

NEW SOUTH WALES COURT OF APPEAL
NEW SOUTH WALES COURT OF CRIMINAL APPEAL
Status of decisions appealed to the High Court of Australia
as at 27 March 2024

1. Cases decided

High Court decisions of 2024 in cases on appeal from the NSW Court of Appeal or the Court of Criminal Appeal.

Case Name	Date of decision	HCA File Number	NSWCA / NSWCCA Citation	High Court Citation	Outcome
Hurt v The King; Delzotto v The King	13 March 2024	S44/2023	[2022] NSWCCA 117	[2024] HCA 8	Appeals dismissed
Xerri v The King	6 March 2024	S76/2022	[2021] NSWCCA 268	[2024] HCA 5	Appeal dismissed

2. Cases reserved

Cases on appeal from the NSW Court of Appeal or Court of Criminal Appeal heard by the High Court and awaiting judgment.

Case Name	Date heard	HCA File Number	NSWCA / NSWCCA Citation
Greylag Goose v PT Garuda Indonesia	7 March 2024	S135/2023	[2023] NSWCA 134
Godolphin Australia v Chief Commissioner of State Revenue	5 March 2024	S130/2023	[2023] NSWCA 44
Cessnock City Council ABN 60 919 148 928 v 123 259 932 Pty Ltd ACN 123 259 932	13 February 2024	S115/2023	[2023] NSWCA 21

3. Special leave granted

Cases on appeal from the NSW Court of Appeal or Court of Criminal Appeal granted special leave and not yet heard.

Case Name	Date leave granted	HCA File Number	NSWCA / NSWCCA Citation
The King v ZT	7 March 2024	S38/2024	[2023] NSWCCA 241
The King v Hatahet	7 March 2024	S37/2024	[2023] NCWCCA 305
State of New South Wales v Wojciechowska & Ors	7 March 2024	S110/2023	[2023] NSWCA 191
Naaman v Jaken Properties Australia Pty Ltd	8 February 2024	S123/2023	[2023] NSWCA 214
Cook (A Pseudonym) v The King	21 November 2023	S65/2023	[2022] NSWCCA 282
BQ v The King	7 December 2023	S92/2023	[2023] NSWCCA 34

4. Pending special leave applications

Cases in which applications for special leave to appeal from decisions of the NSW Court of Appeal or Court of Criminal Appeal are pending determination. Please note that the accuracy of this list is dependent on compliance with r 41.03 of the High Court Rules 2004.

Case Name	Date filed in High Court	HCA File Number	NSWCA / NSWCCA Citation
Noubia Pty Ltd v Coffs Harbour City Council	12 March 2024	S32/2024	[2024] NSW CA 19
Lowe v Pascoe as Administrator of the Estate of the late Kut Sze Tu	19 January 2024	S18/2024	[2023] NSWCA 282
Kennedy Civil Contracting (subject to a Deed of Company Arrangement) v Total Construction Pty Ltd	15 January 2024	S15/2024	[2023] NSWCA 306
Birketu Pty Ltd v Atanaskovic	11 January 2024	S14/2024	[2023] NSWCA 312
The Owners - Strata Plan No 84674 v Pafburn Pty Ltd	10 January 2024	S12/2024	[2023] NSWCA 301
Chandrasekaran v Western Sydney Local Health District (t/as Westmead Hospital)	5 January 2024	S5/2024	[2023] NSWCA 288
Jet Aviation Australia Pty Ltd v Cirrus Real Time Processing Systems Pty Ltd	22 December 2023	S176/2023	[2023] NSWCA 280
Poulos v Australian and New Zealand Banking Group Ltd	21 December 2023	S172/2023	[2023] NSWCA 262
Bao v Mao	19 December 2023	S165/2023	[2023] NSWCA 278
Collier v Attorney General of New South Wales	14 December 2023	S175/2023	[2023] NSWCA 273
Learmont v SAS Trustee Corporation	13 December 2023	S162/2023	[2023] NSWCA 272
Kramer v Stone	8 December 2023	S160/2023	[2023] NSWCA 270
Chandler v Transport for NSW	14 November 2023	S140/2023	[2023] NSWCA 6
Batterham v Goldberg	10 November 2023	S138/2023	[2023] NSWCA 237

