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28 APR 2026
NCAT PARRAMATTA

Reply to Appeal

NCAT INTERNAL APPEAL PANEL

Complete this form to reply to a Notice of Appeal lodged with the NCAT Internal Appeal Panel. Before completing the Reply to Appeal form read NCAT Guideline 1 – Internal Appeals.

- A respondent must lodge an original and two copies of the Reply to Appeal with the NCAT Registry within 14 days from the day on which the respondent was notified of the appeal (unless another time has been directed by the Tribunal).
- A respondent who has lodged a reply must serve a copy of the reply on each appellant before, at the same time as, or as soon as practicable after lodging the reply.

Office use only

1. DETAILS OF APPEAL

Appeal Panel File Number	2026/00139493
1 ST Appellant Name	Telina Webb
1 ST Respondent Name	Secretary, Department of Communities and Justice

2. RESPONDENT

Provide details of the respondent to the Notice of Appeal. For multiple respondents, attach details on a separate sheet. If a company include Australian Company Number (ACN).

Full name:	2nd Respondent: Port Stephens Council. 3rd Respondent: Goulburn Mulwarree Council	
Postal address:	c/- PO Box 5000, Parramatta NSW 2124	
Contact details: Daytime telephone		Mobile
Email address:	justin.cahill@dcj.nsw.gov.au	

* By providing an email address you are agreeing that any NCAT notices, orders and correspondence can be emailed to you. Ensure the email address provided is accurate and the account is checked regularly.

Tick if you have a representative and want them to receive correspondence on your behalf
Note: You may have to ask for the Tribunal's permission to have a representative.

REPRESENTATIVE DETAILS (IF APPLICABLE)

Full name:	Justin Cahill	
Name of firm or organisation:	Department of Communities and Justice	
Postal address:	c/- PO Box 5000, Parramatta NSW 2124	
Contact details: Daytime telephone		Mobile
Email address:	justin.cahill@dcj.nsw.gov.au	

* By providing an email address you are agreeing that any NCAT notices, orders and correspondence can be emailed to you. Ensure the email address provided is accurate and the account is checked regularly.

3. REPLY TO GROUNDS FOR APPEAL

Refer to Q.5 GROUNDS FOR APPEAL sections A and B in the Notice of Appeal.

A. ORDERS CHALLENGED ON APPEAL

Do you support the original orders made by the Tribunal which the Appellant challenges for reasons other than those given by the Tribunal? Yes No

If 'yes', state the orders supported and other reasons not given by the Tribunal which you say support the original orders. Use a separate sheet if needed **Note:** If you disagree with the original orders of the Tribunal and want them changed you may need to lodge your own appeal.

B. REPLY TO APPELLANT'S GROUNDS OF APPEAL

The respondent replies to the grounds identified in the Notice of Appeal as follows. List short reply to each ground of appeal. Use a separate sheet if needed.

Please see the attachment to this Reply to Appeal.

4. REPLY TO LEAVE TO APPEAL

Refer to Q.6 LEAVE FOR APPEAL in the Notice of Appeal.

Do you say the Appellant requires leave to appeal? Yes No

If yes, do you oppose leave being granted? Yes No

If 'yes', explain why leave should not be granted. Use a separate sheet if needed.

Please see the attachment to this Reply to Appeal.

5. REPLY TO EXTENSION OF TIME

Refer to Q.7 EXTENSION OF TIME in the Notice of Appeal.

- The respondent accepts that the appeal was lodged within time OR
- The respondent does not accept that the appeal was lodged within time but does not object to the Tribunal extending the time for lodging the appeal OR
- The respondent does not accept that the appeal was lodged within time and objects to the Tribunal extending the time for the lodging of the appeal on the following grounds. *Use a separate sheet if needed.*

6. HEARING

A. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

B. INTERPRETER

Do you require an interpreter for the hearing? Yes No

If yes, specify language and dialect:

7. REPLY TO APPEAL CHECKLIST

- All relevant documents are attached**
Attach all documents you are relying upon in support of your Reply to Appeal. Keep a copy of your Reply to Appeal and any attached information for your own records. **Note:** You should not include any confidential information you do not want disclosed to the other party. The person completing the documents is responsible for their content.
- Multiple copies of this Reply to Appeal and attachments have been made**
You must prepare multiple copies of the Reply to Appeal and its attachments. The original and two copies must be lodged with the Tribunal and one copy must be sent by you to each Appellant before, at the same time, or as soon as practicable after lodging the Reply to Appeal.

