

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/02/2020 10:08:05 AM 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: Statement of Claim - Form 17 - Rule 8.06(1)(a)  
File Number: NSD167/2020  
File Title: JACK DE BELIN v NATIONWIDE NEWS PTY LIMITED (ACN 008 438 828)  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 20/02/2020 2:54:46 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.



## Statement of Claim

No. of 2020

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

### Jack de Belin

Applicant

### Nationwide News Pty Limited

Respondent

### Respondent

- 1 The respondent:
- (a) is and was at all material times a corporation entitled to be sued in its own corporate name and style;
  - (b) the publisher of *The Daily Telegraph*, a newspaper having a wide and extensive circulation in the Australian Capital Territory, the State of New South Wales and all of the other States and Territories within Australia;
  - (c) the publisher of material appearing on the website located at URL address [www.dailytelegraph.com.au](http://www.dailytelegraph.com.au) (the "**DT website**");
  - (d) the publisher of material appearing on the Daily Telegraph Facebook page;
  - (e) the publisher of material appearing on the Daily Telegraph Twitter feed.

---

Filed on behalf of (name & role of party)	<b>Jack de Belin, Applicant</b>		
Prepared by (name of person/lawyer)	<b>Craig Osborne</b>		
Law firm (if applicable)	<b>RMB Lawyers</b>		
Tel	<b>02 4228 8288</b>	Fax	<b>02 4229 2164</b>
Email	<b>rmb@rmblawyers.com.au</b>		
Address for service (include state and postcode)	<b>RMB Lawyers, Level 3, 110-114 Crown Street, Wollongong NSW 2522</b> <b>Email: rmb@rmblawyers.com.au</b>		

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### First Matter Complained Of

- 2 On or about 21 February 2019, the respondent published in the Australian Capital Territory, New South Wales, in the other States and the Northern Territory of Australia the matter set forth in **Schedule “A”** hereto (*the first matter complained of*).

#### **Particulars of Publication**

- (a) The first matter complained of was published by the respondent on the front page of *The Daily Telegraph* newspaper.
  - (b) The first matter complained of was entitled “*RUB OUT THE GRUBS: League Immortal draws line in sand on NRL shame*”.
  - (c) The first matter complained of was republished by the respondent via the Daily Telegraph Tablet App to subscribers of that app;
  - (d) The first matter complained of was republished by the respondent via the DT website under the “read Today’s newspaper” section where a PDF file of the first matter complained of was downloaded and viewed by subscribers of the DT website where it remains available for publication as at the date of this pleading;
  - (e) The first matter complained of was publicised by the respondent on a Poster at and outside newsagents on 21 February 2019;
  - (f) The first matter complained of was publicised, made available for publication and published by the respondent on the Daily Telegraph Facebook page;
  - (g) The first matter complained of was publicised, made available for publication and published by the respondent on the Daily Telegraph Twitter feed;
  - (h) Further particulars of the extent of publication and republication of the first matter complained of will be supplied following admissions, discovery and interrogatories.
- 3 The first matter complained of, in its natural and ordinary meaning, was defamatory of the applicant and carried the following defamatory imputations (or imputations that do not differ in substance):
- (a) *The applicant is a rapist;*
  - (b) *The applicant is a despicable person in that he raped a woman.*

## Second Matter Complained Of

- 4 On or about 21 February 2019, the respondent published in the Australian Capital Territory, New South Wales, in the other States and the Northern Territory of Australia the matter set forth in **Schedule “B”** hereto (*the second matter complained of*).

