1 The Appellant is referred to as the Respondent.

2 The Appeal Respondent is referred to as the Applicant.

3 These submissions specifically concern the Appeal Panel's Orders of 30th January 2026 which were not made known to the Appeal Respondent until 18th February 2026.

4 It is noted the Appeal Panel's subsequent Orders of 25th February 2026 state at 4:
"Note: The respondent advised registry staff on 18 February 2026 that she had not received the Appeal Panel's orders made on 30 January 2026. Those orders were posted to the address she provided to the Tribunal. The respondent should confirm that the Tribunal has her current postal address."

5 As at the date of these submissions no such document has been delivered to the Applicant via regular mail.

6 Additionally, the Appeal Panel's Orders of 25th February 2026 goes on further indicating it has already accepted the position of the Respondent, and that it may be making provision for the Applicant to make submissions as a transparent gesture of tokenism.

7 These submissions are expected to be properly incorporated into the Appeal Panel's forthcoming decision in order to ensure that decision is a true and accurate record of the proceedings.

8 It is important to be honest with the Tribunal / Appeal Panel and state the invitation to an extensively represented Respondent to make submissions on points of law which were not at any time raised by it at either first or second instance is not a good look for the Tribunal / Appeal Panel.

9 This invitation is seen as the Appeal Panel acting with bias. It also shows the Appeal Panel's uncertainty about its jurisdiction.

10 In contradiction to the Appeal Panel's published information, "*NCAT Guideline November 2023 Internal Appeal Point 4*, "*Generally, an appeal is not an opportunity to have a 'second go at a hearing'*," https://ncat.nsw.gov.au/documents/guidelines/ncat_guideline_internal_appeals.pdf, the Appeal Panel has by its invitation facilitated such to occur. This may be construed as the Appeal Panel acting with bias, such as was the case in ***Webb v Port Stephens Council (2020) NSWCATAP 152*** where a Principal Member recommended a particular course of action and then presided over that absent of impartiality and driven by personal agenda.

11 The Applicant, whilst not legally trained or legally qualified, fully comprehends the meaning of fair and equitable.

12 The Appeal Panel also provided the Privacy Commissioner, who advertises she Champions Privacy, with a new alternative legal argument to consider which clearly had earlier eluded her. In this regard it is the public who champion and fight for the upholding of privacy rights. The aforementioned NCAT Guideline is taken to apply to the Privacy Commissioner.

13 This is extremely relevant given the Respondent's covert liaison with both the Information & Privacy Commissioners during the period of conducting the review of conduct, as well as through the period of submissions (the Respondent is evidenced doing so). Indeed, the Review Report was given the green light by the Commissioners before the Respondent provided it to the Applicant.

14 It is that approved Review Report the Applicant brought to the Tribunal. In this regard, the Applicant's Application for Review of Conduct was validated at first instance by those giving the stamp of approval; noting the Respondent acted in breach of the PPIP Act 1998 Section 53, (8) (c) when it did not disclose the Applicant's rights of administrative review.

15 As stated at the Appeal Hearing, it is the Applicant's position that the decision below was a fair and equitable merits review, based in law, which gave both parties a portion of what they sought from the proceedings.

16 The Respondent was heavily supported by a legal team, and inhouse solicitor, and the Commissioners who enjoyed representation by in-house General Counsel Carla Wilson and the Crown Solicitor's Kiri Mattes.

17 Yet the Respondent was negligent in its compliance obligations and for a portion of the time confused what the correct enabling legislation was.

18 The Applicant was not represented, however the Respondent is clearly not satisfied with the fair and equitable outcome, albeit the perpetrator of the offences against the PPIP Act 1998 has avoided personal accountability.

19 The presiding Member Christie is known for expertise in the Privacy & Personal Information Protection Act 1998, PPIP.

20 The Respondent had ample opportunity to make such submissions as the Appeal Panel has now invited and it was open to it to do so before SM Christie and also within Appeal Submissions, but which it did not. Neither did either Commissioner make any such reference to the Tribunal lacking any degree of jurisdiction, which was open to them to do so as authorities.

21 The Appeal Panel is reminded the Respondent had access to and did tap into an entourage of solicitors including a barrister at great cost to the public. In this regard there can be no excuse for lack of capacity to see legal opportunities against a self-represented non legal opponent.

22 Likewise, the Respondent was remiss in not making key personnel available to the Tribunal at first instance, in particular the individual wholly responsible for the Respondent acting in contravention of the PPIP Act 1998 and as such is the individual wholly responsible for the conduct under review, who was noticeably absent in order to ensure lack of compliance with the Application for Summons should it have been approved on the day.

23 The NSW Civil & Administrative Tribunal (NCAT) has no jurisdiction to assist the parties to identify questions of law or provide opportunities to formulate secondary legal arguments. It does however have jurisdiction to make procedural directions or explain legislated NCAT protocols. The latest Orders give the impression the Appeal Panel as currently constituted is reluctant to make a quality valid decision, which includes remitting the matter to a newly constituted tribunal for a rehearing.

24 Having said that, the Applicant makes these submissions as directed to by the Appeal Panel, reiterating she is not legally qualified or legally trained. It is not a prerequisite an Applicant seeking Review of Agency Conduct be legally trained in any way, and moreso not be expected to be fluent in the particular enabling legislation.

25 It is however fully incumbent on an Agency to be fluent in the legislation under which it operates; it has access to ongoing training programs, direct unlimited access to the Commissioners, access to unlimited legal resources and at great cost to the public purse; none of which are available to the general public.

