31st July 2025 Pages Total: (23) Twenty-Three

Secretary, Dept of Communities & Justice
Mr Michael Tidball
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The Honourable Michael Daley
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NSW Premier
The Honourable Chris Minns
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Office of the NSW Public Service Commissioner
Ms Kathrina Lo
GPO Box 3988
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Dear Secretary and interested parties,

REPORT – FRAUD & CORRUPTION – Dept of Communities & Justice

- ***Ms Jodie Cobbin – Director, Open Government Information & Privacy Unit***

It is with the deepest regret I write to you today to inform you of the ongoing corrupt conduct of Ms Jodie Cobbin.

I am a qualified criminologist and submit this report as an informer and / or whistleblower of repeat offences against the department's policies, legislation, the NSW government and parliament, and the public of NSW, some of which easily constitute serious crimes under the Crimes Act 1900.

I write to you firstly Mr Secretary, and to other interested parties I anticipate will expect your outcome report.

I rely on the DCJ Fraud and Corruption Control System Policy (FCCSP) which is available on its website at https://dcj.nsw.gov.au/documents/resource-centre/policies/DCJ-Fraud-and-Corruption-Control-System-Policy.pdf.

The FCCSP includes reference to a number of other departmental documents including the Code of Ethical Conduct available on its website at https://dcj.nsw.gov.au/documents/resource-centre/policies/code-of-ethical-conduct.pdf.

The FCCSP additionally makes reference to the *Government Sector Employment Act 2013*.

These policies and the legislation make clear no employee is excluded from the zero-tolerance philosophy, no matter the employee's seniority of position. The policy makes clear no person is above or out of reach of the policy.

In this regard DCJ leaves no doubt as to its expectations each and every employee is bound by its policies and applicable legislation.

Point 3 – Policy Statement of the FCCSP reads:

> *"DCJ has a zero-tolerance approach to fraud and corruption. Disciplinary and / or legal action will be taken against those who commit fraud or corruption."*

The policy uses the term "will".

As such the public has the right to rely on the policy and the fact DCJ will take disciplinary and / or legal action.

DCJ is able to take either disciplinary or legal action in response to offences of fraud or corruption.

Regardless DCJ has made public it will take either or both bases of action.

The public has the right to rely on that publication.

Informer Background

As stated, I am a qualified criminologist. I am neither legally qualified or trained. I generally self-represent. My professional career has been in executive administration.

I am the sole operator and full-time volunteer of the free community service NSW Freedom of Information which was launched during the Information Commissioner's Right to Know Week 2021.

I process large numbers of broad enquiries given this is the only service of its kind for the assistance of the public.

In addition to assisting the public understand the access to information process, my focus is the identifying and reporting on occurrences of white-collar crime.

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Errors & Omissions Excepted

I have significant experience in the operations of the Government Information (Public Access) Act 2009, GIPA, since 2011. I have limited experience in the operations of the Privacy and Personal Information Protection Act 1998, PPIP.

Over this time period of (14) fourteen years I have lodged hundreds of Access Applications predominantly with the agency Port Stephens Council. I have lodged several with DCJ in recent years.

I have also lodged hundreds of Informal Access Applications predominantly with the agency Port Stephens Council. I have lodged several with DCJ in recent years.

DCJ's OGIPU is fully aware of my Access Application history as it recently divulged it obtained information from secondary agencies.

I am a registered lobbyist and confirm I have submitted several requests to the NSW Parliament to schedule public inquiries into the public's beneficial legislation and an arm of the judiciary.

Offender Background

Ms Cobbin is publicly known to have held the position of NSW Police Superintendent prior to her current role with DCJ.

The position of Director, OGIPU, is accepted as one of an executive level and must therefore be rewarded with generous public remuneration including benefits.

In her capacity as a NSW Police Superintendent, and indeed throughout her former life as a police officer, Ms Cobbin was accustomed to accessing and using the public's information including personal information as desired.

Such information is generally garnered for the purposes of forming police intelligence.

The public's information is entered into the police COPS System, otherwise known as CIU Reports. Those data entries are generally not disclosed unless incorporated into formal proceedings. As such those data entries are confidential to NSW Police and only police have access.

The COPS System is a digital database and information repository for every type of interaction the public has with NSW Police; from a simple caution through to traffic or criminal offences. Conversations can also be recorded for future reference.

As an ex-NSW Police Superintendent Ms Cobbin is expected to appreciate the value of good intel provided by credible and reliable informers such as the author of this report; intel which often leads to apprehending offenders and preventing further criminal activities and offences.

As such informers are considered to be valuable community assets.

Ms Cobbin has disclosed she has been employed by DCJ since 2016.

The corrupt conduct concerning this report occurred in Ms Cobbin's exercising of the Government Information (Public Access) Act 2009, GIPA, which notably binds the Crown.

The corrupt conduct also concerning this report occurred in Ms Cobbin's exercising of the Privacy and Personal Information Protection Act 1998, PPIP, which also notably binds the Crown.

