



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

No: NSD989/2019

AUSTRALIAN BROADCASTING CORPORATION
Applicant

MARTIN KANE and another/others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE ABRAHAM

DATE OF ORDER: 19 August 2019

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. On or before 20 September 2019, the Applicant file and serve an affidavit particularising any claim it asserts that any of the documents seized are subject to legal professional privilege, are subject to 'source protection' (including under s 126K of the *Evidence Act 1995* (Cth)) or fall outside the terms of the warrant, together with any consequent application seeking leave to further amend its Amended Originating Application dated 9 August 2019 in respect of such claims.
2. On or before 6 September 2019, the Second and Third Respondents serve on the Applicant a draft statement of agreed facts and issues.
3. On or before 13 September 2019, the Applicant serve on the Second and Third Respondents a response to the draft statement of agreed facts and issues.
4. On or before 18 September 2019, the parties file any statement of agreed facts and issues.
5. On or before 20 September 2019, the Applicant file any further affidavits and other material upon which it intends to rely.
6. On or before 27 September 2019, the Second and Third Respondents file any affidavits and other material upon which they intend to rely.
7. On or before 30 September 2019, the parties notify each other as to:



- (a) whether any witness is required for cross-examination; and
- (b) any objections to evidence.

COURT BOOK

8. On or before 30 September 2019, the Applicant serve a proposed Court Book index.
9. On or before 2 October 2019, the Second and Third Respondents serve an updated index identifying any alterations it proposes should be made to the Court Book.
10. On or before 4 October 2019, the Applicant is to prepare and provide:
 - (a) one hard copy and one electronic copy of the Court Book to each of the Respondents; and
 - (b) two hard copies and one electronic copy of the Court Book to the chambers of Abraham J.

SUBMISSIONS

11. On or before 3 October 2019, the Applicant file and serve an outline of opening submissions not exceeding 15 pages.
12. On or before 17 October 2019, the Second and Third Respondents file and serve an outline of opening submissions not exceeding 15 pages.
13. On or before 24 October 2019, the Applicant file and serve an outline of opening submissions in reply not exceeding 5 pages.
14. On or before 25 October 2019, the parties prepare a joint bundle of authorities and provide two hard copies of that bundle to the Chambers of Abraham J.
15. The proceeding be listed for hearing with a 2 to 3 day estimate commencing on 28 October 2019 at 10.15am.
16. There be liberty to apply.
17. Costs be reserved.



THE COURT NOTES THAT:

18. The undertaking previously given by the second and third respondents in relation to the material seized on 5 June 2019 is extended until the conclusion of the hearing of the matter, currently listed for 2 to 3 days, commencing on 28 October 2019.

Date that entry is stamped: 19 August 2019

Warrick Soder
Registrar



Schedule

No: NSD989/2019

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent COMMISSIONER OF THE AUSTRALIAN FEDERAL POLICE

Third Respondent AGENT IAN BRUMBY OF THE AUSTRALIAN FEDERAL
POLICE