



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID482/2020

KATHLEEN O'DONNELL

Applicant

COMMONWEALTH OF AUSTRALIA and others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE MURPHY

DATE OF ORDER: 07 August 2023

WHERE MADE: Melbourne

THE COURT NOTES THAT:

- A. The Applicant and Respondent have informed the Court that, subject to the Court's approval, they have agreed to settle the proceeding in terms set out in a confidential Heads of Agreement.

THE COURT ORDERS BY CONSENT THAT:

Timetable for settlement approval

1. By no later than 4:00 pm on 14 August 2023, the Applicant file and serve an interlocutory application in the terms set out in the Schedule (**Application**).
2. By no later than 4:00 pm on 4 September 2023, the Applicant file any evidence upon which the Applicant intends to rely and her outline of submissions in support of the Application.
3. By 4:00 pm on 18 September 2023, the Respondent file any evidence or outline of submissions upon which the Respondent intends to rely in respect of the Application.
4. The Application be listed for hearing on 11 October 2023 at 10:15 am AEST.



Confidential material

5. Pursuant to s 37AI of the *Federal Court of Australia Act 1976* (Cth), any affidavit, annexure, exhibit or submissions in respect of which confidentiality orders will be sought be suppressed upon electronic filing, until further order.
6. The parties are excused from any requirement to electronically serve any document filed in accordance with Order 5.
7. To the extent that any affidavit, annexure, exhibit or submissions is only partly confidential, the parties shall file and serve a redacted copy of the document redacting only those parts which are claimed to be confidential.
8. The application for confidentiality orders in respect of any documents filed in accordance with Order 5 will be determined as part of the determination of the Application.

Miscellaneous

9. Liberty to apply.

Date that entry is stamped: 8 August 2023


Registrar

This order has been amended pursuant to r 39.05 of the *Federal Court Rules 2011*.



Schedule

Form 35
Rule 17.01(1)

Interlocutory application

No. VID482 of 2020

Federal Court of Australia
District Registry: Victoria
Division: General

Kathleen O'Donnell

Applicant

The Commonwealth of Australia

Respondent

To the Respondent

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: 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



Interlocutory orders sought

1. The settlement of the proceeding be approved on the terms set out in the Heads of Agreement forming Exhibit [##] to the Affidavit of David Leighton Barnden affirmed [insert] 2023.
2. Pursuant to rule 26.12(4) of the Rules, leave be granted to the Applicant to discontinue the proceeding by filing a notice of discontinuance.
3. The Court make such orders as it determines to be appropriate about whether any notice of this application, or its outcome, to be given to the represented persons and, if such a notice is to be given, the Court determine the content of the notice and the manner in which it is to be given.
4. There be no order as to the costs of the proceeding.
5. There be no order as to the costs of this application.
6. Any further or other orders as the Court sees fit.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: [insert] 2023

Signed by David Barnden
Lawyer for the Applicant



Schedule of Parties

No: VID482/2020

Federal Court of Australia

District Registry: Victoria

Division: General

Second Respondent SECRETARY, DEPARTMENT OF TREASURY

Third Respondent CHIEF EXECUTIVE OFFICER, AUSTRALIAN OFFICE OF
FINANCIAL MANAGEMENT