

Monday 18th August 2025

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Office of the NSW Crown Solicitor
Ms Karen Smith
GPO Box 25
Sydney NSW 2001

Copy to:
NSW Attorney General
The Honourable Michael Daley
GPO Box 5341
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Copy to:
NSW Premier
The Honourable Chris Minns
GPO Box 5341
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Copy to:
Office of the NSW Public Service Commissioner
Ms Kathrina Lo
GPO Box 3988
Sydney NSW 2001

Dear Madam Crown Solicitor and interested parties,

REPORT – ABUSE & FALSE REPRESENTATION OF LEGISLATION

• ***Ms Kiri Sue Mattes – Principal Solicitor***

It is with the deepest regret I write to you today to inform you of ongoing actions constituting numerous instances of abuse and false representation of the legislation on the part of Principal Solicitor Kiri Sue Mattes.

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



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I write to you firstly Madam Crown Solicitor, and to other interested parties I anticipate will expect your outcome report.

I rely on a number of published documents including:

- Crown Solicitor's Corporate Governance Framework
<https://cso.nsw.gov.au/content/dam/dcj/crown-solicitor-office/policies/cso-corporate-governance-framework.pdf>
- Crown Solicitor's Code of Conduct
<https://cso.nsw.gov.au/content/dam/dcj/crown-solicitor-office/policies/cso-code-of-conduct.pdf>
- Code of Ethics & Conduct for NSW Government Sector Employees
<https://www.nsw.gov.au/departments-and-agencies/dciths/policies-plans-and-procedures/code-of-ethics-and-conduct>
- The Government Sector Employment Act 2013
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-040>

These policies and the legislation make clear there is a level of expectation of conduct that does not diminish or extinguish the responsibilities of an employee of the Crown Solicitor's Office.

As such the public has the right to rely on the policies and legislation applicable to the Crown Solicitor's Office.

There is also the fundamental expectation every employee of the Office of the NSW Crown Solicitor is fully informed about the policies, legislation and the expected non-negotiable standard of conduct.

Informer Background

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 also 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, available at www.nswfreedomofinformation.net.

I process large numbers of broad enquiries given this is the only service of its kind for the assistance of the NSW 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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I also publish articles of interest for the public's information and understanding concerning how NSW government agencies exercise delegated authority mostly in the context of access to government information.

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 other agencies in recent years.

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

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 Mattes has enjoyed numerous titles in her employ with the Crown Solicitor's Office including Principal Solicitor and Special Counsel.

She became a solicitor in 2003.

Apart from her published accomplishments in her capacity as solicitor, Ms Mattes is also well known for facilitating training concerning the Government Information (Public Access) Act 2009, GIPA.

Notably she is not accredited to facilitate training of any kind, and indeed under oath in October 2022 stated "*I don't need accreditation, I'm a solicitor.*"

Regardless, Ms Mattes enjoys some notoriety for her GIPA training which is facilitated through the Crown Solicitor's Office.

That training is made exclusively available to NSW government agencies.

Further in October 2022, Ms Mattes disclosed under oath words to the effect "*the GIPA training provides a gateway to the CSO's provision of legal services.*"

The Crown Solicitor's GIPA Training is promoted directly to the whole of the state's population of Right to Information Officers through the NSW Right to Information & Privacy Practitioners Network, or NIPPAN.



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Ms Mattes attends the NIPPN quarterly meetings where she provides commentary on recent GIPA cases, documented on numerous NIPPN Minutes of Meetings.

In this regard there can be no mistaking Ms Mattes has extensive knowledge of the GIPA Act 2009.

She is a qualified solicitor.

She provides training for the GIPA Act 2009.

She provides legal commentary on GIPA cases.

She routinely represents NSW government agencies as Respondent in NCAT proceedings.

Despite all of these points highlighting Ms Mattes' legal expertise and extensive knowledge of the GIPA Act 2009, she repeatedly makes misrepresentations to the NSW Civil & Administrative Tribunal, NCAT, concerning Costs Applications.

It is extremely regrettable to see such are well-documented in caselaw.

Beneficial Legislation

The GIPA Act 2009 is the public's beneficial legislation. It was freely gifted to the NSW public by the parliament. It does not provide any benefit to government.

Madam Crown Solicitor and the interested parties are respectfully asked to note there is no mechanism within the GIPA Act 2009 for the awarding of legal costs.

The only mechanism for awarding any costs is at Section 108, 2(a).

Section 108, 2(a) concerns the awarding of costs in favour of an Applicant, payable by a Respondent Agency.

Enabling Legislation

In addition to being beneficial legislation, it is common ground the GIPA Act 2009 is also classified as enabling legislation.

It is the enabling legislation in any given case which enlivens the NCAT's jurisdiction.

NCAT is powerless to do anything without the enabling legislation.

NCAT is powerless to amend or expand on the enabling legislation.



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In this regard, it is the enabling legislation which prevails over the NCAT Act 2013.

This fundamental legal concept is also common ground underpinning accurate and quality statutory interpretation.

