

# Agency Information Guide

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## What is the Agency Information Guide?

The NSW [Government Information \(Public Access\) Act 2009](#) (GIPA Act) provides members of the public with a right of access to government information.

Under the GIPA Act, each NSW Government department and agency is required to publish an Agency Information Guide.

This Agency Information Guide provides a general description of:

- structure and functions of the Crown Solicitor's Office ("CSO")
- way in which our functions affect members of the public
- kinds of government information held by the CSO
- kinds of information which the CSO makes publicly available and the manner in which it is made available.

You may obtain a free copy of this document, or more information, from the Right to Information Officer:

- Phone: 02 9474 9000.
- Email: [crownsol@csnsw.gov.au](mailto:crownsol@csnsw.gov.au) – include 'Attn Right to Information Officer' in the email subject field.
- Post: Right to Information Officer, Crown Solicitor's Office, GPO Box 25, SYDNEY NSW 2001.

# 1. Structure and functions of the CSO

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## 1.1 Who we are

The NSW Crown Solicitor's Office ("CSO") is a public service executive agency under the [Government Sector Employment Act 2013](#). The NSW Crown Solicitor is the head of the agency and the solicitor on the record for legal proceedings when representing the State, agencies, or Ministers.

The CSO is an agency within the Communities and Justice portfolio and is related to the Department of Communities and Justice.

The CSO is a small agency with about 550 staff, including solicitors, administrative and corporate services employees.

The CSO has one office, located in the Sydney CBD. Address and contact details are found on the [CSO website](#).

## 1.2 Functions

The CSO is the largest provider of legal services to the NSW Government and its agencies. The principal objective is to advise and represent agencies to support them in delivering the NSW Government's policies, programs, and projects in a lawful, effective, and efficient manner for the people of NSW.

Through her office, the Crown Solicitor is the sole provider of legal services to the NSW Government in all matters that are regarded as 'core legal work'.

Premier's Memorandum 2016-4 directs that the Crown Solicitor must be engaged by government agencies (subject to that Memorandum) to perform such work.

A matter constitutes core legal work when the best interests of the NSW Government as a whole require a single source of authoritative legal advice and central management, or when it relates to the statutory or common law functions of the Attorney General.

The majority of the CSO's work is core legal work, performed at cost recovery rates. The Crown Solicitor's legal fees and disbursements for core legal work are met from the Attorney General's Legal Fund unless some other source of funding is available, such as the Treasury Managed Fund.

The Crown Solicitor also competes with the private sector to deliver non-core legal work to government agencies. As part of its non-core work, the CSO delivers services under several legal services panel arrangements.

## Services

Legal services provided by the CSO include:

- legal advice
- representation in litigation
- representation at inquests and other inquiries
- property and commercial transactions
- drafting documents and agreements, including intergovernmental agreements
- assisting Royal Commissions and other inquiries
- provision of officers to serve on committees
- preparing publications
- training and information for government agencies.

## Clients

Under s 44 of the [Legal Profession Uniform Law Application Act 2014](#), the Crown Solicitor may act as the solicitor for:

- the State of NSW
  - a person suing or being sued on behalf of the State of NSW
  - a Minister of the Crown acting in his or her official capacity
- a body established by an Act or other law of NSW
- a statutory officer or employee of the Public Service or any other service of the State of NSW or of a body established by an Act or other law of NSW
- a person holding office under an Act or other law of NSW or because of the person's appointment to that office by the Governor or a Minister of the Crown
- any other person or body, or any other class of persons or bodies, approved by the Attorney General.

The Crown Solicitor does not provide legal services to the public.

## 1.3 Management and structure

### Senior legal executives

The most senior legal executives of the CSO are the Crown Solicitor and 3 Assistant Crown Solicitors.

*Crown Solicitor: Karen Smith*



Karen has held the role of Crown Solicitor since April 2019.

Qualifications: BEc, LLB, LLM.

*Assistant Crown Solicitor: Richard Kelly*



Richard leads the Civil Law and Commercial Strategy division.

Qualifications: BEc, LLB.

*Assistant Crown Solicitor: Michael Granziera*



Michael leads the Public Law division.

Qualifications: BA, LLB (hons), LLM.

*Assistant Crown Solicitor: Naomi Malhotra*



Naomi leads the Inquiries and Criminal Law division.

Qualifications: BA, LLB (Hons).

