

AUSTRALIA / JUDGMENT

Allchin v Wycombe Services Pty Ltd

[2026] NSWCATAP 300**COURT**

Civil and Administrative Tribunal

DECIDED

23 September 2026

BEFORE

G Blake AM SC, Principal Member

CASE / FILE NUMBER

2026/00025759

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Civil and Administrative Tribunal New South Wales

Medium Neutral Citation: Allchin v Wycombe Services Pty Ltd [2026] NSWCATAP 300**Hearing dates:** On the papers**Date of orders:** 27 August 2026**Decision date:** 23 September 2026**Jurisdiction:** Appeal Panel**Before:** G Blake AM SC, Principal Member**Decision:** The application of Bill Hoyles made on 25 August 2026 to revoke his appointment as the guardian ad litem for the Appellant is dismissed.**Catchwords:** CIVIL PROCEDURE - Application of guardian ad litem to revoke appointment – Principles – Application dismissed**Legislation Cited:** Civil and Administrative Tribunal Act 2013 (NSW), s 45**Cases Cited:** Charisteas v Charisteas (2021) 273 CLR 289; [2021] HCA 29
NSW Insurance Ministerial Corporation v Abualfoul (1999) 94 FCR 247; [1999] FCA 433
Rodny v Stricke [2018] NSWCATAP 136
Shapiro v Jacobson [2014] NSWSC 1960
Stephenson v Geiss [1998] 1 Qd R 542**Texts Cited:** New South Wales, Department of Communities and Justice, Guardian ad Litem Code of Conduct (version 3.0, May 2026)**Category:** Procedural rulings**Parties:** Craig Allchin (Appellant)
Wycombe Services Pty Ltd (Respondent)

Representation:

Solicitors:	Appellant (Self-represented)
	Bartier Perry Solicitors (Respondent)
File Number(s):	2026/00025759
Publication restriction:	Nil
	Decision under appeal
Court or tribunal:	Civil and Administrative Tribunal
Jurisdiction:	Administrative and Equal Opportunity Division
Citation:	Allchin v Wycombe Services Pty Ltd t/as Our Medical Home Penrith and Javaheri [2025] NSWCATAD 319
Date of Decision:	10 December 2025
Before:	M Tibbey, Senior Member
	A Limbury, General Member
File Number(s):	2024/00159932

REASONS FOR DECISION**The 25 August 2026 Hoyles Application**

On 24 August 2026, the Appeal Panel constituted by myself noted that Bill Hoyles (Mr Hoyles) was taken to have been appointed to act as guardian ad litem for the Appellant pursuant to s 45(4D) of the Civil and Administrative Tribunal Act 2013 (NSW) (NCAT Act).

On 25 August 2026 at 6:46 PM, Mr Hoyles sent an email to the Appeal Registry (the 25 August 2026 Hoyles Application) in which he relevantly states:

“I have just started to read the "Reply to Appeal" provided by the Respondent which contains the transcript of the Original Hearing that is being Appealed against - and on page 83 have discovered that I have a significant conflict of interest that requires me to withdraw from representing Mr Allchin.

By way of explanation, one of the Tribunal Members that heard the original Matter is General Member Limbury. As you may know, Ashley Limbury is not only a General Member of the Tribunal but is also a Guardian ad Litem.

I have appeared with Ashley for the parents in a Children's Court Matter, we have exchanged social emails, have met at Child Protection Conferences, and have met at GAL training. I know him and respect his professionalism and decision making. This would make it extremely difficult for me to be seen as impartial when representing a client appealing a decision that he participated in.”

The Appeal Panel may, at its discretion, revoke the appointment of a guardian ad litem pursuant to s 45(4B) of the NCAT Act.

The Guardian ad Litem Code of Conduct

The Guardian ad Litem (GAL) Code of Conduct (the Code) (New South Wales, Department of Communities and Justice, version 3.0, May 2026) applies to Mr Hoyles. Section 5.1 sets out the responsibilities of a GAL and relevantly states:

“5.1 Responsibilities

A GAL has responsibility and authority to make decisions in relation to the client only in relation to the legal proceedings in which they have been appointed. A GAL when making decisions shall:

- promote the autonomy of the client;
- safeguard and represent the interests of the client;
- take into account views, opinions, wishes and feelings as expressed by the client;
- instruct the legal representative of the client in the conduct of the proceedings; and
- take into consideration any other special circumstances.”