Both pieces of legislation are noted at ***Point 17.1 Legislation*** of the DCJ *Code of Ethical Conduct*.

In this regard, Ms Cobbin as an employee of the Dept of the NSW Attorney General, and one who administers these Acts under delegated authority, is also bound by them.

There can be no dispute Ms Cobbin's prestigious role concerns the Department's responses to all aspects of requests for access to information and the protection of the public's personal information.

Such confirmation has been repeatedly set out in Affidavit evidence to the NSW Civil & Administrative Tribunal (NCAT) in various GIPA proceedings; most recently the cases of ***Webb v Justice NSW (2024) NSWCATAD 238*** and ***Dept of Communities & Justice & Ors v Webb & Ors (reserved)***, both of which mirrored each other's outline of DCJ's responsibilities under GIPA and PPIP.

Additional to that primary role, Ms Cobbin is also an active member of the NSW Right to Information and Privacy Practitioner's Network, NIPPN. Indications are she may hold a position on the NIPPN Consultative Committee which has direct access to NCAT and the IPC.

It is in Ms Cobbin's capacity as Director of the Open Government Information and Privacy Unit, OGIPU, and as an active member of NIPPN which forms the basis of this report.

NSW Right to Information & Privacy Practitioners Network, NIPPN

It is important the operations and intentions of NIPPN and its members be made clear at first instance for the benefit of the Secretary and interested parties.

According to NIPPN's founder Mr Phillip Youngman of Youngman Consultancy, NIPPN has been in existence for over (2) two decades, effectively operating in plain sight and documented to be regularly involved in statutory review and policy drafting.

As such there can be no denying NIPPN's influence across NSW government.

Initially created for the assistance of a small number of NSW right to information and privacy officers, NIPPN has grown to encompass some (500) five hundred members.

Most members have a state-wide reach, with some members reaching internationally.

Guest speakers regularly include the NSW Ombudsman, NCAT, the NSW Crown Solicitor, both the Information & Privacy Commissioners, as well as privileged NIPPN members from private enterprise and other specialist speakers.

NIPPN operates under the guise of prep-school Chatham House Rules claiming anonymity and immunity for any information shared within the group, where members deliberately act to protect and insulate each other from accountability or responsibility for sharing government information including the public's personal information.

Put plainly, NIPPN members breach the legislation then act as a collective protection membrane.

Thankfully the Dept of Communities & Justice General Counsel totally debunked any reliance on Chatham House Rules, making clear statutory obligations were not extinguished simply by its invocation, https://www.nswfreedomofinformation.net/media-release-29th-august-2-2023/.

However there is no evidence the Chatham House Rule is not still in place and thriving in the NIPPN environment.

What this philosophy leads to is a group mentality which condones unlawful conduct in the context of statutory obligations on a state-wide epidemic scale.

NIPPN had been meeting at NSW Parliament House until COVID, all paid for by the Information & Privacy Commissioners but overall courtesy of NSW taxpayers. The Commissioners now provide a venue for the purpose.

The public is excluded from NIPPN meetings.

Information about NIPPN is not readily accessible.

And I can attest to any records of Meeting Minutes and the like only accessible under exercise of the GIPA Act 2009, with those in key positions such as Chair and Consultative Committee Member making access to NIPPN records extremely difficult despite being officially classified as non-confidential government information; see ***Webb v iCARE (2023) NSWCATAD 316***.

Until December 2021 NIPPN operated a public website, but that was deactivated with the group going underground following due public scrutiny, https://nswfreedomofinformation.net/media-release-21-december-2021/.

NIPPN is documented to formulate collective response strategies against individual access applicants which completely prejudice and undermine the statutory access to information and administrative review processes in the context of the GIPA Act 2009.

The PPIP Act likewise is undermined behind NIPPN doors as members have no hesitation in unlawfully sharing the public's personal information for departmental agenda and advantage.

As far back as 16th November 2016 a NIPPN member suggested the group form a collective response strategy concerning Mr Nigel Gladstone an Investigative Reporter from the Sydney Morning Herald and operator of the website www.righttoknow.org.au because of the website and possibility documentation obtained through freedom of information legislation would be published.

In effect NIPPN created a moral panic about Mr Gladstone.

The presentation concerning Mr Gladstone took place in a public venue, Theatrette at Parliament House Sydney.

Mr Gladstone's full name and the website address were shared with the group.

This action, disclosing the normalising of a collective state-wide response strategy to valid access applicants is evidence of the access to information process being openly and completely corrupted by those in positions of the highest trust.

Access Applications should always be processed and determined on their own merit, particularly when legislated administrative reviews are merit based.

There can be no assurance Mr Gladstone's access applications after that date were treated impartially and on their own merit.

This collective response strategy and unlawful use of Mr Gladstone's personal information was made known to the whole of the population of NIPPN members inclusive of individuals from private enterprise, effectively seeing Mr Gladstone singled out and targeted.

