

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 9/08/2019 4:28:43 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:	NSD989/2019
File Title:	AUSTRALIAN BROADCASTING CORPORATION v MARTIN KANE & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	19/08/2019, 9:30 AM
Place:	Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 9/08/2019 5:21:41 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.



Form 35

Rule 17.01(1)

## Interlocutory application

No. NSD 989 of 2019

Federal Court of Australia

District Registry: New South Wales

Division: General

### Australian Broadcasting Corporation

Applicant

Martin Kane and others

Respondents

To the Respondents

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:**

**Place:** Federal Court of Australia, 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) Australian Broadcasting Corporation, the Applicant

Prepared by (name of person/lawyer) Michael Rippon

Law firm (if applicable) Australian Broadcasting Corporation, Legal Department

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(include state and postcode)



### Interlocutory orders sought

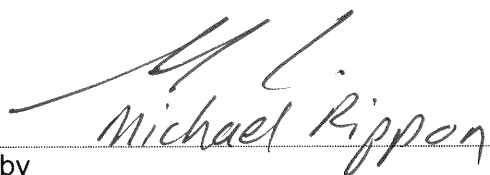
1. Order under FCR 8.21(1) that the Applicant have leave to amend its originating application filed on 24 June 2019 in the manner set out in the proposed amended originating application (**AOA**) dated 9 August 2019.
2. Order under FCR 20.14 and 20.15 that the Respondents give non-standard discovery on or before 26 August 2019 of documents falling within the categories in the attached Schedule.
3. Such further or other Orders that the Court thinks fit.
4. Costs.

### Service on the Respondent

It is intended to serve this application on each of the Respondents.

Date:

9/8/19

  
Michael Rippon

Signed by

Lawyer for the Applicant



## Schedule

In this list of proposed categories of documents, the word “document” has the meaning given to that term in the Dictionary in Schedule 1 to the Federal Court Rules 2011 (Cth).

1. Any document given by the Second or Third Respondent or another member, employee or agent of the Australian Federal Police (**AFP**) to the First Respondent in connection with the application for the issue under section 3E of the Crimes Act 1914 (Cth) of the search warrant dated 3 June 2019 in respect of the Applicant’s premises (the **warrant**).
2. Any document recording, consisting of or capable of evidencing the decision of the Second and Third Respondents or any other member, employee or agent of the AFP to apply to the First Respondent for the issue under section 3E of the Crimes Act 1914 of the warrant, or the reasons for that decision.
3. Any document recording, consisting of or capable of evidencing consideration by the Second and Third Respondents, or any other member, employee or agent of the AFP, of:
  - (a) the implied freedom for reasonable political discussion of government and political matters under ss 7, 24 and 128 of the Constitution;
  - (b) the protection of journalists’ sources, including but not limited to the protection in section 126K of the Evidence Act 1995 (Cth);
  - (c) the public interest in investigative journalism; or
  - (d) the subjects to which the evidentiary materials sought under the warrant related,

in connection with the decision to apply to the First Respondent for the issue of the warrant under section 3E of the Crimes Act 1914.