## Executive Committee

The Crown Solicitor chairs the Executive Committee. The committee oversees the CSO's organisational performance and delivery of services to clients.

The committee is comprised of the Assistant Crown Solicitors and Corporate Services leaders (refer to the organisational structure section below for details).

## Organisational structure

As at 30 June 2025, the CSO is comprised of four divisions: the Corporate Services division plus three legal divisions made up of specialised legal practice groups.

In addition, the Crown Solicitor leads a small Government Law practice group, which focusses on significant government legal issues, including Parliament and executive power.

### *Corporate Services division*

This division has four teams:

- Finance & Support Services, led by Director, Anna Brennan.
- Information Management & Technology, led by Director, David Schneider.
- People & Culture, led by Director, Jane Francis.
- Legal Operations, led by Manager, Leanne Holden.

### *Civil Law and Commercial Strategy division*

#### **Public Interest & Protection**

Specialises in highly sensitive and complex matters for the State, including public interest immunity claims, charitable trusts, and adult guardianship and non-employment related discrimination matters.

Director: Erica Berki.

#### **Torts (Justice/Law Enforcement Agencies)**

Undertake all aspects of defence and settlement civil claims, specialising in claims for intentional torts involving law enforcement and justice agencies, and historical abuse claims.

Director: Helen Maamary.

#### **Torts (Service/Regulatory Agencies)**

Specialises in the defence and settlement of civil claims, with a focus on personal injury and negligence actions against Health and other NSW service agencies. Represents agencies in coronial inquests.

Director: Lucy Pinnock.

### *Inquiries and Criminal Law division*

#### **Inquiries**

Specialises in coronial inquests, royal commissions and other forms of inquiry, and matters concerning investigatory powers and procedures.

Director: Alana McCarthy.

#### **Public Safety and Justice**

Provides advice and conducts proceedings including in relation to post-sentence supervision and detention of high-risk offenders, Apprehended Domestic Violence Orders, and allegations of contempt of court.

Director: Brett Thomson.

## **THRO**

Provides advice and conducts proceedings including in relation to post-sentence supervision and detention of high risk offenders (both NSW and Commonwealth schemes), parole, extension orders in respect of forensic patients, and proceedings before the Serious Offenders Review Council and the Mental Health Review Tribunal.

Director: Enzo Camporeale.

## **Regulatory and Environment**

Conducts summary prosecutions for environmental and other regulatory offences, and advises agencies and regulators on issues including reviews of convictions, enforcement, criminal law and procedure, and evidence.

Director: Claudia Pendlebury.

## *Public Law division*

### **Child Protection**

Specialises in child protection law in the State and federal jurisdictions, contested and non-contested adoptions, and statutory wills for children.

Director: Nick Mitrevski.

### **Public Law and Commercial (Dispute Resolution)**

Assists NSW Government agencies in relation to disputes in jurisdictions ranging from the NSW Civil and Administrative Tribunal to the High Court of Australia. The practice also advises and assists agencies in matters arising under privacy legislation and broader issues of information management, including the new Mandatory Notification of Data Breach Scheme and privacy impact assessments.

Director: Kiri Mattes.

### **Public Law and Commercial (Advisory)**

Advises NSW Government agencies in relation to issues of constitutional law, administrative and statutory interpretation, as well as in relation to areas of commercial law that apply to NSW Government agencies.

Director: Jeremy Southwood.

### **Employment Law and Industrial Relations**

Manages all aspects of employment law and industrial relations in both State and federal jurisdictions, including in relation to workplace discrimination, licensing, and work, health and safety obligations.

Director: Christina Ray.