### *Particulars of Publication*

- (a) The second matter complained of was published by the respondent on the front page and pages 4-5 of *The Daily Telegraph* newspaper.
- (b) The second matter complained of was entitled “*RUB OUT THE GRUBS: League Immortal draws line in sand on NRL shame*”.
- (c) The second matter complained of was republished by the respondent via the Daily Telegraph Tablet App to subscribers of that app;
- (d) The second matter complained of was republished by the respondent via the DT website under the “read Today’s newspaper” section where a PDF file of the second matter complained of was downloaded and viewed by subscribers of the DT website where it remains available for publication as at the date of this pleading;
- (e) The sense and substance of the second matter complained of was republished by the respondent on the DT website where it remains available to be downloaded;
- (f) The DT website is a mass media website comprehended by tens of thousands of readers throughout Australia each day;
- (g) The second matter complained of was publicised by the respondent on a Poster at and outside newsagents on 21 February 2019;
- (h) The second matter complained of was publicised, made available for publication and published by the respondent on the Daily Telegraph Facebook page;
- (i) The second matter complained of was publicised, made available for publication and published by the respondent on the Daily Telegraph Twitter feed;
- (j) Further particulars of the extent of publication and republication of the second matter complained of will be supplied following admissions, discovery and interrogatories.

5 The second matter complained of, in its natural and ordinary meaning, was defamatory of the applicant and carried the following defamatory imputations (or imputations that do not differ in substance):

- (a) *The applicant is a rapist;*
- (b) *The applicant is a despicable person in that he raped a woman;*
- (c) *The applicant had so conducted himself by raping a woman that he deserved to miss out on being picked for the Australian rugby league team.*

### **Third Matter Complained Of**

6 On or about 21 February 2019, the respondent published in the Australian Capital Territory, New South Wales, in the other States and the Northern Territory of Australia the matter set forth in **Schedule "C"** hereto (***the third matter complained of***).

#### ***Particulars of Publication***

- (a) The third matter complained of was published by the respondent on the front page and page 23 of *The Daily Telegraph* newspaper.
- (b) The third matter complained of was entitled "*RUB OUT THE GRUBS: League Immortal draws line in sand on NRL shame*".
- (c) Further particulars of the extent of publication of the third matter complained of will be supplied following admissions, discovery and interrogatories.

7 The third matter complained of, in its natural and ordinary meaning, was defamatory of the applicant and carried the following defamatory imputations (or imputations that do not differ in substance):

- (a) *The applicant is a rapist;*
- (b) *The applicant is a despicable person in that he raped a woman.*

#### **Fourth Matter Complained Of**

- 8 On or about 21 February 2019, the respondent published in the Australian Capital Territory, New South Wales, in the other States and the Northern Territory of Australia the matter set forth in **Schedule "D"** hereto (*the fourth matter complained of*).

#### ***Particulars of Publication***

- (a) The fourth matter complained of was published by the respondent by uploading it to its Twitter feed @dailytelegraph.
  - (b) The fourth matter complained of was entitled "*Kangaroos coach says NRL bad boys should be stood down from playing*".
  - (c) The respondent's Twitter feed had approximately 195,000 followers at the time.
  - (d) The fourth matter complained of was "liked" and "retweeted" a number of times and thus republished.
  - (e) The republications referred to in the preceding particular were the natural and probable consequence of the publication of the fourth matter complained of by the respondent, in that the Twitter platform conduces that form of republication.
  - (f) Further particulars of the extent of publication and republication of the fourth matter complained of will be supplied following admissions, discovery and interrogatories.
- 9 The fourth matter complained of, in its natural and ordinary meaning, was defamatory of the applicant and carried the following defamatory imputations (or imputations that do not differ in substance):
- (a) *The applicant is a rapist;*
  - (b) *The applicant is a despicable person in that he raped a woman.*

#### **Damage**

- 10 By reason of publication of the first, second, third and/or fourth matter complained of, the applicant has been greatly injured in his reputation, has suffered hurt to feelings and has been and will be brought into public disrepute, odium, ridicule and contempt.

