



Form 59
Rule 29.02(1)

Affidavit

No. NSD103 of 2023

Federal Court of Australia
District Registry: New South Wales
Division: General

BRUCE LEHRMANN

Applicant

NETWORK TEN PTY LIMITED ACN 052 515 250 and another
Respondents

Affidavit of: **JUSTIN HEALY QUILL**
Address: Level 23, 525 Collins Street, Melbourne VIC 3000
Occupation: Solicitor
Date: 29 April 2024

I Justin Healy Quill, of Level 23, 525 Collins Street, Melbourne VIC 3000, solicitor, swear:

1. I am a Partner at Thomson Geer, solicitors for the First Respondent.
2. This affidavit is made in response to an invitation from the Court to file evidence in response to matters raised in an email from the Court at 5.02pm on 23 April 2024 (the Court's **email**).

Relevant background

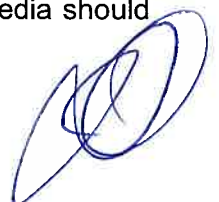
3. I was admitted to practice in around 1998.
4. Since 1998, at law firms Corrs Chambers Westgarth (1998-2008), Kelly Hazell Quill (2008-2015), Macpherson Kelley (2015-2020) and Thomson Geer (since 2020), I have acted for mainstream media organisations.
5. I have held the role of Partner or Principal Solicitor since 2006.

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited
 Prepared by (name of person/lawyer) Marlia Saunders
 Law firm (if applicable) Thomson Geer
 Tel 02 8248 5836 Fax _____
 Email msaunders@tglaw.com.au
Address for service Level 14, 60 Martin Place, Sydney NSW 2000
 (include state and postcode)

6. My fellow Thomson Geer Partner, Marlia Saunders, has had the carriage of these proceedings on behalf of Network Ten. I have not been involved in the day-to-day conduct of these proceedings. I had no involvement at all in relation to any advice given in respect of the speech made by Ms Wilkinson at the Logies in 2022.

Australia's contempt of court laws

7. At the outset, I emphasise that I have endeavoured throughout my career to uphold the highest standards of the legal profession. While at times I have advocated vigorously for law reform in relation to areas where I believe the law has fallen behind community standards and expectations or is inconsistent with public policy, I have always endeavoured to do so without impugning the authority of the Courts or the justice system. I have never advocated, and would never advocate, for disobedience to the law, even where I consider the law merits reform.
8. I have provided or been involved in providing urgent prepublication legal advice to media organisations for over 25 years. I estimate that I have given advice on contempt of court-related issues on thousands of occasions. I do not believe any client has ever been charged with contempt of court in relation to any publication over which I gave pre-publication advice.
9. When giving advice in relation to contempt issues, I am very conscious of the tendency test; that is, that the question is whether a proposed publication has a tendency to interfere with the administration of justice, not whether it is likely in fact to have such an effect. For that reason, I believe the advice I give in relation to contempt is conservative and protective of the administration of justice. I have never given, and would never give, advice that it is acceptable to publish a matter with the intention of interfering with the administration of justice or an accused person's right to a fair trial.
10. I did not intend by any of my public comments to suggest that his Honour was wrong in his view of the law of contempt of court or its application in this case, or that that law of contempt does not bind and must be complied with by media organisations. I certainly did not intend my comments to be understood as some sort of licence for media organisations not to comply with the law.
11. My comments were intended to be generalised in nature about my personal views concerning the robustness of juries and my belief in the importance of the judicial system having confidence in juries. I absolutely did not intend to convey any lack of respect for this Court or the law. I did not intend to convey any suggestion about the Australian media's obligation to comply with the law. I accept without hesitation the media should comply with the law.



12. After reviewing the transcripts of my comments and reflecting on those comments, I accept the circumstances in which I made my comments could have been construed as a specific statement about the application of the law in this case. That was never my intention, but was rather a consequence of my off-the-cuff responses to questions asked of me.
13. My statements should not be understood as reflecting any considered view in respect of the law of contempt by Network Ten. To the contrary, they were no more than my personal views, of which Network Ten had no prior notice.

