



Quote the number below for all enquiries  
**Case number 2025/00329094**

Port Stephens Council  
c/- Megan Hawley  
nathan.sloan@lindsaytaylorlawyers.com.au

## ORDER

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Case title	Appeal of decision under Privacy and Personal Information Protection Act 1998 - Port Stephens Council v Telina Webb
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On 30 January 2026 the following orders (and/or directions) were made:

- 1 The decision is reserved.
- 2 The respondent is to provide to the appellant, the Privacy Commissioner and the Tribunal, by 16 February 2026, any submissions (of no more than 3 pages) and any evidence concerning the questions of whether the Tribunal had jurisdiction to review conduct the subject of sections 10 and 12 of the Privacy and Personal Information Protection Act 1998 and on whether this conduct was raised in the internal review application (the jurisdictional issue).
- 3 The appellant is to provide to the Privacy Commissioner, the respondent and the Tribunal, by 23 February 2026, any submissions (of no more than 3 pages) and evidence on the jurisdictional issue.
- 4 The Privacy Commissioner is to provide to the appellant, the respondent and the Tribunal, by 2 March 2026, any submissions (of no more than 3 pages) on the jurisdictional issue.
- 5 The respondent is to provide to the appellant, the Privacy Commissioner and the Tribunal, by 9 March 2026, any submissions in reply (of no more than 3 pages) and any evidence in reply on the jurisdictional issue.

Note:

In the context of reviewing the primary decision, the parties' materials and their submissions on the appeal after the hearing, the Appeal Panel has formed the view that there may be an issue as to whether the Tribunal had jurisdiction to review conduct the subject of sections 10 and 12 of the Privacy and Personal Information Protection Act 1998 (referred to in the primary

decision as IPPs 3 and 5). That is because that conduct may not have been raised in the internal review application.

It has been held on a number of occasions that the scope of an application for internal review, reasonably construed, sets the parameters for the application to the Tribunal: see *OD v Department of Education and Training* [2005] NSWADTAP 74 at [12]; *KO v Commissioner of Police (NSW)* [2005] NSWADTAP 56 at [13]; *ALZ v WorkCover NSW* [2015] NSWCATAP 138 at [62]–[63]; *DVG v Western Sydney Local Health District* [2020] NSWCATAP 78 at [9].

The Appeal Panel has made directions to give the parties an opportunity to make submissions about this issue.

Dr J Lucy, Principal Member  
J Redfern, Senior Member

Issued: 30 January 2026



For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).