



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1908/2016

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

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

**CHRIS EVES** and another named in the schedule  
Others

### **ORDER**

**JUDGE:** JUSTICE LEE

**DATE OF ORDER:** 07 August 2020

**WHERE MADE:** Sydney

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

1. Order 5 of the orders of Justice Lee made on 5 June 2020 be varied to provide that Pursuant to s 33ZF of the FCAA, James Mack be appointed as Independent Counsel of the SDS to act in accordance with the SDS subject to any direction of the Court, and to have the powers conferred by the SDS on the Independent Counsel and the same immunities conferred by the SDS on the Administrator.

Date that entry is stamped: 7 August 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)
Second Other	NICK OSBORNE