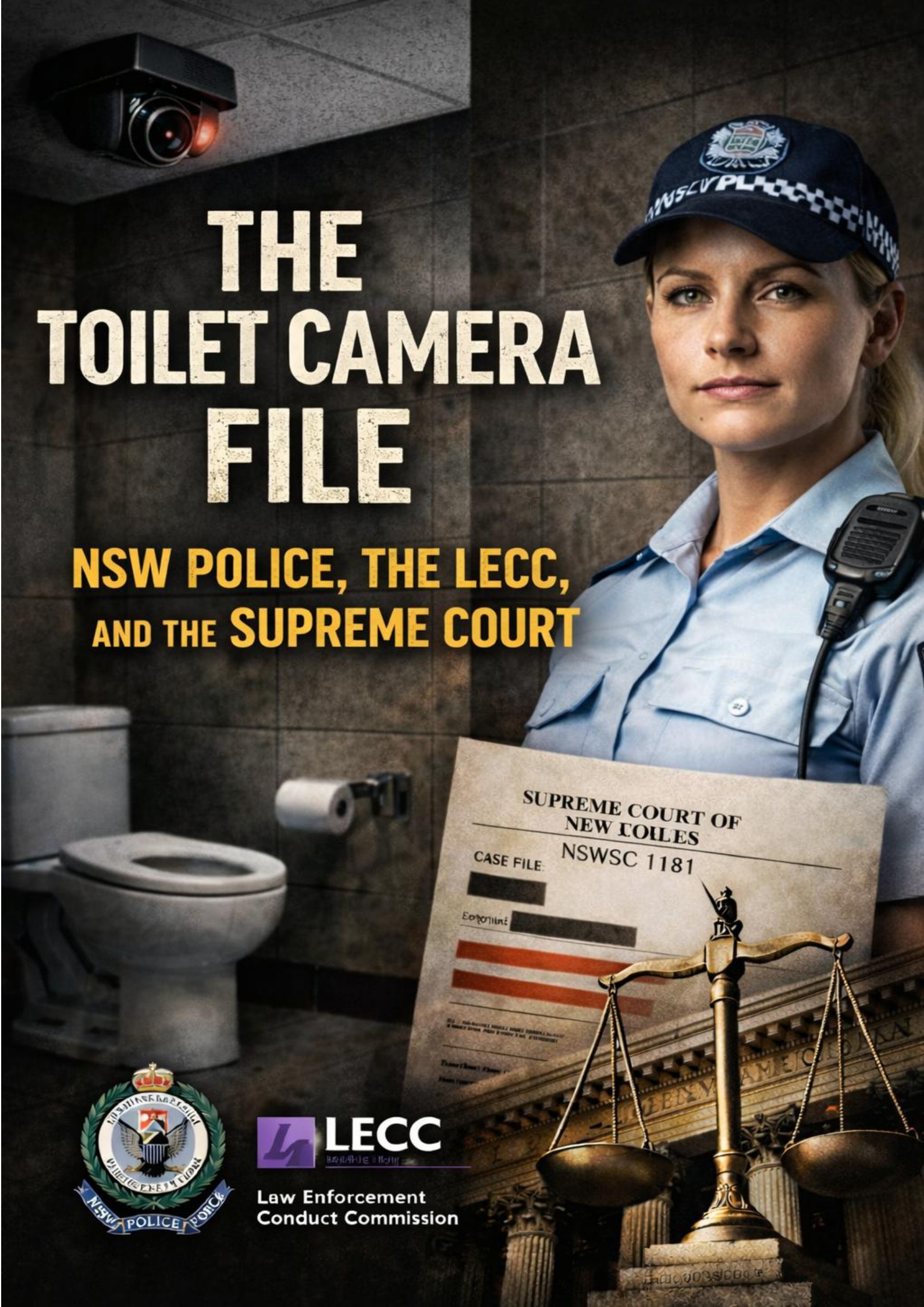
THE TOILET CAMERA FILE

NSW POLICE, THE LECC, AND THE SUPREME COURT



NSW POLICE FORCE

LECC

Law Enforcement Conduct Commission

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Preface

This book begins in **Sydney**, **New South Wales**, **Australia**, with a concrete event: on the evening of **27 June 2023**, I attended **Geekstar Internet Café** at **Level 3/630 George Street, Sydney NSW 2000**, entered the **male toilet facility**, and observed what appeared to be a **camera** fixed to the ceiling and directed into the toilet space, oriented toward areas of maximum **privacy**. The incident was treated as **urgent** and reported to police that night. What followed—rather than a clean **evidentiary pathway**—became, in my experience, a prolonged contest over **identity**, **redaction**, and the practical ability of an ordinary person to commence **civil process** when an alleged wrong has occurred.

I write as a **self-represented litigant**, tracing the matter through the agencies and institutions responsible for **law enforcement**, **oversight**, and **review**: the **NSW Police Force**, the **NSW Law Enforcement Conduct Commission (LECC)**, **NCAT**, and ultimately the **Supreme Court of New South Wales**. The hinge document in the narrative is the police record itself—**COPS Event E77625117**—and the consequence of the version released to me being **redacted** in a way I contend removed the identifying material needed to **plead** and **serve** a defendant.

The point is not rhetorical. In **civil litigation**, without a usable **name**, nothing proceeds; a claimant cannot sue a blank space. The **NCAT** phase is presented as a turning point because it illustrates how a lived **privacy intrusion** can be converted into a narrow administrative question about **disclosure thresholds**, and how a closed institutional setting may see the **unredacted record**, rely upon it, and then place it behind a statutory barrier. In **[2025] NSWCATAP 58**, the Appeal Panel refused leave to appeal, dismissed the appeal, and ordered under **s 64(1)** that the unredacted **COPS** report (identified in the orders as **E 77XXXX17**) was not to be published or disclosed to me, despite it having been adduced at the hearing.

The matter then reaches the **Supreme Court of New South Wales** in **Adams v Commissioner of Police, New South Wales Police Force [2025] NSWSC 1181**, where the Court's approach reflects the core boundary of **judicial review**: **legality** versus **merits**, and whether a court can or should disturb an outcome because of its practical consequence.

One argument pressed concerned what I regarded as a genuine gap in the case law: the distinction—if any—between information supplied by an innocent **informant** and information connected with an alleged **wrongdoer**, and whether **confidentiality protections** can, in practice, operate as an **immunity mechanism** by shielding the **identity** needed to commence ordinary civil proceedings. I also record that I understood **His Honour** to have observed that I conducted my case in a **focused** and **respectful** manner, and that the Court made **no order as to costs**.

The method of this book is deliberately **disciplined**. Every serious proposition is tethered to a **document**, a **date**, or a clearly signposted **inference**, and I keep distinct what the **record** says, what I experienced, and what I infer. Where **misconduct**, **improper motivation**, **institutional protection**, or **containment** is alleged, those propositions are described as **allegations** and **conclusions**, not as settled fact, and the reader is invited to test them against the **documentary spine**.

Chapter 1: The Precursor Pattern (Strathfield to Sydney CBD, 2022–June 2023)

By the time the **toilet camera** incident occurred at **Geekstar Internet Café**, I already believed I had been pulled into something I could not properly name—something that operated through small placements, odd coincidences, and a kind of **institutional indifference** that felt too consistent to be accidental. What follows is not presented as a proven **conspiracy**, and no demand is made for the reader to treat inference as settled fact. Instead, the sequence is set out as experienced, and the pattern claimed as observed, because it forms the backdrop to why the **Geekstar** incident was later interpreted as more than a standalone **privacy breach**.

The context begins before the **Sydney CBD** and before the camera. It begins with conduct that was public and visible. For a long time, religious tracts were distributed—thousands of them, well over **10,000** by estimate—tracts that painted the **Catholic Church** in an openly negative light. In my own mind, that activity made me conspicuous. Whether that conspicuousness was real, exaggerated, or misunderstood cannot be objectively proved. But by **2022**, I already felt watched, evaluated, and reacted to—sometimes not through overt

confrontation, but through subtle social dynamics that repeatedly raised the same question: why is this person engaging with me like this, and why now?

During this period, time was spent at a **PC Bang** in **Strathfield**. It was not glamorous and it was not political. It was a place to sit, use a computer, pass time, and be largely **anonymous**. That anonymity mattered. It allowed life to resemble that of an ordinary person—something that becomes newly valuable when ordinary treatment no longer feels assured. Attendance began as a patron, consistently, before later developments that would come to be viewed as suspicious. The location was **PC Bang Strathfield Internet Cafe**, **Suite 1, Level 1/5 The Boulevarde, Strathfield NSW 2135**, a venue that has since closed, but which formed the first fixed point in the sequence now described.

At that Strathfield venue, a staff member was noticed—one of two women who later became central to suspicion. No allegation is made that a crime was committed by working there, and no claim is advanced that presence alone proved coordination. The claim is narrower: the later sequence of appearances in my orbit felt unusual enough to matter to the narrative. Over time, a feeling formed of being observed in the way a person is observed when someone wants to build a picture: not a friendship, not a normal customer relationship, but a **file** made of impressions—habits, timing, vulnerabilities, reactions.

When the Strathfield PC Bang later closed, routine shifted. People change venues all the time, and nothing about that fact is extraordinary. The detail that mattered, for me, was what happened after the move. Attendance began at **Geekstar Internet Café** at **Level 3/630 George Street, Sydney NSW 2000**—again, as a patron first. Geekstar was in the CBD, with its own atmosphere: more foot traffic, more strangers, more chances for someone to disappear into the background and still be present.

From early on, a view formed that the owner/manager at Geekstar interacted with me in a way that felt excessive and purposive. Care is required in describing this, because social judgments can be flawed. A café owner can be friendly. A manager can be chatty. A business can cultivate familiarity with regulars. Yet what was experienced did not feel like hospitality; it felt like **attention**. It felt like being handled—drawn into small conversations that seemed designed less to connect than to test. The tone, the frequency, and the seeming insistence of these interactions created an internal alarm: a sense that the relationship was not naturally forming, but being constructed.

After becoming a regular at Geekstar, staffing became, in my account, the second point of tension. Over time, two female staff members became linked—directly or indirectly—to later allegations made about me. They are described here only as the **first woman** and the **second woman**, because the purpose of this section is not to litigate identities but to explain the pattern claimed as observed.

The first element of that pattern was what I interpreted as **flow**—a movement of people that tracked my movement. Attendance began at the Strathfield PC Bang, and later one of the women appeared in connection with Geekstar after I had already established myself there. No assertion is made that a worker cannot change jobs, nor that Sydney's Korean businesses are so isolated that overlap must imply coordination. The claim is that the overlap did not feel random, particularly because it aligned with a broader set of experiences involving nudges, observation, and strategic placement under pressure.

The second element was what I interpreted as **pairing**: two women, not one, each linked to separate points of later controversy. In my account, one was described as **Australian Korean**, and the other as **half Anglo and half Korean**. Those descriptors matter to the narrative only because they fed a perception of deliberate social texture—enough familiarity to seem natural within the venue's culture, and enough difference to create flexibility in how stories might later be told about me. That is interpretation, not established fact.

This matters to the book because it shaped the lens through which everything else was later seen. Where a single privacy breach is assumed, police conduct tends to be read as error, negligence, or ordinary frontline variability. Where a pattern is assumed, the same conduct can read differently: **restraint**, **avoidance**, **protection**, or a deliberate decision not to see what appears directly in front of an observer.

A clear boundary is necessary. The **Auburn massage parlour** allegations are not the centre of this story. They sit behind the story as a claimed motive—an explanation formed later for why certain people might have wanted a particular narrative about me to exist, and why certain institutions might have found it convenient to accept that narrative rather than challenge it. Auburn is not the primary storyline of this book. The primary storyline is what happened at **Geekstar**, how it was recorded, how it was handled, and how systems that claim to provide **accountability** responded when the first answer was refused. For clarity on timing, the Auburn episode is part of the asserted factual background, whereas the **Supreme Court** proceeding is a later legal container—continuing into **2026**—in which the classification, referral, and refusal of review are challenged. Auburn comes before the judicial review phase unfolding in 2026 and is included here only to explain why a motive later seemed plausible to minimise or constrain what occurred at Geekstar.

Still, Auburn belongs here in one narrow way: not as plot, but as context for why Geekstar came to feel less like a café and more like a stage on which events could be arranged. In my account, the later Auburn incident involved a claim made against me, and objective material—**debit card transaction evidence**—showed attendance at the location long before the alleged "follow" narrative could logically fit. Whether a court accepts that inference, or whether any institution treats it seriously, is a separate question. The point here is simpler: once an attempt seemed underway to paint me as a **stalker**, earlier "coincidences" retroactively became legible as preparation.

So the precursor pattern, as framed here, is not one dramatic moment. It is an accumulation: **Suite 1, Level 1/5 The Boulevarde, Strathfield NSW 2135**, then **Level 3/630 George Street, Sydney NSW 2000**; one venue closing, another becoming routine; an owner/manager whose attention felt directed; staffing changes that, to me, mirrored my movements; and the slow hardening of a belief that these were not merely chance events, but events that could be **curated**—by individuals, by networks, or by institutions that prefer not to investigate their own discomfort.

By late **June 2023**, that lens was already in place. I walked into Geekstar carrying it, and I walked out of Geekstar with something far more concrete than a feeling: a **camera** in a male toilet facility, positioned in a way that made innocence difficult to assume. The next chapter begins at that point—when the precursor pattern stops being merely a pattern claimed as noticed, and becomes a recorded event with a **COPS number**, a **timestamp**, and a set of police actions later argued to be so thin that they demanded explanation.

Chapter 2: 27 June 2023 — Discovery of Surveillance Camera Inside Male Toilet at Geekstar Internet Café

On the evening of **27 June 2023**, I attended **Geekstar Internet Café**, located at **Unit 3 / Level 3, 630 George Street, Sydney**. At approximately **9:20 pm**, I entered the **male toilet facility**. This was not a **bathroom**. It was a toilet facility consisting of a **three-person urinal** and a separate **sit-down toilet cubicle** with a door. There was no bath, shower, or "bathroom" facility.

Inside that male toilet facility, I observed what appeared to be a **security camera** fixed to the ceiling. The camera's **positioning** caused immediate concern. It was not directed at an entry corridor or common area. Rather, it was directed into the **toilet space itself**, with its field of view partly covering the **urinal area** and clearly oriented toward the **sit-down toilet cubicle**. In my assessment, the **placement** and **direction** of the camera were inconsistent with ordinary security practice and carried an obvious **privacy risk**, because the sit-down toilet cubicle is used in circumstances of maximum **vulnerability** and a high expectation of **privacy**.

This was regarded as a serious and abnormal **intrusion** into a location where patrons are entitled to a high expectation of **privacy**, and it was treated as **urgent**. The matter was reported to police that night. The significance attached to the camera's placement is that it was installed **inside** the male toilet facility and oriented toward areas where patrons would be **exposed**, rather than positioned **outside** the facility to address any legitimate security concern.

It is also noted that police documentation later used the term **"bathroom"** when describing this location. In my view, that terminology does not accurately describe the facility and tends to make the incident sound less confronting than it was. The relevant point is that the camera was located in a **male toilet facility**, consisting of **urinals** and a **sit-down toilet cubicle**, and was directed into that toilet area.

Chapter 3: COPS Event E77625117 (27–28 June 2023): What the Record Says

The documentary backbone of this story is the NSW Police COPS entry: **Event E77625117**. In the **Event Summary Details**, the record shows the matter as **Date/Time Reported: 27/06/2023 21:20**, with the event status marked **VERIFIED**, and the incident class marked **ACCEPTED**. The narrative section then adds a second timestamp that matters just as much: **Date/Time Created: 28/06/2023 02:11**, created by **CON Danny Paija** (Sydney City PAC), with the event later showing **Updated By: CHESSHER, Paige Helena** (Sydney City PAC). In plain terms, this record is not merely a later recollection; it is a police-generated document produced in the hours immediately following the attendance, carrying both a reported time and a creation time that locate the event in a tight window of official recording.

The narrative begins with an internal header that anchors the police account: **"T.D: 21:20, 27/06/2023"** and **"RE: Camera in bathroom"**, identifying **PR: Charlie Adams** and listing the phone number provided. The substance that follows is brief but direct. It states that, at the above time and date, police responded to a job in relation to the reporting person locating a security camera inside the male toilet area at a location that is partly redacted. It records that police met the reporting person outside the address and were escorted to the male toilet by the reporting person. It then records a specific observation: police **"observed a security camera attached to the ceiling,"** and that the camera was **"pointed towards the hand wash."** The narrative then records an operational check: police **"conducted a check on computer to make sure the camera was not working and found that it was not working."** The entry closes with internal notations—**SC13 apprised** and **SC16: CHESSHER/PAIJA**—which matter because they show the incident was notified within police channels, even if no enforcement action followed.

Those timestamps are treated as pivotal for two reasons. First, the reported time (**21:20 on 27 June 2023**) fixes the incident as a time-specific report—an event that entered the police system at a particular moment, not an indefinite allegation. Second, the narrative creation time (**02:11 on 28 June 2023**) fixes when the police story about what occurred at attendance was reduced to writing. That matters because the shorter the gap between attendance and documentation, the harder it is for later institutions to dismiss the account as mere after-the-fact embellishment, and the easier it is to test credibility against what is, and is not, captured in the contemporaneous record.

The same timestamps also become central to the criticism of the investigation's scope. The narrative is striking not only for what it includes, but for what it does not include. It records the presence of a camera in the male toilet area and records a conclusion that the camera **"was not working."** But the record does not describe any seizure, any forensic preservation, any attempt to secure the device as evidence, any inspection of cabling or ceiling

infrastructure, any examination of system logs, or any step that would ordinarily lock down the integrity of the scene.

The “computer check” described in the narrative is also important because it does not read like a technical verification. On this account, the owner led police into a small back room and indicated a monitor showing multiple CCTV tiles for the venue. Among the operational tiles, there was a **black square**. Constable Chessher glanced at that black square, bent slightly, and nodded. The owner’s position was that the toilet camera had **never been connected**, yet the presence of a dedicated black tile—among live camera tiles—raised a direct question: **why was there a placeholder feed at all if the camera was never connected?** This detail matters because it frames the “not working” conclusion as something reached through a minimal visual confirmation rather than a measured verification capable of excluding tampering.

Timing intensifies that issue. On this account, police arrived **more than an hour after the call**, giving the owner ample time to alter or disconnect equipment before attendance. Yet the record contains no indication of a response to that risk—no preservation step, no seizure, no documentation of any technical process that would exclude recent disconnection. In a narrative built on process, these are not cosmetic omissions. They are the difference between a record that captures a suspected surveillance event as a potential offence scene, and a record that captures it as a resolved inconvenience.

The narrative created at **02:11** also becomes a reference point for later disputes. It does not record any check of female toilets, any broader search, or any follow-up investigative step beyond the brief monitor glance. That omission matters because, if later communications claim additional checks occurred “after” the reporting person left, the contemporaneous COPS narrative remains the earliest official account of what was done and what was considered worth recording.

Finally, there is an additional tension within the record itself: the event summary includes an “incident date/time” window that appears distinct from the narrative’s anchor time, while the narrative repeatedly fixes on **21:20**. In this story, timing is not atmosphere; it is structure. **21:20** and **02:11** are the structural pins used to test later explanations against the contemporaneous record—and to argue that what followed was not a dispute over what happened, but a dispute over what the system chose to treat as worth doing.

Chapter 4: CON Paige Helena Chessher and CON Danny Paija: The Attendance in Dispute (27 June 2023)

What follows is set out as **allegation** and **contested interpretation**, not as a finding of **misconduct**. The **COPS record** confirms police attendance and records an observation of a **camera** in the **male toilet area**. The dispute concerns the **quality**, **scope**, and **evidentiary seriousness** of what occurred once police arrived—specifically, what is said not to have been done, and why those omissions matter.

The attendance of **CON Paige Helena Chessher** and **CON Danny Paija** is alleged to have occurred after a delay that was already material to the **integrity** of any investigation. It is

alleged police arrived **more than an hour** after the call, meaning the scene was no longer "**as found**." A delay of that kind matters because it creates obvious opportunity for **tampering**, **disconnection**, or **repositioning** of equipment before police observation. In this matter, that risk is not framed as theoretical: the central factual issue—whether a **camera inside a male toilet** was capable of recording—turns on variables that can be altered quickly and silently, particularly where the relevant hardware is owned and controlled by the **venue operator**.

