

NO RESPONSE

87

MAR 31, 2017

March 28, 2017

To: Jane Thorpe, Executive Director
Employee Performance & Conduct Directorate, DEC
Fax. 9266 80775.

AM I "SPAMMING" YOU?

Re your statement:

"As you are aware emails from your accounts have been filtered because of the amount of spam emanating from them"

I challenge the integrity of your statement.

- Please clarify / define what you mean by "spam"
- Please provide examples of these "spam" emails (especially any of those which you reviewed in GIPA 15-265)
- Please provide evidence that "spam" emanated from:

sales@issco.com.au

sales@isscoed.com.au

support@isscoed.com.au

support@issco.com.au

- Please state whether or not NSW schools are "spamming" our company with their emails requiring them also to be blocked?

You have full knowledge from GIPA 15-265, Bailey's & Southern's statement that these email addresses were blocked.

Your statement specifically refers to & includes these commercial email addresses so I rightfully challenge the integrity of your statement.

Awaiting your response

Peter Zonneville

Ph.0401 611 455

Email: pzgipa@yahoo.com.au

87

Dear Mrs Thorpe,

re your letter of March 15,2017 in response to my faxes dated Feb.24,Mar.6 & Mar.13,2017.

Noted the delays in your reply where you did not make any response to my correspondence. I regret to advise that I have some grave concerns regarding your objectivity in this matter.

1. Bailey & Southern were acting in their capacity as senior officers of DEC.
Irrespective of the circumstances,Bailey & Southern are alleged to have clearly breached GSE,PSC & Dept. guidelines & codes of conduct.
The requirements are for your officers,regardless of position to act with honesty & integrity. Making alleged false statements is not consistent with these requirements.
If EPAC is unable to provide the substantive evidence to support Bailey's & Southern's alleged false statements then there would appear to be prima facie evidence that these statements are false and their conduct contradicts the appropriate codes & guidelines
2. The alleged criminal conduct would appear to make these complaints fall within the jurisdiction of a referral to ICAC.
Awaiting your advice as to whether this referral will be made if you are unable to provide substantiating evidence for both Bailey's & Southern's alleged false statements
3. That Bailey is no longer employed by the DEC would appear to be irrelevant.
Just because she has left has no bearing on her past conduct as an officer of DEC which still has a substantive effect on our commercial interests
Please respond to each point in my Mar.13,2017 complaint regarding Bailey & Southern
4. You have not specifically responded to my questions regarding Easton.
Which requires further clarification from both of you.
Please respond to each point in my Mar.13,2017 complaint regarding Easton.
 - i. why are NSW schools having their emails "filtered" or more accurately blocked when sending enquiries to our commercial emails?
Especially as Easton has stated that there are no trading restrictions related to our company?
 - ii. You are required to advise what method of communication is the most commonly used for enquiries / ordering products from DEC procurement?
If email are the primary method (which we believe it is as it is the most convenient & fastest method) then there appears to be an alleged clear lack of good faith in Easton's statement that we can communicate by telephone & fax for our commercial activities with schools (rather than the preferred & most effective method of emailing).
 - iii. what purpose is there in blocking their unsolicited business related enquiries to our company?
You participated in GIPA 15-265 and had access to these emails which clearly show that their blocked emails are of a commercial nature (seeking goods or services from our company).
Please explain how this best serves NSW schools particularly when Bailey / Southern are alleged to have ensured that NSW schools remain unaware that their email communications with our company are being actively blocked?
Please advise whether this is an appropriate use of government property (especially given Bailey's alleged conflict of interest)???
- iv. Which further raises the question:
Doesn't Bailey (as head of DEC procurement.DEC Procurement which earns sales commissions off sales of competing products to our company) have a clear conflict of interest / conflict of duty in
 - a. ensuring that our commercial emails are blocked from sending emails to NSW schools??
 - b. ensuring that NSW schools are unable to send enquiries to us at our commercial email addresses??
 - c. Furthermore as the numerous complaints sent to the DEC concern Bailey's alleged complicity in maladministration,tender fixing & alleged corrupt conduct and Bailey is the one to authorize the blocking of our commercial email addresses,there appears to be a very personal nature to Bailey's alleged corrupt actions

5. Which brings us to the matter of your statement:

“As you are aware emails from your accounts have been filtered because of the amount of spam emanating from them”

I challenge the integrity of your statement.

- a. Please clarify / define what you mean by “spam”
- b. Please provide examples of these “spam” emails (especially any of those which you reviewed in GIPA 15-265)
- c. Please provide evidence that “spam” emanated from:

sales@issco.com.au sales@isscoed.com.au support@isscoed.com.au support@issco.com.au

- d. Please state whether or not NSW schools are “spamming” our company with their emails requiring them also to be blocked?

You have full knowledge from GIPA 15-265, Bailey’s & Southern’s statement that these email addresses were blocked.

Your statement specifically refers to & includes these commercial email addresses so I rightfully challenge the integrity of your statement

In your position as Executive Director, EPAC you are able to access the required information. I require substantiating evidence of your statement as an indication of your good faith & objectivity regarding this very serious matter.

6. a. In Bailey’s statement, she stated that she was the officer who authorized the blocking of our email addresses.
 - i. Bailey is alleged to have a clear conflict of interest (refer to the related Ombudsman’s guidelines)
 - ii. Bailey has gone and yet her legacy of alleged criminal conduct remains.

You advise that the email blocking request was made from the Procurement Directorate which appears to be quite a generalization & somewhat misleading as Bailey was the sole person authorizing this blocking.

- b. Furthermore as Southern is alleged to have made a false & defaming statement regarding our commercial activities, unless Southern can provide substantiating evidence proving her alleged false statement, the burden of fixing an alleged false & criminal action by Bailey falls on both EPAC & the ICT

7. You have mentioned “assurances” concerning spamming concerns.

Again you are required to specifically state what “spam” is and provide examples.

I believe that this is a very important matter as it is allegedly open to abuse by alleged corrupt officers such as Bailey & Southern

8. You are also reminded that I asked whether you had any conflict of interest regarding this matter. Could you please provide further details of your association with Bailey & Southern?

As senior officers of DEC I would not be surprised that you have had considerable contact with either one or both Bailey & Southern over the years. (especially Bailey)

Do you have a friendship / social connection with either of these officers? Does Easton?

The details provided by your response will be indicative as to whether you and Easton acted with integrity.

I believe that as Executive Director, EPAC you have the responsibility to ensure that your statements are factually correct & supported by credible evidence.

Your responses to date appear to be quite subjective in nature and avoids addressing important issues

Thanks for your earliest detailed response

Peter Zonneville

Ph.0401 611 455 Email: pzgipa@yahoo.com.au



Education

PRIVATE AND CONFIDENTIAL

Mr Peter Zonnevylle

By email: pzqipa@yahoo.com.au

Dear Mr Zonnevylle

I refer to your faxed letters to me dated 24 February and 6 March 2017 regarding your formal complaints concerning an allegation of serious misconduct. I apologise for the delay in responding to you but I needed to review your concerns.

I understand you have two matters relating to your allegations before NCAT which have been heard but are pending a decision. Any allegations about witnesses providing false evidence to an NCAT hearing are matters for the court, not for the Department of Education. The Department has no jurisdiction to investigate court or tribunal matters.

