

IN THE SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

No SC 436 of 2013

**DIRECTOR OF PUBLIC PROSECTIONS  
FOR THE AUSTRALIAN CAPITAL TERRITORY**  
Plaintiff

And

**THE HONOURABLE ACTING JUSTICE BRIAN MARTIN**  
First Defendant

**THE HONOURABLE JUSTICE SHANE RAYMOND MARSHALL**  
Second Defendant

**DAVID HAROLD EASTMAN**  
Third Defendant

**THE ATTORNEY-GENERAL  
FOR THE AUSTRALIAN CAPITAL TERRITORY**  
Intervener



**SUBMISSION OF THE FIRST DEFENDANT**

1. The First Defendant has previously advised this Court that the First Defendant has no submissions to present with respect to the merits or outcome of the application to set aside the order of Marshall J and will abide the order of this Court.
2. Since that time, the First Defendant has completed hearings and heard all submissions. The First Defendant has reached conclusions in respect of all 19 paragraphs and determined recommendations. The First Defendant is finalising the report and will be in a position to deliver it to the Registrar next week.
3. The First Defendant submits that this Court should inform itself of the First Defendant's conclusions and recommendations in deciding the outcome of the application before this Court.
4. In particular the First Defendant submits that the conclusions and recommendations are relevant to the application by the Director of Public Prosecutions for an extension of time as they bear upon the interests of the administration of justice.

5. I am instructed to inform the Court of the First Defendant's conclusions and recommendations if requested by the Court to provide that information.

Dated 22 May 2014

A handwritten signature in cursive script, appearing to read 'L. Chapman', followed by a period.

Liesl Chapman SC

Senior Counsel Assisting the Board of Inquiry