

FEDERAL COURT OF AUSTRALIA

NSD 1485, 1486, 1487 of 2018 Date: 9 March 2022
Roberts-Smith v Fairfax Media Publications Pty Limited & Ors

Exhibit No: R134 MFI No: _____
Assoc: Flyn Wells

Glenn Cridland
Stone Chambers
2 Prowse Street
WEST PERTH WA 6005
1 June 2021

The Registrar
Federal Court of Australia
New South Wales District Registry
Sydney NSW

By email: nswdr@fedcourt.gov.au

Dear Registrar,

BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS & ORS – NSD 1485 of 2018 – SUBPOENA TO PRODUCE ADDRESSED TO PERSON 18

I act for Person 18. I refer to the subpoena to produce addressed to Person 18 and issued on 18 December 2020. The subpoena was issued at the request of Mr Roberts-Smith (“the applicant”).

Attached to this emailed letter is -

1. a table setting out the response of Person 18 to the classes of documents referred to in the subpoena taking into account notice from the applicant’s solicitors as to the classes of documents that are pressed;
2. the single redacted document (“the document”) that responds to the classes of document that remain pressed by the applicant.

The document has been redacted to remove identifying information. The document is a copy and may be destroyed by the Court at the conclusion of proceedings without further notice to Person 18.

The document has been seen by the legal representatives of the Attorney General who they have advised me that the document does not contain any national security information.

Yours faithfully,



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	Description	Comment
CATEGORY 1		
1	Record of service long, personnel record, medical records including psychiatric assessments, disciplinary records inc NTSC	Not pressed by the Applicant – confirmed by email from Mark O’Brien Legal of 24 May 2021
CATEGORY 2		
2	All communications between the addressee and Australian Federal Police concerning the Australian Federal Police investigations into Ben Roberts-Smith	Not pressed by the Applicant – confirmed by letter from Mark O’Brien Legal of 14 May 2021
CATEGORY 3		
3.	All communications and documents passing between addressee and	
a.	Nick McKenzie	A message from a person who may be Nick McKenzie exists and is produced. It has been redacted to remove identifying information.
b.	Chris Masters	None exist
c.	David Wroe	None exist
d.	Any other person	Not pressed by the Applicant in respect of IGADF and Australian Federal Police related material – confirmed by letter from Mark O’Brien Legal of 14 May 2021. No documents exist in respect of the pressed material.
	Referring to or evidencing any allegation that the Applicant engaged in war crimes, bullying conduct or any other conduct referred to and particularised in [17] – [129] of the 8 September 2020 Amended Defence	
CATEGORY 4		
4	Mobile records for period 1 January 2016 to date	Not pressed by the Applicant – confirmed by letter from Mark O’Brien Legal of 14 May 2021
CATEGORY 5		
5	All documents referring to or evidencing any allegation that the Applicant engaged in war crimes, bullying conduct or any other conduct referred to and particularised in [17] – [129] of the 8 September 2020 Amended Defence	Not pressed by the Applicant in respect of IGADF and Australian Federal Police related material – confirmed by letter from Mark O’Brien Legal of 14 May 2021. No documents exist in respect of the pressed material.