



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

No: NSD388/2021

**GARY NEWMAN**  
Applicant

**MINISTER FOR HEALTH AND AGED CARE**  
Respondent

### **ORDER**

**JUDGE:** CHIEF JUSTICE ALLSOP

**DATE OF ORDER:** 6 May 2021

**WHERE MADE:** Sydney

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

1. Unless the Court otherwise orders, no person, being a member of the public, who is observing the hearing of the proceeding by accessing any audio or video link, including by link to the platform Microsoft Teams may:
  - a. make any audio or video recording or photograph of the hearing or any part of it; or
  - b. participate in, or interrupt, the hearing,provided that nothing in this order shall prevent any person, based on what he or she has seen or heard during the hearing:
  - 1) making his or her own notes or record of the proceeding; or
  - 2) publishing a fair report of the proceeding.
2. On or before 3pm on 7 May 2021, the applicant serve on the respondent any evidence, whether by way of affidavit and/or tender bundle, upon which he intends to rely. Any part of the evidence that is ready for delivery earlier than 3pm should be served on the respondent when it is ready.
3. On or before 3pm on 7 May 2021, the applicant serve on the respondent his written submissions in such form as available at that time. The submissions should be served earlier if they are ready before that time.
4. On or before 9am on 10 May 2021, the parties file an electronic Court Book containing all relevant evidence and written submissions.
5. The matter be listed for hearing before Justice Thawley on 10 May 2021 at 12 noon.
6. The parties have liberty to apply to list the matter before Justice Thawley on 1 hour's notice.



**THE COURT NOTES THAT:**

7. A contravention of Order 1 may constitute a contempt of court and may be punishable by imprisonment, fine and/or sequestration of property.
8. Senior counsel for the applicant has indicated the way the matter is put on the transcript today, which needs to be read in clarification of prayer 2. In particular, senior counsel indicated that there is no constitutional question arising, whether substantively or by way of construction, that would require an issuance of a notice under s 78B of the *Judiciary Act 1903* (Cth). In other words, there is no constitutional issue intended to be raised directly or indirectly by the prayer.

Date that entry is stamped: 6 May 2021

*Sia Lagos*  
Registrar