



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD689/2023

BEN ROBERTS-SMITH

Appellant

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

Respondents

ORDER

JUDGE: Justice Perram

DATE OF ORDER: 30 April 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The Subpoena to Give Evidence filed on 28 April 2025 and issued to Person 17 at the request of the Appellant be set aside.
2. The Subpoena to Give Evidence filed on 17 April 2025 and issued to Peter Bartlett at the request of the Appellant be set aside.
3. The Subpoena to Give Evidence filed on 17 April 2025 and issued to Dean Levitan at the request of the Appellant be set aside.
4. Costs of the application to set aside the Subpoena to Give Evidence issued to Mr Levitan to be paid by the Appellant.
5. Costs of the application to set aside the Subpoena to Give Evidence issued to Mr Bartlett to be paid by the Appellant.
6. Costs in respect of the Respondents' application to set aside the Subpoena to Give Evidence filed on 28 April 2025 be reserved.
7. The Affidavit of Person 17 filed on 29 April 2025 (the **Person 17 Affidavit**) be removed from the Court file, with one hard copy to be retained by Justice Perram's chambers and marked for identification.



8. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) and on the grounds specified in s 37AG(1)(a), there is to be no disclosure, by publication or otherwise, of the document reproduced at pages 40-48, 144-152 and 182-190 of Exhibit P17-1 to the Person 17 Affidavit.
9. Paragraph 8 of these orders does not prohibit 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; and
 - e. judicial officers and necessary staff of any court hearing an appeal from any decision made in the course of this proceeding.
10. Orders 8 to 9 to apply for a period of 6 months, and be returnable before his Honour Justice Perram at the expiry of that period.

Date orders authenticated: 30 April 2025


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
Second Respondent	NICK MCKENZIE
Third Respondent	CHRIS MASTERS
Fourth Respondent	DAVID WROE