IN THE NSW CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE AND EQUAL OPPORTUNITY DIVISION
No. 2024/00367444

Secretary, Department of Communities and Justice,
Port Stephens Council, and
Goulburn Mulwaree Council
Applicants

Telina Webb and DraftCom Pty Ltd (ACN 076 511 941) and Paul McEwan
Respondents

APPLICANTS' WRITTEN SUBMISSIONS IN REPLY

A. Overview

1. These submissions are filed pursuant to the Tribunal's orders made on 5 November 2024. They are in reply to those filed by the respondents on 31 January 2025, and in addition to those filed by the applicants on 17 December 2024.
2. The question for the Tribunal is whether to grant the application made by the applicants under s.110 of the *Government Information (Public Access) Act 2009* ('the GIPA Act'). In essence, the respondents' access applications and conduct have adversely affected the applicants' ability to comply with the object of the GIPA Act by facilitating access to government information promptly and at the lowest reasonable cost. The impact of their access applications and conduct is at the point where the Tribunal, when balancing the considerations in its discretion under s.110, should attribute:
    (a) greater weight to protecting the applicants' ability to meet the object of the GIPA Act, and
    (b) less weight to the minimal impact a s.110 order would have on the respondents.
3. The GIPA Act provides mechanisms by which a person(s) can make an application for access to government information. Those mechanisms include a formal access application made under ss.9 and 41 of the GIPA Act.
4. Although the right to make an access application is enforceable, it is not without constraint or qualification. Nor does s.110 restrict that right fully.
5. Instead, the function of s.110 is to ensure this mechanism is used to achieve the object of the GIPA Act by restraining those who make unmeritorious applications either alone or by

acting in concert with others. It does not prevent the respondents from lodging future access applications, subject to the Tribunal granting its approval to do so: see s.110 (5A) of the GIPA Act.

6. If the Tribunal determines not to make a restraint order in these proceedings, it is difficult to see how s.110 is to be given effect in like matters and therefore what work it is supposed to do. In other words, it is difficult to see how agencies facing the same or similar circumstances as those in these proceedings can meet the object of the GIPA Act by processing access applications promptly and at the lowest reasonable cost.
7. It cannot be the case that a single person(s), and those they act in concert with, are entitled to disrupt the capacity of multiple agencies to comply with the object of the GIPA Act by requiring them to absorb a significant proportion of their resources to the detriment of other applicants who require access to information for legitimate, urgent reasons (for example, for child protection, youth justice or housing reasons or for bail applications).
8. Nor can it be that the conduct of a single person(s), and those they associate with, is not a factor to be given significant weight by the Tribunal when considering the factors relevant to determining whether to make a s.110 order.
9. Otherwise, s.110 would have no work to do and be left without effect, except perhaps in an extreme scenario where the person(s) making unmeritorious access applications (and any persons they are acting in concert with) bring an agency's ability to process access applications to a complete halt. The applicants respectfully suggest that was not the NSW Parliament's intention.
10. In any event, the respondents' submissions encompass some 1,482 paragraphs over 177 pages and an annexure of some 596 pages of documents. Their submissions in specific reply to the applicants' submissions filed on 17 December 2024 begin at paragraph [622] on page 90.
11. The applicants do not propose to respond to every allegation, assertion and irrelevant matter raised in the respondent's submissions. This does not mean the applicants agree with them. Those submissions, for example, imply that a number of public officers are wrong, including this Tribunal generally, Senior Member Ransome, Senior Member Montgomery and the Ombudsman.[1]
12. The applicants' view is that the respondent's submissions can be distilled into raising the legal and factual issues addressed in Part B below.

[1] Respondents' submissions at [333] for SM Ransome, [697] for the Ombudsman, [868] for the Tribunal, [992] for SM Montgomery.