- 11 The applicant's knowledge of the following unjustified, improper and/or lacking in bona fides conducted on the part of the respondent aggravated his hurt arising by reason of the publication of the first, second, third and/or fourth matter complained of:
- (a) The conduct of the respondent in presenting the publication of the matters complained of in an over-sensationalised manner noting the language, tone and production style, indicating intent to injure the applicant.
  - (b) The respondent's failure to make any proper inquiries of the applicant prior to publication in circumstances where the nature of the material, being the making of seriously defamatory statements alleging criminality on the part of the applicant, were such that the allegations should have been put to the applicant so that he could respond to and deny the allegations.
  - (c) The making of seriously defamatory statements about the applicant in circumstances where the sensational nature of the allegations were such as to make it likely that those allegations would be widely disseminated and discussed.
  - (d) The conduct of the respondent in promoting and publicising the matters complained of on a Poster and social media and not deleting those posts, despite receipt of a Concerns Notice from the applicant.
  - (e) The conduct of the respondent in failing to apologise, despite request made by Concerns Notice on 22 February 2019.
  - (f) Further particulars of aggravated damages will be provided in due course.

Date: 20 February 2020



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Signed by Craig Osborne  
Lawyer for the applicant

This pleading was prepared by Sue Chrysanthou, counsel for the applicant.

**Certificate of lawyer**

I Craig Osborne certify to the Court that, in relation to the statement of claim filed on behalf of the applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 20 February 2020

A handwritten signature in black ink that reads "Craig Osborne". The signature is written in a cursive style with a large initial 'C' and 'O'.

---

Signed by Craig Osborne  
Lawyer for the Applicant



**Schedule A**

No. of 2020

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

**Jack de Belin**

Applicant

**Nationwide News Pty Limited** (ACN 008 438 828)

Respondent

Front page of the Daily Telegraph newspaper dated Thursday, February 21, 2019.

Date: 20 February 2020



Signed by Craig Osborne  
 Lawyer for the applicant

Filed on behalf of (name & role of party)	<b>Jack de Belin, Applicant</b>
Prepared by (name of person/lawyer)	<b>Craig Osborne</b>
Law firm (if applicable)	<b>RMB Lawyers</b>
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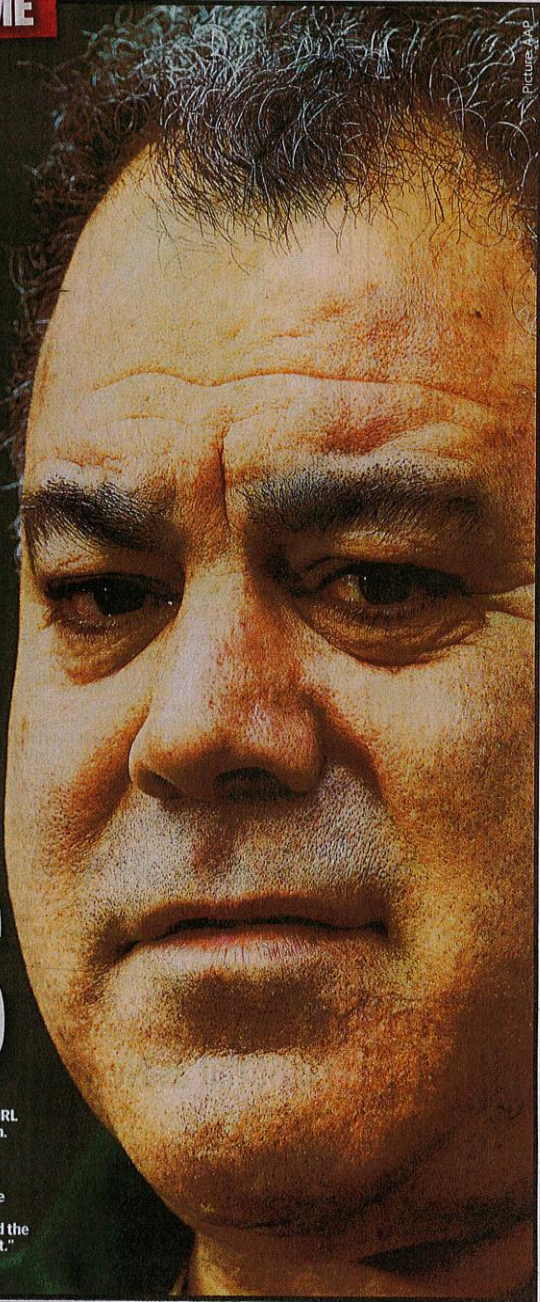
# The Daily Telegraph *We're for you*

\$1.70 // THURSDAY, FEBRUARY 21, 2019

## TAKING A STAND FOR THE GAME

### League Immortal draws line in sand on NRL shame

# RUB OUT THE GRUBS



PHIL ROTHFIELD & MATTHEW BENNS

KANGAROOS coach and recently inducted Immortal Mal Meninga has had enough — he wants the NRL to bench stars charged by police during the code's summer of shame until their cases are heard by courts.