The primary criticism concerns the absence of meaningful **technical verification** capable of answering the central question. The **COPS narrative** states police conducted a check on a computer and found the camera **"was not working."** That conclusion is disputed as being unsupported by a proper verification process. On this account, the owner led police into a small back room and directed attention to a monitor displaying multiple **CCTV tiles** covering the internet café. Among active tiles showing operational footage, there was a **black square**. It is alleged **CON Chessher** looked at that black square, bent slightly, and nodded—an action read as a rapid visual acknowledgment rather than a technical check. It is further alleged the owner asserted the toilet camera had never been connected, yet the presence of a dedicated black tile among live feeds raised an inconsistency: why would there be a **placeholder feed** for a camera that was never connected at all? The allegation is not that a black tile proves recording occurred. The allegation is that a brief glance at a black tile is not, by itself, a verification capable of excluding **recent disconnection**, **configuration changes**, or **deleted footage**.

The second criticism concerns **no seizure** and **no preservation**. On this account, neither the camera nor associated computer equipment was seized, bagged, or otherwise preserved as potential **evidence**. It is alleged there was no serious attempt to secure the device, the recording system, or any storage media in a way that would preserve an **evidentiary chain**. In a suspected toilet-camera matter, the difference between preserving and leaving in place is decisive. If a device remains in the control of the person who benefits from it being "non-operational," then any later conclusion about what it did or did not record becomes structurally vulnerable to challenge. Even if police genuinely believed on the night that the device was not functioning, the absence of seizure and preservation is alleged to have removed any reliable pathway to prove that belief, or to disprove a contrary claim, later.

The third criticism concerns **no comprehensive checking**. It is alleged there was no meaningful search beyond the immediate **male toilet area**—no methodical inspection of adjacent areas, no recorded check of the **female toilets**, and no broader scene assessment consistent with the seriousness of a suspected **privacy breach** inside toilet facilities. This matters because it goes to whether the event was treated as an isolated oddity or as a potential **pattern**. If a camera is found positioned inside one toilet facility, a basic investigative question is whether the venue contains other devices in other toilets, or whether the placement is part of a broader surveillance configuration. The allegation is that attendance did not proceed on that logic, and that the absence of such checks later became significant because subsequent communications are said to have asserted checks occurred that are not believed to have occurred at the relevant time.

These alleged omissions matter because they go to the **credibility** and **testability** of the official conclusion. A conclusion that a device "was not working" can be legitimate, but only if supported by steps that a later reviewer can scrutinise—steps that can be explained, reproduced, or at least documented with specificity. On this account, attendance lacked those features. The practical effect was that the incident became "resolved" through a thin

observation rather than through an evidentiary process capable of withstanding **institutional** or **judicial scrutiny**.

That is why this attendance sits at the centre of the dispute with the system. If the relevant hardware had been seized, a coherent technical verification process documented, and a comprehensive check of toilet facilities conducted, the later story would likely be narrower: a troubling discovery followed by a properly preserved investigation. Instead, the allegation is that attendance left the core factual question—what the camera was capable of doing, and what it had done before police arrived—effectively unanswered in any way that could later be tested. Once that occurs, the matter becomes not only about the camera, but about whether the system's first response was structured to produce **clarity**, or structured—deliberately or by institutional habit—to produce **closure**.

Chapter 5: The Female Toilets Issue: The Credibility Hinge (27 June 2023 onward)

A single factual dispute can sometimes carry more weight than a dozen arguments about policy, discretion, or resources. In this story, that dispute is straightforward: were the **female toilets** checked on the night of **27 June 2023**, during the relevant period of police attendance, or were they not? That question is treated as a **credibility hinge** because it concerns a basic safeguarding step in a suspected **toilet-camera** matter and because later assurances, on this account, do not sit comfortably with what appeared to occur at the scene.

The **COPS** entry for **Event E77625117** records police attending after a report of a camera in the **male toilet area**, observing a camera **"attached to the ceiling,"** and recording a limited system check concluding it **"was not working."** It does not record any check of the **female toilets**. That omission does not, by itself, prove a check did not occur; police narratives can be incomplete. The significance here is the combination of what the narrative records, what it does not record, and the manner in which the "not working" conclusion is alleged to have been reached.

On this account, the owner told police the camera was not connected—indeed, that it had never been connected. Yet police treated a brief visual glance at the system as sufficient to conclude it **"was not working."** The asserted check was not a technical verification. In a small back room, the owner pointed to a monitor showing multiple **CCTV tiles** across the venue, with one tile appearing as a **black square**. **Constable Chessher** looked at that black square, bent slightly, and nodded—an action interpreted as acceptance rather than verification. The inconsistency matters because, if the camera was truly never connected, the presence of a dedicated tile showing a black square raises an issue of logic about what the system was configured to display and why. The issue is sharpened by the asserted delay in police attendance—arriving **more than an hour** after the call—during which time the owner would have had an opportunity, on this account, to **tamper**, **disconnect**, or **reconfigure** equipment before observation. In that context, a glance-and-nod acceptance of a black square is presented as a thin basis to close the question of whether the system had been operational.

That returns the narrative to the **female toilets**. The contention is that the female toilets were not checked during the relevant period—meaning the period when the incident was still being handled on site and the direction of the police response was clear to those present. The

account is not that the reporting person and police necessarily left at the exact same moment. The reporting person left because the interaction at the end carried the unmistakable character of **closure**: police were giving what was understood to be final words to the Geekstar owner, wrapping up, and preparing to depart. The reporting person then chose to leave at that point to avoid sharing the same lift. The key factual claim is that, at the moment of departure, the atmosphere and content of the interaction conveyed that the investigation was **over**, and that the parties were about to separate—police departing and the owner remaining.

That is why later assurances about a **female-toilets check** create a credibility problem. If such a check was genuinely intended, it would ordinarily occur while the matter was still active and before officers signalled completion. On this account, there was no indication—before departure, or at departure—that police were transitioning to a further internal search of other facilities. The scene, as presented here, was consistent with a decision to conclude the matter after a brief inspection and a minimal verification step, rather than widen the inquiry across the premises.

In a suspected toilet-camera incident, a female-toilets check is not a technical flourish. It is a practical, commonsense safeguarding step once the possibility of a privacy breach inside toilet facilities is raised. That is why the issue matters. If the **female toilets** were not checked, later statements asserting they were checked are not trivial errors; they operate to re-cast the attendance as more comprehensive than it was. If the female toilets were checked, the question becomes why that step is absent from the contemporaneous narrative and what objective marker exists to verify the claim.

This is also one of the few points in the story capable of being tested against objective material if it is ever produced: **body-worn video**, **dispatch and movement logs**, **notebook entries**, or any supplementary record showing an actual check being undertaken after the point at which this account says the attendance was clearly concluding. Without that kind of marker, the dispute risks becoming a contest between contemporaneous perception and retrospective assurance—and it is precisely that contest that, on this account, comes to define the broader **accountability failure**.

So, from **27 June 2023** onward, the female-toilets question is not an incidental detail. It is the factual dispute said to anchor **credibility**: whether the scene ended with **closure and departure**, as described here, or whether meaningful additional investigative steps were undertaken but left undocumented in the contemporaneous record.

Chapter 6: “Blank Screen” Verification and Non-Seizure: The Investigation Standard Question

The **“blank screen”** moment matters because it goes to the standard of **verification** in a setting where the core risk is not theoretical. A **camera inside a male toilet facility** is not an ordinary security placement. If such a device exists, the immediate investigative question is not merely whether it appears live at that instant, but whether it **recorded in the past**, whether recording could be **recovered**, and whether the system was configured to allow **covert capture** while presenting an innocuous appearance when checked.

On this account, police relied on what was effectively a **visual confirmation**: the owner pointed to a monitor showing multiple **CCTV tiles**, one of which appeared as a **black square**, and the officer's response was a brief glance and a nod. In plain language, the concern is simple: a blank tile on a screen does not reliably answer the question that matters—whether the system recorded anything earlier, or whether data could still exist even if the live feed is not presently displayed.

A blank tile can occur for many reasons that have nothing to do with innocence or non-operation. It can reflect a feed that is temporarily disconnected, a channel disabled in display settings, a tile removed from a grid layout, or a camera that is powered but not being "previewed." Many systems can also be configured to **record without displaying** a live view on the main monitor. Selective display profiles allow a particular channel to be hidden or minimised while recording continues elsewhere in the interface. Put simply: the **monitor view is not the system**; it is only one way the system can be presented.

That is why the absence of **seizure** and **forensic steps** is not treated here as a procedural nitpick. It goes to whether the conclusion—**"not working"**—was supportable. If a camera was positioned in a location where recording would be unlawful or gravely improper, and if the risk was that footage could exist or could have existed, the natural approach would be to treat the hardware and recording system as potential **evidence**, not as something resolved by a glance at a screen.

The non-seizure issue matters in three practical ways.

First, without **seizure**—or at least secure **preservation**—there is no way to prevent alteration after police leave. Even if the system was genuinely not recording at the moment observed, the question remains whether it recorded earlier that day or week, and whether data was later deleted. If equipment stays in the owner's control, the ability remains to alter settings, overwrite storage, replace components, or reset the system. This is not an allegation that tampering occurred; it is the structural reality that leaving potential evidence in place leaves open the possibility that evidence later becomes unavailable.

Second, without accessing **system logs** and **recording configuration**, the conclusion remains vulnerable to error. Many CCTV/NVR/DVR platforms retain metadata: connection status, channel history, motion events, storage utilisation, overwrite cycles, user logins, and configuration changes. A credible determination about whether recording occurred commonly requires review of those artefacts. A blank tile does not show whether a channel previously recorded, whether footage was deleted, whether storage overwrote earlier files, or whether recording was configured on motion or schedule.

Third, without attempting any **data recovery**, the investigation forgoes the possibility that footage—or fragments—could exist even if the interface suggests otherwise. Systems may cache footage, retain deleted data until overwritten, or store recordings on a separate device. Even if an owner asserts "never connected," the presence of a display tile—blank or otherwise—can indicate that the system recognised a channel and warrants closer inspection rather than closure.

In short, the "blank screen" verification is criticised here not because perfection is demanded, but because the method described is treated as insufficiently reliable to support an implied conclusion that nothing could have been recorded, nothing could be recovered, and no further

step was warranted. In an allegation involving a camera inside a **toilet facility**, the investigation-standard question becomes unavoidable: why treat an ephemeral screen display as determinative—particularly where no **seizure**, no **log review**, and no **forensic preservation** step is recorded?

That is the investigation-standard issue placed plainly before the reader: a **blank tile** is not proof of **non-recording**. At best, it is proof of what the screen displayed at a particular moment. In a case where the central harm is what may have been captured before that moment, the method is criticised as an unreliable basis to close the inquiry.

Chapter 7: Constraint and Containment: The Contextual Motive Theory

By the time I began challenging what police did and did not do at **Geekstar**, a broader concern had already formed: the toilet-camera incident did not feel isolated. It felt entangled in a wider sequence in which other allegations existed in the background and could shape how institutions responded. This chapter sets out that concern with strict limits. It is presented as **contextual motive only**, not as a substitute for evidence.

The primary storyline of this book remains the **toilet camera**, the **COPS record**, the police **attendance**, and the **accountability chain** that followed. The **Auburn** material is not advanced as the main plot. It is included because it forms part of the chronology that, in my view, helps explain why the Geekstar response appeared constrained, muted, and unusually incurious. It also matters temporally. The Auburn allegations, and the way they later moved through complaint pathways, sit before the **Supreme Court phase in 2026**. They are not introduced for colour. They are introduced as background to the posture taken toward the Geekstar file.

The theory itself is straightforward, even if the implications are serious. The contention is that constraints were operating on police action at Geekstar—not necessarily because any individual officer was personally corrupt, but because the situation sat inside a wider set of allegations in which certain outcomes were institutionally inconvenient. If the Geekstar owner/manager was connected (directly or indirectly) to other events that later became the subject of **pervert-the-course-of-justice** concerns, then a thorough, evidence-preserving investigation into a toilet camera on his premises could have created collateral consequences: it could have generated **offence considerations**, **seizure obligations**, **identity disclosure**, and a documentary trail harder to contain. Under this theory, the lowest-friction path is the one alleged to have occurred: treat the discovery as an "occurrence," perform a **minimal verification**, record a conclusion that it was **"not working,"** and move on—leaving no **forensic footprint** that forces a larger inquiry.

That is why the theory is framed as a "**told not to**" theory, while recognising that constraint can operate without a literal instruction. It can arise as an unspoken understanding of what will and will not be pursued, an implicit preference for **closure**, or an organisational instinct to avoid creating a problem that escalates beyond the attending officers. Whether the mechanism is a directive or a softer form of institutional steering, the outward result can look the same: **no seizure**, no **logging review**, no technical examination beyond a glance, and no follow-up step that would force the matter into a different category.

The reason this theory is treated as more than mere suspicion is that it sits against a cluster of features that read, cumulatively, as **constraint markers** rather than ordinary variability. On this account, police arrived **more than an hour** after the call, creating opportunity for any relevant system state to be changed before attendance. The verification step observed was not a structured technical check. It was a look at a monitor, at a **black square** among other operational CCTV tiles, followed by a nod. That matters because the owner's asserted position, as understood at the scene, was that the toilet camera had never been connected. Yet the system displayed a tile for it—blank, but present—raising an issue of logic about what the system was configured to recognise and present. This is not proof of recording. It is one reason the "blank screen" method is treated as an unreliable basis to settle the question.

The same contextual theory also explains why the investigation, as alleged, did not widen to obvious safeguarding steps. In a risk-driven approach to a camera inside a toilet facility, one expects **preservation** and **scope elimination**: secure the device or the recording unit, establish whether recording occurred, and determine whether other facilities—including the **female toilets**—were affected. On this account, those steps did not occur during the relevant period of attendance. That is why the later dispute about whether female toilets were checked becomes so significant. It functions as a retrospective upgrade to the appearance of thoroughness. In a constrained investigation, later assurances can supply the missing diligence without producing the missing **evidence**.

It is also necessary to state what this theory is not. It is not an assertion that an explicit directive can be proved, on the existing public record, to have been given to **Constable Chessher** or **Constable Paija**. It is not an allegation that those officers knowingly fabricated the **COPS narrative**. It is not a claim that every person in the accountability chain acted with a single motive. It is a contention about **incentives and outcomes**: when a matter threatens to intersect with other allegations carrying reputational and legal risk for third parties, institutional systems often behave in ways that produce **containment**—and containment can present, to the affected citizen, as indifference, circularity, and selective attention.

That is why Auburn remains in the background. The full Auburn narrative is not necessary to understand the alleged motive logic. The essential point is simpler: once a person believes an attempt is underway to attach a **stalker/sexual-assault** storyline to them, sensitivity increases to the way seemingly unrelated events can be managed to support that storyline—or at least to avoid undermining those connected to it. In this account, the Geekstar camera incident is one such event: a concrete, recorded occurrence that should have triggered an evidence-focused response, but instead produced a thin record and a thin investigative footprint.

If the theory is wrong, it should be **falsifiable**. Objective material could test it: **dispatch and attendance timings**, **body-worn video**, **notebook entries**, any **property seizure** or non-seizure rationale, any supplementary event narratives, and any internal referrals explaining why a toilet-camera matter was treated as low consequence. The reason pressure was maintained for the record is that constraint tends to show itself in the record—even when no one admits it.

This theory functions as a bridge in the book. It links the minimal on-scene investigation to the later institutional pattern: correspondence becoming vague, oversight becoming referral, identity becoming withheld, and accountability becoming a process that repeatedly arrives at the same destination—no meaningful scrutiny and no meaningful remedy—despite the seriousness of the underlying facts as experienced.

Chapter 8: 4 December 2023: The First Oversight Escalation — LECC Complaint (CASE20239406)

On **4 December 2023**, I lodged my first formal oversight complaint with the **Law Enforcement Conduct Commission (LECC)** in relation to the **NSW Police Force** handling of the **Geekstar** toilet-camera incident. The LECC reference allocated to that complaint was **CASE20239406**. This step matters in the narrative because it is the first moment the matter leaves the "frontline attendance" frame and becomes an **accountability** question—whether an external oversight body will treat the incident as a serious privacy event requiring meaningful scrutiny, or as a minor occurrence suitable for administrative closure.

The complaint was grounded in a simple proposition: the **COPS Event E77625117** record confirmed that police attended after a report of a **camera inside a male toilet facility**, observed a camera "attached to the ceiling," and concluded, after what I alleged was a superficial check, that it "was not working." But I contended that the investigative response reflected a **gloss-over** approach rather than a proper evidence-preservation response to a suspected toilet-camera matter. The complaint therefore framed the issue as **process failure**—not merely dissatisfaction with outcome, but concern that the steps taken were too limited to reliably determine what had occurred, whether any recording had been possible, and whether other patrons were exposed.

In the complaint to the LECC, I set out the particular investigative gaps I said defined the problem. I alleged there was **no meaningful technical verification**—no structured examination of the system state, no checking of logs or recording settings, and no step capable of determining whether footage had existed earlier and could be **recovered**. I alleged there was **no seizure** of the relevant equipment—no confiscation of the computer or recording unit, and no preservation of the camera or associated hardware as potential evidence. I also raised what became one of the central credibility issues in the narrative: the absence, in the contemporaneous record and in my on-scene observation, of a **comprehensive check of the female toilets**, despite the obvious safeguarding logic that, once a camera is found inside a toilet facility, other toilet areas should be checked to rule out wider intrusion.

I further contended that the police response was vulnerable to **tampering risk** because, on my account, police arrived **late**—over an hour after the call—creating an obvious window in which the system could be altered before police attendance. In a matter involving potential recording inside a toilet cubicle, delay is not merely an operational inconvenience; it is a factor that can materially affect whether evidence is preserved or lost. My complaint therefore treated timing as part of the investigative deficiency, not a side issue.

The complaint was also framed as a concern about **institutional reliability**. Where a suspected privacy breach occurs in a toilet facility, I argued that the investigative steps need to be robust enough that a later reviewer can see, on the face of the record, why police could confidently conclude there was no offence or no evidentiary basis to proceed. I contended that the Geekstar handling did not meet that standard because the documentary footprint was thin, and because the conclusion that the camera "was not working" was, in my allegations, based on a **visual glance at a monitor** rather than a method capable of proving whether recording had occurred earlier or whether data had been deleted.

In that first escalation to the LECC, I presented the issue as one that engaged the LECC's oversight purpose: not to re-run every operational decision, but to assess whether the handling of a serious privacy allegation was **adequate**, **transparent**, and capable of withstanding review. The complaint asked, in effect, whether the system would treat a camera inside a toilet as a matter demanding real evidentiary discipline—or whether it would treat it as an "occurrence" that can be resolved through minimal checks and minimal recording.

This is the point in the story where the dispute shifts. Until **4 December 2023**, the narrative is anchored in the event itself—**27 June 2023**, the camera, the attendance, the record. From the date of the LECC complaint, the narrative becomes about whether oversight mechanisms function as advertised: whether they can require clearer answers, require proper scrutiny of omissions, and prevent the matter from being quietly settled by the same institutional assumptions that, in my allegations, produced the inadequate investigation in the first place.

Chapter 9: 22 March 2024: LECC Referral Decision (pp. Karen Garrard, Team Leader, Assessments)

On **22 March 2024**, the **Law Enforcement Conduct Commission (LECC)** issued a formal letter in relation to **CASE20239406**, signed **pp. Karen Garrard**, **Team Leader, Assessments**. The letter set out the LECC's role in general terms—reviewing how police handle complaints and investigating police misconduct and corruption where appropriate—before making the operative decision. The LECC stated it had **"carefully assessed"** the complaint and decided it was appropriate for the **NSW Police Force** to deal with it. The complaint was therefore **referred** to NSW Police for action or investigation.

The structure of the letter matters because it frames referral as routine and lawful. It explains that the law generally makes **NSW Police** responsible for managing and investigating complaints about police, and that the LECC refers most complaints back to police. It then lists circumstances in which the LECC might investigate itself—where its special powers are needed, where police cannot appropriately investigate (including matters involving senior officers), where the complaint raises a **system-wide issue**, or where the LECC has the resources to investigate. On its face, the letter does not engage with the **Geekstar** substance in detail; it treats the complaint as suitable for referral in the ordinary course, with the LECC positioning itself as an overseer of the police response.

