



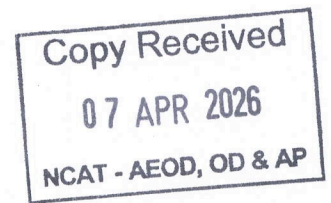
# Notice of Appeal

## NCAT INTERNAL APPEAL PANEL

Complete this form to appeal from a decision to the NCAT Internal Appeal Panel under section 80 of the *Civil and Administrative Tribunal Act 2013*.

Before completing this form and proceeding with an internal appeal or asking for leave to appeal, read [NCAT Guideline 1 – Internal Appeals](#) because:

- There are some types of NCAT decisions that cannot be appealed internally.
- An NCAT decision may be able to be set aside or varied as an alternative to an appeal.
- Appeals must be lodged within the applicable time period.
- You may need permission or 'leave' to appeal.
- You may not be entitled to be represented without the permission or 'leave' of the Tribunal.



If you are also applying for a stay of the order while the appeal is determined you will need to complete an [Application for stay of original decision pending appeal](#) form.

Appeal Panel File Number  
*Office use only*

### 1. DIVISION

Select Division in which decision being appealed was made

- Administrative and Equal Opportunity     Consumer and Commercial     Guardianship     Occupational

### 2. DETAILS OF DECISION

Provide details of decision of completed proceedings you want set aside or varied. Attach a copy of the orders made by NCAT and any written reasons.

NCAT File Number

Date of Decision       Date notice of decision was received

- Copy of NCAT orders and any written reasons are attached

### 3. APPELLANT

Provide details of party seeking to appeal from the decision of the Tribunal. For multiple applicants, attach details on a separate sheet. If a company include Australian Company Number (ACN).

Full name:

Postal address:

Contact details: Daytime telephone       Mobile

Email address:

\* 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: Self-Represented & Agent to Second & Third Appellants

Name of firm or organisation:

Postal address:

Contact details: Daytime telephone 1300 679 364 or 1300 NSW FOI

Email address: info@nswfreedomofinformation.net

\* 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.

**4. RESPONDENT**

Insert name of other party to the original proceedings. For multiple respondents attach details on a separate sheet. If a company include Australian Company Number (ACN).

Full name: Dept of Communities & Justice, Port Stephens Council, & Goulburn Mulwaree Council

Postal address: C/o Locked Back 5000 Parramatta NSW 2124

Contact details: Daytime telephone Number withheld Mobile Number withhend

Email address: Justin.cahill@dcj.nsw.gov.au

Tick if the other party had a representative when the decision was originally made.

**REPRESENTATIVE DETAILS (IF APPLICABLE)**

Full name: Justin Cahill

Name of firm or organisation: Dept of Communities & Justice - In-house solicitor

Postal address: Locked Bag 5000 Parramatta NSW 2124

Contact details: Daytime telephone Number withheld Mobile Number withheld

Email address: Justin.cahill@dcj.nsw.gov.au

**5. GROUNDS FOR APPEAL**

**A. ORDERS CHALLENGED ON APPEAL**

List the orders that were made by the Tribunal that you want to have changed by the Appeal Panel. *Use a separate sheet if needed.*

Please refer to attachment dated 08th April 2026.

**B. GROUNDS OF APPEAL**

List below a short summary of each reason why you consider the Tribunal was wrong when it decided to make the order/s appealed from. *Use a separate sheet if needed.*

Please refer to attachment dated 08th April 2026.

**C. ORDERS THE NCAT APPEAL PANEL SHOULD MAKE**

List below the orders which you say the NCAT Appeal Panel should make if you are successful on the appeal. *Use a separate sheet if needed.*

1. That Order 1 is dismissed. 2. In the alternative to Prayer 1, the decision is completely quashed.
---

**D. WILL YOU BE APPLYING FOR A STAY OF THE ORIGINAL DECISION?**

- Yes Complete the [Application for stay of original decision pending appeal](#) and lodge with this application.
- No

**6. LEAVE TO APPEAL**

Unless you are appealing a final or ancillary decision of the Tribunal on a **question of law only**, you need permission or 'leave' to appeal. Refer to [NCAT Guideline 1 – Internal Appeals](#) for further information on the types of decision and leave to appeal. You are encouraged to seek independent legal advice regarding your appeal and whether it is on a question of law.

**Are you appealing from a decision of the Consumer and Commercial Division?**

- No If 'No' complete section A
- Yes If 'Yes' complete section B

**A. APPLICATION FOR LEAVE TO APPEAL**

Are you asking for leave?  Yes  No

**Reasons why the NCAT Appeal Panel should grant leave to appeal against the decision/s** *Use a separate sheet if needed.* Note: The Tribunal can decide whether to give leave on the papers without having an oral hearing.

