

## NOTICE OF FILING

### Details of Filing

Document Lodged:	Non-Prescribed List/Chronology
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	30/04/2025 3:27:24 PM AEST
Date Accepted for Filing:	30/04/2025 3:27:27 PM AEST
File Number:	NSD689/2023
File Title:	BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

**ROBERTS-SMITH VC MG**

**v**

**FAIRFAX MEDIA PUBLICATIONS PTY LTD & ORS**

**APPELLANT’S OBJECTIONS TO THE RESPONDENTS’ EVIDENCE IN RESPONSE TO  
INTERLOCUTORY APPLICATION FILED 27 MARCH 2025**

**AFFIDAVIT OF NICHOLAS DAVID MCKENZIE AFFIRMED 14 APRIL 2025**

<b>Portion of paragraph objected to</b>	<b>Nature of objection</b>	<b>Respondents’ response to objection</b>	<b>Ruling</b>
[37] – second sentence.	Conclusory; opinion; general and vague; unfairly prejudicial (s 135).		
[40] – whole.	Speculation; opinion; unfairly prejudicial (s 135); relevance (s 56).		
[41] – whole.	Speculation; opinion; conclusory; self-serving assertions; unfairly prejudicial, misleading and confusing (s 135).		
[41] – last sentence.	Submission.		
[50] – first sentence, starting “ <i>my recollection...</i> ” to end of sentence.	Speculation; opinion.		

Portion of paragraph objected to	Nature of objection	Respondents' response to objection	Ruling
[51] – second sentence.	Speculation; opinion; unfairly prejudicial; misleading and confusing (s 135).		
[53] – third sentence, starting, “ <i>but it would</i> ” to end of paragraph.	Speculation; opinion.		
[55] – third sentence.	Opinion; conclusory.		
[55] – fourth sentence.	Hearsay; no foundation; not in proper form; in the alternative, should be subject to a s 136 limitation (as to proof of state of mind only).		
[58] – third sentence, starting “ <i>but believe...</i> ”.	Speculation; opinion; conclusory; unfairly prejudicial, misleading and confusing (s 135); relevance (s 56).		
[66] – whole.	Speculation; opinion; relevance (s 56).		
[68] – second sentence to end of paragraph.	Speculation; opinion; self-serving; conclusory; unfairly prejudicial, misleading and confusing (s 135).		
[69] – whole.	Speculation; opinion; conclusory; unfairly prejudicial, misleading and confusing (s 135).		
[70] – second sentence to end of paragraph.	Speculation; opinion; unfairly prejudicial, misleading and confusing (s 135); relevance (s 56).		
[72] – starting “ <i>but, having listened...</i> ”.	Speculation; opinion; relevance (s 56).		

Portion of paragraph objected to	Nature of objection	Respondents' response to objection	Ruling
[73] – second sentence to end of paragraph.	Speculation; opinion; relevance (s 56).		
[74] – first sentence starting, “ <i>I believe I said it...</i> ” to end of paragraph.	Speculation; opinion; relevance (s 56).		

### **AFFIDAVIT OF NICHOLAS DAVID MCKENZIE AFFIRMED 24 APRIL 2025**

No objections.