B. Legal and factual issues

13. The respondents' submissions appear to raise the following issues.
    (a) Whether the Tribunal is required to go behind the applications which "lack merit" that the applicants rely on for the purpose of s.110(1)(a) to determine whether they are in fact without merit.[2]
    (b) Whether the Tribunal's determination of whether to exercise its discretion under s.110(1) turns on an analysis of only the access applications that "lack merit", or of all the access applications made by the respondents to the applicants (in total, 225 access applications and informal requests).[3]
    (c) That the applicants did not challenge Telina Webb as to the identity of the applicant who lodged access applications with them (i.e.) whether Ms Webb was the access applicant in her individual capacity or whether she made access applications on behalf of DraftCom Pty Ltd and/or Paul McEwan.[4]
    (d) Whether multiple applicants for a s.110 order can agglomerate the number of access applications that "lack merit" they rely on for the purposes of s.110(1)(a) or whether each applicant has to have received, individually, three or more access applications that "lack merit" for the purposes of s.110(1)(a).[5]
    (e) The legal significance of the respondents' conduct in the Tribunal's determination of whether to exercise the s.110 discretion, including how much weight the Tribunal should attribute to it.[6]
    (f) Whether the Tribunal should make the orders sought by the applicants under s.64(1) of the *Civil and Administrative Tribunal Act 2013* ('the CAT Act').[7]
14. The applicants have addressed each of these issues separately below.

Whether the Tribunal is required to go behind the applications that "lack merit"

15. The applicants submit that the Tribunal is not required to assess the merits of the decisions of the access applications that lacked merit.
16. The Tribunal found in *Palerang Council, Queanbeyan City Council & Goulburn Mulwaree Council v Powell* [2015] NSWCATAD 44 ('*Powell*') at [66] that it is not required to assess the merits of the decisions made by the applicants in relation to the applications which lack merit. The Tribunal is not required to make an independent assessment of whether an access

[2] Respondents' submissions at [355]-[452].
[3] Respondents' submissions at [651]-[658].
[4] Respondents' submissions at [453], [873], [876] and [879], [884]-[885], [912]-[913] and [948].
[5] Respondents' submissions at [661]-[662] and [914].
[6] Respondents' submissions at [550].
[7] Respondents' submissions at [1378]-[1390].

application lacks merit for the purpose of s.110(2) and, in any event, lacks the power to do so.[8]

17. So, the applicants are not required to prove that the unmeritorious decisions were the correct and preferable decisions. The applicants are only required to prove they made decisions that fell within the terms of s.110(2).[9] The test in s. 110 as to whether an access application lacks merit is not an onerous one.[10]

Whether the Tribunal's consideration of its s.110 discretion turns on an analysis of only the access applications that "lack merit".

18. The Tribunal has consistently held that, in determining whether to exercise its discretion under s.110, it will consider the total number of access applications lodged by the respondent(s) to an application for a s.110 order. As the Tribunal has observed, the history of the access applications made by a respondent(s) to a s.110 order is a "central consideration in the exercise of the [s.110] discretion…".[11]
19. That is also because, as the Tribunal has made clear, a respondent's conduct is a consideration in determining whether to make a s.110 order, although the Tribunal's current view is that it is of limited relevance.[12]
20. The analysis of all of the respondents' access applications, including those that do not lack merit, is important because it establishes the respondents' conduct and its impact over an extended period of time.
21. The previous access applications made by the respondents, including the nature and history of information sought, are relevant to determining whether the Tribunal should exercise its discretion in granting the s.110 order. As noted in the applicants' submissions dated 17 December 2024, this consideration is a standard discretionary factor in the award of injunctions at law or in equity or under statute.[13] As the Supreme Court said in *Commissioner for Fair Trading, Department of Commerce v Hunter [2008] NSWSC 277* at [78]: "Past conduct will be relevant to the likelihood of future conduct to the extent that it demonstrates a "propensity" or "inclination" to infringe the relevant legislation." This is particularly relevant here as the respondents conduct began in 2011 and, there is a high likelihood that without a restraining order the propensity will continue.
22. Additionally, the classes and patterns of behaviour included in s.110(5A)(b)-(c) of the GIPA Act (i.e.) access applications that lack merit, are frivolous, vexatious, misconceived or lacking in substance and/or where the respondent's conduct is designed to harass, to