Additionally, the NIPPN Terms of Reference state members are not representing the views of their employer agency.

The name of the organisation is the NSW Right to Information & Privacy Practitioners Network, it is not a knitting club or cooking class.

Members participate for the purpose of discussing government business in the context of access to information and privacy protections.

I have personally been advised membership relies on a NSW government agency email address as a qualifier.

Indeed, both the Information and Privacy Commissioners participate.

To claim members are not representing the views of an employee agency is decidedly false and misleading.

At present I have accessed NIPPN records listing (18) eighteen ***@justice.nsw.gov.au*** email addresses as evidence of DCJ membership with this 'club'.

The actions to undermine Mr Gladstone's legally enforceable rights were documented in NIPPN Meeting Minutes.

Likewise realising the epidemic to embrace and uphold Chatham House Rules is crucial to understanding the mentality of trusted individuals such as Ms Jodie Cobbin, who incidentally stated under oath in July 2024 she relied on the Rules to protect one of her departmental presentations.

Offender Corrupt Conduct

As mentioned, this report concerns the corrupt conduct of the OGIPU's Ms Jodie Cobbin. Information about the NIPPN organisation is foundational to understanding how the corrupt conduct occurred and continues to occur.

Jodie Cobbin Breaches the Public's Privacy:

On 27th March 2019 Ms Jodie Cobbin did make a public presentation to the whole of the state's population of right to information and privacy officers during a NIPPN meeting.

The presentation took place in a public venue, Jubilee Room at Parliament House Sydney.

That presentation is confirmed created in government time, utilising government equipment, government resources, a departmental Powerpoint template, and was signed off as Jodie Cobbin the author. Ms Cobbin also used a departmental USB device to remove the presentation from the workplace in order to make its content available in a remote public venue.

The presentation was titled "***Tale of a Fixated Applicant***", in the context of the GIPA Act 2009. The title infers the presentation concerns (1) one access applicant.

The presentation included Ms Cobbin's punitive management strategy for dealing with those she had labelled as fixated.

Subsequent to a formal access application and review in the NCAT forum concerning that presentation, DCJ as respondent filed submissions dated 13th June 2023 repeatedly disclosing Ms Cobbin's use of the public's personal information within the presentation being sufficient in detail that, *"…… using the mosaic effect one could reasonably ascertain the identity and personal information contained within….."*

This disclosure suggests each of the recipients of Ms Cobbin's presentation was readily able to identify the individual the subject of the presentation, which she openly pointed to and made no efforts to duly deidentify.

That is to say, the whole of the NIPPN membership which includes individuals from private enterprise, could identify the personal example(s) used by Ms Cobbin.

These actions do not align with either the GIPA or PPIP Acts.

This action to breach the public's privacy and share a recommended punitive management strategy is documented in NIPPN Meeting Minutes.

This action by Ms Cobbin to breach the public's privacy sees her set an example of what the Department considers acceptable conduct when it is clearly anything but.

This action to breach the public's privacy and circulate a recommended punitive management strategy is also documented in the case of ***Webb v Dept of Communities & Justice (2024) NSWCATAD 238***.

The case of ***Webb v Dept of Communities & Justice (2024) NSWCATAD 38*** evidences Ms Cobbin did not first seek the public's consent to use its personal information for a purpose other than what it was collected for.

The public's personal information is solicited as part of the access to information process, establishing the provision of personal information is mandated under the GIPA Act 2009 Section 41.

Not providing the personal information of the access applicant would see the application invalid.

Indeed, the Department's current Access to Information Forms and general information does not make any disclosure it would use the collected information for educational or training purposes.

Neither does the Department's current Access to Information Forms and general information make any disclosure it would make the collected information available to third party agencies.

Neither does the Department's current Access to Information Forms and general information make any disclosure it would make the collected information available to non-government entities including private enterprise.

As such, the collateral use of the public's personal information for a purpose other than what it was originally collected for is corrupt conduct.

Jodie Cobbin Circulates Recommended Punitive Management Strategies:

On 27th March 2019, Justice NSW's Director / Business Unit Manager Open Government & Privacy Unit (OGIPU) Ms Jodie Cobbin, did make a public presentation to the whole of the state's population of right to information and privacy officers.

The presentation took place in a public venue, Jubilee Room at Parliament House Sydney.

That presentation is confirmed created in government time, utilising government equipment, government resources, a departmental Powerpoint template, and was signed off as Jodie Cobbin the author. Ms Cobbin also used a departmental USB device to remove the presentation from the workplace in order to make its content available in a public venue; all done within general business hours.

The presentation was titled "***Tale of a Fixated Applicant***", in the context of the GIPA Act 2009.

