

NEW SOUTH WALES COURT OF APPEAL
NEW SOUTH WALES COURT OF CRIMINAL APPEAL
 Status of decisions appealed to the High Court of Australia
 June 2017

1. Cases decided

High Court decisions of 2017 in cases on appeal from the Court of Appeal or the Court of Criminal Appeal

Case Name	Date of decision	HCA File Number	NSWCA / NSWCCA Citation	High Court Citation	Outcome
State of New South Wales v DC	14 June 2017	S214/2016	[2016] NSWCA 198	[2017] HCA 22	Special leave revoked
Hughes v The Queen	14 June 2017	S23/2016	[2015] NSWCCA 330	[2017] HCA 20	Appeal dismissed
Aubrey v The Queen	10 May 2017	S85/2016	[2015] NSWCCA 323	[2017] HCA 18	Appeal dismissed
Smith v The Queen	10 May 2017	S153/2016	[2016] NSWCCA 93	[2017] HCA 19	Appeal dismissed
Kendirjian v Lepore	29 March 2017	S170/2016	[2015] NSWCA 132	[2017] HCA 13	Appeal allowed in relation to second respondent

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
IL v R	4 April 2017	S124/2016	[2016] NSWCCA 51

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
Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd	12 May 2017	S8/2017	[2016] NSWCA 379
Briggs v State of New South Wales	12 May 2017	S14/2017	[2016] NSWCA 344
Woollahra Municipal Council v Minister for Local Government	12 May 2017	S7/2017	[2016] NSWCA 380

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	NSW MNC
Issa v Australian Alliance Insurance Co Ltd	30 May 2017	S149/2017	[2017] NSWCA 87
Dial A Dump Industries Pty Ltd v Roads & Maritime Services	19 May 2017	S122/2017	[2017] NSWCA 73
Harradine v Toll Pty Ltd	8 May 2017	S120/2017	[2016] NSWCA 374
Calliden Insurance Ltd v Steath Enterprises Pty Ltd	3 May 2017	S115/2017	[2017] NSWCA 71
Smith v Alison Byrne (New South Wales Electoral Commission)	27 April 2017	S109/2017	[2017] NSWCCA 35
MetLife Insurance Ltd v RGA Reinsurance Company of Australia Ltd	26 April 2017	S106/2017	[2017] NSWCA 56
Sharma v Insurance Australia Ltd	21 April 2017	S104/2017	[2017] NSWCA 55
Tanious v NSW Land and Housing Corporation	19 April 2017	S100/2017	[2017] NSWCA 66
Mahmoud v Attorney General (NSW)	12 April 2017	S96/2017	[2017] NSWCA 12
Serrao v Cornelius	10 April 2017	S89/2017	[2017] NSWCA 61; [2016] NSWCA 293; [2016] NSWCA 231; [2016] NSWCA 60

Case Name	Date filed in High Court	HCA File Number	NSW MNC
DN v R	6 April 2017	S102/2017	[2016] NSWCCA 252
Wright v Optus Administration Pty Ltd	17 March 2017	S56/2017	[2017] NSWCA 21
Burns v Corbett; Burns v Gaynor	2 March 2017; 3 March 2017	S41/2017; S42/2017; S43/2017; S44/2017 ; S45/2017	[2017] NSWCA 3
Randall v City of Canada Bay Council	24 February 2017	S37/2017	[2017] NSWCA 1
Gittany v R	22 February 2017	S34/2017	[2016] NSWCCA 182
Brown v Commonwealth Director of Public Prosecutions	2 February 2017	S24/2017	[2016] NSWCA 333
Briggs v State of New South Wales	13 January 2017	S14/2017	[2016] NSWCA 344
Probuild Constructions (Aust) Pty Ltd v Shade Systems Pty Ltd	6 January 2017	S8/2017	[2016] NSWCA 379
Barbieri v R	6 January 2017	S6/2017	[2016] NSWCCA 295
Aravena v R	18 October 2016	S241/2016	[2015] NSWCCA 228
Croucher v Cachia	7 July 2016	S176/2016	[2016] NSWCA 132
Swift v Wearing-Smith	7 April 2016; 11 May 2016	S100/2016	[2016] NSWCA 38
R v Morgan	23 March 2016	S82/2016	[2016] NSWCCA 25