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[8] *Port Stephens Council v Webb* [2017] NSWCATAD 341 ('*Port Stephens Council v Webb* [2017]') at [20], *Webb v Port Stephens Council* [2020] NSWCATAP 152 at [69]-[70], *Port Stephens Council v Webb* [2021] NSWCATAD 180 ('*Port Stephens Council v Webb* [2021]') at [23]-[25] and *Department of Education v Zonnevylle* [2020] NSWCATAD 96 at [3].
[9] Applicants' submissions 17 December 2024 at [79].
[10] *Powell* at [5].
[11] *Port Stephens Council v Webb* [2021] at [36].
[12] *Port Stephens Council v Webb* [2021] at [56], also cited at [47] of these submissions in reply.
[13] Applicants' submissions 17 December 2024 at [114].

cause delay or detriment, or to achieve another wrongful purpose, indicate the type of conduct that can be considered by the Tribunal and demonstrates the mischief that Parliament intended to remedy. The applicants submit those same elements should be considered by the Tribunal when exercising its discretion to grant a restraint order under s.110(1).

23. The Australian Information Commissioner has supported consideration of vexatious conduct as a relevant factor when it impedes an agency's obligations to comply with the object of information access legislation in the context of the Commonwealth *Freedom of Information Act 1982* ('the FOI Act'). The Australian Information Commissioner has observed:

> "The FOI Act confers an important legal right upon members of the public to obtain access to government information. However, that legal right should not be abused by conduct that harasses or intimidates agency staff, unreasonably interferes with the operations of agencies, circumvents court imposed restrictions on document access, or is manifestly unreasonable."[14]

24. The new South Wales Ombudsman has also commented on unreasonable complainant conduct manifesting on agency functions, equity considerations with respect to other applicants, and impacts on the health and welfare of agency staff.[15]

25. It is evident that the Tribunal's consideration of its s.110 discretion turns on more than a mere analysis of only the access applications that "lack merit".

Challenging the identity of the applicant

26. Ms Webb contends, in effect, that DraftCom and Mr McEwan have no case to answer as all access applications in these proceedings were made by Ms Webb and not by Ms Webb on their behalf.[16]

27. Ms Webb also appears to raise this point to counter the applicants' submission that she acted in concert with DraftCom and Mr McEwan when making the access application in issue in these proceedings.[17]

28. To that end, Ms Webb asserts that the applicants did not confirm whether she was acting on behalf of herself or of DraftCom and/or Mr McEwan.[18]

29. However, the applicants have sought confirmation from the respondents on two occasions as to who the access applicant was. In both cases, the respondents expressly confirmed that the applicant was Telina Webb of NSW Freedom of Information, being the registered business name for DraftCom.

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[14] *Department of Defence and W* [2013] AICmr 2, cited in *Powell* at [17] and [67].

[15] Applicants' submissions 17 December 2024 at [229]-[230]

[16] Respondents' submissions at [323] and [873].

[17] Respondents' submissions at [889]-[914].

[18] Respondents' submissions at [876]-[879]

30. The applicants' evidence and submissions detail that Ms Webb has lodged various access applications with each of the applicants using a letterhead titled 'NSW Freedom of Information'. The footer of the letterhead provides the details "DraftCom Pty Ltd t/as NSW Freedom of Information" and includes the same NSW Freedom of Information logo as displayed on the website, of which Ms Webb is the site administrator ('NSW Freedom of Information Letterhead').[19]

31. The respondents' use of the NSW Freedom of Information Letterhead prompted the applicants to confirm who the access applicant was on two occasions.