Further Ms Bailey is no longer an employee of the Department.

With respect to your concerns about Mr Easton's response to you, I have reviewed Mr Easton's response and have determined his response is appropriate.

As you are aware emails from your accounts have been filtered because of the amount of spam emanating from them. You have been advised by the Procurement Directorate and Mr Easton of the steps required to be taken by you for the restriction to be reviewed. I am advised that to date you have not taken these steps.

The request for your emails to be filtered was made from the Procurement Directorate, and the Department's IT Directorate would need to have that request amended by the Procurement Directorate. It would not be appropriate for IT to deal with you directly. However, you will have to supply an assurance that any spamming concerns have been addressed. You have been provided with the opportunity to provide that assurance and have not done so.

I have checked the contact numbers for Procurement Directorate and am advised they are 9244 5844 (fax) or 1300 32 32 32 (phone). The Directorate has recently changed locations so it is quite possible the numbers have changed, including direct telephone and facsimile numbers.

EMPLOYEE PERFORMANCE AND CONDUCT DIRECTORATE

Locked Bag 53 Darlinghurst NSW 1300 T 9266 8070 F 9266 8077

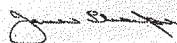
www.def.nsw.edu.au

I can find no evidence that Mr Easton has not acted with integrity. EPAC has made every effort to address your concerns and I do not believe I can assist you any further. Any further correspondence from you about these matters to EPAC will be noted and filed.

Yours sincerely

Jane Thorpe

2017.03.15



12:48:09

+11'00'

Jane Thorpe
Executive Director
Employee Performance and Conduct
15 March 2017

NO RESPONSE RECALX

MARCH 6, 2017 92

To: Jane Thorpe, Executive Director
Employee Performance & Conduct Directorate, DEC
Fax. 9266 8077

February 24, 2017

Formal complaint concerning Allegation of Serious Misconduct / Criminal conduct against

- **Joanne Bailey Chief, Procurement Officer, DEC**
- **Tracey Southern, Director ICT, DEC**

Dear Mrs Thorpe,
reference attached documents.

- i. Statement of Joanne Bailey NCAT File 1410331
- ii. Statement of Tracey Southern NCAT File 1510696

1. Bailey is alleged to have breached Sect.71 CAT Act by knowingly making a false statement to the Tribunal.

In Item 22 of Bailey's statement:

"...I caused any email correspondence from any known email address associated with spamming from Mr Zonneville to be blocked effective immediately..."

The following email addresses were blocked:

**sales@issco.com.au
sales@isscoed.com.au
support@issco.com.au
support@isscoed.com.au**

- a. The evidence submitted by Bailey with her statement allegedly did not include any evidence that the above email addresses were associated with spamming
- b. Bailey has allegedly never provided any evidence to support her alleged false statement

2. Southern is alleged to have breached Sect.71 CAT Act by knowingly making a false statement to the Tribunal.

In item. 6 of Southern's statement:

"The website & email addresses captured by this application have either been found to be spam, fraudulent or phishing agents..."

- a. Southern included our above email addresses with this statement
- b. The evidence submitted by Southern with her statement allegedly did not include any evidence that the above email addresses were associated with spamming, fraud or phishing.
- c. Southern has allegedly never provided any evidence to support her alleged false statement

3. I understand that a breach of Sect.71 of the CAD Act is a criminal offence

Both Bailey & Southern are required to provide evidence to support their alleged false statements made to the Tribunal.

In making her alleged false statement, Southern appears to be supporting Bailey's alleged false statement (I believe that Southern was involved with the initial blocking) Southern, as ICT director will have access to any evidence to support both her's & Bailey's alleged false statements (yet she did not provide it to the Tribunal)

From your participation in GIPA 15-265 you will be aware that Bailey's alleged false statement has caused us a commercial detriment.

If you have any conflict of interest in investigating these complaints please advise immediately

Awaiting your response

Sincerely

Peter Zonneville

Ph.0401 611 455 Email: pzgipa@yahoo.com.au

92

To: Jane Thorpe, Executive Director
Employee Performance & Conduct Directorate, DEC
Fax. 9266 8077

February 24, 2017

**Formal complaint concerning alleged misconduct
- Bob Easton, Director Investigations, EPAC**

Dear Mrs Thorpe,

I refer to Easton's letter of June 27, 2016 (attached)

Easton states:

"In relation to your concerns I note the Dept.'s records outline that there is no trading restriction in place against you or your company and in fact you and your company have continued to engage in business with the Dept. since 2012"

1. My complaint focused on Bailey's alleged corrupt conduct to prevent NSW state schools from communicating directly with us from their workplace assigned email addresses.
2. As Easton has stated that there is no trading restriction in place against myself or our company, there is absolutely no reason why Bailey's action to prevent NSW state schools from sending us email enquiries, such as those that you reviewed as a result of GIPA-15-265. Preventing NSW state schools from using their workplace assigned emails to order products from us clearly amounts to a trade restriction, implying that Easton has made a false statement.
3. The blocking of incoming emails is very different to that of blocking outgoing emails, so it is quite apparent that considerable thought was paid to Bailey's alleged corrupt blocking of emails from our NSW state school customers to our company.
4. You were advised that Bailey clearly had a conflict of duty & interest

Easton also stated:

"As you are aware, the Dept. wrote to you in 2013 advising that electronic communication from your email accounts had been suspended...."

I note that at present you and your company have the ability to communicate with the Dept. via telephone & facsimile"

5. Why doesn't Easton address the matter of emails being sent from our NSW school customers to our company?
6. Perhaps Easton can be checked to see how the NSW state schools generally contact the DEC Procurement Directorate regarding sales off the Detbuy catalogue?

Would EPAC please provide details on what is the most common method of communication between the NSW state school customers & DEC Procurement relating to purchases of products off the DETbuy system (which is in opposition to our company)?

If Easton knows that NSW state schools use their workplace emails to communicate with DEC Procurement for purchases, then clearly his statements lack good faith and I would allege that he has clearly compromised his "investigation" into Bailey.

Also Easton as stated that we can communicate with the Dept. by facsimile.

It surprises me that we are unable to fax David Malcolm, Acting Chief Procurement Officer on the fax No. provided by Easton (that is Fax. 8633 1212)

I would request that EPAC forward copies of these documents to Mr Malcolm as our preference is to have all communication in writing

It would be clear to us that should Easton be aware that we are unable to communicate by fax with Mr Malcolm, Easton has again made a technically false & misleading statement or at least a statement which lacks good faith.

Either situation gives us cause to believe that Easton has compromised the investigation regarding our complaints.

Howeevr,perhaps Easton will have more success finding information to support Bailey's alleged false statement than he had finding evidence against "Jo" Bailey

7. With regards to the suspension of our electronic communication with the Dept.
If Bailey's statement is shown to be false (which we believe it is) then the blocking of our commercial electronic communication with our NSW state schools has allegedly been based on a blatantly false & fraudulent representation by the alleged corrupt Bailey.
8. If EPAC is unable to locate evidence to support Bailey's alleged false statement,we demand that EPAC immediately remove the blocks on our commercial email addresses and advise us by return emai.
9. If Bailey's alleged corrupt conduct is not substantiated by her false statement then EPAC has full knowledge of:
 - Bailey's alleged false statement made to the Tribunal breaching Sect.71 CAD Act
 - Bailey's alleged deliberate prejudicing of our commercial interests as a result of her alleged false statement

10. Further to Easton's letter:

"Should you wish to seek a review of the suspension of your electronic (email) communications with the Dept. I recommend you contact the office of Mr David Malcolm,Acting Chief Procurement Officer.."