8. SIGNATURE

Respondent's signature or signature of legal representative

Name

Justin Cahill

Signature

Justin Cahill

Digitally signed by Justin Cahill
Date: 2026.04.28 12:57:11
+10'00'

Date

Lodge your Reply to Appeal at your nearest NCAT Registry

Post to NCAT Appeals Unit, PO Box K1026 Haymarket NSW 1240. For NCAT Registry locations refer to information on your Tribunal orders or NCAT correspondence. For all NCAT enquires telephone 1300 006 228 or visit www.ncat.nsw.gov.au.

ATTACHMENT
RESPONDENTS' REPLY TO APPEAL

Overview

1. On 7 April 2026, the Appellants commenced these appeal proceedings concerning the Tribunal's decision, made by Senior Member Higgins on 13 March 2026 (the Decision'), to make orders under s.110 of *Government Information (Public Access) Act 2009* (the GIPA Act') restraining Telina Webb from making an access application to any agency for a period of ten years without first obtaining the Tribunal's permission (the Restraint Order').

Question 3B: Reply to Appellant's Grounds of Appeal

'Grounds of Appeal' recited at paragraph [5] of the attachment to the Appellants' Notice of Appeal

2. The Respondents' response to the 'Grounds of Appeal' recited in paragraph [5] of the attachment to the Appellants' Notice of Appeal is as follows.

Grounds 1 and 2

3. Grounds 1 and 2 do not allege errors of law. The parties are listed correctly under the 'Parties' category of the Decision. In any event, if the Tribunal forms the view that these are clerical or typographical error, it may amend them under s.63(3)(a) of the CAT Act.
4. It follows grounds 1 and 2 must fail.

Ground 3

5. The Appeal Panel should reject ground 3. Section 110(1)(a) of the GIPA Act provides that the Tribunal may make an order to restrain a person from making an access application if at least three access applications have been made to one or more agencies in the previous two years that lack merit to one or more agencies.
6. Section 110(1)(a) contemplates, by its reference to "one or more agencies", that an application may be made by multiple agencies at once.

7. Ground 3 is otherwise unparticularised and fails to establish an error of law. It follows that ground 3 must fail.

Ground 4

8. The Appeal Panel should reject ground 4. This issue was determined in the Appellant's preliminary application seeking to dismiss the Respondents' application for the Restraint Order (i.e. proceedings 2024/00367444) on the basis that s.110 of the GIPA Act makes no provision for joint respondents.
9. On 5 November 2024, Principal Member Ransome dismissed the preliminary application. As these matters have already been dealt with by the Tribunal, the Appellants merely seeks to reagitate issues that have already been determined.
10. Ground 4 is otherwise unparticularised and fails to establish an error of law. It follows that ground 4 must fail.

Grounds 5 and 6

11. The Appeal Panel should reject grounds 5 and 6. Section 110(b) of the GIPA Act contemplates an order being sought against persons acting in concert or jointly.
12. Grounds 5 and 6 fail to establish any error of law. It follows that grounds 5 and 6 must fail.

Ground 7

13. The Appeal Panel should reject ground 7. The Restraint Order was made for a specific time period, being 10 years and restraint orders have been made under s.110 of the GIPA Act in perpetuity in other proceedings (e.g.) *Department of Communities and Justice v Cheng* (proceedings 2024/100155010).
14. This ground otherwise fails to establish any error of law. It follows that ground 7 must fail.

