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SUPREME COURT
OF THE A.C.T.
- 6 NOV 2023
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Form 6.2 Application in Proceeding

Court Procedures Rules 2006

(see r 6007 (Application in Proceeding – Contents))

In the Supreme Court of the Australian Capital Territory

No SC 347 of 2023

Neville Shane Drumgold
Plaintiff

Board of Inquiry – Criminal Justice System
First Defendant

Attorney-General for the Australian Capital Territory
Second Defendant

Australian Capital Territory
Third Defendant

SUPREME COURT
OF THE A.C.T.

06 NOV 2023

FILED

Take notice that the Court will hear an application by the Plaintiff on **10 November 2023**, at **10AM** (or as soon after that as this application can be heard), to make the following orders:

1. An order pursuant to Rule 606(1)(b) of the *Court Procedures Rules 2006 (ACT)* that the first defendant disclose to the plaintiff documents falling within the scope of Categories 4 and 9 of the categories of documents sought by letter from Bradley Allen Love Lawyers (for the plaintiff) to Gilshenan & Luton Legal Practice (for the first defendant) dated 13 October 2023, and as described in the Schedule to this Application in Proceeding.
2. Any other orders that the Court considers appropriate.



Filed for the Plaintiff by
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Grounds of Application

The orders are sought on the following grounds:

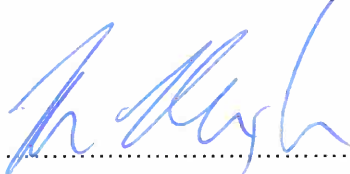
1. On 28 September 2023, Registrar Reece of the ACT Supreme Court ordered, inter alia, by orders 3(a) and 3(b) of the orders entered on that day that:
 - a. by 13 October 2023, the parties exchange categories of discovery, identifying with specificity that fact in issue to which each proposed category is relevant; and
 - b. by 20 October 2023, each party from whom discovery is sought is to notify the requesting party which of the proposed categories are agreed and which are not agreed and a short explanation for the reason for the disagreement.
2. In complying with the orders entered on 28 September 2023, the plaintiff and first defendant have agreed on categories of documents for the first Defendant to discover, save for Categories 4 and 9.
3. By Order 3(c) of the orders entered by Registrar Reece on 28 September 2023, *'The matter is to be relisted for hearing to determine any disputed discovery categories on a date to be fixed'*. In compliance with Order 3(c), the plaintiff brings this Application in Proceeding, so as to have Categories 4 and 9 determined.

Supporting Material

This Application is supported by the following affidavits:

1. Affidavit of Ian Alexander Meagher sworn 6 November 2023.

Date: 6 November 2023



Ian Alexander Meagher

Bradley Allen Love Lawyers

Solicitor for the Plaintiff



To: **Board of Inquiry – Criminal Justice System**
First Defendant

C/- of: Gilshenan & Luton Legal Practice
Level 9, 15 Adelaide Street
Brisbane QLD 4000

And to: **Australian Capital Territory**
Third Defendant

C/- of: ACT Government Solicitor
Plaza Level
13 Constitution Avenue
CANBERRA CITY ACT 2601

SCHEDULE

Category Four

4. *Any call logs, text message logs, and other phone records for any mobile or land line devices used by the member of the First Defendant, and used by any Counsel Assisting, during the course of the First Defendant's inquiry between 21 December 2022 and 25 August 2023, evidencing communication with:*
- a. *Ms Janet Albrechtsen of The Australian;*
 - b. *Ms Elizabeth Byrne of the ABC; or*
 - c. *any other journalist or member of the media.*

Category Nine

9. *Any documents evidencing communications relating to the address in which Mr Sofronoff KC had agreed to present to the Queensland Media Club on 25 August 2023, including communications regarding the arrangements of the address and communications regarding the cancellation of it.*