The letter then described what would happen next. It stated the LECC would send the complaint to the **Professional Standards Command**. It said police would usually send it to the command where the incident occurred and that a senior officer (a **Professional Standards Duty Officer**) would assess it. It cautioned that the response might take more than **four weeks** and provided contact options for the **Customer Assistance Unit**. Finally, it asserted that the LECC would **"carefully review"** how police handled the complaint and, if not satisfied, might recommend further action, seek more information, request video relied upon by police, recommend advice to officers, or require police to investigate.

My position is that this decision created a **circular process** rather than genuine independent scrutiny. The complaint was not framed as an abstract policy dispute. It alleged concrete deficiencies in the handling of the Geekstar toilet-camera incident—as recorded in **COPS Event E77625117** and as observed at the scene: a superficial **"verification," no seizure**, no

meaningful technical steps, and no comprehensive checking. Referring those allegations back to **NSW Police**, in my view, sent the matter back into the same institutional loop that produced the disputed outcome.

That is the core tension highlighted here. The LECC presents referral as a standard, legally grounded step. The criticism is about effect: referral means police are asked to assess the adequacy of **police action**, while the oversight body remains supervisory at a distance rather than investigative at first instance. In a matter like this—where the key dispute is not simply whether an offence was proved, but whether investigative steps were sufficient to establish the facts—the difference between independent verification and internal reassessment is decisive. If the underlying problem is a thin investigative footprint—no seized exhibits, no logs, no forensic record—then a referral-driven process risks producing an equally thin review: a conclusion that there is "no evidence" because the steps that would generate usable evidence were never taken.

This letter also marks the point at which the narrative begins to resemble an **administrative closed circuit**. The complainant is told to wait for police to respond, and if dissatisfied, to write back to the LECC. But the engine of the process remains **police-led**. From my perspective, that structure does not resolve the key question; it defers it. The question is not only whether police can later state satisfaction after reviewing their own holdings. The question is whether a camera inside a toilet facility was treated with the **evidentiary seriousness** required to answer what any reasonable person would ask: could recording have occurred, could it be recovered, and was there any wider intrusion beyond the male toilet area?

So, in the book's logic, **22 March 2024** is not merely a bureaucratic milestone. It is the first explicit instance of what is contended to be the system's reflex: **refer back**, **review later**, and treat the absence of seized or preserved evidence as a reason to close the matter, rather than as a reason to ask why the evidence was never secured in the first place.

Chapter 10: 29 April 2024: Superintendent Martin Fileman's Outcome Letter

On **29 April 2024**, an "outcome" response was received from **Superintendent Martin Fileman**, Commander, **Sydney City Police Area Command**, in connection with the complaint about the **Geekstar toilet-camera** incident. The letter is short, politely worded, and administratively final in tone. That combination—**brevity**, **finality**, and **vagueness**—is treated as the problem. In a matter involving a camera located **inside a male toilet facility**, a credible outcome letter must state, in concrete terms, what was done, what was checked, and on what **evidentiary basis** a conclusion was reached. This letter did not do that.

The response characterises the correspondence as a "**grievance**" about two things: police response time and the thoroughness of the investigation. It then states that a **Professional Standards Duty Officer** "conducted a review of the relevant New South Wales Police Force holdings" relating to the incident. That phrase—**"review of holdings"**—does most of the work, because the letter does not identify what those holdings were, what they contained, or whether they were adequate to answer the questions raised. There is no breakdown of exhibits, no reference to technical steps, no mention of evidence preservation, no mention of

body-worn video, no reference to dispatch times, no indication of witnesses spoken to, and no explanation of any alternative lines of inquiry. It is a conclusion without a demonstrated method.

The letter then states, in a single sentence, that **"upon attendance, police have conducted their enquiries and concluded there was no evidence of an offence being committed."** This is the decisive claim—and, in this account, the weakest. "**No evidence of an offence**" is not an investigation; it is an endpoint. The question is how that endpoint was reached in a context where the most obvious evidentiary issues arise immediately. If police do not seize the relevant system, do not preserve it, do not record objective technical findings, do not obtain logs, do not secure the device, and do not document a meaningful verification process, the outcome becomes predictable: there will be little or no evidence, because it was never collected in a way that could later be tested.

That is why this outcome letter is treated as structurally evasive. It does not answer the specific deficiencies raised—deficiencies that were practical, not theoretical. The complaints pointed to the delay in attendance, creating opportunity for **tampering**; to the "verification" observed as a visual glance at a monitor and a nod after the owner asserted the camera was "not connected"; to the absence of seizure; and to the absence of meaningful steps to establish whether recording had occurred or could be recovered. The Fileman letter engages none of that. It does not attempt to describe what "enquiries" were performed beyond the generic statement that police reviewed "holdings."

In a case like this, credibility depends on particulars. A competent outcome letter would ordinarily specify, at minimum, the steps taken on the night and the steps taken on review. It would state what was checked on the CCTV system, whether the relevant channel was inspected beyond a blank or black display tile, whether configuration and retention settings were examined, whether logs were reviewed, and whether devices were secured. It would also address whether statements were taken, staff interviewed, other facilities checked (including the **female toilets**), the camera photographed, any crime-scene approach considered, and whether technical advice was sought. This letter contains none of that. Instead, it substitutes a managerial assurance—**"holdings were reviewed"**—for a factual account.

The letter also contains a second shift treated as part of the pattern: it moves from the concrete incident to institutional reassurance. It states that NSW Police is "constantly striving to improve its customer relations and response to community needs" and thanks the complainant for raising concerns. That reads like a service-feedback closing paragraph. But the complaint was not about tone or courtesy. It concerned an alleged privacy breach inside a toilet facility and the adequacy of the response. A closing paragraph about "**customer relations**" functions, on this account, as a form of downgrading—reframing a serious evidentiary and accountability issue as an interaction issue.

The effect is stark. The letter is not merely vague; it is vague in a way that shields the decision from scrutiny. A vague letter cannot be effectively challenged because it refuses to disclose what would be challenged. If police say "enquiries were conducted" without stating what those enquiries were, the dispute is forced into darkness. If police say "no evidence" without explaining how evidence was sought or preserved, the conclusion becomes self-sealing: the absence of evidence is treated as proof of no offence, even though the absence may be the product of the investigative approach.

For the purposes of this book, **29 April 2024** is therefore treated as a critical node. It is the moment the matter is not merely handled thinly on the night, but also defended thinly afterward—by issuing a conclusory statement that "no evidence" existed, while declining to reveal what a meaningful investigation would have had to do to determine whether that statement was justified.

Chapter 11: May–June 2024: Requests for Transparency and Accountability (Names, Decision-Makers, Oversight)

By **May 2024**, the dispute had shifted from a single night's police attendance to a broader question of **institutional accountability**: not merely what was done, but **who decided** it was sufficient, who endorsed that position, and who could be held answerable when the system appeared to close ranks. The practical problem encountered was that the oversight process operated through generic titles—**"Assessments Team," "Team Leader," "senior panel," "Director Investigation – Oversight"**—while the individuals making the key decisions remained largely unnamed. This anonymity is treated as more than administrative tidiness. It is treated as a mechanism that produces **diffused responsibility**, making the integrity of decision-making harder to test and making it easier for each layer to refer back to another.

The first strand of this period concerns **transparency about assessors**. On **17 May 2024**, after receiving LECC correspondence about **CASE20239406**, a request was sent to the **Team Leader, Assessments** seeking the names of the individuals involved in assessing the complaint and the individuals who would handle any review. Two reasons were given. First, **reduced transparency**: without knowing who assessed the matter, it becomes difficult to understand who evaluated the information, what expertise was applied, and who could provide meaningful clarification. Second, **diffused responsibility**: when no person is identified, responsibility becomes harder to locate. If a decision proves flawed, the complainant is left arguing against an institutional label rather than a person accountable to professional standards.

The second strand was an attempt to force the process to address **substance**, rather than rely on closure language. On **19 May 2024**, a written request for review was submitted, setting out why the initial police handling was said to be inadequate. The issues raised were practical investigative omissions: failure to inspect wiring or technical connections, failure to interview staff, failure to check other toilets, and failure to undertake any meaningful **forensic or technical analysis** of the system. Timing was also raised as an obvious vulnerability. On this account, police arrived with enough delay for the owner to alter or disconnect relevant equipment, yet the "verification" performed appeared superficial. The point of seeking oversight was framed not as disagreement with an outcome, but as insistence that the outcome could not responsibly be reached without the steps said to be missing.

What followed reinforced the concern that the system's centre of gravity was **administrative defensibility**, not investigative adequacy. The LECC position communicated during the May–June correspondence was that a review request needed to explain how the original decision was improper or incorrect and/or provide **"new, cogent and relevant information,"** and that only a single review would be considered. This framing is treated as a **procedural trap**. Threshold language becomes decisive, while the underlying question—whether the

police response to an alleged **toilet-camera** incident was adequate—remains largely unexamined in any detailed, disclosed way.

The third strand widened the issue beyond "names" into **decision architecture**. In the **22 March 2024** letter (which remained central through this period), the LECC stated it had **"carefully assessed"** the complaint and decided it was appropriate for **NSW Police** to deal with it, with the LECC reviewing how police handled it. By May, the process appeared looped: complaint to LECC, referral to police, police outcome letter (vague and non-particularised), then LECC satisfaction with that handling unless new "cogent" material could be produced. The difficulty is structural. The evidence that would resolve the dispute sits inside the police system—**logs**, device records, seizure documents, technical outputs—and is not produced. The complainant is asked to produce new evidence, while the missing evidence is precisely what a proper investigation would have generated and preserved in the first place.

This is why anonymity is treated as more than an irritation. The absence of identified assessors and decision-makers is treated as a **structural shield**. If a decision is made by "the Commission," endorsed by "a senior panel," communicated by **"pp. Team Leader,"** and later defended by another titled official, it becomes difficult to test whether anyone in that chain applied genuine independent scrutiny to the investigative shortcomings alleged. It also becomes difficult to test whether the decision-maker had the requisite expertise, whether conflicts were considered, whether there was internal dissent, or whether the matter was treated as routine triage.

The issue sharpened further in **June 2024**. On **13 June 2024**, the LECC wrote again under **CASE20239406**, this time signed by **Aaron Bantoft, Director Investigation – Oversight**, declining the request for review on the basis that significant new or cogent information had not been provided. The letter also stated that the original decision had been endorsed by a **senior panel** that included **Commissioners**. For accountability purposes, that letter had a dual effect. It invoked senior endorsement, strengthening institutional authority. Yet it did not answer the transparency question in the way it had been pressed: it did not identify who assessed the matter, what specific investigative steps were evaluated as adequate, or what concrete basis justified satisfaction with police handling given the thinness of what was recorded and disclosed.

The response across **13–14 June 2024** reflected that escalation. The LECC's statements about "careful assessment" and "reviewed information" were treated as not reconciling with what were regarded as unaddressed investigative deficiencies, and the transparency and accountability demands were renewed. The anonymity of the process was treated as part of the very problem the process was supposed to remedy. If oversight is meant to provide confidence that police handling has been independently scrutinised, then a structure that communicates through unnamed roles while declining to disclose concrete reasoning can appear, from the outside, less like oversight and more like a method of **controlled closure**.

For the reader, the **May–June 2024** period functions as a documentary pivot. The narrative is no longer only about a camera and an attendance. It becomes about how an accountability system can operate with the language of review—**"assessed," "considered," "satisfied"**—while insulating the identity of decision-makers and withholding the particulars required to evaluate whether the system genuinely scrutinised itself or simply preserved its own finality.

Chapter 12: 13 June 2024: Review Declined (Aaron Bantoft, Director Investigation – Oversight)

On **13 June 2024**, the **LECC** issued a further decision under **Reference: CASE20239406**, signed by **Aaron Bantoft, Director Investigation – Oversight**, advising that the request for review of the LECC's earlier referral decision was declined. The letter restated the earlier position that the complaint was appropriately referred to **NSW Police** and confirmed that the LECC remained **satisfied** with that outcome. Critically, it asserted that **"significant new or cogent information"** had not been provided to warrant the Commission reviewing its original decision. In this account, that characterisation carried the **operative force** of the letter: it functioned as the procedural label that closed the file without engaging the core substance being raised.

The letter framed the history in a way that, on its face, reads as orderly and definitive. It recited that on **22 March 2024** the LECC had informed the complainant that it had **carefully assessed** the complaint and determined it was appropriate for NSW Police to deal with it, and that the decision was endorsed by a **senior panel** which included the **Commissioners**. It then stated that the subsequent request for review was declined because, after **"careful consideration,"** the Commission determined the material did not meet the required threshold. It also reiterated a standard assurance: where a matter is referred, police will contact the complainant and advise what action was decided upon, and any action taken by police **"may be overseen"** by the Commission.

The contention is that this structure—**threshold**, **endorsement**, **satisfaction**, and **oversight assurance**—operated as a substitute for confronting the investigative questions actually put. The points raised were practical allegations about the adequacy of the response to a camera located **inside a toilet facility**: **no meaningful technical verification**, **no seizure or preservation**, no clear forensic step capable of ruling out **prior recording**, no documented checks beyond a brief on-site glance, and no comprehensive search of other facilities, including the **female toilets**. Delay was also central. On this account, police arrived **more than an hour** after the call, creating opportunity for the owner to alter, disconnect, or stage the scene before attendance. These were not late-developed theory. They were the substance of the complaint and the reason for escalation to oversight.

In that context, the phrase **"not significant new or cogent information"** is treated as a misdescription of what was being provided. The dispute was never simply about introducing a new fact into an otherwise complete investigation. It was about the claim that the investigation itself was **incomplete**, and that the deficiencies were both obvious and consequential. In this account, where a complainant asserts that basic investigative steps were not taken, the oversight question should not become whether the complainant can supply additional "new" material. It should become whether the agency can demonstrate that the steps were taken—or provide a reasoned explanation for why they were not.

This is why the Bantoft letter is treated as avoiding substance. It did not address, even at a high level, the particular steps argued to be missing. It did not state what technical checks were performed beyond the generic conclusion that police were satisfied the camera **"was not working."** It did not explain how prior recording could responsibly be excluded without seizure, forensic assessment, or system logging. It did not reconcile the account of a

superficial monitor glance with any objective verification method. It did not identify any evidentiary basis for satisfaction with the handling, despite the setting—a **toilet facility**—where the expectation of privacy is at its highest and where investigative caution would ordinarily rise rather than fall.

Instead, the decision operated at a higher level of abstraction. It treated the additional points as failing a review gateway, rather than treating them as triggers for a careful, documented explanation of why the police response was adequate. In practical terms, this produced the circular outcome that had been warned about. The matter is referred to police; police issue a brief outcome response with no particularised investigative detail; specific deficiencies are pressed; and oversight declines review on the basis that the points are not "new" enough—while the objective material that would resolve the dispute (**body-worn video**, movement logs, any seizure record, any system outputs, any supplementary notes) remains absent.

The letter's reliance on senior panel endorsement is also treated as rhetorical reinforcement rather than a substantive answer. Endorsement by senior personnel does not, by itself, demonstrate that the investigative shortcomings were confronted. It shows institutional backing. The criticism is that this is how accountability systems can become self-sealing: **authority** is invoked where **reasons and particulars** should be supplied.

For these reasons, the **13 June 2024** refusal is treated as an inflection point. It is the moment when the language of oversight—**careful assessment**, consideration of correspondence, satisfaction with referral—becomes, in this account, indistinguishable from **administrative closure**. The label **"not significant new or cogent information"** becomes the mechanism by which the substance of the complaint—the claimed investigative omissions in a toilet-camera incident—is displaced into a procedural threshold that cannot realistically be satisfied without access to the very records controlled by police.

Chapter 13: The Name Problem: The Unnameable Defendant

In a story like this, the most decisive obstacle is not always the camera, the ceiling, or the question of whether footage existed. Sometimes the decisive obstacle is procedural and banal: who, precisely, is the defendant? A civil claim does not begin with outrage. It begins with a **name** capable of being pleaded, a **party** capable of being served, and an **identity** stable enough to be brought under the authority of a court. Without that, even the strongest moral argument remains legally inert. This is the point where the toilet-camera incident stopped being only a question of **privacy** and became a question of **access to process**—the ability to commence ordinary civil steps when an alleged wrong has occurred.

The camera incident at **Geekstar Internet Café** (Level 3/630 George Street, Sydney NSW 2000) produced an official police record: **COPS Event E77625117**, reported at **21:20 on 27 June 2023**, with a narrative created at **02:11 on 28 June 2023**. But that record, as released, was redacted in the most consequential way. The text confirmed that police attended, observed a camera **"attached to the ceiling,"** noted a limited check leading to the conclusion that it **"was not working,"** and recorded that a report would be made. Yet the released version did not provide, in usable form, the **identity** required to plead and serve a civil claim

against the person responsible for the premises and its surveillance arrangements. The practical effect is difficult to overstate. A claimant cannot sue a **blank space**.

This is not a technicality. It is a threshold condition of **civil justice**. To file a Statement of Claim, a defendant must be identified in a way that is capable of **service** and **enforcement**. If a business is operated through structures that do not obviously present an accountable controller to a patron—and if the premises controller does not voluntarily disclose identity—then the harmed person can be trapped at the starting line. The individual sought to be sued can remain **unnameable**: not mysterious, but functionally unreachable, because no reliable name can be placed on the front page of proceedings and no reliable steps can be taken to serve the proceedings.

A further real-world complication is well understood by courts and lawyers but often learned the hard way by ordinary people. Even where a claimant suspects the identity behind a business, **service** can become its own battlefield. Documents can be refused. Availability can be managed. Responsibility can be displaced onto a company name, a manager, a lease arrangement, or a chain of intermediaries. A venue can present the appearance of "staff" and "management" while obscuring who is legally responsible. This is not a complaint about procedure; it is a description of how procedure can be used defensively. If identification and service cannot be achieved, proceedings cannot commence. And if proceedings cannot commence, the incident remains confined to **internal handling** and **administrative discretion**.

That is why identity became the pressure point. The objective was not curiosity, gossip, or retaliation. The objective was the minimum information required to do what citizens are told can be done in a democracy: commence proceedings if wrongdoing is believed to have occurred. A toilet camera placed inside a male toilet facility is not merely disturbing. It raises the prospect of a serious **privacy violation** in a location of maximum vulnerability and expectation of privacy. If the incident had been treated as a conventional civil matter, the pathway would have been straightforward: identify the responsible party, file a claim, serve it, and allow a court to test the evidence. What happened instead was that the pathway narrowed into a different terrain—**oversight bodies**, **redactions**, and **institutional gatekeeping**—until the basic civil prerequisite of naming a defendant became, in practice, the central battle.

This is where the administrative system and the civil system collided. Challenges to the adequacy of police response and the thinness of recorded investigative steps were not only arguments about standards. They were also attempts to obtain a record that contained the **identity** necessary to start civil proceedings. The experience described here is of a process that could speak at length about oversight structures while producing the same practical result: the ordinary civil pathway remained blocked. The matter was treated as something to be **managed** rather than something to be placed before a court in the normal way.

The significance of this is structural. A person can endure a weak investigation and still pursue civil process if a defendant can be named and served. But if identity is withheld, redacted, or treated as information the claimant has no right to access, the struggle shifts into a secondary contest: not proving the wrong, but proving entitlement to even identify the person said to be responsible. The system inverts the conflict. The dispute moves away from the alleged privacy breach and toward persistence, credibility, and "reasonableness" in seeking to know who must be sued.

That is why redaction in the police record mattered so profoundly. In this account, it transformed the matter from a dispute about a camera into a dispute about whether **civil accountability** would be made practically possible at all. If the identity of the premises controller recorded in a COPS event cannot be obtained—an event created within hours of attendance—then the architecture of withholding creates a functional immunity for the person behind the incident. Not a formal immunity declared by Parliament, but a practical one created by **non-disclosure** and **redaction**.

This is also the point at which tribunal processes and information-access mechanisms become intelligible as necessity rather than preference. If the defendant cannot be named, proceedings cannot be filed. If proceedings cannot be filed, subpoenas cannot be issued. If subpoenas cannot be issued, production cannot be compelled. If production cannot be compelled, truth cannot be tested. The logic becomes circular and, for the ordinary citizen, suffocating: information is denied that is necessary to commence the very process that would allow compulsion of information.

