



Communities and Justice

4 October 2024

BY EXPRESS POST

Paul McEwan
PO Box 8030
MARKS POINT NSW 2280

Also by email: paul.mcewan@draftcom.net

Dear Mr McEwan

**Secretary, Department of Communities and Justice & Ors v Telina Webb & Ors –
Application under s. 110 of the *Government Information (Public Access) Act 2009***

I act on behalf of the Secretary, Department of Communities and Justice, Goulburn Mulwaree Council, and Port Stephens Council (“**Applicants**”) in the abovementioned matter.

Please find **enclosed**, by way of service, an application under s 110 of the *Government Information (Public Access) Act 2009* (NSW) filed by the Applicants on 4 October 2024.

Please contact our team at infoandprivacy@dcj.nsw.gov.au if you have any questions in relation to this matter.

Yours sincerely,

A handwritten signature in blue ink that reads 'Justin Cahill'.

Justin Cahill
Principal Solicitor
Open Government, Information and Privacy Unit
Department of Communities and Justice, Legal



General application form

ADMINISTRATIVE AND EQUAL OPPORTUNITY DIVISION AND OCCUPATIONAL DIVISION

File Number
Office use only

2024/00367444

Copy Received

04 OCT 2024

NCAT - AEOD, OD & AP

1. PARTIES

Applicant

Secretary, Department of Communities and Justice & Ors(see attached schedule)

Respondent

Telina Webb & Ors (see attached schedule)

2. LEGISLATION

Specify the Act and section giving jurisdiction to the Tribunal.

This is an application under the:

Section 110, Government Information (Public Access) Act 2009

3. ORDERS SOUGHT

See attached schedule.

4. GROUNDS FOR APPLICATION

The respondents have made a combined total of eight access applications to the applicants which 'lack merit' as defined by s.110(2) of the GIPA Act. The Tribunal, in exercising its discretion in s.110 (1) of the GIPA Act to make a restraint order, should attribute significantly greater weight to protecting the applicants' ability to discharge the objects in s.3(1) of the GIPA Act by providing access to government information promptly and at the lowest reasonable cost than to the minimal impact of an order under s.110(1) on the respondents' rights of access.

5. LATE APPLICATIONS

The application is lodged within the time allowed under the relevant legislation OR

The reason the application is lodged outside the time allowed is:

6. PARTY DETAILS

A. APPLICANT

Name:

Address:

APPLICANT'S LEGAL REPRESENTATIVE

Legal Practitioner's name:

Name of firm or organisation:

Address:

CONTACT DETAILS

Telephone: Mobile:

Email:

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By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.

Please note NCAT does not accept filing of applications, submissions or evidence by email. Parties must give a hardcopy of documents to the Registry.

B. RESPONDENT

Name:

Address:

7. SIGNATURE

Your signature or signature of legal representative

Name:

Signature: Date:

8. REGISTRY DETAILS

NCAT Administrative and Equal Opportunity Division and Occupational Division

Postal address: PO Box K1026, Haymarket NSW 1240

Street address: Level 10 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

Telephone: 1300 006 228

Email: aeod@ncat.nsw.gov.au

Website: www.ncat.nsw.gov.au

Application fee information

You may need to pay an application fee when lodging your application. The fee schedule is available on the [NCAT website](#).

Cash, credit card and EFTPOS payment can be made in person at your nearest [NCAT Registry](#). You can also pay in person when lodging an application at any [Service NSW](#) service centre.

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

SCHEDULE TO THE APPLICATION

1. PARTIES

Secretary, Department of Communities and Justice

First Applicant

Port Stephens Council

Second Applicant

Goulburn Mulwaree Council

Third Applicant

AND

Telina Webb

First Respondent

DraftCom Pty Ltd (ACN 076 511 941)

Second Respondent

Paul McEwan

Third Respondent

3. ORDERS SOUGHT

The applicants listed above jointly seek:

- (1) A restraint order under ss.110(1) and 110(3) of the *Government Information (Public Access) Act 2009* ('GIPA Act') that the respondents, Telina Webb, DraftCom Pty Ltd (ACN 076 511 941) and Paul McEwan indefinitely not be permitted to make an access application to any NSW public sector agency under the GIPA Act, whether solely on their own behalf or acting jointly, or in concert with any other person or entity without first obtaining the Tribunal's approval.
- (2) An order under s.64(1)(c) and (d) of the *Civil and Administrative Tribunal Act 2013* that the disclosure to the respondents and the publication of the confidential paragraphs of the affidavits of Tony Wickham, Jonathan Franklin, and Maria Timothy is prohibited.