

Form 2.42 **General form of order—civil proceeding**

Court Procedures Rules 2006

(see r 1606 (Orders—filing))

In the Supreme/Magistrates Court of the Australian Capital Territory

No SC 347 of 2023

Neville Shane Drumgold

Plaintiff

Board of Inquiry - Criminal Justice System

1st Defendant

Australian Capital Territory

3rd Defendant

Michael Chew

Scott Moller

Marcus Boorman

Robert Rose

Trent Madders

Emma Frizzel

4th Defendants

Date of order: 4 March 2024

Judge: Acting Justice Kaye

Originating process: Originating Application filed 25 August 2023

How obtained: Judgment hand down

Prepared By Supreme Court Registry

4-6 Knowles Place Canberra ACT 2601



Attendance: D O’Gorman SC with S C Brenker – Plaintiff
B Lim – First Defendant
K Eastman SC with A Hammond– Third Defendant
J Greggery KC and R Berry – Fourth Defendant

Affidavits read: Nil

Other matters: Nil

The Orders of the Court are:

1. I publish my reasons.
2. Declare that the conduct by the first defendant of the Inquiry into the Criminal Justice System of the Australian Capital Territory gave rise to a reasonable apprehension of bias, in that the communications that took place between the first defendant and Ms Janet Albrechtsen of The Australian newspaper before and during the Inquiry were such that a fair-minded lay observer might reasonably have apprehended that the first defendant, in determining in Chapters 4, 5 and 6 of the Report, the issues specified by para (c), (d) and (e) of section D of the Amended Terms of Reference of the Inquiry, might have been influenced by the views held and publicly expressed by Ms Albrechtsen concerning the conduct by the plaintiff of the prosecution of the criminal proceedings against Mr Bruce Lehrmann.
3. Declare that the finding by the first defendant, in the Report of the Inquiry, that the plaintiff had engaged in grossly unethical conduct in his cross-examination of Senator Linda Reynolds, was legally unreasonable.
4. Declare that the first defendant failed to observe the requirements of natural justice in respect of the finding, in the Report of the Inquiry, that the plaintiff had made a false statement to the Chief Police Officer on 8



December 2022 concerning his lack of knowledge of the Freedom of Information application that had been made relating to the letter dated 1 November 2022 that the plaintiff had written to the Chief Police Officer.

5. Third defendant pay the plaintiff's costs of the proceeding including any reserve costs save for any costs incurred by the plaintiff incurred in respect of ground 1.

Date entered: 4 March 2024



Registrar

The seal of the Supreme Court of the Northern Territory is circular, featuring a central emblem with a star and a shield, surrounded by the text "THE SEAL OF THE SUPREME COURT OF THE NORTHERN TERRITORY".

