



Federal Court of Australia  
District Registry: Victoria Registry  
Division: General

No: VID1023/2023

**MOIRA DEEMING**  
Applicant

**JOHN PESUTTO**  
Respondent

### **ORDER**

**REGISTRAR:** Registrar Edwards

**DATE OF ORDER:** 3 July 2024

**WHERE MADE:** Melbourne

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

1. The parties have leave to uplift, inspect and copy the documents produced by:
  - (a) Dailymail.com Australia Pty Ltd in response to the subpoena dated 28 June 2024 (Packet S-4);
  - (b) Special Broadcasting Corporation in response to the subpoena dated 28 June 2024 (Packet S-5); and
  - (c) Australian Broadcasting Corporation in response to the subpoena dated 28 June 2024 (Packet S-6);such uplift to be arranged with the Registry by electronic transfer.
2. The return of the subpoenas addressed to:
  - (a) The Age Company Pty Ltd and dated 20 June 2024;
  - (b) Nine Network Australia Pty Ltd and dated 20 June 2024; and
  - (c) Radio 3AW Melbourne Pty Ltd and dated 20 June 2024;be adjourned to 2.15pm on 10 July 2024.



3. The applicant is to advise the Court by 12pm on 9 July 2024 whether the subpoenas addressed to Dailymail.com Australia Pty Ltd, Special Broadcasting Corporation and Australian Broadcasting Corporation can be discharged.
4. The applicant is to provide a sealed copy of this order to the addressee of each subpoena referred to in this order forthwith.
5. Liberty to apply.

Date orders authenticated: 3 July 2024

*Sia Lagos*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule 1.34).