

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/05/2021 6:37:58 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD206/2021
File Title: CHARLES CHRISTIAN PORTER v AUSTRALIAN BROADCASTING CORPORATION ACN 429 278 345 & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 13/05/2021 6:38:05 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 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 59
Rule 29.02(1)

Affidavit

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

Affidavit of: **Grant Michael McAvaney**

Address: ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Occupation: Solicitor

Date: 13 May 2021

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Filed on behalf of (name & role of party) Australian Broadcasting Corporation, First Respondent; Louise Milligan, Second Respondent

Prepared by (name of person/lawyer) Grant McAvaney

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

Tel (02) 8333 1565

Email mcavaney.grant@abc.net.au

Address for service ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007
(include state and postcode)

Document number	Details	Paragraph	Page
7	Annexure "GM-6", being copy of an email sent from Rebekah Giles to ABC Legal.	8	22 - 24
8	Annexure "GM-7", being copy of a screenshot of the Court File.	9	25 - 26

I, Grant Michael McAvaney, affirm:

1. I am the Head of Disputes & Litigation at the Australian Broadcasting Corporation (ABC). I have day-to-day carriage of this matter, and I am authorised to make this affidavit on behalf of the ABC and Ms Milligan.
2. I make this affidavit based on my own knowledge and experience except where otherwise indicated.
3. This affidavit is made in support of the orders that the respondents seek at the first case management hearing listed for 14 May 2021. A copy of the proposed orders is annexed hereto and marked "GM-1".
4. This morning, on 13 May 2021, ABC Legal sent a letter to the Applicant's solicitors proposing the orders that the respondents seek and explaining that the orders are sought in light of the proceedings now brought by Joanne Dyer to restrain the Applicant's counsel from continuing to act for the Applicant in this proceeding. A copy of the correspondence is annexed hereto and marked "GM-2".
5. The letter at GM-2 refers to articles published yesterday, 12 May 2021, by *The Australian* and the *Sydney Morning Herald*. The articles referred to are annexed hereto and marked "GM-3".
6. Earlier today at 11.47am, ABC Legal received a response from the Applicant's solicitors to the letter referred to above. A copy of that correspondence is annexed hereto and marked "GM-4".
7. ABC Legal sent a further letter to the Applicant's solicitors which is annexed hereto and marked "GM-5".
8. At 4:05pm, ABC Legal received a response from the Applicant's solicitors to the letter referred to above. A copy of that correspondence is annexed hereto and marked "GM-6".
9. ABC Legal has reviewed the Federal Court's portal in relation to the proceeding commenced by Ms Dyer. The portal records that Ms Dyer's proceeding is listed for a case management hearing at 12 noon tomorrow. A screenshot of the relevant part of the portal is annexed hereto and marked "GM-7".


10. I do not have any knowledge as to the orders being sought at tomorrow's case management hearing in Ms Dyer's proceeding.

Affirmed by the deponent
at Ultimo
in New South Wales
on 13 May 2021
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness

Name: Anna Glen _____

Qualification: Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "**GM-1**" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

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

CHARLES CHRISTIAN PORTER

Applicant

AUSTRALIAN BROADCASTING CORPORATION AND ANOR

Respondents

RESPONDENTS' MINUTES OF ORDER

JUDGE: Justice Jagot

DATE OF ORDER: 14 May 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The first case management hearing be adjourned to the first available date after the determination of proceeding NSD426/2021 in which the applicant in that proceeding, Joanne Dyer, seeks orders restraining the applicant's counsel in this proceeding from continuing to act on the applicant's behalf in this proceeding.
2. Orders 8 to 10 and 12 made on 10 May 2021 be vacated.
3. The applicant pay the respondents' costs of and incidental to today's hearing.
4. Liberty to apply on 24 hours' notice.