Ground 8

15. The Appeal panel should reject ground 8. The Tribunal is free to consider any material put before it when deciding whether to exercise its discretion in making an order under s.110 of the GIPA Act.
16. It follows ground 8 is not an error of law and must fail.

Ground 9

17. The Appeal panel should reject ground 9. The Appellants have not particularised or substantiated how the Tribunal lacks jurisdiction to exclude a party from a confidential session given the express words of under s.64(1) (d) of the CAT Act, which empowers it to make and order “prohibiting or restricting the disclosure to some or all of the parties to the proceedings of evidence given before the Tribunal, or of the contents of a document lodged with the Tribunal or received in evidence by the Tribunal, in relation to the proceedings.”
18. It follows ground 9 is not an error of law and must fail.

Ground 10

19. The Appeal Panel should reject ground 10. Ms Webb has failed to particularise how Senior Member Higgins has acted with bias, including whether she alleges there was actual or apprehended bias.
20. It follows ground 10 must fail.

Matters recited in paragraphs [6] to [17] of the attachment to the Appellants’ Notice of Appeal

21. In summary, the Respondents’ preliminary position on the matters recited in paragraphs [6] to [17] attachment to the Appellants’ Notice of Appeal is as follows.
 - (a) The matters raised in paragraphs 6(a), 6(c), 6(d), 6(f), and 7 can, if necessary, be addressed by the Tribunal under s.63(3) (a) or s.63(3) (b) of the CAT Act.
 - (b) The matters raised in paragraphs 6(e), 6(h), 8, 9(a), 9(b), 10, 12, 13(d), 13(e) and 14 to 17 are unclear and lack the detail necessary for a response.
 - (c) The matters raised in paragraphs 6(g), 11, 13(a), 13 (b) and 13(c) appear to be questions of law which the Appellant can appeal as of right under s.80(2) (b) of the *Civil and Administrative Tribunal Act 2013* (‘the CAT Act’). The Decision, however, does not disclose any error of law in relation to those issues.
 - (d) The matter raised in paragraph 6(b) appears to be an issue of fact or issues of mixed fact and law on which the Appellant can only appeal with leave of the Tribunal. The Tribunal should decline to grant leave to appeal as there is no issue of principle, question of general public importance or any injustice which is reasonably clear.

22. In particular, the Respondents note the following in relation to each of these matters, using the paragraph numbering adopted in the attachment to the Notice of Appeal.

[6] Errors of fact

(a) Case citation

This matter may, if necessary, be addressed by the Tribunal under s.63 (3)(a) or s.63(3) (b) of the CAT Act.

(b) Paragraph 3 of the Decision

Ms Webb raises an issue of mixed fact and law in dispute in the original proceedings heard before Senior Member Higgins on 10 and 11 March 2025. The Respondents submit Ms Webb is therefore required to seek leave to appeal on this issue. The Tribunal should decline to grant leave to appeal as there is no issue of principle, question of general public importance or any injustice which is reasonably clear.

(c) Paragraph 27 of the Decision

This matter may, if necessary, be addressed by the Tribunal under s.63 (3)(a) or s.63(3) (b) of the CAT Act. In any event, it is not a matter attended with sufficient doubt to warrant the Appeal Panel reconsidering the Decision.

(d) Paragraph 31 (4) of the Decision

This appears to relate to paragraph 32(4) of the Decision and may, if necessary, be addressed by the Tribunal under s.63 (3)(a) or s.63(3) (b) of the CAT Act. In any event, it is not a matter attended with sufficient doubt to warrant the Appeal Panel reconsidering the Decision.

(e) Paragraph 33 of the Decision

The matter Ms Webb raises was addressed by SM Higgins in paragraph 34 of the Decision. There, SM Higgins specifically observed the Appellant did not challenge the ability of the Respondents to make a joint application for the Restraint Order. Otherwise, the matter raised is unclear and lacks the detail necessary for a response.

(f) Paragraph 41 of the Decision

This matter may, if necessary, be addressed by the Tribunal under s.63 (3)(a) or s.63(3) (b) of the CAT Act. In any event, it is not a matter attended with sufficient doubt to warrant the Appeal Panel reconsidering the Decision.

