



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD206/2021

CHARLES CHRISTIAN PORTER

Applicant

AUSTRALIAN BROADCASTING CORPORATION and another/others named in the
schedule

Respondent

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 10 May 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Subject to order 4, pursuant to s37AI of the *Federal Court of Australia Act 1976* (Cth) (the **FCA Act**) Schedules 1, 2 and 3 of the defence dated 4 May 2021 and paragraphs 2(ll) to (pp) and 8 of the reply dated 4 May 2021 (the **interim suppressed information**) not be:
 - a. disclosed; and/or
 - b. publishedother than: (i) by a party to the proceeding to their legal representatives, (ii) by the legal representatives of a party to the proceeding to the party, (iii) between the parties to the proceeding, and (iv) between the legal representatives of a party to the proceeding, for the purpose of the conduct of the proceeding.
2. Order 1 does not prohibit or restrict a legal representative of a party to the proceeding providing the interim suppressed information to the legal representatives for the intervening parties, Nationwide News Pty Ltd, Fairfax Media Publications Pty Ltd and the Age Company Pty Ltd (the **intervening parties**).
3. The intervening parties are each bound by order 1 as if the word “party” in that order means “party or intervening parties” and the words “conduct of the proceeding” mean “intervening parties being heard in respect of the making of a further or final



suppression order or non publication order in respect of the interim suppressed information”.

4. Order 1 operates until revoked by the Court or until the determination of paragraphs 4 and 5 of the interlocutory application filed 5 May 2021 (the **interlocutory application**), whichever is the earlier.
5. The Respondents to inform the Applicant by 4.00pm on 11 May 2021 which orders (if any) in the interlocutory application are opposed.
6. The Applicant to file and serve any affidavit in support of the interlocutory application on or before 5.00pm on 13 May 2021.
7. The Applicant to file and serve submissions in support of the interlocutory application on or before 5.00pm on 13 May 2021.
8. The Respondents and intervening parties to file and serve any affidavit in answer in relation to the interlocutory application on or before 5.00pm on 25 May 2021.
9. The Respondents and intervening parties to file and serve any submissions in relation to the interlocutory application on or before 5.00pm on 25 May 2021.
10. The Applicant to file and serve any submissions in reply in relation to the interlocutory application on or before 5.00pm on 28 May 2021.
11. The matter be listed for further case management hearing at **9.30am on 14 May 2021**.
12. The interlocutory application filed 5 May 2021 be listed for hearing at **10.15am on 1 and 2 June 2021**.
13. Costs reserved.
14. Liberty to apply on 24 hours’ notice.

THE COURT NOTES THAT:

1. Until an event in order 4 occurs the interim suppressed information is taken to be confidential and will not be permitted to be inspected in accordance with r 2.32 of the *Federal Court of Australia Rules 2011* (Cth).

Date that entry is stamped: 11 May 2021


Registrar



Schedule

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Second Respondent LOUISE MILLIGAN