

AUSTRALIA / JUDGMENT

Gibson v Blomdale

[2026] NSWSC 952**COURT**

Supreme Court

DECIDED

07 August 2026

BEFORE

Elkaim AJ

CASE / FILE NUMBER

2025/447361

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Supreme Court**New South Wales****Amendment notes****Medium Neutral Citation:** Gibson v Blomdale [2026] NSWSC 952**Hearing dates:** 7 August 2026**Date of orders:** 7 August 2026**Decision date:** 07 August 2026**Jurisdiction:** Common Law**Before:** Elkaim AJ

Decision:

1. Default judgment is entered for the plaintiff.
2. Damages are assessed in the sum of \$1,478,990.
3. Judgment is entered for the plaintiff in the sum of \$1,478,990.
4. The defendant is to pay the plaintiff's costs of the proceedings.
5. The plaintiff has leave to make an application for a gross sum costs order.

Catchwords: CIVIL PROCEDURE — Default judgment — claim for unliquidated damages — judgment for the plaintiff under r 16.7 of the Uniform Civil Procedure Rules 2005 (NSW)

LIMITATION OF ACTIONS — Personal injury — Child abuse — Legislative removal of previous limitation period

TORTS — Trespass to the person — assessment of damages — continuing serious abuse throughout childhood causing psychiatric injury — Civil Liability Act 2002 (NSW) not applicable by operation of s 3B(1)(a) — general damages — past and future economic loss — medical expenses — single figure awarded for exemplary and aggravated damages

Legislation Cited: Civil Liability Act 2002 (NSW), s 3B(1)(a)
Limitation Act 1969 (NSW), s 6A
Uniform Civil Procedure Rules 2005 (NSW), rr 16.7, 31.27, Sch 7

Cases Cited:	Briginshaw v Briginshaw (1938) 60 CLR 336 MBP (SA) Pty Ltd v Gogic (1991) 171 CLR 657 New South Wales v Ibbett (2006) 229 CLR 638 Todorovic v Waller (1981) 150 CLR 402
Category:	Principal judgment
Parties:	Sonia Gibson (Plaintiff) Barry Bernard Blomdale (Defendant)
Representation:	
Counsel:	J Smith (Plaintiff)
Solicitors:	Maurice Blackburn (Plaintiff)
File Number(s):	2025/447361
Publication restriction:	No

JUDGMENT

The plaintiff commenced these proceedings with the filing of a statement of claim on 18 November 2025. The proceedings arise from the intentional abusive conduct of the defendant upon the plaintiff. A statement of particulars was filed on 14 January 2026.

The defendant has never responded to the claim, prompting the plaintiff, on 23 March 2026, to file a notice of motion for default judgment and the assessment of damages. Again, there has been no response from the defendant.

Default judgment

Ms Ellen Parry is the plaintiff's solicitor. Her affidavit in support of the motion for default judgment filed on 23 March 2026, describes the service of the pleadings on the defendant. Affidavits of service are annexed to the affidavit. Service was effected as follows:

The statement of claim was personally served on the defendant on 26 November 2025.

The statement of particulars was served on 16 January 2026.

The notice of motion was served on 22 April 2026.

In addition to the pleadings, Ms Parry's affidavit sets out the correspondence which has been sent to the defendant, including a letter of demand, and notification of all pending hearings before the Registrar.

Notably the defendant was informed of the procedural rulings made by the Registrar on 30 April 2026, which included a timetable and the setting down of the motion and assessment of damages for hearing on 7 August 2026. The Registrar's orders were complied with. The defendant has never filed a notice of appearance or otherwise engaged with the proceedings.

Rule 16.7 of the Uniform Civil Procedure Rules 2005 (NSW) (the UCPR) deals with default judgment for an unliquidated claim. An affidavit setting out various matters is required. The above affidavit of Ms Parry covers all of the requirements. I also note there have been further affidavits of Ms Parry bringing the history up to date.

The defendant's silence, the elapse of sufficient time since service of the statement of claim, the service of all documents and the covering of all of the topics dictated by r 16.7 clearly entitle the plaintiff to default judgment for damages to be assessed and costs.

Default judgment will be entered.

Assessment of damages

The Registrar's orders made on 30 April 2026, envisaged the matter proceeding, on the same day, to the assessment of damages if default judgment was entered. I can see no reason not to so proceed.

