

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 17 August 2023**

**2021/00088654-001 / Statement of Claim: Darren Mitchell v Roads and Maritime Services (now known as Transport for New South Wales)**

This matter is listed for Directions (Commercial) on 1 September 2023 10:00 AM before the Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

HH makes orders in terms of consent order initialled and dated today's date.

Consent Order

The Court notes that:

1. The Defendant has not given discovery to the Plaintiffs by the time provided for under order 2 of the orders made by Justice Ball on 13 July 2023.
2. The parties have agreed to extend the time by which the Defendant is to give discovery.
3. The parties have agreed to amend the scope of the discovery that the Defendant will give to the Plaintiffs to documents within the amended classes described in Annexure A to these orders.

The Court orders:

1. The Defendant is to give discovery to the Plaintiffs of documents within Category 2 described in Annexure A to these orders by 25 August 2023.
2. The Defendant is to give discovery to the Plaintiffs of documents within Category 1 described in Annexure A to these orders by 8 September 2023.
3. The directions hearing listed for 18 August 2023 is vacated.
4. The proceeding is listed for directions before the Commercial List Judge on 1 September 2023.
5. The parties have liberty to apply on three days' notice.

Annexure A

1. Any documents evidencing and/or describing the accounting treatment or accounting standards applied by Roads and Maritime Services (RMS) or Transport for New South Wales (TfNSW) (as applicable) in relation to the leases granted by RMS or TfNSW for the WestConnex Project (Category 1).

2. As between the New South Wales government (NSW government), RMS, TfNSW, Sydney Motorway Corporation and/or Sydney Transport Partners (including any of their authorised representatives), any document referring to, evidencing and/or describing the WestConnex Project in conjunction with any rights or obligations under section 179 of the Roads Act 1993 (NSW) (Category 2).

## Definitions

In respect of the above classes of documents:

A. WestConnex Project means the road infrastructure construction project relating to the construction of approximately 33 kilometers of interconnected motorways in Sydney.

B. Document means any record of information, and includes (a) anything on which there is writing, (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or (d) a map, plan, drawing or photograph.

Acting Chief Judge in Equity M Ball

Signed

Date