Subsequent to that presentation and in response to my access application seeking an unredacted copy of that presentation, a departmental solicitor made submissions to NCAT dated 13th June 2023 repeatedly disclosing Ms Cobbin's use of the public's personal information sufficient in detail that, *"…… using the mosaic effect one could reasonably ascertain the identity and personal information contained within….."*

This disclosure suggests each of the recipients of Ms Cobbin's presentation were readily able to identify those members of the public pointed to in her presentation.

That is to say, the whole of the NIPPN membership which includes individuals from private enterprise, could identify the personal examples used by Ms Cobbin.

These actions do not align with either the GIPA or PPIP Acts, both of which bind the Crown.

The OGIPU's timely public submission on the NCAT Statutory Review just weeks later (25th July 2019) made clear to the world at large those targeted examples were Mr Peter Zonnevylle and Mr Joseph Zidar.

Ms Cobbin's presentation contained a number of harmless and inconsequential behaviours and actions by her subject(s) which she used to justify retaliatory control measures on the part of the OGIPU, including:

- That an access applicant's individual writing style, such as using bold, underlining or highlighting of text, should be classified as bullying, threatening and intimidating behaviours, leading to the criminalisation of an individual's preferred writing style
- That seeking meetings and repeatedly asking for outstanding responses to departmental correspondence was unacceptable conduct on the part of an access applicant
- That she recommended involving NSW Police
- That she recommended seeking Section 110 Orders of Restraint
- That she recommended seeking Costs Orders
- That she recommended collaborating with secondary agencies
- Other "management" strategies were redacted and withheld from public knowledge.

These are shocking recommendations from a department titled Open Government Information and Privacy Unit, particularly when it is acting in complete contradiction to what the public expects of it.

However, when considered against the exercise of powers Ms Cobbin has been accustomed to in her former professional life as a NSW Police Superintendent, it becomes clear she blurred the line between police officer and public servant clerk.

This indeed is a very dangerous scenario particularly when the public's rights are undermined, legislation is abused and misused, and decision makers set themselves above the laws that bind them.

The recommendation to explore a Section 110 Order is also dependent upon access applications being determined as unmeritorious, a simple matter of denying information exists or is an unreasonable use of agency resources without the need for evidence, which numerous members of the public have personally experienced.

At the conclusion of her presentation Ms Cobbin invited feedback and commentary from the whole of the state's right to information and privacy officers, nominating the department's generic email address infoandprivacy@justice.nsw.gov.au.

There are a number of serious issues with this singular action on the part of Ms Cobbin:

1. Jodie Cobbin ignored her statutory obligations under the PPIP Act 1998 to protect and safeguard the public's personal information, breaching the public's privacy in a public forum which included individuals from private enterprise.

2. Jodie Cobbin has maintained her punitive management strategy was her own creation and was not a departmental policy document.

3. Jodie Cobbin created and implemented a personal policy without following due departmental process (the policy is not locatable on the DCJ website).

4. In admitting to personally creating and disseminating her punitive management strategy she is confirmed to have used departmental resources including work time, laptop, document template, and USB device to remove the document from departmental premises.

5. Jodie Cobbin did not seek departmental approval for the implementation of the presentation / the department's punitive management strategy, but created the strategy as she viewed the NSW Ombudsman's document titled *Managing Unreasonable Complainant Conduct* insufficient for her purposes and intentions.

6. Jodie Cobbin then subsequently invited third party agency commentary and feedback. There is no indication that invitation excluded private enterprise.

7. A subsequent valid access application seeking a copy of the responses from the recipients of Ms Cobbin's presentation returned a response of '*information not held'*; hardly believable and not supported by any evidence. No doubt the public's inquiries into this instance of Ms Cobbin's corrupt conduct caused the department to shut down and prevent any further embarrassment of its Director / Business Unit Manager OGIPU.

It is important to note the case of ***Webb v Dept of Communities & Justice (2024) NSWCTAD 238*** states:

36 "The relevant information in the slides which the Information Commissioner states "could possibly be construed" as being a policy is very brief. While Ms Cobbin states the strategies identified are unique to her unit in DCJ, they also appear to be a work in progress with the slide titled "Our strategies so far?" and the minutes of the meeting recording that Ms Cobbin sought further input from the practitioners present at the meeting. I am not satisfied that the information comes within the meaning of a policy. It is therefore not open access information."

This leads to the conclusion Ms Cobbin managed to convince the NCAT this is an evolving, live document open to change and amendment; it not a temporary strategy.

The action of Ms Cobbin's public presentation is documented in NIPPN Meeting Minutes.

These actions to recommend punitive response and management strategies against an unsuspecting public inclusive of recommending unlawfully seeking legal costs constitutes corrupt conduct.

Additionally, creating and implementing policy absent of due departmental process constitutes corrupt conduct.

Jodie Cobbin Solicits NIPPN for Information on the False Premise of a Departmental Study:

On 12th June 2019, Justice NSW's Director / Business Unit Manager Open Government Information & Privacy Unit (OGIPU) Ms Jodie Cobbin, did solicit the whole of the state's right to information and privacy officer population through the NIPPN group mechanism, asking for information supposedly relating to problematic GIPA applicants.