Offender Abuse and Misrepresentation of the Legislation

As mentioned, this report concerns the abuse and misrepresentation of the legislation by Ms Kiri Sue Mattes in the exercise of her duties as Principal Solicitor when formally representing the Office of the NSW Crown Solicitor on behalf of NSW government agencies.

It is extremely important to note the GIPA Act 2009 is beneficial legislation:

- ***Pittwater Council v Walker (2015) NSWCATAD 34***, paragraph 77:

“77 I note that the GIPA Act is beneficial legislation.....”

It is neither penal nor fiscal.

Ms Mattes, having extensive knowledge of the statutes in which she operates, being the GIPA Act on this occasion, is taken to fully comprehend her actions in relation to the exercise of those statutes.

However, there are too numerous cases listing her as legal representative in costs applications which are not based in law in the context of the GIPA Act 2009.

In this regard, Ms Mattes has clearly abused the position of trust delegated her as Principal Solicitor on behalf of the Crown Solicitor’s Office, pleading applications for costs which were at no time founded in law.

The Report of the *Statutory Review of the Civil & Administrative Tribunal Act 2013, November 2021*, addresses the Tribunal’s powers to award costs:

The *Statutory Review* document supports this position at its Page 22:

‘Costs may also be available in the absence of special circumstances in relation to some types of matters that are heard by NCAT, including:

- *Where another Act contains a specific provision governing the awarding of costs*³⁵

(See, for example, s 175B of the Health Practitioner Regulation National Law (NSW) and s 108(2)(a) of the Government Information (Public Access) Act 2009.)



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And further at the *Review* at its Page 23:

'As noted above, s 60 of the CAT Act is subject to any specific costs provisions that are contained in enabling legislation. If there are strong policy reasons why costs should follow the event in relation to a particular matter type, that position can be provided for in an enabling Act. However, this should not be the general position under the CAT Act.'

Additionally in letters of legal advice originating from the Office of the NSW Crown Solicitor (CSO) to NSW Customer Service, dated February and October 2016, the CSO made clear for an agency to enforce action under the legislation the ability to do so must arise out of that particular statute.

In other words, it must be legislated or it is precluded by law.

And yet the evidence shows Ms Mattes has repeatedly sought punitive outcomes precluded by law.

At all times Ms Mattes had full knowledge her intention and action to repeatedly place the NCAT Act 2013 Section 60 above the prevailing legislation the GIPA Act 2009 was legally defective and not founded in law.

Closing:

At first instance and at minimum, Ms Mattes should be removed from her multiple positions including that of GIPA Trainer. It is extremely concerning to see the actions of Ms Mattes which see caselaw precedent, have directly impacted on the decisions of a secondary agency and one which she has formally trained in GIPA, to seek costs in the Tribunal in contravention of the legislation.

The secondary agency is Port Stephens Council. No doubt Ms Mattes and all of the NIPP group are by now fully aware of the bankruptcy proceedings intimated by Council, the result of costs applications which were not based in law, but which were preceded by numerous successful costs applications sought by Ms Mattes' representations.

She has displayed her willingness to misrepresent the legislation, in this instance the GIPA Act 2009 which is the public's beneficial legislation.

The Office of the NSW Crown Solicitor is expected to act with the highest of integrity and quality of legal work, particularly given it comes at great expense to the public purse.

The Department cannot ignore the evidenced abuse and misrepresentation of the legislation on the part of one of its principal solicitors, particularly when that solicitor is acting out in full view of the public and on the record.



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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 Principal Solicitor Kiri Sue Mattes, it is evident a number of policies and the legislation itself have been completely ignored and denied by her in the course of her public duties in her executive role, as a role model and as a legal representative of the Office of the NSW Crown Solicitor.

Ms Mattes has completely disregarded the fact the GIPA Act 2009 binds the Crown; she has very effectively and repeatedly misrepresented the legislation.

Kiri Sue Mattes has brought the Office of the NSW Crown Solicitor and indeed the broader NSW government into serious disrepute, has deliberately acted to usurp her delegated authority, repeatedly acting outside of the legislation causing the public of NSW serious damage.

Kiri Sue Mattes has also by these documented actions exposed the state to serious risk.

Indeed, such actions disqualify Ms Mattes as a person fit to hold the prestigious title of solicitor, particularly when we consider she is likely to interact in opposition with extremely vulnerable members of the community who might also fall prey to her punitive and unlawful behaviours believing such to be legitimate.

As an individual who is formally qualified to practice law, with access to unlimited legal and financial resources courtesy of the NSW public, Kiri Sue Mattes 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.....”

GIPA does provide a mechanism for an agency to be ordered to pay compensation to an aggrieved access applicant.

However, Ms Matte’s public application to seek costs against an aggrieved access applicant can only be construed as deliberately punitive and designed to intimidate, knowing the legislation does not permit such action. Such actions cannot be ignored or excused as acceptable or explainable under any circumstance as they clearly constitute misuse and abuse of the NCAT’s administrative review processes for a collateral purpose.



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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 judgement as to what is in his own interests, takes unfair advent of his (A’s) superior bargaining power or position by entering into that transaction, his conduct is 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 Crown Solicitor’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.

Yours Sincerely

Telina Webb



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