

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 10/08/2018 4:29:00 PM AEST 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:	NSD1440/2018
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:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 10/08/2018 6:00:31 PM AEST

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.

Form 35
Rule 17.01(1)

Interlocutory application

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

No. _____ of 2018

*Filed
Court Registry*



*5.35pm
10.8.18*

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited ACN 003 357 720 & Ors

Respondents

To the Respondent

The Applicant applies 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:

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

{00404328.doc-v}

Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Mark Geoffrey O'Brien

Law firm (if applicable) Mark O'Brien Legal

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INTERLOCUTORY APPLICATION

Procedural Orders

1. Upon the Solicitor for the Applicant undertaking to pay the requisite filing fees, the Applicant have leave to file in Court:
 - (a) the Originating Process dated 10 August 2010;
 - (b) this Interlocutory Application dated 10 August 2010;
 - (c) the Affidavit of Mark O'Brien dated 10 August 2010,(collectively, the **Court Documents**).
2. An order that the leave be granted for the Interlocutory Application be returnable *instanter*.
3. An order that leave be granted pursuant to Rule 1.39 of the *Federal Court Rules 2011* that the time for service of the Court Documents be waived.

Substantive Interlocutory Orders

4. Upon the provision by the Applicant of the usual undertaking as to damages, an order that until further order requiring the Respondent to cease and remove the online publication of:
 - (a) the article entitled "*Beneath the bravery: the dark secrets of our most decorated soldier*" (**Article**);
 - (b) any other article that substantially copies the contents of, or repeats the allegations contained in, the Article, including under a different title, style or by-line.
5. Upon the provision by the Applicant of the usual undertaking as to damages, an order that until further order the Respondent be restrained from publishing any print edition of:
 - (a) the Article;
 - (b) any other article that substantially copies the contents of, or repeats the allegations contained in, the Article, including under a different title, style or by-line.



6. Upon the provision by the Applicant of the usual undertaking as to damages, an order that until further order the Respondent be restrained from publishing any article or information that is or would be contrary to a direction given by the Inspector-General of the Australian Defence Force pursuant to regulation 21 of the *Inspector-General of the Australian Defence Force Regulations*.
7. Upon the provision by the Applicant of the usual undertaking as to damages, an order that until further order the Respondent be restrained from publishing or disclosing any information (whether online or in print) that is:
 - (a) confidential to the Commonwealth of Australia;
 - (b) has been disclosed to the Respondents in breach of the statutory and equitable obligations of confidence applicable to the officers, servants and agents of the Commonwealth of Australia.
8. Such further or other orders as this Court deems appropriate.

Date: 10 August 2018

Signed by Mark Geoffrey O'Brien
Lawyer for the Applicant

**Schedule**

No.

of 2018

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

Respondents

First Respondent: Fairfax Media Publications Pty Limited ACN 003 357 720

Second Respondent: The Age Company Pty Limited

Third Respondent: The Federal Capital Press of Australia Pty Limited

Date: 10 August 2018