Meninga told The Daily Telegraph yesterday accused rapist Jack de Belin should be suspended immediately while he

contests a rape charge and that the NRL had to act on violence against women. "Everyone is sick of it," he said.

Roosters heavyweight Mick Politis yesterday joined the majority of club chairmen backing the push to sideline players facing criminal charges.

Titans chairman Dennis Watt called the pressure to act "a watershed moment."

FULL REPORTS PAGES 4-5

## ICE MAIDEN

Focus groups blast

Georgie » PAGE 7



## EXCLUSIVE: Medevac a one-way ticket

LEGAL advice to the Attorney-General has revealed Labor's medevac law to bring boat people to Australia contains a loophole that means the government has no power to return them to Manus Island or Nauru.

The Australian Government Sol-

icitor provided legal advice to A-G Christian Porter yesterday, revealing Labor's poorly drafted amendments to the Migration Act fail to link the new powers that allow medical transfers with the ability to send people back after they return to good health.

It comes as The Daily Telegraph can reveal two Doctors Without Borders medics were caught in PNG using tourist visas to conduct rogue medical assessments of boat people in a bid to bring them to Australia.

ANNA CALDWELL REPORTS PAGE 9



**Schedule B**

No. of 2020

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

**Jack de Belin**

Applicant

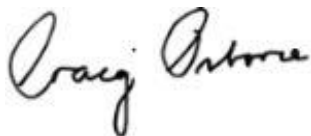
**Nationwide News Pty Limited** (ACN 008 438 828)

Respondent

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Date: 20 February 2020



Signed by Craig Osborne  
 Lawyer for the applicant

Filed on behalf of (name & role of party)	<b>Jack de Belin, Applicant</b>
Prepared by (name of person/lawyer)	<b>Craig Osborne</b>
Law firm (if applicable)	<b>RMB Lawyers</b>
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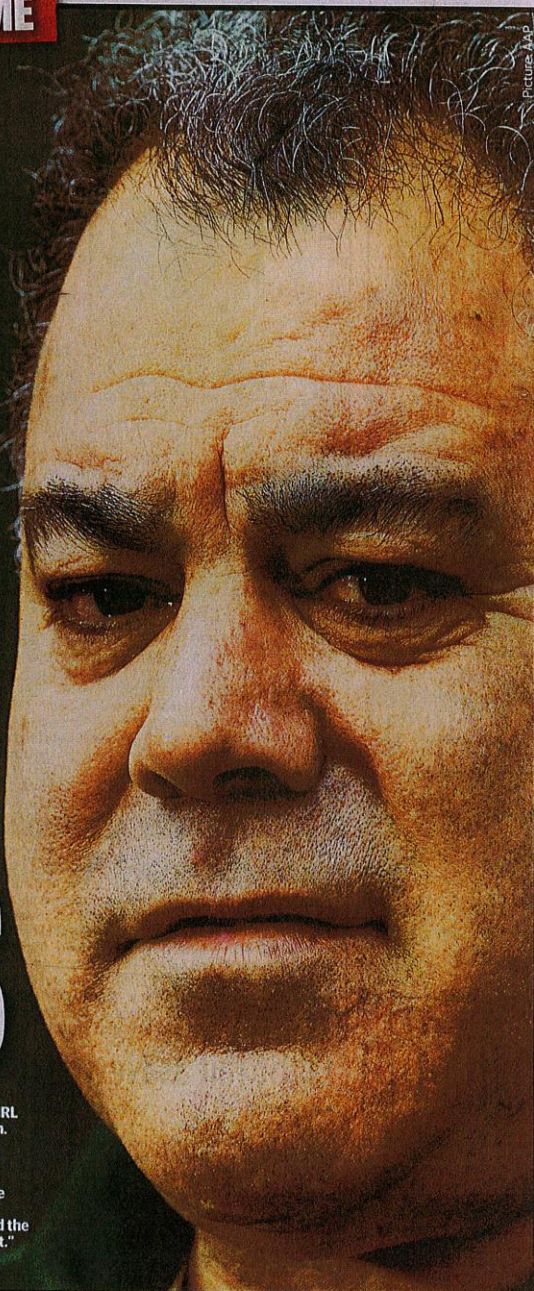
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ANNA CALDWELL REPORTS PAGE 9