- a. Why is it that we would have to contact the DEC Procurement Directorate to have our email blocking reviewed / removed???
- b. DEC Procurement are a competitor to us for the business of NSW state schools.
DEC Procurement has a conflict of duty / interest
Bailey's,CPO is alleged to have engaged in corrupt conduct
- c. Why aren't we directed to the ICT Directorate who has the blocking in effect aned who has access to Bailey's alleged evidence of alleged spamming from our commercial email accounts???

Eastons' integrity is alleged to be highly questionable

Awaiting your earliest response

Sincerely

Peter Zonneville

Ph.0401 611 455 Email: pzgipa@yahoo.com.au

To: Jane Thorpe, Executive Director
Employee Performance & Conduct Directorate, DEC
Fax. 9266 8077

February 24, 2017

95

Formal complaint concerning Allegation of Serious Misconduct / Criminal conduct against

- Joanne Bailey Chief, Procurement Officer, DEC
- Tracey Southern, Director ICT, DEC

Dear Mrs Thorpe,
reference attached documents.

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 - b. Bailey has allegedly never provided any evidence to support her alleged false statement
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In item. 6 of Southern's statement:

"The website & email addresses captured by this application have either been found to be spam, fraudulent or phishing agents..."

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February 24, 2017

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Eastons' integrity is alleged to be highly questionable

Awaiting your earliest response

Sincerely

Peter Zonneville

Ph.0401 611 455

Email: pzgipa@yahoo.com.au

NSW CIVIL AND ADMINISTRATIVE TRIBUNAL

Statement

ADMINISTRATIVE & EQUAL OPPORTUNITY DIVISION

File Number: 1510696

PARTIES

Applicant: Peter Zonneville

Respondent: Department of Education

On 16 September 2016

I, Tracey Southern

of 8 Central Avenue, Eveleigh NSW 2015

Say:

1 I am an officer of the Department of Education and currently hold the position of Director, Directories & Collaboration, Information Technology Directorate and have held this position for 10 months. I previously held the position of Senior Officer, Messaging and Directories, Information Technology Directorate for 7 years.

2 The Director, Directories & Collaboration is responsible for the planning and delivery of directory and collaboration services (inclusive of email) that reflects contemporary best practice and achieves optimal outcomes for the organisations strategic and business requirements.

3 On 29 June 2016 the Information Technology Directorate received a formal timetable from the Information Access unit (IA unit) for GIPA-15-265 Item 2. The timetable included time frames for completing each part of the process and sought the following information:

"Document/database/lists from DEC IT of all email addresses/websites blocked on DEC servers which have:

- a. *.com.au web addresses*
- b. *bigpond.com or bigpond.net web addresses"*

A search on the above addresses was completed. The date range requested was for January 2014 to October 2015 but we completed a search from January 2014 to present.

4 From the search completed, a number of .com.au, bigpond.com and bigpond.net web addresses not owned by Mr Zonneville were identified as being blocked.


5

This information may potentially assist scammers and spammers to identify on how to get around the Department's filtering. The specific identification of blocked email addresses and websites would identify email addresses of other individuals which could lead to a breach of privacy. When the Department blocks spam and/or abusive emails, the sender of the offensive email is not advised as this would enable them to create a new address that would assist them with getting around the filtering thereby increasing the amount of spam/abusive emails being sent to the staff. The addresses blocked could include some that have been reported due to staff being harassed. Release of this information would expose these staff to previously blocked spam / abusive emails.

6

The website and email addresses captured by this application have either been found to be spam, fraudulent or phishing agents. Releasing these addresses would give notice to these people who would change the names of their sites and leave staff and students vulnerable to being directed to websites with inappropriate content or destructive viruses.

Signature:


16/9/2016

Filed By: Lea Armstrong, Crown Solicitor
Level 5, 60-70 Elizabeth Street
SYDNEY NSW 2000
DX 19 SYDNEY
Tel No.: (02) AuthorPh
Fax No.:(02) AuthorFax

Ref: FileNumber
Team Author

On behalf of: respondent

NSW CIVIL AND ADMINISTRATIVE TRIBUNAL

Statement of Joanne Bailey

COPY RECEIVED

Division: Administrative and Equal Opportunity
Applicant: Peter Zonneville
Respondent: Department of Education and Communities
File Number: 140329; 140330; 140331

- 2 SEP 2014
NSW CIVIL & ADMINISTRATIVE TRIBUNAL

On 1 September 2014, I, Joanne Bailey, of 35 Bridge Street Sydney, state the following:

- 1. I am the Chief Procurement Officer of the Department of Education and Communities.
2. I have been employed in the Procurement Solutions Directorate of the Department since April 2008.
3. Between October 2010 and 27 May 2011, the Department received numerous emails from Mr Zonneville sent from account lind1791@bigpond.net.au. I am aware that my predecessor in the role of Chief Procurement Officer, Mr Paul Hopkins (who is no longer with the Department) obtained a breakdown of the recipients of these emails from the Department's Information Technology Directorate ("the IT Directorate"). Annexed and marked "A" is a document which I believe is a copy of this breakdown. As recorded in that document, from October 2010 until May 2011, the Department received 2,726 emails from Mr Zonneville.
4. In order to reduce the stress and workload the volume of emails sent by Mr Zonneville was causing members of staff, the Procurement Solutions Directorate arranged that all emails sent by Mr Zonneville from account lind1791@bigpond.net.au would automatically be forwarded to the one inbox ("the joint procurement inbox"). Designated officers within the Procurement Directorate were tasked with monitoring the inbox. These officers informed Paul Hopkins (and after he had left, myself) of any significant correspondence received in that inbox.
5. During 2012, the Department was required to renew its contract for scientific products. Mr Zonneville's company submitted a response which was evaluated and successful on merit for panel appointment. A contract was sent to Mr Zonneville in around July 2012 for signature. The Department has no record of Mr Zonneville signing and returning the contract.
6. In early February 2013, I took a call from Mr Zonneville where he claimed not to have received the contracts sent to him. After about an hour of patiently and politely trying to help, I advised I had to end the call and did so.
7. On 11 February 2013, I emailed Mr Zonneville at isscosyd@bigpond.com (which was the contact email nominated on the tender submission) advising him as to the next steps for participation on the panel. A contract was couriered to Mr Zonneville the next day.

