

Date	Listing for	Presiding officer	Heard at:
17 Feb 26	Hearing	Justice A Coleman	17 Feb 2026 10:00 AM - Supreme Court - Civil - Supreme Court Sydney

[Hide full orders](#)

2024/00472956-001 Statement of Claim: David Kinsella v Commonwealth of Australia

Order Case management / Case management orders and directions (Standard) made on 17 Feb 26 for proceeding 2024/00472956-001

The Court makes the following orders by consent:

TERMS OF ORDER MADE BY THE ORDER BY CONSENT

Amendment to, and hearing of, Plaintiff's Notice of Motion filed 20 October 2025

1. The plaintiff is granted leave to amend his Notice of Motion filed 20 October 2025 (Notice of Motion) in the form marked up and attached to these orders.
2. The listing of the plaintiff's Notice of Motion for hearing on 17 February 2026 be vacated.
3. The plaintiff's Notice of Motion hearing be relisted for hearing at 9:30am Thursday, 21 May 2026 with an estimate of half a day.

Notice to Group Members

4. On or before 20 February 2026, the defendants are to indicate whether they consent to the plaintiff's proposed form of notice to group members served on the defendants on 13 February 2026 (Notice) and, in the event that they do not consent, provide the plaintiff with an alternative form of Notice.

5. By 4 March 2026, the parties are to confer with respect to any dispute as to the Notice.

6. On or before 9 March 2026:

(a) the Plaintiff is to provide to the Court a Notice agreed by the parties and proposed short minutes of order which include orders with respect to the mode for distribution of the Notice, pursuant to sections 175(5) and 176(2) of the Civil Procedure Act 2005 (NSW) (CPA); and

(b) should the parties be unable to reach agreement as to the form of the Notice or the short minutes of order for the distribution of the Notice, the parties are to provide to the Court their proposed Notice with submissions not longer than 2 pages for the dispute to be dealt with on the papers, subject to any further order of the Court.

Submissions and evidence

7. On or before 20 March 2026, the plaintiff is to:

(a) file and serve any further affidavits and/or submissions in support of the Notice of Motion and over which the plaintiff does not intend to seek suppression and non-publication orders; and

(b) provide to the Associate to Cavanagh J a confidential opinion from counsel, and any other submissions and affidavits over which suppression or non-publication orders are intended to be sought, with respect to the orders sought in the Notice of Motion.

8. On or before 27 March 2026, the Defendants are to file and serve any further submissions and/or affidavits with respect to the orders sought in the Notice of Motion.

9. Liberty to restore on 3 days' notice.

2024/00472956-003 Notice of Motion Civil - David Kinsella v TBD

Order Case management / Case management orders and directions made on 17 Feb 26 for proceeding 2024/00472956-003

Order Listing management / Adjourned/Relisted (general) no status change made on 17 Feb 26 for proceeding 2024/00472956-003

This matter is listed for Hearing on 21 May 2026 9:30 AM before the Supreme Court - Civil at Supreme Court Sydney.

Part heard before Justice R Cavanagh

Estimated duration: 3 Hours