Filed on behalf of the Respondents

Australian Broadcasting Corporation & Louise Milligan, Respondents

Prepared by

Grant McAvaney
ABC Legal

Tel

02 8333 5849

Email

mcavaney.grant@abc.net.au

Address for service

ABC Ultimo Centre, 700 Harris Street,
Ultimo NSW 2007

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "GM-2" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Anna Glen

From: Monique Tavares
Sent: Thursday, 13 May 2021 9:29 AM
To: Rebekah Giles
Cc: Grant McAvaney; Anna Glen; Alanah Tannous; elisha@companygiles.com.au
Subject: Porter v ABC & Anor (NSD206/2021) [ABC-Legal.FID73200]
Attachments: Letter to Company Giles 13.05.21.pdf

Dear Colleagues

Please see the attached urgent correspondence.

Regards
Monique



Monique Tavares
Lawyer, Disputes & Litigation

P **02 8333 5871**
E tavares.monique@abc.net.au
A **700 Harris Street Ultimo NSW 2007**

Our Ref: 21200
Your Ref: 21RRG0130

13 May 2021

Ms Rebekah Giles
Principal Director
Company Giles
Level 13, 111 Elizabeth Street
SYDNEY NSW 2000

By email: rebekah@companygiles.com.au

Dear Ms Giles

**Charles Christian Porter v Australian Broadcasting Corporation & Anor
Federal Court of Australia Proceeding No. NSD206/2021**

We are writing to you in relation to the proceeding commenced by Ms Jo Dyer to restrain your client's counsel, Sue Chrysanthou SC, from continuing to act in the proceedings against our clients.

We have read reports in The Australian and The Sydney Morning Herald published last night that:

1. Ms Dyer retained Ms Chrysanthou to provide legal advice;
2. The legal advice was in relation to an article published in The Australian about Ms Dyer's involvement in our clients' Four Corners program;
3. Ms Dyer alleges that, in the course of the lawyer-client relationship, she provided Ms Chrysanthou with confidential information which relates to Mr Porter's proceeding against our clients in which Ms Chrysanthou is now acting for Mr Porter;
4. Counsel for Ms Dyer submitted to His Honour Justice Thawley in a hearing yesterday that there was a possible misuse of confidential information by Ms Chrysanthou. We understand this to mean that Ms Chrysanthou has possibly used confidential information obtained from Ms Dyer in acting for Mr Porter in the proceedings against our clients;
5. Counsel for Ms Dyer submitted to His Honour that there was a possible apprehension of an interference with the administration of justice;

6. Counsel for Ms Dyer also submitted that there is a real and obvious possibility that the information disclosed by Ms Dyer in the course of the lawyer-client relationship with Ms Chrysanthou will have relevance to Mr Porter's proceeding against our clients;
7. Mr Porter has been or will be joined to the proceeding issued by Ms Dyer;
8. Mr Porter is represented by Mr Walker SC and Mr Olson in Ms Dyer's proceeding, in circumstances where Mr Walker SC is also acting for Mr Porter in the proceedings against our clients; and
9. Ms Dyer's application is listed for hearing in the week commencing on 24 May 2021.

We further understand from the press statement you issued on behalf of Mr Porter that he is continuing to brief Ms Chrysanthou to act on his behalf in the proceeding against our clients.

Self-evidently, the above matters are of significant relevance and concern to our clients.

If the circumstances are as set out above, then:

1. the first case management hearing listed for this Friday, 14 May 2021 should be adjourned to a date after the determination of Ms Dyer's proceeding; and
2. no substantive steps in the proceeding against our clients should occur until Ms Dyer's proceeding has been finally determined and our clients know what has occurred. In that regard, orders 6 to 12 made on 10 May 2021 should be stayed or vacated until after the determination of Ms Dyer's proceeding.

We suggest that the parties send consent orders reflecting the above to her Honour tomorrow morning with an explanation that the orders are sought in light of Ms Dyer's proceeding which is listed for hearing in the week commencing 24 May 2021.

We seek your response by 12 noon today, 13 May 2021.

Yours sincerely



Grant McAvaney
Head of Disputes & Litigation
ABC Legal
E: grant.mcavaney@abc.net.au

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "**GM-3**" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

THE AUSTRALIAN

Christian Porter's barrister faces legal action

By **NICOLA BERKOVIC**, LEGAL AFFAIRS CORRESPONDENT

30 MINUTES AGO MAY 12, 2021

Christian Porter's defamation barrister is facing legal action to stop her representing the former attorney-general in his case against the ABC.

Jo Dyer, the director of the Adelaide Writers Week, is seeking orders to stop barrister Sue Chrysanthou SC from representing Mr Porter.

Ms Chrysanthou, who has previously represented actor Geoffrey Rush and Greens senator Sarah Hanson-Young, has been accused of having access to confidential information related to the case provided to her by Ms Dyer.

Ms Dyer was a friend of a woman, known as "Kate", who alleged she had been raped by Mr Porter in 1988 when she was 16 and Mr Porter was 17. Kate committed suicide in June last year.

Mr Porter, now the Industry Minister, is suing the ABC and journalist Louise Milligan over its reporting of the allegations, which he vigorously denies. He has retained Ms Chrysanthou to represent him.

Barrister Michael Hodge SC, representing Ms Dyer, told the Federal Court on Wednesday that Ms Chrysanthou has confidential information about the case that was provided to her in the course of a "lawyer-client relationship" with Ms Dyer.

It is understood Ms Chrysanthou reviewed a letter sent on Ms Dyer's behalf last November to the editor of The Australian newspaper regarding an opinion article by columnist Janet Albrechtsen, which Ms Dyer alleged had defamed her.

Albrechtsen's article had criticised Ms Dyer's appearance on an episode of the ABC's flagship Four Corners program related to Mr Porter.

Mr Hodge, dubbed the “baby-faced assassin” as senior counsel assisting the banking royal commission, told Federal Court judge Tom Thawley there were two grounds for preventing Ms Chrysanthou from acting for Mr Porter.

Those were a possible “misuse of confidential information” and a possible “apprehension of an interference with the administration of justice”.

Justice Thawley agreed to join Mr Porter as a party to the legal proceedings on Wednesday. Mr Porter is being represented by silk Bret Walker SC and barrister Nicholas Olsen in relation to Ms Dyer's legal action.

Mr Olsen told the court it was “rich” that Ms Dyer was bringing the action now when she'd known since March 15, when Mr Porter launched his defamation action that he'd engaged Ms Chrysanthou.

He said there was a substantial hearing on June 1, for the court to decide whether to strike out a substantial portion of the ABC's defence, at which Ms Chrysanthou was meant to appear.

Ms Chrysanthou is being represented by former NSW Bar Association president Noel Hutley SC.

Mr Hutley told the court that Ms Chrysanthou had “no substantive recollection” of any confidential information provided to her by Ms Dyer but she would follow whatever action the court deemed to be appropriate.

“My client's position is, she's a member of the bar... she's appearing in this court ... she will do anything which the court thinks she ought do,” he said.

He said from Ms Chrysanthou's perspective it was essentially a contest between Ms Dyer and Mr Porter.

More stories on this topic

- [Tweets triggered Porter outing](#)
- [Porter's rape accuser asked to make statement](#)
- [Milligan 'deleted Porter posts'](#)

Topics

[Christian Porter](#) / [Abc](#)

National [Defamation](#)

Court bid to oust Porter barrister from acting in defamation fight

By **Jacqueline Maley** and **Michaela Whitbourn**

Updated May 13, 2021 — 9.46am, first published May 12, 2021 — 5.51pm

A friend of the woman who accused Christian Porter of rape has made a Federal Court bid to stop a high-profile Sydney barrister from acting for him in his defamation case against the ABC.

Jo Dyer, who was a debater with the woman in the late 1980s, filed an urgent application in the Federal Court, seeking an order to restrain defamation barrister Sue Chrysanthou, SC, from acting for Mr Porter on the basis that she previously advised Ms Dyer in a separate matter.



