



Form 105 (version 7)
UCPR 51.16, 51.18, 51.20

R.H Kenna (L.S.)
Principal Registrar &
Chief Executive Officer

NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00124203

TITLE OF PROCEEDINGS

First appellant	EFG
First respondent	Secretary, Department of Communities and Justice
Second respondent	State of New South Wales

PROCEEDINGS IN THE COURT BELOW

Title below	EFG v Secretary, Department of Communities and Justice & Anor
Court below	Supreme Court
Case number below	2024/396267
Dates of hearing	4 March 2025
Material date	10 March 2025
Decision of	Basten AJ

FILING DETAILS

Filed for	EFG, Applicant
Filed in relation to	Whole decision below
Legal representative	Rebekah Giles, Giles George
Legal representative reference	20RRG0087
Contact name and telephone	Bronte Callaghan, 0447 342 383
Contact email	bronte.callaghan@gilesgeorge.com.au

HEARING DETAILS

This notice of appeal is listed for directions at 02Jul2025 09:00 AM - Directions

TYPE OF APPEAL

DETAILS OF APPEAL

1 This appeal is brought under s 101(1) of the *Supreme Court Act 1970*.

L\316450649.1

2 The appellant has filed and served a notice of intention to appeal, which was served on the prospective respondents on 2 April 2025.

3 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

1 The judgment appealed from was in error in failing to identify adequately the purpose of the Act.

2 The judgment appealed from was in error in its construction of s 4 of the *Costs in Criminal Cases Act 1967*.

3 The judgment appealed from was in error in failing to determine the legal standard of reasonableness in relation to the reliance by the First Defendant on the Attorney's rates.

4 The judgment appealed from was in error in failing to hold that the First Defendant's discretion had been exercised in a manner that fell short of the necessary legal standard of reasonableness.

ORDERS SOUGHT

1 Appeal allowed.

2 Judgment of the court below be set aside.

3 A declaration that the decision of the first respondent to reduce, by application of the Attorney-General's rates, the amount of costs determined by the first respondent as that which would reasonably have been incurred as costs by the appellant, is wrong in law and invalid.

4 An order in the nature of certiorari quashing the decision referred to in order 3 above.

5 An order that the respondents pay to the appellant the amount of \$419,976.07 determined by the first respondent as the amount that would reasonably have been incurred by the appellant as costs.

7 An order that the defendants pay the appellant's costs of these proceedings and the proceedings below as agreed or assessed.

UCPR 51.22 CERTIFICATE

I certify under UCPR 51.22(2) that the amount in issue in this appeal exceeds the specified amount under s 101(2)(r)(i) of the *Supreme Court Act 1970*.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor

Date of signature

4 June 2025

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.