



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD689/2023

On Appeal from a single Judge of the Federal Court of Australia

BEN ROBERTS-SMITH and others named in the schedule
Appellant

FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) and others named in
the schedule
Respondent

ORDER

JUDGES: Justice Perram, Justice Katzmann and Justice Kennett

DATE OF ORDER: 16 May 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The appeal be dismissed.
2. The appellant pay the respondents' costs.
3. Pursuant to s 37AF of the of the *Federal Court of Australia Act 1976* (Cth) and on the grounds referred to in s 37AG(1)(b) and (c) of that Act, there be no disclosure, by publication or otherwise, of the reasons for judgment delivered in open court (**open court reasons**) until either the Commonwealth notifies the Court and the parties that it has no objection to publication of the open court reasons or **4pm on 20 May 2025** (whichever is the earlier).
4. Order 3 does not prevent disclosures of the open court reasons to and between Authorised Persons within the meaning of the orders made by his Honour Justice Besanko on 15 July 2020 (as most recently amended on 26 September 2023) under ss 19(3A) and 38B of the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth).
5. The respondents file and serve any application for a particular costs order by 23 May.



Date orders authenticated: 16 May 2025

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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Interested Person	DEAN LEVITAN
Interested Person	PETER BARTLETT
Interested Person	PERSON 17
Second Respondent	NICK MCKENZIE
Third Respondent	CHRIS MASTERS
Fourth Respondent	DAVID WROE