(g) Paragraph 47 of the Decision

The issue Ms Webb raises was addressed by SM Higgins in paragraph 49 of the Decision. There, SM Higgins gave the substance of Ms Webb's submissions on whether s.110(5) of the GIPA Act gave standing to two or more agencies to bring the application for the Restraint Order. Otherwise, Ms Webb appears to take issue with whether she was afforded procedural fairness, which is a question of law on which she may appeal as of right. The Decision, however, does not disclose any error of law in relation to this issue.

(h) Paragraph 158 of the Decision

The matter raised is unclear and lacks the detail necessary for a response.

[7] Grammatical errors

The matters raised at (a) to (i) may, if necessary, be addressed by the Tribunal under s.63 (3)(a) or s.63(3) (b) of the CAT Act.

[8] Alleged misleading evidence

The matter raised is unclear and lacks the detail necessary for a response.

[9] Alleged errors of law**(a) Paragraph 49 of the Decision**

It is unclear how paragraph 49 of the Decision amounted to:

- (i) a concession by the Tribunal that it was exercising powers of judicial review rather than merits review, or
- (ii) order in the nature of merits review.

(b) Paragraph 121 of the Decision

The matter raised is unclear and lacks the detail necessary for a response. In any event, SM Higgins observed in paragraph 121 of the Decision that it was unnecessary for the Tribunal to consider "...in any detail the access applications made by Ms Webb prior to 2021..." and proceeded to only take her subsequent access applications into account when determining the Respondents' application for the Restraint Order.

[10] Alleged misleading evidence

The matter raised is unclear and lacks the detail necessary for a response.

[11] Tribunal's power to make orders

The Tribunal's power to make orders is not limited to making only the orders sought by an applicant. Section 110(3) of the GIPA Act specifically authorises the Tribunal to limit a restraint order by reference to (for example) a specific period of time or particular agencies. Otherwise, Ms Webb appears to take issue with the Tribunal's power to make orders under s.110 of the GIPA Act, which is a question of law she may appeal as of right. The Decision, however, does not disclose any error of law in relation to these issues.

[12] Alleged exercise of merits review

The matter raised is unclear and lacks the detail necessary for a response.

[13] Failure by the Tribunal to dismiss the Restraint Orders application

The matters raised in paragraphs (a), (b) and (c) appear to be questions of law which Ms Webb may appeal as of right under s.80(2)(b). The Decision, however, does not disclose any error of law in relation to these issues.

The matters raised in (d) and (e) are unclear and lack the detail necessary for a response.

[14] Failure by the Tribunal to disqualify Port Stephens Council and Goulburn Mulwaree Council as applicants

Ms Webb was unsuccessful in her interlocutory application to have the substantive application of the Restraint Orders dismissed: see the decision of Principal Member Ransome on 5 November 2024. Ms Webb did not make any

further applications for the dismissal of that application to the extent that it was made by Port Stephens Council and Goulburn Mulwaree Council.

Otherwise, the matter raised is unclear and lacks the detail necessary for a response.

[15] Lack of procedural fairness

The matters raised are unclear and lack the detail necessary for a response. Otherwise, Ms Webb appears to take issue with whether she was afforded procedural fairness, which is a question of law on which she may appeal as of right. The Decision, however, does not disclose any error of law in relation to this issue.

[16] Lack of procedural fairness

The matter raised is unclear and lacks the detail necessary for a response. SM Higgins made orders under s.64 of the CAT Act that part of the hearing of the application for the restraint orders be conducted in the absence of the Appellant.

Otherwise, Ms Webb appears to take issue with whether she was afforded procedural fairness, which is a question of law on which she may appeal as of right. The Decision, however, does not disclose any error of law in relation to this issue.

[17] Apprehended or actual bias

The matter raised is unclear and lacks the detail necessary for a response.

Otherwise, Ms Webb appears to raise a question of law on which she may appeal as of right. The Decision, however, does not disclose any error of law in relation to this issue.