Case Name	Date filed in High Court	HCA File Number	NSW MNC
Miller v R	24 December 2015	S290/2015	[2015] NSWCCA 205
QBE Insurance (Australia) Ltd v Mordue	21 December 2015	S278/2015	[2015] NSWCA 380
Charan v Commonwealth Bank of Australia	17 December 2015	S270/2015	[2015] NSWCA 364
Bitupave Ltd v Pillinger	28 October 2015	S225/2015	[2015] NSWCA 298
Potier v R	21 August 2015; 21 October 2015	S160/2015; S220/2015	[2015] NSWCCA 130
Shift2Neutral Pty Ltd v Fairfax Media Publications Pty Ltd	9 October 2015	S216/2015	[2015] NSWCA 274
White v Forster	29 September 2015	S198/2015	[2015] NSWCA 245
Arida v Arida	25 August 2015	S162/2015	[2015] NSWCA 170; [2015] NSWCA 226
Rodger v De Gelder	20 August 2015	S156/2015	[2015] NSWCA 211

5. Special leave refused

Cases from the NSW Court of Appeal or Court of Criminal Appeal refused special leave to appeal in 2016

Case Name	Date determined	HCA File Number	NSWCA / NSWCCA Citation	Outcome
Donai v R	16 June 2017	S278/2016	[2016] NSWCCA 212	Application dismissed
Power Rental Op Co Australia LLC v Forge Group Power Pty Ltd (in liq)	15 June 2017	S39/2017	[2017] NSWCA 8	Application dismissed
Davis v NSW Land and Housing Corporation	15 June 2017	S25/2017	[2016] NSWCA 325	Application dismissed with costs
Save Our Rail Incorporated v Hunter Development Corporation	15 June 2017	S258/2015	[2015] NSWCA 346	Application dismissed with costs
Anglo American Investments Pty Ltd v Deputy Commissioner of Taxation	14 June 2017	S51/2017	[2017] NSWCA 17	Application dismissed with costs
Barbieri v R	12 May 2017	S6/2017	[2016] NSWCCA 295	Application dismissed
Doble Express Transport Pty Ltd (in liq) v John L Pierce Pty Ltd	11 May 2017	S19/2017	[2016] NSWCA 352	Application dismissed with costs
Zhang v ROC Services (NSW) Pty Ltd; NTI Ltd v Zhang	11 May 2017	S21/2017; S22/2017	[2016] NSWCA 370	Application dismissed with costs
Jamal v NSW Police Commissioner	11 May 2017	S38/2017	[2017] NSWCA 7	Application dismissed
Norris v Routley	3 May 2017	S12/2017	[2016] NSWCA 367	Application dismissed with costs
Crossman v Sheahan	7 April 2017	S229/2016	[2016] NSWCA 200	Application dismissed with costs
Clark v Robards	5 April 2017	S27/2017	[2016] NSWCA 187	Application dismissed
Toben v Nationwide News Pty Ltd	30 March 2017	S279/2016	[2016] NSWCA 296	Application dismissed with costs

Case Name	Date determined	HCA File Number	NSWCA / NSWCCA Citation	Outcome
Griffin v Council of the Law Society of New South Wales	30 March 2017	S15/2017	[2016] NSWCA 364	Application dismissed
Chen v State of New South Wales	30 March 2017	S5/2017	[2014] NSWCA 41	Application dismissed
Lambert Leasing Inc. v QBE Insurance (Australia) Ltd	10 March 2017	S240/2016	[2016] NSWCA 254	Application dismissed with costs
Commonwealth Bank Officers Superannuation Corporation Pty Ltd v Beck	10 March 2017	S228/2016	[2016] NSWCA 218	Application dismissed with costs
Kostov v Zhang	8 March 2017	S17/2016	[2016] NSWCA 262	Application dismissed
Hoxton Park Residents Action Group Inc v Liverpool City Council	8 March 2017	S194/2016	[2016] NSWCA 157	Application dismissed with costs
Zepinic v Chateau Constructions (Aust) Ltd	7 March 2017	S295/2016; S296/2016	[2016] NSWCA 361	Application dismissed
Tanious v South Eastern Sydney Local Health District	2 March 2017	S287/2016	[2016] NSWCA 326	Application dismissed
Sayde Developments Ltd v Arab Bank Australia Ltd	1 March 2017	S301/2016	[2016] NSWCA 328	Application dismissed with costs
Young v King	1 March 2017	S260/2016	[2016] NSWCA 282	Application dismissed with costs
Young v Hones	1 March 2017	S246/2016	[2014] NSWCA 337	Application dismissed with costs
Ross v Vaughan	10 February 2017	S223/2016	[2016] NSWCA 188	Application dismissed with costs
Abou-Lokmeh v Harbour Radio Pty Ltd	9 February 2017	S235/2016	[2016] NSWCA 228	Application dismissed with costs
Whitfield v Melenewycz	9 February 2017	S237/2016	[2016] NSWCA 235	Application dismissed with costs