

AUSTRALIA / JUDGMENT

# Saw v Seven Network (Operations) Ltd (Post-Settlement Suppression Orders) [2025] FCA 30

COURT

Federal Court of Australia

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## Source record

Federal Court of Australia

Saw v Seven Network (Operations) Ltd (Post-Settlement Suppression Orders) [2025] FCA 30

File number: NSD 1235 of 2024

Judgment of: PERRAM J

Date of judgment: 30 January 2025

Catchwords: PRACTICE AND PROCEDURE – where interim suppression and non-publication orders were granted pending the completion of mediation – where the pleadings have been filed – where mediation has now completed – where the parties have negotiated further proposed suppression and non-publication orders as a condition of settlement – whether suppression and non-publication orders are necessary to prevent prejudice to the proper administration of justice in such circumstances

Cases cited: Farrell v Super Retail Group Limited (Confidentiality Applications) [2024] FCA 954

Patterson v Westpac Banking Corporation (No 2) [2024] FCA 818

Saw v Seven Network (Operations) Ltd [2024] FCA 1210

Young v Accenture Australia Pty Ltd [2024] FCA 1013

Division: Fair Work Division

Registry: New South Wales

National Practice Area: Employment and Industrial Relations

Number of paragraphs: 6

Date of hearing: Determined on the papers

Solicitor for the Applicant: Maurice Blackburn Lawyers

Solicitor for the Respondent: Johnson Winter Slattery

ORDERS

NSD 1235 of 2024

BETWEEN: AMELIA SAW

Applicant

AND: SEVEN NETWORK (OPERATIONS) LTD

Respondent

order made by: PERRAM J

DATE OF ORDER: 30 JANUARY 2025

THE COURT ORDERS  
THAT:

1. The parties bring in short minutes of order to give effect to these reasons within 7 days.

Note: Entry of orders is dealt with in Rule 39.32 of the Federal Court Rules 2011.

## REASONS FOR JUDGMENT

PERRAM J: 1 This case has now settled as a result of a successful mediation held before a Registrar of this Court. Shortly before the mediation, interim orders were made the effect of which was to prevent the pleadings in this case from coming into the public domain pending its outcome: *Saw v Seven Network (Operations) Ltd* [2024] FCA 1210. 2 One of the settlement possibilities presented by the mediation was the capacity of Ms Saw to give to the Respondent ('Seven') her agreement to keep confidential the colourful allegations contained in her statement of claim. On that basis, I concluded that the administration of justice required that the mediation be given its best chance of success and I made the interim orders. 3 The parties have now reached a settlement of the litigation. However, the settlement is contingent upon the Court making suppression and non-publication orders over the following materials contained on the Court file:

- (1) the Statement of Claim filed on 6 September 2024;
- (2) the Amended Statement of Claim filed on 23 September 2024;
- (3) the Affidavit of Ruveni Desaa Kelleher affirmed on 27 September 2024 and its Confidential Exhibit marked 'RDK-1';
- (4) the Outline of Submissions filed by the Respondent on 8 October 2024;
- (5) the Affidavit of Penelope Faith Parker sworn on 9 October 2024;
- (6) the Outline of Submissions filed by the Applicant on 10 October 2024;
- (7) the Defence filed by the Respondent on 21 October 2024; and
- (8) the Reply filed by the Applicant on 1 November 2024. 4 In my previous reasons, I explained why the interests of the administration of justice required suppression orders pending the outcome of the mediation – in short, the public interest in cases being settled. Of course, every case depends on its own facts. Sometimes, the details of the allegations may already have found their way into the public domain and in those cases suppression orders have been refused: *Young v Accenture Australia Pty Ltd* [2024] FCA 1013 at [76] per Goodman J; *Farrell v Super Retail Group Limited (Confidentiality Applications)* [2024] FCA 954 at [55] per Lee J. 5 The question now is whether the allegations should remain confidential to give effect to the settlement the parties have reached. That the Court can make suppression and non-publication orders in that circumstance is not in doubt: *Patterson v Westpac Banking*

Corporation (No 2) [2024] FCA 818 at [19]-[21] per Raper J; Farrell v Super Retail Group Limited (Confidentiality Applications) [2024] FCA 954 at [74]-[75] per Lee J. Not every case is the same. However, in this case the settlement has been reached early in the life of the litigation and it is clear that the nature of what is alleged is connected to the fact of the settlement. If suppression and non-publication orders are not made, it would mean that in future cases of this kind, a settlement could not be achieved because the respondent would have no incentive to settle where it was going to be exposed to a blizzard of bad press even if it did. In that circumstance, I accept that the orders proposed are necessary in the requisite sense. 6 The parties sought orders that had an indefinite duration, a duration of 10 years, or a duration of such lesser period not less than 5 years that the Court might think appropriate. I do not think either that indefinite suppression or suppression for 10 years would be appropriate. Whilst the material on the Court file is topical at the moment, I am sceptical that it will remain topical much after 5 years. I will give the orders a duration of 5 years but reserve to the parties the right to apply for a further extension of them before that 5 year period expires. I certify that the preceding six (6) numbered paragraphs are a true copy of the Reasons for Judgment of the Honourable Justice Perram.

Associate: Dated: 30 January 2025

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