04 | SUMMER OF SHAME

Meninga shows NRL the right way

PHIL ROTHFIELD COMMENT

MAL Meninga always chooses his words wisely. He's not into sensational headlines, and always prefers to talk up the game and its heroes.

But today he has taken a strong stance on player misbehaviour and declared enough is enough. If you face sexual assault charges or allegations of violence against women, you're out. No 18-month wait for the courts. You're gone. See ya.

Big Mal is the game's most respected figure. A recently inducted Immortal. The Kangaroos coach. When he speaks, you listen.

The game's off-season of shame, with star players Jack de Belin, Jarryd Hayne and Dylan Walker facing sexual assault and domestic violence charges, is destroying the game.

When he took over as coach in 2015, Meninga wrote these statements on what the green and gold jersey stands for.

"Better people make better Kangaroos. We are inclusive and ensure the team always comes first.

"We are committed to being the best we can be for our teammates and our country.

"We love the game, we love the jersey and we don't want to let our mates down.

"We uphold the tradition of the jersey, its values and carry the aura of our predecessors since 1908."

The NRL needs to replicate Mal's words and his standards. The independent commission and the NRL executive have been shown the way.

Nothing short of zero tolerance for violence against women is acceptable.

BIG MAL'S HAD



Dragons star Jack de Belin arrives at court to face sexual assault charges. Picture: AAP

JACK DE BELIN

The Dragons forward has pleaded not guilty to aggravated sexual assault in company over the alleged rape of a woman in a Wollongong CBD unit on December 9. The Australian Rugby League Commission is yet to rule on whether he can play while the case is being heard.



JARRYD HAYNE

The ex-Parramatta Eels star allegedly sexually assaulted a 26-year-old woman in September. His case returns to court on April 3.



JACK WIGHTON

The Canberra fullback was allowed back on the field just three days after being charged last February with assaulting two men in an alcohol fuelled attack. He received a two-month suspended jail term in court and was banned for 10 games by the NRL.

SCOTT BOLTON

Last May the Cowboys forward was arrested for indecent assault at a Bondi pub. Charge later downgraded to assault and he pleaded guilty, escaping conviction. (pictured right)

BEN BARBA

The Cowboys sacked him after he allegedly attacked his partner Ainslie Currie at Townsville Casino on Australia Day. No charges have been laid.

DYLAN WALKER

Charged with assaulting his partner Alexandra Ivkovic last December at their Dee Why home. Walker pleaded not guilty and Ms Ivkovic issued a retraction statement but the charges are still being pursued.



KANGAROO COACH BLASTS NRL BAD BOYS

EXCLUSIVE PHIL ROTHFIELD

IF Kangaroos coach and recently inducted Immortal Mal Meninga was picking an Australian rugby league team this weekend, accused rapist Jack de Belin would not even be considered.

Not a chance. Big Mal has had enough. He told The Daily Telegraph de Belin should be suspended immediately from the game

because of the serious nature of the charges against the Blues State of Origin star and St George Illawarra forward, which have rocked the game in its off-season of shame.

De Belin has pleaded not guilty to raping a woman in company at a unit in Wollongong last month.