8. Shortly afterwards, Mr Zonneville replied with a two page email sent from account isscosyd@bigpond.com. This email then began arriving multiple times.. It was also addressed to "Procurement", ombo@ombo, icac@icac and copied to 8 other DEC addresses. The [isscosyd](mailto:isscosyd@bigpond.com) email addresses had not been blocked..
9. On 21 February 2013, a new email from iind1791@bigpond.net.au that had diverted to the joint Procurement inbox was brought to my attention. It was copied to Mr Hopkins (who had since left the Department), seven other Departmental Officers as well as Ministers and Government officials. The email was titled "*O'Farrell government = Systematic "Abuse" of NSW school children*". **Annexed** and marked "B" is a copy of that email.
10. On 25 February 2013, Mr Zonneville sent me an email from isscosyd@bigpond.com which forwarded his earlier email referred to in paragraph [9] above. I received that same email 65 times between 9.55am and 3.00pm. I am aware that numerous others were copied into this email.
11. I considered that it was necessary to block this email account and I requested our IT Directorate to take action in this regard. The IT Directorate placed a block on account isscosyd@bigpond.com but not on iind9179@bigpond.net.au which was still being diverted. This effectively stopped these emails arriving in all Departmental email inboxes.
12. At 3.59pm on 25 February 2013, I replied to Mr Zonneville at isscosyd@bigpond.com advising him that his email address had been blocked and that, if he wished to conduct appropriate business with the Department, he would need to create a new business email address. **Annexed** and marked "C" is a copy of the email I sent (the email sent by Mr Zonneville that day referred to in paragraph [10] above and the email he sent referred to in paragraph [8] also appear as part of the email chain in annexure "C").
13. Although emails from account iind1791@bigpond.net.au were diverted and emails from account at isscosyd@bigpond.com were blocked, Mr Zonneville continued to correspond with the Department by using other email addresses. On 7 March I, along with members of my staff, received numerous emails from Mr Zonneville in which he requested a meeting with me. This email was sent from account admin@nswgovernment.net. Multiple copies of this email were received at about the rate of 1 every minute. One of my staff members reported receiving the same email 17 times. **Annexed** and marked "D" is a copy of the email.
14. I sought advice from the IT Directorate as to how to deal with all of this correspondence. The IT Directorate recommended blocking all emails coming into the Department containing the name "Zonneville". I approved the taking of this action.
15. On 9 April 2013, I sent Mr Zonneville a letter indicating that the Department was receiving a very high volume of email activity from accounts associated with him and, asking him to take action to limit the volume of email activity. The letter advised actions required to avoid the withdrawal of our offer to enter into a contract. **Annexed** and marked "E" is a copy of my letter.
16. On 15 April 2013, I received a fax from Mr Zonneville responding to my letter of 9 April 2013. **Annexed** and marked "F" is a copy of that fax.

17. On around 17 April 2013, the Procurement Solutions Directorate requested the IT Directorate to keep a record of the number of emails sent by Mr Zonneville to the Department. The IT Directorate informed my Directorate that it was not possible to record the number of emails which had previously been sent by Mr Zonneville accurately. I was also told that it was not possible to automatically record emails being sent by Mr Zonneville in the future and that it was necessary to task an officer to do so. I was further informed that it was only practicable to source an officer to do so for a limited period of time.
18. The IT Directorate tasked an officer to monitor the number of emails being sent by Mr Zonneville to the Department between the period from 19 April 2013- 10 May 2013. During that period, the IT Directorate advised that:
- in the week 19 April 2013- 26 April 2013, Mr Zonneville sent 5,205 emails to the Department;
 - in the week 27 April 2013- 3 May 201, Mr Zonneville sent 5,159 emails to the Department (doc 4);
 - in the week 3 May- 10 May 2013, Mr Zonneville sent 655 emails to the Department.

After this time, the IT Directorate stopped monitoring emails sent by Mr Zonneville. However, these emails continued to be sent.

19. On 22 April 2013, I wrote to Mr Zonneville withdrawing the offer to enter into a contract. **Annexed** and marked "G" is a copy of that letter.
20. On 1 May 2013, I was informed by the principal of a high school that her School had received some unsolicited mail from isscoed.com.au. A copy of the correspondence is **annexed** and marked "H".
21. On 9 May 2013, an email from jind1791@bigpond.net.au was diverted into the inbox. A further 6 copies were received on 10 May 2013. A copy of that email is annexed and marked "I". These emails were received despite the blocking that had occurred of the account due to a technical error.
22. On 10 May 2013, to ensure avenues remained open for legitimate business with the Department, I caused any email correspondence from any known email address associated with spamming from Mr Zonneville to be blocked effective immediately and to remove the original block that deleted all emails with the name Zonneville in the body. The following email addresses were blocked:
- isscosyd.com.au;
 - jind1791@bigpond.net.au;
 - admin@nswgovernment.net.au;
 - complaints@nswgovernment.net.au;
 - sales@issco.com.au;
 - sales@isscoed.com.au;
 - support@isscoed.com.au;
 - support@issco.com.au;
 - complaints@nswgovernment.com.

23. On 21 June 2013, I gave a statement on behalf of the Department to Constable Bostock of Parramatta Police, to see whether any action could be taken to stop the excessive emails and faxes. I do not know if the Police took any action as a result of this statement, I did not hear anything further.
24. At various times, the Procurement Solutions Directorate has sought legal advice from the Legal Services Directorate of the Department. Advice has been provided by various officers whom I know to be solicitors in that directorate. It was my understanding that these requests and this advice would be kept confidential.
25. On 22 January 2014, I asked the officer of the Information Access Unit of the Department by email to redact the names of any of my staff from the documents provided to Ms Zonneville pursuant to her application under the *Government Information (Public Access) Act 2009*. I made this request for the following reasons:
- The staff members who are named in the correspondence are relatively junior and were not involved in making the decision to block emails from Mr Zonneville;
 - Given the number of emails officers from this Directorate and from the Department generally who have received repeated correspondence from Mr Zonneville, I was (and remain) concerned that, if the names and or contact details of those persons are known, they could receive multiple repeat emails from Mr Zonneville if he should create another account that is not blocked;
 - Furthermore, as is apparent in the annexures to this statement, Mr Zonneville has made a number of allegations against various officers of the Department (and other Officers both within the Government and the Public Service) many of which are in offensive terms. I am concerned that my staff would be exposed to such allegations and harassment were their names and contact details be disclosed to Mr Zonneville.
 - Further, I understand that Mr Zonneville maintains a website on which he makes these and similar allegations. I am concerned that these staff members will be named on this website exposing them to further harassment.
 - Several of the staff members concerned expressly requested that their names not be provided to Mr Zonneville for fear of damage to their reputations.
26. To the best of my knowledge, it took the Procurement Solutions Directorate 17.45 hours to conduct the searches to provide the information relevant to the request. (I did not personally monitor the time but oversaw the work being done). The process entailed:
- Ensuring that all potentially relevant correspondence was recorded in the relevant folders of the Department's electronic filing system (TRIM).
 - The officer designated to perform the search (who is no longer with the Department) opening every document within the folders to ascertain whether that document fell within the scope of the request. There were 1787 files in the relevant folders.
 - Every potentially relevant document was saved as a PDF to a temporary folder and printed. Once all the identified documents were compiled, they were given to me to review.
 - I removed anything not relevant and obvious duplications. The volume of email correspondence and the fact that it comprised a number of email

chains when the sender had hit "reply with history" made this a difficult and time consuming task.

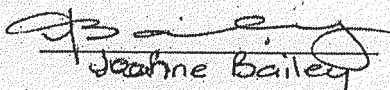
- The files were zipped and sent in three separate emails. There were 85 separate documents totalling 8.12MB in file size.

