



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

No: NSD1908/2016

**GAVIN SMITH**  
Applicant

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

### **ORDER**

**REGISTRAR:** REGISTRAR O'CONNOR


**DATE OF ORDER:** 22 May 2019

**WHERE MADE:** Sydney

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

1. The balance of the outstanding Subpoena issued to The Proper Officer, Chubb Fire & Security Pty Ltd (the **Chubb Subpoena**) be adjourned to **9.30 am on Wednesday, 29 May 2019** at the Law Courts Building, Queens Square, Sydney.
2. The date by which any notice to objection in relation to the documents produced in response to the Subpoena issued to The Proper Officer, Chubb Fire & Security Pty Ltd or any application to set aside that Subpoena be filed, be extended to **29 May 2019**.

**Date that entry is stamped: 22 May 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
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL