



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: 05 March 2019
WHERE MADE: Sydney (In Chambers)


THE COURT ORDERS THAT:

1. The return of subpoena hearing on 6 March 2019 in relation to the subpoena issued to The Proper Officer, Chubb Fire & Security Pty Ltd (the **Chubb Subpoena**) be vacated.
2. The Chubb Subpoena be adjourned to 9:30am on Wednesday, 17 April 2019 at the Law Courts Building, Queens Square, Sydney.
3. The date by which any notice of objection in relation to the documents produced in response to the Chubb Subpoena or any application to set aside that subpoena be filed, be **EXTENDED** to 17 April 2019.
4. Leave be granted to the solicitors for the parties to access and uplift for the purposes of inspection and copying the documents produced on 5 March 2019 in accordance with the Chubb Subpoena (S37).
5. Leave pursuant to Order 1 to access and uplift documents produced on 5 March 2019 in response to the Chubb Subpoena is granted on the following conditions:
 - 5.1. 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.
 - 5.2. Documents be returned to the Registry in the same condition as when uplifted.



5.3. Documents be returned promptly and, in any event, when an officer of the Registry so requests.

Date that entry is stamped: 5 March 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 (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
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)