



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

JUDGE: JUSTICE LEE

DATE OF ORDER: 19 June 2020

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. To the extent necessary, the parties and the legal representatives of the parties to proceeding NSD431/2020 *Haswell v Commonwealth of Australia* are released from the obligations of the kind referred to in *Hearne v Street* [2008] HCA 36; (2008) 235 CLR 125 that apply with respect to the information contained in: (a) the joint chemistry report of Professors Field and Cousins dated 30 August 2019 filed in Federal Court of Australia proceedings NSD1155/2017 (*Bradley James Hudson & Ors v Commonwealth of Australia*), NSD1388/2018 (*Kirsty Jane Bartlett & Anor v Commonwealth of Australia*) and NSD1908/2016 (*Gavin Smith & Ors v Commonwealth of Australia*) (together, **Earlier PFAS Proceedings**); and (b) in relation to all the adjectival information provided by any party to the referee, Associate Professor Osborne, for the purposes of his inquiry which was the subject of the report dated 23 December 2019 later adopted by the Court in the Earlier PFAS Proceedings.



Date that entry is stamped: 2 July 2020

Sia Lagos
Registrar



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
Eighth Applicant	MARSHALLS TRANSPORT PTY LTD
Ninth Applicant	NICHOLAS MARSHALL
Tenth Applicant	MELISSA MARSHALL
Respondent	COMMONWEALTH OF AUSTRALIA (DEPARTMENT OF DEFENCE)