The evidence is contained in the Court Book (Exhibit A). I particularly note the following:

The affidavit of Sonia Gibson affirmed on 4 June 2026, which sets out the abuse, its lifelong consequences, the causal connection, and her present condition and future needs (with Annexures A to J);

The medico-legal report of independent psychiatrist Dr Justine Hoey-Thompson dated 15 December 2025, annexed to the affidavit of Ms Parry dated 4 June 2026. The report contains the acknowledgement required by the Expert Witness Code of Conduct (UCPR Sch 7) and r 31.27 and is in admissible form;

The plaintiff's medical records – Hunter Primary Care, Glendale Medical Centre, the Hummingbird Centre (the psychologist Dr Aaron Simpson), and Beyond Blue (including call records) – annexed to Ms Parry's affidavit, and the Centrelink Disability Support Pension grant (Annexure F to the plaintiff's affidavit);

The affidavit of the plaintiff's daughter, Ms Alicia Gibson dated 4 June 2026, going to her lifelong observation of the plaintiff's low mood, dissociative "zoned-out" episodes, hypervigilant behaviour (including keeping a light on and hammer handles above the doors for self-defence), social isolation, irregular sleep and eating, and the period of heavy alcohol use; and

Two corroborating letters annexed to the plaintiff's affidavit: the letter of Ms Katie Rugendyke dated 29 May 2026 (Annexure C), confirming the plaintiff's continuous Alcoholics Anonymous attendance since 11 February 2022; and the letter of Ms Robyn Pung (the defendant's sister) dated 26 May 2026 (Annexure G), confirming the family's estrangement, the defendant's own violent and abusive upbringing, and her recent contact with the plaintiff. The treating general practitioner's evidence is also relied on: the letter of Dr Fiona Boyd dated 25 May 2026 (Annexure I) and the GP mental health care plan (Annexure H).

Three points should be made at the start:

There is no time limit relevant to the proceedings. Section 6A of the Limitation Act 1969 (NSW) removes any limitation period for actions arising from child abuse. The plaintiff's allegations, as described below, are of serious physical abuse and occurred when the plaintiff was under the age of 18, therefore constituting "child abuse" as defined in s 6A(2).

Section 3B(1)(a) of the Civil Liability Act 2002 (NSW) (the CLA) excludes, as is the case here, the provisions of the CLA where the alleged wrongdoing arises from intentional acts done with the intent to cause injury.

The plaintiff must prove each head of damages. Serious allegations need to be established in accordance with *Briginshaw v Briginshaw* (1938) 60 CLR 336.

In respect of (3) in the preceding paragraph there is no opposition to any of the allegations. I am satisfied they have been proved to the requisite standard on the admitted evidence.

The effect of the exclusion of the CLA is that damages are to be assessed at common law, and future calculations, where applicable, are to be assessed using a 3% multiplier instead of 5%: *Todorovic v Waller* (1981) 150 CLR 402.

The plaintiff has claimed damages under the following heads: general damages, past and future economic loss, past and future medical expenses, gratuitous care and aggravated and exemplary damages. Interest and lost superannuation benefits are claimed where applicable.

History

I have taken the following facts from the plaintiff's statement dated 13 October 2025, and her affidavit dated 4 June 2026.

The defendant was born in 1940. The plaintiff was born in 1970. The defendant is the plaintiff's father. The plaintiff is the youngest of three female siblings. The family grew up in the Newcastle and Lake Macquarie areas. Her parents divorced in 1989.

The plaintiff has been estranged from her family, other than her daughter, for many years. There has also been some contact with an aunt, Ms Robyn Pung.

In her evidence, the plaintiff describes a difficult and lonely childhood. The defendant worked on night shifts, so that quiet was demanded during the day. The plaintiff spent her days in hiding from her parents, and fearful of the abuse she could hear her father inflicting upon her mother. Both her parents were described as dishonest, stealing from their respective workplaces, and from the public. Their actions added to the frightening atmosphere about their residence.

There were no visitors to the home, and the plaintiff was deprived of all amenities. This included a refusal to obtain medical treatment when required. She described her childhood as "isolated and cult like".