At this stage, the broader theme becomes visible. Institutions frequently describe accountability as overlapping safeguards: police internal review, independent oversight, tribunal review, and finally court supervision. In theory, that sounds robust. In practice, as described here, those layers can behave like a **funnel**. Each layer narrows the pathway to the next. Each layer frames the issue as one of "process" while the underlying harm remains untested. And in the middle of it sits the simplest question of all: **who is the defendant?**

It is important for readers to understand that later developments outside the NCAT and appeal proceedings eventually revealed the identity recorded in the police material. That identity is not published in this book at this stage, for reasons connected to the structure of the broader project and to the separate Auburn narrative addressed elsewhere. But later knowledge does not change the historical reality that matters here: throughout the relevant period of tribunal and related proceedings, the problem was exactly what the chapter title states. The defendant was, in practical terms, a person who could not be named, in a situation where naming was the first requirement of civil process.

And that is the heart of the chapter. The toilet camera incident did not merely raise questions about surveillance and privacy. It exposed what happens when a citizen tries to move from complaint to court and discovers that the gateway condition—naming the responsible party—is itself treated as contestable. In a functioning civil system, identity should be the start of accountability, not the prize at the end of a procedural marathon. Yet on this account, that is what it became: a gate kept by **redaction**, **delay**, and institutional decisions that repeatedly pushed the dispute away from the alleged wrong and toward the question of entitlement to know who needed to be sued.

This is why later chapters dealing with NCAT reasoning, the appeal outcome, and the Supreme Court stage must be read with one fixed fact in view: the struggle was not only about what happened in the toilet. It was about whether the system would allow the most basic step a claimant must take—placing a real defendant on the front page of a Statement of Claim and serving that defendant—so the incident could be tested in open court rather than managed behind closed administrative doors.

Chapter 14: NCAT: Senior Member Mobbs and the Weight Given to Commercial Interests (Hearing 4 December 2024; Decision 21 March 2025)

By the time the matter reached **NCAT**, the dispute had shifted from the physical reality of the camera to the institutional question that, in this account, decides whether accountability is real or performative: whether a person who says harm has occurred can obtain the basic **identifying information** necessary to commence ordinary **civil proceedings**. The incident itself had already been reduced to a police record—**COPS Event E77625117**—and the practical obstacle had become the recurring feature of this narrative: a **redacted identity**, treated by the system as more important than the claimant's ability to litigate.

The allegation about **Senior Member Mobbs'** approach is not that the existence of the police record was denied, or that the camera report was treated as fictional. The allegation is that the reasoning placed disproportionate weight on protecting a **business-linked identity** over the public interest in enabling a person affected by a **toilet-camera** allegation to pursue civil process in a meaningful way. The Tribunal accepted and applied a public-interest-against-disclosure consideration to the effect that releasing the redacted information could prejudice the internet café's **"legitimate business, commercial, professional or financial interests."** That consideration was treated as carrying substantial weight, including on the basis that disclosure could expose relevant persons to a legal claim, or facilitate one. In practical terms, the consequences of accountability—being identifiable and therefore capable of being sued and served—were treated as a cognisable harm weighing against disclosure, notwithstanding the underlying allegation being a serious privacy intrusion in a location of maximum vulnerability.

The point is not semantic. In a case like this, **identity** is not trivia. It is the gateway to any claim that could test **liability**, **causation**, and **damages** in a court of competent jurisdiction. Without identity, only **complaint loops**, **oversight letters**, and administrative discretion remain—**process without remedy**. The contention advanced to the Tribunal was narrow and practical: the withheld identity was required to bring proceedings for **emotional distress** arising from an alleged privacy intrusion in a place where the expectation of privacy is at its peak. The allegation is that the Tribunal treated identity as something to be safeguarded in the abstract, rather than as information connected to an alleged wrong that a court should be permitted to examine. On this case theory, that inversion is the core defect: the system behaves as if the claimant's need to litigate is secondary, while reputational and personal interests connected with the business are treated as primary. The further contention is that this framing produces **structural unfairness**, because the very information necessary to test truth in open court is the information withheld.

The **4 December 2024** hearing is pivotal because it is the moment the dispute became explicit: whether the law would treat the withheld identity as part of the ordinary machinery of accountability, or as something that could be withheld even where the practical effect was to stop civil proceedings before they could begin. The contention is that the Tribunal process tightened the pathway rather than opened it—confirming that redaction could operate not merely as privacy protection, but as a practical **immunity mechanism**, because it prevents **service**, prevents **pleading**, and prevents any court from reaching the merits.

When the matter moved to appeal, the appellate pathway carried its own institutional gravity. The appeal process—following the December 2024 hearing and decided on **21 March 2025**—did not operate as a fresh inquiry into real-world consequences. On this account, it functioned as a validating mechanism: the non-disclosure outcome was treated as presumptively correct unless a tightly defined **legal error** could be demonstrated to the appellate standard. The practical result, as presented here, is that arguable concerns about characterisation, weighting, or framing could exist in the background, yet still produce the same endpoint: **relief denied** and **redaction maintained**.

The appellate outcome on **21 March 2025** is therefore presented not as a reconsideration of the consequences of non-disclosure, but as the institutional moment where the system effectively confirmed that the claimant's inability to litigate was an acceptable by-product of how disclosure law is administered. In this framing, the issue becomes larger than Geekstar. It becomes a case study in what happens when information-access law is treated as an internal administrative domain rather than as a gateway to **civil justice**. The claimant is required to establish near-perfect entitlement to a name, while the system does not confront the consequence that matters most: without identity, nothing proceeds.

This is also the stage at which the dispute ceased to be merely about what was redacted and became about what outcomes the legal system was willing to tolerate. On this account, the combined effect of first-instance reasoning and appellate restraint produced a specific practical result: identity remained withheld, the civil pathway remained obstructed, and the toilet-camera incident remained trapped inside an administrative ecosystem—managed through decisions and letters rather than tested through evidence and cross-examination. That is why the NCAT phase is treated as a turning point. It is where the system, in this account, chose **containment** over **exposure**, and **protection** over litigation-enabled accountability—setting up the next escalation, where the question becomes whether a higher court will treat that outcome as legally acceptable or as a failure of lawful decision-making.

Chapter 15: NCAT Appeal Panel: Durack SC and Kennedy SM (Hearing: 4 December 2024; Decision: 21 March 2025, [2025] NSWCATAP 58)

When the matter moved from first instance to the **NCAT Appeal Panel**, the frame narrowed sharply. The question was no longer whether a concealed camera inside a toilet facility demanded a stronger safeguarding response, or whether NSW Police should have taken more robust steps at the scene. The question became appellate and procedural: whether the first-instance decision involved an **error of law**, and whether any such error justified intervention. In practical terms, **P Durack SC** and **N Kennedy SM** became the final internal gatekeepers on whether the record would remain partly hidden, or whether the identifying material sought would be disclosed.

The formal outcome is stark and, in narrative terms, decisive. On **21 March 2025**, the Appeal Panel **refused leave to appeal** and **dismissed the appeal**. It then made an order under **s 64(1)** of the **Civil and Administrative Tribunal Act 2013 (NSW)** that the **unredacted COPS report**—identified in the orders as **E 77XXXX17**—was not to be published or disclosed. That unredacted report had been **adduced in evidence** at the appeal hearing on **4 December**

2024, but was **not shown to the applicant**. The practical implication is straightforward: a closed institutional setting can see the unredacted record, rely upon it, and then place it behind a statutory barrier, including against the person who reported the event and sought access under the **GIPA Act**.

The decision's legal framing matters because it dictates how the dispute is processed. The catchwords identify the governing question under the **Government Information (Public Access) Act 2009 (NSW)**: whether the **public interest considerations against disclosure** outweighed those **in favour** in relation to an unredacted police event record concerning "a camera in the male toilets of a café in Sydney." The Panel emphasised that, absent an appeal "as of right" on a question of law, **leave to appeal** is required—and leave is not granted merely because an applicant contends the primary decision-maker was wrong. The structure of review converts a lived invasion of privacy into a test of appellate thresholds: **legal error**, **plain injustice**, or a question of broader importance.

Within that structure, the outcome takes on a dual character that becomes central to the book's theme. The issues were organised and treated with seriousness—apprehended bias, alleged misconstruction of the Table in **s 14** of the GIPA Act, alleged failure to ask the right question, alleged procedural unfairness, and then separate leave-to-appeal grounds concerning transparency, accountability, investigative adequacy, alternative avenues (including preliminary discovery), and new evidence. Yet the endpoint remained unchanged: **no relief**, plus an express reinforcement of non-disclosure through **s 64(1)**. In the terms of this narrative, issues can be ventilated while the operative result remains fixed.

A central theme is the Panel's treatment of the argument that confidentiality protections should not operate to shield an alleged wrongdoer or the alleged source of wrongdoing. The decision rejects the proposition that **cl 1(d)** (confidential supply of information), **cll 3(a)** and **3(b)** (personal information/privacy), or **cl 4(d)** (business interests) must be read as excluding information about a person merely because wrongdoing is alleged. In effect, statutory protections are not displaced by the label "wrongdoer." The downstream consequence is practical: the identity required to commence ordinary civil process can remain out of reach, not because it is irrelevant, but because the balancing exercise can lawfully land on non-disclosure even where the information is sought to enable accountability.

This connects to the civil-process pressure point that runs through the narrative: a defendant who cannot be named is a defendant who cannot be sued in the ordinary way. The Appeal Panel maintained the first-instance approach that gave limited weight to the stated intention to sue and to complain about police handling. It did not disturb the reasoning that it was not demonstrated why the COPS report was a prerequisite to identifying a defendant or pursuing accountability. The practical effect, as framed in the book, is that the inability to name and serve is treated as answerable by "other avenues," while the redactions that prevent naming and service remain in place.

The treatment of new evidence sits within the same theme. Material was advanced on appeal to show why the identity and service problem was not theoretical. Among that material was correspondence from **ASIC** dated **10 October 2024** (ASIC reference **CAS-164770-S4X9B3**) concerning an entity trading as "GeekStar Internet Café" from **Level 3/630 George Street, Sydney NSW 2000**. ASIC stated it reviewed the report, made inquiries of confidential databases, and wrote to the proprietor about obligations under the **Business Names Registration Act 2011 (Cth)**, but would take no further action. ASIC also stated that

filming-of-patrons issues were outside ASIC's jurisdiction and were best reported to police. The relevance of this material, in the appeal context, was not to outsource the privacy breach to ASIC. It was to underscore a practical reality: where trading identity and registration status are unclear or unstable, ordinary civil process can be impeded at the most basic level—**who is the defendant**, and **how is service achieved**?

From that platform, a further contention is framed as contextual inference rather than proven motive: that post-incident deregistration or instability of the business name may have operated—deliberately or opportunistically—to make civil claims more difficult. The point is not to assert intent as fact, but to identify an alleged consequence: where identifiers are withheld and the trading "face" of a business is uncertain, the civil pathway can be obstructed before it begins.

One further passage is structurally important to how the book portrays "closure." The Panel itself raised at the hearing whether the first-instance reasons had adequately grappled with the scope of the redacted content, including redacted statements beyond basic identifying particulars. The Panel records raising that concern, hearing submissions, and concluding it was satisfied the Tribunal had considered the distinct category of redacted information and conducted the **s 13** balancing exercise appropriately. An issue identified as a possible concern by the Appeal Panel is therefore resolved in a way that preserves the same end state: **no disclosure** and **no remittal**.

This section also accommodates a key lived feature of the appeal hearing: the asserted impression that remittal back to first instance appeared possible at one point, followed by a final decision that did not take that course. The decision refused leave, dismissed the appeal, and made the **s 64(1)** non-publication order explicit. In narrative terms, that sequence—an apparent opening followed by a closed outcome—becomes the immediate driver of the move into Supreme Court judicial review of the Appeal Panel disposition.

Framed for readers, the practical effect of **[2025] NSWCATAP 58** is not merely that an appeal failed. It is that the unredacted record was treated as something institutions could view, weigh, and then formally withhold, leaving the complainant outside the sealed file. In the architecture of this story, this is the point where the pursuit of transparency meets its most definitive institutional mechanism: **refusal**, **dismissal**, and an express order that the unredacted document is not to be shown.

Chapter 16: Supreme Court of NSW: **Griffiths AJ** and the Administrative Law Frame (**Hearing: 1 October 2025**; **Decision: 9 October 2025**)

When the dispute moved into the Supreme Court of New South Wales, the atmosphere changed immediately—not because the underlying incident had become less serious, but because the type of contest the system permits at that level is structurally different. At first glance, many people expect a court to decide whether the wrong occurred, who is responsible, and what remedy follows. But the pathway I entered in 2025 was an **administrative law** pathway. It was not, in its core architecture, a forum for proving **misconduct** in the ordinary sense. It was a forum for testing **lawfulness**: whether the

decision-maker acted within **power**, applied the correct statutory test, observed **procedural fairness**, and gave reasons that did the work the statute requires.

That boundary is not academic. It is the difference between arguing, "This incident demands **exposure**," and arguing, "Even if the system refuses exposure, it must refuse in a way that is **legally valid**." The litigation began to feel like a narrowing corridor. The gravity of the allegation—an alleged **camera** in a toilet, a place of maximum **vulnerability** and expectation of **privacy**—did not automatically widen what the Court was prepared to decide. The Court's attention was trained on whether I could demonstrate **jurisdictional error** or an **error of law on the face of the record**, not whether the outcome felt harsh, morally intolerable, or socially unacceptable.

This is why the **record** and the **reasons** became the battleground. Judicial review is a constrained world. The contest is anchored to what the decision-maker had before them and what they said in explanation. If the record is thin, the decision is easier to defend because there is less visible friction between facts and outcome. If the record is incomplete, the applicant's problem becomes structural: you cannot simply bring forward new material to prove what "really happened," because judicial review is not a **merits rehearing**. You are required to attack the **legality** of the decision on the materials that already exist—materials that, in a case like this, were shaped by the very **non-disclosure** being challenged.

The proceeding was determined by **Griffiths AJ**, who delivered judgment on **9 October 2025** following a hearing on **1 October 2025** in proceedings **2025/00143980**. The orders were blunt: the amended summons was **dismissed**, there was **no order as to costs**, and the unredacted **COPS report**—kept in a **sealed envelope**—was to be returned by arrangement with his Associate. That outcome is important in the narrative because it reflects the administrative-law stance of the Court: the Supreme Court proceeding was treated as a test of **legality**, not a mechanism for reopening the **merits** of the redactions.

Within that frame, one issue became central because it exposed what I regarded as a genuine gap in the law: whether **cl 1(d)** of the **GIPA Act**—the "confidential information" public-interest-against-disclosure consideration—should operate differently depending on whether the relevant person is a bona fide confidential informant or an alleged **wrongdoer** or potential wrongdoer. I advanced that distinction as more than semantics. It goes to whether disclosure law can, in practice, operate as an **immunity mechanism**—by shielding the very identity needed to commence ordinary **civil proceedings**. **Griffiths AJ** addressed that argument directly, holding that the text, context and purpose of cl 1(d) did not support importing a category such as "innocent informant" into the provision, and that the provision focuses on prejudice to the supply of confidential information regardless of the source.

The Court also dealt with my complaint arising from the Appeal Panel hearing dynamic—where **Senior Member Durack SC** had openly questioned whether one heavily redacted paragraph appeared to extend beyond identity protection. I pressed the point that this was not a mere forensic quibble. It went to the integrity of the reasons, because if the first-instance decision of **Senior Member Mobbs** had not squarely grappled with that category of redacted content, and if the Appeal Panel had not genuinely resolved it, then the legal "work" required by the statute might not have been performed. One of my continuing concerns was that the very issue raised by Durack SC as a possible deficiency in the first-instance approach appeared, in my reading, to be neutralised at the end of the process without the kind of transparent explanation a reasonable reader would expect.

Griffiths AJ rejected that line of attack. His Honour treated the remarks in the appeal transcript as provisional impressions tested by submissions, warned against treating hearing exchanges as findings, and held that the Appeal Panel's published reasons adequately explained why that concern did not establish reviewable error.

One practical question then arose that was, for me, a focal point of the experience: whether the Supreme Court should itself inspect the unredacted COPS report. The Commissioner did not object to the Court viewing the sealed material if his Honour considered it necessary, and I urged the Court to do so. **Griffiths AJ** declined. His Honour emphasised the well-established distinction between judicial review and merits review and held that none of the alleged reviewable errors required the Court to examine the redactions themselves. The effect was that the unredacted record could remain physically present in the proceeding, sealed and available, yet still not be opened because the legal questions were said to be answerable without it.

During the hearing, **Griffiths AJ** referred to the **"Palace letters"** litigation. He noted that the dispute ultimately reached the **High Court** in **Hocking v Director-General of the National Archives of Australia [2020] HCA 19**. He also referred to his own earlier involvement at **first instance** in the **Federal Court** (**Hocking [2018] FCA 340**), before the matter later took a different course on appeal. This reference operated, in my understanding, as an institutional illustration: even where the subject-matter is historically and politically significant, the controlling question is not whether opening a sealed record would satisfy intuitive ideas of transparency, but whether inspection is legally required to resolve the grounds the court is empowered to determine.

From my perspective, this is where the Supreme Court phase acquired a "middle-ground" character. The legal result preserved the non-disclosure outcome and avoided a finding that would publicly destabilise the Appeal Panel's handling of the issue it had itself identified. At the same time, the costs result avoided punishing me for bringing the challenge, with **Griffiths AJ** expressly accepting the **public-interest** dimension and the **novelty** of the construction question. On my reading, that combination produced an outcome that was, in different ways, workable for all parties: the Commissioner's position remained intact, the Appeal Panel was not undone, and I was not financially penalised for pressing a point that the Court accepted had no clear existing authority.

The costs outcome therefore cut against any implication that the proceeding was frivolous. Although I failed, **Griffiths AJ** made **no order as to costs**, accepting that the challenge was brought in the public interest to clarify the construction of **cl 1(d)** in circumstances where there was apparently no existing authority directly on the distinction I was pressing. For the narrative, the additional detail that matters is this: the **sealed envelope** was never opened by the Supreme Court, and so the judgment proceeded entirely on the legality of the reasons rather than any independent judicial appraisal of the withheld content. In my own mind, that fact sits uneasily alongside the human stakes of the allegation, but it is also consistent with the administrative-law frame the Court applied.

In the logic of this book, the Supreme Court phase therefore illustrates a hard truth about administrative law. A litigant can be disciplined, focused, and procedurally correct, and still lose because the supervisory jurisdiction is not designed to deliver the kind of remedy the facts seem to call for. The system can treat the dispute as a question of legality while the

lived stakes continue to feel like a question of whether accountability will ever be allowed to reach a court in the ordinary way.

Chapter 17: Irregularities as an Inference Case: A Possible Cover-Up Thesis

A disciplined way to describe what I contend is occurring here is not to announce a **cover-up** as a proved fact, but to present a case of **inference**: a series of **anomalies** which, taken individually, may each have an innocent explanation, yet taken cumulatively appear more consistent with the **protection** of a **third party** than with a system oriented toward **transparent**, **litigation-enabled accountability**. This methodological distinction matters. I do not claim direct knowledge of internal motives or private communications. I describe what can be observed from the outside: the pattern of outcomes—what the system repeatedly did, declined to do, and then justified—and why that pattern plausibly reads less like an **investigation** pathway and more like a **containment** pathway.

The first anomaly, as I experienced it, concerns the quality of the initial response and the practical posture of attendance. An allegation of a **surveillance device** inside a **toilet** is, on any common-sense view, an allegation occurring in an environment of maximum expectation of **privacy**. In such circumstances, a reasonable person might anticipate a response calibrated to **evidence preservation** and **forensic clarity**: careful documentation, clear decision-making about the device, and a focus on identifying who controlled it and what the chain of responsibility looked like. Yet the pathway that unfolded did not, in my account, present as evidence-forward. Instead, it presented as a response in which the central questions—what the device was, whether it was operating, who controlled it, and what responsibility attached—were not pursued to the degree that an ordinary observer might expect. That does not, by itself, prove wrongdoing. It becomes significant only when set beside the later intensity of institutional effort directed toward limiting disclosure of **identity** and narrative detail.

