers did shamefully state in writing such actions and letter content making false and misleading statements about the public were *QUOTE "An acceptable response" UNQUOTE*.

Until such time as Council provides documentation to the contrary I am unable to properly response to your Paragraph 8.2 of your letter of 16th May 2024.



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8.3 Repeatedly published Council records, inclusive of documentation provided to the NSW judiciary and numerous NSW government agencies, evidence Tony Wickham has engaged in gross professional misconduct, did use public monies for his own personal gain, and that he did collude with the CSO.

Until such time as Council provides documentation to the contrary I am unable to properly respond to your Paragraph 8.3 of your letter of 16th May 2024.

8.4 Repeatedly published Council records, inclusive of documentation provided to the NSW judiciary and numerous NSW government agencies, evidence both Tony Wickham and Lisa Marshall did perjure themselves, did pervert the course of justice, and did abuse their positions of public office, repeatedly breaching Council's Code of Conduct.

Until such time as Council provides documentation to the contrary I am unable to properly respond to your Paragraph 8.4 of your letter of 16th May 2024.

Re Your Paragraphs 10, 11 and 12:

Council and its solicitors are fully informed the personal contact details of Tony Leslie Wickham, Lisa Helene Marshall, and Stephanie Eileen Posniak, are disqualified from the classification of personal information in accordance with the Government Information (Public Access) Act 2009 Schedule 4, 3(b).

Until such time as Council provides a valid reference to the applicable legislation to the contrary I am unable to properly respond to your Paragraphs 10, 11, and 12 of your letter of 16th May 2024.

Your email of 28th May 2024

Re Your Paragraph 5:

I formally request Council disclose how the publications referred to could possibly cause ordinary reasonable members of the public to think less of Lisa Helene Marshall and Tony Leslie Wickham, or could possibly result in these individuals being avoided or shunned by those same ordinary reasonable members of the public.

Until such time as that disclosure is provided I am unable to properly respond to your Paragraph 5 of your email of 28th May 2024.

Re Your Paragraph 6:

Council and its solicitors are fully informed the personal contact details of Tony Leslie Wickham, Lisa Helene Marshall, and Stephanie Eileen Posniak, are disqualified from the classification of personal information in accordance with the Government Information (Public Access) Act 2009 Schedule 4, 3(b).



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Until such time as Council provides a valid reference to the applicable legislation to the contrary I am unable to properly respond to your Paragraph 6 of your email of 28th May 2024.

Re Your Paragraph 7:

It is apparent to a non-legal professional you and / or Council has failed to comply with the fundamental parameters of the Defamation Act 2005 in relation to a credible qualified Concerns Notice.

It is my position Council must comply with the Defamation Act 2005 at first instance before proceeding further.

On my limited understanding of this particular piece of legislation and its application, I am through my own initiative, complying with it.

Closing:

As has been published on the home page of the website www.nswfreedomofinformation.net *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers,"* [United Nations Universal Declaration of Human Rights \(1948\) Article 19](#), and [International Covenant on Civil & Political Rights \(1966\) Article 19](#).

My Media Policy is also available at <https://nswfreedomofinformation.net/media/media-policy/>. I have yet to publish Lindsay Taylor Lawyers' subject letter and email or publish a media release about same. Either way I believe I retain the right to do so. Commentary in reply is most welcome and will also be published in full if received.

It is my direct personal experience and not on hearsay the aforementioned Council officers use their delegated powers, public positions of trust, and access to publicly-funded legal representation in ways that are calculatingly punitive and detrimental to the community and which are outside of the GIPA, PPIP, and State Records Acts, as well as the mandated Council Code of Conduct.

It is regrettable those employees have not properly thought through their actions at first instance, and are now as a result reactive to public commentary and satire, instead of seizing the opportunity to amend past behaviours, embrace the public's expectations to change and align with the speech of Nathan Rees when he introduced the GIPA Act 2009 to parliament, treating the public with the respect and dignity they have a right to, and respecting and upholding every aspect of the legislature they exercise and are governed by.

Port Stephens Council is fully capable of completely restoring the public's trust and its credibility.

I for one would be at the front of the line to document that story!



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Instead I see public servants angry their conduct has been rightfully called-out, exposed and openly discussed, but still willing to continue those behaviours, with the threat of legal action if silence and subservience is not maintained.

These issues are of the greatest public interest.

I will not be keeping this matter confidential in any way, and in fact should these individuals decide to pursue this matter legally there is absolute certainty these matters and the subject conduct will be further publicised and heard in an open court, fully supported by evidence most of which originates from Port Stephens Council with legible signatures of the authors.

The matter now lies with these particular Council executives, with the public expecting common sense to prevail over their personal pride.

I look forward to receiving the further particulars.

In the alternative I will accept your / Council's formal notification it has justifiably withdrawn each of its demands and threats, clearly articulating no further action will be taken in this matter.

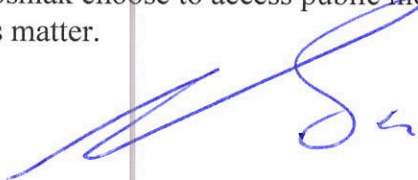
At this point in time I do not seek a due formal apology from any of those individuals or Lindsay Taylor Lawyers for using public resources to harass, bully and intimidate me personally. Indeed Council was invited to formally retract its false and misleading letter to the IPC, the letter it subsequently forwarded to a number of secondary NSW agencies and the NSW judiciary, but it refused to do so; this singular instance exemplifying the arrogance and reckless indifference of these publicly-paid senior executives.

In this regard I am unable to assist Council to rectify these issues, the responsibility remains with it and the individuals who arrogantly acted these things out.

If Tony Wickham, Lisa Marshall, or Stephanie Posniak would like to comment on any of the publications on my website, as a footnote, I would be very happy to publish those upon receipt in entirety.

Such publication would understandably be followed by my own commentary / response as set out in this letter.

I rely on the history of these communications should Tony Wickham, Lisa Marshall, or Stephanie Posniak choose to access public monies for personal use in connection with legal action in this matter.



Telina Webb



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