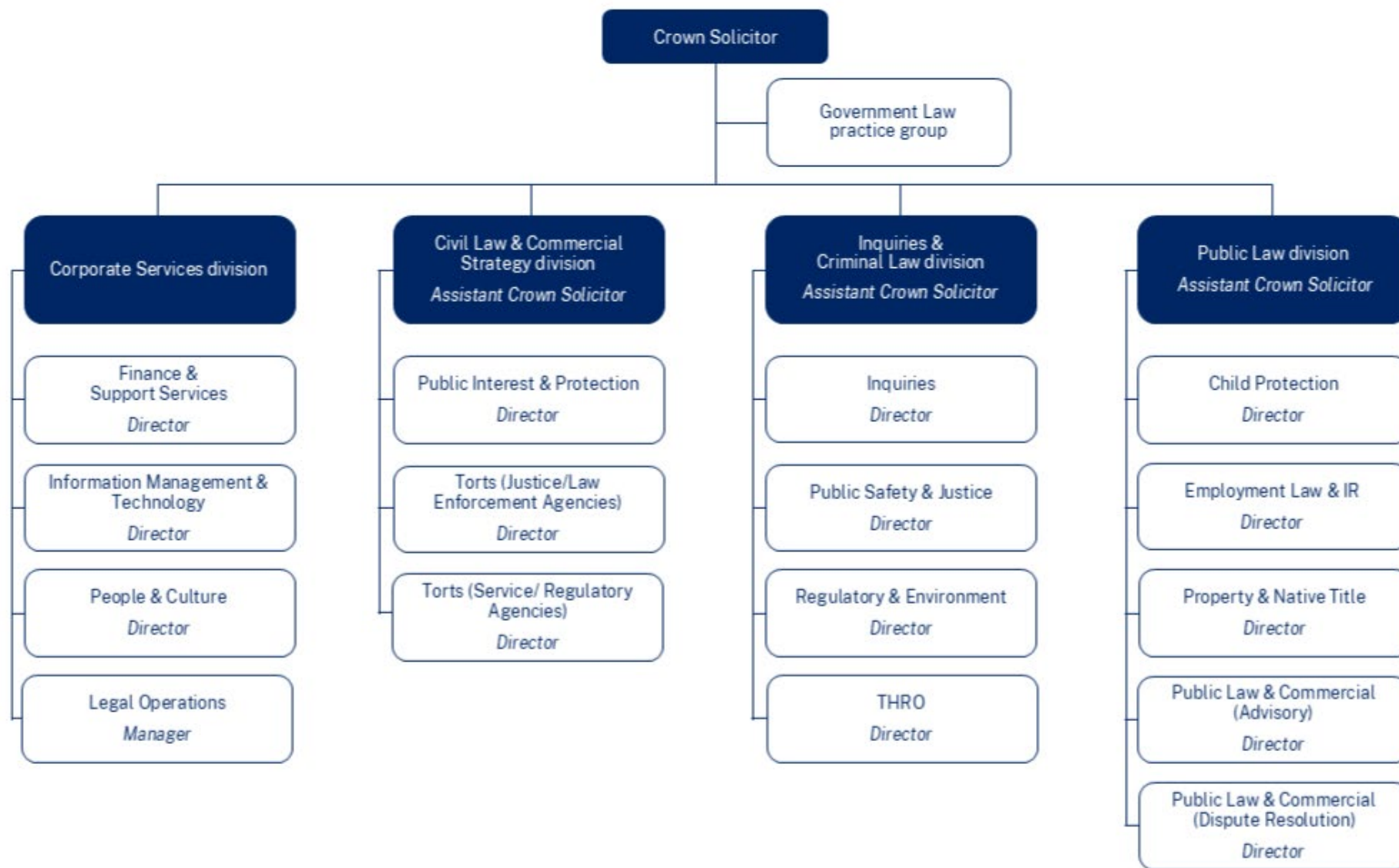
### **Property and Native Title**

Provides advice and representation in native title and Aboriginal land rights matters, as well as property transactions and representation and advice regarding Crown land, compulsory acquisitions and land valuation appeal matters.

Director: Cheryl Drummy.

## Organisation chart

The organisation chart below depicts the structure of the CSO, as described on the previous pages.



## 2. How the CSO's functions affect members of the community

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The CSO exists to be the NSW Government's most trusted legal advisor. Our strategic direction is guided by the importance of delivering an 'efficient and effective legal system'.

We act with integrity and professional independence and are guided by the government sector core values. We use our knowledge of the law and government to provide high quality legal advice and representation.

While the CSO does not provide services to the public, its functions have a broader impact in supporting agencies in their delivery of the NSW Government's policies, programs and projects in a lawful, effective and efficient manner.

## 3. Participation by members of the public in the formulation of the exercise of the CSO's functions

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### 3.1 Feedback, complaints or suggestions

You can provide feedback to us about:

- the conduct of a staff member
- a policy or procedure of the CSO.

If you want to make a complaint or provide feedback on any of these subjects, please see our [feedback and complaints page](#) on the CSO's website for further information.

## 4. Accessing information held by the CSO

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### 4.1 Kind of information held by the CSO

The main kind of information held by the CSO is legal files for the provision of legal advice and legal services to our clients. These files contain documents such as letters of instruction, court documents, client documents, written advice, correspondence and billing information.