27. On 26 August 2014, I asked the IT Directorate to provide me with an account of the number of emails blocked against individual accounts (although they were unable to continue monitoring emails received with the name Zonneville, they were able to advise the numbers of emails blocked against individual accounts). They advised me that, as at 26 August 2014, over 82,000 emails have been blocked across the accounts as follows:

- Isscosyd@bigpond.com - 99 messages have been blocked since 1 August 2013 (last blocked on 11 August 2014);
- iind1791@bigpond.net.au - 46 messages have been blocked since 20 August 2013 (last blocked 14 April 2014);
- admin@nswgovernment.net - 7,524 messages have been blocked since 26 July 2013 (last 16 September 2013);
- complaints@nswgovernment.net.au - 74,397 messages have been blocked since 16 September 2013 (last 27 June 2014);
- sales@issco.com.au - 7 messages have been blocked since 13 August 2013 (last 14 August 2014);
- sales@isscoed.com.au - 7 messages have been blocked since 4 September 2013 (last 29 August 2014);
- support@isscoed.com.au - 5 messages have been blocked since 3 March 2014 (last 19 May 2014);
- support@issco.com.au - 4 messages have been blocked since 9 August 2013 (last 18 August 2014);
- complaints@nswgovernment.com - No messages have been blocked.

28. Also on 26 August 2014, I checked with my staff member as to whether faxes sent by Mr Zonneville continue to be received on the Procurement fax number. I was informed that faxes are received on a daily basis. I am aware that the Secretary also receives a fax daily.

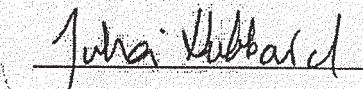
Name:


Jeanne Bailey

Date:

1. 9. 2014

Name:



Date:

1. 9. 2014

Filed By:

I V Knight, Crown Solicitor
Level 5, 60-70 Elizabeth Street
SYDNEY NSW 2000
DX 19 SYDNEY
Tel No.: (02) 9224-5267
Fax No.: (02) 9224-5222

Ref: 201401759 Michael Dalla-Pozza

On behalf of: respondent

To: Jane Thorpe, Executive Director
Employee Performance & Conduct Directorate, DEC
Fax. 9266 8077

February 24, 2017

**Formal complaint concerning alleged misconduct
- Bob Easton, Director Investigations, EPAC**

Dear Mrs Thorpe,

I refer to Easton's letter of June 27, 2016 (attached)

Easton states:

"In relation to your concerns I note the Dept.'s records outline that there is no trading restriction in place against you or your company and in fact you and your company have continued to engage in business with the Dept. since 2012"

1. My complaint focused on Bailey's alleged corrupt conduct to prevent NSW state schools from communicating directly with us from their workplace assigned email addresses.
2. As Easton has stated that there is no trading restriction in place against myself or our company, there is absolutely no reason why Bailey's action to prevent NSW state schools from sending us email enquiries, such as those that you reviewed as a result of GIPA-15-265. Preventing NSW state schools from using their workplace assigned emails to order products from us clearly amounts to a trade restriction, implying that Easton has made a false statement.
3. The blocking of incoming emails is very different to that of blocking outgoing emails, so it is quite apparent that considerable thought was paid to Bailey's alleged corrupt blocking of emails from our NSW state school customers to our company.
4. You were advised that Bailey clearly had a conflict of duty & interest

Easton also stated:

"As you are aware, the Dept. wrote to you in 2013 advising that electronic communication from your email accounts had been suspended...."

I note that at present you and your company have the ability to communicate with the Dept. via telephone & facsimile"

5. Why doesn't Easton address the matter of emails being sent from our NSW school customers to our company?
6. Perhaps Easton can be checked to see how the NSW state schools generally contact the DEC Procurement Directorate regarding sales off the Detbuy catalogue?

Would EPAC please provide details on what is the most common method of communication between the NSW state school customers & DEC Procurement relating to purchases of products off the DETbuy system (which is in opposition to our company)?

If Easton knows that NSW state schools use their workplace emails to communicate with DEC Procurement for purchases, then clearly his statements lack good faith and I would allege that he has clearly compromised his "investigation" into Bailey.

Also Easton as stated that we can communicate with the Dept. by facsimile.

It surprises me that we are unable to fax David Malcolm, Acting Chief Procurement Officer on the fax No. provided by Easton (that is Fax. 8633 1212)

I would request that EPAC forward copies of these documents to Mr Malcolm as our preference is to have all communication in writing

It would be clear to us that should Easton be aware that we are unable to communicate by fax with Mr Malcolm, Easton has again made a technically false & misleading statement or at least a statement which lacks good faith.

Either situation gives us cause to believe that Easton has compromised the investigation regarding our complaints.

Howeevr,perhaps Easton will have more success finding information to support Bailey's alleged false statement than he had finding evidence against "Jo" Bailey

8. With regards to the suspension of our electronic communication with the Dept.
If Bailey's statement is shown to be false (which we believe it is) then the blocking of our commercial electronic communication with our NSW state schools has allegedly been based on a blatantly false & fraudulent representation by the alleged corrupt Bailey.

If EPAC is unable to locate evidence to support Bailey's alleged false statement,we demand that EPAC immediately remove the blocks on our commercial email addresses and advise us by return emai.

If Bailey's alleged corrupt conduct is not substantiated by her false statement then EPAC has full knowledge of:

- Bailey's alleged false statement made to the Tribunal breaching Sect.71 CAD Act
- Bailey's alleged deliberate prejudicing of our commercial interests as a result of her alleged false statement

Awaiting your earliest response

Sincerely

Peter Zonnevylle

Ph.0401 611 455

Email: pzgipa@yahoo.com.au

To: David Malcolm
CPO, DEC
Fax: 9244 5844

Formal complaint concerning Allegation of Serious Misconduct / Criminal conduct against

- Joanne Bailey Chief, Procurement Officer, DEC
- Tracey Southern, Director ICT, DEC

Dear Sir,

you are aware that the alleged corrupt Joanne Bailey has allegedly misused her position to allegedly corruptly cause our company a financial detriment.

1. The alleged corrupt Bailey has:
 - a. blocked email correspondence from our commercial emails:

sales@issco.com.au	sales@isscoed.com.au
support@issco.com.au	support@isscoed.com.au

 to our NSW school customers
 - b. blocked email correspondence from our NSW school customers to our commercial email addresses:

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support@issco.com.au	support@isscoed.com.au

"AM I SPAMMING YOU?"

2. The alleged corrupt Bailey has claimed that these emails are associated with spamming which we allege is a criminally false statement

The alleged corrupt Bailey has allegedly not provided any evidence supporting her alleged criminally corrupt claims that spamming was emanating from the above email addresses

3. The alleged corrupt Bailey has a conflict of interest in perpetrating her alleged criminally corrupt conduct:
 - a. we are a competitor to the DEC Procurement Directorate (DECPR-02-12)
 - b. your directorate makes sales commission on DECPR-02-12
 - c. DECPR-02-12 is alleged to have been associated with an alleged fixed tender (DETPR-35-11) and is alleged to be ripping off NSW schools with inflated prices (i.e. alleged maladministration)
 - d. Bailey was & is the subject of complaints concerning alleged maladministration, serious misconduct & corrupt conduct

The alleged corrupt Bailey's authorization to block our commercial emails primarily served the alleged corrupt Bailey's personal interests.

