



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 NG

DATE OF ORDER: 4 October 2017

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

NSW EPA, GHD, Access Macquarie, Westpac

1. The subpoenas addressed to The Proper Officer, New South Wales Environment Protection Authority (**NSW EPA Subpoena**), The Proper Officer, GHD Pty Ltd ACN 008 488 373 (**GHD Subpoena**), The Proper Officer, Access Macquarie Limited (**Access Macquarie Subpoena**) and The Proper Officer, Westpac Banking Corporation ACN 007 457 141 (**Westpac Subpoena**) be adjourned to 9:30 am on Wednesday, 18 October 2017 at the Law Courts Building, Queens Square, Sydney.
2. The date by which any notice of objection in relation to the documents produced in response to the NSW EPA Subpoena, the GHD Subpoena and the Access Macquarie Subpoena or any application to set aside those subpoenas be filed, be EXTENDED to 18 October 2017.

AECOM Subpoena




3. The subpoena addressed to The Proper Officer, AECOM Services Pty Ltd ACN 000 691 690 (the **AECOM Subpoena**) be stood over to 9.30am on Wednesday, 25 October 2017 at the Law Courts Building, Queens Square, Sydney.
4. 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 25 October 2017.

General

5. Leave be granted for access orders to be made in chambers if production by ANZ is received by the Registry by 4.30 pm on Wednesday, 4 October 2017. If production is not received the subpoena addressed to ANZ is be stood over to 9.30am on Wednesday, 11 October 2017 at the Law Courts Building, Queens Square, Sydney.

Date that entry is stamped: 4 October 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 |