Sue Chrysanthou, SC, is acting for Christian Porter in his defamation case against the ABC. AAP

Ms Chrysanthou, who has acted successfully for a string of famous clients including actor Geoffrey Rush and Greens Senator Sarah Hanson-Young, is part of the star legal team Mr Porter

has assembled in his defamation case against the ABC and journalist Louise Milligan. His team is headed by prominent silk Bret Walker, SC.

The former attorney-general, now the Minister for Industry, Science and Technology, is suing the ABC and Milligan over a February 26 online article about a rape allegation against a Cabinet minister. Mr Porter was not named but he alleges he was identifiable.

Mr Porter claims the article defamed him in a number of ways, including by suggesting he “brutally raped a 16-year-old girl in 1988”, when he was 17, and this contributed to her taking her own life last year, after she told NSW Police that she did not wish to pursue her complaint. Mr Porter strenuously denies the claims.

Ms Dyer was a good friend of the woman who alleged Mr Porter raped her when they were both student debaters.

In documents filed in court, she seeks an order restraining Ms Chrysanthou from acting in the case on the basis that “the order is necessary to prevent prejudice to the proper administration of justice, and to preserve confidentiality and legal professional privilege”.

Appearing for Ms Dyer at an urgent hearing in the Federal Court in Sydney on Wednesday, Michael Hodge QC said Ms Chrysanthou was “in a lawyer-client relationship with Ms Dyer and there is the real and obvious possibility that the information disclosed in the course of that relationship will have relevance to Mr Porter’s proceedings”.

Mr Hodge said there was the possibility of misuse of confidential information, but also the “possibility of apprehension of the interference with the administration of justice” if Ms Chrysanthou continued to act for Mr Porter.

Appearing for Ms Chrysanthou, barrister Noel Hutley, SC, said his client “will give evidence that she has in effect no substantive recollection of what is said to have been reported to her” by Ms Dyer.

“That’s been the subject of correspondence between solicitors ... My client’s position is she is a member of the bar. She is an officer of the court. She will do anything that the court thinks she ought to do.”

Mr Porter was represented in court on Wednesday by barrister Nicholas Olson and Mr Walker is also expected to appear at subsequent hearings. It is anticipated Mr Porter will become a party to the proceedings, opening up another front in the increasingly bitter and costly court battle.

When Justice Thomas Thawley suggested Mr Porter might have separate legal teams for the defamation action and the present action to oust Ms Chrysanthou, Mr Olson replied: “In an ideal world perhaps, but he’s a private individual and money is a significant consideration”.

The matter is expected to be heard in the week beginning May 24, shortly before a crucial hearing in Mr Porter’s defamation case.

The Federal Court has set aside June 1 and 2 to hear an application by Mr Porter to strike out significant portions of the ABC’s defence to his defamation claim, which may knock out some of its defences entirely.

In a statement released via his solicitor, Rebekah Giles, Mr Porter said: “It has been widely known for two months that Sue has been acting as my counsel in this well-publicised matter -

yet the action has come shortly before court appearances on significant issues in the proceedings and over eight weeks after they were commenced.

“I am therefore concerned about the timing of this application. Ms Chrysanthou is one of this country’s pre-eminent defamation advocates. It is a critically important right for any citizen in legal proceedings to choose his or her own counsel.”

In a statement on Thursday, Ms Dyer’s lawyers, Sydney firm Marque Lawyers, said Ms Dyer was made aware on March 15 that Ms Chrysanthou had accepted the brief from Mr Porter.

“On the same day (15 March) through her solicitors Marque Lawyers, Ms Dyer expressed her objection to Ms Chrysanthou acting for Mr Porter, on the basis of an alleged conflict of interest. Her solicitors have been in continuous correspondence with Ms Chrysanthou’s solicitors since that date, attempting in good faith to resolve this dispute without the need for court proceedings.