The presentation took place in a public venue, Jubilee Room at Parliament House Sydney.

Ms Cobbin provided her departmental email address for the purpose Jodie.cobbin@justice.nsw.gov.au.

Ms Cobbin justified her solicitation by claiming the OGIPU was conducting a departmental study, which was false and misleading.

There was no departmental study, it was a ruse for gaining access to the public's personal information and for accessing records held by secondary agencies.

Having the benefit of hindsight, it is more likely Ms Cobbin was collecting the public's personal information for the compilation of dossiers.

Ms Cobbin is an ex-NSW Police Superintendent and accustomed to accessing the public's personal information without limitation, but it is clear the lines of delineation between previous police work and current departmental clerk appear to be of no consequence to her.

A subsequent GIPA application for information relating to the claimed study returned a determination of '*information not held*.' This is expected to be entirely due to the fact Ms Cobbin deliberately acted to unlawfully access the personal information of members of the public, which demanded agency obstruction from public access to those solicited documents in order to conceal her actions.

Release of the requested information would have resulted in embarrassment to the agency, Ms Cobbin herself, and all those who responded to her solicitation.

Ms Cobbin's request in an open public forum was made to the whole of the NIPPN membership inclusive of private enterprise under the false premise of Chatham House Rules.

Additionally, by seeking out secondary agency information and records for a claimed Dept of Communities & Justice study, Ms Cobbin exemplified the fact NIPPN Terms of Reference stating at *1. Role and Purpose "……Practitioners are not considered to be representing the view of their respective agencies….."* is completely false and misleading.

This action to solicit information on the false premise of a departmental study was documented in NIPPN Meeting Minutes.

This action to solicit information on a false premise was corrupt conduct.

Jodie Cobbin Acted to Access Information Outside of the GIPA Act 2009:

On 12th June 2019, Justice NSW's Director / Business Unit Manager Open Government Information & Privacy Unit (OGIPU) Ms Jodie Cobbin, did solicit the whole of the state's right to information and privacy officer population through the group mechanism, asking for information supposedly relating to problematic GIPA applicants.

The presentation took place in a public venue, Jubilee Room at Parliament House Sydney.

Ms Cobbin provided her departmental email address for the purpose Jodie.cobbin@justice.nsw.gov.au

Ms Cobbin is an ex-NSW Police Superintendent and accustomed to accessing the public's personal information without limitation, but it is clear the lines of delineation between previous police work and current departmental clerk appear to be of no consequence to her.

Ms Cobbin's request in an open public forum was made to the whole of the NIPPN membership inclusive of private enterprise under the false premise of Chatham House Rules.

Regrettably, these actions by Ms Cobbin show her amenability to bypass and disregard legislated access to information processes, effectively leaving no paper trail unless in the case of her solicitation of 12th June 2019 the Minutes of the Meeting utilised for the purpose are made public knowledge.

In making her request directly to the whole of NIPPN membership which totalled approximately (500) five hundred at that time, Ms Cobbin ignored the Department's statutory obligations under the GIPA Act 2009, to save time and the estimated departmental cost of $15,000.00 for the Application fees of $30.00 each.

Additionally responses from NIPPN members would be direct and not incorporated within the department's statutory reporting functions under the GIPA Act 2009 Section 125.

Likewise any statutory obligation to undertake legislated third party consultations under the GIPA Act 2009 Section 54 was bypassed.

By default, Ms Cobbin's actions have directly implicated every member of NIPPN, under the GIPA Act 2009 Sections 116, 117, and 119 at minimum.

These actions to deliberately intend to access NSW government information in breach of the legislation does not align with the object of the GIPA Act 2009, which is to ensure open, transparent and accountable government.

This action to obtain records from secondary agencies in breach of the GIPA Act 2009 is documented in NIPPN Meeting Minutes.

By her actions Jodie Cobbin ignored the binding nature of the GIPA Act 2009 on the Crown.

This action to completely bypass binding legislation and obtain government information unlawfully was corrupt conduct.

OGIPU Submission - NCAT Statutory Review – Undermine Legislation

On 25th July 2019 the OGIPU is evidenced to make submissions towards the NCAT Statutory Review.

As the Director / Business Unit Manager of the OGIPU, ultimate responsibility and accountability for all actions, submissions, articles, proposals, recommendations, etc sit with Jodie Cobbin.

In this regard she is unable to deny knowledge or approval of such.

Firstly, the OGIPU has made personal specific reference to individuals who, by using the mosaic effect, are easily and readily identifiable.

This is construed as corrupt conduct given this is a public submission from Ms Cobbin's unit of responsibility, and where members of the public have been singled out for the purpose of supporting the OGIPU's 'proposal'.

Under its heading "*Proposals*" the OGIPU sets out its recommendation that all access applicants (and likely privacy applicants) be treated in line with the current GIPA Act 2009 Section 110 Restraint Order process at first instance of seeking administrative review in the NCAT.

Again, this recommendation is based on the claimed actions of (2) two individuals in a state which holds in excess of 8million citizens. Hardly an objective or justifiable percentage of the 'problems' demanding such a militant response.

The recommendations exhibit an excessive desire to control members of the public and to usurp the legal right to access NSW government information.

Thankfully the parliament rejected this medieval recommendation of ultimate power and control.

What is important however is the exposing of the entrenched attitudes of control and punishment Jodie Cobbin believes are relevant to the exercise of good government.

On its own, and the fact the submission makes clear it originates from the OGIPU, it is a dangerous representation of how the public can expect the Department to respond to access and privacy applicants endeavouring to exercise their legal rights.

By breaching the public's privacy within a formal public submission towards legislative amendment for the purposes of influencing the NSW Parliament and responsible Minister, Jodie Cobbin acted corruptly.

OGIPU Endorses Breach of GIPA Act 2009 Section 126

Section 122 makes clear the GIPA Act 2009 binds the crown.

That binding extends to Jodie Cobbin and her subordinate staff.

Section 126 (d) makes clear a notice in response to an access application "*must include the contact details of an officer of the agency to whom inquiries can be directed in connection with the decision or other action of the agency with which the notice or notification is concerned.*"

However, Jodie Cobbin's department regularly issues notices in response to an access application absent of the contact details of the relevant officer, and instead utilises pseudonyms.

Excuses to date include reference to the ***Work Health & Safety Act 2011 Section 19 – Primary Duty of Care***.

Regardless, the endorsement and encouragement of Jodie Cobbin that her staff use pseudonyms in contravention of the GIPA Act 2009 Section 126 is corrupt conduct.

OGIPU Abuse of the GIPA Act 2009 Section 110

First, it is important to lay the foundations for these serious actions to abuse and misuse the GIPA Act 2009 Section 110.

Schedule 4 Interpretative provisions, 1 Definitions makes reference to the term 'access applicant', describing it as the applicant in relation to an access application.

There can be no mistaking this interpretative provision intends to impress upon delegated officers the singular context of an access applicant.

There is no reference whatsoever to access applicants, multiple applicants, more than one applicant, group or groups of applicants, etc.

Each access application is expected to originate from an access applicant.

Indeed Section 110 makes reference to 'acting in concert' as offensive.

Section 41 supports this notion mandating the provision of personal information of an access applicant; and particularly there is no room for an organisation or entity within Section 41.

Indeed, the GIPA Act 2009 consistently makes reference to the word APPLICANT.

The GIPA Act 2009 uses the word APPLICANT a total of (164) one hundred and sixty-four times.

In contrast, the GIPA Act 2009 uses the word APPLICANTS once only, at Section 129 (2) (d).

As such any action by an agency outside of those clear parameters must be viewed as a breach of the legislation and a false statutory interpretation of the Object and Purpose of the Parliament's beneficial legislation.

This extraordinary disclosure encompasses several aspects in one particular case, all of which demands due accountability including:

- Exorbitant cost of proceedings
- Wasting limited public resources
- Colluding with secondary agencies
- Joining Disqualified Applicants to proceedings
- Joining Disqualified Respondents to proceedings
- Misrepresenting parameters of legislation

That case is ***Dept of Communities & Justice & Ors v Webb & Ors***, currently reserved.

In line with Ms Cobbin's presentation of March 2019, she continues to label valid access applicants, clients of the Department according to the Code of Ethical Conduct, with denigrating unqualified terms such as fixated. Her staff use such terms including querulous.

These terms often find their way into notices in response to valid access applications.

On 04th October 2024 the OGIPU under Ms Cobbin's direction did make an Application for a Restraint Order under the GIPA Act 2009 Section 110, ***Dept of Communities & Justice & Ors v Webb & Ors***.

There can be no doubt the collaboration between the (3) three Applicants by that particular date was the direct result of the media release (9) business days prior, and such this particular Section 110 Application is considered unadulterated retaliation: "***Toxic State Government Behaviours Exposed! - Public's Ongoing Investigation into NSW Right to Information and Privacy Officer Behaviours and Activities Reveals Cartel Posse Mentality, Denigrating Legislated Rights and Undermining Beneficial Legislation***, 23.09.2024, " *https://nswfreedomofinformation.net/media-releases/media-2024/.*

Indeed, submissions made to the NCAT dated 14th December 2024 document the OGIPU's labelling of me personally as a fixated access applicant; no doubt to influence determining Tribunal Members.

The instructed solicitor was in-house of DCJ, Mr Justin Cahill.

The Application is intended to set a new precedent; multiple Applicants against multiple Respondents, scooping up a group of individuals in the one net, with the inclusion of a business entity under the desired Section 110 Order(s).