32. On 15 February 2023, Ms Amanda Keegan of Goulburn Mulwaree Council wrote to Ms Webb about one of her access applications, giving DraftComPty Ltd as the reference. In Ms Webb's email to Ms Keegan in reply dated 15 February 2023, Ms Webb stated:

> "The Applicant of the subject formal access application is Telina Webb of NSW Freedom of Information. No formal access application from DraftCom Pty Ltd has been lodged with Goulburn-Malwaree Shire Council."[20]

33. Further, on 9 June 2023, Ms Holly Jamadar, Governance Co-ordinator at Port Stephens Council wrote to Ms Webb in relation to access application PSC2023-02302. The footer of the letter indicates it is from DraftCom Pty Ltd t/as NSW Freedom of Information as follows:

> "PSC2023-02302
>
> Good afternoon Ms Webb
>
> ln respect of the above GIPA Application can you please confirm whether you are lodging this application personally as an individual member of the public or as a company, notably NSW Freedom of information? …"

34. In response to that inquiry, Ms Webb replied on 9 June 2023 as follows:

> 'Ms Jamadar,
>
> The application is lodged as Telina Webb – NSW Freedom of Information…".[21]

35. Ms Webb's replies clarify that she lodged these access applications in her capacity as an agent of DraftCom's registered business, NSW Freedom of Information. This is further supported by:

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[19] Applicants' submissions 17 December 2024 at [27] -[28].
[20] Affidavit of Maria Timothy, exhibit MT-1, tab 12, p.83.
[21] See Annexure A to these submissions in reply.

(a) DraftCom's registration details on the NSW Electoral Commission's Lobbyists Register, where Ms Webb is listed as an employee and the 'Executive Assistant' of DraftCom;

(b) Ms Webb's position in the signature of her correspondence as "Administrator"; and

(c) her permitted use of the NSW Freedom of Information website and email domain by Mr McEwan and DraftCom.[22]

36. Further, in relation to the access application submitted by Ms Webb to Port Stephens Council on 11 December 2023 which is lacking in merit (PSC2023-04772), not only was that access application on NSW Freedom of Information letterhead but the description on the payment information on the second page of the letter is "Description: Webb nswfoi".[23] The footer of this letter also indicates it is from DraftCom Pty Ltd t/as NSW Freedom of Information.

37. This demonstrates Ms Webb lodged this access application on behalf of DraftCom and further shows she was acting in concert with it and Mr McEwan, the sole director and shareholder of DraftCom, in making access applications.

38. As Mr McEwan is the sole director and directing mind and will of DraftCom, the applicants submit he has authorised all actions and access applications from DraftCom trading as NSW Freedom of Information.

39. It is entirely counter-intuitive and without basis to seek to assert that individuals alone have made the applications in circumstances where company letterhead, email address or footers are used and where applications are said to be made "for" a registered business name owned by the Draftcom company or by Ms Webb "of" the business name registered to the DraftCom company. Why would an individual making a GIPA Act application, supposedly in her/his own right and name, choose such stationery of the company for lodgement of the application? The inference for an agency receiving such correspondence must be inevitably that the company and, as already submitted, in this case, also each of the individuals, made the applications.

<u>Acting in concert</u>

40. Despite not having challenged the respondents on each and every access application lodged by them, the applicants have abundant evidence that shows they have lodged applications essentially as the same person in the sense that each of them has made each of the applications. Further or in the alternative, they have acted in concert with one another with a common purpose.[24]

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[22] Affidavit of Jonathan Franklin, exhibit JF-1, tab 15, p.65 and tab 32, p.373.

[23] See affidavit of Tony Wickham at [14], Tab 3 of Exhibit TLW-1.

[24] See, for example, the affidavits of Tony Wickham at [23]-[26] and 36]-[60] and of Jonathan Franklin at [26]-[32].

41. Although acting in concert is not defined in the GIPA Act, there is ample case law that supports the applicants' submission that the respondents are acting in concert. The matter of *Asia Pacific Data Centre Limited* [2018] NSWSC 1375 at [42]-[43] clearly identifies the case law that details what is meant by acting in concert, as previously provided in the applicants' submissions.[25] Simply, that there must be an understanding between the parties as to their common purpose of object.

