

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 19/03/2019 3:48:31 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	NSD309/2019
File Title:	JACK DE BELIN v AUSTRALIAN RUGBY LEAGUE COMMISSION LTD ACN 003 107 293 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink, appearing to read 'Warwick Soden'.

Dated: 20/03/2019 11:57:28 AM AEDT

Registrar

Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Amended Originating application

No. NSD 309 of 2019

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

Jack de Belin

Applicant

Australian Rugby League Commission Limited (ACN 003 107 293)

First Respondent

National Rugby League Limited (ACN 082 088 962)

Second Respondent

To the Respondents:

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Level 18, Queen's Square, Phillip Street SYDNEY NSW 2000

The Court ordered that the time for serving this application be abridged to

Filed on behalf of (name & role of party)	Applicant		
Prepared by (name of person/lawyer)	Robert Tassell		
Law firm (if applicable)	Pikes & Verekers Lawyers		
Tel	(02) 9262 6188	Fax	(02) 9262 6175
Email	rtassell@pvlaw.com.au		
Address for service	Level 2, 50 King Street Sydney New South Wales 2000		



Signed by an officer acting with the
authority of the District Registrar



Details of claim

On the grounds stated in the amended statement of claim (adopting the defined terms therein) the Applicant claims:

- 1A. A declaration that the New Rule was and is invalid and of no effect.
- 1B. A declaration that the Notice was and is invalid and of no effect.
 1. A declaration that the ARLC and NRL have not validly required the Club to stand down de Belin from or for rugby league matches in the NRL Competition.
 2. A declaration that the ARLC and NRL have not validly suspended or stood down de Belin so that he may not play rugby league for the Club in the NRL Competition.
 3. A declaration that the respondents have engaged in misleading and/or deceptive conduct or conduct likely to mislead and/or deceive within the meaning of s.18 of the ACL.
 4. A declaration that the respondents have engaged in unconscionable conduct within the meaning of s.22 of the ACL.
 5. An order permanently restraining the respondents, and each of them, from representing that:
 - a) the ALRC and/or NRL has suspended and/or stood down de Belin from participating in the NRL Competition;
 - b) the ALRC and/or NRL had formed a view that de Belin was guilty of the alleged offence;
 - c) the ARLC and/or NRL had formed a view that de Belin had engaged in conduct that warranted his immediate suspension as a player for the Club;



- d) the ALRC and/or the NRL had formed a view that de Belin had engaged in conduct that was in breach of the NRL Code of Conduct; and/or
- e) the ALRC and/or NRL had formed a view that de Belin, by his conduct, had brought the game of rugby league into disrepute.
6. An order requiring the respondents to issue immediately a press release as follows (and to include such release on www.nrl.com and on any social media site controlled by the respondents, or either of them):
- “The NRL has not suspended St George Illawarra player Jack de Belin. He is available to play for St George Illawarra.”
7. An order requiring the respondents to immediately place corrective advertising in the *Daily Telegraph*, *Sydney Morning Herald*, *the Age*, *the Herald Sun*, *the Canberra Times*, *the Newcastle Herald*, *the Courier Mail*, *the Illawarra Mercury* as follows:
- “The NRL has not suspended St George Illawarra player Jack de Belin. He is available to play for St George Illawarra.”
8. A declaration that the conduct of the respondents, by their any future or existing suspension of de Belin by reason of the New Rule (or otherwise), constitutes an unlawful restraint of trade.
9. A declaration that the conduct of the respondents, by their any future or existing suspension of de Belin by reason of the New Rule (or otherwise), constitutes tortious interference with the Player Contract.
10. An order permanently restraining the respondents, and each of them, from giving effect to inserting the New Rule and/or the Notice into the NRL Rules or NRL Code of Conduct.



11. An order permanently restraining the respondents, and each of them, ~~from~~ suspending de Belin without any finding of fault and only due to a criminal charge to which he has pleaded not guilty.
12. Damages for contraventions of sections 18 and 22 of the ACL pursuant to section 236 of the *Competition and Consumer Act 2010*.
13. Compensation for contraventions of sections 18 and 22 of the ACL pursuant to section 237 of the *Competition and Consumer Act 2010*.
14. Damages for tortious interference with contractual relations including aggravated and exemplary damages.
- 14A. An inquiry as to the damages and compensation referred to in paragraphs 12, 13 and 14, above.
15. Costs.
16. Interest pursuant to sections 51A and 52 of the *Federal Court of Australia Act 1976* (Cth) including interest on costs.
17. Such further and other orders as the Court deems fit or thinks necessary.



Claim for interlocutory relief

~~The Applicant also claims interlocutory relief:~~

~~Until further order of the Court:~~

- ~~1. An order abridging time for the service of this Application, the accompanying Statement of Claim and the Affidavit Craig Geoffrey Osborne sworn 4 March 2019 to 4pm 6 March 2019.~~
- ~~2. Service under order 1 to be affected by providing the documents to Kardos Scanlon Lawyers.~~
- ~~3. An order restraining the respondents, and each of them, from representing that:
 - ~~a) the ARLC and/or NRL has suspended and/or stood down de Belin from participating in the NRL Competition.~~
 - ~~b) the ARLC and/or NRL had formed a view that de Belin was guilty of the alleged offence;~~
 - ~~c) the ARLC and/or NRL had formed a view that de Belin had engaged in conduct that warranted his immediate suspension as a player for the Club;~~
 - ~~d) the ARLC and/or the NRL had formed the view that de Belin had engaged in conduct that was a breach of the NRL Code of Conduct; and/or~~
 - ~~e) the ARLC and/or NRL had formed a view that de Belin, by his conduct, had brought the game of rugby league into disrepute.~~~~
- ~~4. An order restraining the respondents, and each of them, from inserting the New Rule into the NRL Rules or NRL Code of Conduct.~~



~~5. An order restraining the respondents, and each of them, from suspending the second applicant without any finding of fault and only due to a criminal charge to which he has pleaded not guilty.~~

Applicant's addresses

The Applicant's address for service is:

Place: Level 2, 50 King Street Sydney NSW 2000

Email: rtassell@pvlaw.com.au

The Applicant's address is Level 2, 50 King Street Sydney NSW 2000

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 19 6 March 2019

A handwritten signature in black ink, appearing to be 'R. Tassell', written over a horizontal line.

Signed by Robert Tassell

Lawyers for the Applicant