

CAI & ANOR
v
COMMONWEALTH OF AUSTRALIA & ORS
[2025] HCADisp 106
M22/2025

1 The applicant seeks an order under s 40(1) of the *Judiciary Act 1903* (Cth) that the whole of the cause pending in the Supreme Court of Victoria, being proceeding numbered S ECI 2024 00090, be removed to this Court. That proceeding concerns claims against the first respondent for breach of statutory duty, and claims against the second, third and fourth respondents in negligence.

2 In relation to the claim against the first respondent, on 4 March 2025 Watson J made orders dismissing the applicants' claims against the first respondent. As such, there is no proceeding on foot against the first respondent capable of being removed to this Court.

3 Further, the applicants have not identified sufficient reason to warrant this Court's interference with the ordinary progression of the proceeding in the Supreme Court of Victoria. Accordingly, the applicants have not shown sufficient cause for the removal of the proceeding to this Court.

4 The application for removal is refused.

Jagot J

12 June 2025