

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 11:46:47 PM AEST
Date Accepted for Filing:	29/04/2025 11:46:53 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 filed by the Appellant on 27 March 2025.
2. I am authorised to make this affidavit on behalf of the Respondents.
3. I make this affidavit on the basis of my own knowledge except where otherwise indicated. Where I depose to matters on information and belief, I believe them to be true.

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

[Version 3 form approved 02/05/2019]

I do not intend, and have no authority, to waive privilege in any communication, or record of communication, that is subject to a claim for privilege by making this affidavit.

4. Shown to me at the time of swearing this affidavit is an electronic bundle of documents marked **Exhibit BRN-2**.
5. The Respondents have prepared a chronology of relevant events in proceedings no. NSD 1485, 1486 and 1487 of 2018 that was filed on 29 April 2025 (**Chronology**).
6. The documents referred to in the 'Evidentiary References' column of the Chronology have been included in Exhibit BRN-2 and are itemised below:

No.	Description of document	Item in Chronology	Pages in Exhibit BRN-1
1	List of documents dated 25 October 2019	15	1 - 11
2	Updated list of documents dated 13 November 2019	18	12 - 20
3	Subpoena to Person 17 sealed 11 March 2020	21	21 - 28
4	Receipt / cover sheet for subpoenaed documents of Person 17	22	29
5	Annexure MOB-4 of Affidavit dated 24 March 2021 (MFI R261) - Email of Chairman of SAS Association	38	30 - 32
6	Email from MinterEllison to Mark O'Brien Legal (MOBL) attaching two notices to produce dated 31 March 2021	42 and 43	33 - 36
7	Email from MinterEllison to MOBL attaching letter dated 15 April 2021 and notice to produce dated 15 April 2021	48	37 - 41
8	Notice to Produce to the Applicant dated 16 April 2021	49	42 - 43
9	Notice to Produce to the Applicant dated 19 April 2021	50	44 - 46
10	Orders of Besanko J dated 23 April 2021	53	47 - 51
11	Email from MOBL to MinterEllison dated 27 April 2021	54	52
	Letter to MinterEllison dated 27 April 2021		53
	NSI disclosure notice re notice to produce to the Applicant dated 15 April 2021		54
	NSI disclosure notice re notice to produce to the Applicant dated 19 April 2021		55
	NSI disclosure notice re supplementary discovery by the Applicant – form to AG		56
12	Supplementary List of Documents dated 28 April 2021	57	57 - 62
13	Applicant's Supplementary List of Documents dated 30 April 2021	59	63 - 67
	Notice of disclosure of national security information in a civil proceeding dated 27 April 2021		68 - 69
	Letter to MinterEllison dated 30 April 2021		70 - 71
14	Second Respondent's Updated List of Further Documents affirmed 20 May 2021	63	72 - 85
15	Email from MinterEllison to MOBL attaching Notice to Produce to the Applicant dated 25 May 2021	64	86 - 90
16	Letter from MOBL to Danielle Scott serving subpoena to Danielle Scott dated 25 May 2021, served 26 May 2021	65	91 - 101

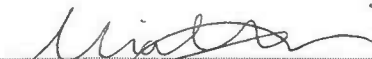



No.	Description of document	Item in Chronology	Pages in Exhibit BRN-1
17	Letter to the Registrar from Emma Roberts dated 31 May 2021	66	102
18	Orders of Besanko J dated 2 June 2021	68	103 - 110
19	Email from MOBL to MinterEllison attaching documents produced by the Appellant in response to Notice to Produce dated 2 June 2021	69	111
20	Email from MinterEllison to MOBL attaching letter dated 2 June 2021 and notice to produce to the Applicant dated 2 June 2021	70	112 - 115
21	Interlocutory Application of the Applicant dated 4 June 2021	71	116 - 118
22	Letter to the Registrar from Danielle Scott dated 7 June 2021	72	119
23	Email from MinterEllison to MOBL attaching Notice to Produce to the Applicant dated 10 June 2021	75	120 - 122
24	Notice to Produce to the Respondents dated 1 July 2021	79	123 - 124
25	Subpoena to Person 17 filed 13 July 2021	82	125 - 134
26	Subpoena to South Side Medical filed 13 July 2021	83	135 - 143
27	Supplementary List of Documents dated 14-15 July 2021	84	144 - 156
28	Sealed Interlocutory Application filed 22 July 2021	85	157 - 169
29	Receipt / cover sheet for subpoenaed documents of Danielle Scott	88	170
30	Orders of Registrar Cridland on 15 September 2021	91	171 - 174
31	Objection schedule in relation to documents produced pursuant to subpoena to produce documents addressed to Person 17 dated 13 July 2021	93	175 - 199

Sworn by the deponent at Sydney, Australia)
on 29 April 2025)
Before me:)



Signature of deponent



Signature of witness

Mia Uzunovski, Solicitor

MinterEllison

Level 40, Governor Macquarie Tower

1 Farrer Place

Sydney NSW 2000

Schedule

No. NSD689, 690 and 691 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-2**' now produced and shown to Beverley Ruth Newbold at the time of affirming her affidavit on 29 April 2025 before me:



Mia Uzunovski

Solicitor

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
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