

Tuesday 02nd June 2025

Pages Total: (2) Two

Office of the NSW Information & Privacy Commissioner

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NSW Civil & Administrative Review

Att: Administrative & Equal Opportunity Division

E: aeod@ncat.nsw.gov.au

Dear Information Commissioner

**RE: FHH (Webb) v Port Stephens Council
NCAT Matter No: 2025 – 00011655**

I refer to the Notice of Representation received via email on Friday 30th May 2025 which lists the Crown Solicitor's Kiri Sue Mattes for the Commissioner.

This letter is the Applicant's strongest objection to such representation for a number of reasons which forms the basis of a valid request for her removal and replacement with another solicitor of no less character and calibre than the Commissioner's Ms Christine Higgins:

Firstly, the CSO's core legal work does not comprise of privacy matters in the Tribunal. Whilst the CSO has made representations in privacy in the past, it is actually disqualified from doing so.

Secondly, the CSO currently sits in a clear position of conflict of interest in this matter given its privacy training services currently provided across the state which is paid for by public monies.

The CSO is on the record claiming its educational material has commercial value, leaving it with both a financial and vested interest in the outcome of these proceedings.



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Additionally, the CSO has still not disclosed the revenue raised by such training, nor where those funds have been attributed as a matter of public interest.

Thirdly, there is the very regrettable discovery Ms Kiri Sue Mattes is evidenced in earlier proceedings to have colluded with the Respondent in these proceedings Port Stephens Council.

That collusion was documented to have occurred on ledger records released by the Respondent's current legal representative at the time the Respondent made an unlawful costs application to the Tribunal.

If the Respondent in these proceedings had not made the unlawful costs application Ms Mattes' conduct would not have been disclosed.

In closing, there is no disputing Ms Mattes' legal knowledge and experience to date in her capacity as CSO solicitor, however she has shown herself to be a person who disregards mandated Codes of Conduct and Solicitors Rules when a situation suits.

As such the engagement of the CSO's Kiri Sue Mattes on this occasion is an embarrassment to the Commissioner and casts a very dark shadow upon the quality of the Commissioner's choice of legal representative on this occasion, but which the Commissioner is able to address as a matter of public interest.

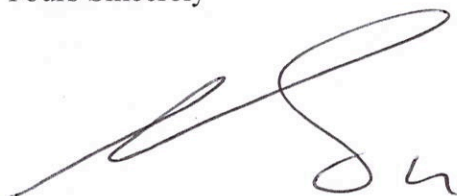
In addition to an abundance of in-house solicitors, the Commissioner is expected to have access to a legal services panel from which to choose a representative.

Additionally, Ms Mattes' documentation has still not been filed at the Registry in accordance with the Tribunal's Orders leaving the Commissioner in breach of the Tribunal's Directions.

The public has the right to expect much more from the Commissioner on occasions such as this one, particularly as the Commissioner has confirmed the public as its major stakeholder.

Thank you for your very kind assistance.

Yours Sincerely



Telina Webb



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