15 April 2024

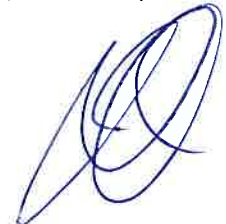
14. On 15 April 2024, I attended the Federal Court to watch the delivery of the summary of the trial judgment in *Lehrmann v Network Ten Pty Limited (Trial Judgment)* [2024] FCA 369 (**judgment**).
15. In the lead up to the delivery of the judgment, I was asked by Network Ten to perform a role as spokesperson for it in relation to the judgment.
16. I observed the delivery of his Honour's summary of the judgment over the live stream from an ante-room next to Court 1.
17. I heard his Honour read Part M.4(IV), being paragraphs [1032]-[1054], of the judgment (**Part M.4(IV)**) over the live stream.

Statements to the media outside Court

18. A very short time after his Honour delivered judgment, I spoke to the assembled media on the steps of the Law Courts Building. I made a brief statement and then answered questions from the journalists present. I was authorised by Network Ten to make a brief statement, although the words I used were not prepared and I essentially spoke 'off the cuff'.
19. At the time of speaking to the media outside Court:
 - (a) I had not yet read the judgment, including Part M.4(IV), and was responding to what I had just heard when his Honour read out a summary of the judgment in court;
 - (b) I knew the Logies Speech was a reason for the delay of Mr Lehrmann's criminal trial in the Supreme Court of the Australian Capital Territory, although I do not now recall if I had read the Chief Justice's decision in *R v Lehrmann (No 3)* [2022] ACTSC 145; (2022) 299 A Crim R 276 (**ACTSC stay decision**);
 - (c) I understood from listening to his Honour's in-Court summary that his Honour:




- i. was very critical of Ms Smithies and Network Ten for their advice and subsequent conduct in relation to the speech given by Ms Wilkinson on accepting a Logies award on 19 June 2022 (**Logies Speech**);
 - ii. was also critical of Ms Wilkinson for her role in having given the Logies Speech; and
 - iii. considered that the Logies Speech could have impacted upon Mr Lehrmann's right to a fair trial in the ACT Supreme Court; and
 - (d) I did not intend to say anything at all about the Logies Speech and had not watched the Logies Speech or read a transcript of it;
 - (e) I had not watched the evidence in the trial of this matter relating to the advice given concerning the Logies Speech; and
 - (f) I was not instructed by Ten (or Ms Smithies) to say anything about the Logies Speech.
20. A number of weeks prior to the delivery of judgment, I attended a meeting with Mr Thomas of Network Ten, where we discussed what I might say after the delivery of judgment. In particular, we discussed specific things that Network Ten wanted me to convey publicly in the event of either a successful or unsuccessful result. I recall that the Logies Speech was not a topic that Network Ten asked me to speak about. I did not anticipate at that time that the Logies Speech was something that would feature prominently in his Honour's summary of the judgment in Court, or that it was likely I would be asked questions about it. I do not recall discussing the issue of the Logies Speech with representatives of Network Ten again on the day of the judgment, although it is possible that I did.
21. Annexed to this affidavit and marked "**JHQ-1**" is what I believe to be an accurate transcript of what I said to the media outside Court.
22. At the beginning of my brief statement to the media outside Court, I said I was a Partner of Thomson Geer, the law firm who had acted for Network Ten in the proceeding.
23. I am aware that subsequent media reporting identified me as the solicitor who acted for Network Ten in the proceeding. Such statements are inaccurate. I did not intend to hold myself out as having personally acted for Network Ten in the proceedings or in any of the other interviews or media I participated in. Aside from anything else, I did not want to take credit for the successful defence of the matter when it was the hard work of my fellow Thomson Geer Partner, Marlia Saunders (and the team that supported her) and not me that achieved success in the case.