Additionally, the CSO holds personnel records, financial records and other corporate and administrative records.

The CSO holds information in both electronic and physical files. A number of CSO Policy documents are available on the CSO website.

### 4.2 Government Information (Public Access) Act 2009

The NSW [Government Information \(Public Access\) Act 2009](#) ("GIPA Act") provides members of the public with a right of access to government information.

Under the GIPA Act, there is a presumption in favour of disclosing government information, unless there is an overriding public interest against disclosure. As is discussed further below, certain categories of information are conclusively presumed to be subject to an overriding public interest against disclosure. Otherwise, the public interest test set out in s 13 of the GIPA Act applies. That provides that there will be an overriding public interest against disclosure of information if there are public interest considerations against disclosure, and those considerations outweigh the public interest considerations in favour of disclosure.

The GIPA Act provides four avenues for the release of government information: open access; proactive release; informal release and formal access applications, each of which is addressed below.

## 4.2(a) Open Access Information (Mandatory Proactive Release, s 6 GIPA Act)

Under the *GIPA Act*, agencies are required to make certain categories of information available on our website – or to give an explanation if we do not. This information is called [Open Access Information](#).

The following table sets out categories of documents defined as “Open Access Information” under Section 18 of the *GIPA Act* and their availability. Open Access Information will be released without the need for a Formal Access Application under the *GIPA Act* (most are available on the CSO’s website).

Open access information	Availability
Agency Information Guide	CSO website: <a href="#">Agency Information Guide</a>
Information about our Office that has been tabled in Parliament	Contained in our <a href="#">Annual Reports</a> only
Our <a href="#">policy</a> documents	<p>The following policy documents are available online:</p> <ul style="list-style-type: none"> <li>■ <a href="#">Authorised Access Directions for the CSO</a></li> <li>■ <a href="#">Code of Conduct</a></li> <li>■ <a href="#">Corporate Governance Framework</a></li> <li>■ <a href="#">Data Breach Policy</a></li> <li>■ <a href="#">Privacy Management Plan</a></li> <li>■ <a href="#">Public Interest Disclosure Policy</a></li> <li>■ <a href="#">Public Interest Disclosure Procedure</a></li> <li>■ <a href="#">Register of Gifts of Government Property</a></li> <li>■ Register to supply goods and services to NSW Government at <a href="#">buy.nsw Supplier Hub</a></li> <li>■ <a href="#">Statement of Business Ethics</a></li> <li>■ Small Business Commissioner's <a href="#">Faster Payment Terms policy</a></li> </ul> <p>Updates to the policy documents will be added to the website when finalised</p>
A disclosure log of the information released in response to applications	CSO website: <a href="#">Disclosure Log</a>
A register of government contracts valued at \$150,000 or more	<a href="#">Contracts Register</a>
The open access information the CSO does not make publicly available due to an overriding public interest against disclosure	Not currently applicable
A list of the CSO’s major assets; the total number and value of properties disposed of during the previous financial year; guarantee of service (if any); Code of Conduct; any standard, code or other publication applied, adopted or incorporated by reference in any Act or statutory rule administered by the CSO	<ul style="list-style-type: none"> <li>■ <a href="#">Code of Conduct</a></li> <li>■ <a href="#">Standard terms of engagement</a></li> </ul>

## 4.2(b) Proactive release of information

The CSO may also decide to proactively release information from time to time. This information will be published on the CSO website.



## 4.2(c) Information available via an informal request

You can make an informal request for information, that is, a request that does not comply with the requirements of a formal access application (discussed below). Where an informal request for information is made, the CSO is authorised to provide information in response, except to the extent that there is an overriding public interest against disclosure.

The CSO may release information in response to an informal request, subject to any reasonable conditions it thinks fit to impose.

The CSO is not obliged to release information in response to an informal request, or to otherwise deal with a request for information on an informal basis. There are no rights to seek review of a decision made in response to an informal request.

Any informal requests for information should be made to the CSO's Right to Information Officer. The contact details for the Right to Information Officer are:

- phone: 02 9474 9000
- email: [crownsol@csso.nsw.gov.au](mailto:crownsol@csso.nsw.gov.au) (include Attn Right to Information Officer in the 'Subject' field)
- post: Right to Information Officer, Crown Solicitor's Office, GPO Box 25, SYDNEY NSW 2001.

