

STATEMENT BY Person 7

The following statement is with relation to a conversation between myself and CPL Ben Roberts-Smith regarding Person 1 in the area gymnasium in February 2012 at Campbell Barracks in Perth, Western Australia.

During my conversation with CPL Roberts-Smith he enquired about the outcome of an international training exercise that had been recently conducted with Delta Force in the US, and in which both myself and Person 1 had participated. I replied that it had gone well.

CPL Roberts-Smith then made the comment that he had heard that Person 1 had "fucked up" and given the unit a bad name in front of our host unit. I told him that that was not true and that Person 1 had in fact performed well. I informed CPL Roberts-Smith that Person 1 had had one bad jump whilst participating on an advanced parachute canopy control course but overall achieved very good results and had also done well in shooting and medical scenario training, where he received praise from other host nation operators, and that he had also developed an excellent rapport with numerous host unit members. I finished by saying that Person 1 was a good soldier who was improving and maturing every year and that I was more than happy to have him in my patrol.

This initial exchange then started a twenty minute conversation in which CPL Roberts-Smith attempted to convince me that Person 1 was of poor character by quoting a number of unsubstantiated claims, the most serious of which CPL Roberts-Smith claimed that Person 1 was a coward. I replied that I had never seen any reporting to suggest this and that there was no reporting of this in any of Person 1's work reporting files. I then informed CPL Roberts-Smith of two acts of gallantry performed by Person 1 in Afghanistan in 2010, one of which was documented by his Patrol Commander, Person 44 at the time. CPL Roberts-Smith stated that these efforts were not significant and should be expected.

CPL Roberts-Smith then claimed that Person 1 had consistently been a poor performer and was not up to the standard of an SASR operator. I asked what he based this claim on and to give an example. I was then given one instance where Person 1 had stoppages on a machine gun that he was using during a gun battle; the action that Person 1 was subsequently nominated for a gallantry award. In response I stated that Person 1 had been judged positively by numerous Patrol Commanders over a six year period on operational tasks, training and exercise's and general performance in barracks. I also informed CPL Roberts-Smith that all of Person 1's reporting had been consistently good over a long period of time. I told him that Person 1 was an asset to the unit because of his parachuting qualifications and that he also possessed a wide range of skills and operational experience that was on a par with any Operator within the unit.

CPL Roberts-Smith then stated that he had heard similar comments from a number of Patrol Commanders and that they had come unstuck and been proved wrong. I replied that I had never had anything mentioned to me regarding poor performance by Person 1; additionally, I stated that he had been a member of my patrol for more than a year, including as a 2IC during Operation Amulet where he had performed well.

Once again CPL Roberts-Smith stated that time would tell and I would be let down, to which I replied that Person 1 had made mistakes, as CPL Roberts-Smith himself had made, and in fact everyone else in the unit has made, in what is a difficult and demanding profession. Finally I commented that I had enough experience to judge Person 1 on his merits and performance and that I disagreed with his assessment.

At this time the conversation came to a conclusion.

Person 7

10 MAY 13

FEDERAL COURT OF AUSTRALIA

NSD 1485, 1486, 1487 of 2018 Date: 16 March 2022
Roberts-Smith v Fairfax Media Publications Pty Limited & Ors

Exhibit No: 2143

MFI No: _____

Assoc: Flynn Wells