

From: LEGAL
To: contact@righttoknow.org.au
Subject: RE: Request to remove material from the Right to Know website [SEC=OFFICIAL Sensitive, ACCESS=Legal-Privilege]
Date: Friday, 8 November 2019 3:05:28 PM
Attachments: [image012.png](#)

OFFICIAL:Sensitive
Legal privilege

Dear s.22,

I confirm that the Commission has no concerns with you providing the correspondence between Rtk and the Commission regarding the request to remove certain names from the website, removing direct telephone numbers.

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600

GPO Box 3176 CANBERRA ACT 2601

Please note I do not work Mondays

t: 02 s.22 w: www.apsc.gov.au



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From s.22

Sent: Thursday, 7 November 2019 4:54 PM

To: LEGAL

Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22

Thanks for your call earlier today and just now. I've gone ahead and hidden the spelling variations in line with our previous conversations. As I mentioned on the phone, we've received a request from the applicant for a copy of the correspondence we've had with the APSC in relation to this request.

Further to our call just now, could you confirm that you have no objections with us providing the correspondence to the applicant, with direct telephone numbers removed?

Thanks,

s.22

—

s.22

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On November 5, 2019, 8:38 AM GMT+8 legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Dear s.22,

Apologies, we've just found another couple of entries:

- https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11299 - shows s.22 on the above post, 6th paragraph, 4th line
- https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-9138 - shows s.22 paragraph numbered [6], 6th line

Are you able to remove these as well?

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600

GPO Box 3176 CANBERRA ACT 2601

Please note I do not work Mondays

t: 02 s.22 w: www.apsc.gov.au

three hexagons



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From: s.22 <contact@righttoknow.org.au>

Sent: Monday, 4 November 2019 9:34 PM

To: LEGAL <legal@apsc.gov.au>

Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22,

Just closing the loop on his via email - This should be all sorted now but let me know if there are any questions.

Thanks,

s.22

—

s.22

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On October 31, 2019, 6:40 AM GMT+8 legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Dear s.22,

I've had a look and thank you for removing those first names as well. Just letting you know that s.22 still appears throughout the page 9 times, are you able to remove that as well?

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

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Phone: 02 s.22 | Fax: 02 s.22 | Email: www.apsc.gov.au

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From: LEGAL <legal@apsc.gov.au>

Sent: Wednesday, 30 October 2019 4:32 PM

To: contact@righttoknow.org.au

Subject: RE: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL:Sensitive

Legal privilege

Dear s.22,

We still request that you remove the first names as well. This is because, as such a small organisation, it is still very easy to connect a person's first name and the APSC through a google search to find the full name of the person.

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

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From: s.22 <contact@righttoknow.org.au>
Sent: Wednesday, 30 October 2019 4:10 PM
To: LEGAL <legal@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22,

Thanks for flagging that. The filtering is very specific. I've added ano her rule, can you let me know if you can see it now?

If you could let me know if the 3 staff members are happy with the resolution, that would also be appreciated.

Thanks,

s.22

—

s.22

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On October 30, 2019, 1:05 PM GMT+8 legal@apsc.gov.au wrote:

OFFICIAL:Sensitive
Legal privilege

Dear s.22,

Thank you and noted

Just in case you didn't see my earlier email:

Just letting you know that one post includes s.22 (spelling error) still in it, but as it is so close to the correct spelling, would you be able to remove it as well?

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11299

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

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From: s.22 <contact@righttoknow.org.au>
Sent: Wednesday, 30 October 2019 3:59 PM
To: LEGAL <legal@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22,

Thanks for the call yesterday, it was appreciated.

In order to resolve the concerns raised, we agree to hide the below names from the request "APSC produced document for the IPA":

- s.22
- s.22
- s.22

The names should now appear as "[Name removed at request of APSC]". Please let me know if this is not the case. I have also posted an annotation on the request, which you can find here:

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#comment-2602

We are making no decision or admission that the content is defamatory. If your team have any questions, they

are welcome to reach out to us via contact@righttoknow.org.au. I ask that you don't pass on my mobile phone number to the employees in question as I am just a volunteer.

Warm Regards,

s.22

—

s.22

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On October 30, 2019, 7:13 AM GMT+8 legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Dear s.22,

Thanks for making the time to talk to s.22 and I yesterday

As discussed, you might like to review the following post on your website – we are not specifically asking you to take these down, but provide them to you as you requested:

- https://www.righttoknow.org.au/request/john_lloyd_and_peter_woolcott#incoming-15315 – post-dated 23 August 2019

I look forward to hearing from you following our discussion

Please feel free to give me a call if required

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

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From: s.22 <contact@righttoknow.org.au>

Sent: Tuesday, 29 October 2019 12:52 PM

To: LEGAL <legal@apsc.gov.au>

Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22,

Would have to be first or last thing tomorrow. I'm free for the rest of today however.