4. Unless you can provide substantiating evidence that the above emails were used for spamming (which is based on an alleged criminally false statement by Bailey), your Directorate's continued blocking of our legitimate commercial email addresses which are used for legitimate commercial purposes between our company and our NSW school customers is alleged to be an alleged criminal act based on the alleged corrupt Bailey's alleged criminally corrupt false statement.

We await your provision of evidence (to criminal standards) to show that these emails were used for spamming or your immediate cessation of the alleged criminal blocking of our email addresses which allegedly benefit your alleged corrupt colleague.

Unnecessary delays clearly cause us a further commercial detriment which we will hold you personally responsible for

Awaiting your response

Sincerely

Peter Zonneville	Email:	sales@issco.com.au	sales@isscoed.com.au
Ph.0401 611 455	Email:	pzgipa@yahoo.com.au	

To: David Malcolm
CPO, DEC
Fax. 9244 5844

March 28, 2007
March 16, 2007
March 31, 2007

109

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Awaiting your response .

Sincerely

Peter Zonneville	Email:	sales@issco.com.au	sales@isscoed.com.au
Ph.0401 611 455	Email:	pzgipa@yahoo.com.au	

NO RESPONSE

Mar 28, 2017 11:11
March 16, 2017
MAR 31, 2017

To: David Malcolm
CPO, DEC
Fax: 9244 5844

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111

To: David Malcolm
CPO, DEC
Fax: 9244 5844

March 28, 2017
March 16, 2017
March 31, 2017

112

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Fax. 9244 5844

March 16, 2017

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Ph.0401 611 455

Email: sales@issco.com.au
Email: pzgipa@yahoo.com.au

sales@isscoed.com.au

113



Maxine Zonneville
329 Concord Road
CONCORD WEST 2138

Our reference: GIPA-13-252

Dear Ms Zonneville

NOTICE OF DECISION

I refer to your access application under the *Government Information (Public Access) Act 2009* ('GIPA Act') received by the Department of Education and Communities ('the Department') on 25 November 2013.

I am authorised by the principal officer of the Department, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided that in respect of relevant information held by the Department, to grant you access, in part, to that information. I have also decided that the Department does not hold some of the information you seek and that some of it is publicly available. The following pages explain in detail the reasons for my decision.

The released records will be provided to you when you have paid the remainder of the processing charge. The balance owing is \$1095.00 for an additional 36.5 hours work. Details of how the charge has been calculated are included in the attached decision.

If you are aggrieved by my decision, you may seek review under Part 5 of the GIPA Act. Please refer to the enclosed leaflet: 'Your review rights under the GIPA Act'.

If you have any questions about this notice or require further information on your rights of review, please contact me by telephone on 9561 8151, or via email: iaunit@det.nsw.edu.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Riordan'.

Peter Riordan
Deputy Director-General
Corporate Services

28 January 2014

Encl: Reasons for Decision; and
'Your review rights under the GIPA Act' leaflet.

REASONS FOR DECISION

Your access application

On 25 November 2013, the Department received your application and the \$30 application fee. On 3 December 2013 you amended point 4 of your original application to clarify a number of email addresses and your application became valid. You sought access to the following information:

"Information I want to access:

1. DEC policy document regarding use and management of DEC servers.
This document should detail all cases in which DEC can block or filter access to DEC email system (i.e. incoming & outgoing emails using @det.nsw.edu.au)
2. Any related document to the above which details the circumstances, procedures, guidelines, processes whereby DEC or their representatives may take action such that a party may be filtered/blocked from corresponding with @det.nsw.edu.au users
3. Code of conduct policy for use and management of DEC IT systems and complaints handling & processes (including the details of the unit who is charged with handling complaints)
4. Documents relating to the blocking of all emails related to or associated with:
 - a. Peter Zonneville and/or Maxine Zonneville
We are proprietors of Industrial & Scientific Supply Co. Pty Ltd (as per business register)
 - b. Names/websites/emails associated with Industrial & Scientific Supply Co. Pty Ltd include:
Related emails: isscosyd@bigpond.com , iind1791@bigpond.net.au

www.issco.com.au
sales@issco.com.au; support@issco.com.au; accounts@issco.com.au

www.isscoed.com & www.isscoed.com.au
sales@isscoed.com.au; support@isscoed.com.au; accounts@isscoed.com.au
sales@isscoed.com; support@isscoed.com; accounts@isscoed.com

www.sciencelabsupplies.com.au
sales@sciencelabsupplies.com.au; support@sciencelabsupplies.com.au;

www.sciencesupplies.com.au
sales@sciencesupplies.com.au; support@sciencesupplies.com.au

All of the above are registered in the name of Peter Zonneville (or Industrial & Scientific Supply Co. Pty Ltd at our company address of 329 Concord Rd, Concord West NSW 2138.
5. Documents detailing who in authority were either consulted with the blocking / filtering of the above person / company / keywords / websites / emails and authorized the blocking / filtering of the above person / company / keywords / websites / emails
6. Full list of all emails blocked / filtered to prevent communication between the above person / company / keywords / websites / emails
This information to include: Date; email of DET user; subject; message content"

You provided authority from Mr Peter Zonneville to allow you access to information about him and about Industrial & Scientific Supply Co. Pty Ltd, of which you and Mr Peter Zonneville are the proprietors.

Your application indicates the reason for your request as "alleged misconduct and corruption associated with senior DEC staff". Your view has been taken into account as one of the considerations in favour of disclosing the information.

Searches made

Under section 53 of the GIPA Act the Department must undertake reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received using the most efficient means reasonably available to the Department.

- Officers from the Legal Services Directorate and the Information Technology Directorate searched the Department's TRIM electronic record management system to locate and provide relevant records.
- The Legal Services Directorate made additional searches of the TRIM records system to ensure that all relevant information in your access request was provided for consideration.
- The Procurement Solutions Directorate search officer examined 1431 record items in the Department's TRIM record system and extracted the information relevant to your access application.
- The Office of the Director-General made searches and no relevant documents are held.

A total of 307 pages of information from three directorates have been provided, which are records identified as relevant to your access application.

I consider that reasonable searches have been undertaken in response to your application in compliance with section 53 of the GIPA Act. Based on the information available to me, I am satisfied that all records that exist relevant to your request have been identified and provided.

Decision

Points 1 and 2 - DEC policy documents, guidelines or processes about use of servers to block/filter access to DEC email system

The relevant search officers have stated that there are no policy documents held by the Department regarding the use and management of DEC servers. Nor are there any related documents which detail the circumstances, procedures or guidelines regarding action taken to block or filter users.

The blocking or filtering of emails is done on a case by case basis and therefore there are no policy or guideline documents held.

I have decided under section 58(b) of the GIPA Act that in respect of points 1 and 2 of your application, the information is not held by the Department.

Point 3 Information already available to you

The Code of Conduct and Complaints handling policies in Point 3 of your application can be found on the Education and Communities website at:

https://www.det.nsw.edu.au/policies/staff/ethical_behav/conduct/PD20040020.shtml

and

<http://www.dec.nsw.gov.au/about-us/how-we-operate/how-we-handle-complaints/schools>.