“Those attempts having failed, Ms Dyer commenced proceedings against Ms Chrysanthou in the Federal Court on 10 May.

“Any suggestion that Ms Dyer has not acted in a timely manner or not in good faith is false. Ms Dyer will not be making any further public comment on the matter.”

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No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "**GM-4**" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Anna Glen

From: Rebekah Giles <rebekah@companygiles.com.au>
Sent: Thursday, 13 May 2021 11:47 AM
To: Grant McAvaney
Cc: Anna Glen; Elisha Lorizio; Alanah Tannous
Subject: Porter v ABC & Anor (NSD206/2021)
Attachments: Letter to ABC (Dyer matter) 13.5.21 .pdf

Dear Mr McAvaney

Please see letter attached.

Regards

Rebekah Giles
(Principal Director)

Company (Giles)

(t) 1300 204 602
(m) 0413 583 316

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By email

Mr Grant McAvaney
Head of Disputes & Litigation Team
Australian Broadcasting Corporation
700 Harris Street
Ultimo NSW 2007

Dear Mr McAvaney

**CHARLES CHRISTIAN PORTER v AUSTRALIAN BROADCASTING CORPORATION
FEDERAL COURT PROCEEDINGS NSD206/2021**

We refer to your letter this morning. We do not agree with what you propose for the following reasons:

- 1 No interlocutory relief was sought against Ms Chrysanthou and none was ordered against her;
- 2 We do not see how disputes about pleadings which have already been set down for hearing (and in relation to which you will shortly receive Ms Chrysanthou's submission) would be in any way affected;
- 3 Contrary to your assertion, there is no allegation that Ms Chrysanthou has possibly misused confidential information. Your allegation is improper and should be withdrawn immediately;
- 4 You refer to media reports. Are you seriously suggesting that your clients were not aware that Ms Dyer had been threatening this application? If that is your position, we request an affidavit attesting to this. Upon receipt, we will seek production of all of your clients' communications with Ms Dyer and Mr Bradley or any other person in relation to this matter.
- 5 You have neglected for a week to inform us of your clients' position in relation to the hearing date. It is clear to us that your clients are trying to avoid a hearing date and your letter this morning evidences that.

If you have an application to stay the proceedings, we require it to be filed and served in accordance with the rules with relevant supporting affidavit material. That application can be heard with notice in the usual course.

We do not consent to you contacting the Associate about such a contentious matter particularly in the absence of an application by your clients.

We are preparing a bundle of all of our communications with you over the last week which we will rely upon tomorrow as necessary.

Yours faithfully
COMPANY GILES



Rebekah Giles
(Principal Director)

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "**GM-5**" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Anna Glen

From: Anna Glen
Sent: Thursday, 13 May 2021 3:31 PM
To: Rebekah Giles
Cc: Grant McAvaney; Monique Tavares; Elisha Lorizio; Alanah Tannous
Subject: Porter v ABC & Anor (NSD206/2021) [ABC-Legal.FID73315]
Attachments: Letter to Company Giles dated 13 May 2021_3.pdf

Dear Colleagues

Please see the attached correspondence.

Kind regards

Anna



Anna Glen
Lawyer, Disputes & Litigation

P **02 8333 3144**
E glen.anna@abc.net.au
A **700 Harris Street Ultimo NSW 2007**

Our Ref: 21200
Your Ref: 21RRG0130

13 May 2021

Ms Rebekah Giles
Principal Director
Company Giles
Level 13, 111 Elizabeth Street
SYDNEY NSW 2000

By email: rebekah@companygiles.com.au

Dear Ms Giles

Charles Christian Porter v Australian Broadcasting Corporation & Anor – Federal Court of Australia Proceeding No. NSD206/2021

We refer to our letter dated today 13 May 2021 concerning proceedings NSD426/2021 commenced in the Federal Court of Australia by Ms Joanne Dyer against Ms Chrysanthou SC (**the Dyer proceedings**) and your response received shortly thereafter.