## 4.3 Formal applications

Formal applications for information must be in writing. Download the [access to information form \(PDF\)](#) or refer to the Annexure in this Guide.

The formal written application can be lodged via the email or postal address listed above, or in person (see office address on the [CSO website contact us page](#)).

The application must clearly indicate that it is made under the *GIPA Act*, state the name of the applicant, list an Australian postal or email address, be accompanied by the \$30.00 fee (see below for details of how to pay), and provide sufficient detail to enable the information requested to be identified by the CSO.

If your application is determined to be a valid access application, we will issue an invoice to the email or postal address provided in your application detailing the application fee payable for payment by Electronic Funds Transfer. A cheque for payment of the invoice will be accepted should the issuing party not have access to electronic transfer or access to a banking facility. Please note that our Office cannot accept Money Orders from Australia Post. You may also be charged processing fees for dealing with your application, in accordance with the requirements of the *GIPA Act*.

Application/nature of information	Application fee	Processing charges	Photocopying charges
Open Access Information	No fee	No fee	Fees available on application
Authorised Proactive Release	No fee	No fee	Fees available on application
Informal Release	No fee	No fee	Fees available on application
Formal Application	\$30	\$30 per hour after the first hour (but not for first 20 hours where information sought is personal information)	No fee

The CSO will undertake reasonable searches as may be necessary to locate the information requested. The CSO is not required to undertake any search for information that would require an unreasonable and substantial diversion of resources.

## 4.4 Overriding public interest against disclosure

The right to access government information under the *GIPA Act* is subject to where there is an “overriding public interest against disclosure”.

Section 13 of the *GIPA Act* sets out the “public interest test”. This provides that there is an overriding public interest against disclosure of government information if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

Examples of information held by the CSO for which there might be an overriding public interest against disclosure, applying the public interest test, include where disclosure would: reveal personal information or be contrary to the *Privacy and Personal Information Protection Act 1998*; reveal the identity of an informant; prejudice law enforcement, prejudice any court proceedings; prejudice the fair trial of any person; or prejudice the legitimate business interests of a person.

Schedule 1 of the *GIPA Act* sets out certain categories of information that are presumed to be subject to an overriding public interest against disclosure. These categories include:

- information the disclosure of which is prohibited by prescribed secrecy provisions
- Cabinet information
- information that would be privileged from production in legal proceedings on the grounds of client legal privilege (see further below)
- excluded information of other agencies.

Where information is subject to a conclusive presumption of an overriding public interest against disclosure, access cannot be provided under the *GIPA Act*.

## Legal Professional Privilege

Schedule 1 of the *GIPA Act* provides that there is a conclusive presumption of an overriding public interest against disclosure of information that is privileged from production in legal proceedings on the ground of client legal privilege (legal professional privilege). Access to this information cannot be provided under the *GIPA Act* unless that privilege has been waived.

Legal professional privilege protects confidential communications and confidential documents between a lawyer and client made for the dominant purpose of the lawyer providing legal advice or professional legal services to the client, or for use in current or anticipated litigation.

Much of the information held by the CSO – in particular, in its legal files – is privileged information that is subject to this conclusive presumption of an overriding public interest against disclosure. Unless the CSO’s client has waived that privilege, access to that information may not be provided under the *GIPA Act*.

## 4.5 Review rights

You may request a review of certain decisions made by the CSO in response to a formal access application. For further information, please view the NSW Information and Privacy Commission’s publication, [‘Your review rights under the GIPA Act’](#). Part 5 of the *GIPA Act* sets out the review of decisions.

Not all decisions are entitled to a review, and a review may be limited to a particular aspect of a reviewable decision. Internal review of a decision must be made within 20 workings days of notice of the decision being given, or within 20 days of a deemed refusal. A fee of \$40 is payable by the applicant for an internal review.

Unlike a formal access application, a request for the informal release of information under the *GIPA Act* does not entitle the requester to any rights of review in respect of the CSO’s decision.

You can also apply to have the decision reviewed externally, by the Information Commissioner or by the NSW Civil and Administrative Tribunal (NCAT). The NSW Information Commission's publication, ['Your review rights under the GIPA Act'](#), sets out the steps to be taken for internal and external review requests.

## 4.6 Further Information

For more information about Right to Information, you may contact the Information and Privacy Commission:

- Website: <https://www.ipc.nsw.gov.au>
- Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- Post: GPO Box 7011, Sydney NSW 2001
- Location: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
- Phone: 1800 472 679 from 9am to 5pm, Monday to Friday (excluding public holidays).

## Annexure: formal access to information application form

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### Government Information (Public Access) Act 2009 Formal access to information application form

Please complete this form to apply for formal access to government information held by the Crown Solicitor's Office under the *Government Information (Public Access) Act 2009* (GIPA Act).

For general information about the GIPA Act, contact the Information and Privacy Commissioner: telephone 1800 472 679 or visit [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

#### How to submit your form

Post your completed form to:

Right to Information Officer, Crown Solicitor's Office  
GPO Box 25  
SYDNEY NSW 2001

Or email your completed form to [crownsol@csso.nsw.gov.au](mailto:crownsol@csso.nsw.gov.au). Include 'Attn Right to Information Officer' in the email subject line.

#### Where to get help with your form

If you need help in filling out this form, please telephone the Right to Information Officer at the Crown Solicitor's Office on 02 9474 9000 or email to [crownsol@csso.nsw.gov.au](mailto:crownsol@csso.nsw.gov.au).

The Information and Privacy Commission has a [checklist and tips](#) for preparing your application.

### Access application form

#### Your details

**Given name:**

**Family name:**

**Postal address:**

**Day-time telephone number/mobile number:**

**Email address:**

I agree that the Crown Solicitor's Office may contact me to discuss this GIPA application by email and/or phone.

Office use only  
Date application received:  
File reference:

## Government information

**Please describe the information you would like to access.**

Your application is only valid if you provide enough details to enable the Crown Solicitor's Office to identify the information you are seeking.

**Have you applied, at any time, to another agency for similar information?**

- ☐ No
- ☐ Yes – please provide the name of the agency:

## Personal information

**Are you seeking access to personal information?**

- ☐ Yes – I understand that the Crown Solicitor's Office may ask for proof of identity if my request is for personal information
- ☐ No

## Proof of identity

This is required if you are requesting information on your own behalf.

When seeking access to personal information, the applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents.

**I have attached (please select 1):**

- ☐ Australian driver's licence with photograph, signature and current address
- ☐ Current Australian passport
- ☐ Other proof of signature and current address details
- ☐ Not applicable

## Form of access

How do you wish to access the information?

- ☐ Inspect the document(s)
- ☐ A copy of the document(s)
- ☐ Access in another way (please specify):

## Application fee

If your application is determined to be valid, you will be charged an application fee of **\$30**. Additional processing fees may be charged, depending on type of request.

An invoice will be issued by our Office and sent to the email or postal address provided in this application.

If your application is determined to be invalid, you will not be charged the application fee.

## Third party consultation

Under section 54 of the GIPA Act, if the information you are requesting contains information about another person, business or government agency, the Crown Solicitor's Office may be required to consult with third parties before deciding your application.

The purpose of this consultation is for the Crown Solicitor's Office to determine whether the third party has an objection to disclosure of some or all of the information being requested.

Do you consent to your identity being disclosed to any third parties identified?

- ☐ Yes
- ☐ No

## Disclosure log

If the information you have requested is released to you and would be of interest to other members of the public, details about your application may be recorded in the Crown Solicitor's Office disclosure log. This is published on the Crown Solicitor's Office website.

Do you object to this?

- ☐ Yes
- ☐ No

If you object to this, we must first decide if you are entitled to object and, if so, if the objection outweighs the general public interest in including this information in the disclosure log.

## Grounds for objection

You can only object to the inclusion of information in an agency's disclosure log for one or more of the following grounds:

- The information includes personal information about you (or a deceased person for whom you are the personal representative).
- The information concerns your business, commercial, professional or financial interests.
- The information concerns your business research that has been, or is being, or is intended to be, carried out by or on your behalf.

- The information concerns the affairs of a government of the Commonwealth or another State (and you are entitled to act on behalf of that government agency).

*Note: if the Crown Solicitor's Office decides to include information in its disclosure log despite your objection, you can seek a review of this decision.*

## Processing charges

You may be asked to pay an additional charge for processing the application (\$30 /hour).

Some applicants may be entitled to a 50% reduction in this processing charge.

**To apply for a discount, please indicate the reason:**

Financial hardship – please attach supporting documentation (e.g. a pension or Centrelink card)

Special benefit to the public – please specify:

*Note: the processing charge cannot be discounted by more than 50%, even if both reasons are relevant.*

## Signature

**Applicant's signature:**

**Date:**