Last year, Meninga sacked superstar Greg Inglis from the Kangaroos over drink-driving and speeding charges, and did the same to Maroons Origin forward Josh Papalii the year before for a drink-driving charge. He did not

wait around for their court cases to be finalised.

"Anything around domestic violence or sexual abuse, is a no-no in society," Meninga said. "The game has to say no too. Everyone is sick of it. Their time's up."

"If you buggar up and get charged, you've got to be suspended until your case is determined. You can't be around the game or the team. It's got to be definitive.

"Yes, there has to be a presumption of innocence until found guilty but players have got to understand they are

## Japan by Rail

A CHERRY BLOSSOM SPECTACULAR

2 - 17 April 2019  
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- JR Green Class (first class) Rail Pass
- Heritage railways of Yamaguchi, Okawa, Banetsu
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By Rail

22 September - 7 October 2019  
With Chris Harding

- ZÜRICH • GRÜYÈRES • INTERLAKEN • FLSUR • ST. MORITZ • CHUR • BRIG • MONTREUX • ZERMATT • LUCERNE •
- Ride the amazing Glacier, Golden Panorama and Bernina Expresses
- Long stays in centrally located hotels with many delicious meals
- Train travel to St Moritz and the famous Zermatt to the Matterhorn
- Steam train mountain railways to the Jungfrau and Rigi Bahn
- Stunning excursions to Chillon Castle, Gruyeres, Sainte-Croix and more
- Experience some of the most dramatically engineered railways in the world
- Lake cruises, museums, iconic views, local guides and Australian tour leader







**Schedule C**

No. of 2020

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

**Jack de Belin**

Applicant

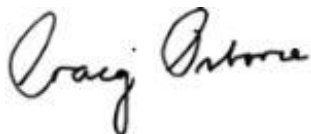
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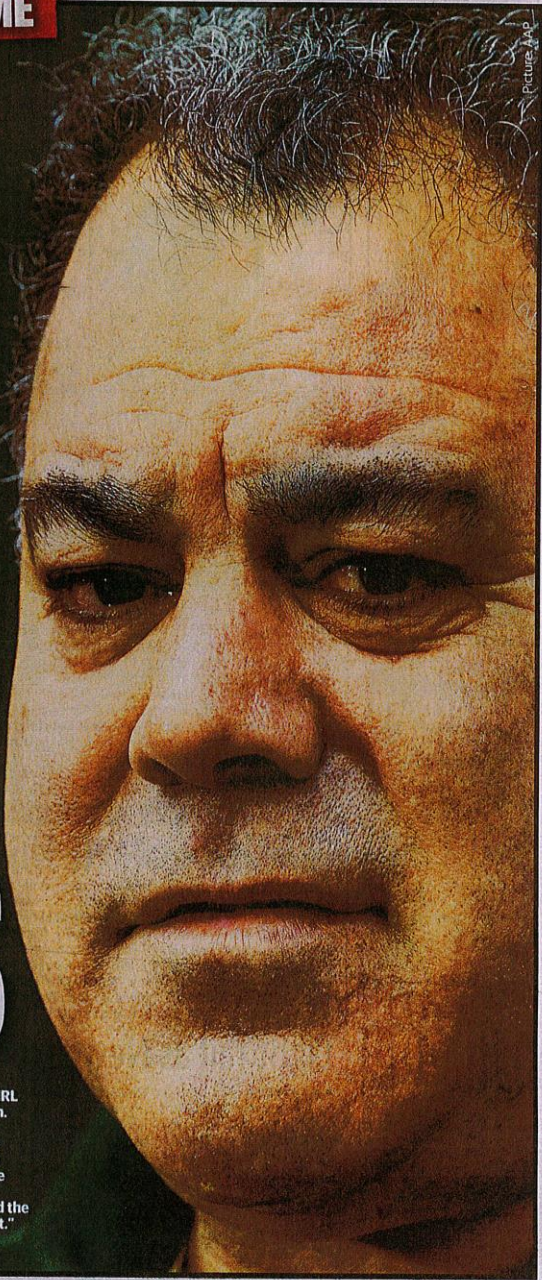
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FULL REPORTS PAGES 4-5