The defendant's physical abuse of the plaintiff started when she was about six years of age. She was kicked, hit, and "grabbed and thrown". Her elder sisters left when they were about 14 years of age. When she started school, the plaintiff recognised that her life was different to that of her classmates who appeared to live in happy family circumstances.

The abuse seemed to escalate when the plaintiff was about 10 years of age. She was beaten by father on a weekly basis which included being thrown against the wall of her bedroom. The defendant would have his hand on her throat and bang her head against the wall. On one occasion the plaintiff was knocked unconscious when she ran into a glass door in an attempt to escape from her father's beatings.

In addition to physical beatings, the plaintiff was often humiliated and verbally abused by her father. He constantly told her that she was "dumb", "stupid", "useless" and a waste of space.

When the plaintiff was in Year 9, her parents left her alone at home for long periods while they built a home at another address. The periods that she would be alone could be for up to a month during which she was afraid and lived on frozen food or basics.

The plaintiff left home when she was 14 or 15 years of age, moving into a halfway house. Her father took her from this accommodation after about six months, taking her to live with her mother at an isolated country property. Her mother seemed to be in a disassociated state. After a few days she escaped and sought help from a neighbour, who drove her and her mother to a caravan park.

The abuse inflicted by her father upon her has had major effects upon the plaintiff's life. Rather than using my words I will quote from the plaintiff's statement.

"100. I have spent my whole life in fear and watching over my back. Fear that my father will come for me and my life will be finally over. I have never had any self-confidence ever to do well in anything because I have been fearful and traumatised, and brain washed for my entire childhood that I am dumb and useless

101. I should have been having carefree fun meaningful interaction with friends, and healthy relationships. I don't how to have friends; I am fearful of rejection, and socialisation and forming connection. Apart from my daughter, I feel that have no purpose in life.
102. As a child I was constantly on high alert wondering when the next beating would be. I have no fond memories of childhood that I can reflect on. Instead, I am numb, broken goods, sad and lonely and feel robbed of a life. I have psychological scars from the abuse from my father.
103. I feel that through my whole life I never had a voice, I was always too scared. Now I am always telling my daughter to speak up in life, because it is so important to me that she has a voice in her life.

104. I have never known how to initiate, make, form, or maintain relationships, in a workplace environment or in the general community. I was only taught how to be afraid and shut up, not speak to anyone.
105. I have needed counselling throughout my whole life. I cannot understand why I was born to the family I was born into and can't believe how I was raised and the environment I was raised in, the fear and sadness as a child. I have not been told that I have any mental health diagnosis, but I think I would have a diagnosis.
106. Every day of my life as an adult I am depressed. I have nightmares of my father beating me and I have woken up from this in a sweat and crying and looking around my bed and then under my bed think my father is there. I check my built in wardrobe in my rentals I've lived in to see if my father is hiding in them, waiting until I am in bed to attack me. I sleep with the lights on in my bedroom. I live in fear of him every day. It feels to me that I have chronic depression. I usually feel that I have nothing to look forward to, and that I have never been loved.
107. I have taken antidepressants for over 25 years. I have phoned Beyond Blue and Lifeline many many times in my adult years. I believe that I have seen about 10 different Psychologists over my whole life.
108. I feel that I have a tremendous amount of psychological trauma-based anxiety due to my father.
109. I often feel completely empty. I often feel ashamed and embarrassed about what I lived through.
110. I had no control over what happened to me and so I often feel a lack of control now.
111. I feel sorry and sad for my daughter that I am not grounded enough. I often feel bad for my daughter that she does not have family around her. I often feel guilty that I cannot give her the family she deserves, like her friends have and like she sees them have at Christmas and birthdays and family gathers, and family holidays. My father's abuse has meant that I parented my daughter very differently than a normal family would.
112. When I was 49 and turning 50 years old, I searched for my Auntie on social media, I met her a couple of times. She was supportive at first and has witnessed and listened to my childhood pain and fear. She also has not seen my father for 60 years. She thought that I could heal her wounds and emptiness by finally meeting her in person, but it has resulted in even more sadness and emptiness and confusion.
113. I was very emotional when my daughter and I met up with my Auntie. I broke down and showed all of my fear and emptiness. I feel very upset that my daughter saw me like that meeting my Auntie for the very first time at age 49.