24. Nothing in the brief statement referred to in paragraph [18] above related to the Logies Speech, and I had no advance notice of the questions that were put to me by the assembled media.
25. The second question I received speaking outside the Court asked: "*Ten's journalism and its conduct has been quite harshly criticised Justin, particularly Tasha Smithies and the decision to make that Logies speech with their approval and Ten's senior management. Ten really threw Lisa Wilkinson under the bus, didn't they?*"
26. I provided the following off-the-cuff response (my emphasis):
"Um, so, let me break that up. There's quite a number of questions in that.
First question in relation to the advice given in relation to the Logies speech. While we accept the judgment, doesn't mean we agree with everything in the judgment.
And if I can speak personally. I just absolutely do not accept that we should have such lack of faith in our juries, that we would think that they would sit in a criminal proceeding, hear sworn evidence, watch witnesses sometimes get torn apart by cross examination but somehow, swear an oath, be directed by a judge, and somehow go against all of that because they saw an implication in a Logies speech, sometime earlier. I just don't, I just don't agree with that concept. [emphasis added]
27. When I said Network Ten did not accept everything in the judgment, I did not have instructions from Network Ten to say this. The point I was seeking to convey was my personal view that I considered it was unlikely in all the circumstances that the Logies Speech would have *actually* prejudiced Mr Lehrmann's right to a fair trial. That was (and remains) my personal view about the actual capacity of juries to distinguish between evidence and out-of-court statements such as media publicity. I accept, however, that I expressed myself in a broader and imprecise way, and could have been understood as expressing a view either about the tendency of the speech, or the correctness of his Honour's analysis in the judgment, or both.
28. By way of explanation, but not excuse, my state of mind immediately upon that question being asked was informed by a number of the *sub judice* contempt and related suppression order cases with which I am familiar and in which I have instructed and appeared in since 1998. Specifically, I recall thinking about the following statement by Justice Cummins in *DPP v Williams* (2004) 10 VR 348, 352 [20] (my emphasis):

*"Thirdly, long experience in the law, and my limited experience in the law, confirms that juries are robust and are responsible. Of course, one must not ask psychological impossibilities of juries, and one must always be astute to prevent prejudice creeping into the jury trial from extraneous sources. **But juries, time and***




again, come to court in cases of great notoriety and publicity and demonstrate by their evident application of mind that they act according to their oath or affirmation to give a true verdict according to the evidence led before them in court. Juries also see the effort which all counsel put into cases, they see the attention to evidence, they see the testing of evidence and often the destruction of apparently persuasive evidence by cross-examination, they hear the directions of the trial judge and they are in law bound by them. Juries by direction, observation and osmosis assume a proper and responsible role as the judges of the facts, judging the case solely on the evidence led in court."

29. My answer to the question was an attempt to recite the factors set out by Justice Cummins concerning the robustness of juries.

30. The fourth question I was asked while speaking outside the Court was also about the Logies Speech: *The Logies speech was a terrible mistake, wasn't it?*


31. I provided the following response:

"Look, I don't accept that the Logies speech was a terrible mistake. As I said, I accept his Honour's judgment, doesn't mean that I agree with everything his Honour said. As I said, I think we need to have more confidence in our juries. And thinking that our juries would be so influenced by a Logies speech, actually the implication from a Logies speech, is, just doesn't pass muster for mine."

32. I repeat what is set out at paragraphs [27] and [28] above in relation to this response. I did not intend by this response to question the correctness of his Honour's analysis by reference to the current state of the authorities. It was a personal view about the robustness of juries and their actual capacity to distinguish between what happens in the courtroom and what might be reported in the public domain. I accept that I should have expressed myself more precisely – especially in the context of giving comments following a judgment having just been given. I should have made it clear that my view was not about the content of the law of contempt as it binds media organisations and others, or as it was analysed in the judgment, but rather a personal view about whether there is a case for reform of the content of that law.

33. The fifth question I was asked when speaking with journalists outside Court was also about the Logies Speech: *"Ten approved it and then let Lisa Wilkinson wear the blame though Justin. How can Ten justify its conduct towards Lisa Wilkinson?"*

34. I provided the following response:

"I'm not sure the conduct you're talking about. In the end, Channel Ten turned up here and defended, at great cost. Defended this case and defended Lisa's journalism and defended The Project's journalism.

And his Honour said, and this is the critical finding. His Honour found that Channel Ten deserve to be vindicated."

35. I repeat what is set out at paragraphs [27], [28] and [32] above in relation to this response.

Post-15 April 2024

36. Following my statements to the media outside Court, I gave a number of radio and television interviews over the next 36 hours. In some of those interviews I was asked about the Logies Speech and I answered in a similar manner to the way I answered the questions that were asked while speaking to the media outside Court which are set out above. Prior to giving these further interviews, I did not seek or receive any new or further instructions from Network Ten or Ms Smithies about what I should say in relation to the Logies Speech.

37. In particular, during interviews with Ben Fordham and Patricia Karvelas which were broadcast on radio stations 2GB and ABC 774, I discussed the Logies Speech and my view (at the time) that it would have been unlikely to actually affect or influence the mind of a potential juror in the Australian Capital Territory.