## ICE MAIDEN

Focus groups blast

Georgie » PAGE 7



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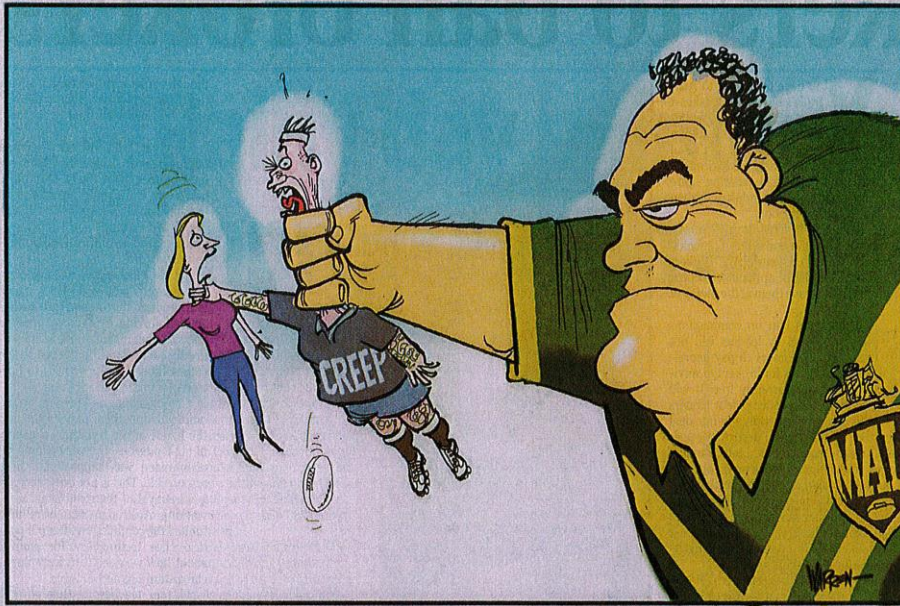
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ANNA CALDWELL REPORTS PAGE 9



## WARREN'S VIEW



## THEY SAID IT



*"The children should be at school, that's where they should be. They should be learning about Australian history, they should be learning about Australian geography, they should be learning about all the lessons that their teachers are willing to teach them."*

Deputy Prime Minister Michael McCormack slams climate-protesting kids

*"There's nothing wrong with having a big heart in politics."*

Jenny Macklin signs off on 23 years in politics

# Greenies in fantasy land

Do the anti-mining activists who claim they want to shut down the industry understand what they're for?

**R**ecently the Chief Judge of the NSW Land and Environment, Brian Preston, dismissed an appeal to allow the Rocky Hill coal mine in the Hunter Valley. Among other things, the judge said that the mine should be rejected because the coal it produces will increase greenhouse gas emissions.

The Environmental Defenders Office NSW (EDO) argued in the appeal that the mine's impact on climate change were reasons to reject the mine.

The EDO has said it will continue to mount legal challenges to "phase out most coal globally by 2030".

Preston used to be the EDO's principal solicitor, and while it's not suggested he was biased, it was an extraordinary decision.

But what most struck me about the ruling is that 95 per cent of coal produced at the Rocky Hill mine would have been used to produce steel.

The Green dream of 100 per cent renewable energy can't happen without steel.

And there's no steel without coal.

Where do Green activists think the steel for wind turbines is going to come from if coal is phased out globally by 2030?

This is an example of the fiction of the Green agenda.

The Green position on mining generally is another example. Greens hate mining. I once challenged the Greens to name one place in Australia they'd support a new mine. I'm still waiting for a response.

Greens consistently oppose mines. Yet the Green dream will



**WARREN MUNDINE**

require an increase in mining to a level perhaps not seen before.

Non-hydro renewables currently generate a minuscule amount of global energy (no more than 1-2 per cent). Green activists want this to increase to 100 per cent which would require a huge amount of mining of iron ore and coal (for steel), petroleum (for plastics), aluminium, cobalt, lithium, graphite, copper, gypsum, zinc, rare earth elements and many other minerals.