26 Taking the Appeal Panel to the Respondent's Review of Conduct Report, *Applicant Submissions 31st January 2025 Attachment 10*, the Respondent Agency under the guise the review of conduct was undertaken by the General Manager when the public is aware it is Tony Wickham who actually did so, the Review of Conduct Report makes voluntary reference to IPP 10 & IPP 11.

27 Despite making excuses there were no breaches, this was a concession on the part of the Respondent at first instance that these (2) IPP's were relevant at minimum under the circumstances.

28 The Respondent asserts no mention was made by the Applicant concerning any desire and intention her personal information uploaded to the IPC GIPA Tool be deleted. It is insufficient to say that the conduct only concerned the uploading of the Applicant's personal information, and that the Applicant did not seek the deletion of her personal information.

29 The complaint it had been uploaded to an external non-government location and used for a collateral purpose is directly associated to the want for its deletion. Any assumption it would be acceptable to retain the Applicant's personal information post complaint is ludicrous; particularly on the extraordinary revelation that information has been abandoned and left accessible to a global marketing enterprise as owner of the holding software.

30 That would be akin to reporting a stolen vehicle to NSW Police and Police not seeking charges against the offender on the assumption the victim was fully satisfied by the return of the vehicle in any condition.

31 Again, this is compounded by fact the Applicant's personal information has been totally and neglectfully abandoned by the Respondent.

32 Such behaviours concerning the public's personal information reveals the culture of arrogance and indifference endorsed and practiced by this particular Respondent.

33 This Respondent has in the past been pursued for a period in excess of a decade, for the deleting of the Applicant's personal information in separate circumstances. The Respondent repeatedly refused on the false premise of some vague requirement under the State Records legislation which it has resurrected in these proceedings. However it was not until the intervention of the Privacy Commissioner, that is not until formal intervention and instruction, that this Respondent eventually did delete the Applicant's personal information on that occasion.

34 In this regard, the Applicant's desire to have her personal information deleted, particularly on the Respondent's revelation it had abandoned that information, is not a new concept for the Respondent to grasp. It is only through the intervention and orders of the Tribunal that this particular Respondent will remotely comply with its legislated obligations, as the long history of documented evidence attests.

35 In closing, the Appeal Panel's invitation to make supplementary submissions concerning issues that were not raised by the Respondent at any time, leaves the public, particularly the unrepresented public, with the view the Appeal Panel on this occasion is acting with bias and providing itself with a mechanism to avoid making a rightful decision, in particular a decision on the issue of the awarding of costs, by circumventing legal consideration of same via an inappropriate question of law to the parties.

36 That issue was jointly argued by the parties as not being based in law. The Respondent has now publicly conceded on 17th November 2025 there is no mechanism in PPIP for costs. That communication was copied to the Tribunal.

37 It may be that the Appeal Panel has raised a question of law which it expects the parties to address, whereas it should be referring such to the NSW Supreme Court. In this regard the public has a right to expect questions of law are referred up the legal chain of hierarchy and not down to the general public or those publicly-funded practitioners who have embarrassingly missed their legal cues.

38 It may also be that the Appeal Panel as currently constituted finds itself in a position of conflict of interest having co-authored the publication "*NCAT Practice and Procedure*" which highlights an example of enabling legislation making provision for the awarding of costs, ***Draper v Gibbs (2014) NSWCATAP 54 p106***, and now finds itself having to determine this very issue within the public's beneficial legislation the PPIP Act 1998 which makes no such provision in comparison.

39 The PPIP Act 1998 prevails over the NCAT Act 2013. That is a fundamental legal principle discussed at length by the first President of NCAT His Honour Robertson Wright (March, 2017), and is not vice-versa as seems to be NCAT practice and Agency preference on many issues including costs.

40 This issue of making costs orders that are not based in law continues to be significantly problematic for the NCAT which is fully aware the awarding of legal costs in PPIP proceedings are not based in law due to the fact the PPIP Act 1998, the enabling legislation, does not provide for the awarding or pursuing of legal costs by any party. Section 55 (2) (a) only concerns compensation / damages by an offending Agency in favour of an Applicant.

41 And this Agency, the Respondent, is totally offensive.

42 Likewise, the PPIP Act 1998 prevails over the SRA Act 1998 which does not make reference to mandatory retention of the public's personal information. Such reference to the SRA Act is an act of desperation.

43 It would actually be illogical to conceive of any Tribunal Member on any level lacking comprehension on this issue and the proper statutory construction of the enabling legislation, particularly when the Appeal Panel as currently constituted is on the public record confirming her legal position.

44 No Tribunal Member should ever be seen to be acting with bias in favour of a NSW government agency, particularly when the opposing party is not represented, as has occurred in this matter.

45 The decision of SM Christie should be upheld; the orders require mediocre effort and with no consequence for any government employee, particularly that individual responsible for this current situation.

46 As a Privacy Officer Tony Wickham is not a fit and proper person.

47 The only issue of error is the awarding of the $500.00 for costs which is not based in law.

48 In the alternative, the Appeal Panel should remit the matter for a new hearing.

49 If the Appeal Panel felt there was a genuine question of law to be answered, knowing one of the parties concerned was not a solicitor and did not have access to legal representation, that question should have been raised with the NSW Supreme Court as a matter of legal protocol and in line with the NCAT Act 2013 Section 54 jurisdictional provision to do so.

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20TH MARCH 2026.