

Subject: FW: Enquiry - Access to submissions on FOI Report of February 2009 [SEC=OFFICIAL]
Date: Friday, 4 April 2025 at 1:02:24 pm Australian Eastern Daylight Time
From: Legal Mailbox
To: Telina Webb
Attachments: Outlook-Pursuing f.png, image001.png

Dear Ms Webb

I refer to your request below.

You requested access to the submissions referred to in the FOI Report published by the NSW Ombudsman in February 2009. You also requested to information regarding the “joint Australian Ombudsman project concerning unreasonable complainant conduct, and the analysis of strategies to deal with repeat (FOI) applications”; *Pittwater Council v Walker (2015) NSWCATAD 34*, paragraph 64.

We are still trying to locate material relating to the unreasonable complainant conduct project and whether that material is held by the Ombudsman. This response relates to your request for access to submissions referred to in the FOI Report.

FOI Report published by NSW Ombudsman

This report was made by the Ombudsman under [Ombudsman Act s31](#), and involved an investigation conducted by the Ombudsman under [Ombudsman Act s26](#). The information held by the Ombudsman that relates to the Ombudsman’s complaint handling, investigating and reporting functions is ‘excluded information’ that cannot be the subject of a valid request under the GIPA Act.

For that reason, access is not provided to this information under the GIPA Act, and any access request is considered to be invalid under [GIPA Act s43](#).

While the Ombudsman is bound to comply with GIPA and there will be instances where the Ombudsman must consider whether an applicant should be given access to information, in the majority of cases the information sought is ‘excluded information’.

Review rights

You can seek a review of my decision using any of the options set out below.

1 Internal review by a senior officer of the Ombudsman

20 working days after receiving this letter

You don’t have to seek internal review from our office before requesting external review under 2 or 3 below

2 External review by the Information Commissioner

40 working days after receiving this letter

You don’t have to apply for external review under this step before applying to NCAT under 3 below. However, once the GIPA decision has been reviewed by NCAT, it cannot be reviewed by the Information Commissioner

3 External review by the NSW Civil and Administrative Tribunal (NCAT)

40 working days after receiving this letter

You don't have to take any other review steps before applying to NCAT

You can also ask for review of any decision made to include any information about your application in the Ombudsman's disclosure log.

A fact sheet is published by the Information and Privacy Commission NSW (IPC), entitled 'Your review rights under the GIPA Act'. You will find that and other useful information and frequently asked questions on the IPC's website: www.ipc.nsw.gov.au.

You can also contact the IPC on freecall 1800 IPC NSW (1800 472 679).

Legal, Governance and Risk Branch

NSW Ombudsman, Level 24, 580 George Street, Sydney NSW 2000

02 9286 1000 | legal@ombo.nsw.gov.au | www.ombo.nsw.gov.au

Follow us on [X](#) | [Linkedin](#) | [Meta](#) | [Youtube](#)



Pursuing fairness for the people of NSW.

The NSW Ombudsman's office acknowledges the traditional owners and custodians across the lands on which we live and work, and we pay our respects to their elders past and present and to the next generation of leaders.

Please consider the environment before printing this correspondence.

From: Megan Smith <msmith@ombo.nsw.gov.au>

Sent: Monday, 31 March 2025 9:42 AM

To: info@nswfreedomofinformation.net

Subject: Fw: Enquiry - Access to submissions on FOI Report of February 2009 [SEC=OFFICIAL]

Dear Ms Webb

Thank you for your email. I acknowledge receipt of your request.

As the FOI function was transferred from the NSW Ombudsman to the newly created Information and Privacy Commission (IPC) in 2009, we are currently assessing whether those records are still held by the NSW Ombudsman or were transferred to the IPC.

We will respond as soon as we have identified their location.

I apologise for the delay in responding and hope to be in contact again very soon.

Megan Smith (she/her)

Legal Counsel | Legal, Governance and Risk Branch

NSW Ombudsman, Level 24, 580 George Street, Sydney NSW 2000

02 9286 1000 | msmith@ombo.nsw.gov.au | www.ombo.nsw.gov.au

Follow us on [X](#) | [Linkedin](#) | [Meta](#) | [Youtube](#)



Pursuing fairness for the people of NSW.

The NSW Ombudsman's office acknowledges the traditional owners and custodians across the lands on which we live and work, and we pay our respects to their elders past and present and to the next generation of leaders.

 Please consider the environment before printing this correspondence.

From: Telina Webb <info@nswfreedomofinformation.net>
Sent: Monday, 24 March 2025 6:25 PM
To: NSW Ombudsman's Office <info@ombo.nsw.gov.au>
Subject: Enquiry - Access to submissions on FOI Report of February 2009
Importance: High

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

Would you please so kind as to provide a link to the above documentation as I am not able to find anything on the website.

I am also interested in accessing the documentation pertaining to the “joint Australian Ombudsman project concerning unreasonable complainant conduct, and the analysis of strategies to deal with repeat (FOI) applications”; *Pittwater Council v Walker (2015) NSWCATAD 34*, paragraph 64.

Thank you for your very kind assistance.

Kindest Regards,

Telina Webb, Site Administrator, Registered Lobbyist,
BCCJ, JD (Candidate), GradCertPolGov (Candidate)

Member: ANZOC www.anzsoc.org

Member: AIJA www.aija.org.au

Member: TIA www.transparency.org.au

Member: ASC www.asc41.org

Member: CCL www.nswccl.org.au

E: info@nswfreedomofinformation.net

P: 1300 679 364 or 1300 NSW FOI

F: (02) 8246 3484

Monday to Friday – 9.30am to 4.30pm

www.nswfreedomofinformation.net



ATTENTION: The information in this e-mail and any attachments is confidential. The information may be legally privileged. The information is intended for the recipient identified in the e-mail only. If you are not an intended recipient of this e-mail, please contact the Ombudsman immediately that you received this e-mail, either by return e-mail or by telephone on 02 9286 1000. You should not review, print, re-send, distribute, store or take any action in reliance on information in this e-mail or any attachments. You should also destroy all copies of this e-mail and any attachments.
