

Dear Ms Webb / Registry,

Thank you for seeking the view of the Department of Communities and Justice in relation to the Applicant's request to attend these proceedings remotely. The Respondent's view is that the proceedings can be run more efficiently and transparently if the parties were to appear in person. DCJ's reasons are set out below.

### **Respondent's concerns**

Ms Webb's NSW Freedom of Information website advertises a forum (<https://nswfreedomofinformation.net/forum/>) that purports to engage users to, inter alia:

- Contribute to submissions;
- Engage with a supportive community;
- Consider departmental responses; and
- Ask questions about GIPA and how the GIPA process varies between agencies.

On 30 October 2022, Ms Webb (@NSW\_FOI) tweeted that she was aware that government agencies review her website and social media (see 20221030\_Agencies look at my website.png). This infers that it is reasonably likely that Ms Webb and associates communicate and facilitate forums to discuss and assist with current litigation. For example, Ms Webb has communicated with Twitter user @ForcinNet (Friends of Royal Commission Into NCAT) which also hosts their own website with links to Facebook, Twitter, Instagram and Reddit.

Accordingly, the Respondent is concerned that private forums or sub-forums on these social media sites could be used to communicate and display information about current NCAT matters. The Respondent reasonably believes that Ms Webb and associates may communicate on non-public forums such as sub-reddits. Therefore, if the applicant were permitted to attend the hearing remotely, there is a risk that other people may be in attendance or that the hearing may be recorded and shared between users or forum members. The smooth running of the proceedings is likely to be jeopardised by the need to deal with these additional issues.

Given Ms Webb's prior conduct of publishing information concerning current litigation, inviting people to share ideas in preparation of submissions, requesting current NCAT matter details and her public views on remote hearings, the Respondent considered it preferable for the parties to appear in person.

### **Public posts about current litigation as a party**

Ms Webb has publicly posted comments about litigation that she was a party to. On 31 October 2022, a hearing was scheduled for [Webb v Port Stephens Council \[2022\] NSWCATAD 404](#). At 8:49am on the morning of the hearing, Ms Webb (@NSW\_FOI) tweeted (see 20221031\_NCAT hearing this morning.png):

*NCAT Hearing this morning, NSW Crown Solicitor objecting to public release of FOI Training Manuals and Workbooks, claiming a competitive disadvantage, prejudice business interests and diminishing competitive commercial value of information if*

*business interests, and diminishing competitive commercial value of information, if documents released to public. #NSW\_FOI*

### **Public comments about views on conduct of hearings**

On 13 October 2022, Ms Webb (@NSW\_FOI) tweeted (see 20221013\_NCAT locks out applicants.png):

*NCAT closes PUBLIC hearings to parties to proceedings. NCAT locks out Applicants and only has ears for agencies. #NSW\_FOI*

On 24 February 2022, Ms Webb (@NSW\_FOI) tweeted (see 20220224\_Public should not be prevented from online hearings.png):

*The public asks the NCAT to make virtual hearings fully accessible to the public, in line with the principles of open, transparent justice. The public should not be vetted and excluded from proceedings. NCAT should ensure login details are freely available in good time.*

### **Communication with other litigants and requesting ongoing NCAT matter details**

Ms Webb also communicates with other parties online involved in GIPA related litigation. For example:

1. On 8 January 2023, Ms Webb (@NSW\_FOI) replied to a Twitter user offering to attempt to obtain sealed documents for another person who posted that they were having issues obtaining material from NCAT (see 20230108\_Would you like NSW FOI to get a copy next time.png); and
2. On 14 February, Ms Webb posted a message on her business Facebook page requesting members of the public to share their current NCAT matter details to receive an 'Awareness Ribbon to wear with pride to all your Hearings' (see 14 Feb – Awareness ribbon.jpg). This post provides a hyperlink to the NSW Freedom of Information website with a fillable form to enter name, email, address and NCAT matter details. This page provides an explanation of the 'Awareness Ribbon', stating (see Awareness ribbon.pdf):

*Why these colours for our Awareness Ribbon?*

*Firstly, Victims of NCAT are grieving, so we embrace the colour associated with grief, black.*

*Secondly, as with our symbol of a dying justice system the [Black-Eyed Susan](#), we also embrace the golden yellow of its falling petals.*

Kind regards,

**Jonathan Franklin**

**Solicitor**

Open Government, Information and Privacy

DCJ Legal

Department of Communities and Justice

T (02) 9765 4084 | E [jonathan.franklin@justice.nsw.gov.au](mailto:jonathan.franklin@justice.nsw.gov.au) | W [www.dcj.nsw.gov.au](http://www.dcj.nsw.gov.au)

Locked Bag 5000  
Parramatta NSW 2124



Communities  
& Justice



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**From:** NSW Freedom of Information <[info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)>

**Sent:** Tuesday, 23 May 2023 10:04 AM

**To:** Jonathan Franklin <[Jonathan.Franklin@justice.nsw.gov.au](mailto:Jonathan.Franklin@justice.nsw.gov.au)>

**Subject:** Fwd: NCAT Matter No: 2023 - 00125842 - Request Permissions to Attend Hearing via AVL

**Importance:** High

Good Morning Mr Franklin,

I would prefer to attend these proceedings remotely.