The second anomaly is the apparent **non-seizure** and the limited evidentiary capture, at least as it appears in the materials available to me. Where a device's existence, placement, and function are central to the allegation, the absence of an obvious seizure pathway—or a clearly described **forensic chain**—has a particular downstream effect: it weakens the ability of any later process, civil or criminal, to test the truth through objective artifacts. It is entirely possible that benign explanations existed at the time: resource constraints, judgment calls at the scene, a view that the device was not operating, uncertainty about thresholds, or the perceived proportionality of steps taken. But whatever the explanation, the functional consequence is not benign. A thin evidentiary footprint makes later scrutiny harder, and it makes the system less exposed to the kind of evidentiary testing that accountability ordinarily requires.

The third anomaly is the emergence of later contradictions and defensive framing downstream of those early choices. When a system responds robustly and transparently, it tends to generate a coherent documentary sequence: what was observed, what was done, what was recorded, and why. When a system responds minimally at the front end and later treats disclosure as hazardous, the documentary posture can appear reversed. Rather than the record explaining the response, the response begins to be defended by limiting access to the record.

This is where the logic can feel inverted: the operative message becomes, in effect, that "the information must be withheld," rather than that "the information shows what occurred and why."

The fourth anomaly is what I describe as the **referral loop**. The promise repeatedly presented is that if disclosure is resisted under information-access law, ordinary legal processes remain available—subpoena, pleadings, court mechanisms. Yet those mechanisms depend upon the very gateway facts being withheld: **identity**, **service**, and the practical ability to plead against a real defendant. The result is a procedural treadmill in which each forum points to another forum, while the key enabling fact remains inaccessible. The loop is not merely frustrating. It is structurally significant because it produces a predictable endpoint: the incident remains trapped in an **administrative** ecosystem of decisions, letters, and constrained reasons rather than moving into a venue where evidence is tested through **adversarial process**.

The fifth anomaly is the persistence and breadth of **redactions** and **non-disclosure**, and the way those redactions operate in practice. Privacy and confidentiality protections are real and often justified. But in this context, the withheld identity is not peripheral. It is the hinge on which accountability turns. The system's insistence that disclosure under the regime operates, in effect, as disclosure "to the world" can make withholding sound principled at an abstract level. Yet the practical consequence is stark: a mechanism designed to open government can, in a case like this, function as a mechanism that prevents the commencement of ordinary civil proceedings. That is why I contend the redaction does not merely protect privacy; it can behave as **immunity** in effect, because it blocks service, blocks pleading, and blocks the ordinary testing of liability through evidence and **cross-examination**.

The sixth anomaly is the way reasons and records become the primary terrain of battle while the underlying event remains unlitigated. In a lawful system, withholding should be capable of justification through reasons that do real work. Yet where reasons are constrained—because protected information cannot be revealed—the published explanation becomes necessarily abstract. That abstraction is not, by itself, wrongdoing. But it creates a distinctive imbalance. Institutions are permitted to rely upon material the affected person cannot fully test, while the affected person is required to demonstrate error within a constrained universe. The repeated emphasis on confidentiality, business interests, and protection of supply channels—set against the practical impossibility of commencing proceedings without identity—creates the appearance of a system that may be procedurally correct yet substantively closed.

On this accumulation of features, my cover-up thesis is therefore stated carefully and narrowly. I do not claim proof of a coordinated conspiracy. I contend that the combined pattern—attenuated evidentiary capture, apparent non-seizure, later defensiveness, procedural referral loops, and sustained redactions that block civil commencement—more readily supports an inference that the system's overriding objective functioned to protect a third party connected to the premises than to facilitate open, litigation-enabled accountability. It remains possible that the true explanation is simply institutional risk-aversion and the routine operation of confidentiality norms. But even if that is the explanation, it yields a troubling proposition: that a person alleging an intrusion in a place of maximum privacy can be left with process without remedy, because the system's default settings prioritise containment over the conditions that make ordinary justice possible.

I also make clear, for avoidance of doubt, that my **inference** thesis is not an allegation that every decision-maker in the chain acted improperly. In particular, when this matter later reached the **Supreme Court of NSW**, I experienced **Griffiths AJ** as a **fair** and **measured** judge who treated a **self-represented litigant** with patience and courtesy. My contention about **institutional protection** is directed to the earlier pathway—**police** handling, the first-instance tribunal stage, and the appeal stage—and it is advanced in this book only in the disciplined sense described above: as an **inference** drawn from cumulative **anomalies**, not as claimed inside knowledge of motives. The wider context I say informs that inference, including a **connected police matter** and a **pending** case, is dealt with separately in another work.

Chapter 18: What the File Would Need to Prove or Disprove

The most disciplined way to test my claims is to identify **objective markers**—records that would either corroborate or contradict the key propositions I have advanced. The aim is not to speculate, but to specify what a complete file would need to contain in order for a reader to make a rational assessment. What follows is a **checklist** of the principal documents and data points that would confirm—or falsify—the inference case.

1. **Dispatch and Communications Logs (CAD / Radio / Tasking)**
   (a) The original **CAD job** entry for the incident, including time received, priority grading, dispatch time, and arrival time.
   (b) Any **radio communications logs** or dispatcher notes showing instructions given to attending officers and any change of priority.
   (c) Any record of **re-tasking**, delays, cancellations, or diversion to other jobs.
   (d) Any recorded rationale for response timing, if the system captures "reason codes" or narrative notes.
2. **Body-Worn Video and Metadata (BWV)**
   (a) Confirmation whether any attending officer activated **BWV**, and if not, whether there is a recorded reason for non-activation.
   (b) **BWV metadata** (not merely video content), including start/stop times, device ID, officer ID, GPS/time sync, and upload timestamps.
   (c) Any **retention or deletion history**, including any export logs, redaction logs, or disposal certificates under policy.
   (d) Any supervisory note explaining why BWV was not captured, not retained, or is not retrievable.
3. **Scene Notes and Contemporaneous Records**
   (a) Officers' **notebook entries** or electronic equivalents (including time-stamped "event notes").
   (b) Any **scene assessment checklist** or standard form used for property-related or privacy-related incidents.
   (c) Any record of whether the police treated the matter as a potential **criminal investigation**, a "record only," or a civil dispute.
4. **Property Seizure and Evidence Chain (Exhibit Management)**
   (a) Any **property seizure record** (exhibit register entry, property sheet, barcode record), even if the item was later returned.
   (b) Evidence **continuity documentation**, including who handled the device, where it

was stored, and whether any forensic examination occurred.
(c) If there was **no seizure**, any written rationale explaining why the device, storage medium, or associated equipment was not seized.
(d) Any record of attempted seizure that was declined due to legal threshold, consent refusal, or practical impediment.

5. **CCTV/System Architecture and Access Logs**
   (a) Identification of the CCTV system type: **NVR/DVR**, IP camera platform, cloud service, or local storage configuration.
   (b) Any **system logs** indicating whether the camera was powered, streaming, recording, disconnected, or configured to record motion/time schedules.
   (c) Any evidence of **user access**: login histories, admin accounts, remote access configuration, and last-access timestamps.
   (d) Any record of whether police requested, inspected, or obtained a snapshot of logs or configuration screens at the time.
6. **COPS Event Holdings and Version History**
   (a) The full **COPS Event** entry (unredacted), including all pro forma fields, narrative, and event classification/status changes.
   (b) The **audit trail**: who created and who updated it, when, and what fields changed (version deltas).
   (c) Any **addenda**, supplementary narratives, or secondary event linkages created after the initial entry.
   (d) Any linked identifiers: cross-referenced events, intelligence holdings, or tasking references that indicate escalation or internal routing.
7. **Identification and Role of Third Parties**
   (a) Clear identification of the person police spoke to at the venue and in what capacity (owner, manager, employee, security contractor).
   (b) Any record of the person's statement being treated as **witness information**, **suspect explanation**, or "information only."
   (c) Any record showing whether police conducted any verification steps of identity or role (ABN/company search, licence checks for security devices, tenancy/lease confirmation).
8. **Internal Oversight Notes and Review Artifacts**
   (a) Any internal note of supervisory review: sergeant review, duty officer notes, or compliance review entries.
   (b) Any internal communications relating to **information-access handling**: GIPA consultation notes, risk notes, or legal unit advice.
   (c) Any record of contact with external oversight bodies or internal referral pathways (even if the outcome was "no action").
   (d) Any internal discussion about disclosure sensitivity, including whether disclosure might prejudice a function, reveal personal information, or impact legitimate business interests.
9. **Procedural Standards and Compliance Checks**
   (a) The applicable policy at the time for BWV activation, evidence seizure, and handling of alleged covert recording devices in toilets.
   (b) Any compliance checklist or training guidance used to evaluate whether the response was consistent with policy.
   (c) If the response deviated from policy, any documentation explaining the lawful basis for deviation.
10. **External Records That Anchor the Timeline**
    (a) Any contemporaneous external call data: triple zero call record (if applicable),

non-emergency call logs, or front counter report entry.
(b) Any email follow-up by police to the reporting party and the internal reference trail that generated that email.
(c) Any public-facing incident number or receipt that can be cross-matched to internal holdings.

How these markers would confirm or falsify my claims is straightforward. If the file shows a coherent chain—prompt tasking, BWV capture, a documented evidentiary decision (seizure or a clearly reasoned non-seizure), meaningful system verification (logs/configuration), and consistent recordkeeping—then my contention that the response functioned as **containment** would be materially weakened. If, however, the file shows ambiguous timing, thin or absent contemporaneous notes, unexplained non-activation of BWV, absent seizure documentation without recorded rationale, incomplete system verification, and a record history that becomes denser only when disclosure is contested—then the inference that the process operated to protect a third party rather than facilitate accountability would become stronger, because the pattern would be anchored in **objective records**, not perception.

In that sense, the dispute is not ultimately about rhetoric. It is about whether the documentary spine of the matter contains the ordinary artifacts of an investigation, or whether the file's structure and omissions make the incident administratively "real" while leaving it practically non-justiciable.

Chapter 19: From Case File to Novel: Using Real Names, Real Dates, and Careful Claims

The method I use in writing this book is deliberately structured to keep **credibility** intact while still conveying the lived force of the events. The point is not to turn the narrative into a legal pleading, but to ensure that every serious claim is tethered to a **document**, a **date**, or a clearly signposted **inference**, and that the reader can distinguish between what is recorded, what is alleged, and what I conclude.

Where I have documents, I use **real names** and **real dates**. If a decision, letter, order, or report names an officer, a tribunal member, counsel, a registry, or an agency delegate, I treat that as a legitimate anchor for narrative detail. The same applies to formal case identifiers and hearing dates. For example, when I refer to the NCAT trajectory and the later judicial review, I can state the procedural facts as procedural facts: the NCAT appeal decision on **21 March 2025**, and the Supreme Court judgment **Adams v Commissioner of Police, NSW Police Force [2025] NSWSC 1181**, heard **1 October 2025** and decided **9 October 2025**. In those places, my narrative uses the public record not as decoration, but as the **spine** of the timeline.

At the same time, I keep **allegations framed as allegations**, including my own. Where I assert misconduct, improper motivation, institutional protection, or a pattern of containment, I describe those propositions as what I **contend**, what I **allege**, or what I **infer**, rather than as settled fact. This is not rhetorical caution for its own sake. It is a discipline that protects the integrity of the work. It also prevents the narrative from sliding into the kind of overstatement that can make the whole story easier to dismiss.

A core technique in this discipline is separating three categories of statement and keeping them distinct on the page.

First, I distinguish what the **record says**. This includes what the COPS event text records, what the redactions demonstrate by their presence and scope, what the tribunal and appellate reasons state, and what the Supreme Court judgment records about issues argued and issues decided. When I say, for instance, that the Supreme Court proceeding was constrained by **administrative law** categories—jurisdictional error and error of law on the face of the record—that is a statement about the legal frame within which the Court operates. When I say the amended summons was dismissed and there was **no order as to costs**, that is a recorded procedural outcome. Those are not matters of interpretation; they are documentary facts.

Second, I distinguish what I **experienced**. The narrative includes the felt reality of trying to obtain basic identifying information and being redirected through administrative channels. But I treat subjective experience as subjective experience. I do not smuggle it into the book as if it were proof of institutional intent. I use it to describe the practical consequence of the record: what it means, in human terms, when a system withholds identity and thereby prevents ordinary civil process from even beginning.

Third, I distinguish what I **infer**. Inference is the domain where patterns matter: the interaction of response quality, evidence handling, contradictions, redaction decisions, and the repeated use of "alternative remedies" or referral pathways. But inference must be signposted as inference, and it must remain tethered to observable markers. I treat inference as a conclusion the reader is invited to test against the documentary spine, not as a substitute for proof.

This approach also governs how I handle criminal language. A crucial rule is that I avoid stating unproven criminal conclusions as if they were established. I do not write "X committed an offence" unless there is a charge, a finding, or a formal determination that supports that statement. If I believe a set of facts could be consistent with a serious offence, I describe that as a **possibility** and I specify what would be required to confirm it. The book therefore resists the temptation to escalate by assertion. The escalation must come from the **documents**, from the **structure of the file**, and from the **consequences** of what is withheld.

In the same spirit, I treat tribunal and court decisions with a particular kind of respect, even when I criticise their effect. If a decision-maker rejected my construction argument—such as the wrongdoer versus informant distinction under the GIPA framework—I do not rewrite the outcome as if it were a moral confession by the institution. I describe it as the institution's conclusion, and then I explain, carefully, why I say the conclusion produces a practical injustice. The Supreme Court judgment itself becomes part of that method: it can be acknowledged as **gracious in tone**, respectful to a self-represented litigant, and still criticised in its effect because the outcome preserved the redaction structure that, in my view, disables ordinary accountability.

That discipline extends to praise where it is due. If a judge states that I conducted my case in a **focused** and **respectful** way, and if the Court makes **no order as to costs** after I submit that there is a genuine legal gap or novelty in the argument, I treat that as part of the story. It matters because it shows the difference between how a court may treat a litigant personally and how the legal frame can still leave the substantive obstruction intact. The narrative is therefore not written as a caricature in which every actor is malicious. It is written as a system

study in which the **structure** can produce containment even when individuals behave with courtesy.

Finally, I build a habit of evidentiary restraint into the prose. When I describe a proposition that I cannot prove—such as the possibility of pressure, informal influence, or protective motives—I label it explicitly as **my opinion** and I do not present it as something the reader must accept. Where my suspicion cannot be corroborated, it remains exactly what it is: suspicion. The aim is not to silence suspicion, but to keep suspicion from masquerading as evidence. The book's credibility depends on that boundary.

In short, the writing method is a contract with the reader. Names and dates are used where documents justify them. Allegations remain allegations. The record is quoted or paraphrased as the record. Inference is marked as inference. And unproven criminal conclusions are not stated as conclusions. If the book persuades, it will do so not by overreach, but by the cumulative clarity of what can be shown, what is missing, and what that absence does to the possibility of ordinary civil accountability.

Gmail **Charlie Adams <charlieadams893@gmail.com>**

RE: Geekstar Surveillance camera in toilet incident. [SEC=OFFICIAL]

Paige Chessher <ches1pai@police.nsw.gov.au> Mon, Jul 17, 2023 at 3:15 PM
To: Charlie Adams <charlieadams893@gmail.com>

Hi Charlie

I have forwarded your email onto the OIC which is not me.

As you left the location prior to us leaving you would not have seen that we made further enquiries with the owner and had further discussions with him.

If you would like to request a copy of the event you will need to log a GIPPA request we do not give these out without that request being approved.

Thank you

NSW Police Force

Paige CHESSHER
Sydney City
General Duties | Sydney City PAC
192 Day St, Sydney NSW 2000
E: ches1pai@police.nsw.gov.au P: 9265 6499

From: Charlie Adams <charlieadams893@gmail.com>
Sent: Sunday, 16 July 2023 2:10 PM
To: Paige Chessher <ches1pai@police.nsw.gov.au>
Subject: Geekstar Surveillance camera in toilet incident.

Dear Constable Chessher,

I am writing to bring to your attention an incident that occurred at Geekstar Internet Cafe on George St, Sydney. On June 30, 2023, at 1:19 PM, I sent you an email regarding this matter. However, I have not received a response from you. If I do not hear from you within 14 days, I will be compelled to escalate this issue to the Law Enforcement Commission.

Thank you for your attention to this matter.

Sincerely,

Charlie Adams

P.S below is a copy and paste of my previous email.

I am writing to inquire about the conclusion of your investigation regarding the incident on 27th June 2023 at Level 3/630 George St, Sydney NSW, Geekstar Internet cafe, which involved the installation of a surveillance camera in the men's toilet. Initially, I had some concerns regarding your investigation, but I would appreciate it if you could clarify your position by responding to my email.

Upon discovering the camera in the men's toilets, I was distressed and expressed my disgust to the attendants. Approximately 20 minutes later, the owner approached me on the street, where I was waiting for you and your partner to arrive. I explicitly informed the owner that I preferred not to engage in any conversation until the police arrived.

One concern I have is that the owner had more than an hour before the police arrived, which would have given him ample time to disconnect the camera and potentially mislead you. I had also told you that the camera had been moved since the owner was alerted that the police were on their way. I even showed you the footage of the direction of the camera on my mobile phone. I told your partner the camera has also changed directions pointing only to the door of the toilet and the wash basin instead of the unrinal and the sit down toilet door. I did not witness any inquiry on your part regarding whether the owner had moved the camera, particularly considering his awareness of the imminent police intervention. Furthermore, I was surprised to observe that neither you nor your partner conducted a search for cameras in the female toilets.

Additionally, I witnessed the owner showing you the television monitors in the adjacent room, which was not far from the toilets. It appeared to me that you simply accepted his explanation at face value, assuming that since the footage was not displayed on the TV monitors, the camera must have been disconnected. I found this aspect of your investigation to be rather superficial.

Moreover, I never heard you or your partner inquire about the owner's motives for installing the cameras in the toilets. Therefore, I kindly request a report detailing your findings and whether the owner is facing any consequences beyond being instructed to remove the camera. I would also like to know if Geekstar’s surveillance network is recording audio? I would also like to point out that the installation of surveillance cameras in toilets is strictly prohibited whether the camera is connected or not. The email that I was given to contact you only consists of a numerical number. In your response, please include your name at the end of your email for clarification in regard to whom I am conversing with.

Thank you for your attention to this matter. I eagerly await your prompt response.

Sincerely,

Charlie Adams

NSW Police Force

Mr Charlie Adams
By email: charlieadams893@gmail.com

Our Ref: REV-2023-0438091
Your Ref: N/A

03 November 2023

Dear Mr Adams

***Government Information (Public Access) Act 2009* (NSW)**
Internal Review Notice of Decision

1. Original access application

I refer to your access application made under the *Government Information (Public Access) Act 2009* (NSW), (GIPA Act), (GIPAA-2023-0423578) received 17 September 2023.

You requested access to the following government information:

> I am requesting the full police report related to a camera found in a business operated toilet in Geekstar Internet Cafe on 27th June 2023 at Level 3/630 George St, Sydney NSW. I Charlie Adams was the person who was responsible for reporting the incident to police.

2. Original Decision

On 03 October 2023, the NSW Police Force notified you of its decision under s 58(1)(d) of the GIPA Act (GIPAA-2023-0423578). It was determined under section 58(1)(d) of the GIPA Act, to provide access to the information you seek except where there is an overriding public interest against disclosure of the information.

3. Application for Internal Review

On 15 October 2023, this office received your valid application for an internal review of the original decision (REV-2023-0438091).

Your application for internal review relates to all elements of the decision, in particular, the information that was withheld from the event report.

An internal review is to be done by making a new decision, as if the primary decision being reviewed has not been made, with the new decision being made as if it were being made when the access application to which the review relates was originally received.

An internal review is not to be done by the person who made the original decision and is not to be done by a person who is less senior than the person who made the original decision.

4. Decision

I am authorised by the New South Wales Commissioner of Police to determine applications made under Section 9(3) of the GIPA Act.

I have decided, under section 58(1)(d) of the GIPA Act, to refuse to provide access to the requested information, because there is an overriding public interest against disclosure of the information.

5. Reasons

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you seek, unless there is an overriding public interest against its disclosure.