The Applicants are:

- Dept of Communities & Justice
- Port Stephens Council
- Goulburn Mulwaree Shire Council

The Respondents are:

- Telina Webb
- Paul McEwan
- DraftCom Pty Ltd

In order for the Applicants to join the proceedings as a collective it was necessary to collaborate and share the Respondent's personal information between each other.

These actions constitute collusion and breach of the public's privacy.

This was Jodie Cobbin's methodology "***Tale of a Fixated Applicant***" in action, as she had highlighted agencies should collaborate and seek a Section 110 Order as '*the light at the end of the tunnel*' for dealing with claimed problematic access applicants.

The qualifier for a Section 110 Application is set out at Section 110 (1), specifically:

110 Orders to restrain making of unmeritorious access applications

(1) NCAT may order that a person is not permitted to make an access application without first obtaining the approval of NCAT (a restraint order) if NCAT is satisfied that—

(a) at least 3 access applications (to one or more agencies) in the previous 2 years have been made that lack merit, and

(b) the applications were made by the same person or by any other person acting in concert with the person.

It is noted subsections (a) and (b) are joined by the word AND, which indicates the qualifiers are all inclusive and not exclusive to each subsection.

The Applicants in these Section 110 proceedings comprised of Dept of Communities & Justice (the OGIPU), Port Stephens Council, and Goulburn Mulwaree Shire Council.

Section 110 does not facilitate the making of Restraint Order Applications against multiple respondents.

Neither does Section 110 provide any mechanism for the making of Restraint Order Applications against any person disqualified by subsection 1.

However, in October 2024 Port Stephens Council and Goulburn Mulwaree Shire Council became joint Applicants with the Dept of Communities and Justice in proceedings against my husband and I and my husband's company DraftCom Pty Ltd.

Notably, neither my husband or DraftCom Pty Ltd qualified as a recipient of a Section 110 Order by any of the Applicants.

The matter was heard on 10th and 11th March 2025 and is currently reserved. Should the OGIPU's Section 110 Application be successful it will be appealed.

Given the OGIPU's disclosure at 14th December 2024 that the filing of submissions and evidence cost the Department a staggering $295,592.88, before time spent considering the Respondent's Submissions and evidence, before attending the actual proceedings, before paying accommodation, travel and meals, the NSW government should expect that appeal to double at minimum as the OGIPU makes its anticipated defence.

This momentous Section 110 Application, with the OGIPU setting example, will likely see the following scenario as the public's reality:

"Hypothetical Scenario:

Senator David Shoebridge is on the public record lodging access applications in NSW, lodged on parliamentary letterhead.

At times the Senator's access applications have been lodged on departmental letterhead on his behalf. The Senator is known for calling government to account.

Most of those requests for information were successful either in full or in part.

However, over a period of the past (2) two years Senator Shoebridge's office has received (3) three agency responses of claimed unmeritorious access applications.

Those (3) three agency responses were from individual separate agencies.

*As a result the (3) three agencies, being in receipt of the OGIPU's presentation "**Tale of a Fixated Applicant**" in March 2019, collude at a NIPPN meeting under the officially debunked Chatham House Rules with intentions to lodge a collective Section 110 Application against the Senator and his staff.*

Given the content and context of the Applicants' current Application for Section 110 orders against the Respondents in these proceedings, and on the basis the Application was approved and is now caselaw, should the Tribunal expect to see the Senator, his staff and the government he serves listed as Respondents on a claim of acting in concert on the basis the Senator utilises departmental letterhead and his staff may have from time to time signed off on the access applications on his behalf?"

Closing:

At first instance and at minimum, Jodie Cobbin should be removed from her position.

She has displayed her willingness to continually act according to her own rules and has created her own personal policy in one instance to do that.

The Department of Communities and Justice is expected, by its title, to act for the benefit of NSW communities and ensure justice is not only seen to be done but that it is done.

The Department cannot ignore the trail of collateral damage the result of Jodie Cobbin's decisions and actions.

The public has the right to expect the highest standards from its public servants, particularly those at the executive level.

Having regard for the documented public actions by the Director / Business Unit Manager, OGIPU Ms Jodie Cobbin, it is evident the Department's Fraud and Corruption Control System Policy has been repeatedly and continuously ignored and denied by her in the course of her duties in that executive role and as a role model and representative of the Department of Communities and Justice.

Jodie Cobbin by her instruction and oversight of the current Section 110 Application costing the Department $295,592.88 to 14th December 2024, has determined to access and use the Department's finite financial resources for purposes outside of the legislation to seek orders outside of the Tribunal's jurisdiction to grant.

Any reasonable person would agree Jodie Cobbin's intention is to obstruct my legal rights to access NSW government information and silence me, extending her corrupt conduct.

Further, Jodie Cobbin continues to ignore the fact legislation binds the Crown; she effectively makes up her own rules, often covertly, to the detriment of the public she serves (her clients) and to the perversion of the legislation itself.