114. I struggle with any kind of invitation of celebration I hear about because I never experienced that growing up. When my daughter has bought me something for my birthday, I don't know what to do or how to react to a gift. I feel sadness touching a gift. I feel awkward unwrapping a gift I've got from my daughter. I do not know how to feel when a gift has been given to me in my adult years. I cannot accept gifts, I know not how and what to say holding a gift; gifts seem so strange to me. I feel undeserving of a gift, any gift.
115. I feel like I am running away the whole time.
116. I avoid doing anything socially, I find even thinking about it and the thought overwhelming. I hate being in crowds because I have never got used to them when I was younger.
117. I am able to go to the shops to buy things as I get overwhelmed, I need to get in and out of the shop quickly and keep to myself.
118. I have flashbacks and nightmares when it feels like I'm back there, in those houses, in my childhood bedrooms, with my father and unable to get away. The torture is always on my mind because I still don't know what I did wrong to receive physical harm. I break out in sweats like I'm still that scared little girl. I have to self-talk to say tell myself that I'm safe and that I'm an adult now.
119. I did a small amount of Youth Work for a company called Interactive Community Services, looking after kids in Motels in Crisis Care with Department of Community and Justice. During my time doing this role I was with young people that were removed by their parents, this triggered me too much and I had to leave this role as a Youth Worker.
120. The dominance of supervisors also triggers me. This affects my ability to do my job, to respond well to leadership, and to progress. It is very triggering for me to receive feedback at work because it takes me back to always being told that I am useless and dumb.
- 121 Overall, I feel like I just don't have the capacity to fulfill or succeed at anything in life. My constant thoughts or reactions is, "/ can't do that'.
122. I find following directions at work extremely difficult as I do not like orders and demands, it triggers me about my abuse from my father, and I relate to it as being physically hurt.
123. I find it hard to commit to anything, including relationships, jobs and general appointments, as I had no stability as child. I am still so fearful, like I'm still running away from the assaults and like I cannot trust anyone.
124. I think I appear a bit weird to people. I don't have great social skills and the older I become the more I have realised this. I was recently hanging clothes out to dry and had a total breakdown about life. I felt completely spaced out. I had been going about my chores at home and was fine, then when I was pegging the clothes out something came over me, took over my mind. I walked inside in a zombie like state, like I was in a trance. I was having flashbacks of getting hit and punched, I didn't understand what was happening, I found my phone and dialled my Aunties phone, and I was very emotional. Initially I couldn't even

... speak, words could not come out, I remember saliva coming out of the side of my mouth but I could use my lips to talk and speak at all, watery mucus came running from my two nostrils, it was uncontrollable, my Auntie as on the phone waiting and I then finally got my voice, and I said words to the effect of "I'm really sorry, I'm not right. You don't understand what I've been through." She said, "/ do understand Sonia, I do, and it's not good love".

125. When it grabs me, the trauma just takes over. On the day I describe above, I had an overwhelming sense of how unfair it has been that I haven't had a life. The next day I thought, I can't live with this any longer, I need to be heard. I started wondering about my father's age. I was feeling sadness, anger, hurt and pain. It made me realise that I really need justice now.
126. I have felt suicidal before and on multiple occasions. The closest I have been to ending my own was when my daughter turned 18 and I took her on a cruise. I remember standing by the railings and seriously considering jumping overboard. I had written a suicide note. In the end, because of my daughter, I opted out. I feel like there are demons in my body, voices, telling me to, then I hear my father's voice and re live the bashings and the kicking and his violence."

Also in her evidence, the plaintiff describes her inability to sustain long lasting relationships. One relationship did result in the birth of a daughter in 1998. The father of the child abandoned the plaintiff and his daughter soon after she was born. I note an AVO was required to assist his departure. Another relationship occurred when the plaintiff was about 40 years of age. He turned out to be an alcoholic although in some respects he was supportive of the plaintiff. The plaintiff herself turned to alcohol as a coping mechanism and was drinking at least a full bottle of wine each day. The plaintiff eventually started attending Alcoholics Anonymous and was able to manage her addiction.

