



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

No: NSD1908/2016

**GAVIN SMITH** and another/others named in the schedule  
Applicant

**DEPARTMENT OF DEFENCE** and another/others named in the schedule  
Respondent

### **ORDER**

**REGISTRAR:** REGISTRAR NG

**DATE OF ORDER:** 08 November 2017

**WHERE MADE:** Sydney

### **THE COURT ORDERS THAT:**

1. The return of subpoena hearings on 1 and 9 November 2017 in relation to the subpoenas:
  - 1.1. issued on 9 June 2017 and addressed to The Proper Officer, AECOM Services Pty Ltd ACN 000 691 690 (the **First AECOM Subpoena**)
  - 1.2. issued on 9 June 2017 and addressed to The Proper Officer, GHD Pty Ltd ACN 008 488 373 (the **GHD Subpoena**), and
  - 1.3. issued on 5 July 2017 and addressed to The Proper Officer, Westpac Banking Corporation ACN 007 457 141 (the **Westpac Subpoena**),

be vacated.

### **NSW EPA Subpoena and Access Macquarie Subpoena**

2. The balance of the subpoenas addressed to The Proper Officer, New South Wales Environment Protection Authority and The Proper Officer, Access Macquarie Limited be adjourned to 9.30am on Wednesday, 15 November 2017 at the Law Courts Building, Queens Square, Sydney.



---

### 1.1 The Westpac, GHD and First AECOM Subpoenas

3. The Westpac Subpoena, GHD Subpoena and the First AECOM Subpoena be adjourned to 9.30am on Wednesday, 15 November 2017 at the Law Courts Building, Queens Square, Sydney.
4. The date by which any notice of objection in relation to:
  - 4.1. any documents produced in response to the Westpac Subpoena, the First AECOM Subpoena and/or
  - 4.2. any further documents produced in response to the GHD Subpoena,or any application to set aside those subpoenas be filed, be EXTENDED to 15 November 2017.

---

### 1.2 The SMEC, Coffey, WSP and ANZ Subpoenas

5. The date by which the solicitors for the Respondent are to return to the Temporary Registry at the Family Court of Australia Registry, Lionel Murphey Building, 97-99 Goulburn Street, Sydney:
  - 5.1. 1155 documents produced in response to the subpoena addressed to the Proper Officer, SMEC Australia Pty Ltd ACN 065 475 149 (the **SMEC Subpoena**) (S2) in uncommon file-type which require specialist applications to open and review
  - 5.2. 211 documents produced in response to the subpoena addressed to the Proper Officer, WSP Australia Pty Limited ACN 078 004 798 (the **WSP Subpoena**) (S7) in uncommon file-type which require specialist applications to open and review
  - 5.3. 274 documents produced in response to the subpoena addressed to the Proper Officer, Coffey International Limited ACN 003 835 112 (the **Coffey Subpoena**) (S15) in uncommon file-type which require specialist applications to open and review, and
  - 5.4. documents produced in response to the subpoena addressed to the ANZ Banking Group Limited ABN 11 005 357 522 (the **ANZ Subpoena**) (S16), be EXTENDED to 4.30pm on 8 November 2017.

**Date that entry is stamped: 8 November 2017**



*Warwick Soden*  
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**

No: NSD1908/2016

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

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
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)