38. On each occasion, I made the point that, in my view, something said during a speech at the TV Week Logies Awards a couple of "months" before the trial, would be unlikely to affect or influence a potential juror.

39. I was wrong to use the word "months". At the time of giving these interviews I was not aware of the proximity of the Logies speech to the criminal trial before it was vacated by McCallum CJ. I now appreciate and accept the Logies Speech was given 8 days before Mr Lehrmann's criminal trial was originally scheduled to begin.

40. I also reiterate my acceptance that the relevant test for the purposes of the law of contempt is not whether such conduct actually interferes with the administration of justice, but whether it has the tendency to interfere with it. I was wrong not to make that clear, or to make it clear that the law of contempt serves a vital preventive purpose in the protection of the rights of accused persons to a fair trial.

Reflections on my responses outside Court

41. I have read and given very anxious consideration to the Court's email.

42. Having now reflected on:

- (a) my statements made to the media outside Court;
- (b) my statements in the interviews given by me in the 36 hours that followed the judgment; and
- (c) the matters of which I was not aware, including those set out in Part M.4(IV) of the judgment and the ACTSC stay decision,

I accept my comments:

- (d) should not have been made until such time as I was aware of all relevant matters, particularly the analysis in Part M4(IV) of the judgment and the ACTSC stay decision;
- (e) did not sufficiently distinguish between the applicable legal test (a tendency to prejudice the administration of justice) and questions that are more relevant to legal policy and reform (my personal view as to whether the tendency test pays sufficient regard to the robustness of juries and their capacity to distinguish between evidence and out-of-court statements);
- (f) did not acknowledge the importance of the law of contempt or the obligation or make it clear that all media organisations are required to comply with that law; and
- (g) should not have been expressed in such a way that they were capable of being understood as a rejection of conclusions in the judgment or as statements reflecting the considered view of Ten.

43. I again reiterate my respect for this Court, the law, his Honour and the judgment delivered in this matter. I apologise unreservedly to the Court and his Honour for my public statements concerning the Logies Speech.

Sworn by the deponent
 at Melbourne
 in Victoria
 on 29 April 2024
 Before me:

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Signature of deponent



Signature of witness

Isabelle Rose Gwinner
 Australian Legal Practitioner within the meaning of the Uniform Law
 Level 23525 Collins Street, Melbourne VIC 3008

Federal Court of Australia
District Registry: New South Wales
Division: General

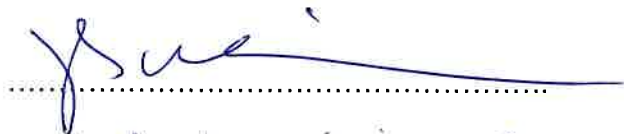
BRUCE LEHRMANN

Applicant

NETWORK TEN PTY LIMITED ACN 052 515 250 and another
Respondents

CERTIFICATE IDENTIFYING ANNEXURE

This is the annexure marked "**JHQ-1**" now produced and shown to Justin Healy Quill at the time of swearing this affidavit on 29 April 2024.



Isabelle Rose Gwinner
Australian Legal Practitioner
Within the meaning of the Legal Profession Uniform Law
525 Collins Street, Melbourne Vic 3000

Annexure "JHQ-1"
Copy of Transcript

"JHQ-1"

15 April 2024, Federal Court Precinct

Hi, I'm Justin Quill, I'm a partner at Thomson Geer Lawyers. We're the law firm that acted for Channel Ten in the Bruce Lehrmann defamation case. I'm going to make a pretty brief statement and then happy to take some questions after that.

So, we've just heard a detailed summary of his Honour's decision, we've got the 324-page judgement. This is a resounding win for Channel Ten and it is a dismal failure by Bruce Lehrmann. He brought this claim to court for two reasons. One, to make money and two, to reinvent history.

He wanted people to believe his version of events and he's failed in both endeavours. It's an unmitigated disaster for Bruce Lehrmann. His Honours found that he had sex without consent, and that he was hell bent on gratification in doing so.

For Channel Ten, its vindication. His Honours said Channel Ten is deserving of that vindication. Vindication in its belief and support of Brittany Higgins, who has got to be said, was particularly brave to come to court. And unlike most rape victims, come to court, having chosen not to have anonymity and give her evidence in the glare of publicity and spotlight.