Section 9.1 of the Code deals with conflict of Interest and relevantly states:

“9.1 Conflict of Interest

A GAL is required to contact DCJ in writing to advise of any actual or potential conflicts of interest which may impact on their performance as a GAL.

A conflict of interest is a situation in which a GAL’s objectivity may be compromised or perceived to be compromised by a current or previous relationship with a client or party to the proceedings.

Examples of a conflict of interest include:

- if a GAL has a relationship with a client or the family of the client or other party to the proceedings; or
- if a GAL is currently or becomes an employee of the NSW Department of Communities and Justice.

A GAL should also be mindful of what may be perceived as conflicts of interest by persons outside the client/GAL relationship. These situations need to be avoided to maintain the integrity of the court and its proceedings.”

Section 13 of the Code deals with the exercise of diligence, care and attention, and relevantly states:

“13 Exercise diligence, care and attention

A GAL shall perform their duties in a diligent manner and with all necessary skill and care expected in accordance with the performance of such duties.”

I note that the circumstances of Mr Hoyles do not encompass “a current or previous relationship with a client or party to the proceedings” within section 9.1 of the Code.

I accept that it is appropriate to consider whether the circumstances of Mr Hoyle “may be perceived as conflicts of interest by persons outside the client/GAL relationship” as referred to in section 9.1 of the Code.

The applicable principles and their application

It is an established principle that a tutor appointed by the court for an infant may be removed if, for example, he or she acted improperly or had an interest adverse to that of the infant: *Stephenson v Geiss* [1998] 1 Qd R 542 at 557 (Lee J); cited with approval in *NSW Insurance Ministerial Corporation v Abualfoul* (1999) 94 FCR 247; [1999] FCA 433 at [29] (Sackville J); *Shapiro v Jacobson* [2014] NSWSC 1960 at [35] (Garling J). I consider that the position of a guardian ad litem is analogous to that of a tutor. I am not satisfied that Mr Hoyle has an interest adverse to that of the Appellant.

I have had regard to the principles upon which the Tribunal may restrain a legal representative from acting for a party as explained by the Appeal Panel in *Rodny v Stricke* [2018] NSWCATAP 136 at [92]-[97] to determine whether they may be applied by way of analogy to the revocation of the appointment of a guardian ad litem. It is unnecessary to set out these principles. I am not satisfied that it is in the interests of the due administration of justice (and the appearance of justice) for Mr Hoyles not to act as the guardian ad litem for the Appellant. A reasonable and fair-minded observer would not regard the association between Mr Hoyles and General Member Limbury as such that he would be perceived as not being able to fulfill his responsibilities under section 9.1 of the Code in the manner specified in section 13 of the Code.

I have had regard to the principles of apprehended bias on the ground of association as explained by the High Court in *Charisteas v Charisteas* (2021) 273 CLR 289; [2021] HCA 29. The Court (Kiefel CJ, Gageler, Keane, Gordon and Gleeson JJ) at [22] said: “It may be accepted that many judges and lawyers, barristers in particular, may have continuing professional and personal connections.” The association between Mr Hoyles and General Member Limbury is far removed from the situation examined in *Charisteas v Charisteas* where there were private communications between the legal representative of one party and the judge prior to the delivery the judgement. I am not satisfied that reasonable and fair-minded observer would regard the association between Mr Hoyles and General Member Limbury as such that he would be perceived as not being able to fulfill his responsibilities under section 9.1 of the Code in the manner specified in section 13 of the Code.

It follows that I have decided not to exercise my discretion under s 45(4B) of the NCAT Act to revoke the appointment of Mr Hoyles as the guardian ad litem for the Appellant and consequently to dismiss the 25 August 2026 Hoyles Application.

Order

I make the following order:

The application of Bill Hoyles made on 25 August 2026 to revoke his appointment as the guardian ad litem for the Appellant is dismissed.

I hereby certify that this is a true and accurate record of the reasons for decision of the New South Wales Civil and Administrative Tribunal.

Registrar

I hereby certify that this is a true and accurate record of the reasons for decision of the Civil and Administrative Tribunal of New South Wales.

Registrar

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Decision last updated:

23 September 2026

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Prepared on 26 October 2026 · Esheria