42. It is clear from the applicants' evidence and the respondents conduct that they have a united and obvious common purpose and an understanding of their common purpose when lodging access applications. This evidence includes:
    (a) using variations of a DraftCom email address as the email contact for their access applications;
    (b) submitting access applications seeking similar information, and at times, the same information, over an extended period;[26]
    (c) submitting access applications using the DraftCom letterhead and using the "info@nswfreedomofinformation.net" email address or a variation using a DraftCom domain;
    (d) Mr McEwan's authorisation for Ms Webb to conduct her attempts to uncover non-existent government corruption via the NSW Freedom of Information business and website, in turn authorising her to dox and harass government officials in a public forum. This is supported by Mr McEwan's contributions to the NSW Freedom of Information website, particularly on the 'Rate your Agency' page, where he provides disparaging and false commentary about Port Stephens Council;[27]
    (e) that on 9 May 2024, two identical access applications were lodged with Port Stephens Council from Mr McEwan and Ms Webb on behalf of NSW Freedom of Information. The application fees for both applications appear to have been paid by Ms Webb and were paid within 2 minutes apart.[28]

43. It follows that the respondents and their actions were inextricably intertwined. See further, on the acting in concert submission, the applicants' previous submissions.[29]

Whether multiple applicants for a s.110 order can agglomerate the number of access applications without merit they have received from the same respondent(s)

44. Section 110 provides that multiple applicants for a s.110 order can agglomerate the number of access applications lacking merit they have received from the same respondent(s) for the purpose of invoking s.110(1)(b). Section 110(1)(a) specifically notes

[25] Applicants' submissions 17 December 2024, p.18, para [84].
[26] Affidavit of Tony Wickham, paras [36]-[60].
[27] Affidavit of Tony Wickham, exhibit TLW-1, tab 39, p.1659.
[28] Affidavit of Tony Wickham, paras [55]-[58].
[29] Applicants' submissions 17 December 2024, paras. [82]-[94].

that the three access applications that "lack merit" necessary to invoke it were made "to one or more agencies".

45. The Tribunal has previously granted restraint orders under s. 110(1) where the access applications that lacked merit were received by multiple different agencies: see *Powell* (2 agencies), and *Department of Education v Zonnevylle* [2020] NSWCATAD 96 (3 agencies).

The significance of the Respondents' conduct in the Tribunal's determination of whether to exercise the s.110 discretion

46. The Tribunal has consistently held that the conduct of a respondent to an application for a s.110 order is a relevant factor in determining whether to exercise the Tribunal's discretion to make the order.[30]

47. In *Port Stephens Council v Webb* [2021] NSWCATAD 180, the Appeal Panel observed at [56]:

> "56. The applicant also relies upon the respondent's broader pattern of conduct, which conduct the applicant says is so inextricably intertwined with her access applications that it should be a central consideration in the exercise of the discretion. The Tribunal considers that conduct outside of the making of access applications is generally of limited relevance to the exercise of the discretion: see the 2017 Tribunal Decision at [43]-49] and *Pittwater Council v Walker* [2015] NSWCATAD 34 at [52]."

48. The Appeal Panel went on to review that conduct at [56] to [59], before concluding that it did not regard those matters as having "substantial weight": see [60].

49. However, the Tribunal also observed as follows at [64]:

> "64. It is of course conceivable that the respondent's conduct in pursuing complaints and proceedings against the applicant is of such a magnitude that it has adversely affected the ability of the applicant to comply with it its obligations under the GIPA Act with respect to the public generally. If that were the case, it would be afforded greater weight in the exercise of the discretion. However, the applicant's evidence does not suggest that this is the case and no submission to that effect was put."

50. The applicants in these proceedings submit this is a case where the respondents' conduct taken together with the very large number of access applications since 2011, their pursuit of complaints and proceedings against the applicants is of such a magnitude that it has adversely affected their ability to comply with their obligations under the GIPA Act with respect to the public generally.[31]

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[30] *Powell* at [56] and [68].