Case Name	Date filed in High Court	HCA File Number	NSWCA / NSWCCA Citation
J and E Vella Pty Ltd v Hobson	7 November 2023	S137/2023	[2023] NSWCA 234
Moore v Commonwealth Director of Public Prosecutions	26 October 2023	S131/2023	[2023] NSWCA 153

5. Special leave refused

Cases from the NSW Court of Appeal or Court of Criminal Appeal refused special leave to appeal in 2024 and late 2023.

Case Name	Date determined	HCA File Number	NSWCA / NSWCCA Citation	Outcome
Lieschke v Lieschke	7 March 2024	S147/2023	[2023] NSWCA 241	Application refused with costs ([2024] HCASL 66)
RB v The King	7 March 2024	S113/2023	[2022] NSWCCA 142	Application refused ([2024] HCASL 65)
RB v The King	7 March 2024	S112/2023	[2023] NSWCCA 180	Application refused ([2024] HCASL 64)
MK v The King	7 March 2024	S103/2023	[2023] NSWCCA 180	Application refused ([2024] HCASL 62)
Alamdo Holdings Pty Limited v Croc's Franchising Pty Ltd	7 March 2024	S146/2023	[2023] NSWCA 256	Application refused with costs ([2024] HCASL 50)
Macatangay v State of New South Wales	7 March 2024	S136/2023	[2023] NSWCA 238	Application refused ([2024] HCASL 41)
Yenuga v Attorney General of NSW & Anor	7 March 2024	S129/2023	[2023] NSWCA 227	Application refused ([2024] HCASL 35)
Picos v Council of New South Wales Bar Association	8 February 2024	S125/2023	[2023] NSWCA 218	Application refused ([2024] HCASL 3)
Truong v Director of Public Prosecutions	8 February 2024	S134/2023	[2023] NSWCA 64	Application refused ([2024] HCASL 6)
Jemmott v Krejci	8 February 2024	S102/2023	[2023] NSWCA 187	Application refused ([2024] HCASL 7)
Norkin v The University of New England	8 February 2024	S124/2023	[2023] NSWCA 194	Application refused with costs ([2024] HCASL 9)
PPK Mining Equipment Pty Ltd v Flynn	8 February 2024	S114/2023	[2023] NSWCA 201	Application refused with costs ([2024] HCASL 19)

Case Name	Date determined	HCA File Number	NSWCA / NSWCCA Citation	Outcome
Dwyer v Volkswagen Group Australia Pty Ltd	8 February 2024	S121/2023	[2023] NSWCA 211	Special leave refused with costs ([2024] HCASL 22)
Giant Dwarf Pty Ltd v CJZ Pty Ltd	7 December 2023	S89/2023	[2023] NSWCA 135	Special leave refused with costs ([2023] HCASL 211)
Morrow v CJZ Pty Ltd	7 December 2023	S88/2023	[2023] NSWCA 135	Special leave refused with costs ([2023] HCASL 210)
Chief Commissioner of State Revenue v Meridian Energy Australia Pty Ltd	7 December 2023	S73/2023	[2023] NSWCA 113	Special leave refused with costs ([2023] HCASL 216)
Aerotropolis Pty Ltd v Secretary, Department of Planning and Environment	7 December 2023	S107/2023	[2023] NSWCCA 195	Special leave refused ([2023] HCASL 213)
Stubbings v The King	7 December 2023	S85/2023	[2023] NSWCCA 69	Special leave refused ([2023] HCASL 209)
Gould v The King	7 December 2023	S66/2023	[2021] NSWCCA 92	Special leave refused ([2023] HCASL 205)
Gould v The King	7 December 2023	S67/2023	[2023] NSWCCA 103	Special leave refused ([2023] HCASL 205)