

Outline of Evidence of Person 30

No. NSD 1485, 1486, 1487 of 2018

Federal Court of Australia

District Registry: New South Wales

Division: General

Ben Roberts-Smith

Applicant

Fairfax Media Publication Pty Limited ACN 003 357 720

First Respondent

Nick McKenzie

Second Respondent

Chris Masters

Third Respondent

David Wroe

Fourth Respondent

1. I joined the Australian Army in 1999.
2. I was selected to become a member of the Australian Special Air Service Regiment (**SASR**) in 2007 with the rank of Captain.
3. I first met Ben Roberts-Smith in 2008 whilst undergoing SASR training, with Ben being one of the instructors. In 2008, I was selected to become a SASR troop commander; which saw me as Ben's two up commander.
4. In 2010, I fulfilled the appointment of strike force commander in Afghanistan, with my being Ben's troop commander. On 11 June 2010, Ben took part in the battle of Tizak in Kandahar Province of Afghanistan. As a result of that battle, I wrote numerous citations for members of the SASR that took part, including a citation for Ben. It was in respect of that citation that Ben was awarded the Victoria Cross.
5. I am a friend of Ben's. He attended my wedding in 2013 and we keep in touch by occasionally messaging each other.

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6. I am aware that Ben has issued proceedings for defamation against the publishers of The Sydney Morning Herald, The Age and The Canberra Times over three articles being the following:
 - a. Article headed "*Abdul's brother went out to buy flour. He never came home*" dated 8 June 2018 (**First Article**)
 - b. Article headed "*Special forces rookie 'blooded' by executing an unarmed man*" dated 10 June 2018 (**Second Article**)
 - c. Article headed "*Beneath the bravery of our most decorated soldier*" dated 10 August 2018 (**Third Article**).
7. On the weekend of 9-10 June 2018, I recall reading the First Article and the Second Article in The Sydney Morning Herald online. I thought that Ben was probably the person referred to as "Leonidas" in the articles because:
 - a) The First Article referred to incidents involving "Leonidas" as having taken place in Afghanistan subsequent to 29 August 2012, and I knew that the squadron that Ben was a part of was deployed in Afghanistan at that time.
 - b) the First Article stated that "Leonidas" had "*impeccable connections up the chain of command*", and after having been awarded the Victoria Cross, I was aware that Ben had such connections.
 - c) The Spartan warrior "Leonidas" has an image of being of significant stature and this is analogous with Ben's frame.

I recall that sometime after the publication of the first two articles that I messaged Ben and to the effect:

"Mate, I hope you and your family are doing ok. My thoughts are with you, Emma and the kids."

8. I also recall reading the Third Article at about the time it was published in The Sydney Morning Herald online. As the article had named Ben, it confirmed to me that the person referred to as "Leonidas" in the First Article and the Second Article was Ben.
9. Prior to the publication of the articles, amongst the persons I mix with, such as SASR and other Army veterans, Ben had a reputation as an exemplary leader, hard charging and of strong character and conviction. Since publication of the articles, to my observation the said persons I mix with now generally abstain from talking about him.

SGD Person 30

27 June 2021