Thanks

s.22

—
s.22

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On 29 October 2019, 8:33 am AWST legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Hi s.22,

Unfortunately I'm in a meeting at that time today

How are you placed for tomorrow?

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

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t: 02 s.22 m: s.22 w: www.apsc.gov.au



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From: s.22 <contact@righttoknow.org.au>
Sent: Tuesday, 29 October 2019 11:29 AM
To: LEGAL <legal@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s.22,

Thanks for that. I'm not free until about 10:30am today. Happy for a call between 10:30am and 11:30am (Per h Time) if you've got the ime today.

My number is s.22. Just so we are clear, I'm a volunteer with Right to Know, so I'm not always available on phone, and I'm providing my number to you for the limited purpose of discussing your concerns on his issue at a pre-agreed time.

Thanks,

s.22

s.22

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On 29 October 2019, 6:17 am AWST legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Hi s.22,

What's your telephone number?

I can try you between 12 15-2 30pm Canberra time – which I understand is 9 15-11 30am, it is possible I can call you at 4pm (1pm) but will depend on how the day falls out

Otherwise tomorrow I am more flexible Can you let me know a specific time you would be available and I'll give you a ring?

s.22

s.22

General Counsel, Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

Please note I do not work Mondays

t: 02 s.22 w: www.apsc.gov.au

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From: s.22 <contact@righttoknow.org.au>
Sent: Monday, 28 October 2019 8:24 PM

To: LEGAL <legal@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi **s.22**,

I'm participating in a Webinar tomorrow morning. Could we catch up tomorrow afternoon?

Thanks,

s.22

s.22

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On 25 October 2019, 8:49 am AWST legal@apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

My apologies – can we make that Tuesday?

s.22

Legal Services

Australian Public Service Commission

Level 3, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

t: **02 s.22** w: www.apsc.gov.au

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From: LEGAL <legal@apsc.gov.au>
Sent: Friday, 25 October 2019 9:18 AM
To: contact@righttoknow.org.au
Cc: LEGAL <legal@apsc.gov.au>
Subject: RE: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

OFFICIAL:Sensitive

Legal privilege

Hi **s.22**

s.22 (General Counsel) is out of the office today. Can we arrange a time to discuss on Monday?

Regards

s.22

Legal Services

Australian Public Service Commission

Level 3, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

t: **02 s.22** w: www.apsc.gov.au

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From: **s.22** <contact@righttoknow.org.au>
Sent: Thursday, 24 October 2019 5:32 PM
To: **s.22** <s.22@apsc.gov.au>
Cc: LEGAL <legal@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi **s.22** (and Legal Team),

I wouldn't mind having a chat with someone on the phone about this request to further understand your concerns.

I'm Perth based and a volunteer, so either really early in the morning or later in the evening are best for me.

Would you be free for a call tomorrow morning?

Thanks,

s.22

s.22

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On 24 October 2019, 10:36 am AWST

s.22 @apsc.gov.au wrote:

OFFICIAL:Sensitive

Legal privilege

Dear s.22

s.22 has asked me to forward you the following examples:

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-8948

- 'I reject s.22 spurious claim that releasing the names of the APSC staff members involved in this matter would be unreasonable including because that would expose those staff members to "public scrutiny" That claim has been made for an improper purpose and runs contra not only to the requirements of subsections 10(4) and 13(1) of the Public Service Act 1999 but also the objects of the FOI Act, including Parliament's intention expressed at paragraph 3(2)(b) of the FOI Act '

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-9138

- 'I am of the view that s.22 decision ... has been incorrectly and dishonestly made:
 - o ...
 - o for the purpose of hindering scrutiny of the unethical and illegal practices of senior APSC staff; and
 - o in contravention of s.22 legal obligations to: i) behave honestly and with integrity (s 13(1) of the Public Service Act 1999), ii) (noting s.22 involvement in the preparation of the APSC produced document for the IPA and s.22 affiliation with the IPA), take steps to manage his conflict of interest in making a decision on this matter (s 13(7) of the Public Service Act 1999); iii) to behave in a way that upholds the APS Values (s 13(11) of the Public Service Act 1999) and, iv) by personal example, behave in a manner that promotes the APS Values and APS Code of Conduct (s 35(3)(c) of the Public Service Act 1999) '

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-10861

- 'the Office of the Australian Information Commissioner advised me that it was their view that the APSC decision maker for both of those applications, s.22 (a senior executive at the APSC), had deliberately "incorrectly interpreted the scope" of my FOI applications, presumably to cover up illegal activity engaged in by the APSC In doing so, I consider that s.22 has contravened his legal obligations under the Public Service Act, and is therefore not a fit and proper person

to be employed in the Australian Public Service’

