

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/03/2019 3:54:52 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(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



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 8/03/2019 3:54:56 PM 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 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.



Form 59
Rule 29.02(1)

AFFIDAVIT

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

Affidavit of: **Timothy Lythe**

Address: Shop 2, 104 Elliott Street, BALMAIN NSW 2041

Occupation: Chief Operating Officer

Date: 8 March 2019

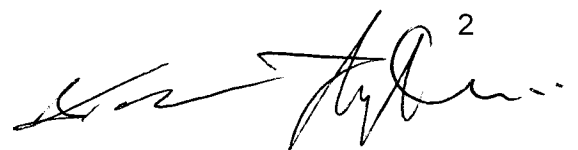
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Filed on behalf of (name & role of party) Applicant
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I, TIMOTHY LYTHE, of Shop 2, 104 Elliott Street, BALMAIN NSW 2041, Chief Operating Officer, say on oath:

1. I am the Chief Operating Officer of the Rugby League Players Association (**the Association**).
2. I joined the Association as General Counsel in April 2016 after leaving the Australian Cricketers' Association, where I had been Legal Counsel since November 2014.
3. The Association is a company limited by guarantee, which is the collective representative body for professional rugby league players participating in the National Rugby League (**NRL**) competition and related competitions, including the NSW State Cup and Queensland State Cup. It represents the players on matters that affect them in their employment as rugby league players and protects and promotes their welfare and interests.
4. The Association represents:
 - (a) male rugby league players who are contracted to play for an NRL Club in the men's NRL competition; and
 - (b) female rugby league players who are contracted to play for an NRL Club in the women's NRLW competition.
5. Such players are members of the Association.
6. Each of the 16 NRL Clubs have between 33 and 36 male players contracted in each season and so there are around 576 male members of the Association from time to time. There are 4 NRL Clubs in the women's NRL competition and so there are around 88 female members from time to time.
7. The Association also represents players who are contracted to play for Clubs who participate in either of the State Cup competitions administered by the New South Wales Rugby League and Queensland Rugby League respectfully. Such players are associate members of the Association.
8. In addition, the Association maintains a past player membership for players who have previously held a playing contract in the NRL and NRLW competitions.
9. The Applicant in these proceedings, Jack de Belin (**Mr de Belin**), is a member of the Association.



Handwritten signature of Timothy Lythe, with a superscript '2' above the signature.

10. The Association and the NRL entered into a written collective bargaining agreement dated 25 October 2017 (**CBA**), adopted by a letter from NRL to the Association dated 1 November 2017 signed by NRL's Chief Executive Officer Todd Greenberg on behalf of NRL and the Association's Chief Executive Officer Ian Prendergast on behalf of the Association. Exhibited to this affidavit hereto marked "TL-1" is a copy of the CBA and the countersigned covering letter. Page 2 of the terms of the CBA provide that it is to apply to the period from 1 November 2017 to 31 October 2022.
11. From my role as COO of the Association and my general interest I am aware of the playing history of Mr de Belin in the NRL which I summarise as follows:
- (a) Mr de Belin made his first grade debut for St George Illawarra in 2011 and has been contracted to and played for that Club in the NRL competition since then;
 - (b) Mr de Belin is highly regarded as a professional rugby league player of considerable skill and ability, which has resulted a representative career which includes since 2016 playing for New South Wales Country in the annual City vs Country game and State of Origin games for New South Wales.
12. Mr de Belin is presently 27 years of age and his playing contract with his current Club, St George Illawarra, concludes at the end of the 2020 season.
13. I am able to say from my personal and professional experience that any NRL player, including Mr de Belin, of Mr de Belin's age and experience being unable to play for a period of one to two years may significantly impair the player's prospects of obtaining future playing contracts after the end of the non-playing period. At the least, it is likely that it would significantly decrease the value of any playing contract the player was able to secure. It is also likely to diminish significantly his future prospects of representative level selection.

SWORN at SYDNEY

Signature of deponent



Signature of witness



Name of witness

Adrian Turner

Address of witness Shop 2, 104 Elliott Street, Balmain NSW 2041
Capacity of witness Solicitor of the Supreme Court of New South Wales

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1. I saw the face of the deponent.
2. I have confirmed the deponent's identity using the following identification document:

NSW Drivers License
Identification document relied on
(may be original or certified copy)

Signature of witness:

