

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	29/04/2025 4:27:11 PM AEST
Date Accepted for Filing:	29/04/2025 4:27:18 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.



Form 59
Rule 29.02(1)

Affidavit

No. NSD689, 690 and 691 of 2023

Federal Court of Australia
District Registry: New South Wales Registry
Division: General

BEN ROBERTS-SMITH

Appellant

FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720) and others named in the
Schedule

Respondents

Affidavit of: **Beverley Ruth Newbold**

Address: Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000

Occupation: Solicitor

Date: 29 April 2025

I, Beverley Ruth Newbold, partner at MinterEllison, affirm:

1. I am a partner of MinterEllison, the solicitors for the Respondents in these proceedings. Together with my partner James Charles Beaton, I have the care and conduct of these proceedings on behalf of the Respondents in respect of the interlocutory application served by the Appellant on the Respondents on 28 April 2025 (the **Appellant's Amended Interlocutory Application**).
2. I am authorised to make this affidavit on behalf of the Respondents.
3. This affidavit is made in support of the interlocutory application filed by the Respondents on 29 April 2025, seeking to strike out, and, or alternatively, remove from the court file, the Appellant's Amended Interlocutory Application.
4. Shown to me at the time of affirming this affidavit is a bundle of documents marked **Exhibit BRN-1**, comprised of the following documents:

Filed on behalf of (name & role of party)	Fairfax Media Publications Pty Limited & others, the Respondents
Prepared by (name of person/lawyer)	Beverley Newbold and James Beaton
Law firm (if applicable)	MinterEllison
Tel	+61 2 9921 4894
Fax	+61 2 4072 9110
Email	beverley.newbold@minterellison.com ; james.beaton@minterellison.com
Address for service (include state and postcode)	Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000

No.	Document	Date	Exhibit BRN-1 Page No.
1.	Orders made by Justice Perram	2 April 2025	1 to 3
2.	Letter from MinterEllison to BlackBay Lawyers	3 April 2025	4 to 6
3.	Letter from BlackBay Lawyers to MinterEllison	4 April 2025	7 to 9
4.	Letter from MinterEllison to BlackBay Lawyers	8 April 2025	10
5.	Letter from BlackBay Lawyers to MinterEllison	9 April 2025	11 to 13
6.	Email from BlackBay Lawyers to MinterEllison	23 April 2025	14 to 15
7.	Transcript of the interlocutory hearing before Justice Perram	23 April 2025	16 to 91

Affirmed by the deponent
at Sydney
in New South Wales
on 29 April 2025
Before me:

)
)
)
)
)

Signature of deponent

Before me:

Signature of witness

Rafael Aiolfi, Solicitor
MinterEllison
Level 40, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Schedule

No. NSD689 of 2023

Federal Court of Australia

District Registry: New South Wales Registry

Division: General

Respondents

Second Respondent: Nick McKenzie

Third Respondent: Chris Masters

Fourth Respondent: David Wroe

Date: 29 April 2025

Exhibit Certificate

No. NSD 689, 690 and 691 of 2023

Federal Court of Australia

District Registry: New South Wales

Division: General

Ben Roberts-Smith VC MG

Appellant

Fairfax Media Publications Pty Limited and others

Defendants

This is the exhibit marked '**BRN-1**' now produced and shown to Beverley Ruth Newbold at the time of affirming her affidavit on 29 April 2025 before me:



RAFAEL AIOLFI
SOLICITOR
MINTER ELLISON LAWYERS
LEVEL 40, GOVERNOR MACQUARIE TOWER
1 FARRER PLACE SYDNEY NSW 2000

Filed on behalf of (name & role of party)	Fairfax Media Publications Pty Ltd and others, the Respondents
Prepared by (name of person/lawyer)	Beverley Newbold and James Beaton
Law firm (if applicable)	MinterEllison
Tel (02) 9921 4894	Fax +61 2 4072 9110
Email	beverley.newbold@minterellison.com; james.beaton@minterellison.com
Address for service (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000