The plaintiff's upbringing deprived her of a proper education, and she never did well at school. She did complete the Year 10 School Certificate, but with very low grades. Her first employment was in a video shop, and then she went on to variety of different jobs, generally doing fairly menial tasks. After her daughter was born the plaintiff attended a TAFE College and she was able to obtain a job in a hospital as a clerk. The plaintiff has continued in assorted jobs, the most recent as a domestic aide for persons on NDIS packages.

Medical Reports

The medical records included in the evidence showed instances of suicidal ideation. The plaintiff has taken antidepressants for many years and still does. She has also been overwhelmingly depressed.

There is a medicolegal assessment by Dr Hoey-Thompson, a psychiatrist, dated 15 December 2025.

Starting on p 10 of her report, Dr Hoey-Thompson sets out the history of medical treatment the plaintiff has received. This has included attendance upon general practitioners and psychologists, being subject to mental health plans and contact with organisations such as Beyond Blue when suffering from suicidal ideation.

Dr Hoey-Thompson's diagnoses include post-traumatic stress disorder, a dissociative disorder, major depressive disorder, persistent depressive disorder, generalised anxiety disorder, and borderline personality disorder. In addition, she suffers from panic attacks, agoraphobia, anorexia nervosa (in partial remission), and alcohol use disorder (in remission).

In relation to the absence of 'normal functioning' Dr Hoey-Thompson says:

"The abuse and neglect at home resulted in Complex trauma and Borderline Personality Disorder which appears to have contributed to Ms Gibson's interpersonal conflict at work. This has added to her distress, sense of rejection and the feeling of being broken Findings point towards a childhood trauma-related anger bias and a visual hypervigilance towards the eyes of facial expressions in patients with Borderline Personality Disorder. Ms Gibson is vulnerable to overreacting to perceived cues that others are angry or displeased with her.

From the documentation provided, Ms Gibson has experienced distress and increased suicidal ideation when her daughter reached the age of 18 and was being more independent from Ms Gibson. Ms Gibson is socially isolated and lonely as a result of the impacts of the childhood abuse. Her daughter has provided [her] with company and a sense of purpose in parenting her. Ms Gibson remains vulnerable to increased despair if her daughter moves out from living with her."

Dr Hoey-Thompson places the plaintiff's condition squarely on the defendant:

"Hence, the abuse by [the defendant] is by far, the predominate cause of Ms Gibson's psychiatric conditions."

I have little doubt that the onus in respect of causation, which sits upon the plaintiff, has been well and truly discharged.

There is an affidavit from the plaintiff's daughter, Alicia, dated 4 June 2026. Ms Gibson describes her mother's emotional lability and mood swings: "She often seems sad and overwhelmed."

Ms Gibson describes her mother as socially isolated, lacking friends, and incapable of forming lasting relationships. Ms Gibson says her mother's eating is inconsistent and she has difficulty maintaining a nutritious and balanced diet. Her mother seems to be easily startled and often looks "zoned out".

The plaintiff told Ms Gibson that but for their relationship she would not have been "saved".

In summary, almost every aspect of the plaintiff's daily life has been and will continue to be, affected by the abuse inflicted upon her by the defendant.

Quantum

General damages: The abuse started when the plaintiff was about 6 years of age. It continued unremittingly for the next 9 years. Its effects have been to practically every aspect of the plaintiff's life. Her wellbeing, her mental health, and her employability have all been impacted. She has been suicidal and in receipt of continual counselling and medical care.

All of the effects on the plaintiff will remain for the rest of her working life and the rest of her life. General damages must be substantial.

I assess general damages at \$325,000. Interest on half of this amount at 2% per annum for 40 years is \$130,000, taking into account the decision in *MBP (SA) Pty Ltd v Gogic* (1991) 171 CLR 657.

Past-economic loss: The plaintiff has been in 52 different jobs between 1985 and 2025. She obviously has difficulty in maintaining employment. It is impossible to be precise in working out the past loss. The only avenue for compensation is through a buffer, which I assess at \$300,000. This figure is roughly derived from Australian Bureau of Statistics figures showing gross average weekly earnings for females in 1985 being about \$300 and \$1,300 in 2025. The average is \$800. Applying tax at 30% reduces this figure to \$560.

\$560 per week over 41 years is \$1,193,920. Reducing this figure by 75% brings it down to \$298,480. The 75% reduction is to take account of the times the plaintiff has worked, the use of average weekly earnings over the whole period, and the times when the plaintiff may not have worked (for example due to education and raising her daughter).