We understand from your correspondence that Ms Chrysanthou remains briefed in the Porter proceedings and is actively working on the matter.

Our clients object to the legal representatives retained to act for Mr Porter in the Porter proceedings (including but not limited to Mr Walker SC, Mr Olson and your firm) coming into possession of any of the information in suit in the Dyer proceedings.

We ask that you confirm in writing by **4.30pm today, 13 May 2021** that all legal representatives retained to act for Mr Porter, and Mr Porter himself, will not have access to such information. Formal undertakings should then be provided by each person as a matter of urgency when time permits.

Your sincerely



Grant McAvaney
Head of Disputes & Litigation
ABC Legal
E: mcavaney.grant@abc.net.au

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "GM-6" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Anna Glen

From: Rebekah Giles <rebekah@companygiles.com.au>
Sent: Thursday, 13 May 2021 4:05 PM
To: Grant McAvaney
Cc: Anna Glen; Elisha Lorizio; Alanah Tannous
Subject: Porter v ABC & Anor (Dyer demands)
Attachments: Letter to ABC - 13.5.21 .pdf

Dear Colleagues

Please see letter attached.

Regards

Rebekah Giles
(Principal Director)

Company (Giles)

(t) 1300 204 602
(m) 0413 583 316

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By email

Mr Grant McAvaney
Head of Disputes & Litigation Team
Australian Broadcasting Corporation
700 Harris Street
Ultimo NSW 2007

Dear Mr McAvaney

**CHARLES CHRISTIAN PORTER v AUSTRALIAN BROADCASTING CORPORATION
FEDERAL COURT PROCEEDINGS NSD206/2021**

We refer to your letter received at 3:31pm today.

Procedures are in place in the proceedings brought against Ms Chrysanthou such that:

- 1 Ms Chrysanthou has not and will not be provided with the alleged confidential information;
- 2 This firm has not and will not be provided with the alleged confidential information;
- 3 Mr Walker has not and will not be provided with the alleged confidential information;
- 4 Mr Olson is not briefed in this matter. He was only briefed to appear yesterday on the issue of joinder and in relation to the suppression orders sought by Ms Dyer. He has not been provided with the alleged confidential information.

Subject to agreement between the parties in that matter, it is likely that counsel will be briefed by Mr Porter, who is unconnected with this proceeding, who will be provided with access to the alleged confidential material in order that submissions can be made on Mr Porter's behalf and who will not pass it onto any other person.

We trust this meets your demands.

Yours faithfully
COMPANY GILES



Rebekah Giles
(Principal Director)

No. NSD206 of 2021

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

Charles Christian Porter

Applicant

Australian Broadcasting Corporation and another

Respondents

This is the annexure marked "**GM-7**" referred to in the affidavit of Grant Michael McAvaney affirmed before me on 13 May 2021 at Ultimo.

Signature of witness



Name of witness

Anna Glen

Qualification of witness

Solicitor

Address of witness

ABC Ultimo Centre, 700 Harris Street, ULTIMO NSW 2007

Application title	Type	Filed	Status	Finalised
MISCELLANEOUS	Not Defined	11-May-2021	Open	

[-] Court Events and Orders

Date	Time	Reason	Presiding Officer(s)	Location	Outcome	Orders
14-May-2021	12:00	Case Management Hearing	Justice Thawley	Court Room 19D, By Web Conference		

[-] Documents Filed

Date	Time	Document Title	Filed By
13-May-2021	12:26	Affidavit	Ms Joanne Elizabeth Dyer
13-May-2021	12:26	Affidavit	Ms Joanne Elizabeth Dyer
13-May-2021	12:26	Affidavit	Ms Joanne Elizabeth Dyer
13-May-2021	12:26	Affidavit	Ms Joanne Elizabeth Dyer
13-May-2021	10:11	Notice of Acting - Appointment of Lawyer	Ms Sue Chrysanthou
11-May-2021	15:02	Originating Application	Ms Joanne Elizabeth Dyer