It's a vindication by Ten, to continue to run these and defend these defamation proceedings, despite the cost in doing so.

Ultimately, as I said, it is an unmitigated disaster for Bruce Lehrmann. His Honour has found that Bruce Lehrmann is a rapist. Bruce Lehrmann is a rapist.

So, I'm happy to take questions.

Question from journalist:

Brittany is your most important witness and that testimony about the rape has ultimately been accepted. Have you spoken to her; do you know she's feeling?

Justin Quill:

No look, I certainly haven't spoken to Brittany, I'm just the lowly lawyer in the case. No doubt The Project team have already reached out to them and Ten, the Ten people have reached out to Brittany. But no, I haven't, I haven't.

Question from journalist:

Ten's journalism and its conduct has been quite harshly criticised Justin, particularly Tasha Smithies and the decision to make that Logies speech with their approval and Ten's senior management. Ten really threw Lisa Wilkinson under the bus, didn't they?

Justin Quill:

Um, so, let me break that up. There's quite a number of questions in that.

First question in relation to the advice given in relation to the Logies speech. While we accept the judgment, doesn't mean we agree with everything in the judgment.

And if I can speak personally. I just absolutely do not accept that we should have such lack of faith in our juries, that we would think that they would sit in a criminal proceeding, hear sworn evidence, watch witnesses sometimes get torn apart by cross examination but somehow, swear an oath, be directed by a judge, and somehow go against all of that because they saw an implication in a Logies speech, sometime earlier. I just don't, I just don't agree with that concept.

In terms of Channel Ten's reasonableness. Look, the way in which judges and barristers - and this is the problem with defamation law in Australia - the way in which judges and barristers pick apart and dissect what journalists did or didn't do in applying a legal threshold or legal test of reasonableness is quite often divorced from reality. And its why the qualified privilege defence does rarely get up. And one shouldn't conflate or confuse the application of the legal test of reasonableness with what is reasonable.

Ultimately, I've to say this. How can it be unreasonable to publish something that was true?

Question from journalist:

Just back to Brittany, the second criminal trial didn't go ahead because of concerns about her mental health. She willingly came back as a witness for Ten, what do you say about her, and I guess her strength and determination?

Justin Quill:

Yeah look, it's certainly; brave. I know for personal reasons; I know that the those within Bruce Lehrmann's team expected her not to attend. I think that was pretty much their whole case theory. Perhaps I'm being too harsh there, but certainly I know they did not intend or expect her to attend. And of course, Channel Ten couldn't have defended this case without Brittany, so there's no doubt that Brittany was brave in turning up here and giving the evidence that she did.

Question from journalist:

The Logies speech was a terrible mistake, wasn't it?

Justin Quill:

Look, I don't accept that the Logies speech was a terrible mistake. As I said, I accept his Honour's judgment, doesn't mean that I agree with everything his Honour said. As I said, I think we need to have more confidence in our juries. And thinking that our juries would be so influenced by a Logies speech, actually the implication from a Logies speech, is, just doesn't pass muster for mine.

Question from journalist:

Ten approved it and then let Lisa Wilkinson wear the blame though Justin. How can Ten justify its conduct towards Lisa Wilkinson?

Justin Quill:

I'm not sure the conduct you're talking about. In the end, Channel Ten turned up here and defended, at great cost. Defended this case and defended Lisa's journalism and defended The Project's journalism.

And his Honour said, and this is the critical finding. His Honour found that Channel Ten deserve to be vindicated.

Question from journalist:

Does Tasha Smithies still work for you?

Justin Quill:

Oh absolutely, absolutely.

Question from journalist:

On the costs, you said it cost a fortune. How much has the network had to pay for this defence and are you confident that you'll get it all back when it comes to damages?

Justin Quill:

So, the first thing, submissions have got to be made on the 22nd of April in relation to costs. I would be confident that Channel Ten would be awarded those costs. As to how much we are likely to get back, I couldn't possibly say. That will depend on Bruce Lehrmann's means. But I would be hopeful at the least, and in fact confident that we should get an award of costs. How much that turns out to be in actual dollars, I couldn't say.

Question from journalist:

If Lehrmann appeals, will you be confident in going back to court and presenting your case again?

Justin Quill:

I'd be confident that any appeal would be dismissed. Of course, if he were to appeal, there might be cross appeals, that might be made by us so, yes if you're asking if I would be confident of maintaining this result if the matter was appealed, the answer is yes.