In order to determine whether or not there is an overriding public interest against disclosure of the information I must apply the public interest test.

Section 13 of the GIPA Act sets out the public interest test as follows:

> There is an overriding public interest against disclosure of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

The public interest test requires that I undertake the following steps:

> Step I: identify the public interest considerations in favour of disclosure;
> Step II: identify the public interest considerations against disclosure; and
> Step III: decide the weight of the public interest considerations in favour of and against disclosure and where the balance between those interests lies.

I. Public Interest considerations in favour of disclosure

In accordance with section 12 of the GIPA Act, I have taken into account the following public interest considerations in favour of disclosure of the information:

- The statutory presumption in favour of the disclosure of government information.
- The general right of the public to have access to government information held by the agency.
- You are seeking access to a report held by NSW Police Force which names you as an involved party as you reported the matter to Police. Therefore, it could be considered your personal information.
- You have indicated in your internal review application that you are considering legal action against the business where the incident occurred and that the provision of this report would assist in supporting your case.

II. Public Interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the table to section 14, and schedule 1 to the GIPA Act.

Clause 1(d) of the section 14 table provides that there is a public interest consideration against disclosure of information if disclosure could reasonably be expected to *prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions.*

The information requested includes information given to police in confidence. The collection and storage of information potentially related to criminal activity is central to what police do. I believe that preserving the confidentiality of such information is essential to the NSW Police Force maintaining the community's trust in police matters. If that trust is breached, the flow of information to police officers could dry up, which would severely impact this agency's law enforcement functions.

It is widely accepted that information provided to police carrying out law enforcement and investigative functions by victims, suspects and witnesses is kept confidential. That information is only disclosed in very limited circumstances and where required by law.

I also note the NSW Police Force "Customer Service Charter" (available online) requires police to maintain the confidentiality of information received from members of the public.

Turning to the issue whether disclosure of the information could reasonably be expected to prejudice the supply of such information to the Agency in future; I note that in *Simring v Commissioner of Police (NSW)* [2009] NSWSC 270, the Supreme Court held that:

> "When a person speaks with the police in respect of a criminal offence and reveals sensitive matters that person expects that statements made will only be used for the purpose of the Court proceedings and not otherwise... There is a strong public interest in criminal offences being reported to the police and the sources of information not drying up. If victims of crime thought that statements made in the course of a criminal investigation revealing their personal affairs, or some of them, could be released to an applicant under the [GIPA Act], those sources of information may well dry up or at least there could be a reduction in the flow of information available to the police" (at [69]).

I am satisfied that the disclosure of information of the kind requested, could result in a breach of trust, and therefore sources of information could 'dry up'. I am further satisfied that the investigative and law enforcement functions of NSWPF could reasonably be expected to be prejudiced if the expectation of confidentiality in such circumstances is not maintained. This agency's policing functions rely upon the provision of information of the kind at issue in order to effectively exercise its investigative and law enforcement functions.

I am therefore satisfied there is a public interest consideration against disclosure of information under clause 1(d) of the section 14 Table.

Clause 3(a) of the section 14 Table provides that there is a public interest consideration against the disclosure of information that would *reveal an individual's personal information*.

The information withheld under this clause contains information and opinions about other individuals whose identity is apparent or can be reasonably ascertained from the content of the information.

"Reveal" is defined in clause 1 of schedule 4 to the GIPA Act to mean to disclose information that has not otherwise been publicly disclosed. The withheld information is not already in the public domain.

In *DQN v University of Sydney* [2019] NSWCATAD 159 (DQN), it was held that even if an applicant is aware of the name of a third party, this information would not be considered to have been 'revealed' where there is no evidence that the information has been publicly disclosed.

In the matter of *Woolley v Lismore City Council* [2013] NSWADT 10, the Tribunal considered that information about the identity of a particular individual would be "revealed" where there was no evidence the information had been "publicly disclosed", despite the fact that the applicant was aware of the individual's identity.

The withheld information also relates to other person's personal information such that it would not be practicable to disclose the information without disclosing the personal information of the other individual.

I also note that redaction of only names and/or contact details would not address concerns about the release of personal information because the documents contain other information that would lead to the identity of the third parties being reasonably ascertainable.

I am satisfied there is a public interest consideration against disclosure of information under Clause 3(a).

Clause 3(b) of the Table provides that there is a public interest consideration against the disclosure of information that would *contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 (PPIPA).*

The information protection principle relevant to this application is that contained in section 18 of the PPIPA, which only allows for disclosure of personal information in certain prescribed circumstances. Disclosure of personal information in response to your access application would not fall within the scope of any of the disclosures permitted under the terms of section 18.

I am therefore satisfied there is a public interest consideration against disclosure of information under clause 3(b) of the section 14 Table.

Clause 4 (d) of the table provides that there is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to prejudice any person's legitimate business, commercial, professional or financial interests.

The information withheld under this clause are the name and details of the business where the incident occurred. As you have indicated in your internal review application, you are considering your civil litigation options against this business for a personal injury claim.

It is to be expected that if this information were to be disclosed prior to a resolution of a dispute it would have a detrimental impact on the organisation's reputation and therefore its commercial interests.

III. Balancing the public interest considerations

I have had regard to your interest in knowing the information as set out above. I have also had regard to the personal factors of the application - that you are seeking information held by NSW Police Force which names you and was created because of you contacting the police. You have also indicated your intention to make a personal injury claim in relation to this incident.

I give the considerations in favour of disclosure some weight.

On balance, however I give the considerations against disclosure greater weight.

The information captured by the scope of the application was obtained by police for law enforcement purposes in the course of their duties. It is essential that information is not disclosed that would have the effect of prejudicing the supply of confidential information to police.

In balancing the public interest considerations in favour of disclosure of the withheld information, when dealing with information relating to law enforcement functions, the rights of individuals are subordinate to the interests of the public at large. In my view, a personal interest in disclosure does not amount to a public interest under section 12 of the GIPA Act. Whilst a private interest may highlight a public interest it does not thereby constitute a public interest.

With regard to personal information - individuals quite rightly expect government agencies to not reveal personal information. They should also expect compliance with statutory obligations and the information protection principles. In this regard I note if it were not for the GIPA Act, disclosure of the personal information would otherwise be a breach of the PPIPA.

Notwithstanding that, it is reasonable to assume that the other individuals named within the document would object to the disclosure. It should also be noted that conditions cannot be applied to the information released under GIPA, and it is considered released to the public domain, which would breach the privacy rights of those concerned.

I have considered your personal factors and reasons for which you are seeking access to the requested information, and it is my view that the factors are not so significant as to influence the balancing of the public interest and decision of an overriding public interest against disclosure of a copy of the information.

Taking into account the factors, on balance, I am satisfied that it would be contrary to the public interest to release that information which is identified in the schedule to this decision as withheld.

I note that should you still wish to pursue civil litigation in a personal injury claim, you would have the opportunity to subpoena the request information via the Court.

OTHER MATTERS

Section 54 - Consultation

There is no evidence within the documents under review to suggest that the person/s who tendered information in relation to the incident consented to the disclosure of the information being provided to you. The decision to consult with involved parties, whether consent is provided or not from the applicant, remains the decision of the agency who holds the information, in this case the Police.

For this application, no consultation was performed with other people named in the event report. I have considered that the persons concerned would not normally expect that their information would be made known to the public via the GIPA Act. I am of the view that by contacting the people who provided this information, even without disclosing the identity of who is requesting the information, it would be obvious who was requesting it. For these reasons, I did not consult with any third party in response to this application.

6. Review rights

If you are not satisfied with any of the decisions in this notice that are reviewable, you may exercise your review rights under Part 5 of the GIPA Act by requesting:

- an external review of the decision by the Information Commissioner or the NSW Civil and Administrative Tribunal (NCAT) which must be lodged within 40 working days from the date of this notice.

If you have any enquiries in relation to this decision, please contact me on (02) 8835 6888. In any return correspondence, please quote the InfoLink reference number stated at the top of this notice.

Yours sincerely

Erin Drummond
Senior Advisory Officer
InfoLink

SCHEDULE OF DOCUMENTS

InfoLink Page No.	Document Description	Released or Refused	Relevant Public Interest consideration(s) against disclosure: T = Section 14 Table
1-3	Event Report E77625117	Released in part	T1(d), T3(a), T3(b), 4(d)

Event Ref No : E 77625117

Event Reference No : E 77625117

Event Summary Details
Date/Time Reported : 27/06/2023 21:20 Event Status : VERIFIED
Created By : PAIJA, DANNY - SYDNEY CITY PAC
Updated By : CHESSHER, PAIGE HELENA - SYDNEY CITY PAC

Event Involved Party Details
PERSON REPORTING ADAMS, CHARLIE ARMSTRONG - 604592490

Incident Details
Incident Type : OCCURRENCE ONLY
Further Class. : OCCURRENCE
Incident Date/Time : 27/06/2023 21:00 to 27/06/2023 21:06
Incident Class. : ACCEPTED
Location : T3(a), T4(d) [redacted]
Beat : NA NHW : NA

Involved Party Details
OWNER T3(a), T3(b) [redacted]
ORG OF INTEREST T4(d) [redacted]

Narrative

Date/Time Created : 28/06/2023 02:11
Created By : CON DANNY PAIJA - SYDNEY CITY PAC
T.D: 21:20, 27/06/2023
LOC: [redacted]

RE:Camera in bathroom

Org: [redacted]

PR: Charlie Adams
PH: 0410740506

[redacted]

****
At above time and date, police responded to the job in relation to PR locating a security camera inside the male bathroom at [redacted].

Upon arrival, police met the PR outside the above address. Police were then escorted to the male toilet at [redacted] by the PR.

Police observed a security camera attached to the ceiling, which was pointed towards the hand wash.

Police questioned [redacted] Police informed [redacted] needs to take the camera down [redacted]

Police also conducted a check on computer to make sure the camera was not working and found that it was not working.

Police informed [redacted] that there will be a record made in relation to this incident.

SC13 apprised.

****
SC16:CHESSHER/PAIJA

* * * END OF LIST * * *

LECC
Law Enforcement
Conduct Commission

Phone: 02 9321 6700 Fax: 02 9321 6799
Level 3, 111 Elizabeth Street, Sydney NSW 2000
Postal address: GPO Box 3880, Sydney NSW 2001
www.lecc.nsw.gov.au

17 May 2024 Reference: CASE20239406

Charlie Adams
Via email: *Charlieadams893@gmail.com*

Dear Mr Adams,

I refer to your email of 1 May 2024 concerning the Commission's assessment of your complaint about the NSW Police Force.

Your complaint was assessed and the Commission determined that we were satisfied with how the NSW Police Force dealt with your complaint.

I note your request that the Commission conduct a review of its decision concerning your complaint. Your request for a review must be in writing and explain how you believe that the decision by this office was improper or incorrect and/or provide new, cogent and relevant information regarding your complaint.

Your request will be considered by a staff member senior to the staff member who assessed your complaint and you will be advised of our decision in writing.

The Commission will only consider a request for a single review.

Yours faithfully,

pp. Team Leader, Assessments

LECC
Law Enforcement
Conduct Commission

Phone: 02 9321 6700 Fax: 02 9321 6799
Level 3, 111 Elizabeth Street, Sydney NSW 2000
Postal address: GPO Box 3880, Sydney NSW 2001
www.lecc.nsw.gov.au

22 March 2024 Reference: CASE20239406

Charlie Adams
Via email: Charlieadams893@gmail.com

Dear Mr Adams,

Your complaint about the NSW Police Force

You wrote to us on **4 December 2023** with your complaint about the NSW Police Force.

What the Law Enforcement Conduct Commission (LECC) does

Our role is to:

- review how police handle complaints, and
- investigate cases of police misconduct and corruption where we think it is appropriate

The law says that the NSW Police Force is responsible for managing and investigating complaints of misconduct by police. Therefore, we refer most complaints to the police.

When does LECC investigate a complaint?

Some of the reasons that we may decide to investigate a complaint are:

- the special powers of the LECC are needed to investigate a complaint
- the police cannot appropriately investigate the complaint, such as; complaints involving senior police officers
- the complaint involves a system-wide issue affecting the NSW Police Force
- we have the resources to investigate the complaint

You can find more information about what we can and can't investigate *here.*

Assessment of your complaint

We have carefully assessed your complaint and decided that it is appropriate for the NSW Police Force to deal with it.

We will refer it to the NSW Police Force for their action or investigation.

What will the police do with your complaint?

The LECC will send your complaint to the Professional Standards Command of the NSW Police Force.

The police will usually send your complaint to the Police Command where the incident

occurred, and a senior officer (Professional Standards Duty Officer) will assess your complaint.

The police are responsible for telling you how they have handled your complaint. However, it may take the police more than 4 weeks to review your complaint and give you a response.

If you have not heard from the Police or you want to give Police extra information, you should contact the Command directly or the Customer Assistance Unit:

Ph: 1800 622 571
Email: *cutomerassistance@police.nsw.gov.au*

How does the LECC check the police handling of a complaint?

We will carefully review how the police handle your complaint. We have access to the police documents about your complaint.

If we are not satisfied with the police response, we may:

- recommend that police look at all issues raised by your complaint
- ask the police for more information about how they reached their decision
- ask the police for the video recordings that they have relied on
- recommend that the police take action, such as providing advice to the officers involved
- require the police to investigate your complaint

Not happy with the police response?

If you are not satisfied with the action the police have taken you can write to us with your concerns. We will then consider whether further action should be taken.

Yours sincerely

pp. Karen Garrard
Team Leader, Assessments

EXT2024-1497

29 April 2024

Mr Charlie Adams
Charlieadams893@gmail.com

Dear Mr Adams,

I refer to your recent correspondence expressing a grievance with the response time of police attached to Sydney City Police Area Command and the thoroughness of the investigation into an incident that occurred at the Geekstar Internet Café.

The Professional Standards Duty Officer conducted a review of the relevant New South Wales Police Force holdings in relation to the incident in question. Upon attendance, police have conducted their enquires and concluded there was no evidence of an offence being committed.

The New South Wales Police Force is constantly striving to improve its customer relations and response to community needs. To this end, I thank you for bringing your concerns to our notice.

Yours sincerely,

Martin Fileman
Superintendent
Commander
Sydney City Police Area Command

Gmail **Charlie Adams <charlieadams893@gmail.com>**

Outcome letter - Sydney City Police Area Command [SEC=OFFICIAL]

Charlie Adams <charlieadams893@gmail.com> Wed, May 1, 2024 at 2:43 PM
To: Ivana Jurcevic <jurc1iva@police.nsw.gov.au>

Dear Superintendent Fileman,

Re: Response to Incident at Geekstar Internet Café – Complaint Ref: CASE20239406

I am writing in response to your correspondence dated 29 April 2024 regarding my complaint concerning an incident at the Geekstar Internet Café, which I reported to the NSW Police Force on 27 June 2023.

In my initial complaint to the NSW Police Force, I expressed serious concerns about a potential privacy breach involving the presence of a CCTV camera in the men's bathroom at the café. Despite these concerns, I found the police response to be inadequate, prompting me to seek a review of the matter by the Law Enforcement Conduct Commission (LECC).

The LECC assessed my complaint and determined that it was appropriate for the NSW Police Force to handle it. However, I wish to address several key issues that were raised in my complaint and which I believe have not been adequately addressed by the police investigation:

Delayed Response: The police arrived at the scene over an hour after the incident was reported, which I believe compromised the integrity of the investigation and may have allowed for tampering with potential evidence.

Superficial Investigation: The police conducted a cursory examination of the CCTV system at the café, accepting the owner's assurance that the camera in question was not connected without conducting a thorough investigation to verify this claim.

Lack of Transparency: The response from the police provided minimal detail regarding the actions taken during their investigation and the basis for their conclusion that no offense was committed. This lack of transparency is concerning and does not instill confidence in the integrity of the investigation.

Failure to Adhere to Expected Police Procedures: The police response did not adhere to expected police procedures, including timely response, thorough investigation, evidence collection, interview of witnesses, consultation with specialized units, communication with the reporting party, and follow-up action.

I believe it is essential for the NSW Police Force to address these concerns and undertake a more comprehensive investigation into the incident at the Geekstar Internet Café. I remain committed to ensuring accountability and upholding public trust in the police force.

I appreciate your attention to this matter and would welcome the opportunity to discuss it further if needed. Please do not hesitate to contact me at [Your Phone Number] or [Your Email Address].

Yours sincerely,

Charlie Adams

On Mon, Apr 29, 2024 at 1:41 PM Ivana Jurcevic <jurc1iva@police.nsw.gov.au> wrote:
[Quoted text hidden]

Gmail

Charlie Adams <charlieadams893@gmail.com>

Your complaint about police (LECC ref: CASE20239406) [SEC=OFFICIAL]

Charlie Adams <charlieadams893@gmail.com> Sun, May 19, 2024 at 2:54 PM
To: contactus <contactus@lecc.nsw.gov.au>

Dear Team Leader, Assessments,

Subject: Request for Review of Complaint Decision - CASE20239406

I am writing to formally request a review of the decision made regarding my complaint about the NSW Police Force's investigation of an incident that occurred on 27 June 2023 at Geekstar Internet Café (Reference: CASE20239406).

I believe the initial investigation by the police was inadequate due to the following reasons:

Failure to inspect wiring in the ceiling to ascertain the intent to record. This step was crucial to reveal the owner's intent to record in the toilets.

Lack of interviews with other staff members who might have provided crucial information.

Neglecting to check the women's toilets for similar privacy violations.

Furthermore, the response from the police and the LECC did not address these significant oversights, and I have not been provided with sufficient assurance that a thorough investigation was conducted.

Additionally, I believe the handling of the case by Superintendent Martin Fileman, Commander of the Sydney City Police Area Command, was unsatisfactory and did not address the issues raised. His response did not cover the critical aspects of the investigation that were overlooked, such as checking for wiring, interviewing staff members, or examining other areas for potential privacy breaches.

I am providing additional information that may not have been considered previously:

The owner had ample time to disconnect the camera before the police arrived, which was not considered in the investigation.

There is no evidence that the police attempted to recover deleted footage or checked system logs that could have shown the camera’s operational status before it was allegedly turned off.

In addition, the following investigative steps should have been taken:

Digital Forensics: Engage forensic experts to analyze the CCTV system. Attempt to recover any deleted footage or system logs that could provide evidence of tampering.

Technical Analysis: Conduct a technical examination to determine if the camera was recently turned off or tampered with, and to check if it was ever operational.

Given the gravity of the situation and the potential violation of privacy laws, I believe a more detailed and comprehensive investigation is warranted. I respectfully request that the LECC reconsiders its decision and conducts a thorough review of my complaint.

Lastly, I would like to know the names of the team leaders in the Law Enforcement Conduct Commission who are handling my complaint.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

Charlie Adams

On Fri, May 17, 2024 at 11:33 AM contactus <contactus@lecc.nsw.gov.au> wrote:
[Quoted text hidden]

LECC
Law Enforcement
Conduct Commission

Phone: 02 9321 6700 Fax: 02 9321 6799
Level 3, 111 Elizabeth Street, Sydney NSW 2000
Postal address: GPO Box 3880, Sydney NSW 2001
www.lecc.nsw.gov.au

28 June 2024 Reference: CASE20239406/NF

Charlie Adams
Via email: *Chalieadams893@gmail.com*

Dear Mr Adams,

Thank you for your correspondence of 14 June 2024 regarding your complaint about the NSW Police Force.

Your complaint about the NSW Police Force

On 4 December 2023 you submitted correspondence to the Commission regarding your complaint about the NSW Police Force. On 22 March 2024, we wrote to you advising you that we had assessed your complaint and decided it was appropriate for NSW Police to deal with it.

Following this advice, you wrote to us on 1 May 2024 regarding your complaint about the NSW Police Force.

On 17 May 2024 we advised that after the review of the additional information we have determined that no further action was required regarding your complaint.

Further correspondence

After this advice, you have written to us on 19 May 2024 providing additional information and requested a review.

On 13 June 2024 we advised that after the review of the additional information we have determined that no further action was required regarding your complaint.

Following this, you have written to the us Commission 13, 14 and 17 June 2024. We have carefully reviewed your correspondence and our previous decisions communicated to you on 22 March and 13 June 2024, remain unchanged as you have not raised significant new and cogent information that would require further action.