I have received a message below from the Registry regarding this issue.

As you can see I have made application for same however the Registry requests the Respondent's views before making a decision.

If you could provide your feedback, the Registry will then make a determination.

I ask you to note I do not see any impediment to Justice NSW making its case should the Registry approve my request.

I also advise I do not object to Justice NSW attending virtually either.

Kindest Regards,

Telina Webb, Administrator

E: [info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)

M: 0493 211 635

[www.nswfreedomofinformation.net](http://www.nswfreedomofinformation.net)



*Errors and Omissions Excepted*

Begin forwarded message:

**From:** NCATAdministrativeandEqualOpportunity <[aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)>  
**Subject:** FW: NCAT Matter No: 2023 - 00125842 - Request Permissions to Attend Hearing via AVL  
**Date:** 19 May 2023 at 12:13:33 pm AEST  
**To:** "[info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)" <[info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)>

Dear Ms Webb

I refer to your request to appear by AVL and request that you provide the views of the Respondent in relation to your request so that it may be considered by the Tribunal.

Yours sincerely

For the Registrar (aw)  
NSW Civil and Administrative Tribunal (NCAT)  
Administrative and Equal Opportunity Division, Occupational Division and Appeals  
Level 10, John Maddison Tower, 86-90 Goulburn Street, SYDNEY NSW 2000  
DX 11539 Sydney Downtown  
Web: [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au) | Follow us on [Twitter](https://twitter.com/ncat_nsw)

*I acknowledge the traditional owners and custodians of the land on which I work and live, and pay my respects to Elders past, present and future.*



---

**From:** NSW Freedom of Information <[info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)>  
**Sent:** Wednesday, 17 May 2023 1:36 PM

**To:** NCATAdministrativeandEqualOpportunity <[aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)>  
**Subject:** NCAT Matter No: 2023 - 00125842 - Request Permissions to Attend Hearing via AVL

Good Afternoon Registrar,

Thank you for considering the enclosed request.

Kindest Regards,

Telina Webb, Administrator  
E: [info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)  
M: 0493 211 635  
[www.nswfreedomofinformation.net](http://www.nswfreedomofinformation.net)



*Errors and Omissions Excepted*

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**Tweet**



**NSW Freedom of Information**  
@NSW\_FOI

NCAT Hearing this morning, NSW Crown Solicitor objecting to public release of FOI Training Manuals and Workbooks, claiming a competitive disadvantage, prejudice business interests, and diminish competitive



commercial value of information, if documents released to public.  
[#NSW\\_FOI](#)

8:49 AM · Oct 31, 2022

2 Retweets 2 Likes



Tweet your reply!

Reply



**Anthony Freeman** @Antz3005 · Nov 2, 2022

...

Trying to keep the power secret. If you want change you have to start at the top

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twitter.com/NSW\_FOI/status/1611895412050518016

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SP

Legislation

Systems

GIPA

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Tweet

...

**NSW Freedom of Information**  
@NSW\_FOI

Would you like [@NSW\\_FOI](#) to get you a copy next time we attend for filing? Just need the case information. [#NSW\\_FOI](#)

**Paulina** @p\_wojciechowska · Jan 4  
Replying to @NCATNSW  
Hey @NSW\_FOI, guess what? NCAT continues to refuse to provide the sealed copy of my application for miscellaneous matters - DAY 34!  
  
[#NCATVigil2023](#)

12:19 PM · Jan 8, 2023 · 28 Views

1 Like

Tweet your reply!

Reply





## NSW Freedom of Information

Feb 14 • 

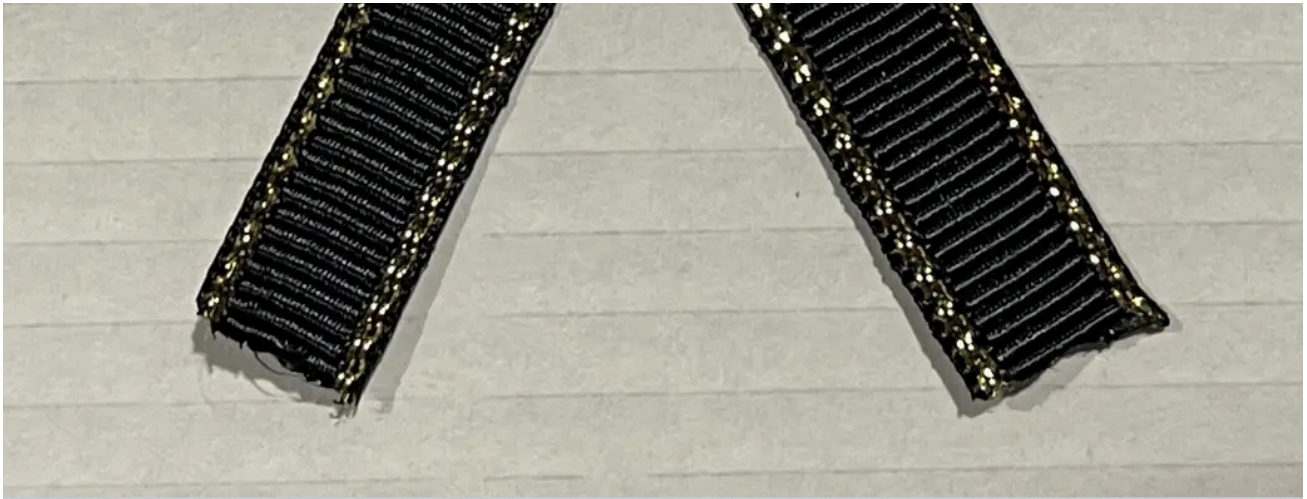


Share your NCAT Matter details via our feedback form and receive a FREE Awareness Ribbon to wear with pride to all your Hearings.

