

I certify that the Respondent's
Notice of Motion is suitable for
publication in accordance with
paragraph 27 of the Practice Note
SCCAOT.

Form 20 (version 3)
UCPR 18.1 and 18.3

This document was eFiled
on 31 Oct 2025. Final
acceptance has been
given.

R.H Kenna (L.S.)

Principal Registrar &
Chief Executive Officer



NOTICE OF MOTION

COURT DETAILS

Court Supreme Court of New South Wales, Court of Appeal
Registry Sydney
Case number 2025/00396912

TITLE OF PROCEEDINGS

Applicant Attorney General for New South Wales
Respondent Dale Haines by his tutor Barbara Ramjan

FILING DETAILS

Person seeking orders Dale Thomas Haines by his tutor Barbara Ramjan,
Respondent
Legal representative Cherie Pittman, Legal Aid NSW
Legal representative reference PCN 35689;
Contact name and telephone Dominique Brown, (02) 5525 1632
Contact email dominique.brown@legalaid.nsw.gov.au

PERSON AFFECTED BY ORDERS SOUGHT

Attorney General for New South Wales, Appellant

HEARING DETAILS

This motion is listed on

ORDERS SOUGHT

Review of order of Judge of Appeal

- 1 Pursuant to rules 1.12(1) and 18.4 of the *Uniform Civil Procedure Rules 2005* time for service of this motion be abridged to 5pm 31 October 2025.
- 2 The Notice of Motion be returnable on Tuesday 4 November 2025.
- 3 An order the interim extension order granted by Kirk JA on 20 October 2025 is discharged on the grounds that the Court erred in:
 - 1) Holding (at [24]-[40]) that, pursuant to ss 130 and 131 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW), an Interim Extension Order may be ordered for periods totalling more than 3 months.
 - 2) Failed to consider whether the jurisdictional preconditions required by s 130(a) were met, in that:
 - i. Mr Haines was no longer subject to a limiting term; and
 - ii. Mr Haines was no longer subject to an "extension order" (as that term is defined in s 3 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW)). And
 - 3) Ordering a (further) Interim Extension Order which extended beyond 24 October 2025.
- 4 In accordance with order of Kirk JA on 20 October 2025, the Respondent applies to rely on further evidence.
- 5 The Respondent relies on the Affidavit of Amelia Gilroy dated 28 October 2025.
- 6 The hearing of the Motion is expedited to 6 November 2025 (the date on which the issues agitated by this motion have been set down for separate hearing, by orders made 20 October 2025).
- 7 The Appellant pay the Respondent's costs of and incidental to the hearing on 6 November 2025.

SIGNATURE

Signature of legal representative

Cherie Pittman, Legal Aid NSW,
Solicitor for the Respondent

Capacity

Signed in my capacity as a solicitor
employed by Legal Aid NSW.

Date of signature

31 OCTOBER
2025**NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT**

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

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