

**NOTICE OF FILING**

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 12/07/2019 5:15:19 PM AEST 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: Affidavit - Form 59 - Rule 29.02(1)  
File Number: NSD1485/2018  
File Title: BEN ROBERTS-SMITH v FAIRFAX MEDIA PUBLICATIONS PTY LTD  
(ACN 003 357 720) & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 12/07/2019 5:15:24 PM AEST

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.



**Outline of Evidence of Ben Roberts-Smith VC MG  
dated 12 July 2019**

No. NSD 1485 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

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Filed on behalf of (name & role of party) Ben Roberts-Smith, Applicant  
Prepared by (name of person/lawyer) Mark Geoffrey O'Brien  
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(include state and postcode) \_\_\_\_\_

[Form approved 01/08/2011]

161. Person 12, a commander of the NDS, was not with us during that mission. I did not observe Person 12 in Darwin at all. I had previously been informed on or about 31 July 2012 at a command group meeting that Person 12 had been stood down and replaced as Commander of the NDS soldiers after he shot a mongrel dog and shrapnel wounded an Australian Patrol Commander.

168. I did not see Person 12 nor do I recall seeing the interpreter Person 13 during the mission. They were not ever in my presence and I did not have any conversation with them during the mission. As noted above, Person 12 was not present as it was my understanding that Person 12 had been stood down well before this time. As I did not have any NDS soldiers in my patrol, I had no need for an interpreter.