<https://nswfreedomofinformation.net/nsw-foi-awareness-ribbon/>







MESSENGER

## NSW Freedom of Information

Public & Government Se...



SEND MESSAGE



1



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Awareness Ribbon.pdf



twitter.com/NSW\_FOI/status/1580462888350728192

Legislation Systems GIPA SP



← Tweet



NSW Freedom of Information  
@NSW\_FOI



NCAT closes PUBLIC hearings to parties to proceedings. NCAT locks out Applicants and only has ears for agencies. [#NSW\\_FOI](#)



6:38 PM · Oct 13, 2022



Tweet your reply





tweet your reply!

Reply



twitter.com/NSW\_FOI/status/1586574261535186944

Legislation Systems GIPA SP



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Tweet

## Tweet



NSW Freedom of Information @NSW\_FOI · Oct 28, 2022

In NCAT there is no presumption innocence, you are guilty at first instance. Full Stop! NSW Agencies have huge influence in NCAT. Self-represented parties struggle against very experienced government funded opponents. No sign of equity. [#NSW\\_FOI](#)

2 1 2



Steve Larsson @SteveLarsson · Oct 28, 2022

NCAT cannot and does not deliver procedural fairness when government agencies have unlimited money to defend their decisions. In my case, the Respondent retained a commercial barrister, instructed by the Crown Solicitors Office', at a cost to the NSW taxpayer of over \$60K!!

### PORTFOLIO COMMITTEE NO. 4 - LEGAL AFFAIRS BUDGET ESTIMATES 2018-2019

#### NSW POLICE FORCE

At Macquarie Room, Parliament House, Sydney, on Wednesday 31 October 2018

The Committee met at 9:40 am

#### PRESENT

The Hon. Robert Borsak (Chair)  
The Hon. David Clarke  
The Hon. Catherine Cusack  
The Hon. Trevor Khan  
The Hon. Shaouket Mostafae  
Mr David Shoebridge (Deputy Chair)  
The Hon. Lynda Voltz

#### QUESTIONS AND ANSWERS

Q7. The CHAIR: That is really where I am going. As I said on the professional use side of things, 108 of the 109 applications were approved. Only one out of 79 applications was approved for "RECREATIONAL/SPORTING PURPOSES", yet they are one of the listed "genuine reason" application areas. There seems to be a bit of a dichotomy there, no-one really understands what a "genuine reason" is for recreational and sporting purposes. I turn now to the question of costs—and I have tried to get my hands on some of this stuff but have not been able to. **What was the cost to the NSW Police Force arising from legal representation provided by the Office of General Counsel, the Crown Solicitor's Office, external barristers and solicitors, and expert witnesses as a respondent to the following cases dealing with the NSW Civil and Administrative Tribunal: Marando v Commissioner of Police, Larsson v Commissioner of Police, Henney v Commissioner of Police, Trigg v Commissioner of Police, Burge v Commissioner of Police and Burton v Commissioner of Police?**

#### ANSWER:

I am advised:

The Office of General Counsel does not apportion costs to individual matters. The GST exclusive costs arising from legal representation provided by the Crown Solicitor's Office, external barristers and solicitors, and expert witnesses are as follows:

**Marando v Commissioner of Police - \$53,782.97**

**Larsson v Commissioner of Police - \$60,597.53**

**Henney v Commissioner of Police - \$27,193.60**

**Trigg v Commissioner of Police - \$23,571.39**

**Burge v Commissioner of Police - \$36,749.72**

**Burton v Commissioner of Police - \$30,226.31**

1 2



NSW Freedom of Information @NSW\_FOI · Oct 28, 2022

I invite you to visit [nswfreedomofinformation.net](https://nswfreedomofinformation.net), and Rate your Agency,

submit the form and your experience and documents can be published. The public need to know. The conversation is overdue. [#NSW\\_FOI](#)

1



**Steve Larsson** @SteveLarsson · Oct 29, 2022



I'm planning on having another crack next year, so I might just hold off for a bit. I know that police bureaucrats watch my social media posts...

1



1



**NSW Freedom of Information**



@NSW\_FOI

I'm certain NCAT and agencies including the Crown Solicitor and Justice NSW watch these posts also. They have revealed they trawl the website, apparently it's not acceptable to speak out, have an opinion, and support victims. Bad public! Bad!! [#NSW\\_FOI](#)

3:22 PM · Oct 30, 2022

1 Like