If the Appeal Panel finds that any of the grounds of appeal do not disclose a question of law or error in law, the Appellant seeks leave to appeal on the basis that they disclose an error of principle, and / or questions of importance to the rightful administration of the legislation and / or government policy.
--

**B. APPLICATION FOR LEAVE TO APPEAL FROM A CONSUMER AND COMMERCIAL DIVISION DECISION**

Unless you are appealing a final or ancillary decision of the Consumer and Commercial Division on a **question of law only** you need permission or 'leave' to appeal. For some decisions of the Consumer and Commercial Division there is no right to ask for permission or 'leave' to appeal. Refer to [NCAT Guideline 1 – Internal Appeals](#) for further information.

**Are you asking for leave?**       Yes     No

If yes, the Appeal Panel can give leave only if it is satisfied that the Appellant may have suffered a substantial miscarriage of justice because:

- i. the decision was not fair and equitable
- ii. the decision was against the weight of evidence
- iii. significant new evidence is now available that was not reasonably available at the time of the hearing.

Provide information on each of those grounds that is applicable to this Appeal. Note: The Tribunal can decide whether to give leave on the papers without having an oral hearing.

**i. Decision not fair and equitable**

It is not enough simply to say the decision was not fair and equitable. You must describe in detail why the decision was not fair and equitable.

Not Applicable.

**iii. Decision of the Tribunal against the weight of evidence**

Dissatisfaction with the Tribunal Member's findings does not mean there has been a substantial miscarriage of justice. You must say why some evidence should have been given more weight than other evidence.

**What evidence did you give at the hearing? What documents did you show the Tribunal?**

Not Applicable.

**What evidence did the other party give? What documents did the other party show the Tribunal?**

Not Applicable.

**What evidence should the Tribunal have given more weight to? Why?**

Not Applicable.

**iv. Significant new evidence is now available that was not reasonably available at the time of the hearing**

It is not sufficient to state that you did not have the evidence or you were unaware of the evidence at the time of the hearing. You must show that the new evidence could not have been obtained with reasonable diligence at the time of the hearing and that the new evidence is significant and could have made a difference to the decision.

**What evidence/documents do you now seek to produce to the Tribunal?** If you want to rely on documents or statements you must attach copies to this application form.

Not Applicable.

**Why was this evidence (including documents) not available at the time of the hearing?**

Not Applicable.

**7. EXTENSION OF TIME**

This appeal must be made within the applicable time period after the decision concerned was made. Refer to [NCAT Guideline 1 – Internal Appeals](#) for further information about time for filing. You are also encouraged to seek independent legal advice regarding your appeal.

The Tribunal has the power to grant an extension of time to lodge the appeal if the Tribunal finds that it is warranted in the circumstances. If an extension is required but is not granted the application may be dismissed because it is out of time.

**Do you require an extension of time?**  Yes  No

If yes, explain why the application was not lodged within the time limit, what effect extending or not extending the time would have on you and the respondents, and any other relevant considerations you want the Tribunal to take into account in deciding whether or not to extend the time. *Use separate sheet if needed.*

Not Applicable.

## 8. 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:

## 9. SERVICE OF NOTICE OF APPEAL ON THE RESPONDENT

Once you have lodged your application the Tribunal will serve your Notice of Appeal and attachments on each respondent using the copies you have provided to the Tribunal.

## 10. NOTICE OF APPEAL CHECKLIST

- Appeal lodgement fee has been paid or fee waiver obtained**  
You must pay the 'internal appeal' lodgement fee when lodging your Notice of Appeal. Refer to the [fee schedule](#) available at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au). 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](#).

- All relevant documents are attached**  
Attach all documents you are relying upon in support of your Notice of Appeal. Keep a copy of your Notice of Appeal and any attached information for your own records. **Note:** A copy of this Notice of Appeal and all material attached will be served on the Respondents. 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 Notice of Appeal and attachments have been made**  
You must provide multiple copies of this Notice of Appeal and any attachments to the Tribunal. The original and two copies for the Tribunal and one copy for each respondent must be lodged with the Tribunal.
- Copy of original orders and any written reasons are attached**  
A copy of the Tribunal's original orders and any written reasons provided must be attached to the Notice of Appeal.

## 11. SIGNATURE

Appellant's signature or signature of legal representative

Name

Signature

Date

### Lodge your Notice of Appeal with the fee 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 enquiries telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

## Appellant Attachment to Notice of Appeal – 07<sup>th</sup> April 2026

### COURT DETAILS

Court	NSW Civil & Administrative Tribunal
Division	Administrative & Equal Opportunity Division
List	Appeal Panel
Registry	John Maddison Tower, Sydney
Case number	2024 – 00367444

### TITLE OF PROCEEDINGS

First Appellant	<b>Telina Webb</b>
Second Appellant	<b>Paul McEwan</b>
Third Appellant	<b>DraftCom Pty Ltd</b>
First Respondent	<b>Dept of Communities &amp; Justice</b>
Second Respondent	<b>Port Stephens Council</b>
Third Respondent	<b>Goulburn Mulwaree Council</b>

### FILING DETAILS

Filed for	Appellants 1, 2, and 3
Legal representative	Self-Represented / Agent
Contact name and telephone	Telina Webb – NSW Freedom of Information
Contact email	info@nswfreedomofinformation.net

What this appeal is about

1 The Tribunal below held that the Application for Restraint Order under the GIPA Act  
2009 Section 110 (1) was within its jurisdiction to determine.

2 In doing so the Tribunal's determination was affected by numerous errors including  
errors in law, errors in fact, and grammatical errors.

3 The Tribunal may have also failed to afford Respondent 1 procedural fairness in  
circumstances where the Tribunal did:

- a) Make adverse findings against Respondent 1 in respect of the types of information  
she had sought.
- b) Did not provide Respondent 1 with notice that the Tribunal might make such  
findings
- c) Resultantly denying Respondent 1 an opportunity to adduce evidence, and be heard,  
on matters that directly affected her interests in the information historically sought.

4 The Tribunal also made a number of crucial concessions.

5 Grounds of Appeal:

a) Ground 1:

The Tribunal had no jurisdiction to amend the Applicant details.

b) Ground 2

The Tribunal had no jurisdiction to amend the Respondent details.

c) Ground 3:

The Tribunal had no jurisdiction to consider a Section 110 Application concerning  
multiple applicants.

d) Ground 4:

The Tribunal had no jurisdiction to consider a Section 110 Application concerning  
multiple respondents.

e) Ground 5:

The Tribunal had no jurisdiction to consider a Section 110 Application seeking  
orders concerning acting in concert.

## f) Ground 6:

The Tribunal had no jurisdiction to consider a Section 110 Application seeking orders concerning acting jointly.

## g) Ground 7:

The Tribunal had no jurisdiction to consider a Section 110 Application seeking orders in perpetuity.

## h) Ground 8:

The Tribunal had no jurisdiction to consider any access application records outside of the previous (2) two year period.

## i) Ground 9:

The Tribunal had no jurisdiction to exclude party to proceedings from confidential session, see submissions 31.01.2025.

## j) Ground 10:

The Tribunal acted with bias.

## 6 The Tribunal's decision was also littered with errors of fact, specifically:

## a) Case Citation:

The case citation is completely incorrect. The case was brought by (3) three Applicants against (3) three respondents.

## b) Paragraph 3:

Respondent 1 Webb did not at any time make any access application on a DraftCom letterhead.

## c) Paragraph 27:

The (2020) decision was overturned on established apprehension of bias.

## d) Paragraph 31 (4):

Respondent 1 asserted retaliation in response to media release of 23<sup>rd</sup> September 2024, see submissions of 31<sup>st</sup> January 2025.

## e) Paragraph 33:

Respondents did not initially oppose joint applicant application, opposed multiple respondents, see transcript of 05.11.2024.

## f) Paragraph 41:

Presiding member requested Tables a, b, c, & d.

## g) Paragraph 47:

Member Ransome did not acknowledge the Respondent's submissions concerning the number of respondents per Section 110 Application.

## h) Paragraph 158:

Contradicts earlier decision of 2021.

7 The Tribunal's decision was also littered with grammatical errors, specifically:

a) Paragraph 92: Web should be Webb.

b) Paragraph 147: 2001 should be 2021.

c) Paragraph 170: PC Council should be GM Council.

d) Paragraph 181: Medial Release should be Media Release.

e) Paragraph 189: Agencies should be Agency's.

f) Paragraph 193: Applicants should be Applications.

g) Paragraph 196: Applicant's should be Applicants'.

h) Paragraph 197: 25 years should be 15 years.

i) Paragraph 199, (2): Applicant's should be Applicants'.

8 Paragraphs 153 and 154, Applicant 2's witness deliberately misled the tribunal, which constitutes a serious offense.

9 Additionally, the Tribunal made a number of concessions, specifically:

a) Paragraph 49: The Tribunal conceded its jurisdiction was judicial and not merits review, however the response to the orders sought was in the nature of a merits review.

b) Paragraph 121: The Tribunal conceded it had no jurisdiction to consider prior access applications, but it continued to do so.

10 Further, Applicant 1's witness provided false and misleading evidence to the Tribunal when he swore the backlog of access applications was due to Respondent 1's access applications. This conduct by an officer of the court constitutes a serious offence.

Brief Submissions:

11 The Tribunal has no powers to modify orders sought; it had jurisdiction to consider the application for the orders sought.

12 The Tribunal has no jurisdiction to consider the orders sought under a merits review.

13 The Application qualified for dismissal because:

- a) The GIPA Act 2009 Section 110 does not make provision for multiple applicants.
- b) The GIPA Act 2009 Section 110 does not make provision for multiple respondents.
- c) The Tribunal had no jurisdiction to modify the orders sought in the nature of a merits review.
- d) The Applicants were fully aware the Application was misconceived leaving the Tribunal absent of jurisdiction to grant Order 1.
- e) The Applicants raised the same matters which had been previously determined and finalised.

14 The Tribunal did not duly disqualify Applicants 2 and 3 as valid applicants.

15 The Tribunal drew an adverse inference absent of opportunity and procedural fairness to adduce evidence.

16 The Tribunal excluded the Respondent from the proceedings in contravention of the NCAT Act 2013 Section 49.

17 The Tribunal acted with bias when it sought extraneous documentation and thereafter included that in the adjudication process and despite its irrelevance.

