



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

No: NSD1908/2016

GAVIN SMITH and others named in the schedule
Applicant

COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)
Respondent

ORDER

REGISTRAR: REGISTRAR TESORIERO

DATE OF ORDER: 18 September 2017


WHERE MADE: Sydney (in chambers)

BY CONSENT, THE COURT ORDERS THAT:

1. Orders 3 and 5 of the Orders of Registrar Tesoriero of 22 August 2017 be vacated.
2. The date by which the solicitors for the Respondent are to return the documents produced on 22 August 2017 in response to the subpoena addressed to The Proper Officer, Access Macquarie Limited (S12) (the **Access Macquarie Subpoena**) to the Registry be amended to 18 September 2017.
3. The Access Macquarie Subpoena be adjourned to 9.30am on Wednesday, 4 October 2017 at the Law Courts Building, Queens Square, Sydney.
4. Any notice of objection in relation to the documents produced in response to the Access Macquarie subpoena or any application to set aside that subpoena be filed by 4 October 2017.
5. The solicitors for the Applicants notify The Proper Officer, Access Macquarie Limited, of these orders.



Date that entry is stamped: 18 September 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 (Rule 1.34).



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