



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

No: NSD1908/2016

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

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

### **ORDER**

**REGISTRAR:** REGISTRAR NG

**DATE OF ORDER:** 16 January 2019

**WHERE MADE:** Sydney


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

1. Leave be granted to the parties to inspect and copy in the Registry, the documents produced in accordance with the Subpoenas addressed to The Property Officer, NSW Department of Industry (S35).
2. Leave be also granted to the solicitors for the parties to uplift these documents, for the purposes of inspection and copying, 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. The applicant for this order to notify the parties not appearing today of these orders.



4. 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.

**Date that entry is stamped: 17 January 2019**

  
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
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)