

Sunday 25th June 2023

Pages Total: (2) Two
Attachments Total: (2) Two

NSW Civil & Administrative Tribunal

Att: Administrative & Equal Opportunity Division

E: aeod@ncat.nsw.gov.au

Copy to: Justice NSW

Att: Jonathan Franklin

E: Jonathan.franklin@justice.nsw.gov.au

Dear Registrar

RE: WEBB – NSW FREEDOM OF INFORMATION V JUSTICE NSW
NCAT Matter No: 2023 – 00125842

Further to the Tribunal's Generic Correspondence dated 19th June 2023, copy attached.

Firstly, I apologise for the late acknowledgement and reply to that correspondence, however I have been overseas and did not return to my home-based office until late on Friday 23rd June 2023, hence this is my first opportunity to provide comment and I would be very grateful for the Tribunal's understanding and accommodation on this occasion as a result. Understandably, I made those travel plans on the basis of my current professional commitments. Should the Tribunal require evidence of my leave I would be happy to provide that on a strictly confidential basis.

Secondly, I refer the Tribunal to my request to attend the administrative review hearing via AVL, dated 17th May 2023, copy attached.



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In this regard I feel I have set out the reasonableness of the circumstances for the request and I ask the Tribunal to agree the journey and associated costs are avoidable.

I also note the commentary of Justice NSW's Jonathan Franklin within his email dated 13th June 2023 to supposedly object to the AVL participation of the hearing, and I can only state that his comments are extremely disappointing as he has disclosed his / the department's calculated trolling of the internet to gain some kind of advantage, cause detriment, manipulate public commentary, for the sole purpose of causing unnecessary and avoidable inconvenience and costs to an unrepresented party.

Whilst this was very surprising to read, it should not have been given there is now numerous evidence of Right to Information Officers responding to valid requests for government information by firstly conducting background inquiries into applicants for the specific purpose of orchestrating personal factors of applications towards supporting and validating a specific Notice of Decision outcome. As with Jonathan Franklin's commentary in his email dated 13th June 2023, there is nothing within the GIPA Act 2009, the NCAT Act 2013, nor the ADR Act 1997, nor indeed Justice NSW's Code of Conduct which supports or validates such gross professional misconduct and abuse of position, in this instance designed to influence administrative review decision-makers.

Jonathan Franklin's commentary makes numerous unfounded assertions which I intend to address in due course separately to these proceedings, given the Tribunal is on the record taking no interest in agency misconduct in either the exercise of the GIPA Act 2009 or conduct within review hearings.

I do not object to the Tribunal deciding this issue of a request to attend the Hearing via AVL on the papers.

However, I wish to make clear I do not agree to the hearing of the administrative review on the papers, which I believe is the intention outlined in Jonathan Franklin's email to the Tribunal dated 20th June 2023.

In this regard, any reasonable person would agree Jonathan Franklin has attempted, by his email of 20th June 2023, to take an unnoticed advantage of an unrepresented party, which no doubt flies in face of Justice NSW's Code of Conduct at minimum,
<https://dcj.nsw.gov.au/documents/about-us/careers-at-dcj/code-of-ethics-and-conduct.pdf>.

Yours Sincerely



Telina Webb

Encl:



Freedom of Information

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Quote the number below for all enquiries
Case number **2023/00125842**

Telina Webb
info@nswfreedomofinformation.net

19 June 2023

Case title	Telina Webb v Secretary, Department of Communities and Justice Application under Government Information (Public Access) Act 2009
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Request for permission to attend NCAT hearing by AVL

The Tribunal has received a request for permission to attend NCAT hearing by AVL.

The requesting party must contact the other party(ies) and ask them to agree to the request. Any comments about the request should be provided in writing to the Tribunal by 20 Jun 2023.

The request will be considered by the Tribunal after this date and you will be advised of the outcome.

The Tribunal may consider this request on the papers. Both parties should also make any submissions about whether they object to an order being made dispensing with a hearing under s 50(2) of the Civil and Administrative Tribunal Act, 2013 or if they consent to the request being dealt with on the papers. Submissions on this issue must be lodged with the Tribunal and given to the other party(ies) by the same date provided above.

A copy of this letter has been sent to all parties.

Registrar
awhyte0

Wednesday 17th May 2023

Pages Total: (1) One
Attachments Total: (1) One

NSW Civil & Administrative Tribunal
ATT: Administrative & Equal Opportunity Division
John Maddison Building
Level 10, 86 – 90 Goulburn Street
Sydney NSW 2000
E: aeod@ncat.nsw.gov.au

Dear Registrar

RE: Telina Webb – NSW Freedom of Information v Dept of Communities & Justice
• **NCAT Matter No: 2023 – 00125842**

Further to the Tribunal's Notice of Listing of 17th May 2023, Dot Point 1, copy attached:

"This hearing will be conducted in person at the address above in this notice."

In this regard this letter seeks the Tribunal's permission for the Applicant to attend via AVL.

The Applicant currently undertakes a 300km round-trip for any business concerning the NCAT, with premium tolls and premium parking charges additional to the fuel costs. It is understood none of these costs are claimable.

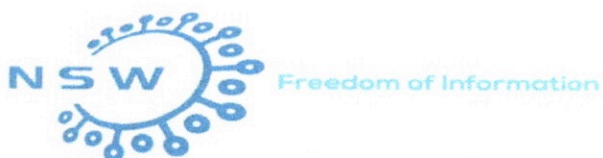
Thank you for forwarding notification of the permission sought.

Yours Sincerely

Telina Webb

Encl: Copy of Notice of Listing of 17th May 2023

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