Our decision

The Commission will not take any further action regarding your complaint.

Please note that if you continue to write to us with information that does not raise significant new and cogent information that would require further action by the Commission, then your correspondence will be **filed without a response to you, and we**

may consider placing restrictions on your contact.

Yours faithfully,

Team Leader, Assessments

Common Law Division
Supreme Court
New South Wales

Case Name:	**Adams v Commissioner of Police, New South Wales Police Force**
Medium Neutral Citation:	[2025] NSWSC 1181
Hearing Date(s):	01 October 2025
Date of Orders:	09 October 2025
Date of Decision:	09 October 2025
Jurisdiction:	Common Law
Before:	Griffiths AJ
Decision:	1. The amended summons is dismissed. 2. There be no order as to costs. 3. The Respondent has leave to contact the Associate to Griffiths AJ to arrange the return of the sealed envelope containing the unredacted COPS Report.
Catchwords:	ADMINISTRATIVE LAW — judicial review of Appeal Panel decision — whether to conduct judicial review where an alternative remedy is available — construction of cl 1(d) of s 14 of the Government Information (Public Access) Act 2009 (NSW) — whether to inspect unredacted police report — no order as to costs
Legislation Cited:	*Civil and Administrative Tribunal Act 2013* (NSW), ss 34, 83 *Court Suppression and Non-publication Orders Act 2010* (NSW) *Government Information (Public Access) Act 2009* (NSW), ss 3, 5, 9, 12, 13, 14, 15, 55, 72, 73, 74 *Security Industry Act 1997* (NSW), s 29
Cases Cited:	*Adams v Commissioner of Police, NSW Police Force* [2024] NSWCATAD 243 *Adams v Commissioner of Police, NSW Police Force* [2025] NSWCATAP 58

	BDS17 v Minister for Immigration and Border Protection [2018] FCA 1683 *Commissioner of Police New South Wales v Gray* (2009) 75 NSWLR 1; [2009] NSWCA 49 *COZ16 v Minister for Immigration and Border Protection* (2018) 259 FCR 1; [2018] FCA 46 *DRJ v Commissioner of Victims Rights* [2020] NSWCA 136 *Fong BHNF Fong v Weller* [2024] NSWCA 46 *Gedeon v Commissioner of the New South Wales Crime Commission* (2008) 236 CLR 120; [2008] HCA 43 *Hawkins v Wimbledon 1963 Pty Ltd* [2024] NSWSC 1465 *HT v The Queen* (2019) 269 CLR 403; [2018] HCA 40 *Oshlack v Richmond River Council* (1998) 193 CLR 72; [1998] HCA 11 *R v Connell; Ex parte Hetton Bellbird Collieries Ltd* (1944) 69 CLR 407; [1944] HCA 42 *Shapkin v The University of Sydney* [2024] NSWCA 156
Texts Cited:	Nil
Category:	Principal judgment
Parties:	Charlie Armstrong Adams (Plaintiff) Commissioner of Police, NSW Police Force (Defendant)
Representation:	Counsel: Self-represented (Plaintiff) C Langford (Defendant) Solicitors: McCullough Robertson (Defendant)
File Number(s):	2025/00143980
Publication Restriction:	Nil

Decision under appeal

Court or Tribunal:	NSW Civil and Administrative Tribunal
Jurisdiction:	Appeal Panel
Medium Neutral Citation:	[2025] NSWCATAP 58

Date of Decision:	21 March 2025
Before:	P Durack SC, Senior Member N Kennedy, Senior Member
File Number(s):	2024/00324512

JUDGMENT

1 By an amended summons filed 23 June 2025, Mr Adams seeks judicial review of a decision dated 21 March 2025 of an Appeal Panel of the NSW Civil and Administrative Tribunal (**NCAT**) (see *Adams v Commissioner of Police, NSW Police Force* [2025] NSWCATAP 58 (***Adams (No 2)***).

2 The Appeal Panel dismissed both an application for leave to appeal and an appeal from a decision by the Tribunal exercising NCAT's administrative review jurisdiction (see *Adams v Commissioner of Police, NSW Police Force* [2024] NSWCATAD 243 (***Adams (No 1)***)). The Tribunal had affirmed a decision by the Commissioner (after an internal review) under the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) relating to Mr Adams' application for access under that legislation to a three-page police report (**COPS Report**). The Commissioner had granted access to large parts of the COPS Report, but there were several redactions which Mr Adams did not accept. The COPS Report relates to a police attendance at an internet café in Sydney on 27 June 2023 in response to a report by Mr Adams that he had discovered a security camera in the male bathroom at the café.

3 In brief, the primary issues for determination are whether Mr Adams (who represented himself) has established that the Appeal Panel committed one or more jurisdictional errors or errors of law on the face of the record. As will emerge, he alleges there are multiple such errors, including the failure to determine what he asserts to be a "jurisdictional fact" (namely that the identity of the café owner should not have been redacted because the owner was not a bona fide confidential informant acting in good faith but was rather an alleged wrongdoer). This raises an issue of statutory construction concerning cl 1(d) of the Table in s 14 of the GIPA Act.

4 Mr Adams also claims that the Appeal Panel failed to consider whether parts of the COPS Report could have been redacted to exclude identifying features and give greater disclosure in accordance with s 72(1) of the GIPA Act. He says that the Appeal Panel failed to consider remitting the matter to determine a

factual issue raised by Senior Member Durack SC during the hearing that the redacted material might include material not covered by cl 1(d).

5 Other alleged errors raised by Mr Adams in either the amended summons or his written submission filed 5 September 2025 include procedural unfairness, inadequate reasons and the illogicality of redacting the location of the café in circumstances where Mr Adams already knew the business name and address.

6 A question has also arisen whether or not the Court should itself examine an unredacted copy of the COPS Report as did both the Tribunal and Appeal Panel.

7 There is a further issue regarding whether the Court should in its discretion refuse to conduct a judicial review having regard to the Court's statutory discretion in s 34(1)(c) of the *Civil and Administrative Tribunal Act 2013* (NSW) (**CAT Act**). This issue was raised by the Commissioner shortly before the hearing in its outline of submissions dated 17 September 2025. It is convenient to address that issue before turning to the substance of the amended summons. First, however, I shall provide some more background facts which provide further context.

Some further background facts

8 As noted above, on 17 December 2023 Mr Adams lodged an application for access under the GIPA Act. He sought access to a copy of the "full police report" relating to the camera he found in the toilet on 27 June 2023 and reported to the police. The Commissioner's record of Mr Adams' access application describes its stated purpose as "CIVIL LITIGATION".

9 On 3 October 2023, the Commissioner notified Mr Adams that he would be given access to a copy of the COPS Report except for certain redactions. A copy of the redacted document was provided to him at that time.

10 On 15 October 2023, Mr Adams sought an internal review of the Commissioner's decision. In his application for internal review, Mr Adams

described himself as the person who reported the incident, and said that, as such, he had a legitimate interest in obtaining information relating to the incident and any actions or investigations. He also said that he intended to take legal action against the café for personal injury stemming from the incident. He said that access to all relevant information, including the owner's explanation and name, is "crucial for building and supporting my case". He described the information as being essential for his civil proceedings.

11 On 3 November 2023, Mr Adams was informed of the outcome of the internal review decision, which was conducted by a delegate of the Commissioner. The delegate provided reasons why certain redactions had been made, relying on one or more of the provisions in cll 1(d), 3(a), 3(b) and 4(d) in the Table in s 14. Under the section in the reasons headed "Balancing the public interest considerations", the internal reviewer stated that she had considered Mr Adams' "personal factors and reasons for which you are seeking access to the requested information" but said that, in her view, the factors were not so significant as to influence the public interest and the overriding interest against disclosure of the information. The internal reviewer added that she acknowledged that Mr Adams might still want to pursue civil litigation in a personal injury claim and that he would have the opportunity to subpoena requested information under Court processes.

12 The version of the COPS Report provided to Mr Adams following the internal review differed in some respects from the version he received after the Commissioner's primary decision at first instance. For example, the exemptions relied upon for the redactions were not all the same and more pro forma details were disclosed (while still not releasing the location of the café or personal details concerning the owner and the information that the owner provided to police). Fewer redactions were also made to the fourth paragraph on the second page of the COPS Report.

13 Although a copy of the unredacted document was understandably not included in the Court Book prepared by the Commissioner, Ms Langford (who appeared for the Commissioner before me) submitted that there was no objection by the

Commissioner to me viewing the document if I thought it necessary to do. Mr Adams urged me to look at the unredacted document.

14 The parties took advantage of an opportunity to provide brief supplementary submissions in writing after the hearing on the question whether the Court should itself review the unredacted document. I will return to discuss that matter below. First, I will address the Court's discretion to not conduct a judicial review in a case such as this.

Should the Court refuse to conduct the judicial review?

15 It is well established that the Court has a discretion to refuse relief in a judicial review proceeding where the Court considers there is available an adequate alternative remedy (see, for example, *Fong BHNF Fong v Weller* [2024] NSWCA 46 at [29] per Kirk JA).

16 In addition, s 34(1)(c) of the CAT Act confers a specific discretion on the Court to refuse to conduct such a review in the specified circumstances:

> **34 Inter-relationship between Tribunal and Supreme Court**
>
> (1) The Supreme Court may—
>
> …
>
> (c) refuse to conduct a judicial review of a decision of the Tribunal if an internal appeal or an appeal to a court could be, or has been, lodged against the decision.
>
> …

17 Mr Adams has a statutory right of appeal to this Court on a question of law, but only with the leave of the Court (see s 83(1) of the CAT Act). In effect, Mr Adams has avoided the requirement of leave by commencing a judicial review challenge.

18 The Court's discretion under s 34 of the CAT Act was considered in *Shapkin v The University of Sydney* [2024] NSWCA 156 and *Hawkins v Wimbledon 1963 Pty Ltd* [2024] NSWSC 1465. In the latter case, the Court determined to

proceed with the judicial review notwithstanding the availability of an alternative statutory review avenue, citing the decision of the Court of Appeal in *Commissioner of Police New South Wales v* ***Gray*** (2009) 75 NSWLR 1; [2009] NSWCA 49.

19 It was held in *Gray* that there is no hard and fast rule that judicial review relief should be declined where adequate alternative statutory appeal processes are available. *Gray* involved the proper construction of s 29(3) of the *Security Industry Act 1997* (NSW). The Court permitted the judicial review challenge to proceed notwithstanding the availability of statutory appeal processes. McColl JA stated at [129] that the case raised "an important question of principle" on which there were inconsistent decisions, as well as raising the proper construction of legislation which had not previously been considered by the Court of Appeal. Those matters are not necessarily decisive, but they highlight the breadth of the discretion, which may involve a wide range of relevant considerations.

20 I consider the present case to be borderline. There is much to be said for the proposition that Mr Adams should first obtain leave before challenging the Appeal Panel's decision on a question of law. His case does, however, at least raise an issue of statutory construction regarding cl 1(d) in the Table in s 14 of the GIPA Act. It also appears that there is no existing Court authority on the question raised by Mr Adams as to whether a distinction needs to be drawn between an innocent informant and a wrongdoer or potential wrongdoer in construing and applying cl 1(d).

21 It is also in the interests of finality to permit the judicial review proceeding to progress, particularly having regard to the lengthy history of the matter (which has involved no less than four separate previous determinations regarding the access application) and in circumstances where the Commissioner did not raise the application of s 34(1)(c) until written submissions were filed only 2 weeks before the hearing. Thus, by that time, considerable time and resources had been devoted to having the matter ready for hearing before me.

22 For all these reasons, I decline to exercise the discretion under s 34(1)(c) or otherwise.

The Appeal Panel's reasons summarised

23 The Appeal Panel considered that Mr Adams raised nine grounds of appeal in challenging the Tribunal's decision. The Appeal Panel found that grounds 1–4 raised questions of law and thus could be appealed as of right, but that leave to appeal was required for grounds 5–9. (To avoid adding unduly to the length of these reasons, I will not separately summarise the Tribunal's reasons, noting that Mr Adams made clear to the Court that, despite the language of parts of the amended summons, his judicial review challenge was confined to the decision of the Appeal Panel.)

24 The Appeal Panel described the redactions in the COPS Report, all of which appeared on the first two pages. The first page was released to Mr Adams apart from details of the address of the location of the café, the name and associated information of the owner (which redacted information related to a pro forma item called "OWNER") and the name and a number alongside what was described in the pro forma report as "ORG OF INTEREST".

25 The Appeal Panel described the second page, noting that the same information was redacted as on the first page, along with some extra information about the name of the person redacted on the first page (comprising date of birth, address, mobile phone number and email address). This section of the second page also identified Mr Adams as the "PR", together with his mobile phone number. The unredacted section of the second page, with redacted parts identified (noting in particular the fourth paragraph which figured prominently in Mr Adams' challenge), was set out by the Appeal Panel at [8] (the redacted parts contain references such as "T3(a)" which appear to be shorthand references to particular clauses in the Table in s 14):

> **********
>
> At above time and date, police responded to the job in relation to PR locating a security camera inside the male bathroom at [there followed blanking out of

about a one third of the third line of this paragraph and the whole of the fourth line, in which there was specified “T3 (a), T 4 (d)”].

Upon arrival, police met the PR outside the above address. Police were then escorted to the male toilet at [blanking out of about one third of this line, in which there was specified “T4 (d)”] by the PR.

Police observed a security camera attached to the ceiling, which was pointed towards the hand wash.

Police questioned [there followed blanking out of about two thirds of the first line, all of the second, third, fourth and fifth lines and about one quarter of the sixth line, in which there was specified “T 1 (d), T 3 (a), T 4 (d)”]

Police informed [blanking out of about one third of this sixth line, in which there was specified “T 1 (d), T 3 (a)”] needs to take the camera down [there followed blanking out of about one half of the seventh line and all of the eighth line, in which there was specified “T 1 (d), T 3 (a)”]

Police also conducted a check on computer to make sure the camera was not working and found that it was not working.

Police informed [short blanking out in which there was specified T3 (a)] that there will be a record made in relation to this incident.

SC 13 apprised.

****

SC 16: CHESSHER/PAIJA

26 It brief, cl 1(d) identifies a public interest consideration against disclosure of information if disclosure could reasonably be expected to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency’s functions. Clauses 3(a) and (b) identify additional public interest considerations against disclosure, namely where disclosure of the information could reasonably be expected to reveal an individual’s personal information or contravene an Information Protections Principle under the *Privacy and Personal Information Protection Act 1998* (NSW) or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002* (NSW). Clause 4(d) identifies a further public interest consideration against disclosure where disclosure of information could reasonably be expected to prejudice any person’s legitimate business, professional or financial interests.

27 Focussing on grounds 2 and 3 of Mr Adams’ appeal to the Appeal Panel (which are pursued by Mr Adams before me) the Appeal Panel rejected Mr Adams’

argument that the Tribunal misconstrued cl 1(d). The Appeal Panel found no support for Mr Adams' preferred construction, which construction would mean that cl 1(d) (and possibly some other provisions in the Table to s 14) would not apply to information supplied to an agency by a wrongdoer or prospective wrongdoer. The Appeal Panel said at [48]:

> We see nothing in the text or objects of the GIPA Act, or in the case law authorities, which requires cl 1 (d), or cll 3 (a), 3 (b) or 4 (d) for that matter, to be read as excluding information supplied by an actual or suspected wrongdoer or excluding information about such a person. Mr Adams did not point to any specific basis in the legislative provisions or case law authorities that required such a construction. We reject this ground of appeal.

28 The Appeal Panel also explained why it rejected Mr Adams' ground 3 (which alleged that the Tribunal failed to consider whether the whole of the COPS Report should be released in circumstances where the redacted parts contained information concerning and/or provided by a wrongdoer or prospective wrongdoer, as opposed to information relating to a witness or confidential informer). The Appeal Panel found at [49] that these matters had been expressly considered by the Tribunal at [69] and [75] of *Adams (No 1)* in addressing Mr Adams' submission that confidentiality protections should not benefit such a person.

29 The Appeal Panel then added at [50]:

> Furthermore, it is obvious from both the unredacted and redacted versions of the COPS report that much of the information to which access was sought related to potential wrongdoing in respect of the camera and related to such individual(s) as might be responsible for such wrongdoing. Yet further, it is apparent from the Tribunal's reasons that it considered that disclosure of the redacted information sought by Mr Adams was not a pre-requisite to the achievement of accountability for wrongdoing (a matter we expand upon when dealing with Grounds 6 and 7 below).

30 The Appeal Panel explained why it rejected the other grounds raised by Mr Adams, including a complaint of procedural unfairness, the nature of which appears to be different from the complaint of procedural unfairness now raised in the judicial review challenge.

31 It is desirable to set out [94]–[99] of the Appeal Panel's reasons as they are relevant to one of Mr Adams' primary complaints, namely that the Appeal Panel failed to follow through on issues raised by Senior Member Durack SC in the course of the hearing regarding the redactions in the fourth paragraph on page 2 of the COPS Report:

> At the hearing of the appeal, following our review of the unredacted version of the COPS report, we raised with the respondent a question whether the Tribunal had, in truth, considered the material redacted in the fourth paragraph of the passages between the asterisked lines which contained the content of statements made by the person who spoke to the police which information went beyond the identification of personal details of the person.
>
> As to this, we pointed out the extent of the redacted material in this paragraph which did not emerge clearly from the Tribunal's outline of the redactions in the reasons for decision. We also made reference to the apparent emphasis the Tribunal had given in the reasons for decision upon the need to protect from disclosure personal information such as details of a person's name, address, telephone number and place and name of business.
>
> Mr Roberts, solicitor, who appeared for the respondent presented arguments to the effect that the Tribunal had addressed this different category of information. At the very least it had done so, implicitly.
>
> Having considered the redactions, the identification of the basis of the particular redactions in the fourth paragraph which made distinct reference to cl 1(d) of the Table in section 14 unlike the other redactions and the totality of the Tribunal's reasons, in particular, its reliance upon cl 1 (d), as distinct from the "personal information" grounds in cll 3 (a) and 3 (b), we are satisfied that the Tribunal did direct itself to this distinct category of information. We are also satisfied that the Tribunal gave proper and adequate consideration to the question whether this distinct category of information was covered by cl 1 (d) and to the weight to be given to the public interest against disclosure in respect of such category of information.
>
> As to this, we note, as well, the separate treatment by the Tribunal in respect of these two distinct categories of information when it came to carry out the s 13 balancing exercise: see at [98] and [99].
>
> Accordingly, we do not discern any appealable error by the Tribunal in respect of its consideration of all of the redacted information.

Consideration and disposition

32 As the Commissioner pointed out, Mr Adams appears to raise the following three primary claims in his amended summons and written submissions:

(1) The café owner should not have the benefit of the public interest consideration in cl 1(d) of the Table in s 14 in circumstances where he was not a bona fide police informant but rather an alleged or potential wrongdoer.

(2) The Appeal Panel should have remitted the matter for reconsideration by a single Tribunal member because of uncertainty about the status of the café owner as an informant and about the appropriateness of some redactions.

(3) Further information could (and should) have been disclosed to Mr Adams without revealing the identity of the café owner.

33 Mr Adams correctly acknowledged that, to succeed on a judicial review challenge, he needed to establish one or more jurisdictional errors or errors of law on the face of the record regarding the Appeal Panel's decision.

(a) Relevant parts of GIPA Act summarised

34 It is desirable to outline some relevant provisions in the GIPA Act.

35 The object of the Act is set out in s 3:

> **3 Object of Act**
>
> (1) In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by—
>
> (a) authorising and encouraging the proactive public release of government information by agencies, and
>
> (b) giving members of the public an enforceable right to access government information, and
>
> (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.
>
> (2) It is the intention of Parliament—

(a) that this Act be interpreted and applied so as to further the object of this Act, and

(b) that the discretions conferred by this Act be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information.

36 Section 5 provides that there is a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.

37 Section 9(1) provides that a person who makes an application for government information has a legally enforceable right to be provided with access to the information in accordance with Pt 4 unless there is an overriding public interest against disclosure of the information.

38 Division 2 of Pt 2 contains various provisions relating to "public interest considerations". Section 12 provides:

12 Public interest considerations in favour of disclosure

(1) There is a general public interest in favour of the disclosure of government information.