The plaintiff would have been entitled to superannuation benefits from July 1992. Again, on a fairly assumptive buffer basis I assess this loss at \$30,000 (Roughly 11% of lost wages over 34 years).

Interest on past economic loss: The plaintiff has claimed interest at 2% per annum, which I think is reasonable. Allowing interest for 35 years, the figure is \$210,000.

Future economic loss: Again, this can only be done on a buffer basis. The plaintiff is no longer working and is in receipt of a Disability Support Pension (since April 2026). The plaintiff has 11 years to age 67.

According to Dr Hoey-Thompson, the impact of the abuse on the plaintiff's future working life is likely to be permanent.

The plaintiff has suggested a net weekly loss of \$900 to \$1,100. I think this is too high considering the level of work the plaintiff has been doing. If I allowed \$750 per week at a 3% discount multiplier for 11 years the result would be \$367,500. Applying a 15% deduction for vicissitudes, the figure comes down to \$312,375. On the buffer basis I will allow \$350,000 including any lost superannuation benefits.

Out of pocket expenses: the past claim includes the cost of dental repair as a child. I do not think I can encompass this claim as a result of the physical abuse by the defendant. It is more likely a result of neglect by both parents. Also, if derived from neglect, the provisions of the CLA may become relevant. However, I intend to allow the Individual Prescribing History annexed to the affidavit of Ms Parry dated 5 August 2026, together with a small allowance for medical treatment over the years. I will allow \$5,000, noting there will be no Medicare payback.

The report of Dr Hoey-Thompson suggests a range of treatment including GP visits and consultations with a psychologist, and a psychiatrist, some regular and some intermittent. Therapy is said to be required at least weekly for several years. I think a weekly figure of \$50 is appropriate for the rest of the plaintiff's life. Her medium life expectancy is another 32 years. On the 3% tables the resulting figure is \$53,990.

Past gratuitous care: The care is said to have been provided by the plaintiff's daughter. Her affidavit does not give details such as work done, or time spent. At best there is perhaps a degree of monitoring and sometime assistance.

Although the plaintiff suggested a sum of between \$5,000 and \$10,000, I do not think I should allow any amount simply because the claim is fairly modest. I therefore decline to award any past gratuitous care.

Aggravated and exemplary damages: In *New South Wales v Ibbett* (2006) 229 CLR 638, at [31] the High Court said:

"Aggravated damages are a form of general damages, given by way of compensation for injury to the plaintiff, which may be intangible, resulting from the circumstances and manner of the wrongdoing."

The High Court then, at [34] approved the distinction between aggravated and exemplary damages that had been made by Spigelman CJ in the NSW Court of Appeal. The High Court added this at [35]:

"In cases where the same circumstances increase the hurt to the plaintiff and also make it desirable for a court to mark its disapprobation of that conduct, the court may choose to award one sum which represents both heads of damages and no element more than once."

Noting that the defendant has not been charged with any criminal offence against the plaintiff, I think this is a case where a single figure is appropriate. The figure is \$75,000 which reflects the wrongfulness of the conduct (attracting exemplary damages) and the need for extra damage to indicate the harm to the plaintiff (aggravated damages).

A summary of the damages I have awarded is as follows:

General damages

\$325,000

Interest on general damages

\$130,000

Past economic loss

\$300,000

Past superannuation benefits

\$30,000

Interest on past economic loss

\$210,000

Future economic loss

\$350,000

Past out-of-pocket expenses

\$5,000

Future out of pocket expenses

\$53,990

Aggravated and exemplary damages

\$75,000

Total

\$1,478,990

Costs

The defendant will pay the plaintiff's costs. I will give leave to the plaintiff to make an application for a gross sum costs order following the handing down of this judgment.

Orders

I make the following orders:

Default judgment is entered for the plaintiff.

Damages are assessed in the sum of \$1,478,990.

Judgment is entered for the plaintiff in the sum of \$1,478,990.

The defendant is to pay the plaintiff's costs of the proceedings.

The plaintiff has leave to make an application for a gross sum costs order.

Amendments

07 August 2026

-

spelling error in name

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Decision last updated:

07 August 2026

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Prepared on 26 October 2026 · Esheria