

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 10/08/2018 4:29:00 PM AEST 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:	NSD1440/2018
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
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink, reading "Warwick Soden".

Dated: 10/08/2018 6:00:28 PM AEST

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.

Originating application

No. NSD of 2018

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

Ben Roberts-Smith

Applicant

Fairfax Media Publications Pty Limited ACN 003 357 720 & Ors

Respondents

Pursuant to ss 19, 20 and 21 of the *Federal Court of Australia Act 1976*, the Applicant, relying upon the contents of the accompanying Affidavit, claims:

1. A declaration that in publishing the whole or part of the article entitled "*Beneath the bravery: the dark secrets of our most decorated soldier*" (**Article**) or a substantial copy of that Article, the Respondents have directly or indirectly acted contrary to a direction given by the Inspector-General of the Australian Defence Force pursuant to regulation 21 of the *Inspector-General of the Australian Defence Force Regulations*.
2. Further and/or in the alternative to prayer 1, a declaration that in publishing the whole or part of the Article, the Respondents have published information known by officers, servants or agents of the Respondents to be:
 - (a) confidential to the Commonwealth of Australia;
 - (b) have been disclosed to the Respondents in breach of the statutory and equitable obligations of confidence applicable to the unidentified officers, servants and agents of the Commonwealth of Australia who have disclosed such information to them.

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Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant

Prepared by (name of person/lawyer) Mark Geoffrey O'Brien

Law firm (if applicable) Mark O'Brien Legal

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Address for service Level 3, 44 Martin Place, New South Wales, 2000
(include state and postcode)



3. A declaration that in publishing the whole or part of the Article, or a substantial copy of that Article, the Respondents have disclosed the contents of "official reports" sighted by the officers, servants or agents of the Respondents, contrary to regulation 21 of the *Inspector-General of the Australian Defence Force Regulations*.
4. Further and/or in the alternative to prayer 3, a declaration that in publishing the whole or part of the Article, the Respondents have published information known by officers, servants or agents of the Respondents to be:
 - (a) confidential to the Commonwealth of Australia;
 - (b) have been disclosed to the Respondents in breach of the statutory and equitable obligations of confidence applicable to the unidentified officers, servants and agents of the Commonwealth of Australia who have disclosed such information to them.
5. Such further or other orders as this Court deems appropriate.

Time and date for hearing:

Place:

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

Date:

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



**Applicant's address**

The Applicant's address for service is:

Place: c/- Mark O'Brien Legal, Level 3, 44 Martin Place, Sydney, NSW, 2000

Email: mark.obrien@markobrienlegal.com.au

Service on the Respondents

It is intended to serve this application on all the Respondents.

The Respondents' address for service is is: c/- 1 Darling Island Rd, Pyrmont NSW 2009

Date: 10 August 2018

A handwritten signature in blue ink, appearing to be "Mark Geoffrey O'Brien", is written over a horizontal line.

Signed by Mark Geoffrey O'Brien
Lawyer for the Applicant

**Schedule**

No. of 2018

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

Respondents

First Respondent: Fairfax Media Publications Pty Limited ACN 003 357 720

Second Respondent: The Age Company Pty Limited

Third Respondent: The Federal Capital Press of Australia Pty Limited

Date: 10 August 2018