

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 22/08/2018 1:52:27 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	NSD1440/2018
File Title:	BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD ACN 003 357 720 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	24/08/2018, 9:00 AM
Place:	Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney; Court No. 6, Level 6, Harry Gibbs Commonwealth Law Courts Building Level 6, 119 North Quay, Brisbane



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 22/08/2018 5:06:22 PM AEST

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Interlocutory application

No. 1440 of 2018

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

### Ben Roberts-Smith

Applicant

### Fairfax Media Publications Pty Limited ACN 003 357 720

Respondent

To the Respondent

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing:**

*9 AM. 24 August 2018*

**Place:** Federal Court of Australia  
Law Courts Building  
184 Phillip Street  
Queens Square, Sydney

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Mark Geoffrey O'Brien

Law firm (if applicable) Mark O'Brien Legal

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**Address for service** Level 3, 44 Martin Place  
(include state and postcode) Sydney NSW 2000



### **Interlocutory orders sought**

1. Until further order, an order pursuant to s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) that pages 1 to 55 of the confidential exhibit marked "MOBL1" to the affidavit of Mark Geoffrey O'Brien affirmed on 10 August 2018 be the subject of a non-publication order on the ground that the order is necessary to prevent prejudice to the administration of justice.
2. In the alternative to order 1 above, and until further order, an order pursuant to s 37AG(1)(b) of the *Federal Court of Australia Act 1976* (Cth) that pages 1 to 55 of the confidential exhibit marked "MOBL1" to the affidavit of Mark Geoffrey O'Brien affirmed on 10 August 2018 be the subject of a non-publication order on the ground that the order is necessary to prevent prejudice to the interests of the Commonwealth in relation to national security.
3. Until further order, an order pursuant to s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) that the confidential affidavit of Mark Geoffrey O'Brien affirmed on 22 August 2018 be the subject of a non-publication order on the ground that the order is necessary to prevent prejudice to the administration of justice.
4. In the alternative to order 3 above, and until further order, an order pursuant to s 37AG(1)(b) of the *Federal Court of Australia Act 1976* (Cth) that the confidential affidavit of Mark Geoffrey O'Brien affirmed on 22 August 2018 be the subject of a non-publication order on the ground that the order is necessary to prevent prejudice to the interests of the Commonwealth in relation to national security.
5. Any order that the Court deems fit to make.
6. Costs.

### **Service on the Respondent**

It is intended to serve this application on the following:

The Respondent

The Inspector-General of the Australian Defence Force



Date: 22 August 2018

A handwritten signature in blue ink, appearing to read "Mark O'Brien", written over a horizontal line.

Signed by Mark O'Brien  
Lawyer for Applicant