- ‘I’m of the view that **s.22**, like **s.22**, engaged in obfuscation and deception to conceal plainly corrupt activity engaged in by the APSC. On that basis, I consider that **s.22** has not only breached her legal obligations under the Public Service Act, but also her legal obligations as a practising solicitor under the Legal Profession (Solicitors) Conduct Rules 2015 including by disregarding her “paramount duty [...] to the administration of justice”, by failing to “be honest [...] in all dealings in the course of legal practice” and by failing to “avoid any compromise to [her] integrity and professional independence” Worse still, I now understand that **s.22** holds a position within the APSC that has oversight of the APSC’s Ethics Advisory Service which, among other functions, provides advice on the he application and interpretation of the APS Values and Code of Conduct and strategies and techniques for ethical decision making in the APS!!!’

- ‘That someone of **s.22** apparent character has oversight of the APSC’s Ethics Advisory Service is scandalous’

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11299

- ‘Accordingly, **s.22** decision establishes that APSC employees, such as **s.22** and **s.22**, used “inside information” to create the “APSC produced document for the IPA”’

- ‘the elements of the illegality established subsection 13(10) of the Public Service Act 1999 have been made out by the actions of APSC staffers **s.22** and **s.22**. Therefore, in my view, **s.22** and **s.22** are corrupt and are not fit and proper persons to be employed in the APS’

- ‘by providing evidence as to whether **s.22** has destroyed Commonwealth records in the commission of an offence under the Archives Act (noting that if not destroyed, there will be at least two documents captured by my request)’

- ‘- by shedding further light on whether certain APSC staff are fit and proper persons to be employed by in the APS; and ...’

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11332

- ‘Thank you for your decision, which seems to suggest that not only has **s.22** likely contravened subsection 13(10) of the Public Service Act 1999, **s.22** has also likely committed a criminal offence (under section 24 of the Archives Act 1983) by destroying or otherwise disposing of Commonwealth records’

- ‘It sure must be ethically-challenging to be General Counsel at the most corrupt agency in the Commonwealth’

Regards

s.22

Legal Services

Australian Public Service Commission

Level 3, B Block, Treasury Building, Parkes Place West,
PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

t: 02 **s.22** w: www.apsc.gov.au

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Begin forwarded message:

From: s.22
<contact@righttoknow.org.au>
Date: 24 October 2019 at 9:18:34 am AEDT
To: 's.22' <s.22@apsc.gov.au>
Subject: Re: Request to remove material from the Right to Know website [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Reply-To: contact@righttoknow.org.au

Hi s.22,

Thanks for your email. I'm one of the unpaid volunteers at the charity that looks after Right to Know.

Can you let me know specifically what in each link you've provided you are concerned with? The request in question is quite large and contains a lot of information which could be useful to other FOI applicants.

Warm Regards,

s.22

—

s.22

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On October 23, 2019,
6:55 PM GMT+8
s.22 <s.22@apsc.gov.au>
wrote:

OFFICIAL:Sensitive

Legal privilege

Via email:
contact@righttoknow.org.au

Dear Right to Know,

The Australian Public Service Commission (the Commission) has concerns about material published on the Right to Know website by third parties

Specifically, the Right to Know website includes defamatory material naming individual employees of the Commission. This material includes false and unsubstantiated allegations

These individuals have expressed serious concerns about the impact of comments published on your site on themselves, on family members (including children) and on family members' businesses

We request that you immediately remove the following defamatory posts from your website:

- Correspondence from FOI applicant

'Fliccy' dated 17
October 2019 -
https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11332

•Correspondence
from FOI applicant
'Fliccy' dated 12
October 2019 -
https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-11299

•Correspondence
from FOI applicant
'Fliccy' dated 30
June 2019 -
https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-10861

•Correspondence
from FOI applicant
'Fliccy' dated 6
July 2018 -
https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-9138

•Correspondence
from FOI applicant
'Fliccy' dated 23
May 2018 -
https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i#outgoing-8948

We note that the recent
decision of *Voller v
Nationwide News* [2019]
NSWSC 766 found that
website operators may be
liable for defamatory
comments published on
their web sites by third
parties

I would be happy to
discuss

Yours sincerely,

s.22

s.22

General Counsel, Legal
Services

Australian Public
Service Commission

Level 4, B Block, Treasury
Building, Parkes Place West,
PARKES ACT 2600
GPO Box 3176 CANBERRA
ACT 2601

t: 02 s.22 w:
www.apsc.gov.au

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