[31] Applicants' submissions 17 December 2024 at [201]-[230].

51. The applicants contend, that the respondents acted together with a common purpose when making their access applications. Their conduct has included subjecting the applicants to a barrage of baseless, mendacious and vindictive allegations of corruption against public officers. Those allegations are made in the absence of any basis in fact and without regard to any impact on the officers' professional reputations.

52. The High Court emphasised in *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* that where the factors a decision maker is bound to consider in making the decision are not expressly stated in a statute, they must be determined by implication from its subject matter, scope and purpose.[32]

53. The function of s.110 is to ensure that agencies can further the object of the GIPA Act by restraining those who make unmeritorious applications either alone or by acting in concert with others.

54. The applicants appreciate that a decision by the Tribunal to give effect to s.110 is to restrain a person of a right to access to government information. But such an order would not prevent the respondents from seeking the Tribunal's approval to make an access application and so it is not an absolute restriction on the rights of the respondents.

Whether the Tribunal should make orders under s.64(1) of the CAT Act

55. Section 64 of the CAT Act gives the Tribunal power to make non-disclosure orders. When considering whether to make a non-publication or non-disclosure order, it is relevant to consider "the broad principle of open justice that decisions such as *John Fairfax & Sons Ltd v Police Tribunal of New South Wales* (1986) 5 NSWLR 465 and *O'Shane v Burwood Local Court (NSW)* [2007] NSWSC 1300] strongly affirm": see *State of New South Wales (Justice Health) v Dezfouli* [2008] NSWADTAP 69 at [57]; *Dezfouli v Justice Health and Forensic Mental Health Network (No 9)* [2018] NSWCATAD 170 at [10]; *Fraud Detection and Reporting Pty Ltd v Department of Justice* [2018] NSWCATAP 191 at [49].

56. Section 49(1) of the CAT Act gives the principle of open justice statutory expression, and s.64 is to be read in this context: see *Council of the Law Society of NSW v Adamson* [2019] NSWCATOD 7 at [35]; *Kostov v Ecclesia Housing Limited (No 3)* [2018] NSWCATAP 221 at [9].

57. The most recent case before the Tribunal dealing with circumstances analogous to the applicants' application is *Webb v iCare NSW* [2023] NSWCATAD 63 ('*Webb v iCare*'). In

[32] (1986) 162 CLR 24 at [39]-[40].

those proceedings, iCare sought non-publication orders in relation to certain officers due to:

(a) concerns over the applicant's 'apparent preoccupation' with iCare's privacy officer in previous proceedings and with other agency officers, and

(b) the applicant's propensity to publish material on their website about iCare's officers.

58. The factors considered by the Tribunal included:

(a) the nature of proceedings, and

(b) that "the submissions and the evidence must establish that the circumstances are "special" or "out of the ordinary" to warrant the requested suppression orders."[33]

59. Ultimately, the Tribunal held that iCare had failed to overcome the presumption in favour of open justice.[34]

60. The application in this matter may be distinguished from that in *Webb v iCare* by the type of evidence relied on. In *Webb v iCare*, the iCare only relied on departmental records and not personal affidavit evidence of departmental officers. However, in these proceedings, the applicants rely on the affidavits of officers from each impacted applicant agency, which detail how the respondents have subjected them to extensive doxing, and a barrage of baseless, mendacious and vindictive allegations of corruption against public officers.[35]

61. On that basis, an order under s.64 of the CAT Act is justified for the reasons set out in the applicants' original submissions filed on 17 December 2024 at [247] to [257].

oOo

[33] *Webb v iCare NSW* [2023] NSWCATAD 63 at [32] to [34].
[34] *Webb v iCare NSW* [2023] NSWCATAD 63 at [33].
[35] As summarised in the Applicant's submissions at [213] to [220].

ANNEXURE A

Tony Wickham

From:	NSW Freedom of Information <info@nswfreedomofinformation.net>
Sent:	Friday, 9 June 2023 2:53 PM
To:	Holly Jamadar
Subject:	Re: TELINA WEBB - FORMAL GIPA - SEEKING CLARIFICATION AS TO APPLICANT

Caution! This message was sent from outside your organization.

Ms Jamadar,

The application is lodged as Telina Webb - NSW Freedom of Information.

Kindest Regards,

Telina Webb, Administrator
E: info@nswfreedomofinformation.net
M: 0493 211 635
www.nswfreedomofinformation.net

Errors and Omissions Excepted

On 9 Jun 2023, at 2:46 pm, Holly Jamadar < Holly.Jamadar@portstephens.nsw.gov.au> wrote:

PSC2023-02302

Good afternoon Ms Webb

In respect of the above GIPA Application can you please confirm whether you are lodging this application personally as an individual member of the public or as a company, notably NSW Freedom of Information?

Yours faithfully

<image001.png>

Holly Jamadar
Governance Coordinator

ANNEXURE A

p 02 4988 0406 | **m** 0467 183 514
w portstephens.nsw.gov.au

<image002.jpg> <image004.jpg> <image006.jpg> <image008.jpg>

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ANNEXURE A

Friday 09th June 2023 **Pages Total:** **(2) Two**

Port Stephens Council
Att: Tony Wickham, Governance Manager
E: tony.wickham@portstephens.nsw.gov.au
E: council@portstephens.nsw.gov.au

Mr Wickham

RE: FORMAL ACCESS APPLICATION UNDER THE GIPA ACT 2009

This letter is my amendment to the formal access application dated 08th June 2023. In this regard, the access application now seeks (4) four items of Council records and not (2) two.

This letter satisfies the parameters of what constitutes a Formal Access Application under the GIPA Act 2009.

Council's current Access to Information form, which is expected to originate from the Governance Section, contains dialogue that can be construed as misleading, collecting personal information for a wrongful purpose, of which Council would be fully aware. As such I decline to complete or use it until such time it has been suitably modified.

This Formal Access Application requests a copy of the following documents:

invoices and remittance notices to Lindsay Taylor Lawyers relating to each of the following matters:

- NCAT Matter No: 2022 – 00138219
- NCAT Matter No: 2023 - 00009054
  1. Copy of Invoices
  2. Copy of Remittance Notices
  3. Copy of Legal Services Tender & Resulting Contract
  4. Copy of Competitive Legal Service Tenders

DraftCom Pty Ltd t/as NSW Freedom of Information
PO Box 8030 Marks Point NSW 2280
M: 0493 211 635
E: info@nswfreedomofinformation.net
W: https://www.nswfreedomofinformation.net
Errors & Omissions Excepted

ANNEXURE A

It is understood third-party banking account information and third-party signatures may be redacted.

Payment of the $30.00 Application Fee will be made via telephone and credit card.

I request the outcome of this valid request for information be posted on Council's Disclosure Log.

I would very much appreciate you taking note that I do not give my permission or consent for my personal information or the details of my formal access application to be circulated or provided to any other person or organisation without my prior consent.

Neither do I consent for the details of this formal access application to be uploaded to the IPC GIPA Tool.

This letter provides my personal information specifically concerning this request and this request only. As such I reiterate my personal information and the details of my request are not to be used for <u>any</u> other purpose including any ad hoc training propaganda or personal denigration campaign you / Council are now known to formulate.

The NCAT has settled the issue of when an application is deemed to be received by an agency.

- ***Zonnevylle v Department of Customer Service; Zonnevylle v Secretary, Department of Education [2021] NSWCATAD 35***

  https://www.caselaw.nsw.gov.au/decision/177ad67f78ddee31ae3fcf6f

The IPC agrees.

  https://www.ipc.nsw.gov.au/zonnevylle-v-department-customer-service-zonnevylle-v-secretary-department-education-2021-nswcatad-35

Telina Webb

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