Question from journalist:

You're very experienced in defamation, how does this rate on the defamation own goal scale for Bruce Lehrmann?

Justin Quill:

Sorry.

Question from journalist:

How does this rate in crushing losses? *Inaudible.

Justin Quill:

Look, as I said. This is an un-mitigated disaster for Bruce Lehrmann, and I've got to say it's a warning to all other potential applicants or plaintiffs, who might want to try and reinvent history or make a quick buck, who might want to come to court and con the court as to their version of events.

You can come up with a con that might get you through a TV interview or an interview with your bosses or down at the pub with your mates. But when you come to the court, and you are cross examined and forensically examined. You can't get away with it. This case is not just a loss for Bruce Lehrmann, it's a win for the public interest and it's a real warning, a real warning to others that might try and come to the court and con the court.

Question from journalist:

Justin, what's your advice to Bruce now, given that he's studying law?

Justin Quill:

My advice to Bruce, given he's studying law would probably be, to take up another course at university.

Question from journalist:

Can you explain the findings and what might come from that - that Bruce did leak documents from Channel Seven, what could the result from that be?

Justin Quill:

Look, really, that particular finding, was only relevant to Ten for an issue of credit. As his Honour said, it didn't change the situation too much. His Honour had obviously found that

he was a particularly unreliable witness. So, I don't think it changed things too much, but that's all it had to do with this case. In terms of things down the track, it's really hard to tell.

I know his Honour gave a long and detailed summary, but this judgment is 324 pages, its nuanced and we're going to have to read all of the judgment to work out what might happen in all the steps ahead.

Question from journalist:

Will there be any sort of review into how Tens conducted itself over the course of this drawing?

Justin Quill:

I think there's been no greater review, in the way in which Ten conducted itself. And the review that happened in this building behind me by a Federal Court Judge, a very experienced Federal Court Judge. And in that review, his Honour found that Ten deserved to be vindicated. That, I think, is the best review one could possibly have.

Question from journalist:

We know that this has been a really hardcore case, just how phenomenal is the result, especially for wider journalism too?

Justin Quill:

Qualified privilege is a really hard defence to get up, but there's no more important defence than truth. There's nothing more important to journalists than publishing something that's true. So, to come to court and bare the onus of proving the truth of it and actually succeeding in that, is a really tough ask. Bruce Lehmann didn't have to prove that he didn't commit a rape, we had to prove that he did. Having been able to do that has been quite gratifying.

Question from journalist:

Is it a warning, I guess to other people going forward, when it comes to deciding whether to launch a defamation case or not?

Justin Quill:

This is a warning to people who might try to reinvent history by coming to court and trying to con the court. You can't do it.

Question from journalist:

And tell us about Brittany Higgins, the Judge was critical I guess, in some areas as to her credibility but ultimately has believed her when it's come to what happened in that room.

Justin Quill:

C:\Program Files\Microsoft Office\Templates\Normal.dot

His Honour said that the evidence around the crucial question of the rape forcefully struck him. So that's the critical thing, what his Honour found about extraneous events is a bit irrelevant. I might actually say that once again, his Honour found that, Brittany Higgins' evidence about the crucial moments of the rape, struck him forcefully. And no doubt that a lot to do with this finding.

Question from journalist:

And what would you expect going forward when costs are determined, what sort of scale would you expect to see?

Justin Quill:

Look, I expect that we, I hope that we will be ordered costs. And I'm reasonably confident that we will but as to the quantum, that's something that we will have to engage with.

Question from the journalist:

His Honour has obviously published 300 something page, very thorough.

Justin Quill:

324-page judgment from his Honour.

Question from journalist:

Do you anticipate that there would be any potential avenue that Mr Lehrmann could contend to appeal?

Justin Quill:

Look, you can always appeal any judgment, really. But this is the most damning of judgments in a sense and his Honour found that his credibility was totally left wanting. In fact, I think his Honour said that was an understatement. So, given that the credit finding was so important and so crucial to his Honour's determination, I can't imagine that Mr Lehrmann would be wanting to rush back to court and appeal this.

NOTICE OF FILING

Details of Filing

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File Title: BRUCE LEHRMANN v NETWORK TEN PTY LIMITED ACN 052 515 250
& ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.