



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

No: NSD1908/2016

GAVIN SMITH and another/others named in the schedule
Applicant

COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)
Respondent

ORDER

REGISTRAR: REGISTRAR SEGAL

DATE OF ORDER: 15 August 2017

WHERE MADE: Sydney (in chambers)


BY CONSENT, THE COURT ORDERS THAT:

1. The return of subpoena hearing in relation to the subpoenas issued to The Proper Officer, National Australia Bank Limited ACN 004 044 937, The Proper Officer, AECOM Services Pty Ltd ACN 000 691 690 and The Proper Officer, Westpac Banking Corporation ACN 007 457 141 on 16 August 2017 be vacated.
2. Leave be granted to the solicitors for the parties to access and uplift for the purposes of inspection and copying the documents produced in accordance with the subpoena addressed to The Proper Officer, National Australia Bank Limited ACN 004 044 937 (S11) on the following conditions:
 - a. If original documents rather than copies have been produced, the solicitor provides to the Registry a letter of consent from the person to whom the subpoena is addressed.
 - b. Documents not leave the custody of the solicitor, or counsel instructed by the solicitor.



- c. Documents be returned to the Registry in the same condition, order and packaging as when uplifted.
 - d. Documents be returned promptly and, in any event, when an officer of the Registry so requests.
3. On completion of this matter, the Registrar may return to the addressee of the subpoena any document without giving the issuing party any further notice.
 4. The subpoena addressed to The Proper Officer, AECOM Services Pty Ltd ACN 000 691 690 (**AECOM Subpoena**) be adjourned to 9:30 am on Wednesday, 6 September 2017 at the Law Courts Building, Queens Square, Sydney.
 5. The date by which any notice of objection in relation to the documents produced in response to the AECOM Subpoena or any application to set aside that subpoena be filed, be EXTENDED to 6 September 2017.
 6. The subpoena addressed to The Proper Officer, Westpac Banking Corporation ACN 007 457 141, be adjourned to 9:30 am on Wednesday, 30 August 2017 at the Law Courts Building, Queens Square, Sydney.

Date that entry is stamped: 15 August 2017


Registrar

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule1.34).



Schedule

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Second Applicant	KIM SMITH
Third Applicant	ANN AND LINDSAY CLOUT SMSF PTY LTD ACN 154 516 006
Fourth Applicant	ANN CLOUT
Fifth Applicant	LINDSAY CLOUT
Sixth Applicant	JOHN ARTHUR HEWITT
Seventh Applicant	CHANTEL WALKER
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL