HIGH COURT OF AUSTRALIA

11 March 2026

HUNT LEATHER PTY LTD ACN 000745960 & ANOR v TRANSPORT FOR NSW (NO 2)
HUNT LEATHER PTY LTD ABN 46000745960 & ORS v TRANSPORT FOR NSW
ABN 18804239602 (NO 2)
[2026] HCA 4

On 24 December 2025, the appellants (collectively referred to as "Hunt Leather and Ancio Investments") brought an application in effect to recall and amend costs orders in appeals that were decided on 17 December 2025. The amended orders were sought in relation to the cross-appeal in the Court of Appeal of the Supreme Court of New South Wales regarding the trial judge's costs orders. Hunt Leather and Ancio Investments sought for that issue to be remitted for determination by the Court of Appeal.

In their notices of appeal and in the section of their written submissions in the High Court dealing with the orders sought, Hunt Leather and Ancio Investments did not seek the costs order now sought. However, in a footnote in their written submissions, they referred to an outstanding application in the Court of Appeal concerning this costs issue and sought remittal to the Court of Appeal for it to be decided.

The High Court unanimously granted the application to recall and amend the orders made in the appeals. Had the High Court adverted to the footnote in the written submissions of Hunt Leather and Ancio Investments, the issue of costs before the trial judge would have been remitted to be dealt with by the Court of Appeal. That omission was plain or obvious, the application was promptly made and not brought for the purpose of re-agitating arguments already considered by the Court, and there was no relevant disadvantage to the respondent, Transport for NSW, in correcting the error or omission.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.

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