I have decided under section 59 of the GIPA Act that in respect of point 3 of your application, the information is publicly available.

Points 4 to 6 – documents about blocking/filtering specific email addresses

I am satisfied that the Department holds 307 pages of information relevant to points 4, 5 and 6 of your access application. I have decided to grant you access to most of the information and to refuse access to a small part of the information under section 58(d) of the GIPA Act.

I have examined all of the records, deleted information only where there is an overriding public interest against disclosure or legal privilege applies, as discussed below, and released the remainder to you. The deleted material is marked with the relevant provisions under the GIPA Act, namely 'Cl 5 of Sch 1 and Item 3 (f) or 3 (f)', for example.

Access refused to information subject to legal professional privilege

Clause 5 of Schedule 1 of the GIPA Act, states:

5 Legal professional privilege

- (1) It is to be conclusively presumed that there is an overriding public interest against disclosure of information that would be privileged from production in legal proceedings on the ground of client legal privilege (legal professional privilege), unless the person in whose favour the privilege exists has waived the privilege.*
- (2) An agency in whose favour legal professional privilege exists is required to consider whether it would be appropriate for the agency to waive that privilege before the agency refuses to provide access to government information on the basis of this clause.*
- (3) A decision that an agency makes under subclause (2) is not a reviewable decision under Part 5.*

In the schedule of information not released is listed information which is considered to be subject to legal professional privilege.

In *Trade Practices Commission v Sterling* (1979) 36 FLR 244, 245-6 the categories of circumstances in which legal professional privilege can arise were set out by Lockhart J. These categories of legal professional privilege may be described as:

- (a) Communication between client and legal adviser, which is confidential, is made to or by a legal adviser in a professional capacity, and is made with a view to obtaining or giving legal advice.
- (b) Document prepared with view to being used as in (a) but not in fact so used.
- (c) Communication between various legal advisers of the client.
- (d) Notes, memoranda, minutes or other documents made by the client or legal adviser or recording privileged communications or relating to information sought by the legal adviser in order to advise or conduct litigation.
- (e) Communications between legal adviser and third party if made or prepared when litigation is anticipated or commenced, for the purposes of litigation, with a view to obtaining advice, evidence, or information which may result in the obtaining of evidence.
- (f) Communications between client and third party with reference to litigation either anticipated or commenced, at the request or suggestion of the legal adviser or for the purpose of being put before the legal adviser to obtain advice or to enable prosecution or defence of action.
- (g) Knowledge, information or belief of client derived from privileged communications from the legal adviser.

It is information that was prepared by departmental officers with the dominant purpose being for use in anticipation of legal proceedings and falls mostly within categories (a) and (b) of legal professional privilege. As such, I am satisfied that legal professional privilege applies to these pages. Therefore, there exists a conclusive presumption of an overriding public interest against disclosure of the information.

In accordance with Clause 5(2) of Schedule 1 of the GIPA Act, I have considered whether it would be appropriate to waive the legal privilege. As the information consists of confidential communications between DEC staff and DEC legal advisers I have decided that it would not be appropriate to waive the privilege in this instance.

I have decided to refuse access to the legally privileged information contained in the records under section 14 (1) and section 58(d) of the GIPA Act. A copy is provided with the privileged information deleted, in accordance with section 74 of the GIPA Act.

Access refused to names of some staff members

The information captured by your application contains the names of a large number of staff members. The names of the senior officers who made various decisions about blocking or filtering email addresses mentioned at point 4 of your application are released under this decision. However I have decided to refuse access to the names of other staff members who were not involved in those decisions.

In making this decision I have applied the public interest test under sections 12 to 15 of the GIPA Act.

Public interest considerations in favour of disclosure:

- There is a general public interest in favour of disclosure (s.12(1));
- Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public (s.12(2)(b));
- Disclosure of the information could reasonably be expected to reveal or substantiate that an agency has engaged in misconduct or improper conduct.

Public Interest considerations against disclosure are contained in the table at section 14 of the GIPA Act and the following item is relevant:

- Item 3(f) - Disclosure of such information could reasonably be expected to expose a person to a risk of harm or of serious harassment or serious intimidation.

Section 55 of the GIPA Act allows an agency to take into account certain personal factors particular to an applicant when deciding whether there is an overriding factor in favour of or against disclosing information. The personal factors may include:

- a) Your motives for making the application
- b) Your identity and relationship with any other person;
- c) Any other factors particular to you

I am entitled to have regard to information provided by you or any other person.

Your application indicates the reason for your request as "alleged misconduct and corruption associated with senior DEC staff". However you have not provided any evidence.

I am aware that Mr Peter Zonneville has made many complaints over a two-year period about alleged corrupt conduct by senior officers of the Department, in particular, officers working in the Procurement Solutions Directorate. Mr Zonneville has published the names of officers whom he believes to be corrupt. He sends facsimile messages on a regular basis alleging misconduct and naming officers whom he considers are responsible.

Mr Zonneville alleges that there has been misconduct and corruption by senior DEC staff. There is no evidence of this alleged misconduct and Mr Zonneville's complaint to the Independent Commission Against Corruption in 2012 was not pursued by the ICAC. The Department has also afforded Mr Zonneville the opportunity to take his grievances to the NSW Ombudsman.

On my examination of the records relevant to your access application, and taking into account the outcome of Mr Zonneville's complaint to the ICAC, there appears to be no evidence to substantiate your suggestion that the information could reveal misconduct by officers of the Department.

Some staff members who were not involved in the decisions concerning the blocking or filtering of the email addresses have particularly asked for their names to be

redacted from the records because they genuinely fear that their names may be published on websites operated by Mr Peter Zonneville as being corrupt officers. They fear that they will be harassed by receiving unsolicited facsimile messages on a daily basis, as currently occurs with some senior officers of the Department.

Disclosing the names and telephone numbers of these staff members has no bearing on your application which seeks information about staff that had authority to block emails from the listed email addresses. Disclosing these details does not inform the public about the operations of agencies.

After weighing up the public interest considerations in favour of and against disclosure, I find that the public interest in protecting the names and telephone numbers of the staff members who did not make decisions about blocking or filtering your listed email addresses considerably outweighs the public interest in disclosing the information.

I find that there is an overriding public interest against disclosure of those names and have decided to refuse to release this information to you under section 14(2), table item 3(f) and section 58(d) of the GIPA Act.

A copy is provided with the names of officers deleted, in accordance with section 74 of the GIPA Act. The schedule sets out the pages from which information has been deleted under this provision.

Information to be released

I have examined all of the records, deleted information only where there is an overriding public interest against disclosure, as discussed above, and released the remainder to you. The deleted material is marked with the relevant provisions under the GIPA Act, namely 'Cl 5 of Sch 1 and Item 3 (f) or 3 (f)', for example. The attached schedule provides further details about the deleted information.

As the material to be released exceeds 20 pages it will be provided to you on compact disc (CD) once the balance of the processing charge is paid.

There are 307 pages of information relevant to points 4 to 6 of your access application. Some of the information is duplicated, particularly in emails which are forwarded on, however to ensure you receive all relevant information I have included the duplicates.

