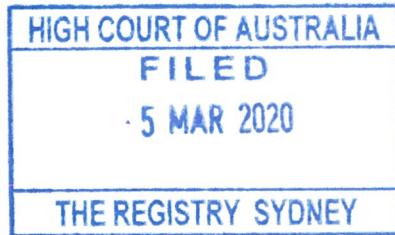


IN THE HIGH COURT OF AUSTRALIA
SYDNEY OFFICE OF THE REGISTRY

No. S272 of 2019

BETWEEN:



Private R
Plaintiff

- and -

Brigadier Michael Cowen
First Defendant

The Commonwealth of Australia
Second Defendant

ORDER

JUSTICE: Justice Edelman

DATE GIVEN: 3 March 2020

INITIATING PROCESS: Application for a constitutional or other writ / Summons

APPEARANCES: N W Wyatt
Solicitor for the plaintiff

J E Davidson
Counsel for the second defendant

Submitting appearance for the first defendant



THE COURT ORDERS THAT:

1. Pursuant to s 77RE and on the grounds referred to in s 77RF(1)(b) and (c) of the *Judiciary Act 1903* (Cth) the plaintiff in this proceeding be referred to (including in the title of this proceeding) as "Private R".
2. Pursuant to s 77RE and on the grounds referred to in s 77RF(1)(b) and (c) of the *Judiciary Act* there is to be no disclosure, by publication or otherwise, of information that identifies, or tends to identify, in connection with this proceeding:
 - (a) the plaintiff; or
 - (b) the complainant.

This Order was prepared in the Registry.

3. Pursuant to s 77RE and on the grounds referred to in s 77RF(1)(b) and (c) of the *Judiciary Act*, no person shall be permitted to inspect or copy any of the following documents, including any copy thereof, filed in the Registry in this matter:
 - (a) the affidavit of Neville William Wyatt in support of a constitutional writ sworn on 12 September 2019 and filed 13 September 2019;
 - (b) the redacted copy of the affidavit of Neville William Wyatt in support of a constitutional writ sworn on 12 September 2019, which redacted copy was provided to the Court in October 2019;
 - (c) the statement of the complainant dated 27 February 2018, whether it is placed before the Court as an attachment to the agreed statement of facts, or exhibited to one or more affidavits; and
 - (d) the prosecution alleged facts, whether it is placed before the Court as an attachment to an agreed statement of facts, or exhibited to one or more affidavits.

4. Orders 1, 2 and 3 do not prevent disclosures:
 - (a) to and between the following people:
 - (i) Judges of this Court;
 - (ii) necessary Court staff;
 - (iii) the parties; or
 - (iv) legal representatives of the parties instructed in these proceedings; or
 - (b) for the purpose of any prosecution of the plaintiff.

5. Orders 1, 2 and 3 apply until any further order.

6. The second defendant file and serve a statement of agreed facts on or before 3 April 2020.

7. The plaintiff's application for a constitutional or other writ dated 13 September 2019 be referred for consideration before a Full Court on the basis of the statement of agreed facts.



8. The second defendant file and serve nine hard copies and an electronic copy of the court book in a form acceptable to the Registrar by 4:00 pm on 10 April 2020.
9. The second defendant is to serve one hard copy and an electronic copy of the court book on the plaintiff and any interveners by 4:00 pm on 10 April 2020.
10. Part 44 of the *High Court Rules 2004* (Cth) relating to written and oral submissions shall apply to this proceeding with the following variations:
 - (a) the plaintiff is to file and serve written submissions, not exceeding 20 pages, by 4:00 pm on 17 April 2020;
 - (b) any interveners in support of the plaintiff are to file and serve their written submissions, not exceeding 20 pages, by 4:00 pm on 1 May 2020;
 - (c) the second defendant is to file its written submissions not exceeding 20 pages, by 4:00 pm on 15 May 2020;
 - (d) any interveners in support of the second defendant are to file and serve their written submissions, not exceeding 20 pages, by 4:00 pm on 22 May 2020; and
 - (e) the plaintiff is to file and serve any written submissions in reply, not exceeding five pages, by 4:00 pm on 29 May 2020.
11. The plaintiff is to file and serve on the second defendant and any interveners an electronic copy of the joint book of authorities prepared in accordance with the requirements of Practice Direction No 1 of 2019 by 4:00 pm on 5 June 2020.
12. The matter be listed before the Full Court on a date to be fixed by the Court.

DATE AUTHENTICATED: 5 March 2020