(2) Nothing in this Act limits any other public interest considerations in favour of the disclosure of government information that may be taken into account for the purpose of determining whether there is an overriding public interest against disclosure of government information.

Note.

The following are examples of public interest considerations in favour of disclosure of information—

(a) Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.

(b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.

(c) Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.

(d) The information is personal information of the person to whom it is to be disclosed.

(e) Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.

(3) The Information Commissioner can issue guidelines about public interest considerations in favour of the disclosure of government information, for the assistance of agencies.

39 Section 13 sets out the "public interest test" in the following terms:

13 Public interest test

There is an ***overriding public interest against disclosure*** of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

40 Public interest considerations against disclosure are set out in s 14, which relevantly provides:

14 Public interest considerations against disclosure

(1) It is to be conclusively presumed that there is an overriding public interest against disclosure of any of the government information described in Schedule 1.

(2) The public interest considerations listed in the Table to this section are the only other considerations that may be taken into account under this Act as public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.

(3) The Information Commissioner can issue guidelines about public interest considerations against the disclosure of government information, for the assistance of agencies, but cannot add to the list of considerations in the Table to this section.

(4) The Information Commissioner must consult with the Privacy Commissioner before issuing any guideline about a privacy-related public interest consideration (being a public interest consideration referred to in clause 3 (a) or (b) of the Table to this section).

…

41 The Table in s 14 includes the following provision, which is at the heart of Mr Adams' case:

1 Responsible and effective government

> There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally)—
>
> …
>
> (d) prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions,
>
> …

42 It is important to note that the word "informant" does not appear in cl 1(d). That word does, however, appear later in the Table in cl 2(a). It is provided there, under the heading "Law enforcement and security", that there is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally):

> (a) reveal or tend to reveal the identity of an informant or prejudice the future supply of information from an informant,
>
> …

43 It is convenient at this point to describe some other clauses in the Table to which the Appeal Panel referred, being relevant to the redactions. Clause 3, which is headed "Individual rights, judicial processes and natural justice", provides that there is a public interest consideration against disclosure of information if disclosure of information could reasonably be expected to have one or more of the following effects:

> (a) reveal an individual's personal information,
>
> (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*,
>
> …

44 Clause 4 in the Table is headed "Business interests of agencies and other persons" and states that there is a public interest consideration against disclosure of information if disclosure of information could reasonably be expected to have one or more of the following effects:

…

(d) prejudice any person's legitimate business, commercial, professional or financial interests.

…

45 Section 15 identifies various principles to apply in making a determination as to whether there is an overriding public interest against disclosure of government information.

46 Section 55 is another important provision. It permits an agency to take into account specified personal factors concerning the access applicant in determining whether there is an overriding public interest against disclosure of information. It provides:

55 Consideration of personal factors of application

(1) In determining whether there is an overriding public interest against disclosure of information in response to an access application, an agency is entitled to take the following factors (the ***personal factors of the application***) into account as provided by this section—

(a) the applicant's identity and relationship with any other person,

(b) the applicant's motives for making the access application,

(c) any other factors particular to the applicant.

(2) The personal factors of the application can also be taken into account as factors in favour of providing the applicant with access to the information.

(3) The personal factors of the application can be taken into account as factors against providing access if (and only to the extent that) those factors are relevant to the agency's consideration of whether the disclosure of the information concerned could reasonably be expected to have any of the effects referred to in clauses 2–5 (but not clause 1, 6 or 7) of the Table to section 14.

(4) An applicant is entitled to provide any evidence or information concerning the personal factors of the application that the applicant considers to be relevant to the determination of whether there is an overriding public interest against disclosure of the information applied for.

(5) An agency may, as a precondition to providing access to information to an applicant, require the applicant to provide evidence concerning any personal factors of the application that were relevant to a decision by the agency that there was not an overriding public interest against disclosure of the information and, for that purpose, require the applicant to take reasonable steps to provide proof of his or her identity.

> (6) An agency is under no obligation to inquire into, or verify claims made by an access applicant or any other person about, the personal factors of the application but is entitled to have regard to evidence or information provided by the applicant or other person.
>
> **Note.**
>
> An agency is not entitled to impose any conditions on the use or disclosure of information when the agency provides access to the information in response to an access application. See section 73.

47 Access to government information in response to an access application may be provided in any of four ways, as specified in s 72(1) including, relevantly, by providing a copy of a record containing the information (s 72(1)(b)).

48 Section 74 provides for redactions to be made to a record to which access is to be granted:

> **74 Deletion of information from copy of record to be accessed**
>
> An agency can delete information from a copy of a record to which access is to be provided in response to an access application (so as to provide access only to the other information that the record contains) either because the deleted information is not relevant to the information applied for or because (if the deleted information was applied for) the agency has decided to refuse to provide access to that information.

(b) Mr Adams' three primary complaints

49 I shall now explain why I reject each of Mr Adams' three primary complaints.

(i) Is cl 1(d) disengaged when the relevant person is a wrongdoer or a potential wrongdoer?

50 The task of construing cl 1(d) turns on considerations of text, context and purpose. None of those matters supports Mr Adams' preferred construction. As noted above, there is no express reference in cl 1(d) to an "informant", let alone any distinction between an innocent informant and a person who provides information who is a wrongdoer or potential wrongdoer. Rather, the provision simply focuses upon the prejudice of the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions, irrespective of the source of that information. The source of the supply is not identified in the provision.

51 Furthermore, as a matter of context, the terms of cl 1(d) are to be contrasted with those in cl 2(a), where express reference is made to the public interest consideration against disclosure if disclosure of information would tend to reveal the identity of "an informant" or prejudice the further supply of information from "an informant".

52 For completeness, it may also be added that cl 2(a) itself draws no distinction between categories of informants and, in particular, whether a distinction is to be drawn between an innocent police informer as opposed to a wrongdoer or potential wrongdoer who provides information to any agency (not merely the police). These matters of context point strongly against Mr Adams' preferred construction.

53 Finally, I do not consider that the object or purpose of the GIPA Act requires the Court to accept Mr Adams' preferred construction. There is a clear statement of Parliamentary intention in s 3(2) that the GIPA Act be interpreted and applied so as to further the object set out in s 3(1). It is further provided that the discretions in the Act be exercised, as far as possible, so as to facilitate and encourage access to government information. I also note the statement in s 12(1) that there is a general public interest in favour of disclosure of government information. Provisions such as these have been described as "second generation object clauses". They are to be contrasted with freedom of information legislation in other jurisdictions, which contain what are sometimes described as "first generation object clauses" and which have generally been regarded as not favouring "a leaning position" towards disclosure (see generally *Attorney-General for State of South Australia v Seven Network (Operations) Ltd* (2019) 132 SASR 469; [2019] SASCFC 36 at [67]–[73] per Tate, Kyrou and Niall AJJ).

54 In my view, the object and purpose of the GIPA Act does not warrant a construction of cl 1(d) which would have words to the effect of "innocent informant" read into the provision, as urged by Mr Adams. The provision should be construed and applied in its own terms and not be modified in the manner suggested by Mr Adams.

55 As noted at [3] above, in his written submissions filed 5 September 2025, Mr Adams contends that the Appeal Panel applied cl 1(d) without first determining the "jurisdictional fact" that the redacted person was a "bona fide confidential informant acting in good faith, rather than the subject of the complaint/wrongdoer". This contention must be rejected for the following reasons. First, it misconceives the concept of jurisdictional fact. As the High Court explained in *Gedeon v Commissioner of the New South Wales Crime Commission* (2008) 236 CLR 120; [2008] HCA 43 at [43]–[44], the expression is generally used to identify "a criterion the satisfaction of which enlivens the exercise of the statutory power or discretion in question". Reference was then made to the following passage in the reasons of Latham CJ in *R v Connell; Ex parte Hetton Bellbird Collieries Ltd* (1944) 69 CLR 407 at 429–30:

> The subject matter with which the Industrial Authority deals is, inter alia, rates of remuneration. There is power to deal with this subject matter in respect of rates of remuneration which existed on the specified date only if the authority is satisfied that the rates in question are anomalous. Unless this condition is fulfilled, the authority cannot act — it is a condition of jurisdiction.

56 Secondly, and in any event, there is nothing in cl 1(d), properly construed, which indicates that it contains a jurisdictional fact which requires determination as to whether a person whose name has been redacted is an innocent informant as opposed to a wrongdoer or potential wrongdoer. Indeed, for all the reasons given above, properly construed, cl 1(d) does not require any determination directed to that alleged distinction. Thus, no "jurisdictional fact" arises as asserted by Mr Adams.

(ii) Failure to consider a mandatory consideration and need for remitter

57 Mr Adams seeks a remitter on the basis that, as explained in his outline of written submissions, the Appeal Panel failed to consider a mandatory consideration. In oral address, Mr Adams properly acknowledged that his written submissions erroneously referred to cl 5(1)(b) in support of this ground. Mr Adams then confirmed that this ground relates to some concerns which Senior Member Durack SC raised in the course of the Appeal Panel hearing in relation to the redactions in the fourth paragraph on page 2. Mr Adams'

complaint is that those concerns were not then ultimately upheld in the Appeal Panel's final decision.

58 Mr Adams drew specific attention to the following matters raised by the Senior Member in the hearing:

> SENIOR MEMBER DURACK SC (24:07 - 25:14): Then, in the paragraph beginning 'police questioned', you will see that the redaction extends beyond the potential identity. Part of it includes a reference to the person spoken to, but it does otherwise set out statements made by that person that if the person, or a possible disclosure of someone associated with the person is kept confidential. It's not clear to me at the moment why the material in the first and second sentences of that paragraph would be kept confidential, and they don't seem to have been dealt with in the Member's decision, so far as I can see.

59 Mr Adams submitted that, despite having raised those concerns (at various points of the hearing below), the Appeal Panel then did a complete "back-flip" and failed to follow through on the stated concerns.

60 There are several reasons why I reject this aspect of Mr Adams' case. First, the transcript passages which he relies upon are properly viewed as Senior Member Durack SC raising certain tentative "impressions" he had and then inviting the Commissioner's legal representative to respond. As I pointed out to Mr Adams, such exchanges are commonplace in adversarial hearings. Such "impressions" or concerns are not to be viewed as representing Senior Member Durack SC's final view, not the least because he was also sitting with another Senior Member. Furthermore, Senior Member Durack SC stated several times that he would need to read the Tribunal's reasons more carefully before coming to a firm conclusion regarding his tentative impressions.

61 Secondly, there is a grave danger in treating what is recorded in the transcript of a hearing as representing a finding which forms part of the decision-maker's reasons. The formal reasons themselves are determinative, not the transcript (apart from the transcript being potentially relevant to procedural errors, including both limbs of procedural unfairness (see generally *BDS17 v Minister for Immigration and Border Protection* [2018] FCA 1683 per Flick J and *COZ16*

v Minister for Immigration and Border Protection (2018) 259 FCR 1; [2018] FCA 46 per Griffiths J)).

62 Thirdly, I consider that the Appeal Panel proceeded to give a satisfactory explanation in its formal reasons as to why those earlier impressions lacked substance. That explanation is set out at [94]–[99] of the Appeal Panel's reasons (see at [31] above). These paragraphs squarely address the matters tentatively raised by Senior Member Durack SC. In my respectful view, these parts of the Appeal Panel's reasons adequately explain why the earlier impressions were found to lack foundation once the Appeal Panel had carefully considered both the relevant redactions and the Tribunal's reasons regarding the extent of the redactions in the fourth paragraph on page 2 of the COPS Report.

63 As the Commissioner's counsel pointed out before me, the adequacy of the Appeal Panel's reasons (as well as those of the Tribunal) has to take into account the constraints imposed by s 107 of the GIPA Act, which prohibits NCAT from disclosing any protected information in reasons or otherwise. Necessarily, the published reasons of both the Tribunal and Appeal Panel in this particular case must take account of this significant statutory constraint.

64 As noted above, Mr Adams also contended there was a need to clarify the status of the café owner as an informant and whether he was a wrongdoer or potential wrongdoer, being an issue which he says should have been remitted for reconsideration by a single member of the Tribunal. This contention is predicated on Mr Adams' preferred construction of cl 1(d). Accordingly, the rejection of that construction, for the reasons given above, necessarily means that this associated contention must also fail.

(iii) Disclosure of non-identifying information

65 In his amended summons, Mr Adams described his procedural fairness complaint as relating to the following matters (which overlap in many respects with his other judicial review grounds):

(a) The Appeal Panel did not properly consider his "core submission" that certain parts of the COPS Report were non-identifying in nature and could lawfully be disclosed without revealing the identity of any individual falling within cl 1(d).

(b) The Appeal Panel failed to engage with or make findings on the café owner's role, as reflected in the content of the COPS Report, which might properly be characterised not as an "informant" entitled to exemption, but rather as a participant or alleged wrongdoer whose identity could lawfully be disclosed.

(c) The Appeal Panel gave insufficient consideration to Mr Adams' arguments about the balancing of public interest factors favouring disclosure, including accountability of police action, his right to challenge the factual basis of the original report and the absence of demonstrable harm from partial disclosure of non-identifying information.

66 As to the first of those matters, the Appeal Panel did consider Mr Adams' submission that certain parts of the COPS Report could lawfully be disclosed if they were non-identifying in nature, as is reflected in [94]–[99] of its reasons.

67 As to the second matter, it is based on Mr Adams' preferred construction of cl 1(d), which I have rejected for reasons given above. Clause 1(d) does not turn on the identity and characterisation of a person as an "informant" and, in particular, whether the source of information is an innocent informant or a potential or actual wrongdoer.

68 As to the third matter, there is no substance in Mr Adams' complaint that the Appeal Panel inadequately considered his arguments regarding the balancing of competing public interests bearing upon the issue of disclosure. The Appeal Panel gave full and comprehensive reasons for rejecting Mr Adams' submissions regarding the balancing exercise. That matter was squarely addressed by the Appeal Panel in its reasons at [57]–[61] and [64]–[65]. The

Appeal Panel was also well aware of the need to balance competing considerations as required by s 13 of the GIPA Act, which it expressly referred to at [17]ff of its reasons.

(iv) An additional miscellaneous matter

69 For completeness, and noting that Mr Adams, as a litigant in person, adopted something of a scatter-gun approach in characterising what he claimed to be the Appeal Panel's multiple alleged errors, I will briefly address an additional matter.

70 In his written submissions (but not clearly in the amended summons), Mr Adams claimed it was irrational for information about the café to be redacted from the COPS Report because he already knew that information.

71 This complaint reveals a misunderstanding of a fundamental feature of the GIPA Act. That feature is that disclosure under that legislation is to be regarded, in effect, as disclosure to the world at large and not merely to the applicant. Thus, while it is true that particular "personal factors of the application" may be taken into account in determining the public interest test, as permitted by s 55 (but subject to the limitations specified therein), the GIPA Act does not assume that an access applicant will not themselves disclose the information to a wider audience. That possibility informs some of the clauses in the Table in s 14. The GIPA Act imposes no practical limits on what an access applicant can do with information which is disclosed under that legislation. This is reflected in s 15(e) of the GIPA Act which identifies the following principle to apply in making a public interest determination:

> (e) In the case of disclosure in response to an access application, it is relevant to consider that disclosure cannot be made subject to any conditions on the use or disclosure of information.

72 This is further reinforced in s 73, which provides:

> **73 Access to be unconditional**

> (1) An agency is not entitled to impose any conditions on the use or disclosure of information when the agency provides access to the information in response to an access application.
>
> (2) A condition may be imposed as to how a right of access may be exercised (such as a condition that prevents an applicant making notes from or taking a copy of a record that is made available for inspection) but only to avoid there being an overriding public interest against disclosure of the information.
>
> (3) A condition may be imposed that access to medical or psychiatric information will only be provided to a medical practitioner nominated by the applicant and not to the applicant personally.
>
> **Note.**
>
> Access can also be made conditional on the payment of processing charges (s 64) and on the provision of evidence of identity or other personal factors relevant to the agency's decision to provide access (s 55).

73 Thus, the fact that Mr Adams personally knew the location of the café does not mean it was illogical for the Appeal Panel to find that this information should be redacted having regard to cll 1(d), 3(a), 3(b) and 4(d).

(c) Should the Court review the unredacted COPS Report?

74 I have taken into account the parties' supplementary submissions on this issue. In his supplementary submissions filed 2 October 2025, Mr Adams urged the Court to inspect the unredacted COPS Report in deciding whether the Appeal Panel failed to deal with what he described as the "non-identity content issue under cl 1(d)".

75 Ms Langford provided helpful supplementary submissions which can be summarised as follows. First, there appears to be no previous judicial consideration of the question of whether information not disclosed to an access applicant because of an overriding public interest should be tendered or reviewed by a Court exercising judicial review jurisdiction.

76 Secondly, NCAT has more extensive powers regarding the disclosure of information in NCAT proceedings (see Pt 4, Div 6 of the CAT Act) than those conferred by the *Court Suppression and Non-publication Orders Act 2010* (NSW) (see generally *DRJ v Commissioner of Victims Rights* [2020] NSWCA 136 at [23]–[39] per Leeming JA).

77 Thirdly, the Commissioner reaffirmed that it was open to the Court to view the unredacted document to the extent that it was relevant to any jurisdictional error (or, presumably, error of law on the face of the record).

78 Fourthly, there is a distinction between a Court reviewing confidential material the subject of a claim of public interest immunity and the position here. That is because if a claim of public interest immunity is upheld after the document has been reviewed by the Court the document will not be admitted into evidence at all in any substantive proceeding (see *HT v The Queen* (2019) 269 CLR 403; [2018] HCA 40 at [29] and [33] per Kiefel CJ, Bell and Keane JJ).

79 If the Court inspected the document here, it would be for the purpose of determining whether the document is relevant to the resolution of any of the claimed reviewable errors. A second purpose would be to admit the document if it is determined to be relevant evidence. The Commissioner requested that, if the Court was to admit the document into evidence, appropriate confidentiality orders be made, as set out in Annexure A to the Commissioner's supplementary submissions dated 3 October 2025.

80 In determining whether the Court should inspect the unredacted copy of the COPS Report, it is important to acknowledge and maintain the well-established distinction between judicial review and review of the merits of a challenged decision. As noted above, Mr Adams correctly acknowledged that, to succeed on judicial review, he needed to establish one or more jurisdictional errors or errors of law on the face of the record. This necessarily places primary focus on whether or not the Appeal Panel's reasons disclose any such reviewable error as claimed in the amended summons.

81 For the reasons set out above, I am not persuaded that Mr Adams has established any of those alleged errors. Nor do I see any need in the particular circumstances of this case for the Court itself to review any of the redactions. I accept that different considerations could arise in another case, depending on the nature of the reviewable errors raised. But none of the asserted errors here require the Court to review the redactions themselves.

(d) Costs

82 For the following reasons, although Mr Adams' judicial review challenge has failed, I consider that each party should bear their own costs.

83 Although the Commissioner said in the written submissions dated 17 September 2025 that there was no reason to depart from the usual position regarding costs, in her closing oral address, Ms Langford properly acknowledged that the Court could view the challenge as one which was brought in the public interest, referring to the observations of the High Court in *Oshlack v Richmond River Council* (1998) 193 CLR 72; [1998] HCA 11. I accept that submission. Although it is true that at various stages of the earlier proceedings Mr Adams stated that he wanted the requested information so he could pursue civil proceedings against the owner of the café, Mr Adams informed the Court that he no longer intended to pursue any such action.

84 Secondly, I accept Mr Adams' statement that he brought the judicial review challenge in order to clarify, in the public interest, the nature and scope of various statutory provisions, particularly cl 1(d), in circumstances where there is apparently no case law regarding the issue of construction raised by him. Neither party was able to point to any previous authority addressing that issue of construction.

85 Accordingly, I accept that there is some novelty in this aspect of Mr Adams' judicial review challenge and that the public interest more widely will be served by the issue now having been addressed and determined by the Court. The same may be said concerning the question of whether the Court should inspect an unredacted copy of the COPS Report.

Conclusion

86 For all these reasons, the amended summons will be dismissed, with no order as to costs. The Commissioner has leave to contact my Associate to arrange the return of the sealed envelope.

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86
I certify that the preceding .... paragraphs are a true copy of the reasons for judgment herein of the Honourable Acting Justice Griffiths.

Date: 9/10/25

Associate: To Griffiths AJ