Of the records released, 28 pages received from the Information Technology Directorate (ITD) are information logs relevant to the blocking or filtering of emails from the email addresses referred to at points 4, 5 and 6 of your application. The ITD does not hold the information mentioned in the logs because it was sent on to the appropriate directorates for action and not stored by ITD.

The released information will not be included on the Department's disclosure log.

Processing charges

The \$30.00 application fee counts as a payment towards any applicable processing charges.

On 19 December 2013 you were notified of the estimated work required to process your application. You were informed that the balance of the processing charge would be calculated when the work was completed.

On 16 January 2014, the Information Access (IA) Unit received your payment of \$285.00, being the 50% deposit of the total processing charge of \$570.00. This was calculated from an estimate of 20 hours required to undertake the work in completing your application.

Due to the large volume of information that Mr Peter Zonneville has sent to the Department, the time actually taken by Procurement Solutions Directorate to search through hundreds of emails and faxes in electronic records system (TRIM) has taken an extra 10 hours work. Procurement had to examine, extract and copy the relevant pages relating to your access application from 1431 record items.

It has taken an extra seven hours to review and redact over 1300 names and contact numbers from the records. At the time the work estimates were made on 19 December 2013, the directorates had not identified the information to be redacted and so it was not included in the original estimate.

The total actual time taken to process your application was 47 hours and the total processing charge is \$1410.00. You have paid the application fee of \$30 and the deposit of \$285.00, which covers 10.5 hours of processing time. Therefore the outstanding balance is \$1095.00 for the remaining 36.5 hours of work already undertaken.

The records for release and the schedule of information not released will be provided when the balance of the processing fee of \$1095.00 is received by the Information Access Unit.

I am aware that you are seeking a review by the Information Commissioner of the decision to refuse your request for a 50% reduction in the processing charge, made on 19 December 2013.

Review Rights

If you are aggrieved by this decision, you have three avenues of review: internal review by a senior officer of the Department, external review by the Information Commissioner or external review by the NSW Civil and Administrative Tribunal. Please see enclosed leaflet "Your review rights under the GIPA Act" for more details.

You should note that the time for seeking an internal review is 20 working days, or 40 working days for external review, after the date you were notified of this decision. Further information about your rights under the GIPA Act is available by contacting

To: Peter Riordan
 DEC
 Fax..(02) 9561 1157

February 5, 2014

PLEASE CONFIRM RECEIPT OF THIS CORRESPONDENCE

Notice of Decision Re GIPA-13-252 DEC (Valid Application)

Clarification requested:

1. Re Access refused to information subject to legal professional privilege.

We will address this further

2. Re Access refused to names of some staff members.

Should the names of staff members involved in any aspect of the process of decision to block our email communications with NSW schools be refused we request their ID No.s and their role in the decision making be advised.

This should not breach privacy concerns and prevent us from identifying the respective parties (the ID No.s are required for reference concerning our complaints)

3. You advised that our application contains names of a large number of staff members.

Your advice is that you will refuse access to the names of other staff members who were not involved in those decisions. Does this include the names of any NSW school staff/school enquirers?

If so, how many names are you going to withhold and will the details of those schools also be withheld?

4. Re "alleged misconduct and corruption associated with senior DEC staff"

Will you or Bruniges provide us with a written guarantee that DEC is free from corruption & misconduct? Will you provide us with access to documentation sought regarding our previous GIPA enquiries which your department blocked?

We would be more than amenable to reconsidering our complaints if you and your colleagues showed some good faith (as well as transparency).

Your advice that we "have not provided any proof" relating to this GIPA enquiry appears to be interesting.

Who is responsible in DEC for the investigation of misconduct & corruption complaints?

Have you investigated our complaints and proved them to be unfounded? Is there a report?

If so would you provide us with a copy?

Again will you sign a guarantee stating that there is no misconduct or corruption in DEC procurement?

Has anyone in DEC procurement ever been investigated for serious misconduct or corruption?

Also I am not aware that we have to provide any evidence when making a GIPA enquiry. Please clarify?

By the way, we note that DETPR-35-11 was abandoned due to our complaints concerning alleged misconduct & corruption after ICAC's involvement.

This would appear to at least provide "reasonable doubt" in substantiating our complaints.

We intent to provide ICAC with further information concerning these complaints (ICAC asks for further information).

5. Re "Harassment".

By virtue of DEC's reluctance to be "open, transparent & accountable" the complaints would appear to be quite legitimate.

6. Re redaction of over 1300 names and contact numbers.

Please advise further details regarding these details.

Have you redacted names & contact details of NSW school staff who have either been sent emails from our company or who have sent emails to our company?

7. Re processing charges.

Please advise how DEC examined 1431 items relating to our GIPA enquiry?

Was any software used to search for names/contact details? Was this automated or partially automated?

When files were examined, were (clearly) duplicated records inspected even if the file details indicated that the items were identical? How many staff were involved and will their time cards be available?

Will you provide us with a guarantee that we are not being overcharged re this GIPA enquiry?

You are requested to reply to correspondence by email to minimize delays

Sincerely

Linda Seaman

From: Jenny SCHUMACHER [item 3(f)]@det.nsw.edu.au>
Sent: Tuesday, 12 November 2019 1:14 PM
To: Cathy Johnstone
Cc: Deputy Secretary, People and Culture; Donna Bennett; Suzanne Clark; DoEMES
Subject: RE: APPROPRIATE ACTION - DGL19/761 : CONFIDENTIAL - ALLEGATIONS OF MISCONDUCT
Attachments: CONFIDENTIAL - APPROPRIATE ACTION - ALLEGATIONS OF MISCONDUCT.PDF
Importance: High

Yes – he is listed on our rep writer’s list and this was allocated for ‘approp action’ only.

We will note for all future correspondence from Zonneville noting no acknowledgement or further correspondence to be sent to him.

Regards
 Jenny

From: Cathy Johnstone
Sent: Tuesday, 12 November 2019 1:02 PM
To: RML-SO, RML-SO ; Jenny SCHUMACHER
Cc: Deputy Secretary, People and Culture ; Donna Bennett
Subject: FW: APPROPRIATE ACTION - DGL19/761 : CONFIDENTIAL - ALLEGATIONS OF MISCONDUCT

Hi MES

Jane Thorpe has called re this. This person should be on our regular writers list and should not be acknowledged. Can you please close the loop on this and ensure no further correspondence is sent to him. I understand Jane has called Donna to advise as well.

Cathy Johnstone

A/Director | Office of the Deputy Secretary, People and Culture

T[item 3(f)]@det.nsw.edu.au | E education.nsw.gov.au



I acknowledge the homelands of all Aboriginal people and pay my respect to Country.

If you receive this email by mistake, please delete it and notify me.
 The Department of Education does not waive any privilege or confidentiality associated with this email.

From: Deputy Secretary, People and Culture <DepSecPaC@det.nsw.edu.au>
Sent: Tuesday, 12 November 2019 12:57 PM
To: Cathy Johnstone [item 3(f)]@det.nsw.edu.au>
Subject: FW: APPROPRIATE ACTION - DGL19/761 : CONFIDENTIAL - ALLEGATIONS OF MISCONDUCT

Hi Cathy,