



Quote the number below for all enquiries
Case number 2022/00196935

Peter Zonneville
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ORDER

Case title Appeal of decision under Government Information (Public Access) Act 2009 -
Peter Zonneville v Secretary, Department of Education

On 27 July 2022 the following orders (and/or directions) were made:

- 1 The Respondent is to lodge with the Appeal Registry and give to the Appellant a copy of the Reply to Appeal and a Notice of Legal Representation by 03 August 2022.
- 2 The Appellant is to lodge with the Appeal Registry and give to the Respondent by 05 October 2022:
 - (a) All the evidence given to the Tribunal at first instance on which it is intended to rely;
 - (b) Any evidence not provided to the Tribunal at first instance in making the decision under appeal, on which it is intended to seek leave to rely;
 - (c) The Appellant's written submissions in support of the appeal; and
 - (d) If oral reasons were given and/or what happened at the hearing at first instance is being relied on by the Appellant in the appeal, a typed transcript of the relevant parts of the hearing, together with the sound recording of the entire hearing.
- 3 The Respondent is to lodge with the Appeal Registry and give to the Appellant by 26 October 2022:
 - (a) All the evidence provided to the Tribunal at first instance on which it is intended to rely;
 - (b) If appropriate in response to (b) above, any evidence not provided to the Tribunal at first instance in making the decision under appeal, on which it is intended to seek leave to rely;
 - (c) The Respondent's written submissions in opposition to the appeal; and

(d) If oral reasons were given and/or what happened at the hearing at first instance is being relied on by the Respondent in the appeal, a typed transcript of the relevant parts of the hearing (except to the extent already provided by the Appellant), together with the sound recording of the entire hearing (unless already provided by the Appellant)

- 4 The Appellant is to lodge with the Appeal Registry and give to the Respondent any written submissions in reply by 09 November 2022.
- 5 The Appeal is listed for HEARING on 11 November 2022 at 10:15 AM in Sydney by AVL for a half day.
- 6 The issue of whether the Appeal Panel should:
 - extend the time for filing the Notice of Appeal
 - give leave to appeal on grounds other than a question of law
 - allow fresh evidence or evidence in addition to evidence received by the Tribunal at first instanceis to be determined at the hearing of the appeal.
- 7 NOTES:
 - (1) If a party does not lodge with the Appeal Registry and give to the other parties documents, sound recordings and submissions as directed above, that party may not be allowed to rely on those documents, sound recordings and submissions at the hearing of the appeal.
 - (2) If any party wishes to make an application for costs of the appeal, that party is to lodge with the Appeal Registry and give to the other party any submissions on costs at the same time as their submissions in relation to the appeal.
 - (3) At the hearing the Appeal Panel may proceed, if appropriate, to deal with the appeal by way of a new hearing, under the Civil and Administrative Tribunal Act 2013 (NSW), section 80(3). The parties should be prepared to put before the Appeal Panel any fresh evidence or evidence in addition to evidence received by the Tribunal at first instance and make any submissions in relation to the original application that they want to make.
 - (4) If a party wishes to rely on a sound recording of a hearing, the party must identify for the Appeal Panel which parts of the sound recording are relied in their written submissions.
 - (5) Each bundle of documents lodged in accordance with these directions must be paginated. This means that they must be numbered, commencing at 1, on each page of the bundle and, where pages are double sided, on each of the double sided pages. The numbering should not re-commence or end until you have reached the end of the bundle. When complete, it should be possible to identify any page of any document lodged by reference to its individual page number in the bundle.
 - (6) When filing documents and submissions in relation to this application, you will need a minimum of 5 copies. One copy for your records, one copy is to be given to the other party and 3 hard copies are to be lodged with the Tribunal Appeal Registry.
- 8 The application by the appellant for leave to record the hearing under the Court Security Act is refused. # Oral reasons given.
- 9 Each application that I recuse myself is refused. # Oral reasons given.

A D Suthers, Principal Member

Issued: 27 July 2022



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.