

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 9/10/2018 4:00:37 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	NSD1485/2018
File Title:	BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	16/11/2018, 10:00 AM
Place:	Please check Daily Court List for details



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 16/10/2018 3:30:18 PM AEDT

Registrar

### Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



**Interlocutory application**

No. NSD1485 of 2018

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

**Ben Roberts-Smith**

Applicant

**Fairfax Media Publications Pty Limited** and others

Respondents

To the Applicant and the Commonwealth of Australia

The Respondents apply for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing:**

**Place:** Law Courts Building, Queens Square, Phillip Street Sydney NSW 2000

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of

Prepared by

Law firm

Tel +61 3 8608 2037

Email [Peter.Bartlett@minterellison.com](mailto:Peter.Bartlett@minterellison.com)

**Address for service**

Fairfax Media Publications Pty Limited, Nick  
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Respondents

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Level 23, Rialto Towers, 525 Collins Street  
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### **Interlocutory orders sought**

1. Pursuant to s 37AF of the *Federal Court of Australia Act 1976 (Cth)* (**the Act**) and on the grounds referred to in s 37AG(1)(b) and (c) of the Act, there is to be no disclosure of information that identifies, or tends to identify, the persons referred to in the Confidential Annexure to the Defence to Statement of Claim as Person 1 to Person 16 inclusive.
2. Pursuant to s 37AF of the Act and on the ground referred to in s 37AG(1)(c) of the Act, there is to be no disclosure of information that identifies, or tends to identify, the person referred to in the Confidential Annexure to the Defence to Statement of Claim as Person 17.
3. Pursuant to s 37AF of the Act and on the grounds referred to in s 37AG(1)(b) and (c) of the Act, that no person may publish or cause to be published the Confidential Annexure to the Defence to Statement of Claim.
4. Orders 1, 2 and 3 do not prevent disclosures to and between the following people:
  - (a) Judges of this Court;
  - (b) necessary Court staff (including transcription service providers);
  - (c) the parties;
  - (d) legal representatives of the parties instructed in these proceedings, including in-house counsel of the first respondent;
  - (e) witnesses or proposed witnesses in the proceedings;
  - (f) Commonwealth Ministers;
  - (g) the Secretary of the Department of Defence, officers of the Department of Defence, and legal representatives of the Secretary, the Inspector-General of the Australian Defence Force, and Assistant IGADFs; and
  - (h) judicial officers and necessary staff of any court hearing an appeal from any decision made in the course of this proceeding.
5. Orders 1,2 and 3 apply until further order.
6. Such further or other order as the Court thinks fit.

### **Service on the Applicant**

It is intended to serve this application on the Applicant and on the Commonwealth of Australia.



Date: 9 October 2018

A handwritten signature in black ink, appearing to read "Peter Bartlett", written in a cursive style.

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Signed by Peter Bartlett  
Lawyer for the Respondents