Mining will also be required to replace all transport with new electric vehicles.

The "Green New Deal" manifesto released by the socialist-Left wing of the US Democratic Party also calls for the upgrading or replacement of every building in the US.

That would require untold amounts of steel as well as glass (sand mining) and concrete which requires limestone, sand, aluminium, iron ore and a host of other materials.

Opposing mining is like opposing modern life. Humans depend on mining for every single aspect of life. Look around you and everything you can see and touch depends on mining.

For a start, everything containing metal or glass comes from mining. Also plastics and synthetics which are derived from petroleum.

Mining is also required to utilise organic materials grown above the ground. Growing, harvesting, transport, production and storage of food, timber and organic materials like cotton, leather and wool requires tools, machines and packaging, all of which are made of mined materials.

Without mining we couldn't produce or transport food in mass quantities or package and store it for long periods without contamination.

Put simply, it wouldn't be possible

to feed, house and clothe over 7.5 billion humans without mining.

Mining is also essential for modern medicine. Minerals used in medicines include silver, zinc, calcium, sulphur and many others.

Medical equipment uses metals, plastics, glass and graphite.

And without mining, the mass



*If people really wanted to live in a world without mining they'd take off all their clothes and go live in the bush.*

production, distribution and safe storage of pharmaceuticals and other medical products would be impossible.

Mined materials are also required to generate all electricity (including renewables).

If people really wanted to live in a world without mining they'd take off all their clothes and go live in the bush and use sticks and stones collected from the ground as their only tools.

Australia's economy is under threat from the "no mining" agenda. Projects are being delayed and made uneconomical through relentless lawfare and through bullying suppliers and lenders against doing business

with mining companies. Even if the Greens succeed in shutting down Australia's mining industry, this won't stop mining.

The world's need for mined products will continue to rise and non-Western countries that don't let Green-activists dictate and bully will continue to extract and supply them.

But not all countries have clean and responsible mining. Anyone who cares about the environment should want to see more mining in places like Australia where mining is highly regulated with strict environmental controls.

A lot of people don't understand how much mining companies do to protect and even improve the land and environment. New mines have rehabilitation plans that set out how the land will be used post-mining.

Regeneration is mandatory and the process begins before the mine is built, including removal and stockpiling of topsoil so it can be put back, growing seedlings for restoration of bushland and buffer or offset sites to protect biodiversity.

Restoration and land management happens during mine operation.

Pushing Australia's mining offshore will not only send Australia broke, it will also cause more environmental damage.

When humans learned to extract minerals and produce metals it transformed the entire world. Mining led to the industrial and technology revolutions.

It has given us longer and healthier lives and led to standards of living once unimaginable.

Anyone who opposes mining may as well support humanity going back to the Stone Age.

Nyunggal Warren Mundine AO is author of Warren Mundine - In Black and White. @nyunggal



**Schedule D**

No. of 2020

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

**Jack de Belin**

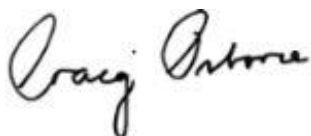
Applicant

**Nationwide News Pty Limited (ACN 008 438 828)**

Respondent

Twitter feed @dailytelegraph on 21 February 2019 entitled "*Kangaroos coach says NRL bad boys should be stood down from playing*".

Date: 20 February 2020



Signed by Craig Osborne  
 Lawyer for the applicant

Filed on behalf of (name & role of party)	<b>Jack de Belin, Applicant</b>		
Prepared by (name of person/lawyer)	<b>Craig Osborne</b>		
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2/12/2020

(20) The Daily Telegraph on Twitter: "Kangaroos coach says NRL bad boys should be stood down from playing. Via @BUZZROTHF..."



The Daily Telegraph

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kangaroos coach says NRL bad boys should be stood down from playing. Via @BUZZROTHFIELD



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Allan @28061914mary · Feb 21, 2019

Replying to @dailytelegraph and @BuzzRothfield

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