If not for the public's exercising legally enforceable rights under the Government Information (Public Access) Act 2009, those actions may have remained hidden from public scrutiny and due accountability.

Jodie Cobbin has brought the Department of the NSW Attorney-General and indeed the broader NSW government into serious disrepute, has deliberately acted to usurp her delegated authority, has accessed and wasted likely unquantifiable public resources, has acted outside of the legislation, has recommended other NSW government employees act outside of the legislation and in a punitive manner against the Department's clients knowingly causing those clients irreparable financial, reputational, and emotional damage.

Jodie Cobbin has endorsed the breaching of the GIPA Act 2009 Section 126 by facilitating the use of pseudonyms throughout her department. This action also undermines the Department's *Code of Ethical Conduct Section 8.13*.

Jodie Cobbin's personal recommendation in March 2019 to unlawfully seek costs in the context of GIPA and PPIP has been completely effective in the following proceedings, (3) three of which were successful and (1) of which thankfully failed.

- ***Webb v Port Stephens Council (2023) NSWCATAD 137***
- ***McEwan v Port Stephens Council (No. 2) (2022) NSWCATAD 308***
- ***FHH v Port Stephens Council (No. 2) (2023) NSWCATAP 282***
- ***McEwan v Port Stephens Council (No. 2) (2022) NSWCATAD 308***

On 16th April 2025, despite being fully informed the costs claims were unlawful and outside of the Tribunal's jurisdiction to award, Port Stephens Council issued Bankruptcy Notices against my husband and I for the monies it claims is outstanding.

Initially, that is in 2022, my husband and I made some payments towards these claims, but when we became properly informed they were not founded in law we stopped, duly advising Port Stephens Council accordingly, that the NCAT has not at any time had jurisdiction to consider or award those costs applications being in the context of GIPA and PPIP.

As such the total amount was approximately $55,000.00 for endeavouring to access both pieces of the public's beneficial legislation; GIPA and PPIP.

In this regard Jodie Cobbin through her personal recommendation to seek costs in a no costs forum and outside of the legislation is accurately identified responsible and culpable, exposing the state of NSW to a serious position of risk as a result.

As an individual with access to unlimited legal and financial resources Jodie Cobbin must be seen as a person who understands the statutory regimes in which she operates as in the case of ***Council of the Law Society of NSW v DXW (2019) NSWCATAD 101***:

> *56 "……They are not to be regarded as unsophisticated members of the community with limited literacy skills and a limited understanding of the statutory regimes in which they are operating……"*

Neither GIPA or PPIP accommodate costs claims. That is costs claims in the context of legal costs awarded against an access or privacy applicant.

GIPA does provide a mechanism for an agency to pay an access applicant's costs.

PPIP does provide a mechanise for an agency to be ordered to pay compensation to a privacy applicant.

The public recommendation to seek costs against access and privacy applicants can only be construed as deliberately punitive, knowing the legislation does not permit such action.

Such actions cannot be ignored or excused as acceptable under any circumstance.

Such actions are completely dependent on an ignorant public who has not properly interpreted the legislation, and where an application for costs relies upon one party maintaining an advantage over another as in the case of ***Commercial Bank of Australia v Amadio (1983) 151 CLR 447; (1983) HCA 14***:

> *(1) ……"unconscionable conduct" is usually taken to refer to the class of case in which a party makes unconscientious use of his superior position or bargaining power to the detriment of a party who suffers from some special disability or is placed in some special situation of disadvantage…….*
>
> *(12) the jurisdiction of courts of equity to relieve against unconscionable dealing ……. is long established as extending generally to circumstances in which (i) a party to a transaction was under a special disability in dealing with the other party with the consequence that there was an absence of any reasonable degree of equality between them and (ii) that disability was sufficiently evident to the stronger party to make it prima facie unfair or "unconscientious" that he procure, or accept, the weaker party's assent to the impugned transaction in the circumstances in which he procured or accepted it. Where such circumstances are shown to have existed, an onus is cast upon the stronger party to show that the transaction was fair, just and reasonable…….*
>
> *(22) ……. if A having actual knowledge that B occupies a situation of special disadvantage in relation to an intended transaction, so that B cannot make a judgment as to what is in his own interests, takes unfair advantage of his (A's) superior bargaining power or position by entering into that transaction, his conduct in so doing is unconscionable. And if, instead of having actual knowledge of that situation, A is aware of the possibility that that situation may exist or is aware of facts that would raise that possibility in the mind of any reasonable person, the result will be the same*

I look forward to receiving the Secretary's return letter of acknowledgement with case file number, and notification of your course of action and resultant outcome(s) at first opportunity as I expect to be kept fully informed.

I confirm this document remains public.

All information, documents and records referred to are available either online or via the OGIPU itself including the Bankruptcy Notices copies of which were provided to it on 31st January 2025.

Regardless, I am able to provide any document referred to at any time that suits.

Yours Sincerely

Telina Webb

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