

Jones v Evans [2006] FCA 320 (6 February 2006)

Last Updated: 31 March 2006

FEDERAL COURT OF AUSTRALIA

Jones v Evans [\[2006\] FCA 320](#)

JEREMY JONES v RODNEY ANDREW EVANS

NSD 855 OF 2005

**EMMETT J
6 FEBRUARY 2006
SYDNEY
IN THE FEDERAL COURT OF AUSTRALIA**

NEW SOUTH WALES DISTRICT REGISTRY

NSD855 OF 2005

**BETWEEN:
JEREMY JONES
APPLICANT
AND:
RODNEY ANDREW EVANS
RESPONDENT
JUDGE:
EMMETT J
DATE OF ORDER:
6 FEBRUARY 2006
WHERE MADE:
SYDNEY**

THE COURT ORDERS THAT:

1. Grants leave to the applicant to file an amended application substituting Rodney Andrew Evans, the editor and publisher of The Nation, as Respondent.
2. Declares that the Respondent has engaged in conduct rendered unlawful by Part IIA Section 18C of the Racial Discrimination Act by having published or allowing to be published in 'The Nation – The Official Newspaper of One Nation' Volume 4, Edition 10:

- (i) a cartoon on page 3, and
- (ii) an article accompanying the said cartoon headed 'Kiddie porn to be used as net censorship ploy',

being material which is offensive, insulting, humiliating and intimidating to Jewish people ('the Material').

3. Orders that the Respondent be restrained from publishing or republishing to the public by itself or by any agent or employee:

- (iii) The Material or any part thereof;
- (iv) Any material with a substantially similar content to the Material.

4. Orders that the Respondent forthwith deliver to the Applicant, Jeremy Jones, a written statement of apology, signed by the Respondent, in the following terms:

'Mr Rodney Andrew Evans hereby unreservedly and unconditionally apologises to you and to the Australian Jewish community for having published material in contravention of the Racial Discrimination Act. I undertake that I will not publish any such material in the future and that all such material which is presently published by The Nation, in any print or electronic media (including the Internet) will forthwith be withdrawn from publication.'

Note: Settlement and entry of orders is dealt with in Order 36 of the Federal Court Rules.
IN THE FEDERAL COURT OF AUSTRALIA

NEW SOUTH WALES DISTRICT REGISTRY

NSD855 OF 2005

BETWEEN:

JEREMY JONES

APPLICANT

AND:

RODNEY ANDREW EVANS

RESPONDENT

JUDGE:

EMMETT J

DATE:

6 FEBRUARY 2006

PLACE:

SYDNEY

REASONS FOR JUDGMENT

1 When the matter was called on for hearing this morning, Mr Noel Evans indicated that he wished to appear for the respondent, which is referred to in the application as 'One Nation as publisher of The Nation'. There is some doubt in my mind as to the standing of One Nation. Mr Evans indicated that One Nation is an unincorporated association and

that it does not have any legal assistance, either as a consequence of any legislation relating to elections or otherwise. In those circumstances, the applicant sought leave to amend the application by the substitution of Mr Noel Evans as the respondent Mr Evans accepts that he is the publisher of the journal which is the subject of the complaint.

2 In the circumstances, I consider that it is appropriate to give leave to amend entitlement of the proceeding by the substitution of Mr Rodney Andrew Evans as the respondent.

3 I make orders in accordance with draft short minutes as amended which I have initialled, dated with today's date and placed with the papers.

I certify that the preceding three (3) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justice Emmett.

Associate:

Dated: 31 March 2006

Counsel for the Applicant:
Mr R. Goot SC and Mr S. Blount

Solicitors for the Applicant:
Denes Ebner

The Respondent appeared in person

Date of Hearing:
6 February 2006

Date of Judgment:
6 February 2006